

MINUTES OF MEETING OF THE MAYOR AND CITY COUNCIL HELD  
NOVEMBER 18, 2019

**WORK SESSION**

The Mayor and City Council of the City of Goldsboro, North Carolina, met in a Work Session in the Large Conference Room, City Hall Addition, 200 North Center Street, at 5:00 p.m. on November 18, 2019 with attendance as follows:

Present: Mayor Pro Tem Bill Broadaway, Presiding  
Councilmember Antonio Williams  
Councilmember Bevan Foster  
Councilmember David Ham  
Councilmember Gene Aycock  
Ron Lawrence, Attorney  
Tim Salmon, City Manager  
Melissa Capps, City Clerk  
LaToya Henry, Public Information Officer  
Randy Guthrie, Assistant City Manager  
Jennifer Collins, Planning Director  
Scott Williams, IT Director  
Felicia Brown, Interim P&R Director  
Mike Wagner, Public Utilities Director  
Rick Fletcher, Public Works Director  
Joe Dixon, Fire Chief  
Erin Fonseca, Marketing & Events Manager  
Shycole Simpson-Carter, Community Development Director  
Bernadette Dove, HR Director  
Catherine Gwynn, Finance Director  
Marty Anderson, City Engineer  
Allen Anderson, Chief Building Inspector  
Adam Twiss, Paramount Theatre & GEC Director  
Eddie Fitzgerald, News Argus Reporter  
Lonnie Casey, Citizen  
Bobby Mathis, Citizen  
Della Mathis, Citizen  
Carl Martin, Citizen  
Sylvia Barnes, Citizen  
Yvonnia Moore, Citizen  
Alicia Pierce, Citizen (arrived at 5:03 p.m.)

Absent: Mayor Chuck Allen

**Call to Order.** The meeting was called to order by Mayor Pro Tem Broadaway at 5:00 p.m.

**Adoption of the Agenda.** Councilmember Aycock made a motion to adopt the agenda. Councilmember Ham seconded the motion. Mayor Pro Tem Broadaway, Councilmembers Foster, Ham and Aycock voted in favor of the motion. Councilmember Williams did not vote, therefore, his vote is counted as an affirmative vote. Mayor Pro Tem Broadaway stated the motion passed.

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

**Item J. Waiver of City Employee Personnel Policy.** Councilmember Foster stated I just want to make note this is yet another issue that we are having that has been done wrong by employees here that have left and gone on. This is another reason we should have a forensic audit. We have these policies for a reason, for our employees to follow, for us to follow, and it hasn't been done. I received an email this morning asking why haven't employees been held liable. It is a valid question. We don't know what

money might be missing, I know the forensic audit was put off, I just want to put on record this is why we need it.

Councilmember Ham asked if this would require dissemination of this information. Ms. Bernadette Dove stated this is not a change in policy but we are revising the Personnel Policy and there will be some changes to the policy.

Mayor Pro Tem Broadaway stated I've retired twice, its important when people are preparing to retire they know exactly what the policy is. If we can get that word to them, I think that would be beneficial. Ms. Dove stated we will get that done immediately.

**Item K. Change Order for HV Brown Park Restroom Shelter Project.** Ms. Felicia Brown shared the amount of the change order is slightly less than that in the agenda item, that was an estimate. The actual change order amount is \$26,983.50. The agenda item should read not to exceed \$28,961.

**Closed Session Held.** Upon motion of Councilmember Williams, seconded by Councilmember Ham and unanimously carried, Council convened into Closed Session to discuss a 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 Mayor and Council of the City of Goldsboro, North Carolina, met in regular session in Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on November 18, 2019 with attendance as follows:

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

Absent: Mayor Chuck Allen

The meeting was called to order by Mayor Pro Tem Broadaway at 7:00 p.m.

Archbishop Anthony Slater with Tehillah Church Ministries provided the invocation. The Pledge of Allegiance followed.

**Approval of Minutes.** Councilmember Aycock made a motion to approve the Minutes of the Work Session and Regular Meeting of October 7, 2019 as submitted. The motion was seconded by Councilmember Ham. Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmembers Williams and Foster did not vote, therefore their votes are counted as an affirmative vote. The motion passed.

**Resolution Expressing Appreciation for Services Rendered by Leslie Artis as an Employee of the City of Goldsboro for More Than 39 Years. Resolution Adopted.** Leslie Artis retires on December 1, 2019 as a Street Maintenance Equipment Operator with the Public Works Department of the City of Goldsboro with more than 39 years of service. Leslie began his career on December 20, 1978 as a Laborer I with the Public Works Department. On May 1, 1985, Leslie was promoted to Laborer II with the Public Works Department. On August 21, 1985 Leslie was promoted to Equipment Operator I with the Public Works Department. On May 4, 1987, Leslie was promoted to Maintenance Worker I with the Public Works Department. On July 1, 2003, Leslie was promoted to Street Maintenance Equipment Operator with the Public Works Department where he has served until his retirement. Leslie has proven himself to be a dedicated and

efficient public servant who has gained the admiration and respect of his fellow workers and the citizens of the City of Goldsboro. The Mayor and City Council of the City of Goldsboro are desirous, on behalf of themselves, City employees and the citizens of the City of Goldsboro, of expressing to Leslie Artis their deep appreciation and gratitude for the service rendered by him to the City over the years. We express to Leslie our very best wishes for success, happiness, prosperity and good health in his future endeavors.

Upon motion of Councilmember Aycock, seconded by Councilmember Williams and unanimously carried, Council adopted the following entitled Resolution expressing appreciation to Leslie Artis.

**RESOLUTION NO. 2019-101 “RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY LESLIE ARTIS AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 39 YEARS”**

Mayor Pro Tem Broadaway and Mr. Rick Fletcher provided comments and presented Mr. Artis with a framed copy of the Resolution.

**Goldsboro Jets – Bobby Harvey.** Mr. Bobby Harvey shared information with Council regarding the Goldsboro Jets, a newly formed semi-pro football team in Goldsboro. We are here to ask for the City’s support and be designated as the official semi-pro football team of Goldsboro. Mr. Harvey stated they joined the Turkish League, it’s a 40 team league that expands about 7 states. He thanked Mr. Taj Polack for advocating for them. He also thanked Principal Nelson and the Athletic Director at Goldsboro High School, where they will be playing their home games. Mr. Harvey stated what they are asking for from the city is any non-monetary support such as practice facilities, etc. He introduced Mr. Jeremy Padgett, fullback; Mr. William Hinton, Assistant Coach; and Mr. Freddy Jones.

**Z-20-19 David and Ashley Allen - Southeast corner of Mull Smith Lane and Double D Lane. Public Hearing Held.** The applicant requests the rezoning of a portion of the property from R-20A RM-NC (Residential Manufactured Non-Conforming) to RM-9 (Residential) which would allow for the placement of one manufactured (mobile) home on an individual lot.

Frontage: 328.34 ft. (Mull Smith Ln.)

Area: Approx. 43,560 sq. ft. or +1.0 acres

Surrounding Zoning: North: R-20A Residential  
South: R-20A Residential  
East: R-20A; R-20A RM-NC Residential  
West: R-20A Residential

The property is currently a portion of a larger tract consisting of 127,147 sq. ft. or 2.91 acres and occupied by one manufactured home. The property is zoned R-20A RM-NC (Residential Manufactured Non-Conforming)

Adjacent and surrounding properties primarily consist of singlewide manufactured homes located on private lots. East of the subject property is an existing six (6) unit non-conforming manufactured home park and three private lots rezoned to RM-9 Residential in 2001 and 2017.

If the rezoning is approved, the applicant intends to locate a doublewide manufactured home upon the property meeting the requirements of the RM-9 zoning district.

The RM-9 zoning district will require the manufactured home to comply with City and State regulations. Manufactured homes are required to have the appearance of a site-built, single family dwelling unit permanently located on its lot with a pitched roof, masonry underpinning, parallel to the front property line and in good condition with no signs of rust.

The property will be required to be subdivided in accordance with the City's subdivision regulations.

The City's adopted Land Use Plan designates this property for low-density residential development.

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

Undedicated private dirt paths through existing easements serve properties in the area. As a result, the subject lot does not have frontage on an improved public street. The applicant has requested a modification of the requirement that all lots front on an improved street in order to allow placement of the mobile home.

Mayor Pro Tem Broadaway opened the public hearing. No one spoke and the public hearing was closed.

No action is necessary. The Planning Commission will have a recommendation for the City Council's meeting on December 2, 2019.

**Z-21-19 St. James Church of Christ – South side of W. Chestnut, west side of Kennon Avenue and east side of S. Alabama Avenue. Public Hearing Held.** The applicant requests the rezoning of five (5) individual lots from R-6 (Residential) to O&I-1 (Office and Institutional-1) for the purposes of renovating and expanding an existing church, which is adjacent to the subject properties.

Currently, the applicant owns the five (5) individual lots, which are located in the R-6 Residential zoning district. Churches are not a permitted use in the R-6 Residential zoning district.

Existing Acreage and Use:

- Lot #1: 3,393 sq. ft. or .07 acres (Existing single-family dwelling)
- Lot #2: 6,484 sq. ft. or .14 acres (Vacant)
- Lot #3: 5,935 sq. ft. or .13 acres (Vacant)
- Lot #4: 4,355 sq. ft. or .09 acres (Existing single-family dwelling)
- Lot #5: 4,135 sq. ft. or .09 acres (Vacant)

Surrounding Zoning: North: R-6 Residential  
South: O&I-1 Office & Institutional  
East: R-6 Residential  
West: R-6 Residential

As previously stated, if the zoning change is approved to Office & Institutional-1, the applicant intends to combine all lots, renovate and expand the existing church.

Site, landscape, grading and drainage plans will be required in accordance with the City's Unified Development Code and City Council approval will be necessary.

The City's updated Land Use Plan designates the property as High-Density Residential.

City water and sanitary sewer are available to serve all subject areas.

The property is located in a Special Flood Hazard Area known as the 100-Year Floodplain. Any commercial development will be subject to meeting compliance with the City's Floodplain regulations.

Mayor Pro Tem Broadaway opened the public hearing. No one spoke and the public hearing was closed.

No action is necessary. The Planning Commission will have a recommendation for the City Council's meeting on December 2, 2019.

**Z-22-19 Goldsboro Housing Authority – South side of E. Walnut Street between S. Kornegay Street and S. Slocumb Street. Public Hearing Held. Withdrawn.** The applicant requests the rezoning of the property from R-9 Residential to R-6 Conditional District to limit the use of the property to a parking lot associated with an existing senior living apartment complex.

Frontage: 83 ft. (E. Walnut St.)  
Acreage: 13,189 sq. ft. or 0.30 acres  
Surrounding Zoning: North: R-9 Residential;  
South: R-6CD Residential;  
East: R-6CD Residential;  
West: R-9 Residential

The property is currently heavily vegetated and undeveloped. It is located adjacent to a multi-family apartment complex formally known as Walnut Street School Apartments.

Goldsboro Housing Authority owns the apartment complex, which consists of one, two-story building containing 19 apartments and one, three-story building containing 36 apartments. All 55 apartment units are vacant and in the process of being renovated for future occupancy.

The City's Comprehensive Land Use Plan recommends mixed-use downtown development for the property.

As previously stated, the applicant proposes to rezone the property from R-9 Residential to R-6 Conditional District. If approved, the applicant intends to develop the property into a parking lot for the purposes of providing additional parking spaces for residents of the facility.

Site plan approval is required at the time of rezoning to a Conditional District. However, the applicant is requesting a waiver of the site plan until development plans are completed.

The City Council may waive the site plan requirement at the time of rezoning provided a site plan is approved by City council prior to the issuance of any development permits.

On November 6, 2019, the Planning Department received a request from the applicant to withdraw the subject-rezoning request without prejudice. The applicant indicated their desire to clean up the property and use as green space.

Mayor Pro Tem Broadaway opened the public hearing and the following person spoke.

Clark Boydston provided a handout. A copy of the handout is on file in the Clerk's Office. He congratulated the applicant on their choice to withdraw the application.

No one else spoke and the public hearing was closed.

Upon motion of Councilmember Ham, seconded by Councilmember Williams and unanimously carried, Council accepted the request of the applicant to withdraw the rezoning request without prejudice.

**CU-12-19 Henry Battle - East side of S. James Street between Spruce Street and Pine Street. Public Hearing Held.** Applicant requests a Conditional Use Permit to allow the operation of a place of entertainment with ABC permits. As part of the request, separate site plan approval is required.

Frontage: 111.94 ft.  
Depth: 205.88 ft.  
Area: 22,951 sq. ft. or 0.526 acres

Zoning: Central Business District

The site is the location of the former Elk's Lodge and the physical address of the property is 312 S. James Street.

In 2007 and 2008, City Council denied Conditional Use Permits to operate a place of entertainment with ABC permits and without ABC permits, respectively, at the subject property.

In 2010, City Council approved site and landscape plans to allow an indoor flea market to operate upon the property. Site plan approval is valid for one year from the date of City Council approval. Since the applicant never commenced development of the property, the site plan expired and since then the property has remained vacant.

On July 15, 2019, Goldsboro City Council amended the City's Unified Development Code as it pertained to bars, nightclubs, pool halls, microbreweries, places of entertainment (both public, private and non-profit) with ABC Permits.

The following regulations were approved as they pertain to places of entertainment:

1. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street, there shall be no minimum separation distance from residentially zoned or developed property. A 50 ft. minimum separation distance shall be required for stand-alone churches or schools.
2. For the remainder of the CBD, not described by the boundaries above, the minimum separation distance from residentially zoned or developed property, stand-alone churches or schools shall be one hundred feet.
3. In the CBD, there shall be no minimum separation distance between two such establishments.
4. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street there shall be no minimum off-street parking requirements.

The property is zoned CBD (Central Business District). A place of entertainment with ABC permits is permitted in the CBD only after the issuance of a Conditional Use Permit approved by City Council. In addition, separate site plan approval is required.

As previously stated, the site was the location of the former Elk's Lodge. It contains an existing single-story, brick-veneer and concrete block building of approximately 3,408 sq. ft. on one private lot. The building was built prior to the adoption of the City's Unified Development Codes. As such, building setback modifications will be necessary. The applicant's floor plan indicates a main ballroom assembly area consisting of approximately 1,236 sq. ft., a seating area consisting of 13 tables and 78 chairs, a kitchen, storage rooms, offices and restrooms.

According to the applicant, the facility would be available to rent for special occasions such as birthday parties, ballroom dancing, wedding receptions, family reunions and live entertainment.

Days/Hours of Operation: Reservations only (Monday-Sunday)  
Not activities after 12Midnight  
No. of Employees: 2-4  
Refuse Collection: Dumpster

As previously stated, a 50 ft. minimum separation distance shall be required for stand-alone churches or schools. Currently, the existing building is approximately 200 ft. from a stand-alone church.

Since the property is bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street, no off-street parking is required.

The applicant is requesting a modification of the City's street tree requirement due to limited space and overhead utilities at the front of the existing building.

The applicant is asking for a modification of the required Class C (20 ft. wide) landscape buffer for approximately 100 ft. along the northern property line since the subject property is adjacent to residentially developed property. The existing building is located less than 5 ft. from the northern property line.

In addition, the applicant is requesting a modification of the required Type A (5 ft. wide) landscape buffer along the southern property line for approximately 100 ft. since the existing building is located less than 5 ft. from the southern property line.

The subject property is not located in Goldsboro's Historic District.

The property is not located in a Special Flood Hazard Area.

The applicant is requesting the following modifications.

1. Modification of the building's side yard setbacks from 15 ft. to 0 ft. along the northern and southern property line.
2. Modification of City street tree requirement.
3. Modification of Type C (20 ft. wide) landscape buffer along the northern property line.
4. Modification of the Type A (5 ft. wide) landscape buffer along the southern property line.

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

1. Pastor Will Best stated I am the pastor of the church that is less than 50 feet from the property and our only concern is that we have a daycare there also at that location. We are going to turn our daycare into a second shift which will not be closing till 11:00 at night. I know they are saying they are closing at 12 but 11:00 at night and some of our services get out at 10:30 at night also. Our other concern we have, after a Saturday night party, we have to clean up the land right there on S. James and Pine Street on the corner, so all of the parking, the overflow will park on our land, we will probably have to be the ones to clean up. The bottles and cans and all that stuff so I am just asking the City Council that they will consider the church property and daycare also.
2. Bob Kenny stated my wife and I live in the neighborhood there. We are opposed and hope you are opposed to the modifications and zonings on this area. It is pretty much a residential area. We do not want to see loud music, loud parties, if you are talking about 78 chairs and 13 tables plus the dance floor, that is quite a few people and a lot of automobiles to park on city streets. So we are talking about a traffic jam, as well as the people who go outside and drink, continue their partying. So we ask you to vote against it please.
3. Vincent Jones stated I have been in Goldsboro for 31 years, I am ex-military. I moved here back in 1988. I remember when James Street was a different time, different era, if you lived here we know the history of it. I don't need to go down that road. I am here on the behalf of Mr. Battle. I have known him quite some time and I have seen how he has reconstructed this building and do the things that this board has been asking. But I've also noticed around him, there are other people occupying or reconstructing buildings and basically do the same things he is trying to do. I think he deserves the same thing. As a black owner, there are not many black owners of anything around here, and I don't think anyone should be biased. Think about now, the future, what's been going on, how the street on James Street on that particular end has changed. When someone wants to have an event or something myself, I am 54 years old, I'm not into this disco like the young people, I don't have anything against the young people, but he provides a place, someone my age can come out and actually have something nice. I don't know about someone saying they seen a bunch of people hanging out, I do not know nothing about all this, I don't hang out late at night. My thing is, I think he

- deserves an opportunity. Everyone deserves an opportunity. Take into consideration, actually watch James Street, any time something is wrong, the city can stop the use. So take that into consideration, give Mr. Battle an opportunity. Give him an opportunity to prove to you and the citizens of Goldsboro that he can actually have something nice and run it the way the board is going to allow him. Please give him an opportunity. Thank you.
4. Deborah Battle stated Henry Battle is my brother. I have always supported him. He has always liked entertainment. It ain't too many places here in Goldsboro where he hadn't entertained, on the Base, the Country Club which is now the Event Center, Lane Tree, Dillard Alumni Building. All I am asking is give him an opportunity, he deserves it. Thank you.
  5. Shelia Lee stated I am here on behalf of Mr. Battle, I've known him for quite a few years. He is a very generous person. He gives back to the community. I think it is only fair to give him an opportunity to run his business as he chooses to. I see no problem with it. The bottles or whatever they are talking about, I've been there on occasions and there is none of that. He makes sure everything is taken care of. He is proud of where he comes from. Proud of what he has and I think it is only fair to let him run his business as he chooses. Thank you.
  6. Dianne McKiver stated I am Henry's oldest sister and I am just asking that you allow and give my brother the chance. I see y'all denied him twice, but I said I am going to ask them that you allow him a chance this time. I think someone was saying the church by on Pine Street, is that close to the carousel? Councilmember Williams stated yes. Ms. McKiver stated my thing is, you sit here a couple of months ago, and you approved something for the carousel, which is nowhere from my brother's place. It's all right there, right down the street, at the corner of James and Chestnut. You approved something and that's not far from my brother. I said he don't believe in a lot of mess or trouble, he is a quiet person, he is humble, and you will not have to worry about any kind of violence or trouble because he does not believe in that. He believes in what's right. They trying to say trash, bottles, or whatever outside, he is going to make sure, if that is the case, it's going to be cleaned up. It is not going to be a whole lot of trash out there. I am just asking that you give him a chance because he deserves a chance. He has been there thirteen years, y'all denied him twice. But I said you know what, God has it in control and you cannot do wrong and get by. I am just asking in the name of Jesus to give my brother a chance because he deserves a chance. He has had that building for thirteen years and it is like you have held him hostage. I am asking that you give him a chance. Let him prove to you, to the city, that he can do it. I know he can do it cause he is a humble person. If someone asks him to do something he will do it. He has been there thirteen years, it is time to give him a chance. Thank you.
  7. Alicia Pierce stated I was not going to come up here, but after hearing, I...there is an Elk's Lodge on Chestnut Street because I just went there recently for a class reunion and there is a church right beside it and I do realize that the idea is that the church may not have come forth and said they had an issue, but I know we had a great event there that night. They had a bar and like at most bars, you don't take the drinks outside the building, so I am not sure where you were saying bottles and things. Every drink people were being served inside that bar, were in cups or things and they were disposed of inside. If you want to hold him to all drinking must take place inside the facility at the bar, okay. But I do think that he would not be the first facility in the Goldsboro district that is close to a church and I realize you have a church here saying, and I am a churchgoing woman, so I'm not trying to disrespect the gentleman's church, but the gentleman said my church is planning to start having extended hours and my thing is are you planning to have extended hours now that you know this is happening or did you really have that in your plans. Did your planning go through this planning, as he is trying to do? So I think right now the decision should be based on what the church currently does and then the restrictions should just be maybe you can't bring bottles outside the actual facility. But I don't think the decision not to have the facility should be based on bottles. I think the man should be provided the opportunity I'm sorry the other gentleman has a residency nearby but it's not that far, all of that is not far from the bars downtown on Center Street. That's all I've got to say.

8. Henry Battle stated hi there. Like people have already spoke, I have been there thirteen years. It has not been an easy job. It's not been an easy job, but I am going to say this, I lay my shield and my sword down, I accept the kiss of Judas, because without opposition there would be no salvation. I'm here to present this building to this Council and the Goldsboro community. 312 S. James St. which is actually improved benevolence and protecting of the Elks of the world, the Black Elks Lodge erected 1949. Now 1949, the US military, the United States military was segregated in 1949. I don't know if everyone knew that, it was segregated in 1949, I am not here to ask for 40 acres and a mule, something I should already have. I'm here to ask to allow me to provide this place to the city of Goldsboro a place where they can come and have meet and greets, birthday parties, family reunions, wedding receptions, line dancing, etc. I'm not asking for no one to just give this, I want to earn it. You won't give me the opportunity to earn it, give me the opportunity to fail at trying to earn it. I say this to the Council is this the land of the free, home of the brave, if so prove it. Is this the land of life, liberty, and The Pursuit of Happiness, prove it. I don't know if anyone is familiar with the senior games but there is a section of the senior games where they have what they call the senior follies and it is right here at the Paramount Theater and you can ask anyone that has ever been at the Paramount Theater if they have been there between 2013 and to date. I've been a part of the senior games since 2013, since I turned 50. Anybody that has been to that, they know exactly who I am, they know exactly what I bring to the table, it is undeniable. Line dancing is what I do. So I am saying to each and every one of you, think about what I am saying to you, if anyone deserves a chance I do. If I do something wrong that don't suit, you put before me, you know how to call me back. Call me back in front of you and I can speak on it. But I feel like I deserve it and if anyone deserves it I do. Now the biggest thing I really dislike about this, the 13 years that I have been there, let me tell you something, from the time I purchased that building in 2006, it has been nothing but problems, because the city of Goldsboro had a lien on the property. It has been nothing but issues, all the time. If I could sit here and tell you the atrocities I have been through in the last 13 years it will take until tomorrow but the one thing I will say I lost my mother in May of last year at 89 ½. The biggest thing that bothers me is the fact she did not get a chance to see what I have always told her what I could do and will do with that building. That's what I hate about all of this. All I can say is just think about it, because if I can't bring it to pass, I surrender. Thank you.

Councilmember Williams stated gentlemen, my concern is come December 2<sup>nd</sup> we will have a new council coming in here and they may not have had the opportunity to be in this meeting and see the people come forth, show there concerns so I would like to make a motion that we approve Item CU-12-19. Councilmember Foster seconded the motion.

Mayor Pro Tem Broadway stated we still have to have the recommendation of the Planning Commission.

Councilmember Aycock stated I believe the clerk can verify this, the old members will be returning to vote on anything that goes through public hearing tonight. The current council votes on it. Is that right.

Ms. Melissa Capps stated yes, we will handle old business and then hold the Organizational Meeting.

Councilmember Williams withdrew his motion. Councilmember Foster withdrew his second.

No action is necessary. The Planning Commission will have a recommendation for the City Council's meeting on December 2, 2019.

#### **Planning Commission Excused.**

Councilmember Williams stepped out of the room at 7:48 p.m.

**Public Hearing – 2018-2019 CAPER. Public Hearing Held.** To allow citizens the opportunity to comment on the City of Goldsboro's 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER), for Entitlement Grantees receiving Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds.

On July 1, 2018, the City of Goldsboro received \$339,336 in CDBG funds and \$228,922 in HOME funds from the Department of Housing and Urban Development (HUD) for fiscal year 2018-2019 to administer its CDBG and HOME program and activities. The primary objective of the Community Development Program is the development of viable urban communities and expanding economic opportunities, principally for persons of low and moderate-income

The CAPER provides an opportunity for the City to assess its annual performance and to discuss what actions or changes it should take as a result of its performance. In addition, it is designed to provide information on how the City actually used its entitlement funds during the most recently completed program year, July 1, 2018 through June 30, 2019.

A fifteen (15) day comment period began on November 11, 2019 and will end on November 25, 2019. A public hearing must be held during this public comment period. Comments received at this public hearing and during the fifteen (15) day period will be incorporated as part of the 2018-2019 CAPER. An advertisements were published in the Goldsboro News Argus on October 31, 2019, relative to the holding of a public hearing and fifteen (15) day review.

A draft of the 2018-2019 CAPER has been prepared, made available, and placed at public access sites such as the City of Goldsboro Planning Department, the Office of the City Clerk in the New City Hall Annex, 200 North Center Street, in the Community Relations Department, City Hall, 200 North Center Street; at the Wayne County Public Library, 1001 East Ash Street; at the Goldsboro Housing Authority, 1729 Edgerton Street, Goldsboro; and on the City's website at [www.goldsboronc.gov](http://www.goldsboronc.gov).

Councilmember Williams returned to the room at 7:50 p.m.

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

1. Alicia Pierce shared concerns regarding issues with accountability and responsibility and more transparency with the CAPER. Ms. Pierce also expressed concerns regarding community development monies available to those communities affected by recent storms and promoting more citizen participation.
2. Carl Martin shared concerns regarding the timing of the report, for the past three years, information was made available in September. He also shared concerns regarding the format of the report and lack of recommendations from the advisory committee. Mr. Martin stated he would like to see the agreement where monies could be used to pay debt back on WA Foster Recreation Center.
3. David Craig shared concerns with lack of detail in CAPER Report and Action Plan regarding how the priorities were established. He questioned the validity and reliability of the reports due to lack of documentation.

Upon motion of Councilmember Williams, seconded by Councilmember Aycock and unanimously carried, Council:

1. Directed the staff to incorporate any comments at the public hearing into the City's CAPER; and
2. Authorized the staff to submit any needs identified or comments received to the Department of Housing and Urban Development (HUD) after the required comment period has ended.

**Public Comment Period.** Mayor Pro Tem Broadaway opened up the public comment period and the following people spoke.

1. Carl Martin stated the Mayor was listed on the agenda to make comments at the NAACP Banquet. He did not show and neither did anyone else from the city.
2. Sylvia Barnes, NAACP President, stated we did not have anyone from the city attend the banquet. Ms. Barnes stated she went upstairs many times, but did not receive a response regarding the letter or ad for the banquet.
3. David Craig stated I live on Shelly Drive, a part of it was supposed to be paved between J. Ryan Road and Samuel Road, and it has not been done. Councilmember Aycock shared due to the weather, it had not been paved but it is on the list and after winter it should be paved.
4. Allen Young shared concerns regarding actions during the recent elections.

No one else spoke and the public comment period was closed.

**Consent Agenda - Approved as Recommended.** Mr. Timothy Salmon, City Manager presented the Consent Agenda. All items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote. If a Councilmember so requested, any item(s) could be removed from the Consent Agenda and discussed and considered separately. In that event, the remaining item(s) on the Consent Agenda would be acted on with one motion and roll call vote. Councilmember Ham moved the items on the Consent Agenda, Items I, J, K, L, M, and N be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Aycock and a roll call vote resulted in all members voting in the affirmative. Mayor Allen declared the Consent Agenda approved as recommended by staff. The items on the Consent Agenda were as follows:

**Non-contiguous Annexation Request – Contiguous Annexation Petition – Luis Jimenez (East side of S. NC 111 Hwy between Mollie Drive and Sheridan Forest Road) 1.98 Acres. Public Hearing Set.** The City Council, at their meeting on November 4, 2019, requested that the City Clerk examine the subject annexation petition for sufficiency. The City Clerk has completed the examination and has determined that the petition is sufficient. Sufficiency indicates that property is described accurately within 1:10,000 feet and that all property owners have signed the petition.

Pursuant to G. S. 160A-58.2, Council shall fix a date for public hearing on the annexation if the petition is considered sufficient by the City Clerk.

The Notice of Public Hearing would schedule December 16, 2019 as the date for the public hearing. A report prepared by the Planning Department, in conjunction with other City departments, will be submitted to the Council on that date.

Staff recommended Council schedule a public hearing for the proposed annexation of Luis Jimenez property for December 16, 2019. Consent Agenda Approval. Ham/Aycock (5 Ayes)

**Waiver of City Employee Personnel Policy Section VII – Section 8. Approved.** The City Employee Personnel Policy was last revised on September 9, 2019 to update Appendix C - Anti-Harassment Policy.

Upon review by management and the City Attorney, it has been concluded that during the month of December of each year, Article VII – Section 8 of the current Employee Personnel Policy has been incorrectly applied towards previous vacation payouts.

Effective the last payroll of each calendar year, any employee with more than 30 days of accumulated vacation leave, shall only have 30 days of vacation leave carried forward. All vacation leave in excess of 30 days will convert to sick leave. Upon termination of employment, sick leave may roll over to the NC Local Government Retirement System and shall be applied towards retirement service credit.

Previous practice has been that during the month of December, all terminating employees received 100% of accumulated vacation payout, which is in noncompliance of policy previously approved by City Council.

As the Employee Personnel Policy is currently under revision, staff recommendation is to update the Vacation Payout policy to mirror that of NC State Government and other major local government entities.

It is recommended the City Council, by motion, approve a one-time waiver of Section VII – Section 8 of the Employee Personnel Policy for those employees terminating in December 2019. Effective January 1, 2020, the current adopted policy will resume as the official practice of maximum accumulation of vacation payout. Consent Agenda Approval. Ham/Aycock (5 Ayes)

**Change Order for HV Brown Park Restroom Shelter Project. Resolution Adopted.** The bid for the HV Brown Park Restroom Shelter Project was awarded to Vortex Construction Co., LLC for \$209,136. The project has been delayed due to flood map changes.

The construction drawings have been revised and updated to reflect the needed changes to construct in a flood plain. As some of these requirements were not in the original bid package, a change order has been submitted by Vortex for an amount not to exceed \$28,961.

Parks and Recreation staff have reviewed the change order. There is money in the current FY19-20 budget to cover the cost of the change order.

By motion, accept the recommendation of staff to adopt the following entitled resolution authorizing the Mayor and City Clerk to approve the change order for an amount not to exceed \$28,961 with Vortex Construction Co., LLC to construct the shelter and restrooms in HV Brown Park. Consent Agenda Approval. Ham/Aycock (5 Ayes)

RESOLUTION NO. 2019-102 “A RESOLUTION AUTHORIZING THE CITY OF GOLDSBORO TO APPROVE CHANGE ORDER WITH VORTEX CONSTRUCTION CO., LLC FOR CONSTRUCTION OF SHELTER & RESTROOM AT HV BROWN PARK”

**Market Based Compost and Mulch Pricing. Resolution Adopted.** Annually, compost and mulch pricing has been changed and updated through City Council approval. Recent uncontrollable weather and seasonal conditions have created varying markets for the use and sale of compost and mulch.

Compost and mulch sales were increasing steadily over the last three years. However, due to weather out of our control and negative feedback from some regular customers on the price increased, sales declined. During October 2019, City Council approved sale prices for compost and free mulch, which generated the highest sales month in 2019.

Onsite there is around 4,000 cubic yards of bulk compost and around 7,000 cubic yards of mulch on the ground. Feedback from customers was to keep sales pricing, for some discontinued purchases after 2018 price increased. They reminded staff that they still have to pay hauling and delivery fees. Feedback from staff was to keep sales pricing to continue to move product. Seasonal and market pricing needs to be more fluid. Price ranges of \$9.00 to \$15.00 for bulk compost greater than twenty cubic yards, \$15.00 to \$21.00 for bulk compost less than twenty cubic yards, and \$0.00 to \$8.00 for mulch. The minimum revenue target is greater than \$50,000 per year.

Staff recommended the City Council adopt a resolution amending market based compost and mulch pricing and authorize the city manager to make market based pricing adjustments for the sale of compost and mulch at the City’s Compost Facility. Consent Agenda Approval. Ham/Aycock (5 Ayes)

RESOLUTION NO. 2019-103 “RESOLUTION AMENDING MARKET BASED COMPOST AND MULCH PRICING”

**Request Authorization to Purchase a Road Tractor for the Public Works Department's Solid Waste Division. Resolution Adopted.** Funds were earmarked in the amount of \$150,000 in the FY20 budget to replace a 2001 Sterling road tractor.

Staff analyzed procurement options with the assistance of Finance, and it has been determined that it is in the City's best interest to purchase through the joint cooperative competitive bidding group purchasing program exception authorized by G.S. 143-29 rather than formal bid. This exception allows local governments to purchase from State Contract or joint cooperative purchasing programs such as, Sourcewell, HGAC, NC Sheriff's Association, etc... This will allow the City to purchase the equipment that staff has determined to be the best fit and within the budgeted price allowance as approved by Council.

MHC Kenworth in Clinton, NC has priced the 2020 Kenworth KW T880 road tractor in the amount of \$139,553.70, and they are a Sourcewell compliant vendor. See equipment summary and estimate.

Staff recommended Council adopt the following entitled resolution authorizing the purchase of the 2020 Kenworth road tractor from MHC Kenworth in Clinton, NC for \$139,553.70. Consent Agenda Approval. Ham/Aycock (5 Ayes)

RESOLUTION NO. 2019-104 "RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT UNDER JOINT COOPERATIVE COMPETITIVE BIDDING GROUP PURCHASING PROGRAM"

**Departmental Monthly Reports. Accepted As Information.** The various departmental reports for October 2019 were submitted for the Council's approval. It was recommended that Council accept the reports as information. Consent Agenda Approval. Ham/Aycock (5 Ayes)

#### **End of Consent Agenda.**

**City Manager's Report.** Mr. Salmon highlighted recent events at the Paramount Theatre, events held by Parks and Recreation. He also provided information regarding upcoming events including soccer tournaments and Jingle in the Park.

#### **Mayor and Councilmembers' Reports and Recommendations.**

Councilmember Williams stated it has been an honor to serve with Councilmember Foster. I am really going to miss him, he has brought transparency to this Council. I am proud to call him my friend, my brother. He stated answer your phone. Keep him in your prayers and keep bothering him.

Mayor Pro Tem Broadaway thanked everyone for their participation tonight and thanked everyone for voting.

Councilmember Foster stated thank you Councilmember Williams. A few weeks ago we honored a few firemen for what they did for Jaylen Suggs. He honored two young heroes who tried to help save their friend before help arrived. He recognized Joshua and Jeremiah Foye.

Councilmembers Foster and Williams and Ms. Brandi Matthews presented the young men with medals.

Councilmember Foster apologized to Councilmember Williams and future Councilmembers Polack and Matthews for not being able to attend the next meeting as he will be out of town. I do want to let you know, anything you need, I am just a phone call away. Continue to fight for this city, hold everyone accountable.

Councilmember Ham thanked everyone who came out to vote and encouraged everyone to come out in future elections. I would like to thank Councilmember Foster for his service to the City. Councilmember Ham encouraged everyone to reach out to those less fortunate especially during the holidays.

Councilmember Aycock thanked Councilmember Foster for his service.

There being no further business, the meeting adjourned at 8:42 p.m.

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Bill Broadaway  
Mayor Pro Tem

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Melissa Capps, MMC /NCCMC  
City Clerk