



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MAY 14, 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	Excused	
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

Reverend Dr. Judy Johnson, McCormick Chapel

C. Pledge of Allegiance

Led by Councilman John Cantey, Jr.

D. Retiree Recognition - Ms. Sharon Hunt

Sharon Hunt was presented a plaque and a check for her 29 years of dedicated service as Assistant to the City Manager for the City of Lumberton. Mayor Davis recalled how Sharon managed the warehouse in the aftermath of Hurricane Matthew as well as Councilman Maynor recalled several occasions where Sharon said "I got" and it was taken care of. Sharon will be greatly missed throughout the City.

Sharon expressed that there is no better place to work than the City of Lumberton. She said that if you need her just call her.

E. Pride in Lumberton - DJ Powers

Place on next agenda.

II. PUBLIC COMMENT PERIOD

Jay Britt appeared before Council and stated that he is representing a civic organization; The Exchange Club of Fayetteville. He stated that during Hurricane this Club constantly stayed in contact wanting to know what was going on and wanting to help in any way possible.

Mr. Britt presented the City with a check for \$600.00 from The Exchange Club of Fayetteville to the Baptist Men

Association to assist them in any way possible. The City gladly received the check on their behalf.

Ms. Dencie Lambdin appeared before Council and gave an overview of what Communities in School (CIS) offers in the City of Lumberton through the BakPak Pals program that has been in existence for 7 years. She stated that the program started in the City of Lumberton and has spread across the County. She stated that the program feeds approximately 107 children throughout; West Lumberton, WH Knuckles, Tanglewood, Rowland Norment, Carroll Middle and 2nd Harvest who give out bags of food for Janie Hargrave School. She stated that though Magnolia School is not considered to be a Lumberton School they have been added to the program.

She also talked about the different programs that they offer such as the reading program and after school care. They determine who needs help based on need-based assessments, surveys, demographics and End of School testing.

Mr. Keith Pittman, 521 E. 10th Street, appeared before Council concerning the parking situation on 10th Street. He asked Council to reconsider the Ordinance that they passed because there were and are no problems with passage for emergency vehicles on this street.

III. CONSENT AGENDA

A. Accept the Donation of Property from Mrs. Irene O'Neal Campbell and Mrs. Sue O'Neal Spears - Council Policy Committee

Mrs. Irene O'Neal Campbell and Mrs. Sue O'Neal Spears would like to donate three vacant parcels near Public Works to the City. Each parcel is within the 100 year flood zone. Attached is information about the parcels and a letter from Mrs. Campbell and Mrs. Spears stating they wish to make this donation.

Public Works is requesting Council to accept the property donations from Mrs. Irene O'Neil Campbell and Mrs. Sue O'Neil Spears.

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

B. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing on a Rezoning petition for property located at 4828 Fayetteville Road (parcel # 1006-01-00706C/Deed Book 1037 Page 0884). - Council Policy Committee

Robert Wade Antone has submitted a Rezoning petition for property located at 4828 Fayetteville Road (parcel # 1006-01-00706C/Deed Book 1037 Page 0884). This request is the 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 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 [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- C. Set the date of the Public Hearing for June 11, 2018, for a Non-Contiguous Annexation petition for property located at the corner of Pine Log Road and NC Hwy 72 (Rob's Quick Stop). - Council Policy Committee

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, convenience store and mini-storage facility. The property is currently zoned County RA, therefore the property must be rezoned to a City zoning district.

The City Clerk has certified the sufficiency of the petition and the Planning Department recommends City Council set the date of the public hearing for June 11, 2018.

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

- D. Adopt a Resolution Accepting the NC DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER INFRASTRUCTURE FY17 CDBG INFRASTRUCTURE GRANT - Council Policy Committee

Public Works is requesting Council approval of the attached resolution accepting the award of the NC Department of Environmental Quality Division of Water Infrastructure FY 17 CDBG Grant for \$1,997,500 to extend sanitary sewer to the Rosewood Mobile Home Park.

CPC recommends that Council Adopt a Resolution Accepting the NC Department of Environmental Quality Division of Water Infrastructure FY17 CDBG Infrastructure Grant.

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

- E. Authorize the Lumberton Police Department to apply for Bulletproof Vest Partnership Grant - Council Policy Committee

The Lumberton Police Department is asking permission to apply for the 2018 Bulletproof Vest Partnership Grant in the amount of \$38,415.00. This grant will assist the department with purchasing 65 bulletproof vests with a 50% match.

It is recommended that the Lumberton Police Department be granted permission to apply for the 2018 Bulletproof Vest Partnership Grant for the purchase of 65 vests in the amount of \$38,415.

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

- F. Authorize Staff to Investigate a Subdivision Ordinance Amendment Allowing Tracts Intended for Utilities to be Divided Without Direct Access to a Public Right-of-Way - 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 $\frac{1}{4}$ 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. The recommendation is that CPC authorize City staff to investigate the options for amending the Land Use Ordinance to allow for limited subdivisions of land, without direct right-of-way access, for specific utility related uses. Staff will present a report to Council at the next scheduled CPC meeting in June.

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

- G. Approve the designation of \$1,000.00 of CRF to the Law Enforcement Memorial Ceremony to be held on May 16th at RCC as follows: P1- \$100.00 P3 - \$300.00 P4 - \$200.00 P6 - \$100.00 P7 - \$150.00 & Mayor's Discretionary Fund \$150.00. - Council Policy Committee Councilman Wilkins would like to contribute \$300.00 of Community Revitalization Funds to the Robeson County Executive Law Enforcement Committee towards the Law Enforcement Memorial Ceremony being held at RCC on Wednesday, May 16th, 2018, at 10:00 a.m. Over the years we have rotated the cost of this function and last year it was paid for by the County. The Association is requesting \$1,000.—total for a meal and service. Designate \$300.00 of CRF for the Law Enforcement Memorial Ceremony.

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

- H. Approve the designation of \$400.00 of Community Revitalization Funds to Wycliffe Homeowners' Association - Council Policy Committee Councilman Rising requests \$400.00 of CRF to be given to the Wycliffe Homeowners' Association. Designate \$400.00 of CRF to the Wycliffe Homeowners' Association in Precinct 1.

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

- I. Approve the Designation of \$1,250.00 of CRF for P2 Community Day - Council Policy Committee Councilman Robinson would like to designate \$1,250.00 of CRF for a Community Day in Precinct 2. Designate \$1,250.00 of CRF for a Community Day in Precinct 2.

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

- J. Approve the designation of \$800.00 of CRF for Chrysolite A.M.E. Church for Community Programming - Council Policy Committee
Councilman Robinson is requesting \$800.00 of CRF to be given to Chrysolite A.M.E. Church for a community program.
Designate \$800.00 of CRF to Chrysolite A.M.E. Church as designated above.

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

- K. Approve the designation of \$700.00 of CRF for a Community Day in Precinct 5 and De-obligate \$351.45 from Code 10-00-4313-2125 - Council Policy Committee
Councilman Cantey is requesting that \$351.45 be deobligated from code 10-00-4313-2125 and designate \$700 of CRF for a Community Day in Precinct 5.
Deobligate \$351.45 from code 10-00-4313-2125 and designate \$700.00 of CRF for a Community Day in Precinct 5.

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

- L. Approve the designation of \$100.00 of CRF to Anointed Believers' Ministries for a Community Day - Council Policy Committee
Councilman Howard requests \$100.00 of CRF to be given to Anointed Believers' Ministries for a Community Day event.
Designate \$100.00 to Anointed Believers' Ministries for a Community Day event.

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

- M. Approve the designation of \$500.00 of Community Revitalization Funds to West Lumberton Elementary School for the Positive Behavioral Intervention Support Program in Precinct 7 - Council Policy Committee

Councilman Maynor requests \$500.00 of Community Revitalization Funds to the West Lumberton Elementary School for the Positive Behavioral Intervention Support program. Designate \$500.00 of CRF to West Lumberton Elementary School for PBIS.

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

- N. Approve the \$500.00 Designation of CRF to Lumberton High School for a Sponsorship Sign from the Mayor's Discretionary Fund - Council Policy Committee

Mayor Davis would like to contribute \$500 of discretionary funds to Lumberton High School for a sponsorship sign at the athletic fields to read "The City of Lumberton."
Approve use of discretionary funds.

Councilman Maynor made a motion, seconded by Councilman Cantey that this item be sent back to the next CPC for further discussion.

RESULT:	REFERRED [7 TO 0]	Next: 6/6/2018 11:00 AM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey, Mayor Pro Tem	
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

- O. Approve the designation of \$800.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$200.00 - \$100.00 presented on behalf of Precinct 8 & Mayor's Discretionary Fund \$100.00 - Council Policy Committee

As it meeting of May 9, 2018, the Council Policy Committee heard a request from Police Officer Joseph Frederick requesting support in his efforts to raise funds for youth health and wellness as part of the 2018 New York City Marathon in which he is a participant.

Approve the designation of \$800.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P3 - \$100.00 P4 -

\$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00 & Mayor's Discretionary Fund \$100.00.

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

P. Approve Boards and Commissions / Non-Profits Budget Requests for FY2018-2019 - Council Policy Committee

The City Staff has started preparation of the FY 2018-2019 Budget. In 2002, City Council approved a policy on contracting with non-profit agencies creating procedures for evaluating proposals and creating clear responsibilities for accountability. Attached are the Boards and Commissions / Non-profits FY 2018-2019 Budget requests along with the City Manager's recommendations.

That City Council approves funding for boards and commissions / Non-profits budget requests.

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

IV. PUBLIC HEARING:

A. Donovan Oliver has submitted a Non-Contiguous Annexation petition to the Planning Department, for property located at the corner of NC Hwy 711 and Deep Branch Road – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a non-contiguous annexation from Donovan Oliver requesting that property located at the corner of NC Hwy 711 and Deep Branch Road (Parcel # 1610-02-02901) be annexed into the City of Lumberton.

The proposed use of the property is a gas station and the property is currently zoned City of Lumberton B-2 (Business Community). Therefore, a rezoning is not required.

The City Clerk has certified the sufficiency of the petition and prepared a utility report.

Recommend that City Council hold tonight's public hearing and make a decision regarding this annexation request.

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

V. NEW BUSINESS

A. Tandem Dump Truck Purchase – Council Policy Committee -- Rob Armstrong, Public Works Director

Public Works is scheduled to replace one tandem dump truck in the current capital budget. We had intended to replace a 2000 GMC dump truck. In lieu of purchasing one tandem truck from the capital budget, Public Works is requesting authorization to purchase two new Peterbuilt tandem dump trucks from the NJPA for \$110,588 each, \$221,176 total, using escrowed funds left over from our past equipment loan.

CPC recommends that Council allow Public Works to purchase two 2018 Peterbuilt Tandem Dump Trucks off of the NJHPA Contract from the Larson Group, Inc for \$110,588 each (\$221,176 total) to be paid for using escrowed funds left over from the last equipment loan.

RESULT:	APPROVED [7 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

B. Ramada Inn Pump Station Force Main Replacement – Council Policy Committee -- Rob Armstrong, Public Works Director

On April 26, 2018, Public Works received bids for the replacement of the existing Ramada Inn Pump Station Force Main Pipe. This force main pipe extends from the pump station behind the old Ramada Inn up to 35th Street & Rowland Avenue. Three contractors submitted bids. Attached is the bid summary. Frank Horne Construction submitted the low bid of \$361,110.00 which was below our estimate of \$375,000.

CPC recommends that Council tentatively award the Ramada Inn Pump Station Force Main Pipe Replacement Project to Frank Horne Construction of Fair Bluff for \$361,110.00 to be paid for by the Principal Forgiveness and Loan provided by the North Carolina Clean Water State Revolving Fund.

RESULT:	APPROVED [7 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

C. Request for General Fund Contingency Funds – Council Policy Committee -- Bill French, Emergency Services Director

The 911 Backup Center is nearing completion, with only a few details to be worked out and it will be fully functional. I requested and received Capital Funds of \$87,846.00 in August of 2017 to cover the electrical and mechanical costs of the project. The amount I requested was based on information I received that the 911 Board would furnish a generator or pay 50% of its cost. \$18,000 was added to capital to assist in purchasing the generator. I found out in January of 2018 that the formula for determining what the 911 would pay on a generator is determined by dividing the total square footage of the building into the space that will be occupied. For us, that percentage was 23% or \$11,751.39. Due to the engineer not approving our electrical and mechanical plan, we had to purchase a larger generator (\$15,000.00 more) and alter the electrical and mechanical plan to get it approved. That, with some changes to the radio system, caused the project to incur a deficit of \$28,039.32. The funding approved was used to pay for equipment that had been installed and billed to us.

With the time constraints we were working under, we had to move ahead with the project to finish our project by the end of March or April. If you approve the amount requested, this will pay the final two bills and the project can be closed out.

CPC recommends that Council approve funds from the General Fund Contingency to fund the electrical and mechanical costs for the 911 Backup Center to close out this project.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

VI. CLOSED SESSION

Mayor Davis announced the need for a closed session under NC GS 143-318.11 (3) To consult with an attorney order to preserve the attorney-client privilege on motion of Councilman Cantey, and second of Councilman Rising.

Return to Open Session:

Councilman Cantey made a motion, seconded by Councilman Maynor, to return to open session. City Attorney Moore stated that directions were given to continuing ongoing discussions with the County concerning the administration building.

VII. ADJOURNMENT

There being no further business to come before the Board the meeting adjourned at 6:40 pm.