



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JUNE 11, 2018

Regular Meeting

Council Chambers

6:00 PM

500 N Cedar St, Third Floor, Lumberton, NC 28358

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Precinct 2	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

b. Invocation - Dr. David Elks, Pastor, First Baptist Church

c. Pledge of Allegiance - Led by Councilman John Robinson

d. Small Cities Proclamation - Presented to Councilman Leon Maynor

e. Proclamation - County Attorney Patrick Adam Pait

Gregg Pait along with family members, friends and colleagues were presented a proclamation in honor of the late Patrick Adam Pait.

f. Pride in Lumberton Award - West Lumberton Kiwanis Club

Members of the West Lumberton Kiwanis Club were presented the Pride in Lumberton award which is an old print of the Old Fire Station and a Pride in Lumberton lapel pin. Each member was given a lapel pin as they were thanked for all the work that they do in West Lumberton as well as other parts of the City. Mayor Davis along with Councilman Leon Maynor presented them with a check for \$1,000.00 to help them with material for future endeavors.

2482 : Pride in Lumberton Award- West Lumberton Kiwanis Club – Leon Maynor, Precinct 7

Councilman Maynor would like to present the West Lumberton Kiwanis Club a Pride in Lumberton Award for all the work that have done in the community. They have worked tirelessly in helping with the reconstruction of homes and providing any necessary labor that is needed within the community.

Approve the designation of the Pride in Lumberton Award.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

II. PUBLIC COMMENT PERIOD - NO ONE APPEARED TO SPEAK.

III. MINUTES APPROVAL

a. City Council - Regular Meeting - May 14, 2018 6:00 PM –

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

b. *Melvin Morris - RDL*

IV. CONSENT AGENDA

A. Adopt a Resolution Appointing Sharon Oxendine as Tax Collector for the City of Lumberton - Council Policy Committee

City Manager Horne stated that Under NCGS 105-349, the governing body of a municipality is required to appoint a Tax Collector to administer and collect all taxes imposed by the City. The City Manager recommends the appointment of Sharon Oxendine as Tax Collector for the City of Lumberton. She is a person of character and integrity, and she is covered by a fidelity bond to insure honest and faithful performance in the duties of collection and administration.

Ms. Oxendine will be administered the Oath of Office and the oath will be filed in the City Clerk's Office.

Recommend that the Council Policy Committee adopt a Resolution Appointing Sharon Oxendine as the Tax Collector for the City, and to administer to her the oath of office.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

B. Refer the Request for Subdivision Ordinance Amendment to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing - Council Policy Committee

Eric Collins, Government Affairs Director with Charter Communications, has met with City staff to investigate options for amending the Land Use Ordinance, more specifically, the subdivision regulations with regards to divisions of commercial tracts without direct access to a public right-of-way. Mr. Collins wishes to subdivide a roughly 1/4 acre tract for purposes of housing fiber optic communications equipment for Charter Communications. This subdivision would not be in compliance with the current Land Use Ordinance and would therefore require a text amendment of some sort. Attached you will find excerpts from the current Land Use Ordinance regarding subdivisions of commercial tracts of land and their access to public rights-of-way, as well as a rough survey of three potential tracts of land for Charter Communications.

On May 9, 2018 CPC authorized City staff to investigate the options for amending the Land Use Ordinance to allow for limited subdivisions of land, without direct access, for specific utility related uses.

The Planning Department suggest the following amendments:

- ARTICLE II. BASIC DEFINITIONS AND INTERPRETATIONS - Sec. 35-15. Definitions of basic terms.
- ARTICLE XIV. STREETS AND SIDEWALKS - Sec. 35-211. Access to public streets in general.
- ARTICLE XV. UTILITIES - Sec. 35-236. Utility ownership and easement rights.
- ARTICLE X. PERMISSIBLE USES - Sec.35-149. Table of permissible uses.

CPC to review the attached information, refer the request to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- C. Refer the Rezoning petition for properties located on Branch Street and Lowery Street to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing (parcel # 3225-01-011/Deed Book 1980 Page 0753). - Council Policy Committee

The City of Lumberton has submitted a rezoning petition for two properties located on Branch Street and Lowery Street (parcel # 3225-01-011/Deed Book 1980 Page 0753). This request is to rezone the property from M-1 (light manufacturing) and R-20 (residential single family) to R-20 (residential single family).

The applicants intended use of the property is single family residential.

This property is located within Area 17, as identified in our Land Use Plan.

CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

D. Accept the Donation of Property by Rene Perry - Council Policy Committee

Rene Perry has offered to donate a tract of land within the McLean Subdivision (South Lumberton) to the City. The parcel is highlighted in red on the attached aerial photo from GIS. It is 0.17 of an acre in size and has a tax value of \$7,000. This lot is adjacent to a large vacant lot (tax record shows it to be an unknown owner) which we use for parking when hosting events in Turner Gore Park. This lot could possibly be used for additional parking.

Consider whether to accept the land being offered for donation by Ms. Perry.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

E. Authorize the Advertisement of an RFP for the Hazard Mitigation Grant Program (HMGP) Procurement - Council Policy Committee

In anticipation of receiving an HMGP grant award from the NC Department of Emergency Management and FEMA, the Community Development Administrator is seeking authorization to advertise for procurement of administrative services to assist with administration of the City's Hazard Mitigation Grant Program (HMGP). This project will include the acquisition, elevation, and reconstruction of 106 residential structures damaged by Hurricane Matthew. A copy of the RFP is included.

The Planning Department staff recommends CPC authorize advertisement of the attached RFP in anticipation of receiving the HMGP award.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

F. Authorize Budget Amendments for year end closing of Fiscal Year 2018 - Council Policy Committee

Budget amendments will be needed for the year end closing of fiscal year 2018.

Recommend that CPC authorize the City Manager and Finance Director to perform budget amendments for the year end closing of fiscal year 2018.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

G. Approve the Write-off of Delinquent Receivables - Council Policy Committee

A list of delinquent receivables is attached for review and consideration for write-off. This is a standard accounting practice to write-off accounts receivable that are three years old and taxes receivable that are ten years old and continue our efforts to collect them.

Recommend that CPC approve the write-off of the attached delinquent receivables.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

H. Adopt a Resolution Calling for a Special Election - Council Policy Committee

In order to fill the vacancy which will exist in Precinct 3 beginning December 3, 2018, Council will need to adopt a resolution calling for the election and specifying the date of the election. The special legislation which controls this issue requires Council to adopt the resolution within 20 days of the existence of the vacancy. This allows Council the option to act now so that all procedures concerning the election will be approved by the Board of Elections.

A proposed Resolution is attached. The dates used in the Resolution would meet the requirements of the special legislation and the federal legislation on pre-clearance by the Department of Justice.

Consider the Special Election Resolution and adopt if Council deems appropriate.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

I. Approve the designation of \$400.00 of Community Revitalization Funds to Wycliffe East Homeowners' Association - Council Policy Committee

Councilman Rising requests \$400.00 of CRF to be given to the Wycliffe East Homeowners' Association for Community Event.

Designate \$400.00 of CRF to the Wycliffe East Homeowners' Association in Precinct 1 for a Community Event.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- J. Approve the designation of \$1,300.00 of Community Revitalization Funds for Community Programming to be held on July 8th, 2018 at Bill Sapp Recreational Center - Breath of Life International Ministries, INC as follows: P1 - \$100.00 P2 - \$200.00 P3 - \$100.00 P4 - \$200.00 P5 - \$300.00 P6 - \$200.00 P7 - \$100.00 & P8 - \$100.00 - Council Policy Committee

Councilman Robinson is requesting \$200.00 of Community Revitalization Funds for Community Programming "Family Day" located at Bill Sapp Recreational Center on July 8, 2018. This event, namely "The Gathering" is sponsored by Breath of Life International Ministries, Inc., and 2 or 3 Gathered Together a 501 (c) (3) organization.

Designate \$1,300.00 of CRF to Breath of Life Ministries for community programming as indicated above..

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- K. Approve the designation of \$1200.00 of CRF for Godwin Heights Family Fun Day in Precinct 3 - Council Policy Committee

Councilman Wilkins requests \$1,200 of Community Revitalization Funds for the Family Fun Day scheduled for August 25, 2018.

Designate \$1,200 of CRF for Godwin Heights Family Fun Day.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas

- L. Approve the designation of \$1,000.00 of Community Revitalization Funds to the West Lumberton Kiwanis Club as follows: P1 \$100.00 P4 - \$200.00 P5 - \$100.00 P6 - \$100.00 P7 - \$300.00 P8 - \$100.00 & Mayor's Discretionary Fund \$100.00 - Council Policy Committee

Councilman Maynor requests \$300.00 of CRF to be given to the West Lumberton Kiwanis Club to assist with various projects in the community. The West Lumberton Kiwanis Club has been helping with the reconstruction of homes and giving of their time and monies since the storm of 2016 not to include all that they do for the community because of need before and after the storm.

Designate \$1,000.00 of CRF to the West Lumberton Kiwanis Club.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- M. Approve the designation of \$250.00 of Community Revitalization Funds to St. Mary Holiness Church for Pastoral Event - Council Policy Committee
Mayor Davis requests \$250.00 of Community Revitalization Funds be given to St. Mary Holiness Church for a pastoral event.
Designate \$250.00 of CRF from the Mayor's discretionary fund to St. Mary Holiness Church.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

V. PUBLIC HEARINGS

- A. Rezoning petition for property located at 4828 Fayetteville Road (parcel # 1006-01-00706C/Deed Book 1037 Page 0884). – Brandon Love, Planning Director
Robert Wade Antone has submitted a Rezoning petition for property located at 4828 Fayetteville Road (parcel # 1006-01-00706C/Deed Book 1037 Page 0884). The request is to rezone the property from B-3, office residential to B-2, business community.

This property is located within Area 12 as identified in our Land Use Plan.

CPC reviewed the request and referred the petition to the Planning Board for their review, and authorized the Planning Director to set the date of the public hearing.

On May 22, 2018 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On May 23, 2018 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning request.

On May 23, 2018 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the rezoning request, on or before April 29, 2016.

On May 23, 2018 a request was sent to the Robesonian to have the legal ad for this request ran on June 1, 2018 and June 8, 2018.
Recommends that City Council hold tonight's public hearing and approve the rezoning request.

Mayor Davis opened the Public Hearing on a request to rezone property located at 4828 Fayetteville. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Kenneth Taylor, speaking on behalf of Trinity Holiness Church stated that he spoke with Mr. Antone about voluntarily restrictions and Mr. Antone stated that he had no problems with the restriction and that it would be a part of his rezoning.

Director Love stated that Mr. Antone did include those restrictions on the application which is in your packet. He stated in order to do this, Council would have to change this to a Parallel Conditionals Use with the applicant approval.

The restrictions are included on the application and on page 64 within the 6-11-2018 agenda packet.

No one else appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- B. Robert Earl Sampson has submitted a Non-Contiguous Annexation petition to the Planning Department, for property located at the corner of Pine Log Road and NC Hwy 72 (Rob's Quick Stop). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a non-contiguous annexation from Robert Earl Sampson requesting that property located at the corner of Pine Log Road and NC Hwy 72 (Rob's Quick Stop) (Parcel # 1607-01-01803) be annexed into the City of Lumberton.

The current use of the property is a gas station and the property is currently zoned County RA Therefore, the property must be rezoning to a city zoning district.

Recommend that City Council hold tonight's public hearing and approve the annexation request. Additionally, it is recommended that City Council authorize staff to initiate a rezoning request for this property.

Mayor Davis opened the Public Hearing on a request to annex into the city limits noncontiguous property located at the corner of Pine Log Road and NC Hwy 72. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Ms. Priscilla Clark appeared to speak and asked how would this annexation affect her taxes? City Manager explained that it would not affect her taxes unless she own part of that property; however, her property is not part of what's being annexed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- C. Public Hearing - to Close a Portion of Madison Avenue – Holt Moore, City Attorney

The pastor of El Nueve Renacer Church, which is on Oak Street near the corner with Roberts Avenue, has asked for the closure of Madison Avenue which runs by the church. As you can see on the attached map, there is no actual road there, i.e. it is a 'paper street' only, and the church is built up to, if not into, the would-be right-of-way. It does appear the church owns the property on both side of the area delineated as a street; thus, if the request is granted the church will take title to what is now the paper right-of-way. *Since the matter was last discussed, Legal has conferred with Public Works, who has investigated the matter, and the road closure would not have any impact on current utilities. Thus staff has found no barriers to the requested closure.*

Council passed the attached resolution and has since been advertised in the Robesonian for four consecutive weeks. A public hearing is scheduled for June Council meeting.

Hold tonight's public hearing and render a decision if Council so choose.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

D. Proposed 2018-2019 Fiscal Year Budget – Wayne Horne, City Manager

The proposed 2018-2019 Fiscal Year Budget was presented to City Council on Thursday, May 31st , 2018 Budget Workshop.

* NCGS 159-12 requires no earlier than 10 days after the budget is presented that City Council hold a public hearing to allow for public comments on the proposed budget before it is adopted.

* The proposed budget has been placed in; the City Clerk's Office, the Robesonian County Public Library, South Lumberton Resource Center and East Lumberton Resource Center.

Notice of the public hearing was advertised in the Robesonian.

Recommend that City Council hold a public hearing and consider the adoption of the proposed FY 2018-2019 Budget Ordinance to include rescinding the fees for lot mowing indicated in the budget back to the original lot fees and allow the City Manager to find a company to collect the fees.

Mayor Davis opened the Public Hearing on a request consider the adoption of the Municipal Operating and Capital Budget for FY2018/2019.. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Councilman Maynor stated that he had asked the Council to double to lot mowing fees within this budget; however, I would ask that we rescind that action within the budget and allow the City Manager to find a company to collect the fees.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas

VI. NEW BUSINESS

- A. Station 2 Engine Room Concrete Floor Replacement – Council Policy Committee -- Paul Ivey, Fire Chief

The concrete apparatus bay floor at Fire Station 2 (Bailey Road) has severely deteriorated and is in need of replacement. We have received informal bids from the following contractors for removal and replacement of the concrete floor.

Specialized Concrete Inc. - \$24,950.00

Jerry Bell's Concrete Construction - \$26,845.00

Jeff Sutton Concrete - \$48,202.00

CPC recommends that City Council approve awarding the project for removal and replacement of the concrete bay floor at Fire Station 2 to Specialized Concrete Inc for their bid of \$24,950.00.

We ask that the funds for this project come from:

Buildings & Structures Capital Code	10-00-8120-5814	\$23,500.00
Contracted Services Operating Code	10-00-4340-3960	\$1,450.00

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- B. Facade Improvement Grant Applications – Council Policy Committee -- Holt Moore, City Attorney

The City Clerk reached the majority of Council last week through an informal poll to discuss this item. We received two façade improvement grant applications, one from Allan Campbell and one from St. Alban's Masonic Lodge, for façade improvement grants. Both of these properties are adjacent to, but not in, the City's Downtown Improvement Area. A map of the area and the two sites, and the front page of each application are attached. Staff believes the intent of the grant program, the improvement of the appearance of downtown, will be furthered by these projects. Staff does not advocate expanding this program beyond the immediate downtown area however.

Approve façade improvement grant applications.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

- C. Declare Property Surplus for Sale – Council Policy Committee -- Holt Moore, City Attorney
The City purchased the property at 125 Dresden Avenue through a tax foreclosure. The City has been approached by a party interested in purchasing the property. The City has no use for the property, and believes it is in the City's best interest to sell it. Staff recommends that the property be declared surplus and that a sale by sealed bid be authorized, and that a resolution that effect be approved.
Pass a resolution declaring 125 Dresden Avenue as surplus, and authorizing it to be sold by sealed bid.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

VII. ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned.