

**GOLDSBORO CITY COUNCIL  
REGULAR MEETING AGENDA  
MONDAY, DECEMBER 5, 2022**

*(Please turn off, or silence, all cellphones upon entering the Council Chambers)*

**I. WORK SESSION-5:00 P.M. – COUNCIL CHAMBERS, 214 N. CENTER STREET**

**1. ROLL CALL**

**2. ADOPTION OF THE AGENDA**

**3. OLD BUSINESS**

- a. NPO Workers Comp Requirements (Mayor)
- b. Boards And Commissions Vacancies Discussion (Mayor)

**4. NEW BUSINESS**

- c. Goldsboro Affordable Housing Committee & Strategic Plan (Matthew Whittle, Habitat for Humanity)
- d. HUD Monitoring: CDBG FY19 & FY20 (Community Relations Director)

**II. CALL TO ORDER – 7:00 P.M. – COUNCIL CHAMBERS, 214 N. CENTER STREET**

Invocation (Rev. Tom Millay, First Christian Church)  
Pledge of Allegiance

**III. ROLL CALL**

**IV. APPROVAL OF MINUTES**

- A. Minutes of the Work Session and Regular Meeting of November 21, 2022

**V. PRESENTATIONS**

- B. Order of the Long Leaf Pine Presentation

**VI. PUBLIC HEARING**

- C. Z-21-22 Lane Farms, Inc. (Residential 20 Agriculture to General Business) – North side of Belfast Rd. west of US 117 (Future (I-795) (Planning) – **Continued from 11/7/22**
- D. Z-23-22 Wayne County Government Complex (I-2, HB, O&I I, R-9 to O&I II) (Planning)
- E. Z-24-22 Sport Durst Automobile Dealerships (SC, IBP-1 to GB) (Planning)
- F. Non-Contiguous Annexation Petition – Harry and Mollie, LLC. (Planning)
- G. Z-25-22 Harry & Mollie, LLC (SC, IBP-1 to GB) (Planning)

**VII. PUBLIC COMMENT PERIOD**

**VIII. CONSENT AGENDA ITEMS**

- H. Operating Budget Amendment FY22-23 (Finance)
- I. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 2009 Rose Street to Christopher White (Finance)
- J. Ordinance Amendment – “Panhandling” (Police)
- K. Resolution – Radio Telemetry Upgrade– Phase III (Public Utilities)
- L. Resolution – Contract to proceed with New Hope Bar Screen Upgrade (Public Utilities)
- M. Resolution – Contract to proceed with Water Reclamation Facility Bulk Chemical Storage Tank Upgrade (Public Utilities)
- N. Resolution – Automatic Transfer Switch for Water Treatment Plant Upgrade, Automatic Transfer Switch for Neuse River Pump Station Upgrade, and Westbook Pump Station Generator System Upgrade (Public Utilities)
- O. Intent to Purchase using Procurement Exception - Sand Filter Service and Repair Parts (Public Utilities)
- P. Non-Contiguous (Satellite) Annexation Petition – J and J Daniels Farming Enterprises, LLC (Planning)
- Q. SU-13-22 Accessory Dwelling (Planning)
- R. SU-14-22 Fly Buy Auto, LLC. (Used Car Sales) (Planning)
- S. SU-15-22 C.A.L.M. Properties & Investments, LLC (Triplex) (Planning)
- T. Rescheduling Council Meetings for 2023 (Deputy City Clerk)

U. Boards and Commissions Meetings for 2023 (Deputy City Clerk)

**IX. ITEMS REQUIRING INDIVIDUAL ACTION**

V. Encroachment Agreement for Cry Freedom Missions (City Manager)

**X. CITY MANAGER'S REPORT**

**XI. MAYOR AND COUNCILMEMBERS' COMMENTS**

**XII. CLOSED SESSION**

**XIII. ADJOURN**

# Goldsboro Affordable Housing Committee & Strategic Plan

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# The Need

From the Analysis of  
Impediments to Fair  
Housing Choice

By UNC Greensboro Center for  
Housing & Community Studies

## Impediment 6: Lack of Affordable Housing Plan

It was quite clear from public feedback – the residents of Goldsboro want an affordable housing plan that takes into consideration low- and moderate- income residents' needs and most importantly listens to their voices. Comprehensive planning efforts too often appease developers and NIMBYist community organizations and ignoring the root causes of inequality.



# The Solution

From the Analysis of  
Impediments to Fair  
Housing Choice

By UNC Greensboro Center for  
Housing & Community Studies

*Goal 6: Assemble an Affordable Housing  
Steering Committee and Commission a 10-  
Year Plan to Address Affordable Housing*

# Vision

A city that prioritizes and promotes affordable housing opportunities and equitable community development.

# Mission

To work in conjunction with the City's leadership and staff to advise the City Council on matters pertaining to housing challenges, opportunities and options that will result in fair, safe and affordable housing throughout the City.



# Affordable Housing: What?

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- Housing is considered affordable when it costs less than 30% of gross household income.

# Affordable Housing: Who?

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- Everyone, but often encompasses those families whose housing needs are not being met by “normal” market forces.
- Typically these families range from under 50% median family income to 120%.

# Affordable Housing: Where?

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- Not isolated to specific areas
- Throughout the city, in every neighborhood
- Mixed-income neighborhoods beneficial

# Affordable Housing: Why?

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- Goldsboro has a poverty rate of 24.3%
- 52% households under 80% median family income
- 27% households cost-burdened (30-50% income on housing)
- 18% households severely cost-burdened, (>50% income on housing)

# Affordable Housing: Why?

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- 2.0% households overcrowded
- 2.7% households lack complete plumbing and/or kitchen facilities
- 39% households have housing need
- 21% households have severe housing need



# Affordable Housing: Why?

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- 12.3% of households receive a housing voucher
- 87% of housing units are occupied
  - 60% are renter-occupied
  - 40% are owner-occupied

# Affordable Housing Spectrum

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Homelessness  
& Emergency Shelter

Transitional Housing

Affordable Homeownership  
(e.g. Habitat for Humanity)

Homelessness &  
Couch Surfing/ Hotels

Affordable Rental Options  
(e.g. LIHTC Properties &  
Housing Authority)

Fair Market Rate  
Housing – Rental & Homeownership

# Housing Challenges

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- **Housing Supply** – not enough units, especially at affordable prices
- **Housing Diversity** – not enough choice in type, size and/or price
- **Housing Quality** – high number of vacant and/or distressed houses not safe or healthy

# Housing Challenges

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- **Housing Displacement** – long-time homeowners & renters have difficulty remaining due to increasing costs (values, taxes, rents, repairs)
- **Homelessness** – those in need of supportive services for successful housing

# Strategic Considerations

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- Repair v. Demolition
- New Construction v. Renovation
- Crime & Safety – Reality v. Perception
- Condition of surrounding houses

# Strategic Considerations

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- Access to health care, grocery stores, recreation
- Access to employment opportunities
- Access to transportation
- Who owns the land

# Strategic Considerations

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- Gentrification v. importance of diverse neighborhoods
- Zoning & Land use
- Infrastructure needed
- Availability of credit/financing & down payment assistance

# HOW?

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- Create a new, limited scope Affordable Housing Advisory Committee to create this plan

**OR**

- Charge the Commission on Community Relations and Development to create an ad-hoc committee to create this plan



# Committee Role

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## **Role is TO:**

- Create & propose to City Council a 10-year plan for affordable housing & equitable community development
- Assist & advise Council in monitoring plan & updating as necessary

# Committee Role

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## **Role is TO:**

- Help identify new & creative solutions to ongoing housing & community development challenges
- Coordinate with Planning Board & Community Development/Relations Commission when appropriate



# Committee Role

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## **Role is NOT TO:**

- Replace or compete with Planning Board or the Community Development/Relations Commission
- Have any policy, fiscal or regulatory authority
- Approve or block new development

# Committee Membership

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- Grassroots & impacted community members
- Affordable housing related agencies & nonprofits
- For-profit builders and businesses
- Other stakeholders: transportation, education, health, faith, military

CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

w.s. Item   d  

**SUBJECT:** HUD Monitoring: CDBG FY19 & FY20

**BACKGROUND:** On August 8, 2022 thru August 12, 2022, HUD conducted a monitoring of the City's CDBG program to assess the City's performance and compliance with applicable federal requirements.

**DISCUSSION:** On October 11, 2022, HUD submitted a follow-up monitoring report to the City, citing 11 findings and 4 concerns, which resulted in a "Required Corrective Action" of repayment of CDBG funds in the amount of \$77,289.95. The repayment must be made to HUD with non-federal funds, in which, HUD will return the funds back to the City's CDBG line of credit for future program use. The following is a breakdown of the repayment items:

CDBG ACTIVITY	REPAYMENT AMOUNT
<b>REHABILITATION DELIVERY:</b> The City used HUD funds towards rehabilitation; however, according to HUD's Integrated Disbursement and Information System (IDIS), the City did not carry out a HUD funded rehabilitation project.	\$42,560.97
<b>WAYNE INITIATIVE FOR SCHOOL HEALTH (WISH):</b> The City did not properly document a HUD National Objective and the eligibility of this project to ensure it was properly classified. Additionally, there was not sufficient beneficiary data in the records that matched what was put into IDIS.	\$10,000.00
<b>WAYNE ACTION TEAM FOR COMMUNITY HEALTH (WATCH):</b> The City did not properly document a HUD National Objective and the eligibility of this project to ensure it was properly classified. Additionally, there was not sufficient beneficiary data in the records that matched what was put into IDIS.	\$10,000.00
<b>COVID-19 RESPONSE EFFORTS:</b> The City did not properly document a HUD National Objective and the eligibility of this project to ensure it was properly classified.	\$3,888.98
<b>MEPHIBOSHETH PROJECT, INC.:</b> The City did not properly document a HUD National Objective and the eligibility of this project to ensure it was properly classified. Additionally, there was not sufficient beneficiary data in the records that matched what was put into IDIS.	\$5,000.00
<b>GOLDSBORO-WAYNE TRANSPORTATION AUTHORITY (GWTA):</b> The City made an improper payment. The City's written agreement (agency contract) did not adequately detail the allowable cost that will be paid and required source documentation needed for reimbursement.	\$5,840.00
<b>TOTAL REPAYMENT:</b>	\$77,289.95

**RECOMMENDATION:** It is recommended that City Council authorize the Finance Department to issue the repayment of CDBG funds to HUD from the General Fund.

Date: 11-29-2022

  
Felecia D. Williams, Community Relations Director

Date: 4/29/22

  
Timothy M. Salmon, City Manager

MINUTES OF THE MEETING OF THE GOLDSBORO CITY COUNCIL  
NOVEMBER 21, 2022

## WORK SESSION

The City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Council Chambers, City Hall, 214 North Center Street, at 5:00 p.m. on November 21, 2022.

**Call to Order.** Mayor Ham called the meeting to order at 5:00 p.m.

## Roll Call.

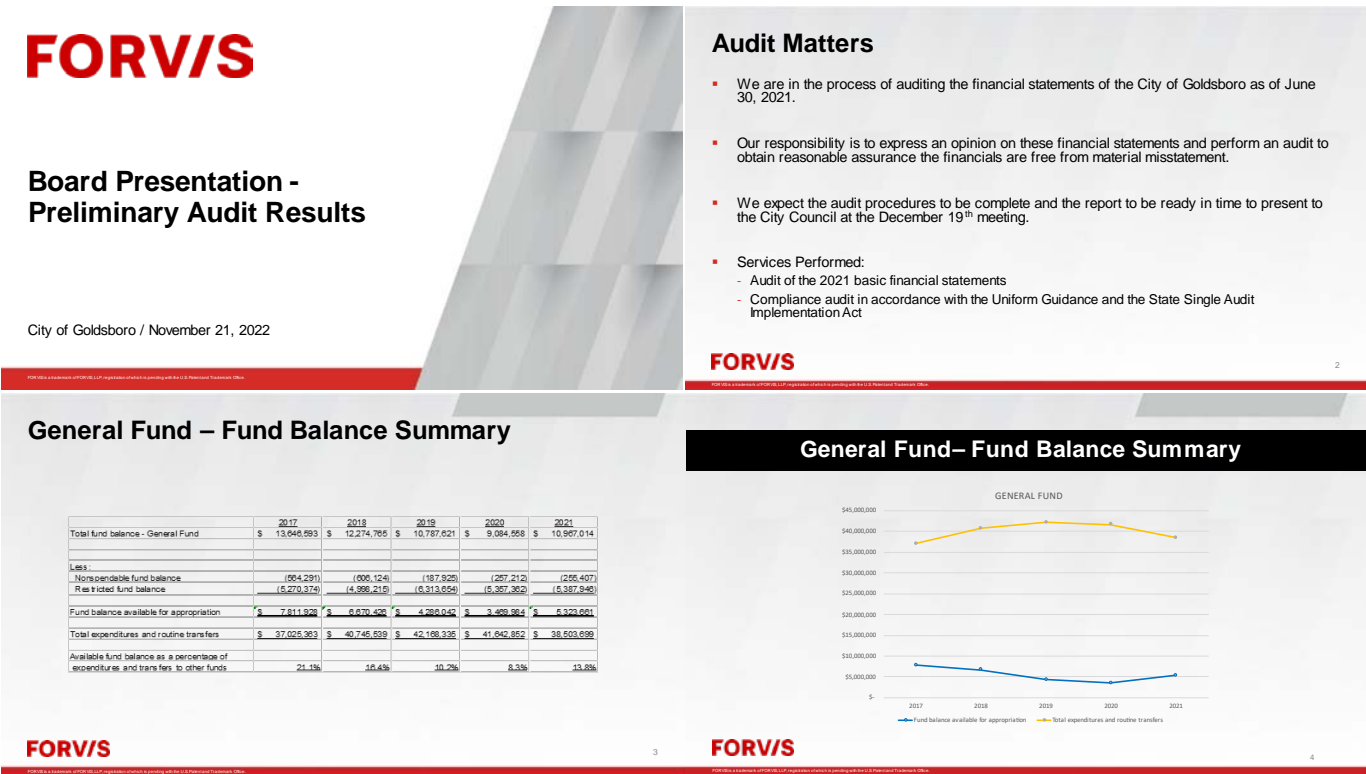
Present: Mayor David Ham, Presiding  
Mayor Pro Tem Taj Polack  
Councilwoman Hiawatha Jones  
Councilman Bill Broadaway  
Councilwoman Brandi Matthews  
Councilman Charles Gaylor, IV  
Councilman Greg Batts

Also Present: Tim Salmon, City Manager  
Ron Lawrence, City Attorney  
Matthew Livingston, Assistant City Manager  
Laura Getz, City Clerk

**Adoption of the Agenda.** Councilwoman Jones requested moving Item H, Purchase of Lithium Powered Golf Carts and Upgrades to Golf Cart Storage Building to Items Requiring Individual Action. Councilwoman Matthews requested removing Item Q, Ordinance Amendment-Panhandling from the agenda until a later date. Upon motion of Mayor Pro Tem Polack, seconded by Councilwoman Jones, and unanimously carried, Council adopted the agenda with the necessary changes.

## **New Business.**

**FY21 Audit.** Chad Cook with FORVIS provided the following information:



## Utility Fund

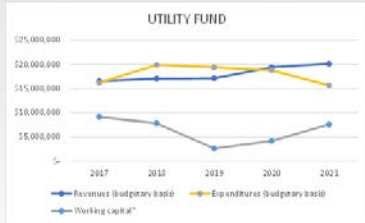
	2017	2018	2019	2020	2021
Revenues (budgetary basis)	\$ 16,490,631	\$ 17,021,651	\$ 17,081,402	\$ 19,372,715	\$ 20,082,941
Expenditures (budgetary basis)	\$ 16,158,944	\$ 19,852,179	\$ 19,380,053	\$ 18,747,440	\$ 15,600,590
Working capital*	\$ 9,089,469	\$ 7,636,983	\$ 2,637,200	\$ 4,183,341	\$ 7,636,682

\* - Working capital consists of current assets (excluding restricted cash) minus current liabilities

FORV/S

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## Utility Fund



FORV/S

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## Compliance Reporting

- Report on Compliance for each Major State Program and on Internal Control Over Compliance Required by the Uniform Guidance.
  - Major Federal Programs**
    - 66.458 – Capitalization Grants for Clean Water State Revolving Funds
    - 21.019 – Coronavirus Relief Fund
  - Major State Programs**
    - DOT-4 – State Street-Aid to Municipalities ("Powell Bill")
- No compliance findings, or findings related to internal controls over compliance have been noted during our testing of any of the above major programs.

FORV/S

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## Questions?

forvis.com

The information set forth in this presentation contains the analysis and conclusions of the auditor based upon the audit procedures and analysis of financial information and legal authorities. Such analysis and conclusions are based on the information and documents provided to the auditor and are not intended to constitute an audit or any other type of assurance. The auditor does not provide any assurance and does not assume any liability for the information and documents provided to the auditor. Further, the auditor's conclusions may be revised without notice with or without changes in the underlying information and legal authorities. Nothing is to be construed as a representation or warranty of any kind.

FORV/S

Assurance / Tax / Advisory

There were no comments or questions regarding the audit update.

**FY2021-22 Financial Update.** Catherine Gwynn, Finance Director provided the following information:

### FY2021 -22 FINANCIAL UPDATE

Catherine Gwynn, Finance Director

November 7, 2022



www.goldsboronc.gov

## General Fund – Collections

Comparison Actual Current and Prior (unaudited)

	FY 2021-22	FY 2020-21	Incr/(Decr over Prior Year)
Taxes	\$ 18,009,270	\$ 17,280,497	\$ 728,774
Sales Tax	11,312,744	10,643,638	669,106
Refuse	3,840,460	3,847,884	(7,425)
Shared Services	3,207,840	3,046,957	160,883
Utility Franchise	2,621,684	2,662,169	(40,485)
Other Federal & State Rev.	1,919,146	1,703,286	215,860
Debt	3,268,981	-	3,268,981
Powell Bill	1,024,644	868,303	156,342
Golf	634,191	601,863	32,327
Permits	417,336	381,515	35,821
Paramount	446,305	164,707	281,598
Interest	13,608	6,718	6,890
Other Revenues	1,335,048	1,480,397	(145,349)
Total	\$ 48,051,257	\$ 42,687,934	\$ 5,363,323



## General Fund Collections

FY 2021-22 Budget to Actual

	Adjusted Budget	Actual Collections	YTD% of Budget
Taxes	\$ 17,835,244	\$ 18,009,270	100.98%
Licenses & Permits	378,450	417,336	110.28%
Revenues Other Agencies:			
Local Option Tax	9,997,261	11,312,744	113.16%
Utility Franchise Tax	2,871,676	2,621,684	91.29%
ABC Revenues	95,000	445,060	468.48%
Beer & Wine Taxes	149,770	135,558	90.51%
Powell Bill	830,800	1,024,644	123.33%
Other Agency Revenues	3,283,656	1,338,528	40.76%
Service Fees from UF	3,207,840	3,207,840	100.00%
Charges for Services	5,091,718	5,562,713	109.25%
Capital Returns	3,484,458	3,485,677	100.03%
Other Revenue	166,601	490,202	294.24%
Fund Balance Appropriated	156,633	-	0.00%
Total General Fund Revenues	47,549,107	48,051,257	101.06%



## Stormwater Fund – Collections

Comparison Actual Current and Prior (unaudited) and Budget to Actual FY2021-22

	FY 2021-22	FY 2020-21	Incr/(Decr over Prior Year)
Stormwater Fee	\$1,621,116	\$1,596,299	\$24,817
Loan Proceeds	267,551	-	\$267,551
Other Revenues	13,165	9,634	\$3,531
Total	\$1,901,832	\$1,605,933	\$295,899

	Adjusted Budget	Actual Collections	YTD% Collections
Stormwater Fee	\$ 1,575,000	\$ 1,621,116	102.93%
Other Revenues	268,751	280,716	104.45%
Appropriated Fund Balance	640,000	-	0.00%
Stormwater Fund Totals	\$ 2,483,751	\$ 1,901,832	76.57%



## Utility Fund – Collections

Comparison Actual Current and Prior (unaudited)

	FY 2021-22	FY 2020-21	Incr/(Decr over Prior Year)
Current Sewer	\$ 9,266,384	\$ 9,654,752	\$ (388,369)
Current Water	7,570,213	7,685,150	(114,937)
Other Charges for Services	1,506,861	1,421,628	85,233
Transfers In (FEMA related)	292,949	1,388,182	(1,095,233)
Miscellaneous	774,987	722,105	52,882
Late Payment Fees	399,065	332,549	66,516
Other Federal & State Revenue	250,125	115,686	134,439
Other Capital Returns	115,000	72,562	42,438
Compost Fees	50,861	62,718	(11,857)
Tap Fees	47,914	35,150	12,764
Investment Earnings	16,330	6,584	9,746
Other Revenues	-	-	-
Total	\$ 20,290,689	\$ 21,497,067	\$ (1,206,379)



## Utility Fund Collections

FY 2021-22 Budget to Actual

	Adjusted Budget	Actual Collections	YTD % Collections
Charges for Services:			
Current Water Charges	\$ 7,321,707	\$ 7,570,213	103.39%
UF-SJAIFB	1,226,771	1,444,079	117.71%
Current Sewer Charges	8,823,652	9,266,384	105.02%
Late Payment/Svc. Fees	326,000	401,632	123.20%
Applied Deposits	127,000	49,322	38.84%
Reconnections Fees	6,700	9,199	137.30%
Water/Sewer Taps	31,000	47,914	154.56%
Compost Revenues	51,000	50,861	99.73%
BFP Fees/Insufficient Ck Penalty	2,000	1,694	84.69%
Total Charges	\$ 17,915,830	\$ 18,841,298	105.17%
Capital Returns & Misc. Revenue			
Investment Earnings	\$ 8,000	\$ 16,330	204.13%
Other Misc. Revenue	59,872	114,998	192.07%
Total Capital Returns	\$ 67,872	\$ 131,328	193.49%
Other Revenues	3,356,532	1,318,061	39.27%
Appropriated Fund Balance	397,761	-	0.00%
Utility Fund Revenue Totals	\$ 21,737,995	\$ 20,290,688	93.34%




# Downtown MSD & Occupancy Tax Collections

## Comparison Actual Current and Prior (unaudited)

		FY 2021-22	FY 2020-21	Incr/(Decr) over Prior Year
<b><u>Downtown MSD</u></b>				
Taxes	\$	97,883	\$ 94,941	\$ 2,942
Investment Earnings		127	60	67
Other Revenues				
Total	\$	98,010	\$ 95,001	\$ 3,009
<b><u>Occupancy Tax</u></b>				
Occupancy Tax Collections	\$	937,143	\$ 859,799	\$ 77,344
Wayne Co. Reimbursement per agreement		170,797	174,376	(3,579)
Investment Earnings/Misc. Revenues		561	356	205
Other Revenues		7,823	8,923	(1,100)
Total	\$	1,116,324	\$ 1,043,454	\$ 72,870

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# Downtown MSD & Occupancy Tax Collections


## FY 2021-22 Budget to Actual

	Adjusted Budget	Actual Collections	YTD% Collections
<b><u>Downtown MSD</u></b>			
Taxes	\$ 95,174	\$ 97,883	102.85%
Investments/Misc.	-	127	-
<b>Total</b>	<b>\$ 95,174</b>	<b>\$ 98,010</b>	<b>102.98%</b>
<b><u>Occupancy Tax</u></b>			
Occupancy Tax - Civic Ctr.	\$ 686,463	\$ 749,849	109.23%
Occupancy Tax - T & T	183,428	187,295	102.11%
County of Wayne Occ Tx	175,975	170,797	97.06%
Other Revenues	35,931	8,384	23.33%
Appropriated Fund Balance	150,000	-	0.00%
<b>Total</b>	<b>\$ 1,231,797</b>	<b>\$ 1,116,324</b>	<b>90.63%</b>

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Actual Collections				
Comparison Actual Current & Prior (unaudited)				
	FY 2021-22		FY 2020-21	Incr/(Decr) over Prior Year
General Fund	\$	48,051,257	\$ 42,687,934	\$ 5,363,323
Utility Fund		20,290,688	21,497,066	(1,206,378)
Downtown Development		98,010	95,001	3,009
Occupancy Tax		1,116,324	1,043,454	72,870
Stormwater Fund		1,901,832	1,605,933	295,899
Total	\$	71,458,111	\$ 66,929,388	\$ 4,528,723

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# Summary –

## FY2021-22 Budget to Actual Expenditures

	<i>Budget</i>	<i>Actual</i>	<i>Under/(Over)</i> <i>Budget</i>
General Fund	\$ 47,549,107	\$ 40,445,335	\$ 7,103,772
Utility Fund	21,737,995	14,926,001	6,811,994
Stormwater Fund	2,483,751	1,857,437	626,314
Downtown MSD Fund	95,174	73,625	21,549
Occupancy Tax Fund	1,231,797	1,126,972	104,825
Total	\$ 73,097,824	\$ 58,429,370	\$ 14,668,454

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10 **GOLDSBORO**  
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Quality Connections

Fund Balance Appropriations		
FY 2021-22		
General Fund		\$ 156,633
PO rollover		
Utility Fund		\$ 397,761
PO rollover, AIA & MRFS grants \$6K		
Downtown MSD		\$ 0
None		
Occupancy Tax Fund		\$ 150,000
Musco Lighting \$110K & Advertising \$40K		
Stormwater Fund		\$ 640,000
Stormwater ProjectAssessment (CDM)		
Total		\$1,344,394

# FY2021-22 Net Operating Results

## (Modified Accrual - unaudited)

	Budget	Actual	Under/(Over) Budget
General Fund			
Revenues	\$ 47,549,107	\$ 48,051,257	\$ (502,150)
Expenditures	47,549,107	40,445,335	7,103,772
General Fund - Net	\$ -	\$ 7,605,922	\$ 7,605,922
Utility Fund			
Revenues	\$ 21,737,995	\$ 20,290,689	\$ 1,447,307
Expenditures	21,737,995	14,926,001	6,811,994
Utility Fund - Net	\$ 0	\$ 5,364,688	\$ 5,364,688
Stormwater Fund			
Revenues	\$ 2,483,751	\$ 1,901,832	\$ 581,919
Expenditures	2,483,751	1,857,437	626,314
Stormwater Fund - Net	\$ -	\$ 44,395	\$ 44,395
Downtown MSD Fund			
Revenues	\$ 95,174	\$ 98,010	\$ (2,836)
Expenditures	95,174	73,625	21,549
Downtown MSD Fund - Net	\$ -	\$ 24,385	\$ 24,385
Occupancy Tax Fund			
Revenues	\$ 1,231,797	\$ 1,116,324	\$ 115,472
Expenditures	1,231,797	1,126,972	104,825
Occupancy Tax Fund - Net	\$ -	\$ (10,647)	\$ (10,647)
Total - Net Change all Funds	\$ 0	\$ 13,028,743	\$ 13,028,742

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Questions?	
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Council discussed the budget and commended Ms. Gwynn. City Manager Salmon will provide Council an equipment readiness report as requested by Councilman Gaylor.

**Use of Public Utilities Capital Reserve to fund Capital Improvement Projects.** Robert Sherman, Public Utilities Director, provided the following information:

The City of Goldsboro Public Utilities Department has an approved FY22-23 budget for the following capital improvement projects: Compost - Bulldozer; Water Treatment - Automatic Transfer Switch for the Neuse River Pump Station; Wastewater Treatment - Westbrook Pump Station generator replacement, New Hope Lift Station bar screen replacement, Chemical Bulk Storage Tank replacement, CITI Telemetry replacement final phase of a 3-phase project, Sand Filter #2 rehabilitation. Due to rising cost of materials and labor, additional funding is required to complete these projects. The Utility Capital Reserve fund was established in FY22-23 to fund Capital Improvement projects and currently has \$1.5M in the fund.




The matrix identifies for each project the budgeted amount, bid amount and funding shortfall.

Project	Budgeted Amt	Bid	Difference
WTP Automatic Transfer Switch	\$100,000.00	\$240,905.00	(\$140,905.00)
Westbook Generator	\$500,000.00	\$794,571.00	(\$294,571.00)
New Hope Bar Screen	\$200,000.00	\$304,400.00	(\$104,400.00)
Bulk Chemical Tank	\$45,000.00	\$168,200.00	(\$123,200.00)
CITI replace & program obsolete radios	\$300,000.00	\$316,388.00	(\$16,388.00)
Sand Filter Rehab	\$182,948.00	\$188,948.00	(\$6,000.00)
Bulldozer	\$163,162.00	\$189,987.48	(\$26,825.48)
TOTAL			(\$712,289.48)

Staff recommended that Council approve the use of the Public Utilities Capital Reserve fund in the amount of \$712,289.48 to provide the additional funding required to complete the budgeted capital projects.

**Goldsboro Tourism Council Annual Report.** Dustin Pike, Chair of the Goldsboro Tourism Council provided the following annual update:

<div data-bbox="237 1188 610 1233"><h2>Goldsboro Tourism Council</h2></div> <div data-bbox="332 1257 501 1276"><p>Dustin Pike, Chairperson</p></div> <div data-bbox="389 1298 453 1317"><p>11/21/22</p></div> <div data-bbox="362 1341 485 1405"><p>www.goldsborotourismcouncil.org</p></div>	<div data-bbox="924 1072 1269 1102"><h2>How Occupancy Tax Works</h2></div> <div data-bbox="795 1131 1211 1287"><ul style="list-style-type: none"><li>• 6% Occupancy Tax in the City limits.</li><li>• 5% is remitted to the City and 1% is remitted to the County.</li><li>• Occupancy Tax Funds:<ul style="list-style-type: none"><li>– Tourism Assets</li><li>– Tourism Staff &amp; Office Operations</li><li>– Marketing of Goldsboro/Wayne County to Tourist</li><li>– Promotion of Tourism Related Events &amp; Activities</li></ul></li><li>• Tourism doesn't use General Tax Funds</li></ul></div>
<div data-bbox="225 1459 625 1486"><h2>Tourism at a Glance for FY21-22</h2></div> <div data-bbox="129 1518 409 1623"><ul style="list-style-type: none"><li>• \$939,388 of Occupancy Taxes – City</li><li>• \$374,555 of Sales Tax – County &amp; City</li><li>• \$299,095 of Real Property Tax – City</li><li>• \$172M In Visitor Spending in 2021</li><li>• Tourism Employs Over 1,119 People</li></ul></div>	<div data-bbox="881 1459 1313 1486"><h2>Tourism Event Highlights FY 21-22</h2></div> <div data-bbox="795 1518 1153 1647"><ul style="list-style-type: none"><li>• USTA Tennis Tournament</li><li>• Kepner Cup</li><li>• NC Lax Fest (Boys &amp; Girls Tournaments)</li><li>• Freedom Fest</li><li>• Goldsboro/Dillard Alumni Weekend</li><li>• US Quidditch Mid Atlantic Regional Championship</li></ul></div>
<div data-bbox="306 1846 547 1876"><h2>Tourism in FY22-23</h2></div> <div data-bbox="129 1905 430 1986"><ul style="list-style-type: none"><li>• Aggressive Revenue Projections<ul style="list-style-type: none"><li>– Ahead of Collection Schedule YTD</li></ul></li><li>• Airshow in 2023</li><li>• All FY21/22 Events Returning for FY22/23</li></ul></div>	

**Commission on Community Relations and Development Annual Report.** Washea Lancaster, Vice-Chair and Terrie Bradley, Chair of the Commission on Community Relations and Development provided the following annual update:



Council discussed the recommendations.

Councilwoman Matthews made a motion to approve up to \$55,000 for roofing and interior painting of the TC Coley building. The motion was seconded by Councilwoman Jones and unanimously carried.

Councilman Broadaway made a motion to close Herman Park Center until a new Herman Park Center is built and authorize staff to seek grant funding for demolition of the old Herman Park Center and purchase of a new Herman Park Center. The motion was seconded by Councilman Batts. After Council discussed asbestos abatement and contractors the motion passed unanimously.

**Boards and Commissions Vacancy Discussion.** Laura Getz, City Clerk, provided an update to Council regarding Boards and Commissions vacancies. Council will discuss the vacancies at the next meeting and make recommendations for approval at the December 19, 2022 Council meeting.

**Consent Agenda Review.** Items I - P on the consent agenda were reviewed. Further discussion included the following:

**Item I, Operating Budget Amendment FY22-23.** Catherine Gwynn, Finance Director shared there is an error budget ordinance had an error in the ordinance. The amount under Transfers, should be a minus \$266,000. The ordinance will be amended as discussed.

Councilman Gaylor made a motion to amend the agenda relocating consent agenda Item I to Items Requiring Individual Action and placed after Item H, the discussion on the golf carts. The motion was seconded by Mayor Pro Tem Polack. Mayor Ham, Mayor Pro Tem Polack, Councilmembers Broadaway, Matthews, Gaylor and Batts voted in favor of the motion. Councilwoman Jones did not vote, however, pursuant to NCGS G.S. 160A-75, Councilwoman Jones vote would be considered an affirmative vote. The motion passed.

The meeting recessed at 6:43 p.m.

## **CITY COUNCIL MEETING**

The City Council of the City of Goldsboro, North Carolina, met in Regular Session in Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on November 21, 2022.

Mayor Ham called the meeting to order at 7:00 p.m.

### **Roll Call.**

Present: Mayor David Ham, Presiding  
Mayor Pro Tem Taj Polack  
Councilwoman Hiawatha Jones  
Councilman Bill Broadaway  
Councilwoman Brandi Matthews  
Councilman Charles Gaylor, IV  
Councilman Greg Batts

Also Present: Tim Salmon, City Manager  
Ron Lawrence, City Attorney  
Matthew Livingston, Assistant City Manager  
Laura Getz, City Clerk

Rev. David Elliott with St. James AME Zion Church provided the invocation. The Pledge of Allegiance followed.

**Approval of Minutes.** Mayor Pro Tem Polack made a motion to approve the minutes of the Work Session and Regular Meeting of November 7, 2022. The motion was seconded by Councilman Broadaway and unanimously carried.

Councilwoman Jones made a motion to approve the Minutes of the Joint Meeting of the Goldsboro City Council, Wayne County Commissioners and Local Municipalities November 1, 2022. The motion was seconded by Councilman Batts. Mayor Ham, Mayor Pro Tem Polack, Councilwoman Jones, Councilman Broadaway, Councilman Gaylor and Councilman Batts voted for the motion. Councilwoman Matthews voted against the motion. The motion passed 6:1.

### **Presentations.**

**Resolution Expressing Appreciation for Services Rendered by Wilton T. Bailey as an Employee of The City of Goldsboro for More Than 24 Years. Resolution Adopted.** Wilton “Thomas” Bailey retires on December 1, 2022 as a Warrants Police Officer, with more than 24 years of service with the City of Goldsboro Police Department. Thomas began his career on September 9, 1998 as a Police Officer with the Goldsboro Police Department. On October 7, 2007, Thomas resigned as a Police Officer with the Goldsboro Police Department. On January 2, 2008, Thomas was reinstated as a Police Officer with the Goldsboro Police Department. On February 23, 2011, Thomas was transferred to a Warrants Police Officer



PublicParticipation

Stage	Description
Inform	Public Hearing will be formally announced to the public by November 8, 2022.  Date announced via: <ul style="list-style-type: none"><li>• City Calendar</li><li>• Facebook, Twitter, Newsletter</li><li>• City Council Meeting</li></ul>
Collect	The public hearing will take place at the Council meeting on November 21, 2022. An online form will be available during that time for participants to opt to submit their feedback virtually.
Address	City feedback to be presented via: <ul style="list-style-type: none"><li>• City Website</li><li>• Facebook</li></ul>
Develop	Input public feedback and comments into the Allocation Plan draft.
Distribute	The finalized Allocation Plan will be disseminated on the City website. There is opportunity here for a series of social media posts to accompany it.

A public hearing is required by HUD. Feedback has already been collected from 25+ community members that were consulted as part of the Agency Consultation requirement.

Questions?

Mayor Ham opened the public hearing. The following people spoke:

1. Edward Davis, General Manager at Hampton Inn and Best Western Hotel, shared concerns regarding homeless issues at the hotels.
2. Anthony Goodson, Goldsboro Housing Authority, shared information regarding the Housing Authority and the funding available to assist the homeless through the allocation of HOME ARP funds.
3. D.J. Coles, 4 Day Movement, shared comments and concerns regarding homelessness. He also shared information on The Portal and other resources for the homeless.
4. Sherry Archibald, United Way Director, shared support for the 4 Day Movement.
5. Jennifer Weir shared comments about a proposal entitled “A Collective Way”.
  - i. Councilwoman Jones requested further information from D.J. Coles about the unhoused living in Goldsboro from other cities.
6. Janice Johnson shared comments regarding Nu-Hope Community Center concept. Ms. Robertson and Mr. Williamson shared how the Nu-Hope Center has helped them. Mr. Artis shared information regarding his support of the proposed tiny house project.
7. Thomas Rice, Executive Director of MLFL and David Simmons shared comments regarding the Restoration of Hope Village and the homeless.
  - i. Councilwoman Jones requested a copy of the strategic plan for the Restoration of Hope Village.
8. John Strickland shared comments about the proposed HUD funds for the homeless regarding “A Collective Way” and the homeless issues in Goldsboro.
9. Edward Davis General Manager at Hampton Inn and Best Western Hotel asked about the screening process,

No one else spoke and the public hearing was closed.

Jeff Rosenberg discussed the timeline of allocation of the funds.

**SU-13-22 Accessory Dwelling – East side of W. New Hope Rd., located between the intersection of Cuyler Best Rd. and S. Harding Dr. Public Hearing Held and Findings Adopted.** After being properly sworn in, Austin Brinkley, Assistant Planning Director shared the following information.

ADDRESS: 523 W. New Hope Rd.  
PARCEL #: 3610902529  
PROPERTY OWNER/APPLICANT: Kenneth & Dixie Ellis

The applicant requests a Special Use Permit to convert an existing 24x30 accessory structure into an accessory dwelling, the applicant is also proposing to add a 10x22 addition to the existing structure, which would result in a 24x40 structure to be utilized as an accessory dwelling. The accessory dwelling proposed is intended to be used as a residence by the applicant’s daughter. The property is located in the Residential 16 Zoning District. The Residential 16 district is established to accommodate low density, single-family residential uses and to prohibit all activities of a commercial nature.

According to the City’s Unified Development Code, Table 5.4 Permitted Uses and Section 5.5.4 Special Use Specific Regulations, Accessory Dwellings & Apartments are permitted as a Special Use in the Residential 16 district, provided City Council votes to issue the permit.

Frontage: 185.8 ft.  
Area: 0.9 acres  
Zoning: Residential 16 (R-16)  
Existing Use: Residential Accessory Structure

The City’s Land Use Plan locates this parcel within the Medium-Density Residential land use designation. This designation was given based off of existing residential development patterns, constraints to development, and the location of infrastructure. The desired development density for the Medium-Density Residential land use designation is 4.5 units per acre. Residential 16 is a corresponding zoning district for the Medium-Density Residential designation.

According to the Unified Development Ordinance, a Special Use Permit is required to convert the existing accessory structure into an accessory dwelling. The structure will be required to meet all applicable North Carolina State Building Code Requirements as it undergoes conversion. The proposed accessory dwelling will not exceed 40% of the livable area of the principal structure nor will it exceed 1,100 square feet. There is adequate parking for the accessory dwelling in the existing driveway.



The property was properly posted, and adjacent property owners were notified by Certified Mail that a Public Hearing would take place on November 21, 2022.

City water and sewer are available to serve the site. The site is not located in a Special Flood Hazard Area.

Staff has distributed this proposed special use permit to several different departments as well as Seymour Johnson Air Force Base and NCDOT. There were no comments or concerns.

Planning: Has no comments or concerns.

Mayor Ham opened the public hearing. No one spoke and the public hearing was closed.

Council entered into deliberation and voted on each of the four findings in order to determine whether or not the Special Use Permit shall be issued. Council shall sign the Order to Approve or Deny, that reflects the results of the hearing and deliberation at the December 5, 2022, City Council meeting.

1. Councilman Broadaway made a motion that the use will not materially endanger the public health or safety. The motion was seconded by Mayor Pro Tem Polack and unanimously carried.
2. Mayor Pro Tem Polack made a motion that the use will not substantially injure the beneficial use of adjoining or abutting property. The motion was seconded by Councilman Broadaway and unanimously carried.
3. Councilman Batts made a motion that the use will be in harmony with existing development and uses within the area in which it is located. The motion was seconded by Councilwoman Jones and unanimously carried.
4. Councilman Batts made a motion that the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The motion was seconded by Councilman Gaylor and unanimously carried.

**SU-14-22 Fly Buy Auto, LLC. (Used Car Sales) – Northeast side of US Hwy 70 E (Warren Supply). Public Hearing Held and Findings Adopted.** Austin Brinkley, Assistant Planning Director shared the following information.

ADDRESS: 4209 US Hwy 70 East  
PARCEL #: 3528148081  
PROPERTY OWNER: David Edward Warren  
APPLICANT: Kevin Aycock (Fly Buy Auto, LLC)

The applicant requests a Special Use Permit for the establishment of a Used Car Sales Lot, located in the Airport Business Zoning District. The Airport Business district is established to accommodate highway-oriented retail and commercial uses which generally serve the entire City and nonresident traffic in the Accident Potential Zone (APZ) of the Seymour Johnson Air Force Base. The district is intended to allow dispersed low intensity commercial uses and to provide addition review for uses that have the potential to concentrate people within the APZ.

According to the City’s Unified Development Code, Automobile Sales Used, no service or repair, is permitted only after obtaining a Special Use Permit from Goldsboro City Council.

Frontage: 200 ft.  
Area: 1.28 acres  
Zoning: Airport Business

Property currently contains Warren Supply, a small engine repair service.

The City’s Land Use Plan locates this parcel within the Commercial land use designation. This designation puts a future emphasis on in-fill development. The desired development density for the Commercial land use designation is 10,000 square feet of building per acre. The Airport Business Zoning District is listed as a corresponding district for the Commercial land use designation.

This Used Car Sales business is proposing to only have 1 employee working during business hours and to only have a small inventory of vehicles for sale. Approval criteria for Automobile Sales Used requiring a special use permit from Goldsboro City Council are as follows:

A type A buffer yard is required. Includes a buffer that is 10’ in width.

Access to the site will be off of US Hwy 70 E.

Parking requirements are 1 space per employee plus 5 customer spaces. A minimum of 6 parking spaces are required, parking must be paved. No vehicles for sale shall be parked within 20 feet of any buffer area.

Outdoor lighting is required for security. A lighting plan will be required with site plan submittal.

Trash collection areas shall be screened by a wall, opaque fence, or landscaping from public view.

No parking of used vehicles or customer vehicles shall be allowed within the required street yard landscaped area. A loading area no less than 20x50 feet shall be provided unless no vehicles are delivered by car carrier. All vehicular display areas shall be improved with paving and curb and gutter.

The property was properly posted, and adjacent property owners were notified by Certified Mail that a Public Hearing would take place on November 21, 2022.

Staff has distributed this proposed special use permit to several different departments as well as Seymour Johnson Air Force Base and NCDOT. During this review process Seymour Johnson indicated that they have already identified the property as incompatible based on the previous land use, this proposed special use would not cause the property to be viewed as creating a more incompatible situation and SJAFB does not have any concerns with the proposal due to this fact. They base this determination off a FAR (Floor Area Ratio) calculation. The calculation is the tax record square footage of existing structures divided by the total acreage. This property’s FAR is 0.18, based on SJAFB the recommended allowable FAR for this would be 0.14.

City water and sewer lines are available to serve the property. The property is not within a Special Flood Hazard Area.

Planning staff has no comment at this time after review of the concept plan, Planning will ensure all requirements for development are met during site plan review, if the Special Use is approved.

Mayor Ham opened the public hearing. No one spoke and the public hearing was closed.

Council entered into deliberation and voted on each of the four findings in order to determine whether or not the Special Use Permit shall be issued. Council shall sign the Order to Approve or Deny, that reflects the results of the hearing and deliberation at the December 5, 2022, City Council meeting.

- 1. Mayor Pro Tem Polack made a motion that the use will not materially endanger the public health or safety. The motion was seconded by Councilman Broadaway and unanimously carried.
- 2. Councilwoman Jones made a motion that the use will not substantially injure the beneficial use of adjoining or abutting property. The motion was seconded by Councilman Gaylor. Mayor Ham, Mayor Pro Tem Polack, Councilmembers Broadaway, Matthews, Gaylor and Batts voted in favor of the motion. Councilwoman Jones did not vote, however, pursuant to NCGS G.S. 160A-75, Councilwoman Jones vote would be considered an affirmative vote. The motion passed.
- 3. Mayor Pro Tem Polack made a motion that the use will be in harmony with existing development and uses within the area in which it is located. The motion was seconded by Councilman Broadaway and unanimously carried.
- 4. Councilman Batts made a motion that the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The motion was seconded by Councilman Gaylor and unanimously carried.

**SU-15-22 C.A.L.M. Properties & Investments, LLC (Triplex) – Corner of Wayne Ave. and Sycamore St. Public Hearing Held and Findings Adopted. Austin Brinkley, Assistant Planning Director shared the following information.**

ADDRESS: 235 Wayne Ave.  
PARCEL #: 2599818199  
PROPERTY OWNER/APPLICANT: C.A.L.M. Properties & Investments, LLC

The applicant requests a Special Use Permit for the establishment of a triplex (multi-family 3 or more units), located in the Residential 6 Zoning District. The Residential 6 district is established to accommodate both single and multi-family residential uses and to prohibit all activities of a commercial nature, except certain home occupations. Multi-family dwellings shall have 6,000 sq feet of land area for the first unit and a additional 2,000 square feet for each additional unit.

According to the City’s Unified Development Code, Multi-Family (3 or more units) is permitted only after obtaining a Special Use Permit from Goldsboro City Council.

Frontage: 88 ft Wayne Ave, 120 ft Sycamore St.  
Area: 0.24 acres  
Density: Maximum of 3 units allowed  
Zoning: Residential 6

Existing Use: Vacant

The City’s Land Use Plan locates this parcel within the High-Density Residential land use designation. This designation was given based off of existing residential development patterns, constraints to development, and the location of infrastructure. The desired development density for the High-Density Residential land use designation is 8.5 units per acre. Residential 6 is a corresponding zoning district for the High-Density Residential designation.

The proposed 3 units are in harmony with the desired density for the High-Density Residential designation.

The following items listed below are required to be shown on the formal Site Plan review for this proposed Special Use, if approved:

- A type A buffer yard is required. Includes a buffer that is 10’ in width.
- A minimum of six parking spaces is required (2 per unit). Administrative modification of 20% granted to allow for this. Each unit provides a garage with adequate vehicle parking space as well as providing adequate space in each unit’s respective driveway.

The property was properly posted, and adjacent property owners were notified by Certified Mail that a Public Hearing would take place on November 21, 2022.

Staff has distributed this proposed special use permit to several different departments as well as Seymour Johnson Air Force Base and NCDOT. During this review process Seymour Johnson indicated that they have no comments or concerns.

The original site plan showed the multi-family units to have access off of Wayne Ave. Staff requested that this be redesigned to have the units be served off of Sycamore St. Due to the size of the lot, this request was unable to be made but the proposal is still compliant with the City of Goldsboro UDO.

There were concerns over the location of the proposed utility lines being located under the driveway/parking areas of the triplex. The lines were relocated in the revised plan and Engineering is satisfied with the proposed location.

Mayor Ham opened the public hearing. The following person spoke after being properly sworn in:

1. Stephanie Isler shared the following comments: we live at 231 Wayne Avenue which is next to this property Mr. Tim was speaking about and we need to know is he trying to get a little more property on our side or what. We need to find out what the line is to see if whatever he needs is not going to be bothering our side of our property. Mayor Ham asked is she is wanting to know where the property line is. Ms. Isler said that is correct. Mr. Brinkley asked do you want to know where the property line is? Ms. Isler said yes, because we live at 231 and I see on the back of this paper it says 233 or 235. Is that two pieces of property in one corner? Mr. Brinkley stated that is one parcel. He showed the boundary line of the property. He shared they will have to develop within the boundary of that property and will also have to meet the setback requirements, so they are not going to be able to encroach onto your property. They are going to have to stay within the boundary of that shown on your ariel image.

No one else spoke and the public hearing was closed.

Council entered into deliberation and voted on each of the four findings in order to determine whether or not the Special Use Permit shall be issued. Council shall sign the Order to Approve or Deny, that reflects the results of the hearing and deliberation at the December 5, 2022, City Council meeting.

1. Mayor Pro Tem Polack made a motion that the use will not materially endanger the public health or safety. The motion was seconded by Councilwoman Jones and unanimously carried.
2. Councilwoman Jones made a motion that the use will not substantially injure the beneficial use of adjoining or abutting property. The motion was seconded by Mayor Pro Tem Polack and unanimously carried.
3. Councilman Broadaway made a motion that the use will be in harmony with existing development and uses within the area in which it is located. The motion was seconded by Councilman Gaylor and unanimously carried.
4. Mayor Pro Tem Polack made a motion to agree that the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The motion was seconded by Councilman Gaylor and unanimously carried.

**Public Comment Period.** Mayor Ham opened the public comment period. The following people spoke:

1. Sharita Oates, Director of Administration with the Goldsboro Housing Authority shared information regarding a basketball tournament on January 13-15, 2023 sponsored by the Goldsboro Housing Authority.
2. Lashonda Perkins shared information regarding nonprofit organization funding concerns and the requirements that all nonprofit organizations are required to have workers compensation insurance. She asked council to reconsider the NPO workers compensation waiver decision and to review current processes currently in place.

Councilwoman Matthews made a motion that the board reconsider their decision and waive the workers comp for those organizations who do not have three or more employees based on the criteria set forth by the state. The motion was seconded by Mayor Pro Tem Polack. Councilwoman Matthews shared her reason for asking council to reconsider is because some nonprofits have been told the requirement could be waived by city staff. Council discussed the issue of workers compensation. City Manager Salmon, Octavius Murphy, Assistant to the City Manager and City Attorney Lawrence shared information regarding the insurance requirements.

Councilman Gaylor stated he feels the risk is too large given the amount of money being discussed and believes there might be another financial solution. Councilman Gaylor asked that we table the discussion for the next meeting in an attempt that we might be able to find a separate solution that puts us in a place we can keep our word and manage the risk to the city. Councilwoman Matthews withdrew her motion. Mayor Pro Tem Polack seconded the motion to table the item. Councilwoman Matthews shared the initial application was misleading. The motion was passed unanimously.

No one else spoke and the public comment period was closed.

**Consent Agenda – Approved as Recommended.** City Manager Tim Salmon presented the Consent Agenda. All items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote. If a Councilmember so requested, any item(s) could be removed from the Consent Agenda and discussed and considered separately. In that event, the remaining item(s) on the Consent Agenda would be acted on with one motion and roll call vote. During the adoption of the agenda, Item H, Purchase of Lithium Powered Golf Carts and Upgrades to Golf Cart Storage Building was moved to Items Requiring Individual Action. During the Consent Agenda Review, Item I was moved to Items Requiring Individual Action. Councilman Gaylor moved the items on the Consent Agenda, Items J - P be approved as recommended by the City Manager and staff. The motion was seconded by Mayor Pro Tem Polack and a roll call vote resulted in all members voting in favor of the motion.



The items on the Consent Agenda were as follows:

**Authorization of sale of jointly owned property for 412 E. Walnut Street to Oliver Design Group, LLC.**  
**Resolution Adopted.** Wayne County has requested concurrence by the City Council for jointly owned city/county-owned property. The County conducted the sale under the upset bid process (NCGS §160A-269), and approved at the September 20, 2022 commissioners meeting.

Buyer: Oliver Design Group, LLC  
Sales Price: \$5,000.00

412 E. Walnut Street  
Tax Value: \$6,210.00                      Pin #: 3509057190

It was recommended that the City Council, by motion, adopt following entitled resolution declaring the property surplus and authorizing City officials to execute instruments necessary to transfer ownership for 412 E. Walnut Street to Oliver Design Group, LLC. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

*RESOLUTION NO. 2022-109 “RESOLUTION AUTHORIZING SALE OF SURPLUS REAL PROPERTY UNDER NCGS § 160A-269”*

**Edward Byrne Justice Grant. Resolution Adopted.** US Dept. of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation.

The Goldsboro Police Department has been awarded Federal grant funds from the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG). On October 17, 2022, Council adopted a Resolution allowing the Goldsboro Police Department to apply for this grant. The grant was awarded on November 01, 2022.

The grant was approved for the Goldsboro Police Department to purchase patrol pistols, informational technology equipment, and an EyeDetect instrument in the amount of \$23,574.00 to ensure quality law enforcement services to the City of Goldsboro.

It was recommended that the following entitled resolution be adopted authorizing the Goldsboro Police Department and Goldsboro City Manager to accept the award for the 2022 JAG Funds in the amount of \$23,574.00 and authorize City officials to execute documents required for the award. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

*RESOLUTION NO. 2022-110 “A RESOLUTION SUPPORTING THE 2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION”*

**Ordinance Amendment – “Administrative Code”. Ordinance Adopted.** City of Goldsboro Code of Ordinances Title III Chapter 33. Police and Fire Departments. contains regulations which set out the responsibilities of the Police and Fire Departments.

North Carolina General Statute 160A-282 authorizes a city by ordinance to provide for the organization of an auxiliary police department made up of volunteer members.

Sworn officers duly appointed and sworn as auxiliary will be utilized to supplement the operations of full-time sworn officers in a manner consistent with North Carolina law. An auxiliary police officer is a limited-service, part-time, sworn position, which functions as a police officer when assigned to a specific division, unit, section, function, or assignment.

Auxiliary officers have all the authority of a full-time law enforcement officer and are commissioned to act as such. Auxiliary police officers have full powers of arrest and will enforce all applicable laws, using the same equipment in the same manner as full-time police officers. Auxiliary police officers will carry firearms on-duty and may carry concealed firearms off-duty.

Auxiliary police officers are bonded with the same coverage of full-time police officers, and they are provided identical coverage protection as that of a full-time police officer. The Chief of Police, in conjunction with City of Goldsboro City Manager and Human Resources, will establish the rate of compensation for auxiliary police officers while they are performing assigned duties. Worker’s compensation will be provided as outlined in applicable regulations. Life insurance or any other benefits are not provided.

The Police Department will ensure that the personnel selected to serve as auxiliary police officers meet the same standards as full-time, commissioned police officers and provide the same level of service to the community.

The term “auxiliary” shall refer to and mean the same as the term “reserve”.

Based on the above, staff feels it necessary to update the language of the City Ordinance to provide for the organization of an auxiliary police department. The attached ordinance amendment would provide for an auxiliary police department under the current Police Department services in regards to the “Administrative Code”.

It was recommended that Council accept the staff’s recommendation and adopt the following entitled amendment changing the “Administration Code” as indicated above. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

*ORDINANCE NO. 2022-58 “AN ORDINANCE AMENDING CHAPTER 33 ENTITLED "POLICE AND FIRE DEPARTMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF GOLDSBORO, NORTH CAROLINA”*

**Goldsboro Christmas Parade – Temporary Street Closure. Approved.** The annual Goldsboro Christmas Parade is one of the many local traditions helping to usher the holiday season into the Goldsboro area. The parade is organized, coordinated, and sponsored by the Wayne County Chamber of Commerce.

The street closing request for Saturday, December 3, 2022 is as follows:

South on Center Street beginning at Ash Street to Pine Street; going around the traffic circle heading north on Center Street back to Ash Street, ending at Ash Street.

Oak Street between James Street and William Street; Vine Street between Center Street and William Street; Beech Street between John Street and William Street; and Center Street from Oak and Ash Street.

Center Street from Holly Street to Ash Street; and John Street from Holly Street to Ash Street.

James Street from Oak Street to Ash Street; Ash Street from James Street to John Street; Mulberry Street from James Street to John Street; Walnut Street from James Street to John Street; Chestnut Street from James Street to John Street; Spruce Street from James Street to John Street; Pine Street from James Street to John Street; and Center Street at Elm Street.

No parallel parking on Center Street from Pine Street to Ash Street.

The time requested for the street closing is from 8:00am to 8:00pm. Police have indicated that traffic will be restricted from 8:00am until 3:30am and all traffic stopped at 3:30am. The actual parade will begin at 4:00pm and end at approximately 7:00pm.

As with all downtown events, affected city departments will be contacted and the following concerns are to be addressed:

- 1. All intersections remain open for Police Department traffic control.
- 2. A 14-foot fire lane is to be maintained to provide access for fire and emergency vehicles.
- 3. All activities, change in plans, etc., will be coordinated with the Police Department.
- 4. The Police and Fire Departments and Public Works Departments are to be involved in the logistical aspects of the Event.

Staff recommended that Council grant the requested temporary street closures of the sections of Pine Street, Spruce Street, Center Street, Walnut Street, John Street, Mulberry Street, Ash Street, James Street, Chestnut Street, Oak Street, Vine Street, and Beech Street for the Goldsboro Christmas Parade route and staging area from 8:00am to 8:00pm on Saturday, December 3, 2022, as stated above. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

**Set Public Hearing - Non-Contiguous Annexation Petition – Harry and Mollie, LLC. (Lot 12) - Located on the north side of N.C. Secondary Road No. 1758 off E. US Hwy. 70 between N. Oak Forest Rd. and E. Ash St. Ext. Public Hearing Scheduled.**

Wayne Co. Tax Parcel ID#: 3519-90-5459 (Portion)  
Acreage: 126,897 sq. ft. or 2.913 acres

The City Council, at their meeting on November 7, 2022, requested that the City Clerk examine the subject voluntary annexation petition for sufficiency.

On November 14, 2022, the City Clerk completed the examination and determined that the petition is sufficient. Sufficiency indicates that the proposed area for annexation meets the standards for noncontiguous annexation as specified in G.S. 160A-58.1 Petition for annexation; standards are as follows:

- 1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city;
- 2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city;
- 3. The area must be situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits;
- 4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.

Pursuant to G. S. 160A-58.2, Council shall fix a date for a public hearing on the annexation once the petition is considered sufficient by the City Clerk.

The Notice of Public Hearing would schedule December 5, 2022, as the date for the public hearing. A report prepared by the Planning Department, in conjunction with other City departments, will be submitted to the Council on that date.

Staff recommended that Council schedule a public hearing for the proposed voluntary annexation of Harry and Mollie, LLC. (Lot 12) for December 5, 2022. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

**Dissolving the Goldsboro Municipal Golf Course Committee and Amending the City of Goldsboro Code of Ordinances. Ordinance Adopted.** The Goldsboro Municipal Golf Course Committee has not meet due to a lack of a quorum for the past two years. The Parks and Recreation Director and Golf Director recommend that the Goldsboro Municipal Golf Course Committee be dissolved due to a lack of quorum/interest.

Chapter 32 outlines and defines the functions of City Council advisory boards.

Section 32.323 Goldsboro Municipal Golf Course Committee defines the function of the Goldsboro Municipal Golf Course Committee.

Section 32.324 Parks and Recreation Advisory Commission defines the function of the Parks and Recreation Advisory Commission.

Due to a lack of involvement on the Goldsboro Municipal Golf Course Committee, staff recommend the committee be dissolved. At the November 7, 2022 Council Meeting, City Manager Tim Salmon presented the recommendation to dissolve the Committee to Council; the recommendation was accepted.

Due to the dissolution, any issue involving the Goldsboro Municipal Golf Course shall be addressed by the Parks and Recreation Advisory Commission. This requires that Chapter 32 of the Goldsboro City Ordinances be updated to reflect the dissolution of the Goldsboro Municipal Golf Course Committee, and to update the duties of the Parks and Recreation Advisory Commission.

Staff recommended that Council adopt the following entitled Ordinance dissolving the Goldsboro Municipal Golf Course Committee and amending Chapter 32: Section 32.323 Goldsboro Municipal Golf Course Committee removing the Goldsboro Municipal Golf Course Committee from the Code, and Chapter 32: Section 32.224 Parks and Recreation Advisory Commission, updating the duties of the Parks and Recreation Advisory Commission. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

*ORDINANCE NO. 2022-59 "AN ORDINANCE AMENDING CHAPTER 32 BOARDS, COMMISSIONS AND DEPARTMENTS OF THE CITY OF GOLDSBORO'S CODE OF ORDINANCES"*

**Departmental Monthly Reports. Accepted as Information.** The various departmental reports for October 2022 were submitted for Council approval. It was recommended that Council accept the reports as information. Consent Agenda Approval. Gaylor/Polack (7 Ayes)

#### **End of Consent Agenda.**

#### **Items Requiring Individual Action.**

**Purchase of Lithium Powered Golf Carts and Upgrades to Golf Cart Storage Building. Resolution Adopted.** The City of Goldsboro purchased gas powered E-Z-GO golf carts in 2018. Due to wear and tear it is now time to replace the golf carts. Council discussed at its November 7, 2022 meeting replacement options and decided it would replace existing gas golf carts with lithium powered golf carts.

§143-129(e)(3) grants the City authority to purchase through a competitive bidding group and E-Z-GO is the authorized distributor for Omnia Partners contract #R210201. The City is further authorized through §160A-265 to sell or dispose of personal property and §143-129.7 to purchase with trade-in of apparatus, supplies, materials and equipment. The cooperative contract cost per cart is \$8,311.36. After trading in the current golf cart fleet, the city's cost per cart will be \$5,011.36. The lithium powered golf carts have an expected delivery date of August 2023.

A building upgrade will also be required to house the 50 lithium powered golf carts. This cost for the upgrade will not exceed \$15,000. The resolution includes the amount for the 50 carts and the upgrade to house the carts. The total cost will not exceed \$266,000.00.

It was recommended that Council adopt the following entitled resolution authorizing the City Manager, Finance Director and City Clerk to (a) declare surplus the current City fleet of golf carts and authorize their use as trade-in value, (b) enter into a contract with E-Z-GO Division of Textron, Inc. for the purchase of 50 Lithium powered golf carts and (c) approve the upgrade for the golf cart storage building to house the 50 lithium golf carts. The cost of the carts and cart storage upgrade will not exceed \$266,000.00.

Councilwoman Jones shared comments and concerns regarding the golf cart purchase. Council discussed the issue with Mr. Agbasi, Golf Course Director and City Manager Salmon. Councilman Broadaway made a motion to adopt the resolution to

purchase the carts and upgrade the storage facility. The motion was seconded by Mayor Pro Tem Polack. Mayor Ham, Mayor Pro Tem Polack, Councilman Broadaway, Councilman Gaylor and Councilman Batts voted for the motion. Councilwoman Jones and Councilwoman Matthews voted against the motion. The motion passed 5:2.

*RESOLUTION NO. 2022-111 “RESOLUTION AUTHORIZING THE CITY OF GOLDSBORO TO EXECUTE AN AGREEMENT FOR THE PURCHASE OF LITHIUM POWERED GOLF CARTS AND UPGRADING CART STORAGE BUILDING”*

**Operating Budget Amendment FY22-23. Ordinance Adopted.** Council adopted the FY22-23 annual operating budget on June 20, 2022.

**Golf Cart Purchase**

Council was presented information by Mr. Obie Agbasi at the 9/19 and 11/7 Council meetings regarding the purchase of 50 lithium powered golf carts. At the 11/7 meeting it was discussed by the Manager that there were sufficient funds in the General Fund fund balance to support this capital outlay. A resolution was presented earlier to award the purchase of the carts and declare the old carts surplus. It is necessary to amend the General Fund budget to appropriate the expenditures for the purchase of the 50 golf carts and the improvements needed to the cart storage shed to accommodate the electric carts in the amount of \$266,000, and this will be funded with a reduction in the contingency line item in the General Fund.

**Public Utilities Capital Outlay**

Council was presented information from Public Utilities Director, Mr. Robert Sherman, regarding upcoming Utility Fund projects that are insufficient in the total adopted budgeted funds due to current economic conditions.

It is necessary to amend the operating budget and appropriate the expenditures so that staff may proceed with the procurement process. The expenditures will be funded with a transfer from the Utilities Capital Reserve Fund in the amount of \$712,289.48.

It was recommended that Council adopt the following entitled ordinance to amend the FY22-23 Operating Budget for the General Fund and Utility Fund.

Councilman Broadaway made a motion to adopt the ordinance to amend the FY22-23 Operating Budget for the General Fund and Utility Fund. The motion was seconded by Councilman Batts. Mayor Ham, Mayor Pro Tem Polack, Councilman Broadaway, Councilman Gaylor and Councilman Batts voted for the motion. Councilwoman Jones and Councilwoman Matthews voted against the motion. The motion passed 5:2.

*ORDINANCE 2022-60 “AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE CITY OF GOLDSBORO FOR THE 2022-23 FISCAL YEAR”*

**City Manager’s Report.** Tim Salmon thanked the city clerk and city staff for putting together the 175<sup>th</sup> Anniversary Celebration at the Goldsboro Event Center this weekend. He also thanked Mr. David Weil and Judge Charles Gaylor for presenting the history of Goldsboro at the event. He shared the video of the event should be available on the website. He also shared Lights Up is tomorrow night from 5-8, Downtown. Jingle in the Park is December 2-3 at Herman Park Center and Parks and Recreation Department is coordinating the event. The Christmas Parade is December 3, Downtown and is coordinated by the Wayne County Chamber of Commerce. Mr. Salmon wished everyone a Happy Thanksgiving.

**Ceremonial Documents.**

**Resolution Expressing Appreciation for Services Rendered by Charles Ginn as an Employee of The City of Goldsboro for More Than 18 Years. Resolution Adopted.** Charles Ginn retires on December 1, 2022 as a Stormwater Maintenance Supervisor, with more than 18 years of service, with the Goldsboro Public Works Department. Charles began his career on January 7, 2004 as a Utility Maintenance I with the Goldsboro Public Works Department. On May 25, 2005, Charles was promoted to Acting Motor Equipment Operator III with the Goldsboro Public Works Department. On October 26, 2005, Charles was promoted to Motor Equipment Operator III with the Goldsboro Public Works Department. On August 1, 2007, Charles was reclassified to Equipment Operator III with the Goldsboro Public Works Department. On January 8, 2014, Charles was reclassified to Heavy Equipment Operator with the Goldsboro Public Works Department. On May 16, 2018, Charles was promoted to Interim Stormwater Maintenance Supervisor with the Goldsboro Public Works Department. On October 24, 2018, Charles was promoted to Stormwater Maintenance Supervisor with the Goldsboro Public Works Department, where he has served until his retirement. Charles has proven himself to be a dedicated and efficient public servant who has gained the admiration and respect of his fellow workers and the citizens of the City of Goldsboro. The Mayor and City Council of the City of Goldsboro are desirous, on behalf of themselves, City employees, and the citizens of the City of Goldsboro, of expressing to Charles Ginn their deep appreciation and gratitude for the service rendered by him to the City over the years, and express to Charles our very best wishes for success, happiness, prosperity, and good health in his future endeavors.

This Resolution shall be incorporated into the official Minutes of the City of Goldsboro, and shall be in full force and effect from and after this 21st day of November, 2022.

A motion was made by Mayor Pro Tem Polack to adopt the retirement resolution. The motion was seconded by Councilman Gaylor and unanimously carried. Council adopted the following entitled Resolution.

*RESOLUTION NO. 2022-112 “RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY CHARLES GINN AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 18 YEARS”*

**Mayor and Councilmembers’ Comments.**

Councilman Batts shared Happy Thanksgiving to everyone.

Councilman Gaylor shared Happy Thanksgiving to everyone.

Councilwoman Matthews shared the students in the Choral and Theater Departments at Goldsboro High School need uniforms. She thanked Ms. Janet Baber for creating a platform to donate and raise funds to get the uniforms for the students. The flyer is posted on Councilwoman Matthews Facebook page. There is also a cash app for those interested in donating. You can cash app, \$GHSFRIENDS. She is asking anybody who can to give something to the students who are so committed and work so hard in the choral and theater department. She also shared for her District 4 ladies, she is hosting a self defense class. She has asked Goldsboro Karate to come teach 10 women self-defense. The class is for the women in District 4 but any woman interested can fill out the form. If the spots are not filled with women in District 4, she will open it up to other women in the community. If the need is significant, we will figure out how to create another date. The class is free and the tentative date is December 3 from 10-1. The location is not being disclosed, you have to fill out the form to receive the invite. More details are available on her councilwoman page.

Mayor Pro Tem Polack encouraged everyone to enjoy their time off with their families. He also asked that you take the opportunity this Saturday to support and patronize local businesses. This is the time we celebrate Cyber Monday and Black Friday, but the business owners also need our local support. Take this chance to support local business.

Councilman Broadway had no comment.

Councilwoman Jones shared for those that celebrate Thanksgiving, to have a wonderful Thanksgiving. She asked that you check on your neighbors, your elders, and your mom and dad. The holidays are one of the saddest times for a lot of people and suicide is high during the holidays. If you know of someone that has lost a loved one and is going to go through Thanksgiving or Christmas without their loved one, reach out to them. She also shared the Goldsboro Continentals are a partner with Goldsboro High School and now that she has heard they need money, she will take it back to her committee and they will give some money.

Mayor Ham shared we had a good turnout at the 175<sup>th</sup> Anniversary party this Saturday. He thanked the city clerk, city staff, guest speakers, the museum and the library and other organizations. He shared we had 3 VIP ladies there with ages ranging from 90-96. He also shared that Mayor Al King came and he was taken by his reception at the event. He encouraged Councilmembers to thank about what they heard during the ARP discussion tonight and give some serious deliberation with the way forward. He stated the consultant is pushing us to come back with a decision on December 5 but we don’t have to make the decision by that date. This is a very important decision and he doesn’t want to rush into something. He also acknowledged Ms. Rose age 102, that attended the anniversary event.


**Closed Session.**

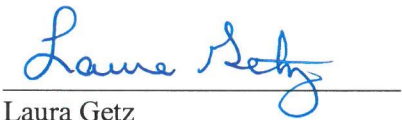
Upon motion of Mayor Pro Tem Polack, seconded by Councilman Batts and unanimously carried, Council went into Closed Session to discuss Potential Litigation.

After the Closed Session was held, Council came out of Closed Session and back into Open Session.

There being no further business, Mayor Ham adjourned the meeting at 10:02 p.m.



  
David Ham  
Mayor

  
Laura Getz  
City Clerk

**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 CITY COUNCIL MEETING**

**SUBJECT: CITY COUNCIL PUBLIC HEARING & FINAL ACTION  
Z-21-22 Lane Farms, Inc. (Residential 20 Agriculture to General Business) –  
North side of Belfast Rd. west of US 117 (Future (I-795)**

ADDRESS: No physical address yet.

PARCEL #: 3601041212 (portion of)

PROPERTY OWNER: Lane Farms, Inc.

APPLICANT: Air Heaven Properties, LLC.

**BACKGROUND:** The applicant is requesting a rezoning for a 8.43 acre portion of the subject property from Residential 20 Agriculture (R-20A) to the General Business (GB) Zoning District. The purpose of the General Business (GB) Zoning District is to accommodate the widest range of uses providing general goods and services to the community. The district is intended to promote high quality, accessible developments serving the needs of the community and surrounding area.

Access: Belfast Rd.

Area: 8.43-acre portion of parcel (15.37-acre parcel)

**SURROUNDING  
ZONING:**

North: Residential 40 (R-40) & R-20A Conditional Zoning

South: General Business (GB)

East: Residential 20 Agriculture (R-20A) Conditional Zoning

West: Wayne County Zoning

Existing Use: The portion of the parcel proposed to be rezoned is currently vacant, the remaining occupied portion of the property contains a portion of a solar farm.

Land Use Plan Recommendation: The City's Land Use Plan locates the portion of this parcel within two land use designations. The land use designations in which the portion of the parcel is located is Medium-Density Residential and Industrial. The portion proposed to be rezoned is primarily within the Industrial designation.



Medium-Density Residential: This designation was developed after evaluating the location of existing residential developments, identification of environmental constraints, and the location of infrastructure. Medium-Density designations exist in areas where water and sewer are available or where there are plans to extend water and sewer services. Corresponding zoning districts for the Medium-Density Residential designation are as follows; R-9SF, RM-9, R-12SF, and R-16.

Industrial: This designation was developed to establish and protect industrial areas for the use of prime industrial operations and for the distribution of products at wholesale.

The General Business (GB) Zoning District is not a desired zoning district for the Medium-Density Residential designation nor the Industrial designation. The Goldsboro Land Use Plan desires for new Industrial development to take place within an existing or planned industrial park. Given that a portion of this parcel has already been developed as a solar farm, it has very minimal potential to be developed as a planned industrial park.

DISCUSSION: This is a rezoning proposal for an 8.43-acre portion to be rezoned from the Residential 20 Agriculture (R-20A) Zoning District to the General Business (GB) Zoning District. Despite the General Business (GB) designation not being compliant with the land use designation, there are several factors which support a rezoning. These factors include the fact that this property is not an existing industrial development, as well as it lacks the full capability to become a future industrial park due to the presence of an existing solar farm. The portion of the property proposed to be rezoned is adjacent to other properties that are located in the General Business (GB) Zoning District and would aid in the growth of this area as it has the potential to develop.

TRC REVIEW: Staff has distributed this proposed rezoning to several different departments as well as Seymour Johnson Air Force Base and NCDOT. There were no comments or recommendations.

STAFF  
RECOMMENDATION: Staff is recommending approval of the rezoning request based on the fact that there is adjacent General Business (GB) zoning and that the presence of the existing solar farm limits this parcel's capability to be utilized as a future industrial park or site.

PLANNING COMMISSION  
RECOMMENDATION: The City of Goldsboro Planning Commission met on October 24, 2022 to review and make a recommendation regarding the rezoning proposal. The Planning Commission voted to adopt the Consistency Statement (attached) and recommend approval to City Council for the proposed rezoning. The vote was 5-0 in unanimous favor of approval.

REQUIRED ACTION: Council shall vote to adopt the recommendation for approval and consistency statement that the Planning Commission has provided and vote to adopt the Approval Ordinance with the inclusion of the Consistency Statement, or council shall vote to deny and adopt the Ordinance to Deny with the inclusion of a statement that deems this rezoning request to be inconsistent.

Date: 12/1/22

  
Kenny Talton, Planning Director

Date: 12/1/22

  
Tim Salmon, City Manager



**CITY OF GOLDSBORO PLANNING COMMISSION  
Z-21-22 LANE FARMS, INC.  
WORKSHEET**

Pursuant to NCGS 160D-604(d), when the Planning Board (Planning Commission) is conducting a review of a proposed zoning text or map amendment, the Planning Board (Planning Commission) shall advise and comment on whether the proposed action is consistent with the City of Goldsboro Land Use Plan. The Planning Board (Planning Commission) must provide the City of Goldsboro City Council with a written recommendation that addresses plan consistency or inconsistency and other matters as deemed appropriate by the Planning Board (Planning Commission).

**Consistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Medium-Density Residential & Industrial Land Use designation. The City of Goldsboro Planning Commission finds that the rezoning request is reasonable and in best public interest due to the fact there is existing General Business (GB) zoning in the vicinity as well as the fact that this parcel lacks the potential to satisfy industrial development preferences stated in the Goldsboro Comprehensive Land Use Plan. The City of Goldsboro Planning Commission recommends approval to the City of Goldsboro City Council.

Voting Record for Recommendation:

Yes   5                        No   0  

**Inconsistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent Medium-Density Residential & Industrial Land Use designation and finds that this rezoning, if executed, would have a negative impact on the public. The City of Goldsboro Planning Commission deems this proposed rezoning to not be appropriate and does not recommend approval to the City of Goldsboro City Council. The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the land use plan.

Voting Record for Recommendation:

Yes                                 No

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE MAP  
OF THE CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council at a regular meeting held in the City Council Chambers, 214 N. Center St. in the Historic City Hall building, on **Monday, November 7, 2022**, at 7:00 p.m., and the hearing was continued to **Monday, December 5, 2022**, for the purpose of considering and discussing the passing of an ordinance amending the Official Zoning Map and the Comprehensive Land Use Map of the City of Goldsboro, North Carolina, and the Planning Commission voted to recommend approval on **Monday, October 24, 2022**; and,

WHEREAS, Air Heaven Properties, LLC. has submitted a petition to rezone a 8.43 acre surveyed portion of Tax Parcel 3601041212 from the Residential 20 Agriculture Zoning District to the General Business Zoning District; and,

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan places the proposed rezoning area in the Medium-Density Residential and Industrial designation; and,

WHEREAS, the proposed General Business Zoning District is inconsistent with the Medium-Density Residential and Industrial designation; and,

WHEREAS, the General Business Zoning District is designed to accommodate the widest range of uses providing general goods and services to the community; and,

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan desires for new Industrial development to take place within an existing or planned industrial park; and,

WHEREAS, due to a portion of Tax Parcel 3601041212 already being developed as a solar farm, it lacks the full potential to be developed in the industrial manner that the City of Goldsboro Comprehensive Land Use Plan desires; and,

WHEREAS, there are multiple adjacent General Business Zoning Districts and this rezoning would aid in the growth of this area as it has the potential to develop; and,

WHEREAS, the proposed rezoning request is reasonable and, in the public's best interest since the proposed rezoning classification will not impair or injure the health, safety, and general welfare of the public; and,

WHEREAS, the proposed rezoning request is inconsistent with the Goldsboro Comprehensive Land-Use Map; and,

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Official Zoning Map and Comprehensive Land Use Map of the City of Goldsboro be amended as herein below set forth;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina:

1. That the Official Zoning Map and Comprehensive Land Use Map of Goldsboro, North Carolina, be and the same is hereby amended by changing:

**From Residential 20 Agriculture to General Business.**


**From Medium-Density Residential and Industrial Land Use Map designation to the Commercial designation.**

**Z-21-22 Lane Farms, Inc. (Residential 20 Agriculture to General Business Zoning District)**

**The Wayne County Tax Identification Number: An 8.43-acre surveyed portion (see attachment) of Tax Parcel 3601041212**

2. The above amendment is effective upon the adoption of this Ordinance.

Adopted this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor



Attested by:

  
Holly Jones, Deputy City Clerk

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES OR SALES.

**B. R. KORNEGAY, INC.**  
LAND SURVEYING • ENGINEERING • PLANNING  
License Number: F-1034  
300 East Walnut Street  
Goldboro, N.C. 27533-1433  
(919) 752-9888 Fax (919) 980-8663

AREA TO BE REZONED  
PROPERTY OF  
**LANE FARMS INC.**  
STONEY CREEK TOWNSHIP  
WAYNE COUNTY, N.C.

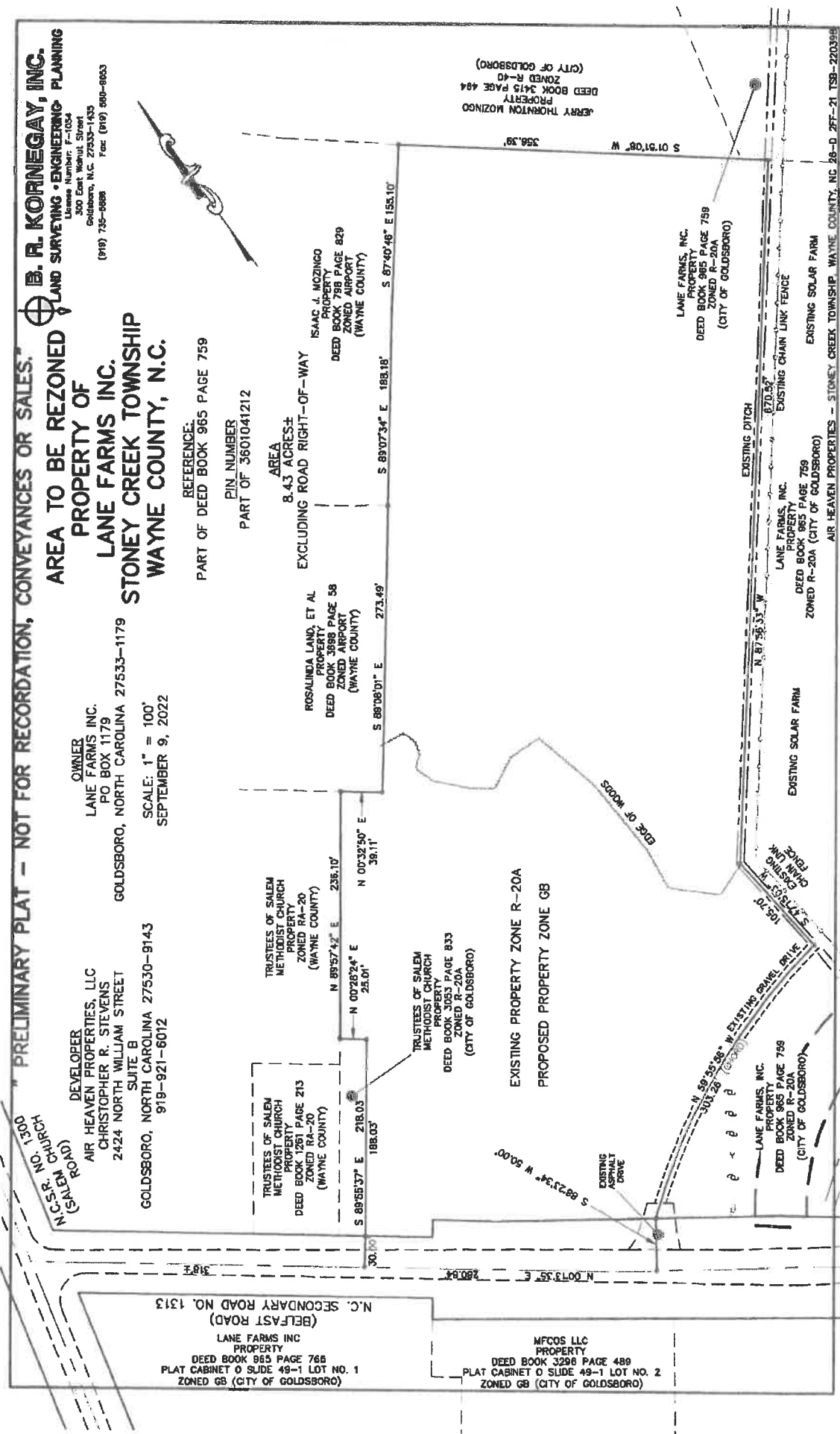
OWNER  
**LANE FARMS INC.**  
PO BOX 1179  
GOLDSBORO, NORTH CAROLINA 27533-1179  
SCALE: 1" = 100'  
SEPTEMBER 9, 2022

DEVELOPER  
**AIR HEAVEN PROPERTIES, LLC**  
CHRISTOPHER R. STEVENS  
2424 NORTH WILLIAM STREET  
SUITE B  
GOLDSBORO, NORTH CAROLINA 27530-9143  
919-921-6012

REFERENCE:  
PART OF DEED BOOK 965 PAGE 759  
PIN NUMBER  
PART OF 3601041212  
AREA  
8.43 ACRES±  
EXCLUDING ROAD RIGHT-OF-WAY

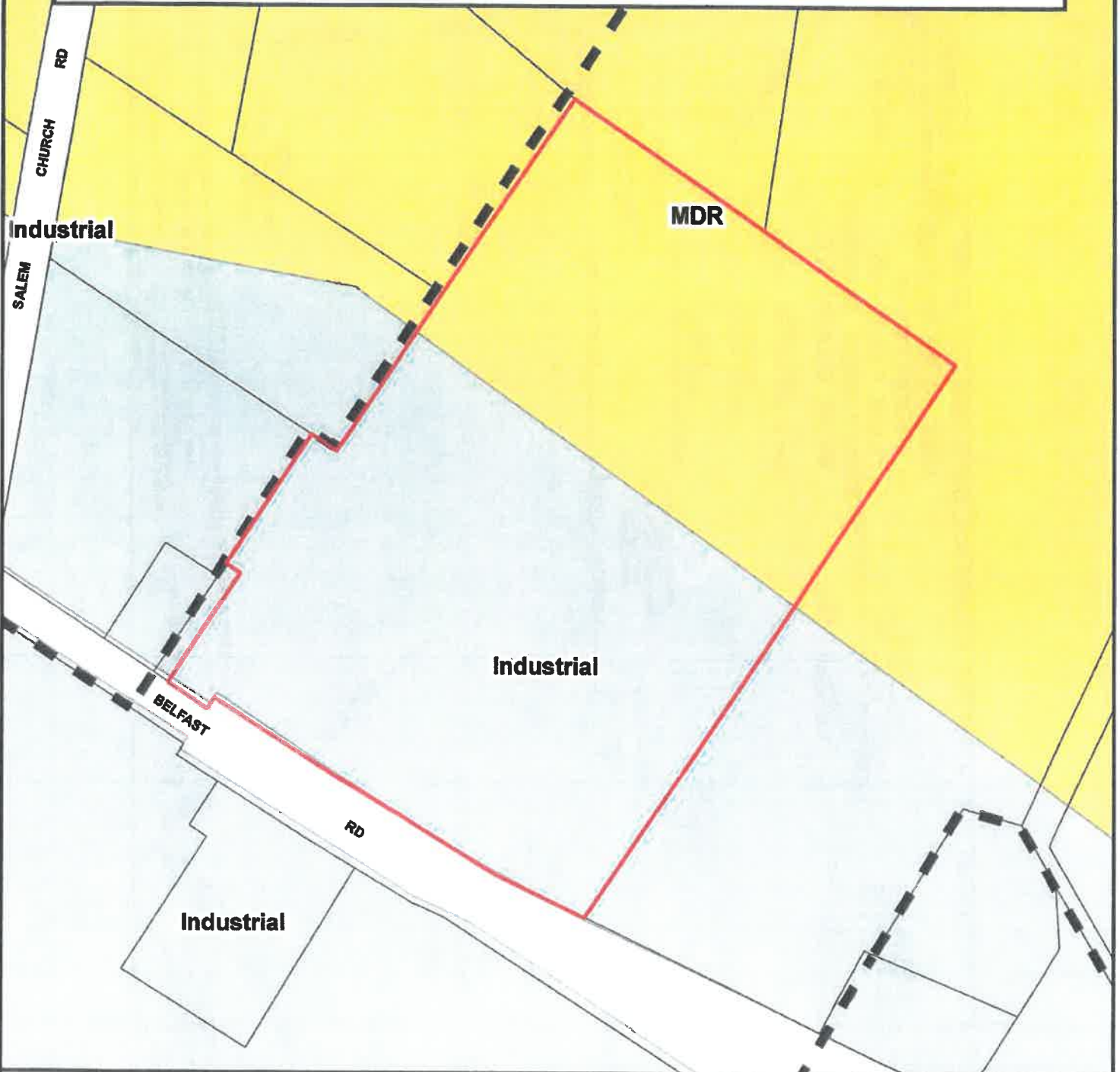
LANE FARMS INC  
PROPERTY  
DEED BOOK 965 PAGE 766  
PLAT CABINET O SLIDE 49-1 LOT NO. 1  
ZONED GB (CITY OF GOLDSBORO)

MFCOS LLC  
PROPERTY  
DEED BOOK 3296 PAGE 489  
PLAT CABINET O SLIDE 49-1 LOT NO. 2  
ZONED GB (CITY OF GOLDSBORO)



MD

# Z-21-22 Lane Farms, Inc. (R-20A to GB)



## **REZONING REQUEST:**

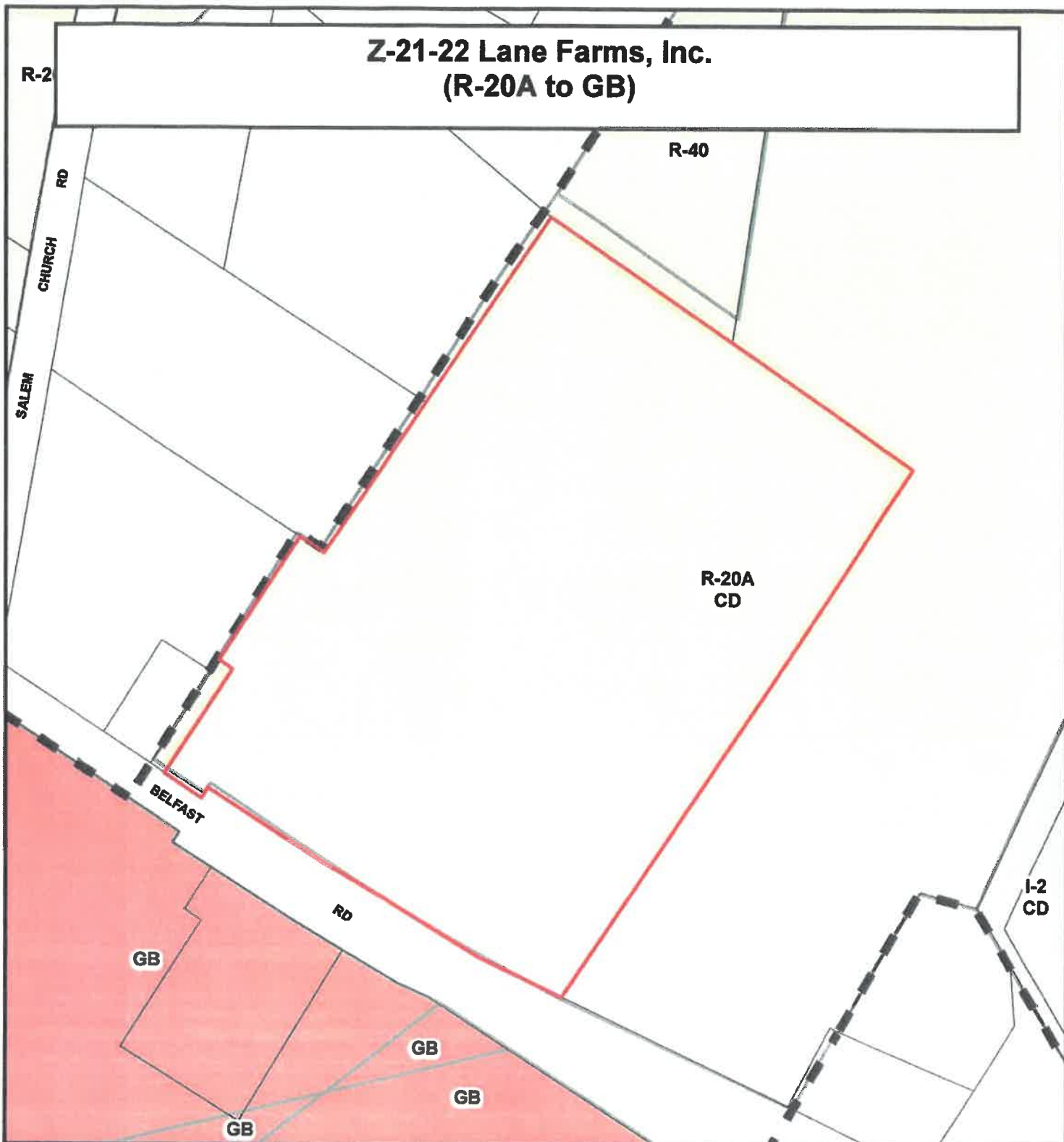
**CASE NO:** Z-21-2022  
**OWNER:** AIR HEAVEN PROPERTIES LLC  
**APPLICANT:** LANE FARMS INC  
**REQUEST:** FROM R-20A TO GB  
**LOCATION:** North side of Belfast Road between Salam Church Road and Hwy 795  
**PIN #:** 3601-04-1212

0 100 200 400 Feet



The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.





**REZONING REQUEST:**

**CASE NO:** Z-21-2022  
**OWNER:** AIR HEAVEN PROPERTIES LLC  
**APPLICANT:** LANE FARMS INC  
**REQUEST:** FROM R-20A TO GB  
**LOCATION:** North side of Belfast Road between Salam Church Road and Hwy 795  
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**Z-21-22 Lane Farms, Inc.  
(R-20A to GB)**



**REZONING REQUEST:**

**CASE NO:** Z-21-2022  
**OWNER:** AIR HEAVEN PROPERTIES LLC  
**APPLICANT:** LANE FARMS INC  
**REQUEST:** FROM R-20A TO GB  
**LOCATION:** North side of Belfast Road between Salam Church Road  
and Hwy 795  
**PIN #:** 3601-04-1212

0 100 200 400  
Feet



**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

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**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 CITY COUNCIL MEETING**

**SUBJECT: CITY COUNCIL PUBLIC HEARING AND FINAL ACTION**  
**Z-23-22 County of Wayne (I-2, HB, O&I-1, R9 to O&I-II)** – East of  
 Clingman St. between Corporate Dr. and the intersection of  
 Stronach Ave. and Fourth St

PARCEL #:	3600-41-8229	3600-40-1194	3600-40-4062
	3600-51-1256	3509-49-5902	3600-40-5015
	3600-40-7478	3509-49-4788	3600-40-5058

PROPERTY OWNER: County of Wayne

APPLICANT: County of Wayne

**BACKGROUND:** The applicant is requesting a rezoning for 31.84 acres of property from General Industry (I-2), Highway Business (HB), Office and Institutional (O&I-1), and Residential (R9) to the Office and Institutional (O&I-II) Zoning District. The Office and Institutional (O&I-II) Zoning District is established to provide for the development of municipal service sites. The intent of this district is to regulate those developments needed to serve the City and surrounding community.

**SURROUNDING**

**ZONING:** North: General Business (GB)  
 South: Residential (R6/R9)  
 East: Office and Institutional (O&I-1)/Residential (R9)  
 West: General Industry (I-2)/Highway Business (HB)

**Existing Use:** The parcels proposed to be rezoned are currently occupied by Wayne County's 911 Communications Center, Wayne County's Facility Services and Wayne County's Animal, Adoption and Education Center. In addition, newly acquired parcels include a 20,000 sq. ft. facility formerly utilized as a daycare and a church, and three existing single-family dwellings.

**Land Use Plan Recommendation:** The City's Land Use Plan locates these parcels within four land use designations. The land use designations are identified as Office and Institution, Commercial, Industrial and Medium-Density Residential.

Office and Institutional: This designation was developed primarily in areas that have already been developed or require buffering to prevent potential conflicting land uses. In addition, these areas have been utilized along transportation corridors to help serve as a buffer from roadways and highway corridors.

Commercial: Emphasis is on the preservation and development of the Central Business District, control of strip development, infill development in existing commercial locations, and prohibition of commercial encroachments on existing residential neighborhoods.

Industrial: This designation was developed to establish and protect industrial areas for the use of prime industrial operations and for the distribution of products at wholesale.

Medium-Density Residential: This designation was developed after evaluating the location of existing residential developments, identification of environmental constraints, and the location of infrastructure. Medium-Density designations exist in areas where water and sewer are available or where there are plans to extend water and sewer services. Corresponding zoning districts for the Medium-Density Residential designation are as follows; R-9SF, RM-9, R-12SF, and R-16.

The Office and Institutional (O&I-II) Zoning District is not a corresponding zoning district within the Commercial, Medium-Density Residential and the Industrial land-use designation. However, a large portion of the subject property proposed to be rezoned is located within the Office and Institutional land-use designation.

#### DISCUSSION:

As previously stated, this is a rezoning proposal for 31.84 acres to be rezoned from General Industry (I-2), Highway Business (HB), Office and Institutional (O&I-1), and Residential (R9) to Office and Institutional (O&I-II) Zoning District.

Despite the fact that the Office and Institutional (O&I-II) Zoning District is not a corresponding zoning district in the Commercial, Industrial, and Medium Density Residential land-use designations, there are several factors which support the rezoning request. These factors include the fact that a significant portion of the subject property is in the Office and Institutional land-use designation. In addition, the parcels proposed to be rezoned are adjacent to other County facilities that are permitted uses in the Office and Institutional-II Zoning District. Lastly, the Office and Institutional (O&I-II) Zoning District would serve as an appropriate



buffer to mitigate conflicting land uses between commercial, industrial and residential land uses.

TRC REVIEW:

Staff has distributed this proposed rezoning to several different departments as well as Seymour Johnson Air Force Base and NCDOT. NCDOT stated that future development of the properties would require driveway permits at a minimum along state-maintained roads. In addition, potential roadway improvements may be required based on the design of the development.

STAFF

RECOMMENDATION: Staff is recommending approval of the rezoning request based on the fact that that a significant portion of the subject property is in the Office and Institutional land-use designation. In addition, the parcels proposed to be rezoned are adjacent to other County facilities that are a permitted use in the Office and Institutional-II Zoning District. Lastly, the Office and Institutional (O&I-II) Zoning District would serve as an appropriate buffer to mitigate conflicting land uses between commercial, industrial and residential land uses.

PLANNING  
COMMISSION

RECOMMENDATION: The City of Goldsboro Planning Commission met on November 28, 2022 to review and make a recommendation regarding the rezoning proposal. The Planning Commission voted to adopt the Consistency Statement (attached) and recommend approval to City Council for the proposed rezoning. The vote was 5-0 in unanimous favor of approval.

REQUIRED ACTION: Council shall vote to adopt the recommendation for approval and consistency statement that the Planning Commission has provided and vote to adopt the Approval Ordinance with the inclusion of the Consistency Statement, or Council shall vote to deny and adopt the Ordinance to Deny with the inclusion of a statement that deems this rezoning request to be inconsistent.

Date: 12/1/22

  
Kenny Talton, Planning Director

Date: 12/1/22

  
Tim Salmon, City Manager

**CITY OF GOLDSBORO PLANNING COMMISSION**  
**Z-23-22 County of Wayne**  
**WORKSHEET**

Pursuant to NCGS 160D-604(d), when the Planning Board (Planning Commission) is conducting a review of a proposed zoning text or map amendment, the Planning Board (Planning Commission) shall advise and comment on whether the proposed action is consistent with the City of Goldsboro Land Use Plan. The Planning Board (Planning Commission) must provide the City of Goldsboro City Council with a written recommendation that addresses plan consistency or inconsistency and other matters as deemed appropriate by the Planning Board (Planning Commission).

**Consistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Commercial, Industrial, and Medium Density Residential land-use designations. The City of Goldsboro Planning Commission finds that the rezoning request is reasonable and in best public interest due to the fact a significant portion of the subject property is in the Office and Institutional land-use designation. In addition, the parcels proposed to be rezoned are adjacent to other County facilities that are a permitted use in the Office and Institutional-II Zoning District. Lastly, the Office and Institutional (O&I-II) Zoning District would serve as an appropriate buffer to mitigate conflicting land uses between commercial, industrial, and residential land uses.

Voting Record for Recommendation:

Yes   5                        No           

**Inconsistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Commercial, Industrial, and Medium Density Residential land-use designations and finds that this rezoning, if executed, would have a negative impact on the public. The City of Goldsboro Planning Commission deems this proposed rezoning to not be appropriate and does not recommend approval to the City of Goldsboro City Council. The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the land use plan.

Voting Record for Recommendation:

Yes                                 No

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE MAP  
OF THE CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council at a regular meeting held in the City Council Chambers, 214 N. Center St. in the Historic City Hall building, on **Monday, December 5, 2022**, at 7:00 p.m., for the purpose of considering and discussing the passing of an ordinance amending the Official Zoning Map and the Comprehensive Land Use Map of the City of Goldsboro, North Carolina, and the Planning Commission voted to recommend approval on **Monday, November 28, 2022**; and,

WHEREAS, the County of Wayne has submitted a petition to rezone 31.84 acres of Tax Parcels 3600-41-8229, 3600-51-1256, 3600-40-7478, 3600-40-1194, 3509-49-5902, 3509-49-4788, 3600-40-4062, 3600-40-5015 and 3600-40-5058 from General Industry (I-2), Highway Business (HB), Office and Institutional (O&I-1), and Residential (R9) to the Office and Institutional (O&I-II) Zoning District; and,

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan places the proposed rezoning area in the Office and Institution, Commercial, Industry and Medium-Density Residential land-use designation; and,

WHEREAS, the proposed Office and Institutional (O&I-II) Zoning District is inconsistent within the Commercial, Medium-Density Residential and the Industrial land-use designation; and,

WHEREAS, the Office and Institutional (O&I-II) Zoning District is established to provide for the development of municipal service sites. The intent of this district is to regulate those developments needed to serve the City and surrounding community; and,

WHEREAS, the proposed rezoning request is inconsistent with the Goldsboro Comprehensive Land-Use Map; and,

WHEREAS, the proposed rezoning request is reasonable and, in the public's best interest since the proposed Office and Institutional (O&I-II) Zoning District is located primarily in the Office and Institution land-use designation, is adjacent to other County-owned facilities that are permitted uses in the Office and Institutional-II Zoning District and the proposed zoning district would serve as an appropriate buffer to mitigate conflicting land uses between commercial, industrial, and residential land uses; and,

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Official Zoning Map and Comprehensive Land Use Map of the City of Goldsboro be amended as herein below set forth; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina:

1. That the Official Zoning Map and Comprehensive Land Use Map of Goldsboro, North Carolina, be and the same is hereby amended by changing:

**From General Industry (I-2), Highway Business (HB), Office and Institutional (O&I-1), and Residential (R9) to the Office and Institutional (O&I-II) Zoning District.**

**From Commercial, Industrial and Medium-Density Residential Land-Use Designations to Office and Institution.**

**Z-23-22 County of Wayne (From General Industry (I-2), Highway Business (HB), Office and Institutional (O&I-1), and Residential (R9) to the Office and Institutional (O&I-II) Zoning District)**

**The Wayne County Tax Identification Numbers:**

3600-41-8229	3600-40-1194	3600-40-4062
3600-51-1256	3509-49-5902	3600-40-5015
3600-40-7478	3509-49-4788	3600-40-5058

2. The above amendment is effective upon the adoption of this Ordinance.

Adopted this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

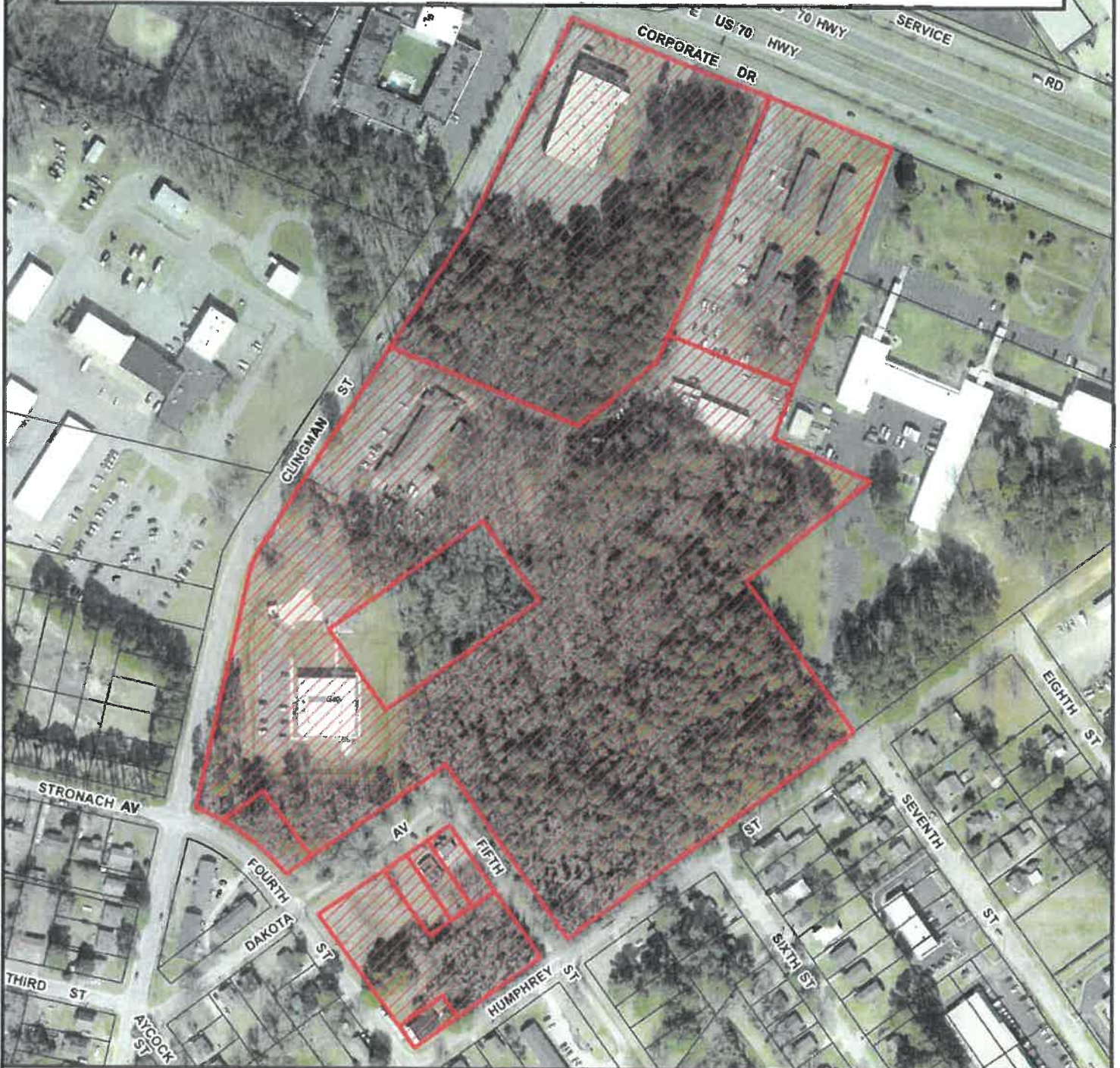
Attested by:

  
Holly Jones, Deputy City Clerk





## Z-23-22 Wayne County Government Complex (I-2,HB,O&I I to O&I II)



### REZONING REQUEST:

**CASE NO:** Z-23-2022  
**OWNER:** County of Wayne  
**APPLICANT:** Berry Gray  
**REQUEST:** (I-2,HB,O&I I to O&I II)  
**LOCATION:** 1600 Clingman St  
**PIN #:** 3600407478, 3600418229, 3600511256, 3600401194

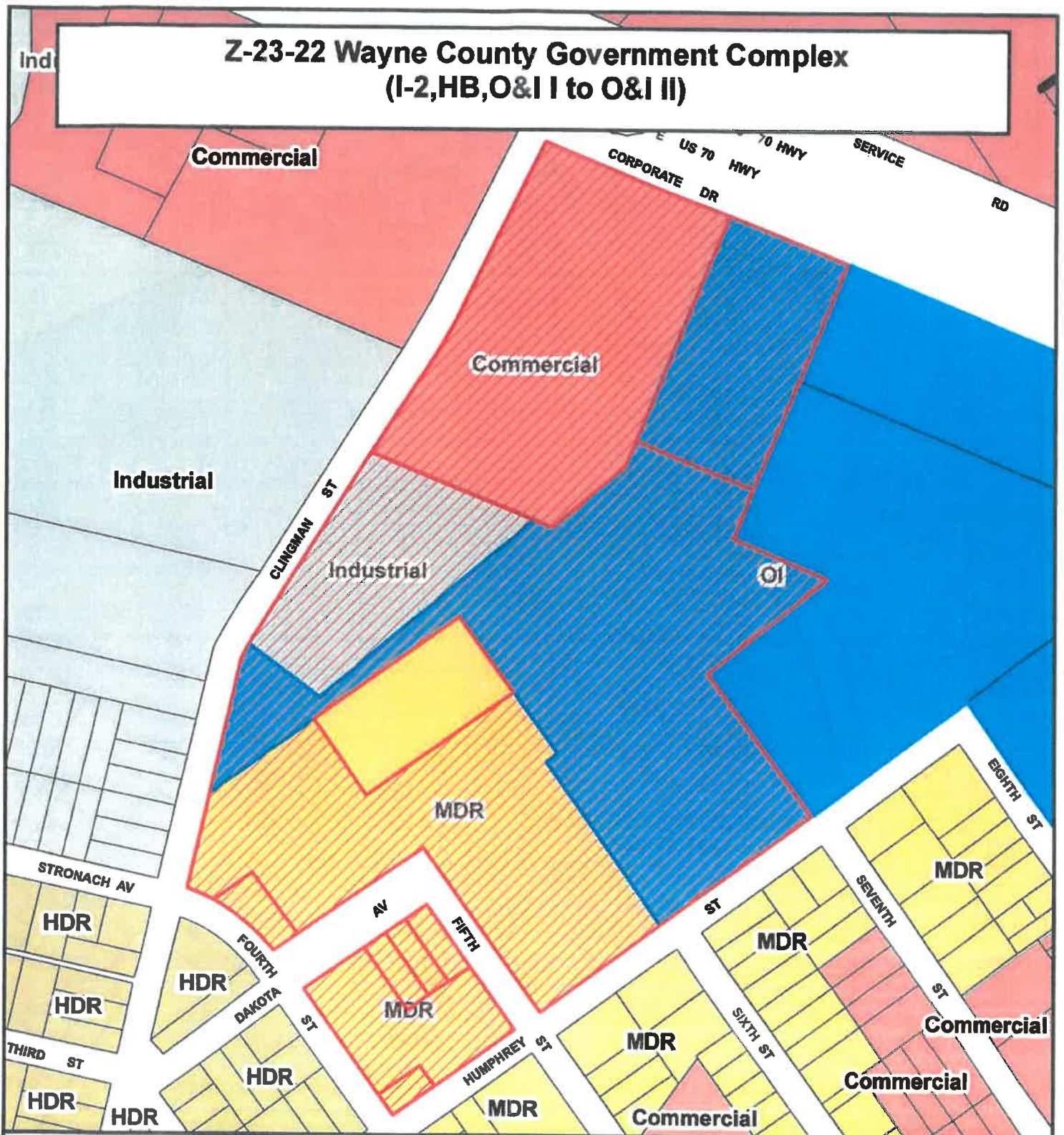
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The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.



# Z-23-22 Wayne County Government Complex (I-2,HB,O&I I to O&I II)



## REZONING REQUEST:

**CASE NO:** Z-23-2022  
**OWNER:** County of Wayne  
**APPLICANT:** Berry Gray  
**REQUEST:** (I-2,HB,O&I I to O&I II)  
**LOCATION:** 1600 Clingman St  
**PIN #:** 3600407478, 3600418229, 3600511256, 3600401194

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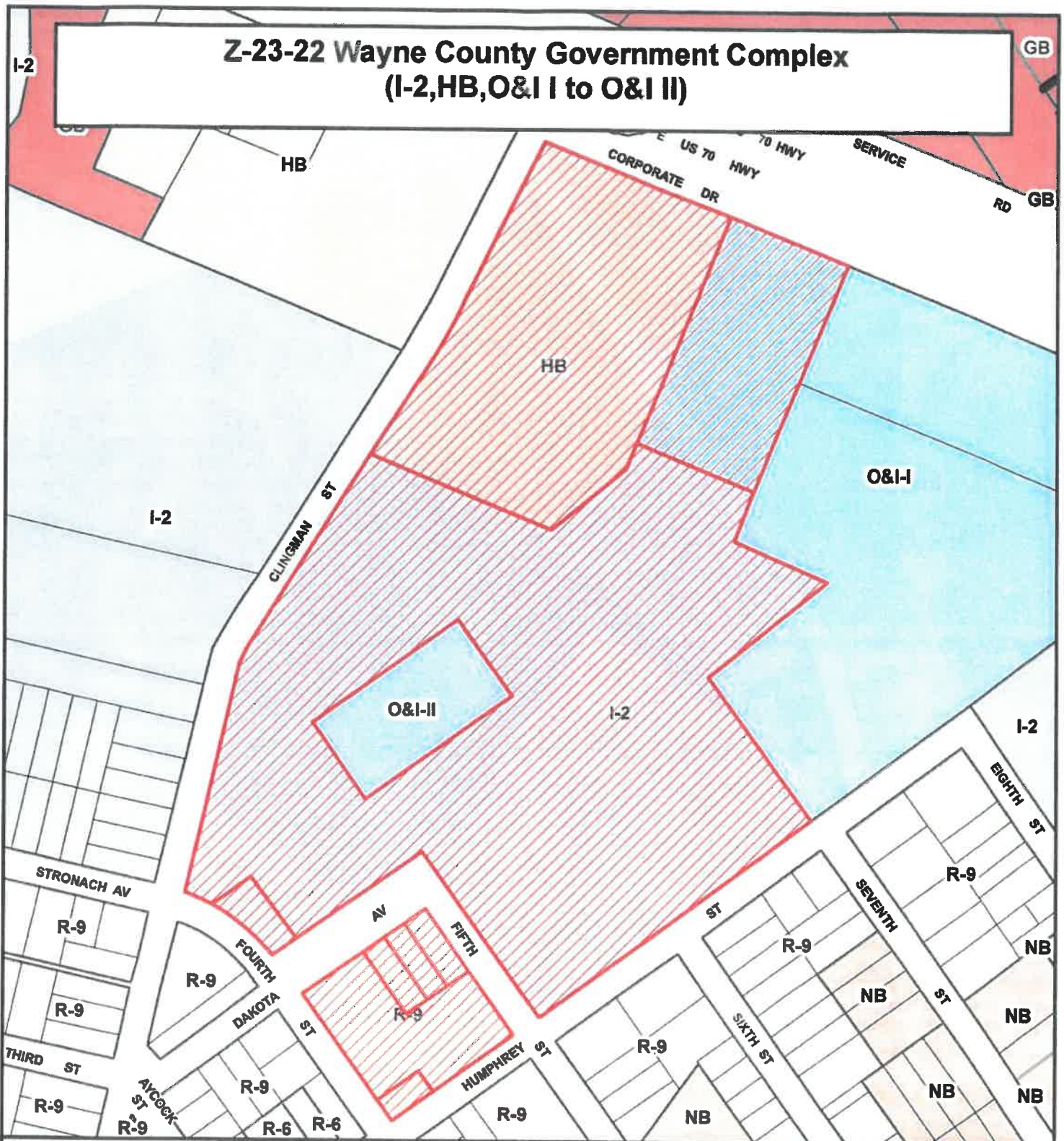


**GOLDSBORO**  
 BE MORE DO MORE SEYMOUR

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# Z-23-22 Wayne County Government Complex (I-2, HB, O&I I to O&I II)



## REZONING REQUEST:

**CASE NO:** Z-23-2022  
**OWNER:** County of Wayne  
**APPLICANT:** Berry Gray  
**REQUEST:** (I-2, HB, O&I I to O&I II)  
**LOCATION:** 1600 Clingman St  
**PIN #:** 3600407478, 3600418229, 3600511256, 3600401194



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**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 CITY COUNCIL MEETING**

**SUBJECT:** **CITY COUNCIL PUBLIC HEARING AND FINAL COUNCIL ACTION**  
**Z-24-22 Sport Durst Automobile Dealerships (SC, IBP-1 to GB)** – East side of McLain Street between Oak Forest Road and East Ash Street Extension.

PARCEL #: 3518-99-6457 and 3518-99-7274

PROPERTY OWNER: HCM Properties of Goldsboro, LLC.

APPLICANT: Stephen L. Sutton

**BACKGROUND:** The applicant is requesting a rezoning for two parcels of property totaling 10.08 acres from Shopping Center (SC) and Industrial Business Park (IBP-1) to the General Business (GB) Zoning District. The General Business (GB) Zoning District is established to accommodate the widest range of uses providing general goods and services to the community. The intent of this district is to promote high quality, accessible developments serving the needs of the community and surrounding area.

**SURROUNDING ZONING:**

North: Industrial Business Park (IBP-1)/Shopping Center (SC)

South: General Business (GB)

East: Industrial Business Park (IBP-1)

West: General Business (GB)

Existing Use: The parcels proposed to be rezoned are currently vacant and utilized for agricultural purposes.

Land Use Plan Recommendation: The City's Land Use Plan locates these parcels within two land use designations. The land use designations are identified as Commercial and Industrial.

Commercial: Emphasis is on the preservation and development of the Central Business District, control of strip development, infill development in existing commercial locations, and prohibition of commercial encroachments on existing residential neighborhoods.

Industrial: This designation was developed to establish and protect industrial areas for the use of prime industrial operations and for the distribution of products at wholesale.

The General Business (GB) Zoning District is a corresponding zoning district within the Commercial land-use designation. However, it is not a corresponding zoning district within the Industrial land-use designation.

DISCUSSION: As previously stated, this is a rezoning proposal for two parcels of property totaling 10.08 acres to be rezoned from Shopping Center (SC) and Industrial Business Park (IBP-1) to General Business (GB) Zoning District.

Parcel #1: 3518-99-6457

Area: 221,459 sq. ft. or 5.084 acres

Zone: Shopping Center (SC)

Parcel #2: 3518-99-7274

Area: 217,887 sq. ft. or 5.00 acres

Zone: Industrial Business Park (IBP-1)

There are a couple of factors which support the rezoning request. These factors include that the proposed General Business Zoning District is identified as a corresponding district based off of the preferred future land-use for Parcel #1. Despite the fact that Parcel #2 is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor.

TRC REVIEW: Staff has distributed this proposed rezoning to several different departments as well as Seymour Johnson Air Force Base and NCDOT. There were no concerns or issues regarding the request.

#### STAFF

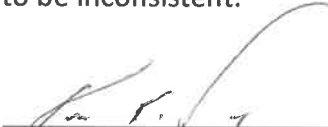
RECOMMENDATION: Staff is recommending approval of the rezoning request based on the fact that tract #1 is a corresponding zoning district within the Commercial land-use designation. Despite the fact that tract #2 is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor.

#### PLANNING COMMISSION

RECOMMENDATION: The City of Goldsboro Planning Commission met on November 28, 2022 to review and make a recommendation regarding the rezoning proposal. The Planning Commission voted to adopt the Consistency Statement (attached) and recommend approval to City Council for the proposed rezoning. The vote was 5-0 in unanimous favor of approval.

REQUIRED ACTION: Council shall vote to adopt the recommendation for approval and consistency statement that the Planning Commission has provided and vote to adopt the Approval Ordinance with the inclusion of the Consistency Statement, or Council shall vote to deny and adopt the Ordinance to Deny with the inclusion of a statement that deems this rezoning request to be inconsistent.

Date: 12/1/22

  
Kenny Talton, Planning Director

Date: 12/1/22

  
Tim Salmon, City Manager



## CITY OF GOLDSBORO PLANNING COMMISSION

### Z-24-22 Sport Durst Automobile Dealerships (SC, IBP-1 to GB) WORKSHEET

Pursuant to NCGS 160D-604(d), when the Planning Board (Planning Commission) is conducting a review of a proposed zoning text or map amendment, the Planning Board (Planning Commission) shall advise and comment on whether the proposed action is consistent with the City of Goldsboro Land Use Plan. The Planning Board (Planning Commission) must provide the City of Goldsboro City Council with a written recommendation that addresses plan consistency or inconsistency and other matters as deemed appropriate by the Planning Board (Planning Commission).

**Consistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning for Parcel #1 to be consistent with the Commercial land-use designation. The General Business Zoning District is identified as a corresponding district based off the preferred future land use for Parcel #1. Despite the fact that Parcel #2 is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor.

Voting Record for Recommendation:

Yes   5   No           

**Inconsistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Industrial land-use designation and finds that this rezoning, if executed, would have a negative impact on the public. The City of Goldsboro Planning Commission deems this proposed rezoning to not be appropriate and does not recommend approval to the City of Goldsboro City Council. The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the land use plan.

Voting Record for Recommendation:

Yes            No

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE MAP OF THE CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council at a regular meeting held in the City Council Chambers, 214 N. Center St. in the Historic City Hall building, on **Monday, December 5, 2022**, at 7:00 p.m., for the purpose of considering and discussing the passing of an ordinance amending the Official Zoning Map and the Comprehensive Land Use Map of the City of Goldsboro, North Carolina, and the Planning Commission voted to recommend approval on **Monday, November 28, 2022**; and,

WHEREAS, Stephen L. Sutton has submitted a petition to rezone 10.08 acres of Tax Parcels 3518-99-6457 and 3518-99-7274 from Shopping Center (SC) and Industrial Business Park (IBP-1) to the General Business (GB) Zoning District;

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan places the proposed rezoning area in the Commercial and Industrial land-use designation; and,

WHEREAS, the proposed General Business (GB) Zoning District for Tax Parcels 3518-99-6457 is consistent within the Commercial land-use designation, however, for Tax Parcel 3518-99-7274 is inconsistent within the Industrial land-use designation; and,

WHEREAS, the General Business (GB) Zoning District is established to accommodate the widest range of uses providing general goods and services to the community. The intent of this district is to promote high quality, accessible developments serving the needs of the community and surrounding area; and,

WHEREAS, the proposed rezoning request is reasonable and, in the public's best interest based on the fact that Tax Parcel 3518-99-6457 is a corresponding zoning district within the Commercial land-use designation. Despite the fact that Tax Parcel 3518-99-7274 is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor; and,

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Official Zoning Map and Comprehensive Land Use Map of the City of Goldsboro be amended as herein below set forth; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina:

1. That the Official Zoning Map and Comprehensive Land Use Map of Goldsboro, North Carolina, be and the same is hereby amended by changing:

**From Shopping Center (SC) and Industrial Business Park (IBP-1) to the General Business (GB) Zoning District.**


**From Industrial Land-Use Designation to Commercial for Tax Parcel 358-99-7274.**

**Z-24-22 Stephen L. Sutton (From Shopping Center (SC) and Industrial Business Park (IBP-1) to the General Business (GB) Zoning District)**

**The Wayne County Tax Identification Numbers:  
3518-99-6457 and 3518-99-7274**

2. The above amendment is effective upon the adoption of this Ordinance.

Adopted this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



## Z-24-22 Sport Durst Automobile Dealerships (SC & IBP-1 to GB)



### **REZONING REQUEST:**

**CASE NO:** Z-24-22  
**OWNER:** HCM Properties of Goldsboro, LLC  
**APPLICANT:** Stephen L. Sutton  
**REQUEST:** (SC & IBP-1 to GB)  
**LOCATION:** 3405 & 3501 McLain St.  
**PIN #:** 3518996457, 3518997274

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**GOLDSBORO**  
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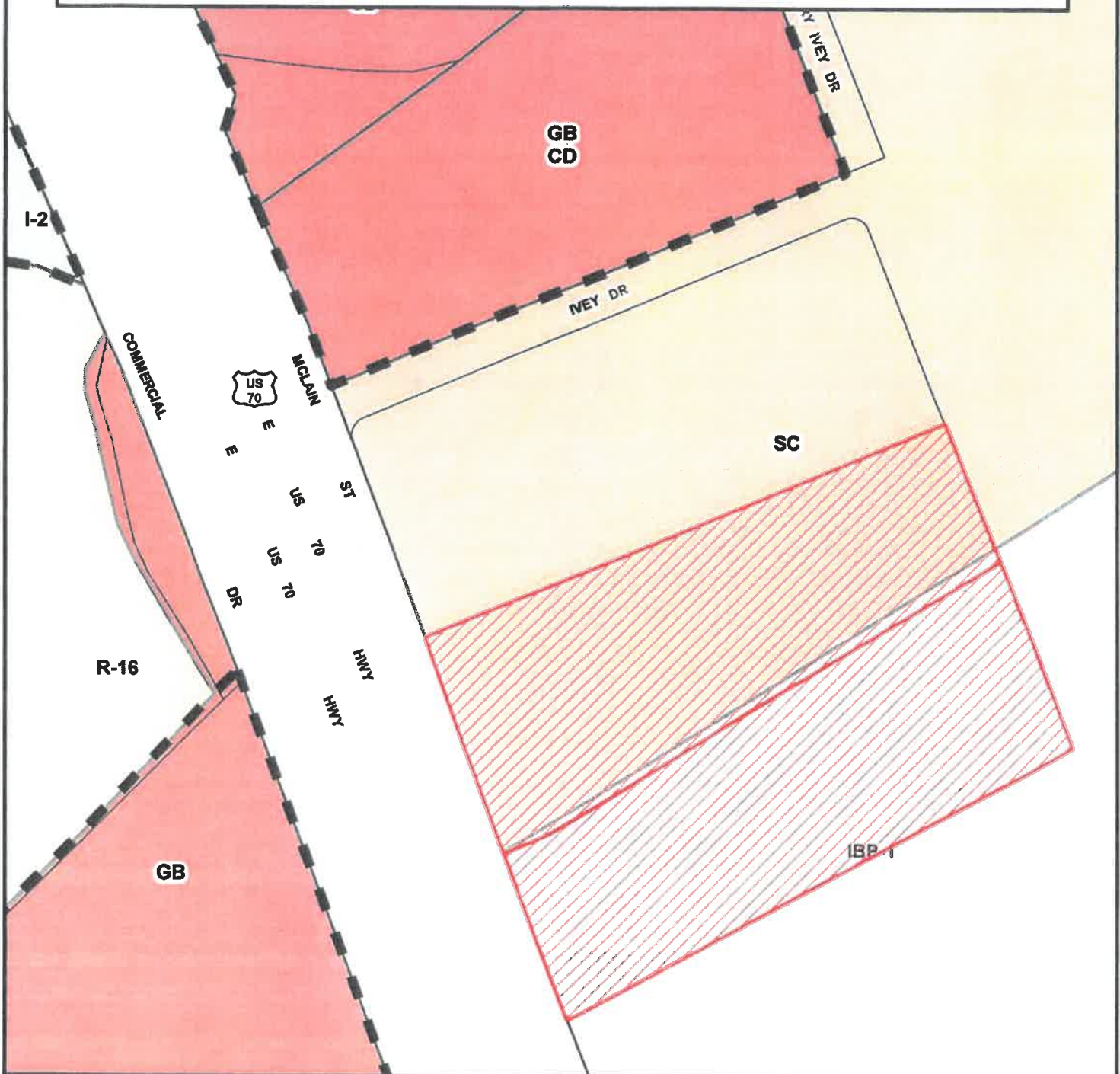
**CASE NO:** Z-24-22  
**OWNER:** HCM Properties of Goldsboro, LLC  
**APPLICANT:** Stephen L. Sutton  
**REQUEST:** (SC & IBP-1 to GB)  
**LOCATION:** 3405 & 3501 McLain St.  
**PIN #:** 3518996457, 3518997274



**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

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## Z-24-22 Sport Durst Automobile Dealerships (SC & IBP-1 to GB)



### **REZONING REQUEST:**

**CASE NO:** Z-24-22  
**OWNER:** HCM Properties of Goldsboro, LLC  
**APPLICANT:** Stephen L. Sutton  
**REQUEST:** (SC & IBP-1 to GB)  
**LOCATION:** 3405 & 3501 McLain St.  
**PIN #:** 3518996457, 3518997274



The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

**CITY OF GOLDSBORO**  
**AGENDA MEMORANDUM**  
**December 5, 2022 COUNCIL MEETING**

**SUBJECT:** **PUBLIC HEARING**  
**Non-contiguous Annexation Request– Harry and Mollie, LLC. – (Lot 12)** Located on the east side of N.C. Secondary Road No. 1758 (McLain St.) off E. US Hwy. 70 between N. Oak Forest Rd. and E. Ash St. Ext.

**BACKGROUND:** The City Council, at their meeting on November 21, 2022, scheduled a public hearing for the proposed annexation of the subject property. A public hearing notice was properly advertised stating the time, place and purpose of the meeting.

**DISCUSSION:** Pursuant to G. S. 160A-58, at the public hearing all persons owning property in the area proposed to be annexed, as well as the residents of the municipality, shall be given an opportunity to be heard on the proposed annexation.

If the Council determines that the proposed annexation meets all the requirements of G. S. 160A-58, it has the authority to adopt an annexation ordinance.

Attached is a report prepared by the Planning Department in conjunction with other departments, concerning the subject annexation area. All City services can be provided to the property.

**RECOMMENDATION:** By motion, after the public hearing, adopt the attached Ordinance annexing Harry and Mollie, LLC. (Lot 12) effective December 30, 2022.

Date: 11/29/22

  
\_\_\_\_\_  
Planning Director

Date: 11/30/22

  
\_\_\_\_\_  
City Manager

**CONTIGUOUS ANNEXATION REPORT**  
**HARRY AND MOLLIE, LLC. (LOT 12)**

**1. Property Description**

- a. **Location:** The area being considered for annexation is located on the east side of N.C. Secondary Road No. 1758 (McLain St.) off E. US Hwy. 70 between N. Oak Forest Rd. and E. Ash St. Ext.
- b. **Population:** Not applicable. The subject property is for commercial use only.
- c. **Acreage:** 126,897 sq. ft. or 2.913 acres
- d. **Zoning:** General Business (GB)  
Wayne Co. Tax Id: TBD (Lot recently subdivided and recorded at Wayne County Register of Deeds.

**2. Engineering Description** (see attached metes and bounds description)

**3. Qualifications**

- a. The area proposed to be annexed meets the requirements of G. S. 160A-58.1
  - 1. The nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the annexing city;
  - 2. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city;
  - 3. The area is situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits;
  - 4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed 10% of the area within the primary corporate limits of the annexing city.

**4. Plans for Extension of Municipal Services**

- a. **Fire Protection:** The City will provide fire protection to the subject property.

- b. Police Protection: The City will provide police protection to the property.
- c. Refuse Collection: The City's Public Works Department can provide commercial refuse service upon request.
- d. Street Construction and Maintenance: No public street is included within the petition for annexation.
- e. Water and Sewer Service: City water and sanitary sewer lines are available to serve the property. Developer is responsible for the extension of City water service to the property. (Water service within 1,000 ft. of subject property)
- f. Estimated Revenues: The estimated revenue for the undeveloped property, as listed below, is based on the assessed valuation for 2019.

Existing Development:	Vacant Land @ 2.913 acres
Land Value (Wayne Co. Tax Office):	\$90,940
Estimated Revenue (City tax rate)	$\$909.40/100 \times \$.68 =$
	<b>\$618.39</b>

- g. Estimated Payments to Volunteer Fire Department:

As required under G. S. 160A-31, the City is required to pay either:

- 1. A proportionate share of the Elroy Volunteer Fire Department's debt if the calculated amount is \$100 or more.

\*The City of Goldsboro obtained information from Elroy's Volunteer Fire Department to determine if a proportionate share will be owed. As of November 28, 2022, there will be no proportionate share owed.

- 2. The cost of contracting for fire protection with the Elroy Volunteer Fire Department. (Not applicable)

## 5. Voting District

The City adopted a new Official Election District Boundary Map on August 1, 2022. It is customary to add a newly annexed area to the nearest voting district, therefore, this area, if annexed, will be added to District 2 unless the City Council instructs the City staff to include this area in another district.



6. Staff Findings: The proposed annexation meets the City policy requirements as outlined in all of the above items and NCGS 160A-58.

**NOTICE OF PUBLIC HEARING  
ANNEXATION OF NON-CONTIGUOUS PROPERTY TO THE CITY OF GOLDSBORO,  
NORTH CAROLINA**

Notice is hereby given that, in compliance with Section 160A-58.2 of the General Statutes of North Carolina, there will be a public hearing before the City Council of the City of Goldsboro, North Carolina, at its regular meeting in the Council Chambers, City Hall on **Monday, December 5, 2022, at 7:00 p. m.** relative to the annexation of the real non-contiguous property hereinafter described to the City of Goldsboro.

At this public hearing, all persons owning property in the area proposed to be annexed who allege error in the Petition for Annexation filed in this matter, as well as residents of the City of Goldsboro who question the necessity for annexation, will be given an opportunity to be heard along with the proponents of such annexation. The description of the area proposed to be annexed is as follows:

**Harry and Mollie, LLC. (Lot 12)**

**Metes and Bounds description for Lot 12 of Harry and Mollie, LLC. into the City of Goldsboro, NC; Located on the north side of N.C. Secondary Road No. 1758 off E. US 70 between N. Oak Forest Rd. and E. Ash St. Extension:**

**TRACT NO. 12:** BEGINNING at an iron stake on the Eastern right of way N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, said beginning point being located S. 13° 04' 43" E. 311.10 feet, S. 14° 20' 32" E. 239.57 feet, S. 14° 14' 49" E. 239.53 feet, S. 13° 07' 42" E. 322.42 feet from iron rod found on the Eastern right of way of N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, said stake being the most Southwestern property corner at said right of way as shown by deed recorded in Deed Book 3691, Page 393 (Tract Two) and Plat Cabinet P, Slide 46-I (Tract No. 7) in the Wayne County registry; thence from the beginning leaving the Eastern right of way of N. c. Secondary Road No.1758 (McLain Street) and U. S. Highway No. 70, N. 75° 47' 51" E. 475.70 feet to an iron rod; thence S. 13° 48' 32" E. 194.59 feet to an iron rod on the bank of an existing ditch; thence continuing S. 13° 48' 32" E. 45.24 feet to an iron rod; thence with the line of thee property of Adamsville Church of God, S. 53° 24' 50" W. 108.46 feet to an iron rod within the ditch on the eastern right of way of n. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, the most Northeastern corner at said right of way of the property of Adamsville Church of God as shown by deed recorded in Deed Book 2475, page 772 in the Wayne County Registry; thence with the Eastern right of way of N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, N. 13° 07' 42" W. 202.47 feet to an iron rod on the Eastern right of way of N. C. Secondary Road o. 1758 (McLain Street) and U. S Highway No. 70, the point of beginning containing 126,897 square Feet or 2.913 Acres more or less.

All interested persons are invited to attend this public hearing and to be heard. If you plan to attend and require a sign language interpreter, please contact the City Manager's office at City Hall at least four (4) days prior to the meeting.

---

Holly Jones, Deputy City Clerk

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Ronald T. Lawrence, City Attorney

PUBLISH: 11/23/22

1000

HARRY IV

100-85697-10

*[Faint, illegible handwritten notes]*

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2

NEW PROPRIETIES OF GOLDSDORF, W.D.  
RECOVERY  
DEED BOOK 3851 PAGE 383 TRACT ONE  
PLAT CASHBET B. 31-4  
TRACT NO. 8

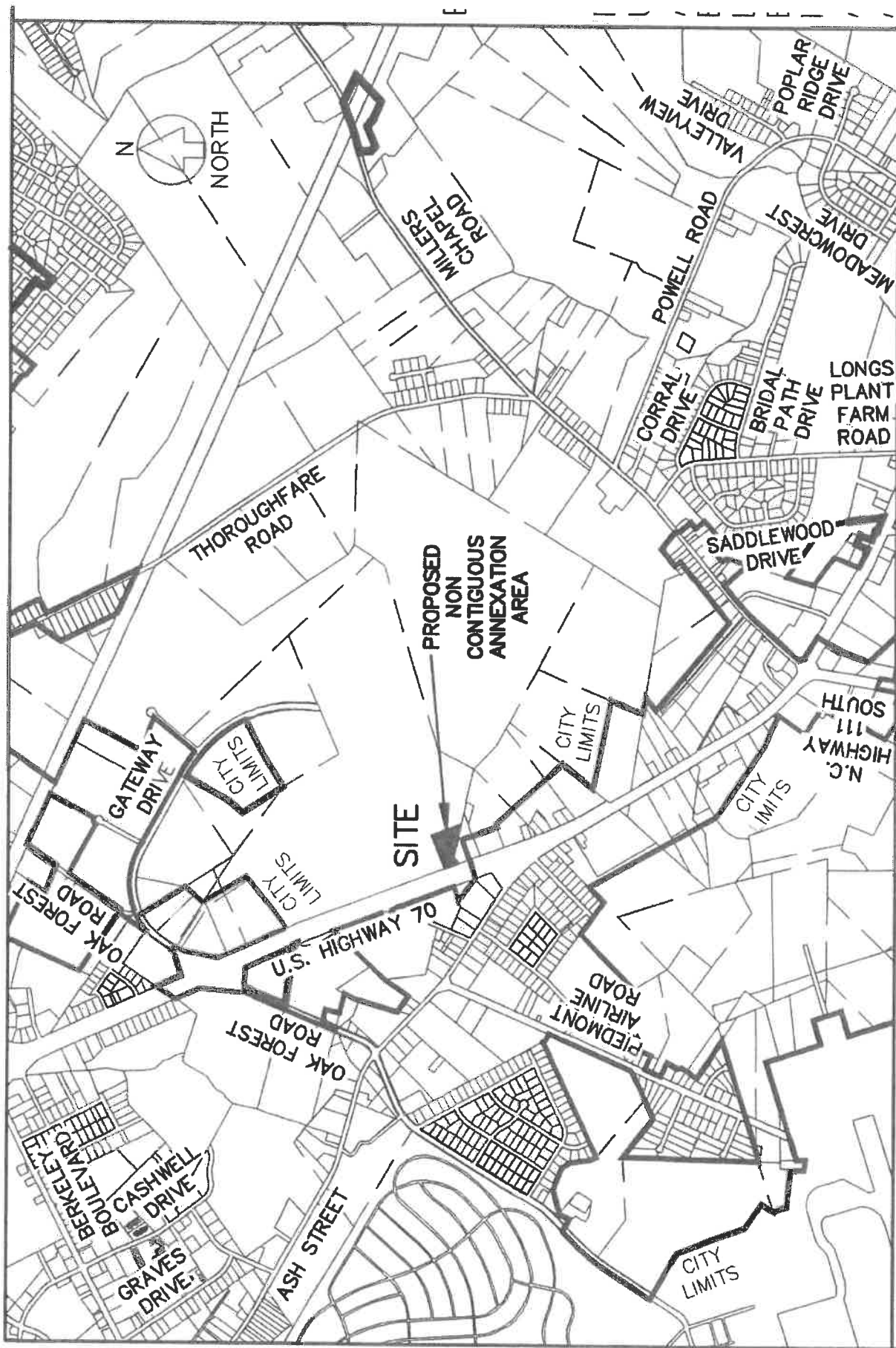
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1. ☐ **Yes** ☐ **No** ☐ **Don't know** ☐ **Refuse to answer**

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LOCATION MAP

**AN ORDINANCE ANNEXING CERTAIN NON-CONTIGUOUS REAL PROPERTY  
TO THE CITY OF GOLDSBORO, NORTH CAROLINA**

WHEREAS, after notice duly given in compliance with the pertinent provisions of Chapter 160A-31 of the General Statutes of North Carolina, a public hearing was held before the City Council of the City of Goldsboro, North Carolina, at a regular meeting held in the City Hall in Goldsboro on **December 5, 2022** relative to the annexation of the contiguous real property hereinafter described to the City of Goldsboro; and

WHEREAS, at said public hearing all persons owning property in the area proposed to be annexed who alleged error in the Petition for Annexation, as well as residents of the City of Goldsboro who question the necessity for annexation, were given an opportunity to be heard along with proponents of such annexation; and

WHEREAS, after the completion of said public hearing, the City Council has determined that the Petition for Annexation meets the requirements of said Section 58 of Chapter 160A of the General Statutes of North Carolina, and has further determined, after due and careful deliberation, that it is for the best interest of the City of Goldsboro and its citizens that the non-contiguous real property proposed to be annexed be annexed to the City of Goldsboro; and

WHEREAS, as a result of said annexation, it is necessary to modify the boundaries of the six (6) single-member electoral districts of the City of Goldsboro as shown on a map entitled "Official Election District Boundaries" adopted **August 1, 2022** and to amend said map as hereinafter set forth; and

WHEREAS, the City Council finds it to be in the best interests of the City of Goldsboro to modify the boundaries of the electoral district in order to afford the citizens of the annexed area full participation in the electoral process of the City of Goldsboro and in order to comply with State and Federal law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina, that the following described (metes and bounds) non-contiguous real property be and the same is hereby annexed to the City of Goldsboro:

**Harry and Mollie, LLC. (Lot 12)**

**Metes and Bounds description for Lot 12 of Harry and Mollie, LLC. into the City of Goldsboro, NC; Located on the north side of N.C. Secondary Road No. 1758 off E. US 70 between N. Oak Forest Rd. and E. Ash St. Extension:**

**TRACT NO. 12:** BEGINNING at an iron stake on the Eastern right of way N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, said beginning point being located S. 13° 04' 43" E. 311.10 feet, S. 14° 20' 32" E. 239.57 feet, S. 14° 14' 49" E. 239.53 feet, S. 13° 07' 42" E. 322.42 feet from iron rod found on the Eastern right of way of N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, said stake being the most Southwestern property corner at said right of way as shown by deed recorded in Deed Book 3691, Page 393 (Tract Two) and Plat Cabinet P, Slide 46-I (Tract No. 7) in the Wayne County registry; thence from the beginning leaving the Eastern right of way of N. c. Secondary Road No.1758 (McLain Street) and U. S. Highway No. 70, N. 75° 47' 51" E. 475.70 feet to an iron rod; thence S. 13° 48' 32" E. 194.59 feet to an iron rod on the bank of an existing ditch; thence continuing S. 13° 48' 32" E. 45.24 feet to an iron rod; thence with the line of thee property of Adamsville Church of God, S. 53° 24' 50" W. 108.46 feet to an iron rod within the ditch on the eastern right of way of n. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, the most Northeastern corner at said right of way of the property of Adamsville Church of God as shown by deed recorded in Deed Book 2475, page 772 in the Wayne County Registry; thence with the Eastern right of way of N. C. Secondary Road No. 1758 (McLain Street) and U. S. Highway No. 70, N. 13° 07' 42" W. 202.47 feet to an iron rod on the Eastern right of way of N. C. Secondary Road o. 1758 (McLain Street) and U. S Highway No. 70, the point of beginning containing 126,897 square Feet or 2.913 Acres more or less.


BE IT FURTHER ORDAINED THAT:

1. The City of Goldsboro will provide commercial refuse service upon request, fire, and police protection to the property;
2. The developer of the property will agree to be responsible for all costs associated with extending City water and sewer lines to serve the property;
3. The annexed area herein above identified be added to and become a part of Electoral District 2;
4. The boundaries of the six single-member electoral districts shall be modified and

changed as shown on a map entitled "Official Election District Boundaries Map" adopted August 1, 2022

5. The Director of Planning is directed to prepare an official map showing the district boundaries and to file a copy of the official map in the Office of the City Clerk as required by G. S. 160A-22 and G. S. 160A-23. Further, the City Clerk shall forward a copy of the official map to the Wayne County Board of Elections;
6. The effective date of annexation for the property under consideration is **December 30, 2022.**

Adopted this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 CITY COUNCIL MEETING**

Applicant requested to withdraw application and for 6-month reapplication wait period be waived - Council Granted Request

**SUBJECT:** **CITY COUNCIL PUBLIC HEARING AND FINAL COUNCIL ACTION**  
**Z-25-22 Harry and Mollie, LLC (SC, IBP-1 to GB)** – East side of McLain Street between Oak Forest Road and East Ash Street Extension.

PARCEL #: 3519-90-5459

PROPERTY OWNER: Harry and Mollie, LLC.

APPLICANT: Harry and Mollie, LLC

**BACKGROUND:** The applicant is requesting a rezoning for 175.23 acres from Shopping Center (SC) and Industrial Business Park (IBP-1) to the General Business (GB) Zoning District. The General Business (GB) Zoning District is established to accommodate the widest range of uses providing general goods and services to the community. The intent of this district is to promote high quality, accessible developments serving the needs of the community and surrounding area.

**SURROUNDING**

**ZONING:** North: Industrial Business Park (IBP-1)/Shopping Center (SC)  
South: General Business (GB), Residential (R16/R20A/R9CZ)  
East: Industrial Business Park (IBP-1), Residential (R20A)  
West: General Business (GB)

Existing Use: The parcels proposed to be rezoned are currently vacant and utilized for agricultural purposes.

Land Use Plan Recommendation: The City's Land Use Plan locates these parcels within two land use designations. The land use designations are identified as Industrial and Conservation.

**Industrial:** This designation was developed to establish and protect industrial areas for the use of prime industrial operations and for the distribution of products at wholesale.

**Conservation:** This designation includes areas that have been evaluated based on land conservation values such as prime agricultural soils, ecological habitats, historic resources, scenic and open space benefits. Examples include City, County and State-owned open spaces, recreational areas, flood-damaged buy-out properties, privately-owned conservation areas, wetlands or larger transitional buffer areas.

The General Business (GB) Zoning District is not a corresponding zoning district within the Industrial land-use designation. There are no corresponding zoning districts in the Conservation land-use designation.

**DISCUSSION:** As previously stated, this is a rezoning proposal for 175.23 acres to be rezoned from Shopping Center (SC), Industrial Business Park (IBP-1) to General Business (GB) Zoning District. This is a general rezoning. As such, all uses must be considered in the proposal to rezone the property.

The subject property is adjacent to property commonly identified as the Park East Industrial Park. It is one of two industrial parks in Wayne County.

According to the City of Goldsboro's Comprehensive Land-Use Plan (CLUP), incompatible non-industrial uses shall not be allowed to encroach upon existing or planned industrial sites. Rezoning the property to General Business will create opportunities for uses permitted by right in the General Business (GB) Zoning District to locate adjacent to existing or planned industrial sites. In addition, the CLUP encourages new industrial development to locate in existing or planned industrial parks. Rezoning the property to General Business (GB) reduce opportunities for attracting new and existing industries to Park East. There is also currently Shopping Center zoning that is present on the parcel, this zoning district has the potential to accommodate a majority of the same types of land uses that the General Business district would accommodate. Lastly, it will decrease the existing industrial park's potential for future growth and development.

**TRC REVIEW:** Staff has distributed this proposed rezoning to several different departments as well as Seymour Johnson Air Force Base and NCDOT. There were no concerns or issues regarding the request.

**STAFF**

**RECOMMENDATION:** Staff is recommending denial of the rezoning request. There are several factors that would support not approving the rezoning request. According to the City of Goldsboro's Comprehensive Land-Use Plan (CLUP), incompatible non-industrial uses shall not be allowed to encroach upon existing or planned industrial sites. Rezoning the property to General Business will create opportunities for uses permitted by right in the General Business (GB) Zoning District to locate adjacent to existing or planned industrial sites. In addition, the CLUP encourages new industrial development to locate in existing or planned industrial parks. Rezoning the property to General Business (GB) reduce opportunities for attracting new and existing industries to Park East. Lastly, it will decrease the existing industrial park's potential for future growth and development.

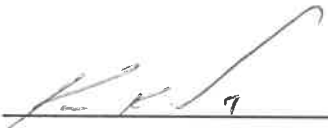


PLANNING  
COMMISSION

RECOMMENDATION: The City of Goldsboro Planning Commission met on November 28, 2022 to review and make a recommendation regarding the rezoning proposal. The Planning Commission voted to adopt the Inconsistency Statement (attached) and recommend denial to City Council for the proposed rezoning. The vote was 4-0 in favor of denial. One Planning Commission member abstained from voting due to a business relationship defined as a conflict of interest.

REQUIRED ACTION: Council shall vote to adopt the recommendation for denial and Inconsistency Statement that the Planning Commission has provided and vote to adopt the Denial Ordinance with the inclusion of the Inconsistency Statement, or Council shall vote to approve and adopt the Ordinance to Approve with the inclusion of a statement that deems this rezoning request to be consistent with the City's Land-Use Plan.

Date: 12/11/22

  
Kenny Talton, Planning Director

Date: 12/1/22

  
Tim Salmon, City Manager

**CITY OF GOLDSBORO PLANNING COMMISSION  
Z-25-22 Harry and Mollie, LLC. (SC, IBP-1 to GB)  
WORKSHEET**

Pursuant to NCGS 160D-604(d), when the Planning Board (Planning Commission) is conducting a review of a proposed zoning text or map amendment, the Planning Board (Planning Commission) shall advise and comment on whether the proposed action is consistent with the City of Goldsboro Land Use Plan. The Planning Board (Planning Commission) must provide the City of Goldsboro City Council with a written recommendation that addresses plan consistency or inconsistency and other matters as deemed appropriate by the Planning Board (Planning Commission).

**Consistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Industrial land-use designation. Despite the fact that the subject property is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor.

Voting Record for Recommendation:

Yes \_\_\_\_\_ No \_\_\_\_\_

**Inconsistency Statement:** The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the Industrial land-use designation and finds that this rezoning, if executed, would have a negative impact on the public. The City of Goldsboro Planning Commission deems this proposed rezoning to not be appropriate and does not recommend approval to the City of Goldsboro City Council. According to the City of Goldsboro's Comprehensive Land-Use Plan (CLUP), incompatible non-industrial uses shall not be allowed to encroach upon existing or planned industrial sites. Rezoning the property to General Business will create opportunities for uses permitted by right in the General Business (GB) Zoning District to locate adjacent to existing or planned industrial sites. In addition, the CLUP encourages new industrial development to locate in existing or planned industrial parks. Rezoning the property to General Business (GB) reduce opportunities for attracting new and existing industries to Park East. Lastly, it will decrease the existing industrial park's potential for future growth and development. The City of Goldsboro Planning Commission finds the proposed rezoning to be inconsistent with the land use plan.

Voting Record for Recommendation:

Yes 4 No \_\_\_\_\_

**ORDINANCE NO. 2022 -**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE MAP  
OF THE CITY OF GOLDSBORO, NORTH CAROLINA**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council at a regular meeting held in the City Council Chambers, 214 N. Center St. in the Historic City Hall building, on **Monday, December 5, 2022**, at 7:00 p.m., for the purpose of considering and discussing the passing of an ordinance amending the Official Zoning Map and the Comprehensive Land Use Map of the City of Goldsboro, North Carolina, and the Planning Commission voted to recommend approval on **Monday, November 28, 2022**; and,

WHEREAS, Harry and Mollie, LLC. has submitted a petition to rezone 175.23 acres of Tax Parcel 3519-90-5459 from Shopping Center (SC), Industrial Business Park (IBP-1) to the General Business (GB) Zoning District;

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan places the proposed rezoning area in the Industrial and Conservation land-use designation; and,

WHEREAS, the proposed General Business (GB) Zoning District for Tax Parcel 3519-90-5459 is inconsistent within the Industrial land-use designation; and,

WHEREAS, the General Business (GB) Zoning District is established to accommodate the widest range of uses providing general goods and services to the community. The intent of this district is to promote high quality, accessible developments serving the needs of the community and surrounding area; and,

WHEREAS, the proposed rezoning request is reasonable and, in the public's best interest. Despite the fact that Tax Parcel 3519-90-5459 is located in the Industrial land-use designation, development trends indicate that the proposed General Business Zoning District would be compatible with other zoning districts adjacent to the subject property and the E. US 70 Hwy. corridor; and,

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Official Zoning Map and Comprehensive Land Use Map of the City of Goldsboro be amended as herein below set forth; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina:

1. That the Official Zoning Map and Comprehensive Land Use Map of Goldsboro, North Carolina, be and the same is hereby amended by changing:

**From Shopping Center (SC), Industrial Business Park (IBP-1) to the General Business (GB) Zoning District.**

**From Industrial and Conservation Land-Use Designations to Commercial for Tax Parcel 3519-90-5459.**

**Z-25-22 Harry and Molly, LLC. (From Shopping Center (SC), Industrial Business Park (IBP-1) to the General Business (GB) Zoning District)**

**The Wayne County Tax Identification Numbers:  
3519-90-5459**

2. The above amendment is effective upon the adoption of this Ordinance.

Adopted this 5<sup>th</sup> day of December, 2022.

---

David Ham, Mayor

Attested by:

---

Holly Jones, Deputy City Clerk

**ORDINANCE NO. 2022 -**

**AN ORDINANCE DENYING AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE MAP  
OF THE CITY OF GOLDSBORO, NORTH CAROLINA**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council at a regular meeting held in the City Council Chambers, 214 N. Center St. in the Historic City Hall building, on **Monday, December 5, 2022**, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Official Zoning Map and the Comprehensive Land Use Map of the City of Goldsboro, North Carolina, and the Planning Commission voted to recommend approval on **Monday, November 28, 2022**; and

WHEREAS, Harry and Mollie, LLC. has submitted a petition to rezone 175.23 acres of Tax Parcels 3519-90-5459 from Shopping Center (SC), Industrial Business Park (IBP-1) to the General Business (GB) Zoning District; and,

WHEREAS, the City of Goldsboro Comprehensive Land Use Plan places the proposed rezoning area in the Industrial land-use designation; and,

WHEREAS, the proposed General Business (GB) Zoning District for Tax Parcel 3519-90-5459 is inconsistent within the Industrial land-use designation; and,

WHEREAS, the General Business (GB) Zoning District is established to accommodate the widest range of uses providing general goods and services to the community. The intent of this district is to promote high quality, accessible developments serving the needs of the community and surrounding area; and,

WHEREAS, according to the City of Goldsboro's Comprehensive Land-Use Plan (CLUP), incompatible non-industrial uses shall not be allowed to encroach upon existing or planned industrial sites. Rezoning the property to General Business will create opportunities for uses permitted by right in the General Business (GB) Zoning District to locate adjacent to existing or planned industrial sites; and,

WHEREAS, the CLUP encourages new industrial development to locate in existing or planned industrial parks. Rezoning the property to General Business (GB) reduce opportunities for attracting new and existing industries to Park East. Lastly, it will decrease the existing industrial park's potential for future growth and development; and,

WHEREAS, the proposed rezoning request is unreasonable and, not in the public's best interest since the proposed rezoning classification will impair or injure the health, safety, and general welfare of the public; and,

WHEREAS, the proposed rezoning request could encourage development that could negatively impact properties in close proximity; and,

WHEREAS, the proposed rezoning request is not consistent with the Goldsboro Comprehensive Land-Use Plan and Land-Use Map; and,

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it unadvisable and not in the best interest of the City and those residing within its zoning jurisdiction.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina:

1. That the petition to amend the Official Zoning Map and Comprehensive Land Use Map of the City of Goldsboro, North Carolina, rezoning 175.23 acres of Tax Parcels: 3519-90-459 from Shopping Center (SC), Industrial Business Park (IBP-1) to the General Business (GB) Zoning District be hereby **DENIED**.

Adopted this 5<sup>th</sup> day of December, 2022.

---

David Ham, Mayor

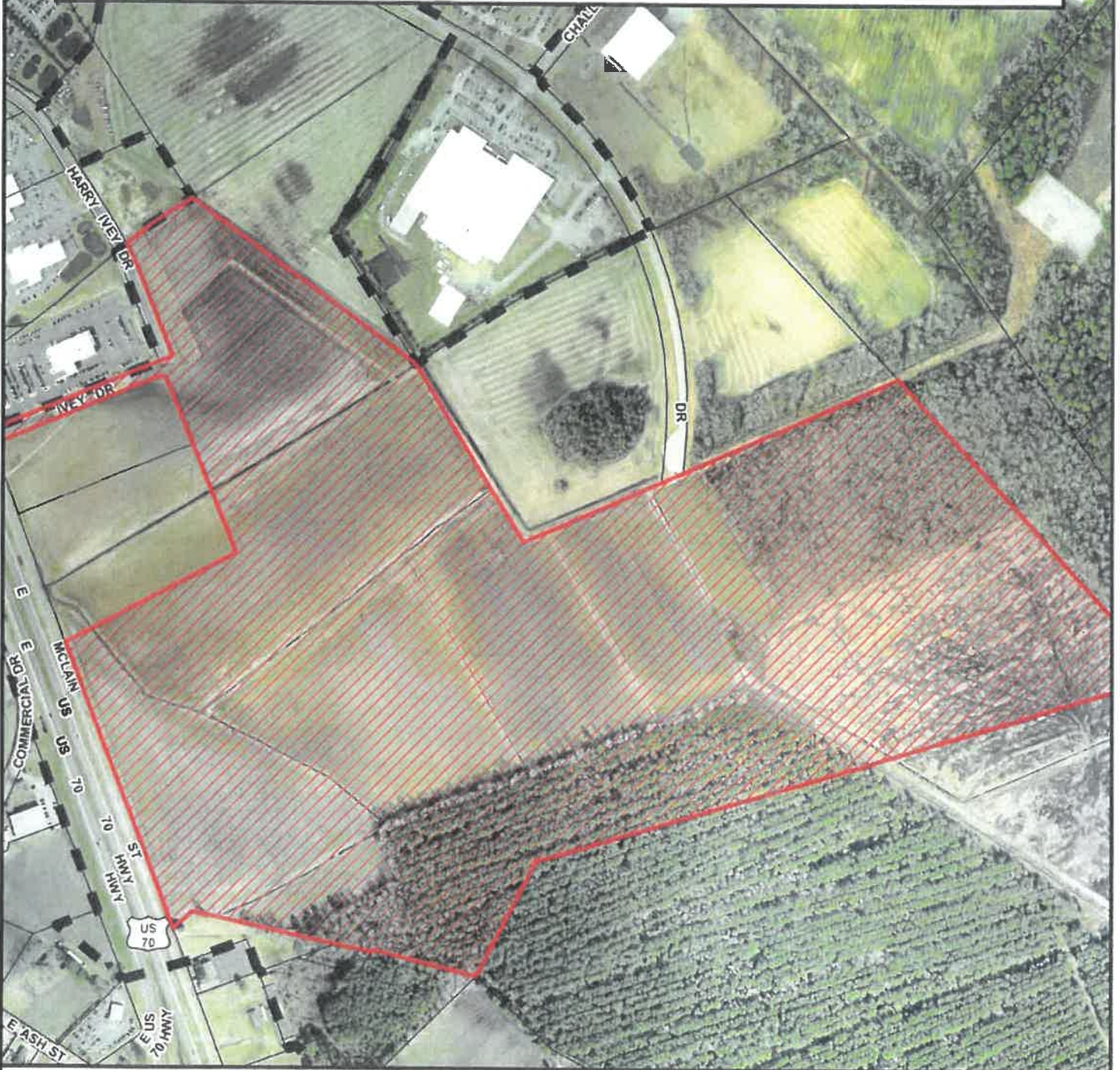
Attested by:

---

Holly Jones, Deputy City Clerk



**Z-25-22 Harry & Mollie LLC  
(SC & IBP-1 to GB)**



**REZONING REQUEST:**

**CASE NO:** Z-25-22  
**OWNER:** Harry & Mollie LLC  
**APPLICANT:** Harry & Mollie LLC  
**REQUEST:** (SC & IBP-1 to GB)  
**LOCATION:** McLain St./NCSR 1758  
**PIN #:** 3519905459

0 100 200 400  
Feet

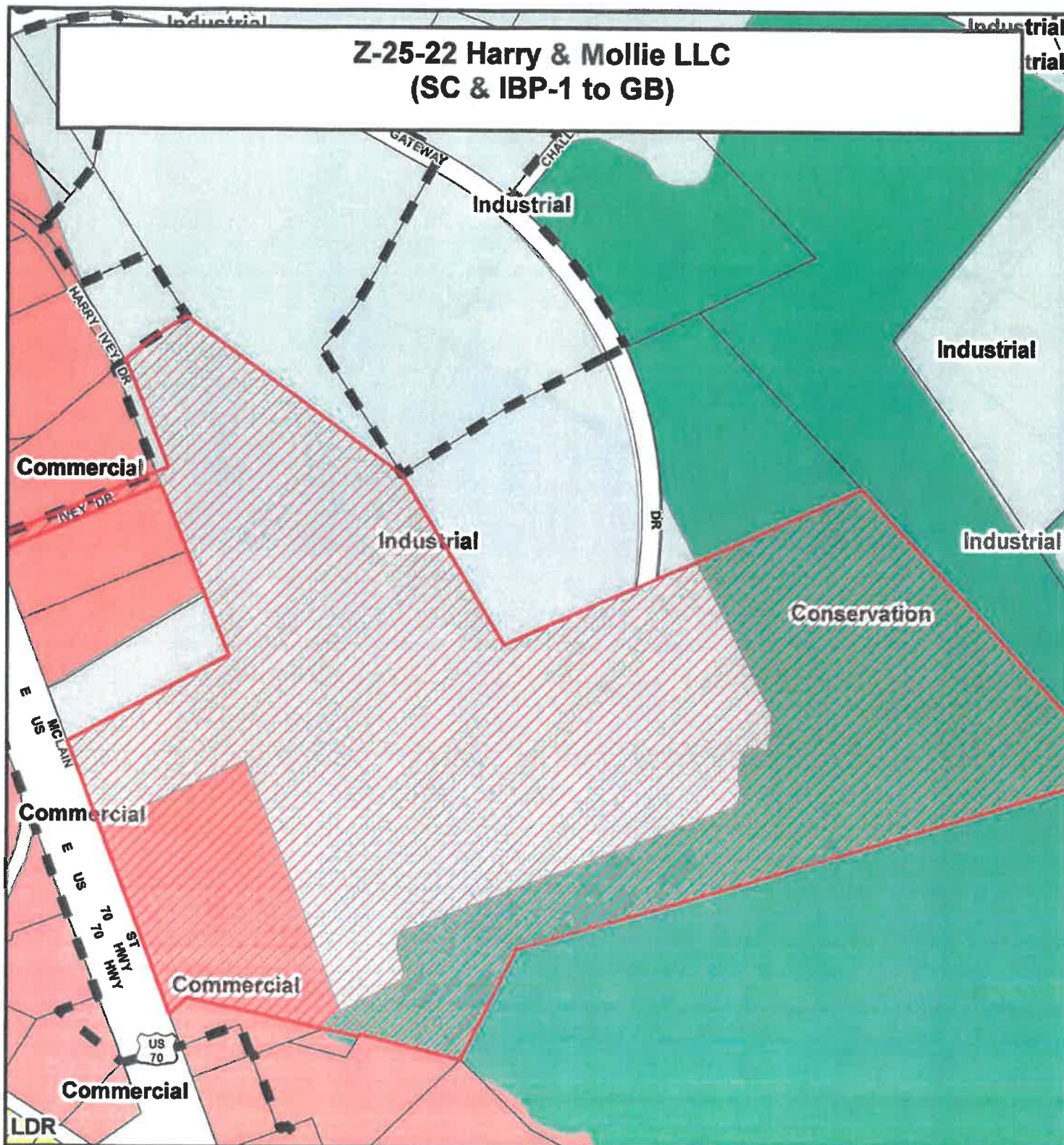


**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.



**Z-25-22 Harry & Mollie LLC  
(SC & IBP-1 to GB)**



**REZONING REQUEST:**

**CASE NO:** Z-25-22  
**OWNER:** Harry & Mollie LLC  
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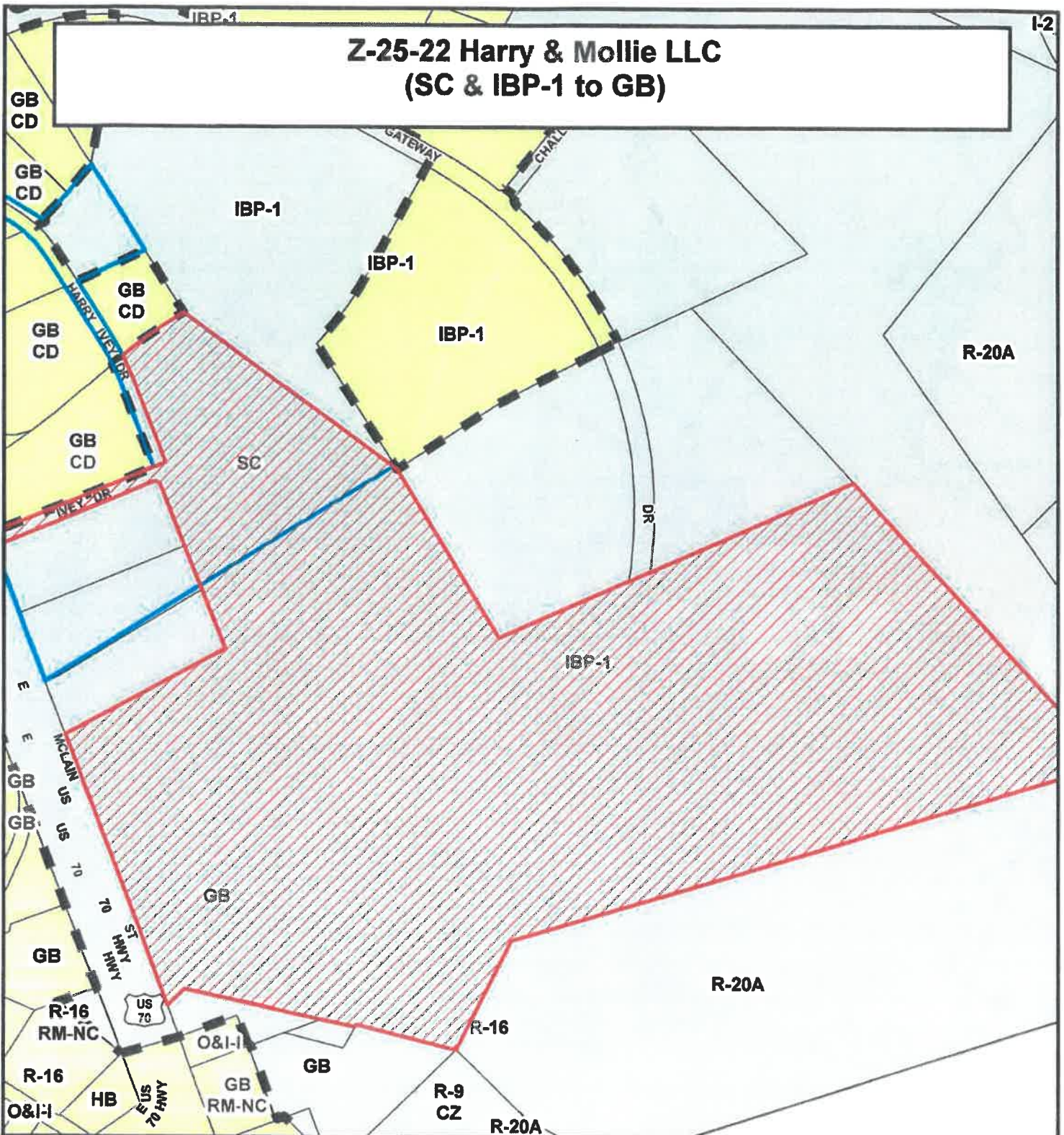


**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

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# **Z-25-22 Harry & Mollie LLC (SC & IBP-1 to GB)**



## **REZONING REQUEST:**

**CASE NO:** Z-25-22  
**OWNER:** Harry & Mollie LLC  
**APPLICANT:** Harry & Mollie LLC  
**REQUEST:** (SC & IBP-1 to GB)  
**LOCATION:** McLain St./NCSR 1758  
**PIN #:** 3519905459

0 100 200 400  
 Feet



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CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

SUBJECT: Operating Budget Amendment FY22-23

BACKGROUND: Council adopted the FY22-23 annual operating budget on June 20, 2022.

DISCUSSION: **Community Relations – CDBG Repayment**

The City's response to the HUD monitoring letter from October 11<sup>th</sup>, requires the repayment of activities deemed ineligible by HUD. The activities consisted of the following:

IDIS #	Description	Amount	Date of Transaction
678	Rehabilitation Delivery	\$42,560.97	Payroll Related Jun-Jul-Aug 2020
682	WISH	10,000.00	6/24/2020
683	WATCH	10,000.00	6/9/2020
685	COVID-19 Response Efforts	3,888.98	7/27/2020; 9/14/2020
686	Mephibosheth, Inc.	5,000.00	8/4/2020
676	GWTA	5,840.00	12/3/2019
	Total	\$77,289.95	

The repayment is to occur on or before December 11, 2022. These expenditures shall be funded with a reduction of contingency in the General Fund.

An analysis of the Contingency Appropriation for the General Fund is presented:

Date	Description	Adopted
6/20/2022	Ord 2022-31 FY22-23 Adopted Budget	\$ 1,075,365.00
11/21/2022	Ord 2022-60 11/21/22 Golf Carts & Storage	(266,000.00)
	Current Year Appropriations	<u>\$ 809,365.00</u>
12/5/2022	CDBG Payback 10/11/22 Monitoring Letter	\$ (77,289.95)
	Proposed	<u>\$ (77,289.95)</u>
	Proposed Ending Balance - Contingency General Fund	<u><u>\$ 732,075.05</u></u>

An analysis of Appropriated Fund Balance for the General Fund is presented:

Date	Description	Adopted
6/20/2022	Ord 2022-31 FY22-23 Adopted Budget	\$ -
8/15/2022	FY21-22 Purchase Order Rollovers	\$ 1,183,863.21
9/6/2022	Insurance Proceeds FY22 for Purchase of Chevrolet Tahoes	\$ 11,000.00
	Current Year Appropriations	<u>\$ 1,194,863.21</u>
	Proposed	<u>\$ -</u>
	Current Year with Proposed	<u><u>\$ 1,194,863.21</u></u>



RECOMMENDATION: It is recommended that the City Council, by motion:

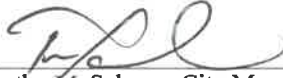
1. Adopt the attached ordinance to amend the FY22-23 Operating Budget for the General Fund.

Date: 11/30/2022



Catherine F. Gwynn, Finance Director

Date: 11/30/20



Timothy M. Salmon, City Manager

ORDINANCE NO. 2022 - 65

AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE  
CITY OF GOLDSBORO FOR THE 2022-23 FISCAL YEAR

WHEREAS, the City Council of the City of Goldsboro adopted the FY2022-23 Annual Operating Budget on June 20, 2022; and

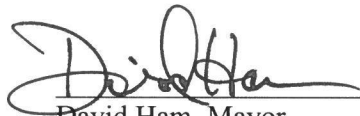
WHEREAS, amendments may become necessary as circumstances arise, and it is necessary to amend the General Fund; and

WHEREAS, it is necessary to appropriate funds in the Community Relations department of the General Fund for expenditures related to ineligible CDBG expenditures in prior fiscal years 2019-20 and 2020-21 for rehabilitation delivery, after school enrichment and COVID-19 supplies in response to the HUD monitoring letter of October 11, 2022, and this will be funded with a reduction of contingency in the General Fund; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina, that the General Fund be amended as follows:

<u>GENERAL FUND</u>	<u>Current</u>	<u>Amended</u>	<u>Difference</u>
<b><u>Community Relations (1017)</u></b>			
FY22-23 Adopted Budget 6/20/22	\$ 166,092.00	\$ 166,092.00	\$ -
Ineligible Grant Costs - CDBG	-	77,289.95	77,289.95
Total Expend. - Community Relations	<u>\$ 166,092.00</u>	<u>\$ 243,381.95</u>	<u>\$ 77,289.95</u>
<b><u>Transfers (8101)</u></b>			
FY22-23 Adopted Budget 6/20/22	\$ 1,000.00	\$ 1,000.00	\$ -
Contingency	809,365.00	732,075.05	(77,289.95)
Total Expend. - Transfers	<u>\$ 810,365.00</u>	<u>\$ 733,075.05</u>	<u>\$ (77,289.95)</u>
All Other Expenditures	\$ 45,549,916.21	\$ 45,549,916.21	\$ -
Total Expenditures - General Fund	<u>\$ 46,526,373.21</u>	<u>\$ 46,526,373.21</u>	<u>\$ -</u>
<b><u>Revenues</u></b>			
Tax Revenues	\$ 17,989,167.00	\$ 17,989,167.00	
Licenses and Permits	402,275.00	402,275.00	
Revenue from Other Agencies	16,372,366.00	16,372,366.00	
Charges for Services	6,118,579.00	6,118,579.00	
Capital Returns	989,827.00	989,827.00	
Miscellaneous Revenue	130,300.00	130,300.00	
Shared Services	3,328,996.00	3,328,996.00	
Appropriated Fund Balance	1,194,863.21	1,194,863.21	-
Total Revenues - General Fund	<u>\$ 46,526,373.21</u>	<u>\$ 46,526,373.21</u>	<u>\$ -</u>

This Ordinance shall be in full force and effect from and after this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

ATTEST:

  
Holly Jones, Deputy City Clerk



CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

SUBJECT: Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 2009 Rose Street to Christopher White

BACKGROUND: Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

DISCUSSION: The following offer has been received for the sale of surplus real property under **Negotiated offer, advertisement, and upset bid process (G.S. §160A-266(a) (3))**

2009 Rose Street

Offeror: Christopher White

Offer: \$5,500.00

Bid Deposit: \$300.00

Parcel #: 54277

Pin #: 3509849535

Tax Value: \$11,000.00

Zoning: R9

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a personal check. The Planning Department shall notify the adjoining property owners via mail that the property is available for sale via upset bid.

RECOMMENDATION: It is recommended that the City Council, by motion:

1. Accept or reject offer on 2009 Rose Street.
2. If accepted, adopt attached resolution authorizing Finance to advertise for upset bids.

Date: 11/30/2022

  
Catherine F. Gwynn, Finance Director

Date: 11/30/22

  
Timothy M. Salmon, City Manager

RESOLUTION NO. 2022- 113

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, the City of Goldsboro and County of Wayne jointly own certain real property at 2009 Rose Street (Pin #3509849535); and

WHEREAS, North Carolina General Statute § 160A-269 permits the city to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of \$5,500.00 (Five Thousand Five Hundred Dollars and no/100) submitted by Christopher White (Offeror); and

WHEREAS, Offeror has paid the required five percent (5%) deposit on his/her offer in the amount of \$300.00 (Three Hundred Dollars and No/100);

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Goldsboro, North Carolina, that:

- 1) The City Council declares this property as surplus.
- 2) The City Council authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute § 160A-269.
- 3) The Finance Director shall cause a notice of the proposed sale to be published in a newspaper of general circulation within its jurisdiction. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
- 4) The Planning Department shall notify the adjoining property owners by U.S. mail that the property is being offered for sale under the upset bid procedure.
- 5) Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Finance Director at 200 N. Center Street, Goldsboro, NC 27530 during normal business hours within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Finance Director shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
- 6) Upset offer and deposit shall be delivered in a sealed envelope. The written offer proposal must include the name of the person or business making the offer, address of said property, and Wayne County parcel identification number. The offer shall be signed by the individual or person with signature authority if a business entity. The outside of the sealed envelope should have the address of the property, the words "Upset Bid" and include the address of the Property.
- 7) The City of Goldsboro reserves the right to reject any or all offers at any time.
- 8) If a qualifying higher bid is received, the Finance Director shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.
- 9) A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that existing offer and five percent (5%) of the remainder of that existing offer.
- 10) A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The city will return the

deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received; provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such, the return of the deposit will then be issued within 10 days of confirmation of clearing. The city will refund the deposit of the final high bidder at closing or apply to the sales price, as determined at the time of closing by the Finance Director.

- 11) Any Offeror's bid deposit shall be refunded if it is not the final high bidder; or if mutually agreeable terms cannot be settled upon if no upset bids are received, provided that sufficient time has elapsed to allow for the payment draft, if by check, to clear the City's central depository and be credited to such. Refund will be issued within 10 days of confirmation of clearing.
- 12) The terms of the final sale are:
  - a) City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed.
  - b) The Wayne County Board of Commissioners must approve the final sale by concurrence after final approval by City Council.
  - c) Buyer must pay with cash, cashier's check or certified check at the time of closing.
  - d) Buyer must pay closing costs.
- 13) The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
- 14) If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. City staff is authorized to seek concurrence from the Wayne County Board of Commissioners and upon such approval, the appropriate city officials are authorized to execute the instruments necessary to convey the property to Offeror.

This resolution shall be in full force and effect from and after this 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

Attest:

  
Holly Jones, Deputy City Clerk



I. Christopher White would like to offer the

City of Goldsboro the sum of \$5,500.<sup>00</sup> for the  
purchase of property at the following location:

Parcel: PLN # : 3509849535

Street: 2009 Rose St, Goldsboro NC 27530

Signed: Chris R. White

Date: 11-17-2022

Name Christopher White

Address: 2011 Rose St., Goldsboro NC 27534

Phone: 919-738-6098

Email: Christopher White 1977.cw@gmail.com

Amount of Bid Deposit: \$300.<sup>00</sup>

2022 NOV 17 PM 3:21

RECEIVED



CHRISTOPHER WHITE

2011 ROSE ST.  
GOLDSBORO, NC 27530

1076

DATE 11-17-2022

PAY TO City of Goldsboro

\$: 300.00

THE ORDER OF

Three hundred and no/100

DOLLARS



Security Features  
Included.  
Details on back.

North Carolina  
Community Federal  
Credit Union

Goldsboro  
NC 27534

MEMO

2009 Rose St. Deposit

C. White

MP

1076

SPECIALTY GRAY

**Address: 2009 Rose Street**  
**PIN #: 12-3509-84-9535**  
**Zoning: R-9**  
**Standard**

(87)

(85)

2007

Zoning  
R-9

2009

153

149

87.5

88

ROSE ST



100

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## WAYNE COUNTY

11/30/2022 2:00:39 PM

CITY OF GOLDSBORO  
2009 ROSE ST  
75254500

## WAYNE COUNTY

COUNTYWIDE ADVALOREM TAX (100), CITY - GOLDSBORO (100)

Return/Appeal Notes: Parcel: 3509849535  
PLAT: / UNIQ ID 54277  
ID NO: 12000117007005

Reval Year: 2019 Tax Year: 2022 LT 11&amp;PT 15 A H ZEALY

CARD NO. 1 of 1

Appraised by 60 on 12902 CHRISTIAN SCHOOL AREA

1.0000 LT

SRC=

TW-12

CI-01 FR-00 EX-5 AT-

LAST ACTION 20170729

CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE											
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO												
BUILDING ADJUSTMENTS	01	00							% GOOD												
TOTAL ADJUSTMENT									DEPR. BUILDING VALUE - CARD												
FACTOR									DEPR. OB/XF VALUE - CARD												
TOTAL QUALITY INDEX									MARKET LAND VALUE - CARD												
									TOTAL MARKET VALUE - CARD												
									TOTAL APPRAISED VALUE - CARD												
									TOTAL APPRAISED VALUE - PARCEL												
									TOTAL PRESENT USE VALUE - PARCEL												
									TOTAL VALUE DEFERRED - PARCEL												
									TOTAL TAXABLE VALUE - PARCEL \$												
									PRIOR												
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CODE		DATE		NOTE		NUMBER		AMOUNT													
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02509 0014	3 2007	WD	U	I	100000																
01047 0595	1 1983	WD	U	I	49000																
00988 0366	1 1980	WD	U	I	41500																
HEATED AREA																					
NOTES																					
P9-08 DEMO																					
SUBAREA		GS	RPL	CODE	QUALITY	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE	FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE
TYPE	AREA	%	CS	TOTAL OB/XF VALUE																	
0																					
FIREPLACE																					
SUBAREA TOTALS																					
BUILDING DIMENSIONS																					
LAND INFORMATION																					
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	VERRIDE VALUE	LAND NOTES		
0100	0100	R-9	88	151	1.0000	2	1.0000					125.00	88.000	FF	1.000	125.00	11000	0			
TOTAL MARKET LAND DATA																					
TOTAL PRESENT USE DATA																					
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CITY OF GOLDSBORO  
AGNEDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

**SUBJECT:** Ordinance Amendment – “Panhandling”

**BACKGROUND:** City of Goldsboro Code of Ordinances Title IX Chapter 96. Nuisances. contains rules and regulations regarding nuisances within the City.

Sec. 96.12 Aggressive panhandling prohibited on city streets, sidewalks, and other public places. provides regulations for aggressive panhandling within the City. The current definitions do not clearly differentiate between “panhandling” and “aggressive panhandling”, nor have prohibited areas been clearly defined. This has created confusion regarding enforcement actions.

Additionally, enforcement actions have been hindered due to the difficulty of identifying and notifying individuals, tracking ordinance violations, and identifying repeat offenders. Adding a Panhandling Permit process would standardize and streamline enforcement actions while enhancing public safety.

**DISCUSSION:** Per discussion at the November 7, 2022 Council Meeting, the attached amendment provides updated language and procedures regarding the regulation of panhandling as outlined in “General Regulations”.

**RECOMMENDATION:** It is recommended that Council, by motion accept the staff’s recommendation and adopt the amendment changing “General Regulations” as indicated above.

Date: 12-1-22   
Michael West, Chief of Police

Date: 12/1/22   
Timothy Salmon, City Manager

**AN ORDINANCE AMENDING CHAPTER 96 ENTITLED "NUISANCES"  
OF THE CODE OF ORDINANCES OF THE CITY OF GOLDSBORO, NORTH CAROLINA**

WHEREAS, the City of Goldsboro Code of Ordinances Title IX: General Regulations contains various rules related to the health and safety of the City; and

WHEREAS, Chapter 96 entitled " Nuisances " sets forth the rules and regulations regarding nuisances within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina, that Chapter 96 of General Regulations is hereby amended by changing the following Sections:

1. Amend Sec. 96.12 Aggressive panhandling prohibited on city streets, sidewalks, and other public places, by deleting and rewriting as follows:

~~96.12 Aggressive Panhandling Prohibited on City Streets, Sidewalks and Other Public Places.~~ 96.12 Panhandling; Aggressive Panhandling, Prohibited Areas and Times.

- (A) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~(1) The words "panhandling" or "begging" are used interchangeably and mean any aggressive language or such other aggressive act, a purpose of which is to obtain a contribution of money or goods for the principal benefit of the person making the solicitation.~~

(1) The words "panhandling" or "begging" are used interchangeably, a purpose of which is to obtain a contribution of money or goods for the principal benefit of the person making the solicitation.

~~(2) The word "aggressive" refers to the approaching and following of a person, any physical contact with another person, the use of abusive language toward another person, or any word or act which intimidates or attempts to intimidate another person, a purpose of which is to obtain a contribution of money or goods for the principal benefit of the person making the solicitation.~~

- (2) The word "aggressive" refers to:

- (a) Continuing to solicit near the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication; and/or
- (b) Any physical contact with another person without consent; and/or
- (c) By blocking the path of a person being solicited or blocking the entrance or exit to any building or vehicle; and/or
- (d) By or with the use of any abusive language, word, gesture, or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation.

2. Amend Sec. 96.12 Aggressive panhandling prohibited on city streets, sidewalks, and other public places. by deleting and rewriting as follows:

~~(C) *Conduct prohibited.* In accordance with G.S. § 160A-179, it shall be unlawful for any person to aggressively panhandle or beg for money or goods~~

~~from another in a public place or in a place open to the public. The offering of items of nominal value, such as pencils, chewing gum and the like for a donation shall not make the conduct lawful.~~

(C) *Rules and Regulations.*

(1) It shall be unlawful for any person to panhandle or beg as defined in § 96.12 within the City of Goldsboro without first obtaining a "Panhandler's Permit" from the Chief of Police or designee. Such permit is valid for one (1) year only and must be renewed annually.

(2) It shall be unlawful for any type of panhandling or begging within the following prohibited areas and/or times:


- (a) Within 100 feet of any financial institution and/or automated teller machine;
- (b) Within 20 feet of any bus stop, train station, or taxi stand;
- (c) Within 20 feet of any commercial establishment which is open for business;
- (d) Within 20 feet of any outdoor dining area during operation;
- (e) Within DOT or city Right-of-Ways, excluding sidewalks;
- (f) Between the hours of 8:00 p.m. and 8:00 a.m.

(3) In accordance with G.S. § 160A-179, it shall be unlawful for any person to aggressively panhandle or beg for money or goods from another in a public place or in a place open to the public. The offering of items of nominal value, such as pencils, chewing gum, and the like for a donation shall not make the conduct lawful.

This Ordinance shall be in full force and effect from and after the 5<sup>th</sup> day of December, 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk





CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

SUBJECT: Resolution – Radio Telemetry Upgrade Project – Phase III - \$316,388.00

BACKGROUND: The City of Goldsboro contracted with CITI in May/2020 to conduct a three-phase project to improve and upgrade the existing telemetry system. Phase I was the physical radio propagation test which was completed May 2020. Phase II was to setup fiber optic networks for all 4 water tanks and this was completed June 2021. Phase III is upgrading the telemetry system which needs to be completed so all the telemetry system will be brought up to date.

DISCUSSION: This is the final phase of the project. CITI will install equipment at 2 water elevated tanks as data collectors to reach the remotes sites around the City. They will also be replacing the obsolete radio equipment located at the lift stations near those water elevated tanks. Doing this will bring the system up to current operating standards.

RECOMMENDATION: It is recommended the Council approve the attached Resolution and authorize the completion of Radio Telemetry Upgrade Project – Phase III to bring the system up to current standards.

Date: 11-29-2022

  
Robert Sherman, Public Utilities Director

Date: 11/30/22

  
Timothy M. Salmon, City Manager

RESOLUTION NO. 2022- 114

**RESOLUTION AUTHORIZING CITY STAFF TO EXECUTE THE NECESSARY DOCUMENTATION TO COMPLETE RADIO TELEMARY PROJECT PHASE-III**

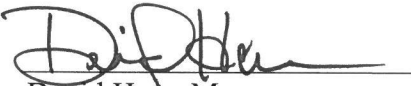
**WHEREAS**, the City of Goldsboro contracted with CITI in May/2020 to conduct a three-phase project to improve and upgrade of the existing telemetry system; and

**WHEREAS**, the final phase of the project is budgeted in FY2023 at the cost of \$316,388.00; and

**WHEREAS**, the City of Goldsboro recognizes the need for, the upgraded telemetry system, in maintaining adequate monitoring requirements for the water and sewer system.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Goldsboro, North Carolina that:

1. Council authorizes City staff to execute the necessary documentation to complete this transaction.
2. That this resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December 2022

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

**SUBJECT:** Resolution – Contract to proceed with New Hope Bar Screen Upgrade project \$335,400.00

**BACKGROUND:** The City of Goldsboro owns and operates one (1) bar screen at New Hope lift station. The lift station was put in service in 1993. The bar screen is original equipment for that lift station. With 29 years of operational use the bar screen has exceeded its operational life expectancy.

**DISCUSSION:** The purpose work consists of removing the existing bar screen at New Hope lift station and replacing it with a new bar screen. The project was published as FB 2022-004. Bids were received until 2:00pm 9/22/22. Laughlin-Sutton Construction Company was the lowest bid for the New Hope Bar Screen replacement.

**RECOMMENDATION:** It is recommended that the City Council adopt the attached resolution authorizing the City Manager to execute the contract in the amount of \$335,400.00 with Laughlin-Sutton Construction Company to remove and install a new bar screen at New Hope lift station.

Date: 11-29-2022

  
Robert Sherman, Public Utilities Director

Date: 11/30/22

  
Timothy M. Salmon, City Manager

RESOLUTION NO. 2022-115

**CONTRACT TO PROCEED WITH THE REMOVAL AND REPLACEMENT OF THE  
NEW HOPE LIFT STATION BARSCREEN**

**WHEREAS**, the City of Goldsboro currently owns one (1) bar screen at New Hope lift station; and

**WHEREAS**, the New Hope Bar Screen is budgeted to be replaced in FY2023 at a cost of \$335,400.00; and

**WHEREAS**, Laughlin-Sutton Company is a reputable company and provided the lowest submitted bid Formal Bid FB 2022-004; and

**WHEREAS**, it is recommended that the City award the bid to Loftland-Sutton Company. for the New Hope bar screen replacement Project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Goldsboro, North Carolina, that the City Manager is hereby authorized to execute a contract with Laughlin-Sutton Company in the amount of \$335,400.00 to provide services for the New Hope Bar Screen Upgrade Project.

This resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

SUBJECT: Resolution – Contract to proceed with Water Reclamation Facility Bulk Chemical Storage Tank Upgrade project \$118,450.00.

BACKGROUND: The City of Goldsboro owns and operates two (2) 10,000-gallon Chemical Bulk Storage Tanks at the Water Reclamation Facility. One (1) 10,000-gallon Sodium Hypochlorite tank was installed in Y 2000 and the 10,000-gallon Caustic Soda tank was install in Y1993. The Caustic Soda tank has met its operational life expectancy and needs to be replaced.

DISCUSSION: The purpose of the work consists of removing the existing 10,000-gallon Caustic Soda tank and associated plumbing and replacing it with a new 10,000-gallon Chemical Bulk storage tank and associated chemical feed lines. The project was published as IFB 2022-015. Bids were received until 2:00pm 7/22/22. Dellinger Inc. was the lowest bid for the New Bulk Chemical Tank replacement.

RECOMMENDATION: It is recommended that the City Council adopt the attached resolution authorizing the City Manager to execute the contract in the amount of \$118,450.00 with Dellinger Inc. to remove the existing Caustic tank and install a new replacement Bulk Chemical Storage Tank.

Date: 11-29-2022

  
Robert Sherman, Public Utilities Director

Date: 4/30/22

  
Timothy M. Salmon, City Manager

**RESOLUTION NO. 2022-116**

**CONTRACT TO PROCEED WITH THE REMOVAL AND REPLACEMENT OF  
CHEMICAL BULK STORAGE TANK AT THE WATER RECLAMTION FACILITY**

**WHEREAS**, the City of Goldsboro currently owns two (2) Chemical Bulk Storage tanks at the Water Reclamation Facility; and

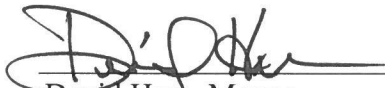
**WHEREAS**, the Caustic Soda Bulk Storage Tank is budgeted to be replaced in FY2023 at a cost of \$118,450.00; and

**WHEREAS**, Dellinger Inc. is a reputable company and provided the lowest submitted Informal bid (IFB 2022-015 on 7/22); and

**WHEREAS**, it is recommended that the City award the bid to Dellinger Inc. for the Chemical Bulk Storage Project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the City Council of the City of Goldsboro, North Carolina, that the City Manager is hereby authorized to execute a contract with Dellinger Inc. in the amount of \$118,450.00 to provide services for the Chemical Bulk Storage Tank Project of Goldsboro, North Carolina that:

This resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk





CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

**SUBJECT:** Resolution – Automatic Transfer Switch for Water Treatment Plant Upgrade Project \$240,905.00 Automatic Transfer Switch for Neuse River Pump Station Upgrade project \$90,365.95, and Westbrook Pump Station Generator system upgrade project \$794,571.00

**BACKGROUND:** The City of Goldsboro owns and operates one (1) automatic transfer switch at the Neuse River Pump Station and one (1) automatic transfer switch at the Water Treatment Facility. These ATSS at the facilities assist in transferring power from commercial power to generator power during power outages. This keeps equipment operable at the designated facilities during the power loss situations. The City of Goldsboro owns and operates one (1) generator at the Westbrook pump station. Westbrook Pump Station is the main wastewater pump station for the City of Goldsboro. The generator maintains power to this facility during power outages. The generator was installed new in 1994.

**DISCUSSION:** The Automatic Transfer Switches for the Water Plant and the Neuse River Pump Station are in poor condition and are in need of replacement and the Westbrook Generator has exceeded its life expectancy. These items need replacement to keep these crucial facilities operational. §143-129 establishes the State bidding requirements for purchase of apparatus, supplies, materials, or equipment. Subsection (e)(3) grants the city authority to exempt purchases from the bidding requirements when purchases are made through a cooperative bidding group. Sourcewell is such a group and Gregory Poole is the local dealer for Sourcewell contract #120617-CAT.

**RECOMMENDATION:** It is recommended the City Council adopt the attached Resolution to purchase and install the Automatic Transfer Switch for the Water Treatment Facility, Automatic Transfer Switch for the Neuse River Pump Station, and Westbrook Pump Station Generator.

Date: 11-29-2022

  
Robert Sherman, Public Utilities Director

Date: 11/30/22

  
Timothy M. Salmon, City Manager

RESOLUTION NO. 2022- 117

**RESOLUTION OF INTENT TO  
PURCHASE USING PROCUREMENT EXCEPTION**

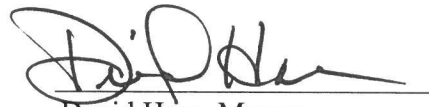
**WHEREAS**, the City of Goldsboro currently owns and operates Automatic Transfer Switches for the Water Treatment Plant and the Neuse River Pump Station, and a Generator system for Westbrook Pump Station; and

**WHEREAS**, the ATSS and Generator system are budgeted to be replaced in FY2023; and


**WHEREAS**, the City of Goldsboro is granted authority under NCGS 143-129(e)(3) to exempt purchases from bidding requirements when purchases are made through a cooperative bidding group.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Goldsboro, North Carolina, that the City Manager is hereby authorized to execute contracts with Gregory Poole under Source Well Contract #120617-CAT in the amount of \$240,905.00, \$90,365.95, and \$794,571.00 to provide services for the Water Treatment Plant Automatic Transfer Switch, Neuse River Pump Station Automatic Transfer Switch, and Westbrook Pump Station Generator system replacement projects.

This resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

**SUBJECT:** Intent to Purchase using Procurement Exception

**BACKGROUND:** The City of Goldsboro owns and operates four (4) sand filters used at the Water Reclamation Facility. These sand filters further filter the water that has been discharged from the clarifiers in the wastewater treatment process. They are crucial to the treatment process.

**DISCUSSION:** Sand filter #2 underdrain system has failed and now is need of repair. Mixing this system with another manufacturer's product would not be possible as the parts are incompatible. These sand filters are manufactured by Aqua Aerobic Systems Inc and the parts and services needed to rebuild sand filter #2 will be purchased directly from the manufacturer. General Statute 143-129 establishes the State bidding requirements for purchase of apparatus, supplies, materials, or equipment. Subsection (e)(6)(i) grants the city authority to exempt purchases from the bidding requirements when performance and price competition for these products are not available.

**RECOMMENDATION:** It is recommended the City Council adopt the attached Resolution to purchase the sand filter service and repair parts using the procurement exemption and authorize the purchase to maintain compatibility with the current system.

Date: 11-29-2022

  
Robert Sherman, Public Utilities Director

Date: 11/30/22

  
Timothy M. Salmon, City Manager

**RESOLUTION NO. 2022-118**

**RESOLUTION OF INTENT TO  
PURCHASE USING PROCUREMENT EXCEPTION**

**WHEREAS**, the City of Goldsboro currently owns four (4) Water Reclamation Facility sand filters manufactured by Aqua Aerobics Systems Inc; and


**WHEREAS**, Water Reclamation Facility sand filter #2 is budgeted to be rebuilt in FY2023 at a cost of \$189,987.48; and

**WHEREAS**, replacement parts and services are specific to the machines and manufacturer; and


**WHEREAS**, the City of Goldsboro is granted authority under NCGS 143-129(e)(6)(i) to exempt purchases from bidding requirements when performance and price competition for these products are not available.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Goldsboro, North Carolina that:

1. Pursuant to the authority granted by the General Statute, the Goldsboro City Council authorizes the use of the procurement exemption.
2. Council authorizes City staff to execute the necessary documentation to complete this project.
3. That this resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December 2022.

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING**

**SUBJECT:**               **Non-Contiguous (Satellite) Annexation Petition – J and J Daniels Farming Enterprises, LLC.** Located on the east side of South NC 111 Hwy. (Corner of South NC 111 Hwy. and Ditchbank Rd.)

**BACKGROUND:**       The applicant is requesting that non-contiguous property described by metes and bounds in Item 2 of the attached petition be annexed to the City of Goldsboro. Maps showing the property proposed to be annexed are attached. City council approved the change of zone request (Z-14-22) for the above property from Wayne County Community Shopping/City of Goldsboro Residential (R20) to Residential (R9) on July 11, 2022.

Area: 475,235 sq. ft. or 10.91 acres

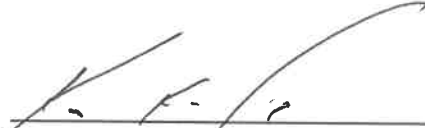
**DISCUSSION:**       Pursuant to G.S. 160A-58, City Council shall fix a date for public hearing on the proposed annexation if the petition is considered sufficient by the City Clerk. Sufficiency requires the City Clerk to make the following findings:

1. The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city;
2. No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city;
3. The area must be situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits;
4. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed 10% of the area within the primary corporate limits of the annexing city.

The City Council, at their meeting on December 5, 2022 would request the City Clerk to determine the sufficiency of the petition. If the petition is determined to be sufficient, a public hearing would be scheduled and a report would be prepared by the Planning Department, in conjunction with other City departments, for submission to the Council.

RECOMMENDATION: By motion, request that the City Clerk examine the annexation petition to determine its sufficiency.

Date: 11/29/22

  
\_\_\_\_\_  
Planning Director

Date: 11/30/22

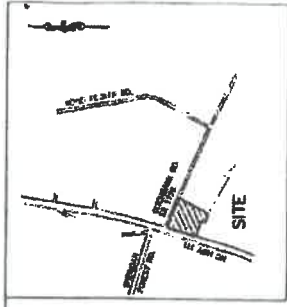
  
\_\_\_\_\_  
City Manager



## LEGAL DESCRIPTION

Property of  
J & J Daniels  
Farming Enterprises LLC  
Deed Book 2817 Page 843  
PIN: 3527273569  
(A portion of)

Lying and being in New Hope Township, Wayne County, North Carolina and being more particularly described as, Beginning at an iron pipe on the eastern right-of-way of NC Highway 111, the northwest corner of Kenneth D. Keesee (Deed Book 2765 Page 509, and the southeast corner of J & J Daniels Farming Enterprises LLC (Deed Book 2817 Page 843), thence along said right-of-way N16°35'12"E, 712.65' to a set iron pipe, thence N78°52'39"E, 76.75' to an existing iron rebar on the southern right-of-way of Ditchbank Road (SR 1726), thence along said right-of-way, S66°32'32"E, 533.93' to an existing iron rebar, thence leaving said right-of-way and across the Daniels property, S14°42'16"W, 821.77' to an existing iron rebar on the southern Daniels line, thence N72°23'13"W, 277.16' to an existing iron rebar, the southeast corner of Kenneth D. Keesee, thence along the eastern line of Keesee, N16°40'19"E, 124.84' to an existing iron rebar, the northeast corner of Keesee, thence along the northern line of Keesee, N72°15'04"W, 348.16' to the point of beginning, being 10.91 acres, and being a portion of the property conveyed to J & J Daniels Farming Enterprises LLC, Deed Book 2817 Page 843, and being a portion of PIN: 3527273569.

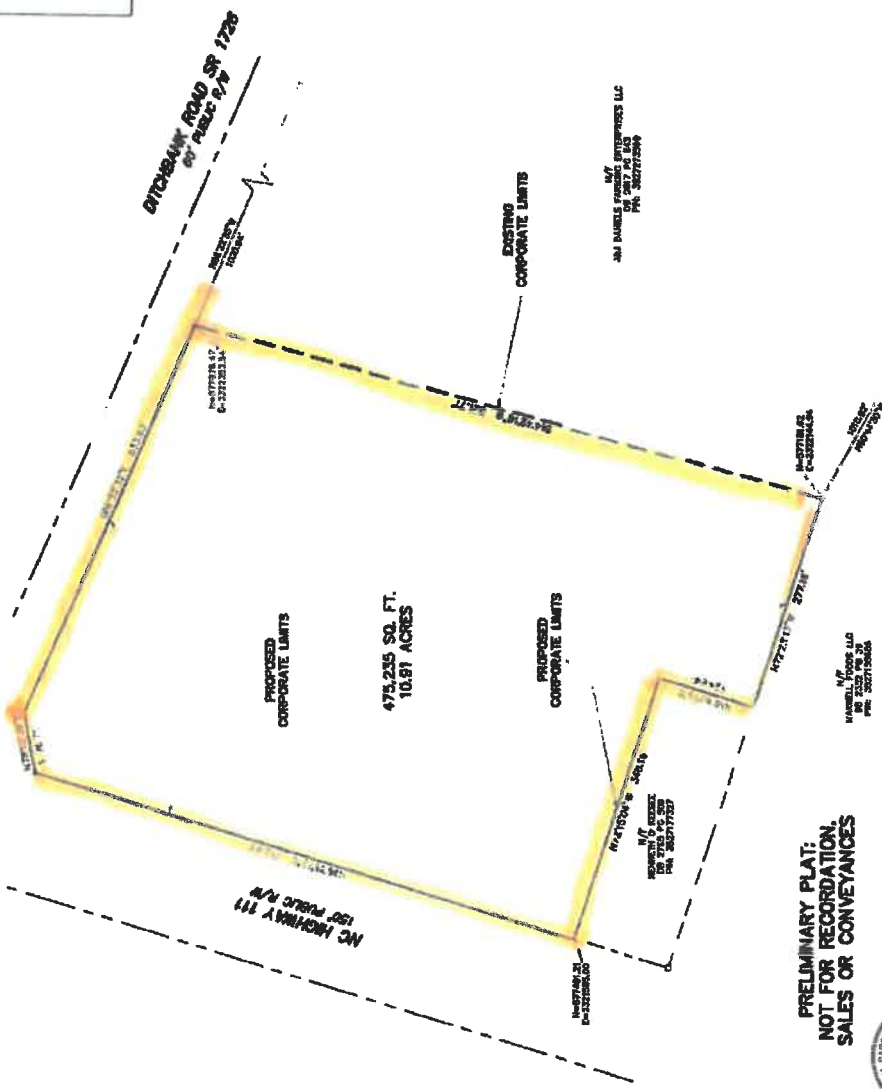


**LOCATION MAP**  
NO SCALE

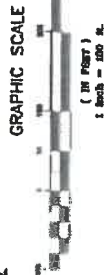
**LEGEND**

- EXISTING FALLOUT RUN
- EXISTING ROAD RIGHT-OF-WAY
- EXISTING ROAD RIGHT-OF-WAY
- EXISTING ROAD RIGHT-OF-WAY

TERRITORY ANNEXED TO THE  
CITY OF GOLDSBORO BY  
ORDINANCE NO. 2022-XX  
ADOPTED BY THE CITY COUNCIL  
ON OCTOBER XX, 2022 AND  
EFFECTIVE ON OCTOBER XX, 2022



**PRELIMINARY PLAT:  
NOT FOR RECORDATION,  
SALES OR CONVEYANCES**



- NOTES:**
- AREAS COMPILED BY COORDINATE CALCULATIONS
  - NO GOOD EVIDENCE FOUND WITHIN 2022
  - COORDINATES SHOWN ON PLAT ARE HORIZONTAL COORDINATES
  - UNLESS STATED OTHERWISE
  - ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF
  - THERE ARE NO CURVED BOUNDARIES
  - THIS PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, COVENANTS AND ORDINANCES
  - THE PROPERTY HAS BEEN SURVEYED FOR

**SITE DATA**

TOTAL AREA 10.91 ACRES

TOTAL # LOTS 1

ADDRESS 40 HWY 171

PR: 2776082273

REFERENCES: USED BOOK 2017 PAGE 243

PLAT BOOK N

I, James O. City Clerk of the City of Goldsboro, do hereby certify that this plat was duly recorded in the Office of the City Clerk on October 20, 2022.

James O. City Clerk

I, William A. Bartlett, certify that this plat was duly recorded in the Office of the City Clerk on October 20, 2022.

- (1) Name of owner: James A. Bartlett
- (2) Name of owner: James A. Bartlett
- (3) Name of owner: James A. Bartlett
- (4) Name of owner: James A. Bartlett
- (5) Name of owner: James A. Bartlett
- (6) Name of owner: James A. Bartlett
- (7) Name of owner: James A. Bartlett
- (8) Name of owner: James A. Bartlett

William A. Bartlett, certify that this plat was duly recorded in the Office of the City Clerk on October 20, 2022.

William A. Bartlett, certify that this plat was duly recorded in the Office of the City Clerk on October 20, 2022.

William A. Bartlett, certify that this plat was duly recorded in the Office of the City Clerk on October 20, 2022.

**PRESENTED FOR RECORDATION**

DATE \_\_\_\_\_

TIME \_\_\_\_\_

CONSTANCE CORAM  
REGISTER OF DEEDS  
WAYNE COUNTY, NC

BY \_\_\_\_\_  
DEPUTY/ASSISTANT

**OWNER/DEVELOPER:**  
J & J DANIELS  
FARMING ENTERPRISES LLC  
PO BOX 10337  
GOLDSBORO, NC 27533-0337

**PLAT OF  
NONCONTIGUOUS ANNEXATION**

**PROPERTY OF  
J & J DANIELS  
FARMING ENTERPRISES LLC**

**BARTLETT  
ENGINEERING & SURVEYING, PC**  
1008 WASH STREET NORTH  
WILSON, NC 27603-1726  
License No. C-1351  
DATE: OCT. 2022  
SCALE: 1"=100'  
REVISIONS

**SURVEY BY: J. DANIELS**  
DRAWN BY: W. WILSON  
CODE: SON  
DWG FILE: 21774401

**NEW HOPE TOWNSHIP**  
**WAYNE**  
**NORTH CAROLINA**  
**ZONE:**



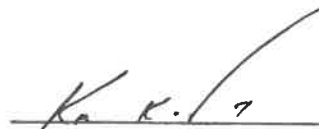
**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING**

**SUBJECT: FINAL ACTION**  
**SU-13-22** Accessory Dwelling – East side of W. New Hope Rd.,  
located between the intersection of Cuyler Best Rd. and S.  
Harding Dr.

**DISCUSSION:** This Special Use Permit was voted on and approved at the  
November 21, 2022, meeting and is not eligible for further  
deliberation or discussion.

**REQUIRED ACTION:** Council shall review the Order to Approve, and Mayor Ham shall  
sign the order.

Date: 11/29/22

  
Kenny Talton, Planning Director

Date: 11/30/22

  
Tim Salmon, City Manager

**CITY OF GOLDSBORO  
ORDER APPROVING SU-13-22**

**Written Decision**

On Monday, November 21, 2022, at 7:00 p.m., the Goldsboro City Council, sitting as the Board of Adjustment, held a quasi-judicial hearing on matter SU-13-22, a request by Kenneth & Dixie Ellis to establish an Accessory Dwelling at tax parcel 3610902529.

Mr. Austin Brinkley, Assistant Planning Director, presented the agenda materials to City Council. There was no other testimony provided at the hearing. After having heard the sworn testimony offered by staff and having considered the agenda materials that were accepted into evidence and presented at the hearing, the Goldsboro City Council makes the following findings of fact:

**Findings of Fact**

- 1) The application for a Special Use Permit at this location is complete and the Goldsboro City Council has jurisdiction over the parties and the subject matter. The property consists of approximately 0.90 acres, the proposed Special Use is to establish an accessory structure, the property is in the Residential 16 (R-16) Zoning District and is identified as tax parcel number 3610902529.
- 2) The property owners are Kenneth & Dixie Ellis.
- 3) The Residential 16 (R-16) Zoning District is established to accommodate low-density, single-family residential uses.
- 4) The accessory dwelling will have a total dimension of 24x40 after a 10x22 addition to the existing 24x30 accessory structure, which is being converted into an accessory dwelling.
- 5) The accessory dwelling will be required to meet North Carolina State Building Code.
- 6) There was no evidence presented in support or opposition.
- 7) That the use meets all requirements of the Goldsboro Unified Development Ordinance.

- 8) That the use will not substantially injure the beneficial use of adjoining or abutting property.
- 9) That the use will be in harmony with existing development and uses within the area in which it is located.
- 10) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The Land Use Plan shows the property as being in the Medium-Density Residential designation. This use is not out of character with the Medium-Density Residential designation.

### **Conclusion and Decision**

Based on the application, the evidence submitted, and the above findings, the City of Goldsboro City Council voted on the following four standards found in Section 2.4.10 of the Unified Development Ordinance:

- 1.) That the use will not materially endanger the public health or safety.

On a 7-0 vote, City Council found that the use would not materially endanger the public health or safety.

- 2.) That the use will not substantially injure the beneficial use of adjoining or abutting property.

On a 7-0 vote, City Council found that the use would not substantially injure the beneficial use of adjoining or abutting property.

- 3.) That the use will be in harmony with existing development and uses within the area in which it is located.

On a 7-0 vote, City Council found that the use would be in harmony with existing development and uses within the area in which it is located.

- 4.) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.

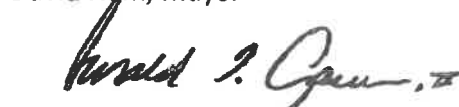
On a 7-0 vote, City Council found that the use would be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.



## Decision

**BASED ON THE FORGOING FINDINGS OR FACT, AND CONCLUSIONS OF LAW, THE BOARD CONCLUDES AS A MATTER OF LAW** that the Applicant has met the requirements of the Goldsboro Unified Development Ordinance and that this Application for a Special Use Permit should be and hereby is **APPROVED**.

This the 5<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
David Ham, Mayor  
\_\_\_\_\_  
Ronald T. Lawrence, City Attorney

**SU-13-22**  
**SPECIAL USE PERMIT REQUEST: ACCESSORY DWELLING**



**SPECIAL USE REQUEST:**

**CASE NO:** SU-13-22  
**REQUEST:** ACCESSORY DWELLING  
**APPLICANT:** KENNETH D ELLIS  
**LOCATION:** 523 W NEW HOPE RD

0 50 100 200  
Feet



**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.


**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING**

**SUBJECT: FINAL ACTION**  
**SU-14-22** Fly Buy Auto, LLC. (Used Car Sales) – Northeast side of  
US Hwy 70 E (Warren Supply).

**DISCUSSION:** This Special Use Permit was voted on and approved at the  
November 21, 2022, meeting and is not eligible for further  
deliberation or discussion.

**REQUIRED ACTION:** Council shall review the Order to Approve, and Mayor Ham shall  
sign the order.

Date: 11/29/22

  
Kenny Talton, Planning Director

Date: 11/30/22

  
Tim Salmon, City Manager

**CITY OF GOLDSBORO  
ORDER APPROVING SU-14-22**

**Written Decision**

On Monday, November 21, 2022, at 7:00 p.m., the Goldsboro City Council, sitting as the Board of Adjustment, held a quasi-judicial hearing on matter SU-14-22, a request by Kevin Aycock to establish a Used Car Sales establishment at tax parcel 3528148081.

Mr. Austin Brinkley, Assistant Planning Director, presented the agenda materials to City Council. There was no other testimony provided at the hearing. After having heard the sworn testimony offered by staff and having considered the agenda materials that were accepted into evidence and presented at the hearing, the Goldsboro City Council makes the following findings of fact:

**Findings of Fact**

- 1) The application for a Special Use Permit at this location is complete and the Goldsboro City Council has jurisdiction over the parties and the subject matter. The property consists of approximately 1.28 acres, the proposed Special Use is to establish a Used Car Sales business, the property is in the Airport Business (AB) Zoning District and is identified as tax parcel number 3528148081.
- 2) The property owner is David Edward Warren.
- 3) The structure is currently home to Warren Supply small engine repair. This business will operate out of the same structure.
- 4) Seymour Johnson Airforce Base has identified the Floor Area Ratio to be 0.11 and that this is a compatible use.
- 5) This is proposed to be a small-scale dealership with 1 employee and a small inventory of vehicles.
- 6) The Airport Business (AB) Zoning District is established to accommodate highway-oriented retail and commercial uses which generally serve the entire City and non-resident traffic in the Accident Potential Zone (APZ) of the Seymour Johnson Air Force Base.

- 7) Seymour Johnson Air Force Base finds the proposed use to be compliant after conducting their evaluation of the proposed special use.
- 8) That the use meets all requirements of the Goldsboro Unified Development Ordinance.
- 9) That the use will not substantially injure the beneficial use of adjoining or abutting property.
- 10) That the use will be in harmony with existing development and uses within the area in which it is located.
- 11) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The Land Use Plan shows the property as being in the Commercial designation. This use is not out of character with the Commercial designation.

### **Conclusion and Decision**

Based on the application, the evidence submitted, and the above findings, the City of Goldsboro City Council voted on the following four standards found in Section 2.4.10 of the Unified Development Ordinance:

- 1.) That the use will not materially endanger the public health or safety.

On a 7-0 vote, City Council found that the use would not materially endanger the public health or safety.

- 2.) That the use will not substantially injure the beneficial use of adjoining or abutting property.

On a 7-0 vote, City Council found that the use would not substantially injure the beneficial use of adjoining or abutting property.

- 3.) That the use will be in harmony with existing development and uses within the area in which it is located.

On a 7-0 vote, City Council found that the use would be in harmony with existing development and uses within the area in which it is located.


- 4.) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.

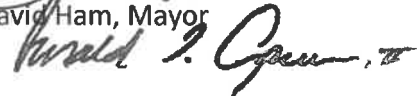
On a 7-0 vote, City Council found that the use would be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.

### **Decision**

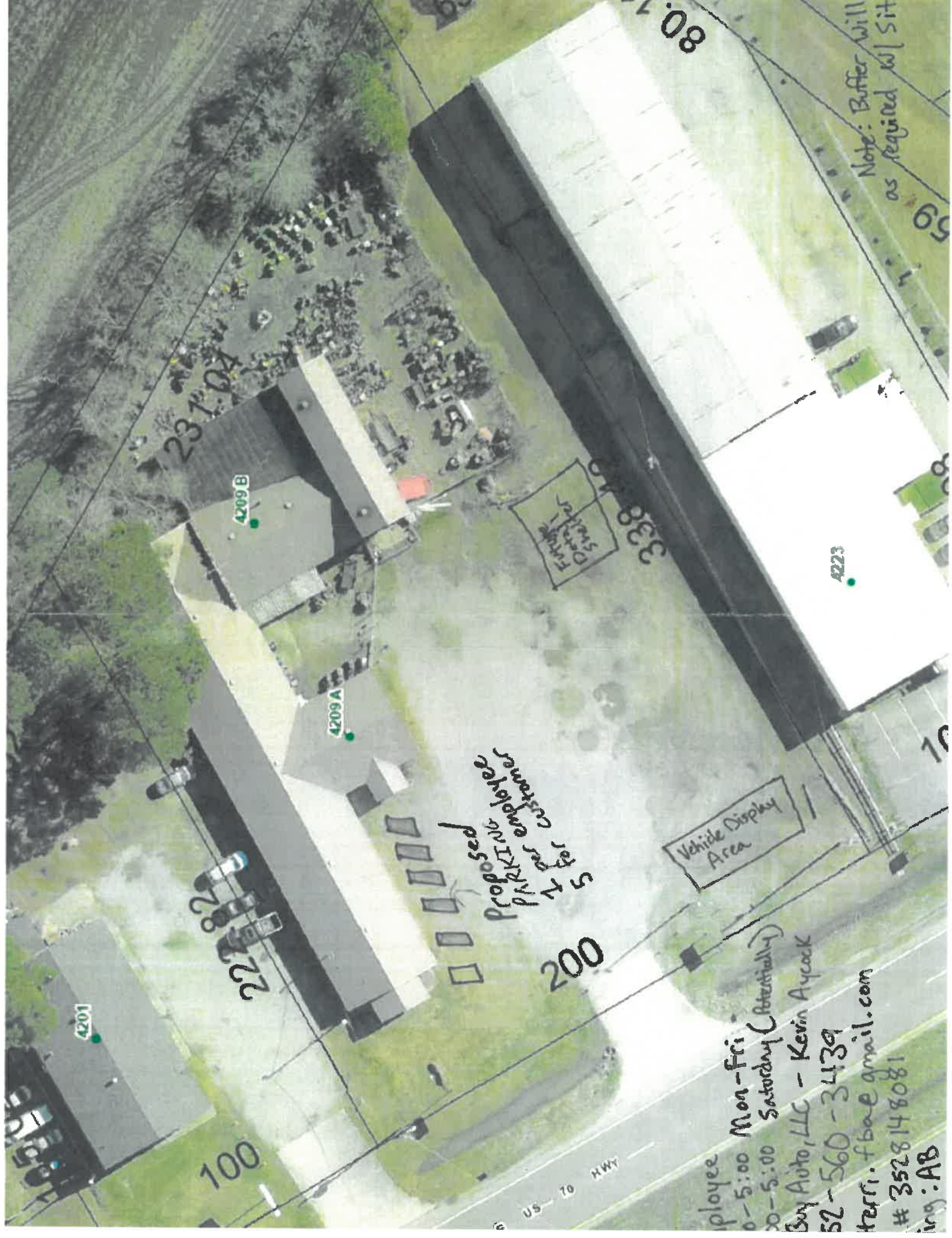
**BASED ON THE FORGOING FINDINGS OR FACT, AND CONCLUSIONS OF LAW, THE BOARD CONCLUDES AS A MATTER OF LAW** that the Applicant has met the requirements of the Goldsboro Unified Development Ordinance and that this Application for a Special Use Permit should be and hereby is **APPROVED**.

This the 5<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
David Ham, Mayor

  
\_\_\_\_\_  
Ronald T. Lawrence, City Attorney





231st

200

Note: Buffer will  
as required w/ sit

4209 B

4209 A

4223

Proposed  
parking  
for employees  
& customers

Vehicle Display  
Area

Future  
Display  
Area

221st

200

4201

100

Employee  
10-5:00 Mon-Fri  
10-5:00 Saturday (Attendance)  
Buy Auto, LLC - Kevin Aycock  
52-560-3439  
terri.fba@gmail.com  
# 3528148081  
ing: AB

US To HWY

**CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING**

**SUBJECT: FINAL ACTION**  
**SU-15-22 C.A.L.M. Properties & Investments, LLC (Triplex) –Corner of Wayne Ave. and Sycamore St.**

**DISCUSSION:** This Special Use Permit was voted on and approved at the November 21, 2022, meeting and is not eligible for further deliberation or discussion.

**REQUIRED ACTION:** Council shall review the Order to Approve, and Mayor Ham shall sign the order.

Date: 11/29/22

  
Kenny Talton, Planning Director

Date: 11/30/22

  
Tim Salmon, City Manager



**CITY OF GOLDSBORO  
ORDER APPROVING SU-15-22**

**Written Decision**

On Monday, November 21, 2022, at 7:00 p.m., the Goldsboro City Council, sitting as the Board of Adjustment, held a quasi-judicial hearing on matter SU-15-22, a request by C.A.L.M. Properties & Investments, LLC to establish a triplex (Multi-Family 3 or more units) at tax parcel 2599818199.

Mr. Austin Brinkley, Assistant Planning Director, presented the agenda materials to City Council. Ms. Stephanie Isler spoke in the hearing but only had general questions and did not present any evidence. After having heard the sworn testimony offered by staff and having considered the agenda materials that were accepted into evidence and presented at the hearing, the Goldsboro City Council makes the following findings of fact:

**Findings of Fact**

- 1.) The application for a Special Use Permit at this location is complete and the Goldsboro City Council has jurisdiction over the parties and the subject matter. The property consists of approximately 0.24 acres, the proposed Special Use is to establish a triplex, the property is in the Residential 6 (R-6) Zoning District and is identified as tax parcel number 2599818199.
- 2.) The property owner is C.A.L.M Properties & Investments, LLC.
- 3.) The Residential 6 (R-6) Zoning District is established to accommodate both single-family and multi-family residential uses.
- 4.) There was no evidence presented in support or opposition.
- 5.) That the use meets all requirements of the Goldsboro Unified Development Ordinance.
- 6.) That the use will not substantially injure the beneficial use of adjoining or abutting property.
- 7.) That the use will be in harmony with existing development and uses within the area in which it is located.

- 8.) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan. The Land Use Plan shows the property as being in the High-Density Residential designation. This use is not out of character with the High-Density Residential designation.

### **Conclusion and Decision**

Based on the application, the evidence submitted, and the above findings, the City of Goldsboro City Council voted on the following four standards found in Section 2.4.10 of the Unified Development Ordinance:

- 1.) That the use will not materially endanger the public health or safety.

On a 7-0 vote, City Council found that the use would not materially endanger the public health or safety.

- 2.) That the use will not substantially injure the beneficial use of adjoining or abutting property.

On a 7-0 vote, City Council found that the use would not substantially injure the beneficial use of adjoining or abutting property.

- 3.) That the use will be in harmony with existing development and uses within the area in which it is located.

On a 7-0 vote, City Council found that the use would be in harmony with existing development and uses within the area in which it is located.

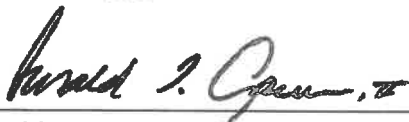
- 4.) That the use will be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.

On a 7-0 vote, City Council found that the use would be in general conformity with the City of Goldsboro Comprehensive Land Use Plan.

## Decision

**BASED ON THE FORGOING FINDINGS OR FACT, AND CONCLUSIONS OF LAW, THE BOARD CONCLUDES AS A MATTER OF LAW** that the Applicant has met the requirements of the Goldsboro Unified Development Ordinance and that this Application for a Special Use Permit should be and hereby is **APPROVED**.

This the 5<sup>th</sup> day of December 2022.

  
\_\_\_\_\_  
David Ham, Mayor  
\_\_\_\_\_  
Ronald T. Lawrence, City Attorney







**SU-15-22**  
**SPECIAL USE PERMIT REQUEST: TRIPLEX**



**SPECIAL USE REQUEST:**

**CASE NO:** SU-15-22  
**REQUEST:** TRIPLEX  
**APPLICANT:** C.A.L.M PROPERTIES LLC  
**LOCATION:** 235 WAYNE AVE

0 50 100 200 Feet



**GOLDSBORO**  
BE MORE DO MORE SEYMOUR

The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on this map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the information or accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

SUBJECT: Rescheduling Council Meetings for 2023

BACKGROUND: The Goldsboro City Council normally meets the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of every month for their Regular Council Meeting.

DISCUSSION: The following meetings need to be rescheduled due to holidays:


- Monday, January 2, 2023 due to New Year's
- Monday, January 16, 2023 is in observance of Dr. Martin Luther King, Jr.'s Birthday
- February 20, 2023 due to Council Retreat
- Monday, July 4, 2023 due to Independence Day
- Monday, September 4, 2023 is in observance of Labor Day

Staff suggests Council consider rescheduling the above meetings to the following dates:


- Monday, January 9, 2023
- Monday, January 23, 2023
- Council Retreat will be held February 22-23, 2023
- Combining the July meetings to Monday, July 17, 2023
- Tuesday, September 5, 2023

RECOMMENDATION: It is recommended that Council accept staff recommendations and approve the 2023 regular Council Meeting schedule.

DATE: 11/30/22

  
Holly Jones, Deputy City Clerk

DATE: 11/30/22

  
Tim Salmon, City Manager

## 2023 Goldsboro City Council Meeting Dates

*\*Work Session-5:00 p.m. --- Council Meeting-7:00 p.m.*

Monday, January 9

Monday, January 23

(2<sup>nd</sup> and 4<sup>th</sup> Monday of the month due to Holidays)

Monday, February 6

(One meeting in February due to Council Retreat)

Monday, March 6

Monday, March 20

Monday, April 3

Monday, April 17

Monday, May 1

Monday, May 15

Monday, June 5

Tuesday, June 20 (Monday, June 19<sup>th</sup> is a holiday – Juneteenth)

Monday, July 17

(One meeting in July due to the Holiday)

Monday, August 7

Monday, August 21

Tuesday, September 5 (Monday, September 4<sup>th</sup> is a holiday – Labor Day)

Monday, September 18

Monday, October 2

Monday, October 16

Monday, November 6

Monday, November 20

Monday, December 4

Monday, December 18

*Retreat Dates 2022*

February 22 and 23 (Wednesday and Thursday)

***\*\*Meeting dates and/or times are subject to change with proper notice.***

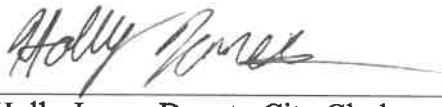
CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
DECEMBER 5, 2022 COUNCIL MEETING

SUBJECT: Boards and Commissions Meetings for 2023

BACKGROUND: The City of Goldsboro's General Rules of Order for Boards and Commissions states that each December council adopts a comprehensive meeting schedule for all City public bodies.

DISCUSSION: Boards and Commissions members were requested to review dates for 2023 to determine conflicts with holidays or other city events. These dates may be amended with proper notice to the clerk's office.

RECOMMENDATION: It is recommended that Council accept staff recommendations and approve the 2023 Boards and Commissions Meetings schedule.

DATE: 11/30/22   
Holly Jones, Deputy City Clerk

DATE: 11/30/22   
Tim Salmon, City Manager

## 2023 Boards and Commissions Meetings

Commission on Community Relations and Development  6:00 p.m. Large Conference Room City Hall Addition	Historic District Commission  5:30 p.m. Council Chambers City Hall	Mayor's Committee for Persons with Disabilities  12:00 p.m. Large Conference Room City Hall Addition	Goldsboro MPO TCC / Goldsboro MPO TAC  9:00-TCC / 10:00-TAC Anteroom, City Hall
January 10, 2023 February 14, 2023 March 14, 2023 April 11, 2023 May 9, 2023 June 13, 2023 July 11, 2023 August 8, 2023 September 12, 2023 October 10, 2023 November 7, 2023 December 12, 2023  <b>Any subcommittee meetings will be noticed as needed</b>	January 3, 2023 February 7, 2023 March 7, 2023 April 4, 2023 May 2, 2023 June 6, 2023 July 11, 2023 August 1, 2023 September 5, 2023 October 3, 2023 November 7, 2023 December 5, 2023	January 19, 2023 February 16, 2023 March 16, 2023 April 20, 2023 May 18, 2023 - <b>Hal K. Plonk Disability Walk</b> <b>MCPD takes the month of June off</b> July 20, 2023 August 17, 2023 September 21, 2023 October 19, 2023 - <b>Awards Luncheon</b> November 16, 2023 December 21, 2023 – <b>Holiday Lunch @ Restaurant</b>  <b>Any subcommittee meetings will be noticed as needed</b>	February 9, 2023  May 11, 2023  August 10, 2023  November 9, 2023
Recreation Advisory Commission  6:00 p.m. Senior House next to Herman Park Center	Goldsboro Travel and Tourism Advisory Council  8:30 a.m. Chamber of Commerce	Mayors Youth Council  5:00 p.m. Council Chambers City Hall	Planning Commission / Board of Adjustment  6:00 p.m. Council Chambers City Hall
January 17, 2023 February 21, 2023 March 21, 2023 April 18, 2023 May 16, 2023 June 20, 2023 July 18, 2023 August 15, 2023 September 19, 2023 October 17, 2023 November 21, 2023 December 19, 2023	January 25, 2023 February 22, 2023 March 22, 2023 April 26, 2023 May 24, 2023 June 28, 2023 July 26, 2023 August 23, 2023 September 27, 2023 October 25, 2023 December 6, 2023	January 4, 2023 February 1, 2023 March 1, 2023 April 5, 2023 May 3, 2023 June 7, 2023 – <b>Awards Ceremony</b>  -Further dates TBD-	January 30, 2023 February 27, 2023 March 27, 2023 April 24, 2023 May 25, 2023 June 26, 2023 July 31, 2023 August 28, 2023 September 25, 2023 October 30, 2023 November 27, 2023 December 18, 2023

CITY OF GOLDSBORO  
AGENDA MEMORANDUM  
December 5, 2022 COUNCIL MEETING

SUBJECT: Encroachment Agreement for Cry Freedom Missions

BACKGROUND: Cry Freedom Missions (CFM) requests the installation of an air filtration and exhaust system, which is required for the commercial kitchen as part of their business expansion at 111 N. Center Street, Goldsboro, NC. While building permits were obtained initially, the contractor did not secure a hood permit. It was noted on a field inspection that the new hood/air ventilation system encroached over 6 feet into a city pocket park. As such, City Inspectors notified the contractor and informed them that design plans, along with a permit application, would be required per state building code. It was also noted that, in part due to the height and extension from the building, an encroachment agreement is required.

DISCUSSION: It is the City's understanding that design options are limited, such that while it may be possible to design other options, they are cost prohibitive. One option that would also satisfy the legal way forward is the use of an encroachment agreement. that allows CFM property to extend over a portion of the City's property and gives CFM no other rights. Staff believes this is the most efficient solution. The City Attorney has drafted an agreement that allows work on the property and ventilation hood to move forward.

RECOMMENDATION: Staff recommends the Council approve the attached resolution authorizing the City Manager to execute the proposed encroachment agreement, at no direct cost to the City.

Date: 12/11/22

  
\_\_\_\_\_  
Timothy Salmon, City Manager



RESOLUTION 2022- 119

**RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EXECUTE AN ENCROACHMENT AGREEMENT BETWEEN  
THE CITY OF GOLDSBORO AND CRY FREEDOM MISSIONS**

**WHEREAS**, Cry Freedom Missions requests the installation of an air filtration and exhaust system, which is required for the commercial kitchen as part of their business expansion at 111 N. Center Street, Goldsboro, NC; and

**WHEREAS**, the contractor did not secure a hood permit; and

**WHEREAS**, it was noted on a field inspection that the new hood/air ventilation system encroached over 6 feet into a City pocket park; and

**WHEREAS**, City inspectors notified the contractor that design plans, along with a permit application, would be required per State Building Code; and

**WHEREAS**, it was also noted that due to the height and extension from the building an encroachment agreement is required; and


**WHEREAS**, design options are limited, such that while it may be possible to design other options, they are cost prohibitive; and

**WHEREAS**, the use of an encroachment agreement would satisfy the legal way forward; and

**WHEREAS**, the use of an encroachment agreement would allow Cry Freedom Missions property to extend over a portion of the City's property, while providing no other rights.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Goldsboro, North Carolina that the City Manager is hereby authorized to execute an encroachment agreement between the City of Goldsboro and Cry Freedom Missions.

This resolution shall be in full force and effect from and after the 5<sup>th</sup> day of December, 2022

  
David Ham, Mayor

Attested by:

  
Holly Jones, Deputy City Clerk



**ENCROACHMENT AGREEMENT FOR  
ENCROACHMENT ON OWNED PROPERTY**

**CITY OF GOLDSBORO  
AND  
CRY FREEDOM MISSIONS/WAYNE PREGNANCY CARE CENTER, INC.**

---

THIS AGREEMENT, made and entered into this the \_\_\_\_ day of December, 2022, by and between the City of Goldsboro, a body politic, party of the first part; and Cry Freedom Missions/Wayne Pregnancy Care Center, Inc., party of the second part:

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the real property and airspace of City owned property, located at \_\_\_\_\_, and all subject properties depicted on the map attached hereto as Exhibit A, for the purposes of placing heating and air cooling equipment and exhaust equipment for use in the structure; the property of the party of the second part abuts at the rear of that property, with the structure thereon being at or near the line between the two properties. The address of the property the subject hereto of the party of the second part is 111 N. Center Street, Goldsboro, N.C., both properties depicted in the Exhibit A attached hereto and incorporated herein by reference, with the property of the City indicated by numeral #1 thereon, and the property of the party of the second part indicated by numeral #2 thereon. Such encroachment more fully described as follows: beginning at the surface of the ground at the location depicted on Exhibit B specifically being an area that is thirteen (13) feet in width and seven (7) feet in depth from the building into the City's property rising to a height of fourteen (14) feet; such beginning \_\_\_\_\_ (\_\_) feet from the rear edge of the northern side of the building.

WHEREAS, it is to the material advantage of the party of the second part, and any heirs, assigns and/or successors in interest, (hereinafter all such referred to as "party of the second part") to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by law, is willing to permit the encroachment within the limits as indicated, subject to the conditions of this agreement;

NOW THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part, and any heirs, assigns and/or successors in interest of such,

the right and privilege to make this encroachment as shown on Exhibit B and any and all heirs, assigns and/or successors in interest are hereby placed on notice of the obligations and are hereby also bound by the following agreed upon terms, upon the following conditions, to wit:

That the said party of the second part binds and obligates itself to install and maintain the encroaching facility, equipment, objects and/or materials in such safe and proper condition that it will not interfere with or endanger travel and use upon said property of the City, nor obstruct nor interfere with the property maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its property due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities and/or equipment, that the said party of the second part binds itself, its successors and assigns, to promptly remove or alter the said facilities and/or equipment, in order to conform to the said requirement, without any cost to the party of the first part. If the party of the first part desires the removal of the encroachment, it shall give the party of the second part sixty (60) days written notice of the required removal.

That the initial term of this encroachment shall be for nine (9) years from the date hereof; unless notice of termination of the agreement and/or notice of removal is given by either party in writing at least sixty (60) days prior to the expiration of the then active term. Such shall not automatically be renewed.

That the party of the second part agrees to provide during construction and any subsequent maintenance or use proper signs, lights, notices and other warnings for the protection of those using the said property of the City under the said encroachment.

That the party of the second part hereby agrees to maintain, retain ownership, and indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation, failure and/or maintenance of this encroachment.

It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities and/or equipment within the property of the City, in carrying out its construction and maintenance operations.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the City's Manager and/or Engineer. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of the rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the NCDEHNR, DLR, and with ordinances and regulations of Wayne County, City of Goldsboro and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and the

existing ground cover, the party of the second part agrees to remove and replace with like kind materials or otherwise reestablish the same to meet the satisfaction of the City's Manager and/or Engineer.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the City's Manager and/or Engineer.

That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on City property that is open to use by the public; the party of the second part agrees to give written notice to the City's Manager and/or Engineer of the party of the first part when all work contained herein has been completed.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility and/or equipment has been brought into compliance or removed from the City's property at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within ninety (90) days from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

CITY OF GOLDSBORO

By: \_\_\_\_\_  
Timothy M. Salmon, City Manager

ATTEST:

By: \_\_\_\_\_  
Laura Getz, City Clerk

CRY FREEDOM MISSIONS/WAYNE PREGNANCY CARE CENTER, INC.

By: \_\_\_\_\_  
Beverly Weeks, President