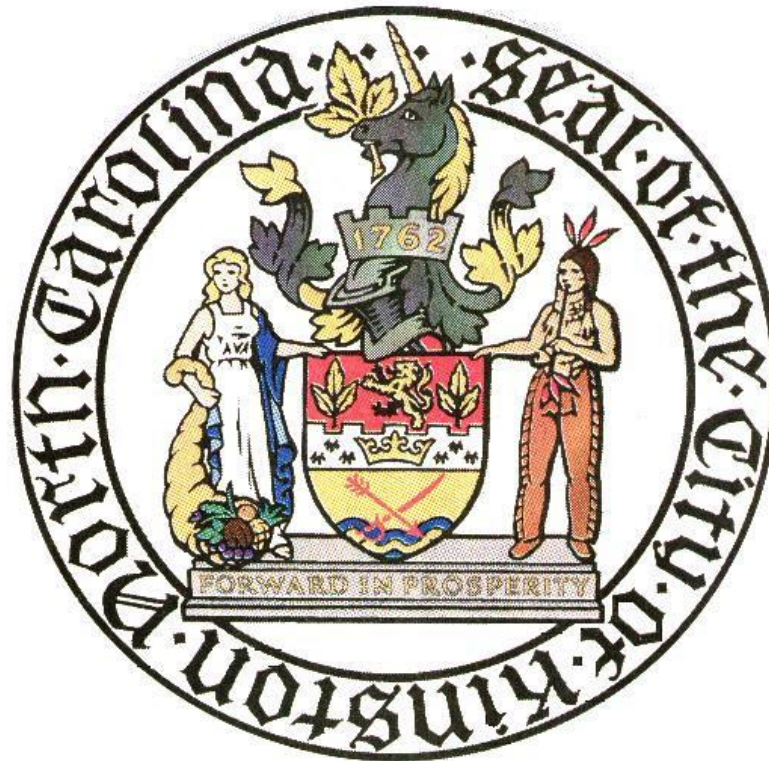


Kinston City Council



MINUTES September 19, 2023

Minutes
Kinston City Council
City Hall · 207 East King Street
Tuesday, September 19, 2023
Regular Meeting at 5:30 pm – Work Session 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 Pro-Tem Hardy called the meeting to order at 5:30 pm.

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.

Rhonda Barwick, City Manager, submitted the revised Resolution approving the Conveyance of Property to Lenoir County to be added to the Consent Agenda. The Ford 150 Supercab is a 2019 year model, not 2018, as presented in the original Resolution.

ITEMS FOR DISCUSSION

1. Discuss Possible Social District Downtown-----Elizabeth Blount

Elizabeth Blount, Planning Director, introduced her team, Brittany Best, LFNC Fellow, to speak on what is a social district and the pros and cons. Leon Steele will speak on Downtown Kinston's voice, and David Kitt to speak on weed abatement.

Brittany Best, shared that according to GS 18B-300.1 a social district is a defined area in which a person may consume alcoholic beverages, including both indoor and outdoor areas of business within or contiguous to the defined area during the days and hours set of operations. North Carolina General Statute 160A-205.4, states that a city may adopt an ordinance designating one or more social districts for use by G,S, 168-300.1 Social District encourages the perusing of certain boundaries that the district is limited to. Cities with social districts are Raleigh, Washington, Newton and Durham. The pros of having social districts are that it creates economic development, businesses recuperate lost resources from the pandemic, and it increases downtown foot traffic. The cons are it tampers with the historic feel of downtown, there is a possible increase in crime and public intoxication, it increases the perception of those who opt out of social district, and harmful to recovering alcoholics.

Councilmember Swinson asked for clarification on the difference between entertainment and social districts. Councilmember Swinson added that he thought the previous council had approved something similar to this back when there was North Street Pub, Grainger 108, Mother Earth Brewer, and the Oyster Bar,

Councilmember Suggs shared that this new legislation just got approved in 2021, and if the Council had approved this, it would have been illegal.

Mrs. Blount answered that during her research, there was an outdoor alcohol permit approved that allowed people to have outdoor dining and bring their alcohol outside of the establishment, but no social district was established.

Councilmember Swinson asked, if we decide on a social/entertainment district, how do we encompass it all into one? Would the social district overtake the entertainment district, or would the entertainment district be better? Mrs. Blount shared that she could not address the entertainment district. The social district allows you to go from establishment to establishment and legally take your alcohol to another if they allow it.

Leon Steele, Downtown Kinston Executive Director, shared that in doing the initial steps, the first step was to establish boundaries. Downtown Kinston proposes two boundaries. (1) the entire downtown area and (2) South Queen Street below King, Club 328, and Danny Webb's Barrister Pub. Steven Hill asked that Mother Hill Lodge be included.

Councilmember Swinson asked if New Bern has an entertainment/social district on Saturdays. Mr. Steele answered that currently, in the State, there are about forty-two existing social districts and that he did not see New Bern on the list. Mr. Steele added that he emailed Listserve for the Mainstreet Communities of NC a few questions asking how the social district impacted their cities. There were no negative responses and no increase in crime in their cities.

Councilmember Suggs asked about the current planning status for the social district. Is there a committee? Are there stakeholders? Mrs. Blount answered that this is just a discussion and by no means asking for any decisions from the council, and most importantly, we want to involve the entire community. Mrs. Blount added that the next step is to have public meetings. There will be two meetings: Tuesday, October 10th at 6 p.m. at City Hall and Thursday, October 19th, at 9 a.m., at Georgia K. Battle. At that time, we want to hear from the community before establishing a committee to get their input. Mrs. Blount shared that we want to take this slow; a lot is involved, which could benefit our community, but we want to do this right.

Councilmember Suggs expressed that even before a public meeting is held, it would be worthwhile to engage more of a cross-section of downtown stakeholders, mainly to see how many businesses are interested in participating. He further shared that before the Planning Director and Downtown Kinston Director introduce this to the community; we want to make sure our staff is prepared before we present this to the public. Mayor Pro-Tem Hardy shared that this is just a discussion, and we have not taken any steps.

Councilmember Aiken asked how many bars are downtown. Mrs. Blount answered that she would get that number for him.

Rhonda Barwick, City Manager, shared that Mrs. Blount is not asking the council to vote on this but would like to know if the council would want to spend their time on this and if this is the direction you want us to pursue.

Councilmember Swinson asked if the dates for the public meetings are conducive times for public input. Mrs. Blount answered that we would have an evening and a morning meeting.

Councilmember Suggs strongly encouraged finding a location downtown in the proposed boundaries to host one of the meetings. This would be good for the people to visualize and see what our establishments are downtown. Government meetings in places where the businesses will be impacted are very important.

2. Weed Abatement Process and Update-----Elizabeth Blount

David Kitt, Code Enforcement Officer, shared that 6% of his time is spent on minimum housing, 13% on code violations, such as failure to obtain zoning approval, 21% on offensive accumulations, which could be trash and debris in the yard or possibly junk vehicles, 75% on weed abatement. There have been 250 violations as of September 11, 2023, and 128 have been resolved with voluntary compliance. Mr. Kitts added we must investigate all complaints from citizens and employees. The complaints are usually investigated within 48 hours or the same day if possible. A violation is issued either from a complaint investigation or because a violation was noted during the course of duty. A notice of violation is given by mail, certified, posted on the property, or hand-delivered. Ten days later, if the property is in compliance and resolved, no fine is issued; if not, there is a \$50 fine. After another ten days, if the property is in violation, it is assigned to a contractor for abatement. Mr. Kitt shared that time is the biggest obstacle. The legal requirements to abate private property cost an average of five to six weeks from complaint to resolution. Another big obstacle is repeat offenders; they refuse to reply.

Councilmember Aiken asked if you encounter a lot of senior citizens or people living by themselves who don't have the means to cut their grass. Mr. Kitt answered that there have definitely been some situations, and they give them more time as long as they work to resolve it. The biggest problem is absent homeowners, particularly those who don't live in Kinston.

Councilmember Aiken asked how the situation is resolved when people move out and leave furniture in the front yard. Rhonda Barwick, City Manager, answered that if the person moving out would let Public Services know and put the debris at the curb, their monthly garbage cost would cover that. Public Services can also give a cost estimate if they are not paying a monthly fee.

Councilmember Aiken asked how many contractors we have to cut grass and what height is considered when the grass needs to be cut. Mr. Kitt answered there are four contractors. If it is a developed property, it is six inches; if it is a vacant lot, it is twelve inches. The cost for an average cut with no issues is under fifty dollars, which can vary if there is a lot of debris in the yard or excessive growth. The fine was increased from twenty-five to fifty dollars, and the late fee increased from ten to twenty-five; first-time violators are forgiven. If the city has to cut the grass, it is fifty dollars for at least ten days; that's five hundred dollars plus the late fee and the fee for the contractor. It is a substantial fine if they choose not to respond and take care of their property.

Rhonda Barwick, City Manager, shared that there is a process that Mr. Kitt has to follow. He has to contact the property owner and try to get them to do the right thing, and if not, a certain number of days has to pass before we send the violation.

3. Discuss Global TransPark Zoning-----Elizabeth Blount

Mrs. Blount shared that staff met with county staff in August to discuss the GTP zoning overlay district and regulations. The North Carolina General Assembly created the Global TransPark Authority, General Statute 63. The airport has expansive authority to own and lease property surrounding the airport, and the power to operate an “air cargo complex,” which includes a cargo airport and all other facilities, including private facilities structures. General Statute 63-18 GTP is authorized to zone the land it owns and controls and land within a six-mile radius of its boundary. Mrs. Blount presented a map that includes the ETJ City of Kinston T, Lenoir County, and Greene County once this is enacted, then the authority, which is GTP, can exercise the same powers granted to municipalities and counties when it comes down to zoning.

Mrs. Blount presented a map. Both Lenoir County and the City of Kinston have zoning within the proposed GTP overlay that would be impacted. Should this overlay district be approved, it is recommended by county staff for both organizations to relinquish their zoning within this area and refer to the GTP-adopted ordinance that would be administered by county staff. Should this proposal come to fruition as proposed by county staff, city staff would like to make sure that it is clear that Lenoir County will perform all zoning and code enforcement and inform residents in this area of potential changes and impacts due to the adoption of the overlay district. The county will be responsible for fielding all questions and public concerns due to the new zoning district, including but not limited to addressing non-conformance issues.

Councilmember Swinson asked if the City is totally against this, what would be the next step? Do we contact our congressman, the GTP authority, our representative, or the County? Mrs. Blount answered that it is up to the council what is next. James Cauley, City Attorney, stated that by statute, the authority has zoning jurisdiction within that initial area. Mr. Cauley said he would have to look into it more closely to see the options.

Mayor Pro Tem Hardy recalled an article saying we could form a board. Mrs. Blount answered that in the agenda packet, G.S 63-18, talks about the zoning for this area, and that is an option.

Rhonda Barwick, City Manager, shared that they had the right to a six-mile radius when GTP was established. but they never acted on it until now.

James Cauley, City Attorney, shared that this is not a new law; the option has been on the books for some time. He added that the city should look comprehensively at it and not just focus on this area. If some of the city's ETJs will be seeded to the county, then that would warrant a conversation about other locations that are right for ETJ inclusion.

Councilmember Swinson stated that he has some concerns. He would want the city to have some input. He added that for the city to give up our ETJs, which the state can come in and take from us, we need to be at the table to discuss the possibilities.

James Cauley, City Attorney, shared that the city would want some ETJ authority, particularly in areas with existing utilities. Mayor Pro Tem Hardy asked the City Attorney to look into this.

Rhonda Barwick, City Manager, shared that regarding our utilities, the city has an agreement with GTP that if a new company comes to town, they are required to give us information so that we can reach out and offer our utilities to them.

Councilmember Suggs shared that the proposed overlay boundaries look agreeable with the portion of the ETJ that is included and do not interfere much. There are very minimal houses, and it is mostly wooded land in the area that is in our ETJ. Councilmember Suggs added that he feels this is a good thing for the City to consider; it is worthwhile for the GTP, with economic development, to increase resources that the GTP has, which is a step in the right direction.

Councilmember Suggs added that the city is looped in on the tail end of things. This is disappointing, and it seems to be a common thread that the City of Kinston is not actively engaged in earlier conversations with the county government and GTP. This is something that the city government needs to address because what happens in our ETJ impacts the City of Kinston, and what happens at GTP impacts the City of Kinston. It is important that conversations are held as soon as possible.

Councilmember Suggs shared that he would like the city to be represented stronger; currently, the Mayor is our only representative on the GTP Board.

Councilmember Aiken asked how this would affect the fire department and our requirement for the GTP.

Chief Locklear, Kinston Fire Department, shared concerns about the ETJ. When you have developments, the question is who will provide the fire protection; this needs to be clear and understood specifically to the residents who may or may not be affected. As it stands right now, when you look at ETJ it is not fire first response as far as fire protection. Fire protection is specific to city limits, and when it comes down to the ETJ, that will now fall to what county fire department in that district.

Mayor Hardy shared that if decisions are being made regarding the ETJ, the city would be at the table. Mayor Hardy added that he hopes to have an update from the GTP to share at the next council meeting as to what is going on.

James Cauley, City Attorney, shared that concerning the ETJ, they recently responded to a complaint about the condition of a property on Dobbs Farm Road, i.e. junkyard property.

4. Consider Adoption of a Resolution to request a \$5 million LASSI grant for the Adkin Branch Flood Mitigation Project-----Steve Miller

Steve, Miller, Public Services shared that staff is preparing to re-submit an application requesting \$5 million for the Adkin Branch project. Initially, the city requested funds in September 2022, but the application was not funded. At this point, we have received \$2 million in funding for construction in their October 2022 cycle. The funding available in this cycle will be determined when the State adopts its budget. Staff is also putting in a submission for FEMA’s Building Resilient program. The deadline to apply for the LASSI funds is October 2, 2023. To apply, the City Council must adopt the resolution requesting the funds.

Mayor Hardy thanked Steve Miller and his staff for applying for the grant, and we are looking for additional funding.

5. Consider Adoption of a Resolution to request grant/loan funding for the Heritage Sewer Replacement Project-----Steve Miller

Steve Miller, Public Services Director, shared that this project was initially submitted for funding in the Spring 2023 funding cycle but was not approved. The project for replacing the sewer lines on Heritage Street is estimated to be \$2.1 million dollars. The city can get up to \$500,000 in grants/forgiveness; the rest would be a low-interest loan to be paid over 20 years. The funding application deadline is October 2, 2023

6. Consider Adoption of a Resolution to adopt the Wastewater Asset Management Plan-----Steve Miller

Steve Miller, Public Services Director, shared that as part of the application for funding for the Heritage Street Sewer Replacement Project, we have revised the City of Kinston’s Wastewater Asset Management Plan. The Asset Management Plan, in general, can outline the capital improvements, emergency plan, operation plan, and everything related to the Wastewater Plan system and how we operate it. Minor changes have been made, including changes to the contact information. The narratives were updated. If successful, these plans could provide up to ten points.

7. Consider Adoption of a Resolution to approve the Water Shortage Response Plan-----Steve Miller

Steve Miller, Public Services Director, shared that the city has had a Water Shortage Response Plan for over a decade. Every five years, the City of Kinston must review, revise, and re-adopt a Water Shortage Response Plan in accordance with NC General Statute 143-355.1. All public water system has to have a plan. It outlines what procedure you must follow if you have a shortage of drinking water. The only changes to the plan are administrative (changing contact information for the City Manager and Public Services Director.

RECESS UNTIL 7:00 REGULAR MEETING

Councilmember Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of (5-0), Mayor Pro Tem Hardy recessed the meeting until 7:00 pm.

REGULAR MEETING

Mayor Pro-Tem Hardy called the meeting to order at 7:04 pm

Mayor Pro Tem Hardy delivered the prayer followed by the Pledge of Allegiance by everyone.

Councilmembers’ Roll Call

Present: Councilmembers Sammy Aiken, Felicia Solomon, Chris Suggs, Robert Swinson, and Mayor Pro Tem Hardy

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

Absent: 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 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.

Hinda Moore, 807 E. Bright Street, shared her concerns about social districts. Ms. Moore stated that you want to avoid putting or adding another issue on top of what we already had. The crime rate was uncontrollable, and citizens could finally see some light. She asked the council to please think seriously about the effects of safety and crime and please remember this is a small town with poverty, homelessness, and violence. She thanked Chief Goyette for being good to the citizens, for he has done an outstanding job. Ms. Moore asked the council not to be followers but good leaders before they make a conscious choice for the social district.

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

Rhonda Barwick, City Manager, requests that the Revised Resolution Approving Conveyance of Property be added to the Consent Agenda.

Councilmember Swinson made the motion, seconded by Councilmember Aiken, and upon a unanimous vote of [5-0], the agenda was adopted to add the revised Resolution to the Consent Agenda.

MINUTES

Consider approval of the minutes of the City Council meeting held on Monday, Sept 5, 2023 **Debra Thompson**

CONSENT AGENDA

1. **Consider Adoption of a Resolution to request a \$5 million LASSI grant for Adkin Branch Flood Mitigation Project-----Steve Miller**
2. **Consider Adoption of a Resolution to request grant/loan funding for the Herritage Sewer Replacement Project.....Steve Miller**

- 3. **Consider Adoption of a Resolution to adopt the Wastewater Asset Management Plan-----Steve Miller**
- 4. **Consider Adoption of a Resolution to approve the Water Shortage Response Plan--- Steve Miller**
- 5. **Consider Amended Resolution Approving Conveyance of Property to Lenoir County-----Rhonda Barwick**

Councilmember Swinson made the motion, seconded by Councilmember Solomon, and upon a unanimous vote of [5-0], all five consent agenda items were approved.

ACTION AGENDA

- 1. **Consider Approval for Special Event Permit, Cycle North Carolina (Visit Kinston.com) MSA -----Keith Goyette**

Chief Goyette shared that this is a rather large event. There will be 800 to 1,000 bicyclists on Friday, October 16, 2023, beginning at 1 p.m. and ending the following day around lunchtime. There will be sleeping quarters at Pearson Park and in the open field north of the Riverview townhome. The management of the apartments will open up the north portion of the Riverview and block off a path for the tenants. Several streets to be closed: Mitchell Street at Blount Street to Gordon Street N. Herritage Street, Gordon Street – east of Herritage Street to Queen Street. North Street at Mitchell Street N. Herritage Street; North Street – east to N. Herritage Street to Queen Street, Herritage Street will remain open, and barricades will be in place on both sides of Herritage Street. There will be four off-duty police officers to provide security for the event, funded through Visit Kinston. The ABC permit is received. The fire department will be responsible for checking the food trucks. The Hold Harmless agreement has been signed, and the insurance certificate has been received.

Councilmember Suggs asked if the permit satisfied the request made by Mr. Hill regarding the food truck ordinance. Chief Goyette answered that it does. The food trucks will not be in any location where there are restaurants. Alcohol sales will only be permitted in Pearson Park.

Councilmember Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [5-0], Special Event Permit was approved.

- 2. **Consider Approval for Special Events Permit, BRAD-FEST memorial concert and vendor event to honor the life of Brad Elmore-----Keith Goyette**

This event will be held on Saturday, October 21, 2023, from 12 p.m. to 11 p.m., after the half-mile marathon. The concert will start at 3 pm. and end at 9 pm. The ABC permit has been applied. There will be no road closures. The hold harmless agreement and the insurance have been provided.

Councilmember Aiken stated that he is not familiar with Brad Elmore. Chief Goyette shared that Mr. Elmore recently passed away this year. He was a downtown merchant.

Councilmember Swinson made the motion, seconded by Councilmember Suggs, and upon a unanimous vote of [5-0], the Special Event was approved.

CITY MANAGER’S REPORT

1. Update on Christmas Preparations-----Rhonda Barwick

Rhonda Barwick, City Manager, shared that Leon Steele, Executive Director, and the DK Board have been working hard to prepare for Christmas. Mrs. Barwick added that the need for volunteers is always strong.

Leon Steele, Executive Director, Downtown Kinston, shared updates on the Christmas preparations:

- November 18th – Lighting Ceremony and Tinsel Trail lights – Pearson Park – 6 pm
- Christmas Parade – Saturday, December 2nd at 4:30 pm.
- Registration for participation in the parade, as well as the tinsel trail, hopefully, will be online at the end of September
- Grand Marshal – Mr. Jake Knight
- Santa – Mr. Stevie Parker (Kinston’s 1st African American Santa)
- Neuse News will livestream the parade
- Sponsorships are available
- There is no charge for all academic schools that participate in the parade
- Safety is extremely important; please stay out of the streets
- Volunteers are needed

You can register at downtownkinston.com. or you can call the office at 252-552-8003

Councilmember Suggs asked if we were still allowing the throwing of candy. Leon answered yes, and asked everyone to exercise extreme caution. The regulation strongly states that you do not encourage people to come to you but throw it in the crowd.

CITY ATTORNEY’S REPORT

James Cauley, City Attorney, shared an update on the upset property sale. We started with sixteen properties, all sold and closed except three. Two of these should be closed by the next council meeting. The one remaining still has an additional process to go through. There was an upset bid in late June, advertised in July, and no subsequent upset bid. While trying to contact the high bidder, the gentleman had passed away. Mr. Cauley is reviewing what the next steps should be.

MAYOR AND COUNCILMEMBER REPORTS

Mayor Pro Tem Hardy expressed safe travels for Mayor Don Hardy as he travels to do business for the City of Kinston. He also thanked the staff for all their hard work. Thanks to Corey Povar, Recreation Director, and staff for the programs they have implemented to help our young people. Mayor Pro Tem Hardy encourages everyone to go out and support the young children as they learn different activities, thanks to the school system as well.

Councilmember Solomon thanked Chief Locklear, and the Fire Department Staff for the compassion, kindness, and support given to the family of the seventy-year-old victim who died in the house fire. Thank you for what you do and for doing it in love.

Mayor Hardy asked Mr. Miller about the status of resurfacing Herritage Street. Mr. Miller answered that the last estimate, several years ago, was over a million dollars to resurface Herritage Street from one end to the other. Asphalt in the curbs would have to be removed, and we may be looking at replacing the curbing as well.

CLOSED SESSION

Councilmember Swinson made the motion, seconded by Councilmember Aiken, and upon unanimous vote, City Council entered into closed session pursuant to North Carolina General Statute 143.318.11(a) 3. Attorney-Client Privilege at 7:38 p.m.

Councilmember Swinson made the motion, seconded by Councilmember Aiken, and upon a unanimous vote, the City Council returned to open session at 7:59 p.m.

ADJOURNMENT

Councilmember Suggs made the motion, seconded by Solomon, and upon a unanimous vote, the City Council meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Althea Simmons
Deputy City Clerk