

MINUTES OF MEETING OF MAYOR AND CITY COUNCIL HELD
FEBRUARY 4, 2019

WORK SESSION

The Mayor and 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 February 4, 2019 with attendance as follows:

Present:

Mayor Chuck Allen, Presiding
Mayor Pro Tem Bill Broadway
Councilmember Antonio Williams
Councilmember Mark Stevens
Councilmember Bevan Foster
Councilmember David Ham
Councilmember Gene Aycock
Ron Lawrence, Attorney
Randy Guthrie, Interim City Manager
Melissa Corser, City Clerk
LaToya Henry, Public Information Officer
Octavius Murphy, Assistant to the City Manager
Jennifer Collins, Planning Director
Mike West, Police Chief
Scott Williams, IT Director
Felicia Brown, Interim P&R Director
Mike Wagner, Deputy Public Works Director – Utilities
Rick Fletcher, Public Works Director
Joe Dixon, Fire Chief
Julie Metz, DGDC Director
Bernadette Dove, HR Director
Shycole Simpson-Carter, Community Relations Director
Catherine Gwynn, Finance Director
Chestine Faison, Executive Assistant Finance Department
Ashlin Glatthar, Travel & Tourism Director
Marty Anderson, City Engineer
Ken Conners, News Director-Curtis Media Group East
Joey Pitchford, News Argus Reporter
Keyon Carter, Citizen
Lonnie Casey, Citizen
Bobby Mathis, Citizen
Della Mathis, Citizen
Taj Pollack, Citizen
Jay Bauer, Citizen
Yvonnia Moore, Citizen
Carl Martin, Citizen
Brenda Brewington, Citizen
Carolyn Bratcher, Citizen
Gabriela Blalock, Citizen
Lauren Williamson, Citizen
Toya Evans, Citizen
Chanel Grant, Citizen
Brandi Matthews, Citizen
Doug McGrath, Citizen
Jay Bauer, Citizen
Myelle Thompson, Citizen
Kimberly Rhodes, Citizen
Yvonnia Moore, Citizen
Vanessia Hill, Citizen
Deborah Kornegay, Citizen
Ashley Kornegay, Citizen
Alicia Pierce, Citizen
Allen Young, Citizen

Clifton Brewington, Citizen
Le’Vonne Covington, Citizen
Bryan Gery, Citizen

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

Adoption of the Agenda. Mayor Pro Tem Broadway made a motion to adopt the agenda. The motion was seconded by Councilmember Aycock. Mayor Allen, Mayor Pro Tem Broadway, Councilmember Stevens, Councilmember Foster, Councilmember Ham and Councilmember Aycock voted in favor of the motion. Councilmember Williams voted against the motion. Mayor Allen stated the motion passed 6:1.

Closed Session Held. Upon motion of Councilmember Stevens, seconded by Councilmember Ham and unanimously carried, Council convened into Closed Session to discuss an economic development matter.

Council came out of Closed Session.

Boards and Commissions Appointments. Mayor Allen shared we had opened this back up and received applications until this past Friday. New applications were received. Councilmember Ham stated he would like more time to review. Upon motion of Councilmember Ham, seconded by Mayor Pro Tem Broadway and unanimously carried, Council deferred action until the next meeting.

T.C. Coley Community Center Discussion. Mr. Randy Guthrie stated at the last meeting Council had asked staff to come back with some draft rental rates. Ms. Felicia Brown reviewed proposed rental rates. Councilmember Stevens shared concerns regarding rental rates. Councilmember Foster also shared concerns regarding rates and stated all of a sudden we are in the business of making money off of something we were supposed to be giving back to the community. Council discussed operation costs and facility use.

Councilmember Williams made a motion to table payment at this point, give them up to a year. Mayor Allen stated let’s clarify that they will need to go through Parks & Recreation to schedule, we have to have a basis of control at the facility, it has to have a manager, and today that would be Parks & Recreation. Discussion continued on use of the facility and insurance requirements. Mr. Guthrie stated as individual requests come in we can work with our insurance company to ensure we are covered. Mayor Allen also asked if everyone could agree no alcohol on the premises and Council agreed. Mayor Pro Tem Broadway seconded the motion. Councilmember Ham shared information regarding the public forum held at the center. We agreed it would not be a fully funded facility. Mayor Allen stated you are correct but today, we want nonprofits to use the building, give it a year and hope we can find a group to come in and take it. Mayor Allen stated those groups are not as easy to find as you may think. Council discussed uses of the building. Councilmember Foster stated he felt like right now, Council just keep on the non-profit side. Council agreed. Mayor Allen called for a vote. The vote was unanimous in support of the motion.

Conflict of Interest Investigation Results. Attorney Ron Lawrence stated at the last Council Meeting there was a request for an investigation to see if there was a conflict of interest that took place during the voting with Councilmember Ham during the same time he was serving on the DGDC Board. The first thing I did was look at the issue of whether or not it is a conflict to be on both at the same time, I feel like there was not one. I spoke with other municipal attorneys and they agreed it would not be a conflict. The second issue was, first you have a responsibility to this Council to vote; we have discussed that before, you may be excused from voting under certain circumstances such as financial benefit to yourself. From that point, I asked the city clerk to pull the agendas from January 1, 2016 up to when he resigned in January 2018 and pull anything that said downtown and/or DGDC. So I went through each of those. I did not find anything in those where Councilmember Ham had a direct financial benefit that he himself would receive either through the city or some type of funding or project from DGDC.

Councilmember Williams asked can I see a copy of what you have, I think everyone needs to see copies of what you have. Councilmember Williams stated you said that you felt as if it wasn't a conflict, but you didn't give me any law. My concern is not that, I think the paper had put it basically that it was printed, that I felt like it was a conflict to serve as ex-officio on the board. I do not have a problem with him being an ex-officio. My concern was while he was on the board, while on the non-profit side, he voted on issues and we had no knowledge that he sat on that board. There were several things he voted on, the TIGER 8 grant, he voted twice, each time voting for the TIGER grant. Attorney Lawrence stated that is not a conflict of interest for him. Councilmember Williams stated I disagree with you. Attorney Lawrence stated I respect that but my opinion is it is not a conflict of interest, there is not a direct financial benefit from that, as a result of that, every councilmember here just like yourself is required to vote. You can only be excused for certain circumstances. Those circumstance did not arise with Councilmember Ham.

Councilmember Williams stated I disagree. I believe that you cannot serve two masters. If you have an allegiance to the non-profit side of the DGDC, you basically will not vote. You are supposed to be here to vote for the citizens, you are not supposed to be here to vote for board members and he does have some type of financial gain in the future, because Cornerstone Commons will be built, he has property that is directly across from there; so there is some financial gain, even if it is not him personally, it is his building there.

Attorney Lawrence stated that would be for any councilmember who has property downtown.

Councilmember Williams stated he has people who lease from him as well so their business will generate additional funds too. I believe there is a conflict. He also voted on January 19th for \$20,000 that was approved through the DGDC. There have been a lot of issues and all he had to say was I would like to recuse myself but he didn't say that and didn't let us know he was a board member. I believe it is an ethic issue.

Councilmember Foster stated if you do own property downtown and you vote for millions of dollars downtown, which is going to raise your property value, at what point do you draw that line. Councilmember Foster stated I do not feel like it should be closed out at this point, we need to get more information from the School of Government, there are still a lot of questions.

Attorney Lawrence stated feel free to reach out to the School of Government if you want to.

Councilmember Williams stated when it comes to our code of ethics, which I am sure you all are familiar with, states "the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people, government decisions and policy must be made in proper channels of the governmental structure, the public office must not be used for personal gain; and the public must have confidence in the integrity of its government. So ethically was what he done correct; I do not think so.

Attorney Lawrence stated I disagree, I think it was.

SJAFB Commercial Refuse Agreement. Mr. Rick Fletcher shared the following information:

- Completed discussions with SJAFB Civil Engineers and contracting officers regarding establishing a new partnership through an Intergovernmental Support Agreement (IGSA) for commercial refuse collections on base
- Ten(10) year agreement with intent to continue in perpetuity – starting 1 July 2019
- The Performance Work Statement (PWS) for the IGSA includes protection clauses for the City in lieu of early termination to cover initial equipment

- o purchases, tipping fees and fines, potential for future recycling fees and fines, fluctuating fuel prices, etc.
- o ONLY variable cost in the contract is equipment maintenance—City will collect ~ \$15K the first year. All subsequent years increase by approximately 8% each year for the duration of the contract.
- o Labor pay and benefits are adjusted/increased annually within the contract
- o Equipment loans are fixed
- o Fuel costs are adjusted periodically based on current prices
- Equipment - will be purchased by the City and amortized over 10 years—keeping monthly/annual costs down for SJAFB
 - o Equipment includes: Front Loader, Rear Loader, Roll-off Dumpster Truck w/Grapple, 114 each 8 Yd³ Dumpsters, 12 each 8 Yd³ Cardboard Dumpsters, 4 each 30 Yd³ roll-off Containers and 200 each 96 Gallon Roll-out Containers
 - o Estimated equipment costs are \$750K, all of which will be reimbursed through the agreement—including the interest at an estimated 3% APR.
- Personnel - will need to hire one new Senior Heavy Equipment Operator
 - o All other labor requirements will be accomplished within the City’s current capabilities
- The “Annual Projected Cost & Revenue Breakdown” in the chart below is all inclusive—accounts for labor costs, equipment costs, loan interest, operational costs, fuel costs, administration costs and overhead costs
 - o Only “NEW” costs beyond current Solid Waste costs are included in the calculations. Any service or capability already funded or covered with current assets or manpower was not counted as an additional cost

Annual Projected Cost & Revenue Breakdown		
Includes ALL Equipment Loans (10 Year Amortization)		
LINE ITEM	COST	NOTES
Labor	\$53,384.95	Hiring ONLY one (1) new operator
Equipment	\$84,538.70	Includes Operational Costs ~\$15K and ALL three (3) New Pieces of Equipment
Dumpsters	\$16,576.90	
Fuel	\$17,472.00	
TOTAL ANNUAL EXPENDITURES		\$171,972.55
ANNUAL REVENUE		\$250,696.67
ANNUAL REVENUE OVER EXPENDITURES		\$78,724.12
10 YEAR TOTAL		\$787,241.21
		Plus a New Font Loader, Rear Loader, Roll Off Truck and 8 Yd ³ Refuse Containers

Council discussed equipment maintenance costs. Upon motion of Councilmember Aycock, seconded by Councilmember Williams and unanimously carried, Council agreed staff could move forward.

Seized Property Discussion. Chief West stated currently at the Police Department, we have 48,401 pieces of property and evidence. General Statute regulates disposing of any of that property. Property has to be claimed within 180 days; 60 days if it is a bicycle before it is considered unclaimed. Chief West stated one of the options permitted for disposing of unclaimed property is for the agency to auction the property off. Prior to the auction, the Police Department is required to publish a notice describing the property that is in the custody of the Police Department and that any person(s) who may have a claim or interest in the property must report that claim to the PD within 30 days of the date of publication of the notice. The Police Department currently uses an online auction site. Proceeds from the sale of unclaimed property go to either the Police Department or the Wayne County Schools. Where the money goes is in accordance with N.C. General Statute.

Chief West explained the current process which is time consuming and requires additional space and audit trail. The money comes back to finance and then it is determined where the money goes. With PropertyRoom.Com the items are picked up by their courier service, they prepare the items and post them to their web page, and once the

items are sold, the check can be sent to the schools or the Police Department on a monthly basis.

Council discussed. Councilmember Aycock asked for clarification, did you say that firearms would be sold if they were not disposed of. Chief West responded yes, if they are serviceable and have serial numbers. Councilmember Aycock asked if we could keep them off the street. Chief West stated by law that's what has to be done. Councilmember Foster asked if we had been selling firearms all along. Chief West replied yes. Council agreed staff could proceed.

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

Item B. Budget Ordinance Amendment – 2017 Urgent Repair Program (URP17). Councilmember Williams stated I got the amendment today and I have an issue with not having time to look it over. Councilmember Williams made a motion to table Item B. Budget Ordinance Amendment – 2017 Urgent Repair Program to allow more time to overlook it. Mayor Allen stated all we are doing is appropriating the \$100,000 from the Housing Finance Agency to use; why do you need more time. Councilmember Williams stated I have few questions, it has just been presented to us with no supporting info. Councilmember Foster stated we don't know what the money was spent on. Mayor Allen stated we have received monthly updates and asked if Councilmember Foster would like a copy. Discussion continued. Councilmember Foster seconded the motion. Councilmembers Williams and Foster voted in favor of the motion. Mayor Allen, Mayor Pro Tem Broadway and Councilmembers Stevens, Ham and Aycock voted against the motion. Mayor Allen stated the motion failed 2:5.

Councilmember Williams stated before she presents I have a response. City Councilmembers role with respect to individual city employees, most citizens may think councilmembers are the employees ultimate boss who can cause an employee to be disciplined or even terminated, this is untrue. It is the job of our city manager and attorney to ensure proper disciplinary actions are taken against any employee who consistently displays bad behavior and brings unnecessary confusion to the city's workplace. I believe it would befit the city manager to allow an employee to continue to display bad behavior and to operate as if they are immune to the consequences of their actions. Who is more valuable, it is the voice of the citizens of the city. I will be recusing myself on this matter under statute GS 160A-75 which states any vote taken will be counted from me as a no.

Councilmember Williams left the room at 6:29 p.m.

Ms. Shycole Simpson-Carter, Community Relations Director presented the item. Councilmember Foster had several questions and concerns concerning the process and timeline for this item. Ms. Simpson-Carter shared a Resolution was adopted by City Council in September 2017 approving the URP17 Assistance, Procurement and Disbursement Policies, authorizing the Mayor and City Clerk to sign the policies and accept and sign the contract with the NC Housing Finance Agency.

Mayor Allen shared multiple updates on this program were provided through email.

Councilmember Williams returned to the room at 6:38 p.m.

Item D. Authorization of an Agreement with Wayne County United Soccer Club. Councilmember Foster shared concerns regarding the legality of the contract and volunteers receiving a W-2 at the golf course. Councilmember Foster stated I would like to hold off on this to allow the attorney time to review and make sure we are perfectly legal and within the proper guidelines.

Upon motion of Councilmember Foster, seconded by Councilmember Williams and unanimously carried, Council removed Item D. Authorization of an Agreement with Wayne County United Soccer Club and deferred for two weeks.

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 February 4, 2019 with attendance as follows:

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

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

Pastor Yelverton with Impact Church provided the invocation. Boy Scout Troop #258 from Rosewood led the Pledge to the Flag.

Employer Support of the Guard and Reserve Presentation. Mr. Jim Lee presented Assistant Fire Chief Frank Sasser with the Patriot Award from the Employer Support of the Guard and Reserve (ESGR) program. ESGR, a Department of Defense Program, was established in 1972 to promote cooperation and understanding between Reserve Component Service members and their civilian employers and to assist in the resolution of conflicts arising from an employee's military commitment. The Patriot Award is awarded to individual supervisors who make efforts to support citizen warriors through a wide-range of measures including flexible schedules, time off prior to and after deployment, caring for families, and granting leaves of absence if needed.

Public Comment Period. Mayor Allen opened the public comment period. No one spoke and the Public Comment Period was closed.

Consent Agenda - Approved as Recommended. Interim City Manager, Randy Guthrie, presented the Consent Agenda. All items were considered to be routine and could be enacted simultaneously with one motion and a roll call vote. If a Councilmember so requested, any item(s) could be removed from the Consent Agenda and discussed and considered separately. In that event, the remaining item(s) on the Consent Agenda would be acted on with one motion and roll call vote. Mr. Guthrie reminded Council Item D. Authorization of an Agreement with Wayne County United Soccer Club was deferred for two weeks. Councilmember Aycock moved the items on the Consent Agenda, Items B, C, E, F, G, H, I, J and K be approved as recommended by the Interim City Manager and staff. The motion was seconded by Councilmember Ham and a roll call vote resulted Mayor Allen, Mayor Pro Tem Broadway, Councilmembers Stevens, Ham and Aycock voting in the affirmative. Councilmembers Williams and Foster voted against the motion. Mayor Allen declared the Consent Agenda approved as recommended with 5:2 vote. The items on the Consent Agenda were as follows:

Budget Ordinance Amendment - 2017 Urgent Repair Program (URP17).
Ordinance Adopted. The City of Goldsboro applied for a grant in January 2017 for funding by North Carolina Housing Finance Agency (NCHFA) through the North Carolina Housing Trust Fund for the 2017 Urgent Repair Program (URP17) in the amount of \$100,000. This grant is to be in conjunction with the City's Community Development Block Grant Program.

North Carolina Housing Finance Agency (NCHFA) has awarded the City funding for the 2017 Urgent Repair Program (URP17) in the amount of \$100,000 to assist fourteen (14) eligible very-low and low-income homeowners with urgent repairs up to \$8,000 per home to prevent displacement, which poses an imminent threat to their life and/or safety. The time period of this grant is 18 months beginning on August 14, 2017 and ending on

December 31, 2018. (Grantees are provided an additional forty-five (45) days after grant ending date to complete all units and submit closeout documentation).

All work on the fourteen (14) eligible very-low and low-income homeowners has been completed. No matching funds are required of the City of Goldsboro in conjunction with this Program.

Staff recommended Council adopt the following entitled Budget Ordinance to reflect an increase in the Community Development revenues and an increase in the operating expenditures of the Community Development Block Grant's budget by a total of \$100,000. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

ORDINANCE NO. 2019-4 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2018-2019 FISCAL YEAR"

Engineering Department Standard Specifications and Details Manual. Approved. To provide greater consistency and transparency in workflow, Engineering staff has produced a *Standard Specifications and Details Manual* that aims to protect the health, safety, and welfare of citizens by regulating construction of infrastructure such that what is improved is safe, reliable, and consistent throughout the City.

The manual is to be used as a tool for city staff and for any persons working on new or existing City of Goldsboro infrastructure. It will work in concert with current guiding documents (e.g. our Unified Development Ordinance) and clarify best practices for the Engineering Department's responsibilities. Drafts of the manual were provided for review and comment by city staff in the Public Works and Inspections Departments as well as select local private firms. The current draft of the manual can be found at the following URL:

www.goldsboronc.gov/wp-content/uploads/COG-Engineering-Department-Standard-Specifications-and-Detail-Manual-DRAFT-12-7-2018.pdf

Staff recommended Council adopt the Engineering policy manual, which would allow for greater consistency and transparency to city staff and to our external partners. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

Elmwood and Willow Dale Cemetery Fence Repairs. Resolution Adopted.

The perimeter fencing at both City cemeteries sustained damage during Hurricane Florence. In total, approximately 300 linear feet of fencing and hardware needs to be removed and replaced.

Seegars Fence Company will accomplish all necessary repairs at both cemeteries for \$7,523.95. All costs are eligible for reimbursement through FEMA.

In the interim, funds will be utilized from the City's Storm Damage Line Item 11-7310-3599 to initially cover this cost.

It is recommended City Council adopt the following entitled Resolution authorizing the Mayor and City Clerk to enter into an agreement with Seegars Fence Company in the amount of \$7,523.95. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

RESOLUTION NO. 2019-5 "RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH SEEGARS FENCE COMPANY TO REPAIR FENCE DAMAGES CAUSED BY HURRICANE FLORENCE AT BOTH CITY CEMETERIES"

Informal Bid Request #2018-004 – Stump Grinding Services. Ordinance Adopted. Ordinance Adopted. The City of Goldsboro requested stump-grinding services on various City properties and right-of-ways throughout the City. These stumps are a result of trees removed due to Hurricane Florence.

The City opened bids on December 21, 2018 from four (4) responsive bidders. The bids were reviewed by the Public Works Department, checked for accuracy and dependability and found to be in order. Bell's Tree Service had the low bid and council previously appropriated \$7,500 to start removing stumps on City right-of-ways, while the City parks were assessed.

After assessing Herman, Mina Weil and Berkeley Parks, thirty-nine (39) stumps were identified to be ground. Under the current contracted rate with Bell's Tree Service, grinding all 39 stumps will cost \$10,475.

It is recommended Council adopt the following entitled budget ordinance appropriating the \$10,475 to have all 39 stumps removed from the City's parks. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

ORDINANCE NO. 2019-5 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2018-2019 FISCAL YEAR"

T.C. Coley Community Center Board Ordinance Revision. Ordinance Adopted. On October 1, 2018, Council voted to create the T.C. Coley Community Center Board. At Council's meeting on November 15, 2018, Goldsboro City Council established an ordinance to delegate to the T.C. Coley Community Center Board the authority to oversee the operations, programs and upkeep of the Center.

After careful consideration, the Goldsboro City Council has chosen to revise the ordinance to make the T.C. Coley Community Center Board an advisory board.

Staff recommends Council adopt the revised ordinance amending Chapter 32 Boards, Commissions and Departments of the City of Goldsboro's Code of Ordinances and re-establishing the T.C. Coley Community Center Board as an advisory board. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

ORDINANCE NO. 2019-6 "AN ORDINANCE AMENDING CHAPTER 32 BOARDS, COMMISSIONS AND DEPARTMENTS OF THE CITY OF GOLDSBORO'S CODE OF ORDINANCES"

Condemnation of Vacant Lot. Resolution Adopted. The city has plans to pave the dirt portion of Chestnut Street from E. Chestnut Street at S. Slocumb Street to S. Leslie Street. The city has attempted numerous times with no success to purchase an empty lot (which has been advertised for sale) to acquire the property and/or a right of way, which will allow the road to be paved. The Interim City Manager recommends adoption of a resolution to authorize condemnation of 114 South Slocumb Street, parcel number 3509144522 for purchase of the property and the paving of the street.

Discussions with the owner of the property, ATL Holdings LLC. In Portland, Maine remain elusive. In order to insure completion of the project, initiation of condemnation of the above-mentioned property at the said address is necessary.

Staff recommends Council adopt the following entitled resolution authorizing condemnation proceedings for the lot located on the corner of Chestnut and Slocumb Streets with an address of 114 S. Slocumb Street. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

RESOLUTION NO. 2019-6 "RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS FOR THE RIGHT OF WAY AT 114 S. SLOCUMB STREET"

S-1-19 Wayco Corporation (2-Lot Final Subdivision Plat). Approved. The property is located on the east side of N. William Street between Park Avenue and Beech Street.

Total Area: .83 acres or 36,428 sq. ft.

Total Lots: 2

Lot No. 1: .52 acres or 22,936 sq. ft.

Lot No. 2: .31 acres or 13,492 sq. ft.

Zoning: General Business (GB)

The subject property has been proposed for division into two lots for the purposes of selling Lot #1.

Currently, the lot is occupied by one existing two-story commercial building, a church and one-single family dwelling all built prior to the adoption of the City's Unified Development Code.

All properties are served by City water and sewer and are not located in a Special Flood Hazard Area. The church and the single-family dwelling are located in the Downtown Historic District.

The plat shows that Lots #1 and #2 are located in the General Business zoning district. The church encroaches 18.6 ft. into the required front setback of 20 ft. and 4.4 ft. into the required side yard setback of 15 ft. The commercial building encroaches 10 ft. into the required side yard setback of 15 ft. A modification of the front and side building setback is required.

In addition, Lot #1 shows that the existing single-family dwelling encroaches 13.4 ft. into the required front yard setback of 30 ft. A modification of the front building setback is required.

Since the property was developed prior to the adoption of City ordinances, the applicant is requesting a modification of the requirement for paved and striped vehicular surface areas, as well as, City landscape requirements for the church and commercial building.

Site and landscape plans will need to be approved by City Council if property is to be developed in the future.

The Planning Commission, at their meeting held on January 28, 2019 recommended approval of the two-lot final subdivision plat with modifications.

Staff recommended Council accept the recommendation of the Planning Commission and approve the two-lot final subdivision plat with the following modifications:

1. A modification of the front and side building setbacks for Lot 1.
2. A modification of the requirement for paved and striped vehicular surface areas, as well as, City landscape requirements for the church and commercial building. Site and landscape plans will be required prior to any future development. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

CU-13-18 Regina Exum- North side of Royall Avenue between Jefferson Street and Teakwood Drive (Adult Day Care). Denied w/o Prejudice. Applicant requests a Conditional Use Permit to allow the operation of an adult day care in conjunction with an existing child day care facility.

The property is zoned NB (Neighborhood Business). Adult day cares are a permitted only after the issuance of a Conditional Use Permit approved by City Council.

Frontage: Approximately 130ft. (Royal Ave.)

Area: 49,107 sq. ft., or 1.13 acres

As previously stated, the applicant intends to operate an adult day care in conjunction with an existing child day care facility.

The site has operated as a child day care since January of 2008. Currently, the North Carolina Division of Child Development licenses the facility for up to 40 children. In addition to child day care services, the owner proposes to provide organized programs to senior adults in a supervised community group setting to promote social, physical and emotional well-being. Certification is required for adult day cares by the North Carolina Division of Aging and Adult Services.

Days/hours of Operation: Monday-Friday: 5:30am-12:00 Midnight
Employees: 3-4

The site is served by two existing over-sized driveway cuts off Royal Avenue. Based on one space per 300 sq. ft. of gross floor area, plus an unloading and loading area capable of stacking 4 vehicles, 6 parking spaces are required.

Existing vegetation is sufficient to meet the intent of the City's landscape ordinance. Due to existing site conditions along Royal Avenue, a modification of street trees will be necessary.

Applicant is requesting a modification of the City sidewalk installation requirement and requests to waive the fee-in-lieu of sidewalk.

At the public hearing held on November 19, 2018, no one appeared to speak either for or against the request.

At the Planning Commission meeting on November 26, 2018, the applicant requested that her proposal be delayed since additional information was required from the North Carolina Department of Health and Human Services.

Since that time, the applicant has been unable to meet compliance with state and local guidelines and has now requested that her proposal to operate an adult daycare center be withdrawn without prejudice until further notice. The Planning Commission, at their meeting held on January 28, 2019 recommended to accept the request of the applicant to withdraw the Conditional Use permit without prejudice.

Staff recommended Council accept the recommendation of the Planning Commission and accept the withdrawal of the application without prejudice as requested by the applicant. Consent Agenda Approval. Aycocock/Ham (5 Ayes/2 Nays)

Z-19-18 McArthur Properties – East side of North Berkeley Boulevard between Holly Road and E. New Hope Road. Ordinance Adopted. The applicant requests a rezoning from Residential 16 (R-16) to General Business Conditional District (GBCD).

In conjunction with this request, the applicant is requesting a waiver of the site plan requirement. If the rezoning is approved, the new owner/developer will be required to have the site plan approved by City Council before future development of the property.

Frontage:	325 ft. (N. Berkeley Blvd.)
Area:	66,087 sq. ft., or 1.51 acres
North:	R-16 (Residential); O&I-1 (Office and Institutional)
South:	General Business Conditional District (GBCD); R-16 (Residential);
East:	Residential-16 (Residential); and
West:	General Business (GB)

The property is currently vacant woodland.

As previously stated, the applicant is requesting a zoning change from Residential 16 (R-16) to General Business Conditional District (GBCD).

Currently, there are no plans for development of the property. The applicant believes the marketability of the property would be enhanced if it is rezoned to General Business Conditional District (GBCD). As previously noted, separate site plan review and approval by City Council is required before development of the property.

On October 21, 2013, property owned by the applicant adjacent to and southwest of the subject property was rezoned from Office and Institutional-1 to General Business Conditional District to allow the operation of a used car lot. At this time, the use has ceased to exist and the property is vacant.

The City's Comprehensive Land Use Plan recommends Mixed Use and Medium Density residential development for the property.

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

At the public hearing held on December 17, 2018, two people spoke in opposition the request, citing concerns with traffic, drainage issues and flooding, noise and depreciation of property values regarding the proposal.

The Planning Commission, at their meeting held on January 28, 2019 recommended approval of the zoning change with requirement to have site plan approved by City Council before future development of the property.

Staff recommended Council accept the recommendation of the Planning Commission and adopt the following entitled Ordinance changing the zoning for the property from Residential 16 (R-16) to General Business (GB) Conditional District with site plan approval required prior to development. Although not entirely compliant with the City's Land Use Plan, the Conditional District zoning would afford protection to adjoining properties and would extend commercial zoning along Berkeley Boulevard which is proposed to be upgraded to a four lane divided corridor. Consent Agenda Approval. Aycock/Ham (5 Ayes/2 Nays)

ORDINANCE NO. 2019-7 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

End of Consent Agenda.

City Manager's Report. Mr. Randy Guthrie introduced Ms. Catherine Gwynn, the new Finance Director. Ms. Gwynn was the assistant city manager of the City of Kinston. She has served in public practice, industry and government for over 25 years and has spent 12 years in local government service. Gwynn has been a practicing Certified Public Accountant and has other certifications as well. I am really excited to have her here with us and look forward to working with her.

Ms. Gwynn thanked the Mayor, City Council and City Manager for the opportunity and stated everyone has been very welcoming.

Mayor and Councilmembers' Reports and Recommendations. Mayor Allen read the following Proclamation:

Proclamation – Black History Month. Mayor Allen proclaimed the month of February 2019 in the City of Goldsboro and encouraged all citizens to observe this month by participating and supporting all festivities celebrating the proud heritage of African Americans.

Councilmember Aycock stated no comment.

Councilmember Ham stated no comment.

Councilmember Foster stated no comment.

Councilmember Williams stated I would like to remind everyone to remember Black History Month as well. We have a lot of leaders that contributed to America in a positive way; Fredrick Douglas, Thurgood Marshall, John Lewis, Marcus Garvey, Adam Clayton Powell, Martin Luther King and Muhammad Ali just to name a few. I also want you to support Black businesses.

Councilmember Stevens stated to keep up with the harmonious tone and rhetoric, please come out and support all African American businesses and all African American events going on in the community. I believe we are all humans and should celebrate each other all together and this month is no different than any other month throughout the calendar year. Councilmember Stevens stated to the military, your golf course has closed, but our golf course is open and you are welcome to come to our golf course. Councilmember Stevens stated I also want to speak on two major things tonight. I want someone to please clarify what is going on with Edgewood. I hope Dr. Dunsmore and the Wayne County School Board will come and give us an answer to that. Secondly, it's funny, all my life my father would say be a man. I say to us as councilmembers sometimes it's hard to put away personal issues and deal with what is at hand. I ask you all to look inside yourself and say I am going to be a man, we are not going to fight about personal issues. We are going to work together and solve the problems that are needed and at hand and make a way for our citizens to have a better way of life.

Mayor Pro Tem Broadway stated no comment.

Mayor Allen shared we had the Shriners in town over the weekend, we thank them for coming. I also want to thank them for the good work they do with the Children's Hospital. I thank everyone for coming.

There being no further business, the meeting adjourned at 7:22 p.m.



Chuck Allen
Mayor



Melissa Corser, MMC/NCCMC
City Clerk