

PROPOSED AGENDA
COUNCIL MEETING
May 17, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

Agenda Packet Page

APPROVAL OF MINUTES

May 2, 2011 – Budget Workshop Meeting 3

PRESENTATIONS

- A. Proclamation – Water Conservation Month 9
- B. Mayor’s Committee for Persons with Disabilities: Annual Poster, Poetry, and Essay Contest Awards 12

PUBLIC HEARINGS

Legislative

- 1. Fiscal Year 2011/2012 Budget 14
- 2. Resolution Adopting Revised District Maps for District Elections and Authorizing the Submission to the United States Department of Justice for Preclearance 15

PUBLIC COMMENT

NEW BUSINESS

CONSENT ITEMS

- 3. City/County Partnership - Onslow County Manufactured Home Demolition Assistance Program 27
- 4. Budget Amendment - Tornado Debris Removal 30
- 5. North Carolina Department of Transportation Municipal Agreement 32
- 6. Resolution In Support of Renaming NC Department of Transportation Project 46
- 7. Authorization to Condemn Financial Guarantees 50
- 8. Tax Releases, Refunds, and Write-Offs 53
- 9. Cost Recovery Agreement and Amendment of North Marine Town Center (NMTCC) Development Agreement with Bailey and Associates, Inc. - North Marine Town Center Water & Sewer Infrastructure 59

NON-CONSENT ITEMS

- | | | |
|-----|---|----|
| 10. | 2011 COPS – Secure Our Schools Grant Application | 81 |
| 11. | Community Development Advisory Committee
Re-Appointments/Appointment | 83 |
| 12. | Water & Sewer Advisory Board Appointments | 89 |

PUBLIC COMMENT

REPORTS

City Council
Mayor
City Attorney
City Manager

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

May 2, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Monday, May 2, 2011 beginning at 5:00 PM in Meeting Rooms A & B of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Earl Bunting, ITS Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Bill Ratliff, Human Resources 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 5:00 PM.

ADOPTION OF AGENDA

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

2012 BUDGET

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. Woodruff stated that in preparing the budget this year, the information was consolidated so that everything for a department was in one place. He reviewed the scheduled workshop dates prior to adoption and told Council that they had from now until June 30 to adopt the budget.

The new budget format included a mission statement for each department, revenues which fund the department, the expenditures proposed for the coming year, major comments on changes, staffing recommendations, and issues that weren't in the base budget, but were policy decisions.

Mr. Woodruff reviewed overall comments on the base budget. He told Council that between the years 2007-2011 the fund balance had been budgeted with 4.9 million as a high to 2.4 million to balance the budget. This year 4.7 million was being proposed; however, he reminded Council that even though a substantial amount had been appropriated each year, no funds from the fund balance had been spent and in some cases, the balance had increased. Review followed on the General Fund, Water/Sewer Fund, Solid Waste Fund and Stormwater Fund.

Reviewing the General Fund, Councilman Bittner asked about the effect of property values and population based on the County's 50/50 sharing formula for property tax. Mr. Woodruff stated they haven't seen anything negative or changes. Gail Maides, Interim Finance Director, stated property values did go down in some of the smaller municipalities, but that didn't have as great of an effect on the County percentage.

Mayor Phillips asked about the footnote to Other Taxes and Licenses. Ms. Maides stated that Jacksonville Tourism Development Authority had not adopted a budget last year. This year a budget had been adopted and it was now being accounted for in a separate fund except for the funds given back to the City.

Councilman Bittner asked about the footnote to Transfers. It stated a decrease in revenue, but the figures indicated an increase. Mr. Woodruff noted that it was an increase and the footnote would be corrected.

Reviewing the Water/Sewer Fund, Councilman Bittner asked what the significant increase in the appropriated fund balance did to the overall solvency. He thought Council was talking at one time about an increase in rates. Mr. Woodruff stated that the current fund balance was almost \$20 million. He felt some of that fund balance needed to be spent on capital projects and the \$2 million in the proposed budget would cover those projects. There would come a time when a rate increase would be needed, but not at this time.

Mr. Massey stated that there had been a slower execution on some of the capital projects and funds for those projects were in the fund balance. In some cases, the funds for the projects were borrowed. Ms. Maides stated that because of the delay in the projects, the debt service was not being paid on the State Revolving Loan Fund (SRF) loans and funds have accumulated more quickly than projected. Instead of borrowing new money, those funds were being used on capital

projects. Mr. Woodruff stated that until the projects on the SRF loans were complete, the money did not have to be paid back.

Councilman Bittner and Mayor Pro-Tem questioned whether those funds should be restricted funds. Ms. Maides stated the City was budgeted to start making the payments, and as long the rate remained the same, there would be funds to cover the payment. Every year the payment did not have to be made, it accumulated in the fund balance as unrestricted.

Councilman Bittner asked what the annual payment would be and Mr. Woodruff stated he would follow up with that amount.

In discussing the Solid Waste Fund, Mr. Woodruff stated that it was mainly pass-through money to Waste Management. The proposed budget did not include the increase asked for by the company. Discussion followed on fees paid out for collection and tipping.

In reviewing the Stormwater Fund, Mr. Woodruff stated the primary reason for the increase was transfers. Ms. Maides stated that the additional money this year was for a transfer to a capital project – Downtown Central.

Mayor Pro-Tem Lazzara asked if there would be an increase in the revenue for permits and fees since we were now the regulatory agency for the BMP. Mr. Massey stated it wasn't a money maker and hopefully we were capturing our costs.

Mayor Pro-Tem Lazzara asked about the increase to miscellaneous revenues and Ms. Maides stated it was an IRS rebate on a Build America Bond.

At the beginning of a budget, Mr. Woodruff stated it was important to note where property taxes go. The total collected for just property taxes was \$1.2 million short of covering the cost of police and fire. He broke down residential properties into three categories based on property value, then reviewed the approximate cost per month for property tax, and what the citizens received for that payment compared to other monthly charges such as phone, cable and internet.

Councilman Bittner asked Mr. Woodruff to take the total property tax base and break it down in terms of residential, commercial, and rental. He thought that most communities had a preponderance of commercial, where Jacksonville did not. Mr. Woodruff stated that information would be provided.

In reviewing the Transit Department, Mayor Phillips asked how long the City would be eligible to receive money from the FTA. Mr. Massey said that when the metropolitan area

reached a population of 200,000, the ability to cover our operational expense would be lost. The same amount of money would be received, but it could no longer be used to underwrite operational expenses.

Councilman Thomas asked if ARRA funds had to be repaid since they were shown in parentheses. Mr. Massey stated it did not have to be repaid and the ARRA projects were still being executed. He wasn't sure why it was being shown that way, but the funding was not straightforward. Mr. Woodruff stated it would be looked into.

In reviewing the Human Resources Department, Mayor Pro-Tem Lazzara and Councilman Thomas asked where the increase in health insurance was being shown. Ms. Maides stated that there was a projected increase of 6% being shown in the Health Insurance Fund, but it was not spread over the individual departments. Any increase shown in the individual departments was due to a possible increase in employees taking the insurance. The line item Salaries and Benefits covered current salaries and benefits and not any possible increases. Any increases would be a policy decision.

Mayor Phillips recessed the meeting for a break at 6:16 PM. Mayor Phillips reconvened the meeting at 6:26 PM.

In reviewing the Metering Division, Councilman Bittner asked about the automated meters. Ms. Maides stated that about 90% were read with the automation. Discussion followed on higher technology for reading meters.

In reviewing the Fleet Maintenance Department, Ed Richards, Supervisor, stated that the large increase in the budget was due to increases in the cost of repair parts and the estimated \$.30 per gallon increase in the cost of fuel for the upcoming year. Mayor Pro-Tem Lazzara asked if efficiency strategies were being looked at in regard to fuel consumption for fleet vehicles. Mr. Woodruff stated that had not been looked at, but would be put on the work program.

Councilman Thomas questioned depreciation as an expenditure. Ms. Maides stated it was budgeted as internal service funds to replace the equipment when it came time. Discussion followed on depreciation.

After discussion of the figures showing in the General Fund Non-Departmental account, Councilman Warden asked why the Freedom Fountain and Business Park Improvement Projects were placed in the City Manager's Office (CMO) account instead of this account. Mr. Woodruff

stated that because his department was in charge of those projects, they were placed in the CMO account.

In regard to the Jacksonville Tourism Development Authority (JTDA), Mr. Carter stated that in this fiscal year which ends June 30, 2011, the JTDA should receive close to \$1 million in occupancy tax. One-third of that amount could be used for capital projects and two-thirds for publicity funding. Instead of the JTDA taking over the funding of the Vietnam Veterans Memorial and the Museum of the Marine, they have elected to pay the funds to the City to take care of the obligations held under the same terms of the City contracts. The JTDA would also fund \$50,000 this year and next for the Freedom Fountain with the balance of this year's budget of approximately \$60,000 to \$70,000 going towards Council's commitment to Sturgeon City.

Councilman Bittner asked about the other two-thirds occupancy tax funding. Mr. Carter stated it was budgeted according to the guidelines, but being held at this time. Mayor Pro-Tem Lazzara stated that the Jacksonville Onslow Sports Commission commitment as well as Sturgeon City would receive funds for their tourism promotion from this two-thirds amount. Mr. Carter stated that there were still significant funds left in this two-thirds amount with many possibilities of where it could be used for promotion.

In reviewing the Police Department, Chief Yaniero updated Council on the alarm program and stated he felt it was doing what it was intended to do. They have seen a decrease in having to go out and do searches on alarms because of an increase in calls letting the department know it was a false alarm.

Mayor Pro-Tem Lazzara questioned the amount of the increase for salaries and benefits in the first comment as it appeared high. Ms. Maides stated she would review and verify the correct amount.

Mayor Phillips questioned whether the CHP Grant (COPS) employees were already employed and whether they were in addition to the five Police Officers being requested. Chief Yaniero stated they started hiring in January and all were now employed. The five employees being requested were additional. Discussion followed on the cost the City would pick up in three years after the Grant ended.

In reviewing the Fire Department, it was noted that the SAFER grant covered 5 firemen, but unlike the COPS grant which covered the full cost of the 6 policeman for three years, the SAFER grant covered in decreased percentages per year. Only 50% of the cost was covered in

FY2012. Councilman Warden noted that an Administrative Assistant I position was included in the Positions Requested Summary, but not indicated under department issues. This was also the case in a few other departments. Mr. Woodruff stated it would be reviewed.

In closing, Councilman Bittner asked what revenue item was being looked at to bring the budget into balance. He stated that the General Fund Budget Summary was showing about a 3.5% increase not including health cost increases, 18 new positions and salary increases. Mr. Woodruff stated the Fund Balance would be used; however, the vast majority of the General Fund increase was due to the funding of Capital Improvement Projects.

Mayor Pro-Tem Lazzara stated he liked the new review process as it was clearer and easier to work through. Mr. Woodruff stated the numbers were summary numbers and asked Council if they wanted further detail.

Councilman Bittner asked Mr. Woodruff if he was satisfied with the budget numbers. Mr. Woodruff stated that when he met with the department heads, he told them he wanted honesty and not a padded budget. It had to reflect what was actually needed to do their job. When he received the budgets this year, there was very little tweaking. If Council was not comfortable with \$4.7 million coming out of the fund reserve, staff would go back and cut the budget to a number Council would be comfortable with.

Councilman Thomas asked why every year the fund balance was appropriated, but not used. Councilman Bittner stated every department was budgeted at full strength for the full year, but rarely do operations run at full strength the full year. Mayor Pro-Tem Lazzara stated he would be more alarmed if it had been budgeted and used or not enough budgeted. Discussion followed on the use of the Fund Balance and the remaining percentage.

Council indicated their desire to stop at this point in their review for the evening.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 7:41 PM.



City Council Presentation

Agenda Item: A Date: 5/17/2011

Subject: Proclamation – Water Conservation Month

Department: Public Services

Presented by: Grant Sparks

Presentation: No

Issue Statement

In order to ensure that our citizens have a continued supply of safe drinking water in the future, it is necessary for the City of Jacksonville to remind its citizens of the importance of conserving water whenever possible.

To assist with public awareness, a proclamation is requested designating the month of "May" as "Water Conservation Month" in the City of Jacksonville.

Grant Sparks, Public Services Director will be present to accept the proclamation

Financial Impact

None

Action Needed

Present Proclamation to Grant Sparks.

Attachments:

A Proposed Proclamation



Presentation Information

Agenda Item:	A
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Proclamation – Water Conservation Month

Introduction

Safe and adequate supply of drinking water is a precious commodity. It is a commodity that we cannot allow to be diminished through ignorance, lack of concern or indifference. The residents of the City of Jacksonville as well as the entire State and Country are addressing this issue. Frequently, North Carolina faces serious challenges regarding water availability. The City of Jacksonville at this time is fortunate not to have a water shortage; however, in order to help ensure that this precious resource will continue to be available for our future generations, the Public Services Department requested a Proclamation declaring the Month of May 2011 as “Water Conservation Month” in the City of Jacksonville to increase citizen awareness.

By continuing to keep the public informed, offering effective ways to conserve, and continually reminding them of the importance of protecting this resource and non-renewable asset, they will become more involved in the protecting of our water supply and ensuring its continued availability.

**Grant Sparks, Public Services Director will be present to accept this award.

City of Jacksonville
North Carolina
Proclamation

Whereas, nearly 70% of our earth is covered by water, but only 1% is usable for drinking; and

WHEREAS, at this time we are fortunate not to have a water shortage however; with the drought conditions that frequently exist in many areas of the State, we encourage all residents to investigate the various methods they can use to conserve this valuable resource for future generations; and

WHEREAS, the average City residence uses 5,000 gallons of water per month or 60,000 gallons per year and it is estimated that water conservation devices could save the average customer 25,000 gallons annually; and

WHEREAS, the City of Jacksonville has changed its Water Conservation Program to request voluntary conservation year round, making conservation a full time effort and informing the public of the need and benefits of water conservation;

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

“WATER CONSERVATION MONTH”

in the City of Jacksonville and urge all residents to participate in voluntary water conservation efforts and to take advantage of the water saving devices that are available free of charge to City water customers at the Revenue Collection office in City Hall.

Mayor

Attest: _____

Clerk

Attachment

A



City Council Presentation

Presentation Item: B Date: 5/17/2011

Subject: Mayor's Committee for Persons with Disabilities: Annual Poster, Poetry, and Essay Contest Awards

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

Since 1994, the Mayor's Committee for Persons with Disabilities has sponsored an annual Poster, Poetry, and Essay Contest in the Onslow County, Camp Lejeune, and Private Schools to help promote "Disabilities Awareness Week."

The theme for the contest this year was "We're More Alike than Different"

Over 291 entries were received from grade levels K through 12.

Winning entries were selected by members of the Committee for 1st and 2nd Place for each participating grade level (K-12) that submitted entries.

The cash awards are: First Place: \$25; Second Place: \$15.

Each Presentation Folder contains an Award Certificate and Cash Award.

In honor of "Disabilities Awareness Week" the winning entries will be on display in the lobby of City Hall May 17th – May 27th and at the Jacksonville Mall May 28th - May 31st.

Council Member Fannie K. Coleman, Council Liaison to the Committee and Mr. Joe Traumer, Chairperson of the Mayor's Committee will be available to assist the Mayor to present the awards.

Action

Present Poster, Poetry and Essay Awards

Attachments:

A List of Award Winners



Presentation Information

Presentation Item: B

Mayor's Committee for Persons with Disabilities Poster Poetry and Essay Contest Award

2011 Poster, Poetry and Essay Contest Winners

Name	Grade	Place	School
Kayte Yanez	Kindergarten	1 st Place	Bell Fork Elementary
Elayna Samson	Kindergarten	2 nd Place	Bell Fork Elementary
Sophia Lavigne	First	1 st Place	Bell Fork Elementary
Robert McKoon	First	2 nd Place	Bell Fork Elementary
Clara Rhinenart	Second	1 st Place	Bell Fork Elementary
Lauren Brannan	Second	2 nd Place	Dixon Elementary
Laura Briggs	Third	1 st Place	Dixon Elementary
Taylor Iadonisi	Third	2 nd Place	Dixon Elementary
Jasmine Weaver	Fourth	1 st Place	Bell Fork Elementary
Brandon Xavier	Fourth	2 nd Place	Bell Fork Elementary
Grace Scott	Fifth	1 st Place	Jacksonville Christian Academy
Taylor Barta	Fifth	2 nd Place	Bell Fork Elementary
Zach Argall	Sixth	1 st Place	Trexler Middle
Abigail Golden	Sixth	2 nd Place	Trexler Middle
Reina Abruzzo	Seventh	1 st Place	Infant of Prague
Maggie Patton	Seventh	2 nd Place	Swansboro Middle
Katarina Rebholz	Eighth	1 st Place	Hunters Creek Middle
Ward Sylvester	Eighth	2 nd Place	New Bridge Middle
Hunter Henry	Ninth	1 st Place	Swansboro High
Cortney Hurt	Ninth	2 nd Place	Swansboro High
Taylor Scott	Eleventh	1 st Place	Southwest High
Alexis Allen	Eleventh	2 nd Place	Southwest High
Mattie Sorvala	Twelfth	1 st Place	Swansboro High
Kristen Foy	Twelfth	2 nd Place	Richlands High

Attachment A



Request for City Council Action

Agenda Item:	1
Date:	5/17/2011

Subject: Budget Public Hearing – Proposed for Fiscal Year 2011/2012

Department: City Manager’s Office

Presented by: Richard Woodruff, City Manager

Presentation: Yes

Issue Statement

The General Statutes require the City Council to conduct a Public Hearing to receive public comment on the proposed budget prior to budget adoption.

A copy of the proposed budget was delivered to the Jacksonville City Council on April 28, 2011. The proposed budget has been available for public inspection in the City Clerk’s Office since April 28, 2011, and at the Onslow County Library since April 29, 2011. On May 04, 2011 the proposed budget was also placed on the City’s website for public review.

The Public Hearing and the Public Notice of Budget Availability have been duly advertised in the Jacksonville Daily News.

Financial Impact

The Proposed Budget Fiscal Year 2011/2012 Budget includes:

Operations (all funds)	\$82,494,344
Current Capital	13,853,336
Transfers	15,496,141
Prior Appropriations	<u>297,761,696</u>
Total:	<u>\$409,605,517</u>

Action Needed

Conduct Public Hearing

Recommendation

Approval not required at this time; adoption of budget to occur on or before June 30, 2011.

Approved: City Manager City Attorney

Attachments:

None



Request for City Council Action

Agenda Item:	2
Date:	5/17/2011

Subject: Public Hearing – Resolution Adopting Revised District Maps for District Elections and Authorizing the Submission to the US Department of Justice for Preclearance

Department: Community Affairs & Legal

Presented by: Redistricting Committee Members & Staff

Presentation: Yes

Issue Statement

Previously the City Council formed and instructed a Redistricting Committee to evaluate the current election districts for the City and to provide the City Council with a recommendation for bringing the wards into alignment and ensuring that the new plan would comply with provisions of the Voting Rights Act and subsequent court cases.

The Committee held public input sessions in each of the wards as well as an interactive live session at City Hall where input was sought via Facebook, Twitter, email, phone and in person. From the sessions public input was documented and used to form a set of criteria that the committee adopted before seeking adjustment of the ward maps.

With three different plans to evaluate, the committee gave significant deliberation during a live broadcast of their meeting to the three proposals and eventually voted unanimously to recommend a single proposal to the Council for adoption.

The plan presented is believed to comply with all known provisions regarding redistricting as well as the criteria established by the Committee for the establishment of the recommended proposal.

Financial Impact

None

Action Needed

Open the Public Hearing and hear testimony from the Committee, Staff and the public on the proposed plan before considering adoption of the plan.

Recommendation

Adopt the Resolution and new Ward District Plan and authorize the filing with appropriate authorities.

Approved: City Manager City Attorney

Attachments:

- A Proposed Resolution
- B Proposed Ward Realignment Plan & Statistics



Staff Report

Consideration of Redistricting Plan for the City

Introduction

After each Census, the City is compelled to review the population of the wards and to determine if the deviation from an ideal ward size is significant. Such a review was undertaken when the redistricting data was released from the US Census Bureau and the Jacksonville wards were found to be significantly out of alignment from the ideal ward size.

At your January 4, 2011 workshop, you instructed staff to develop a committee to recommend realignment of the City's wards and to receive public input before doing so. Staff was assigned by the Council and the concept presented for study, input and realignment activities was endorsed.

The Committee Meets

The Redistricting Committee was formed March 22 with five members and two alternate members. One alternate member declined to serve. After an organizational session during which a thorough evaluation of the law, court cases and other matters related to redistricting was presented, the committee considered a plan for receiving public input. The Committee's first meeting had been held with live television on the Jacksonville-Onslow Government Channel and the committee elected that all meetings be presented live.

Additionally the committee established a public comment period at each of their meetings and ordered that minutes and accounts of their sessions be provided as soon as possible to the public. The committee decided to hold a public input session in each ward and to hold a live interactive public input session as the final public session.

Public Input Sessions

The Committee held sessions at the Northwoods Recreation Center for Ward Three, at the Bell Fork Elementary School for Ward Four, at Jacksonville Commons Recreation Center for Ward Two and at Kerr Street Recreation Center for Ward One in that order. During the sessions, input was received from a variety of residents and interested parties. Public input was documented with recordings of the sessions and via paper input received both at the sessions and subsequently through other means.

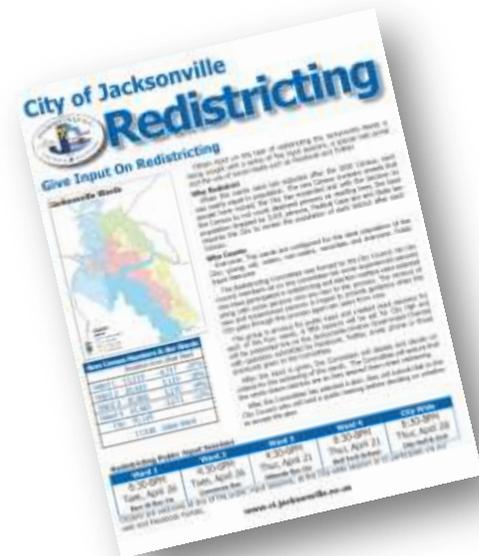
During the evening time public input session held at City Hall, the event was broadcast live and input was solicited via Facebook, Twitter, email and from those in attendance. Past issues presented at other public input sessions was discussed and debated by the committee and those in attendance. The event was recorded and played back on the Jacksonville-Onslow Government Television Channel several times.

Redistricting Public Input Sessions

Ward 1	Ward 2	Ward 3	Ward 4	City Wide
6:30-8PM	4:30-6PM	4:30-6PM	6:30-8PM	6:30-8PM
Tues, April 26	Tues, April 26	Thur, April 21	Thur, April 21	Thur, April 28
Kerr St Rec Ctr	Commons Rec	Nthwds Rec Ctr	Bell Fork School	City Hall & G10

Public Educational Materials

Staff prepared informational material that was printed, posted to the City's website and at a newly created City Redistricting Facebook page. Efforts were made to receive public comment through each of the methods and from Twitter.



Flyers such as this one were created and distributed at City Hall and within special neighborhoods. They were also used as an educational document for the Public Input Sessions

During the public input sessions, comments were also sought about the criteria that should be used to create new plans for the wards. Members of the Redistricting Committee made presentations at the sessions and engaged with the public about what should be considered when the districts were being realigned.

Development and Adoption of Criteria for Realignment of the Wards

The committee was provided written documentation of the public input sessions at their third meeting when they were deliberating criteria for the realignment process. After spirited debate, the committee unanimously adopted a set of criteria that would be used for the development of plans for compliance. The committee instructed staff to prepare three plans for consideration.

Adopted Criteria

1. That each district shall contain as nearly as possible the same population within a specified percentage below the 'ten percent rule.'
2. That the plan shall satisfy the non-retrogressive standard of Section Five of the Voting Rights Act.

3. That the plan shall not subordinate traditional directing criteria to race beyond the extent necessary to avoid Section Two Liability.
4. That the plan shall attempt to keep together neighborhoods, areas of common interests and use notable geographical boundaries where possible.
5. That the plan shall attempt to avoid dividing Census blocks.
6. That the plan recognizes the incumbents were selected by the voters as their representatives, and that the plan will seek to avoid contests between incumbents. This criterion would only be followed after all other criteria had been satisfied.
7. That the plan account for growth of the City and allow reasonable expansion of the wards to accommodate growth with a concern that the wards will be able to grow proportionally.
8. That the plan keeps current wards and compositions known to the people of Jacksonville as nearly as possible, and that divisions be logical and easily understood.

The Concept of Retrogression

The Justice Department will review any plan change to determine whether the change makes it less likely that Blacks will be able to elect candidates of their choice. This standard is known as "retrogression." The question, in effect, is whether the change makes things worse for minorities.

Jacksonville has two wards that were constructed to advance the election of Black candidates. Therefore, every subsequent review must ensure that no fewer than two Black candidates are provided a system as nearly equal to the one before it to ensure election of a Black candidate.

Construction of the Minority Wards

The system to construct the minority wards depends on the concept that persons aboard the bases are less likely to vote in municipal elections. Therefore, the construction of the minority wards seeks to aggregate minority intensive areas off base while the balance of the ward's population is spread on base. Inclusion of too many non-Black intensive areas dilutes the ability of Black voters to elect the candidates of their choice.

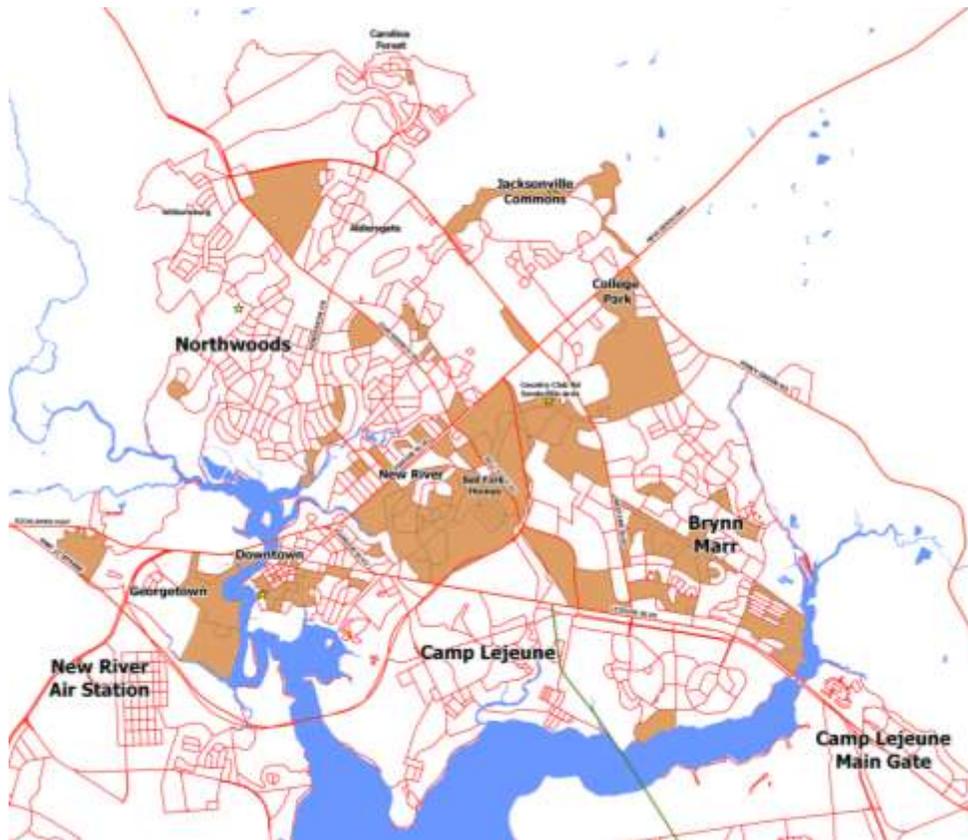
Items Used in the Development of the Plans

Staff presented various items to the Committee that were used in the development of the plans provided to the Committee. Among them were items that had been requested by the Committee and others were used based on the criteria or from guidance from the UNC School of Government.

Precinct Lines – While not an adopted criteria, some members of the Committee were concerned about the impact on candidates having wards span voting districts. In that the voting districts or Precincts are created by the Board of Elections, are not created to be equal divisions of the City and can change at any time during the decade that the voting plan of the City of Jacksonville will be in place, creating a plan that depended on the voting districts would be unwise. Maps of the precincts and how they are aligned were presented to the Committee. It was noted that it has been the practice of the Board of Election to group all registered voters aboard the bases into one precinct. Given that the bases have nearly one and a half times the

number of the desired population of an ideal ward, any alignment that would use the precinct in which the base was located would be out of alignment.

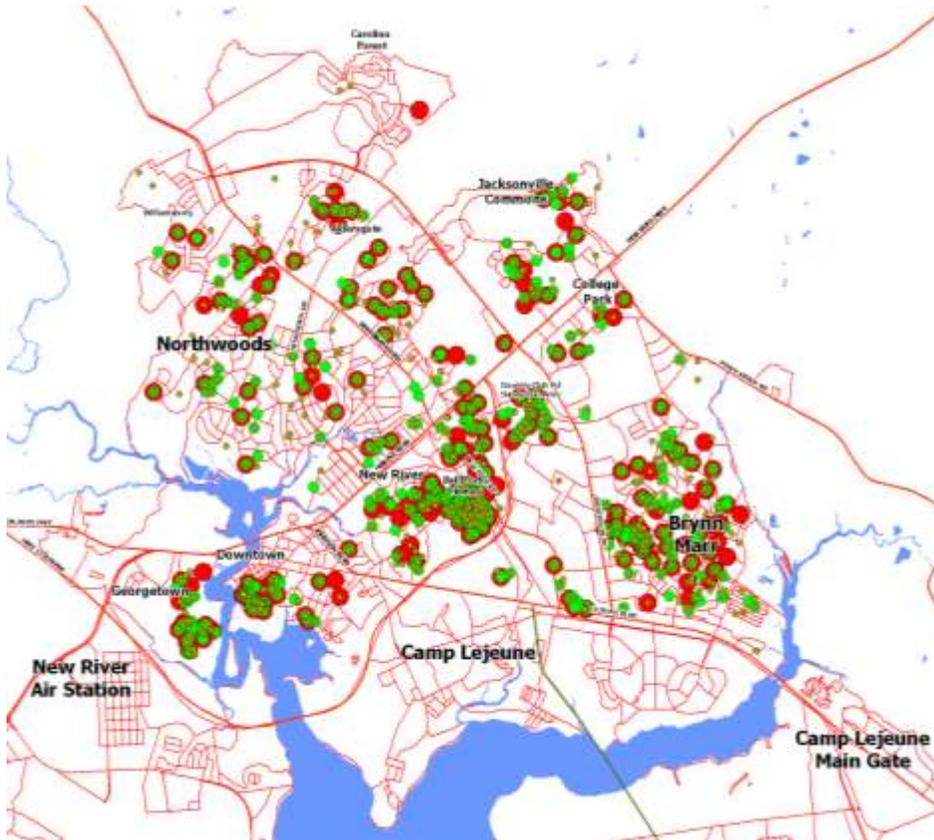
Minority Intensive Census Blocks – In that two districts must be created to provide a near majority of minority voters, staff developed maps that displayed the number of blocks where Black residents composed 35% or more of that Census block. The area covered by these blocks was less than in 2000, and minority majority areas were more difficult to find during the 2010 review of Census blocks than in 2000 and 1990.



Blocks with 35% or more Black residents

Historical Black Voter Turnout – The addresses of Black voters in the 2005, 2007 and 2009 municipal elections were compiled from voter records at the Onslow Board of Elections. The 2005 election also featured a school bond referendum and the 2009 election was the first election for the City where voters participated in the staggered system and were only able to vote for one minority ward, one majority ward and the two at large seats.

The list was geocoded to maps and the plans depended heavily on reviewing areas where minority voters were aggregated. While some were in the Census blocks with 35% or more Black residents, many were not. In creating the map, efforts were to include areas where possible that increased the likelihood of Black voters being in a minority ward.



Addresses plotted of Black Voters during the 2005 (bright Green), 2007 (Marine Green) and 2009 (red) Municipal Elections

Issues Affecting Development of the Plan

As indicated, the number of minority intensive areas within the City has decreased during the last decade. The number of Census blocks – the lowest unit of enumeration for the Census Bureau – more than doubled within the City with the 2010 Census compared to the 2000 Census. The blocks with minority intensive areas did increase, but not at the same rate as the doubling of the number of blocks. Census blocks with 35% or more Black residents increased from 100 to 116, but the area covered by the blocks was significantly less, and more dispersed than in 2000.

Overall Blacks were less populous in Jacksonville for the 2010 Census than were found in the 2000 Census. The Black only population dropped from 24% to 20% in the 2010 Census. In that the off base Black population is a key aggregate in the formula to devise the minority wards, the off base Black population increased from 2000 for the 2010 Census, but in relation to the other growth of the City, the percentage of Black population off base decreased from 30% to 26%.

In 1980, Jacksonville was designated as the most racially diverse Metropolitan Statistical Area in the United States. The demonstration of diversity of residents continues to increase and the difficulty in locating Minority Intensive Blocks has increased.

Blocks with Black Residents	2010		2000	
Blocks Without Any Blacks	697	56%	198	38%
Blocks with 1-34%	424	34%	220	42%
Blocks with 35-59%	76	6%	51	10%
Blocks with Greater than 60%	40	3%	49	9%
Total Blocks within City	1,237		518	
35% and Greater	116		100	
Total Population	70,145		66,715	
Black Only Population	14,055	20%	15,987	24%
Off Base Black Population	10,853	26%	9,995	30%

Three plans were presented to the Committee May 9, 2011. During the session, the differences in each plan were discussed. The Committee had significant, spirited and thorough discussion on the different plans. Maps of historical Black voter turnout, precincts, Census blocks with 35% or more Black residents and markers representing the residences of incumbents were provided to the Committee in large and hand-sized formats.

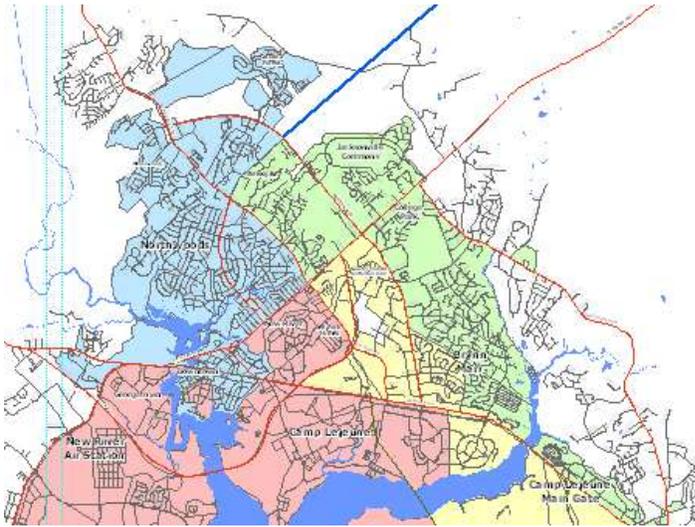
The Committee was informed about the need to split Census Blocks, which was not preferred, but which was done in the plan created after the 2000 Census. In this case, Census Blocks with disparate populations were divided along known racial lines, or were divided to create bridges for areas of the ward. Committee members reviewed each split block and did not object to the division of the blocks. The Committee also reviewed the division of some neighborhoods and agreed that the divisions were not only necessary for the plan to work, but were logical divisions of sub-units of the neighborhood.

A spirited conversation ensued about the various options. During the session, the committee reassigned blocks to different wards using a redistricting program that was in the room. Committee members were able to see real-time changes in the statistics of the wards including the potential effect on Black voters as they made their changes. After a significant review, the Committee unanimously elected to approve Plan "A" as presented agreeing that the plan was the best option available to meet the criteria adopted by the Committee.

Future Growth of the City

The Committee was concerned about future growth of the City and how future annexations were to be assigned to wards. It was agreed that future annexations should not be assigned to wards One and Four as any future expansion off base would likely dilute Black voters within the wards.

Therefore, the Committee agreed to a guide that would be created from the extension of Henderson Drive as a dividing line between areas that would be assigned to wards Two or Three. Areas to the West of the line would be assigned to Ward Three, and areas east of the line would be assigned to Ward Two. Areas along US Seventeen south would be included in annexations that are assigned to Ward Two. The City has an adopted Corridor plan that details the planned extension of Henderson Drive to Ramsey Road.



Areas to the West of the Blue line created by the extension of Henderson Drive would go to Ward Two (Blue) and areas east of the line would go to Ward Two (Green).

Financial Analysis:

Not applicable.

Procedural History

- January 4, 2011 – City Council Workshop on Redistricting and instructions given
- March 3, 2011 – Census data released for North Carolina
- March 22, 2011 – Jacksonville Redistricting Committee formed by resolution of City Council and members named.
- April 13, April 19, May 3 and May 9, 2011 – Redistricting Committee meets
- April 21, 26 and 28 – Redistricting Committee holds Public Input Sessions

Stakeholders

- Citizens of Jacksonville

Options

Approve Resolution **RECOMMENDED by Redistricting Committee.**

Pros: The redistricting plan has been well reviewed by a Citizens committee and constructed after significant efforts were made to receive public comment. It was developed after criteria that ensure compliance with the Voting Rights Act and State law is considered.

Cons: If Council disagrees with the plan after the public hearing, instructions should be given on modifications and other actions that should be taken. Any delay will likely cause City elections to be delayed until 2012.

Deny the Resolution and instruct the Committee to devise another plan:

Pros: The Council believes after the public hearing that the plan does not serve the best interest of the City of Jacksonville.

Cons: The action will likely delay the City election.

RESOLUTION (2010 - X)

RESOLUTION ADOPTING REVISED DISTRICT MAPS FOR DISTRICT ELECTIONS AND AUTHORIZING THE SUBMISSION TO THE UNITED STATES DEPARTMENT OF JUSTICE FOR PRECLEARANCE.

WHEREAS, the Jacksonville City Council includes four members elected from wards; and

WHEREAS, those wards are subject to the constitutional and statutory requirement of one-person-one-vote; and

WHEREAS, the Council has recently received and reviewed the population of the wards as determined by the 2010 Federal Census; and

WHEREAS, the Council has determined that the population of the wards is out of balance and that the boundaries of the wards need to be altered to provide equal representation; and

WHEREAS, the Council is authorized and required by North Carolina General Statutes 160A-23(b) to revise its ward boundaries to correct population imbalances shown by a Federal census; and

WHEREAS, the Council has discussed redistricting at public sessions held on January 4, 2010 during which an extensive discussion on redistricting issues was presented; and

WHEREAS, the Council appointed a Redistricting Committee consisting of five Citizens and one alternative member to consider redistricting plans and propose a plan to the Council; and

WHEREAS, the Committee held public input sessions in each of the wards April 21 and 26, 2010 and a live, televised and web streamed public input session where input was solicited via Facebook, Twitter, Email, Phone and in person April 28, 2010 during which various alternatives and changes in the City's election and ward system were presented and discussed in open forums, and;

WHEREAS, the Committee held public meetings, transmitted live over the Jacksonville-Onslow Government Channel and streamed to the web to complete its work, using each as a committee and public education opportunity and that the Committee through its assigned staff, published materials that were useful in understanding the process and the unique demographics of our community, and;

WHEREAS, the Committee developed criteria for drawing new election plans and gave guidance and instructions on how the plans were to be constructed, and;

WHEREAS, the Committee has completed its work and presented a redistricting plan to the Council and made the plan available to the public through various means including a display at City Hall, a presentation on the Web and on the City's Facebook Redistricting Page; and

WHEREAS, the Council conducted a public hearing on May 17, 2011 on the proposed redistricting plan;

NOW, THEREFORE, BE IT RESOLVED by the Jacksonville City Council as follows:

1. The boundaries of the four wards for election of the Jacksonville City Council are altered to follow the lines depicted on the attached map entitled **Committee Recommended Proposal** and previously designated as *Proposal A*.

2. A listing of the Census Blocks is provided.

3. The attached map has been prepared from United States Census Bureau data and the boundaries have been drawn to follow census block lines as much as possible. Should any question arise concerning the boundaries of the wards, the boundaries will be determined by reference to precinct and block data from the Census Bureau and by following census block lines as depicted in the official map provided at this public hearing.

4. The new ward boundaries shall be used for the next election of the Jacksonville City Council and for each subsequent election until the boundaries are altered according to law.

5. Copies of the maps shall be provided to the Onslow County Board of Elections with the request that the board notify residents of Jacksonville of changes in the wards in which they vote.

6. The new ward lines shall be submitted to the United States Justice Department for preclearance under Section 5 of the federal Voting Rights Act, and the new boundaries shall take effect upon such preclearance.

7. That after approval from the United States Justice Department, that any subsequent annexations by the City, be assigned to wards Two or Three based on a division between the two created by the extension of Henderson Drive as codified in the Approved Collector Street Plan. All annexations to the west of that line including areas along US Seventeen South should be assigned to Ward Three and areas east of the line should be assigned to Ward Two.

Adopted by the Jacksonville City Council in regular session, May 17, 2011.

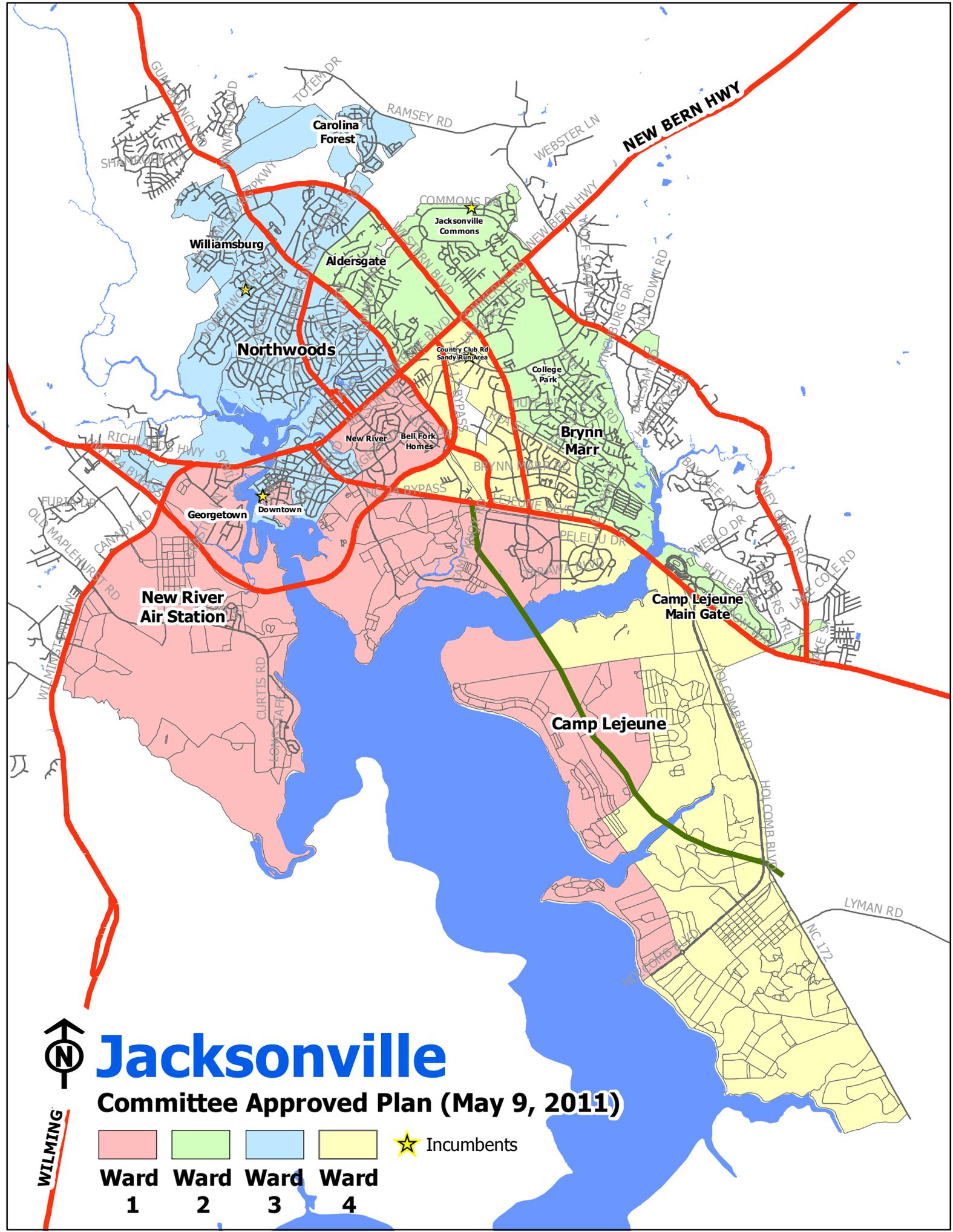
Sammy Phillips, Mayor

Attest:

Carmen K. Miracle, City Clerk

Attachment

A



Jacksonville

Committee Approved Plan (May 9, 2011)

				★ Incumbents
Ward 1	Ward 2	Ward 3	Ward 4	

WILMING

Committee Approved Plan

Data From the 2010 Census

Approved by the Jacksonville Redistricting

	Ward 1	Ward 2	Ward 3	Ward 4	Grand Total
With Percents indicating contribution to total within that Ward's subtotal					
City Total	17,289	17,467	17,847	17,542	70,145
Black Only	3,393	3,644	3,399	3,619	14,055
Other	13,896	13,823	14,448	13,923	56,090
	19.6%	20.9%	19.0%	20.6%	20.0%
	80.4%	79.1%	81.0%	79.4%	80.0%
Off Base Total	4,062	16,346	17,847	4,119	42,374
Black Only	1,963	3,557	3,399	1,847	10,766
Other	2,099	12,789	14,448	2,272	31,608
	48.3%	21.8%	19.0%	44.8%	25.4%
	51.7%	78.2%	81.0%	55.2%	74.6%
On Base Total	13,227	1,121	-	13,423	27,771
Black Only	1,430	87	-	1,772	3,289
Other	11,797	1,034	-	11,651	24,482
	10.8%	7.8%	-	13.2%	11.8%
	89.2%	92.2%	-	86.8%	88.2%
Deviation from Ideal	17,536	(69)	311	6	0.03%
	(247)	-1.4%	1.8%	0.03%	



Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 5/17/2011

Subject: City/County Partnership - Onslow County Manufactured Home Demolition Assistance Program

Department: Development Services

Presented by: Lillie R. Gray, Community Development Administrator

Presentation: Yes

Issue Statement

Onslow County currently has a contract with the North Carolina Division of Pollution Prevention and Environmental Assistance to demolish 25 abandoned manufactured homes in the unincorporated areas of Onslow County and to receive reimbursements for a majority of the costs associated with demolition. The County has been advised by the State that the program can be made available to citizens located within the corporate limits of the five municipalities. However, a formal agreement to partner with the County is needed in order to include the City in the next application cycle.

Financial Impact

The City would leverage Community Development Block Grant (CDBG) funds currently budgeted for demolition and clearance to assist with removal of manufactured homes in the city limits.

Action Needed

Consider allowing Onslow County to include the City of Jacksonville as a partner in their application to the State. If the application is approved, the City would enter into a Memorandum of Agreement with Onslow County.

Recommendation

Staff recommends Council allow Onslow County to include the City of Jacksonville as a partner and direct Staff to work with the County to develop a MOU to accomplish the same which will be returned to Council for final review and approval.

Approved: City Manager City Attorney

Attachments:

None



Staff Report

**Consent
Agenda
Item: 3**

City/County Partnership – Onslow County Manufactured Home Demolition Assistance Program

Introduction

The Community Development Division is seeking authorization to partner with Onslow County to participate in the Onslow County Manufactured Home Demolition Assistance Program (MHDAP). The program is funded by the North Carolina Division of Pollution Prevention and Environmental Assistance (NCDPPEA). The program provides a \$1,000 reimbursement to Onslow County per abandoned mobile home removed.

Background Information

The MHDAP is a financial assistance program designed to facilitate enforcement of public nuisance regulations requiring demolition of *abandoned manufactured homes* under the County's Solid Waste Management Ordinance and Minimum Housing Standards. The program provides grants to persons who are ordered by authorized County staff to demolish abandoned manufactured homes under these regulations, but simply haven't the financial means to do so. Grant amounts range from 70% to 100% of demolition costs, depending on the applicant's family income. Applicants participating in this program on average make a co-payment of \$340 toward demolition costs. The average cost to demolish a single-wide manufactured home in the County is \$1,800. The County has also established a \$50 fee for all new mobile home set-ups to help fund the difference in demolition costs.

Similarly, the Community Development Division also offers grants to remove dilapidated structures; however, the program is not income based and is not limited to manufactured homes. Applicants are not required to make a co-payment.

By partnering with the County, manufactured homes removed by the County, within the City limits, would be eligible for the \$1,000 reimbursement provided to the County by the NCDPPEA. CDBG funds would be used to cover the gap that is not covered by applicant co-payments and the \$1,000 County reimbursement. City of Jacksonville Demolition and Clearance policies and procedures would be revised to compliment the County's program and the partnership.

Procedural History

May 17, 2011 The City of Jacksonville considers participation in the MHDAP program.

June/July 2011 Onslow County authorizes submittal of the grant application.

Stakeholders

Citizens of Jacksonville

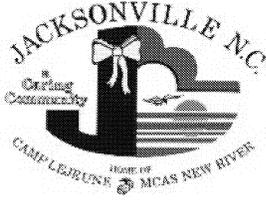
Options

Authorize the partnership as presented – **RECOMMENDED**

- Pros: Supports the Clean and Green initiative and the Five Year Consolidated Plan. Partnership creates an opportunity to leverage local, State and Federal funding to increase the number of manufactured homes demolished within the City.
- Cons: None

Deny the partnership

- Pros: None
- Cons: Community Development will continue to fully fund costs associated with demolition of manufactured homes within the City limits for participants in the voluntary demolition and clearance program. Loss of ability to leverage limited Federal funds.



Request for City Council Action

**Consent
Agenda
Item:** 4
Date: 5/17/2011

Subject: Budget Amendment for Tornado Debris Removal

Department: Finance

Presented by: Jennifer Maready, Accounting Manager

Presentation: No

Issue Statement

On April 16, 2011, a tornado swept through the City of Jacksonville's Northeast Creek Park. The tornado caused damage to many trees and left debris throughout the Park. This amendment is needed to provide funds to contract out the debris removal and cleanup of the Park.

Since this tornado has been a presidentially declared disaster for Onslow County, the City will seek reimbursement for the debris removal contract costs through FEMA and the State. FEMA is providing 75% reimbursement with the State providing the remaining 25%.

Financial Impact

The debris removal contract is estimated to be \$50,000. We will request reimbursement from FEMA for the full amount. Therefore, there will be no financial impact on the City.

Action Needed

Consider the budget amendment.

Recommendation

Staff recommends that Council approve the budget amendment.

Approved: City Manager City Attorney

Attachments:

A Budget Amendment

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 General Fund budget are hereby enacted:

GENERAL FUND

<u>REVENUES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
FEMA FEDERAL	0	37,500	37,500
FEMA STATE	0	12,500	12,500
TOTAL REVENUES	43,845,957	50,000	43,895,957

<u>EXPENDITURES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
RECREATION - PARKS	0	50,000	50,000
TOTAL EXPENDITURES	43,845,957	50,000	43,895,957

The purpose of this amendment is to appropriate \$50,000 for Tornado debris removal at Northeast Creek Park.

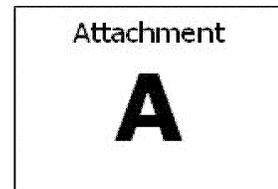
This ordinance shall be effective upon its adoption.

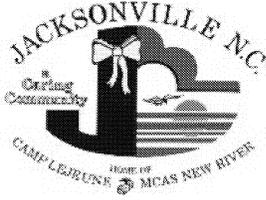
ADOPTED by the Jacksonville City Council in regular session this 17th day of May, 2011.

ATTEST:

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk





Request for City Council Action

**Consent
Agenda
Item:** **5**
Date: 5/17/2011

Subject: North Carolina Department of Transportation Municipal Agreement
Department: Public Services/Engineering Division
Presented by: Deanna Young, Engineering Operations Coordinator
Presentation: No

Issue Statement

The North Carolina Department of Transportation (NCDOT) has prepared for City Council's consideration a Municipal Agreement for the black powder coating for the signal poles proposed for the Huff Drive Extension and Jacksonville Parkway projects. The work will be done in conjunction with the Department's TIP Projects No. U-4007 A and U-4007 B. NCDOT has agreed to perform said work subject to reimbursement by the City of Jacksonville.

Financial Impact

We are requesting to move \$50,300 from General Fund Contingency to Streets Non Powell Bill.

Action Needed

Consider approving the NCDOT Municipal Agreements and the Budget Amendment as presented.

Recommendation

Staff recommends that Council move to authorize the City Manager or his representative to execute the Municipal Agreements for the additional work in conjunction with the Department's TIP Projects No. U-4007 A and U-4007 B and approve the Budget Amendment.

Approved: City Manager City Attorney

Attachments:

- A Municipal Agreement
- B Municipal Agreement
- C Budget Amendment



Staff Report

**Consent
Agenda
Item: 5**

North Carolina Department of Transportation Maintenance Agreement

Introduction

On December 18, 2001, City Council voted to require that all steel poles installed within the planning limits of the City have a “black” powder coating. At that time, City Council was informed that the City would be required to reimburse the NCDOT for the additional cost associated with the color requirements.

The City of Jacksonville has requested that the NCDOT add black powder coating to the traffic signal poles proposed for the expansion of the Jacksonville Bypass. This work will be done in conjunction with the Department’s TIP Projects No. U-4007 A and B. NCDOT has agreed to perform said work subject to reimbursement by the City of Jacksonville.

At this time, the NCDOT is requesting an Agreement for the U-4007 A Huff Drive Extension Project in the amount of \$19,500 and U-4007 B Jacksonville Parkway in the amount of \$30,800 . This project includes the installation of 33 steel mast arm poles at an estimated cost of \$1,540/pole.

Procedural History

- 1/26/2010 – Council approved the NCDOT Municipal Agreement for the U-4007 B project in the amount of \$409,000. This amount represented an estimated cost of relocating the utilities for this section of the project and funds were then encumbered for this project. Funding for this project is from the Water and Sewer Fund.
- 7/20/2010 – Council approved the NCDOT Utilities Agreement for the U-4007 B project in the amount of \$184,790. This amount represented the unit prices to relocate the utilities based on bid prices. Since funds were already encumbered for this project, no additional funds were needed.
- 4/5/2011 – Council approved the NCDOT Utilities Agreement for the U-4007 A Project in the amount of \$175,631.73. This amount represented the unit prices to relocate the utilities based on bid prices. Since funds were already encumbered for this project, no additional funds were needed.

Stakeholders

- City Residents
- NCDOT
- Traveling Motorists

Options

Option #1: Approve the Municipal Agreements and Budget Amendment **(Recommended)**

Pros – Continued compliance with City Council action on December 18, 2001, requiring that all steel poles installed within the planning limits of the City have a “black” powder coating.

Cons – Additional expenditures are required in order to continue compliance with a prior Council’s decision.

Option#2: Deny the Municipal Agreements and Budget Amendments.

- Pros – Additional expenditures would not be required.
- Cons – If City Council does not approve the Municipal Agreement, traffic signals installed will not be uniform in color with existing traffic signals within the planning limits of the City.

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT –
MUNICIPAL AGREEMENT**

ONslow COUNTY

DATE: **Revised 3/3/2010**

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-4007 A

AND

WBS Elements: 35008.3.1

CITY OF JACKSONVILLE

THIS MUNICIPAL 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, a local government entity, hereinafter referred to as the “Municipality”.

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project U-4007 A, in Onslow County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following applicable legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:



SCOPE OF THE PROJECT

1. The Project consists of improvements to SR 1702 (White Street Ext.) from SR 1808 (Bell Fork Rd.) to SR 1470 (Western Blvd.) in Jacksonville.
2. The Department shall furnish and install mast arm signal poles at signalized intersections in accordance with the construction contract. At the request of the Municipality, the Department shall add powder coating to the traffic signal poles. All work shall be done in accordance with the approved project plans and specifications. The Municipality shall reimburse the Department for powder coating the traffic signal poles.

PLANNING, DESIGN AND RIGHT OF WAY

3. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
4. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

5. The Municipality, without any cost or liability whatsoever to the Department, shall relocate and adjust all utilities in conflict with the Project and shall exercise any rights which it may have under any franchise to effect all necessary changes, adjustments, and relocations of telephone, telegraph, and electric power lines; underground cables, gas lines, and other pipelines or conduits; or any privately - or publicly-owned utilities.
 - A. Said work shall be performed in a manner satisfactory to the Department prior to the Department beginning construction of the Project. The Municipality shall make every effort to promptly relocate said utilities in order that the Department will not be delayed in the construction of the Project.
 - B. The Municipality shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.

- C. The Department, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meter boxes, and valve boxes at no expense to the Municipality.
- D. If applicable, the Department shall reimburse the Municipality in accordance with the Municipally Owned Utility Policy of the Department approved by the Board of Transportation.
- E. If the Municipality requests the Department to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, the Municipality shall reimburse the Department all costs associated with said relocation. The current estimated cost of this relocation is \$ 175,631.73 (estimate based on preliminary plans). Reimbursement will be based on final project plans and actual costs of relocation. If a request is received from the Municipality, a separate Utility Agreement will be prepared to determine the reimbursement terms and an updated cost estimate.

CONSTRUCTION AND MAINTENANCE

- 6. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
- 7. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
- 8. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.
- 9. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the powder coating on traffic signals and release the Department from all liability relating to such maintenance.

FUNDING

10. The Municipality shall participate in the Betterment costs of the Project as follows:

- A. Upon completion of the Project, the Municipality shall reimburse the Department one hundred percent (100%), of the actual cost, including administrative costs, of the work associated with adding powder coating to the traffic signals. The estimated cost is \$19,500.00. Both parties understand that this is an estimated cost and is subject to change.
- B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 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 time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

- 11. 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 any Federal or State Department or Agency.
- 12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
- 13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.

14. 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 upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

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 Municipality by authority duly given.

L.S. ATTEST: CITY OF JACKSONVILLE

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

“N.C.G.S. § 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 _____ of the local governing body of the City of Jacksonville as attested to by the signature of Clerk of said governing body on _____ (Date)

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

(SEAL)

BY: _____ (FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:
City of Jacksonville

DEPARTMENT OF TRANSPORTATION

BY: _____

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

NORTH CAROLINA
ONslow COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 5/11/2011

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-4007 B

AND

WBS ELEMENTS: 35008.2.GV3

CITY OF JACKSONVILLE

OTHER FUNDING:

FEDERAL-AID #:

CFDA #: 20.205

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 2/9/2010, entered into a certain Locally Administered Project Agreement for the original scope: roadway improvements to Western Parkway from approximately 1300' south of Country Club Road to Western Boulevard in Jacksonville, programmed under Project U-4007 B;

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

SCOPE

1. The Project consists of roadway improvements to Western Parkway from approximately 1300' south of Country Club Road to Western Boulevard in Jacksonville. At the request of the Municipality, the Department shall add powder coating to the traffic signal poles. All work shall be done in accordance with the approved project plans and specifications. The Municipality shall reimburse the Department for powder coating the traffic signal poles.

FUNDING

11. The Municipality shall participate in the Betterment costs of the Project as follows:

- A. Upon completion of the Project, the Municipality shall reimburse the Department one hundred percent (100%), of the actual cost, including administrative costs, of the work associated with adding powder coating to the traffic signals. The estimated cost is \$30,800.00. Both parties understand that this is an estimated cost and is subject to change.
- B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 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 time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

RESPONSIBILITIES

12. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the powder coating on traffic signals and release the Department from all liability relating to such maintenance.

GIFT BAN

13. By Executive Order 24, issued by Governor Perdue, and NCGS 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 2/9/2010, 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: _____

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)

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 General Fund Streets Non Powell Bill budgets is hereby enacted:

GENERAL FUND

<u>EXPENDITURES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
CONTINGENCY	107,744	(50,300)	57,444
STREETS NON POWELL BILL	1,437,637	50,300	1,487,937
TOTAL ADJUSTMENTS		-	
TOTAL FUND EXPENDITURES	44,005,957	-	44,005,957

WESTERN PARKWAY UTILITIES RELOCATION - SF1004

The purpose of this budget amendment is to move funds from General Fund Contingency to the Streets Non Powell Bill budget to cover the cost of the black powder coating for the signal poles as described in the Municipal Agreements between the City and NCDOT. The cost of the powder coating is \$50,300.

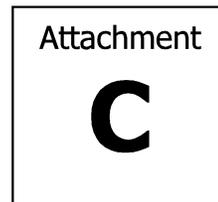
This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 17th day of May 2011.

ATTEST:

Carmen K. Miracle, City Clerk

Sammy Phillips, Mayor





Request for City Council Action

**Consent
Agenda
Item: 6
Date: 5/17/2011**

Subject: Resolution In Support of Renaming NC Department of Transportation Project
Department: Development Services/MPO Division
Presented by: Anthony Prinz, MPO Administrator
Presentation: No

Issue Statement

NC Department of Transportation, Division 3, has requested a resolution of support from the Council for the City of Jacksonville's request to rename two NC Department of Transportation Projects U-4007 A, White Street Extension and U-4007 B, Western Parkway. The City of Jacksonville requested that the names be changed from Western Parkway to Jacksonville Parkway and from White Street Extension to West Huff Drive in order to avoid confusion for motorists and in emergency response situations.

Financial Impact

NC Department of Transportation will be responsible for changing the names and installing the street signage.

Action Needed

Consider a Resolution of Support for the renaming.

Recommendation

Staff recommends Council adopt the Resolution of Support.

Approved: City Manager City Attorney

Attachments:

- A NCDOT Letter of Request
- B Proposed Resolution



Staff Report

**Consent
Agenda
Item: 6**

Resolution In Support of Renaming NC Department of Transportation Project

Procedural History

The NC Department of Transportation has two Transportation Projects U-4007-A White Street Extension and U-4007 -B, Western Parkway which will add two new road connections in Jacksonville. The City of Jacksonville requested that the names of these projects be changed from Western Parkway to Jacksonville Parkway and from White Street Extension to West Huff Street in order to avoid confusion for motorists and in emergency response situations.

NC Department of Transportation, Division 3, has requested a resolution of support from the Council for the City of Jacksonville's request to rename these NC Department of Transportation Projects.

This Western Parkway project is under construction and the White Street Extension project will be awarded later this year.

Stakeholders

- Citizens of Jacksonville & Onslow County
- NC Department of Transportation

Options

Adopt the Resolution **RECOMMENDED**

- Pros: This will avoid confusion for motorists and in emergency response situations.
- Cons: None

Deny the Resolution

- Pros: None
- Cons: There could be confusion when trying to identify locations on Western Boulevard and Western Parkway and White Street and White Street Extension.



RECEIVED MAY 04 2011

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

May 2, 2011

Mr. Richard L. Woodruff
City of Jacksonville
P.O. Box 128
Jacksonville, NC 28541

Dear Mr. Woodruff:

This is in response to your letter dated April 8, 2011 regarding the renaming of two future roads in Jacksonville, NC. Your letter indicates that the City is requesting the renaming of Western Parkway to Jacksonville Parkway and White Street Extension to West Huff Drive.

The Department understands that the City is requesting this change to be included in the upcoming construction projects, U-4007A and U-4007B. This revision will be included in these projects with a resolution from the City of Jacksonville. The resolution should be addressed to Robert Vause, PE, District Engineer, and include concurrence with city, county, and emergency officials on the renaming of both roads.

If you have further questions or concerns, please contact me at (910) 341-2000.

Sincerely,

H. Allen Pope, PE
Division Engineer

cc: Robert Vause, PE
Jackson Provost, PE
D. Chad Kimes, PE
File

Attachment

A

RESOLUTION (2011-x)

RESOLUTION OF SUPPORT FOR RENAMING NCDOT TRANSPORTATION IMPROVEMENT PROJECTS (TIP) U-4007 A, WHITE STREET EXTENSION TO WEST HUFF DRIVE, AND U-4007 B, WESTERN PARKWAY TO JACKSONVILLE PARKWAY.

WHEREAS, the Jacksonville City Council is committed to improving the safety and general welfare of the motoring public; and

WHEREAS, new sections of pavement are being constructed by NCDOT in TIP Projects U-4007 A and U-4007 B; and

WHEREAS, the NC Department of Transportation, have proposed to name the road built in Project U-4007 A White Street Extension and in Project U-4007 B as Western Parkway; and

WHEREAS, these names could be confused by motorists and emergency responders with the existing Western Boulevard and White Street; and

WHEREAS, the NC Department of Transportation will be responsible for installing the street signage as part of this project;

NOW THEREFORE, be it resolved that the Jacksonville City Council endorses and supports the renaming NCDOT Transportation Improvement Projects U-4007 A, White Street Extension to West Huff Drive, and U-4007 B, Western Parkway to Jacksonville Parkway.

Adopted by the Jacksonville City Council in regular session this 17th day of May 2011.

Sammy Phillips, Mayor

Attest:

Carmen K. Miracle, City Clerk

Attachment

B



Request for City Council Action

Consent Agenda Item: **7**
Date: 5/17/2011

Subject: Authorization to Condemn Financial Guarantees
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees. It is also recommended that the Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
Carriage Run Section IV-B at Carolina Forest	LOC: 7/28/2011 WAR: 7/18/2012	\$49,838.47	1 st
Southpointe Section II-A at Carolina Forest	LOC: 7/30/2011 AGR: 7/30/2011	\$59,391.57	3 rd 2 nd
The Gables	AGR: 7/7/2011	\$36,400.10	1 st
Yopp Road Relocation	LOC: 7/14/2011	\$176,848.00	2 nd

Definitions:

LOC: Letter of Credit WAR: Warranty AGR: Agreement
 CD: Certificate of Deposit SIDE: Sidewalk Agreement BND: Bond

Financial Impact

None.

Action Needed

To authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement.

Recommendation

Staff recommends that Council move to authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement.

Approved: City Manager City Attorney

Attachments:

None



Staff Report

**Consent
Agenda
Item: 7**

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivisions have financial guarantees that soon will be expiring:

Carriage Run, Section IV-B at Carolina Forest – This project is currently under warranty. The surety will expire July 28, 2011 and the warranty period will expire July 18, 2012.

Southpointe Section II-A at Carolina Forest – The surety and agreement will expire July 30, 2011. This project is still under construction. The Developer needs to make some improvements and then may request a final inspection confirming the work has been properly completed. Once the project has passed final inspection and approved by Council, it will begin an 18-month warranty period.

The Gables – The agreement will expire July 7, 2011. The Developer needs to make some improvements and then may request a final inspection confirming the work has been properly completed. Once the project has passed final inspection and approved by Council, it will begin an 18-month warranty period.

Yopp Road Relocation – The surety to cover the cost of uninstalled sidewalks will expire July 14, 2011. This is the second extension since the project went out of warranty on April 7, 2010.

Stakeholders

- Developers: Carolina Forest Developers, LLC; Perimeter Three, LLC, and Baily & Associates, Inc.
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement. **(RECOMMENDED)**

Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: Developer may incur an expense to renew agreement and provide surety or may have their financial guarantee condemned. City may have to complete construction in lieu of the developer using the developer's funds.

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

**Consent
Agenda
Item:** **8**
Date: 5/17/2011

Subject: Tax Releases, Refunds, and Write-Offs

Department: Finance

Presented by: Gayle Maides, Assistant Finance Director

Presentation: No

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 is, 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, \$33,293.49, \$353,347.98, and \$43.32 (\$386,684.79).

Action Needed

Review the tax releases, refunds and write-offs.

Recommendation

Staff recommends that Council move to 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:

8

Tax Releases, Refunds, and Write-Offs

Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$33,293.49, \$353,347.98, and \$43.32 (\$386,684.79).

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

MARCH 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	22,699.46	277.46	22,976.92	4,219,230.48
2009	101-0000-111-1000	0.006260	6,630.91	92.16	6,723.07	1,059,250.80
2008	101-0000-111-1000	0.006260	2,253.72	214.57	2,468.29	360,019.17
2007	101-0000-111-1000	0.006260	196.09	11.55	207.64	31,324.28
2006	101-0000-111-1000	0.005316	339.46	9.94	349.40	63,856.28
2005	101-0000-111-1000	0.005900	114.63	11.47	126.10	19,428.81
2004	101-0000-111-1000	0.005900	10.63	0.71	11.34	1,801.69
2003	101-0000-111-1000	0.005900	180.90	0.79	181.69	30,661.02
2002	101-0000-111-1000	0.005900	184.79	-	184.79	31,320.34
2001	101-0000-111-1000	0.005900	64.25	-	64.25	10,889.83
2000	101-0000-111-1000	0.005900	-	-	-	-
TOTAL			32,674.84	618.65	33,293.49	5,827,782.71

'00-09	10,316.57
2010	22,976.92

TAX REFUND SUMMARY

MARCH 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2010	101-0000-311-0000	0.005380	70,539.22	31.57	4.72	70,575.51	13,111,379.18
2009	101-5000-412-2000	0.006260	80,981.84	18.76	35.11	81,035.71	12,936,396.17
2008	101-5000-412-2000	0.006260	72,649.22	-	13.70	72,662.92	11,605,306.71
2007	101-5000-412-2000	0.006260	95,306.79	50.40	0.56	95,357.75	15,224,726.84
2006	101-5000-412-2000	0.005316	33,716.09	-	-	33,716.09	5,714,591.53
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	-	-	-	-	-
TOTAL			353,193.16	100.73	54.09	353,347.98	58,592,400.42

TAX WRITE-OFF SUMMARY

MARCH 2011

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2010	101-0000-111-0000	0.005380	42.43	-	42.43	7,886.62
2009	101-0000-111-1000	0.006260	0.86	-	0.86	137.38
2008	101-0000-111-1000	0.006260	0.03	-	0.03	4.79
2007	101-0000-111-1000	0.006260	-	-	-	-
2006	101-0000-111-1000	0.005316	-	-	-	-
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	-	-	-	-
TOTAL			43.32	-	43.32	8,028.79

'2000-2009	0.89
2010	42.43



Request for City Council Action

Consent Agenda Item: **9**
Date: 5/17/2011

Subject: Cost Recovery Agreement and Amendment of North Marine Town Center (NMTC) Development Agreement with Bailey and Associates, Inc. - North Marine Town Center Water & Sewer Infrastructure

Department: Public Services Department

Presented by: Deanna Young, Engineering Operations Coordinator

Presentation: No

Issue Statement

On September 23, 2009, the City and Bailey and Associates, Inc. entered into a development agreement for improvements at North Marine Town Center (NMTC). Bailey and Associates desires to execute a Cost Recovery Agreement whereby they can recover a portion of the cost of sewer infrastructure that will benefit offsite properties. Any recovery will be a prorated share of the cost Bailey and Associates incurred to construct the infrastructure.

An Amendment to the existing NMTC Contract will establish a partnership between the City and the developer to extend a water line on Dixie Trail across and up US 17 and turning down Piney Green Road to North Marine Town Center's connection point on the south side of Piney Green Road. This partnership will allow City water to be accessible to existing and future residents in this area.

Financial Impact

None for the Cost Recovery Agreement since Bailey and Associates will recover a portion of their costs via a special connection charge.

The total estimated cost for the water line extension is \$89,600, with \$54,000 coming from Water/Sewer Non Departmental and the remaining \$35,600 will be moved within the Engineering budget.

Action Needed

Consider the Cost Recovery Agreement, Amendment to the NMTC Development Agreement, and Budget Amendment.

Recommendation

Staff recommends that Council approve the Cost Recovery Agreement, Amendment to the NMTC Improvement Contract, and the Budget Amendment as presented.

Approved: City Manager City Attorney

Attachments:

- A Cost Recovery Agreement
- B Amendment to NMTC Improvement Contract
- C Budget Amendment



Staff Report

**Consent
Agenda
Item: 9**

Cost Recovery Agreement and Amendment with Bailey and Associates, Inc. – North Marine Town Center Water & Sewer Infrastructure

Introduction

On September 23, 2009, the City and Bailey and Associates, Inc. entered into a development agreement for improvements at North Marine Town Center (NMTC), which is located near the intersection of North Marine Highway (US 17) and Piney Green Road. Site plan approval for this development was granted on June 8, 2010. Part of this plan calls for Bailey and Associates to construct water and sewer lines, some of which will serve as the backbone for extension of water and sewer service beyond their property. As such, Bailey and Associates desires to execute a Cost Recovery Agreement whereby they can reclaim a portion of the cost of the sewer infrastructure they are to construct.

If the Cost Recovery Agreement is approved by Council, Bailey and Associates will recover a portion of the costs for only that portion of the sewer infrastructure that benefits offsite properties through a special connection charge collected by the City from those making use of the infrastructure. The City, after receiving a special connection fee, will transfer it to Bailey and Associates. Such fees are to be a prorated share of the cost Bailey and Associates incurred to construct the beneficial infrastructure. The charge will likely vary from customer to customer as the prorated share will be based upon the percentage of the infrastructure's overall capacity to be used by the customer.

City water service is not currently available in the immediate vicinity to serve the NMTC development. One viable option is to extend the City's water line on Dixie Trail across and along US 17 to Piney Green and then along Piney Green Road to NMTC's connection point on the south side of Piney Green Road at a cost of \$89,600. The extension of this water line would be the first step towards bringing water service to the area generally bounded by Western Boulevard, US 17, Piney Green Road and Country Club Road. Additionally, this project could then lead to the creation of a connection loop thereby potentially improving the pressure and flows in this service area.

By partnering with Bailey and Associates and amending the existing development agreement, the City is able to provide water service to not only North Marine Town Center but the larger service area as well. The City will save both time and money on the engineering and design of this water line extension as well as construction costs since it will be installed as part of the overall development project.

Procedural History

- On August 18, 2009 Council authorized the Interim City Manager to proceed with negotiation of a development agreement between the City and Bailey and Associates, Inc which was signed September 23, 2009.
- On June 8, 2010 Council approved the site plan and special use permit for Village at North Marine Town Center.

Stakeholders

- Citizens of Jacksonville
- Bailey and Associates
- Owners of property within the sewershed to be potentially served by the North Marine Town Center water and sewer "trunk" infrastructure.

Options

Option 1 –Approve the Cost Recovery Agreement and the Amendment to the NMTC Improvement Contract between the City and Bailey and Associates, Inc. as well as the proposed Budget Amendment. **(Recommended)**

Pros:

- Cost Recovery is allowed under the City's Water and Sewer Extension Policy and the proposed agreement satisfies the conditions set forth by the policy. As such, Council's approval will be consistent with the Water and Sewer Extension Policy.
- Approval helps assure that the NMTC project will continue to move forward. This is noteworthy because the NMTC will be the first step in providing City water and sewer service to the area generally bounded by North Marine Highway, Piney Green Road and Wolf Swamp Road.

Cons:

- The City will need to implement and collect special connection fees for those new water and/or sewer customers whose service is provided through sewer infrastructure constructed by Bailey and Associates.
- City will spend appropriated fund balance for the extension of the water line on Dixie Trail.

Option 2 – Disapprove the Cost Recovery Agreement and Amendment to the NMTC Agreement between the City and Bailey and Associates, Inc..

Pros:

- The City will not need to implement and collect special connection fees for those new water and/or sewer customers whose service is provided through water and sewer infrastructure constructed by Bailey and Associates.
- City will not spend appropriated fund balance for the extension of the water line on Dixie Trail.

Cons:

- Disapproval of the agreement will not be consistent with the City's Water and Sewer Extension Policy since such agreement is allowed by the policy and the proposed agreement satisfies the conditions set forth by it.
- Disapproval of the Agreement and Amendment *may* slow the timeline for the NMTC development. This means that the first step in providing City water and sewer service to the area generally bounded by North Marine Highway, Piney Green Road and Wolf Swamp Road will be slowed if completion of the development is indeed delayed.

COST RECOVERY AGREEMENT
North Marine Town Center

This AGREEMENT between the CITY OF JACKSONVILLE, N.C., (hereinafter referred to as CITY) and Bailey and Associates, Inc., (hereinafter referred to as the OWNER) sets forth the conditions, covenants, understandings, and considerations of a contract whereby the CITY will provide sewer service and repay to the OWNER a portion of the cost associated with construction of a wastewater pumping station and approximately 8,600 feet of 8-in forcemain and 105 feet of 10-in forcemain (hereinafter referred to as IMPROVEMENTS) to be installed to provide sewer service to the North Marine Town Center Property and surrounding area in the vicinity of the intersection of Piney Green Road and US Highway 17 North (hereinafter referred to as SERVICE AREA).

A. ACKNOWLEDGEMENTS:

The CITY and the OWNER affirm and acknowledge the following facts and understandings:

1. Sewer service is presently not available to the North Marine Town Center Property or SERVICE AREA.
2. The OWNER, as well as several other property owners in the SERVICE AREA, desire to connect to CITY sewer.
3. Annexation into the Jacksonville City Limits is ordinarily prerequisite to receiving CITY sewer service.
4. At the June 22, 2010 meeting, the Jacksonville City Council approved the voluntary annexation of this Property.
5. To provide sewer service to the area, the OWNER will finance and construct a wastewater pumping station and forcemain (IMPROVEMENTS) both of which is to be dedicated to the CITY and made available for use by third parties within the SERVICE AREA.
6. The IMPROVEMENTS, when complete and accepted by the CITY, will be owned and operated by the CITY.
7. The estimated cost of said IMPROVEMENTS is \$618,928.00.
8. The proposed IMPROVEMENTS will have a capacity in excess of that required for the needs of the OWNER. The IMPROVEMENTS will have an average flow of 201,000 gpd and a peak design pumping capacity of 604,000 gpd. The OWNER requires

approximately 160,600 gpd for their needs. Therefore, 40,400 gpd (201,000 gpd – 160,600 gpd) is available as excess pumping capacity. Any excess capacity, will be made available to other parties by the CITY, and will be eligible for cost recovery by the OWNER under the terms of this Agreement.

9. The CITY will make this excess capacity available to other parties in the SERVICE AREA. Other parties provided sewer service via the IMPROVEMENTS will be required to pay the CITY a one time Special Assessment Charge which will be established by a pro-rationing of cost as established herein. The Special Assessment Charge collected by the CITY will in turn be disbursed to the OWNER in the form of a reimbursement in accordance with the provisions outlined herein.
10. The amount of cost recovery to which the OWNER is entitled will be based upon construction costs only. Engineering fees, easement/right-of-way acquisition costs, tap fees expended by the OWNER are not eligible for recovery under this AGREEMENT.
11. Connections to CITY sewer by properties not annexed into or a part of the City of Jacksonville will not be permitted unless specific authorization for “Out-of-City” sewer service is received from City Council.

B. THE OWNER AGREES THAT:

1. The IMPROVEMENTS shall be constructed in accordance with plans and specifications prepared by Intracoastal Engineering, PLLC dated 5/20/2011 and under the inspection authority of and to the satisfaction of CITY.
2. Solicitation of bids for the IMPROVEMENTS shall comply with the **formal** bidding provisions of North Carolina General Statute 143-129, with the exception that the successful bidder will not be required to furnish a performance & payment bond under the terms of this Agreement. Bids shall be received and opened at the Jacksonville City Hall in the presence of CITY staff. A contract shall not be awarded prior to review and approval by CITY staff. Certification of proper advertisement and a certified bid tabulation shall be provided to the CITY.
3. The CITY shall be provided with copies of invoices by and payments to the contractor sufficient for the CITY to verify the actual construction cost allowable for recovery. All change orders resulting in an increase in construction cost must receive the approval of the CITY in order to be eligible for recovery. All legitimate change orders due to unforeseen site conditions, errors and/or omissions in the plans, etc. will receive favorable consideration. Deductive change orders, if any, will reduce the amount eligible for recovery.
4. In case of disagreement between the CITY and OWNER, the OWNER shall provide an

audit of the project by a Certified Public Accountant. The audit shall reflect the total cost of the project which is subject to cost recovery. Project administration and audit costs are not eligible for recovery by the OWNER, except where the said disagreement is found to be in favor of the OWNER.

5. The project shall be constructed in accordance with the following schedule:
 - a) Receive bids for construction by June 16, 2011.
 - b) Award contract for construction by July 5, 2011.
 - c) Start construction by August 15, 2011.
 - d) Complete construction by July 1, 2012.
6. The IMPROVEMENTS constructed under this agreement are hereby dedicated to the City upon completion and acceptance. Prior to acceptance of the facilities, the OWNER shall provide certification to the CITY that all due and just claims for damages and all just accounts for labor performed and materials furnished in connection with the construction of the IMPROVEMENTS have been paid in full and that the project free of all claims and liens.
7. The OWNER warrants proper construction of the sewer facility for eighteen months after acceptance by the CITY. The OWNER agrees to provide to the CITY a surety by OWNER or OWNER's Contractor in the amount of 10% of the actual construction costs for the duration of the warranty period in the form of cash, certified check or letter of credit. Said surety shall be held by and payable to the CITY. A separate Agreement will be executed to stipulate the terms of the warranty period to allow for all parties involved to execute said Agreement.
8. The OWNER, or its assigns, agrees to pay all applicable fees and service charges (e.g., facilities charges, new account charges, etc.) for initiation of new sewer accounts. The OWNER, or its assigns, also agrees to pay for sewer service in accordance with standard CITY billing procedures.
9. The OWNER, or its assigns, agree to comply with the CITY'S Ordinances and Policies regarding sewer use and limit discharge from this use to that expected from similar uses.
10. If the Bailey & Associates tract(s) or the Humphrey tract(s) are built-out before the expiration of this Cost Recovery Agreement, all excess capacity will revert to the CITY and shall be included in the available capacity for cost recovery, pursuant to this Agreement.

C. THE CITY AGREES THAT:

1. The aforementioned IMPROVEMENTS may be constructed and connected to the CITY'S sewer system in accordance with the requirements outlined herein.

2. Cost Recovery to the OWNER shall be in the form of OWNER Reimbursements paid each time the CITY permits a connection to the IMPROVEMENTS by a third party.

3. Upon allowing any third party to receive sewer service via the IMPROVEMENTS, the CITY agrees to provide reimbursement to OWNER as determined by the following formula:

$$\text{OWNER Reimbursement} = \frac{\text{ADF} \times \text{PF}}{\text{Pump Capacity}} \times \text{Total Construction Cost}$$

Where: *ADF* = Requested **Average Daily Flow** rate for the connecting third party in gallons per day to be computed in accordance with DEM Administrative Code Section 15A NCAC 2H.0200 - Waste not Discharged to Surface Waters (Copy of the appropriate table is attached as ATTACHMENT "A") or as determined from a minimum of 12 months of actual water consumption data in accordance with the requirements of 15A NCAC 2H.0200 Section .0219 paragraph (1)(3).

PF = Requested **Peaking Factor** for the connecting third party. *PF* shall equal to 3.0 unless substantiating evidence is submitted indicating otherwise. In no case shall *PF* be less than 3.0.

PUMP CAPACITY = Actual peak design **Pump Capacity**. In no case shall *PUMP CAPACITY* be less than 604,000 gpd.

TOTAL CONSTRUCTION COST = Actual Construction Cost, excluding engineering cost, permit fees, inspection fees, easement/right-of-way acquisition costs, tap fees expended by the OWNER in constructing the IMPROVEMENTS.

4. Irrespective of the foregoing, however, Cost Recovery (total of all OWNER Reimbursements) shall not exceed 35% of estimated construction cost (\$618,928) or \$216,624.80, except in the event excess capacity on the Bailey and Humphrey Tracts revert back to CITY, pursuant to Section B, Article 10 herein.
5. Reimbursements shall not be made to the OWNER prior to completion of construction of the IMPROVEMENTS.
6. The OWNER will be eligible for Cost Recovery up to the amount set forth in C(3) above by direct cash payment(s) from the CITY'S sewer fund current appropriations.

D. EXECUTION:

This AGREEMENT will become effective upon its execution and will expire twelve (12) years from its effective date or in one hundred-twenty (120) days after its effective date if a contract for construction of the IMPROVEMENTS as set forth herein has not been awarded.

The CITY and OWNER each binds himself and his partners, successors, executors, administrators, and assigns, in respect to all covenants of this AGREEMENT. Except as above, neither CITY nor the OWNER shall assign or transfer his interest in this AGREEMENT without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than CITY and OWNER.

This AGREEMENT shall become effective on _____.

This AGREEMENT shall terminate on _____.

OWNER

NORTH CAROLINA:
ONSLOW COUNTY:

I, _____ a Notary Public for said County and State certify that _____ personally came before me this day, and being by me duly sworn, acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the ___ day of _____, 2011.

My Commission Expires _____.

CITY OF JACKSONVILLE, N.C.

Execution of this AGREEMENT on behalf of the CITY was approved by the

Jacksonville City Council at its meeting held on _____.

ATTEST:

City Manager

City Clerk

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems covered by this Subchapter unless alternate criteria are provided by a program specific rule and for flow used for the purposes of 15A NCAC 02H .0105. These are minimum design daily flow rates for normal use and occupancy situations. Higher flow rates may be required where usage and occupancy are atypical, including, those in Paragraph (e) of this Rule. Wastewater flow calculations must take hours of operation and anticipated maximum occupancies/usage into account when calculating peak flows for design.

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space
Specialty food stand or kiosk	50 gal/100 sq ft floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self service laundry facilities	500 gal/machine
Medical, dental, veterinary facilities	

Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, preschools and day care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service stations, car wash facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities (if recycling water see Rule .0235)	1200 gal/bay
Sports centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq ft
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq ft
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, shopping centers, malls and flea markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq ft
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq ft
Stores and shopping centers without food service	100 gal/1000 sq ft
Transportation terminals – air, bus, train, ferry, port and dock	5 gal/passenger

Attachment B

Pump Station Capacity = 201,000 gpd
Peak Design Pump Capacity = 604,000 gpd
Engineer's Estimate for Construction = \$618,928.00

	<u>Capacity Usage</u>	<u>Applicable Construction Cost</u>
Bailey & Associates (As described in Exhibit A as the "Proposed Site")	130,600 gpd	\$402,303.20
Humphrey Tracts (As described in Exhibit B)	30,000 gpd	\$92,839.20
Future Sewer Basin (As described in Exhibit A as the "Future Sewer Basin")	40,400 gpd	\$123,785.60

CRB

mihaly - circello
ARCHITECTURAL & ENGINEERING
INCORPORATED
1000 W. 10TH ST., SUITE 200
JACKSONVILLE, NC 28541

REVISIONS

INTRACOASTAL
ENGINEERING, PLLC
91 Pelican Point Road
Wilmington, North Carolina 28409
Phone: 910.492.1567
Email: Charlie@intracoastalengineering.com

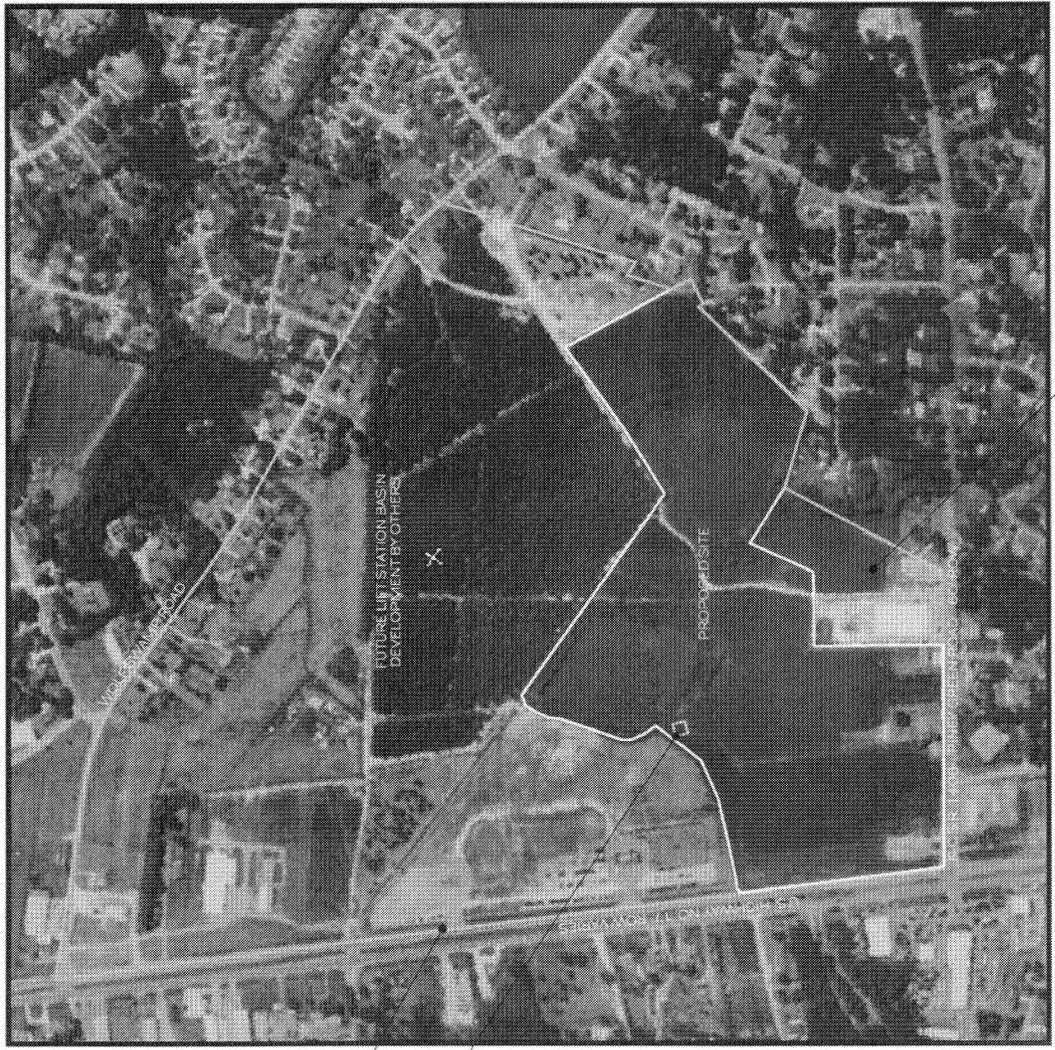


JACKSONVILLE, NORTH CAROLINA
TOWN CENTER
NORTH MARINE
FOR
CONCEPTUAL MASTER PLAN

CLIENT INFORMATION:
BAILEY AND ASSOCIATES INC.
PO BOX 400
JACKSONVILLE, NC 28451

DATE:	DATE REVISION:
DESIGNED:	SCALE:
APPROVED:	PROJECT NUMBER:
JOB NUMBER:	

Exhibit A



LIFT STATION BASIN AREA

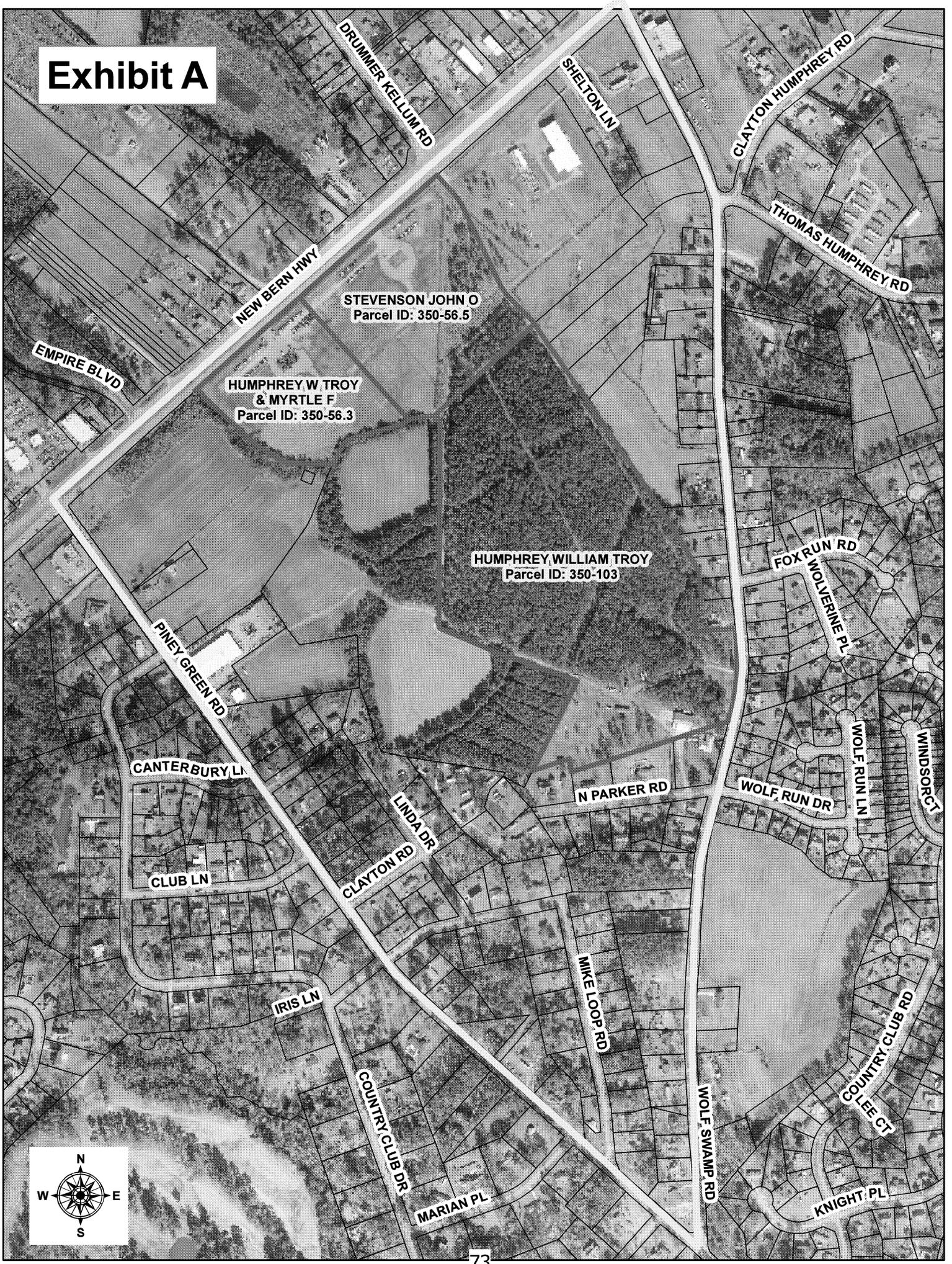
APPROXIMATE LIFT STATION LOCATION

FUTURE LIFT STATION
BASIN DEVELOPMENT
BY OTHERS

**LIFT STATION BASIN AREA
NORTH MARINE TOWN CENTER PLANNING AREA**



Exhibit A



**AMENDMENT TO
CONTRACT**

THIS AMENDMENT TO CONTRACT, made this the _____ day of _____, 2011, by and between the City of Jacksonville, a North Carolina Municipal Corporation, hereinafter referred to as "City", and the Bailey and Associates, Inc., hereinafter referred to as "Developer";

WITNESSETH

WHEREAS, the City and Developer entered into a Contract dated the 23rd day of September, 2009 which is herein incorporated by reference as if fully set out;

WHEREAS, the City and Developer now desire to amend the aforesaid Agreement by the amendment of certain provisions thereof as set forth herein; and

NOW, THEREFORE, for and in consideration of the agreements, stipulations, and covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, City and Developer do hereby agree, stipulate and covenant, each with the other, as follows:

1. Article C, Section 5 is hereby added as follows: CITY agrees to reserve 30,000 gpd of capacity at the pump station to be constructed by DEVELOPER for the Humphrey Tracts as identified on Exhibit A for a period of twenty (20) years beginning September 23, 2009.
2. Article C, Section 6 is hereby added as follows: If the DEVELOPMENT or either one of the Humphrey tracts of land have reached their full build-out capacity prior to the twenty (20) year deadline, the remaining capacity will revert to the CITY.
3. Article C, Section 7 is hereby added as follows: The parties acknowledge that 5,625 gallons of the excess capacity at the proposed pump station to be constructed by DEVELOPER has already been allocated to the Stevenson Tract as identified on Exhibit A.
4. Article E is hereby added as follows: The CITY and DEVELOPER wish to partner on the installation of a water line to serve not only the DEVELOPER but the larger service area in the vicinity of Highway 17 and Piney Green Road as follows:
 - a. The DEVELOPER shall install approximately 1,940 linear feet of 12" water line (hereinafter referred to as "IMPROVEMENTS") beginning at Dixie Trail

tying into the City of Jacksonville's system and extending the water line across and up Highway 17 and turning down Piney Green Road to North Marine Town Center's connection point at the south side of Piney Green Road.

- b. The IMPROVEMENTS shall be constructed in accordance with plans and specifications as approved by NCDENR and under the inspection authority of and to the reasonable satisfaction of the CITY.
- c. The IMPROVEMENTS constructed under this contract are hereby dedicated to the CITY upon completion and acceptance by the Jacksonville City Council subject to the terms and conditions within Cost Recovery Agreement, attached as Exhibit B.
- d. The CITY shall reimburse the DEVELOPER \$82,600, with 90% payable in monthly draws, based upon actual verifiable quantities completed each month. DEVELOPER shall withhold 10% retainage on Contractor's contract until substantial completion and approval by the Jacksonville City Council. Upon substantial completion and approval by City Council, CITY shall release the final 10%. Construction shall be completed no later than March 1, 2012.
- e. The CITY shall be provided with copies of all invoices sufficient for the CITY to verify the actual construction cost for their share allowable for reimbursement by the North Carolina State Department of Treasury. All change orders resulting in an increase in construction cost must receive prior approval of the CITY in order to be eligible for reimbursement. All legitimate change orders due to unforeseen site conditions, errors and/or omissions in the plans, etc. will receive favorable consideration. Deductive change orders, if any, will reduce the amount for eligible reimbursement.
- f. In case of disagreement between the CITY and DEVELOPER, the DEVELOPER shall provide an audit of the project by a Certified Public Accountant. The audit shall reflect the total cost of the project which is subject to reimbursement. Project administration and audit costs are not eligible reimbursement by the CITY, except where the dispute is found to be in favor of the DEVELOPER.
- g. These IMPROVEMENTS in conjunction with the stated upgrades at the Barrus Road Pump Station as well as the 12-inch force main as identified in the initial Contract were a part of a planned project for completion by the CITY. In an effort to assist the DEVELOPER, the CITY agreed to move said project ahead on the planned schedule.

h. It is further mutually agreed that all other provisions of the Agreement executed by the parties on or about the 23rd day of September 2009 are hereby reaffirmed and shall remain in full force and effect except as herein amended.

5. Article B, Section 7 is hereby amended in its entirety to read as follows: The force main and pump station must be constructed together after receiving all necessary State and Federal Regulatory permits and authorizations and completed no later than July 1, 2012, ~~within six[6] months of a CITY approved development plan for DEVELOPER'S project~~ unless additional days are required due to weather delays. All proposed time extensions must be communicated to the CITY in writing to include weather data in support of the proposed extensions.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals, this the ____ day of _____, 2011.

DEVELOPER:
Bailey and Associates, Inc.

CITY:
City of Jacksonville, NC

Christopher W. Bailey, President

Richard L. Woodruff, City Manager

WITNESS:

WITNESS:

NORTH CAROLINA
ONSLOW COUNTY

I, _____ a Notary Public in and for the County and State aforesaid, do hereby certify that Christopher W. Bailey personally came before me this day and acknowledged that he is President of Bailey and Associates, Inc. a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its President.

WITNESS my hand and notarial seal, this the ____ day of _____, 2011.

Notary Public

My Commission Expires: _____

NORTH CAROLINA
ONSLOW COUNTY

I, _____ a Notary Public in and for the County and State, certify that _____ personally appeared before me this day and acknowledged that he/she is the _____ of the City of Jacksonville a Municipal corporation, and that by duly given and as the act of the corporation the foregoing instrument was signed in its name by its _____, sealed with its corporate seal and attested by as its _____.

WITNESS my hand and notarial seal, this the _____ day of _____, 2011.

Notary Public

My Commission Expires: _____

CERTIFICATE OF CITY'S ATTORNEY

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached Contract for **Amendment to Contract for Improvements for North Marine Town Center** between the City of Jacksonville and **Bailey and Associates, Inc.** and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

Signature

Date

APPROVAL BY CITY FINANCE OFFICER

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

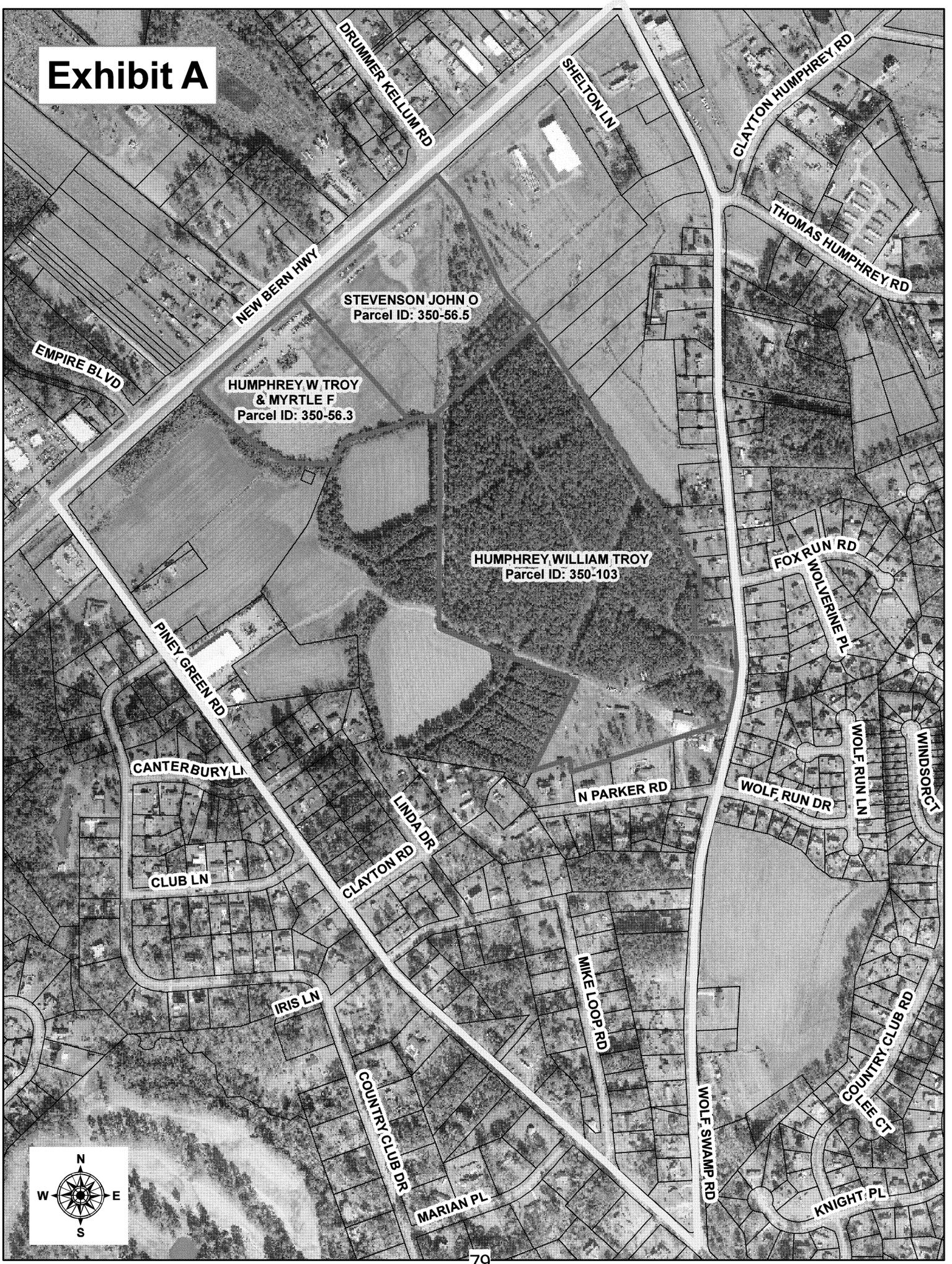
Account # _____

Signature

Dollar Amount of Contract

Date

Exhibit A



ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2011 Water Sewer Fund is hereby enacted:

WATER SEWER FUND

<u>EXPENDITURES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
ENGINEERING	1,172,966	54,000	1,226,966
W/S NON DEPARTMENTAL	13,790,239	(54,000)	13,736,239
TOTAL ADJUSTMENTS		-	
TOTAL FUND EXPENDITURES	<u>25,539,257</u>	<u>-</u>	<u>25,539,257</u>

The purpose of this budget amendment is to move funds to cover the cost of a contract between the City and Bailey & Associates to construct a water line from Dixie Trail, across and down Hwy 17 turning down Piney Green Road. The City Manager has stated that the City would pay for this expense and reimburse Bailey and Associates as part of the infrastructure installed with North Marine Town Center Project. The total estimated cost for the work is \$89,600, with \$54,000 coming from Water/Sewer Non Departmental and the remaining \$35,600 will be moved within the Engineering budget.

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 17th day of May 2011.

ATTEST:

Sammy Phillips, Mayor

Carmen K. Miracle, City Clerk

Attachment

C



Request for City Council Action

Agenda Item:	10
Date:	5/17/2011

Subject: 2011 COPS – Secure Our Schools Grant Application

Department: Police

Presented by: Chief Mike Yaniero

Presentation: Yes

Issue Statement

The Police Department is seeking authorization to submit an application for the 2011 COPS – Secure Our Schools Grant. The Police Department has worked in partnership with staff from Onslow County Schools to prepare and submit the proposal for the grant. The Secure Schools Partnership Grant will provide upgrades for security equipment at City middle schools and high schools.

Financial Impact

The amount requested in the application is \$240,000, which includes the required 50 percent local match that will be funded by Onslow County Schools. The City will act as the funding agency for the grant, with Onslow County Schools reimbursing the City in accordance with an interlocal agreement.

Action Needed

Authorization for the Police Department to submit the grant application.

Recommendation

Staff recommends that Council authorize staff to submit the application.

Approved: City Manager City Attorney

Attachments:
None



Staff Report

2011 COPS – Secure Our Schools Grant Application

Introduction

The Police Department is dedicated in their partnership with Onslow County Schools to the development and application of school safety resources and security at schools, on school grounds and at school events. Children spend more time in school than almost any other place outside of the home. This places a large responsibility on the school system and those charged with keeping them safe. In a time when a variety of crime factors face our students, maintaining school safety becomes an increasingly difficult task. Security in classrooms no longer depends solely on teachers, but on a partnership with teachers, school staff, administrators and law enforcement professionals. These successful collaborations are excellent examples of community policing.

Staffs from JPD and Onslow County Schools have drafted the Secure Schools Partnership Grant Application. The grant will provide upgrades to security cameras, radio systems and locks in middle and high school facilities in the City of Jacksonville.

Procedural History

- April 4, 2011 – US Department of Justice announces grant opportunity
- April, 2011 – Police staff reviews announcement
- May 4, 2011 – Onslow County Schools Safety and Security Director meet with Chief Yaniero and staff to discuss grant options and planning.
- May 17, 2011 – Request Council consideration to authorize application and accept grant
- June 8, 2011 – Final deadline for all applications

Stakeholders

- Citizens of Jacksonville
- Students
- School Staff and Administration
- Police Department

Options

1. **Option 1:** Authorize the Police Department to submit the application for the 2011 COPS – Secure our Schools Grant and accept the grant if awarded. (Recommended)
2. **Option 2:** Deny the request for the Police Department to submit the application for the grant.



Request for City Council Action

Agenda Item:	11
Date:	5/17/2011

Subject: Community Development Advisory Committee
Re-Appointments/Appointment

Department: Development Services

Presented by: Lillie R. Gray, Community Development Administrator

Presentation: Yes

Issue Statement

The terms of three (3) members of the Community Development Advisory Committee will expire on June 30, 2011. All three members have expressed a desire for re-appointment for additional three year terms.

There is also one (1) vacancy on the Community Development Advisory Committee for an existing three year term expiring June 30, 2012.

There are two (2) talent bank applications on file in the City Clerk's Office. These applicants have been contacted and wish to serve.

Councilman Jerome Willingham is the Council Liaison to the Community Development Advisory Committee.

Financial Impact

None

Action Needed

Seek nominations for appointments

Close nominations / Vote on appointments

Recommendation

Consider appointing/re-appointing three (3) members to the Community Development Advisory Committee for three (3) year terms expiring June 30, 2014 and appointing one (1) new member to an existing three (3) year term expiring June 30, 2012.

Approved: City Manager City Attorney

Attachments:

A Talent Bank Applications



Staff Report

Agenda Item: **11**

Community Development Advisory Committee Re-Appointments/Appointment

The Community Development Advisory Committee serves in an advisory capacity to City Council regarding the activities of the Community Development Block Grant program. This committee meets bi-monthly and provides feedback to the Community Development Division on the needs of the community with a primary focus on low and moderate income citizens.

Current Members Desiring Re-Appointment

Name	Attendance Last 12 Months
Maureen Bennett	5 of 6
Finney Greggs	4 of 6
Maxwell Gilliam	3 of 6

Applicants Desiring Appointment

Name	Current Service On City Board/Committee
Dianna D. Brown	None
Lori Ready-James	Recreation and Parks Commission

**City of Jacksonville
Application for Appointment to Boards and Commissions**

I, the undersigned am interested in community service and I provide this information for use by the City Council in considering my qualifications for appointment to the following Boards/Commissions.

Effective October, 17, 2004: Except for active duty military personnel, appointees to the City of Jacksonville Boards and Commissions must be registered to vote within Onslow County.

(Please refer to the attached Boards and Commissions Summary Sheet for information and/or specific qualifications that may be required for appointment to a particular Board and for information regarding the City's Shadow Leadership Program.)

If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here:

List your Board/Commission Preferences in priority order below:

1. Community Development Advisory Committee 2. _____
3. _____ 4. _____

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here:

Name: Dianna D. Brown Spouse: _____
 Home Address: 143 Chaney Ave. Apt. C
 Work Name and Address: M & W Land Improvement Inc. 1164 Kellum Loop Rd.
 Home Telephone: 910-238-4775 Work Telephone: 910-238-4634
 Fax: 910-238-4683 Email Address: lrdur.denise@yahoo.com
 Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? If Yes, for how long: _____

Do you reside within Onslow County? Or, is your place of employment within Onslow County?

Please describe your current and past Civic or Community Involvement:

While a student at Coastal I have volunteered at the USO for 16 months. Also did Army work with Keep Onslow Beautiful.

Please describe special talents, experience, education or training that you feel qualifies you for service on the selected Boards or Commissions:

I am outgoing and enjoy helping people. My community is important to me. Making sure that we support and help each other. I am a good organizer and motivated.

Continued on Next Page

RECEIVED

DEC 23 2010

Dec 08 2010 12:29PM M&W LHMU IMPROVEMENT 2384683
 December 8, 2010 11:27:32 AM GMT-05 2384683
 REMOTE CSID 2384683
 DURATION 92
 PAGES 2
 STATUS Received
 BY: JAW
 ** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

Attachment

A

City of Jacksonville Application for Appointment to Boards and Commissions

I, the undersigned am interested in community service and I provide this information for use by the City Council in considering my qualifications for appointment to the following Boards/Commissions.

Effective October, 17, 2004: Except for active duty military personnel, appointees to the City of Jacksonville Boards and Commissions must be registered to vote within Onslow County.

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If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here:

List your Board/Commission Preferences in priority order below:

- 1. Planning Board
- 2. Rec & Parks
- 3. Community Development
- 4. _____

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here: _____

Name: Lori Ready-James Spouse: _____

Home Address: 228 Newport Dr Trville

Work Name and Address: Nordic Cold Storage 4300 Pleasantdale ATL GA

Home Telephone: 910 455-9915 Work Telephone: _____

Fax: _____ Email Address: LBRJ@EC.RR.COM

Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? If Yes, for how long: 8 years

Do you reside within Onslow County? Or, is your place of employment within Onslow County? _____

Please describe your current and past Civic or Community Involvement:

Active Member in the Chamber of Commerce; Board member & Chairperson of the Government Affairs Committee. Served for the past 7 years on the Chamber. Active in the community

Please describe special talents, experience, education or training that you feel qualifies you for service on the selected Boards or Commissions:

Wish to be actively involved in the growth of the city. Born - Raised - Educated in Jacksonville. Want to see positive results for our community.

Continued on Next Page



Request for City Council Action

Agenda Item:	12
Date:	5/17/2011

Subject: Water & Sewer Advisory Board Appointment

Department: Public Services Department

Presented by: Grant Sparks

Presentation: No

Issue Statement

In compliance with City Code Section 2-149, the appointment of (1) one member of the Water and Sewer Advisory Board has expired due to continued absences from regularly scheduled meetings.

There are four talent bank applications on file in the City Clerk's Office. These applicants have been contacted and wish to serve.

Councilman Randy Thomas is the Council Liaison to the Water and Sewer Advisory Board.

Financial Impact

None

Action Needed

Seek nominations

Close nominations/Vote on appointment

Recommendation

Consider appointing one (1) member to the Water and Sewer Advisory Board to an existing three (3) year term expiring on June 30, 2013.

Approved: City Manager City Attorney

Attachments:

A Talent Bank Applications



Staff Report

Water and Sewer Advisory Board Appointment

Introduction

Mr. Robert Seavey's appointment expired in February 2011 for failure to meet the attendance requirements. Mr. Seavey was re-appointed in June 2010 and has since missed 3 of 5 meetings.

City Code Section 2-149 states that "The appointment of any member who fails to attend any three (3) out of the five (5) previous regular meetings, or fails to attend any three (3) consecutive regular meetings, shall be considered expired."

APPLICANTS DESIRING APPOINTMENT

Name	Current Service on City Board / Committee
Timothy Earley	None
Dianna Rashash	None
Robert Seavey	None
Mary Spencer	None

City of Jacksonville
Application for Appointment to Boards and Commissions

I, the undersigned am interested in community service and I provide this information for use by the City Council in considering my qualifications for appointment to the following Boards/Commissions.

Effective October, 17, 2004: Except for active duty military personnel, appointees to the City of Jacksonville Boards and Commissions must be registered to vote within Onslow County.

(Please refer to the attached Boards and Commissions Summary Sheet for information and/or specific qualifications that may be required for appointment to a particular Board and for information regarding the City's Shadow Leadership Program.)

If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here: _____

List your Board/Commission Preferences in priority order below:

1. Water + Sewer
2. STORM WATER
3. PLANNING BOARD
4. CIVIL AFFAIRS COMMISSION

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here:

Name: Timothy Earley Spouse: _____

Home Address: 1010 VERNON DR JACKSONVILLE NC

Work Name and Address: EARLEY'S CONSULTING - COASTAL RETENTION COMMERCIAL

Home Telephone: 910-340-0993 Work Telephone: 910-455-7921

Fax: _____ Email Address: COASTAL RETENTION @ YAHOO.COM

Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? YES If Yes, for how long: 18 YRS

LIVED IN THE CITY LIMITS MOST OF MY LIFE

Do you reside within Onslow County? Or, is your place of employment within Onslow County? YES

Please describe your current and past Civic or Community Involvement:

I HAVE BEEN INVOLVED IN MANY EDUCATIONAL FORUMS IN THE COMMUNITY, COMMUNITY OUTREACH IN THE NURSE'S HOMES, MENTOR IN THE AFTER SCHOOL WORK PROGRAM

Please describe your educational background:

GRADUATE JACKSONVILLE HIGH, GRADUATE COURSE A UNC WILMINGTON FOR PLANNING + DESIGN

Continued on Next Page

Attachment
A

**City of Jacksonville
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If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here: _____

List your Board/Commission Preferences in priority order below:

1. Water + Sewer Adv. Board
2. _____
3. _____
4. CONV 14

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here: _____

Name: Diana M.C. Rashash Spouse: _____
 Home Address: 415 Brynn Marr Rd., Jacksonville NC 28546
 Work Name and Address: NC Cooperative Extension, 4024 Richlands Hwy
 Home Telephone: (910) 320-3025 Telephone: (910) 455-5873
 Fax: _____ Email Address: diana-rashash@ncsu.edu

Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? yes If Yes, for how long: since 1984

Do you reside within Onslow County? Y Or, is your place of employment within Onslow County? Y

Please describe your current and past Civic or Community Involvement:

City of Jville stormwater advisory committee
Habitat for Humanity
various fundraiser events (EMS, Fire Dept, Diabetes, Cancer)

Please describe special talents, experience, education or training that you feel qualifies you for service on the selected Boards or Commissions:

PhD Environmental Science + Engineering
15 yrs. area specialized agent - natural resources

Continued on Next Page

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If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here:

List your Board/Commission Preferences in priority order below:

- | | |
|---------------------------|----------|
| 1. <u>Water and Sewer</u> | 2. _____ |
| 3. <u>Planning</u> | 4. _____ |

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here:

Name: Robert C. Seaman Spouse: Betty

Home Address: 111 Country Club Dr 28546

Work Name and Address: Retired

Home Telephone: 910 938-1063 Work Telephone: 910-382-6994

Fax: 910-989-1345 Email Address: mainelyus@earthlink.net

Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? If Yes, for how long: 15 yrs.

Do you reside within Onslow County? Or, is your place of employment within Onslow County?

Please describe your current and past Civic or Community Involvement:

- 1) past Water and Sewer for city of Jacksonville
- 2) New River Foundation Volunteers
- 3) past SLD Volunteer 4) Museum of Marine
- 5) Disabled Veterans Volunteer

Please describe your educational background:

Numerous Military schools
Numerous govt schools for Hazard Material
Asse. Degree Business

Continued on Next Page

Please describe any special talents, training, or experience that you feel qualifies you for service on the selected Boards or Commissions:

*Active in City Council in Portland Me (1982-1995)
Advocated for Homeless*

- If you have additional information that you would like to provide, please attach extra pages.
- Applications will remain active and on file for a period of three years at which time you will be contacted to verify your continued interest and for new or updated information.
- The information provided will be used by the City Council in considering appointments to City Boards and Commissions.

Robert C. [Signature]
Signature

4-12-2011
Date

Please return this form to:
City Clerk's Office, City of Jacksonville
211 Johnson Blvd. Jacksonville, NC 28540
Phone: 910-938-5224 FAX 910-455-6761

City Clerk's Office Use Only

Date Application Received: *4/18/11* Date Verified as Onslow County Registered Voter: *4/18/11*
Home Address Verified as City Resident: *Yes* Home Address Verified as County Resident: *N/A*
Employment Address is located within City Limits or Onslow County? *N/A*

Contact Notes: _____

City of Jacksonville Application for Appointment to Boards and Commissions

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If you are interested in being contacted to serve on various ad hoc and/or special Committees that may be created in the future by the City Council, please check here:

List your Board/Commission Preferences in priority order below:

1. Water & Sewer Advisory Board
2. _____
3. _____
4. _____

If you are interested in being considered for appointment through the City's Shadow Leadership Program for any of the Boards indicated above, please check here:

Name: Mary Hartnett Spencer Spouse: Richard W. Spencer

Home Address: 169 Aldenway Rd Jacksonville NC 28546

Work Name and Address: n/a

Home Telephone: 910-238-2370 Work Telephone: n/a

Fax: _____ Email Address: spencermary200@aol.com

Are you registered to vote in Onslow County: YES NO

Do you reside within the Jacksonville City Limits? If Yes, for how long: 3+ years 2007-2010

Do you reside within Onslow County? Or, is your place of employment within Onslow County? 1993-1997 1979-1990

Please describe your current and past Civic or Community Involvement:

Member of Jacksonville Board of Realtors 1982-90 1993-1998
Member Officers Women's Club MCGS New River 1982-1990
1993-1998

Please describe your educational background:

Graduated Bishop England High School Charleston SC 1970
80+ hours College Credit earned in adulthood in the Community College
Systems of North Carolina & Florida Rhode Island and
California. Real Estate Training and Professional Designations. Ongoing

Continued on Next Page

