

# Minutes

Kinston City Council  
City Hall · 207 East King Street  
Tuesday, May 4, 2021  
Regular Meeting at 5:30 pm

**This meeting was held in person and published electronically at  
<https://www.facebook.com/KinstonCityHall>**

## REGULAR MEETING

**Mayor Don Hardy called the Kinston City Council meeting to order at 5:37 pm.**

**Councilmember Swinson asked for a moment of silence recognizing the state of the nation, followed by deliverance of the prayer, and recital of the pledge of allegiance**

### 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

The City Clerk read the citizen comment submitted by Ms. Benita Parker, 801 Darby Avenue, Kinston, NC regarding basketball goals in the street, and citizens walking through private yards. Chief Dilday will follow up.

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

**Mayor Pro Tem Solomon made the motion, seconded by Councilmember Swinson, and upon a unanimous vote of [5-0], the agenda was adopted.**

## MINUTES

**Consider approval of the minutes for the City Council meeting held on April 20, 2021**  
**Debra Thompson**

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

## PRESENTATIONS AND RECOGNITIONS

**1. 52<sup>nd</sup> Annual Professional Municipal Clerks Week ----- Mayor Hardy**

Mayor Hardy read the proclamation for Municipal Clerks Week and proclaimed May 2-8, 2021, as Professional Municipal Clerks Week.

**2. Reliable Public Power Provider Award and Safety Award of Excellence from American Public Power-Public Services Electric Division -----Rhonda Barwick and Roy Jones, CEO ElectriCities of NC**

Rhonda Barwick, Public Services Director shared that the Electric Division and the Customer Service staff have been recognized by the American Public Power Association for both reliable and safe public power. Ms. Barwick noted that these are national awards, introduced Roy Jones, CEO of ElectriCities of NC, and asked the members of the Electric Division and Customer Service to come forward. Staff members present introduced themselves, shared their job titles, number of years of service, and assembled for a photo. Ms. Barwick expressed that Soni Hawkins was very instrumental in providing the information in completing the applications for these awards and wanted to make sure she was a part of the recognitions.

Roy Jones, CEO of ElectriCities of NC thanked the Council and the Mayor for allowing the staff to take the time away to participate in ElectriCities. Mr. Jones mentioned that Jason Boyette was taking the Professional Energy Management Course, stated that it would take six to eight years to go through to receive the Journeyman cards. He said we have Scott Hardison, Jeffrey Smith, and Don Leland that would be starting that program. Mr. Jones explained the Reliable Public Power (R3P) program that recognizes the outstanding work that the Kinston Business Office and the Lineworkers do. The criteria are for reliability, safety, workforce development, and system improvements. The process to get the national award is a very vigorous application process. There are 2,100 Public Power communities and only 108 that received the award out of that number. The other award recognizes the Public Power Communities that had zero accidents in 2020. Mr. Jones congratulated the staff and thanked the lineman for making sure that each one and their co-workers goes home safe every night.

Mayor Pro Tem Solomon addressed the staff and related that they have been branded as almost perfect and performing exemplary service. She stated that there is a learning that occurs that does not always come out of the textbooks, but the young men have a chance to be trained by masters in this field. Ms. Solomon told those that are seniors in this work that they thanked them for taking advantage of every teachable moment for those that are coming up under them. She thanked and saluted them 100 percent.

**INFORMATION AND UPDATES**

**1. Patron Transportation to Holloway Pool and Lions Water Adventure Water Park  
Corey Povar**

Councilmember Aiken thanked Mr. Povar for the cups from Parks & Recreation.

Corey Povar, Park & Recreation Director stated he was asked at the last meeting to present a transportation proposal. Mr. Povar shared information on the continual loop of transportation from Emma Webb Park to Holloway Park, and the Lions Water Adventure. He emphasized that the rules are the same as for the Water Park, anyone 13 years and younger must be supervised by an adult at least 16 years and older. He showed the breakdown for two part-time positions and the cost as well as the need for a van or bus for this service.

Mayor Pro Tem Solomon asked for an example of a pickup time. Mr. Povar shared that the complete loop would cause a pickup to be at each location every 30 minutes. Ms. Solomon wanted clarification on the last departure times and arrival at each park. Mr. Sears stated there will be a delineation of final pickup and final drop-off noted on the schedule.

Councilmember Aiken inquired about the reference to a van or bus. Mr. Povar stated that they have a 12-passenger and are looking at the addition of a 15-passenger van to service this. Mr. Sears shared that they currently have one van that will be in use for day camps for their summer programs, but it is not very reliable. Mr. Aiken asked if the number of patrons exceeds the van capacity would they have to wait for the next pickup. Mr. Povar answered that they would. Councilmember Hardy asked if this was for Monday-Friday and on the weekends. Mr. Povar related that the proposal was for Monday, Wednesday, and Friday at this time. Mr. Hardy said that he has a 15-passenger van that he would donate for that use.

Mayor Pro Tem Solomon questioned if there would be an initial reliability form used that was signed by a parent. A discussion followed regarding ways to ensure that everyone participating could be verified. Mr. Povar stated there could be the initial registration with the addition of possibly a card that allows boarding of the van. Mr. Aiken asked if there would be a system noting that the individuals boarded to avoid liability if the person did not return to their pickup location on the van and Mr. Sears stated there would be a sign-in sheet to be kept as a log. Councilmember Suggs discussed the waiver form and stated that it is the parents' responsibility to ensure that they trust who their child is going with. Also, there will be constant supervision while on the van, and at the pool. Councilmember Swinson asked if any visiting residents would need to complete the waiver. Mr. Povar stated they would, and Mr. Sears shared that the cards would be proof that you were cleared to ride, and waivers will be on board to be completed before the initial ride. Ms. Solomon said that all rules and expectations should be visible on the form with Mr. Sears adding that Cauley-Pridgen would review the forms as with all legal documents. Mayor Hardy asked when this will start, and Mr. Povar referred to the program flyer that shows the date as June 1st.

**ACTION AGENDA**

**1. Conduct a Public Hearing for CDBG-CV ----- Adam Short**

Adam Short introduced the Public Hearing for CDBG-CV. Mayor Hardy opened the Public Hearing at 6:14 pm. There was no one to speak in favor of or opposition of, and the Public Hearing was closed at 6:15 pm.

The motion was made by Councilmember Swinson, seconded by Councilmember Suggs and upon a unanimous vote of [5-0], the public hearing was closed.

The motion was made by Councilmember Swinson, seconded by Councilmember Aiken and upon a unanimous vote of [5-0], the minutes of the CDBG-CV Public Hearing were adopted.

**2. Fiscal Year Ending 2021 Audit Contract -----Donna Goodson**

Donna Goodson, Finance Director stated there was a copy of a contract in the packet from RH CPA’s, PLLC to audit our accounts for the fiscal year ending June 30, 2021. The fee will range from \$43,050 to \$45,050 depending on additional Federal or State Single Audit requirements. Ms. Goodson asked to have the contract approved and approve the authorization of the City Manager and the Finance Director to execute the contract.

The motion was made by Councilmember Hardy, seconded by Councilmember Swinson and upon a unanimous vote of [5-0], the Fiscal Year Ending 2021 Audit Contract and authorization to execute was approved.

**3. Consider Bid Award to Barnhill Contracting Company for 2021 Road Improvements Project ----- Rhonda Barwick**

Rhonda Barwick, Public Services Director shared that in this year’s General Fund budget \$200,000 was set aside for street resurfacing and \$50,000 for the next section of Hardee Road. The 2017 street condition survey is reviewed each year to determine the relative condition of the paved city streets. On March the 2nd the recommended streets for this year’s funds were approved and are listed in the packet. On April 22nd bids were received for the work and the lowest bid was from Barnhill Contracting Company with a bid amount of \$277,762. The appropriated amount was about \$28,000 less. They did identify about \$15,000 that can be applied to the appropriation from a project that came in under budget. If the Council agrees, Ms. Barwick stated she will ask the Finance Director to move that money to this appropriation. She proposed removing the section of Gordon Street between Vance and Adkin for this year and add for the upcoming year. If the funds are made available if they would award the contract to Barnhill Contracting for \$265,000 which includes a contingency of \$11,238.

Councilmember Aiken asked what the approximate cost spent thus far on Hardee Road was. Ms. Barwick stated that this is our fourth phase, and each phase was \$50,000 except for the first one at \$77,000. Mr. Aiken was excited to know that we may not have to spend \$1 million for those repairs and Ms. Barwick stated she thought that the \$1 million may have been for more extensive work to be done. They tried to do what they could to get a good finish on the top.

Councilmember Suggs asked if after the \$15,000 was moved to the budget if the remainder needed was \$13,000 and did not want to see Gordon Street taken off the list. Ms. Barwick acknowledged that roughly \$13,000 was the amount and the Council could make another appropriation. A discussion followed and Mr. Sears stated if the Council wished to include that street they would find a way to get that \$13,000, hopefully without the use of the Fund Balance and return to the Council. He asked the Council to approve this bid with the extension of Gordon Street included, he would see what he could do and report back to Council.

The motion was made by Councilmember Swinson, seconded by Councilmember Hardy and upon a unanimous vote of [5-0], the bid was awarded to Barnhill Contracting Company with the inclusion of Gordon Street from Vance Street to Adkin Street for \$277,762.

**Bid Tabulation**

2021 Road Improvements Project

Project # ENG21108

Bid Deadline: April 22, 2021 @ 10:30am

Bid Opening (Online): April 22, 2021 @ 11:00am

Company	License #	Receipt of Addenda	Bid Security	Bid Amount	MBE	Non-Collusion	Non-Segregated	E-Verify	Iran Divestment
Barnhill Contracting Company	3194	Yes	N/A	\$ 277,762.00	Yes	Yes	Yes	Yes	Yes
C.M. Mitchell Construction Co.	44521	Yes	N/A	\$ 435,255.60	Yes	Yes	Yes	Yes	Yes
S.T. Wooten Corporation	2835	Yes	N/A	\$ 412,535.60	Yes	Yes	Yes	Yes	Yes
Tripp Bro's, Inc.	52247	Yes	N/A	\$ 290,219.05	Yes	Yes	Yes	Yes	Yes

I confirm that the above information is a true and accurate listing of the bids received for this project. All bids have been reviewed and are considered responsive under the terms of the bid. The responsive low bidder for this project is Barnhill Contracting Company with a bid in the amount of \$277,762.00.

Councilmember Aiken asked Ms. Barwick to clarify where citizens can call regarding streets owned by the State and to expedite Vernon Avenue and Queen Street. Ms. Barwick shared that they could call their legislators, and in the Transportation Committee meetings, they have been talking about being close to starting on Vernon Avenue and N. Queen Street. Mr. Sears noted that Queen Street should be coming sooner rather than later. He said both DOT and the City of Kinston have some utilities and are working toward how we are going to solve those because we understand that Vernon Avenue is coming around fairly quickly, and we do not have a date for that. The gas company has been notified (has had some issues), Rhonda is completing camera work on our sewer line that crosses (North/South) Vernon Avenue, and DOT has some stormwater issues that they are addressing. All parties are assessing those utility issues. They can contact their legislators and the local DOT office. Mayor Hardy shared information regarding Queen Street and Vernon Avenue.

Mayor Pro Tem Solomon asked Ms. Barwick to check on the growing limbs on the corner of Greenmead and Old Snow Hill Road. Mr. Sears asked anyone with line-of-sight issues, potholes, and other issues to please call 939-3282.

**4. Consider Approval of 4th of July Fireworks Display Permit -----Damien Locklear**

Damien Locklear, Fire & Rescue Chief related that he has received a request for a fireworks discharge permit from Parks and Recreation for the 4th of July display on July 3rd at 9:30 pm at Neuseway Nature Center. The second request is for the Wood Ducks at their first home game on May 11th, and they added May 28th, July 2nd, July 20th, and September 17th.

**The motion was made by Councilmember Swinson, seconded by Mayor Pro Tem Solomon and upon a unanimous vote of [5-0], the permits requested for fireworks displays by the Parks & Recreation Department and the Wood Ducks were approved.**

Mayor Pro Tem Solomon thanked Chief Locklear and his team for their help at Southeast on Saturday for the vaccination clinic with the Lenoir County Health Department. She also

thanked him and Captain Barrs for helping to celebrate the birthday of a legend here in our community, Ms. Ruby Kornegay who celebrated her 105<sup>th</sup> birthday. Ms. Solomon remarked that it was so befitting since we were celebrating teacher appreciation week. She thanks Chief Dilday and staff to help support that wonderful day in the City.

## CITY MANAGER'S REPORT

### 1. Holloway Basketball Court

Mr. Sears shared that the Council requested to take a look at Holloway Basketball Court. While he and Corey were out there, they talked about not just making repairs to the court, but also how to enhance the product being provided for the community. He showed a breakdown of the basketball court renovation with a total cost of \$33,000 for construction. They thought about removing the court and going back with concrete, new goals, and new backboards. The concrete is important because they want to make the court a community mural; with the community and kids to come out and help paint the mural. The difference of repairing the court is one number, and how do we make it more of an art piece is something else. The question would be how to pay for that. Mr. Sears stated that he feels that would be an eligible expenditure for the ARP Funds when they come out in June or July. He added that they had looked at taking a portion of the tennis court at Fairfield and make that a mural as well. He said that Mr. Short had proposed having murals on basketball courts and thought about making that one something specific to skating.

### 2. Fairfield Playground Equipment

Mr. Sears related that they are having to remove the old playground equipment at Fairfield as it is deemed unsafe. They will be removing that sometime next week. Councilmember Aiken referenced the Kaboom Grant, and Mayor Pro Tem Solomon suggested that McDonald's have a grant as well. Mr. Sears stated they will take a look at those.

Mayor Hardy asked when the equipment would be removed at Fairfield and Mr. Povar answered that they are working with a local company and it is scheduled for removal early next week.

Mayor Pro Tem Solomon asked if before presenting the budget proposal they send a copy of the requirements of what the ARP funds could be used for to the Council. Mr. Sears related that they do not have them yet. They will go with the budget in anticipation of the funds coming in.

Councilmember Hardy shared that the baseball benches at Holloway are in rotting and coming out of the ground. Mayor Pro Tem Solomon asked if there was a way to reach out to some of the young men to partner with Parks and Recreation. This would be a great project to assist in achieving their Eagle Scout. Mr. Povar announced that they should call 252-939-3332.

### 3. Budget Process

Mr. Sears shared that he has been working with Ms. Wilson and Ms. Goodson and hopes to be ready to have the annual budget meeting on May 24th or 26th. Those dates are at the Council's

pleasure for times, and he is open for counterproposals. Afterward, he would like to make the official presentation on June 1st and come back on June 15th to adopt the budget. He does not need an answer today since we do have another Council Meeting on the 18th.

**4. Upgrade of Tricaster**

Mr. Sears informed everyone that part of an upgrade that we cannot do now that we hope to have ready before our next Council Meeting is we cannot live zoom at the same time we are broadcasting Facebook and doing Channel 2. We are getting the equipment that will allow us to have that flexibility with our meetings.

**Mr. Sears reiterated making the official presentation of the budget on June 1st and come back on June 15th to adopt the budget.**

**CITY ATTORNEY’S REPORT**

**There was no City Attorney’s Report.**

**MAYOR AND COUNCILMEMBER REPORTS**

Councilmember Hardy stated that the last couple of weeks have been very painful to every member of this city. When things happen in life everybody wants to point their fingers at somebody. He said he has been truly hurt for the last couple of weeks. This council is a legislative body and not judges, prosecutors, or investigators. He shared that they have taken an oath to serve this city. He felt he not only speaks for the Council but also for the staff. It is hurting to know that people feel that life is seen in a black and white perspective. And some of the comments that have been said about the Council trouble him, but he knows through it all they are doing everything to the best of their ability to serve this city with the help of God. He expressed to the Council that he is proud to be a part of this body. He served his country for 31 years and he promised himself if the chance ever came, he would serve this city. Mr. Hardy stated he was a man of his word and he is a man of integrity, courage, and he thanks God for everything He has done for him. He stated that they have to continue to do the best they can do, and that is all they can do.

Mayor Pro Tem Solomon shared the following events:

- \*Thursday (May 6) at 6:00 pm at Temple of Deliverance Worship Center, the church and UNC Lenoir will be presenting a stroke education forum. This will be held at 314 W. Lenoir Avenue and will be live-streamed.
- \*Friday (May 7) at Grainger Stadium will be celebrating the jewels of our community. It is also Older Americans Month and from 11 am to 2 pm please come out and help celebrate our elders.
- \*May 13th at 6:30 pm the Neuse Regional Library will be launching a coming together celebration with a culminating event occurring on Juneteenth. Ms. Solomon will serve as

co-moderator with Michael Martin discussing the book “So You Want to Talk About Race.”

Mayor Pro Tem Solomon stated she wanted to take time to thank her fellow councilmen and woman for doing the work that has not been seen, and for issuing prayers that have not been heard. She thanked them for supporting the families in the community as we consider the unfortunate event that happened on April 12th between our KPD Officers and a civilian, and when we consider the unintentional accident involving Mr. Williams, involving one of our young officers. Ms. Solomon stated she was grateful that they had time to spend with the family on Saturday. The family and the members of the community that was there were receptive to the following: we must pray for each individual that has been involved in these unfortunate accidents. The one thing about grace and mercy is that it can be extended, and accountability still held. It is unfortunate, tragic, and just as it is with the incidents that occurred on April 12th, as we wait for the conclusion of the investigations, my colleagues and members of the community are having productive conversations as it pertains to more lighting needed on MLK, speed bumps, continuing education, sidewalks, etc. As we think about policing, we have conversations about community review boards. As Councilman Hardy said, everyone that serves this City cares. She said to the team that they are appreciated, and she is aware that this is not an easy season, but thanks them for the work they have put in. Ms. Solomon thanked Major Spencer for holding Chief Dilday down while attending to a loved one, thanked Mr. Sears for reaching further to support the families, and to do that which is outside the call of duty. She shared that Mr. Sears has been a hard worker, but for the past couple of weeks, he has spent time in the building and continued to manage the affairs of the City. She thanked the team and the community. She noted that Councilwoman Suggs says all the time that we are only a phone call away; when you call us, we call them. She said that social media was not the primary avenue of communication. No one does this because they want to hold a seat or find it glamorous. It is because of the commitment to being servants, (none of us are perfect). She asked that the community have confidence in them and that they are committed to advocating for them. Let us continue to pray, to prove and brand what it looks like when we overcome adversity.

#### CLOSED SESSION

Closed Session Pursuant to NC General Statutes 143-318.11 (a) (3) – Attorney-Client Privilege and 143-318.11 (a) (4) – Economic Development.

**The motion was made by Councilmember Aiken, seconded by Councilmember Swinson and upon a unanimous vote of [5-0], the closed session was entered at 7:06 pm.**

#### ADJOURNMENT

**The motion was made by Councilmember Aiken, seconded by Mayor Pro Tem Solomon and upon a unanimous vote of [5-0], City Council returned to the Regular Meeting at 10:21 pm.**



**The motion was made by Councilmember Swinson, seconded by Councilmember Hardy and upon a unanimous vote of [5-0], City Council Meeting was adjourned at 10:21 pm.**

Respectfully submitted,

Debra Thompson, City Clerk