



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • APRIL 10, 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	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

A. Invocation: City Attorney Holt Moore –

B. Pledge of Allegiance - Troop # 1168 –

II. RETIREE RECOGNITION:

A. Bobby Pittman –

Bobby Pittman was presented with a plaque for 21 years of loyal and dedicated service to the City of Lumberton as a Motor Equipment Operator IV. The Council thanked him for his service.

B. Jim Walters –

James H. Walters received a plaque for 15 years of loyal and dedicated service to the City of Lumberton as Deputy Director of Public Works in the City of Lumberton.

III. AWARDS

A. Pride in Lumberton - Ronald King –

Ronald King, an extraordinary Eagle Scout is the son of Timothy & Betty King, a 14 year old who attends Lumberton Junior High School made his presence known during the aftermath of Hurricane Matthew. Ronald received a Pride in Lumberton award for humanitarian service he provided during this time of despair.

B. Proclamation –

Troop # 301 received a proclamation and a City lapel pin for their hard work and assistance given during the aftermath of Hurricane Matthew. They sacrificed dearly for this cause.

IV. PUBLIC SPEAKERS

A. Richard Sceiford –

Carolina Civic Center Board President Lisa Baxley presented the City of Lumberton a check for \$2,000.00 from the February 24, 2017; Variety Show ticket sale; Bi Coastal Production and a matching gift from the Carolina Civic Center Foundation. The check was given in order to support the rebuilding of the City of Lumberton.

Mr. Sceiford also thanked Jeff Lambdin who spearheaded this event.

V. PUBLIC COMMENT PERIOD

VI. CONSENT AGENDA

Minutes Approval

A. City Council - Regular Meeting - Mar 8, 2017 12:00 PM -

Upon motion of Councilman Cantey and seconded by Councilman Hackney, Item G. was pulled for further discussion. After a brief discussion, it was unanimously approved to send this item back to CPC for further discussion.

RESULT:	ACCEPTED AS AMENDED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

VII. AGENDA ITEMS

A. Final plat approval of Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50 – Brandon Love, Planning Director

The Planning Department received a request from Lumber River Real Estate, Inc. for final plat approval of Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50. Mr. B.G. French has indicated that all improvements were installed last year.

Recommend approval of the final plat for Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50.

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

B. Refer the Rezoning Petition for Property Located at 307 E. 12th Street to the Planning Board for their review, and Authorize the Planning Director to set the date of the Public Hearing (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. 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.

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

- C. Refer the Request for a Conditional Use Permit for property located at 610 Old Whiteville Rd to the Planning Board for its review, and authorize the Planning Director to set the date of the Public Hearing (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. The parcel is currently zoned R-7 Residential Single-Family and a daycare center would require a conditional use permit. Although the building was originally constructed as a daycare, it has been vacant for 2-3 years; no existing conditional use permit can be found on record in the Robeson County Register of Deeds therefore a new conditional use permit is required.

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.

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

- D. Adopt Ordinance No. 2017.04.01, Directing the Building Inspector to remove or demolish the structure located at 1102 Peachtree Street Contingent Upon Failure of the Owner to Remove Said Property by Close of Business April 5th, 2017 – Ben Andrews, Inspections Director

The house located at 1102 Peachtree Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on September 27, 2016 and the owner was present at the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of April 5, 2017.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1102 Peachtree Street, contingent upon the

owner not demolishing the property by close of business April 5th, 2017, which is their deadline.

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

- E. Refer the Request for a Conditional Use Permit petition for property located at 3555-A Roberts Avenue to the Planning Board for its review and authorize the Planning Director to set the date of the Public Hearing (parcel # 1005-01-022-03B/Deed Book 1601 Page 609). – Brandon Love, Planning Director
LaBreaska 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.
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.

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

- F. Approve the designation of \$900.00 of Community Revitalization Funds for the Law Enforcement Memorial Ceremony as follows: P1 - \$100.00 P2 - \$100 P3 -- \$200.00 P4 - \$200.00 P6 - \$100.00 P7 - \$100.00 Mayor Discretionary Fund - \$100.00 – Burnis Wilkins, Precinct 3
Councilman Wilkins would like to contribute \$200.00 of Community Revitalization Funds to the Robeson County Executive Law Enforcement Committee towards the Law Enforcement Memorial Ceremony being held at RCC on Wednesday, May 17th, 2017 at 10:00 a.m. Over the years we have rotated the cost of this function and last year it was paid for by the County. Designate \$900.00 of CRF for the Law Enforcement Memorial Ceremony.

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

- G. Approve Staff Moving Forward with a Potential Lease of Town Common Demolition Site with NC Power Holdings, LLC with the anticipation of addressing concerns of buffering and any other particulars to be included within the lease. – Holt Moore, City Attorney

As of the submission of the agenda, staff and Councilman Cantey have a meeting set with the Manager of Lumberton Power for Tuesday June 6th to review the proposed plans for the property. We will update the Council Policy Committee regarding what comes from that meeting.

(Information as of May CPC):

Since the discussion below last month regarding the Town Common property, staff has met with the Manager of the project, and has gone over the zoning requirements, which will include screening and other items. A draft lease has been put together and is attached.

As you may recall, the City obtained a grant for the demolition of two warehouses on Town Common Street, near Chippewa Street, and the demolitions are now complete. Staff has been approached by Scott Campbell, Manager of Lumberton Power on Hestertown Road, the biofuel plant here in town. The owner of that facility is North Carolina Power Holdings, LLC; and the parent company is Georgia Renewable Energy LLC. The company would like to lease the southernmost tract and the use would be unloading railroad ties onto the site and/or onto rail cars at the site, to be taken to their plant, which will be ground and burned as fuel. They anticipate 6 new positions immediately upon moving into the site, with as many as 15 from this new endeavor.

They are open to basically as long a lease as the city is willing to give. The tax value of the property in question is \$60,000. Staff consulted with two commercial property agents in Lumberton and they indicated the standard rent is based upon a 10% 'cap rate,' (meaning an investor could receive 10% of his purchase price back each year on a purchased property).

This translates into a rent of \$6k a year on this property, and the potential lessee is agreeable to this, and agreeable to a reasonable annual inflation clause. They are also agreeable to do no grinding at the site, only loading and unloading; this use is consistent with the zoning on the site.

A map and pictures of the site are attached. A rail spur splits the property, and the pictures were taken basically where the railroad track crosses Town Common, and were taken going left to right (or east to west); there is the section to the left side of the railroad spur, which is fenced, and then the sanded section to the right which is where the warehouse was. As a side note the other warehouse which was demolished was on the north side of Town Common and that tract is not included.

As this renewable energy use seems very much in keeping with the purpose of the grant, staff seeks Council's approval to negotiate a lease with NC Power Holdings LLC at the \$6k a year for the use of the property.

Consider lease and approve if deemed appropriate.

RESULT:	REFERRED [8 TO 0]	Next: 5/3/2017 11:00 AM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- H. Approve the Encroachment Agreement with CSX for Water Line at Cox Road – Holt Moore, City Attorney
Public Works needs to install a new 6” water line near Cox Road and will need to go under the CSX Railroad track to do so. Attached for Council’s approval is the encroachment agreement for the water line.
Approve encroachment agreement.

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

- I. Approve the designation of \$980.00 of Community Revitalization Funds to the Girls Scouts Summer Jamboree - Troop # 1168 of First Presbyterian Church as follows: P1 - \$330.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P6 - \$100.00 P7 - \$100.00 and from the Mayor's Discretionary Fund - \$100.00. – Leroy Rising, Precinct 1
Councilman Rising requests \$330.00 of Community Revitalization Funds to be given to the Girl Scouts Troop # 1168 of First Presbyterian Church for their Summer Jamboree.
Designate \$330.00 of CRF to Girl Scouts Troop # 1168 for their Summer Jamboree.

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

- J. Approve the Designation of \$2,100 in CRF for Cape Fear Council of Boy Scouts of America from the Mayor's Discretionary Fund as follows: P1 - \$100.00 P2 - \$100.00 P3 - \$100 P4 - \$100 P6 - \$100 P7 - \$100 and form the Mayor's Discretionary Fund - \$1,500. – Bruce Davis, Mayor
Mayor Davis requests \$1500 in Community Revitalization Funds to be awarded to the Cape Fear Council of the Boy Scouts of America to assist them with their various programs.
Designate \$2,100.00 of CRF to Boy Scouts of America.

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

- K. Approve the designation of \$750.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00 – Holt Moore, City Attorney
As it meeting of April 5, 2017, the Council Policy Committee heard a request from Police Officer Joseph Frederick requesting support in his efforts to raise funds for youth health and wellness as part of the 2017 New York City Marathon in which he is a participant.
Approve the designation of \$750.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00.

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

- L. Withdrawal Request Rezoning petition for property located at 602 Glendale Avenue, parcel number 3247-04-005-01 (UPDATE: Deed Book 2066 Page 743). – Brandon Love, Planning Director
Rosemary & Robert Kmec requests to withdraw their Rezoning petition for property located at 602 Glendale Avenue.

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

On March 21, 2017 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On March 27, 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 March 23, 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 March 31, 2017.

Recommends that City Council accept the withdrawal request, property remains zoned as M-1.

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

VIII. PUBLIC HEARINGS

- A. Doherty Holdings Sixth, LLC requests a contiguous annexation of property located on Dawn Drive, being parcel number 1006-01-012-17 – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Doherty Holdings Sixth, LLC requesting that property, being parcel number 1006-01-012-17 (Deed Book 1957 Page 408) located on Dawn Drive, be annexed into the City of Lumberton.

On March 27, 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 March 23, 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 March 23, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on March 31, 2017 and April 7, 2017.

Recommend that City Council hold tonight's public hearing and approve the annexation request.

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

IX. NEW BUSINESS

- A. Acceptance of CodeRED Contract in the Amount of \$11,201.00 – Council Policy Committee -- Bill French, Emergency Services Director
CodeRED was a lifesaver during Hurricane Matthew, and CodeRED has presented us another option at contract renewal time. Our old contract was 30,000 minutes for \$10,000 to be used anyway we wished. Hurricane Matthew caused a considerable increase in our minute usage, using 107,515 minutes during the storm. The overage is FEMA reimbursable. This contract provides for unlimited emergency minutes, and 37,500 general minutes for \$1,201 more. CodeRED's cost is split between Emergency Services, Public Works, and Electric Utilities. This contract would allow us to use CodeRED more for general messages, like reminding residents of Community Watch meetings since you can do a geographical area only if you need to. Other Departments could make use of it as well. The best thing about this contract is the unlimited emergency minutes. If we ever have a large scale event again,

we will be covered.

CPC recommends the acceptance of the CodeRed contract in the amount of \$11,201.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- B. Approval of Professional Auditing Services for City & Airport to Patterson & Associates, PLLC – Council Policy Committee -- Alisha Thompson, Finance Director

The current audit contracts expired with the fiscal year 2015-2016 audits. Letters of interest in receiving a copy of the RFP for auditing services for the next three fiscal years were mailed to eight firms. Four firms received a RFP and three firms responded.

	2017	2018	2019	Total
Patterson & Associates, PLLC	22,500	22,500	22,500	\$67,500
W. Greene, PLLC	23,000	24,000	25,000	\$72,000
S. Preston Douglas & Associates	25,950	24,450	24,450	\$74,850

Recommend that CPC award the professional auditing services for the City of Lumberton and Lumberton Airport for the next three fiscal years to Patterson & Associates, PLLC.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Robinson, Mayor Pro Tem
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- C. Approval of the Pole Attachment Agreement with - Fiber Technologies Networks, LLC – Council Policy Committee -- Holt Moore, City Attorney

NC state statutes require municipalities to allow attachment of communication lines to their electrical poles unless to do so would be completely non-feasible. Council approved an agreement for such attachment with LREMC for fiber optic not long ago and we have had agreements in place with Time Warner Cable and AT&T for quite some time. Fiber Technologies Networks, L.L.C. has been in communication with staff over a period of several months about such an agreement, and we have worked together to create the attached draft contract. It is based on a contract which was enacted by the Town of Wake Forest, and it has a number of well-thought-out protections for the City in it. We all ran this by the contracting engineer that works with EUD. The attachment fees are quite reasonable, we think, and this would be a source of revenue once approved.

CPC recommends the approval of the pole attachment agreement.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

X. ADJOURNMENT