

COUNCIL MINUTES

REGULAR MEETING

October 4, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, October 4, 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 7:07 PM.

PLEDGE OF ALLEGIANCE

Councilman Thomas led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as amended to remove Non-Consent Item #5 – Site Plan with Approved Special Use Permit – Staybridge (Hotel) – 110 Cobia Court.

ADOPTION OF MINUTES

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to approve the minutes of a Special Workshop Meeting held September 20, 2011 as presented and the minutes of the Regular Meeting held September 20, 2011 as presented.

PRESENTATIONSPROCLAMATION – ONSLOW OKTOBERFEST

Mayor Phillips read a Proclamation naming Saturday, October 22, 2011 as Onslow Oktoberfest Day in the City of Jacksonville. Following the reading of the Proclamation, Diana DeVusser, Karin Hudson and Theo McClammy from Onslow Community Outreach accepted the Proclamation and invited the public to attend. Proceeds from the event benefited Onslow Community Outreach's Soup Kitchen, Homeless Shelter, Caring Community Clinic and Christmas Cheer.

PROCLAMATION – FIRE PREVENTION WEEK

Mayor Phillips read a Proclamation naming the week of October 9 through 15 as Fire Prevention Week. Following the reading of the Proclamation, Fire Chief Rick McInyre accepted the Proclamation. He thanked the Mayor and stated that the theme of Fire Prevention Week – “Protect your Family from Fire” – was very important since almost 80% of fatalities with fire occur in the home.

YARD 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 Award to Dr. and Mrs. Ken Morgan for their residence at 122 Drayton Hall. He also recognized Pete Burgess of Chick-fil-A for receiving the Business Yard of the Month Award.

ST. JULIA AME ZION CHURCH PRESENTATION TO CITY COUNCIL

Reverend E. C. Dobson thanked the City Council and City Manager on behalf of the St. Julia AME Zion Church family and the Board of Trustees for supporting their programs. The grant received from the City enhanced their After-School, Summer Enrichment, and Computer Literacy Programs. Joan Bond, Director of Programs, reviewed the programs and presented a brief video. Reverend Dobson then presented an appreciation plaque to Mayor Phillips. She invited Council to stop by to see what they were doing.

REPORT TO COUNCIL - WEED & SEED PROGRAM - A COMMUNITY CONVERSATION: CLOSING THE GAP

Mr. Oliver Hill, Weed and Seed Prevention, Intervention and Treatment (PIT) subcommittee member, provided an overview of the special program entitled: A Community Conversation: Closing the Gap. He reported that the purpose of the program was to hold a

“community conversation” on the topic of Closing the Achievement Gap for the African American Male. Dr. Ed Bell from the NC Department of Public Instruction led the morning conversation addressing the needs of black males and presented a broad framework for shaping the day. The program was attended by over 125 participants.

REPORT TO COUNCIL – BEIRUT MEMORIAL ADVISORY COMMISSION

Abe Rosen, Chairman of the Beirut Memorial Advisory Commission, provided a brief report on the annual activities of the Commission. He invited everyone to the annual observance at 2:00 PM on Sunday, October 23 at Lejeune Memorial Garden.

Mr. Rosen discussed the lost memorial trees from Hurricane Irene and past storms. He stated there had been united discussion on replacing the Bradford Pear trees with similar, more substantial trees. While the memory was preserved in the tree planting, the species of the tree was not what was celebrated.

PUBLIC HEARINGS

ZONING TEXT AMENDMENT – SECTION 99 HOME OCCUPATIONS AND OTHERS

Jeremy Smith, Senior Planner, stated that after conducting research of ordinances of other communities, a workshop with the Planning Board, and a review of the draft Unified Development Ordinance (UDO), staff had identified several changes that could be incorporated into Section 99 Home Occupations. As a result, staff prepared a zoning text amendment for consideration. There were two proposals for Council to consider – the Staff recommended amendment and the Planning Board recommended amendment.

Richard Woodruff, City Manager, commented that the current ordinance had been in existence for a long time with only minor changes. Recent events indicated the need for it to be updated. He stated the City Attorney and the City Manager were in unanimous support of the staff recommend amendment. One of the key changes was if rezoning was denied, it would require a one year period before home occupation could be issued for the same location.

Mayor Phillips asked if the changes would meet the needs of the residents of Jacksonville. Mr. Woodruff stated staff believed it was in the best interest of the residents. He pointed out that if someone had a home occupation today with a sign, they would be grandfathered in. Anyone from this point on who came in for a home occupation permit would have to comply with the full ordinance.

Councilman Bittner asked about the inspections clause because he felt it was an infringement upon the homeowners' rights. John Carter, City Attorney, stated that part of the permit process was that the home could be entered at reasonable hours to make sure the law was being complied with. Mr. Woodruff stated that the concept was because we had a right to enter public places for safety. When you have a home occupation, it was a form of a business and therefore the City had the right to enter. The language was written carefully to clearly show the restriction that the only people who could be involved in the home occupation were the people who reside there. In addition, limits were placed on the size of the business in relation to the size of the home. Mr. Carter stated the wording could be modified so that it included the verbiage "with consent of the owner."

Discussion followed on the verbiage and the inspection of home occupation businesses and Councilman Bittner said he felt the addition of "with consent of the owner" would suffice.

Mayor Phillips recessed the regular meeting at 8:03 PM in order to convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 8:04 PM and reconvened the regular meeting.

Following a brief discussion, a motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Willingham, and unanimously approved to adopt the staff supported zoning text amendment with the change to the first line of Section E as follows: "The City reserves the right to enter into the premises *with the owner's consent* from time to time to document that the home occupation is being operated within the guidelines established by this code."

Ordinance 2011-57, Bk. 10, Pg. 516

PUBLIC COMMENT

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

NEW BUSINESS

CONSENT ITEMS

INTERLOCAL AGREEMENT WITH ONSLOW WATER AND SEWER AUTHORITY— INSTALLATION OF RAW WATER LINE ALONG PINEY GREEN ROAD

As part of the Water System Improvement Project, the City must extend a raw water main from the Commons area along Hwy 17 and Piney Green Road which would connect to the new Piney Green well site. Additionally, North Carolina Department of Transportation

(NCDOT) was scheduled to begin construction of widening Piney Green Road (U-3810) in September 2012 and the Onslow Water and Sewer Authority (ONWASA) also had plans of constructing a much larger water main project which must be completed prior to the start of NCDOT's project. Recognizing that the City's project was in the same vicinity as ONWASA's, the City had been working with ONWASA to include the Piney Green Road portion of the City's raw water main with ONWASA's larger project. This Agreement would include the installation of approximately 5,000 linear feet of raw water main along Piney Green for the City from Hwy 17 to the vicinity of Mike Loop with ONWASA's project. The City would reimburse ONWASA for the actual cost of construction as well as any other related engineering services such as construction administration.

Council approved the Interlocal Agreement for the installation of the City's raw water main along Piney Green Road as part of ONWASA's larger water transmission line project.

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.

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

VOLUNTARY ANNEXATION PETITION – BHP WESTERN (JOHN PIERCE) –
5.57 TOTAL ACRES- CAROLINA FOREST AREA

At the September 20, 2011 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition received from John Pierce, managing partner of BHP Western. The property proposed for voluntary annexation was for two parcels contiguous to the City limit boundaries and totaling 5.57 acres. Tract one (2.05 acres) was located adjacent to Carolina Forest Blvd across from The Arbors in Carolina Forest. Tract two (3.52-acres) was located adjacent to Emerdale Apartments in Carolina Forest. These two tracts were planned as added acreage for an abutting property that was already inside the City limits. The future project was tentatively proposed to accommodate a six building/88 unit 94,839 square foot apartment complex.

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 October 18, 2011 Meeting.

Council adopted the Resolution as presented.

Resolution 2011-25, Bk. 6, Pg. 402

NON-CONSENT ITEMS

JACKSONVILLE TOURISM DEVELOPMENT AUTHORITY APPOINTMENT

The terms of two members had expired on the Jacksonville Tourism Development Authority. One of the positions must be occupied by a person representing “individuals who are affiliated with businesses that collect the tax in the City.” The original appointee for this position had since left the area and Authority members had been engaged in seeking a new person to fill this specific appointment. After consultation and interview, Sergio Garcia had been recommended for appointment to the Authority. The other seat was held by Bill Hemmingway, who desired to be reappointed to a full three-year term.

Mayor Pro-Tem Lazzara, Chairman of the Authority Board of Directors, nominated Sergio Garcia from Super 8 of Jacksonville, and Bill Hemmingway for reappointment to three year terms expiring June 30, 2014.

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously approved to close nominations and to appoint Mr. Garcia and re-appoint Mr. Hemmingway by acclamation.

DESIGNATION OF VOTING AND ALTERNATE VOTING DELEGATES FOR 2011
NC LEAGUE OF MUNICIPALITIES ANNUAL BUSINESS MEETING

The North Carolina League of Municipalities Annual Conference was scheduled from October 23 – 25, 2011 in Raleigh, NC. Under the League Constitution and the voting procedures established by the League Board of Directors, each member municipality sending delegates to the Annual Conference was required to designate one (1) voting delegate and one (1) alternate voting delegate to cast the City’s votes at the Annual Business Meeting. This year’s Annual Business Meeting would be held on Monday, October 24, 2011 at 2:15 PM. The following members of Council were currently registered to attend the Annual Conference: Mayor Sammy Phillips, Mayor Pro Tem Michael Lazzara, Council Member Jerry Bittner, Council Member Fannie K. Coleman, and Council Member Jerome Willingham.

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously approved to appoint Mayor Phillips as the City's voting delegate and Mayor Pro-Tem Lazzara as alternate voting delegate for the NCLM Annual Business Meeting.

PUBLIC COMMENT

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

REPORTS

MAYORS COMMITTEE FOR PERSONS WITH DISABILITIES

Council Member Coleman invited Council and the public to attend the Mayor's Committee for Persons with Disabilities Annual Awards Banquet on Thursday, October 20, 2011 at 6:30 PM at Trinity United Methodist Church. Tickets could be purchased at the City Clerk's Office or from any Committee Member for a donation of \$10 which included a delicious roasted turkey and pot roast dinner with all the fixings, musical entertainment and the presentation of Annual Disability Awards including the prestigious Bobby Simpson Memorial Award.

JACKSONVILLE EMPLOYEE LONGEVITY RECOGNITION CEREMONY

Councilman Willingham thanked staff for the excellent program prepared for the longevity recognition ceremony.

INTERLOCAL AGREEMENT WITH ONWASA - INSTALLATION OF RAW WATER LINE ALONG PINEY GREEN ROAD

Councilman Bittner pointed out the significance of another major step of cooperation between ONWASA and the City of Jacksonville with the Interlocal Agreement on the installation of the raw water line along Piney Green Road. What it meant for the ratepayers and taxpayers was greater efficiencies and greater levels of service at a more economical level than what existed previously.

NORTHWOODS STORMWATER PROJECT

Mayor Pro-Tem Lazzara thanked the residents of Parkwood for their patience as the City proceeded with the stormwater project in the Northwoods area. The project was on schedule and progressing even though it may not seem that way. If there were any questions or concerns, they should contact Mayor Pro-Tem Lazzara directly or contact City Hall.

STORM DEBRIS

Mayor Phillips thanked the staff for picking up all the debris from the storm.

Mr. Woodruff thanked the citizens and stated that the City was 99% complete in the clean-up. As of yesterday, the normal schedule and rules were being followed for yard waste collection.

MOVIE NIGHT IN THE PARK

Mr. Woodruff stated that the City Parks and Recreation Department was working with B.O.L.D. to bring a movie night in the park. The first one was this past Friday night and attended by about 170 people. The movies were free to the public and would be shown on Friday night October 7, 14, and 21, and Saturday night October 29 beginning about 7:00 PM.

COMMISSIONER LIONEL MIDGETT

Mr. Woodruff reported on the condition of Commissioner Midgett. It was his understanding that Commissioner Midgett had made a lot of progress in the past two weeks and it was projected he would be out of the hospital within a week. Flowers were sent on behalf of the Mayor and City Council to let him know of their thoughts and prayers.

RIVERWALK PARK

Mr. Woodruff stated that a major re-landscaping was happening at Riverwalk Park. There would be a significant amount of planting within the next 30 days. The goal was to make Riverwalk Park not only the home of festivals, but the home of beauty. The work was being completed by Cate Prestowitz, the City's horticulturalist and Michael Liquori's park staff.

PLANNING ADVISORY BOARD

Mr. Woodruff stated that on Monday, October 10, 2011 at 6:30 PM in Meeting Rooms A & B, the Planning Board would be hosting a public workshop relative to alternative streetscape themes for New Bridge Street in front of City Hall. The first block of the re-landscaping had been approved in the budget this year. There were four concepts to be shared with the public and were provided to Council.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 8:16 PM.

Adopted by the Jacksonville City Council in regular session this 18th day of October, 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk