

## COUNCIL MINUTES

### REGULAR MEETING

November 22, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, November 22, 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; 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 7:09 PM.

#### RECOGNITION

Mayor Phillips stated that the meeting tonight was a special meeting recognizing the various Veterans groups in the area. He asked the leader of each of the Veterans organizations in attendance to stand and identify themselves and their organization.

#### PLEDGE OF ALLEGIANCE

The Veterans in attendance 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 Warden, and unanimously approved to adopt the agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to approve the minutes of a Special Workshop Meeting held November 9, 2011 as presented and the minutes of the Regular Meeting held November 9, 2011 as presented.

PRESENTATIONSOUTSTANDING VETERAN AWARDS

Mayor Pro-Tem Lazzara reviewed the accomplishments of each Veteran, while Mayor Phillips and Council presented the framed “Veteran of the Year” Certificates along with Outstanding Citizen of Jacksonville lapel pins. These pins were only issued by authorization of the Mayor to citizens who had made a positive impact in the community. The following Outstanding Veterans were recognized: Samuel Gupton – AMVETS, Post #225; Richard L. Ray – Beirut Veterans of America, Chapter #4; Kelley Hamilton – Employment Security Commission Office, Veterans Staff; Patrick Curley – Heroes on the Water; Angelo M. Inglis – Marine Corps Base Camp Lejeune, Military Retiree Council; Rev. Raymond Randall – Marine Corps League, Onslow County Detachment #262; SSgt Daniel G. Stoyl – Military Order of the Purple Heart, Beirut Memorial Ch #642; Alice Reiter – Military Order of the Purple Heart, Beirut Memorial Ch #642 Auxiliary; Charles Gibbs – NABVETS, Marine Chapter #0054; Cora Davis – NABVETS, Marine Chapter #0054 Auxiliary; Roben Smith – National Order of Trench Rats, Dugout #483; Paul H. Miethker – Non-Commissioned Officers Association, Down East Ch #906; Peter Franco – Onslow County Chapter #16, Disabled American Veterans; Paul W. O’Toole, Jr. – Onslow County Council of Veterans Organizations; Ralph E. Garcia – Rolling Thunder, Inc. Chapter NC-5; Chuck Vasquez – The American Legion, Burton Cowell Post #265; Dianne Randall – The American Legion, Burton Cowell Post #265 Auxiliary; Jim & Janine Dunn – The Captain John C. Carr Veteran Resource Center; Dwight Davidson – Veterans of Foreign Wars, Jacksonville Post #9133; Colleen Barnhart – Veterans of Foreign Wars, Ladies Auxiliary Post #9133; Bob Mason – Veterans of Foreign Wars, New Topsail Island Post #9983; Michael Carr – Vietnam Veterans of America, Inc. Jon Panarese Chapter #654; Donna-Marie Crowell – Associates of Vietnam Veterans of America, Chapter #654; Genevieve Blick – Women Marines Association NC-1, Tarheel Chapter; Sylvia A. Fry – Loyal Escorts of the Green Garter, Local Chapter; Joseph Traumer – Loyal Escorts of the Green Garter, Regional; and Fernando Schiefelbein – City of Jacksonville Veteran Liaison.

Following the presentation, Mayor Phillips thanked all those who came out for their service to the country and for the service they continue to give to the community.

#### RECESS/RECONVENE

Mayor Phillips recessed the meeting at 7:39 PM for a short break. Mayor Phillips reconvened the meeting at 7:44 PM.

#### JACKSONVILLE YOUTH COUNCIL OFFICERS OATH OF OFFICE

Mayor Phillips administered the oath of office to Logan John, Chairman; Justin Barnes, Vice Chairman; Brett Bentrup, At-Large Seat; and Cheyenne Butler, At-Large Seat while their parents held the Bible and family and friends looked on. Following the swearing-in ceremony, the Mayor and Council congratulated them on assuming their leadership roles.

#### PUBLIC COMMENT

Logan John, newly appointed Chairman of the Jacksonville Youth Council, thanked Council for all the support they give the Youth Council and thanked Carmella Fulcher, Community Programs Coordinator, and Glenn Hargett, Communications and Community Affairs Director, for all the work they have done for the Youth Council. Mayor Phillips also commended Ms. Fulcher and Mr. Hargett on their work.

#### NEW BUSINESS

##### CONSENT ITEMS

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

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At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from HPS&R and Jacksonville Hotel, Inc.

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 meeting space; 2) Car Wash, and 3) Restaurant. The City Clerk conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area described. As provided in North Carolina

General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-31, Bk. 6, Pg. 411

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

At the November 9, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from NBI Financial III, LLC (New Beginnings Child Care Center) 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 feet 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 pay outside City water and sewer rates until the property was fully annexed into the City. The City Clerk conducted the required investigation and found as a fact that said petition was signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution had been prepared scheduling a Public Hearing on this annexation for the December 6, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-32, Bk. 6, Pg. 412

BUDGET AMENDMENT – HURRICANE IRENE PROJECT INCREASE

The original budget for the Hurricane Irene Project was underestimated and \$200,000 of additional funds were anticipated to be received from FEMA for the additional expenditures associated with the hurricane relief efforts of the City.

Council approved the Budget Amendment and increased the project budget.

Ordinance 2011-70, Bk. 10, Pg. 554

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: Coastal Land Investors, and Maynard Manor, Phase VI-B.

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

#### UNCOLLECTIBLE MISCELLANEOUS RECEIVABLES

A group of accounts from the City's Miscellaneous Receivables had been determined uncollectable. A detailed list of these 33 accounts (to include the customer's name, the amount owed, and the date the charges were incurred) was available in the Finance office for review.

Council approved the write-off of the 33 miscellaneous receivable accounts totaling \$62,882.33.

#### TAX RELEASES, REFUNDS, AND WRITE-OFFS

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) was available in the Finance Office for review. The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$20,421.49, \$3,221.06, and \$86.54 (\$23,729.09).

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

#### ANNUAL NOTICE (2012) CITY COUNCIL MEETING SCHEDULE

City Council Regular Meetings were set pursuant to City Code and Council's adopted Rules of Procedures. The Code provided that when a Council Meeting fell on an election day or a legal holiday, the meeting was automatically held the following day. Any other changes to the Meeting Schedule required Council approval. Several changes were proposed as indicated in the 2012 Annual Schedule of Meetings attached to the official minutes as Exhibit A. After Council approval, the Annual Schedule of Regular Meetings for 2012 was distributed to all media, City departments, included on the City's website, and noted on the City calendar.

Council approved the Annual Schedule of Council Regular Meetings with proposed changes.

#### PUBLIC COMMENT

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

#### REPORTS

##### JACKSONVILLE EVENTS

Councilman Warden stated that there were many things for families and the public to do in Jacksonville. The month of November started off with the Veterans Parade. The Christmas

Parade was held last Saturday, the 9th Annual Festival of the Trees was this past weekend, and this coming Sunday the North Carolina Symphony was presenting Holiday Pops at the Jacksonville High School at 8:00 PM. The Annual City Tree Lighting Ceremony would be held the 2nd of December at Jacksonville Commons.

Mayor Phillips stated he rode in the Holiday Parade this past weekend. The turnout was great. Reports stated it was the largest Holiday Parade to date. Mayor Phillips also promoted the Veterans Day Parade which tended to get overlooked.

#### NATIONAL LEAGUE OF CITIES CONFERENCE

Councilman Willingham stated he attended the business meeting of the National League of Cities. One of the highlights of the conference was the opening session. The featured speaker was Ed Rendell, former governor of Pennsylvania, who addressed the topic of Political Courage – having the courage to make certain decisions in difficult times. The closing session speaker was Edward Glaser, a professor at Harvard, who talked about the benefit of density and municipal development. There were 39 Resolutions passed that would go to Congress and hopefully be represented in laws benefiting local government. Copies of the Resolutions were given to the City Manager for review. In speaking of political courage, Councilman Willingham stated that Greg Johnston, former Jacksonville Councilman who recently passed, would be remembered for his vision and leadership in regards to the Jacksonville Recreation Commons Complex, a project whose funding was not popular at the time.

#### ONWASA

Councilman Bittner stated that ONWASA held a workshop last week where they discussed settlement of land acquisition necessary for the proposed construction of the Northwest Regional Sewer Treatment Plant to be located off Gum Branch Road close to Richlands. The litigation had been settled and ONWASA could now move ahead with the planning and bidding for the plant. On the subject of sewer, Councilman Bittner stated that Staff needed to re-examine the City's Sewer Master Plan that had been predicated on annexations to accommodate that plan. Now that the State had changed the annexation law making it more difficult to annex, the Plan needed to be reviewed again.

### EASTERN REGION ECONOMIC DEVELOPMENT

Mayor Pro-Tem Lazzara stated he attended a two-day planning session with Eastern Region Economic Development to map out the vision for 2012. He would distribute the report to Council once the document was completed. He also thanked the Veterans for all the service they provided for the community.

### BOY SCOUT TROOP 87 RECOGNITION

Mayor Phillips recognized Boy Scout Troop 87 from the Belgrade area along with Scoutmaster Johnny Jones who were in attendance working on their Community and Communications badges. He asked them to stand and be recognized.

### THANKFUL

Mayor Phillips stated as the season approached we had a lot to be thankful for. The City had grown and improved while many other areas have not been as fortunate. He thanked Staff for all that they do as they made the City operate effectively and efficiently. Attitudes had changed dramatically and had been noticed by the citizens. He thanked Council for their professionalism and desire to make Jacksonville what it was and would be in the future. He also thanked the citizens of Jacksonville for making the City a wonderful place to live. He wished everyone a Happy Thanksgiving.

### FINAL SESSION COMMENTS

Council Member Coleman stated that this Council had been a fine Council to work with and it had been an extreme pleasure and honor to work for the people of Jacksonville and the people of Ward 4 for fourteen years. In closing, she read a quote from Ralph Waldo Emerson - "Do not go where the path may lead; go instead where there is no path and leave a trail."

Mayor Phillips thanked Ms. Coleman for her service and her inspiration. Mayor Pro-Tem Lazzara thanked Council Member Coleman for the opportunity to work with her over the years on a lot of very progressive things for the City.

### FAMILY FUN DAY

Council Member Coleman stated that on the 3<sup>rd</sup> of December, Santa would arrive at the Commons for Family Fun Day and she would be Mrs. Claus for the day bringing him there.

### GARBAGE COLLECTION

Mr. Woodruff stated that City offices would be closed on Thursday and Friday of this week, so garbage collection for those days would be collected tomorrow.

WATER PRESSURE

Those in the area of Western Blvd and Country Club may have experienced low water pressure this afternoon. There was an unexpected problem in a main valve. The water system remained safe and no precautionary measures had to be taken.

SWEARING-IN CEREMONY

The next City Council meeting was scheduled for December 6, and the swearing-in ceremony for those who were elected or re-elected would take place prior to the regular meeting starting at 5:30 PM. There would also be a special tribute to Ms. Coleman. The public was invited to attend.

FESTIVAL OF TREES

Mr. Carter stated he was honored and humbled to have represented the City of Jacksonville at the Festival of Trees opening ceremony on Saturday to give the invocation. The event is put on by the Onslow County Caregivers and all funds raised supported Onslow County Home Health and Hospice patients.

ADJOURNMENT

A motion was made by Council Member Coleman, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:13 PM.

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

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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk