

COUNCIL MINUTES

REGULAR MEETING

June 7, 2011

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Boy Scout Troop 170 and their Scout Masters led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

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

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously adopted to approve the minutes of a Special Workshop Meeting held May 3, 2011 as presented, the minutes of the Regular Meeting held May 3, 2011 as presented, the minutes of a Budget Workshop Meeting held May 16, 2011 as presented, the minutes of a Special Workshop Meeting held May 17, 2011 as presented, and the minutes of the Regular Meeting held May 17, 2011 as presented.

PRESENTATIONS

RETIREMENT RECOGNITION – PAUL JARMAN

Mayor Phillips reviewed the past service of Paul Jarman in recognition of his 22 years of service with the City of Jacksonville in the Sanitation Department. He presented Mr. Jarman with a retirement clock and thanked him for his service. Mr. Jarman stated he enjoyed working for the City and the people he worked with.

RECOGNITION OF ADOPT-A-STREET PROGRAM PARTICIPANTS

With the help of Johnny Stiltner, Streets Superintendent, Mayor Phillips presented a Certificate of Recognition to Boy Scout Troop 197 for participating in the Adopt-a-Street program. The Forbidden Chapter Car, Bike, and Truck Club was also recognized, but unable to attend. This program was established to have citizen involvement in volunteer work efforts to clean our City streets. Boy Scout Troop 197 adopted Yopp Road, and the Forbidden Chapter Car, Bike, and Truck Club adopted Liberty Drive.

YARD AND BUSINESS OF THE MONTH BEAUTIFICATION AWARDS

With the assistance of Councilman Bob Warden, Council Liaison to the Beautification and Appearance Commission, Mayor Phillips presented the Residential Yard of the Month to Mr. Charles Efird for his residence at 306 Woodland Drive. The Business Yard of the Month was awarded to Mr. Craig Wagner, United Way of Onslow County, at 8 Ruth Street. Mayor Phillips thanked the winners for their efforts.

PROCLAMATION: HOMER SPRING – NATIONAL WRESTLING HALL OF FAME INDUCTION

Mayor Phillips read a Proclamation naming Tuesday, June 7, 2011 as Homer Spring Day in the City of Jacksonville recognizing Mr. Spring's induction into the National Wrestling Hall of Fame and for his active participation as a community leader. Mayor Phillips also recognized Mr. Spring's wife Lori. Following the reading of the Proclamation, Mr. Spring accepted the Proclamation.

MAYOR'S COMMITTEE FOR PERSONS WITH DISABILITIES AWARD

Mayor Phillips read a citation recognizing Brookwood Baptist Church Child Care for receiving the Mayor's Committee for Persons with Disabilities recognition award in the category of Support Groups. Council Member Fannie K. Coleman, Council Liaison to the Mayor's

Committee for Persons with Disabilities, assisted with the presentation. Ms. Bonnie Harris, Child Care Director, was present to accept the award.

REPORT TO COUNCIL - BETTERING OUR LOCAL DOWNTOWN (B.O.L.D. INC.)

Carmen Spicer, President and Co-Executive Director of B.O.L.D., presented a brief report to Council on their mission, goals, and current events including bringing back Downtown Alive. Councilman Randy Thomas is the Council Liaison to B.O.L.D..

PUBLIC HEARINGS

REZONING FROM CU-TCA TO CU-O&I – 2145 COUNTRY CLUB ROAD

Ms. Mary Sertell, Senior Planner, stated that Fred and Anne Beacham had submitted a request to rezone one parcel totaling 7.59 acres from Conditional Use Townhomes, Condominiums, and Apartments (CU-TCA) to Conditional Use Office and Institutional (CU-O&I). The subject site was located at 2145 Country Club Road, across from Independence Drive.

Councilman Bittner asked why the conservation easement shown on the map was not included in the rezoning. Mr. Carter stated this property was rezoned by Council back in 2001 when it was owned by the Jacksonville Country Club. In 2004 the Jacksonville Country Club gave a conservation easement that followed an unnamed tributary 50 ft on either side of the stream where physically possible. That easement dipped into the property in question. In order to rezone that portion, the Jacksonville Country Club would have to make the request for the entire conservation easement.

Mayor Phillips recessed the regular meeting at 7:32 PM in order convene the Public Hearing.

Mr. Woodruff read into the record a statement from Dr. Ronald Lingle of Coastal Carolina Community College, a copy of which is herein attached to these minutes as Exhibit A.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:34 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, and seconded by Councilman Bittner to approve the rezoning request based on the findings of Fact A, C, and D being found in the affirmative and that the rezoning advances the public interest. Finding of Fact B is in the negative; however, the rezoning does advance the public interest because it is applicable to

several of the goals and policies established in the Growth Management Plan including Growth Management Element Goals 1, 2, 6, 11 and 12.

Mr. Carter stated that Councilman Bittner brought to his attention the fact that several members of the Council were members of the Jacksonville Country Club. He researched the matter, spoke to the NC School of Government, and spoke to the members individually and found no conflict of interest in that regard. Each of those persons knew their role as a club member was totally distinguished and different from their role of sitting as a Council Member in examining this rezoning.

A vote was taken on the motion and was unanimously approved.

Ordinance 2011-37, Bk. 10, Pg. 398

EXTRATERRITORIAL JURISDICTION (ETJ) BOUNDARY AMENDMENT –
MURRILL HILL, CROOKED CREEK AND PINEY GREEN ROADS

Ms. Sertell stated that the City of Jacksonville had initiated a request to amend its ETJ boundary. The requested boundary changes were located on Murrill Hill Road, Crooked Creek Road, and Piney Green Road. Approval of the amendment would eliminate split zoning between the City and County, reduce confusion for property owners and would allow the property to be developed using one set of development standards. If approved, the request would result in an amendment to the boundary of the City's official zoning map.

Mayor Phillips recessed the regular meeting at 7:38 PM in order convene the Public Hearing.

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

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to approve the ETJ boundary amendment and associated amendment to the official zoning map.

Ordinance 2011-38, Bk. 10, Pg. 400

PUBLIC COMMENT

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

NEW BUSINESSCONSENT ITEMSACCEPTANCE OF PUBLIC IMPROVEMENTS: THE GABLES AND
SOUTHPOINTE SECTION II AT CAROLINA FOREST

The Engineering Division staff had personally observed the work performed, approved the construction and filed inspection reports recommending the acceptance of public improvements at The Gables. The improvements included: 12" water main and sidewalks fronting Gum Branch Road. If approved, these improvements would be covered by a warranty that would expire 18 months from this date. Also, the Engineering Division staff had personally observed the work performed, approved the construction and filed inspection reports recommending the acceptance of public improvements at Southpointe Section II at Carolina Forest. The improvements included: water, sewer, roads, storm drainage and sidewalks. If approved, these improvements with the exception of sidewalks would be covered by a warranty that would expire 18 months from this date. In accordance with City policy, sidewalks were not a warranted item.

Council approved for City maintenance the public improvements in The Gables and Southpointe Section II at Carolina Forest.

TAX RELEASES, REFUNDS, AND WRITE-OFFS AND ACCOMPANYING
BUDGET AMENDMENT

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes respectively \$17,638.92, \$450,872.90, and \$33.60 (\$468,545.42). The detail list of these tax releases and refunds was available in the Finance Office for review.

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

Ordinance 2011-39, Bk. 10, Pg. 401

ASSET MANAGEMENT PROGRAM – UTILITY SERVICES

About a year ago, staff began researching the concept of Asset Management for the City's seven elevated water tanks. This concept provided for one company to be responsible for the maintenance, repair, and cleaning of a water tank over an extended length of time at a fixed price. By entering into this type of contractual obligation, it would allow the City to anticipate a smaller fixed operating expense over a longer period of time rather than spending a large amount

in one year when major maintenance was done and provided maintenance on a regularly scheduled basis. The City was interested in entering into contract with Utility Service Company, Inc. for three elevated water tanks: Northwoods, Ellis Boulevard, and the Commons tanks. Each of these contracts included a detailed maintenance schedule for both interior and exterior cleanings and yearly inspections with major maintenance work scheduled to take place in the first year for Northwoods and Ellis Boulevard.

Council approved the Budget Ordinance and authorized the City Manager to execute the contracts with Utility Service Company, Inc. covering asset management of the Northwoods, Ellis and Commons tanks.

Ordinance 2011-40, Bk. 10, Pg. 402

NON-CONSENT ITEMS

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE APPOINTMENTS

The terms of three (3) members of the Community Development Advisory Committee would expire on June 30, 2011. All three members had expressed a desire for re-appointment for additional three year terms. There was also one (1) vacancy on the Community Development Advisory Committee for an existing three year term expiring June 30, 2012. There were three (3) Talent Bank Applications on file in the City Clerk's Office. These applicants had been contacted and wished to serve.

Councilman Jerome Willingham, Council Liaison to the Community Development Advisory Committee, nominated Finny Greggs, Maxwell Gilliam, and Lori-Ready James for re-appointment/appointment to the Community Development Advisory Committee for three (3) year terms expiring June 30, 2014 and Dianna Brown for appointment to an existing three (3) year term expiring June 30, 2012.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to close nominations and to appoint the nominees by acclamation.

WATER & SEWER ADVISORY BOARD APPOINTMENTS

On June 30, 2011, the terms of four of the current Water and Sewer Advisory Board members would expire. As is the policy, the four members had been notified and asked if they wished to be re-appointed. All four requested appointment by City Council. There were no vacancies on the Water and Sewer Advisory Board. Mr. Kahl was granted a leave of absence by the Board due to a change in his teaching schedule. His schedule had since returned to the

original schedule. There were three (3) new Talent Bank Applications on file in the City Clerk's Office.

Councilman Randy Thomas, Council Liaison to the Water and Sewer Advisory Board, nominated Thomas Kahl, James Turner, William Holland and Jill Ayuso for re-appointment to the Water and Sewer Advisory Board for three (3) year terms expiring June 30, 2014.

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to close nominations and to appoint the nominees by acclamation.

PUBLIC COMMENT

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

REPORTS

ONWASA BUDGET

Councilman Bittner reported that work was being done on the ONWASA budget preparations and a Public Hearing would be held in Council Chambers on Thursday, June 9, 2011 at 6:00 PM.

FIRST PRESBYTERIAN CHURCH 100TH YEAR

Councilman Warden congratulated First Presbyterian Church on their 100th Year and stated that he was present to read their Proclamation from the City on behalf of the Mayor.

OPERATION B4 FUNDRAISER

Councilman Thomas reported on the success of the Operation B4 fundraiser that was held on Saturday, June 4, 2011 for the benefit of the tornado victims. The City's own Brian Terry and his band played for the fundraiser.

He also commented on the positive email that was received regarding Police Officer Karen Hasbargen's excellent service.

NABVET PICNIC

Mayor Phillips reported that he attended the NABVET picnic at Phillips Park and that this group was working very hard to make an impact on the homeless problem among the veteran population of Jacksonville.

NC SYMPHONY

Mr. Woodruff reported that on Sunday, June 5, 2011 the NC Symphony held a concert at Riverwalk Park with over 1,000 in attendance. The electrical problems from years past were not

present. He also stated that over the next several months between activities of B.O.L.D. and others, Riverwalk Park would see phenomenal usage.

AUTOMATED GARBAGE COLLECTION

Mr. Woodruff announced that over the next several weeks, the City would be moving to the third automated garbage collection route which would include portions of Northwoods, Brynn Marr, Carolina Forest and some of the downtown area. The fourth and final route converting residential to the automated system would happen next year.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 7:47 PM.

Adopted by the Jacksonville City Council in regular session this 21st day of June, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Richard L. Woodruff

From: Ronald Lingle [LingleR@coastalcarolina.edu]
Sent: Monday, June 06, 2011 3:00 PM
To: Richard L. Woodruff
Subject: Rezoning - 2145 Country Club Road

As discussed in your telephone conversation with David Heatherly this morning, we received notice of the proposed rezoning of the parcel located at 2145 Country Club Road, adjacent to property owned by Coastal Carolina Community College. This will serve to confirm that as an adjacent property owner, the College neither supports nor opposes the proposed rezoning.

This also seems like an opportune time to informally notify you of our intention to pursue the extension of Faculty Drive across College property to Country Club Road to provide an additional point of ingress and egress to campus. The North Carolina Department of Transportation has suggested this as a viable option to provide an additional entrance/exit and relieve some of the congestion on Western Boulevard. Funds to design the proposed roadway were included in the FY 2011-2012 budget request submitted to Onslow County. Funds for construction were included in FY 2012-2013 as part of the College's Five (5) Year Capital Improvement Plan.