

**GOLDSBORO CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, MARCH 1, 2021**

(Please turn off, or silence, all cellphones upon entering the Large Conference Room)

NC Gov. Cooper's Executive Order 189 restricts mass gatherings due to COVID-19; therefore, public attendance of the Work Session and Council Meeting is restricted to those who are on the agenda or who would like to speak during the Public Comment Period. If you are speaking at the meeting, please enter the City Hall Annex front entrance and maintain social distance while waiting to enter the Large Conference Room one at a time. The meeting will be streamed live on the City's Facebook and YouTube pages at <https://www.goldsboronc.gov/mayor-of-goldsboro/city-council-minutes/>, and broadcast on the Downtown Center Street speakers.

I. WORK SESSION—6:00 P.M. – CITY HALL ADDITION, 200 N. CENTER STREET, ROOM 206

ADOPTION OF THE AGENDA

OLD BUSINESS

NEW BUSINESS

- a. UDO Update Presentation (Planning)

II. CALL TO ORDER – 7:00 P.M. – CITY HALL ADDITION, 200 N. CENTER STREET, ROOM 206

Invocation (Rodger Taylor, Philadelphia Community Church)

Pledge of Allegiance

III. ROLL CALL

IV. PRESENTATIONS

V. PUBLIC COMMENT PERIOD

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

- A. CU-1-21 Anthony Mathis (EZ Choice)-North side of E. US 70 Hwy between Miller's Chapel Road and Carriage Road (Planning)
B. S-2-21 Frankie Mozingo (2-Lot Preliminary Subdivision Plat) (Planning)
C. Resolution Authorizing the Mayor and City Clerk to Execute an Amendment to the Memorandum of Understanding with the County of Wayne (City Attorney)

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

VIII. CITY MANAGER'S REPORT

IX. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

- D. Developmental Disability Awareness Month Proclamation

X. CLOSED SESSION

XI. ADJOURN

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
MARCH 1, 2021 COUNCIL MEETING**

SUBJECT: **CU-1-21 Anthony Mathis (EZ Choice)**-North side of E. US 70 Hwy between Miller’s Chapel Road and Carriage Road.

Applicant requests a Conditional Use Permit for the installation of a prefabricated accessory structure used for the operation and expansion of an existing automotive service center located in the Airport-Business zoning district. Services include automobile window tinting, automobile inspections and tire sales. As part of the request, separate site plan approval is required.

Frontage: Approximately 200 ft.
Area: 46,295 sq. ft. or 1.06 acres
Zone: Airport Business
Overlay: APZ-I/Noise Contour 75-80dnl/80-85dnl

BACKGROUND: In June of 2009, City Council approved a conditional use permit, as well as, site and landscape plans to allow an automobile window tinting operation upon the subject property. A modification of the protected street yard width from 8 ft. to 2.5 ft. was also approved.

As a condition of the permit issuance, City Council required the extension of a vehicular surface buffer across the easternmost driveway which was required to be closed by NCDOT limiting access to the property from two driveways to one along E. US 70 Hwy.

DISCUSSION: The submitted site plan indicates two existing buildings (673 sq. ft. for office use and 900 sq. ft. for automobile tinting and inspections) totaling approximately 1,573 sq. ft. An additional 930 sq. ft. prefabricated and enclosed metal building is proposed that will serve as an additional service bay for automobile window tinting.

Number of employees: 2
Hours of Operation: Monday-Friday 9:00 a.m. - 6:00 p.m.

Access: An existing 35 ft. wide driveway cut provides access to the site off E. US 70 Hwy.

Parking: Parking shall be based on 1 space per working bay, plus one per employee. A total of 16 spaces have been provided to include one handicap accessible parking space.

Landscaping: The proposed use does not require additional landscaping for the site.

Overlay District: The subject property falls within SJAFB Accident Potential Zone (APZ-I) and 75-80/ 80-84 day-night average sound level (DNL) noise zones. Base officials have been contacted and recommend that noise attenuation measures be incorporated into the design and construction of any new structure where the public is received.

In addition, base officials have indicated that retail sales are an incompatible land use in the 80-84 day-night average sound level (DNL) noise zone. Applicant has been informed that tire sales must be conducted within the 75-80 day-night average sound (DNL) zone in order to continue the existing use in the future.

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

At the public hearing held on February 15, 2021, the applicant came forward to speak in favor of the request and no one appeared to speak against the request.

The Planning Commission, at their meeting held on February 22, 2021, recommended approval of a Conditional Use Permit for the installation of a prefabricated accessory structure used for the operation and expansion of an existing automotive service center located in the Airport-Business zoning district

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and

- (1) Adopt an Order approving the Conditional Use Permit #CU-1-21 for the installation of a prefabricated accessory structure used for the operation and expansion of an existing

automotive service center located in the Airport-Business zoning district.

Date: 2/23/21



Planning Director

Date: 2/23/21



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 **February 15, 2021** to consider the following Conditional Use Permit application number:

CU-1-21 Anthony Mathis (EZ Choice)-North side of E. US 70 Hwy between Miller's Chapel Road and Carriage Road.

To approve the request for a Conditional Use Permit #**CU-1-21, Anthony Mathis (EZ Choice)** for the installation of a prefabricated accessory structure used for the operation and expansion of an existing automotive service center located in the Airport-Business (AB) zoning district, having heard all the evidence and arguments presented and reports from City Officials, and having received recommendation for approval 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; and 5.2.8. Accessory Structures as well as adhering to 5.9. Noise Overlay district regarding uses and structures within the Seymour Johnson AFB regulations in the Noise Overlay District.

Based upon the foregoing **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 modifications and issuing a Conditional Use Permit under Section 2.2.8 of the City of Goldsboro Zoning Ordinance with the following stipulations of **Conditional Use Permit #CU-1-21**:

- (1) The approval for an additional 930 sq. ft. prefabricated and enclosed metal building is proposed that will serve as an additional service bay for automobile window tinting.
- (2) The hours of operation are Monday through Friday from 9:00 a.m. to 6:00 p.m. and the number of employees are two (2).
- (3) Compliance with Seymour Johnson base officials having indicated that retail sales are an incompatible land use in the 80-84 day-night average sound level (DNL) noise zone. The applicant has been informed that tire sales must be conducted within the 75-80 day-night average sound (DNL) zone in order to continue the existing use in the future.
- (4) Parking shall be based on 1 space per working bay, plus one per employee. A total of 16 spaces have been provided to include one handicap accessible parking space.

Upon motion made by Councilmember _____ and seconded by Councilmember _____, the Council approved the applicant's request for a modification to an existing Conditional Use for the operation and expansion of an existing automotive service center located in the Airport-Business (AB) 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**.

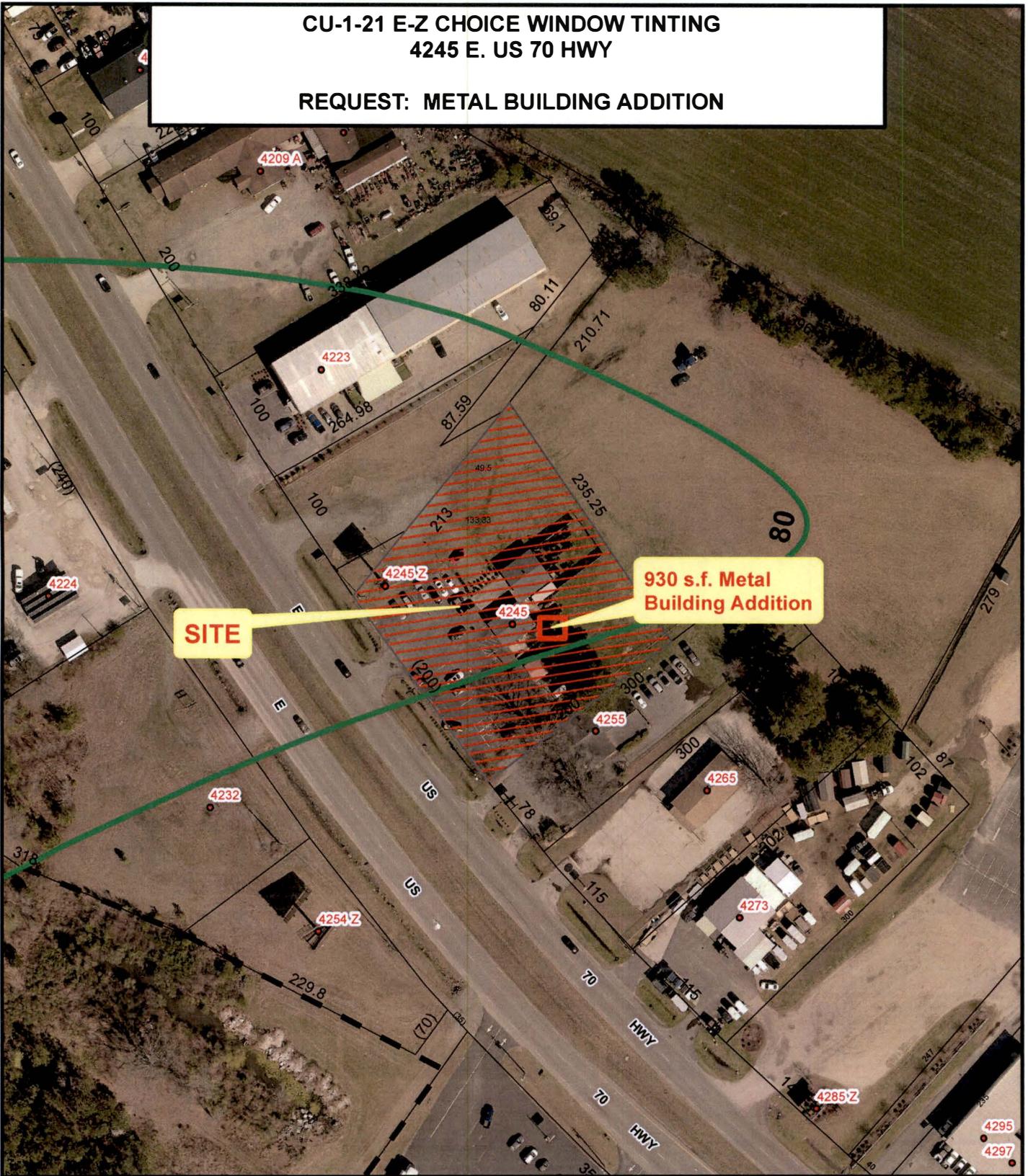
Thus ordered this _____ day of _____, 2021.

Chuck Allen, Mayor

Ronald T. Lawrence, City Attorney

**CU-1-21 E-Z CHOICE WINDOW TINTING
4245 E. US 70 HWY**

REQUEST: METAL BUILDING ADDITION



SITE

**930 s.f. Metal
Building Addition**

CONDITIONAL USE REQUEST:

CASE NO: CU-1-21
REQUEST: Metal Building Addition
APPLICANT: Anthony Mathis
OWNER: Shirley Sutton ETAL
LOCATION: 4245 E. US 70 Hwy
HOURS OF OPERATION: Mon - Fir 9:00 a.m. to 6:00 p.m.
NUMBER OF EMPLOYEES: 2 Employees

0 37.5 75 150
Feet

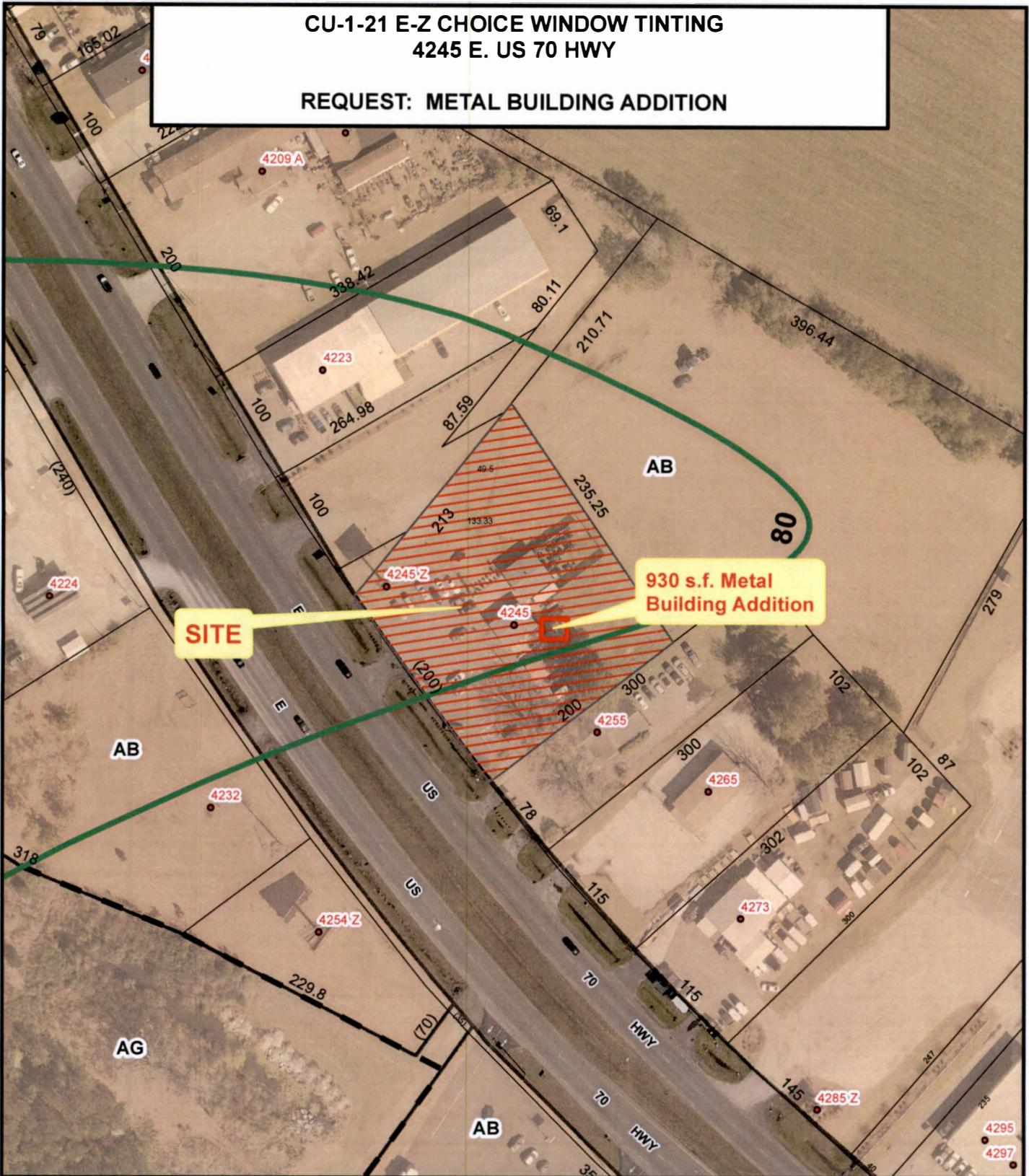


GOLDSBORO
BE MORE DO MORE SEYMOUR
North Carolina

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.

**CU-1-21 E-Z CHOICE WINDOW TINTING
4245 E. US 70 HWY**

REQUEST: METAL BUILDING ADDITION



CONDITIONAL USE REQUEST:

CASE NO: CU-1-21
REQUEST: Metal Building Addition
APPLICANT: Anthony Mathis
OWNER: Shirley Sutton ETAL
LOCATION: 4245 E. US 70 Hwy
HOURS OF OPERATION: Mon - Fir 9:00 a.m. to 6:00 p.m.
NUMBER OF EMPLOYEES: 2 Employees



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
MARCH 1, 2021 COUNCIL MEETING**

SUBJECT: S-2-21 Frankie Mozingo (2-Lot Preliminary Subdivision Plat)

BACKGROUND: The property is located on the north side of E. Ash Street between N. Oak Forest Road and Piedmont Airline Road.

Total Area:	307,098 sq. ft. or 7.05 acres
Total Lots:	2
New Lot#1 Area:	44,350 sq. ft. or 1.02 acres
Residual Tract (Lot #2)	262,666 sq. ft. or 6.03 acres
Zoning:	R-16 RM/NC (Residential- Manufactured/Non-Conforming)

DISCUSSION: The subject property has been proposed for division into two (2) lots for the purposes of residential development. If approved, the applicant intends to set-up a modular home on one of two lots meeting the requirements of the North Carolina State Building Code.

According to the City of Goldsboro's Unified Development Code, the applicant is required to follow the City's major subdivision approval process since the entire tract to be subdivided exceeds three (3) acres.

The proposed preliminary plat shows Lot #1 and Lot #2 are located in the R-16 (Residential) zoning district. Lot #2 is occupied by an existing single-family dwelling. Building setbacks for single-family dwellings within the R-16 zoning district are as follows:

Lot width:	100 ft.
Front:	40 ft.
Rear:	25 ft.
Side:	16 ft.
Side (Corner Lot):	32 ft.

Currently, the existing tract proposed for subdivision has no road frontage and is accessed by an existing 20 ft. wide ingress, regress and egress easement off E. Ash Street.

According to the City's Unified Development Code, all lots shall have frontage along an improved public or private street of no less than 50 ft. The applicant has received a variance for this requirement from the Goldsboro Board of Adjustment and has agreed to increase the existing access easement from 20 ft. to 30 ft. in accordance with City regulations.

Engineering: City water and sewer are available to serve the property. Since the property is within 1,000 ft. of City water and sewer, the applicant is required to annex Lot#1 into the City limits of Goldsboro. The proposed subdivision is not located within a Special Flood Hazard Area.

SJAFB: The subject property is located within SJAFB's 65-69 DNL noise overlay zone. Base officials have been contacted and will require that noise attenuation measures be incorporated into the construction of the new home to achieve an outdoor to indoor noise level reduction of at least 25 decibels.

The Planning Commission, at their meeting held on February 22, 2021, recommended approval of the Preliminary Subdivision Plan with the requirements set forth by Seymour Johnson AFB and the submission of an annexation petition.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the Preliminary two (2) lot Subdivision Plan. The following stipulations are to be noted on the recorded plat:

- (1) The applicant has received a variance for this requirement from the Goldsboro Board of Adjustment and has agreed to increase the existing access easement from 20 ft. to 30 ft. in accordance with City regulations.
- (2) The applicant must submit an annexation petition for the subject property as the property is within 1,000 ft. of City water and sewer.
- (3) Adherence to the SJAFB's 65-69 DNL noise overlay zone. The required noise attenuation measures must be incorporated

into the construction of the new home to achieve an outdoor to indoor noise level reduction of at least 25 decibels.

Date: 2/23/21



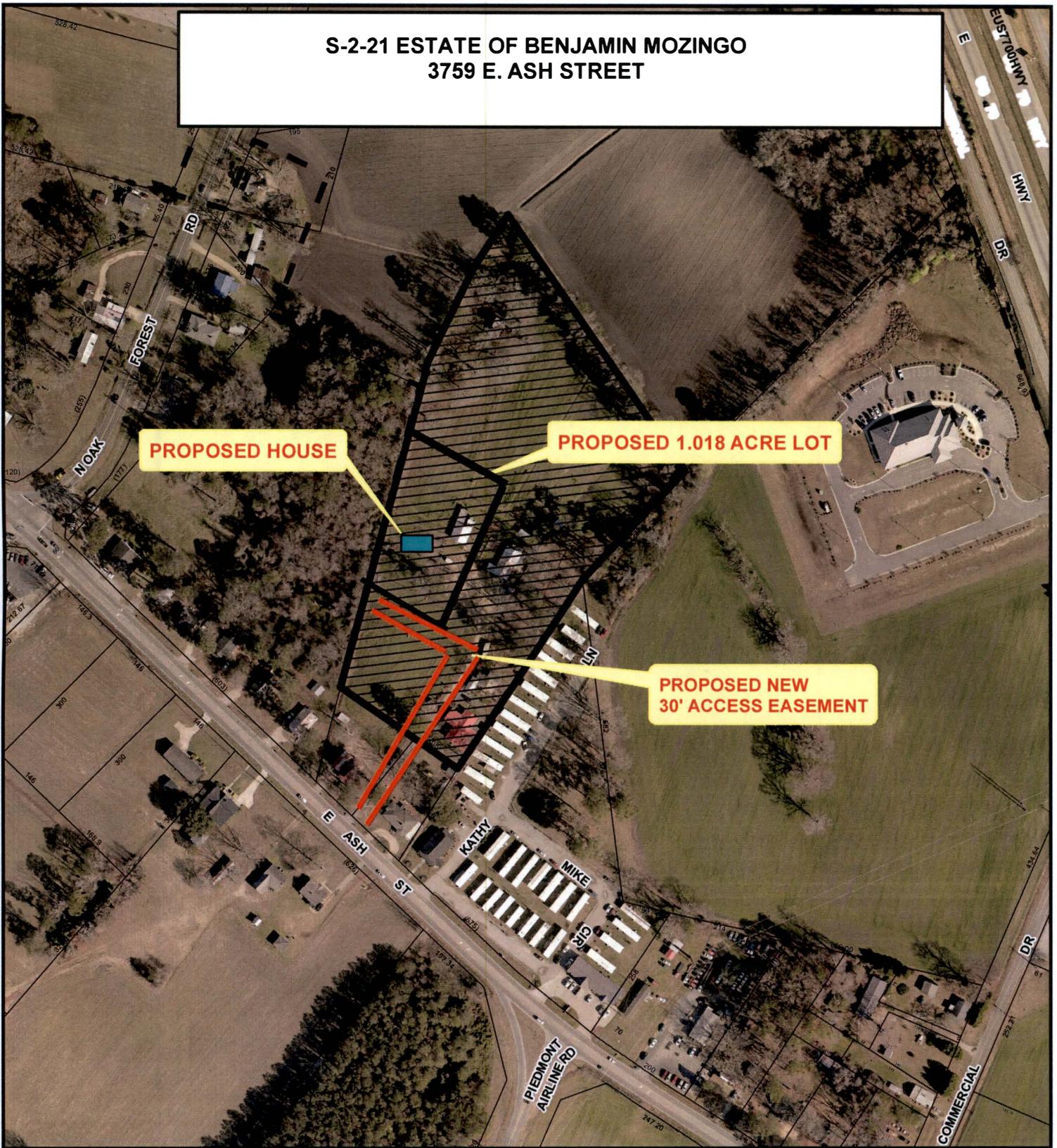
Planning Director

Date: 2/23/21



City Manager

**S-2-21 ESTATE OF BENJAMIN MOZINGO
3759 E. ASH STREET**



SUBDIVISION REQUEST:

CASE NO: S-2-21 ESTATE OF BENJAMIN MOZINGO
OWNER: BENJAMIN MOZINGO
APPLICANT: FRANKIE BEST
REQUEST: PRELIMINARY 2 LOT SUBDVISION
PIN #: 3518-88-1854 (portion of)
LOCATION: 3759 E. ASH STREET



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.



DATUM DESCRIPTION

THE LOCALIZED COORDINATE SYSTEM DEVELOPED FOR THIS PLAT IS BASED ON NORTH CAROLINA STATE PLANE COORDINATES ESTABLISHED BY USING THE NORTH CAROLINA REAL TIME NETWORK (NRTN).

EP (1) NC GRID COORDINATES NAD 83 (2011)
 E = 598,250.3772
 N = 2,171,868.8844

THE AVERAGE COMBINED GRID FACTOR USED ON THIS PLAT IS 0.99987654 (ROUND TO GRID OR 1.00012346 (GRID TO OGRID)). THE N.C. LAMBERT GRID BEARING AND LOCALIZED HORIZONTAL GROUND DISTANCE FROM EP (1) TO IES (1) IS N 15°12'26" E 216.05 FEET.

ALL LINEAR DIMENSIONS ARE LOCALIZED HORIZONTAL GROUND DISTANCES. GEOD-2017S CONUS GNSS RECEIVER - TOPCON HPLR SR WITH MINIMUM TIME OF 220 SECONDS COMPLETED DURING NOVEMBER OF 2020.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new streets or changes any existing streets and that the subdivision shown is in all respects in compliance with the provisions of the Unified Development Ordinance of the City of Goldsboro. Therefore, this plat has been approved by the Goldsboro Planning and Community Development Director, subject to its being recorded in the Wayne County Registry within sixty days of the date hereon.

Date _____ Planning and Community Development Director

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I (we) am (are) the owner of the property described herein and that I (we) adopt this subdivision plan with my (our) free consent. I (We) acknowledge the land as shown is within the subdivision jurisdiction of the City of Goldsboro.

Date _____ Executor for the estate of Ben F. Mozingo

STATE OF NORTH CAROLINA
 COUNTY OF WAYNE

Filed for registration at _____ M _____, 2021 in the Register of Deeds

Office: Recorded in P.C. _____, S.L. _____

Register of Deeds _____ By _____

STATE OF NORTH CAROLINA
 COUNTY OF WAYNE

I, _____, Review Officer of Wayne County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer

SURVEYOR'S CERTIFICATION

Surveyor's disclaimer: No attempt was made to locate any cemeteries, waterways, hazardous material sites, underground utilities or any other features shown on this ground other than those shown. However, no visible evidence of cemeteries or utilities, underground or otherwise, was observed by the undersigned (other than those shown).

I certify that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

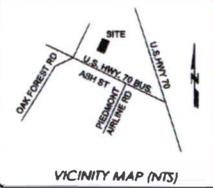
I, JOHN A. RUDOLPH, certify that this plat was drawn under my supervision from an actual survey made under my supervision (date of description recorded in Book _____, Page _____, etc.) (other) that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision or positional accuracy as calculated is 1/10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 22nd day of January, A.D., 2021.

SEAL OR STAMP

Professional Land Surveyor L-1194
 License Number

"PRELIMINARY PLAT"
 NOT FOR RECORDATION
 CONVEYANCES OR SALES

LINE	BEARING	DISTANCE
L1	S21°49'55"W	35.92
L2	S88°10'38"E	140.72
L3	S17°41'41"W	75.51
L4	S24°29'03"W	88.17
L5	S40°10'36"W	144.89
L6	S37°46'49"W	84.69
L7	S48°29'58"E	35.52
L8	N37°46'42"E	87.41
L9	N44°01'08"E	142.89
L10	N24°29'03"E	83.88
L11	N17°41'41"E	122.84
L12	N68°10'58"E	68.67



DEED REFERENCES:

BEING A PORTION OF THE PROPERTY RECORDED IN D.B. 1174, PG. 8 OF THE WAYNE COUNTY REGISTER OF DEEDS.

MAP REFERENCES:

P.C. L. SL. 88-0
 P.C. S. SL. 230
 P.C. C. SL. 343
 P.C. D. SL. 6

LEGEND:

- IES - IRON STAKE SET
 - ECM - EXISTING CONCRETE MARKER
 - EP - EXISTING IRON PIPE
 - ERR - EXISTING RAILROAD RAIL
 - FT - FINISHED TOP IRON
 - EA - EXISTING AZULE
 - EDS - EXISTING DRIVE SHAFT
 - EDM - EXISTING MAG NAIL
 - EDW - EXISTING DRIVE SHAFT
 - RCP - REINFORCED CONCRETE PIPE
 - EMR - EXISTING MAG NAIL
 - MNS - MAG NAIL SET
 - EIS - EXISTING IRON STAKE
 - EPF - EXISTING PLUMP PIPE
 - PPF - PLUMP PIPE SET
 - RWC - RIGHT OF WAY
 - EOP - EDGE OF PAVEMENT
 - EB - FASSETMENT BOUNDARY
 - CL - CENTERLINE
 - UP - UTILITY POLE
 - M.B. - MAP BOOK
 - PL - PLAT BOOK
 - D.B. - DEED BOOK
 - PG. - PAGE
 - ◊ - NON-ADJACENT CORNER UNLESS OTHERWISE NOTED
- PROPERTY LINE
 - - - - - TIE DOWN LINE
 - - - - - ADJACENT OR RAW LINE
 - - - - - FENCE LINE

CORNER DESCRIPTIONS	
CODE	DESCRIPTION
①	MAG NAIL FLUSH WITH GRADE
②	2" x 3" CONCRETE MARKER 6.3' ABOVE GRADE
③	1" O.D. IRON PIPE FLUSH WITH GRADE
④	NO IRON NAIL FLUSH WITH GRADE
⑤	MAG NAIL FLUSH WITH GRADE

ACRES DATA	
TOTAL AREA OF NEW TRACT IS	1.90 ACRES (44,368 SQ. FT.) EXCLUDING R/W
NEW 30' ACCESS EASEMENT BY COORDINATE COMPUTATION	
TOTAL AREA OF RESIDUAL TRACT IS	6.63 ACRES PER D.B. 1174, PG. 6

FEMA FLOOD STATEMENT:
 THE NEW TRACT REPRESENTED BY THIS PLAT IS NOT LOCATED IN A FLOOD HAZARD BOUNDARY ACCORDING TO FEMA MAP NUMBER 17265-1025-20060-2, DATED: APR 28, 2015.

GENERAL NOTES:
 NO HORIZONTAL CONTROL EXISTS WITHIN 2000 FEET.
 NOTE: NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD REVIEWED ARE NOTED HEREON (SEE REFERENCES). THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT MAY AFFECT THIS SURVEYED PARCEL.
 ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 THIS PROPERTY IS ZONED CITY OF GOLDSBORO R-16.
 Property shown on this plat is within the City of Goldsboro Main Cherry District. All or a portion of the property described herein is within an area with an average base level equal to or exceeding L.A. 85 elevation. The notice level may be updated by the health of this area of this property. Any building located, constructed and/or reconstructed within this district must comply with the applicable subdivision standards found in the City of Goldsboro Unified Development Ordinance.

VARIANCES REQUESTED SECTION 7.1.9 AND SECTION 5.3.2 (R-16 LOT REQUIREMENTS)

SUBDIVISION OF LAND
 for the
ESTATE OF BEN F. MOZINGO (DECEASED)

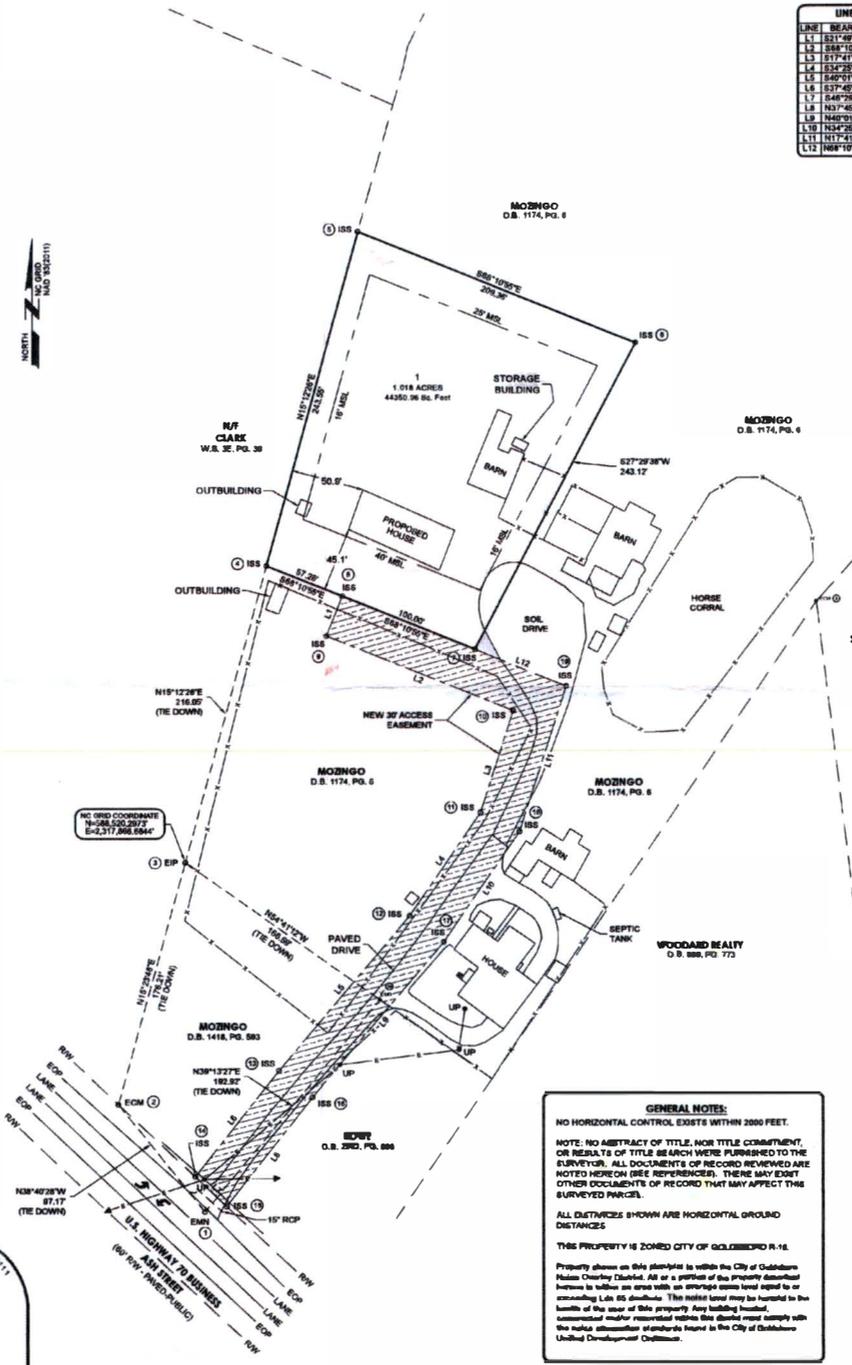
CURRENT OWNER(S) PER D.B. 1174, PG. 8
 PORTION OF PINK 3519881854
 3758 EAST ASH STREET
 NEW HOPE TOWNSHIP WAYNE COUNTY NORTH CAROLINA
 (THE FIELD SURVEY TOOK PLACE DURING NOVEMBER 2020 TO JANUARY 2021)

GRAPHIC SCALE 1" = 60'

DRAWN BY: PGR
 DATE: 01/22/21
 PROJ. NO.: BE5472MR120
 SURVEYED BY: J.A.R.

k2 design group

174 S. Boston Road
 La Grange, NC 28881
 703.892.3977
 www.k2designgroup.com



CITY OF GOLDSBORO
AGENDA MEMORANDUM
MARCH 1, 2021 COUNCIL MEETING

- SUBJECT:** Resolution Authorizing the Mayor and City Clerk to Execute an Amendment to the Memorandum of Understanding with the County of Wayne
- BACKGROUND:** The City of Goldsboro and the County of Wayne entered in to Memorandum of Understanding in October 8, 2019 for the County to market 2.5 acres for the development of a hotel to compliment events at the Maxwell Center.
- DISCUSSION:** The City of Goldsboro and the County of Wayne wish to amend the agreement entered previously dated October 8, 2019 as follows:
1. Paragraph 1 of the original agreement is amended to read as follows:
“The County will be solely responsible for marketing ~~the 2.5~~ 2.65 acres for future hotel development of the property as depicted in the attached Exhibit A; which is incorporated herein by reference”.
 2. Paragraph 2 of the original agreement is amended to read as follows:
“The County may only market the ~~2.5~~ 2.65 acres for hotel development and may offer the property for sale at no cost to potential developers.
 3. Paragraph 3 of the original agreement is not amended.
 4. Paragraph 4 of the original agreement is amended to read as follows:
“The County will ~~continue to~~ oversee hotel marketing for three years from the date of execution of ~~this~~ the original Agreement. If the County is unable to secure a developer after ~~this~~ such three year period, the City shall resume marketing responsibilities of the ~~2.5~~ 2.65 acres”.
 5. Paragraph 5 of the original agreement is amended to read as follows:
“The City will begin the marketing of the remaining ~~3.5~~ 3.35 acres as depicted in Exhibit A for restaurant and/or retail development. The Parties agree that, to maximize marketability of this remaining acreage, any location of the hotel shall be designed and placed on the parcel such that the remaining acreage shall be able to accommodate two (2) restaurants; and also such that the line of sight of the Maxwell Center from Wayne Memorial Drive shall be maximized.
 6. Paragraph 6 of the original agreement is amended to read as follows:
“Although the City ~~plans to~~ will repay County the \$138,000 indebtedness for the retaining pond out of the proceeds of the sale of the

remaining ~~3.5~~ 3.35 acres, the County agrees to consider reducing said sum as the City is agreeing for the marketing and use of a potential hotel the additional 0.15 acres to the original agreement. In no event shall said reduction exceed \$60,500.00”.

A copy of the Memorandum of Understanding is attached.

RECOMMENDATION: By motion, adopt the attached resolution authorizing the Mayor and City Clerk to execute an amendment to the Memorandum of Understanding with the County of Wayne as described above.

Date: _____

City Attorney

Date: Feb 25, 2021



City Manager

RESOLUTION NO. 2021-

A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE AN
AMENDMENT TO THE MEMORANDUM
OF UNDERSTANDING WITH THE COUNTY OF WAYNE

WHEREAS, The City of Goldsboro and the County of Wayne entered into a Memorandum of Understanding regarding the County's interest to market 2.5 acres for the development of a hotel to compliment the Maxwell Center for a limited period of time – i.e. three years; and

WHEREAS, The City of Goldsboro and the County of Wayne wish to amend the agreement previously entered into on October 8, 2019; and

Whereas, The County will be solely responsible for marketing 2.65 acres for future hotel development of the property depicted in the attached Exhibit A; which is incorporated herein by reference”.

Whereas, The County may only market the 2.65 acres for hotel development and may offer the property for sale at no cost to potential developers; and

Whereas, The County will continue to oversee hotel marketing for three years from the date of execution of the original Agreement. If the County is unable to secure a developer after such three year period, the City shall resume marketing responsibilities of the 2.65 acres; and

Whereas, The City will begin the marketing of the remaining 3.35 acres as depicted in Exhibit A for restaurant and/or retail development. The Parties agree that, to maximize marketability of this remaining acreage, any location of the hotel shall be designed and placed on the parcel such that the remaining acreage shall be able to accommodate two (2) restaurants; and also such that the line of sight of the Maxwell Center from Wayne Memorial Drive shall be maximized; and

Whereas, Although the City will repay County the \$138,000 indebtedness for the retaining pond out of the proceeds of the sale of the remaining 3.35 acres, the County agrees to consider reducing said sum as the City is agreeing for the marketing and use of a potential hotel the additional 0.15 acres to the original agreement. In no event shall said reduction exceed \$60,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Goldsboro, North Carolina, the Mayor and City Clerk are authorized to execute the amendment to the agreement as stipulated above and this Resolution shall be in full force and effect from and after the ____ day of _____ 2021.

Mayor

Attested by:

City Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

FIRST AMENDMENT TO
MEMORANDUM OF UNDERSTANDING

THIS amendment to the original agreement dated October 8, 2019, being made and entered into as of the 19th day of February, 2021 by COUNTY OF WAYNE ("County"), a body politic and corporate organized under the laws of the State of North Carolina and CITY OF GOLDSBORO ("City"), a North Carolina Municipal corporation in the County of Wayne, State of North Carolina.

WITNESSETH

WHEREAS, the County owns and operates the Maxwell Regional Agricultural and Convention Center ("Maxwell Center") in Goldsboro, North Carolina;

WHEREAS, the City is the owner of approximately six acres adjoining the Maxwell Center in Goldsboro, North Carolina as detailed in the attached Exhibit A;

WHEREAS, the City marketed 2.5 acres for the development of a hotel to compliment events at the Maxwell Center, however, to date no plans exist for hotel construction;

WHEREAS, in late 2017 the County constructed a retention pond to serve the Maxwell Center and to support further development on the six acres owned by the City;

WHEREAS, the City is currently indebted to the County in the amount of \$138,000 which represents the City's portion of construction costs associated with said retention pond;

WHEREAS, the parties recognize that the Maxwell Center would benefit from the existence of an adjacent hotel;

WHEREAS, the County had taken over hotel marketing and relieved the City from responsibilities associated with the hotel project;

WHEREAS, the parties wish to amend said agreement entered previously dated October 8, 2019, as it has been determined that additional acreage, 2.65 acres rather than 2.5 acres, as being necessary for the marketing and development of the hotel; and

WHEREAS, the parties understand and desire that any location of the hotel should be designed and placed on the parcel such that the remaining acreage will be able to accommodate two (2) restaurants; and also such that the line of sight of the Maxwell Center from Wayne Memorial Drive shall be maximized.

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties hereto agree as follow:

1. Paragraph 1 of the original agreement is amended to read as follows: "The County will be solely responsible for marketing 2.65 acres for future hotel development of the property depicted in the attached Exhibit A; which is incorporated herein by reference".
2. Paragraph 2 of the original agreement is amended to read as follows: "The County may only market the 2.65 acres for hotel development and may offer the property for sale at no cost to potential developers.
3. Paragraph 3 of the original agreement is not amended.
4. Paragraph 4 of the original agreement is amended to read as follows: "The County will continue to oversee hotel marketing for three years from the date of execution of the original Agreement. If the County is unable to secure a developer after such three year period, the City shall resume marketing responsibilities of the 2.65 acres".
5. Paragraph 5 of the original agreement is amended to read as follows: "The City will begin the marketing of the remaining 3.35 acres as depicted in Exhibit A for restaurant and/or retail development. The Parties agree that, to maximize marketability of this remaining acreage, any location of the hotel shall be designed and placed on the parcel such that the remaining acreage shall be able to accommodate two (2) restaurants; and also such that the line of sight of the Maxwell Center from Wayne Memorial Drive shall be maximized.
6. Paragraph 6 of the original agreement is amended to read as follows: "Although the City will repay County the \$138,000 indebtedness for the retaining pond out of the proceeds of the sale of the remaining 3.35 acres, the County agrees to consider reducing said sum as the City is agreeing for the marketing and use of a potential hotel the additional 0.15 acres to the original agreement. In no event shall said reduction exceed \$60,500.00".

IN WITNESS WHEREOF, the parties have executed this First Amendment to the original Agreement as of the day and year first above written.

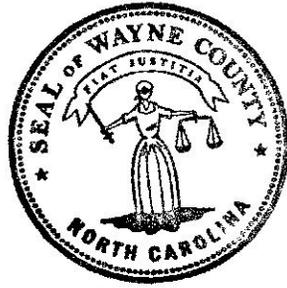
CITY OF GOLDSBORO

By: _____
Chuck Allen, Mayor

ATTEST:

Melissa Capps
Clerk, Goldsboro City Council

WAYNE COUNTY



By: *George Wayne Aycock*
George Wayne Aycock; Chairman, Wayne
County Board of Commissioners

ATTEST:

Carol Bowden

Carol Bowden
Clerk, Wayne County Board of Commissioners

DEVELOPMENTAL DISABILITY AWARENESS MONTH
 PROCLAMATION

WHEREAS, A Developmental Disability is diverse group of chronic conditions that are due to mental or physical impairments that arise before adulthood; and

WHEREAS, The condition is likely to continue indefinitely and limits the individual in three or more of the following areas: Self-care, Receptive and expressive language, Learning, Mobility, Self-direction, capacity for independent living, and Economic self-sufficiency; and

WHEREAS, The condition creates the individual's need for a combination of special, interdisciplinary services, individualized/person-centered supports, and other forms of long-term assistance that are individually planned and coordinated; and

WHEREAS, The disability experience is a natural part of life and is valued as a part of our rich diversity; and

WHEREAS, Disability is a social construct. The 'problem' is not the medical condition that resides within the individual, but the 'problem' is that society does not create welcoming, supporting, and inclusive environments, policies, and/or systems for all, to promote equality and acceptance in all areas of life, including schools, places of employment, and in our communities; and

WHEREAS, The most effective way to increase awareness is through everyone's openness to learn and acknowledge that there are systemic barriers that reduce the likelihood of those with disabilities enjoying equitable experiences and living independent, productive lives within their communities; and

WHEREAS, Policies must be developed, attitudes shaped and equitable experiences be offered to all individuals, including those with developmental disabilities; and

WHEREAS, Citizens should do all in their power to:

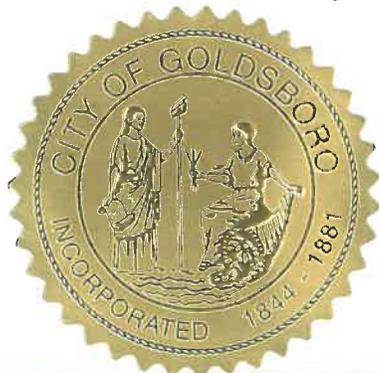
- Recognize the value of the disability experience in our lives and the valued role it has in our rich diversity.
- Recognize the barriers presented to those with disabilities across all aspects of their lives.
- Create ways to include everyone, especially those with developmental disabilities, to be fully included in all aspects of life.
- Understand the losses (financial, spiritual, human rights, contributions to community, and otherwise) when our communities segregate and create barriers for those with disabilities.
- Demand policymakers no longer invest in segregation and create inclusive, equitable policies and systems for all.

NOW, THEREFORE, I, Chuck Allen, Mayor of the City of Goldsboro, do hereby proclaim March 2021 as

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

and galvanize efforts that will lead our communities and policy makers to create real system changes so people with developmental disabilities will enjoy equitable, inclusive lives.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Goldsboro, North Carolina, this 1st day of March, 2021.




 Chuck Allen
 Mayor