

# Minutes

Kinston City Council  
City Hall · 207 East King Street

**Tuesday, January 22, 2019**

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

Handicapped parking and access ramp are available for the Independence Street entrance.

Mayor Don Hardy called the meeting to order at 5:30 p.m.

Present: Councilmembers Robert Swinson, Joseph Tyson, Kristal Suggs, Sammy Aiken, Mayor Pro Tem Felecia Solomon and Mayor Don Hardy

Also present: Tony Sears, City Manager and James Cauley, City Attorney

## **ADOPTION OF THE AGENDA**

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

Mayor Hardy made the motion, seconded by Councilmember Swinson and upon a unanimous vote [5-0] the agenda was adopted to add Presentation Item Number One, a Proclamation for Religious Freedom Day by Mayor Hardy and Agenda Item Number Four, Closed Session by Tony Sears, City Manager.

## **ITEMS FOR DISCUSSION**

1. Consider Appointing Rhonda Barwick as Commissioner of the N. C. Eastern Municipal Power Agency and Tony Sears as First Alternate Commissioner----- Rhonda Barwick

Ms. Barwick, Director of Public Services shared that Tony Sears, City Manager was recently nominated and elected to serve on the Eletricities Board of Directors, representing Eastern NC. Ms. Barwick stated as a means of sharing responsibilities of his two roles, she would be moved from alternate to Commissioner and Tony moved to First Alternate Commissioner.

Councilmember Aiken related that a City Councilmember has previously filled the position. He stated that the budget was ratified in June and the annual meeting was held in June. He expressed concerns if that meant Ms. Barwick would not be able to attend budget discussion meetings. Ms. Barwick responded she is already an alternate in the group, the group only meets four times a year and at this time she would move up to a voting member. Normally they do not meet in June and

she would be available for budget meetings. Councilmember Swinson stated he was previously on the board and the annual meeting was at the time of budget session. Mr. Sears has taken his position on that board. Mr. Sears stated his priority is here and he will be here at the meeting. He shared that there are two boards for Electricities. The “small” board is made up of only the 31 municipal power agencies and he has been a commissioner since 2011; Ms. Barwick has been the alternate. He and Rhonda are just flipping roles on the “small” board, so that she can attend those meetings. He has now been elected to the “big” board which is Agency and Agency 1 that includes the Western. Mr. Swinson shared that the local board meetings are held in Wilson. There are no out of town meetings.

2. Consider Approval or Denial of the Initial Bid and Authorize City Attorney to Advertise for Upset Bids for Parcel Record Number 34469 ----- Adam Short

Mr. Short, Director of Planning stated he has received an offer for bid for Parcel Record Number 34469. The offer was submitted by Mr. Edgar Brown and was secured with a \$500 deposit. He requested to start the initial bid process which allows the attorney to advertise for an upset bid. The final approval comes back once that process has run. James Cauley, City Attorney related that, going from memory, the Council imposed a requirement of the full amount to be tendered if the bid was less than \$1,000 or \$2,000. He asked if the \$500 was tendered. Mr. Short answered yes, the full amount was tendered with the bid.

3. Consider Adoption a Special Revenue Ordinance for Hurricane Florence FEMA-4393-DR-NC (C2903) -----Donna Goodson

Ms. Goodson, Finance Director related the purpose of the amendment is to bring the entire amount that is expected for the damage to be from Hurricane Florence. Originally, \$100,000 was appropriated in the Special Revenue Fund and since we now have the damage inventory to be submitted to FEMA, the amount anticipated to be reimbursed is \$6,283,000. The Special Revenue Fund is requested to be amended to \$6,283,000.

4. Review of the Estimated General Fund Balance for June 30, 2019 ----- Tony Sears

Mr. Sears presented the Estimated General Fund Balances for General Fund, Water Fund, Sewer Fund, Electric Fund, Environmental Services Fund, and Stormwater Fund at June 30, 2018 and FY 2018-2019 appropriations that was requested at the last meeting by Mayor Pro Tem Solomon. He shared that on June 30, 2018 there was \$3,403,230.86 available for appropriation the FY 2018-2019 Adopted Budget minus appropriations was an estimated \$1,441,128.86 for June 30, 2019. He then

discussed each of the following funds on June 30, 2018 and the estimated amount for June 30, 2019: Water Fund - \$6,768,292.45, June 30, 2018 and Estimated June 30 2019, \$6,761,292.45; Sewer Fund - \$890,822.79, June 30, 2018 and Estimated June 30, 2019, (\$2,990,433.21); Electric Fund - \$20,464,691.82, June 30, 2018 and Estimated June 30, 2019, \$19,179,691.82; Environmental Services Fund - \$913,882.64, June 30, 2018 and Estimated June 30, 2019, \$913,882.64; and Stormwater Fund - \$1,322,118.20 June 30, 2018 and \$1,182,104.20 Estimated June 30, 2019. Mr. Sears discussed appropriations used or on hold for each of the funds, some of which were impacted due to Hurricane Florence & electrical projects

Tony shared that Mayor Pro Tem Solomon requested the Fund Balance total due to discussion of a \$50,000 needed to repair the HVAC system at Fairfield Community Center. Also, to answer the questions regarding payment to Retail Strategies, they agreed to split between fiscal years by paying \$12,500 this fiscal year (which would be appropriated from the Fund Balance) and \$12,500 next fiscal year (which would be budgeted). The Electric Fund is allowed to do economic development and Retail Strategies clearly fits that category.

Councilmember Aiken expressed concern with the government shutdown and if it would have any impact on FEMA reimbursement. Mr. Sears responded we have not realized any impact as of yet. However, we have not at the receivable stage of the process. We are compiling information to submit for reimbursement. Mayor Hardy related that at the Governor's Cabinet today, discussion regarding FEMA funds was that funds would not be released until the reopening of the Government.

Mr. Sears requested some direction regarding Fairfield. Mayor Hardy asked what the \$50,000 would cover. Tony stated that amount would cover all six units. The actual cost is \$45,000 with \$5,000 contingency. Tony stated he is not sure what the lead time is, but will probably take several weeks to get them in. Scott Alston, Interim Director of Parks & Recreation shared that the upcoming season of reservations (April, May, June, and July) were very important to the use of the facility. Councilmember Swinson asked if bids were needed and Tony stated bids were already done. Tony stated quotes were in hand and this item would be added in the agenda as action item number two.

Councilmember Suggs expressed that normal reference to Fund Balance is in percentage form for fiscal year. Mr. Sears calculated the Fund Balance at 15 percent.

CLOSED SESSION

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon unanimous vote [5-0] Council entered Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (6) to discuss a Personnel matter at 6:10 pm.

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [5-0] Council returned to Work Session at 6:43 pm.

### RECESS

### REGULAR MEETING – 7:00 pm

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

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

#### 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 Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote [5-0] the agenda was adopted to add Action Item Number Two: Consider Approving \$50,000 for HVAC System at Fairfield Community Center.

#### CITIZEN COMMENT

Citizens must sign in prior to the start of the meeting if they wish to address the City Council.  
Citizens should state their name and address prior to beginning their comments and may speak up to a maximum of 3 minutes.  
Citizens seeking assistance or asking questions will be contacted by a member of the Governing Body or by appropriate City Staff.

1. Curtis Washington, Sr., 800 Williams St. Kinston, NC – Demolition of Building.
2. Allen Wayne Mitchell, Bennie Albritton – Questioning Hurricane Matthew assistance for Tick Bite area in Lenoir County.
3. Vanessa Lewis, 1805 St. George Pl. Kinston, NC – Non-profit organization - acquisition of buildings and any assistance available.
4. Charlie Wade, 815 Colonial Dr. Raleigh, NC – Opportunity to work on 412 Mitchell St.
5. Robert Washington, 105 Walnut St. LaGrange, NC – Support of Dr. Joseph Askew.
6. Teresa Washington, 833 William Vause Ln. Kinston, NC – Debris on Will Baker Rd.
7. Pastor Nancy Wade, 113 N. Rochelle Blvd Kinston, NC – Support of Dr. Joseph Askew.
8. Brenda Klein, 811 Waters St. Kinston, NC – Support of Dr. Joseph Askew.
9. Alexanda Muhammad, 400 East St. Kinston, NC – Support of Dr. Joseph Askew.
10. Dorian Edwards, 2111 Sparre Dr. Kinston, NC – Opposition to Retail Strategies Contract.
11. Charles Hannibal, 1207 Cogdell Dr. Kinston, NC – Support of Dr. Joseph Askew.  
(relinquished opportunity to speak to allow Mary Johnson to speak)
12. Pastor Mal Williams, 5442 Hwy 903 South – Support of Dr. Joseph Askew.
13. Mary Johnson, 605 Westover St. Kinston, NC – Support of Dr. Joseph Askew.

14. Dr. Joseph Askew, 900 N. Queen St. Kinston, NC – Request removal of structure from demolition list for 110 N. Trianon St. Dr. Askew submitted a petition.

Councilmember Aiken asked James Cauley, City Attorney if we had a response to the Citizens that signed the petition. Mr. Cauley stated the case has been previously reviewed and voted upon and everyone was allowed to make comment. Councilmember Aiken referenced other buildings on Queen St. and Gordon St. that have been vacant for a lengthy timeframe with no action taken and did not understand the rush to demo Dr. Askew's property. He feels Dr. Askew should be given another 60 days to correct major issues. He also stated Gordon Wade's property at 412 Mitchell St. should be given more time. Councilmember Tyson stated that in view of this matter having been voted on at a previous meeting, this would need to be an action item on the agenda. Mr. Cauley shared the initial date of the order for demolition and related that Councilmember Tyson is correct, but it is also true that the majority of the board could modify past actions if they chose. Councilmember Aiken referred to the question of the petition and Mr. Cauley stated petitions have no legal bearing on the process, but may have a political impact. Councilmember Swinson questioned the precedent being set if we allow this to happen. Other property owners have come before Council with the same plight as Dr. Askew and were denied extensions. He questioned if this would give reason for legal issues against Council as a body in the future. Mr. Cauley stated only if you were treating people differently; consistency is the benchmark you want to follow. Mayor Hardy asked about the NC General Statutes relating to this case deeming the structure a liability to the City. Mr. Cauley stated there are general statutes and there is an Inspector's order finding this structure is structurally unsafe (decay, rot, electrical concerns, etc.). Councilmember Aiken asked did it hold true if it is not being used as rental property, fenced with no trespassing signs. Mr. Cauley answered yes, if it hasn't been secured.

Mayor Pro Tem Solomon asked Dr. Askew if the home was listed under the historical register. Dr. Askew stated that 110 N. Trianon is known as a historical house because of the history of its structure and use. Ms. Solomon asked how long Dr. Askew had had ownership of the home. Dr. Askew stated his mother purchased the property. Councilmember Aiken questioned using monies from the \$750 K grant recently received to use for preservation of historical architecture. Councilmember Tyson explained that could not be done under that funding and there was a process in place regarding that grant money. Mr. Short added that the funding was specifically for owner-occupied housing units.

Mr. Cauley stated he did not bring folders for Trianon St. or Gordon St. because his notes indicated Dr. Askew has not reached the deadline of March 20<sup>th</sup> for Gordon St. He also clarified that the property is owned by Joseph Askew, Jr. who resides in Washington, DC. Mayor Hardy asked if we should be speaking to Joseph Askew, Jr. and Mr. Cauley answered yes.

Councilmember Suggs expressed her compassion, understanding and sympathy of the situation. She stated the code violation was initialized in 2017 and had concerns that the petition was signed by a majority people that have no personal stake in the neighborhood. She related she grew up in the neighborhood and was concerned that nothing was done to correct the condition of the structure until the City brought action. She reminded everyone of their personal obligations and encouraged doing the right things at the right time. She

asked Dr. Askew, why the structure was not repaired in twenty plus years if money was not a problem as previously stated. Ms. Suggs stated she was willing to go with any recommendation the Council makes.

PRESENTATIONS AND RECOGNITIONS

- 1. Proclamation for “Strides: Lions for Diabetes Awareness Day” with a presentation by Ms. Sharon Axelberg, President of Lions Host Club. Ms. Axelberg explained the mission and invited all to attend “Strides: Lions Rockin’ Walk-A-Thon for Diabetes Awareness” on March 30, 2019 at Kinston Community Center. Ms. Avery Taylor spoke regarding her journey with diabetes and related the experience of fund raising efforts for diabetes. Ms. Axelberg related the club assists as many as possible with diabetes and with the help of one other club last year, 75 children were sent to camp. Mayor Pro Tem asked if there was a facebook page and it is strides – lions for diabetes awareness.

MINUTES

Consider approval of the minutes of the City Council meeting held on Monday, January 7, 2019.....Debra Thompson

Councilmember Suggs made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the minutes for Monday, January 7, 2019 were approved.

CONSENT AGENDA

All items listed below are considered to be routine, and will be enacted by a single vote. There will be no separate discussion of these items, unless a Councilmember so requests, in which case the item will be moved to the end of the Action Agenda.

- 1. Consider Appointing Rhonda Barwick as Commissioner of the N. C. Eastern Municipal Power Agency and Tony Sears as First Alternate Commissioner----- Rhonda Barwick
- 2. Consider Approval or Denial of the Initial Bid and Authorize City Attorney to Advertise for Upset Bids for Parcel Record Number 34469 ----- Adam Short
- 3. Consider Adoption of a Special Revenue Ordinance for Hurricane Florence FEMA-4393-DR-NC (C2903) -----Donna Goodson

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0] the three (3) items on the Consent Agenda were approved.

**ACTION AGENDA**

## 1. Consider Approval or Denial of the Contract Request with Retail Strategies ----- Adam Short

Mr. Sears stated that the question was raised as how payment in the amount of \$25,000 would be made. Retail Strategies agreed to split between fiscal years by paying \$12,500 this fiscal year (which would be appropriated from the Electric Fund Balance) and \$12,500 next fiscal year (which would be budgeted). The Electric Fund is allowed to fund economic development.

Discussion was entered and clarification of the contract was given by Councilmember Tyson.

Mayor Pro Tem Solomon expressed concerns on the ability to afford the contract for the 2019-2020 Fiscal Year and is considering what can be done with the money. She stated when considering Game Stop, that is rental space; we already had Taco Bell and the business was aware of our market; and in speaking of Cook Out, some say that was already in the works, so she doesn't think it's feasible for the upcoming year. Also, when we talked to them last year, the question was asked as to how our City was branded, and what is it that you say about Kinston. She does not feel the contract needs to be approved. Councilman Aiken concurred.

Mayor Hardy stated whether the contract was approved or not, we were going to have to look at ways to attract business to the City. He challenged the Council, along with himself to look at other options if it is not approved.

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a vote [2-3] (Roll Called: Councilmember Aiken, Councilmember Suggs and Mayor Pro Tem voted no) Consider Approval or Denial of the Contract Request with Retail Strategies was not approved.

## 2. Consider Approving \$50,000 for HVAC System at Fairfield Community Center --- Tony Sears

Discussion was entertained in the Work Session.

Councilmember Swinson made the motion, seconded by Councilmember Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the Approval of \$50,000 for HVAC System at Fairfield Community Center was approved.

CITY MANAGER'S REPORT

1. Mr. Sears related that Rhonda Barwick and the department have been dealing with an 18 inch terracotta line. He stated terracotta becomes a repair issue after it has been in the ground a long time. This is an emergency repair with a cost of \$154,590. Tripp Brothers of Ayden are making the repairs. No appropriations will have to be made and this will not affect the Fund Balance. Ms. Barwick stated that the funds are in this year's operational budget of the Sewer Fund. This money was meant for work to repair damages by Hurricane Florence so it will be used, we will be reimbursed.

CITY ATTORNEY'S REPORT

No Report

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Aiken reported he attended WASA briefing. The Department of Environment and Natural Resources provided a very informative meeting. All cities attending have issues with aging sewer lines. There was also discussion regarding water pollutants. The second issue is basketball goals located in the street. They become a hazard and have been seen throughout the City. He asked what remedy is available. Mr. Sears related there is an ordinance. Councilmember Suggs encouraged citizens to proceed with caution when you see these goals as well.

Mayor Hardy shared information from a recent conference with Mayors across the state. Some of the topics were cities funding schools, funding for retired firefighters and broadband. He also reiterated that FEMA reimbursement would not be released until after the government shutdown.

Also, he will be talking to current legislators regarding the City's direction. Mr. Cauley suggested adopting a resolution to prioritize legislative goals. This covers general statewide matters, but also includes local needs and can be provided to the legislators.

Councilmember Suggs related that her son, Christopher Suggs was sworn in recently after being appointed by the Governor to the Center of Safer Schools Committee. She related that this firsthand information is an asset to us and Chris is also a part of the Governor's Crime Commission. She suggested tap into our resources.

Mayor Hardy shared that he has been appointed to National League of Cities Federal Advocacy Goals Committee for Crime and Safety as well as Small Cities Councils. He stressed the power of networking and communicating.



Mayor Hardy stated, "Life's most persistent and urgent question is; what are you doing for others". He stated we do a lot by serving. Service is the highest thing you can do. It is an honor to serve.

Councilmember Aiken acknowledged this would be Ms. Catherine Gwyn's last council meeting would be leaving the City. Mayor Hardy stated Ms. Gwynn has been a jewel to us, thanked her for the work she has given and added best wishes on all her endeavors. Councilmember Tyson stated he was all about the money, and Catherine has kept us straight regarding the money. The most important thing that we can do for the citizens is to spend the tax money in a responsible way and we also need someone to monitor that. He extended his appreciation for looking out for the citizens, the department heads, and the council and best wishes.

<b>ADJOURNMENT</b>
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Councilmember Swinson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [5-0] the meeting was adjourned.

Respectfully Submitted,

Debra Thompson  
City Clerk