CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● JUNE 10, 2013

Regular Meeting | **Council Chambers** | **7:00 PM**

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

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

A. Sergeant-at-Arms Plt. Rodney Herring & Officer Latisha Ranson -

VI. PUBLIC COMMENT PERIOD

Mr. Robert Britt appeared before Council and introduced the Rediscover Downtown Lumberton Committee. He wanted to make Council aware of who they are and thank them for the work that they have done.

Dencie Lambdin appeared before Council as part of the Rediscover Downtown Lumberton Committee to reiterate the words of Mr. Britt; she also thanked Council for the work that they have done downtown and she enlighten Council on a few things that the Committee are doing.

Mrs. Landa Gaddy, 2405 Gaddy Road, Fairmont, NC, appeared before Council and promoted the Youth Self-Improvement plan.

Mrs. Helen Sharpe appeared before Council and thanked them for what they have done for the Robeson Museum and to solicit funds for the Museum. She stated that there is a lot of history in this museum and they cannot even afford to pay the curator. She stated that if they do not receive any help they will not be able to keep the curator or the museum going much longer. She asked Council to please consider a financial increase within the budget.

VII. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

A. Minutes Approval

1. City Council - Regular Meeting - May 13, 2013 7:00 PM -

2. Approve the 2013-2014 Council Meeting Schedule - Council Policy Committee
   Pursuant to NCGS 160A-71, Council shall fix the time and place for its regular meetings. Failure to do so would result in a statutory default schedule of 10:00 am on the first

Monday of each month as well as requiring additional notice and restrictions for meetings at any other time.

The attached schedule principally follows the pattern of Council meetings on the second Monday with CPC meetings the prior Wednesday. Exceptions may be necessary for holidays, particularly Independence Day and Veterans' Day.

Also included in the schedule are agenda deadlines, which are recommended to be on the Thursday prior to any meeting.
Consider the attached schedule, adjust for any conflicts, and adopt a final schedule.

3. Approve the Removal of the Cyber Gambling Privilege License Fee - Council Policy Committee
   The budget to be adopted on June 10, 2013, should not include a Privilege License fee like the 2012-2013 budget provision that the fees for Cyber Gambling Establishments are $5,000 per location and $2,500 per machine. That fee amount was determined to be unconstitutional by the N.C. Supreme Court. At the direction of our District Attorney, our Police Department is committed to pursuing criminal prosecution against all establishments which might otherwise pursue licensing under Sec. 12-60.1 of our Budget Ordinance.
   Eliminate Sec. 12-60.1
   (15) Cyber Gambling Tax Per Establishment
   Cyber Gambling Tax Per Computer

   of SECTION XII. RATES AND FEES of the 2013 Budget Ordinance

4. Approve the Request from Southeastern Regional Medical Center requesting three building signs - Council Policy Committee
   Southeastern Regional Medical Center is requesting the following building signs:
   1) 315.39 sq.ft. building sign at location 1
   2) 169 sq.ft. building sign at location 2
   3) 82 sq.ft. building sign at location 3

   This request is for property located at 300 W. 27th Street. This property is zoned B-6, Medical Arts.

   Sec. 35-282. Signs within the medical arts district states:
   Notwithstanding any other provisions of this article excepting for the provisions of section 35-281, signs in the B-6 (medical arts) district may be erected, moved, enlarged, or substantially altered pursuant to plans approved by city council.
   (Ord. No. 1448, 6-27-94)
   Recommends Council Policy Committee and City Council approve this request.

5. Return the Item Concerning an Amendment to the Table of Permissible Uses to allow for Clerical Office in the B-5 Zoning District Request to Staff and the Planning Board. - Council Policy Committee

Currently, the Land Use Ordinance for the City of Lumberton does not allow clerical office and services not primarily related to goods or merchandise in the B-5 Zoning District. This request is to consider amending the table of Permissible Uses to allow clerical office and services not primarily related to goods or merchandise (use#3.100, 3.110, 3.200, and 3.220) in the B-5 zoning district.

On April 15, 2013 staff requested City Council to forward this amendment proposal to the Planning Board for their review and consideration.

On May 16, 2013 the Planning Board reviewed the request and recommends the request be denied.
Recommend that this item be returned to Staff and the Planning Board to find (if possible) any viable options to this issue and bring back to the Council Policy Committee.

6. Refer the petition from RMC Holdings to the Planning Board for their review, and Authorize the Planning Director to set the date of the public hearing for RMC Holdings CUP for a Major Subdivision - Council Policy Committee
RMC Holdings (Larry Stone, Owner) has submitted a Conditional Use Permit application for property located at the corner of W. 5th Street and Hilton Street, parcel #s 1013-01-001-04 and 1013-01-001-05. This request is to obtain a Conditional Use Permit for a major subdivision.
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 .

7. Adopt a Resolution Appointing King Compton to the Personnel Board. - Council Policy Committee
At its meeting of May 8, 2013, the Council Policy Committee approved King Compton as a member of the Personnel Board. The appointment is forwarded for Council's approval.
That City Council approve the appointment of King Compton to the Personnel Board.

8. Approval of Contract for Outside Fire Protection with Alamac Knitting - Council Policy Committee
Alamac American Knits, LLC., is requesting a renewal of contract for outside fire protection. The contract will begin on July 1, 2013, with an ending date of June 30, 2014.
That the Council Policy Committee approved the renewal of contract with Alamac American Knits, LLC.

9. Approve the Designation of $500.00 of Community Revitalization Funds for East Wycliffe Landscape Project - Council Policy Committee
Councilman Metzger requests $500.00 of Community Revitalization Funds for East Wycliffe Landscape Project.
Designate $500.00 of Community Revitalization Funds to East Wycliffe Landscape Project.

10. Approve the designation of $400.00 for a Handicap Ramp at 1708 Maryland Street - Council Policy Committee
    Councilman Cantey requests $400.00 of Community Revitalization Funds for a handicap ramp located at 1708 Maryland Street for Ms. Mollie Robinson.
    That the Council Policy Committee approve the designation of $400.00 for a handicap ramp located at 1708 Maryland Street.

11. Approve the designation of $500.00 of CRF to Lumberton Junior High School for awards and Plaques - Council Policy Committee
    Councilman Jones requests $500.00 of CRF to Lumberton Junior High School to be used for to purchase rewards and plaques.
    Designate $500.00 of CRF to Lumberton Junior High School for awards and plaques.

12. Approve the designation of $500.00 Community Revitalization Funds to W.H. Knuckles - Council Policy Committee
    Councilman Jones requests $500.00 of Community Revitalization Funds for W.H. Knuckles Elementary School to purchase supplies for Fun/Field Day.
    Designate $500.00 of CRF to W.H. Knuckles Elementary School for Fun/Field Day.

13. Approve the designation of $100.00 in Precinct 7 for Handicap Rails on Branch Street - Council Policy Committee
    Councilman Maynor requests $100.00 for handicap rails on a senior citizen's home on Branch Street. The money will be paid to the West Lumberton Kiwanis.
    Designate $100.00 for handicap rails on Branch Street. The money is to be paid to the West Lumberton Kiwanis.

14. Approve the designation of $1,500.00 To Robeson County Partnership for Children as follows P1 - $200.00 P2- $200.00 P3 - $200.00 P4 - $200.00 P6 - $200.00 P7 - $200.00 P8 - $100.00 and from the Mayor's discretionary fund $200.00 - Council Policy Committee
    At its meeting of June 5, 2013, the Council Policy Committee discussed among other things the designation of funds to the Robeson County Partnership for Children.
    Designate $1,500.00 to Robeson County Partnership for Children as listed above.

VIII. PUBLIC HEARINGS

A. CUP for Nathaniel Stubbs to operate a youth center - Brandon Love, Planning Director
   On December 7, 2012 the Planning and Neighborhood Services Department received an application for a Conditional Use Permit from Nathaniel Stubbs for property located at 3150 Martin Luther King, Jr. Drive. This request is to allow for the operation of a youth center. The property is zoned PCU B-4 with a restriction that only a thrift shop be allowed at this location. The B-4 zoning district would allow for this type of center however, a new Conditional Use Permit must be issued in order to authorize a youth center.

   On December 18, 2012 the Planning Board made a motion to table the request and asked the applicant to provide additional information.

On December 18, 2012, January 22, 2013, and February 19, 2013 the Planning Board reviewed the request and asked the applicant to provide additional information.

On April 23, 2013 the Planning Board voted to deny the petition due to the lack of additional information regarding the request. The applicant nor a representative was present to answer questions.

On May 13, 2013 the City Council voted to continue the public hearing, direct the item back to the Planning Board for further review and allow the applicant to present further information regarding this petition.

On May 21, 2013 the Planning Board, after further review, voted to approve the petition.

Attached you will find a copy of the application, map, a description of the intended use, and other pertinent information.
The Planning Board recommends City Council approve the attached Conditional Use Permit.

The motion to approve the Conditional Use Permit died for lack of a second.

RESULT:	**DEFEATED [1 TO 8]**
MOVER:	Robert L. Jones, Precinct 6
AYES:	Jones
NAYS:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney

B. Approval of the Rezoning Request for 4015 W 5th Street - Brandon Love, Planning Director
Haywood McCormick and Clementine Thompson McCormick have submitted a rezoning application for property located at 4015 W 5th Street (Parcel # 0201-01-013). This request is to rezone this property from M-2 (Heavy Manufacturing) to A (Agriculture). The applicant's intent is to operate an open air market.

On April 23, 2013 the Planning Board held their public meeting on this petition. At this meeting they voted to table the petition and requested more information.

On May 21, 2013 the Planning Board voted to approve the rezoning petition.
Recommends that City Council hold tonight's public hearing and approve the attached ordinance approving the rezoning request.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

C. Public Hearing for incentives for Project Flow - Wayne Horne, City Manager
Project Flow will locate in the City of Lumberton with an investment of $1million for building and equipment will create 40 new jobs with an average wage of $15.00 per hour plus benefits.
That City Council set a public hearing for Monday, June 10th to consider incentives for

Project Flow.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jackie Taylor, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

D. Public Hearing on the 2013-2014 Fiscal Year Budget - Wayne Horne, City Manager
The proposed 2013-2014 Fiscal Year Budget was presented to City Council on Wednesday, May 15th, 2013.

* NCGS 159-12 requires 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 Clerks Office, the Robesonian County Public
Library, Parkview Activity 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 2013-2014 Budget Ordinance.

Chris Howell appeared before Council and stated that it would be great if the City could look at the budget and find some kind of way to give the employees an increase. He stated that the employees are the backbone of the City.

RESULT:	**REFERRED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

IX. NEW BUSINESS

A. Settlement Agreement (Keystone) - Council Policy Committee
The City entered into a mutual limited settlement agreement and release with Keystone Construction & Consulting, LLC. Pursuant to NCGS 132-1.3, all such settlement documents are public record. When initially reported in closed session, settlement agreements must be later reported to and entered into the minutes of an open session.
Accept the report of the attached settlement agreement.

RESULT:	**APPROVED [7 TO 1]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Ivey, Cantey Jr., Jones, Maynor, Hackney
NAYS:	Taylor
ABSTAIN:	Pennington

B. Approval of Change Order #4 - Lumberton Police Department in the Amount of $7,383.00 - Council Policy Committee
Attached you will find a list of change order items which have been requested as part of the new Lumberton Police Department project. Please note that this list reflects a majority of items which have been requested by the owner (City) as well as several credits to the City's contract. With this request included, the total amount of project change orders to date is $29,146 and represents slightly over 1% of the total project cost. A contingency fund of 5% was established by USDA for this project in the amount of $125,693.
Staff recommends that CPC approve Change Order #4 for the Lumberton Police Department project in the amount of $7,383.00 And authorize payment from the project contingency.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jackie Taylor, Mayor Pro Tem
SECONDER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

C. Tanglewood Stormwater Sewer Rehab Change Order - Council Policy Committee
While installing the new sanitary sewer on Elm Street, the contractor discovered a set of stormwater catch basins at the intersection of 11^{th} and Elm that were connected to the sanitary sewer system. In order to separate the stormwater / sewer interconnection, a new stormwater pipe must be extended from 12th Street intersection, south, to the 11^{th} Street intersection. The contractor has provided a change order price of $30,200 to do this work. This amount is below the estimated amount of $30,600 which is eligible for NC Cleanwater IFS funding.
Public Works is requesting Council approve the Change Order amount of $30,200 and authorize Stepp Construction of Lenoir, NC to install the proposed stormwater pipe.

RESULT:	**APPROVED [5 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Metzger, Robinson, Jones

D. Carthage Road and Water Street Intersection Street Improvement Project-TIP #: U5524 - Council Policy Committee
The City of Lumberton was awarded a Transportation Community and System Preservation Program Grant for $556,000 for the Carthage Road and Water Street Intersection Improvement Project. This project will be administered by the NC Department of

Transportation.

The NCDOT is requesting that the City of Lumberton enter into a Municipal Agreement for improvements to this intersection to include the construction of a round-about. The City's cost for the relocation of utilities and acquisition of right of way for this project is $175,000. That City Council review and approve the attached Municipal Agreement TIP#:u5524 for the Carthage Road and Water Street Intersection Improvement Project.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Harry Ivey, Precinct 4
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

X. ADJOURNMENT