

MINUTES OF THE MEETING OF THE CITY COUNCIL HELD  
MARCH 1, 2021

**WORK SESSION**

The 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 6:00 p.m. on March 1, 2021 with attendance as follows:

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

**Call to Order.** The meeting was called to order by Mayor Allen at 6:00 p.m.

**Adoption of the Agenda.** Councilmember Broadway made a motion to adopt the agenda. Mr. Salmon stated I would like to add under new business, Lead for North Carolina Fellowship Program. Councilmember Polack seconded the motion with the necessary correction. Mayor Allen called for a vote. The motion passed unanimously.

**UDO Update Presentation.** Ms. Jennifer Collins shared the following information:  
NC GS Chapter 160D

- State legislature has updated the statewide zoning enabling legislation
- This is a mandatory update for all counties, towns, and cities
- Chapter 160D consolidates and clarifies local land use regulation
- State deadline for compliance is 07/01/2021

Project Schedule (anticipated; subject to change)

- Chapter 160D Council Update: Feb. 24
- First Draft (internal): est. March/April
- Final Draft (public review): est. April
- Planning Board Review: April 26
- Council Review/Adoption: May 3 or 17

What is Chapter 160D?

- Consolidates county and municipal regulations
- Uniform terminology and procedures across jurisdictions
- Clarifies all development review into one of three distinct decision types
- Restrictions on imposing unlawful conditions

Decision Types for Development Review

- **Administrative** – An objective decision in the regulation or enforcement of development regulations. *Includes most permits and administrative decisions.*
  - *Site Plans less than an acre with no modifications from UDO*
- **Legislative** – A general policy decision to adopt, amend, or repeal a law or ordinance.
  - *Rezoning and Ordinance Amendments.*
- **Quasi-judicial** – A subjective, discretionary decision based on evidence presented regarding a specific application of a development regulation. *Includes legal-style hearings where decisions are based on expert testimony.*
  - *Conditional Use Permits*

Ms. Collins reviewed specific examples related to the following types:

- Subdivision
- Site Plan Review

- Conditional Rezoning
- Conditional Use Permits

## Review Authority After the Update

Administrative	Planning Comm. (recommendation)	BOA	Council
Zoning Permits	Rezoning (conventional and conditional)	Variance	Rezoning (conventional and conditional)
Subdivisions and Plats	Ordinance Amendment	Administrative Appeal	Ordinance Amendment
Admin. Amendment and Traffic Analysis		Special Use Permit: Tier 1 (Home Occup.)	Special Use Permit: Tier 2
Site Plans (all sizes)			Conditional Use Permit
			Preliminary Subdivision Plat
			Site Plan >1acre

### Council Guidance and Direction

- Conditional Rezoning with conceptual master plan
- Realign Conditional Use Permit to Special Use Permit
- Revise Review Authority Table
  - All review decisions as either: administrative, legislative, or quasi-judicial
  - Remove/reduce undefined discretionary powers
  - Site Plans and Subdivisions by staff
  - Tiered Special Use Permits – split between BOA and Council
  - Variances – split between BOA and Council

Council discussed. Upon motion of Mayor Pro Tem Ham, seconded by Councilmember Jones and unanimously carried, Council voted to allow staff and the consultant to proceed with the recommended updates as presented.

**North Carolina Lead NC Fellowship Program.** Mr. Salmon and Ms. Erin Fonseca shared information regarding the program. Lead for North Carolina (LFNC) aims to recruit, train, and place the state's most promising young leaders in paid local government fellowships as a means of strengthening our public institutions, supporting our local communities, and cultivating a new generation of public service leaders. It places recent college graduates in high impact positions in local governments across the state to work on transformative community projects. The UNC School of Government, in partnership with the NC Manager's Association, the Association of County Commissioners and the North Carolina League of Municipalities, administers the program. The cost is approximately \$47,000 but there are grants and awards, the portion the city would be responsible for would be about \$15,000 to \$20,000. A particular point we are after here, is economic development.

Ms. Fonseca stated two areas of focus for the fellow would be an economic development plan and assisting us in securing an investor/developer for the 400 block of S. Center Street and if time allows a neighborhood plan.

Council discussed. Councilmember Aycock made a motion to accept the opportunity to get the fellow to come and work with the Downtown Office. Councilmember Broadway seconded the motion. Mayor Allen, Mayor Pro Tem Ham, Councilmembers Jones, Broadway, Polack and Aycock voted in favor of the motion. Councilmember Matthews voted against the motion. The motion passed 6:1.

**Closed Session Held.** Upon motion of Councilmember Aycock, seconded by Councilmember Polack and unanimously carried, Council convened into Closed Session to discuss potential litigation 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 City Council of the City of Goldsboro, North Carolina, met in regular session in the Large Conference Room, City Hall Addition, 200 North Center Street at 7:00 p.m. on March 1, 2021 with attendance as follows:

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

The meeting was called to order by Mayor Allen at 7:02 p.m.

Pastor Rodger Taylor with Philadelphia Community Church provided the invocation. The Pledge of Allegiance followed.

Councilmember Aycock stepped out at 7:04 p.m. and returned at 7:07 p.m.

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

1. Sylvia Barnes, President of the Goldsboro/Wayne NAACP Branch, requested bus passes for those needing transportation to get a vaccine.
2. Claudia Brown shared concerns regarding water rate increase and taxes.
3. Paul Saylor with the Wayne County Public Library shared information regarding the historic black business district.
4. Thomas Rice shared information regarding homelessness and the need for a homeless shelter.
5. Yvonna Moore shared concerns regarding the financial health of the city, including the late audit. She also advocated for the individuals who signed the petition of support for her for the vacant seat for District 1. Ms. Moore congratulated Ms. Jones for being selected to serve in the District 1 seat. Ms. Moore expressed concerns regarding unfair treatment of herself and others who supported her for the District 1 seat.
6. Antonio Williams shared information regarding the vaccination site at the Bussman Building. Mr. Williams provided information regarding the petition in support of Ms. Moore and expressed concerns regarding a local blogger who put the names and addresses of these individuals out online.

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

**Consent Agenda Review.** Each item on the Consent Agenda was reviewed.

**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 item on the Consent Agenda, Item A, B and C be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Broadaway and a roll call vote resulted in all members voting in favor of the motion. The item on the Consent Agenda was as follows:

**CU-1-21 Anthony Mathis (EZ Choice)-North side of E. US 70 Hwy between Miller's Chapel Road and Carriage Road. Order Adopted.** Applicant requests a Conditional Use Permit for the installation of a prefabricated accessory structure used for the operation and

expansion of an existing automotive service center located in the Airport-Business zoning district. Services include automobile window tinting, automobile inspections and tire sales. As part of the request, separate site plan approval is required.

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

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

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

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

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

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

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

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

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

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

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

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

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

It was recommended Council accept the recommendation of the Planning Commission and adopt an Order approving the Conditional Use Permit #CU-1-21 for the installation of a prefabricated accessory structure used for the operation and expansion of an existing automotive service center located in the Airport-Business zoning district. Consent Agenda Approval. Aycock/Broadaway (7 Ayes)

**S-2-21 Frankie Mozingo (2-Lot Preliminary Subdivision Plat). Approved.** The property is located on the north side of E. Ash Street between N. Oak Forest Road and Piedmont Airline Road.

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

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

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

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

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

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

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

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

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

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

It is recommended the Council accept the recommendation of the Planning Commission and approve the Preliminary two (2) lot Subdivision Plan. The following stipulations are to be noted on the recorded plat:

- (1) The applicant has received a variance for this requirement from the Goldsboro Board of Adjustment and has agreed to increase the existing access easement from 20 ft. to 30 ft. in accordance with City regulations.
- (2) The applicant must submit an annexation petition for the subject property as the property is within 1,000 ft. of City water and sewer.
- (3) Adherence to the SJAFB's 65-69 DNL noise overlay zone. The required noise attenuation measures must be incorporated into the construction of the new home to achieve an outdoor to indoor noise level reduction of at least 25 decibels. Consent Agenda Approval. Aycock/Broadaway (7 Ayes)

**Resolution Authorizing the Mayor and City Clerk to Execute an Amendment to the Memorandum of Understanding with the County of Wayne. Resolution Adopted.** The City

of Goldsboro and the County of Wayne entered in to Memorandum of Understanding in October 8, 2019 for the County to market 2.5 acres for the development of a hotel to compliment events at the Maxwell Center.

The City of Goldsboro and the County of Wayne wish to amend the agreement entered previously dated October 8, 2019 as follows:

1. Paragraph 1 of the original agreement is amended to read as follows: “The County will be solely responsible for marketing the 2.5 2.65 acres for future hotel development of the property as depicted in the attached Exhibit A; which is incorporated herein by reference”.
2. Paragraph 2 of the original agreement is amended to read as follows: “The County may only market the 2.5 2.65 acres for hotel development and may offer the property for sale at no cost to potential developers.
3. Paragraph 3 of the original agreement is not amended.
4. Paragraph 4 of the original agreement is amended to read as follows: “The County will continue to oversee hotel marketing for three years from the date of execution of this the original Agreement. If the County is unable to secure a developer after this such three year period, the City shall resume marketing responsibilities of the 2.5 2.65 acres”.
5. Paragraph 5 of the original agreement is amended to read as follows: “The City will begin the marketing of the remaining 3.5 3.35 acres as depicted in Exhibit A for restaurant and/or retail development. The Parties agree that, to maximize marketability of this remaining acreage, any location of the hotel shall be designed and placed on the parcel such that the remaining acreage shall be able to accommodate two (2) restaurants; and also such that the line of sight of the Maxwell Center from Wayne Memorial Drive shall be maximized.
6. Paragraph 6 of the original agreement is amended to read as follows: “Although the City plans to will will repay County the \$138,000 indebtedness for the retaining pond out of the proceeds of the sale of the remaining 3.5 3.35 acres, the County agrees to consider reducing said sum as the City is agreeing for the marketing and use of a potential hotel the additional 0.15 acres to the original agreement. In no event shall said reduction exceed \$60,500.00”.

A copy of the Memorandum of Understanding was provided.

It was recommended Council adopt the following entitled Resolution authorizing the Mayor and City Clerk to execute an amendment to the Memorandum of Understanding with the County of Wayne as described above. Consent Agenda Approval. Aycok/Broadaway (7 Ayes)

RESOLUTION NO. 2021-14 “A RESOLUTION TO AUTHORIZE THE MAYOR TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF WAYNE”

**End of Consent Agenda.**

**City Manager’s Report.** Mr. Timothy Salmon stated I think we are being transparent with the status of our audit. I will ask our auditors for an update at the next Council meeting. I would also like to highlight the NC Executive Order, 195 is the latest, which lifts the modified stay at home order, eases restrictions on business and gatherings.

**Mayor and Councilmembers’ Reports and Recommendations.** Mayor Pro Tem Ham read the following Proclamation:

**Developmental Disability Awareness Month Proclamation.** Mayor Allen proclaimed March 2021 as “DEVELOPMENTAL DISABILITIES AWARENESS MONTH” and galvanized

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

Mayor Pro Tem Ham stated this past Saturday I walked down to Herman Park, the park was full of people enjoying the best day we have had this year. As I walked through, I saw a diverse group of people, talking with one another, sharing tables, eating together and so forth. I sat and talked with a few people, had a great conversation, shared experiences with them. Goldsboro is a great place to live, we have great people here. We have an attitude of people who want to get along, share our experiences, so I would say to people who look and say we have major problems here, go out, spend a few minutes to talk to people, you get an appreciation of what we have in Goldsboro.

Councilmember Jones stated I am honored to represent the citizens in District 1 of my city and may I ask that we spend our energy on encouraging and developing our children and our youth during this time. I would also ask that we spend our energy on encouraging and ensuring the elderly and senior citizens that they are safe and they are not left behind. I would ask that we spend our energy on growing our community and placing Goldsboro back on the map as a great place to like, live and visit.

Councilmember Broadway stated no comment.

Councilmember Polack stated I would like to recognize the events that were hosted downtown during Black History Month. Not limiting the cultural awareness to downtown during this month but I want to highlight the Arts Council, which showcased the talents of Mr. Max Mazingo with the community mural as well as the amazing exhibits that are, housed at the Wayne County Museum. I was fortunate enough to see the contributions of two of my fellow councilmembers, Councilmember Matthews at the arts community mural painting and Councilmember Jones reenactment representing the widows and beneficiaries of the US Colored Troops of the 135<sup>th</sup> Regiment. This presentation can be viewed on the Wayne County Museum website and will be up through May. I also want to pray for those that have taken their first vaccine as well as those who are awaiting their second. He welcomed Ms. Jones to the Board.

Councilmember Matthews stated no comment.

Councilmember Aycock stated two weeks ago I was admonished for a vote that I made. Every member of this Council has one vote and we voted the way we feel we needed to vote. To have someone be disrespectful to me for the way I voted, I do not appreciate and I have never been disrespectful to them.

There being no further business, the meeting adjourned at 7:58 p.m.

---

Chuck Allen  
Mayor

---

Melissa Capps, MMC/NCCMC  
City Clerk