

Minutes
Kinston City Council
Monday, October 1, 2018
5:30 pm

REGULAR MEETING

Mayor Don Hardy called the City Council meeting to order at 5:32 pm.

Councilmember Kristal Suggs led the prayer followed by the Pledge of Allegiance.

Those present: Councilmember Robert Swinson, Sammy Aiken, Joseph Tyson, Kristal Suggs, Mayor Pro Tem Felicia Solomon and Mayor Don Hardy

Also present: Tony Sears, City Manager and James Cauley, City Attorney

Adoption of the Agenda

Councilmember Tyson made the motion, Seconded by Councilmember Swinson and upon a unanimous vote [5-0] the agenda was adopted.

CITIZEN COMMENT
Citizens must sign in prior to the start of the meeting if they wish to address the City Council.
Citizens should state their name and address prior to beginning their comments and may speak up to a maximum of 3 minutes.
Citizens seeking assistance or asking questions will be contacted by a member of the Governing Body or by appropriate City Staff.

John Flowers Jr, 655 Sussex Street, stated he was speaking on behalf of the Church of Faith and Deliverance. Mr. Flowers stated he was concerned about a tax letter he received about taxes on the Church. He asked if the taxes could be prorated since the organization is non-profit.

PRESENTATIONS AND RECOGNITIONS

1. Proclamation for Public Power Week.....Rhonda Barwick

Mayor Don Hardy proclaimed October 7 through October 13, 2018, as public power week and called upon citizens to help celebrate. He then thanked all of the electric staff for their hard work.

Rhonda Barwick, Public Services Director, stated she was very proud of all employees.

2. Retirement of Willie Brown Jr.....Rhonda Barwick

Rhonda Barwick, Public Services Director, stated Willie Brown Jr has worked with the cemetery section for over 24 years. Mrs. Barwick stated he would be greatly missed.

Mayor Hardy then thanked Mr. Brown for his dedicated service.

3. Retirement of Bill Huggins Jr.....Don Crawford

Mr. Huggins could not attend and will try to attend a future meeting.

4. Retirement of Charles Galen Treble.....Tony Sears

Tony Sears, City Manager, stated he learned early on he could always depend on Galen to get the job done. Mr. Sears thanked Galen for his 33 years of service.

MINUTES

Consider approval of the minutes of the City Council meeting held on September 17, 2018.....Joanna Rose

Mayor Pro Tem Solomon made the motion, Seconded by Councilmember Aiken and upon a unanimous vote [5-0] the minutes were approved.

ACTION AGENDA

1. Consider giving consensus on the final plan for Queen Street redesign...Adam Short

Adam Short, Planning Director, stated Joe and Brian with Stewart Engineering would discuss the Queen Street master plan with the council.

Brian O'Haver, Landscape Architect, stated the objective was to make sure the council agrees on what is being proposed for Queen Street in the 3.2 million streetscape plan. Mr. O'Haver stated they are ready to start construction documents. He noted the plan includes nine blocks. There will be enhanced intersections at North Street, Gordon Street, and Shine Street. The intersections will have concrete crosswalks versus painted crosswalks. The concrete will provide an opportunity to include color or a design opportunity. He stated these intersections were chosen because of the location and activity. New trees, structural soil, and lights are proposed in the plan.

Tony Sears, City Manager, stated in the public meetings the red maple is the tree that was most popular.

Mayor Pro Tem Solomon asked if the red maple was the consensus of the merchants on Queen Street. Mr. Sears stated during the public meetings the red maple was the tree that was continuously chosen.

Mayor Hardy asked how accessible the Red maple would be, and if they could be purchased locally. Adam Short stated he was not sure how local the vendors would be to Kinston, but four out of the five vendors had the Red maple available. Mr. Short stated the current availability and the replacement availability is something we have to be focused on in the event one of the trees needs to be replaced.

Councilmember Aiken stated signs are blocked by the current trees and has concern the Red maple will block signs as well. Mr. O'Haver stated as the trees grow they would be limbed up, and that would provide visibility.

Mayor Hardy stated consensus is to go with the Red maple.

Mr. O'Haver stated the in intersections of Blount Street, North Street, Gordon Street, and Caswell Street would have curb extensions. Brick bands would run all nine blocks. Some areas will require new concrete, but some of the existing pavement can be repaired to save money.

Mayor Hardy stated the consensus is for angled parking.

Councilmember Swinson asked if any of the work could be done after business hours. Adam Short stated that could be discussed with the contractor.

Mr. O'Haver stated bidding would take place during December and January. Construction would start in February and end around July. DOT would begin paving Queen Street in August.

Councilmember Tyson made the motion, Seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the motion passed.

2. Consider approval of a bid award to Spiniello Companies in the amount of \$2,365,633 plus a 5% contingency of \$118,282 for the Briery Run Sewer Rehabilitation-Phase IV.....Steve Miller

Steve Miller, Public Services Assistant Director, stated there had been a price change to \$2,445,443.00 with a 5% contingency of \$122,272.15. He stated of the four bids Spiniello was the lowest. Mr. Miller stated since the bidding process they have been negotiating with Spiniello on ways to be within the project budget of \$2,054,000, as the lowest bid was still above the funds available. The bid award would be in the amount of \$2,445,443.00 with a 5% contingency in the amount of \$122,272. If the bid is awarding in the amount of \$2,445,443.00, it would be contingent on SRF being able to fund that amount.

Councilmember Tyson made the motion, Seconded by Councilmember Swinson and upon a unanimous vote [5-0] the bid award was approved.

3. Consider authorizing the City Manager to execute a final adjusting change order to Cajenn Construction Company to reduce the contract amount by \$326,263.29 for the Queen Street Sewer Rehabilitation Project- Phase I.....Steve Miller

Steve Miller, Public Services Assistant Director, stated Cajenn Construction Company was the contractor for the Queen Street Sewer project phase I their contract amount including change orders during the project is currently listed at \$3,916,064.74 we have worked through all of their pay items and in the end they did not need to use all of the funds that were

budgeted. The final change order reduces the contract amount by \$326,263.29 for a final contract cost of \$3,589,801.42.

Councilmember Swinson made the motion, Seconded by Councilmember Aiken and upon a unanimous vote [5-0] the motion was passed.

4. Consider adoption of an Ordinance to establish Special Revenue Project for EPA Brownfields assessment cleanup cooperative agreements AND an Ordinance to establish Special Revenue Project for the 2018 Governor’s Crime Commission Juvenile Justice Grant.....Donna Goodson

Donna Goodson, Finance Director, stated the Planning Department had requested the creation of a special revenue project budget ordinance to administer the grant funds for the EPA Brownfields Assessment and Cleanup Cooperative Agreements Grant awarded on September 6, 2016, by the U.S. Environmental Protection Agency. The grant award is \$195,000 and requires no local match. Funds will be utilized to conduct brownfields cleanup of the former Harvey Oil site, and support activities will involve the community in the cleanup and reuse of the site. The project period is from October 1, 2018, until September 30, 2021. A special revenue budget ordinance will appropriate expenditures in EPA Brownfields Cleanup (C2119-4271-79576) in the amount of \$195,000.00 and a corresponding revenue appropriation in Federal Grants (C2119-9999-53470). Mrs. Goodson stated on March 29, 2018 the City of Kinston Police department received an award of \$99,683.00 from the Governor's Crime Commission for the 2018 City of Kinston Juvenile Justice Disproportionate Minority Contact (DMC) Grant (PROJ012872) to reduce disproportionate number of minority youth being referred to the juvenile justice system for arrests in the City of Kinston and Lenoir County by collecting DMC data, best practices, and policy change training. Also, to increase community knowledge about the factors that contribute to disproportionate minority contact in the City of Kinston and Lenoir County through community engagement and training, and develop a community-wide strategic plan to reduce DMC. There is an in-kind match of \$47,580 for project staff salary of Project Director, Community Engagement Coordinator, Finance Director, and Administrative Manager. There is a 25% cash match required of \$17,367.50; however, the City applied for and was granted a Match Waiver from the granting agency. A special revenue project budget ordinance will establish the fund with appropriations for Contractual (71990) \$62,440.00, Equipment (72601) \$1,000.00, Supplies (72990) \$2,270.00 and Travel (73110) \$34,273.00 totaling \$99,983.00 with funding from a revenue appropriation State Grants (53450) in the amount of \$99,683.00.

Councilmember Swinson made the motion, Seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the following ordinances were approved.

AN ORDINANCE TO ESTABLISH A SPECIAL REVENUE PROJECT FUND FOR THE EPA BROWNFIELDS ASSESSMENT AND CLEAN UP COOPERATIVE

AGREEMENTS GRANT (BF-00D72118) (C2119)

WHEREAS, the City has areas that have been significantly impacted by the loss of manufacturing and farming jobs and damage from natural disasters, and

WHEREAS, these areas are plagued with high unemployment rate, vacant housing, high crime rate, and numerous blighted commercial and industrial properties, and

WHEREAS, the City acknowledges the diligent efforts of City staff to prepare and submit funding applications to granting agencies, and

WHEREAS, one of the City’s goals is to encourage and assist in preservation and restoration of the community and one of its most valuable resources, the Neuse River, and

WHEREAS, on September 6, 2018 the U.S. Environmental Protection Agency awarded the City of Kinston a grant to conduct brownfields cleanup of the former Harvey Oil site and support activities to involve the community in the cleanup and reuse of the site, and

WHEREAS, there is a need to establish a fund to administer the EPA Brownfields Assessment and Clean Up Cooperative Agreements grant to comply with the requirements of the grant, and

WHEREAS, the project will be fully funded by the U.S. Environmental Protection Agency and will require no local match.

THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina that the following special revenue project budget ordinance is adopted:

| <u>EPA Brownfields Assessment & Cleanup Grant</u> | <u>Current Budget</u> |
|---|---------------------------|
| Revenues: | |
| Federal grants - EPA | \$ 195,000 |
| Total Revenues | <u>\$ 195,000</u> |
| Expenditures: | |
| Brownfields Cleanup | \$ 195,000 |
| Total Expenditures | <u>\$ 195,000</u> |

FY 2019 PROJECT BUDGET ORDINANCE
 Creating a Special Revenue Project Ordinance
 Governor’s Crime Commission 2018 Juvenile Justice
 Disproportionate Minority Contact Grant (PROJ012872) Project

WHEREAS, the City of Kinston provides law enforcement services to protect the life, safety and welfare of the Citizens, businesses and visitors of the City of Kinston, and

WHEREAS, the City of Kinston desires to help better the community and its citizens by reducing Disproportionate Minority Contact (DMC) in conjunction with Lenoir County’s Partnership Community Teams with Schools (PACTS) to reduce minority arrests and suspensions, and

WHEREAS, on March 29, 2018 the North Carolina Department of Public Safety, Division of the Governor’s Crime Commission awarded a grant in the amount of \$99,683.00 to the City of Kinston Police Department which requires a \$47,580.00 in-kind match and a 25% local cash match in the amount of \$17,367.50 which has been waived by the granting agency, and

WHEREAS, grant funds will be used to learn new strategies to identify and prevent Disproportionate Minority Contact (DMC) from occurring through training and technical assistance about DMC, its effects on the Kinston-Lenoir County community and develop community-wide strategy to combat DMC from law enforcement to youth to schools to community based organizations through contractual services, travel, training, supplies and equipment. These expenditures will be funded with State Grant revenue from the Governor’s Crime Commission.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina the following special revenue project budget ordinance is adopted:

GCC 2018 Juvenile Justice Disproportionate Minority Contact Grant (PROJ012872)

| | |
|--------------------|---------------------|
| Revenues: | |
| State Grants - GCC | \$ 99,983.00 |
| Total Revenues | <u>\$ 99,983.00</u> |
| Expenditures: | |
| Contractual | \$ 62,440.00 |
| Equipment | 1,000.00 |
| Supplies | 2,270.00 |
| Travel | <u>34,273.00</u> |
| Total Expenditures | <u>\$ 99,983.00</u> |

5. Consider adoption of an Ordinance to establish a capital project budget for the Briery Run Sewer Rehabilitation Project- Phase V.....Donna Goodson

Donna Goodson, Finance Director, stated Public Services had requested a capital project budget ordinance for the Briery Run Phase V Sewer Rehabilitation Capital Project. This request is being made to comply with the conditions of the CWSRF program and to allow work to begin on the project. This project is expected to be complete by December 2019. The Clean Water State Revolving Loan Fund approved funding for this project on June 21, 2018. The funding will be in the form of a zero percent interest loan of \$1,332,700. The closing costs of 2% in the amount of \$26,654.00 will be paid through a transfer from the Wastewater Fund. According to the Reimbursement Resolution adopted January 2, 1996, the City Manager or Director of Finance must declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the City before, or within sixty (60) days of payment of the expenditures to be reimbursed. A capital project budget ordinance will be made to appropriate expenditures in Loan Closing Costs (S9206-7151-73911) in the amount of \$26,654.00 and Construction Work – Sewer (S9206-7151-79140) in the amount of \$1,332,700.00. Then a revenue appropriation in Debt Issued – SRF Loan (S9206-9999-53910) \$1,332,700.00 and Transfer from Wastewater Fund (S9206-9999-53982) in the amount of \$26,654.00.

Councilmember Swinson made the motion, Seconded by Councilmember Suggs and upon a unanimous vote [5-0] the following ordinance was adopted:

**ORDINANCE FOR THE ESTABLISHMENT OF THE
BRIERY RUN PHASE V SEWER REHABILITATION
CAPITAL PROJECT FUND (S9206)**

WHEREAS, the City is responsible for providing sanitary sewer services to the citizens of Kinston which includes repairing, upgrading and maintaining the infrastructure that is a contiguous part of its sanitary sewer system , and

WHEREAS, there is a need to create the Briery Run Phase V Sewer Rehabilitation Capital Project for the rehabilitation of 2,669 linear feet of 30-inch gravity sewer line via Cured-In-Place Pipe (CIPP); replacement of five (5) sanitary manholes; 133 vertical feet of manhole rehabilitation; miscellaneous point repairs and manhole rehabilitation. This project will be funded with a zero percent loan obtained from the Clean Water State Revolving Loan Fund (CWSRF) and an appropriation of Transfer revenue from the Wastewater Fund.

THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina that the following capital project budget ordinance is adopted as follows:

2019 Briery Run Phase V Sewer Rehabilitation Project (S9206)

| | |
|-------------------------------|------------------------|
| Revenues: | |
| CWSRF Loan Proceeds | \$ 1,332,700.00 |
| Transfer from Wastewater Fund | <u>26,654.00</u> |
| Total Revenues | <u>\$ 1,359,354.00</u> |
| Expenditures: | |
| Construction | \$ 1,332,700.00 |
| Loan Closing Costs | <u>26,654.00</u> |
| Total Expenditures | <u>\$ 1,359,354.00</u> |

6. Consider adoption of an Ordinance to amend the FY 2018-2019 operating budget.....Donna Goodson

Donna Goodson, Finance Director, stated in regards to the General Fund the City was selected to receive the private grant from Dominos for the "Paving for Pizza Project" in the amount of \$5,000.00. The City has received the funds and at this time the Public Services Director, Ms. Rhonda Barwick has requested the appropriation of expenditures so that the department may begin fulfilling the work paid for by the grant. A budget amendment will be made to Street Construction/Reconstruction (1100-4252-72250) in the amount of \$5,000.00 with a corresponding revenue appropriation to Local Private Grants revenue (1100-9999-53432). Mrs. Goodson stated in transfers to other funds; the Board created a new project fund (C2903) for the Hurricane Florence special revenue project funded initially by the General Fund. The revenue funding the appropriation was made up entirely of a transfer from the General Fund. A budget amendment will be made to appropriate expenditures in the Transfer to Special Revenue Projects line item (1100-8000-88525) in the amount of \$100,000.00, and a corresponding revenue appropriation of the same amount in Appropriation of Fund Balance line item (1100-9999-53991).

Councilmember Aiken made the motion, Seconded by Councilmember Tyson and upon a unanimous vote [5-0] the following ordinance was adopted:

CITY MANAGER'S REPORT

Tony Sears, City Manager, stated Leon Steele would speak to council about a project Pride has been working on in the Pearson Park area.

Leon Steele, Pride Director, stated the project is now just about adding festivity to the area but is also an economic development opportunity. Mr. Steele stated programmable lights along the Neuse River would allow color change throughout the year. Mr. Steele would like to have a fireworks display during the holiday season. There would be scheduled events on the stage, photo opportunities and Santa's mailbox in Pearson Park. In three weeks \$35,000 had been raised for this project.

Councilmember Aiken asked if the annual lighting of the Christmas tree would still take place at the Courthouse. Mr. Steele advised that would still take place at the Courthouse.

Mayor Pro Tem Solomon stated she thought the project is a wonderful idea. She expressed her gratitude to the ones that helped with the project.

Mr. Sears stated he had a special event permit for the ENC Good, Brew 'n Que.

Alonzo Jaynes, Police Chief, stated the event would take place October 20, 2018, from 11 am to 7 pm. There will be food trucks and live music. The only street that will be closed is Mitchell Street from Gordon Street to North Street, and Police staff will not be needed.

Mayor Pro Tem Solomon made the motion seconded by Councilmember Swinson and upon a unanimous vote [5-0] the special events permit was approved.

CITY ATTORNEY'S REPORT

The City Attorney had no report.

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Aiken sent his condolences to the family of Mr. Joseph Dunn. He was one of the City's sentinels.

Councilmember Suggs shared there will be a clean-up event Saturday at 8:30 am and will meet at Southeast Elementary.

Mayor Hardy thanked everyone for their attendance

Closed Session

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [5-0] the City Council entered closed session pursuant to North Carolina General Statutes 143-318.11(a) (6); Personnel at 7:58 pm.

Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0] the City Council returned to open session at 8:33 pm.

ADJOURNMENT

Mayor Pro Tem Solomon made the motion seconded by Councilmember Aiken and upon a unanimous vote [5-0] the City Council meeting adjourned at 8:35 pm.

Respectfully submitted,

Joanna Rose, Deputy City Clerk