AGENDA

REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
CITY OF GOLDSBORO
COUNCIL CHAMBERS – CITY HALL – 214 N. CENTER STREET
DECEMBER 5, 2016

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

I. WORK SESSION–5:00 P.M. – CITY HALL ADDITION, 200 N. CENTER ST., ROOM 206

a. GWTA Route Extensions (Fred Fontana)
b. 1st Quarter Financial Update (Finance)
c. N. William Street Widening Update (Planning)
d. Antique Fire Truck Rehab (Fire Dept.)
e. Boards and Commissions Vacancies (City Manager)
f. Police Department Update (Police)
g. Cornerstone Commons Design (Assistant City Manager)

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

Invocation (Pastor Charles Kirkland, The Lord's Table)
Pledge to the Flag

III. ROLL CALL

IV. APPROVAL OF MINUTES (*Motion/Second)

A. Minutes of the Special Called Meeting of October 28, 2016

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

VI. PRESENTATIONS

B. Team Rubicon and Christ In Action Recognition

VII. PUBLIC HEARINGS

C. Public Hearing – 2016 Utility Assessment Roll No. 1 Balsam Place Sanitary Sewer Improvements (Engineering)
D. Public Hearing to Consider a Proposal to Provide Economic Incentives to Alta Foods, LLC (City Manager)

VIII. CONSENT AGENDA ITEMS *(*Motion/Second--Roll Call)*

E. Z-10-16 Earl Beasley-North side of East Ash Street between Barrow Court and Malloy Street (R-16 Residential to General Business Conditional District) (Planning)
F. CU-15-16 Jack Newsome – South side of US 70 West between Perkins Mill Road and Carolina Circle (Planning)
G. Site and Landscape Plan - Ample Storage (Phase II) (Planning)
H. Bond Order Authorizing the Issuance of General Obligation Bonds of the City of Goldsboro for the $3,000,000 Parks and Recreational Facilities Bond and the $7,000,000 Street Bonds (Finance)
I. Stoney Creek Greenway Trail Agreement (City Manager)
J. Adoption of a Supplement to the Code of Ordinances of Goldsboro, North Carolina (City Manager)

IX. ITEMS REQUIRING INDIVIDUAL ACTION (*Motion/Second)

X. CITY MANAGER'S REPORT

XI. CITY ATTORNEY'S REPORT AND RECOMMMENDATIONS

XII. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

XIII. CLOSED SESSION

XIV. ADJOURN

MINUTES OF SPECIAL CALLED MEETING
OF MAYOR AND CITY COUNCIL
OCTOBER 28, 2016

The Mayor and City Council of the City of Goldsboro, North Carolina, called a Special Meeting to discuss recovery efforts from Hurricane Matthew and related expenses in the Large Conference Room, City Hall Addition, 200 North Center Street, at 3:00 p.m. on October 28, 2016 with attendance as follows:

Present: Mayor Chuck Allen, Presiding
Mayor Pro Tem Gene Aycock
Councilmember Antonio Williams
Councilmember Bill Broadaway
Councilmember Mark Stevens
Councilmember Bevan Foster
Councilmember David Ham
Jim Womble, City Attorney
Scott Stevens, City Manager
Melissa Corser, City Clerk
Randy Guthrie, Assistant City Manager
Allen Anderson, Chief Building Inspector
Sam Taylor, Inspections Department
Rick Fletcher, Interim Public Works Director
Kaye Scott, Finance Director
Jennifer Collins, Assistant Planning Director
Gary Whaley, Fire Chief
Kate Daniels, Wayne County Chamber of Commerce
Tara Humphries, Wayne Community College
Rochelle Moore, News Argus Reporter
Carol Bowden, Curtis Media Group
Ronald Boby, Citizen
Beverly Boby, Citizen
Joe Jones, Citizen
Sharon Blount, Citizen
Margaret Nowlin, Citizen
Wilhelmina Williams, Citizen
Charles Wright, Citizen (arrived at 3:31 p.m.)
Tracie Davis, Marketing & Communications Director (arrived at 3:38 p.m.)

Call to Order. Mayor Allen called the meeting to order at 3:00 p.m.

Invocation. Councilmember Broadaway provided the invocation. Pledge to the Flag followed.

Consent agenda items were reviewed.

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 Broadaway moved the items on the Consent Agenda, Items A and B be approved as recommended by the City Manager and staff. The motion was seconded by Councilmember Stevens and a roll call vote resulted in all members voting in the affirmative. Mayor Allen declared the Consent Agenda approved as recommended. The items on the Consent Agenda were as follows:

Budget Amendment – Hurricane Matthew. Ordinance Adopted. On October 8, 2016, the City of Goldsboro had significant damage throughout the City due to Hurricane Matthew. Due to the flooding associated with the storm, the City encountered major expenses associated with the removal of debris, repairs to facilities and emergency equipment costs.

On October 10, 2016, Wayne County was included in a Major Disaster Declaration related to Hurricane Matthew and the City is starting to meet with Federal Emergency Management Agency (FEMA). The City is incurring costs for debris removal, emergency supplies, equipment purchases, cemetery interments and repairs to pump stations and facilities. It is believed that these costs will be eligible for FEMA reimbursements.

Since the City does not have funding appropriations budgeted for these expenses, it is necessary to adopt a budget amendment for these estimated costs. The estimated costs for debris removal, which includes upcoming debris removal bids, purchases and repairs is $250,000.

Staff recommended the following entitled ordinance be adopted to reflect an increase in General Fund revenues and an increase in the operating expenditures of the Special Expense Division's budget by a total of $250,000. Consent Agenda Approval. Broadaway/Stevens (7 Ayes)

ORDINANCE NO. 2016-54 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE CITY OF GOLDSBORO FOR THE 2016-2017 FISCAL YEAR"

Contract Award–South Slocumb Street Storm Damage Repair. Ordinance Adopted. As a result of ongoing recovery efforts from Hurricane Matthew, Engineering staff requested bids from five (5) contractors for South Slocumb Street washout repair work with an approximate construction time of seven (7) days. Staff received responses from four (4) contractors.

Asphalt Services of Goldsboro, LLC submitted the low bid for the subject repair work in the amount $89,850.00.The bids received for this project are tabulated as follows:

Name of Bidder	Amount of Bid
Asphalt Services of Goldsboro, LLC	$ 89,850.00
Hine Sitework, Inc.	$110,087.00
Keen Plumbing Company	$116,540.00
Barnhill Contracting Company	$121,235.00

The bids for this project have been reviewed by the Engineering Department, checked for accuracy, and found to be in order. We have also reviewed the financing of this project with the Finance Director and determined that a budget ordinance is required appropriating funds for this repair work.

It is recommended the City Council adopt the following entitled budget ordinance appropriating funds for South Slocumb Street washout repair work and adopt the following entitled resolution authorizing the City Manager to execute a construction agreement with Asphalt Services of Goldsboro, LLC in the amount of $89,850.00 for South Slocumb Street washout repair work.

ORDINANCE NO. 2016-55 "AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE CITY OF GOLDSBORO FOR THE 2016-2017 FISCAL YEAR"

RESOLUTION NO. 2016-78 "RESOLUTION AWARDING AND AUTHORIZING EXECUTION OF A CONSTRUCTION AGREEMENT FOR SOUTH SLOCUMB STREET WASHOUT REPAIR WORK"

Properties Effected by Hurricane Matthew. Mr. Allen Anderson provided an update on properties effected by Hurricane Matthew. The Inspections Department was tasked with damage assessment. If a condemned sign was put on a home, water was in the home, either in the crawl space, or in the home itself. Mr. Anderson stated I felt as the City of Goldsboro's Inspection Department, residents should go back in these homes safe. Mold, mildew, damaged wiring and duct work are possible and these systems should be checked prior to residents going back in these homes and that is why the condemned signs were placed on these homes.

Mr. Anderson reviewed a map of areas effected by flooding from Hurricane Matthew. About 400 residential structures were effected by flooding along with approximately 100 businesses. Duke Energy has pulled power on many of these homes to limit risk. Over 700 permits (free) were issued within 2 weeks following this event and staff has worked overtime including weekends to try to help residents. Mr. Anderson cautioned residents of risks involved with homes impacted by flooding. He stated at the end of the day as Chief Building Inspector, it is his responsibility to protect the public and the City of Goldsboro. The condemned signs do not mean residents cannot fix their homes, and move back in, it just means the repairs have to be completed in a certain way.

Mr. Sam Taylor provided information on older wiring covered in cloth. According to the Department of Insurance, if this wiring was touched by flood waters it must be replaced.

Mayor Allen asked how many homes have had power restored. Mr. Anderson stated 40 homes have been turned back over to Duke Energy for the power to be reconnected. Council and staff discussed what people need to do in order to have power restored.

Mayor Allen thanked Mr. Anderson and his staff for all their hard work.

Available Assistance for those Effected by Hurricane Matthew. Ms. Shycole Simpson-Carter shared the following information:

- Applying for FEMA assistance and types of FEMA assistance
    - 3 ways to register
    - Information you will need
    - What to expect after you apply for FEMA aid
- North Carolina Department of Insurance
    - After Hurricane Matthew, What you need to know…
    - Flood insurance overview/assistance
- Hurricane Matthew Relief Efforts & Available Resources
    - Outside Agencies (Christ In Action & Team Rubicon USA)
    - County Run Shelter – School Street School 500 Block of West Elm Street (Across from Dillard Charter Academy)
    - Disaster Recovery Center – New WA Foster Center, 1012 S. John Street Monday-Saturday (9:00 am to 7:00 pm) and Sunday (12:00 pm to 5:00 pm)
    - Emergency Operations Center (EOC) 919-705-6599
- Research of Future Grant Opportunities

Councilmember Williams stated he appreciated all of her work and shared concerns regarding FEMA vouchers for hotel stays and asked if she would check on when hotel vouchers may be ready.

Councilmember Foster asked if there was anything Council could do to support the shelters or assist with FEMA. Ms. Simpson-Carter stated we are assisting and have provided transportation. Councilmember Foster thanked her for what she is doing.

Ms. Simpson-Carter shared WAGES has been an awesome partner. She also shared no CDBG funds are allocated at this time for hurricane repairs.

Hurricane Matthew Recovery Effort Update – Public Works. Mr. Rick Fletcher stated the recovery effort has been a concerted effort between Public Works, Public Utilities, Parks and Recreation, Finance, Fire Department, Planning, Safety, etc. He thanked everyone for the support. Mr. Fletcher shared the following information:

<u>Debris Removal Effort</u>

- Contractor (Custom Tree Care)
    - Vegetative Debris – 139 Loads / 7,376 Cubic Yards
- Public Works (In-House)
    - Vegetative Debris – 437 Loads / 9,226 Cubic Yards
    - Sweeper Material – 74 Loads / 444 Cubic Yards
    - Bulk Items (C & D) – 79 Loads / 1,723 Cubic Yards
- Second Sweep of the City Started 24 Oct 2016
- Contract Bid Proposals Advertised
    - Vegetative Debris Reduction/Removal
    - Bulk Item (C & D) Removal

<u>Cemetery</u>

- Total of 36 Vaults and/or Caskets Dislodged
    - 19 Identified & Reinterred
- In the Process of Identifying Remaining 17
    - Working with Rhodes and Hamilton Funeral Homes

- Cross-referencing Casket Styles w/Names
- Opening Caskets - Last Resort

Road Concerns/Cave-ins

- Spruce St – From John St to the "Big Ditch"
  - Sunken Asphalt from Voids due to Infiltration
- Royal Ave –Washed Out and Closed
  - Repaired by NCDOT – Open Saturday?
- Wayne Memorial Dr and Aycock St - NCDOT
  - S &S filled Initially w/Sand & Base Course
- 309 E. Walnut St.
- Slocumb St Near SJAFB Gate – One Lane Closed
  - One Lane Entry – Contract Award Pending

Other Highlights

- Fuel was Never an Issue
  - Foresight and Response of Fleet Superintendent
- Fabricated & Repaired Numerous Signs
- Diligently Preparing FEMA Paperwork
- Focused on Finishing Strong

Councilmember Ham asked if we are still monitoring the contractor and Mr. Fletcher replied yes sir.

Councilmember Williams stated there is a smell in an area that flooded in the West Haven and Little Washington area and asked if staff could wash down the streets. Mr. Stevens stated staff would check into that with the health department.

Mayor Allen stated from the day this started, the City, the EOC, the County and many partners have worked together and done a phenomenal job. We are very grateful. I know the citizens are going through some hard times but we will get through this together. Mayor Allen stated through this he has seen many people helping one another doing unbelievable things and it did not matter what religion, what color, whether man or woman, I saw people helping people. Thank you for all you are doing.

There being no further business, the meeting adjourned at 4:01p.m.

_____
Chuck Allen
Mayor

_____
Melissa Corser, MMC
City Clerk

ITEM C

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 5, 2016 COUNCIL MEETING

SUBJECT: Public Hearing – 2016 Utility Assessment Roll No. 1
Balsam Place Sanitary Sewer Improvements

BACKGROUND: On November 7, 2016 the City of Goldsboro adopted Resolution No. 2016-85, which declared the costs, ordered preparation of a preliminary assessment roll, and set a public hearing for December 5, 2016. The sanitary sewer improvements scheduled for public hearing are for Balsam Place from Amherst Road to the terminus of Balsam Place.

DISCUSSION: The Engineering Department mailed a Notice of Public Hearing, a copy of the above resolution and the assessment amount to all property owners whose properties are served by the improvements. The land served abutting the improvements is identified based upon Wayne County tax maps and/or subdivision maps.

The assessments were computed by multiplying the assessment rate times the total abutting linear footage of the properties (1,125.42 ft. x $17.00/ft. = $19,132.14) with the total being divided by the number of lots served ($19,132.14 / 11 properties = $1,739.29) for an equal assessment per lot.

The final construction cost of this project is $112,854.30. Of this amount $19,132.14 is assessed, and the City is absorbing the remainder of $93,722.16, which is 83% of the total construction cost. We have prepared for the Council's consideration an ordinance relating to confirmation of the assessment roll.

RECOMMENDATION: A recommendation will be made at the conclusion of the public hearing for the City Council to either:

1. Adopt the attached ordinance confirming the 2016 Utility Assessment Roll No. 1 and levying assessments, or
2. Refer this matter to the Public Works Committee for study and recommendation for action at a future Council meeting.

Date: 30 Nov 16

Guy M. Anderson, P. E., City Engineer

Date: 11-30-16

Scott A. Stevens, City Manager

ORDINANCE NO. 2016- 61

ORDINANCE CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Goldsboro, on the 5th day of December, 2016, held a public hearing after due notice as required by law, on the assessment roll for the utility improvements herein listed below; and

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said assessment roll to be in order;

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

1. The assessments along the following street which were set forth in the assessment roll, which was placed on file in the Office of the City Clerk of the City of Goldsboro on November 17, 2016, by Resolution No. 2016-85, be and the same is hereby confirmed in accordance with Chapter 160A, Section 228 of the General States of North Carolina.

Location	From	To	Improvement
Balsam Place	Amherst Road	Terminus	Sanitary Sewer

2. The City Council of the City of Goldsboro, pursuant to authority conferred by Chapter 160A, Section 216, of the General Statutes of North Carolina, and Article X of the Charter of the City of Goldsboro, does hereby levy assessments as contained in the said assessment roll.

3. The assessments for these sanitary sewer improvements shall be payable at par if paid within 30 days after the publication of the notice that the assessment roll has been confirmed or in five (5) equal annual installments bearing interest at the rate of eight percent (8%) per annum from the date of confirmation of the assessment roll, the interest payable annually, one installment becoming due each year at the time the assessment roll was confirmed, until all five (5) installments and interest are paid.

4. A copy of the assessment roll be delivered by the City Clerk to the Tax Collector (the same person as the Finance Director) of the City of Goldsboro, who is hereby charged with the collection of such assessments in accordance with the law and that the assessments therein set forth be collected by the Tax Collector, and in the event of any default in payment of any installment when due, the entire amount assessed against such property shall become due and payable at once at the option of the City of Goldsboro.

5. The Tax Collector (the same person as the Finance Director) is hereby further directed to publish once after the expiration of 20 days from the confirmation of the assessment roll, the notice required by Chapter 160A, Section 229 of the General Statutes of North Carolina.

Adopted this 5th day of December, 2016, at _____ p.m.

Approved as to Form Only:

City Attorney

Reviewed by:

City Manager

D

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 5, 2016 COUNCIL MEETING

SUBJECT:	Public Hearing to Consider a Proposal to Provide Economic Incentives to Alta Foods, LLC
BACKGROUND:	Pursuant to NC General Statue 158-7.1, a public hearing is being held on a proposal to provide economic incentives to Alta Foods totaling $25,000 over a five-year period based on a performance agreement with a $2,500,000 capital investment and creation of 5 full-time jobs. Alta Foods has been in business in Goldsboro since 2008.
DISCUSSION:	The addition of these improvements will expand the City tax base through increased ad valorem tax value created as a consequence of capital investment in machinery and equipment being brought into the City. The City recognizes that a portion of the revenues generated as a consequence of this business venture be returned to Alta Foods, LLC to pay a portion of the costs of the investment, and that such revenues be designated as an "Economic Development Grant" to Alta Foods, LLC, in an amount up to Twenty-five Thousand Dollars ($25,000).
RECOMMENDATION:	Following the public hearing and depending on comments received, staff recommends Council consider adopting a Resolution authorizing the Mayor and City Clerk to execute a performance agreement with Alta Foods, LLC.

Date: 12-1-14

City Manager

RESOLUTION NO. 2016 – 95

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PERFORMANCE AGREEMENT WITH ALTA FOODS, LLC

WHEREAS, Alta Foods has developed plans that include the installation of $2,500,000 in capital investment and creation of 5 full-time jobs at its location in the City of Goldsboro; and

WHEREAS, the addition of these improvements will expand the City tax base through increased ad valorem tax value created as a consequence of capital investment in machinery and equipment being brought into the City; and

WHEREAS, the City recognizes that a portion of the revenues generated as a consequence of this business venture be returned to Alta Foods, LLC to pay a portion of the costs of the investment, and that such revenues be designated as an "Economic Development Grant" to Alta Foods, LLC, in an amount of up to Twenty-five Thousand Dollars ($25,000) over a five year period.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Goldsboro North Carolina, the Mayor and City Clerk are hereby authorized to sign a performance agreement with Alta Foods, LLC.

Adopted this the 5th day of December, 2016.

Approved as to Form Only:

City Attorney

Reviewed by:

City Manager

Item E

CITY OF GOLDSBORO

AGENDA MEMORANDUM

DECEMBER 5, 2016 PUBLIC HEARING

SUBJECT: Z-10-16 Earl Beasley-North side of East Ash Street between Barrow Court and Malloy Street (R-16 Residential to General Business Conditional District).

Applicant requests a zoning change from R-16 Residential to General Business Conditional District which would limit the use of the property to a place of entertainment with ABC permits (bar).

Frontage: 210 ft. (E. Ash Street)
Depth: 168.54 ft.
Area: 38,884 sq. ft. or .89 acres
Zoning: R-16 Residential

BACKGROUND: The property was previously operated as a bar and was known as Al's Place. The business was considered a legal, nonconforming use at that time because it was established before the adoption of the City's UDO. Since the facility has been closed for more than six months, the applicant is now required to comply with current City Codes and to obtain the proper zoning and a Conditional Use Permit.

DISCUSSION: Places of entertainment with ABC permits are a permitted use within the General Business Conditional District upon approval by City Council. Development plans are required in conjunction with the Conditional Use Permit.

The property contains three structures, two of which are to be utilized in combination with the proposed place of entertainment.

An existing 1,252 sq. ft. wood-sided and concrete block building located along the western property line will serve as the proposed bar. Another existing 90 sq. ft. wood-sided accessory structure is located behind the proposed bar and will be used for storage purposes only. A 6 ft. high wood privacy fence encloses an existing patio and outside area between the proposed bar and storage building.

There is also a 1,680 sq. ft. single-family dwelling located along the eastern property line which shares a common access drive with the proposed bar. In the future, the applicant has indicated his intent to convert the dwelling to an office. Development plans will be required at that time.

Existing Buildings: As stated earlier, buildings on site are existing. As such, they do not meet current setbacks of the current or proposed zoning districts. A number of building setback modifications will be necessary.

Parking: Based on one parking space per 32 sq. ft. of floor area excluding storage, the proposed place of entertainment will require 28 paved and striped parking spaces. The submitted site plan indicates a total of only nine spaces which are to be graveled. A modification of the number of parking spaces and the paving requirement will be necessary.

In addition, if the existing residential dwelling is converted to office use in the future, an additional five paved parking spaces will be required.

Hours of Operation: 12:00 p.m. to 2 a.m. Monday-Sunday.

Number of Employees: 4

The City's UDO requires a separation distance of 200 ft. from residentially-zoned or developed property, a church or school measured property line to property line, excluding street right-of-way. The subject property is across the street from residentially-zoned and developed property across Ash Street. A distance modification will be necessary from 200 ft. to 0 ft.

In addition, places of entertainment with ABC permits may be no closer than 150 ft. from any other place of entertainment measured property line to property line. The property is immediately adjacent to Heroes Sports Bar and Grill to the east. A distance modification from 150 ft. to 0 ft. will be necessary.

Commercial Dumpster: Applicant indicates that a commercial dumpster will be utilized on site and will be appropriately screened from off-site views.

Sidewalks: Sidewalks are required for 210 ft. of road frontage along East Ash Street or the applicant may pay a fee in lieu of sidewalk installation in the amount of $3,150.

Landscaping: A 5 ft. wide landscape buffer will be required surrounding the perimeter of the site and separating the proposed bar from the future office use. Existing vegetation is not sufficient to meet the City's landscape or buffering requirements and additional plant material will be necessary. Street trees are not shown on the submitted site plan although the applicant intends to work with staff to meet this requirement.

At the public hearing held on November 21, 2016, no one appeared to speak either for or against this request.

Based on submitted plans, the following modifications will be required.

1. Building setbacks;
2. Parking lot paving requirement;
3. Number of parking spaces from 28 to 9;
4. Distance requirement from residentially zoned and developed property from 200 ft. to 0 ft.
5. Distance requirement from another place of entertainment from 150 ft. to 0 ft.

The Planning Commission, at their meeting on November 28, 2016, recommended denial of the request based on the number of modifications required and the fact that this place of entertainment would be located immediately adjacent to another existing place of entertainment with ABC permits.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and deny the applicant's request for a Conditional Use Permit to allow the operation of a place of entertainment with ABC permits.

Date: 11-29-2016

Planning Director

Date: 11-30-16

City Manager

ssj

Z-10-16
Earl Beasley

GOLDSBORO
BE MORE DO MORE SEYMOUR

200 100 0 200 Feet

N
W E
S

Z-10-16
Earl Beasley

GOLDSBORO
BE MORE DO MORE SEYMOUR

100 50 0 100 Feet

N
W E
S

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

MINIMUM SETBACK REQUIREMENTS
FRONT = 20 FEET
REAR = 25 FEET
SIDE = 15 FEET

USE: RETAIL (USE MUST BE APPROVED PRE-OCCUPANCY)

REFERENCE TO PROPERTY: DEED BOOK 2747 PAGE 440

TOTAL ACREAGE IN TRACT = 40548 SQ. FT. OR 0.93 ACRE±

PRE-DEVELOPMENT IMPERVIOUS = 10544 SQ. FT.
POST-DEVELOPMENT IMPERVIOUS = 10544 SQ. FT.
INCREASED IMPERVIOUS = 0 - 0 = 0 PERCENTAGE INCREASE = 0/0 = 0%

TOTAL IMPERVIOUS AREA INCLUDING BUILDING =10,544 SQ. FT. OR 0.24 ACRE±

TOTAL IMPERVIOUS AREA EXCLUDING BUILDING = 7592 SQ. FT. OR 0.17 ACRE±

HOURS OF OPERATION: 12:00 P.M. TO 10:00 A.M. MONDAY THRU SUNDAY

REFUSE COLLECTION BIWEEKLY BY CITY OF GOLDSBORO (DUMPSTER).

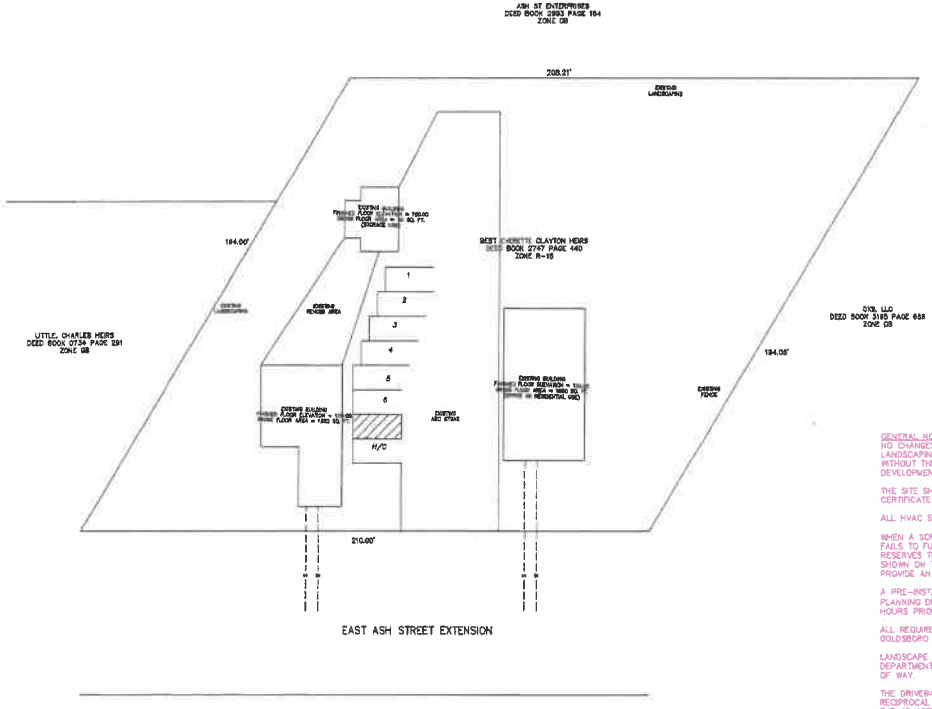
DELIVERIES TO SITE - 2 PER WEEK BY UPS VAN

PARKING
RETAIL BEER AND SOFTDRINKS - EXAMPLES CLOTHES, HOUSHOLD SUPPLIES, TOYS, ART SUPPLIES, SPORTING GOODS, GIFTS, BOOKS, ETC. - 1 SPACE PER 250 SQ. FT. OF GROSS FLOOR AREA.
1,252 + 0 = 1250 SQ. FT. RETAIL SPACE/250 SQ. FT. = 5 (5 SPACES)

REQUIRED PARKING
5 SPACES RETAIL
1 HANDICAP SPACE
6 PARKING SPACES TOTAL

PROPOSED PARKING
5 PARKING SPACES
1 HANDICAP SPACE
6 PARKING SPACES TOTAL

NOTE (NCDOT)
THERE WILL BE NO ROAD IMPROVEMENTS REQUIRED ALONG SR 1900 BY THE NCDOT, THEREFORE A DRIVEWAY PERMIT WILL NOT BE REQUIRED. ALTHOUGH, THE LANDSCAPING WITHIN THE NCDOT RIGHT-OF-WAY WILL REQUIRE AN ENCROACHMENT AGREEMENT.



LEGEND	EXISTING	PROPOSED
EDGE OF PAVEMENT		
CURB & GUTTER		
SANITARY SEWER LINE	--- --- S --- ---	
WATER LINE	--- --- W --- ---	
STORM DRAINAGE LINE	--- --- D --- ---	
ROOF DRAINAGE LINE		
GAS LINE	--- --- G --- ---	
SANITARY SEWER MANHOLE		
CURB INLET		
CATCH BASIN		
FIRE HYDRANT		
LIGHT ON POLE		
UTILITY POLE		
TRAFFIC FLOW		
ELEVATION	+ 65.00	
CONTOUR	60	
DRAINAGE FLOW		

GENERAL NOTES:
NO CHANGES TO ANY ASPECT OF THIS SITE PLAN, INCLUDING BUT NOT LIMITED TO, LANDSCAPING, GRADING, BUILDING ELEVATIONS, LIGHTING OR UTILITIES WILL BE MADE WITHOUT THE APPROVAL OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

THE SITE SHALL BE STABILIZED AND SEEDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

ALL HVAC SYSTEMS SHALL BE SCREENED FROM OFF-SITE VIEWS.

WHEN A SCREENING/OPAQUE BUFFER IS REQUIRED AND WHERE EXISTING VEGETATION FAILS TO FUNCTION ADEQUATELY AS REQUIRED, THE ZONING ENFORCEMENT OFFICER RESERVES THE RIGHT TO REQUIRE SUPPLEMENTAL PLANTINGS IN ADDITION TO THOSE SHOWN ON THE PLANTING PLAN BASED ON ACTUAL FIELD CONDITIONS IN ORDER TO PROVIDE AN OPAQUE SCREEN.

A PRE-INSTALLATION CONFERENCE BETWEEN THE LANDSCAPE CONTRACTOR AND THE PLANNING DEPARTMENT STAFF SHALL BE SCHEDULED AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO LANDSCAPING INSTALLATION.

ALL REQUIRED IMPROVEMENTS SHALL COMPLY WITH THE STANDARDS OF THE CITY OF GOLDSBORO UNIFIED DEVELOPMENT ORDINANCE.

LANDSCAPE ENCROACHMENT AGREEMENT IS REQUIRED FROM NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPING IN BERKELEY BOULEVARD RIGHT OF WAY.

THE DRIVEWAY AGREEMENT IS RECORDED AT DEED BOOK 1774 PAGE 905 FOR RECIPROCAL EASEMENT. PROPERTY OWNER MUST OBTAIN DRIVEWAY AGREEMENT WITH THE ADJACENT OWNER BEFORE PLAN IS APPROVED FOR PARKING ON THE EAST SIDE.

CONDITIONAL USE PERMIT MAY BE REQUIRE FOR CERTIAN USES FOR THIS SITE. CHECK WITH THE CITY OF GOLDSBORO FOR THIS REQUIREMENT.

SCALE: 1" = 20'

SHEET 1 OF 1

SCALE 1" = 20'

DATE 06 SEPT 16

DRAWN BY MW

PROJECT
DKS, LLC
SITE PLAN

DESCRIPTION
3003 E ASH ST EXTENSION BLVD.

WALLER DESIGN
& DRAFTING,
Goldsboro, North Carolina 27534
Ph: (919) 394-5870

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		

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

Owner's signature(s)

Item F

CITY OF GOLDSBORO

AGENDA MEMORANDUM

DECEMBER 5, 2016 PUBLIC HEARING

SUBJECT: CU-15-16 Jack Newsome – South side of US 70 West between Perkins Mill Road and Carolina Circle

BACKGROUND: The applicant requests a Conditional Use Permit to operate a used car lot.

Frontage:	180 ft.
Depth:	165 ft. (approx.)
Area:	30,786 sq. ft. or 0.7 acres
Zoning:	Highway Business

The property was previously utilized as a convenience store and gas station (Handy Mart). The existing metal building is now vacant and has been for more than six months.

DISCUSSION: Used car sales are a permitted use within the Highway Business zoning district upon obtaining a Conditional Use Permit from City Council. The applicant has submitted a site plan which indicates the following:

1. Parking:
    a. Display vehicles: 34 spaces
    b. Customers: 5 spaces
    c. Employees: 3 spaces

2. Method of Delivery: A loading space will not be required as vehicles will be driven to the site.

3. Hours of Operation:
    a. 9:00 a.m. to 6:00 p.m. (Monday thru Friday)
    b. 9:00 a.m. to 2:00 p.m. (Saturday)

4. Method of refuse collection: Provided by private carrier

The property is served by two access drives along US 70 West. The property can also be accessed via Short Street which allows access at the rear of the property. NCDOT has recommended that the driveway closest to Perkins Mill Road on US 70 West be closed and that a right-turn lane be constructed leading to the remaining US 70 driveway.

The site plan delineates spaces to be used for display parking. Eight of the 42 total spaces are shown in front of the existing building and will be utilized for customer and employee parking. The remaining 34 spaces will be used for display vehicles.

The existing building is placed along the southeast corner of the property, therefore, modifications of the 20 ft. side and rear setbacks will be required.

A Type 'C' (20 ft. wide) buffer is required along the southern, eastern and a portion of the western property lines. A wooden privacy fence exists along the eastern property line, mature evergreen shrubs exist along the southern property line and staff is working with the applicant to install a wooden privacy fence along a portion of the western property line to meet the buffer requirements of the City's UDO.

A Type 'A' 5 foot buffer is required and shown along the remaining portion of the western property which will utilize existing vegetation.

There are existing low-growing shrubs in the US 70 West right-of-way within an established island, however, with the installation of the required turn lane, most, if not all, of this island will be eliminated. The staff will work with the applicant to relocate the plant material appropriately. NCDOT will not allow required street trees within the right-of-way, therefore, a modification of that requirement will be necessary.

Interconnectivity is not shown due to the adjacent properties being zoned and developed residentially.

At the public hearing held on November 21, 2016, no one appeared to speak either for or against the request.

The Planning Commission, at their meeting held on November 28, 2016, recommended approval of the Conditional Use Permit and submitted development plans with the requested modifications and subject to incorporating NCDOT recommendations.

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

1. Adopt an Order approving the Conditional Use Permit to allow the operation of a used car lot; and
2. Approve the submitted development plans with the following modifications:

    a. Street tree requirement;
    b. Protected street yard and interior landscaping;
    c. Side and rear setbacks for existing building; and
    d. Interconnectivity.

Approval would be subject to incorporation of NCDOT recommendations which include closing one driveway and construction of a right-turn lane leading to the remaining driveway.

Date: 11-29-2016

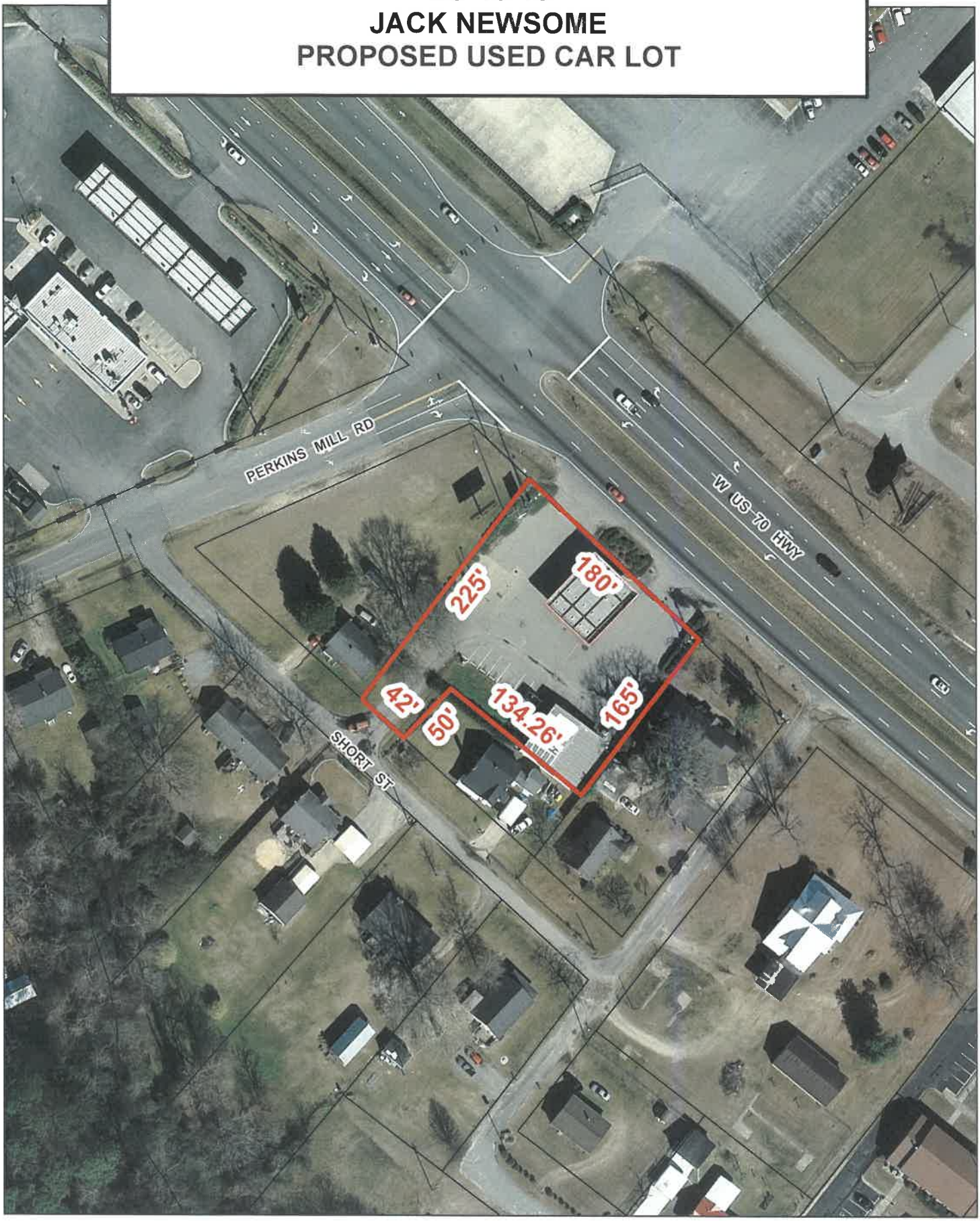
John P. Dunn Jr.
Planning Director

Date: _____

_____
City Manager

ssj

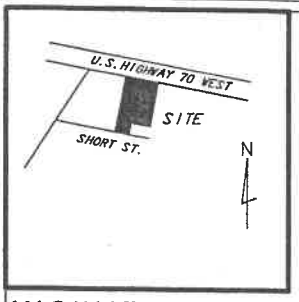
CU-15-16
JACK NEWSOME
PROPOSED USED CAR LOT



GOLDSBORO
BE MORE DO MORE SEYMOUR

100 50 0 100 Feet

N
W E
S



VICINITY SKETCH

PLAT FOR:

JACK NEWSOME

LOT 4 & PART OF 5

W. L. BLALOCK SUBDIVISION

FORK TOWNSHIP
WAYNE COUNTY, N. C.
PLAT CABINET 'D' SLIDE '16'
LOT AREA = 31,200 SF
SCALE 1"=40'

0 40 80

U. S. HIGHWAY 70 WEST

LANDSCAPING AREA

S 46°23'20"E 180.13'

ASPHALT PAVING

18' TYPICAL

LORRAINE HOWELL
355-389

PAULA WATERS
010-341

N 40°37'32"E 211.10'

S 40°37'32"W 158.00'

NORTH PC 'D' S '16'

ASPHALT PAVING

50'

EXISTING COMMERCIAL BUILDING

40'

N 47°22'28"W 130.00'

S 40°37'32"W 50.00'

GOLDEN ACORN PROPERTIES
2808-627

N 47°22'28"W 50.00'

SHORT STREET

42 PARKING SLOTS SHOWN

ZONED HB

2000 HEATED SF IN EXISTING BUILDING

LEGEND

- I.S.F. DENOTES IRON STAKE FOUND
- C.M.F. DENOTES CONCRETE MARKER FOUND
- DENOTES UTILITY BOX
- DENOTES UTILITY BOX
- DENOTES WATER METER
- DENOTES FENCE

I, CLAUDE L. WHITFIELD, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED INFORMATION SHOWN ABOVE. THAT ALL BUILDINGS ARE AS SHOWN. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS AT LEAST 1/7,500. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN WITHOUT SURVEY DATA; THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

C. L. WHITFIELD, PLS

ENGINEERING-PLANNING-SURVEYING

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 **November 21, 2016** to consider Conditional Use Permit application number:

CU-15-16 Jack Newsome – South side of US 70 Wes between Perkins Mill Road and Carolina Circle

to allow the operation of a **used car lot** makes the following findings of fact.

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 Sections 5.5 Supplemental Use Regulations and 5.5.4 Special and Conditional Use Specific Regulations pertaining to *"Automobile Sales - Used"*.

In addition, the Council approved site and landscape plans detailing the proposed development. The following modifications were approved in conjunction with the plan approval.

1. Modification of street tree and interior landscaping requirement;
2. Modification of 8 ft. protected street yard;
3. Modification of side and rear setbacks for existing building; and
3. Modification of interconnectivity.

Upon motion made by Councilmember Ham and seconded by Councilmember Broadaway, the Council APPROVED the applicant's request for a Conditional Use Permit to allow the operation of a used car dealership for high-end, high-performance autos including the accessory uses of restoration, service and repair.

Therefore, because the City Council concludes that all of the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT have **BEEN SATISFIED**, subject to listed modifications, IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT to operate a used car lot be **APPROVED.**

Thus ordered this 5th day of December, 2016.

Chuck Allen, Mayor

James D. Womble, City Attorney

Item G

CITY OF GOLDSBORO

AGENDA MEMORANDUM

DECEMBER 5, 2016 COUNCIL MEETING

SUBJECT: Site and Landscape Plan - Ample Storage (Phase II)

The property is located on the north side of US 70 East between Tenth Place and Calvary Street and is immediately adjacent to the existing Ample Storage site to the south.

Frontage: 429.38 ft. (Tenth Place)
Area: 113,256 sq. ft. or 2.60 acres
Zoning: General Business

The site is currently vacant.

BACKGROUND: Development plans for Ample Storage were initially approved by Council on September 8, 2009.

The owner proposes the expansion of the storage operation on an additional 2.6 acres which will include the construction of three new storage buildings.

DISCUSSION The submitted site plan indicates the construction of 3 new commercial buildings to be used for rental storage. Areas of each building are as follows:

Building A1: 8,250 sq. ft.
Building A2: 15,750 sq. ft.
Building B: 24,000 sq. ft.

Hours/Days of Operation: 24 hours; 7 days a week

Number of Employees: 1

Access: Currently, the site is accessed by a 35 ft. wide gated driveway extending from the US 70 service road and a 30 ft. wide gated driveway located at the end of the Tenth Place. A new 40 ft. wide gated driveway is proposed along the frontage of the Phase II section fronting Tenth Place which will provide egress only. Access aisles will provide circulation throughout the interior of the site.

Parking: There are 12 existing parking spaces serving the site. No additional parking spaces are proposed or required.

Sidewalks: Sidewalks are required for the proposed development along Tenth Place or the developer will be required to pay a fee in lieu of installation in the amount of $6,440.70.

Refuse Collection: There is an existing commercial dumpster located to the north of the property at the end of the Tenth Place cul-de-sac.

Interconnectivity: The submitted site plan does not show interconnectivity to the north or east of the existing and proposed development. For security purposes, the developer believes that interconnectivity would not be practical. A modification of this requirement will be necessary.

Retention Pond: A new dry retention pond is shown on the site which includes a 5 ft. wide ingress/egress easement provided for maintenance. Stormwater calculations will be reviewed and approved by the City's Engineering Department.

Building Elevations: Elevation plans have not been submitted. Staff is working with the site engineer to ensure that no more than 50% of the exterior building walls are of smooth-faced concrete block, concrete panels or prefabricated metal materials and that other design guidelines are appropriately followed.

Landscaping: Submitted site plan indicates a total of 10 Willow Oaks to serve as street trees along Tenth Place. In addition, vehicular surface buffers are shown adjacent to the street trees and interspersed throughout the site. Plantings consist of Carissa Hollies, Redbuds, Crape Myrtles and India Hawthorns.

Type A, 10 ft. wide landscape buffer yard is shown along the southeastern property line. A total of 21 large trees will serve as the required buffer yard.

The Planning Commission, at their meeting held on November 28, 2016 recommended approval of the development plans with a modification of the interconnectivity requirement and subject to staff approval of building elevation plans.

RECOMMENDATION: By motion, accept the recommendation of the Planning Commission and approve the site and landscape plan for Ample Storage Phase II with a modification of interconnectivity subject to staff approval of building elevation plans.

Date: 11-29-2016

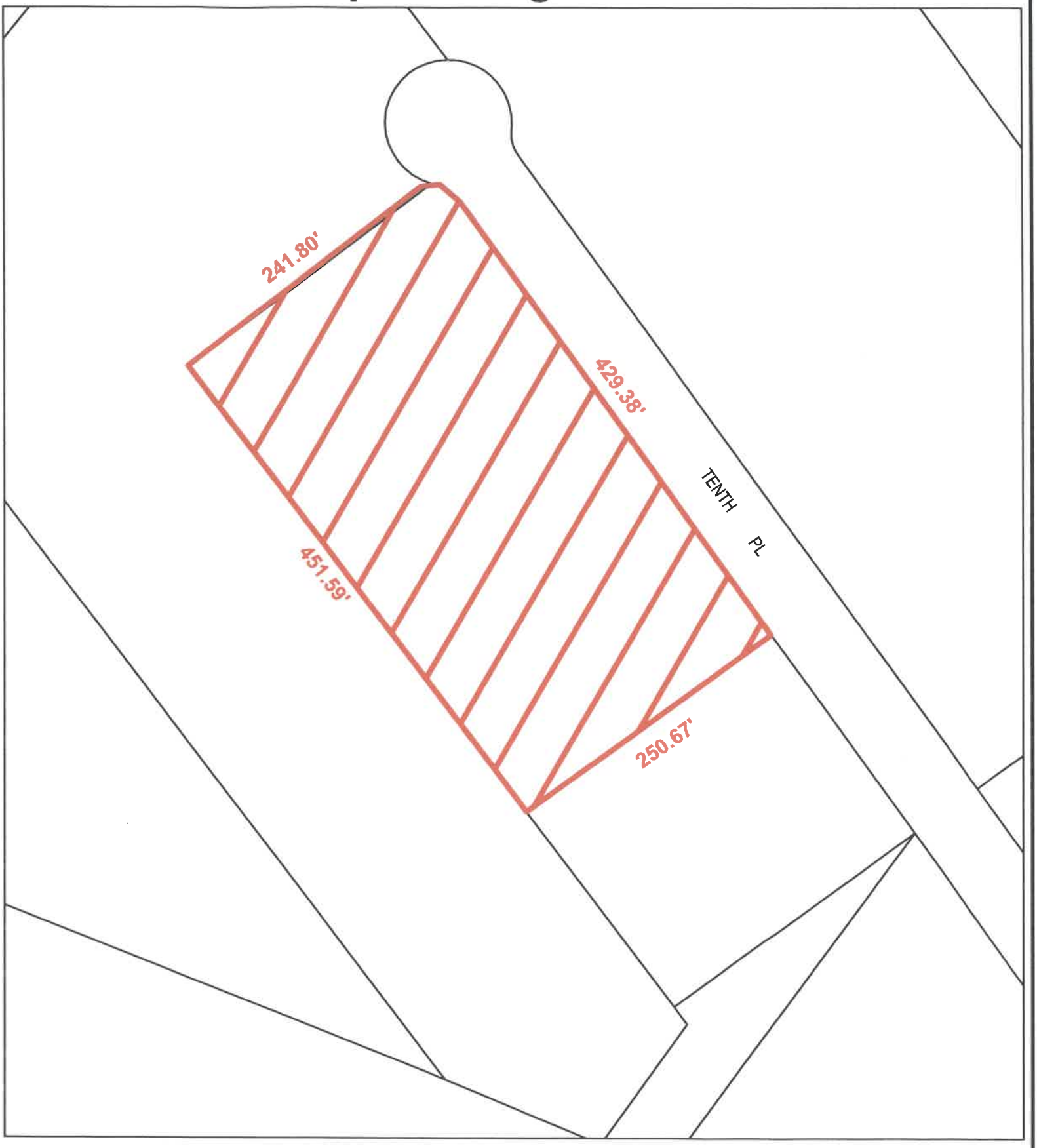
Planning Director

Date: 11-30-16

City Manager

ssj

Site Plan
Ample Storage Phase 2



Site Plan
Ample Storage Phase 2

GOLDSBORO
BE MORE DO MORE SEYMOUR

100 50 0 100 Feet

N
W E
S

GENERAL NOTES

1. NO CHANGES TO ANY ASPECT OF THIS SITE PLAN, INCLUDING BUT NOT LIMITED TO, LANDSCAPING, GRADING, BUILDING ELEVATIONS, LIGHTING OR UTILITIES WILL BE MADE WITHOUT THE APPROVAL OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.
2. THE SITE SHALL BE STABILIZED AND SEEDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
3. ALL HVAC SYSTEMS ARE LOCATED WITHIN FENCING AND BUILDING AREAS, THUS SHIELDED FROM OFF-SITE VIEWS.
4. WHEN A SCREENING/OPAQUE BUFFER IS REQUIRED AND WERE EXISTING VEGETATION FAILS TO FUNCTION ADEQUATELY AS REQUIRED, THE ZONING ENFORCEMENT OFFICER RESERVES THE RIGHT TO REQUIRE SUPPLEMENTAL PLANTINGS IN ADDITION TO THOSE SHOWN ON THE PLANTING PLAN BASED ON ACTUAL FIELD CONDITIONS IN ORDER TO PROVIDE AN OPAQUE SCREEN.
5. A PRE-INSTALLATION CONFERENCE BETWEEN THE LANDSCAPE CONTRACTOR AND THE PLANNING DEPARTMENT STAFF SHALL BE SCHEDULED AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO LANDSCAPING INSTALLATION.
6. ALL REQUIRED IMPROVEMENTS SHALL COMPLY WITH THE STANDARDS OF THE CITY OF GOLDSBORO UNIFIED DEVELOPMENT ORDINANCE.
7. OWNER ELECTS TO PAY INTO SIDEWALK FUND RATHER THAN INSTALL SIDEWALKS.

MODIFICATIONS REQUESTED

1. DUE TO SECURITY REASONS, A MODIFICATION TO THE INTERCONNECTIVITY REQUIRMENT IS REQUESTED.
2. DUE TO THE NATURE OF THE FACILITY, A MODIFICATION IS REQUESTED TO REDUCE THE INTERIOR VSA VEGETATION REQUIRED. THE PARKING AREA AT THE FACILITY ENTRANCE IS IN COMPLIANCE. THE REMAINDER OF THE FACILITY WOULD NOT INCLUDE INTERIOR LANDSCAPING.

LIGHTING NOTES

1. ALL PROPOSED LIGHTING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 4-2 OF THE CITY OF GOLDSBORO UNIFIED DEVELOPMENT ORDINANCE. ANY LIGHTING FOUND TO BE IN NONCOMPLIANCE WITH THE SECTION SHALL BE BROUGHT INTO COMPLIANCE IMMEDIATELY BY THE PROPERTY OWNER.

CERTIFICATE OF OWNERSHIP

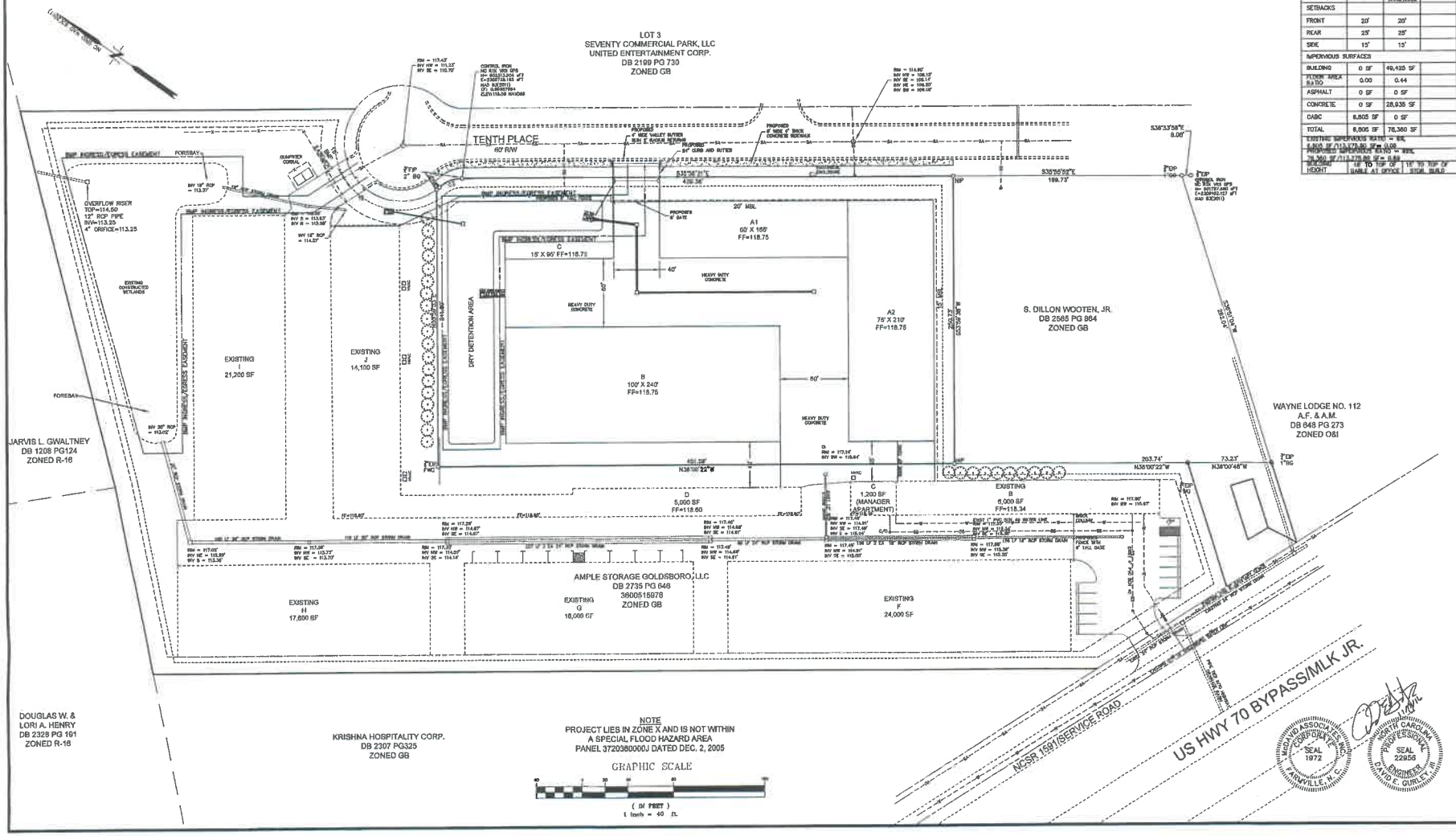
I hereby certify that I am the owner of the property shown and described hereon and that I hereby approve this development plan. I further certify that all exterior improvements, including but not limited to paving and landscaping as shown on the site plan will be maintained in accordance with this plan.

Signature

SITE DATA

OWNER	AMPLE STORAGE GOLDSBORO LLC P.O. BOX 608 SMITHFIELD, NC 27577 919-934-3161		
PROPERTY ADDRESS	104 TENTH PLACE GOLDSBORO, NC 27534		
PIN	3600526038		
DB/PG	2585/864		
SIZE	2.60 ACRES OR 113,275.80 SF		
	EXISTING	PROPOSED	REQUIRED
ZONING	GB	GB	
LAND USE	VACANT	MINI STORAGE WAREHOUSE	
SETBACKS			
FRONT	20'	20'	
REAR	25'	25'	
SIDE	15'	15'	
IMPERVIOUS SURFACES			
BUILDING	0 SF	49,425 SF	
FLOOR AREA RATIO	0.00	0.44	
ASPHALT	0 SF	0 SF	
CONCRETE	0 SF	28,935 SF	
CABC	6,805 SF	0 SF	
TOTAL	6,805 SF	78,360 SF	
EXISTING IMPERVIOUS RATIO = 6%			
LAND DISTURBED AREA 2.60			
PROPOSED IMPERVIOUS RATIO = 69%			
78,360 SF/113,275.80 SF = 0.69			
BUILDING HEIGHT	18' TO TOP OF EAVE AT OFFICE	18' TO TOP OF STEAL BUILD	

VICINITY MAP
NOT TO SCALE


LOT 3
SEVENTY COMMERCIAL PARK, LLC
UNITED ENTERTAINMENT CORP.
DB 2199 PG 730
ZONED GB
TENTH PLACE
60' R/W
A1
60' X 166'
FF=118.75
A2
75' X 210'
FF=118.75
B
100' X 240'
FF=118.75
C
15' X 95' FF=118.75
D
5,000 SF
FF=118.60
EXISTING
I
21,200 SF
EXISTING
J
14,100 SF
EXISTING
H
17,600 SF
EXISTING
G
16,000 SF
EXISTING
F
24,000 SF
EXISTING
B
6,000 SF
FF=118.34
C
1,200 SF
(MANAGER APARTMENT)
FF=118.34
DRY DETENTION AREA
OVERFLOW RISER
TOP=114.50
12" RCP PIPE
INV=113.25
4" ORIFICE=113.25
EXISTING CONSTRUCTED WETLANDS
DUMPSTER CORRAL
20' MBL
40'
50'
HEAVY DUTY CONCRETE
S. DILLON WOOTEN, JR.
DB 2585 PG 864
ZONED GB
WAYNE LODGE NO. 112
A.F. & A.M.
DB 848 PG 273
ZONED O&I
JARVIS L. GWALTNEY
DB 1208 PG124
ZONED R-16
DOUGLAS W. & LORI A. HENRY
DB 2328 PG 161
ZONED R-16
KRISHNA HOSPITALITY CORP.
DB 2307 PG325
ZONED GB
AMPLE STORAGE GOLDSBORO, LLC
DB 2735 PG 646
3600515978
ZONED GB
US HWY 70 BYPASS/MLK JR.
NCSR 1581/SERVICE ROAD
N38°00'22"W
203.74'
N35°00'22"W
73.23'
N38°00'48"W
S35°33'58"E
189.73'
S35°33'58"E
8.06'
S38°00'22"E
203.74'
N35°00'22"W
451.58'
N38°00'22"W
S35°00'22"E
451.58'
N38°00'22"W
S38°00'22"E
203.74'
N35°00'22"W
S35°00'22"E
203.74'
N35°00'22"W
S38°00'22"E

H

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 5, 2016 COUNCIL MEETING

SUBJECT: Bond Order Authorizing the Issuance of General Obligation Bonds of the City of Goldsboro for the $3,000,000 Parks and Recreational Facilities Bond and the $7,000,000 Street Bonds

BACKGROUND: The Goldsboro City Council authorized bond referendum for the $3,000,000 of Parks and Recreational Facilities Bonds and $7,000,000 Street Bonds. The election for these bonds was held on November 8, 2016.

DISCUSSION: The Wayne County Board of Election canvassed the votes and have certified the number of votes cast on November 22, 2016. The results of the votes are:

1. Parks & Recreation Bonds
   Yes: 10,587
   No: 2,422
2. Street Bonds
   Yes: 11,111
   No: 1,958

It is necessary that the City Council certifies and declares the results of the referendum held on November 8, 2016 with respect to the $3,000,000 General Obligation Parks and Recreation Bonds and the $7,000,000 General Obligation Street Bonds.

RECOMMENDATION: It is recommended that the City Council certifies and declares that the Bond Orders entitled below are now in effect and the Clerk publish results.

1. BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $3,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE CITY.

2. BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $7,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE

CONSTRUCTION, REPAIR, INSTALLATION AND EQUIPPING OF STREETS, SIDEWALKS, STREETSCAPES AND RELATED UTILITY INFRASTRUCTURE IN THE CITY.

Date: 11-29-16 Kaye Scott

Kaye Scott, Finance Director

Date: 11-30-16

Scott Stevens, City Manager

CITY COUNCIL
OF
CITY OF GOLDSBORO, NORTH CAROLINA

Excerpt of Minutes
of Meeting of

December 5, 2016

Present: Mayor Chuck Allen presiding, and Councilmen: _____

_____

Absent: _____

Councilman _____ introduced the following resolution, the title of which was read:

Resolution Certifying Results of 2016 Referendum for General Obligation Street Bonds and Providing for Publication of Notice thereof

WHEREAS, the City Council (the "Council") of the City of Goldsboro, North Carolina (the "City"), desires to certify and declare the results of the referendum held November 8, 2016;

NOW THEREFORE, the Council for the City, meeting in regular session on December 5, 2016, does the following:

BE IT RESOLVED BY THE CITY COUNCIL, as follows:

1. The Council hereby certifies and declares the result of the referendum held on November 8, 2016, with respect to the proposed $7,000,000 General Obligation Street Bonds, to be 11,111 votes "For" approval of the Bond Order and 1,958 votes "Against" approval of the Bond Order.

2. The affirmative votes of a majority of those voting having been received, the Council hereby certifies and declares that the Bond Order entitled "**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $7,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE CONSTRUCTION, REPAIR, INSTALLATION AND EQUIPPING OF STREETS, SIDEWALKS, STREETSCAPES AND RELATED UTILITY INFRASTRUCTURE IN THE CITY**" is now in effect.

3. The Clerk to this Council shall cause the statement attached as Exhibit A to be published in *Goldsboro News-Argus* and filed in the Clerk's Office.

4. This resolution shall take effect immediately.

Duly adopted this 5th day of December, 2016 while in regular session.

_____
Chuck Allen, Mayor

ATTEST:

_____
Melissa Corser, City Clerk

EXHIBIT A

RESULT OF REFERENDUM ON $7,000,000 CITY OF GOLDSBORO, NORTH CAROLINA GENERAL OBLIGATION STREET BONDS

The result of the referendum held on November 8, 2016, in the following precincts:

	Results	
Precinct	Yes	No
5	3	1
6	42	17
7	20	6
9	1	0
10	248	35
11	240	43
12	328	53
13	96	18
14	0	1
16	0	0
17	212	25
18	176	32
19	212	36
20	284	31
21	218	47
22	242	45
23	106	18
28	0	0
29	262	43
ABSENTEE	318	66
One Stop BOE	5179	820
One Stop FTH	24	2
One Stop GWC	2139	452
One Stop LRS	455	106
One Stop MOT	37	5
One Stop NHF	203	53
PROVISIONAL	66	3
TOTAL	11,111	1,958

for the City of Goldsboro, North Carolina on the issuance of the City's General Obligation Street Bonds in an aggregate principal amount not to exceed $7,000,000 to be issued for the purpose of financing, in part, the construction, repair, installation and equipping of streets, sidewalks, streetscapes, and related utility infrastructure in the City was 11,111 votes "For" and 1,958 votes "Against" approval of such bonds and therefore the Bond Order is in effect.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun with 30 days after December 6, 2016.

CITY COUNCIL

CITY OF GOLDSBORO, NORTH CAROLINA

[To be published as soon as possible after December 5, 2016.]

CITY COUNCIL
OF
GOLDSBORO, NORTH CAROLINA

Excerpt of Minutes
of Meeting of

December 5, 2016

Present: Mayor Chuck Allen presiding, and Councilmen: _____

_____

Absent: _____

Councilman _____ introduced the following resolution, the title of which was read:

Resolution Certifying Results of 2016 Referendum for General Obligation Parks and Recreation Bonds and Providing for Publication of Notice thereof

WHEREAS, the City Council (the "Council") of the City of Goldsboro, North Carolina, (the "City") desires to certify and declare the results of the referendum held November 8, 2016;

NOW THEREFORE, the Council for the City, meeting in regular session on December 5, 2016, does the following:

BE IT RESOLVED BY THE CITY COUNCIL, as follows:

1. The Council hereby certifies and declares the result of the referendum held on November 8, 2016, with respect to the proposed $3,000,000 General Obligation Parks and Recreation Bonds, to be 10,587 votes "For" approval of the Bond Order and 2,422 votes "Against" approval of the Bond Order.

2. The affirmative votes of a majority of those voting having been received, the Council hereby certifies and declares that the Bond Order entitled "**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $3,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE CITY**" is now in effect.

3. The Clerk to this Council shall cause the statement attached as Exhibit A to be published in *Goldsboro News-Argus* and filed in the Clerk's Office.

4. This resolution shall take effect immediately.

Duly adopted this 5th day of December, 2016 while in regular session.

Chuck Allen, Mayor

ATTEST:

Melissa Corser, City Clerk

EXHIBIT A

RESULT OF REFERENDUM ON $3,000,000
CITY OF GOLDSBORO, NORTH CAROLINA
GENERAL OBLIGATION PARKS AND RECREATION BONDS

The result of the referendum held on November 8, 2016, in the following precincts:

	Results	
Precinct	Yes	No
5	3	1
6	41	18
7	19	7
9	1	0
10	245	38
11	238	43
12	307	73
13	90	21
14	0	1
16	0	0
17	222	18
18	179	30
19	208	40
20	281	34
21	199	64
22	229	58
23	105	18
28	0	0
29	254	54
ABSENTEE	292	91
One Stop BOE	4986	979
One Stop FTH	21	5
One Stop GWC	1982	598
One Stop LRS	419	136
One Stop MOT	30	10
One Stop NHF	172	79
PROVISIONAL	64	6
TOTAL	10,587	2,422

for the City of Goldsboro, North Carolina on the issuance of the City's General Obligation Parks & Recreation Bond in an aggregate principal amount not to exceed $3,000,000 to be issued for the purpose of financing, in part, the acquisition, construction and equipping of parks and recreation facilities in the City was 10,587 votes "For" and 2,422 votes "Against" approval of such bonds and therefore the Bond Order is in effect.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun with 30 days after December 6, 2016.

CITY COUNCIL

CITY OF GOLDSBORO, NORTH CAROLINA

[To be published as soon as possible after December 5, 2016.]

CITY COUNCIL
OF
GOLDSBORO, NORTH CAROLINA

Excerpt of Minutes
of Meeting of

December 5, 2016

Present: Mayor Chuck Allen presiding, and Councilmen: Aycock, Williams, Broadaway, Stevens, Foster and Ham

Absent: _____

Councilman David Ham introduced the following resolution, the title of which was read:

Resoulution 2016-96
Resolution Certifying Results of 2016 Referendum for General Obligation Parks and Recreation Bonds and Providing for Publication of Notice thereof

WHEREAS, the City Council (the "Council") of the City of Goldsboro, North Carolina, (the "City") desires to certify and declare the results of the referendum held November 8, 2016;

NOW THEREFORE, the Council for the City, meeting in regular session on December 5, 2016, does the following:

BE IT RESOLVED BY THE CITY COUNCIL, as follows:

1. The Council hereby certifies and declares the result of the referendum held on November 8, 2016, with respect to the proposed $3,000,000 General Obligation Parks and Recreation Bonds, to be 10,587 votes "For" approval of the Bond Order and 2,422 votes "Against" approval of the Bond Order.

2. The affirmative votes of a majority of those voting having been received, the Council hereby certifies and declares that the Bond Order entitled "**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $3,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PARKS AND RECREATION FACILITIES IN THE CITY**" is now in effect.

3. The Clerk to this Council shall cause the statement attached as Exhibit A to be published in *Goldsboro News-Argus* and filed in the Clerk's Office.

4. This resolution shall take effect immediately.

Duly adopted this 5th day of December, 2016 while in regular session.

Chuck Allen, Mayor

ATTEST:

Melissa Corser, City Clerk

84335526_1

EXHIBIT A

RESULT OF REFERENDUM ON $3,000,000
CITY OF GOLDSBORO, NORTH CAROLINA
GENERAL OBLIGATION PARKS AND RECREATION BONDS

The result of the referendum held on November 8, 2016, in the following precincts:

	Results	
Precinct	Yes	No
5	3	1
6	41	18
7	19	7
9	1	0
10	245	38
11	238	43
12	307	73
13	90	21
14	0	1
16	0	0
17	222	18
18	179	30
19	208	40
20	281	34
21	199	64
22	229	58
23	105	18
28	0	0
29	254	54
ABSENTEE	292	91
One Stop BOE	4986	979
One Stop FTH	21	5
One Stop GWC	1982	598
One Stop LRS	419	136
One Stop MOT	30	10
One Stop NHF	172	79
PROVISIONAL	64	6
TOTAL	10,587	2,422

for the City of Goldsboro, North Carolina on the issuance of the City's General Obligation Parks & Recreation Bond in an aggregate principal amount not to exceed $3,000,000 to be issued for the purpose of financing, in part, the acquisition, construction and equipping of parks and recreation facilities in the City was 10,587 votes "For" and 2,422 votes "Against" approval of such bonds and therefore the Bond Order is in effect.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun with 30 days after December 6, 2016.

CITY COUNCIL

CITY OF GOLDSBORO, NORTH CAROLINA

[To be published as soon as possible after December 5, 2016.]

CITY COUNCIL
OF
CITY OF GOLDSBORO, NORTH CAROLINA

Excerpt of Minutes
of Meeting of

December 5, 2016

Present: Mayor Chuck Allen presiding, and Councilmen: Aycock, Williams, Broadaway, Stevens, Foster and Ham

Absent:

Councilman David Ham introduced the following resolution, the title of which was read:

Resolution 2016-97

Resolution Certifying Results of 2016 Referendum for General Obligation Street Bonds and Providing for Publication of Notice thereof

WHEREAS, the City Council (the "Council") of the City of Goldsboro, North Carolina (the "City"), desires to certify and declare the results of the referendum held November 8, 2016;

NOW THEREFORE, the Council for the City, meeting in regular session on December 5, 2016, does the following:

BE IT RESOLVED BY THE CITY COUNCIL, as follows:

1. The Council hereby certifies and declares the result of the referendum held on November 8, 2016, with respect to the proposed $7,000,000 General Obligation Street Bonds, to be 11,111 votes "For" approval of the Bond Order and 1,958 votes "Against" approval of the Bond Order.

2. The affirmative votes of a majority of those voting having been received, the Council hereby certifies and declares that the Bond Order entitled "**BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GOLDSBORO IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $7,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE CONSTRUCTION, REPAIR, INSTALLATION AND EQUIPPING OF STREETS, SIDEWALKS, STREETSCAPES AND RELATED UTILITY INFRASTRUCTURE IN THE CITY**" is now in effect.

3. The Clerk to this Council shall cause the statement attached as Exhibit A to be published in *Goldsboro News-Argus* and filed in the Clerk's Office.

4. This resolution shall take effect immediately.

Duly adopted this 5th day of December, 2016 while in regular session.

Chuck Allen, Mayor

ATTEST:

Melissa Corser, City Clerk

84302098_1

EXHIBIT A

RESULT OF REFERENDUM ON $7,000,000 CITY OF GOLDSBORO, NORTH CAROLINA GENERAL OBLIGATION STREET BONDS

The result of the referendum held on November 8, 2016, in the following precincts:

	Results	
Precinct	Yes	No
5	3	1
6	42	17
7	20	6
9	1	0
10	248	35
11	240	43
12	328	53
13	96	18
14	0	1
16	0	0
17	212	25
18	176	32
19	212	36
20	284	31
21	218	47
22	242	45
23	106	18
28	0	0
29	262	43
ABSENTEE	318	66
One Stop BOE	5179	820
One Stop FTH	24	2
One Stop GWC	2139	452
One Stop LRS	455	106
One Stop MOT	37	5
One Stop NHF	203	53
PROVISIONAL	66	3
TOTAL	11,111	1,958

for the City of Goldsboro, North Carolina on the issuance of the City's General Obligation Street Bonds in an aggregate principal amount not to exceed $7,000,000 to be issued for the purpose of financing, in part, the construction, repair, installation and equipping of streets, sidewalks, streetscapes, and related utility infrastructure in the City was 11,111 votes "For" and 1,958 votes "Against" approval of such bonds and therefore the Bond Order is in effect.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun with 30 days after December 6, 2016.

CITY COUNCIL

CITY OF GOLDSBORO, NORTH CAROLINA

[To be published as soon as possible after December 5, 2016.]

Item I

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 5, 2016

SUBJECT: Stoney Creek Greenway Trail Agreement

BACKGROUND: The City of Goldsboro has constructed a greenway trail for pedestrian; non-motorized vehicle use along the side of Stoney Creek from Ash Street to the NCRR south of the right-of-way.

DISCUSSION: The Ridgewood residents are interested in making the greenway trail an attractive and popular recreational resource for citizens of Goldsboro. Ridgewood residents have proposed certain restrictions on the use of the greenway trail and adjoining property for the purpose of maintaining a safe and enjoyable facility for the public and residents enjoyment:

1. A natural buffer be maintained on both the east and west side of the greenway trail to give the area a natural appearance both from the trail and Ridgewood Drive area.
2. The greenway trail not be illuminated during nighttime hours.
3. The greenway trail will be open to the public solely for use by pedestrians and non-motorized vehicles.
4. Except for special events approved by the City of Goldsboro, the use of the greenway trail would be prohibited after dark.
5. Informational kiosks and other structures that would encourage gathering or loitering will not be constructed or permitted. Benches along the trail would be selected or designed to discourage sleeping on benches.
6. While bike paths meander through the City's property west of the greenway trail, direct paths or trails which promote access from the Claiborne Street area to the greenway trail will not be constructed on city property except for a limited area within 50 feet of the southernmost border of railroad right-of-way.
7. The city will increase police or security patrols as needed.
8. No access across Stoney Creek will be created between Ash Street and the NCRR southern right-of-way.
9. As additional consideration for this agreement, the Ridgewood residents will provide a gate for the parking lot entrance.

RECOMMENDATION: Authorize the Mayor and City Clerk to execute an agreement with Ridgewood residents as stipulated above.

Date: 12-1-16

Scott Stevens, City Manager

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

THIS AGREEMENT is made and entered into as of the _____ day of December, 2016, by and between the City of Goldsboro, a body politic, and Bobby G. Floars and wife, Norma R. Floars, Glenda Denise Dees, Mildred F. Ware, Dwight S. Smith and wife, Deborah J. Smith, Lindsay C. Warren, Jr., and wife Toddy Warren, Leon E. Stockton and wife, Angela L. Stockton, Gilbert J. Garcia and wife, Susana M. Garcia, Charles L. Snipes and wife, Lula J. Snipes, Charles S. Norwood, Jr., and wife, Nancy Norwood, Charles Clinton Rouse and wife, Hannah Wilkins Rouse, Benjamin W. Seegars and wife, Rebecca T. Seegars, Hal H. Tanner, III, and wife, Leigh T. Tanner, E. B. Borden, Jr., and James Louis Maxwell, III, and wife, Gina Page Maxwell (hereinafter referred to collectively as the "Ridgewood Residents").

W I T N E S S E T H:

THAT WHEREAS, the Ridgewood Residents are the owners of property adjoining Ridgewood Drive in Goldsboro, NC, which property is more particularly described and held as follows:

A. Bobby G. Floars and wife, Norma R. Floars, are the owners of Lot 67 of Pine Hills Estates as shown on a map recorded in Map book 7, Page 40 of the Wayne County Registry, and being the property conveyed to Mr. and Mrs. Floars by deed recorded in Book 1247, Page 879.

B. Glenda Denise Dees is the owner of Lot 68 of Pine Hills Estates as shown on a map recorded in Map Book 7, Page 40 of the Wayne County Registry, and being the property conveyed to Mrs. Dees by deed recorded in Book 2545, Page 21.

C. Mildred F. Ware is the owner of Lot 1 as shown on a map recorded in Map Book 7, Page 54, and Lot 1A as shown on a map recorded in Map Book 15, Page 12 of the Wayne County Registry, and being the property conveyed to Mrs. Ware by deed recorded in Book 940, Page 826.

D. Dwight D. Smith and wife, Deborah J. Smith, are the owners of Lot 2 as shown on a map recorded in Map Book 7, Page 54, and Lot 2A as shown on a map recorded in Map Book 15, Page 12 of the Wayne County Registry, and being the property conveyed to Mr. and Mrs. Smith by deed recorded in Book 1117, Page 804.

E. The Estate of Lindsay C. Warren, Jr., is the owner of Lot 3 as shown on a map recorded in Plat Cabinet D, Slide 340 and being the property conveyed to Lindsay C. Warren, Jr., by deed recorded in Book 498, Page 69, and Adrienne W. Northington is the duly qualified and acting Executrix of the Estate of Lindsay C. Warren, Jr..

F. Leon E. Stockton and wife, Angela L. Stockton, are the owners of Lot 4 as shown on a map recorded in Plat Cabinet D, Slide 340, and Lot 4A as shown on a map recorded in Plat Cabinet F, Slide 149 of the Wayne County Registry, and being the property conveyed to Mr. and Mrs. Stockton by deed recorded in Book 2342, Page 759.

G. Gilbert J. Garcia and wife, Susana M. Garcia, are the owners of Lot 5 as shown on a map recorded in Plat Cabinet F, Slide 149, of the Wayne County Registry and being the property conveyed to Mr. and Mrs. Garcia by deed recorded in Book 1508, Page 134.

H. Lula J. Snipes, is the owner of Lot 5A as shown on a map recorded in Plat Cabinet G, Slide 91, of the Wayne County Registry and being the property conveyed to Mr. and Mrs. Snipes by deed recorded in Book 834, Page 132.

I. Nancy B. Norwood, is the owner of the 3.86 acre tract shown on a map entitled Recombination Survey for Charles S. Norwood, Jr. & wife, Nancy B. Norwood recorded in Plat Cabinet O, Slide 45-A, of the Wayne County Registry, being the property conveyed to Nancy B. Norwood by deed recorded in Book 3232, Page 199, of the Wayne County Registry and Charles S. Norwood, Jr., and wife, Nancy B. Norwood, are the owners of Lot 6A as shown on a map recorded in Plat Cabinet G, Slide 91, of the Wayne County Registry and being the property conveyed by deed recorded in Book 605, Page 563.

J. Charles Clinton Rouse and wife, Hannah Wilkins Rouse, are the owners of Lots 7 and 7A as shown on a map recorded in Plat Cabinet G, Slide 91, of the Wayne County Registry and being the property conveyed to Mr. and Mrs. Rouse by deed recorded in Book 1101, Page 239.

K. Benjamin W. Seegars and wife, Rebecca T. Seegars, are the owners of Lots 8 and 8A as shown on a map recorded in Plat Cabinet G, Slide 91, of the Wayne County Registry and being the property conveyed to Mr. and Mrs. Seegars by deed recorded in Book 2731, Page 749.

L. Hal H. Tanner, III, and wife, Leigh T. Tanner, are the owners of Lot 9 as shown on a map recorded in Plat Cabinet G, Slide 91, and also Lot 9A as shown on a map recorded in Plat Cabinet F, Slide 149, of the Wayne County Registry and being the property conveyed to Mr. and Mrs. Tanner by deed recorded in Book 2342, Page 643.

M. E. B. Borden, Jr., is the owner of Lot 10 as shown on a map recorded in Plat Cabinet G, Slide 91, and also Lot 10A as shown on a map recorded in Plat Cabinet F, Slide 149, of the Wayne County Registry and being property conveyed to Mr. Borden by deed recorded in Book 605, Page 420 and in Book 729, Page 480.

N. James Louis Maxwell, III, and wife, Gina Page Maxwell, are the owners of 5.36 acres, more or less, described by metes and bounds in a deed recorded in Book 1954, Page 285 and being located on the West, North and East sides of Ridgewood Drive at its northernmost terminus, and

WHEREAS, the City of Goldsboro is the owner of three tracts of property which lie east of Claiborne Street and west of that portion of Stoney Creek which lies west of Ridgewood Drive, such tracts being more particularly described as a 11.24 acre tract of land acquired by deed recorded in Book 2612, Page 726, a 44.690 acre tract of land acquired by deed recorded in Book 1310, Page 582 and a 43.76 acre tract of land acquired by deed recorded in Book 3132, Page 448 of the Wayne County Registry, (these tracts being hereinafter described as the "City Property") and

WHEREAS, the City of Goldsboro has developed on a portion of the City Property a Greenway Trail for pedestrian and non-motorized vehicle use just west of Stoney Creek, and across Stoney Creek from Ridgewood Drive and the property of the Ridgewood Residents, (as used herein, the term Greenway Trail shall refer specifically to that portion of the Greenway Trail which lies west of Stoney Creek between Ash Street and Royall Avenue but as used herein, the Greenway Trail SHALL NOT INCLUDE the existing parking lot), and

WHEREAS, the Ridgewood Residents are interested in making the Greenway Trail an attractive and popular recreational resource for the citizens of Goldsboro and the State of North Carolina, and have agreed to provide certain benefits to the City of Goldsboro in exchange for this Agreement, and

WHEREAS, the Ridgewood Residents have expressed concerns that the Greenway Trail should be used and managed in such a way that promotes wholesome, family-oriented recreational activities for the citizens of Goldsboro and will minimize the risk of behaviors which could have a negative impact on desirable recreational use, and the Ridgewood Residents have proposed certain restrictions on the use of the Greenway Trail and the adjoining property of the City of Goldsboro for the purpose of reducing the risk of such undesirable behaviors, and

WHEREAS, the City of Goldsboro agrees that these conditions are reasonable and appropriate in order to promote the intended use of the trail for recreational purposes, and the City of Goldsboro has agreed to execute this Agreement for said purpose in exchange for the consideration hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, and in further consideration of TEN DOLLARS and other good and valuable consideration as is herein set out, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed as follows:

1) That the City of Goldsboro agrees that a natural buffer will be maintained on both the east and west side of the Greenway Trail so as to give the area a natural appearance both from the

trail and from the Ridgewood Drive area.

2) The Greenway Trail will not be illuminated during nighttime hours. This restriction for lighting shall not apply to the parking lot located just east of the intersection of Durant Street and Peachtree Street.

3) That the Greenway Trail will be open to the public solely for use by pedestrians and non-motorized vehicles, and motorized vehicles will be prohibited on the same at all times except when used by the City of Goldsboro for the purpose of performing maintenance or as may be necessary for security patrols.

4) That except for special events approved by the City of Goldsboro, the use of the Greenway Trail will be prohibited after dark. ~~Special events that are approved by the City of Goldsboro will be organized and scheduled in a way to limit activity to "Appropriate Hours". As used herein, Appropriate Hours will be hours between 8:00 AM and 9:00 PM except when written consent is obtained from a majority of the Ridgewood Residents. Any request for approval of activities during other than Appropriate Hours on the Greenway Trail shall be accompanied by a description of the safeguards to be put in place to prevent objectionable noise from occurring in connection with the planned activities~~. In the event that nighttime activity is regularly detected (not including special events described above), the City will erect signs, institute patrols and exercise all reasonable efforts to curtail use of the Greenway Trail after dark.

5) Informational kiosks, and other structures which would encourage gathering or loitering on the Greenway Trail will not be constructed or permitted. Benches along the Greenway Trail will be selected or designed to discourage sleeping on the benches.

6) While bike trails that meander through the City Property west of the Greenway Trail described above are appropriate, direct paths or trails which promote access from the Claiborne Street area to the Greenway Trail will not be constructed on the City Property except for a limited area within 50 feet of the southernmost border of railroad right-of-way (see description of the only area where direct paths or trails are permitted on the attached Exhibit A.)

7) In the event that undesirable activity is detected on the City Property (as defined above), the City will institute or increase police or security patrols as needed.

8) That no access across Stoney Creek will be created between Ash Street and the currently existing railroad tracks adjacent to Royall Avenue.

9) That as additional consideration for this Agreement, the Ridgewood residents will provide a gate for the parking lot entrance as described on the attached Exhibit B.

10) That this Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective successors and/or assigns.

11) That the terms of this Agreement may be modified only with the consent of a majority of the then owners of the property now owned by the Ridgewood Residents (providing one vote for each residential unit on the Ridgewood Residents' property described above).

IN WITNESS WHEREOF, the City of Goldsboro has executed this Agreement by authority of its City Council and the Ridgewood Residents have hereunto set their hands and seals, as of this day and year first above written.

City of Goldsboro

By:_____

ATTEST:

_____

_____(SEAL)
Bobby G. Floars

_____(SEAL)
Norma R. Floars

_____(SEAL)
Glenda Denise Dees

_____(SEAL)
Mildred F. Ware

_____(SEAL)
Dwight D. Smith

_____(SEAL)
Deborah J. Smith

Estate of Lindsay C. Warren, Jr.

By: _____(SEAL)
Adrienne W. Northington, Executrix

_____(SEAL)
Leon E. Stockton

_____(SEAL)
Angela L. Stockton

_____(SEAL)
Gilbert J. Garcia

_____(SEAL)
Susana M. Garcia,

_____(SEAL)
Lula J. Snipes

_____(SEAL)
Charles S. Norwood, Jr.

_____(SEAL)
Nancy Norwood

_____(SEAL)
Charles Clinton Rouse

_____(SEAL)
Hannah Wilkins Rouse

_____(SEAL)
Benjamin W. Seegars

_____(SEAL)
Rebecca T. Seegars

_____(SEAL)
Hal H. Tanner, III

_____(SEAL)
Leigh T. Tanner

_____(SEAL)
E. B. Borden, Jr.

_____(SEAL)
James Louis Maxwell, III

_____(SEAL)
Gina Page Maxwell

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

I, _____, a Notary Public for Wayne County, North Carolina, certify that _____ personally appeared before me this day and acknowledged that he(she) is _____ of the City of Goldsboro, and that by authority duly given and as the act of said City of Goldsboro, the foregoing AGREEMENT was signed in its name by its _____, sealed with its official seal, and attested by _____self as its _____.

Witness my hand and notarial seal, this ____ day of December, 2015.

_____
Notary Public

My commission expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Bobby G. Floars and wife, Norma R. Floars personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Glenda Denise Dees personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Mildred F. Ware personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Dwight D. Smith and wife, Deborah J. Smith personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Adrienne W. Northington, Executrix of the Estate of Lindsay C. Warren, Jr., personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument for and on behalf of the Estate of Lindsay C. Warren, Jr..

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Leon E. Stockton and wife, Angela L. Stockton personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Gilbert J. Garcia and wife, Susana M. Garcia personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Lula J. Snipes personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Charles S. Norwood, Jr. personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Charles Clinton Rouse and wife, Hannah Wilkins Rouse personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Benjamin W. Seegars and wife, Rebecca T. Seegars personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that Hal H. Tanner, III, and wife, Leigh T. Tanner personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that E. B. Borden, Jr. personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires:

_____

STATE OF NORTH CAROLINA

COUNTY OF WAYNE

This is to certify that James Louis Maxwell, III and wife, Gina Page Maxwell personally appeared before me this _____ day of December, 2016, and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

_____

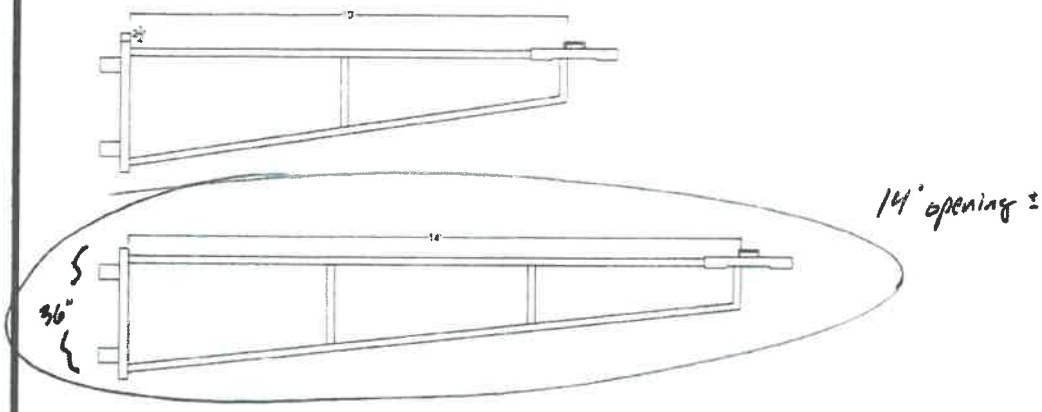
Notary Public

My Commission Expires:

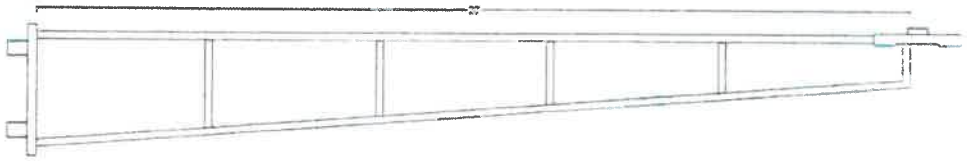
_____

Exhibit A

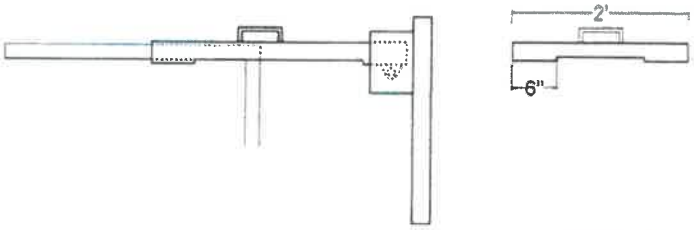
Commencing at the southeastern point of intersection between the right of way of North Jefferson Street and the Norfolk Southern Railroad right-of-way (just south of Royall Avenue in the City of Goldsboro) and running thence in an easterly direction with the southern edge of said railroad right-of-way approximately 4550 feet to the western bank of Stoney Creek, thence in a southerly direction along the western bank of Stoney Creek fifty feet to a point, thence leaving the western bank of Stoney Creek in a westerly direction along a line parallel with the southern edge of the said railroad right-of-way approximately 4550 feet to a point on the eastern edge of North Jefferson Street, thence in a northerly direction along the eastern edge of North Jefferson Street approximately 50 feet to the point of beginning.



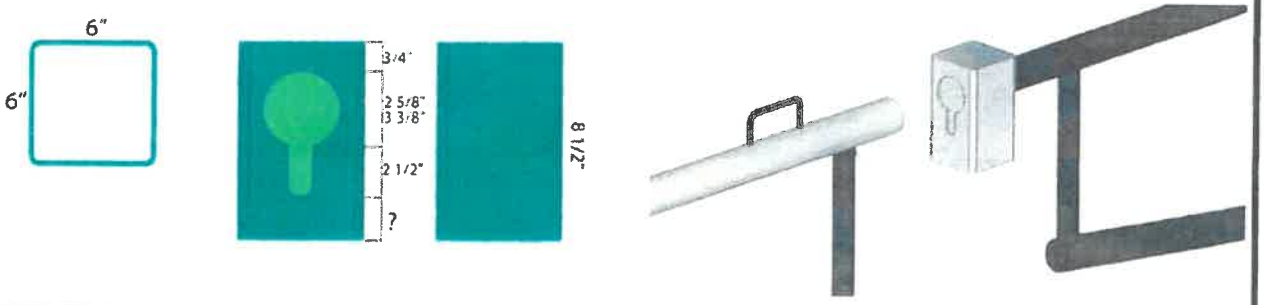
Pivot Rings



Barrier Gates



Locking Mech.



Locking Mech. Detail

SEEGARS FENCE COMPANY	Contact: Seegars Fence Company Phone: 919.739.7500 Address: 401 Patetown Road Goldsboro, NC 27530	Drawing: Job Name: Stoney Creek Park

Item J

CITY OF GOLDSBORO
AGENDA MEMORANDUM
COUNCIL MEETING
DECEMBER 5, 2016

SUBJECT: Adoption of a Supplement to the Code of Ordinances of Goldsboro, North Carolina

BACKGROUND: In 1990, an agreement was reached between the North Carolina League of Municipalities and the City of Goldsboro to engage American Legal Publishing Company to revise the Code of Ordinances of Goldsboro. The revised Code was published in 1995.

DISCUSSION: The agreement stated that American Legal Publishing Company would prepare supplements for incorporation of new Ordinances to the City Code of Ordinances on a recurring basis. In compliance with this agreement, the City has received the S-39 Supplement. This Supplement contains all Ordinances of a general nature enacted since S-38 Code of Ordinances dated April 18, 2016.

RECOMMENDATION: By motion, adopt the attached Ordinance enacting and adopting the 2016 S-39 Supplement to the Code of Ordinances of the City of Goldsboro.

Date: 11-30-16 _____
City Clerk

Date: 11-30-16 _____
City Manager

ORDINANCE NO. 2016- 62

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES
OF THE CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2016 S-39 Supplement to the Code of Ordinances of the City of Goldsboro; and

WHEREAS, said Supplement contains all Ordinances of a general nature enacted since the publication of the 2016 S-38 Supplement to the Code of Ordinances of said municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on, or make reference to, sections of the North Carolina Code.

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

1. It is the intent of the City Council to accept the updated sections of the City Code of Ordinances in accordance with the changes of the law of the State of North Carolina.

2. The 2016-39 Supplement to the City Code of Ordinances, as prepared by the American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

3. This Ordinance shall be in full force and effect from and after this 5th day of December, 2016.

Approved as to Form Only:

City Attorney

Reviewed by:

City Manager

CITY OF GOLDSBORO, NORTH CAROLINA

CODE OF ORDINANCES

2016 S-39 Supplement contains:
Local legislation current through Ordinance 2016-51, passed 9-19-2016; and State legislation current through North Carolina Legislative Service, 2016 Regular Session, Pamphlet No. 3

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ORDINANCE NO. 2016-26

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT
TO THE CODE OF ORDINANCES
OF THE CITY OF GOLDSBORO, NORTH CAROLINA

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2016 S-38 Supplement to the Code of Ordinances of the City of Goldsboro; and

WHEREAS, said Supplement contains all Ordinances of a general nature enacted since the publication of the 2015 S-37 Supplement to the Code of Ordinances of said municipality; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on, or make reference to, sections of the North Carolina Code.

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

1. It is the intent of the City Council to accept the updated sections of the City Code of Ordinances in accordance with the changes of the law of the State of North Carolina.

2. The 2016-38 Supplement to the City Code of Ordinances, as prepared by the American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

3. This Ordinance shall be in full force and effect from and after this 18th day of April, 2016.

Approved as to Form Only:

James D. Womble /s/
City Attorney

Reviewed by:

Scott Stevens /s/
City Manager

CHAPTER 34: TAXATION

Section

34.01 Gross receipts from retail short-term lease or vehicle rental

§ 34.01 GROSS RECEIPTS FROM RETAIL SHORT-TERM LEASE OR VEHICLE RENTAL.

(A) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this section, shall have the meanings hereinafter designated:

CUSTOMER. Any person that leases or rents a vehicle on a short-term lease or rental basis.

GENERAL STATUTES. Refers to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.

GROSS RECEIPTS. The amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.

LEASE or ***RENTAL.*** A transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:

(1) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

(2) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of a option price that does not exceed the greater of $100 or 1% of the total required payments.

(3) The providing of tangible personal property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this division, an operator must do more than maintain, inspect, or set up the tangible personal property.
(G.S. § 105-164.3(17))

LONG-TERM LEASE or ***RENTAL.*** A lease or rental made under a written agreement to lease or rent property to the same person a for period of at least 365 continuous days. (G.S. § 105-187.1(3))

PERSON. Any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.

SHORT-TERM LEASE. Any lease or rental that is not a long-term lease or rental. (G.S. § 160A-215.1(e)(2) and G.S. § 105-187.1(7))

TAX COLLECTOR. That individual appointed by the governing body pursuant to G.S. § 105-349 (the provisions of the municipal charter), to collect taxes on behalf of the city and any other person authorized to carry out the duties and functions of such individual.

TAXPAYER. Any person liable for the taxes imposed by this section.

VEHICLE. Includes any of the following:

(1) A motor vehicle of the private passenger type, including a passenger van, minivan, or sport utility vehicle;

(2) A motor vehicle of the cargo type, including a cargo van, pickup truck, or truck with a gross vehicle weight rating of 26,000 pounds or less used predominantly in the transportation of property for other than commercial freight, and that does not require the operator to possess a commercial drivers license; or

(3) A trailer or semitrailer with a gross vehicle weight of 6,000 pounds or less. (G.S. § 160A-215.1(e)(1)).

(B) *Levy of tax.* A tax is hereby imposed and levied in an amount equal to one and one-half percent (1.5%) of the gross receipts derived from the short-term lease or rental of vehicles at retail to the general public. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. § 160A-211.

(C) *Collection of the tax.* Every person engaged in the business of the short-term lease or rental of vehicles at retail to the general public shall collect at the time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such tax to the Tax Collector in accordance with the provisions of this section. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that the percentage amount enacted by this section of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the City. The taxpayer shall be liable for the collection thereof and for its payment to the Tax Collector and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

(D) *Report and payment of tax.* Taxes levied under this section are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the Tax Collector on the form prescribed by the Tax Collector. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the Tax Collector each month on or before the 15th day

CHAPTER 50: SOLID WASTE

Section

Residential Refuse Collection

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50.04 Yard Waste
50.05 Discarded furniture, appliances, etc.
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RESIDENTIAL REFUSE COLLECTION

§ 50.01 GARBAGE.

(A) ***GARBAGE*** is defined as kitchen waste and non-recyclable household and business waste. A roll out garbage container, owned by the City of Goldsboro, shall be provided to each household at no cost, except in multifamily developments where curbside service is unfeasible.

(B) The serial number from each roll-out container will be assigned to a residence, and if the container is lost, damaged, or stolen, it shall be replaced at the property owner's expense. Curbside

garbage collection of roll-out containers shall be provided to residents once per week. To minimize the possibility of theft or vandalism, residents shall move the roll out container to the curb no earlier than 24 hours prior to their pick up date. In addition, residents shall move the roll out container from the right-of-way within 24 hours after the contents are collected. No garbage or ash receptacle shall be placed, kept or left on any street for any purpose over the weekend unless Saturday or Sunday is designated as a service day. Where roll-out containers are provided, garbage shall not be collected from any other container, except as permitted by the Public Works Director. A pushback fee may be assessed for containers that are left on the street in conflict with this section.

(C) Refuse and recycle containers shall be placed in the street one to two feet from the edge of pavement with three feet of clearance from all directions including between containers. There shall also be nothing overhead that would prevent an automated truck from servicing a container (i.e. limbs, power/telephone lines, etc. within 15 feet of the ground above the container).

(D) No vehicles shall be parked in front of the refuse/recycle bins during the collection day. Any vehicles parked near the refuse/recycle bins shall adhere to § 50.01(C).

(E) All refuse/recycle contents must be placed inside city-provided containers. The lids of the refuse and recycle containers shall not be elevated more than six to eight inches from being fully closed (as would happen if a container was overfilled). No trash shall be placed on top of the refuse/recycle container lids nor on the sides of the container. If a residence requires an additional bin, a second bin may be issued by the city at the fee shown in § 50.08(E).

(F) A return service fee may be assessed for bins that were not serviced on the original route due to citizens failure to comply with bin placement ordinance found in divisions (C) - (E). The return service will be initiated by homeowner request or by complaint of someone other than the homeowner no earlier than 24 hours after the regularly scheduled service. Return service will be provided on the work day after the work order was initiated.

(G) A current recycling/refuse customer of the city may purchase a three-cubic yard flexible tote bag dumpster from the city. This dumpster may be used for any item not listed as an exception in § 50.07 plus construction debris. The citizen shall call the Public Works Department to schedule pickup and disposal of the dumpster. Fees are shown in section § 50.08(E). Guidelines to pickup and service of the three-cubic yard flexible dumpster is set by the Public Works Director.

(H) A premium side yard service is offered by the city where residents are not required to push their issued bin to the street as required by standard curbside service. The citizen is required to have a readily accessible path to the bins. Bins must be visible by 6:00 a.m. on service day and only city-issued bins will be serviced. If the bin is in the back yard of a fenced-in area, the fence shall be unlocked and all dogs, regardless of temperament or size, shall be restrained. A medical waiver may be granted to a citizen so that they may receive the premium side yard service at basic service rates. Fees are shown in section § 50.08(E).
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2015-5, passed 2-2-15; Am. Ord. 2015-39, passed 10-5-15; Ord. 2016-47, passed 8-15-16)

§ 50.02 RECYCLING.

(A) A recycling container shall be provided to all residents for the collection of materials accepted in the city recycling program. Recycling of their solid waste is mandatory for all residents. A roll out recycling container, owned by the city of Goldsboro, shall be provided to each household at no cost, except in multifamily developments where curbside service is unfeasible.

(B) The serial number from each roll out container will be assigned to a residence, and if the container is lost, damaged, or stolen, they shall be replaced at the property owner's expense. Curbside recycling collection of roll-out containers shall be provided to residents once every two weeks. To minimize the possibility of theft or vandalism, residents shall move the roll-out container to the curb no earlier than 24 hours prior to their pick-up date. In addition, residents shall move the roll out container from the right-of-way within 24 hours after the contents are collected. No recycling receptacle shall be placed, kept or left on any street for any purpose over the weekend unless Saturday or Sunday is designated as a service day. A pushback fee may be assessed for containers that are left on the street in conflict with this section. The fee for this pushback service shall be determined by the City Council by resolution.

(C) Recycling containers must be placed at the curb at least once a month.

(D) Recycle bin placement shall follow the same rules as described in § 50.01.
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2015-5, passed 2-2-15)

§ 50.03 ASHES.

Households shall provide a sufficient number of separate metal containers to hold all ashes which may accumulate during the interval between garbage collections. Hot ashes will not be removed, and ashes shall not be mixed with other refuse. The collection of ashes shall be made from the same location and on the same schedule as garbage.

§ 50.04 YARD WASTE.

(A) *General Yard Waste.* General yard waste is defined as grass clippings, vines, garden and hedge trimmings, straw, and other such debris. General yard waste shall be placed at a point behind the curb for pick up and shall not be containerized in a bag. Placement of general yard waste in the street will result in a citation and fine set by the City Council through resolution. The amount of yard waste collected from an individual residence is limited to no more than one full truck load per collection. Collection of yard waste will be made from the same location and on the same schedule as recyclable materials.

(B) *Tree limbs and shrubbery limbs.* Tree limbs and large shrubbery limbs must be placed in a pile separate from other yard waste. Limbs shall be a maximum of three inches in diameter and four feet in

length. Collection will not fall on a specific day for any residence, and the frequency of collection will depend on the volume of such debris city-wide. The amount of limbs collected from an individual residence is limited to no more than one full truck load per residence per collection. Felled trees, stumps, and branches larger than three inches in diameter are not collectable by the city and must be disposed of by private means.

(C) *Leaf collection.* For leaf collection, leaves should be raked to a point behind the edge of pavement. Leaves shall be separated from all other refuse, including limbs, when placed behind the edge of pavement for collection.

(D) *Schedule.* Yard waste collection will generally fall on the same day as the recycling schedule. However, the schedule may temporarily change without notice as determined by the Public Works Director or Solid Waste Superintendent.
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2016-3, passed 1-19-16)

§ 50.05 DISCARDED FURNITURE, APPLIANCES, ETC.

Items such as worn out furniture, refrigerators, mattresses, stoves, etc. will be picked up by the city during Wednesdays at no charge to city residents subject to city capacity. Residents may schedule pick-up by calling the Public Works Department. No more than six items will be picked up at the same address during a week. Items shall be placed in an area behind the curb no earlier than 24 hours prior to the date designated by the Public Works Department. Landowners are responsible or the general appearance of their property. Failure to comply with this provision will result in a citation and fine against the property owner, enforced by Code Enforcement, in an amount set by the City Council through resolution. Program does not pertain to commercial customers.
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2015-5, passed 2-2-15)

§ 50.06 LIMITATIONS ON COLLECTIONS.

The city of Goldsboro will not be responsible for the collection of any of the following: dirt, turf, rock, building materials, trade waste, carpeting, wallpaper, wet paint, gasoline/kerosene cans, lumber shavings, brick, concrete, metal, shingles, fencing material, logs, tree stumps, automobile parts, animal waste, hazardous materials, or other like materials or by-products. None of the above type materials shall be placed at the curb or at a garbage collection point for collection by the city. Construction debris may be serviced through the flexible tote bag dumpsters. Any yard waste, with the exception of grass clippings, generated by landscaping, tree or yard maintenance contractors or other agents hired to do work at a residence or business, will not be collected by the city. Grass clippings will be collected by the city provided they are placed at the curb or at a garbage collection point in accordance with the provisions of this chapter.
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2008-48, passed 5-5-08; Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2016-47, passed 8-15-16)

§ 50.07 EXCEPTIONS TO ROLL-OUT PICK UP.

Residents who live alone and physically cannot place containers on the street as required in § 50.01(C) must apply for assistance from the Public Works Department. Applications will be reviewed and may include an interview by a representative of the Public Works Department. Renewal of the application is at the discretion of the Public Works Director but shall not be more often than on an annual basis.
(Am. Ord. 2015-4, passed 2-2-15)

§ 50.08 REFUSE COLLECTION FEE.

(A) A refuse collection fee for the services described in this subchapter is hereby levied against all utility customers residing within the city, except those utilizing commercial refuse service.

(B) The refuse collection fee is not optional, supersedes all previous waivers, and shall be levied against the agent responsible for each noncommercial water and sewer account, whether the collection service is utilized or not. The fee shall be billed monthly with the regular water and sewer billing. Amount of the fee shall be established by the City Council as part of the budget for each fiscal year's operation.

(C) In circumstances where apartment units are individually metered and dumpmaster service is provided by the city, each unit will be assessed the refuse fee described under this section, although the dumpmaster service shall remain in effect.

(D) Subject to the hearing requirements set forth in § 53.42, failure to make payment of the collection fee within 20 days after the postmark date of the bill shall result in severance of utility services provided by the city, including water and sewer, and shall be subject to all reinstatement charges as provided for in Chapter 53 of this Code of Ordinances.

(E) Residential refuse and recycling fees are as follows.

(1) Basic residential refuse and recycling fee shall be $22/month.

(2) A second refuse bin fee shall be $4/month.

(3) A second recycling bin fee shall be at no charge.

(4) Premium side yard refuse and recycling fee shall be $42/month.

(5) Return service fee shall be $6/service.

(6) Pushback service fee shall be $4/service.

(7) Three-cubic yard/3,300 pound flexible tote baa dumpsters shall be sold for $25/each.

(8) Service of flexible tote bag dumpsters shall be $125 for the first bag and $100 for each additional bag.
('70 Code, § 10-9) (Ord. 1981-36, passed 6-15-81; Am. Ord. 2016-47, passed 8-15-16)

§ 50.09 PENALTY FOR NONCOMPLIANCE.

(A) *Duty to comply and notice.* When an official of the city finds a violation of this chapter outside of §§ 50.01(B) - (F) and 50.02(B) - (D), the owner or occupant of the premises, whichever is applicable, will be notified of the nature of the violation by posting a notice on the front door, personal service, or first class mail. Such person shall be required to remedy the violation within 24 hours or else be subject to a civil penalty as established by the City Council through resolution. In addition, upon failure to remedy the violation, the city may proceed to correct the violation and assess the corresponding charges against the owner or occupant whichever is applicable.

(B) *Service of citation.* After being notified as set out under division (A) above and upon failure to remedy the noted violation within the prescribed time frame, a civil penalty shall be invoked in the form of a citation stating the nature of the violation, the amount of the civil penalty and directing that the violator pay the civil penalty within a specified time frame. Such citation shall be served by either first class mail, personal service, or posted at the front door. Any of these methods of service shall be conclusively presumed to be valid, and no owner or occupant shall refuse service of citation.

(C) *Nonpayment*. If payment is not received within the specified time frame, in addition to other remedies for violation of this chapter, a civil action may be instituted in the nature of a debt to correct the civil penalties and court costs as may be assessed.

(D) *Enforce responsibility*. The Environmental Code Inspectors of the city are charged with the responsibility of enforcing the provisions of this chapter and are vested with the authority to cite all violators according to the provisions of this chapter.
(Ord. 1997-19, passed 3-3-97; Am. Ord. 2015-5, passed 2-2-15)

COMMERCIAL REFUSE COLLECTION

§ 50.20 METHOD OF COLLECTION.

(A) Commercial enterprises, nonprofit organizations, government units and/or government supported units, and the like, within the city, may elect to receive their refuse collection from no more than one roll-out garbage container and one roll-out recycling container, serviced on the same schedule as garbage and recycling collection from residential units.

(B) Commercial enterprises, nonprofit organizations, government units and/or government supported units, and the like, within the city, which generate more solid waste than can be contained in one roll-out garbage container and one roll-out recycling container weekly shall, in order to have their refuse collected by the city, provide on their premises a container that can be serviced by the city's container tender trucks. The type, size and location of such containers shall be subject to the approval of the Public Works Director or his duly authorized representative. Containers may be obtained from and maintained by private sources or leased through the city. The city assumes no responsibility for normal deterioration of private containers resulting from the dumping process.

(C) Nothing in this section shall prohibit two or more businesses from combining in the use of a single container, provided the type, size, and location of such container is approved by the General Services Director or his duly authorized representative.

(D) Enterprises having no rear door access shall place their refuse in front of their buildings at closing time on specified days. Small trash and paper shall be placed in standard covered trash containers that do not exceed 32 gallons in capacity. Larger items such as cardboard boxes shall be place within each other to prevent scattering. It shall be the responsibility of the Public Works Director or his duly authorized representative to determine the most feasible method of providing service to those users with unusual access situations or other problems of a special nature.
(Am. Ord. 2015-4, passed 2-2-15; Am. Ord. 2016-3, passed 2-19-15; Am. Ord 2016-22, passed 4-4-16)

§ 50.21 FREQUENCY OF COLLECTION.

Frequency of collection from any particular commercial or business user who utilizes front loading containers will be determined between the user and the Public Works Director or his duly authorized representative. The frequency of collection shall not, however, exceed three times per week on the days of Monday through Friday. Collections will not be made on city holidays and the next collection following a holiday will be on the next scheduled collection day.
('70 Code, § 10-16) (Ord. 1981-36, passed 6-15-81; Am. Ord. 2015-4, passed 2-2-15)

§ 50.22 REFUSE COLLECTION FEE.

A refuse collection fee will be levied on all commercial enterprises, nonprofit organizations, government units and/or government supported units, and the like, which utilize city collection services as described in this subchapter. Fees shall be levied as follows:

(A) For the use of standard garbage containers the fee will be the same as that established for residential users under § 50.08.

(B) The fee for collection of front-loading containers is based on the cubic yardage capacity of the container per pickup. The fee is a set amount per cubic yard per pickup and shall be established by the City Council as a part of the budget for each fiscal year's operation.

(C) Where commercial refuse service is rendered to apartment complexes, and each apartment unit is individually metered to determine water consumption and corresponding sanitary sewer charges, the fee for refuse service will be charged against the agent responsible for the utility account, as delineated in § 50.08, and subsequently no fee will be assessed for the emptying of the commercial container.

(D) Subject to the hearing requirements set forth in § 53.42, failure to make payment of the collection fee within 20 days after the postmark date of the bill shall result in severance of utility services provided by the city, including water and sewer, and shall be subject to all reinstatement charges as provided for in Chapter 53 of this Code of Ordinances.

(E) Commercial bin dumpsters of four, six, and eight cubic yard volumes may be leased from the city upon availability. Fees for the lease of these dumpsters will be set by Council resolution.
('70 Code, § 10-17) (Ord. 1981-36, passed 6-15-81; Am. Ord. 2016-22, passed 4-4-16)

PRIVATE ROAD or ***DRIVEWAY.*** Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular travel.

PUBLIC CONVEYANCE. Any vehicle other than a taxicab or railroad train for transporting for fare.

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN. A steam, oil, electric or other engine or motor, with or without cars coupled thereon, operated upon rails, except streetcars.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings and buildings in use for residential purposes.

RIGHT-OF-WAY. The privilege of the immediate use of roadway.

ROADWAY. That portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term, ***ROADWAY*** as used herein shall refer to any such roadway separately but to all such roadways collectively.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. Sidewalks provide a safe place for pedestrians to walk along streets. The purpose of ***SIDEWALKS*** are to separate faster moving traffic such as automobiles and bicycles from pedestrian traffic.

STANDING. Any stopping of a vehicle, whether occupied or not.

STOP. When required, means complete cessation of movement.

STOP or ***STOPPING.*** When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

STREET or ***HIGHWAY.*** The entire width between property or right-of-way lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic. The terms ***HIGHWAY*** and ***STREET*** and their cognates are synonymous.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purpose of travel.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, for the purpose of this chapter, bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement.
('70 Code, § 23-1) (Ord. 1972-18, passed 3-15-72; Am. Ord. 2016-48, passed 9-6-16)

§ 70.02 OBEDIENCE TO POLICE OFFICERS.

It shall be unlawful for any person to wilfully fail or refuse to comply with any lawful order or direction of a police officer.
('70 Code, § 23-2) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 70.03 EXPEDITING OF TRAFFIC IN EMERGENCY.

In the event of a fire or other emergency or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.
('70 Code, § 23-3) (Ord. 1972-18, passed 3-15-72)

§ 70.04 APPLICATION OF PROVISIONS.

(A) *Government employees.* The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes. ('70 Code, § 23-4)

(B) *Animals, bicycles and push carts.* Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application. ('70 Code, § 23-5)

(C) *Exemption of emergency vehicles.*

(1) The provisions of this chapter and the traffic ordinances of the city regulating the operation of motor vehicles within the city, relative to speed, stopping at stop signs and stop lights, right-of-way and other such regulations, shall not be applicable to vehicles when operated with due

CHAPTER 71: TRAFFIC RULES

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OPERATION GENERALLY

§ 71.01 ONE-WAY STREETS.

Upon the streets and parts of streets described in Chapter 74, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
('70 Code § 23-20) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 71.02 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same into any intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety and he shall have given ample warning to those who may be behind by hand and horn or other signal.
('70 Code § 23-25) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 71.03 EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway, and shall give a signal with the horn, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
('70 Code § 23-26) (Ord. 1972-18, passed 3-15-72)

§ 71.04 EMERGING FROM PARKING SPACE.

Vehicles parked parallel shall move out in the direction headed. If they are parked at an angle with the curb they shall back out on that angle until they have cleared the other vehicles and shall proceed in the direction they are most nearly headed in.
('70 Code § 23-30) (Ord. 1972-18, passed 3-15-72)

§ 71.05 DRIVING ON LANED ROADWAY.

All vehicles operated on any roadway which has been clearly marked with lanes for traffic shall be driven as nearly as is practical, entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
('70 Code § 23-31) (Ord. 1972-18, passed 3-15-72)

§ 71.37 TURNING AROUND PROHIBITED IN CERTAIN PLACES.

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district at street intersections; and no vehicle shall make such a turn even at street intersections in the streets or portions of streets where indicated that such turn is prohibited.
('70 Code § 23-24) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

PROHIBITED ACTS

§ 71.50 DRIVING ON SIDEWALK PROHIBITED.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway, except for a member of the Police Department operating a personal transporter or similar device in the performance of duty.
('70 Code § 23-27) (Ord. 1972-18, passed 3-15-72; Am. Ord. 2007-34, passed 5-7-07) Penalty, see § 70.99

§ 71.51 USE OF SKATEBOARDS, ROLLER SKATES, COASTERS, SCOOTERS AND SIMILAR DEVICES.

(A) *Clinging to moving vehicles.* Any person riding upon any motorcycle, coaster, sled, roller skates, or any toy vehicle, shall not attach the same or himself to any moving vehicle upon any roadway. ('70 Code § 23-28)

(B) *Use restricted.* No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street at a crosswalk or intersection; except upon streets set aside as play streets. ('70 Code § 23-29)

(C) *Use restricted.* It shall be unlawful for any person riding on a skateboard, roller skates or scooter to ride any such device on any street (except delineated bicycle lanes) or on the premises of any municipal property (except within designated recreational facilities).

(1) Within the area bounded on the north by Ash Street, on the east by William Street, on the south by Elm Street and on the west by George Street, it shall unlawful for any person riding on a skateboard, roller skates or scooter to ride any such device on any sidewalk or on the premises of any municipal property.

(2) This subsection shall not apply to bicycles (which are regulated in §§ 73.01, 73.05 and 73.99), wagons or devices operated or used by handicapped or disabled persons such as wheelchairs. (Ord. 1972-18, passed 3-15-72; Am. Ord. 2016-48, passed 9-6-16) Penalty, see § 70.99

§ 71.52 CROSSING FIRE HOSE.

No vehicle shall be driven over any hose of the Fire department when laid down on any street or driveway to be used at any fire, without the consent of the Fire Department official in command.
('70 Code § 23-32) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 71.53 SPINNING OF WHEELS, CAUSING TIRES TO SQUEAL.

It shall be unlawful to operate a motor vehicle within the city in such a manner as to cause the wheels thereof to lose traction with the surface on which they are driven, or so as to cause the tires to squeal.
('70 Code § 23-33) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 71.54 RACING, TESTING, OR BLOWING OUT MOTOR.

It shall be unlawful for any person to race, test or blow out the motor of any vehicle on any street or thoroughfare in the city.
('70 Code § 23-34) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

§ 71.55 MOVING ANOTHER'S VEHICLE TO UNLAWFUL PLACE.

No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.
('70 Code § 23-54) (Ord. 1972-18, passed 3-15-72) Penalty, see § 70.99

CHAPTER 92: CEMETERIES

Section

General Provisions

92.01 Lot to be paid for prior to making improvements
92.02 Enclosure prohibited; corner markers
92.03 Interments in cemetery only; full purchase price of grave space required prior to interment
92.04 Number of interments per grave
92.05 Notice of interment
92.06 By whom disinterments made
92.07 Permit required to remove corpse from city
92.08 Work to be performed by cemetery employees
92.09 Vaults, liners, mausoleums, crypts; material to be used; minimum lot size; permits
92.10 Monuments and headstones
92.11 Grave mounds and stone enclosures prohibited
92.12 Iron work, seats, vases prohibited except with Public Works Director's permission
92.13 Trees and shrubs not to be cut, broken or removed
92.14 Speed limit
92.15 Boisterous conduct
92.16 Visiting hours; entrances to be used
92.17 Charges for services rendered by the Cemetery Division
92.18 Disposition of spent flowers and arrangements
92.19 Real property
92.20 Services; when payment of charges due
92.21 Lots sold subject to perpetual care; City Council to direct use of fund
92.22 Lots sold subject to rules and regulations
92.23 Insurance requirements

Willowdale Cemetery

92.35 Certain land designated as cemetery
92.36 Charges for grave spaces or burial lots

Elmwood Cemetery

92.45 Certain land designated as cemetery
92.46 Charges for grave spaces or burial lots

GENERAL PROVISIONS

§ 92.01 LOT TO BE PAID FOR PRIOR TO MAKING IMPROVEMENTS.

No improvements of any nature, such as erecting monuments, markers and copings of planting shrubs or flowers will be permitted on any lot until the full purchase price for the lot is paid.
('70 Code, § 6-1) (Ord. 1977-45, passed 9-19-77) Penalty, see § 10.99

§ 92.02 ENCLOSURE PROHIBITED; CORNER MARKERS.

No enclosure of any nature, such as fences, copings, hedges or ditches shall be around any lot. The boundaries of lots will be marked by cornerstones, which will be set by the cemetery employees. Cornerstones must not project above the ground and must not be altered or removed.
('70 Code, § 6-2) (Ord. 1977-45, passed 9-19-77) Penalty, see § 10.99

§ 92.03 INTERMENTS IN CEMETERY ONLY; FULL PURCHASE PRICE OF GRAVE SPACE REQUIRED PRIOR TO INTERMENT.

(A) No interment shall be made within the city other than in the cemetery.

(B) No interment will be permitted in any grave space until the full purchase price of said grave space is paid.
('70 Code, § 6-3) (Ord. 1977-45, passed 9-19-77; Am. Ord. 1980-36, passed 6-16-80) Penalty, see § 10.99

§ 92.04 NUMBER OF INTERMENTS PER GRAVE.

Only one interment shall be made in a grave, except a mother and infant or two children may be interred in one coffin.
('70 Code, § 6-4) (Ord. 1977-45, passed 9-19-77) Penalty, see § 10.99

§ 92.05 NOTICE OF INTERMENT.

(A) Requests for interment must be made Monday through Friday during normal business hours.

(B) All requests must be made at least 24 hours prior to interment to allow time for gravesite preparations.

(C) Any exceptions regarding notice of interment will be at the discretion of the Public Works Director.
('70 Code, § 6-5) (Ord. 1977-45, passed 9-19-77; Am. Ord. 2016-40, passed 7-18-16)

(c) Any activity that disturbs greater than one-half an acre of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial, or institutional facility.

(4) Inspections and annual inspection fee.

(a) The Building Inspector (or other authorized agent of the city) has full power and authority to enter upon a premise housing a BMP for the purpose of inspecting the BMP on an annual basis. The City Council has established an annual inspection fee of $100 per structural BMP to fund this additional inspection program.

(b) In addition, the Building Inspector may enter the site as necessary to document improperly operating BMPs, follow up on scheduled maintenance activities, or to conduct maintenance themselves.

(D) *Animal nuisances*. The keeping of any animal in such manner or in such numbers as to constitute a public nuisance is hereby prohibited. For the purposes of this section, a public nuisance shall include, but not be limited to, the following:

(1) The keeping of any animal which by continued or repeated howling, yelping, barking or otherwise, causes loud noises which would disturb the quiet, comfort or repose of a reasonably prudent person on adjoining property;

(2) The keeping of any animal which habitually is at large;

(3) The keeping of a cape or pen constructed and used for the purpose of restraining animals within ten feet of the outer limits of the lot upon which the cage or pen is situated; provided, however, this setback requirement shall not be applicable where the placing of the care or pen within the ten-foot area does not result in locating the cage or pen within 50 feet of the nearest household occupied by persons other than the owner or keeper of the cage or pen. This division shall not apply to the fencing of all or a major portion of a lot;

(4) Allowing or permitting an animal to damage the real or personal property of anyone other than its owner, including, but not limited to, turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another;

(5) Maintaining animals in an unsanitary environment which results in unsightly or offensive animal waste, litter, or odor which would disturb a reasonable person on adjoining property;

(6) The keeping, possession, harboring or feeding of animals, wild, feral or domesticated, which threaten the public health, safety and welfare of the community;

(7) The keeping, possession, harboring or feeding of animals, wild, feral or domesticated, which as a result of such keeping, possession, harboring or feeding, causes damage to real or personal property of anyone other than the person keeping, possession, harboring or feeding such animals;

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, animals walked on a leash, bicycles, or other vehicles;

(9) Failing to confine a female dog while in heat in a secure enclosure in such a manner that she will not be in contact with another dog, or attract other animals;

(10) Except as otherwise provided in § 91.16 (which states that it is unlawful for any owner to keep more than three dogs within the city), the keeping of seven or more animals per household or lot, regardless of lot size and regardless of whether any of the provisions of this division are violated, shall be considered a nuisance. This division shall not apply to offspring under the age of 16 weeks and to animals kept by a kennel or pet shop licensed in accordance with state and local law and to animals kept by a kennel, pet shop or other facility licensed or registered by the Department of Agriculture or the Veterinary Medical Board;

(11) The tethering of any animal to public property or in a public right-of-way.

(E) *Breeding grounds for mosquitoes.*

(1) Any condition which is a breeding ground or a harbor for mosquitoes is hereby deemed and declared to be a public nuisance;

(2) Pools of stagnant water causing or threatening to cause infestation by mosquitoes and other disease-carrying insects which are or may be dangerous or prejudicial to the public health is hereby deemed and declared to be a public nuisance.

(F) *General nuisance.* Any other condition declared to be a detriment or danger to the public health, safety, morals, and general welfare of the inhabitants of the city and/or public nuisance by the City Council at a public hearing, notice of which has been properly served.
(Ord. 2001-25, passed 2-19-01; Am. Ord. 2005-64, passed 7-5-05; Am. Ord. 2007-35, passed 5-7-07; Am. Ord. 2016-25, passed 4-18-16)

§ 96.04 RESTRICTION OF BOATS IN RESIDENTIALLY ZONED AREAS.

(A) Within the city limits, it shall be unlawful for any owner, lessee, or occupant, or any representative, or person living or having control of any property within the residentially zoned areas of the city to have more than two boats in open places on a single family lot unless any additional boat is stored in a fixed structure as defined by Chapter 153 of this Code of Ordinances. (For purposes of this chapter, ***OPEN PLACES*** are defined as areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards, excluding any enclosed porch).

(B) The owner or occupant of the property has ten days from the receipt of written notice from the city to correct this violation.

(C) The failure to correct this violation shall result in a fine of $100 per day until the additional boat is removed. In addition, the city shall be entitled to seek and obtain further relief as described in § 10.99 of this Code of Ordinances.
(Ord. 1999-18 passed 3-15-99; Am. Ord. 2001-25, passed 2-19-01; Am. Ord. 2005-64, passed 7-5-05)

§ 96.05 ORDER TO ABATE PUBLIC NUISANCE.

Whenever it shall come to the attention of any Building Inspector, Code Enforcement Officer, City Inspector or other authorized city officer or representative, that there exists on any lot or parcel of land in the city, occupied or not, any of the conditions enumerated in this chapter, the officer or inspector shall forthwith give the owner, occupant, and/or person having the lot under his control notice thereof to abate or remove the conditions or otherwise comply with the city code. Such notice shall be deemed sufficient if given by personal service of written notice or service by registered or certified mail to such person, owner and/or occupant at his last known address. For nuisances falling under categories, divisions (A), (B), or (D) as described in § 96.03, ten days from the receipt of such written notice will be allowed for abatement. The person so served shall have ten days from the date of such service in which to remedy the same or the city shall cause the same to be remedied, unless an appeal for relief in writing is made within this time period to the City Manager. For nuisances falling under division (C) as described in § 96.03, 30 days from the receipt of such written notice will be allowed for abatement. The person so served shall have 30 days from the date of such service in which to remedy the same or the city shall cause the same to be remedied, unless an appeal for remedy in writing is made within this time period to the City Manager. In lieu of, or in addition to such notice, the officer or inspector may issue a citation notice and take enforcement actions as set forth in §§ 96.07 and 96.10 in the Code of Ordinances. In the event an inspector determines that a nuisance is an immediate detriment to human health, safety or welfare, the inspector may take appropriate action to summarily abate the condition without notice.
('70 Code, § 11-3) (Ord. 1972-46, passed 8-21-72; Am. Ord. 2001-25, passed 2-19-01; Am. Ord. 2005-64, passed 7-5-05)

§ 96.06 FAILURE TO ABATE PUBLIC NUISANCE; ABATEMENT BY CITY.

(A) If after ten days' notice of the existence of any such condition, the owner, occupant and/or person having control of the lot or property, occupied or not, shall fail to cause the removal or abatement of such condition, the city may forthwith cause such condition to be removed, abated or remedied. Upon abatement by the city, in addition to all costs of abatement, the penalties set forth in § 96.10 of the Code of Ordinances may be implemented and an administrative service fee of $100 shall be imposed to cover administrative costs associated with abating the nuisance.

(B) If any person with a nuisance falling under division (C) as described in § 96.03, having been ordered to abate such nuisance by performing the necessary maintenance to restore proper operation to the BMP, fails, neglects, or refuses to do so within 30 days from receipt of the order, the Director of Planning shall cause the condition to be remedied by having employees of the city or other designated persons to go upon the premises and perform the necessary maintenance under the supervision of an officer or employee designated by the City Manager. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the city in writing to remove such condition, the cost of which shall be paid by the person making such request.
('70 Code, § 11-4) (Ord. 1972-46, passed 8-21-72; Am. Ord. 2001-25, passed 2-19-01; Am. Ord. 2005-64, passed 7-5-05)

§ 96.07 COST OF ABATEMENT.

The actual cost incurred by the city in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Finance Department

CHAPTER 110: LICENSING PROVISIONS

Section

General Provisions

110.01 License levied in accordance with schedule in statutes
110.02 License tax levied by city not enumerated, prohibited by act saved from repeal
110.03 Payable on annual basis, date of engaging in business or trade
110.04 Proration of fee
110.05 License required
110.06 Additional tax required for violations of chapter
110.07 Levy on property of persons violating chapter
110.08 Each day without license or violation of provisions constitutes separate offense

License Tax for Specific Businesses

110.20 Business registration
110.21 Parking for residential house trailers
110.22 Itinerant peddlers, salespersons, and the like
110.23 Private employment agency
110.24 Housemovers, housewreckers

Cross-reference:

City Manager authorized to revoke privilege licenses, see § 30.15
Tax Collector to collect all privilege license taxes, see § 30.19(A)
License taxes on dogs, see § 91.25(A)

GENERAL PROVISIONS

§ 110.01 LICENSE LEVIED IN ACCORDANCE WITH SCHEDULE IN STATUTES.

There is levied and shall be collected for the fiscal year beginning July 1, 1977, and each year thereafter until amended or repealed, on every business, trade or profession enumerated in the North Carolina Revenue Act of 1939, as amended being G.S. §§ 105-33 et seq., the maximum allowed by such act and the general tax ordinances of the city.
('70 Code, § 14-1) (Ord. 1968-26, passed 7-29-68; Am. Ord. 1977-25, passed 6-20-77)

§ 110.02 LICENSE TAX LEVIED BY CITY NOT ENUMERATED, PROHIBITED BY ACT SAVED FROM REPEAL.

Nothing contained in the North Carolina Revenue Act of 1939 as amended, being G.S. §§ 105-33 et seq., shall be construed to repeal any license tax heretofore levied by the city and not enumerated in the act nor prohibited by such act.
('70 Code, § 14-2) (Ord. 1968-26, passed 7-29-68; Am. Ord. 1977-25, passed 6-20-77)

§ 110.03 PAYABLE ON ANNUAL BASIS, DATE OF ENGAGING IN BUSINESS OR TRADE.

All licenses required and imposed under this chapter or under any other ordinance of the city shall be due and payable annually on or before June 1 of each year; except beer and wine which shall be due and payable annually on or before May 1 of each year; or at the date of first engaging in such business, trade, employment or profession, or doing the act.
('70 Code, § 14-3) (Ord. 1965-39, passed 11-15-65)

§ 110.04 PRORATION OF FEE.

Licenses issued for any business, trade, employment or profession entered into after December 1, after November 1 for beer and wine, shall be issued for one-half of the regular annual license fee.
('70 Code, § 14-4) (Ord. 1965-39, passed 11-15-65)

§ 110.05 LICENSE REQUIRED.

It shall be unlawful for any person to engage in any business, trade, employment or profession for which a license/registration is required or imposed under this chapter, or under any other ordinance of the city, without first having obtained and paid for such license/registration, or to continue in any such business, trade, employment or profession for which a license/registration is required or imposed after the expiration of a license/registration previously issued without obtaining and paying for a new license/registration.
('70 Code, § 14-5) (Ord. 1965-39, passed 11-15-65; Am. Ord. 2016-51, passed 9-19-16)

§ 110.06 ADDITIONAL TAX REQUIRED FOR VIOLATIONS OF CHAPTER.

Any person violating this chapter shall pay an additional tax of 5% of the amount of such city license tax which was due and payable at the commencement of the business, trade, employment or profession, or doing the act, in addition to the city license tax imposed by this chapter, or any other ordinance of the city, for each and every 30 days that such city license tax remains unpaid from the date the same was

due and payable. Such additional tax shall be assessed by the City Revenue Collector and paid with the city license tax, and shall become a part of the city license tax.
('70 Code, § 14-6) (Ord. 1965-39, passed 11-15-65)

§ 110.07 LEVY ON PROPERTY OF PERSONS VIOLATING CHAPTER.

If any person shall fail, refuse or neglect to make immediate payment of any tax due and payable under this chapter, or any other ordinance of the city, any additional taxes, and any penalties imposed pursuant thereto, upon demand, the Director of Finance shall have the power and shall levy or cause to be levied upon any personal or real property owned by such person and sell the same for taxes, penalty and costs in the same manner as provided by law for the levy and sale of property for the collection of other taxes; and if sufficient property is not found, the Director of Finance shall swear out or cause to be sworn out a warrant against each delinquent before the Mayor or the judge of the Wayne County Recorders Court for the violation of the provisions of this chapter.
('70 Code, § 14-7) (Ord. 1965-39, passed 11-15-65)

§ 110.08 EACH DAY WITHOUT LICENSE OR VIOLATION OF PROVISIONS CONSTITUTES SEPARATE OFFENSE.

Each day that any person shall continue to exercise any privilege or engage in any business, trade, employment or profession within the city without a license/registration, or do any act in violation of the provisions of this chapter, shall be and constitute a distinct and separate offense.
('70 Code, § 14-8) (Ord. 1965-39, passed 11-15-65; Am. Ord. 2016-51, passed 9-19-16)

LICENSE TAX FOR SPECIFIC BUSINESSES

§ 110.20 BUSINESS REGISTRATION.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person designated by the City Manager to operate the Business Registration Program required by this section.

AGENT. An individual acting on behalf of "person," as defined herein.

BUSINESS. Includes each trade, occupation, profession, business, and franchise subject to registration under this chapter.

CITY. The City of Goldsboro.

PERSON. Includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, limited liability company, company, firm, or other legal entity.

A business is seasonal in nature when it is conducted for profit six months out of the year or less.

(B) *Requirement for registration.* Unless exempt as described in this section, each person who conducts a business within this city is subject to this section. One conducts a business "within the city" if one maintains a business location within the city; or if, either personally or through agents, one (1) solicits business within the city limits or (2) picks up or delivers goods or services within the city limits.

(C) *Period of registration; due date.*

(1) *Annual registrations.* Unless the section of this ordinance applicable to a particular business provides otherwise, a registration issued in accordance with this chapter is good for the 12-month period beginning July 1 and ending June 30.

(2) Registrations for periods shorter than one year. If the division of this section applicable to a particular business so provides, a registration may be issued for a period of one day, one week, or some comparable period of less than a full registration year. A person may not commence to conduct a business within the city until the business registration is obtained and may not continue such a business beyond the period for which the registration is issued.

(D) *Separate businesses.* A separate registration is required for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other, and are operated as a unit.

(E) *Exemptions.* The provisions of this chapter shall apply to all businesses within the City of Goldsboro municipal jurisdiction unless specifically exempted or excluded from registering by this section, by the laws of North Carolina or by laws of the United States.

(F) *Registration application.* A person shall apply to the Administrator for each registration required by this section before commencing business. The application, which shall be submitted on forms provided by the City of Goldsboro City Administrator, shall contain:

(1) The name of the owner, and if applicable the agent for the business, and a complete statement as to whether the agent is an individual, a partnership, a corporation, or some other entity.

(2) The nature of the business.

(3) The physical location of where the business is conducted.

(4) An address where notices and statements may be mailed to as required by this chapter.

(5) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state registration the business or the agent for the business currently holds.

(6) Any other information the Administrator determines to be necessary to issue the registration, or otherwise regulate the business appropriately.

(7) The application shall be accompanied by the payment of a registration fee, which is described below. In compliance with state law, this fee shall not exceed the cost to the city of the administrative process of the production and issuance of the registration, or to otherwise monitor the business.

(G) *Reasons for refusal or revocation of a registration.* The Administrator shall refuse to issue a registration or may revoke a registration for either of the following reasons:

(1) The owner or agent misrepresents a fact relevant to his or her qualifications for a registration.

(2) The owner or agent refuses to provide necessary information, as determined by the Administrator in his or her discretion.

(H) *Unqualified agents; right to a conference.*

(1) After receipt of the completed application, if the Administrator believes that a reason exists for refusing a registration, the Administrator shall not issue the registration. At the agent's request, the Administrator shall in accordance with this ordinance, give the owner or agent a written statement of the reason for refusing the registration. The owner or agent may, within ten days after the day the statement is received, request a conference to discuss the refusal. In the request, the owner or agent shall specify why the application for a registration should not be refused. The Administrator shall arrange the conference within three business days of receiving the request.

(2) If the Administrator refuses to issue a registration, the owner or agent may reapply for a registration at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reason exists for refusing to issue a registration, the Administrator shall issue the registration in compliance with this ordinance.

(I) *Administrator to issue registration; payment of registration fee a prerequisite.* After receipt of the completed application and payment of the registration fee, if the Administrator believes that no reason exists for refusal of a registration, the Administrator shall issue the registration.

(J) *Registration fee.* The fee required of every owner or agent for any business conducted or engaged in within the city as required by this ordinance shall be $20 annually. The fee shall in no case be more than the maximum permitted by North Carolina law for that particular business or enterprise.

(K) *Revocation.*

(1) The Administrator may revoke a registration if a reason exists to revoke. Before revoking a registration, the Administrator shall give the person written notice of the grounds for revocation. The person may, within ten days after the day on which notice is mailed, request a conference with the Administrator in writing. The request shall specify the reasons why the registration should not be revoked. The Administrator shall arrange the conference within three business days of receiving the request.

(2) If the person fails to request a conference within ten days after the day on which notice is mailed, the Administrator shall revoke the registration. If the person requests a conference, the Administrator may not revoke the registration until after the conference.

(3) If the Administrator revokes a registration, the person whose registration has been revoked may apply for a new registration at any time thereafter. If the reason for which the registration was revoked no longer exists and if no other reason exists for refusing to issue a registration, the Administrator shall issue the registration in accordance with Section 14-98 of this chapter.

(L) *Form and contents of registration.* A registration shall show the name of the person, and any agent who may act on the person's behalf, the place where the business is conducted (if it is to be conducted at one place), the nature of the business and the period for which the registration is issued. The Administrator shall keep an exact copy of each registration issued.

(M) *Assignments.* A registration may be assigned if (1) a business under this ordinance and carried on at a fixed place is sold as a unit to any person and (2) the purchaser is to continue the same business at the same place. Such a change shall be reported to the Administrator in accordance with this section. Otherwise, each registration issued under this chapter is a separate registration and is not assignable.

(N) *Record of conferences.* The Administrator shall maintain for three years a record of each conference held in accordance with this chapter. The record shall contain the agent's and person's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the Administrator may dispose of the record in accordance with this section.

(O) *Duty to determine whether registration is required.* Each person or his/her designated agent has the duty to determine whether the business he or she conducts is required to be registered under this ordinance, and if so, whether that registration has been obtained.

(1) *Administrator to investigate.* If the Administrator has reason to believe that a person is conducting a business in the city in violation of this section, the Administrator shall conduct an investigation to determine the status of the business.

(2) *Duty to permit inspection.* Each person who conducts a business in the city shall permit the Administrator to inspect the business premises during normal business hours to determine the nature of the business conducted there.

(3) *Duty to post registration.* A business shall post the registration or registrations conspicuously in the place of business registered. If the person has a regular place of business, the registration must be kept where it may be inspected at all times by the proper city officials.

(P) *Appeal.* Any agent/person refused or denied a registration under this section may appeal to the City Manager for review of such refusal or denial. Such appeal shall be in writing, and shall be delivered to the City Clerk within 30 days after notice of such refusal or denial has been sent or otherwise delivered to the agent/person.
(Ord. 2016-51, passed 9-19-16)

§ 110.21 PARKING FOR RESIDENTIAL HOUSE TRAILERS.

Imposition of tax. Every person renting, leasing or otherwise providing parking spaces, stalls or ramps for residential house trailers shall pay a license in the amount of $3 per annum for each space, stall or ramp which is rented, leased or made available for rent or lease by the owner or operator of such property; provided further, that this license shall not be required unless there is more than one space rented, leased or available for rent or lease.
('70 Code, § 14-10) Penalty, see § 10.99

§ 110.22 ITINERANT PEDDLERS, SALESPERSONS, AND THE LIKE.

(A) *Imposition of tax.* Any person operating as an itinerant peddler or salesperson shall obtain prior to the beginning of their operation, a business license from the Revenue Collector for each and every peddler or salesperson, driver or other persons assisting in the sale or solicitation for the sale of merchandise, in the maximum amount allowed by G.S. § 105-53.

(B) *Registration.* Any person above described shall, prior to the acquisition of their registration, register their name and their trade, fingerprints and photograph with the Police Department and furnish proof of such registration to the Revenue Collector.

(C) *Exemption from tax.* This section shall not apply to any person who is duly registered under the general statutes of the state and under the general tax code of the city.
('70 Code, § 14-11) (Am. Ord. 2016-51, passed 9-19-16) Penalty, see § 10.99

Statutory reference:

Taxation of peddlers generally, see G.S. § 105-53

§ 110.23 PRIVATE EMPLOYMENT AGENCY.

The annual registration fee for a private employment agency operating solely within the state shall be $20.
('70 Code, § 14-12) (Ord. 1965-35, passed 10-4-65; Am. Ord. 2016-51, passed 9-19-16)

Statutory reference:

Emigrant and employment agents, see G.S. § 105.90

§ 110.24 HOUSEMOVERS, HOUSEWRECKERS.

(A) *Imposition of tax.* Every person engaged within the city in the business of moving or wrecking houses or commercial buildings shall obtain, prior to any further operation, a registration in the sum of $20 for each fiscal year.

(B) *Permits and bonds.* After the obtaining of registration required by this section, any person before entering into each operation shall obtain a permit from the City Building Inspector and post a bond, with sufficient sureties, or cash bond in lieu thereof, payable to the city in an amount deemed sufficient by the Building Inspector to insure that the premises on which the building is wrecked or removed or to which it is moved is left free of any trash, wreckage or other debris caused by such wreckage or removal, and to insure against any damage done to any city property by any such operation.
('70 Code, § 14-13) (Ord. 1963-3, passed 1-21-63; Am. Ord. 2016-51, passed 9-19-16) Penalty, see § 10.99

CHAPTER 118: SIDEWALK CAFES

Section

118.01 Authority
118.02 Definitions
118.03 Application
118.04 Issuance of permit
118.05 Alcoholic beverages
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118.08 Reservation of rights
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Cross-reference:

Alcoholic beverage permits, see Chapter 115

§ 118.01 AUTHORITY.

The City Manager or his or her designee may issue permits for the serving of food and beverages on city sidewalks and pedestrian ways in the area of the city known as the Central Business District. (Ord. 2008-42, passed 4-21-08)

§ 118.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDESTRIAN WAY. An improved walk or passageway intended for use by pedestrians, but not adjacent to any city street.

RESTAURANT. An establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises, including businesses that are referred to as ***RESTAURANTS***, cafeterias, cafes, lunch stands, grills, snack bars, fast food businesses and other establishments such as drug stores, which have a lunch counter or other section where food or beverages are sold to be eaten on the premises.

RESTAURANT OPERATOR. The person, firm or corporation operating a restaurant and associated with sidewalk café, the owner and manager if different from the owner of the restaurant and associated sidewalk café.

SIDEWALK. That portion of public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line, that is intended for the use of pedestrians.
(Ord. 2008-41, passed 4-21-2008)

§ 118.03 APPLICATION.

Any restaurant desiring to operate a sidewalk café shall prepare and file an application yearly with the City Manager or his or her designee which shall contain the following information:

(A) The name, address and telephone number of the restaurant desiring to operate a sidewalk café;

(B) The name, address and telephone number of the restaurant operator;

(C) The type of food, beverage or other products to be sold and served at the sidewalk café;

(D) The hours of operation of the restaurant and the proposed hours of operation of the sidewalk café;

(E) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk café, and the section to be kept clear for pedestrian use, and depicting the proposed placement of tables, chairs, barricades, and other furnishings on the sidewalk or pedestrian way.

(F) Evidence of adequate insurance or other form of security to hold the city and its taxpayers harmless from claims arising out of the operation of the sidewalk café, as determined by the City Manager in consultation with the City Attorney and insurance carrier.

(G) An indemnity statement, approved by the City Attorney, whereby the restaurant operator agrees to indemnify and hold harmless the city and its officers, agents and employees from any claim arising from the operation of the sidewalk café.

(H) A copy of all permits and licenses issued by the state or the city, including health and ABC permits and business licenses, necessary for the operation of the restaurant business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city for exterior alteration or improvement to the restaurant.

(I) A sworn statement describing any violation by the restaurant operator of any laws, regulations or ordinances relating to the possession, sale, consumption or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.

(J) Such additional information as may be requested by the City Manager or his or her designee to determine compliance with this section.

(K) A fee as provided in the city fee schedule to cover the cost of processing and investigating the application and issuing the permit.

(L) A fee of $100 to cover the cost of processing and investigating the application.
(Ord. 2008-41, passed 4-21-08; Am. Ord. 2016-42, passed 8-15-16)

§ 118.04 ISSUANCE OF PERMIT.

No permit for the operation of a sidewalk café may be issued unless the application is complete and unless the following requirements are met:

(A) The sidewalk café must be associated with an operating restaurant such that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant. The sidewalk café must be operate under the same name as the restaurant and may not be open or be operated at any time when the restaurant is not open for business.

(B) The operation of the sidewalk café must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk café may not constitute more than 50% of the total seating capacity of the associated restaurant.

(C) The placement of tables, chairs or other furnishings as shown in the drawing submitted with the site plan must be done in such a manner that complies with Section 8.0 Sidewalk and Outdoor Dining and Outdoor Display section of the adopted *Design Guidelines for Downtown Goldsboro*.

(D) The restaurant seeking to operate the sidewalk café must front on and open onto the sidewalk or Pedestrian way proposed for the sidewalk café. The placement of tables, chairs and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. The tables must be contained within visible barricades.

(E) The tables, chairs and other furnishings used in the sidewalk café shall be of a type that is easily movable.

(F) Except as elsewhere permitted, the operation or furnishing of the sidewalk café shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant.

(G) There shall be adequate lighting available in the area of the café for safety of the patrons and public use of the sidewalk. If adequate public lighting is not available, the restaurant must provide additional lighting.
(Ord. 2008-41, passed 4-21-08; Am. Ord. 2016-42, passed 8-15-16)

§ 118.05 ALCOHOLIC BEVERAGES.

Notwithstanding the provisions of Chapter 115, alcoholic beverages may be served at sidewalk cafes provided the following requirements are met.

(A) The sidewalk café shall be part of a standard Restaurant as that term is defined in § 118.02, and shall otherwise be authorized, permitted or licensed under state laws and the city code to serve and sell alcoholic beverages for on-premise consumption.

(B) The portion of the sidewalk café where alcohol is or may be served shall be enclosed by clearly visible barricades as specified in Section 8.0 Sidewalk and Outdoor Dining and Outdoor Display section of the adopted *Design Guidelines for Downtown Goldsboro*.

(C) The sidewalk café must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-101 for the purpose of applying and enforcing state laws regarding the sale and consumption of alcoholic beverages.

(D) Signs shall be posted, visible at all exit points from the sidewalk café, that it is unlawful to remove alcoholic beverages in open or unsealed containers from the premises.

(E) The restaurant operator shall not have violated any law, regulation or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk café.
(Ord. 2008-41, passed 4-21-08; Am. Ord. 2016-42, passed 8-15-16)
Cross-reference:
Alcoholic beverage permits, see Chapter 115

§ 118.06 DENIAL.

A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk café shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the City Council within 15 working days of the written denial, and the City Council may take such corrective action as it shall find necessary. The findings and determination of the City Council shall be final.
(Ord. 2008-41, passed 4-21-08)

§ 118.07 PERMIT REVOCATION.

The City Manager may revoke a permit issued pursuant to this section if he or she finds that the restaurant operator has:

CHAPTER 153: UNIFIED DEVELOPMENT CODE; ZONING

Section

153.01 Unified Development Code and Official Zoning Maps adopted by reference

§ 153.01 UNIFIED DEVELOPMENT CODE AND OFFICIAL ZONING MAPS ADOPTED BY REFERENCE.

The Unified Development Code and Official Zoning Maps for the City of Goldsboro, North Carolina, and its extraterritorial jurisdiction, and dated April 4, 2005, as on file in the office of the City Clerk, are hereby adopted by reference as if set out in full herein.
(Ord. 2005-37, passed 4-4-05; Am. Ord. 2006-95, passed 12-18-06; Am. Ord. 2007-17, passed 2-19-07; Am. Ord. 2007-23, passed 3-5-07; Am. Ord. 2007-48, passed 6-4-07; Am. Ord. 2007-59, passed 7-9-07; Am. Ord. 2007-62, passed 7-23-07; Am. Ord. 207-68, passed 8-6-07; Am. Ord. 2007-73, passed 9-4-07; Am. Ord. 2007-74, passed 9-4-07; Am. Ord. 2007-85, passed 10-1-07; Am. Ord. 2007-94, passed 11-5-07; Am. Ord. 2007-98, passed 12-3-07; Am. Ord. 2008-91, passed 10-6-08; Am. Ord. 2008-102, passed 11-3-08; Am. Ord. 2009-14, passed 2-16-09; Am. Ord. 2010-39, passed 6-7-10; Am. Ord. 2010-46, passed 6-21-10; Am. Ord. 2010-57, passed 8-16-10; Am. Ord. 2010-65, passed 10-4-10; Am. Ord. 2011-6, passed 1-3-11; Am. Ord. 2011-7, passed 1-3-11; Am. Ord. 2011-17, passed 4-4-11; Am. Ord. 2011-18, passed 4-4-11; Am. Ord. 2011-27, passed 5-2-11; Am. Ord. 2011-29, passed 5-2-11; Am. Ord. 2011-30, passed 5-2-11; Am. Ord. 2011-45, passed 7-5-11; Am. Ord. 2012-10, passed 2-6-12; Am. Ord. 2012-26, passed 4-2-12; Am. Ord. 2012-34, passed 5-7-12; Am. Ord. 2012-35, passed 5-7-12; Am. Ord. 2012-59, passed 7-23-12; Am. Ord. 2012-67, passed 10-1-12; Am. Ord. 2012-68, passed 10-1-12; Am. Ord. 2013-2, passed 1-7-13; Am. Ord. 2013-15, passed 3-4-13; Am. Ord. 2013-21, passed 4-1-13; Am. Ord. 2015-18, passed 5-4-15; Am. Ord. 2015-26, passed 7-6-15; Am. Ord. 2015-33, passed 9-8-15; Am. Ord. 2015-45, passed 11-2-15; Am. Ord. 2015-46, passed 11-2-15; Am. Ord. 2016-17, passed 4-4-16; Am. Ord. 2016-28, passed 5-2-16)

Ord. No.	*Date Passed*	*Description*
2014-14	3-10-14	Rezoning certain property, being Z-2-14 The First Pentecostal Holiness Church, north side of Cella Street and Newton Drive, between The First Church Road and North Drive, from R-9 Residential to Office and Institutional-1 Conditional District, to allow only church-related uses. (Detailed plans will have to be approved separately prior to development.)
2014-26	6-2-14	Rezoning certain property, being Z-3-14 Berkeley Boulevard Investors, LLC, northeast corner of North Berkeley Boulevard and Ridgecrest Drive, from Neighborhood Business Conditional District to General Business Conditional District, limiting the use to a sit-down restaurant with drive-through service.
2014-35	8-4-14	Rezoning certain property, being Z-4-14 Bell Investment Group, west side of Country Day Road, between Veranda Place and Garden Drive, and at the terminus of Garden Drive, from R-9 Residential Conditional and R-16 Residential to Office and Institutional-1 District.
2014-36	8-4-14	Rezoning certain property, being Z-5-14 Kornegay Properties, south side of Wilson Street, between North William Street and Calvary Street, from R-6 Residential and General Business to General Business Conditional District (limited to a restaurant and/or retail uses with site and landscape plan approval).

Ord. No.	*Date Passed*	*Description*
2014-45	10-6-14	Rezoning certain property, being Z-6-14 Charles S. Norwood, Jr., west side of North Berkeley Boulevard between Cashwell Drive and Mall Road from General Business Conditional District to Shopping Center.
2014-46	10-6-14	Rezoning certain property, being Z-7-14 Mary Sue Fallin, south side of U.S. Highway 70 East between North Berkeley Boulevard and Summit Road from General Business to Highway Business.
2014-55	11-3-14	Rezoning certain property, being Z-8-14 Betty Jo Walker, north side of McLain Street between the U.S. 70 East off-ramp and Central Heights Road from R-12 Residential to General Business Conditional District. (Site plan approval waived at time of rezoning). (Development plans to be submitted to Council for approval prior to construction).
2015-3	2-2-15	Rezoning certain property, being Z-1-15 S. Dillon Wooten, northwest corner of New Hope Road and Hare Road from Neighborhood Business to Office and Institutional-1 Conditional District to allow the development of an assisted living facility. (Development plans to be approved separately).
2016-17	4-4-2016	Rezoning certain property, being Z-2-16 Adair, LLC, south side of Keenway Drive between Adair Drive and NC 581 North from Shopping Center to R-6 Residential.

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

G.S. Cite	*Code Section*
1-597	52.17, 52.18
Ch. 7A	151.24
12-2	10.16
12-3	10.05
14-4	10.99, 90.99, 96.09, 96.35, 116.99, 152.42
Ch. 14, Art. 27A	131.01
14-177 - 14-202.1	112.15
14-203 - 14-208	112.15
14-204	112.15
14-205.1 - 14-206	112.15
14-208.18	131.03
14-208.18(a)(1)	131.03
14-208.18(a)(2)	131.03
14-208.18(a)(3)	131.03
14-288.4	97.09
14-304 - 14-309	110.20
14-410 - 14-415	95.04
15A-1340.20 et seq.	131.99
18B-101	118.05, 130.03
18B-300	130.03
19-1(b)	116.01
20-4.01(27)d1	70.01
20-162	70.32
67-4.1 et seq.	91.17
69-4	33.19
Ch. 93B	110.20
105-33	110.01, 110.02
105-53	110.22, 113.01
105-64 - 105-187	34.01
105-90	110.23
105-164.3(17)	34.01
105-187.1(3)	34.01
105-187.1(7)	34.01
105-228.90 - 105-269.15	34.01
105-349	34.01
105-463 - 105-549	34.01
106-65.22 et seq.	91.01

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113-274	91.01
113-300.1 - 113-300.3	91.01
130A-184 et seq.	91.22
130A-290 et seq.	151.05
130A-290(a)(6)	151.05
130A-290(a)(35)	151.05
130A-290(a)(36)	151.05
136-103 - 136-121.1	Chtr., § 12.1
Ch. 143	51.051
Ch. 143, Art. 33C	131.01
143-143.15	151.31(3)
143-213(18)	51.002
143-215.1	51.002, 51.051
143-215.3	51.002
143-215.6B	51.102
143-215.6B(f)	51.102
143-215.6B(g)	51.102
143-215.6B(h)	51.102
143-215.6B(i)	51.102
143-215.51 et seq.	151.01
143-434 et seq.	91.01
157-5	32.220
160-272	10.01
160A-79	10.05
160A-146	31.01
160A-168(c)	31.05, 115.01
160A-174 et seq.	151.01
160A-175	96.35
160A-175(g)	96.35
160A-179	96.12
160A-187	91.17
160A-193	96.08
160A-208.1	34.01
160A-211	34.01
160A-215.1	34.01
160A-215.1(b)	34.01
160A-215.1(d)	34.01
160A-215.1(e)(2)	34.01
160A-215.1(f)	34.01
160A-216 - 160A-239	150.77, 152.41
160A-291	33.15
160A-292	33.15, 33.19
160A-299	98.15

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2009-81	11-2-09	T.S.O., Table IV
2009-82	11-2-09	T.S.O., Table I
2009-89	12-27-09	T.S.O., Table IV
2010-2	1-4-10	T.S.O., Table IV
2010-3	1-4-10	T.S.O., Table IV
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2010-15	3-1-10	91.26
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2010-22	4-5-10	53.01, 53.18, 53.20
2010-25	4-19-10	Adopting Ordinance
2010-27	5-3-10	T.S.O., Table I
2010-28	5-3-10	T.S.O., Table I
2010-29	5-3-10	T.S.O., Table I
2010-32	5-17-10	T.S.O., Table I
2010-34	6-7-10	T.S.O., Table I
2010-38	7-1-10	91.15, 91.25
2010-39	6-7-10	153.01
2010-42	6-7-10	T.S.O., Table IV
2010-46	6-21-10	153.01
2010-48	7-6-10	T.S.O., Table IV
2010-49	7-19-10	T.S.O., Table I
2010-51	8-2-10	96.30 - 96.35
2010-54	8-16-10	T.S.O., Table I
2010-57	8-16-10	153.01
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2010-60	9-7-10	T.S.O., Table IV
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2010-62	9-7-10	97.01
2010-65	10-4-10	153.01
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2010-67	10-18-10	74.01
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2010-81	12-6-10	T.S.O., Table IV
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2011-7	1-3-11	153.01
2011-8	2-7-11	31.05

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2011-10	2-21-11	T.S.O., Table I
2011-11	2-21-11	T.S.O., Table I
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2011-17	4-4-11	153.01
2011-18	4-4-11	153.01
2011-24	4-18-11	T.S.O., Table I
2011-25	4-18-11	T.S.O., Table I
2011-27	5-2-11	153.01
2011-29	5-2-11	153.01
2011-30	5-2-11	153.01
2011-33	5-16-11	T.S.O., Table I
2011-34	5-16-11	T.S.O., Table I
2011-45	7-5-11	153.01
2011-46	7-5-11	74.01
2011-60	8-15-11	Adopting Ordinance
2011-69	10-3-11	T.S.O. Table IV
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2011-86	12-19-11	T.S.O., Table I
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2012-34	5-7-12	153.01
2012-35	5-7-12	153.01
2012-37	5-7-12	53.04
2012-45	5-21-12	75.01
2012-59	7-23-12	153.01
2012-64	9-17-12	T.S.O., Table I
2012-67	10-1-12	153.01
2012-68	10-1-12	153.01
2012-70	10-15-12	T.S.O., Table I
2012-71	10-15-12	T.S.O., Table I
2012-72	10-15-12	91.02, 91.50
2012-76	11-19-12	T.S.O., Table I
2012-77	11-19-12	Adopting Ordinance

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2012-79	12-3-12	T.S.O., Table IV
2013-1	1-7-13	T.S.O., Table IV
2013-2	1-7-13	153.01
2013-3	1-7-13	T.S.O., Table I
2013-4	1-7-13	T.S.O., Table IV
2013-15	3-4-13	153.01
2013-16	3-4-13	T.S.O., Table IV
2013-18	3-4-13	T.S.O., Table IV
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2013-29	6-3-13	T.S.O., Table IV
2013-30	6-3-13	T.S.O., Table IV
2013-31	6-3-13	T.S.O., Table IV
2013-33	6-17-13	T.S.O., Table I
2013-38	7-15-13	T.S.O., Table I
2013-39	7-15-13	T.S.O., Table IV
2013-43	8-5-13	91.15 - 91.27
2013-50	10-7-13	T.S.O., Table IV
2013-51	10-21-13	T.S.O., Table I
2013-54	11-4-13	T.S.O., Table IV
2013-55	11-4-13	T.S.O., Table IV
2013-61	11-18-13	74.01
2013-62	11-18-13	T.S.O., Table IV
2013-63	12-2-13	T.S.O., Table IV
2013-65	12-16-13	74.01
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2015-6	2-16-15	91.50
2015-18	5-4-15	153.01
2015-26	7-6-15	153.01
2015-30	7-27-15	Adopting Ordinance
2015-33	9-8-15	153.01
2015-39	10-5-15	50.01
2015-42	10-5-15	30.11
2015-45	11-2-15	153.01
2015-46	11-2-15	153.01
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2015-50	12-21-15	T.S.O., Table I
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Melissa Corser

From: Scott Stevens
Sent: Thursday, November 17, 2016 10:07 AM
To: Fred Fontana (fred.fontana@waynegov.com)
Cc: Randy Guthrie; Melissa Corser
Subject: Extended Route Times

Fred

Good morning.

You mentioned a cost associated with extending the times of a few of our urban routes. Can you put together a brief presentation on what is currently provided, any feedback or requests you have received for more time, a recommendation on what we might try for a short period (3-6 months) and the cost for this trial (annual and for remainder of current year – beginning in January).

I would like to put in front of City Council for discussion on Dec 5th at 5:00.

Let me know if you have questions.

Thanks

Scott

Scott A. Stevens
City Manager
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P 919- 580-4363
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GOLDSBORO
BE MORE DO MORE SEYMOUR
North Carolina

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Melissa Corser

From: Scott Stevens
Sent: Thursday, November 17, 2016 10:42 AM
To: Gary Whaley
Cc: Melissa Corser; Randy Guthrie
Subject: Rehab of fire truck

Chief

Mayor Allen suggested we offering matching city funds to rehabilitate our old fire engine. Let's discuss and maybe put in front of City Council for consideration at their first December meeting.

Do you support this idea?
Do you have a cost estimate to restore this engine?

Scott

Scott A. Stevens
City Manager
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