



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MAY 8, 2017

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	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	Absent	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

B. Invocation

C. Pledge of Allegiance

D. Distinguished Service Award

On behalf of the Lumberton City Council and the citizens of Lumberton; Mayor Davis and Councilman Chris Howard presented Little Miss Lailanni Jacobs with the Distinguished Medal of Honor for her heroic act in saving her cousin Jaylen Leonard from drowning over the Valentine's weekend. Her mother Kina Leonard is so very proud of her grandchildren and especially that a young child such as Lailanni could be so brave and consider the life of someone else especially when there are older people presence who could not make that decision.

II. PUBLIC SPEAKERS

A. Ciera Locklear –

Asked to be moved to the next City Council meeting.

B. Jeff Demagistris –

Mr. Ted Goins, President of Lutheran Services Carolinas introduced himself to City Council and stated that Lutheran Services of Carolinas serving both North and South Carolina was contracted by the State of North Carolina to provide disaster case management to Hurricane Matthew survivors through a FEMA grant awarded by the State. Mr. Goins presented the background for Luther Services of Carolinas even to mention that his father founded the St. Mark Lutheran Church here in Lumberton.

Mr. Jeff Demagistris stated that the Luther Services Carolinas services 45 counties in North Carolina and half of the funding that has been received will be used in this region by itself along with Cumberland County and Northeast Park in Greenville.

Wanda Winthrop, Supervisor for case management here in Lumberton stated that she is here to educate on the resources available. She stated do we have money...no; however, we know how to fulfill whatever the need is.

III. PUBLIC COMMENT PERIOD

IV. AGENDA ITEMS

- A. Set the Date for the City's Annual Budget Workshop for May 24th, 2017 at 9:00 a.m. – Wayne Horne, City Manager

The annual dates for the City's Annual Budget Workshop and Public Hearing are proposed for Council Consideration and approval.

- Tuesday, May 23, 201710 a.m. – 12:00 p.m.
- Wednesday, May 24, 2017.....10 a.m. – 12:00 p.m.

The Public Hearing and adoption of the Budget Ordinance is scheduled for Monday, June 12' 2017.

Recommend that the City's Annual Budget Workshop be set for May 24, 2017 at 9: a.m.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- B. Public Hearing to Adopt a Resolution for the Robeson County Multi - Jurisdictional Hazard Mitigation Plan – Wayne Horne, City Manager

Landin Holland - appeared before CPC and talked concerning the Hazard Mitigation Plan. His handout included strategies which are specific to Lumberton which changed from the last written plan. The City of Lumberton intends to hold a public hearing concerning the Adoption of a Resolution for the Robeson County Multi-Jurisdictional Hazard Mitigation Plan. The hearing is set for June 12, 2017, at 6:00 p.m.

That City Council hold the public hearing on June 12, 2017.

RESULT:	ADOPTED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- C. Adopt an Ordinance for a Reducing the Speed Limit on West 26th Street from McMillan Avenue to Elm Street from 35 MPH to 25 MPH – Erich Hackney, Precinct 8

Councilman Hackney is requesting a reduction of the speed limit from 35 mph to 25 mph on West 26th Street from McMillan Avenue to Elm Street. This action is in response to requests

by area property owners for the speed limit to be reduced due to motorists who travel at excessive speeds in this area, particularly in the area of the curve just east of McMillan Avenue. Many residents walk this area with their children and pets and have noticed excessive speeds which are a danger to the community.

To adopt an ordinance reducing the speed limit from 35 mph to 25 mph on West 26th Street from McMillan Avenue to Elm Street.

RESULT:	ADOPTED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- D. Approve the Lease to Housing Authority of 407 N. Sycamore Street (Old Catholic School) – Holt Moore, City Attorney

As you know, the Housing Authority of the City of Lumberton is currently occupying the building at 407 N. Cedar Street, often referred to as the Old Catholic School Building. Their Director has indicated that this is working well and has been a blessing to them in the wake of Hurricane Matthew. They have requested an agreement to stay in the building until March 31, 2019. The City Attorney has prepared a basic lease, which is attached, based upon the same square footage rent the City is paying for the temporary space it is using very nearby for Electrical Utilities. The rent is \$.50 per square foot, which is for the front portion of the building they are renting, which is 2,299 square feet, plus we have asked for \$.10 per square foot to help with utilities, for a total of \$.60 per square foot or \$1,430 per month. We have included a 90-day termination clause to allow for a scenario where either party simply had to bring the lease to a close. The HACL Director has had an opportunity to review the lease and will recommend it to his board.

Consider lease and approve if acceptable.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- E. Authorize the Planning Department to draft an ordinance amendment, creating a new land use category which accommodates all of the varied uses associated with the different aid organization's needs and forward this request to the Planning Board for review and their recommendation and authorize the Planning Director to set the date of a public hearing – Brandon Love, Planning Director

Following the devastation from Hurricane Matthew multiple aid organizations have been present in Lumberton, assisting property owners with cleanup and rebuilding. Currently there are at least two of these groups who wish to establish a longer term presence in the community by creating a facility to store materials, incorporate office space(s) and

potentially house volunteer groups during short-term stays in Lumberton. Unfortunately, there is no single land use category which accommodates all of these varied uses. Additionally, there are no zoning districts which allow for all of these uses simultaneously.

The Planning Department proposes to create a new, standalone land use category which accommodates all of these potential uses into one, concise use and further authorizes this use in a very limited amount of zoning districts.

Staff recommends that City Council authorize the Planning Department to draft an ordinance amendment, creating a new land use category which accommodates all of the varied uses associated with the different aid organization's needs and forward this request to the Planning Board for review and their recommendation. Additionally, we would request that Council authorize the Planning Director to set the date of a public hearing to adopt the proposed changes and sufficiently advertise the hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- F. Authorize the Reallocation of MIS Capital Funds – Travis Branch, MIS Director
MIS requests the reallocation of Capital Funds of \$30,000. The \$30,000 was originally budgeted for the purchase of 2 additional Cisco UCS Servers. MIS would like to reallocate the \$30,000 for the purchase of additional Security Software.

Authorize the reallocation of MIS Capital Funds in the amount of \$30,000 for additional Security Software.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- G. Approve the designation of \$400.00 of Community Revitalization Funds to Oakridge Association for its Spring Fling in Precinct 1 – Leroy Rising, Precinct 1
Councilman Rising in requesting \$400.00 of Community Revitalization Funds to be given to the Oakridge Association for its Spring Fling.
Designate \$400.00 of CRF to Oakridge Association Spring Fling.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- H. Approve the designation of \$190.00 of CRF to Lumberton High School – John Cantey Jr., Precinct 5

Councilman Cantey wishes to donate \$150.00 of Community Revitalization Funds to Lumberton Senior High School for an event.

Designate \$150.00 of CRF to Lumberton Senior High School.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- I. Approve the designation of \$400.00 of Community Revitalization Funds to Wycliffe Homeowners' Association for Beautiful – Leroy Rising, Precinct 1

Councilman Rising requests \$400.00 of CRF to be given to the Wycliffe Homeowners' Association for beautification.

Designate \$400.00 of CRF to the Wycliffe Homeowners' Association.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- J. Approve the designation of \$1,000.00 of CRF to Code 10-00-4313-2125, for 911 Day in Precinct 7 – Leon Maynor, Precinct 7

Councilman Maynor requests that \$1,000.00 of CRF be transferred to Code 10-00-4313-2125, for P7 911 Day.

Transfer \$1,000.00 of CRF into Code 10-00-4343-2125 for P7 911 Day.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- K. Approve an Obligation up to \$1,200 of Community Revitalization Funds to the Southeastern Family Violence Center – Erich Hackney, Precinct 8

Hurricane Matthew destroyed the front yard of the Southeastern Family Violence Center by uprooting one of the largest trees in the City. Councilman Hackney is redoing the front and side yards with new trees, shrubbery, pine needles and grass. A request of \$1,200 in CRF is being requested for this project.

Obligate up to \$1,200 of CRF to Southeastern Family Violence Center.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- L. Approve Boards and Commissions for FY2017-2018 – Wayne Horne, City Manager

The City Staff has started preparation of the FY 2017-2018 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 2017-2018 Budget requests along with the City Manager's recommendations.

That City Council approves funding for boards and commissions

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

V. PUBLIC HEARINGS

- A. Marcella D. Jones Conditional Use Permit petition for property located at 610 Old Whiteville Rd. (parcel # 3246-04-050/Deed Book 2077 Page 704). – Brandon Love, Planning Director
Marcella D. Jones has submitted a Conditional Use Permit petition for property located at 610 Old Whiteville Rd. This request is to operate a day care center at this location.

This property is located within Area 6, as identified in our Land Use Plan.

On April 18, 2017 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request.

On April 20, 2017 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On April 19, 2017 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the Conditional Use Permit request, on or before April 28, 2017.

On April 20, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on April 28, 2017 and May 5, 2017.

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

Mayor Davis opened the Public Hearing to the issuance of a Conditional Use Permit for property located at 610 Old Whiteville Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian. The purpose of the petition is to operate a day care center.

No one appeared to speak and the hearing was closed.

RESULT:	APPROVED [7 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- B. LaBreeska Renaie Lowry Conditional Use Permit petition for property located at 3555-A Roberts Avenue (parcel # 1005-01-022-03B/Deed Book 1601 Page 609). – Brandon Love, Planning Director

LaBreeska Renaie Lowry has submitted a Conditional Use Permit petition for property located at 3555-A Roberts Avenue. This request is to amend the operating hours for their restaurant, bar and grill.

On November 10, 2014, City Council granted a Conditional Use Permit with conditions that the public operating hours shall be from 10:00am to 11:00pm only, for this location.

This property is located within Area 11, as identified in our Land Use Plan.

On April 18, 2017 the Planning Board held the public meeting and unanimously recommends that City Council deny the Conditional Use Permit request.

On April 20, 2017 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On April 19, 2017 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the Conditional Use Permit request, on or before April 28, 2017.

On April 20, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on April 28, 2017 and May 5, 2017.

Recommends that City Council hold tonight's public hearing and deny the Conditional Use Permit request for the following reason(s):

- To remain consistent with the approved conditions of previously approved Conditional Use Permits, for similar uses.

Mayor Davis opened the Public Hearing to the issuance of a Conditional Use Permit for property located 3555-A Roberts Avenue. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian. The purpose of the petition is to amend the operating hour for their restaurant, bar and grill.

Mr. Marvin Thompson stated that over many years he has observed that places like this start out good and eventually attract unsuitable people. He stated that there are serious questions that need to be answered concerning this place because he cannot see how this could help the property value across the road.

Attorney Ed Brooks, a local attorney appeared before Council and stated that he is speaking on behalf of his clients. He stated that his clients went to the Planning Department and requested the paperwork to amending the hours of operation for their establishment and was told that they would need to amend the Conditional Use Permit in order to do so. and expressed his concerns surrounding the Ordinance effects only bars and restaurants, He stated that the Ordinance should be consistent with ABC Commission who has control.

Councilman Hackney referred to a letter that was received from Attorney Brooks date April 25th as he stated that each lady acknowledged that they understood everything that was encompassed

RESULT:	TABLED [7 TO 0]	Next: 6/12/2017 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney	
ABSTAIN:	Davis	
ABSENT:	Maynor	

- C. Taylor Insurance Agency, Inc. Rezoning petition for property located at 307 E. 12th Street (parcel # 3228-02-052/Deed Book 414 Page 0395). – Brandon Love, Planning Director Taylor Insurance Agency, Inc. has submitted a rezoning petition for property located at 307 E. 12th Street (parcel # 3228-02-052/Deed Book 414 Page 0395).

The applicants intended use of the property is a single family dwelling (rental unit).

Background:

On March 24, 2003, City Council rezoned this property from R-7 to Conditional Use Permit B-4 (Florist shop only). This request is to rezone the property back to its original zone of R-7 (Residential Single family/Duplex).

This property is located within Area 14, as identified in our Land Use Plan.

On April 18, 2017 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On April 20, 2017 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning request.

On April 19, 2017 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the rezoning request, on or before April 28, 2017.

On April 20, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on April 28, 2017 and May 5, 2017.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

VI. NEW BUSINESS

- A. VFW Road Water Main Repair Contract to Columbus Utilities in the Amount of \$76,875.00 – Council Policy Committee -- Rob Armstrong, Public Works Director

On Thursday April 27th, 2:00pm Public Works will receive bids to replace the water main under the CSX Rail Road and VFW Road near the I-95 overpass. The original water line was severed by flood waters washing thru the opening under I-95. Public Works will present Council the bid tabulation at the CPC meeting.

Awarding of contract for the VFW Road Water Main Repair to the lowest responsible bidder Columbus Utilities of Fair Bluff, NC in the amount of \$76,875.00.

RESULT:	APPROVED [7 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- B. W 5th Street Sewer Cave In – Council Policy Committee -- Rob Armstrong, Public Works Director

A gravity sewer cave-in has occurred at 1909 W 5th Street in the Black's Tire Service parking lot. Currently Public Works has a by-pass pump set up pumping the sewer around the cave-in. The existing pipe that has collapsed sits within an easement that has a retaining wall and

small trees on it making it difficult to repair. Also high ground water and soil conditions are a problem. Public Works is proposing to install a new pipe parallel to the old pipe in an easement that will be provided by Freeman Investments. In order to this we will need plans for the new pipe and a State permit. The Wooten Company is proposing to prepare plans and submit for the permit for a fee of \$11,650. Public Works would like Council action to proceed with the design of the sewer. Once we obtain a permit, we seek bids from contractors for the construction of the new line.

City Council to approve an emergency design of a new sewer line for \$11,650 to be taken from the Water and Sewer Capital Reserve Fund.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

- C. Sign City is requesting one (1) hospital sign in the B-6, Medical Arts district. – Council Policy Committee -- Brandon Love, Planning Director

Sign City is requesting one (1) hospital sign to be located in the B-6, Medical Arts zoning district. The request is as follows:

- 1) Southeastern Corporate Communications located at 203 W. 29th Street- One 20 sq.ft. freestanding sign.

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)

Staff recommends the City Council Policy Committee recommend that Council approve the requested sign.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
ABSENT:	Maynor

VII. ADJOURNMENT