

## COUNCIL MINUTES

## REGULAR MEETING

June 21, 2016

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, June 21, 2016 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington and Jerome Willingham. Mayor Pro-Tem Michael Lazzara was out of the Country due to a death in his family. 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; Reggie Goodson, Planning and Development Services Director; Mike Yaniero, Director of Public Safety; Susan Baptist and Michael Liquori, Interim Recreation and Park Directors; 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

Councilman Warden led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA

A motion was made by Councilman Thomas, seconded by Councilwoman Washington, and unanimously approved to adopt the agenda as amended to add the following three Consent Items: FEMA Assistance to Firefighters Grant (AFG) – Acceptance of Award; Contract Renewal for Jacksonville Transit Fixed Route Services; and Contract Renewal for Jacksonville Transit ADA Paratransit and One-Call Center Services.

## PRESENTATIONS

### COMMUNITY RATING SYSTEM (CRS) AWARD

Ms. Heather Keefer, National Flood Insurance Program (NFIP) Planner, presented a plaque to the Mayor and City Council acknowledging the City's rating upgrade from a Class 8 to a Class 7 in the Community Rating System (CRS) program. The City of Jacksonville worked on its program over the last few years to increase their rating. Based upon the City's existing floodplain development standards and outreach efforts, the City would be improving their CRS program rating to "7". This would provide qualified flood insurance policy holders with a 15% discount on their flood insurance premiums.

### REGISTERED NEIGHBORHOOD RECOGNITIONS

The Office of Livable Neighborhoods worked with leaders from Bell Fork Homes Neighborhood Association & Bayshore Estates Neighborhood Organization to help them formally become registered neighborhood organizations under the City's Registered Neighborhoods Program.

Mr. Linwood Cobb, President of Bell Fork Homes Neighborhood Association, and Mr. Joe Kershner, President of Bayshore Estates Neighborhood Organization received Registered Neighborhood Certificates on behalf of each neighborhood from Mayor Phillips, assisted by Lillie Gray, Community Development Administrator and Carmella George, Community Development Coordinator.

### PUBLIC COMMENT

Susan Lynch, 204 Cattle Court, Finance Officer for Eastern Carolina Human Services Agency, stated the agency was a 501c3 Community Action Agency which served the Jacksonville/Onslow County area as well as several other local counties. She was asking the community to help them relocate their offices because their rent had recently been increased to \$5,000 per month effective July 1, 2016. She also stated their organization was in transition but there would be no lapse in the services they provided. Their mission was to improve the lives of low income families by empowering them to become economically self-sufficient. Their programs provided support for Veterans in the form of housing and preventive services for over 225 families last year. They handled Section 8 Housing and served over 600 vouchers last year. They were also involved in the Community Block Grant with over 200 participants per year as well as a 5

Star Day-Care. Last year their organization provided over \$5.8 million in Grant Funds with 93% of those funds going to client services.

Anthony Davis, 421 Bordeaux Street, stated he was a retired Fire Fighter with the City of Jacksonville and he encouraged the Council to vote for the Resolution for Freedom Day.

Cindy Edwards, 210 Linwood Drive, said she knew there were challenges for the City with the Freedom Resolution such as cost with regards to payroll and dealing with internal matters. However, she felt if there was a way to implement the Resolution in a way that did not cause the City harm but put the City in a position to celebrate human respect and human dignity and do something to bring attention to the atrocities that still existed in our world, this was a good opportunity to do so. She encouraged the Mayor and Council to consider the Resolution for Freedom Day.

#### ADOPTION OF MINUTES AND CONSENT ITEMS

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to adopt the minutes from the June 7, 2016 Regular Workshop Meeting and the consent items as amended to add FEMA Assistance to Firefighters Grant (AFG) – Acceptance of Award; and Contract Renewal for Jacksonville Transit Fixed Route Services; and Contract Renewal for Jacksonville Transit ADA Paratransit and One-Call Center Services.

#### CONSENT ITEMS

##### GENERAL BUDGET AMENDMENT

Several departments required budget amendments since the last legislative budget amendment. The details of the adjustments were as follows: General Fund – Appropriate Passport Revenue to cover expenditures for the Passport Division. This budget amendment would transfer \$30,000 from Contingency to Facilities Maintenance to purchase software for HVAC units. Transit – To appropriate revenue received over budget from NCDOT SMAP in the amount of \$20,423, from ADA Transit Fees in the amount of \$235, Insurance Proceeds in the amount of \$2,205 and Sales of Fixed Assets in the amount of \$5,151. E-911 – This budget amendment was necessary to transfer \$1,719 from the General Fund and \$342 from ITS to E-911 Special Revenue Fund. Expenses were incurred and paid for in FY15 from the E-911 Special Revenue Fund, which were later determined to be ineligible and not approved by the E-911. Water and Sewer Capital Projects - This budget amendment would set up the Street Repairs at College and Warlick Project

(WF1603) and would receive transfers from Water and Sewer Fund (\$43,194) as well as Stormwater fund (\$80,300).

Council approved the Budget Amendment.

Ordinance 2016 – 28, Bk. 12, Pg. 462

#### FY17 PUBLIC-PRIVATE PARTNERSHIPS PROPOSALS

Applications for FY17 Public-Private Partnership funding were reviewed by staff and the review committee to verify compliance with established criteria and the organizations' contribution to the City's Mission, Vision and the most recent City Council adopted goals.

Additionally, the Committee considered the philosophy originally stated by the Council on January 31, 2012 that the City should fund activities that if not done by a nonprofit, would likely have to be done by the City. The review process was completed and the committee requested that the City consider recommendations for funding.

Council accepted the work of the review committee and recommendations of the staff and directed staff to prepare the necessary contracts for the funding effective July 1, 2016.

#### APPLICATION AND ACCEPTANCE OF FY 2016 EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG)

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The Public Safety Department requested authorization to apply for and accept the 2016 Edward Byrne Justice Assistance Grant. The City of Jacksonville was eligible to receive \$12,882 in funding. Staff proposed that this funding be used toward the purchase of facial recognition software to be used for criminal investigations. BJA grant requirements include review by the governing body and providing an opportunity for public comment.

The amount of the grant funding was \$12,882 and did not require a City match. The project total of \$50,000 would be paid by grant funding of \$12,882 and \$37,118 from existing funds derived from the proceeds of federal asset forfeitures ("drug funds").

Council authorized the City Manager or his representative to apply for and accept the grant and adopted the budget amendment.

Ordinance 2016-29, Bk. 12, Pg. 464

#### CITY CODE AMENDMENT – PETTY CASH

With the most recent amendment to NCGS 159-28, the legislature authorized the use of cash as an appropriate means of satisfying the City's obligations, only if the City Council adopted an ordinance authorizing this use.

Council approved the Ordinance amending the City Code to comply with General Statute and formalize the current Petty Cash policy.

Ordinance 2016 – 30, Bk. 12, Pg. 465

RETIREMENT OF POLICE K-9

The Police Department requested Council consider authorizing the retirement and release of Police K-9, Loco. The City obtained the then 2-year old canine in April of 2008. This animal was assessed on April 13, 2016 by professional staff of Southern Police Canine, Inc. The professional canine assessor rendered an opinion that due to the dog's age, personality and past performance, that it would be in the best interest of the City and the department to retire him.

The Police Department identified a former K-9 handler, who was willing to take custody of Loco. A release of liability waiver was developed and reviewed by the City Attorney. The new caretaker agreed to sign the waiver, which would release the City from future liability.

Council authorized the retirement and release of Police K-9 Loco.

ENVIRONMENTAL AND APPEARANCE ADVISORY COMMITTEE  
REAPPOINTMENT AND APPOINTMENT

The Environmental and Appearance Advisory Committee consists of eleven (11) authorized members serving staggered three year terms.

The term of one member expires June 30, 2016. Linda Smith requested consideration of reappointment for an additional three-year term. In addition, this member serves on the Tree Board and would like to continue serving for another term.

Councilwoman Angelia Washington is the Council Liaison to the Committee. Councilwoman Washington recommended the following appointment:

Council reappointed Linda Smith, which included her appointment to the Tree Board for a three-year term expiring June 30, 2019.

RECREATION AND PARKS ADVISORY COMMITTEE REAPPOINTMENTS AND  
APPOINTMENTS

The Recreation and Parks Advisory Committee consists of nine (9) authorized members serving staggered three year terms.

The terms of three (3) members expire June 30, 2016. Two (2) members (Homer Spring and Lori Ready-DiGiovanni) desired reappointment for additional three-year terms.

There were four (4) vacancies on the Committee.

Councilman Jerome Willingham is the Council Liaison to the Committee. Councilman Willingham recommended the following appointments:

Council reappointed Homer Spring and Lori Ready-DiGiovanni for three-year terms expiring June 30, 2019 and appointed Benita Thornhill for a term expiring June 30, 2019 and appointed Alison McAlister and Bernard Lane to existing three year terms expiring June 30, 2017.

#### PUBLIC HEARINGS

#### VOLUNTARY ANNEXATION PETITION – DAVID RAY HEMBY, JEANNETTE K. HEMBY – 0.49 ACRES

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Mr. Ron Massey, Deputy City Manager, stated on behalf of David Ray Hemby and Jeanette K. Hemby, Bailey & Fuller Properties, LLC, submitted a petition for a voluntary annexation of a 0.49-acre parcel that was contiguous to the current City limit boundaries. The tract is located at 2739 Richlands Highway near the intersection of Hickory Road and Richlands Highway. This parcel was proposed to join an adjacent tract (Parcel 332-62) which was already a part of the corporate limits, to provide space for the parking lot for the development of a 18,850 square foot Aldi grocery store.

Mayor Phillips recessed the meeting at 7:28 PM and opened the Public Hearing.

Mr. Warren Bailey, Bailey and Associates, stated this was an opportunity for the community to expand the Freedom Village Shopping Center. With City water and sewer services at this location he felt this was additional income for the City. Mr. Woodruff thanked Mr. Bailey for his efforts in helping build the tax base for the City with his investment in the shopping center.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:33 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Councilman Warden and unanimously approved to adopt the Annexation ordinance as presented.

Ordinance 2016 – 31, Bk. 12, Pg. 466

#### ONSLOW CIVIC AFFAIRS APPOINTMENTS & REAPPOINTMENTS

Five seats on the Onslow Civic Affairs Committee were open for appointment due to term expiration; a sixth seat was open as a result of a vacancy. This is a County Board with six persons eligible to be appointed by the City Council.

Marcia Wright, Carol Hurst Long & Cindy Edwards desired to be reappointed to terms that would end September 30, 2017.

Oliver Hill & Will Artis desired to be reappointed to terms that would end September 30, 2018. Donald Carter, who had been serving as a Shadow Member as part of the Chamber Leadership Class was being recommended for appointment by Council Member Jerry Bittner, who is a member of the Committee. His term would also end September 30, 2018.

Councilman Bittner nominated Donald Carter for reappointment to seat 9, Oliver Hill to Seat 10 and Will Artis to Seat 11 for a term to expire September 30, 2018, and Marcia Wright to Seat 12, Carol Hurst Long to Seat 13 and Cindy Edwards to Seat 14 as reappointments for terms to end September 30, 2017.

A motion was made by Councilwoman Washington, seconded by Councilman Thomas and unanimously adopted to close nominations and reappoint the nominees by acclamation.

**CITY REPRESENTATIVES TO THE ONSLOW WATER AND SEWER AUTHORITY  
(ONWASA)**

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There were two positions reserved on the Onslow Water and Sewer Authority (ONWASA) Board of Directors for members of the Jacksonville City Council. The ONWASA Bylaws provide for three year staggered terms and any member may be re-appointed by their representative government to subsequent terms. On October 21, 2008, Council added Section 2-450 to the City Code governing the City's representative appointment process to ONWASA. Section 2-450 provides that City representatives to ONWASA are appointed annually by Council at their second regular meeting in July.

Councilman Jerry A. Bittner is serving an existing three-year ONWASA term expiring July 31, 2016. Mayor Pro-Tem Michael Lazzara is serving an existing three-year ONWASA term expiring July 31, 2018.

Councilman Willingham nominated Jerry A. Bittner for an additional three-year term expiring July 31, 2019 and Michael Lazzara for an existing three-year term expiring July 31, 2018.

A motion was made by Councilman Willingham, seconded by Councilwoman Washington, and unanimously adopted to close the nominations and reappoint the nominees by acclamation.

## RESOLUTION ESTABLISHING A HOLIDAY FOR THE THIRTEENTH AMENDMENT

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Councilman Willingham requested consideration of a Resolution establishing a Holiday for the Thirteenth Amendment which would be the second Monday in December.

Councilwoman Washington read the proposed resolution which stated that the enactment of the Thirteenth Amendment to the Constitution should be celebrated as a holiday in the City of Jacksonville, to be celebrated on the second Monday of December, which would always fall between the date the Thirteenth Amendment was ratified by the States on December 6, 1865, and the date the Thirteenth Amendment to the Constitution was adopted on December 18, 1865.

Councilman Willingham stated his profession dealt with resolving employment discrimination issues and workplace disputes. In doing so, he worked with the Fourteenth Amendment to the Constitution and Civil Rights Acts from 1964 as amended. His point was in order to get those particular laws and to get that specific legislation, mankind had made a huge sacrifice. It was a sacrifice that crossed racial and religious lines.

What he was attempting to do with this Resolution for Freedom Day was to honor freedom. With regards to that freedom he said human bondage and human trafficking continued worldwide and had become an epidemic. He wanted to honor the people that suffered those atrocities, past and present.

He also said one of the things he liked about the Constitution was the words, "To form a more perfect union." In his opinion, that meant regardless of how difficult things were, we were moving in a direction of being better - of being more perfect.

Paula Jones, Al Burgess and Brian Jackson read excerpts from John Donne's "For Whom the Bell Tolls" a literary work that explored the interconnectedness of humanity.

Mike Yaniero, Director of Public Safety, stated Human Trafficking was very similar to domestic violence in that it used dependency, force, coercion, exploitation, forced labor, prostitution, and/or domestic issues. He said NC was eighth in the State and third in the nation as a destination for human trafficking. People were being shipped from other countries to NC and were being treated as slaves. Jacksonville Police Department had worked to try and keep it out of the City, however, it had been a real challenge. The average age of prostitution was approximately 13 years old. Most of them had been recruited from foster homes, had mental issues, or there was some kind of mental challenge which allowed them to be recruited and placed

into prostitution at a very young age where they were exploited. They were kept isolated like a person in a domestic violence situation by having their lives controlled. He also said human trafficking was estimated at a \$150 billion industry in our country.

Some strategies the City was working on included: an ordinance to require permits for escort services and collaboration with the Military Police (PMO) and Naval Criminal Investigative Services (NCIS). A military community was attractive to human traffickers due to the large male population. Mr. Woodruff read the email he had sent to the Mayor and Council regarding holidays, holiday pay and the financial impact for the City. A video was played of a previous Workshop meeting which included discussion on exchanging one holiday in order to allow for the Freedom Day Holiday. Mr. Woodruff said when looking at the City holiday schedule he did not recommend the Thanksgiving or Christmas holidays as people traveled during that time to be with family. New Year's Day was a one-day holiday and Martin Luther King was a National Holiday, so the one he had proposed was Good Friday, since Easter Sunday was the actual day for celebration. He strongly believed in the separation of church and state and stood by his recommendation of Good Friday. He believed, in order to balance fiscal responsibility, productivity, honor the Thirteenth Amendment and protect the City in future, adding another holiday was not necessary. He felt this was better served by the replacement of an existing holiday for Freedom Day.

Mayor Phillips reminded everyone that one of their Council members was not able to be present that evening and he wished the entire Council could have an opportunity to participate. Councilman Willingham said he had been willing to cancel it at the last meeting because a member was absent, however, due to the audience they had present he felt they were owed a decision.

Councilman Willingham stated the largest employer in the City of Jacksonville was Camp Lejeune Marine Corps Base. He said Good Friday was not a government holiday anywhere in the land and the largest employer in our County did not have a holiday for Good Friday.

A motion was made by Councilman Willingham and seconded by Councilwoman Washington to adopt the Resolution on a National Holiday for the Thirteenth Amendment and to

replace Good Friday with the Thirteenth Amendment Holiday (Freedom Day). The motion was approved on a 3-2 vote as follows:

Voting Aye: Councilmembers Warden, Washington, and Willingham.

Voting Nay: Councilmembers Bittner and Thomas.

Resolution 2016-11, Bk. 7, Pg. 214

#### PUBLIC COMMENT

Mr. Clarence James (Jim) Roddy, 402 Maplehurst Drive, stated he had listened to everyone who spoke and heard a lot of good words. He said the words spoken were about getting beyond black and white and other races and this could help us move to where we want to be. He said he was really proud to be a member of the community and he said the City had made some tough decisions.

Ms. Carmen Spicer, 66 Kerr Street, said she was very impressed with the information that had been shared that evening, however, she was disappointed that all of the Council members did not vote in favor of Freedom Day.

Pastor Mike Claiborne, 324 Rock Creek Drive, said he understood why compromise was needed, however, he would have liked to see Freedom Day added as an additional holiday instead of replacing Good Friday.

Dan Whitten, 207 Patrick Alan Lane, wanted to thank Mr. Woodruff for his leadership. He stated youth looked up to those in leadership to model that behavior. He recently attended the candlelight vigil at the Freedom Fountain for the victims of the Orlando shooting and he appreciated local leadership and administration for responding so positively to the request from the organizers to change the colors in the fountain to the rainbow colors.

Ms. Angela Cates, 415 University Drive, said the vote for Freedom Day was a step forward for the City of Jacksonville.

Mr. Alex Mike Miller, Georgetown Community, stated he was happy about the vote for Freedom Day, however, he would rather the day was added as an extra holiday versus replacing Good Friday.

Mr. Albert Burgess wanted to clarify that Good Friday was still a holiday, however, it was not a paid holiday for everyone. Being a Union Official and Local President of the AFG Local 2065 he represented approximately 6,000 employees in the 3<sup>rd</sup> Congressional District as well as

being the Council President (at the National level) for the Marine Corps. He stated they did not have Good Friday as a Federal Holiday.

## REPORTS

### BUDGET ADOPTION

Mr. Woodruff stated the FY 16-17 Budget had been adopted on May 17, 2016. There were no tax or fee increases in the new budget.

### SPLASH PAD

Mr. Woodruff stated the Splash Pad was opened from 10 AM – 7 PM Monday thru Saturday and from 1 PM – 6 PM Sundays. It had been opened for approximately thirty days and had served over 5,000 people. He also noted there had been some minor operational problems regarding drainage towards the grassy areas which required modification. There would need to be adequate drainage in order to alleviate any future issues. These issues were being handled with no interruption in the operation of the splash pad.

### UPCOMING MEETINGS

Mr. Woodruff reported there would be no Council meetings in July and the next City Council Workshop would be held August 3<sup>rd</sup>, which was a Wednesday. The reason for a Wednesday meeting was due to the National Night Out Celebration being held August 2<sup>nd</sup>.

## ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilwoman Washington, and unanimously adopted to adjourn the meeting at 9:00 PM.

Adopted by the Jacksonville City Council in regular session this 3<sup>rd</sup> day of August, 2016.

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk