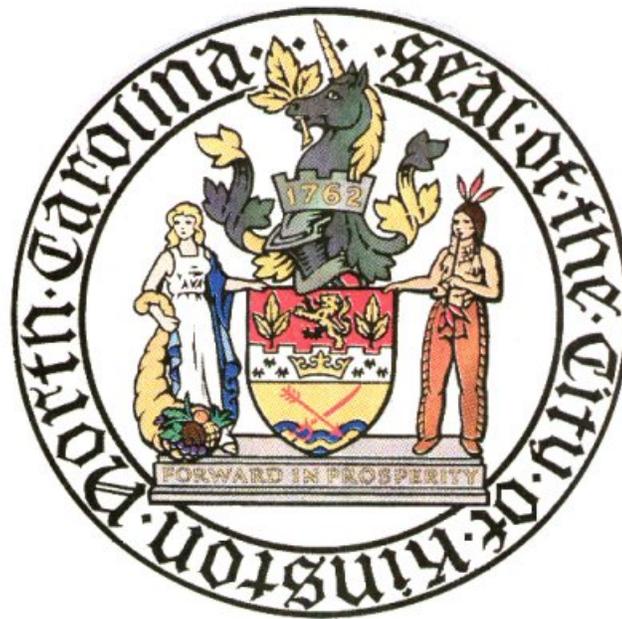


# Kinston City Council



## MINUTES

February 16, 2021

# Minutes

Kinston City Council  
City Hall · 207 East King Street  
Tuesday, February 16, 2021

Work Session at 5:30 pm          Regular Meeting at 7:00 pm

**This meeting was held electronically in Zoom format and viewed at <https://www.facebook.com/KinstonCityHall>**

## WORK SESSION

**Mayor Don Hardy called the meeting to order at 5:36 pm.**

### **Council Members' Roll Call**

**Present:** Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon.

**Present Also:** Tony Sears, City Manager and James Cauley, City Attorney.

### **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.*

**Councilmember Hardy requested to add an update on spring sports for the upcoming season by Corey Povar.**

**Councilmember Aiken made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], with the addition of an update on spring sports the agenda was adopted.**

## INFORMATION AND UPDATES

### **1. Kinston Community Center Rental Space----- Corey Povar**

- A.** Corey Povar, Parks and Recreation Director stated that there are two rental spaces downstairs at the Community Center. One is occupied by the Woodmen and the other is currently occupied by GOECO who signed a one-year lease agreement that ends on March 1st. They have purchased a building in Kinston and will not be renewing their lease. Mr. Povar asked for discussion on working with a realty group to list the space.

Councilmember Swinson asked if the advertisement expense was budgeted. Mr. Povar stated it was not and could request it for next year's budget. He shared that it was filled last time by word of mouth. There was a consensus of the Council to use word of mouth, the electronic sign at the Community Center, the City's social media platforms, etc. as a first approach and come back in July to see where we are if needed.

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

**B.** Mr. Povar explained that the Parks and Recreation Commission voted unanimously to approve the programs for spring. He shared a flyer of the list of the 2021 spring programs. There will be basketball camps held at Holloway, Fairfield, and Martin C. Freeman (weeks at each location) and there will not be any basketball play due to COVID protocols; face masks will be required. Spring soccer is proposed, and an outdoor adventure camp at the Nature Center. Mr. Povar stated that they have found that the majority of recreation agencies are not holding a basketball season this spring and have transitioned to offer a spring baseball, softball, and t-ball and that is the approach we are taking. Additionally, there will be tennis, track, and volleyball.

Councilmember Hardy added that there is a risk of COVID-19 in any sport, but there is a concern if there is a way to do outside basketball. Mr. Povar said that was a great conversation to have and something needed to explore.

**2. FY 20-21 Second Quarter Budget Status ----- Jennifer Wilson**

Jennifer Wilson, Budget Administrator gave an update on the second quarter financial report status from July 1-December 31, 2020. When combining all the funds, the City has received so far, \$44,611,252 of the budgeted \$96,253,497 in revenues or an estimated 46 percent. When compared to this time last Fiscal Year we are down \$1,767,488. There is good news, we have an increase in Property Tax Revenue of about \$54,000 and an increase in Sales Tax of about \$148,000 which is a plus side to the revenue. The expenditures show that through December 31st we have spent \$40,637,000 or 42 percent of the amount budgeted. Compared to last year, we are over about \$57,000, but because of the circumstance with COVID, there were unexpected expenses. Ms. Wilson shared the charted results for revenues and expenditures by all funds together, the comparison for FY20 and FY21.

Councilmember Aiken shared that while recently attending a class it was explained that the Council has the ultimate responsibility for the budget. Mayor Pro Tem Solomon asked if later Ms. Wilson would provide a breakdown of the departmental budgets as well.

**3. Pride of Kinston Update ----- Leon Steele**

Leon Steele, Executive Director Pride of Kinston shared his screen with the 2021 Project Proposals. Mr. Steele explained that during COVID downtown lost some businesses and gained other businesses as well. There have been several buildings with a call today of someone preparing to make an offer on two buildings. He explained that the Municipal Service District (roughly 28 square blocks) was their focus. Mr. Steele related that they have been promoting the businesses throughout the COVID era. They have new board members, and the board has been further diversified with the addition of Jennifer Wilson of the City of Kinston and Olivia Bracey, President of Savannah Alumni Association.

The MSD Street Pole Banner Project was explained, and it was noted that it was not just for Heritage and Queen Streets. There is interest in placing banners on the light poles on the Queen Street bridge that will showcase what is Kinston made. There were some examples given and shared that some banners may have sponsors. There is an ongoing conversation regarding possibly making and selling home-sized banners to offset the cost of the program.

Mr. Steele discussed the safety of the intersection of Mitchell and North Streets and made suggestions of multiple ways to make it safer. One was a sensory path with activities to slow children or to completely paint the intersection so that it becomes a work of art. Making the intersection a four-way stop or adding speed cushions to slow traffic would also improve the safety of the area. He discussed incorporating an area for chalk art.

Mr. Steele related that some Bradford Pear trees in a small area that were planted years ago need to be removed. They would like to convert that area into a pergola with swings so it could become a memorial garden for Ms. Shirley Herring. Ms. Herring did a lot of work on the beautification of the downtown area. He said the space is owned by the City and they do not want to take it from the City, but would like to adopt it. He pointed out a building behind the area that the owner has permitted for them to do what they wanted with it as far as beautification and art.

The next project being considered is PhotoShop renderings of neglected buildings in the MSD showing how they could look. He is working with an intern from Jacksonville and stated this visual will plant a seed to spark interest and start a conversation about the buildings. The rendering will be posted to the Facebook page.

Mr. Steele stated he has signatures from the merchants in the epicenter of where he was proposing to turn one block of North Street between Queen and Heritage Streets into a pedestrian mall on Saturdays during the summer to test it and see how it goes. With that, he wants to move Summerfest from Pearson Park to that location and from Thursday to Saturday. This will potentially assist the merchants with the financial struggles they have encountered over the past year and reduce the volunteer load requirements of the Pride. There are usually six concerts and this year there would be three Saturdays with two concerts. This would be a trial run to turn that block into a pedestrian mall.

He shared that they would continue to grow the Christmas experience and will have a fundraiser drive to assist with this.

Mayor Pro Tem Solomon asked for clarification on the selection process of the banners for the poles. Mr. Steele explained that not all the banners will be purchased by businesses, but they could purchase individual banners and request a location to place their banner. The banners will highlight different elements of Kinston, the business sponsors, historical and wayfinding information (developed by the Chamber). This idea is new and still in the design stage.

Councilmember Aiken asked if Pride had asked the TDA for assistance on the signage. Mr. Steele thought that they may be able to help some, and stated Pride also had money from Electricities. Councilmember Hardy shared that assistance has been in discussions at the TDA. Mr. Aiken asked if it was decided not to have a BBQ Fest this year. Mr. Hardy stated the TDA was having discussions about having a smaller festival this year.

Councilmember Swinson asked if they moved the location and day will the band fee increase for Saturday. Mr. Steele stated there would probably be an insignificant increase. Mr. Aiken asked what the time frame would be, the hours, and if we would pay for the rental of the stage. Mr. Steele said it would be in June and July, one concert at 1 pm and one at 8 pm, and we would need a sponsor for the stage. There was a discussion of the estimated cost for the stage rental.

Councilmember Suggs thanked Mr. Steele for the work they are putting in and coming up with creative ideas and doing so in a safe manner in this COVID season. She stated that his presentation had gotten her excited about what could come.

Mayor Pro Tem Solomon shared that regarding the intersection, the four-way stop would be the least costly way to address traffic in that area. Mr. Hardy added that speed bumps would be helpful as well and Mr. Steele added other options. Mayor Hardy thanked Mr. Steele and said if the NC Watch High Visibility Grant was received, he would like to use some of the funds for the Mitchell and North Streets intersection.

**CONSENT AGENDA ITEMS FOR DISCUSSION**

**1. Consider Adopting Resolution for Unpaid Real Property Tax and Advertising of Tax Liens----- Donna Goodson**

Donna Goodson, Finance Director shared that this is the annual notification of the total of the unpaid property taxes for 2020 that are liens on real property. The total unpaid 2020 taxes that are liens is \$644,898.18. Ms. Goodson asked for approval of the resolution authorizing advertisement and collection of the unpaid property tax liens. Letters will be mailed to the property owners on February 26, 2021, and March 24th is the last day payment can be made to avoid the names being included in the advertisement in the local newspaper on Wednesday, March 31, 2021.

**2. Consider Capital Project Amendment-T9301 FY16-FY21 Stormwater Projects --- Donna Goodson**

Donna Goodson, Finance Director stated on June 15, 2020, the Council approved an amendment to this T9301Capital Project Fund to appropriate estimated expenditures that were related to the rehabilitation of the Massey Drive Stream Project. This was tentative to be funded with a transfer from the Stormwater Fund. On February 3rd, the contract was awarded to Shamrock Environmental Corporation for the actual cost of Massey Drive of approximately \$49,640 (original estimation). Notice was received from NC DOT that we will be entering into a municipal agreement with them and they will cover up to \$177,640 of the contract cost. This will reduce the funds needed to be transferred from the Stormwater Fund. This amendment is to bring the estimated cost that the Shamrock Environmental Corporation bid on, to recognize the grant from NC DOT, and reduce the amount to be transferred from the Stormwater Fund. Ms. Goodson asked the Council to adopt the amendment to the ordinance for the project.

**3. Consider Adopting Ordinance for Special Revenue Fund Amendment-Ballistic Vest Fund (P9129)----- Donna Goodson**

Donna Goodson, Finance Director stated that in FY2020 the Police Department was awarded a grant for the purchase of 17 vests. The total amount of the vests is \$14,097.76 and will require a 50/50 local match. Ms. Goodson asked the Council to amend the project ordinance to reflect the FY2020 Ballistic Vest Partnership award.

Councilmember Aiken asked Chief Dilday how long the ballistic vests last. Chief Dilday stated they have a 5-year life span from the time they are issued to the officer. Mr. Aiken also asked if the old ones were sold. Chief Dilday said they are kept for some time for use in training environments and they have given vests to departments that may not have funds to purchase vests.

**4. Consider Authorization for Recruitment and Hiring – Finance Department ----- Donna Goodson**

Donna Goodson, Finance Director has received notification of an upcoming vacancy and asked to authorize the recruitment and hiring of a Purchasing Manager.

**5. Consider Authorization for Recruitment and Hiring – Public Services Department Rhonda Barwick**

Rhonda Barwick, Public Services Director said she has received notification a long-term employee is retiring (Electric Systems Manager) and also another retirement (Customer Service Representative) and asked for authorization to begin recruitment for these two positions.

**6. Consider Approval for Special Events Permit – Freedom Classic ----- Chief Tim Dilday**

Chief Dilday presented a Special Events Permit for the Freedom Classic scheduled to be held at Grainger Stadium on March 5-7, 2021. Until last year it has been an annual collegiate baseball series for the Air Force Academy and Army. The games are scheduled for 6 pm on the 5th, 2 pm on the 6th, and 12:30 pm on the 7th. He notes that in the request, reference of the restricted attendance number of 100, under Executive Order 189 that is currently in effect. That refers back to Executive Order 181. Executive Order 189 expires in about 12 days, so we do not know what the Executive Order will be at the time. He requested that for this permit there be a contingency included that the Freedom Classic must be compliant with all Executive Orders in place at the time the event is held. It should be understood by all parties that future Executive Orders based upon the health and welfare of the populous may further restrict attendance, allow additional attendance, or prohibit the event. Chief Dilday explained that because the Mother Earth Pavilion is a separate permitted space at the stadium it may be that an additional 50 spectators may be possible after the next Executive Order comes into effect. Chief Dilday stated that he would coordinate with the attorney after the next Order comes into effect to ensure that we are compliant.

Mayor Hardy recessed the work session until 7:00 pm.

**RECESS UNTIL 7:00 PM REGULAR MEETING**

**REGULAR MEETING**

Mayor Don Hardy reconvened the meeting to order at 7:02 pm.

Sammy Aiken delivered the prayer followed by the Pledge of Allegiance.

**CITIZEN COMMENT**

Citizens seeking assistance or asking questions will be contacted by a member of the Governing Body or by appropriate City Staff.

**There are no in-person comments permitted.**

**Please visit [www.ci.kinston.nc.us/FormCenter/City-Clerk-Forms-11/Citizens-Comments-110](http://www.ci.kinston.nc.us/FormCenter/City-Clerk-Forms-11/Citizens-Comments-110) to complete and submit a Citizen Comment Form.**

There were no citizen comments.

**MINUTES**

**Consider approval of the minutes of the City Council meeting held on February 2, 2021.**

**Debra Thompson**

**Councilmember Suggs made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], the minutes were approved.**

**PRESENTATIONS AND RECOGNITION**

**1. Proclamation - COVID-19 Victims and Survivors Memorial Day -----Mayor Don Hardy**

Mayor Hardy read the proclamation and proclaimed the first Monday in March as COVID-19 Victims and Survivors Memorial Day in the city of Kinston.

**2. Recognition of Achievement – KeShawn Sanders ----- Kristal Suggs**

Mayor Hardy acknowledged the attendance and accomplishment of Mr. KeShawn Sanders and his supporters. Councilmember Suggs expressed her gratitude for this opportunity to share with Mr. Sanders how proud she and the City is of him. She highlighted the representation of members in the meeting wearing his shirt. Ms. Suggs explained that Mr. Sanders was a recipient of the 2021 Target Black History Month award for a design. Ms. Suggs read a letter of recognition to Mr. Sanders that noted Mr. Sanders is a Kinston native and recent graduate of NC A&T University with a degree in Graphic Design and was one of four top prize winners. His winning design has been featured in stores and online in the Target Black History Month product assortment line for sale 2021. Mr. Sanders thanked everyone for their recognition and support and noted that it is very humbling to see everyone wearing his shirt. Ms. LaToya Sanders Wilson expressed her thanks for the support of her son.

**3. Recognition of Special Officer John Stroud ----- Chief Tim Dilday**

Chief Dilday shared the-line-of-duty death of Special Officer John Owen Stroud from more than 90 years ago. He noted that while attending the funeral of a former officer, the story was told to him. He related that the Kinston Police Department has been in existence for 170 years. After the conversation, through online searching, some dates were found and at Lenoir Community College published newspaper (*Kinston Daily Free Press*) articles were found from

October 12-15, 1929. The articles chronicled events that took place on October 11, 1929, at the Ten County Fair in Kinston and the subsequent death of Officer John Owen Stroud from a gunshot wound fired by a suspect he was attempting to arrest. The suspect from Wayne County was arrested and charged with Officer Stroud’s murder. Officer Stroud was a farmer who was employed as a Special Police Officer during the fair and was described as a young man of 28 years of age with an excellent reputation and was respected by all who knew him. He left to mourn a wife, mother, and four young children. Chief Dilday stated he would like to formally recognize Special Office John Owen Stroud’s line-of-duty death through the City Council to the citizens of Kinston, the department will provide the details of the incident to the non-profit Officer Down Memorial Page, Inc. where the death will be recorded and maintained for recognition and statistical purchases. ODMP maintains a website listing American law enforcement officers that have died in the line of duty(odmp.org), will share with the community via social media and will provide located details to National Law Enforcement Memorial in Washington, DC. Chief Dilday on behalf of the citizens of Kinston, thanked the Stroud family for bringing the information to light and express our sincere appreciation and condolences for the ultimate sacrifice made by Special Officer John Owen Stroud, who was serving and protecting the people of Kinston when he was killed. He shared that the family would have loved to be present at an open forum and stated we will keep in touch with them.

Mayor Hardy thanked Chief Dilday for his efforts and extended regards to the family.

**CONSENT AGENDA**

**1. Consider Adopting Resolution for Unpaid Real Property Tax and Advertising of Tax Liens ----- Donna Goodson**

**A RESOLUTION BY THE CITY COUNCIL OF THE  
CITY OF KINSTON TO PROVIDE FOR THE ADVERTISEMENT  
OF TAX LIENS ON REAL PROPERTY FOR FAILURE TO PAY TAXES**

The Tax Collector of the City of Kinston having reported to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property, in accordance with subsection (a) Section 105-369 of the General Statutes;

**NOW THEREFORE, be it and it is hereby resolved by the City Council of the City of Kinston:**

Section 1. That the Lenoir County Tax Collector be and is hereby authorized, empowered and directed to make the advertisement of the tax lien on said real property of the said taxpayers, such advertisement to be held at one of the times prescribed in subsection (c) of Section 105-369 of the General Statutes.

Section 2. Advertisement of tax liens will be published at least one time in the Kinston Daily Free Press. Such advertisement shall comply with the provisions of subsection (c) of Section 105-369 of the General Statutes.

Adopted this 16th day of February, 2021

**2. Consider Capital Project Amendment-T9301 FY16-FY2 Stormwater Projects1 --- Donna Goodson**

**AN ORDINANCE TO AMEND THE  
FY16-FY21 STORMWATER PROJECTS (T9301)  
CAPITAL PROJECT FUND**

**WHEREAS**, the City Council established the FY16-Fy21 Stormwater Projects fund on June 20, 2016 to maintain small projects that will extend beyond a single fiscal year and will be completed within the FY2016 - FY2021 time allowance, and

**WHEREAS**, on June 15, 2020, the City Council approved an amendment to appropriate estimated expenditures related to the rehabilitation of the Massey Drive Stream Project to be funded with a transfer from the Stormwater fund, and

**WHEREAS**, the contract for the rehabilitation was awarded to Shamrock Environmental Corporation on February 3, 2021, and

**WHEREAS**, the City of Kinston as entered into a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) in which the NCDOT will cover up to \$177,640 of the contract costs thereby reducing the funds needed from a transfer from the Stormwater fund.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the following Capital Project Budget Ordinance is amended as follows:

<u>FY16-FY21 Stormwater Projects</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Increase (Decrease)</u>
Revenues:			
State Grants - NCDOT	\$ -	\$ 177,640.00	\$ 177,640.00
Transfer from Stormwater Fund	478,000.00	350,000.00	(128,000.00)
Total Revenues	<u>\$ 478,000.00</u>	<u>\$ 527,640.00</u>	<u>\$ 49,640.00</u>
Expenditures:			
George St. Stormwater Rehabilitation	\$ 110,000.00	\$ 110,000.00	\$ -
Oriental Avenue Stormwater Rehabilitation	130,000.00	130,000.00	-
Tiffany Street Stormwater Rehabilitation	60,000.00	60,000.00	-
Massey Drive Stream Project	178,000.00	227,640.00	49,640.00
Total Expenditures	<u>\$ 478,000.00</u>	<u>\$ 527,640.00</u>	<u>\$ 49,640.00</u>

Adopted this 16th day of February, 2021

**3. Consider Adopting Ordinance for Special Revenue Fund Amendment-Ballistic Vest Fund (P9129) ----- Donna Goodson**

**AN ORDINANCE AMENDING THE SPECIAL REVENUE FUND FOR THE BALLISTIC VEST PARTNERSHIP GRANT (BVP) (P9129)**

**WHEREAS**, the City Council created a special revenue fund on March 5, 2012 to account for the restricted federal funds from the U.S. Department of Justice Ballistic Vest Program, and

**WHEREAS**, the City of Kinston must provide for the safety of its law enforcement officers that watch over the safety of the community and in order to offset the cost of providing necessary personal protective equipment City staff actively seek grant funding sources, and

**WHEREAS**, the Kinston Department of Public Safety has applied for and been awarded a grant by the U.S. Department of Justice Bureau of Justice Assistance for the FY2020 granting period to purchase 17 ballistic vests, and

**WHEREAS**, it is agreed the City of Kinston will match the grant with a local match of \$7,048.88 for the purchase of the ballistic vests. The grant will be funded with a split appropriation from Federal Grants BVP Program and Transfer from General Fund.

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

<u>Ballistic Vest Partnership (BVP) Program</u>	<u>Current Budget</u>	<u>Amended Budget</u>	<u>Increase (Decrease)</u>
Revenues:			
Federal Grants BVP Program	\$ 54,538.69	\$ 61,587.57	\$ 7,048.88
Transfer From General Fund	54,538.70	61,587.58	7,048.88
Total Revenues	<u>\$ 109,077.39</u>	<u>\$ 123,175.15</u>	<u>\$ 14,097.76</u>
Expenditures:			
Capital Outlay Other Equipment	\$ 97,759.97	\$ 111,857.73	\$ 14,097.76
Total Expenditures	<u>\$ 97,759.97</u>	<u>\$ 111,857.73</u>	<u>\$ 14,097.76</u>

Adopted this 16th day of February, 2021

**4. Consider Authorization for Recruitment and Hiring – Finance Department ----- Donna Goodson**

**5. Consider Authorization for Recruitment and Hiring–Public Services Department ----- Rhonda Barwick**

**6. Consider Approval for Special Events Permit – Freedom Classic ----- Tim Dilday**

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], items 1, 2, 3, 4, 5, and 6 of the Consent Agenda were approved.

**ACTION AGENDA****1. Consider Conditional Use Permit and Public Hearing for First Floor Residential -- Adam Short**

Adam Short, Director of Planning, Inspections, and Code Enforcement stated that in January we reviewed a request for a Conditional Use Permit for first-floor residential submitted by David Machado. The property is zoned B-2 for 109 and 109 1/2 East North Street. All adjacent properties are in the B-2 District as well and the Planning Board has recommended approval of the item. Mr. Short related that from discussions at the last meeting he was presenting floor plans for the properties to review and consider, and gave the present tax value for 109 and 111 E. Gordon Street as \$181,147 and \$183,225 respectively that were redeveloped with a previous tax value of around \$10,000.

James Cauley, City Attorney asked if there was any opposition either before tonight or had anyone contacted Mr. Short or the Clerk. There was no previous contact in opposition.

**Councilmember Aiken made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], the Public Hearing was entered at 7:37 pm.**

Mr. Machado (applicant) stated that the building was in disrepair and intends to bring it up to the same standard as the Gordon Street building. The purchase price for this building is the same as the Gordon Street property and anticipated the same outcome upon completion of where the new taxes would land. He said that should the Council approve the project he was scheduled to close escrow by next Friday and would be in town the weekend of the 27th to begin cleaning the building. At that time, the architect would be here to further document and refine the floor plans. Afterward, he would submit plans for the permits, and start construction. Councilmember Aiken thanked Mr. Machado for showing the council members the properties in disrepair and showing them the properties on Gordon Street. Mayor Pro Tem also thanked Mr. Machado for taking an interest in helping to revitalize downtown Kinston.

Mr. Cauley reminded us that the Public Hearing is to stay open for the next 24 hours. Mr. Sears asked Mr. Machado if he needed this to be voted on before our March 2nd meeting. Mr. Machado re-shared his timeline and asked if something could be done so that he would own the building by February 26th. Councilmember Swinson asked Mr. Cauley if that would prevent Mr. Machado from moving forward. Mr. Sears stated that Mr. Machado would not want to move forward without know that it has been approved.

After some discussion of schedules, Mayor Hardy suggested recessing the regular meeting until Thursday, February 18, 2021, at 11:00 am to close the Public Hearing.

**Mayor Pro Tem Solomon made the motion, seconded by Councilmember Hardy and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], the Council re-entered the regular meeting at 7:46 pm.**

**The Public Hearing will remain open for comments until February 17, 2021 at 7:46 pm.**

## 2. Consider Awarding Bid for Massey Drive Stream Restoration Project - Rhonda Barwick

Rhonda Barwick, Public Services Director shared that in 2010 the City and NC DOT agreed that they would work together to solve erosion problems on Massey Drive. The large ditch (inside the Mt. Vernon Park subdivision) handles water from Highway 258 North and some from the City streets. While the City was prepared with funding for participation in the project, NC DOT was only recently able to secure their commitment and authorize the project to proceed. On February 3rd bids were accepted for this project and two bids were received. Shamrock Environmental Corporation. was the lowest responsive bidder with a bid of \$201,886. Ms. Barwick asked the Council to award the contract to Shamrock Environmental for \$222, 074.60, which includes a 10 percent contingency. She referred to the budget amendment by the Finance Director in the earlier consent agenda tonight. She noted that this will be funded from an NC Dot Grant of \$177,640 and the remainder needed will be funded through the Stormwater Fund. These have been appropriated in the budget amendment and the amount that the City would participate in has been reduced.

Mayor Hardy asked what the amount of reduction was. Ms. Barwick stated that the difference would be around \$20,000 and if we need the contingency it will be around \$40,000. Ms. Goodson said we are reducing the amount by about \$128,000.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], the bid for \$222,074 was awarded to Shamrock Environmental Corporation.**

CITY OF KINSTON  
RESOLUTION OF AWARD OF BID  
FOR THE  
MASSEY DRIVE STREAM RESTORATION PROJECT  
(Project #PS21102)

- WHEREAS,** the City of Kinston publicly advertised for informal bids to be received on February 3, 2021 for the construction of the Project; and
- WHEREAS,** the City of Kinston has reviewed bids to ensure compliance with all bidding requirements including bidder eligibility, qualifications, and the solicitation of minority owned businesses; and
- WHEREAS,** the BIDS were publicly opened on the stated date; and
- WHEREAS,** the low responsive Bidder is Shamrock Environmental Corporation, with a bid of \$201,886.00; and
- WHEREAS,** funding for the project includes \$177,640.00 from the North Carolina Department of Transportation, with remaining funding provided by the City of Kinston Stormwater Fund.

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

The City of Kinston awards the Project to Shamrock Environmental Corporation in the amount of \$201,886.00, plus a contingency of \$20,188.60 (10%), subject to concurrence from NCDOT.

Adopted this 16<sup>th</sup> day of February 2021.

**Unit Price Bid Tabulation**  
 Massey Drive Stream Restoration Project  
 Project # PS21102  
 Bid Deadline: February 3, 2021 @ 2:00pm  
 Bid Opening (Online): February 3, 2021 @ 3:00pm

ITEM#	ITEM	BID	UNIT	Shamrock Environmental-Unit Price Bid	Shamrock Environmental-Extended Totals	Ernie Everett-Unit Price Bid	Ernie Everett-Extended Totals	LOW	HIGH	MEDIAN	AVERAGE
1	Mobilization (3%)	1	LS	\$ 3,076.00	\$ 3,076.00	\$ 6,060.00	\$ 6,060.00	\$ 3,076	\$ 6,050	\$ 4,568	\$ 4,568
2	Erosion Control	1	LS	\$ 24,409.00	\$ 24,409.00	\$ 61,727.00	\$ 61,727.00	\$ 24,409	\$ 61,727	\$ 43,068	\$ 43,068
3	Earthwork	1	LS	\$ 82,176.00	\$ 82,176.00	\$ 97,064.00	\$ 97,064.00	\$ 82,176	\$ 97,064	\$ 89,620	\$ 89,620
4	Fill Material	800	CY	\$ 32.60	\$ 26,080.00	\$ 20.00	\$ 16,000.00	\$ 16,000	\$ 26,080	\$ 21,040	\$ 21,040
5	Cleanup and Seeding	1	AC	\$ 10,764.00	\$ 10,764.00	\$ 11,000.00	\$ 11,000.00	\$ 10,764	\$ 11,000	\$ 10,882	\$ 10,882
6	Wood Retaining Wall	120	LF	\$ 331.00	\$ 39,720.00	\$ 296.50	\$ 35,580.00	\$ 35,580	\$ 39,720	\$ 37,650	\$ 37,650
7	Plunge Tools (Rip Rap & Fabric)	1	LS	\$ 11,661.00	\$ 11,661.00	\$ 18,869.00	\$ 18,869.00	\$ 11,661	\$ 18,869	\$ 15,265	\$ 15,265
8	Plantings (Allowance)	1	LS	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
<b>TOTAL BID</b>					\$ 201,886.00		\$ 250,300.00				

**3. Consider Request to Accept Trenton Road as a City Maintained Street Rhonda Barwick**

Mayor Hardy asked where Trenton Road was, and Mr. Sears stated that it was off Highway 70 near LCC between Taco Bell and McDonald's. The reason that the City has been given this request is there is a potential for a development right behind Taco Bell. This is a national business that says that someone needs to own the road and currently no one does. The road condition from the intersection of Highway 70 up to Taco Bell is in good shape. It could use some road resurfacing in the future, and we will address that when it comes time. He stated Rhonda will talk about, from Taco Bell back to a construction area. There will be a right-in, right-out off Highway 70, but no left coming out which means they will have to go to the stoplight to exit and make the left. The developer has committed that they will go back and fix that road to standards as they will be receiving heavy truckloads of goods and perishables.

Rhonda Barwick, Public Services Director stated that the City was approached with this in 2013 and it was denied. We do not accept new roads in our system, but because of the significant economic development opportunity, we wanted to look at some options for consideration. NC DOT has recently resurfaced the first portion from Highway 70 as part of their resurfacing of Highway 70 because under that portion there are loops there to tell the traffic signal when to change. From Taco Bell's entrance back beyond that, there are some concerns, as there is a lot of truck traffic and raveling. Ms. Barwick recommended if the Council considers accepting this road because of the economic development opportunity, talk to and see if the potential new business would share the cost of improving that section. This would entice the economical development, but would also get a road that we would not have to make all the improvements ourselves. Mayor Hardy asked what the road would connect to. Mr. Sears stated that there was private property in the back and the road was dead-end; the road will continue but will not be maintained by the City.

Councilmember Aiken stated that we were adamant against accepting the road at that time because it was more than pavement (sewer work, etc.), and if it was the same concrete company using the road, they should maintain their own. Mr. Sears said the difference as he understands is that this is a \$2.5 - \$3 million investment. He said he does not believe there are any utilities under the road, they come off Highway 70 and not Trenton Road.

Mayor Pro Tem Solomon asked if we would get property taxes off that and he said it is in the City limits and we would get property taxes.

Councilmember Hardy asked if the road leads to the river. Mr. Sears said that it is private property back there and at some point, you will get to the river.

Councilmember Aiken asked if that area was in the flood plain. Mr. Sears said that the developer does understand that they will have to build above the basic flood plain and are aware they will have to build the height of the property up roughly 4-feet. The property is not in the flood plain. Mr. Short added that the flood plain regulations do not have anything to do with the road installation, it is the development that has to meet all of the requirements of the ordinances and the flood plain is one of those.

Mr. Sears shared that only a consensus would be needed tonight. They will have to get with the attorney and property owners to work this up and make sure the things regarding the road repairs are in the agreement. Mr. Aiken asked if this would supersede the top 50 roads to be repaired. Mr. Short related that the proposal was that the developer does the improvements, and we take it over. This would not supersede anything that the City has planned.

**There was a consensus from the Council to proceed.**

#### APPOINTMENTS

#### **Consider Appointment of Applicant to Board of Adjustment/Planning Board -- Adam Short**

Adam Short, Director of Planning, Inspections, and Code Enforcement stated that the applicant meets all the requirements and has been vetted. Mayor Pro Tem Solomon asked how often the seats revolve. Mr. Short shared that he believed it was a three-year appointment and he did have vacancies. Mayor Hardy asked what the number of vacancies was. Mr. Short said he thought three, but he was holding several members in place because if he rotated them off, he would not have enough to make a quorum. He asked the Council for any referrals and encouraged the interested public to visit the website to apply. Mr. Short shared that the applicant for tonight's appointment was Jeff Laws.

**Councilmember Hardy made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon-Yes) of [5-0], Jeff Laws was appointed to the Board of Adjustment/Planning Board.**

#### CITY MANAGER'S REPORT

There was no City Manager's Report.

**CITY ATTORNEY'S REPORT**

There was no City Attorney's Report.

**MAYOR & COUNCIL REPORT**

Mayor Pro Tem Solomon thanked UNC Lenoir- Bob Ender, CEO, and the team of doctors that partnered with Pam Brown, Director- Lenoir County Health Department for the informational forum on the COVID vaccinations. On tomorrow Ms. Brown will use the Temple of Deliverance Worship Center (314 W. Lenoir Avenue) as a vaccination clinic. She noted that there were 10 slots available for individuals that qualify for Phase I and/or Phase II and that appointments are required. Ms. Solomon gave the contact number for appointments as 252-933-5690 and thanked everyone for the community collaboration. Mayor Hardy thanked everyone as well.

The City Clerk shared that the Mayor has been generous in providing information regarding black history information and encouraged anyone with information they would like shared on the City's Facebook page to send it to her. She stated that there was an interest in articles on local individuals.

Councilmember Hardy thanked the staff for being diligent during these times and their work was appreciated. He reiterated following the 3-W's even though we now have the vaccine. He thanked Mr. Povar for thinking of the children by working to provide things for them to do.

Councilmember Suggs reminded everyone of the free Over-the-Counter giveaway on Friday, March 12th from 9 am -2 pm at Grainger Stadium. The fliers will start circulating soon and tomorrow they will be shared online with the link. Ms. Suggs explained that pre-registration to choose a time slot is encouraged. This will allow your medicines to be bagged and ready for you when you come through. She stated that they are getting it circulated with the Kinston Housing Authority, especially with the senior living facilities. An example is that any churches would sponsor their membership and provide a bulk pickup for their members. The items to be distributed are popular (cold, cough, flu, pain relief, vitamins, children's) medicines at no cost. If you have questions call 252-468-3007, or contact the Kinston Teens' Office. Mayor Pro Tem Solomon added that this has been an extremely rewarding time to be able to take of our elders (aged 65 and older). She stressed to the members of our community to make sure that we take care of our elders.

Mayor Hardy thanked everyone and thanked the Fire & Police Departments for their assistance with the testing and food drive events. He stated that he was hopeful that vaccinations could be added shortly to the food and testing events. Mayor Hardy also thanked Corey Povar for their work in initiating the programs in Parks and Recreation.

Councilmember Aiken shared that we would like to recognize Mayor Hardy on receiving the AARP NC Inspiration Award. Mayor Pro Tem Solomon shared that he sits with other high-profile recipients that have put work in for their communities. of the award. She congratulated Mayor

Hardy for having a heart for the City and wanting to see Kinston grow. Mayor Hardy thanked everyone for their recognition, and he will continue to push forward by putting the work in.

**ADJOURNMENT**

**Mayor Hardy recessed the meeting until Thursday, February 18, 2021, at 11:00 am.**

Respectfully Submitted by,

Debra Thompson, City Clerk

**Minutes**  
Kinston City Council  
City Hall · 207 East King Street  
Thursday, February 18, 2021  
Reconvened Regular Meeting at 11:00 am

**This meeting was held electronically in Zoom format and viewed at  
<https://www.facebook.com/KinstonCityHall>**

**Consider Conditional Use Permit and Public Hearing for First Floor Residential**

Mayor Hardy reconvened the meeting from Tuesday, February 16, 2021, at 5:36 pm at 11:00 am.

Mayor Hardy noted that the Conditional Use Permit expired on Wednesday, February 17, 2021, at 7:46 pm.

Joanna Rose, Deputy City Clerk noted that there was no one to speak in favor of or opposition to the Conditional Use Permit.

**Mayor Hardy closed the Public Hearing at 11:02 am.**

**Councilmember Suggs made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Swinson, Suggs, Aiken, Hardy, and Mayor Pro Tem Solomon-Yes) of [5-0], the Conditional Use Permit for first-floor residential at 109 and 109 1/2 East North Street was approved.**

**ADJOURNMENT**

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Swinson, Suggs, Aiken, Hardy, and Mayor Pro Tem Solomon-Yes) of [5-0], the Council Meeting was adjourned at 11:04 am.**

Respectfully Submitted,