

# Kinston City Council



## MINUTES February 21, 2023

# Minutes

Kinston City Council  
City Hall · 207 East King Street  
Tuesday, February 21, 2023

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

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

Available for viewing on the local government channels 2 and 102

**Mayor Don Hardy called the meeting to order at 5:31 pm.**

**Councilmember Sammy Aiken joined the meeting via Zoom.**

## **Adoption of the Agenda**

*If a Councilmember wishes to revise the agenda, the motion to add or delete an item will be entertained before the adoption of the agenda.*

**Councilmember Swinson requested the addition of a closed session for personnel and property matters. - NC GS§143-318.11 (a) (6) and NC GS§143-318.11 (a) (5).**

**Mayor Pro Tem Hardy made the motion, seconded by Councilmember Suggs and upon a unanimous vote of [5-0], with the addition of a closed session for personnel - NC GS§143-318.11 (a) (6) and property - NC GS§143-318.11 (a) (5) matters, the agenda was adopted.**

## **ITEMS FOR DISCUSSION**

### **1. FY 22-23 Quarter 1 Budget Status ----- Donna Goodson**

Donna Goodson, Finance Director said the interim financial report reflects the first three months of Fiscal Year 22-23 or 25% of the Fiscal Year. Combining all funds, the City received close to \$24 million in revenues and expended \$24 million. The internal service funds have not been presented. The General Fund for that quarter derived 39% of its revenues from three major sources (Property Taxes, Local Government Sales Taxes, and State Shared Revenue Franchise Tax. The City's overall expenses for the quarter show spending at an average of 24%, which is proportional to the previous years

### **2. FY 22-23 Quarter 2 Budget Status ----- Donna Goodson**

Donna Goodson, Finance Director said the interim financial report reflects the period from July 1, 2022, to December 31, 2022, which reflects six months of Fiscal Year 22-23. The City received \$47 million in revenues and expended \$45.8 million. The General Fund at that point had received 68% of its revenues from three major sources (Property Taxes, Local Government Sales Taxes, and State Shared Revenue Franchise Tax. The City's expenses, both personnel, and non-labor are showing an average of spending 43% which is proportional to the previous year.

**3. Review and Provide Consent on List and Economic Development Project -----Elizabeth Blount**  
**(THIS ITEM WAS STRICKEN FROM THE CONSENT AGENDA)**

Elizabeth Blount, Planning Director stated that she was directed to update the City-owned property list located on the City's website. The list included properties that bear no use or purpose to the City. The list has been updated and is currently on the City's website. Since the update, it has been brought to the staff's attention that Council has designated two city properties (502 and 514 E. Bright Street are one property) and 2008 N. Queen Street for economic development projects. These projects are not on the updated list, however, there has been some interest from the community. Ms. Blount said she understands that the Council would like to explore some proposals for a development project on these properties. Ms. Blount shared an aerial view of the East Bright Street property and clarified why it was considered one parcel. She also shared a photo of the 2008 N. Queen Street property. She asked for a consensus on whether the Council would like to keep those properties for development projects. In addition, she asked if the Council was interested in removing any other properties, including her recommendation of the Kingwood Forest listing.

Councilmember Suggs started the discussion and said that he had concerns about four lots. **Parcel 10279** - North East Street and Grainger Avenue that Ms. Hernika Cannon and her organization adopted through the Adopt-A-Vacant-Lot program in 2017. They approached the City in July 2022 about getting that property conveyed to their organization. The request has not come before the Council, and he does not think it would be in good faith to include that property on the list since she has requested it and the Council has not talked about the request. He discussed **Parcel 11917** – on MLK Blvd. near the intersection of MLK and Chestnut Street. Bonnie Bass Church of Christ on MLK Blvd. uses that parcel for a parking lot. They are under the impression that they might have acquired that property from the City at some point. A fence surrounds it, and they have been taking care of the property. Tax records show that the City does own it. Ms. Suggs suggested exploring it with them to understand their impression of the property before we advertise it to others. Also, **401 and 403 N. Orion Street** were included in a motion by the Council in July 2021 to be conveyed to Kinston Teens. It was found that the City did not own those properties and they do not need to be on the list. He shared that **819 Tower Hill Road** is on the list but is owned by Kinston Teens.

Councilmember Swinson stated that the property at 403 N. Independence was up for upset bids in the latter part of 2022. He thought Ms. Jessica Lyles purchased that property. Mr. Suggs stated it is showing up in the tax records that she does own that property.

Councilmember Aiken inquired about the conveyance of 401 and 403 N. Orion Street. Mr. Suggs shared that they were requested for conveyance to Kinston Teens but was found that the City did not own them. They are owned by two private individuals.

Councilmember Solomon discussed the properties across the street from where we are looking to build the Kinston Community Health Center and recommended the removal of those properties from the list. Mr. Suggs suggested that the lots on the opposite side of East Caswell Street, because of the Community Health Center development be removed from the list as part of the upset bid process as well. He said next to those properties is the old Fire Station that the City owns. That property has been leased to a church organization and the building is not on the list, but the lots around it are. He recommended removing those properties from the list and maybe having a list that may be used for parking (*Parcels 8439, 11909, 11911, and 11912*) on MLK Blvd. and Caswell Street. Also, the properties on the 600 block of Caswell Street are owned by the City (across MLK Blvd. from the old shirt factory lot). It would be in the City's interest to reserve them for economic development. Mr. Suggs suggested all the properties on the MLK corridor be retained for economic development purposes. He stated that in Uplands Park, there are two large parcels of land listed in the area of McCaskill Drive and Herbert Drive. One property is 1.97 acres, one is 2.62 acres; he suggested possibly subdividing those to coincide with the size of the other parcels in the area. The larger ones might be considered for economic development, or the City retains ownership. Mr. Suggs pointed out that there was a lot in the center of the neighborhood, and he did not encourage having it on the upset bid list.

James Cauley, City Attorney said if those are common areas as indicated on the list, they are probably not developable lots. They are a common area for the benefit of the residents in that development. He stated he would like the opportunity to check to see if any could be disposed of or if they may need to be conveyed to the Homeowners Association out there.

Councilmember Aiken revisited Caswell Street and stated he did concur with using those for economic development. However, in the past the traffic flow possibly the need to widen the street may need to be taken into consideration as well.

Councilmember Swinson asked Ms. Blount to check 505 N. McLewean Street because he thought it was privately owned.

Councilmember Aiken said that there is FEMA land in the flood zone that the City owns, and nothing can be built on it. Ms. Blount stated that in the original request in October, it was mentioned by Councilmember Suggs that if there is any property located in the flood area there was someone interested in, they would consult staff to be directed on what they can and cannot do; if it is an option.

Ms. Blount said that this was to be advertised and requested that she be able to update the list and bring it back to the Council. She would like to remove the list from the website as it stands currently and come back in March.

Councilmember Suggs suggested changing the title of the list to describe that it is specifically for upset bids. He requested a list that specifically describes the community and economic development properties defined tonight and in the past so we can reference properties reserved for community and economic development that could also be marketed to developers and others that are interested in it. He stated that that could also include the Glen Raven Mills property.

**Mayor Hardy asked to have Item # 1 Review and Provide Consent on List and Economic Development Project struck from the Consent Agenda. It will be brought back to the Council in March.**

**4. Consider Authorizing the City Manager to Hire a Public Information Officer (Action Should Stipulate Whether Full Time or Part Time Employment)----- Rhonda Barwick**

Rhonda Barwick, City Manager related that during the August 16<sup>th</sup> Work Session the Council discussed the recruitment of a Public Information Officer. The FY 23 Budget includes \$40,278 for this position. No decision was made, and it came up again during the Strategic Planning Session as one of our goals: building community relationships. The conversation was about getting our message out and having someone on staff that can help tell our story and share the things that are going on with our city. Ms. Barwick stated she would like to open discussions and if inclined to do it, it is on the consent agenda tonight.

Mayor Hardy said as we navigate through the conversation, the question would be if this person would be part-time or full-time and opened the discussion.

Councilmember Swinson said he is okay with a part-time position as he did not see a full-time person at this moment.

Councilmember Suggs said considering our public relations/information needs for the City and an organization that has nearly 400 employees that serve over 19,000 citizens, that is a demand for a full-time position.

Mayor Pro Tem Hardy shared that through his research he felt that a part-time position is his recommendation. He felt that using that money to help the Planner was more of a concern to him.

Councilmember Solomon said that she supports a part-time position.

Councilmember Aiken stated that initially, he was against the position. He has since learned that it is more than talking to the media. He would like the money to go toward getting staff in Planning. In this position, he would like for the position to be part-time. Ms. Solomon said

she would agree with Mr. Aiken and the reason she was not promoting full-time was because of the needs we have in the Planning Department.

Mayor Hardy recommended having a POI whether it is full-time or part-time.

Councilmember Solomon asked if we have considered the salary of a part-time versus a full-time POI and taking into consideration the Human Resource needs that we have in the Planning Department to see what we are looking at. She shared that if it was to be prioritized it would be 1) Planning, 2) Planning, 3) PIO; making sure that the salaries are comfortable for the Planning Department, but she does not think we can do without a PIO. Councilmember Swinson said that was his concern as well and found out this morning that the young lady working with her is no longer here after taking another position elsewhere.

Mayor Hardy stated that it is clear that the Planning Department needs help, and we want to provide that in addition to having the PIO. He stated it was the consensus of the Council to have at least a part-time PIO and help the Planning Department.

Councilmember Aiken asked if the person would need any type of security clearance. Ms. Barwick explained that all city employees undergo a background check before they are hired and would have to be someone who respected the confidentiality of the information they would have access.

Councilmember Suggs asked if we were planning to hire someone part-time at the budget amount (\$40,278) and asked what the suggested salary would be. In looking at the job description, it is an extensive level of work, requiring a specific skillset in communication. He is hoping that we can attract someone at a decent, and appropriate wage. Mayor Hardy agreed and stated they would vote to hire a person part-time and what that salary would look like. Ms. Barwick reminded the Council that the conversation in August was that we have \$40, 278, but we do not want someone who just knows how to run Facebook.; we want a professional Public Information Officer. She said she would hope that the \$40,278 would be available to get a part-time person.

Councilmember Suggs shared that the current PIO for the County has gone through the FEMA Emergency Management Public Information Officer Certification and was something that needed to be required which could be added to the job description.

Mayor Hardy asked Ms. Barwick to add that to the position.

Councilmember Swinson asked if an individual is found for the position, are we willing to adjust the salary? Is it an option if we cannot afford to pay the salary, we do a contract with them until a later date. Ms. Goodson explained that if they are a City employee they will have to be treated as an employee. Councilmember Solomon asked if the two planning position's

salaries were solid. Ms. Barwick stated Ms. Blount is currently advertising and interviewing for the Abatement Officer and the Community Development Planner. Ms. Solomon asked if there were funds to sustain a higher salary. Ms. Goodson said that the salaries that are given were based on the grades for those positions. Ms. Solomon asked specifically if there was a range for the PIO. Ms. Barwick said that there is a range and a budget. She would like to put it out there and see what we will get. If it is \$42K, she would look through existing budgets for additional funds to make it work. She will come back if she advertises, and they are not interested at all.

Councilmember Aiken asked about the requirement of the working hours. Mayor Hardy said he thinks there will be some flexibility in their hours. Ms. Barwick said her plan is not that the PIO will usurp any duties that the Directors would have. They are still going to be the expert in their areas. The PIO is to supplement the information needed to get out. Councilmember Suggs reminded that the PIO as budgeted is under the City Manager’s organization and will be utilized at her discretion.

Mayor Hardy said we are looking at posting the position and seeing if we had someone who would like to take it as a part-time position at the current salary we have. If not, we will look at a sustainable range that can be used for the PIO. He asked if there was a consensus to consider that.

**Roll Call**

**Councilmembers Solomon, Aiken, Suggs, Swinson, and Mayor Pro Tem Hardy - - Yes**

**5. Annual Water System Chlorine Conversion ----- Steve Miller**

Steve Miller, Public Services Director shared that beginning March 13<sup>th</sup> they will begin the conversion to free chlorine instead of chloramines as the disinfectant in our water system. This has been done annually since 2008 in coordination with WASA and the other members. The State recommends that the systems that use chloramines make this conversion every year to keep the systems clean and free of bacteria. It will end on April 17<sup>th</sup> and if anyone has any issues, please call 939-3282

**6. Spring Infrastructure Funding Opportunities----- Steve Miller**

Steve Miller, Public Services Director began by sharing some announcements from the State for the Fall 2022 cycle. We had submitted three projects that were submitted for different parts of our infrastructure. One was for the Briery Run Sewer Phase VI project requesting \$8.3 million and we were denied, We missed the lowest-funded project by six points. Also, a \$5 million request for flooding for the construction of the Adkin Branch Flood Mitigation Project. That project was missed by two points. We will continue to look for opportunities. There is still a \$3 million application for the Adkin Branch that has been submitted to a pot of money

and we are waiting to hear about that. There was one successful grant that was pursued in these cycles. Mr. Miller shared that he was honored to have Ethan Green from the Engineering Department with us. He has been with us for about two years, is a Civil Engineer I in the department, is an NC State University graduate, and is a local product. Mr. Green made this his first successful grant application. The grant is for \$400,000.

Ethan Green, Civil Engineer I shared that he grew up in Pink Hill and was happy to be back here working for his community, seeing some progress, and being part of that change. The Local Assistance for Stormwater Infrastructure Investments Program (funding program) for instruction and planning projects that will improve or create infrastructure for controlling stormwater quantity and quality was applied for in September of 2022. Recently, the City was awarded \$400,000 from that program to conduct an asset inventory and condition assessment for our stormwater system. The goal is to create a complete map of our stormwater system and identify problem areas within our system. The funding provided by this grant can be used to record approximately 232,500 linear feet of stormwater pipes via circuit television. The funds will also be used to conduct visual inspections and outfall testing for total nitrogen and total phosphorus discharge. Using the information provided by the recordings can identify potential projects that will be added to our Capital Improvement Plan. We will use those identified projects to apply for construction grants in the future. These potential projects could range from restoring aged infrastructure or identifying potential upgrades to our system to prevent flooding. Another goal of this project is to use the collected data to update our GIS maps so that they more accurately depict our stormwater assets. The GIS map is used daily when conducting maintenance or preliminary planning for major projects. The last measure of the stormwater Capital Improvement Plan was in 2008 when the stormwater utility was established. We have completed all but three of the original 19 projects. Mayor Hardy thanked Mr. Green for his efforts in applying for the grant.

Councilmember Aiken thanked Mr. Green and talked about the grant several years ago for about \$170,000. He asked Mr. Miller to comment on that and stated that in certain areas of the city, we had about 100-year-old terracotta pipes and inquired if this will cover inspections with robot video. Mr. Miller explained that it will include cameras and pipes. This is for stormwater and terracotta is not a material used in stormwater. Most stormwater pipes are concrete, and they will be used on the storm system instead of the sewer system. We have had some other grants for both the wastewater system and the water system in recent years, but this is the first opportunity to get anything for stormwater. He announced that the Division of Water Infrastructure will take official action today and he will have more detail on that in the coming days.

Mr. Miller shared a list of opportunities coming out, from President Biden's bills to State bills. They consisted of Clean Water SRF with a deadline of May 1<sup>st</sup> with more information by the end of this month and stated they are looking for both water and sewer grants, CDBG, Electric Grid Resiliency, Energy Efficiency and Conservation Block Grant Program, US



Transportation, US DOT – Safer Street Program, Rural Transportation Grant Program, DOT – Reconnecting Communities, and the Federal Railroad Administration - Crossing Elimination. There is also Golden Leaf – Flood Mitigation. Knowing those things are there when we hear things come up, we will be looking at those pots to see if there is something available when we have projects that are proposed.

Councilmember Aiken said with the long list of grants that Mr. Miller mentioned, is the reason that Planning needs a grant writer. He then shared that he attended the Committee of 100 meeting that had money that came from the State. Compared with others the City received \$100,000 which was one of the lowest amounts. Mayor Hardy said that he will continue to advocate for funds and provide CIPs to our legislators as to how we can get funds.

Councilmember Solomon welcomed Ethan for coming home again and thanked him for such a grand re-entry. He could not have been presented any greater than coming in with a \$400,000 grant. Regarding grants, this is one thing that happens with the PIO. With a grant writer can only write what the residential experts provide to him.

Councilmember Suggs asked about the grant from the Federal DOT regarding things that have been cut off by highway development and if MLK, Jr. Blvd. qualifies. Mr. Miller stated that once they received more information, he would see how things will fit. This change in designation was a while back and will see how much that counts toward it.

**7. Updates, Multiple Topics: North/Mitchell Gateway and Downtown Lights Projects, Volunteers, Fundraising, Concert, Realty, Influencing Other Communities - Leon Steele**

Leon Steele, Executive Director, of Downtown Kinston Revitalization shared that the mural is underway at the corner of North and Mitchell Streets. They have ordered the two benches that were donated in memorial of certain people and some pergolas will be built for those benches, and some sculptures being donated for the memorial garden as well. Mr. Steele discussed the lights on Heritage Street that DK started last year. They want to continue that in the 11 blocks of the area and there is an ongoing fundraiser with some donations already and others are considering. They are about halfway there and would like to get them ordered in mid-March so that they will be installed during April to have them up in time for the Barbecue Festival. If the \$7,400 goal is not reached, they will order what they have the funds for. He stated that some have chosen a street for their lights. The blocks mentioned are from McLewean, Gordon, and Blount Streets to Heritage Street or Mitchell Street (depending on where the street ends). The East/West lights will be warm white, and the North/South lights will be cool white (Mitchell Street and Heritage Street).

Mr. Steele reminded everyone to buy their tickets online at [downtownkinston.com](http://downtownkinston.com) for the upcoming Pizzazz Band event at the Lenoir County Fairgrounds as a kickoff party on Friday

night, April 21<sup>st</sup> for the 2<sup>nd</sup> Annual Renaissance Faire. The tickets for the Pizzazz Band are \$20 with a \$20 rate for Saturday and Sunday at the Faire.

Mr. Steele said they are arranging for a cleanup day for downtown before the Barbecue Festival and they are looking for volunteers whether it is industries that may have groups to volunteer or merchants, that may want to adopt their block.

Mr. Steele expressed their tremendous gratitude for the community support for all their projects. They get funding from the City and revenue from the Kinston Enterprise Center, but that was not enough to do the things the work they need to do. They have an obligation and a commitment, a mission and a vision to fulfill for the City of Kinston and the people here. Since he has been here from 2018 to date, the generous citizens have funded almost everything they have needed to do. That amounts to about \$200,000 since 2018. In full transparency he wanted everyone to understand that when they raise money for projects, every penny of that money is earmarked and spent on that project. He stated they are grateful for the volunteers and the in-kind volunteer work as well. Mr. Steele stated some committees have transitioned into almost non-existence and they are required to have them. If anyone is interested and has any knowledge of downtown economic development, event planning, fundraising and grant writing, property development, gardening, design, ordinances, or other skillsets that would benefit downtown and want to become involved as a change maker for the community, get with him and they will be glad to utilize your services for the time and interest you have. He shared that the marketing that has/is being done has brought attention to Kinston. He gets calls from people regularly looking for space to rent or lease. They would like to partner with some realtors with helping to redevelop these properties. Before that, they have other work to do (ordinances, incentives). In the places that developers are coming from they are used to incentives (tax abatement, discounted utilities, etc.). He asked if we could provide incentives to industries, and why can we not tailor those to the mom and pops. Mr. Steele shared that he had conversations about economic development in lower South Queen Street. We need to start focusing on other areas (especially lower South Queen Street), and people are investing in that district.

Today, a video dropped on the DK page of Ms. Tammy Joyce who drove over from Thomasville and did a walking tour of downtown, and asked everyone to go watch it. He shared another experience of a call from either Arizona or New Mexico from the downtown developer there because of a post on the DK page of a building for sale that a board member had seen. After emailing details about the building, the board member came here and bought the building. Anyone who wants to get involved please come see him at Kinston Enterprise Center (327 N. Queen Street).

Councilmember Solomon asked who decided what mural would go on the building (what was the process). Mr. Steele said the design committee selected an artist and decided on that. He added that it was funded with private money. Ms. Solomon asked that before something goes

up as public art the City be given the courtesy of it being shared. She thanked Mr. Steele for getting the signatures for the stop sign. She asked for an update at the next session on the window façade that was discussed. Mr. Steele said that they have approved the application for two façade grants this week. One of them is Tops, Bottoms, and Soles for two of his three buildings. The other was for the 400 block of North Queen (two buildings by the railroad tracks). They are putting in windows. Ms. Solomon said as the Planning Department begins work on economic development, that will be a key location that developers will look at. Mr. Steele explained that they do have a façade grant and for applications please see him.

**8. Kinston Police Department Update -----Keith Goyette**

Chief Goyette stated that this past Friday they partnered with one of their sister agencies (Fayetteville Police Department) and five of our officers went to Fayetteville to look at some of their programs that the department would like to mirror. Fayetteville has a faith-based program that we are working on. Two of the School Resource Officers, one from Kinston High and one from Rochelle attended EKG (Educating Kids on Guns) Training and can now teach that in middle and high schools. They are in the process of meeting with the respective principals to set up those courses and they will also offer the course to the community. Chief Goyette shared that they had a CLEAR event at Chick Fil A, and one will be held tomorrow night from 6 to 8 pm at Holloway Center. The following Tuesday there will be one at Mary’s Soup Kitchen from 9 to 11 am and at the Freedom Classic all weekend. He announced that a promotion ceremony will be held on Wednesday, March 22<sup>nd</sup> at Lenoir Community College’s Briley Auditorium at 6 pm. He added that the Sheriff’s Office will have a promotional ceremony on Monday, March 20<sup>th</sup> at LCC at 7 pm. On May 18<sup>th</sup> there will be a Gang Symposium at the GATE of Lenoir County; more information will be forthcoming. Chief Goyette stated that they have a speed enforcement campaign going and it has been helpful and proactive. He gave an animal control update and said they will begin putting what they are doing animal control-wise on social media. Chief Goyette explained that we have one Animal Control officer that works 7 am – 4 pm Monday through Friday. When he is not available, the Police Officer will handle the calls and said that with the number of calls they have, the Animal Control Officer is very important. He said he will be meeting with a group in the Eagle Road area next week and has a meeting tomorrow near the Walmart area with animal concerns for an update.

Councilmember Suggs thanked him for the update and is looking forward to the next update. It is a concern and they have received quite a few emails regarding this. He expressed his concerns as well with the dogs in his area. He stressed that this was something that needed to be addressed. Chief Goyette responded that they were working on it. Mayor Hardy shared that we could take an aggressive approach and we need to be careful when we dispatch dogs as well, but those options are available. Mr. Suggs shared some short-term ideas such as exploring this becoming a joint conversation between the City and County about how we address this. He also spoke about educating everyone on the City’s leash laws on social media

and possibly signage in different neighborhoods. Mayor Pro Tem Hardy stated that they did have that meeting this morning with the County about animal control.

Councilmember Aiken said that there was a committee called the Vicious Dog Committee. He asked about the title, Animal Control, and asked for a definition. Chief Goyette said that our animal control is domesticated animals (cats, dogs). Other things will need to be addressed by a professional.

**Mayor Hardy recessed the meeting at 7:14 pm.**

**RECESS UNTIL 7:00 REGULAR MEETING**

**REGULAR MEETING**

Mayor Pro Tem Antonio Hardy called the meeting to order at 7:28 pm.

Pastor Michelle Gooding, Herring Grove Free Will Baptist Church delivered the prayer, followed by everyone reciting the pledge of allegiance.

**Councilmembers’ Roll Call**

**Present: Councilmembers Felicia Solomon, Chris J. Suggs, Robert Swinson, and Mayor Pro Tem Hardy. Councilmember Aiken participated via Zoom.**

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

**Excused: Mayor Don Hardy**

**CITIZEN COMMENT**

Citizens must sign in before the start of the meeting if they wish to address the City Council.  
Citizens should state their name and address before beginning their comments and may speak up for 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.

1. Quarla Blackwell, 804 Chestnut Street, Kinston, NC – Ms. Blackwell shared her concerns with vicious dogs roaming her neighborhood. She stated that this is not just a matter of sending a dog catcher out with one truck. Ms. Blackwell stated that the dogs lay out all day near the corner by Adkin and Macon all day and are breeding more puppies. On January 12<sup>th</sup> at about 3:00 am she was awakened and saw a pack of dogs dragging something down the road. Ms. Blackwell shared pictures of the dogs and stated that they become vicious at night. The dogs drug a young lady in a motorized scooter under a house. She stated that they killed both of her dogs who were in a 10X10X10 enclosure by opening the gate and then dragging them down the road. Ms. Blackwell discussed that the number to animal control takes you to the health department and the 3139 number does not do anything. She stated that she called all day yesterday and had not seen anyone arrive to give her any assistance yet. She said the dogs are

smart and when they see the dog catcher they go under the house; we have to do something to bring them out.

Mayor Pro Tem Hardy thanked Ms. Blackwell and said someone will get with her shortly.

**Adoption of the Agenda**

*If a Councilmember wishes to revise the agenda, the motion to add or delete an item will be entertained before the adoption of the agenda.*

**Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote of [5-0], with the removal of the property list and the addition of a closed session for personnel - NC GS 143-318.11 (a) (6) and property - NC GS 143-318.11 (a) (5) matters, the agenda was adopted.**

**MINUTES**

Consider approval of the minutes of the City Council meeting held on Thursday, January 26, 2023 and Tuesday, February 7, 2023-----Debra Thompson

**Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [5-0], the minutes for January 26, 2023, and February 7, 2023, were approved.**

**CONSENT AGENDA**

~~1. Review and Provide Consent on List and Economic Development Project-----Elizabeth Blount~~

**(THIS ITEM WAS STRUCK FROM THE CONSENT AGENDA)**

**1. Consider Authorizing the City Manager to Hire a Public Information Officer (Action Should Stipulate Whether Full Time or Part Time Employment)----- Rhonda Barwick**

**Councilmember Suggs made the motion, seconded by Councilmember Solomon, and upon a unanimous vote of [5-0], the Consent Agenda was approved.**

**ACTION AGENDA**

**1. Consider Request to Amend the City of Kinston Unified Development Ordinance – Section 7.34 and Conduct Public Hearing----- Elizabeth Blount**

Elizabeth Blount, Planning Director stated that a request was received from Jerry Jones to amend Section 7.34.1 Supplemental Regulations of the UDO to remove the 500 ft. restrictions of places of worship and residentially zoned property from tattoo and body-piercing shops located in the B-1 zoning district. Ms. Blount Section 7.34 was amended in October 2022 to remove the B-2 (Central Business District) from the separation due to churches not being

permitted in that zoning district. The B-1 zoning district serves as a buffer to medium to high-density residential areas. Tattoo and body-piercing parlors are only permitted with a Special Use Permit in the B-1, B-2, and SC (shopping center) zoning districts. All other parts remained the same with that amendment. Ms. Blount showed a zoning map of the locations of the B-1 zoning district to remind Council of B-1 zoning being spread sporadically throughout the city. The proposed regulation would require the separation of church and residential districts in the SC zoning district. This request is removing the separation from B-1, leaving the SC district as the only place with that separation. The proposed wording in 7.34.1 is *the tattoo parlor in the SC zoning district may not be located or operated within 500 ft. of your places of worship or residentially zoned property* if the Council decides to accept this request to amend the ordinance. The Planning board reviewed this on February 9th and saw issues with removing the separation regulations for B-1 and unanimously recommended approval of the text amendment.

James Cauley, City Attorney explained that this item is a legislative process and the Public Hearing is the next step. Depending on whether this item passes will dictate if we get to the next item. The next item is a Special Use Permit request. That process is an evidentiary process where witnesses are sworn. We will only get to that if the text amendment is approved.

**Mayor Pro Tem Hardy opened the Public Hearing.**

Jerry Jones, 417 Frida Road, New Bern, NC – Mr. Jones stated he would like to open his shop in Kinston because he grew up here (lived in Grifton and hung out in Kinston). His first job was at Andy's in the mall and shared that he is a veteran of the US Marine Corps with two combat tours of duty.

Councilmember Aiken asked what the hours of operation would be. Mr. Jones stated they would be from 1 pm to 9 pm on Tuesday through Saturday.

Mr. Cauley clarified that we are talking only about the text amendment and not the specific use of this particular piece of property (the next item). We are talking about the text amendment which is the issue of whether to allow tattoo parlors without a separation requirement in the B-1 zone throughout the city.

Gary Jones spoke and noted that he has owned the building at 1602 W. Vernon Avenue since 2005. They have not tried to rent the building, but Jerry Jones came to him and he felt it would be beneficial to the city not to turn down businesses that want to open. He said that he did not think that someone that wanted to work by appointment only behind a locked door would harm anyone in the city of Kinston. He will have only one customer at a time.

**Mayor Pro Tem Hardy closed the Public Hearing.**

**Councilmember Suggs made the motion, seconded by Councilmember Swinson, and upon a unanimous vote of [5-0], the request to amend the City of Kinston Unified Development Ordinance – Section 7.34 was approved.**

**2. Consider the Request to Obtain Special Use Permit to Operate a Tattoo Parlor and Conduct Public Hearing ----- Elizabeth Blount**

**Mr. Cauley stated this is an evidentiary hearing where any witnesses would need to be sworn. Mr. Aiken cannot participate in an evidentiary hearing via remote means.**

**Mayor Pro Tem Hardy opened the Public Hearing.**

**Jerry Jones and Elizabeth Blount were sworn in by the City Clerk.**

Elizabeth Blount, Planning Director stated that a request for a Special Use Permit was received from Jerry Jones to operate a tattoo and body piercing parlor. The text amendment has been approved, this request was contingent upon that approval, and this is a quasi-judicial proceeding. The request is for 1602 W. Vernon Avenue, Suite B and the findings of fact include the following:

- The property is zoned B-1 (General Business District).
- Surrounding zoning includes B-1 and RA-6 (Residential District to the North; B-1 and RA-5 (Residential District) to the South; B-1 to the East and the West.
- The subject property is 0.38 acres in size with approximately 109 ft. of frontage along West Vernon Avenue.
- Adjacent land uses include retail (thrift store and coffee shop) to the North; Commercial and Residential to the South; Commercial (Time Financing) to the East; and retail (vape and novelty shop and bakery to the West.

Per the General Statutes in Section 4.5.4.6 of the City’s UDO, reasonable conditions may be imposed upon Special Use Permits. Staff recommends two conditions to be added to the Special Use Permit:

- The applicant must obtain and maintain a permit from the Department of Public Health and comply with such requirements.
- The applicant must comply with 15A NCAC 18A.3200 in addition to the NC General Statute §14-1400 prohibiting tattoo and body piercings for those under 18 years of age.

The Planning Board recommended approval of the Special Use Permit with the recommended conditions. The meeting package includes the criteria for evaluating the findings along with the Special Use criteria for a quasi-judicial process.

Jerry Jones returned to the podium and stated there was nothing else he wanted to add. Mr. Cauley asked Mr. Jones if he agreed with those conditions. Mr. Jones stated he did and stated his hours of operations would be Tuesday through Saturday from 1 to 9 pm. Mr. Cauley asked if he was agreeable that they would be a part of the permit. Mr. Jones stated he was.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [4-0], the Special Use Permit to Operate a Tattoo Parlor was approved.**

**Mayor Pro Tem Hardy closed the Public Hearing.**

Councilmember Solomon thanked Mr. Jones for his service to our Country.

Ms. Blount stated that by the General Statute, this decision must be reduced to writing. It will be put to writing with all the recommended conditions and brought back before the Council.

**3. Consider Request to Finalize Schedule of Quarterly Town Hall Meetings ----- Debra Thompson**

Debra Thompson, City Clerk stated that at the Strategic Planning Session held on January 26<sup>th</sup>, the Council asked that quarterly Town Hall Meetings be scheduled. A tentative schedule has been prepared and presented to the Council. After discussion regarding the dates, times, and locations the Council agreed to table this item until the next Council Meeting.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [5-0], the quarterly Town Hall Meeting schedule was tabled until the dates, times, and locations could be established.**

**CITY MANAGER’S REPORT**

Rhonda Barwick, City Manager asked Corey Povar to discuss the events this weekend at the stadium.

Corey Povar, Director of Parks and Recreation shared that since we have folks and councilmembers that have been in the military, it is an honor to present the Freedom Classic at Historic Grainger Stadium. He explained that it is a baseball tournament between the Naval and Air Force Universities. Mr. Povar invited the community to come out February 24 through 26 to support the event. They are trading in their service for their community to receive an education. The games are scheduled for Friday-6 pm, Saturday-2 pm, and Sunday at 12:30 pm. He stated the Freedom Classic committee, Parks and Recreation staff, and countless volunteers have put in a ton of work to pull this off with several donors throughout the community as well. Mayor Pro Tem Hardy said he would carry the Marine Corps flag on Friday night.



**CITY ATTORNEY'S REPORT**

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

**MAYOR AND COUNCILMEMBER REPORTS**

Councilmember Solomon discussed an email sent by Sue Ellen Maddux to the Council on behalf of the Executive Board at The GATE about the design she sent. It is now time for the leaseholder improvements to be conducted. In years past, the building has undergone renovations (painting). She shared the submitted design which is a wrap, and it covers the entranceway and the side of the building. Ms. Solomon stated she wanted to make the Council aware and receive consensus. The GATE was considered during the mural program and was not selected. This is an opportunity for that artwork to be put in another area of town.

Councilmember Suggs discussed the property leased to a church organization on MLK Boulevard. He stated he would like for the City to update the Council on the lease between the City and The GATE. He said he understands that over the last few months, there have been conversations around juvenile crime and delinquency in the City. Mr. Suggs stated there was some misunderstanding about how much support the City has provided for that facility. The initial purpose of the building was for gang awareness and technical education, but over time things have changed, and considering it has been close to 15 years since the City entered that agreement with The GATE it is due time to revisit and get an update on what The GATE is doing for the community. Last year during the height of our juvenile crime and delinquency problems, The GATE was only operational on Friday nights. The feedback from the community is that we need more young people to do in the city. The City has invested so much money in the creation of the facility and we could still cover the operational costs. It would be wise to examine our investment in the facility/program and see if it is something that is working. Are there things to ask The GATE to do to deepen the resources we provide for young people in our community Mr. Suggs said before we approve any leaseholder improvements to revisit the lease and see if they are providing the services that the City and The Gate agreed to at the time of the agreement. Ms. Solomon stated that this is at no cost to the City. She stated that the building is designed for the youth and when we consider that being to have something that reflects them and then speaks to that which overcomes everything (love). She shared that recently she has gone a couple of nights (Friday nights) and there were legitimate concerns regarding what was happening. Leadership has changed and there were almost 70 kids on a Friday night. She has watched the relationships that have been developed between the adults in the building and the children and watched parents come with their children. She recommended everyone take time out and visit on Friday nights at 6 pm because your presence matters. Ms. Solomon stated if we could reach more kids and have them in that safe place we need to have more adults show up. That is something that we need.

Councilmember Suggs said he did receive the email regarding the request from The GATE, and considering the City owns the building, even though there is no cost to the City he assumed we

have to vote and approve the improvements to the building at some point. He requested the City Manager give an update on whatever agreement is in place, and maybe an update from The Gate's leadership before the item is added to the agenda. Ms. Barwick said they will be invited to the next meeting and ahead of that she will give the Council a copy of the lease and a copy of the budget and the investments that we make. Ms. Solomon asked for consensus and Mr. Suggs said he was not fine with giving consent at this time. Councilmember Aiken stated he would like an update and revisit the initial contract (15 years ago).

Councilmember Aiken recognized Nicholas Askew and that he is in Sports Illustrated. He went to Kinston High and was a great tennis player. He is presently at Howard University, Washington, DC as the swimming coach. Their team is having phenomenal success in the last couple of years, and he is in the upcoming issue of Sports Illustrated. We are known as a sports town for football and basketball and can now add swimming to our accolades. Mr. Aiken shared that Mr. Askew was disappointed that the pool he learned to swim in (Emma Webb) was being destroyed. He is the son of Dr. Joe Askew. Councilmember Swinson added that Nick was a swimmer at Kinston High along with his brothers, they all attend Howard University and are Howard Bisons. He said he also tried out for the Olympic team, and we are very proud of the Askew brothers and Nick Askew as well. Councilmember Suggs noted that he is not just in Sports Illustrated, he is on the cover and that is a big thing for Kinston.

Mayor Pro Tem Hardy apologized that the Mayor had to leave and shared that he was meeting in Raleigh with some legislators tomorrow morning. Also, he stated that the issue of Six Churches has come up again. They have loiterers in the building when it gets cold and asked that we look at that. Mr. Hardy stated that the resident of 308 East Highland Avenue was complaining about weeds that have been called in with no response. He thanked the staff for the work that they do and wanted to continue to let the public know the great things the City is doing. We are in conversation with the County and are making improvements. Councilmember Swinson stated that Six Churches and Kinston Towers' doors are locked, so someone is letting the individuals in. He said we would have them check their cameras. Councilmember Suggs said those are owned/operated by Kinston Housing Authority and he felt that the concerned citizens should reach out to them and let them know they need to increase their security or seek information about hiring off-duty officers. That is something their board and staff need to be made aware of. Mr. Suggs stated that it is often the case that with the hours of operation, our homeless population does not have any place to go and typically finds shelter in hallways, abandoned homes, or other public places. As a community, the Council could work with the homeless shelter, housing authority, etc., to figure out places that are open during the day when the homeless shelter is not open for these individuals to go. Councilmember Aiken stated at one time there was extra security at the library due to people going there in adverse weather.

Councilmember Suggs recognized the life of Mr. Tyre Nichols who passed in Memphis, TN following a horrific and tragic traffic accident. The officers were fired and charged, and it is imperative for the community members, the elected officials, and law enforcement to do what we

can to prevent incidents like that from ever happening again. He said never should a traffic stop result in somebody being murdered. The City has done a lot around addressing racial and ethnic disparities. We have the DMC program with the grant received from the Governor's Crime Commission, and different community engagement initiatives like the C.L.E.A.R. events. Mr. Suggs stated we want to keep the officers safe and shared that he has been alarmed at the amount of contact between the police and the community that comes from traffic stops. After the incident in Memphis, he thought about what we could do here to make sure our traffic stops are safe for our officers and the community. There has been positive and negative feedback about the Vernon Avenue traffic enforcement over the last week and his idea is to start having conversations with the community through the police department at the events to find out what we can do to reduce the necessity for officers to be involved in traffic enforcement. He shared that in North Carolina Charlotte and Fayetteville have started creating divisions where officers are not heavily enforcing non-moving violations (equipment, expired registrations, etc.). They will send a ticket in the mail and in Fayetteville a non-sworn officer conducting that type of traffic enforcement. This is being done in Fayetteville, Berkley, CA, and Philadelphia, PA. As we move into the 21<sup>st</sup> century trying to figure out how we keep our community and city employees safe, we can explore ideas to figure out what are some ways to continue to learn from other cities. We do not want an incident like what happened to Mr. Nichols in Memphis, TN.

**CLOSED SESSION**

**Mayor Pro Tem Hardy made the motion, seconded by Councilmember Swinson, and upon a unanimous vote of [5-0], pursuant to NC GS§143-318.11 (a) (6) - personnel and NC GS§143-318.11 (a) (5) – property matters the Council entered a closed session at 8:30 pm.**

**The Council returned to the open session at 9:31 pm.**

**ADJOURNMENT**

Councilmember Solomon shared her concerns about the GroupWise email software and Councilmember Suggs shared his concerns as well. They concurred that it lacks efficiency. Ms. Solomon said this is something that needs to be looked at during the budget. Process. Ms. Barwick stated that she would ask Mr. Thomas for some estimates for the budget. Mr. Suggs suggested that the software be cloud-based. Michael Thomas, MIS Director joined in the discussion and clarified that all the computers do have Microsoft Office 21 except recently purchased computers for the police department. It was also discussed that items have been included in the budget that was denied because of other priorities.

**Solomon made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [5-0], the Kinston City Council Meeting was adjourned at 9:40 pm.**

Respectfully submitted,

Debra Thompson, City Clerk