

COUNCIL MINUTES

REGULAR MEETING

May 17, 2016

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, May 17, 2016 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Gayle Maides, Finance Director; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Wally Hansen, Public Services Director; Mike Yaniero, Director of Public Safety; Susan Baptist, Director of Recreation Services; Carmen Miracle, City Clerk; and John Carter, City Attorney.

*A video of the Council Meeting is presently available for review on the City's website.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Councilwoman Washington led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Bittner, and unanimously approved to adopt the agenda as amended to remove Item #2 – 2016 COPS Hiring Program Grant Application.

PRESENTATIONSRECOGNITION OF COLONEL TIMOTHY SALMON

The City recognized Colonel Timothy M. Salmon, Commanding Officer MCAS New River. He became the Commanding Officer of the Air Station in July 2013 and will relinquish command on June 23, 2016. Mayor Phillips stated the City appreciated the cooperation and respect received between the Air Station and the local community under Colonel Salmon's leadership and recognized him for service to the Country and support of the Jacksonville Community.

Mayor Phillips presented Colonel Salmon with a plaque of the Freedom Fountain and expressed the City's gratitude and pleasure of working with Colonel Salmon during his service at MCAS New River.

PRESENTATION OF POSTER, POETRY, AND ESSAY CONTEST

The Onslow Commission for Persons with Disabilities and the City of Jacksonville, sponsored a Poster, Poetry, and Essay Contest for the Onslow County, Camp Lejeune, and Private Schools to help promote "Disabilities Awareness Week." The theme for the contest this year was "Let's Change Attitudes." There were 239 entries received. A winner from each grade level (K-12) was selected for a First Place Award. One teacher from each grade group was selected for an "Excellence in Participation" Award based on student entries that most clearly related to this year's theme. Each winner received a certificate and a \$50 gift card. In addition, the winning teacher's classroom received a pizza party. In honor of "Disabilities Awareness Week" the winning entries were on display in the lobby of City Hall May 16 – May 20.

Ms. Lorna Aschbrenner, Chairperson Onslow Commission for Persons with Disabilities assisted Mayor Phillips to present the awards as follows: Kingston Pratt, Kindergarten, Northwoods Elementary; Mia Rooney, First Grade, Northwoods Elementary (absent); McKenzie Curwick, Second Grade, Dixon Elementary; Marilyn Martin, Third Grade, Dixon Elementary; Jacqueline McCarthy, Fourth Grade, Dixon Elementary; Michael Voight, Fifth Grade, Hunters Creek Elementary; Victoria Guidry, Sixth Grade, Dixon Middle; Mariel McCabe, Seventh Grade, New Bridge Middle; Mackenzie Daughtry, Eighth Grade, Livingwater Christian School; Joseph Crespo, Ninth Grade, Camp Lejeune High; James McLaughlin, Tenth Grade, Camp Lejeune High; Grace Heath, Eleventh Grade, Swansboro High; and Alexis James, Twelfth Grade, Camp Lejeune High. Excellence in Participation Teacher Awards were accepted by Ms. Beth Howard, Dixon Elementary; Ms. Alicia Dipzinski, Dixon Middle; and Dr. Samantha Kay, Camp Lejeune High School (absent).

PROCLAMATION - MOTORCYCLE SAFETY AWARENESS MONTH

The goal of Motorcycle Safety Awareness Month was to encourage all motorists, both vehicular and cyclists, to share the road safely and to make a conscious effort to drive fully engaged and undistracted. Mayor Phillips presented a Proclamation to Ms. Marguerite Crawford, Event Coordinator, Leather and Lace Motorcycle Club, naming May as National Motorcycle Safety Awareness Month in the City of Jacksonville.

PROCLAMATION- POLICE WEEK

Mayor Phillips read a proclamation naming the week of May 15 through May 21, 2016 as Police Week. This week recognized the Police Officers in the Department of Public Safety and the essential role they played in safeguarding our City. A Memorial Observance was held on May 12th in honor of Peace Officers Memorial Day.

Chief Michael Yaniero along with Corporal George Berridge who served with the police department over 25 years and was the officer with the most longevity and Officer Dylan O'Dwyer, the newest member of the police department who has served 5 months, were present to accept the Proclamation from Mayor Phillips.

PRESENTATION OF LIFE SAVING AWARDS

Mayor Phillips presented Jacksonville Police Department Officers Steven Scott Carpenter and Robert Forrest Brown with the agency's Life Saving Award in recognition of their response to a call for assistance on March 9, 2016.

The immediate response and heroic efforts by the officers resulted in preventing a tragedy and were very worthy of the Life Saving Award.

JACKSONVILLE FIRE AND EMERGENCY SERVICES-SWEARING IN OF
CAPTAIN TIMOTHY L. O'TOOLE AND DRIVER I JONATHAN PREVATTE

The current promotional succession at Jacksonville Fire and Emergency Services created vacancies at the rank of Captain and Driver I. Applications were received and reviewed. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews.

Timothy O'Toole was selected for promotion to the rank of Captain and Jonathan Prevatte was selected for promotion to the rank of Driver I. Mayor Philips administered the Oath of Office and family members pinned their badges and insignia.

RECOGNITION OF SERVICE – MAYOR PRO-TEM MICHAEL LAZZARA
10 YEARS

Mayor Phillips presented Mayor Pro-Tem Lazzara with his 10-year Longevity Certificate and City pin. He served as a member of City Council for ten years and was elected to City Council in November 2005 serving until present.

In addition to his service on City Council, he also served on the Downtown Study Committee and currently represents the City on the Onslow Water and Sewer Authority, the Transportation Advisory Committee, and serves as the Chairperson for the Tourism

Development Authority. He is a member of the Board of Trustees for Coastal Carolina Community College, a member of the NC Housing Commission Board and is currently serving as Second Vice President of the North Carolina League of Municipalities, the organization that represents the interests of Cities and their citizens on legislative matters at the State and National levels.

RECOGNITION OF SERVICE-COUNCILMAN JEROME WILLINGHAM–15 years

Mayor Phillips presented Councilman Willingham with his 15-year longevity Certificate and pin. Councilman Willingham served as a member of the City Council cumulatively for fifteen years. He was first elected to City Council in April 1991 serving until December 1993, re-elected in June 1998 to September 2002, and re-elected in December 2007 serving until present.

In addition to his service on Council, Councilman Willingham served on the Joint Downtown Study Committee, and currently serves as the Council Liaison to the Community Development Advisory Committee and the Recreation and Parks Advisory Committee. He has previously represented the City on the Transportation Advisory Committee and the Onslow Water and Sewer Authority. He has consistently represented the City's interests on a national level with his participation in the National League of Cities.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

ADOPTION OF CONSENT ITEMS AND MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the consent items as amended to remove Item #2 – 2016 COPS Hiring Program Grant Application and a motion was made by Mayor Pro-Tem Lazzara, seconded by Councilwoman Washington, and unanimously approved to approve the minutes from the April 19, 2016 Regular Workshop Meeting and April 19, 2016 Council Meeting.

CONSENT ITEMS

GENERAL BUDGET AMENDMENT

Several departments required budget amendments since the last legislative budget amendment. The details of the adjustments were shown in the staff report.

Council approved the Budget Amendment.

Ordinance 2016-21, Bk. 12, pg. 420

ACQUISITION OF PROPERTY – 121 AND 121 ½ POPLAR STREET

In November 2011, as part of the Downtown Housing Initiative, Community Development staff entered into discussions with the owner of 121 and 121½ Poplar Street (Parcel 411-38) for the purchase of this property using CDBG funds. Unfortunately, negotiations were unsuccessful and the discussions were discontinued.

Discussions were again initiated in June 2013 and October 2015 and updated appraisals were completed. However, on December 9, 2015 staff was made aware of the new FEMA flood maps and the potential impact that these maps might have on the construction of new affordable housing in the downtown area. Subsequently, in April 2016, the property owner agreed to sell the property.

As a result of the proposed new flood maps, it was no longer feasible to use CDBG funds for the acquisition of this property. However, the property was ideal for use in the Stormwater Management program.

Council authorized the purchase of this property for use by the Stormwater Management Program.

PUBLIC HEARINGS

QUASI-JUDICIAL

SPECIAL USE PERMIT & TYPE III PLAN MODIFICATION–FIRE STATION #2

1800 GUM BRANCH ROAD

Mayor Phillips recessed the regular meeting at 7:58 PM in order to convene the Public Hearing.

Mayor Phillips swore in Mr. Jeremy Smith, Senior Planner who stated the City of Jacksonville submitted a Special Use Permit and Site Plan application for a proposed 10,219 square foot Fire Station in August 2012 which was approved by City Council on October 2, 2012. The 2.19-acre development site is located at the corners of Sandy Drive, Indian Drive and Gum Branch Road. Since that time, Fire Station 2 was constructed and put into operation. In recent months, Duke Energy Progress identified issues with their Clear Zones Policy for transmission lines easements due to the approved buffer yard (alternative). City Staff was requesting a modification to the buffer yard that would address the concerns of Duke Energy Progress and still meet the intent of the ordinance.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:59 PM.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden to approve the revised special use permit and site plan with the modified alternative buffer yard with Findings of Fact A - G being found in the affirmative.

LEGISLATIVE

UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT-ARTICLE 5:
DEVELOPMENT STANDARDS, SECTION 5.12 SIGNAGE AND ARTICLE 9:
DEFINITIONS, SECTIONS 9.2 RULES OF MEASUREMENT AND 9.4
DEFINITIONS

Ryan King, Planning/Permitting Administrator, stated that Staff had initiated a Unified Development Ordinance (UDO) text amendment as a result of meetings held with the 2015 Ad Hoc Sign Committee. The proposed language would amend Article 5, Section 5.12 Signage and Article 9: Definitions, Sections 9.2 Rules of Measurement and 9.4 Definitions.

Mr. King reviewed sign heights, message boards, flashing standards, transitions/animations, maximum lighting standards, wall and window signage, directional signs, and flags.

Mayor Phillips recessed the meeting at 8:03 PM in order to conduct the Public Hearing. With no one desiring to speak, Mayor Phillips closed the Public Hearing at 8:04 PM and reconvened the regular meeting.

A motion was made by Councilman Warden, seconded by Councilman Bittner, and unanimously adopted to approve the Ordinance authorizing the zoning text amendment. Ordinance 2016-22, Bk. 12, Pg. 422

NON CONSENT

FISCAL YEAR 2017 BUDGET ADOPTION

Mr. Richard Woodruff, City Manager reviewed the FY17 Budget Ordinance and Capital Improvements Plan. The budget was in balance as required by General Statutes. Anticipated revenue and expenditures were \$386,584,212, which included interfund transfers of \$12,704,909, prior year authorizations of \$ 256,304,704 and \$117,574,599 in new appropriations.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara and unanimously approved to adopt the Budget Ordinance, Fee Schedule, and approve the amended Capital Improvement Plan as presented. Ordinance 2016-23, Bk. 12, Pg. 433

ORDINANCE GRANTING A FRANCHISE TO OPERATE IN THE RIGHT OF WAY
OF THE CITY OF JACKSONVILLE – MOBILITIE, LLC

Mr. Glenn Hargett, Assistant City Manager, said Mobilitie, LLC a California company, proposed to install two telecommunication facilities permitted under a Certificate of Public Convenience and Necessity issued by the NC Utilities Commission. In the future, the company would install fiber optic cable, aerially and perhaps in conduits, as well as cellular repeaters at various locations in the City rights of way. As a benefit to the Citizens of Jacksonville in exchange for the non-exclusive use of the City public right-of-way, Mobilitie, LLC agreed to install City-supplied conduit along a portion of their future routes and to consider future installations of City-supplied cable or conduit in future builds within the City. No division of the City indicated a desire for use of the current limited plans of the company for this build.

Councilman Bittner asked if this was a non-exclusive franchise. Mr. Hargett said yes, adding that it was the fifth non-exclusive franchise the City had adopted.

Mayor Pro-Tem Lazzara asked about the routing of fibers and if the City would be taking advantage of that opportunity. Mr. Hargett said yes, in fact, because of the routings of the first three franchises, they had been able to connect City Hall to the Center for Public Safety.

Councilman Thomas asked where they were located. Mr. Hargett said one of them would be located near the Methodist Church on First Street, and the others would be adjacent to Don Williamson's Automobile dealership (Moore Buick Pontiac) on Highway 17 North. Councilman Thomas asked if buildings would be constructed. Mr. Hargett said no, it would be single poles.

G.S. 160A-76 states that no franchise agreement may be finally adopted until the ordinance has been passed by the City Council at two regular meetings; therefore, if the ordinance was approved at this meeting; it would be placed on the June 7, 2016 meeting agenda for consideration of second and final approval.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara to adopt the Franchise Ordinance for the City of Jacksonville for first approval.

Ordinance 2016-24, Bk. 12, Pg. 436

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTSONWASA

Councilman Bittner reported that ONWASA would be meeting on Thursday, May 19th at 6:00 PM to review the budget in addition to other business. The Authority would be scheduling the Public Hearing and consider the adoption of the budget in June. No rate increase was requested.

HOPE FOR THE WARRIORS

Councilman Warden reported that he had been honored to represent the City at the Annual Run for the Warriors Pre-Race Event on Friday, May 13th. He displayed an artists rendering presented to the City for their many years of support to the program.

SPLASH PAD

Mr. Woodruff reminded the public that the Grand Opening for the new Splash Pad would be held at Jack Amyette Park on Wednesday, May 25th at 9:30 AM and there would be students from Clyde Erwin Elementary School participating in the Grand Opening.

MEMORIAL DAY SCHEDULE

Mr. Woodruff reminded Council and the public that City Hall would be closed on Monday, May 23rd in honor of Memorial Day.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilman Bittner, and unanimously adopted to adjourn the meeting at 8:14 PM.

Adopted by the Jacksonville City Council in regular session this 7th day of June 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk