

Minutes  
Kinston City Council  
City Hall · 207 East King Street  
Tuesday, July 18, 2023  
Regular Meeting at 7:00 pm  
Worksession Meeting Canceled

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REGULAR MEETING

Mayor Pro Tem Hardy called the meeting to order at 7:00 pm.

Pastor Moses Pitt, Greater Church, delivered the prayer followed by the pledge of allegiance

**Councilmembers' Roll Call**

**Present:** Councilmembers Sammy Aiken, Chris J. Suggs, and Mayor Pro Tem Hardy

**Present Also:** James Cauley, City Attorney, Steve Miller, Public Services Director

**Absent:** Mayor Hardy, Councilmembers Felicia Solomon, and Robert Swinson, City Manager, Rhonda Barwick

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 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.

**Mike Chastain, Downtown Kinston Board President.** Shared that the estimated volunteer hours over the past year had been about thirty-two hundred hours, which is the North Carolina rate of \$31.00. This is the national average rate for volunteers, which equates to a value of about \$100,000.00. Mr. Chastain stated that fifteen new businesses have opened downtown in the last fiscal year, and twelve buildings were sold in the past five years. Currently, there are over sixteen new apartments slated for downtown Kinston. He also shared that this is the momentum needed to continue the revitalization. This, along with some of the things that have already been completed, the new lights that were strung and completed in time for the festival on the Neuse, as well as the Shirley Herring Memorial Garden, are all indications that downtown Kinston is getting back on track and regaining attraction that we had before COVID. There are other things in discussion as they regroup during the summer, including the social district. As stated by Mr. Chastain, they cannot do all they do without the city's and community's great volunteers and support.

Mayor Pro Tem Hardy thanked Mr. Chastain and expressed that the City will continue to support Downtown Kinston as they move forward to making our city great.

**Thurman Sanders, 601 W. Lenoir**, expressed that working for the City has been a pleasure; he has now retired. Since Hurricane Matthew, Mr. Sanders stated that he has been trying to get the city's help in removing trees on Pollock and W. Lenoir Streets. He said he was told the trees would be on the City's Tree list. He also said that he had spent \$1,000 on repairs to his roof, resulting from a tree falling on his home. Mr. Sanders mentioned that a tree fell on his neighbor's house, and the sidewalk was overgrown.

**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 the Adoption of the Agenda*

**Mayor Pro Tem Hardy requested that the addition of authorizing the sale of the Resolution Authorizing Sale of Real Property be added.**

**Councilmember Aiken made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [3-0], the agenda was adopted with the addition of the Resolution Authorizing Sale of Real Property.**

**MINUTES**

**Consider approval of the minutes of the City Council meeting held on, Tuesday, June 6, and June 20, 2023**  
**Debra Thompson**

**Councilmember Aiken made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [3-0], the minutes for June 6 & June 20, 2023, were approved.**

**PRESENTATIONS AND RECOGNITIONS**

**1. 2023 National Night Out-----Keith Goyette**

Keith Goyette, Police Chief, shared that the Kinston Police Department will host National Night Out on Tuesday, August 1<sup>st</sup>, from 6-8 pm. at Grainger Stadium. There will be a dunking booth, face painting, field day games, a recruiting tent, and a child bicycle giveaway. The Down East Wood Ducks has a game at 7 pm. Chief Goyette encouraged the Councilmembers, staff, and community to come out.

Councilmember Aiken asked about having tables and tents at the event, and is there a fee? Chief Goyette stated that there is no fee, and anyone wanting information can call Major Kevin Jenkins at 939-3160 or come to the Police Department, and someone can help them.

**ACTION AGENDA**

**Consider FY Ending 2023 Audit Contract -----Donna Goodson**

- 1. Donna Goodson, Finance Director, shared a copy of the contract with RH CPA’s PLLC to audit the City’s accounts for the fiscal year ending June 30, 2023. The contract fee ranges from \$60,840 to \$63,340, depending on the number of single audits requirements that must be met. The audit report is due October 31, 2023. The contract must be approved and signed by the City, forwarded to LGC, and approved before any interim work begins.

**Councilmember Suggs made the motion, seconded by Councilmember Aiken, and upon a unanimous vote of [3-0], the audit contract with RH CPA’S PLLC was approved, and authorization of the City Manager and Finance Director to execute the contract.**

- 2. **Consider the award of Emma Webb Park Project (walking trails w/repurposed brick pavers) to Fulcher’s Landscaping in the amount of \$210,000 -----Corey Povar**

Corey Povar, Parks & Recreation Director, stated that the project received three quotes. Fulcher’s Landscaping came in as the low bidder. Mr. Povar said that Fulcher’s Landscaping would do more for the park and this project than just the brick-paved walkway and that Fulcher’s Landscaping has been a partner throughout this project.

Councilmember Aiken asked Mr. Povar will there be an opportunity of having a memorial-type section; he also asked about the possibility of purchasing a brick. Mr. Povar said there will not be a memorial section in this particular walkway, but other opportunities may exist in other park locations. Mr. Povar also shared that the historic bricks will be used for the park walkway.

Councilmember Aiken asked if Fulcher’s Landscaping had any pictures of walkways they have done. Mr. Fulcher, Fulchers’s Landscaping, shared photos of a finished walkway, which would be similar to but much larger than they propose at Emma Webb. Mr. Fulcher shared that they will excavate about ten inches of soil, then install seven to eight inches of ABC rock, which will be impacted every inch and a half to every two inches; they will then put one inch of the screens on top of that, afterward, the bricks. This will be a very smooth, safe surface to walk on.

Councilmember Aiken asked if the bricks were from the old train station. Mr. Povar responded that the bricks were from the old train depo. Mr. Povar shared that during their last Parks and Recreation Commission meeting, a conversation was had about diving into the history books specific to the train depo and providing maybe a history walk as you’re walking along the trail to give some history on where the brick came from, the train depo and what it meant to the community. Mr. Povar shared that there are more than enough bricks to accomplish what we are trying. He also shared that Bill Ellis was a big player in keeping the bricks.

Councilmember Suggs asked what is the walking trail installation's timeline and the trail's overall length. Mr. Fulcher stated there will be 14,000 square feet of walking trail. The walking trail will be approximately five feet wide, and the installation will take roughly three months (from start to finish). Mr. Povar shared that part of the bidding process is just bidding on the square footage. Mr. Povar added that they do not have any construction drawings, but they will take the square footage, walk, and mark the actual trail.

**Councilmember Aiken made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [3-0], the award of Emma Webb Park Project (walking trails w/repurposed brick pavers) to Fulcher's Landscaping in the amount of \$210,000 was approved.**

Mr. Povar gave an update and shared several slides on Emma Webb Park. There is a lot of ditch work being done. The prep work for the pool demolition is being done. The contractor is planning to use a wrecking ball to start the demolition. Some minor repairs are being done in preparation for the next steps. The basketball court will now be where the tennis court is. Mr. Povar shared that a small eight to ten parking lot will be near the basketball courts. There will be a new, improved playground with a two thousand square foot splash pad. The plan is to include solar bollards along the walking trails. Mr. Povar said he had several voice messages from folks saying the park looks better.

Councilmember Aiken asked what is the seating capacity in the amphitheater. Mr. Povar stated there will not be built-in seating; the amphitheater will be a grassy lawn leading down to the stage. Mr. Povar shared that the plan is to have a larger stage than what currently exists at the other parks. Approximately 600 to 700 people could watch a performance on the lawn.

**3. Resolution for Upset Bids Property-----James Cauley, City Attorney  
(This item was added to the agenda)**

James Cauley, City Attorney, shared the resolution before Council to approve the sale of two additional properties. Mr. Cauley stated that we started with bids of sixteen properties, advertised for upset bids, and received eight upset bids from sixteen properties. They re-advertised eight properties and received four upset bids; they re-advertised the four and received upset bids on two. After tonight's resolution, Mr. Cauley stated that two properties are still in the advertising process and will be published and advertised on Thursday, July 20th. The Herbert Drive – Uplands Park Common area property and 907 N. Independence Street are still being bid on. The other fourteen with this action tonight will be concluded; twelve have already been closed. Mr. Cauley shared that it has been a bit of a management issue keeping all of it on track, and there has been much interest in the properties. Mr. Cauley said that one person submitted a bid meeting the minimum requirements for an increase, which is the one before Council, 310 Tulls Alley.

Councilmember Suggs shared that one of the challenges with the process is that as we receive the influx of bids for these properties, The Free Press, which we are required legally to advertise these bids in the Free Press changed their publication schedule to only once a week, and that is why the two bids that Mr. Cauley mentioned will not be advertised until Thursday, July 20th; we have to wait for the next publication period.

Mr. Cauley shared that this has caused it to take longer time than otherwise might have been. The bid is a ten-day notice, so whenever it is published, there are ten days which runs to the following Monday (a week from the Thursday publication). It takes two weeks to go through each process.

Councilmember Aiken asked Mr. Cauley whether the state legislator has passed any type of bill where we can use social media. Mr. Cauley responded that we have an antiquated statute that still requires publication in the press; until that happens, we will continue to have these challenges.

**Councilmember Aiken made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [3-0], a Resolution of the City Council of the City of Kinston authorizing sale of Real Property was approved.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KINSTON  
AUTHORIZING SALE OF REAL PROPERTY**

**WHEREAS**, the City of Kinston is the owner of the hereinafter described real property in the City of Kinston, Lenoir County, North Carolina, located as shown below including Lenoir County Record number; and

**WHEREAS**, the City Council of the City of Kinston has no further need or use for said property, and it would be in the best interests of the citizens of the City of Kinston for said real property to be sold by the negotiated offer, advertisement and upset bid method; and

**WHEREAS**, a notice was published in the *Kinston Free Press*, setting forth the offer to purchase said real property along with the bid amount for each property; and

**WHEREAS**, the public notice invited other individuals and entities to increase the bid(s), and more than ten (10) days have lapsed since the notice was published in the *Kinston Free Press* and no one has increased the bid amount offered on the described properties listed below in the manner required by law, and the City Council desires to confirm and approve the sale to each of the qualifying highbidders; and

**WHEREAS**, the high bidders have deposited with the City Attorney the bid price.

Property	Record No.	Bid Amount
Edgar T. Brown- 1011 Macon Street	14838	\$3001.00
Leslie Suggs - 310 Tulls Alley	7695	\$875.00

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

- The sale of the hereinbefore real property to Edgar T. Brown and Leslie Suggs as noted above, are hereby ratified and affirmed with the selling price as shown above plus the advertising costs of the sale.
- The City Attorney shall cause deeds to be prepared from the City of Kinston to the buyers as noted above and shall be authorized to tender the deeds upon payment of the purchase price and advertising costs by the buyer.
- That the Mayor and City Clerk shall execute said deed and such other documents as may be necessary on behalf of the City of Kinston to accomplish these transactions.

**ADOPTED**, this \_\_\_\_\_ day of July, 2023.

CITY OF KINSTON  
By:   
Don Hardy, Mayor

ATTEST:  
  
Debra Thompson, City Clerk  
(SEAL)



**CITY MANAGER'S REPORT**

Steve Miller, Public Services Director, announced the unveiling of the Trash Trap at the Holloway Park footbridge. It will be on Friday, August 4<sup>th</sup> at 11 a.m. The public is invited to come out.

**CITY ATTORNEY'S REPORT**

No report

**MAYOR AND COUNCILMEMBER REPORTS**

Councilmember Suggs shared that Kinston Teens hosted an open house on June 29th for their neighborhood hub on Tower Hill Road, which is a space their organization transformed from being a vacant and abandoned house, that stood empty for about twenty years to a facility that they could use for outreaching programs. Councilmember Suggs said he is grateful to the city staff for their support; City Manager, Parks & Recreation, Fire & Rescue, Police, City Clerk, Public Service, and Planning. Councilmember Suggs said he is excited about continual opportunities for the city to work with non-profit groups like the Kinston Teens, especially on improving and revitalizing east Kinston.

Councilmember Aiken shared that we have an upcoming municipal election, and you must have a photo ID. You can get one for free at NCDMV if you do not have an ID. Mr. Aiken encourages everyone to utilize their liberty to vote.

Councilmember Aiken congratulated Pastor Moses Pitt, Greater Church, on his Pastoral Anniversary.

Mayor Pro Tem Hardy shared that the city appreciates Kinston Teens and their support in our community. He also thanked the staff for the amazing work they are doing.

**ADJOURNMENT**

**Councilmember Aiken made the motion, seconded by Councilmember Suggs, and upon a unanimous vote [3-0], the meeting adjourned at 7:37 pm.**

Respectfully submitted,

Althea Simmons, Deputy City Clerk