

COUNCIL MINUTES

REGULAR MEETING

November 9, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Wednesday, November 9, 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, and Bob Warden. Councilman Jerome Willingham was out of town. 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; Tim Chesnutt, Recreation and Parks Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Council Member Fannie K. Coleman led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

RECOGNITION

Mayor Phillips acknowledged the students from Mr. Moore's State and Local Government Class from Coastal Carolina Community College who were in attendance.

Mayor Phillips recognized Council Member Coleman and Council-elect Angelia Washington for the clean election campaigns they ran and presented both with flower bouquets.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to add to the Closed Session a property acquisition discussion on 52 Kerr Street and 110 Sandy Drive.

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously adopted to approve the minutes of a Special Workshop Meeting held October 18, 2011 as presented and the minutes of the Regular Meeting held October 18, 2011 as presented.

PRESENTATIONS

PROCLAMATION – NONPROFIT AWARENESS MONTH

Mayor Phillips read a Proclamation naming November as Nonprofit Awareness Month. Following the reading of the Proclamation, Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee accepted the Proclamation. He thanked the Mayor and Council and accepted the proclamation on behalf of the 89 non-profits in Onslow County. He was appreciative of the support the City provided not only to the non-profits, but also to the Non-Profit Executive Roundtable that helped non-profits to grow.

PRESENTATION OF CERTIFICATES AND AWARDS TO JPD OFFICERS AND CITY OF JACKSONVILLE STAFF

Mayor Phillips presented a North Carolina Justice Academy Certificate to Corporal Keith C. Wagner of the Jacksonville Police Department for his completion of the School Resource Officer Certificate Program at the North Carolina Justice Academy.

Mayor Phillips presented Police Commendation Awards to Lieutenant Devon Bryan and Sergeant Chuck James and Civilian Community Service Awards to Adam Oates, Rick Sirois, Richard Hoffman, Brian Neeley, Glenn Futrell and Allen Baker for their outstanding performance in successfully renovating the Mobile Command Center. Chief Yaniero stated the Mobile Command Center would be operated as a City Command Unit and would be beneficial in making the City safer.

Mayor Phillips presented Police Commendations to Detective Richard Kellum and to Captain Billy Houston on behalf of the detectives of the Special Operations Division for their successful undercover investigation and seizure of Spice.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING - FINANCE DEPARTMENT

Mayor Phillips presented the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for its Comprehensive Annual Financial Report (CAFR) to Gayle Maides, Interim Finance Director. He noted that this was the

20th consecutive year that the City of Jacksonville had received this recognition. Mayor Phillips thanked the Finance Department for their hard work and dedication.

REPORT TO COUNCIL – TRAILS & GREENWAYS COMMISSION

Mrs. Pauline Joos, member of the Trails & Greenways Commission, provided a brief report on the annual activities, accomplishments and goals of the Commission. Council Member Fannie Coleman is the Council Liaison to the Commission.

PUBLIC HEARINGS

ZONING TEXT AMENDMENT – SECTION 10 DEFINITIONS AND SECTION 103
LANDSCAPING

Ryan King, Planning Administrator, stated that since City Council approved the zoning text amendment for stormwater ponds (amenity vs. utility) on February 9, 2011, staff had been reworking the amendments that were not approved as they related to landscaping requirements. Having met with the City's Horticulturalist, Management and UDO Steering Committee, staff revised the proposal to address the concerns that City Council expressed in February. The new proposal found in the Zoning Text Amendment included additional standards for multi-family developments. Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. King reviewed the proposed changes. He stated a revised Part H – Allowable Deviations to Landscaping Requirements was passed out to Council showing slight revisions that were made since the agenda packet was distributed. This change allowed for deviations under certain hardship cases.

Mayor Phillips recessed the regular meeting at 7:36 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:37 PM and reconvened the regular meeting.

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

Ordinance 2011-68, Bk. 10, Pg. 537

SPECIAL USE PERMIT AND SITE PLAN – TELECOMMUNICATIONS TOWER,
FREESTANDING – 3336 HUNTERS TRAIL

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

Jeremy Smith, Senior Planner was sworn in by Mayor Phillips. He stated that American Tower Corporation submitted a Special Use Permit and Site Plan application for a Telecommunications Tower, Freestanding. The proposed 165 feet tall monopole tower would be constructed on a 14.07 acre site located at 3336 Hunters Trail. The property was zoned Residential Single-Family 12 (RS-12) which allowed Telecommunications Towers, freestanding as a special use.

Mayor Phillips said that in regard to the Flight Plan Overlay, we needed to be sensitive to what was being built around our Camp Lejeune neighbor.

Tom Johnson with the law firm of Nexson Pruet, 4141 Park Lake Avenue, St. 200, Raleigh, NC, stated he was in attendance on behalf of the applicants along with several other representatives who were available for any questions the Council had.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:44 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Councilman Warden, and unanimously adopted to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative and conditioned upon the items identified within the staff report.

PUBLIC COMMENT

Kevin O'Connor, 210 Newport Drive, Jacksonville, addressed the lawsuit that was filed against the City last week by the Christian Coalition. He stated he was in support of the City's decision to deny their revised permit application for location. Granted 1st Amendment rights were being dealt with, but there were safety concerns. He felt the Police Department was looking after the public's safety.

NEW BUSINESS

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – HPS&R AND JACKSONVILLE HOTEL, INC. – 10.21-ACRES – WESTERN BLVD.

On behalf of HPS&R, Inc. and Jacksonville Hotel, Inc., John Pierce and Associates submitted a voluntary annexation petition for annexation of three tracts totaling 10.21 acres that were contiguous to the current City limit boundaries. The tracts were located adjacent to Western Blvd at its intersection with Henderson Drive Extension. The property was currently proposed as the site for three commercial businesses: 1) 73,109 square feet Courtyard by

Marriot hotel with 112 rooms and conference space; 2) Car Wash, and 3) Restaurant. The first step in the Voluntary Annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2011-26, Bk. 6, Pg. 404

VOLUNTARY ANNEXATION PETITION – NEW BEGINNINGS CHILD CARE
CENTER-3.10 ACRES – 200 TERRY LEE LANIER DRIVE – CAROLINA FOREST

NBI Financial III, LLC (New Beginnings Child Care Center) submitted a voluntary annexation petition for annexation of 3.10 acres that were contiguous to the current City limit boundaries. The property was located adjacent to Carolina Forest Blvd at its intersection with Terry Lee Lanier Drive. The property was the site of a 14,533 square foot childcare facility, which had been issued a 90 day certificate of occupancy. A site plan for the facility was approved October 22, 2010, with driveway access only on Terry Lee Lanier Drive. The facility would be paying outside City water and sewer rates until the property was fully annexed into the City. The first step in the Voluntary Annexation process was to pass a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2011-27, Bk. 6, Pg. 405

CITY CODE AMENDMENT – FIREARMS AND OTHER WEAPONS ON CITY
PROPERTY

During the recently completed legislative session, S.L. 2011-268, the omnibus gun rights bill also known as the Castle Doctrine was enacted effective December 1, 2011. Specifically, Section 21(b) of the bill amends G.S. 14-415.23, limiting municipalities' authority to regulate guns in terms of concealed carry in parks. Previously, the statute allowed a municipality to adopt an ordinance permitting the posting of a prohibition against carrying a concealed handgun in local government buildings, their appurtenant premises, and parks. S.L. 2011-268 amended the statute to remove the term 'parks' and replace it with "recreational facilities that were specifically identified by the local government." The term "recreational facilities" was defined to include only the following: a playground, an athletic field, a swimming pool, and an athletic facility. The change also provided that if the municipality adopted an ordinance with regard to recreational facilities, then the concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment within or on the motor

vehicle. If approved, the ordinance would become effective on the same date as when the statute takes effect, on December 1, 2011.

Council approved the Ordinance amending the City Code.

Ordinance 2011-69, Bk. 10, Pg. 550

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEE

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 extend the Surety Agreement: Village at the Glen Section I-A.

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

RESOLUTION DECLARING PROPERTY SURPLUS AND AUTHORIZING DISPOSITION

According to Fiscal Year 2011 Vehicle/Equipment Requests approved by the City Council, any item being replaced was to be declared surplus property and turned over to Fleet Maintenance for disposition. As required by G.S. 160A-268 and G.S. 160A-270C, Council must adopt a resolution authorizing the disposal of property. The Fleet Maintenance Division placed an approximate value of \$50,515 on the six items meeting the above criteria. This revenue was already included in the original adopted budget.

Council adopted the Resolution declaring these items surplus and authorizing the disposal through electronic auction with the listed starting value and no reserve.

Resolution 2011-28, Bk. 6, Pg. 406

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE INSTALLMENT PURCHASE AGREEMENT

The City solicited bids to borrow \$2,463,000 to finance various vehicles and equipment already approved in the budget. On October 19, 2011, the City received 10 Proposals from various banks for financing \$622,000 for a 36 month term and 10 Proposals from various banks for financing \$1,841,000 for a 59 month term. The overall best proposal was from Bank of America Public Capital Corp (Bank of America, N.A.).

Council approved the proposed resolution accepting the proposal from Bank of America for the financing of the vehicles and equipment.

Resolution 2011-29, Bk. 6, Pg. 407

RESOLUTION THANKING THE ONSLOW COUNTY BOARD OF COMMISSIONERS
FOR HURRICANE RECOVERY SUPPORT

The City of Jacksonville wished to express their sincere gratitude to the Onslow County Board of Commissioners who provided outstanding support and assistance during the Hurricane Irene recovery effort. If approved, a framed presentation copy of the Resolution would be prepared for Mayor Phillips to present to the Onslow County Board of Commissioners at their November 21, 2011 meeting. Council members were also invited to be present.

Council adopted the Resolution as presented.

Resolution 2011-30, Bk. 6, Pg. 409

NON-CONSENT ITEMS

SITE PLAN WITH APPROVED SPECIAL USE PERMIT – STAYBRIDGE (HOTEL) –
110 COBIA COURT

Jeremy B. Smith, Senior Planner stated that Parker and Associates was seeking approval of a site plan that had an approved special use permit for a proposed hotel. The developer proposed a 62,025 square foot hotel (91 rooms) on 3.51 acres (2 tracts) adjacent to Cobia Court. Mr. Smith stated that the plan presented had two differences from what was originally submitted - a section of parking was being removed along the drive and proposed site landscaping was doubled.

Mr. Woodruff clarified that the additional landscaping was not because of code changes, but was being required by the hotel's architectural review committee.

Councilman Thomas asked about the roads within the development. Mr. King stated that they were access easements from the subdivision plan and were not City streets. Councilman Thomas asked if they were going to ask the City to take over the streets. Mr. King stated that the streets were not constructed in a way that the City would want to take them over and there was no right-of-way. The roads were driveways on the individual business properties.

Mr. Woodruff stated it was important for the record to reflect that it was the intent of the City that these roads would remain in private ownership. Mayor Pro-Tem Lazzara stated that unless the roads were built to our standards, the City wouldn't be able to take them over.

Councilman Warden stated that the major players who come into the area were aware of the vital role landscaping placed in the well being of their economic investment and by Council approving the increase in landscaping requirements, it reinforced that awareness.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously adopted to approve the Site Plan conditioned upon the items identified in the TRC Comment Sheet and that the approval of the site plan in no way conveyed any inference that the City Council would accept the private streets as proposed in the future.

PUBLIC COMMENT

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

REPORTS

FINANCE – PURCHASE AGREEMENT

Councilman Thomas commented on Item 8 of the Consent Agenda – Resolution Authorizing City Manager to Execute Installment Purchase Agreement. He stated he was astounded by the low interest rate given to the City, which reflected well on the good financial condition of the City of Jacksonville.

VETERANS DAY

In recognition of Veterans Day, Councilman Thomas expressed his thanks to all Veterans.

Mayor Phillips stated he had participated in the Veterans Day Parade. There was a very good turnout considering how cold and windy it was that day. He appreciated the attendance.

Mr. Woodruff stated that City Hall would be closed on Veterans Day and encouraged everyone to remember Veterans and try to find a way to help a neighbor or visit one of the Memorials.

MARINE CORPS BIRTHDAY

Mayor Phillips and Mayor Pro-Tem Lazzara wished a Happy Birthday to the Marine Corps.

NEW BRIDGE STREET LANDSCAPING

Mr. Woodruff stated the Planning Board would be meeting on Monday night to discuss the concepts outside of City Hall for the New Bridge Street landscaping. The Planning Board would be bringing to Council a recommendation in December.

HOLIDAY PARADE

Mr. Woodruff stated the Holiday Parade would be on Saturday, November 19 starting at 10:00 AM.

COUNCIL PICTURES

Mr. Woodruff reminded Council Members that they would be having their individual pictures taken on November 22 prior to the Council Workshop.

CLOSED SESSION

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Thomas, and unanimously approved to recess the Regular Meeting at 8:05 PM in order to convene a Closed Session for the purpose of consulting with the attorney in order to preserve the attorney client privilege pursuant to General Statute 143-318.11, subsection (a-3) and property acquisition of 52 Kerr Street and 110 Sandy Drive pursuant to General Statute 143-318.11, subsection (a-6).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 8:58 PM and stated there was no reportable action.

ADJOURNMENT

A motion was made by Councilman Warden, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 8:59 PM.

Adopted by the Jacksonville City Council in regular session this 22nd day of November, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Exhibit "A"

Jacksonville City Council



November 9, 2011

Legislative Public Hearing
Zoning Text Amendment
Sections 10 & 103
Landscaping

Agenda Item #1

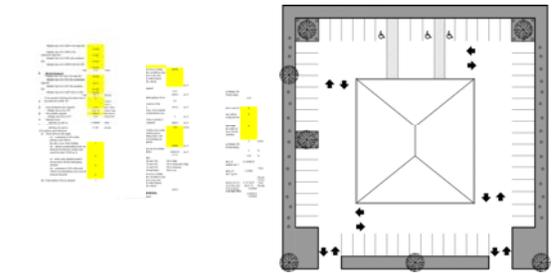


Amendments to Section 103 Landscaping

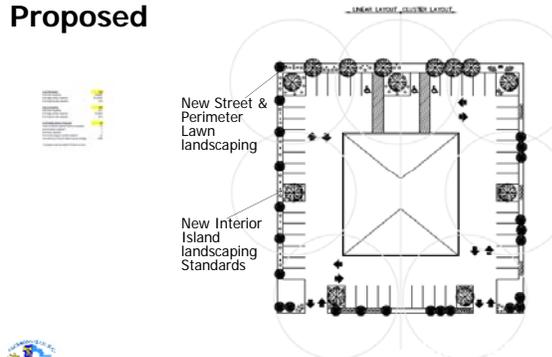
- November 30, 2010 City Council workshop
- February 9, 2011 Adopted Stormwater Revisions only
- Since February Revised Proposal and Added Multi-family Standards
- October 2011 City Council Workshop



Current Standards




Proposed



New Street & Perimeter Lawn Landscaping

New Interior Island Landscaping Standards



Comparison

Street Lawn	Current	February Proposal	Proposed
Width	8 feet	10 feet	8 feet
Large Trees	0	4*	3*
Large Shrubs	0	12*	12*
Small Shrubs	0	8*	8*

* Per 100 Linear Feet



Comparison

Perimeter Lawn	Current	February Proposal	Proposed
Width	0	10 feet	4 feet
Large Trees	0	2*	0
Understory Trees	0	0	4*
Large Shrubs	0	0	12*
Small Shrubs	0	0	8*

* Per 100 Linear Feet



Amendments to Section 103 Landscaping - Comparison

Interior Islands	Current	February Proposal	Proposed
Large Trees	% (based on ISI) x VAA square footage	1 per island & must be within 50 feet of all spaces	1 per island & must be within 50 feet of all spaces
Large Shrubs	% (based on ISI) x VAA square footage (large or small)	4	5 (large or small)
Small Shrubs		6	



Applicability

Exemptions:

- Residential (less than 4 per lot)
- Downtown Zoning Districts
- Automobile Sales (Display Areas Only)
- Temporary Uses
- Director Flexibility



Applicability

Deviations for Hardships:

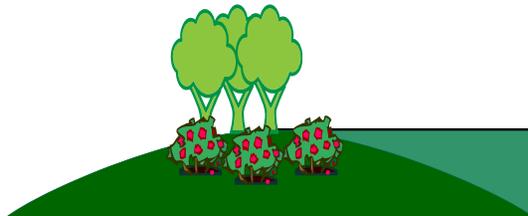
- AEC
- Irregular Shaped Lots*
- Narrow lots (> 100 feet in width)*
- Small lots (> 1 acre)*
- Consumes more than 20%
- Redevelopment

* Legally platted prior to November 9th 2011



Landscaping:

Option 1 – With Berm and Plantings



Must cover 80% of Street Frontage



Landscaping:

Option 2 – No Berm/Plantings Only



Landscaping:

Option 3 – Approved by Development Services Director

- Prepared by a Registered Landscape Architect, Architect, Arborist, Horticulturalist or NC Registered Landscape Contractor
- Meets the Intent of Ordinance



