



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JUNE 10, 2019

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
Eric Chavis	Precinct 7	Present	
John R. Carroll	Precinct 3	Present	
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

B. Invocation: City Attorney Holt Moore

C. Pledge of Allegiance: Led by Councilman Eric Chavis

D. Proclamation - Mr. Ray Stone (Posthumously)

A proclamation was presented to the family of Mr. Ray Stone thanking him for his contribution to the City of Lumberton and the work that he did as a Planning Board and Board of Adjustment member.

Comments were made that Mr. Stone loved this City and wanted to make the best choices for this City.

E. Retirees Recognition

1. Jerry Kinlaw - Police Sergeant - 24 Years –

Jerry Kinlaw was presented with a plaque for his outstanding performance as a Police Sergeant with the Lumberton Police Department for 24 years. Mr. Kinlaw thanked his heavenly father for watching over him, his wife as well as the City of Lumberton and fellow officers.

2. Mark A. Baker - Crew Chief, Recreation Dept - 20 Years –

Mr. Mark Baker received a plaque for 20 years of service with the Lumberton Recreation Department as Crew Chief.

3. Nathaniel Stueck - Senior Fire Captain - 13 Years –

Mr. Nathaniel Stueck, Senior Fire Captain for 13 years with the Lumberton Fire Department received a plaque thanking him for his dedicated service.

4. Arbie L. Keels - Motor Equipment Operator IV - Public Works - 10 Years –

Mr. Keels did not show.

II. SPECIAL RECOGNITION: MS. VANESSA WARD

Ms. Vanessa Ward presented Ms. Linda Scoggins with the Order of the Long Leaf Pine signed by Governor Roy Cooper which is given to persons who have made significant contributions to the State of North Carolina and their communities through exemplary service and exceptional accomplishments. Ms. Scoggins has been a teacher for 30 years.

Ms. Scoggins stated that she is humbled and shocked. She thanked whomever thought enough of her service to do this.

III. PUBLIC COMMENT: NO ONE APPEARED TO SPEAK.**IV. CONSENT AGENDA****A. Minutes Approval****1. City Council - Regular Meeting - Apr 3, 2019 11:00 AM -**

RESULT:	ACCEPTED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

2. City Council - Regular Meeting - May 13, 2019 6:00 PM -

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Davis, Rising, Higley, Cantey, Howard, Thomas

B. Refer the petition to the June 18, 2019, Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing on Charles V. Graham Rezoning petition for property located at 1940 Roberts Avenue - Council Policy Committee

Charles V. Graham has submitted a Rezoning petition for property located at 1940 Roberts Avenue (parcel # 3210-01-013/Deed Book 1565 Page 377). This request is to allow for the operation of use # 9.300, motor vehicle repair and maintenance shop at this location. This request is to rezone the property from B-2, business community to B-4 (business general commercial).

This property is located within Area 13 and its recommended future use is high intensity, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #2.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

CPC to review the request, refer the petition to the June 18, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- C. Refer the petition to the June 18, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing for Annette Wallwork - Conditional Use Permit petition for property located at 605 N. Elm Street - Council Policy Committee

Annette Wallwork has submitted a Conditional Use Permit petition for property located at 605 N. Elm Street (parcel # 323202037/Deed Book 082 Page 43). This request is to allow for the operation of a wine shop for sales and tasting (use #2.112) at this location. This property is zoned B-2 (business community) and this use requires a Conditional Use Permit.

This property is located within Area 16 and its recommended future use is downtown district, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #6.

If this Conditional Use Permit is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

CPC to review the request, refer the petition to the June 18, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSENT:	Davis

- D. Approval of major subdivision final plat for The Meadows at The Oaks-Phase II and bond acceptance. - Council Policy Committee

The Planning Department received a request from Martin & Martin Investments, LLC for the final major subdivision plat approval for The Meadows at The Oaks-Phase II and acceptance of a bond for the completion of the required infrastructure.

Recommends approval of the final plat and the acceptance of a bond for the completion of the required infrastructure.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- E. Approval of major subdivision final plat for Wyndam Townhomes – Phase IV and bond acceptance. - Council Policy Committee

The Planning Department received a request from Greg Caulder for the final major subdivision plat approval for Wyndam Townhomes - Phase IV and for the acceptance of a bond for the completion of the required infrastructure and landscaping.

Recommends approval of the final plat and the acceptance of a bond of \$11,725 for the completion of the required infrastructure and landscaping.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- F. Direct the City Clerk to Investigate the Sufficiency of a Petition Submitted by James L. Gibson et.al requesting a contiguous annexation of property located in Amberdale Subdivision Section 3 Part 3, lots #46, 62, 63, 64, 71, 72, & 73 - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a contiguous annexation from James L. Gibson and wife, Oakridge Land Development Co., Stark Investment Properties, LLC & Kyle J. Keating and wife requesting a contiguous annexation of property located in Amberdale Subdivision Section 3 Part 3, lots #46, 62, 63, 64, 71, 72, & 73 (Parcel #'s 1001-02-080.44, 1001-02-080.45, 1001-02-080.46, 1001-02-080.47, 1001-02-080.48, 1001-02-080.49, and 1001-02-080.50).

The property is currently zoned City of Lumberton B-3 (Office Residential) therefore a rezoning is not required.

Recommends that City Council direct the City Clerk to investigate said petition.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- G. Approval of Tax Releases for May 2019 - Council Policy Committee
Tax Releases for May 2019

2017-----\$264.46

2018-----\$251.45

Recommend Council approval of 2017- 2018 tax Releases.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- H. Approve the designation of \$1,500 of CRF for a Fun Day in Precinct 4 - Council Policy Committee
Councilwoman Higley would like to designate \$1,500 of CRF for a Fun Day in Precinct 4 to be held on August 17, 2019.
Designate \$1,500 of CRF in Precinct 4 for a Fun Day.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- I. Approve the designation of \$400.00 of CRF to Wycliffe Homeowners Association (West Side) for Beautification - Council Policy Committee
Councilman Rising requests \$400.00 of CRF to be given to the Wycliffe Homeowners Association (West Side) for beautification. The money will replace the diseased trees and sodding bare areas of the medians on Cambridge Blvd.
Designate \$400.00 of CRF to Wycliffe Homeowners Association (West Side) for beautification to replace the diseased trees and sodding bare areas of the medians on Cambridge Blvd.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- J. Approve the designation of \$440.00 of CRF (\$220.00 P8 & \$220.00 P1) to Tanglewood TES PTA for Tanglewood Third Graders EOG Celebration - Council Policy Committee
Councilmen Thomas & Rising are requesting \$220 each to be given to the Tanglewood Elementary School for the third graders the End of Grade Testing (EOG) Celebration.
Designate \$440.00 of CRF (\$220.00 from both P8 & P1) to Tanglewood Elementary School for the third graders EOG Celebration.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

V. PUBLIC HEARING

- A. Public Hearing - to Close a Portion of Edens Avenue – Holt Moore, City Attorney
At its CPC meeting of May 8, 2019, Mr. Adrian Lowery, Executive Director of Lumberton Housing Authority, came before the Council and asked for assistance in closing the street (Edens Avenue) that is located next to Kings Learning Center. Mr. Lowery stated that the Lumberton Housing Authority is purchasing this property to be used for its administrative purposes. In closing the street the City would maintain an easement in order to service and maintain its substation.

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

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

Mayor Davis opened a public hearing to consider the closing of a portion of Edens Avenue. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication of the advertisement in the Robesonian.

No one appeared to speak and the hearing was closed.

Councilman Cantey voiced his concerns about the permanent closing of the street by a gate. He wanted to know what type of gate it would be because of the potential of flooding issues and that is one of the location where the citizens in Precinct 5 would take their vehicles to avoid them being washed out.

City Manager Horne stated that it will not be a gate without means of access. There will be a maintenance key.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- B. Proposed 2018-2019 Fiscal Year Budget – Wayne Horne, City Manager
The proposed 2019-2020 Fiscal Year Budget was presented to City Council on Wednesday, May 29, 2019 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 2019-2020 Budget Ordinance.

Mayor Davis opened the Public Hearing on a request consider the adoption of the Municipal Operating and Capital Budget for FY2019/2020. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Eric Chavis, Precinct 7
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

VI. NEW BUSINESS

- A. Well #5 Repairs – Council Policy Committee -- Rob Armstrong, Public Works Director
Well #5 is one of 8 wells that supply drinking water to the City of Lumberton and has been down for repairs for several weeks. Council previously approved funds to raise the elevation of this well to prevent future flooding by Charles R. Underwood Inc. of Sanford, NC. Charles R. Underwood Inc. has now reviewed the damage to well and determined that it needs to be cleaned and repaired as no major work has been done to this well since its construction in 1987.

CPC is recommending that council approve using funds from the water and sewer capital reserve fund in the amount of \$32,205.00 to clean and repair various components of Well #5 with work to be conducted by Charles R. Underwood Inc. of Sanford, NC.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- B. Upgrade Acoustical Ceiling at Central Fire Station – Council Policy Committee -- Paul Ivey, Fire Chief

Lumberton Fire Department would like to request permission to utilize capital funds designated for Fire Department improvements to upgrade the acoustical ceiling and insulation on the suppression and administration sections of the Central Fire Station. The current ceiling and insulation is over 40 years old, discolored and doesn't match due to repairs and is not energy efficient.

We have received quotes from the following contractors:

Branch Acoustical (Lumberton, NC)	\$34,853.00
Erickson Acoustical (Hope Mills, NC)	\$37,520.00
Southeastern Acoustical (Buies Creek, NC)	\$45,657.00

Lumberton Fire Department recommends the job be awarded to Branch Acoustical for the amount of \$34,853.00.

RESULT:	APPROVED [7 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- C. Approval of Mr. Ray Britt as a County Representative to the Planning Board – Council Policy Committee -- Wayne Horne, City Manager
Attached you will find a Letter of Recommendation for Mr. Ray Britt to the City's Planning Board as a County representative replacing Mr. Ray Stone.
Appointment Mr. Ray Britt to the Planning Board as a County representative.

RESULT:	APPROVED [7 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- D. Approve the designation of \$500.00 of CRF for Summer Programs in Precinct 5 – Council Policy Committee -- John Cantey, Mayor Pro Tem
Councilman Cantey would like to designate \$500.00 of Community Revitalization Funds to summer programs in his community.
Designate \$500.00 of CRF for summer programming in Precinct 5.

Councilman Cantey made a motion, seconded by Councilman Howard, recommending that the first reading of the requested item be waived. It carried unanimously.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- E. Approve the designation \$850.00 of CRF in Support of the Omega Psi Phi Boys Summer Camp – Council Policy Committee -- Chris Howard, Precinct 6
Councilman Howard requests \$850.00 of CRF in support of the Omega Psi Phi Boys Summer Camp.
Designate \$850.00 of CRF to the Omega Psi Phi Boys Summer Camp.

Councilman Cantey made a motion, seconded by Councilman Howard, recommending that the first reading of the requested item be waived. It carried unanimously.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- F. Approval of Bid for Demolition Hazard Mitigation Grant – Council Policy Committee -- Brian Nolley, CDBG Administration

Council approved bid for the demolition of the first group of homes under the city's Hazard Mitigation Grant Program at last month's CPC meeting to Barfield Backhoe. Mr. Barfield was the low bidder. However, it has come to our attention that Barfield Backhoe is required to have a general contractor's license since the homes contain asbestos and the contract is over \$30,000. The next qualified lowest bidder is Corbett Clearing & Demolition, LLC in the amount of \$83,280.

The Planning Dept. recommends withdrawing the notice of award to Barfield Backhoe and awarding the bid to Corbett Clearing & Demolition, LLC.

RESULT:	APPROVED [7 TO 0]
MOVER:	Eric Chavis, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

VII. ADJOURNMENT

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