

COUNCIL MINUTES  
REGULAR WORKSHOP MEETING

March 22, 2016

A regular workshop meeting of the City Council of the City of Jacksonville was held Tuesday, March 22, 2016 beginning at 5:00 PM. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara, and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, and Angelia Washington. Councilman Jerome Willingham was absent. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Wally Hansen, Public Services Director; Susan Baptist, Director of Recreation Services; Michael Liquori, Director of Park Facilities, Carmen Miracle, City Clerk; and John Carter, City Attorney. Also present were Anthony Prinz, MPO Administrator, Deana Trebil, Capital Projects Administrator, Lillie Gray, Community Development Administrator, and Sadie Ramsey, Jacksonville High School student.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Councilwoman Washington, and unanimously approved to adopt the agenda as presented.

TOUR OF CURRENT PROJECTS

Council Members and staff boarded a van and departed City hall at approximately 5:02 PM in order for Council to tour current projects around town as follows:

Georgetown Park Fitness Trail and Fitness Components: Lillie Gray, Community Development Administrator, Susan Baptist, Recreation and Parks Services Director and Deanna Trebil, Capital Projects Administrator, provided an overview of the project. This was a Community Development Project in partnership with Recreation and Parks. There would be a new access point from the Georgetown community and the trail would include fitness equipment stations.

Public Private Partnerships Downtown: A review of downtown existing/new homes that had been built either via Community Development CDBG Block Grant, Habitat for Humanity,

and/or by public private partnership with developers. Mr. Woodruff pointed out a number of lots listed on the new draft flood maps as being in a flood zone. He said that if these lots were still listed in the flood zone when the final maps were issued, HUD would not provide financing for any homes built on the lots. If this occurred, the City may need to consider offering the lots to developers. Staff also pointed out a number of dilapidated homes that Code Enforcement was currently working the sites, in order to hopefully reach an agreement for donation of property in exchange for the City demolishing the structures at no cost to the owner.

City Cemetery Tree Removal and Fence Sample: Council traveled from downtown proper to Hargett Street. Deanna Trebil provided an overview of the project and pointed out the removal of trees to make way for the new decorative fencing. In regards to the fencing sample, management and staff felt it was too low for the site and a slightly higher version had been ordered. This project had been made possible by Mrs. Sara Kovich, who upon her passing, donated her estate to the City to be used for a decorative fence at the Cemetery.

Onslow Community Outreach Building: Council arrived at the Onslow Community Outreach Building (Old Piggly Wiggly) on Hargett Street and exited the van for a site visit. Dr. Don Herring, President, Onslow Community Ministries, distributed copies of the floor plan and reviewed displayed copies of the building design and elevations, including landscaping and parking plans. He then provided a site tour of the building.

Jack Amyette Splash Pad: Council traveled to the Jack Amyette Recreation Complex to review the site work to date. Ms. Baptist reported the amenity was expected to be open in early Summer.

Richard Ray Park Amphitheater: Council traveled to the Jacksonville Commons Recreation Complex to review the work to date on the Richard Ray Park Amphitheater. The pond and performance area had been constructed with the dirt being mounded for the seating area. Mr. Woodruff said that a lighted floating fountain of some sort was being considered for the pond and the seating had yet to be shaped into levels.

This concluded the tour of current project and Council returned to City Hall.

ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously adopted to adjourn the meeting at 6:34 PM.

Adopted by the Jacksonville City Council in regular session this 5th day of April 2016.

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk

Exhibit "A"

**Jacksonville City Council**



**Regular Meeting**  
**March 22, 2016**

*Presentation*

**NC Justice Academy**  
Traffic Enforcement & Investigation Certificate  
**Corporal Scott Alan Eichelberger**

Presentation "A"



*Public Hearing*

**UDO Text Amendment**  
**Billboards**

Agenda Item 7



**City Billboard Regulations**

"Billboards constitute a separate and distinct land use due to their size and prominence upon the landscape..."

COMMERCIAL USES														
<b>Adult Establishments</b>	All	NA	D.1											
<b>Animal Care</b>	Kennel, indoor or outdoor	NA	NA	NA	NA	NA	P	P	NA	NA	P	P	NA	D.2
	Veterinary clinic with outdoor kennel	NA	NA	NA	NA	NA	S	S	NA	NA	P	P	NA	
	Veterinary clinic without outdoor kennel	NA	NA	NA	NA	NA	S	S	NA	NA	P	P	NA	
<b>Billboards</b>	All	NA	P	P	NA	D.3								



**City Billboard Regulations**

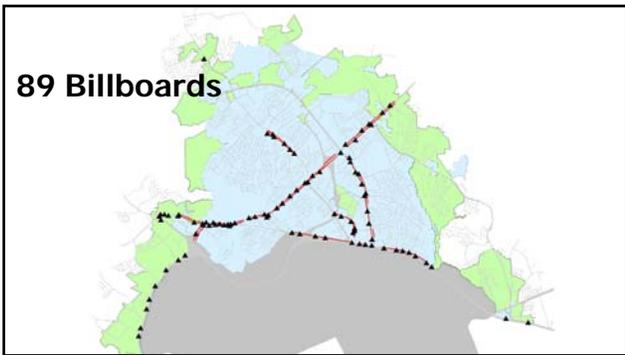
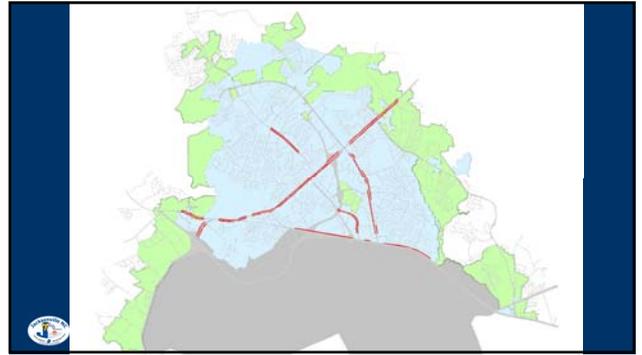
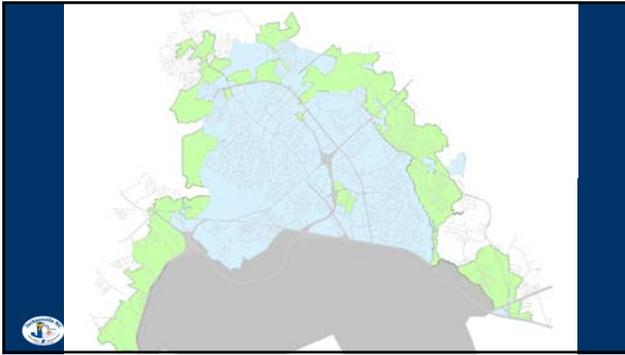
- Allowed only in Billboard Overlay Zone
- 750 feet from Intersection where both roads allow Billboards and 750 feet from the interior apex of an angle intersection
- 20 feet from right of way



**City Billboard Regulations**

- Max Height: 40 Feet
- Max Size: 400 Sq. Ft.
- Identification required
- Spacing
  - 1000 feet opposite side
  - 2000 feet same side





### Legislation and the Courts

- Modernization Act 2013
- Byrd v Franklin Co (11-14COA/11-15 SC)

**Table 4.1.1: Use Table**  
 P = Permitted Use    S = Special Use    MP = Allowed Subject to a PD Master Plan    NA = Prohibited

Use Category	Use Type	Residential						Nonresidential/ Mixed-Use						Planned Development	Additional Standards 4.2.		
		RSF-40	RSF-20	RSF-10	RSF-5	RNF-LD	RNF-HD	O1	MC	DTR	DTR	CC	IND			PD-R	PD-M
<b>AGRICULTURAL USES</b>																	
Agriculture	Livestock	S	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
	Plant nursery	P	P	NA	NA	NA	NA	NA	P	N	N	P	P	NA	MP	MP	
Agricultural Support and Services	Horse stable	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MP	NA	A.1	
<b>RESIDENTIAL USES</b>																	
	Dwelling, duplex	NA	NA	NA	NA	P	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.a

### Section 5.12 Billboards

Add: "Changeable message signs are prohibited. This includes but is not limited to digital displays (electronic/LED), mechanical rotating panels or other similar methods of changing the message shown on the sign."

## COUNCIL MINUTES

## REGULAR MEETING

March 22, 2016

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, March 22, 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; Mike Yaniero, Public Services Director; 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. Carter pronounced the invocation.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Willingham, and unanimously approved to adopt the agenda as presented.

PRESENTATIONS

PRESENTATION NORTH CAROLINA JUSTICE ACADEMY-TRAFFIC  
ENFORCEMENT AND INVESTIGATION CERTIFICATE-CORPORAL SCOTT  
ALAN EICHELBERGER

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Corporal Scott Eichelberger successfully completed the NCJA Traffic Enforcement and Investigation Certificate Program on February 23, 2016 at the Academy. Corporal Eichelberger was the 262<sup>nd</sup> officer to receive the certificate since the program's inception in 1999.

Mayor Phillips presented the Traffic Enforcement and Investigation Certificate to Corporal Scott Alan Eichelberger.

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 and to adopt the minutes of the March 8, 2016 Regular Workshop Meeting.

CONSENT ITEMSTAX RELEASES, REFUNDS, AND WRITE-OFFS JANUARY 2016.

The County/City Tax Collector and the City's Finance Director recommended 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, \$1,443.12, \$3,689.92 and \$3.83 (\$5,136.87).

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

RESOLUTION REFINANCING OF REVENUE BONDS

At the last regular Council meeting, City Council adopted a Resolution authorizing staff to proceed with an application to the Local Government Commission (LGC) to refinance certain Revenue Bonds. The next step in this process was to adopt the authorizing resolution.

Council approved the Resolution.

Resolution 2016-07, Bk. 7, Pg. 207

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 2016-13, Bk. 12, Pg. 389

WASTEWATER LAND TREATMENT SYSTEM SOLE SOURCE EQUIPMENT  
PROCUREMENT – BLUE FROG AERATION UNITS

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City staff obtained the approval of the North Carolina Department of Environmental Quality to conduct a pilot test of an innovative technology at the Wastewater Land Treatment System (LTS). This test would involve the second pond in one of the three aerated lagoon trains

at the Wastewater LTS. Staff planned to replace the high speed surface aerators of this pond with devices known as Blue Frog base units and thereafter, monitor the pond. Staff was undertaking this work so as to be able to ascertain whether the use of these units in all of the aerated ponds had the potential to greatly reduce the accumulation of sludge while also allowing for a reduction in the horsepower necessary to keep the lagoons adequately mixed and aerated. To that end, Staff requested that Council authorize the purchase of the Blue Frog base units pursuant to G.S 143-129(e)(6) which exempted the purchase of equipment from the procedure for letting of public contracts when a needed product was available from only one source of supply. Staff believed that purchase of the Blue Frog base units qualified for this exemption since the Blue Frog unit was an innovative, one of a kind item.

Council authorized the sole source bidding procedure for the procurement of the Blue frog units.

**CONTRACT AMENDMENT–UTILITY SERVICES FOR DOWNTOWN WATER  
TANK**

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On June 7, 2011, City Council authorized an Asset Management Program with Utility Services Group (USG). This concept allowed one company to be responsible for the maintenance, repair, and cleaning of an elevated water tank over an extended length of time at a fixed price. By entering into this type of contract, it allowed the City to anticipate a smaller fixed annual operating expense over a longer period of time rather than spending a large amount in one year when major maintenance was done. Instead, this contract provided maintenance on a regularly scheduled basis.

On August 18, 2015, City Council authorized the execution of a contract with Utility Services to bring the Downtown Tank under the Asset Management Program. Staff now desired to amend this contract to add an additional logo, “Welcome Heroes”, and for additional work related to removal and installation of coaxial cables, conduit and appurtenances necessary for antennas and cameras mounted on the tank for the City of Jacksonville use. The total cost of this work was \$49,495 and would be prorated over the eight-year term of the existing contract.

Council authorized the City Manager to execute the amendment with Utility Services Group for the Downtown Water Tank.

Ordinance 2016-14, Bk. 12, Pg. 391

AMENDMENTS TO MUNICIPAL RECORDS RETENTION AND DISPOSTION  
SCHEDULE

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The City adopted and follows the NC Municipal Records Retention and Disposition Schedule promulgated by the N.C. Department of Cultural Resources Division of Archives and History. Amendments to the Schedule were issued by the Division in 2013 and again in 2015. The Division requested that all municipal governments following the Schedule officially adopt the amendments. A more detailed description of each of the amendments was included in the staff report.

Council approved the amendments to the Municipal Records Retention and Disposition Schedule.

PUBLIC HEARING

LEGISLATIVE-UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT –  
ARTICLE 5: DEVELOPMENT STANDARDS, SECTION 5.12, SIGNAGE, M:  
BILLBOARDS

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Ryan King, Senior Planner, (as shown in the PowerPoint Presentation herein attached as Exhibit A), provided an overview of the UDO Text Amendment. He stated that City Staff had initiated a Unified Development Ordinance (UDO) text amendment that would clearly identify that changeable messages (electronic) on billboards were prohibited. The proposed language would be added to Section 5.12 Signage and was needed to add clarity to the City's ordinance in light of recent case law.

Mr. King said a billboard, based on its size and prominence on the landscape was considered a separate and distinct land use under the City's current UDO. Corridor Commercial and Industrial zoning districts allowed billboards.

Another aspect of limitations with billboards was the overlay zone which was adopted by City Council July 3, 1984. The billboard overlay zone required billboards to be 750 feet from intersections, set-back 20 feet from the right-of-way, a maximum height of 40 feet and maximum size of 400 square feet.

The City's overlay zone was located primarily along US Highway 17, Lejeune Boulevard, Old Western Boulevard, a portion of Gum Branch Road, a portion of Bell Fork Road, a small portion on Wilmington Highway and a small portion on Richlands Highway. Within the City's jurisdiction there were 89 billboards. Some were within the overlay and some were there

prior to the overlay being adopted. If a billboard was not in the overlay zone it was non-conforming.

Mr. King stated there had been two recent changes that precipitated the need for the request: The Modernization Act of 2013 which said a billboard, if it was an old wooden multiple pole structure could be removed and replaced with a modern single pole feature which would not change other aspects of the billboard, and the other change was a legal case pertaining to land use, Byrd versus Franklin County.

He said the City had always looked at zoning as a permissive code, meaning if something was not identified as being allowed, then it was not allowed. The court case of Byrd versus Franklin County stated the opposite to the City's philosophy – if it was not identified as not being allowed, it was allowed. Due to the court case, the City would need to codify the ordinance in order to make it clear that changeable messages on billboard signs were not allowed.

Mayor Pro-Tem Lazzara asked why we felt the need to adopt this change while other communities such as Charlotte, Raleigh and Wilmington were not adopting the change. Mr. King said this would allow the City to open up discussions within the billboard industry to allow for negotiations as to locations where some might be allowed and to identify areas where they might not be allowed.

Councilman Thomas asked for more rationale as to why the signs would not be allowed. He felt the City was possibly taking property rights away from billboard owners/ land owners. He felt this would diminish people's freedom to use their property and he did not feel he could support this change.

Mr. Carter referred to Mayor Pro-Tem Lazzara's statement regarding Charlotte, Wilmington and Raleigh allowing the signs and why we did not. He said Wilmington does have an ordinance. However, DOT said that electronic billboards could change every eight seconds during a sixty minute cycle. Wilmington's ordinance, which the City of Jacksonville had reviewed, was agreed upon with the industry on a certain percentage of their static boards (those with no LED lights) could be switched over to LED boards. This was agreed upon between them and is in their ordinance. Wilmington's code also says that the signs could not change every eight seconds it must be every fifteen seconds unless one of the eight seconds in the sixty minute cycle was a public service announcement.

Mr. Carter said there could be benefits to the City from the discussions with the billboard companies which could be negotiated on behalf of our citizens.

Mayor Phillips clarified that this action was to help provide the City with a negotiating position. Discussion was held.

Councilman Willingham said in the meantime, before an industry supported agreement was made, something could be constructed that did not comply with the eventual agreement. He stated at the NLC Conference he attended a session that dealt with all of the new laws and signs were discussed. They talked about a series of laws regarding signs from a free speech position. He also requested more information about this at a later date. Mr. Carter said he would try to share more with Council regarding the Reed case.

Mr. Woodruff said approximately four years ago the City was addressed by one of the representatives from the billboard industry in regards to LED signs with changeable messages. At that time the City's interpretation of the code was that the signs were not permitted. The City let the industry know we were willing to analyze it as long as we could find a public good. Mr. Woodruff stated he agreed with Councilman Thomas regarding private property rights; however at the same time there must be a balance between the value of private rights and the value of social conscience. He reiterated this ordinance change gave the City a stronger negotiating position. He said he was opposed to having 89 digital billboards in the City and pointed out that many years ago the City of Jacksonville was featured in a national planning magazine as one of the ugliest cities from the standpoint of sign regulation. Mr. Woodruff also said staff would negotiate the best way to allow digital billboards in Jacksonville while still regulating them so they did not overcome the City.

Mayor Pro-Tem Lazzara said he had no problem with anything that had been said however, what he did not agree with was that existing billboard owners were being precluded from transitioning their existing billboards to newer technology.

Councilman Warden stated that since everyone agreed that too many billboards in Jacksonville was not aesthetically pleasing, this request would give Management and Staff a negotiating basis to sit down with the billboard industry to come up with a compromise that the citizens and Council and the billboard industry could all live with.

Mayor Phillips recessed the regular meeting at 7:30 PM and convened the Public Hearing. With no one desiring to speak, he closed the Public Hearing at 7:31 PM and reconvened the regular meeting.

A motion was made by Councilman Willingham and seconded by Councilman Bittner to approve the Unified Development Ordinance (UDO) Text Amendment.

The motion was adopted on a 4-2 vote as follows: Voting Aye: Council members Willingham, Bittner, Washington and Warden. Voting Nay: Mayor Pro-Tem Lazzara and Councilman Thomas

## REPORTS

### NATIONAL LEAGUE OF CITIES NATIONAL CONGRESSIONAL CONFERENCE

Councilman Willingham stated he attended the recent National League of Cities Conference and while there he met with the Chief of Staff of Representative Walter B. Jones and discussed various items Mayor Pro-Tem Lazzara had brought up in the Military Communities Committee regarding the Census.

Mayor Pro-Tem Lazzara also attended the National League of Cities Conference. He said they had met with Senator Burr and Senator Tillis who were working on the Census issue for our military personnel. They had discussed the CDBG program and sought continued support for funding, as well as preserving the tax exempt municipal bonds and other issues.

Councilwoman Washington had the opportunity to attend the National League of Cities Conference as well. She said there was support in the Senate to pass legislation on closing the sales tax loophole as it related to online sales tax. There was also proposed criminal justice reform to give judges greater discretion in sentencing low level offenders and to reduce recidivism by matching federal prisoners to programs designed to help them successfully re-enter society.

She also said the Second Act Re-authorization, or "Banning of the Box", was to provide resources to local governments to improve the outcome for individuals returning to communities. Also, there was a push in congress to reauthorize and modernize the Environmental Protection Agency's Brownfield's Program to expand liability protection when cities acquire contaminated properties through no fault of their own and for the EPA to give more finances back to cities in order to clean up those properties.

Councilwoman Washington had an opportunity to attend a White House Briefing and met with the United States Secretary of Education, Dr. John King. She met with the Drug Czar, Gil Kerlikowske and had an opportunity to discuss the amount of heroin and opiate addictions and overdoses we have been seeing in our cities.

#### CONDOLENCES

Mayor Phillips expressed his condolences on the passing of Captain Claude Gordon Bradley. Captain Bradley served the Police Department from 1954 – 1984. Mayor Phillips said he was a mentor to him and would be missed.

#### REAL COMMITTEE APPOINTMENT

Mr. Woodruff announced Councilwoman Washington was appointed as a Vice Chair to a committee of the National League of Cities recently and a second appointment to the REAL Initiative (Race, Equity, And Leadership) which is the NLC's effort to equip its membership with the capacity to respond to racial tensions in their communities and address the historical, systemic and structural barriers that further inequity and racism in our nation's cities.

#### MANAGERS REPORT

Mr. Woodruff reminded all residents to apply for summer camps for their children.

He stated that the City Attorney along with hired counsel was continuing to try and get closure on land fill issues down at Sturgeon City which were holding up potential construction on the building. There was a meeting in January in Raleigh and an agreement was sought. Two months have passed and the DEQ (formerly DENR) have asked additional questions. Mr. Woodruff wanted the public to know that the staff was continually trying to find a solution to the issue. Until a solution was found the project could not proceed. A discussion would be brought to Council in the near future with regards to the building.

#### BUDGET WORKSHOPS

Budget workshops were planned every Tuesday in April beginning at 5:00 PM at City Hall.

#### TOUR OF CURRENT PROJECTS

Mayor Phillips stated he and the Council appreciated the tour during the Workshop Meeting that evening which provided an opportunity to view some of the projects underway and some of the progress that had been made. He also said it was nice to see the changes which were occurring in Jacksonville and they looked forward to future development and completion.

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Councilwoman Washington and unanimously adopted to adjourn the meeting at 7:46 PM.

Adopted by the Jacksonville City Council in regular session this 5th day of April 2016.

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk