

**GOLDSBORO CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, DECEMBER 2, 2019**

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

I. WORK SESSION-5:00 P.M. – CITY HALL ADDITION, 200 N. CENTER ST., ROOM 206

ADOPTION OF THE AGENDA

OLD BUSINESS

NEW BUSINESS

WELCOME/FAREWELL RECEPTION

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

Invocation (Rev. Jim Harry, St. Paul United Methodist Church)

Pledge of Allegiance

III. ROLL CALL

IV. APPROVAL OF MINUTES *(*Motion/Second)*

A.1 Minutes of the Special Called Meeting on July 15, 2019

A.2 Minutes of the Work Session and Regular Meeting of October 21, 2019

A.2 Minutes of the Work Session and Regular Meeting of November 4, 2019

V. PRESENTATIONS

VI. PUBLIC COMMENT PERIOD *(TIME LIMIT OF 3 MINUTES PER SPEAKER)*

VII. CONSENT AGENDA ITEMS *(*Motion/Second--Roll Call)*

B. Employee Bonus Authorization (Finance)

C. Compensation and Classification Study (Human Resources)

D. Budget Amendment - 2019-2020 Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs (HOME) (Community Relations)

E. S-11-19 David and Ashley Stafford Allen (Two-lot Preliminary Subdivision Plat)(Planning)

F. S-14-19 Wooten Development (Two-lot Preliminary Subdivision Plat) (Planning)

G. SITE-19-19 Site and Landscape Plans- Hutton ST 17, LLC (Automatic Car Wash) (Planning)

H. SITE-20-19 RENU-LIFE Extended, Inc. (Traumatic Brain Injury Facility) (Planning)

I. Z-20-19 David and Ashley Allen - Southeast corner of Mull Smith Lane and Double D Lane (Planning)

J. Z-21-19 St. James Church of Christ – South side of W. Chestnut, west side of Kennon Avenue and east side of S. Alabama Avenue (Planning)

K. CU-12-19 Henry Battle - East side of S. James Street between Spruce Street and Pine Street (Planning)

VIII. ITEMS REQUIRING INDIVIDUAL ACTION *(*Motion/Second)*

IX. DEPARTING COMMENTS

X. ORGANIZATIONAL ACTIONS

L. Administering of Oath of Office (The Honorable Ericka James, District Court Judge)

M. Selection of Mayor Pro Tem (Mayor)

XI. CITY MANAGER'S REPORT

XII. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS (*Motion/Second)

N. Resolution Expressing Appreciation for Services Rendered by Kathy Bass as an Employee of the City of Goldsboro for More Than 14 Years

O. Resolution Commending and Expressing Appreciation to Bevan Foster for Serving as Goldsboro City Councilmember for Four Years

XIII. CLOSED SESSION

XIV. ADJOURN

MINUTES OF A SPECIAL CALLED MEETING
OF THE MAYOR AND CITY COUNCIL
JULY 15, 2019

The Mayor and City Council of the City of Goldsboro, North Carolina, called a Special Meeting on Monday, July 15, 2019 at 10:00 a.m. in Council Chambers, located in Historic City Hall, 214 North Center Street, Goldsboro, North Carolina. At a Special Meeting held on May 9, 2019, a motion was approved that Councilmember Williams be censured. Pursuant to this motion, the purpose of the meeting is to conduct a hearing as required by the City of Goldsboro's Code of Ethics. Attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadaway
Councilmember Antonio Williams
Councilmember Mark Stevens
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock

Call to Order. Mayor Allen called the meeting to order at 10:00 a.m.

Allen: Chuck Allen, Mayor
Williams: Antonio Williams, Councilmember
Broadaway: Bill Broadaway, Councilmember
Stevens: Mark Stevens, Councilmember
Foster: Bevin Foster, Councilmember
Ham: David Ham, Councilmember
Aycock: Gene Aycock, Councilmember
Leech: David Leech, Retired Judge
White: Mario White, Counselor for Councilmember Williams
Bateman: Valerie Bateman, Forrest Firm Investigator
Capps: Melissa Capps, City Clerk
Lawrence: Ron Lawrence, City Attorney
Moore: Yvonnia Moore, Resident
Reed: Keanna Reed, Resident
M/F: Male/Female Speaker

Allen: Good morning, everyone. It is 10:00. We will call this special meeting of July 15 to order. The purpose of this meeting is to conduct the hearing as required by the City of Goldsboro code of ethics. I do want to take a minute and just give everyone a little bit of background on how we're here and maybe a few rules.

So some time back in late October timeframe, acting City Manager Randy Guthrie believed he needed outside, independent help in investigating claims between Councilmember Williams and Community Development Shycole Carter-Simpson. So he engaged the services of the Forrest Firm, Ms. Valerie Bateman and Mr. Carl Dean, to help investigate the claim.

On April 1, 2019, they presented their report to the City Council in closed session. On May 9th, 2019, the City Council voted to censure Councilmember William, based on the report and other factors, in order to protect the city as the report recommended. And in the early June timeframe, the council and Ms. Carter both agreed to make the redacted report public for transparency reasons.

So I want everybody to know that we are operating the censure hearing under G.S. 160A-80 and the city's code of ordinances and the censure hearing procedure

resolution. And one of the requirements is that we have this hearing today, so that's why we're here today where both sides will present their evidence.

At the conclusion of this hearing, if there is a properly made motion and second to censure Councilmember Williams based on breaking specific subsections of our code of ordinances and the code of ethics and voted affirmative by at least five Councilmember s, we will adopt the resolution to censure, which will be placed as a matter of record in the minutes of the official City Council meeting. If there are not five votes to censure him, the matter will be concluded with no censure.

The resolution and our operating [ph] says that the mayor conducts the hearing, but in an effort to be impartial, as well as help keep decorum and hopefully keep the meeting moving along, the councilors decides to hire a retired judge, David Leech, Judge Leech, to conduct and lead the hearing. And I'll turn it over to him in just a minute.

I do want to reiterate this is not a court hearing, and rules that apply in court may not apply here, but proper decorum is expected. I also want to mention at this time we welcome all visitors and ask that you show good behavior and respect for the chamber and withhold any outbursts, etc. If the judge believes that someone's being out of order, he can certainly ask you to leave.

I'm going to turn it over to Judge Leech in just a minute, but I do want to kind of explain the order and the process that we're going to do to conduct the hearing. After he introduces himself and makes any of his comments, then Councilmember Williams will have the opportunity to make an opening statement, should he want to do that. The clerk will have to swear in all witnesses. The council will present their witnesses first, and any councilmember is free to ask questions or cross-examine any witness at the appropriate time.

Once council evidence is complete and testimony's complete, Councilmember Williams will then present his witnesses and his evidence. After all witnesses have testified and all evidence is presented, Councilmember Williams will make any closing statement he has, and then the council will begin deliberations in open session. And that's kind of the decorum of what we're going to do, so I'm going to turn it over to Judge Leech to make any comments he has and start the process.

Leech: Thank you, Mayor. Let me introduce myself briefly. My name is David Leech. I'm a retired district court judge. I've spent my career in Greenville. I was a district court judge for 28 years there, chief district court judge in that judicial district from 1999 until I retired a couple years ago. I've held court in a number of counties, including Wayne County, but most of my judicial career was spent in Greenville. Now I do some fill-in work as an emergency district court judge, and I'm happy to be here to try to help folks conduct a civil hearing.

We'll start now and we'll go until 1:00. If it turns out that we're not done then, we'll take a break for lunch. But the procedure now, which I'll follow,

allows for the Councilmember , Mr. Williams, to make an opening statement, if he so desires.

White: Thank you, Your Honor. My name is Mario White. I'm representing Councilman Williams in this proceeding. I would probably start by saying that I think we would probably make a motion to dismiss the proceedings. I'm not sure how this proceeding can proceed because the Councilmember s would probably be potential witnesses, in my opinion, in this proceeding that we would intend to call as witnesses in this proceeding, so I'm not sure how they can sit in judgment of Mr. Williams when they're potential witnesses.

Let me explain to you where I'm coming from. If you look at the ordinance, 31.20 Subsection A [ph], so the City Council may direct the city attorney to investigate any apparent violation of this subchapter as it applies to any member of the City Council. So first of all, there has to be an apparent violation. Somebody has to make an allegation of an apparent violation. I would assume—because I don't know because I've not seen anything—that that would come from one of the City Council.

I don't know who made the allegation of an apparent violation to get the investigation started. So before you can conduct an investigation, you have to have an alleged apparent violation. We have not been provided any evidence of any report of any apparent alleged violation before the investigation was done. I think they put the cart before the horse is what I can see here because you did an investigation, and now you're saying he violated these ethics or standards of ethics or code of ethics. I think you're putting the cart before the horse.

So in order for the court or this council to have jurisdiction, you have to have that alleged apparent violation. And I think we would have to—I would have to question the City Councilmen or members as to who made that allegation and what the alleged apparent violation was before we could even get started.

The other issue is the City Council was provided an investigation report that was done by, I think, Ms. Bateman. They were briefed on that report. They've had an opportunity to review the report. I don't know how many have actually reviewed it, but they've had an opportunity to review that report. There were things said in that report by witnesses who may or may not come into court and testify today. We've issued several subpoenas, and I've been told that some of the people who were subpoenaed to be here to testify have been told they didn't have to show up for this hearing.

Now the council has already seen those statements of witnesses, and we won't have the opportunity to cross-examine those witnesses at this hearing today because they are not here. And so the council, in my opinion, will be biased going in because they've seen this information and we don't have the opportunity to dispute it.

So I don't know how the council can sit in judgment. I don't know how the council can try this case with that information. I think it's a violation of Mr. William's due process rights, his equal protection rights, and the council can't be fair and impartial in this matter.

And so my first position would be to make a motion to have this thing dismissed because I think the council, and the mayor, as well, are all potential witnesses in this case. So I don't know how you can sit in judgment and be a witness in the case at the same time.

This is probably one of the worst cases I've ever seen as far as due process in my 25 years of practice. You have, in essence, the jury sitting in judgment of this man, who've already seen the reports and what witnesses are going to say who aren't going to be here to testify. That's troubling. That is troubling to no end from my perspective as an attorney who has done this for 25-plus years. And there's no way he can have a fair hearing in front of this council and proceed. So my motion, first of all, would be to dismiss this proceeding.

Leech: City attorney, you want to respond?

Lawrence: Since the council itself is the one that voted to have the censure proceedings themselves, I think a Councilmember would have to make a motion and it to be seconded to bring it on [ph].

M: Like we wanted.

Foster: I don't remember us agreeing or making the decision to have this investigation even started. We went back and we listened to the minutes, and nowhere in that did we say that we were going to start this investigation. At one point, I was told that the investigation was started because Ms. Carter filed a complaint downtown against Mr. Williams. Then that story changed. So it's been a lot of different things go on from now until then. That was, you know, I can't actually say that I have proof of that, but I know what I was told because it's kind of, sort of hearsay, even though it was directly out of a person's mouth, but that person changed their story later on.

So we come to an investigation that should've never even taken place because as a council we never, ever agreed to it. So I would—I'm with the attorney and Mr. Williams on I would make a motion to have this case dismissed.

Williams: Seconded.

Allen: There's a motion and a second. Any more discussion? All those in favor, raise your right hand. Opposed, likewise. Motion fails.

[LAUGHTER]

Leech: All right. Now—

White: If I could just—

Leech: —is that the conclusion of the opening statement from Mr. Williams?

White: It's not, Judge. If I can go on the record and say this is exactly what—my point exactly. He can't get a fair hearing in front of this council. This is my point

exactly. How is the council going to vote on that motion when I just laid out the bias of the council? How can a council now vote on that motion or make that motion and vote on that motion when I just laid out the bias of the council?

This is violation of due process. This is a violation of this man's rights. He will not get a fair hearing, and we've just seen that by this vote. I don't understand it. I'm not understanding. This is my point exactly. This, in my opinion, if it's allowed to proceed in this manner, is nothing more than a high-tech lynching.

[APPLAUSE]

Leech: Okay, folks, folks, folks. Now we're going to have a civil hearing. No outbursts. No outbursts either way. Okay.

Foster: I mean, I'm going on—I mean, still—

Leech: Now. Okay.

Foster: What the attorney just said—

Leech: No, no, no, no, no. No.

Foster: This is BS.

Leech: We're at opening statement is where we are.

White: I can't get to the opening—

Leech: It's whether you've finished—

White: I'm sorry.

Leech: —the opening statement.

White: I can't get to the opening statement, Judge, because it's biased. It's biased.

Leech: Okay. All right.

White: It's biased. And I would think that the court could rule on that.

Leech: I'm here simply to conduct the hearing. I don't have authority as a judicial official to make rulings.

White: I'm not sure.

Foster: I mean, if you're here just to conduct the hearing, I'm still a little confused on that too.

Leech: I'm here to conduct the hearing. Okay. So now, if you're done with opening statement, and I understand that you—I understand that you disagree with having the hearing. If that's the end of the opening statement, then we'll go to evidence. Mr. Williams will get a chance to present his side as well.

White: So nobody have any issue with the council sitting in judgment with their witnesses in this case?

Leech: This is the procedure that's adopted for the City of Goldsboro. It's not a judicial proceeding.

Foster: But when was this procedure adopted?

White: That's the next question I'm—Councilman Foster, I'm glad you brought that up. That's the next question was this procedure was adopted, so I don't know if it would even apply to Mr. Williams's case or not because this procedure was

adopted after these allegations were made. So ex post facto says that you can't apply it to his situation.

Leech: Okay. All right. We'll now begin with presentation of evidence for the council.

Allen: Our first and only witness is Ms. Valerie Bateman. Ms. Bateman? And Melissa, you'll need to swear her in, please.

Capps: Raise your right hand and place your left on the Bible. Do you swear or affirm the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Bateman: So help me God.

Allen: Ms. Bateman, I guess our question to you would be you did the report, you came to the city in closed session to present the report. You really were never given a chance to do that. As briefly as you can, maybe you would want to summarize how you got to where you got, you and Mr. Dean, and then I'm sure people have questions.

White: Judge, may I first of all, object to her testimony? I don't think she has firsthand knowledge of anything. I think she may have interviewed witnesses. Unless those witnesses are here to testify, anything she says is hearsay.

Foster: Exactly.

White: So again, this is the violation. We don't get to cross-examine the witnesses against him.

Foster: Her entire report was hearsay.

Bateman: I have first—

Leech: You'll get the chance to ask her questions after her direct testimony.

[OVERLAPPING—INDISCERNIBLE]

Leech: After her direct testimony.

Foster: But now you're being biased as a—If you're going to conduct this hearing, now you're being biased.

Leech: One at a time.

Foster: But no, he's being biased in our time [ph]. You're being biased right now as you are conducting this hearing. Come on, if you're going to do it, do it in the right way.

Leech: One at a time.

M: That's right.

Leech: One at a time.

Foster: You sat as a judge for years. You know the right way to do this and the wrong way to do this.

Leech: One at a time.

Foster: I'm talking right now in here, so it is one at a time, so you be quiet.

Leech: But you'll get a—

Foster: —and answer my question.

Leech: You will get a chance to ask her questions.

Foster: I'm asking you a question.

Leech: Okay. Questions from the city.

Foster: This is ridiculous.

Leech: Okay.

Foster: You just walked out the back with them. I guess you all had your conversation, so now you're going to come out here and do it directly what they tell you to do. Come on, man. This is ridiculous.

[OVERLAPPING—INDISCERNIBLE]

Leech: Okay.

F: Judge, you could do exactly what they tell you to do.

Leech: No. Questions for Ms. Bateman.

F: This is ridiculous.

Allen: Go ahead, Ms. Bateman.

Bateman: Your Honor, I'm aware—

[OVERLAPPING—INDISCERNIBLE]

Leech: Folks, we need to—

[OVERLAPPING—INDISCERNIBLE]

Leech: Folks. You're going to get a—

[OVERLAPPING—INDISCERNIBLE]

Leech: Folks. Okay.

[OVERLAPPING—INDISCERNIBLE]

Allen: Either please have decorum [ph] or we're going to ask you to leave. If anybody outbursts, ask them to leave, please.

Foster: This is ridiculous, man. We've got two officers here that need to be out in the streets protecting our citizens, but we're in here with this mess. Look at the money being wasted. You all should be ashamed of yourselves, man.

Leech: Go one at a time. Okay, Ms. Bateman.

Bateman: I just want to make sure that my remarks are able to be recorded for use in any subsequent appeal. So am I speaking—Is this microphone picking it up?

Capps: [INDISCERNIBLE]

Bateman: Okay. All right. That's all I wanted. I just want to make sure I'm adequately recorded. Good morning.

M: Good morning.

Bateman: Thank you for having me here today. I am happy to be back in front of you again. I wouldn't say happy, actually. I am back here in front of you again. I'm going to be presenting highlights today from the investigation undertaken by myself and my co-investigator, Mr. Dean, which you all, I think, had the pleasure to meet back when I came here before. As you know, this investigation began back in October of 2018.

I would just like to say as an initial matter that Mr. Dean is very sorry not to be here. He has been delayed in Houston. His wife is receiving medical

treatment down there, and he would have been here if that were not the case. He sends his sincere regrets and hopes that I will be able to adequately convey the substance of our investigation.

As charged by the city, we undertook two investigations, one made by a city employee into allegations that Councilmember Williams had created a hostile work environment and a second investigation into allegations by Councilmember Williams that that same city employee had engaged in misconduct which warranted that employee's dismissal.

Now we undertook this investigation based on our combined experience of many years. Mr. Dean has over 20-plus years as a human resources professional, and he has worked with local governments and state government agencies, as well as universities, in running HR systems and implementing them. I have 25-plus years of employment litigation experience with public agencies and entities, such as universities, state agencies, individuals working for those who have been sued or are defending lawsuits. So our experience informed our investigation. Now this investigation will not consist of me giving any firsthand direct testimony about things that Mr. Williams did or said. It is based on interviews, though, with Mr. Williams, as well as with other employees of the city, as well as with citizens of the City of Goldsboro.

We had intended to investigate these allegations separately but were required to combine them when both parties informed that the investigation was not simply about what occurred on September 27th, 2018, and October 1st, 2018, but actually was informed, from their perspectives, by events that had been ongoing since February 2017. I'm not sure a chronological summary would be helpful at this point. What I will do is talk about the specific nature of the allegations made by each party, and then to the extent that it's helpful, I will be happy to run through the evidences we found.

Our goal was to ascertain the answers to these two questions—whether there was misconduct and whether Councilman Williams had created a hostile work environment. It became clear to us eventually that the employee had not engaged in misconduct and Councilmember Williams had engaged in actions which could, in fact, be found by a reasonable person, a judge, a jury, to constitute a hostile work environment.

Councilman Williams's allegations were that the employee had engaged in a conspiracy to ruin his reputation by making false allegations against him in a closed session meeting of the Goldsboro-Wayne Transportation Authority meeting. In the last paragraph of the written letter that he submitted, he asked the city to terminate the employee.

White: I'm sorry. Who was that you said? Who was that?

Bateman: Councilmember Williams.

White: Okay.

Bateman: That was his allegation.

White: Okay.

Bateman: We were unable to substantiate that any false statements were made during that meeting or that the employee engaged in any misconduct. We interviewed Councilmember Williams multiple times and requested documentation or the names of other witnesses that might support his allegations that this conspiracy existed, and we were never given any names of individuals to follow up and interview or provided any documentation that we could review.

The employee's allegations alleged that Councilmember Williams engaged in behavior towards the employee that the employee considered to be a personal attack, as well as demeaning and threatening. And the first incident occurred on September 27th at the same meeting that Councilmember Williams complained about. Again, a GWTA Authority meeting in the closed session. The evidence showed that this behavior, that Councilmember Williams's behavior at this meeting was so extreme and unacceptable that on the day of the same meeting, the chair of that committee felt compelled to send a letter to the interim city manager, and that letter requested that Councilmember Williams be replaced on the GWTA board because he had, quote, "verbally attacked" the employee while the employee was presenting at the meeting.

The letter further described Councilmember Williams's actions as a temper tantrum and, quote, "not only offensive to the employee but also disrespectful to the other board members who were present." Finally, the letter noted that Councilmember Williams was the City Council representative on the board and stated that City Councilmember Williams had done the council a disservice.

After this meeting, the investigation showed that another meeting took place after the City Council meeting on October 1st. There was a closed session at this meeting on October 1st, but the investigation never showed any reason that anything occurred at that meeting, and so the investigation—We were not prompted to ask for the closed session minutes of that meeting, so the investigation does not recount what happened in that meeting and is not privy to what happened at that meeting.

Nevertheless, after that meeting, the investigation showed that Mayor Allen met with the employee, a concerned community member, the interim city manager, and the chair of the committee who wrote the letter about the meeting on September 27th. By the accounts of all of the individuals who were in that meeting, the purpose of the discussion was to consider whether action to address Councilmember Williams's behavior at the meeting of the 27th, which had been observed by multiple individuals, whether any action taken with regard to that conduct could be postponed until he rotated off that board in December.

However, at some point while that meeting was going on, Councilmember

Williams and his girlfriend/business partner, Ms. Moore, entered the mayor's office, interrupting the meeting and explaining his presence by saying that he had returned to the building to check his mail after the meeting.

He expressed anger that the meeting was going on and suggested that the meeting had an improper purpose. By all accounts except Councilmember Williams's, Mayor Allen then attempted to defuse Councilmember Williams's anger by asking him to participate in a discussion which would settle the matter between him and the employee. And he also clarified that he was, as mayor, entitled to meet with anyone he wanted to meet with. The mayor asked the employee if the employee would be willing to meet with Councilmember Williams. The employee indicated that the employee would be willing to do so depending upon the advice of the employee's lawyer.

Councilmember Williams then alleged that the employee was threatening to sue him and sue the city, and the meeting eventually ended with no resolution and no meeting scheduled. On October 2nd, the next day, the employee submitted a memo to the interim city manager formally complaining about Councilmember Williams's actions at both the September 27th meeting and the October 1st meeting, and the employee made allegations of discrimination and a hostile work environment.

I would note at this point that the investigation showed that the employee actually first made allegations about a hostile work environment against Councilmember Williams to her supervisor, the former town manager, back in 2017. And in fact, in response to her complaints, the manager then consulted the then city attorney, who sent a letter to all of the Councilmember s, cautioning them about their behavior as members of the City Council, cautioning them not to engage in actions which could be perceived as creating a hostile work environment, and asking them, you know, to remain as professional as possible in their dealings with city employees. So the September 27th incidence and the October 1st incidence were the latest manifestations of what this employee believed was the creation and exacerbation of a hostile work environment.

The investigation found that the series of events which occurred between February of 2017 and culminated with the events of September 27th and October 1st could be found to be evidence that the employee was subjected to a hostile work environment and also that those actions could be deemed to be evidence that Councilmember Williams has engaged in retaliation towards the employee. I have another 10 pages, a factual summary, which I will be happy to get to, but I would like, at this point, to stop and say on October 15th, the council took the action of removing Councilmember Williams from the GWTA committee. And I believe as an experienced employment litigator that had all—If there was no other evidence of a hostile work environment retaliation after that action, that action would, perhaps, have been sufficient to provide the city with a defense in a Title

VII lawsuit, that it took, you know, sufficient action to protect the employee from a hostile work environment.

However, to the extent that there has been continued hostile workplace, a hostile workplace in retaliation by a member of this City Council against an employee of the city, the city has become vulnerable to a Title VII lawsuit against the city for failing to take action to protect the employee. The censure action that you're considering would signify that the city has taken actions to stop the hostile work environment and retaliation. However, if the censure action is not sufficient, then at that point, the city would have a defense and Councilmember Williams would himself then risk being sued in his individual capacity under the Civil Rights Statute, 42, U.S.C. 1983, for violating the employee's civil rights in his individual capacity.

Of course, it is my fervent wish that none of that happens, but that is beyond my control and probably the council's as well. So I'm happy to take questions and I'm happy to go back through the facts, the salient facts, from the investigation which provide specific examples of conduct that a court could find to be examples of a hostile work environment and retaliation.

Leech: Any—

Allen: Yeah, does anybody have any questions.

Leech: Other questions?

Ham: Ms. Bateman, I have a question. Would you restate the period of time starting in February—was it the 5th of 2017?

Bateman: 2017.

Ham: And what was the ending date?

Bateman: Well—

Ham: For that specific—

Bateman: February 2017 there were a number of events that occurred—

Ham: Right.

Bateman: —over time, but in June, the perception of a hostile work environment became so severe that the employee complained to then the manager then, Scott Stevens, who then talked to Mr. Womble about drafting the letter.

Ham: But earlier you said that certain actions that occurred between February—

Bateman: February and—Our investigation focused on, at the end, September 27th and October 1st of 2018.

Ham: Okay. Thank you.

Bateman: I'm sorry. I feel like I'm not answering your question. Are you trying to get to something? I'm—

Ham: Well, you couched the term before, I believe, that these certain actions that occurred between this period, beginning time and the ending time would produce a hostile work environment.

Bateman: Well, the hostile work environment the employee could contend—and I believe a court could find—that the hostile work environment began in February 2017 and I don't know if it's ended today.

Ham: But for the purpose of your investigation?

Bateman: But from the point of my investigation, we ended with the October 15th meeting where the council voted to remove—

Ham: 2018.

Bateman: 2018. Yes, I'm sorry. 2018.

Ham: All right. Thank you.

Leech: Okay. Any other questions?

Aycock: This is the least of the things. What we were trying to do, according to what you're saying, by censure, is we were trying to clear ourselves of the responsibilities of being sued by the employee. Is that correct?

Bateman: Well, without giving you legal advice, which you really should get from your attorney, I would say that a censure motion indicates the City Council's disapproval of the actions engaged in by Councilmember Williams with regards to the employee who's made the allegations. And so a court, a judge, a jury would look at that and take that as some evidence that the City Council attempted to stop that behavior and attempted to protect the employee.

Aycock: And had we not, we'd be leaving ourselves up for a lawsuit.

Bateman: You may still get sued.

Foster: Exactly.

Aycock: Thank you.

Leech: Okay. All right. Mr. White. Cross-examination.

White: Ms. Bateman, you were hired by the city? I guess by the City Council to conduct this investigation?

Bateman: Well, I've been paid by the city. I'm sure the City Council oversees the budget use to pay my bill. I was in contact with the city attorney.

White: How much were you paid to conduct this investigation?

Bateman: To conduct the investigation itself? I think it's a matter of public record that my firm was paid \$1,500.

White:: So how long did this investigation go on?

Bateman: Oh, my goodness. Well, I think, as you can tell, it's—The final report, I think, was provided some time before I appeared before the City Council in closed session.

White: So roughly how many months did this go on?

Bateman: Well, math is not my forte but November, December, January, February. When did I appear in front of the City Council?

M: April.

M: April.

M: April.

Bateman: April?

M: Think so.

Bateman: So the investigation actually concluded when the report was left in its last draft form. I would not say any investigation went on between that last draft form and the presentation.

White: And approximately—I don't have to have an exact number—how many hours did you spend in this investigation?

Bateman: I probably averaged about minimum wage.

White: That doesn't tell me much. How many hours did you spend?

Bateman: Well, I did not track those hours because it was a flat-fee arrangement, but if you just count the time I spent on investigations, I believe that's summarized in the report. And you could do the math.

White: I can't do the math because it may take me a month to do a report like this when it may take you two weeks to do one. I can't do the math.

Bateman: I can assure you it did not take two weeks.

White: Okay, well, that's why I'm asking about how many hours did it take you in this investigation and doing this report.

Bateman: I can't answer that question.

White: This is a pretty lengthy report, and that's why I'm kind of curious.

Bateman: I think I've said I've said I can't answer that question.

White: And so you mean your firm only made \$1,500 in expending a 47-page report plus your investigation, your time.

Bateman: Pardon me? What was the question?

White: So your firm only made \$1,500 and you've done a 47-page report and interviewed I don't know how many witnesses and, according to you, have done an addendum, a 10-page report, and you were only paid \$1,500.

Bateman: Well, it is a little embarrassing. I agree.

White: Very embarrassing, Ms. Bateman. Ms. Bateman, you're an experienced litigator. That's what I heard you say. Is that correct?

Bateman: I'm sorry?

White: You're an experienced litigator.

Bateman: I am an experienced litigator.

White: You've litigated cases before, based on that information, I would assume?

Bateman: Before? I'm sorry?

White: I mean, you've litigated cases before?

Bateman: Yes.

White: Okay. Have you ever had a time where you were at a hearing and you didn't get the opportunity to cross-examine any witnesses against your client?

Bateman: Well, this is not that kind of hearing, and—

White: What kind of hearing?

- Bateman: —due process for this kind of hearing is completely different from due process in the hearings in which I try cases.
- White: What kind of hearing is this?
- Bateman: My understanding is it's a censure hearing. A hearing and a censure motion.
- White: So in a censure hearing, you're telling me that Councilmember Williams shouldn't get the opportunity to cross-examine the witnesses against him?
- Bateman: I am not telling you anything of the kind.
- White: Well, you're saying this is a different type of hearing, so what's the difference in the hearing?
- Bateman: You said, have I ever litigated cases during which the witnesses did not have—the parties did not have an opportunity to cross-examine. I said, in my cases, that's a requirement of due process. That is not a requirement of due process as I understand it in censure hearings.
- White: What is due process? Is due process not the same in a censure hearing as it is in any other type of hearing? Is there a different kind of due process?
- Bateman: There are many kinds of due process. There's post-deprivation due process. There's pre-deprivation due process. There's substantive due process. There's procedural due process. If you've litigated constitutional due process claims like I have, you know the Supreme Court has written tomes—
- White: Okay.
- Bateman: —on the nature of due process and what's required in any particular situation.
- White: Does due process not require the opportunity to cross-examine the witnesses against you?
- Bateman: Not in every situation.
- White: You mean to tell me there's a hearing where a witness can say something and I don't get the opportunity to cross-examine that witness?
- Bateman: I'm not a law professor. I don't want to lecture you on the law, but yes, that's what I'm telling you.
- [OVERLAPPING—INDISCERNIBLE]
- Leech: Folks.
- White: I'm not asking you to lecture me on the law. I'm asking you based on your experience as a litigator.
- Bateman: No, you're asking me the law. You're asking me whether due process as a legal requirement requires the opportunity to confront witnesses. I'm telling you due process is different in different situations.
- White: Is that not an aspect of due process?
- Bateman: In some cases.
- White: So it's not in all cases?
- Bateman: I am not aware that this hearing is being conducted outside the requirements of due process. As far as I know, it is, but again, that's not my role here. That's something that it's your job to argue on behalf of your client.

White: Well, let me ask you this, Ms. Bateman—Your report and your opinions are based on your belief in what the witness told you. Is that correct?

Bateman: That is true.

White: And so if the witness lied to you, then that would make your report flawed. Is that correct?

Bateman: I will say over time the credibility of the relative witnesses became very clear to Mr. Dean and myself because we got the same story from multiple people and we got different stories from Councilmember Williams.

White: But those multiple people aren't here for us to cross-examine today, and so if a witness lied to you, your report is potentially flawed. Crap out, crap in. I mean, crap in, crap out. Is that right? So if you're getting bad information in your investigation, does that not flaw your opinion and your report?

Bateman: I would have to tell you this—that I stand by everything in that investigation.

White: And so if a witness lied to you, does that not flaw your opinion and your report?

Bateman: Absolutely. Absolutely. If Councilmember Williams lied to me, that would be—

White: If he lied to—Again, if he was a witness you interviewed, if he lied to you, that flaws your report.

Bateman: It flaws the—

White: That's my question. That was my question. And so you're basically just taking people at their word, and we don't get the opportunity to question that.

Bateman: Well, in my investigation I weighed the evidence.

White: Thank you, Ms. Bateman. Thank you, Ms. Bateman. I appreciate it.

Leech: Okay. Anyone else?

Foster: Yes. During your investigation, I read your report—

Bateman: I'm sorry. I'm going to have to ask you to speak up.

Foster: During your investigation, I read your report, and it seems like you had everything that would agree with what Shycole was saying. Everything. Everything in your report would agree with what she was saying. And during the report, I didn't see anything that Councilmember Williams said in your report. So if you're investigating two people, why was nothing in that 47-page report from Mr. Williams? It seems to—

Bateman: I will tell you that Mr. Dean and I interviewed Councilmember Williams multiple times, many more times than we interviewed anyone else, in a desperate attempt to get any evidence that would support any of his allegations. We asked him for names of people, places, dates, documents. We, essentially, begged him for those things, and none were forthcoming. The employee, on the other hand, kept copious notes and detailed summaries of all of the events that occurred to her, making her this city's nightmare in a litigation.

Foster: But once again, you did 47 pages, but not one thing in those 47 pages was anything Councilmember Williams said. If you're going off of what you just said with you're taking everybody at their word—

Bateman: I—

Foster: I'm just saying, if you're taking everybody at their word and everybody's truthful, why nothing in that 47-page report was anything Councilmember Williams said? I sat with you for three hours, and not one thing was said in that report that I said. Now, I'm going to go a step further.

Leech: Let's let her answer that.

Foster: But it's not a question.

Bateman: No, that's not a question.

Foster: I didn't ask a question. I didn't ask a question. I was making a statement. There's a difference. Now, going on to the next thing—Hey, I almost lost my train of thought. Man, you threw me off, but let me see. We can get back to it. With that 47 pages, nothing that I said was in there either. Now, I could say, just from my reading the report, there was things said about me several times in that report that I know was not the truth. I know this for a fact. But you took it as being the truth and put it in your report, why I don't know. I mean, it was in there—I mean, I'm going to use this for an example. You said the lady, Ms. Shirley Edwards, was helping me during an election. I've never received any help from that lady at any point, at any time in my life for no reason. But this is in your report as being the truth, so I'm going to finish. I'm going to give you time to speak. So going back to what—Mr. Wright? What's your attorney's name?

Williams: Mr. White.

White: It's White.

Foster: White. I'm sorry. What he said—How can you say that the things that you were told were the truth when they weren't? I mean, nobody was sworn in. There was no official anything. It's just a bunch of hearsay. The entire 47 pages was hearsay. Hearsay. No matter how much—I can write something down on a piece of paper and say, this happened on this date. Doesn't mean it happened on that day. There's no factual information in that. That's my hearsay on a piece of paper, and that's what you're saying Ms. Shycole Carter-Simpson did. Just because she wrote it down doesn't mean anything. Just because she put a date beside it doesn't mean anything.

Bateman: I'd be happy to respond to your points when you're ready.

Leech: Okay.

Foster: Okay. You go ahead.

Leech: All right.

Bateman: Okay, the three hours that Carl Dean and I sat with you during the investigation, I don't believe that you shed any light on the interactions between the employee and Councilmember Williams. You did indicate to us that you were not going to defend the behavior of someone who made bad decisions, while not specifically saying that you though Councilmember Williams had made bad decisions.

You did not at any point tell us that you did not have a relationship with Shirley Edwards. We did not ask you that. The evidence based on your being helped by Ms. Edwards was based on multiple witness statements who said that she campaigned for the slate of Councilmember s that were elected in the fall of 2016. Regardless, that fact is not relevant to whether Councilmember Williams created a hostile work environment or retaliated against the employee.

Foster: True, it's not, so why was it even in your report? Now, and to be right, I'm not going to stand with anybody if they're doing the wrong thing. That's a fact. So with that being said, it shouldn't have been in your report because it had nothing to do with it. Secondly, you're saying that I didn't say anything according to what was going on. If I'm saying that I did not see at any point where Councilmember Williams personally attacked her, did anything to her that warranted this investigation or any censuring of anything, what else am I supposed to do?

Bateman: I have no answer for you for that.

Foster: Okay. I'm just checking. I mean, because you said that—

Bateman: You have to act as you see fit as a Councilmember .

Leech: Okay. Thanks. Are you finished?

Foster: So I mean, once again, like I said, 47 pages. Not one thing from me. Not one thing from Councilmember Williams. I don't know who else you might've interviewed if Councilmember Williams—

Williams: Ms. Yvonnia Moore.

White: Hold on, hold on. Don't. Don't.

Foster: So I mean, that seems to be a little bit biased, and when you do an entire investigation when you're paid by the city, so it's almost like you did the investigation for Ms. Shycole Carter-Simpson but not the investigation for the council, which—who you say hired you. I mean, I'm kind of confused on why, how could you just do a one-sided investigation?

Bateman: It's our opinion that the investigation is not one-sided. We interviewed Councilmember Williams multiple times. Many of the things that we questioned him about, he actually agreed with the facts. He agreed that he was angry with the employee. He agreed that he believed the employee had engaged into conspiracy. He believed that the employee was making statements about him in the community that were negative. He believed that she had engaged in misconduct. However, we were never able to get any evidence of that.

Foster: But none of that's in your report.

Leech: I'm sorry. Were you finished?

Bateman: Yes.

Foster: Okay, none of that's in your report, but then what—I haven't seen any evidence of anything that Ms. Carter did that was any evidence up to this point. Zero.

Bateman: I'd be happy to go through this report.

- Foster: No. I want to see the actual evidence that you saw. I don't want to go through your report because we already know your report is biased. So I want to see that exact investigation evidence that you had. It's like I'm filing a motion of discovery. I want to see all the evidence that you have that says that everything that you wrote in that report is true, not hearsay, because even just asking people is hearsay. You know what I'm saying? At the end of the day, you have to have some solid evidence on someone to prove them guilty. So but this all seems to be hearsay. Even if you interview somebody, it's still hearsay.
- Bateman: The binder for that investigation is three to four inches tall and the exhibits which are attached to it, which support the statements made in the investigation, are at least 80% of that binder. The evidence in in that binder.
- Foster: So where is that binder at? I mean, I would like to see it. I think that we are entitled to see it. I've never seen it.
- Allen: All you've got to do is ask for it. It's been released.
- Leech: Okay.
- Foster: It's been released? Why, why didn't we get it like we got everything else? I mean, how hard is it to scan it in? We don't care how many pages it is. I mean, we should be entitled to that.
- Bateman: How much of the evidence would you like for me to go over?
- Foster: I don't want you to go over any of it. I just want to see it for myself. I would like to have my hands on it, so can we get to copying it, printing it, doing whatever we have to do because—
- Bateman: That is not—If you have questions for me, I'm happy to answer them.
- Foster: No, I'm not asking. I'm not asking a question.
- Bateman: That's something you need to take up with—
- Foster: I mean, I'm just saying that, I mean, if we can get the investigation that you did, I would like to get all the factual information today.
- Leech: That finishes questions?
- Foster: Yes, I'm fine.
- Leech: Okay. Anyone else? Questions of Ms. Bateman?
- White: I have some follow-up questions if anybody else doesn't have any questions.
- Leech: Okay.
- White: I would like to ask a couple more questions if I could. Ms. Bateman, I'm just quickly going through a report on some—
- Bateman: I'm sorry. You're going to have to speak up a little bit.
- White: I'm sorry. I'm quickly going through this report on some notes I had made. And it's unfortunate I won't be able to ask the people that you interviewed because they're not here, but there are some things here that troubled me. And on page 17, last paragraph, there's a comment that the plan [ph] directly indicated Councilmember Williams dealt with her in a demeaning and authoritative tone.
- Bateman: I'm sorry. Could you let me get to page 17?

White: Yes, ma'am.

Bateman: Yes, sir, go ahead.

White: It said that she said that he dealt with her in a demeaning and authoritative tone. That's a legal conclusion. Can you tell what the facts are? What he said that was demeaning and what do you mean by an "authoritative tone"?

Bateman: That is evidence that would come out in a hearing. You could anticipate with that evidence is that the employee would take the stand and would say, "This is what happened at that meeting."

White: Okay.

Bateman: And the employee would testify, "Here is how I felt about it." Now in a lot of litigation. I will tell you this, how someone feels about something is not necessarily irrelevant. It is completely relevant in a Title VII lawsuit because how the alleged perpetrator's actions made the employee feel is exactly what the court is looking at, the judge or the jury, and so although it's held to a reasonable person's standard, the court wants to know how did that comment, how did that person's demeanor make you feel.

I'm not here to prove and my report was not intended to prove that the behavior was objectively anything. The purpose of the investigation was to inform the City Council what kind of evidence could be expected to come out at a court hearing, at a litigation, a trial at which the city was being accused of failing to protect an employee from a hostile work environment. This description of how the employee felt would be relevant to that and that alone.

White: I guess my question is—maybe you didn't understand my question. This individual says he spoke with her in a demeaning and authoritative tone. Now, some of these people might walk out of here today and say, "Mr. White was being aggressive with Ms. Bateman." What does that mean, I was "being aggressive"? Because I was being loud? Because I was being what? Tell me what the facts are that says he was demeaning.

Bateman: That's for a judge or a jury in a Title VII hearing to determine.

White: But in this hearing—I'm sorry, Ms. Bateman, let me stop you. In this hearing, I have this report that I'm going by. You submitted this report to this council with a legal conclusion and no fact to support it. How do I know what behavior he did that was demeaning based on this description right here?

Bateman: I think the better question might be to ask, how does the City Council know who to believe in this recitation of the facts? And the City Council has had multiple years of interactions with Councilmember Williams and multiple years of interactions with the employee. And a Councilmember can draw conclusions about the veracity and the credibility of each party just as a judge or jury can and just as anyone can. So whether Councilman Williams actually spoke in a mean or demeaning tone to an objective person is the question for a factfinder. It's not necessarily a question for you and I today.

White: Well, thank you, Ms. Bateman, because that's my point exactly. For a factfinder. There has to be a fact for the factfinder to find, and not a legal conclusion. This is a legal conclusion. What's the fact for the factfinders to find that he demeaned anybody?

Bateman: The fact is that the employee felt demeaned.

White: And what fact did the employee tell you that he did to demean her?

Bateman: I felt demeaned.

Whiteman: We're not going to get anywhere with that, Ms. Bateman. Let's move on.

[LAUGHTER]

Leech: Folks, you need to hold it down.

White: Another one on page 29, last paragraph, you said Councilmember William—I mean, Councilmember Williams, then became very defensive and stated that he left his home all the—How was he defensive? What are the facts that would support whoever said this, that he was being defensive?

Bateman: Again, that was the employee's description and as well as the description—I don't believe that the letter used the word "defensive." I think the letter just focused on the fact that the comments made at that meeting were—

White: So your report says he became defensive, so I'm reading from your report.

Bateman: Yes, but that is the description I was given by the employee.

White: And so what did he do to become defensive?

Bateman: Well, Councilmember Williams also indicated that he felt attacked at the meeting.

White: Okay.

Bateman: And from that, one could surmise that Councilmember Williams felt defensive.

White: Okay. But what are the facts—

Bateman: He did not disagree that he was on the defensive.

White: Okay. Well, what are the facts that he gave that he felt defensive?

Bateman: Again, he said, "I felt defensive. I felt attacked."

White: If a client comes for a discrimination lawsuit and says, "I've been discriminated against," do you file a lawsuit based on just saying, "I've been discriminated against," or do you allege facts in your complaint, saying that this is how my client was discriminated against?

Bateman: Yes, and the facts are—I'd be glad to go through those with you if you'd like.

White: I'm just asking about—You know, in this paragraph—I mean, I don't want to go through the whole report. I'm just asking about these particular words because they seem to me to be legal conclusions that were drawn by you or by whoever it was without any facts to support it.

Bateman: I'm sorry you see it that way.

White: Well, that's the nature of this business. We're on two separate sides, you and I, and so you see it one way because you're paid, and I'm seeing it one way because I was paid.

Bateman: No one was paying me to see it a certain way. I went into the [LAUGHTER]—

Leech: Folks.

Bateman: I went into the investigation with a completely open mind, as did Mr. Dean, and we went to extraordinary lengths to find any evidence to support Councilmember Williams's allegations.

White: And you said that the council has dealt with Mr. Williams for years. Has the council ever filed any complaints against Mr. Williams for his behavior?

Bateman: I'm sorry. Could you repeat that please?

White: Has the council to your knowledge, in your investigation, filed any complaints against Mr. Williams about any behavior of Mr. Williams?

Bateman: Has the Council found—

White: Yes, ma'am. Have they ever filed any complaints about Mr. Williams's behavior?

Bateman: I don't have any idea.

White: And tell me, on page 33—I'm just kind of hitting and missing right now because I don't want to go over this whole entire thing—you said that Mr. Hardison described Councilman Williams's actions as a temper tantrum. What was he doing that was a temper tantrum?

Bateman: You'll have to ask Mr. Hardison that.

White: But unfortunately, Mr. Hardison's not here. I can't ask him. That's why I'm asking you.

Bateman: Mr. Hardison's letter speaks for itself then.

White: No, it doesn't, Ms. Bateman. You know, I have kids, and my kids throw a temper tantrum, they roll all over the floor. Was Mr. Williams rolling all over the floor?

Bateman: Mr. Hardison described his behavior as a temper tantrum.

White: And you didn't ask Mr. Hardison what he meant by that?

Bateman: I would have loved to have asked Mr. Hardison, but he was not made available to me for interviewing.

White: So you took what was said in that letter and you stuck it in here without even interviewing Mr. Hardison.

Bateman: I could not interview Mr. Hardison. He was not made available to me by his attorney.

White: Crap in, crap out.

Bateman: That is your opinion.

White: Ms. Bateman, I don't have any other questions. We're not going to get anywhere.

Leech: Any other Councilmember s?

Allen: Any other Councilmember s have questions?

Leech: Okay. Thank you, Ms. Bateman. You can step down.

M: Judge, it's okay [ph]?

Stevens: I have a question.

Leech: Okay. I'm sorry. Did you want to ask Ms. Bateman?

Williams: No, no, no, no.

Stevens: No, I had a question.

Leech: Okay. What?

Stevens: Can somebody please explain why there—Because I don't think the crowd or the two Councilmember s, Councilman Foster or Councilman Williams, even know why the people were—you said Mr. White?

Williams: Yes, sir.

Stevens: Okay. Why these individuals were either not allowed or they said they weren't allowed or they're not here to be called as witnesses? Can somebody please explain that, Mr. Lawrence?

Leech: Okay. We'll get to that when we get to Mr. Williams's presentation of evidence.

Stevens: That's fine. That's fine. I just wanted to know if I was, you know—

Leech: Sure. Okay.

Bateman: And I don't have any knowledge of that.

Leech: Okay. You're done?

Bateman: Thank you very much. Am I excused?

Leech: Okay.

Bateman: Yes.

Leech: Now, anyone object to Ms. Bateman being excused?

M: No, sir.

Leech: Okay. Thank you. Okay. Any further witnesses for the council?

M: No, sir.

Allen: No, sir.

Leech: Okay. Any witnesses for Mr. Williams?

White: I'd like about a 10-minute recess so I can speak with my client before we put on evidence, if that would be okay with the council.

Leech: Council okay with that? Okay. They'll take 10 minutes here.

[SESSION BREAK]

Foster: Yes.

White: No, _____ have not.

Foster: There's not one thing in there in the first 75% of it about this case. It's about summer youth jobs, all of that stuff. There's nothing in that investigation report about it. I mean, I went through 75% of it just that quick, and it's applications, all the process, the numbers, this, that, and the third. It has nothing to do with facts that she stated in her report.

Leech: Okay.

Foster: I just went through 75% of it.

White: Mr. Foster, that wouldn't surprise me, Mr. Foster.

Foster: This is ridiculous.

Leech: All right. We're now resumed for hearing. No other witnesses for the council?

Allen: No.

Leech: Okay. And Mr. White, any witnesses for Mr. Williams?

White: Yeah, we call Councilman Gene Aycock.

Leech: All right. Raise your right hand.

Aycock: Oh. I have to be sworn in, right?

Capps: Put your right hand up and put your left on the Bible. Do you swear or affirm the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Aycock: So help me God.

Leech: Okay.

Aycock: Could I sit down, or you want me to stand?

White: However the Council wants to do it.

F: Why can't he go to the stand?

Leech: Okay.

White: State your name, please, sir.

Aycock: Gene Aycock.

White: Mr. Aycock, how long have you been a City Councilman?

Aycock: Seven years.

White: Seven years. Are you familiar with this witness process that we have going on here against Councilmember Williams?

Aycock: Am I what?

White: Are you familiar with this process and what is taking place in this process?

Aycock: Am I? I've never seen it before, no.

White: Okay. Well, let me ask you this. Do you know when a complaint was filed against Mr. Williams?

Aycock: I don't know when Ms.—Ms. Simpson-Carter was the one who filed the complaint.

White: Have you seen a copy of that complaint?

Aycock: Have I personally seen it?

White: Yes, sir. Have you requested a copy of that complaint?

Aycock: No.

White: Now do you recall whether there was a vote at any City Councilmember meeting to initiate this investigation based on the complaint filed by Ms. Carter?

Aycock: No.

White: And Mr. Aycock, do you know how much Ms. Bateman was paid to conduct the investigation?

Aycock: She says \$1,500. I know that's what we voted on.

White: If I told you that Councilman Williams has an invoice showing \$5,000, would that surprise you?

M: [INDISCERNIBLE]

White: It wouldn't surprise you?

Aycock: It would surprise me.

White: It would surprise you?

Aycock: Yep. Right.

White: I don't have anything further.

Leech: Any other Councilmember ? Okay. You can resume your seat.

White: Judge, we will call—I'm sorry. If it's my turn still.

Leech: Go ahead.

White: I'm sorry. Councilmember David Ham.

Capps: You can raise your right hand. Do you swear or affirm the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Ham: [INDISCERNIBLE]

White: State your name, please, sir.

Ham: David Ham.

White: Mr. Ham, how long have you been a Councilmember ?

Ham: Since January of 2016.

White: January 2016. And are you familiar with any complaint that was filed against Mr. Williams by anyone to initiate this process?

Ham: No.

White: So have you seen a complaint filed by Ms. Carter?

Ham: No.

White: Have you requested a complaint filed by Ms. Carter?

Ham: No, I didn't.

White: So at any time did the board vote or the council vote to initiate this investigation?

Ham: We discussed it. I don't know that we voted to do that.

White: So you know what it was that initiated this investigation?

Ham: Well, like I said, we discussed some of the actions that were ongoing and complaints that were alleged, but I don't recall that we actually voted to take up that investigation.

White: And you never requested a copy of any written complaint filed by anyone against Mr. Williams?

Ham: No.

White: Do you know whether or not at any meeting whether any of the other Councilmember s requested a copy of any complaint filed about Mr. Williams?

Ham: No, I do not.

White: Did you file any complaints against Mr. Williams?

Ham: No.

White: Can I have one second, please? Okay. I don't have any further questions.

Leech: Any Councilmember have any questions? Okay. Any further witness?

White: I will call Councilmember Bevin Foster.

Capps: Raise your right hand. Do you swear that any comments you are about to provide are the whole truth and nothing but the truth, so help you God?

White: State your name, please, sir.

Foster: Bevin Foster.

White: Mr. Foster, how long have you been a City Councilmember ?

Foster: Three years now.

White: And this process that we're going through today, have you seen any complaints—
Were any complaints filed with you to begin this process against Councilmember Williams?

Foster: No, sir.

White: Have you requested a copy of any complaint?

Foster: No, sir.

White: Anybody present you with a copy of the complaint?

Foster: No, sir.

White: Was there any discussion at any City Councilmember meeting about what complaint was filed to initiate an investigation of Councilmember Williams?

Foster: Well, I'm going to say yes to that and I'm going to say that, like I said, initially, when I was told, I was told that the investigation started from the actual paperwork filed downtown on Councilman Williams.

White: Okay.

Foster: That's what I was told, but now official complaint here? No, sir.

White: So they told you there was paperwork that was filed downtown but not any complaint that was lodged with the City Council?

Foster: No, sir.

White: At any time did anybody ask about seeing a complaint?

Foster: I don't think nobody asked about the actual complaint. I asked about how it actually started, how the investigation started. I was told that Mr. Guthrie, the acting city manager at the time, took it upon himself to do it once the paperwork was filed downtown. That's when the investigation started.

White: Let me be sure I understand this correctly because I'm reading the ordinance and I want to make sure I understand. To start an investigation, is that something that the City Council's supposed to vote on to start the investigation?

Foster: Exactly.

White: So what there ever a vote to start it?

Foster: No, sir.

White: There was never a vote to start the investigation?

Foster: No, sir.

White: I don't have any further questions.

Leech: Any Councilmember have any questions for Mr. Foster? Okay. Mr. Foster, you can resume your seat.

White: I would call Councilmember Bill Broadaway. Kind of getting out of order.

Capps: Do you swear or affirm—raise your right hand—that the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Broadaway: I do.

White: State your name, please, sir.

Broadaway: I'm Bill Broadaway.

White: Mr. Broadaway, how long have you been a Councilmember ?

Broadaway: Seven years.

White: Seven years. And in your seven years, have you ever seen a process like this go forward?

Broadaway: We've never had anything like this before.

White: I've never seen anything like this, Mr. Broadaway. Were you ever given a copy of a complaint that was filed against Councilmember Williams?

Broadaway: No.

White: So was there ever any discussion at any City Council meeting that you attended—was there any complaint ever discussed at any meeting?

Broadaway: No.

White: Did you ever ask for a copy of a complaint?

Broadaway: No.

White: Did the board ever vote to initiate an investigation against Mr. Williams?

Broadaway: No.

White: Did you ever file a complaint against Councilmember Williams?

Broadaway: Say that again. Sorry.

White: Have you ever filed a complaint against Councilmember Williams?

Broadaway: No.

White: And you've attended meetings with Councilmember Williams on a number of occasions, I would imagine.

Broadaway: Yes.

White: I don't have any further questions, Mr. Broadaway. Thank you.

Leech: Any Councilmember have questions for Mr. Broadaway? Okay. You can resume your seat.

White: I will call City Councilmember Mark Stevens

Broadaway: Okay, watch your head once you get there. Watch your head. It's right there. We've got a desk. Here's Melissa. There's Melissa.

Capps: If you're raise your right hand and place your left on the Bible. Do you swear or affirm the comments you're about to provide are the whole truth and nothing but the whole truth, so help you God?

Stevens: I do.

White: Can you state your name, please, sir.

Stevens: Mark Stevens.

White: Mr. Stevens, how long have you been a Councilmember ?

Stevens: For the last three and a half years now. We got sworn in January 2016. Yeah.

White: Have you ever seen a proceeding like this?

Stevens: I've never even heard of one anything like this in all the days of my life.

White: Mr. Williams—I mean, I’m sorry, Mr. Stevens, have you ever had the opportunity to review or had a complaint read to you that was filed against Councilmember Williams?

Stevens: No. The only thing I can go and say is that the first thing goes back to what Councilmember Foster was saying. First time we ever heard of anything going on was during the supposed restraining order hearing at the courthouse between Councilmember Williams and Ms. Shycole Simpson-Carter.

White: And do you know the outcome of that hearing?

Stevens: All I know is that it was—The paperwork was filed wrong because it was told at a council meeting and that however it was—The paperwork was filed wrong and that she was denied a restraining order.

White: So the judge, in essence, dismissed it. As far as you know, the judge dismissed that proceeding, is that correct?

Stevens: Yes, I do. Yes, if I’m hearing what—At the council meeting, I did hear that. Yes, I did.

White: So was there ever any discussion at any council meeting that you attended about any complaint that was filed with the City Council or the city manager against Councilmember Williams?

Stevens: Not to my knowledge, no.

White: Okay. Do you recall any vote at any City Council meeting to initiate this investigation against Councilmember Williams?

Stevens: No, and I don’t believe that I was ever attending a meeting for a vote because at that time—I guess at the time when they were saying all this was going on in October when he was removed from the GWTA commission and everything, I was out of town because I was, like, fleeing the hurricane at the time. So I don’t remember being at any vote.

White: Okay. I don’t have any further questions. Mr. Stevens, thank you very much.

Stevens: You’re welcome.

Leech: Any questions by a Councilmember for Mr. Stevens? Okay.

White: We will call on Mayor Chuck Allen.

Capps: Can you raise your right hand and put your left on the Bible? Do you swear or affirm the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Allen: [INDISCERNIBLE]

White: State your name, please, sir.

Allen: Chuck Allen.

White: Mr. Allen, how long have you been mayor for?

Allen: This is going on my fourth year.

White: Fourth year. And I’m assuming that you attend these council meetings. Is that correct?

Allen: Correct.

White: Were you ever given a copy of any complaint filed with your or the City Council against Councilman Williams?

Allen: No, I was not.

White: You were not. Do you know whether or not there was a vote ever put forward to start and initiate an investigation against Councilmember Williams?

Allen: We have a closed session meeting and we—at the end of the closed session meeting, Councilmember Williams came in, accused Ms. Carter of some stuff. There was back and forth between the council during the closed session meeting. At the end of the closed session meeting, I asked the acting city manager, Randy Guthrie, and the attorney, Ron Lawrence, if they would investigate the matter and come back.

White: Okay, but was there a complaint initiated?

Allen: There was a complaint initiated at that time, but we wouldn't see the complaint because it's confidential to the employee. So we wouldn't have seen it anyway.

White: Who initiated the complaint?

Allen: Well, Ms. Carter, I'm sure.

White: Have you see the complaint she initiated?

Allen: I've just said we wouldn't see it because it's confidential to the city. I mean, it's an employee/employer thing. We wouldn't see it. But I'm sure the complaint's there.

White: So nobody's seen the copy of—you've not seen the copy of complaint. Okay, do you know when the complaint was filed?

Allen: Probably on or about the 1st of October. I don't know the exact date now, but I have it. But it was the 1st—sometime the 1st of October.

White: Okay. I'm looking at your—you're familiar with the Goldsboro ordinances, are you not?

Allen: I am. Well, sometimes.

White: Okay. All right, I'll take that. Section 31.20, subsection D. I'm going to read it to you because I don't know that you have a copy of it. And those who have a copy can read along to make sure I'm not saying anything incorrect. Any person believes a violation—and I'm going based on this subsection because you're telling me that Ms. Carter filed a complaint—any person who believes that a violation of this subchapter has occurred may file a complaint in writing with the City Council, with the mayor, a member of the City Council, city manager, city attorney, or a member of any citizen board or commission in the subject of the complaint. So that wouldn't be confidential, would it? Because it would be filed with the City Council, the mayor, or city attorney.

Allen: I can't answer if it's confidential or not. I believe anything between an employee is confidential, but you can ask the city attorney if he can answer that because I don't know.

White: But the complaint is not between the employee and employer because Mr. Williams did not employ Ms.—

Allen: The complaint was between Mr. Williams, the Councilmember , and Mr. Lawrence—I mean, and the city. I’m sorry. If it’s confidential or not confidential, I don’t know. I told you what I believe.

White: But you said—I’m sorry. Maybe we’re misunderstanding one another. You said the complaint was between Councilmember Williams and attorney Lawrence?

Allen: No, no. I said that she filed a complaint—

White: Okay.

Allen: Against Councilmember Williams. That’s what I said. And what I said is I believe anything she filed at the time would’ve been confidential is my belief. And he can tell me I’m right or wrong because I’m not sure.

White: And you’re assuming that she filed one because you’ve not seen one?

Allen: No, I’ve got a report that says she filed one. I’ve seen it. I’ve not seen what she filed. I’ve seen when she filed it. The date.

White: And so you’re basically just taking this report at face value?

Allen: Nothing to do with that report. I’ve got another piece of paper internal to the city that says when she filed it, when he’s done stuff, when who’s done what. Just kind of a summary of events.

White: Who gave you that?

Allen: I think maybe the city attorney or city clerk. I don’t know who gave me that, who gave it out. I think the whole council’s had that.

White: I’ve not seen that. I don’t know if any of the other Councilmember s have seen that. I’ve not seen that.

Foster: Me neither.

White: Okay. Let me ask you this. Let me move on.

M: I think they’re probably making up stuff.

White: Let me move on. Let me move on. Were you present when—or at the hearing Ms. Carter had when she filed a 50C complaint in district court?

Allen: I was not.

White: You were not? And so you were not there? You didn’t testify on her behalf or anything?

Allen: I did not.

White: And you’ve been present in City Council meetings with Councilmember Williams?

Allen: I have.

White: Have you ever filed a complaint against him?

Allen: I have not.

White: I don’t have any further questions.

Leech: Any questions?

Foster: Yes, I have a question for him. When Mr. White asked you about the investigation and when it started, you said that you told Ron Lawrence and Randy Guthrie to start the investigation, correct?

Allen: No, I said at the closed session of the council meeting when we had the conversation, Councilmember Williams came in and said what he said, I said, “How about, Mr. Lawrence, you and Randy look at and investigate the claims of Councilmember Williams?” And by that time, I think Ms. Cater had filed that same day or day before her complaint. So we asked them to look into it.

Foster: I’m just making sure that you said that you did that and it wasn’t voted on by the council to do it?

Allen: No, it wasn’t voted on. No. That it?

Leech: Anything else? Okay.

White: Okay, we will call Ms. Yvonnia Moore.

Capps: Raise your right hand. Place your left on the Bible. Do you swear that the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Moore: [INDISCERNIBLE]

White: Ms. Moore, how are you?

Moore: Good. How are you?

White: Can you tell us your relationship to Mr. Williams? You two are—

Moore: Business partner and he’s my fiancé.

White: Okay. And were you interviewed by Ms. Bateman during this investigation process?

Moore: I was, on multiple occasions.

White: Okay. Do you recall how many times you were interviewed by Ms. Bateman?

Moore: I believe it was three.

White: And did you provide information or answer questions that she asked you?

Moore: Yes, I did. I provided supporting documents. I also talked to her in detail on a number of issues.

White: You said you talked about three times. About how long was each one of those interviews?

Moore: Really long. I think I probably talked with her for between 15 and 20 hours with the completion of all of our time sitting together.

White: Okay. And have you had an opportunity to review this report that she prepared?

Moore: I have. I found it. I looked at it from—I think it was sent to the newspaper.

White: Okay. And have you seen anything in that report where you discussed with Ms. Bateman that you thought was relevant to these issues?

Moore: That was something I was really shocked about because nothing that I said or whatever evidence that I presented to her was in that report. It’s almost as if she just wasted my time.

White: Okay.

Moore: It seemed like she had pretty much already formulated her own opinion. My first meeting with her was an unofficial meeting. She was due to meet with Mr. Williams. He canceled because he had another appointment. On his way to the appointment, her—Ms. Bateman—along with Mr. Carl Dean busted into my ice cream shop. He explained to her that, you know, I had already said that I'm not able to meet with you. But she pretty much demanded to speak with him, and she also demanded to speak with me. At the time, I asked her what was the nature of her visit, and she said she was a little confused. She said she had been hired by the city to investigate Ms. Carter's complaint.

And I asked, "Well, what about Mr. Williams's complaint?" She says, "Oh, no, I'm not here for that. I don't even know anything about Mr. Williams's complaints."

White: So Mr. Williams filed a complaint against Ms. Carter as well. Is that correct?

Moore: That is correct. I was with him when he spoke with Mr.—the interim city manager at the time, Randy, and he initiated his complaint on September 28 after we—I was at the meeting where we caught Mayor Allen, Shirley Edwards, Freeman Hardison, and Shycole Simpson-Carter [ph], and they were basically plotting against him. And we went the next day to meet with Mr. Guthrie and explain to him what we had pretty much just witnessed.

White: Okay. Right.

Moore: And so he filed another complaint in addition to his complaint about September 27. He now added October 1st for what he caught them doing.

White: And you were present when she interviewed Councilmember Williams several times?

Moore: I was. Yes.

White: Okay. So she interviewed him as well? He spoke with her as well?

Moore: Yes, and what was kind of disturbing to me about that, like I said, to me—And I've dealt with a number of attorneys just from previous jobs that I've had in law offices, and she seemed to always lead. You know, "Councilman Williams, I'm sure you scared everyone when you raised your voice" and everything was leading, like she was trying to get him to admit to something that he knew he had not done.

In our first initial meeting, she did, in fact, say—her and Carl Dean said that there was no hostile work environment because Mr. Williams does not have the power to hire or fire Ms. Carter.

White: Okay. All right. Thank you, Ms. Moore. I don't have any further questions. I appreciate it.

Moore: Thank you.

White: The council, they have some questions.

Leech: Any Councilmember ? Mayor?

Allen: I have two question, Ms. Moore. First off, when you were in—When you and Councilmember Williams had come in my office that night, do you remember me asking Councilmember Williams to come in and engage in the conversation because sometimes communications helps things? Maybe we can just sit down and talk? Do you remember that in the time?

Moore: Well, you did that after some discussions. He came in and he said this was improper, you guys meeting together. You stated then that you were discussing with her what you guys had just talked about in closed session.

Allen: No, I didn't state that. But then, so on the other side of that, do you also remember me saying to Councilmember Williams that this was going to get uglier if we can't figure out a way to resolve it, would you please come in and meet with us tomorrow, bring you, bring Ms. Edwards—whoever we need to bring—

Moore: Well, no, that's not exactly what you said. What you said—you did say, "Come in," which was after some discussion, and with you having that discussion, he said to you, "Well, it's kind of late for us to do that. You should've had me here in the beginning if you were discussing things with me."

Allen: Well, we have a distinct difference on what was said.

Moore: Well, no, I have the audio, sir, if you'd like to hear it.

Leech: One at a time. Okay.

Allen: I'm good. Thank you.

Leech: Any other Councilmember ? Okay.

Moore: Thank you.

White: Thank you, Ms. Moore. Ms. Reed? We call Keanna Reed [ph]. Ms. Reed.

Capps: Raise your right hand. Put your left on the Bible. Do you swear or affirm the comments you are about to provide are the whole truth and nothing but the truth, so help you God?

Reed: Yes.

White: I've just got a couple questions for you, Ms. Reed. You were present when Ms. Bateman interviewed Ms. Moore and Councilmember Williams, is that correct?

Reed: Yes.

White: Were you ever interviewed, asked any questions?

Reed: No.

White: Was Councilmember Williams and Ms. Moore forthcoming in their information given to Ms. Bateman?

Reed: Absolutely.

White: Okay.

Reed: Ms. Bateman, she was surprised, like she didn't really know anything. You know, what was going on in the situation. Mr. Williams and Ms. Moore were explaining everything that was going on, and she was appalled. She didn't have any information, so they were giving her documents and she was taking the

documents. “Oh, can I make a copy of this?” “Can I make a copy of that?” “Ms. Shycole Simpson hasn’t told me anything about this” or “The city hasn’t provided me any information about that.” Her and the gentleman that was with her, they acted like they were just surprised about the whole situation, what was going on.

White: Okay. Thank you, Ms.—I’m sorry. One second. Thank you, Ms. Reed. I appreciate that. I don’t know if they have any questions for you or not.

Leech: Any questions from any Councilmember for Ms. Reed? Okay. Thank you, Ms. Reed.

White: I think I’ll be showing [ph] for Councilmember Williams.

Leech: Okay. Any further witness for the council?

Allen: No, sir.

Leech: Okay. At this point, Mr. Williams has an opportunity to make a closing statement.

White: Judge, as I said in my opening statement, I don’t know how this hearing can proceed, and I’ve seen how it has proceeded now. And I’m still in disagreement with it at this point. I again go back to I think it’s just nothing more than a high-tech lynching is what I say. You know, we have members of the council who will now go in and vote whether or not to censure Councilmember Williams on actions and allegations of people who have not even come to this hearing to even testify. Ms. Carter who—I don’t know if she filed a complaint or not. Nobody’s seen the complaint. Nobody’s even heard the complaint, but has made allegations against Councilmember Williams, and she’s not even here to testify against Mr. Williams.

We could’ve disputed a lot of things that she said in this report but have not been given the opportunity to do that. Ms. Bateman talked about due process. I’ve been doing this 25 years, and due process for me means being able to confront and cross-examine my accusers. And if I can’t do that, then you’ve violated my due process and my equal protection rights. We’ve had Ms. Bateman come here and talk about her report, and there are things in the report that are questionable. But we can’t question them because the people who told her aren’t here.

There are legal conclusions in this report, claiming he was defensive, claiming his demeanor was aggressive. His demeanor was “demeaning and authoritative.” What do those things mean? Where are the facts to support those things? And this council is going to go in and will probably vote to censure Mr. Williams, which is going to be a travesty and an injustice if it does happen. But these are things that have been alleged against this man, and this man doesn’t have the right to cross-examine and confront his accusers. It’s an injustice. It’s an absolute injustice, and the citizens of Goldsboro should be upset.

F: Yeah.

F: Mm-hmm.

White: I'll read this. I have a model code of ethics for our local elected officials, and I'll just read this, this one little paragraph. It talks about suggested guidelines for a board to follow if it decides to include a censure proceeding in its code.

"However, a strong caution is in order. The board should consider carefully the implications for community and board trust and for the accused member's reputation before including such a procedure in the code or before beginning censure proceedings in particular cases."

If this censure proceeding goes forward and this man is censured, there is no trust in the community for this council. No trust in the community for this council. I've sat here and I've shown how they violate their own procedure, and they sat here on the very beginning and voted against me, and I've shown how you violated your own procedure. Where's the trust if this goes forward?

It's Councilmember Williams today. It could be any one of you tomorrow. It's disheartening. Twenty-five years of legal experience I have. I've never seen anything as big a mess as this. I got an article in the newspaper yesterday. I don't know who said it, but this is the kind of thing that's been going on in this case. I just want to read this article in the newspaper, and this is my concern.

The last paragraph of the article, basically, because I won't even go through that other part of it. Council could ask the city attorney to seek local legislation to authorize a recall election or even remove Williams from office by a motion proceeding, according to City Council. So this man is jeopardized and runs the risk of being removed from this seat and has not had the opportunity to cross-examine the witness against him. Show me how that's not an injustice.

I've asked every Councilmember about the complaint, and none of them have seen the complaint. But yet, they're moving forward with this process. I've asked every Councilmember, was there a vote to start this investigation, and every one of them said no. But yet, we're moving forward with this process in violation of your own ordinance and your own procedure. Somebody should be upset other than me.

F: We are.

F: Mm-hmm.

F: We're totally upset.

White: Somebody should see the injustice in this other than me. I've wrestled with this case since Mr. Williams has contacted me, and from the very beginning, I said, "Tell me what the complaint is. Provide me a copy of the complaint" because that's how that this process is supposed to start, with the filing of a complaint. You can't drag me to any hearing or any court proceeding without a file of complaint against me and tell me what I'm accused of. What is he accused of? I don't know yet.

I have issue with it, serious issue with it, and if he's censured, it shouldn't stop here. My plan is to take it in front of a superior court judge because I don't think he'll get any justice in front of this City Council. They can't be fair. They can't be impartial. They're biased. They've read this report, and none of them have questioned these witnessed. They've taken Ms. Bateman at her word.

I've never had a hearing where we don't cross-examine witnesses against my clients. I'm sick. I'm sick. I'm sick to the pit of my stomach with this hearing. And if it proceeds, the council should be ashamed. The council should be ashamed. I'm sorry. Maybe I'm aggressive, but I'm sick to the pit of my stomach. As an African American man, it could happen to me, and I don't get the opportunity to cross-examine my accusers.

I've been doing criminal law for 25 years. I've never seen it before in my life. I've been doing administrative hearings for 25 years. I've never seen anything like this before in my life. And if that's the case, why are we even having a hearing?

Foster: No need.

White: Why are we even having a hearing? Let the council go in closed session and vote to censure him because this has been a kangaroo court. They called one witness, and that's Ms. Bateman, who doesn't even have any firsthand knowledge of what went on. I'm sick. I'm sick. And the sooner I get this over and get out of Goldsboro, the better off I'll be because I'm sick. And I wish this room had been filled with citizens of Goldsboro because the citizens of Goldsboro should be sick.

How can you trust your council if this is allowed to go—If this was going forward with the council, how can the citizens trust their council?

M: Very true [ph].

White: Mr. Lawrence and I had a lot of discussion about this. The citizens of Goldsboro aren't even being considered in this process. That's who you gentlemen represent up here, the citizens of Goldsboro, and this is tearing your city apart.

I'm done. I'm done, but I would hope that the board would not censure based on what's been presented today. How can the board censure based on what's been presented today? How can the board even vote if there are witnesses that testified at this hearing today? As I said, it's Mr. Williams today. One of you may be calling me next week, sitting in Mr. Williams's chair. I would hope not, but one of you very well could be. Thank you.

Leech: Under the rules governing the hearings, this concludes the hearing. Now we will defer back to the mayor.

Allen: I think two things. First of all, Councilmember Williams is—I just want to correct one thing that Mr. White said. Whether Councilmember Williams is or isn't censured, we'll know shortly, I guess, but I do want to be sure that everybody knows there is no—I have heard not one conversation from any Councilmember with anything to remove Councilmember Williams from office.

Nobody's discussed that up here. It has been mentioned in the paper where there are ways to do that, but that has not been a conversation and there is no discussion about any way, shape, or form trying to remove him from office.

So I just want to clarify that because that's an emotional issue. We all know there's an election coming up in November, and we certainly will respect the rights of the people in District 1 to pick who their representative is. So I just want to clarify that there is no issue there.

White: Mr. Mayor, if I may comment to that—I'm sorry—If I may comment to that, there may not be now, but what's to stop this council from doing it at a later date if he is censured?

Allen: Well, it'd be a whole other process, a whole other hearing, and there wouldn't even be enough time to do it between now and the election, so it's not an issue.

White: It is. It's an issue for him, though. It is. It's an issue for him.

Allen: Okay.

White: It's an issue for me as well.

M: Should be an issue for the board.

Allen: All right. So at this time we will start conversations from the board.

Foster: I'm going to start off. Very impartial manner. As Mr. White said, it's impossible for us to do that at this point, and we also owe our constituents the obligation to be ethical and to do the right thing. At this point, with the evidence, with the investigation and everything that's been given to us, I don't even know who's seen the so-called investigation report. What she said was facts, I don't know who's actually looked at that, but there's not one thing in there within the first 75% that I saw that had anything to do with this case.

So while she was saying it's over 800 pages or whatever, it had nothing to do with this case. It was about summer youth jobs and what else? Some Wayne Community College stuff and this, that, and the third. It had nothing to do with GWTA Board. It had nothing to do with this investigation.

So it's sad that we would even be sitting here and be wasting the citizens' time, wasting the citizens' money—everything within this. I don't know how much we're paying the judge to be here. We're finding out that we paid Ms. Bateman more than \$1,500. So all this has went on for what? Even at the end of the day with the censure, according to what I've been reading with the School of Government, it almost means nothing.

Now I mean, you can come back later on with some things, but it's just sad that we wasted all this time trying to censure Mr. Williams when it's, one, he didn't do anything to be censured, but then, two, that we're not going to get anything out of it, absolutely nothing. Nothing will come out of censuring him. Nothing. He can still say what he wants to say; he can still do what he wants to do. I mean, nothing comes out of it.

I mean, there are times that people will censure right in the middle of a council meeting because somebody says something somebody else don't like. We're going to vote to censure him. Fine. They keep moving. We went through this whole entire process, this whole entire investigation for what?

Now you say to protect the city from Ms. Shycole Carter-Simpson suing. She can still sue us. Now what we don't know is what we put into place is that Mr. Williams can also sue us as well.

F: Mm-hmm.

F: That's right.

Foster: And that's even more important right now at this point. You know? But this is what this council has decided to do, so I just say I'm with Mr. White that, I mean, this thing should still just be dismissed and be done with, and we all move on.

Allen: Any other Councilmember s have any comment?

Stevens: The only thing I can say to you is that from the beginning and before this proceeding even started, it was at the beginning of June and you was saying it was going to be held sometime in June. And I specifically said I wasn't going to be here. I told everyone that my intention was not to continue sitting on the City Council of Goldsboro, mainly because for the last three and a half years it's been nothing but a fight. We have not done anything positive for the citizens of Goldsboro.

However, you want to say whoever the parties are, whether, you know—I'm not going to get into that, but whoever the parties may be, we just haven't done anything positive for the City of Goldsboro. I called Ron Lawrence while I was away in Florida, begged him to talk to Counselor White over here. Counselor White, Antonio's attorney. Begged him not to proceed with this hearing and not to even go with this because it was going to be ridiculous. It just wasn't needed. I begged him. I don't know if Mr. Ron has talked with you, Mr. White—

White: He did.

Stevens: —and you guys were going to try to come to some kind of conclusion, but we did—

White: We did.

Stevens: —we did not have to come to this.

White: We did. We tried.

Stevens: I specifically did not want this to go down. I foresaw this being nothing but a total farce. Now we have a situation where I guess you've got—As far as I know, or however Councilman Foster is saying, Councilman Williams might have a potential lawsuit if they censure or how the council censures him. And then now you also have another lawsuit. You have two potential lawsuits. You have Shycole Simpson-Carter, and you have Councilman Williams, if the censure goes through.

These are the reasons—there are several other reasons, but this is one of the main reasons why I'm like, you know what, it's better to go back to doing what I was doing, which was film and everything, than to stay up here and then continue with this craziness. Because it's nothing but craziness, and it's been this way for three and a half years. So I don't—me myself, personally, I don't care what goes on. I'm going to say it's just going to come down to a vote. Me myself, I don't even want to vote. I'm just like, you just got to go ahead and just get it done. [INDISCERNIBLE] like it should have been and did from the very beginning what I said. It should've been yourself, Mr. White, and a judge in the courthouse in Wayne County that's over on William Street and Walnut Street.

It should've never came to the City Council. The mayor, myself, and the rest of the other Councilmember s should've never had to be a jury or called as witnesses for something of this nature. It was between two people, Ms. Carter and Mr. Williams, and it should've never came to the City Council because we're not doing right now anything for the City of Goldsboro. We're not doing a thing for people in District 1, for the people of District 2, people of District 3, people of District 4, and people of District 5 and 6. We're not doing anything for them. We're wasting time, taxpayer money, and everything else.

So truthfully, let's just go to the closed session however it's going to go, and just move forward because this should not be going any place with the City Council. It should be in front of a court of law and you should be actually facing a full judge that is in office right now, and you guys should be having actual witnesses and subpoenas that are going between two people, not the City Council.

M: If you'd stop being _____ and start voting the right way, you might be—
[OVERLAPPING]

[APPLAUSE]

Stevens: And may I ask who that is?

Foster: It doesn't even matter what they say—[OVERLAPPING]

Leech: No, no, no. Nope, nope. No, no, ma'am.

F: I'm leaving. I'm leaving but you voted—[OVERLAPPING] but now you say they should [ph].

Foster: I was just about to say, I mean—

Stevens: I didn't vote for anything. My hand did not go up.

F: Yes, you did.

Stevens: My hand did not go up. My hand did not go up. My hand did not go up. My hand did not go up and it will not go up. It has not gone up.

F: Yes, it did.

Stevens: No, it did not.

F: I did because I saw it.

Stevens: Okay.

Williams: Please, please, please. Please, you all. Please, please. I'd like to say something. There are no winners today. Today will be a day that will always be a reminder of what should've happened. How could both sides have handled this situation differently? Was it all worth the pain? Did the outcome of this situation outweigh the needs of the people? Did hate, jealousy, and envy play a role within this situation?

I will always reflect on this day. There are no winners, only losers. There have been many sleepless nights, much pain and suffering. Our community must trust all our leaders. Our community must trust all our city employees. My stance has never changed. I was elected to stand with the people of District 1. To bring transparency, I have been honest throughout this employee's allegations. However, I have found many that are involved that lack honesty. Many have chosen to side with those that lack integrity.

What side of history will you stand on? Good or bad, right or wrong, justice or injustice. How do we rebuild our trust? It is vital to the success of Goldsboro. It is vital to the future of all who live in Goldsboro. Today, it will be a day that will always be a reminder of what should have happened. Did we, the people of District 1, fight hard against injustice? Did we all seek out the truth? Time and resources that would have been better used helping better our community were instead allocated for investigations that increased the bank accounts of some. Those resources would have better served our lower-wealth communities, STEM programs, summer employment, a citizen in need.

When is it ever worth fighting when you have the fifth poorest city within the United States? Is it worth fighting? When families are working two or three jobs to make ends meet, it's worth fighting. When young men and women are being slaughtered with gun violence, it's worth the fight. When employees and elected officers think it's okay to use money that are purposed to help fight poverty for projects other than what they are intended for, I will fight.

There are no winners today. Just false allegations that have divided many. So many untruths the average person doesn't know what to believe. Nobody wins when we all feud. God bless you. Thank you for everybody who came and supporting me. Thank you so much.

Allen: Any other comments from the council?

M: I just have to agree with Mr. Williams. There will be no winners in this.

Allen: Well, the council either needs to take action or not take action.

Ham: Mr. Mayor, I guess it's up to me. That investigation [ph] was rendered, report was rendered to the council, and the investigation focused on Ms. Shycole Simpson-Carter did bring forth instances of comments made by Mr. Williams to other members of the city staff and some non-city employees that by interpretation, individual interpretation, could be seen as bullying, demeaning, and otherwise.

So the point is that there are other people who received—were on the end of Mr. Williams's comments, and they were documented in this investigation of which the council was provided. The council was also provided exhibits supporting the investigation, and the council was also provided a summary document on the investigation. It is my belief that we cannot just ignore these actions. To do so would put us in the image of not really having any concern about protecting either the employees, fellow Councilmember s, or protecting our own liabilities or trying to ensure that we look after our own liabilities.

It's a sad day for Goldsboro. It's been a sad time for Goldsboro just throughout this whole process. It's brought editorials of condemnation. It's brought demeaning comments from citizens, as well as people from outside this area. And it's been an embarrassment to this city. It's time for this matter to be resolved. But in my opinion, we cannot just say, "Well, okay, we've had the hearing. We've completed the process. Let's fold our hands up and clap our hands and walk out and take no action."

So having said that, I want to make a motion that we censure Mr. Williams based on his violation of the City Code of Ethics 31.17 for, basically, conduct unbecoming a City Councilman. That's a basic—that's not a quote _____.

Allen: We have a motion. Is there a second?

Broadaway: Second.

Allen: Is there any discussion?

Foster: Yes. During your comment, you said that you saw evidence in the exhibits of the investigation, so you actually looked through those exhibits over there?

Ham: I have exhibits that were provided me, which were provided all to us members.

Foster: Okay. Ms. Melissa, the exhibits that's in that folder and the exhibits that were provided to us are the same, correct?

Capps: They're redacted.

Allen: What that means—

Capps: That's what was approved to be released.

Foster: Okay, but it just basically doesn't have names or anything, okay, but same material?

Capps: Yes, sir.

Foster: Okay, so in that material, what did you find that was any proof that Mr. Williams did anything, did any of the things that he was accused of? Because I'm just saying for me, I didn't see anything within the first 75% of it. It was just a bunch of documents. So I want to know what did you see that made you come to the conclusion that he needs to be censured.

Ham: I don't believe that I have the requirement to answer that.

White: I think, Councilman Foster, even a better question for me is not what did you see, but the better question from me is, wouldn't you like to have heard from the

witness yourself? And you don't have to answer that. It's a rhetorical question.

Wouldn't you like to have heard from the witness personally?

Allen: I'm sorry. The hearing's done, and so this is just Councilmember comments so—

Foster: I'll keep on talking then.

Allen: —would any other Councilmember like to talk?

Foster: I can still talk. I'm not stopping.

Allen: Mr. Foster has the floor.

Foster: Once again, I mean, I looked through the exhibits just standing there. Not one thing, not one thing within that first 75%. I mean, it's terrible. If anybody get a chance, please look at it. I mean, it's sad that the decision would be based off that. It's sad that a lawyer came down here, took the city's money, and basically ran, and that's what she gave us as evidence of her investigation. There's nothing in there, you know?

But this is how the city's going to base their decision, so once this decision is based, this either opens the door up more for a lawsuit from Mr. Williams to the city, and we're going to put the city at jeopardy of that. So that's something that you guys might want to think about before you make this vote.

Allen: Any more comments. No comments. All those in favor of the motion, raise your right hand. Opposed, likewise. I couldn't see Mark.

Stevens: I got my hand up.

(Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Aycock and Ham voted in favor of the motion. Councilmembers Williams, Stevens and Foster voted against the motion.)

Allen: Okay, so it's a four to three vote. The motion fails, and Councilmember Williams will not be censured. Thank you,

There being no further business, the meeting adjourned at 12:03 p.m.

Chuck Allen
Mayor

Melissa Capps, MMC /NCCMC
City Clerk

MINUTES OF MEETING OF THE MAYOR AND CITY COUNCIL HELD
OCTOBER 21, 2019

WORK SESSION

The Mayor and City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Large Conference Room, City Hall Addition, 200 North Center Street, at 5:00 p.m. on October 21, 2019 with attendance as follows:

Present:

- Mayor Chuck Allen, Presiding
- Mayor Pro Tem Bill Broadaway
- Councilmember Antonio Williams
- Councilmember Bevan Foster
- Councilmember David Ham
- Councilmember Gene Aycock
- Ron Lawrence, Attorney
- Tim Salmon, City Manager
- Melissa Capps, City Clerk
- LaToya Henry, Public Information Officer
- Jennifer Collins, Planning Director
- Felicia Brown, Interim P&R Director
- Mike Wagner, Public Utilities Director
- Rick Fletcher, Public Works Director
- Joe Dixon, Fire Chief
- Mike West, Police Chief
- Julie Metz, DGDC Director
- Scott Satterfield, Business & Property Development Specialist
- Bernadette Dove, HR Director
- Catherine Gwynn, Finance Director
- Marty Anderson, City Engineer
- Allen Anderson, Chief Building Inspector
- Adam Twiss, Paramount Theatre & GEC Director
- Ken Conners, News Director-Curtis Media Group East
- Eddie Fitzgerald, News Argus Reporter
- Lonnie Casey, Citizen
- Bobby Mathis, Citizen
- Della Mathis, Citizen
- Carl Martin, Citizen
- Jay Bauer, Citizen
- Gretchen Reed, Citizen
- Myelle Thompson, Citizen
- Chretien Dumond, Citizen
- Yvonnia Moore, Citizen (arrived at 5:14 p.m.)
- Constance Coram, Citizen (arrived at 5:16 p.m.)
- Alicia Pierce, Citizen (arrived at 5:16 p.m.)

Call to Order. The meeting was called to order by Mayor Allen at 5:00 p.m.

Adoption of the Agenda. Mr. Tim Salmon stated he included in the Council updates information regarding Town of Fremont Utility Agreement and would ask Council to add that to the agenda. Mayor Allen stated he would like to add the Halloween Proclamation. Councilmember Aycock made a motion to approve the agenda with the two additions. The motion was seconded by Mayor Pro Tem Broadaway. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Foster, Ham and Aycock voted for the approval of the agenda. Councilmember Williams did not vote and therefore his vote is recorded as affirmative. Mayor Allen stated the motion passed.

HV Brown Restroom Project. Ms. Felicia Brown provided an update on the HV Brown Restroom Project. Ms. Brown stated the permits have been issued. The construction drawings have been revised and updated to reflect the needed changes to construct in a flood plain. Ms. Brown stated the chiller will be removed from the water fountain; outlets will be placed above flood board.

Mayor Allen asked if staff had an idea about a start date. Ms. Brown stated staff is working with the contractor to get a start date.

Councilmember Williams stated there used to be a fountain, during the construction can we make sure we at least have some waterlines in place so that in the future we can put a fountain back. Ms. Brown stated I cannot speak on making sure there are waterlines, I know the spot you are talking about but without me knowing what's underground, I don't want to say yes, that could require additional monies and I would have to come to Council. Councilmember Williams asked that she look into it and Ms. Brown stated she would see what she could find out.

Forensic Audit Discussion. Ms. Catherine Gwynn stated at the September 23rd Council meeting, Council voted to conduct a forensic audit on prior actions of city staff. I prepared a memo on October 3rd outlining the procurement process. Ms. Gwynn stated forensic accounting can be defined as the action to identify, record, settle, extract, sort, report, and verify past financial data or other accounting activities for settling current or prospective legal disputes or using such past financial data for projecting future financial data to settle legal disputes. I just wanted to put that forth to you so you would understand what you are asking for and suggested the following process:

Process

1. Council should decide if all Council members or a select group of Council members (sub-committee) are to be involved in the forensic audit process.
2. Council should decide on a specific scope of services they wish to address so that a Request for Qualifications (RFQ) can be developed. Council may also wish to bring in a licensed forensic auditor to discuss the process so they can fully understand the forensic audit process.
3. Council should decide on who will write the RFQ.
4. Council should decide the timeline of the RFQ process, who shall receive and respond to questions on the RFQ, and who shall receive the RFQ's when submitted.
5. Finance and IT staff can post the RFQ on the City website.
6. Council should decide on the criteria that they will use to score the RFQ's. It is staff's recommendation that the Council evaluate the proposed firms based on prior experience and professional credentialing. Staff can assist in typing up the format if needed after the criteria have been established.
7. Council should assign staff to schedule the interviews to assess the potential firms, and if necessary any public meeting notices required by law.
8. Council should then evaluate the RFQ's and come to a consensus on the firms by ranking them in order, and then the Council should negotiate the specific scope and price for the services for the top ranking firm.
9. Once a firm has been selected, and scope and price negotiated, it is recommended that a final agreement be voted on by the entire Council if a sub-committee format is used. The agreement will be required to be pre-audited by the Finance Director to ensure funds are available and/or reallocated.

Council discussed forensic versus using a certified public accountant. Mayor Allen asked Ms. Gwynn would it help if those who were in favor of the audit over the next two weeks, wrote down what they are trying to get out of the audit. Ms. Gwynn stated that would help out a lot.

Councilmember Foster stated from my understanding a forensic audit is the examination of design to focus on the reconstruction of past transactions for a specific purpose. An

audit focuses on compliance or the performance of an organization. We have had plenty of audits, we are looking to see if there has been anything fraudulent, so I still think we need to have a forensic audit.

Ms. Gwynn stated keep it in perspective, we pay approximately \$50,000 for our external financial audit. An audit usually relies on internal controls, to say that we believe that the numbers on the paper is legit. Ms. Gwynn stated when you try to do everything, it will get expensive, really quick.

Mayor Allen stated so over the next couple of weeks, any councilmember that wants to, generate some type of to-do list for the audit. If you believe we need a forensic audit, why, what department is it. Ms. Gwynn stated your guidance would be helpful.

Councilmember Foster stated I would like to see someone come in and speak to us about the process and then we can have our ideas and speak to them about it.

Town of Fremont Utility Agreement Amendment No. 2. Mr. Salmon shared the following information:

The Town of Fremont and the City of Goldsboro operates and manages wastewater treatment and disposal facilities located within its boundaries. The City of Goldsboro and the Town of Fremont entered into a Utility Agreement (UA) dated December 15, 1998.

The Town of Fremont has not required the use of all 600,000 gallons per day per the original agreement and the City is in need of additional capacity to treat wastewater. The Town of Fremont has a need of only 300,000 gallons per day on average and desires to sell the remaining reserve capacity back to the City of Goldsboro at the rate of \$2.29 per gallon, for the sum of \$687,000.00 and the City of Goldsboro desires to purchase the same at said rate.

The Town of Fremont may exceed its reserve capacity, and the overage fees would be charged by the City of Goldsboro in the event the Town of Fremont exceeds the capacity. The City of Goldsboro has agreed that overage charges will not apply unless the capacity exceeds 450,000 per day in a monthly period and that the Town of Fremont will then pay the rate applicable for overages.

The Town of Fremont currently has a past due amount owed to the City of Goldsboro for wastewater treatment provided pursuant to the UA through October 15, 2019 in the amount of \$231,233.22. The Town of Fremont requests that the amount be deducted from the amount to be paid by the City of Goldsboro, and that any future charges for wastewater treatment also be deducted from the remaining amount of the agreed upon sales price until said amount is exhausted.

The City of Goldsboro agrees to deduct from the amount of the re-purchase of the reserve capacity any and all amounts currently and past due, and to deduct any future charges from the remaining amount, to be deducted from \$455,766.68, such being considered as a credit on Fremont's account.

Councilmember Aycock made a motion to adopt the following entitled Resolution authorizing the Mayor and City Clerk to sign the Amendment No. 2 to the 1998 Utility Agreement with the Town of Fremont. The motion was seconded by Councilmember Ham. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Foster, Ham and Aycock voted in favor of the motion. Councilmember Williams did not vote and therefore his vote is recorded as affirmative. Mayor Allen stated the motion passed.

RESOLUTION NO. 2019-91 RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE AMENDMENT NO. 2 TO THE 1998 UTILITY AGREEMENT WITH THE TOWN OF FREMONT

Council Meeting Dates for 2020. Ms. Melissa Capps reviewed the following proposed Council Meeting Dates for 2020.

Monday, January 6

*Tuesday, January 21 (Monday, January 20th is a holiday – Martin Luther King, Jr. Day)

Monday, February 3

Monday, February 17

Monday, March 2

Monday, March 16

Monday, April 6

Monday, April 20

Monday, May 4

Monday, May 18

Monday, June 1

Monday, June 15

Monday, July 13

Monday, August 3

Monday, August 17

*Tuesday, September 8 (Monday, September 7th is a holiday – Labor Day)

*Monday, September 21

Monday, October 5

Monday, October 19

Monday, November 2

Monday, November 16

Monday, December 7

Monday, December 21

Proposed Retreat Dates 2020

February 10 and 11 (Monday and Tuesday)

February 26 and 27 (Wednesday and Thursday)

Ms. Capps asked Council to review and let her know if there are any suggested changes. Staff will bring back to the next meeting for adoption.

Councilmember Foster Discussion Item – School Zone Safety in the Inner City at Carver Heights, Dillard Charter, Dillard Middle and Goldsboro High School. Councilmember Foster shared he had received a few phone calls regarding school safety zones. Inner-city schools do not have a heavy police presence at any of the school zones. Dillard Charter and School Street do not have a crossing. Greenwood and Meadowlane have a police officer there and I would like to see that throughout the city. Councilmember Foster expressed concerns with kids crossing the street near the schools.

Councilmember Williams suggested getting an estimate to add school crossings where needed. Mayor Allen suggested a representative from the Police Department, Planning, Engineering, from the schools meet and see what is needed and where. Council also discussed speeding enforcement.

Staff will bring back information at a later meeting.

Councilmember Foster Discussion Item – Dillard Middle and Carver Heights Curbing and Entrance Safety. Councilmember Foster stated on the back side of Dillard where the gym is, there are two entrances. One is close to, near the band room, the other one is near the gym. This year Carver Heights decided to have their students dropped off in the back, instead of dropped off in the front. It has caused an inconvenience with

Dillard because people are flying through the parking lot and kids are walking. Councilmember Foster stated maybe we can get with the school and coordinate a driveway cut to make things safer.

Staff was asked to look at where another driveway could be installed.

Consent Agenda Review. Each item on the consent agenda was reviewed.

Councilmember Foster shared information regarding a law that was changed in 2018. Effective July 1, 2018, the legislature has altered the public school funding scheme by authorizing a municipality to make appropriations to “supplement funding for elementary and secondary public education” that benefit the residents of the municipality.

Closed Session Held. Councilmember Aycock made a motion to go into Closed Session to discuss an economic development matter and a personnel matter. The motion was seconded by Councilmember Ham. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Williams, Ham and Aycock voted in favor of the motion. Councilmember Foster did not vote, therefore his vote is counted as an affirmative vote. Mayor Allen stated the motion passed.

Council convened into closed session.

Council came out of Closed Session.

There being no further business, the meeting recessed until the 7:00 p.m. meeting.

CITY COUNCIL MEETING

The Mayor and 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 October 21, 2019 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadaway
Councilmember Antonio Williams
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock

The meeting was called to order by Mayor Allen at 7:00 p.m.

Pastor Andy Stovall with the Bridge Church provided the invocation. The Pledge of Allegiance followed.

Approval of Minutes. Councilmember Aycock made a motion to approve the Minutes of the Work Session and Regular Meeting of August 19, 2019 as submitted. The motion was seconded by Mayor Pro Tem Broadaway. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmember Williams voted against the motion. Councilmember Foster did not vote, therefore his vote is counted as an affirmative vote. Mayor Allen stated the motion passed 5:1.

Councilmember Aycock made a motion to approve the Minutes of the Work Session and Regular Meeting of September 9, 2019 as submitted. The motion was seconded by Mayor Pro Tem Broadaway. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster voted against the motion. Mayor Allen stated the motion passed 4:2.

Employee Performance Award. The following award was presented by Mr. Rick Fletcher, Mr. Timothy Salmon and Mayor Allen.

THE EMPLOYEE OF THE QUARTER AWARD
AWARDED TO JEREMY BRYANT (Welder) FOR OUTSTANDING
ACHIEVEMENT JULY 1, 2019 TO SEPTEMBER 30, 2019

ACCOMPLISHMENTS

Jeremy Bryant distinguished himself by outstanding achievement as the City Welder from July 1 to September 30, 2019. During this period, Jeremy's dedication, talent and ingenuity enabled him to work through and resolve several issues—saving countless man-hours and thousands of dollars. When a steel access panel in the middle of Grantham Street recently failed, causing a major safety hazard and partial road closure, Jeremy stepped up to the challenge and custom made four individual reinforced steel panels—phasing in the replacements to keep the road open during the process. Another issue Jeremy helped resolve involved modifying seven (7) leaf collector machines. After purchasing and replacing several backing plate assemblies, at a cost of \$1,400 each, he noticed similarities in the way they were failing and identified a weakness in the backing plate. He designed and fabricated a cover plate for only \$40 to reinforce and protect the face of the backing plate. His ingenuity extended the life of the backing plates, reduced equipment downtime and saved \$1,360 on each repair—including all future repairs. Jeremy also supports the community by training students participating in the WORKSOURCE East Vocational Training Internship Program. After students complete their classroom training, he guides them through the hands-on aspects of welding, affording them the opportunity to get practical experience and fine-tune their skills to better compete for jobs as they enter the workforce. Jeremy is not simply an employee with a “JOB” waiting on direction and guidance for the next task. He is an invested and committed team player who assesses every task to ensure it is accomplished to the best of his ability—no matter how small. His accomplishments reflect well upon himself and the City of Goldsboro.

The following award was presented by Mr. Mike Wagner, Mr. Timothy Salmon and Mayor Allen.

THE SUPERVISOR OF THE QUARTER AWARD
AWARDED TO DON MCMULLEN (DISTRIBUTION & COLLECTION
(SUPERINTENDENT) FOR OUTSTANDING ACHIEVEMENT
JULY 1, 2019 TO SEPTEMBER 30, 2019

ACCOMPLISHMENTS

Don McMullen distinguished himself by outstanding achievement as the City Distribution & Collection System Superintendent from July 1 to September 30, 2019. During this period, Don acted honestly, morally, ethically and reliably to serve and represent our community exceptionally well. Don and his teams are arguably five staff short in collections and five staff short in distribution, ten total. Nonetheless, they successfully dealt with the challenges of the city's aging underground infrastructure 24-hours a day, responding to water main breaks and sanitary sewer spills on pipes that could be 100-years old. Repair work examples include: the 20" outfall from SJAFB, the sewer line behind Waynesboro Park, the 15" line between Norwood Avenue and Woodrow Street, and the 12" water transmission line that blew on Georgia Avenue. Don notified the proper state and local authorities to ensure proper repairs were made to protect the Citizens of Goldsboro and the environment. He is an invested and committed team leader who assesses every task to ensure compliance in the collection and distribution systems. His accomplishments reflect well upon himself and the City of Goldsboro.

Resolution Expressing Appreciation For Services Rendered By Hezekiah Jones As An Employee Of The City Of Goldsboro For More Than 18 Years.
Resolution Adopted. Hezekiah Jones retired on August 1, 2019 as a Fire Engineer with the Goldsboro Fire Department of the City of Goldsboro with more than 18 years of service. Hezekiah began his career on April 4, 2001 as a Firefighter with the Goldsboro Fire Department in the City of Goldsboro. On April 1, 2015, Hezekiah was promoted to Fire Engineer with the Goldsboro Fire Department where he has served until his retirement. Hezekiah 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 Hezekiah Jones their deep appreciation and gratitude for the service rendered by him to the City over the years. The Mayor and City Council of the City of Goldsboro, North Carolina express our deep appreciation and gratitude for the dedicated service rendered during Hezekiah's tenure with the City of Goldsboro and offer him our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Upon motion of Councilmember Williams, seconded by Mayor Pro Tem Broadaway and unanimously carried, Council adopted the following entitled Resolution expressing appreciation for services rendered by Hezekiah Jones as an employee of the City of Goldsboro for more than 18 years.

Chief Joseph Dixon and Mayor Allen presented Mr. Hezekiah Jones with a framed copy of the Resolution.

RESOLUTION NO. 2019-90 "RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY HEZEKIAH JONES AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 18 YEARS"

Disability Employment Awareness Month Proclamation. Mayor Allen proclaimed the month of October 2019 as Disability Employment Awareness Month.

Mayor Allen presented a framed copy of the Proclamation to Ms. Panisha L. Stigger, Business Relations Representative with Vocational Rehabilitation Services.

Public Comment Period. Mayor Allen opened the public comment period. The following person spoke:

1. Carl Martin shared concerns regarding the candidate forum hosted by Liberty First which was held at the Paramount Theatre.
2. Alicia Pierce shared concerns regarding members not attending the Democratic Party forum, but attending one sponsored by another party.
3. David Craig shared concerns regarding leadership.
4. Ravonda Jacobs shared concerns regarding police mental health, community policing and advocated for better pay, benefits and training for police.
5. Jill Neilson shared concerns regarding the election, comments about defunding the DGDC and not investing in downtown Goldsboro.

No one else spoke and the Public Comment Period was closed.

Consent Agenda - Approved as Recommended. Mr. Timothy Salmon, City Manager 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. Councilmember Ham moved the items on the Consent Agenda, Items E, F, G, and H be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Aycock and a roll call vote resulted in all members voting in the affirmative. Mayor Allen declared the Consent Agenda approved as recommended by staff. The items on the Consent Agenda were as follows:

Veterans Day Parade – Temporary Street Closing Request. Street Closing Request Approved. A request was received from the Wayne County Veterans and Patriots Coalition requesting permission to close a portion of certain City streets on Monday, November 11, 2019 from 9:00 a.m. to 1:00 p.m. in order to hold a Veterans Day Parade and Celebration.

Parade Route: South on Center Street beginning at Ash Street to Chestnut Street; going around traffic circle heading North on Center Street to Walnut Street; East on Walnut Street to John Street; North on John Street to Mulberry Street; West on Mulberry Street to Center Street; North on Center Street to Ash Street ending at Ash Street.

Staging Areas: Oak Street between James and William Streets, Vine Street between Center and William Streets, Beech Street between John and William Streets, and Center Street from Oak to Ash Streets.

Streets closed for the Staging Area: Center Street from Holly Street to Ash Street; John Street from Holly Street to Ash Street; and Center Street at Spruce Street.

Additional Closures recommended by the Police Department to manage traffic flow will encompass James Street from Oak to Ash Streets, John Street from Chestnut Street to Ash, Mulberry Street from James to William, Walnut Street from James to Ormond Ave, Chestnut Street from James to Ormond Ave; and Ash Street from James to John Streets.

Parking Restrictions: No parallel parking on Center Street from Spruce Street to Ash Street.

The time requested for the closing is from 9:00 a.m. to 1:00 p.m. Police have indicated that traffic will be restricted from 9:00 a.m. until 1:00 p.m. The actual parade will begin at 11:00 a.m. and end at approximately 12:15 p.m.

The Police, Fire, Public Works and Downtown Goldsboro offices have been notified of this request.

Staff recommends approval of this request subject to the following conditions:

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

It is recommended the Council approve the street closing of sections of Pine, Spruce, Center, Walnut, John, Mulberry, James, and Chestnut Streets for the Veteran's Day Parade route from 9:00 a.m. to 1:00 p.m. on Saturday, November 11, 2019. Consent Agenda Approval. Ham/Aycock (6 Ayes)

RESOLUTION NO. 2019-93 "RESOLUTION AWARDING AND AUTHORIZING EXECUTION OF CONTRACT FOR WATER TREATMENT ENHANCEMENTS/PLATE SETTLER PROJECT"

Supplemental Agreement - Right-of-way Reimbursement for Central Heights Realignment (Project U-5724). Resolution Adopted. The realignment of Central Heights Road at Berkeley Boulevard is a funded transportation highway project with right-of-way and utilities currently in progress and construction scheduled for June 26, 2020. This project will align Central Heights Road with Royall Avenue at Berkeley Boulevard by relocating Central Heights Road from south of the railroad to north of the railroad.

The project will include the extension of Fallin Boulevard at Berkeley Boulevard to Central Heights Road and the realignment and extension of Oak Forest Road over Norfolk Southern Railroad to Central Heights Road. The project will also include the widening of Oak Forest Road to Gateway Drive.

In order to include the realignment and extension of Oak Forest Road over Norfolk Southern Railroad to Central Heights Road within the project scope, a Municipal Agreement between the North Carolina Department of Transportation (NCDOT) and City

of Goldsboro was adopted by City Council at their July 16, 2018 meeting. The agreement indicated the City of Goldsboro agreed to participate in the right of way costs and NCDOT was responsible for acquiring any needed right of way for the extension of Oak Forest Road.

The original scope of the agreement allowed the City to participate in the actual project right of way cost up to a maximum amount of \$500,000 in three installments over three years.

Upon execution of the agreement, the City of Goldsboro paid the first installment of \$125,000 to NCDOT on July 26, 2018 with the second installment invoiced on July 1, 2019 for \$187,500 and the third installment invoiced on July 1, 2020 for \$187,500.

Due to the delay in project scheduling, the parties wish to extend by one year, the due dates of the approved second and third installment payments for the City's reimbursement to the Department of Transportation. The parties wish to supplement the original agreement and amend the due dates for the second and third installment payments to read as follows:

The Department shall invoice the Municipality for the second installment in the amount of \$187,500 on July 1, 2020 and for the third installment of \$187,500 on July 1, 2021.

It is recommended Council adopt the following entitled Resolution authorizing the Mayor and City Clerk to execute a Supplemental Agreement with the North Carolina Department of Transportation for right of way reimbursement as it relates to Provision 8. Subsection A. Funding of the original agreement. Consent Agenda Approval. Ham/Aycock (6 Ayes)

RESOLUTION NO. 2019-92 RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RIGHT OF WAY REIMBURSEMENT UNDER PROJECT U-5724 REALIGNMENT OF CENTRAL HEIGHTS ROAD

Award to Turner Murphy Company, Inc. for Water Treatment Enhancements/ Plate Settler Project. Resolution Adopted. The City of Goldsboro water treatment plant (WTP) was originally constructed in 1954 and has been expanded and upgraded several times to its current capacity of 12.0 million gallons per day (mgd). During the 1994 project, construction of all other required elements for the 14.0 mgd expansion were completed, with the exception of the inclined plate settlers.

This project consists of installing a stainless steel inclined plate settler in each of the existing seven sedimentation basins to enhance treatment performance and increase capacity from 12.0 to 14.0 mgd.

The City of Goldsboro advertised for Request for Qualifications RFQ# 2019-002 for installation contractors and RFQ# 2019-003 for inclined plate settler manufacturers on August 1, 2019 and received five responsive contractors and two responsive manufacturers on August 22, 2019 at 10:00AM.

Four of the five approved contractors attended the mandatory pre-bid meeting and were approved for the formal bid FB# 2019-004 on October 1, 2019 at 2:00PM, which received three responsive bids. After reviewing the submittals, Turner Murphy Company, Inc. of Rock Hill, SC was the lowest responsive bidder for both Alternate A and Alternate B. A tabulation of the October 1, 2019 bids is attached

Turner Murphy Company's total bid amount for Alternate A was \$1,293,994.00 and \$1,376,544.00 for Alternate B, which is a higher grade stainless steel. State Revolving Funding was approved for \$1,797,360 on this project.

It is recommended Council adopt the following entitled Resolution authorizing the Mayor and the City Clerk to execute a contract with Turner Murphy Company, Inc. not to

exceed \$1,376,544.00 for the Water Treatment Enhancements/Plate Settler Project. Consent Agenda Approval. Ham/Aycock (6 Ayes)

Departmental Monthly Reports. Accepted As Information. The various departmental reports for September 2019 were submitted for the Council's approval. It was recommended that Council accept the reports as information. Consent Agenda Approval. Ham/Aycock (6 Ayes)

End of Consent Agenda.

City Manager's Report. Mr. Salmon stated no comment.

Mayor and Councilmembers' Reports and Recommendations. Mayor Allen read the following Proclamation.

Safety First On Halloween Proclamation. Mayor Allen proclaimed "Safety First on Halloween" and encouraged all citizens of Goldsboro to promote and observe the following safety guidelines:

- ◆ Parents are asked to supervise the Halloween Trick or Treat activities of their children and to insure that Trick or Treat activities are limited to children under the age of 16 years.
- ◆ Trick or Treat hours will be observed from 6:00 p.m. until 8:00 p.m. on Thursday, October 31, 2019.
- ◆ Residents who wish to participate in Trick or Treat are asked to leave a porch light, or other outdoor light, on during these hours.
- ◆ Parents are asked to explain to children that homes with no outdoor light are not participating in Trick or Treat and that these homes should be passed up during these activities.
- ◆ It is also recommended for the safety of our children that parental supervision be extended to include insistence that children do not consume any "treats" until closely examined by their parents. Parents should follow the rule "if in doubt - throw it out" where evidence of tampering with packaging or surfaces of consumable product exists.

These guidelines are set forth in the hope that all citizens of Goldsboro will enjoy a happy, safe, and orderly Halloween.

Councilmember Williams stated we were in our work session and there were a couple of things I was uncertain of pertaining to Councilmember Foster. He was talking about a supplement that was passed on July 1st, could you elaborate on that.

Councilmember Foster stated on July 1, 2018 state legislative approved a supplement for teachers, for schools, municipalities could give a supplement to schools inside their city. That supplement was brought to the board and at that time was asked for a 3% for our inner-city schools teachers. A lot of our teachers leave and go over to Johnston County, Wilson or Lenoir County because of the teacher supplement. Now with all those places, Goldsboro is ranked the worse as far as being in poverty. You cannot change poverty without quality education. It was denied by this Council.

Councilmember Williams made a motion to approve the 3% teacher stipend that we are eligible to do. Councilmember Foster seconded that. Councilmember Williams and Foster voted in favor of the motion. Mayor Allen, Mayor Pro Tem Broadway, Councilmembers Ham and Aycock voted against the motion. Mayor Allen stated the motion failed 2:5.

Councilmember Williams stated I have been advocating for the bathrooms at HV Brown Park and I am glad to hear today that we have a permit. I look forward to seeing those bathrooms, they are much needed in that particular are in District 1. Thank you to staff for allowing that to happen.

Mayor Pro Tem Broadaway thanked the DGDC and the Art Committee for the new art downtown. Everybody vote, doesn't matter who you vote for, just vote.

Councilmember Foster stated no comment.

Councilmember Ham stated turnout has been good and encouraged everyone to come out and vote.

Councilmember Aycock provided information on the legislation regarding school supplements, it was passed for two charter schools in Huntersville. The League of Municipalities has been trying to get it rescinded. The City Council is not responsible for the funding of the schools system that is the place of the state and the county.

There being no further business, the meeting adjourned at 7:39 p.m.

Chuck Allen
Mayor

Melissa Capps, MMC /NCCMC
City Clerk

MINUTES OF THE MEETING OF THE MAYOR AND CITY COUNCIL HELD
NOVEMBER 4, 2019

WORK SESSION

The Mayor and City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Large Conference Room, City Hall Addition, 200 North Center Street, at 5:00 p.m. on November 4, 2019 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadaway
Councilmember Antonio Williams
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock
Ron Lawrence, Attorney
Tim Salmon, City Manager
Laura Getz, Deputy City Clerk
Octavius Murphy, Assistant to the City Manager
Jennifer Collins, Planning Director
Scott Williams, IT Director
Felicia Brown, Interim P&R Director
Mike Wagner, Public Utilities Director
Rick Fletcher, Public Works Director
Joe Dixon, Fire Chief
Julie Metz, DGDC Director
Bernadette Dove, HR Director
Catherine Gwynn, Finance Director
Mike West, Police Chief
Ken Conners, News Director, -Curtis Media Group
Lonnie Casey, Citizen
Carl Martin, Citizen
Bobby Mathis, Citizen
Della Mathis, Citizen
Yvonnia Moore, Citizen
Chretien Dumond, Citizen
Evelyn Paul, Citizen
Kelvin Stallings (arrived at 5:07p.m.)
Alicia Pierce, Citizen (arrived at 5:17 p.m.)

Call to Order. The meeting was called to order by Mayor Allen at 5:00 p.m.

Adoption of the Agenda. Mayor Allen made a motion to add an item, King Altman Narron Park Resolution of Support to the agenda. The motion was seconded by Mayor Pro Tem Broadaway. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Williams, Foster, Ham and Aycock voted in favor of the motion. Mayor Allen stated the motion passed.

Councilmember Ham made a motion to adopt the agenda. The motion was seconded by Mayor Pro Tem Broadaway. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers, Foster, Ham and Aycock voted in favor of the motion. Councilmember Williams voted against the motion. Mayor Allen stated the motion passed.

School Zone Safety. Jennifer Collins, Planning Director shared information about an upcoming meeting to discuss traffic concerns with NC DOT, Assistant Superintendent of Support Services with Wayne County Public Schools and the Operations Director with Dillard Academy Charter School. The schools with traffic issues and crosswalks concerns are Dillard Middle School, Carver Heights Elementary, Goldsboro High School and Dillard Academy. Ms. Collins shared she has spoken to Councilmember Foster to about his concerns and that she will share the meeting date when she receives confirmation.

Boards and Commissions Vacancies. Laura Getz shared information with council concerning boards and commission vacancies. The information will be on the next agenda for

discussion and recommendations. Staff would like Council to finalize appointments at the December 16, 2019 meeting. Mayor Allen briefly reviewed the information provided.

Resolution in Support of the King Altman Narron Park. Mayor Allen shared information about the request to support the efforts to build a park and that there have been several groups including the county commissioners to support the park. Councilmember Aycock shared information about Mr. George Altman. Councilmember Aycock made a motion to adopt the resolution. Mayor Pro Tem Broadway seconded the motion. Mayor Allen, Mayor Pro Tem Broadway, Councilmembers Williams, Foster, Ham and Aycock voted in favor of the motion. Mayor Allen stated the motion passed.

Consent Agenda Review. Each item on the Consent Agenda was reviewed. Additional discussion included the following:

Item E. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for Surplus Real Property. Ms. Catherine Gwynn shared information on the item. Councilmember Aycock asked questions about how the tax value is recorded. Councilmember Foster asked how long the properties have been for sale. Octavius Murphy stated the property has been vacant for 4-5 years.

Item F. Authorization of sale of substandard lots to adjacent property owners under Session Law 2004-94 (Senate Bill 1370). Ms. Catherine Gwynn shared information concerning the sale of substandard lots. Councilmember Ham asked what the buyer's intentions are for the property. Octavius Murphy shared information concerning the buyer's intention for the property.

Item G. John Street Parking Lot Dumpster Corral Expansion. Ms. Julie Metz shared information concerning a dumpster corral at the John Street Parking lot. Councilmember Williams shared concerns about the possible smell of additional dumpsters. Ms. Metz shared information about the servicing of the dumpsters.

Item I. Contract Award for ADA Transition Plan and Title VI Update Assistance. Ms. Jennifer Collins shared information concerning the Contract Award for ADA Transition Plan and Title VI Update Assistance. Councilmember Williams asked if there is any of this information in the Master Plan. Mayor Allen and Ms. Collins shared the plan he was referring to is the Comprehensive Land Use plan. Ms. Collins shared that the plan does not describe ADA compliance standards. Council and staff discussed the issue of the compliance at city buildings and city playgrounds.

There being no further business, the meeting recessed until the 7:00 p.m. meeting.

CITY COUNCIL MEETING

The Mayor and 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 4, 2019 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadway
Councilmember Antonio Williams
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock

The meeting was called to order by Mayor Allen at 7:00 p.m.

Elder Glenda White with St. Mark Church provided the invocation. The Pledge of Allegiance followed.

Approval of Minutes. Mayor Pro Tem Broadway made a motion to approve the Minutes of the Work Session and Regular Meeting of September 23, 2019 as submitted. The motion was seconded by Councilmember Aycock. Mayor Allen, Mayor Pro Tem Broadway,

and Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster voted against the motion. Mayor Allen stated the motion passed 4:2.

Night to Shine Presentation. Donna Countryman presented information concerning the Night to Shine Prom. The event is a special needs prom for ages 14 and up. The prom is sponsored by the Tim Tebow Foundation and will be held at the Maxwell Center on February 7, 2020. Mrs. Countryman invited the Mayor and Council to attend and also asked anyone available to volunteer.

GWTA Veterans Promotion Information. Don Willis, GWTA Director, showed a short video and announced the Veterans Ride Free Promotion to be held the week of Veterans Day, November 11-16.

Presentation by Goldsboro Fire Department. Joseph Dixon, Fire Chief, James Farfour, Deputy Fire Chief and Chief Eric Lancaster made a presentation of Unit Citations and Certificates of Bravery to the following firefighters that pulled an unresponsive child out of the water and performed CPR on September 7, 2019. Captain Rob Loreman, Engineer Adam Taggart, Firefighter Josh Laws and Firefighter Ryan Kearney. Rodney Robinson, citizen, spoke on behalf of the family.

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

1. Clark Boydston, passed out his comments to Council (on file in the Clerk's office) and shared issues concerning an upcoming item on the agenda (Item L).
2. Gigi Eason, employee of the City of Goldsboro, passed out information (on file in the Clerk's office) and shared concerns about the city's policy that pertains to Retirement and the payout of vacation leave. Chief Dixon also made comments concerning the issue. Comments were made concerning the issue from City Manager, Tim Salmon, Mayor Allen, and Councilmember Foster.
3. Rodney Robinson, made comments about the way he was treated outside the polls at the library and stated his rights had been violated.

No one else spoke and the Public Comment Period was closed.

Consent Agenda - Approved as Recommended. City Manager, Timothy 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. Councilmember Aycock moved the items on the Consent Agenda, Items E, F, G, H, I, J, K, L, M, and N be approved as recommended by the City Manager and staff. The motion was seconded by Mayor Pro Tem Broadaway and a roll call vote resulted Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Williams, Foster, Ham and Aycock voting in favor of the motion. Mayor Allen declared the Consent Agenda approved as recommended with 6-0 vote. The items on the Consent Agenda were as follows:

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for Surplus Real Property. Resolution Adopted. Staff has received an offer to purchase on a city/county-owned property. Board must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. §160A-266 and §160A-269).

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

1404 and 1406 Crepe Myrtle Street (1 parcel)
Offeror: Paul Williams
Offer: \$1,500.00
Bid Deposit: \$75.00
Parcel #: 0049119 (REID): Pin #: 2690924114

Tax Value: \$3,000.00 Zoning: GB

Staff recommends Council accept the offer on 1404 and 1406 Crepe Myrtle Street. If accepted, adopt following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

RESOLUTION NO. 2019-96 “RESOLUTION AUTHORIZING UPSET BID PROCESS”

Authorization of sale of substandard lots to adjacent property owners under Session Law 2004-94 (Senate Bill 1370). Resolutions Adopted. Staff has received an offer to purchase a city/county-owned property considered to be substandard. Board must either accept or reject the offer in accordance with local legislation Session Law 2004-94 Senate Bill 1370.

The following offers have been received for sale of real property under Substandard Lot local legislation (Session Law 2004-94 Senate Bill 1370)

209 E. Dewey St.

Offeror: Antonio Cox

Offer: \$1.00

Bid Deposit: \$1.00

Parcel # (REID): 0056041 Pin #: 3600116950

Tax Value: \$1,530.00 Zoning: R-6

213 E. Dewey St.

Offeror: Antonio Cox

Offer: \$1.00

Bid Deposit: \$1.00

Parcel # (REID): 0056046 Pin #: 3600117838

Tax Value: \$1,670.00 Zoning: R-6

On August 14th, staff prepared and mailed the required letter to adjoining property owners to notify them that an offer has been received and if they were interested in purchasing they had 30 days to contact the City and present an offer. Staff did not receive any offers in the required time frame. As per Session Law 2004-94, the Board may authorize the sale of the substandard lot.

Staff recommends Council accept the offer on 209 E. Dewey Street to deed 100% of property to Mr. Antonio Cox. If accepted, adopt the following entitled resolution authorizing City staff to execute instruments necessary to transfer ownership upon concurrence by Wayne County Board of Commissioners and accept offer on 213 E. Dewey Street to deed 100% of property to Mr. Antonio Cox. If accepted, adopt the attached resolution authorizing City staff to execute instruments necessary to transfer ownership upon concurrence by Wayne County Board of Commissioners. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

RESOLUTION NO. 2019-97 “RESOLUTION AUTHORIZING SALE OF SURPLUS SUBSTANDARD REAL PROPERTY UNDER SESSION LAW 2004-94 SENATE BILL 1370”

RESOLUTION NO. 2019-98 “RESOLUTION AUTHORIZING SALE OF SURPLUS SUBSTANDARD REAL PROPERTY UNDER SESSION LAW 2004-94 SENATE BILL 1370”

John Street Parking Lot Dumpster Corral Expansion. Ordinance Adopted. In mid-2000, the City of Goldsboro made improvements to the John Street Parking Lot that expanded its capacity and enabled ingress and egress from Center Street. The City owns the parking lot that encompasses the entire interior of the non-built space included within the interior of the block bounded by Center Street, Mulberry Street, John Street and Walnut Street. At the time these improvements were made, the City carved out space to create a dumpster corral for an organized and effective use of temporary trash storage. This space is fenced, per City guidelines, and has space to allow four commercial dumpsters. These dumpsters are shared by multiple use arrangements with businesses located within the area that need the service and participate in a cost share among themselves. Until recently, the corral allowed for an adequate amount of dumpsters to accommodate the needs of the businesses within the block.

The number of businesses and uses in this block have grown creating more refuse and a need for more dumpsters. It is in the City's best interest to accommodate the space needed to keep the public parking lot clean and to maximize its primary purpose; parking. In the absence of organized and dedicated space, business and property owners place dumpsters on sidewalks or in parking lots. For the past several months, the Planning Department, Downtown Development Department and the Public Works Department have received numerous complaints related to this and have had to address issues caused by dumpster capacity.

Representatives from each of these departments reviewed options to provide more dedicated space to accommodate additional dumpsters in the area. Based upon this review, we solicited a quote to extend the current dumpster pad and corral area. This expansion will accommodate four additional dumpsters, allowing for two exposed dumpsters currently placed along the sidewalks to be contained as well as have space for two more when needed. The design chosen allows the City to utilize the existing back brick wall and will lay two side brick walls for the new coral. The work will involve cutting out and the removal of the walk, curb and a portion of the asphalt parking lot to accommodate for a new 12' by 32', 6-inch concrete pad. The brick side walls will be 8' tall and 12" wide and 15' in length. The front will include two gates. Bollards will be installed to prevent garbage trucks from damaging the walls when serviced.

Staff recommends Council adopt the following entitled Budget Ordinance amending the 2019-20 fiscal year budget for the Downtown District Fund by:

- a) Decreasing the Transfers to Fund Balance in the amount of \$22,400.00.
- b) Increasing the expenditure line item "Dumpster Pad Improvements Downtown" in the amount of \$22,400.00. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

ORDINANCE NO. 2019-65 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE CITY OF GOLDSBORO FOR THE 2019-20 FISCAL YEAR"

Mutual Aid Agreement Renewal. Resolution Adopted. The Goldsboro Fire Department works with surrounding volunteer organizations to provide emergency service coverage to the community. Mutual aid agreements provide all parties with clarity of responsibility and expectations.

The lapse in time and changes across the administrations warrant an update. It is deemed in the best interest of the public to do so.

The purpose of the agreement is to provide each of the parties hereto, through mutual cooperation, a pre-determined plan; as agreed upon in dispatch protocol, by which aid will be rendered to the other in case of any incident which may demand services to a degree beyond the existing capabilities of either party.

Staff recommends Council adopt the following entitled resolution authorizing the Mayor to sign the Mutual Aid Agreements for Fire Protection with Belfast, Arrington, El-Roy, Mar-Mac, New Hope, Rosewood and Saulston Volunteer Fire Departments. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

RESOLUTION NO. 2019-99 "RESOLUTION AUTHORIZING THE MAYOR TO SIGN MUTUAL AID AGREEMENTS FOR FIRE PROTECTION"

Contract Award for ADA Transition Plan and Title VI Update Assistance. Resolution Adopted. The City of Goldsboro and the Goldsboro MPO, requested proposals to assist the City and the MPO with the development of an ADA Transition Plan and Title VI Program Update Assistance. The City and MPO demonstrated deficiencies on a combination of compliance factors when a compliance review was performed in June and September of 2019 concerning the ADA and Title VI programs. The firm selected will provide professional consulting services for the City and MPO in correcting those deficiencies to move both organizations to an in-compliance status and assure that the programs are up to date.

Four consultants' submitted proposals and submittals were evaluated based on seven criteria: Project Experience, Project Manager, Project Team, Project Approach, Technical Expertise, Cost Estimate and References.

Upon review, the evaluation indicated Milligan & Company, LLC scored the highest based on qualifications, past experience, project approach and cost.

On October 17, 2019, Staff presented their recommendation to the TCC and TAC for their approval. They recommended and approved the selection of Milligan & Company, LLC for these tasks.

The fee proposal for this project has been reviewed by the Planning Department and North Carolina Department of Transportation, checked for accuracy, and found to be in order. Staff has also reviewed the financing of this project with the Finance Director. Sufficient funds are available within the Planning Department’s FY 19 budget with 80% of Task 1 and 2 being paid for with the use of PL 104 funds.

Milligan & Company, LLC provided the following fee proposal:

Contract for Consultant Services	\$113,920.00
Task 1 – ADA Transition Plan	\$90,440.00
Task 2 – Goldsboro MPO Title VI Update	\$12,220.00
Task 3 – City of Goldsboro Title VI Update	\$11,260.00
Funding Summary: _____	
City of Goldsboro (+/- 20% - Task 1 & 2)	\$20,532.00
NCDOT PL 104 funds (+/- 80% - Task 1 & 2)	\$82,128.00
City of Goldsboro (100% - Task 3)	\$11,260.00

Upon notice to proceed, the consultant anticipates the development of the ADA Transition Plan being completed by July 2020 with the update to the Title VI Plans being completed by January 2020.

Staff recommends Council adopt the following entitled Resolution authorizing the Mayor and City Clerk to execute a contract for \$113,920.00 with Milligan & Company, LLC for the ADA Transition Plan and Title VI Update Assistance. Consent Agenda Approval. Aycock/Broadway (6 Ayes)

RESOLUTION NO. 2019 –100 “RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE CITY OF GOLDSBORO AND THE GOLSBORO METROPOLITIAN PLANNING ORGANIATION ADA TRANSITION PLAN AND TITLE VI DEVELOPMENT ASSISTANCE”

SITE-16-19 Site and Landscape Plans-The John R. McAdams Company, Inc. (Convenient Mart with Proposed Canopies and Gas Sales). Approved. The property is located on the south side of W. Tommy’s Road, the west side of N. William Street and the east side of Carolina Commerce Drive.

Frontage:	359.49 ft. (W. Tommy’s Rd.) 307.11 ft. (N. William St.) 595.74 ft. (Carolina Commerce Dr.)
Area:	164,607 sq. ft. or 3.78 acres
Zoning:	General Business

Existing use: The property is currently vacant and undeveloped.

The submitted site plan indicates the construction of a one-story, brick-veneer convenience store with a gross floor area of 5,187 sq. ft. A 400 sq. ft. open patio with seating is shown along the northern building wall for customers of the business.

In addition, the applicant has proposed the construction of two fuel canopy additions. One fuel canopy will consist of an area of approximately 5,094 sq. ft. and provide cover for 8 fuel gas pumps to be located in front of the convenience store.

The second canopy will consist of approximately 1,656 sq. ft. and provide cover for a total of 4 diesel fuel gas pumps to be located directly south of the convenient store.

Exterior building materials for the proposed convenient store will consist of stucco, cultured stone veneer, and split-face and textured concrete blocking veneer and caps.

Hours of Operation:	Monday-Sunday:	24/7
Employees:	Approximately	2-3

Developer has proposed three driveway cuts for the site from Tommy's Road, William Street and Carolina Commerce Drive. A proposed deceleration lane is shown along N. William Street for the southbound lane providing access to the site. Approval has been granted by NCDOT for the proposed driveway cuts and the deceleration lane.

Parking for the site requires 1 space for each 200 sq. ft. of gross floor area. A total of 26 parking spaces are required. The site plan shows a total of 36 parking spaces to include 2 handicap accessible spaces and 5 spaces for large trucks and tractor trailers.

The applicant shows interior sidewalks leading from the parking lot to the building entrances. Exterior sidewalks are not shown on the submitted site plan. City sidewalks are required along Tommy's Road, William Street and Carolina Commerce Drive. The applicant is requesting a modification of the City's sidewalk requirement. If approved by City Council, the applicant will be required to pay a fee in the amount of \$19,782.90 for sidewalk construction.

The site plan indicates required street trees along Tommy's Road, William Street and Carolina Commerce Drive.

A Type C, 20 ft. wide landscape buffer is required along the southern property line adjacent to a proposed storm water detention pond. The applicant is requesting a modification of the landscape buffer because he believes the buffer would be redundant and unnecessary due to the location of storm water improvements in the area, as well, as existing vegetation.

Commercial Lighting Plan: A commercial lighting plan has been submitted for the site and is compliant with City regulations.

The property is not located within a Special Flood Hazard area. City water and sewer are available to serve the property. Storm water calculations and drainage plans have been submitted and in accordance with City Engineering standards.

A solid waste receptacle is shown along the western property line and located behind the proposed convenient store. The dumpster will be located in a coral and screened from off-site views in accordance with City standards.

Interconnectivity has not been identified on the site plan. The applicant believes that interconnectivity would be impractical due to location of protected wetlands and proposed storm water improvements required for the site. The applicant is requesting a modification of the interconnectivity requirement.

The applicant is requesting the following modifications.

1. Modification of City sidewalk requirement.
2. Modification of a Type C, 20 ft. wide landscape buffer yard along the southern property line.

3. Modification of interconnectivity.

The Planning Commission, at their meeting held on October 28, 2019, recommended approval of the Site and Landscape Plan with the requested modifications.

Staff recommends Council accept the recommendation of the Planning Commission and approve the Site and Landscape Plan with the following modifications:

- (1) Modification of City sidewalk requirement. The developer will be required to pay the fee in lieu of sidewalk construction in the amount of \$19,782.90.
- (2) Modification of a Type C, 20 ft. wide landscape buffer yard along the southern property line. Due to the location of stormwater improvements in the area, as well, as existing vegetation.
- (3) Modification of interconnectivity due to location of protected wetlands and proposed stormwater improvements required for the site. Consent Agenda Approval.
Aycock/Broadaway (6 Ayes)

SITE-18-19 NCTP 3300 Real Estate Investments Co., LLC– Southwest corner of US Highway 70 East and North Oak Forest Road. Approved. The applicant requests site plan approval for proposed building additions and new parking lot spaces for the display and sale of automobiles at an existing automobile dealership known as Team Chevrolet of Goldsboro.

Days/Hours of Operation:	Monday-Sunday
Service Department:	7:00 a.m. – 6:00 p.m.
Sales Department:	8:00 a.m. – 8:00 p.m.
Employees:	78

Proposed improvements for the site will disturb 1.02 acres. According to the City's Unified Development Code (UDO), nonresidential developments on parcels that disturb greater than 1 acre shall be approved by City Council.

Frontage:	614.09 ft. (N. Oak Forest Rd.) 921.95 ft. (Commercial Dr.)
Area:	7.67 acres
Current Zoning:	General Industry (I-2)

The proposed site plan submitted by the applicant indicates the construction of 4 new building additions and 1 new canopy with a combined total area of approximately 4,757 sq. ft. Existing building area for the new car dealership is 49,579 sq. ft. The total building area for the existing facility plus new building additions totals 53,354 sq. ft.

Principle building improvements will consist of a 2,050 sq. ft. addition to the service reception area, 665 sq. ft. addition for a new car delivery area and a 542 sq. ft. addition to the body and paint shop reception area. A 1,500 sq. ft. addition is proposed for an existing body shop and repair building located behind the dealership.

New exterior building components will be consistent with existing construction materials consisting primarily of brick-veneer, split-faced concrete mortar units, and architectural aluminum, glass and metal wall panels.

Access to the site is provided by two existing 40 ft. wide driveway cuts off Commercial Dr. and one existing 40 ft. wide driveway cut off N. Oak Forest Rd.

Applicant is proposing removing the existing access drive from N. Oak Forest Rd. A new 26 ft. wide driveway cut is proposed approximately 50 ft. northward from the previous location. Since N. Oak Forest Rd. is a state-maintained road, NCDOT approval will be required for the new site access drive.

Parking for the site requires 1 space per 300 sq. ft. of indoor sales, display and office areas, 1 space per employee and 1 space per service bay. A total of 186 parking spaces are required. Currently, 315 spaces are available.

The applicant proposes the addition of 172 paved display parking spaces totaling 487 parking spaces for the site. Of the 487 parking spaces proposed for the site, 301 parking spaces will be designated for automobile sales and display.

In addition, the applicant proposes to remove 16 existing concrete curb islands located along each of the three access drives in order to redesign existing display parking and for efficient traffic circulation within the site.

The submitted site plan does not propose any new landscape improvements. Since the expansion is less than 50% of the original building or parking area, street trees and vehicular surface area buffers are the only City landscape requirements necessary for the project. The applicant is requesting a modification of the City's Landscape Ordinance due to existing site conditions and underground utilities along N. Oak Forest Rd. and Commercial Dr.

New handicap accessible interior sidewalks are proposed at the front of the dealership for access into the main building entrances. According to the UDO, exterior sidewalks are not required since the existing building or parking area will not be expanded by more than 50% of the original area. In addition, the site is not a part of the City's Pedestrian Sidewalk Plan.

Storm water calculations, grading and drainage plans have not been submitted. The applicant will be required to submit plans and specifications in accordance with City Engineering standards before construction permits can be released.

Commercial garbage dumpsters are located behind the existing body shop and will be required to be screened from public view in accordance with City standards.

The applicant is requesting a modification of the requirement to install vehicular surface buffers and street trees along N. Oak Forest Rd. and Commercial Drive due to existing site conditions and underground utilities.

The Planning Commission, at their meeting held on October 28, 2019, recommended approval of the Site and Landscape Plan with the requested modifications.

Staff recommends Council accept the recommendation of the Planning Commission and approve the Site and Landscape Plan with the following modifications:

- (1) Modification from the requirement to install vehicular surface buffers and street trees along N. Oak Forest Rd. and Commercial Drive due to existing site conditions and underground utilities. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

S-10-19 Capital Automotive Real Estate Services, Inc. (2-Lot Preliminary Subdivision Plat). Approved. The property is located on the north side W. Grantham between Nevels Street and Hargrove Street.

Total Area:	5.26 acres or 229,125 sq. ft.
Total Lots:	2

Lot No. 1:	2.64 acres or 114,998 sq. ft.
Lot No. 2:	2.62 acres or 114,127 sq. ft.

Zoning:	General Industry (I-2)
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The site was previously approved for new automobile sales, including the accessory uses of used car sales, leasing and service and repair and formerly known as Deacon Jones Honda and Deacon Jones Collision Center.

The subject property has been proposed for division into two lots for sale or commercial development. Any future use of the property will require site plan approval in accordance with the City's Unified Development Code.

Lot No. 1 is currently vacant and occupied by one existing single-story commercial building constructed of metal and brick veneer and approximately 31,368 sq. ft.

Lot No. 2 is currently occupied and operates as an automobile collision and repair facility. It consists of three single-story commercial buildings. The main principle building is constructed of metal and brick veneer and approximately 14,782 sq. ft. Two accessory buildings of metal construction are located in the side yard of the property west of the principal building totaling approximately 3,000 sq. ft.

The preliminary plat shows that Lots #1 and #2 are served by City water and sewer and are located in a Special Flood Hazard Area known as the 100-year floodplain.

As previously stated, Lots #1 and #2 are located in the General Industry (I-2) zoning district. The entire property was developed prior the adoption of the current Unified Development Ordinance (UDO). As such, the applicant is requesting the following building setback modifications:

1. Lot 1: A modification of the front yard-building setback from 30 ft. to 0.59 ft. along Nevels Street.
2. Lot 2: A modification of the side yard setback from 15 ft. to 0.65 ft. along the proposed new western property line.

The Planning Commission, at their meeting held on October 28, 2019, recommended approval of the 2-lot Preliminary Subdivision Plat with the requested modifications.

Staff recommends Council accept the recommendation of the Planning Commission and approve the 2-lot Preliminary Subdivision Plat with the following modifications:

- (1) Lot 1: A modification of the front yard-building setback from 30 ft. to 0.59 ft. along Nevels Street.
- (2) Lot 2: A modification of the side yard setback from 15 ft. to 0.65 ft. along the proposed new western property line. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

Non-contiguous Annexation Petition – Luis Jimenez (East side of S. NC 111 Hwy between Mollie Drive and Sheridan Forest Road). Referred to Clerk. 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. Also attached are the maps showing the property proposed to be annexed.

Pursuant to G.S. 160A-31, Council shall fix a date for public hearing on the proposed annexation if the petition is considered sufficient by the City Clerk.

The City Council, at their meeting on November 4, 2019 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.

Staff request that the City Clerk examine the annexation petition to determine its sufficiency. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

Rescheduling Council Meetings For 2020 Due To Holidays. Approved. The Goldsboro City Council normally meets the 1st and 3rd Mondays of every month for their Regular Council Meeting.

The following meetings need to be rescheduled due to holidays:

- Monday, January 20, 2020 is in observance of Dr. Martin Luther King, Jr.'s Birthday

- Monday, July 6, 2020 due to Independence Day
- Monday, September 7, 2020 is in observance of Labor Day

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

- Tuesday, January 21, 2020
- Combining the July meetings to Monday, July 13, 2020
- Tuesday, September 8, 2020

Staff recommends Council accept staff recommendations and approve the revised 2020 regular meeting schedule. Consent Agenda Approval. Aycock/Broadaway (6 Ayes)

End of Consent Agenda.

City Manager's Report. Tim Salmon thanked the Merchant's Association for their Trunk or Treat event downtown and recognized the Paramount Theater for their first sold out performance of the year of their Performing Arts Series. He also shared information concerning the upcoming Veteran's Day Parade.

Mayor and Councilmembers' Reports and Recommendations. Mayor Allen read the following Resolution.

Resolution Expressing Appreciation For Services Rendered by Sanora Arrington-Speight as an Employee of the City Of Goldsboro For More Than 3 Years. Resolution Adopted. Sanora Arrington-Speight retired on November 1, 2019 as the Senior Planning Technician with the Planning Department of the City of Goldsboro with more than 3 years of service. Sanora began her career with the City of Goldsboro on September 7, 2016 as the Senior Planning Technician with the Planning Department where she has served until her retirement. Sanora has proven herself to be a dedicated and efficient public servant who has gained the admiration and respect of her fellow workers and the citizens of the City of Goldsboro. The Mayor and City Council of the City of Goldsboro express to Senora Arrington-Speight their deep appreciation and gratitude for the service rendered by her to the City over the years offer our very best wishes for success, happiness, prosperity and good health in her future endeavors.

Upon motion of Mayor Allen, seconded by Mayor Pro Tem Broadaway and unanimously carried, Council adopted the following entitled Resolution Expressing Appreciation for services rendered by Sanora Arrington-Speight as an employee of the City of Goldsboro for more than three years.

RESOLUTION NO. 2019-94 "RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY SANORA ARRINGTON-SPEIGHT AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 3 YEARS"

Veterans Day Proclamation. Mayor Allen proclaimed November 11, 2019 as VETERANS DAY in the City of Goldsboro and urge all citizens to remember the service and sacrifice of our veterans who defend our freedom and preserve our way of life.

Small Business Saturday Proclamation. Mayor Allen proclaimed Saturday, November 30, 2019, as SMALL BUSINESS SATURDAY in the City of Goldsboro, North Carolina, and do hereby call upon all citizens of the City of Goldsboro to support small business and merchants on Small Business Saturday and throughout the year.

King Altman Narron Park Resolution. Resolution Adopted. The City of Goldsboro provides a comprehensive park and recreation program which includes the operation of public recreation facilities and the operation of recreation programs. The City of Goldsboro offers a variety of leisure services and facilities to the citizens of all age groups. The King Altman Narron (KAN) Foundation has taken leadership in the community for a fund raising project to build the King Altman Narron Park and Baseball/Softball complex. The King Altman Narron Park will be located in an area of Goldsboro that currently has no park. The support of the City of Goldsboro is essential to the success of the goals and objectives of the KAN project. Mayor and City Council that the City of Goldsboro supports the community efforts of King Altman Narron

Foundation to establish a community park supportive of our citizens. The City may support the objectives of the King Altman Narron (KAN) Foundation by:

- (1) Developing support for the King Altman Narron (KAN) Foundation and its objectives through direct or indirect promotion, as the City deems appropriate, and within the City's budgetary constraints;
- (2) Sponsoring or supporting the King Altman Narron (KAN) Foundation fundraising efforts, as deemed appropriate within the City's discretion;
- (3) Providing other non-cost considerations such as technical, public relations or logistical support, as the City deems appropriate, and within the City's financial, staffing, and resource constraints.

Upon motion of Councilmember Aycock, seconded by Councilmember Williams and unanimously carried, Council adopted the following entitled Resolution supporting the King Altman Narron Park.

RESOLUTION NO. 2019-95 “RESOLUTION IN SUPPORT OF THE KING ALTMAN NARRON PARK”

Councilmember Williams thanked the firemen that helped Jaylen Suggs and wanted to honor his friends that also tried to save him. He suggested doing something nice for those kids and give them a medal.

Councilmember Aycock encouraged everyone to exercise your constitutional right and vote.

Councilmember Ham also encouraged everyone to exercise your constitutional right and vote.

Councilmember Foster apologized to Mr. Robinson for the hate he experienced. He also encouraged everyone to vote and make history.

Councilmember Broadaway thanked all who participated in early voting and encouraged everyone to vote tomorrow. He stated this is an important election that probably determines the next path where Goldsboro is going.

Mayor Allen also encouraged everyone to vote and to vote your heart and who you believe is best for the city.

There being no further business, the meeting adjourned at 7:53 p.m.

Chuck Allen
Mayor

Laura Getz, CMC/NCCMC
Deputy City Clerk

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING

SUBJECT: Employee Bonus Authorization

BACKGROUND: The City has offered a bonus to full time employees in various amounts (between \$200.00-\$400.00) since 2011.

DISCUSSION: Employee bonuses were cut from the FY19-20 operating budget in order to balance the budget. The City Manager recommends Council approve a \$250.00 bonus to full time employees that have been at the city at least six months as of December 1, 2019. Departments will fund the bonuses by making other operational reductions within their budget.

If approved, employees would receive a bonus of \$250.00 (net “take home”). The \$250.00 recommended amount would be a cost to the city of \$285,060 including tax and fringe benefits.

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

1. Approve a \$250.00 employee bonus and authorize the City Manager to direct Human Resources to prepare a list of employees eligible to receive a bonus, and authorize Finance to prepare the bonus payroll. Funding will be obtained from within each department’s budget.

Date: _____

Catherine F. Gwynn, Finance Director

Date: _____

Timothy M. Salmon, City Manager

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019

SUBJECT: Compensation and Classification Study

BACKGROUND: The most recent Compensation and Classification study was completed in January 2014 by Mr. Phillip Robertson of the Mercer Group. At that time, The Mercer Group made recommendation to city council to update the city's job descriptions, pay structure and classification plan.

DISCUSSION: The City of Goldsboro is seeking a qualified personnel management consultant firm to perform a review/revision of the existing classification plan, perform a compensation study, update job descriptions, ensure compliance with FLSA and ADA and prepare one or more pay plan option schedules based on the competitiveness of the appropriate job market. Adequate funds have been appropriated in the 2019-20 fiscal year operating budget.

We are seeking consultants whom have:

- extensive experience in conducting classification and compensations studies for local governments and other public sector organizations throughout the country;
- comprehensive experience and knowledge in all components vital to the successful completion of the project;
- knowledge of relevant North Carolina statutes and regulations as well as federal regulations;
- objectivity and flexibility;
- specialized analytical tools and software;
- full visibility into the entire organization through research and discovery;
- a spirit to partner with the City of Goldsboro staff and leadership
- sound recommendations based on best practices and proven methods and
- a practical go-forward plan that leads to quantifiable results

Staff advertised a Request for Proposal (RFP) in August of this year and received a total of 11 respondents. A review of the RFP's was completed to select the top 3 firms. Interviews were held with the top 3 firms, and after careful review of applicable qualifications versus cost, a final recommendation is being made.

RECOMMENDATION

It is recommend that the City Council, by motion award the bid proposal to Evergreen Solutions, LLC. of Tallahassee, Florida in the amount of \$32,500 for the completion of a Compensation and Classification Study for the City of Goldsboro.

Date: _____

Bernadette Dove, Human Resources Director

Date: _____

Timothy M. Salmon, City Manager

Human Resources Department Request for Proposals

Service Requested: Pay and Classification Study FY 19/20

Scope of Work: Consultants were asked to submit proposals for a pay and classification study to include but not limited to, a review of the current 198 job classifications; evaluating internal comparisons of positions to address compression and internal equity; create, modify, and update job descriptions as necessary; ensure compliance with FLSA and ADA standards, and provide a final version of all job classifications and descriptions in an electronic format.

The Archer Company Rock Hill, South Carolina	Piedmont Triad Regional Council Kernersville, North Carolina	*Evergreen Solutions Tallahassee, Florida
<ul style="list-style-type: none"> Perform Factor Evaluation System (FES) and points assigned per job classification Site license for maintenance software available for one-time fee of \$1000 (update job classifications, market study analysis) 	<ul style="list-style-type: none"> Benchmarking – Geographical analysis within 45 min. commuting distance. Reference: American Community Survey Sign-up genius available to interview employees Provides services to client after study is complete (job classification reviews, salary analysis, etc.) 	<ul style="list-style-type: none"> Web based Job Force Manager - software platform included in cost to assist with maintenance and updating job descriptions, pay plan and review market salaries, etc. On site training and one-year maintenance-free technical support Various job evaluation methods Three-Tier Approach to analyze and maintain job classifications <ul style="list-style-type: none"> Public or private commuter report (based on US Dept. of Labor annual statistics) Municipalities similar in budget or structure as City of Goldsboro Turnover report, statistical data, longer recruiting periods
References: City of Asheville, NC; City of Greenville, NC; Dekalb County, GA; City of North Myrtle Beach, SC. Currently working with City of Greenville, NC Utilities Commission.	References: City of High Point, NC; City of Winston-Salem; Hendersonville, Burlington, New Bern, Asheboro. Currently working with Town of Wendell	References: City of Raleigh Public Safety (Fire/Police); Durham County; Guilford County; Wayne County, Charlotte Water. City of Conway, SC, City of Williamsburg, VA, City of Columbia, SC.
Cost: \$38,000	Cost: \$32,500	Cost: \$32,500

CITY OF GOLDSBORO
AGENDA MEMORANDUM
December 2, 2019 COUNCIL MEETING

SUBJECT: Budget Amendment - 2019-2020 Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs (HOME)

BACKGROUND: On August 28, 2019, the City of Goldsboro was notified by the U.S. Department of Housing and Urban Development (HUD) of the FY19-20 Annual Action Plan approval and grant allocation totaling \$543,211 from Community Development Block Grant (CDBG) in the amount of \$328,479 and HOME Investment Partnerships Programs (HOME) in the amount of \$214,732.

For the purpose of assisting low-to-moderate-income citizens of Goldsboro in improving their quality of life through vital housing and community development programs. The City will utilize its entitlement funds during program year, July 1, 2019 through June 30, 2020. The City was granted a 100% HOME Match Reduction for FY19-20. Therefore, the City will not be required to provide local matching funds for the \$214,732 in HOME this allocation.

DISCUSSION: Since the Release of Funds for these two grants occurred after the adoption of the 2019-2020 Operating Budget, monies to carry out activities under these two programs are not reflected in the current budget. The City's Budget Ordinance must be amended prior to the expenditure of these funds.

RECOMMENDATION: By motion, adopt the attached Ordinance amending the 2019-2020 Budget Ordinance in order to permit the expenditure of funds for activities included under the City's CDBG and HOME Programs.

Date: _____

Shycole Simpson-Carter
Community Relations Director

Date: _____

Timothy M. Salmon
City Manager

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING THE BUDGET ORDINANCE
OF THE CITY OF GOLDSBORO
FOR THE 2019-2020 FISCAL YEAR

WHEREAS, the City of Goldsboro has been designated an "Entitlement City" and will receive \$328,479 in Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development for Fiscal Year 2019-20; and

WHEREAS, in addition, the City will receive \$214,732 under the Federal HOME Investment Partnership Program (HOME) funds from the Department of Housing and Urban Development for Fiscal Year 2019-20; and

WHEREAS, funds for the Community Development Block Grant Program and the HOME Investment Partnership Program have already been released to the City of Goldsboro for various activities at scattered sites within the City; and

WHEREAS, these funds represent new monies, they are presently not reflected in the 2019-2020 Operating Budget.

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

1. The 2019-20 Budget Ordinance for the Community Development Block Grant Fund be and is hereby amended by:

- a. Establishing a Revenue Line Item entitled "CDBG-FY 19-20" (22-0003-**8501**) in the amount of \$328,479.00; and
- b. Increasing the Revenue Line Item entitled "CDBG Loan Principal Income" (22-0003-**8650**) in the amount of \$2,870.00; and
- c. Increasing the Revenue Line Item entitled "CDBG Loan Interest Income" (22-0003-**8651**) in the amount of \$250.00; and
- d. Establishing the following Line Items of Expenditure and corresponding amounts:

<u>Line Item</u>		<u>Total Allocation</u>	
22-3224-1213	Salaries and Wages- Administrative	\$	43,771
22-3224-1214	Salaries and Wages -Rehabilitation	\$	15,557
22-3224-1500	Rehabilitation Homeowner	\$	3,120
22-3224-1811	Social Security (Admin.)	\$	3,782
22-3224-1812	Social Security (Rehab.)	\$	1,190
22-3224-1823	NCLGERS Retirement (Admin.)	\$	3,870
22-3224-1824	NCLGERS Retirement (Rehab.)	\$	1,403
22-3224-1831	Hospital Insurance (Admin.)	\$	4,273
22-3224-1832	Hospital Insurance (Rehab.)	\$	2,544
22-3224-1842	Public Facilities	\$	208,454
22-3224-1908	After-School Enrichment/Public Services	\$	33,635
22-3224-1991	Consultant Services (Admin.)	\$	10,000

- e. Establishing a Revenue Line Item entitled "HOME Program FY 19-20" (22-0003-**8502**) in the amount of \$214,732.00; and
- f. Increasing the Revenue Line Item entitled "HOME Loan Principal Income" (22-0003-**8652**) in the amount of \$3,449.00; and
- g. Increasing the Revenue Line Item entitled "HOME Loan Interest Income" (22-0003-**8653**) in the amount of \$599.00; and
- h. Establishing the following Line Item of Expenditure and corresponding amounts:

22-3225-1213	Salaries and Wages -Administrative	\$	15,557
22-3225-1811	Social Security (Admin.)	\$	1,190
22-3225-1823	NCLGERS Retirement (Admin.)	\$	1,403
22-3225-1831	Hospital Insurance (Admin.)	\$	2,544
22-3225-1904	Homebuyer Assistance	\$	90,000
22-3225-9961	CHDO Set-Aside	\$	107,307
22-3225-2601	Office Supplies (Admin.)	\$	779

2. This Ordinance shall be in full force and effect from and after this the 2nd day of Decembe, 2019.

Mayor

Attested by:

City Clerk

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



Greensboro Office
Office of Community Planning & Development
1500 Pinecroft Road, 401, Asheville Building
Greensboro, NC 27407-3838
(336) 547-4000, ext. 2802
www.hud.gov ♦ espanol.hud.gov

August 28, 2019

Mr. Scott A. Stevens
City Manager
P O Drawer A
Goldsboro, NC 27533-9701

Dear Mr. Stevens:

We are pleased to approve the FY '19 Annual Action Plan for the city of Goldsboro. The U.S. Department of Housing and Urban Development (HUD) is awarding the city grants totaling \$543,211 for its Community Development Block Grant (\$328,479) and HOME Investment Partnerships (\$214,732) programs.

A primary goal of the Department is to reduce housing discrimination, affirmatively further fair housing through CPD programs and promote diverse, inclusive communities. To that end, we encourage to take all measures necessary to ensure compliance with the Fair Housing requirements associated with these funds. A copy of the Annual Action Plan was provided to the Office of Fair Housing & Equal Opportunity for review.

Enclosed are three copies of the Funding Approval/Agreement for each program. Please execute (original signatures), date, retain one copy of each Grant Agreement for the agency's program files and return the remaining original four copies to this office within 10 days from date of receipt for processing. Also, please note the special conditions on the reverse side of the HUD 7082.

We look forward to continuing our work with the city of Goldsboro on its community development and affordable housing initiatives. Please contact Sharlene Abbott at (336) 851-8056 if assistance is needed.

Sincerely,

A handwritten signature in black ink, which appears to read "Matthew T. King", is written over a large, faint oval shape.

Matthew T. King, Ph.D.
Director
Office of Community Planning & Development

Enclosures

cc:

Shycole Simpson-Carter

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: S-11-19 David and Ashley Stafford Allen (Two-lot Preliminary Subdivision Plat)

BACKGROUND: The property is located south of Corbett Road between Mull Smith Lane and Double D Lane.

Total Area: 2.78 acres

Total Lots: 2

Lot No. 1: 1.00 acres

Lot No. 2: 1.78 acres

Zoning: R-20A/RM-NC Residential-Agricultural; Residential
Manufactured-Non-Conforming

Currently, the applicant is in the process of rezoning Lot No.1 from R-20A/RM-NC to RM-9 for the placement of one manufactured home upon a private lot for residential purposes.

If the rezoning is approved, the property will be required to be subdivided in accordance with the City of Goldsboro's subdivision regulations.

DISCUSSION: According to the submitted preliminary subdivision plat, the subject property has been proposed for division into two lots. The owners intend to sell Lot No. 1 for residential development. Lot No. 2 consists of an existing manufactured home and is used for residential purposes.

The subject property is currently vacant and undeveloped.

Adjacent and surrounding properties primarily consist of singlewide manufactured homes located on private lots and one existing non-conforming manufactured home park consisting of six (6) manufactured homes directly east of the site.

Engineering: The property is not located within a Special Flood Hazard Area.

City water and sewer are not available to serve the property. Water and sewer septic systems are proposed and must be installed and approved in accordance with Wayne County's Environmental Health Department before building permits can be issued.

Modification: Properties in the area are served by undedicated, private dirt paths through easements. As a result, the subject lot does not have frontage on an improved public street. The applicant is requesting a modification of the City requirement that all lots have frontage upon an improved public street.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the 2-lot preliminary subdivision plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the 2-Lot Preliminary Subdivision Plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

Date: 11/26/19

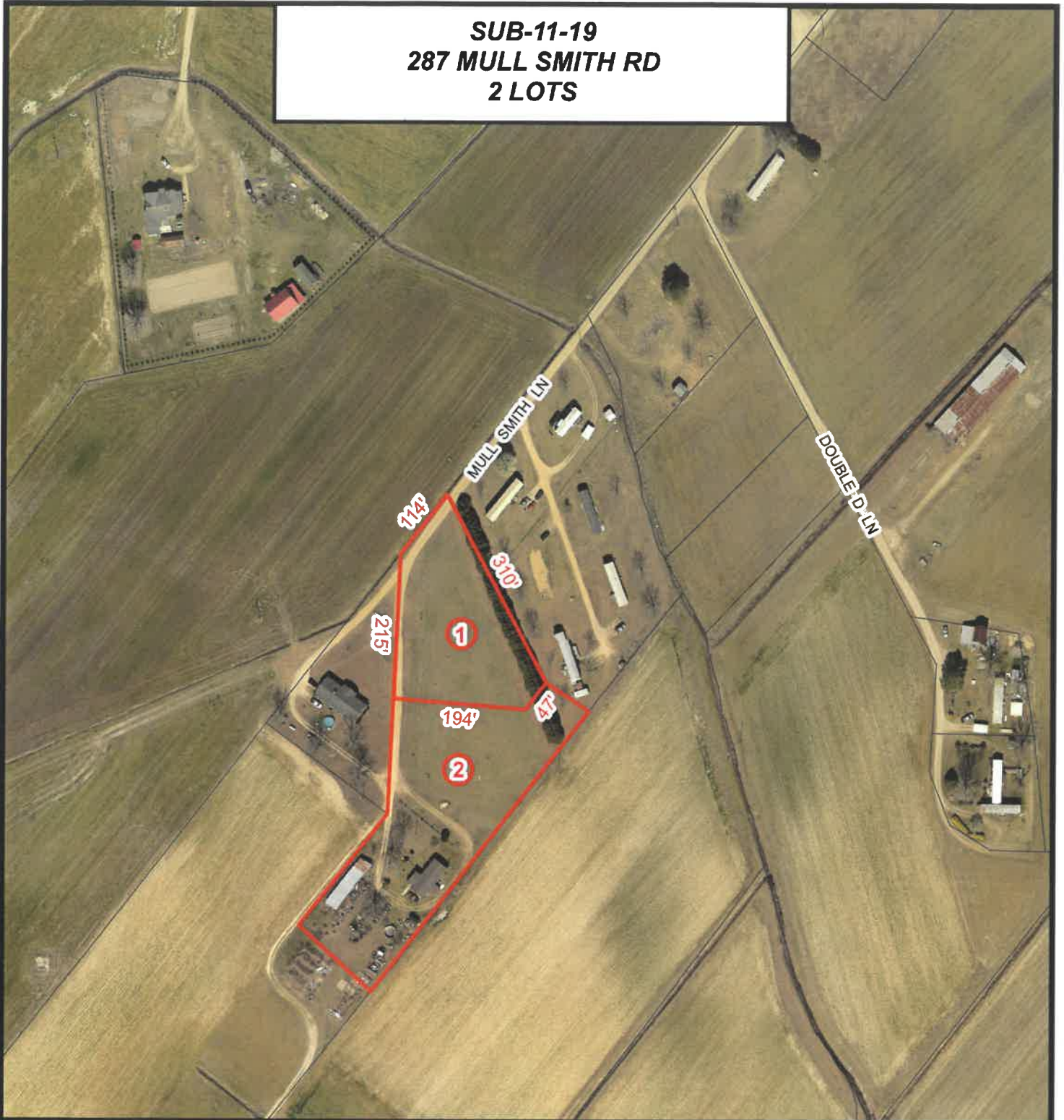


Planning Director

Date: _____

City Manager

**SUB-11-19
287 MULL SMITH RD
2 LOTS**



SUBDIVISION APPLICATION

CASE NO: S-11-19
APPLICANT: Ashley and David Allen
PROJECT: New Home
LOCATION: Mull Smith Lane

200 100 0 200 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.



B. R. KORNEGAY, INC.
LAND SURVEYING • ENGINEERING • PLANNING
300 East Walnut Street
License Number: F-1054
Goldsboro, N.C. 27533-1435
(919) 735-5886 Fax: (919) 580-9053

*** PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES OR SALES.**

ROGER PARKER SMITH
PROPERTY
DEED BOOK 2315 PAGE 693
DEED BOOK 3420 PAGE 477

**PROPERTY OF
SHELIA S. STAFFORD
SAULSTON TOWNSHIP
WAYNE COUNTY, N.C.**

REFERENCE:
DEED BOOK 1249 PAGE 879

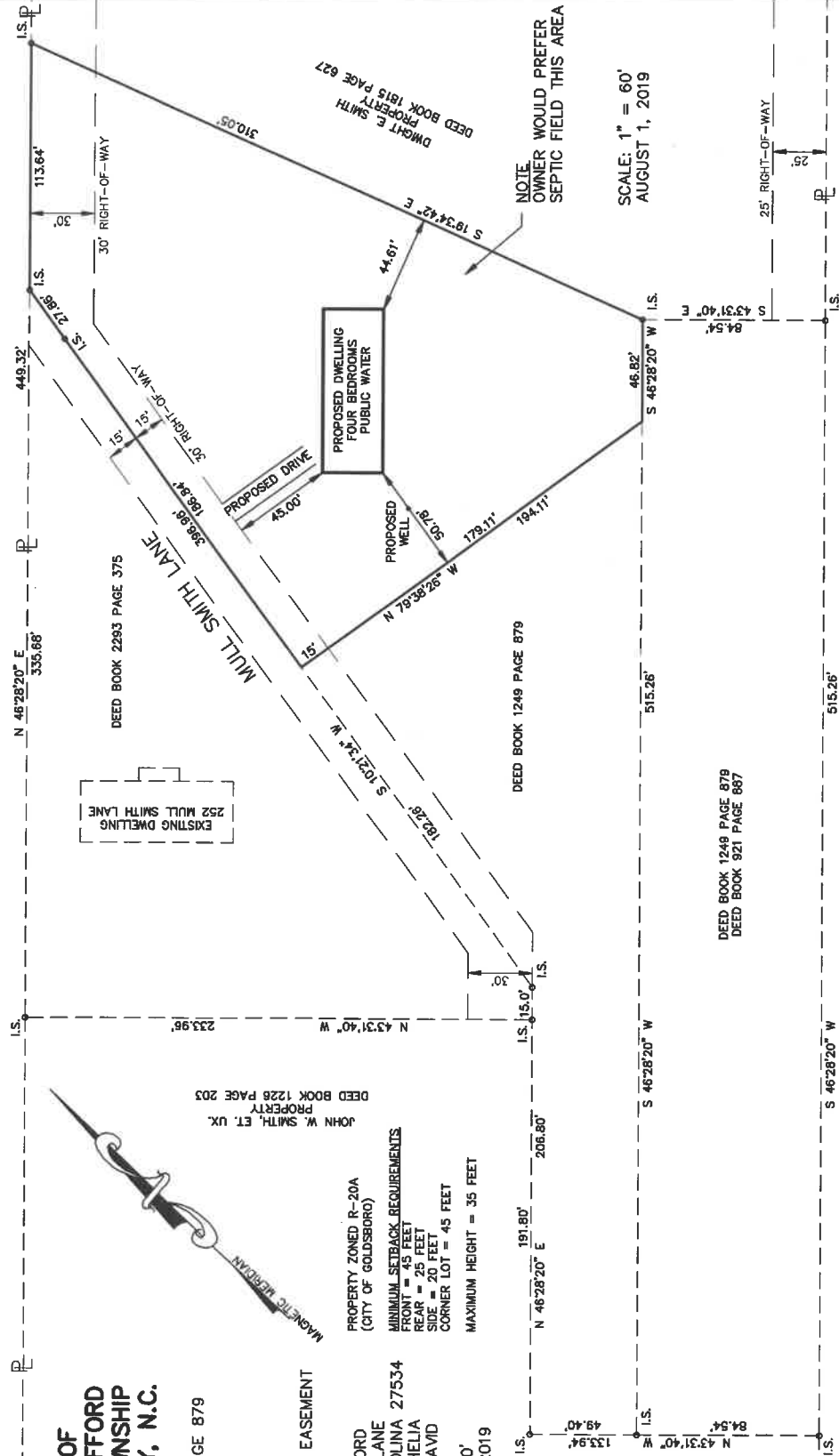
PIN NUMBER
3630309436

AREA
1.000 ACRE± INCLUDING EASEMENT

CONTACT
SHELIA S. STAFFORD
252 MULL SMITH LANE
GOLDSBORO, NORTH CAROLINA 27534
919-394-6742 SHELIA
919-222-6087 DAVID

PROPERTY ZONED R-20A
(CITY OF GOLDSBORO)
MINIMUM SETBACK REQUIREMENTS
FRONT = 45 FEET
REAR = 25 FEET
SIDE = 20 FEET
CORNER LOT = 45 FEET
MAXIMUM HEIGHT = 35 FEET

SCALE: 1" = 60'
SEPTEMBER 30, 2019



NOTE
OWNER WOULD PREFER
SEPTIC FIELD THIS AREA

SCALE: 1" = 60'
AUGUST 1, 2019

JOHN W. SMITH, ET. UX.
PROPERTY
DEED BOOK 1226 PAGE 203

DEED BOOK 1249 PAGE 879
DEED BOOK 921 PAGE 887

JOHN W. SMITH, ET. UX.
PROPERTY
DEED BOOK 1288 PAGE 446

CRUMPLER RUBY J., LAND DIVISION, STONEY CREEK TOWNSHIP TSB-080383

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: S-14-19 Wooten Development (Two-lot Preliminary Subdivision Plat)

BACKGROUND: The property is located on the north side of W. US 70 Highway between Perkins Mill Road and Springwood Drive.

Total Area: 19.12 acres

Total Lots: 2

Lot No. 1: 3.30 acres

Lot No. 2: 15.82 acres

Zoning: General Business

DISCUSSION: According to the submitted preliminary subdivision plat, the subject property has been proposed for division into two lots. The applicant intends to purchase Lot No. 1 for commercial development. Currently, there are no plans to develop Lot No. 2.

The site will be subject to the City's site plan review process and must be developed in accordance with the Unified Development Code.

The subject property is currently vacant and undeveloped. It is located within the City's one-mile extra-territorial jurisdiction.

Engineering: The property is not located within a Special Flood Hazard Area.

City water and sewer are not available to serve the property. Water and sewer septic systems are proposed and must be installed and approved in accordance with Wayne County's Environmental Health Department before building permits can be issued.

Modification: The subject property is served by an existing 50 ft. wide private ingress, egress, regress and utility easement off W. US 70 Highway. An undedicated, private and paved service road provides access to the site. As a result, the subject lot does not

have frontage on a public street. The applicant is requesting a modification of the City requirement that all lots have frontage upon a public street.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the 2-lot preliminary subdivision plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the 2-Lot Preliminary Subdivision Plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

Date: 11/26/19


Planning Director

Date: _____

City Manager

S-14-19 Seventy West Commercial Park US 70 West



SUBDIVISION APPLICATION

CASE NO.: S-14-19
APPLICANT: S. Dillon Wooten, Jr.
PIN #: 2680-85-6881
LOCATION: US 70 West

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 2, 2019 COUNCIL MEETING**

SUBJECT: SITE-19-19 Site and Landscape Plans- Hutton ST 17, LLC
(Automatic Car Wash)

BACKGROUND: Subject property is located on the north side of West US 70 Highway between Westbrook Avenue and North NC 581 Highway.

The property's physical address is 2928 W. US Hwy 70. It is identified as an outparcel of the Shoppes at Goldsboro Walmart Shopping Center.

Frontage: 292 ft.

Depth: 232 ft.

Area: 72,158 sq. ft. or 1.65 acres

Zoning: Shopping Center

Existing use: The property is currently clear and vacant.

Nonresidential developments on parcels that disturb greater than one acre shall be approved by Goldsboro City Council.

DISCUSSION: The submitted site plan indicates a single-story, 4,600 sq. ft. building of metal-framed construction proposed for use as a drive-through automatic car wash facility.

A floor plan has been provided and consists of an express tunnel car wash, a customer lobby area, an office, a restroom, an equipment room and storage area.

In addition to the automatic car wash, the applicant has proposed 24 exterior vacuum stations to be used by customers of the business and located adjacent to each parking space.

Hours of Operation: Monday-Sunday 8am-8pm

Employees: 2

Access: No direct access will be provided to the site from US 70 West. Access to site will be provided internally through the existing shopping center parking lot and private access drives.

Parking: A total of 22 paved parking spaces have been provided including 2 handicap accessible parking spaces. 12 spaces will be located adjacent to the common access drive. 10 spaces are shown adjacent to the proposed automatic car wash.

A paved drive-through aisle is shown along the southern property fronting W. US 70 Hwy. for the location of two customer pay stations and for the stacking of 10 vehicles upon entry into the car wash bay area.

Sidewalks and Pedestrian Access: The City Council approved a modification of exterior and interior sidewalks at time of initial shopping center site plan approval.

A 7 ft. wide interior sidewalk has been provided for pedestrian access leading from the parking lot to the building entrance using private walkways and a handicap ramp.

Landscaping: A total of 14 street trees are proposed along W. US 70 Hwy. The site plan does not show street trees along the main entrance road leading to the shopping center or alongside the internal access road to the site. Staff will work with the applicant to insure that street trees will be provided in accordance with the City's landscape ordinance.

Interior vehicular surface area buffers for the site will consist of 7 trees and 62 shrubs.

Building Elevations: The proposed automatic car wash building exterior consists of metal awnings and copings, stucco, fiber-cement and brick veneer walls.

Commercial Lighting Plan: Commercial lighting plans have not been submitted, however, staff will work with the applicant to ensure that proposed lighting is compliant with the City's commercial lighting ordinance.

Engineering: The property is not located within a Special Flood Hazard area. County water is available to serve the site. Sewer is provided by Fork Township.

Stormwater calculations have already been approved for the site in conjunction with initial approval of the overall shopping center site plan in 2007.

Refuse collection: A concrete pad is shown adjacent to the entrance of the site along the northern property line for the location of a commercial dumpster. The dumpster enclosure will match the elevations of the car wash facility and will be screened in accordance with City standards.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Site and Landscape Plan.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the Site and Landscape Plan.

Date: 11/26/19


Planning Director

Date: _____

City Manager

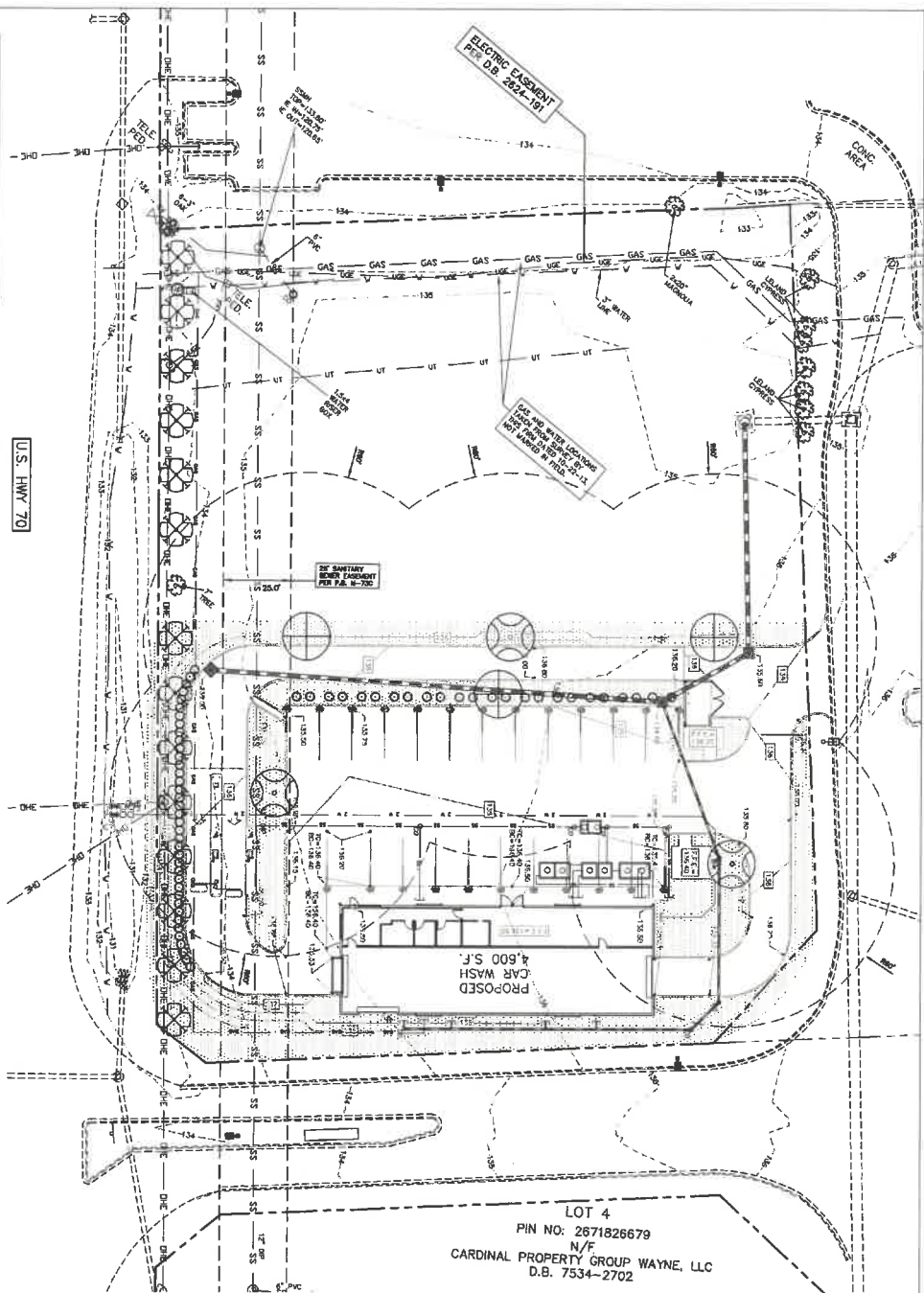
SITE-19-19 Car Wash 2928 W. US 70 Hwy



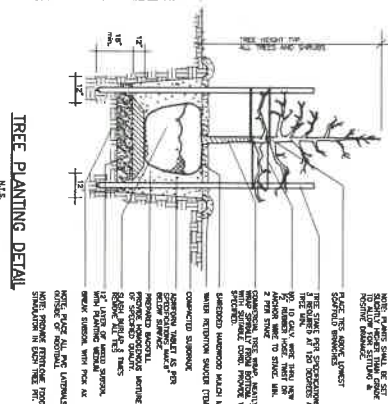
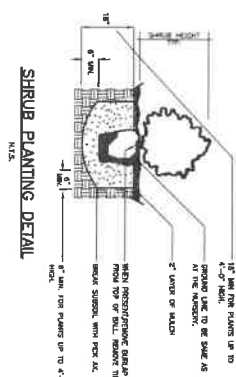
SITE PLAN APPLICATION

CASE NO.: SITE-19-19
APPLICANT: Hutton ST 17, LLC.
PIN #: 2671-82-4853
LOCATION: 2928 W. US 70 Hwy
PROPOSED USE: Car Wash

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.



LANDSCAPING LEGEND				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY	MIN. INSTALLED SIZE
	WILLOW OAK	QUERCUS PHellos	3	10" HT. x 2" CAL.
	AMERICAN HOLLY	ILEX OPACA	3	8" HT. x 2" CAL.
	MAPLE	ACER SPANNA	14	8" HT. x 2" CAL.
	DWARF NANDINA HOLLY	ILEX KUMMELII	62	18" HT. x 1" CAL. 12" SP.
500' (735243)				

[illegible]

LANDSCAPING & IRRIGATION NOTES:

1 inch = 50 ft.

REVISIONS	
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SHEET NAME:	
LANDSCAPE PLAN	

DATE:	10/28/2019
DRAWN BY:	JDS
CHECKED BY:	BMB
PROJECT NO:	19064

SHEET NUMBER:
L-01



PRODUCT: **CAR WASH**

U.S. HWY 70
GOLDSBORO, NC

DEVELOPER:

HUTTON
736 CHERRY STREET
CHATTANOOGA, TN 37402

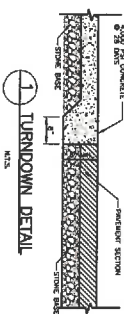
CIVIL ENGINEER:

BERRY

ENGINEERS LLC

3555 KEITH ST NW, SUITE 104 TEL: (423) 750-0880
CLEVELAND, TN 37312

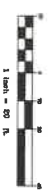
DNA BERRY ENGINEERS, PLLC; FROM LICENSE: P-1188



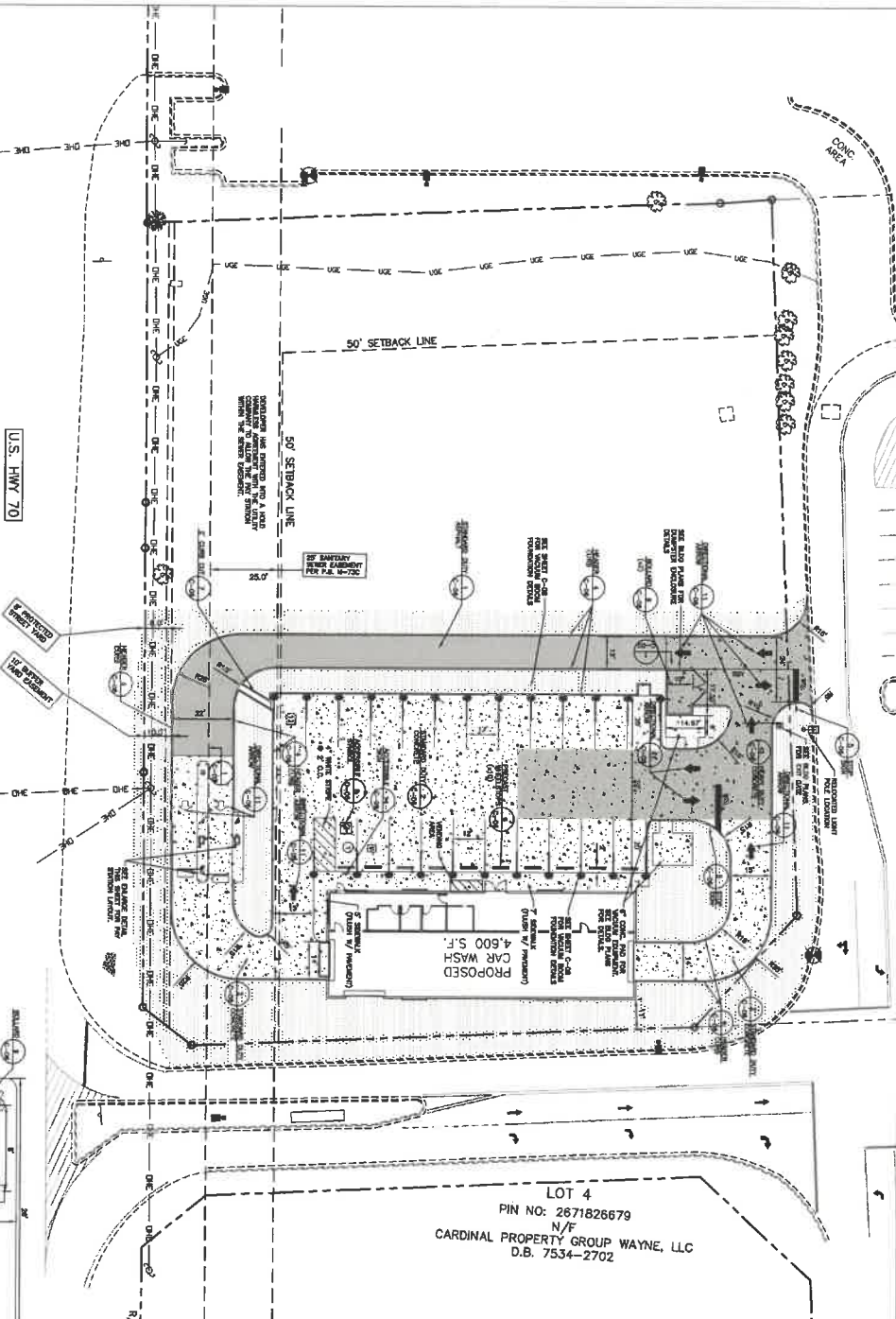
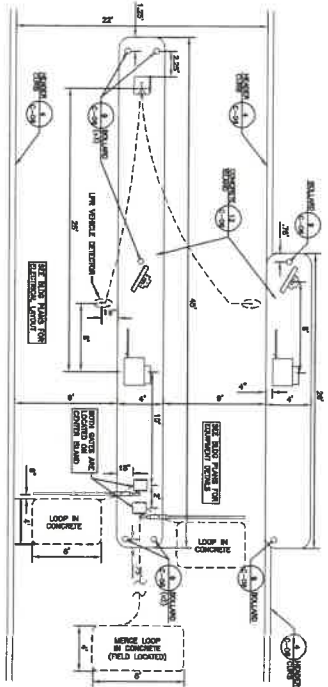
PARKING & PAVING LEGEND	
PROPERTY LINE	---
PROPOSED CURB	---
EXISTING CURB OR PAVEMENT	---
DIRECTIONAL ARROW, PAINTED WHITE	→
TRAFFIC SIGN	○
LANDSCAPE AREA	---
STANDARD DUTY CONCRETE	---
STANDARD DUTY ASPHALT	---
WHITE STOP LINE (10") (2" WIDE)	---
STRIPING: SINGLE ROAD YELLOW (5")	---
LIGHT POLE (USE SITE ELECTRICAL PLANS)	---
TRANSFORMER (USE SITE ELECTRICAL PLANS)	---
WALKWAY SPACE	---
STANDARD PARKING SPACE	---

ENLARGED PAY STATION LAYOUT

SCALE: 1" = 3' MAX



1" = 50' N



PARKING AND PAVING NOTES

1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHATTANOOGA.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
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CAR WASH

U.S. HWY 70

GOLDSBORO, NC

HUTTON

736 CHERRY STREET

CHATTANOOGA, TN 37402

BERRY

ENGINEERS LLC

1555 KETCH ST NW, SUITE 104

CLIVELAND, TN 37312

TEL: (423) 790-5800

FAX: (423) 790-5800

C-02

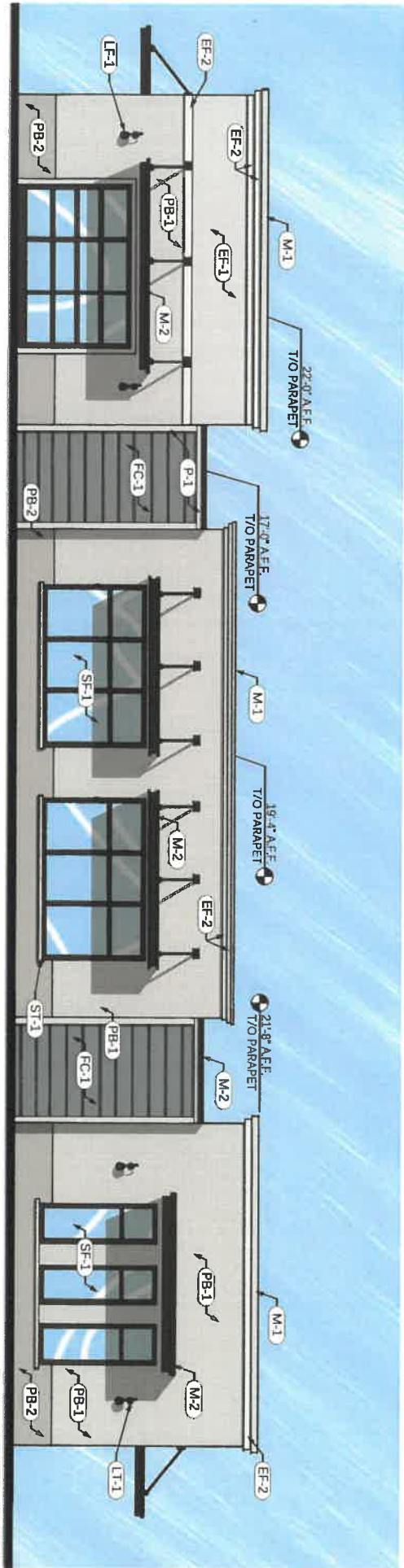
DATE: 10/22/2019

DRAWN BY: JMS

CHECKED BY: BMD

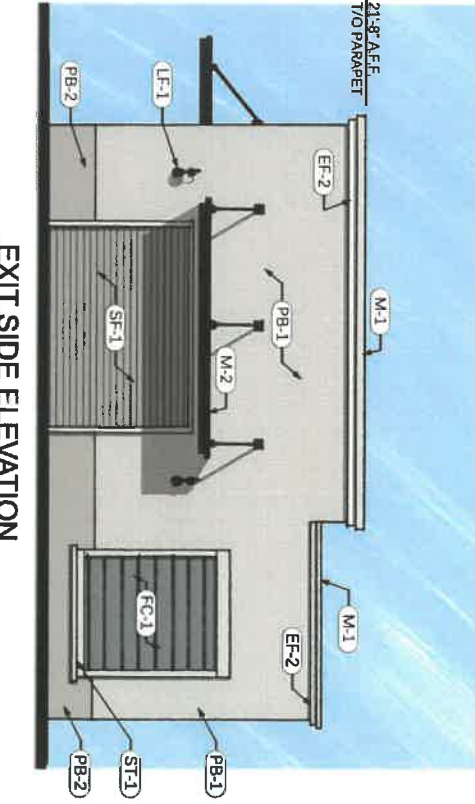
PROJECT NO: 13004

SHEET NUMBER:



FRONT ELEVATION

EXTERIOR FINISH SCHEDULE		
MARK	CATEGORY	MANUFACTURER
EF-1	EF-3	DRYVT
EF-2	EF-3	DRYVT
FC-1	FIBER CONCRETE	JAMES HARDIE
LT-1	LIGHTING	T.B.D.
M-1	METAL	BERNARD
M-2	METAL	PAC-CLO
M-3	METAL	BERNARD
PB-1	HALF HEIGHT CMU	T.B.D.
PB-2	HALF HEIGHT CMU	T.B.D.
P-1	PAINT	SHERWIN-WILLIAMS
P-2	PAINT	SHERWIN-WILLIAMS
SF-1	STOREFRONT	VKK
ST-1	ENGINEERED STONE	T.B.D.



EXIT SIDE ELEVATION

DEVELOPED BY:
Hutton

CAR WASH ELEVATIONS
 GOLDSBORO NORTH CAROLINA

MaxDesign Group Project
 D19-133
 18 NOVEMBER 2019

MaxDesignGroup
 Architecture • Planning • Interiors

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: SITE-20-19 RENU-LIFE Extended, Inc. (Traumatic Brain Injury Facility)

BACKGROUND: The property is located on the northeast side of Windsor Creek Parkway between Wilshire Way and Wayne Memorial Drive.

Frontage: 427.79 ft.

Depth: Approximately 526.64 ft.

Area: 195,948 sq. ft. or 4.49 acres

Zoning: Office & Institutional-1CD

On June 5, 2006, Goldsboro City Council approved a request to change the zoning for the subject property from R-16 Residential to O&I-1 Conditional District for office related uses only. The following conditions were also established by City Council as part of the zoning approval:

1. The O&I-1CD area is to be used for office-related uses only and no institutional uses are to be allowed.
2. Multi-lane entrances into the subdivision will be required and in accordance with NCDOT.
3. The R-9 Residential CD portion of the property will have a maximum density of 200 duplex-type dwelling units. The 200 units will be constructed as one-ownership units.
4. Interconnectivity will be provided to the property to the south. The actual location will be determined at the time of site/subdivision plat approval.
5. Office development will be limited to 60,000 sq. ft.
6. Deceleration lanes will be provided for southbound traffic and left turn lanes will be provided for turns into the development in accordance with NCDOT.

7. If traffic volumes require a traffic signal as recommended by NCDOT, the developer will install the signal at his expense.
8. No connection to Shadywood Drive is to be made and any future interconnectivity to the existing subdivision is prohibited.
9. City Council waiver of site plan submittal requirement at the time of rezoning.

On June 2, 2008, Goldsboro City Council approved a request to amend the conditions previously established for the subject property. The following conditions were approved for the O&I-1 Conditional District:

1. O&I-1 CD area is to be used for any uses permitted within the O&I-1 zoning district (Previously, it was for office-related uses only and no institutional uses were permitted);
2. No change; (Multi-lane entrance into the subdivision;)
3. Entrance will have ingress and egress lanes as required by NCDOT;
4. No change; (Maximum 200 duplex-type units;)
5. No change; (Interconnectivity to the south;)
6. Office development will be in accordance with City of Goldsboro O&I-1 requirements (no limit on area);
7. Deceleration lanes will be provided for southbound traffic and left turn lanes will be provided for turns into the development. All improvements will meet NCDOT standards.
8. Once traffic reaches volumes at which NCDOT will allow a traffic signal, developer will install the signal at his expense and at the recommendation of NCDOT.

9. No connection to Shadywood Drive is to be made and future interconnectivity is prohibited.

10. No change; (Waive site plan submittal at time of rezoning;)

Existing use: The property is currently undeveloped woodland. Nonresidential developments on parcels that disturb greater than one acre shall be approved by Goldsboro City Council.

DISCUSSION:

The submitted site plan indicates a single-story, 19,660 sq. ft. building proposed for use as a medical facility for traumatic brain injuries.

Hours of Operation: 24 hours/7 days

Number of Employees: 33 (maximum shift)

Patient Beds: 24

Access: The site will be served by a 29 ft. wide curb cut proposed off Windsor Creek Parkway. Windsor Creek Parkway is a City-maintained street. As such, a driveway permit will be required and subject to City Engineering approval.

A 25 ft. wide paved access drive with curb and gutter will extend eastward and westward around the medical facility leading to designated parking areas for patients, visitors and employees.

Parking: Parking for the site requires 1 space per 4 beds and 1 per employee on the maximum shift. A total of 52 parking spaces have been provided including 3 handicap accessible parking spaces. A loading and drop-off zone has been provided and located on the east side of the facility. It will accommodate stacking for up to 6 automobiles.

Sidewalks and Pedestrian Access: Existing exterior sidewalks are present alongside Windsor Creek Parkway.

5 ft. and 6 ft. wide interior sidewalks have been provided for pedestrian access leading from designated parking areas to the building entrances using private walkways and handicap ramps.

Landscaping: Since the subject property is zoned O&I-1 (Office and Institutional), a Type A, 10 ft. wide landscape buffer is required along the western and eastern property lines. The applicant intends to retain existing trees and incorporate into the required Type A landscape buffer as needed.

The northern property line is adjacent to an existing residential subdivision. A Type C, 20 ft. wide landscape buffer is required. The submitted site plan shows that existing vegetation will be incorporated and serve as the required Type C landscape buffer that will provide complete visual separation within three years of planting.

A total of eleven Red Maples are proposed as street trees along Windsor Creek Parkway. Interior landscaping for the required vehicular surface area will consist of Pin Oaks, Eastern Redbuds, Inkberry Hollies, Burford Hollies and Nellie Stevens Hollies.

Building Elevations: The applicant is in the process of determining final exterior building elevations. Materials under consideration consist of architectural shingles or standing seam metal roofing, masonry, fiber-cement, stucco or textured wall surfaces and wood or metal column supports.

Commercial Lighting Plan: Commercial lighting plans have not been submitted. The applicant will be required to submit lighting plans in accordance with the City's commercial lighting ordinance.

Engineering: The site is not located within a Special Flood Hazard area.

A dry detention pond is shown along the western property line. Applicant will be required to construct pond in accordance with City Engineering standards. In addition, the pond will be required to be screened with evergreen shrubs.

Stormwater calculations, grading and drainage plans have not been submitted and are subject to approval by City Engineering before construction permits are released.

Over half of the property is not located within the City limits of Goldsboro. As such, the applicant will be required to petition for annexation in order to receive City services.

Interconnectivity: Interconnectivity has not been shown on the submitted site plan. Applicant will be required to show interconnectivity to properties located east and west of the proposed site.

Refuse collection: As previously stated, a 20ft. x 40 ft. concrete pad is shown along the western property line and adjacent to the dry pond for the location of a commercial garbage dumpster. The dumpster shall be screened according to City standards.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Site and Landscape Plan.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the Site and Landscape Plan.

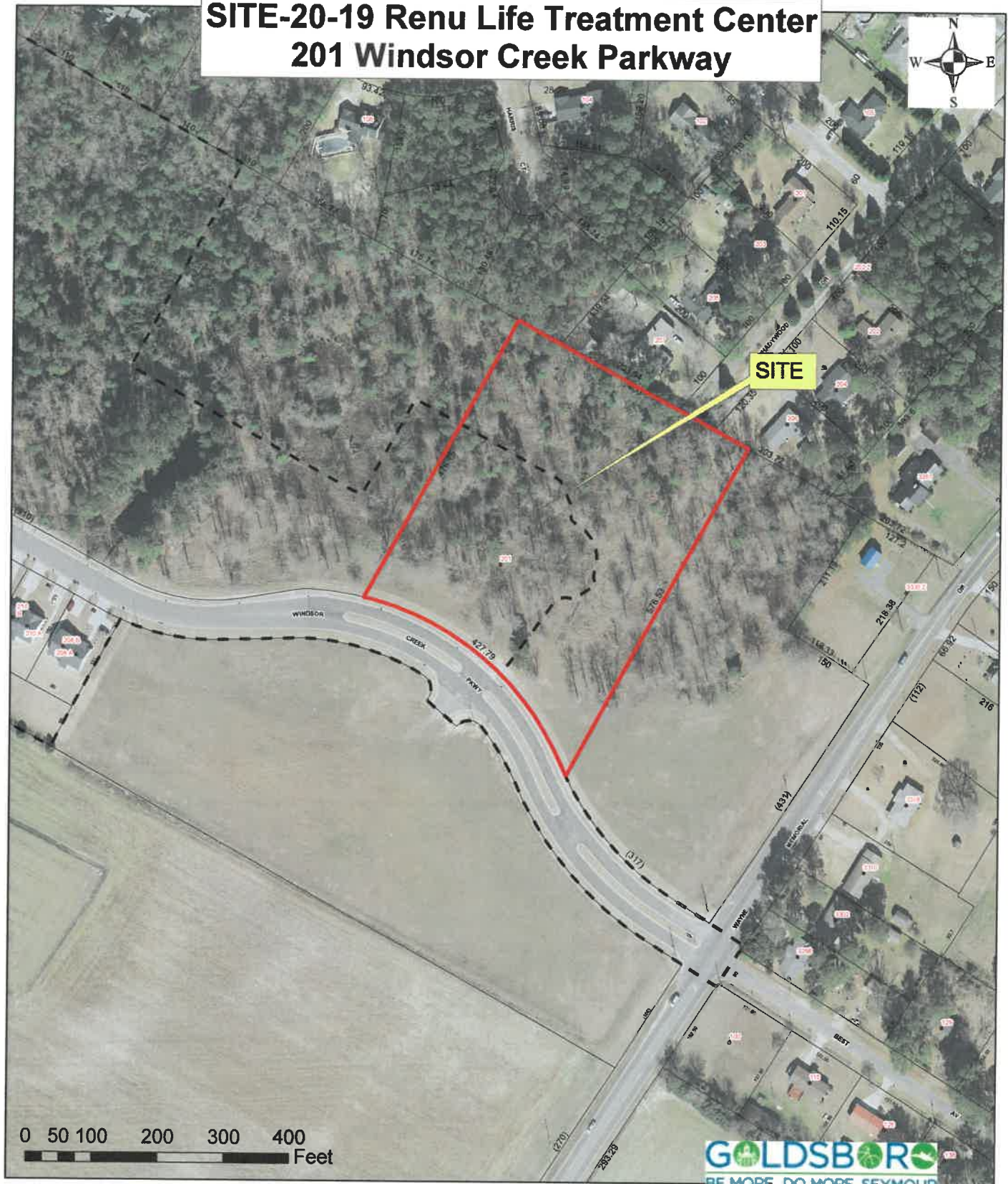
Date: 11/26/19


Planning Director

Date: _____

City Manager

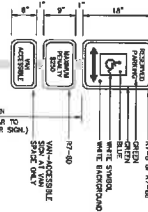
SITE-20-19 Renu Life Treatment Center 201 Windsor Creek Parkway



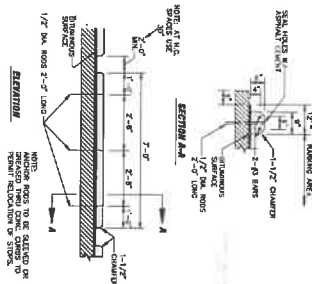
SITE PLAN APPLICATION

CASE NO.:	SITE-20-19
APPLICANT:	Renu Life, Extended, Inc.
PIN #:	3610-47-7349
LOCATION:	201 Windsor Creek Parkway
PROPOSED USE:	Treatment Center

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.

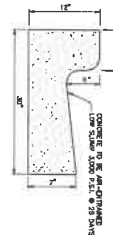
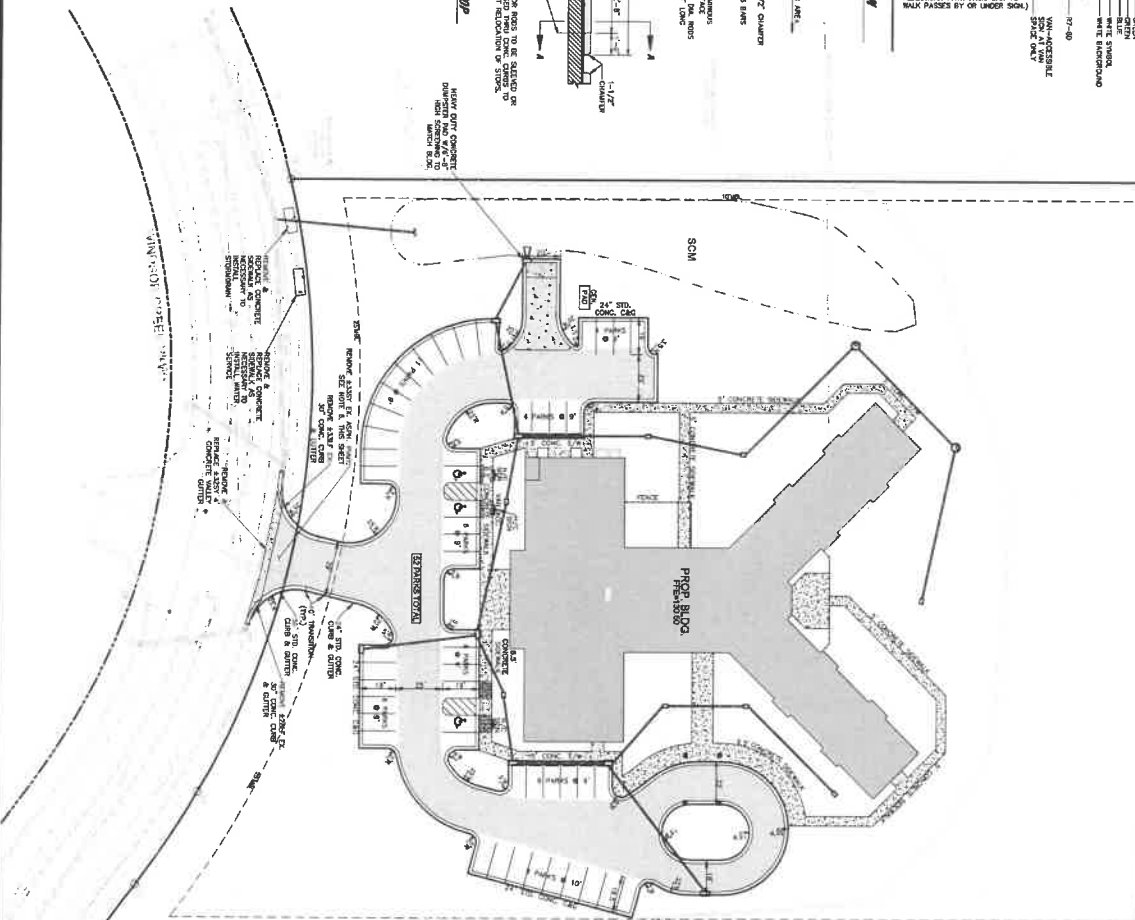


B7-8 HANDICAP SIGN

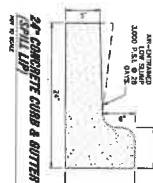


WHEEL STOP
NOT TO SCALE

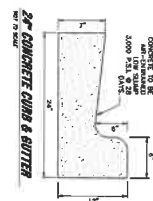
HEAVY DUTY CONCRETE
DUMPTON PAD W/6'-8"
HIGH SCREENING TO
MATCH BLDG.



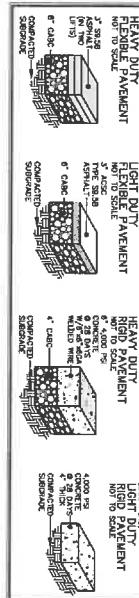
STANDARD 30" CONCRETE CURB & GUTTER
NET 15 SCALE



24" CONCRETE CURB & GUTTER
(SPILL LIP)
NOT TO SCALE



24 CONCRETE CURB & GUTTER
NOT TO SCALE

[illegible]

SCALE: 1" = 30'

60 75



P.O. Box 1106
MUNRO, 47500
and more

SE-2019-068

<p>GENERAL NOTE: The Project Manager, District Engineer or District Commissioner shall be responsible for all drawings and specifications for all drawings.</p>	
<p>REVISIONS</p>	<p>DATE</p>
<p>1. 10/1/2019</p>	<p>10/1/2019</p>
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<p>72. 10/1/2019</p>	<p>10/1/2019</p>
<p>73. 10/1/2019</p>	<p>10/1/2</p>

NEW FACILITY
RENU LIFE
TRAUMATIC BRAIN INJURY SERVICES
WINDSOR CREEK PARKWAY
GOLDSBORO, NORTH CAROLINA

OCA OAKLEY COLLIER ARCHITECTS
109 Candewater Road, Rocky Mount, NC 27804 (P) 252.937.2500
1111 Haynes Street, Suite 109, Raleigh, NC 27604 (P) 919.785.7700



RENU Life

OAKLEY
COLLIER
ARCHITECTS
OCA



RENU Life

OAKLEY
COLUER
ARCHITECTS
OCA

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: Z-20-19 David and Ashley Allen - Southeast corner of Mull Smith Lane and Double D Lane

BACKGROUND: The applicant requests the rezoning of a portion of the property from R-20A RM-NC (Residential Manufactured Non-Conforming) to RM-9 (Residential) which would allow for the placement of one manufactured (mobile) home on an individual lot.

Frontage: 328.34 ft. (Mull Smith Ln.)

Area: Approx. 43,560 sq. ft. or ± 1.0 acres

Surrounding Zoning: North: R-20A Residential;
South: R-20A Residential
East: R-20A; R-20A RM-NC Residential;
West: R-20A Residential

Existing use: The property is currently a portion of a larger tract consisting of 127,147 sq. ft. or 2.91 acres and occupied by one manufactured home. The property is zoned R-20A RM-NC (Residential Manufactured Non-Conforming)

Adjacent and surrounding properties primarily consist of singlewide manufactured homes located on private lots. East of the subject property is an existing six (6) unit non-conforming manufactured home park and three private lots rezoned to RM-9 Residential in 2001 and 2017.

DISCUSSION: If the rezoning is approved, the applicant intends to locate a doublewide manufactured home upon the property meeting the requirements of the RM-9 zoning district.

The RM-9 zoning district will require the manufactured home to comply with City and State regulations. Manufactured homes are required to have the appearance of a site-built, single-family dwelling unit permanently located on its lot with a pitched roof, masonry underpinning, parallel to the front property line and in good condition with no signs of rust.

The property will be required to be subdivided in accordance with the City's subdivision regulations.

Comprehensive Plan: The City's adopted Land Use Plan designates this property for low-density residential development.

Engineering Comments: City water and sewer are not available to serve the subject property. The property is not located in a Special Flood Hazard Area.

Undedicated private dirt paths through existing easements serve properties in the area. As a result, the subject lot does not have frontage on an improved public street. The applicant has requested a modification of the requirement that all lots front on an improved street in order to allow placement of the mobile home.

At the public hearing held on November 18, 2019, no one spoke for or against the request.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the change in zoning from Residential 20A Manufactured Non-Conforming (20A RM-NC) to Residential Manufactured 9 (RM-9) to allow for placement of one manufactured (mobile) home on an individual lot with requested modifications.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and

1. Adopt an Ordinance changing the zoning for the property from Residential 20A Manufactured Non-Conforming (20A RM-NC) to Residential Manufactured 9 (RM-9) to allow for placement of one manufactured (mobile) home on an individual lot. The zoning change would be consistent with the City's Comprehensive Land Use Plan, which recommends low-density residential development.

Date: 11/26/19


Planning Director

Date: _____

City Manager

ORDINANCE NO. 2019 -

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 18, 2019, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; 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 Unified Development Ordinance 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 Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From Residential 20A Manufactured Non-Conforming (20A RM-NC) to Residential Manufactured 9 (RM-9) to allow for placement of one manufactured (mobile) home on an individual lot.

Z-20-19 Ashely Allen – Southeast corner of Mull Smith Lane and Double D Lane

The Wayne County Tax Identification No. is 3630-30-9436 (portion of). The property at 287 Mull Smith Lane has a frontage of 113 feet and depth of 467.5 feet and a total area of 127,147 s.f. or 2.91 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this _____ day of _____, 2019.

Approved as to Form Only:

Reviewed by:

City Attorney

City Manager

Z - 20 - 19
287 MULL SMITH LN (PORTION)
R20A RM-NC TO RM-9

SITE

114'

215'

194'

47'

310'

MULL SMITH LN

DOUBLE D LN

REZONING REQUEST

OWNER: Shelia Stafford
APPLICANT: David & Ashley Allen
REQUEST: R2-A RM-NC to RM-9
PROJECT: New Mobile Home
PARCEL #: 3630-30-9436 (Portion)
LOCATION: Mull Smith Lane

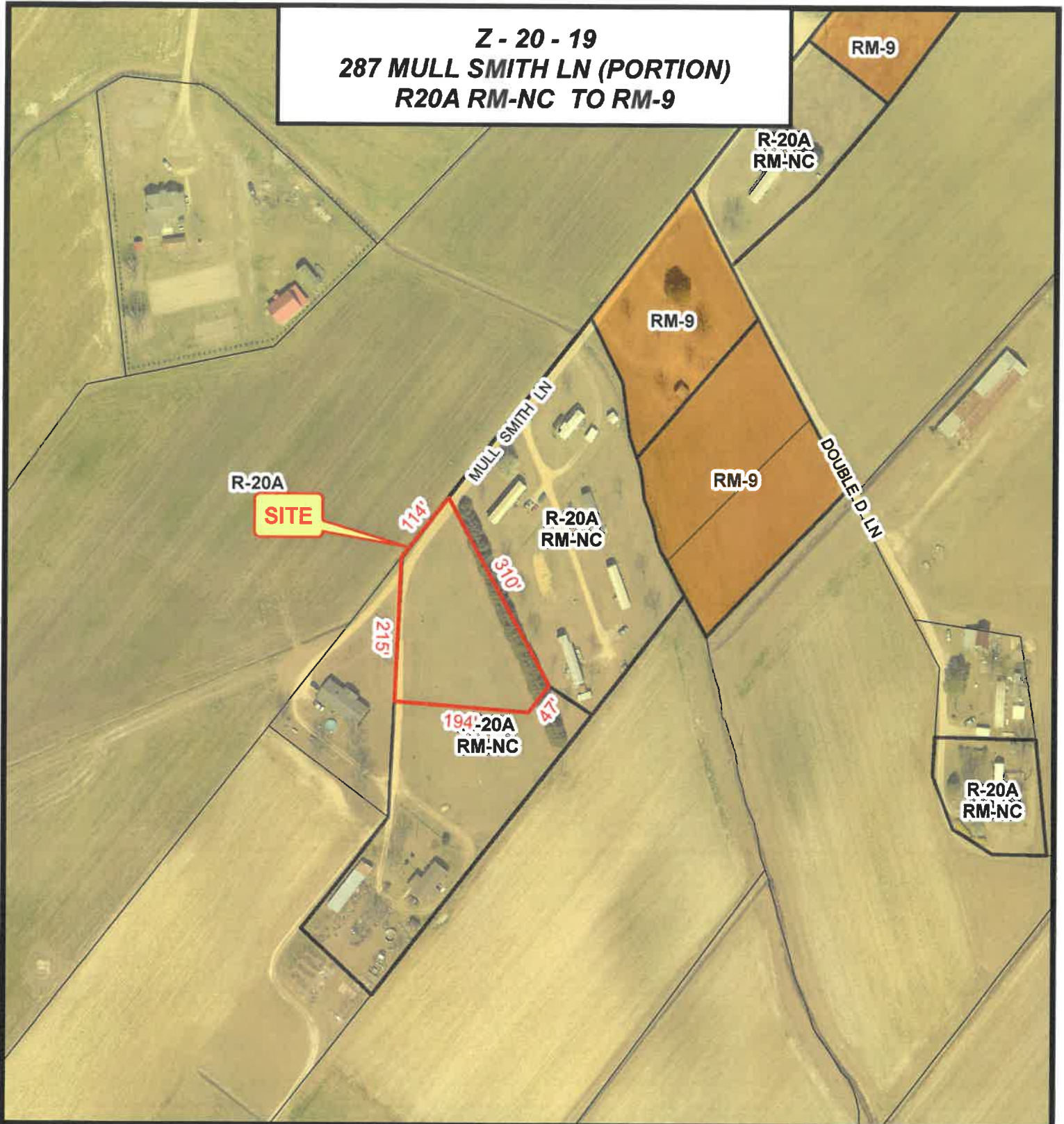
GOLDSBORO
BE MORE DO MORE SEYMOUR

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200 100 0 200 Feet

Z - 20 - 19
287 MULL SMITH LN (PORTION)
R20A RM-NC TO RM-9



REZONING REQUEST-EXISTING ZONING

OWNER: Shelia Stafford
APPLICANT: David & Ashley Allen
REQUEST: R2-A RM-NC to RM-9
PROJECT: New Mobile Home
PARCEL #: 3630-30-9436 (Portion)
LOCATION: Mull Smith Lane

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Z - 20 - 19
287 MULL SMITH LN (PORTION)
R20A RM-NC TO RM-9



REZONING REQUEST- PROPOSED ZONING

OWNER: Shelia Stafford
APPLICANT: David & Ashley Allen
REQUEST: R2-A RM-NC to RM-9
PROJECT: New Mobile Home
PARCEL #: 3630-30-9436 (Portion)
LOCATION: Mull Smith Lane

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200 100 0 200 Feet

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: Z-21-19 St. James Church of Christ – South side of W. Chestnut, west side of Kennon Avenue and east side of S. Alabama Avenue

BACKGROUND: The applicant requests the rezoning of five (5) individual lots from R-6 (Residential) to O&I-1 (Office and Institutional-1) for the purposes of renovating and expanding an existing church, which is adjacent to the subject properties.

Currently, the applicant owns the five (5) individual lots, which are located in the R-6 Residential zoning district. Churches are not a permitted use in the R-6 Residential zoning district.

Existing Acreage and Use:

Lot #1: 3,393 sq. ft. or .07 acres (Existing single-family dwelling)

Lot #2: 6,484 sq. ft. or .14 acres (Vacant)

Lot #3: 5,935 sq. ft. or .13 acres (Vacant)

Lot #4: 4,355 sq. ft. or .09 acres (Existing single-family dwelling)

Lot #5: 4,135 sq. ft. or .09 acres (Vacant)

<u>Surrounding Zoning:</u>	North:	R-6 Residential
	South:	O&I-1 Office & Institutional
	East:	R-6 Residential
	West:	R-6 Residential

DISCUSSION: As previously stated, if the zoning change is approved to Office & Institutional-1, the applicant intends to combine all lots, renovate and expand the existing church.

Site, landscape, grading and drainage plans will be required in accordance with the City's Unified Development Code and City Council approval will be necessary.

Comprehensive Plan Recommendation: The City's updated Land Use Plan designates the property as High-Density Residential.

Engineering Comments: City water and sanitary sewer are available to serve all subject areas.

The property is located in a Special Flood Hazard Area known as the 100-Year Floodplain. Any commercial development will be subject to meeting compliance with the City's Floodplain regulations.

At the public hearing held on November 18, 2019, no one spoke for or against the request.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the change of zone request with development plan approval required separately.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and

1. Adopt an Ordinance changing the zoning for the property from Residential 6 (R-6) to Office & Institutional 1 (O&I-1). Although not consistent with the City's adopted Comprehensive Land Use Plan, the proposed rezoning is directly adjacent to property that is currently zoned Office & Institutional and would be in harmony with existing development.

Date: 11/26/19


Planning Director

Date: _____

City Manager

ORDINANCE NO. 2019 -

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 18, 2019, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; 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 Unified Development Ordinance 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 Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From Residential 6 (R-6) to Office & Institutional 1 (O&I-1) to allow for renovating and expanding an existing church, which is adjacent to the subject properties.

Z-21-19 St. James Church – South side of W. Chestnut, west side of Kennon Avenue and east side of S. Alabama Avenue

The Wayne County Tax Identification Numbers are 2599-66-0141; 2599-66-0240; 2599-66-1159; 2599-66-1134 and 2599-66-1018. The property at 202 S. Alabama Ave. has a frontage of 71.66 feet and depth of 90.71 feet and a total area of 6,500 s.f. or .15 acres. The property at 610 W. Chestnut St. has a frontage of 20 feet and depth of 90.33 feet and a total area of 3,393 s.f. or .07 acres. The property at 203 Kennon Ave. has frontage of 50 feet and depth of 86.19 feet and a total area of 4,355 s.f. or .09 acres. The property at 207 Kennon Ave. has frontage of 65.2 feet and depth of 93.84 feet and a total area of 5,935 s.f. or .13 acres. An additional parcel identified as Wayne County Tax Identification No. 2599-66-1159 has a frontage of 30 feet and a depth of 86.06 feet and a total area of 4,135 s.f. or .09 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this _____ day of _____, 2019.

Approved as to Form Only:

Reviewed by:

City Attorney

City Manager

Z - 21 - 19
St. JAMES CHURCH OF CHRIST
R-6 TO O&I - 1



REZONING APPLICATION - EXISTING ZONING

CASE NO: Z-21-19
APPLICANT: Daniels & Daniels Construction
OWNER: St. James Church of Christ
REQUEST: R-6 to O&I - 1
LOCATION: S. Alabama St

100 50 0 100 Feet



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Z - 21 - 19
St. JAMES CHURCH OF CHRIST
R-6 TO O&I - 1



REZONING APPLICATION - PROPOSED ZONING

CASE NO: Z-21-19
APPLICANT: Daniels & Daniels Construction
OWNER: St. James Church of Christ
REQUEST: R-6 to O&I - 1
LOCATION: S. Alabama St

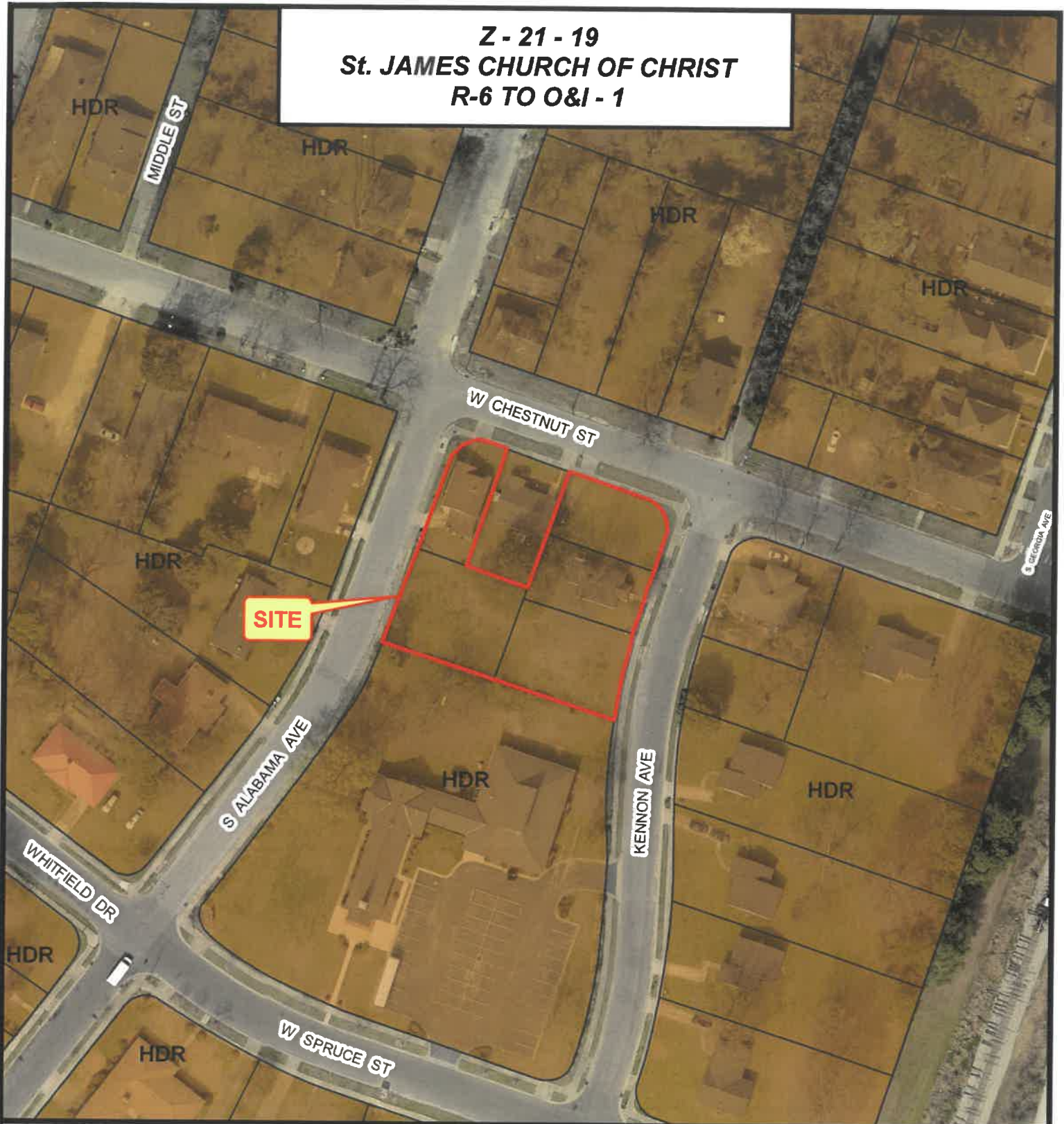
100 50 0 100 Feet



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Z - 21 - 19
St. JAMES CHURCH OF CHRIST
R-6 TO O&I - 1



REZONING APPLICATION - PROPOSED ZONING

CASE NO: Z-21-19
APPLICANT: Daniels & Daniels Construction
OWNER: St. James Church of Christ
REQUEST: R-6 to O&I - 1
LOCATION: S. Alabama St

100 50 0 100 Feet



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**CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 2, 2019 COUNCIL MEETING**

SUBJECT: CU-12-19 Henry Battle - East side of S. James Street between Spruce Street and Pine Street

Applicant requests a Conditional Use Permit to allow the operation of a place of entertainment with ABC permits. As part of the request, separate site plan approval is required.

Frontage: 111.94 ft.

Depth: 205.88 ft.

Area: 22,951 sq. ft. or 0.526 acres

Zoning: Central Business District

BACKGROUND: The site is the location of the former Elk's Lodge and the physical address of the property is 312 S. James Street.

In 2007 and 2008, City Council denied Conditional Use Permits to operate a place of entertainment with ABC permits and without ABC permits, respectively, at the subject property.

In 2010, City Council approved site and landscape plans to allow an indoor flea market to operate upon the property. Site plan approval is valid for one year from the date of City Council approval. Since the applicant never commenced development of the property, the site plan expired and since then the property has remained vacant.

On July 15, 2019, Goldsboro City Council amended the City's Unified Development Code as it pertained to bars, nightclubs, pool halls, microbreweries, places of entertainment (both public, private and non-profit) with ABC Permits. The following regulations were approved as they pertain to places of entertainment:

1. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street, there shall be no minimum separation distance from residentially zoned or developed property. A 50 ft. minimum separation distance shall be required for stand-alone churches or schools.
2. For the remainder of the CBD, not described by the boundaries above, the minimum separation distance from residentially zoned or developed property, stand-alone churches or schools shall be one hundred feet.
3. In the CBD, there shall be no minimum separation distance between two such establishments.

4. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street there shall be no minimum off-street parking requirements.

DISCUSSION:

The property is zoned CBD (Central Business District). A place of entertainment with ABC permits is permitted in the CBD only after the issuance of a Conditional Use Permit approved by City Council. In addition, separate site plan approval is required.

As previously stated, the site was the location of the former Elk's Lodge. It contains an existing single-story, brick-veneer and concrete block building of approximately 3,408 sq. ft. on one private lot. The building was built prior to the adoption of the City's Unified Development Codes. As such, building setback modifications will be necessary.

The applicant's floor plan indicates a main ballroom assembly area consisting of approximately 1,236 sq. ft., a seating area consisting of 13 tables and 78 chairs, a kitchen, storage rooms, offices and restrooms.

According to the applicant, the facility would be available to rent for special occasions such as birthday parties, ballroom dancing, wedding receptions, family reunions and live entertainment.

Days/Hours of Operation:	Reservations only (Monday-Sunday) Not activities after 12Midnight
No. of Employees:	2-4
Refuse Collection:	Dumpster

As previously stated, a 50 ft. minimum separation distance shall be required for stand-alone churches or schools. Currently, the existing building is approximately 200 ft. from a stand-alone church.

Since the property is bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street, no off-street parking is required.

Landscaping: The applicant is requesting a modification of the City's street tree requirement due to limited space and overhead utilities at the front of the existing building.

The applicant is asking for a modification of the required Class C (20 ft. wide) landscape buffer for approximately 100 ft. along the northern property line since the subject property is adjacent to residentially developed property. The existing building is located less than 5 ft. from the northern property line.

In addition, the applicant is requesting a modification of the required Type A (5 ft. wide) landscape buffer along the southern property line for approximately 100 ft. since the existing building is located less than 5 ft. from the southern property line.

The subject property is not located in Goldsboro's Historic District.

Engineering: The property is not located in a Special Flood Hazard Area.

Modifications: The applicant is requesting the following modifications.

1. Modification of the building's side yard setbacks from 15 ft. to 0 ft. along the northern and southern property line.
2. Modification of City street tree requirement.
3. Modification of Type C (20 ft. wide) landscape buffer along the northern property line.
4. Modification of the Type A (5 ft. wide) landscape buffer along the southern property line.

At the public hearing held on November 18, 2019, two people spoke in opposition to the request citing prior incidents with noise, trash and parking. Six people spoke in favor of the request citing that the applicant has previously been denied without the opportunity to open his business.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Conditional Use Permit to allow the operation of a place of entertainment with ABC permits with the following modifications:

1. Modification of the building's side yard setbacks from 15 ft. to 0 ft. along the northern and southern property line.
2. Modification of City street tree requirement.
3. Modification of Type C (20 ft. wide) landscape buffer along the northern property line.
4. Modification of the Type A (5 ft. wide) landscape buffer along the southern property line.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and

1. Adopt an Order approving the Conditional Use Permit to allow the operation of a place of entertainment with ABC permits, and;
2. Approved the Conditional Use permit with the following modifications;
 - (1) Modification of the building's side yard setbacks from 15 ft. to 0 ft. along the northern and southern property line.

- (2) Modification of City street tree requirement.
- (3) Modification of Type C (20 ft. wide) landscape buffer along the northern property line.
- (4) Modification of the Type A (5 ft. wide) landscape buffer along the southern property line.

Date: 11/26/19



Planning Director

Date: _____

City Manager

**CITY OF GOLDSBORO
ORDER APPROVING A CONDITIONAL USE PERMIT**

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on **November 18, 2019** to consider Conditional Use Permit application number:

CU-12-19 Henry Battle - East side of S. James Street between Spruce Street and Pine Street

To allow the operation of a place of entertainment with ABC permits within the Central Business District (CBD) zoning district, having heard all the evidence and arguments presented and reports from City Officials, and having received recommendation for denial without prejudice from the Goldsboro Planning Commission pertaining to said application, makes the following findings of fact.

FINDINGS OF FACT

The City Council makes the **CONCLUSION** that the proposed use **does** satisfy the general conditions imposed on the Council in its deliberations for issuing a Conditional Use Permit under Sections 5.4 Table of Permitted Uses; and 5.5.4 Special and Conditional Use Specific Regulations pertaining to places of entertainment with ABC uses permitted within the Central Business District (CBD) zoning district.

In addition, the Council approved site and landscape plans detailing the proposed development as submitted. The following modifications apply to this request:

1. Modification of the building's side yard setbacks from 15 ft. to 0 ft. along the northern and southern property line.
2. Modification of City street tree requirement.
3. Modification of Type C (20 ft. wide) landscape buffer along the northern property line.
4. Modification of the Type A (5 ft. wide) landscape buffer along the southern property line.

Upon motion made by Councilmember _____ and seconded by Councilmember _____, the Council approved the applicant's request for a Conditional Use Permit to allow the operation places of entertainment with ABC uses permitted within the Central Business District (CBD) zoning district.

Therefore, because the City Council concludes that all of the general conditions precedent to the issuance of a **CONDITIONAL USE PERMIT** have **BEEN** satisfied,

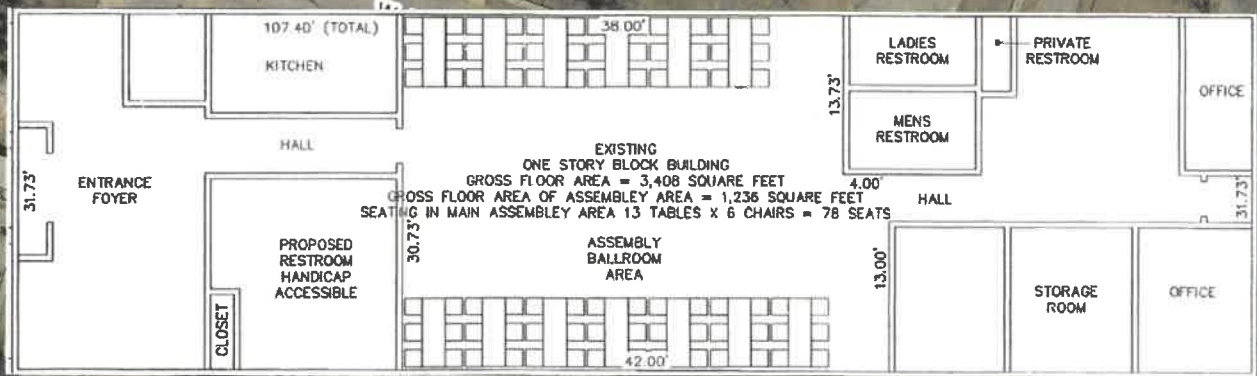
IT IS ORDERED that the application for the issuance of a **CONDITIONAL USE PERMIT** be **APPROVED**.

Thus ordered this _____ day of _____, 2019.

Chuck Allen, Mayor

Ronald T. Lawrence, City Attorney

CU - 12 - 19
312 S. JAMES ST
PLACE OF ENTERTAINMENT W/ABC



CONDITIONAL USE

MODIFICATIONS:

CASE NO: CU- 2-19
OWNER: Henry Battle
LOCATION: 312 S. James St.
Hours of Operation:

Number of Employees:

0 50 100 Feet

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RESOLUTION NO. 2019-105

**RESOLUTION EXPRESSING APPRECIATION
FOR SERVICES RENDERED BY KATHY BASS
AS AN EMPLOYEE OF THE CITY OF GOLDSBORO
FOR MORE THAN 14 YEARS**

WHEREAS, Kathy Bass retired on December 1, 2019 as an Executive Assistant with the Goldsboro Police Department of the City of Goldsboro with more than 14 years of service; and

WHEREAS, Kathy began her career on February 16, 2005 as an Office Assistant II with the Goldsboro Police Department; and

WHEREAS, On August 9, 2006, Kathy was promoted to Office Assistant III with the Goldsboro Police Department; and

WHEREAS, On August 1, 2007, Kathy's position was reclassified as a Senior Administrative Support Specialist with the Goldsboro Police Department; and

WHEREAS, On January 8, 2014, Kathy's title was changed to Executive Assistant with the Goldsboro Police Department where she has served until her retirement; and

WHEREAS, Kathy has proven herself to be a dedicated and efficient public servant who gained the admiration and respect of her fellow workers and the citizens of the City of Goldsboro; and

WHEREAS, 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 Kathy Bass their deep appreciation and gratitude for the service rendered by her to the City over the years.

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

1. We express to Kathy our very best wishes for success, happiness, prosperity and good health in her future endeavors.
2. 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 2nd day of December, 2019.

Mayor

Attested by:

City Clerk

RESOLUTION 2019-106

**RESOLUTION COMMENDING AND EXPRESSING APPRECIATION TO
BEVAN FOSTER FOR SERVING AS A GOLDSBORO
CITY COUNCILMEMBER FOR FOUR YEARS**

WHEREAS, Bevan Foster has served this community and the City of Goldsboro well in numerous capacities, including four years as a member of the Goldsboro City Council, representing District Four, since December 2015; and

WHEREAS, These years of service have been marked by exemplary dedication to the best interests of the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development; and

WHEREAS, During these years of service, Councilmember Foster has gained the admiration and respect of local officials and citizens for his untiring efforts in improving the lives of citizens in District 4; and

WHEREAS, During his term in office, Councilmember Foster has served as a member of the Parks and Recreation Advisory Commission, Law and Finance Committee, T.C. Coley Community Center Board and various other Special Project Committees; and

WHEREAS, Many projects have commenced and been completed by the City during Councilmember Foster's years of service, including construction of the Multi-Sports Complex, new Police/Fire Complex, replacement of Fire Station 4, sewer rehabilitation, street resurfacing throughout the city, the Center Street Streetscape Project-Phase II and III, and the renovation of the T.C. Coley Community Center.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Goldsboro, North Carolina that the Mayor and City Council express to you, Bevan Foster, on behalf of themselves, city employees and the citizens of the City of Goldsboro, our appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the Council and the City of Goldsboro in the many capacities in which you have served; and

BE IT FUTHER RESOLVED that we offer you our very best wishes for success, happiness, prosperity and good health in your 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 2nd day of December, 2019.

Mayor

Attested by:

City Clerk