

**GOLDSBORO CITY COUNCIL
REGULAR MEETING AGENDA
MONDAY, SEPTEMBER 9, 2019**



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

I. ADOPTION OF THE AGENDA

**II. WORK SESSION – 5:00 P.M. – CITY HALL ADDITION, 200 N. CENTER ST., ROOM 206
OLD BUSINESS**

- a. Wayne Water District Contract Concerning Case Farms (Councilmember Foster)
- b. Golf Course Maintenance Equipment Discussion (Parks and Recreation)

NEW BUSINESS

- c. City/County Property Discussion (City Attorney)
- d. Introduction to Launch: A Partner Based Effort to Encourage & Strengthen Entrepreneurs (Downtown Goldsboro)

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

Invocation (Asst. Pastor James Jones, City Church of Goldsboro)
Pledge of Allegiance

IV. ROLL CALL

V. APPROVAL OF MINUTES (*Motion/Second)

A. Minutes of the Work Session and Regular Meeting of June 17, 2019

VI. PRESENTATIONS

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

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

- B. Request Authorization of Agreement for Entry and Maintenance Whereby Allowing Public Works to Access and Maintain Ditch Located Behind the First Presbyterian Church, 1101 East Ash Street (Public Works)
- C. City of Goldsboro Personnel Policy Revision – Anti-Harassment Policy (Human Resources)
- D. Bid Award to Roto-Mix for Compost Stationary Mixer and Conveyor (Public Utilities)
- E. DGDC Annual Dinner-Temporary Street Closing Request (Police)
- F. United Way of Wayne County – 29th Annual Taste of Wayne Event – Temporary Street Closing Request (Police)
- G. Correction of Stated Unit of Measurement for the FY18-19 and FY19-20 Water Rates (Finance)
- H. Reimbursement Resolution for FY19-20 Capital Outlay and Resolution to Designate City Manager or Finance Director to Declare Official Intent to Reimburse Expenditures (Finance)
- I. Authorization of Sale of Substandard Lots to Adjacent Property Owners under Session Law 2004-94 (Senate Bill 1370) (Finance)
- J. Surplus Property Declaration – 12 Hach Turbidity Meters (Finance)
- K. Consider Resolution for Changes in Surplus Declarations, Methods of Disposal Electronic Advertising only and Increase in Limit on Surplus Property Declaration from \$5,000 to \$30,000 (Finance)

L. Partner with Housing Authority for the City of Goldsboro to Build an Outdoor Basketball Court at West Haven Apartments (Parks & Recreation)

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

M. S-7-19 Colleena Properties, LLC (Preliminary Subdivision Plat for Carolina Street Meadows)
(Planning)

X. CITY MANAGER'S REPORT

XI. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

N. Constitution Week Proclamation

XII. CLOSED SESSION

XIII. ADJOURN

MINUTES OF MEETING OF THE MAYOR AND CITY COUNCIL HELD
JUNE 17, 2019

WORK SESSION

The Mayor and City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Large Conference Room, City Hall Addition, 200 North Center Street, at 5:00 p.m. on June 17, 2019 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadaway
Councilmember Antonio Williams
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock
Ron Lawrence, Attorney
Tim Salmon, City Manager
Melissa Capps, City Clerk
Octavius Murphy, Assistant to the City Manager
Jennifer Collins, Planning Director
Mike West, Police Chief
Scott Williams, IT Director
Stasia Fields, Recreation Superintendent
Mike Wagner, Deputy Public Works Director – Utilities
Rick Fletcher, Public Works Director
Ashlin Glatthar, Travel & Tourism Director
Joe Dixon, Fire Chief
Allen Anderson, Chief Building Inspector
Scott Satterfield, Business & Property Development Specialist
Bernadette Dove, HR Director
Shycole Simpson-Carter, Community Relations Director
Catherine Gwynn, Finance Director
Andrea Thompson, Assistant Finance Director
Adam Twiss, Paramount Theatre & Event Center Director
Ken Conners, News Director-Curtis Media Group East
Eddie Fitzgerald, News Argus Reporter
Keyon Carter, Citizen
Lonnie Casey, Citizen
Bobby Mathis, Citizen
Della Mathis, Citizen
Taj Pollack, Citizen
Yvonnia Moore, Citizen
Carl Martin, Citizen
Yvonnia Moore, Citizen
Myelle Thompson, Citizen (arrived at 5:24 p.m.)

Absent: Councilmember Mark Stevens

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

Adoption of the Agenda. Upon motion of Mayor Pro Tem Broadaway, seconded by Councilmember Aycock and unanimously carried, Council adopted the agenda.

Budget Work Session. Ms. Catherine Gwynn stated the ordinance in the package contains the draft ordinance for FY 19-20 with changes discussed at the June 6th meeting. Based on what changes the board adopts tonight, I will incorporate those into the draft, reproduce it, get it to Ms. Capps to get a final budget ordinance for the public.

Councilmember Foster stated he would like to give an additional \$5,000 for the Boys and Girls Club STEM Program and an additional \$5,000 to Rebuilding Broken Places STEM Program.

Mayor Allen stated the Boys and Girls Club receives \$10,000, Rebuilding Broken Places \$5,000 plus \$10,000 for their feeding program.

Councilmember Williams stated that is not for the STEM Program at Rebuilding Broken Places. Councilmember Foster stated that is also not for the STEM Program at the Boys and Girls Club.

Councilmember Foster made a motion to give an additional \$5,000 for the Boys and Girls Club STEM Program and an additional \$5,000 to Rebuilding Broken Places STEM Program. The motion was seconded Councilmember Williams. Councilmembers Foster and Williams voted in favor of the motion. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted against the motion. Mayor Allen stated the motion failed 2:4.

Councilmember Aycock stated the consultant fees for the Downtown Master Plan for \$63,900, we are getting ready to do The Hub and complete Center Street Streetscape and I think we should wait, take that \$63,900 out. Councilmember Aycock stated I would like to see the DGDC budgeted funds in the Municipal Service District stay the same as last year, \$72,470. Mayor Allen stated because of the reevaluation, there was a higher balance coming in. Councilmember Aycock stated I would like to see that stay the same.

Upon motion of Councilmember Aycock, seconded by Mayor Pro Tem Broadaway and unanimously carried (Councilmember Williams and Foster did not vote, the lack of a vote counted as in favor of the motion), Council removed the Downtown Master Plan for \$63,900 from the proposed budget and kept the budgeted funds the same as last year, at \$72,470.

Upon motion of Councilmember Ham, seconded by Councilmember Aycock and unanimously carried (Councilmember Williams and Foster did not vote, the lack of a vote counted as in favor of the motion), Council approved the new position of Senior Heavy Equipment Operator for Solid Waste and the Computer Systems Admin I for the IT Department and the other four were not approved. Councilmember Aycock stated there is no doubt the positions are needed but we are going into fund reserves this year.

Councilmember Foster questioned attorney fees. Ms. Gwynn stated that is the budget amendment for FY19, not FY20. It is my estimate of what it will take to get through June 30, 2019.

Councilmember Williams asked Mr. Rick Fletcher to name the cemeteries the city takes care of. Mr. Fletcher stated Elmwood and Willowdale cemeteries. Councilmember Williams questioned a budget reduction in the cemeteries. Ms. Gwynn stated it is a reallocation in the budget amendment. Councilmember Williams shared concerns regarding the cemeteries.

Councilmember Foster asked for a breakdown of legal fees.

Mayor Pro Tem Broadway made a motion to reduce the overtime budget for the fire department by \$50,000, he stated if it is needed later, they could bring back a budget amendment and keep the truck in that was requested, and to remove the \$20,000 in discretionary funds.

Councilmember Williams stated the discretionary funds are for the community and I am disappointed in Council. Councilmember Foster stated he was ok with removing the discretionary funds and would like Council to give an additional \$5,000 to the Boys and Girls Club STEM Program. Mayor Allen reminded Council there is a motion on the table to reduce the overtime budget for the fire department by \$50,000 and remove the \$20,000 in discretionary funds. Councilmember Ham seconded the motion. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Foster, Ham and Aycock voted in favor of the motion. Councilmember Williams voted against the motion. Mayor Allen stated the motion passed 5:1.

Mayor Allen asked that the \$80,000 for the pumps at the golf course be frozen until Council has a better understanding of what is going on and what is needed.

Councilmember Aycock made a motion to add \$5,000 to the Boys and Girls Club for the STEM Program. Councilmember Foster seconded the motion. Councilmember Williams asked that Councilmember Aycock consider amending his motion to include \$5,000 for Rebuilding Broken Places' STEM Program. Councilmember Aycock stated he did not want to amend as they had

received an additional \$15,000 already. Mayor Allen called for a vote, all councilmembers voted in favor of adding \$5,000 for the Boys and Girls Club STEM Program.

Update on Upset Bid for 702 E. Elm Street. Ms. Catherine Gwynn stated no upset bid was received on 702 E. Elm Street. Mr. Bradford had made an offer of \$1405 and in the Resolution approved that night, you allowed staff to carry through to get the deed signed, but I told you I would come back because you can still say no at this time. If Council is ok, staff will proceed and issue the deed. Council agreed they were ok with staff to proceed.

Councilmember Williams stated I would like to remove myself because there is current litigation in place. Councilmember Williams left the room at 5:20 p.m.

Summer Meals Discussion. Ms. Shycole Simpson-Carter stated on May 27th the department was charged with inquiring about additional feeding sites that could better serve the youth of Goldsboro. Staff has been working with ADLA. ADLA is proposing to feed four (4) site locations for lunch throughout this summer for the City of Goldsboro with a mobile food truck. The sites will consist of the Little Washington area, Fairview Homes, Elmwood Terrace and Lincoln Homes. The projected feeding schedule will consist of:

Feeding Dates: June 24th – August 23rd (Monday – Friday)

Budget Projection:

Personnel

1-Driver

1-Kitchen Staff/Cook

Food Cost & Other Expenditures

Food, Produce, Milk, Juice

Supplies & Materials

Gasoline Expense

Repairs and Maintenance

Total feeding cost for 9 weeks at 4 sites with the mobile truck = \$15,997

Councilmember Foster stated we have this company and Rebuilding Broken Places doing meals, is there one more. Ms. Simpson-Carter stated yes sir. Ms. Simpson-Carter provided a flyer that listed the additional feeding locations.

Mayor Allen stated I want to commend Ms. Simpson-Carter, this is the most we have ever done with the feeding program. Mayor Allen stated a lot of people have stepped up. Mayor Allen asked if this was coming out of the action plan money right. Ms. Simpson-Carter replied that is up to Council, either general fund or community block grant funds. She shared if it comes out of community block grant funds we will have to designate them as a public service agency or under economic development being two people are going to be employed.

Council discussed funding.

Upon motion of Councilmember Foster, seconded by Councilmember Aycock and unanimously carried, Council approved the proposal from ADLA in the amount of \$15,997 to come out of general funds.

Councilmember Williams returned at 5:34 p.m.

Censure Hearing Dates. Attorney Ron Lawrence shared in trying to coordinate with everyone's schedules, July 15th at 10:00 a.m. appeared to be the most convenient for all. Mayor Allen shared we are trying to find a retired judge to serve as the moderator at the hearing. Councilmember Williams stated we are just making rules up as we go, I will need to ask my attorney. I am ready to move forward. Our city is being effected. I think Ron is in conversation with my attorney.

Mayor Allen stated the statute says I am supposed to do that, I am fine to do it, I thought you would feel better if I didn't do it. You, Ron and your attorney can work it out.

Councilmember Foster read section 31.21 of the City ordinances: *If the City Manager, after the receipt of an investigation by the City Attorney, has cause to believe a violation of this subchapter has occurred, the City Manager shall schedule a hearing on the matter.*

Councilmember Foster stated to me that states the city manager should schedule hearings on anything that we have investigated, correct?

Attorney Lawrence stated I do not have that section in front me, one of those sections does talk about employees, one talks about a councilmember.

Councilmember Foster continued to read, The city official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant...so that is talking about the city council correct. So, since we are scheduling a hearing for Councilmember Williams, I also think we should schedule a hearing for Mayor Allen.

Mayor Allen stated you know as well as I do, everyone was guilty of breaking that ordinance. Councilmember Foster stated if other citizens want to file a complaint against me, then fine, investigate me and hold me accountable but a citizen has filed a complaint against you, you were investigated. Mayor Allen and Councilmember Foster continued to discuss the complaint filed against Mayor Allen.

Councilmember Williams stated at the last meeting Councilmember Foster requested Melissa get the minutes from the October 1st Closed Session, I would like to go into Closed Session to hear those.

Mayor Allen stated after the review of the consent agenda.

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

Item L. Informal Bid Request No. 2019-005 Rejection of Bid and Award. Ms. Catherine Gwynn shared Council awarded a bid at the last meeting and it was found that the contractor did not have their general contractor's license before the bids were publicly opened. Staff needs direction on what the board would like to do, accept the next lowest bidder or rebid. GOWAYNEGO also gave us an additional \$16,000. Council consensus was to rebid.

Item O. Establishing a Capital Projects Fund Ordinance – Parks & Rec Projects FY 19-24. Councilmember Foster asked Ms. Gwynn if she had a copy of the contract regarding the naming rights for the Multi-Sports Complex. Ms. Gwynn stated she did and would provide a copy to Ms. Capps to share with Councilmember Foster.

Item T. Fiscal Year 2018-19 Budget Amendment. Councilmember Williams asked Ms. Gwynn, you said that most municipalities have a fund balance around 30%, what's your game plan to get us there. Ms. Gwynn stated the way I understand it, the city of Goldsboro adopted a fund balance policy about 15% so that's kind of where we are staying around. It is going to drop some, we need to get the FEMA reimbursements in, that will bring us back up. Ms. Gwynn stated if this board wants to have more fund balance, you need to let us know.

Item V. Departmental Monthly Reports. Mayor Allen stated one thing I see, we have talked about it before, the number of vehicle accidents.

Closed Session Held. Upon motion of Councilmember Williams, seconded by Councilmember Ham and unanimously carried, Council convened into Closed Session to discuss a personnel matter.

Council came out of Closed Session.

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

CITY COUNCIL MEETING

The Mayor and Council of the City of Goldsboro, North Carolina, met in regular session in Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on June 17, 2019 with attendance as follows:

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

Absent: Councilmember Mark Stevens

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

Archbishop Anthony Slater with Tehillah Church Ministries provided the invocation. Boy Scout Troop 10 led the pledge to the Flag.

Approval of Minutes. Mayor Pro Tem Broadaway made a motion to approve the Minutes of the Work Session and Regular Meeting of May 6, 2019 as submitted. The motion was by Councilmember Aycock. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster voted against the motion. Mayor Allen stated the motion passed 4:2.

Resolution Expressing Appreciation for Services Rendered by Joseph Johnson as an Employee of the City of Goldsboro for More Than 29 Years. Resolution Adopted. Joseph Johnson retires on July 1, 2019 as a Battalion Chief with the Goldsboro Fire Department of the City of Goldsboro with more than 29 years of service. Joseph began his career on November 21, 1990 as a Firefighter with the Goldsboro Fire Department. On August 11, 1999, Joseph was promoted to Fire Engineer with the Goldsboro Fire Department. On July 30, 2008, Joseph was promoted to Fire Captain with the Goldsboro Fire Department. On December 6, 2017, Joseph was promoted to Fire Marshal with the Goldsboro Fire Department. On January 2, 2019, Joseph's position was changed to Battalion Chief with the Goldsboro Fire Department where he has served until his retirement. Joseph 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. We express our deep appreciation and gratitude for the dedicated service rendered during Joseph's tenure with the City of Goldsboro and offer him our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Mayor Allen presented Battalion Chief Johnson with a framed copy of the Resolution.

Upon motion of Councilmember Williams, seconded by Mayor Pro Tem Broadaway and unanimously carried, Council adopted the following entitled Resolution.

RESOLUTION NO. 2019-51 "RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY JOSEPH JOHNSON AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 29 YEARS"

Resolution Expressing Appreciation for Services Rendered by Jody Dean as an Employee of the City of Goldsboro for More Than 12 Years. Resolution Adopted. Jody Dean retires on July 1, 2019 as the Golf Director with the Parks and Recreation Department of the City of Goldsboro with more than 12 years of service. Jody began his career as a temporary employee on January 20, 2005 as a Club House Assistant at the Golf Course with the Parks and Recreation Department. On January 3, 2007, Jody was hired as a part time Club House Assistant at the Golf Course with the Parks and Recreation Department. On December 12, 2012, Jody was hired as a full-time Club House Assistant at the Golf Course with the Parks and Recreation Department. On July 1, 2015 was promoted to Golf Director at the Golf Course with the Parks and Recreation Department where he has served until his retirement. Jody 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. We express our deep appreciation and gratitude for the dedicated service rendered during Jody’s tenure with the City of Goldsboro and offer him our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Mayor Allen presented Jody with a framed copy of the Resolution.

Upon motion of Councilmember Aycock, seconded by Mayor Pro Tem Broadaway and unanimously carried, Council adopted the following entitled Resolution.

RESOLUTION NO. 2019-52 “RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY JODY DEAN AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 12 YEARS”

Z-11-19 – (Joyful Play Childcare and Preschool) Subject property is located on the East side of Barrow Court between E. Ash Street and Carol Street. Public Hearing Held. Applicant is requesting a zoning change for a portion of the property from R-16 (Residential) to GBCD (General Business Conditional District) in conjunction with site plan approval to allow the operation of a child daycare. The property is zoned residential and is currently occupied by a single family dwelling.

Frontage: 110ft. (E. Ash Street)
420ft. (Barrow Court)

Area: 47,981 sq. ft. or 1.10 acres

Zone: Residential (R-16)

As previously stated, the applicant proposes to rezone a portion of the property from R-16 (Residential) to General Business Conditional District (GBCD) for the operation of a child daycare. Site and landscape plans have been submitted for separate approval.

Tract One: (Existing Single-Family Dwelling)
110ft. (E. Ash Street)
158.98 (Barrow Court)
Area: 17,522 sq. ft. or 0.402 acres

Tract Two: (Proposed Daycare)
276.87 ft. (Barrow Court)
Area: 30,459 or 0.699 acres

Surrounding Zones:
North: General Business (GB);
South: Office and Institutional (O&I-1);
East: Residential (R-16); Neighborhood Business (NB)
West: R-16 (Residential)

The submitted site plan indicates a 5,376 sq. ft. building of modular construction and meeting the requirements of the North Carolina State Building Code.

Days/Hours of Operation: Monday-Sunday: 6:30am-11pm
Teachers/Staff: 8
Children: The applicant is seeking state licensing for 115 children.

The site will be served by two, 24ft. wide driveway cuts off Barrow Court and Carol Street. Since Barrow Court is an unimproved City street, the applicant is proposing to pave approximately 100 linear ft. or 2,200 sq. ft. in order to provide approved access to the site. Street improvements must meet City Engineering standards.

A paved and striped parking lot is shown directly east of the daycare. Child daycares require one parking space per 300 sq. ft. of gross floor area, plus an unloading and loading area capable of stacking 4 vehicles.

A total of 14 parking spaces have been provided to include 1 handicap accessible parking space. In addition, 4 spaces for loading and unloading are shown at the front entrance of the proposed daycare. The applicant is requesting a modification of required parking from 22 to 18 spaces.

Applicant states that the daycare's client base has varied working hours utilizing daytime and nighttime childcare services and that the required amount of parking spaces is more than sufficient for the proposed use.

Exterior construction materials shall consist of hardy plank siding, vinyl windows and roofing comprised of a rubber membrane with a flat-roof pitch.

In accordance with state daycare licensing requirements, day care centers shall provide an outdoor play area of at least seventy-five (75) square feet for each child. The submitted site plan shows an outdoor play area of 8,625 sq. ft. A chain-link fence four (4) ft. in height will surround the play area and daycare center.

The applicant proposes the installation of 7 Autumn Fantasy Maples to serve as required street trees along Barrow Court. In addition, 12 Dwarf Yaupon Hollies are proposed as the required vehicular surface buffer. A Type A, 5 ft. wide buffer is proposed along the western, southern and eastern property lines consisting of Autumn Fantasy Maples, Arborvitaes, Chinese Loropetalums and Carissa Hollies. Snow Goose Cherries, Autumn Fantasy Maples and Dwarf Yaupon Hollies are proposed as plantings to serve the vehicular surface area. Sidewalks and Pedestrian

Exterior sidewalks are not shown on the submitted site plan. Since the proposed use is for new construction, sidewalks are required.

Applicant is requesting a modification of the sidewalk requirement. If the modification is approved, a fee in lieu of will be required to be paid to the City of Goldsboro in the amount of \$4,119.66 for sidewalk construction. 5 ft. wide interior sidewalks including handicap accessible ramps have been provided leading from the parking lot and outside play area into proposed building entrances. Commercial Lighting Plan: Commercial lighting plans have not been submitted, however, staff will work with the applicant to ensure that proposed lighting is compliant with the City's commercial lighting ordinance. Engineering:

The property is not located within a Special Flood Hazard Area. City water and sewer services are available to serve the property. Refuse collection: An 18 ft. wide by 12 ft. wide concrete pad is shown behind the proposed daycare for two solid waste receptacles. The dumpsters will be screened in accordance with City standards.

Interconnectivity has been provided on the south side of the proposed parking lot. Modifications:

The applicant is requesting the following modifications:

1. Modification of parking spaces from 22 to 18.
2. Modification of exterior sidewalk construction.

Mayor Allen opened the public hearing, no one spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council meeting on July 15, 2019.

Z-12-19 – (Johnnie Jordan Coley’s Internet Café) Subject property is located on the South side of Arrington Bridge Road between Bill Lane Boulevard and Casey Mill Road.

Public Hearing Held. Applicant is requesting a zoning change for property located at 1462 Arrington Bridge Road from Neighborhood Business to General Business Conditional District (GBCD) for an electronic gaming operation (internet café). Subject property was satellite annexed in August of 1989. Since that time, it has operated as a grocery store, convenience store and restaurant.

In 2017, the property sustained extensive damage from the effects of Hurricane Matthew. Since that time, there have been no repairs or renovations made to the existing building.

Currently, the building and lot are vacant and the property owner is in the process of selling the property.

Frontage: 100 ft.
Area: 17,000 sq. ft. or 0.39 acres
Zoning: Neighborhood Business (NB)

As previously stated, the applicant proposes to rezone the subject property from Neighborhood Business (NB) to General Business Conditional District (GBCD) for an electronic gaming operation (internet café).

Surrounding Zones:

North: Residential (R-20A);
South: Residential (R-20A);
East: Residential (R-20A); and
West: Residential (R-20A)

On May 8, 2017, Goldsboro City Council approved an ordinance amending the Unified Development Ordinance regarding electronic gaming operations within the City limits and the City's one-mile extraterritorial jurisdiction.

The following regulations were approved by City Council:

1. Electronic gaming operations are only permitted in the General Business (GB) zoning district.
2. No establishment shall be located within 500 ft. of any residentially zoned or developed property, church, school, day care, playground or public park.
3. No such establishment shall be located within one mile of another similar establishment.
4. The hours of operation for such operations shall be limited from 7:00am to 2:00am.
5. Electronic Gaming Facilities are only permitted after a Conditional Use Permit has been approved by City Council.
6. The number of parking spaces for electronic gaming operations are based on 1.5 spaces per computer/machine and 1 space per employee.

The submitted site plan shows an existing 2,393 sq. ft. single-story building of masonry construction. The applicant's proposed floor plan shows an assembly area consisting of 18 machines, an office, a storage area, lobby and restrooms for patrons of the facility.

Employees: 1

Hours of Operation: Monday through Sunday; 9am - Midnight

Parking for the site is based on 1.5 spaces per gaming machine and 1 per employee. 28 parking spaces are required to include two handicap parking spaces.

The submitted site plan shows 6 existing paved parking spaces at the front of the facility. The applicant is proposing 12 parking spaces located in the rear yard of the facility and an additional 11 parking spaces upon private property directly east and adjacent to the site. The adjacent private property owner has agreed to enter into a long-term lease with the applicant to use a portion of the property (15 ft. x 170 ft.) for parking as long as the business is in operation.

The applicant proposes to remove the existing 400 sq. ft. accessory building located at the rear of the property for the provision of customer parking spaces and proper circulation for automobiles entering and exiting the site.

Vehicular surface areas and parking areas are required to be paved and striped. The applicant is requesting a modification of the paving requirement for vehicular surface areas and parking spaces located in the rear yard and side yard of the property. If approved, applicant proposes to use gravel in lieu of asphalt or concrete.

Due to existing site conditions, the applicant is requesting a modification of the City's landscape requirements as they pertain to street trees, vehicular surface buffers and landscape buffer yards. The applicant states that landscape plantings will leave insufficient room for parking spaces required for the site.

The site is located in the 100-year floodplain. Any new construction or development will require compliance with the City's floodplain regulations.

Seymour Johnson Air Force Base has been notified of the proposed use. Because the subject property falls within the 70-74 dnl noise contour, the applicant will be required to incorporate noise attenuation measures into the design or construction of portions of the building where the public is received or assembled.

The applicant is requesting the following modifications:

1. Modification of 500 ft. separation distance from residentially-zoned or residentially-developed property.
2. Modification of paving required for vehicular surface areas and parking spaces.
3. Modification of City's landscape requirements.

Mayor Allen opened the public hearing, no one spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council meeting on July 15, 2019.

Z-13-19 – (Dewey Street Properties, LLC.) Subject properties are located on the North side of W. Grantham Street between Hargrove Street and Jordan Boulevard. Public Hearing Held. Subject properties are located on the North side of W. Grantham Street between Hargrove Street and Jordan Boulevard.

Applicant is requesting a zoning change for two individual properties located at 1211 and 1203 W. Grantham Street from General Business (GB) to Highway Business (HB).

Applicant is the owner of both properties.

On October 20, 2014, Council approved 1211 W. Grantham Street for the operation of a used car dealership for high-end, high-performance autos including the accessory uses of restoration, service and repair.

In addition, Council approved site and landscape plans detailing the proposed development. The following modifications were approved:

1. Modification of a Type C (20 ft. wide) buffer along the western property line;
2. Modification of eastern Type A (10 ft. wide buffer to allow the placement of a 6 ft. high fence with no additional landscaping; and
3. Modification of the existing freestanding sign height and area from 25 ft. tall to 49 ft. tall and from 80 sq. ft. to 100 sq. ft.

Since that time, the owner acquired the adjacent property directly east of the site and identified as 1203 W. Grantham Street. Currently, the owner operates the site as an automotive equipment installation, repair and service facility.

1211 W. Grantham St:

Frontage:

W. Grantham Street:	181 ft.
Collier Street:	136 ft.
Area:	50,019 sq. ft. or 1.14 acres
Zone:	General Business (GB)

1203 W. Grantham St:

Frontage: 89 ft.
Area: 11,335 or .26 acres
Zone: General Business (GB)

As previously stated, the applicant proposes to rezone two individual properties located at 1211 and 1203 W. Grantham Street from General Business (GB) to Highway Business (HB).

Surrounding Zones:

North: Residential (R-6);
South: General Business (GB); Office and Institutional (O&I-1);
East: Office and Institutional (O&I-1; General Business (GB);
Residential (R-16);
West: General Industry (I-2)

The property owner proposes to rezone the property for the purpose of reclassifying an existing non-conforming freestanding sign at 1211 W. Grantham St. to a conforming high-rise sign. If approved, the owner intends to combine the two separate parcels (1211 and 1203 W. Grantham Street) into one in order for both businesses to share the proposed high-rise sign. According to the City's Unified Development Code, high-rise signs are allowed in the Highway Business (HB) zoning district if the business or businesses are contiguous to a controlled access highway as defined by NCDOT. The subject properties are located along W. US 70 Highway which is a controlled access highway.

City sign regulations require high-rise signs not to exceed a height of 100 ft. in height and no more than 250 sq. ft. in area. The existing freestanding sign is 49 ft. in height and 100 sq. ft. in area.

Mayor Allen opened the public hearing, no one spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council meeting on July 15, 2019.

UDO-2-19 Microbreweries - Unified Development Ordinance Amendments. Public Hearing Held. The City Council adopted the Unified Development Ordinance on April 4, 2005, which replaced existing land development regulations for the City of Goldsboro and its extraterritorial jurisdiction.

Since that time, the UDO has been amended, over the years, to address a number of minor text corrections and major changes as directed by the Council.

Currently, a number of proposed changes for consideration are "Minor Text Amendments" to Sections within the UDO under Section 5.0 Zoning and Section 9.0 Definitions as follows:

Section 5.4 Table of Permitted Uses;
Section 5.5 Supplemental Use Regulation; and
Section 9.2 Definitions.

Proposed changes are to reflect the addition of Microbreweries as a permitted use within the Central Business District, General Business District, Shopping Center District and the Highway Business zoning district.

A Notice of Public Hearing listing all the Sections of the UDO under consideration for amendment was advertised for two consecutive weeks in the newspaper and posted on the City's website for review.

Minor changes, which are included for possible amendment include:

1. Amending Section 5.4 Table of Permitted Uses by adding Microbreweries as a conditional use in the same Business/Personal Services as Bars, nightclubs, pool

halls, places of entertainment with an ABC permit, bowling alleys, and miniature golf facilities;

2. Amending Section 5.5 Supplemental Use Regulations by adding to Subsection 5.5.4 Special and Conditional Use Specific Regulations to include Microbreweries and editing the Central Business District Exceptions as it pertains to Bars, Nightclubs, Pool Halls, Places of Entertainment (both public and private and for profit) — ABC Permit regulations as follows; and
3. Amending Section 9.0 Definitions by including within Subsection 9.2 Definitions a definition of Microbrewery.

Councilmember Williams asked if there was a reason in particular as to why we decided to amend our ordinance, is it because there is potential companies that want to come here. Ms. Jennifer Collins stated yes sir, the Planning Department has received several inquiries and we currently do not have that in our

Mayor Allen opened the public hearing and the following person spoke:

Susan Williams stated don't you think we have enough beer halls downtown.

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 July 15, 2019.

UDO-3-19 Repair by Neglect - Unified Development Ordinance Amendments. Public Hearing Held. The City Council adopted the Unified Development Ordinance on April 4, 2005, which replaced existing land development regulations for the City of Goldsboro and its extraterritorial jurisdiction. Since that time, the UDO has been amended, over the years, to address a number of minor text corrections and major changes as directed by the Council. Currently, a number of proposed changes for consideration are "Minor Text Amendments" to a Section within the UDO under Article 5.0 Zoning as follows: • Section 5.11 Demolition by Neglect Proposed changes are to consider changing the name of the program to Order to Repair and update program standards. A Notice of Public Hearing listing all the Sections of the UDO under consideration for amendment was advertised for two consecutive weeks in the newspaper and posted on the City's website for review.

Minor changes, which are included for possible amendment include:

1. Amending Section 5.11 Demolition by Neglect by renaming to Order to Repair;
2. Amending Section 5.11.1 Standards by including additional standards
3. Amending Section 5.11.2 Review Authority by including Planning Director as having the authority to assure compliance of the ordinance;
4. Amending Section 5.11.3 Petition and Action by adding minor language regarding the inspection process for Order to Repair;
5. Amending Section 5.11.4 Safeguards from Undue Economic Hardship by adding minor language regarding the hardship filing process;
6. Amending Section 5.11.5 Committee's Actions on Demolition by Neglect Claims by renaming to Committee's Actions on Order to Repair Claims and adding minor language regarding the Committee's process to making a finding of undue or no undue economic hardship; and
7. Addition of Section 5.11.8 Penalties and Remedies by adding language that indicate enforcement options by the City.

Mayor Allen opened the public hearing and the following people spoke:

1. Charles Wright provided a handout to Council. A copy is on file in the clerk's office. Mr. Wright had several questions regarding the amendments. Mr. Wright asked Council to defer this until June 17, 2019.
2. Carl Martin stated this amendment was brought to my attention a week ago. I try to look on the city's website under important notices and did not find this there, instead it was on

Planning's page. Mr. Martin suggested the city also put these type of notices under important notices on the homepage.

3. David L. Craig shared concerns regarding the amendments and possible misuse of confidential information.

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 July 15, 2019.

Street Closing – Titleist Drive. Public Hearing Held. On April 11, 2019, Lane Farms, LLC. requested staff to close a portion of Titleist Drive based on NCDOT realignment of Salem Church Road and US 70 Bypass that is located within the City Limits.

The referenced street section has been identified on the attached map indicating the length and right-of-way width. The petitioned street closing has been forwarded to the Fire, Police, Engineering and Public Works Departments for their review.

No objections to any of the closings have been submitted. The Engineering Department has indicated that a utility easement should be retained over this section of Titleist Drive for an existing 6-inch water line if the right-of-way is closed. If the street section is closed, ownership of the right-of-way would return to the property owner.

The Council, on May 6, 2019, adopted a Resolution of Intent setting the public hearing and that Resolution was advertised for four weeks in the newspaper. Adjacent property owners were notified of the public hearing by certified mail and the street section was posted with notice of the public hearing.

Mayor Allen opened the public hearing, no one spoke and the public hearing was closed.

No action necessary. The Planning Commission will have a recommendation for the Council's meeting on July 15, 2019.

Planning Commission Excused.

Councilmember Williams stated I would like to remove myself because of pending litigation. Councilmember Williams left the room at 7:51 p.m.

Public Hearing – FY19-20 Draft Annual Action Plan. Public Hearing Held. It is statutorily required by United States Department of Housing and Urban Development (HUD) for all Grantees receiving annual allocations of CDBG and HOME to submit an Annual Action Plan by August 16, 2019, regardless of delays in the federal budget. The FY19-20 federal appropriations process was fully executed on April 15, 2019 and the City was notified of final allocations on May 3, 2019.

A thirty-(30) day comment period began on May 17, 2019 and will end on June 17, 2019. A public hearing must be held during this public comment period. Comments received at this public hearing and the public meeting scheduled for June 14, 2019 will be incorporated as part of the final 2019-2020 Annual Action Plan. An advertisement was published in the Goldsboro News Argus on May 6, 2019, relative to the holding of a May 31, 2019 public meeting, the scheduling of a June 17, 2019 public hearing, and the thirty-day comment period review. A second advertisement was published on June 4, 2019 relative to rescheduling the May 31, 2019 public meeting to June 14, 2019 and the scheduling of a June 17, 2019 public hearing.

The final 2019-2020 Annual Action Plan will identify activities to be funded with the City's FY19-20 CDBG and HOME funding allocations. Primarily, the objectives of the CDBG and HOME program are 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 anticipates FY19-20 allocations to include \$328,479 in CDBG and \$214,732 in HOME funds. Additionally, the City will have available approximately \$34,363 in prior year CDBG funds and \$324,726 in prior year HOME funds (prior year balances as of May 1, 2019).

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.

The 2019-2020 Annual Action Plan is the 5th and final year of implementing the Five-Year Consolidated Plan for 2015-2020. A summary of the 2019-2020 drafted Annual Action Plan proposed activities and use of funds is included.

Councilmember Williams returned at 8:07 p.m.

Mayor Allen opened the public hearing and the following people spoke:

1. Charles Wright provided a handout regarding recommended changes to the proposed action plan budget, a copy is available in the Clerk's Office.

Council took a five minute break.

2. David L. Craig provided a handout "A Call for Change in the Use of Federal Funding and a Reprioritization of City Goals," a copy is available in the Clerk's Office.
3. Bessie Yarborough stated North End Park needs a little more money in that area. She asked Council look at house rehabilitation and funding for Rebuilding Broken Places.
4. Mr. Barnes reminded Council of the goals and recommended Council adopt the recommendations of Mr. Wright.

No one else spoke and the public hearing was closed.

No action necessary. The Community Relations Department will have a final recommendation of the 2019-2020 Annual Action Plan for the Council's meeting on July 15, 2019.

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

1. Cary Shields with 92.7 Jamz shared information regarding the Juneteenth Event.
2. Reverend Barfield shared concerns regarding repaving of the parking lot of the apartment complex he lives in. He also shared concerns regarding issues with Councilmember Williams and his counterpart who is involved.
3. Alicia Pierce thanked Councilmember Foster for bringing up what she asked him to bring up. She asked the City Manager about a timeframe for the ordinance Councilmember Foster brought up.

Mr. Salmon stated he would look into it and provide a response.

4. Matthew Whittle thanked Council on behalf of Habitat for Humanity for support and donation of the 2 lots on Georgia Avenue. He also provided an update on Habitat for Humanity.
5. Zach Lily shared information regarding the Mary Wooten Harvey Foundation and mentoring.

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

Consent Agenda - Approved as Recommended. City Manager, Timothy Salmon, presented the Consent Agenda. All items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote. If a Councilmember so requested, any item(s) could be removed from the Consent Agenda and discussed and considered separately. In that event, the remaining item(s) on the Consent Agenda would be acted on with one motion and roll call vote. Councilmember Aycock moved the items on the Consent Agenda, Items K, L, M, N, O, P, Q, R, S, T, U, and V be approved as recommended by the Interim City Manager and staff. The motion was seconded by Mayor Pro Tem Broadway and a roll call vote resulted

Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voting in the affirmative. Councilmembers Williams and Foster voted against the motion. Mayor Allen declared the Consent Agenda approved as recommended with 4:2 vote. The items on the Consent Agenda were as follows:

Federal Property Forfeiture Program State Controlled Substance Tax Remittance. Ordinance Adopted. The United States Department of Justice administers a program that transfers from the Federal Government property seized by local law enforcement agencies and the State of North Carolina administers a program whereby taxes are levied on unlicensed individuals involved in the arrest of such individuals. The property obtained through the United States Department of Justice has been confiscated during drug raids or other undercover operations and may include personal items such as vehicles or money. The State of North Carolina allocates a share of taxes collected to localities involved in the arrest of individuals and the seizure of their controlled substances.

Recently the City of Goldsboro Police Department assisted Federal authorities in concluding several drug operations. Based on Federal guidelines, \$716.31 of forfeited money can be reimbursed to the City for:

Substance Tax Remittance funds totaling \$716.31 for:

12/17/18 #45PR0000710386	\$ 270.07
01/14/19 #45PR0000711793	\$ 446.24

These funds can be used for the purchase of controlled substances, payment of informants, the purchasing of equipment or for the provision of training for sworn officers. All monies must be used for new activities and cannot replace previously appropriated funds.

It is recommended Council adopt the following entitled ordinance to reflect an increase in General Fund revenues and an increase in the operating expenditures of the Police Department budget by a total of \$716.31. Consent Agenda Approval. Aycock/Broadaway (4 Ayes:2 Nays)

ORDINANCE NO. 2019-30 “AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR 2018-2019 FISCAL YEAR”

Informal Bid Request No. 2019-005 Rejection of Bid and Award (Parks and Recreation). Bids Rejected. On Tuesday, April 30, 2019 in accordance with the provisions of the N.C. General Statutes, sealed bids were publicly opened for the Stoney Creek Park Greenway Construction project.

Two (2) sealed bids were received as follows:

<u>Name of Bidder:</u>	<u>Amount of Bid:</u>
Asphalt Services of Goldsboro, LLC.	Option 1: \$38,600.00
1635 Pikeville Princeton Road	Option 2: \$33,750.00
Pikeville, NC 27863	
FSC II, dba Fred Smith Company	Option 1: \$60,226.00
701 Corporate Center Drive, Suite 101	Option 2: \$54,238.00
Raleigh, NC 27607	

It was found that Asphalt Services of Goldsboro, LLC. did not have their N. C. General Contractor’s before the bids were publicly opened on April 30, 2019.

It was recommended Council reject the bid of \$38,600 from Asphalt Services of Goldsboro, LLC and rebid the project. Consent Agenda Approval. Aycock/Broadaway (4 Ayes : 2 Nays)

Amending a Capital Projects Fund Ordinance – Herman Park Center Capital Project (G1102). Ordinance Adopted. At the December 17, 2018 meeting, the City Council authorized the award of a design-build contract with T.A. Loving Company for the Herman Park Center for \$735,950. At the same meeting, the Council further adopted a reimbursement resolution and a budget amendment for Phase I costs of \$735,950. At the March 18, 2019

meeting, City Council authorized the creation of a capital project fund to account for the project costs and debt proceeds as required by law. Included in the proposed borrowed amount of \$11,750,000 was \$600,000 for a portion of the \$1,755,751 match required by the TIGER VIII grant.

Now that the City has obligated the funds for the TIGER VIII grant, it is appropriate to remove the amount from the Herman Park Center Capital Project Fund (G1102). The proposed borrowed amount was included in the grant project ordinance for TIGER VIII grant (R1103) on May 20, 2019 ordinance presented. This amendment will reduce the line item “City Match Streetscape Improvements” by \$600,000 and also reduce the revenue line item “Loan Proceeds” by the same amount. Also, the Board approved the use of General Fund fund balance to appropriate expenditures for Phase I Design. This was included within Parks & Recreation’s budget. In order to more accurately capture the entire cost of the project it is recommended to separate Phase I Design costs of \$735,950 from Phase II Construction Costs.

Staff recommended Council adopt the following entitled Capital Projects Fund Ordinance amendment to reduce the total project by \$600,000. Consent Agenda Approval.
Aycock/Broadaway (4 Ayes : 2 Nays)

ORDINANCE NO. 2019-31 “AN ORDINANCE AMENDING THE CAPITAL PROJECTS FUND FOR THE HERMAN PARK RECREATION CENTER AND THE STREETScape IMPROVEMENTS CITY MATCH PROJECTS”

Establishing a Capital Projects Fund Ordinance – 1919 La France Fire Truck Restoration (G1103). Ordinance Adopted. At the April 1, 2019 Council work session, Chief Joseph Dixon detailed the proposal to restore the City’s 1919 La France fire truck in honor of its 100th anniversary. His plan was to secure donations and sponsorships to fund 100% of the restoration. The City has entered into an agreement with the Downtown Goldsboro Development Corporation (DGDC) since they are a 501c(3) organization eligible to accept donations and provide the required tax acknowledgement for donors. Those donations will periodically be remitted to the City. The City is still currently reviewing the contract with the vendor who will be performing the restoration.

General Statute §159-28 requires that all expenditures are budgeted. Since the City is managing the restoration and will be spending the donations on the truck’s restoration, the Council will need to appropriate the expenditures to accomplish this task. This undertaking is capital in nature, therefore, it is appropriate to treat this as a capital project. Chief Dixon stated he estimates the renovation to be approximately \$80,000, and will be funded solely with donation revenue.

Staff recommended the following entitled Capital Projects Fund Ordinance for the 1919 La France Fire Truck Restoration be approved for \$80,000. Consent Agenda Approval.
Aycock/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-32 “AN ORDINANCE ESTABLISHING THE CAPITAL PROJECT FUND FOR THE 1919 LA FRANCE FIRE TRUCK RESTORATION PROJECT

Establishing a Capital Projects Fund Ordinance – Parks & Rec Projects FY19-24 (G1104). Ordinance Adopted. The City has received several charitable donations and sponsorships in which the donor/sponsor has requested that the funds be spent on improvements for the Bryan Multi-Sports Complex. In January 2019, the City received a grant from Southern Bank for \$10,000 for a picnic shelter. Pepsi Bottling Ventures also paid \$20,500 in January as part of the City’s agreement to sponsor scoreboards at the complex. In April 2018, the City entered into a sponsorship agreement with the Bryan Foundation for naming rights to be paid \$50,000 per year for years 1 through 5, and then \$10,000 per year for years 6 through 10. The Foundation has paid years 1 and 2 for a total of \$100,000 of the \$300,000 pledged amount.

Since there is not a definitive project scope or established period for completion, it would be feasible to establish this project within the framework of a capital project budget, which would allow the funds to remain intact and discretely presented, and will span the life of the project rather than a single fiscal year.

It is recommended the following entitled Capital Projects Fund Ordinance for the Parks & Recreation Projects FY19-24 (G1104) be approved for \$330,500. Consent Agenda Approval. Aycok/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-33 “AN ORDINANCE ESTABLISHING THE CAPITAL PROJECT FUND FOR PARKS & RECREATION PROJECTS FY19-24”

Establishing a Special Revenue Fund Ordinance – Edward Byrne Memorial Justice Assistance Grant (JAG) (P3102). Ordinance Adopted. The City of Goldsboro was awarded \$44,985.00 for the 2017 JAG (2017-DJ-BX-0128) and \$48,372.00 for the 2018 JAG (2018-DJBX-0075) as a federal grant from the U.S. Department of Justice Office of Justice Programs. There is no local match required for this grant. The City and County equally share the grant since we are considered a disparate jurisdiction with them. The grant allows for the purchase of equipment and technology that will improve the safety and security of its law enforcement officers and citizens. The City of Goldsboro will manage the project by mutual agreement with Wayne County.

The 2017 JAG grant has been received and funds expended in the amount of \$44,942.19 leaving an available balance of \$42.81. The award end date is 9/30/2020. For the 2018 JAG grant, we have expended and requested reimbursement of \$23,460.42, and anticipate spending out the grant in FY20. The award end date is 9/20/2021. G.S. §159-13.2 allows for the adoption of a grant project that is financed in whole or in part by revenues received from the federal and/or State government for operating or capital purposes as defined by the grant contract. It has been past practice to comply with the terms of the grant agreement by managing the receipts and disbursements through a separate checking account for the JAG program. However, in order to comply with statute concerning encumbrances and maintain good internal controls using the City’s enterprise resource planning system, it is advisable to appropriate expenditures within this special revenue fund.

It is recommended Council adopt the following entitled Special Revenue Fund Ordinance for the Edward Byrne Memorial Justice Assistance Grant (JAG) (P3102) be adopted for \$94,659.64. Consent Agenda Approval. Aycok/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-34 “AN ORDINANCE ESTABLISHING A SPECIAL REVENUE PROJECT FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT”

Establishing a Special Revenue Fund Ordinance – Police Other Restricted Revenue Funds (P3104). Ordinance Adopted. In order to create more transparency in the collection and disbursement of funds received from special court allocations, storage fees, various fundraisers and other restricted revenue sources for the police department; it is our recommendation to create a special revenue fund to account for the inflows and outflows of resources. Previously these revenues and expenditures were processed through a liability account on the balance sheet of the General Fund, which has always been the standard practice here at the City, and is used by many similar entities. The proposed special revenue fund will provide a better way to track the use of these funds. The nature of these revenue sources tends to be very sporadic in nature, and not a steady or consistent revenue stream.

The Police department has received \$15,688 in donations for National Night Out, Heroes Donation, Walmart community grant, law enforcement calendar and sale of restricted assets through the Law Enforcement Support Office (LESO) program. The City has received the funds noted, and in order to comply with G.S §159-28 that requires all expenditures to be budgeted, it is necessary to appropriate the expenditures for the items purchased in FY2019. This fund will be amended as needed to account for the receipt of revenues and corresponding disbursements.

It is recommended Council adopt the following entitled Special Revenue Fund Ordinance for the Police Other Restricted Revenue Funds (P3104) be adopted for \$15,688.76. Consent Agenda Approval. Aycok/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-35 “AN ORDINANCE ESTABLISHING THE SPECIAL REVENUE FUND FOR THE POLICE OTHER RESTRICTED REVENUE FUND”

Establishing a Grant Project Fund Ordinance – Hurricane Florence FEMA 4393DR-NC. Ordinance Adopted. Hurricane Florence brought damaging winds, rain and devastating flooding to eastern North Carolina, and as a result, the City of Goldsboro and Wayne County were included in the Presidential disaster declaration on September 14, 2018. The City incurred costs for emergency protective measures, debris removal and permanent work related to major infrastructure, buildings and facilities owned by the City. As a public entity, the City applied and qualified for the FEMA Public Assistance Program. City staff continues to work with our FEMA project specialist to have our projects submitted and obligated with the Federal and State government. FEMA will reimburse up to 75% of eligible projects and North Carolina will reimburse up to 25%. We currently have 3 of the 9 projects officially obligated in a total amount of \$716,867.28. We have received one disbursement in the amount of \$15,518.80. The City has expended \$1,473,360.44 to date just on materials and contract labor. The current estimate of costs to recover from the damage is approximately \$2,652,484.52. For the projects considered “major” projects, FEMA will reimburse based on actual expenses, so this figure will likely change when all work is finally completed.

The federal grant requirements that the City accepted with the Public Assistance Program call for the City to establish a means of tracking the expenditures so that when the external auditors conduct the Single Audit portion of the annual audit, they can verify compliance with the various Federal and State grant guidelines in the compliance supplements. The purpose of this project qualifies as a grant project under G.S. § 159-13.2 and staff requests that the Board appropriate expenditures for the initial estimated costs of \$2,652,484.52. This will be funded with a combination of Federal grant revenue, insurance proceeds and transfers from the General Fund and Utility Fund. When FEMA formally obligates funding for the remaining projects, staff will return to Council with an amendment to update the budgeted revenues and expenditures.

It is recommended Council adopt the following entitled Grant Project Ordinance for the Hurricane Florence FEMA 4393DR-NC (R1102) be adopted for \$2,652,484.52. Consent Agenda Approval. Aycock/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-36 “AN ORDINANCE ESTABLISHING THE GRANT PROJECT FUND FOR THE HURRICANE FLORENCE FEMA 4393DR-NC GRANT PROJECT FUND”

Amending a Capital Projects Fund Ordinance – Tiger VIII Grant Projects (R1103). Ordinance Adopted. Council adopted the grant capital project ordinance on May 20, 2019 for the Transportation Investment Generating Economic Recovery Grant Program (TIGER) award of \$5,000,000. The award supports the following projects: 1. Center Street Streetscape Project 2. Goldsboro-Wayne Transportation Authority Transfer Center Concourse 3. The HUB (Formerly known as Cornerstone Commons) 4. Wayfinding Signage System Fabrication & Installation The City has committed to match 20%, which is \$1,755,751. The City last adopted the TIGER V Capital Project Fund in August, 2014 for a \$10,000,000 grant award with a \$4,615,785 local match for a total project of \$14,615,785.

The design phase of the project was appropriated in the General Fund and Utility Fund during the FY19 annual budget process. Since we now have an official award, staff is requesting to move the budgetary appropriation to the capital project fund so that we may capture the entire cost of the project within one dedicated project.

It is recommended Council adopt the following entitled Capital Projects Fund Ordinance for the FY2016 TIGER VIII Grant Project (R1103) be amended in the amount of \$477,376. Consent Agenda Approval. Aycock/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-37 “AN ORDINANCE AMENDING THE GRANT PROJECT FUND FOR THE FY2016 TIGER DISCRETIONARY GRANT CAPITAL PROJECT FUND”

Fiscal Year 2018-19 Budget Amendment. Ordinance Adopted. General Statute §159-28 requires that all expenditures be appropriated in the budget. An amendment to the annual budget ordinance to appropriate expenditures so the City’s budget remains in statutory compliance. The items below also include expenditures addressing the FY18 audit findings (marked with *). Also included are existing Capital and Grant Project funds found in need of amendment in conjunction with the discovery of the items presented in the operating budget. Staff will ensure that the upcoming budget year will not require as many items for the final

meeting of the FY20 fiscal year. The summary below presents the overall fund and department changes and is followed by detailed line item for each department. A summary of fund balance appropriated is also presented for your information.

Department	Total Dept Expend. Incr/(Decr)	Reduction of Funding	Transfers	Outside Revenue	Fund Balance	Total Funding
General Fund						
Mayor & Council	\$ 52,200			\$ 12,400	\$ 39,800	\$ 52,200
City Manager	(218,523)	(319,523)		101,000		(218,523)
Human Resources	6,619	6,619				6,619
Community Relations	16,349	1,549		14,800		16,349
Paramount Theater	252,212	2,212		250,000		252,212
Event Center	693	693				693
Inspections	7,381	7,381				7,381
Downtown Develop.	3,244	3,244				3,244
IT	28,203	9,903		18,300		28,203
Public Works Admin	3,656	3,656				3,656
Garage	23,562	8,762		14,800		23,562
Building Maintenance	7,091	7,091				7,091
Cemetery	3,208	3,208				3,208
Finance	10,697	10,697				10,697
Planning	7,691	7,691				7,691
Streets	7,700	7,700				7,700
Street Utilities	68,000				68,000	68,000
Solid Waste	90,494	22,494			68,000	90,494
Engineering	12,039	12,039				12,039
Fire	122,277	116,727		1,950	3,600	122,277
Police	230,880	99,380		51,500	80,000	230,880
Special Expense	(409,888)	(45,000)	(720,688)	221,000	134,800	(409,888)
Parks & Recreation	(712,631)	31,019	(815,950)	48,100	24,200	(712,631)
Golf	10,058	2,458		7,600		10,058
Transfers	1,827,038		1,536,638		290,400	1,827,038
Revenues	(4,384)				(4,384)	(4,384)
Total General Fund	\$ 1,445,866	\$ -	\$ -	\$ 741,450	\$ 704,416	\$ 1,445,866

Department	Total Dept Expend. Incr/(Decr)	Reduction of Funding	Transfers	Outside Revenue	Fund Balance	Total Funding
<u>Utility Fund</u>						
Utility Capital Expense	\$ (1,951,379)		\$ (1,951,379)			\$ (1,951,379)
Transfers	1,951,379		1,951,379			1,951,379
Total Utility Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<u>Occupancy Tax Fund</u>						
Civic Center	\$ 109,900		\$ -	\$ 109,900		\$ 109,900
Travel & Tourism	1,250			1,250		1,250
Revenues	-			60,050	(60,050)	-
Total Occupancy Tax Fund	\$ 111,150	\$ -	\$ -	\$ 171,200	\$ (60,050)	\$ 111,150
<u>Police Evidence & Fire Renov. Capital Project</u>						
Construction	\$ 290,400			\$ 290,400		\$ 290,400
Total Police Evidence & Fire Renov. Capital Project	\$ 290,400	\$ -	\$ -	\$ 290,400	\$ -	\$ 290,400
<u>Street Bonds Capital Project Fund</u>						
Construction	\$ 242,822		\$ -	\$ 242,822		\$ 242,822
Total Street Bonds Capital Project Fund	\$ 242,822	\$ -	\$ -	\$ 242,822	\$ -	\$ 242,822
<u>2010A Sewer Bonds Capital Project Fund</u>						
Construction	\$ 17,200		\$ -	\$ 17,200		\$ 17,200
Total 2010A Sewer Bonds Capital Project Fund	\$ 17,200	\$ -	\$ -	\$ 17,200	\$ -	\$ 17,200
<u>Phase IV Sewer Rehab Grant Project Fund</u>						
Loan Closing Costs	\$ 178,114		\$ -	\$ 178,114		\$ 178,114
Total Phase IV Sewer Rehab Grant Project Fund	\$ 178,114	\$ -	\$ -	\$ 178,114	\$ -	\$ 178,114

GENERAL FUND

Mayor & Council

- Increase in Legal Fees expenditures in the amount of \$24,800.00 to be funded with an appropriation of fund balance.
- Increase in Advertising 4th Force Support Squadron Marketing in the amount of \$15,000.00 that was inadvertently omitted in the FY19 budget process and to be funded with an appropriation of fund balance.
- *Create Mayor’s Youth Council expenditures \$12,400.00 funded with revenue from prior donations and fundraisers \$10,570.00 and current year gift wrapping fundraiser revenue of \$1,830.00.

City Manager

- *Create Union Station expenditures for NCDOT share of the eligible expenditures for the roof repair to Union Station in the amount of \$101,000.00 and this will be funded with revenue from a state grant from NCDOT.
- Reduce Salary Reserve to allocate to departments (\$328,601.00) as noted below:

General Fund Dept	Budgeted Reserve
Mayor & Council	\$ -
City Manager	9,078
Human Resources	6,619
Community Relations	1,549
Paramount	2,212
Event Center	693
Inspections	7,381
Downtown Development	3,244
Information Technology	9,903
Public Works - Admin.	3,656
Garage	8,762
Building Maintenance	7,091
Cemetery	3,208
Finance	10,697
Planning	7,691
Streets	7,700
Solid Waste	22,494
Engineering	12,039
Fire	71,727
Police	99,380
Rec. & Parks	31,019
Golf Course	2,459
Total	\$ 328,601

Community Relations

- *Increase expenditures for Community Awards & Functions \$14,800.00 and this will be funded with revenue from donations, fundraisers and sponsorships from a) Mayor's Committee for Persons with Disabilities \$6,800.00, b) Human Relations \$100.00, c) Interfaith Breakfast \$700.00, and d) Martin Luther King Commemoration \$7,200.00.

Paramount Theater

- *Create and appropriate expenditures for Vendor Proceeds for Event Ticket Sales \$250,000.00 to be funded with revenue from Paramount Theater Event Ticket Sales.

Information Technology

- *Increase expenditures for Equipment Expense in the amount of \$18,300.00 for repair of broadband fiber damaged in a vehicle accident to be funded with revenue from insurance proceeds.

Garage

- *Increase Outside Repairs \$14,800.00 for vehicle and equipment repairs due to accidents to be funded with revenue from insurance proceeds.

Street Utilities

- Increase in Street lights \$68,000.00 due to cost overrun in the electricity utility expense line item and to be funded with an appropriation of fund balance.

Solid Waste

- Increase in Recycling Fees \$68,000.00 due to unexpected change in the recycling market not budgeted during the FY19 budget cycle and this will be funded with an appropriation of fund balance.

Fire

- Increase in Worker's Compensation Claims in the amount of \$48,600.00 for actual claims received and not anticipated, and to be funded with a decrease in Workman's Comp Reserve in the Special Expense organization in the amount of \$45,000.00 and \$3,600.00 from an appropriation of fund balance.
- Increase in Equipment Expense \$1,950.00 for replacement gas monitor to be funded with revenue from insurance proceeds.

Police

- Increase in Worker's Compensation Claims in the amount of \$80,000.00 for actual claims received and not anticipated, and this will be funded with an appropriation of fund balance.
- *Increase in Fees & Dues for settlement of claim on police software for additional costs of renewing licenses of former software \$51,500.00 to be funded with revenue from settlement of claims (miscellaneous revenue).

Special Expense

- Decrease in Storm Damage Cleanup (\$482,000.00) transferred to Special Revenue fund for Hurricane Florence FEMA (R1102).
- Decrease in Streetscape Project (\$238,688.00) transferred to Grant Project fund TIGER VIII (R1103).
- *Increase Lease Purchase Payment (debt) \$193,000.00 for payoff of police software with Santander Leasing to be funded with revenue from settlement of claims (miscellaneous revenue).
- *Increase Wayne County Schools PEG expenditures in the amount of \$28,000.00 for services operating the Public, Educational or Governmental access channels to be funded by revenue from the State of North Carolina.
- *Increase Multi Sports Complex expenditures \$134,800 for sod and paving to be funded with an appropriation of fund balance since the debt proceeds were recognized in a prior fiscal year.
- Decrease Workman's Comp Reserve (\$45,000.00) to be distributed to the Fire Department for Workman's Comp Claims expenditures.

Parks & Recreation

- Decrease Consultant Fees (\$735,950.00) for T.A. Loving Phase I Design Herman Park Recreation Center transferred to Capital Project fund Herman Park Recreation Center (G1102).
- Decrease GoWayneGo Projects (\$80,000.00) and transferred to Parks & Recreation Capital Projects Fund FY19-FY24 (G1104). **Please note change to agenda item for this Capital Project previously submitted.**
- *Create and appropriate Poultry Fest/Beak Week Festival expenditures for \$25,900.00 to be funded with revenue from donations and sponsorships.
- *Create and appropriate Special Populations Programs expenditures of \$9,400.00 to be funded with revenue from donations and sponsorships.
- *Create and appropriate Challenger Grant expenditures program for flag football equipment, awards and travel of \$2,800.00 to be funded with revenue from private grants.
- Increase Building Maintenance for repair of fence at Bryan Multi Sports Complex in the amount of \$24,200.00 completed in FY2019 to be funded with an appropriation of fund balance since the insurance proceeds were recognized in a prior fiscal year.
- Create and appropriate Duke University Prescription for Play expenditures of \$10,000.00 to be funded with revenue from a private grant from Duke University.

Golf

- *Create and appropriate Merchandise for Resale Consignment expenditures of \$7,600.00 to be funded with revenue from sales of golf merchandise on consignment.

Transfers

- Increase Transfers to Capital Project Fund Parks & Rec Capital Projects FY19-FY24 (G1104) for GOWayneGo grant including City match portion to be funded with a decrease in expenditures in the Parks & Recreation department in the amount of \$80,000.00.
- Increase Transfers to Grant Project Fund Hurricane Florence FEMA (R1102) \$482,000.00 to be funded with a reduction of expenditures in the Special Expense organization.
- Increase Transfers to Grant Project Fund TIGER VIII (R1103) \$238,688.00 to be funded with a reduction of expenditures in the Special Expense organization.
- Increase Transfers to Capital Project Fund Herman Park Recreation Center (G1102) in the amount of \$735,950.00 to be funded with a reduction of expenditures in the Parks & Recreation organization.
- Increase in Transfer to Capital Project Fund Police Evidence & Fire Renovation (G1106) \$290,400.00 for shortfall in encumbrances for construction \$265,600.00 and testing services \$24,800.00. This will be funded with an appropriation of fund balance since the debt proceeds were recognized in 2014 when the note was taken. See detail below of construction costs of the project.

Construction Police Evidence & Fire Renovation		
Daniels & Daniels Construction	\$	5,323,425
Moseley Architects		84,000
Brady Integrated Security		6,822
S&ME		25,000
Loan Costs		90,000
Total Project Cost	\$	5,529,247
Funding Sources		
Loan Zions Bank 10/2018	\$	5,300,000
Loan Capital One 7/2014		526,029
Total Funds Available	\$	5,826,029
Project Surplus/(Shortage)	\$	296,782

Revenue

- Increase in Golden Leaf Proceeds \$4,384.00 for balance of Golden Leaf proceeds for Glenwood Subdivision project grant for Hurricane Matthew Recovery. Additional amount will be used to offset fund balance appropriated in the General Fund.

Appropriated fund balance for the General Fund is presented below for your information. A calculation has been prepared for the limitation on appropriation of fund balance under G.S. § 159-8, and appears to meet those limitations.

City of Goldsboro Appropriated Fund Balance - General Fund FY2019				
Date	Ordin.	Description	Adopted	% of Total
7/1/2018	2018-31	Appropriated Fund Balance FY18-FY19 Budget	\$ 900,000.00	21.38%
7/16/2018	2018-35	FY2018 Purchase Order Rollovers to FY2019	1,173,825.86	27.89%
7/16/2018	2018-36	Property ROW - NCDOT	125,000.00	2.97%
9/4/2018	2018-42	Repair City Hall Columns	22,591.00	0.54%
10/1/2018	2018-50	Mercer Group (City Manager Search)	16,900.00	0.40%
10/1/2018	2018-53	NCLM Police Workmns Comp Claim	200,000.00	4.75%
11/19/2018	2018-62	GoWayneGo Grant Match from GF	40,000.00	0.95%
11/19/2018	2018-64	HV Brown Shelter & Restrooms (Vortex Construction)	134,000.00	3.18%
12/17/2018	2018-71	Herman Park Center Design-Build TA Loving Co.	735,950.00	17.49%
1/7/2019	2019-01	Stump grinding services on City properties & ROW's	7,500.00	0.18%
2/4/2019	2019-05	Stump grinding services on City properties & ROW's	10,475.00	0.25%
2/18/2019	2019-09	Goldsboro Event Center HVAC	21,171.00	0.50%
4/15/2019	2019-21	GUS Adaptive Reuse Study Grant Match (Benchmark)	10,000.00	0.24%
5/6/2019	2019-22	BOA Loan #024-GE Excess Proceeds - Flail Mower Purch	107,000.00	2.54%
Current Year Appropriations			\$ 3,504,412.86	
6/17/2019		Legal and Professional fees	\$ 24,800.00	0.59%
6/17/2019		Advertising contract 4th Support Squadron Marketing	15,000.00	0.36%
6/17/2019		Recycling fees	68,000.00	1.62%
6/17/2019		Street lights	68,000.00	1.62%
6/17/2019		Worker's Compensation Claims	83,600.00	1.99%
6/17/2019		Transfer to Police Evidence & FireRenovation Capital Project previously recognized debt proceeds	290,400.00	6.90%
6/17/2019		Sod and paving at Bryan Multi Sports Complex previously recognized debt proceeds	134,800.00	3.20%
6/17/2019		Fence repair at Bryan Multi Sports Complex previously recognized insurance proceeds	24,200.00	0.57%
6/17/2019		Golden Leaf Grant for Glenwood Subdivision additional grant funds received	(4,384.00)	-0.10%
Proposed			\$ 704,416.00	
Current Year with Proposed			\$ 4,208,828.86	

UTILITY FUND

Utility Fund Capital Expense

- Decrease Debt Issuance Costs (\$178,114.00) for SRF loan closing costs on Phase IV Sewer Rehab moved to Capital Project (91).
- Decrease Storm Damage Cleanup (\$1,534,577.00) moved to Special Revenue fund for Hurricane Florence FEMA (R1102).
- Decrease Streetscape Project (\$238,688.00) moved to Grant Project TIGER VIII (R1103).

Transfers

- Increase Transfers to Capital Project Fund for Phase IV Sewer Rehab project for loan closing costs in the amount of \$178,114.00, and this will be funded with a reduction of expenditures in the Utility Capital Expense.
- Increase Transfers to Grant Project Fund Hurricane Florence FEMA (R1102) \$1,534,577.00 to be funded with a reduction of expenditures in the Utility Capital Expense organization.
- Increase Transfers to Grant Project Fund TIGER VIII (R1103) \$238,688.00 to be funded with a reduction of expenditures in the Utility Capital Expense organization.

Appropriated fund balance for the Utility Fund is presented below for your information.

City of Goldsboro
Appropriated Fund Balance - Utility Fund
FY2019

Date	Ordin.	Description	Adopted
7/1/2018	2018-31	Appropriated Fund Balance FY18-FY19 Budget	\$ -
7/16/2018	2018-35	FY2018 Purchase Order Rollovers to FY2019	1,708,062.82
10/1/2018	2018-49	Engineering - Wastewater	62,500.00
10/1/2018	2018-48	Engineering - Wtr Impv.	187,500.00
10/15/2018	2018-54	SRF Loan Expense	178,114.00
4/1/2019	2019-14	Center/Holly St Water Tank Repaint (Utility Service Co)	526,700.00
4/1/2019	2019-16	Splash Pad at Bryan MultiSports (Utilities for Splash Pad)	21,100.00
4/15/2019	2019-20	Inspections on Center/Holly Street Water Tank Repainting	37,500.00
Current Year Appropriations			<u><u>\$ 2,721,476.82</u></u>
Proposed			<u><u>\$ -</u></u>
Current Year with Proposed			<u><u>\$ 2,721,476.82</u></u>

OCCUPANCY TAX FUND

Civic Center

- Increase in Fence/Railings \$6,800 for 8’ fence at Multi Sports Complex to be funded with an appropriation of Contingency. (Contingency can only be used by approval of the Board. G.S. §159-13.)
- Decrease in Contingency (\$6,800.00) to fund Fence/Railings at Multi Sports Complex.
- Increase expenditures in County Share of Occupancy Tax in the amount of \$109,900 and this will be funded with additional revenue from Occupancy Tax Revenue Civic Center.

Travel & Tourism

- Increase in Operational Supplies \$1,250.00 for merchandise for resale and this will be funded with revenue from merchandise sales included in Miscellaneous revenue.

Revenues

- Increase in Investment Interest Civic Center for actual over budget estimated \$1,600.00, and this will be used to reduce appropriated fund balance.
- Increase in Investment Interest Travel & Tourism for actual over budget estimated \$1,450.00 and this will be used to reduce appropriated fund balance.
- Increase Occupancy Tax Revenue Civic Center \$109,900.
- Increase in Fitness Center Reimbursement for final payment received from SJAFB \$57,000.00 and this will be used to reduce appropriated fund balance.
- Decrease in Appropriated Fund Balance (\$60,050.00).

Appropriated fund balance for the Occupancy Tax Fund is presented below for your information.

City of Goldsboro
Appropriated Fund Balance - Occupancy Tax Fund
FY2019

Date	Ordin.	Description	Adopted
7/1/2018	2018-31	Appropriated Fund Balance FY18-FY19 Budget	\$ 20,683.00
7/16/2018	2018-35	FY2018 Purchase Order Rollovers to FY2019	128,500.61
Current Year Appropriations			\$ 149,183.61
6/17/2019		Reduce appropriated fund balance by investment and miscellaneous revenues received	(60,050.00)
Proposed			\$ (60,050.00)
Current Year with Proposed			\$ 89,133.61

POLICE EVIDENCE ROOM & FIRE DEPARTMENT RENOVATION CAPITAL PROJECT FUND

Police

- *Increase in Construction expenditures \$290,400.00 for contracts over amount borrowed. Includes \$24,683.00 for testing by SM&E, and this will be funded with a revenue Transfer from General Fund.

STREET BONDS CAPITAL PROJECT FUND

- *Increase Street Improvements expenditures in the amount of \$242,822.25 and this will be funded with revenues from Bond Premium to account for additional proceeds from \$4.5M Street Bond issue where bonds were sold at a premium.

2010A SEWER BONDS CAPITAL PROJECT FUND

- *Increase expenditures for Construction for the 2010 Sewer Bonds Capital Project Fund in the amount of \$17,200.00, and this will be funded with an increase in revenue from Investment Earnings for current year interest income earned.

PHASE IV SEWER REHAB CAPITAL PROJECT FUND

- *Increase Loan Closing Costs \$178,114.00 for Phase IV Sewer Rehab CS370482-07 for SRF loan \$8.9M approved 12/18/17, and this will be funded with an increase in revenue from Transfer from Utility Fund.

It is recommended Council adopt the following entitled annual, capital and grant project budget ordinance amendments to reflect the changes to the City's FY 2018-19 budget. Consent Agenda Approval. Aycock/Broadaway (4 Ayes: 2 Nays)

ORDINANCE NO. 2019-38 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2018-2019 FISCAL YEAR"

ORDINANCE NO. 2019-39 "AN ORDINANCE AMENDING THE 2010A SANITARY SEWER IMPROVEMENTS CAPITAL PROJECTS FUND"

ORDINANCE NO. 2019-40 "AN ORDINANCE AMENDING THE STREET IMPROVEMENTS CAPITAL PROJECTS FUND"

ORDINANCE NO. 2019-41 "AN ORDINANCE AMENDING THE PHASE 4 SEWER COLLECTION REHABILITATION CAPITAL PROJECTS FUND"

ORDINANCE NO. 2019-42 "AN ORDINANCE AMENDING THE POLICE EVIDENCE ROOM & FIRE DEPARTMENT RENOVATION CAPITAL PROJECTS FUND"

Advisory Board and Commission Appointments. Resolutions Adopted. There are currently several vacancies on Advisory Boards and Commissions. Citizen involvement is vital to the performance of City government. It is necessary that additional appointments be made in an effort to fill these vacancies.

Recommendations for appointments were requested from the respective Boards and Commissions. Applications were also solicited from the public at large.

The City Council met during the Work Session on June 3, 2019 to review vacancies and applications received to fill the current vacancies. With these appointments, one vacancy remains on the Mayor's Committee for Persons with Disabilities.

It is also customary for the City of Goldsboro to express its appreciation by Resolution to those members whose terms have expired, who have moved or resigned.

Staff recommended Council adopt the following entitled Resolutions appointing members to various Advisory Boards and Commissions in the City of Goldsboro and commending those individuals whose terms have expired, who have moved or resigned. Consent Agenda Approval. Aycock/Broadaway (4 Ayes: 2 Nays)

RESOLUTION NO. 2019-53 "RESOLUTION APPOINTING MEMBERSTO ADVISORY BOARDS AND COMMISSIONS"

RESOLUTION NO. 2019-54 "RESOLUTION COMMENDING INDIVIDUALS WHO HAVE SERVED ON VARIOUS ADVISORY BOARDS AND COMMISSIONS OF THE CITY OF GOLDSBORO AND DIRECTING THE MAYOR ON BEHALF OF THE CITY COUNCIL TO PRESENT THE INDIVIDUALS WITH A CERTIFICATE OF APPRECIATION"

Monthly Reports. Accepted as Information. The various departmental reports for June 2019 were submitted for the Council's approval. It was recommended that Council accept the reports as information. Consent Agenda Approval. Aycock/Broadaway (4 Ayes: 2 Nays)

End of Consent Agenda.

Contract Award for Phase II of the Design-Build Services for the Construction of Center Street Streetscape Phase III Project (Formal Bid #2018-001). The City of Goldsboro was awarded a 2016 Transportation Investment Generating Economic Recovery (TIGER) VIII grant to fund multiple projects, including the next and last phase of the Center Street Streetscape, Cornerstone Commons, Wayfinding Signage Fabrication and Installation and the Construction of a GWTA Concourse. Per recommendations by US Department of Transportation (DOT) and the Federal Transit Administration (FTA), The Hub (formerly known as Cornerstone Commons) project has been embedded into the Center Street project and is thus now combined and considered one project, titled Center Street Streetscape Project Phase III.

The City received Pre-Award Authority notice by USDOT/FTA on January 9, 2018 permitting us to move forward with the revised Center Street Streetscape project and the Wayfinding Signage project. USDOT and FTA recommended utilization of a Design-Build approach for the Center Street Streetscape project for multiple reasons regarding efficiencies, participation interests and budgeting benefits.

An RFQ for Design-Build Services was released January 16, 2018 with a due date of February 16, 2018. The City received three responses to the RFQ. A selection committee of city staff reviewed the submittals per an evaluation form and opted to invite all three teams to interview. The selection committee evaluated each of the teams during the interviews via an individual form and then, afterwards, discussed their scores to create a form that provided an average final score for each team. The team to receive the highest total score was led by TA Loving Construction Company and included The Wooten Company, Rivers & Allison Platt and HH Architecture.

Upon negotiations with the TA Loving team regarding fees, budget, schedule and scope of services, a contract was authorized by City Council for execution at the May 5, 2018 Council meeting with a scope that consisted of Architectural & Engineering Services, Preconstruction Services and Subsurface Exploration at a cost of \$477,375.00.

For the past year, we have worked with the TA Loving team through the design, materials, and engineering logistics that have resulted in plans and cost estimates. This process has made us prepared for Phase II, Construction, of this project and its contractual relationship with the TA Loving team.

The total estimated cost is \$5,900,651, including the Phase I, Design Services cost at \$477,375.00 that was approved last year. The TIGER VIII grant budget has \$5,705,750 allocated to The Hub

and Center Street Streetscape portions of the total grant project. The total estimated cost does not include the splash pad and fireplace amenities as USDOT decided they were ineligible for TIGER grant funding. The covered shelter/stage is not in the current Construction Phase contract scope since its inclusion made the project significantly over budget and would therefore stall us from moving forward. USDOT would not allow us to exclude any portions of the grant scope, other than the stage/shelter, to offset the difference between the budget and the cost. The stage/shelter was permitted to be removed from the scope since they deemed it to be the least transit oriented portion of the project. Staff is working to identify alternative ways to support the stage/shelter, splash pad and fireplace amenities and intends to have them built before The Hub construction is completed.

With the current estimate of \$5,900,651 for the Center Street Streetscape/Hub project and a budget of \$5,705,750, there is a shortfall of \$194,901 for this portion of the grant that we will have to address within the grant period scheduled to close out by June 2022. The Wayfinding Signage System bids came in under what we had allocated in the TIGER VIII budget. Thus, we plan to reallocate, at a minimum, \$130,000 of the Wayfinding project TIGER VIII budgeted monies into The Hub/Center Street Streetscape project budget. This reduces the current shortfall to \$64,901 that will be need to be addressed by June 2022.

Upon approval to execute the contract, TA Loving will begin construction. The City's Public Works staff began demolition of the project area the week of May 20, 2019. Per the May 20, 2019 City Council meeting, the City Council authorized the appropriation of a TIGER Capital Projects budget amendment, thus no additional action is necessary.

Mayor Pro Tem Broadaway made a motion to adopt the following entitled resolution authorizing the Mayor and City Clerk to execute contracts in the amount of \$5,423,276 with the TA Loving Company for the Center Street Streetscape Phase III Project to begin Phase II, Construction Services, of the two-phased project once finalized and our city attorney has approved. The motion was seconded by Councilmember Ham. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster voted against the motion. Mayor Allen stated the motion passed 4:2.

RESOLUTION NO. 2019-55 "A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF GOLDSBORO AND T. A. LOVING COMPANY FOR PHASE II, CONSTRUCTION OF THE TIGER VIII GRANT CENTER STREET STREETSCAPE PROJECT"

Budget Ordinance for Fiscal Year 2019-20. Ordinance Adopted. G.S. §159-13 requires that the governing board adopt a budget ordinance prior to July 1 to make appropriations and levy the taxes for the budget year. In specific, the Budget Ordinance establishes the property tax rate and any special taxes which may be levied during a fiscal year, such as the Special Downtown Municipal District Tax. The intention of a city to issue licenses upon businesses, trades and professions is also described within the contents of this document. The major emphasis of a Budget Ordinance is to identify by fund the estimated revenues a municipality anticipates to collect during a fiscal year and to delineate by fund, department, and activity how these monies shall be appropriated. The Budget Ordinance may also describe any special authorizations granted to the Budget Officer.

Passage of the Budget Ordinance is an annual occurrence. No budget for the fiscal year can be implemented without the formal adoption of the provisions of this document. The Budget Ordinance reflects the decisions made by the City Council during its budget reviews and discussion. The Budget Ordinance assures compliance with all pertinent State Fiscal laws. It must show an exact balance between revenues and expenditures. If circumstances do not warrant the adoption of this document by the prescribed date, an interim budget must be approved by the governing body. The specific authorizations granted to the Budget Officer are the same as were delegated in Fiscal Year 2018-19 that relate to the reallocation of departmental appropriations, interdepartmental transfers, and inter-fund loans and transfers. Also, the Finance Director and Assistant Finance Director are authorized to sign all pre-audit certifications for budgetary appropriations as required by G.S. 159-28. Council met with staff on several occasions to discuss the FY 2019-20 recommended budget. During those sessions, Council discussed holding the property tax rate, utility, stormwater and refuse fees at the same levels as adopted for FY2018-19 with the exception of a 10 percent increase in wholesale water rates.

As required by G.S. §159-11, the Budget Officer submitted to the governing board a balanced recommended budget with the required components on May 28, 2019, ahead of the June 1st deadline. The filing of the recommended budget was also properly advertised in the Goldsboro-News Argus on the same date, and paper copies of the budget delivered to the City Clerk and to the Wayne County Public Library as well as made available online on the City's website. Further, the Board properly conducted a public hearing on June 3, 2019 at the 7:00 pm meeting. Finally, there has been at least 10 days between the presentation of the recommended budget (May 28th) and the tentative adoption of the budget ordinance (June 17th).

Ms. Catherine Gwynn provided a summary of the changes from the work session.

A published copy of the final adopted Budget Ordinance for FY2019-20 will be produced incorporating all changes as adopted by the Board within 5 days of ratification.

The recommended Fiscal Year 2019-20 Budget recommends an increase of ten percent (10%) to industrial bulk water users for the first 1,500,000 gallons inside the city. There are no other changes in the water and sanitary sewer rates. It is recommended that these rates be effective with the first utility billing after July 1, 2019. The Late Fee charged on utility accounts past due and the Service Penalty, implemented in July 1991 to recover the cost of providing additional services for utility customers with two bills past due, will remain the same for Fiscal Year 2019-20. It is recommended the water reconnection fee of \$10.00 remain the same and be charged before water service is restored to the customer who was disconnected due to nonpayment.

Councilmember Aycock made a motion to adopt the following entitled Budget Ordinance for the Fiscal Year 2019-20. The motion was seconded by Councilmember Ham. Mayor Allen, Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster voted against the motion. Mayor Allen stated the motion passed 4:2.

ORDINANCE NO. 2019-43 "ANNUAL BUDGET ORDINANCE FISCAL YEAR 2019-2020"

City Manager's Report. Mr. Timothy Salmon thanked Ms. Catherine Gwynn and the Finance team for their tremendous work on the past and future budget.

Mayor and Councilmembers' Reports and Recommendations.

Councilmember Aycock stated no comment.

Councilmember Ham stated no comment.

Councilmember Foster stated no comment.

Mayor Pro Tem Broadaway stated no comment.

Councilmember Williams stated I pleaded with Council to consider adding additional funding for Rebuilding Broken Places. They do a lot for those kids in that area. I am asking businesses in this city to contact Mr. Barnes at Rebuilding Broken Places and write them a check.

There being no further business, the meeting adjourned at 9:33 p.m.

Chuck Allen
Mayor

Melissa Capps, MMC /NCCMC
City Clerk

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Request authorization of agreement for entry and maintenance whereby allowing Public Works to access and maintain ditch located behind the First Presbyterian Church, 1101 East Ash Street.

BACKGROUND: The properties along Park Ave A & B and Jackson Street, located behind the First Presbyterian Church, experience flooding during significant rain events. Major Storms have resulted in reported private property damages. These areas directly drain to a ditch located on church property that flows toward Herman Park and ultimately to the Big Ditch. The City desires to perform inspections, maintenance, and improvements of the privately owned ditch, which is, in the best interest of all parties to prevent the potential for future flooding.

DISCUSSION: See Attached Agreement. The scope of work involves the following: 1) Select removal of vegetation and trees facilitate equipment access to the ditch line as well as the crossline pipe under Jackson Street. 2) Removing silt and organic material from within the existing ditch bottom without significant enlargement of the ditch. 3) Periodic inspections and maintenance as needed for a period of two years to maintain flow only, not aesthetics.

All work will be coordinated with the Church. The City will take every precaution to minimize the impact to Church property. The City will be responsible for any excessive or preventable damages caused during the performance of the work.

RECOMMENDATION: By motion, staff requests approval of agreement for entry and maintenance.

Date: _____

Richard E. A. Fletcher III, Public Works Director

Date: _____

Timothy Salmon, City Manager

RESOLUTION NO. 2019-

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AGREEMENT FOR ENTRY
AND MAINTENANCE FOR THE PUBLIC WORKS DEPARTMENT OF THE CITY OF
GOLDSBORO

WHEREAS, the City of Goldsboro wishes to enter into an agreement with First Presbyterian Church to perform inspections, maintenance, and improvements to a ditch, owned by First Presbyterian Church, which is in the public interest to do so;

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

1. The Mayor is hereby authorized to sign an agreement with First Presbyterian Church for the entry and maintenance of a ditch by Public Works.
2. This Resolution shall be in full force and effect from and after this the 9th day of September, 2019.

Mayor

Attested by:

City Clerk

AGREEMENT FOR ENTRY AND MAINTENANCE

This agreement is made this the ____ day of _____, 2019 by and between the City of Goldsboro (hereinafter "City") and First Presbyterian Church of Goldsboro, Inc. (hereinafter "Owners").

WHEREAS, the City desires to enter certain lands of the Owners located in Wayne County, NC at address 1101 East Ash Street, Goldsboro, NC 27530, being more fully described as TRACT ONE in that certain deed recorded in Deed Book 1238, Page 517 of the Wayne County Registry, and;

WHEREAS, the City desires to perform inspections, maintenance, and improvements of privately owned storm water management facilities which, in the opinion of the City, it is in the public interest to do so, and the scope of work to be performed by the City is as follows:

- 1) Remove select vegetation and trees along the Northern property line of the above-described property at the inlet of the crossline pipe under Jackson Street in order to improve inspection and maintenance of said pipe.
- 2) Restore the flow line of the ditch along the Northern property line of the above-described property from Jackson Street to the outlet of a 15-inch concrete pipe that is located within the old right of way of Pineview Street and drains Park Ave., a distance of approximately 450 feet. The restoration of the flow line will consist of removing silt and organic material from within the existing ditch bottom without significant enlargement of the ditch and selective removal of vegetation and trees as necessary to facilitate the equipment performing the work. Vegetation and debris material removed from the ditch by City forces will be removed from the property and disposed of by City forces.
- 3) Periodic inspections and maintenance of the ditch will occur as needed to facilitate flow. Mowing and/or vegetation management will occur as needed to maintain flow only, not aesthetics. Material cut or removed from the ditch by City forces will be removed from the above-described property by City forces.

WHEREAS, Owners, recognizing the benefits accruing to their said property through the construction and maintenance by the City of storm water management facilities upon the above-described property agree as to the scope of work to be performed by the City upon the following conditions:

- 1) The City must notify and receive approval from Church personnel prior to undertaking any action as described herein. Such approval shall not be unreasonably withheld but will be based upon schedule of Church activities.
- 2) The City agrees to indemnify and hold harmless Owner and any officers, employees or members of Owner for any damage to any equipment, employee, official, contractor, agent, assign, or licensee of City.
- 3) The City agrees to access the above-described property only through the Northernmost driveway of the above-described property from Jackson Street and agrees

to use all reasonable precaution to prevent any damage to the parking lot or any other property of the Owner and agrees that should any damage to the parking lot or any other property of the Owner, the City agrees to repair or replace said property to remedy any damage caused during the scope of the work described above.

NOW THEREFORE, in consideration of the mutual benefits inuring to all parties of this agreement and in further consideration of the mutual covenants contained herein, the parties to this agreement do hereby agree and consent that the City, its employees, officials, contractors, or agents, or assigns, as well as all others deemed necessary by the City, may enter upon the Owner's above-described property for the purposes of completing the scope of work described herein.

THIS AGREEMENT FOR ENTRY AND MAINTENANCE shall begin on the date of execution of this agreement and shall continue for a period of twenty-four (24) months from the date of execution.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this the ____ day of _____, 2019.

CITY OF GOLDSBORO

BY: _____ (SEAL)
Chuck Allen, Mayor

ATTESTED BY: _____ (SEAL)
_____, Clerk

State of North Carolina

County of Wayne

This the ____ day of _____, 2019, personally came before me _____, a Notary Public for said State and County, _____, who by me duly sworn, says that she knows the common seal of the CITY OF GOLDSBORO and is acquainted with CHUCK ALLEN, who is the Mayor of said municipal corporation; that the said _____, is its Clerk; and that she saw the Mayor sign the foregoing instrument; and that the said Clerk, saw the said common seal of said corporation affixed thereto, and that she, the said Clerk, signed her name in attestation of said instrument in the presence of said Mayor of said municipal corporation.

Notary Public

Printed Name of Notary Public
My Commission Expires: _____

First Presbyterian Church of Goldsboro, Inc.

By: _____
President

North Carolina
Wayne County

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he/she is President of First Presbyterian Church of Goldsboro, Inc., a North Carolina Non-Profit Corporation, and that he/she as the President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and seal, this the ____ day of _____, 2019.

NOTARY PUBLIC

Typed/Printed Name of Notary

My Commission Expires: _____

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019

SUBJECT: City of Goldsboro Personnel Policy Revision – Anti-Harassment Policy

BACKGROUND: The City of Goldsboro’s Personnel Policy was last revised on December 1, 2017. The current policy does not address some of the more recent policy issues that have been encountered regarding Harassment in the workplace.

DISCUSSION: As advised by legal counsel and recommended by the Director of Human Resources, it has been determined that the current Harassment Policy is in need of revisions as outlined by the U.S. Equal Employment Opportunity Commission better known as EEOC. All city employees will be trained on the newly revised Anti-Harassment policy and the policy will be made available on the city’s intranet for future reference. The policy will also be published on the city’s website for reference by non-city employees, affiliates of the city and vendors.

The affected Article and Section is attached for review. A revision will be made to the Personnel Policy upon approval of the attached document.

RECOMMENDATION: It is recommended that the City Council, by motion, approve the attached revised section of the Personnel Policy as requested above. The revisions shall become effective immediately.

Date

Bernadette Dove
Human Resources Director

Date

Tim Salmon
City Manager

Section 6. Anti-Harassment

It is the policy of the City of Goldsboro to maintain a working environment that is free from all forms of discrimination and harassment, including sexual harassment. For that reason, the City of Goldsboro will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the City will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Any employee who feels subjected to unlawful harassment in the workplace is obligated to promptly report this information in accordance with the procedures provided in this policy.

Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimands, suspension, demotion or termination of employment. (see Appendix C for policy guidelines)

APPENDIX C

Anti-Harassment Policy Effective Date

Policy

It is against the policy of the City of Goldsboro and illegal under local, state and federal law to discriminate against someone based on their race, color, gender, religion, national origin, age, disability and genetic information

It is also against the policy of the City of Goldsboro, and illegal under state and federal law, to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

In addition, it is against the policy of the City of Goldsboro to discriminate against someone based on his or her marital status, sexual orientation, gender identity or gender expression.

III. Definitions

Covered Employees. This policy applies to all employees of the City of Goldsboro, including, but not limited to, full and part-time employees, regular, temporary, contract and seasonal employees, vendors, employees covered or exempted from personnel rules or regulations, on or off duty City employees harassing another City employee on or off duty, non-City employees harassing City employees and City employees harassing non-City employees while the City employee is on duty or in City uniform.

Harassment. For purposes of this policy, any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, non-City employee, or any person working for or on behalf of the City of Goldsboro.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, gender expression, sexual orientation, age, body, disability or appearance. Verbal harassment includes epithets, slurs, and negative stereotyping.
2. Non-verbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect towards an individual or group because of national origin, race, color, religion, age, gender, gender expression, gender identity, sexual orientation, pregnancy, disability or other protected status.

Hostile Work Environment. Results from harassing conduct, as defined above that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive working environment.

Retaliation. Any adverse action taken against an individual because he or she filed a charge of harassment, complained about harassment on the job, or participated as a witness in an investigation.

Sexual Harassment. A form of sex discrimination that consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment can include, but are not limited to, the following when such acts or behavior comes within one of the above definitions:

1. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
2. Touching or grabbing a sexual part of an employee's body;
3. Touching or grabbing any part of an employee's body after that person has indicated or it is known that such physical contact is unwelcome;
4. Continuing to ask an employee to socialize on or off-duty when that person has indicated that she or he is not interested;
5. Displaying or transmitting sexually suggestive pictures, objects, cartoons or posters;
6. Writing sexually suggestive notes or letters to another employee;
7. Referring to or calling a person a sexualized name;
8. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of other employees;
9. Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);
10. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation or gender identity or gender expression;
11. Harassing acts or behavior directed against a person on the basis of an employee's sex, sexual orientation, gender identity, or gender expression; or
12. Off-duty conduct that falls within the above definition and affects the work environment.

Electronic mail (e-mail), social media (Facebook, Twitter, Instagram, etc.) or other computer aided transmissions of sexually explicit materials or harassing conduct may also constitute prohibited conduct under this policy.

Sexual harassment can also consist of intimidating, abusive or hostile behavior of a non-sexual nature towards an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female or males because they are male may also constitute a violation of this policy on the same level as harassment of a sexual nature.

Sexual Harassment can also take the form of offensive conduct by non-employees such as vendors and outside contractors against employees in the workplace.

IV. Procedure

A. Procedures for Reporting Harassment

1. Any employee who feels subjected to harassment, including sexual harassment should immediately contact one of the persons below with whom the employee feels comfortable. Complaints may be made orally or in writing to:
 - a. The employee's immediate supervisor;
 - b. The employee's Department Director;
 - c. Human Resources Director; or
 - d. The City Manager.
2. Although employees are strongly encouraged to try to resolve disputes with the help of their immediate supervisor, employees may circumvent the chain of command in selecting the person to make a complaint of harassment, particularly when the immediate supervisor is the harassing employee.
3. The employee should be prepared to provide the following information, if known, to the individual to whom a complaint of harassment is made:
 - The employee's name, department and position title;
 - The name of the person committing the harassment, including the person's title, if known;
 - The specific nature of the harassment, its duration, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;
 - Any witnesses to the harassment; and

- Whether the employee has previously reported such harassment and, if so, when and to whom.
4. The filing of a good faith complaint or otherwise reporting harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

B. Investigation

1. In the event the City receives a complaint of harassment, or otherwise has reason to believe that harassment is occurring, the City will take all necessary steps to ensure that the matter is promptly investigated and addressed.
2. The City is committed, and required by law, to take appropriate and remedial action if it learns of potential harassment in the workplace. Once a complaining party makes a report of harassment to the supervisor, department director, City Manager the person receiving the report must forward all relevant information to the Human Resources Director regardless of any request or desire by the complaining party not to initiate a formal investigation under this policy. Failure to appropriately report such harassment complaints or suspected acts of harassment shall be considered a violation of this policy.
3. Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. Employees who are involved in any aspect of the harassment complaint are advised to refrain from discussing the alleged facts of the complaint with other City employees, particularly during the pendency of the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.
4. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the Human Resources Director.

The Human Resources Director shall make and keep a written record of the investigation, including notes of responses made to the investigator in connection with the investigation. The notes shall be made at or near the time the interview is in progress. Upon the receipt of a complaint of harassment, the Human Resources Director shall immediately:

- a. Obtain a written statement(s) (oral if necessary) from the person complaining of sexual harassment that includes a comprehensive report of the nature of the harassment complained of, and the times, dates and places where the harassment occurred. The investigator shall interview the person complaining of harassment about any information in the written statement that is not clear or needs further explanation.

- b. Obtain a written statement(s) (oral if necessary) from witnesses that includes a comprehensive report of the nature of the conduct witnessed, and the times, dates, and places where the conduct occurred, and the conduct of the person complaining of harassment toward the person against whom the complaint of harassment was made. The investigator shall orally question witnesses about any information in their written statements that is not clear or needs further explanation.
- c. Obtain a written statement(s) (oral if necessary) from the person against whom the complaint of harassment has been made. The investigator shall orally question the person against whom the complaint of harassment has been made about any information in the written statement that is not clear or needs further explanation.
- d. Prepare a report of the investigation, that includes the written or transcribed statement of the person complaining of harassment, the written or transcribed statements of witnesses, the written or transcribed statement of the person against whom the complaint of harassment was made, and the investigator's notes connected to the investigation, and submit the report to the City Manager. In the event that the harassment complaint is filed against the City Manager, the report shall be submitted to the City Council.

C. Mediation

At any point in time during or after the investigation into a complaint of harassment, the alleged victim and harasser may agree to participate in mediation to be conducted at the direction of the Human Resources Director. Mediation under this section cannot take place without the consent of both parties. Participation in mediation will not affect an ongoing investigation of the underlying harassment complaint or any disciplinary action that may result therefore.

D. Sanctions

- 1. If it is determined that a complaint of harassment is substantiated, immediate and appropriate disciplinary action will be taken against the employee guilty of harassment. This action may be directed through the appropriate Department Head and City Manager.
- 2. The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the City Manager believes relate to fair and efficient administration of the City, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the City.
- 3. The disciplinary action may include demotion, suspension, warning or reprimand or dismissal. A determination of the level of disciplinary action shall be made on a case-by-case basis.

4. A written record of disciplinary action taken shall be kept.
5. Future conduct of the parties involved may be monitored in order to reasonably insure that the remedial action taken has been effective in stopping the harassment and that no retaliation has occurred.

E. Notifications

This Policy will be made available to all employees and incorporated into employee handbooks. The Policy shall also be included in any standard operating procedures manual of all City Departments. Mandatory training sessions on this Policy and the prevention of harassment shall be held for all personnel during appropriate in-service training programs and orientation sessions.

F. Employee Responsibility

1. Employees are not only encouraged to report instances of harassment, including sexual harassment, but they are obligated to report instances of harassment. Harassment exposes the City to liability, and part of each employee's job is to reduce the City's exposure to liability.
2. It is the duty of all employees, especially supervisory personnel, to be familiar with this Policy. Each employee has a stake in preventing harassment and thus shares responsibility with the City Manager in eliminating harassment in the workplace.
3. No employee shall, in any way, retaliate, harass or discriminate against a person making or involved as a witness or otherwise in a complaint of harassment.
4. In cases in which the harassment is committed by a non-employee against a City employee in the workplace, the City Manager shall take whatever lawful action is necessary against the non-employee to bring the harassment to an end.
5. Employees are obligated to cooperate in every investigation of harassment. The obligation includes, but is not necessarily limited to:
 - a. Coming forward with evidence, both favorable and unfavorable concerning a person accused of harassment;
 - b. Fully and truthfully making a written report under oath upon request; and
 - c. Orally answering questions when required to do so by an investigator during the course of an investigation of harassment.
6. Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.

Contact information
City of Goldsboro
Human Resources Director
Bernadette Dove
(919)739-7441

FILING OUTSIDE COMPLAINTS

Employees and applicants may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

U.S. Equal Employment Opportunity Commission

Location: 434 Fayetteville Street, Suite 700
Raleigh, NC 27601-1701

Phone: 1-800-669-4000

Fax: 919-856-4151

TTY: 1-800-669-6820

ASL Video 844-234-5122

Phone:

Director: Thomas M. Colclough

Regional Lynette A. Barnes

Attorney:

Office The Raleigh Area Office is open for walk-ins to show Monday-Tuesday and Thursday-Friday
Hours: from 8:30 am to 3:00 pm.

Although walk-ins are accepted, scheduling an interview is strongly recommended, and individuals with appointments will be given priority. We encourage you to schedule an interview through our online system.

<http://www.eeoc.gov/employees>

CORRECTIVE ACTION GUIDELINES

The City of Goldsboro will take appropriate corrective action(s) up to and including formal discipline against any employee(s) when an investigation has found that misconduct occurred. Such corrective action(s) may include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as the City of Goldsboro.

City of Goldsboro

ANTI HARRASSMENT POLICY

COMPLAINT FORM

COMPLAINANT INFORMATION

NAME:

DIVISION / UNIT:

OFFICE LOCATION:

WORK PHONE:

IMMEDIATE SUPERVISOR:

Please describe the conduct that you believe violates the Discrimination, Harassment or Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the EEO officer.

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019

SUBJECT: Bid Award to Roto-Mix for Compost Stationary Mixer and Conveyor

BACKGROUND: To increase efficiency and aging equipment at the Compost Facility, a Compost Stationary Mixer and Conveyor was requested and approved in the FY 19-20 budget. This stationary mixer will replace one of the three (3) Roto-Mix trucks, which are currently out of service.

DISCUSSION: The City of Goldsboro advertised for Formal Bid requests FB 2019-006 on August 18, 2019 and received two responsive bids on August 28, 2019 at 10:00AM.

The lowest responsive bidder was Roto-Mix of Dodge City, KS with a Total Bid amount of \$194,785. A second bid was received from Quality Equipment of Goldsboro, NC for a Total Bid amount of \$239,440.

RECOMMENDATION: It is recommended that the City Council approve the low bid and authorize the City Manager to execute a contract with Roto-Mix not to exceed \$194,785 to purchase the Compost Stationary Mixer and Conveyor.

Date: _____

Michael Wagner, Public Utilities Director

Date: _____

Timothy Salmon, City Manager

RESOLUTION NO. 2019-

RESOLUTION AWARDING AND AUTHORIZING EXECUTION OF CONTRACT
COMPOST STATIONARY MIXER AND CONVEYOR

WHEREAS, on August 28, 201 the City of Goldsboro received a responsive bid from Roto-Mix for the Compost Stationary Mixer and Conveyor at the Compost Facility; and

WHEREAS, it is recommended that the City award the bid to Roto-Mix for the Compost Stationary Mixer and Conveyor; and

WHEREAS, the City Council deems it is in the best interest of the City of Goldsboro to award the bid to Roto-Mix in an amount not to exceed \$194,785.

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

1. The City Manager is hereby authorized and directed to execute a contract with Roto-Mix, in an amount not to exceed \$194,785 to purchase the Compost Stationary Mixer and Conveyor.
2. This Resolution shall be in full force and effect from and after this 9th day of September 2019.

Mayor

Attested by:

City Clerk

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: DGDC Annual Dinner-Temporary Street Closing Request

BACKGROUND: The Downtown Goldsboro Development Corporation Annual Dinner is an award ceremony and celebration, which highlights achievements downtown Goldsboro has made over the past year, and recognizes individuals and groups that have helped turn vision into reality. The event includes live music, local catering and an awards ceremony.

DISCUSSION: The Downtown Goldsboro Development Corporation will host their 2019 Annual Dinner in front of Historic City Hall on Friday, September 20th from 6:00pm – 9:30pm. The organization requests a street closure of the 200 block of North Center Street, northbound lane only. The event will include 30+ tables, 200+ chairs, food tables and tents to accommodate 200+ guests.

Due to the logistics of this event and the safety of the guests, the DGDC is requesting that the 200 block of North Center Street, northbound only, be closed from 7am to 11pm. The parking lot next to historic City Hall is also requested to be closed from 7am – 11pm for the safety of drivers and their property during set-up.

All tents and tables will be arranged to ensure proper access to all alleyways and driveways.

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

1. All intersections remain open for Police Department traffic control.
2. A 14-foot fire lane is to be maintained to provide access for fire and emergency vehicles.
3. All activities, change in plans, etc., will be coordinated with the Police Department.

4. The Police and Fire Departments and Public Works are to be involved in the logistical aspects of the Event.

RECOMMENDATION: By motion, grant the requested temporary closing of:

- The north bound lane of the 200 block of North Center Street between Mulberry and Ash Street on Friday, September 20, 2019 from 7:00 am to 11:00 p.m. to be used for the Downtown Goldsboro Annual Dinner, subject to the above conditions.

Date: _____

Downtown Goldsboro Development Corp.

Date: _____

City Manager

CITY OF GOLDSBORO
SPECIAL EVENTS/PARADE/STREET CLOSING
PERMIT APPLICATION

****In the event of a street closing, an application should be submitted at least 30 days prior to your parade or special event.**

I. General Information

Type of Event: (please check all that apply)

☐ Parade ☐ Run/Walk ☐ Festival ☒ Street Closure ☐ Other (explain): _____

Event Name: Downtown Goldsboro Annual Dinner

Event Date(s): September 20, 2019 **Event Website:** downtowngoldsboro.com

Inclement Weather/Rain Date(s): N/A

Description of Event (Please briefly describe the event.)

Annual awards dinner and celebratoin of supporters and champions of downtown Goldsboro.

The event features live music, local catering and awards presentations.

Requested Event Location: 200 block of N. Center St, north bound lane only

Event Start Time/End Time: 6pm - 9:30pm

Set-Up: Date & Time (start/end): 7am - 5pm

Dismantle (Completion): Date & Time (start/end): 11 pm

Estimated Daily Attendance: 230

Will this event require street closures? ☒ Yes ☐ No **Closure Times** 7am - 11pm

If yes, please list the streets that you are requesting to be closed: 200 block of N. Center St,
(north bound lane only)

II. Applicant and Sponsoring Organization Information

Sponsoring Organization Name: Downtown Goldsboro Development Corporation

Are you a non-profit? ☒ Yes ☐ No **If yes, are you:** ☐ 501c (3) ☐ 501c (6) ☐ Place of worship

Applicant Name: Andrew Jernigan **Title:** Organization President

Address: 219 N. John St.

City: Goldsboro **State:** NC **Zip:** 27530 **Phone:** 919-735-4959

Cell Phone: _____ **Email:** _____

Day of Event Contact:

Name: Erin Fonseca Phone: 919-344-5629

III. Event Map

For Run/Walk/Parades - FORMATION AREA LOCATION: _____

For Run/Walk/Parades - STARTING POINT: _____

For Run/Walk/Parades - ENDING POINT: _____

***Please provide a detailed map of your event, including race/walk/parade route(s), stage(s), inflatables, booths, tents, parking, etc. (Please attach additional pages as needed)**

IV. RESTROOMS & SITE CLEANUP (Bathroom facilities are required for events lasting longer than two hours and must be ADA compliant.)

One Port-A-Jon is recommended per 100 people, and is based on event duration instead of number of participants.

How do you plan to handle restroom services? ☒ Portable Toilets ☐ Other
If portable toilets will be provided, please list the name/contact of the company:
Parks Portable Toilets

If no portable toilets will be provided, how will these requirements be handled?

How do you plan to remove garbage and/or recycling? (City receptacles must be requested separately no less than 30 days prior to the event. Contact the Public Works Department at 919-750-7450.)
City Receptacles

V. Event Details: Please answer the following questions regarding your event.

- ☐ Yes ☒ No Does the event involve the sale of food?
- ☒ Yes ☐ No Does the event involve the sale of alcohol?
- If "YES" has the health department been notified?
- For events with food, a letter from the health department must be submitted 30 days prior to the event.
 - Health Department: (919) 731-1000
 - The ABC Permit, issued by the NC ABC Commission, must be submitted to the Goldsboro Police Department prior to the event. The event permit will not be issued until the ABC Permit is submitted.
 - NC ABC Commission: (919) 779-0700
- ☒ Yes ☐ No Will there be **musical entertainment** at your event?
- If "YES", please provide the following information:
- Amplification? ☐ Yes ☐ No
- Note: Any Live or Loud Music cannot begin prior to 10am, must end by 10pm and is subject to all city noise ordinances, unless approved in advance by the Goldsboro City Council. Please contact the City of Goldsboro Planning Department at 919-580-4333 for questions regarding City Ordinances.**
- ☒ Yes ☐ No Will there be any **tents or canopies** in the proposed event site? If "YES", please provide the following information:
- Approximate Number of tents: 2
 - Approximate Sizes: 20x40 and 20x20
 - Will any tent exceed 400 sq. feet in area? ☒ Yes ☐ No
- Note: It is the renter's responsibility to contact the Inspections Department to arrange for all tent inspections that are required by City of Goldsboro ordinance. A permit is required when using any type of tent.**
- **City of Goldsboro Inspections Department (919) 580-4385**
- ☒ Yes ☐ No Will you require **electrical hook-ups** for this event? (Please note that electrical availability is limited.)
- ☒ Yes ☐ No Will **admission fees** be charged to attend this event?
- If "YES", provide the cost(s) of all tickets: \$30
- ☐ Yes ☒ No Will **fees be charged to vendors** to participate in this event?
- If "YES", please provide the schedule of fees: _____
- ☒ Yes ☐ No Applicant has read, in its entirety, the City of Goldsboro Use of City-Owned Property for Special Events Policy. The Policy Regarding the Use of City-Owned Property for Special Events is available at <http://www.goldsboronc.gov/special-events/>.

***The temporary closing of a NC Department of Transportation Street would be at the discretion of the NC Department of Transportation.**

VI. Miscellaneous:

Parking:

- How will overall patron parking be accommodated for this event? Public and private parking

Note: You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

****For street closing applications: the Goldsboro Police Department will notify the applicant when the Goldsboro City Council has approved the permit.**

I have read and understand this application and the requirements placed upon this applicant and organization. I agree to abide by the City of Goldsboro rules, regulations and ordinances should my permit application be approved. I will fulfill the requirements placed upon this permit application.

Organization: Downtown Goldsboro Development Corporation

Goldsboro Police Department
Community Police Services
204 S. Center Street
Goldsboro, NC 27530
jadams@goldsboronc.gov



Special Event Release of Liability Waiver

The undersigned person is applying for Use of City-Owned Property for Special Event on behalf of
DGDC _____ from the City of Goldsboro and hereby agrees to indemnify
and hold the City of Goldsboro, its officers, agents and employees harmless from all claims, liabilities, demands,
expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted
against the City, its officials, agents and employees by any person, firm, or corporation, that may arise out of any
acts or omissions, active or passive, related to operating an event on the city's property.

This the ⁹ day of August, 2019.

A handwritten signature in black ink, appearing to read "Amber J. Jorgensen".

(SEAL)

(Applicant & Authorized Representative of Event)

This form must be completed, signed and returned with the completed application.



DOWNGOL-01

SOHARE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Maury, Donnelly & Parr 24 Commerce St. Baltimore, MD 21202	CONTACT NAME:	
	PHONE (A/C, No, Ext): (410) 685-4625	FAX (A/C, No): (410) 685-3071
INSURED Downtown Goldsboro Development 219 N. John Street Goldsboro, NC 27530	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: American Casualty Co. of Reading, PA	
	NAIC # 20427	
	INSURER B:	
	INSURER C:	
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X	X	4030766257	7/1/2019	7/1/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Goldsboro and its taxpayers are listed as additional insureds and are held harmless from claims arising out of operations of the event below.

Sept. 20th - DGDC Annual Dinner
200 block of N. Center St. (northbound lane)

CERTIFICATE HOLDER

CANCELLATION

City of Goldsboro 200 North Center Street PO Drawer A Goldsboro, NC 27530	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: United Way of Wayne County – Annual Taste of Wayne Event –
Temporary Street Closing Request

BACKGROUND: The United Way of Wayne County is requesting permission to close a portion of certain City streets beginning at 7:00 a.m. until 3:00 p.m. on Saturday, October 12, 2019 to hold their annual Taste of Wayne fundraiser.

DISCUSSION: The street closing request is for the 200 block of North Center Street (between Ash and Mulberry Streets), both north and southbound lanes.

Organizers are requesting the street be closed beginning at 7:00 a.m. on Saturday, October 12th to allow for setup of the event. The event itself begins at 11:00 a.m. on Saturday, October 12th and will run through 2:00 p.m. One additional hour of closure will allow them time to tear down and clear the street.

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

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

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

RECOMMENDATION: Staff recommends Council, by motion, grant the street closings for the 200 block of North Center Street from 7:00 a.m. until 3:00 p.m. on Saturday, October 12th for the United Way of Wayne County's Annual Taste of Wayne event, subject to the above conditions.

DATE: _____

Mike West, Police Chief

DATE: _____

Tim Salmon, City Manager

CITY OF GOLDSBORO
SPECIAL EVENTS/PARADE/STREET CLOSING
PERMIT APPLICATION

****In the event of a street closing, an application should be submitted at least 30 days prior to your parade or special event.**

I. General Information

Type of Event: (please check all that apply)

☐ Parade ☐ Run/Walk ☒ Festival ☒ Street Closure ☐ Other (explain): _____

Event Name: TASTE of Wayne County

Event Date(s): Oct 12, 2019 **Event Website:** UnitedWayne.org

Inclement Weather/Rain Date(s): Oct 13

Description of Event (Please briefly describe the event.)

Outdoor Food Festival, showcasing local restaurants, catering, food trucks + beverage companies. This is a benefit for United Way of Wayne County

Requested Event Location: Center Street in front of City Hall

Event Start Time/End Time: 11am till 2pm

Set-Up: Date & Time (start/end): Oct 12 - 7am till 11am

Dismantle (Completion): Date & Time (start/end): Oct 12 - 2pm till 3pm

Estimated Daily Attendance: 500 to 1000

Will this event require street closures? ☒ Yes ☐ No **Closure Times** 7am to 3pm

If yes, please list the streets that you are requesting to be closed: Center Street Block in front of City Hall

II. Applicant and Sponsoring Organization Information

Sponsoring Organization Name: United Way of Wayne County

Are you a non-profit? ☒ Yes ☐ No **If yes, are you:** ☒ 501c (3) ☐ 501c (6) ☐ Place of worship

Applicant Name: Patty Graham **Title:** Director of Marketing & Events

Address: 2803 Cashwell Drive Suite B

City: Goldsboro **State:** NC **Zip:** 27530 **Phone:** 919-735-3591

Cell Phone: 919-440-1116 **Email:** patty@unitedwayne.org

Day of Event Contact:

Name:

Patty Graham

Phone:

919-440-1716

III. Event Map

For Run/Walk/Parades - FORMATION AREA LOCATION:

For Run/Walk/Parades - STARTING POINT:

For Run/Walk/Parades - ENDING POINT:

***Please provide a detailed map of your event, including race/walk/parade route(s), stage(s), inflatables, booths, tents, parking, etc. (Please attach additional pages as needed)**

see attachment

IV. RESTROOMS & SITE CLEANUP (Bathroom facilities are required for events lasting longer than two hours and must be ADA compliant.)

One Port-A-Jon is recommended per 100 people, and is based on event duration instead of number of participants.

How do you plan to handle restroom services? ☒ Portable Toilets ☐ Other

If portable toilets will be provided, please list the name/contact of the company:

Park's portapotty

If no portable toilets will be provided, how will these requirements be handled?

How do you plan to remove garbage and/or recycling? (City receptacles must be requested separately no less than 30 days prior to the event. Contact the Public Works Department at 919-750-7450.)

City Receptacles

V. Event Details: Please answer the following questions regarding your event.

☒ Yes ☐ No Does the event involve the ~~sale~~ of food?

☒ Yes ☒ No Does the event involve the sale of alcohol?

If "YES" has the health department been notified?

➤ For events with food, a letter from the health department must be submitted 30 days prior to the event.

○ Health Department: (919) 731-1000

➤ The ABC Permit, issued by the NC ABC Commission, must be submitted to the Goldsboro Police Department prior to the event. The event permit will not be issued until the ABC Permit is submitted.

○ NC ABC Commission: (919) 779-0700

☒ Yes ☐ No Will there be **musical entertainment** at your event?

If "YES", please provide the following information:

➤ Amplification? ☒ Yes ☐ No

Note: Any Live or Loud Music cannot begin prior to 10am, must end by 10pm and is subject to all city noise ordinances, unless approved in advance by the Goldsboro City Council. Please contact the City of Goldsboro Planning Department at 919-580-4333 for questions regarding City Ordinances.

☒ Yes ☐ No Will there be any **tents or canopies** in the proposed event site? If "YES", please provide the following information:

➤ Approximate Number of tents: 25-30

➤ Approximate Sizes: 1 20x20 the rest are 10x10

➤ Will any tent exceed 400 sq. feet in area? ☐ Yes ☒ No

Note: It is the renter's responsibility to contact the Inspections Department to arrange for all tent inspections that are required by City of Goldsboro ordinance. A permit is required when using any type of tent.

▪ **City of Goldsboro Inspections Department (919) 580-4385**

☒ Yes ☐ No Will you require **electrical hook-ups** for this event? (Please note that electrical availability is limited.)

☒ Yes ☐ No Will **admission fees** be charged to attend this event?

If "YES", provide the cost(s) of all tickets: \$15

☐ Yes ☒ No Will **fees be charged to vendors** to participate in this event?

If "YES", please provide the schedule of fees: [scribble]

☒ Yes ☐ No Applicant has read, in its entirety, the City of Goldsboro Use of City-Owned Property for Special Events Policy. The Policy Regarding the Use of City-Owned Property for Special Events is available at <http://www.goldsboronc.gov/special-events/>.

***The temporary closing of a NC Department of Transportation Street would be at the discretion of the NC Department of Transportation.**

VI. Miscellaneous:

Parking:

• How will overall patron parking be accommodated for this event?

public parking areas

Note: You may be required to provide a shuttle if the event places undue demands on surrounding parking areas.

**** Submitting this Special Event/Parade Permit Application does not provide permission to conduct your planned event. Please do not send out publicity, flyers, or other media prior to receiving confirmation of approval. Your confirmation will be in the form of a Permit, issued to the organization and/or person responsible for conducting the event.**

****For street closing applications: the Goldsboro Police Department will notify the applicant when the Goldsboro City Council has approved the permit.**

Agreement

I have read and understand this application and the requirements placed upon this applicant and organization. I agree to abide by the City of Goldsboro rules, regulations and ordinances should my permit application be approved. I will fulfill the requirements placed upon this permit application.

Authorized Signature: _____

Date: _____

Organization: _____

Please return this application and all supporting documentation by email, mail or in person to:

Goldsboro Police Department
Community Police Services
204 S. Center Street
Goldsboro, NC 27530
jadams@goldsboronc.gov

CANCELLATION POLICY: Written notification of intent to cancel your event must be received in writing a minimum of 21 days prior to the scheduled event date to Sgt. Jason Adams at jadams@goldsboronc.gov.

For Inner Office Use Only:

Goldsboro Police Department Representative

Downtown Goldsboro Representative

City Manager's Signature
(Use of City Owned Lots and Non-Street Closings)



Special Event Release of Liability Waiver

The undersigned person is applying for Use of City-Owned Property for Special Event on behalf of United Way of Wayne County from the City of Goldsboro and hereby agrees to indemnify and hold the City of Goldsboro, its officers, agents and employees harmless from all claims, liabilities, demands, expenses, of any nature or kind, expresses or implied, whether sounding in tort or in contract that may be asserted against the City, its officials, agents and employees by any person, firm, or corporation, that may arise out of any acts or omissions, active or passive, related to operating an event on the city's property.

This the 19 day of August, 2019.

Patty Graham (SEAL)
(Applicant & Authorized Representative of Event)

This form must be completed, signed and returned with the completed application.



UNITE-2

OP ID: LM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/19/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Crawford-Henderson, Inc. 202 N. Spence Avenue P.O. Box 10885 Goldsboro, NC 27532-0885 Lisa B. Musselman	919-778-9400	CONTACT NAME: Lisa B. Musselman PHONE (A/C, No, Ext): 919-778-9400 FAX (A/C, No): 919-751-2142 E-MAIL ADDRESS: lisam@crawhen.com
INSURED United Way of Wayne Co. Inc. 2803 Cashwell Drive PO Box 10893 Goldsboro, NC 27532-0893		INSURER(S) AFFORDING COVERAGE INSURER A: The Cincinnati Casualty Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
		NAIC # 28665

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ECP 0275963	09/15/2019	09/15/2020	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Taste of Wayne County event 10/12/2019 at 200 N. Center Street, Goldsboro, NC. A hold harmless agreement applies in favor of the City of Goldsboro for any claims arising out of this event.

CERTIFICATE HOLDER

GOLDS-1

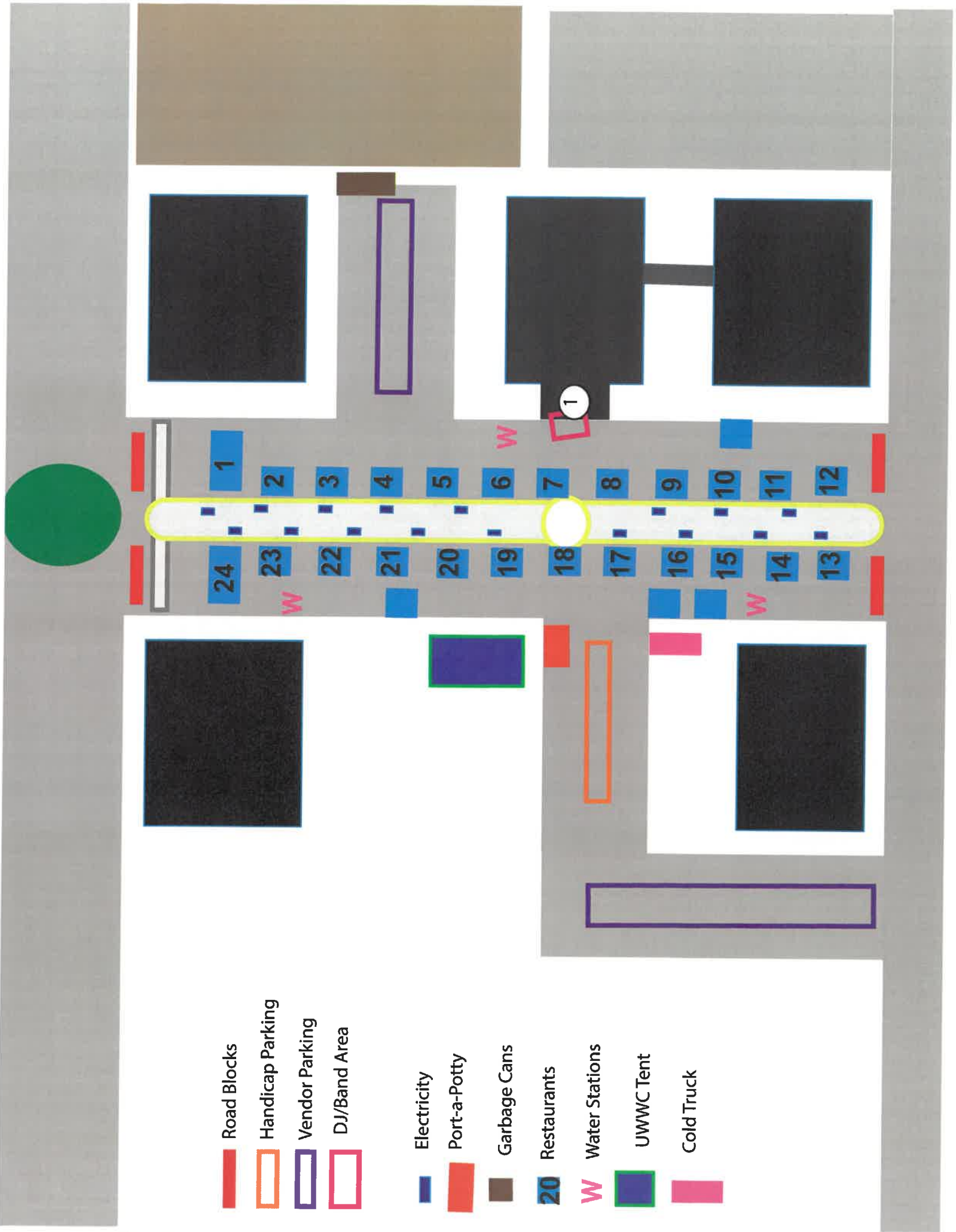
City of Goldsboro
P O Drawer A
Goldsboro, NC 27533

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Lisa B. Musselman *Lisa B. Musselman*



- Road Blocks
- Handicap Parking
- Vendor Parking
- DJ/Band Area

- Electricity
- Port-a-Potty
- Garbage Cans
- Restaurants
- Water Stations
- UWWC Tent
- Cold Truck



North Carolina Alcoholic Beverage Control Commission
SPECIAL ONE TIME PERMIT
T00282638



Authorized by G.S. 18B-1002(2)(5)

START DATE/TIME:

10/12/2019 11:00 AM

END DATE/TIME:

10/12/2019 02:00 PM

ISSUED TO:

United Way of Wayne County Inc
Worrell Contracting
201 North Center Street
Goldsboro, NC 27530

COUNTY:

Wayne

This certifies that the above names nonprofit or political organization is authorized to sell, serve beer at a ticketed fundraising event held by the organization stated above, in accordance with the applicable provisions of G.S 18B-1002(2)(5) and the Rules of the Commission. This permit is valid only for the period of time listed above unless sooner suspended or revoked, and is not transferable. It is recommended that you keep this permit with you at all times during working hours as it is subject to examination by ALE and ABC Officials.

A. D. "ZANDER" GUY, JR.

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Correction of stated unit of measurement for the FY18-19 and FY19-20 water rates

BACKGROUND: The City Council adopted the FY19 Water and Sewer rates on June 4, 2018 and the FY20 rates on June 17, 2019. The FY19 rate structure included a change from cubic feet to gallons. In the resolution adopted on June 4, 2018 there was a clerical error where industrial water customer using more than one hundred fifty million gallons (150,000,000) was stated incorrectly. There were two sections where the written amount was incorrect (one million five hundred thousand) but the numerical amount was correct (150,000,000) and one section where the written and numerical amount were incorrect.

Then in preparing the FY20 rate schedule, the prior resolution was used as the underlying template. The numerical amount had been corrected to match the (incorrect) written amount in late 2018. Although, I had staff proof the document, it was still overlooked. The written and numerical amount in FY20 read incorrectly as one million five hundred thousand (1,500,000).

DISCUSSION: It is necessary to amend for the technical clerical errors. FY19 rates were adopted as a resolution. FY20 rates were adopted as an ordinance due to communication error.

RECOMMENDATION:

1. It is recommended that Council adopt the attached resolution to correct the FY18-19 Water and Sewer Rates to make a clerical correction to the written amount of industrial water customer annual usage from “one million five hundred thousand” to “one hundred fifty million” in Sections 1, 4 and 5.
2. It is recommended that Council adopt the attached ordinance to correct the FY19-20 Operating Budget Ordinance, Section 10(a) to make a clerical correction to the written amount of industrial water customer annual usage from “one million five hundred thousand” to “one hundred fifty million”, and “1,500,000” to “150,000,000”.

Date: _____

Catherine F. Gwynn
Finance Director

Date: _____

Timothy M. Salmon
City Manager

RESOLUTION NO. 2019 –

RESOLUTION AMENDING THE WATER RATE AND SANITARY
SEWER RATE FOR WATER USAGE TECHNICAL CORRECTION
FOR THE CITY OF GOLDSBORO

WHEREAS, the present rate structures administered by the City of Goldsboro for water and sanitary sewer service became effective on July 2005 and January 1987 respectfully; and

WHEREAS, the City Council adopted the water and sewer rate schedule for FY18-19 on June 4, 2018; and

WHEREAS, amendments may become necessary as circumstances arise; and

WHEREAS, it is necessary to amend Section 1 for a clerical error in the written amount for industrial water customer annual usage.

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

1. Resolution 2018-29 “RESOLUTION AMENDING THE WATER RATE AND SANITARY SEWER RATE, THE MONTHLY MINIMUM CHARGE, THE LATE FEE AND UTILITY SERVICE PENALTY FOR THE CITY OF GOLDSBORO” is hereby corrected to read as follows:
 - a. Section 1
 - i. “The industrial bulk monthly water rate for customers using one hundred fifty million (150,000,000) gallons”
 - b. Section 4
 - i. “Industrial bulk rate for customers using one hundred fifty million (150,000,000) gallons”
 - c. Section 5
 - i. “The capitalized sanitary sewer monthly rate for industrial bulk customers using one hundred fifty million (150,000,000) gallons”

This Resolution shall be in full force and effect from and after this 1st date of July 2018.

(Seal)

Attest: _____
City Clerk

Mayor

ORDINANCE NO. 2019 -

AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE
CITY OF GOLDSBORO FOR THE 2019-20 FISCAL YEAR

WHEREAS, the City Council of the City of Goldsboro adopted the FY2019-2020 Annual Operating Budget on June 17, 2019; and

WHEREAS, amendments may become necessary as circumstances arise; and

WHEREAS, it is necessary to amend Section 10(a) for a clerical error in the written and numerical amount for industrial water customer annual usage.

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

1. The Budget Ordinance (2019-43) for the 2019-20 Fiscal Year is and hereby, amended:
 - A. Section 10(a) is corrected to read as follows:
“The industrial bulk monthly water rate for customers using one hundred fifty million (150,000,000) gallons”.
2. This Ordinance shall be in full force and effect from and after July 1, 2019.

(Seal)

Attest: _____
City Clerk

Mayor

RESOLUTION NO. 2018 – 29

RESOLUTION AMENDING THE WATER RATE AND SANITARY SEWER RATE, THE MONTHLY
MINIMUM CHARGE, THE LATE FEE
AND UTILITY SERVICE PENALTY FOR THE CITY OF GOLDSBORO

WHEREAS, the present rate structures administered by the City of Goldsboro for water and sanitary sewer service became effective on July 2005 and January 1987 respectfully; and

WHEREAS, the cost of operating the Water Plant and Sanitary Sewer Treatment Facility and maintaining their respective utility distribution and collection lines has increased since the rate schedules currently utilized were placed into effect; and

WHEREAS, an increasing number of City of Goldsboro utility customers pay their bills after the due date thereof, resulting in additional work for the staff and, thereby, increasing costs;
and

WHEREAS, the Late Fee and the Service Penalty for payment of utility bills after the extended payment period results in recovery of only a portion of these increased costs;

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

1. Customers inside the City, the monthly water rate shall be two dollars and eighty-seven cents (\$2.87) per one thousand (1,000) gallons and five dollars and seventy-five cents (\$5.75) per one thousand gallons (1,000) for outside City customers. The industrial bulk monthly water rate for customers using one million, five hundred thousand (150,000,000) gallons and over per year inside the City, shall be two dollars and thirteen cents (\$2.13) per one thousand (1,000) gallons and four dollars and twenty-five cents (\$4.25) per one hundred thousand (1,000) gallons for outside City customers. All customers shall be billed in ten (10) gallon increments.
2. Each water customer outside the City shall pay a monthly minimum charge based upon meter size, provided that this charge shall not provide for any water consumption.

<u>Meter Size</u>	<u>FY 2018-19 Minimum Charge</u>
3/4"	\$ 16.78
1"	17.66
1 1/2"	19.14
2"	20.96
3"	26.62
4"	34.24
6"	51.96
8"	82.28
10"	135.36

3. Each water customer inside the City shall pay a monthly minimum charge based upon meter size, provided that this charge shall not provide for any water consumption.

<u>Meter Size</u>	<u>FY 2018-19 Minimum Charge</u>
3/4"	\$ 12.14
1"	12.58
1 1/2"	13.32
2"	14.23
3"	17.06
4"	20.87
6"	29.73
8"	44.89
10"	70.89

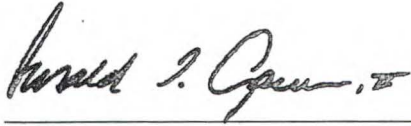
4. Any person discharging waste water into the sanitary sewer of the City shall pay a sewer service charge of six dollars and twenty-two cents (\$6.22) per one thousand (1,000) gallons for in-City service, and twelve dollars and forty-three cents (\$12.43) per one thousand (1,000) gallons for outside-City service. Industrial bulk rate for customers using one million, five hundred thousand (1,500,000) gallons and over per year inside the City, the monthly rate shall be five dollars and fifty-seven cents (\$5.57) per one thousand (1,000) gallons and eleven dollars and fifteen cents (\$11.15) per one thousand (1,000) gallons for outside City customers. The charges shall be based upon the actual metered water consumption in ten (10) gallon increments.
5. The capitalized sanitary sewer rate for FY 2018-19 shall be two dollars and seventy-five cents (\$2.75) per one thousand (1,000) gallons of metered water usage for in-City service, and five dollars and fifty-one cents (\$5.51) per one thousand (1,000) gallons of metered water usage for outside City service. The capitalized sanitary sewer monthly rate for industrial bulk customers using one million, five hundred thousand (1,500,000) gallons and over per year inside the City, shall be two dollars and fifty cents (\$2.50) per one thousand (1,000) gallons and five dollars (\$5.00) per one thousand (1,000) gallons for outside City customers.
6. The Late Fee of \$5.00 for utility bills past due and the Service Penalty of \$15.00 assessed on utility bills after the expiration of the extended payment period will both remain in effect. The reconnection fee of \$10.00 for customers disconnected due to nonpayment will remain the same and be charged before water service is restored.
7. The deposit of an advance payment for all new single-family residential domestic utility customers shall be \$100 inside the City limits and \$125 for those customers located beyond the corporate boundaries of the City.
8. The deposit of advance payment for new non-residential users of City of Goldsboro utility service shall be equal to the projected bi-monthly utility bill of each metered account, but not less than \$100 nor greater than \$5,000 for each metered account.

9. The new rates shall become effective with the July 1, 2018 billing.

10. This Resolution shall be in full force and effect from and after this 1st date of July 2018.

Approved as to Form Only:

Reviewed By:



City Attorney



City Manager

COPY

ANNUAL BUDGET ORDINANCE

FISCAL YEAR 2019-2020

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

Section 1. Summary

SUMMARY	REVENUES	APPROPRIATIONS
General Fund	\$ 43,395,311	\$ 43,395,311
General Fund Capital Reserve	1,000	1,000
Stormwater Fund	1,366,249	1,366,249
Community Development Fund	800	800
Utility Fund	17,207,328	17,207,328
Downtown Special District Fund	100,351	100,351
Occupancy Tax Fund	1,113,732	1,113,732
TOTAL BUDGET	\$ 63,184,771	\$ 63,184,771

Section 2. There is hereby levied the following rates of tax on each hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2019, for the purpose of raising revenue from current year's property tax to finance the appropriations following this Ordinance:

TOTAL RATE PER \$100 VALUATION \$.65

Such rates of tax are based on an estimated total assessed valuation of real property for the purpose of taxation of \$2,529,667,961 and an estimated rate of collection of 98.34%.

Section 2-A. An additional special tax of twenty-three and one-half cents (.235) per \$100 assessed valuation is hereby levied upon those properties within the Downtown Service District as defined in Resolution 1977-102.

TOTAL RATE PER \$100 VALUATION \$.235

Section 3. There is hereby levied and shall be collected for the Fiscal Year beginning July 1, 2019, and each year thereafter until amended or repealed, on every business, trade or profession enumerated in the North Carolina Revenue Act of 1939 as amended through 2017, the maximum allowed by said Act and the General Tax Ordinances of the City of Goldsboro. Nothing therein shall be construed to repeal any license tax heretofore levied by the City of Goldsboro and not enumerated in said Act nor prohibited by said Act.

Section 4. There is hereby levied a monthly refuse charge of \$22.00 against each residential customer and \$40.50 for each business customer located within the City of Goldsboro that utilizes a commercial roll out container service. A charge of \$5.50 per cubic yard per pick-up is hereby levied against each commercial refuse customer of the City of Goldsboro. All revenue collected through this source shall be deposited into the General Fund.

Section 5. There is an annual backflow prevention inspection fee assessed to businesses for small devices 2" or less in diameter of \$75.00 and \$90.00 for larger devices that are more than 2" in diameter. The fee is assessed to businesses that elect to have the City inspect their device on an annual basis.

Section 6. All uncollected taxes shall, when collected, be placed in the General Fund.

Section 7. There is hereby levied an annual vehicle licensing tax of \$10.00 per vehicle. This tax will be levied to all vehicles listed within the City limits of Goldsboro.

Section 8. All residential developed property within the city limits will be charged \$4.50 per month effective July 1, 2019. Single family residential units will be charged \$4.50 per month and multi-family and commercial properties will be billed based on their individual impervious area (ERU). The stormwater fee will be charged monthly on the utility bill.

Number of ERUs	Monthly Rate Per ERU
First 60 (Includes Residential)	\$ 4.50
61 to 100	\$ 3.00
101 to 150	\$ 2.00
Above 150	\$ 1.00

Section 9. The golf fees are as follows: (1) Cart Fees - \$13 per rental; (2) Regular Golf Membership - \$816 per year; (3) Senior Golf Membership - \$684 per year; and (4) Junior Golf Membership - \$684 per year.

Section 10. Utility Rates increase as follows:

- a) The industrial bulk monthly water rate for customers using one million, five hundred thousand (1,500,000) gallons and over per year inside the City, shall increase ten percent (10%) from two dollars and thirteen cents (\$2.13) per one thousand (1,000) gallons to two dollars and thirty four cents (\$2.34); and four dollars and twenty-five cents (\$4.25) per one hundred thousand (1,000) gallons for outside City customers. All customers shall be billed in ten (10) gallon increments. The new rates shall become effective with the July 1, 2019 billing.
- b) All other utility rates, fees and charges previously established are hereby levied and heretofore established, authorized and adopted by the City Council of the City of Goldsboro.

Section 11. All fees, permits, charges previously established are hereby levied at rates heretofore established, authorized and adopted by the City Council of the City of Goldsboro.

Section 12. The following is a schedule of the estimated revenues anticipated by the City of Goldsboro for the Fiscal Year beginning July 1, 2019, and ending June 30, 2020.

FUND	REVENUE
<u>GENERAL FUND</u>	
Tax Revenues	16,924,894
Licenses and Permits	385,888
Revenue from Other Agencies	18,695,499
Charges for Services	4,974,549
Capital Investment Returns	1,199,692
Miscellaneous Revenues	490,322
Appropriated Fund Balance	724,467
TOTAL GENERAL FUND REVENUES	43,395,311
<u>GENERAL FUND CAPITAL RESERVE</u>	
Transfers In	1,000
Appropriated Fund Balance	-
TOTAL GENERAL FUND CAPITAL RESERVE REVENUES	1,000

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Reimbursement Resolution for FY19-20 Capital Outlay and Resolution to Designate City Manager or Finance Director to Declare Official Intent to Reimburse Expenditures

BACKGROUND: As part of the FY19-20 budget process, several vehicles and equipment (rolling stock) were identified to be funded with the proceeds of debt. The items listed below were approved capital outlay in the FY19-20 budget ordinance.

Department	Description of Item Being Replaced	Replacement	Add (N) or Replace (R) Existing Equip?	Adopted 6/17/19
Inspections	Replace 2001 Ford Utility Truck	Ford Utility Trucks	R	\$ 25,000.00
Streets	Backhoe	Backhoe	R	\$ 121,182.00
Streets	Replace 2001 Pothole Patcher	Pothole Patcher	R	\$ 186,500.00
Solid Waste	Replace 2001 GMC Rear Loader Garbage Truck	Tractor Trailer Rig (Wet line)	R	\$ 150,000.00
Engineering	Replace Traffic Signal Bucket Truck	Traffic Signal Bucket Truck	R	\$ 144,000.00
Fire	Admin Vehicle	2019 Ford F150	R	\$ 32,500.00
Police	Replace Admin Car	Dodge Charger	R	\$ 22,555.00
Police	Replace Admin Car	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace Patrol Line Cars	Dodge Charger	R	\$ 22,555.00
Police	Replace 2007 Expedition	Dodge Durango SUV	R	\$ 27,870.00
Distributions & Collections	Replace 2015 F250	F450 Utility Body Truck	R	\$ 60,000.00
Compost	Replace 2005 Chevrolet Silverado	Pickup Truck	R	\$ 26,000.00
Police	Equipment for Police Cars	Equipment for Police Cars	N	\$ 149,178.00
	Estimated Loan Closing Costs			\$ 20,000.00
				<u>\$ 1,167,780.00</u>

DISCUSSION: **FY19-20 Reimbursement Resolution**

It is the City's intent to finance these items with an installment financing contract pursuant to G.S. §160A-20. Staff will issue an RFP (Request for Proposal) to banking institutions in December 2019 with an anticipated loan closing in January 2019. The request will specify terms of (five) 5 years. This will **not** require LGC approval since all of the equipment listed is considered "rolling stock". The approval of the financing must be brought back to the Board for approval by resolution.

Most of the equipment above has been ordered to allow departments priority in delivery since July 1 causes a spike in ordering and will cause some shortages in availability. Since the City anticipates incurring the expenditures prior to the issuance of tax-exempt obligations in the form of an installment financing contract in an approximate amount not exceeding

\$1,167,780.00 as identified above, the Board must declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the City prior to, or within sixty (60) days of payment of the expenditures to be reimbursed.

Designation of City Manager or Finance Director to Declare Official Intent to Reimburse

In order for the City to take advantage of its ability to issue tax exempt municipal debt and therefore lower its cost of borrowing, it must follow the laws promulgated by the Internal Revenue Service in 26 CFR 1.150.2 which require that a prospective issuer declare its official intent to reimburse expenditures with the proceeds of debt. It further allows the issuer to designate that authority.

It is recommended that the Council designate this authority to the City Manager or the Finance Director in order to protect its ability to issue tax exempt debt. In practice what this means is staff would prepare and sign a Declaration of Intent to become part of the permanent file for the debt to be issued. It will be brought to the Board as an information item only. The Declaration does not change the fact that when it is time to consider the borrowing alternatives, that will be brought before the Board for approval as required by law.

RECOMMENDATION:

1. It is recommended that Council adopt the attached resolution declaring the Council's intent to reimburse the City of Goldsboro from the proceeds of debt for the rolling stock listed above in the amount not to exceed \$1,167,780.00.
2. It is recommended that the Council adopt the attached resolution designating the City Manager or the Finance Director to declare the City's official intent to reimburse expenditures.

Date: 8/30/2019



Catherine F. Gwynn, Finance Director

Date: _____

Timothy M. Salmon, City Manager

RESOLUTION NO. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDSBORO, NORTH CAROLINA DECLARING ITS INTENTION TO REIMBURSE THE CITY OF GOLDSBORO, NORTH CAROLINA FROM THE PROCEEDS OF THE INSTALLMENT FINANCING FOR VEHICLES AND EQUIPMENT

WHEREAS, the City of Goldsboro, North Carolina (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer will pay monies for vehicle and equipment purchases; and

WHEREAS, the City Council of the Issuer has determined that these monies being advanced to that date hereof are available only for a temporary period and it is necessary to reimburse the Issuer for the expenditures from the proceeds of the installment financing;

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

1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the installment financing for the expenditures with respect to the purchase of vehicles and equipment in the amount of \$1,167,780.00.
2. Each expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of expenditure), (b) a cost of issuance with respect to the purchase, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.
3. The maximum principal amount of the installment purchase is expected to be approximately \$1,167,780.00.
4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of funds to reimburse an expenditure, no later than 18 months after the later of the date on which the expenditure is paid or the project is placed in service or abandoned, but in no event more than three years after the date on which the expenditure is paid. The Issuer recognizes the exceptions are available for certain "preliminary expenditures", costs of issuance, certain de minimis amounts, expenditures by "small issuers", (base on the year of issuance and not the year of expenditure) and expenditures for construction project of at least five years.

This Resolution is effective upon its adoption this ____ day of _____, 2019.

(Seal)

Attest: _____
City Clerk

Mayor

RESOLUTION NO. 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDSBORO, NORTH CAROLINA DESIGNATING THE CITY MANAGER AND THE DIRECTOR OF FINANCE TO DECLARE OFFICIAL INTENT ON BEHALF OF THE CITY OF GOLDSBORO, NORTH CAROLINA TO REIMBURSE EXPENDITURES UNDER UNITED STATES DEPARTMENT OF TREASURY REGULATIONS

WHEREAS, the City of Goldsboro, North Carolina (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the City Council of the Issuer has determined that it may from time to time advance monies for expenditures that it may find necessary to reimburse from the proceeds of the debt; and

WHEREAS, the City wishes to be able to take advantage of lower financing costs afforded to political subdivisions through tax exempt financing so long as Treasury Regulations are followed with regard to declaration of intent to reimburse with proceeds of debt.

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

1. It is hereby found, determined and declared by the City Council as follows:
 - a. Treasury Regulations Section 1.150.2 (the "Regulations"), prescribe specific procedures which are applicable to certain bonds or notes issued by the City, including, without limitation, a requirement that the City declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the City prior to, or within sixty (60) days of payment of the expenditures to be reimbursed.
 - b. The Regulations permit the statement of official intent to be declared by any person authorized or designated by the City to declare such official intent on behalf of the City.
 - c. The City Council believes that it is in the best interest of the City to designate the City Manager and the Director of Finance of the City to declare official intent on behalf of the City as authorized by the Regulations.
2. As permitted by the Regulations, the City Manager and the Director of Finance of the City, now or hereafter serving in such capacity, are designated by the City Council to declare official intent on behalf of the City to reimburse any and all expenditures with the proceeds of debt to be incurred by the City as the issuer of such debt.
3. This resolution shall take effect upon its passage.

This Resolution is effective upon its adoption this ____ day of _____, 2019.

(Seal)

Attest: _____
City Clerk

Mayor

DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES

I, Catherine F. Gwynn, Finance Director of the City of Goldsboro, North Carolina (the "City") having been designated by the City Council of the City for such purposes pursuant to a resolution duly adopted on MONTH DAY, YEAR, and on behalf of the City, DO HEREBY DECLARE as follows:

1. This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the City to reimburse itself from the proceeds of debt to be hereinafter incurred by the City for certain expenditures paid by the City on or after the date which is sixty (60) days prior to the date hereof.
2. The City anticipates expending its own funds for the purpose _____. The purchases are itemized in the attached Schedule for which the City reasonably expects to reimburse itself from the proceeds of debt to be incurred by the City.
3. The estimated principal amount of debt expected to be incurred for the purpose of paying the costs of the capital purchases and projects identified in item #2 above is not to exceed \$_____.

WITNESS my hand this _____ day of _____, _____

Catherine F. Gwynn, Finance Director

Internal Revenue Service, Treasury

§ 1.150-2

(i) The right or power both to approve and to remove without cause a controlling portion of the governing body of the controlled entity; or

(ii) The right or power to require the use of funds or assets of the controlled entity for any purpose of the controlling entity.

(2) *Indirect control.* If a controlling entity controls a controlled entity under the test in paragraph (e)(1) of this section, then the controlling entity also controls all entities controlled, directly or indirectly, by the controlled entity or entities.

(3) *Exception for general purpose governmental entities.* An entity is not a controlled entity under this paragraph (e) if the entity possesses substantial taxing, eminent domain, and police powers. For example, a city possessing substantial amounts of each of these sovereign powers is not a controlled entity of the state.

[T.D. 8476, 58 FR 33549, June 18, 1993; 58 FR 44453, Aug. 23, 1993, as amended by T.D. 8538, 59 FR 24046, May 10, 1994; T.D. 8712, 62 FR 2304, Jan. 16, 1997; T.D. 8718, 62 FR 25513, May 9, 1997; T.D. 9234, 70 FR 75036, Dec. 19, 2005; T.D. 9533, 76 FR 39280, July 6, 2011]

§ 1.150-1T Definitions (temporary).

(a) through (a)(3) [Reserved] For further guidance, see § 1.150-1(a) through (a)(3).

(4) *Additional exception to the general applicability date.* Section 1.150-1T(b), *Issuance costs*, applies on and after July 6, 2011.

(5) *Expiration date.* The applicability of § 1.150-1T(b), *Issuance costs*, expires on or before July 1, 2014.

(b) *Bond* through the definition of *Governmental bond* [Reserved] For further guidance, see § 1.150-1(b) *Bond* through the definition of *Governmental bond*.

Issuance costs means costs to the extent incurred in connection with, and allocable to, the issuance of an issue within the meaning of section 147(g). For example, issuance costs include the following costs but only to the extent incurred in connection with, and allocable to, the borrowing: Underwriters' spread; counsel fees; financial advisory fees; fees paid to an organization to evaluate the credit quality of an issue; trustee fees; paying agent fees; bond

registrar, certification, and authentication fees; accounting fees; printing costs for bonds and offering documents; public approval process costs; engineering and feasibility study costs; guarantee fees, other than for qualified guarantees (as defined in § 1.148-4(f)); and similar costs.

(c) *Issue date* through paragraph (e) [Reserved] For further guidance, see § 1.150-1(b) *Issue date* through paragraph (e).

[T.D. 9533, 76 FR 39280, July 6, 2011]

§ 1.150-2 Proceeds of bonds used for reimbursement.

(a) *Table of contents.* This table of contents contains a listing of the headings contained in § 1.150-2.

(a) Table of contents.

(b) Scope.

(c) Definitions.

(d) General operating rules for reimbursement expenditures.

(1) Official intent.

(2) Reimbursement period.

(3) Nature of expenditure.

(e) Official intent rules.

(1) Form of official intent.

(2) Project description in official intent.

(3) Reasonableness of official intent.

(f) Exceptions to general operating rules.

(1) De minimis exception.

(2) Preliminary expenditures exception.

(g) Special rules on refundings.

(1) In general—once financed, not reimbursed.

(2) Certain proceeds of prior issue used for reimbursement treated as unspent.

(h) Anti-abuse rules.

(1) General rule.

(2) One-year step transaction rule.

(i) Authority of the Commissioner to prescribe rules.

(j) Effective date.

(1) In general.

(2) Transitional rules.

(b) *Scope.* This section applies to reimbursement bonds (as defined in paragraph (c) of this section) for all purposes of sections 103 and 141 to 150.

(c) *Definitions.* The following definitions apply:

Issuer means—

(1) For any private activity bond (excluding a qualified 501(c)(3) bond, qualified student loan bond, qualified mortgage bond, or qualified veterans' mortgage bond), the entity that actually issues the reimbursement bond; and

(2) For any bond not described in paragraph (1) of this definition, either the entity that actually issues the reimbursement bond or, to the extent that the reimbursement bond proceeds are to be loaned to a conduit borrower, that conduit borrower.

Official intent means an issuer's declaration of intent to reimburse an original expenditure with proceeds of an obligation.

Original expenditure means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

Placed in service means, with respect to a facility, the date on which, based on all the facts and circumstances—

(1) The facility has reached a degree of completion which would permit its operation at substantially its design level; and

(2) The facility is, in fact, in operation at such level.

Reimbursement allocation means an allocation in writing that evidences an issuer's use of proceeds of a reimbursement bond to reimburse an original expenditure. An allocation made within 30 days after the issue date of a reimbursement bond may be treated as made on the issue date.

Reimbursement bond means the portion of an issue allocated to reimburse an original expenditure that was paid before the issue date.

(d) *General operating rules for reimbursement expenditures.* Except as otherwise provided, a reimbursement allocation is treated as an expenditure of proceeds of a reimbursement bond for the governmental purpose of the original expenditure on the date of the reimbursement allocation only if:

(1) *Official intent.* Not later than 60 days after payment of the original expenditure, the issuer adopts an official intent for the original expenditure that satisfies paragraph (e) of this section.

(2) *Reimbursement period*—(i) *In general.* The reimbursement allocation is made not later than 18 months after the later of—

(A) The date the original expenditure is paid; or

(B) The date the project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

(ii) *Special rule for small issuers.* In applying paragraph (d)(2)(i) of this section to an issue that satisfies section 148(f)(4)(D)(i) (I) through (IV), the "18 month" limitation is changed to "3 years" and the "3-year" maximum reimbursement period is disregarded.

(iii) *Special rule for long-term construction projects.* In applying paragraph (d)(2)(i) to a construction project for which both the issuer and a licensed architect or engineer certify that at least 5 years is necessary to complete construction of the project, the maximum reimbursement period is changed from "3 years" to "5 years."

(3) *Nature of expenditure.* The original expenditure is a capital expenditure, a cost of issuance for a bond, an expenditure described in § 1.148-6(d)(3)(ii)(B) (relating to certain extraordinary working capital items), a grant (as defined in § 1.148-6(d)(4)), a qualified student loan, a qualified mortgage loan, or a qualified veterans' mortgage loan.

(e) *Official intent rules.* An official intent satisfies this paragraph (e) if:

(1) *Form of official intent.* The official intent is made in any reasonable form, including issuer resolution, action by an appropriate representative of the issuer (e.g., a person authorized or designated to declare official intent on behalf of the issuer), or specific legislative authorization for the issuance of obligations for a particular project.

(2) *Project description in official intent*—(i) *In general.* The official intent generally describes the project for which the original expenditure is paid and states the maximum principal amount of obligations expected to be issued for the project. A project includes any property, project, or program (e.g., *highway capital improvement program, hospital equipment acquisition, or school building renovation*).

(ii) *Fund accounting.* A project description is sufficient if it identifies, by name and functional purpose, the fund or account from which the original expenditure is paid (e.g., *parks and recreation fund—recreational facility capital improvement program*).

(iii) *Reasonable deviations in project description.* Deviations between a project described in an official intent and the actual project financed with reimbursement bonds do not invalidate

the official intent to the extent that the actual project is reasonably related in function to the described project. For example, *hospital equipment* is a reasonable deviation from *hospital building improvements*. In contrast, a *city office building rehabilitation* is not a reasonable deviation from *highway improvements*.

(3) *Reasonableness of official intent.* On the date of the declaration, the issuer must have a reasonable expectation (as defined in § 1.148-1(b)) that it will reimburse the original expenditure with proceeds of an obligation. Official intents declared as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for the project (e.g., *blanket declarations*) are not reasonable. Similarly, a pattern of failure to reimburse actual original expenditures covered by official intents (other than in extraordinary circumstances) is evidence of unreasonableness. An official intent declared pursuant to a specific legislative authorization is rebuttably presumed to satisfy this paragraph (e)(3).

(f) *Exceptions to general operating rules—(1) De minimis exception.* Paragraphs (d)(1) and (d)(2) of this section do not apply to costs of issuance of any bond or to an amount not in excess of the lesser of \$100,000 or 5 percent of the proceeds of the issue.

(2) *Preliminary expenditures exception.* Paragraphs (d)(1) and (d)(2) of this section do not apply to any preliminary expenditures, up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the issuer to finance the project for which the preliminary expenditures were incurred. Preliminary expenditures include architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

(g) *Special rules on refundings—(1) In general—once financed, not reimbursed.* Except as provided in paragraph (g)(2) of this section, paragraph (d) of this section does not apply to an allocation

to pay principal or interest on an obligation or to reimburse an original expenditure paid by another obligation. Instead, such an allocation is analyzed under rules on refunding issues. See § 1.148-9.

(2) *Certain proceeds of prior issue used for reimbursement treated as unspent.* In the case of a refunding issue (or series of refunding issues), proceeds of a prior issue purportedly used to reimburse original expenditures are treated as unspent proceeds of the prior issue unless the purported reimbursement was a valid expenditure under applicable law on reimbursement expenditures on the issue date of the prior issue.

(h) *Anti-abuse rules—(1) General rule.* A reimbursement allocation is not an expenditure of proceeds of an issue under this section if the allocation employs an abusive arbitrage device under § 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under sections 142 through 147.

(2) *One-year step transaction rule—(i) Creation of replacement proceeds.* A purported reimbursement allocation is invalid and thus is not an expenditure of proceeds of an issue if, within 1 year after the allocation, funds corresponding to the proceeds of a reimbursement bond for which a reimbursement allocation was made are used in a manner that results in the creation of replacement proceeds (as defined in § 1.148-1) of that issue or another issue. The preceding sentence does not apply to amounts deposited in a bona fide debt service fund (as defined in § 1.148-1).

(ii) *Example.* The provisions of paragraph (h)(2)(i) of this section are illustrated by the following example.

Example. On January 1, 1994, County A issues an issue of 7 percent tax-exempt bonds (the 1994 issue) and makes a purported reimbursement allocation to reimburse an original expenditure for specified capital improvements. A immediately deposits funds corresponding to the proceeds subject to the reimbursement allocation in an escrow fund to provide for payment of principal and interest on its outstanding 1991 issue of 9 percent tax-exempt bonds (the prior issue). The use of amounts corresponding to the proceeds of the reimbursement bonds to create a sinking fund for another issue within 1 year after the purported reimbursement allocation invalidates the reimbursement allocation. The proceeds retain their character as

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26 CFR Ch. I (4-1-12 Edition)

unspent proceeds of the 7 percent issue upon deposit in the escrow fund. Accordingly, the proceeds are subject to the 7 percent yield restriction of the 1994 issue instead of the 9 percent yield restriction of the prior issue.

(i) *Authority of the Commissioner to prescribe rules.* The Commissioner may by revenue ruling or revenue procedure (see § 601.601(d)(2)(ii)(b) of this chapter) prescribe rules for the expenditure of proceeds of reimbursement bonds in circumstances that do not otherwise satisfy this section.

(j) *Effective date—(1) In general.* The provisions of this section apply to all allocations of proceeds of reimbursement bonds issued after June 30, 1993.

(2) *Transitional rules—(i) Official intent.* An official intent is treated as satisfying the official intent requirement of paragraph (d)(1) of this section if it—

(A) Satisfied the applicable provisions of § 1.103-8(a)(5) as in effect prior to July 1, 1993, (as contained in 26 CFR part 1 revised as of April 1, 1993) and was made prior to that date, or

(B) Satisfied the applicable provisions of § 1.103-18 as in effect between January 27, 1992, and June 30, 1993, (as contained in 26 CFR part 1 revised as of April 1, 1993) and was made during that period.

(ii) *Certain expenditures of private activity bonds.* For any expenditure that was originally paid prior to August 15, 1993, and that would have qualified for expenditure by reimbursement from the proceeds of a private activity bond under T.D. 7199, section 1.103-8(a)(5), 1972-2 C.B. 45 (see § 601.601(d)(2)(ii)(b) of this chapter, the requirements of that section may be applied in lieu of this section.

[T.D. 8476, 58 FR 33551, June 18, 1993; 58 FR 44453, Aug. 23, 1993]

§ 1.150-4 Change in use of facilities financed with tax-exempt private activity bonds.

(a) *Scope.* This section applies for purposes of the rules for change of use of facilities financed with private activity bonds under sections 150(b)(3) (relating to qualified 501(c)(3) bonds), 150(b)(4) (relating to certain exempt facility bonds and small issue bonds), 150(b)(5) (relating to facilities required

to be owned by governmental units or 501(c)(3) organizations), and 150(c).

(b) *Effect of remedial actions—(1) In general.* Except as provided in this section, the change of use provisions of sections 150(b)(3) through (5), and 150(c) apply even if the issuer takes a remedial action described in §§ 1.142-2, 1.144-2, or 1.145-2.

(2) *Exceptions—(i) Redemption.* If non-qualified bonds are redeemed within 90 days of a deliberate action under § 1.145-2(a) or within 90 days of the date on which a failure to properly use proceeds occurs under § 1.142-2 or § 1.144-2, sections 150(b)(3) through (5) do not apply during the period between that date and the date on which the non-qualified bonds are redeemed.

(ii) *Alternative qualifying use of facility.* If a bond-financed facility is used for an alternative qualifying use under §§ 1.145-2 and 1.141-12(f), sections 150(b)(3) and (5) do not apply because of the alternative use.

(iii) *Alternative use of disposition proceeds.* If disposition proceeds are used for a qualifying purpose under §§ 1.145-2 and 1.141-12(e), 1.142-2(c)(4), or 1.144-2, sections 150(b)(3) through (5) do not apply because of the deliberate action that gave rise to the disposition proceeds after the date on which all of the disposition proceeds have been expended on the qualifying purpose. If all of the disposition proceeds are so expended within 90 days of the date of the deliberate action, however, sections 150(b)(3) through (5) do not apply because of the deliberate action.

(c) *Allocation rules—(1) In general.* If a change in use of a portion of the property financed with an issue of qualified private activity bonds causes section 150(b)(3), (b)(4), or (b)(5) to apply to an issue, the bonds of the issue allocable to that portion under section 150(c)(3) are the same as the nonqualified bonds determined for purposes of §§ 1.142-1, 1.144-1, and 1.145-1, except that bonds allocable to all common areas are also allocated to that portion.

(2) *Special rule when remedial action is taken.* If an issuer takes a remedial action with respect to an issue of private activity bonds under §§ 1.142-2, 1.144-2, or 1.145-2, the bonds of the issue allocable to a portion of property are the

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Authorization of sale of substandard lots to adjacent property owners under Session Law 2004-94 (Senate Bill 1370)

BACKGROUND: Staff has received an offer to purchase a city/county-owned property considered to be substandard. Board must either accept or reject the offer in accordance with local legislation Session Law 2004-94 Senate Bill 1370.

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

800 Slaughter St.

Offeror: Nettie Lewis

Offer: \$1.00

Bid Deposit: \$1.00

Parcel # (REID): 0050768

Pin #: 3509119662

Tax Value: \$2,780.00

Zoning: R-6


On July 23, staff prepared and mailed the required letter to adjoining property owners to notify them that an offer has been received and if they were interested in purchasing they had 30 days to contact the City and present an offer. Staff did not receive any offers in the required time frame.

As per Session Law 2004-94, the Board may authorize the sale of the substandard lot.

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

1. Accept or reject offer on 800 Slaughter Street to deed 100% of property to Ms. Nettie Lewis. If accepted, adopt the attached resolution authorizing City staff to execute instruments necessary to transfer ownership upon concurrence by Wayne County Board of Commissioners.

Date: 8/30/2019


Catherine F. Gwynn, Finance Director

Date: _____

Tim Salmon, City Manager

RESOLUTION NO. 2019- _____

**RESOLUTION AUTHORIZING SALE OF SURPLUS
SUBSTANDARD REAL PROPERTY
UNDER SESSION LAW 2004-94 SENATE BILL 1370**

WHEREAS, the City of Goldsboro owns certain property, **800 Slaughter Street (NC Pin #3509119662 Parcel ID 0050768)**; and

WHEREAS, North Carolina Session Law 2004-94 permits the city to sell substandard surplus lots owned by the City of Goldsboro and Wayne County to adjoining property owners; and

WHEREAS, the Planning and Community Development Department has identified the contiguous property owners and have determined that the named lot to be a substandard parcel; and

WHEREAS, the Planning and Community Development Department has contacted the adjoining property owners to determine their interest in receiving the substandard lot; and

WHEREAS, the City has received an offer to purchase the property described above, in the amount of **\$1.00 (One Dollar and no/100)** for the lot submitted by **Nettie Lewis**; and

WHEREAS, Offeror has paid the required earnest money deposit of **\$1.00 (One Dollar and no/100)**.

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

- 1) The City Council authorizes the sale of the property described above through North Carolina Session Law 2004-94.
- 2) The City Council further authorizes and empowers City staff to execute the instruments necessary to convey the property to the Offeror.
- 3) The terms of the final sale are:
 - a) Buyer must pay with cash at the time of closing.
 - b) Earnest moneys received shall be applied to purchase price.
 - c) Buyer must pay closing costs.
 - d) Buyer must recombine his/her portion of lot with his/her adjoining property.
- 4) The City reserves the right to withdraw the property from sale at any time before ownership is transferred and recorded.

This resolution shall be in full force and effect from and after this _____
day of _____, 2019.

(Seal)

Attest: _____
City Clerk

Mayor

RECEIVED

2019 JUL 16 PM 3:37

CITY OF GOLDSBORO
FINANCE DEPARTMENT

I, Nettie Lewis would like to offer the

City of Goldsboro the sum of \$1.00 for the

purchase of property at the following location:

Parcel: 3509119662

Street: 800 Slaughter St. Goldsboro, NC 27530

Signed: Nettie Lewis

Date: 7-16-19

Name Nettie Lewis
Address: 802 Slaughter St, Goldsboro, NC 27530
Phone: (919) 736-3127
Email: N/A
Amount of Bid Deposit: \$1.00

July 23, 2019

Dear Property Owner:

According to the Wayne County Tax Office, you are the owner of property next to property currently owned by the City of Goldsboro (see attached map). The property is zoned R-6 Residential and is considered nonconforming because it does not meet the minimum width and/or area requirements of the R-6 zone. In order to construct a dwelling on any of the properties, a minimum lot width of 60 ft. and a total of 6,000 sq. ft. is required.

As a result, the City is offering the property for sale to adjacent owners who may wish to combine their properties with this lot. If you are interested in purchasing this lot, you must complete and submit an Offer to Purchase within thirty days of receipt of this correspondence. To obtain the necessary forms, please contact the City Finance Department at 919-580-4354. Please note that the bidder will be required to submit a deposit in the amount of 5% of the bid submitted. The successful bidder will be responsible for costs relative to deed preparation.

If interest is expressed by more than one person or more than one bid is submitted, an upset procedure will be followed after advertisement in the local newspaper.

Sincerely,



Jennifer Collins
Planning Director

Attachment

CITY OF GOLDSBORO
PIN 3509119662



800 SLAUGHTER ST.
ADJACENT OWNERS



WAYNE COUNTY

CITY OF GOLDSBORO

800 SLAUGHTER ST

76121320

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

Reval Year: 2019 Tax Year: 2019

Appraised by 60 on 01403 SOUTHSIDE

SLAUGHTER ST

Return/Appeal Notes: 3509119662

UNIQ ID 50768

ID NO: 12000018001015

CARD NO. 1 of 1

1.000 LT

SRC=

TW-12

C-01 EX-5AT-

LAST ACTION 20170729

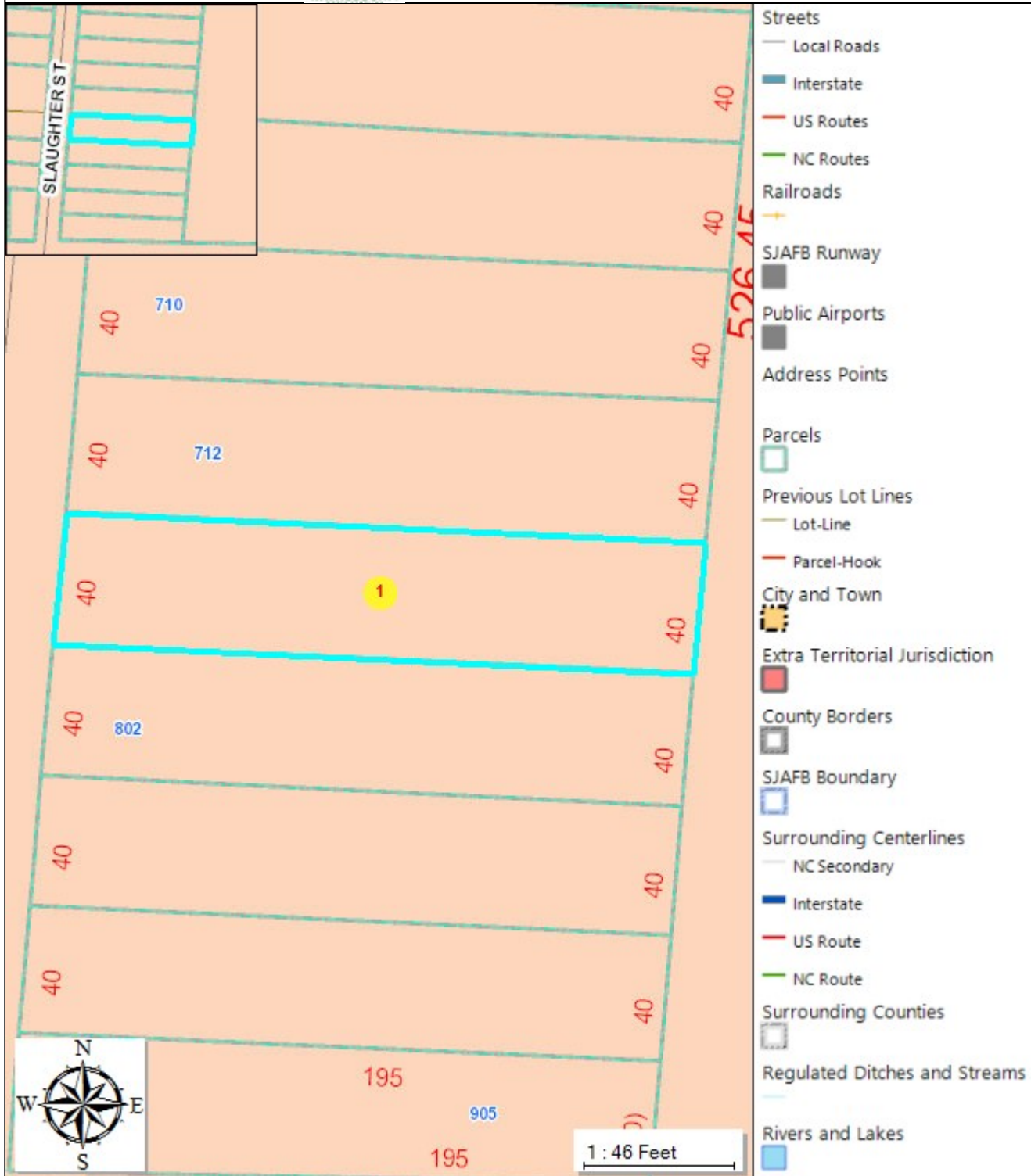
CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION				CORRELATION OF VALUE									
TOTAL POINT VALUE		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO											
BUILDING ADJUSTMENTS		01	00							% GOOD											
TOTAL ADJUSTMENT FACTOR		TYPE: SINGLE FAMILY RESIDENTIAL																			
TOTAL QUALITY INDEX		STORIES:																			
		DEPR. BUILDING VALUE - CARD 0																			
		DEPR. OB/XF VALUE - CARD 0																			
		MARKET LAND VALUE - CARD 2,780																			
		TOTAL MARKET VALUE - CARD 2,780																			
		TOTAL APPRAISED VALUE - CARD 2,780																			
		TOTAL APPRAISED VALUE - PARCEL 2,780																			
		TOTAL PRESENT USE VALUE - PARCEL 0																			
		TOTAL VALUE DEFERRED - PARCEL 0																			
		TOTAL TAXABLE VALUE - PARCEL 2,780																			
		PRIOR																			
		BUILDING VALUE 0																			
		OBXF VALUE 0																			
		LAND VALUE 2,780																			
		PRESENT USE VALUE 0																			
		DEFERRED VALUE 0																			
		TOTAL VALUE 2,780																			
		PERMIT																			
		CODE		DATE		NOTE		NUMBER		AMOUNT											
		ROUT: WTRSHD:																			
		SALES DATA																			
		OFF. RECORD		DATE		DEED TYPE		Q/UV/I		INDICATE SALES PRICE											
		BOOK	PAGE	MO	YR																
		01881	0833	9	2001	WD	U	I									3500				
		01484	0500	6	1995	WD	U	I									18000				
		00863	0777	1	1974	WD	U	I									0				
		HEATED AREA																			
		NOTES																			
		HSE BURNED FOR 97																			

SUBAREA				CODE	QUALITY	DESCRIPTION	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	L/B	SIZE FACT	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
TOTAL OB/XF VALUE				0																
FIREPLACE																				
SUBAREA																				
TOTALS																				

BUILDING DIMENSIONS

LAND INFORMATION

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	LAND NOTES
0100	0100	R6	40	195	1.0700	2	1.0000						65.00	40.000	FF	1.070	69.55	2782	
TOTAL MARKET LAND DATA																		2,780	
TOTAL PRESENT USE DATA																			



<u>OBJECTID</u>	<u>PIN</u>	<u>Owner Name</u>
27423	3509119662	CITY OF GOLDSBORO
<u>Co-Owner Name</u>	<u>Owner Address 1</u>	<u>Owner Address 2</u>
	PO BOX A	
<u>Owner Address 3</u>	<u>Owner City</u>	<u>Owner State</u>
	GOLDSBORO	NC
<u>Owner Zip</u>	<u>Unit or Apt</u>	<u>Deed Date</u>
27533-9701		9/1/2001 12:00:00 AM
<u>REID</u>	<u>Deed Book</u>	<u>Deed Page</u>
0050768	1881	833
<u>Sale Month</u>	<u>Sale Year</u>	<u>Sale Price</u>
9	2001	3500
<u>Previous Deed Book</u>	<u>Previous Deed Page</u>	<u>Previous Sale Month</u>
01484	0500	6
<u>Previous Sales Year</u>	<u>Previous Sale Price</u>	<u>Property Use</u>
1995	18000	01 - SINGLE FAMILY RESIDENTIAL
<u>Record Source</u>	<u>Property Address</u>	<u>Legal Description</u>
Owner	800 SLAUGHTER ST	SLAUGHTER ST
<u>Acres</u>	<u>Neighborhood</u>	<u>Account Number</u>
1	01403	76121320
<u>Township Code</u>	<u>Building Value</u>	<u>Outbuilding Value</u>
12	0	0
<u>Land Value</u>	<u>Total Market Value</u>	<u>Total Assessed Value</u>
2780	2780	2780
<u>Vacant Or Improved</u>	<u>Vacant or Improved 2</u>	
I	I	

Users of the GIS information/data contained in this web mapping application are hereby notified that the information was compiled from recorded deeds, plats and other public records and data. Users are notified that the aforementioned public primary information sources should be consulted for verification of the data contained in this information. The County of Wayne and the mapping companies or other entities assume no legal responsibility for the information contained herein. By accepting this disclaimer you agree and understand the disclaimer.

Wayne County - Basic Search



WAYNECOUNTY
NORTH CAROLINA
Wayne County Web Site

Basic Search ?

[View Property Record for this Parcel](#) [View Map for this Parcel](#)

Parcel #: 3509119662

Account #: 76121320

Owner Information	Tax Codes
CITY OF GOLDSBORO PO BOX A GOLDSBORO, NC 27533	C ADVL TAX - COUNTYWIDE ADVALOREM TAX CI01ADVL TAX - CITY - GOLDSBORO
Property Information	Township
Land (Units/Type): 1.000 LT Address: 800 SLAUGHTER ST	12
Deed Information	Local Zoning
Date: 09/2001 Book: 01881 Page: 0833 Plat Book: Page:	R6
Legal Description	Alternate Parcel Number
SLAUGHTER ST	12000018001015
Property Values	
Building:	0
OBXF:	0
Land:	2,780
Market:	2,780
Assessed:	2,780
Deferred:	0

Sales Information

No.	Book	Page	Month	Year	Instrument	Qual/UnQual	Improved	Price
1	00863	0777	01	1974	WD	Unqualified	Improved	0
2	01484	0500	06	1995	WD	Unqualified	Improved	18,000
3	01881	0833	09	2001	WD	Unqualified	Improved	3,500

[View Property Record for this Parcel](#) [View Map for this Parcel](#)

[<< Return to Basic Search](#)

All information on this site is prepared for the inventory of real property found within Wayne County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. All information contained herein was created for the Wayne County's internal use. Wayne County, its employees and agents make no warranty as to the correctness or accuracy of the information set forth on this site whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. If you have any questions about the data displayed on this website please contact the Wayne County Tax Department at 919-731-1461 option #2.

1.4.1

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Surplus Property Declaration – 12 Hach Turbidity Meters

BACKGROUND: G.S. 160A-266 allows local governments to dispose of real and personal property that is deemed surplus. G.S. 160A-270(b) authorizes local governments to dispose of personal property via public auction.

DISCUSSION: The attached list is for 12 Hach turbidity meters formerly used at the Water Plant. The estimated value of the lot is \$7,200.00. It is staff's recommendation that these meters be sold on Gov Deals. Since the amount is greater than \$5,000.00, staff must seek Council approval for surplus declaration and disposal.

RECOMMENDATION: It is recommended that the Council by motion adopt the attached resolution authorizing the sale of surplus equipment.

Date: 9/2/2019



Catherine F. Gwynn, Finance Director

Date: _____

Timothy M. Salmon, City Manager

RESOLUTION NO. 2019-
RESOLUTION AUTHORIZING THE SALE OF
SURPLUS PERSONAL PROPERTY
(G.S. 160A-270)

WHEREAS, the City of Goldsboro owns certain equipment that is deemed surplus and no longer necessary in the course of carrying out the City's activities; and

WHEREAS, North Carolina General Statute 160A-270 permits the City to sell surplus personal property via electronic public auction.

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

1. The City Council declares surplus the attached equipment listed consisting of 12 Hach Turbidity Meters.
2. The City Council further authorizes the Finance Director to dispose of the surplus via electronic auction.

Adopted on this _____ day of _____, 20____.

(Seal)

Attest: _____
City Clerk

Mayor



Department Request to Declare Vehicles/Equipment Surplus

Article XII, G.S. 150(A) 285-270

	DEPT	Fund	Org	Veh/Eq#	MAKE	MODEL	YEAR	Motor Vehicle	VIN / SERIAL #	MILES/HOURS	Estimated		Condition	Prepared by:	Approved by:	Financed
								"X"			Value	Value Date?				"X"
1	PUBLIC UTILITIES	Utility			HACH	1720E	2014		70300000779		\$ 600	7/19/2019	Fair	A. Brunson		
2	PUBLIC UTILITIES	Utility			HACH	1720E	2014		30708221344		\$ 800	7/19/2019	Fair	A. Brunson		
3	PUBLIC UTILITIES	Utility			HACH	1720E	2014		61100063940		\$ 600	7/19/2019	Fair	A. Brunson		
4	PUBLIC UTILITIES	Utility			HACH	1720E	2014		70300000789		\$ 600	7/19/2019	Fair	A. Brunson		
5	PUBLIC UTILITIES	Utility			HACH	1720E	2014		70100066047		\$ 600	7/19/2019	Fair	A. Brunson		
6	PUBLIC UTILITIES	Utility			HACH	1720E	2014		50700505795		\$ 800	7/19/2019	Fair	A. Brunson		
7	PUBLIC UTILITIES	Utility			HACH	1720E	2014		10420038556		\$ 600	7/19/2019	Fair	A. Brunson		
8	PUBLIC UTILITIES	Utility			HACH	1720E	2014		61100063941		\$ 600	7/19/2019	Fair	A. Brunson		
9	PUBLIC UTILITIES	Utility			HACH	1720E	2014		20708210538		\$ 600	7/19/2019	Fair	A. Brunson		
10	PUBLIC UTILITIES	Utility			HACH	1720E	2014		71100064865		\$ 800	7/19/2019	Fair	A. Brunson		
11	PUBLIC UTILITIES	Utility			HACH	1720E	2014		70300000791		\$ 800	7/19/2019	Fair	A. Brunson		
12	PUBLIC UTILITIES	Utility			HACH	1720E	2014		70300000783		\$ 600	7/19/2019	Fair	A. Brunson		
13																
14																
15																
											Total \$ 7,200					

<p>Approved for Surplus by City Manager or Finance Director Per Ordinance XXXX-XX _____ Name & Title: _____</p>	<p>Date: _____</p>	<p>All Assets Under Garage to be Approved by Garage for Disposal _____ Date: _____</p>	<p>Dept Head Appr: <i>Nicholas</i> 7/22/19</p>
<p>FINANCE DEPT. ONLY</p>			
<p>DATE RECEIVED: _____</p>	<p>SALE METHOD: <u>Advertisement for sealed bids</u> DATE SENT TO SALE: _____</p>	<p>MCDMV Tag Returned: _____ Insurance Cancelled: _____</p>	

CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING

SUBJECT: Consider resolution for changes in surplus declarations, methods of disposal electronic advertising only and increase in limit on surplus property declaration from \$5,000 to \$30,000

BACKGROUND: Disposition of property by a local government is affected by federal, state and local law. Whether a local government is allowed to dispose of property can depend on the nature of the property or the source of funds used to acquire the asset.

The most common source of rules that we reference when evaluating whether the City is allowed to dispose of property comes from state statute (NC G.S. Article 12 Sale and Disposition of Property §160A) which empowers local governments with the ability to sell or dispose of property it owns. It makes further distinction between real property and personal property with regards to disposal methods. (Excerpt from North Carolina General Statute is included.)

The City has local ordinance in place to further define additional powers in Article IX. Sec. 9.1 requires the Council to declare surplus. (Attached excerpt from Code of Ordinances is included.)

There is additional local legislation Session Law 2004-94 SB 1370 for the sale of substandard real property.

The City also adopted resolution 2005-030 which authorized

1. Use of electronic auction to sell personal property
2. City Manager or designee authority to declare surplus up to \$5,000
3. GovDeals, Inc. as an authorized electronic auction service

DISCUSSION:

Sale of Real Property by Electronic Auction

Currently if the City wishes to declare surplus and sell real property, it must sell by upset bid or if a substandard lot it may rely on Session Law 2004-94 SB 1370. However, NC G.S. §160-270 authorizes local government to sell real property by electronic public auction as another tool to help local governments speed up the process and reduce the formalities, cost and complications of newspaper advertising. Wayne County is among many local governments that have been using this method for some time with success. It is recommended that the Council adopt a resolution allowing the City to use sale of real property by electronic auctions as a method of disposal of real property.

Electronic Advertising Only

The City has been engaging in electronic advertising only for the sale of personal property since it authorized the use of GovDeals for electronic auction services in 2005, however a resolution authorizing electronic advertising only cannot be located. It appears to be an oversight in the adoption of Resolution 2005-30 which authorized the use of electronic auction services, but did not allow for the use of electronic only advertising. Within the proposed resolution, real property has also been included with the proviso that the sale of real property by electronic auction is also approved. It is recommended that the Board adopt a resolution authorizing the use of electronic advertising only for the sale of personal real or personal property to continue to allow the City to use electronic only advertising.

Disposal of Personal Property Under \$30,000

Resolution 2005-030 authorized the City Manager or designee the authority to declare surplus personal property under \$5,000. NC G.S. §160-266(c) allows the Board to authorize a designated official to declare surplus and dispose up to \$30,000 ("Small Item" Disposal rules). It is our recommendation that this limit be raised from \$5,000 to \$30,000. If the Board chooses to leave the limit at \$5,000, it will require that personal property between \$5,001 and \$30,000 be brought to the governing board for approval and newspaper advertising (electronic advertising is not allowed). Included within the recommended ordinance is a provision for sales to employees when the items are purchased through electronic auction so long as the employee is not involved in the surplus process or disposal. Note also that this does not give staff the authority to give or donate property. That must be done by Council by resolution. It is recommended that the Council amend the "Small Item" threshold from \$5,000 to \$30,000 to align with state statute. The School of Government recommends this as an ordinance rather than a resolution, so it has been presented as such.

RECOMMENDATION:

1. It is recommended that Council adopt the attached resolution to allow the sale of real property by electronic public auction as an approved method of sale for the City of Goldsboro.
2. It is recommended that the Council adopt the attached resolution authorizing the use of electronic advertising only for the sale of surplus real and personal property.
3. It is recommended that Council adopt the attached ordinance to allow for the increase in limit on the disposal of surplus personal property from \$5,000 to \$30,000 ("Small Item" Disposal).

Date: 8/30/2019



Catherine F. Gwynn
Finance Director

Date: _____

Timothy M. Salmon
City Manager

**RESOLUTION NO. 2019-
RESOLUTION AUTHORIZING SALE OF REAL
PROPERTY BY ELECTRONIC PUBLIC AUCTION
PURSUANT TO G.S. §160A-270**

WHEREAS, G.S. 160A-270 authorizes the City Council to sell real property at public auction, including electronic public auction, upon adoption of a resolution authorizing the appropriate official to dispose of the property at public auction subject to Council's acceptance of the highest bid; and

WHEREAS, the City of Goldsboro finds that disposing of surplus real property by electronic auction only increases the efficiency of property disposal by this method and saves tax payer's dollars.

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

1. The City Council of the City of Goldsboro approves of sale of surplus real property by electronic public auction as an approved method of disposal pursuant to NC G.S. §160A-270.
2. The Manager or her designee shall recommend such properties to the Board as he/she deems and shall prepare a resolution for the Council's approval.
3. Resolution shall include at a minimum, the property address and other such details identifying the surplus real property, the website address of the electronic auction site, and beginning and ending dates of bidding.
4. The terms of the sale shall be net cash.
5. The City Manager or her designee is directed to have published a notice of the sale at least once and not less than 30 days before the date on which bidding opens. The notice shall contain a general description of the land sufficient to identify it, the terms of the sale, and a reference to this authorizing resolution as required by G.S. 160A-270(a). This notice may be published in the newspaper of general circulation or electronic only.
6. The City Council shall be required to accept or reject final high bid and authorize the final sale by resolution.

Adopted on this _____ day of _____, 20__.

(Seal)

Attest: _____
City Clerk

Mayor

**RESOLUTION NO. 2019-
RESOLUTION AUTHORIZING ADVERTISING OF
ELECTRONIC AUCTION BY ELECTRONIC MEANS ONLY**

WHEREAS, G.S. 160-270(c) authorizes the City of Goldsboro to conduct public auctions of real or personal property by electronic auctions procedures and to advertise electronic auctions by electronic means only; and

WHEREAS, the City Council of the City of Goldsboro finds that advertising electronic auction sales of real and personal property by electronic means only increases the efficiency of property disposal by this method and saves tax payer's dollars.

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

1. All sales of real and personal property by electronic public auction may be advertised by electronic means only.
2. Electronic advertisements of the sale of personal property shall be posted at least 10 calendar days prior to the date on which bidding for the property opens.
3. Electronic advertisements of the sale of real property shall be posted at least 30 calendar days prior to the date on which bidding for the property opens.
4. Electronic advertisements shall be posted on the City of Goldsboro's website and, where feasible, by any other electronic means through which notice of the electronic auction may be broadly advertised.
5. Electronic advertisements shall identify and provide a general description of the property to be sold, the date and time at which electronic bidding opens, the electronic address where information about the property to be sold can be found, the electronic address where electronic bids may be posted, a reference to the resolution authorizing the sale where applicable, and any other relevant terms and conditions of sale.

Adopted on this _____ day of _____, 20__.
(Seal)

Attest: _____
City Clerk

Mayor

ORDINANCE NO. 2005-30
AN ORDINANCE PRESCRIBING PROCEDURES FOR DISPOSING OF
PERSONAL PROPERTY VALUED AT LESS THAN \$30,000
PURSUANT TO G.S. §160A-266(C)

WHEREAS, the City Manager or his designee from time to time identifies various items or groups of items to be no longer necessary or functional to the City's needs; and

WHEREAS, sound property management principles and financial consideration indicate the interests of the City would be served by disposing of the property; and

WHEREAS, G.S. 160A-266(c) provides for the disposal or exchange of personal property for any one item or group of items by the City upon the adoption of procedures for disposal by the Council; and

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

Section 1. The City Manager or his designee is hereby authorized to dispose of any surplus personal property owned by the City of Goldsboro, whenever he or she determines, in his or her discretion, that:

- (a) the item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00);
- (b) the property is no longer necessary for the conduct of public business; and,
- (c) sound property management principles and financial considerations indicate that the interests of the City would best be served by disposing of the property.

Section 2. The City Manager or his designee may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of N.C. Gen. Stat. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the City if greater value may be obtained in that manner, and the City Manager or his designee is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the City Manager or his designee may retain the property, obtain any reasonably available salvage value, or cause it to be discarded.

Section 4. No surplus property may be donated to any individual or organization except by resolution of the City Council of the City of the Goldsboro.

Section 5. The City Manager or his designee may discard any personal property that is determined to have no value or that remains unsold or unclaimed after the City has exhausted efforts to sell the property.

Section 6. Sale to Employees. The City Manager may sell surplus City property to employees of City departments, agencies, boards or commissions when said employees are not directly or indirectly involved with the disposition of such articles, and such articles are disposed of at public auction.

Section 7. The City Manager or his designee shall keep a record of all property sold under authority of this Ordinance and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

Section 8. This Ordinance is enacted pursuant to the provisions of N.C. Gen. Stat. § 160A-266(c).

Section 9. This Ordinance shall become effective upon adoption.

Adopted this _____ day of _____, 20____.

(Seal)

Attest: _____
City Clerk

Mayor

Property Disposal Options For North Carolina Local Governments

General Disposal Methods	Personal Property UNDER \$30,000	Personal Property OVER \$30,000	ALL Real Property
Sale			
Competitive sale by public auction (<i>G.S. 160A-270</i>); sealed bid (<i>G.S. 160A -268</i>), or upset bid (<i>G.S. 160A-269</i>)	Yes	Yes	Yes
Private negotiated sale with governing board approval (<i>G.S. 160A-266(b)</i> and <i>160A-277</i>), or by local policy (<i>160A-266(c)</i>)	Yes	No	No
Exchange			
Exchange with public and private entities (<i>G.S. 160A-271</i>)	Yes	Yes	Yes
Lease			
Lease with term over 10 years treated as sale of real property (<i>G.S. 160A-272</i>)	Yes	Yes	Yes
Discard			
Discard because has no value, unable to sell, or poses threat to public health or safety (<i>G.S. 160A-266(d)</i>)	Yes	Yes	No
Raffle surplus property (<i>G.S. 14-309.15</i>)	Yes	Yes (\$125,000 limit)	Yes (\$500,000 limit)
Convey without Monetary Consideration (“donate”)			
Convey to non-profits, sister cities, and other units of government – does not apply to schools (<i>G.S. 160A-280</i>)	Yes	Yes	No
Convey or sell to public and private entities for continued public use – cities and counties only (<i>G.S. 160A-279</i>)	Yes	Yes	Yes
Convey to other units of government			
Convey to other units of government in NC under conditions “deemed wise” by governing boards (<i>G.S. 160A-274</i>)	Yes	Yes	Yes
Trade-In			
Trade-in included as part of bidding process for purchases of apparatus, supplies, materials, or equipment (<i>G.S. 143-129.7</i>)	Yes	Yes	No

Property Disposal Options For North Carolina Local Governments

Special Conveyances	Personal Property UNDER \$30,000	Personal Property OVER \$30,000	All Real Property
Sell artistic, historic, or scenic property to non-profit or trust for conservation or preservation (<i>G.S. 160A-266(b)</i>)	Yes	Yes	Yes
Lease property for affordable housing (<i>G.S. 160A-278</i>)	No	No	Yes
Sell property for affordable housing <ul style="list-style-type: none"> Counties (<i>G.S. 153A-378</i>) Cities (<i>G.S. 160A-279</i>) 	No	No	Yes
Lease or sell property for economic development projects (<i>G.S. 158-7.1</i>)	No	No	Yes
Sell, exchange, or transfer property for community development projects – cities only (<i>G.S. 160A-457</i>)	No	No	Yes
Lease, sell or convey property to fire department & rescue squad for facilities (<i>G.S. 160A-277</i>)	No	No	Yes
Retiring law enforcement officer's weapon and badge (<i>G.S. 20-187.2</i>)	Yes	No	No
Retiring firefighter's helmet (<i>G.S. 160A-294.1–cities; G.S. 153A-236–counties</i>)	Yes	No	No

Special Considerations for Public School Property (real and personal):

- Must be sold for valuable consideration (cannot be donated)
- Real property must be offered first to county board of commissioners for fair market price or negotiated price; if county does not purchase, can be sold using property disposal procedures under Article 12 of Chapter 160A (*G.S. 115C-518*)
- Real property can be leased to another governmental unit for one dollar (\$1) per year (*G.S. 160A-274(c)*)

Special Considerations for Seized and Abandoned Property (personal):

- Seized or abandoned personal property held by law enforcement must be disposed of according to procedures set out in Article 2 of Chapter 15 (*G.S. 15-11 through 15-17*)



Local Government Property Disposal Procedures

Sale by Public Auction (electronic auction) (G.S. 160A-270(c))

Listed below are the basic procedures required under state law for disposing of personal and real property by the public auction (electronic auction) procedure.

For all real property regardless of value or personal property with an estimated value of \$30,000 or more:

- Step 1 Governing board adopts resolution authorizing sale by auction. Resolution must be adopted at a regular meeting of the board (not a special or emergency meeting). Resolution must describe the property to be sold, specify the date, time, place, and terms of sale, and, for real property, state that any offer or bid must be accepted and confirmed by the governing board before the sale will be effective. For personal property, the resolution may authorize an individual officer or employee (such as the manager) to conclude the sale following the auction without further governing board action.
- Step 2 Publish advertisement for auction in a newspaper of general circulation within the jurisdiction. Notice may also be made electronically (such as posting on the unit of government's website). Notice by electronic means only must be approved by the governing board. The advertisement must give a general description of the property sufficient to identify it, the terms and conditions of sale (including whether a deposit will be required at the conclusion of the auction), a reference to the authorizing resolution adopted by the governing board, and the electronic address of the auction site. The advertisement must be published (or posted) at least 10 days before the date on which the auction opens for personal property, and at least 30 days before the date on which the auction opens for real property.
- Step 3 Conduct the auction and report the auction results to the governing board.
- Step 4 Within 30 days of the date of the auction, governing board awards to the highest responsive, responsible bidder or rejects all bids. For personal property, if the board delegated authority to complete the sale following the auction, the authorized official or employee may complete the sale after the auction without further board action.

For personal property with an estimated value less than \$30,000:

When disposing of personal property valued at less than \$30,000, the unit of government may operate under the "small item disposal" method authorized under G.S. 160A-266(c). If the

Template resolutions and notices of sale are available on the School of Government's Local Government Procurement and Property Disposal microsite under "Sample Property Disposal Forms"
www.ncpurchasing.unc.edu

governing board has authorized an individual official or employee to conduct sales of “small items” (those valued less than \$30,000), no governing board action is required. Items that might sell for more than \$30,000 should not be treated as “small items,” and the procedures outlined above should be followed. For more information on small item disposal, see “[Sale of Personal Property Worth Less than \\$30,000 \(“small item” disposal\)](#)”.



Local Government Property Disposal Procedures

Disposal of Personal Property Worth Less Than \$30,000 (“Small Item” Disposal)

Listed below are the basic procedures required under state law for disposing of personal property (either one item or a group of items) valued at less than \$30,000.

Sale with governing board approval

(G.S. 160A-266(b), -267)

- Step 1 Board adopts a resolution at a regular meeting authorizing an official or employee to dispose of the property by private sale at a negotiated price. The resolution must identify the property to be sold and may (but is not required to) specify a minimum sales price.
- Step 2 Publish notice of sale once in a newspaper of general circulation within the jurisdiction (electronic advertising is not authorized). The notice must summarize the contents of the resolution adopted by the board.
- Step 3 Complete the sale no sooner than 10 days after notice is published.

Sale under delegated authority without governing board approval

(G.S. 160A-266(c))

- Step 1 Board adopts policy authorizing an official or employee to conduct sales. The policy must be designed to secure fair market value for property sold, and may specify that public advertising and board approval is not required. The policy only needs to be adopted once.
- Step 2 The official or employee authorized under the policy negotiates and conducts private sales on an as-needed basis. The official or employee must keep a record of all property sold describing the property, the buyer, and the sale price. Board approval and published notice is not required.

Template resolutions and notices of sale are available on the School of Government’s Local Government Procurement and Property Disposal microsite under “Sample Property Disposal Forms”

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Article 12.

Sale and Disposition of Property.

§ 160A-265. Use and disposal of property.

In the discretion of the council, a city may: (i) hold, use, change the use thereof to other uses, or (ii) sell or dispose of real and personal property, without regard to the method or purpose of its acquisition or to its intended or actual governmental or other prior use. (1981 (Reg. Sess., 1982), c. 1236.)

§ 160A-266. Methods of sale; limitation.

(a) Subject to the limitations prescribed in subsection (b) of this section, and according to the procedures prescribed in this Article, a city may dispose of real or personal property belonging to the city by:

- (1) Private negotiation and sale;
- (2) Advertisement for sealed bids;
- (3) Negotiated offer, advertisement, and upset bid;
- (4) Public auction; or
- (5) Exchange.

(b) Private negotiation and sale may be used only with respect to personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of similar items. Real property, of any value, and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items may be exchanged as permitted by G.S. 160A-271, or may be sold by any method permitted in this Article other than private negotiation and sale, except as permitted in G.S. 160A-277 and G.S. 160A-279.

Provided, however, a city may dispose of real property of any value and personal property valued at thirty thousand dollars (\$30,000) or more for any one item or group of similar items by private negotiation and sale where (i) said real or personal property is significant for its architectural, archaeological, artistic, cultural or historical associations, or significant for its relationship to other property significant for architectural, archaeological, artistic, cultural or historical associations, or significant for its natural, scenic or open condition; and (ii) said real or personal property is to be sold to a nonprofit corporation or trust whose purposes include the preservation or conservation of real or personal properties of architectural, archaeological, artistic, cultural, historical, natural or scenic significance; and (iii) where a preservation agreement or conservation agreement as defined in G.S. 121-35 is placed in the deed conveying said property from the city to the nonprofit corporation or trust. Said nonprofit corporation or trust shall only dispose of or use said real or personal property subject to covenants or other legally binding restrictions which will promote the preservation or conservation of the property, and, where appropriate, secure rights of public access.

(c) A city council may adopt regulations prescribing procedures for disposing of personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items in substitution for the requirements of this Article. The regulations shall be designed to secure for the city fair market value for all property disposed of and to accomplish the disposal efficiently and economically. The regulations may, but need not, require published notice, and may provide for either public or private exchanges and sales. The council may authorize one or more city officials to declare surplus any personal property valued at less than thirty thousand dollars (\$30,000) for any one item or group of items, to set its fair market value, and to convey title to the property for the city in accord with the regulations. A city official authorized under this section to dispose of property shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(d) A city may discard any personal property that: (i) is determined to have no value; (ii) remains unsold or unclaimed after the city has exhausted efforts to sell the property using any applicable procedure under this Article; or (iii) poses a potential threat to the public health or safety. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1; 1983, c. 130, s. 1; c. 456; 1987, c. 692, s. 2; 1987 (Reg. Sess., 1988), c. 1108, s. 9; 1997-174, s. 6; 2001-328, s. 4; 2005-227, s. 3.)

§ 160A-267. Private sale.

When the council proposes to dispose of property by private sale, it shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property by private sale at a negotiated price. The resolution or order shall identify the property to be sold and may, but need not, specify a minimum price. A notice summarizing the contents of the resolution or order shall be published once after its adoption, and no sale shall be consummated thereunder until 10 days after its publication. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 24.)

§ 160A-268. Advertisement for sealed bids.

The sale of property by advertisement for sealed bids shall be done in the manner prescribed by law for the purchase of property, except that in the case of real property the advertisement for bids shall be begun not less than 30 days before the date fixed for opening bids. (1971, c. 698, s. 1.)

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

§ 160A-270. Public auction.

(a) **Real Property.** - When it is proposed to sell real property at public auction, the council shall first adopt a resolution authorizing the sale, describing the property to be sold, specifying the date, time, place, and terms of sale, and stating that any offer or bid must be accepted and confirmed by the council before the sale will be effective. The resolution may, but need not, require the highest bidder at the sale to make a bid deposit in a specified amount. The council shall then publish a notice of the sale at least once and not less than 30 days before the sale. The notice shall contain a general description of the land sufficient to identify it, the terms of the sale, and a reference to the authorizing resolution. After bids have been received, the highest bid shall be reported to the council, and the council shall accept or reject it within 30 days thereafter. If the bid is rejected, the council may readvertise the property for sale.

(b) **Personal Property.** - When it is proposed to sell personal property at public auction, the council shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property at public auction. The resolution or order shall identify the property to be sold and set out the date, time, place, and terms of the sale. The resolution or order (or a notice summarizing its contents) shall be published at least once and not less than 10 days before the date of the auction.

(c) The council may conduct auctions of real or personal property electronically by authorizing the establishment of an electronic auction procedure or by authorizing the use of existing private or public electronic auction services. Notice of an electronic auction of property shall identify, in addition to the information required in subsections (a) and (b) of this section, the electronic address where information about the property to be sold can be found and the electronic address where electronic bids may be posted. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular auction or for all auctions under this subsection shall be approved by the governing board of the political subdivision. Except as provided in this subsection, all requirements of subsections (a) and (b) of this section apply to electronic auctions. (1971, c. 698, s. 1; 1973, c. 426, s. 43; 2001-328, s. 5; 2005-227, s. 4; 2006-264, s. 74.)

§ 160A-271. Exchange of property.

A city may exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property. A city may also exchange facilities of a city-owned enterprise for like facilities located within or outside the corporate limits. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice. Notice shall be given by publication describing the properties to be exchanged, stating the value of the properties and other consideration changing hands, and announcing the council's intent to authorize the exchange at its next regular meeting. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1.)

§ 160A-272. Lease or rental of property.

(a) Any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine, but not for longer than 10 years (except as otherwise provided in subsection (b1) of this section) and only if the council determines that the property will not be needed by the city for the term of the lease. In determining the term of a proposed lease, periods that may be added to the original term by options to renew or extend shall be included.

(a1) Property may be rented or leased only pursuant to a resolution of the council authorizing the execution of the lease or rental agreement adopted at a regular council meeting upon 30 days' public notice. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

(b) No public notice as required by subsection (a1) of this section need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less.

(b1) Leases for terms of more than 10 years shall be treated as a sale of property and may be executed by following any of the procedures authorized for sale of real property.

(c) Notwithstanding subsection (b1) of this section, the council may approve a lease without treating that lease as a sale of property for any of the following reasons:

- (1) For the siting and operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a term up to 25 years.
- (2) For the siting and operation of a tower, as that term is defined in G.S. 146-29.2(a)(7), for communication purposes for a term up to 25 years.
- (3) For the operation and use of components of a wired or wireless network, for a term up to 25 years; provided, however, that the lease is entered into with a private broadband provider or a cooperative in connection with a grant agreement pursuant to G.S. 143B-1373 and is for a discrete and specific project located in an unserved area of an economically distressed county seeking to provide broadband service to homes, businesses, and community anchor points not currently served.

(d) Notwithstanding subsection (a) of this section, any lease by a city of any duration for components of a wired or wireless network shall be entered into on a competitively neutral and nondiscriminatory basis and made available to similarly situated providers on comparable terms and conditions and shall not be used to subsidize the provision of competitive service. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 26; 2009-149, ss. 2, 3; 2010-57, s. 2; 2010-63, s. 2(b); 2011-150, s. 1; 2014-120, s. 34; 2015-246, s. 9; 2018-5, s. 37.1(c).)

§ 160A-272.1. Lease of utility or enterprise property.

Subject to this Article and G.S. 160A-321, a city-owned utility or public service enterprise, or part

thereof, may be leased. (1979, 2nd Sess., c. 1247, s. 27; 2018-5, s. 37.1(d).)

§ 160A-273. Grant of easements.

A city shall have authority to grant easements over, through, under, or across any city property or the right-of-way of any public street or alley that is not a part of the State highway system. Easements in a street or alley right-of-way shall not be granted if the easement would substantially impair or hinder the use of the street or alley as a way of passage. A grant of air rights over a street right-of-way or other property owned by the city for the purpose of erecting a building or other permanent structure (other than utility wires or pipes) shall be treated as a sale of real property, except that a grant of air rights over a street right-of-way for the purpose of constructing a bridge or passageway between existing buildings on opposite sides of the street shall be treated as a grant of an easement. (1971, c. 698, s. 1.)

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)

§ 160A-275. Warranty deeds.

Any city, county, or other municipal corporation is authorized to execute and deliver deeds to any real property with full covenants of warranty, without regard to how the property was acquired, when, in the opinion of the governing body, it is in the best interest of the city, county, or other municipal corporation to convey by warranty deed. Members of the governing boards of counties, cities, and other municipal corporations are hereby relieved of any personal or individual liability by reason of the execution of warranty deeds to governmentally owned property unless they act in fraud, malice, or bad faith. (1945, c. 962; 1955, c. 935; 1969, cc. 48, 223, 332; c. 1003, s. 5; 1971, c. 698, s. 1.)

§ 160A-276. Sale of stocks, bonds, and other securities.

A city may sell through a broker without complying with the preceding sections of this Article shares of common and preferred stock, bonds, options, and warrants or other rights with respect to stocks and bonds, and other securities, when the stock, bond, or other right or security has an established market and is traded in the usual course of business on a national stock exchange or over-the-counter by reputable brokers and securities dealers. The city may pay the usual fees and taxes incident to such transactions. Nothing in this section authorizes a city to deal in its own bonds in any manner inconsistent with Chapter 159 of the General Statutes, nor to invest in any securities not authorized by G.S. 159-30. (1973, c. 426, s. 44.)

§ 160A-277. Sale of land to volunteer fire departments and rescue squads; procedure.

(a) A city, upon such terms and conditions as it deems wise, with or without monetary consideration may lease, sell or convey to a volunteer fire department or to a volunteer rescue squad any land or interest in land, for the purpose of constructing or expanding fire department or rescue squad facilities, if the volunteer

fire department or volunteer rescue squad provides fire protection or rescue services to the city.

(b) Any lease, sale or conveyance under this section must be approved by the city council by resolution adopted at a regular meeting of the council upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or sold, stating the value of the properties, the proposed monetary consideration or lack thereof, and the council's intent to authorize the lease, sale or conveyance. (1979, c. 583.)

§ 160A-278. Lease of land for housing.

A city may lease land upon such terms and conditions as it deems wise to any person, firm or corporation who will use the land to construct housing for the benefit of persons of low income, or moderate income, or low and moderate income. Such a housing project may also provide housing to persons of other than low or moderate income, as long as at least twenty percent (20%) of the units in the project are set aside for the exclusive use of persons of low income. Despite the provisions of G.S. 160A-272, a lease authorized pursuant to this section may be made by private negotiation and may extend for longer than 10 years. Property may be leased under this section only pursuant to a resolution of the council authorizing the execution of the lease adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased, stating the value of the property, stating the proposed consideration for the lease, and stating the council's intention to authorize the lease. (1987, c. 464, s. 9.)

§ 160A-279. Sale of property to entities carrying out a public purpose; procedure.

(a) Whenever a city or county is authorized to appropriate funds to any public or private entity which carries out a public purpose, the city or county may, in lieu of or in addition to the appropriation of funds, convey by private sale to such an entity any real or personal property which it owns; provided no property acquired by the exercise of eminent domain may be conveyed under this section; provided that no such conveyance may be made to a for-profit corporation. The city or county shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity. The procedural provisions of G.S. 160A-267 shall apply. Provided, however, that a city or county may convey to any public or private entity, which is authorized to receive appropriations from a city or county, surplus automobiles without compensation or without the requirement that the automobiles be used for a public purpose. Provided, however, this conveyance is conditioned upon conveyance by the public or private entity to Work First participants selected by the county department of social services under the rules adopted by the local department of social services. In the discretion of the public or private entity to which the city or county conveys the surplus automobile, when that entity conveys the vehicle to a Work First participant it may arrange for an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work First participant satisfactorily completes the requirements of the Work First program. This subsequent conveyance by the public or private entity to the Work First participant may be without compensation. The participant may be required to pay for license, tag, and/or title.

(b) Notwithstanding any other provision of law, this section applies only to cities and counties and not to any other entity which this Article otherwise applies to.

(c) Repealed by Session Laws 1993, c. 491, s. 1.

(d) This section does not limit the right of any entity to convey property by private sale when that right is conferred by another law, public, or local. (1987, c. 692, s. 1; 1993, c. 491, s. 1; 1998-195, s. 1.)

§ 160A-280. Donations of personal property to other governmental units.

(a) A city may donate to another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister

city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a) and shall include North Carolina charter schools.

(c) The authority granted to a city under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1; 2009-141, ss. 1, 2, 3.)

[Print](#)

Goldsboro, North Carolina Code of Ordinances

ARTICLE IX. SALE AND DISPOSITION OF PROPERTY**Sec. 9.1. SALE OF CITY PROPERTY.**

The city council may sell or exchange all city property, both real and personal, which in its opinion is not required for municipal purposes. All such sales or exchanges shall, except as otherwise authorized in sections 9.2 and 9.3, be subject to confirmation or rejection by the council and shall be at public auction after advertisement as hereinafter described, except that where otherwise authorized and provided by general law such sale or exchange may be made under the authority and provisions of such general law, and that as to the following, such sale or exchange may be by private sale or otherwise, as the council may determine to be for the best interest of the city:

- (a) Cemetery lots.
- (b) Real or personal property where the value does not exceed the sum of two thousand dollars (\$2,000.00), or if jointly owned, where the value of the city's interest therein does not exceed such sum.
- (c) Where the city is selling to or exchanging with any other governmental unit or the agency thereof within the United States.
- (d) Where the property has been acquired for delinquent taxes and the sale is being made to the former owner.

('70 Code, Charter Sec. 9.1) (Am. Ord. 2016-9, passed 2-1-16)

Sec. 9.2. DISPOSAL OF SURPLUS REAL PROPERTY.

The city council shall have power, in addition to the power granted by the general laws, to sell any real property which the board has declared to be surplus in the following manner:

- (a) Upon receipt of a deposit of five per cent (5%) of an offer to purchase any such lot or parcel of land, the city council may cause a notice to be published once a week for four (4) successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the city manager, with a deposit in the amount of five per cent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than twenty-one (21), nor more than thirty-one (31) days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock noon of the date so specified unless the city council shall cause the property to be readvertised and again offered for sale as hereinafter provided.
- (b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding sixty (60) days, the city council shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five per cent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the city council shall

find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

(c) The city council, in its discretion, instead of confirming any such sale, shall have the right, power and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of the property.

(d) Two (2) or more offers for two (2) or more separate lots or parcels of land may be combined and advertised in the same notice.

(e) The city council, in their resolution declaring the real property to be surplus, shall direct the city manager or other appropriate officials whether to follow the procedure set forth under the general laws or the alternate procedure set forth in this article.

('70 Code, Charter Sec. 9.2) (Am. Ord. 2016-9, passed 2-1-16)

Sec. 9.3. DISPOSAL OF SURPLUS PERSONAL PROPERTY.

The city council shall have power, in addition to the power granted by the general laws, to sell or to direct any of its officers or employees to sell any personal property which the city council has declared to be surplus property in the following manner:

(a) Without bids or advertisement, at private sale, if the property has a market value of two thousand dollars (\$2,000.00) or less.

(b) To the highest bidder upon receipt of informal written bids, with only such advertisement as the city council may direct, if the property has a market value of more than two thousand dollars (\$2,000.00) but no more than two thousand five hundred dollars (\$2,500.00); provided, all such bids received shall be recorded on the minutes of the city council.

(c) To the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand five hundred dollars (\$2,500.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the city council.

('70 Code, Charter Sec. 9.3) (Am. Ord. 2016-9, passed 2-1-16)

Sec. 9.4. NOTICE; PUBLICATION AND POSTING.

Whenever advertisement is required for the sale or other disposition of city property, notice of such sale, describing the property to be sold, the time, place and terms of the sale, the amount of deposit required and other information deemed pertinent, shall be run once a week for four (4) consecutive weeks preceding the sale in a newspaper having general circulation in the city and which is qualified to carry legal notices. A copy of such notice shall also be posted at the Wayne County Courthouse for thirty (30) days preceding the sale.

('70 Code, Charter Sec. 9.4)

Sec. 9.5. LEASE OF CITY PROPERTY.

The city council shall have power, in addition to the power granted by the general laws to rent or lease

any property owned by the city, whether originally acquired for governmental or other purposes, if, in the opinion of the city council, the property will not be needed by the city for the period of the lease. The term of the lease shall not exceed ten (10) years. A lease may be made privately by the council or publicly after notice is given in such manner and for such length of time as prescribed by the council. In any case, however, where the lessee enters into a binding obligation to erect upon property owned by the city improvements to cost not less than one hundred thousand dollars (\$100,000.00), the council may rent or lease such property for a term not to exceed forty (40) years, and such lease may be made by the council either privately or publicly and upon such terms as in the judgment of the council will promote the best interest of the city.

('70 Code, Charter Sec. 9.5) (Am. Ord. 2016-9, passed 2-1-16)

Sec. 9.6. CEMETERY LOTS; SALE.

The city manager may sell cemetery lots in the city cemeteries, subject to the rules and regulations adopted by the city council. All deeds or instruments conveying title to such lots shall be signed by the city manager and attested by the city clerk.

('70 Code, Charter Sec. 9.6) (Am. Ord. 2016-9, passed 2-1-16)

Sec. 9.7. RELEASES AND QUIT CLAIMS.

(a) *Release, amount and form.* The city manager is hereby authorized to execute releases of persons, firms and corporations because of damages to personal property belonging to the city when the full amount of damages to such property is ascertained and statement thereof has been furnished to the manager by the city attorney, and the amount of such release does not exceed five hundred dollars (\$500.00). In the event that a draft or check is presented to the city which constitutes a release, instead of a regular release form, the manager may direct that such draft or check be handled as other payments to the city, and when approved by the manager, it shall constitute a release to the extent stated on the draft or check.

(b) *Quit claim, unused public property.* The city may quit claim any rights it may have in property not needed for public purposes upon report by the city attorney and city manager and adoption of a resolution by the city council, both finding that the property is not needed for public purposes, and that the city's interest has no readily ascertainable monetary value.

('70 Code, Charter Sec. 9.7) (Am. Ord. 2016-9, passed 2-1-16)

RESOLUTION NO. 2005- 30

RESOLUTION AUTHORIZING SALE OF
SURPLUS PERSONAL PROPERTY

WHEREAS, G.S. 160A-266(c) allows the City Council to authorize one or more City officials to declare surplus any personal property valued at less than five thousand dollars (\$5,000.00) for any one item or group of items, to set its fair market value, and to convey title to the property for the City of Goldsboro; and

WHEREAS, G.S. 160-270(c) allows the City Council to sell personal property at electronic auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the property at electronic auction; and

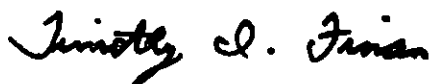
WHEREAS, G.S. 160-270(c) allows the City Council to conduct auctions or personal property electronically by authorizing the use of existing private or public electronic auction services.

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

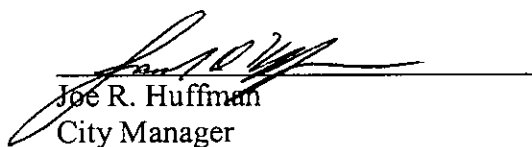
1. The method of electronic auctioning would save tax dollars in advertising cost and would reach potential bidders world wide.
2. The City Manager or his designee is authorized to sell at electronic auction any surplus property valued at less than five thousand dollars (\$5,000.00). This individual shall keep a record of all property sold and that record shall generally describe the property sold, to whom it was sold and the amount of money received for each sale.
3. The City Manager or his designee may contact GovDeals, Inc., to use their electronic auction services that is available for any and all members of the League of Municipalities.
4. This Resolution shall be in full force and effect from and after this 6th day of June, 2005.

Approved As to Form Only:

Reviewed By:



Timothy I. Finan
City Attorney


Joe R. Huffman
City Manager

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-94
SENATE BILL 1370**

**AN ACT TO CHANGE THE PROCEDURE FOR DISPOSAL OF SURPLUS
STANDARD AND SUBSTANDARD LOTS BY THE CITY OF GOLDSBORO
AND WAYNE COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes, the following procedures may be utilized by the City of Goldsboro relative to the sale of surplus real property owned alone by the City or jointly owned by the City and by Wayne County.

SECTION 1.(b) Substandard surplus real property may be disposed of under the following procedures:

- (1) The City Clerk will notify the Planning and Community Development Department of the City's receipt of substandard surplus property.
- (2) The Planning and Community Development Department will identify all contiguous property owners.
- (3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.
- (4) If only one of the adjacent lots is substandard, the owner of that lot will be deeded the City's surplus lot if the owner elects in writing to receive title to the property in return for one dollar (\$1.00).
- (5) If more than one adjoining parcel to the surplus property is substandard, the Planning and Community Development Department will contact these property owners to determine their interest in receiving the substandard lot. If more than one adjoining property owner elects in writing to receive title to a portion of the substandard lot, the property will be divided in order to create two standard adjoining lots.
- (6) If dividing the substandard lot among adjoining property owners does not create two standard lots, ownership of the entire lot will be awarded to the owner of the adjoining lot with the greater degree of a substandard condition. If not accepted by this adjoining owner, then the lot will be awarded to the other adjoining owner.
- (7) If the property adjacent to a substandard lot is standard in nature, the property will be divided among the adjoining property owners. If only one adjoining standard property owner shows interest in the standard lot, full property ownership will be awarded to this owner.

SECTION 1.(c) Standard surplus real property may be disposed of under the following procedures:

- (1) The City Clerk will notify the Planning and Community Development Department of the City's receipt of standard real surplus property.
- (2) The Planning and Community Development Department will identify all contiguous property owners.
- (3) The Planning and Community Development Department will determine if any of the adjoining parcels are substandard.

- (4) If a substandard lot adjoins a standard City surplus lot and the property owner agrees to pay fifty percent (50%) of the tax value of the surplus lot, this lot will be sold to the owner of the substandard lot at this price without soliciting further additional bids.
- (5) If more than one adjoining property is substandard and both property owners are willing to share in the minimum asking price of fifty percent (50%) of the total property tax value of the standard lot, the lot in question will then be subdivided between the two adjoining property owners of substandard lots without soliciting further bids provided this division creates two standard lots. If not accepted by this adjoining owner, then the lot will be awarded to the other adjoining owner.
- (6) When all adjacent lots are standard in nature, the Finance Department will conduct the sale of the standard surplus lot. Standard surplus lots will be offered for sale in accordance with the provisions of G.S. 160A-266, provided however, the minimum sales price will be at least fifty percent (50%) of the property's tax value. No bid for the lot under fifty percent (50%) of the property's tax value may be accepted by the City council.

SECTION 2. When selling standard properties, the City of Goldsboro will at a minimum:

- (1) Notify the adjacent property owners and individuals and entities who have bid on surplus property in the past as well as all local real estate firms.
- (2) Place upon the property a "For Sale" sign.
- (3) Place a nonlegal advertisement in a local newspaper.
- (4) Arrange for the broadcast of at least one public service announcement on a local radio station and PACC 10 TV.

SECTION 3. The City of Goldsboro will contact the County of Wayne for its concurrence prior to beginning the sale of substandard and standard lots which are jointly owned by both governmental entities.

SECTION 4. This act becomes effective July 1, 2004.

In the General Assembly read three times and ratified this the 13th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

Step-By-Step Procedures for Disposal of Surplus Property For North Carolina Local Governments

Method	Type of Property	Procedural Requirements			
Competitive Sales					
Sealed bids (G.S. 160A-268)	Real property Personal property	Step 1: Board adopts resolution authorizing sale by sealed bid	Step 2: Publish advertisement for sealed bids at least 30 days before the bid opening for real property; 7 days for personal property	Step 3: Receive and open sealed bids	Step 4: Award to highest responsive, responsible bidder or reject all bids
Upset bids (G.S. 160A-269)	Real property Personal property	Step 1: Unit received offer to purchase property	Step 2: Board adopts resolution accepting offer and authorizing upset bid procedure; offeror deposits 5% of bid amount with clerk while upset procedure takes places	Step 3: Publish advertisement for upset bids. Qualifying upset bid must be an amount at least 10% of the first \$1000 of the original offer and 5% of the remainder. Bidders must submit qualifying upset bids within 10 days after date of advertisement and be accompanied by a 5% bid bond or deposit.	Step 4: If qualifying upset bid received, repeat advertisement and upset bid process until no additional qualifying upset bid is received, then award to highest bid or reject all bids

Sample resolutions and advertisements available online at www.ncpurchasing.unc.edu (click on "Forms").

Reference: Lawrence, David M., *Local Government Property Transactions in North Carolina* (2nd ed., 2000)

Method	Type of Property	Procedural Requirements			
Public auction – <u>real</u> property (G.S. 160A-270); may be live or electronic auction	Real property	Step 1: Board adopts resolution authorizing sale by auction	Step 2: Publish advertisement of auction at least 30 days before auction is conducted. (If <i>electronic</i> auction, board may authorize electronic-only notice)	Step 3: Conduct auction	Step 4: Report highest bid to board; must accept or reject within 30 days of date bid is reported to board; complete sale to highest bidder at any time after board approval
Public auction – <u>personal</u> property (G.S. 160A-270); may be live or electronic auction	Personal property	Step 1: Board adopts resolution authorizing official to dispose of property at public auction	Step 2: Publish advertisement of auction at least 10 days before auction is conducted. (If electronic auction, board may authorize electronic-only notice)	Step 3: Conduct auction	Step 4: Complete sale to highest bidder (board approval of sale not required)
<i>“Small Item” Sales (Personal Property Valued Less Than \$30,000)</i>					
Private sale with board approval (authority to conduct sale not delegated) (G.S. 160A-267)	Personal property valued at less than \$30,000	Step 1: Board adopts resolution authorizing an official or employee to dispose of property by private sale at a negotiated price	Step 2: Publish notice of sale at least once	Step 3: Complete sale no sooner than 10 days after notice is published	

Sample resolutions and advertisements available online at www.ncpurchasing.unc.edu (click on “Forms”).

Reference: Lawrence, David M., *Local Government Property Transactions in North Carolina* (2nd ed., 2000)

Method	Type of Property	Procedural Requirements			
Private sale without board approval of each sale (authority to conduct sale delegated) (G.S. 160A-266(c))	Personal property valued at less than \$30,000	Step 1: Board adopts policy authorizing an official or employee to conduct sales. Policy must be designed to secure fair market value for property sold.	Step 2: Official or employee negotiates and conducts private sales. Must keep a record of property sold and the sale price. Board approval and published notice not required.		
Leases					
Leases – total term more than 10 years (G.S. 160A-272)	Real property Personal property	Must use one of the competitive sale procedures for real property—sealed bid, upset bid, or public auction. <i>(If leasing real property for housing for low- and/or moderate-income persons, may use GS 160A-278)</i>			
Leases – total term more than 1 year and less than 10 years (G.S. 160A-272)	Real property Personal property	Step 1: Publish notice at least 30 days before <i>regular</i> meeting of the board at which resolution authorizing lease will be considered	Step 2: At a <i>regular</i> meeting, board adopts resolution authorizing lease	Step 3: Execute lease at any time after board adopts resolution	
Leases – total term one year or less (G.S. 160A-272)	Real property Personal property	No procedural requirements – board may delegate authority to approve leases			

Method	Type of Property	Procedural Requirements			
Leases for affordable housing (G.S. 160A-278)	Real property, but only to construct housing for the benefit of low and moderate income persons	Step 1: Publish notice at least 10 days before <i>regular</i> meeting of the board at which resolution authorizing lease will be considered	Step 2: At a <i>regular</i> meeting, board adopts resolution authorizing lease	Step 3: Execute lease at any time after board adopts resolution	
Special Conveyances					
Exchange (G.S. 160A-271)	Real property Personal property	Step 1: Unit develops a tentative agreement for exchange of property for full and fair consideration	Step 2: Publish notice at least 10 days before <i>regular</i> meeting of the board at which resolution authorizing exchange will be considered	Step 3: At a <i>regular</i> meeting, board adopts resolution authorizing exchange	Step 4: Complete exchange at any time after board adopts resolution
Trade-in (G.S. 143-129.7)	Personal property	Step 1: Unit follows competitive bidding requirements to solicit bids for new item(s); bid specifications must include notice for bidders to submit trade-in price for purchasing unit's used items	Step 2: Unit awards bid to lowest responsive, responsible bidder taking into account price offered for new items and trade-in price offered for unit's used items		

Method	Type of Property	Procedural Requirements			
Economic development projects (G.S. 158-7.1(d))	Real property, but only for economic development activities listed in G.S. 1587.1(b)	Step 1: Unit determines the probable average hourly wage to be paid to workers by the business to be located at the property to be conveyed and the fair market value of the interest. The consideration for the conveyance may not be less than that value.	Step 2: Publish notice at least 10 days before <i>regular</i> meeting of the board at which the resolution authorizing sale or lease will be considered	Step 3: At <i>regular</i> meeting, board adopts resolution approving sale or lease	Step 4: Complete sale or lease at any time after board adopts resolution
Community development projects (G.S. 160A-457) Cities only	Real property, but only for sale to a redeveloper in accordance with a community development program as described in G.S. 160A-456 and -457	Step 1: Publish notice of sale once a week for two successive weeks, first notice must be published not less than 10 days nor more than 25 days preceding the public hearing	Step 2: Board conducts public hearing on the sale. At the public hearing the appraised value of the property to be sold, exchanged or transferred shall be disclosed; the consideration for the conveyance shall not be less than the appraised value.	Step 3: Board adopts resolution approving the sale, exchange, or transfer	Step 4: Complete conveyance at any time after board adopts resolution

Sample resolutions and advertisements available online at www.ncpurchasing.unc.edu (click on "Forms").

Reference: Lawrence, David M., *Local Government Property Transactions in North Carolina* (2nd ed., 2000)

Method	Type of Property	Procedural Requirements			
Conveyance to other governments in North Carolina (G.S. 160A-274)	Real property Personal property	Step 1: Board adopts resolution approving the conveyance; no other procedures required			
Artistic/historic properties (G.S. 160A-266(b))	Real or personal property, but only the type of property described in G.S. 160A-266(b) and only if conveyed to a nonprofit in accordance with G.S. 160A-266(b)	Step 1: Board adopts resolution authorizing an official or employee to dispose of property by private sale at a negotiated price	Step 2: Publish notice summarizing contents of resolution once after resolution is adopted	Step 3: Complete sale at least 10 days after notice is published	
Fire departments and rescue squads (G.S. 160A-277)	Real property, but only for constructing or expanding fire department or rescue squad facilities	Step 1: Publish notice at least 10 days before <i>regular</i> meeting of the board at which resolution authorizing conveyance will be considered	Step 2: At <i>regular</i> meeting, board adopts resolution authorizing lease, sale, or conveyance	Step 3: Complete conveyance at any time after board adopts resolution	

Method	Type of Property	Procedural Requirements			
Conveyance to nonprofit organizations <i>(G.S. 160A-279)</i> <i>Cities and counties only</i>	Real or personal property, but only if conveyed to an entity carrying out a public purpose for which that the city or county is authorized to appropriate funds	Step 1: Board adopts resolution authorizing an appropriate official or employee to convey property	Step 2: Publish notice summarizing contents of resolution once after the resolution is adopted	Step 3: Complete conveyance at least 10 days after notice is published	
Conveyance without monetary consideration <i>(G.S. 160A-280)</i> <i>Does not apply to schools</i>	Personal property only, conveyed to a governmental unit, sister city (as defined in G.S. 160A-280), nonprofit, or charter school	Step 1: Post public notice at least 5 days before meeting of the board at which resolution authorizing will be considered	Step 2: Board adopts resolution approving conveyance	Step 3: Complete conveyance at any time after board adopts resolution	

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019**

SUBJECT: Partner with Housing Authority for the City of Goldsboro to build an outdoor basketball court at West Haven Apartments.

BACKGROUND: The outdoor basketball court at West Haven Apartments is available for the citizens of Goldsboro to use. The outdoor basketball court is at the point where it needs to be replaced. Goldsboro Parks and Recreation recognizes the benefit of having access to outdoor activity. Goldsboro Parks and Recreation proposes to split the \$20,200 cost of constructing a new outdoor basketball court at West Haven Apartments with the Housing Authority for the City of Goldsboro.

DISCUSSION: After reviewing the costs, funds are available in the FY19-20 Parks and Recreation Budget to construct an outdoor basketball court.

RECOMMENDATION: By motion, accept the recommendation of staff to adopt the attached resolution authorizing the Mayor and City Clerk to execute an agreement with the Housing Authority for the City of Goldsboro allowing Goldsboro Parks and Recreation to construct an outdoor basketball court at West Haven Apartments. Goldsboro Parks and Recreation will be reimbursed 50% of the \$20,200 cost by the Housing Authority for the City of Goldsboro.

Date: _____

Interim Parks and Recreation Director

Date: _____

City Manager

RESOLUTION NO. 2019-

A RESOLUTION AUTHORIZING THE CITY OF GOLDSBORO TO EXECUTE
AGREEMENT WITH THE HOUSING AUTHORITY FOR THE CITY OF
GOLDSBORO FOR OUTDOOR BASKETBALL COURT CONSTRUCTION AT
WEST HAVEN APARTMENTS

WHEREAS, the City of Goldsboro Parks and Recreation has funds available in its FY19-20 Budget for the construction of an outdoor basketball court; and

WHEREAS, the Housing Authority for the City of Goldsboro has agreed to share the cost of the outdoor basketball court construction; and

WHEREAS, the cost for the outdoor basketball court will be approximately \$20,200; and

WHEREAS, the Housing Authority for the City of Goldsboro will reimburse Goldsboro Parks and Recreation \$10,100; and

WHEREAS, both parties see the benefit of having access to physical activity; and

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

1. The Mayor and City Clerk is hereby authorized to enter into an agreement with the Housing Authority for the City of Goldsboro to construct an outdoor basketball court at West Haven Apartments totaling \$20,200.
2. This resolution shall be in full force and effect from and after this _____ day of _____ 2019.

Mayor

Attested by:

City Clerk



August 26, 2019

Felicia Lucas Brown, CPRP
Interim Parks and Recreation Director

City of Goldsboro Parks and Recreation
901 Ash Street
Goldsboro, NC 27530

Ms. Brown,


We appreciate the city's willingness to partner with the Housing Authority of the City of Goldsboro to construct a new basketball court at the West Haven Development.

We commit to reimbursing the city for 50% of the cost to complete the construction of the basketball court. Our portion is estimated at \$10,100 based on your initial figures and our cost associated with the demolition and removal of debris.

The Housing Authority of the City of Goldsboro authorizes the City of Goldsboro to perform all work necessary in the construction of the basketball court at West Haven Development. Payment of the HACG's portion of the cost will be made upon completion of the project.

Please provide HACG with copies of all bid documentation for record keeping purposes.

Sincerely,



Anthony Goodson Jr.
Chief Executive Officer

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
SEPTEMBER 9, 2019 COUNCIL MEETING**

SUBJECT: S-7-19 Colleena Properties, LLC (Preliminary Subdivision Plat for Carolina Street Meadows)

BACKGROUND: The property is located on the west side of N. Carolina Street between W. Hooks River Road and A Street.

Totals Lots:	14
Total Area:	11.18 acres
Min. Lot Size:	16,719 sq. ft.
Max. Lot Size:	63,771 sq. ft.
Average Lot Size:	34,797 sq. ft. or 0.79 acres
Zoning:	R-16 Residential

Currently, approximately 2.1 acres is woodlands. The remaining 9.8 is vacant farmland.

DISCUSSION: The submitted preliminary plat contains a total of 14 residential lots within the subdivision.

Building setbacks for single-family dwellings within the R-16 zoning district are as follows:

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

No new streets are proposed for the subdivision. The developer proposes to install all utilities underground.

Sidewalks are not shown along N. Carolina Street or W. Hooks River Road. According to the City's UDO, sidewalks are required for the proposed subdivision for approximately 1,404 linear ft. along N. Carolina Street and approximately 197 ft. along W. Hooks River Road.

The developer is requesting a modification of sidewalk construction. If approved, the developer will be required to pay a fee in lieu of sidewalk construction in the amount of \$28,818. In addition to the sidewalk modification, the developer is also requesting a modification of the fee in lieu of for \$28,818.

City water is available to serve the property. City sewer is located within 1000 ft. of the subject property and has sufficient capacity to serve the 14-lot subdivision. According to the City's UDO, proposed developments within 1,000 ft. of the City's sewer system shall connect to City sanitary sewer mains. The applicant is requesting a modification of this requirement and is proposing the installation and use of septic systems in accordance with the County of Wayne's Environmental Health Department.

Storm water calculations for this site have been submitted and are currently under review by City Engineering.

The proposed subdivision is located within the City's Watershed Protection Overlay District. It is not located within a Special Flood Hazard Area.

Modifications: The following modifications have been requested:

1. Modification of sidewalk construction along N. Carolina Street and Hooks River Road.
2. Modification of payment of fee in lieu of sidewalk construction in the amount of \$28,674.
3. Modification of requirement to connect to City sewer when new developments are within 1,000 ft. of accessible and available utilities.

The Planning Commission, at their meeting held on August 26, 2019, recommended approval of the 14-lot preliminary subdivision plat with the following modifications:

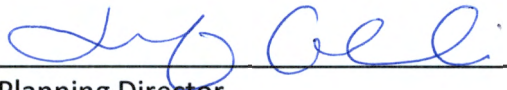
1. Modification of sidewalk construction along N. Carolina Street and Hooks River Road.
2. Modification of requirement to connect to City sewer when new developments are within 1,000 ft. of accessible and available utilities.

The Planning Commission recommended the applicant pay the fee in lieu of sidewalk construction in the amount of \$28,818.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the 14-Lot Preliminary Subdivision Plat with the following modifications:

1. Modification of sidewalk construction along N. Carolina Street and Hooks River Road. The developer will be required to pay the fee in lieu of sidewalk construction in the amount of \$28,818.
2. Modification of requirement to connect to City sewer when new developments are within 1,000 ft. of accessible and available utilities.

Date: 8/28/19

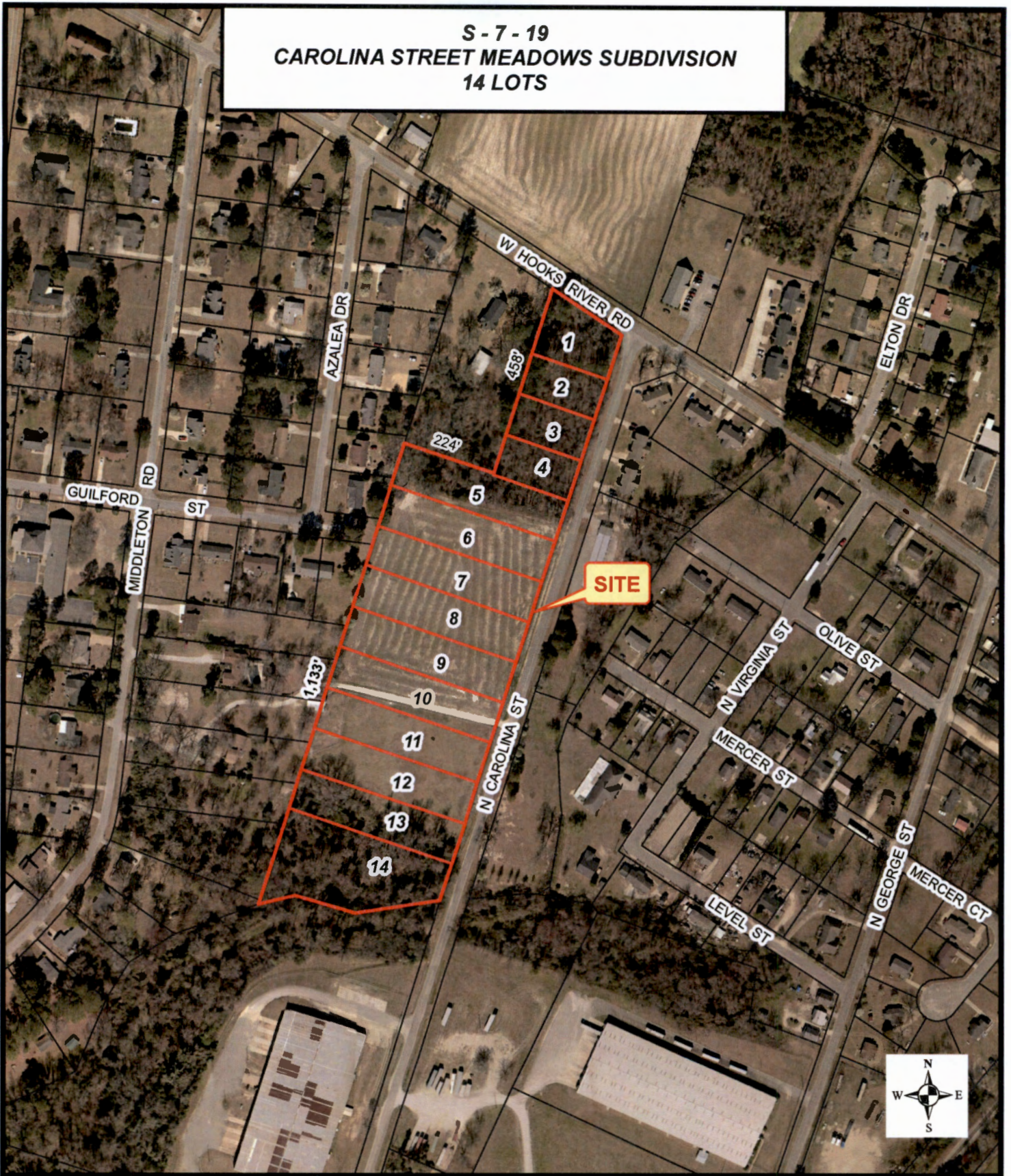


Planning Director

Date: _____

City Manager

S - 7 - 19
CAROLINA STREET MEADOWS SUBDIVISION
14 LOTS



CAROLINA STREET MEADOWS

300 150 0 300 Feet

GOLDSBORO
BE MORE DO MORE SEYMOUR

NITROGEN EXPORT CALCULATIONS

TYPE OF LAND COVER	AREA (ACRES)	NITROGEN EXPORT (LBS/AC/YR)	TOTAL NITROGEN EXPORT (LBS/YR)
PERMANENTLY PROTECTED UNDEVELOPED OPEN SPACE (FOREST, OPENWATER, WETLANDS, ETC.)	0.000	0.6	0.000
PERMANENTLY PROTECTED MANAGED OPEN SPACE (GRASS, LANDSCAPING, ETC.)	0.000	1.0	0.000
RIGHT-OF-WAY (ROAD, TRAIL, ETC.)	0.000	0.3	0.000
LOTS (READ IN EXPORT FROM GRAPH 2)	11.184	2.8	31.315
TOTAL	11.184	—	31.315

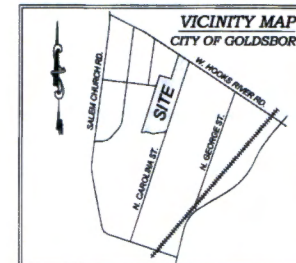
TOTAL EXPORT = 2.80 LBS/AC/YR x 3.6 = NO REDUCTION REQUIRED

PEAK FLOW CALCULATIONS

SURFVOLUME AREA	AREA (ACRES)
STREET PAVED AREA	0
14 LOTS @ 2000 S.F. (ROOF & DRIVE)	1.007
TOTAL ACRES	1.007

TOTAL PEAK FLOW SURFVOLUME 1.007 / 11.184 = 14.37%

+15% STORMWATER MITIGATION NOT REQUIRED



JONES CONSULTING ENGINEERS, P.A.

Post Office Box 10882
Goldsboro, NC 27532
919.221.5222
bjones@jce-nc.com
LIC # C-3065

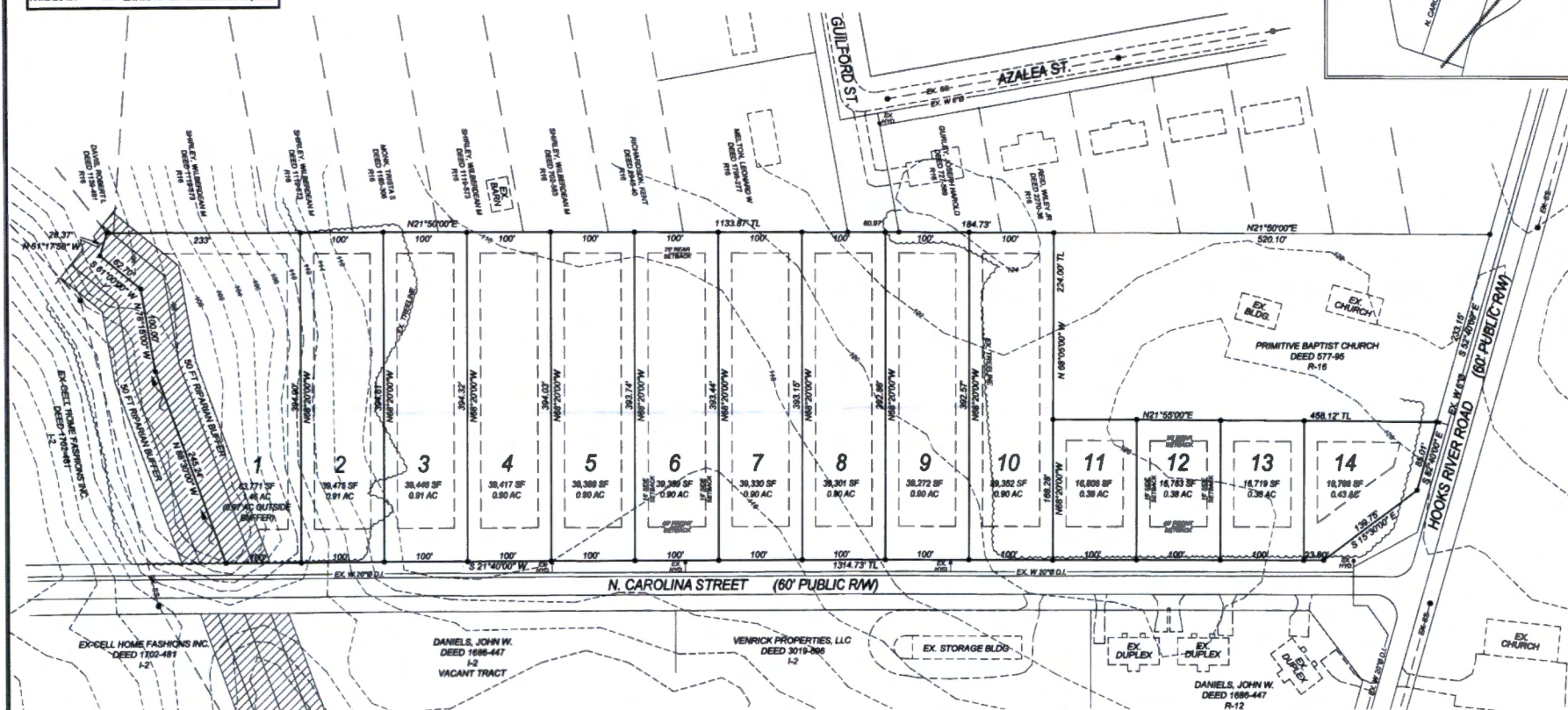
JCE PROJECT NO.: 19126
PLAN STATUS: PRELIMINARY
DATE: 8/14/19

PRELIMINARY: FOR REVIEW ONLY
THIS DESIGN AND OTHER INTELLECTUAL PROPERTY ARE THE PROPERTY OF JONES & JONES CONSULTING ENGINEERS, P.A. AND CANNOT BE USED WITHOUT ITS EXPRESS WRITTEN PERMISSION.

REV.	DATE	DESCRIPTION

CAROLINA STREET MEADOWS SUBDIVISION PRELIMINARY PLAN

C1



SITE DATA:

- OWNER: J & W PROPERTIES & REALTY, LLC
1303 9th STREET, GOLDSBORO, NC 27534
- DEVELOPER: COLLIERIA PROPERTIES, LLC
P.O. BOX 216, GOLDSBORO, NC 27533 919-901-0359
- SURVEYOR: R. DANIEL BUTLER LAND SURVEYING
730 DYER BIRTH ROAD, LAURENS, NC 28551 919-922-3365
- TOTAL TRACT ACRES: 11.18 ± ACRES
- CORRECTION: R-16
- PROPOSED SUBDIVISION IS NOT LOCATED WITHIN A RIGHT-OF-WAY
- CORRIDOR PROPOSED BY A TRANSPORTATION PLANNING ORGANIZATION
- NO VOLUNTARY AGRICULTURAL DISTRICT WITHIN A QUARTER MILE
- PROPOSED SUBDIVISION IS NOT LOCATED WITHIN THIS ANCHOR ZONE
- TOTAL NUMBER OF PROPOSED TRACTS: 14 LOTS
- MINIMUM REQUIRED LOT AREA: 16,000 SF
- MINIMUM REQUIRED LOT DISTANCES R-16:
- FRONT: 40 FT
- SIDE: 16 FT
- REAR (CORNER LOT): 32 FT
- REAR: 20 FT

- FLOOD HAZARD: ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN - DEED MAP 37202880006, JUNE 20, 2019
- WATER: ALL PROPOSED LOTS SHALL BE SERVICED BY EXISTING CITY OF GOLDSBORO UTILITIES
- WASTE COLLECTION: WILL BE CURBSIDE PICK-UP
- ELECTRIC, CABLE, PHONE: ALL PROPOSED UTILITIES SHALL BE DESIGNED AND INSTALLED UNDERGROUND BY THE RESPECTIVE UTILITY

CITY OF GOLDSBORO MODIFICATION REQUESTS:

- REQUEST PROPOSED LOTS USE INDIVIDUAL SEPTIC SYSTEMS
EXTENDING PUBLIC SANITARY SEWER TO THIS TRACT WILL NOT BENEFIT ANY ADJACENT PROPERTIES OR OTHER ADDITIONAL TRACTS ARE FOR THE CITY. ALL SURROUNDING PROPERTIES ALREADY HAVE ACCESS TO SANITARY SEWER AND CANNOT BE USED WITHOUT ITS EXPRESS WRITTEN PERMISSION.
- REQUEST ELIMINATION OF SIDEWALK AND 8 1/4" LP FES IN L&I/ REQUIREMENT OF RURAL SUBDIVISION (R-16) IN L&I/

I (WE) HEREBY CERTIFY THAT I (AM) (WE) ARE THE OWNERS OF THE PROPERTY BROWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY APPROVE THIS DEVELOPMENT PLAN. I (WE) FURTHER CERTIFY THAT ALL EXISTING IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO PAVING AND LANDSCAPING, AS SHOWN ON THE SITE PLAN WILL BE MAINTAINED IN ACCORDANCE WITH THIS PLAN.

OWNER SIGNATURES



City of Goldsboro

P.O. Drawer A
North Carolina
27533-9701

Item N

CONSTITUTION WEEK PROCLAMATION

WHEREAS, September 17, 2019, marks the two hundred and thirty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to officially recognize this magnificent document and the anniversary of its creation as well as the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and

WHEREAS, The David Williams Chapter of the Daughters of the American Revolution does hereby acknowledge and commemorate the official recognition being given to this magnificent document on its anniversary and to the patriotic celebrations which will be observed during Constitution Week.

NOW, THEREFORE, I, Chuck Allen, Mayor of the City of Goldsboro, North Carolina, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

in Goldsboro, North Carolina and ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Goldsboro, North Carolina, to be affixed this 9th day of September, 2019.



Chuck Allen, Mayor