AGENDA

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
CITY OF GOLDSBORO
COUNCIL CHAMBERS – CITY HALL – 214 N. CENTER STREET
JANUARY 6, 2014

(Please turn off, or mute, all cell phones and pagers upon entering the Council Chambers)

I. WORK SESSION–5:30 P.M.–CITY HALL ADDITION, 200 N. CENTER ST., ROOM 206

a. Discussion of Architectural Services for GATEWAY Transfer Center (City Manager's Office)
b. US 70 Controlled Access Fencing Removal Pilot Project Update (Public Works)
c. Retreat Dates Discussion (City Manager's Office)

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

Invocation & Pledge to the Flag

III. ROLL CALL

IV. MINUTES

A. Minutes of the Work Session and Regular Meeting of November 4, 2013
B. Minutes of the Work Session and Regular Meeting of November 18, 2013
C. Minutes of the Work Session and Regular Meeting of December 2, 2013

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

VI. CONSENT AGENDA ITEMS

D. S-4-13 Harry & Mollie, LLC/Ted Ivey (Two-Lot Preliminary Subdivision Plat) (Planning)
E. CU-15-13 Jarrett Valentine – East side of North Berkeley Boulevard between Central Heights Road and US 70 East (Planning)
F. CU-16-13 Jerald Huffman – Southeast corner of Corporate Drive and Clingman Street (Planning)
G. CU-17-13 Robert Kindlesparker – North side of East Ash Street between Malloy Street and Barrow Court (Planning)
H. Contract Award for Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan (Planning)
I. Contract Award for Goldsboro MPO Metropolitan Transportation Plan Update (Planning)
J. Federal Property Forfeiture Program State Controlled Substance Tax Remittance (Police)
K. Order Authorizing the $18,900,000 Parks and Recreational Facilities Bonds; Resolution Designating the Finance Director to File the Sworn Statement of Debt, and Resolution Calling a Public Hearing concerning the Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds (Finance)
L. Budget Amendment Appropriating Funds in Conjunction with the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) (Finance)

VII. ITEMS REQUIRING INDIVIDUAL ACTION

VIII. CITY MANAGER'S REPORT

IX. CITY ATTORNEY'S REPORT AND RECOMMMENDATIONS

X. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

XI. CLOSED SESSION

XII. ADJOURN

MINUTES OF MEETING OF MAYOR AND CITY COUNCIL HELD
NOVEMBER 4, 2013

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 4:00 p.m. on November 4, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen (arrived at 4:24 p.m.)
Councilmember Bill Broadaway
Councilmember William Goodman
Councilmember Charles J. Williams, Sr.
Councilmember Chuck Allen
Councilmember Gene Aycock
Jim Womble, City Attorney
Scott Stevens, City Manager
Melissa Corser, City Clerk
Randy Guthrie, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Kim Best, Public Information Officer
Kaye Scott, Finance Director
Jimmy Rowe, Planning Director
Jeff Stewart, Police Chief
Felicia Brown, Parks and Recreation
Jennifer Collins, Planning Department
Julie Metz, DGDC Director (arrived at 4:37)
Glenn Barwick, Citizen (arrived at 4:25 p.m.)
Lonnie Casey, Citizen
Matt Caulder, Goldsboro News-Argus
Scott Hart, Attorney (arrived at 5:54 p.m.)
Ron Lawrence, Attorney (arrived at 5:54 p.m.)

Call to Order. The meeting was called to order by Mayor King at 4:00 p.m.

Bond Referendum. Mr. Stevens stated Council requested a meeting to discuss the proposed Recreation Bond Referendum. Our hope for this meeting is to answer questions for each project recognizing we have not completed a detailed design at this time. He stated the City Council can always stop the bond referendum process but there are time sensitive steps to complete the process. Mr. Stevens stated if Council wants to move forward with a May, 2014 vote, time is getting a little tight. He stated our recommendation would be to offer a bond referendum in the amount of $18.9 million with structured payments for 20 years that would require up to a 2 ½ % property tax increase for the general fund related debt service and voted on as a package with the following projects:

- Construction of a Multi-Sports Complex
- Construction of a gym and renovations of Herman Park Center
- Construction of greenways
- Construction of a new WA Foster Center

City Councilmembers would function as a part of the project team, but the full City Council would be required to approve the project funding as needs and design work is completed. Approval of an $18.9 million amount does not authorize the expenditure of this money without future City Council actions. Bonds would be sold as they are needed over a multi-year period. The City can always sell less than the amount voted on but could not sell more. We did have meetings with the assigned Councilmembers last week for WA Foster and Herman Park Center projects. One item of concern for Councilmember Goodman is the relocation of the WA Foster Center.

Ms. Felicia Brown presented the following information:

The Future of Goldsboro Parks and Recreation…

- Multi-Sports Complex
  - Up to eight fields, four being synthetic turf and some lit for play
  - Constructions to be phased in if cost requires
  - Bathroom, parking and concessions
- Herman Park and Herman Park Center
  - Improvements include additional parking, playground equipment similar to plane, concession and restrooms located near the Kiwanis train, and paved walkways.
  - Herman Park Center extended to include one or two gyms with an indoor raised walking tract and office space.
- Greenways
  - Trails were identified along New Hope; Wayne Memorial and Hwy 70; Quail Park and Hwy 70.
- WA Foster

WA Foster Current Site	WA Foster Mina Weil Park
***Pros**	***Pros**
Historic Location	Adjacent to Middle and Elementary Schools
Known Location	Walking distance for many users
Walking distance for many users	In park with shelter and city's largest pool; beside pool, tennis courts and baseball fields
Positive influence in immediate community	Replaces current pool building
	Further from Herman Park Center
***Cons**	***Cons**
Limited outdoor space for sports courts, walking or outdoor play	New location
Parking inadequate for special events and leagues	Fear of increase traffic on neighborhood streets
Limited future expansion	Neighbors that want things to remain the same
Relatively close to Herman Park Center	
Facility would be closed for 12-18 months for demo/construction	

Ms. Brown reviewed the current WA Foster site. To rebuild WA Foster at the current location staff would recommend closing Corney Street and removal of houses behind the current WA Foster. Councilmember Allen asked if the houses were available for purchase and Councilmember Goodman stated yes. One is condemned and boarded up, one is for sale and the other home is abandoned.

Councilmember Aycock asked for a breakdown of the $18.9 million and Mr. Stevens stated approximately depending on location of WA Foster $4-6 million, $2 million for greenways, $6 million Multi-Sports Complex, and approximately $6 million for Herman Park and Herman Park Center Renovations. Councilmember Aycock stated when we discussed the multi-sports Complex in the past we talked about using Occupancy Tax monies which would decrease the needed property tax increase. Mr. Stevens stated that is correct but we still have to sell property. Council discussed partnering with the Base on the multi-sports complex.

Upon motion of Councilmember Allen, seconded by Councilmember Williams and unanimously carried, Council voted to allow staff to move forward with the $18.9 million bond referendum process.

1st Quarter Financial Update. Ms. Kaye Scott provided Council a 1st Quarter Financial Update which included the following information:

- General Fund Collections from July – September 2013
- General Fund Collections Comparison to 1St Quarter 2012
- Utility Fund Collections from July – September 2013
- Utility Fund Collections Comparison to 1St Quarter 2012
- DGDC & Occupancy Tax Collections from July – September 2013

- DGDC & Occupancy Tax Collections Comparison to 1st Quarter 2012
- Actual Collections Comparison to 1st Quarter 2012
- Actual Expenditures Comparison with Adjusted Budget
- General Fund Attrition
- Fund Balance Budget Appropriations FY 2013-14
- FY 2013-14 Fund Balance Amendments

Ms. Scott stated we usually talk about health insurance but she would like to come back in December or January after Cigna prepares their report.

Invocation. Councilmember Williams provided the invocation.

Strategic Transportation Investment. Ms. Jennifer Collins shared information the following information:

Strategic Transportation Investment

- Also known as the Strategic Mobility Formula – new way to fund and prioritize transportation projects to ensure they provide the maximum benefit to our state.
- Signed into law on June 26, 2013.

Goldsboro MPO Highway Projects 2013-18 Needs List

- Priority 1 (U-4753)
  Wayne Memorial Drive (Upgrade from New Hope Road to New US 70 Bypass)
- Priority 2 (U-3609)
  Berkeley Boulevard (Widening from New Hope Road to Hood Swamp Road)
- Priority 3 (U-2714)
  U. S. Highway 117 (North William Street) (Upgrade from US 117-US 70 Bypass to Belfast Road)
- Priority 4 (New Project)
  U. S. Highway 13 North (Upgrade from Hood Swamp Road to Saulston Road)
- Priority 5 (Not Designated)
  Central Heights Road (Realignment at Berkeley Boulevard and Royall Avenue)
- Priority 6 (U-3611)
  New Hope Road (Widen from Wayne Memorial Road to Millers Chapel Road)
- Priority 7 (New Project)
  Interchange at US 70 East and Oak Forest Road
- Priority 8 (New Project)
  New Interchange at US 70 East and NC 111
- Priority 9 (U-4407)
  Ash Street (US 70 Business) (Upgrade from Berkeley Boulevard easterly to existing US 70 Bypass)
- Priority 10 (U-3125)
  U. S. Highway 117 (NC 55 to U. S. 117 (I-795) – New relocation south of US 70 including interchange at NC 581 (Ash Street)
- Priority 11 (New Project)
  Interchange at US 117 South and O'Berry Road
- Priority 12 (New Project)
  Mark Edwards Road (Widen from New Hope Road to Proposed US 70 Bypass)
- Priority 13 (New Project)
  Cuyler Best Road Realignment (New location from Cuyler Best Road to New Hope Road)
- Priority 14 (New Project)
  New Hope Road (Widen from Patetown Road to Wayne Memorial Drive)

Key Dates

- TCC/TAC Meeting – November 14, 2013

- Removal of Existing Projects – February 17, 2014

- Submittal of New Projects – January 21, 2014

- MPO Local Input Methodology – April 30, 2014

- Local Points Input – May 01, 2014

Motto Contest and Branding Process Update. Ms. Kim Best provided an update to Council on the Motto Contest. The following information was included:

- In an effort to begin the branding process for the City of Goldsboro to have a direct and recognizable identification, the Marketing Team organized five phases.
- **Phase 1 –** Engage the community- gather feedback on our community's strengths and weaknesses. What makes Goldsboro unique and identifiable.
  - The Marketing Team held three community meetings and gathered research.
- **Phase 2 –** Create a contest which asks the community to create and submit mottos they feel would best represent our city.
  - The Marketing Team developed the Motto Contest, created a timeline, prize packages, and presented it to the public for their input on May 1, 2013.
  - Over 900 Motto submissions were entered from all across our community both by email and paper options between May 1- June 30, 2013.
- **Phase 3 –** Along with an advertising group, design a new City Logo, Letterhead, Website template, way finding signage, billboards, vehicle designs, flags, print ads, examples of how city department can embrace and incorporate the new motto along with examples of templates for our community state-holders to also have the opportunity to incorporate the motto throughout Goldsboro.
- **Phase 4 –** Concept and develop radio ads, develop a City of Goldsboro tri-fold brochure that highlights what Goldsboro has to offer, design a PowerPoint templates, social media marketing campaigns, and create standards and a manual for the usage of the new logo and overall branding.
- **Phase 5 –** Implement the new branding concepts within the city, meet with local businesses and stakeholders throughout the community and present opportunities of how they can incorporate the city branding into their business.

Ms. Best shared the community voted and by a 13% lead the #1 Voted Motto Winner by the community and the recommended choice by the Marketing Team…the Motto is:

"BE MORE. DO MORE. SEYMOUR. in Goldsboro, NC"

Ms. Best showed examples of how to execute and implement this motto into our entire community. It can be used together as one continual motto or broken apart.

- "Be More" in Goldsboro, NC
- "Do More" in Goldsboro, NC
- "Seymour" in Goldsboro, NC
- "See More" in Goldsboro. NC

Ms. Best stated this is just a concept. She presented the following top five mottos to Council and asked if they were ready to vote on their choice.

1. Crossroads of the Carolinas
2. Small Town Charm, Big City Aspirations
3. Celebrating our Past, Celebrating Our Future
4. Soaring To New Heights
5. Be More, Do More, Seymour

Upon motion of Councilmember Williams, seconded by Councilmember Allen and unanimously carried, Council voted Be More, Do More, Seymour in Goldsboro, NC as the new motto.

Duke Energy Progress Updates. Ms. Millie Chalk stated she is the District Manager for Duke Energy supporting the City of Goldsboro and Wayne County. She thanked Council for the opportunity to speak on their vegetation management activities planned for the City of Goldsboro. She stated they do have work planned for the Historic District; James Street, John Street, Edgewood Street, Elm Street and also the Walnut Creek area (not within the city limits of Goldsboro). Ms. Chalk shared they meet with the Historical Association a couple of weeks ago to share information about the upcoming trimming. She stated they will work to notify homeowners. Ms. Chalk stated Jessica Schum is their forester and she is also a certified arborist. Ms. Schum is available to citizens who may have questions or concerns about the tree trimming.

Councilmember Allen shared concerns over some trimming that had been done on Mulberry Street. Ms. Schum explained the cutting method they use.

Ms. Chalk shared they are looking at options for the Magnolia tree in Herman Park.

Ms. Chalk also shared information regarding the H.F. Lee Plant. After serving the Wayne County community for more than 60 years, the H.F. Lee Plant's three coal units and four oil-fired combustion turbines were retired in 2012. The station is now being decommissioned, a multi-year process that will result in safely deconstructing the retired units and effectively closing its ash basins.

Ms. Chalk stated they will restore the area as it was before the plant in the coming year.

Cover Agenda. Each item on the cover agenda was generally discussed. Items with additional comments included the following:

Item D. Z-8-13 Catherine Tyndall – West side of Cuyler Best Road between Chafin Road and Forest Hill Drive (R-16 to O&I-1CD). Councilmember Broadaway stated the Tyndall Family has requested a change in their zoning request to Office-Residence Conditional District. Application fees were discussed, Councilmember Broadaway made a motion to waive fees since the applicant had recently paid fees associated with the current request. Some Councilmember raised concerns that might set a precedent. Councilmember Broadaway withdrew his motion. Council continued to discuss the request with staff. Mr. Womble suggested staff get the request of the change in writing.

Upon motion of Councilmember Broadaway, seconded by Mayor Pro Tem Headen and unanimously carried, Council deferred action on Item D. Z-8-13 Catherine Tyndall – West side of Cuyler Best Road between Chafin Road and Forest Hill Drive (R-16 to O&I-1CD) to allow time for the applicant to submit their request in writing.

Item F. CU-11-13 Wooten Development – Southwest corner of US 117 South and Vann Street (Used Car Lot). Council discussed landscaping requirements and a possible closure of one of the driveways. Upon motion of Councilmember Aycock, seconded by Councilmember Goodman and unanimously carried Council agreed to amend the motion to include modify the 10 ft. buffer requirements along the western and southern property line.

Literacy Connection. Literacy Connections of Wayne County has requested funds from the City of Goldsboro to help provide the match grant funds for two full-time adult literacy teaching positions. The grant award is funded through AmeriCorp. The match funds needed for these two positions are $12,000. At the October 21, 2013 meeting, Council agreed to help match one of these positions and approved $6,000 to the Literacy Connections of Wayne County. Councilmember Allen asked if Council would reconsider providing an additional $6,000 for the second position. Council decided to fund the additional $6,000 to fund the match for both of the teaching positions. Staff will bring a budget amendment back to Council at the next meeting.

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

Council came out of Closed Session.

Upon motion of Councilmember Allen, seconded by Councilmember Broadaway and unanimously approved, Council authorized Scott Stevens, City Manager, to execute settlement documents related to the Dail Case and the City of Goldsboro vs. Various Insurance Carriers case.

There being no further business, the work session adjourned 6:46 p.m.

CITY COUNCIL MEETING

The Mayor and Council of the City of Goldsboro, North Carolina, met in regular session in Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on November 4, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen
Councilmember Bill Broadaway
Councilmember William Goodman
Councilmember Charles J. Williams, Sr.
Councilmember Chuck Allen
Councilmember Gene Aycock

The meeting was called to order by Mayor King.

The invocation was given by Councilmember Williams. The pledge to the Flag followed.

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

1. Ernest Lofton, 507 Hanley Acres Drive, Goldsboro stated we want WA Foster to stay where it is located now, just redo the building. He stated they have signatures from the residents down near Mina Weil Park. We have somewhere around 100 signatures, they feel there is enough stuff in that area, we have 2 baseball diamonds, Mina Weil Park, swimming pools, tennis courts, racquetball, in that one location, two and half or three miles from the city limits. He stated they feel like WA Foster Center is a historical place. He stated he is 77 years old and played at WA Foster Center when he was a kid. Mr. Lofton stated they feel it is a good location and it needs to be maintained. He stated they need a center on the north end of Goldsboro, instead of Herman Park Center. He stated all they have up there is one park; there has never been any kind of center in the north end. There are Goldsboro citizens and kids in that area too. They do not have one black historical site in Goldsboro. WA Foster Center is a monument to replace, because that is the only place they had at one time, where they could go out shoot hoops or have recreation. Mr. Lofton stated they feel like that place can be rebuilt in the same area. He stated they don't need a Yankee stadium, need to split them up. You have 2 schools located in the same area, with 2 gyms. He stated they do have signatures and phone numbers of at least 100 and have more on the way. They want WA Foster Center to stay right where it is now. Mr. Lofton stated they would like to get some feedback on what Council decides to do before they do it. Mr. Lofton suggested when you are building these places, you need citizen input. You also need to include space for senior citizens.

2. Harold Isler, 209 Winslow Circle, stated he has been a resident of Goldsboro for 65 years. He stated he has watched the City grow, and has watched the City fall. He stated he is watching it now become nothing but a beer garden, everywhere you look up and down John Street; you see people sitting and drinking beer. He stated he is disgusted really because we are not attracting the businesses we need to attract to make Goldsboro better. He stated he can remember when you had to direct traffic on Center Street and he knows Council is up on streetscape. Mr. Isler stated that is not what we need; we need to fix all these other streets we have in Goldsboro. He stated he cannot even drive his truck without hitting a big hole and having to take it to Dean's to get it realigned. He stated he appreciates what Council does but it is time we work to draw some companies in here that will help do some things. Mr. Isler stated he gave the City 26 years. He stated the roundabout needs to go, it is dangerous. Mr. Isler asked Council to take a look at some things that will make this City better.

3. Tyrone Jones, 607 S. Best Street, stated he moved to Goldsboro 23 years ago and he heard a gentleman talking about WA Foster Center and the Church he is affiliated with has had some events at the Center. He stated he is thinking before you build

another center, have you considered the LBJ Development Center on John Street. The Tabernacle of Prayer is right next to it. It is a fine facility and is up and running but it is still in Progress. He stated he just wanted to know if Council had looked at it before considering to build a new Center. There is one already there.

Councilmember Williams asked if it was for sale and Mr. Jones replied no sir.

Councilmember Goodman made a motion to allow WA Foster to remain at its current location, tear it down and rebuild. The motion was seconded by Mayor Pro Tem Headen. Councilmember Aycock asked that Councilmember Goodman defer this motion for a couple of weeks to allow time for Council to discuss the matter.

Councilmember Goodman and Mayor Pro Tem Headen withdrew their motions.

Duke Energy Progress Update. Ms. Millie Chalk stated she is the District Manager for Duke Energy supporting the City of Goldsboro and Wayne County. She thanked Council for the opportunity to speak on their vegetation management activities planned for the City of Goldsboro. She stated they do have work planned for the Historic District, James Street, John Street, Edgewood Street, Elm Street and also the Walnut Creek area (not within the city limits of Goldsboro). Ms. Chalk stated Jessica Schum is their forester and she is also a certified arborist. Ms. Schum is available to citizens who may have questions or concerns about the tree trimming. We recognize the City of Goldsboro values their trees and the trees are a tremendous pride to the City but likewise, Duke Energy needs to ensure safe and reliable service to the citizens of Goldsboro by removing potentially dangerous trees, that could produce fire or shock hazards. Duke Energy monitors and manages vegetation growth in the right-of-ways near the power lines. Ms. Chalk stated their standard is to clear 30 feet, 15 feet from the center line on each side that represents the best balance between reliability, aesthetics, and safety. Trees growing near the overhead power lines can become a source of danger, as we all know during hurricane season, high winds, even a summer thunderstorm or an ice storm can send limbs or whole trees down and disrupt power. Across the Carolinas, Duke Energy maintains 18,000 miles of high voltage transmission lines and more than 85,000 miles of overhead distribution lines, serving 4 million customers here in the Carolinas. Our job is to maintain those lines for service reliability. She stated they utilize professional tree crews, they notify customers in advance of tree trimming with door hangers, and are notified 3 to 5 days in advance. There is a telephone number on the door hanger for citizens to call and inquire about trees on their property.

Ms. Chalk also shared information regarding the H.F. Lee Plant. After serving the Wayne County community for more than 60 years, the H.F. Lee Plant's three coal units and four oil-fired combustion turbines were retired in 2012. The station is now being decommissioned, a multi-year process that will result in safely deconstructing the retired units and effectively closing its ash basins.

Community Service Platform. Ms. Regan Chavez, a student at Hobbton High School shared she is in the running for Goldsboro's Outstanding Teen. Ms. Chavez shared information about herself including what clubs she is a part of at school and the number of volunteer hours she has served. Ms. Chavez thanked Council for the opportunity to speak at tonight's meeting.

Consent Agenda - Approved as Recommended. City Manager, Scott A. Stevens, presented the Consent Agenda indicating 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. Stevens reminded Council, Item D. Z-8-13 Catherine Tyndall – West side of Cuyler Best Road between Chafin Road and Forest Hill Drive was deferred during the work session, and the motion for Item F. CU-11-13 Wooten Development – Southwest corner of US 117 South and Vann Street was amended during the work session. Councilmember Goodman moved the items on the Consent Agenda, Items A, B, C, E, F, G, and H be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Headen, and a roll call vote resulted in all members voting in the affirmative. Mayor King declared the Consent Agenda approved as recommended. The items on the Consent Agenda were as follows:

Downtown Lights Up! – Tuesday, November 26, 2013 – Street Closing Request. Approved. Downtown Lights Up! is an annual holiday event held downtown to celebrate the "flipping of the switch" – officially beginning the holiday season. All the decorative lights, including those along Center Street, the traffic circle Magnolia tree, and the Water Tower are turned on simultaneously. Before conducting this ceremony of lights, our Mayor, Santa, the Grinch and children ride a horse-drawn trolley down to City Hall to welcome guests. This year we're even trucking in two tons of snow to set the tone for a very festive downtown holiday season.

The Downtown Goldsboro Development Corporation completes the evening by hosting an array of free activities including: holiday entertainment, horse-drawn trolley rides, Santa Claus, face painting, and providing warm beverages and treats. It is a wonderful time of the year for people to experience the warm atmosphere and festive activities downtown has to offer. The event takes place on the front steps of City Hall which will provide a natural backdrop for the Mayor when he speaks to the crowd wishing them a happy holiday season. The NC Symphony performs at 8 p.m. at the Paramount Theatre that same evening to continue the holiday celebration. Each year our crowd gets larger and we believe this year to be no different with an expected 2000 in attendance.

Due to logistics of the horse drawn trolley, this event has always been promoted as a street fair. The DGDC is requesting that the 200 block of North Center Street be closed from 2:00 p.m. to 8:00 p.m. to keep our guests safe.

All vendor booths, entertainment attractions and displays will be arranged to secure proper access to all fire hydrants, alleyways and driveways.

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

1. All intersections remain open for Police Department traffic control.

2. A 14-foot fire lane is to be maintained in the center of the street to provide access for fire and emergency vehicles.

3. All activities, change in plans, etc., will be coordinated with the Police Department.

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

Staff recommended Council grant the requested temporary closing of the 200 block of North Center Street between Mulberry and Ash Street on Tuesday, November 26, 2013 from 2:00 pm to 8:00 p.m. to be used for activities associated with Downtown Lights Up!, subject to the above conditions. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Veterans Day Parade and Celebration – Street Closing Request. Approved. A request was received from Al Greene with the Wayne County Veterans & Patriots Coalition on August 28, 2013. The Wayne County Veterans and Patriots Coalition is requesting permission to close a portion of certain City streets on Saturday, November 11, 2013 from 8:00 a.m. to 2:00 p.m. in order to hold a Veterans Day Parade and Celebration.

The street closing request is as follows:

Parade Route:	Northbound lanes of Center beginning at Elm to Ash Street, Back down the Southbound lanes of Center Street to Walnut; West on Walnut to James; South on James to Chestnut, East on Chestnut ending at Center Street.
Staging Areas:	South Center Street from Elm to Chestnut.

Additional Closures recommended by the Police Department to manage traffic flow: Mulberry between John and James; Walnut between John and George; Chestnut between John and George;

Spruce between John and James; Pine between John and James; the outside, eastbound lane of Ash west of the traffic circle.

Line up for the parade will be on South Center Street beginning at 9:30 a.m. and the Parade will begin at 11:00 a.m.

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

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

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

Staff recommended the City Council grant street closings on Center, Ash, Mulberry, Walnut, Chestnut, Spruce, Pine and James Streets on November 11, 2013 from 8:00 a.m. to 2:00 p.m. in order that the Veterans Day Parade and Celebration may take place, subject to the above conditions. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Z-7-13- Lanbranch Development – East end of Corbett Street between McClain Street and Central Heights Road. Ordinance Adopted. The property sought to be rezoned is located on the east end of Corbett Street between McClain Street and Central Heights Road. The Wayne County Tax Identification No. is 12-3519-83-2458. The property has a frontage of approximately 395 ft. on Corbett Street, an average depth of approximately 560 ft. and a total area of approximately 13.76 acres. The current zoning classification is R-12 Residential Single-Family. The proposed zoning classification is R-9 Residential Single-Family Conditional District.

The property is currently vacant.

The applicant has submitted a site plan which details the development of the property under the requested R-9 Single-Family zoning district. The plans include a total of 42 single-family lots.

The updated plan designates this property for a combination of major office and existing residential.

City water and sanitary sewer service is available to serve the property.

On June 5, 2006, the Council approved a change of zone request for this property from R-16 Residential to R-12 Residential Single-Family. No plans for development of the site were submitted or approved.

The current site plan detailing the development includes the extension of Corbett Street and construction of two new streets to serve the proposed 42 single-family lots. Five ft. wide sidewalks are proposed on one side of each street.

A Planned Unit Development, similar to the applicant's proposal, is a permitted use within the existing zoning designation. However, the submitted plans cannot meet the requirement for 20% common area and, therefore, a zoning change has been submitted along with the plan.

Interconnectivity is shown at the end of Corbett Street and one of the new streets to the east.

The submitted plan would be conceptual in nature and, if the property is rezoned, more detailed plans would be submitted for review and approval prior to development.

At the public hearing held on October 21, 2013, the attorney for the applicant spoke in favor of the request. No one appeared in opposition.

The Planning Commission, at their meeting held on October 28, 2013, recommended approval of the zoning change and the submitted conceptual plan. More detailed plans would be submitted prior to development.

Staff recommended Council accept the recommendation of the Planning Commission and adopt an Ordinance changing the zoning for the property from R-12 Single-Family to R-9 Single-Family Conditional District; and approve the submitted conceptual plan which indicates a total of 42 single-family lots. More detailed site and landscape plans will be required prior to development. While not entirely in compliance with the Comprehensive Land Use Plan recommendation for commercial development, the request to R-9 Single-Family Conditional District would be appropriate and in compliance with the existing zoning and uses within the area. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013 - 54 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

Z-9-13 First Citizens Bank – Northeast corner of North Berkeley Boulevard and New Hope Road. Ordinance Adopted. The property sought to be rezoned is located on the northeast corner of North Berkeley Boulevard and New Hope Road. The Wayne County Tax Identification No. is 06-3529-28-1260. The property has a frontage of approximately 300 ft. on North Berkeley Boulevard, a frontage of approximately 398 ft. on New Hope Road and a total area of approximately 2.5 acres. The current zoning classification is Office and Institutional-1. The proposed zoning classification is General Business Conditional District with site plan approval required before development.

The property was formerly operated as a bank. The building on the site is now vacant.

The requested General Business Conditional District zone would permit commercial uses subject to site plan approval by the City Council.

The updated Plan recommends commercial development for this property as well as the other three corners of Berkeley Boulevard and New Hope Road.

The property is served by City water and sewer.

The applicant wishes to market the property for sale. As part of the sale, a "no compete" clause will be included which would not allow any new buyer to utilize the property as a financial institution.

If rezoned to General Business Conditional District, prior to any new use occupying the property, site and landscape plans would have to be approved by the City Council.

At the public hearing held on October 21, 2013, no one appeared to speak either for or against this request.

The Planning Commission, at their meeting held on October 28, 2013, recommended approval of the change of zone request.

Staff recommended Council accept the recommendation of the Planning Commission and adopt an Ordinance changing the zoning for the property from Office & Institutional-1 to General Business Conditional District. Site and landscape plans would be approved by the Council prior to development. This request would be in compliance with the City's Comprehensive Land Use Plan which recommends mixed use development for the property.

ORDINANCE NO. 2013-55 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

CU-11-13 Wooten Development – Southwest corner of US 117 South and Vann Street (Used Car Lot). Approved. The applicant requests a Conditional Use Permit to allow the operation of a used car lot.

Frontage: 384 ft. on US 117 South
Frontage: 352 ft. on Vann Street
Area: 254,826 sq. ft., or 5.85 acres
Zoning: I-2 General Industry

The property was previously occupied as the 117 Truck Stop.

A site plan has been submitted which includes the following information:

1. Existing 4,553 sq. ft. building to be utilized as the proposed office building for the used car lot;
2. Parking Required: 7 spaces
   Parking Shown: 11 spaces for employee and customers (including 2 handicapped spaces) and 36 display parking spaces;
3. Hours of Operation: 9:00 a.m. to 9:00 p.m.
   Monday – Saturday
4. No. of Employees: 2
5. Refuse Collection: Curbside service by City;

The City's UDO for used car sales requires all vehicular display areas to be improved with paving and curb and gutter. The applicant has requested a modification of the paving and curb and gutter requirements in order to allow parking for employees, customers and several of the display spaces to be located within an existing gravel area.

Two curb cuts along Vann Street and two curb cuts along US 117 South are shown on the plan. NCDOT has reviewed the plan and will require that the curb cut closest to the intersection on US 117 South be closed. In accordance with the Comprehensive Plan recommendations, the staff also recommends closure of the westernmost driveway on Vann Street. Due to the possibility of subdividing the property in the future, the applicant has agreed to block the Vann Street driveway and not allow it to be used by the car lot rather than remove it completely.

The site currently has interconnectivity to the north and the applicant has requested a modification of interconnectivity to the south.

The site plan indicates a total of seven (7) existing street trees along US 117 South. The applicant requests a modification of the street tree requirement along Vann Street where six trees would be required and a modification of the vehicular surface buffer along US 117 South.

Because an existing buffer is located on adjacent property to the west, the applicant has requested a modification of the Type A (5 ft. wide) aesthetic buffer along that property line. In addition, a modification of a small portion of the required 10 ft. wide buffer along the southern property line has been requested. There is an area of existing vegetation which provides the required buffer along a majority of the southern property line.

The property is served by City water and sanitary sewer lines. Stormwater calculations are not required however the property is located within a special flood hazard area therefore, any building improvements are limited to 50% of the existing building value and any new building would have to be constructed at least two ft. above the flood elevation.

At the public hearing held on October 21, 2013, a representative for the applicant appeared in favor of the request and expressed justification for the requested modifications. No one appeared in opposition.

The Planning Commission, at their meeting held on October 28, 2013, examined each modification requested and recommended approval of the Conditional Use Permit and Site and Landscape Plans with the requested modifications of the street tree requirement and paving as detailed below.

1. Paving and Curb and Gutter Requirement: Applicant will patch and seal coat that area where underground storage tanks were removed. This will satisfy the paving requirement.

2. Curb Cuts: Applicant will be required to close the curb cut on US 117 that is closest to the intersection with Vann Street. Curb cut on Vann Street will be blocked for access by the used car lot.

3. Vehicular Surface Buffer: Applicant will be required to install low-growing shrubbery along the US 117 frontage (including the newly-closed curb cut) and extending along Vann Street to the open curb cut.

4. Street Trees: Street trees will not have to be installed along either street frontage.

5. Interconnectivity: Applicant will be required to reserve a 24 ft. easement to allow for future interconnectivity to the south.

6. Buffers: Applicant will be required to install the required Class A (10 ft. wide) buffer along the western property line and along that portion of the southern property line not currently wooded.

Staff recommended Council accept the recommendation of the Planning Commission and:

1. Adopt an Order approving the requested Conditional Use Permit to allow the operation of a used car lot; and

2. Approve the submitted site and landscape plans with the following modifications.

   a. Modification to waive installation of street trees along the street frontages;
   b. Modification to allow that area of the parking lot where underground storage tanks were removed to be patched and seal-coated. No other paving will be required.
   c. Modification of the installation of a Class A (10 ft. wide) buffer along the western and southern property line. Consent Agenda Approval. Goodman/Headen (7Ayes)

CU-13-13 Luis Antonio Jimenez – South side of US 70 East between East Ash Street Ext. and NC 111 South. Approved. The applicant requests a Conditional Use Permit to allow the operation of an automotive repair business within the Airport-Business zoning district.

Frontage: 210 ft.
Depth: 506.87 ft.
Area: 4.2 Acres
Zoning: Airport-Business

The Airport Business zone is generally equivalent to the Highway Business District except that it is located within the Accident Potential Zone (APZ) for Seymour Johnson Air Force Base. The AB zone allows dispersed low-intensity commercial uses and allows for review of requests by Base officials.

In 1997 the Council approved a Special Use Permit to allow a used car lot at this location. The site plan at that time, included a 448 sq. ft. office building and a warehouse structure at the rear that was never constructed.

In 2000, the approved site plan was amended to add a 2,000 sq. ft. body shop building to the rear and to enlarge the existing office building at the front of the lot.

In 2003, the Council approved a Conditional Use Permit to allow the operation of a tool rental establishment in the building previously designated as a body shop in addition to the used car lot.

The applicant proposes to utilize the former tool rental establishment as the automotive repair business.

Hours of Operation: 8:00 a. m. to 5:00 p. m., Monday through Saturday;

No. of Employees: 2
Refuse Collection: Private Carrier

This request was forwarded to officials at Seymour Johnson Air Force Base and they have no objections to the applicant's request.

The site is located within the Accident Potential Zone (APZ-II) and is required to meet density standards so that the average density of persons on the site per hour during a 24-hour period will not exceed 25 and so that the maximum density of persons on the site will not exceed 50 persons. Calculations included both the proposed automotive repair business as well as the existing used car lot.

Average Density
9 (Total Parking) x 9 hours (site open) = 81 persons
81 persons / 24 hour period = 3.375
3.375 ÷ 4.2 acres = .803 persons/acre/hour

Maximum Density
25 (Maximum average density) x 24 (hours in a day) =
600 (Total persons on a site in a 24 hour period) / 9 hours
= 66.666 (Maximum expected density per hour) / 4.2 acres
= 15.873 (Maximum expected hourly density per acre)

The property is also located within the 80 + decibel noise contour area of the Seymour Johnson Air Force Base Air Installation Compatibility Use Zone (AICUZ) Study. Under these regulations repair services would be a permitted use within the Accident Potential Zone (APZ-II).

At the public hearing held on October 21, 2013, the applicant's agent appeared in favor of the request. No one appeared in opposition.

At their meeting held on October 28, 2013, the Planning Commission recommended approval of the Conditional Use Permit and submitted site plan.

Staff recommended Council accept the recommendation of the Planning Commission and:

1. Approve the Conditional Use Permit to allow the operation of an automotive repair business within the Airport-Business zoning district; and

2. Approve the submitted site plan detailing the operation. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Site Plan Revision – Trinity Child Care Center. Approved. The property is located on the west side of Lee Drive between Ash Street and East Street. Zoning for the property was changed to O&I-1 on December 3, 2012.

Normally, site plans for child care centers are not required to be submitted unless one or more of the City's requirements cannot be met.

On February 4, 2013 the Council approved the site and landscape plans for Trinity Child Care with the following
Modifications:

1. Modification to allow installation of a 6 ft. privacy fence on the north, south and west rather than a 22 ft. opaque buffer.

2. Modification of required stacking space and number of parking spaces from 8 to 7.

3. Modification to reduce the required 20 ft. buffer on the north and south in the front yard to 5 ft.

On June 17, 2013, the Council granted your request for a six-month waiver of the paving requirement for the child care center in order to allow her to open and accumulate funding for the required paving.

The child care center has been operating and functioning without the required paving since June, 2013.

The applicant has now requested that the approved site plan be revised in order to allow the existing semi-circular driveway to be paved in order to provide for drop-off of children at an existing overhang at the front door and stacking of at least three vehicles.

Currently, two or three employees are parking within the front yard grassed area and the applicant contends that this has served the use well.

Although, based on measurements, four parking spaces could be provided within the grassed area, those spaces would not be functional and would not meet City back-up requirements.

Because there is not sufficient area on the property to provide the required parking, a waiver of the paving requirement for the child care center has been requested.

The Planning Commission, at their meeting held on October 28, 2013, recommended approval of the site plan revision to reduce the allowable number of parking spaces and required stacking space from 7 to 4 and a waiver of the paving requirement. The applicant will be required to pave only the semi-circular driveway on the site which will allow for drop-off and stacking. Due to the backflow preventer being located directly in front of the site, the Planning Commission also recommended that the applicant install only low-growing shrubbery along the frontage.

Staff recommended Council accept the recommendation of the Planning Commission and approve the site plan revision with a modification of the parking and stacking requirement from 7 to 4, the paving requirement and a modification to allow low-growing shrubbery along the street frontage. Consent Agenda Approval. Goodman/Headen (7 Ayes)

End of Consent Agenda.

City Manager's Report. No report.

City Attorney's Report and Recommendations. No report.

Mayor and Councilmembers' Reports and Recommendations. Mayor King read the following Proclamation.

Proclamation – Veterans Day. Mayor King proclaimed November 11, 2013 as Veterans Day in the City of Goldsboro and urged all citizens to remember the service and sacrifice of our veterans who defend our freedom and preserve our way of life.

Mayor King encouraged everyone to participate in Veterans Day activities.

Resolution Honoring James H. Trogdon, III of the North Carolina Department of Transportation for Faithful Service and Lasting Contributions to Transportation. Resolution Adopted. James (Jim) H. Trogdon, North Carolina Department of Transportation's Chief Deputy Secretary of Operations, has announced his retirement. Jim began his career with the North Carolina Department of Transportation in 1985 as a highway engineer. Jim was named North Carolina Department of Transportation's Division 4 Engineer in 2000, overseeing highway maintenance, construction and operations within six counties including, Edgecomb, Halifax, Johnston, Nash, Wayne and Wilson. Jim was named North Carolina Department of Transportation's Chief Operations Officer in 2009. The Mayor and City Council of the City of Goldsboro, on behalf of themselves, hereby honors James H. Trogdon, III, of the North Carolina Department of Transportation for faithful service and lasting contributions to transportation.

Upon motion of Mayor King, seconded by Councilmember Allen and unanimously carried Council adopted the following entitled Resolution.

RESOLUTION NO. 2013-55 “RESOLUTION HONORING JAMES H. TROGDON, III OF THE NORTH CAROLINA DEPARTMENT OF TRASNPORTASTION FOR FAITHFUL SERVICE AND LASTING CONTRIBUTIONS TO TRANSPORTATION”

Mayor Pro Tem Headen made no comment.

Councilmember Broadaway made no comment.

Councilmember Goodman made no comment.

Councilmember Williams made no comment.

Councilmember Allen made no comment.

Councilmember Aycock thanked Mr. Isler for his service to the City. He stated he would like a see the petitions and thanked Ms. Hoe and Mr. Lofton for their interest in WA Foster.

There being no further business, the meeting adjourned at 7:26 p.m.

Alfonzo King
Mayor

Melissa Corser, CMC
City Clerk

MINUTES OF MEETING OF MAYOR AND CITY COUNCIL HELD
NOVEMBER 18, 2013

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 November 18, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen
Councilmember Bill Broadaway
Councilmember William Goodman
Councilmember Charles J. Williams, Sr.
Councilmember Chuck Allen
Councilmember Gene Aycock
Jim Womble, City Attorney
Scott Stevens, City Manager
Randy Guthrie, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Melissa Corser, City Clerk
Kaye Scott, Finance Director
Kim Best, Public Information Officer
Jeff Stewart, Police Chief
Scott Barnard, Parks and Recreation Director
Felicia Brown, Parks and Recreation, Recreation Superintendent
Faye Reeves, HR Director
Betsy Rosemann, Travel & Tourism Director
Karen Brashear, Public Utilities Director
Sherry Archibald, Paramount Theatre Director
LaTerrie Ward, Community Affairs Director
Jose Martinez, Public Works Director
Jimmy Rowe, Planning Director
Marty Anderson, City Engineer
Scott Williams, IT Director
Matt Caulder, Goldsboro News-Argus
Lonnie Casey, Citizen
Glenn Barwick, Citizen

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

Invocation. Councilmember Williams provided the invocation.

Cover Agenda. Each item on the cover agenda was generally discussed. Items with additional comments included the following:

Item K. Alley Closing – Hogan's Allen Running from West Lockhaven Drive between South Carolina Street and South Virginia Street. Mayor Pro Tem Headen asked when the City decided to close the alley. Mr. Stevens stated there is nothing in the alley, the public does not use the alley and this would give the property back to the homeowners. Mayor Pro Tem Headen expressed concerns over the potential closure of the alley. Mayor Pro Tem Headen stated prior to being on the Council he had expressed concerns over the care of the alley. Upon motion of Mayor Pro Tem Headen, seconded by Councilmember Allen Council removed Item K. from the Consent Agenda to allow time for the City to clean the overgrowth.

Item L. Farm Lease Agreements. Councilmember Broadaway asked how the lots were acquired. Mr. Stevens shared many were acquired through a grant with Clean Water Management Trust Fund.

Item H. Berkeley Boulevard Utility Improvements – Change Order No. 1 – Formal Bid Request No. 2013-001. Councilmember Aycock asked how the City determines if a contractor is qualified. Mr. Stevens shared information regarding the City's process. Mr.

Stevens shared references are checked and it's about the company's reputation. Ms. Kaye Scott shared information about the new e-verify requirements.

Additional items discussed included the following:

Bunch Drive. Councilmember Williams asked about the recent water connections installed along Bunch Drive. Mr. Martinez shared a water and sewer line was failing and had to be replaced. Councilmember Williams stated the road was patched buts it is a little rough. Mr. Martinez stated one area has settled and he would send the superintendent back out to repair the patch.

311 GIS Update. Mr. Scott Williams walked Council through reporting a problem or issue for the City of Goldsboro at www.311gis.com. Items such as potholes, leaning or missing traffic signs, overgrown lots, drainage issues, etc. can now be reported online and tracked at 311GIS. Councilmember Broadaway asked when this would be available to the public and Mr. Williams responded the launch date is December 2nd.

Councilmember Allen asked for an update on Cityworks. Mr. Martinez stated Public Works is using Cityworks but not all divisions. Mr. Martinez shared they have a new guy coming on in December and he plans to make this a project for the new Building and Traffic Superintendent.

City of Goldsboro's School of Government. Ms. Wright-Lanier shared the City of Goldsboro's School of Government is modeled after a program in Cary, Raleigh and Wilson. Ms. LaTerrie Ward shared The City of Goldsboro's School of Government is an interactive educational 8 week course designed to enlighten citizens about City Government and the different departments. We hope it will improve communication with the citizens. Give them a behind the scenes look at city services and the employees who provides the day-to-day services. Each department will share their functions & responsibilities. Hopefully, it will gain enough interest for individuals to apply for vacancies on the City's 11 Boards and Commissions. Citizens will begin applying for the first class in January; applications may be found online or a hard copy from the Community Affairs Office. The maximum class size is 20 (city residents will receive priority). Applicants must be 18 years of age. The class will begin in March from 6:00 p.m. to 9:00 p.m. A person must attend 6 out of the 8 sessions; if the session is not completed he/she may return to the next sessions to complete what was missed. Upon completion, the individuals will receive a certificate and a Polo Shirt.

Ms. Ward provided the following schedule for 2014:

• March 13th	Introduction to City of Goldsboro	City Hall Large Conference Room
• March 20th	Community Planning CDBG & Inspections	City Hall Large Conference Room
• March 27th	Public Utilities / Infrastructure & Engineering	City Hall Large Conference Room (Tour of Facility)
• March 29th	Master Plans DGDC / Paramount Travel & Tourism Parks & Recreation	City Hall Large Conference Room (Tour of Paramount & Parks)
• April 3rd	Budget and Finance Human Resources	City Hall Large Conference Room
• April 10th	Public Safety Fire & Police	Fire & Police (Demonstrations)
• April 12th	Public Works 1601 Clingman Street	Public Works Building

- May 5th Graduation City Council Chambers

Councilmember Allen asked if this would be a required course prior to participating on a board or commission. Mr. Stevens replied it would not be required but staff hopes this will increase participation on the various boards and commissions.

Council agreed staff could move forward with the City of Goldsboro's School of Government.

US Army Corp of Engineers. Ms. Karen Brashear updated Council on the flood control structure. She shared the cut-off channel continues to get wider and wider and if the flood control structure was to fail, the water from the Neuse River could bypass our existing water intake. Ms. Brashear shared information regarding a potential grant available to perform a study of the river and cutoff. The City and its partners would be responsible for costs over $100,000. Staff will be bringing back additional information at a later date.

Community Gardens. Ms. Karen Brashear shared information regarding the Washington Park area community gardens. In 2009 the City Council approved 4 lots for the original Community Garden: 2599510798, 2599419787, 2599511883, and 2599512833.
In 2010 the City Council approved 2 more lots: 2599419654 and 2599419546.
Ms. Brashear stated Wayne Food Initiative would like to expand on two more lots: 2599419520 and 2599418456. Council approved the additional two lots for expansion of the community gardens.

Budget Amendment – Stoney Creek Park Grant. Ordinance Adopted. The PARTF Grant for Stoney Creek Park is a 50% reimbursement for dollars disbursed until June 30, 2014. The City and State will have each spent approximately $132,750 for a total of $265,000.

As of June 30, 2013, the total eligible expenditures spent were $159,675.65 with the City receiving reimbursements of $79,837.83. In order to complete the greenway trails at Stoney Creek Park, we are requesting funds of $51,664 which when spent will result in a reimbursement of $25,832.

Staff recommended Council adopt the attached Ordinance to reflect an increase in General Fund Revenues in the amount of $25,832 and an increase in operating expenditures of the Recreation and Parks Department's budget in the amount of $51,664.

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

ORDINANCE NO. 2013-56 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR"

Bond Referendum Calendar. Ms. Kaye Scott reviewed the bond referendum calendar assuming a referendum is on the May 6, 2014 ballot. The first official action for Council would be on December 16, 2013, adoption of Resolution authorizing the filing of an application with the Local Government Commission. The calendar detailed action items beginning in December and running through May, 2014. A copy is on file in the clerk's office.

Boards and Commissions Vacancies. Ms. Wright-Lanier reviewed the following vacancies:

<u>Goldsboro Recreation & Parks Commission</u>
<u>(3-year term)</u>

<u>2 Vacancies</u>

William D. McRoy Eligible for Reappointment Reappoint

Vacant-Student Position

** No applications received to date*

Goldsboro Community Affairs Commission
(2-year term)

7 Vacancies		Recommendations
Sonja Emerson	Not Eligible for Reappointment	
Don Johnstone	Not Eligible for Reappointment	
Kim Copeland	Eligible for Reappointment	Reappoint
Carolyn Blake	Eligible for Reappointment	Reappoint
Joseph S. McLamb	Eligible for Reappointment	Reappoint
Richard Gower	Resigned	Appoint: Comantha B. Johnson
Deborah Sykes	Resigned	Appoint: Graciela Kellar

Applications Received:
Graciela Kellar
Comantha B. Johnson

Goldsboro Planning Commission
(5-year term)

1 Vacancy		Recommendation
County Member – vacancy		

** No applications received to date*

Goldsboro Appearance Commission
(4-year term)

8 Vacancies		Recommendations
Henry Jinnette	Eligible for Reappointment	Reappoint
Simonne Cato	Resigned	

6 Vacancies

** No applications received to date*

Historic District Commission
(4-year terms)

4 Vacancies		Recommendations
Terry Cottle	Eligible for Reappointment	Reappoint
Fred Lomax	Eligible for Reappointment	Reappoint
Antonio Williams	Eligible for Reappointment	Reappoint

Vacant (Alternate)

** No applications received to date*

Advisory Commission on Community Development
(3-year terms)

8 Vacancies		Recommendations
Viola Figueroa	Eligible for Reappointment	Reappoint
Trikitia Taylor	Eligible for Reappointment	Reappoint
Edwin Newsome	Resigned	Appoint: Dr. Neil Vincent Shipman
Janice Fields	Resigned	Appoint: Tracy M. Grimes

4 Vacancies

Applications Received:
Dr. Neil Vincent Shipman
Tracy M. Grimes

Local Firemen's Relief Fund and Supplementary Pension Fund
(2-year term)

1 Vacancy		Recommendations
Gregory Clark	Eligible for Reappointment	Reappoint

Travel and Tourism Advisory Council
(3-year term)

2 Vacancies		Recommendations
Pilar Parks	Eligible for Reappointment	Reappoint

Vacant (Hotelier)

** No applications received to date*

Goldsboro Municipal Golf Course
(2, 3, & 4 Year Staggered Terms)

4 Vacancies		Recommendations
Don Barnes	Eligible for Reappointment	Reappoint
Douglas Safford	Eligible for Reappointment	Reappoint
Mike Farfour	Eligible for Reappointment	Reappoint

Vacant

** No applications received to date*

Mayor's Committee for Persons with Disabilities
(4 Year Terms)

8 Vacancies		Recommendations
JB Rhodes, III	Eligible for Reappointment	Reappoint
Demarcus Reid	Resigned	Appoint: Tanya Bryant
Ezzie Davis	Resigned	Appoint: Suerontinette J. Parker

5 Vacancies

Applications Received:
Suerontinette J. Parker
Tanya Bryant

Applications are available online at www.goldsboronc.gov or may be picked up from City Hall.

WA Foster Center. Councilmember Aycock stated at the last meeting Councilmember Goodman called for a vote to leave WA Foster Center at its current location and rebuild it. He stated he had asked for time to consider the motion. Councilmember Aycock stated he was ready to vote at this time. Councilmember Goodman stated he would like to wait and take the vote during the Council Meeting in Council Chambers at 7:00 p.m.

Former Councilmember Fred Lutz. Councilmember Williams shared former Councilmember Fred Lutz passed away and he would like the city to send flowers or a letter of condolence to the family. Howell Funeral Home is handling the services for Mr. Lutz.

There being no further business, the work session adjourned at 6:30 p.m.

CITY COUNCIL MEETING

The Mayor and Council of the City of Goldsboro, North Carolina, met in regular session in Council Chambers, City Hall, 214 North Center Street, at 7:00 p.m. on November 18, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen
Councilmember Bill Broadaway
Councilmember Charles J. Williams, Sr.
Councilmember William Goodman
Councilmember Chuck Allen
Councilmember Gene Aycock

The meeting was called to order by Mayor King.

The invocation was given by Mayor Pro Tem Headen. The pledge to the Flag followed.

Approval of Minutes. Approved. Upon motion of Councilmember Williams, seconded by Mayor Pro Tem Headen and unanimously carried, Council approved the Joint Meeting Minutes of September 30, 2013 and the Minutes of the Work Session and Regular Meeting of October 7, 2013 as submitted.

Public Comment Period. Mayor King opened the public comment period and the following people spoke:

1. Ernest Lofton, 507 Hanley Acres, stated he promised Council a list of Goldsboro taxpayers and handed a petition in opposition to the present plan of relocating WA Foster Center and no current plan of building a recreational facility in the north end area of Goldsboro to Council (on file in the clerk’s office). He stated these people that live in the neighborhood off John Street. He stated he would like to reiterate he would like WA Foster to stay in its original location. It’s a historical site and it is what they always had for the kids to really enjoy and have a building. It is real important to us and would like to emphasis these people on this list are in the City and chose to stay in the city when many left and he hoped Council will consider that. Mr. Lofton stated he did not think Goldsboro could afford to lose anymore citizens. The voices on that sheet will let you know they are sincere about leaving WA Foster where it is located now and the people in some of these areas do not want more traffic in the area we have been talking about relocating to at Mina Weil Park. WA Foster is like a life line to us. He stated he is 77 years old and he played there when he was a young boy that was all they had. Mr. Lofton stated he hoped Council would consider this, they are taxpaying citizens and Goldsboro could take all the taxpayers they could get.

2. Mary Rhoe, 706 Robinson Place, stated she is back again and she wanted to say she will be watching each and every one of Council, the way that you treat WA Foster. She stated it is wrong, that is their history. She stated you can mess up Center Street all you want, but please don’t take WA Foster from them. Ms. Rhoe stated she would be watching everyone who voted against it and she will work against them. She stated her sister and brother-in-law live in the Central Heights neighborhood; she has people down 13 highway, every one of them she stated she would get them to vote and get you out of office.

3. Andrew Starke, 980 Lake Wackena Road, stated good evening gentlemen. He stated some of the citizens of Goldsboro asked him to speak for them and what they would like is for Council to build in the Mina Weil area because they look at it like their children can leave out of the two schools, go to this center and they do not have to worry about transportation. It will be a very nice complex. Thank you for your time. Mr. Stark stated he has a list of people he will provide to Council in favor of building in Mina Weil. Thank you.

4. Bobby Greenfield, 1004 S. Andrews Avenue, stated good evening gentlemen. He stated he applauds Council for having the vision and taking the initiative to replace WA Foster. He stated he does have some concerns about the location and his concerns go way back. He stated he was born and raised over on the S. John Street area and his mom lives on Herbert Street today. He stated they grew up over there and all the children in that area from House Street all the way down to Winslow Circle are all grown up. It is more of a retirement area and people are laid back, their houses are paid for, they go out to the Senior Center every day. He stated they want a low key of living right now. He stated he has some problems with putting WA Foster at Mina Weil because you have two schools within 2,000 ft. of one another and they both have gyms. Mr. Greenfield stated he knows they are owned and operated by the Wayne County Board of Education, but we the City pay County taxes as well. He stated we need to start looking at utilizing the resources around us and instead of building new facilities utilize those that already exist. At the end of the school day, the kids go home, the gym is sitting there and no one is using it and we are getting ready to build another one in Mina Weil Park; that will be three. He stated he believes sometimes we get too territorial when it comes to politics. He stated maybe we can look at opening the gym at one of the schools during the afternoon and during the summer for the children on that side of town. Mr. Greenfield stated in his opinion put WA Foster back where it is because the children that will use it the most will be the children who live where it is right now. There are no children that will use it at Mina Weil Park. The children who need it are the children in Lincoln Homes and Elmwood Terrace. We talk about getting the children off the street and giving them something to do. Well put a facility in the heart of where the children are. He stated these children can't drive to Mina Weil Park; they do not have anyone who will carry them. Mr. Greenfield state he appreciated Councils time, thank you.

5. Willie Battle, 120 Kellie Court, stated he has concerns from the citizens of Goldsboro and they asked him to bring it up. He asked what is in the resolution; they have only received bits and pieces of what is to be voted on. He asked if WA Foster has been glamorized, will the taxpayers foot the bill if approved. He stated they would like the full detail as to what the money will be used for. He also asked if the program the City is coming up with, will the citizens of Goldsboro be a part of the labor force. We have some who are unemployed, will anyone from Goldsboro be a part of the contract. He stated they are thinking that WA Foster should stay in its original location, it seems like the money being asked for went up about $3 million, why can't Council borrow $11.2; we might be willing to pay a 1% increase instead of 3% tax increase. Mr. Battle stated a lot of senior citizens on fixed income who cannot afford to pay a 3% increase in taxes.

6. Hope Heart stated good evening. She stated she would like to talk in support of having WA Foster Center in the Mina Weil Park location. She stated she feels it will complete an already nice community development area, we already have schools, you have a pool, all you need is the recreation center. Ms. Heart shared she has a Masters in Urban Planning and Community Development. She shared a lot of times they design areas like that, that have all of those features. That will be great for after school programs and will be easy and convenient for the community. Ms. Heart stated as far as the historic past of WA Foster Center, there are ways to preserve history, you could have a mural, a part of the façade preserved, and there are different ways you could preserve the history besides actually renovating that center. She stated she feels the opposition is between the have and have nots; the middle class blacks and lower income blacks really. Ms. Heart stated she thinks we should come together and see this recreation center as a way of helping each other. The retirees that live in the John Street area should volunteer and help some of the residents that may come to the Mina Weil center. In the past, there have been GED programs at WA Foster Center where people learn to read. Some of the crime they talk about that might be coming from Devereaux Street and Wayne Street is because of literacy and drop-out rate. She stated we can see the center as a way of bringing these two neighborhoods together and helping each other as opposed to seeing it in an opposition way of not in my backyard. We can see it as coming together and helping each other. Ms. Heart stated she sees this Mina Weil Park as a positive all around and as far as preserving our African American history at the current center, there are a lot

of creative ways of preserving that history without actually having to have it in that center. Thank you.

Councilmember Goodman stated he is the Councilmember who represents this district. He lives right around corner from WA Foster and he can stand on his side porch and can look at the front door of WA Foster. He stated he has lived there all his life and has prayed for some time now that he would not burn a fuse. If you look at the scope of the history, the property for WA Foster was given in 1937 by Cadens to the colored people of Goldsboro for a recreation center. He stated we have had some great leaders work at WA Foster that have helped save our children, George Wilson, Mr. Dortch, TC Coley, Ms. Reid, if there had not been people like that, we would have had kids in our communities long lost. Councilmember Goodman stated what people do not realize is majority of the kids that go there come from Elmwood Terrace, Lincoln Homes, Corney Street, Dail Street, Creech Street, Evergreen Street and Linwood Avenue and they do not have the transportation to get out to Mina Weil Park. Many of them do not even have cars in their family and don't have bus fare. He stated we will do a great disservice if we do not put it back there. Councilmember Goodman stated the next thing he would like talk about is we should be concerned about revitalizing the community and not just revitalizing downtown. He stated it would be a great, a tremendous support to their community rebuild WA Foster where it is. They love WA Foster in their community. They have had some great programs there. Councilmember Goodman stated he hoped this board would consider keeping WA Foster in this community. This district, District 3 is considered the poorest district in the City of Goldsboro, followed by District 1 and then District 4. These are all African American districts. It is not a fight between the have and have nots, we are all in this thing together.

Councilmember Goodman made a motion to allow WA Foster remain where it is and rebuild it. Mayor Pro Tem Headen seconded the motion. Mayor King called for a roll call vote. Councilmember Goodman, Mayor Pro Tem Headen and Councilmember Williams voted in favor of the motion. Mayor King, Councilmember Broadaway, Councilmember Allen, and Councilmember Aycock voted against the motion. Motion failed 3:4 vote.

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

Z-10-13 Elsie Lechner – Northwest corner of South Berkeley Boulevard and East Elm Street. Public Hearing Held. The property is located on the northwest corner of South Berkeley Boulevard and East Elm Street. The Wayne County Tax Identification No. is 12-3519-00-9404. The property has a frontage of 187.06 ft. on South Berkeley Boulevard, a frontage of 160.81 ft. on East Elm Street and a total area of approximately 23,950 sq. ft., or 0.55 acres. The present zoning classification is General Business Conditional District to allow a used car lot and a truck rental operation. The proposed zoning classification is General Business Conditional District to allow the retail sale of licensed sports products.

The applicant requests a zoning change from General Business Conditional District for a used car lot and truck rental operation to General Business Conditional District to allow the retail sale of licensed sports products.

Frontage:	160.81 ft. (Elm Street)
	187.06 ft. (Berkeley Boulevard)
Area:	23,950 sq. ft., or .55 acres

Zoning for the property was changed from Shopping Center to General Business Conditional District for a used car lot in 2003. In 2009, the Conditional District was amended to allow a truck rental operation on the site.

The site has been vacant for some time and the applicant now wishes to operate a retail establishment which would sell licensed sports equipment.

The applicant does not propose any change to the site and intends to work with the owner on having the existing 2,652 sq. ft. one-story building upfit as a retail establishment. In addition, the applicant will clean-up and reinstall landscaping along the street frontages.

No. of Employees:	4
Hours of Operation:	9:00 a. m. to 8:00 p. m.

(Monday – Friday)
9:00 a. m. to 9:00 p. m.
(Saturday and Sunday)
Refuse Collection: Private Service

The submitted floor plan indicates a display area for merchandise along with an office, restrooms, storage and check-out counter.

A total of 11 parking spaces are required for the site based on one space per 250 sq. ft. of gross floor area.

There are a total of 15 striped spaces on the lot. The applicant may strip additional spaces after the business is operated.

Seymour Johnson Air Force Base was contacted in regards to this request and the Deputy Base Engineer has indicated that they have no comments regarding the proposal.

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

Willie Smith, CEO of the Market Place, they are a 25 year old business, doing business with the military on military installations. He stated they have been at Seymour Johnson for about 20 years. He stated they go in as a concessionaire and stay about 3 to 4 weeks before moving to another installation. He stated they are a licensed company and sell licensed products. Mr. Smith showed Council a sampling of the products available. He stated they are the only licensed company in the United States that sells every product of the NFL, Major League Baseball, Hockey, Nascar, and over 2,000 colleges (all under one roof). Thank you.

No one else spoke and the public hearing was closed.

Planning Commission was excused.

Consent Agenda - Approved as Recommended. City Manager, Scott A. Stevens, 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. Stevens reminded Council Item K. Alley Closing – Hogan's Alley Running from West Lockhaven Drive was pulled from the agenda during the work session. Councilmember Goodman moved the items on the Consent Agenda, Items D, E, F, G, H, I, J, L, M, and N be approved as recommended by the City Manager and staff. The motion was seconded by Mayor Pro Tem Headen, and a roll call vote resulted in all members voting in the affirmative. Mayor King declared the Consent Agenda approved as recommended. The items on the Consent Agenda were as follows:

Budget Amendment – Literacy Connections. Ordinance Adopted. Literacy Connections of Wayne County is a non-profit agency created to improve adult literacy in our area. Literacy Connections provides free, confidential, one-on-one tutoring for adults to improve their reading skills.

Literacy Connections of Wayne County has requested funds from the City of Goldsboro to help provide the match grant funds for two full-time adult literacy teaching positions. The grant award is funded through AmeriCorp. The match funds needed for these two positions are $12,000.

At the October 21, 2013 meeting, Council agreed to help match one of these positions and approved $6,000 to the Literacy Connections of Wayne County. At the November meeting, Council decided to fund the additional $6,000 to fund the match for both of the teaching positions.

Staff recommended Council adopted the following entitled budget ordinance decreasing the Unassigned Fund Balance of the General Fund for the additional $6,000 needed for the Literacy Connections of Wayne County. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013-57 “AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR”

Budget Amendment – Aircraft Restoration. Ordinance Adopted. On August 4, 1970, Seymour Johnson Air Force Base donated the F-86 aircraft to the City of Goldsboro and it was placed at Herman Park for display. This aircraft was last restored in August 1993 and moved to the Goldsboro Police Department.

The City’s staff has been discussing options with Seymour Johnson Air Force Base on moving and restoring this aircraft. It was determined the best option was to send the plane to Seymour Johnson AFB for refurbishing.

The restoration process would involve hiring a commercial crane operator with rigging and lowboy to load/unload and transport aircraft from Center Street to SJAFB. The estimated cost would be $15,000 to move the aircraft to the base and back once restored. Seymour Johnson AFB will perform the restoration but would need the materials and paint at a projected cost of approximately $4,000.

Since funding is not available in our current budget for this project, it would be necessary to appropriate funds with a not to exceed $20,000 to restore the F-86 aircraft.

It is recommended that the Council adopt the attached budget ordinance decreasing the unassigned fund balance of the General Fund in the amount of $20,000. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013-58“AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR”

Budget Amendment – Settlement Agreement and Reimbursement Resolution. Ordinance Adopted. Resolution Adopted. The City of Goldsboro, in conjunction with a number of insurance carriers, has reached a settlement in the Dwayne Dail case.

The settlement amount is $7,520,000, with the City’s portion being $2,710,000 and the insurance carriers paying $4,810,000. Since the City was unaware of the amount of this settlement, it is necessary to appropriate the necessary funds so that payment can be made within the settlement period.

Since the City of Goldsboro foresees financing all or a portion of the City’s share of this settlement, it is necessary that the attached reimbursement resolution be adopted declaring our intent to use those funds for repayment to the City.

It is recommended the following entitled budget ordinance be adopted by decreasing the Unassigned Fund Balance of the General Fund in the amount of $2,710,000 and establishing a line item within the Police Department’s budget entitled “Settlement Costs” in the amount of $2,710,000. Also, adopt the attached resolution declaring the City Council’s intent to reimburse the City of Goldsboro from the proceeds of potential financing for the City’s portion of this settlement in the amount of $2,850,000. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013-59 “AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR”

RESOLUTION NO. 2013-56 “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDSBORO DECLARING ITS INTENTION OF REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT OR TAXABLE FINANINGS FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH THE SETTLEMENT OF CERTAIN LEGAL PROCEEDINGS”

Surplus Property – 60 Fire Hydrants. Approved. The City of Goldsboro annexed an area adjacent to the existing City limits identified as the Phase XI, Study Area E of the annexation plan on September 30, 2008. The City of Goldsboro installed 60 fire hydrants in this area in October 2009. The NC General Assembly passed House Bill #55, which de-annexed this area effective June 30, 2012.

The City Manager met with the sanitary districts explaining the City's position in disposing of these fire hydrants. The sanitary districts, along with the Belfast Fire Department, did not want to have the fire hydrants removed from the area and offered to pay $20,000 for the 60 hydrants. The Belfast Fire Department has offered to pay one-half of the cost of all the hydrants ($10,000), with Fork Township Sanitary District paying $8,500 and Belfast-Patetown Sanitary District paying $1,500.

Staff recommended Council authorize the sale of these 60 fire hydrants to Belfast Fire Department, Fork Township Sanitary District and Belfast-Patetown Sanitary District. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Berkeley Boulevard Utility Improvements – Informal Bid Request No. 2013-010. Ordinance and Resolution Adopted. On November 12, 2013, four (4) bids were received for Berkeley Boulevard utility improvements. This utility relocation work is required as part of the Berkeley Boulevard widening project and consists of relocation of two 6-inch water lines, one 10-inch water line, and one 16-inch water line. R. D. Braswell Construction Company submitted the lowest responsive bid in the amount of $104,250.00. The bids received for this project are tabulated as follows:

Name of Bidder	Amount of Bid
R. D. Braswell Construction Company Smithfield, NC	$104,250.00
Cox-Edwards Company Goldsboro, NC	$114,450.00
Keen Plumbing Company Goldsboro, NC	$123,100.00
T. A. Loving Company Goldsboro, NC 27530	$135,275.00

The bids for this project have been reviewed by the Engineering Department, checked for accuracy, and found to be in order.

We have reviewed the financing of this project with the Finance Director and determined that a budget ordinance is required for Berkeley Boulevard utility improvements.

Staff recommended the City Council adopt the following entitled budget ordinance decreasing the fund balance in the utility fund by $104,250.00 and adopt the following entitled resolution authorizing the Mayor and City Clerk to execute a contract in the amount of $104,250.00 with R. D. Braswell Construction Company for Berkeley Boulevard utility improvements. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013-60 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR"

RESOLUTION NO. 2013-57 "RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR BERKELEY BOULEVARD UTILITY IMPROVEMENTS INFORMAL BID REQUEST NO. 2013-010"

George Street Water Main Improvements – Change Order No. 1Formal Bid Request No. 2013-001. Resolution Adopted. On March 4, 2013 the City Council awarded a contract to R. D. Braswell Construction Company in the amount of $427,995.00 for George Street water main improvements. This proposed work consists of replacement of approximately 3,700 linear feet of 6-inch water line and appurtenances with a proposed 10-inch water line extending along George Street from Elm Street south to Carver Boulevard.

Due to conflicts with existing utilities and additional work encountered during construction, staff requested R. D. Braswell Construction to provide costs for the additional work detailed below:

Item	**Lump Sum**
Traffic control at Elm Street for location of existing utilities	$ 7,380.00
Cutting and jack hammering asphalt/concrete in front of old Dewey Brothers	7,210.00
Labor, equipment and materials to install a 10" x 8" mechanical joint (MJ) tee, an 8" MJ gate valve and box and install two 8" MJ 45 degree bends	3,192.00
15 cubic yards of fill dirt	1,855.00
Additional footage on highway and railroad bore footages	11,250.00
Sub and R. D. Braswell to locate existing utilities to assist in relocating bores	7,120.00
Additional removal and replacement of asphalt	20,025.00
15 cubic yards of fill dirt to replace bad soil	6,898.00
Stabilization fabric	1,068.00
Additional 10" gate valves	4,980.00
Additional 10" MJ 45 degree bends	1,795.00
Additional 10" MJ 90 degree bends	1,236.00
Cut-in for 10" MJ tee using a 10" MJ LP Sleeve	3,750.00
TOTAL CHANGE ORDER REQUESTS	$77,759.00

We propose to issue a change order to R. D. Braswell Construction Company's current contract for the George Street water main improvements. We have reviewed this change order with the Finance Director and determined that sufficient monies are available in the utility fund.

Staff recommended the City Council adopt the following resolution authorizing the City Manager to execute a change order totaling $77,759.00 with R. D. Braswell Construction Company for the George Street water main improvements project. Consent Agenda Approval. Goodman/Headen (7 Ayes)

RESOLUTION NO. 2013-58 "RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH R. D. BRASWELL CONSTRUCTION COMPANY FOR GEORGE STREET WATER MAIN IMPROVEMENTS PROJECT FORMAL BID REQUEST NO. 2013-001"

Yield Sign Control – Lockhaven Court at West Lockhaven Drive. Ordinance Adopted. The City recently received a request for traffic control at Lockhaven Court and West Lockhaven Drive. The newly constructed Highlands Apartment Complex and the adjacent assisted living facility's ingress/egress at the parking lot entrances pose a traffic conflict for both parties.

The Traffic Advisory Commission met on November 12, 2013 to discuss this matter and inspect the area. It was determined that the Highlands Apartment Complex owners will be instructed to install a private "Stop" sign at their parking lot entrance/exit, as shown on the attached map.

After inspection of the area, the Commission members unanimously agreed that yield sign control should be installed on Lockhaven Court at West Lockhaven Drive.

Staff recommended the City Council adopt the following entitled ordinance establishing yield sign control on Lockhaven Court at West Lockhaven Drive. Consent Agenda Approval. Goodman/Headen (7 Ayes)

ORDINANCE NO. 2013– 61 "AN ORDINANCE ESTABLISHING YIELD SIGN CONTROL AT LOCKHAVEN COURT AND WEST LOCKHAVEN DRIVE"

Farm Lease Agreements. Approved. The City of Goldsboro or the City and the County of Wayne jointly own several tracts of land which have been leased in the past for farming purposes.

An Invitation to Bid was properly advertised in the newspaper and staff mailed copies of the Invitation to Bid along with bid documents to those farmers who had participated in leasing property in the past. Bids were submitted on November 6, 2013.

The Council has authorized that each lease agreement extend for a three-year period with the possibility of negotiation for an additional three-year lease.

The following farmers submitted bids on one, some or all of the parcels. Attached is a bid tabulation sheet indicating each bid.

1. Daw Farms
2. Odom Farming Co., Inc.
3. Berry Alfred Parks
4. Jonathan Gray
5. John Lee Tyndall
6. Linzy P. Howell

All of these farmers have, in the past, either bid on land or actually tended tracts under lease with the City and/or County.

Leases will be prepared between the high bidder for each tract as highlighted on the attached bid tabulation.

The term of each lease would be for the period from January 1, 2014 to December 31, 2017. Lease payments must be made prior to January 31, 2014.

For jointly-owned properties, lease agreements will be forwarded to the Wayne County Board of Commissioners for action at their next meeting if approved by the City Council.

Staff recommended Council authorize the preparation and execution of three-year farm lease agreements between:

1. The City of Goldsboro, the County of Wayne and Jonathan Gray;
2. The City of Goldsboro and Jonathan Gray; and

   The City of Goldsboro, the County of Wayne and Berry Alfred Parks.

Leases for jointly-owned property would be subject to Wayne County's approval of said leases with Jonathan Gray and Berry Alfred Parks. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Economic Incentive Performance Agreement – Butterball, LLC. Approved. The City Council, on October 21, 2013, adopted an Ordinance annexing noncontiguous property owned by Butterball, LLC on the west side of Millers Chapel Road between New Hope Road and the North Carolina Railroad effective October 31, 2013.

Butterball, LLC initially requested annexation of their property due to the failure of their sewage disposal system and their desire to utilize the City's sanitary sewer system through privately-maintained sewer lines.

Butterball, LLC has agreed to bear all costs associated with the extension of sewer lines to the City's system.

In an effort to reduce Butterball's expenses and in recognition of the significant economic impact provided by Butterball to Wayne County, City Staff has prepared an Economic Incentive Performance Agreement which would provide for a grant totaling up to $43,190.81 over a four-year period.

As part of the Agreement, Butterball will be required to retain their current scope of employment and will maintain their workforce and current tax value (both land and personal business property) in effect at the time of annexation.

The following amounts are proposed to be paid to Butterball, LLC by the City of Goldsboro over a four-year period.

2013-2014	=	$17,276.32
2014-2015	=	$12,957.25
2015-2016	=	$ 8,638.16
2016-2017	=	$ 4,319.08

Staff recommended Council adopt an Economic Incentive Performance Agreement with Butterball, LLC which allows for the payment of the indicated amounts over a four-year period. Consent Agenda Approval. Goodman/Headen (7 Ayes)

Departmental Monthly Reports. Accepted as Information. The various departmental reports for the month of October, 2013 were submitted for the Council's approval. It was recommended that Council accept the reports as information. Consent Agenda Approval. Goodman/Headen (7 Ayes)

End of Consent Agenda.

Z-8-13 Catherine Tyndall – West side of Cuyler Best Road between Chafin Road and Forest Hill Drive (R-16 to O&I-1CD). Ordinance Adopted. The property sought to be rezoned is located on the west side of Cuyler Best Road between Chafin Road and Forest Hill Drive. The Wayne County Tax Identification No. is 06-3519-38-9846. The property has a frontage of approximately 771.45 ft. and an average depth of approximately 500 ft. and a total area of approximately 6.3 acres. The current zoning classification is R-16 Residential. The proposed zoning classification is Office and Institutional-1 Conditional District to allow general office uses with site plan approval.

The property is occupied by a single-family dwelling.

If rezoned, the use of the property would be limited to office-type uses and subject to approval of site and landscape plans by the City Council prior to development.

The updated Plan designates this property as a combination of open space and existing residential.

City water and sanitary sewer lines already serve the property. A portion of the property is located within a special flood hazard area.

The subject property has been available for sale for several years. The applicant indicates that the rezoning is requested in order to help market the property for sale as an office-type use.

If rezoned to O&I-1 Conditional District, the property would be limited to office-type uses and subject to plan approval by the City Council prior to development.

A protest petition has been submitted which is signed by owners of 26 households in the area. Of that total, owners of 55.26% of the land area on the sides and rear of the subject property signed the petition opposing the zoning change. This valid petition would require that six out of the seven Councilmembers vote affirmatively in order to approve the rezoning request.

At the public hearing held on October 21, 2013, the attorney for the applicant spoke in favor of the request. Six people appeared and spoke in opposition.

The Planning Commission, at their meeting held on October 28, 2013, recommended denial of this request without prejudice. The applicant may submit another change of zone for this property without waiting the required six-month period. The Commission felt that the requested O&I-1 zoning district would not be appropriate and would not be in compliance with the Comprehensive Plan.

At their meeting held on November 4, 2013, the Council deferred action on this matter in order to allow the applicant to consider whether she would be willing to have the property rezoned to the Office-Residence Conditional District zone.

Section 2.5.6 of the City's Unified Development Ordinance allows the Council, with the consent of the petitioner, to rezone all or a part of the property or change the zoning of all or a part of the property to a higher (more restrictive) classification than originally requested.

The staff has received a letter from Catherine Tyndall which indicates that she has no objection to the Council rezoning her property to Office-Residence Conditional District.

Upon motion of Councilmember Broadaway, seconded by Mayor Pro Tem Headen and unanimously carried Council adopted an Ordinance changing the zoning for the property from R-16 Residential to Office-Residence Conditional District. Although not totally compliant with the City's Comprehensive Plan, the O-R Conditional District would be compatible with existing zoning and development in the area and require approval of site, landscape and building elevation plans prior to development.

ORDINANCE NO. 2013-62 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

City Manager's Report. Mr. Stevens shared information regarding upcoming smoke testing on a portion of our sanitary sewer lines to be performed in some areas beginning the week of November 18th. The smoke is non-toxic, odorless and proposes no risk. They will be back again the week of December 2nd. Door hangers will be provided a day or two before they are in a neighborhood.

City Attorney's Report and Recommendations. No report.

Mayor and Councilmembers' Reports and Recommendations. Mayor Pro Tem Headen stated there was a good turnout at the Veteran's Day Parade. He reminded everyone Lights Up is next week and the symphony will be at the Paramount Theatre. Mayor Pro Tem Headen wished everyone a happy and safe Thanksgiving.

Councilmember Aycock made no comments.

Councilmember Allen stated last weekend we had the Miss Goldsboro Pageant and Emily Tucker was crowned Miss Goldsboro. The Paramount was full and it looked like it was a really good event. He commended those who were involved in the pageant and congratulate Emily. During the same time, Airman Justin Beasley was pinned with the Purple Heart by Col. Leavitt. The Veterans Day Parade was great and SJAFB had 550 airmen present. December 6th is the Christmas Parade. Councilmember Allen encouraged everyone to shop local. He also wished everyone a Happy Thanksgiving and encouraged everyone to help those less fortunate.

Councilmember Williams stated as he was listening to those who spoke about WA Foster, about 25 years ago, he married his niece to WA Foster's great nephew. He shared his history also goes back to when he was a boy and they used to play at WA Foster. He stated WA

Foster is being moved to his district and although he voted for it to remain where it is, he will look at WA Foster as being one of the great men in our community. This morning we lost one of our former Councilmembers, Mr. Fred Lutz. He asked that the City send a condolence letter. Councilmember Williams wished everyone a Happy Thanksgiving and asked everyone to remember those less fortunate.

Councilmember Goodman stated he would like to extend his condolences to the Lutz family. He shared he served with Mr. Lutz. Mr. Lutz was a character, was a good person and represented his community well. Councilmember Goodman stated Thanksgiving is right around the corner and for those who have something please give thanks to the Lord. He also encouraged everyone to help those less fortunate. He stated there are a lot of people down on their luck in Wayne County and encouraged everyone to do what they can to help.

Councilmember Broadaway wished everyone a Happy Thanksgiving. He stated he is proud of the airmen who marched in the parade and proud of Goldsboro who cheered them on.

Mayor King shared Col. Leavitt was not allowed to put any equipment in the parade due to the sequestration but there was no limit on the number of people in the parade. He stated the airmen who marched were all volunteers and he is very proud. Mayor King shared recently the League of Municipalities held a Board of Directors Meeting in Goldsboro, Col. Leavitt provided a presentation and represented SJAFB well. He also thanked staff who worked hard on getting the Board of Directors meeting ready. Mayor King also wished everyone a Happy Thanksgiving.

There being no further business, the meeting adjourned at 7:47 p.m.

____
Alfonzo King
Mayor

____
Melissa Corser, CMC, NCCMC
City Clerk

MINUTES OF MEETING OF MAYOR AND CITY COUNCIL HELD
DECEMBER 2, 2013

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 6:00 p.m. on December 2, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen (arrived at 6:11 p.m.)
Councilmember Chuck Allen
Councilmember William Goodman
Councilmember Charles J. Williams, Sr.
Councilmember Gene Aycock
Councilmember Bill Broadaway
Jeremy Smith, Attorney
Scott Stevens, City Manager
Melissa Corser, City Clerk
Kim Best, Public Information Officer
Angel Wright-Lanier, Assistant City Manager
Jimmy Rowe, Planning Director
Kaye Scott, Finance Director
Jeff Stewart, Police Chief
Karen Brashear, Public Utilities Director
Cheryl Alston, Wayne Foods Initiative
Lonnie Casey, Citizen
Matt Caulder, Goldsboro News-Argus

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

Invocation. Councilmember Williams provided the invocation.

Cover Agenda. Each item on the cover agenda was generally discussed. Items with additional comments included the following:

Item E. Alley Closing – Hogan's Alley running from West Spruce Street to West Chestnut Street between South Carolina Street and Couth Virginia Street. Mr. Stevens shared he and Mayor Pro Tem Headen had met to discuss concerns. City staff has cleaned up a portion of the alley. If approved, this item will set a public hearing on the proposed alley closing for January 21, 2014. Information about the public hearing will be sent to adjacent property owners by certified mail.

Additional items discussed included the following:

Community Garden Program Lot Approval. Ms. Karen Brashear shared some history of the community garden program. She shared the following information:

- In 2009 the City Council approved 4 lots for the original Community Garden: 2599 510798, 2599419787, 2599511883, and 2599512833.
- In 2010 the City Council approved 2 more lots: 2599419654 and 2599419546.
- The 2 lots approved by Council on November 18, 2013 are 2599419520 and 2599418456.

Ms. Brashear stated they would like to ask Council to approve three additional lots: 2599419337, 2599419330, and 2599419235 (also on Bethune Avenue). Council approved use of the additional three lots for the community garden program.

Ms. Cheryl Alston shared information regarding Wayne Food Initiative's Women's Coop Program. Ms. Alston shared photos of the Washington Park Farm. The Women's Coop program will grow and supply fresh organic vegetables to the community. The women will provide produce that is affordable and easily accessible. The program will train young women to grow, harvest and cook all the vegetables. The program will also allow young women to start a business of their own. Entrepreneurship is important for our local economic base. Ms. Alston stated with the new lots they plan to expand productivity. Ms. Alston thanked Council for their support.

Mayor King thanked Ms. Alston for all she does for our kids in the community.

Selection of Mayor Pro Tem. Upon motion of Councilmember Allen, seconded by Councilmember Williams and unanimously carried, Council selected Councilmember Bill Broadaway to serve as the Mayor Pro Tem beginning January 1, 2014.

Closed Session Held. Upon motion of Councilmember Allen, seconded by Mayor Pro Tem Headen, Council convened into Closed Session to discuss a potential litigation matter.

Council came out of Closed Session.

There being no further business, the work session adjourned.

<u>CITY COUNCIL MEETING</u>

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 December 2, 2013 with attendance as follows:

Present: Mayor Alfonzo King, Presiding
Mayor Pro Tem Michael Headen
Councilmember Broadaway
Councilmember William Goodman
Councilmember Charles J. Williams, Sr.
Councilmember Chuck Allen
Councilmember Gene Aycock

The meeting was called to order by Mayor King.

The invocation was given by Councilmember Williams. The pledge to the Flag followed.

Approval of Minutes. Approved. Upon motion of Mayor Pro Tem Headen, seconded by Councilmember Goodman and unanimously carried, Council approved the Work Session and Regular Meeting Minutes of October 21, 2013 as submitted.

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

1. Lonnie Casey, Jr., Chairman of the Watchdogs of Public Funds Wayne County, asked Council to film the work sessions because you are dealing with their money. He stated each citizen has the right to see how their councilman is reacting in there. It is a semi-private meeting the way it is now. Mr. Casey stated he has not heard the conflict of interest statement in a while like the County uses. You guys be transparent like the County with what you are doing with the money and let the people decide. He stated they do not need a PR person to spin it like the editor of the newspaper said. All we need is for you to be fair with the people and let them see what is going on.
2. Denise Hughes, 800 E. Mulberry Street, shared concerns with Gateway no longer issuing discount cards for passengers. She asked that Council take a look at the issue.

Consent Agenda - Approved as Recommended. City Manager, Scott A. Stevens, 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 Allen moved the items on the Consent Agenda, Items B, C, D, E, and G be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Aycock, and a roll call vote resulted in all members voting in the affirmative.

Mayor King declared the Consent Agenda approved as recommended. The items on the Consent Agenda were as follows:

Z-10-13 Elsie Lechner – Northwest Corner of Southwest Berkeley Boulevard and East Elm Street. Ordinance Adopted. The applicant requests a zoning change from General Business Conditional District for a used car lot and truck rental operation to General Business Conditional District to allow the retail sale of licensed sports products.

Frontage:	160.81 ft. (Elm Street)
	187.06 ft. (Berkeley Boulevard)
Area:	23,950 sq. ft., or .55 acres

Zoning for the property was changed from Shopping Center to General Business Conditional District for a used car lot in 2003. In 2009, the Conditional District was amended to allow a truck rental operation on the site.

The site has been vacant for some time and the applicant now wishes to operate a retail establishment which would sell licensed sports equipment.

The City's Comprehensive Land Use Plan recommends commercial development for the property.

The applicant does not propose any change to the site and intends to work with the owner on having the existing 2,652 sq. ft. one-story building upfit as a retail establishment.
In addition, the applicant will clean-up and reinstall landscaping along the street frontages.

No. of Employees:	4
Hours of Operation:	9:00 a. m. to 8:00 p. m.
	(Monday – Friday)
	9:00 a. m. to 9:00 p. m.
	(Saturday and Sunday)
Refuse Collection:	Private Service

The submitted floor plan indicates a display area for merchandise along with an office, restrooms, storage and check-out counter.

A total of 11 parking spaces are required for the site based on one space per 250 sq. ft. of gross floor area.

There are a total of 15 striped spaces on the lot. The applicant may strip additional spaces after the business is operated.

Seymour Johnson Air Force Base was contacted in regards to this request and the Deputy Base Engineer has indicated that they have no comments regarding the proposal.

At the public hearing held on November 18, 2013, two people appeared in favor of the request. No one appeared in opposition.

At their meeting held on November 25, 2013, the Planning Commission recommended approval of the zoning change.

Staff recommended Council accept the recommendation of the Planning Commission and adopt an Ordinance changing the General Business Conditional District zone to allow the retail sale of licensed sports products. The request would be compliant with the City's Land Use Plan which recommends commercial development for the property. Consent Agenda Approval. Allen/Aycock (7 Ayes)

ORDINANCE NO. 2013-63 "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO, NORTH CAROLINA CODE OF ORDINANCES"

Site and Landscape Plan – Gap Ministries. Approved. The property is located on the northwest corner of McLain Street and Garner Manor Drive which is adjacent on the north to US Highway 70 East, west of the Toyota dealership.

Frontage:	263 ft. on McLain Street
Frontage:	163 ft. on Garner Manor Drive
Area:	0.96 acres
Zoning:	Office and Institutional-1

The site was formerly occupied as a church but has been vacant for over six months. As a result, the site must now meet City regulations.

The existing building on the lot will continue to be operated as a church sanctuary, classroom and office. In addition, the applicant wishes to operate a College of Theology having up to 30 students on Tuesdays and Sundays.

Hours of Operation:	8:00 a. m. to 5:00 p. m. (Monday through Friday – by appt. or only the Pastor will be in the office) 7:00 p. m. to 9:00 p. m. (Tuesday) 8:00 a. m. to 2:00 p. m. (Sunday)
Number of Employees:	3

A total of 36 parking spaces (including two handicapped spaces) are required based on one space per 32 sq. ft. of assembly area. The assembly area within the Church contains a total of 1,160 sq. ft.

There is an unpaved area which provides space for up to 34 parking spaces and two handicapped spaces which was utilized by the previous occupant. Interior walkways extend from this parking area to the buildings.

The applicant wishes to occupy the site without making required improvements. The following modifications have been requested.

1. Modification of parking lot paving requirement; (The City's UDO permits the Council to grant a two-year waiver of paving for churches if the use will not be used regularly or more than five times per week.)
2. Modification to reduce the width of the landscape buffer on the northern property line from 20 ft. to 7 ft.
3. Modification of 20 ft. landscape buffer along the western property line adjacent to residentially-developed property.
4. Modification of street tree requirement.

The applicant contends that the site will operate virtually unchanged from its previous use and, therefore, meeting additional requirements would be unnecessary.

The Planning Commission, at their meeting held on November 25, 2013, recommended approval of the site and landscape plan with a two-year paving waiver. In addition, they recommended approval of the reduction in buffer width along the northern property line from 20 ft. to 7 ft. All other landscaping and buffers would have to be installed.

Staff recommended Council accept the recommendation of the Planning Commission and approve the site and landscape plan with a waiver of the paving requirement for a two-year period and a modification to reduce the width of the northern buffer from 20 ft. to 7 ft. The applicant will be required to install a 20 ft. landscape buffer along the western property line adjacent to residentially-developed property and all required street trees. Consent Agenda Approval. Allen/Aycock (7 Ayes)

Municipal Local Administered Project Agreement with NCDOT-Federal Funding for New Hope Road (SR 1003) Multi-Use Trail. Approved. Section 1113 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) establishes Bike/Ped funds, which require that federal funds be available for certain specified transportation activities. The City of Goldsboro requested federal funding for New Hope (SR 1003) Multi-Use Trail and the Federal Highway Administration (FHWA) designated funds not to exceed the maximum award amount of $500,000 for the construction of the Multi-Use Trail.

The North Carolina Department of Transportation (NCDOT) has agreed to provide the non-federal match and to administer the disbursement of funds on behalf of FHWA to the City of Goldsboro for the Multi-Use Trail Project.

NCDOT has submitted an agreement to the City of Goldsboro for the locally administered project and this agreement basically sets forth the responsibilities of each party involved relative to the construction of the Multi-Use Trail along New Hope Road.

The Project consists of construction of a 10-ft wide multi-use path along the south side of New Hope Road from Hare Road to Wayne Memorial Drive.

The agreement further sets forth the basis for timeframe and reimbursement of expenses incurred in conjunction with the design, environmental documentation and construction of the project. Funds must be authorized by June 30, 2015 and the project must be completed by June 30, 2016. FHWA will reimburse the City of Goldsboro at the rate of 80% ($400,000) and NCDOT will provide the non-federal match of 20% ($100,000) for a total estimated project cost of $500,000.

Staff recommended Council authorize the Mayor to enter into a Municipal Local Administered Project Agreement with the North Carolina Department of Transportation as they relate to the Federal Funding for New Hope Road (SR 1003) Multi-Use Trail. Consent Agenda Approval. Allen/Aycock (7 Ayes)

Setting Public Hearing – Alley Closing- Hogan's Alley Running from West Spruce Street to West Chestnut Street between South Carolina Street and South Virginia Street. Public Hearing Set. Resolution Adopted. The alley petitioned for closing runs for a distance of approximately 433 ft. and has a right-of-way width of 20 ft. It is not open or improved.

Due to the fact that this alley does not serve as a principal means of access for any of the adjacent properties, staff has initiated its closing.

Although Hogan's Alley runs through other blocks, this section can be closed without landlocking any parcels.

If closed, ownership of half the alley width would be transferred to the adjacent owners.

The petitioned alley closing has been forwarded to the Fire, Police, Engineering and Public Works Departments for their review.

The Resolution of Intent would schedule a public hearing on this alley closing for January 21, 2014. The Resolution would be advertised in the newspaper for four consecutive weeks, the alley would be posted with signage on both ends and all adjacent property owners would be notified of the hearing by certified mail.

Staff recommended Council adopt the following entitled Resolution scheduling a public hearing on the closing of the referenced alley for January 21, 2014. Consent Agenda Approval. Allen/Aycock (7 Ayes)

RESOLUTION NO. 2013-60 "RESOLUTION AS TO THE INTENT OF THE CITY COUNCIL OF THE CITY OF GOLDSBORO TO CLOSE A PORTION OF A CERTAIN ALLEY WITHIN THE CITY OF GOLDSBORO, NORTH CAROLINA"

Goldsboro Christmas Parade, December 7, 2013 – Street Closing. Approved. The annual Christmas Parade is one of the many local traditions helping to usher the holiday season into the Goldsboro area. For numerous years, the Goldsboro Jaycees have organized, coordinated and sponsored the event. This year, the parade will be organized, coordinated and sponsored by the Wayne County Chamber of Commerce Young Professionals Group.

The street closing request is as follows:

Parade Route: Northbound lanes of Center beginning at Spruce Street north to Walnut Street, East on E. Walnut Street to John Street, North on John Street to E. Mulberry Street, West on E. Mulberry Street to Center Street, North on Center Street back down the Southbound lane ending at Spruce Street.

Staging Areas: Spruce Street between James and Center Streets, James Street between Spruce and Pine Streets, and Pine Street between James and John Streets.

Additional Closures recommended by the Police Department to manage traffic flow will encompass: James Street from Elm to Chestnut, John Street from Chestnut to Ash, Mulberry Street from James to William, Walnut Street from James to William, Chestnut Street from James to John, Spruce Street from George to John, Pine Street from George to John and Center Street from Elm to Spruce.

The time requested for the closing is from 8:00 a.m. to 8:00 p.m. Police have indicated that traffic will be restricted from 8:00 a.m. until 3:30 p.m. and all traffic stopped at 3:30 p.m. The actual parade will begin at 4:00 p.m. and end at approximately 6:00 p.m.

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

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

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

Staff recommended that the Council approve the street closing of sections of Pine, Spruce, Center, Walnut, John, Mulberry, James, and Chestnut Streets for the Christmas Parade route from 8:00 a.m. to 8:00 p.m. on Saturday, December 7, 2013. Consent Agenda Approval. Allen/ Aycock (7 Ayes)

Rescheduling Council Meetings for 2014 Due to Holidays. Approved. The Goldsboro City Council normally meets the 1st and 3rd Mondays of every month for their Regular Council Meeting.

The following meetings need to be rescheduled due to holidays:

- Monday, January 20, 2014 is in observance of Dr. Martin Luther King, Jr. Birthday
- Monday, September 1, 2014 is in observance of Labor Day

Staff suggests Council consider rescheduling the above meetings to the following dates:

- Tuesday, January 21, 2014
- Tuesday, September 2, 2014

Staff recommended Council accept staff recommendations and approve the revised 2014 regular meeting schedule. Consent Agenda Approval. Allen/Aycock (7 Ayes)

End of Consent Agenda.

City Manager's Report. Mr. Stevens stated he hoped everyone had a blessed Thanksgiving. The Christmas Parade is December 7th at 4:00 p.m. and there is a rain date if needed for the next weekend. He stated he would also like to mention the City motto and Lights Up event; the staff did a great job working through the weather and accommodating that. We had a good crowd for Lights Up and we unveiled our motto. The banners are on front of City Hall and we will leave them up for a few weeks. Staff will start working with the next phase to see how we can incorporate the motto into the community. He stated he would like to thank all of those involved including the Mayor and Council. Thank you for that effort.

City Attorney's Report and Recommendations. No report.

Mayor and Councilmembers' Reports and Recommendations. Mayor Pro Tem Headen thanked everyone for coming out for the Lights Up event, he thinks the kids had a great time, and there were a lot of activities for everyone. He stated he understands the symphony put on a great show which was well received with standing room only at the Paramount. Mayor Pro Tem Headen shared he attended a function in Greensboro over the holidays where several business individuals were present and mentioned Goldsboro in his ear range. He stated they shared how they had driven through and were pleased. They discussed their perception of what the City has accomplished. He stated he felt really good hearing that. He stated he told them to be sure to come back through and spend some money.

Councilmember Broadaway thanked the DGDC crew for the Lights Up event. He stated they did a great job and had a big group of volunteers. He stated we had the greatest Grinch in the world.

Councilmember Goodman made no comment.

Councilmember Williams made no comment.

Councilmember Allen stated on Saturday, December 14th Waynesbourough Park is having Christmas in the Village, they would like to invite the public to come out; the buildings will be open and decorated according to customs and traditions. They will have tractor rides, blacksmith demonstrations, Christmas Stories, and from 4:00 to 5:00 p.m. Santa Claus comes. It is a free event. He encouraged everyone to come out. He also encouraged everyone to shop local. It is important to our small businesses and local economies.

Councilmember Aycock shared the Sunday before Thanksgiving he attended a Thanksgiving service hosted by several churches and most of the service was done by employees or personnel of the City of Goldsboro. He shared Scott was even a part of it. He stated he would like to commend Gary Whaley for doing an excellent job on delivering the message. It was a great message for Thanksgiving. Thanks to Madison Baptist for hosting it.

Mayor King stated he would like to thank the staff who helped with Lights Up, conditions were not the best but they made the most of it. Hats off to them, they made Lights Up very enjoyable for everyone there. He stated he hoped everyone enjoyed their Thanksgiving. Mayor King stated our motto is, "Be More, Do More, Seymour More, Goldsboro." He thanked Kim for her efforts and hard work and the great success.

There being no further business, the meeting adjourned at 7:13 p.m.

____
Alfonzo King
Mayor

____
Melissa Corser, CMC
City Clerk

Item ___D____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: S-4-13 Harry & Mollie, LLC/Ted Ivey
(Two-Lot Preliminary Subdivision Plat)

BACKGROUND: The property is located on the west side of NC 111 South between US 70 East and Sheridan Forest Road.

Total Lots: 2
Area: Lot No. 1: 1.89 Acres
Lot No. 2: 1.97 Acres
Total Area: 3.86 Acres

Zoning: General Business (Noise Overlay)

The property is located within the 70-75 decibel Noise Overlay zone associated with Seymour Johnson Air Force Base.

DISCUSSION: There is an existing residence on Lot No. 1 and Lot No. 2 is currently vacant.

The applicant proposes dividing the property to allow for separate development of Lot No. 2. A mobile home that was previously on the lot has been removed.

At their meeting held on December 16, 2013, the Goldsboro Planning Commission recommended approval of the two-lot preliminary plat.

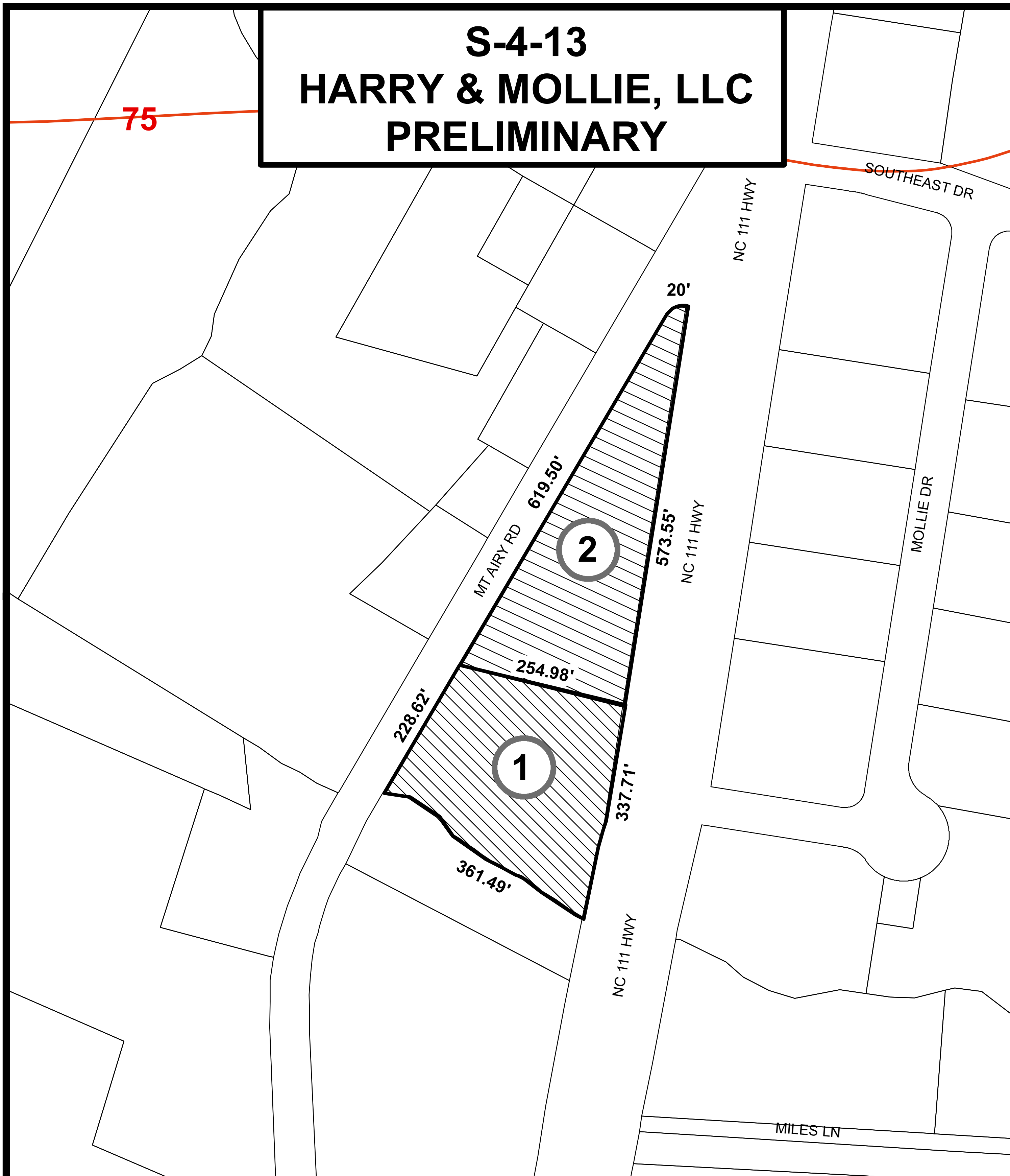
RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the two-lot preliminary subdivision plat as submitted.

Date: __________________ __________________________________
Planning Director

Date: __________________ __________________________________
City Manager

ssj

S-4-13
HARRY & MOLLIE, LLC
PRELIMINARY



The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on the map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

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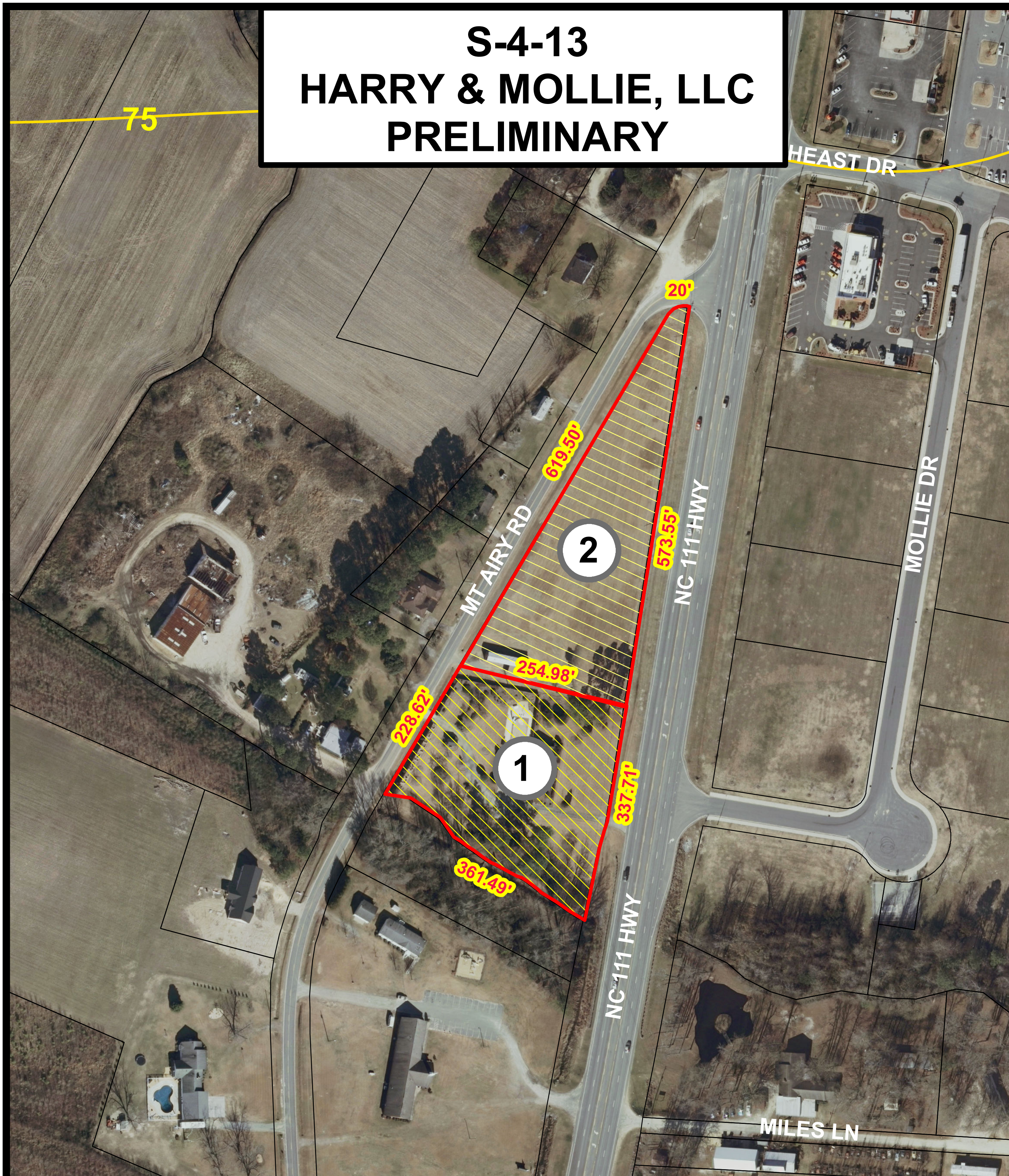
S-4-13
HARRY & MOLLIE, LLC
PRELIMINARY



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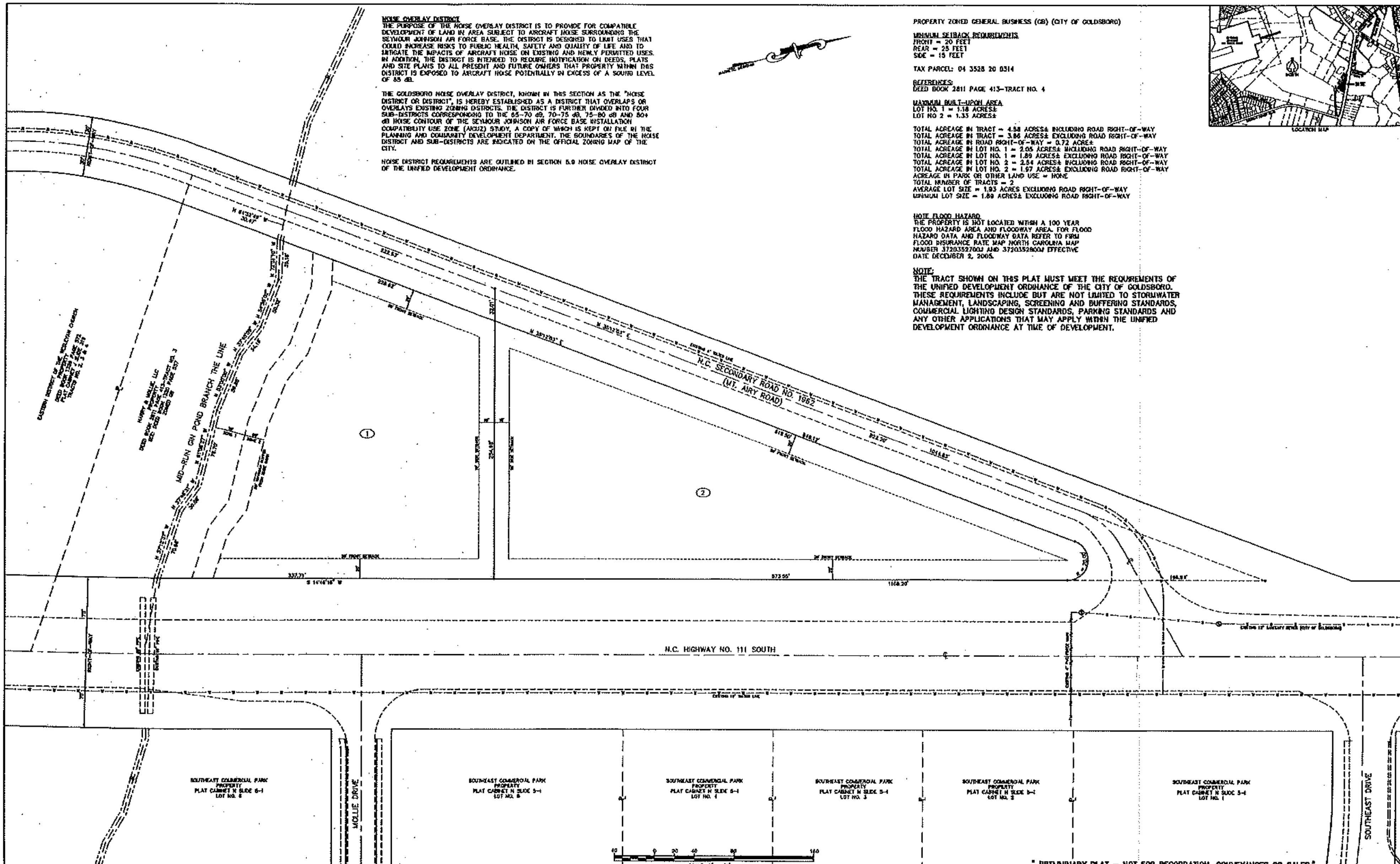


NOISE OVERLAY DISTRICT

THE PURPOSE OF THE NOISE OVERLAY DISTRICT IS TO PROVIDE FOR COMPATIBLE DEVELOPMENT OF LAND IN AREA SUBJECT TO AIRCRAFT NOISE SURROUNDING THE SEYMOUR JOHNSON AIR FORCE BASE. THE DISTRICT IS DESIGNED TO LIMIT USES THAT COULD INCREASE RISKS TO PUBLIC HEALTH, SAFETY AND QUALITY OF LIFE AND TO MITIGATE THE IMPACTS OF AIRCRAFT NOISE ON EXISTING AND NEWLY PERMITTED USES. IN ADDITION, THE DISTRICT IS INTENDED TO REQUIRE NOTIFICATION ON DEEDS, PLATS AND SITE PLANS TO ALL PRESENT AND FUTURE OWNERS THAT PROPERTY WITHIN THIS DISTRICT IS EXPOSED TO AIRCRAFT NOISE POTENTIALLY IN EXCESS OF A SOUND LEVEL OF 65 dB.

THE GOLDSBORO NOISE OVERLAY DISTRICT, KNOWN IN THIS SECTION AS THE "NOISE DISTRICT OR DISTRICT", IS HEREBY ESTABLISHED AS A DISTRICT THAT OVERLAPS OR OVERLAYS EXISTING ZONING DISTRICTS. THE DISTRICT IS FURTHER DIVIDED INTO FOUR SUB-DISTRICTS CORRESPONDING TO THE 65-70 dB, 70-75 dB, 75-80 dB AND 80+ dB NOISE CONTOUR OF THE SEYMOUR JOHNSON AIR FORCE BASE INSTALLATION COMPATIBILITY USE ZONE (AICUZ) STUDY, A COPY OF WHICH IS KEPT ON FILE IN THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. THE BOUNDARIES OF THE NOISE DISTRICT AND SUB-DISTRICTS ARE INDICATED ON THE OFFICIAL ZONING MAP OF THE CITY.

NOISE DISTRICT REQUIREMENTS ARE OUTLINED IN SECTION 5.9 NOISE OVERLAY DISTRICT OF THE UNIFIED DEVELOPMENT ORDINANCE.

PROPERTY ZONED GENERAL BUSINESS (GB) (CITY OF GOLDSBORO)

MINIMUM SETBACK REQUIREMENTS

FRONT = 20 FEET
REAR = 25 FEET
SIDE = 15 FEET

TAX PARCEL: 04 3528 20 0314

REFERENCES:

DEED BOOK 2811 PAGE 413-TRACT NO. 4

MAXIMUM BUILT-UPON AREA

LOT NO. 1 = 1.18 ACRES±
LOT NO 2 = 1.33 ACRES±

TOTAL ACREAGE IN TRACT = 4.58 ACRES± INCLUDING ROAD RIGHT-OF-WAY
TOTAL ACREAGE IN TRACT = 3.86 ACRES± EXCLUDING ROAD RIGHT-OF-WAY
TOTAL ACREAGE IN ROAD RIGHT-OF-WAY = 0.72 ACRE±
TOTAL ACREAGE IN LOT NO. 1 = 2.05 ACRES± INCLUDING ROAD RIGHT-OF-WAY
TOTAL ACREAGE IN LOT NO. 1 = 1.89 ACRES± EXCLUDING ROAD RIGHT-OF-WAY
TOTAL ACREAGE IN LOT NO. 2 = 2.54 ACRES± INCLUDING ROAD RIGHT-OF-WAY
TOTAL ACREAGE IN LOT NO. 2 = 1.97 ACRES± EXCLUDING ROAD RIGHT-OF-WAY
ACREAGE IN PARK OR OTHER LAND USE = NONE
TOTAL NUMBER OF TRACTS = 2
AVERAGE LOT SIZE = 1.93 ACRES EXCLUDING ROAD RIGHT-OF-WAY
MINIMUM LOT SIZE = 1.89 ACRES± EXCLUDING ROAD RIGHT-OF-WAY

NOTE FLOOD HAZARD

THE PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA AND FLOODWAY AREA. FOR FLOOD HAZARD DATA AND FLOODWAY DATA REFER TO FIRM FLOOD INSURANCE RATE MAP NORTH CAROLINA MAP NUMBER 3720352700J AND 3720352800J EFFECTIVE DATE DECEMBER 2, 2005.

NOTE:

THE TRACT SHOWN ON THIS PLAT MUST MEET THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GOLDSBORO. THESE REQUIREMENTS INCLUDE BUT ARE NOT LIMITED TO STORMWATER MANAGEMENT, LANDSCAPING, SCREENING AND BUFFERING STANDARDS, COMMERCIAL LIGHTING DESIGN STANDARDS, PARKING STANDARDS AND ANY OTHER APPLICATIONS THAT MAY APPLY WITHIN THE UNIFIED DEVELOPMENT ORDINANCE AT TIME OF DEVELOPMENT.

NO.	REVISION	DATE

B. R. KORNEGAY, INC.
LAND SURVEYING · ENGINEERING · PLANNING
License Number: F-1051
300 East Walnut Street
Goldsboro, N.C. 27530
www.kornegaysurvey.com (919) 736-5666 Fax (919) 580-9063

DEVELOPER
CORNERSTONE DEVELOPMENT PROPERTIES
CONTACT: DAVID MANN
P.O. DRAWER 1369
GOLDSBORO, NORTH CAROLINA 27533
CONTACT: DAVID MANN
919-778-0810 (OFFICE)
919-922-0755 (MOBILE)
919-778-1130 (FAX)

PRELIMINARY PLAN

DEED BOOK 2811 PAGE 413
TRACT 4

OWNER
HARRY & MOLLIE, LLC
120 N.C. HIGHWAY 111 SOUTH
GOLDSBORO, NORTH CAROLINA 27534
CONTACT: TED IVEY
919-778-3130 (OFFICE)
919-580-4787 (MOBILE)
919-778-6043 (FAX)

DRAWN BY: TSB
DESIGNED BY: BRK
DATE: 12-8-2013
SCALE: 1" = 40'

HARRY & MOLLIE, LLC

NEW HOPE TOWNSHIP
WAYNE COUNTY, N.C.

SHEET: 1 OF: 1
WORK ORDER: 130544

Item ___E____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT:	CU-15-13 Jarrett Valentine – East side of North Berkeley Boulevard between Central Heights Road and US 70 East
BACKGROUND:	The applicant requests a Conditional Use Permit to allow a place of entertainment with no ABC permits. The site is the former location of City Electric adjacent to the westbound off-ramp from US 70 East. Frontage: 137.68 ft. Depth: 246 ft. (average) Area: 0.77 acres (approx.) Zoning: General Business
DISCUSSION:	The site plan indicates an existing building on the site and a small paved area which would provide approximately 37 parking spaces to include 3 handicap spaces. The submitted floor plan indicates arcade areas, inflatables areas, three party rooms, offices, snack counter, reception area and restrooms. Based on the area proposed for assembly (2,168 sq. ft.), a total of 68 parking spaces would be required. The applicant is requesting a modification of the parking requirement from 68 spaces to 37 spaces. The applicant contends that the use will be geared towards young children who will be driven to the site or will serve as a party location for groups of children. As a result, the number of required parking spaces may be excessive for this establishment. If additional parking is required, the applicant is requesting a one-year paving modification for the new area of one year. A site plan indicating the new parking area and drainage will be required and reviewed by staff. Based on the proposed use, the site plan indicates the following:

Hours of Operation:	Mon – Fri 5pm to 9pm Weekends 10am to 9pm
Number of Employees:	3 Employees (Mon – Fri) 5 Employees (Weekends)

The site plan shows existing landscaping along the eastern property line that will count towards the requirements of the Type C (20’ ft.) buffer adjacent to residentially-zoned property. Additional large trees, small trees and evergreen shrubs will be required to fulfill the opaque screening requirements.

A Type A (5’ ft.) buffer is required along the northern and northeastern property line adjacent to the GB and O&I-1 zoned property. This buffer must contain four large trees, eight small trees, 15 large shrubs and 15 small shrubs to meet the buffer requirements.

Two street trees are required along the Berkeley Boulevard frontage and six are required along the US 70 off-ramp frontage. The applicant has requested a modification of the street trees along the US 70 off-ramp.

No landscaping exists within the interior of the site. Vehicular Surface Area landscaping is required and will be provided for the additional parking area that will be located along the south side of the existing building if the parking modification is not granted. The applicant is requesting a modification of the vehicular surface area landscaping within the existing paved parking area due to existing site conditions.

Due to an existing chain link fence along the northern property line, a modification of the interconnectivity requirement has been requested. Adjacent property is occupied by the Masonic Lodge.

The property is served by City water and sanitary sewer lines. Stormwater calculations are not required at this time. Prior to any additional paving of parking, if required, a drainage plan will be reviewed by the Engineering Department.

The following modifications have been requested:

1. Modification of required interconnectivity;

2. Modification of required parking spaces from 68 to 37;

3. Modification of pavement requirement for new parking area (if additional parking is required) for a one-year period; and

4. Modification of street tree requirement along the US 70 off-ramp frontage.

At the public hearing held on December 16, 2013, the applicant spoke in favor of the request. No one appeared in opposition.

After the public hearing, the Planning Commission recommended approval of the Conditional Use Permit with the following modifications:

1. Modification of required parking from 68 spaces to 37 spaces and modification of paving for a one-year period after the use opens. At the end of the one-year period, parking needs would be evaluated for the site and the applicant may be required to install additional paved parking if necessary.
2. Modification of interconnectivity to allow for an appropriate location designated in the future as determined by staff;
3. Modification of street tree requirement along the US 70 off-ramp if NCDOT will not allow trees to be planted within their right-of-way.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and:

1. Adopt an Order approving the request for a Conditional Use Permit to allow the operation of a Place of Entertainment with no ABC permits; and

2. Approve the submitted site and floor plans with the following modifications:

    a. Modification of required parking from 68 spaces to 37 spaces and modification of paving for a one-year period after the use opens. Parking needs would be evaluated and the applicant may be required to install additional paved parking if necessary.
    b. Modification of interconnectivity to allow for an appropriate location designated in the future as determined by staff;
    c. Modification of street tree requirement along the US 70 off-ramp if NCDOT will not allow trees to be planted within their right-of-way.

Date: ____________________ ________________________________
Planning Director

Date: ____________________ _________________________________
City Manager

ssj

CITY OF GOLDSBORO

STATE OF NORTH CAROLINA

ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on December 16, 2013 to consider Conditional Use Permit application number:

CU-15-13 Jarrett Valentine – East side of North Berkeley Boulevard between Central Heights Road and US 70 East

to operate a place of entertainment with no ABC permits having heard all of the evidence and arguments presented and reports from City officials and having received a recommendation for **approval** from the Goldsboro Planning Commission pertaining to said application, makes the following:

FINDINGS OF FACT

1. The City Council finds that there are certain uses that exist which may be constructed, continued and/or expanded if they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses and building types so that different uses may be located in proximity to one another without adverse effects to either.
2. Even if the permit-issuing body finds that the application complies with all the other provision of the City's Unified Development Ordinance, it may still deny the permit if it concludes, based upon information submitted at the hearing, that, if completed as proposed, the development:
   a. Will materially endanger the public health or welfare; or
   b. Will substantially injure the beneficial use of adjoining or abutting property; or
   c. Will not be in harmony with existing development and uses within the area in which it is located; or
   d. Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.
3. The City of Goldsboro's Unified Development Ordinance provides the following regulations which are specific to the applicant's request for a place of entertainment with no ABC permits.

   Chapter 5.5 Supplemental Use Regulations
   5.5.4 Special and Conditional Use Specific Regulations
   Arcades/Game Rooms/Pool Halls/Places of Entertainment (including teen clubs) – No ABC Permit)

   Permitted Districts: Central Business District, General Business, Shopping Center, Highway Business. **(The subject property is zoned General Business.)**

Approval Criteria

1. Upon complaint from any person owning property within 400 ft. of the applicant's property, a public hearing before the City Council and Planning Commission may be scheduled by the City Council to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the conditional use permit, the City Council after the public hearing may modify, suspend or revoke the conditional use permit.
2. Six copies of the floor plan, drawn to scale, shall be submitted indicating the proposed uses within the structure including the location and number of all games and amusements.
3. A satisfactory statement setting forth the method and frequency of litter collection and disposal shall be submitted with the site plan.

Based upon the foregoing FINDINGS OF FACT, the City Council makes the CONCLUSION that the proposed use **does** satisfy the general conditions imposed on the Council in its deliberations for issuing a Conditional Use Permit under Section 2.2.8 of the City of Goldsboro Zoning Ordinance.

Upon motion made by Councilmember ______________ and seconded by Councilmember _______________, the Council accepted the recommendation of the Planning Commission and approved the applicant's request for a Conditional Use Permit to operate a place of entertainment without ABC permits with the following modifications:

1. Modification of required parking from 68 spaces to 37 spaces and modification of paving for a one-year period after the use opens. Parking needs would be evaluated and the applicant may be required to install additional paved parking if necessary.
2. Modification of interconnectivity to allow for an appropriate location designated in the future as determined by staff;
3. Modification of street tree requirement along the US 70 off-ramp if NCDOT will not allow trees to be planted within their right-of-way.

Therefore, because the City Council concludes that the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT **HAVE BEEN** satisfied, IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT to allow the operation of a place of entertainment without ABC permits be **APPROVED** with the above listed modifications.

Thus ordered this _______________ day of _______________________, 2014.

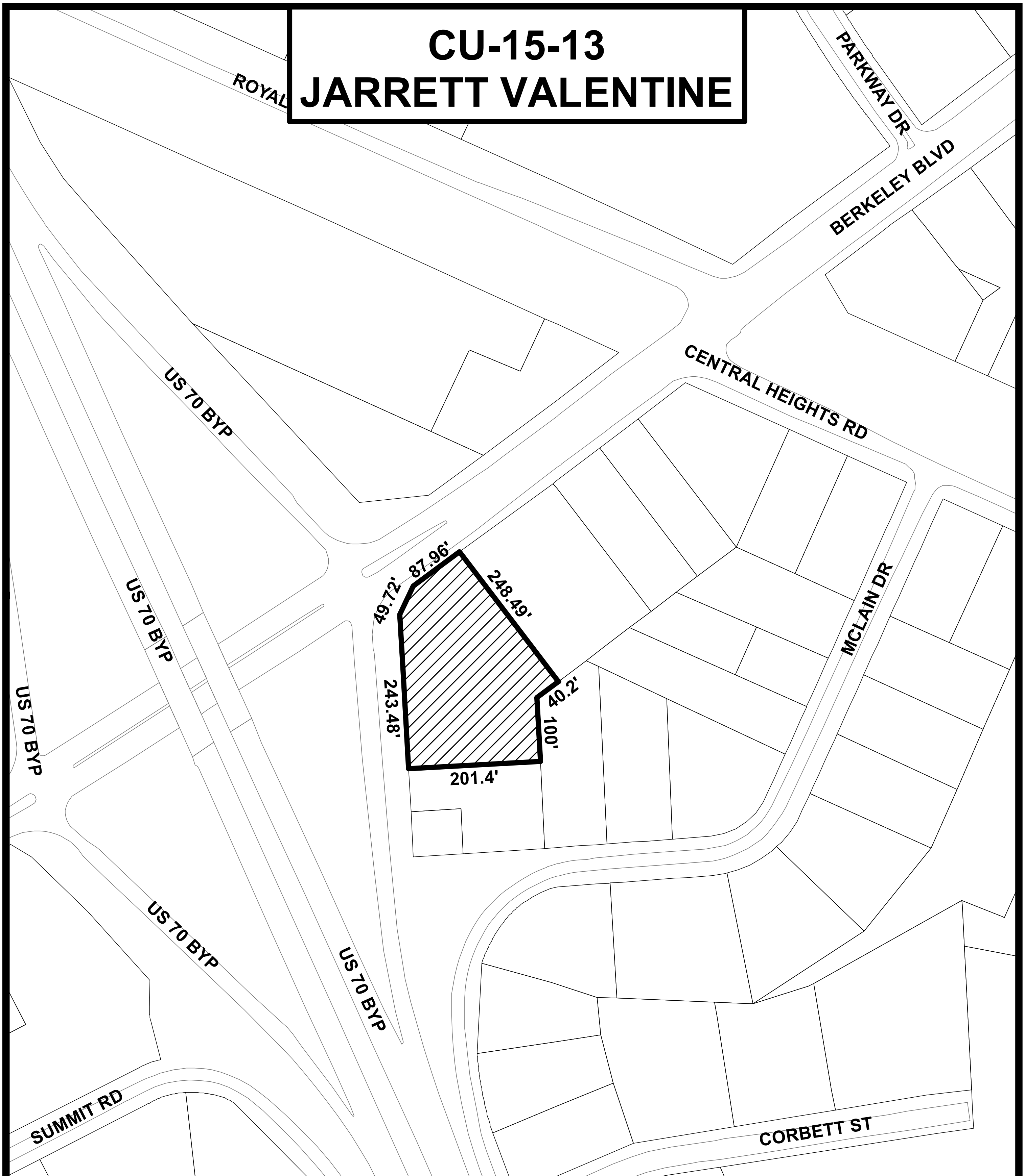
____

Al King, Mayor

____

James D. Womble, City Attorney

CU-15-13
JARRETT VALENTINE



The data represented on this map has been compiled by the best methods available. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on the map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

200 100 0 200 400 600 Feet

N W E S

TLB

CU-15-13
JARRETT VALENTINE

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200 100 0 200 400 600 Feet

N W E S

TLB

CU-15-13
JARRETT VALENTINE

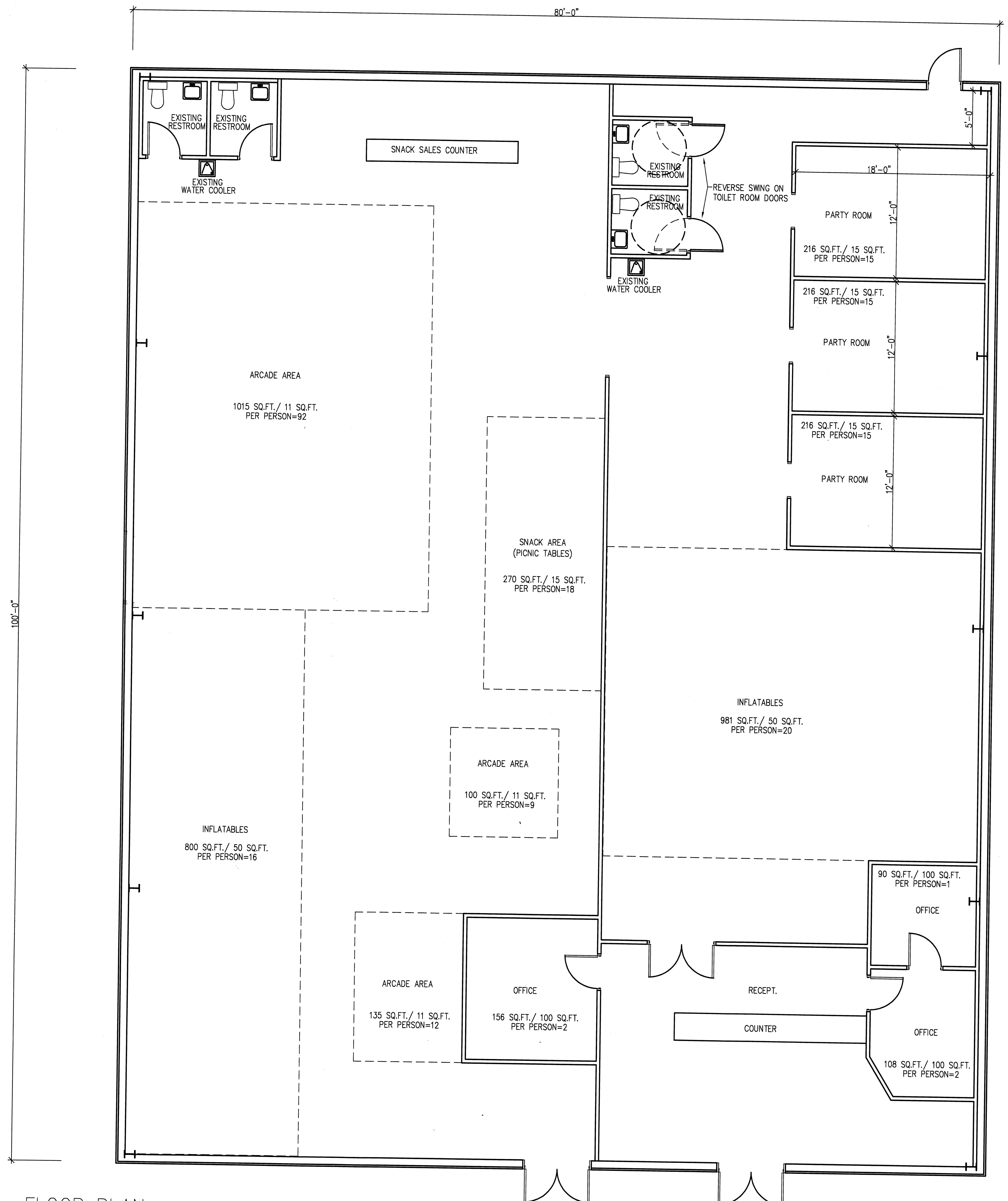
CITY OF GOLDSBORO
SITE PLAN APPROVAL

CITY CLERK ____________ DATE ________

CITY ENGINEER ____________ DATE ________

PLANNING & COMM. DEV. DIRECTOR ____________ DATE ________

OWNER SIGNATURE ____________ DATE ________



FLOOR PLAN

SCALE: 3/16" = 1'-0"

SMITH ENGINEERING AND DESIGN, P.A.
1400-C Wayne Memorial Drive
Goldsboro, N.C. 27534
Corporation License No. C-2241
Phone: 919.736.2141 Fax: 919.736.2142

NORTH CAROLINA PROFESSIONAL SEAL 24916 ENGINEER JOE T. SMITH, JR. 5-23-13

REVISIONS		
REV.	DATE	DESCRIPTION
-	-	
-	-	

Bananaz
1000 N. Berkeley Blvd.
Goldsboro, NC

DATE:	5-23-13
DRAWN BY:	TB
SCALE:	3/16"=1'-0"

G-1

Item ___F____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: CU-16-13 Jerald Huffman – Southeast corner of Corporate Drive and Clingman Street

BACKGROUND: The applicant requests a Conditional Use Permit to allow the operation of a place of entertainment <u>with no ABC permits</u>. within a venue to include concerts, teen nights, school sponsored dances and special events.

A previous request for a Conditional Use Permit to allow the operation of a place of entertainment <u>with ABC permits</u> was denied by the City Council on October 7, 2013 without prejudice which allowed reapplication before the expiration of a six-month waiting period.

Frontage: 409 ft. (Corporate Drive)
716.57 ft. (Clingman Street)
Area: 7.068 acres
Zoning: Highway Business

DISCUSSION: The property address is 800 Corporate Drive. The City Council, on July 7, 2008, approved a Conditional Use Permit to allow the operation of a place of entertainment with ABC permit to include a banquet hall, bingo establishment and a flea market. In 2002, the site had previously been approved for the operation of a nightclub.

The submitted site plan is identical to that which was submitted with the previously-denied request. The applicant has indicated that the request is essentially the same as the previous one with the exception of ABC permits.

Currently the building on the site is not occupied. The applicant plans on operating an average of six (6) or eight (8) days per calendar month or based on reservations.

Maximum occupancy for the building would be 500 persons.

Based on activities, the number of employees will vary for the establishment. Additional security will be employed if necessary.

The submitted site plan indicates the existing building contains approximately 19,297 sq. ft. An assembly area of 4,000 sq. ft. is shown in addition to a dance floor, stages, storage and dressing rooms, restrooms, a picture room and office area. Based on that assembly area, a total of 125 parking spaces are required and shown on the site plan.

The submitted landscape plan shows existing plant material including 18 Canadian Hemlocks provided as street trees and a vehicular surface buffer containing 125 Nandina shrubs. Interior plantings consist of six large trees with 99 Holly and Juniper shrubs.

Existing wooded areas meet the required Class A (10 ft.) buffer along the eastern property line and Class B (15 ft.) buffer along the southern property line.

Existing interior sidewalks are provided within the boundaries of the lot connecting the building to the parking areas. There are no exterior sidewalks shown on the site plan.

No additional lighting is proposed. If added later, a lighting plan would have to be reviewed and approved by the Planning Director.

Stormwater calculations are not required since less than half an acre of land area is to be disturbed.

There are two existing curb cuts shown on Clingman Street and one on Corporate Drive which will remain to provide access to the site. These curb cuts have been approved by NCDOT.

In 2008 the Council modified the interconnectivity requirement.

At the public hearing held on December 16, 2o13, the applicant spoke in favor of the request and Sgt. Sweet with the Goldsboro Police Department spoke in opposition.

After the public hearing, the Planning Commission recommended approval of the Conditional Use Permit and site and landscape plans. They felt that past events at this particular location should not be held against the current applicant.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and:

1. Adopt an Order approving the applicant's request for a Conditional Use Permit to allow the operation of a place of entertainment with no ABC permits; and

2. Approve the submitted site and landscape plans which detail the proposed use.

Date: ___________________ ________________________________
Planning Director

Date: ___________________ _________________________________
City Manager

ssj

CITY OF GOLDSBORO

STATE OF NORTH CAROLINA

ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on December 16, 2013 to consider Conditional Use Permit application number:

CU-16-13 Jerald Huffman – Southeast corner of Corporate Drive and Clingman Street

to operate a place of entertainment with no ABC permits having heard all of the evidence and arguments presented and reports from City officials and having received a recommendation for **approval** from the Goldsboro Planning Commission pertaining to said application, makes the following:

FINDINGS OF FACT

1. The City Council finds that there are certain uses that exist which may be constructed, continued and/or expanded if they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses and building types so that different uses may be located in proximity to one another without adverse effects to either.
2. Even if the permit-issuing body finds that the application complies with all the other provision of the City's Unified Development Ordinance, it may still deny the permit if it concludes, based upon information submitted at the hearing, that, if completed as proposed, the development:
   a. Will materially endanger the public health or welfare; or
   b. Will substantially injure the beneficial use of adjoining or abutting property; or
   c. Will not be in harmony with existing development and uses within the area in which it is located; or
   d. Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.
3. The City of Goldsboro's Unified Development Ordinance provides the following regulations which are specific to the applicant's request for a place of entertainment with no ABC permits.

   Chapter 5.5 Supplemental Use Regulations
   5.5.4 Special and Conditional Use Specific Regulations
   Arcades/Game Rooms/Pool Halls/Places of Entertainment (including teen clubs) – No ABC Permit)

   Permitted Districts: Central Business District, General Business, Shopping Center, Highway Business. **(The subject property is zoned Highway Business.)**

Approval Criteria

1. Upon complaint from any person owning property within 400 ft. of the applicant’s property, a public hearing before the City Council and Planning Commission may be scheduled by the City Council to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the conditional use permit, the City Council after the public hearing may modify, suspend or revoke the conditional use permit.
2. Six copies of the floor plan, drawn to scale, shall be submitted indicating the proposed uses within the structure including the location and number of all games and amusements.
3. A satisfactory statement setting forth the method and frequency of litter collection and disposal shall be submitted with the site plan.

Based upon the foregoing FINDINGS OF FACT, the City Council makes the CONCLUSION that the proposed use **does** satisfy the general conditions imposed on the Council in its deliberations for issuing a Conditional Use Permit under Section 2.2.8 of the City of Goldsboro Zoning Ordinance.

Upon motion made by Councilmember ______________ and seconded by Councilmember _______________, the Council accepted the recommendation of the Planning Commission and approved the applicant's request for a Conditional Use Permit to operate a place of entertainment with no ABC permits.

Therefore, because the City Council concludes that the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT **HAVE BEEN** satisfied, IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT to allow the operation of a place of entertainment without ABC permits be **APPROVED**.

Thus ordered this ________________ day of _________________________**,** 2014.

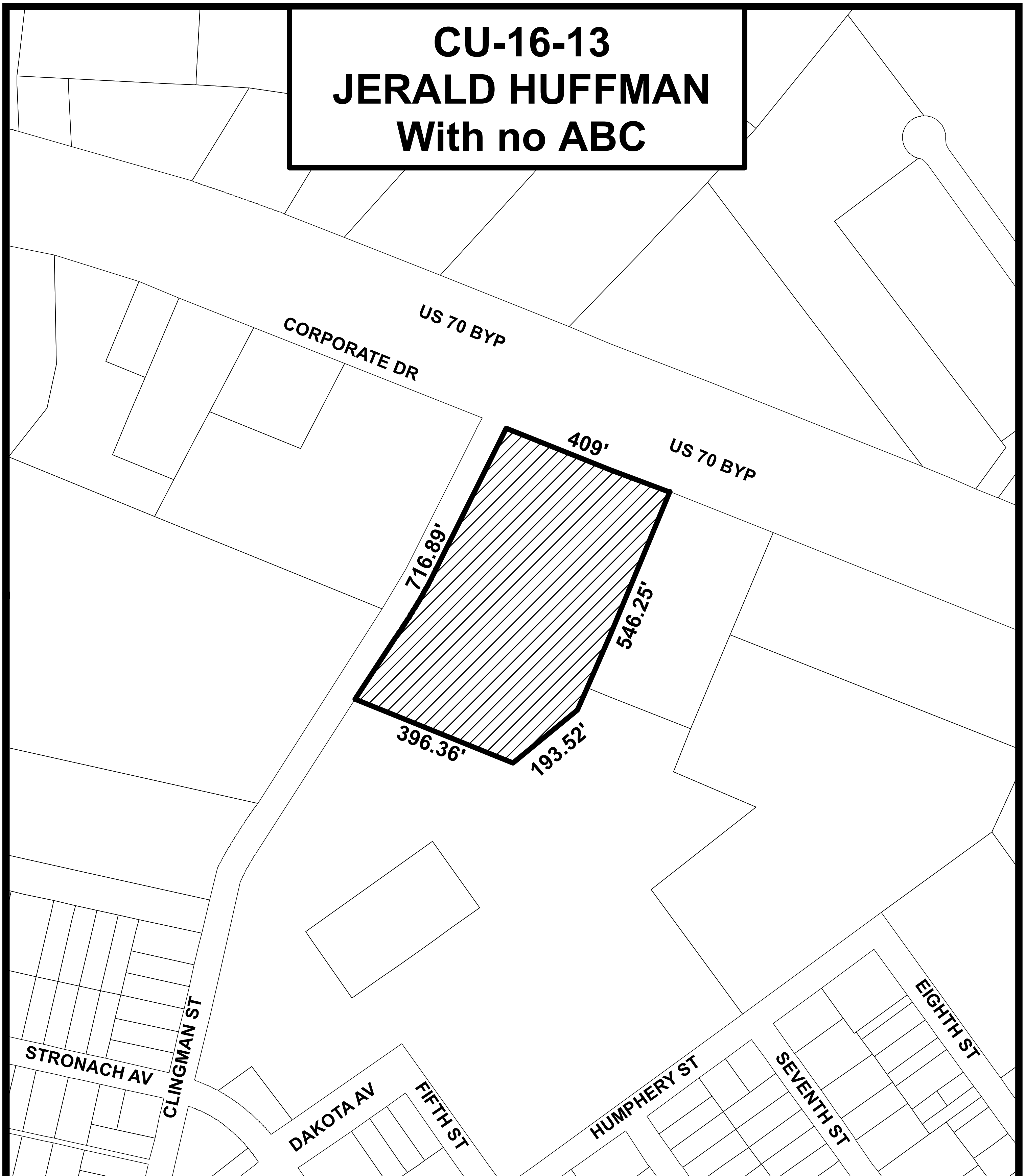
____

Al King, Mayor

____

James D. Womble, City Attorney

CU-16-13
JERALD HUFFMAN
With no ABC



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CU-16-13
JERALD HUFFMAN
With no ABC

CITY OF GOLDSBORO NORTH CAROLINA

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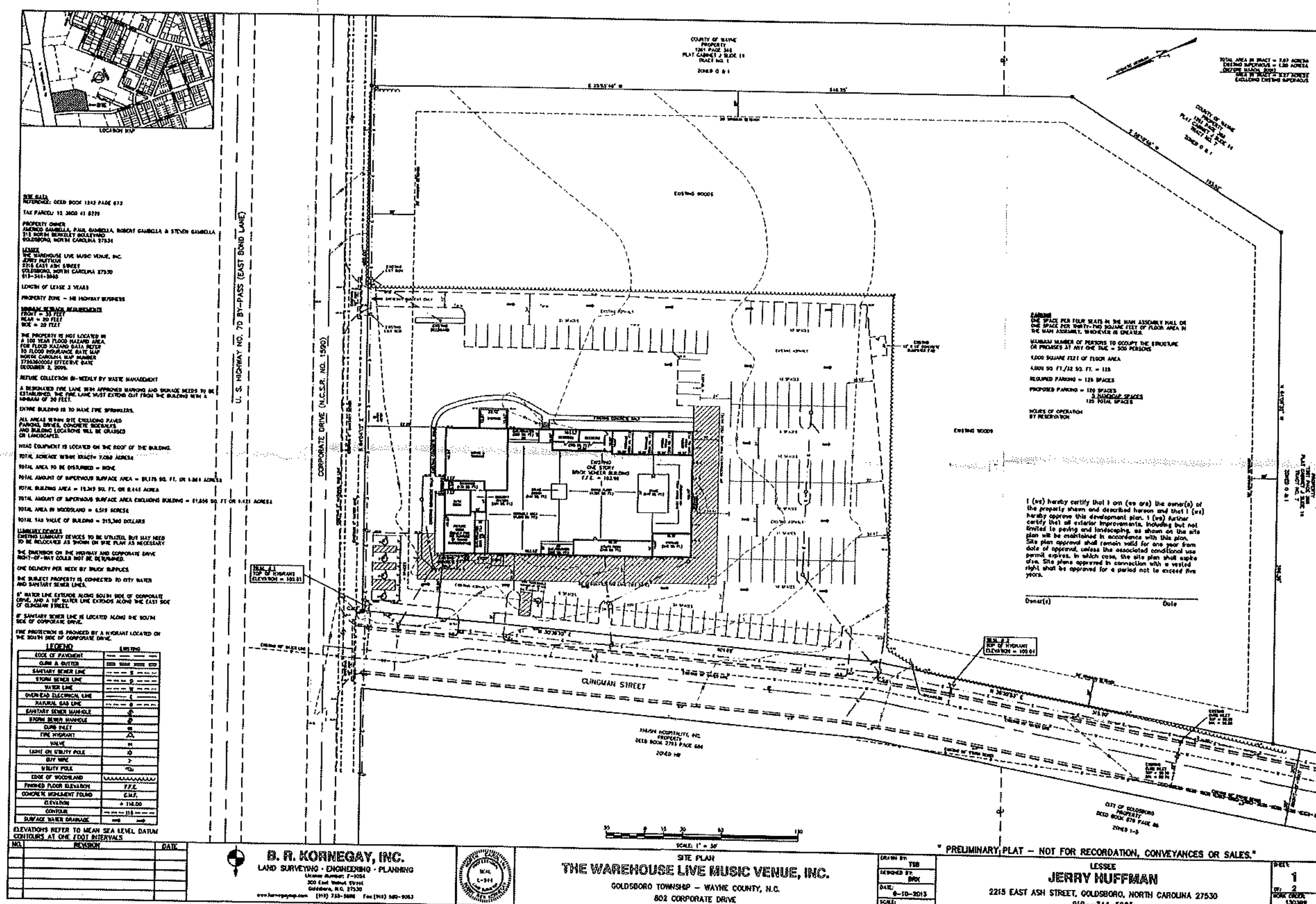
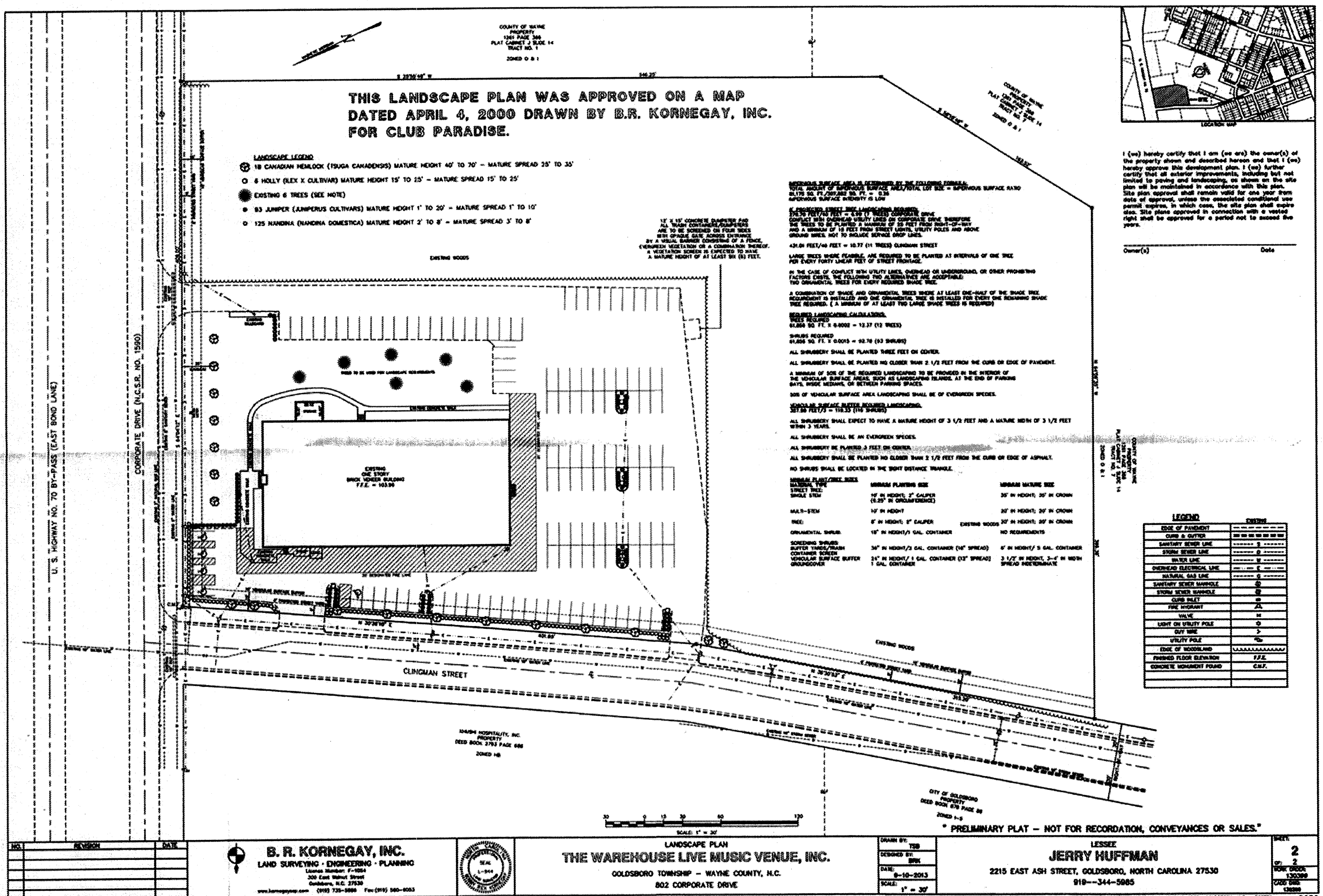
TLB



LOCATION MAP
U. S. HIGHWAY NO. 70 BY-PASS (EAST BOND LANE)
CORPORATE DRIVE (N.C.S.R. NO. 1590)
CLINGMAN STREET
EXISTING WOODS
EXISTING ONE STORY BRICK VENEER BUILDING
COUNTY OF WAYNE PROPERTY
ZONED HB
LENGTH OF LEASE 3 YEARS
FRONT = 35 FEET
REAR = 20 FEET
SIDE = 20 FEET
REFUSE COLLECTION BI-WEEKLY BY WASTE MANAGEMENT
ENTIRE BUILDING IS TO HAVE FIRE SPRINKLERS.
HVAC EQUIPMENT IS LOCATED ON THE ROOF OF THE BUILDING.
TOTAL AREA TO BE DISTURBED = NONE
TOTAL TAX VALUE OF BUILDING = 213,360 DOLLARS
ONE DELIVERY PER WEEK BY TRUCK SUPPLIES.
THE SUBJECT PROPERTY IS CONNECTED TO CITY WATER AND SANITARY SEWER LINES.
FIRE PROTECTION IS PROVIDED BY A HYDRANT LOCATED ON THE SOUTH SIDE OF CORPORATE DRIVE.
LEGEND
EXISTING
EDGE OF PAVEMENT
CURB & GUTTER
SANITARY SEWER LINE
STORM SEWER LINE
WATER LINE
OVERHEAD ELECTRICAL LINE
NATURAL GAS LINE
SANITARY SEWER MANHOLE
STORM SEWER MANHOLE
CURB INLET
FIRE HYDRANT
VALVE
LIGHT ON UTILITY POLE
GUY WIRE
UTILITY POLE
EDGE OF WOODSLAND
FINISHED FLOOR ELEVATION
CONCRETE MONUMENT FOUND
ELEVATION
CONTOUR
SURFACE WATER DRAINAGE
F.F.E.
C.M.F.
ELEVATIONS REFER TO MEAN SEA LEVEL DATUM
CONTOURS AT ONE FOOT INTERVALS
MAXIMUM NUMBER OF PERSONS TO OCCUPY THE STRUCTURE OR PREMISES AT ANY ONE TIME = 500 PERSONS
4,000 SQUARE FEET OF FLOOR AREA
REQUIRED PARKING = 125 SPACES
PROPOSED PARKING = 120 SPACES
5 HANDICAP SPACES
125 TOTAL SPACES
HOURS OF OPERATION
BY RESERVATION
I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby approve this development plan. I (we) further certify that all exterior improvements, including but not limited to paving and landscaping, as shown on the site plan will be maintained in accordance with this plan. Site plan approval shall remain valid for one year from date of approval, unless the associated conditional use permit expires. In which case, the site plan shall expire also. Site plans approved in connection with a vested right shall be approved for a period not to exceed five years.
Owner(s)
Date
TOP OF HYDRANT
SCALE: 1" = 30'
NO.
REVISION
DATE
B. R. KORNEGAY, INC.
LAND SURVEYING · ENGINEERING · PLANNING
SITE PLAN
THE WAREHOUSE LIVE MUSIC VENUE, INC.
GOLDSBORO TOWNSHIP – WAYNE COUNTY, N.C.
802 CORPORATE DRIVE
DRAWN BY: TSB
DESIGNED BY: BRK
DATE: 6-10-2013
SCALE: 1" = 30'
" PRELIMINARY PLAT – NOT FOR RECORDATION, CONVEYANCES OR SALES."
LESSEE
JERRY HUFFMAN
2215 EAST ASH STREET, GOLDSBORO, NORTH CAROLINA 27530
919--344-5985
SHEET: 1
OF: 2
2089



THIS LANDSCAPE PLAN WAS APPROVED ON A MAP DATED APRIL 4, 2000 DRAWN BY B.R. KORNEGAY, INC. FOR CLUB PARADISE.
LANDSCAPE LEGEND
18 CANADIAN HEMLOCK (TSUGA CANADENSIS) MATURE HEIGHT 40' TO 70' - MATURE SPREAD 25' TO 35'
6 HOLLY (ILEX X CULTIVAR) MATURE HEIGHT 15' TO 25' - MATURE SPREAD 15' TO 25'
EXISTING 6 TREES (SEE NOTE)
93 JUNIPER (JUNIPERUS CULTIVARS) MATURE HEIGHT 1' TO 20' - MATURE SPREAD 1' TO 10'
125 NANDINA (NANDINA DOMESTICA) MATURE HEIGHT 2' TO 8' - MATURE SPREAD 3' TO 8'
EXISTING WOODS
CLINGMAN STREET
CORPORATE DRIVE (N.C.S.R. NO. 1590)
U.S. HIGHWAY NO. 70 BY-PASS (EAST BOND LANE)
EXISTING ONE STORY BRICK VENEER BUILDING
ALL SHRUBBERY SHALL BE PLANTED THREE FEET ON CENTER.
ALL SHRUBBERY SHALL BE PLANTED NO CLOSER THAN 2 1/2 FEET FROM THE CURB OR EDGE OF PAVEMENT.
ALL SHRUBBERY SHALL BE AN EVERGREEN SPECIES.
NO SHRUBS SHALL BE LOCATED IN THE SIGHT DISTANCE TRIANGLE.
LOCATION MAP
LEGEND
Owner(s)
Date
SCALE: 1" = 30'
" PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES OR SALES."
NO.
REVISION
DATE
B. R. KORNEGAY, INC.
LAND SURVEYING · ENGINEERING · PLANNING
LANDSCAPE PLAN
THE WAREHOUSE LIVE MUSIC VENUE, INC.
GOLDSBORO TOWNSHIP - WAYNE COUNTY, N.C.
802 CORPORATE DRIVE
DRAWN BY: TSB
DESIGNED BY: BRK
DATE: 9-10-2013
SCALE: 1" = 30'
LESSEE
JERRY HUFFMAN
2215 EAST ASH STREET, GOLDSBORO, NORTH CAROLINA 27530
919--344-5985
SHEET: 2 OF: 2
2089

Item ___G____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: CU-17-13 Robert Kindlesparker – North side of East Ash Street between Malloy Street and Barrow Court

BACKGROUND: The applicant requests a Conditional Use Permit to allow the operation of a place of entertainment with no ABC permits. The applicant has stated that he intends to operate a venue for country or bluegrass music acts.

The site is the former location of Pizza Inn which has been vacant for a number of years.

Frontage: 266.77 ft.
Depth: 342.58 ft. (average)
Area: 2.1 Acres
Zoning: General Business

DISCUSSION: The applicant's site plan indicates that there will be no change to the outside of the existing structure. There are currently 63 parking spaces delineated on the plan which includes three handicapped spaces.

The submitted floor plan indicates an assembly area containing 1,900 sq. ft. along with a stage, general store/coffee shop, museum, restrooms, stage and green room. Based on one parking space per 32 sq. ft. of assembly area, a total of 59 parking spaces will be required.

Hours of Operation: 10:00 a. m. to 6:00 p. m.
(Monday through Thursday)
10:00 a. m. to 10:00 p. m.
(Friday through Sunday)

No. of employees: 6-8

The submitted site plan shows existing landscaping within end aisles and open areas within the parking area and along East Ash Street. An existing wooded area along the northern property line meets the required Class A (5 ft.) buffer and additional plant material will be provided to meet the Class A (5 ft.) buffer along the western and eastern property lines.

A Type C (20 ft.) buffer is required along the western property line adjacent to the portion of property zoned R-16 Residential. The applicant is requesting a reduction of the Type C buffer from 20 ft. to 10 ft. due to existing site conditions.

A vehicular surface buffer will be required along Ash Street adjacent to parking spaces within 15' of the right-of-way. Low-growing evergreen shrubs will be planted to meet this requirement.

Existing interior sidewalks are provided within the boundaries of the lot connecting the building to the parking areas. There are no exterior sidewalks shown on the site plan.

The property is served by City water and sanitary sewer lines. Stormwater calculations are not required.

The following modifications have been requested:

1. Modification of required interconnectivity; and

2. Modification of 20 ft. Type C buffer to 10 ft. along the western property line.

After the public hearing, the Planning Commission recommended approval of the Conditional Use Permit with the modification of the 20 ft. wide Type C buffer reduction to 10 ft. along the western property line. The Commission felt that the applicant should provide an easement to allow for interconnectivity to property immediately adjacent to the east.

REOMMENDATION: By motion, accept the recommendation of the Planning Commission and:

1. Adopt an Order approving a Conditional Use Permit to allow the operation of a place of entertainment with no ABC permits; and

2. Approve the submitted site and landscape plans with a modification of the Type C 20 ft. wide buffer to 10 ft. wide along the western property line.

Date: ___________________ ________________________________
Planning Director

Date: ___________________ _________________________________
City Manager

ssj

CITY OF GOLDSBORO

STATE OF NORTH CAROLINA

ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on December 16, 2013 to consider Conditional Use Permit application number:

CU-17-13 Robert Kindlesparker – North side of East Ash Street
between Malloy Street and Barrow Court

to operate a place of entertainment with no ABC permits having heard all of the evidence and arguments presented and reports from City officials and having received a recommendation for **approval** from the Goldsboro Planning Commission pertaining to said application, makes the following:

FINDINGS OF FACT

1. The City Council finds that there are certain uses that exist which may be constructed, continued and/or expanded if they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses and building types so that different uses may be located in proximity to one another without adverse effects to either.
2. Even if the permit-issuing body finds that the application complies with all the other provision of the City's Unified Development Ordinance, it may still deny the permit if it concludes, based upon information submitted at the hearing, that, if completed as proposed, the development:
   a. Will materially endanger the public health or welfare; or
   b. Will substantially injure the beneficial use of adjoining or abutting property; or
   c. Will not be in harmony with existing development and uses within the area in which it is located; or
   d. Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.
3. The City of Goldsboro's Unified Development Ordinance provides the following regulations which are specific to the applicant's request for a place of entertainment with no ABC permits.

   Chapter 5.5 Supplemental Use Regulations
   5.5.4 Special and Conditional Use Specific Regulations
   Arcades/Game Rooms/Pool Halls/Places of Entertainment (including teen clubs) – No ABC Permit)

   Permitted Districts: Central Business District, General Business, Shopping Center, Highway Business. **(The subject property is zoned General Business.)**

Approval Criteria

1. Upon complaint from any person owning property within 400 ft. of the applicant's property, a public hearing before the City Council and Planning Commission may be scheduled by the City Council to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the conditional use permit, the City Council after the public hearing may modify, suspend or revoke the conditional use permit.
2. Six copies of the floor plan, drawn to scale, shall be submitted indicating the proposed uses within the structure including the location and number of all games and amusements.
3. A satisfactory statement setting forth the method and frequency of litter collection and disposal shall be submitted with the site plan.

Based upon the foregoing FINDINGS OF FACT, the City Council makes the CONCLUSION that the proposed use **does** satisfy the general conditions imposed on the Council in its deliberations for issuing a Conditional Use Permit under Section 2.2.8 of the City of Goldsboro Zoning Ordinance.

Upon motion made by Councilmember _______________ and seconded by Councilmember ________________, the Council accepted the recommendation of the Planning Commission and approved the applicant's request for a Conditional Use Permit to operate a place of entertainment with no ABC permits.

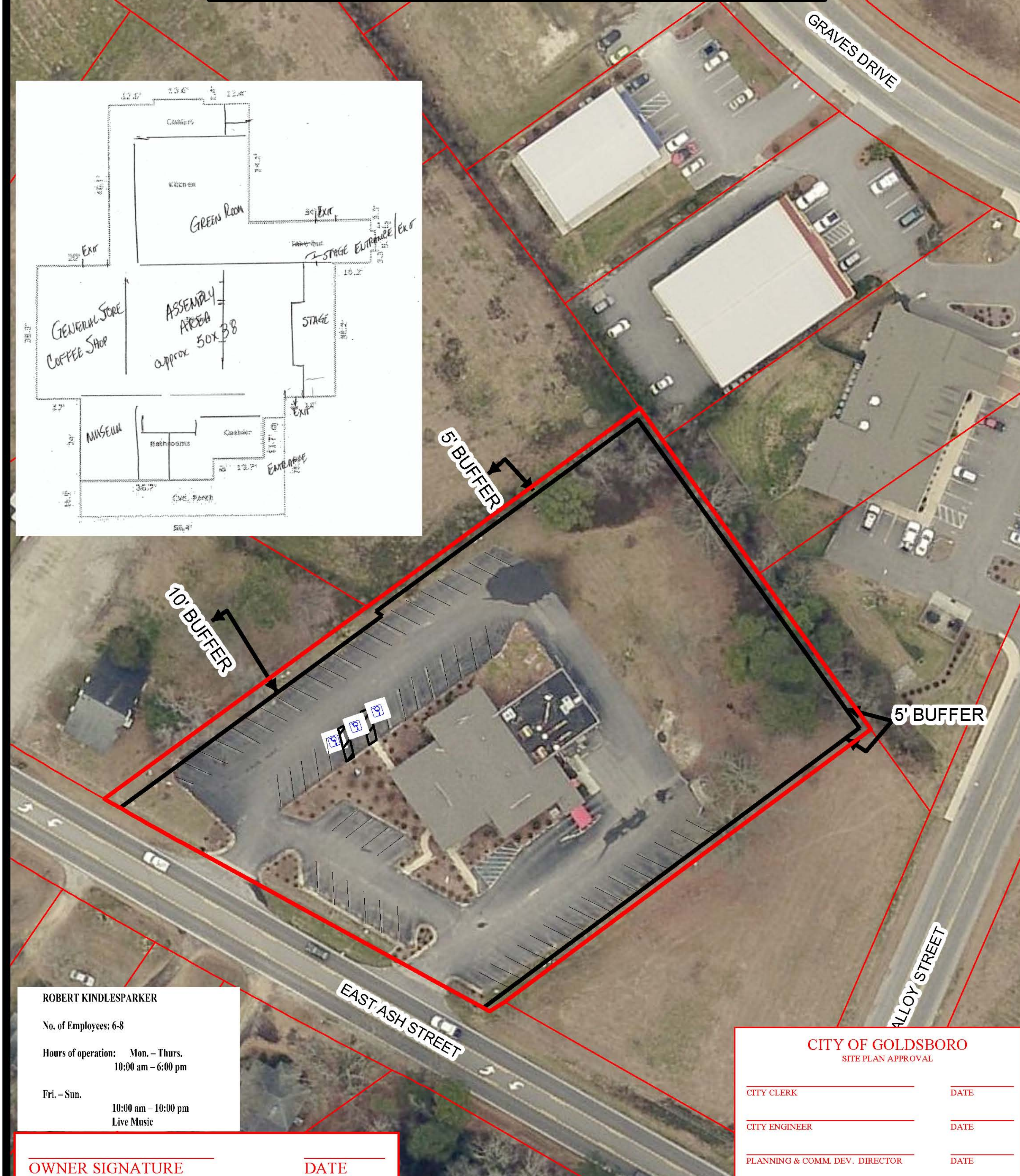
Therefore, because the City Council concludes that the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT **HAVE BEEN** satisfied, IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT to allow the operation of a place of entertainment without ABC permits be **APPROVED**.

Thus ordered this ________________ day of _________________________, 2014.

____
Al King, Mayor

____
James D. Womble, City Attorney

CU-17-13
ROBERT KINDLESPARKER



ROBERT KINDLESPARKER

No. of Employees: 6-8

Hours of operation: Mon. – Thurs.
10:00 am – 6:00 pm

Fri. – Sun.
10:00 am – 10:00 pm
Live Music

OWNER SIGNATURE DATE

CITY OF GOLDSBORO
SITE PLAN APPROVAL

CITY CLERK DATE

CITY ENGINEER DATE

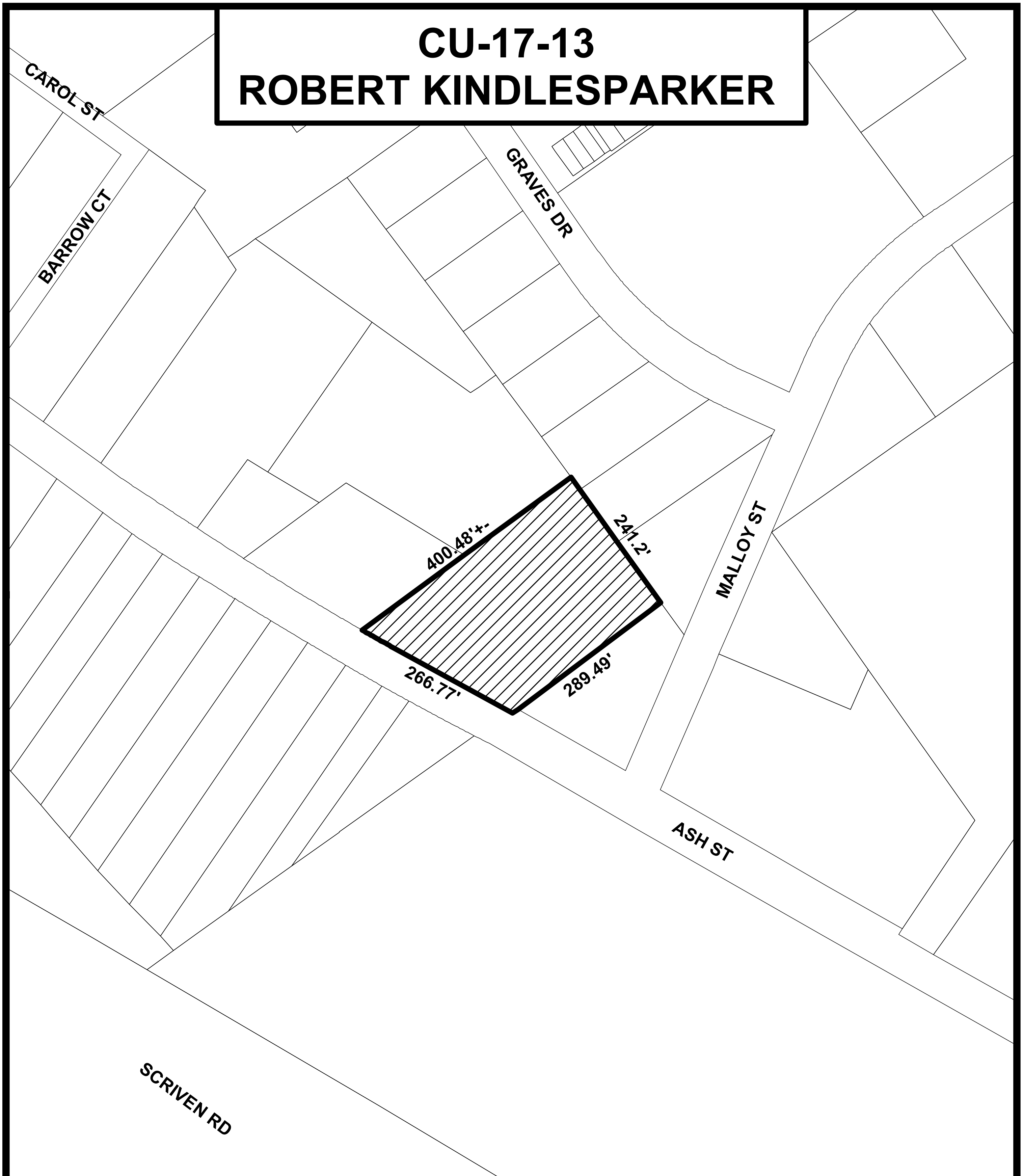
PLANNING & COMM. DEV. DIRECTOR DATE

80 40 0 80 Feet

N

TRP

CU-17-13
ROBERT KINDLESPARKER



The data represented on this map has been compiled by the best methods a vailable. Accuracy is contingent upon the source information as compiled by various agencies and departments both internal and external to the City of Goldsboro, NC. Users of the data represented on the map are hereby notified that the primary information sources should be consulted for verification of the information contained herein. The City of Goldsboro and the companies contracted to develop these data assume no legal responsibilities for the accuracy contained on this map. It is strictly forbidden to sell or reproduce these maps or data for any reason without the written consent of the City of Goldsboro.

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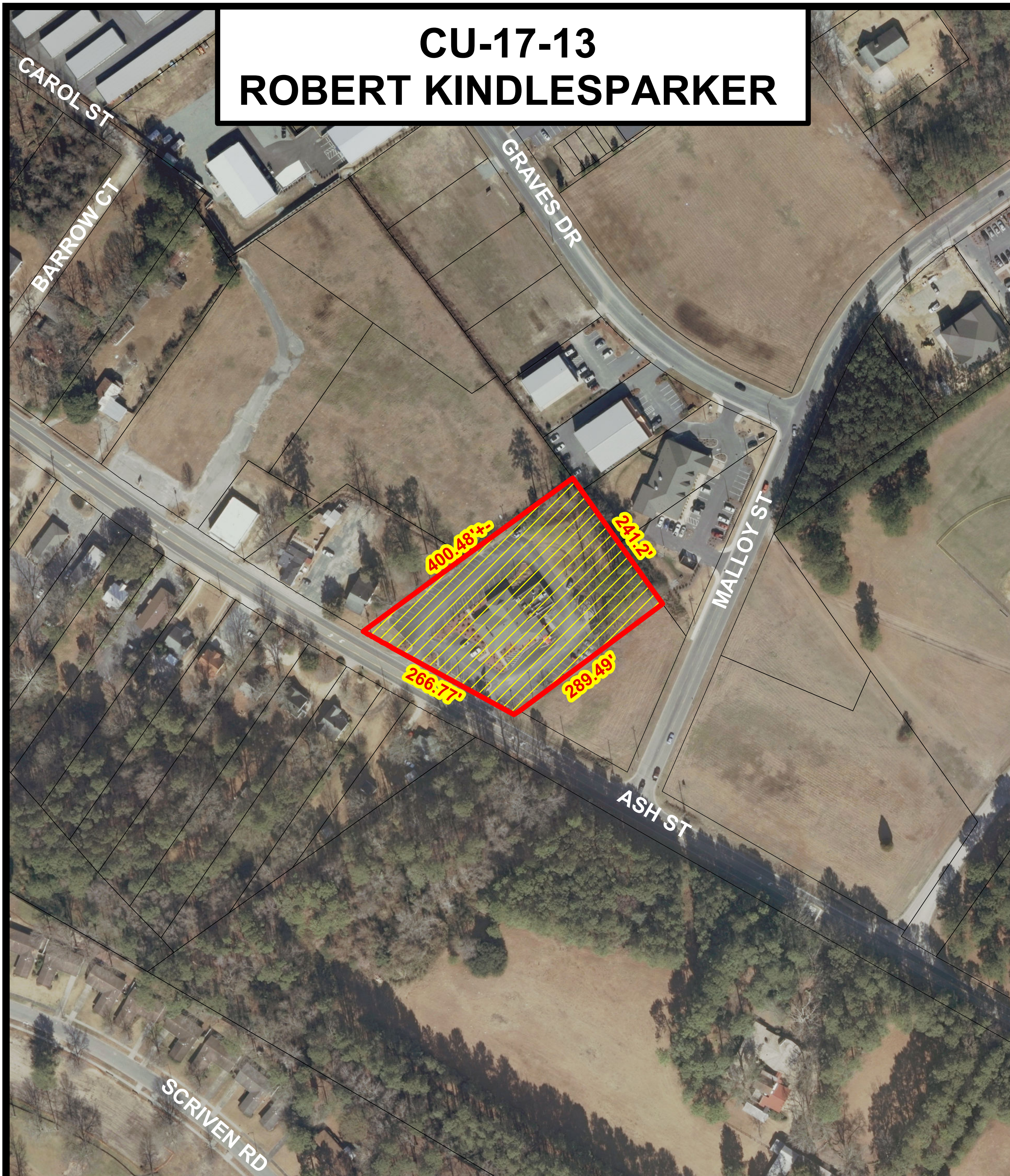

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ITEM ___H____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: Contract Award for Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan.

BACKGROUND: The City of Goldsboro, acting as the Lead Planning Agency for the Goldsboro MPO, requested qualifications to assist in the development of Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan which will reflect growth and future needs as it relates to greenways, sidewalks, bike routes and multi-use trails within the Goldsboro Urban Area.

Three consultants submitted qualifications and the Selection Committee consisting of Angel Wright-Lanier, City of Goldsboro Assistant City Manager, Connie Price, Wayne County Planning Director, Jennifer Collins, City of Goldsboro Senior Planner, Scott Barnard, City of Goldsboro Parks and Recreation Director, Kerry Morrow, North Carolina Department of Transportation and Mike Fryt, Friends of Wayne County Greenways reviewed each consultant's submittal. Upon review, the Selection Committee decided to short list each consultant for an interview. The three consultants were: Renaissance Planning Group of Durham, NC; Stewart of Raleigh, NC; and Alta/Greenways of Durham, NC.

The Selection Committee held interviews on December 2, 2013. Upon completion of the interviews the Selection Committee recommended Alta/Greenways to prepare the Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan based on presentation, qualifications, past experience and project approach.

On December 19, 2013 Staff presented the Selection Committee's recommendation to the TCC and TAC for their approval. They recommended and approved the selection of Alta/Greenways for this task.

Staff has been working with the consultant and NCDOT to develop a fee proposal and the following proposal has been provided:

Contract for Consultant Services	**$227,601.60**
Health Component	**$11,983.50**
City of Goldsboro (20% of $215,618.10)	**$43,123.62**
NCDOT PL 104 funds (80% of $215,618.10)	**$172,494.48**

DISCUSSION: The fee proposal for this project has been reviewed by the Planning Department and North Carolina Department of Transportation, checked for accuracy, and found to be in order. Approximately $11,983.50 of the proposal is allocated for the Health Component of the plan and will be funded through a community transformation grant that the City will be applying for. If the City is not awarded the community transformation grant the Health Component will be removed from the plan. We have also reviewed the financing of this project with the Finance Director. Sufficient funds are available for this project with 80% of the project being paid for with the use of PL 104 funds.

RECOMMENDATION: It is recommended that the City Council, by motion, adopt the attached Resolution authorizing the Mayor and City Clerk to execute a contract in the amount of **$227,601.60** with Alta/Greenways, for the Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan.

Date: ______________________ ________________________________
Planning Director

Date:______________________ ________________________________
City Manager

RESOLUTION NO. 2014 –

RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE GOLSBORO MPO BICYCLE, PEDESTRIAN, AND GREENWAY PLAN

WHEREAS, the City Council of the City of Goldsboro, acting as the Lead Planning Agency for the Goldsboro MPO, has heretofore found it in the public interest to develop a Goldsboro MPO Bicycle, Pedestrian, and Greenway plan which will reflect growth and future needs as it relates to greenways, sidewalks, bike routes and multi-use trails within the Goldsboro Urban Area; and

WHEREAS, the Technical Coordinating Committee and Transportation Advisory Committee approved Alta/Greenways to develop the study on December 19, 2013; and

WHEREAS, the total fee proposal was submitted by Alta/Greenways of Durham, North Carolina in the amount of $227, 601.60; and

WHEREAS, the North Carolina Department of Transportation has agreed to allow the use of PL 104 funds to fund 80% of the contract in the amount of $172,494.48; and

WHEREAS, the City of Goldsboro will be responsible for 20% of the contract in the amount of $43,123.62; and

WHEREAS, the Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan has a Health Component within the plan and work associated to the Health Component in the amount of $11,983.50 will be funded through a community transformation grant source and not the responsibility of NCDOT or the City of Goldsboro; and

WHEREAS, the City Council deems it in the best interest of the City of Goldsboro to accept and award the contract to Alta/Greenways of Durham, North Carolina in the amount of $227,601.60 for the Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan;

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with Alta/Greenways in the amount of $227,601.60 for the Goldsboro MPO Bicycle, Pedestrian, and Greenway Plan;

2. This Resolution shall be in full force and effect from and after this ________ day of ____________________, 2014.

Approved as to Form Only:	Reviewed by:
______________________________	______________________________
City Attorney	City Manager

PROFESSIONAL SERVICES AGREEMENT
Goldsboro Bicycle, Pedestrian, and Greenway Plan

PREAMBLE

This Contract, made and entered into this 6 day of January, 2014, by and between **Alta Planning + Design** hereinafter called "CONSULTANT" and City of Goldsboro, hereinafter called "CLIENT"; and

Whereas, the CLIENT has need for the services of an individual with the particular training, ability, knowledge, and experience possessed by the CONSULTANT;

WITNESSETH:

The parties hereto mutually covenant and agree to and with each other as follows:

1. SCOPE OF WORK AND CONTRACT DOCUMENTS

The CONSULTANT shall perform services as outlined in the Exhibit A-SCOPE, Exhibit B-SCHEDULE, and Exhibit C-FEES attached as Work Order(s) to this Contract. The contract documents shall consist of this Contract, the attached Exhibits, and Work Order(s) as may be executed by written agreement of the parties. Any conflict between the contract documents shall be resolved in the following priority:

1. Work Order,
2. This Professional Services Agreement

This Contract shall supersede any prior representation or contract, written or oral.

All final plans, including reports of phases of the project and of the entire project, shall be provided in both written and electronic format. Electronic format shall be in a format coordinated with the CLIENT and shall be compatible with such software programs specified by the CLIENT.

2. DURATION OF CONTRACT

This Contract shall become effective on the date this Contract has been signed by every party hereto. CONSULTANT acknowledges that no work has been or will be performed for the project under this Contract until this Contract is fully executed and effective. CONSULTANT shall complete performance of this Contract on or before November 30, 2014, plus any extensions thereof.

CONSULTANT's completion shall not extinguish or prejudice CLIENT's right to enforce this Contract with respect to any default or defect in CONSULTANT performance.

3. PAYMENT

Amount of Payment: CONSULTANT shall be compensated for all goods, materials, expenses, and services as set forth in Work Order Exhibit C-FEES.

Invoicing and Manner of Payment: The invoices shall describe all work performed, as described in the Work Order. CONSULTANT shall send invoices to CLIENT's Authorized Representative. An invoice shall submitted by CONSULTANT within the first 30 days of the start of Work and continuing each month thereafter until completion or termination. Payment upon the invoice shall be within 15 days following receipt from CONSULTANT of an invoice or statement for all of CONSULTANT's time and charges for the invoiced period.

4. TIME IS OF THE ESSENCE.

CLIENT and CONSULTANT recognize that time is of the essence of this Contract and the CLIENT will suffer financial loss and the public will suffer loss or be inconvenienced if the work is not completed within the times specified in "Duration of Contract" paragraph above, plus any extensions thereof.

5. TERMINATION

A. Parties' Right to Terminate For Convenience. This Contract may be terminated at any time by mutual written consent of the parties.

B. CLIENT’s Right To Terminate For Convenience: CLIENT may, at its sole discretion, terminate this Contract, in whole or in part, upon 10 days notice to CONSULTANT.

C. CLIENT's Right to Terminate For Cause: CLIENT may terminate this Contract, in whole or in part, immediately upon notice to CONSULTANT, or at such later date as Contracting Officer may establish in such notice, upon the occurrence of any of the following events:

(i) CLIENT fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to pay for CONSULTANT's Work;

(ii) Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the Work under this Contract is prohibited or CLIENT is prohibited from paying for such Work from the planned funding source;

(iii) CONSULTANT no longer holds any license or certificate that is required to perform the Work; or

(iv) CONSULTANT commits any material breach or default of any covenant, obligation or agreement under this Contract, fails to perform the Work under this Contract within the time specified herein or any extension thereof, or so fails to pursue the Work as to endanger CONSULTANT's performance under this Contract in accordance with its terms, and such breach, default or failure is not cured within 5 business days after delivery of Contracting Officer's notice, or such longer period as Contracting Officer may specify in such notice.

D. CONSULTANT's Right to Terminate for Cause: CONSULTANT may terminate this Contract upon 30 days' notice to Contracting Officer if CLIENT fails to pay CONSULTANT pursuant to the terms of this Contract and CLIENT fails to cure within 30 business days after receipt of CONSULTANT's notice, or such longer period of cure as CONSULTANT may specify in such notice.

Remedies

(i) In the event of termination pursuant to subsections B, C(i), C(ii) or D, CONSULTANT's sole remedy shall be a claim for the sum designated for accomplishing the Work multiplied by the percentage of Work completed and accepted by Contracting Officer, less previous amounts paid and any claim(s) which CLIENT has against CONSULTANT.

(ii) In the event of termination pursuant to subsection C(iii) or C(iv), CLIENT shall have any remedy available to it in law or equity. If it is determined for any reason that CONSULTANT was not in default under subsection C(iii) or C(iv), the rights and obligations of the parties shall be the same as if the Contract was terminated pursuant to subsection B.

CONSULTANT's Tender Upon Termination: Upon receiving a notice of termination of this Contract, CONSULTANT shall immediately cease all activities under this Contract, unless Contracting Officer expressly directs otherwise in such notice of termination.

Upon termination of this Contract, CONSULTANT shall deliver to Contracting Officer all documents, information, works-in-progress and other property that are or would be deliverables had the Contract been completed. Upon Contracting Officer's request, CONSULTANT shall surrender to anyone Contracting Officer designates, all documents, research or objects or other tangible things needed to complete the Work.

6. INSURANCE

The CONSULTANT shall obtain prior to the commencement of the Contract, and shall maintain in full force and effect for the term of this Contract, at the CONSULTANT 's expense, a comprehensive general or commercial general liability policy and automobile liability insurance policy for the protection of the CONSULTANT and the CLIENT, its officers, agents, and employees. If the insurance policy is issued on a "claims made" basis, then the CONSULTANT shall continue to obtain and maintain coverage for not less than three years following the completion of the Contract. The policy shall be issued by a company authorized to do business in the project area, protecting the CONSULTANT or SUB CONSULTANT(s) or anyone directly or indirectly employed by either of them against liability for the loss or damage of personal and bodily injury, contractual liability, death and property damage, and any other losses or damages above mentioned with limits not less than

(a) $1,000,000 per occurrence and $2,000,000 in the aggregate for comprehensive general or commercial general liability insurance policies, and

(b) $1,000,000 per occurrence-combined single limit or $1,000,000 bodily injury and $1,000,000 property damage for automobile liability insurance policies.

The insurance company shall provide the CLIENT with a certificate of insurance and an endorsement thereto naming the CLIENT as an additional primary insured and will provide the CLIENT written notice of cancellation or material modification of the insurance contract for not less than the following notice for the purposes stated: 30 days prior notice for reasons other than non-payment; 10 days prior notice for non-payment. The obligation to provide notice to the CLIENT shall be in substantially the following language: "Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will mail 30 days written notice to the certificate holder named"; it is not sufficient for the insurance carrier to merely "endeavor" to give notice or for the certificate to absolve the insurance carrier from obligation or liability in the event of the insurance carrier's failure to mail such notice. The CONSULTANT shall not undertake any acts that shall affect the coverage afforded by the above policy.

The CONSULTANT will not perform any work under this Contract until the CLIENT has received copies of applicable insurance policies or acceptable evidence that appropriate insurance heretofore mentioned is in force.

7. PROFESSIONAL LIABILITY INSURANCE

The CONSULTANT shall provide the CLIENT evidence of professional liability in an amount not less than $1,000,000 combined single limit. The CONSULTANT shall keep in force the professional liability policy for at least one year after the expiration of the Contract with the CLIENT, or notify the CLIENT in the event of a cancellation or reduction in limits of a "claims made" policy.

8. INDEMNIFICATION

CLIENT and CONSULTANT each agree to indemnify and hold the other harmless, and their respective officers, employees, agents, and representatives, from and against liability for all claims, losses, damages, and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors, or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of CLIENT and CONSULTANT, they shall be borne by each party in proportion to its negligence.

9. PUBLICATION RIGHTS/RIGHTS IN DATA

The final reports or products and all material contained in the reports (graphics, photos, etc.) shall become the property of the CLIENT; the CLIENT may reproduce and distribute the reports, or any part thereof, in such form as the CLIENT desires. The CONSULTANT accepts no responsibility for the use of the product beyond the intended purpose of this Contract. CONSULTANT shall retain the rights to use the products of the Contract for whatever purpose.

All original written material and other documentation, including background data, documentation, and staff work that is preliminary to final reports, originated and prepared for the project pursuant to this Contract, shall become exclusively the property of the CONSULTANT.

The ideas, concepts, know-how or techniques relating to data processing developed during the course of this Contract by the CONSULTANT or CLIENT personnel, or jointly by the CONSULTANT and CLIENT personnel, can be used by either party in any way it may deem appropriate.

Material already in the CONSULTANT's possession, independently developed by the CONSULTANT outside the scope of this Contract or rightfully obtained by the CONSULTANT from third parties, shall belong to the CONSULTANT.

This Contract shall not preclude the CONSULTANT from developing materials that are competitive, irrespective of their similarity to materials which might be delivered to the CLIENT pursuant to this Contract.

10. INTEGRATION

This Contract represents the entire and integrated agreement between the CONSULTANT and the CLIENT, and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both the CONSULTANT and the CLIENT.

11. E-VERIFY COMPLIANCE

As a condition of payment for services rendered under this agreement, CONSULTANT shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina. Further, if CONSULTANT provides the services to the CLIENT utilizing a subcontractor, CONSULTANT shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the General Statutes of North Carolina as well. CONSULTANT shall verify by Certificate of Compliance, as set forth in Exhibit D, of the terms of this section.

ALTA PLANNING + DESIGN

By:_________________________
Name: John Cock
Title: Principal
Date: 1/6/14
Business Address:
711 SE Grand Avenue
Portland, OR 97214
503-230-9862 phone
503-230-9864 fax
Employer ID #: 680465555

CLIENT

By:_____________________________
City of Goldsboro
Alfonzo King, Mayor
Date: 1/6/14
Address:
200 North Center Street
Goldsboro, NC 27530

<u>Preaudit Statement</u>
This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

____
Kaye Scott, City of Goldsboro Finance Director

WORK ORDER NO. 1

In accordance with the Professional Services Agreement between **Alta Planning + Design** ("CONSULTANT"), and **City of Goldsboro** ("CLIENT"), dated **6 January, 2014**, this Work Order describes the Services, Schedule, and Payment Conditions for CONSULTANT Services on the Project known as:

Goldsboro, NC Bicycle, Pedestrian, and Greenway Plan

CONSULTANT Authorized Representative:	Matt Hayes
Address:	**Alta Planning + Design** 5850 Fayetteville Road, Suite 211 Durham, NC 27713
Telephone No.:	919.484.8448, extension 128
Email:	matthayes@altaplanning.com
CLIENT Authorized Representative:	Jennifer Collins, Senior Planner
Address:	City of Goldsboro 214 N. Center Street Goldsboro, NC 27530
Telephone No.:	(919) 580-4327
Email:	JCollins@goldsboronc.gov

SERVICES. The Services shall be described in Exhibit **A** to this Work Order.

SCHEDULE. The Estimated Schedule shall be set forth in Exhibit **B** to this Work Order. Because of the uncertainties inherent in the Services, Schedules are estimated and are subject to revision unless otherwise specifically described herein.

PAYMENT & INVOICES. Consultant charges shall be a fee of $227,601.60, in accordance with the Schedule of Fees and Charges attached to this Work Order as Exhibit **C**. **Invoices** will be submitted monthly showing current percent complete for each task.

TERMS AND CONDITIONS. The terms and conditions of the Professional Services Agreement referenced above shall apply to this Work Order, except as expressly modified herein.

ACCEPTANCE of the terms of this Work Order is acknowledged by the following signatures of the Authorized Representatives.

Alta Planning + Design		**CLIENT**	
	1/6/2014		1/6/2014
Signature	Date	Signature	Date
John Cock, Principal		City of Goldsboro Alfonzo King, Mayor	
Typed Name/Title		Typed Name/Title	

Exhibit A
Services

Task 1: Identify Community Goals and Objectives - Project Kickoff Meeting

The Alta team will begin the preparation of the Goldsboro MPO Greenways and Trails Master Plan with an Oversight Committee kick-off meeting. This would be the first of four Oversight Committee meetings in which the Alta team would be present (we will coordinate the remaining meetings with other task work). The Oversight Committee would be comprised of representatives listed in the RFQ. In addition, we recommend a liaison between this plan and the concurrent Metropolitan Transportation Plan (MTP) Update.

The Alta team will author and print Committee meeting agendas, develop presentations/boards/handouts, record meeting minutes, provide a digital original of the minutes to the client in Microsoft Word format so that the client can distribute the minutes, and facilitate the meetings.

During the kick-off meeting, the Alta team will give a presentation that describes the scope of work, deliverables, and planning process and discusses next steps. In preparation for this meeting, we will work with City and County staff to obtain background materials that define current greenway planning measures throughout the region, including GIS base data. Items to be discussed and presented at this kick-off meeting include:

- Develop project vision, goals, and objectives related to greenway connectivity, economic development, health and wellness, and natural resource protection
- Review existing data
- Define types of greenway facilities and identify existing facilities
- Develop base map of study area featuring land use, transportation, and destinations
- Establish target areas for greenway improvements within the Goldsboro MPO region (map work session)
- Discuss existing greenway program needs
- Confirm public involvement strategies

Task 2: MTP Coordination and Integration

The Alta team will coordinate on a consistent basis with the lead consultant of the MTP Update. This will take place in the form of regular phone calls and in-person meetings to ensure effective information exchange, coordination, and agreement between recommendations.

Task 3: Existing Conditions Inventory and Analysis

The Alta team will conduct a comprehensive inventory and analysis of existing conditions, programs, policies, and procedures that are related to the preparation of the Goldsboro MPO Greenways and Trails Master Plan. This work will include the identification of existing bicycle and pedestrian deficiencies, needs, and opportunities.

3.1 Review of Development Regulations and Incorporation of Existing Plans

We will gather relevant planning, environmental, land use, and engineering information and materials needed to develop the Greenways and Trails Master Plan. This includes greenway-related planning and development documents, regulations, and ordinances. The Alta team will have a firm understanding of these existing plans and summarize previously authored planning documents, extracting key information related to bicycle, pedestrian, and greenway planning, objectives, and recommendations. Our goal is to be consistent with and expand upon these plans and recommendations. Key plans include, but are not limited to:

- Goldsboro Parks and Recreation Master Plan
- Goldsboro Urban Area 2035 Long Range Transportation Plan
- Comprehensive Transportation Plan
- ENVISION 35: Goldsboro Urbanized Area Comprehensive Plan

The Alta team will consult with City and County staff and other stakeholders to identify current education, encouragement, enforcement, and outreach programs for increasing bicycling and walking. This information will enable us to make appropriate recommendations for additional programs, as well as enhancements to current greenway programs.

3.2 GIS Data Collection and Mapping
The Alta team will collect land use, demographic, and transportation GIS data from the City of Goldsboro, Wayne County, and NCDOT (this effort would also be coordinated with the consultant team conducting the MTP Update). We will utilize the existing inventory base map of pedestrian and bicycle facilities (provided by the City/County) and create a summary and map of bicycle and pedestrian crash histories within the project study area. The City, County, and NCDOT will provide additional data including destinations, historic districts, parks, schools, utilities/sewer, and parcels. In addition, the Alta team will work with NCDENR's Natural Heritage Program and Conservation Planning Tool to acquire key environmental data to be considered in greenway analysis.

The Alta team will remain coordinated with the MTP Update effort, especially as it pertains to interfacing with the on-road environment. Data such as traffic volumes and upcoming roadway reconstruction projects will impact the greenway analysis.

The Alta team will compile and assemble the information into a cohesive set of composite GIS-based maps that can assist in defining the opportunities, constraints, and needs for bicycle and pedestrian improvements. The Alta team will also generate a series of existing conditions maps including crash history, land use, socioeconomic, and trip attractors. These maps will help identify land use, demographic, and safety issue patterns that will demonstrate potential need in the region. Finally, using the above-collected information, the Alta team will generate mapped models showing where Goldsboro area residents "live, work, and play" to better understand need, demand, and supply of pedestrian and bicycle facilities.

3.3 Fieldwork Evaluation
Once our map development is completed, an experienced field team will begin assessments of the Goldsboro Urban Area, focusing on greenway corridors that could support bicycle and pedestrian travel in both the on-road and off-road environments. We will observe roadway corridors within the study area specified by the staff and Oversight Committee at the kick-off meeting, and riparian corridors, utility easements, and other public lands suitable for trail development. The team will inventory greenway network connections – recreation areas, schools, public facilities, the downtown area, historic and cultural points of interest, and areas of development. Barriers to greenway development will also be identified such as areas of high crash incidences and conflict areas such as intersections at arterial and collector roads.

Additionally, we will take this opportunity to map existing pedestrian and bicycle facilities and noteworthy points of interest while in the field.

Field investigations will be documented using field notes, taking measurements, confirming key locations with GPS, and using digital photography. The findings will be presented graphically on a large-format map with field notes, visual inventory images, and identification of opportunities and constraints. We will also provide a written summary of our findings for inclusion in the final master plan.

3.4 Demand and Benefits Analysis
The Alta team will develop projections on existing and future bicycle and pedestrian trips. The team will estimate reductions in vehicle trips, vehicle miles traveled, and related items such as air quality improvements and carbon emissions reductions. We will also estimate economic benefits of bicycling and walking in the Goldsboro Urban Area based on models and resources provided by the Pedestrian and Bicycle Information Center and others.

3.5 Existing Conditions and Opportunities/Constraints Technical Memorandum
Based on information and data collected under the tasks listed above, the Alta team will complete a technical memorandum describing the Urban Area's existing bikeway and walkway network, and summarize opportunities and challenges that may impact greenway system improvements.

This will be presented to the Client and Oversight Committee during Committee Meeting #2.

Client Deliverables
- Existing GIS data including bike/ped facilities
- Relevant previously completed and current planning documents, regulations, and ordinances
- Listing of ongoing bicycle/pedestrian education, encouragement, and enforcement programs
- Locations and dates of future roadway and greenway projects

Deliverables:
- One (1) digital version in Microsoft Word technical memorandum documenting findings from above analyses
- One (1) digital version in Microsoft Word summary report of fieldwork findings including photo inventory (provided to the Client on CD) and descriptions of existing facilities and any deficiencies such as gaps
- Map images and GIS layers (including crash history and updated layers)

Task 4: Public and Stakeholder Involvement
Greenways and trails within the Goldsboro Urban Area will eventually be constructed on land that is or will be either owned in fee or within a public access easement that supports greenway construction and public use. Therefore, the Alta team will conduct a robust public engagement strategy throughout the planning process that seeks input from the diverse range of residents in the study area. This is only possible with a thorough combination of efforts that we recommend below. ***To the extent possible, public, stakeholder, and focus group engagement meetings will be scheduled on the same day or week to maximize efficiency.***

4.1 Oversight Committee Meetings
The Alta team will meet with the Oversight Committee four times throughout the process (first of which is the kick-off meeting). This will allow for project updates by our team and input from City staff and stakeholders. We will ask Oversight Committee members to assist in specific public engagement tasks.

4.2 Stakeholder Interviews
Together with the Client and Oversight Committee, the Alta team will identify appropriate interviews with key local agencies, stakeholder groups, and large landowners. A total of 12 interviews will be conducted regarding local needs, goals, desires, attitudes and concerns for the area's greenway network and related facilities and programs. The interviews will be conducted in-person and via telephone. Some stakeholder interviews will be conducted with agencies or organizations represented on the Oversight Committee and might include such groups as elected officials (City Councils, County Commissioners), NCDOT, NCDENR, Planning Boards, Friends of Wayne County Greenways, Friends of the Mountains-to-Sea Trail, Wayne Memorial Hospital, and Seymour Johnson Air Force Base.

4.3 Targeted Focus Groups
To assist the Goldsboro MPO in identifying specific needs throughout the study area, the Alta team will conduct two targeted, topic-specific, focus group meetings during the needs assessment phase of the planning process. The focus group topics will be environmental stewardship and economic elements of greenways. Focus group attendees could be representatives from the Downtown Goldsboro Development Corporation (economic) and the North Carolina Coastal Land Trust (environment), depending upon the focus group topic. *Note: A health focus group will be part of Task 15, "Healthy Living Supplement."*

4.4 Community Meetings
The Alta team will conduct two sets of local municipality meetings with staff from Pikeville, Walnut Creek, and Wayne County. The first meeting in the early stages of the project will offer an opportunity for each community to update our team with their different efforts, goals, and needs. The Alta team will bring a local and regional map to each meeting to discuss existing conditions and potential greenway corridors. Alta will learn what the opportunities and barriers are for each community.

The second set of community meetings will occur after draft products have been completed. Local communities will respond to preliminary recommendations.

4.5 Public Meetings (Event and Preparation)
The Alta team will facilitate two sets of open house workshops to share information about the project, gather community input, and generate further support for the plan. The purpose of these meetings will be to educate and engage the public in the greenway planning process. The meetings are an opportunity to present on the economic and health benefits of greenways. Specifically, these meetings will explain the planning process, provide an update on the work completed to date, solicit input and feedback, and answer questions of concern and interest expressed by local residents and business interests. Project information and education boards, comment forms, and large format maps for citizens to mark up will be provided.

The first set of public meetings will present existing conditions and solicit feedback on greenway needs. The second set of public meetings will present greenway recommendations to receive comment.

The Alta team will provide easels and foam boards as needed to display project information. Alta will provide the City with press release text and graphics needed to advertise the meetings, along with flyers and signs directing the public to each meeting location. The Alta team recommends that we receive this input at major local events such as Pig in the Park to intercept residents. This has proven to be a more effective means of collecting input from a broader range of residents.

4.6 Outreach to Lower-Income Communities
The Alta team understands both the challenges and the importance of reaching out to lower-income communities. These communities often have the strongest need for bicycle and pedestrian transportation and recreation options because of economic and health status. We will work with the Oversight Committee to determine effective ways of receiving input from these groups. Often, this requires reaching out to leaders of these communities.

As part of this subtask, the Alta team will participate in four total outreach efforts during the early part of the planning process. These outreach efforts could include a booth at a community center or presenting and receiving input at previously-arranged neighborhood community/organization meetings. Alta will provide materials for City or Committee staff to attend additional community meetings they wish to attend.

4.7 Project Website
The Alta team will host a project website that provides up-to-date information about the Greenways and Trails Master Plan and serves as a method for receiving input from the public. This website will be updated on a regular basis to provide updates about the planning process and upcoming events. It will provide a link to the comment form, project deliverables, meeting minutes, links to Facebook and Twitter, and to a Google-based mapping program that allows users to provide input via mapping.

4.8 Project Newsletters
The Alta team will design and publish two Master Plan Newsletters that will provide detailed information about the project. Newsletters will be made available in PDF format and will be posted on the project website and social media. The Client may choose to print and distribute the digital newsletter as it sees fit. It may also be decided that the Alta team should simply provide language for the existing City newsletter "The City Scoop."

4.9 Comment Form (Online and Hardcopy)
The Alta team will prepare comment forms that the City of Goldsboro and Wayne County can publish and distribute to solicit important information about the Greenways and Trails Master Plan. We will develop an online version that will be made available through the project website. We will use the results of these comment forms to better understand greenway needs and areas of concern.

Deliverables:
- Project newsletters (2)
- Project website and online/hardcopy comment form

- Meeting presentations
- Promotional flyers/signs (for public workshop days to direct people)
- Project information and education boards for public workshops
- Two sets of public open house meetings
- Stakeholder interviews
- Focus group meetings
- Community meetings
- Oversight Committee meetings

Task 5: Greenway Network Element

The Alta team will identify a regional, interconnected greenway network that includes local trail connections that provide residents access to key destinations. The regional network will connect Goldsboro, Pikeville, Walnut Creek, and Wayne County to surrounding regions. Local greenways will connect neighborhoods to key destinations such as commercial centers and schools.

The methodology for developing the preliminary greenway network will be an assimilation of the above-mentioned inputs while optimizing user need, safety, aesthetic, and cost. We will take into consideration proposed development, previous plans and maps, gaps in the network of existing facilities, public-identified routes, access to appropriate destinations and neighborhoods, and access to high density employment centers. The facilities that are recommended as part of the greenway network will include multi-use sidepaths and off-road facilities such as multi-use greenways, trailheads, and amenities. The greenway network will also incorporate previously proposed and planned facilities.

SageDesign will work closely with Alta to confirm off-road recommendations and analyze for initial feasibility.

For the purposes of meeting the bond referendum deadline, the Alta team will examine 4-5 priority greenway corridors in detail. These greenway corridors will be identified through a combination of staff input, fieldwork, and public input. The Alta Team will generate advance cutsheets, concept renderings, and cost estimates to define greenway projects that would be included in a bond referendum.

5.1 Greenway Network Maps

The Alta team will develop high-quality, legible maps depicting the Goldsboro MPO's recommended greenway network. The network will be classified by facility types (e.g., shared use trails, bike lanes, paved shoulders, sidewalks, or bicycle boulevards) adopted by NACTO, AASHTO, the State of North Carolina, and by the latest research conducted by FHWA on bikeway and pedestrian planning and design. Individual maps will be developed for population areas such as Goldsboro, Walnut Creek, and Pikeville.

Deliverables:

- Draft Greenway Network maps (digital and one (1) hard copy)

Task 6: On-Road Bicycle Network Element
The Alta team will identify a regional, interconnected on-road bicycle network. The regional network will link with the recommended off-road greenway network and connect Goldsboro, Pikeville, Walnut Creek, and Wayne County to surrounding regions.

The methodology for developing the preliminary on-road bicycle network will be an assimilation of the above-mentioned inputs while optimizing user need, safety, aesthetic, and cost. We will take into consideration proposed development, previous plans and maps, gaps in the network of existing facilities, public-identified routes, access to appropriate destinations and neighborhoods, and access to high density employment centers.

The facilities that are recommended as part of the bicycle network will include on-road bicycle facilities such as bicycle lanes, shoulders, shared lane markings, signed bicycle routes, cycle tracks, bicycle boulevards, and bicycle parking.

The Alta Team will confirm on-road recommendations, especially as they pertain to the MTP Update recommendations.

6.1 On-Road Bicycle Network Maps
The Alta team will develop high-quality, legible maps depicting the Goldsboro MPO's recommended on-road bicycle network. The network will be classified by facility types (bike lanes, paved shoulders, sidewalks, or bicycle boulevards) adopted by NACTO, AASHTO, the State of North Carolina, and by the latest research conducted by FHWA on bikeway planning and design. Individual maps will be developed for population areas such as Goldsboro, Walnut Creek, and Pikeville.

Deliverables:

- On-road Recommended Bicycle Network (digital and one (1) hard copy)

Task 7: On-Road Pedestrian Network Element
The Alta team will identify an interconnected on-road pedestrian network that seeks local connectivity mostly within the urban and suburban communities of Goldsboro, Pikeville, and Walnut Creek.

The methodology for developing the preliminary on-road pedestrian network will be an assimilation of the above-mentioned inputs while optimizing user need, safety, aesthetic, and cost. We will take into consideration proposed development, previous plans and maps, gaps in the network of existing sidewalk, public-identified routes, access to appropriate destinations and neighborhoods, and access to high density employment centers.

The facilities that are recommended as part of the on-road pedestrian network will include sidewalks and roadway crossing treatments. The network will identify key gaps in the existing sidewalk network and in roadway crossing treatments.

7.1 On-Road Pedestrian Network Maps
The Alta team will develop high-quality, legible maps depicting the Goldsboro MPO's recommended on-road pedestrian network. The network will be classified by facility types (sidewalk and crossing treatments) adopted by NACTO, AASHTO, the State of North Carolina,

and by the latest research conducted by FHWA on pedestrian planning and design. Individual maps will be developed for population areas such as Goldsboro, Walnut Creek, and Pikeville.

Deliverables:

- On-road Recommended Pedestrian Network (digital and one (1) hard copy)

Task 8: Preliminary Draft Plan

The Alta team will generate a preliminary draft plan in advance of the City's bond referendum. The components of this preliminary plan will include an assimilation of the above six tasks (introduction with vision and goals, existing conditions summary, and the greenway, bicycle, and pedestrian elements). A detailed section with upwards of six priority greenway cutsheets and cost estimates will be pushed forward as part of the bond referendum.

Deliverables:

- Preliminary Draft Plan (Introduction, Existing Conditions, Draft Network chapters, Six priority greenway cutsheets) (digital and one (1) hard copy)

Task 9: Bicycle, Pedestrian, and Greenway Design Guidelines Element

The Alta team will prepare a design guidelines toolbox and recommended standards for both on-road and off-road greenway facilities. The bicycle portion of the guidelines and standards will include recommendations for greenways, bike lanes, shoulder bikeways, bicycle boulevards, and bicycle treatments at intersections and interchanges, as well as innovative bikeway facilities such as buffered bike lanes and cycle tracks. Bicycle design guidelines will also address wayfinding signage and bike parking.

The pedestrian portion of the guidelines will include discussion of greenways, sidewalk design, curb ramps, crosswalks, signal timing, lighting, streetscape features, transit stop infrastructure, trailhead, and traffic calming elements. For streetscape elements, the Alta team will outline current ADA and PROWAG requirements for curb ramps, minimum passage width, and other features.

The greenway facility guidelines will illustrate cross sections of greenway facility types to demonstrate the relationship of the facility with surrounding land use, such as trails along riparian corridors, trails within utility easements, trails along roadways, and rail trails. We will include guidance on trail intersection design (at-grade, overpasses, and underpasses) and other amenities.

Deliverables:

- Design Guidelines (one (1) digital copy)
- Typical Cross Sections (for each major greenway facility type)

Task 10: Policy Analysis Element

The Alta team will review City and County ordinances and policies to identify general issues and opportunities impacting the bicycle and pedestrian environments across jurisdictions. We will analyze these policies through the lens of the project visions and goals. Alta will develop model Municipal Code and policy language for elements including land use/transportation integration, connectivity, Complete Streets, bicycle parking, and Safe Routes to School, enabling the City

and County to maximize bicycle/pedestrian improvements in conjunction with new development, redevelopment, and corridor improvement projects. In addition, Alta will recommend specific policy language revisions to enhance greenway policy and consistency between City and County ordinances.
Deliverables:

- Policy analysis document and revision table (one (1) digital copy)

Task 11: Implementation Plan Element
Building upon research conducted in previous tasks concerning implementation and funding strategies, the Alta team will develop an implementation plan for the recommended greenway network. This will include detailed action steps for priority greenway projects, funding strategies, partnerships, maintenance, operations, and non-infrastructure programming strategies to make the Goldsboro area more walkable and bikeable.

11.1 Project Prioritization and Cutsheets
Priority Evaluation (Prioritizing Capital Improvement Projects) –We will develop a prioritization matrix for future on-road pedestrian, on-road bicycle, and on-road greenway facility development projects to determine construction and maintenance priorities. This process ranks network segments according to weighted criteria that are determined through the Steering Committee and public input.

Kimley-Horn will develop a total of 25 individual map cutsheets with a description of recommended pedestrian, bicycle, and greenway treatments. This will include a map with details on facility recommendation and project implementation procedures. Cutsheets will also include the recommended cross-section design.

11.2 Project List and Cost Opinions
Supplementing the greenway cutsheet maps, the Alta team, with assistance from Kimley-Horn, will develop a project list with probable opinions of cost for the top projects. The list will include detailed information on each proposed greenway segment length (or quantities for area wide projects), corridor condition, treatment, and other important information. The cost opinions will include estimated construction costs, planning, design, engineering, and contingency costs. The project list will note areas where right-of-way acquisition is necessary. Alta will use the latest greenway unit costs available from the region together with the most recent figures from comparable communities in eastern North Carolina. Each project segment will be evaluated according to an estimated cost-per-mile and estimated ongoing maintenance and operation costs by implementation phase based on comparable experiences.

11.3 Topical Action Steps
The Alta team will develop an action-oriented section that addresses topically the key implementation components:

- Facility development
- Policy initiatives
- Programming (education, encouragement, enforcement, marketing)
- Maintenance plan (multi-jurisdictional, volunteer, operational costs)
- Safety and crime prevention plan
- Land acquisition plan (partnerships, methods)
- Evaluation strategy (assessment of plan implementation over time)

The action steps will be organized into a comprehensive table with tasks, responsible agency, cooperating agencies, timeline, and task details. The table will serve as an implementation guide for the City and County.

11.4 Financing and Funding
Evaluate Existing Funding Strategies and Identify New Funding Opportunities – The Alta team will examine relevant funding sources and consider financial mechanisms for the Goldsboro Urban Area to implement recommendations of this Plan. We will research local, state, regional, and federal resources that can fund both infrastructure and non-infrastructure projects. We will also examine public/private partnership opportunities that may arise during this planning process. The team will present these resources in tabular format with columns describing the funding entity, contact information, and project type. This will incorporate recent changes at both the federal and state level and include updated strategies for the Goldsboro Urban Area to address these changes.
Deliverables:
- Draft implementation chapter and action steps table
- Draft project cutsheets and cost opinions
- Table of recommendations
- Funding strategies

Task 12: Comprehensive Draft Greenways and Trails Master Plan
The Alta team will prepare the Draft Greenways and Trails Master Plan compiling the work elements outlined in the previous tasks, including the approved network of facilities and other text and graphics. The Plan will be user-friendly and easily comprehended by the general public. In addition to the items developed in the previous tasks, the Draft Plan will include:
- Retrofit implementation strategies and concept designs
- Photo renderings of recommended solutions
- Appendices including public input summaries, greenway benefits, land acquisition strategies, funding sources, and glossary

We will submit the Draft Plan (digital format with 2 hard copies) to the Oversight Committee, City of Goldsboro, Wayne County, and the public for review. The Alta team will place the Draft Plan on the project website as a PDF for the public to download and review. The Alta team will present the Draft to the Oversight Committee, TAC/TCC, City Council, and County Commissioners.

The Alta team will collect comments from the Client, Oversight Committee, elected officials, and the public in one consolidated, organized list.
Deliverables:
- Draft plan (PDF)

Task 13: Final Greenways and Trails Master Plan/Presentations
Based on the comments from the City, County, Oversight Committee and public, the Alta team will make final revisions and changes to the Draft Plan and produce a Final Greenways and Trails Master Plan. The final plan will be provided in 10 hard copy (printed and bound 8.5” x 11”) and digital versions with all project files such as GIS layers, meeting minutes, photo inventories, intersection inventories, and comment form results. Upon completion, the Alta team

will make presentations of the Final Greenways and Trails Master Plan to the elected official bodies (TAC/TCC, Wayne County Commissioners, Goldsboro City Council).

Deliverables:
- Final Greenways and Trails Master Plan
- Digital originals of all completed work
- Final Plan presentation to elected officials

Task 14: Greenways and Trails Master Plan Executive Summary

The Alta Team will prepare an Executive Summary of the final plan that highlights the planning process and key recommendations of the final plan. This will be developed as an 8-10 page summary (8.5x11) that can be pulled out from the full Plan document. In addition, the Alta Team will generate a companion foldable brochure Executive Summary.

Deliverables:
- Executive Summary (8.5x11) (150 printed copies)
- Executive Summary foldable brochure (1500 printed copies)

Task 15. Healthy Living Supplement (funded by CTG)

The Alta Team will conduct active living research and mapping services as part of the Greenway Plan effort. The results will be a "Healthy Living Supplement" and be provided as a standalone appendix or document. The Alta team will incorporate findings from this work throughout the planning process to include public involvement and project prioritization.

15.1 Focus Group Meetings

The Alta team will meet with the Wayne County Health Department and CTG regional staff to receive input, data, and direction for this work. There will be two total meetings as part of this analysis (one early meeting to receive data and discuss process and a second for review of draft "Healthy Living Supplement."

15.2 Health Benefits

The Alta Team will generate a brief health benefits component to the "Healthy Living Supplement." The Alta Team will utilize health studies conducted across North Carolina to feature the potential health impacts to the Goldsboro region.

15.3 Healthy Food and Active Living Recreational Access Analysis

The Alta team will utilize existing data from the Comprehensive Plan, including parks and fresh food vendors, to assess current conditions of access to healthy food outlets among county residents. This high-level analysis will identify areas where access to healthy food outlets is limited, areas known as "food deserts". Our assessment will include maps of the pedestrian- and bicycle-shed (a buffer showing walking/biking distance) of healthy food sources and will identify potential gaps/barriers between neighborhoods and these locations. The assessment will be used to identify opportunities for improving bicycle and pedestrian access to areas where healthy food outlets exist. The results will inform the bikeway, walkway, and greenway network recommendations. In addition, an access analysis will be conducted for recommended bicycle, pedestrian, and greenway recommendations in this Plan. Deliverables from this subtask will include an illustrative “heat map” of healthy food access and park access analysis, pedestrian and bicycle-shed map with healthy food gap analysis, and a summary of methodology and findings.

The results of this work would be added to the appendix of the Goldsboro Bicycle, Pedestrian, and Greenway Plan.

Exhibit B
Estimated Schedule

Task 1: Project Kick off Meeting/Committee Mtgs	January; March; May; July 2014
Task 2: MTP Coordination	Ongoing
Task 3: Existing Conditions Analysis	March 2014
Task 4: Public/Stakeholder Involvement	January-July 2014
Task 5: Greenway Network Element	March 2014
Task 6: On-road Bicycle Network Element	March 2014
Task 7: On-road Pedestrian Network Element	March 2014
Task 8: Preliminary Draft Plan	April 2014
Task 9: Design Guideline Element	May 2014
Task 10: Policy Analysis Element	May 2014
Task 11: Implementation Element	June 2014
Task 12: Comprehensive Draft Plan	July 2014
Task 13: Comprehensive Final Plan/Presentations	September-November 2014
Task 14: Executive Summary/Brochure	November 2014
Task 15: Healthy Living Supplement	September 2014

Exhibit C
Schedule of Fees and Charges

This project will be billed on a lump sum/percent complete basis.

Task 1: Project Kick off Meeting/Committee Mtgs	$16,124.16
Task 2: MTP Coordination	$4,332.24
Task 3: Existing Conditions Analysis	$27,786.86
Task 4: Public/Stakeholder Involvement	$29,437.10
Task 5: Greenway Network Element	$19,833.88
Task 6: On-road Bicycle Network Element	$8,999.36
Task 7: On-road Pedestrian Network Element	$8,999.36
Task 8: Preliminary Draft Plan	$16,442.48
Task 9: Design Guideline Element	$4,562.72
Task 10: Policy Analysis Element	$5,108.80
Task 11: Implementation Element	$35,057.12
Task 12: Comprehensive Draft Plan	$19,674.48
Task 13: Comprehensive Final Plan/Presentations	$13,431.68
Task 14: Executive Summary/Brochure	$5,827.78
Task 15: Healthy Living Supplement	*$11,983.58*
Estimated Expenses	(built into labor fee)
Total (lump sum)	**$227,601.60**

Expenses incorporated in total fee for each task include: large format maps for all workshops and committee meetings, two draft plan hardcopies, 10 final plan hard copies, 1500 Ex. Summary brochures, 150 Ex. Summaries, and lodging/mileage/meals for meetings, public events and field work investigations.

ITEM ___I____

CITY OF GOLDSBORO

AGENDA MEMORANDUM

JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: Contract Award for Goldsboro MPO Metropolitan Transportation Plan Update.

BACKGROUND: The City of Goldsboro, acting as the Lead Planning Agency for the Goldsboro MPO, requested qualifications to assist in the development of Goldsboro MPO Metropolitan Transportation Plan Update which is critical to accommodate present and future travel demand in the Goldsboro MPO study area.

Five consultants submitted qualifications and the Selection Committee consisting of Angel Wright-Lanier, City of Goldsboro Assistant City Manager, Connie Price, Wayne County Planning Director, Jennifer Collins, City of Goldsboro Senior Planner, Bobby Croom, City of Goldsboro Traffic Engineer, Kerry Morrow, North Carolina Department of Transportation and Jill Stark, Friends of Federal Highway Administration reviewed each consultant's submittal. Upon review, the Selection Committee selected their top three consultants for interview. The top three consultants were: URS of Morrisville, NC; VHB of Raleigh, NC; and Kimley-Horn and Associates, Inc. of Durham, NC.

The Selection Committee held interviews on December 12, 2013. Upon completion of the interviews the Selection Committee recommended URS to prepare the Goldsboro MPO Metropolitan Transportation Plan Update based on presentation, qualifications, past experience and project approach.

On December 19, 2013 Staff presented the Selection Committee's recommendation to the TCC and TAC for their approval. They recommended and approved the selection of URS for this task.

Staff has been working with the consultant and NCDOT to develop a fee proposal and the following proposal has been provided:

	<u>Contract for Consultant Services</u>	**<u>$199, 875.00</u>**
	City of Goldsboro (20% of $199,875)	**$39,975.00**
	NCDOT PL 104 funds (80% of $199,875)	**$159,900.00**
DISCUSSION:	The fee proposal for this project has been reviewed by the Planning Department and North Carolina Department of Transportation, checked for accuracy, and found to be in order. We have also reviewed the financing of this project with the Finance Director. Sufficient funds are available for this project with 80% of the project being paid for with the use of PL 104 funds.	
RECOMMENDATION:	It is recommended that the City Council, by motion, adopt the attached Resolution authorizing the Mayor and City Clerk to execute a contract in the amount of **$199,875.00** with URS, for the Goldsboro MPO Metropolitan Transportation Plan Update.	

Date: ______________________ ________________________________
Planning Director

Date:________________________ ________________________________
City Manager

RESOLUTION NO. 2014 –

RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE GOLSBORO MPO METROPOLITAN TRANSPORTATION PLAN UPDATE

WHEREAS, the City Council of the City of Goldsboro, acting as the Lead Planning Agency for the Goldsboro MPO, has heretofore found it in the public interest to develop a Goldsboro MPO Metropolitan Transportation Plan Update which is critical to accommodate present and future demand in the Goldsboro MPO study area; and

WHEREAS, the Technical Coordinating Committee and Transportation Advisory Committee approved URS to develop the study on December 19, 2013; and

WHEREAS, the total fee proposal was submitted by URS of Morrisville, North Carolina in the amount of $199,875.00; and

WHEREAS, the North Carolina Department of Transportation has agreed to allow the use of PL 104 funds to fund 80% of the contract in the amount of $159,900.00; and

WHEREAS, the City of Goldsboro will be responsible for 20% of the contract in the amount of $39,975.00; and

WHEREAS, the City Council deems it in the best interest of the City of Goldsboro to accept and award the contract to URS of Morrisville, North Carolina in the amount of $199,875.00 for the Goldsboro MPO Metropolitan Transportation Plan Update;

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with URS in the amount of $199,875.00 for the Goldsboro MPO Metropolitan Transportation Plan Update;

2. This Resolution shall be in full force and effect from and after this ________ day of ___________________, 2014.

Approved as to Form Only:	Reviewed by:
______________________________	______________________________
City Attorney	City Manager

December 30, 2013

Ms. Jennifer Collins
Senior Planner
City of Goldsboro
P.O. Drawer A
Goldsboro, NC 27533

Re: Goldsboro Metropolitan Transportation Planning Organization (MPO)
Metropolitan Transportation Plan (MTP) Update Fee Proposal
Comprehensive Transportation Plan (CTP) Update Fee Proposal

Dear Ms. Collins:

URS is pleased to have been selected to assist the Goldsboro MPO on the MTP and CTP Updates. We understand the nature of this project and will dedicate the necessary resources to make this project a success.

The scope of work for the MTP will be as outlined in the Proposal submitted on November 12, 2013 and will include the following:

- Project Administration
- Existing Conditions Analysis and Due Diligence
- Community Involvement
- Development of Plan Goals and Objectives
- Development of the Future Year Multi-Modal Plan
- Financial Analysis
- Plan Review, Documentation and Adoption

The scope of work for the CTP will include the following:

- Project Administration
- Mapping
- Project Overviews
- Modeling
- Plan Review, Documentation and Adoption

URS Corporation – North Carolina
1600 Perimeter Park Drive, Suite 400
Morrisville, NC 27560
Tel: 919.461.1100
Fax: 919.461.1415
www.urscorp.com

The URS Team (URS, Eydo and Davenport Engineering) will perform the above scope of services for a lump sum fee of $199,875.00 (including direct expenses). If you have any questions or comments, please let us know.

Sincerely,

URS Corporation – North Carolina

David A. Griffin, CEP
Vice President

URS

SHORT FORM MASTER AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE CITY OF GOLDSBORO, ALFONZO KING, MAYOR
AND
URS-NORTH CAROLINA

THIS AGREEMENT ("Agreement") for Professional Services, dated and effective as of January____2014 (the "Effective Date"), is hereby made and entered into by and between the City of Goldsboro, Alfonzo King, Mayor, (hereinafter "Client") having a place of business located at 200 North Center Street Goldsboro NC 27530, 919-580-4330, and URS-North Carolina (URS), a North Carolina corporation (hereinafter "Consultant") having a place of business located at 1600 Perimeter Park Drive, Suite 400, Morrisville, NC 27560, 919-461-1327. Consultant and Client are each individually referred to as a "Party" and collectively as the "Parties".

The Parties agree as follows:

1. WORK AUTHORIZATIONS

1.1 Consultant agrees to undertake and perform certain consulting and professional engineering services ("Services") in accordance with the terms and conditions contained herein, as may be requested by Client from time to time. The Services to be performed, Consultant's compensation, and the schedule for performance for each task shall be described in one or more authorizations issued to Consultant by Client, the form of which is attached hereto as Attachment 1 ("Work Authorization"). A Work Authorization shall be valid and binding upon the Parties only if accepted in writing by Client and Consultant. Each duly executed Work Authorization shall be subject to the terms and conditions of this Agreement, except to the extent expressly modified by the Work Authorization.

1.2 It is the expressed intent of the parties that this Agreement shall be made available to subsidiaries and affiliated companies of Consultant. For the purposes of this Agreement, as it applies to each Work Authorization, the term "Consultant" shall mean either Consultant as defined above or the subsidiary or affiliate of Consultant identified in the Work Authorization. The applicable Work Authorization shall clearly identify the legal name of the entity accepting the Work Authorization.

2. PAYMENTS FOR SERVICES

2.1 Unless otherwise stated in a Work Authorization, payment shall be on a time and materials basis under the Schedule of Fees and Charges in effect when the Services are performed. Client shall pay undisputed portions of each progress invoice within thirty (30) days of the date of the invoice. If payment is not received within thirty (30) days from the due date of such payment, Consultant may suspend further performance under one or more Work Authorizations until payments are current. Client shall notify URS of any disputed amount within fifteen (15) days from date of the invoice, give reasons for the objection, and promptly pay the undisputed amount. Client shall pay an additional charge of one percent (1%) per month or the maximum percentage allowed by law, whichever is the lesser, for any past due amount. In the event of a legal action for invoice amounts not paid, attorneys' fees, court costs, and other related expenses shall be paid to the prevailing party.

2.2 Client shall reimburse Consultant for all taxes, duties and levies such as Sales, Use, Value Added Taxes, Deemed Profits Taxes, and other similar taxes which are added to or deducted from the value of Consultant's Services. For the purpose of this Article such taxes shall not include taxes imposed on Consultant's net income, and employer or employee payroll taxes levied by any United States taxing authority, or the taxing authorities of the countries or any agency or subdivision thereof in which URS subsidiaries, affiliates, or divisions are permanently domiciled. It is agreed and understood that these net income, employer or employee payroll taxes are included in the unit prices or lump sum to be paid Consultant under the applicable Work Authorization.

2.3 Where charges are “not to exceed” a specified sum, Consultant shall notify Client before such sum is exceeded and shall not continue to provide the Services beyond such sum unless Client authorizes an increase in the sum. If a “not to exceed” sum is broken down into budgets for specific tasks, the task budget may be exceeded without Client authorization as long as the total sum is not exceeded. Changes in conditions, including, without limitation, changes in laws or regulations occurring after the budget is established, or other circumstances beyond URS control, shall be a basis for equitable adjustments in the budget and schedule.

3. CONFIDENTIALITY

3.1 For a period commencing with the disclosure of any confidential information under this Agreement and/or a Work Authorization(s) and ending on the second anniversary such disclosure was first made, Consultant and Client each agree not to disclose to third parties, including also subcontractors and vendors (unless such subcontractors and vendors have a need to know and are bound to similar obligations of confidentiality), any information that is identified as confidential in writing on the materials made available to the other Party hereunder

4. WARRANTY

4.1 Consultant warrants that any consulting and professional engineering Services performed by it under a Work Authorization shall be performed in accordance with that degree of care and skill ordinarily exercised by members of Consultant’s profession practicing at the same time in the same location. Consultant’s sole liability to Client for any non-conforming Services shall be to re-perform the non-conforming or defective Services, written notice of which must be promptly given by Client to Consultant. Consultant’s obligation for re-performance of non-conforming Services as set forth in the preceding sentence shall extend for a term commencing at the substantial completion of such Services under a Work Authorization and ending one year later.

4.2 THE WARRANTY SET FORTH IN THIS ARTICLE 4 IS EXCLUSIVE, AND IN LIEU OF ANY AND ALL OTHER WARRANTIES RELATING TO THE SERVICES, WHETHER STATUTORY, EXPRESS OR IMPLIED, AND CONSULTANT DISCLAIMS ANY SUCH OTHER WARRANTIES, INCLUDING BUT NOT LIMITED TO ANY AND ALL WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE AND ANY AND ALL WARRANTIES ARISING FROM COURSE OF DEALING AND/OR USAGE OF TRADE. ANY OTHER STATEMENTS OF FACT OR DESCRIPTIONS EXPRESSED IN THE AGREEMENT OR ANY WORK AUTHORIZATION SHALL NOT BE DEEMED TO CONSTITUTE A WARRANTY OF THE SERVICES OR ANY PART THEREOF. CONSULTANT’S REPERFORMANCE OF DEFECTIVE OR NON-CONFORMING SERVICES THROUGH THE ONE YEAR PERIOD PROVIDED FOR IN THIS ARTICLE 4 SHALL CONSTITUTE COMPLETE FULFILLMENT OF, AND CLIENT’S EXCLUSIVE REMEDY FOR, ALL THE LIABILITIES OR RESPONSIBILITIES OF CONSULTANT TO CLIENT FOR NON-CONFORMING OR DEFECTIVE SERVICES, WHETHER THE CLAIMS OF CLIENT ARE BASED ON DELAY, CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, WARRANTY, INDEMNITY, ERROR AND OMISSION OR ANY OTHER CAUSE WHATSOEVER.

5. WORK BY OTHERS

5.1 THE PERFORMANCE BY CONSULTANT OF SERVICES UNDER A WORK AUTHORIZATION SHALL NOT CONSTITUTE AN ASSUMPTION BY CONSULTANT OF THE OBLIGATIONS OF CLIENT OR ITS OTHER CONTRACTORS. CONSULTANT SHALL NOT CONTROL OR HAVE CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR, CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, PROCEDURES OF CONSTRUCTION, HEALTH OR SAFETY PROGRAMS, OR PRECAUTIONS CONNECTED WITH THE WORK OF CLIENT OR ITS OTHER CONTRACTORS, AND SHALL NOT MANAGE, SUPERVISE, CONTROL OR HAVE CHARGE OF CONSTRUCTION. CLIENT SHALL REQUIRE CONSULTANT TO BE NAMED AS AN ADDITIONAL INSURED ALONG WITH CLIENT ON ANY LIABILITY INSURANCE POLICIES PROVIDED BY CLIENT’S CONSTRUCTION CONTRACTORS. TO THE FULLEST EXTENT PERMITTED BY LAW, CLIENT SHALL DEFEND CONSULTANT AGAINST ANY CLAIM, SUIT OR PROCEEDING ASSERTED BY ONE OF ITS

OTHER CONTRACTORS AND INDEMNIFY, DEFEND AND SAVE CONSULTANT HARMLESS FROM ANY AND ALL ACTUAL OR ALLEGED CLAIMS AND LOSSES (INCLUDING, WITHOUT LIMITATION, ATTORNEY'S FEES) SUSTAINED BY SUCH CONTRACTOR IN CONNECTION WITH THE SERVICES, REGARDLESS OR WHETHER OR NOT ANY OF THE FOREGOING AROSE OUT OF THE NEGLIGENT ACTS OR OMISSIONS OF CONSULTANT.

6. INSURANCE

6.1 In the event Consultant performs Services under any Work Authorization in connection with a project for which Client or another party with which Client has contracted obtains all-risk or builder's risk property insurance, Client, as the case may be, shall name, or shall cause such other party to name, Consultant as an additional insured on such all risk or builder's risk property insurance. Client acknowledges that Consultant has an insurable interest in such all risk or builder's risk property insurance.

6.2 Consultant and Client each waive all rights of recovery and subrogation against each other with respect to a loss occurring to property of the other, to the extent that such waivers do not invalidate the property insurance of either.

7. INDEMNITY

7.1 EACH PARTY SHALL INDEMNIFY, DEFEND AND SAVE THE OTHER PARTY, ITS OFFICERS, DIRECTORS, EMPLOYEES AND AFFILIATES HARMLESS FROM ANY LOSS, COST OR EXPENSE CLAIMED BY THIRD PARTIES, EXCLUDING EMPLOYEES OF EITHER PARTY, FOR PROPERTY DAMAGE AND/OR BODILY INJURY, INCLUDING DEATH, TO THE PROPORTIONATE EXTENT SUCH LOSS, COST OR EXPENSE ARISES FROM THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE INDEMNIFYING PARTY, ITS EMPLOYEES OR AFFILIATES IN CONNECTION WITH THE SERVICES.

7.2 Notwithstanding any other provision contained elsewhere in this Agreement to the contrary and to the fullest extent permitted by law, Client shall be liable for and indemnify, defend and save Consultant, its officers, directors, employees and affiliates harmless from and against any and all actual or alleged claims, damages (including incidental, consequential, indirect and special damages), losses, and expenses (including, without limitation, all penalties, attorney's fees, fines and administrative or civil sanctions arising out of or related to such claim) (collectively "Losses") arising out of: (1) economic loss suffered by third parties; and/or (2) investment decisions of Client or third parties in reliance upon the results of the Services, regardless of whether or not any of the foregoing arose out of the negligent acts or omissions of Consultant.

7.3 The indemnity and save harmless obligations of Consultant and Client under this Article 7 shall not apply with respect to any Hazardous Material, as Consultant's and Client's rights and obligations with respect thereto are set forth in Article 10.

8. WAIVER OF CONSEQUENTIAL DAMAGES

8.1 Notwithstanding any other provision to the contrary in this Agreement or a Work Authorization and to the fullest extent permitted by law, neither Client nor Consultant shall be liable, whether based on contract, tort, negligence, strict liability, warranty, indemnity, error and omission or any other cause whatsoever, for any consequential, special, incidental, indirect, punitive or exemplary damages, or damages arising from or in connection with loss of power, loss of use, loss of revenue or profit (actual or anticipated), loss by reason of shutdown or non-operation, increased cost of construction, cost of capital, cost of replacement power or customer claims, and Consultant hereby releases Client and Client hereby releases Consultant from any such liability.

9. LIMITATION OF LIABILITY

9.1 NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY IN THIS AGREEMENT OR A

WORK AUTHORIZATION AND TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT SHALL THE TOTAL CUMULATIVE AGGREGATE LIABILITY OF CONSULTANT, ITS SUBCONSULTANTS, AND THEIR RESPECTIVE PARTNERS, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES, AND AGENTS (REFERRED TO COLLECTIVELY IN THIS ARTICLE AS "CONSULTANT") TO CLIENT RESULTING FROM, ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OR NONPERFORMANCE OF ANY OR ALL SERVICES OR OTHER OBLIGATIONS UNDER A WORK AUTHORIZATION, EXCEED $250,000 OR TEN PERCENT (10%) OF THE COMPENSATION PAID CONSULTANT PURSUANT TO SUCH WORK AUTHORIZATION, WHICHEVER IS GREATER, OR EXTEND BEYOND THE EXPIRATION OF THE WARRANTY PERIOD UNDER ARTICLE 4 FOR THE SERVICES PERFORMED UNDER THE WORK AUTHORIZATION, REGARDLESS OF THE LEGAL THEORY UNDER WHICH SUCH LIABILITY IS IMPOSED. THE REMEDIES STATED IN THE AGREEMENT ARE CLIENT'S SOLE AND EXCLUSIVE REMEDIES FOR ANY FAILURE BY CONSULTANT TO COMPLY WITH OBLIGATIONS TO CLIENT, AND CLIENT HEREBY IRREVOCABLY WAIVES ANY RIGHT TO ASSERT A CLAIM AGAINST CONSULTANT BASED ON A LEGAL THEORY THAT A REMEDY PROVIDED HEREIN FAILS OF ITS ESSENTIAL PURPOSE.

10. HAZARDOUS MATERIAL

10.1 Nothing in this Agreement shall be construed or interpreted as requiring Consultant to assume the status of, and Client acknowledges that Consultant does not act in the capacity nor assume the status of, Client or others as a "generator," "operator," "transporter," or "arranger" in the treatment, storage, disposal, or transportation of any hazardous substance or waste as those terms are understood within the meaning of the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or any other similar federal, state, or local law, regulation, or ordinance. Client acknowledges further that Consultant has played no part in and assumes no responsibility for generation or creation of any hazardous waste, pollution condition, nuisance, or chemical or industrial disposal problem, if any, which may exist at any site that may be the subject matter of any Work Authorization.

10.2 IT IS ACKNOWLEDGED BY BOTH PARTIES THAT THE SERVICES DO NOT INCLUDE SERVICES RELATED TO REGULATED SUBSTANCES, POLLUTANTS, OR HAZARDOUS OR TOXIC WASTES ("HAZARDOUS MATERIAL"). IN THE EVENT CONSULTANT OR ANY OTHER PARTY ENCOUNTERS UNDISCLOSED HAZARDOUS MATERIALS, CONSULTANT SHALL NOTIFY CLIENT AND, TO THE EXTENT REQUIRED BY LAW OR REGULATION, THE APPROPRIATE GOVERNMENTAL OFFICIALS, AND CONSULTANT MAY, AT ITS OPTION AND WITHOUT LIABILITY FOR DELAY, CONSEQUENTIAL OR ANY OTHER DAMAGES TO CLIENT, SUSPEND PERFORMANCE OF SERVICES ON THAT PORTION OF THE PROJECT AFFECTED BY HAZARDOUS MATERIAL UNTIL CLIENT: (I) RETAINS APPROPRIATE SPECIALIST CONSULTANT(S) OR CONTRACTOR(S) TO IDENTIFY AND, AS APPROPRIATE, ABATE, REMEDIATE, OR REMOVE THE HAZARDOUS MATERIAL; AND (II) WARRANTS THAT THE PROJECT SITE IS IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY IN THIS AGREEMENT OR A WORK AUTHORIZATION AND TO THE FULLEST EXTENT PERMITTED BY LAW, CLIENT SHALL INDEMNIFY, DEFEND AND SAVE CONSULTANT AND ITS AFFILIATES, SUBCONSULTANTS, AGENTS, AND SUPPLIERS OF ANY TIER, AND ANY AND ALL EMPLOYEES, OFFICERS, DIRECTORS OF ANY OF THE FOREGOING, IF ANY, FROM AND AGAINST ANY AND ALL LOSSES WHICH ARISE OUT OF THE PERFORMANCE OF THE SERVICES AND RELATING TO THE REGULATION AND/OR PROTECTION OF THE ENVIRONMENT, INCLUDING, WITHOUT LIMITATION, LOSSES INCURRED IN CONNECTION WITH CHARACTERIZATION, HANDLING, TRANSPORTATION, STORAGE, REMOVAL, REMEDIATION, DISTURBANCE OR DISPOSAL OF HAZARDOUS MATERIAL, WHETHER ABOVE OR BELOW GROUND AND NOT BROUGHT TO A CLIENT SITE OR OTHER PROPOSED PROJECT SITE BY CONSULTANT IN THE PERFORMANCE OF THE SERVICES WITHOUT CLIENT'S APPROVAL.

11. CHANGES

11.1 The Parties may from time to time by mutual agreement seek to modify, extend or enlarge the Services under a

Work Authorization ("Modification"). In the event the Parties agree to a Modification to add additional Services, or to make other modifications to the Services, Consultant's compensation, the schedule and any other relevant terms and conditions of the applicable Work Authorization shall be equitably adjusted prior to performance of such Services.

12. OWNERSHIP OF DOCUMENTS

12.1 Consultant grants to Client a transferable, irrevocable and perpetual royalty-free license to retain and use all work products delivered to Client for any purpose in connection with the project specified in each Work Authorization, upon full payment by Client for Consultant's Services. Client also may use such work product for other purposes with Consultant's written consent. Re-use of any such work product by Client on any extension of the project or on any other project without the written authorization of Consultant shall be at Client's sole risk and Client shall indemnify, defend and save Consultant and its affiliates, consultants, agents, subcontractors and suppliers of any tier, and any and all employees, officers and directors of any of the foregoing, if any, from and against any and all Losses suffered as a result of, or arising out of, or in connection with such re-use. Consultant shall have the right to retain copies of all such work product. Consultant retains the right of ownership with respect to any patentable concepts or copyrightable materials arising from its Services.

13. TERMINATION/SUSPENSION

13.1 Client may terminate all or any portion of the Services under one or more Work Authorizations for convenience, at its option, by sending a written notice to Consultant. Either party can terminate this Agreement or a Work Authorization for cause if the other commits a material, uncured breach of this Agreement or becomes insolvent. Termination for cause shall be effective twenty (20) days after receipt of a notice of termination, unless a later date is specified in the notice. The notice of termination for cause shall contain specific reasons for termination and both parties shall cooperate in good faith to cure the causes for termination stated in the notice. Termination shall not be effective if reasonable action to cure the breach has been taken before the effective date of the termination. Client shall pay Consultant upon invoice for Services performed and charges incurred prior to termination, plus reasonable termination charges. Any suspension of Services by Client shall result in an equitable adjustment to Consultant's compensation, time for performance, or any of its other obligations under a Work Authorization.

14. FORCE MAJEURE

14.1 Any delay or failure of Consultant in performing its required obligations hereunder shall be excused if and to the extent such delay or failure is caused by a Force Majeure Event. A "Force Majeure Event" means an event due to any cause or causes beyond the reasonable control of Consultant and shall include, but not be limited to, acts of God, strike, labor dispute fire, storm, flood, windstorm, unusually severe weather, sabotage, embargo, terrorism, energy shortage, accidents or delay in transportation, accidents in the handling and rigging of heavy equipment, explosion, riot, war, court injunction or order, delays by acts or orders of any governmental body or changes in laws or government regulations or the interpretations or application thereof or the acts or omissions of the Client or its other contractors, vendors or suppliers. In the event of a Force Majeure Event, Consultant shall receive an equitable adjustment extending Consultant's time for performance for such Services sufficient to overcome the effects of any delay, and an increase(s) to Consultant's compensation sufficient to account for any increased cost in performance or loss or damage suffered by Consultant.

15. RESPONSIBILITIES OF CLIENT

15.1 Without limiting any express or implied obligations of Client under applicable law, Client shall: (1) provide Consultant, in writing, all information relating to Client's requirements for the project; (2) correctly identify to Consultant the location of subsurface structures, such as pipes, tanks, cables, and utilities; (3) notify Consultant of any potential hazardous substances or other health and safety hazard or condition known to Client existing on or near the project site; (4) give Consultant prompt written notice of any suspected deficiency in the Services; (5) with reasonable promptness, provide required approvals and decisions; and (6) furnish or cause to be furnished to Consultant full, unrestricted and legal access to, and use of, the site and all necessary rights of way and easements, in order to perform the Services. In the event Consultant is requested by Client or is required by subpoena to produce documents or give testimony in any action or proceeding to which Client is a party and Consultant is not a party, Client shall pay Consultant for any time and expenses required in connection therewith, including reasonable attorney's fees.

15.2 Consultant may rely upon and use in the performance of any Services information supplied to it by Client without independent verification and Consultant shall not be responsible for defects in its Services attributable to its reliance upon or use of such information.

17. TERM

17.1 Unless otherwise specified, the term of this Agreement shall run from the Effective Date until Consultant has completed the Services and received all payments due under the Agreement.

18. GENERAL

18.1 Client and Consultant each represent and warrant that this Agreement has been duly authorized, executed and delivered and constitutes its binding agreement enforceable against it. This Agreement and any executed Work Authorizations supersede all prior written and/or oral contracts and agreements that may have been made or entered into between Client and Consultant regarding the subject matter hereof, including but not limited to any and all proposals, oral or written, and all communications between the Parties relating to this Agreement or any Work Authorization(s), and constitute the entire agreement between the Parties hereto with respect to the subject matter hereof.

18.2 This Agreement and Work Authorization(s) may not be assigned by Consultant or Client in any way, including by operation of law, unless otherwise mutually agreed to in writing, any such attempted non-authorized assignment shall be null and void and of no force or effect.

18.3 Any cost opinions or estimates provided by Consultant will be on a basis of experience and judgment, but since Consultant has no control over market conditions or bidding procedures, Consultant cannot and does not warrant that bids, ultimate construction cost, or project economics will not vary from such opinions or estimates. Neither this Agreement nor any of the Services provided hereunder shall constitute or provide for, and Consultant shall not be considered to have rendered, any legal or financial opinion(s) regarding the feasibility of this project or any other or regarding any other matter. Unless otherwise expressly included in a Work Authorization, Consultant shall under no circumstances provide as part of the Services a consent, opinion or similar document, or act as a qualified person or expert, in connection with any filing by Client with the United States Securities and Exchange Commission, or similar non-United States agency, authority or commission.

18.4 Notices shall be effective hereunder as follows only if in writing and addressed to the authorized representative designated in applicable Work Authorizations: (1) upon delivery, if delivered personally to the person; (2) upon transmission, if transmitted to the facsimile number of the person; and (3) upon posting, if by first class or overnight mail (postage prepaid).

18.5 All contract issues and matters of law will be adjudicated in accordance with the laws of the state where the project is located, excluding any provisions or principles thereof which would require the application of the laws of a different jurisdiction; provided, however that if the project is located outside the United States, the laws of the State of California shall govern. Venue for any litigation shall be any state court or United States District Court having jurisdiction over the parties and subject matter.

18.6 The terms and conditions of this Agreement shall prevail, notwithstanding any variance with any purchase order or other written instrument submitted by Client whether formally rejected by Consultant or not. This Agreement may be modified only by amendment when signed by each Party. In the event that any one or more of the provisions of this Agreement shall be found to be illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect, and such term or provision shall be deemed stricken to the extent and in the jurisdictions necessary for compliance with applicable law.

18.7 Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Client or Consultant.

18.8 The headings in this Agreement are for convenience only, and shall not affect the interpretation hereof. The terms "hereof", "herein," "hereto" and similar words refer to the entire Agreement and not to any particular Article, Section, Attachment, Exhibit or any other subdivision of this Agreement. References to "day" or "days" shall mean calendar days unless specified otherwise.

18.9 The provisions of this Agreement which by their nature are intended to survive the termination, cancellation, completion, or expiration of the Agreement, including, but not limited to, indemnities and any expressed limitations of or releases from liability, shall continue as valid and enforceable obligations of the parties notwithstanding any such termination, cancellation, completion, or expiration.

18.10 It is understood and agreed that any delay, waiver or omission by Consultant or Client to exercise any right or power arising from any breach or default by Client or Consultant in any of the terms, provisions or covenants of this Agreement or any Work Authorization shall not be construed to be a waiver by Consultant or Client of any subsequent breach or default of the same or other terms, provisions or covenants on the part of Consultant or Client.

19. ATTACHMENTS AND EXHIBITS

The following attachments and exhibits, which are attached hereto, are part of this Agreement.

Attachment 1 – Work Authorization

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed by their duly authorized representatives, effective as of the day and year first above mentioned.

CLIENT: City of Goldsboro, Alfonzo King, Mayor

By: ________________________________

(Signature)

Name: ________________________________

Alfonzo King, Mayor

Title: ________________________________

URS-North Carolina

By: ____________________________________
(Signature)

Name: ____________________________________
(Printed)

Title: ____________________________________

Preaudit Statement

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

____

Kaye Scott, Finance Director

Item __J___

CITY OF GOLDSBORO
AGENDA MEMORANDUM
JANUARY 6, 2014 COUNCIL MEETING

SUBJECT: FEDERAL PROPERTY FORFEITURE PROGRAM
STATE CONTROLLED SUBSTANCE TAX REMITTANCE

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

DISCUSSION: Recently the City of Goldsboro Police Department assisted Federal authorities in concluding several drug operations. Based on Federal guidelines, $23,403.74 of forfeited money can be reimbursed to the City for:

11/20/13-CATS ID#13-DEA-584906; KN-11-0071	$ 4,926.96
12/17/13-CATS ID#13-DEA-587003; KN-11-0071	$ 2,256.80
12/24/13-CATS ID#00-DEA-517814; KN-06-0009	$16,219.98

The State has forwarded the City of Goldsboro "Controlled Substance Tax Remittance" funds totaling $1,415.70 for:

10/15/13-#45PR0000584383	$ 29.03
11/15/13-#45PR0000586572	$ 685.39
12/19/13 #45PR0000588841	$ 701.28

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

RECOMMENDATION: It is recommended that the attached ordinance be adopted to reflect an increase in General Fund revenues and an increase in the operating expenditures of the Police Department budget by a total of $24,819.44.

Date: _______________ ______________________________
Jeffrey R. Stewart
Chief of Police

Date: _______________ ________________________________
Scott A. Stevens
City Manager

Ordinance No. 2014-_____

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR
THE CITY OF GOLDSBORO FOR 2013-2014 FISCAL YEAR

WHEREAS, the United States Department of Justice administers a program to transfer a portion of the property seized by local law enforcement agencies back to the agency for drug-related programs and the State of North Carolina administers a program whereby taxes are levied on those unlicensed individuals involved in the sale of controlled substances; and

WHEREAS, the City of Goldsboro Police Department recently concluded several drug operations and has made several arrests of such unlicensed individuals ; and

WHEREAS, drug related monies were seized by our agency and taxes levied on unlicensed individuals; and

WHEREAS, the City of Goldsboro Police Department will receive $23,403.74 of the confiscated monies and $1,415.70 in controlled substance tax remittance ; and

WHEREAS, the City of Goldsboro will use these additional funds for police and drug – related operations.

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

1. The Budget Ordinance for the 2013-14 Fiscal Year be and is hereby amended by:

    a. Increasing the revenue line item in the General Fund entitled "DEA Funds" (11-0003-8147) in the amount of $23,403.74.

    b. Increasing the expense line item entitled "Drug Forfeiture - Federal" (11-6121-3987) in the Police Department Budget of the General Fund in the amount of $23,403.74

    c. Increasing the revenue line item in the General Fund entitled “N.C. Controlled Substance Tax Refund” (11-0003-8149) in the amount of $1,415.70.

    d. Increasing the expense line item entitled “Drug Forfeiture-State (11-6121-3984) in the Police Department Budget of the General Fund in the amount of $1,415.70.

2. This Ordinance shall be in full force and effect from and after the _____ day of ________________, 2014.

Approved as to Form only: Reviewed By:

______________________________ ______________________________

City Attorney City Manager

Item ___K__

CITY OF GOLDSBORO
AGENDA MEMORANDUM
January 6, 2014 COUNCIL MEETING

SUBJECT: Order Authorizing the $18,900,000 Parks and Recreational Facilities Bonds; Resolution Designating the Finance Director to File the Sworn Statement of Debt, and Resolution Calling a Public Hearing concerning the Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds

BACKGROUND: The Goldsboro City Council is considering the authorization of $18,900,000 of Parks and Recreational Facilities Bonds for the purpose of financing needed public improvements. The projected increase in tax levy to service these bonds will not exceed 2.4 cents per $100 assessed valuation.

DISCUSSION: The following proceedings must be approved by the City Council in order to move forward with the May 6, 2014 bond referendum.

1. Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds: The Parks and Recreational Facilities Bonds is an aggregate principal amount not exceeding $18,900,000 for the purpose of providing funds, together with any other available funds, for acquiring, constructing, expanding, renovating, other improving and equipping parks and recreation facilities of the City of Goldsboro, including, but without limiting the generality of the forgoing, indoor and outdoor park and recreational facilities, multi-sports facilities, greenways, parkland, paths, and playgrounds, the acquisition and improvements of land therefor and the acquisition and installation of furnishings and equipment. The taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

2. Resolution Designating the Finance Director to File the Sworn Statement of Debt: City Council is authorizing the Finance Director to file the sworn statement of debt for the City of Goldsboro, which is required by The Local Government Bond Act. The sworn statement will be on file with the City Clerk and open to public inspection.

3. Resolution Calling a Public Hearing Concerning the Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds: City Council agree to schedule a public hearing for the February 3, 2014 Council Meeting at 7:00 p.m. for the authorization of the $18,900,000 Parks and Recreational Facilities Bonds.

RECOMMENATION: It is recommended that the attached Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds, Resolution Designating the Finance Director to File the Sworn Statement of Debt, and Resolution Calling a Public Hearing concerning the Order Authorizing $18,900,000 Parks and Recreational Facilities Bonds be adopted by the City Council.

Date: ________________________ ____
Kaye Scott, Finance Director

Date: ________________________ ____
Scott Stevens, City Manager

A regular meeting of the City Council of the City of Goldsboro, North Carolina, was held at the City Hall in Goldsboro, North Carolina, the regular place of meeting, at 7:00 P.M., on Monday, January 6, 2014.

Present: Mayor Alfonzo King, presiding, and Councilmembers ____________________

____

____.

Absent: ____.

Also present: Scott A. Stevens, City Manager, Kaye Scott, Finance Director, Jim Womble, City Attorney, and Melissa Corser, City Clerk.

*　　　*　　　*　　　*　　　*

Mayor King introduced the order entitled "ORDER AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS" which was read by title and summarized by the Finance Director, a copy thereof having been provided to each Councilmember prior to the meeting:

ORDER AUTHORIZING
$18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS

BE IT ORDERED by the City Council of the City of Goldsboro:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Goldsboro, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Parks and Recreational Facilities Bonds in an aggregate principal amount not exceeding $18,900,000 for the purpose of providing

funds, together with any other available funds, for acquiring, constructing, expanding, renovating, otherwise improving and equipping parks and recreational facilities of the City of Goldsboro, including, but without limiting the generality of the foregoing, indoor and outdoor park and recreational facilities, multi-sports facilities, greenways, parkland, paths and playgrounds, the acquisition and improvement of land therefor and the acquisition and installation of furnishings and equipment.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of Councilmember ____________________, seconded by Councilmember ___________________, the order entitled: "ORDER AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS" was passed on first reading by roll call vote as follows:

Ayes: Councilmembers ____

____.

Noes: ____.

The Mayor thereupon announced that the order entitled: "ORDER AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS" had passed on first reading by a vote of __ to __.

Thereupon Mayor King introduced and read the following resolution:

RESOLUTION 2014-___

RESOLUTION DESIGNATING THE FINANCE DIRECTOR
TO FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED that the Finance Director be and he is hereby designated as the officer to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed before the public hearing on the bond order which was introduced and passed on first reading at this meeting.

Thereupon the City Attorney stated that he had approved as to form the foregoing resolution.

Upon motion of Councilmember _________________, seconded by Councilmember _________________, the foregoing resolution was passed by roll call vote as follows:

Ayes: Councilmembers ____
____.

Noes: ____.

The Mayor thereupon announced that the resolution entitled: "RESOLUTION DESIGNATING THE FINANCE DIRECTOR TO FILE THE SWORN STATEMENT OF DEBT" had passed by a vote of __ to __.

Thereupon the Finance Director filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon Mayor King introduced and read the following resolution:

RESOLUTION 2014-___

RESOLUTION CALLING A PUBLIC HEARING
CONCERNING THE ORDER
AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS

BE IT RESOLVED that a public hearing upon the above-mentioned bond order will be held on February 3, 2014, at 7:00 P.M., at the City Council Chamber at the Goldsboro City Hall, 200 North Center Street, Goldsboro, North Carolina, and the City Clerk is hereby directed to publish said order, together with the appended note required by The Local Government Bond Act, as amended, in The Goldsboro News Argus not later than the sixth day before said date.

Thereupon the City Attorney stated that he had approved as to form the foregoing resolution.

Thereupon, upon motion of Councilmember __________________, seconded by Councilmember ______________________, the resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE ORDER AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS" was passed by roll call vote as follows:

Ayes: Councilmembers ____

____.

Noes: ____.

The Mayor thereupon announced that the resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE ORDER AUTHORIZING $18,900,000 PARKS AND RECREATIONAL FACILITIES BONDS" had passed by a vote of __ to __.

* * * *

I, Melissa Corser, City Clerk of the City of Goldsboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and correct copy of so much of the proceedings of the City Council of said City at a regular meeting held on January 6, 2014 as relates in any way to the introduction and passage on first reading of an order authorizing bonds of said City, authorizing the Finance Director to file the sworn statement of debt and the calling of a public hearing upon said order and that said proceedings are recorded in the official minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said City Council, stating that regular meetings of said City Council are held on the first and third Mondays of each month at 7:00 P.M., (except if any such regular meeting day is a legal holiday, the meeting will not be held), in the City Council Chamber at the Goldsboro City Hall, 200 North Center Street, Goldsboro, North Carolina, has been on file in my office pursuant to G.S. §143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said City, this ____ day of January, 2014.

____
City Clerk

(SEAL)

Item No.___L_______

CITY OF GOLDSBORO
AGENDA MEMORANDUM
January 6, 2014 COUNCIL MEETING

SUBJECT: Budget Amendment Appropriating Funds in Conjunction with the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG)

BACKGROUND: The Office of Justice Programs promotes collaboration by helping to develop and strengthen law enforcement. The City of Goldsboro applied for the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program on June 9, 2013. This grant will assist in covering the costs to purchase and equip a police cruiser.

DISCUSSION: The City was notified in September 2013 that the grant was approved and grant funds totaling $45,434 were available. This grant requires that no matching funds be appropriated by the City of Goldsboro. To comply with the program guidelines, the City agrees to administer these funds and share equally these funds with the Wayne County Sheriff's Department.

The cost to purchase and equip a police cruiser is $31,977 and the City's share of the 2013 JAG funds is $22,717. Since the JAG funds will not cover the costs to purchase and equip the police cruiser, it is necessary to appropriate the additional funds needed in the amount of $9,260.

RECOMMENDATION: It is recommended that:

1. The attached resolution be adopted authorizing the Goldsboro Police Department to accept this grant.

2. Adopt the attached budget ordinance appropriating the $9,260 from the unassigned fund balance of the General Fund.

Date: ________________________ ____
Kaye Scott, Finance Director

Date: ________________________ ____
Scott Stevens, City Manager

ORDINANCE NO. 2014-

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE CITY OF GOLDSBORO FOR THE 2013-2014 FISCAL YEAR

WHEREAS, the City of Goldsboro has been approved for the 2013 Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the Goldsboro Police Department has been approved to purchase a police cruiser using the JAG funds; and

WHEREAS, the cost to purchase and equip a police cruiser is $31,977 and the City's share of the JAG funds are $22,717; and

WHEREAS, an additional amount is needed to cover the costs of this purchase in the amount of $9,260; and

WHEREAS, since there is not enough funding available in the operating budget for FY 2013-14 to cover these additional costs, the City of Goldsboro needs to appropriate $9,260 from the General Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro that the Budget Ordinance for the Fiscal Year 2013-2014 be amended by:

1. Decreasing the Unassigned Fund Balance of the General Fund in the amount of $9,260.

2. Increasing the line item entitled "Line Cars" (11-6121-5404) in the Police Department's budget of the General Fund in the amount of $9,260

3. This Ordinance shall be in full force and effect from and after the ________ day of ____________________ 2014.

Approved as to form only: Reviewed by:

_________________________ _________________________

City Attorney City Manager

RESOLUTION NO. 2014-

A RESOLUTION AUTHORIZING THE GOLDSBORO POLICE DEPARTMENT TO ACCEPT FUNDS FOR THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the City of Goldsboro submitted an application to the Office of Justice to purchase a police cruiser; and

WHEREAS, funds totaling $45,434 has been approved and the City of Goldsboro has no cash match; and

WHEREAS, to comply with the program guidelines, the City is required to share these funds with the Wayne County Sheriff Department; and

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

1. The Goldsboro Police Department is authorized to accept the funds from the Office of Justice for the 2013 Edward Byrne Memorial Justice Assistance Grant in the amount of $45,434.

2. This resolution shall be in full force and effect from and after the ________ day of ____________________ 2014.

Approved as to form only: Reviewed by:

_________________________ _________________________

City Attorney City Manager