



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MARCH 7, 2018

Regular Meeting

Council Chambers

12:00 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	Precinct 2	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

II. MINUTES APPROVAL

1. City Council - Regular Meeting - Feb 12, 2018 6:00 PM –

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

III. PUBLIC COMMENT PERIOD

No one appeared to speak.

IV. CONSENT AGENDA

1. Donovan Oliver has submitted a Non-Contiguous Annexation petition to the Planning Department, for property located at the corner of NC Hwy 711 and Deep Branch Road - Council Policy Committee
The Planning & Neighborhood Services Department received an application for a non-contiguous annexation from Donovan Oliver requesting that property located at the corner of NC Hwy 711 and Deep Branch Road (Parcel # 1610-02-02901) be annexed into the City of Lumberton.
The proposed use of the property is a gas station and the property is currently zoned City of Lumberton B-2 (Business Community). Therefore, a rezoning is not required.
The City Clerk has certified the sufficiency of the petition and prepared a utility report.

The Planning Department recommends City Council set the date of the public hearing for April 9, 2018.

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

2. Approve the designation of \$500.00 of Community Revitalization Funds for Community Watch - Precinct 4 - Council Policy Committee
Councilwoman Higley requests \$500.00 of CRF for Community Watch.
Designate \$500.00 of CRF for Community Watch in Precinct 4.

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

3. Approve the designation of \$50.00 for Housing Rehab located at 2170 California Drive - Council Policy Committee
Councilman Cantey is requesting \$50.00 of CRF for housing rehab located at 2170 California Drive.
Designate \$50.00 for housing rehab located at 2170 California Drive.

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

4. CRF - Cape Fear Council of the Boy Scouts of America - Council Policy Committee
Councilman Thomas would like to provide \$100 of CRF to the Cape Fear Council of the Boy Scouts of America for their various programs.
Approve contribution of CRF funds to the Boy Scouts.

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

5. CRF Request - Assistance To Mennonite Work Group - Council Policy Committee
Mayor Davis would like to contribute \$500 of CRF, with the hope of a total contribution of \$1,000 from Mayor and Council, to the Mennonite group which has assisted with the post-

Hurricane-Matthew efforts, to assist with recently incurred medical expenses stemming from the local accident.

Approve request for CRF with Council contributing as you see fit.

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

6. Request from Staff to Create Encroachment Agreement for Cable - Council Policy Committee

Staff has recently received a request to allow the installation of fiber optic cable in the city right of way, and we believe that more may be forthcoming. Staff met yesterday as the request was, again, only recently received. In researching the matter Legal determined that many jurisdictions utilize a 'master encroachment agreement' to address these requests. The state statutes require municipalities to allow these installations, but also allow some control by such agreements. Staff seeks Council permission to devise a reasonable agreement which would be required in order for these installations to take place. The document would just cover such things as required insurance, indemnification of the city for any damage caused by the installation or the cable once installed, notifications to the city of certain activities related to the cable, etc.

Attached are two samples, as staff has not had time to devise a form of our own. We actually envision ours being simpler and shorter than these but these would give you an idea of what has been done in other locations.

In the interest of time, as we would like the new agreement to be applicable to the current request, we would ask that Council delegate to staff the authority to formulate and implement the agreement.

Allow staff to devise and implement an encroachment agreement for fiber optic cable.

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

V. PUBLIC HEARINGS:

A. Shelter Investments Development Corporation. Rezoning petition for property located off of Dunn Road – Brandon Love, Planning Director

Shelter Investments Development Corporation has submitted a Rezoning petition property located off of Dunn Road (parcel # 1013-01-001/Deed Book 1950 Page 0590). This request is to rezone the property from M-2 (heavy manufacturing) to PCU B-3 Parallel Conditional Use multifamily for elderly 55 and over with 10% set aside for disabled as required by NCHFA (use#1.310 Multifamily residential other than mobile home parks).

-This property is located within Area 17, as identified in our Land Use Plan.

- On February 20, 2018 the Planning Board held the public meeting and recommends that City Council approve the rezoning request with the stated condition(s):
 - Multifamily for elderly 55 and over with 10% set aside for disabled as required by NCHFA (use#1.310 Multifamily residential other than mobile home parks).
 - On February 21, 2018 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 February 21, 2018 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 29, 2016.
 - On February 21, 2018 a request was sent to the Robesonian to have the legal ad for this request ran on February 23, 2018 and March 2, 2018.
- Recommends that City Council hold tonight's public hearing and approve the rezoning request with the stated condition(s).

Mayor Davis opened the Public Hearing on a request to rezoner property located off of Dunn Road. 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 [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

B. Cynthia Ann Wilcox Rezoning petition for property located at 306 E. 21st Street. – Brandon Love, Planning Director

- Cynthia Ann Wilcox has submitted a Rezoning petition for property located at 306 E. 21st Street (parcel # 3214-01-045-02/Deed Book 1706 Page 496). This request is to rezone the property from R-7, residential single family to Parallel Conditional Use Permit B-2, Business community. The applicants intended use of the property is for the operation of a florist (use#3.110). Therefore, if approved, the only use for this property will be a florist shop.
- This property is located within Area 14, as identified in our Land Use Plan.
- On February 20, 2018 the Planning Board held the public meeting and recommends that City Council approve the rezoning request with the stated condition(s):
- Property can only be used as a Florist Shop-On February 21, 2018 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 February 21, 2018 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 29, 2016.
 - On February 21, 2018 a request was sent to the Robesonian to have the legal ad for this request ran on February 23, 2018 and March 2, 2018.
- Recommends that City Council hold tonight's public hearing and approve the rezoning request with the stated condition(s).

Mayor Davis opened the Public Hearing on a request to rezone property located at 306 E. 21st Street. 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 [8 TO 0]
MOVER:	John Robinson, Precinct 2
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

VI. NEW BUSINESS

1. CDBG Demolition Grant Administration Contract Amendment – Council Policy Committee -- Rob Armstrong, Public Works Director

The Wooten Company is requesting a \$3,625.25 amendment to the existing CDBG building Demolition Contract to cover the cost of additional administrative services associated with the State mandated petroleum vapor intrusion study. There is no more money allocated for CDBG administration available in the current grant. Public Works is proposing this amount be paid for from the water and sewer contracted services operations code.

Public Works is requesting a \$3,625.25 increase to the CDBG administration contract with the Wooten Company to cover the cost of additional administrative services associated with the State mandated petroleum vapor intrusion study. Public Works is proposing this amount be paid for from the water and sewer contracted services operations code 60-00-7110-3960.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

2. Waste Water Treatment Plant Maintenance Building – Council Policy Committee -- Corey Walters, Deputy Public Works Director

Currently at the Waste Water Treatment Plant there is an existing maintenance building that has been in place since the time of original construction (circa 1971). This maintenance building is beyond the point of repair. This is a wood frame building with wood siding and shingle roof that is located under a power line transmission line. Given the size of the building, which is small at 20ft x 20ft, and the location under the power line, we cannot improve the building. We would like to build a new maintenance building that is larger than the current one and in a different location on the property. We have proposed a 30ft x 50ft building. We have had this building project in mind for several years but due to budget constraints and other factors, this project has been delayed. This project is currently in the 5 year capital improvement plan for next year with a budget of \$50,000.00. We put this project out for bid and received 7 bids in total with RGS Builders, Inc. being the lowest bid. The cost to construct this building is \$41,900.00.

Public Works is requesting Council authorization to award the construction bid of the waste water treatment plant building to RGS Builders, Inc. for \$41,900.00 using funds from the delayed East Filter Media project at the Water Treatment Plant, original project was \$200,000.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

3. Water / Sewer Crew Service Truck – Council Policy Committee -- Rob Armstrong, Public Works Director

Public Works has \$75,000 in the current capital budget to purchase a new water / sewer service truck, replacing a 1999 Dodge truck. We have found a Ford F 450 service truck on the NC State Contract for \$60,601.

Public Works is requesting Council approval to purchase a new Ford F450 Service Truck off of the NC State Contract for \$60,601 with funds allocated in Capital Budget Code 60-00-8221-5560.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

4. Approve the Purchase of a Wide Format Copier/Scanner/Plotter Purchase – Council Policy Committee -- Brandon Love, Planning Director

The City's HP Designjet 4000ps large format plotter has reached its end of life and must be retired from service. This unit was originally purchased almost 12 years ago and has been utilized by multiple departments over those years for large format printing needs. The MIS department has secured a quote from NCPA purchasing contract for a new HP Designjet T2530 printer/copier/scanner to replace the old unit at a price of \$8,161.25.

Since replacement of this unit was not anticipated during last year's Capital Improvement budget and the cost exceeds \$5,000, this purchase must be approved by City Council. Staff recommends that CPC authorize the purchase of an HP Designjet T2530 printer/copier/scanner for \$8,161.25 through the NCPA purchasing contract. Funding for the purchase of this machine shall be provided by the following departments for use at City Hall:

<u>Department</u>	<u>Code</u>
Public Works	60-00-7110-3520
Emergency Services	10-00-4330-2605
Recreation	10-00-6127-1210

Fire

10-00-4340-2605

Planning & NS

10-00-4910-3960

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Precinct 2
AYES:	Rising, Robinson, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis

VII. ADJOURNMENT