



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • APRIL 11, 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 - P2	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Councilwoman	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	
Ryan Fuqua	Sergeant-at-Arms	Present	

III. INVOCATION - REVEREND ROOSEVELT SCOTT - MORNING STAR COMMUNITY CHURCH, LUMBERTON

IV. PRESENTATION OF COLORS: LUMBERTON POLICE DEPARTMENT HONOR GUARD

Sgt. John Lynch; Officer Rodney Herring and Officer Evan Whitley –

V. PLEDGE OF ALLEGIANCE

Councilman Wilkins led the audience in the Pledge of Allegiance.

VI. RECOGNITION

Proclamation - Cathey A. Maples, Title 1 Preschool Supervisor –

Pride in Lumberton - Police Officer Daniel Dimery –

Retirees Recognition

1. Captain Stephen J. Morton- 27 years of service - No Show –

2. Police Corporal Marcus Norton - 9 years of service No show –

3. Fire Assistant Chief Murray D. West - 28 Years of Service –

Fire Assistant Chief Murray West was presented with a plaque, his fire helmet and a check for his dedicated service to the City of Lumberton.

VII. PUBLIC COMMENT PERIOD -

No one appeared to speak.

VIII. CONSENT AGENDA

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

Minutes Approval

A. City Council - Regular Meeting - Jan 11, 2016 6:00 PM -

B. City Council - Regular Meeting - Mar 14, 2016 6:00 PM -

C. Agenda Items

1. Adopt a Resolution Authorizing the Mayor to Sign Grant Related Documents - Council Policy Committee

The City receives grants from CDBG and NCHFA. It is required that the City adopt a resolution authorizing Mayor Bruce W. Davis to sign grant related documents on behalf of the City.

Recommend Council adopt the attached resolution authorizing Mayor Bruce W. Davis to sign grant related documents of behalf of the City.

2. Adopt a Resolution Regarding an Application from the City of Lumberton for a Parks and Recreation Trust Fund Grant for the Lumberton Riverwalk - Council Policy Committee

Back in December 2015, City Council approved the submission of a formal application to the Recreational Resources Service at North Carolina State University for a Parks and Recreation trust Fund grant in the amount of \$226,200 for the Lumberton Riverwalk. At that time, a Resolution of Support was not attached in its packet as it is a requirement to procure the grant.

That CPC recommend that City Council adopt the attached Resolution of Support to be included in the formal application to the Recreational Resources Service at North Carolina State University for a Parks and Recreation Trust Fund Grant in the amount of \$226,200.

3. Approve the Designation of \$3500 from the General Fund Contingency For the Front Entrance of Exploration Station - Council Policy Committee

Councilman Maynor has requested \$3500 to be provided to Exploration Station for improvements to their front entrance area. Materials describing the proposed improvements are attached. The County has also been asked for \$3500 as the total cost is \$7000.

Consider and vote upon the request for funding to be taken from the General Fund Contingency.

4. Refer the Rezoning petition for property located at 40 Halsey Street to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee

Terry Cummings Rezoning petition for property located at 40 Halsey Street (parcel # 3220-02-005-01/Deed Book 1653 Page 536).

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 and B-4 to B-4 (see attached Ordinance).

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.

5. Refer the Rezoning petition for property located at 602 Glendale Avenue to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing - Council Policy Committee

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

This request is to rezone the property from M-1 (light manufacturing) to R-3 (residential multi-family) for the operation of a boarding house (use#1.510) 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.

6. Refer the Conditional Use Permit petition for property located at 602 Glendale Avenue to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing - Council Policy Committee

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.

This applicant has also submitted a rezoning application for this property, which preceded 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.

7. Britt's Farm Sewer Rehabilitation Final Close Out Change Order - Council Policy Committee

Construction of the Britt's Farm Sewer Rehabilitation Project is complete and Public Works would like to administratively close the project. Attached is final Change Order #2 with Layne Inliner LLC, decreasing the total construction contract amount by \$14,865.69 to \$385,428.61.

Public Works is requesting Council approval of Final Closeout Change Order #2 with Layne Inliner, LLC for the Britt's Farm Sewer Rehabilitation Project, decreasing the total construction contract amount by \$14,865.69 to \$385,428.61. The project is complete and was funded by an Emergency Loan from the NC Department of Environmental Quality.

8. Authorize the March 26, 2016 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-----1.55

2009-----1.51

2014-----480.63

2015-----808.29

Approve the tax releases for the years and amounts listed above.

9. Acceptance of 2016-2026 Recreation Master Plan - Council Policy Committee
Lumberton currently has a Comprehensive Master Plan that was approved in 2010. In the past five years changes have occurred which necessitate an update. This recreation plan update is designed to provide the City Council and staff with recommendations on the most effective use of resources to best meet community park and recreation needs into the future. It is also meant to assist the City as it prepares to submit a Parks and Recreation Trust Fund (PARTF) grant application.

Derek Williams a planning consultant with Alfred Benesch & Company who has forty years of experience in landscape and park planning will present the Comprehensive Master Plan update for Council review and consideration.

Staff and the Lumberton recreation Commission recommend that City Council accept the 2016-2026 Comprehensive Master Plan update as a planning document for

future recreational needs within Lumberton.

10. Approve the designation of \$1,000.00 of Community Revitalization Funds for a Community Day in Precinct 2 - Council Policy Committee
Councilman Robinson requests \$1,000.00 of CRF for a Community Day in Precinct 2.
Designate \$1,000.00 of CRF in Precinct 2.
11. Approve the designation of \$1,000.00 of Community Revitalization Funds for a Community Day in Precinct 4 - Council Policy Committee
Councilwoman Higley requests \$1,000.00 of CRF for a Community Day in Precinct 4.
Designate \$1,000.00 of CRF in Precinct 4.
12. Approve the designation of \$1,000.00 to the Breath of Life Ministries as Follows: P2 - \$300.00 P3 - \$100.00 P4 - \$250.00 P5 - \$150.00 P6 - \$200.00 for Summer Activities and Community Programming - Council Policy Committee
Councilmen Cantey, Robinson and Howard request \$650.00 of CRF to be given to Breath of Life Ministries, Inc. for summer activities and community programs as follows:

P5 - \$150.00 P2 - \$300.00 & P6 - \$200.00
Designate \$650.00 of CRF Breath of Life Ministries, Inc.
13. Approve the designation of \$250.00 to the Hilly Branch Alumni Association as Follows: P5 - \$100.00 P2 - \$100.00 & P6 - \$50.00 - Council Policy Committee
Councilmen Cantey, Robinson and Howard request \$250.00 of CRF to be given to Hilly Branch Alumni Association for scholarship funds as follows:

P5 - \$100.00 P2 - \$100.00 & P6 - \$50.00
Designate \$250.00 of CRF to Hilly Branch Alumni Association.
14. Approve the designation of \$250.00 to McCormick Chapel A.M.E. Church for a Banquet as follows: P5 - \$100.00, P6 - \$100.00 & P2 - \$50.00 - Council Policy Committee
Councilman Cantey requests \$250.00 of CRF to be given to the McCormick Chapel A.M.E. Church for a banquet.
Designate \$250.00 of CRF to McCormick Chapel A.M.E Church.
15. Approve the designation of \$1,100.00 to Robeson County Special Olympics as follows: P1 - \$200.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - \$50.00 P6 - \$50.00 P7 - \$200.00 P8 - \$100.00 Mayor Discretionary Fund - \$200.00 - Council Policy Committee
Councilman Maynor requests \$200.00 of CRF to be given to the Robeson County Special Olympics.
Designate \$200.00 of CRF to Robeson County Special Olympics.

16. Approve the designation of \$1,000.00 of Community Revitalization Funds in Precinct 7 for the 911 - Community Day - Council Policy Committee
Councilman Maynor requests \$1,000 of CRF for the 911 – Community Day in Precinct 7.
Designate \$1,000.00 to the 911-Community Day.
17. Approve the designation of \$1,500.00 of Community Revitalization Funds to Replace the Lion's Club Sign on Carthage Road - Council Policy Committee
Councilmen Hackney and Maynor requests \$750.00 each to replace a large sign designating the Lumberton Lion's Club on Carthage Road which was recently destroyed as a result of an automobile accident. The total request is \$1,500.00.
Designate \$1,500.00 for a large sin to the Lumberton Lion's Club on Carthage Road.
18. Approve the Designation of \$1,300.00 of Community Revitalization Funds for West Wycliffe Homeowners' Association Footbridge Project - City Council
Mayor Davis requests \$1,300.00 of Community Revitalization Funds for West Wycliffe Homeowners' Association Footbridge Project.
Designate \$1,300.00 of Community Revitalization Funds to West Wycliffe Homeowners' Association for the Footbridge Project.

IX. PUBLIC HEARINGS

- A. Rezoning petition for property located off of Roberts Avenue (parcel # 1009-02-011-01/Deed Book 1996 Page 635). – Brandon Love, Planning Director
MC Morgan & Associates has submitted a Rezoning petition for property located off of Roberts Avenue (parcel # 1009-02-011-01/Deed Book 1996 Page 635).

This request is to rezone the property from B-7 (business general commercial/mobile home sales) to B-2 (business community) for the development of a multifamily complex consisting of 72 multifamily units.

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

On March 22, 2016 the Planning Board reviewed the request and recommends that City Council approve the rezoning request.

On March 24, 2016 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning and Conditional Use Permit requests.

On April 1, 2016 a sign was posted on the property giving notice of the requests.

On April 1, 2016 and April 8, 2016 the Robesonian ran the legal ads giving separate notices of the requests.

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 off of Roberts Avenue from B-7 (Business General Commercial/Mobile Homes Sales) to (Business Community) to allow the development of a multifamily complex consisting of 72 units. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Mark Morgan, of MC Morgan & Associates out of the Greensboro-Highpoint area appeared before Council and stated that he is the owner of this property and that they are requesting the rezoning in order to place a 72 unit housing complex on this 9 acre lot. He stated that they would have fulltime management and on-site management.

Councilman Cantey asked Mr. Morgan what is the affordable housing allowance; Mr. Morgan stated that it ranges from \$18,000 to \$34,000. Councilman Cantey stated that in other words Section 8 Vouchers will be considered or looked at for this housing complex. Mr. Morgan stated that Section 8 Vouchers will be considered.

Councilman Wilkins asked if the property manager will be living onsite. Mr. Morgan stated most likely not, we will not have a unit dedicated to an onsite manager.

RESULT:	APPROVED [6 TO 2]
MOVER:	John Robinson, Mayor Pro Tem - P2
SECONDER:	Erich Hackney, Precinct 8
AYES:	Rising, Robinson, Higley, Cantey Jr., Howard, Hackney
NAYS:	Wilkins, Maynor
ABSTAIN:	Davis

- B. Conditional Use Permit petition for property located off of Roberts Avenue (parcel # 1009-02-011-01/Deed Book 1996 Page 635). – Brandon Love, Planning Director
MC Morgan & Associates has submitted a Conditional Use Permit petition for property located off of Roberts Avenue (parcel # 1009-02-011-01/Deed Book 1996 Page 635).

This request is to obtain a Conditional Use Permit for a major subdivision to extend public infrastructure for the development of a multifamily complex consisting of 72 multifamily units.

This applicant has also submitted a Rezoning application to rezone the property from B-7 (business general commercial/mobile home sales) to B-2 (business community).

On March 22, 2016 the Planning Board reviewed the request and recommends that City Council approve the Conditional Use Permit request.

On March 24, 2016 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning and Conditional Use Permit requests.

On April 1, 2016 a sign was posted on the property giving notice of the requests.

On April 1, 2016 and April 8, 2016 the Robesonian ran the legal ads giving separate notices of the requests.

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

Mayor Davis opened the Public Hearing to consider the issuance of a Conditional Use Permit B-2 for a major subdivision to extend public infrastructure for the development of a multifamily complex consisting of 72 units off of Roberts Avenue. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

A discussion ensued concerning the Retention Pond located on the property as to how it would be maintained/beautification. They also discussed onsite management; however, there were no conditions placed on the CUP.

RESULT:	APPROVED [6 TO 2]
MOVER:	John Robinson, Mayor Pro Tem - P2
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Maynor, Hackney
NAYS:	Cantey Jr., Howard
ABSTAIN:	Davis

X. NEW BUSINESS

A. Britt's Farm Sewer Rehabilitation Engineering Agreement Amendment – Council Policy Committee -- Rob Armstrong, Public Works Director

The Britt's Farm Sewer Rehabilitation Project has been completed. The Engineering contract for the project was an extension of the engineering contract with the Wooten Company for the Tanglewood Rehabilitation project. Because the scope of the Britt's Farm project changed from rehabilitation to replacement when it was determined the pipe had deteriorated beyond repair, the engineering and field observation requirements were increased. With the completion of the construction phase, Public Works is closing out the administrative phase of the project. Attached is an engineering agreement amendment with the Wooten Company for \$9,000 of additional contract administration and observation time. This will be paid from the NCDEQ SRF Emergency Loan.

CPC recommends Council's Approval of the Tanglewood – Britt's Farm Sewer Rehabilitation Engineering Agreement Amendment for \$9,000 to be paid from the NC Department of Environmental Quality State Revolving Fund Emergency Loan.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

Welcome & Recognition of Guests - Mayor Bruce W. Davis

1. Installation of Councilman-Elect The Honorable Judge Judith Milsap Daniels –

The Honorable Judge Judith Milsap Daniels administered the Oath of Office to Councilman Maynor. Councilman Maynor acknowledged his family, friends and many of his constituents that were present in the audience. Councilman Maynor

2. Remarks: Councilman Leon Maynor

Retiring of Colors - Lumberton Police Department Honor Guard

Benediction - Reverend Roosevelt Scott, Morning Star Community Church –

XI. ADJOURNMENT - A RECEPTION WILL FOLLOW IMMEDIATELY AFTER THE MEETING