

COUNCIL MINUTES

REGULAR MEETING

February 16, 2016

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, February 16, 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; 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

Girl Scout Troop 3462 led the Pledge of Allegiance.

INVOCATION

Mr. Carter pronounced the invocation.

ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Councilwoman Washington, and unanimously approved to adopt the agenda as amended to remove the Use of Contingency Funds to Purchase City Christmas Tree and add Resolution for Refinancing of Revenue Bonds.

PRESENTATIONSGIRL SCOUT WEEK

Amanda Crompton, Membership Director for Girl Scouts NC Coastal Pines, Jones and Onslow Counties, contacted the City to request a Proclamation in honor of Girl Scout Week March 6-12, 2016. Ms. Crompton and Local Girl Scout Troop 3462 of the North Carolina Coastal Pines Chapter were present to accept the Proclamation from Mayor Phillips.

ARTBLOCK CONTEST WINNERS

As part of the inaugural ArtBlock, which was held in early spring of 2015, an Art contest was conducted for elementary school children grades K-5 and middle school children grades 6-8. The contest was sponsored by the Arts Council and the theme of the contest was, “What Does Jacksonville Mean to You?” The winning art work would be on display at City Hall. Mayor Phillips recognized Collin Smith, Karen Cowan Edwards Art School, as the first place winner for Grade K-5 and presented him with an Outstanding Citizen Pin. The first place winner for Grade 6-8 was Luke Miller, New Bridge Middle School. Luke had moved out of town; however, his winning artwork would also be on display.

PROCLAMATION – USO OF JACKSONVILLE CENTER DAY

A Proclamation was presented to the USO of North Carolina Jacksonville Center in honor of the 75th Anniversary of the USO. Our local USO is the oldest continuously serving USO in the world. With a small staff and a substantial number of volunteers, the USO-NC Jacksonville Center has continued to serve the military, their families and the civilian community with pride and dedication since 1942.

Mayor Phillips presented a Proclamation to Marisa Reeder and Chuck Huff of the USO.

PUBLIC COMMENT

Ms. Mary Moore, 1013 Greenway Drive thanked the Mayor and Council and especially Councilman Willingham for the successful march of the MLK Keeping the Dream Alive Committee on Martin Luther King Day. The Committee marched down New Bridge Street in honor of Dr. Martin Luther King.

Kevin O’Connor, 210 Newport Drive, discussed property tax increases in Onslow County, sales tax distribution throughout Onslow County and surrounding areas and he also encouraged all citizens to vote in the upcoming elections.

ADOPTION OF CONSENT ITEMS AND MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to adopt the consent items as amended and to adopt the minutes of the February 2, 2016 Regular Workshop Meeting.

CONSENT ITEMSTAX RELEASES, REFUNDS, AND WRITE-OFFS DECEMBER 2015

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes. The detailed list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) was available in the Finance Office for review.

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector totaled, respectively, \$10,868.48, \$4,062.29 and \$2.13 (\$14,932.90).

Council approved the tax releases, refunds and write-offs.

AMENDMENT TO COUNCIL RULES OF PROCEDURE - DUTY TO VOTE

This request was to amend the Council Rules of Procedure to reflect the change adopted by the 2015 General Assembly to G.S. 160A-75 - Voting Rules. NCGS 160A-75 requires council members to vote on any matter before them, unless the member was excused from voting under a statutory exemption. A council member who was not excused and failed to vote resulted in an affirmative vote if (1) the member was physically present in the council chamber or (2) the member avoided voting by leaving the chamber without being excused by a majority vote of the remaining members present. This default "yes" rule prevented council members from ever abstaining.

Session Law 2015-160 (H201) amended G.S. 160A-75 to alter the voting rules for city councils when zoning matters were considered. The change left the default "yes" rule in place except for votes "taken under G.S. 160A-385," that is, votes to amend or repeal zoning ordinances. Under amended G.S. 160A-75, when the matter in question was a proposed zoning ordinance change initiated on or after August 1, 2015, a council member's unexcused failure to vote must be recorded as an abstention, not as an affirmative vote.

Council approved the amendment to the Council Rules of Procedure to reflect the new requirements.

CITY OF JACKSONVILLE/ONCLOW COUNTY INTERLOCAL AGREEMENT

Onclow County is currently constructing a Consolidated Human Services Building on College and Warlick Streets. An Interlocal Agreement was needed to document financial responsibilities relative to the installation of various infrastructure improvements to support this new County facility.

Under this Interlocal Agreement: The City of Jacksonville would be responsible for the waterline realignment on Warlick Street at a cost of approximately \$65,000 and stormwater improvements on College and Warlick Street at a cost of approximately 85,000. The County would be responsible for the costs of relocating a City sewer line on Warlick Street, installing conduit for placing the overhead utilities on College Street underground adjacent to the building and repaving the sections of Warlick and College Streets adjacent to the building.

Council approved the Interlocal Agreement.

WASTEWATER LAND TREATMENT SYSTEM SOLE SOURCE EQUIPMENT PROCUREMENT

Pursuant to G.S 143-129(e)(6), upon approval of Council, the City may purchase an item through a single source contract when standardization or compatibility was the overriding consideration. Staff requested that Council authorize procurement of a step screen by Huber Technology and a system of primary and secondary shaftless screw conveyors with engineered hoppers by Custom Conveyor Corporation for installation at the headworks of Wastewater Land Treatment System (LTS) under this provision. The request was being made to ensure standardization and compatibility between this new screen and the two existing Huber Technology step screens in place at the LTS. Additionally, selecting the specific screen and conveyor system during design would allow for design of the electrical sequencing and control system specific to the step screens and the conveyor system rather than a generic, less specific design that tried to account for the nuances of a number of other screens and conveyor systems.

The step screen and associated conveyor system were part of a FY16 capital project budgeted at \$511,000.

Council authorized the sole source bidding procedure for the procurement of a Huber Technology step screen and associated conveyance system.

PURCHASE OF FRONT- END COLLECTION VEHICLE

The Sanitation Division, in conjunction with Fleet Maintenance, had been exploring opportunities to purchase an additional front-end collection vehicle. This would increase the total available commercial front-end vehicles from five to six. Carolina Environmental Systems, Incorporated informed Fleet Maintenance that a used 2015 Heil front-end refuse collection vehicle with less than 26,000 miles was available for purchase.

The total cost of this vehicle would be \$231,330. If approved the vehicle would be financed for 59 months at 1.38% with an estimated monthly debt service payment of \$4,058.

Council approved the purchase of the 2015 Heil Dura-Pak front-end refuse collection vehicle and the corresponding budget amendment.

Ordinance 2016-08, Bk. 12, Pg. 383

REFINANCE OF REVENUE BONDS

The City identified an opportunity to refinance some of the Series 2009 and 2010 Revenue Bonds at a significant savings. Bids were solicited for both bank placement and public sale for the refinancing. Nine proposals from eight institutions were received, with the most favorable being a bank placement with Raymond James at 2.25%. This refinancing would not extend the term of the bonds, only reduce the interest rate. The City would see a net present value savings of up to \$1.7 million over the remaining life of the bonds.

Council approved the refinancing package and the accompanying resolution.

Resolution 2016-04, Bk. 7, Pg. 200

PUBLIC HEARING

OLD BUSINESS: MAP AMENDMENT – REZONING FROM RSF-7 TO CU-OI – 140 PINEY GREEN ROAD

Mayor Phillips reconvened the Public Hearing at 7:27 PM. Mr. Jeremy Smith, Senior Planner stated that United Pentecostal Church of Jacksonville submitted a rezoning request for .54 acres located at 140 Piney Green Road. The applicant originally requested the parcel currently zoned Residential Single Family 7 (RSF-7) be rezoned to Office and Institutional (OI). If approved the parcel would be allowed to be used more broadly. City Council considered this request at their January 19, 2016 meeting and deferred it so staff could work with the applicant on modifying the application. Since that time, the application had been modified to change the rezoning request from OI to OI-C, proposing to limit the allowed uses to only religious institution and child daycare.

Mr. John Carter, City Attorney, asked Mr. Smith if he had spoken with Mr. John Jackson, a concerned property owner who had attended the previous meeting. Mr. Smith said he had spoken with Mr. Jackson who was satisfied with the modified zoning request.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:30 PM and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas and unanimously adopted to approve the rezoning to Conditional Use - Office and Institutional (OI-C) based on Findings of Facts A through J being found in the affirmative.

Ordinance 2016-09, Bk. 12, Pg. 384

MAP AMENDMENT - REZONING FROM INDUSTRIAL (IND) TO CORRIDOR
COMMERCIAL (CC) –WESTERN BOULEVARD AND LEJEUNE BOULEVARD

Jeremy Smith, Senior Planner, stated that City staff initiated a rezoning request for 31 parcels of land along Western Boulevard and Lejeune Boulevard totaling approximately 21 acres. Staff requested the parcels currently zoned Industrial (IND) be rezoned to Corridor Commercial (CC). This would make the zoning consistent with the CAMA land use plan for the properties along Western Boulevard.

This issue was identified when staff was asked to do a zoning verification for one of the properties, Liberty Inn and it was identified as Industrial which was non-conforming according to the UDO Use Table. Therefore, if the site was destroyed there would be no option to rebuild. This caused staff to peruse the entire area and that is when the properties along Lejeune Boulevard and Western Boulevard were identified. All were more suitable to be zoned CC due to their uses. If the zoning were to move forward there would be a number of existing developments that would be brought into conforming status and there would be no new non-conforming statuses created.

If the zoning were to be updated there would be six uses that would no longer be permitted such as boat repair and fuel and bottled gas distribution. However, there would be 16 new commercial uses that would be permitted once redeveloped or reoccupied.

Mr. Smith further stated that the rezoning approval would allow the CAMA Plan for the parcels along Lejeune Boulevard to also be updated and would advance the public's interest by allowing for more orderly and logical development.

Councilman Thomas asked how these parcels originally came to be zoned Industrial and Office. Mr. Smith stated it was historically zoned this way and development did not show this type of use any longer.

Mr. Woodruff said when the new UDO had been adopted in April of 2014 as few changes in zoning as possible were made. However, the use classifications table used under previous zoning was a different use table than under the UDO. When the direct conversion was made the

result was these properties and some others became non-conforming. This would be the first of several zoning changes that would be forthcoming as a result of updating zoning.

Mayor Pro-Tem Lazzara asked why this was not corrected on the last CAMA land use update with regards to Western Boulevard Extension, Highway 17, and Highway 24. Ryan King, Planning/Permitting Administrator, said the CAMA Plan did reflect the corridor commercial zoning, it had just not been rezoned.

Mayor Phillips recessed the regular meeting at 7:37 PM and opened the Public Hearing. With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:38 PM and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas and unanimously adopted to approve the rezoning request based on Findings of Facts B thru J being found in the affirmative, and directed staff to update the CAMA Plan for the parcels along Lejeune Boulevard in order to make Finding of Fact A to also be found in the affirmative and find that the rezoning advanced the public interest by allowing for more orderly and logical development.

Ordinance 2016-10, Bk. 12, Pg.384

VOULUNTARY ANNEXATION–CARL J. BEACHAM, SR., TRUST – 1.14 ACRES

Mr. Ronald Massey, Assistant City Manager, stated this was a voluntary annexation petition and was received from TriCorp Investments, LLC on behalf of Carl J. Beacham Sr Trust, for a 1.14-acre parcel that was contiguous to the current City limit boundaries. The tract was located on Western Blvd Ext adjacent to Marine Federal Credit Union and across from Forum Road. The site was surrounded by the corporate limits. The developers anticipated combining this and the adjacent property in order to develop an Aldi grocery store on the site.

Mayor Phillips recessed the regular meeting at 7:39 PM and opened the Public Hearing. With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:40 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Warden and unanimously adopted to approve the Annexation Ordinance as presented.

Ordinance 2016-11, Bk. 12, Pg. 386

NON-CONSENT ITEMS

ONslow COMMUNITY OUTREACH REQUEST FOR FUNDING

Lillie Gray, Community Development Administrator, stated on October 13, 2015, City Council awarded Onslow Community Outreach \$150,000 in Community Development Block Grant funding to assist with the installation of the sprinkler and other needed repairs at the former Piggly Wiggly building located at 1210 Hargett Street. The building was proposed to be used as a homeless shelter and day center.

Onslow Community Outreach was moving forward with this phase of the project; however, in an effort to improve the exterior of the facility they also wanted to move forward with site improvements to include installation of islands, curb and gutter, underground utility sleeves, overlay of the parking lot and other site improvements as needed.

To assist with this second phase of the redevelopment of the property, Onslow Community Outreach was requesting an additional \$130,000 in Community Development Block Grant (CDBG) funding.

Mr. Woodruff stated that the CDBG funds were time sensitive and must be expended by April 30, 2016. He also said this project would accomplish the goal of the Community Development Block Grant.

A motion was made by Councilman Warden, seconded by Councilman Willingham and unanimously approved to authorize Community Development staff to amend the 2014-2015 Annual Action Plan and award the additional \$130,000 for this purpose.

PUBLIC COMMENT

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

REPORTS

FEASIBILITY REPORT FROM THE TDA MEETING

Mayor Pro-Tem Lazzara shared a copy of the Feasibility Report from the TDA regarding sports and what sports would be most desirable to create overnight stays in the area. He stated sporting events brought over \$2 million to Jacksonville each year in economic impact. The Sports Facility Advisory Group created a proposal for a multi purpose facility for court type sporting events. They proposed an 88,000 square foot facility to be utilized for various sports and events. The study did not seek any type of financing for the project. He offered to provide a more detailed presentation at a future time should Council desire.

ARBOR DAY CELEBRATION

Councilwoman Washington said the Environmental and Appearance Advisory Committee did not have an opportunity to meet, however, some of the sub-committees met and were finalizing plans for the Arbor Day Ceremony, which would be the 36th Anniversary of the Celebration.

BLACK HISTORY MONTH

Councilman Willingham suggested that Black History Month be notated on the City calendar. He asked Ms. Moore to come forward and explain the scholarship program the Keeping the Dream Alive committee offered for local youth. She said there were three scholarships awarded each year and they were \$300 per student.

Councilman Willingham stated in March he would be attending the National League of Cities Conference and one of the topics he would be working on was the Resolution for the NLC Black Caucus passed in support of a National Holiday for the 13th Amendment to the United States Constitution. He said that with great pride and patriotism we enjoy our 4th of July celebration each year for our political freedom and he felt it was time to recognize the human freedom that resulted from the adoption of the 13th Amendment.

CIVIC AFFAIRS

Councilman Bittner spoke of the great job done by the City for an awe-inspiring parade for the 75th Anniversary of the 2d Marine Division. He also thanked the Civic Affairs Committee who assisted with the event in providing services to the guests and parade participants.

Mayor Phillips said he attended the parade and it was a wonderful event. He also said the pride on the young marching Marines' faces was very evident and he hoped they could see the pride on ours as well for being a part of the celebration. Mr. Woodruff commended Glenn Hargett for his efforts with the Parade.

NEW FENCE FOR THE CITY CEMETERY

Mr. Woodruff wanted to make sure the citizens were aware of trees being moved from the area near the Cemetery in anticipation of a new decorative fence. He wanted to make sure the estate of Mrs. Kovich was recognized for her philanthropic donation for this project.

BILLBOARD

Mr. Woodruff stated new state legislation required any tree that was blocking a billboard had to be removed. However, when trees were removed, new landscaping would replace the trees.

LED LIGHTING

Mr. Woodruff stated Mr. Massey had worked diligently with local power companies in an effort to change street lighting to LED lighting. The City spent over \$400,000 per year for the last several years on street lights alone. By moving to LED lighting the bill had been reduced and the City had saved over \$6,000 with this cost saving measure.

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Councilwoman Washington and unanimously adopted to adjourn the meeting at 7:58 PM.

Adopted by the Jacksonville City Council in regular session this 8th day of March, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk