



AGENDA
REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
CITY OF GOLDSBORO
COUNCIL CHAMBERS – CITY HALL – 214 N. CENTER STREET
DECEMBER 3, 2018

(Please turn off, or silence, all cellphones upon entering the Council Chambers)

I. ADOPTION OF THE AGENDA

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

- a. Golf Course Irrigation Pump System (Public Works Department-Utilities)
- b. Boards and Commissions Discussion (Mayor)

NEW BUSINESS

- c. Mayor Pro Tem Discussion (Mayor)

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

Invocation (Rev. Jim Harry, St. Paul United Methodist Church)
Pledge to the Flag

IV. ROLL CALL

V. APPROVAL OF MINUTES (*Motion/Second)

- A. Minutes of the Special Meeting of November 14, 2018

VI. PRESENTATIONS

VII. PUBLIC HEARINGS

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

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

- B. Consider the Authorization of an Installment Financing Contract for the purchase of City Vehicles (Finance)
- C. Fire Department Budget Amendment-Vehicle (Fire)
- D. Contract Award – 2018 Wastewater Collection System Rehabilitation Project - Formal Bid No. 2018-007 (Engineering)
- E. Approve a Lease Agreement Between the City of Havelock and the City of Goldsboro for Total Nitrogen Allocation (Public Works Department-Utilities)
- F. Chapter 31: Officials and Employees Section 31.19 General Disclosure; City Clerk to Prescribe Form and Fees For Copying – Ordinance Amendment (City Manager)
- G. Noncontiguous Annexation Petition – J. Isaac Gurley Farms, Inc. (Northeast corner of US 13 Hwy and Hood Swamp Road) 8.84 Acres (Planning)
- H. CU-11-18 Steven Hall – East side of N. William Street between Brogden Street and Raynor Street (Planning)
- I. Z-17-18 Wayne County Historical Association – South side of East Mulberry Street between North William Street and Patrick Street (Planning)
- J. Z-18-18 Leonard and Doris Jones – North side of Vann Street between Bruce Street and Vann Street Terminus (R-6 to RM-9CD) (Planning)

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

- Removed →* K. CU-12-18 Dale Bevell – East and West sides of North Carolina Street between A Street and Hooks River Road (Planning)

XI. CITY MANAGER'S REPORT

XII. MAYOR AND COUNCILMEMBERS' REPORTS AND RECOMMENDATIONS

XIII. CLOSED SESSION

XIV. ADJOURN

*GA/BB
5-2*

Boards and Commissions Members by District
November 28, 2018

Name	District
Commission on Community Relations and Development	
Earl Nixon Sr.	5
Tracy Lewis	6
Dr. Neil Vincent Shipman	5
Tracy M. Grimes	4
Myelle Thompson	2
Gregory Robinson	5
Tara Humphries	2
Elvira Johnson	4
Sergio Sanchez	2
Steven Taylor	6
Recommended-Hiawatha Jones	1
Goldsboro Municipal Golf Course Committee	
Wells Warner	County
Joe Thomas	6
Richard Farfour	2
Douglas Safford	4
Gina Price	County
Recommended	
Kenny Loftin	2
Chip Spiron	County
Goldsboro Historic District Commission	
Wiley Leonard	3
Alicia Pierce	4
Judith McMillan	1
Jay Bauer	1
Robert Pinder	6
Joshua Johnson	6
Ravonda Jacobs	1
Goldsboro Parks and Recreation Advisory Commission	
Floyd Wingfield	3
Gregory Hawkins	5
Daina Taylor	3
Sandra Mueller	5
Carl Martin	6
George Cogdell	6
Theresa Merritt	1
Linda Farmer	4
John Falkenstein	3
Danielle Baptiste	3

Boards and Commissions Members by District
November 28, 2018

Mayor's Committee for Persons with Disabilities

Lewanda (Wendi) Batts	County
Kristy Brinson	2
Traci Carraway	2
Sarah McCullouch	County
Bob Diverly	6
Stephen Taylor	5
Kenneth McNeese	County
Kelly Merritt	5
Edna Turner	3
Tyrone Starkie	5
Robert Taylor	5
Beverly Ham	County
Susie Powell Howell	County
Janet Baber	3
Michelle Casarez	6
Evelyn Paul	5
Sabrina Shivar	ETJ
Dee Tripp	Winterville
Pat Yates	4
Doug Seymour	County
Joann Parks	2
Patricia Brewer	1
Krystal Scott	2

Recommended

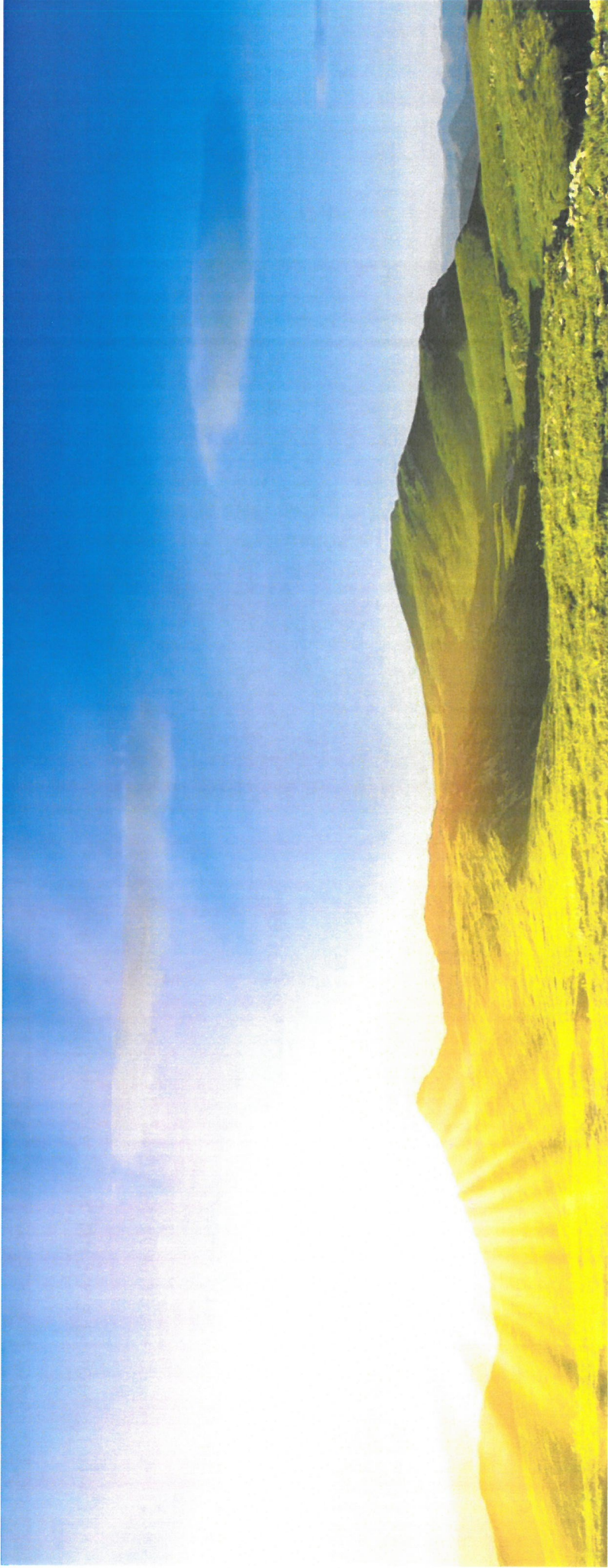
Pier Protz	Renu Life
Don Willis (GWTA Appointment)	GWTA

Goldsboro Planning Commission

John Walston	2
Ed Swindell	2
Pat McArthur	2
Chris Boyette	2
Anthony Slater	5

Goldsboro Tourism Council

Bharat Prajapati	Hotelier
Mary Ann Dudley	3
Jennifer Wickes	Hotelier
Eddie Edwards	6
Elba Gutierrez	Hotelier
Charles Brogden	2



Golf Course Pump Station

Mike Wagner: Deputy Public Utilities Director-Utilities
12-3-2018

Current Irrigation Pump Station

- Installed in 1999
- Designed for potable water use.
- Designed to pump 1050 Gallons Per Minute at 85 PSI
 - 504,000 gallons in 8-hours at night
- Reuse water added in 2002/2003

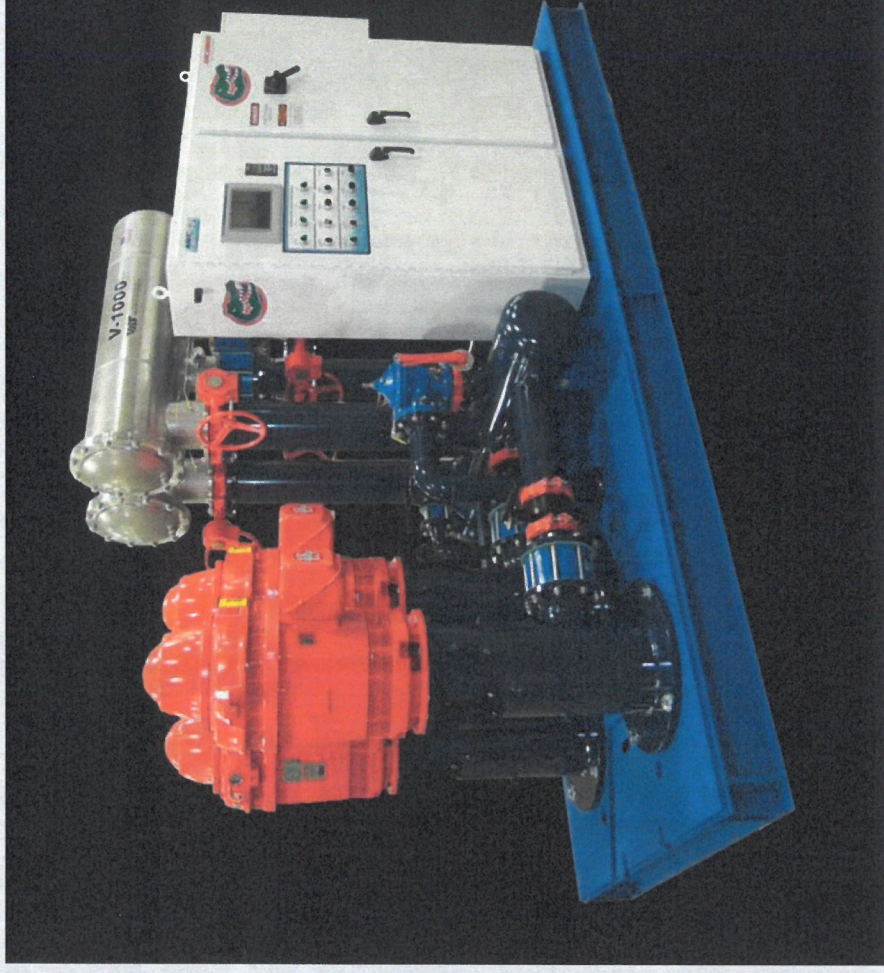
Pump Station Problems

- Almost 20-years old
- No replacement parts for pump control panel.
- Motor #1 is out of service
- New pressure control valve and piping needed
- Only pumping around 30,000 gallons per day



New Irrigation Pump Station

- \$75,000
- New variable frequency drive with 6-year warranty.
- 2-Year station warranty
- Pumps 1050 gallons per minute @ 85 PSI
 - 504,000 gallons in 8-hours at night



Questions?

GOLDSEY R

BE MORE DO MORE SEYMOUR

Public Utilities

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

SUBJECT: Consider the Authorization of an Installment Financing Contract for the purchase of City Vehicles

BACKGROUND: The following vehicles were listed to be purchased by an installment financing agreement pursuant to N.C.G.S. 160A-20:

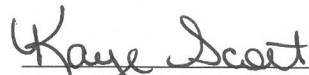
Description	Department	Quantity	Amount
2019 Bucket Truck (Terex Hi-Ranger) LT40	Building Maintenance	1	\$ 116,545
2019 Crew Cab Pick Up (Chevrolet Colorado)	Solid Waste	1	31,350
2019 Dump Truck (Freightliner)	Solid Waste	1	77,880
2019 Ford Transit T-350	Police	1	33,000
2019 Ford F-150	Police	1	26,058
2019 Ford F-250	Police	1	22,630
2018 Utility Truck (Dodge Ram 3500)	Parks & Recreation	1	50,920
Utility Club Carts	Golf Course	2	18,163
Golf Carts (E-Z-Go) (Gas)	Golf Course	50	182,500
Air Compressor	Fire Department	1	52,234
Tandem Dump Truck #070R	Distribution & Collections	1	138,256
Hyundai HL 955 Wheel Loader and 96" Stacking Rake	Compost	1	152,739
Power Screen Trommel (Chieftain 1400)	Compost	1	231,815
2019 Tahoe	Fire Department	1	38,500
Total			\$ 1,172,590

Since these vehicles were needed before financing could be finalized, reimbursement resolutions were adopted by Council at previous meetings.

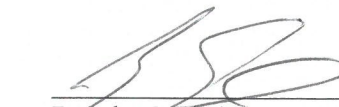
DISCUSSION: Request for Proposals (RFP's) was mailed on November 7, 2018 with 16 different financial institutions responding on November 27, 2018. A listing of the proposals is attached for Council's information. The bids submitted by all responding institutions comply with the City's RFP. The bid proposed by Bank of America Public Capital Corp. presents the most attractive proposal based on the lower Non-Bank Qualified total cost to the City with an interest rate of 2.9779% over the 60 month term.

RECOMMENDATION: By motion, it is recommended, Council adopt the attached resolution authorizing the City Manager, City Clerk and Finance Director to enter into the installment financing contract with Bank of America Public Capital Corp. in the amount not to exceed \$1,188,500.

Date: 11-29-18


Kaye Scott, Finance Director

Date: 11-29-18


Randy Guthrie, Interim City Manager

RESOLUTION NO. 2018- 77

RESOLUTION TO APPROVE AN INSTALLMENT PURCHASE CONTRACT

WHEREAS, the City Council desires to enter into an installment contract for the funding of vehicles and equipment; and

WHEREAS, request for proposals were received from sixteen financial institutions; and

WHEREAS, bids have been received and evaluated to determine the lowest non-bank qualified total cost to the City during the 57-month contract.

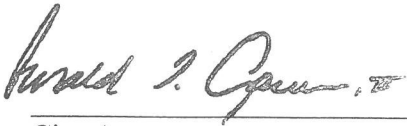
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Goldsboro that:

1. The City of Goldsboro proposes to enter into installment financing for the following vehicles and equipment:
 - a) (1) 2019 Bucket Truck (Terex Hi-Ranger) LT40
 - b) (1) 2019 Crew Cab Pick Up (Chevrolet Colorado)
 - c) (1) 2019 Dump Truck (Freightliner)
 - d) (1) 2019 Ford Transit T-350
 - e) (1) 2019 Ford F-150
 - f) (1) 2019 Ford F250
 - g) (1) 2018 Utility Truck (Dodge Ram 3500)
 - h) (2) Utility Club Carts
 - i) (50) Golf Carts (E-Z-Go) (Gas)
 - j) (1) Air Compressor
 - k) (1) Tandem Dump Truck #070R
 - l) (1) Hyundai HL 955 Wheel Loader with 96" Stacking Rake
 - m) (1) Power Screen Trommel (Chieftain 1400)
 - n) (1) 2019 Tahoe
2. After consideration, the governing body has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina.
3. Pursuant to said Section 160A-20, the City of Goldsboro is authorized to finance this Project by installment contract that create a security interest in the property financed to secure repayment of the financing.
4. Banc of America Public Capital Corp ("BAPCC") has proposed that they finance the equipment pursuant to an Installment Purchase Contract between the City and BAPCC.

5. The governing body hereby authorizes and directs the City Manager and Director of Finance to execute, acknowledge and deliver the Contract on behalf of the City in such form and substance as the person executing and delivering such instruments on behalf of the City shall find acceptable. The Clerk is hereby authorized to affix the official seal of the City of Goldsboro to the Contract.
6. The proper officers of the City are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract.
7. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the City in any action for breach of a contractual obligation under the Contract and the taxing power of the City is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for BAPCC in such instance.
8. The City covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the City's obligations under the Contract will not be included in the gross income of BAPCC.
9. The City hereby represents that it reasonably expects that all subordinate entities thereof and all entities issuing obligations on behalf of the City will issue in the aggregate will be more than \$10,000,000.00 of tax exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2018. The City hereby designates the Contract and its obligations under the Contract as a "non-qualified tax-exempt obligation" for the purpose of the Code.
10. This Resolution shall be in full force and effect from and after this 3rd day of December, 2018.

Approved As to Form Only:

Reviewed By:



City Attorney



City Manager

Item: C

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

SUBJECT: Fire Department Vehicle Purchase

BACKGROUND: The Goldsboro Fire Department Reorganization initiative approved by City Council at the November 5, 2018 session included the addition of personnel and a staff vehicle to support the plan. The cost was presented as a capitalized expense. This vehicle will be financed over 5 years and included in the FY 2018-19 vehicle financing.

DISCUSSION: The vehicle and items needed for the complete emergency up-fit have been identified as:

Staff SUV-	\$38,500
Computer Mount	500
Lighting	3,000
Total	\$42,000

RECOMMENDATION: It is recommended that Council adopt the attached reimbursement resolution and budget amendment for the purchase of the Fire Department's staff vehicle.

DATE: _____

Joseph W. Dixon
FIRE CHIEF

DATE: 12-3-18

Randy Guthrie
CITY MANAGER

RESOLUTION NO. 2018- 78

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDSBORO, NORTH CAROLINA DECLARING ITS INTENTION TO REIMBURSE THE CITY OF GOLDSBORO, NORTH CAROLINA FROM THE PROCEEDS OF THE INSTALLMENT FINANCING FOR VEHICLES AND EQUIPMENT

WHEREAS, the City of Goldsboro, North Carolina (the "Issuer") is a political subdivision organize and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer will pay monies for vehicle and equipment purchases; and

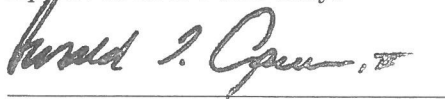
WHEREAS, the City Council of the Issuer has determined that these monies being advanced to that date hereof are available only for a temporary period and it is necessary to reimburse the Issuer for the expenditures from the proceeds of the installment financing;

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

1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the installment financing for the expenditures with respect to the purchase of vehicles and equipment in the amount of \$38,500.
2. Each expenditure will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of expenditure), (b) a cost of issuance with respect to the purchase, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.
3. The maximum principal amount of the installment purchase is expected to be approximately \$38,500.
4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of funds to reimburse an expenditure, no later than 18 months after the later of the date on which the expenditure is paid or the project is placed in service or abandoned, but in no event more than three years after the date on which the expenditure is paid. The Issuer recognizes the exceptions are available for certain "preliminary expenditures", costs of issuance, certain de minimis amounts, expenditures by "small issuers", (base on the year of issuance and not the year of expenditure) and expenditures for construction project of at least five years.

This Resolution is effective upon its adoption this 3rd day of December, 2018.

Approved as to Form Only:



City Attorney

Reviewed by:



City Manager

ORDINANCE NO. 2018-65

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE
CITY OF GOLDSBORO FOR THE 2018-19 FISCAL YEAR

WHEREAS, the Goldsboro Fire Department wishes to purchase a staff vehicle;
and

WHEREAS, the estimated cost for the vehicle is \$38,500; and

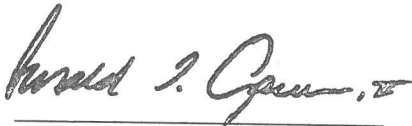
WHEREAS, since the funds were not appropriated in the current operating budget
for FY 2018-19, the City of Goldsboro needs to appropriate \$38,500.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
Goldsboro that the Budget Ordinance for the Fiscal Year 2018-19 be amended by:

1. Increasing the revenue line item "Loan Proceeds" (11-0005-8267) in the
General Fund in the amount of \$38,500.
2. Establishing the line item entitled "Administrative Vehicle" (11-5120-5401)
in the Fire Department's budget of the General Fund in the amount of
\$38,500.
3. This Ordinance shall be in full force and effect from and after the 3rd
day of December 2018.

Approved as to form only:

Reviewed by:



City Attorney



City Manager

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

SUBJECT: Contract Award – 2018 Wastewater Collection System
Rehabilitation Project - Formal Bid No. 2018-007

BACKGROUND: On Tuesday, November 20, 2018, three (3) sealed bids were received for the 2018 Wastewater Collection System Rehabilitation Project.

The proposed work consists of removal and replacement of approximately 1,635 linear feet of existing sanitary sewer mains by pipe bursting associated with the completion and restoration work detailed in the contract specifications for sections of Jefferson Street, Beech Street, and Audubon Avenue.

Herring-Rivenbark, Inc. of Kinston, NC submitted the low bid for this project for a total cost of \$603,224.00. The bids received for this project are tabulated as follows:

<u>Name of Bidder</u>	<u>Amount of Bid</u>
Herring-Rivenbark, Inc. Kinston, NC	\$603,224.00
KRG Utility, Inc. Lenoir, NC	\$942,650.00
BridgePoint Civil, LLC Goldsboro, NC	\$975,150.00

DISCUSSION: The bids for this project have been reviewed by the Engineering Department, checked for accuracy, and found to be in order. We have reviewed the financing of this project with the Finance Director and determined that since the City anticipates to receive funding from FEMA for these repairs caused by Hurricane Florence, it is necessary to adopt a budget amendment for these expenditures and revenues.

RECOMMENDATION: It is recommended that the City Council, by motion:

1. Adopt the attached budget ordinance appropriating funds for the 2018 Wastewater Collection System Rehab Project.

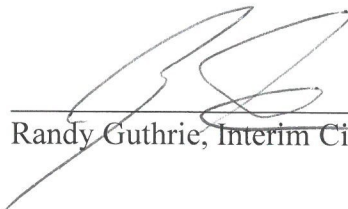
2. Adopt the attached resolution authorizing the Mayor and City Clerk to execute a contract in the amount of \$603,224.00 with Herring-Rivenbark, Inc. for the 2018 Wastewater Collection Rehab Project.

Date: 26 Nov 18



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

Date: 12-3-18



Randy Guthrie, Interim City Manager

ORDINANCE NO. 2018 - 66

AN ORDINANCE AMENDING THE BUDGET ORDINANCE OF THE
CITY OF GOLDSBORO FOR THE 2018-19 FISCAL YEAR

WHEREAS, the City of Goldsboro had wastewater damage during Hurricane Florence; and

WHEREAS, the City had damaged sections at Jefferson Street, Beech Street and Audubon Ave at a cost of \$603,224.

WHEREAS, since the City anticipates reimbursement for these repairs, these expenditures and reimbursement of funds need to be reflected in the City's Operating Budget for the 2018-19 Fiscal Year;

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

1. Increasing the revenue line item entitled "FEMA Reimbursement" (61-0003-8152) in the amount of \$603,224.
2. Increasing expenditure line item entitled "Storm Repairs" (61-4178-3599) in the amount of \$603,224.
3. This Ordinance shall be in full force and effect from and after this the 3rd day of December, 2018.

Approved as to Form Only:

Reviewed By:



City Attorney



City Manager

RESOLUTION NO. 2018-79

RESOLUTION AWARDING AND AUTHORIZING THE EXECUTION OF A
CONTRACT FOR 2018 WASTEWATER COLLECTION SYSTEM
REHABILITATION PROJECT - FORMAL BID NO. 2018-007

WHEREAS, the City Council of the City of Goldsboro has heretofore found it in the public interest to undertake a project for the 2018 Wastewater Collection System Rehabilitation Project; and

WHEREAS, the low bid for the 2018 Wastewater Collection System Rehabilitation Project was submitted by Herring-Rivenbark, Inc. of Kinston, NC in the amount of \$603,224.00; and

WHEREAS, the City Council deems it in the best interest of the City of Goldsboro to accept the low bid and award the contract to Herring-Rivenbark, Inc. in the amount of \$603,224.00 for the 2018 Wastewater Collection System Rehabilitation Project;

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

1. The Mayor and City Clerk are hereby authorized and directed to execute a contract with Herring-Rivenbark, Inc. in the amount of \$603,224.00 for the 2018 Wastewater Collection System Rehabilitation Project.

2. This resolution shall be in full force and effect from and after this 3rd day of December, 2018.

Approved as to Form Only:



City Attorney

Reviewed by:



City Manager

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

- SUBJECT:** Approve a Lease Agreement Between the City of Havelock and the City of Goldsboro for Total Nitrogen Allocation
- BACKGROUND:** On October 15, 2018, the City of Havelock, NC made a request to Lower Neuse Basin Association members regarding availability to lease 6,000 lbs. of Total Nitrogen (TN) during the end of NPDES permit year 2018.
- The Public Utilities Department contacted the City of Havelock to gain an understanding of their terms and conditions of a lease agreement through December 31, 2018.
- DISCUSSION:** The City of Goldsboro holds NPDES Permit No. NC0023949 and has a TN End of Pipe (EOP) allocation of 199,822 pounds with an Estuary transport factor of 70% and equal to 139,876 pounds calculated at the Neuse River for its Water Reclamation Facility in Wayne County, North Carolina.
- Through November 9, 2018, the Water Reclamation Facility has used 72,888 lbs. of TN and estimate based on current flows and conditions, that there would be no less than 99,000 lbs. EOP allocation and 30,000 lbs. with the estuary transportation factor available to lease before December 31, 2018.
- The current lease rate is \$5.00 per pound of TN. The City of Goldsboro is able to meet the entire 6,000 lb. request for the City of Havelock, for a total revenue of \$30,000.
- RECOMMENDATION:**
1. It is recommended that the City Council approve that the Mayor sign the Lease Agreement Between the City of Havelock and City of Goldsboro for the Total Nitrogen Allocation.
 2. This Resolution will be in full force and effect from and after the 3rd day of December 2018.

Date: _____

Mike Wagner
Deputy Public Works Director-Utilities

Date: 12-3-18

Randy Guthrie
Interim City Manager

RESOLUTION 2018-80

**RESOLUTION FOR APPROVAL OF LEASE AGREEMENT BETWEEN
THE CITY OF HAVELOCK
AND THE CITY OF GOLDSBORO
FOR TOTAL NITROGEN ALLOCATION**

WHEREAS, the City of Goldsboro has efficiently and effectively managed the Water Reclamation Facilities allocation of total nitrogen in 2018 for their National Pollutant Discharge Elimination System permit No. NC0023949 for the Neuse River; and

WHEREAS the City of Goldsboro Water Reclamation Facility has estimated, there would be no less than 99,000 lbs. End of Pipe allocation and 30,000 lbs. with the estuary transportation factor of Total Nitrogen available to lease before December 31, 2018; and

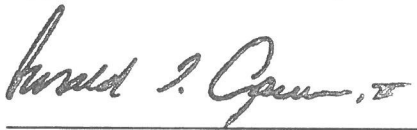
WHEREAS, the City of Havelock North Carolina has requested total nitrogen allocation assistance of 6,000 lbs. for their National Pollutant Discharge Elimination System permit No. NC0021253, until December 31, 2018; and

WHEREAS, the City of Goldsboro has agreed to lease 6,000 lbs. of total nitrogen, at \$5.00 per pound to the City of Havelock for \$30,000, until December 31, 2018.

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

1. The Mayor and City Clerk is authorized to sign the Lease Agreement between the City of Havelock and City of Goldsboro for Total Nitrogen Allocation
2. This Resolution shall be in full force and effect from and after this 3rd day of December 2018.

Approved as to Form Only:



City Attorney

Reviewed by:



City Manager

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

SUBJECT: Chapter 31: Officials and Employees Section 31.19 (A)
General Disclosure; City Clerk to Prescribe Form and Fees
For Copying – Ordinance Amendment

BACKGROUND: At the City Council's work session on November 19, 2018,
Council discussed disclosure forms as described in Chapter
31; Section 31.19. The current code reads as:

31.19 GENERAL DISCLOSURE; CITY CLERK TO
PRESCRIBE FORM AND FEES FOR COPYING.

(A) All city officials, including members of citizen boards or
commissions, shall file with the City Clerk on the first day of
February of each year, a statement containing the following
information:

(1) The identity, by name and address, of any business
entity of which he or she or any member of his or her
immediate household is an owner (as defined in § 31.16),
officer or director. Additionally, the city official and spouse
shall give the name of their employer or, if self-employed,
state the nature of their work.

(2) The identity, by location and address, of all real property
located in the city, including any extraterritorial jurisdiction,
owned by the city official or any member of his or her
immediate household, other than his or her personal
residence.

DISCUSSION: In this subchapter, City official is defined as "The Mayor,
members of the City Council, City Manager, City Attorney,
department heads, and citizen members of all boards and
commissions of the City of Goldsboro."

At the work session held on November 19, 2018 Mayor Allen
made a motion to remove department heads from the list of
those who needed to fill out the disclosure form. The motion
was seconded by Councilmember Aycock. The motion
passed 4:3 with Mayor Pro Tem Ham and Councilmembers
Williams and Foster voting against the motion.

Staff would recommend Council adopt the following
amendment:

31.19 GENERAL DISCLOSURE; CITY CLERK TO
PRESCRIBE FORM AND FEES FOR COPYING.

(A) The Mayor, City Councilmembers and members of citizen boards or commissions, shall file with the City Clerk on the first day of February of each year, a statement containing the following information:

(1) The identity, by name and address, of any business entity of which he or she or any member of his or her immediate household is an owner (as defined in § 31.16), officer or director. Additionally, the city official and spouse shall give the name of their employer or, if self-employed, state the nature of their work.

(2) The identity, by location and address, of all real property located in the city, including any extraterritorial jurisdiction, owned by the city official or any member of his or her immediate household, other than his or her personal residence.

RECOMMENDATION: By motion, adopt the attached ordinance amending Chapter 31: Officials and Employees Section 31.19 (A) General Disclosure; City Clerk to Prescribe Form and Fees for Copying as indicated above.

Date: 11/28/18


City Clerk

Date: 11/28/18


Interim City Manager

[Print](#)

Goldsboro, North Carolina Code of Ordinances

CODE OF ETHICS FOR CITY OFFICIALS**§ 31.15 DECLARATIONS OF POLICY.**

(A) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

(B) In recognition of these goals, a code of ethics for City officials is hereby adopted. The purpose of this subchapter is to establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the city.

('70 Code, § 2-168)

§ 31.16 DEFINITIONS.

As used in this subchapter, the following terms shall have the meanings indicated:

BUSINESS ENTITY. Any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.

CITY OFFICIAL. The Mayor, members of the City Council, City Manager, City Attorney, department heads, and citizen members of all boards and commissions of the city of Goldsboro.

IMMEDIATE HOUSEHOLD. The city official, his or her spouse, and all children of the city official.

INTEREST. Direct or indirect pecuniary or material benefit accruing to a city official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city. For the purpose of this subchapter a city official shall be deemed to have an interest in the affairs of:

- (1) Any person in his or her immediate household, as such term is defined in this section;
- (2) Any business entity in which the city official is an officer or director; or
- (3) Any business entity in which in excess of 10% of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the city official.

OFFICIAL ACT or ACTION. Any legislative, administrative, appointive or discretionary act of any city official.

('70 Code, § 2-169)

§ 31.17 STANDARDS OF CONDUCT.

(A) *Scope.* All city officials as defined in this subchapter shall be subject to and abide by the following standards of conduct.

(B) *Interest in contract or agreement.* No city official, as herein defined, shall have or thereafter acquire an interest in any contract or agreement with the city of Goldsboro.

(C) *Use of official position.* No city official shall use official position or the city's facilities for his or her private gain, nor shall the city official appear before or represent any private person, group or interest before any department, agency, commission or board of the city except in matters of purely civic or public concern. The provisions of this paragraph are not intended to prohibit a city official's speaking before neighborhood groups and other nonprofit organizations.

(D) *Disclosure of information.* No city official shall use or disclose confidential information gained in the course of or by reason of his or her official position for purposes of advancing:

- (1) His or her financial or personal interest;
- (2) A business entity of which the city official is an owner (in part or in whole), an officer or a director; or
- (3) The financial or personal interest of a member of his or her immediate household or that of any other person.

(E) *Incompatible service.* No city official shall engage in, or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as provided in this subchapter.

(F) *Gifts.* No city official shall directly or indirectly solicit any gift, or accept or receive any gift having a value of \$50 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties, or was intended as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provision of this paragraph.

(G) *Special treatment.* No city official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

('70 Code, § 2-170)

§ 31.18 DISCLOSURE OF INTEREST IN LEGISLATIVE ACTION.

(A) The Mayor or any member of the City Council who has an interest in any official act or action before the Council shall publicly disclose on the record of the council the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the council.

(B) The citizen members of any board or commission who has an interest in any official act or action before any board or commission shall publicly disclose on the record of the board or

commission the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the board or commission on which the member is serving.

('70 Code, § 2-171)

§ 31.19 GENERAL DISCLOSURE; CITY CLERK TO PRESCRIBE FORM AND FEES FOR COPYING.

(A) All city officials, including members of citizen boards or commissions, shall file with the City Clerk on the first day of February of each year, a statement containing the following information:

(1) The identity, by name and address, of any business entity of which he or she or any member of his or her immediate household is an owner (as defined in § 31.16), officer or director. Additionally, the city official and spouse shall give the name of their employer or, if self-employed, state the nature of their work.

(2) The identity, by location and address, of all real property located in the city, including any extraterritorial jurisdiction, owned by the city official or any member of his or her immediate household, other than his or her personal residence.

(B) The statements required by this section shall be filed on a form prescribed by the City Clerk and are public records available for inspection and copying by any person during normal business hours. The city Clerk is authorized to establish and charge reasonable fees for the copying of statements.

('70 Code, § 2-172)

§ 31.20 INVESTIGATIONS INSTIGATED BY CITY COUNCIL; CITY MANAGER; ANY OTHER PERSON.

(A) The City Council may direct the City Attorney to investigate any apparent violation of this subchapter, as it applies to the Mayor, any member of the City Council, City Manager, or member of any citizen board or commission, and to report the findings of his or her investigation to the City Council.

(B) The City Manager may direct the City Attorney to investigate any apparent violation of this article as it applies to department heads, and to report the findings of his or her investigation to the City Manager.

(C) The City Council may direct the City Manager to investigate any apparent violation of this subchapter by the City Attorney, and to report the findings of his or her investigations to the City Council.

(D) Any person who believes that a violation of this subchapter has occurred may file a complaint in writing with the City Council when the Mayor, a member of the City Council, City Manager, City Attorney, or member of any citizen board or commission, is the subject of the complaint, or with the City Manager when a department head is the subject of the complaint, who may thereafter proceed as provided in paragraphs (a) through (c) of this section.

('70 Code, § 2-173)

§ 31.21 SANCTIONS BY CITY MANAGER; CITY COUNCIL; RIGHTS OF ACCUSED AT HEARINGS.

(A) If the City Manager, after the receipt of an investigation by the City Attorney, has cause to believe a violation of this subchapter has occurred, the City Manager shall schedule a hearing on the matter. The city official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If, after such hearing and a review of all the evidence, the City Manager finds that a violation of this article has occurred, the City Manager shall take whatever lawful disciplinary action he or she deems appropriate, including but not limited to, reprimand, suspension, demotions or termination of service.

(B) If the City Council, after receipt of an investigation by the City Attorney, has cause to believe a violation has occurred, the City Council shall schedule a hearing on this matter. The City official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If, upon the conclusion of the hearing, at least five members of the Council vote to find a violation has occurred, the Council may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official council meeting.

(C) In order to further protect the rights of city officials, all investigations conducted under § 31.20 shall remain confidential and shall not be deemed a public record unless agreed upon by the alleged violator and City Council. In addition, the hearings conducted under this section shall not be opened to the public unless agreed upon by the alleged violator and City Council. Any disciplinary action taken by the City Manager or any resolution adopted by the City Council shall be made public.

('70 Code, § 2-174)

§ 31.22 ADVISORY OPINIONS.

When any city official has a doubt as to the applicability of any provision of this subchapter to a particular situation, or as to the definition of terms used in this subchapter, he or she may apply to the City Attorney for an advisory opinion. The city official shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this subchapter before such advisory opinion is made.

('70 Code, § 2-175)

ORDINANCE NO. 2018- 67

**AN ORDINANCE AMENDING CHAPTER 31: OFFICIALS AND EMPLOYEES
SECTION 31.19 (A) GENERAL DISCLOSURE; CITY CLERK TO PRESCRIBE FORM
AND FEES FOR COPYING OF THE CODE OF ORDINANCES OF THE CITY OF
GOLDSBORO, NORTH CAROLINA**

WHEREAS, Chapter 31; Section 31.19 (A) currently reads "all city officials, including members of citizen boards or commissions, shall file with the City Clerk on the first day of February of each year, a statement containing the following information; and

WHEREAS, at the work session held on November 19, 2018 Mayor Allen made a motion to remove department heads from the list of those who needed to fill out the disclosure form. The motion was seconded by Councilmember Aycock. The motion passed 4:3 with Mayor Pro Tem Ham and Councilmembers Williams and Foster voting against the motion;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Goldsboro, North Carolina, that Chapter 31; Section 31.19 of the Code of Ordinances of the City of Goldsboro, North Carolina be amended to read as follows:

31.19 GENERAL DISCLOSURE; CITY CLERK TO PRESCRIBE FORM AND FEES FOR COPYING.

(A) The Mayor, City Councilmembers and members of citizen boards or commissions, shall file with the City Clerk on the first day of February of each year, a statement containing the following information:

(1) The identity, by name and address, of any business entity of which he or she or any member of his or her immediate household is an owner (as defined in § 31.16), officer or director. Additionally, the city official and spouse shall give the name of their employer or, if self-employed, state the nature of their work.

(2) The identity, by location and address, of all real property located in the city, including any extraterritorial jurisdiction, owned by the city official or any member of his or her immediate household, other than his or her personal residence.

This Ordinance shall be in full force and effect from and after the 3rd day of December 2018.

Approved as to Form Only:

Reviewed by:



City Attorney



Interim City Manager

CITY OF GOLDSBORO
AGENDA MEMORANDUM
DECEMBER 3, 2018 COUNCIL MEETING

SUBJECT: Noncontiguous Annexation Petition – J. Isaac Gurley Farms, Inc. (Northeast corner of US 13 Hwy and Hood Swamp Road) 8.84 Acres

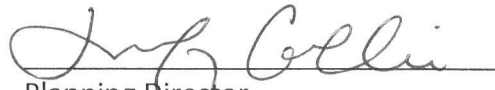
BACKGROUND: The applicant is requesting that noncontiguous property described by metes and bounds in Item 2 of the attached petition by annexed to the City of Goldsboro. Also attached are maps showing the property proposed to be annexed.

DISCUSSION: Pursuant to G. S. 160A-31, Council shall fix a date for public hearing on the proposed annexation if the petition is considered sufficient by the City Clerk.

The City Council, at their meeting on December 3, 2018 would request the City Clerk to determine the sufficiency of the petition. If the petition is determined to be sufficient, a public hearing would be scheduled and a report would be prepared by the Planning Department, in conjunction with other City departments, for submission to the Council.

RECOMMENDATION: By motion, request that the City Clerk examine the annexation petition to determine its sufficiency.

Date: 11/27/18


Planning Director

Date: 11/27/18


City Manager

PETITION FOR ANNEXATION
OF NONCONTIGUOUS REAL PROPERTY
TO THE CITY OF GOLDSBORO, NORTH CAROLINA

Date Submitted: Oct 16, 2017

To the City Council of the City of Goldsboro, North Carolina:

1. The undersigned, owner(s) of the noncontiguous real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Goldsboro, North Carolina.

2. The area requested to be annexed is not contiguous to the City of Goldsboro and is described by metes and bounds as follows: (Attach separate sheets if necessary.)

see attached Preliminary Subdivision Plan.

3. We acknowledge that any zoning vested rights acquired pursuant to G. S. 160A-385.1 or G. S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name and Signature of Owner(s)	Address	Phone	Do you declare vested rights? (Indicate Yes or No)
<i>Bradford Dean Gurley</i>	<i>PO Box 1661 Goldsboro, NC 27533</i>	<i>919-920-1333</i>	
<i>[Signature]</i>	<i>owned by J Isaac Gurby Farms Inc.</i>		

Contact Person: _____ Phone No. _____

ALL INFORMATION MUST BE **LEGIBLE AND CORRECT**.
IF THE PETITION IS NOT CURRENTLY THE LEGAL OWNER OF THE PROPERTY,
THE LEGAL OWNER MUST SIGN THE PETITION.

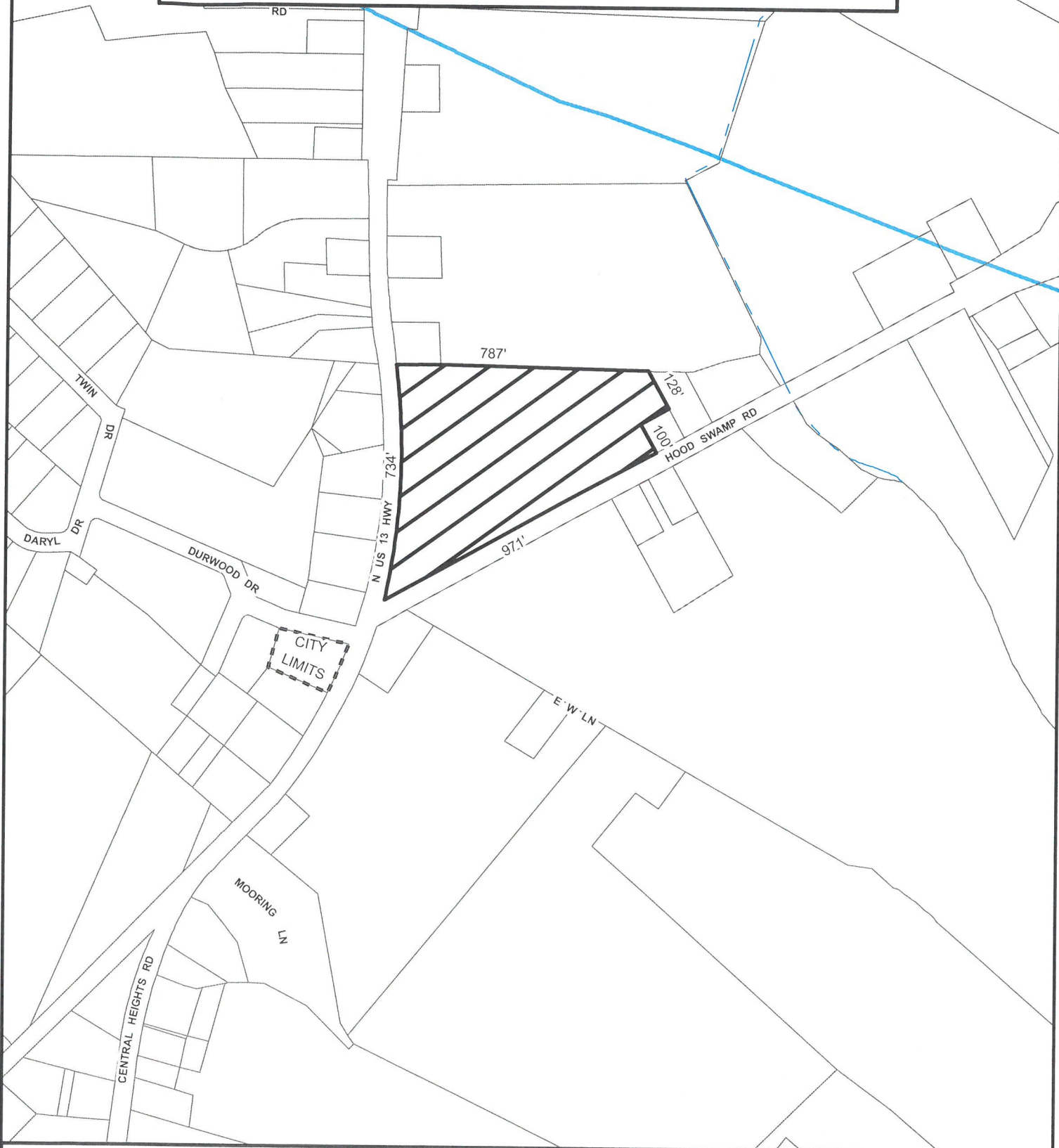
PLEASE SUBMIT ORIGINAL PETITION TO THE
OFFICE OF THE CITY CLERK

Land Description
J. Isaac Gurley Farms
Annexation Description

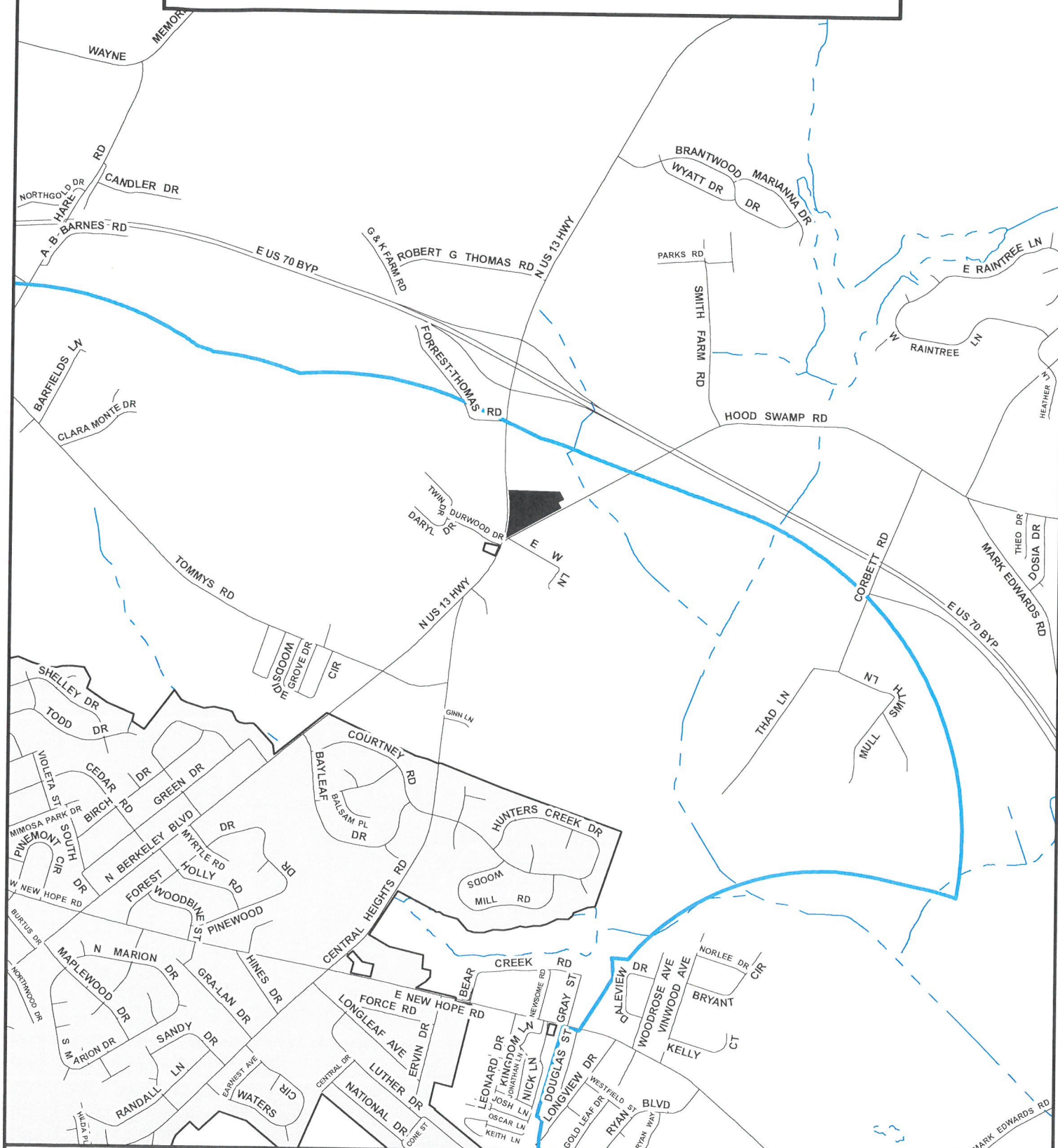
Being a parcel of land in Saulston Township, Wayne County, North Carolina and being bounded on the north by the lands of John S. Wade, on the east by the lands of Jennifer Y. Worrell and Belfast-Patetown Sanitary District, on the west by eastern right of way line of NC Highway 13 and on the south by the northern right of way of NCSR 1705 – Hood Swamp Road and being more particularly described as follows:

Commencing at a North Carolina Department of Transportation Monument U3609B-6, said point having North Carolina Grid Coordinates of N=605899.0040 feet, E= 2328365.962 feet (North American Datum 1983-2011 Adjustment) ; thence S 09°23'49" E 1121.01 feet to a new iron pipe in a ditch, the northern property line of J. Isaac Gurley Farms, Inc. and the John S. Wade Tract as recorded in deed book 1169 page 371 of the Wayne County Registry; thence along said line and ditch S 89°23'31" E 752.09 feet to a point in centerline of ditch, the northwestern corner of the Jennifer Y. Worrell tract as recorded in deed book 1554 page 396 of the Wayne County Registry; thence along said line S 28°52'58" E 4.86 feet to an existing $\frac{3}{4}$ " iron pipe; thence continuing along said line S 28°52'58" E 127.82 feet to an existing $\frac{3}{4}$ " iron pipe, the northeastern corner of Belfast-Patetown Sanitary District tract as recorded in deed book 2934 page 534 of the Wayne County Registry; thence along the northern line of the Belfast-Patetown Sanitary District tract as recorded in deed book 2934 page 534 of the Wayne County Registry S 61°04'54" W 100.00 feet to an existing $\frac{3}{4}$ " iron pipe, the northwestern corner of the Belfast-Patetown Sanitary District tract as recorded in deed book 2934 page 534 of the Wayne County Registry; thence along the western line of said tract S 28°52'25" E 97.90 feet to a new iron pipe; thence continuing along said line S 28°52'25" E 2.10 feet to an existing $\frac{3}{4}$ " iron pipe in the northern right of way line of NCSR 1705 – Hood Swamp Road; thence along said right of way line S 61°04'57" W 331.13 feet to a new iron pipe in said right of way; thence continuing along said right of way line S 61°01'58" W 19.89 feet to a new iron pipe in said right of way; thence continuing along said right of way line S 61°01'58" W 564.80 feet to a new iron pipe in said right of way; thence S 61°01'58" W 55.32 feet to a new iron pipe in the intersection of the northern right of way line of NCSR 1705 – Hood Swamp Road and the eastern right of way line of NC Highway 13; thence along the eastern right of way line of NC 13 along a curve to the left having a chord of N04°53'00" E 584.24 feet and a radius of 1698.93 feet to a new iron pipe in said right of way; thence along said right of way N 04°40'52" W 148.92 feet to a new iron pipe in said right of way in the centerline of a ditch the southwest corner of the John S. Wade Tract as recorded in deed book 639 page 511 of the Wayne County Registry; thence along a ditch S 89°23'31" E 35.32 feet to the point of beginning containing 8.84 acres, more or less.

NON- CONTIGUOUS ANNEXATION GURLEY FARMS PROPERTIES



NON- CONTIGUOUS ANNEXATION GURLEY FARMS PROPERTIES



NON- CONTIGUOUS ANNEXATION GURLEY FARMS PROPERTIES



**CITY OF GOLDSBORO
AGENDA MEMORANDUM
December 3, 2018 COUNCIL MEETING**

SUBJECT: CU-11-18 Steven Hall – East side of N. William Street between Brogden Street and Raynor Street.

BACKGROUND: The applicant requests a Conditional Use Permit to allow operation of a used-car lot within the General Business District. The sale of used vehicles is a permitted use within the General Business zoning district after the issuance of a Conditional Use Permit approved by City Council.

Council previously approved the property on September 13, 1993 for the operation of a used-car lot and service center. The property has been vacant for more than six months and now requires a Conditional Use Permit in order to operate as used-car sales.

Frontage: 65 ft.

Depth: 617 ft. (average)

Area: 1,337 sq. ft., or 0.92 acres

Zoning: General Business

DISCUSSION: The submitted site plan indicates an existing 264 sq. ft. building proposed for use as a sales office located at the front of the property. Another existing 350 sq. ft. building located behind the sales office is proposed for washing and cleaning vehicles. The applicant states there will be no outdoor storage on site.

Hours of Operation: 9:00 a. m. to 5:00 p. m.
(Monday - Saturday)

No. of Employees: 2

A portion of the property is located in a Special Flood Hazard Area identified as the 100-year floodplain. The applicant has been informed the use of this area is prohibited from the display and/or storage of any vehicles, parts or equipment associated with the operation of the business.

Parking is required at one space per employee and five customer spaces. The applicant proposes up to 10 display vehicle spaces and the site plan indicates both customer and employee parking. No loading space will be required since all vehicles will be driven to the site.

Due to existing site conditions, the applicant is requesting the following modifications of the City's landscaping requirements:

1. Type A 5' Buffer requirements along the northern and southern property lines;
2. Street Trees along N. William Street; and
3. Vehicular Surface Area landscaping.

A Type A 5' buffer is required along the eastern property line and existing vegetation fulfills this requirement.

At the public hearing held on November 19, 2018, the property owner appeared to speak in favor of the request. No one appeared in opposition.

The Planning Commission, at their meeting held on November 26, 2018, recommended approval of the Conditional Use Permit and submitted site plan with the requested modifications.

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 within the General Business District zone; and
2. Approve the submitted site plan with the following modifications:
 - a. Type A 5' Buffer requirements along the northern and southern property lines;
 - b. Street Trees along N. William Street; and
 - c. Vehicular Surface Area landscaping.

Date: 11/27/18

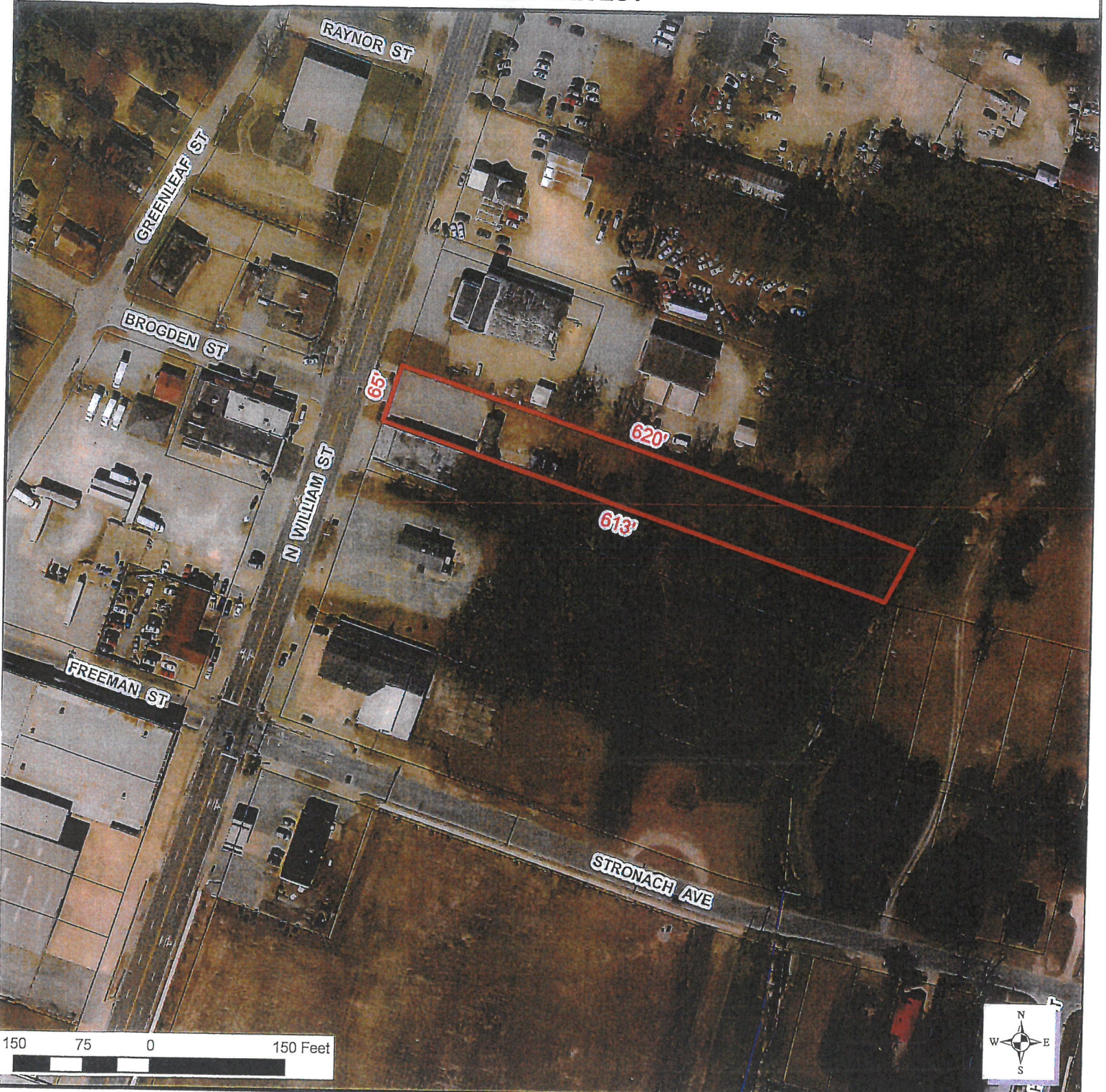

Planning Director

Date: 11/27/18


City Manager

dcc

CU - 11 - 18
1108 N WILLIAM ST
USED CAR LOT



CONDITIONAL USE

CASE NO: CU-11-18
USE REQUEST: Operate Used Car Lot
ADDRESS: 1108 N. William Street
APPLICANT: Steven Hall, Zackell Perry

HOURS OF OPERATION:

Monday- Saturday 9:00 am - 5:00 pm

NUMBER OF EMPLOYEES: 2

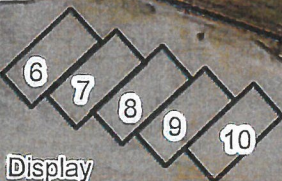
Modifications:



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

N WILLIAM ST

65'



Display Area

Employee/
Customer
Parking



Used Car Lot

Hours of Operation:

Monday - Saturday 9:00 am - 5:00 pm

Number of Employees: 2

30 15 0 30 Feet



CITY OF GOLDSBORO
ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on **November 19, 2018** to consider Conditional Use Permit application number:

CU-11-18 Steven Hall – East side of N. William Street between Brogden Street and Raynor Street.

To allow operation of a used-car lot within the General Business zoning district, having heard all the evidence and arguments presented and reports from City Officials, and having received recommendation for approval from the Goldsboro Planning Commission pertaining to said application, 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 with the request for landscaping modifications due to the existing site conditions.

- a. Type A 5' Buffer requirements along the northern and southern property lines;
- b. Street Trees along N. William Street; and
- c. Vehicular Surface Area landscaping.

Upon motion made by Councilmember _____ and seconded by Councilmember _____, the Council approved the applicant's request for a Conditional Use Permit to allow the operation of a used-car lot.

Therefore, because the City Council concludes that all of the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT have **BEEN** satisfied,

IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be **APPROVED**.

Thus ordered this _____ day of _____, 2018.

Chuck Allen, Mayor

Ronald T. Lawrence, City Attorney

CITY OF GOLDSBORO
ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on **November 19, 2018** to consider Conditional Use Permit application number:

CU-11-18 Steven Hall – East side of N. William Street between Brogden Street and Raynor Street.

To allow operation of a used-car lot within the General Business zoning district, having heard all the evidence and arguments presented and reports from City Officials, and having received recommendation for approval from the Goldsboro Planning Commission pertaining to said application, 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 with the request for landscaping modifications due to the existing site conditions.

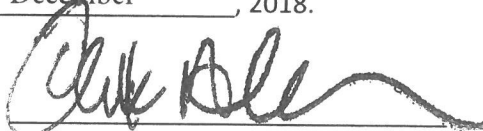
- a. Type A 5' Buffer requirements along the northern and southern property lines;
- b. Street Trees along N. William Street; and
- c. Vehicular Surface Area landscaping.

Upon motion made by Councilmember Aycock 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 lot.

Therefore, because the City Council concludes that all of the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT have **BEEN** satisfied,

IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be **APPROVED**.

Thus ordered this 3rd day of December, 2018.



Chuck Allen, Mayor



Ronald T. Lawrence, City Attorney

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
December 3, 2018 COUNCIL MEETING**

SUBJECT: Z-17-18 Wayne County Historical Association – South side of East Mulberry Street between North William Street and Patrick Street

BACKGROUND: The applicant requests a rezoning from R-9 (Residential) to CBD (Central Business District) in conjunction with site plan approval for the addition of a new parking lot.

Existing: Currently, the site consists of three lots. Two of the three lots are zoned Central Business District and are occupied by a museum and parking lot which front N. William Street. The third lot is zoned R-9 (Residential) along E. Mulberry Street.

Proposed Use: The applicant intends to develop property into a parking lot for customers of the museum.

Frontage: 140.32 ft. (N. William St.)
234.35 ft. (E. Mulberry St.)

Area: 37,169 sq. ft., or 0.853 acres

Surrounding Zoning: North: Central Business District;
South: Central Business District;
East: Residential-9; and
West: Central Business District

Comprehensive Land Use Plan: The City's Comprehensive Land Use Plan recommends Mixed Use Downtown development for the property.

DISCUSSION: As previously stated, the applicant is requesting a zoning change from R-9 (Residential) to Central Business District (CBD) in order to construct a new parking lot for customers of the museum. Since parking lots are not a permitted use in the R-9 (Residential) zoning district, a zoning change is necessary.

The site plan indicates an existing 8,839 sq. ft., two-story building of masonry construction operated as the Wayne County Museum.

Hours of operation: 11:00 a. m. to 4:00 p. m. Tuesday - Friday
10:00 a. m. to 6:00 p. m. Saturday

No. of Employees: 2

Access: The site is currently served by a 24 ft. wide access drive along N. William Street. An additional 24 ft. wide access drive is proposed along E. Mulberry Street to replace an existing 10 ft. asphalt drive surrounding the site.

Parking: Based on one space per 300 sq. ft. of gross floor area, 29 parking spaces are required for the site. The site plan shows a total of 43 paved and striped parking spaces to include 2 handicap accessible spaces.

Sidewalks: Interior sidewalks have been provided for pedestrian access into the museum. Exterior City sidewalks along E. Mulberry Street will be modified to include new concrete curb and gutter and handicap accessible ramps.

Engineering: Stormwater calculations, grading and drainage plans will be required and subject to approval by City Engineering before construction permits are released.

Commercial Lighting Plan: Commercial lighting plans have not been submitted, however, staff will work with the applicant to ensure that proposed lighting is compliant with the City's commercial lighting ordinance.

Interconnectivity: Interconnectivity to adjacent properties along N. William Street and E. Mulberry Street have not been identified on the site plan. The applicant is requesting a modification of this requirement since existing site conditions would make connections impractical.

Landscaping: The submitted site plan indicates an 8 ft. street yard for the planting of 2 Snow Goose Flowering Cherry trees and 10 Carissa Hollies along E. Mulberry Street.

A Type C, 20 ft. wide landscape buffer is required along the eastern property line and along a portion of the southern property line adjacent to residentially zoned and developed property. The applicant intends to install a 6 ft. wide privacy fence approximately 150 ft. from E. Mulberry Street to the rear of the property allowing for a 10 ft. reduction in the required Type C buffer. In order to meet the required parking spaces for

the site, the applicant is requesting an additional 5 ft. reduction in the Type C buffer reducing the overall required width of 20 ft. to 5 ft.

A Type A, 5 ft. wide landscape buffer yard is required along the southern property line adjacent to commercial property. Plantings consists of Autumn Fantasy Maple, Flowering Cherry, Chinese Loropetalum and Carissa Holly.

At the public hearing held on November 19, 2018, one person appeared to speak for this request. No appeared in opposition.

The Planning Commission, at their meeting held on November 26, 2018, recommended approval of the zoning change and development plans with requested modifications.

RECOMMENDATION:

By motion, accept the recommendation of the Planning Commission and

1. Adopt an ordinance changing the zoning for the property from R-9 (Residential) to CBD (Central Business District). The change to Central Business District would be consistent with the recommendations contained within the City's adopted Comprehensive Land Use Plan; and
2. Approve the submitted site plan and landscape plans with the following modifications:
 - a. Modification of interconnectivity to adjacent properties;
 - b. Modification of Type C buffer width from 20 ft. to 5 ft.

Date: 11/27/18



Planning Director

Date: 11/27/18



City Manager

dcc



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

MULBERRY STREET

EXISTING 30' SIGN LEVER

EXISTING 3" WATER MAIN

EXISTING 3" WATER MAIN

EXISTING 3" WATER MAIN

EXISTING 3" WATER MAIN

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EXISTING 3" WATER MAIN

WAYNE COUNTY MUSEUM

EXISTING BRICK WATER BUILDING

WAYNE COUNTY HISTORICAL ASSOCIATION

7710 MULBERRY STREET, 2ND FLOOR

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NO.	REVISION	DATE

B. R. KORNEGAY, INC.
LAND SURVEYING & PLANNING
300 East Main Street
Goldsboro, NC 27533
www.brkornegay.com (919) 725-2886 Fax (919) 380-8033

304 EAST MULBERRY STREET
LANDSCAPE PLAN
PARKING LOT IMPROVEMENT

DRAWN BY: TSB
DESIGNED BY: TSB
DATE: 01-20-2016
SCALE: 1" = 10'

WAYNE COUNTY HISTORICAL ASSOCIATION
P.O. BOX 2063, GOLDSBORO, NC 27533
CONTACT: DAVID NEL 919-734-1111 EXT. 231 919-520-8873 dnel@chahat.com

SHEET: 4
OF: 5
JOB NO.: 180094
CADD FILE: 180094

2212

**Z-17-18
WAYNE CO HISTORICAL ASSOCIATION
R - 9 TO CBD**



REZONING REQUEST - EXISTING ZONING

Owner: Wayne County Historical Assn
Applicant: David Weil
Project: Association Parking Lot
Parcel #: 3509-05-3826
Location: 304 E. Mulberry St.

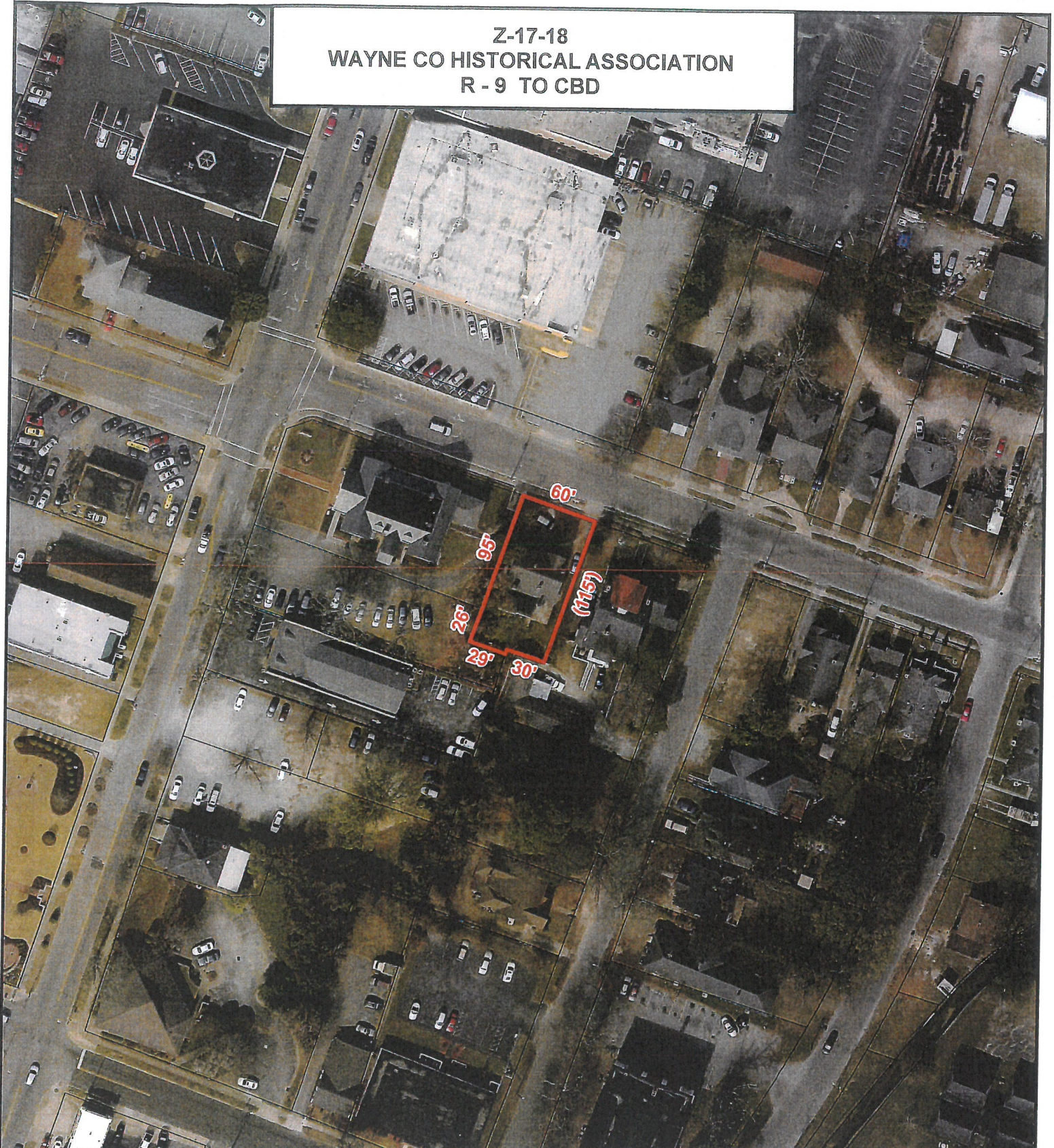
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GOLDSBORO
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Z-17-18
WAYNE CO HISTORICAL ASSOCIATION
R - 9 TO CBD



REZONING REQUEST

Owner: Wayne County Historical Assn
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100 50 0 100 Feet



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Z-17-18
WAYNE CO HISTORICAL ASSOCIATION
R - 9 TO CBD

MU DT

MU DT

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N WILLIAM ST

E MULBERRY ST

MU DT

MU DT

PATRICK ST

MU DT

Conservation

MU DT

MU DT

E WALNUT ST

MU DT

MU DT

REZONING REQUEST - PROPOSED ZONING

Owner: Wayne County Historical Assn

Applicant: David Weil

Project: Association Parking Lot

Parcel #: 3509-05-3826

Location: 304 E. Mulberry St.

100 50 0 100 Feet



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ORDINANCE NO. 2018 -

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 19, 2018, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; and

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Unified Development Ordinance be amended as herein below set forth;

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

1. That the Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From R-9 (Residential) to CBD (Central Business District)

**Z-17-18 Wayne County Historical Association – South side of East Mulberry Street
between North William Street and Patrick Street**

The Wayne County Tax Identification Nos. is 3509-05-3826. The property has a frontage of 140.32 ft. on N. William Street and a frontage of 234.35 ft. on E. Mulberry Street, a depth of 115 ft. and a total area of 37,169 sq. ft. or 0.853 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this _____ day of _____, 2018.

Approved as to Form Only:

Reviewed by:

City Attorney

City Manager

ORDINANCE NO. 2018 - 68

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 19, 2018, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; and

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Unified Development Ordinance be amended as herein below set forth;

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

1. That the Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From R-9 (Residential) to CBD (Central Business District)

**Z-17-18 Wayne County Historical Association – South side of East Mulberry Street
between North William Street and Patrick Street**

The Wayne County Tax Identification Nos. is 3509-05-3826. The property has a frontage of 140.32 ft. on N. William Street and a frontage of 234.35 ft. on E. Mulberry Street, a depth of 115 ft. and a total area of 37,169 sq. ft. or 0.853 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this 3rd day of December, 2018.

Approved as to Form Only:

Reviewed by:



City Attorney



City Manager

**CITY OF GOLDSBORO
AGENDA MEMORANDUM
December 3, 2018 COUNCIL MEETING**

SUBJECT: Z-18-18 Leonard and Doris Jones – North side of Vann Street between Bruce Street and Vann Street Terminus (R-6 to RM-9CD)

BACKGROUND: The applicant requests rezoning from R-6 Residential to RM-9 Residential Manufactured Home to limit the use of the property to the placement of one manufactured (mobile) home on the property.

Frontage: 65 ft.
Depth: 130 ft.
Area: 8,450 sq. ft. or 0.19 Acres

Surrounding Zoning:

North: R-6 Residential
South: R-6 Residential
East: RM-9 Manufactured Residential
West: R-6 Residential

Existing Use: The property is currently vacant.

Proposed Use: The applicant proposes placement of one manufactured home on the site.

Engineering Comments: City water and sanitary sewer lines are available to serve the property. The property is not located within a Special Flood Hazard Area.

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

DISCUSSION: There are a number of manufactured homes within this area. Most recently, Council approved rezoning requests for placement of mobile homes to the east and west of the subject property on June 4, 2018 and on October 15, 2018 (Z-7-18 and Z-16-18).

The RM-9 zoning district would require masonry underpinning, pitched roof and horizontal siding. It will be required to have working windows and no rust and have the appearance of a site-built home.

The City's Unified Development Ordinance also requires that manufactured homes be placed parallel to the front property line. In 2017, City Council closed a portion of Bruce Street extending from Vann Street to Colonial Terrace Drive. Applicant is requesting a modification that the home be placed parallel to what once was considered a public road since parallel placement along Vann Street would not be an option due to the lot width.

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

The Planning Commission, at their meeting held on November 26, 2018, recommended approval of the zoning change and development plans with the requested modification.

RECOMMENDATION:

By motion, accept the recommendation of the Planning Commission and

1. Adopt an ordinance change the zoning for the property from Residential 6 to Residential Manufactured Home (RM-9). The rezoning to RM-9 Residential is consistent with the City's adopted Comprehensive Lane Use Plan which recommends high-density residential development; and
2. Approve a site plan with a modification of the requirement that the manufactured home be placed parallel to what once was considered a public road due to the deficient lot width.

Date: 11/27/18

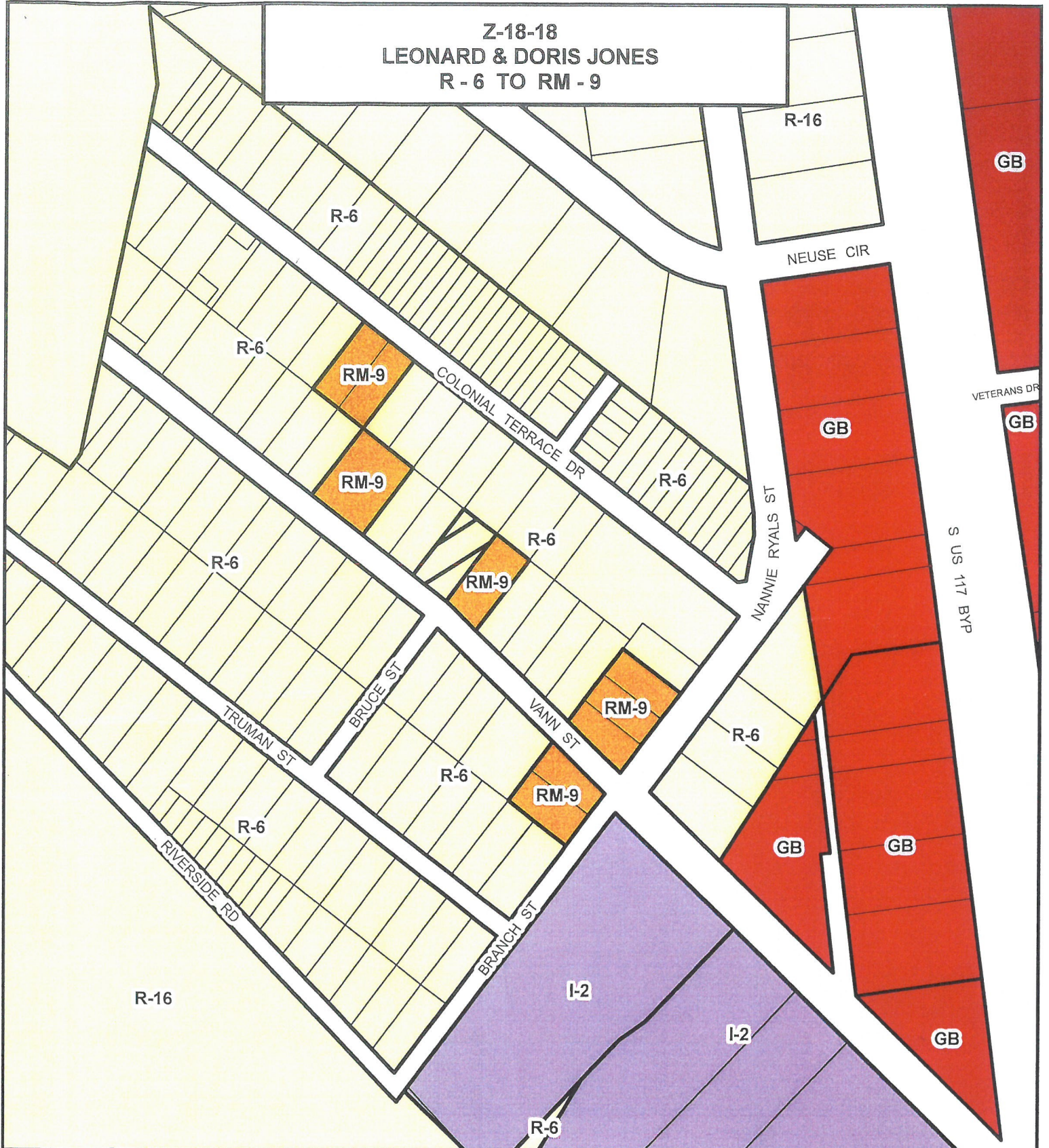

Planning Director

Date: 11/27/18


City Manager

dcc

Z-18-18
LEONARD & DORIS JONES
R - 6 TO RM - 9



REZONING REQUEST - EXISTING ZONING

Owner: Leonard and Doris Jones
Request: R-6 to RM-9
Project: Single Family Mobile Home
Parcel #: 2598-39-9492
Location: 601 Vann St.

200 100 0 200 Feet



GOLDSBORO
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Z-18-18
LEONARD & DORIS JONES
R - 6 TO RM - 9



REZONING REQUEST

Owner: Leonard and Doris Jones
Request: R-6 to RM-9
Project: Single Family Mobile Home
Parcel #: 2598-39-9492
Location: 601 Vann St.

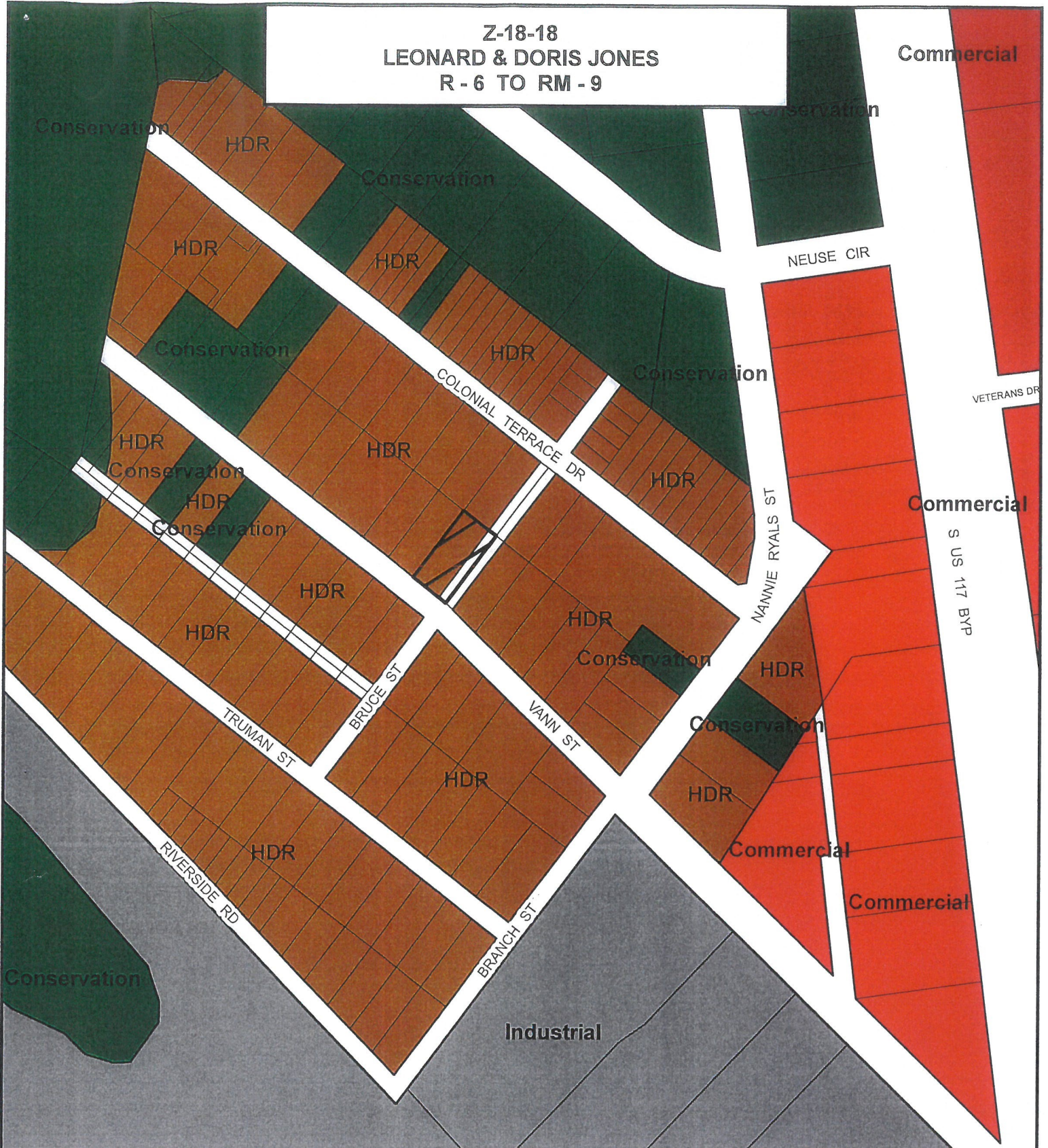
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**Z-18-18
LEONARD & DORIS JONES
R - 6 TO RM - 9**



REZONING REQUEST - PROPOSED ZONING

Owner: Leonard and Doris Jones
Request: R-6 to RM-9
Project: Single Family Mobile Home
Parcel #: 2598-39-9492
Location: 601 Vann St.

200 100 0 200 Feet



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BE MORE DO MORE SEYMOUR

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ORDINANCE NO. 2018 -

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 19, 2018, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; and

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Unified Development Ordinance be amended as herein below set forth;

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

1. That the Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From Residential 6 to Residential Manufactured Home (RM-9)

Z-18-18 Leonard and Doris Jones – North side of Vann Street between Bruce Street and Vann Street Terminus (R-6 to RM-9CD)

The Wayne County Tax Identification Nos. is 2598-39-9492. The property has a frontage of 65 ft. and a depth of 130 ft. and a total area of 8,450 sq. ft. or 0.19 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this _____ day of _____, 2018.

Approved as to Form Only:

Reviewed by:

City Attorney

City Manager

ORDINANCE NO. 2018 - 69

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF GOLDSBORO, NORTH CAROLINA
CODE OF ORDINANCES**

WHEREAS, after notice duly given according to law, a public hearing was held before the City Council and the Planning Commission at a regular meeting held in the Council Chamber, City Hall, on Monday, November 19, 2018, at 7:00 p. m., for the purpose of considering and discussing the passing of an ordinance amending the Unified Development Ordinance of the City of Goldsboro, North Carolina; and

WHEREAS, after completion of said public hearing and receipt of the recommendation of the Planning Commission, the City Council of the City of Goldsboro deems it advisable and for the best interest of the City and those residing within its zoning jurisdiction that the Unified Development Ordinance be amended as herein below set forth;

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

1. That the Unified Development Ordinance of the City of Goldsboro, North Carolina Code of Ordinances, be and the same is hereby amended by changing:

From Residential 6 to Residential Manufactured Home (RM-9)

Z-18-18 Leonard and Doris Jones – North side of Vann Street between Bruce Street and Vann Street Terminus (R-6 to RM-9CD)

The Wayne County Tax Identification Nos. is 2598-39-9492. The property has a frontage of 65 ft. and a depth of 130 ft. and a total area of 8,450 sq. ft. or 0.19 acres.

2. That the Official Zoning Map, Goldsboro, North Carolina, on file in the Office of the Director of Planning and Community Development be promptly changed to reflect this amendment and the appropriate entries in reference thereto be entered in the descriptive record of changes as provided in Section 2 of the Unified Development Ordinance.
3. That this Ordinance shall become effective from and after the entry of the changes or amendments herein made on the said Official Zoning Map.

Adopted this 3rd day of December, 2018.

Approved as to Form Only:

Reviewed by:



CITY OF GOLDSBORO
AGENDA MEMORANDUM
December 3, 2018 COUNCIL MEETING

Item K
Deferred

SUBJECT: CU-12-18 Dale Bevell – East and West sides of North Carolina Street between A Street and Hooks River Road.

BACKGROUND: The applicant requests a Conditional Use Permit to allow an automobile recycling business with outdoor storage within the I-2 General Industry zoning district. Recycling of metal, paper and other materials are a permitted use with the issuance of a Conditional Use Permit within the I-2 zone.

The request includes two tracts of land – one on the west side of North Carolina Street and one on the east side of North Carolina Street.

Tract One (West of N. Carolina Street)

Frontage: 755 ft.
Depth: 650 ft.
Total Area: 11.2 acres

Tract Two (East of N. Carolina Street)

Frontage: 621 ft. (N. Carolina Street)
Frontage: 800.17 ft. (N. George Street)
Depth: 900 ft.
Total Area: 16.92 acres

Total area for both Tracts: 28.12 acres

The property is currently owned and occupied by Ex-cell Home Fashions Inc. If the Conditional Use Permit is granted, the applicant plans to purchase and occupy the space for an automobile recycling business with outdoor storage.

DISCUSSION: The property contains two existing metal buildings. Tract One contains an existing 80, 294 square foot building while Tract Two contains an 78,086 square foot building. The applicant proposes to occupy the existing building on Tract Two immediately for office space and storage of automobile parts.

Tract two will also provide for outdoor storage area of automobiles, once automobile parts have been removed and stored. At this time, the applicant has indicated Tract One for future storage use.

Hours of operation: 8 am to 5:30 pm Monday through Friday

No. of Employees: 28

City water and sanitary lines are available to serve the subject property. Impervious area will be increased as the applicant proposes gravel within the outdoor storage area of Tract Two. Stormwater calculations, grading and drainage plans will be required and subject to approval by City Engineering prior to any issuance of permits.

The submitted site plan indicates the outdoor storage area south of the existing building on Tract Two. An existing eight-foot chain link fence surrounds both Tracts and the applicant proposed to improve the existing fence with utilizing existing poles and replace the chain link with metal solid fencing. Material stored within the identified outdoor storage area shall not stack higher than the 8' fence or be visible from any public right-of-way.

Adequate parking spaces for employees and customers have been indicated on the site plan. A minimum of 33 parking spaces are required and 84 spaces have been provided including 4 handicap spaces.

A total of 19 street trees are required along N. George Street and will consist of Autumn Fantasy Maple. Due to the location of the existing fence the applicant is requesting a modification of the street tree requirement along Carolina Street for both tracts.

Existing vegetation satisfy Buffer requirements along the northern and western property lines. The applicant is requesting a modification of the Type "A" 10 foot landscape buffer along the southern property lines due to existing and proposed 8' solid metal fencing.

At the public hearing held on November 19, 2018, nine people spoke in opposition of the request, citing concerns with appearance, noise and depreciation of property values regarding the proposal. The applicant and the realtor came forward to speak in favor of the request.

The Planning Commission, at their meeting held on November 26, 2018, recommended approval of the Conditional Use Permit and submitted site plan with the requested modifications.

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

1. Adopt an Order approving the Conditional Use Permit to allow an automobile recycling business with outdoor storage within the General Industry (I-2) zone; and
2. Approve the submitted site plan with the following modifications:
 - a. Modification of street tree requirement along Carolina Street and;
 - b. Modification of Type "A" 10 ft. landscape buffer along the southern property line.

Date: 11/27/18



Planning Director

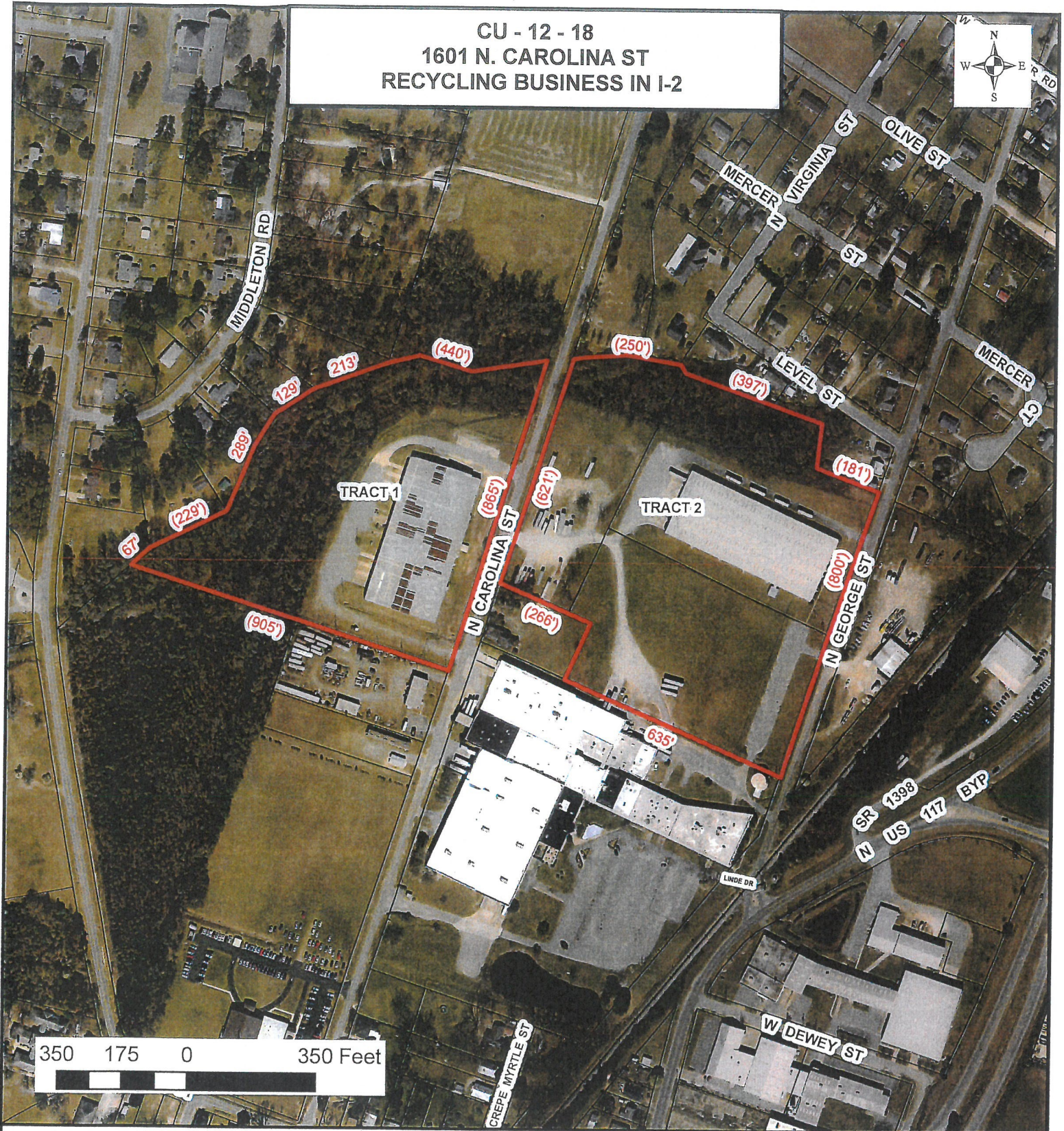
Date: 11/28/18



City Manager

dcc

CU - 12 - 18
1601 N. CAROLINA ST
RECYCLING BUSINESS IN I-2



CONDITIONAL USE

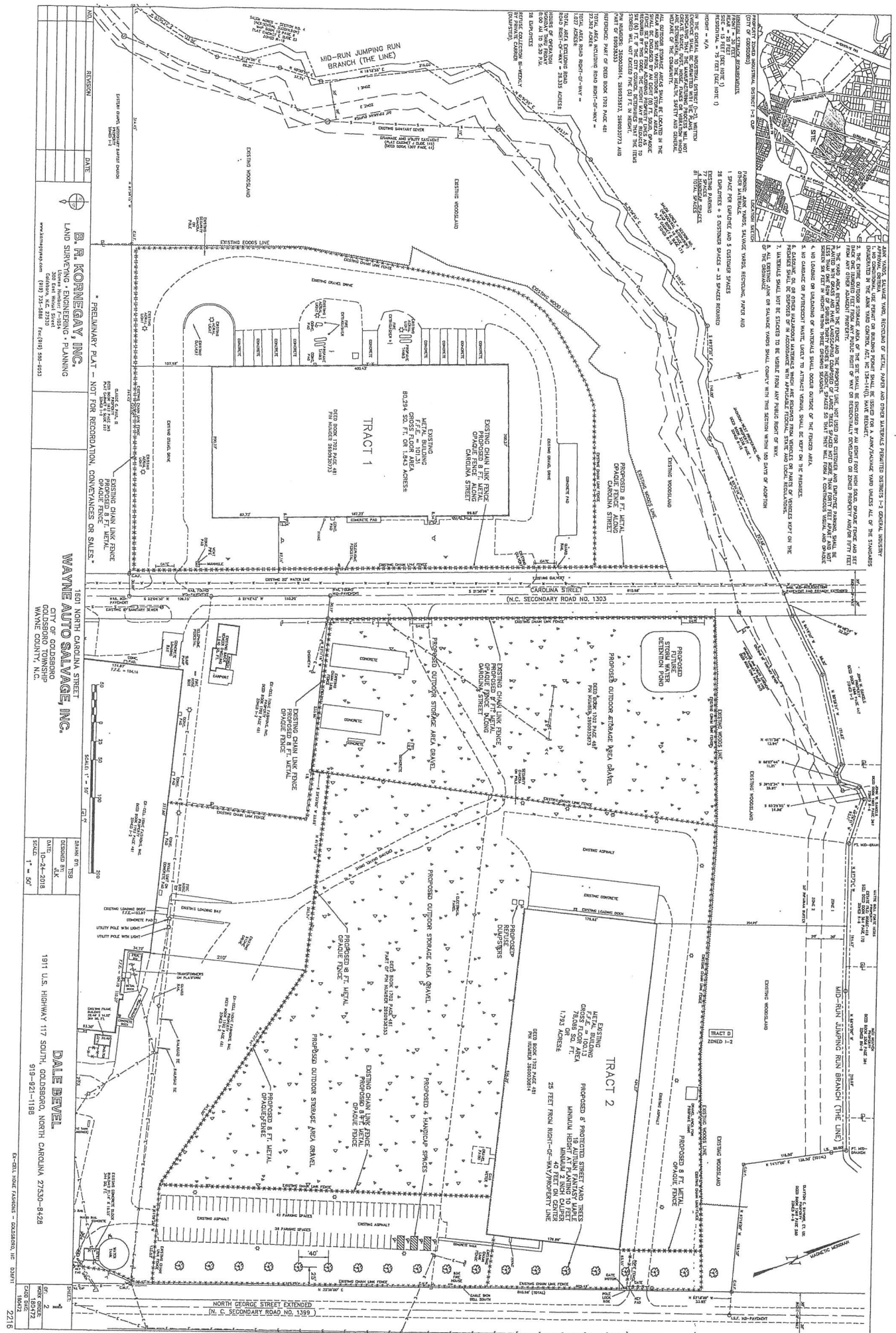
CASE NO: CU-12-18
USE REQUEST: Operate Recycling Business
ADDRESS: 1601 N. Carolina St
APPLICANT: Dale Bevel

HOURS OF OPERATION:

NUMBER OF EMPLOYEES:



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CITY OF GOLDSBORO
ORDER **APPROVING** A CONDITIONAL USE PERMIT

The City Council of the City of Goldsboro, North Carolina, having held a public hearing on **November 19, 2018** to consider Conditional Use Permit application number:

CU-12-18 Dale Bevell - East and West sides of North Carolina Street between A Street and Hooks River Road.

To allow an automobile recycling business with outdoor storage within the General Industry (I-2) zoning district, having heard all the evidence and arguments presented and reports from City Officials, and having received recommendation for approval from the Goldsboro Planning Commission pertaining to said application, 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 "Junk Yards, Salvage Yards, Recycling of Metal, Paper and other materials".

In addition, the Council approved site and landscape plans detailing the proposed development with the request for landscaping modifications due to the existing site conditions.

- a. Street tree requirement along Carolina Street for both tracts; and
- b. Type "A" 10 ft. buffer requirements along the southern property lines.

Upon motion made by Councilmember _____ and seconded by Councilmember _____, the Council approved the applicant's request for a Conditional Use Permit to allow the operation of an automobile recycling business with outdoor storage.

Therefore, because the City Council concludes that all of the general conditions precedent to the issuance of a CONDITIONAL USE PERMIT have **BEEN** satisfied,

IT IS ORDERED that the application for the issuance of a CONDITIONAL USE PERMIT be **APPROVED**.

Thus ordered this _____ day of _____, 2018.

Chuck Allen, Mayor

Ronald T. Lawrence, City Attorney