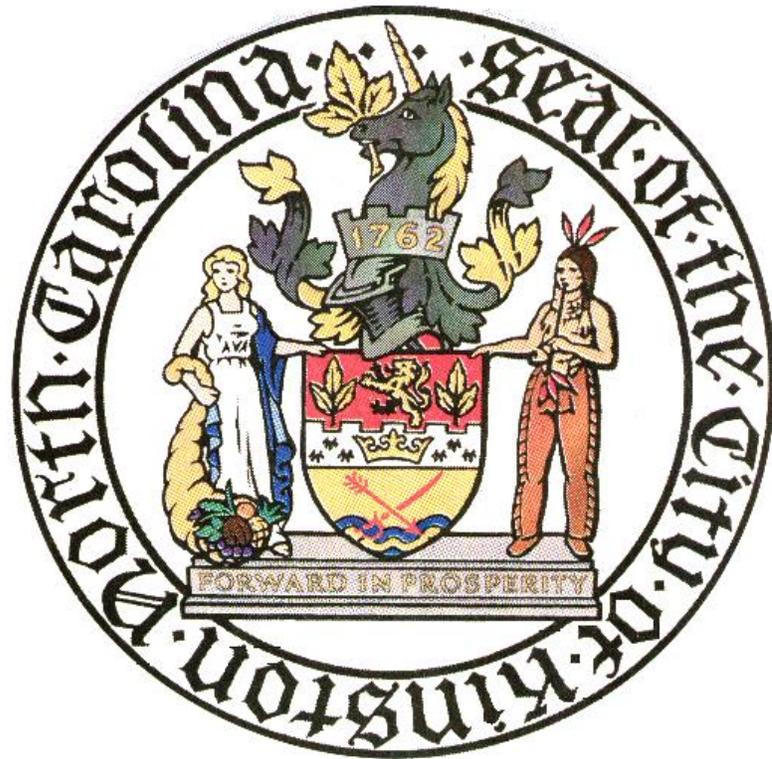


# Kinston City Council



## MINUTES September 6, 2022

**Minutes**  
Kinston City Council  
City Hall · 207 East King Street  
Friday, September 16, 2022  
Special Meeting at 3:00 pm

**This meeting was held in person and published electronically at  
<https://www.facebook.com/KinstonCityHall>  
Available for viewing on the local government channels 2 and 102**

**SPECIAL MEETING**

**Mayor Don Hardy called the meeting to order at 3:02 pm.**

**Councilmember Chris J. Suggs delivered the invocation followed by the pledge of allegiance.**

**Council Members' Roll Call**

**Present: Councilmembers Sammy Aiken, Chris J. Suggs, Robert Swinson, and Mayor Pro Tem Antonio Hardy.**

**Present Also: Rhonda Barwick, City Manager and James Cauley, City Attorney.**

**Absent: Councilmember Felicia Solomon.**

**ACTION AGENDA**

- 1. Conduct Adoption of a Resolution to Apply for a \$5,000,000 Grant Under the State's Local Assistance for Stormwater Infrastructure Fund for the Adkin Branch Flood Mitigation Project ----- Steve Miller**

Steve Miller, Interim Public Services Director stated that we will continue to hear about the Adkin Branch quite a bit. We are actively trying to find all the funds that we need to do this project. One of those opportunities is money that's been made available by the state of North Carolina. It is the Local Assistance for Stormwater and Infrastructure Investment Fund. Rivers and Associates have provided a preliminary cost estimate for the construction of the project for \$16,605,000, which we must submit with this grant application for the entire project. The cost estimate is preliminary, and the engineering work has not been completed yet. Moving forward the estimate will be revised as we move forward. He shared the request to have the resolution approved to apply for the funds and allow the City Manager to finish the documents that are needed to submit. The deadline is September 30<sup>th</sup> to apply.

Mayor Hardy thanked Mr. Miller for the efforts to get grants to assist with the Adkin Branch and the flooding issues.

Councilmember Swinson asked if the money was allotted for construction or design. Mr. Miller said it is \$5 million for construction and can be used toward engineering work or actual construction expenses.

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote of [4-0], the resolution to apply for a \$5,000,000 grant under the State's Local**

**Assistance for Stormwater Infrastructure Fund for the Adkin Branch Flood Mitigation Project was approved.**

Resolution to Develop and Implement a New Stormwater Utility with Stormwater Enterprise Fund

**RESOLUTION BY GOVERNING BODY OF APPLICANT**

WHEREAS, The City of Kinston has need for and intends to construct a stormwater project described as the Adkin Branch Flood Mitigation Construction Project, and

WHEREAS, The City of Kinston intends to request State loan and/or grant assistance for the project, in the amount of \$5,000,000.

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KINSTON:**

That the City of Kinston, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Kinston to make a scheduled repayment of the loan, to withhold from the City of Kinston any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Rhonda Barwick, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16<sup>th</sup> day of September 2022 at Kinston, North Carolina.

**2. Conduct Approval of an Agreement with Duke Energy Progress to Allow DEP to Backfeed Energy Through a Portion of Kinston’s Electric System During Upcoming Construction Near the Point-of-Delivery on Atlantic Avenue ----- Steve Miller**

Steve Miller, Interim Public Services Director said they have worked on an agreement with Duke Energy. Duke has work going on near our original Point of Delivery (Atlantic Avenue). As part of their work, they will have to de-energize their feed to our connection point as well as to some of their customers. They are requesting to be allowed to feed energy across the part of our transmission system to be able to feed their customers to shorten the amount of time involving the outage. They will pay for moving the energy across the system with an estimated revenue to be received of \$27,000. Jason Thigpen at Electricities feels that amount is the low end and could double. The work will appear in two different periods (this fall and fall 2023). There will be no impact on Kinston’s service to our customers during either event. If the agreement is approved, Duke will take them to the North Carolina Utility Commission for approval, before beginning the work.

Councilmember Swinson questioned the number of customers that would be affected, and Mr. Miller stated they have not shared that number.

Councilmember Aiken asked what the duration would be, and Mr. Miller said their projection was three weeks.

**Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote of [4-0], the agreement with Duke Energy Progress to allow DEP to backfeed energy through a portion of Kinston’s electric System during upcoming construction near the Point-of-Delivery on Atlantic Avenue was approved.**

### **3. Conduct Adoption of a Resolution to Apply for a \$400,000 Stormwater Planning Grant Under the State’s Local Assistance for Stormwater Infrastructure Fund----- Steve Miller**

Steve Miller, Interim Public Services Director said that he has brought grants to the Council about asset management grants for water and sewer. The program is available again with ARPA funds to do stormwater assessments to figure out the conditions you have with your stormwater system. This is for a \$400,000 Stormwater Planning Grant to conduct a condition assessment with no match required. This will allow some funds to be used to perform preliminary engineering work on the highest priority projects, and projects can be identified and placed on a 10-year Capital Improvement Plan.

**Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote of [4-0], the resolution to apply for a \$400,000 Stormwater Planning Grant under the State’s Local Assistance for Stormwater Infrastructure Fund was approved.**

#### **RESOLUTION BY GOVERNING BODY OF APPLICANT**

WHEREAS, The City of Kinston has need for and intends to construct a stormwater project described as the Adkin Branch Flood Mitigation Construction Project, and

WHEREAS, The City of Kinston intends to request State loan and/or grant assistance for the project, in the amount of \$5,000,000.

#### **NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KINSTON:**

That the City of Kinston, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Kinston to make a scheduled repayment of the loan, to withhold from the City of Kinston any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Rhonda Barwick, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16<sup>th</sup> day of September 2022 at Kinston, North Carolina.

**ADJOURNMENT**

**Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote of [4-0], the Kinston City Council meeting adjourned at 3:12 pm.**

Respectively submitted,

Debra Thompson, City Clerk