

PROPOSED AGENDA  
COUNCIL MEETING  
September 6, 2011  
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips  
PLEDGE OF ALLEGIANCE  
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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City Council

Mayor

City Attorney

City Manager

CLOSED SESSION – For the purpose of discussing personnel matters, pursuant to General Statute 143-318.11, subsection (a-6)

## COUNCIL MINUTES

### REGULAR MEETING

August 3, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Wednesday, August 3, 2011 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 and Jerome Willingham. Council Member Fannie K. Coleman was out of town and unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. \*An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

#### CALL TO ORDER

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

#### ANNOUNCEMENT

Mayor Phillips announced that G10 was now being broadcast on Charter Cable Channel 14 and welcomed the new viewers.

#### PLEDGE OF ALLEGIANCE

Councilman Bittner led the Pledge of Allegiance.

#### INVOCATION

Mr. John Carter pronounced the invocation.

#### ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as amended to move the second Public Comment period to after Non-Consent Items.

#### ADOPTION OF MINUTES

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Bittner, and unanimously adopted to approve the minutes of a Special Workshop Meeting held July 19, 2011 as presented and the minutes of the Regular Meeting held July 19, 2011 as presented.

PRESENTATIONS

YARD OF THE MONTH RECOGNITIONS

Mayor Phillips recognized Frances Thompson for receiving the Residential Yard of the Month Award and Charles Williamson of Moore Buick GMC for receiving the Business Yard of the Month Award. The recipients were unable to attend to accept their awards.

PRESENTATION TO COUNCIL FROM JUNETEENTH CELEBRATION  
COMMITTEE

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Million Heir-Williams presented a plaque to Mayor Phillips thanking City Council and City staff for their support and attendance at the Juneteenth Celebration and banquet. Mayor Phillips stated it was a great event and well organized. He invited everyone to attend next year as they would learn a lot.

PUBLIC HEARINGS

ZONING TEXT AMENDMENT – SECTION 31 RESIDENTIAL 7 ZONING  
DISTRICT

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Ms. Mary Sertell, Senior Planner, stated that John Pierce, on behalf of John and Phyllis Standfast, had submitted a Zoning Text Amendment application requesting changes to the Residential 7 (R-7) zoning district. The request would amend the R-7 development standards to be in line with the current development standards within the Residential Single Family 7 (RS-7) zoning district.

Mayor Pro-Tem Lazzara asked what the original intent was in having the two zoning codes and why they were now being merged. Ms. Sertell stated that her understanding was that the two zoning districts were always meant to merge one day, but that had been put on hold due to the work of the UDO Steering Committee.

Mayor Pro-Tem Lazzara asked what were the major changes. Mr. Woodruff stated that with the change, the requirements in the R-7 would be reduced. Also public and private school use would be treated the same.

Mayor Phillips recessed the regular meeting at 7:17 PM in order to convene the Public Hearing.

John Pierce, 405 Johnson Blvd., stated that in regard to Mayor Pro-Tem Lazzara's question, if there was a recorded set-back on the plat, it wouldn't be changed; however, the revision would offer needed flexibility. Mr. Woodruff stated that deed restrictions always trumped the zoning code when they were more restrictive.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:19 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 Zoning Text Amendment as presented.

Ordinance 2011-44, Bk. 10, Pg. 416

ZONING TEXT AMENDMENT – SECTION 43 RESIDENTIAL DOWNTOWN 5;  
SECTION 49 RESIDENTIAL DOWNTOWN 3; SECTION 66 CENTRAL  
BUSINESS DISTRICT; SECTION 68 OFFICE MIXED USE; AND SECTION 109  
SIGN REGULATIONS

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Ms. Mary Sertell, Senior Planner, stated that staff had drafted a Zoning Text Amendment that would amend the current Downtown zoning districts: RD-3; RD-5, CBD, OMU, and Section 109 Sign Regulations. This amendment would create greater clarity when applying for and reviewing projects in Downtown. The language in the text was based on the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which had been reviewed and accepted by the UDO Steering Committee as well as by other developers and contractors who worked in Downtown.

Using the PowerPoint presentation attached to the official minutes as Exhibit “A”, Ms. Sertell reviewed the elements such as lot size, height, uses, materials and signage that changed or remained the same. Staff was currently working on the garage standard.

Mr. Woodruff asked that the Public Hearing be continued so that over the next two weeks staff could review the standards relative to garages for single-family uses.

Mayor Phillips recessed the regular meeting at 7:27 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips recessed the Public Hearing and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to reconvene the Public Hearing at the August 16, 2011 Regular Council Meeting.

CREATION OF SECTION 87 PLANNED DEVELOPMENT (PD) DISTRICTS,  
AMENDMENTS TO SECTION 10 DEFINITIONS, SECTION 13 ZONES &  
BOUNDARIES AND SECTION 136 CHANGES & AMENDMENTS

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Mr. Ryan King, Planning Administrator, stated that staff had drafted a Zoning Text Amendment that would create provisions for Planned Developments (PD) that was reviewed at

the earlier workshop. This amendment would bring the ability to mix uses and apply greater flexibility to the development process in anticipation of a development quality that exceeded the minimum standards. Staff had utilized the 2<sup>nd</sup> module of the proposed Unified Development Ordinance (UDO) which had been reviewed and accepted by the UDO Steering Committee.

Mayor Phillips recessed the regular meeting at 7:29 PM in order to convene the Public Hearing.

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 Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the Zoning Text Amendment.

Ordinance 2011-45, Bk. 10, Pg. 420

PUBLIC COMMENT

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

NEW BUSINESS

CONSENT ITEMS

CITY CODE AMENDMENT – CHAPTER 22 – EROSION AND SEDIMENTATION –  
SECTION 7.2 – GRADED SLOPES AND FILLS

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The State had revised the law concerning the time allowed before ground cover must be established and required all local programs to amend their ordinance to reflect this change. The City's existing ordinance allowed 15 working days or 30 calendar days whichever came first to establish ground cover on graded slopes. State law now required ground cover on graded slopes to be established within 21 calendar days of completion of any phase of grading.

Council moved to approve the revision to Section 22-7.2 of the City Code as required by State law.

Ordinance 2011-46, Bk. 10, Pg. 432

UNCOLLECTIBLE WATER, SEWER AND SANITATION ACCOUNTS

This group of uncollectible accounts from the City's utility receivables had services terminated in 2005. A detailed list of these 391 accounts was available in the Finance office for review.

Council moved to authorize writing off the 391 utility accounts as presented.

PROPERTY TAX RELEASES, REFUNDS, AND WRITE-OFFS

The County/City Tax Collector and the City’s Finance Director recommended releases, refunds, and write-offs of property taxes respectively \$31,335.76, \$134,781.10, and \$39.00 (\$166,155.86). The detail list of these tax releases and refunds was available in the Finance Office for review.

Council moved to approve the tax releases, refunds and write-offs.

NON-CONSENT ITEMS

CENTER FOR PUBLIC SAFETY COST SAVINGS DESIGN MODIFICATIONS

Mr. Woodruff stated that the City was notified by Harvey Gantt of Gantt Huberman Architects that his latest opinion of probable cost was showing that the Center would cost about \$1.5 million more than the amount initially authorized by Council to spend. The staff felt it was appropriate to find a way to reduce or eliminate that expenditure.

By letter dated July 12, 2011, City staff provided Gantt Huberman, Architects with a list of 24 potential cost-saving modifications to the Center for Public Safety. On July 18, 2011, Project Architect, Alan Hunter, responded with specific cost estimates relative to those modifications. On Tuesday, July 26, 2011, City staff met with the architectural team to further discuss each of the potential modifications. Based upon that discussion, the senior management recommended the following modifications for Council consideration.

	Modification	Recommended	Cost Savings
1.	Eliminate Entry Lobby Clerestory	Yes	\$27,027
2.	Eliminate Fire Station Maintenance Bay	Yes	\$231,719
3.	Smooth brick in lieu of Glaze Masonry	Yes	\$736,044
4.	Hurricane Rating Redesign	No	
5.	Eliminate Taxi Lobby Area	No	
6.	Evidence Storage Area Finishes	Yes	\$51,018
7.	Armory Finishes	Yes	\$3,189
8.	Sally Port Modifications	Yes	\$65,788
9.	Holding Tank Plumbing Fixtures	Yes	\$7,630
10.	Assembly Hall Modification	Yes	\$107,781
11.	Skylight/Communications Area	No	
12.	Reduce Security Cameras in Police Area	Yes	TBD
13.	Eliminate Rooftop Terrace	Yes	\$84,034
14.	Reduce Generator Fuel Supply	No	

15.	Reduction in Workstations	No	
16.	Freight Receiving Area	No	
17.	Eliminate Accreditation Workspace	No	
18.	Modify the Number of Windows	No	
19.	Eliminate Built-in Lift	Yes	Not part of original project
20.	Change Floor finish in Apparatus Bays	Yes	\$74,911
21.	Reduce Security Cameras Fire area	Yes	TBD
22.	Modify Apparatus Doors	No	
23.	Access Door Controls	Yes	TBD
24.	Modify High Density Storage System	Yes	\$26,208
	TOTAL Recommended Modifications		\$1,415,349

Prior to the discussion of the recommended modifications, Mr. Gantt presented the finalized design of the exterior of the building. He stated that the finalized design was submitted to a cost estimator and at that time, it clearly showed that the budget would be exceeded. Mr. Woodruff was informed of the increase and City staff was pro-active in identifying areas where refinements could be made.

Mr. Hunter reviewed each modification. The first recommended item was the elimination of the entry lobby clerestory. He recommended it be bid as an alternate. Mr. Woodruff stated the interior shape of the entry lobby would not change, but the skylight at the top was the issue. Councilman Warden stated he noticed that it had been changed from the dome skylight to a clerestory and asked if it was because of sunlight and heat gain. Mr. Hunter stated the sun could be controlled better and it would possibly be more watertight. Mr. Gantt emphasized that this option was more water tight with less possible penetration than the dome skylight.

Another modification was the reduction of security cameras. Mr. Hunter stated that City staff determined a number of security cameras could be removed without impacting the overall security of the building. The total reduction for the items listed in 12, 21 and 23 was determined to be approximately \$100,000.

Mr. Woodruff stated that after further review, the Police Department asked that item 13 - the rooftop terrace, not be deleted. The terrace area worked best as a second floor break area given the logistics of the building.

Mayor Phillips asked about the use of the rooftop terrace. Captain Malfitano stated that the area was the only place the 911 telecommunicators could go because of their limited time for breaks.

Mayor Pro-Tem Lazzara asked if it would be common to have an outdoor area for a building of this size as it was common to have outdoor break areas in large scale corporate facilities for quality of life. Mr. Hunter stated it was common especially in buildings of this type with secured zones. Mr. Woodruff stated that this item could be used as a bid alternate if Council desired.

Mr. Hunter presented the revised project schedule stating that they were looking at completing the construction documents in October and putting the project out for bids in December.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously adopted to approve the recommended design modifications with the exception of modification #1 – Eliminate Entry Lobby Clerestory and modification #13 – Eliminate Rooftop Terrace to be bid as alternatives.

#### PUBLIC COMMENT

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

#### REPORTS

##### NATIONAL NIGHT OUT

Councilman Warden stated he thoroughly enjoyed National Night Out and complimented the Police Department, City Staff, City Boards and everyone who had a hand in setting it up. The event was very well run and attended.

Councilman Willingham stated he attended the National Night Out activities sponsored by some of the local builders who provided an exceptional reception for Miss North Carolina and Miss South Carolina. During that event, the builders were very complimentary of our inspection staff.

Mayor Phillips felt staff had done an excellent job and the event kept getting bigger. Riverwalk Park was the perfect place to hold the event.

##### TERM APPOINTMENT IN WASHINGTON, DC

Councilman Willingham commented on the issue of his taking a term appointment working with the Army in Washington, DC as a civil servant. The Jacksonville Daily News

seemed to think that by taking that job and having registered to vote in Maryland and North Carolina was a criminal act; however, no one could tell him what law had been violated. In response, he read from NC General Statute 163-57 (8) as follows: "If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence." He said that he had no idea that anyone had a problem with him having a job even though he had to travel 360 miles to get to it. He had not talked to the paper because they always distorted what he said. He had missed no more regular meetings than some of the other Council Members and felt the newspaper had misled the public on several different points.

#### ONWASA

Councilman Bittner reported that ONWASA had engaged a firm to do the necessary easements for furthering the possibility of the City partnering with ONWASA on the construction of the interceptor line. The City Manager also had discussions with ONWASA to expedite the project.

#### BOARD OF ADJUSTMENT

Councilman Bittner reported that last Thursday, July 28, the Board of Adjustment heard the Gum Branch Road case. He applauded the efforts of the City staff, especially Mr. Carter, Gary Ouellette, Chief Code/Zoning Enforcement Officer, and Mr. Woodruff, who clarified the issue and shed additional light on the matter. The Board upheld the decision of the Enforcement Officer by a vote of 4 to 1. Councilman Bittner had been told the decision would be appealed. Mr. Carter stated that after the Chairman signed the order, the applicant had 30 days to appeal.

#### TRANSPORTATION ADVISORY COMMITTEE (TAC)

Mayor Pro-Tem Lazzara reported that the TAC had adopted a priority list and forwarded it to the Department of Transportation. Council would receive a copy of the map and chart that identified the approved projects in the area by number, along with additional information. There was a great deal of projects for the enhancement of mobility in our area.

Councilman Warden stated projects were also identified for the future and asked Council to review the map in case they saw any additional projects that should be considered.

WATER PLANT OPEN HOUSE

Mayor Phillips stated that Council attended the Open House for the new water plant. It was good to see that project now underway.

GROUND BREAKING CEREMONY

Mayor Phillips stated that Council attended the ground breaking ceremony at the Jacksonville Business Park for Miller-Motte College. He felt the college would be a great enhancement for the Business Park.

FORUM ONSLOW

Mr. Woodruff reported that the next Forum Onslow would be held at City Hall in Council Chambers on Tuesday, August 9, 2011 beginning at 10:30 AM. Congressman Walter B. Jones would be presenting a Legislative update. The public was invited to attend.

UNCW PRESS CONFERENCE

Mr. Woodruff reported that UNCW's new Chancellor Dr. Gary Miller was coming to Jacksonville on August 15, 2011 to be introduced around our community. A press conference would be held in the City Council Chamber at 2:00 PM for anyone to meet with the new Chancellor.

GOVERNOR'S SUMMIT

Mr. Woodruff reported that Governor Perdue would be holding a Regional Military Summit on Tuesday, August 16 at 8:30 AM at City Hall regarding regional military activities and how communities were preparing themselves for the future. The public was invited.

NORTHEAST CREEK PARK

Mr. Woodruff reported that there was a fire at Northeast Creek Park this past weekend in one of the old sewer lagoons. Fortunately, it did not get out of control. He thanked the nearby residents for putting up with the smoke.

Mr. Woodruff stated that the design work for the Northeast Creek Park boat ramp was complete, but it would require a CAMA major permit which would probably take three to four months for approval. He hoped that the ramp would be ready for the public by boating season in the spring.

LAND APPLICATION SITE

Mr. Woodruff reported that there had been one controlled burn at the Land Application Site, but due to the weather, no further burns had taken place. There were positive results with

the thinning of approximately 90 acres. He wanted Council and the public to know that they were staying on task.

CLOSED SESSION

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas and unanimously approved to recess the Regular Meeting at 8:29 PM in order to convene a Closed Session for the purpose of discussing personnel matters pursuant to General Statute 143-318.11, subsection (a-6).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 8:50 PM and announced that no reportable action had been taken in closed session.

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Councilman Willingham, and unanimously adopted to adjourn the meeting at 8:51 PM.

## COUNCIL MINUTES

### SPECIAL WORKSHOP MEETING

August 16, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, August 16, 2011 beginning at 5:30 PM in Meeting Rooms A & B of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden, and Jerome Willingham. Mayor Pro-Tem Michael Lazzara was out of town and unable to attend. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. \*An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

#### CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:30 PM.

#### ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Council Member Coleman, and unanimously approved to adopt the agenda as amended to remove Item 2 – Transit Systems Development Plan.

#### DOWNTOWN PARKING STUDY

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Abigail Barman, Planner, presented an overview of the Downtown Parking Study. She stated that staff collected data and analyzed the parking situation within downtown. Council was provided with a report of that study. The study area was defined as an area within a five minute walking distance of the intersection of Court, Ward and East Railroad streets where the B.O.L.D. building was located. A deterrent for developers has been the visual of available parking. If parking couldn't be seen directly in front of the building, the thought was patrons would not know where to park. With no parking requirements in the downtown, it was challenging for visitors, shoppers and employees to find easily identifiable parking within eyesight of their destination.

Mr. Woodruff stated in the past three or four months, there had been interest in the vacant buildings downtown; however, in every case, they have decided not to move into the buildings because the rehab cost was either beyond their budget for a building of that age or they did not believe they had sufficient parking to build a clientele given the level of investment that would have to be put into the building.

Possible recommendations for the parking concerns included: 1) redevelopment of current City lots, 2) acquisition of land that had the proper dimensions for parking lots or possible future parking structures, 3) lease of several privately held parking lots in the downtown, 4) restriping of on-street spaces, and 5) improved signage directing the public to public parking areas.

Councilman Thomas asked what the average yield per acre for parking spaces was. Mr. Woodruff stated that the general rule of thumb was one parking space for every 500 sq. ft which included the space, access aisle and incidentals such as set-backs. Depending on the configuration, an acre would hold about 75 to 80 parking spaces. One of the other considerations downtown was the centralized storm water plan. About 15% of a site would be lost to storm water, but storm water could be handled on an off-site piece of land.

Mayor Phillips asked about the sand filtration system that Wilmington used for their Convention Center parking site. Mr. Woodruff stated that even though it can be expensive, sand filtration does recapture the land for parking. Ms. Barman stated that permeable paver could also be used.

Mayor Phillips asked if there was a strategic plan on where the parking places would be situated. If the intention was to redevelop downtown, parking would have to be in such a way that people would be willing to walk to their destination. Mr. Woodruff reviewed possible locations. Discussion followed.

Mr. Woodruff stated a menu of parking opportunities was needed and that was why the Council received recommendations that covered a variety of activities. If all were implemented to some degree, a parking plan could be developed that would give the downtown a great opportunity for revitalization.

There had been preliminary discussions with the owners of the properties that may be acquired, but they understood the meetings were only exploratory.

Mr. Carter reminded Council that there was a Memorandum of Understanding between the County and the City whereby City parking property at Tallman and Court Streets was given to the County during the construction of the Justice Complex. The County was now obligated to put the City's Tallman St. lot into the same condition as the County's 180 space Murrill St. lot.

Councilman Warden asked what direction staff was looking for from Council. Mr. Woodruff stated they were only looking for dialogue. After Council had a chance to review the information and look at the areas downtown, they could inform staff on the direction to be taken.

Councilman Thomas asked where staff was in the reconfiguration of Court Street. Mr. Woodruff stated they were working with Parker & Associates to come up with a design theme on that portion. One of the difficulties was the drainage pattern that would work for both the street and the businesses.

Discussion followed on possible parking demand and what the County may do with the old Sheriff's office. Mr. Woodruff stated the County's plans would be verified.

#### MEDICAL FIRST RESPONSE

Mr. Woodruff stated that Police and Fire personnel would talk to Council about the existing program and how it worked; then at a future date, options on how to modify the service would be brought to them. He felt it was important for Council to first have a baseline understanding of how the current system worked.

Using the PowerPoint presentation attached as Exhibit A, Rick McIntyre, Fire Chief, reviewed the First Responders program. Councilman Thomas asked what the end result was on the 133 monthly emergencies. Chief McIntyre stated that he would provide the breakdown for Council.

Mr. Woodruff asked what key words would trigger First Responders to be sent on a call. Chief McIntyre stated chest pain, heart attack, difficulty breathing, or accidents with a reported injury.

Councilman Warden stated that it appeared that there may not be enough ambulance coverage in the City. Chief McIntyre stated that the County's average of 10 minutes was countywide and not just in the City. The response time could not be divided out just only City responses. Mr. Woodruff stated there was no question that if the City Police and Fire Departments were not involved in medical emergencies, the impact on the County EMS system would be severe.

RECESS/RECONVENE

Mayor Phillips recessed the meeting for a break at 6:33 PM. Mayor Phillips reconvened the meeting at 6:40 PM.

GEORGETOWN SMALL AREA PLAN

Mary Sertell, Senior Planner, stated that while working with implementation strategies to move forward on the recommendations for the Country Club - Sandy Run Plan, they were also strategizing on how to best move forward with the Georgetown Plan. Staff was looking for Council's input on a potential modification to the Georgetown Small Area Plan boundary.

Using the map attached to the official minutes as Exhibit B, historic Georgetown was the area Council originally identified as the neighborhood planning area. There had been recommendations to expand that area to take in the more recent and ongoing development in the NC 17 corridor. Ms. Sertell stated there were three possible plan options: 1) stay with the historical Georgetown core, 2) expand the boundary to the City limits, or 3) expand the boundary to the further reaches of the ETJ.

Councilman Warden stated that by looking at the size, it made sense to include the ETJ area as the extra property lended itself better to a feasibility study.

Councilman Thomas stated that he thought this started out as a neighborhood planning tool. Ms. Sertell stated that the original area was the residential portion of Georgetown, but it was suggested that it might be beneficial to the planning effort to extend the boundary.

Discussion followed on expanding the planning study area to include the ETJ area in the study. Councilman Willingham stated that when it started, Council was looking for commonality within the community, but he understood staff's point on the impact of the outer areas on the original identified area. To him it complicated the task of staff, but he was okay extending the boundary.

Council indicated their approval of expanding the Georgetown Small Area Plan boundary.

ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 6:52 PM.

## COUNCIL MINUTES

### REGULAR MEETING

August 16, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, August 16, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Mayor Pro-Tem Lazzara was out of town and unable to attend. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. \*An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

#### CALL TO ORDER

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

#### PLEDGE OF ALLEGIANCE

Councilman Willingham led the Pledge of Allegiance.

#### INVOCATION

Mr. John Carter pronounced the invocation.

#### ADOPTION OF AGENDA AND CONSENT ITEMS

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

#### ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to approve the minutes of a Special Workshop Meeting held August 3, 2011 as presented.

#### PRESENTATIONS

##### PROCLAMATION – RIVERWALK FESTIVAL DAYS

Mayor Phillips read a Proclamation in recognition of the final summer festival being held by B.O.L.D. - Riverwalk Festival Days on September 3 and 4, 2011. With the assistance of

Councilman Thomas, Council Liaison to B.O.L.D., the Proclamation was presented to Carmen Spicer, Co-Executive Director of B.O.L.D.

JACKSONVILLE YOUTH COUNCIL OFFICERS OATH OF OFFICE

With the assistance of Carmella Fulcher, Community Programs Coordinator, Mayor Phillips administered the oath of office to Tony Brenan, Chairman; Logan John, Chairman Elect; Gabrielle Landi, Vice Chairman; Justin Barnes, Vice Chairman Elect; Ian Funk, Recorder; and Justin McGeorge, Secretary-Treasurer; while their parents held the Bible and family and friends looked on. Following the swearing in ceremony, the Mayor and Council congratulated them on assuming their leadership roles.

PUBLIC HEARINGS

ZONING TEXT AMENDMENT – SECTION 43 RESIDENTIAL DOWNTOWN 5;  
SECTION 49 RESIDENTIAL DOWNTOWN 3; SECTION 66 CENTRAL  
BUSINESS DISTRICT; SECTION 68 OFFICE AND MIXED USE; AND  
SECTION 109 SIGN REGULATIONS

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Mayor Phillips reconvened the Public Hearing from the August 3, 2011 meeting at 7:18 PM and asked if anyone desired to speak.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:19 PM and reconvened the regular meeting.

Ms. Mary Sertell, Senior Planner, pointed out changes that had been made from what was presented at the August 3, 2011 regular meeting. Those changes involved garage standards.

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the Zoning Text Amendment as presented.

Ordinance 2011-47, Bk. 10, Pg. 433

PUBLIC COMMENT

Kevin O’Conner, 210 Newport Dr, requested that the Fire Safety Advisory Board be disbanded. He reviewed their minutes and found that all the major items discussed had been ignored. He felt Public Safety was a priority function of public government and not Public Services. The City needed Fire Station 5 and Fire Station 6. He asked Council for a copy of the end of the year report for the Fire Department to review the statistics.

NEW BUSINESS

CONSENT ITEMS

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Carriage Run Section III-C at Carolina Forest; Carriage Run Section V-B at Carolina Forest; Kenneth Whichard Lot 1, Tract 2; Kensington Park Section II; Northwest Business Park; Onslow County Schools-White Oak High School; and Southpointe Section II-B at Carolina Forest. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantee if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreement.

INTERLOCAL AGREEMENT – JACK AMYETTE COMMUNITY PARK

The Recreation and Parks Department asked Council to approve the Interlocal Agreement with the Onslow County Board of Education for the Jack Amyette Community Park. This agreement would permit the City to make improvements to the Onslow County Public Schools property between Clyde Erwin Elementary School and the Jack Amyette Recreation Center and further establish the terms for the creation of Jack Amyette Community Park.

Council authorized the City Manager to sign the Interlocal Agreement with the Onslow County Board of Education.

ASSET MANAGEMENT PROGRAM – UTILITY SERVICES – CONTRACT  
ADDENDUM

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On June 7, 2011, Council approved the concept of Asset Management and authorized the City Manager to execute three contracts with Utility Services Company (USC) to begin an active maintenance program on the Northwoods, Ellis, and Commons Tanks. After the contracts were executed, it was discovered that the contracts did not include language to incorporate all the labor and material necessary to install antenna retrofits on the three water tanks. This work, which would bring the tanks into compliance with OSHA standards as well as allow the City an opportunity to grow out IT infrastructure by constructing a 42-post antenna corral at the Commons Water Tank, had been previously identified and discussed. Staff was working with one cellular company to lease space on the Commons tank and was hopeful that other cellular

companies also would be interested in co-locating on this tank due to its height and location. All revenue received would help defray the cost of the design and construction of this corral.

Council approved the Budget Ordinance and authorized the City Manager to execute the addendums for the Northwoods, Ellis and Commons Tanks.

Ordinance 2011-48, Bk. 10, Pg. 506

NON-CONSENT ITEMS

BID AWARD – SOUTHWEST REGIONAL LIFT STATION PROJECT

Mr. Greg Meshaw, Senior Civil Engineer, stated that on August 3, 2011, staff received seven bids for the Southwest Regional Lift Station Project which, upon completion, would allow the sewer flow from the properties in the Springdale Subdivision to be discharged at the City's Treatment Plant. This project was required by an interlocal agreement between Onslow Water and Sewer Authority (ONWASA) and the City of Jacksonville that was executed on May 20, 2010. The agreement stated that the City would design and construct a lift station strategically located in the ETJ southwest of the City of Jacksonville's corporate limits and accept the sewer flows from Springdale Subdivision for treatment at the City's Land Application Facility. Staff recommended award of this project to Jacksonville Mechanical, Inc. of Jacksonville, NC based upon a review of the bids received.

Councilman Thomas asked where the lift station would be located. Mr. Meshaw stated it would be located across the road from the Blue Creek School Road Soccer field.

Councilman Thomas asked if it was usual for the huge variance between the bids. Mr. Meshaw stated that it was not unusual. There were a number of bids clustered together on the low end.

A motion was made by Councilman Bittner, seconded by Councilman Warden, and unanimously approved to award the bid to Jacksonville Mechanical, Inc. in the amount of \$684,972.32 for the construction of the Southwest Regional Lift Station

PUBLIC COMMENT

Henry White, 120 Dollar St, stated his concern about clean air, clean water, clean land and noise pollution.

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

REPORTS

CITY CLERK

Councilman Bittner congratulated Carmen Miracle, City Clerk, on recently concluding her term as the President of the NC Municipal Clerk's Association for the past year. She did a great job and followed in the tradition of two other City Clerks – Bill Hemmingway and Sabrina Guy. It was an honor for the City to be so recognized. Mr. Woodruff added that everyone was very proud of Carmen.

9/11 OBSERVANCE

Councilman Bittner stated that plans were made for the 9/11 observance at the recent Civic Affairs Committee meeting. More information would be received shortly.

CHRISTOPHER CAMPBELL PROCLAMATION

Councilman Bittner stated there would be a memorial service on Saturday, August 20, 2011 for Christopher Campbell, the Navy SEAL who passed away as a result of the helicopter being shot down in Afghanistan. The City was asked to present a Proclamation declaring Saturday as a day in his honor.

MAYOR PRO-TEM LAZZARA

Mayor Phillips stated that Mayor Pro-Tem Lazzara was unable to attend the meeting because of flight complications returning from California.

RECENT SPEAKERS

Mayor Phillips noted recent speakers in Council Chambers included Governor Perdue during the Regional Military Summit, Congressman Walter B. Jones who gave a legislative update for Forum Onslow, and UNCW's new chancellor Dr. Gary Miller.

NC GOVERNOR'S REGIONAL MILITARY SUMMIT

Mr. Woodruff stated that the Military Summit sponsored by the Governor was the second session held in the State. This session was specifically for the Camp Lejeune and the Jacksonville area. Governor Perdue was looking for specific ways that this community and her office could work together to ensure the long term stability of the function of the base. The bottom line was that Camp Lejeune had to be able to continue to train in order for the base to exist. Mr. Woodruff stated that as a community we must do everything we could to ensure encroachment did not occur. He commended the Governor for taking the initiative to do the sessions throughout the military community.

LABOR DAY

Mr. Woodruff stated that City Hall would be closed on Labor Day which would change the trash collection days. There would be no yard waste collection on Wednesday that week.

MOVIES IN THE PARK

Mr. Woodruff stated that the City Recreation Department and B.O.L.D. were working on a series of Movies in the Park that would occur at Riverwalk Park. More information would be forthcoming.

ANNUAL REPORTS

Mr. Woodruff stated that each year Council would be provided with an annual report given by the department heads highlighting the activities and accomplishments of their departments. The reports would begin in September and continue through October.

CITY ATTORNEY

Mr. Woodruff announced that John Carter was sworn in as the President of the NC Association of Municipal Attorneys. It was certainly an honor for the City.

PROPERTY DISCUSSION

Mr. Carter asked Council for their consensus for Mr. Woodruff and him to engage in conversations with the owner of 111 Marine Blvd., which was the former Todd's Auto Dealership. It is about a half acre lot that that was adjacent to the Onslow Inn City property. That particular site was now vacant and the agent of the owner had approach the City. Council indicated their consensus to proceed with conversations.

ADJOURNMENT

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



# City Council Presentation

Presentation Item: <b>A</b> Date: 9/6/2011
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**Subject:** Recognition of Jacksonville Recreation All-Star Teams

**Department:** Recreation & Parks

**Prepared by:** Herschel Pylant, Assistant Athletic Program Supervisor

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## Presentation Description

The 2011 14U Junior League All-Star Team was runner-up at the Little Tar Heel League 14U State Championship Tournament.

The 2011 14U Girls All-Star Team was runner-up at the N.C. Statewide Athletic Committee Under-14 State Tournament.

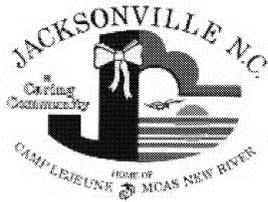
The City would like to recognize these players and coaches for their outstanding accomplishments.

## Action

Present Certificates of Recognition to team players and coaches.

## Attachments:

None



# Presentation Information

Presentation Item:	<b>A</b>
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## Recognition of Jacksonville Recreation All-Star Teams

### Junior League All-Star Team

The Jacksonville Junior League All-Star Team travelled to Smithfield, NC to compete in the Little Tar Heel League 14U State Tournament. They played seven games in four days under the hot July sun. They advanced to the championship where they had to defeat the Ahsokie All-Star team twice. They defeated Ahsokie once in extra innings but despite a strong effort in the second game lost 4 – 3 to become the 2011 Little Tarheel League 14U State Runners-Up.

The team was coached by Scott Shimer, Jose Kercado, Don Kinnett and Gary Appleton. The team players were Colt Allen, Timothy Appleton, Steven Brunt, Jacob Erickson, Christian Heisey, John Kellum, Christian Kercado, Jacob Kinnett, Jason Krasinski, Madison Malfitano, Chad Shepard and Dawnoven Smith.

### Junior Girls All-Star Team

The Jacksonville Junior Girls All-Star Team travelled to Greensboro, NC to compete in the N.C. Statewide Athletic Committee Under-14 State tournament.

They played three games back to back to advance to the championship where they played the Strike Zone Angels of Alamance County. They played hard against the Angels and took second place.

The team was coached by Dennis Winters, Alex Rodriguez and Ralph Lewter. The team players were Isabella Brower, Marisa Coltabaugh, Houston Etscheidt, Hunter Halford, Paige Lewter, Emily Nelson, Sierra Peck, Kate Reeves, Cassandra Reyes, Daja Simmons and Ciera Tucker.



# City Council Presentation

Presentation Item: <b>B</b> Date: 9/6/2011
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**Subject:** Presentation – Certificates of Appreciation from Onslow County Partnership for Children to Jacksonville Police Department and Jacksonville Fire Department

**Department:** Police Department

**Prepared by:** Beth Purcell, Media Liaison

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## Presentation Description

Several members of the Jacksonville Police Department and Jacksonville Fire Department volunteered their time to plan, coordinate, solicit and facilitate the 2<sup>nd</sup> Annual Guns and Hoses Charity Golf Tournament to benefit the Children’s Advocacy Center.

Ann Marie Raymond, Division Director, Onslow County Partnership for Children, will present Certificates of Appreciation to the Jacksonville Police Department volunteers.

## Action

Recognize Ann Marie Raymond to present the Certificates of Appreciation.

## Attachments:

None



# Presentation Information

Presentation Item:	<b>B</b>
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Members of the Jacksonville Police Department and Jacksonville Fire Department volunteered their time to plan, coordinate, solicit sponsorships and facilitate the 2<sup>nd</sup> Annual Guns and Hoses Charity Golf Tournament held April 30<sup>th</sup> at the Rock Creek Country Club.

Special mention goes to Alyssa Lang, Ashley Weaver, Beth Purcell, Chad Gintz, David Bleggi, Jack Cohen, John Reed, John Romero, Kasie Thomas, Steve Moquin, Tracy Brill, Bill Woolfolk and Teresa White.

Over \$8,000 was raised at the April 30<sup>th</sup> event for the Child Advocacy Center. The money will go towards program enhancements. Since the Child Advocacy Center is funded exclusively by grants and private donations, the funds raised made a significant difference.

JPD and JFD staff members plan to make the golf tournament an annual fundraiser to support the Child Advocacy Center.



# City Council Presentation

Presentation Item:	<b>C</b>
Date:	9/6/2011

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**Subject:** Proclamation – Sickle Cell Awareness Month

**Department:** Mayor's Office

**Prepared by:** Carmen Miracle, City Clerk

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## Presentation Description

Sickle Cell Disease is a blood disorder that affects one out of every 294 African Americans born in North Carolina. Although treatment is available to help those with Sickle Cell Disease lead more productive and rewarding lives, there is not a cure available.

In recognition of National Sickle Cell Awareness Month and in an effort to raise awareness of this disorder in Jacksonville, the presentation of a Proclamation has been requested from the Eastern North Carolina Chapter of the Sickle Cell Disease Association of America.

Marcia Wright, Executive Director of the Sickle Cell Disease Association of America, Inc. – Eastern North Carolina Chapter will be present to accept the Proclamation.

## Action

Present Proclamation to Marcia Wright, Executive Director of the Sickle Cell Disease Association of America, Inc. – Eastern North Carolina Chapter

## Attachments:

A Draft Proclamation

*City of Jacksonville*  
*North Carolina*  
*Proclamation*

*Whereas*, sickle cell disease is an inherited blood disorder that causes pain, infection, disability, economic strain and even death among many ethnic groups; and

**WHEREAS**, approximately one out of every 294 African-American North Carolinians is born with sickle cell disease, and one out of every 10 carries the sickle cell trait. No cure for this disease exists, though treatment is available to help those with sickle cell disease lead more productive and rewarding lives; and

**WHEREAS**, since 1973, the North Carolina Sickle Cell Syndrome Program has provided quality services throughout the State, which includes screening of all newborns, general screening by request for the public, education, genetic counseling, medical expense reimbursement and social support for affected persons; and

**WHEREAS**, 2011 marks 101 years since the discovery and documentation of sickle cell disease by Dr. James B. Herrick, Professor of Medicine at Rush Medical College in Chicago in 1910; and

**WHEREAS**, support for research on the treatment and management of this disorder is vital to improving the health and quality of life of persons with sickle cell disease;

**NOW THEREFORE**, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim the month of September 2011, as

**“SICKLE CELL AWARENESS MONTH”**

in the City of Jacksonville and urge all citizens to recognize and support this observance.

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*Mayor*

*Attest:* \_\_\_\_\_

*City Clerk*

Attachment

**A**



# City Council Presentation

Presentation Item: <b>D</b> Date: 9/6/2011
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**Subject:** Proclamation – United Way of Onslow County Month

**Department:** Mayor’s Office

**Prepared by:** Carmen Miracle, City Clerk

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## Presentation Description

United Way of Onslow County is conducting its Fall Campaign, which commences on September 14, 2011. The donations collected are distributed among 29 community programs and 12 partner agencies in Onslow County. Since 1955, the United Way of Onslow County has raised millions of dollars in support of human service agencies in our community.

In recognition of United Way of Onslow County Month and to encourage all residents to provide support during this fund drive, the presentation of a Proclamation has been requested from the United Way.

Craig Wagner, Executive Director of United Way of Onslow County, will be present to accept the Proclamation.

## Action

Present Proclamation to Craig Wagner, Executive Director of United Way of Onslow County.

## Attachments:

A Draft Proclamation

*City of Jacksonville*  
*North Carolina*  
*Proclamation*

*Whereas*, the vision of the United Way of Onslow County is together, united, we can inspire hope and create opportunities for a better life for all in Onslow County; and

**WHEREAS**, United Way of Onslow County is conducting its Annual Fall Campaign, which commences with the Campaign Kick-Off Breakfast on September 14, 2011; and

**WHEREAS**, the donations collected in Onslow County during the Fall Campaign will be distributed among Community Investment Programs of United Way of Onslow County's partner agencies helping over 45,000 residents annually; and

**WHEREAS**, United Way of Onslow County currently funds 32 community programs within 14 partner agencies; and

**WHEREAS**, United Way of Onslow County is locally governed, 501(c) (3) tax exempt, independent organization; and

**WHEREAS**, since 1955, the United Way of Onslow County has raised millions of dollars in support of human service agencies in our community;

**NOW THEREFORE**, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim September 2011, as

**“UNITED WAY OF ONSLOW COUNTY MONTH”**

and I encourage all residents to provide support during this fundraising campaign to ensure continuance of programs of local nonprofit agencies to help those in need in our community. Through this campaign, we all have the opportunity to LIVE UNITED and make a major impact in Onslow County. Remember when we reach out a hand to one, we can influence the condition of all.

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*Mayor*

*Attest:* \_\_\_\_\_  
*City Clerk*

Attachment

**A**



# City Council Presentation

Presentation Item:	<b>E</b>
Date:	9/6/2011

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**Subject:** Yard and Business of the Month Beautification Awards

**Department:** Recreation and Parks

**Prepared by:** Michael Liquori, Recreation and Parks

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## Presentation Description

Bob and Pam Flowers residing at 1000 Foscue Drive and Neil Cockrell of Wines & Wares, Inc. 1 North Marine Boulevard have been recommended to receive a Yard of the Month award from the Beautification and Appearance Commission for outstanding personal property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

Bob and Pam Flowers will be present to accept the award.

Neil Cockrell will be present to accept the award.

## Action

Present Residential Yard of the Month Award to Bob and Pam Flowers.

Present Business Yard of the Month Award to Neil Cockrell of Wines & Wares, Inc.

## Attachments:

None



# City Council Presentation

Presentation	
Item:	<b>F</b>
Date:	9/6/2011

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**Subject:** Retirement Recognition – Orlando Maxwell

**Department:** Public Services

**Prepared by:** Grant Sparks, Public Services Director

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## Presentation Description

Orlando Maxwell has retired from the Public Services Department-Streets Division after 5 years of service. He will be recognized by the City for 5 years of service with the Streets Division.

## Action

Present Orlando Maxwell's retirement recognition.

## Attachments:

Biography of Orlando Maxwell



# Presentation Information

Presentation  
Item: **F**

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## Presentation of Retirement Recognition – Orlando Maxwell

### Biography – Orlando Maxwell

#### Orlando Maxwell

**Wife: Vilma**

**Children: 4 sons and 3 daughters (from previous marriage)**

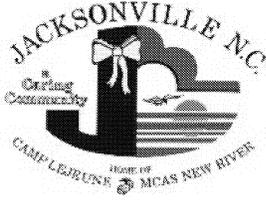
Orlando Maxwell was hired with the City of Jacksonville on January 17, 2006, as a Maintenance Worker II and has worked in that capacity for the Division for 5 years.

Orlando was born in the Panama Republic of Panama, Canal Zone. He served in the US Marine Corps and retired in 2006 with 30 years of service. During his enlistment, he served in duty stations in the US, Cuba, Japan, and in Desert Shield/Desert Storm. He received numerous Marine Corps awards during his years of service.

Since retiring from the Marine Corps, Orlando has worked with the City of Jacksonville as our Inmate Driver. He's also returned to college and received his Bachelor of Arts in Christian Studies and Philosophy. He is an ordained minister at New Vision Missionary Baptist Church in Jacksonville.

Attachment

**A**



# Request for City Council Action

Agenda Item:	<b>1</b>
Date:	9/6/2011

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**Subject:** Public Hearing – *(Legislative)* - Rezoning from CU B-1 to B-1 – 4101 & 4175 Western Boulevard

**Department:** Development Services

**Presented by:** Mary Sertell, Senior Planner

**Presentation:** Yes

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## Issue Statement

Parker & Associates, on behalf of John & Cathy Psilos of JCL Properties, has submitted a request to rezone two parcels totaling 40.4 acres from Conditional Use Business 1 (CU B-1) to Business 1 (B-1). The subject sites are located at 4101 and 4175 Western Boulevard.

## Financial Impact

None

## Action Needed

Conduct a Public Hearing

Consideration of the Proposed Rezoning

## Recommendation

Planning Board and Staff recommend approval of the rezoning request based on Findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Approved:  City Manager  City Attorney

## Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- August 8, 2011
- D Section 73, B-1 of the Zoning Ordinance
- E Existing Zoning Map
- F Site Survey
- G Existing CAMA Future Land Use Map
- H Proposed Zoning Map



# Staff Report

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Public Hearing - Rezoning from CU-B-1 to B-1 – 4101 & 4175 Western Blvd

## **Introduction**

Parker & Associates, on behalf of John & Cathy Psilos of JCL Properties, has submitted a request to rezone two parcels totaling 40.4 acres from Conditional Use Business 1 (CU-B-1) to Business 1 (B-1). The subject sites are located at 4101 and 4175 Western Boulevard.

## **Procedural History**

- On June 30, 2011 Parker & Associates submitted a request to rezone the property from CU-B-1 to B-1.
- On August 8, 2011 the Planning Board recommended approval on the rezoning request.
- On September 6, 2011 City Council will conduct a public hearing and consider the rezoning request.

## **Stakeholders**

- Parker & Associates - Applicant
- John & Cathy Psilos – Property owners
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning were notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

## **Traffic Assessment**

A Traffic Impact Assessment (TIA) is currently underway for the future development of these two parcels. The TIA will be available when a development proposal is submitted to the City for review. It is anticipated that the proposed change in zoning designation will not affect the existing traffic patterns.

The Jacksonville MPO Collector Plan identifies Dennis Road as a future Collector Street and will eventually bisect the two subject parcels. The road currently dead ends at Spruce Court and completion of this connection is dependent on the development of these two parcels as well as the Traverse Bay property, located directly to the South of the subject parcels. This future collector street will link the existing Dennis Road with Western Boulevard.

## **Zoning Assessment**

The parcels proposed for rezoning are located at 4101 & 4175 Western Boulevard, across from the Marine Federal Credit Union, between Plain Road and Henderson Drive. The subject parcels are currently undeveloped and zoned Conditional Use Business 1 (CU B-1). The conditions on the properties predominantly reference road connections and improvements on Henderson Drive, which have already been completed. The properties are bordered to the East by various commercial properties across Henderson Drive, which are zoned CU-B-1. To the South by undeveloped land, zoned Residential 7 (R-7) and beyond that, the Willow Woods subdivision. To the West of the properties, there exists undeveloped land, zoned CU B-1, and just beyond that, the Northwest Business Park, also zoned CU B-1.

The existing conditions on the property are as follows:

- 1) That drainage and utility easements as generally shown on attached map entitled "Rezoning Map" be dedicated and recorded by map at the Onslow County Register of Deeds.
- 2) That the right-of-way for Henderson Drive Extension at width of 100 feet from Gum Branch Road to Western Boulevard Extension be dedicated and recorded by map at the Onslow County Register of Deeds.
- 3) That prior to the issuance of any certificates of occupancy for the area shown as Phase I on the attached map titled "Rezoning Map," Henderson Drive Extension be constructed to NC DOT specifications from the proposed intersection with Western Boulevard Extension to tie into the present terminus of Cardinal Drive.
- 4) That prior to the issuance of any certificates of occupancy for the area shown as Phase 2 on the attached map titled "Rezoning Map," Henderson Drive Extension be constructed to NC DOT specifications such that Brookview Plaza and Cardinal Road are connected.
- 5) That prior to issuance of any certificates of occupancy for the area shown as Phase 3 on the attached map titled "Rezoning Map," Henderson Drive Extension be constructed to NC DOT specifications from the proposed intersection with Gum Branch Road and tie into the present terminus of Brookdale Plaza.
- 6) That access points to Henderson Drive Extension shall be spaced no less than 200 feet apart and shall be serviced by deceleration lanes to NC DOT specifications.
- 7) That Henderson Drive will be constructed and aligned to comply with NCDOT requirements and approval.

The Business 1 zoning district is designed to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking.

## Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning comprises two parcels totaling 40.4 acres. The proposed rezoning is located in an area with smaller lot sizes, most of which are less than 10 acres per parcel. It is anticipated that these two subject parcels may be subdivided in the future, but all lots are expected to retain the proposed B-1 zoning designation.

### *Evaluation*

The area proposed for rezoning represents two parcels in a larger context of similar, smaller parcels CU B-1 zoning. Staff believes the rezoning request to be reasonable given its size and its relationship to surrounding parcels.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The CAMA Future Land Use Map identifies the subject parcel as Regional Commercial (RC).

Regional Commercial areas are intended for services, large-scale retail and wholesaling activities that serve the entire community and the region. Regional Commercial areas should have access to a major thoroughfare.

The CAMA Future Land Use Map designations of properties to the East, West and North are Regional Commercial. To the South of the subject property, the area is designated as Low Density Residential.

### *Evaluation*

Staff has reviewed the adopted CAMA Future Land Use Plan and has determined that the rezoning is applicable to several of the goals and policies established in the Plan. They are summarized as follows:

- Maintain a sustainable mix of land uses in and around the City through effective, coordinated growth management. (CAMA Goal 5)
- Promote land use compatibility. (CAMA Goal 6)

- Provide an atmosphere attractive to new and existing businesses and industries that will strengthen the area economy. Provide opportunities for families and foster economic growth that does not adversely affect the environment, either physically or aesthetically. (CAMA Policy 24.1)

Staff believes that the CAMA Future Land Use Map, Goal and Policies support the rezoning in that the nature of the area is dominated by regional commercial activities and the area is expected to continue to develop in this fashion for the foreseeable future.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community – An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

Rezoning the subject property to B-1 will allow the same uses as its current designation, CU B-1. The properties to the East and West are zoned CU B-1 and permit the same land uses as the proposed zoning category. The parcels located across Western Boulevard are zoned B-1. The property directly to the South is zoned R-7, but is currently undeveloped and the rezoning is expected to have a limited impact on the property.

*Evaluation*

The commercial nature of the area is consistent with the permitted land uses in the B-1 zoning district. The rezoning request is expected to have limited or no negative impact on surrounding neighbors and the surrounding community.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 73 (B-1) of the Zoning Ordinance can be found in Attachment C and the existing conditions from the 1990 zoning of the property can be found in the aforementioned section, "Zoning Assessment."

*Evaluation*

The B-1 district allows for many levels of commercial activity, all of which were permitted with the existing zoning designation. Staff believes that the request is reasonable in that the rezoning will only remove the rezoning conditions from 1990, which have already been achieved.

**Public Hearing Notification**

In accordance with North Carolina General Statutes, all property owners within 100 feet of the subject parcels have been notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising

the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

### **Options**

Approve the Rezoning as requested by the Applicant (**RECOMMENDED**).

- Pros: Approval of the rezoning request will allow the property owner to use the property in a desired manner. Further, the request will allow the same land uses as are currently permitted in its existing zoning district and the request will continue the existing and long term development trends for Western Boulevard.
- Cons: None

Deny the Rezoning Request.

- Pros: None
- Cons: Denial of the rezoning request will not allow the property owner to develop and use the property in a desired manner.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Council would like to receive.

- Pros: Would allow the property owner, staff and/or adjacent property owners to try and work out any concerns raised, if any.
- Cons: None.

\*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

## **Legal Descriptions of Proposed Rezoning Boundaries**

John A. and Cathy Psilos and JCL Properties, Inc.

Tract on Western Boulevard Extension and Henderson Drive Extension

Jacksonville Township, Onslow County, NC

A certain tract of land lying at the intersection of Western Boulevard Extension and Henderson Drive Extension and being more particularly described as follows:

Beginning at an iron stake found at the intersection of the Southern Right-of-Way Line of Western Boulevard Extension, 200 foot Right-of-Way, with the Western Right-of-Way Line of Henderson Drive Extension, 100 foot Right-of-Way; **THENCE** from said point of beginning and with the Western Right-of-Way Line of Henderson Drive Extension, South 51 degrees 37 minutes 52 seconds West, 719.61 feet to a point; thence along the arc of a curve having a radius of 2047.52 feet and curving to the Left, 408.54 feet (Chord South 45 degrees 54 minutes 48 seconds West, 407.86 feet) to an iron stake found; thence leaving said Right-of-Way Line, North 37 degrees 56 minutes 41 seconds West, 346.24 feet to an iron stake found; thence North 53 degrees 57 minutes 28 seconds West, 1339.92 feet to an iron stake found; thence North 49 degrees 30 minutes 42 seconds East, 294.04 feet to an iron stake found; thence North 49 degrees 30 minutes 44 seconds East, 64.39 feet to an iron stake found; thence North 49 degrees 29 minutes 00 seconds East, 333.30 feet to an iron stake found; thence North 49 degrees 34 minutes 17 seconds East, 326.28 feet to an iron stake found on the Southern Right-of-Way Line of Western Boulevard Extension; thence with said Right-of-Way Line and along the arc of a curve having a radius of 5629.61 feet and curving to the Right, 589.02 feet (Chord South 59 degrees 57 minutes 27 seconds East, 588.75 feet) to an iron stake found; thence continuing with said Right-of-Way Line and along the arc of a curve having a radius of 5629.61 feet and curving to the right, 1116.24 feet (Chord South 51 degrees 16 minutes 47 seconds East, 1114.41 feet) to the point and place of beginning.

The described tract contains 40.4 acres, more or less, and being those properties as recorded in Deed Book 985 Page 18 and Deed Book 1022 Page 169 and Map Book 28 Page 203. All courses are referenced to GPS Grid North, NAD '83, 2007 adjustment. The description being prepared by Parker & Associates, Inc. from survey work in April 2011, recorded and computed information, and is for rezoning purposes only.

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY EDWIN N. FOLEY, P.L.S.,  
L-2884 on 6/27/2011 . THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

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Edwin N. Foley, P.L.S., L-2884 ENF/avk

**WORKSHEET FOR REZONING REQUESTS**

Applicant: Parker & Associates, on behalf of John & Cathy Psilos of JCL Properties  
 Property Location: 4101 & 4175 Western Boulevard  
 Tax Map and Parcel ID: 339G-1.2 & 339G-1.3  
 Existing zoning designation: Conditional Use Business 1 (CU B-1)  
 Proposed zoning designation: Business 1 (B-1)  
 Proposed Conditions: None

**REASONABLENESS FINDINGS OF FACT:**

<p><b>A. Size of the tract-</b>                  The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.</p>	Yes	No
<p><b>B. Compatibility with a comprehensive plan-</b>                  The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.</p>	Yes	No
<p><b>C. Impact-</b>                  The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.</p>	Yes	No
<p><b>D. Comparison of uses-</b>                  The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.</p>	Yes	No

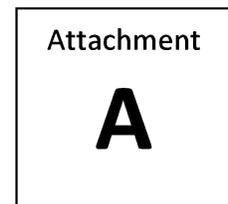
**GRANTING THE REZONING REQUEST**

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

**DENYING THE REZONING REQUEST**

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- A. The size of the tract
- B. Incompatibility with the comprehensive plan
- C. Impact to surrounding community and immediate neighbors
- D. Proposed uses are dissimilar to those currently permitted



ORDINANCE (2011-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Business 1 (B-1) as shown on the below map (Tax map and parcel id #339G-1.2 and 339G-1.3) and as described in the attached legal description.



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 6<sup>th</sup> day of September 2011.

\_\_\_\_\_  
Sammy Phillips,

Mayor

ATTEST:

\_\_\_\_\_  
Carmen K. Miracle, City Clerk

Attachment

**B**



## Draft Planning Board Minutes – August 8, 2011

Agenda Item:	<b>1</b>
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### Rezoning from CU-B-1 to B-1 – 4101 & 4175 Western Blvd

Parker & Associates, on behalf of John & Cathy Psilos of JCL Properties, submitted a request to rezone two parcels totaling 40.4 acres from Conditional Use Business 1 (CU B-1) to Business 1 (B-1). The subject sites are located at 4101 and 4175 Western Boulevard. The parcels proposed for rezoning are located at 4101 & 4175 Western Boulevard, across from the Marine Federal Credit Union, between North Plain Road and Henderson Drive. The subject parcels are currently undeveloped and zoned Conditional Use Business 1 (CU B-1). The conditions on the properties predominantly reference road connections and improvements on Henderson Drive, which have already been completed. The properties are bordered to the East by various commercial properties across Henderson Drive which are zoned CU B-1. To the South by undeveloped land, zoned Residential 7 (R-7) and beyond that, the Willow Woods subdivision. To the West of the properties, there exist undeveloped land, zoned CU B-1, and just beyond that, the Northwest Business Park, also zoned CU B-1. Staff recommends approval of the rezoning request based on Findings of Facts A, B, C, and D being found in the affirmative and that the rezoning does advance the public interest.

**Chuck Quinn moved to approve the rezoning request based on Findings of Facts A through D being found in the affirmative. Homer Spring seconded the motion.**

**The motion to approve the rezoning request based on Findings of Facts A through D being found in the affirmative was unanimously approved by the Board Members present.**

Attachment
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<b>C</b>
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**Section 73. Business 1 (B-1) Zone**

*(Amended 4/19/11)*

The Business 1 Zone is established to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking.

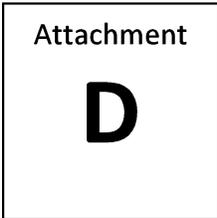
A. **Height regulations.** In the Business I Zone every building erected or structurally altered to exceed 50 feet in height, shall, above such height, be set back from the front lot line on the ratio of 1 foot for each 2 foot rise over 50 feet in height.

B. **Area regulations.**

I. Buildings erected in Business Zone I for dwelling purposes exclusively shall comply with the side yard requirements of the RM-5 Residential Multi-Family Zone. Multiple dwellings or apartments shall comply with requirements of the Office and Institutional Zone. (Multiple family dwellings in accordance with the setback requirements of the RM-5 Residential Multi-Family Zone. There shall be no limit to the amount of units or number of buildings that may be placed on 1 lot except that there must be at least 1½ automobile parking spaces, not to be located within the setback requirements, provided for each living unit.)

All lots shall comply with the applicable Areas of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the C.A.M.A. of 1974.

- 2. Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes, shall, if more than 2 rooms in depth, be provided with 2 side yards, 1 on each side of the building, neither of which shall be less than 6 feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
- 3. Where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than 6 feet in width.



C. **Right-of-way Setback Requirements**

1. **Right-of-way Setback:** Buildings shall be set back at least 50 feet from the right-of-way of all major or minor thoroughfares, as depicted on the amended City of Jacksonville Thoroughfare Plan. When fronting on any other private or public roads, buildings shall be setback at least 35 feet from the right-of-way. An existing building that intrudes into the required setback may expand, but no additional construction shall be placed in any required setback unless the site qualifies under Limited Setback Exceptions below, and all other provisions of this ordinance shall be observed.
2. **Limited Setback Exceptions:** In situations where a non-residential building site is located within 250 feet of a pre-existing primary use structure that is fronting on the same right-of-way boundary, where such pre-existing structure has legally been established within the setback area stipulated in paragraph (1) above, new construction on said building site may locate closer to the right-of-way boundary than the required setback distances identified in paragraph (1), provided that: 1) the new construction be no closer to the right-of-way boundary than the identified adjacent structure located within 250 feet of the subject building site, and that 2) in no case shall any new construction on any lot be located closer than 25 feet from the right-of-way boundary except for 3) the Bell Fork Road corridor between US Highway 17 and NC 24 which in no case shall any new construction on any lot be located closer than 5 feet from the right-of-way or future right-of-way boundary.
3. **Corner lots:** Buildings constructed on corner lots shall setback no less than 35 feet from its non-frontage lot line abutting any public or private road that is not a major or minor thoroughfare.
4. **Double frontage lots:** No buildings, including accessory structures, constructed on a double frontage lot, shall be permitted within 35 feet of its rear lot line.
5. **Parking:** Parking spaces and the installation of permitted signs shall be allowed in the required setback of all lots, however, no portion of any parking space shall be allowed within 5 feet of the right-of-way. This 5foot space shall be maintained as a planting strip for shrubbery and other similar landscaping vegetation, with the exception of an approved driveway(s) servicing the property.

D. **Driveway Limitations**

1. Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
2. Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
3. Four or more driveways entering the same street from a single lot shall be prohibited.
4. In no case may the total width of all driveways exceed 50% of the total property frontage.
5. No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb cut/access point) utilized by two or more lots.
6. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a public street or City approved private road is available.
7. Driveways (at street) are required to be setback 100 feet from a property boundary zoned single family residential when the street primarily serves the residential zone. Driveways (at street) can be permitted closer than 100 feet if approved in conjunction with a special/conditional use permit.

E. **Permitted Uses:**

Accessory uses  
Adult Establishments\*  
Alcoholic beverage, package and retail sales  
Animal hospitals  
Apartments  
Assembly halls and coliseums\*\*  
Arcade  
Art galleries  
Automobile sales lots, new and used  
Bakery, retail  
Banks  
Beauty schools  
Boarding houses  
Builders supply and equipment sales  
Bulletin boards, public, non-commercial

Bus terminals  
Churches\*\*  
Clinics  
Clubs, lodges and other civic organizations, operating on a non-profit basis  
Colleges or universities\*\*  
Day care centers and nurseries\*\*  
Department and variety stores\*\*  
Drive-in or outdoor picture show  
Dry cleaning and laundry facilities  
Dwellings, multiple  
Dwellings, single  
Family Care Homes  
Family Childcare Homes  
Florist  
Funeral homes and mortuaries  
Garages, automotive repair  
Garages, private  
Governmental uses and operations such as fire stations, maintenance and operations facilities, and similar governmental facilities  
Greenhouses or horticultural gardens, commercial  
Greenhouses or horticultural gardens, non-commercial  
Group Homes  
Heavy equipment sales and service  
Highrise apartments  
Home occupation  
Hospitals\*\*  
Hotels and motels\*\*  
Ice House  
Institutions, charitable  
Library, public  
Lumberyard, retail sales  
Machine shops  
Meat processing and packing, other than slaughter  
Mobile home sales and service  
Museums, public\*\*  
Newspaper offices  
News stands  
Nurseries, non-commercial  
Nursing homes\*\*  
Offices - business, professional, and public  
Parking garages, private  
Parking garages, public  
Parking lot, private  
Parking lot, public  
Parking or storage of commercial vehicles  
Parking or storage of construction vehicles and equipment

Parks and playgrounds, private  
 Parks and playgrounds, public  
 Pet shops  
 Pets, not objectionable because of odor, noise or health hazard  
 Pharmacy  
 Photographic studios and camera supply  
 Poultry, non-commercial  
 Printing and reproducing  
 Public utilities substations, storage and service yards  
 Recreation centers  
 Recycling collection points  
 Rest homes\*\*  
 Restaurants  
 Retail establishments such as hardware, appliance, notions, jewelry, music, art, antique, gift, sporting goods, hobby, etc.\*\*  
 Rubber plant, tire recapping\*\*  
 Schools, private, with same curriculum as public schools\*\*  
 Schools, public\*\*  
 Service shops, such as beauty, barber, shoe repair, radio repair, etc.  
 Service stations  
 Sign or outdoor advertising structures<sup>5</sup>  
 Storage yard for building materials  
 Studios for artists, designers, photographers, and other similar activities  
 Tailor, dressmaking and millinery shops  
 Taxi cab office or stand  
 Telecommunications Antenna, Collocation on Existing Tower  
 Telecommunications Antenna, Placement on Existing Building  
 Telecommunications Tower, Stealth  
 Telecommunications Tower, Freestanding  
 Theaters, indoor\*\*  
 Utility, Minor  
 Vegetable gardens, non-commercial

#### F. Special Uses<sup>1</sup>

Any use within an existing or proposed building/structure greater than two (2) stories or thirty (30) feet in height, when adjacent to a different type of land use as identified in Section 115 Screening and Bufferyard Standards

Any use with a drive thru when adjacent to a different type of land use as identified in Section 115 Screening and Bufferyard Standards, unless the associated apparatus is located at least 100 feet away from the property boundary of dissimilar use.

Arcade, adult  
 Flex space  
 Homeless shelter/missions

Nightclubs/dance halls/discotheques  
Taverns/ bar  
Temporary refreshment stands  
Warehouses, personal storage

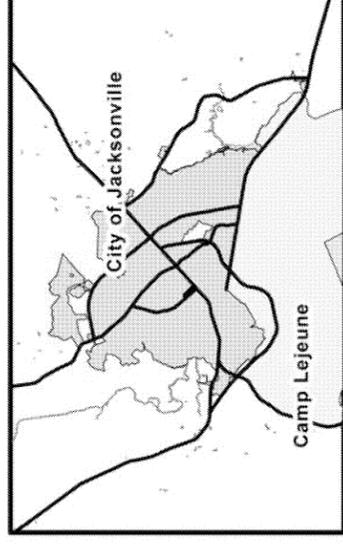
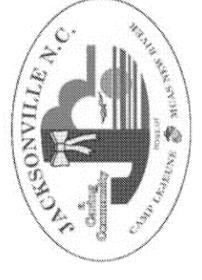
\* All adult establishments shall meet the requirements of Section 107. Regulation of Adult Establishments.

<sup>1</sup>Special Uses (see details in zone text)

<sup>5</sup>See size requirements

\*\* Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet.

# 4101 & 4175 Western - Existing Zoning



**Legend**

4101 & 4175 Western

**Zoning Districts**

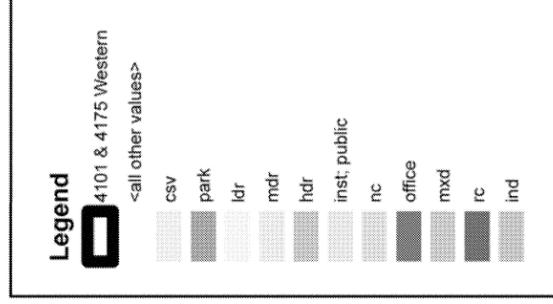
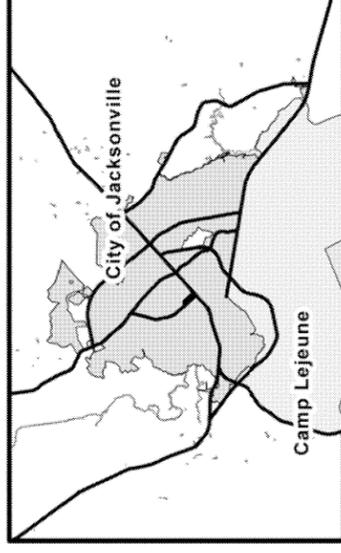
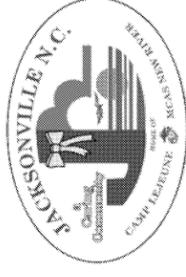
- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

**Attachment**

**E**



# 4101 & 4175 Western - CAMA Future Land Use

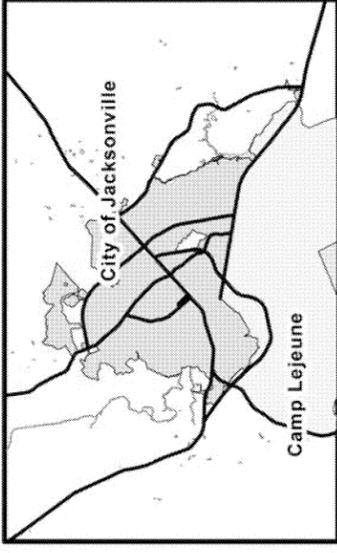
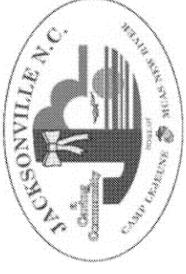


Attachment

**G**



# 4101 & 4175 Western - Proposed Zoning

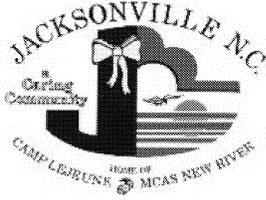


**Legend**  
4101 & 4175 Western

**Zoning Districts**

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Attachment  
**H**



# Request for City Council Action

Consent  
Agenda  
Item: **2**  
Date: 9/6/2011

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**Subject:** Extension of Enhancement Grant – Lejeune Boulevard Greenway  
**Department:** Public Services/Engineering  
**Presented by:** Wally Hansen, Infrastructure and Capital Projects Manager  
**Presentation:** No

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## Issue Statement

The North Carolina Department of Transportation (NCDOT) and City of Jacksonville executed a municipal agreement on 8/11/2009 for the construction of a 10 foot wide asphalt greenway from the intersection of Lejeune Boulevard and Montford Point Road (Beirut Memorial) to the intersection of Lejeune Boulevard and Camp Knox Road (approximately 1.8 miles).

This Agreement will extend the timeframe completing pre-construction activities including right-of-way certification to March 31, 2012 and project completion to May 1, 2013.

## Financial Impact

This project is budgeted in the Capital Improvement Plan.

## Action Needed

To approve the Supplemental Agreement with NCDOT to extend project completion to May 1, 2013.

## Recommendation

Staff recommends authorizing the City Manager to execute the Supplemental Agreement with NCDOT to extend the timeframe for project completion to May 1, 2013.

Approved:  City Manager  City Attorney

## Attachments:

- A NCDOT Supplemental Agreement



# Staff Report

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## Extension of Enhancement Grant – Lejeune Boulevard Greenway

### Introduction

The North Carolina Department of Transportation (NCDOT) and City of Jacksonville executed a municipal agreement on 8/11/2009 for the construction of a 10 foot wide asphalt greenway from the intersection of Lejeune Boulevard and Montford Point Road (Beirut Memorial) to the intersection of Lejeune Boulevard and Camp Knox Road (approximately 1.8 miles).

This project has been designed so that it may be constructed in phases depending on total cost versus funding. The first phase is intended to connect downtown to Lejeune Memorial Gardens and end at the existing tunnel beneath NC 24 Bypass. The trail will then proceed east on Marine Corps Base Camp Lejeune (MCBCL) property to the Scales Creek area. The last phase will extend the trail over Scales Creek and tie into a trail that will be constructed with the new base entrance road which will ultimately connect to the Rails to Trails near the existing pedestrian bridge.

City staff has requested time extensions as a result of unforeseen delays due in large part by the execution of the easement needed with MCBCL. NCDOT has extended the pre-construction activities, which include environmental documentation, right-of-way certification and a final plans, specifications and estimate package to March 1, 2012. Additionally, the timeframe to complete this project has been extended to May 31, 2013.

### Procedural History

- August 11, 2009 – Municipal Agreement executed with NCDOT for assistance in funding this project.

### Stakeholders

- Citizens of Jacksonville
- MCBCL
- Lejeune Memorial Gardens
- Visitors and Special Interest Groups

## **Options**

Approve the Supplemental Agreement with NCDOT to extend the timeframe for preconstruction activities to March 31, 2012 and project completion to May 1, 2013.

### **RECOMMENDED.**

Pros: Extension of this Agreement will ensure that the City can receive reimbursement from NCDOT as committed.

Cons: None.

Deny the Supplemental Agreement with NCDOT.

Pros: None.

Cons: The City would likely lose the \$650,000 in funding for this project and may be responsible for reimbursing NCDOT for any money received to date.

NORTH CAROLINA  
ONslow COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 7/14/2011

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

TIP #: EB-4705

AND

WBS ELEMENTS: CON 40235.3.1

CITY OF JACKSONVILLE

OTHER FUNDING:

FEDERAL-AID #:

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Jacksonville, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and City of Jacksonville, on 8/11/2009, entered into a certain Locally Administered Project Agreement for the original scope: Construction of a 10 foot wide asphalt greenway from the intersection of Lejuene Boulevard and Montford Point Road (Beirut Memorial) to the intersection of Lejuene Boulevard and Camp Knox Road (approximately 1.8 miles), programmed under Project EB-4705;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**RESPONSIBILITIES**

The Municipality, and/or its agent, shall complete pre-construction activities, to include Environmental Document, Right of Way Certification and finale PS&E package, by March 31, 2012. The Municipality shall complete the Project by May 31, 2013.

## **TITLE VI**

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

## **GIFT BAN**

“By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

Except as hereinabove provided, the Agreement heretofore executed by the Department, and City of Jacksonville on 8/11/2009, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the City of Jacksonville by authority duly given.

ATTEST: CITY OF JACKSONVILLE  
BY: \_\_\_\_\_ BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ (Governing Board) of the City of Jacksonville as attested to by the signature of \_\_\_\_\_, Clerk of the \_\_\_\_\_ (Governing Board) on \_\_\_\_\_ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

City of Jacksonville

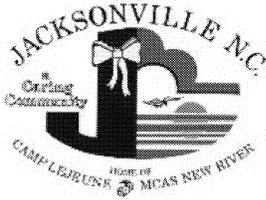
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(STATE HIGHWAY ADMINISTRATOR)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)



# Request for City Council Action

Consent  
Agenda  
Item: **3**  
Date: 9/6/2011

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**Subject:** Authorization to Enter Into An Agreement With NCDOT To Inspect City Bridges  
**Department:** Public Services/Engineering  
**Presented by:** Tom Anderson  
**Presentation:** No

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## Issue Statement

The Highway Bridge Replacement and Rehabilitation portion of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU) requires all structures defined as bridges located on public roads to be inspected on a cycle, not to exceed two years. It is recommended that the Mayor and Council allow the State to conduct or have these inspections conducted.

## Financial Impact

The Federal Highway Administration is to participate in 80% of the cost and the City is responsible for the remaining 20%. The State estimates the City's portion for the bridge inspection only will be approximately \$520. If repairs are required the cost will vary depending on the needed repair but the percentages would remain the same.

## Action Needed

Authorize City Manager to enter into an agreement with the State for the Inspection of Municipal Bridges. The City only has one qualified bridge at this time on Hickory Road crossing Brick Kiln Branch.

## Recommendation

Staff recommends that Council authorize the City Manager to sign the agreement with the State for the inspection of Municipal bridges by the State.

Approved:  City Manager  City Attorney

Attachments:

A NCDOT – Jacksonville Municipal Agreement.



# Staff Report

Consent  
Agenda  
Item: **3**

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## Authorization to Enter Into An Agreement With NCDOT To Inspect City Bridges

### **Introduction**

In order to comply with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: 23 U.S.C. 144, Sections 1101, 1114, and 1805, that requires all structures defined as bridges located on public roads must be inspected. The City must have the bridge on Hickory Road inspected.

### **Financial Analysis:**

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: 23 U.S.C. 144, Sections 1101, 1114, and 1805 stipulates that all bridges carrying vehicular traffic must be inspected on a regular basis, every two years. It also states the Federal funds be available for the inspection of these bridges, currently this is 80% of the total cost. The other 20% is to come from the owner of the bridge. The owner of a bridge is responsible for 100% of any repairs not covered by the Federal Highway Administration.

NCDOT is willing to enter into an agreement with Municipalities to either hire a qualified engineer or conduct these inspections themselves. With the State being responsible for these inspections the City's estimated cost would be \$520. If a defect is found during the inspection, the City would be required to notify the State in writing within 7 days of the action intended to resolve the matter and to make the repair within 120 days.

If this agreement with NCDOT is made, the State would conduct an inspection of the bridge crossing Brick Kiln Branch on Hickory Road and prepare an inspection report. All work would be done in accordance with National Bridge Inspection Standards, AASHTO, and the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges. The state will also maintain all records for inspection and audit by the Federal Government for 5 years.

The City would be responsible for providing traffic control, maps, along with other data, and assisting with the inspection in any way possible. The City would also be required to make all repairs and to designate a responsible Municipal Official (Public Services Director) to coordinate the work.

If the City fails to pay the State their shear of the inspection fee within sixty (60) days of the invoice it will be subject to penalties and interest. The State would also withhold any unpaid funds from the next Powell Bill allocation to the City.

## **Procedural History**

- The City has successfully entered into this agreement with the State in the past.
- Last agreement was valid for two years.
- This agreement will be valid for ten years with either party having the ability to void the agreement at any time with a 30 day written notice.

## **Stakeholders**

- Residents of the City of Jacksonville
- North Carolina Department of Transportation

## **Options**

Approve...: **RECOMMENDED.**

Pros: Allows the State to inspect or have the City's bridge inspected as required and bill the City for 20% of the cost, approximately \$520.

Cons: None

Deny...:

Pros: None

Cons: The City would have to hire an Engineer to inspect the City's bridge pay the full price for this inspection then seek 80% reimbursement from the Federal Highway Administration.

North Carolina

\_\_\_\_\_ County

North Carolina Department of Transportation and the City/Town  
of \_\_\_\_\_

Municipal Agreement

Inspection of Bridges on the Municipal Street System  
F.A. Project BRZ-NBIS (17)

THIS AGREEMENT is made and entered into on the last date executed below, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department, and the City/Town of \_\_\_\_\_, a municipal corporation hereinafter referred to as the Municipality;

Witnesseth:

WHEREAS, 23 U.S.C. 144, Sections 1101, 1114 and 1805 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU), which require that federal funds be available for certain specified Federal-Aid Highway Bridge Replacement and Rehabilitation program; and

WHEREAS, the Highway Bridge Replacement and Rehabilitation portion of the law requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with National Bridge Inspection Standards (NBIS); and

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Appropriate Official of the Municipality has approved the herein above referenced inspections and analysis and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

Attachment

**A**

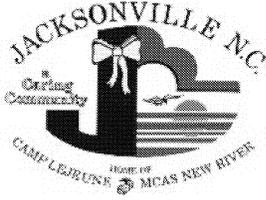
1. The Department or a Consulting Engineering firm retained by the Department shall inspect, load rate, and prepare the necessary inspection reports for all bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards.
2. All work shall be done in compliance with the following documents.
  - a. National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
  - b. AASHTO Manual for Bridge Evaluation-2008 including all Interim Revisions.
  - c. Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December, 1988.
3. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges, plans for the bridges when available, and any prior inspection reports.
4. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the Department of their plans to resolve Priority Maintenance Notices and Regulatory Sign Notices within thirty (30) days of issuance. Critical Findings require a response within seven (7) days of notice.
5. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.
6. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty (80) percent of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.
7. Upon completion of the bridge inspection, and load rating work, the Department shall invoice the Municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I). It is anticipated that the cost to the municipality will be approximately \$520 per structure. The actual cost is based

on the work being performed therefore, the final invoice amount will not be known until the work is complete.

8. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such a time as the Department has received payment in full.
9. It is the policy of the Department not to enter into any Agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this Agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by a Federal or State Department or Agency.
10. This Agreement shall have an effective term of ten (10) years beginning when executed by the State Highway Administrator and ending on the same date ten (10) years later, subject to the following termination conditions:
  - (A) At any time either party may cancel the Agreement with a thirty (30) day written notice to the opposite party. On behalf of the Municipality, this Agreement may be canceled by the City Manager and/or his designee.
  - (B) Upon the effective date of the cancellation, neither party shall owe any obligations under this Agreement, except that all obligations performed under this Agreement, including but not limited to invoicing, record retention, and payment for work performed prior to the effective date of cancellation, shall remain in effect.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor ( i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED that the approval of the work by the Department is subject to the conditions of this agreement, and that no expenditure of funds on the part of the Department will be made until the terms of this agreement have complied with on the part of the Municipality.





# Request for City Council Action

Consent  
Agenda Item: **4**  
Date: 9/6/2011

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**Subject:** Resolutions for Designation of Agent for Applications of Federal/State Assistance and Budget Amendment for Hurricane Irene Expenses

**Department:** Finance

**Presented by:** Gayle Maides

**Presentation:** No

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## Issue Statement

A Resolution for Designation of Applicant's Agent is required by the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to disaster assistance. A Budget Amendment is also needed to cover all Hurricane Irene expenses. The President has declared a State of Emergency for North Carolina which allows for Federal reimbursement of eligible hurricane related expenses.

## Financial Impact

FEMA reimbursement is possible for eligible hurricane related expenses at 75% of eligible expenses. The reimbursement from State may be as much as 25%. The City will cover ineligible expenses that are undetermined at this time. The estimated City expenses are \$50,000.

## Action Needed

Consideration of the Resolution for this designation regarding Hurricane Irene and related budget amendment.

## Recommendation

Staff recommends that Council approve the Resolutions for designation of Applicant's Agent for Hurricane Irene and the related budget amendment.

Approved:  City Manager  City Attorney

## Attachments:

- A Resolution of Designation
- B Budget Amendment

**RESOLUTION (2011-xx)**

**DESIGNATION OF PERSONNEL TO REPRESENT CITY OF JACKSONVILLE  
FOR ALL MATTERS PERTAINING TO DISASTER ASSISTANCE  
HURRICANE IRENE**

WHEREAS, the City of Jacksonville declared a State of Emergency due to Hurricane Irene which affected our area beginning on August 26, 2011; and

WHEREAS, Federal and State agencies require, as a condition for reimbursements of City expenses related to property damage and clean up activities, a designated City official to execute all documents and to take all required actions related thereto; and

NOW, THEREFORE, BE IT RESOLVED BY the governing body of City of Jacksonville (a public entity duly organized under the laws of the State of North Carolina) that the City Manager and Assistant City Manager are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the City of Jacksonville in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and assurances.

This Resolution shall become effective upon adoption.

Adopted by the Jacksonville City Council in regular session this 6th day of September 2011.

\_\_\_\_\_  
Sammy Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Carmen K. Miracle, City Clerk

Attachment

**A**

**ORDINANCE (2011- )**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET**

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2012 Special Revenue Fund budget are hereby enacted:

**SPECIAL REVENUE FUND 210**

<u>REVENUES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
FEMA FEDERAL	0	225,000	225,000
FEMA STATE	0	75,000	75,000
TRANSFER FROM GENERAL FUND	0	50,000	50,000
<b>TOTAL REVENUES</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>

<u>EXPENDITURES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
HURRICANE IRENE	0	350,000	350,000
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>

The purpose of this amendment is to appropriate \$350,000 for Hurricane Irene expenses.

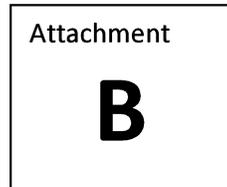
This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 6th day of September, 2011.

ATTEST:

\_\_\_\_\_  
Sammy Phillips, Mayor

\_\_\_\_\_  
Carmen K. Miracle, City Clerk





# Request for City Council Action

**Consent  
Agenda  
Item: 5  
Date: 9/6/2011**

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**Subject:** Tax Releases, Refunds, and Write-Offs

**Department:** Finance

**Presented by:** Gayle Maides, Assistant Finance Director

**Presentation:** No

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## Issue Statement

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

## Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$17,583.96, \$13,538.82, and \$3.93 (\$31,126.71).

## Action Needed

Review the tax releases, refunds and write-offs.

## Recommendation

Staff recommends that Council approve the tax releases, refunds and write-offs.

Approved:  City Manager  City Attorney

## Attachments:

A Tax Releases, Refunds, and Write-offs



# Staff Report

Consent  
Agenda  
Item:

5

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## Tax Releases, Refunds, and Write-Offs

### Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$17,583.96, \$13,538.82, and \$3.93 (\$31,126.71).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.



**TAX RELEASE SUMMARY**

**JUNE 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	15,524.95	206.98	15,731.93	2,885,678.44
2009	101-0000-111-1000	0.006260	1,510.16	0.63	1,510.79	241,239.62
2008	101-0000-111-1000	0.006260	165.07		165.07	26,369.01
2007	101-0000-111-1000	0.006260	1.44		1.44	230.03
2006	101-0000-111-1000	0.005316	89.68		89.68	16,869.83
2005	101-0000-111-1000	0.005900			-	-
2004	101-0000-111-1000	0.005900	85.05		85.05	14,415.25
2003	101-0000-111-1000	0.005900			-	-
2002	101-0000-111-1000	0.005900			-	-
2001	101-0000-111-1000	0.005900			-	-
2000	101-0000-111-1000	0.005900			-	-
<b>TOTAL</b>			<b>17,376.35</b>	<b>207.61</b>	<b>17,583.96</b>	<b>3,184,802.18</b>

'00-10	1,852.03
2011	15,731.93

**TAX REFUND SUMMARY**

**JUNE 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2011	101-0000-311-0000	0.005380	73.29	7.91		81.20	13,622.68
2010	101-0000-311-0000	0.005380	8,572.85	43.55	28.18	8,644.58	1,593,466.54
2009	101-5000-412-2000	0.006260	2,999.76	1.17	12.58	3,013.51	479,194.89
2008	101-5000-412-2000	0.006260	1,284.92	9.09	-	1,294.01	205,258.79
2007	101-5000-412-2000	0.006260	290.00	-	-	290.00	46,325.88
2006	101-5000-412-2000	0.005316	215.52	-	-	215.52	36,528.81
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-
2003	101-5000-412-2000	0.005900	-	-	-	-	-
2002	101-5000-412-2000	0.005900	-	-	-	-	-
2001	101-5000-412-2000	0.005900	-	-	-	-	-
2000	101-5000-412-2000	0.005900	-	-	-	-	-
<b>TOTAL</b>			<b>13,436.34</b>	<b>61.72</b>	<b>40.76</b>	<b>13,538.82</b>	<b>2,374,397.59</b>

**TAX WRITE-OFF SUMMARY**

**JUNE 2011**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	3.91	-	3.91	726.77
2009	101-0000-111-1000	0.006260	-	-	-	-
2008	101-0000-111-1000	0.006260	-	-	-	-
2007	101-0000-111-1000	0.006260	-	-	-	-
2006	101-0000-111-1000	0.005316	0.02	-	0.02	3.76
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
2003	101-0000-111-1000	0.005900	-	-	-	-
2002	101-0000-111-1000	0.005900	-	-	-	-
2001	101-0000-111-1000	0.005900	-	-	-	-
2000	101-0000-111-1000	0.005900	-	-	-	-
<b>TOTAL</b>			<b>3.93</b>	<b>-</b>	<b>3.93</b>	<b>730.53</b>

'2000-2009	0.02
2010	3.91



# Request for City Council Action

Agenda Item:	<b>6</b>
Date:	9/6/2011

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**Subject:** Site Plan with Approved Conditional Use Permit – Telecommunications Facility (co-location) – 1164 Commons Drive North

**Department:** Development Services

**Presented by:** Mary Sertell, Planner

**Presentation:** Yes

---

## Issue Statement

The City of Jacksonville has submitted a Site Plan with an Approved Conditional Use Permit for a proposed collocation on an existing water tower. If approved, the 230 square foot building that houses the telecommunications equipment would be added to the 2.1 acre site. The property is zoned Conditional Use Office and Institutional (CU-O&I) and within this district any use requires a Conditional Use Permit.

On October 21, 2003, City Council approved a Conditional Use Permit for several uses including Non-broadcast Communications towers, Broadcast communication towers and public/private communication towers. The proposed use, which is now referred to as Telecommunications Antenna (collocation on existing tower) is within the constraints of the approved conditional use permit.

## Financial Impact

None

## Action Needed

Consideration of the Site Plan with Approved Conditional Use Permit

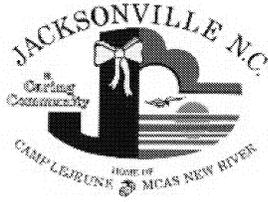
## Recommendation

City staff and the Planning Board recommend City Council approve the Site Plan with an Approved Conditional Use Permit with conditions noted in the staff report.

Approved:  City Manager  City Attorney

## Attachments

- A TRC Comment Sheet
- B Draft August 8, 2011 Planning Board Minutes
- C Zoning and Land Use Map
- D Site Plan



# Staff Report

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Site Plan with Approved Conditional Use Permit – Telecommunications Facility (co-location)  
– 1164 Commons Drive North

## **Introduction**

The City of Jacksonville has submitted a Site Plan with an Approved Conditional Use Permit for a proposed co-location on an existing water tower. If approved, the 230 square foot building that houses the telecommunications equipment would be added to the 2.1 acre site. The property is zoned Conditional Use Office and Institutional (CU-O&I) and within this district any use requires a Conditional Use Permit. On October 21, 2003, City Council approved a Conditional Use Permit for several uses including Non-broadcast Communications towers, Broadcast communication towers and public/private communication towers. The proposed use, which is now referred to as Telecommunications Antenna (collocation on existing tower) is within the constraints of the approved conditional use permit.

## **Procedural History**

- On October 21, 2003, City Council approved a Conditional Use Permit for governmental uses and operations, Non-broadcast Communications towers, Parks and Playgrounds (public), Public utilities, Recreation Centers (public), Broadcast communication towers, accessory uses, parking lot (public) and public/private communication towers.
- On October 6, 2009 City Council approved a zoning text amendment simplifying the use categories of Non-broadcast and Broadcast communication towers and public/private communication towers. They are now referred to as: Telecommunications Antenna, Collocation on Existing Tower; Telecommunications Antenna, Placement on Existing Building; Telecommunications Tower, Stealth; and Telecommunications Tower, Freestanding.
- On December 6, 2010, City of Jacksonville submitted an application for this Site Plan.
- On August 8, 2011 Planning Board recommended approval of the Site Plan with Approved Conditional Use Permit Plan.
- On September 6, 2011 City Council will consider this request.

## **Stakeholders**

- City of Jacksonville – Owner/Applicant
- Sanders Surveying and – Surveyors/Engineers/Land Planners
- Adjacent property owners

## **Zoning Assessment**

The property is located in the City Limits and is zoned Conditional Use Office and Institutional (CU-O&I). It is bordered to the South, East and West by CU-O&I; and to the North by undeveloped property, zoned Business-1 (B-1) and Residential Single Family 7 (RS-7).

## **Land Use Assessment**

### *Draft CAMA Land Use Plan (2011)*

The Draft CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the Draft CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ.

The Draft CAMA Plan identifies the subject parcel as Institutional/ Public (I/P). The parcels to the South and West are designated Park (P) and contain the Jacksonville Commons regional park. The property to the North is designated Mixed Use and is currently undeveloped. The areas to the East are designated for residential use and more Institutional/ Public. I/P includes uses owned and maintained by government at all levels, including schools, maintenance facilities, and public utilities; and semi-public uses such as churches and non-profit organizations where the public is generally invited. Transportation demands in this category are very use-specific, requiring individual analysis and planning.

### *Evaluation*

Staff believes that the proposed project's land use is consistent with the CAMA FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the CAMA Land Use Plan.

## **Parking Assessment**

Typically one space is provided to accommodate service vehicles for unmanned facilities. The developer is proposing a total of 2 spaces. The site plan is in compliance with Section 102 Parking Requirements.

## **Options**

**A.** Approve the Site Plan with Approved Conditional Use Permit as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

**B. Approve the Site Plan with Approved Conditional Use Permit with conditions:  
(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

**Conditions of Site Plan:** Correct minor issues with site plan and site data block outlined in Exhibit A - TRC comment sheet.

**C. Deny the Site Plan with Approved Conditional Use Permit request.**

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

**D. Defer Consideration of the request.**

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.



# TRC Comment Sheet

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**DATE:** 12/16/2010  
**TYPE:** SITE PLAN  
**FILE NUMBER:** 10-90000104  
**FILE NAME:** AT&T MOBILITY 214-045  
**APPLICANT:** MATT COLLINS

---

**DEPARTMENT:** Development Services  
**DIVISION:** Planning  
**PLAN REVIEWER:** ABAGAIL BARMAN

Site Data:

- Add ownership status

Existing Features and Site Plan:

- Show traffic patterns on streets public or private

Site Plan:

- Label building height (antennas shall be no taller than 30 ft or 30% of height of existing structure whichever is less)
- Show access points to structures

Other Comments and Concerns:

- Change note to say "Natural vegetation meets required landscaping, screening and buffering and shall be maintained in accordance with sections 102 and 115"

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**DEPARTMENT:** Development Services  
**DIVISION:** Planning - Addressing  
**PLAN REVIEWER:** Pam Cunningham

Address is 1164 Commons Drive North. Address labeled correctly on plans. Approved as presented.

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**DEPARTMENT:** Public Services  
**DIVISION:** Streets – Signs  
**PLAN REVIEWER:** Anthony Day

Reviewed & Approved with no additional comments at this time.

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**DEPARTMENT:** Planning and Development Services  
**DIVISION:** Building Inspection  
**PLAN REVIEWER:** Kelly Gurganus

NO COMMENTS 8-12-11

Attachment

**A**

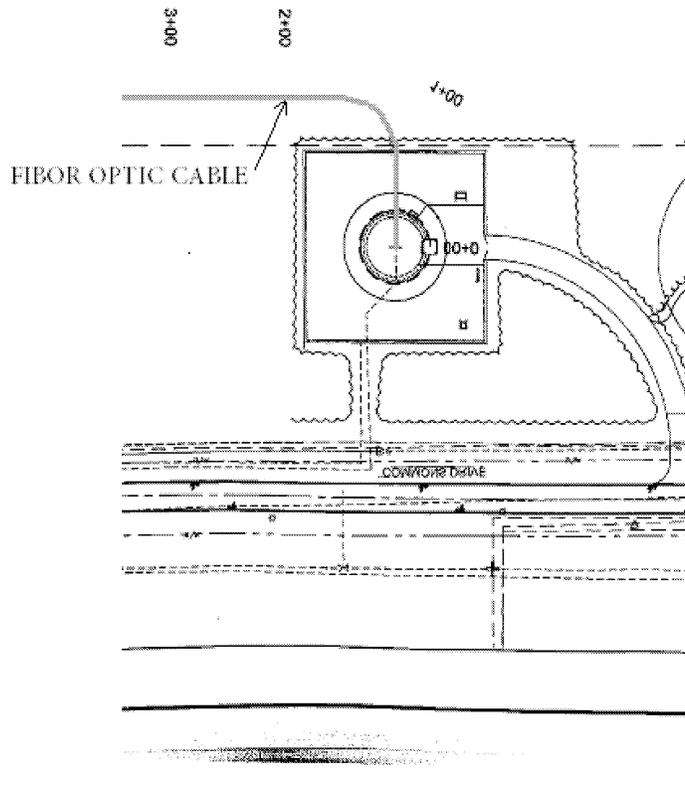
**DEPARTMENT:** Public Services  
**DIVISION:** Engineering - Utilities  
**PLAN REVIEWER:** Michael Moore

## **AT&T Base Transceiver Collocation site 7/8/2011**

The required revision as listed on 04/27/2011 has not been satisfied. An actual on site survey will need to be conducted to determine the exact location of the cable. The proposed 15' X 30' Lease area will need to be relocated to an area which is not in conflict with the existing Fiber Optic Cable and which is not within 5' feet of either side of the cable.

### **Required Revisions:** (04/27/11)

1. I have attached a sketch of the approximate location of the recently installed City of Jacksonville Fiber Optic Communication Cable demonstrated as the Orange Line. The Proposed 15' X 30' Lease Area will need to be relocated to an area which is not in conflict with the existing Fiber Optic Cable and which is not within 5 feet of either side of the cable.



**DEPARTMENT:** Public Services  
**DIVISION:** Engineering - Works  
**PLAN REVIEWER:** Tom Anderson

1. Please show the radii of the driveway turn outs as being greater than or equal to 20 feet. The curve needs to be tangent to the edge of the pavement.
2. On sheet C5 in the sidewalk detail, the spacing of expansion joints is not to exceed 32 feet.
3. On sheet C5 in the crosswalk detail, pavement markings are to be done with thermoplastic with reflective glass beads.
4. On sheet C5 in the ADA ramp detail, truncated domes are to be on a cast iron plat and the wheelchair ramp is to be constructed of concrete that has been died throughout its thickness battleship gray as specified in City standard detail 405.01.
5. On sheet S-4 please specify that the messenger pipe and the support brackets are to be galvanized or stainless steel.
6. On sheet S-2 please verify the skipping of posts for the placement of antennas.

---

**DEPARTMENT:** Jones Onslow EMC  
**PLAN REVIEWER:** Robert Lanier

No comments received

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**DEPARTMENT:** NCDOT  
**PLAN REVIEWER:** Robert Vause

No comments received

---

**DATE:** DATE  
**TYPE:** SITE PLAN  
**FILE NUMBER:** 10-90000104  
**FILE NAME:** AT&T MOBILITY 214-045  
**APPLICANT:** MATT COLLINS  
**DEPARTMENT:** Development Services  
**DIVISION:** MPO  
**PLAN REVIEWER:** ABAGAIL BARMAN

No TIA required

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**DEPARTMENT:** Police Department  
**DIVISION:** East  
**PLAN REVIEWER:** Sean Magill, Traffic Lt

Approved as submitted.

---

**DEPARTMENT:** Progress Energy Carolinas Inc.  
**PLAN REVIEWER:** Jackie Lee

No comments received

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**DEPARTMENT:** Public Services  
**DIVISION:** Sanitation  
**PLAN REVIEWER:** Kerry Terrell

AT&T Wireless Site  
10-90000104

12/7/2010

Proposed unmanned wireless communications site. No requirements are necessary for sanitation services. No action necessary by the Sanitation Division

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**DEPARTMENT:** Planning & Development Services  
**DIVISION:** MPO Division  
**PLAN REVIEWER:** Adrienne McTigue, [amctigue@ci.jacksonville.nc.us](mailto:amctigue@ci.jacksonville.nc.us), 910-938-5073

Review Date: 5/02/11 on plans submitted 4/25/11

No comments

**AT&T**

**10-90000104**

---

**1164 Commons Drive North**

**No comments.**

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**DEPARTMENT:** Public Services  
**DIVISION:** Engineering – Storm Water  
**PLAN REVIEWER:** Aldon Cox

No additional comments. 7/13/2011

Based upon our cursory review of the submitted information, we have determined that a Stormwater Permit is not required for the submitted plan. If, however, there are changes to the plans, it shall be the applicant's responsibility to determine if those changes will make the project subject to stormwater permitting requirements. If the applicant is uncertain as to whether a change to the plans will trigger the need for a Stormwater Permit it is the applicant's responsibility to obtain clarification from the Stormwater Manager (tel. no. 910-938-6446).

Additional information regarding the City's stormwater management program can be found contacting the Stormwater Manager and by visiting the website at <http://www.ci.jacksonville.nc.us/opencms/opencms/publicservices/stormwater/>.

**DEPARTMENT:** Fire Department  
**DIVISION:** Fire Prevention/Inspections  
**PLAN REVIEWER:** Chief John Reed  
**PROJECT NBR:**  
**PROJECT DESC:** AT&T MOBILITY 214-045

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	10-90000104	
	Approved as submitted	



# Draft Planning Board minutes- August 8, 2011

Agenda Item:	<b>6</b>
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Site Plan with Approved Conditional Use Permit – Telecommunications Facility (co-location)  
– 1164 Commons Drive North

The City of Jacksonville has submitted a Site Plan with an Approved Conditional Use Permit for a proposed collocation on an existing water tower. If approved, the 230 square foot building that houses the telecommunications equipment would be added to the 2.1 acre site. The property is zoned Conditional Use Office and Institutional (CU O&I) and within this district any use requires a Conditional Use Permit. In 2003 City Council issued a Conditional Use permit for several uses including Non-broadcast Communications towers, Broadcast communication towers and public/private communication towers. The proposed use, which is now referred to as Telecommunications Antenna (collocation on existing tower) is within the constraints of the approved Conditional Use permit. The property is located in the City Limits and is zoned Conditional Use Office and Institutional (CU O&I). It is bordered to the South, East and West by CU O&I; and to the North by undeveloped property, zoned Conditional Use Business 1 (CU B-1) and Residential Single Family 7 (RS-7). The CAMA Plan represents a long range vision for community growth 20 to 30 years into the future. Created by staff, professional consultants and community stakeholders, the CAMA Plan is the most comprehensive depiction of future growth for the City and its ETJ. Staff believes that the proposed project's land use is consistent with the CAMA FLU Map. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the CAMA Land Use Plan. Staff recommends the Planning Board move to approve the Site Plan with an approved Conditional Use Permit with conditions noted in the staff report.

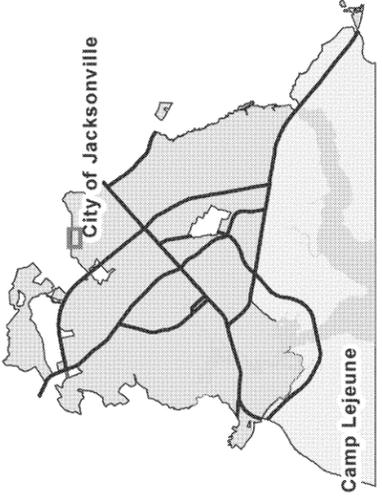
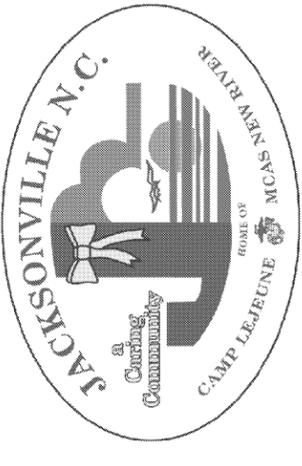
Mr. King wanted the board to know that this site is owned by the City of Jacksonville and that there may be other requests for collocations by other companies. This is a request by the City of Jacksonville for the City of Jacksonville. Mr. Quinn asked if this document would be renamed before going to City Council. His legal representation has advised him to recues himself from voting on any items that may affect AT&T. As long as this is a City of Jacksonville request, I have no problem participating.

**Homer Spring moved to approve the Site Plan with an Approved Conditional Use Permit with the conditions noted in the staff report. Theresa VanderVere seconded the motion.**

**The motion to approve the Site Plan with an Approved Conditional Use Permit with the conditions noted in the staff report was unanimously approved by the Board Members present.**

Attachment <b>B</b>
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# JACKSONVILLE CO-LOCATION – COMMONS DR. N.



UNDEVELOPED  
B-1 and RS-7

**PROJECT  
SITE**

Vacant  
CU-O&I

City of Jacksonville  
Maintenance Facility  
CU-O&I

COMMONS DR N

Dention Pond  
CU-O&I

Jacksonville Commons  
CU-O&I

- Legend**  
Zoning Original Colors
- IND
  - CU-B
  - B-1
  - CU-B-1
  - B-2
  - CU-B-2
  - O&I
  - CU-O&I
  - TCA
  - CU-TCA
  - CBD
  - OMU
  - NB
  - CU-NB
  - R-O
  - RA-20
  - CU-RA-20
  - RS-12
  - RS-10
  - R-7
  - RS-7
  - RS-6
  - RM-6
  - RS-5
  - RM-5
  - CU-RM5
  - RD-5
  - RD-3
  - CU-RD-3
  - MR

Attachment  
**C**



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





# Request for City Council Action

Agenda Item:	<b>7</b>
Date:	9/6/2011

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**Subject:** Recreation Master Plan

**Department:** Recreation & Parks

**Presented by:** Tim Chesnutt

**Presentation:** Yes

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## Issue Statement

The Recreation and Parks Department wishes to review with Council the Comprehensive Recreation Master Plan and present the results of the Military Growth Task Force Addendum. We are requesting the formal acceptance of this plan so that it may be used for future efforts and grant applications.

## Financial Impact

None

## Action Needed

Consider formal acceptance of the Comprehensive Recreation Master Plan.

## Recommendation

Staff recommends that Council formally accept the Comprehensive Recreation Master Plan as presented.

Approved:  City Manager  City Attorney

## Attachments:

- A Comprehensive Recreation Master Plan and Military Growth Task Force Regional Addendum  
\*Submitted in Separate Booklet