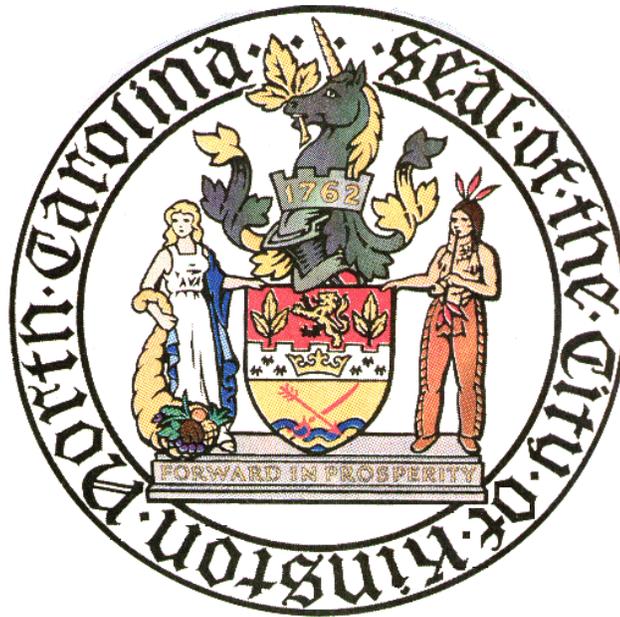


# Kinston City Council



## MINUTES

January 19, 2021

**Minutes**  
Kinston City Council  
City Hall · 207 East King Street  
Tuesday, January 19, 2021  
Regular Meeting at 7:00 pm

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

**WORK SESSION CANCELLED**

**REGULAR MEETING**

Mayor Don Hardy called the meeting to order at 6:58 pm.

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

**CITIZEN COMMENT**

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

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

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

**CITIZEN COMMENT**

There were no citizen comments.

**Adoption of the Agenda**

*If a Councilmember wishes to revise the agenda, the Motion to add or delete an item will be entertained prior to Adoption of the Agenda.*

**Councilmember Roll Call**

**Present: Councilmembers, Sammy Aiken, Antonio Hardy, Kristal Suggs, Robert Swinson, and Mayor Pro Tem Felecia Solomon.**

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

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

**MINUTES**

**Consider approval of the minutes of the City Council Meeting held on January 19, 2021 ----  
Debra Thompson**

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

**INFORMATION AND UPDATES**

**1. Update on the Freedom Classic Event----- Corey Povar**

Scott Alston, Recreation Superintendent presented an update on the Freedom Classic. He noted that on March 5-7, 2021 Air Force and Army will be playing in the Freedom Classic with COVID-19 protocols. The Special Events Permit will be submitted at the next meeting.

**2. Update of Potentially Eligible City Properties ----- Adam Short**

Adam Short, Director of Planning, Inspections, and Code Enforcement presented and discussed the list of city-owned properties. Mr. Short presented 54 properties tentatively available for purchase out of 1,200. Those properties not presented were buy-out properties that we are restricted from conveying to any private entity.

Councilmember Aiken asked if those properties were in the FEMA flood plain area. Mr. Short shared the buy-out property area on the screen and explained that this property is heavily restricted from any development. Mr. Sears added that the restrictions were specifically regarding permanent structures. Mr. Short noted that it did not matter if it is a private or public entity, but essentially no one could develop on the city-owned properties that have been bought out. Mr. Aiken recalled a past urban park design and Mr. Short stated most of the plan called for passive recreation facilities. The stipulations on the deeds of these properties are limited in what they will allow; there are some allowances for certain types of recreation. Mayor Pro Tem Solomon asked what type of recreation is allowable. Mr. Short said it is things like open space, nature trails, and arboretums. He stated that you could use the existing roadways for example as a network of walking paths and trails. The issue with that in the past has been the capacity and manpower to maintain such a large area to that extent. Mr. Aiken shared some previous suggestions that were made. Ms. Solomon asked if there was any activity in that area and Mr. Short stated it was no active use for that property. He related that FEMA does monitor that property.

<b>ACTION AGENDA</b>
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**1. Conduct a Public Hearing for a Conditional Use Permit--First Floor Residential at 109 & 109 ½ West North Street and Adopt an Ordinance to Approve the Conditional Use Permit----- Adam Short  
(THIS ITEM WAS CLARIFIED AS 109 AND 109 ½ EAST GORDON STREET)**

Adam Short, Director of Planning, Inspections, and Code Enforcement stated Mr. David Machado was in attendance and would be able to speak afterward regarding his application. Mr. Short summarized the Conditional Use Permit and shared that at a recent meeting a section to the ordinance was added in 7.44 which requires all first-floor residential to front on an intersecting street and the Queen Street portion of any residential shall only be used for egress/ingress if it fronts on Queen Street. This application meets the requirements of that ordinance, as both units are on an intersecting street and do not front on Queen Street nor does it have any access on Queen Street.

Councilmember Suggs stated that there are conflicting addresses on the application. Mr. Short clarified that it was East North Street.

Councilmember Aiken stated that when the ordinance was passed in the recent meeting, he noted at that time that it may set a precedent of an onslaught of requests for first-floor apartments downtown, as they would like to see downtown flourishing with businesses. He felt making downtown residential would be a conflict. He asked Mr. Machado if he owned the property on Gordon Street. Mr. Machado stated he completed the construction in May 2019 and both buildings each have two tenants that have resided there since the day they moved in; there is a downstairs and a second-floor tenant at 109 and 111. Councilmember Hardy asked for clarification regarding accessibility from Queen Street. Mr. Short said he understood the concern to be when a residential unit fronted on Queen Street. The ordinance was modified to eliminate that, and this request meets those standards. Councilmember Suggs asked if she heard that there was a downstairs tenant on Gordon Street before approval for downstairs tenants last month. Mr. Short stated David's previous application was from a couple of years ago and it was reviewed and approved by the City Council. Ms. Suggs stated she did not know that there was already approval for downstairs. Mr. Short noted that the provisions in section 7.44 were added to provide the additional clarity that it would be on side streets. Mr. Machado shared that Kinston was his first project in North Carolina and he had explained to the Council that they were at market rate. He is back and is now asking Kinston to do a repeat of Gordon Street and noted that Dunn and Dalton is his architect.

**Councilmember Swinson made the motion, seconded by Mayor Pro Tem Solomon and upon a roll call vote (Councilmembers Aiken, Hardy, and Suggs – No; Councilmember Swinson and Mayor Pro Tem Solomon – Yes) [3-2], the motion to go into a Public Hearing for a Conditional Use Permit for 109 and 109 ½ East North Street failed.**

Mr. Machado asked the members that voted no if could ask why, and if he could assuage their concerns or answer their questions. He explained that the buildings were vacant for years and he was planning on turning them into something nice that will bring more folks to live downtown. When you live downtown you shop downtown.

**2. Consider Authorization for Manager to Execute Construction Agreement with Municipal Engineering Services Company for Lawrence Heights Water and Sewer Project ----- Rhonda Barwick**

Rhonda Barwick, Public Services Director reviewed that on December 6, 2020, the Council awarded the contract for construction administration and inspection for the Lawrence Heights Water and Sewer project to Municipal Engineering Services Company. Because this is engineering work, we negotiated the price with them after the qualifications were met. We now have the agreement and the total costs for these services under the agreement will not exceed \$120,000. The agreement has been reviewed both by the Community Development Block Grant personnel that we work with and the City Attorney. We will have a change in Section 4.03 H (removal of limiting liabilities) per the attorney’s request. Municipal Engineering Services Company has reviewed the changes and a revised contract is being sent. Ms. Barwick asked the Council to authorize the City Manager to execute the revised version once received. James Cauley stated that the revisions were consistent with the comments submitted and he is satisfied with the agreement.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], execution of the agreement with Municipal Engineering Services Company by the City Manager was approved.**

**3. Consider Adoption of Capital Project Budget Ordinance – Lawrence Heights Waterline Replacement Project (S9207) Budget ----- Donna Goodson**

Donna Goodson, Finance Director presented the ordinance to establish the waterline part of the Lawrence Heights Replacement Project. The total amount of the project is \$936,126.46. The project will be funded with a zero percent loan obtained from the State Revolving Loan Fund as well as a grant from the State Reserve Project Grant Fund and an appropriation transfer of revenue from the Water Fund for the required closing costs.

**Councilmember Hardy made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the ordinance for the Lawrence Heights Waterline Replacement Project (S9207) Budget was adopted.**

**ORDINANCE FOR THE ESTABLISHMENT OF THE  
LAWRENCE HEIGHTS SEWER REPLACEMENT  
CAPITAL PROJECT FUND (\$9207)**

**WHEREAS**, the City is responsible for providing sanitary sewer services to the citizens of Kinston which includes repairing, upgrading and maintaining the infrastructure that is a contiguous part of its sanitary sewer system , and

**WHEREAS**, there is a need to create the Lawrence Heights Sewer Replacement Capital Project for the replacement of 13,000 linear feet of old (greater than 50 years old) terra cotta sewer line, along Old Snow Hill Road from east Highland Avenue to Jackson Lane; replacement of two hundred ninety (290) sewer services, and thirty-seven (37) sanitary manholes to help alleviate inflow and infiltration and exfiltration issues. This project will be funded with a zero percent loan obtained from the Clean Water State Revolving Loan Fund (CWSRF) with fifty percent of the loan (up to a maximum of \$500,000) to be forgiven, a grant from the Community Development Block Grant Program (CDBG-I) of the State Water Infrastructure Authority, and an appropriation of Transfer revenue from the Wastewater Fund.

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

**Lawrence Heights Sewer Replacement Project (\$9207)**

Revenues:	
CSWSRF Loan Proceeds	\$ 3,299,600.00
CDGB-I Grant Proceeds	2,000,000.00
Transer from Water Fund	65,992.00
<b>Total Revenues</b>	<b><u>\$ 5,365,592.00</u></b>
Expenditures:	
Sewer Construction Expenses	\$ 5,299,600.00
Loan Closing Costs	65,992.00
<b>Total Expenditures</b>	<b><u>\$ 5,365,592.00</u></b>

Adopted this 19th day of January, 2021

**4. Consider Adoption of Capital Project Budget Ordinance – Lawrence Heights Sewer Replacement Project (W9120) Budget ----- Donna Goodson**

Donna Goodson, Finance Director presented the ordinance for the sewer part of the Lawrence Heights Project. The total amount of the project is \$5,365,000. The project will be funded with a zero percent loan obtained from the Clean Water State Revolving Loan Fund with 50 percent (up to a maximum of \$500,000) to be forgiven, a grant from the Community Development Block Grant Program, as well as an appropriation transfer of revenue from the Wastewater Fund for the required closing costs.

**Councilmember Hardy made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the ordinance for the Lawrence Heights Waterline Replacement Project (W9120) Budget was adopted.**

**ORDINANCE FOR THE ESTABLISHMENT OF THE  
LAWRENCE HEIGHTS WATERLINE REPLACEMENT  
CAPITAL PROJECT FUND (W9120)**

**WHEREAS**, the City is responsible for providing adequate drinking-water systems to the citizens of Kinston which includes repairing, upgrading and maintaining the infrastructure that is a contiguous part of its drinking-water system , and

**WHEREAS**, there is a need to create the Lawrence Heights Waterline Replacement Capital Project for the replacement of 9,000 linear feet of a mixture of cast iron and galvanized water mains in the Lawrence Heights neighborhood to help alleviate inflow and infiltration and exfiltration issues. This project will be funded with a zero percent loan obtained from the State Revolving Loan Fund (SRF), a grant from the State Reserve Project Grant (SRF), and an appropriation of Transfer revenue from the Water Fund.

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

**Lawrence Heights Waterline Replacement Project (W9120)**

Revenues:	
SRF Loan Proceeds	\$ 460,013.00
SRF Grant Proceeds	460,013.00
Transer from Water Fund	16,100.46
Total Revenues	\$ 936,126.46
Expenditures:	
Water Construction Expenses	\$ 920,026.00
Loan Closing Costs	16,100.46
Total Expenditures	\$ 936,126.46

Adopted this 19th day of January, 2021

Mayor Hardy asked what the turnaround time was for the completion of the project. Ms. Barwick responded that the construction bids are out and due back to the City on February 11th. Once the paperwork (review and verify bids, return to Council for the award) is completed the construction will take from 6-12 months.

Mayor Pro Tem Solomon asked if the same companies bid or if there are new companies that bid. Ms. Barwick stated it depended on the size and kind of work to be done and she felt it was a good mix. Bidding is open to all and is posted on the City’s website and social media pages. Also, there was mention by Mr. Sears that we do have a Contractors List for companies that are signed up who are notified (via text or email) of the advertised bid if they meet the criteria of the job. Discussion followed regarding ensuring that everything needed to respond to a bid was on the website. Contact information for Tim Wood, Purchasing Manager will be added and may be contacted to submit forms for addition to the Contractors List. Mr. Sears noted that any information regarding how to be placed on the Contractors

List and how to respond to advertised bids that were not on the website at present would be posted.

**5. Consider Adoption of Special Revenue Project Budget Ordinance for 2020 CDBG-CV Grant Project (C2906) Budget----- Donna Goodson**

Donna Goodson, Finance Director related that the City of Kinston has been awarded a \$550,000 CDBG Grant from their Coronavirus program. It has been awarded for providing subsistence payments for utilities, internet infrastructure service for at least three or four neighborhood facilities, and COVID-19 testing. Mr. Sears shared that we do not have the funds as of yet. We are setting the budget up and the funds are expected in February and once the budget is set up, we can begin moving forward. He spoke of the possibility of modifying from testing to the vaccine, but will not know until the funds are in and will let everyone know.

Councilmember Aiken expressed that the grants we are getting exclude the middle-income population and suggested that the wording of the grant allows that population to be inclusive. Mr. Sears said that the programs we are moving forward with, anyone is eligible. Mr. Short shared that due to the economics and census tracks of Kinston we have an area-wide benefit.

Mayor Pro Tem Solomon asked if she was clear to understand that we would be shifting from testing to vaccinations. Mr. Sears stated that we are waiting to get closer to receiving the funds and will check to see what limitations are with the funds. At that time, he will come back with more information.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the Special Revenue Project Budget Ordinance for 2020 CDBG-CV Grant Project (C2906) Budget was adopted.**

**AN ORDINANCE ESTABLISHING  
A SPECIAL REVENUE FUND FOR  
COMMUNITY DEVELOPMENT BLOCK GRANT  
CORONAVIRUS (CDBG-CV) GRANT (C2906)**

**WHEREAS**, the federal government passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 27, 2020 and appropriated \$5 billion in Community Development Block Grant Coronavirus (CDGB-CV) funds to be allocated to States, local governments, and insular areas for activities to prevent, prepare for, and respond to the coronavirus by providing a flexible source of funding that can be used to pay costs that are not covered by other sources of assistance, particularly to benefit persons of low and moderate income, and

**WHEREAS**, on December 17, 2020, the City of Kinston entered into an agreement between the North Carolina Department of Commerce (DOC), Rural Economic Division (REDD) for the Community Development Block Grant Coronavirus Program, and has been awarded grant funds in the amount of \$550,000 for the express purpose of providing subsistence payments for utilities, internet infrastructure and service at three (3) or more neighborhood facilities, and COVID-19 testing in Low-to-Moderate income areas.

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the City accept the allocation and that the following Special Revenue Project Budget Ordinance for associated revenues and expenditures be adopted as follows:

**2020 CDBG-CV Grant (C2906)**

Revenues:	
CDBG-CV Federal Grant	\$ 550,000.00
Total Revenues	\$ 550,000.00
Expenditures:	
Subsistence Utility Payments	\$ 200,000.00
Wifi Expansion	150,000.00
COVID-19 Testing Events	150,000.00
CDBG-CV Administrative Costs	50,000.00
Total Expenditures	\$ 550,000.00

Adopted this 19th day of January, 2021

Mr. Sears revisited information on the City’s website regarding bid information. He advised that bid information could be accessed by opening the Public Services tab and selecting Bid Postings. There is a feature to sign up for text messaging and bid posting. Michael Thomas added that it can also be accessed from the front page under Business and select Bid Opportunities. Mayor Pro Tem Solomon suggested that it also be added to the “How Do I” dropdown menu.

**6. Consider Adoption of FY2021 Operating Budget Amendment ----- Donna Goodson**

Donna Goodson, Finance Director shared that on January 5, 2021, the Fire Department requested, and the Council approved the purchase of a new fire vehicle. Ms. Goodson asked for a budget amendment of \$32,616 to purchase the replacement vehicle. The expenditure would be funded with debt proceeds from the Rolling Stock Loan that we have remaining. The remaining amount available (\$27,648) at the request of the Council was to be used to purchase a vehicle for the Police Department and also asked for a budget amendment for that amount. That should take care of the outstanding loan proceeds. Ms. Goodson reviewed the Water Resources Fund and Wastewater Resources Fund with the transfers to the Capital Projects for Lawrence Heights that was approved tonight.

**Councilmember Aiken made the motion, seconded by Councilmember Swinson, and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the FY2021 Operating Budget Amendment was adopted.**

**AN ORDINANCE AMENDING THE ANNUAL  
OPERATING BUDGET**

**WHEREAS**, the City Council adopted the annual operating budget on June 15, 2020 authorizing appropriations for the General Fund, Water Resources Fund, and Wastewater Fund, and

**WHEREAS**, amendments by the City Council may become necessary during the year as conditions change, and

**WHEREAS**, it is necessary to appropriate funds in the Capital Outlay-Motor Vehicles line item of the Law Enforcement division of the General Fund to fund expenditures for the purchase of a vehicle to serve the Kinston Police Department. This will be funded with revenue from Debt Proceeds, and

**WHEREAS**, it is necessary to appropriate funds in the Capital Outlay-Motor Vehicles line item of the Fire and Rescue division of the General Fund for the purchase of a vehicle to replace a non-operable vehicle utilized for daily fire inspections and emergency response. This will be funded with revenue from Debt Proceeds, and

**WHEREAS**, it is necessary to appropriate funds in the Transfers to Capital Projects line item of the Transfers to Other Funds division of the Water Resources Fund for the required matching to the Lawrence Heights Waterline Replacement Project Capital Project. This will be funded with revenue from Appropriation of Fund Balance of the Water Resources Fund, and

**WHEREAS**, it is necessary to appropriate funds in the Transfers to Capital Projects line item of the Transfers to Other Funds division of the Wastewater Resources Fund for the required matching to the Lawrence Heights Sewer Replacement Project Capital Project. This will be funded with revenue from Appropriation of Fund Balance of the Wastewater Resources Fund, and

**THEREFORE BE IT ORDAINED** by the City Council of the City of Kinston, North Carolina that the annual operating budget ordinance be amended as follows:

<b>General Fund</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Increase (Decrease)</b>
<b>Revenues:</b>			
Debt Issued	\$ -	\$ 60,264.00	\$ 60,264.00
Total Other General Fund Revenues	25,091,290.00	25,091,290.00	-
<b>Total Revenues</b>	<b>\$ 25,091,290.00</b>	<b>\$ 25,151,554.00</b>	<b>\$ 60,264.00</b>
<b>Expenditures:</b>			
Law Enforcement			
Capital Outlay-Motor Vehicles	\$ 92,711.00	\$ 120,359.00	\$ 27,648.00
Other Law Enforcement Expenses	7,157,555.00	7,157,555.00	-
Fire and Rescue			
Capital Outlay-Motor Vehicles	-	32,616.00	32,616.00
Other Fire and Rescue Expenses	4,120,943.00	4,120,943.00	-
Total Other General Fund Expenses	13,720,081.00	13,720,081.00	-
<b>Total Expenditures</b>	<b>\$ 25,091,290.00</b>	<b>\$ 25,151,554.00</b>	<b>\$ 60,264.00</b>

<b>Water Resources Fund</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Increase (Decrease)</b>
<b>Revenues:</b>			
Appropriated Fund Balance	\$ 149,045.00	\$ 165,146.00	\$ 16,101.00
Total Other Water Resources Revenues	10,682,749.00	10,682,749.00	-
<b>Total Revenues</b>	<b>\$ 10,831,794.00</b>	<b>\$ 10,847,895.00</b>	<b>\$ 16,101.00</b>
<b>Expenditures:</b>			
Transfers to Other Funds			
Transfers to Capital Projects	25,998.00	42,099.00	16,101.00
Other Transfers to Other Funds Expenses	2,048,757.00	2,048,757.00	-
Total Other Water Resources Fund Expenses	8,757,039.00	8,757,039.00	-
<b>Total Expenditures</b>	<b>\$ 10,831,794.00</b>	<b>\$ 10,847,895.00</b>	<b>\$ 16,101.00</b>

<b>Wastewater Fund</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Increase (Decrease)</b>
<b>Revenues:</b>			
Appropriated Fund Balance	\$ 7,761.00	\$ 73,753.00	\$ 65,992.00
Total Other Wastewater Revenues	7,112,875.00	7,112,875.00	-
<b>Total Revenues</b>	<b>\$ 7,120,636.00</b>	<b>\$ 7,186,628.00</b>	<b>\$ 65,992.00</b>
<b>Expenditures:</b>			
Transfers to Other Funds			
Transfers to Capital Projects	\$ -	\$ 65,992.00	\$ 65,992.00
Other Transfers to Other Funds Expenses	2,904,537.00	2,904,537.00	-
Total Other Wastewater Fund Expenses	4,216,099.00	4,216,099.00	-
<b>Total Expenditures</b>	<b>\$ 7,120,636.00</b>	<b>\$ 7,186,628.00</b>	<b>\$ 65,992.00</b>

Adopted this 19th day of January, 2021

**7. Consider Approval of Mutual Aid Agreement for Fiber Repair – Coronavirus Relief Fund (CRF) ----- Michael Thomas (THIS ITEM WAS PRESENTED AND VOTED ON OUT OF ORDER)**

Michael Thomas, M.I.S. Director explained that this is regarding an official mutual aid agreement with Greenlight of the City of Wilson. This hold-harmless contract will ensure assistance with fiber optic breaks that we may have and the City of Kinston assisting them as needed as well.

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the Mutual Aid Agreement for Fiber Optic was approved.**

**8. Consider Approval of Request for Police Vehicle Acquisition ----- Tim Dilday  
(THIS ITEM WAS PRESENTED AND VOTED ON OUT OF ORDER)**

Tim Dilday, Police Chief related that at the January 5th council meeting, there was a request for an estimate on the replacement cost for a police vehicle. The current contract is held by Ilderton Dodge of High Point. Chief Dilday shared that with taxes, tags, and delivery we are looking at \$26,448.16. We are not in a contractual agreement (that was last week’s price) but are confident that if ordered in the current window that will be the price of the vehicle delivered. He noted that there was an upfitting cost for striping, emergency equipment, cages, radios, electronics, and those things, but they could be budgeted in the upcoming FY2022.

Councilmember Swinson asked if this would give us one up on the many cars we need to replace. Chief Dilday stated it was and with more officers that meant more cars on the road.

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the request for a Police Vehicle Acquisition was approved.**

**9. Consider Authorizing the Advertising and Hiring to Fill Vacant Positions in the Parks and Recreation Department ----- Corey Povar  
(THIS ITEM WAS VOTED ON IN THE CITY MANAGER’S REPORT)**

**Councilmember Aiken made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], authorization to advertise and hire to fill vacant positions in the Parks and Recreation Department was approved.**

**10. Consider Authorizing the Recruitment of Vacant Positions in the Public Services Department ----- Rhonda Barwick  
(THIS ITEM WAS VOTED ON IN THE CITY MANAGER’S REPORT)**

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], authorization to advertise and hire to fill vacant positions in the Public Services Department was approved.**

**11. Consider Approval of Continuance of the Public Hearing for the Conditional Use Permit—First-Floor Residential at 109 and 109 ½ E. North Street until February 16, 2021.**

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the continuance of the Public Hearing for the Conditional Use Permit--First-Floor Residential at 109 and 109 ½ E. North Street until February 16, 2021, was approved.**

**(THIS MOTION WAS VOTED ON IN THE CITY ATTORNEY’S REPORT)**

**CITY MANAGER’S REPORT**

**1. Consider Authorizing the Advertising and Hiring to Fill Vacant Positions in the Parks and Recreation Department----- Corey Povar  
(THIS ITEM WAS MOVED TO THE ACTION AGENDA – ITEM #9)**

Scott Alston, Recreation Superintendent explained the need to hire Center Assistants at Fairfield, Holloway, Martin C. Freeman, the Planetarium (2), and Kinston Community Center.

Mayor Pro Tem Solomon discussed with Mr. Alston the number of employees we currently have at the Planetarium. Mr. Alston shared that the Planetarium was set to open with limited hours and the staff is working with the Kinston Child Care program as well as at the Planetarium, with one employee having recently left. Mr. Sears stated there was possibly enough funds in the Child Care Program to last through the end of the school year (end of May), but noted that the Planetarium positions were funded by Lenoir County.

**Councilmember Aiken made the motion, seconded by Councilmember Swinson and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], authorization to advertise and hire to fill vacant positions in the Parks and Recreation Department was approved.**

**2. Consider Authorizing the Recruitment of Vacant Positions in the Public Services Department ----- Rhonda Barwick  
(THIS ITEM WAS MOVED TO THE ACTION AGENDA – ITEM #10)**

Rhonda Barwick, Public Services Director discussed that the request to recruit was for an Electric Line Crew Leader (internal movement), and Electric Substations and Control Technician (retirement).

**Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], authorization to advertise and hire to fill vacant positions in the Public Services Department was approved.**

**CITY ATTORNEY’S REPORT**

James Cauley, City Attorney stated that the staff may need clarification on Item #1 (Conditional Use Permit) and its failure to get the votes for a Public Hearing and asked if it was a timing issue or if the Council wanted the ordinance revised to eliminate residential on the first floor throughout the Central Business District. This information would be helpful for other applications going forward.

The Council and staff discussed the tax values for the CUP and the Gordon Street properties.

Mr. Cauley asked if it failed to go to Public Hearing tonight, was it to delay until another night, or was the item dead?

Councilmember Suggs stated she wanted more information about the development and plans and noted that she would not mind speaking with Mr. David, Mr. Steele, and Mr. Short regarding this issue as well as possibly revisiting the ordinance itself. Mr. Sears asked if the Council members would like to meet with Mr. David. Councilmember Hardy stated he wanted to meet with Mr. Machado and get some clarity on the issue and how to handle this. Mr. Short stated he will convey to Mr. Machado that the Council would like to see what the units will look like and get a meeting scheduled.

Councilmember Aiken expressed concern about not receiving citizen comments regarding Public Hearings. Ms. Sears noted that with the new COVID rules, we cannot vote on the same night we have the Public Hearing. He encouraged anyone with questions or concerns afterward, please feel free to contact staff as well; the hearing is held open for 24 hours. Councilmember Aiken said that we would like to keep the commercial district as such as much as possible.

Mr. Short stated that regarding the proliferation of applications in a short amount of time, we could go back and tweak the ordinance. Mayor Pro Tem Solomon stated that the Council did not want the downtown district to totally become residential, but we do have the ability to take a vacant building and acquire that tax money. She referenced that this is a side street and was glad to know we do have the ability to come back to the table. Mr. Short stated there could be a moratorium placed on a particular use as well. He emphasized that there could be downtown development to boost our tax base. Councilmember Aiken asked if Mr. Steele had any comments. Mr. Steel agreed with Mr. Short regarding the downtown development with the revenues that could be generated from that and added that there were jobs to be created and retained during the renovation, along with the money that would be spent locally on materials and trades. He said that residential is ideal for that area. Mr. Steele related that the four apartments on Gordon Street were rented immediately and possibly the Council could take a tour and see the quality of work and space inside. He noted that the buildings eventually become a liability. Mayor Pro Tem Solomon related that she felt that Mr. Steele should be prepared to share each meeting with the development of downtown.

Councilmember Aiken stated that after 20 years of the City having the shirt factory property, he was shocked to see that it had not been advertised with ElectriCities newsletter as a potential place to buy. He said the Mitchell family wanted to utilize some lots on Caswell Street for a memorial park. Ideally, we would like to see some type of manufacturing at that location, but most of the manufacturers have gone overseas. Mr. Sears stated that they have advertised other sites with ElectriCities, but the shirt factory site does not meet their criteria. He stated Retail Strategies has advertised in national publications trying to move that

property. Also, Mr. Sears related that there may be a closed session soon that will address some of those issues.

Mr. Cauley suggested that a motion to continue the Public Hearing would be in order if it was something to be considered and would eliminate the need to readvertise. Mr. Sears shared that it could be continued until February 16th, and that would allow Council to have any questions answered by Mr. David.

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the continuance of the Public Hearing for the Conditional Use Permit--First-Floor Residential at 109 and 109 ½ E. North Street until February 16, 2021, was approved.**

**(THIS MOTION WAS MOVED TO THE ACTION AGENDA AS ITEM #11)**

#### MAYOR AND COUNCILMEMBER REPORTS

Mayor Pro Tem Solomon asked if at the next meeting the Council could be made abreast of the Disc Golf at Bill Fay Park. She also stated she would like to see some inclusion in that area for the walkers and nature lovers before we move too far along with the Disc Golf. Mr. Alston stated they will look at grants through the State Parks Association to assist in provisions for walkers and nature lovers.

Councilmember Hardy reminded everyone to remember the 3-Ws.

Mayor Hardy thanked everyone for attending tonight and everyone for what they do.

#### ADJOURNMENT

**Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous roll call vote (Councilmembers Aiken, Hardy, Suggs, Swinson, and Mayor Pro Tem Solomon – Yes) [5-0], the Kinston City Council Meeting was adjourned at 8:39 pm.**

Respectfully submitted,

Debra Thompson, City Clerk