

Minutes
Kinston City Council
Monday, March 5, 2018
5:30 pm

REGULAR MEETING

Mayor Don Hardy called the Kinston City Council meeting to order at 5:30 pm.

Councilmember Joseph Tyson led the prayer followed by the Pledge of Allegiance.

Those present: Councilmembers Robert Swinson, Sammy Aiken, Joseph Tyson, Kristal Suggs, and Mayor Don Hardy

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

Those absent: Mayor Pro Tem Felicia Solomon

Adoption of the Agenda

Councilmember Tyson made the motion to add a presentation by Lions Industries for the Blind, seconded by Councilmember Suggs and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the motion was approved.

Councilmember Suggs made the motion to adopt the agenda with the addition, seconded by Councilmember Swinson and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the agenda was adopted.

CITIZEN COMMENT

There were no citizens who wished to address the City Council.

MINUTES

Consider approval of the minutes of the Kinston City Council meeting held Monday, February 19, 2018.....Monique Hicks

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the minutes were approved.

PRESENTATIONS AND RECOGNITIONS

1. Rockin Walk A Thon – Diabetes Fundraiser.....Sharon Axelberg

Sharon Axelberg, President of the Host Lions Club, stated they are having a Rockin Walk A Thon sponsored by the Kinston Host Lions Club on Saturday, March 24, 2018, and the main purpose is to raise awareness and money for diabetes patients. We send juvenile diabetes patients to Camp Needles. We help those living with diabetes get medicine, pods, pumps and any supplies they need. Diabetes is the number one cause of blindness and it is a major problem, so the Lions have made it a major interest.

Avery Taylor stated she was diagnosed with diabetes in 2015. When she was diagnosed her blood sugar level was 687, her A1c was 13.6 when the average should have been 7.5. She has attended Camp Needles in the Pines for two years. It allows young people to meet other people with diabetes. We raised \$14,000 to help send other kids with diabetes to the camp. During Christmas we presented each Lenoir County school nurse with a \$100 debit card to purchase needed supplies for students with diabetes. We have also been giving \$200 scholarships to people who need diabetes supplies. The fundraiser will be held Saturday, March 24, 2018 at the Woodmen Community Center from 830 to 1130.

Mrs. Axelberg asked citizens to come out, walk and learn more about diabetes. So many people go undiagnosed and die from this disease. Registration is \$5 and anyone who wants to contribute can go to our Facebook page, Strides: Lions for Diabetes Awareness or call the Lions Industries for the Blind.

Mayor Hardy read and presented a proclamation.

ACTION AGENDA

1. Conduct a Public Hearing AND consider approval of a Conditional Use Permit application from David Machado for duplex units at 109 and 111 East Gordon StreetAdam Short

Adam Short, Planning Director, stated we have an application for 109 and 111 East Gordon to have two duplex units. The zoning in all directions is B-2 which is the Central Business District zoning. There is a City owned parking lot and vacant lot to the south. The Planning Board unanimously recommended approval.

James Cauley, City Attorney stated with the Conditional Use Permit all witnesses must be sworn and there are certain formalities with the proceedings.

David Machado, Applicant, stated he is a resident of Central California. Preservation North Carolina works to preserve the residences and buildings in the State that have fallen into disrepair. Some time ago he met Adrian King who took him on a tour of the town and

introduced him to people which started his interest in Kinston. In two years he visited several other towns, but there is something about Kinston. There are two individuals in the City who are economic engines that most other towns do not have. Kinston, unlike many other cities in North Carolina, funds a downtown organization. If you look around the State, there are not as many other cities that have as much going on for them as Kinston has. He is in escrow with the two properties and will close escrow tomorrow morning if this permit is approved. He has hired Dunn and Dalton Architects who are working on drawings to turn the two buildings into very nice upscale apartments.

George Jenkins, Property Owner of 111 East Gordon, stated his neighbor William Gerrans owns 109 East Gordon Street, and he has authorization to speak on Mr. Gerrans behalf. With the exception of the time he spent in Chapel Hill and Buies Creek, he has lived in Kinston all of his life. When he was a little boy people lived in downtown Kinston. His property was a former doctor's office on the ground floor, but the second floor was an apartment. The same was true for the buildings beside him and across the street from him. They were starter homes from people returning from World War II. Downtown Kinston could be a great place to live. The town can have the imagination to develop downtown Kinston, in part, as a residential community. That is thinking a little outside of the box. People who have been thinking outside of the box are helping to bring growth and development to downtown Kinston. Mr. Machado is trying to think outside the box and bring residential development to downtown Kinston. It is his understanding that Mr. Machado is planning to bring apartments that will have market rates, so he is trying to draw people into downtown Kinston who will have money to spend downtown, eat in downtown and to have businesses downtown. This could become a cyclone effect with people living, eating, buying buildings and doing business downtown Kinston, and the City Council has the opportunity to approve that. He practiced law in the building for 35 years, but he is not in position to renovate the building and continue to practice law in that building. He has a pride in the building, and like the people who have owned the building before, he wants to see it taken care of, fixed and maintained. There was a building east that was burned and it had to be torn down, but it didn't have the character of his and Mr. Gerrans buildings. Their buildings bring character, add to the beauty of downtown and can revive that block. Across the street there are business that have maintained the appearance that we would like to have and Gordon Street Christian Church which has been at the location for over 100 years, and anchors the block. Allowing Mr. Machado to have relief from the zoning laws so that he can put apartments in the building, in his estimation, would do nothing but help that block of downtown Kinston. He encouraged City Council to approve the application.

Councilmember Tyson asked if both duplexes will be totally residential or will there be office spaces as well. Mr. Jenkins stated his understanding is that there would be apartments on both floors.

Mr. Cauley stated that the Code does not require a conditional use permit for residential above business. This is only because the application is for residential on the first floor that the permit is required.

Councilmember Aiken asked if there will be separate egress and exit for the buildings. Mr. Machado stated the unique thing about both buildings is that they have a separate stairway that goes up to the second floor from the front of the buildings. They each will have their own entrances and each apartment will be approximately 1,600 square feet. We are drawing plans for two and three bedrooms with two baths, inside laundry rooms and they will be very nice. The second floor of Mr. Jenkins building is still in the original condition of its 1905 apartment including an old clawfoot bathtub, sink, hardwood floors, large ceilings and beautiful windows. They will be really nice units and will be a market rates. They will have to be really nice to make this work.

Pat McCain, Owner of 114 East Gordon Street, stated she has been a downtown owner since 1991. Prior to owning 114 East Gordon Street, she rented on King Street. She wants to welcome Mr. Machado to our area. She is all for growth. She understands that growth is slow, but it is very definite. She wants to see the five buildings that she has to stare at that burned down done something with, please. She wants to see some excitement from the City and all of those entities get with the program. No one wants to move into the conditions. We are lucky to have Mr. Machado who wants to do something. It is a well-established neighborhood. It is reverent and quiet. She asked where will the residents park.

Mr. Machado stated there is a city parking lot on the corner. He has also heard the rumor that Mr. Sears [City Manager] would like for him to purchase a certain city lot that is to the left that has been abandoned for many years. That may come into fruition and that would become a privately own parking lot for his tenant versus them parking in the city parking lot.

Mrs. McCain stated that would be great and she is so excited. If there is anything at all that her business can do as welcoming or helping in anyway, please call them. They are the McCain Group next to Attorney Dal Wooten and have been in operation at that location since 1991 and have kept it just as it was when it was an insurance company whose owner lived upstairs. It is currently offices and storage. She cannot think of a greater neighborhood for businesses and or living, and the good news is that the police department is within five minutes.

Gerald Jarman, Jarman Florist and Gift Shop, stated he represents his mother who is also one of the property owner on East Gordon Street. Jarmon's Florist and Gifts is on the first floor and on the second floor is an education center. His only concern is the parking situation on Gordon and McLewean.

Adam Short, Planning Director, stated from a zoning standpoint, there is no parking requirement in the downtown B-2 District for a facility. We have on street and off street parking in downtown.

Mr. Jarman stated with their businesses, they definitely need access to the spaces in the parking lot that they are currently utilizing, and it would be really helpful to have spaces available for the florist along with the educational center. He commends Mr. Machado in terms of his project. He is very familiar with Mr. Machado in terms of what he is doing in other places in the Raleigh and Charlotte areas. He wants to commend him for coming to Kinston and seeing the potential in Kinston. We do want to bring the parking concern to the City Council's attention.

After no one else spoke in favor of or in opposition, Mayor Hardy closed the public hearing.

Councilmember Swinson introduced the following Conditional Use Permit:

**ORDER GRANTING A CONDITIONAL USE PERMIT
FOR A DUPLEX AT 109 AND 111 EAST GORDON ROAD IN KINSTON, NC**

WHEREAS, following due advertisement announcing a public hearing as provided by law, the City Council for the City of Kinston, North Carolina held said public hearing March 5, 2018 to consider an application for a Conditional Use Permit for two duplex units located at 109 and 111 East Gordon Road, Kinston, NC.

The City Council, having heard all of the evidence and arguments presented and reports from City Officials pertaining to said application, makes the following:

FINDINGS OF FACT

1. That the proposed use would be allowable in the B-2 (Central Business District) zoning district with the approval of a Conditional Use Permit in accordance with the City of Kinston Unified Development Ordinance;
2. A Public Hearing before the City Council was held on March 5, 2018 to consider the issuance of a Conditional Use Permit;
3. The Planning Board recommended approval of the request at their specially scheduled meeting held on February 28, 2018 by unanimous vote;
4. No evidence has been presented indicating that the project, if completed as proposed, will endanger public health or safety;
5. No evidence has been presented indicating the project will reduce or injure the values of adjoining or abutting properties;
6. No evidence has been presented to indicate that the project, if completed as proposed, will not be in harmony with other development and uses within the area;
7. No evidence has been presented indicating proposed use is not in general conformity with the city's land use plan and other plans officially adopted;

Based upon the foregoing FINDINGS OF FACT, the City Council makes the CONCLUSION that the proposed use does satisfy the general conditions imposed on the Council in its deliberations by the Unified Development Ordinance for issuing a Conditional Use Permit. In support of this action the Council makes the following additional CONCLUSIONS:

1. All of the general and specific conditions pursuant to the issuance of a Conditional Use Permit have been satisfied.
2. The Applicant can fully comply with all the specific requirements stated in the Unified Development Ordinance for the proposed use.
3. The development will not endanger the public health or safety.
4. The development will not injure the value of adjoining or abutting property.
5. The development will be in harmony with the existing development and uses within the area in which it is to be located.
6. The proposed use is in general conformity with the city's land use plan and other plans officially adopted.

THEREFORE, because the City Council concludes that all of the general and specific conditions precedent to the issuance of a Conditional Use Permit have been satisfied, IT IS ORDERED that the application dated January 24, 2018 by David Mochado for the issuance of a Conditional Use Permit BE GRANTED, subject to technical corrections by city staff.

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the Conditional Use Permit was approved.

- 2. Consider a bid award to Southern Power & Lighting in the amount of \$179,123.60, plus a contingency of \$6,221 (approximately 3.5%) for a total bid award of \$188,445 for the replacement of several underground electric services.....Rhonda Barwick**

Rhonda Barwick, Public Services Director, stated in this year's electric budget we have \$188,445 to replace old underground electric. This year we have the Cunningham Road substation, the POC, the State Employees Credit Union on Vernon Avenue, Kinston High School, Academy Heights Road and some others. We did the Cunningham Road work with our own crews and deducted the amount from the capital outlay line and that left \$185,345, so we took bids for the remaining work. The bids came in above what we anticipated which was mostly due to the increase in demand for electric materials and work from all of the storms we have had in the area. We removed the Kinston High School underground work at this time. It was \$38,000 and it is something that we can do next fiscal year and probably be done with our crews.

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the bid award was approved.

- 3. Consider a bid award to Tripp Brothers Incorporated in the amount of \$493,341.20, plus the remaining budgeted amount of \$6,658.80 (approximately 1.3%) to serve as a contingency for the 2017-18 Street Resurfacing projectRhonda Barwick**

Rhonda Barwick, Public Services Director, stated November 20, 2017, staff presented three options for streets to be resurfaced. Option one included category one streets which are major thoroughfares, Option two was a combination of category one and category two which are collector streets, and Option three was how we have traditionally resurfaced streets which is we go by the street condition survey list taking into consideration if any utility work is needed or if it is within proximity of other streets that need to be done. City Council selected Option 2. Staff worked to prepare the bid, inspected the streets and put the scope of work together for all of the vendors. Bids were received on February 22, 2018.

Brian Lucas, Water Resources Manager, stated on January 23, 2018 Kinston Public Services advertised for bid for the 2017-2018 Street Resurfacing project. Bids were received on February 22, 2018 from ST Wooten Corp, Barnhill Contracting, Carolina Earth Moving Inc and Tripp Brothers, Inc. Tripp Brothers was the lowest responsive bidder with a base bid of \$380,539.90. We approved the top list of streets and the bottom list as an alternate. The total for the base bid and the alternate is \$493,341.20.

Councilmember Swinson asked if the City has done business with Tripp Brothers in the past. Mr. Lucas stated yes. For citizens, the City's 2017 Street Condition Survey is online on the website.

Councilmember Aiken asked about a citizen who lives on Brookhaven who sent an email to the Mayor and City Council complaining about his street. Mr. Lucas stated a crew went out Friday to make temporary pothole repairs and we plan to make permanent patch repairs this week.

Mayor Hardy asked the approximate time frame for the project. Mr. Lucas stated the contractor will have 60 days to complete the job. If this is approved tonight, we will have the purchase order by the end of the week, we will have a preconstruction meeting next week and we will give the contractor notice to proceed at the meeting.

Councilmember Swinson made the motion, seconded by Councilmember Suggs and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the bid award was approved.

CITY MANAGER'S REPORT

The City Manager had no report

CITY ATTORNEY'S REPORT

James Cauley, City Attorney, stated that a very brief closed session will be needed for an Economic Development matter.

MAYOR AND COUNCILMEMBER REPORTS

Councilmember Tyson stated he will cover In-Focus tomorrow.

Councilmember Aiken asked when the Strategic Planning (Budget) meeting will be held. Tony Sears, City Manager, stated he will send another email to find a date and time that works for the Mayor and City Council.

Mayor Hardy stated he would like to acknowledge the nominees for Teacher of the Year and thanked those who received the award who educate our students in Lenoir County Public Schools. He extended a Bravo Zulu to the electric staff for restoring power for our citizens over the weekend. He thanked everyone who attends the City Council meetings and encouraged them to continue to do so. He also thanked the City Council for showing up for the citizens and the community.

Councilmember Swinson congratulated the Kinston High School Lady Vikings and Coach Bradshaw for an outstanding season.

CLOSED SESSION

Councilmember Swinson made the motion, seconded by Councilmember Tyson and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.], City Council entered into Closed Session pursuant to North Carolina General Statute 143-318 11(a)(4); Economic Development at 6:20 pm.

Councilmember Tyson made the motion, seconded by Councilmember Aiken and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the City Council returned to open session at 6:37 pm.

ADJOURNMENT

Councilmember Aiken made the motion, seconded by Councilmember Swinson and upon a unanimous vote [Mayor Pro Tem Felicia Solomon was absent.] the City Council meeting was adjourned at 6:37 pm.

Respectfully submitted,

Monique Hicks, City Clerk