

COUNCIL MINUTES

REGULAR MEETING

June 21, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, June 21, 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

Councilman Warden led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

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

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held June 6, 2011 as presented, the minutes of a Special Workshop Meeting held June 7, 2011 as presented, and the minutes of the Regular Meeting held June 7, 2011 as presented.

PRESENTATIONSREPORT TO COUNCIL – ONSLOW CIVIC AFFAIRS COMMITTEE

Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee, provided a brief report on the annual activities, accomplishments and goals of the Committee. Councilman Jerry Bittner thanked Council for appointing him as liaison to the Committee. He stated the Committee was a very active, interesting group to work with and were a paradigm for other organizations to emulate.

PUBLIC COMMENT

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

NEW BUSINESSCONSENT ITEMSFISCAL YEAR 2011 BUDGET AMENDMENT

A budget amendment was needed for the following: to allocate salary savings in the General Fund and Water/Sewer Fund to designated departments; appropriate water/sewer revenues received in excess of budget; appropriate revenue received for the Harmony Grant; correct account code error between the General Fund fund balance and the Powell Bill fund balance; transfer funds from the E-911 Special Revenue fund to the General Fund and Information Technology Services Fund; transfer necessary funds to the Self Insurance fund to cover FY11 health insurance expenses; appropriate revenue received as a contribution to the Recreation Department; transfer water/sewer contingency funds to Utilities Maintenance operating budget to cover check valve installation; close the Wilson Bay Initiative project GF0208 and transfer remaining balance back to the General Fund and Capital Reserve Fund; to transfer remaining balance in the Sturgeon City Project GF0005 back to the General Fund and Capital Reserve; to appropriate revenue received as a donation to the Police Department for their Firearms Training Range project; to appropriate anticipated contributions for the Freedom Fountain project; to close out the Richard Ray All American Park project (GF9801) and transfer the remaining balance to the Richard Ray Garden Improvement project (GF1118); and to close the Transit Park and Ride Facility project (TR1102).

Council moved to approve the budget amendment.

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

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

Council authorized staff to process condemnation of the financial guarantees if the developers were unwilling or unable to provide proper surety and to extend the Surety Agreements.

NON-CONSENT ITEMS

FISCAL YEAR 2012 BUDGET ADOPTION

The purpose of the proposed Budget Ordinance was to adopt a budget and fee schedule for FY 2012 and approve the FY2012-2016 Capital Improvement Plan. The budget was in balance as required by General Statutes.

Mr. Woodruff stated that all of the actions that Council authorized had been modified in the budget. The tax rate for the City remained the same based on that budget. Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. Woodruff reviewed the Fund balances, the Capital Improvement Plan (CIP), and personnel positions. He stated there were several items that needed to be considered and the first would be to making a decision on the Waste Management request.

Mr. Woodruff stated that Waste Management submitted a request for the increase they were denied last year, plus an increase of 1.4% for this year. Mr. Carter reviewed their contract which stated that if an increase was denied, it was lost. Because of that, the issue before Council was an increase of 1.4% only.

Mr. Woodruff reviewed the proposed increase and its impact. He indicated that Ms. Chip Dodd of Waste Management was available to discuss the justification for the request due to the increase in fuel costs, if Council desired.

Councilman Bittner stated that Council had heard from Ms. Dodd at a prior workshop. Following a brief discussion, a motion was made by Councilman Bittner and seconded by Councilman Warden to grant the 1.4% rate increase to Waste Management.

A vote was taken on the motion and was approved on a 5-1 vote with Mayor Pro-Tem Lazzara voting "nay."

Mr. Woodruff asked if Council was prepared to adopt the Budget including the five year CIP and the Waste Management increase.

A motion was made by Councilman Bittner and seconded by Councilman Warden to adopt the FY 12 Budget Ordinance and Fee Schedule as amended to include the Waste Management fee adjustment of 1.4% and to approve the FY2012-2016 Capital Improvement Plan.

Councilman Thomas asked for clarification on the prior year authorization of projects. Mr. Woodruff stated that when Council authorized the construction of a particular project, funds were set aside that year. If the project was not completed that year, the funds for the project were brought forward. Councilman Thomas asked if the City had those funds in cash. Gayle Maides, Interim Finance Director, stated that the funds set aside were not necessarily cash funds, but could be in the form of anticipated borrowing or grants. There was some cash set aside, but the majority would not be. Mr. Woodruff stated that until a project had been completed or cancelled by Council, the funds in whatever form stayed in the budget.

Following discussion, Mr. Woodruff stated a list would be prepared showing all projects that had been approved and their completion status.

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

Ordinance 2011-42, Bk. 10, Pg. 407

APPLICATION FOR 2011 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

The Police Department requested authorization to apply for the 2011 Edward Byrne Justice Assistance Grant (Non-Recovery Act). The City of Jacksonville was eligible to receive \$28,847 in funding. Staff proposed that this funding be used to expand the department's K-9 program, to purchase a tactical ballistic shield and for improvements to the Mobile Command Center vehicle. Grant requirements included review by the governing body and an opportunity for public comment. There was a sense of urgency to apply for the Grant, but there was the ability to change what the funds would be spent on.

Mike Yaniero, Police Chief, discussed the items to be purchased with the Grant funds. He stated that the department currently had two K-9s and would like to have another to cover peak times. There had been a number of cases where K-9s had been used to catch robbers quickly after the robbery occurred. The importance of having the K-9 unit was not as much the narcotics aspect, but the tracking aspect. In regard to the ballistic shield, he stated that last year

some additional ballistic shields were added to the patrol cars. The shield they wanted to purchase would be for the specific use of the SWAT team and would give protection against rifle bullets. The last item would be upgrades to the Mobile Command Center including a smart board to save information to the computer to document the particular effort.

Chief Yaniero stated he was asking for authorization for the Police Department to apply for the Byrne's Grant, but he knew Council had concerns about the K-9. If Council decided they wanted to study the K-9, it could be replaced on the Grant by another item. He would provide more information to Council in the Management Report for their review.

Mayor Phillips stated his concern was spending the Grant funds for something that created recurring costs. Chief Yaniero stated the only recurring cost would be that of the dog food and veterinary costs. Mr. Woodruff stated additional options could be provided with more information in the Management Report. Councilman Bittner stated he was prepared to give approval. Chief Yaniero stated the key part was to give approval for the Grant because the filing deadline was July 14. The components could be changed.

Mayor Phillips asked if there was anyone present who would like to speak to the matter.

With no one desiring to speak, a motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously approved to authorize the Police Department to apply for the Grant to purchase a tactical ballistic shield and outfitting the Mobile Command Center with improvements, but bringing back detailed proposals for the K-9 program or other requests in the Management Report.

PUBLIC COMMENT

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

REPORTS

JUNETEENTH FESTIVAL

Councilman Willingham attended the Juneteenth Festival at Jacksonville Commons on Saturday, June 18. It was well attended and everyone seemed to enjoy the activities. Staff had a lot of responsibilities and did a good job in pulling everything together. The event was not in the budget for next year, but he felt the City should partner with the event again. Councilman Bittner stated the event was packed and it was nice to see people enjoying themselves. Councilman Warden commented on the Juneteenth Banquet on Friday, June 17. He felt it was well put together and the program was enjoyable. Mayor Phillips commended Lillie Gray and

the Committee that put the event together. They did a tremendous job and he felt there may be an opportunity for the City to partner in the future. Council Member Coleman also attended the events.

DOWNTOWN ALIVE

Councilman Thomas said that Downtown Alive had been brought back again by B.O.L.D. This was another event residents could enjoy. The next Downtown Alive would be held July 9 from 2PM to 9PM at Riverwalk Park with vendors and music. There would also be one in August and September.

ICE CREAM SOCIAL

Council Member Coleman reported another event that residents could attend. The Mayor's Committee for Persons with Disabilities was hosting an Ice Cream Social on July 23 from 1PM to 4PM at the Jacksonville Commons. Ice cream sandwiches were being provided by Maola Milk and music by Taco & Maria.

STURGEON CITY

Mayor Phillips said he attended the opening luncheon for Sturgeon City Institutes on Monday, June 20. He saw a lot of enthusiasm in the kids attending. Mayor Phillips thanked all those involved in putting Sturgeon City Institutes together including Glenn Hargett, Dr. Don Herring, Pat Donovan-Potts and JP McCann who played significant roles. He asked Council Members to stop by and see what was going on.

EVENTS

Mr. Woodruff stated that the City was constantly hearing from the public that there was nothing to do in Jacksonville. Two weeks ago was Downtown Alive, last Saturday was Juneteenth, this coming Saturday would be the New River Foundation Festival at Riverwalk Park and in July there would be Downtown Alive again. You didn't have to look far to find things to do in this community.

WATER CONSERVATION

Mr. Woodruff asked all citizens to voluntary cut back on their water usage. If the drought continued, mandatory controls would need to be activated at the next Council Meeting in July.

JULY CLOSURE

Mr. Woodruff stated that City offices would be closed on July 4 and the City Council meeting for July 5 had been cancelled.

REDISTRICTING

Mr. Carter stated that the Justice Department was reviewing the Ward Redistricting that had been submitted by Council. There were a few technical questions asked and Mr. Hargett was supplying information. Staff was hoping to receive the report that Redistricting had been approved shortly after July 1. If word was received that there would be a delay on the approval, a Special Meeting would have to be called to file a Resolution delaying the election. There was a 30 day window from June 25 to the opening of election filing on July 25 for Council to file the Resolution. Council would be kept apprised.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 7:59 PM.

Adopted by the Jacksonville City Council in regular session this 19th day of July, 2011

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk