

# Kinston City Council



## MINUTES October 5, 2021

Minutes  
Kinston City Council  
City Hall · 207 East King Street  
Tuesday, October 5, 2021  
Regular Meeting at 5:30 pm

This meeting was held in person and published electronically at  
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**REGULAR MEETING**

Mayor Don Hardy called the meeting to order at 5:30 pm.

Councilmember Kristal Suggs delivered the prayer which was followed by the pledge of allegiance.

**Council Members' Roll Call**

**Present: Councilmembers Sammy Aiken, Antonio Hardy, Kristal Suggs, Robert Swinson, and Mayor Pro Tem Felicia Solomon.**

**Present Also: Rhonda Barwick, Interim City Manager and Tim Calloway, Attorney.**

**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

**There were no citizen comments.**

**Adoption of the Agenda**

*If a Councilmember wishes to revise the agenda, the Motion to add or delete an item will be entertained prior to Adoption of the Agenda.*

**Mayor Hardy requested to add a Special Events Permit and a Domestic Violence Proclamation to the agenda.**

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

**MINUTES**

**Consider approval of the minutes of the City Council meeting held on October 5, 2021 -----  
Debra Thompson**

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0], the minutes were approved.**

**PRESENTATIONS AND RECOGNITIONS****1. Consideration of Proclamation Recognizing Breast Cancer Month in October Mayor Hardy**

Mayor Hardy introduced Ms. Brenda Robinson, American Cancer Society Senior Development Manager.

Ms. Robinson shared some facts about breast cancer which included that more than 281,000 women will be diagnosed in the United States and 43,000 deaths are expected. She stated cancer is the second leading cancer cause of death in US women. There are more than 3.8 million breast cancer survivors alive today in the US. The survival rate for female breast cancer is 90% for all stages combined, and if detected early enough they have a five-year survival rate of 99%. Death rates have declined since 1990 by 41% due to improvements in treatment and earlier detection which results in an estimated 375,900 deaths being averted during that time. As of September 2021, the American Cancer Society is funding 153 research grants related to breast cancer totaling nearly \$76 million.

Mayor Hardy read the proclamation and proclaimed October 2021 as Breast Cancer Awareness Month in the City of Kinston.

Althea Simmons, Public Services Administrative Manager shared that she is a 19-year breast cancer survivor this month. Ms. Simmons related that contrary to the news listing the number of women that will die, she intends to live and not die. She told of her involvement in breast cancer support while she was in New York and also saluted the public services staff that support her here in her efforts to do her part.

Photos were taken with the Council.

**2. Consideration of Proclamation Recognizing Fire Prevention Month in October Mayor Hardy**

Mayor Hardy introduced Will Barss, Administration Fire Captain.

Captain Barss spoke about what the City has done from last year compared to what we are doing this year. He shared that last year during the height of the pandemic they did a virtual video and sent it to the school system that was viewed by over 2,000 students. The video is on the fire department website, and they are still reaching out even though they were not physically able to do so. This year they are inviting kids to the station in the bay, and are reaching out to over 806 students. He noted that this past Saturday, Lowes Home Improvement had fire safety day with over one hundred kids who came out.

Mayor Hardy encouraged everyone to come out and see how much fun they have set up to learn about fire safety. Mayor Hardy read the proclamation and proclaimed October 2021 as Fire Prevention Month.

Photos were taken with the Council.

**3. Consideration of Proclamation Recognizing Domestic Violence Month in October -----  
Mayor Hardy**

**(THIS ITEM WAS ADDED TO THE AGENDA)**

Mayor Hardy read the proclamation and proclaimed October as Domestic Violence Awareness month.

**ACTION AGENDA**

**1. Consider Approval of Purchase of a Digger Derrick Vehicle in the Amount of \$283,804.00 to Replace Vehicle #232 in the Electric Division ----- Steve Miller**

Steve Miller, Public Services Assistant Director stated that the funds were appropriated in the current fiscal budget to replace vehicle #232 in the Electric Division. This is a 1994 GMC digger derrick truck with 8,718 hours on it. The truck is used primarily for installing power poles and has specialized equipment on it for that purpose. The vehicle is out of service due to safety concerns and has been around for 27 years; it is difficult to find parts to keep it in service. The purchase was made through the Sourcewell joint purchasing agreement, and we purchased from Terex Utilities. The budget included almost \$317,000 for the replacement of the truck and the cost of the vehicle being purchased is \$283,804.00 plus tax and tag fees. This will be covered by the budgeted funds.

**Councilmember Swinson made the motion, seconded by Councilmember Hardy and upon a unanimous vote [5-0], the purchase of a Digger Derrick vehicle for \$283,804.00 was approved.**

**2. Consideration of Dedication Agreement for Portion of Trenton Road-----Tim Carraway**

Tim Carraway, Attorney explained that this matter was before the Council previously regarding Trenton Road. This section of road is near the intersection of Hwy. 70 and 58 near Lenoir Community College. The developer wanted to extend, resurface, and fix the road up to code. The agreement is the developer would absorb the cost and get the road extended and up to code. Once the construction is complete, dedicate the street to the City to be maintained in the future. Mr. Carraway stated that the agreement has been reviewed, approved by Ms. Barwick and Mr. Miller. Signatures are needed to get the agreement recorded in the register of deeds and they are ready to proceed with the Council's approval.

Steve Miller, Public Services Assistant Director stated they worked with the developer and attorney on the terms of what improvements need to be made before the City would accept this street. He directed everyone to the map at the back of the agreement that shows the work area and **Exhibit A that describes specifically what needs to be done in that work area. The pavement** closest to Hwy. 70 is in good shape and nothing is being proposed for that. The entrances to McDonald's and Taco Bell work will be done from that area to the back of the lot of the proposed area to make the improvements.

**Mayor Pro Tem Solomon made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0], the dedication agreement for a portion of Trenton Road was approved.**

**3. Consideration of a Special Events Permit for K-Day at Holloway Park -----Chief Spencer (THIS ITEM WAS ADDED TO THE AGENDA AND VOTED ON OUT OF ORDER)**

Jenee Spencer, Interim Police Chief shared that Ms. Carmon is putting together the 13<sup>th</sup> Annual K-Day Community Event to celebrate the Kinston Vikings, along with Rochelle Middle School and Kinston High School. The event is from 11:00 am – 5:00 pm this Saturday, October 9, 2021. There will be rides and community events with a parade around noon which will start near Rochelle Middle School and end at Holloway Center.

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0], the Special Events Permit for K-Day was approved.**

**INFORMATION AND UPDATES**

**1. Provide Update on Cross Connection Control Requirements----- Steve Miller**

Steve Miller, Public Services Assistant Director stated in August he came before Council and reviewed the requirements the State asked us to adhere to after an inspection of our water system in June. The staff has begun identifying customers that need to work on cross-connection control requirements, beginning with the high hazard customers. The memo identifies five categories that the State feels are a high hazard and need to be addressed first. Those are the groups the staff have begun work on to identify their current status and what needs to be done to get them in compliance. Mr. Miller shared some of the customers that have been checked and shared whether they have cross-connections and/or inspections. Moving forward, they will notify customers of what they may need to get in compliance. For the high-hazard customers, the ordinance reads is once they are notified they have 30 days to get in compliance. If they do not have a device and have to do construction, they will work with them as long as they are taking steps to comply. He stated they will work through all the customers they have listed, and this will spread the time frames so that they all are not looking for contractors at the same time. The ones listed are the high hazards, but we have a total of 1,500 and will take about 1.5-2 years to get through all of them.

Councilmember Hardy asked how the businesses were prioritized. Mr. Miller stated in conjunction with the State officials, the ones that deal with chemical injections or pump systems and we possibly have a water main break on our side, that type of pump could siphon back into our system. Some are looked at specifically to see what type of operation they have to determine if they are an urgent risk. Councilmember Aiken reminded everyone of what Camp Lejeune is dealing with from a dry cleaner. Mr. Miller shared what the State is after under the regulations that we have in the water system, is for a device to be between our meter and the buildings. Internally, the plumbing codes have other requirements for backflow devices on equipment that should provide an extra layer of protection. All of the equipment should have internal devices as well, but this is one to separate our system from the customers.

**2. Hurricane Status Update ----- Donna Goodson**

Donna Goodson, Finance Director shared that this was an update on the four hurricanes that had eligible amounts to be reimbursed through FEMA. Collectively we had over \$7.5 mil of adjustable eligible amount for FEMA reimbursement. As of last week, we have collected a little

less than \$5.5 mil, and have about \$2.1 mil left of the outstanding expenditures that we are looking for reimbursement. We have received significant payments for Hurricane Matthew in the last couple of months and received all of the money for Hurricane Dorian; that project will be closed out. Mayor Hardy asked how much the amounts for Matthew and Isaias were. Ms. Goodson said Matthew was approximately \$134,000 and Isaias \$240,000.

### **3. Update and Information on Catalytic Converter Theft----- Interim Chief Spencer**

Jenee Spencer, Interim Police Chief said they have been working on a joint investigation with Goldsboro, Lenoir County Sheriff's Office, and other close agencies to the city of Kinston. In August there was an uptick in these larcenies. Catalytic converter thefts are where suspects remove a device under the bottom of a vehicle. Chief Spencer encouraged the citizens to please call if they see something suspicious such as someone with some type of sawing device. If it happens to be someone with mechanical difficulties, then there is another service they may be able to provide to help that person. It may help to identify suspects who are causing costly repairs for the local churches, businesses, and residences as well. Arrests have been made, but it is an ongoing investigation. They will continue to work with these surrounding agencies, and it is a common occurrence in this area. Councilmember Aiken asked what type of metal the catalytic converter was made of. Chief Spencer stated it was the inside of the converter that is the concern. Having the converter is not illegal, but the larceny of them is a criminal act. They have been taking it to others and mechanics and they are taking it to the scrap yards. Mayor Hardy encouraged everyone to be alert. Chief Spencer shared that there are devices that can be put on your vehicle to protect the converters. They can be purchased online and locally for around \$200, but asked everyone to be vigilant and call in any suspicious activity. Hopefully, we can join together and solve the problem without expecting people to have to take extra measures to protect themselves.

### **4. Update and Information on Bird Scooters----- Interim Chief Spencer**

Jenee Spencer, Interim Police Chief stated they have had concerns with Bird Scooters, and they have tried to address those. They worked with Bird regarding safety and training, but when something is implemented is when you see things. When the ordinance was passed there was an amendment that the scooters would not cross any four-lane highways. Bird did implement the geofencing last week and several officers have added the app to see where the scooters are. It does show the limitations and the scooters are slowing down and stopping when they are outside that area. She stated Bird employees will express to their users to park in safe locations. There are options to evolve the program to fit our city's needs and feedback is encouraged from business owners and citizens.

Councilmember Swinson said his main concern is safety. He asked if more than one person is to be on the scooter and if there was an age limit to ride. Mr. Swinson stated that a major concern is not being able to cross Vernon; the scooters have been seen out at Walmart, LCC, and other places and they were not following the rules of the road. Chief Spencer stated you have to be 16 years old to rent the scooter and Bird can add an ID requirement. She said she has asked the officer to initially give warnings of those code violations and then we will move to something further. She is hoping that educating the public will eliminate those problems. The understanding was that the geofencing would be implemented when the Birds hit the street. This was corrected and they cannot cross Vernon, Martin Luther King, and King Street. They can go west along the river and not cross or drive upon any four-lane highways.

That is what Council agreed to and puts us in a safe environment. Mr. Swinson asked if there was a liability clause that holds the City harmless.

Mayor Pro Tem Solomon asked if there was any way we can attach a fine for those crossing the four-lane roads. Chief Spencer said there could be, and Ms. Solomon stated it should be enforced. Chief Spencer stated they will work closely with Bird as far as educating the public and gave several examples. Mr. Swinson informed everyone that they are safe and fun.

#### **5. Provide Update on Christmas and Tinsel Trail Reservations ----- Leon Steele**

Leon Steele, Downton Kinston Executive Director informed everyone that we are in full-on Christmas mode that includes decorating Pearson Park, planning the Christmas Parade, the Tinsel Trail in the park, and the lighting ceremony for the lights in the park. Mr. Steele stated that in 2018 inherited the Christmas Parade and restored throwing candy to spectators. He included that the guidelines for throwing candy will be included with the applications. The giant tree was added in 2018, in 2019 the giant deer was added, and the parade was held. In 2020 the Tinsel Trail was added and was a way for businesses to rent space to advertise in December. They estimated that about 4,500 people visited the park during December to enjoy the Tinsel Trail. Last year we had our first African American Santa (Stevie Parker) and Latino Mrs. Claus (Claudia Perez). This year we will have giant angels and the 12 ft. angel has a 6.5 ft. trumpet.

Registration for the Tinsel Trail is open and closes on November 1st. Applications can be picked up at 329 N. Queen Street (Kinston Enterprise Center), emailed, or mailed. The only requirement is that your advertisement is lit and there will be no blow-ups allowed.

Registration for the Christmas Parade is open and closes on November 15th. The parade is on December 4th and Mr. Steele suggested incorporating lights for your entries since the parade will be held later in the day this year. Neuse News will broadcast it live and in 2019 we were viewed in up to twenty states. The applications are at their office, and you can call -522-8003.

Mr. Steele asked for volunteers to assist with decorating the park and helping on the day of the parade. He announced that there will be a meeting at the library this Thursday, October 7th at 6:00 pm and asked everyone interested to please stop by to find out what you can do to help.

The following registration dates, events, and times were reiterated:

- Christmas Planning Meeting – Library – Thursday, October 7th at 6:00 pm
- Tinsel Trail registration closes on November 1st
- Parade registration closes on November 15<sup>th</sup>
- Pearson Park Lighting Ceremony – Saturday, November 27<sup>th</sup> at 6:00 pm
- Christmas Parade – Saturday, December 4th

Mr. Steele reminded anyone with questions or wishing to participate to please call him at 522-9003 or call the main number at 522-6144 at the Kinston Enterprise Center.

Councilmember Aiken inquired about the security as there were some issues last year. Mr. Steele stated there were thefts of extension cords last year and asked everyone to please

conceal their cords this year. Mr. Aiken asked if there was a fee for parade registration. Mr. Steele stated the fee was \$40 and this was detailed in the registration. Mr. Aiken asked if the snow machine would be back this year. Mr. Steele stated it would if they were able to get a sponsor and book them for that day.

Chief Spencer added that there would be a police presence in the area of the Tinsel Trail and the City has provided them with cameras in addition. She stated that they will be in a good place to enforce any unwelcome activity.

Mayor Hardy noted that we need bands and Mr. Steele shared that we do need bands to get people pumped up.

### **CITY MANAGER'S REPORT**

Rhonda Barwick, Interim City Manager explained that ElectriCities has a Joint Board of Directors for the two power agencies. Mr. Sears served on that board and is eligible for re-election with his seat. Ms. Barwick stated has chosen not to do so and she assumes it is because the city he has moved to has a representative on the board. His seat will expire in December and the power agency has asked for any nominations that other cities might have to be delivered before October 8th. She stated if anyone has an interest, let her know and she will direct them on the forms they need to use. Councilmember Swinson said that Troy from Tarboro nominated him, and he sent his information to him last week to be a representative again for the City of Kinston. Councilmember Aiken stated that he will be putting his request in also. Ms. Barwick said if it is okay with the two of them since Troy is nominating Mr. Swinson, she has a nomination and if the Council so desires she will turn in Mr. Aiken.

### **CITY ATTORNEY'S REPORT**

There was no report from the City Attorney.

### **MAYOR AND COUNCILMEMBER REPORTS**

Councilmember Aiken shared that he attended the Board of Education Meeting last night and the County mentioned the districts and the upcoming election in 2022. With the census being done, the districts will have to be redrawn. They have not decided if the primary will be in March or May yet, but are meeting in November to start redrawing the districts. He learned that out of seven districts, five are up to be redrawn; two are at large and do not have to be redrawn. Mr. Aiken stated he also learned that it is not by the number of students but the population with the highest and lowest will have to be redrawn. He asked the community to check with the County and make sure there is transparency.

Councilmember Aiken shared that a city employee was in an accident, and encouraged everyone to be careful at stop signs and red lights. Also, please be cognizant of their speed and at night wear colorful clothes.

Councilmember Hardy thanked Ms. Barwick and Mr. Miller for their work and quick response to the public regarding potholes and other problems. He stated he wanted to thank the staff for the work they do and for continuing to do what is right for the citizens of Kinston. Mr. Aiken thanked them regarding the Welcome to Kinston sign on Queen Street looking good after it was manicured. Ms. Barwick thanked Mr. Hardy and Mr. Aiken. She stated they enjoyed taking their calls, but they refer their calls to Gilbert Acevedo and his team. She shared that they are working with four people at this time and wanted to make sure they share the thanks with them as well.

Councilmember Hardy thanked the Recreation Department for their work getting together the youth programs. We were in a struggle this year but through their diligence, we were able to rectify that problem. It is exciting to see the parents come out and see their little ones enjoying the things in life we dream about.

Councilmember Aiken thanked the Recreation Department for their help to the African American Historical Commission with the dedication of the unveiling of the Green Book marker. Mr. Aiken expressed that they would like to do something monumental next. He referenced doing something in Lincoln City that was flooded in 1999 with 400 plus homes being lost. They will be contacting different ones to help with fundraising so that by 2025 there will be a designed and completed monument for that area. Mr. Aiken shared suggestions that were made the did not come to fruition and noted that there was a lot we could do with it.

Councilmember Suggs added that the redistricting impacted more than the schools. This is about our congressional and state districts. They have been meeting and encouraged people to tune in and find out when these meetings are being held so that they can express their concerns as well. It is important for Kinston to not be split when it comes to our National and State Congressional Districts, which has happened in the past. There was a meeting at Pitt Community College and there was no representation from the elected body of Kinston or Lenoir County. It is important for the leaders to be aware of the things that are going on and when they are meeting, so we can show up and advocate for what we need in our communities as well. She reiterated that it is bigger than just the school districts that will be affected by these changes.

Mayor Hardy thanked the City employees for their time, for being here, and thanks for being a part of Kinston. He encouraged everyone to support Breast Cancer Awareness Month, Fire Prevention Month, and Domestic Violence Month activities. Mayor Hardy thanked the law enforcement officers for their response to domestic violence issues.

Mayor Hardy announced that Governor Cooper has appointed him to the Governor's Crime Commission. He stated that he looks forward to having conversations to see how we can tap resources and work together for the betterment of our community.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0], the closed session pursuant to NC GS 143-318.11 (a)(3) was entered at 6:42 pm.**

**CLOSED SESSION**

**Closed Session Pursuant to NC GS 143-318.11 (a) (3) – Attorney/Client Privilege**

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0], the Council returned to open session at 7:00 pm.**

**ADJOURNMENT**

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0], the City of Kinston Council Meeting was adjourned at 7:02 pm.**

Respectfully submitted,

Debra Thompson, City Clerk