

Minutes
Kinston City Council
Monday, October 21, 2019
7:00 pm

REGULAR MEETING

Mayor Don Hardy called the City Council meeting to order at 7:02 pm.

Mayor Don Hardy led the prayer, followed by the Pledge of Allegiance.

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

Also present: Rhonda Barwick, Director of Public Services and James Cauley,
City Attorney

CITIZEN COMMENT

<p style="font-size:small;">Citizens must sign in prior to the start of the meeting if they wish to address the City Council. Citizens should state their name and address prior to beginning their comments and may speak up to a maximum of 3 minutes. Citizens seeking assistance or asking questions will be contacted by a member of the Governing Body or by appropriate City Staff.</p>
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Jeanette Choudhari, stated she had an incident with scheduling a pickup with the Transit, and she would like to see a better public transportation system provided to citizens.

Mayor Hardy stated the Transit is a Lenoir County issue, but he has had a recent conversation in regards to transportation in the City.

Rodney Landers II stated in August 2017, the Planning Board approved a CUP to open an event center to include the sale of liquor at 1225 W New Bern Road. The Kinston City Council then approved the CUP as well. The ABC Board approved and then suspended the license to sell liquor, as the property is located in the County and does not serve liquor. Mr. Landers II would like to have his property annexed into the City limits so he can sell liquor. He then requested a public hearing to discuss this matter.

Mayor Hardy stated a public hearing could not take place during citizen comment.

Councilmember Tyson stated that the Council would not annex the property as previously stated by the City Attorney. Mr. Tyson stated the City does not have the funds to complete the work needed to provide water and sewer to the property. Mr. Tyson stated there was no need for a public hearing.

James Cauley, City Attorney, stated the issues had been answered in writing at Mr. Lander's request.

Rodney Landers stated he is addressing the same issue as his son. Mr. Landers stated emails had been sent as to why the City would not be held accountable to provide those services. He would like to set a date for a public hearing.

Mr. Cauley stated all information has been sent to Council and typically came directly from Mr. Landers. Mr. Cauley also stated the property does not meet the criteria to have a public hearing.

PRESENTATIONS AND RECOGNITIONS

1. Kinston Teens Day.....Chris Suggs

Mayor Hardy proclaimed Monday, October 21, 2019 as Kinston Teens Days Day, and thanked the organization for all of their work the past five years.

2. Retirement of Thomas Gay.....Damien Locklear

Ernie Davis, Fire Commander, stated it is with great honor to recognize Thomas Gay. Mr. Davis thanked Thomas Gay for his 28 years and four months of dedicated service to the City of Kinston.

Mayor Hardy thanked Captain Gay and stated he was always motivated and loved his job.

MINUTES

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

Councilmember Suggs made the motion, seconded by Councilmember Swinson and upon a unanimous vote [5-0] the minutes were approved.

ACTION AGENDA

1. Consider establishing Siemens as the standard substation breaker used by the City’s Electric Division pursuant to NCGS 143-129(E)(6)Rhonda Barwick

Rhonda Barwick, Public Services Director, stated the electric’s budget includes \$176,100 to replace nine substation breakers. Mrs. Barwick said the breakers are of great quality and are reasonably priced. Establishing Siemen as the standard breaker will allow the crew to have spare parts and allow the crew to know before arriving at the scene what kind of breaker is there.

Councilmember Aiken made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the motion passed.

2. Consider approving an encroachment agreement to Cleveland Bernard Sherrod and authorize the City Manager to execute the necessary documents.....Steve Miller

Steve Miller, Assistant Public Services Director, stated Mr. Sherrod approached the City several months ago to request placement of a building on the City’s right of way. Mr. Miller stated the City does not have any road in that area at this time, and that this would not impact the City at all.

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

**3. Consider adoption of a Resolution to designate Deputy Finance Officers.....
.....Donna Goodson**

Donna Goodson, Finance Director, stated the principal legal mechanisms for ensuring compliance with budget and project ordinances are the preaudit and disbursement processes prescribed by the Local Government Budget and Fiscal Control Act (LGBFCA). These processes are set forth in General Statute 159-28. North Carolina General Statute 159-28(a) applies when a local governmental unit incurs an obligation that is accounted for in the budget ordinance or a project ordinance. Furthermore, an obligation is incurred when the local governmental unit commits itself to pay money to another entity. If a contract, purchase order, or other agreement commits the unit to an expenditure of any amount of money, an obligation is incurred. North Carolina General Statute 159-28(a1) applies if an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a written purchase order for supplies and materials. A preaudit statement is required on the face of written purchase orders, contracts, and agreements certifying that the instrument has been preaudited to assure compliance with subsection (a) of General Statute 159-28. The certificate shall be signed by the finance officer, or any deputy finance officer approved for this purpose by the governing board. To ensure compliance of the preaudit requirement for all obligations of the City of Kinston as well as ensuring disbursement transactions are timely processed, it is deemed appropriate that key finance positions as well as City of Kinston Department Directors to be designated as Deputy Finance Officers for the sole purpose of signing City of Kinston purchase orders and other commitments up to maximum amounts determined per City of Kinston Purchasing Procedures.

Mayor Pro Tem Solomon asked about the limit.

Mrs. Goodson stated Deputy Finance Officers could approve up to \$5,000.

Councilmember Aiken made the motion, seconded by Councilmember Swinson and upon a unanimous vote [5-0] the following resolution was adopted.

RESOLUTION DESIGNATING DEPUTY FINANCE OFFICERS FOR THE PURPOSE OF PRE-AUDIT REQUIREMENTS

WHEREAS, §159-28(a1) of the Local Government Budget and Fiscal Control Act establishes “If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a written purchase order for supplies and materials, the written contract, agreement, or purchase order shall include on its face a certificate stating that the instrument has been preaudited to assure compliance with subsection (a) of this section”; and

WHEREAS, §159-28(a1) requires the certificate “be signed by the finance officer, or any deputy finance officer approved for this purpose by the governing board”; and

WHEREAS, the certificate “shall take substantially the following form: This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act”.

THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina that the following positions are hereby designated as Deputy Finance Officer for the sole purpose of signing City of Kinston Purchase Orders up to a maximum amount determined per current City of Kinston Purchasing Procedures:

- Assistant Finance Director
- Fire Chief
- Human Resources Director
- IT Director
- Parks and Recreation Director
- Planning Director
- Police Chief
- Public Services Director
- Purchasing Manager

4. Consider Special Event Permit for Fall Festival First Pentecostal Holiness Church.....Tim Dilday

Tim Dilday, Interim Police Chief, stated the event would take on Saturday, October 26, 2019, from 4:30-7:30 pm. The event does require a road closure in front of the church but does not require additional law enforcement.

Councilmember Swinson made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the special event permit was approved

5. Consider Special Event Permit for Salute Pre-Veteran’s Day Parade.....Tim Dilday

Tim Dilday, Interim Police Chief, stated the event would take place on Saturday, November 2, 2019, from 10 am-12 pm. The parade will begin at Herritage Street near Vernon Avenue will proceed south to end at Pearson Park.

Councilmember Suggs made the motion, seconded by Mayor Pro Tem Solomon and upon a unanimous vote [5-0] the special event permit was approved.

INFORMATION AND UPDATES

1. Disc Golf Course Update.....Corey Povar

Corey Povar, Parks and Recreation Director, stated the Joel Smith Memorial Disc Golf Course was planned to be off of Highway 70, but the location floods and stays wet. The course will move to Bill Fay Park, and the project should be completed in February or March.

2. Demolition Update.....Adam Short

Adam Short, Planning Director, stated several months ago, 50 properties were presented that needed to be targeted for demolition. Since then, most of the properties have been removed along with slum and blight removal. Mr. Short stated several property owners had demolished structures themselves, and several properties have been signed over to the City. The next list consists of 50 properties with structures that are collapsing or have fire damage as a priority.

Councilmember Aiken stated that demolishing the houses that have not been lived in for years seem to help with reducing crime. Mr. Aiken then asked how much it cost to take down one structure.

Mr. Short stated it could cost from \$1500-\$12,000 with an average of \$4000.

Councilmember Suggs asked to remove 214 North Traianon Street as the property recently received repairs. Mrs. Suggs stated there is a house near Parker Lane that is almost down to the ground and was covered by overgrown weeds. Mrs. Suggs then mentioned a house on Farmgate Road that was previously used by the Police Department for training that is overgrown.

CITY MANAGER’S REPORT

The City Manager had no report.

CITY ATTORNEY’S REPORT

The City Attorney had no report.

MAYOR AND COUNCILMEMBER REPORTS

Mayor Hardy commented on the APA award received for Queen Street.

ADJOURNMENT

Councilmember Swinson made the motion seconded by Councilmember Suggs and upon a unanimous vote [5-0] the City Council meeting adjourned at 8:11 pm.

Respectfully submitted,

Joanna Rose, Executive Office Manager