



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MAY 9, 2016

Regular Meeting

Council Chambers

6:00 PM

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

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Mayor Pro Tem	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	
Heath Graham	Sergeant-at-Arms	Present	
Shatanna Cassidy	Sergeant-at-Arms	Present	
John Lynch	Sergeant-at-Arms	Present	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

Pride in Lumberton - Precinct 5 - Mrs. Aggie Rogers –

Mrs. Aggie Rogers, President of the 4-H Club, received a Pride in Lumberton award. The award consist of a Certificate of the Old City Hall/Old Fire Station along with a City's lapel pin. Councilman Cantey thanked Ms. Rogers for the work that she does with our youth on the behalf of the Mayor and City Council.

A. *Retirees Recognition*

1. Stephen Jerome Morton - Police Captain - 27 years of service. –

Police Captain Stephen Jerome Morton was presented with a plaque thanking him for 27 years of faithful and dedicated service to the City of Lumberton. Mayor Davis and on behalf of the City Council thanked him and wished him God's speed.

VI. PUBLIC COMMENT PERIOD

No one appeared to speak.

VII. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

Minutes Approval

- A. Adopt a Resolution to surplus a 2000 Ford F550 Mini Pumper - Council Policy Committee
Lumberton Fire Department is requesting to surplus a 2000 Ford F550 Mini Pumper. This vehicle hasn't been in service since 2007 and we don't foresee us using it in the future. Robeson Community College Emergency Services Training Division has expressed interest in this vehicle and would like for it to be donated to Robeson Community College Emergency Services Training Facility. The donation of this vehicle would enhance their ability to provide quality fire training and reduce their reliance on fire departments to supply pumpers for training evolutions. Brindlee Mountain Fire Apparatus Dealer has given us an estimated value of \$20,000. Lumberton Fire Department recommends CPC adopt a resolution declaring a 2000 Ford F550 Mini Pumper as surplus and consider donating this vehicle to Robeson Community College Emergency Services Training Division.
- B. Approve the Designation of Community Revitalization Funds in Precinct 1 - Council Policy Committee
Councilman Rising requests that \$500.00 of CRF be moved from 10-00-4935-6901 (Unobligated Funds) to 10-00-4313-2125 (Community Watch Fund) for a community watch meeting.
Designate \$500.00 of CRF from 10-00-4935-6901 (Unobligated Funds) to 10-00-4313-2125 (Community Watch Fund).
- C. Approve the designation of \$400.00 of Community Revitalization Funds to Oakridge Association for a Community Day Event - Council Policy Committee
Councilman Rising requests \$400.00 of CRF to be given to the Oakridge Association for a community event.
Designate \$400.00 of CRF to the Oakridge Association.
- D. Adopt a Resolution Directing the City Clerk to Certify the Petition for a Ditch Tiling Assessment for Woodrow Beck for Property Located at 417 Londonderry Drive - Council Policy Committee
This is a request for ditch tiling at 417 Londonderry Drive. The owners of 415 Londonderry Drive, which is adjacent, have also expressed interest but as of this writing their petition has not been received. As a practical matter the work will not be done until both are received.
Adopt the Resolution granting the petition.

- E. Approve the designation of \$2,000.00 to the Sandy Grove Baptist Church Summer Youth Academy as follows: P1 - \$100.00 P2 - \$300.00 P3 - \$200.00 P4 - \$200.00 P5/P7 - \$300 P6 \$300.00 P8 - \$300.00 and from the Mayor's Discretionary Fund - \$300.00 - Council Policy Committee

Councilman Cantey is asking for financial support for the Summer Youth Academy Conducted by Faith Forecasters which is an outreach ministry of Sandy Grove Baptist Church. The Academy is designed using certified teachers to help underachieving students that struggle to stay on grade level and pass benchmark tests. This is the fourth year that the Academy has been in existence and I am requesting your support. Consider donating to the Sandy Grove Baptist Church Summer Academy.

- F. Adopt a Resolution for Application of a CWSRF Wastewater Regionalization Study - Council Policy Committee

As discussed during the Council Budget Planning Session, Public Works is requesting Council authorization and approval of the attached resolution to apply for a North Carolina Clean Water State Revolving Fund (NC CWSRF) grant to study wastewater regionalization between the Town of St. Pauls, Robeson County Landfill and the City of Lumberton. If awarded, the grant will study the potential operational and environmental benefits of regionalization for all of the participants. The grant would fund 100% of the study and there is no monetary match from any of the participants required. The study is non-binding and none of the participants are obligated to act on any of the study's findings.

Public Works is requesting Council authorization to apply for a North Carolina Clean Water State Revolving Fund (NC CWSRF) grant to study wastewater regionalization between the Town of St. Pauls, Robeson County Landfill and the City of Lumberton.

- G. Mr. Greg M. Caulder formally requests that City Council release the bond for Wyndam Estates Townhomes -Phase III. - Council Policy Committee

At its meeting of June 3, 2015, the City Council voted to approve the Final Plat for Wyndam Estates Townhomes - Phase III and set a bond in the amount of \$23,000 for the completion of the required infrastructure and landscaping.

As of April 7, 2016 all of the requirements have been met and Mr. Greg M. Caulder formally requests that City Council release the bond for Wyndam Estates Townhomes - Phase III.

Recommends that City Council release the bond for Wyndam Estates Townhomes -Phase III.

- H. Approve the Settlement Agreement & New Contract for Time Warner Pole Connection - Council Policy Committee

As you may recall, as a result of a court decision and a new statute, it was necessary to reduce our rate charged to Time Warner Cable for pole connections to \$5.99 per pole per year. If they had received the entire 'back due' amount, between the time the law went into effect, August 9, 2012, and the time of our settlement discussions, approximately February of 2015, the amount would have been \$56,957.16. Council and Time Warner agreed to resolve that claim for the back-due by the City paying them half of that amount, or \$28,478.58. Instead of having to pay this in a lump sum, we are giving them six

annual credits of \$4,746.43 each on their bills. They will receive credits through 2019.

Attached are (1) a simple settlement agreement memorializing those terms, and (2) a new contract setting forth the rate going forward. I have reviewed both documents and they appear appropriate. The new contract is very similar to that we had in place other than the new rate.

Approve settlement agreement and new contract.

VIII. PUBLIC HEARINGS

- A. Marlita M. Moujahed Rezoning petition for property located at 602 Glendale Avenue (parcel # 3247-04-005.01/Deed Book 1151 Page 0786). – Brandon Love, Planning Director

See Attached Summary

Recommends that City Council hold tonight's public hearing and deny the rezoning request.

Mayor Davis opened the Public Hearing to consider rezoning property located at 602 Glendale Avenue from M-1 (Light Manufacturing) to R-3(residential multi-family) for the operation of a boarding house. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Attorney Locklear appeared to speak on behalf of the petitioner and stated that this property was situated for a rest home and that the description of the boarding house was supplied by Planning and not Ms. Moujahed. Attorney Locklear stated that property rights, government is not to infringe nor should have a detrimental effect on its decisions. They also included the fact that if the boarding house is disallowed they would have nowhere to go.

Robert Barnes, neighbor; Pandora Hunt, tenant and overseer, Carol Brown, Nurse Practitioner, Angela Baxley, former offsite manager when it was a rest home, Rosemary Glenn, Refuge Ministry, Pastor Randy Revels, Potter's House, and Marlita Moujahed all spoke in favor of the rezoning. Ms. Moujahed stated that the neighbors that were against the rezoning...she went from house to house assuring them that this would not be a swinging door.

Ms. Annie Morton spoke against this action because she felt it is not good for her family.

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

Council expressed their concerns about the issue for and against; however, Councilwoman Higley made a motion, seconded by Councilman Howard, to deny the request as directed by the Planning Board. The motion failed with a vote of 5 to 3 as listed below:

AYES

Higley
Cantey
Howard

NAYES

Rising
Robinson
Wilkins
Maynor
Hackney

RESULT:	DEFEATED [3 TO 5]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Chris Howard, Precinct 6
AYES:	Higley, Cantey Jr., Howard
NAYS:	Rising, Robinson, Wilkins, Maynor, Hackney

- B. Marlita M. Moujahed Conditional Use Permit petition for property located at 602 Glendale Avenue (parcel # 3247-04-005.01/Deed Book 1151 Page 0786). – Brandon Love, Planning Director

Marlita M. Moujahed has submitted a Conditional Use Permit petition for property located at 602 Glendale Avenue (parcel # 3247-04-005.01/Deed Book 1151 Page 0786).

This request is to obtain a Conditional Use for the operation of a boarding house (use#1.510) at this location.

Following the Planning Board's previous recommendation to deny the rezoning request and the fact that the current M-1 zoning district would not allow for the operation of the requested use, the Board unanimously voted to also recommend denial of the Conditional Use Permit.

Recommends that City Council hold tonight's public hearing and deny the Conditional Use Permit request.

RESULT:	NOT APPLICABLE
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- C. Rafat Abudayya Rezoning petition for property located at 2016 Martin Luther King, Jr. Drive (parcel # 3251-02-015/Deed Book 1862 Page 0287 and parcel #3251-02-016/Deed Book 1862 Page 0287). – Brandon Love, Planning Director

See Attached Description

Recommends that City Council hold tonight's public hearing and approve the Parallel Conditional Use rezoning request with the following restrictions:

- 1) No alcohol or tobacco sales
- 2) No convenience stores
- 3) No social or fraternal organizations
- 4) No boarding houses
- 5) No duplex or multifamily
- 6) No day care centers

Mayor Davis opened the Public Hearing to consider rezoning property located at Martin Luther King, Jr. Drive, from B-4 (Business General Commercial)) to B-2 (Business Community) for the development of a shopping center at this location. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Rafat Abudayya and his daughter spoke in favor of rezoning this property. They stated that they have three businesses that would be operating on the site and that he Mr. Abudayya) would be one of the operators. He stated that building this plaza would be a benefit to himself as well as the community. There were many questions asked by Council to Mr. Abudayya.

Mr. James Baxter, Paul Matthews, 1906 MLK Drive and former Councilman Doug McMillian spoke against this rezoning. They stated that the neighborhood does not want anything at this particular site. He stated that they are not fighting the development, just the use.

Councilman Howard made a motion, seconded by Councilman Cantey, to deny the request for a Parallel Conditional use rezoning for the following reasons; that it will not be in harmony with the area in which it is to be located; it will materially endanger the public health and safety; and it will substantially injure the value of adjoining or abutting property. It carried unanimously.

RESULT:	DENIED [UNANIMOUS]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- D. Terry Cummings Rezoning petition for property located at 40 Halsey Street (parcel # 3220-02-005-01/Deed Book 1653 Page 536). – Brandon Love, Planning Director
This request is to rezone the property from B-4 (Business General Commercial) to its previous zone of R-7 (residential Single Family/Duplex). The applicant's intended use is to rent the existing structure as a residence for low income families.

On April 12, 2010 City Council rezoned this property from R-7/B-4 to B-4 (see attached Ordinance).

On April 19, 2016 the Planning Board reviewed the request and unanimously recommends that City Council approve the requested rezoning back to R-7 for residential/single-family use.

On April 25, 2016:

1. Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning request.
2. The Public Works Department was asked to place a sign on the property notifying the adjacent property owners of the rezoning request, on or before April 29, 2016.
3. A request was sent to the Robesonian to have the legal ad giving notice of the request published on April 29, 2016 and May 6, 2016.

Recommends that City Council hold tonight's public hearing and approve the rezoning request.

Mayor Davis opened the Public Hearing to consider rezoning property located at 40 Halsey Street, from B-4 (Business General Commercial)) to R-7 (Residential Single Family/Duplex) for intended use of renting the existing structure as a residence for low income families. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Terry Cummings, owner of the property appeared before Council and stated that he has a prospective buyer for the property if he can get it rezoned. He stated that he purchased this property in 2001 and Four County Community Services rented this property; however, that vacated the property two years ago, so now he would like to get the property rezoned back to its original use.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

IX. NEW BUSINESS

- A. Water Plant High Service Pump Motor Replacement – Council Policy Committee -- Rob Armstrong, Public Works Director

One of the Five High Service Pump Motors at the Water Plant has quit working. The existing motor has been repaired on two occasions in the past totaling with work totaling about \$25,000 with repairs for this current event expected to be around \$10,000. Public Works would like to replace the existing motor with a new motor for a cost of \$27,501.69. Council Policy Committee recommends that Public Works replace the existing Water Plant high service pump motor with a new motor from Charles Underwood, Inc. for a cost of \$27,501.69 to be paid from the Water and Sewer Capital Reserve Fund.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- B. Authorization to Apply for Bulletproof Vest Partnership Grant – Council Policy Committee - Michael McNeill, Police Chief

Due to replacement needs and the hiring of new officers, it is requested that the Police Department be authorized to apply for Bulletproof Vest Partnership Grant to help purchase fifteen (15) vests. Approximate cost for vest is \$8,925 with a dollar for dollar match that will come from operating budget.

It is recommended that City Council authorize the Police Department to apply for Bulletproof Vest Partnership Grant in the amount of \$8,925.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- C. Adopt a Resolution to apply for a NC CWSRF Asset Inventory Grant – Council Policy Committee -- Rob Armstrong, Public Works Director

During the Council Budget Planning Session, Public Works discussed the concept of asset inventory to account for all of our water and sewer infrastructure. Public Work is requesting Council approval to apply for a North Carolina Clean Water State Revolving Fund (NC CWSRF) Asset Inventory grant to continue to map the final reaches of the City's sanitary sewer system. If awarded, the City will be responsible for a \$50,000 match which is already budgeted in our Capital budget, code number 60-00-8331-5560 in this fiscal year.

Public Works is requesting Council approval to apply for a North Carolina Clean Water State Revolving Fund (NC CWSRF) Asset Inventory grant to continue to map the final reaches of

the City's sanitary sewer system.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- D. Wastewater Treatment Plant Influent Pump Replacement – Council Policy Committee -- Rob Armstrong, Public Works Director

One of the 90HP submersible Flygt Influent Pumps at the Wastewater Treatment Plant needs replacement after 20 years of service. Repairing the 20 year old pump is estimated to cost \$27,310 while replacing the pump with a new pump is estimated to be \$91,040.00. Given the critical tasks these pumps perform, Public Works is recommending replacing the pump with new equipment. Funding for the replacement pump will be from cost savings on past capital projects budgeted in the water and sewer capital reserve fund.

Public Works is requesting Council approval to purchase a new 90 HP Flygt influent pump for the Wastewater Treatment Plant from Xylem Water Solutions USA, Inc. for \$91,040.00 with funds taken from the water and sewer capital reserve account.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- E. Approve Boards and Commissions for FY2016-2017 – Council Policy Committee -- Wayne Horne, City Manager

The City Staff has started preparation of the FY 2016-2017 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 FY 2016-2017 Budget requests along with the City Manager's recommendations.

That City Council approves funding for boards and commissions

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

X. ADJOURNMENT