

**Minutes  
Kinston City Council  
Tuesday, January 17, 2017  
(5:30 Work Session Canceled)  
7:00 pm Regular Meeting**

Mayor Murphy called the Kinston City Council meeting to order at 7:00 pm.

Mayor Pro Tem Swinson led the prayer followed by the Pledge of Allegiance.

Those present: Councilmembers Sammy Aiken, Wynn Whittington, Felicia Solomon, Joseph Tyson, Mayor Pro Tem Robert Swinson and Mayor BJ Murphy

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

**ADOPTION OF THE AGENDA**

Mayor Pro Tem Swinson made the motion, seconded by Councilmember Solomon and upon a unanimous vote the agenda was adopted.

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| CITIZEN COMMENT |
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| PRESENTATIONS AND RECOGNITIONS |
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**1. Curtis Williams – Retirement Recognition .....Rhonda Barwick**

Rhonda Barwick, Public Services Director, stated this is to celebrate Mr. Williams’ 27 years of services in the Water Resources Division of the Public Services Department.

Brian Lucas, Water Resources Manager, stated Curtis is going to be that employee who is irreplaceable. He has been an asset to the City and I have worked with him for 17 of his 27 years. He has been my right hand man and everything I have ever asked him to do, he has done even when I have needed him to stay two or three days without going home.

Curtis Williams introduced his three family members and stated that it has been good working for the City of Kinston for 27 years, and he is glad to be able to return part-time.

Mayor Murphy read and presented a retirement plaque to Curtis Williams, and Brian Lucas presented a \$500 savings bond.

**MINUTES**

**Consider approval of the minutes of the Kinston City Council meeting held Tuesday, January 3, 2017.....Monique Hicks**

Mayor Pro Tem Swinson made the motion, seconded by Councilmember Whittington and upon a unanimous vote the minutes were approved.

**ACTION AGENDA**

**1. Consider adoption of a Resolution to declare three generators as surplus and authorize the City Manager to execute any documents required to transfer the title of these generators to Lenox, Pactiv and West Pharmaceutical .....Rhonda Barwick**

Rhonda Barwick, Public Services Director, stated a few years ago the City worked with Lenoir County Economic Development to acquire grants from the North Carolina Department of Commerce (NCDOC) for these three industrial customers through the utility fund. The NCDOC would not issue the grant to the customer, but to the utility provider which was the City of Kinston. The customer pays the difference between the amount of money the grant provided and the generator cost. In one case as they increased their sales, which contributed to the cost, they would have paid. The three generators have remained in our name and we have insured them. We have charged for maintenance and it is paid monthly. We have received approval to transfer the generators to the customers. It allows the customer to avoid paying the mark up for maintenance and it frees up our substation staff that performs the maintenance. The project's costs are different and are based on the size and age of the generator and include installation and warranties. Lenox total value was \$405,000, Pactiv was \$855,000 and West Pharmaceuticals was \$962,000. We will transfer West Pharmaceutical's generator in March.

Councilmember Tyson asked if there are any similar type grants for other companies. Mr. Sears stated yes if they are looking to expand or relocate. There are other requirements including creating a certain number of new jobs. Mrs. Barwick stated this particular grant was for job retention.

Councilmember Whittington asked would this include new companies starting up. Mr. Sears stated that businesses could contact Mrs. Barwick and her staff would be happy to research available grants.

Mayor Pro Tem Swinson introduced the following Resolution:

**RESOLUTION AUTHORIZING  
DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, it has been determined that the following generators were purchased through several N. C. Department of Commerce grants to encourage existing industrial customers to remain or expand in Kinston and Lenoir County, North Carolina. The individual companies provided any amounts owed above the grant obligation to the City either through direct pay or increased sales revenue.

WHEREAS, the N.C. Department of Commerce required the grants be issued in the municipality's name and the generators remain the property of the municipality until the grants were closed.

WHEREAS, the grants have since been closed and sound property management principles and financial consideration indicate the interests of the City would be served by transferring title to the generators listed below to the respective industrial customers:

|                        |                          |
|------------------------|--------------------------|
| Onan 1384 kw generator | Lenox                    |
| CAT 1825 kW generator  | Pactiv (formerly Dopaco) |
| CAT 1500 kW generator  | West Pharmaceuticals     |

All listed property will be transferred "as is – where is" without any warranties or seller liability as to the fitness for any purpose and all transfers are final.

NOW, THEREFORE, BE IT RESOLVED that these items shall be declared surplus and this Resolution shall be in full force and effect from and after its adoption.

RESOLVED, further that the City Manager is hereby authorized to execute any necessary documents to complete the transfer of property.

Councilmember Whittington made the motion, seconded by Councilmember Tyson and upon a unanimous roll call vote the Resolution was adopted.

**2. Consider adoption of a Resolution to authorize the Chief of Police to execute Model Mutual Aid Agreements for and on behalf of the City of Kinston.....Alonzo Jaynes**

Alonzo Jaynes, Police Chief, stated this resolution is to approve a model mutual aid agreement and a request granting the Police Chief authority to execute such agreements for and on behalf of the City of Kinston. It was evident with Hurricane Matthew that there is value in having other agencies come to our aid. This resolution will give us a clear method for requesting and responding to mutual aid assistance requests. We will have additional resources when needed and it will strengthen our professional relationships with neighboring law enforcement agencies. For natural disasters and civil disturbances, there may be a need to form a task force because criminals do not recognize jurisdictions, and we may need to go outside of our city limits to investigate those offenders.

Councilmember Tyson asked if additional agreements are needed for state and federal agencies.

Chief Jaynes stated we are not required to have an agreement on the federal level because we have standing mutual aid agreements with several federal agencies.

James Cauley, City Attorney, stated it is appropriate to approve the model and to allow him discretion for the final review. He recently was involved in a situation with a mutual aid agreement where there was a response by one jurisdiction at the request of another and a weapon was discharged that involved an injury. There was an issue of insurance coverage and authority that had not been considered at the front end of the mutual aid agreement.

Mayor Pro Tem Swinson introduced the following Resolution:

**RESOLUTION TO APPROVE A MODEL MUTUAL AID AGREEMENT  
AND TO AUTHORIZE THE CHIEF OF POLICE TO EXECUTE SUCH AGREEMENTS FOR AND ON  
BEHALF OF THE CITY OF KINSTON**

**THAT WHEREAS**, pursuant to N.C.G.S. §160A-288, The City Council may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

**WHEREAS**, pursuant to said laws, the City Council desires to establish a model mutual aid agreement to govern the terms, conditions and restrictions under which the city may provide and/or receive authorized assistance to or from other municipal and county law enforcement agencies; and

**WHEREAS**, the City Council further desires to authorize the city’s chief of police to execute mutual aid agreements for and on behalf of the city, provided such agreements contain such terms, conditions and restrictions consistent with the model mutual aid agreement drafted under the direction of the Attorney General of the State of North Carolina.

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

**Section 1.** That General Statute 160A-288, Cooperation between law enforcement agencies, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved.

**Section 2.** That the chief of police is hereby authorized to execute mutual aid agreements for and on behalf of the city, provided that such agreements are consistent with the Model Agreement.

**Section 3.** That this resolution shall be in full force and effect from and after its adoption.

Councilmember Tyson made the motion, seconded by Councilmember Whittington and upon a unanimous roll call vote the Resolution was adopted *requiring the City Attorney’s review of the mutual aid agreements.*

**3. Consider approval to award a bid for Phase II of the Queen Street Sewer Project  
.....Steve Miller**

Steve Miller, Assistant Public Services Director, stated January 2<sup>nd</sup> was the bid deadline for this project. We had one bidder for each of the two contracts that are part of the project. Under the formal bidding laws for North Carolina, we could not open the bid because we did not have at

least three responses. We are in the process of rebidding and bids are due on January 30<sup>th</sup>. We will bring them back to City Council in February.

**INFORMATON AND UPDATES**

**1. Queen Street Update.....Tony Sears**

Tony Sears, City Manager, stated there have been questions in the community about the Queen Street project progress. There is the NCDOT’s Queen Street Bridge replacement project and there is the City of Kinston’s water and sewer line replacement project. The bridge is open, but NCDOT is working to finalize the project. Our project is an 18 month long project. There are a lot of inconveniences, yet the project is currently on schedule. With Phase II of this project, there will be more inconveniences, specifically north of Vernon Avenue where we have two lane traffic and no shoulder, and this is a necessary evil for the project. Water lines are easier than sewer line replacement. Our sewer lines were 100 years old. We are expecting to finish between May and June 2017. In the future the City plans to reduce Queen Street from four lanes to two lanes and add diagonal parking. City Council thought that the additional parking would be beneficial. It gives us a chance to give Queen Street a facelift. NCDOT has said they can reduce the number of traffic lights between Queen and Vernon. The trees have been a major concern, and we have three options: keep the current trees, replant holly trees or replace the trees with a different type of tree. Mr. Short had a community meeting at the library several months ago, and the community overwhelmingly preferred new trees on Queen Street. Even if we keep the holly trees, some of them need to be realigned.

Adam Short, Planning Director, stated there were two options that had heavy support and both were a different type of tree, the Lace Park Elm and the Chinese Pistacia.

Mr. Sears stated the Ag Extension recommended the exact same trees. As we go through the process, nostalgia is one thing but we also need to look towards the future and what we want to be. We want our trees to be similar to what New Bern has, but we want it to be our own identity.

Councilmember Tyson stated he wants to know the cost difference. Mr. Sears stated it is going to be cheaper to keep the trees we have, but we don’t have the replacement cost yet. All three options will be presented.

Rhonda Barwick, Public Services Director, stated she has rough estimates on cost, and we definitely need to do something to get better use out of our lights. Mr. Sears stated that is one of the issues. Holly trees have a dense canopy and some of the businesses feel that the current trees hinder their businesses’ visibility from the street. These are real issues, and there are pros and cons. As for the timeline for the completion of Queen Street, our staff has been working on this for quite some time. Since Hurricane Matthew, our staff has been working on FEMA recovery items. Steward Engineering, the firm that did the Riverwalk project, has been asked to help us come up with a larger master plan. Staff was at a cost north of \$1 million, and Steward’s rough estimate was close to our numbers. There will be decisions that have to be made on how to pay for the project. A plan could be done in 30 to 60 days, but the funding will take longer and could

be done in phases. Kinston received the smART designation, and the smART initiative has ideas and funds from the NC Arts Council. The interchange at Highway 70 and South Queen Street will look nice once NCDOT completes the project. Things will be incorporated with other projects. If there is something the City Council really wants to see, we would like to discuss them. There are some complexities to this project.

Mayor Pro Tem Swinson asked about the possibility of grants, NCDOT spot safety money or the TIGER grant to help fund the project. Mr. Sears stated he believes there will be grant, but not substantial amount of funds to offset what needs to be done. NCDOT Spot Safety will help with the poles like the ones at King and Queen. For spot funding NCDOT is going to want to know accident counts first. There is a better chance if we get discretionary funds from our representatives. He does not think that the City of Kinston will qualify for the TIGER grant and the application process would delay the project substantially.

Councilmember Tyson confirmed that the money has not been budgeted, and asked if we get the money in this year's budget to keep the project on-going. Mr. Sears stated the current work will take until June. He recommends hiring Steward's, and the firm will need 30-60 days. We want community involvement. By the time we get in the process, we are 90 days out at best. We don't know that much can be done this year, unless you have a surplus to help offset the cost going forward. It could be a bond which would be a timing issue. It probably would have to be a special election. It could be paid out of fund balance. You could use fund balance, but I don't recommend it because we don't know how much over \$1 million the project would cost. We need to find a way to finance the project. The leading recommendation is to borrow the funds.

Mayor Murphy confirmed that upon completion of the NCDOT bridge replacement project, NCDOT will pave Queen Street from the bridge to Kinston High School, and once NCDOT has paved the street, they are pretty much done. He asked how the city will make sure we get our part done in time. We need to be on the same page with NCDOT. Mr. Sears stated that he spoke to Mr. Rouse and at this time he does not know when the process will start which is why Steward Engineering is needed now. NCDOT will not wait for us unless we give them a timeline they can schedule, and if not, the cost will increase on our end after the fact.

Mayor Murphy stated this is a project that will determine what Queen Street will be and a lot of things will have an economic impact. We want to get it right.

Rhonda Barwick, Public Service Director, stated the sewer project is a \$7 million project and we expect it to be complete in June 2017 if all goes well.

Mr. Sears added we can do the project faster, but it is at an increased cost of \$3 million instead of roughly \$800,000. The same crews replacing the water lines are the same crews who are still doing their regular repair work when things occur. Staff always juggles efficiency versus costs, and sometimes cost wins.

Mrs. Barwick stated to do the water and sewer work and have NCDOT do the final paving is a huge cost savings. NCDOT requires 11 inches of cover on Queen Street so that is significant

dollars. Also as crews complete the water line replacement, the lines have to be tested until all the tests pass before they can be covered back up.

Mayor Murphy suggested redirecting the condition of pipes and the project status updates through social media.

**PRESENTATIONS AND RECOGNITIONS (PART 2)**

**2. Johnathon Jones – Life Saving Recognition .....Don Crawford**

Don Crawford, Fire Chief, introduced Ms. Jelisa Rodriguez who was present on behalf of Johnathon Jones. On the evening of December 4, 2016, the fire department was dispatched to a structure fire at 311-A Richard Green Court with a report of a child trapped on the second floor. Upon arrival our units found the apartment fully involved. Mr. Johnathon Jones who lived in a neighboring apartment realized the fire and that a child was trapped on the second floor. Without regard to his safety, Mr. Jones entered the burning apartment and found the child on a bed on the second floor. He could not retreat back down the stairs. Mr. Jones broke out a window and lowered himself and the child on the roof above the entryway and then lowered the child to safety. Mr. Jones actions saved the child's life. It is our honor to present to him, through Ms. Rodriguez, our department's three highest awards, the Life Saving Award, the Humanitarian Award and the Community Service Award.

Mayor Murphy read and presented the plaque to Ms. Rodriguez.

Ms. Jelisa Rodriguez stated this was an emotional day for her family and neighbors and she is thankful that her fiancé was there to save the child's life. He really tried to attend this meeting but he had transportation issues. She thanked the city for the award.

**INFORMATON AND UPDATES**

Don Crawford, Fire Chief, stated each year the department has certain subjects to go through in service training and quite a few hours are spent on the subjects. We produced well over 12,000 hours a year in training. One area is recertification in the hazmat operations. We have had a gentleman who works for the Raleigh Fire Department who has been conducting the training.

Adam Short, Planning Director, stated the deadline for the single family rehab loan applications has been extended until the end of February which will give us time to cycle it in the utility bills and in the newspaper.

Chief Jaynes stated in the past two weeks, we have had a few incidents and several citizens anonymously called 911 and provided information. Some of the people who have been leading some of the problems in our housing communities have been identified, and even though we don't have enough evidence at this time, there are other actions that can be taken. Our citizens are still engaged and we have a number of community meetings scheduled for this month.

**CLOSED SESSION**

Mayor Pro Tem Swinson made the motion, seconded by Councilmember Whittington and upon a unanimous vote the City Council entered closed session pursuant to North Carolina General Statutes 143-318.11(a) (4) and (5); Economic Development and Property Acquisition at 8:04 pm.

Councilmember Tyson made the motion, seconded by Mayor Pro Tem Swinson and upon a unanimous vote the City Council returned to open session at 8:38 pm.

**PRESENTATIONS AND RECOGNITIONS (PART 3)**

**Cary Joshi, Social Beverage Company**, stated he appreciates the opportunity to address the City Council and the citizens of Kinston. We started 4 years ago to create a craft distillery, something that would be sustainable, long standing and a brand to be proud of. Kinston has laid the foundation with all of the redevelopment activity with businesses and the Riverwalk, and that is what convinced us to come. We will open our distillery within the next 60 days to produce craft vodka sourced from corn within 50 miles of Kinston. It is a way to reduce our carbon footprint as well as support the local community. We have put together a strong team and an exceptional, quality tasting vodka. The distillery will reside in the Kinston power plant which is a great building, but it also has its challenges. We want to work with the community to collaborate to redevelop the project with enough open space so that there is a connection to downtown. We look forward to working with the City of Kinston and we appreciate the opportunity.

**ADJOURNMENT**

Mayor Pro Tem Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote the City Council meeting adjourned at 8:44 pm.

Respectfully submitted,

Monique Hicks, City Clerk