

MINUTES OF THE MEETING OF THE MAYOR AND CITY COUNCIL HELD
DECEMBER 2, 2019

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 5:00 p.m. on December 2, 2019 with attendance as follows:

Present: Mayor Pro Tem Bill Broadaway, Presiding
Councilmember Antonio Williams
Councilmember David Ham
Councilmember Gene Aycock
Ron Lawrence, Attorney
Tim Salmon, City Manager
Melissa Capps, City Clerk
Laura Getz, Deputy City Clerk
LaToya Henry, Public Information Officer
Octavius Murphy, Assistant to the City Manager
Jennifer Collins, Planning Director
Scott Williams, IT Director
Felicia Brown, Interim P&R Director
Rick Fletcher, Public Works Director
Joe Dixon, Fire Chief
Julie Metz, DGDC Director
Bernadette Dove, HR Director
Catherine Gwynn, Finance Director
Shycole Simpson-Carter, Community Relations Director
Allen Anderson, Chief Building Inspector
Scott Satterfield, Business & Property Development Specialist
Ken Conners, News Director, Curtis Media Group
Eddie Fitzgerald, News Argus Reporter
Keyon Carter, Citizen
Lonnie Casey, Citizen
Bobby Mathis, Citizen
Della Mathis, Citizen
Yvonnia Moore, Citizen
Jay Bauer, Citizen
Alicia Pierce, Citizen
Betty Duncan, Citizen
LeKeshia Polack, Citizen
Taj Polack, Councilmember Elect
Brandi Matthews, Councilmember Elect (arrived at 5:24 p.m.)
Kelvin Stallings, Citizen (arrived at 5:24p.m.)

Absent: Mayor Chuck Allen
Councilmember Bevan Foster

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

Adoption of the Agenda. Councilmember Ham made a motion to adopt the agenda. Councilmember Aycock requested Item K. CU-12-19 Henry Battle – East side of S. James between Spruce Street and Pine Street be postponed until the next meeting to allow time for staff, the neighbors and Mr. Battle to meet to discuss concerns previously expressed. Councilmember Aycock made a motion to postpone action on Item K. CU-12-19 Henry Battle until the next meeting. Councilmember Williams requested Item K. be moved to Items Requiring Individual Action instead; this is not a club, it is not a business that operates every day, it is only for special events. Council discussed. Councilmember Aycock stated I am not opposed to it but I would like for Mr. Battle to meet with the family next door.

Ms. Collins stated Council will have to take action within 90 days of the public hearing. If we want to try to make it happen, I am happy to meet with adjacent property owners.

Mayor Pro Tem Broadaway called for a vote to remove Item K. CU-12-19 from the agenda. Mayor Pro Tem Broadaway, Councilmembers Ham and Aycock voted in favor of the motion. Councilmember Williams voted against the motion. Attorney Lawrence stated motion fails, you have four people here, the code of ordinances requires a majority of 7.

Attorney Lawrence cautioned everyone, if at the 7:00 p.m. meeting we still only have 4, the consent agenda comes up for vote, it's going to fail. So something's best chance at passage if that is going to be an issue is move it to the next meeting. Attorney Lawrence stated just advising you, you will need 4 positive to pass anything tonight. Attorney Lawrence also cautioned Item D. is an ordinance, at date of introduction, requires a 2/3 vote of the total membership, and we do not have 2/3 present, so Item D. would need to be removed.

Mr. Tim Salmon suggested Item K. be moved to Items Requiring Individual Action.

Upon motion of Councilmember Ham, seconded by Councilmember Aycock and unanimously carried, Council moved Item K. CU-12-19 Henry Battle – East side of S. James between Spruce Street and Pine Street to Items Requiring Individual Action.

Upon motion of Councilmember Williams, seconded by Councilmember Aycock and unanimously carried, Council removed Item D. Budget Amendment – 2019-2020 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) from the Consent Agenda and deferred action until the December 16, 2019 Council Meeting.

Upon motion of Councilmember Aycock, seconded by Councilmember Williams and unanimously carried, Council approved the agenda as amended above.

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

Item B. Employee Bonus Authorization. Councilmember Williams asked what the total amount is. Ms. Gwynn stated the cost is going to be \$285,000 and includes taxes that have to be paid. Councilmember Williams stated we have 7 permanent part-time people who do not get the opportunity to have a Christmas bonus. Councilmember Aycock stated I don't know if we need to give them the exact same amount but I think we should give them some, yes. Councilmember Aycock stated I just want to make sure it is proportional to hours worked.

Upon motion of Councilmember Aycock, seconded by Councilmember Williams and unanimously carried, Council agreed to provide a bonus for a proportional amount to permanent part-time employees.

Mayor Pro Tem Broadaway stated Mayor Allen is unable to be here tonight. I will have a further statement at the 7:00 p.m. meeting.

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 Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on December 2, 2019 with attendance as follows:

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

Absent: Mayor Chuck Allen
Councilmember Bevan Foster

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

Reverend Jim Harry with St. Paul United Methodist Church provided the invocation. The Pledge of Allegiance followed.

Approval of Minutes. Upon motion of Councilmember Ham, seconded by Councilmember Aycock and unanimously carried Council approved the Minutes of the Special Called Meeting on July 15, 2019, the Minutes of the Work Session and Regular Meeting of October 21, 2019 and the Minutes of the Work Session and Regular Meeting of November 4, 2019 as submitted.

Public Comment Period. Mayor Pro Tem Broadaway opened the public comment period. The following people spoke:

1. Henry Gregory, III shared concerns regarding safety measures, parking and trash in reference to Item K. CU-12-19 Henry Battle – East side of S. James Street between Spruce Street and Pine Street.
2. Henry Battle stated I respect everyone in that neighborhood. If I need to sit down and talk to someone, I am happy to do that.
3. Constance Coram spoke in favor of Item K. CU-12-19 Henry Battle– East side of S. James Street between Spruce Street and Pine Street.
4. Tonja Hill also shared concerns regarding Item K. CU-12-19 Henry Battle – East side of S. James Street between Spruce Street and Pine Street.

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 B, C, E, F, G, H, I, and J be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Ham and a roll call vote resulted in all members voting in favor of the motion. The items on the Consent Agenda were as follows:

Employee Bonus Authorization. Approved. The City has offered a bonus to full time employees in various amounts (between \$200.00-\$400.00) since 2011.

Employee bonuses were cut from the FY19-20 operating budget in order to balance the budget. The City Manager recommends Council approve a \$250.00 bonus to full time employees that have been at the city at least six months as of December 1, 2019. Departments will fund the bonuses by making other operational reductions within their budget.

If approved, employees would receive a bonus of \$250.00 (net “take home”). The \$250.00 recommended amount would be a cost to the city of \$285,060 including tax and fringe benefits.

During the work session, Council agreed to provide a bonus for a proportional amount to permanent part-time employees.

It is recommended the City Council approve a \$250.00 employee bonus and authorize the City Manager to direct Human Resources to prepare a list of employees eligible to receive a bonus, and authorize Finance to prepare the bonus payroll. Funding will be obtained from within each department’s budget. Consent Agenda Approval. Aycock/Ham (4 Ayes)

Compensation and Classification Study. Approved. The most recent Compensation and Classification study was completed in January 2014 by Mr. Phillip Robertson of the Mercer Group. At that time, The Mercer Group made recommendation to city council to update the city’s job descriptions, pay structure and classification plan.

The City of Goldsboro is seeking a qualified personnel management consultant firm to perform a review/revision of the existing classification plan, perform a compensation study, update job

descriptions, ensure compliance with FLSA and ADA and prepare one or more pay plan option schedules based on the competitiveness of the appropriate job market. Adequate funds have been appropriated in the 2019-20 fiscal year operating budget.

We are seeking consultants whom have:

- extensive experience in conducting classification and compensations studies for local governments and other public sector organizations throughout the country;
- comprehensive experience and knowledge in all components vital to the successful completion of the project;
- knowledge of relevant North Carolina statutes and regulations as well as federal regulations;
- objectivity and flexibility;
- specialized analytical tools and software;
- full visibility into the entire organization through research and discovery;
- a spirit to partner with the City of Goldsboro staff and leadership
- sound recommendations based on best practices and proven methods and
- a practical go-forward plan that leads to quantifiable results

Staff advertised a Request for Proposal (RFP) in August of this year and received a total of 11 respondents. A review of the RFP's was completed to select the top 3 firms. Interviews were held with the top 3 firms, and after careful review of applicable qualifications versus cost, a final recommendation is being made.

It is recommend the City Council award the bid proposal to Evergreen Solutions, LLC. of Tallahassee, Florida in the amount of \$32,500 for the completion of a Compensation and Classification Study for the City of Goldsboro. Consent Agenda Approval. Aycock/Ham (4 Ayes)

S-11-19 David and Ashley Stafford Allen (Two-lot Preliminary Subdivision Plat). Approved. The property is located south of Corbett Road between Mull Smith Lane and Double D Lane.

Total Area: 2.78 acres
Total Lots: 2

Lot No. 1: 1.00 acres
Lot No. 2: 1.78 acres

Zoning: R-20A/RM-NC Residential-Agricultural; Residential
Manufactured-Non-Conforming

Currently, the applicant is in the process of rezoning Lot No.1 from R-20A/RM-NC to RM-9 for the placement of one manufactured home upon a private lot for residential purposes.

If the rezoning is approved, the property will be required to be subdivided in accordance with the City of Goldsboro's subdivision regulations.

According to the submitted preliminary subdivision plat, the subject property has been proposed for division into two lots. The owners intend to sell Lot No. 1 for residential development. Lot No. 2 consists of an existing manufactured home and is used for residential purposes.

The subject property is currently vacant and undeveloped.

Adjacent and surrounding properties primarily consist of singlewide manufactured homes located on private lots and one existing non-conforming manufactured home park consisting of six (6) manufactured homes directly east of the site.

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

City water and sewer are not available to serve the property. Water and sewer septic systems are proposed and must be installed and approved in accordance with Wayne County's Environmental Health Department before building permits can be issued.

Properties in the area are served by undedicated, private dirt paths through easements. As a result, the subject lot does not have frontage on an improved public street. The applicant is requesting a modification of the City requirement that all lots have frontage upon an improved public street.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the 2-lot preliminary subdivision plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

It is recommended Council accept the recommendation of the Planning Commission and approve the 2-Lot Preliminary Subdivision Plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street. Consent Agenda Approval. Aycock/Ham (4 Ayes)

S-14-19 Wooten Development (Two-lot Preliminary Subdivision Plat). Approved.

The property is located on the north side of W. US 70 Highway between Perkins Mill Road and Springwood Drive.

Total Area: 19.12 acres

Total Lots: 2

Lot No. 1: 3.30 acres

Lot No. 2: 15.82 acres

Zoning: General Business

According to the submitted preliminary subdivision plat, the subject property has been proposed for division into two lots. The applicant intends to purchase Lot No. 1 for commercial development. Currently, there are no plans to develop Lot No. 2.

The site will be subject to the City's site plan review process and must be developed in accordance with the Unified Development Code.

The subject property is currently vacant and undeveloped. It is located within the City's one-mile extra-territorial jurisdiction.

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

City water and sewer are not available to serve the property. Water and sewer septic systems are proposed and must be installed and approved in accordance with Wayne County's Environmental Health Department before building permits can be issued.

The subject property is served by an existing 50 ft. wide private ingress, egress, regress and utility easement off W. US 70 Highway. An undedicated, private and paved service road provides access to the site. As a result, the subject lot does not have frontage on a public street. The applicant is requesting a modification of the City requirement that all lots have frontage upon a public street.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the 2-lot preliminary subdivision plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street.

It is recommended Council accept the recommendation of the Planning Commission and approve the 2-Lot Preliminary Subdivision Plat with the following modification:

1. Modification of the City requirement that all lots have frontage upon an improved public street. Consent Agenda Approval. Aycock/Ham (4 Ayes)

SITE-19-19 Site and Landscape Plans- Hutton ST 17, LLC (Automatic Car Wash).
Approved. Subject property is located on the north side of West US 70 Highway between Westbrook Avenue and North NC 581 Highway.

The property's physical address is 2928 W. US Hwy 70. It is identified as an outparcel of the Shoppes at Goldsboro Walmart Shopping Center.

Frontage: 292 ft.
Depth: 232 ft.
Area: 72,158 sq. ft. or 1.65 acres
Zoning: Shopping Center

The property is currently clear and vacant.

Nonresidential developments on parcels that disturb greater than one acre shall be approved by Goldsboro City Council.

The submitted site plan indicates a single-story, 4,600 sq. ft. building of metal-framed construction proposed for use as a drive-through automatic car wash facility.

A floor plan has been provided and consists of an express tunnel car wash, a customer lobby area, an office, a restroom, an equipment room and storage area.

In addition to the automatic car wash, the applicant has proposed 24 exterior vacuum stations to be used by customers of the business and located adjacent to each parking space.

Hours of Operation: Monday-Sunday 8am-8pm
Employees: 2

No direct access will be provided to the site from US 70 West. Access to site will be provided internally through the existing shopping center parking lot and private access drives.

A total of 22 paved parking spaces have been provided including 2 handicap accessible parking spaces. 12 spaces will be located adjacent to the common access drive. 10 spaces are shown adjacent to the proposed automatic car wash.

A paved drive-through aisle is shown along the southern property fronting W. US 70 Hwy. for the location of two customer pay stations and for the stacking of 10 vehicles upon entry into the car wash bay area.

Sidewalks and Pedestrian Access: The City Council approved a modification of exterior and interior sidewalks at time of initial shopping center site plan approval.

A 7 ft. wide interior sidewalk has been provided for pedestrian access leading from the parking lot to the building entrance using private walkways and a handicap ramp.

A total of 14 street trees are proposed along W. US 70 Hwy. The site plan does not show street trees along the main entrance road leading to the shopping center or alongside the internal access road to the site. Staff will work with the applicant to insure that street trees will be provided in accordance with the City's landscape ordinance.

Interior vehicular surface area buffers for the site will consist of 7 trees and 62 shrubs.

The proposed automatic car wash building exterior consists of metal awnings and copings, stucco, fiber-cement and brick veneer walls.

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.

The property is not located within a Special Flood Hazard area. County water is available to serve the site. Sewer is provided by Fork Township.

Stormwater calculations have already been approved for the site in conjunction with initial approval of the overall shopping center site plan in 2007.

A concrete pad is shown adjacent to the entrance of the site along the northern property line for the location of a commercial dumpster. The dumpster enclosure will match the elevations of the car wash facility and will be screened in accordance with City standards.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Site and Landscape Plan.

It is recommended Council accept the recommendation of the Planning Commission and approve the Site and Landscape Plan. Consent Agenda Approval. Aycock/Ham (4 Ayes)

SITE-20-19 RENU-LIFE Extended, Inc. (Traumatic Brain Injury Facility).

Approved. The property is located on the northeast side of Windsor Creek Parkway between Wilshire Way and Wayne Memorial Drive.

Frontage: 427.79 ft.
Depth: Approximately 526.64 ft.
Area: 195,948 sq. ft. or 4.49 acres
Zoning: Office & Institutional-1CD

On June 5, 2006, Goldsboro City Council approved a request to change the zoning for the subject property from R-16 Residential to O&I-1 Conditional District for office related uses only. The following conditions were also established by City Council as part of the zoning approval:

1. The O&I-1CD area is to be used for office-related uses only and no institutional uses are to be allowed.
2. Multi-lane entrances into the subdivision will be required and in accordance with NCDOT.
3. The R-9 Residential CD portion of the property will have a maximum density of 200 duplex-type dwelling units. The 200 units will be constructed as one-ownership units.
4. Interconnectivity will be provided to the property to the south. The actual location will be determined at the time of site/subdivision plat approval.
5. Office development will be limited to 60,000 sq. ft.
6. Deceleration lanes will be provided for southbound traffic and left turn lanes will be provided for turns into the development in accordance with NCDOT.
7. If traffic volumes require a traffic signal as recommended by NCDOT, the developer will install the signal at his expense.
8. No connection to Shadywood Drive is to be made and any future interconnectivity to the existing subdivision is prohibited.
9. City Council waiver of site plan submittal requirement at the time of rezoning.

On June 2, 2008, Goldsboro City Council approved a request to amend the conditions previously established for the subject property. The following conditions were approved for the O&I-1 Conditional District:

1. O&I-1 CD area is to be used for any uses permitted within the O&I-1 zoning district (Previously, it was for office-related uses only and no institutional uses were permitted);
2. No change; (Multi-lane entrance into the subdivision;)
3. Entrance will have ingress and egress lanes as required by NCDOT;
4. No change; (Maximum 200 duplex-type units;)
5. No change; (Interconnectivity to the south;)
6. Office development will be in accordance with City of Goldsboro O&I-1 requirements (no limit on area);
7. Deceleration lanes will be provided for southbound traffic and left turn lanes will be provided for turns into the development. All improvements will meet NCDOT standards.
8. Once traffic reaches volumes at which NCDOT will allow a traffic signal, developer will install the signal at his expense and at the recommendation of NCDOT.
9. No connection to Shadywood Drive is to be made and future interconnectivity is prohibited.
10. No change; (Waive site plan submittal at time of rezoning;)

The property is currently undeveloped woodland.

Nonresidential developments on parcels that disturb greater than one acre shall be approved by Goldsboro City Council.

The submitted site plan indicates a single-story, 19,660 sq. ft. building proposed for use as a medical facility for traumatic brain injuries.

Hours of Operation: 24 hours/7 days

Number of Employees: 33 (maximum shift)

Patient Beds: 24

The site will be served by a 29 ft. wide curb cut proposed off Windsor Creek Parkway. Windsor Creek Parkway is a City-maintained street. As such, a driveway permit will be required and subject to City Engineering approval.

A 25 ft. wide paved access drive with curb and gutter will extend eastward and westward around the medical facility leading to designated parking areas for patients, visitors and employees.

Parking for the site requires 1 space per 4 beds and 1 per employee on the maximum shift. A total of 52 parking spaces have been provided including 3 handicap accessible parking spaces. A loading and drop-off zone has been provided and located on the east side of the facility. It will accommodate stacking for up to 6 automobiles.

Existing exterior sidewalks are present alongside Windsor Creek Parkway.

5 ft. and 6 ft. wide interior sidewalks have been provided for pedestrian access leading from designated parking areas to the building entrances using private walkways and handicap ramps.

Since the subject property is zoned O&I-1 (Office and Institutional), a Type A, 10 ft. wide landscape buffer is required along the western and eastern property lines. The applicant intends to retain existing trees and incorporate into the required Type A landscape buffer as needed.

The northern property line is adjacent to an existing residential subdivision. A Type C, 20 ft. wide landscape buffer is required. The submitted site plan shows that existing vegetation will be incorporated and serve as the required Type C landscape buffer that will provide complete visual separation within three years of planting.

A total of eleven Red Maples are proposed as street trees along Windsor Creek Parkway. Interior landscaping for the required vehicular surface area will consist of Pin Oaks, Eastern Redbuds, Inkberry Hollies, Burford Hollies and Nellie Stevens Hollies. The applicant is in the process of determining final exterior building elevations. Materials under consideration consist of architectural shingles or standing seam metal roofing, masonry, fiber-cement, stucco or textured wall surfaces and wood or metal column supports.

Commercial lighting plans have not been submitted. The applicant will be required to submit lighting plans in accordance with the City's commercial lighting ordinance.

The site is not located within a Special Flood Hazard area.

A dry detention pond is shown along the western property line. Applicant will be required to construct pond in accordance with City Engineering standards. In addition, the pond will be required to be screened with evergreen shrubs.

Stormwater calculations, grading and drainage plans have not been submitted and are subject to approval by City Engineering before construction permits are released.

Over half of the property is not located within the City limits of Goldsboro. As such, the applicant will be required to petition for annexation in order to receive City services.

Interconnectivity has not been shown on the submitted site plan. Applicant will be required to show interconnectivity to properties located east and west of the proposed site.

As previously stated, a 20ft. x 40 ft. concrete pad is shown along the western property line and adjacent to the dry pond for the location of a commercial garbage dumpster. The dumpster shall be screened according to City standards.

The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Site and Landscape Plan.

It is recommended Council accept the recommendation of the Planning Commission and approve the Site and Landscape Plan. Consent Agenda Approval. Aycock/Ham (4 Ayes)

Z-20-19 David and Ashley Allen - Southeast corner of Mull Smith Lane and Double D Lane. Ordinance Adopted. 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.

At the public hearing held on November 18, 2019, no one spoke for or against the request. The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the change in zoning from Residential 20A Manufactured Non-Conforming (20A RM-NC) to Residential Manufactured 9 (RM-9) to allow for placement of one manufactured (mobile) home on an individual lot with requested modifications.

It is recommended Council accept the recommendation of the Planning Commission and adopt the following entitled Ordinance changing the zoning for the property from Residential 20A Manufactured Non-Conforming (20A RM-NC) to Residential Manufactured 9 (RM-9) to allow for placement of one manufactured (mobile) home on an individual lot. The zoning change would be consistent with the City's Comprehensive Land Use Plan, which recommends low-density residential development. Consent Agenda Approval. Aycock/Ham (4 Ayes)

ORDINANCE NO. 2019-66 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

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. Ordinance Adopted. 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.

At the public hearing held on November 18, 2019, no one spoke for or against the request. The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the change of zone request with development plan approval required separately.

It is recommended Council accept the recommendation of the Planning Commission and adopt the following entitled Ordinance changing the zoning for the property from Residential 6 (R-6) to Office & Institutional 1 (O&I-1). Although not consistent with the City's adopted Comprehensive Land Use Plan, the proposed rezoning is directly adjacent to property that is currently zoned Office & Institutional and would be in harmony with existing development. Consent Agenda Approval. Aycock/Ham (4 Ayes)

ORDINANCE 2019-67 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

End of Consent Agenda.

CU-12-19 Henry Battle - East side of S. James Street between Spruce Street and Pine Street. Action Deferred. 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) No activities after 12 Midnight
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.

At the public hearing held on November 18, 2019, two people spoke in opposition to the request citing prior incidents with noise, trash and parking. Six people spoke in favor of the request citing that the applicant has previously been denied without the opportunity to open his business. The Planning Commission, at their meeting held on November 25, 2019, recommended approval of the Conditional Use Permit to allow the operation of a place of entertainment with ABC permits with 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.

Councilmember Williams asked if Ms. Collins could explain a little bit about the landscape buffer. Ms. Collins stated a Type C (20 ft. wide) landscape buffer is required along the northern property line for property adjacent to residentially developed property and because of the building setbacks and existing conditions, they do not have 20 feet to plant. So he is requesting a modification and the same for the southern property line.

Mayor Pro Tem Broadaway stated this is an item for individual action is there a motion to approve. Councilmember Williams asked for discussion. Mayor Pro Tem Broadaway stated after the motion. Councilmember Ham stated second.

Councilmember Aycock stated he would like to see Ms. Collins setup a meeting with the Mr. Gregory and Mr. Battle to come up with an amicable agreement.

Mayor Pro Tem Broadaway stated this is an unusual situation, as we are missing two councilmembers. It will take 4 votes to pass.

Mayor Pro Tem Broadaway called for a vote. Mayor Pro Tem Broadaway, Councilmembers Williams and Ham voted in favor. Councilmember Aycock voted against. Mayor Pro Tem Broadaway stated the motion did not carry and we will take it back up in two weeks.

Departing Comments. As Councilmember Foster was unable to attend, he asked that a short video be played. I apologize for not being able to attend and congratulate Ms. Brandi Matthew on this historic win, first African American woman as city councilmember in Goldsboro. I am not able to be there, but my dad is going to stand in and represent District 4. I know you will do an immaculate job.

Mayor Pro Tem Broadaway stated I have a statement that I would like to read from Mayor Allen's family. We are here tonight to take the oath of office for the upcoming council and even though Mayor Allen is not present tonight, he took the oath of office on November 22nd due to previously scheduled travel plans. However due to him becoming ill on November 17th, he was unable to travel and is currently under the care of doctors at Duke Hospital, on an outpatient basis. We will give an update as soon as possible as to when he will return to lead the city. The Allen family is grateful for your prayers at this time and hope you will respect their privacy at this time.

Organizational Actions. The Honorable Ericka James, District Court Judge, administered the oath of office to Councilmembers Elect Antonio Williams, William "Bill" Broadaway, Taj Polack, Brandi Matthews, Walter "David" Ham and Thomas "Gene" Aycock. Following the Oath of Office, the City Council reconvened with the following present:

Councilmember Antonio Williams
Councilmember Bill Broadaway
Councilmember Taj Polack
Councilmember Brandi Matthews

Councilmember David Ham
Councilmember Gene Aycock

Councilmember Broadway thanked the Honorable Judge James for administering the Oath of Offices.

Mayor Pro Tem Discussion. Councilmember Aycock stated since the Mayor has not been here for the past few weeks and not exactly sure when he will be back, I would like to make a motion that we keep Mr. Broadway as Mayor Pro Tem until a time we can have the Mayor here. Councilmember Ham seconded the motion.

Councilmember Matthews stated can I ask who has already served as Mayor Pro Tem so far. Councilmember Ham stated I have. Councilmember Aycock stated I have. Councilmember Broadway stated I have. Councilmember Matthews stated it seems more logical to me that we allow Councilmember Williams to serve moving forward. Councilmember Williams stated I will second that motion.

Attorney Lawrence stated you will need to vote on the first motion by Councilmember Aycock, seconded by Councilmember Ham first.

Councilmember Broadway called for a vote. Councilmembers Broadway, Polack, Ham and Aycock voted in favor of the motion to keep Mr. Broadway on as Mayor Pro Tem. Councilmembers Williams and Matthews voted against the motion. Motion carries 4:2.

City Manager's Report. Mr. Timothy Salmon stated I would like to congratulate all of the councilmembers on their election and reelection, I look forward to working with you all. Thank you for serving. I would like to thank the City of Goldsboro employees for Lights Up!, that was a tremendous event. He reminded everyone the Christmas parade will be Saturday starting at 4:00 p.m.

Mayor and Councilmembers' Reports and Recommendations. Mayor Pro Tem Broadway read the following Resolutions:

Resolution Expressing Appreciation for Services Rendered by Kathy Bass as an Employee of the City of Goldsboro for More than 14 Years. Resolution Adopted. Kathy Bass retired on December 1, 2019 as an Executive Assistant with the Goldsboro Police Department of the City of Goldsboro with more than 14 years of service. Kathy began her career on February 16, 2005 as an Office Assistant II with the Goldsboro Police Department. On August 9, 2006, Kathy was promoted to Office Assistant III with the Goldsboro Police Department. On August 1, 2007, Kathy's position was reclassified as a Senior Administrative Support Specialist with the Goldsboro Police Department. On January 8, 2014, Kathy's title was changed to Executive Assistant with the Goldsboro Police Department where she has served until her retirement. Kathy has proven herself to be a dedicated and efficient public servant who gained the admiration and respect of her 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 Kathy Bass their deep appreciation and gratitude for the service rendered by her to the City over the years. The Mayor and City Council of the City of Goldsboro, North Carolina express to Kathy our very best wishes for success, happiness, prosperity and good health in her future endeavors.

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

RESOLUTION NO. 2019-105 "RESOLUTION EXPRESSING APPRECIATION FOR SERVICES RENDERED BY KATHY BASS AS AN EMPLOYEE OF THE CITY OF GOLDSBORO FOR MORE THAN 14 YEARS"

Resolution Commending and Expressing Appreciation to Bevan Foster for Serving as a Goldsboro City Councilmember for Four Years. Resolution Adopted. Bevan Foster has served this community and the City of Goldsboro well in numerous capacities, including four years as a member of the Goldsboro City Council, representing District Four, since December 2015. These years of service have been marked by exemplary dedication to the best interests of

the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development. During these years of service, Councilmember Foster has gained the admiration and respect of local officials and citizens for his untiring efforts in improving the lives of citizens in District 4. During his term in office, Councilmember Foster has served as a member of the Parks and Recreation Advisory Commission, Law and Finance Committee, T.C. Coley Community Center Board and various other Special Project Committees. Many projects have commenced and been completed by the City during Councilmember Foster's years of service, including construction of the Multi-Sports Complex, new Police/Fire Complex, replacement of Fire Station 4, sewer rehabilitation, street resurfacing throughout the city, the Center Street Streetscape Project-Phase II and III, and the renovation of the T.C. Coley Community Center. The Mayor and City Council express to you, Bevan Foster, on behalf of themselves, city employees and the citizens of the City of Goldsboro, our appreciation and gratitude for your unselfish, devoted and invaluable service and contributions rendered to the Council and the City of Goldsboro in the many capacities in which you have served. We offer you our very best wishes for success, happiness, prosperity and good health in your future endeavors.

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

RESOLUTION 2019-106 "RESOLUTION COMMENDING AND EXPRESSING APPRECIATION TO BEVAN FOSTER FOR SERVING AS A GOLDSBORO CITY COUNCILMEMBER FOR FOUR YEARS"

Councilmember Aycock congratulated Mr. Taj Polack and Ms. Brandi Matthews for coming onto Council. I look forward to working with both of you. Again, Brandi, being the first Black female is history. Congratulations.

Councilmember Ham stated I would like to thank those of you who came out tonight to witness this historic event and I offer my prayers and best wishes to the Mayor for a speedy recovery and return to the City Council.

Councilmember Matthews stated if you will just give me a second to take all this in. So I want to say thank you guys for being here tonight and I hope to see the room look like this moving forward because you matter. You have heard me say that, well over four months now on the campaign trail. You matter. I matter. We matter. We all make up Goldsboro. Me being elected represents the fact that we are ready for something different, and different is what is going to happen. To Bevan Foster, who rather you like it or not, brought awareness and the impact he made while he served on this Council will be a part of history, Goldsboro's history moving forward. I am so honored to follow behind him. I truly know I have some big shoes to fill. To the Council, I heard all of us speak to unity and how beautiful diversity is, I will have to agree. Now those works should turn into action. I think this Council shows that diversity is important, representation is important. I look forward to working alongside each of you. We were elected, we are here, we are a team, so I am looking forward to the next four years serving alongside each of you. To District Four thank you so much for having enough faith in me to elect me as your representative. Very early in this election, the odds stacked against me very quickly. There were a lot of attacks, there was a lot of mudslinging, there was a lot of politics and politicking. But we are not going to speak to the negative, we are going to speak to the positive because you elected me to serve and I count it an honor. Understand, Councilmember Foster used to say this all the time, I need you to show up to fight with me because I am going to fight for us, the best I know I how. I am going to give it the best I got and then I will give the best of that. I have already secured our first District meeting which will take place on March 29th, don't worry I'm not going to give you the details tonight, mailers will be going out to you very soon. For all of you that are in this room, be sure to tell your neighbors, tell your friends, all of District Four, March 29th we will get together as a District and we are going to create a momentum and a temperature that is going to change the entire City of Goldsboro. Thank you for all of my supporters, families and friends who stood side by side with me throughout this entire campaign. Thank you because not only was I there alone, you guys took some of the heat as well and you never wavered. I appreciate that and I am going to honor you through what I do in this seat. Thank you Goldsboro.

Councilmember Polack stated first I want to begin by thanking God for entrusting me with this task of being a liaison to my constituents as well as an integral part in the unifying of the Council. Next, I want to thank my family, not limiting this term to biological family but the countless individuals that I have grown to have relationships with throughout my campaign which led to this victory. I want to remind everyone that this night is not about me but the people that made it possible for me to be here namely my constituents within my district, my supporters that never wavered their support towards me throughout this process but most importantly my students at Goldsboro High School that got registered to vote and encouraged their parents to do the same. I appreciate the countless doors that were opened for me as the sun went down as well as the individuals that distributed my literature and conveyed my objectives and purpose in the various areas that I did not get a chance to cover. In conclusion, I want to thank my colleagues as well as the department heads that worked diligently with me to make this transition as smooth as possible. I can assure the city as well as the Council my intentions of working with most of the Council that is not based on divisive tactics or predetermined perceptions, but a Council that feels all communities are of the utmost importance and will work to ensure our employees receive the best benefits and experience to take this city to the next level. I was going to stop there, but as I was doing my vote for Mayor Pro Tem, I heard some undertones and some things that did not sit well with me. I want to let the Council know not to simulate me with my predecessor that sat in my seat. As I was sworn in, my name is Taj J. Polack, and not the person who sat here before me. So my vote is based on what I feel was the best transition to usher us into the new year. Nothing against Mr. Williams here, he would be an excellent Mayor Pro Tem but since we currently have a person filling that seat, I thought that would be the best transition, so I want to make that public. Thank you.

Mayor Pro Tem Broadway stated this is my third term and we have not had this many people coming out before. I would like to say the election is over now and it is time to get to work and it is time to be together. And it is time to keep this city moving. If you will look back 8-12 years from now, you will see where we were and where we are going now. Thank goodness with what everyone is saying, we'll work together as a team. I don't know any teams that win, look at the Washington Redskins yesterday and see what happens with a team that doesn't work together. We've got to work together, we've got to throw our differences apart, we've got to take care of each other. Right now is a time to take care of each other, we are a little bit wounded. We've got to take care of each other, so let's do that, let's stick together, let's think of Goldsboro. We've got some really smart people up here. Let's move on, do things together, I think we will win. We are winning right now. Thank you everyone for coming. This is wonderful.

Councilmember Williams stated this is a bittersweet moment. I am so thankful to all of my constituents, those that voted for me, those that didn't I am still in your corner, I am still willing to work with you. Just give me a shot. Things that happen in the past that you may have felt I could have done better, let's communicate, let's open that door. I do everything, when it comes to caring, some people say I wear my heart on my shoulder, but I love people. What's wrong with love? If you all know Common, Common believes in love, that's one mc that is well grounded. When I think about District One, and I think about Bob Marley, I think about his song, One Love, well District One is basically one love. That is going to be something I focus on, us pulling together and loving each other, loving our community and building it to where it should be. That's going to take help that is going to take us doing things that normally we wouldn't do as councilmembers. We are going to have to think outside the box, I am going to ask each and every one in my district, those that are not even in my district, to lend a hand and help out. So I am depending on all of y'all to not just show up for this day, to continue to show up. District One to me is valuable all of Goldsboro is valuable to me. We've got to change the dynamics here, fourth poorest in the United States, how do we get there, by working together. So, I am going to do like I always try to do, I am going to throw out my olive branch, to these councilmembers, to the new councilmembers. I did not take anything personal, we are going to work together, that's my goal and objective. Now, we are not always going to get along, but that's just how families do. Families fight and then they come back together and talk again. I just want to thank everyone, I want to thank Yvonnia for having my back on those days where there are some hard decisions to make. I want to thank the employees here. I just want to thank the City of Goldsboro, let's come out of this fourth poorest city in the United States. Let's get these kids working this year and let's get some attainable housing here. Let's clean up this city. Thank you.

There being no further business, the meeting adjourned at 8:01 p.m.

Bill Broadway
Mayor Pro Tem

Melissa Capps, MMC/NCCMC
City Clerk