



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MARCH 14, 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	Excused	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Councilwoman	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Excused	
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	
Evan Whitley	Sergeant-at-Arms	Present	
Brandon Ivey	Sergeant-at-Arms	Present	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

The pledge of allegiance was lead by Councilman Cantey.

V. RECOGNITION

Recognized employees of the Lumberton Electric Utilities Department employees Dennis Kinlaw, Jonathan Hammonds, Byron David, Daniel Jones, Sequouah Butler and Cerrone Hammonds, who assisted crews in Laurinburg restore power during a recent storm. Resolutions of Appreciation were given to the above.

Pride in Lumberton

Mayor Davis along with Councilman John Cantey presented Pride in Lumberton awards to Miss Greater Southeastern Outstanding Teen Keirsten Hopkins and Miss Greater Southeastern Rachel Cole. Hopkins is competing in the Miss North Carolina Outstanding Teen pageant and Cole in the Miss North Carolina pageant. The council also presented a Pride in Lumberton award to The Robesonian's managing editor, Sarah Willets, for her reporting on the murder of Mary Ann Thompson which was recognized by the North Carolina Press Association.

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VI. PUBLIC COMMENT PERIOD**A. Public Speakers****1. Gene Jones –**

Gene Jones, CEO, Arrested Potential, Inc., appeared before Council and stated that Arrested Potential, Inc. is a non-profit 501 (c) 3 organization that provides innovative educational services using computer technology and after school tutoring to at-risk youth, ages 5-9 in the Lumbee Homes Housing Development. Mr. Jones gave a brief overview of what his company provides. Jones asked the council for its support to open up shops in other housing developments, and announced that a golf tournament to benefit the organization would be held at Pinecrest Country Club on April 16.

Ronisha Hammonds and Jane McMillan appeared before Council on behalf of Robeson County Guardian Ad Litem, a program designed to be an advocate and a voice for abused or neglected children. The mission of the Guardian ad Litem Program is to provide trained independent advocates to represent and promote the best interests of abused, neglected and dependent children in the state court system and work towards a plan that ensure that these children are in a safe, and permanent home. The organizations is in need of volunteers 18 and older to add to the current volunteers already on board to assist in navigating the 300 children they have through the court system.

VII. CONSENT AGENDA

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

Minutes Approval**A. City Council - Regular Meeting - Feb 8, 2016 6:00 PM -*****Agenda Items***

- B. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing on a request to rezone property located at 2016 Martin Luther King, Jr. Drive - Council Policy Committee
- Rafat Abudayya has submitted a Rezoning petition for two properties located on Martin Luther King, Jr. Drive. (parcel # 3251-02-015/Deed Book 1862 Page 0287 and parcel #3251-02-016/Deed Book 1862 Page 0287).

This request is to rezone parcel # 3251-02-016 from B-4 (business general commercial) and parcel # 3251-02-015 from R-7 (residential single family/duplex) to B-2 (business community) for the development of a shopping center at this location.

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.

- C. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing on a request to Rezone petition for property located off of Roberts Avenue - Council Policy Committee
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.
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.

- D. Refer the petition to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a Conditional Use Permit petition for property located off of Roberts Avenue - Council Policy Committee
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 consisting of the creation of a public street, the extension of public utilities and the construction of a multifamily housing development 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).
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.

- E. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1505 E. 5th Street - Council Policy Committee
The Structure located at 1505 E 5th Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on January 12, 2016. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of February 24, 2016. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1505 E. 5th Street.
- F. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2100 S. MLK Jr. Drive. - Council Policy Committee
The Structure located at 2100 S. MLK Jr. Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on January 5, 2016. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of February 21, 2016.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2100 S. MLK Jr. Drive.

- G. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1600 E. Elizabethtown Road - Council Policy Committee
The structure located at 1600 E Elizabethtown Road was first cited for unsafe conditions on September 26, 2002. The hearing was scheduled for October 9, 2002 and the time in which the owner had to comply was December 20, 2002.

The Structure located at 1600 E. Elizabethtown Road was once again inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on January 7, 2016. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of March 7, 2016..

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1600 E. Elizabethtown Road.

- H. Adopt a Resolution to apply for a \$1,000,000 low interest loan and principal forgiveness funding from the North Carolina Clean Water State Revolving Fund for sanitary sewer infrastructure repairs - Council Policy Committee
Public Works would like to apply for North Carolina Clean Water State Revolving Fund (CWSRF) low interest loan and principal forgiveness funding for the 2016 Sanitary Sewer Rehabilitation Project. The project would address sewer deficiencies in three areas of the City.

1. Lambeth Street area: The existing concrete sewer pipes and manholes in this area will be repaired and lined.
2. Ramada Inn Force Main: The sewer force main pipe conveying waste water from the Ramada Inn Lift Station off of Khan Drive to the manhole on Rowland Avenue near 32nd Street has ruptured several times in the last 6 years. The existing pipe material is asbestos cement. Public Works is proposing to replace the existing pipe with a PVC pipe using the basically the same route as the old pipe.
3. Lackey Street Area: The existing gravity sewer pipe crossing under I-95 from Lackey Street (near Cracker Barrel) to 24th Street & Capuano Drive will be lined and rehabilitated.

The total project cost opinion is \$1,000,000. As in the past, our goal is to receive ½ of the funds as principal forgiveness and ½ of the funds as a low interest loan. These three areas have been on our Capital Project list for a couple of years. In order to apply for the spring funding cycle, Council will need to adopt the attached Resolution. Also attached is a map referencing the project target areas as well as the Project Cost Opinion. CPC recommends that Council adopt the attached Resolution to apply for a \$1,000,000 low interest loan and principal forgiveness funding from the North Carolina Clean Water State Revolving Fund for sanitary sewer infrastructure repairs in the Lambeth Street area, Ramada Inn force main and the Lackey Street area.

- I. Approve April 13th and 14th, 2016 as the Planning Retreat for City Council - Council Policy Committee

As part of the City's planning process; a special meeting of the City Council is requested in order to present ideas and plans for City Council's consideration: The following dates are suggested for Council consideration.

It is recommended that City Council consider the following dates for the City's Council Planning Workshop.

* Wednesday - March 23rd and

* Thursday - March 24th

- J. Authorize the February 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:

2013-----32 cents

2014-----\$5.15

2015-----\$423.14

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

- K. Approve the designation \$2,500.00 to the Robeson County Arts Council - Council Policy Committee

At the September 14, 2015, City Council meeting, the President of the Robeson County Arts Council appeared before Council and asked for seed money to grow the production of the composition, "Cinderella in Spain" a bilingual musical. At the time, City Council took no action. Councilman Rising has asked that this item be placed on the agenda for further consideration.

Council Policy Committee consider discussing the item and its vote for funding.

- L. Approve the designation of \$500.00 of Community Revitalization Funds to Godwin Heights Church for a Mission Trip and Youth Activities Program in Precinct 3 as follows: P1 - \$100.00 P3 - \$300.00 P4 - \$100.00 - Council Policy Committee

Councilman Wilkins requests that \$300.00 of Community Revitalization Funds be given to Godwin Heights Church for an upcoming Mission Trip and Youth Activities program. Designate \$300.00 of CRF to the Godwin Heights Church.

- M. Approve the designation of \$1,000.00 of Community Revitalization Funds to Rowland Norment Elementary School for the English as a Second Language (ESL) Students Field Trip as follows: P1 - \$150.00 P3 - \$400.00 P4 - \$150.00 P5 - \$100.00 P6 - \$100 Mayor Discretionary Fund - \$100 - Council Policy Committee

Councilman Wilkins is requesting \$400.00 of Community Revitalization Funds to be given to Rowland Norment Elementary School for the ESL students field trip.
Designate \$400.00 to Rowland Norment Elementary School for a field trip.

On a motion from Councilman Hackney, and second of Councilman Howard, Councilman Canteley designated \$100.00 of Community Revitalization Funds to the above items awarding Rowland Norment Elementary School (ESL) Students Field trip a total of \$1,000.00 and it carried unanimously.

- N. Designate \$1500 in CRF for Cape Fear Council of Boy Scouts of America from the Mayor's Discretionary Fund - Council Policy Committee

This is a request by Mayor Davis for \$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 \$1,500 of CRF to Boy Scouts of America.

- O. Approve the designation of \$375.00 of Community Revitalization Funds to Lumber River Soccer Association for Team Apparel - Council Policy Committee

Councilman Maynor requests \$375.00 of CRF to be given to the Lumber River Soccer Association for team apparel.

Designate \$375.00 to Lumber River Soccer Association for team apparel.

- P. Approve the designation of \$750.00 of Community Revitalization Funds to the Robeson County Humane Society from P-8 - Council Policy Committee

Councilman Hackney requests that \$750.00 of Community Revitalization Funds be given to the Robeson County Humane Society.

Designate \$750.00 of CRF to the Robeson County Humane Society from P-8.

VIII. PUBLIC HEARINGS

- A. Richard Kaczar requests a contiguous annexation of property located at 465 Kenric Road (Parcel #0204-01-003; 0207-02-006). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Richard Kaczar requesting that property located at 465 Kenric Road, being Parcel #0204-01-003 and 0207-02-006, be annexed into the City of Lumberton.

It has come to our attention that the applicant has two identical parcel numbers listed. The application listed three numbers, two of which were both #0204-01-003, the third being #0207-02-006. We mailed a letter to the applicant informing him of the duplication and as of today the applicant has not contacted us regarding the matter.

Recommend that City Council hold tonight's public hearing and approve the annexation request, annexing parcel #'s 0204-01-003 and 0207-02-006 only.

Mayor Davis opened the Public Hearing to consider annexing property located 465 Kenric Road, parcel numbers 0204-01-003 and 0207-02-006 only into the corporate limits. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Richard Kaczar and Cindy Butler purchased Sleepy Bear as they did some research on the property and they wanted to bring revenue to this area. He talked about the sewer and water rates and the graffiti on the motel that is next door to this land and said that it is an eyesore.

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

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

- B. Amendment to the Table of Permissible Uses to allow Clerical Office and Services not primarily related to goods or merchandise (Use 3.110 and 3.220) in the B-5 zoning district. – Brandon Love, Planning Director

Councilman Hackney has requested that the Planning Department investigate the possibility of allowing clerical office and service type uses in the B-5 Highway Service district.

Currently, the Land Use Ordinance for the City of Lumberton does not allow clerical, office and services not primarily related to goods or merchandise in the B-5 zoning district and Sec. 35-136 (f) states that this district is designed to accommodate commercial activities that draw business primarily from and provide services primarily to I-95 traffic. There are approximately 111 parcels currently zoned B-5 within Lumberton's Jurisdiction and of those parcels, there are 6 office uses which would be considered existing, non-conformities.

In an effort to assist property owners with filling existing, vacant storefronts along the I-95 corridor, staff is requesting the City Council consider amending the Table of Permissible Uses to allow clerical, office and services not primarily related to goods or merchandise (Land Use #3.000) in the B-5 Highway Service zoning district. It is our assumption that over time and with changes to the consumer marketplace, the economics of maintaining clerical offices along the Interstate would prompt property owners to limit rentals to strictly retail and consumer uses, thereby encouraging office users to seek space somewhere other than along I-95.

The Planning Board reviewed the request on February 16, 2016 and recommends City council approve the request based on the following reasons stated by the staff:

- It will help with the aesthetics of the I-95 corridor;
- Attract additional businesses to the immediate area; and
- Time and the economy will eventually displace office uses in favor of retail.

On February 18, 2016 a request to publish the legal ad on March 4, 2016 and March 11, 2016 was sent to the Robesonian.

Recommends that City Council hold tonight's public hearing, review the request and approve the proposed zoning text amendment.

Mayor Davis opened the Public Hearing to consider allowing clerical, office, and services not primarily related to goods or merchandise in the B-5 zoning district. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

No one appeared to speak and the hearing was closed.

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

IX. NEW BUSINESS

A. Draft Agreement - Benchmark-City of Lumberton Downtown Master Plan – Council Policy Committee -- Brandon Love, Planning Director

In September of 2015 the Lumberton City Council approved a new Comprehensive Land Use Plan which was the culmination of an almost two year planning process. This document indicates six key focus areas for steering future development and planning efforts within the City. Of those six focus areas, downtown Lumberton received perhaps the most attention. Work items DT-8 and DT-9 in the Implementation Strategies section of the plan are indicated as “Short” timeframe components with Medium to High priority. These work items involve the development of a downtown master plan and design guide for downtown development. The Planning Department has received a quote from Benchmark CMR (developers of the new Land Use Plan) to provide planning and technical assistance for drafting these documents. Please see the attached proposal and scope of work.

CPC recommends that City Council approve the attached proposal with Benchmark CMR for development of a Downtown Lumberton Master Plan and authorize staff to proceed with the appropriate contract documentation. This item was approved in last year’s 5-year capital plan and funding has been allocated in the 2015-16 Capital Budget.

RESULT:	APPROVED [6 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
EXCUSED:	Robinson, Maynor

B. Award of Bid to Frank Horne Construction for the 2016 Sewer Rehabilitation Project – Council Policy Committee -- Holt Moore, City Attorney

Recently Public Works, in conjunction with our consulting engineers, Koonce Noble and Associates, conducted a bid opening for the sewer extension project for Sanderson Farms on Highway 41 N. whereby McArthur construction was the lowest bidder. They have since requested that they be released from their bid as they indicate that they neglected to include

well points in the calculation. The statute on the subject provides that the contractor is entitled to a hearing and that if the municipality finds that there was an honest mathematical or clerical error made in good faith, that the contractor should be released from their bid and their bid bond returned. The Public Works Director, in conjunction with Koonce Noble reviewed the paperwork submitted by McArthur and advised the CPC on the findings.

CPC recommends that City Council accept the observations of the Public Works Director regarding the request to withdraw the bid from McArthur Construction Company and award the bid to the 2nd lowest bidder, Frank Horne Construction Company in the amount of \$532,553.00.

RESULT:	APPROVED [6 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Hackney
ABSTAIN:	Davis
EXCUSED:	Robinson, Maynor

X. ADJOURNMENT