CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● MAY 12, 2014

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

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

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Mayor Pro Tem	Present	
John Robinson	Precinct 2	Present	
Burnis Wilkins	Precinct 3	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Edwin Holt Moore	City Attorney	Present	
Cedric McKinnon	Sergeant-at-Arms	Present	
Rodney Herring	Sergeant-at-Arms	Present	

III. INVOCATION

Councilman Metzger

IV. PLEDGE OF ALLEGIANCE

V. PRIDE IN LUMBERTON

A. Kash & Karry –

VI. PUBLIC COMMENT PERIOD

Senator Michael Walters appeared and presented Mayor Raymond B. Pennington with The Order of the Long Leaf Pine conferred by the Governor of North Carolina. The Order of the Long Leaf Pine is an award that recognizes North Carolinians who have demonstrated exemplary service or exceptional contribution to the State or their communities.

Mayor Pennington has dedicated his life service to the State of North Carolina and the citizens of Lumberton, North Carolina. Mayor Pennington was euphoric. Senator Walters presented his biography and thanked him for his service. Mayor Pennington thanked his wife (Ms. Shirley) and every member of council that he has had the pleasure to serve with. He thanked his friends stating that a true friend is a friend for life. When you have a friend; you have something special.

VII. CONSENT AGENDA

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

A. Minutes Approval

1. City Council - Regular Meeting - Apr 14, 2014 7:00 PM -

2. Authorize the Police Department to Apply for Bulletproof Vest Partnership Grant - Council Policy Committee
   Shelf life for current bulletproof vests worn by sworn police personnel has expired or will be expiring shortly. Grant will be used to purchase 65 vests at a cost of $520 each for a total cost of $33,800. Grant requires a 50 percent cash match that will come out of operating budget.
   It is recommended that Police Department be given permission to apply for Bulletproof Vest Partnership Grant in the amount of $33,800.

3. Authorize Budget Amendments for Year End Closing June 30, 2014 - Council Policy Committee
   Budget amendments will be needed for the year end closing of fiscal year 2014. City Manager Wayne Horne and Finance Director Alisha Thompson are requesting authorization to perform budget amendments for year end.
   Recommend that City Council authorize the City Manager and Finance Director to perform budget amendments for year end closing effective June 30, 2014.

4. Approval of Write-off of Delinquent Accounts - Council Policy Committee
   A list of delinquent accounts 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 City Council approve the write-off of the attached delinquent receivables.

B. Authorize the April 2014 Tax Releases - Council Policy Committee
Per G.S. 105-381, which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons: Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.
The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:
2005----------$151.49
2008----------$163.62

2009----------$293.27
2010----------$813.87
2011----------$1442.56
2012----------$1805.93
2013----------$3500.35
Council Approval of the April 2014 Tax Releases

C. Approval of Plat for Lot 76, Amberdale Section 3, Part 3 - Council Policy Committee
B.G. French has submitted a major subdivision plat for final approval for Lot 76, Amberdale Section 3, Part 3. Attached is a cost estimate of $12,610 for completion of the infrastructure improvements to serve this lot. Construction is currently underway for this section of Amerdale.
Staff recommends that City Council approve the attached subdivision plat, set a bond in the amount of $15,000 for completion of the site improvements and authorize the City Manager to sign and record the plat.

D. Refer the Rezoning Request for property located at 202 Taylor Drive to the Planning Board for its Review and Recommendation and Authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee
FLS Owner 170, LLC has submitted a Rezoning Petition for property located at 202 Taylor Drive (parcel #2905-01-007). This request is to rezoned property from A, Agriculture to M-1, Light Manufacturing. The applicants' intent is for a community or regional solar farm (use#17.200) at this location.

This use also requires a Conditional Use Permit. The applicant has submitted a Conditional Use Permit application, which is following this agenda item.
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.

E. Refer the Conditional Use Permit Request for property located at 202 Taylor Drive to the Planning Board for its Review and Recommendation and Authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee
FLS Owner 170, LLC has submitted a Conditional Use Permit Petition for property located at 202 Taylor Drive (parcel #2905-01-007). This request is for a Conditional Use Permit to construct a community or regional solar farm (use#17.200) at this location.

The applicant has submitted a Rezoning application to rezone the property from A, Agriculture to M-1 Light Manufacturing, which precedes this agenda item.
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.

F. Adopt a Resolution Authorizing the Submission of Building Reuse Grant Application and Local Match - Southeastern Regional Medical Center - Council Policy Committee
The pre-application for a Building Reuse Grant to be used for SRMC Education Center for Campbell University Medical Students has been submitted to NC Commerce Rural Economic Development Division. A conference call was held on April 28, 2014 with City staff, SRMC staff and Ms. Hazel Edmond of the Rural Economic Development Division.

The City was given the approval to submit the full application for funding in the amount of $500,000 with the understanding that Southeastern Regional Medical Center will be responsible for the 5% local match that is required.
Recommend Council adopt the resolution of grant submission and local match that will be provided by SRMC.

G. Approve the De-obligation of $115.00 from 100-00-4935-6903 and designate to 10-00-4313-2125 Community Watch in Precinct 3 - Council Policy Committee
Councilman Wilkins would like to de-obligate $115.00 of Community Revitalization Funds from 10-00-4935-6903 Handicap Ramp to 10-00-4313-2125 Community Watch.
Designate $115.00 of CRF to Community Watch.

H. Approve the designation of $550.00 of Community Revitalization Funds to Golden Leaf Lodge Council #139...Knights of Pythagoras in Precinct 5 as follows: P1 - $50.00 P4 - $50.00 P5 - $200.00 P6 - $50.00 P7 - $50.00 P8 - $50.00 and Mayor's Discretionary Fund $100.00 - Council Policy Committee

Councilman Cantey requests $200.00 of CRF in support of the Knights of Pythagoras, an organization that understands how to give back to the community; encourages teamwork, teach leadership skills and sponsors many events as we nurture our youths 8 until 18 year olds with the tools they need to have quality of life.

Designate $550.00.00 of CRF to The Knights of Pythagoras.

I. Approve the designation of $100.00 to Operation Graduation - Council Policy Committee
Councilman Hackney requests $100.00 of CRF to be given to the Operation Graduation event held on May 24, 2014, at the Robeson County Fairgrounds.
Designate $100.00 of CRF to Operation Graduation.

VIII. PUBLIC HEARINGS

A. Tony Reese request a Conditional Use Permit for property located at 210 E. 15th Street (parcel #3228-01-059). – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 210 E. 15th Street (parcel #3228-01-059). The proposed use of the property is for an intermediate care institution.

On April 22, 2014 the Planning Board reviewed the request and unanimously recommends that City Council deny the Conditional Use Permit request for an intermediate care institution.
Recommends that City Council hold tonight's public hearing and deny the Conditional Use Permit request for an intermediate care institution.

Michael Von Rupp; 210 E. 14th St., Richard Monroe; 1708 N. Elm St., Merle Summers; 1105 N. Walnut St., and Walter Walek; 1406 N. Elm St., appeared before Council in opposition to the CUP for property located at 210 E. 15th Street. They all felt that the CUP would not be in harmony with the community.

Mr. Tony Reese appeared before Council and stated that they do care about veterans and he has worked with veterans for over 13 years. He stated that he feels now that this would not be a good location for the institute.

RESULT:	**DENIED [8 TO 0]**
MOVER:	Robert L. Jones, Precinct 6
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

B. Consideration of Electronic Gaming Ordinance / Discussion of Moratorium – Holt Moore, City Attorney

The Council reviewed this ordinance preliminarily earlier this year. It places restrictions on electronic gaming, in the event such activities become legal in the future. The ordinance has since been reviewed by the Planning Board and the Council Policy Committee and is being presented for Council's consideration. In order to consider the Ordinance, a public hearing has been advertised and set for tonight's meeting.

Hold the public hearing and after consideration; enact the ordinance as written or with revisions, and allow the current moratorium to lapse (which would occur on June 10th with no further action).

Change section (9) to reflect: An Electronic Gaming Operation shall not be located with one thousand (1000) linear feet of any:

Councilman Ivey asked is there such a thing that convenient stores are they grand fathered in? No establishment is grand fathered in.

RESULT:	**ADOPTED AS AMENDED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

IX. NEW BUSINESS

A. Approval of Engineering Services Agreement for Bill Sapp Renovations – Council Policy Committee -- Brandon Love, Planning Director

Anderson Engineering & Associates, PA has submitted an engineering services agreement for the kitchen and restroom renovations to the Bill Sapp Recreation Center. Staff has provided Anderson Engineering with a draft floor plan for development and requested that they provide full structural, mechanical, electrical and plumbing engineering for this project. CPC recommends that City Council approve the attached engineering services proposal and enter into an agreement with Anderson Engineering & Associates, PA in the amount of $12,000 to provide construction documents for the kitchen and restroom renovations to the Bill Sapp Recreation Center.

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

B. Boards and Commissions FY 2014-2015 Budget Requests – Council Policy Committee -- Wayne Horne, City Manager

The City Staff has started preparation for the FY 2014-15 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 Board and Commissions FY 2014-15 Budget request along with the City Manager's recommendation. Approved the attached Boards and Commissions budget recommendations as presented from City Manager and with the revision to the Lumberton Emergency Rescue Service to reflect a $12,500 allocation.

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

C. Approval of Architectural Design Agreement for Northeast Park Scoring Tower with Becker Morgan Group – Council Policy Committee -- Brandon Love, Planning Director

At its spring planning workshop, City Council was briefed on the progress of the latest phase of Northeast Park. During this session staff presented a preliminary design concept for the baseball/softball scoring tower. The Becker Morgan Group has submitted a proposal for architectural design services to provide construction documents for the development of the scoring tower. Staff has developed a schematic design of the facility which the architect will then expand into a full construction document package including structural, mechanical, electrical and plumbing drawings.

CPC recommends that City Council approve the attached architectural design services agreement with the Becker Morgan Group in the amount of $8,000 for the development of construction documents for the Northeast Park scoring tower project.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John Robinson, Precinct 2
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney

X. ADJOURNMENT