

Kinston City Council

AGENDA

Tuesday, September 8, 2020

Regular Meeting at 5:30 pm



Mayor Don Hardy

Mayor Pro Tem Felicia Solomon

Councilmembers

Robert Swinson

Sammy Aiken

Antonio Hardy

Kristal Suggs

Agenda
Kinston City Council
City Hall · 207 East King Street
Tuesday, September 8, 2020
Regular Meeting at 5:30 pm

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

REGULAR MEETING

Call to Order----- Mayor Don Hardy

Prayer ----- Councilmember Sammy Aiken

Pledge of Allegiance

Adoption of the Agenda

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

Motion/Second

MINUTES

Consider approval of the minutes of the City Council meeting held on August 17, 2020----- Debra Thompson

Motion/Second

ACTION AGENDA

1. Conduct a Public Hearing for the Community Development Block Grant-Coronavirus(CDBG-CV) ---- Adam Short

Motion/Second

2. Consider Adopting Resolution Authorizing the Manager for Jetstream Water Extension Project ----- Rhonda Barwick

Motion/Second

3. Consider Approval of Lease Agreement: Lenoir County, Tourism Development Authority, and City of Kinston----- Tony Sears

Motion/Second

4. Consider Adopting to Approve CRF Interlocal Agreement ----- Tony Sears

Motion/Second

5. Consider Adopting Capital Project Ordinance FY 2099 Assistance to Firefighters Grant----- Donna Goodson

Motion/Second

6. Consider Adopting Special Revenue Ordinance Brownfields Multipurpose, Assessment, RLF, and Cleanup Grant (C2122) ----- Donna Goodson

Motion/Second

CITY MANAGER’S REPORT

CITY ATTORNEY’S REPORT

- 1. Review of NC General Statues for Closed Sessions----- James Cauley

MAYOR AND COUNCILMEMBER REPORTS

ADJOURNMENT

City of Kinston

City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Public Hearing

Action Requested: No Action Requested

Agenda Item to be Considered

Presenter: Adam Short, Planning Director

Subject: CBDG-CV Application Public Hearing

Supporting Documentation: CDBG-CV Informational Page; Public Hearing Notice

Department Head's Approval AS 9/3

City Manager's Approval TS 9-3

Budgetary Impact: No Budgetary Action Required

Staff Recommendation:

NATIONAL OBJECTIVES

Like CDBG, *CDBG-CV* projects must meet a national objective. The three national objectives are: (1) benefiting low-and-moderate income (LMI) persons; (2) preventing or eliminating slums or blight; and (3) meeting other community development needs that are deemed to be urgent because of existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet the need. All *NC CDBG-CV* project activities will meet the urgent need national objective; however, grantees must serve at least 51% low-to-moderate income persons for activities for public services and public facilities and 70% low-to-moderate income persons for special economic development activities.

National Objectives Definitions

1. **Benefit to LMI persons:** Benefit to LMI persons may be either direct or area-wide benefit.
 - Direct benefits are those activities that serve certain persons (e.g., housing assistance).
 - Area-wide benefits are those activities that benefit communities and are not participant specific (e.g., neighborhood facilities).

Please note that applicants must ensure that both area-wide benefit at least 51% low-and-moderate-income (LMI) persons, and direct activities benefit 100% low-and-moderate-income (LMI) persons. If proposing economic development activities, 70% of beneficiaries must be LMI. Additionally, applicants must ensure that NC CDBG-CV Program projects do not benefit moderate-income persons to the exclusion of low-income persons.

2. **Low- and Moderate-Income (LMI) Households Defined:**

Low-and-moderate-income households in metropolitan areas are defined as those with incomes equal to or less than eighty percent (80%) of the median family income of the metropolitan area. For families residing in non-metropolitan areas, low-and-moderate income is defined as eighty percent (80%) or less of the median income of the county. "2019 or the most current Income Limits," published by the Department of Housing and Urban Development (HUD), defines income limits for low-and-moderate-income families per family size for non-metropolitan and metropolitan areas of the state. The document is available on the HUD Exchange website using this link <https://www.huduser.gov/portal/datasets/il.html> or can be obtained from the Rural Economic Development Division (REDD).

DUPLICATION OF BENEFITS REQUIREMENTS

Federal law requires REDD to conduct a duplication of benefits review for each CDBG-CV eligible activity. A duplication of benefits occurs when assistance is provided to a person or entity (i.e., beneficiary) to address losses and that person or entity (i.e., beneficiary) receives assistance for the same costs and/or losses from other funding sources. The funding sources not only includes CARES Act sources, but also other federal, state, philanthropic, and local government sources. For a list of other likely Federal sources and guidance, see <https://www.hudexchange.info/resource/6097/cdbg-coronavirus-response-grantee-resources-related-to-preventing-duplication-of-benefits/>.

REDD will recapture all funds associated with a duplication of benefits. To alleviate issues, applicants must develop and maintain adequate procedures to prevent a duplication of benefits. Procedures must include persons/entities receiving CDBG-CV funds must repay duplicative assistance and a method to assess whether CDBG-CV funds will duplicate financial assistance that is already received or likely to be received by acting reasonably. A copy of the duplication of benefits procedures must accompany the CDBG-CV application.

City of Kinston
Notice of Public Hearing of the Kinston City Council

Notice is hereby given that the Kinston City Council will hold a Public Hearing at **5:30 pm on Tuesday, September 8 2020 or as soon thereafter as may be heard**, in City Hall Council Chambers, 207 East King Street, Kinston, NC. Participants may view the meeting online at the City of Kinston Facebook page the day of the meeting. The following item will be heard:

- 1. First public hearing to discuss an application for the Community Development Block Grant-Coronavirus (CDBG-CV) offered by the NC Department of Commerce. The presentation will provide general information about the grant and obtain citizen comments on housing, community, and economic development needs. This is in compliance with 2 CFR 200 Requirements for Public Notice.**

The aforementioned item may be changed or amended at the public hearing. Citizens are encouraged to express opinions at the hearing by completing an online comment form available at the City of Kinston website at kinstonnc.gov/FormCenter/City-Clerk-Forms-11/Citizens-Comments-106. Copies may be obtained from the address below. Persons with special needs should contact the City Clerk at 252-939-3115 at least two work days prior to the date of the hearing.

Adam Short
Planning Director
207 E King St, P.O. Drawer 339, Kinston, NC 28502-0339
252-939-3253 or adam.short@ci.kinston.nc.us

Please Advertise: Friday September 4 2020 and Tuesday, September 8, 2020

Send Affidavit of publication and invoice to:
Adam Short
City of Kinston Planning Department
PO Drawer 339
Kinston, NC 28502-0339

City of Kinston
City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Resolution

Action Requested: Adopt Resolution

Agenda Item to be Considered

Presenter: Rhonda Barwick, Public Services Director

Subject: Consider adopting a Resolution authorizing the City Manager to apply to the Department of Commerce for a grant in the amount of \$187,300 for the Jetstream Water Extension Project. Said Resolution replaces similar Resolution adopted on August 17, 2020.

Supporting Documentation: Departmental Memo, Proposed Resolution

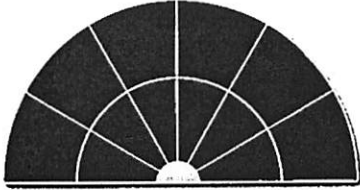
Department Head's Approval

[Signature] 9/11/2020

City Manager's Approval *TS* 9-3

Budgetary Impact: Budgeted Item(s)

Staff Recommendation: Staff recommends approval.




KINSTON PUBLIC SERVICES


Buildings & Grounds, Business Office, Electric, Engineering, Environmental Services,
Fleet Maintenance, Meter Reading, Stormwater, Streets, Wastewater, and Water

Kinston, the right place ... Kinston Public Services, the right choice.



MEMORANDUM

TO: Rhonda Barwick, Public Services Director 

FROM: Steve Miller, Asst. Public Services Director 

DATE: August 31, 2020

RE: Revised Project Jetstream IDF Funding Resolution

After City Council adopted the resolution associated with our funding application to the Department of Commerce IDF Program at the August 17, 2020 meeting, revisions were made to the job creation numbers. The previous resolution had numbers matching another grant agreement the company had related to the project. However, after we adopted our resolution, the company advised that they had submitted a revision to the other agreement that was still waiting final approval. That revision has now been approved and is being finalized.

Attached is a new revised resolution reflecting this change. The only thing changed in the resolution is the number of jobs to be created, increasing from 42 jobs to 59 jobs.

RESOLUTION
NC Department of Commerce
NC Industrial Development Fund

BE IT RESOLVED, that a grant from the Department of Commerce through the City of Kinston be made to assist the Project Jetstream Water Extension Project.

BE IT FURTHER RESOLVED, that the City of Kinston will administer this grant in accordance with the rules and regulations of the Department of Commerce.

BE IT FURTHER RESOLVED, that the City of Kinston will administer this grant through the City's Finance and Public Services Departments.

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.

BE IT FURTHER RESOLVED, that Jetstream Aviation, LLC; LGM Enterprises, LLC; and Exclusive Jets, LLC (collectively referred to as the "Business" in the Legally Binding Commitment) will create 59 new jobs in a period of two years from September 1, 2020 to August 31, 2022

BE IT FURTHER RESOLVED, that in accordance with the creation of 59 jobs, the amount of the grant application will be \$187,300.

BE IT FURTHER RESOLVED, that Tony Sears, City Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Kinston with the Department of Commerce for this grant.

BE IT FURTHER RESOLVED, that Tony Sears, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Department of Commerce may request in connection with such application; to make the assurance as contained above; and to execute such other documents as may be required in connection with the application.

ADOPTED this 8th day of September, 2020.

Don Hardy

Mayor

Debra Thompson

City Clerk

City of Kinston
City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Lease Agreement

Action Requested: Adopt Resolution

Agenda Item to be Considered

Presenter: Tony Sears

Subject: Consider approving lease agreement between Lenoir County, Tourism Development Authority, and City of Kinston. The City is only responsible for number 5 under Terms and Conditions. "TDA will receive janitorial or custodial maintenance, pest control, maintenance of grounds, and cost of utilities from the City of Kinston as the City's In-Kind Contribution to services." This is the equivalent to the level of support we gave to the visitor center.

Supporting Documentation: Departmental Memo, Proposed Resolution

Department Head's Approv

City Manager's Approval TS 9-3

Budgetary Impact: Budgeted Item(s)

Staff Recommendation: Staff recommends approval.

NORTH CAROLINA

LENOIR COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ____ day of ____, 2020, by and between the **COUNTY OF LENOIR**, one of the hundred Counties of the State of North Carolina, hereinafter called "**COUNTY**", party of the first part; **CITY OF KINSTON**, a municipal corporation and body politic, hereinafter called "**CITY**", party of the second part; and the **KINSTON-LENOIR COUNTY TOURISM DEVELOPMENT AUTHORITY**, hereinafter called, "**TDA**", party of the third part;

WITNESSETH:

THAT the **County** hereby leases to the **TDA**, for and during the term and upon the conditions hereinafter stated, the building and premises located at Hwy 70 and 258 South in the City of Kinston, North Carolina and known as 101 East New Bern Rd. Kinston, NC 28504.

THE TERMS AND CONDITIONS OF THIS LEASE ARE AS FOLLOWS:

1. The original term of this Lease shall be for five (5) years beginning the first day of October 2020 and terminating on the thirtieth day of September 2025 unless earlier terminated or extended as hereinafter provided.
2. The **TDA** is hereby given the option to renew this Lease for an additional period of five (5) years through September 30, 2030 upon giving six (6) months written notice of such intent to **County** or the then present owner, prior to the expiration of the original term hereof.
3. During the initial or any extended term of this Lease, **TDA** shall pay a yearly rental of \$1.00.
4. The **TDA** may not assign this Lease without the prior written consent of **County**.
5. **TDA** will receive janitorial or custodial maintenance, pest control, maintenance of grounds, and cost of utilities from the **City of Kinston** as the **City's** In-Kind Contribution to services.

6. **County** shall be responsible for maintenance of the entire building and fixtures, including the roof, walls, windows, floors, HVAC, electrical and plumbing. **County** shall be liable for the total costs of all repairs and maintenance thereto. **County** will maintain and pay for insurance on the building throughout the term of this lease or any extension. **TDA** shall insure its own contents within the leased premises at its sole cost and in such amounts as it deems appropriate. **TDA** shall maintain and pay for all furniture, appliances, equipment, and other personal property on the premises. **TDA** shall pay for the cost of any specialized wiring required by its electronic equipment. **TDA**, as the tenant, will be required to maintain and pay for general liability insurance for any claims that occur on the property.

6. In the event the premises should be destroyed or rendered unfit for use by fire or other casualty, this Lease shall terminate with no liability on **County** to repair or rebuild the premises or to be obligated to secure or provide relocation facilities for **TDA**.

7. Either party may terminate their respective interest in this lease upon six months written notice to the other party of such intent.

[Signature Page Follows.]

IN TESTIMONY WHEREOF, the parties have caused this instrument to be duly executed, this the day and year first above written.

COUNTY OF LENOIR

By: _____
Chairman, Board of County Commissioners

Attest:

Clerk to Board of County Commissioners

CITY OF KINSTON

By: _____
Mayor

Attest:

Deputy City Clerk

**KINSTON-LENOIR COUNTY TOURISM
DEVELOPMENT AUTHORITY**

By: _____
Chairman of the Board

Attest:

Secretary

City of Kinston

City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Resolution

Action Requested: Adopt Resolution

Agenda Item to be Considered

Presenter: Tony Sears, City Manager

Subject: Resolution to Approve CRF Interlocal Agreement

Supporting Documentation: Ordinance and Attachment

Department Head's Approval _____

City Manager's Approval TS 9-3

Budgetary Impact: No Budgetary Action Required

Staff Recommendation: Approval of Resolution

**RESOLUTION
OF THE CITY OF KINSTON COUNCIL
AUTHORIZING INTERLOCAL AGREEMENT**

WHEREAS, the federal government passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 27, 2020 to provide funding to cover COVID-19 expenses for the public health emergency intended to help state and local governments cover costs directly associated with the emergency, and

WHEREAS, in response to the devastating impacts of the Coronavirus (COVID-19) pandemic, Governor Roy Cooper signed into law House Bill 1043 (Session Law 2020-4) on May 4, 2020 appropriating funds for COVID-19 recovery funding and establishing the Coronavirus Relief Fund, and

WHEREAS, on July1, 2020, the Governor signed Session Law 2020-80 appropriating additional Coronavirus Relief Funds to counties and requiring counties to allocate twenty-five percent of the total funds to municipalities within the counties for eligible Covid related expenses, and

WHEREAS, on July 22, 2020 Lenoir County informed the City of Kinston of the City's calculated allocation from the Coronavirus Relief Fund in the amount of \$488,541.00 to be disbursed to the City of Kinston once Lenoir County receives the additional funding, and

WHEREAS, on August 17, 2020, the City of Kinston Council adopted a resolution accepting the allocation in the amount of \$488,541.00 and established the Special Revenue Project Budget Ordinance for the Coronavirus Relief Fund Project (C2905), and

WHEREAS, the City of Kinston submitted its Coronavirus Relief Fund (CRF) Spending Plan to Lenoir County on August 19, 2020 as required per House Bill 1023 (Session Law 2020-80), and

WHEREAS, the City of Kinston and Lenoir County desire to execute an Interlocal Agreement between the County and the City for the Management of Funds from the Coronavirus Relief Fund, and

WHEREAS, Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the City to enter into undertakings with one or more units of local government.

THEREFORE, the City of Kinston Council resolves to approve the attached "Interlocal Agreement Between the County of Lenoir and the Municipality City of Kinston for Management of Funds from the Coronavirus Relief Fund (CRF) Established by the Coronavirus Act, Relief, and Economic Security (CARES) Act.

Adopted this 8th day of September , 2020

Debra Thompson, City Clerk

Interlocal Agreement Between the County of Lenoir
And the Municipality City of Kinston
For Management of Funds from the Coronavirus Relief Fund (CRF)
Established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act

THIS INTERLOCAL AGREEMENT, made and entered into pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes this 8th day of September 2020, by and between the County of Lenoir, a body politic and corporate organized and existing under the laws of the state of North Carolina (hereinafter referred to as "County") and City of Kinston, a North Carolina Municipal Corporation organized and existing under the laws of the state of North Carolina (hereinafter referred to as "Municipality");

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) established the Coronavirus Relief Fund (CRF); and

WHEREAS, the State of North Carolina received approximately \$4.067 billion in CRF funds, including approximately \$481,000,000, which the U.S. Treasury sent directly to four local governments in the State; and

WHEREAS, S.L. 2020-80 allocates \$300 million of the State of North Carolina's CRF allocation to counties ineligible to receive direct funding from the federal CRF; and

WHEREAS, S.L. 2020-80 directs the recipient County to allocate at least 25 percent of the funds for use by municipalities within the County for necessary expenditures incurred due to the public health emergency as required by section 601(d) of the Social Security Act, as amended by the CARES Act; and

WHEREAS, S.L. 2020-80 requires the recipient County to determine the total amount allocated to each municipality within the County, and requires each municipality that receives funds to develop a plan to spend the funds by September 1, 2020, or the County can use those funds or redistribute to other municipalities; and

WHEREAS, S.L. 2020-80 makes the CRF allocations subject to recoupment by the U.S. Treasury if they are not used in an eligible manner according to the most recently published U.S. Treasury Department guidance for CRF; and

WHEREAS, S.L. 2020-80 states counties and municipalities are liable to the State for any misuse or mishandling of the funds, and subject to clawback and other appropriate measures, including the reduction or elimination of other State Funds; and

WHEREAS, S.L. 2020-80 states any local government officer, official, or employee will be subject to a civil action by the State and held personally liable for reimbursement for violating the requirements of the CRF allocation; and

WHEREAS, S.L. 2020-80 and the North Carolina Pandemic Recovery Office have structured the administration of the CRF allocation to require the County to administer the allocation to municipalities and submit expenditure plans to the State; and

WHEREAS, the North Carolina Pandemic Recovery Office has advised that municipalities shall be directly liable to the State for violating the requirements of the CRF allocation; and

WHEREAS, the County's CRF allocation is \$2,246,164; and

WHEREAS, the Municipality's CRF allocation is \$488,541. [*This is above the amount of \$25,000, which was previously shared with the Municipality.*]

NOW, THEREFORE, it is agreed as follows:

1. Lenoir County shall allocate to the Municipality \$488,541 for expenditures as specified in the Municipality's plan, due August 31, 2020. As stated in S.L. 2020-80, U.S. Treasury Guidance, and N.C. Pandemic Recovery Office guidance, the county is administering the local government CRF allocation. Counties and municipalities are liable to the State for any misuse or mishandling of the funds allocated to each entity, and subject to clawback and other appropriate measures, including the reduction or elimination of State Funds.
2. Municipality agrees to expend funds allocated pursuant to this Agreement in compliance with the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), S.L. 2020-80, U.S. Treasury Department Guidance, and NC Pandemic Recovery Office guidance. Any funds allocated by the County to the Municipality that are found to be expended in violation of all applicable laws and guidance shall be repaid by the Municipality to the State of North Carolina. The County assumes no liability for any violations of CRF expenditure requirements by the Municipality, its officers, agents, or employees, for funds allocated by the County to the Municipality. The Municipality shall maintain documentation of their expenditures to ensure compliance with reporting and auditing requirements.
3. In accordance with guidance from the U.S. Treasury Department, CRF payments are federal financial assistance subject to Single Audit requirements found in Uniform Guidance 2 CFR §200 Subpart F. CRF is a federal program with a CFDA No. 21.019. The U.S. Treasury Department is the federal granting agency and, except for the four local

governments that received CRF directly, the Office of State Management and Budget (OSBM) is the State pass-through entity. The Uniform Guidance CFR §200 Subparts B, C, D, and E do not apply, except for §200.303 and §§ 200.330 through 200.332.

4. In order to comply with State reporting requirements required pursuant to S.L. 2020-80, the Municipality shall submit its CRF Plan to the County by August 31, 2020. Municipality acknowledges that failure to submit its CRF Plan to the County by this date shall result in the loss of funding provided for in this Agreement. If the County has already transmitted funds to the Municipality and the Municipality fails to submit its CRF Plan to the County by the date provided for in this paragraph, the Municipality shall return the funds to the County.
5. In order to comply with monthly State reporting requirements on use of the funds, Municipality shall submit the required forms to the County by the 15th day of each month for the County to upload to the State portal (Attachments C-1 and C-2). Following receipt of the monthly reports and substantiation for the amount requested for reimbursement, as required by OSBM, the County shall reimburse the Municipality for the funds expended.
6. A Final Report (Attachment F) will be required when the Municipality's allocation is fully spent or by November 20th, whichever is earlier. It is the County's intent to reallocate any unspent funds by December 1st to other eligible CRF expenses to fully utilize all CRF funds for the community.
7. Modifications to this Agreement shall be in writing, signed, duly executed by the parties hereto, and kept on file along with the original Agreement.
8. Any notice permitted or required under this Agreement from one party to the other must be in writing and will be effective (a) on the date it was actually delivered to the addressee if delivered personally, or sent by a nationally recognized courier (such as FedEx or United Parcel Service) or sent by facsimile, or (b) three days after having been deposited in the United States mail, if sent by certified mail, return receipt request, in each case to the respective addresses of Municipality and the County listed below, or those other addresses of which either party gives the other party written notice:

If to the Municipality, to:	City of Kinston PO Drawer 339 Kinston, NC 28502
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If to the County, to:	County of Lenoir PO Box 3289 Kinston, NC 28502
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9. The parties agree that the terms and provisions of this Agreement shall be construed in accordance with the laws of the State of North Carolina. This Agreement contains the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this **INTERLOCAL AGREEMENT** to be duly executed pursuant to authorization obtained in a duly adopted resolution or has otherwise been duly authorized to sign on behalf of their respective corporation.

Municipality of City of Kinston

County of Lenoir

By _____
Mayor

By _____
Chair, Board of Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra P Barss

City of Kinston

City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Ordinance

Action Requested: Adopt Ordinance

Agenda Item to be Considered

Presenter: Donna Goodson, Finance Director

Subject: Capital Project Ordinance FY2019 Assistance to Firefighters Grant

Supporting Documentation: Memo, Ordinance and Attachment

Department Head's Approval dlf

City Manager's Approval ZS 9-3

Budgetary Impact: Budgetary Action Required

Staff Recommendation: Approval of Ordinance



City of Kinston

Post Office Box 339
Kinston, North Carolina 28502
Phone: 252.939.3147 Fax: 252.939.1679

DON HARDY
Mayor

TONY SEARS
City Manager

JAMES P. CAULEY III
City Attorney

DEBRA THOMPSON
City Clerk

FINANCE OFFICE

Date: September 2, 2020
To: Tony Sears, City Manager
From: Donna Goodson, Finance Director
Subject: Capital Project Ordinance
FY 2019 Assistance to Firefighters Grant (G9145)

BACKGROUND

On August 7, 2020, the City of Kinston Fire Department received notification they were approved to receive an award from the US Department of Homeland Security for the 2019 Assistance to Firefighters Grant. The City of Kinston Fire Department will partner with the Deep Run Volunteer Fire Department to replace their Self-Contained Breathing Apparatus (SCBA) equipment that will protect the health and safety of the public and firefighting personnel against fire and fire-related hazards.

The City of Kinston Fire Department was notified that the total award amount is \$458,800. The federal grant amount awarded is \$417,090.91 with a required match of \$41,709.09 to be allocated to each entity based on the number of units awarded. The City of Kinston Fire Department will manage the project pursuant to the Memo of Understanding between the City of Kinston Fire Department and the Deep Run Volunteer Fire Department signed September 2, 2020.

RECOMMENDATION

Council adopt the capital project budget ordinance for the creation of the FY2019 Assistance to Firefighters Grant Capital Project Fund at the September 8, 2020 meeting.

**AN ORDINANCE ESTABLISHING THE CAPITAL PROJECT FUND
FY 2019 ASSISTANCE TO FIREFIGHTERS GRANT (G9145)**

WHEREAS, the Department of Homeland Security has awarded a grant (EMW-2019-FG-08934) in the amount of \$458,800.00 to the City of Kinston Fire Department and the Deep Run Volunteer Fire Department, and

WHEREAS, it is agreed the City of Kinston will administer the spending of the funds according to the Memo of Understanding between the City of Kinston and Deep Run Volunteer Fire Department signed September 2, 2020, and

WHEREAS, grant funds will be used to fund the purchase of masks and Self-Contained Breathing Apparatus (SCBA) that will protect the health and safety of the public and firefighting personnel against fire and fire-related hazards, and

WHEREAS, the total amount of Federal Funds awarded is \$417,090.91 with a required matching amount of \$41,709.09 to be allocated to each entity based on the number of units awarded.

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

Assistance to Firefighters Grant (G9145)

Revenues:

Federal Grants	\$ 417,090.91
Local Match/Grant Projects	17,781.82
Transfer from General Fund	23,927.27

Total Revenues	<u>\$ 458,800.00</u>
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Expenditures:

Capital Outlay-Other Equipment	\$ 263,200.00
Volunteer Fire Department	\$ 195,600.00

Total Expenditures	<u>\$ 458,800.00</u>
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Adopted this 8th day of September, 2020

Debra Thompson, City Clerk



City of Kinston
Department of Fire & Rescue

P. O. Box 339 / 401 E Vernon Ave
Kinston, North Carolina 28502
Phone: (252) 939-3222 / Fax: (252) 939-3157



Damien Locklear, Fire Chief

Memorandum

To: Donna Goodson, Finance Director
From: Damien Locklear, Fire Chief
Date: August 17, 2020
Subject: Assistance to Firefighters Grant (Award Acceptance)

Background:

Fire Department staff has received an award letter from the Department of Homeland Security for the Assistance to Firefighters Grant submitted for the Fiscal Year (FY) 2019. This grant is a cost sharing grant along with Deep Run Volunteer Fire Department to replace our Self-Contained Breathing Apparatus (SCBA). Our current inventory is quickly approaching the serviceable timeline. The overall project totaled \$458,800.00. The grant is 90/10 matching with an approved total amount of \$417,090.91, with \$236,880 awarded to Kinston Department of Fire & Rescue. As a condition of the grant Kinston FD is required to contribute \$23,927.27 of non-Federal funds and Deep Run VFD is required to contribute \$17,781.82.

Action Requested:

Acceptance of the award and to establish a project for organizational support with shared payment by Deep Run Volunteer Fire Department for non-Federal funds.

Attachments:

Award Letter

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Tim Wood
KINSTON, CITY OF
PO BOX 339
KINSTON, NC 28502
EMW-2019-FG-08934



Dear Tim Wood,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2019 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$417,090.91 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$41,709.09 for a total approved budget of \$458,800.00. Please see the FY 2019 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2019 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Logan".

Christopher Logan
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2019 Assistance to Firefighters Grant

Recipient: KINSTON, CITY OF

DUNS number: 075588913

Award number: EMW-2019-FG-08934

Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2019 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

Object Class	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$458,800.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$417,090.91
Non-federal	\$41,709.09
Total	\$458,800.00
Program Income	\$0.00

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2019 AFG NOFO.

Approved request details:

Personal Protective Equipment (PPE)

Face Pieces (not associated with SCBA requests)

DESCRIPTION

32 additional masks with voice amplifiers for \$800 each

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	31	\$800.00	\$24,800.00	Equipment

CHANGE FROM APPLICATION

Quantity from 32 to 31

JUSTIFICATION

This reduction is because the number of Face Pieces requested exceeded the number of personnel necessitating Face Pieces in your department.

SCBA: SCBA Unit includes: Harness/Backpack, Face Piece and 2 cylinders

DESCRIPTION

62 SCBA which will be \$7,000each including mask with voice amplifier, 2-cylinders, and harness.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	62	\$7,000.00	\$434,000.00	Equipment

Obligating document

1. Agreement No. EMW-2019-FG-08934	2. Amendment No. N/A	3. Recipient No. 566001259	4. Type of Action AWARD	5. Control No. WX02929N2020T		
6. Recipient Name and Address KINSTON, CITY OF 207 E KING ST KINSTON, NC 28501		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer Tim Wood		9a. Phone No. 2529393121	10. Name of FEMA Project Coordinator Assistance to Firefighters Grant Program		10a. Phone No. 1-866-274-0960	
11. Effective Date of This Action 08/07/2020	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 08/14/2020 to 08/13/2021 Budget Period 08/14/2020 to 08/13/2021		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
AFG	97.044	2020-F9-GB01 - P431-xxxx-4101-D	\$0.00	\$417,090.91	\$417,090.91	\$41,709.09
Totals			\$0.00	\$417,090.91	\$417,090.91	\$41,709.09
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Christopher Logan, Acting Assistant Administrator Grant Programs Directorate	08/07/2020

MEMORANDUM OF UNDERSTANDING

This document constitutes a Memorandum of Understanding (MOU) between City of Kinston Fire Department and Deep Run Volunteer Fire Department. These two entities will work together as defined herein for the purpose of meeting the goals and objectives of the "Fiscal Year 2019 Assistance to Firefighters Grant" Project as defined in the grant application.

The purpose of the Assistance to Firefighters Grant Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. The grant has been awarded from the Department of Homeland Security and is a cost sharing grant with the Deep Run Volunteer Fire Department for replacement of Self-Contained Breathing Apparatus (SCBA) Equipment.

The total amount of Federal funds awarded was \$417,090.91. As a condition of the grant, the City of Kinston Fire Department and Deep Run Volunteer Fire Department are required to contribute non-Federal funds equal to or greater than 10% of the Federal funds awarded, which is calculated to be \$41,709.09 for a total approved budget of \$458,800.00. The City of Kinston Fire Department will receive the entire amount of the Federal funding in the amount of \$417,090.91 for the purpose of procuring the items as approved per the grant application. The matching non-Federal funds will be allocated to each entity based on the number of units each entity was awarded. Deep Run Volunteer Fire Department will remit their allocated amount of the matching non-Federal funds to the City of Kinston within 30 days of the date in which the items are procured. The City of Kinston will issue an invoice to the Deep Run Volunteer Fire Department for their share of the non-Federal funding obligation.

DESCRIPTION OF ITEMS APPROVED IN GRANT:


- 31 Masks with voice amplifiers with a unit price of \$800.00 totaling \$24,800.00
- 62 SCBA with a unit of price of \$7,000.00 totaling \$434,000.00

EQUIPMENT BREAKDOWN BY FIRE DEPARTMENT:

	<u>CITY OF KINSTON</u>		<u>DEEP RUN</u>		<u>TOTAL</u>
	<u># OF ITEMS</u>	<u>COST</u>	<u># OF ITEMS</u>	<u>COST</u>	<u>COST</u>
MASKS (\$800/UNIT)	14	11,200.00	17	13,600.00	24,800.00
SCBA'S (\$7,000/UNIT)	36	<u>252,000.00</u>	26	<u>182,000.00</u>	<u>434,000.00</u>
TOTAL COST		<u>\$ 263,200.00</u>		<u>\$ 195,600.00</u>	<u>\$ 458,800.00</u>
ALLOCATION PERCENTAGE		57.37%		42.63%	
NON-FEDERAL MATCH		<u>\$ 23,927.27</u>		<u>\$ 17,781.82</u>	<u>\$ 41,709.09</u>

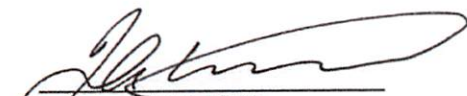
I hereby agree to serve as the representative for my agency, and I agree to abide by the terms and conditions contained in this Memorandum of Understanding between City of Kinston Fire Department and Deep Run Volunteer Fire Department for the purpose of the Fiscal Year 2019 Assistance to Firefighters Grant.

CITY OF KINSTON FIRE DEPARTMENT:


Damien Locklear, Chief

9/2/2020
Date

DEEP RUN VOLUNTEER FIRE DEPARTMENT:


John Whitfield, Chief

9/2/2020
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Donna Goodson, Director of Finance
City of Kinston

City of Kinston

City Council Agenda



Meeting Date: Tuesday, September 08, 2020

Agenda Section: Action Agenda

Agenda Item: Ordinance

Action Requested: Adopt Ordinance

Agenda Item to be Considered

Presenter: Donna Goodson, Finance Director

Subject: Special Revenue Ordinance Brownfields Multipurpose, Assessment, RLF, and Cleanup Grant (C2122)

Supporting Documentation: Memo, Ordinance and Attachment

Department Head's Approval dlg

City Manager's Approval TS 9-3

Budgetary Impact: Budgetary Action Required

Staff Recommendation: Approval of Ordinance

**AN ORDINANCE TO ESTABLISH A SPECIAL REVENUE PROJECT FUND FOR THE
EPA BROWNFIELDS MULTIPURPOSE, ASSESSMENT, REVOLVING LOAN FUND AND
CLEAN UP COOPERATIVE AGREEMENTS GRANT (BF-01D12620) (C2122)**

WHEREAS, the City's downtown area has been significantly impacted by the loss of retail and service jobs and damage from natural disasters, and

WHEREAS, these areas are plagued with high unemployment rate, vacant buildings, high crime rate, and numerous blighted commercial and industrial properties, and

WHEREAS, the City acknowledges the diligent efforts of City staff to prepare and submit funding applications to granting agencies, and

WHEREAS, one of the City's goals is to encourage and assist in eliminating environmental barriers to property redevelopment in the downtown area of Kinston, and

WHEREAS, on August 13, 2020, the U.S. Environmental Protection Agency awarded the City of Kinston a grant to which will enable the City to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for Brownfield sites with particular focus on the downtown vicinity, and

WHEREAS, there is a need to establish a fund to administer the EPA Brownfields Multipurpose, Assessment, Revolving Loan and Clean Up Cooperative Agreements grant to comply with the requirements of the grant, and

WHEREAS, the project will be fully funded by the U.S. Environmental Protection Agency and will require no local match.

THEREFORE BE IT ORDAINED by the City Council of the City of Kinston, North Carolina that the following special revenue project budget ordinance is adopted:

Brownfields Multipurpose, Assessment, RLF, and Cleanup Grant (C2122)

Revenues:

Federal Grants	\$ 300,000.00
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Total Revenues	<u>\$ 300,000.00</u>
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Expenditures:

Brownfields Cleanup	\$ 295,000.00
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Supplies	2,000.00
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Travel	3,000.00
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Total Expenditures	<u>\$ 300,000.00</u>
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Adopted this 8th day of September , 2020

Debra Thompson, City Clerk



City of Kinston
Post Office Box 339
Kinston, North Carolina 28502
Phone: 252.939.3110 Fax: 252.919.3388

DON HARDY
Mayor

TONY SEARS
City Manager

JAMES P. CAULEY III
City Attorney

DEBRA THOMPSON
City Clerk


MEMORANDUM

TO: Donna Goodson, Finance Director
FROM: Adam Short, Planning Director
DATE: September 1, 2020
SUBJECT: Request for

Planning staff has been informed that we have received \$300,000 in funding from the Environmental Protection Agency; the funding will be used to perform Phase I and II assessments on properties, with a particular focus on the downtown vicinity. This funding will help eliminate environmental barriers to property redevelopment.

Please make a project budget for this project accordingly: \$295,000 for Environmental Contracts, \$3,000 Travel, and \$2,000 Equipment. Thank you.

Action Requested:
Cooperative Agreement

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 01D12620 MODIFICATION NUMBER: 0 PROGRAM CODE: BF	DATE OF AWARD 08/13/2020
		TYPE OF ACTION New	MAILING DATE 08/20/2020
		PAYMENT METHOD: ASAP	ACH# 40368
RECIPIENT TYPE: Municipal	Send Payment Request to: Research Triangle Park Finance Center		
RECIPIENT: City of Kinston P.O. Box 339 Kinston, NC 28502-0339 EIN: 56-6001259	PAYEE: City of Kinston P.O. Box 339 Kinston, NC 28502-0339		
PROJECT MANAGER Adam Short P.O. Box 339 Kinston, NC 28502-0339 E-Mail: adam.short@ci.kinston.nc.us Phone: 252-939-3269	EPA PROJECT OFFICER Olga Perry 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: perry.olga@epa.gov Phone: 404-562-8534	EPA GRANT SPECIALIST William Lundy Grants & Audit Management Section E-Mail: lundy.william@epa.gov Phone: 404-562-8417	
PROJECT TITLE AND DESCRIPTION Brownfields Multipurpose, Assessment, Revolving Loan Fund, and Cleanup Cooperative Agreements This action approves an award in the amount of \$300,000 to the City of Kinston, North Carolina which will enable the City to inventory, characterize, assess, and conduct cleanup planning and community involvement related activities for Brownfield sites in the City of Kinston, North Carolina.			
BUDGET PERIOD 10/01/2020 - 09/30/2023	PROJECT PERIOD 10/01/2020 - 09/30/2023	TOTAL BUDGET PERIOD COST \$300,000.00	TOTAL PROJECT PERIOD COST \$300,000.00
NOTICE OF AWARD Based on your Application dated 11/26/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$300,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$300,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960		ORGANIZATION / ADDRESS U.S. EPA, Region 4 Land, Chemicals and Redevelopment Division 61 Forsyth St. SW Atlanta, GA 30303	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer			DATE 08/13/2020

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 300,000	\$ 300,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 300,000	\$ 300,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Multipurpose Assessment Revolving Loan Fund and Cleanup Cooperative Agreements	CERCLA: Sec. 104(k)(2) Consolidated Appropriations Act of 2018 (P.L. 115-141)	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2004VT0031	20	E4	04V6AG7	000D79	4114			300,000
									300,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$3,000
4. Equipment	\$0
5. Supplies	\$2,000
6. Contractual	\$295,000
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$300,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$300,000
12. Total Approved Assistance Amount	\$300,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$300,000
15. Total EPA Amount Awarded To Date	\$300,000