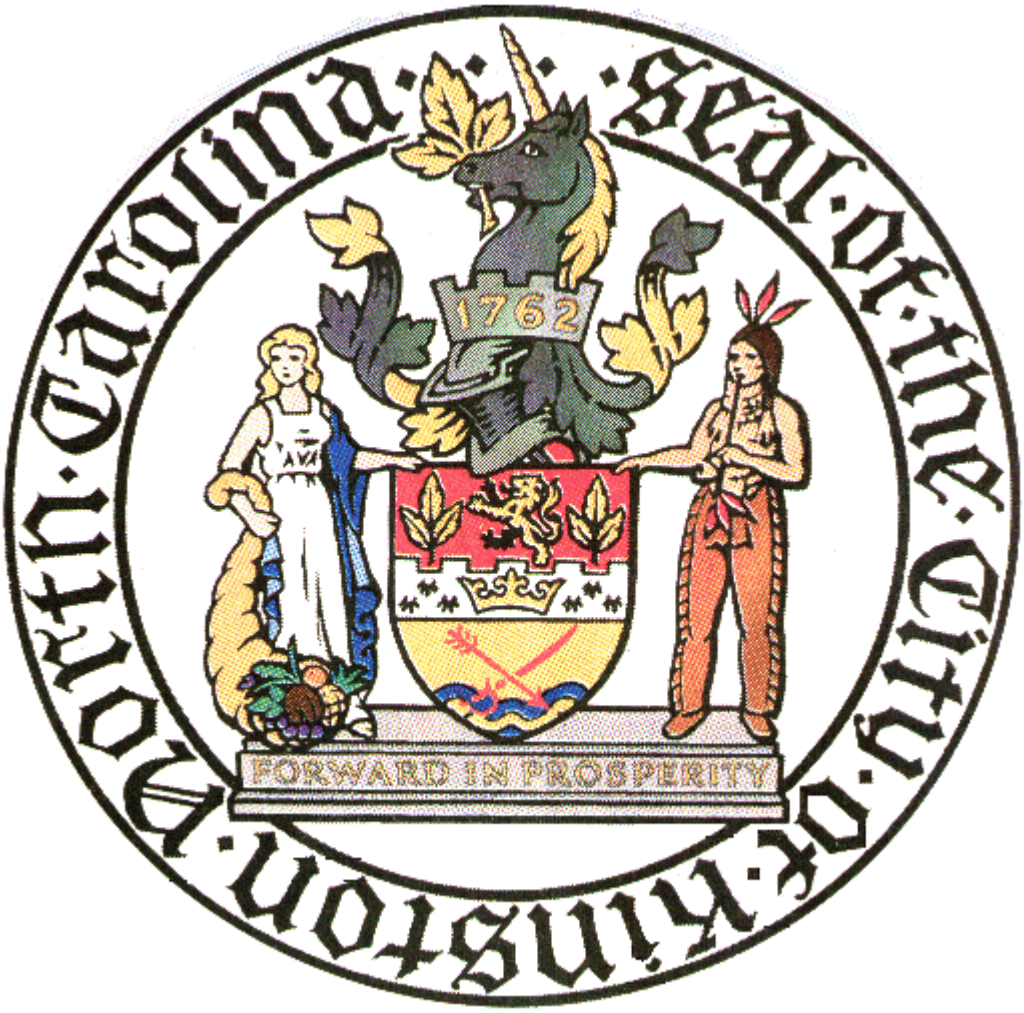
Kinston City Council Reference Manual



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Introduction

Welcome Councilmember!

There is a lot to learn about leading local government and about the processes unique to the City of Kinston. You will be asked to make decisions that determine the direction of the City and its financial health for decades, and asked by citizens when roads will be re-paved or why they have to cut their grass.

This document is intended to be a reference manual for new and current Kinston City Council members to help you answer some of those fundamental and frequently-asked questions.

However, *it is not comprehensive*. This manual should give you just enough information to have useful conversations with the City Manager, City Clerk, City Attorney, and Department heads about any issue the City may encounter, or any project you would like them to pursue. Additional training opportunities are also available through the UNC School of Government, North Carolina League of Municipalities, and other organizations listed in the Resources chapter at the end of this manual.

Good luck and thank you for your service!

OBJECTIVES

Learn About Local Government

Talk with Other Council and Staff

Understand Citizen Frequently Asked Questions

A Brief History of the Municipality

A History of Local Government

Local government is not described anywhere in the U.S. Constitution—all powers not given to the federal government are left to the states. Therefore, when federal law doesn't apply, the North Carolina General Assembly decides what cities and counties should look like and do.

States generally organize local government according to "Home Rule" or "Not Home Rule". North Carolina is a "Not Home Rule" state, which means that the General Assembly allows local governments to do only what it gives them express permission to do. Permission is given through two major General Statutes, 160A and 160D. Full copies of these statutes can be found online at https://www.ncleg.gov/Laws/GeneralStatutes.

160D – "Local Planning and Development Regulation"

This chapter describes planning and development regulation for the city including maintaining accurate maps and plans, citizen boards, zoning, land use, environmental regulation, historic preservation, development agreements, building code enforcement, etc.

**Outlined in the "Land Use and Development Basics" section (p 42)*

160A-174 "General Ordinance Making Power"

"A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances."

City of Kinston Charter

A City Charter is the basic document that defines the organization, powers, functions, and essential procedures of the City government:

THE CHARTER OF THE CITY OF KINSTON

ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

"Section 1.1. Incorporation. The City of Kinston, North Carolina, in Lenoir County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the 'City of Kinston,' hereinafter at times referred to as the 'City'.

"Section 1.2. Powers. The City shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the City of Kinston specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Section 1.3. Corporate Limits. The corporate limits shall be those existing at the time of ratification of this Charter, as set forth in the official description of the City's boundaries and on the official map of the City, and as they may be altered from time to time in accordance with law. An official map of the city, showing the current boundaries, shall be maintained permanently in the office of the City Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made, and copies shall be filed in the offices of the Secretary of State, the Lenoir County Register of Deeds and the appropriate board of elections.

ARTICLE II. GOVERNING BODY

Section 2.1. Mayor and Council. The Mayor and Council shall be the governing body of the City.

"Section 2.2 Council; Composition; Terms of Office. The Council shall be composed of five members elected for staggered terms of four years or until their successors are elected and qualified.

"Section 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected for a term of four years or until his or her successor is elected and qualified; shall be the official head of the City government and preside at meetings of the Council; shall have the right to vote only when there is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council.

"[The mayor] shall be the official head of the City …and preside at meetings of the Council; shall have the right to vote only when there is an equal division on any question or matter before the Council"

"Section 2.4. Mayor Pro Tempore. The Mayor shall appoint from among the members of the Council one of its members as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability, in accordance with general law.

"Section 2.5. Meetings. In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of City ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Section 2.7. Voting Requirements; Quorum. Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. A majority of the members of the Council, excluding vacancies, shall constitute a quorum.

"Section 2.8. Compensation; Qualifications for Office; Vacancies. The compensation and qualifications of the Mayor and Council members shall be in accordance with general law. Vacancies that occur in any elective office of the City shall be filled by appointment of the Council for the remainder of the unexpired term.

ARTICLE III. ELECTIONS

"Section 3.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted and the results determined on a partisan basis as provided in G.S. 163-291.

"Election 3.2. Election of Council Members. The Council members serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. In the regular municipal election in 1987, and every four years thereafter, there shall be elected three Council members to serve as provided in Article II of this Charter. In the regular municipal election in 1989, and every four years thereafter, there shall be elected two Council members to serve as provided in Article II.

"Section 3.3. Election of the Mayor. The Mayor serving on the date of ratification of this Charter shall serve until the expiration of his or her term. At the municipal election in 1989 and every four years thereafter, there shall be elected a Mayor to serve as provided in Article II.

"Section 3.4. Special Elections and Referendums. Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

ARTICLE IV. ORGANIZATION AND ADMINISTRATION

"Section 4.1. Form of Government. The City shall operate under the council-manager form of government, in accordance with Chapter 160A, Article 7, Part 2 of the General Statutes.

"Section 4.2. City Manager. The Council shall appoint a City Manager who shall be responsible for the administration of all departments of the City government. The City Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter. No person elected mayor or to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he or she was elected.

"Section 4.3. City Clerk. The Council shall appoint a City Clerk to keep a journal of the proceedings of the Council; to maintain official records and documents; to give notice of meetings; and to perform such other duties required by law or as the Council may direct.

"[The City Clerk] shall keep a journal of the proceedings of the Council; maintain official records; give notice of meetings; and to perform such other duties required by law or as the Council may direct."

"Section 4.4. City Tax Collector. The Council shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the City, subject to general law, this Charter and City ordinances.

"Section 4.5. City Attorney. The Council shall appoint a City Attorney licensed to practice law in North Carolina. It shall be the duty of the City Attorney to represent the City, advise City officials and perform other duties required by law or as the Council may direct.

"Section 4.6. Other Administrative Officers and Employees. The Council may provide for appointment of other officers and employees, and may organize the City government as deemed appropriate, subject to the requirements of general law.

ARTICLE V. SPECIAL ASSESSMENT PROVISIONS

"Section 5.1. Assessment for Street Improvements; Petition Unnecessary.

"A. In addition to any authority granted by general law, the Council is hereby authorized to order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this Article.

"B. The Council may order street improvements and assess the total costs thereof against abutting property, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Chapter 160A, Article 10 of the General Statutes without the necessity of a petition, upon the following findings of fact:

(1) That the street improvement project does not exceed 1,200 linear feet; and

(2) That such street or part thereof is unsafe for vehicular traffic or creates a safety or health hazard and it is in the public interest to make such improvements; or

(3) That it is in the public interest to connect two streets or portions of a street already improved; or

(4) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan, as applied to the particular street or part thereof.

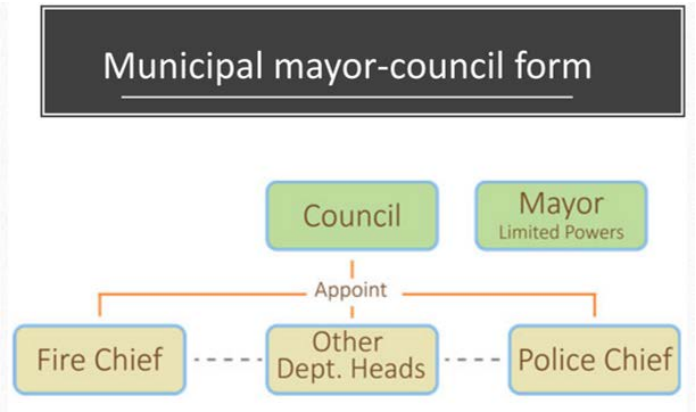
"C. For the purposes of this Article, the term 'street improvement' includes grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way and construction or reconstruction of curbs, gutters and street drainage facilities.

"Section 5.2. Assessments for Sidewalk Improvement; Petition Unnecessary. In addition to any authority granted by general law, the Council is hereby authorized, without the necessity of petition, to order sidewalk improvements or repairs according to standards and specification of the City, and to assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Chapter 160A, Article 10 of the General Statutes, provided that regardless of the assessment basis or bases employed, the Council may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Section 5.3. Procedure; Effect of Assessments. In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this Article, the Council shall comply with the procedures required by Chapter 160A, Article 10 of the General Statutes, except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if assessments were levied under authority of Chapter 160A, Article 10 of the General Statutes."

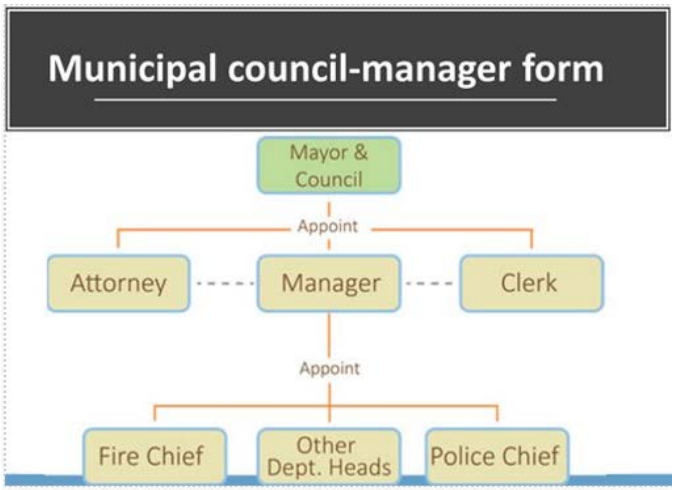
Form of Government

NC municipalities have two major forms of government: mayor-council and council-manager.



Mayor-Council

Voters elect a Mayor and Council. The Council hires all staff department heads, attorney, and city clerk, and manage administrative decisions themselves.



Council-Manager*

Voters Elect a Mayor and Council. The Council hires an attorney, manager, and city clerk. The manager hires all department heads and subsequent hiring decisions. The City Council cannot manage department heads, and the Manager cannot manage the attorney or clerk.

*The City of Kinston uses the Council-Manager form of government.

City Council – Elections, Responsibilities, and Roles

The size of a Council and their accepted responsibilities vary with each community, but the election requirements and mandatory responsibilities are the same across the state

Elections

- Board Positions: 5 councilmembers and 1 mayor
- Terms: 4 year terms, and half the council seats are up for election every 2 years. Elections are held in odd years (not the presidential or congressional election years)
- At-large: council members represent the whole city, as opposed to representing geographic districts
- Non-partisan: council members do not run representing a political party
- Requirements: candidates must be over 21, eligible to vote, and have no felony convictions

Responsibilities

- Must: take an oath of office, attend state ethics training every election, decide what services to provide in the city, pass an annual budget
- Can: regularly attend council meetings, pass ordinances as a Council, set policies, serve on committees, speak to the public

Mayor

- Election: a mayoral election is run the same way as a regular council member election
- Responsibilities
  - Preside over City Council meetings: maintain parliamentary procedure, entertain and rule on objections, call a recess, adjourn the meeting, etc.
  - Sign documents, make declarations, and announce resolutions
  - Represent the City to the outside world
  - Vote to break a tie

Mayor Pro-Tem

A council member who acts as mayor when the mayor is absent. The Council elects among themselves a Mayor Pro-Tem after each election.

Consider:

Councilmembers have very few *required* duties, but communities generally expect a lot more from them.

No Council-member can do anything legally binding on the ir own.

Many of the mayor's duties are determined by the Council.

Ethics

Elected officials are required to take ethics training within 12 months of their election, re-election, or appointment. This is a review of the components of ethics training, *and is in no way a replacement for attending the mandatory training.*

City Code of Ethics

North Carolina cities must adopt a code of ethics with the following components:

1. **The need *to obey all applicable laws* regarding official actions taken as a board member.** Honor their oath of office, follow voting procedure, etc.
2. **The need *to uphold the integrity and independence* of the board member's office.** Make decisions that are based on the public good and not on their desires or for special interests.
3. **The need *to avoid impropriety* in the exercise of the board member's official duties.** Act as "especially responsible citizens," who are to honor the public trust as they carry out their duties.
4. **The need to *faithfully perform* the duties of the office.** A public official who acts faithfully is one whom others can trust and respect.
5. **The need *to conduct the affairs of the governing board in an open and public manner*, including complying with all applicable laws governing open meetings and public records.** Honor the spirit as well as the letter of the law, especially regarding openness or transparency.

City of Kinston

Subject:	Section:			Review Responsibility:	
Elected Official's Code of Ethics	Executive			City Manager's Office	
	Policy #: EXE-05	Effective Date: 11-15-10	Rev. #: O	Revision Date:	Page: 1 of 3
	Supersedes:	Prepared by: Scotty Hill		Approved BY:	

1.0 Purpose

1.1 To put in policy format the ethical standards of conduct adopted by the Kinston City Council on November 15, 2010. This Code of Ethics should not be considered a substitute for the law.

2.0 Organizations Affected

2.1 All elected officials holding office for the City of Kinston

3.0 Policy

3.1 All elected officials will adhere to the "Code of Ethics" Resolution adopted by the Kinston City Council on November 15, 2010 and will satisfactorily complete the two hours of mandatory training as required by N.C.G.S. 160A-86 and N.C.G.S. 160A-87

4.0 Definitions

4.1 N/A

5.0 Responsibility

5.1 It is the responsibility of the City Clerk to locate training opportunities and to ensure each elected official is familiar with the adopted code of ethics and the training requirement.

5.2 It is the responsibility of each individual elected official to attend the two hour required training.

6.0 Procedures

6.1 Preamble of Resolution

6.1.1 WHEREAS, the Constitution of North Carolina, Article I, Section 35 reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty," and

6.1.2 WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to establish and adopt a code of ethics; and

6.1.3 WHEREAS, public officials are charged with upholding the trust of the citizens of the City of Kinston, and with obeying the law.

6.1.4 NOW THEREFORE, in recognition of our obligations as citizens of North Carolina and as public officials representing the citizens of the City of Kinston, North Carolina, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Kinston City Council hereby adopts the following General Principles and Code of Ethics to guide the City of Kinston in its lawful decision-making.

6.2 Statement of General Principles

6.2.1 Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.

6.2.2 Board members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent; Board members must always remain aware that at various times they play different roles and be able to distinguish among these roles as:

6.2.2.1 Advocates who strive to advance legitimate needs of their citizens; Legislatures who balance public interest and private rights in considering and enacting ordinances, orders, and resolutions.

6.2.2.2 Decision-makers who arrive at fair and impartial quasi-judicial and administrative determinations.

6.2.2.3 Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

6.2.3 Board Members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do. Board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and unethical. Board members should endeavor to keep up-to-date, through the board's attorney and other sources, about new or ongoing legal or ethical issues that they may face in their official positions.

6.2.4 Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include:

6.2.4.1 Adhering firmly to a code of sound values.

6.2.4.2 Behaving consistently and with respect toward everyone with whom they interact.

6.2.4.3 Exhibiting trustworthiness.

6.2.4.4 Using their best independent judgment to pursue the common good, and presenting their opinions to all in a reasonable, forthright, and consistent manner.

6.2.4.5 Disclosing contacts and information about issues they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of quasi-judicial proceedings themselves.

6.2.4.6 Treating other board members and the public with respect and honoring the opinions of others even when the board member disagrees with those opinions.

6.2.4.7 Not reaching conclusions on issues until all sides have been heard.

6.2.4.8 Recognizing that they are part of a larger group and acting accordingly.

6.2.5 Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is appropriate, this board will consider impropriety in terms of whatever a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude is inappropriate. If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

6.2.6 Board members should faithfully perform the duties of their offices. They should act as an especially responsible citizen of whom others can trust and respect. They should set a good example for others in the community. Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them. They should demand accountability from those over whom the board has authority.

6.2.7 Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of public trust. They should remember when they meet they are conducting the public's business. They should also remember that local government records belong to the public and not to the board members or employees. In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public record requests. They should make a deliberate attempt to be sure that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

Conflict of Interest

Councilmembers must make decisions for the public good, not based on their own interest. In some cases, this requires Councilmembers to abstain from making decisions when those decisions involve:

- A direct, substantial, and readily identifiable financial impact on the member.
- A person with whom the member has a close familial, business, or other associational relationship. (A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.)
- A member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

If any of these conflicts apply, the member may either recuse themselves or be recused by a majority rule vote of the board. When a member is disqualified from a decision based on a conflict of interest, they must not participate in any way including asking questions, debating, and voting on the issue.

Gifts

Councilmembers cannot accept any gifts from a contractor or supplier that has or anticipates having a contract with the City, nor accept anything in exchange for influence over their decision on any business. This includes money, services, meals, objects or favors to either the Councilmember or their close friends and relatives. This does not include honorary gifts or meals at banquets, meetings, or other professional events. Review G.S. 138A-32 for more specific information about what gifts are and are not acceptable.

If you're unsure if you can accept the gift offered, either decline or reach out to the City Attorney.

Other Violations

- Misuse of Confidential Information: it is unlawful to share information which was made known in their official capacity and which has not been made public, or to gain any financial benefit which may be affected by such information or official action

Onboarding

Onboarding is the formal and informal process of a new councilmember to become familiar with their position, staff, and the business of the City. Elections are held in odd numbered years in November. Newly elected City Councilmembers are officially sworn in and welcomed to the Council the first meeting in January. Elected Councilmembers, and indeed, any citizen, are free to meet with the City Manager and other City staff to ask questions and familiarize themselves with the business of the City, but will not be privy to the confidential information (for example, things discussed in closed session) of Council members until they are sworn in.

Councilmembers, are free to meet with the City Manager and staff to ask questions and familiarize themselves with the business of the City [after their election]… however, staff is always available to speak to Councilmembers, no matter how long they have been in their position."

After being sworn in, new Councilmembers must attend State Ethics training (referenced above). Councilmembers also attend a training held by the Finance Department to discuss their compensation in their elected role. Councilmembers are given a monthly stipend and reimbursed for their mileage driven as part of their elected duties. For special events like conferences and training, the Council must budget a certain amount at the beginning of the year, then request the amount they need for a specific conference to be put on a purchasing card to be used for food, lodging, and other expenses accrued during the event.

Councilmembers may meet with the City Manager, City Clerk, City Attorney, and Department Heads at their convenience over the next several months. However, staff is always available to speak to Councilmembers, no matter how long they have been in their position.

City Council Meetings

Board Meetings Schedule

1st Tuesday of the Month @530pm, City Council Chamber of City Hall

3rd Tuesday of the Month, City Council Chamber of City Hall

- Work Session @530pm, City Hall Council Chamber: The work session is intended to review items that require discussion or explanation, but which are separated out to make the regular meeting more efficient. Both the work session and regular meeting are open to the public.
- Regular Meeting @ 7pm, City Hall Council Chamber

Citizens can watch remotely on Facebook Live, the Government Access Channel with cable, or online on the Agenda page of the City website.

Agenda

Schedule

The schedule is compiled by the City Clerk the week prior to the meeting; Council members must make a timely request to include an item on the draft agenda. The Clerk will send a draft agenda to the Council by the Friday prior to the meeting, and publish the agenda to the City website at least 24 hours before the meeting. The schedule includes the agenda outline and any supplemental documents.

Components

Call to Order, Prayer, Pledge of Allegiance

Citizen Comment

At each City Council meeting, Citizens are allowed to speak to the Council on any topic for up to three minutes. They must sign up prior to the start of the meeting to speak. If they would like to speak for more than three minutes, they must reach out to a City Councilmember or the City manager requesting to be added to the schedule.

Adoption of the Agenda for the Meeting

Approval of the Minutes from the Prior Meeting

Presentations and Recognition

Includes presentations from citizens; recognition of employees for accomplishments, years of service, retirements, etc.

Consent Agenda

Includes items that are discussed in a work session and then approved as a whole during the official meeting. These items are generally noncontroversial and are part of the administrative, financial, and logistical aspects of running the City. There is no discussion of these items separately unless a Councilmember requests to have it moved to the end of the Action Agenda and discussed there.

Action Agenda

Includes items that require the City Council to hold a public hearing or discuss something in-depth.

Appointments

Includes appointing citizens to various appropriate boards.

Reports

Includes updates from the City Manager, City Attorney, Mayor, and Councilmembers. Here they have an opportunity to discuss or give updates on any topic.

Closed Session (optional)

See a description of Closed Session on the next page.

Adjournment

Minutes

The City Clerk takes the minutes at the meeting and posts them on the website before the next City Council meeting. Meetings record all actions taken by the Council, accurate wording of each motion, and votes cast for and against each motion; the minutes do not need to include details of discussion.

Open Meetings Law

*"Each **official meeting** of a **public body** shall be **open** to the public, and any person is **entitled to attend** such a meeting."*

- *Official* means discussing business that has to do with public affairs.
- A *meeting* is near instantaneous communication of a group.
- A *public body* is any elected or appointed body that has 2+ members and is authorized to exercise a legislative, policy, judicial, administrative, or advisory function
- *Open* means giving advanced notice of time and location
- *Entitled to Attend* means people should know and be able to go—not a guarantee to give comment

All City Council meetings must be open. Any time more than two City Council members get together to discuss something that impacts the city, it must be open. This includes remote communication like group texting apps, Zoom calls, or conference phone calls.

Public Hearings

Although the public must be able to *attend* all open meetings, in public hearings citizens have the right to *comment* on the business at hand. Public hearings are usually required by state law or city ordinance. For example, when the Council is considering the approval of a zoning ordinance, conditional use permit, or the official budget, they are required to hold a public hearing. Several federal and state grants also require municipalities to hold a public hearing where residents can hear about the grant application being proposed and can comment about what they would like to see included in it.

The City can regulate the time allotted to each speaker and can select delegates from groups to speak if there are many people who want to comment. They can also

restrict language to maintain order. Currently the City's policy is that speakers must add to the conversation—only speak to provide new information or opinions. Citizens do not need to sign up beforehand to speak, and there is no time limit.

Closed Session

There are limited cases during which conversations among the City Council do not have to be open to the public. Unless the council directs otherwise, no one but the City Manager, City Attorney, and City Clerk may attend closed sessions.

Reasons for going into closed session include:

- Consider performance or appointment of individual employees or officers (not members of the board itself or other city boards).
- Preserve attorney-client privilege/consider handling of claims (discussing lawsuits involving the city, etc.)
- Discuss economic development
- Discuss bargaining position for property acquisition
- Matters involving alleged criminal misconduct
- Preserve confidentiality of records

Rules and Procedures

Quorum

The presence of a quorum is necessary for the City Council to conduct business. A majority of the council's membership (excluding the mayor and vacant seats) constitutes a quorum. In Kinston, three voting members constitute a quorum.

Motions and Voting

The Council acts by making motions and voting upon them. Any councilmember may make a motion, but not the Mayor. A member may make only one motion at a time. The following is a general process for making motions and voting:

1. A councilmember makes a motion to make a decision (approve/deny, amend, defer, enter closed session, end debate on a subject, adjourn a meeting, etc.) The member may withdraw the motion unless it has been amended or put to a vote.
2. Another councilmember must second the motion.

3. The presiding officer (usually the Mayor) shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.
4. The Council debates the issue:
    a. The maker of the motion is entitled to speak first.
    b. A member who has not spoken on the issue shall be recognized before a member who has already spoken.
    c. To the extent practicable, the debate shall alternate between proponents and opponents of the measure.
5. Once discussion is exhausted, the Council can bring the item to a vote.
    a. A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.
    b. A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed.
6. All Councilmembers must vote, except in the circumstances below. A council member may be excused by a majority vote from the remaining members. Any council member may suggest the excusal of themselves or anyone else.
    a. If the vote involves a member's own financial interest or official conduct (not including votes on Council stipends)
    b. If voting on a contract, zoning decision, or quasi-judicial decision providing direct benefit to a member

Ordinance, Proclamation, Resolution, and Policy

- An *Ordinance* is an act adopted by the City Council that is enforceable by law; it requires a simple majority
- A *Resolution* is a statement of policy, or an order that an action be taken, NOT enforceable by law
- A *Proclamation* is a ceremonial statement, usually to commemorate a day, event, or accomplishment; NOT enforceable by law
- *Policies* are guidelines followed by city staff and showing the council's intention; enforceable among city employees, but not a law

Adopting Ordinances

An ordinance is an act adopted by the City Council that is enforceable by law. All proposed ordinances must be put in writing and distributed to the Council. To approve, amend, or repeal the ordinance on the same day as the proposal, it must pass by a 2/3 vote; to be approved after the date of introduction, it must pass by a simple majority.

Adopting the Budget Ordinance

The City Council adopts a Budget Ordinance annually before July 1st at the start of each fiscal year. The City Council may adopt or amend the budget ordinance by a simple majority. Prior to the adoption of the budget ordinance, the Council must hold a public hearing. (see "The Budget" section on page 32).

Public Information / Public Record

Public Records: GS 132-1:

"The public records and public information compiled by the agencies of NC government...are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free at minimal cost unless otherwise specifically provided by law."

- *People* - anyone; Records must be given ASAP, without asking why, in the form they request
- *Public Information* - anything received or made during public business—documents, images, audio, film, etc. *
- *Minimal Cost* - the cost of reproduction
  - Materials
  - Labor that requires "extensive use of information technology resources or extensive clerical or supervisory assistance"--what does this mean? Copying and searching, but not review and redaction of confidential information?
- *Otherwise specified* - confidential information (personnel records, closed session minutes, etc.)

**Public Records include information on personal devices when the content is public business. Public information discussed in Council's text messages, emails, and social media are all matters of public record.*

Cities are not required to keep all public information forever. Schedules set by the state determine how long a city should retain a particular kind of information:

"When reference value ends"	Citizen surveys, grant proposals, proclamations, media
1-5 years	Work orders (1), employment applications (2), accounts payable/receivable (3), loan records (5)
FOREVER	Council minutes, Plans for public buildings, Employee records (confidential), Records with "historic value"

Other Boards and Organizations

Example Board Responsible Department: Contact Description Board Composition Regular Meeting Time	
Historic District Commission Planning Department: 252-939-3271 - Advises the City Council on the management of historic districts, including ordinances regarding historic resources, applications to alter historic structures, and applications to declare structures landmarks - Comprised of 8-11 residents of Kinston or the extra-territorial jurisdiction who have a demonstrated interest in or knowledge regarding historic preservation, history, architecture, or a related field. - Meets as needed the first Wednesday of the month at City Hall	**Planning Board/ Board of Adjustment (BOA)** Planning Department: 252-939-3271 - The *Planning Board* advises the Council on comprehensive plan, development ordinances, determining whether proposed developments conform to the comprehensive plan, and approving major site plans - The *Board of Adjustment* hears requests for variances to the Unified Development Ordinance, interprets questions regarding the zoning map, and acts as the Housing Appeals Board for inspection decisions. - Comprised of 7 members, 5 from within the city limits 2 within the city's extra-territorial jurisdiction (ETJ). <u>These members make up both the Planning Board and BOA in Kinston.</u> - Meet as needed Monday mornings in the City Council Chamber in City Hall
Kinston Housing Authority Board of Commissioners* Kinston Housing Authority: (252) 523-1195 - Acts as an advocate for the agency, and serves as a link between the agency and the community - Comprised of 7 members - Meet the third Thursday of each month at 4pm	**Kinston-Lenoir County Tourism Development Authority Board*** Tourism Development Authority: 252-523-2500 - Supports the TDA goals to be the authority on travel and tourism in Kinston and Lenoir County and boost the economy by increasing overnight stays. - Collaboration between City and County - Meet 3rd Tuesday of each month at 3pm
Kinston-Lenoir County Parks and Recreation Commission* Parks and Recreation: 252-933-3335 - The Commission hires a Parks and Rec Director in consultation with the city manager; creates rules governing parks and recreation facilities; directs and spends funds given in the city budget	**Downtown Kinston Board and Sub-committees (Organization, Promotion, Design, Economic Vitality)** Downtown Kinston Revitalization: 252-522-4676 - Board: guides organization and recommends how best to support downtown Kinston. - Organization: fundraising/financial sustainability - Promotion: city advertisement and sponsored events - Design: consulting services for downtown business

- Composed of 12 regular members, 1 member with the Lenoir County School system, and 1 city council member. 3 members are nominated by the Lenoir County Board of County Commissioners. - Meets every 2nd Thursday at 530pm in the KCC Conference Room		owners - Economic Vitality: opportunities for development downtown) - Comprised of downtown business owners and citizens with experience in fundraising, economic development, real estate, business, design, advertising, event planning, or related topic. - Executive Board meetings are the last Tuesday of the month and Full Board meetings are the last Thursday of the month, time/ location varies.
Neuse Regional Water and Sewer Authority (NRWASA) Kinston Public Services: 252-939-3282, NRWASA: 252-522-2567 - The collaboration of 8 different water systems from Lenoir and Pitt county working together to ensure a plentiful supply of water for residents and future economic growth - The City of Kinston has 4 positions on the NRWASA Board—these are traditionally filled by 1 City official, 2 Public Services Staff, and 1 citizen with business or utility background - Meets bi-monthly: to see the year's schedule, visit http://www.nrwasa.org/		**Utility Advisory Commission** Public Services: 252-939-3282 - An advisory body to the City Council, City Manager, and Public Services Director to review and make recommendations regarding policy changed affecting utility operations and maintenance, as well as the annual utilities budget request. It also gives representation to customers of the Kinston Utility System who do not live within the city limits. - Comprised of 7 community citizens--5 inside the city limits, 2 outside. All must be customers of the City of Kinston Utility System - Meet as needed 1st Wednesdays of the month at 5pm at the Public Services Complex

*Includes boards Councilmembers usually attend

Local Government Finance Basics

The City Council's primary function is to responsibly collect and use citizens' funds to provide quality services. The following section reviews the basic people, responsibilities, mechanisms, revenue, and accounting practices used to manage the City's finances.

Public Purpose

All municipalities must use their funds only for *public purpose*, meaning:

- For the benefit of the entire city
- Not for the benefit of particular persons or interests
- Allowed by a General Statute
- Appropriate government activity:
    - Police and fire protection
    - Street construction and maintenance
    - Utilities
    - Parks and recreation
    - Economic development incentive payments
    - Organizational support for area nonprofits (for an appropriate governmental activity)
    - A contract with a private entity (for an appropriate governmental activity)

Responsibilities

City Council

- Adopt and make amendments to the City Budget and project ordinances
- Delegate responsibility for budget creation, bank deposits, auditing, and day-to-day financial tasks to City of Kinston employees

Finance Department Head

- Establish and maintain the City's accounting system
- Control expenditures and disburse moneys
- Prepare and present financial reports
- Manage the receipt and deposit of moneys
- Manage the City's debt service obligations
- Supervise investments
- Must be bonded (accounting and faithful performance bond not less than $50,000, which covers acts due to the finance officer's negligence or incompetence)

Financial and Budget Administrator (with City Manager, "Budget Officer")

- Prepare the City's annual budget for submittal to the governing board
- Execute the City's annual budget ordinance and any project ordinances

* The Budget Administrator reports to the City Manager and performs most of duties of the budget officer but the Manager is responsible for budget-related statutory duties

Internal Controls

To ensure all local government funds are spent for public purpose and according to budget directives, many 'internal controls' are put in place:

- Accounting System Requirements
- Annual Independent Audit
- Local Government Commission Oversight
- Appointment of Finance Officers, Budget Officers, and Deputy Finance Officers
- Daily Deposit Requirement
- Disbursement Process
- Dual Signature Requirement
- Employee and Official Bonding Requirement
- Governing Board Oversight
- Investment Limiitations
- Preaudit Process

Accounting System Requirements

How we account for all the money that goes in and out of the city – assets, liabilities, equities, revenue, and expenditures. The City of Kinston uses the "modified accrual basis of accounting"--expenditures are recorded when the liability is incurred (goods received or service performed), and revenues recorded when they can be reasonably estimated and received within the current fiscal year.

- Property tax revenues not recorded until actually received because they are not considered to be collectible soon enough after the year's end.
- Permits and fees are not recorded until actually received because they are not considered to be reasonably estimated at year end.

- Monthly sales tax payments received in July, August, and September are recorded as revenues as of June 30 because they are directly related to sales that occurred before June 30 (July distribution related to the previous April sales).
- Encumbrances (reserving money for a particular purpose) are recorded when a contract that will require the City to pay money is entered into or when a purchase order is issued. An encumbrance exists as long as the contractor or supplier has not delivered the goods or the services and the contract or purchase order is outstanding.

Annual Independent Audit

The City is required to have its accounts audited by independent auditors after the close of each fiscal year. Preparation of the financial statements and notes is the responsibility of the Finance Officer and staff. The City of Kinston selects our auditor through a Request for Proposals (RFP) process which:

- *Ensures the best audit proposal*
- *Usually spans a three-five year term contract*
- *Covers both technical qualifications and cost proposals*
- *References are required and contacted*

The City is also required to have an audit for many federal and state financial assistance programs to prove that the money was spent for the purpose intended. This audit is usually completed at the same time as the annual financial audit.

Local Government Commission Oversight

The Local Government Commission (LGC) was created by the General Assembly to ensure local governments are able to pay their obligations and don't take on too much debt. The LGC is in large part the reason that more NC governments are rated 'AAA' by national bond rating agencies than most other states. The LGC is responsible for the following:

- Approving local government requests to go into debt
- Selling the debt (or bonds) on the unit's behalf
- Overseeing the annual independent auditing of local governments, monitoring the fiscal health of local governments, and offering broad assistance in financial administration

The LGC recommends municipalities maintain at least an 8% General Fund Balance to have savings in case of emergency.

Daily Deposit Requirement

By General Statute, all moneys "collected or received" by an employee of the City of Kinston must be deposited daily "with the finance officer or in an official depository," or must be submitted to "a properly licensed and recognized cash collection service…"

For example:

- Utility payments: submitted and processed via a "lockbox" program through First Citizen's Bank and via an electronic payment system
- Attendance fees at Parks and Recreation facilities
- Permit fees from Police, Fire, and Inspections Departments

Disbursement Process

General Statute 159-28(b) requires that when a bill, invoice or other claim owed by the City is presented, the Finance Officer (or Deputy Finance Officer) must either approve or disapprove the disbursement to verify that the amount is due, it has been budgeted for, and that there are sufficient funds left in the budget to pay it.

If there are insufficient funds in the budget for a bill, the City Council must amend the budget or project ordinance to make or increase the appropriation; the City Manager may also approve transfers of appropriations between specific accounts within an organization's budget.

Dual Signature Requirement

Each check or draft is required to be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official designated by the City Council. This is to ensure that multiple people review the check or draft before the check is signed.

Employee and Official Bonding Requirement

The Finance Department Head, Budget Officer and other important employees that handle finances are "bonded" meaning the City will receive compensation in the unlikely event that an employee commits fraud or otherwise mishandles the City's finances.

Pre-audit Requirement

The City may not commit itself to pay for any obligations unless the budget ordinance includes an appropriation authorizing the obligation and an available balance remains in the appropriation sufficient to pay for the obligation. All contracts and agreements must certify this has been done.

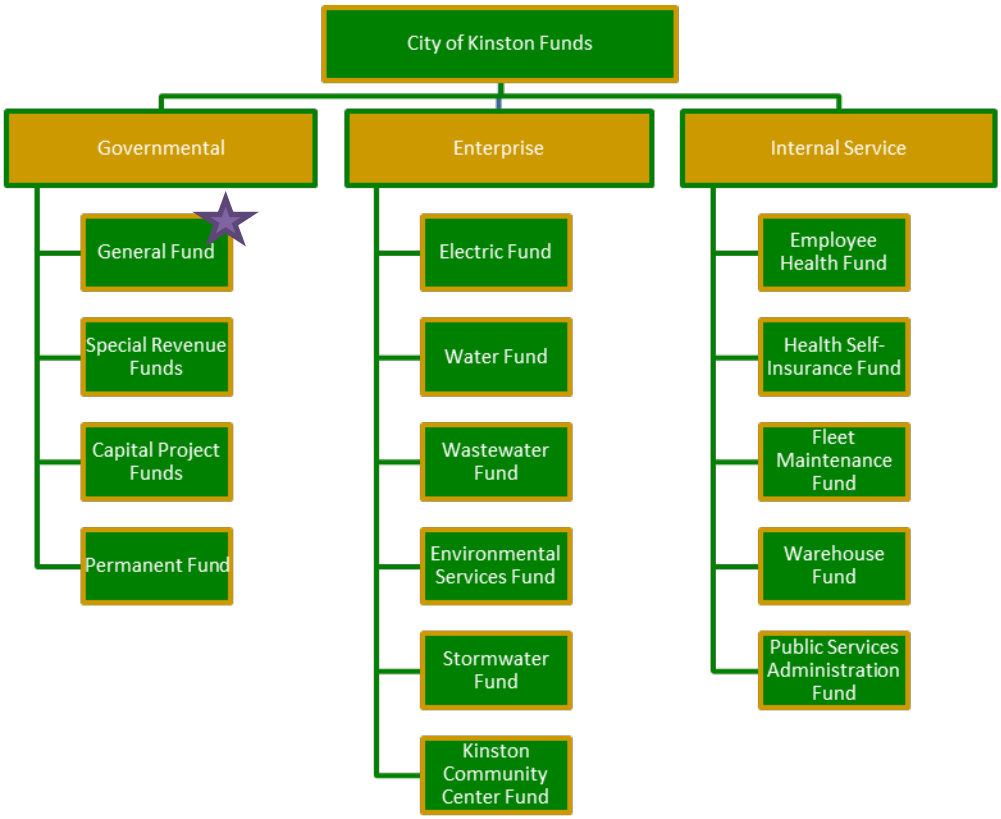
Comprehensive Annual Financial Report (CAFR)

Each year the City prepares a CAFR. This is not required by the state, but going above and beyond minimal requirements helps to signal the City's financial capacity and health to lending institutions.

Funds

The City organizes its finances through "funds"—groups of related accounts that are for a specific purpose or activity. Funds fall into three basic types: governmental, enterprise, and internal service.

- Governmental Funds house the money for the City's basic services and departments.
- Enterprise Funds house business-type activities where the organization generally funds itself without tax-payer money; for example, the Kinston Community Center is run based off the income it receives from memberships and attendance at the water park, not from taxes.
- Internal Service Funds allocate costs shared between the functions of the City; for example, the health insurance fund serves all employees, but doesn't fund any services for Kinston residents.
- Permanent Funds are assets held by the City in a trustee capacity, where the principal is not touched, and the revenue from this principal amount is used for a particular purpose.



General Fund

The largest fund, for all resources generally associated with local government.

City Clerk	City Council	City Manager	Downtown Kinston Revitalization	Organziational Support	Human Resources
Finance •Collections •Purchasing	Fire	Management Information Systems	Parks and Recreation Administration	Recreation Programs	Recreation Parks
Recreation County	Recreation Stadium	Recreation Sponsored Events	Recreation Visitors Center	Planning	Code Enforcement
Police Administration	Law Enforcement	Street Maintenance	Cemetery	Engineering	Appropriated Fund Balance

Appropriated Fund Balance

One of the most important parts of the General Fund is the Fund Balance, which serves as the "savings account" for the City. Generally, the Fund Balance is only used during emergencies or for crucial purposes; the Local Government Commission recommends a minimum Fund Balance of 8% of the City's total General Fund Balance.

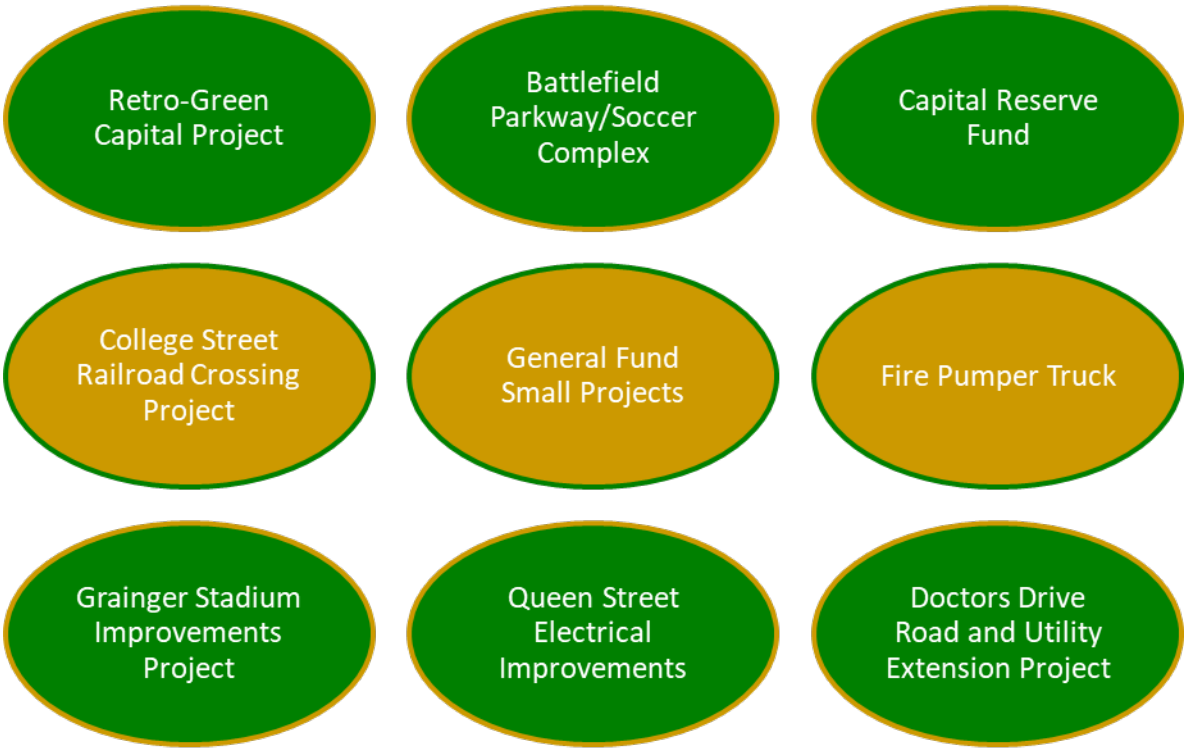
Special Revenue Funds

Used to account for revenue that is legally restricted to expenditures for particular purposes. The following are a few examples:

Seizure and Restitution Fund	•Monies collected and disbursed from federal and state drug forfeitures, special court allocations, storage fees and related revenue sources
EPA Brownfields Assessment and Cleanup	•Monies used to conduct community-wide assessments at Brownfields sites potentially contaminated with hazardous substances on potential development sites in Kinston with a primary focus on redevelopment along the Dr. Martin Luther King, Jr. Corridor
NCHFA Essential SFR Loan Pool	•Grant monies used for performing repairs on homes that were damaged in Hurricanes
Hurricane Matthew - FEMA Grant	•Monies from the Federal Emergency Management Agency for emergency expenditures and ongoing repair and recovery of City infrastructure and assets damaged by Hurricane Matthew

Capital Project Funds

Funds used for the acquisition or construction of major capital facilities associated with General Fund operations



Permanent Fund

Funds used to generate and disburse money to the entitled beneficiaries of the fund. The Temple Israel Fund is the City's only Permanent Fund and the earnings from the fund may only be used for activities associated with the upkeep of the Temple Israel Cemetery.

Enterprise Funds

Electric, Water, Wastewater, Environmental Services, and Stormwater Funds

Each of these is a fund for a division of Public Services that is funded, not by taxpayer money, but through utility fees. Every person with a City of Kinston utility account pays for each of these services—you can see the individual fees broken out in each monthly bill. The money collected from utility bills is placed in the Enterprise Fund for each activity and is used for maintenance, equipment, and infrastructure investments for that part of the utility system.

Kinston Community Center Funds

The Kinston Community Center operates based off the income it receives from memberships and attendance at the water park, not taxpayer money.

Internal Service Funds

Internal Service Funds are an accounting device used to allocate costs internally among the functions of the City of Kinston. The City uses them to account for five activities – its central garage, workers' compensation insurance coverage and risk management, health insurance, fuel, and management of utility and engineering services. In essence, Internal Services pools resources for services that benefit many departments.

Revenue

Sources

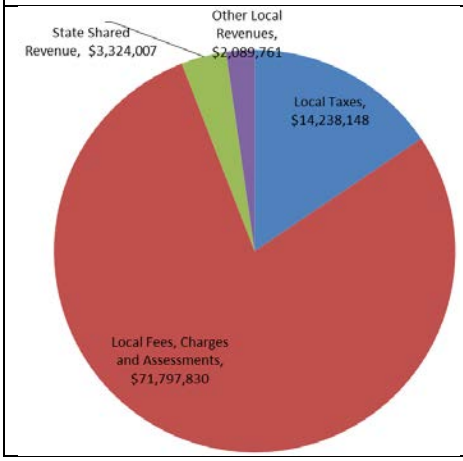
The City is responsible for obtaining sufficient revenue to cover the costs of its services, and the state outlines specifically the sources local governments are allowed to use:

Local Taxes	Local Fees, Charges, and Assessments	State Shared Revenue	Other
•Property Tax •Local Sales and Use Tax •Rental Car Gross Receipts Tax •Short Term Heavy Equipment Rental Tax •Motor Vehicle License Tax •Occupancy Tax	•Recreation Fees •Cemetery Fees •Permits and Inspections, Planning and Zoning Fees, False Alarm Fees, Weed Abatement Fees, Taxi Permits •Utility Fees (Electric, Water, Sewer, Stormwater) •KCC Membership •Franchise Fees	•Beer and Wine Taxes •Telecommunications Tax •Piped Natural Gas Tax •Motor Fuels Tax •Utility Franchise Tax	•ABC Board Profits •Investment Earnings •PILOT (Payment in-lieu of Taxes) •Lenoir County - Recreation Dept Contribution •Building Rent •Grainger Stadium Wood Ducks Lease •Sale of City Property •Donations

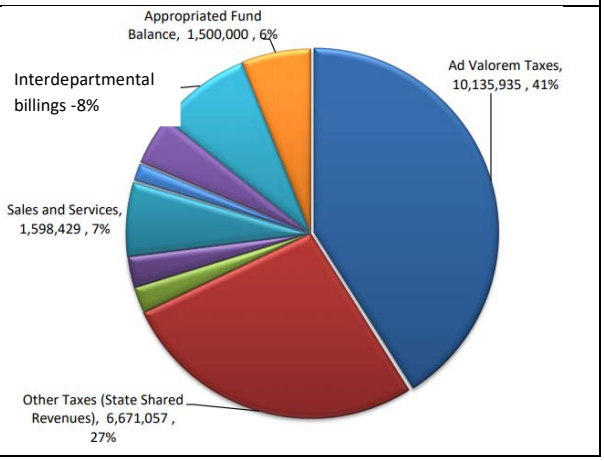
General Fund Revenue

As referenced on the left below, nearly 2/3 of our revenue comes from local fees—mostly utility payments. However, as shown on the right, most of the General Fund revenue (which funds most of our departments) comes from property tax and state distributions. Property tax is the most important revenue source to the General Fund that the City Council can control by setting the property tax rate in each year's budget.

Total Revenue Sources



General Fund Revenue Sources



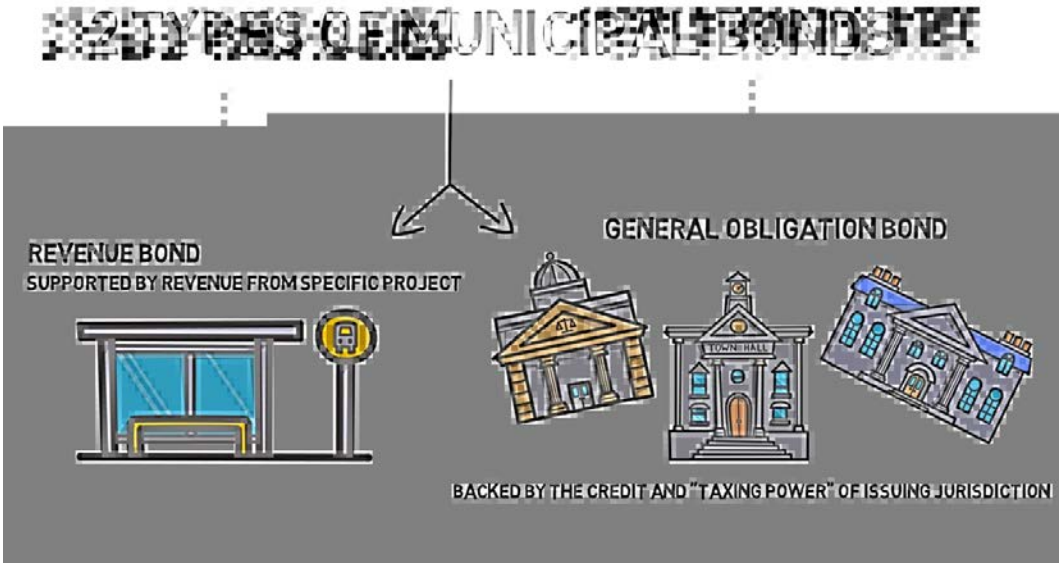
Debt

The General Assembly allows municipalities to borrow money using several mechanisms. Municipalities use debt to pay for large or costly capital projects (new buildings, vehicles, infrastructure improvements, etc.) by leveraging future revenue streams—essentially, the City can count on its future revenue from taxes and fees to ensure it will be able to pay back its debt. The Local Government Commission created by the state is responsible for monitoring municipality's debt and ensuring they don't take on too much.

Types of debt include:

- General obligation bonds – bonds issued for a specific project (Ex: Queen Street Sewer Improvements) that the City ensures with "full faith and credit", meaning that in the worst case, the City must increase taxes to pay for the bonds
- Revenue bonds – bonds issued for a project that creates revenue (Ex: Enterprise system refunding for the water fund which charges water fees to customers) and ensures the bond by promising to use that revenue to pay the debt back
- Special obligation bonds – bonds ensured by something *other* than revenue or city taxes
- Installment Financing – a contract agreement in which the City pays for a capital asset in installments (Ex: Improvements to Historic Grainger Stadium).

*For many of these, the City makes debt service payments regularly



The Budget

The budget is the guidebook for spending money through the year based on our expected revenues to accomplish the strategic goals set by the City Council. Each year the City submits the budget to the Government Finance Officers Association (GFOA). This is not a state requirement, but it shows the citizens the budget follows best practices and it reflects the guidelines established by the National Advisory Council on State and Local Budgeting.

City Council Objectives

A. Maintain a consistent level of services
B. Resurface City-owned streets
C. Support Police and Fire Departments
D. Demolish unsafe structures
E. Encourage property development and investment in the community
F. Renovate and improve public areas
G. Water, Sewer, and Electric Infrastructure

Requirements

The Annual Budget must be:

- Adopted by July 1st
- Balanced (expenditures must match revenues)
- Discussed in open meetings
- Passed by simple majority vote
- (Recommended) Maintain a minimum fund balance

Challenges

Population Loss: The City has been losing population for the last 30 years, which means less revenue from property tax and utility fees, which means the City must provide the same level of services with less funding.

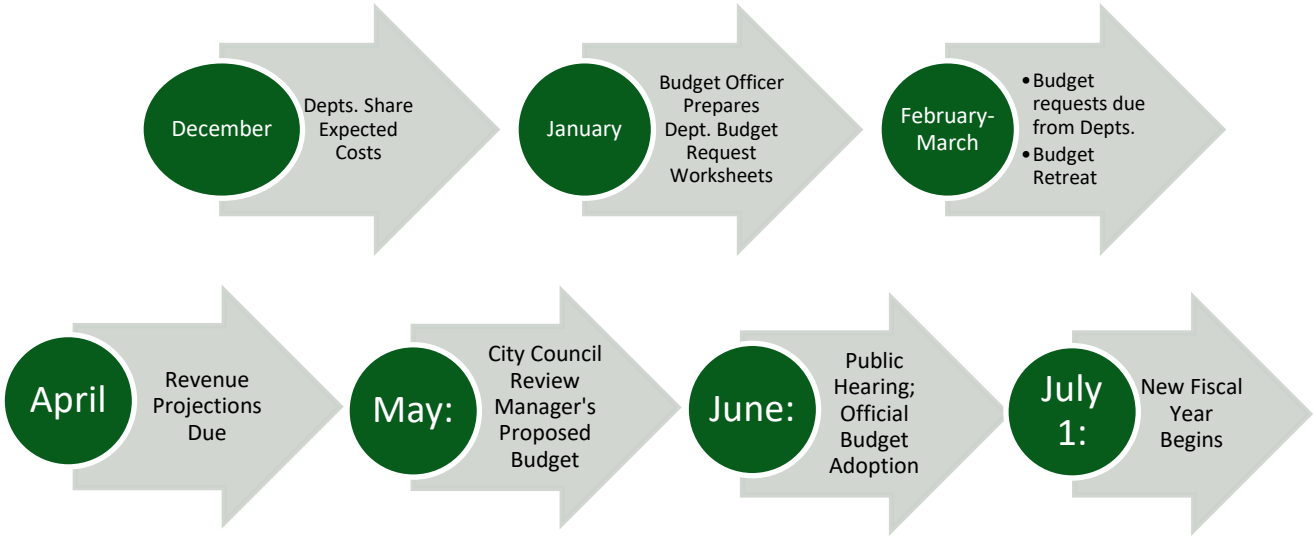
Less Reliable Support from Federal and State Government: The City receives portions of revenue collected by the state and county, but these sources can change at any time.

Limited Revenue Sources: The City is only legally allowed to charge for certain activities and cannot expand their revenue source options without legislation from the General Assembly. The City can apply for grants, but they may not be accepted. Grants the City does receive are generally restricted to particular activities or programs and cannot be used to fund the basic day-to-day work of employees.

Predicting the Future: The budget is created over half a year, so much of it is based on prior data and predictions about future revenue. Predicting the future is never easy, and when unexpected challenges arise, the City must still produce a balanced budget.

Budget Timeline

The budget process extends from December to July 1st, and is revised as the Finance Director receives more accurate reports of expected revenue. The City Council can discuss the budget at any time, but will receive a proposed version of the coming year's budget from the City Manager's Office mid-May, at least two weeks prior to the public hearing to discuss the budget.



Highlights

Manager's Message

Summarizes the major changes and considerations in the budget

Budget Process and Structure

A guide for understanding the rest of the budget

Financial Summaries

The Budget Summary shows changes in each fund over the last four years – a good snapshot of how the budget has changed over the recent past. The Revenue Summary combines all the revenue into one section. It provides a historical view and a better understanding of the City's revenue streams.

Department Narratives

A short description of the department's activities over the year, followed by an expenditure sheet showing each line item and funding amount requested by the department.

Public Utility Basics

Early in North Carolina's history, rural areas were less likely to have running water, electricity, and indoor plumbing because it was too expensive for companies to run miles of infrastructure that might only serve a few families. Many municipalities stepped in to fill this gap and support the health and safety of their citizens, including Kinston. The City of Kinston currently provides: water, electric, sewer, stormwater, and environmental (trash and recycling) services through our Public Services department.

There are many benefits to public utilities:

+ Services are guaranteed to all citizens with equal quality

+ More local control over rates and policies

+ Better response to local environmental impacts

There are also many challenges to administering public utilities:

- Public utilities were created because investor owned utilities chose routes that would create the most profit.

- Municipalities, which are driven by service rather than profit, expanded first to citizens who needed utility service. (Now that investor-owned utilities have expanded through most of the state, the City can make strategic decisions about new service areas).

- Municipalities are focused on high quality service at the lowest price, and must keep this in mind when setting utility rates.

- Utilities require large capital investments to build, maintain, and update.

Public Utility Finance

Utility Enterprise Funds

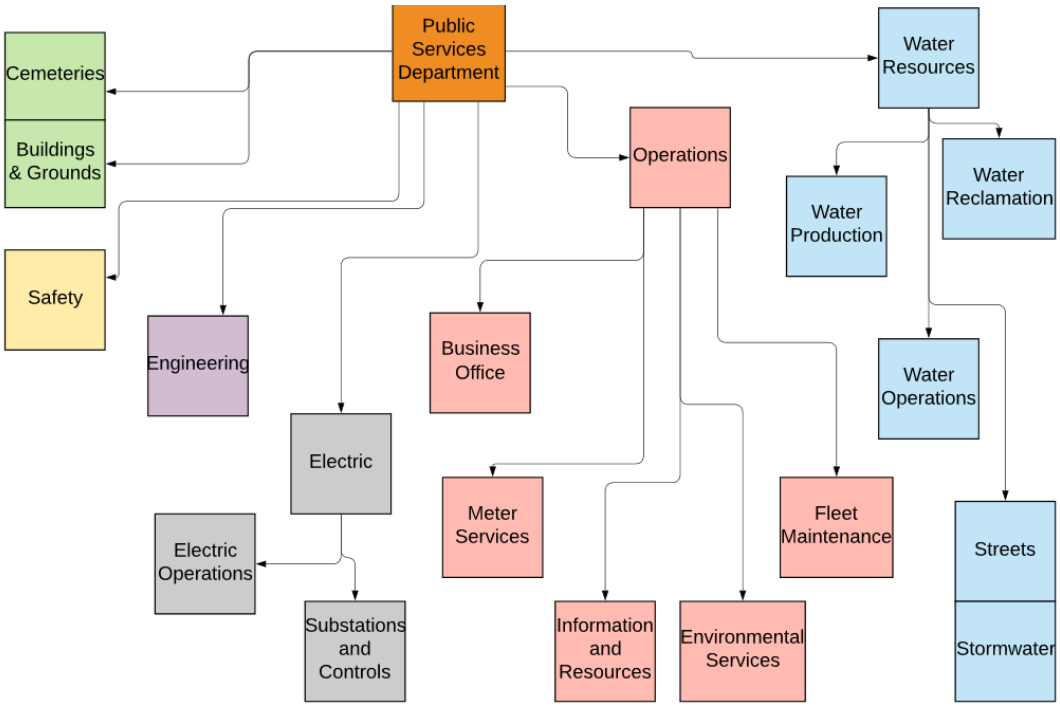
As referenced in Local Government Finance Basics (see above), public utilities are financially managed through enterprise funds. Water, electric, sewer, stormwater, and environmental services each have their own enterprise fund that is supplied through utility fees, not taxes. Every person with a City of Kinston utility account pays for each of these services—you can see the individual fees broken out in each monthly bill. The money collected from utility bills is used for maintenance, equipment, and infrastructure investments in that part of the utility system.

Financing Public Utility Projects

The City pursues low-interest loans and state and federal grants to make major infrastructure improvements at the lowest cost possible to the City, such as the Drinking Water State Revolving Fund, Clean Water State Revolving Fund, Golden LEAF Foundation Grants, Industrial Development Fund Utility Account, and others.

Each division also has a Capital Improvement Plan which schedules major projects and equipment needs in order to plan projects and identify options for financing.

Public Services Divisions



Water

Water Production

The City is responsible for operating 16 active wells and the chemical treatment of the City's drinking water, as well as the maintenance and replacement of water lines. The City is part of the Neuse Regional Water and Sewer Authority (NRWASA), a collaboration of 8 different water systems from Lenoir and Pitt county working together to ensure a plentiful supply of water for residents and future economic growth. The City's water supply has been consistently safe and reliable through requirement changes and natural disasters.

Sewer /Water Reclamation

The Johnnie Mosley Water Reclamation Facility is a fully automated, state-of-the-art treatment plant that uses completely natural means to improve water quality, including bacterial decomposition, denitrification filters, and ultraviolet disinfection. The plant also has a bio solids dryer where cleaned solids are condensed and can be used or sold as fertilizer.

Streets

The City has an annual maintenance budget of approximately $1.3 million for 115 miles of streets, with approximately $300,000 for resurfacing. Assuming a 25-year life span for a street, the City would need to resurface 4.6 miles a year, a $550,000 yearly cost. The 25 year rotation and the gap between available funding and the cost of repairs is why Kinston has a challenge maintaining streets. Each year, the City Council approves the list of street segments scheduled to be improved.

Not all streets inside the City limits are maintained by the City—Queen St, Vernon Avenue, Dr. Martin Luther King Blvd, and most four-lane streets inside the City are maintained by the state. On the City's website, the page "Who Maintains that Road?" shows the division of maintenance responsibility inside the City limits at Public Services→ Information → Who Maintains that Road?

Stormwater

The Stormwater section maintains any structure or feature that carries stormwater from a City street or City-owned facility, including: street gutters, curb inlets, pipes/culverts, detention ponds, ditches, and streams. Kinston's current stormwater system includes the following: 36 miles of vegetative waterways, 16 miles of roadside structures, 2,000 curb inlet/catch basins, 63 miles of pipe, 100 miles of City-maintained gutters, and 7 City-maintained detention ponds (BMPs').

All City of Kinston residents pay a stormwater fee that funds maintenance of the system outlined above; however, this does not mean Public Services maintains all ditches in the City. If residents have a concern they can call 252-939-3282 and find out who is responsible for a particular stormwater structure.

Electric

History

The City of Kinston began its electric utility in 1897 as an essential service where investor-owned electric companies had not expanded. In 1965, Kinston joined other public power communities across the state in an association called the North Carolina Eastern Municipal Power Agency (NCEMPA). In 1978, NCEMPA entered an agreement with CP&L (now Duke Energy) to purchase ownership in the construction of a new nuclear power plant, an idea which at the time was a great

investment in the future. However, less than a year later, the Three Mile Island nuclear accident prompted additional regulations that caused the cost of the plant to skyrocket, giving Kinston and 32 other municipalities a large amount of unexpected debt. *This debt has largely driven Kinston's utility costs over the years.* In 2015, NCEMPA agreed to sell all its generating assets to Duke Energy and reduced the debt by 70%. This sale lowered wholesale costs, enabling the City Council to reduce electric utility costs by 10%. The City is now on track to have rates equal to (and possibly lower) than Duke Energy over the next 10 years. All debt associated with these generating assets will be paid by 2025!

Current System

The City's electric utility currently runs about 12,500 meters, 4,500 transformers, and 450 miles of distribution lines with an average response time of 20 minutes. The average interruption frequency (SAIFI) is significantly lower than the co-op's, Duke Energy Carolina, and Duke Energy Progress.

In 2019, the City began to install a "Smart Grid System" for water and electric utilities that will create faster responses to problems, allow customers to see their usage online, and help the City avoid electric "peaks" of usage, lowering the overall utility bills for City customers.

Operations

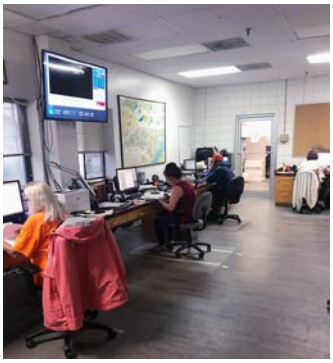
Environmental Services

This division includes the following services:

- Garbage (weekly)
- Recycling (monthly)
- Furniture
- Yard debris
- Construction debris
- White goods (appliances)
- Tires, off the rim
- Dead animals
- Metal
- Paint cans (dry paint, no lid)
- Vector Control (mosquito control

To see a comprehensive list of services and common questions, visit the Public Services webpage from Public Services→ Information → Frequently Asked Questions→ FAQ #3.

Business Office



The business office contains the billing, Customer Service, and radio communications functions.

Customer Service representatives are available to answer questions about City services 24/7 at ***252-939-3282***. Customer Service staff can assist with reports of power outages, billing inquiries, emergency requests for service repairs, and transfer to other

appropriate city departments. This is the first place citizens should go when they're not sure where to start!

Policies guiding Customer Service staff on utility deposits, debt payment plans, service connection and disconnection, and forms of payment can be found online on Public Services webpage at Departments→ Public Services→I want to Find→ Ordinances, Plans and Policies; these policies are enforced uniformly for all customers according to the prior approval of City Council.

Being locally owned and operated, Public Services is eager to work with customers with any extenuating circumstances, especially when customers demonstrate their willingness to adhere to previous commitments—don't hesitate to refer these situations to our Operations Manager or Business Office Administrator, who can be reached through our Customer Service line at 252-939-3282.

Fleet Maintenance

The City maintains up to 800 City vehicles and equipment (including Public Services, Parks and Recreation, Police, Fire, Code Enforcement, etc.) as a cost effective way to provide City employees with safe and dependable vehicles and equipment to perform their duties.

Buildings and Grounds / Cemeteries

The Buildings and Grounds section is responsible for the repair, maintenance, and janitorial cleaning of various City facilities including City Hall, the Public Services Complex, and a changing number of miscellaneous properties which includes The Gate and vacant lots owned by the city. Some of this maintenance is contracted to outside organizations. We also oversee the operation of City-owned cemeteries including Maplewood/Hebrew, Southview, Westview, Colonial, Cedar Grove, and Temple Israel Cemetery.

Land Use and Development Basics

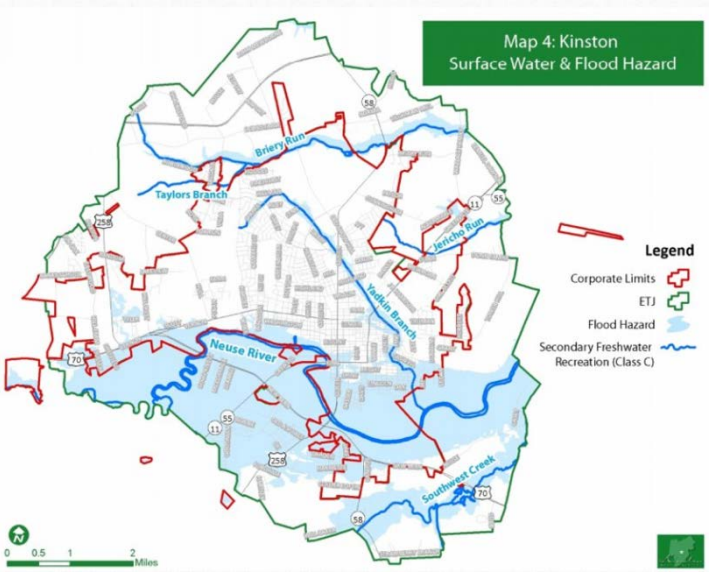
After responsible financial management, guiding land use and development is the City Council's next major responsibility. This function is supported most by the staff of the Planning, Code Enforcement, and Inspections departments, which regulates short-term development of particular properties and plans for long-term development of the whole community.

Long-Term

The City Council sets the direction of the community through plans that guide future growth, protect against future environmental hazards, and controls the size and boundaries of the community, including the following:

Comprehensive Land Use Plan

A strategic document required by the General Assembly that describes the state of the City, current land use, and any changes planned in the next decade to manage future development. The end of the plan has a series of goals developed by the City Council for the coming decade. The plan can be found in the Planning Department, or online at http://kinstonnc.gov/152/Planning-and-Zoning.



Floodplain Management and Hazard Mitigation

The City of Kinston is located along the Neuse River, and therefore deals with regular flooding from storms, hurricanes, and other natural disasters; flash flooding from the River and the Adkin Branch is a consistent problem during heavy rain events. Kinston participates in the Neuse River Basin Hazard Mitigation Plan with several regional municipalities. The City also regulates development at the local level to encourage residents and business owners to either locate outside the floodplain, or implement live and property saving measures in the case of storms.

Extra-territorial Jurisdiction (ETJ)

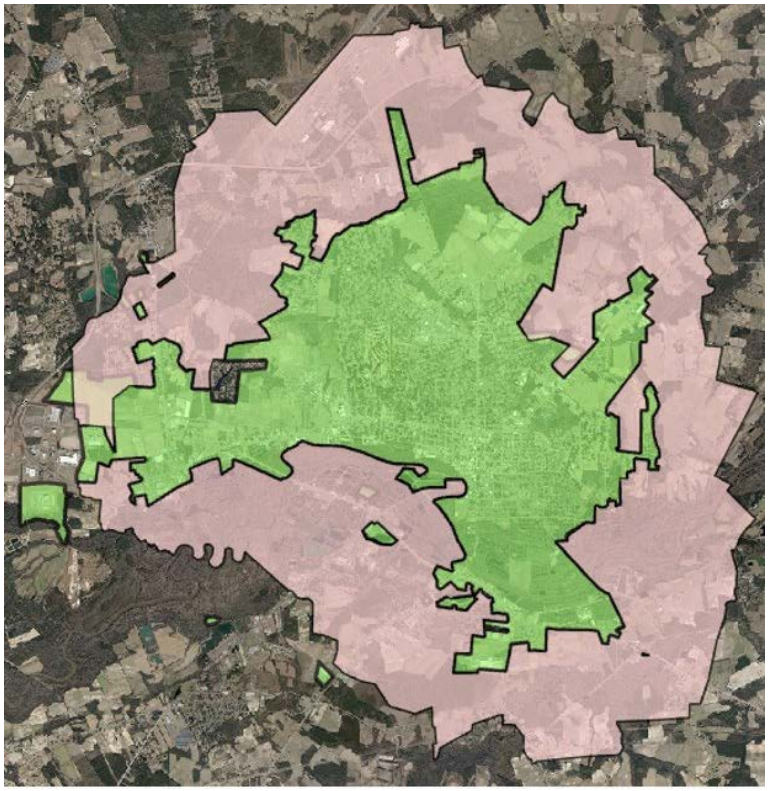


Figure City of Kinston limits (green) and ETJ (pink)

The City is responsible for regulating development within the city limits, but also in the area immediately surrounding the city limits, called the "extra-territorial jurisdiction" or ETJ. ETJs were created to prevent residents and business owners who wanted to avoid city regulations from buying property immediately across the city line and having undesirable uses close to the city. Properties in the ETJ are subject to City zoning, permit requirements and inspections. However, they are not under City code enforcement, are not protected by City Police and Fire services, and do not pay City taxes. They may or may not have City utilities, depending on whether the property owner chose to become a customer with the city or a private utility company.

Annexation

The City may expand its limits through annexation, or addition, of property into the City. Annexations can be initiated by the Council (involuntary), by property-owners (voluntary), or by the General Assembly (legislative). The property can be immediately next to the City limits (contiguous) or a set of properties nearby (satellite). A potential legal basis for annexation can be advised by the City attorney. De-annexation, or removal of property from the City limits, can only be done by a local act of the General Assembly. Cities themselves have no authority to de-annex property.

Short-Term

Unified Development Ordinance (UDO)

The UDO is the section of the Code of Ordinances that governs land use, permitting, subdivision regulation, and development. The following sections cover the important groups, procedures, and permits that regulate development in Kinston which can be found in the UDO.

Administrative/Legislative Authority

UDO Administrator

A role currently assigned to the Planning Director to enforce the provisions of the ordinance including:

- Maintain records of applications, permits, special uses, and plans
- Present applications and plans to boards for review
- Review and approve minor site plans, minor subdivisions, and final plats
- Conduct inspections and take action when the Ordinance is being violated

Planning Board/Board of Adjustment (BOA)

*In the City of Kinston, the same group of citizens serves on both committees:

The Planning Board advises the City Council in amending the comprehensive plan, recommending development ordinances, determining whether proposed developments conform to the comprehensive plan, and approving major site plans.

The BOA hears and decides requests for variances to the Unified Development Ordinance, interprets questions regarding the zoning map and determinations of the zoning administrator, and serves as the Housing Appeals Board where people can appeal the decisions of housing inspectors.

Historic District Commission (HDC)

The HDC recommends the creation or amendment of historic districts, consider applications to alter structures within a local historic district and recommend applications for landmarks to City Council.

City Council

Makes final decisions on:

- Special Use Permits
- Changes in the text of the Unified Development Ordinance and Zoning Map
- Approval of site-specific development plans
- Approval of major subdivisions

Legislative/Quasi-Judicial Procedures

Legislative Procedure involves changing the rules, including changes in ordinances and re-zoning a property.
Quasi-judicial Procedure involves deciding whether a particular case is complying with the rules that already exist, including appeals, variances, interpretations of the zoning map, and special use permits.
Other: if a Board is only discussing a proposal or concept without making a determination, the procedure is neither legislative nor quasi-judicial, but part of the Board's regular business.

Amendment/Rezoning Procedure

*To view the complete procedure, go to Article 4 of the Unified Development Ordinance

1. An interested party, the Council, or the Planning Board submits an application for a change.
2. Planning Board advises on whether the change is consistent with the comprehensive plan, and sends recommendation to Council.
3. Council holds a Public Hearing during Council Meeting
    a. Appropriate notice is given of the amendment
    b. The Council reviews the Planning Board Recommendation
    c. Council hears citizen comments
    d. Council makes a determination*, considering primarily whether the proposed amendment advances the public health, safety, or welfare of the City*.

Appeals, Variances, and Interpretations

Appeals, variances, and interpretations are quasi-judicial decisions made by the Board of Adjustment. Appeals of quasi-judicial decisions are sent to the Superior Court of Lenoir County (they can go to either the Council or the court, but our Kinston-specific ordinance identifies the court). *To view the complete procedures, go to Article 4 of the Unified Development Ordinance

Appeals: a formal request by a person who has been denied a permit, sent a notice of violation, or has some other grievance and wants the decision overturned. The Board of Adjustment meets and hears evidence from the staff and the appellant for and against the decision. The Board may then reverse or affirm (wholly or in part) the original decision.

Variances: a formal request by a person who feels unnecessary hardship would result from carrying out the strict letter of the UDO (except the use of a property, which falls under the special use permit. Uses are either permitted or not permitted, and cannot be changed by variance). The Board allows the variance if the situation shows **all** of the following:

1. Unnecessary hardship would result from the strict application of the Ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances (financial, health, etc) do not count.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

Interpretations: a formal request by an interested party to interpret the zoning map or ordinance and to act upon disputed questions of lot lines or district boundary lines and similar questions. The Board of Adjustment meets to review the case using the interpretation rules found in Section 2.5 of the UDO.

Procedure for Appeals, Variances, and Interpretations

1. Board of Adjustment shall hold a hearing within thirty (30) days of the submittal of a completed appeal or application. The hearing shall be open to the public and all persons interested in the outcome shall be given an opportunity to present evidence and arguments.
2. Notice of hearings shall be mailed to the person who is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.
3. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal.
4. *All decisions shall be based upon competent, material, and substantial evidence in the record.* Each quasi-judicial decision shall be recorded in writing and sent to the applicable parties.

Special Use Permits (previously Conditional Use Permits)

The UDO allows for many different uses in each zoning district that don't require Council approval. However, in some cases the Council may want to personally approve a use every time it comes up. In these circumstances the Council requires the owner to get a special use permit (what were traditionally called "conditional use permits") from the City Council upon recommendation of the Planning Board.

*To view the complete procedure, go to Article 4 of the Unified Development Ordinance

1. The interested party submits an application for a special use permit
2. The Planning Board meets to discuss the special use request and submits their recommendation to the Council based on its view of the request's consistency with the comprehensive plan.
3. The Council holds a public hearing during a Council Meeting
    a. Notice shall be given to other potentially interested persons by publishing a notice in a newspaper between ten (10) to twenty-five (25) days prior to the hearing.
    b. Council shall approve the permit if it has determined that:
        i. The use will not harm the general welfare or be so incompatible with surrounding uses that it harms property values or normal functioning

ii. There are adequate public services to support the use
iii. The use is consistent with the comprehensive plan
iv. Additional criteria found in Section 4.5.4.5 of the UDO, including minimizing traffic, adequate public access, compatible architecture, etc.

c. Council may add conditions to the approval of the permit to ensure the use will meet the above criteria
d. Council may approve by a simple majority vote

Zoning

Zoning Districts

Zoning districts are used by cities to separate types of uses by area and density including:

- Residential: housing at various densities
- Mixed Use: housing and certain business uses
- Office and Institutional: low-traffic services including medical facilities and corporate offices
- Commercial: downtown, highway retail, shopping center, and other concentrations of stores for goods and services
- Industrial: heavy and light manufacturing and warehouse facilities that cause various levels of nuisance to residents
- Planned Unit Development: a mix of residential, open space, commercial, and light industrial planned over a large area rather than on an individual lot-by-lot basis.

In the creation of each district, careful consideration is given to the appropriate set of uses and density allowed in each area, and of how these regulations will change the course of development in the future. Current zoning districts and uses can be found in Article 6 of the UDO.

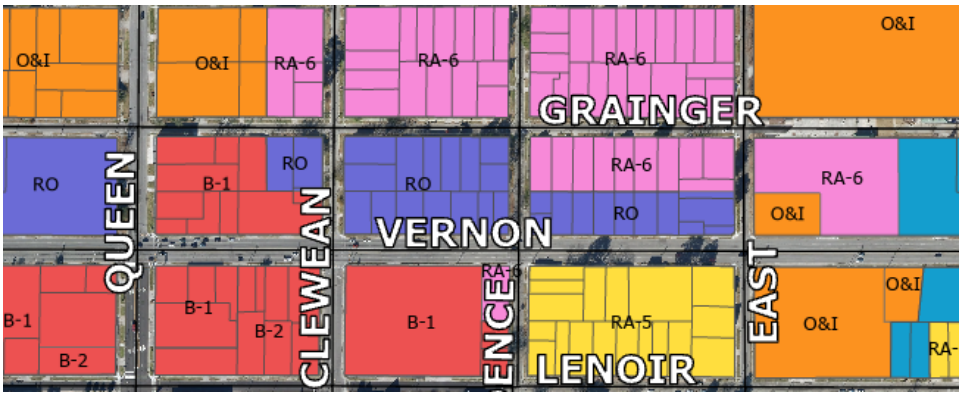


Figure 1 Zoning Map at the intersection of Queen Street and Vernon Avenue

Permitted Uses and Activities

Uses in a zoning district can be *permitted, permitted with supplemental regulations, conditional, conditional with supplemental regulations, nonconforming, and not permitted*.

- *Permitted* (P) uses are allowed without any additional requirements or oversight by the Council, and approved by the UDO administrator
- *Permitted use with supplemental regulations* (PS) requires owners to comply with additional regulations found in the UDO, but without any permission required from the Council
- *Conditional* (C) uses are not allowed unless the owner applies for a special use permit which must be granted by the Council
- *Conditional with supplemental regulations* (CS) requires the owner to apply for a special use permit <u>and</u> demonstrate their compliance with additional regulations found in the UDO
- *Nonconforming* uses are uses of property that was lawful prior to the establishment of the UDO or a particular amendment that might affect the property. The property owner is allowed to continue without adjusting to the new regulation, but if they want to change the use, change the building significantly, or the use more of the building for the same use, they must become compliant with the current UDO standards.
- *Not permitted uses* (Blank) are not allowed by any permit; if the property owner wishes to have a not permitted use, they must apply for their property to be rezoned as a district which would allow that use.

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use
C - Conditional Use
PS - Permitted Use with Supplemental Regulations
CS - Conditional Use with Supplemental Regulations
Blank - Not Permitted

	Zoning Districts																*Supplemental Regulations*
Uses	RA-20	RA-15	RA-12	RA-8	RA-7	RA-6	RA-5	RO	O&I	B-1	B-2	SC	I-B	I-1	I-2	PUD	
RETAIL SALES AND SERVICES (cont.)																	
Automobile sales and service *(Amended 11/20/17)*										P			P				
Automobile service stations										PS	PS	PS	PS				Sect 7.24
Automotive towing										P							
Bakery (retail)										P	P	P					
Barber shops, beauty shops								P	P	P	P	P	P				
Bars										CS	CS	CS					Sect 7.13
Battery charging station									PS	PS	PS	PS	PS	PS	PS		Sect 7.25
Battery exchange station										PS	PS	PS	PS	PS	PS		Sect 7.25
Bed & breakfast	CS	CS				CS	CS	PS	PS	PS	PS						Sect 7.26
Book store, including the retail of stationery, books, magazines, newspapers										P	P	P					

Figure 2 UDO Table of Uses and Activities showing what uses are allowed (and to what extent) in each zoning district.

City Departments

Organizational Chart

Staff Directory

City Manager Tony Sears Tony.sears@ci.kinston.nc.us 252-939-3111	City Clerk Debra Thompson Debra.thompson@ci.kinston.nc.us 252-939-3115
Mayor Don Hardy Mayor.Hardy@ci.kinston.nc.us 252-939-3114	Finance Donna Goodson Donna.Goodson@ci.kinston.nc.us 252-939-3281
Human Resources (Interim Director) Lea Mills Lea.mills@ci.kinston.nc.us 252-939-3120	Management Information Services Michael Thomas Michael.thomas@ci.kinston.nc.us 252-939-3150
Public Services Rhonda Barwick Rhonda.Barwick@ci.kinston.nc.us 252-939-3282	Planning, Inspections, Code Enforcement Adam Short Adam.Short@ci.kinston.nc.us 252-939-3269
Downtown Kinston Revitalization (formerly Pride of Kinston) Leon Steele leonsteele17@suddenlinkmail.com 252-522-4676	Parks and Recreation Corey Povar Corey.Povar@ci.kinston.nc.us 252-939-3332
Police Interim Chief Jenee Spencer Jenee.Spencer@ci.kinston.nc.us 252-939-3160	Fire Chief Damien Locklear Damien.Locklear@ci.kinston.nc.us 252-939-3164
Budget Jennifer Wilson Jennifer.Wilson@ci.kinston.nc.us 252-939-3243	City Attorney Jim Cauley jcauley@cauleypridgen.com

City Manager

Tony Sears
Tony.Sears@ci.kinston.nc.us
252-939-3110

The highest staff level position who directs the day to day operations of the City. They are hired by the City Council, and supported by an executive assistant.

City Clerk

Debra Thompson
Debra.thompson@ci.kinston.nc.us
252-939-3115

The city clerk is a crucial administrative role in the city with many statutorily required roles including:

- Keeps full and accurate minutes of City Council meetings
- Organizes and maintains city or county ordinances.
- Provides notice of City Council meetings
- "Any duties required by the City Council"
    - Drafts meeting agendas and schedules
    - Manages the Mayor's appointments
    - Supports Councilmembers in completing their duties

City Attorney

Jim Cauley
jcauley@cauleypridgen.com
252-291-3848

Each city is required to appoint an attorney "to serve at its pleasure and be its legal advisor". The City of Kinston contracts with an attorney who specializes in working with local governments. The City Attorney does a variety of work, including:

- Attending City Council meetings
- Reviewing contracts and legal agreements with other entities
- Facilitating sale and acquisition of property
- Representing the city in all legal matters

Budget and Financial Administrator

Jennifer Wilson
Jennifer.wilson@ci.kinston.nc.us
252-939-3243
The Budget and Financial Administrator manages the work associated with the annual budget (see Budget section).

Finance Department

Mission: The mission of the City of Kinston Finance Department is to implement fiscal policies, procedures and reporting mechanisms which will enable management to ascertain the City's financial condition, evaluate its performance, and plan its future.

Department Head:
Donna Goodson
Donna.Goodson@ci.kinston.nc.us
252-939-3281

Responsible for…

- Collections: billing and collection of licenses, charges, assessments, weed abatement and demolition; serve as the liaison with the County Tax Office; collects on past due amounts due to the city
- Purchasing and Warehouse: provides assistance and guidance to city departments that are buying goods and services while ensuring compliance with State Statutes and local policies; maintains procurement cards, disposing of city surplus, operating a central store of inventory
- Accounting: responsible for accurately posting transactions to the general ledger, cash management, payroll processing, accounts payable, fixed assets, debt management; assisting other departments with financial grant management, completion of regulatory reports, annual budget preparation, internal auditing, and the preparation of the Comprehensive Annual Financial Report (CAFR).

Frequently Asked Questions:

Q: When citizens need to pay their taxes/bills/fees, where do they go?

A: Lenoir County Tax Office collects property taxes on behalf of the City of Kinston. All other fees and charges should be discussed with the submitting department, not Finance. For example, if Code Enforcement cites you for grass and weed abatement, discuss the bill with the Enforcement officer. Similarly, utility bill payments are handled through Public Services by Customer Service Representatives at 252-939-3282.

Major City Council Decisions:

- Approve major capital expenditures
- Approve each fiscal year's budget and any subsequent operating budget amendments
- Approve the annual audit contract
- Approve the creation/amendments to Project Ordinances for a grant or fund
- Approve any fee changes including property tax rate, service fees, etc.
- Approve annual notices sent out for property taxes and liens
- Approve financing agreements

Human Resources

Mission: To support the goals and challenges of the City of Kinston by providing services that promote a work environment that is characterized by fair treatment of staff, open communications, personal accountability, trust and mutual respect.

Department Head:
(Interim Director) Lea Mills
Lea.mills@ci.kinston.nc.us
252-939-3120

Responsible for…

- Personnel: effective recruitment, selection, retention, development, and utilization of all City employees and ensure compliance with applicable state, federal and City laws, regulations and policies. Provides education on retirement, open enrollment and new employee orientations, benefit administration, policy development and implementation.
- Risk Management: responsible for Employee Safety Programs and managing insurance coverage including but not limited to: property, auto, general liability, inland marine, crime/bonds, Public Officials and Law Enforcement Liability; manages the workmen's compensation and safety programs.
- Employee Health: Contracted OHN/RN is responsible for our Pre-employment physicals, on the job injuries and for our well-being of our employees in general. The nurse is responsible for quarterly wellness meetings and updates of our Workplace Integra software. The Personnel Technician schedules new employee drug testing, manages Health Sense program, updates medical records and provides support to the city nurse.

Frequently Asked Questions:

Q: How can people who are interested in working for the city apply?

A: Go to www.governmentjobs.com/careers/kinstonnc and create an account. All our available job opportunities will come up. If you need help filling out an application, you can always come into the HR Department at City Hall.

Major City Council Decisions

- Approving additions of personnel to a particular department during the annual budget session. Positions would be presented to the council for consideration. Once the council votes to accept the request, the position would be given a position number and added to the HR system.
- Recognition of employees for Retirement, Line Worker Appreciation Day, Waste and Recycling Workers Appreciation Week, Water Professionals Appreciation Week, and State Employees Appreciation Day (to name a few) by presenting plaques or proclamations during a monthly city meeting.

Management Information Services

Mission: The MIS Department is responsible for the computerized systems for all City departments. MIS provides guidance to the City in planning its strategic direction for current and future use of technology and software systems. MIS works to accomplish this task by determining the technology needs for all departments by compiling and analyzing needs to recommend the appropriate hardware and/or software systems that will ensure successful implementation and efficient use of the computer systems.

Department Head:
Michael Thomas
Michael.thomas@ci.kinston.nc.us
252-939-3150

Responsible for…

- Determining technology needs for each department and recommending appropriate hardware and software systems for successful implementation
- Maintaining networks, firewalls and phone/computer systems to allow the City to function with minimal down time
- Protecting city data against viruses and cyber attacks
- Serving as IT support and protection for city departments
- Serving as IT support for City Council during meetings

Frequently Asked Questions:

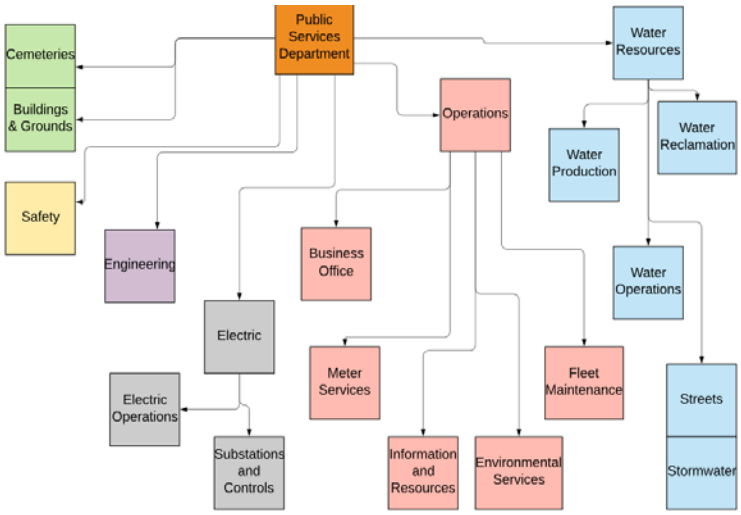
Q: Does MIS manage the website and city social media?

A: No. Each department is responsible for updating their own pages of the website and social media. MIS does help city employees understand how to update the website.

Major City Council Decisions

- Reviewing major equipment investment purchases

Public Services



Mission: Our mission is to support quality of life by delivering responsive, cost efficient services to all neighborhoods and maintaining reliable utilities in a manner that emphasizes customer satisfaction, public service, and good stewardship of human, fiscal, and natural resources.

Department Head:
Rhonda Barwick
Rhonda.Barwick@ci.kinston.nc.us
252-939-3282

Responsible for…

- Electric: Kinston is one of a few "public power" communities, where a local agency provides electric services.
- Water Resources: includes streets, stormwater, sewer, safe drinking water (water production), wastewater treatment (water reclamation), and more.
- Operations: includes meter reading services, fleet maintenance, customer service, trash and recycling pick up (environmental services), and more.
- Buildings, Grounds, & Cemeteries: maintains public facilities and cemeteries including Maplewood/Hebrew, Southview, Westview, Colonial, Cedar Grove, and Temple Israel Cemetery.
- Customer Service: If you need to reach our Public Services team, call 24/7 to 252-939-3282. Service orders may include reports of cave-ins on storm drains, damaged sidewalks, garbage pickup requests, street sweeping, utility billing questions and ditch maintenance concerns.

Advisory Boards:

- Utilities Advisory Commission – reviews utility fund budget request and makes recommendations to City Council.

Frequently Asked Questions:

Q: How can I request utility service connection?

- A: You can visit us in person at Customer Service located in City Hall at 207 E. King St. or call our 24/7 Customer Service center at **252-939-3282.** An application form can be accessed on-line at kinstonpublicservices.com under the Department Overview tab - Forms.

Q: How do I know who maintains specific streets in Kinston?

- A: Our Engineering team created a map to show residents which streets are City, State and privately maintained. The map can be accessed on-line at kinstonpublicservices.com under the Information Tab.

Q: How does the city set rates for utilities?

- A: For each utility, Public Services calculates how much it costs to provide the service for each person and adds what it costs to maintain and repair the system. The City of Kinston doesn't make a profit from offering utilities, but we do reserve enough money to make large repairs or updates to our electric and water systems when we need to.

Major City Council Decisions

- Approve bids for equipment purchases and contract work
- Approve annual schedule for street and sidewalk improvements
- Approve applications, resolutions, and financial action around grant applications
- Approve capital improvement plans for all utilities

Planning, Code Enforcement, and Inspections

Department Head:
Adam Short
Adam.short@ci.kinston.nc.us
252-939-3269

Planning

Mission: Our mission is to facilitate development, engage citizens in the planning process, and implement policies and programs representative of community needs. We strive toward a built environment that promotes healthy living, economic opportunity, and instills pride in our community.

Responsible for…

- Long-Range Planning: collaborate with staff, elected officials, and residents to plan and implement strategies for land use, transportation, downtown development, historic preservation, public art, and waterfront preservation.
- Current Development: review development for compliance with the Unified Development Ordinance (our rules for land use and development) and manage bids on city-owned property
- Disaster Recovery Resources: manage the city's National Flood Insurance Program to lower insurance rates, manage grants from state and federal programs to help residents repair their homes and build resiliency, provide information about the floodplain and resiliency strategies

Grants:

The Planning Department also manages a variety of grants that address community needs including housing repair, historic preservation, environmental assessment, public art programs, economic development, transportation, and recreation. The Planning Department accounts for a small percentage of the General Fund, but brings in millions of dollars annually for the City as a whole. Contact the Planning Director about the current list of open grants.

Advisory Boards and Committees:

- Planning Board/Board of Adjustment (BOA): In Kinston, the Planning Board and the BOA are the same group of people, but each board has different responsibilities. The Planning Board Advises the City Council in amending the comprehensive plan, recommending development ordinances, determining whether proposed developments conform to the comprehensive plan, and approving major site plans. The BOA hears and decides requests for variances to the Unified Development Ordinance, interprets questions regarding the zoning

map, and serves as the Housing Appeals Board where people can appeal the decisions of housing inspectors.

- Historic District Commission: this commission recommends the creation or amendment of historic districts, consider applications to alter structures within a local historic district and recommend applications for the creation of a landmark to City Council.
- Citizen Planning Committees: Planning gathers many temporary citizen committees to help create or amend plans. For example, the Kinston Pedestrian Plan Committee is a group of citizens working with the city and NCDOT to help update our goals for walkability and safety.

Frequently Asked Questions:

- Q: I'm interested in a property. How do I find out how it's zoned?
    - A: You can go online to the "Lenoir County GIS Map" or give the planning department a call at 252-939-3269.

Major City Council Decisions:

- Review Conditional Use Permits, Zoning Map Amendments, Variances, major site plans
- Consider demolition of condemned properties
- Amend the Comprehensive Plan
- Pass land use and development related ordinances
- Approve applications, resolutions, and financial action around grant applications
- Participate on temporary citizen committees to provide elected official guidance

Code Enforcement and Inspections

Mission: The Permits, Inspections, and Code Enforcement Division ensures the compliance of new construction, repairs, and renovations in the City limits of Kinston and its extra-territorial jurisdiction to protect the safety and well-being of all residents.

Responsible for…

- Plan Review: reviews plans for interior renovations, new projects, and new buildings (residential and commercial/industrial).
- Permits: issues permits building, electric, plumbing, insulation, HVAC, demolition, signs, and other work to ensure it is being done according to code and by capable people.
- Inspections: performs inspections of completed work to ensure a building's safety and to make sure work has been done according to code.
- Code Enforcement: ensures that construction and development practices comply with the NC Building Code and with all other state and local codes; enforces Grass

and Weed Abatement, Junk Cars, Nuisances, Offensive Accumulation, and Kinston's Minimum Housing Code.,

- Condemnation: If a home has health and safety concerns, officials can close a building and tell the property owner to evacuate or make repairs, or they can condemn the building.

Frequently Asked Questions:

- Grass and Weed Abatement Process

If a resident sees overgrown grass and weeds or abandoned cars, they can call 252-939-3265 to make a complaint. If a property is determined to be in violation of the city's ordinance, the property owner will be given 10 days to abate the violation. After that, the property will be added to the list for the city's contractor. An assessment for the abatement and fines will be charged to the owner as part of their property tax bill.

- Condemnation/Demolition Process

If you see a home that looks unsafe, call 252-939-3265 to make a complaint. If the property meets the standards for condemnation under the NC Building Code, the property owner will be ordered to evacuate and either bring the house up to minimum standards or demolish the property. However…

  - Owners have multiple opportunities to appeal the decision or make essential repairs to the home, so the process can take anywhere from a few months to multiple years.
  - Just because a home looks in disrepair does not necessarily mean it can be condemned.
  - The City has a limited demolition budget, so once the money has been spent, the City can’t demolish any more building until the next fiscal year.

Major City Council Decisions

- Approve the fee schedule for permits, inspections, and grass and weed abatement

Downtown Kinston Revitalization

Mission: To spearhead historic commercial district revitalization using the Main Street approach that promotes economic development within the context of historic preservation. Downtown is revitalizing itself through broad-based economic development by using its architectural and cultural assets to maintain the historic commercial district while stimulating downtown business and community growth.

Department Head:
Leon Steele
252-522-4676
Leonsteele17@suddenlinkmail.com

Responsible for…

- Supporting the historic commercial district revitalization through the Main Street program
- Creating positive downtown experiences for residents and visitors
- Marketing and promoting the brand of downtown Kinston to visitors and potential investors
- Supporting downtown business owners through administration of the Municipal Service District (MSD) tax funds
- Owns and manages the Kinston Enterprise Center, a small business incubator

Advisory Boards and Committees:

- Downtown Kinston Revitalization (DK, formerly known as Pride of Kinston) is a 501c3 non-profit overseen by a board of directors and an Executive Director who is employed by the City. Board Members include downtown business owners, citizens at large, Chamber of Commerce representatives, as well as city and county representatives. A full list of members is available on our website, downtownkinston.com
- Varied Volunteer Opportunities: Garden Club, Christmas decoration and parade planning, Pride of Kinston event staffing, etc.

Frequently Asked Questions:

Q: What is the Municipal Service District (MSD)? What is the MSD tax used for?

- A: The MSD is approximately 28 square blocks that primarily includes Queen, Herritage, and McLewean Streets between the African American Music Park at the south end of Queen St and Peyton Street at the north end, defining the central business district of downtown and the focus of DK's efforts. An extra tax is levied on the property owners in this area, and the money is used for programs that support economic development in the area.

Q: What are you doing about the vacant buildings downtown?

- A: The owners of the properties are responsible for maintenance and deciding whether to occupy or lease buildings. DK works with property owners to find solutions that keep downtown well-kept and ideally occupied with successful businesses. Pride offers interested property owners design assistance and other advice when requested.

Major City Council Decisions:

- Set the MSD tax rate and determine how much of that funding to offer DK as part of a contract stating DK will use the funds to conduct revitalization activities downtown.
- Permits approval. DK events and certain other activities sometimes require closing streets, KPD presence/support, or other City assistance.
- Other financial support—there may be occasions when DK may ask for support funding /matching funding for a specific community endeavor

Parks and Recreation

Mission: The Kinston/Lenoir County Parks and Recreation Department offers the citizens of Kinston and Lenoir County an opportunity to develop their leisure time and interests. Activities that promote the enrichment of life in the community help make Kinston and Lenoir County a desirable place to live. We hope to offer every citizen the opportunity to belong, to achieve, to develop skills and to receive recognition and status.

Department Head:
Corey Povar
Corey.Povar@ci.kinston.nc.us
252-939-3332

Responsible for…

- Recreation: Providing high quality recreation programming within the several recreation facilities and parks. (baseball, football, soccer, basketball, afterschool, day camps)
- Parks: Maintaining and improving all Kinston/Lenoir County Parks and Recreation facilities and park space.
- Kinston Community Center (KCC): Operating a state-of-the-art fitness facility, community center, water park, and year-round pool for members and guests; along with recreation programming that attract membership and generates revenue. (art classes, swimming lessons, lifeguard certification course, and many major events)

Advisory Boards and Committees:

- Parks and Recreation Commission: The Commission sets policies and programs for the Department with one City Council member. The Council is updated regularly on the actions of the Committee by this Councilmember and the Parks and Recreation Director.
- Varied Volunteer opportunities for coaching and help with events and programs

Frequently Asked Questions:

Q: Where is the Parks and Recreation home office?
- A: We are located at 2602 W. Vernon Ave. (upstairs at the KCC)

Q: Where do I go to register for programs?
- A: You can register online at https://registration.kinstonnc.gov/default.aspx, or call (252) 939-3332 or visit us in person at 2602 W. Vernon Ave.

Major City Council Decisions

- Approve applications, resolutions, and financial action around grant applications
- Approve capital projects for improvements and maintenance
- Review financial requests from the department

Police

Mission: The Kinston Police Department pledges serve our community, to safeguard lives and property, and to preserve order all while respecting the constitutional rights to everyone to liberty, equality and justice.

Department Head:
Interim Chief Jenee Spencer
Jenee.Spencer@ci.kinston.nc.us
252-939-3160

Responsible for…

- Proactive preventative patrols.
- Enforcement of North Carolina General Statutes: Chapters 14, 18b, 20, and 90.
- Enforcement of Kinston's Code of Ordinances: Chapters 10, 15, and 21.
- The investigation of reported crimes.
- The investigation of traffic crashes.
- Response to all calls/requests for assistance.
- Crime Laboratory.
- Law enforcement records maintenance and dissemination.
- Community outreach support.
- Educational support/School resources.
- Canine Operations.
- SWAT capabilities.
- Animal Control.

Frequently Asked Questions:

Q: How many people are employed with the Kinston Police Department?

- A: The KPD has 75 sworn police officers and 9 non-sworn personnel.

Q: Does the Kinston Police Department offer internships or allow people to ride-along with an officer?

- A: The KPD offers both! There are certain rules and regulations for both programs but our Recruiting officer and Administrative Manager can assist with questions.

Q: How can someone serve our community as a Kinston police officer?

- A: To become a Kinston police officer, you must be 20 years old, possess a High School Diploma or equivalent, a North Carolina driver's license, and a current Basic Law Enforcement Training Certification. BLET Certifications can be obtained through the community college system and the KPD routinely hires

trainees prior to or during the BLET training process. Certification as an officer through the NC Criminal Justice Standards Division requires background checks and additional screening/testing.

Major City Council Decisions:

- Approval of equipment purchase (vehicles, etc.)
- Support of Operational Philosophy (set priorities, identify opportunities for service, advocate for community involvement in policing)

Fire

Mission: To provide with compassion, the highest level of professional service to the citizens and their guests, we serve through pride, proficiency and integrity.

Department Head:
Chief Damien Locklear
Damien.Locklear@ci.kinston.nc.us
252-939-3164

Responsible for…

- Fire Suppression: ensure Life Safety, Incident Stabilization and Property Conservation through fire suppression activities, rescue and medical response.
- Inspections: enforce Fire Prevention Code throughout the City of Kinston
- Training: provide high-quality, professional training to firefighters
- Investigations: explore the nature and cause of fires that could have been intentionally set.
- Fire Prevention/Public Education: implement safety and educational programs in the community to protect the public and strengthen the relationship between residents and firefighters.
- Fire Prevention Programs: smoke detector installation, home fire safety inspections, permanent child safety seat installation, and ride-along opportunities with firefighters
- Emergency Management: oversee the development and implementation of operational plans for emergencies/disasters happening in the City of Kinston

Frequently Asked Questions:

Q: How do I get involved with the Kinston Fire Department?

- A: Citizens can participate in our community events such as St. Baldrick's Brave the Shave (Cancer Research for Children), Pink Heals (Breast Cancer Awareness), American Cancer Society's Relay for Life, Muscular Dystrophy Association's Fill the Boot Campaigns, Smoke Detector Distribution Campaigns (American Red Cross), Town and Gown Smoke Detector Grant, and NC State Fire Marshal's Smoke Detector Campaigns.

Q: How do I become a firefighter?

- A: To become a Kinston Firefighter, you must be 19+, have a High School Diploma or equivalent, obtain a driver's license, and complete a Fitness Entry Aptitude Test (FEAT). Having your NC Firefighter Certification or equivalent before applying is highly preferred. See our Safety, Training and Recruitment page online for details.

Q: Where are the Kinston Fire Stations located?

- A:
    - Station 1: 401 E Vernon Avenue, 252-939-3164
    - Station 2: 3428 Carey Road
    - Station 3: 1247 Hillfarm Road

Q: Does the City of Kinston have a burning ordinance?

- A: Burning in the city limits is prohibited by the City's nuisance ordinance, unless the purpose is to sustain life by either keeping warm or cooking food.

<u>Major City Council Decisions</u>

- Approve equipment purchases (vehicles, turn out gear, hoses, etc.)
- Support training that supports an all-hazards approach (continue training ground development)

Resources

For more information on Municipal Governing, and the City of Kinston's specific plans and ordinances see below:

- City of Kinston Code of Ordinances
  - https://library.municode.com/nc/kinston/codes/code_of_ordinances
- City of Kinston Unified Development Ordinance
  - https://www.ci.kinston.nc.us/DocumentCenter/View/788/Unified-Development-Ordinance-Zoning-Ordinance?bidId=
- North Carolina General Statutes
  - https://www.ncleg.gov/EnactedLegislation/Statute
- UNC School of Government
  - Coates Canons, a blog devoted to all things local government! https://canons.sog.unc.edu/
  - Training Opportunities https://www.sog.unc.edu/courses/
- North Carolina League of Municipalities
  - Training Opportunities https://www.nclm.org/events-training/advancing-municipal-leaders

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