



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • APRIL 15, 2013

Regular Meeting

Council Chambers

7:00 PM

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

I. ROLL CALL

II. INVOCATION - NORTH CAROLINA GRAND CHAPLAIN THOMAS JONES

A. *Pledge of Allegiance*

i. Special Recognition

Mayor Pennington was inducted into the Golden Leaf Lodge #124.

B. *Recognition*

1. Retirees Recognition - Terry McNeill - Larry Lupo

Terry McNeill was presented with a plaque for 21 years of service as a Crew Supervisor in the Public Works Department of the City of Lumberton. Mayor Pennington wished Mr. McNeill the best in his retirement and any endeavor that he may embark upon.

Larry Lupo was not presented to receive his plaque for 12 years of service as a Code Enforcement Officer II with the Buildings and Inspections Department of the City of Lumberton.

2. Pride in Lumberton - Lumberton High School Girls Basketball Team

The Lumberton High School Girls Basketball Team received a Pride in Lumberton which is a print of the Old City Hall and City lapel pins for their outstanding record for this school year. The team had a 10-0 record in the conference; a 17-1 in the regular season. The coaches are my Charlette Barnes and Mr. Danny Graham.

III. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

A. Acceptance of Final GIS Sanitary Sewer Map - Council Policy Committee

The Public Works Department has recently completed the latest phase of GIS Sewer Mapping funded partially by a grant from the NC Rural Center. The Wooten Company has been conducting the mapping and managing the information. Below is a link to the GIS map

<<http://twc-arccgis.thewootencompany.com/LumbertonMapping>>

The Rural Center now requires that the City Council approves and accepts the map in order to close out the grant.

Public Works is requesting CPC to approve and accept the latest GIS sewer mapping phase.

- B. Adopt an Ordinance Reducing the Speed Limit from 35 MPH to 25 MPH on French Avenue - Council Policy Committee

Councilman Taylor requests that the speed limit on French Avenue be changed from 35 miles per hour to 25 miles per hour.

Pass an ordinance reducing the speed limit on French Avenue from 35 MPH to 25 MPH.

- C. Designate \$1,000.00 of CRF for in Precinct 7 for 911 Community Day - Council Policy Committee

Councilman Maynor requests \$1,000 of Community Revitalization Funds for Precinct 7 Community 911 Day.

Designate \$1,000 of CRF in Precinct 7 for Community 911 Day.

- D. P5 Requests \$100.00 of CRF for Mayor's Recognition - Council Policy Committee

Councilman Cantey requests \$100.00 of Community Revitalization Funds for a reception in honor of the Mayor's recognition to the North Carolina Grand Lodge.

Designate \$100.00 of Community Revitalization Funds in honor of Mayor Pennington's recognition to the North Carolina Grand Lodge.

P1 - \$100.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00

P6 - \$100.00 P7 - \$100.00 P8 - \$100.00 Total of \$800.00

- E. Fallen Officers Memorial - Council Policy Committee

Councilman Hackney indicates that the Robeson County Executive Enforcement Officers Association is soliciting funds for a Granite Memorial to honor fallen law enforcement officers in Robeson County. Councilman Hackney would like to discuss this issue for potential designation of Community Revitalization Funds. The Memorial will be placed at the Law Enforcement Building on the campus of Robeson Community College.

Open the floor for the discussion of said item.

P1 - \$200.00 P2 - \$100.00 P3 - \$500.00 P4 - \$100.00 P5 - \$100.00

P6 - \$100 P7 - \$100.00 P8 - \$300.00 Mayor's Discretionary Fund \$300.00

Total of \$1,800

- F. << Disposition of the Old City Hall / Fire Department - Council Policy Committee

Councilman Hackney indicated that at its meeting of March 26, 2013, City Council discussed the disposition of the Old City Hall / Fire Department. The request is that Council give further discussion regarding the disposition of the Old City Hall.

Councilman Hackney requests that City Council considers continuing the discussion on the Old City Hall / Fire Department.

- G. Designation of Community Revitalization Funds to the Boy Scouts of America - Council Policy Committee

Councilman Hackney requests \$200.00 of Community Revitalization Funds to be given to

the Boys Scouts of America.

Designate \$200.00 of Community Revitalization Funds to the Boy Scouts of America.

P1 - \$100.00 P2 - \$100.00 P3 - \$200.00 P4 - \$100.00 P6 - \$200.00 P7 - \$100.00

P8 - \$200.00 Mayor's Discretionary Fund \$200.00 Total of \$1,200

H. Division of Aging and Adult Services Grant Award to Pine Street Senior Center - Council Policy Committee

The Lumber River Area Agency on Aging as grant administrator for the North Carolina Division of Aging and Adult Services has recently awarded the Pine Street Senior Center a General Purpose Funding Grant in the amount of \$7,834 with a local match of 25% required. Daily operating expenses qualify as local match so no additional funds are needed to satisfy this grant.

Grant funding is allocated by the NC General Assembly for distribution to senior centers within the state which provide full time programs and will utilize the award to develop full time program activities. Across the state, 160 senior centers or developing senior centers will receive funds.

Recommend that the Council Policy Committee accept the grant award of \$7,834.00 from the NC Division of Aging and Adult Services for the Pine Street Senior Center.

I. Staff Designation and Authorization to Coordinate Annual Family Fourth Celebration - Council Policy Committee

The Community Relations Commission serves to promote activities that encourage pride in ones community through events that uplift all citizens of Lumberton.. The Annual Family Fourth Celebration is a citywide event that presents patriotic music, local talent and a fantastic fireworks display. More that 20,000 spectators enjoy this event each year. Therefore, the Community Relations Commission request that Recreation Director Timothy Taylor be designated as an agent with the authority to act on behave of the City of Lumberton to obtain necessary permits and agreements to present the 23rd Annual Family Fourth Celebration on July 3, 2013.

Designate Timothy Taylor as an agent with the authority to act on behave of the City of Lumberton to obtain necessary permits and agreements to present the 23rd Annual Family Fourth Celebration on July 3, 2013.

J. Retirement of 3 Police Canines - Council Policy Committee

Three of the Police Canines have reached the age where their health is declining and it is requested that Canines be retired and sold to their handlers for \$1.00.

Ages of Canines are: Aja – 9 yrs., Tygo – 11 yrs. and Chester 11 yrs.

It is recommended that Canines Aja, Tygo and Chester be retired and sold to their handlers for \$1.00.

K. Authorization To Apply For Bulletproof Vest Partnership Funds - Council Policy Committee

The Police Department is seeking authorization to apply for Bulletproof Vest Partnership Funds. Funds will be used to purchase twenty (20) vests at a cost of \$10,800. This grant requires a dollar for dollar match; therefore, the City would be required to pay \$5,400 which will come from the Police Department's operating budget.

It is recommended that the Police Department be authorized to apply for Bulletproof Vest Partnership Funds in the amount of \$10,800.

- L. Refer the Petition - Rezoning Request for property located at 4015 W 5th Street - Council Policy Committee

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.

CPC to review the request, refer the petition to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

- M. Conditional Use Permit for property located at 903 Glenn Street - Council Policy Committee
Karla Carter of K & L Veterans Affairs Home & Services has submitted a Conditional Use Permit application for property located at 903 Glenn Street, parcel # 3227-01-013. This request is to obtain a conditional use permit to operate a Halfway House at this location. CPC to review the request, refer the petition to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

- N. Conditional Use Permit for Property Located at 704 W. 22nd Street - Council Policy Committee

Coble Wilson Jr. has submitted a Conditional Use Permit application for property located at 704 W. 22nd Street, parcel #3213-01-028. This request is to obtain a Conditional Use permit for a two (2) family conversion (Use #1.220).

CPC to review the request, refer the petition to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

- O. Proposed Amendment to the Table of Permissible Uses - Council Policy Committee

A local business/property owner has requested that the City of Lumberton amend the current B-5 zoning district to include clerical, office and services not primarily related to goods or merchandise. The Land Use Ordinance for the City of Lumberton currently does not allow land use categories 3.100, 3.110, 3.200, 3.220 Clerical, Office and Services not primarily related to goods or merchandise in the B-5 Zoning District.

CPC to review the request and forward it to the Planning Board for their review and recommendations and authorize the Planning Director to set the date of a public hearing.

PULLED FROM CONSENT

- P. Robeson County Inter-governmental Mutual Aid Agreement - Michael McNeill, Police Chief
Robeson County Inter-governmental Mutual Aid Agreement allows the Police Department to offer other agencies, within Robeson County, assistance by the loan of law enforcement and equipment.

It is recommended that Chief McNeill be given the authority to execute agreement document and enter into Robeson County Inter-governmental Mutual Aid Agreement and that attached resolution relating to Mutual Aid Agreement be executed by Mayor and City Clerk.

RESULT:	TABLED [UNANIMOUS]	Next: 6/10/2013 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney	
ABSENT:	Ivey	

IV. PUBLIC HEARINGS

A. **RES - 2013.04.1** Development Moratorium on Internet & Cyber Gambling Establishments - Wayne Horne, City Manager

In 2010 the NCGA passed 2010-103 banning cyber gambling machines in North Carolina. Following a proliferation of these types of establishments in Lumberton, the City Council adopted a development moratorium on new internet based and cyber gambling establishments in May 2010. Because of various law suits and the uncertainty of the future of the cyber gambling industry the City Council voted to extend the moratorium in May 2011. In May 2012 the development moratorium on internet and cyber gambling establishments expired. In June 2012 the City passed a new development moratorium ordinance. In October 2012 the Planning Department presented a draft ordinance that would regulate cyber gambling establishments in Lumberton, which was subsequently tabled by City Council. At its 2013 Planning Retreat the Council scheduled a public hearing which will be held tonight to consider extending the development moratorium on internet based and cyber gambling establishments. There has been litigation regarding the constitutionality of the law banning the sweepstakes machines and on December 14, 2013 the law was upheld. On or about April 4, 2013 House Bill 547 was introduced which would contradict this law and legalize sweepstake machines in North Carolina.

Because of the continued uncertainty surrounding these uses and this industry, the Planning Department recommends that City Council consider extending the development moratorium regarding internet and cyber gambling establishments for 12 months by adopting the attached ordinance and direct staff to begin drafting ordinance language which would establish regulations regarding this industry in Lumberton. Adopt the attached resolution extending the development moratorium regarding internet cyber gambling establishments for 12 months and bring back to City Council no later than March 2014.

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

B. **ORD - 2013.04.1** Amend Restaurant Categories in the Table of Permitted Uses - James Bryan, City Attorney

At its 2013 retreat, Council considered a request to amend the Table of Permitted Uses within the Land Use Ordinance. The amendment would expand the wording in categories 8.150, 8.250, 8.350 and 8.450 which are all restaurant uses. City Code in Section 35-323 requires that a public hearing be held prior to any amendment to the Land Use Ordinance.

Recommend Council to hold a public hearing, consider the amendment and then make a motion to adopt the attached ordinance amending provisions related to restaurants within the Table of Permitted Uses in section 35-149 of the City Code.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

V. NEW BUSINESS

A. Substation Maintenance - Lamar Brayboy, Electric Utilities Director

Sealed bids were received and opened on March 27, 2013, for furnishing the necessary labor and materials for the substation maintenance at POD #2 and POD #3. Three (3) bids were received, but one, Utility Resource Associates “no quote” was included. The bids were from Service Electric Company for \$40,500.00 and KVA Services for \$36,800.00.

Council Policy Committee recommends that Council award the substation maintenance to KVA Services, Inc. of Duncan, SC, for \$36,800.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jackie Taylor, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

B. Replacement of a 1999 F-150 Ford Pickup Truck - Lamar Brayboy, Electric Utilities Director

The Electric Utilities Department is requesting to replace a 1999 F150 Ford pickup truck with over 180,000 miles. The truck is used daily by the warehouse personnel and has experienced numerous mechanical problems. The Electric Utilities Department has three quotes ranging from \$17,826.20 to \$19,803.95. Lumberton Ford submitted the lowest cost of \$17,826.20 for a new 2013 2wd Ford pickup truck.

Council Policy Committee recommends that City Council authorize the Electric Utilities Department to replace a 1999 F150 with a 2013 Ford truck from Lumberton Ford for \$17,826.20.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Robinson, Precinct 2
SECONDER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

C. Water Plant Well #4 Rehabilitation - Rob Armstrong, Public Works Director

In March the Water Plant staff observed deficiencies in the output capacity of Well #4. Well #4 is used to supplement the raw water river intake and is desirable in the treatment process because of the natural properties of its ground water. Charles R. Underwood Inc was called

to inspect the well mechanism and determine the problem. Attached is a summary of the rehabilitation required work totaling \$46,316.00. Public Works proposes to pay for the emergency repair using money left over from other under-budget capital projects as well as allocating money from the capital reserve fund. Summarized below is our funding proposal:

Capital Project Number 60-00-8220-5160: \$22,000 (transfer money from well #3 to #4)

Capital Project Number 60-00-8220-5860 : \$10,000 (River Pump #18 left over funds)

Transfer from Capital Reserve Fund: \$14,316

Council Policy Committee recommends that City Council authorize Charles R. Underwood Inc to repair Well #4 and provide a new pump motor for \$46,316 - paid for by funds from the Capital Reserve Fund and transferred from other Capital Line Budget Items as described above.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Jones, Precinct 6
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

D. Fayetteville Road Turn Lane Municipal Agreement, Project W-5327< This Will Appear On Agenda Outline >> - Wayne Horne, City Manager

The City of Lumberton and the NCDOT entered into an Administrative Project Agreement on 12/6/2012 for the widening of SR 1997 (Fayetteville Road) to provide dual turn lanes at the intersection of SR 1997 and NC 211 (Roberts Avenue). The original agreement provides that the estimated cost for the City of Lumberton is \$157,000, for work associated with the right of way, the relocation of public utilities to include administrative cost.

NCDOT has submitted a supplemental agreement dated 2/12/2013 with an adjusted cost of \$231,704, for work associated with the right of way, the relocation of public utilities to include administrative cost. Reimbursement to the NCDOT will be made in three (3) annual installments with the first payment due upon completion of project.

That Council review and approve supplemental agreement TIP #W-5327 for the Fayetteville Road turning project.

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

E. Approval of Lumberton Police Department Furniture Bids - Brandon Love, Planning Director

On March 25, 2013 the Finance Department received sealed bids for various furniture items for the new Lumberton Police Department. Attached you will find a memorandum from the

Purchasing Division detailing the vendors and their submitted bids along with staff recommendations for authorizing purchase orders.

Staff recommends that CPC authorize the Purchasing Agent to execute purchase orders for the following items:

1. Reject all bids for the high density storage package.
2. Award the furnishings package to Forms & Supply, Inc. for \$153,954.86
3. Award the systems furniture and components to Carolina Business Interiors (CBI) for \$128,268.57

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

- F. P2 Requests 200.00 of CRF for Housing Rehab at 230 Meadow Road - John Robinson, Precinct 2

Councilman Robinson requests \$200.00 of Community Revitalization Funds for housing rehabilitation at 230 Meadow Road.

Designate \$200.00 in Precinct 2 for housing rehabilitation at 230 Meadow Road

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

- G. P2 Requests \$375.00 of Community Revitalization Funds--Relay for Life - John Robinson, Precinct 2

Councilman Robinson requests \$375.00 of Community Revitalization Funds to be given to Relay for Life.

Designate \$375.00 of Community Revitalization Funds to be given to Relay for Life.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

- H. P2 Requests \$200.00 of Community Revitalization Funds for Community Watch - John Robinson, Precinct 2

Councilman Robinson requests \$200.00 of Community Revitalization Funds for Community Watch in the Longleaf and Lindsey Community.

Designate \$200.00 of Community Revitalization Funds in the Longleaf & Lindsey Community for Community Watch.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Ivey

VI. ADJOURNMENT