

**GOLDSBORO CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, MAY 3, 2021**

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

Due to COVID-19, attendance at the City Council meeting is limited to 15 citizens in the Council Chambers to allow for social distancing. Overflow seating is available in the Anteroom, located in City Hall and the Large Conference Room, City Hall Addition. The meeting will also be streamed live on the City's Facebook and YouTube pages, links are available at <https://www.goldsboronc.gov/mayor-of-goldsboro/city-council-minutes/>, and broadcast on the Downtown Center Street speakers.

I. WORK SESSION–5:30 P.M. – COUNCIL CHAMBERS, 214 N. CENTER STREET

1. ROLL CALL

2. ADOPTION OF THE AGENDA

3. OLD BUSINESS

- a. Tiffany Gardens Phase 2 Rezoning Discussion (Mayor Pro Tem)
- b. Public Comment Period Discussion (Mayor Pro Tem)

4. NEW BUSINESS

- c. Unified Development Ordinance (UDO) Update (Planning)
- d. American Rescue Plan (City Manager)

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

Invocation (Pastor Christian Powell, Faith FWB Church)

Pledge of Allegiance

III. ROLL CALL

IV. APPROVAL OF MINUTES (*Motion/Second)

- A. Minutes of the Work Session and Regular Meeting of March 15, 2021

V. PRESENTATIONS

- B. Mental Health Month Proclamation
- C. National Day of Prayer Proclamation

VI. PUBLIC HEARINGS (*Motion/Second)

- D. FY21-22 Annual Action Plan and Recommended Budget/Public Hearing (Community Relations)
- E. Public Hearing to consider approving the Incentive Grant Agreement with AP Emissions and Technologies, LLC and Wayne County (Assistant to the City Manager)

VII. PUBLIC COMMENT PERIOD

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

- F. Code of Ordinance Update: Chapter 111-Amusements (City Manager)

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

X. CITY MANAGER'S REPORT

XI. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

- G. Peace Officers Memorial Day Proclamation
- H. Municipal Clerks Week Proclamation

XII. CLOSED SESSION

XIII. ADJOURN

MINUTES OF THE MEETING OF THE CITY COUNCIL HELD
MARCH 15, 2021

WORK SESSION

The City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Council Chambers, City Hall, 214 North Center Street, at 5:00 p.m. on March 15, 2021 with attendance as follows:

Present: Mayor Pro Tem David Ham, Presiding
Councilmember Hiawatha Jones
Councilmember Bill Broadway
Councilmember Taj Polack
Councilmember Brandi Matthews
Councilmember Gene Aycock
Ron Lawrence, City Attorney
Tim Salmon, City Manager
Melissa Capps, City Clerk

Absent: Mayor Chuck Allen

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

Mayor Pro Tem Ham stated the Mayor would be taking a leave of absence.

Adoption of the Agenda. Councilmember Matthews stated I would like to add Women's History Month to new business. Councilmember Jones stated Item M. Authorization of an Agreement with Goldsboro Football Club Youth Academy, I received an email asking that we table that item until April. Mr. Salmon asked to add FY 18-19 Audit Update. Mayor Pro Tem Ham made a motion to approve the agenda with the amendments. Councilmember Polack seconded the motion. The motion passed unanimously.

FY 18-19 Audit Update. Mr. John Frank and Mr. Chad Cook with Dixon, Hughes and Goodman joined by WebEx. Mr. Frank provided an update on the status of the FY 18-19 Audit. Mr. Franks stated they hoped to have the audit wrapped up in 30 days.

Staggered Terms. Mr. Guthrie stated about a month ago we presented information regarding staggered terms and staff stated we would bring it back to get guidance from Council on whether they would like to proceed, defer the decision or get more information. Council discussed pros and cons of staggered terms.

Attorney Lawrence stated I think until there is more information and maybe answer some of the other questions, I think Randy can take it from the discussion so far there is majority in favor of discussing it further. I would suggest that staff have an opportunity to bring some options on which procedure to do. You could then vote on what you would like to do at that point. Attorney Lawrence stated the census will be coming out, we do not know if lines will have to be redrawn or not at this point. It may be wise to wait until the census comes out since you do have a few more years left on your terms.

Air Force Family Scholarship Program. Mr. Doug McGrath and Mr. Alex Wingate shared information regarding the Air Force Family Scholarship Program. The Goldsboro Elks Lodge and the Patriot Foundation of North Carolina have joined forces to support North Carolina families of fallen or disabled Airmen. An all-volunteer team led by the Elks will begin awarding educational scholarships this spring through the North Carolina Air Force Scholarship Program. Scholarships will vary between \$1,000 \$5,000 per student per semester, based upon need, with funding supplied by a Patriot Foundation grant. Applications are due April 15, 2021. Information concerning eligibility, application, and program contacts is available at www.AFFSP.org.

Mr. McGrath also shared information regarding an upcoming Military Appreciation event in the fall.

Women's History Month. Councilmember Matthews shared information regarding Women's History Month. Councilmember Matthews stated I would like the city to look at recognizing Women's History Month. Councilmember Polack made a motion to create a Proclamation recognizing March as Women's History Month; the motion was seconded by Councilmember Jones and unanimously carried.

Board Appointments. Ms. Capps reviewed the openings on the following boards and commission for Council representation:

- GWTA Transportation Authority
- Commission on Community Relations and Development
- Historic District Commission
- Friends of Seymour Board of Directors
- Law and Finance
- Herman Park Center

Discussion included current representation on the GWTA Board and terms.

Upon motion of Mayor Pro Tem Ham, seconded by Councilmember Aycock and unanimously carried, Council selected Councilmember Jones to serve as ex-officio on the Commission on Community Relations and Development.

Upon motion of Councilmember Aycock, seconded by Councilmember Broadway and unanimously carried, Council selected Councilmember Polack to serve as ex-officio on the Historic District Commission.

Councilmember Polack made a motion to select Councilmember Broadway to serve on the Friends of Seymour Board of Directors. The motion was seconded by Councilmember Jones. Mayor Pro Tem Ham, Councilmembers Jones, Polack and Aycock voted in favor of the motion. Councilmember Matthews did not vote, however, pursuant to NCGS 160A-75, the vote would be counted as an affirmative vote. The motion passed.

Councilmember Broadway made a motion to select Councilmember Jones to serve on the Herman Park Center Project. The motion was seconded by Councilmember Polack. Mayor Pro Tem Ham, Councilmembers Polack, Matthews and Aycock voted in favor of the motion. Councilmember Jones did not vote, however, pursuant to NCGS 160A-75, the vote would be counted as an affirmative vote. The motion passed.

The Law and Finance Committee was discussed. Councilmember Polack stated I think we should come up with some type of definition and can we come back and discuss later.

Commission on Community Relations and Development. Council was provided with a list of those who had applied to serve on the commission. Council discussed. Upon motion of Councilmember Aycock seconded by Councilmember Broadway and unanimously carried, Council appointed Ahmad Pittman to the Commission on Community Relations and Development.

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

Item G. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 102 Bright Street to Melissa Gill. Upon motion of Councilmember Aycock, seconded by Councilmember Broadway and unanimously carried, Council agreed to accept the initial bid and authorize finance to advertise for upset bids for 102 Bright Street.

Item H. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 1005 S. Slocumb Street to Melissa Gill. Upon motion of Mayor Pro Tem Ham,

seconded by Councilmember Aycock and unanimously carried, Council agreed to accept the initial bid and authorize finance to advertise for upset bids for 1005 S. Slocumb Street.

Item I. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 414 N. Carolina Street to Tonisa Evans. Upon motion of Mayor Pro Tem Ham, seconded by Councilmember Aycock and unanimously carried, Council agreed to accept the initial bid and authorize finance to advertise for upset bids for 414 N. Carolina Street.

Item J. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 510 Wilmington Avenue to James Blount. Upon motion of Councilmember Broadway, seconded by Councilmember Aycock and unanimously carried, Council agreed to accept the initial bid and authorize finance to advertise for upset bids for 510 Wilmington Avenue.

Item K. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 700 Rudolph Street to Ronald L. James. Upon motion of Councilmember Polack, seconded by Councilmember Jones and unanimously carried, Council agreed to accept the initial bid and authorize finance to advertise for upset bids for 700 Rudolph Street.

Item L. Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 1003 N. George Street to Edna Burns. Councilmember Broadway made a motion to accept the initial bid and authorize finance to advertise for upset bids for 1003 N. George Street to Edna Burns. Councilmember Matthews asked who submitted their bid first. Ms. Gwynn stated Ms. Gill did but Ms. Burns submitted a higher bid. Councilmember Polack asked if Council voted to accept the bid from Ms. Burns, Ms. Gill could place an upset bid right. Ms. Gwynn stated that is correct. Councilmember Polack seconded the motion. Mayor Pro Tem Ham, Councilmembers Jones, Broadway, Polack and Aycock voted in favor of the motion. Councilmember Matthews voted against the motion. The motion passed 5:1.

Item N. Goldsboro Tourism Council Appointment. Upon motion of Councilmember Aycock, seconded by Councilmember Broadway and unanimously carried, Council accepted the recommendation to appoint Tyrone Barrett to the Goldsboro Tourism Council.

Closed Session Held. Upon motion of Councilmember Polack, seconded by Mayor Pro Tem Ham and unanimously carried, Council convened into Closed Session to discuss potential litigation matters.

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 City Council of the City of Goldsboro, North Carolina, met in regular session in the Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on March 15, 2021 with attendance as follows:

Present: Mayor Pro Tem David Ham, Presiding
Councilmember Hiawatha Jones
Councilmember Bill Broadway
Councilmember Taj Polack
Councilmember Brandi Matthews
Councilmember Gene Aycock

Absent: Mayor Chuck Allen

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

Pastor Terry Jones with City Church of Goldsboro provided the invocation. The Pledge of Allegiance followed.

Amending Capital Project Fund Ordinance – Police Evidence Room and Fire Department Renovation (G1106). Ordinance Adopted. On October 1, 2018, the Council approved the establishment of a capital project fund for the construction of the Police evidence room and Fire Station renovation, which was funded with a \$5.3 million dollar loan.

The project is complete and there are additional funds that need to be appropriated so that they may be expended for items necessary to the project.

The City received miscellaneous income in the amount of an additional \$155,000 related to various settlements related to the project.

There is associated investment interest in the amount of \$2,250 from the 2018 loan that has since accrued since the last project amendment done June 15, 2020 that not yet been appropriated for the project and will be used to offset unanticipated expenditures. The total revenue appropriation for these items is \$157,250.

The total expenditure appropriation will increase by \$157,250.

Upon motion of Councilmember Broadaway, seconded by Councilmember Polack and unanimously carried, Council adopted the following entitled Capital Project Ordinance for the Police Evidence Room and Fire Department Renovation (G1106) be amended for \$157,250.

ORDINANCE NO. 2021-3 “AN ORDINANCE AMENDING THE POLICE EVIDENCE ROOM & FIRE DEPARTMENT RENOVATION CAPITAL PROJECT FUND (G1106)”

Z-1-21 MC Morgan and Associates (Shannon View) – West side of New Hope Road between Cuyler Best Road and N. Harding Drive. Public Hearings Held. The applicant requests a change of zone for a portion of the subject property from Residential (R-12) to Residential (R-9CZ) Conditional Zoning limiting the use to an 84-unit senior apartment complex. In conjunction with the request, the applicant is requesting a Conditional Use permit (CU-4-21) for the construction of the senior apartment complex in the Residential (R-9) zoning district.

Frontage: +360 ft. (W. New Hope Rd.)
+188 ft. (Cuyler Best Rd.)
Area: ±10.2 Acres

Surrounding Zoning:	North:	Neighborhood Business (NB)/Shopping Center (SC)
	South:	Residential (R-6CZ)
	East:	Residential (R-16/R-12SF)
	West:	Office & Institutional (O&I-1)/Residential (R-12)

The property is partially wooded and cleared farmland.

On March 3, 2003, Goldsboro City Council approved a change of zone from Residential (R-16) to Residential (R-6CZ) for the construction of 216 apartments upon property directly south of the proposed development and formally known as The Reserve at Bradbury Place.

If the proposed change of zone is approved, the applicant will be required to obtain a Conditional Use Permit approved by City Council for the proposed senior apartment complex.

The City’s Land Use Plan recommends Mixed-Use development. Proposed zoning for the property is compatible with adjacent properties in the area. Since City water and sewer are available to serve the area, higher residential densities are encouraged.

The submitted preliminary site plan indicates one three-story senior apartment building containing a total of 84 units.

Access to the site will be directly from W. New Hope Road. W. New Hope Road is a state-maintained road. Officials with NCDOT have been contacted and are recommending that the

access drive for the senior apartments align with Shelley Drive to avoid conflicting left turns off of W. New Hope Road.

Parking for the site requires two spaces per unit plus .5 per bedroom over two. 51 units will be 2-bedroom units and 33 units will be 1-bedroom units. A total of 168 parking spaces are required. 84 parking spaces are shown on the submitted site plan. The applicant is requesting a modification of the City's parking requirement due to the fact that the North Carolina Finance Agency requires only 1 parking space per senior apartment unit.

External City sidewalks are required for new development, however, the City's Pedestrian Facilities Plan does not recommend sidewalks for the area. Frontage along W. New Hope Road is approximately 360 ft. and approximately 188 ft. along Cuyler Best Road. The developer will be required to install sidewalks or pay a fee in lieu of in the amount of approximately \$9,864 to the City of Goldsboro.

Internal concrete sidewalks are shown providing access to building entrances through sloped ramps and handicap accessible walkways.

A commercial lighting plan has not been submitted. Since the subject property is located adjacent to residentially-zoned and developed properties, the developer will be required to submit a lighting plan in compliance with the City's Commercial Lighting ordinance.

Interconnectivity has not been shown for the site. The applicant will be required to provide interconnectivity to the adjacent multi-family apartment complex directly south of the proposed development.

City water and sewer are available to serve the subject property. The property is not located within a special flood hazard area. City Engineering will require approval of storm water calculations and drainage plans prior to issuance of any building permits.

Street trees have been provided along W. New Hope Road. A Type B 15' landscape buffer is required along all property lines and vehicular surface area landscape requirements must be met. Staff is working with the applicant to ensure landscape requirements are met per the requirements of the City's Unified Development Ordinance.

Commercial dumpsters will be utilized for garbage collection. Staff will ensure that dumpster corals are properly constructed and appropriately screened from off-site views in accordance with City standards.

Building elevations have been submitted and indicate the proposed buildings will be constructed of brick veneer and fiber-cement shake siding. Roofing materials will be architectural shingles. Staff will ensure all multi-family development design standards are met per the requirements of the City's Unified Development Ordinance prior to issuance of any building permits.

A majority of the subject property is located outside the City limits. Since City utilities are located within 1,000 ft. of the site, the developer will be required to connect to City water and sewer, as well as, annex into the City limits.

Councilmember Aycock asked if this was to be rezoned for senior apartments, what keeps them from not being senior apartments. Ms. Collins stated I think the stipulations would be based on his housing financing. The developer is present and you could ask him that question.

Mayor Pro Tem Ham opened the rezoning public hearing and the following people spoke:

1. Dale Benton, 1598 Cuyler Best Road, spoke in opposition of the rezoning request. Mr. Benton expressed concerns regarding traffic. Mr. Benton shared they have 42 signatures of homeowners along Cuyler Best Road.

Attorney Lawrence stated as far as the rules are concerned, the fact there is a petition, he can testify because it is an evidentiary hearing, anything presented would also have to follow those rules, so people signing a petition would be hearsay. That is why you have a hearing, so people can come up and testify. Attorney Lawrence stated showing you have

one, showing how many names, is not a problem, the actual handing it up as a piece of evidence, it is something they cannot consider as actual evidence. It would be considered hearsay.

Mr. Benston stated if I can't submit it, I will be glad to tell you it has 42 signatures opposed to any multiple housing.

Mayor Pro Tem Ham asked Mr. Benton what kind of properties he owned. Mr. Benton said two are residences, actually, three are residences and one is a business.

2. Mack Sullivan, 1550 Cuyler Best Road, spoke in opposition. Mr. Sullivan expressed concerns regarding traffic in the area.

Mayor Pro Tem Ham stated for the benefit of the audience tonight, please understand we are not taking action. The Planning Commission will take up these items on March 29th, then it will be brought back to us on April 5th.

3. Ilene Henderson, 301 Tonya Drive, spoke in opposition.
4. Michael Woodard, Woodard Realty, spoke in opposition and stated they had a petition signed, 69 signed in opposition to having it rezoned for more housing in that area. Concerns expressed included increased traffic and speeding.
5. Mitch Ham, 112 Michelle Dawn Drive, spoke in opposition, recommended staying commercial.

Councilmember Polack stated others have talked about accessibility and traffic, I heard you talking about growing it, commercializing it, that would contribute to traffic, I would assume, is the issue traffic from your standpoint or just not having a multi-family dwelling.

Mr. Ham stated usually when you get into commercial property, a lot of the expansion of the roads are paid for by developers.

6. Mark Morgan, MC Morgan & Associates, applicant, spoke in favor of the request. Mr. Morgan stated Shannon View is an elderly property development, ages 55 and older. It is deed restricted and there is no changing once the property is developed. Mr. Morgan provided information on a market analysis performed.

No one else spoke and the rezoning public hearing was closed.

Mayor Pro Tem Ham opened the public hearing for the related Conditional Use permit (CU-4-21) for the construction of the senior apartment complex in the Residential (R-9) zoning district. No one spoke and the conditional use permit public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on April 5, 2021.

Z-2-21 MC Morgan and Associates (Tiffany Gardens Phase II) – West side of Thoroughfare Road between Central Heights Road and NC Railroad. Public Hearings Held. The applicant requests a change of zone for a portion of the subject property from Residential (R-16) to Residential (R-6CZ) Conditional Zoning limiting the use to an 84-unit apartment complex. In conjunction with the request, the applicant is requesting a Conditional Use permit (CU-5-21) for the construction of the apartment complex in the Residential (R-6) zoning district.

Frontage: ±500 ft. (Thoroughfare Road)
Depth: ±300 ft.
Area: ±7.7 Acres

SURROUNDING ZONING:

North: Residential (R-16) RM-NC/Residential (R-12CZ);
Residential (R-9)
South: Residential (R-16/R-12)
East: Residential (R-16/R-9)
West: Residential (R-16/R-12CZ)

On April 1, 2019, Goldsboro City Council accepted the recommendation of the Goldsboro Planning Commission and adopted an Ordinance (Z-14-19) changing the zone for property directly north of subject property from Residential (R-16 and R-12) to Residential (R-12CZ) Conditional Zoning limiting the use of the property to an eighty-four unit apartment complex.

Now, the same developer is proposing a second phase of residential development consisting of another eighty-four (84) unit apartment complex. If the zoning is approved, the applicant will be required to obtain a Conditional Use Permit approved by City Council for the proposed apartment complex.

The property is currently vacant.

The City's Land Use Plan recommends Medium Density Residential (MDR) development. In addition, the Plan recommends that higher densities should be encouraged since City water and sewer are available to serve the property.

The submitted preliminary site plan indicates three (3), three-story apartment buildings containing a total of 84 units. In addition, a community building is also being proposed on site.

Access to the site will be directly from Thoroughfare Road. Since Thoroughfare Road is a state-maintained road, NCDOT officials have been contacted and are requiring driveway permits, as well as, left and right turn lanes along Central Heights Road as a result of Phase I development.

Parking for the site requires two spaces per unit plus .5 per bedroom over two. 36 of the 84 total units will be 3-bedroom units, 35 units will be 2-bedroom units and the remaining 13 units will be 1-bedroom units. A total of 176 parking spaces are required and 176 spaces have been shown on the preliminary site plan.

External City sidewalks are required for new development, however, the City's Pedestrian Facilities Plan does not recommend sidewalks for the area. Frontage along Thoroughfare Road is approximately 460 ft. The developer will be required to install sidewalks or pay a fee in lieu of in the amount of \$8,280 to the City of Goldsboro.

Internal concrete sidewalks are shown providing access to building entrances through sloped ramps and handicap accessible walkways.

A commercial lighting plan has not been submitted. Since the subject property is located adjacent to residentially-zoned and developed properties, the developer will be required to submit a lighting plan in compliance with the City's Commercial Lighting ordinance.

Interconnectivity has been shown west of the site as adjacent property is currently being developed for multi-family use.

City water and sewer are available to serve the subject property. The property is not located within a special flood hazard area. City Engineering will require approval of storm water calculations and drainage plans prior to issuance of any building permits.

Street trees have been provided along Thoroughfare Road. A Type B 15' landscape buffer is required along all property lines and vehicular surface area landscape requirements must be met. Staff is working with the applicant to ensure landscape requirements are met per the requirements of the City's Unified Development Ordinance.

Commercial dumpsters will be utilized for garbage collection. Staff will ensure that dumpster corals are properly constructed and appropriately screened from off-site views in accordance with City standards.

Building elevations have been submitted and indicate the proposed buildings will be constructed of brick veneer and fiber-cement shake siding. Roofing materials will be architectural shingles. Staff will ensure all multi-family development design standards are met per the requirements of the City's Unified Development Ordinance prior to issuance of any building permits.

The subject property is located outside the City limits. Since City utilities are located within 1,000 ft. of the site, the developer will be required to connect to City water and sewer, as well as, annex into the City limits.

Mayor Pro Tem Ham opened the rezoning public hearing and the following people spoke:

1. Norris Lee Uzzell, 211 Warrick Circle, spoke in opposition to the request. Mr. Uzzell expressed concerns regarding traffic.

Councilmember Polack stated to chime in, at the Fire Department we relieve ourselves 30 minutes earlier, but if you are coming down Central Heights Road you better be 45 minutes due to traffic.

2. Dexter Simms spoke in opposition and also voiced concerns regarding traffic.
3. Carl Richardson spoke in opposition and also voiced concerns regarding traffic and speeding.
4. Alex Economy stated I own the property at 3220 Central Heights Road and expressed concerns regarding drainage and flooding. Mr. Economy asked if it was approved, the developer install some type of privacy fence to block property off behind his property.
5. Mark Morgan, MC Morgan & Associates, developer, spoke in favor of the request and shared information regarding traffic counts.

Councilmember Aycock stated the density of traffic on Thoroughfare Road is no where compared to the density of the traffic on New Hope Road. Councilmember Aycock expressed concerns regarding being able to see around the corner when you turn off of Central Heights on Thoroughfare Road. Mr. Morgan stated they are working with NCDOT on ingress and egress. Councilmember Polack stated that may be more a railroad issue.

Mr. Morgan shared information about the demand and provided a highlight of an executive summary.

No one else spoke and the rezoning public hearing was closed.

Mayor Pro Tem Ham opened the public hearing for the related Conditional Use permit (CU-5-21) for the construction of the apartment complex in the Residential (R-6) zoning district. No one spoke and the conditional use permit public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on April 5, 2021.

Z-3-21 Barnes Jewelers Building – South side of Eastgate Drive between Mall Road and Cashwell Drive. Public Hearing Held. The applicant requests a change of zone for the subject property from Shopping Center (SC) to General Business (GB).

In conjunction with the request, the applicant has submitted a Conditional Use permit application (CU-2-21) for the operation of an internet café (electronic gaming facility) for property addressed as 502, C-2 Eastgate Drive.

Frontage: 215 ft. (Mall Rd.)
193 ft. (Eastgate Dr.)
Area: 39,342 sq. ft. or 0.90 acres

SURROUNDING ZONING:

North: Shopping Center (SC)
South: Shopping Center (SC)
East: Shopping Center (SC)
West: Shopping Center (SC)

The property is occupied by a commercial strip center consisting of three separate buildings totaling approximately 12,000 sq. ft. and containing five tenant spaces currently consisting of a jewelry store, nail salon, hair salon, restaurant and one tenant space currently for rent or lease. If the change of zone is approved, a Conditional Use Permit approved by City Council will be required for the proposed operation of the internet café (electronic gaming facility).

The City's Land Use Plan recommends commercial development for the site.

Mayor Pro Tem Ham opened the public hearing. The following person spoke:

Stephen Barnes, 108 Aurora Lane, stated I represent the property owners for the shopping center. Mr. Barnes stated I have no comment; I am just here to represent.

No one else spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on April 5, 2021.

CU-2-21 A&M Café – (Electronic Gaming Facility) South side of Eastgate Drive between Mall Road and Cashwell Drive. Public Hearing Held. The applicant is requesting a Conditional Use Permit for the operation of an internet café (electronic gaming facility). Subject property is located at 502-C2 Eastgate Drive.

In conjunction with the request, the applicant has requested a change of zone for the subject property (Z-3-21) which is part of a larger parcel of privately-owned property from Shopping Center (SC) to General Business (GB) zoning district.

Internet cafés are allowed in the General Business (GB) zoning districts only after the obtainment of a Conditional Use Permit approved by City Council.

On May 8, 2017, City Council amended the City's Electronic Gaming Ordinance. The following requirements were approved as they pertain to new gaming establishments proposed for operation in the City of Goldsboro's planning jurisdiction:

- (1) Electronic gaming operations are permitted only in the General Business (GB) zoning district after the obtainment of a Conditional Use Permit approved by City Council.
- (2) No establishment shall be located within five hundred (500) feet of any residentially zoned or developed property, church, school, day care, playground or public park. Where the proposed establishment is separated from residentially zoned or developed property by a four-lane highway, the five hundred (500) foot separation shall only apply to the properties along the sides and rear of the establishment.
- (3) No such establishment shall be located within one mile (5,280 ft.) of another such establishment.
- (4) The hours of operation for such operations shall be limited to 7:00 a. m. to 2:00 a. m. City Council made no changes to the existing parking requirement of 1.5 spaces per gaming machine.

The applicant is requesting a Conditional Use Permit for the operation of an internet café consisting of eighteen (18) gaming machines.

Frontage: 16.5 ft. (Mall Rd.)
Area (Tenant Space): 950 sq. ft. or .02 acres

Access to the commercial strip center is provided by two driveways; one 25 ft. wide driveway along Mall Road and one 20 ft. wide driveway along Eastgate Drive.

Parking is required at 1.5 spaces per gaming machine. Based on 18 proposed computer gaming stations, 27 parking spaces are required for the internet gaming operation. Currently, there are 49 parking spaces for the commercial shopping center. Staff has conducted a parking evaluation of current businesses which operate within the existing shopping center. If the internet café is approved, a total of 65 parking spaces will be required for the site. A parking modification will be necessary or applicant will need to obtain a share parking agreement to meet parking requirements.

Mayor Pro Tem Ham opened the public hearing and the following person spoke after being properly sworn in:

Sean Kennan, 112 N. William Street, stated thank you for providing A&M Café this time and your consideration this evening. A&M Café is seeking a rezoning of the Barnes Jewelers building located at 502 Eastgate Drive from Shopping Center to General Business District as well as a conditional use permit. A7M Café is a minority owned business. It is an internet café that seeks to operate opening and legally in good standing with the City of Goldsboro and its neighbors. Previously, A&M Café operated without an inspection in an area not zoned for such businesses. A&M did not do this with the intention of flouting the rules or ordinances of the city but did so unknowingly. Mr. Ewais, operator, purposely selected the location, because it meets the setback conditions for businesses such as this from residentially zoned areas, churches, schools and other similar businesses. So while there was oversight on A&M's part it was not chosen without consideration of the City's ordinances and surrounding community. As you are all aware, rezoning to General Business merely expands the scope of the type of businesses that can operate in the building but does not limit in anyway the existing businesses or negatively impact the surrounding businesses. A&M Café wants to operate in the light and in the open. In the short period of time, A&M Café was operating, upon information and belief, there was never an occasion Goldsboro Police Department was summoned to the location. A&M Café has a good relationship with its neighbors and hopes to be a model for other internet cafes in Goldsboro and surrounding areas. Unlike many other businesses of its type, A&M Café is in a well-lit, high traffic area, not off the highway in a dark area, like other businesses one of which was just shut down for breaking the law. Mr. Ewais even enforces the Governor's mask mandate, which has profited a neighboring business that sells masks. There is one hurdle to the conditional use permit, and that is parking. The Barnes building has 49 parking spaces, based on city ordinance, 6.1.6 shared parking, and the Planning Committee's analysis there is a requirement for A&M to enter into a shared parking agreement with another property. We have contacted Berkeley Mall, who has informed us that they cannot enter into a shared parking agreement because they lease parking lot rights to their tenants and they do not allow their tenants to enter into parking lot agreements. I have sought a shared parking agreement with the vacant building behind the Barnes Building which is formerly Tractor Supply Company located at 2901 Cashwell Drive, however I am told they are in negotiations to lease that building so they are not currently willing to enter into an agreement at this time. However, I did learn the management of that building struggles to keep employees and patrons of the shopping center between it and Berkeley, 501 N. Berkeley Boulevard, from parking in its lot. I looked into that building at 501 N. Berkeley and which I understand was previously a general business district and was changed to shopping center. I counted it to have 100 parking spaces, it further has two sit down restaurants, Chipotle, Fire House Subs, a hair salon, Sport Clips, one large space that appears to be vacant, a nail salon, a smoothie place, a jewelry store and a retail vitamin shop. Now without a restaurant, the Barnes Jewelry Building requires 68, I believe the lady before me said 65, parking spots for A&M to operate. The building and its 49 spots were approved as multi-use purpose before the building was built. I am informed that there is not enough parking for my client to have a business when the only real issue on paper is the hour between 5:00 p.m. and 6:00 p.m. the one hour of overlap time between daytime use and evening use before the jewelry store, nail salon and hair salon close. If 49 spaces are not enough on paper for a jewelry store, a nail salon, a hair salon and an internet café with 18 machines; 100 spots cannot be nearly enough for a hair

salon, a nail salon, a jewelry store, another retail outlet, a smoothie bar and 2 sit down restaurants, one with a capacity of 57 seats and the other with 20 plus all their employees and the building isn't even full. The parking lot is. Now maybe that building has a shared parking agreement but on information they do not have it with 2901 Cashwell Drive and they do not have it will the mall. But I know that building and parking lot is tight and its full and those businesses are thriving or appear to be. And if that building has a shared parking agreement with the owners of the building that houses Aaron's Furniture, Its Fashion, then the patrons have to walk across Cashwell Drive, which would unnecessarily put our residents in danger because there is no crosswalk. In the interim, while A&M seeks to enter into a shared parking agreement with a nearby property owner, we are willing to decrease the number of machines slightly to a smaller number to decrease our parking requirements or close for cleaning between the hours of 5-6 when the greatest demand or cross-over for parking with other businesses occur. And as I stated A&M Café seeks to operate as a friend to the city and the city council and seeks to be a model for other internet cafes in Wayne County. It seeks to be an example and a model for other minority owned businesses. Mr. Ewais and his family operate A&M Tobacco in Fremont, which also has gaming machines, a smaller number, but there has not been a single instance where the Fremont Police Department has been summoned to that location. We see no reason why A&M Café cannot be a good neighbor in Goldsboro and too the surrounding community. Again, I think you for your time and consideration this evening, if you have any questions, I am more than happy to answer them. Additionally, Mr. Stephen Barnes, the manage of the building, is here along with other tenants and Mr. Ewais as well to show their support.

Councilmember Polack asked what the previous location was where he was operating before. Mr. Kennan stated A&M was not previously operating in another location, Mr. Ewais started the business here, he was trying to expand out of Fremont. Councilmember Polack asked did he physically operate. Mr. Kennan stated it did previously in this location the city notified him he was in violation of the ordinance and subsequently shut the power off.

No one else spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on April 5, 2021.

CU-3-21 New Hope Place Apartments (Multi-Family Dwellings) – North side of Cuyler Best Road between Oxford Boulevard and Glenda's Drive. The applicant requests a Conditional Use Permit for the construction of an 80-unit apartment complex located in the R-9 (Residential) zoning district.

According to the City's Unified Development Code, multi-family dwellings are a permitted use in the Residential (R-9) zoning district, however, a Conditional Use Permit approved by City Council is required for the construction of the apartment complex.

Frontage: 460 ft. (Thoroughfare Road)
Area: 13.9 Acres

In November of 2016, Goldsboro City Council approved site and landscape plans for the construction of 50 senior apartments directly west of the subject property and formally known as the Cuyler Springs Senior Living Community.

The property consist of woodlands.

The submitted preliminary site plan indicates four (4), three-story apartment buildings containing a total of 80 units. In addition, a community building is also being proposed on site.

Access to the site will be directly from Cuyler Best Road. Since Cuyler Best Road is a state-maintained road, NCDOT officials have been contacted and are requiring driveway permits, as well as, left and right turn lanes along Cuyler Best Road.

Parking for the site requires two spaces per unit plus .5 per bedroom over two. 18 of the 80 total units will be 3-bedroom units, 62 units will be 1 and 2-bedroom units. A total of 169 parking spaces are required and 169 spaces have been shown on the preliminary site plan.

The submitted site plan shows 5 ft. wide external sidewalks for the site, however, the developer has requested to pay a fee in lieu of in the amount of \$8,280 since the area is not recommended for sidewalks according to the City's Recommended Pedestrian Plan.

Internal concrete sidewalks are shown providing access to building entrances through sloped ramps and handicap accessible walkways.

A commercial lighting plan has not been submitted. Since the subject property is located adjacent to residentially-zoned and developed properties, the developer will be required to submit a lighting plan in compliance with the City's Commercial Lighting ordinance.

Interconnectivity has not been shown for the site. The developer is requesting a modification of the City requirement due to the nature of adjacent developments and their existing site conditions.

City water and sewer are available to serve the subject property. A portion of the property is located within special flood hazard areas known as the 100, 500-year floodplains, as well as, within the floodway. City Engineering will require approval of storm water calculations and drainage plans prior to issuance of any building permits.

Street trees have been provided along Cuyler Best Road. A Type A 10' wide landscape buffer is required along all property lines and vehicular surface area landscape requirements must be met. Staff is working with the applicant to ensure landscape requirements are met per the requirements of the City's Unified Development Ordinance.

Commercial dumpsters will be utilized for garbage collection and have been identified on the submitted site plans. Staff will ensure that dumpster corals are properly constructed and appropriately screened from off-site views in accordance with City standards.

Building elevations have been submitted and indicate the proposed buildings will be constructed of brick veneer and cedar-shake faux-vinyl siding. Roofing materials will be 30-year architectural shingles. Staff will ensure all multi-family development design standards are met per the requirements of the City's Unified Development Ordinance prior to issuance of any building permits.

The subject property is located outside the City limits. Since City utilities are located within 1,000 ft. of the site, the developer will be required to connect to City water and sewer, as well as, annex into the City limits.

Mayor Pro Tem Ham opened the public hearing and the following people spoke after being properly sworn in:

1. Ilene Henderson, 301 Tonya Drive, stated I'd like to take you down memory lane, maybe you remember this headline in the newspaper, April 3, 2018, the headline reads "Council Denies Apartments." I spoke that night on behalf of the people, I am the president of the homeowners association. I'd like to take you down, to see what's happened in almost three years, three years next month. We have had 6 or 7, 7 new homes in Glenda's Point built, 1 in Ole Farm, and we have had 50 apartments build, Cider Springs Senior living, that has increased a lot of things. What hasn't changed, Cuyler Best is a two-lane road, double line, no shoulder which to walk and there is a ditch. The other day I was doing some research, I was about three feet off the payment and a car missed me by about 18 inches. It was heavy, about 4:00, heavy traffic. I counted the cars and I wished the people from Martin Associates were here, because I did a little recon as well. I did the traffic count from 6:30-7:30. There were 86 cars in a 6-minute period. So over an hour there were 900 cars that passed Cuyler Best and Glenda's Point. That is pretty heavy in my book. There is no turn lane from one of the apartment buildings which will be next to the apartment building which that is being suggested today. I wanted you to know what

there have been no street lights, no sidewalks added, just the other day as I wrote one of the councilmembers here today, I was coming down Cuyler Best and I ran into a complete stop of traffic. A gentleman was trying to turn into the new Cuyler Best Apartments; there were 15 cars ahead of me. As I sat there, I thought about what if there was an emergency at that senior living apartment building that has just been opened. How would the ambulance get by, where would the cars go, traffic is coming, what if there is a fire. So, I thought about all these things, nothing has changed. I can't see a reason why the decision would be made to rezone this area, if nothing has improved. I couldn't clarify when the speaker was here, it is going to be three bedroom, is it senior living, anyone have the answer to that. It says three bedroom so I'm taking that as family, that's going to be a lot more cars, a lot more traffic. We need to be thinking about our seniors. In Ole Farm alone we have a lot of retirees and we have bicyclers, we have children walking and playing. We need to consider that. It is already a cut through from Glenda's Point down Tonya over to Harding, and it is going to get heavier if this is approved. Please give that consideration. Let me say that I hope the News Argus on April 6th will say it is denied again.

2. Mack Sullivan, 1550 Cuyler Best Road, stated I understand this is factual only, so I will keep it short. I understand 169 parking spaces will be going into this property and it is zoned currently for either single-family or multi-family. I would just encourage you strongly to have it as single-family use and not multi-family because 169 parking spaces would add additional traffic to that to that road. A road with absolutely no shoulder, ditches on either side, extremely dangerous. This is not a good solution for this property. Thank you.
3. Diane Sutton, 127 Oxford Drive, Oxford Square, stated I am the president of the HOA, before I came in here, I apologize, I was under the impression that I had done my homework and the neighbors had done their homework. I thought this was for rezoning. A lot of things may be stricken from the record, but I would like to speak our peace. We live in Oxford Square, it is a privately owned townhomes. It is a quite community, we have a lot of elderly, retired homeowners. We have a lot of older widowed ladies. We have 6 to 8 houses where their back porch, their back property line, is not but 6 or 8 feet from their line. There is not a berm or anything. We have drainage issues. We already have another housing development, Oxford Plantation, for some reason we were not made aware of it. We have had a lot of strangers coming from the apartments on Cuyler Best Road, to the left of us, coming through our neighborhood. We are built close together. We have strangers coming down the roads going to Oxford Plantation. We are just worried about drainage problems, buffer, property values, traffic. We are back there by ourselves to start with, when you go out of our driveway you have to wait for those from Oxford Plantation. Since the senior living, you have to wait 10 minutes. You are talking about putting in two more big apartment complexes. I have seen cars backed up from the stoplight at Pinewood all the way down to Oxford Boulevard. I just wanted to let you know we had close to 40 people sign petitions, we are worried about our elderly, our private neighborhood. We just don't want people running from one place to another.

Mayor Pro Tem Ham shared this is in his district. This item will go before the Planning Commission at a later date. Thank you for coming tonight. We will wait to see what develops.

4. Dani Remington, 114 Michelle Dawn Drive, stated I know you are all hearing a theme tonight, with the concerns of the New Hope residents, and the Cuyler Best residents, with the traffic, the infrastructure and I just wanted to address one other angle that concerns me. Specifically that of the tenants who currently living in the apartments along Cuyler Best. Many of whom do not have adequate or reliable transportation. These individuals are required to walk about a mile and a half along Cuyler Best, it is a busy two-lane road, no sidewalks, no street lights, ditches on either side to get to the nearest supermarket. Currently there is no public transportation available for them. If an individual is required to walk across this path, which I see regularly, it not only puts themselves in great danger, but it puts the drivers that are inevitably going to swerve into oncoming traffic in danger as well. Just a few months ago, I stopped and picked up a mom who was pushing a stroller with a toddler in it going over the pass, to Wal-Mart. A neighbor saw an elderly

man walking with grocery bags as well. I believe the same can be said of New Hope as well. There are certainly parts there is a really great walkway there, but it is not consistent enough that it will put them to the destinations that they need to go safely the whole time. Like Ilene Henderson said, many of these concerns were brought up in 2018 when a similar project was proposed, but we have not seen any changes to the roads since that time. As you can see tonight, many residents have a vested interest in these properties, and desire to see it developed. I wondered if businesses that could promote a more safe and easy access for the people there, would be a better thing. Basically, if we are going to continue with apartment developments we need to meet the demands that inevitably already in place. It confusing to me why we would rezoned properties, increase density and not match the infrastructure needs there. I was looking at the comp plan the other day, it said this planning effort will provide a creative and dynamic plan to guide the future long term growth and development of this rapidly growing urban area. I feel like we can clearly see this rapid development and it is going to be important to keep this perspective of long-term growth going. I really appreciate the demand for housing. I appreciate the city and developer that are pushing the demand that is needed. I just feel that as the growth continues it just needs to be done in conjunction with proper infrastructure as well. We need to focus our considerations on the safety of the current residents and future residents. Thank you.

5. Dustin Mills, 631 Dickinson Avenue, Greenville, NC, stated members of the council, thank you for the opportunity to speak tonight. As I know this is a quasi-judicial hearing I'm going to try to limit my input to findings and facts we can provide. I am representing the purchaser of the property, Surber Development. Surber Development is purposing an 80 unit, multi-family development on the purposed site. And I think its worth pointing out the earlier hearings, the one for rezoning, this is not one for rezoning, we are asking for your consideration to allow for development that is by right, based on the existing zoning. So this is a conditional use request that I know you are aware of, but I thought that was worth pointing out. We are only trying to develop what is allowed under the present zoning that is the on the site right now. A couple of things that I think are worth pointing out, is the site is 13.9 acres and I think that is important to talk about just a minute because under the present zoning classification, up to based on the city of Goldsboro's zoning requirements, up to 133 units are allowed under the zoning classification, and that presently exists today. And so we come here before you tonight, for your consideration in thinking about the fact we are proposing is significantly less than what is allowed under the rezoning, under the present zoning classification at 80 units versus 130 units. When you look at 80 units on a per unit basis, that's 5.75 units per acre. That's almost as low as most every single family neighborhood outside of the urban infill outside the urban environments we live in. That's extremely low density compared to most multi-family and we thought that was worth bringing to your attention. The site itself is surrounded primarily by multi-family, either through traditional multi-family or duplex homes and our closest building, the corner of the building that is closest to any of the duplex homes is 200 feet way from the closet building on our site plan, so we wanted to provide that. Because this is a quasi-judicial hearing and we have to have findings of fact, it is a fact that the site plan meets the municipal standard. Staff has confirmed that. It's worth pointing out that we are in compliance with the comprehensive plan as well. And in questioning, is this use with the harmony of surrounding uses, I wanted to go back real quickly to the fact this is multi-family that will be surrounded by multi-family. This is new construction there is older multi-family homes, some duplexes that are catty-corner to this site. We think this would be a tremendous asset to the community for working class individuals. Traffic is always a concern, as a developer we recognize that is an issue, it is sometimes a necessary evil, when it comes to development. I will tell you that in most cases, based on our experience as a property owner the residents that live in our community are from the community. We are not bringing folks down roads who are not using them to go to the grocery store or to the schools. There was some antidotal evidence offered earlier that there were 900 cars. We didn't have the ability to provide a traffic study because we were not asked to. Typically, when you look at traffic analysis, it needs to be done in the form of a study and offered into formal evidence. We recognize traffic will increase so from where we stand, we recognize traffic will increase when there is more activity in that particular property. NCDOT will require this development to have a right turn lane, what's called a decal lane, and a center turn lane,

which is your left turn lane, so that it allows for safe passage and several of the residents here on this case and the previous cases tonight that were multi-family, did mention the fact there was back-up. I can tell you that when DOT looks at a new development they will take that into consideration and as Mr. Morgan said in the initial two hearings, they will require that the developer meets all the criteria from DOT for them to determine that it allows for ingress and egress and so we are here representing that we will meet all the NCDOT requirements which we do firmly anticipate will be a decal lane and a left turn lane which widens the area of the road which may address some of the shoulder concerns residents mentioned tonight. There were some comments earlier that was not really findings of fact like this is a quiet neighborhood, strangers coming through the development. We can't control that but we can tell you that our community is a privately held community owned by our organization and we feel strongly it is an investment. We are proud of the development that we invest in and we make every effort to be an asset in the community, with that I will bring my comments for a close. I believe we have found findings of fact and we hope that you will consider those facts in relation to some other antidotal facts here tonight. I am available for questions if there are any.

6. Tracey Benton, 1598 Cuyler Best Road, stated I am definitely opposed to any multi-family homes being built any more. We already have multi-family homes across the street from us. I don't know anybody in this room that wants 80 families living across the street from them. I just don't. I understand they are in a business and that is what they do. I also heard him say he lives in Greenville so he has no idea about our neighborhood, no idea about traffic that backs up all the way up New Hope Road. All the way back. It doesn't matter if they put a turning lane in there, where they are talking about. That is not going to help the back-ups that are already there. The facts are, I'm in my yard, picking up trash from the multi-family homes that's already across the street from us. I guess they throw their trash out before they go home. Every day, every day that goes by I'm not out there cleaning up, trying to keep our place looking respectable. So, I just wanted to say that I am opposed.
7. Grace Sullivan, 1550 Cuyler Best Road, stated so that is right across the street. I am just another voice just saying the traffic backs up, all the way up, so a turn lane wouldn't matter. It's backed all the way up and we already have a retirement center, elderly residential place. We already around the corner there is a nursing home. We have multiple apartment dwellings, so we are saturated. You know I hear the comment that our community, Wayne County needs more apartments, more rental properties, more retirement places and maybe we do and I am happy we have what we have but we have enough on our street. We are saturated, we don't need any more on that street, so... that's it.

No one else spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on April 5, 2021.

Planning Commission Excused.

Public Hearing and Approval of a Resolution Authorizing Issuance and Sale of Multifamily Housing Revenue Bonds to Finance the Acquisition, Rehabilitation and Equipping of the Grand at Day Point Apartments. Public Hearing Held. On November 16, 2020, the City Council adopted a resolution giving preliminary approval to the issuance by the City of multifamily housing revenue bonds to finance the acquisition and rehabilitation by GDP Housing Partners, LP (the "Company") of The Grand at Day Point Apartments. The Company has received approval and an allocation of bond volume cap for the project from the North Carolina Housing Financing Agency and anticipates closing on the financing for the project in April. In order to complete the process for the issuance of the bonds, the City Council must now hold a public hearing as required under Section 147(f) of the Internal Revenue Code, and adopt a resolution approving the issuance and sale of the bonds and the execution of the documents for the bonds.

The Company has requested that the City assist it in financing the acquisition, rehabilitation and equipping of a 160-unit multifamily residential rental development known as The Grand at Day Point Apartments located at 2300 Day Circle in the City (the “Development”), and the City has agreed to do so.

The City proposes to provide the financing for the Development by the issuance of its multifamily housing revenue bonds, to be designated Multifamily Housing Revenue Bonds (The Grand at Day Point), Series 2021, in the aggregate principal amount not to exceed \$14,000,000 (the “Bonds”).

The Internal Revenue Code of 1986, as amended, requires that any bonds issued by the City for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan.

1. The City hereby determines to provide financing to the Company for the acquisition, rehabilitation and equipping of the Development through the issuance of the Bonds pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended, and Section 160D-1311(b) of the General Statutes of North Carolina, as amended, the loan of the proceeds thereof and the deposit of such proceeds with the Trustee in accordance with the Indenture and the Loan Agreement.
2. The City hereby authorizes the issuance and sale of the Bonds pursuant to the Indenture and in accordance with the terms set forth in the Bond Purchase Agreement and the Indenture. The Bonds will bear interest at the rates and will mature, be subject to mandatory tender and be redeemed in the years and amounts all as set forth in the Indenture; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$14,000,000.
3. The issuance of the Bonds to finance a portion of the cost of the Development in an amount not to exceed \$14,000,000 is hereby approved for purposes of Section 147(f) of the Code.

The notice of public hearing was published in the Goldsboro News-Argus as required by law. The form of the resolution to be adopted by the City Council is attached.

Fiscal Note:

The City will have no legal responsibility or liability whatsoever for the payment of principal or interest on the proposed Bonds, and the Bonds will not affect the City’s debt ratios or legal debt limits. The Company will pay the City an issuance fee for issuing the Bonds and will also pay all costs incurred by the City in connection with the Bonds.

Mayor Pro Tem Ham opened the public hearing and the following people spoke:

1. Kristen Kirby with McGuireWoods LLP spoke in favor of the request. The City has no responsibility for the repayment of the bonds. The bonds will be paid by the developer.
2. Bryan Hartnett, President for AHI, spoke in favor of the request.

Councilmember Matthews asked if the renovations would have any impact on rent for current residents. Mr. Hartnett stated no we have rent restrictions in place and will remain in effect for at least 15 years but probably much longer.

Mayor Pro Tem Ham asked about the relocation of families during the renovation of process. Mr. Hartnett shared it would be considered a work in place, they would be requested to come out for about 8 hours a day. There would be a place for them onsite if they are not at work.

Councilmember Polack asked if the firm invested in single-family homes. Mt. Hartnett stated no sire, we invest in multi-family only.

No one else spoke and the public hearing was closed.

Upon motion of Councilmember Aycock, seconded by Councilmember Polack and unanimously carried Council adopted the following entitled resolution authorizing the Issuance and Sale of Multifamily Housing Revenue Bonds to Finance the Acquisition, Rehabilitation and Equipping of the Grand at Day Point Apartments.

RESOLUTION 2021-17 “RESOLUTION AUTHORIZING ISSUANCE AND SALE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE ACQUISITION, REHABILITATION AND EQUIPPING OF THE GRAND AT DAY POINT APARTMENTS”

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. Mr. Salmon reminded Council Item M. Authorization of an Agreement with Goldsboro Football Club Youth Academy was tabled until the next meeting. Mayor Pro Tem Ham moved the items on the Consent Agenda, Items G, H, I, J, K, L, N and O be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Broadway. A roll call vote resulted in Mayor Pro Tem Ham, Councilmembers Jones, Broadway, Polack and Aycock voted in favor of the motion. Councilmember Matthews voted against the motion. The motion carried 5:1. The items on the Consent Agenda were as follows:

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 102 Bright Street to Melissa Gill. Resolution Adopted. Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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

102 Bright Street

Offeror: Melissa Gill

Offer: \$4,380.00

Bid Deposit: \$219.00

Parcel #: 51482

Pin #: 3509245364

Tax Value: \$5,470.00

Zoning: R6

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a cashier's check.

The City Council voted during the work session to accept the offer on 102 Bright Street.

It was recommended the City Council accept offer on 102 Bright Street and if accepted, adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1Nay)

RESOLUTION NO. 2021-18 “RESOLUTION AUTHORIZING UPSET BID PROCESS(102 Bright Street)”

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 1005 S. Slocumb Street to Melissa Gill. Resolution Adopted. Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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

1005 S. Slocumb Street

Offeror: Melissa Gill

Offer: \$2,315.00

Bid Deposit: \$115.75

Parcel #: 50078

Pin #: 3509006837

Tax Value: \$4,660.00

Zoning: R-6

The offer fails to meet the minimum 50% of the tax value of the property by \$15.00. The bid deposit of 5% has been received in the form of a cashier's check.

The City Council voted during the work session to accept the offer on 102 Bright Street.

It is recommended the City Council accept the offer on 1005 S. Slocumb Street and if accepted, adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1Nay)

RESOLUTION NO. 2021-19 "RESOLUTION AUTHORIZING UPSET BID PROCESS (1005 S. Slocumb Street)"

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 414 N. Carolina Street to Tonisa Evans. Resolution Adopted. Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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

414 N. Carolina Street

Offeror: Tonisa Evans

Offer: \$770.00

Bid Deposit: \$38.50

Parcel #: 47429

Pin #: 2599787392

Tax Value: \$1,540.00

Zoning: R-6

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a personal check.

The City Council voted during the work session to accept the offer on 414 N. Carolina Street.

It is recommended the City Council accept the offer on 414 N. Carolina Street and adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1 Nay)

RESOLUTION NO. 2021-20 "RESOLUTION AUTHORIZING UPSET BID PROCESS (414 N. Carolina St)"

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 510 Wilmington Avenue to James Blount. Resolution Adopted. Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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

510 Wilmington Avenue

Offeror: James Blount

Offer: \$1,350.00

Bid Deposit: \$67.50

Parcel #: 50118

Pin #: 3509012256

Tax Value: \$2,700.00

Zoning: R-6

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a cashier's check.

The City Council voted during the work session to accept the offer on 510 Wilmington Avenue.

It is recommended the City Council accept offer on 510 Wilmington Avenue and adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1 Nay)

RESOLUTION NO. 2021-21 "RESOLUTION AUTHORIZING UPSET BID PROCESS (510 Wilmington Ave)"

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 700 Rudolph Street to Ronald L. James. Resolution Adopted. Staff has received an offer to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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

700 Rudolph Street

Offeror: Ronald L. James

Offer: \$3,000.00

Bid Deposit: \$150.00

Parcel #: 53688

Pin #: 3509661609

Tax Value: \$5,940.00

Zoning: R-6

The offer is at least 50% of the tax value of the property. The bid deposit of 5% has been received in the form of a business check.

The City Council voted during the work session to accept the offer on 700 Rudolph Street.

It is recommended the City Council accept on 700 Rudolph Street and if accepted, adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1 Nay)

RESOLUTION NO. 2021-22 "RESOLUTION AUTHORIZING UPSET BID PROCESS (700 Rudolph St)"

Accept or Reject Initial Bid and Authorize Finance to Advertise for Upset Bids for 1003 N. George Street to Edna Burns. Resolution Adopted. Staff has received two offers to purchase city/county owned property. Council must either accept or reject the offer, and if accepted authorize advertisement for upset bids (G.S. 160A-266 and 160A-269).

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))**

1003 N. George Street

Offeror: Melissa Gill

Offer: \$2,020.00

Bid Deposit: \$101.00

Parcel #: 48992

Pin #: 2690902685

Tax Value: \$4,040.00

Zoning: R-6

Offeror: Edna Burns

Offer: \$2,100.00

Bid Deposit: \$220.50

Parcel #: 48992

Pin #: 2690902685

Tax Value: \$4,040.00

Zoning: R-6

Both offers are at least 50% of the tax value of the property. Both bid deposits are 5% has been received in the form of a cashier's and a personal check.

The City Council voted (5:1) during the work session to accept the offer on 1003 N. George Street from Ms. Barnes.

It is recommended the City Council accept offer on 1003 N. George Street from the higher bidder of \$2,100.00 from Ms. Edna Burns and adopt the following entitled resolution authorizing Finance to advertise for upset bids. Consent Agenda Approval. Ham/Broadaway (5 Ayes: 1 Nay)

RESOLUTION NO. 2021-23 "RESOLUTION AUTHORIZING UPSET BID PROCESS (1003 N. George St)"

Goldsboro Tourism Council Appointment. Resolutions Adopted. Ms. Elba Gutierrez was appointed to the Tourism Council as an hotelier on July 16, 2021 with her term to expire on December 31, 2022. Ms. Gutierrez has resigned effective January 27, 2021.

Mr. Tyrone Barrett has submitted an application to serve on the Goldsboro Tourism Council. The Goldsboro Tourism Council (GTC) and the Wayne County Tourism Development Authority (WCTDA) have recommended Mr. Barrett to fill the unexpired hotelier term left by Ms. Gutierrez's resignation.

It was recommended Council adopt the following entitled Resolutions:

1. Appointing Mr. Tyrone Barrett to the Goldsboro Tourism Council.
2. Commending Ms. Elba Gutierrez who has served on the Goldsboro Tourism Council. Consent Agenda Approval. Ham/Broadaway (5 Ayes:1 Nay)

RESOLUTION NO. 2021-24 "RESOLUTION APPOINTING A MEMBER TO AN ADVISORY BOARDS AND COMMISSION"

RESOLUTION NO. 2021-25 "RESOLUTION COMMENDING AN INDIVIDUAL WHO HAS SERVED ON THE GOLDSBORO TOURISM COUNCIL OF THE CITY OF GOLDSBORO AND DIRECTING THE MAYOR ON BEHALF OF THE CITY COUNCIL TO PRESENT THE INDIVIDUAL WITH A CERTIFICATE OF APPRECIATION"

Departmental Monthly Reports. Accepted as Information. The various departmental reports for February 2021 were submitted for the Council's approval. It was recommended Council accept the reports as information. Consent Agenda Approval. Ham/Broadaway (5 Ayes: 1 Nay)

End of Consent Agenda.

City Manager's Report. Mr. Salomon stated the American Rescue Plan (ARP) approved by the U.S. Congress and President includes \$130.2B for local governments. The City of Goldsboro will receive \$8.75M from the U.S. Treasury—half is expected within the next 45-60 days and the other half the following year; U.S Treasury spending guidance is expected soon. The ARP authorizes use of funds until Dec 31, 2024 for: 1) COVID public health or negative economic impacts; 2) premium pay to essential employees; 3) provision of government services due to reduction in revenue (relative to FY18-19); 4) waste water, water, or broadband infrastructure. Staff will develop recommendations for Council consideration and direction. Please contact me with any questions or input you have. The Planning Director along with the Public Information Officer will coordinate with the NC DoT, staff, and volunteers to take part in the "Spring Litter Sweep" Apr 17. Several of the boards and commissions have been meeting remotely, some may begin meeting in person as appropriate now that the latest executive order has increased indoor mass gatherings.

Mayor and Councilmembers' Reports and Recommendations.

Resolution Expressing Appreciation for Services Rendered by Cleveland Davis Jr. as an Employee of the City of Goldsboro for More Than 20 Years. Resolution Adopted. Cleveland Davis Jr. retires on April 1, 2021 as an Equipment Operator with the Public Works Department of the City of Goldsboro with more than 20 years of service. Cleveland began his career on September 6, 2000 as a Laborer II at the Golf Course with the Parks and Recreation Department. On August 14, 2002, Cleveland was transferred to the Sanitation Division as a Laborer II with the Public Works Department. On May 21, 2003, Cleveland was transferred to Water Meter Reader with the Finance Department. On March 28, 2007, Cleveland was promoted to Water Meter Reader Service Technician with the Finance Department. On September 24, 2014, Cleveland was promoted to Equipment Operator with the Public Works Department where he has served until his retirement. Cleveland 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 Cleveland Davis 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 to Cleveland our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Upon motion of Councilmember Polack, seconded by Councilmember Broadway and unanimously carried, Council adopted the following entitled Resolution.

RESOLUTION NO. 2021-15 “RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY CLEVELAND DAVIS JR. AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 20 YEARS”

Resolution Expressing Appreciation for Services Rendered by Timothy Irving as an Employee of the City of Goldsboro for More Than 15 Years. Resolution Adopted. Timothy Irving retires on April 1, 2021 as the Cemetery Superintendent with the Public Works Department of the City of Goldsboro with more than 15 years of service. Timothy began his career on March 8, 2006 as a Motor Equipment Operator II in the Cemetery Division with the Public Works Department. On December 19, 2007, Timothy was promoted to Cemetery Assistant Equipment Operator II in the Cemetery Division with the Public Works Department. On December 2, 2009, Timothy was promoted to Cemetery Superintendent in the Cemetery Division with the Public Works Department where he has served until his retirement. Timothy 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 Timothy Irving 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 to Timothy our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Upon motion of Councilmember Aycock, seconded by Councilmember Jones and unanimously carried, Council adopted the following entitled Resolution.

RESOLUTION NO. 2021-16 “RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY TIMOTHY IRVING AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 15 YEARS”

Councilmember Broadway read the following Proclamation:

Proclamation – Month of the Military Child. Mayor Pro Tem Ham proclaimed April 2021 as the “Month of the Military Child” and April 16th as Purple Up Day for Wayne County Public Schools. We encourage all school personnel and City of Goldsboro residents to recognize the contributions of our military families and to celebrate the spirit of military children across our city and nation by wearing purple on April 16th as an outward symbol of appreciation for our youngest heroes.

Councilmember Matthews read the following Proclamation:

Proclamation – Positive Parenting Awareness Month. Mayor Pro Tem Ham proclaimed April 2021 to be the 1st Annual Positive Parenting Awareness Month in the City of Goldsboro and commended this observance to the people of this city.

Councilmember Jones stated going along with the proclamation, I urge our citizens to raise child awareness in the area of child abuse. I ask that you speak in your community, in the schools and where you worship informing them on how important it is a child feels supported, safe and lives in a nurturing environment. April is child abuse awareness, let's work together to make our community aware.

Councilmember Broadway stated I would like to thank everyone who came out tonight. I am glad to be back in this building, thank you to staff.

Councilmember Polack stated I would like to encourage everyone to continue to be safe during this pandemic even though many have received the shots, we still need to be cautious and not run back into things full throttle. As I told my students today, it is like benefiting from the results of exercise and healthy eating to accomplish weight loss goals and suddenly reverting back to an unhealthy lifestyle overnight once you have reached your projected goals. I also want to pray for all the families that have been affected, pray that they have God's covering and pray we can resume back to normal in a safe manner. I also want to recognize women and happy Women's Month.

Councilmember Matthews stated so I mentioned a couple weeks back I was planning an event for District 4. I am excited that it is steadily approaching so I want to invite the Council along with the entire community to join me on March 27th for a drive by parade, which I have called the Parade of Love for Poplar Street Apartments. Poplar Street Apartments are for the senior population, ages 62 and older, and they are tucked away so beautifully in District 4, sometimes I don't think people know they are back there. I want them to know they are thought about, they are cared for, and they are loved. So, you can safely participate by staying your vehicles, you can honk, wave, cheer. Each resident will get a grab bag provided by United Way and a special note from their Councilwoman. I will be posting official flyer tomorrow on my official Facebook page. I hope you will join me on March 27th at 2:00 p.m.

Councilmember Aycock shared information relating to an upcoming event: Fighting For Freedom, Black Soldiers of the Civil War the 156th Anniversary, The 135th United States Colored Troop Their Story Told By: Deborah Richardson Jones, Lt Col (Ret), USAF Hear Her Ancestry Connection. A troop that started as part of the Pioneer Corps with Major General William T. Sherman and then organized into it's own regimental unit in Goldsboro, NC March 27, 1865. The event is hosted by The Wayne County Museum and will be held on Saturday, March 27th, 2021 at 1:00 pm, at 116 North William Street, Goldsboro, NC.

Mayor Pro Tem Ham stated this is the first time we have been back in Council Chambers, it was made possible by staff and did it in a very quick amount of time. It came together very well. We look forward to coming back and eventually opening up as we were before. As I mentioned before the Mayor has taken a leave of absence, we all want to wish him well and wish him the best. Hopefully, he can we back with us soon. He has served this city for 21 plus years now, in addition to creating and running a business and educating his family. There is no question that he was a committed servant to this city. I know it breaks his heart he can not be here tonight. Hopefully, he will be back soon.

The meeting adjourned at 9:41 p.m.

David Ham
Mayor Pro Tem

Melissa Capps, MMC/NCCMC
City Clerk

**MENTAL HEALTH MONTH
PROCLAMATION**

WHEREAS, Mental health is essential to everyone's overall health and well-being; and

WHEREAS, All Americans experience times of difficulty and stress in their lives; and

WHEREAS, Prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, There is a strong body of research that supports specific tools that all Americans can use to better handle challenges and protect their health and well-being; and

WHEREAS, Mental health conditions are real and prevalent in our nation; and

WHEREAS, With effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, Each business, school, government agency, health care provider, organization and citizen shares the burden of mental health problems and has responsibility to promote mental wellness and support prevention efforts.

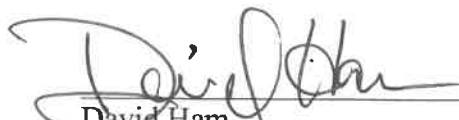
NOW, THEREFORE, I, Mayor Pro Tem Ham, do hereby proclaim May 2021 as

MENTAL HEALTH MONTH

in Goldsboro, North Carolina. As Mayor Pro Tem, I call upon the citizens, government agencies, public and private institutions, businesses and schools in Goldsboro to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Goldsboro, North Carolina, to be affixed on this 3rd day of May, 2021.




David Ham
Mayor Pro Tem

***NATIONAL DAY OF PRAYER
 PROCLAMATION***

WHEREAS, Civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, The Declaration of Independence, our first statement as Americans of national purpose and identity, made “the Laws of Nature and Nature’s God” the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, Created in 1952 by a joint resolution of the United States Congress, and signed into law by President Harry S. Truman, the mission and purpose is to encourage prayer for our country and personal repentance; and

WHEREAS, In 1988, legislation setting aside the first Thursday in May of each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U.S. Congress themselves begin each day with prayer; and

WHEREAS, This year, Wayne County United in Prayer is hosting its annual local National Day of Prayer event; and

WHEREAS, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens.


NOW, THEREFORE, I, David Ham, Mayor Pro Tem of the City of Goldsboro, North Carolina, do hereby proclaim Thursday, May 6, 2021 as

A NATIONAL DAY OF PRAYER

in observance of the National Day of Prayer in the City of Goldsboro, North Carolina, and commend this observance to our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Goldsboro, North Carolina, this 3rd day of May, 2021.




 David Ham
 Mayor Pro Tem

CITY OF GOLDSBORO
AGENDA MEMORANDUM
May 3, 2021 COUNCIL MEETING

SUBJECT: FY21-22 Annual Action Plan and Recommended Budget/Public Hearing

City Council action is needed to accept FY21-22 allocation of funds by the United States Department of Housing and Urban Development (HUD) from the Community Development Block Grant (CDBG), and Home Investment Partnership (HOME) Program, and Community Development Block Grant COVID-19 (CDBG-CV) Program. In addition, City Council must approve the FY21-22 Annual Action Plan and budget recommendations in preparation for HUD's submission deadline on May 15, 2021.

BACKGROUND: HUD has awarded \$349,980 in CDBG and \$250,738 in HOME funds to the City of Goldsboro for use to develop viable urban communities by providing decent housing, suitable living environment, and expanding economic opportunities, mainly for persons of low-to-moderate income. The City was awarded \$220,749 in CDBG-CV (pandemic relief funds) to mitigate the ongoing impacts and fund recovery from the COVID-19 pandemic. This second award of CDBG-CV requires an amendment to previous plans, the process for which has occurred concurrently with the AAP process. Additionally, the City will have available approximately \$174,804 in prior year CDBG funds and \$665,062 in prior year HOME funds (prior year balances as of April 23, 2021).

Due to the restrictive use of funds placed on the HOME program to focus on projects and/or activities designed exclusively to create affordable housing for low-income households, the City has historically each year carried over a substantial amount of prior years' HOME funds when it has not undertaken large development projects. Staff has developed a plan to responsibly spend these funds in the upcoming fiscal year.

DISCUSSION: A thirty-(30) day comment period was held April 5, 2021 to May 7, 2021 with public meetings held March 25, 2021 and during the regularly scheduled April 13, 2021 meeting of the Commission on Community Relations and Development to discuss priorities and recommended budget for FY21-22 program year. On May 3, 2021 during the City Council's Regular Meeting, staff will provide the City Council with a presentation of the draft FY21-22 Annual Action Plan and budget recommendations. In addition, a public hearing was held during the regular meeting to gather public

input on the use of federal funds. All public meetings and hearings, as well as the availability of draft plans for public review and comment, were duly advertised in the Goldsboro News Argus as well as on the City's website.

Three citizens provided their input during the March 25, 2021 regarding restructuring CDBG and HOME funds within the recommended budget as it related to transitional housing, rehabilitation, and public services. No additional public comments were received during the April 13, 2021 public meeting. To date staff has received three written comments from non-profit stakeholders regarding Community Development Housing Organization (CHDO) funds, a desire for more transparency in the sub-granting process, and a desire to have a housing plan that is more detailed than the Consolidated Plan and Annual Action Plan. Comments will be incorporated into the final submission of the FY21-22 Annual Action Plan. During the Commission on Community Relations and Development meeting of April 13, 2021, staff provided a preliminary presentation on the draft FY21-22 Annual Action Plan and budget recommendations.

The 2021-2022 Annual Action Plan is the second year of implementing the Five-Year Consolidated Plan for 2020-2024. A summary of the 2021-2022 drafted Annual Action Plan proposed activities and use of funds is included below. Accomplishments will be reported in the CAPER.

RECOMMENDATION: By motion, accept FY21-22 allocation of funds by HUD from the CDBG, CDBG-CV, and HOME Programs and

1. Approve the FY21-22 Annual Action Plan and budget recommendations presented during City Council's Regular Meeting of May 3, 2021 in preparation for HUD's submission deadline on May 15, 2021.
2. Authorize the Mayor and staff to execute and file the Annual Action Plan, along with the required Certifications, the SF-424, and Grant Agreements that are required to receive CDBG, CDBG-CV and HOME funding for and on behalf of the City of Goldsboro, and to make necessary changes to those documents where required by HUD.

Date: 4-29-2021

Delecia D. Williams, MS/CP
Interim Community Relations Director

Date: 4/29/21

T. J. L.
City Manager

Summary of the City of Goldsboro 2021-2022 Annual Action Plan – Draft

EXECUTIVE SUMMARY (91.220 (b))

The City of Goldsboro is an Entitlement City according to the U.S. Department of Housing and Urban Development (HUD) criteria. Accordingly, the City receives annual allocations of funds for housing and community development projects under the Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs. As an Entitlement City and as a prerequisite to receive funding, the City of Goldsboro is required to conduct a comprehensive assessment of its housing and community needs and to present a Five-Year Consolidated Plan in a detailed format prescribed by HUD. A yearly Action Plan is required for each of the five years of the City's Consolidated Plan. This is the second year of the City's Five-year Consolidated Plan (2020-2024), which covers July 1, 2021 through June 30, 2022.

The City of Goldsboro Annual Action Plan serves two purposes. First, the Action Plan is a local strategic plan to address needs in the areas of community development, economic development, housing, education, poverty, healthcare, infrastructure, and homelessness. Second, the Action Plan serves as the grant application for projects funded under the CDBG and HOME programs and several other federal programs require that funding applications be consistent with an approved Consolidated Plan.

The Annual Action Plan is integrated with contributions from individuals, community groups, public forums, and inter-governmental/departmental discussions during the planning process. Staff regularly attended community group and association meetings in the City limits throughout the year, which created partnerships, maintained meaningful and productive relationships in the community, and enhanced the Department's ability to develop responsive and relevant programs. The top priorities and goals determined in the 2021-2022 Action Plan include the following:

- ✓ Rehabilitation of owner-occupied single-family units
- ✓ Improving and/or preserving communities in danger of slum and blight conditions
- ✓ Construction of affordable housing through CHDO Activities and support of other affordable housing developers
- ✓ Providing homebuyer assistance for first-time homebuyers
- ✓ Supporting projects or programs by non-profit organizations or for-profit corporations that benefit low-to-moderate-income (LMI) residents of the City
- ✓ Making public facilities improvements (i.e. building a universally accessible playground.)
- ✓ Eliminating hazardous materials in dwellings assisted with federal funds
- ✓ Affirmatively furthering fair housing through administration of grants
- ✓ Addressing the impacts of the COVID-19 pandemic
- ✓ Developing a long term, comprehensive Housing Plan that affirmatively furthers fair housing goals and results in expansion of housing options for low, moderate, and middle-income residents of Goldsboro.

RESOURCES (91.220 (c) (1) and (c) (2))

The City anticipates FY 2021-2022 allocations to be **\$348,980** in CDBG funds and **\$250,738** in HOME funds. The City has been awarded **\$220,749** in CDBG-CV funds which are incorporated in this AAP. Additionally, the City will have available approximately **\$174,804** in prior year CDBG funds and **\$665,062** in prior year HOME funds (prior year balances as of April 23, 2021). The City will be requesting a 100% HOME Match Reduction for FY21-22 from HUD. Therefore, the City may not be required to provide local matching funds for FY21-22 HOME allocation. At least **70%** of all CDBG funds spent will meet the low-moderate-income (LMI) benefit test within a three-year period as required.

ANNUAL OBJECTIVES/ACTIVITIES (91.220 (c) (3))

ACTIVITY	CDBG	HOME	CDBG-CV	URGENT REPAIR	PROGRAM INCOME		PRIOR YEAR FUNDS (As of 4-23-21)		TOTAL RESOURCES
					CDBG	HOME	CDBG	HOME	
Single Family Housing		185,000						65,000	250,000
Homebuyer Assistance								60,000	60,000
Public Facilities & Improvements	150,000						50,000		200,000
Public Services	52,347						52,661		105,008
Project Delivery	20,000								20,000
Multifamily Development								500,000	500,000
CHDO Activity		37,611				1,920		35,553	75,084
Economic Development							30,000		30,000
Program Administration	69,796	25,074	44,150						139,020
Local Home Match	The City anticipates receiving a HOME Match Reduction Waiver of 100% (\$25,074)								0
Urgent Repair Program	50,000			100,000					150,000
Pandemic Recovery			176,599						176,599
Total Allocations	\$342,143	\$247,685	\$220,749	\$100,000	\$0	\$1,920	\$132,661	\$660,553	\$1,705,711

Activity Line Item Explanation:

- Single Family Housing** has been allocated \$250,000 of HOME funds to award as loans and or grants to one or more developer applicants through a competitive RFP process in Spring 2022. These funds will support construction or rehabilitation of at least five (5) single family homes for purchase by LMI home buyers.
- Housing Rehabilitation** has been allocated \$50,000 of CDBG program funds and \$20,000 CDBG project delivery funds to support the anticipated \$100,000 from the Urgent Repair Program inspection costs to assist very-low and low-income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modification and other repairs necessary to prevent displacement.

Combining CDBG with URP will allow the City to assist additional homeowners and make additional repairs beyond which URP program funds will allow.

3. **Homebuyer Assistance** has been allocated \$60,000 of FY21-22 HOME funds to provide direct-subsidy assistance to low -mod income individuals and families to become homebuyers and increase the supply of affordable housing. These funds will provide at least 3 homebuyers with down payment assistance.
4. **Public Facilities & Improvements** has been allocated \$150,000 of FY21-22 CDBG and \$50,000 of Prior Year CDBG funds to be utilized towards the debt service of the WA Foster Center (\$150,000) and (\$50,000) to develop a universally accessible playground. City staff will pursue additional funds to complete the approximate \$100,000 cost of the new playground.
5. **Public Services** has been allocated \$52,347 of FY21-22 CDBG funds and \$52,660 of FY20-21 funds to strengthen communities by addressing the needs of specific populations through funding projects or programs by non-profit organizations or for-profit corporations that meet CDBG program national objectives as identified by HUD and benefit LMI residents of the City. Due to the delayed approval of the current fiscal year allocation, CDBG Public Services in the amount of \$52,660 was not awarded to subrecipients this year. Funds will be combined for a total of \$105,007 which will be awarded competitively based upon an application process undertaken in the first quarter of FY 21-22.
6. **Project Delivery** has been allocated \$20,000 of FY21-22 CDBG funds to support the delivery of single-family rehab activities, including contract project management and environmental review services.
7. **Community Housing Development Organizations (CHDO) Activity** has been allocated \$37,611 of FY21-22 HOME CHDO Reserve, \$1,920 of HOME Program Income, and \$35,553 of HOME FY20-21 CHDO Reserve funds to projects that are owned, developed, or sponsored by a nonprofit that qualifies as a CHDO as defined at 24 CFR §92.2. Types of development activities: projects that involved acquisition, rehabilitation, and/or new construction of housing for sale or rent to low-income families. Due to the delayed approval of the current fiscal year allocation, HOME CHDO Reserve funds in the amount of \$35,553 was not awarded to subrecipients this year.

As previously stated, \$60,000 is proposed to be allocated to Homebuyer Assistance for at least three eligible LMI individuals or families as down payment assistance to purchase a new or substantially renovated home. It is anticipated that these homebuyers will purchase homes developed by a CHDO.

8. **Economic Development** has been allocated \$30,000 of CDBG Prior Year funds to support the City of Goldsboro Summer Youth Employment Initiative Program (SYEI) during the summer of 2022. As part of the SYEI program, youth employees will work for six weeks within one of two designated track sessions for sixteen (16) hours per week. In previous years, training was provided by Wayne Community College to enhance youth employees' workforce readiness and financial literacy skills. Excursions included Meet & Greet, Industry & Business Tour facilitated by Wayne County Development Alliance, and a Day Visit to Beaufort. Staff will work with WCC and other interested community stakeholders to design the 2022 program.
9. **Program Administration** has been allocated funds of \$69,796 of FY21-22 CDBG (20% HUD cap), \$44,150 of CDBG-CV (20% HUD cap) and \$25,074 of HOME FY21-22 (10% HUD cap) to be utilized for administrative costs that are necessary for program planning and management of the CDBG and HOME programs/activities. These costs include staff salary, benefits, training, and consultants engaged in planning and program support.

10. **Urgent Repair Program** City of Goldsboro will apply for \$100,000 from the North Carolina Housing Finance Agency (NCHFA) under the 2021 cycle of the Urgent Repair Program (URP21). This program provides funds to assist very-low and low-income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modification and other repairs necessary to prevent displacement of very-low and low-income homeowners with special needs such as frail elderly and persons with disabilities. A total of ten (10) households are projected to be assisted under the program. The funds were sponsored by the NCHFA, with funds provided by the North Carolina Housing Trust Fund.
11. **Universally Accessible Playground** has been allocated \$50,000 from prior year CDBG to create a universally accessible playground within an existing City of Goldsboro public park. The cost of this playground is estimated at \$100,000. City staff will pursue other funding sources to acquire the required funds to complete the playground.
12. **Loans in Support of Multifamily Development** has been allocated \$500,000 from previous years' funds to support the proposed development of 84 affordable rental units supported with Low Income Housing Tax Credits, subject to an approved environmental assessment and release of funds by HUD, in addition to staff underwriting of the project. Should a developer not be able to meet all of the qualifications to receive these funds by December 31, 2021, staff will issue a Request for Proposals in the third quarter of the fiscal year to identify other developer(s) who can utilize the funds to produce affordable multifamily units.

CITIZEN PARTICIPATION (91.200 and 91.220 (h))

The City of Goldsboro Community Relations Department meets with interested citizens, agencies, groups and organizations who wish to discuss and express their concerns and ideas with regards to housing and non-housing needs of Goldsboro's low and moderate-income persons and families. The City of Goldsboro's draft of the Annual Action Plan was available for public review and comment from April 5, 2021 to May 7, 2021. An advertisement was published in the Goldsboro News Argus on March 10, 2021, relative to the holding of a March 25, 2021 public meeting, the scheduling of an April 13, 2021 public meeting during the regularly scheduled Commission on Community Relations and Development meeting, and the thirty-day comment period review. A second advertisement was published on March 27 and 28, 2021 relative to the scheduling of an April 13, 2021 public meeting during the regularly scheduled Commission on Community Relations and Development meeting, the thirty-day comment period review and the scheduling of the May 3, 2021 public hearing during a regularly scheduled City Council meeting. A third advertisement was published on April 20, 2021 relative to the scheduling of a final public hearing during the regularly scheduled City Council meeting on May 3, 2021. Copies of the drafted Annual Action Plan were placed at public access sites such as the desk of the City Receptionist and the office of the City Clerk, both at the City Hall Annex, 200 North Center Street; the Community Relations Office at City Hall, 214 North Center Street; the Wayne County Public Library, 1001 East Ash Street; the Goldsboro Housing Authority, 1729 Edgerton Street; and on the City's website at www.goldsboronc.gov.

Comments received at the March 25 and April 13, 2021 public meetings are incorporated into this draft of the 2021-2022 Annual Action Plan. Three citizens provided their input regarding restructuring CDBG and HOME funds within the recommended budget as it related to comprehensive economic development planning, blight prevention, and addressing non-housing needs such as transportation. Staff has received three comments from non-profit stakeholders regarding Community Development Housing Organization (CHDO) funds, increasing down payment assistance, and developing a detailed housing plan with community input. The final version of the 2021-2022 Annual Action Plan will include any addition public comments submitted in writing by 5:00 PM May 7, 2021, as well as those submitted during the public hearing May 3, 2021.

CITY OF GOLDSBORO
AGENDA MEMORANDUM
MAY 3, 2021 COUNCIL MEETING

SUBJECT: Public Hearing to consider approving the Incentive Grant Agreement with AP Emissions and Technologies, LLC and Wayne County

BACKGROUND: AP Emissions and Technologies, LLC expects to create over 96 new jobs and desires to install certain machinery and equipment in the existing facility located at 300 Dixie Trail, in Goldsboro, Wayne County NC, representing a total non-depreciated investment of at least \$400,000 in personal property. The City Council of Goldsboro believes the expansion of existing industries is important to the economic health of Goldsboro and to the welfare of its citizens. The City Council wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries. Such incentives are predicated on the notion of expanding Goldsboro's tax base and providing additional jobs for Goldsboro citizens that pay wages higher than the current prevailing average hourly wage in the particular industry.

DISCUSSION: Pursuant to NC General Statute 158-7.1, a public hearing is being held on a proposal to provide economic incentives to AP Emissions and Technologies, LLC. The County and City shall provide installments of \$7,000 over a three-year time frame to total Twenty-one Thousand (\$21,000) each.

RECOMMENDATION: Following the public hearing and depending on comments received, staff recommends Council consider adopting a Resolution authorizing the Mayor and City Clerk to execute an economic grant agreement with AP Emissions and Technologies, LLC. The proposed Agreement is attached

Date: 4/27/21 
Assistant to the City Manager

Date: 4/27/21 
City Manager

RESOLUTION 2021-

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO
EXECUTE AN ECONOMIC GRANT AGREEMENT WITH AP EMISSIONS AND
TECHNOLOGIES, LLC.

WHEREAS, the Goldsboro City Council verily believes that it is in the best interests of the citizens of Goldsboro and Wayne County to encourage and support economic development within Wayne County through the recruitment of new industries to the City and County and the expansion of existing industries in the City and County; and

WHEREAS, AP Emissions and Technologies, LLC, has developed plans for the installation of machinery and equipment and expanding its existing facility in Goldsboro; and

WHEREAS, the City Council wishes to encourage such development by means of offering incentives to aid in such efforts;

WHEREAS, the City Council have conducted a public hearing on this matter, as required by NC GS 158-7.1.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

The Goldsboro City Council hereby approves the Incentive Grant Agreement (attached hereto and incorporated herein by reference) between the City of Goldsboro, and AP Emissions and Technologies, LLC.

The Mayor and the City Clerk are hereby authorized to sign all necessary documents on behalf of the City of Goldsboro in order to effectuate this transaction.

This resolution shall be in full force and effect from and after the 3rd day of May 2021.

Chuck Allen
Mayor

ATTEST:

Melissa Capps
City Clerk

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

ECONOMIC DEVELOPMENT AGREEMENT

This AGREEMENT is executed this _____ day of _____ 2021, by and between Company, AP Emissions and Technologies, LLC, located at 300 Dixie Trail, Goldsboro, NC 27530, a corporation authorized to do business in the state of North Carolina, (hereinafter “AP Emissions and Technologies, LLC”), and Wayne County a political subdivision of the State of North Carolina, having its principal place of business at 224 E. Walnut Street, Goldsboro NC 27530 (hereinafter the “County”) and the City of Goldsboro a political subdivision of the State of North Carolina, having a principal place of business at 200 North Center Street Goldsboro NC 27530 (hereinafter the “City”).

WITNESSETH:

WHEREAS, AP Emissions and Technologies, LLC desires to install certain machinery and equipment in its existing facility located in Goldsboro, Wayne County NC, representing a total non-depreciated investment of at least \$400,000 in personal property, and to create at least ninety-six (96) new jobs at this facility on or before December 31, 2022, with incremental achievement goals starting December 31, 2021; and

WHEREAS, AP Emissions and Technologies, LLC shall incur certain costs for installation of these improvements; and

WHEREAS, the addition of these improvements will expand the County tax base for both the County and the City through increased ad valorem tax value created as a consequence of capital investment in real property and machinery and equipment being brought into the County and City; and

WHEREAS, the North Carolina Department of Commerce has granted AP Emissions and Technologies, LLC a grant in the amount of \$125,000 from the One North Carolina Fund which requires a local government match of \$42,000.

WHEREAS, the County and City recognize that increased ad valorem tax revenues will be generated as a consequence of this business venture and investment, and that grants by the County and City would be an incentive for such investment by AP Emissions and Technologies, LLC to assist the same pay a portion of the costs of the investment, and that such incentives be designated as an “Economic Development Grant” to AP Emissions and Technologies, LLC in the combined amount of Forty two thousand, (\$42,000); and

WHEREAS, the parties hereto wish to reduce their understanding regarding the details of the Economic Development Grant and AP Emissions and Technologies, LLC’s performance to this agreement.

NOW, THEREFORE, for the mutual considerations noted hereinafter, the sufficiency of which are hereby acknowledged, the parties do hereby contract and agree as follows:

I. Economic Development Incentives.

AP Emissions and Technologies, LLC will incur costs in adding machinery and equipment as well as additional real property at their current facility and the County and City will realize economic benefits due to the expansion of the ad valorem tax base. As an incentive for AP Emissions and Technologies, LLC to invest in machinery and equipment and real property at its existing site in accordance with NCGS 158-7.1, the County and City shall provide to AP Emissions and Technologies, LLC the incentives set forth herein in accordance with the terms and conditions of this Agreement. The County and City each shall provide an Economic Development Grant to AP Emissions and Technologies, LLC with an estimated value of Twenty-one Thousand,(\$21,000); with such a grant to be made available to AP Emissions and Technologies, LLC as set forth in Exhibit A.

- A. The County and City shall pay to AP Emissions and Technologies, LLC in installments a total grant of Forty-two Thousand, (\$42,000); as shown on, and in accordance with terms and conditions described in, Exhibit A to this Agreement (the “**County Performance Grant**”).
- B. The amounts paid in the attached Exhibit A shall represent the \$42,000 local government match under the One North Carolina Fund Grant as required by the North Carolina Department of Commerce.

II. Representations.

The County and City represents and warrants that (a) they have the power and authority to bind themselves to the requirements of this Agreement and (b) this Agreement is executed under the authority granted to the County and City under North Carolina General Statute 158-7.1; The Local Development Act of 1925, as amended.

III. Miscellaneous Provisions.

- A. Governing Law. This Agreement has been drafted and shall be interpreted under the laws of the State of North Carolina and in the event any provision is found by a court of competent jurisdiction to be unenforceable or unconstitutional, all other provisions shall remain in full force and effect.
- B. Binding Agreement. The parties hereto acknowledge that this Agreement and the foregoing actions and grants each represent binding contractual agreements among the parties hereto and that AP Emissions and Technologies, LLC is acting in reliance upon this Agreement and the provisions and grants provided herein in its decision as to whether it will expand its investment in Goldsboro/Wayne County, North Carolina.
- C. Assignment. This Agreement shall be assignable by AP Emissions and Technologies, LLC to any entity that is controlled by or under common control with AP Emissions and Technologies, LLC or in the case of a sale of substantially all the operating assets of the facility, this Agreement may be assigned to the purchaser of the facility so long as the purchaser complies with this Agreement.
- D. Survival. The contractual commitments provided for herein and made by the parties hereto shall be deemed to continue into the future, survive, and remain binding upon future elected officials fully permitted under applicable law.

- E. Force Majeure. AP Emissions and Technologies, LLC shall not assume any responsibility for any event or failure to act that is due to any cause in whole or in part that is beyond AP Emissions and Technologies, LLC's control, even if advised of same, foreseeable or in contemplation of the parties, including without limitation force majeure, the public enemy, fire, flood, earthquake, hurricane, strike or labor disputes, boycott, the inability to obtain raw materials, labor or transportation, the loss of any public or private supplied utilities, the regulations issued by any government or any of its agencies, acts of God, or any other cause similar or dissimilar to the foregoing.
- F. Entire Agreement. This writing contains the entire agreement between the parties hereto and may be amended only by writing signed by all parties hereto.

Signature Page Follows

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WAYNE COUNTY

Attest:

Chairman
Wayne County Board of Commissioners

Clerk to the Board

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

BY: _____
Allison Speight, Finance Director

CITY OF GOLDSBORO

Attest:

Mayor Pro Tem
City of Goldsboro

Clerk to the Council

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

BY: _____
Catherine Gwynn, Finance Director

AP Emissions and Technologies, LLC

Attest:

By: _____

Secretary

Title: _____

EXHIBIT A

Performance Goals

Year	Annual Job Increase (minimum)	Total Jobs in County (minimum as of 12.31.22)	Non-Depreciated Capital Investment Increase (minimum)	Capital Investment Cumulative Totals (minimum)	County Grant Annual New Increment (maximum)	County Grant Payment Year (Amount attributed to prior year achievement)	City Grant Annual New Increment (maximum)	City Grant Payment Year (Amount attributed to prior year achievement)
2021	96	546	\$400,000	\$400,000	\$7,000	\$ - 0 -	\$7,000	\$-0-
2022	0	546	\$-0-	\$-0-	\$7,000	\$7,000	\$7,000	\$7,000
2023					\$7,000	\$7,000	\$7,000	\$7,000
2024					\$0	\$7,000	\$0	\$7,000
2025					\$0	\$0	\$0	\$0
2026					\$0	\$0	\$0	\$0
2027					\$0	\$0	\$0	\$0
2028								
Totals	96	546		\$400,000	\$21,000	\$21,000	\$21,000	\$21,000

Calculation Methodology:

AP Emissions and Technologies, LLC's performance against the job creation, job maintenance, and the capital investment goals shall be reviewed by the County and City after submission by AP Emissions and Technologies, LLC before September of each year, beginning in CY 2021 for performance year 2022. The total amount of capital investment and job increases as of January 1st of that year shall be calculated; the total for each shall be expressed as a percentage of the respective total projected goal. The average of the two percentages shall be the achievement percentage of capital investment and job creation and the grant funds that shall be awarded in and for each calendar year based on that achievement, subject to the County and City Grant Annual New increment maximum and the following. Should the average percentage of the cumulative projected goal capital investment and job increase be less than 100% as of January 1st of any given year, the County and City shall accrue the amount of funds budgeted but unearned and such funds shall be paid out in the first year AP Emissions and Technologies, LLC attains each year at least 100% of its cumulative projected goals, in addition to paying the new increment amount of funds budgeted for that year. The payments by the County and City should AP Emissions and Technologies, LLC be current in all tax payments for that fiscal year and to the extent provided above that performance goals be met, shall be made by September 30th of each year beginning in 2021, for calendar year 2022. This grant shall expire on December 31, 2024. For clarification, if AP Emissions and Technologies, LLC does not submit performance data for a year before September of the normal review year, the funds budgeted will accrue and be reviewed by the County and City during the review year following AP Emissions and Technologies, LLC's submission, but not after December 31, 2024 (that is, when the grant expires).

Example of Calculation Methodology:

	A	B	C	D	E
<i>Year</i>	<i>Annual Job Increase Goal (minimum)</i>	<i>Total Jobs Increase Cumulative Goal</i>	<i>Total Jobs Increase Cumulative Attained (% = C/B)</i>	<i>Capital Investment Cumulative Totals Goal</i>	<i>Actual Investment Cumulative Totals (%=E/D)</i>
2021	96	546	48 (50%)	\$400,000	\$400,000 (100%)
2022			48(100%)	-0-	-0-
2023					
2024					
2025					
2026					
2027					
Totals	96	96	96 (100%)	\$400,000	\$400,000 (100%)

Year 2022

(For calendar year 2021)

Average % attained = (50% [Jobs] + 100% [Investment]) ÷ 2 = 75%

Amount due from County payable by September 30, 2022 = .75 x \$7,000 = \$5,250

Amount unearned and being accrued \$7,000 - \$5,250 = \$1,750

(For calendar year 2021)

Average % attained = (50% [Jobs] + 100% [Investment]) ÷ 2 = 75%

Amount due from City payable by September 30, 2022 = .75 x \$7,000 = \$5,250

Amount unearned and being accrued \$7,000 - \$5,250 = \$1,750

Year 2023

(For calendar year 2022)

Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%

Amount due from County payable by September 30, 2023 = 1.00 x \$7,000 = \$7,000

2022 Accruals now earned and due from County payable by

September 30, 2023 = \$1,750

Total due from County payable by September 30, 2023 = \$7,000 + \$1,750 = \$8,750

(For calendar year 2022)

Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%

Amount due from City payable by September 30, 2023 = 1.00 x \$7,000 = \$7,000

2022 Accruals now earned and due from City payable by

September 30, 2023 = \$1,750

Total due from City payable by September 30, 2023 = \$7,000 + \$1,750 = \$8,750

Definitions:

“Capital Investment” shall be the ad valorem tax value of the property located in the County and City that is owned by AP Emissions and Technologies, LLC its affiliates, or financing entities where AP Emissions and Technologies, LLC or its affiliates maintain operational control of the property. Any disputes as to the calculation of Capital Investment shall be subject to mediation between senior executives of the applicable parties, or if such mediation is not successful by an action at law or in equity with venue being in a court of competent jurisdiction in Wayne County, North Carolina.

“Budget” unless otherwise agreed in this Agreement, the County and City shall approve a budget for the specific grant amount offered to AP Emissions and Technologies, LLC by July 1st of each year that the respective grant is offered, for payment by the agreed-upon date.

CITY OF GOLDSBORO
AGENDA MEMORANDUM
MAY 3, 2021 COUNCIL MEETING

SUBJECT: Code of Ordinance Update: Chapter 111-Amusements

BACKGROUND: The City Manager received a request to operate a carnival at the upcoming NC Freedom Fest. The City's Code of Ordinances Chapter 111 addresses Amusements to include Carnivals. This Chapter of the code was adopted on March 15, 1971 and currently prohibits the holding of a carnival in the city limits.

RECOMMENDATION: Staff recommends that the City Council by motion adopt the attached ordinance revising Chapter 111 "*Amusements*" to include revisions to the section regarding Carnivals in the City of Goldsboro's Code of Ordinances.

Date: 4/27/21



Tim Salmon, City Manager

ORDINANCE NO. 2021-__

AN ORDINANCE AMENDING CHAPTER 111 ENTITLED “AMUSEMENTS”
SECTIONS 111.01-111.03 CARNIVALS OF THE CODE OF ORDINANCES OF THE
CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, the Code of Ordinances includes a section related to carnivals; and

WHEREAS, Chapter 111 entitled “Amusements” Sections 111.01-111.03 currently describes the definition of a Carnival and a Kiddie Carnival and the process and requirements for Carnivals; and

WHEREAS, the Ordinance pertaining to Carnivals was passed in 1971 and has never been revised; and

WHEREAS, staff recommends Council update Chapter 111 entitled “Amusements” Sections 111.01-111.03 of the Code of Ordinances of the City of Goldsboro, North Carolina.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina, that Chapter 111 entitled “Amusements” Sections 111-.01-111.03 of the Code of Ordinances of the City of Goldsboro, North Carolina, be and is hereby amended in its entirety as follows:

§ 111.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CARNIVALS. Any person, firm or corporation engaged in the business of a carnival company ~~or a show of like kind, moving picture and vaudeville shows, museums and menageries, merry-go-rounds, ferris wheels, riding devices, and other like amusements, and enterprises, conducted for profit,~~ under the same general management, or an aggregate of shows, amusements, eating places, riding devices, or any such places operating together on the same lot or contiguous lots or streets, traveling from place to place, whether owned and actually operated by separate persons, firms, or corporations. ~~or not. filling week stand engagements, or giving week stand exhibitions, under canvas or not.~~

~~—**KIDDIE CARNIVALS.** Any person, firm or corporation engaged in the business of providing amusement and pleasure for children of 12 years of age or under. Kiddie carnivals generally mean miniature size merry go rounds, riding devices, ferris wheels and other like amusements designed for the pleasure and entertainment of children below the age of 12 years.~~

§ 111.02 CARNIVALS PROHIBITED; PERMISSION REQUIRED FOR KIDDIE CARNIVALS.

~~The holding of a carnival within the city limits is prohibited. It shall be unlawful to hold kiddie carnivals without first having made application to and received permission to do so in accordance with the conditions and limitations as set out in this subchapter.~~ **completing a special event application through the Goldsboro Police Department and receiving approval from the City Manager. The Special Events application shall be made at least 30 days before the event. Any kiddie carnival must be sponsored by an accredited non-profit organization and/or the city. Carnival locations must be in compliance with all applicable state laws as well as any zoning regulations and shall only be operated between the hours of 9:00am and 10:00pm. and at least 51% of the proceeds from carnival operations must be accrued to the sponsoring non profit organization.**

Written proof of compliance with any and all state laws shall be provided prior to the operation of the carnival and any of its rides, amusements, services, or any activities of any kind. Additionally, the applicant, shall in said application, agree to hold the city harmless and indemnify the city for any and all claims arising out of any acts and/or omissions relating in any way to any and all activities.

§ 111.03 PROCEDURE FOR SECURING PERMIT.

(A) Entertainment covered in this section and housed under canvas, tenting, or temporary structure shall obtain written permission from the Fire Chief that the structure meets the safety standards required by other places of public assembly.

(B) Evidence of adequate insurance to hold the City and its taxpayers harmless from claims arising out of the operation of the carnival as determined by the City Manager in consultation with the City Attorney and insurance carrier. Applicant must provide proof of general liability insurance coverage of at least \$5 million dollars in either general liability insurance or umbrella insurance coverage to be determined at the discretion of the city manager and shall be in place at the time such structure is to be occupied or such place of assembly is established for use by the public. The City shall be added as an additional insured on said policy for any and all relevant times to the operation and/or carnival presence.

~~(B) The applicant shall furnish evidence that a public liability insurance policy in the amount of not less than \$50,000 for one person and \$100,000 for any one accident shall be in force and effect at the time such structure is to be occupied or such place of assembly is established for use by the public.~~

~~—(C) The applicant shall deposit with the Revenue Collector a cash bond in the sum of \$1000 conditioned upon saving harmless the city from any and all liabilities or causes of action which might arise by virtue of the granting of a permit to the applicant and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets, or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon certification by the Director of Inspections that all conditions of this subchapter have been complied with.~~

~~—(D) The applicant shall pay to the Revenue Collector a fee of \$50 per week or portion thereof that the entertainment is held.~~

~~—(E) No sound equipment or public address system shall be operated or used after the hour of 10:00 p.m. each day for which the permit is issued.~~

~~—(F) The Director of Inspections shall make an inspection to make sure that provision has been made for satisfactory sanitary facilities on or near the premises on which the structure is to be maintained or the kiddie carnival is to be held.~~

This Ordinance shall be in full force and effect from and after the 3rd day of May, 2021.

Mayor

Attested by:

City Clerk

***PEACE OFFICERS' MEMORIAL DAY
PROCLAMATION***

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week; and

WHEREAS, The members of the law enforcement agency of the City of Goldsboro play an essential role in safeguarding the rights and freedoms of the citizens of Goldsboro; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency; and

WHEREAS, Members of the Goldsboro Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, The men and women of the law enforcement agency of the City of Goldsboro unceasingly provide a vital public service.

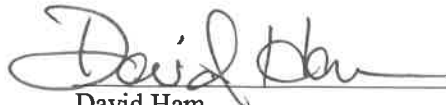
NOW, THEREFORE, I, David Ham, Mayor Pro Tem of the City of Goldsboro, North Carolina, call upon the citizens of the City of Goldsboro and upon all patriotic, civic and educational organizations to observe the week of May 10 through May 16, 2021 as Police Week with appropriate ceremonies and observances in which everyone may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their community and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. I further call upon all citizens to observe May 15, 2021 as

PEACE OFFICERS' MEMORIAL DAY

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Seal of the City of Goldsboro, North Carolina, this 3rd day of May, 2021.




David Ham
Mayor Pro Tem

***MUNICIPAL CLERKS WEEK
PROCLAMATION***

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

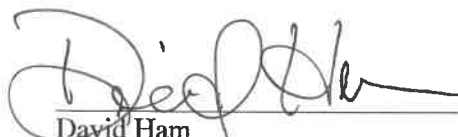
WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, David Ham, Mayor Pro Tem of the City of Goldsboro, North Carolina, do recognize the week of May 2-8, 2021, as

MUNICIPAL CLERKS WEEK

and further extend appreciation to our City Clerk Melissa Capps, our Deputy City Clerk Laura Getz and all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Goldsboro, North Carolina, to be affixed on this 3rd day of May, 2021.



David Ham
Mayor Pro Tem