



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MARCH 6, 2019

Regular Meeting

Council Chambers

11:00 AM

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	Absent	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	
John R. Carroll	Councilman	Present	
Eric Chavis	Councilman	Present	

B. Invocation –

C. Pledge of Allegiance –

D. Invocation: City Attorney Holt Moore –

E. Pledge of Allegiance: Led by Councilwoman Higley –

F. Oath of Office - Newly Elected Officials –

Councilmen-Elect John R. Carroll and Eric Chavis were administered the Oath of Office by City Clerk Laney Mitchell-McIntosh.

II. PUBLIC COMMENT PERIOD

Mr. Russell Mayes came before Council on behalf of the owner of 2485 E. 5th Street. He stated that he is process of trying to purchase this property and that have been held up due to weather; however, a map was submitted yesterday to Mr. Miller, DOT for consideration in adding a turning lane at this location.

He stated that a condemnation order has been issued for the property but he knows that the owner is trying to meet all requirements. He asked for leniency for the owner.

Mr. Ali Elhuni, owner of the property appeared before Council and stated that he knows that he has to maintain the property. He stated that the grass needs to be cut. He stated that his property has been damaged that he had a camper and a vehicle damaged. He secured the property by placing No Trespass signs.

Mr. Elhuni stated that Mr. Russell wants to purchase the property. He stated that the inspector gave him 60 days to secure the property; however, that time expired and now he wants to demolish the building. He stated that it is of most importance that you reconsider this action. He is asking for leniency in order to comply.

Brue Mullis appeared before Council and talked about the World Series that was held in Lumberton last year as well as to inform them of the LYBA event that will be taking place July 25th – July 31st at the Raymond B. Pennington Sporting Complex.

III. PUBLIC HEARINGS

- A. Albert Hartman has submitted a Conditional Use Permit petition for property located off of Saxon Avenue – ArTriel Kirchner, Interim Planning Director
Albert Hartman has submitted a Conditional Use Permit petition for property located off of Saxon Avenue (parcel # 1014-03-00403/Deed Book 2081 Page 738). The applicants proposed use is a water treatment plant. This Conditional Use Permit will allow for a processing facility to transform chicken fat by heat (use # 4.300).

This property is located within Area 6 and its recommended future use is industrial, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #4.

If this Conditional Use Permit is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department, along with other applicable local, state and federal permits, prior to operation.

On February 19, 2019 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request with the condition that the driveway to this facility remain in a smooth drivable condition to protect emergency responders at any given time.

On February 20, 2019 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On February 20, 2019 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the Conditional Use Permit request, on or before February 22, 2019.

On February 20, 2019 a request was sent to the Robesonian to have the legal ad for this request ran on February 22, 2019 and March 1, 2019.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request with the condition that the driveway to this facility remains in a smooth drivable condition to protect emergency responders at any given time.

Mayor Davis opened a public hearing concerning the issuance of a Condition Use Permit for property located off of Saxon Avenue. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication of the advertisement in the Robesonian.

John Wishart Campbell appeared before Council and thanked the Planning Director for her diligence in expending the info concerning this action. Mr. Campbell expressed his concerns with discharges into the atmosphere as well as water runoff. He was concerned that a topographical study had not been considered.

Mr. David Wallwork appeared before Council representing Mr. Albert Hartman. He explained to Council and Mr. Campbell that everything will be self-contained so nothing will be getting into the atmosphere at all. He stated that if it ever happens we have carbon filters that we would use.

Mr. Wallwork was able to satisfy Mr. Campbell's concerns.

The application and all supporting documents were entered into the record.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Eric Chavis, Councilman
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- B. Jingoli Power has submitted a Conditional Use Permit petition for property located at 3500 Elizabethtown Road. – ArTriel Kirchner, Interim Planning Director
- Jingoli Power has submitted a Conditional Use Permit petition for property located at 3500 Elizabethtown Road (parcel # 1012-03-005/Deed Book 1157 Page 821). The applicants proposed use is the storage of vehicle, equipment and materials, not related to sale or use of those goods on the same lot where they are stored. The Conditional Use Permit allows for the storage of those goods inside or outside completely enclosed structure(s).

This property is located within Area 4 and its recommended future use is medium intensity, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #3.

If this Conditional Use Permit is granted the applicant must obtain a Land Use Permit, along with other applicable local, state and federal permits, prior to operation.

On February 19, 2019 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request with the following conditions:

1) The hazardous materials must be stored, in accordance with public safety regulations, in a closed and locked facility; 2) Install a 7 feet high opaque screen fence to screen the materials from public view; 3) This permit shall expire 66 months after Council approval. All extensions shall be granted by City Council.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request with the following conditions:

1) The hazardous materials must be stored, in accordance with public safety regulations, in a closed and locked facility; 2) Install a 7 feet high completely opaque screen fence to screen the materials from public view; 3) This permit shall expire 66 months after Council approval. All extensions shall be granted by City Council.

Mayor Davis opened a public hearing concerning the issuance of a Condition Use Permit for property located off at 3500 Elizabethtown Road. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication of the advertisement in the Robesonian.

Chris Eaton with Smart Technology appeared before Council and stated that they are here to help with solutions to logistical problems. He stated that Smart Technology will allow for reducing the length of time for power outages.

The application and all supporting documents were entered into the record.

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

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John R. Carroll, Councilman
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

IV. AGENDA ITEMS

A. Minutes Approval

A. City Council - Regular Meeting - Feb 11, 2019 6:00 PM –

RESULT:	ACCEPTED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- B. Approval of Budget Amendment for RMS System – Michael McNeill, Police Chief
Additional monies are needed to replace existing RMS System. Funding of \$105,656 (10-00-8120-5411) was approved in current budget to make purchase; however, due to rising costs, additional funding of \$30,194 is needed to move ahead with this project.

It is recommended that additional funding come from the following line items:

General Fund Contingency 10-00-9900-9920	\$17,500
M/R Equipment & Other 10-00-4310-3520	<u>12,694</u>
	\$30,194

Approve budget amendment to move funding from the line items listed below to code 10-00-8120-5411.

General Fund Contingency 10-00-9900-9920	\$17,500
M/R Equipment & Other 10-00-4310-3520	<u>12,694</u>
	\$30,194

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Davis, Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSENT:	Robinson

- C. Adopt a Resolution Adopting the new Procurement Standards Policy & Plan for the Community Development Block Grant Infrastructure Program – Brian Nolley, CDBG Administration

In September 2018, the City adopted a CDBG Program Manual with all the policies and plans needed for the CDBG program, including procurement standards. Since that time, the Division Water Infrastructure (DWI) updated and clarified the procurement policy specifically for the CDBG-I program. On February 1, 2019, DWI notified the City of the division's new policy effective January 1, 2019.

It is the planning department's recommendation to adopt the revised Procurement Standards Policy & Plan to remain in compliance with state and federal guidelines.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- D. Adopt a Resolution Authorizing the Adoption of the Assessment of Fair Housing for the North Carolina Small Cities Community Development Block Program – Brian Nolley, CDBG Administration

As part of previous CDBG grants received, the City conducted an Analysis of Impediments (AI) to Fair Housing study. The AI was approved by City Council and NC Dept. of Commerce in April 2016 covering a 5 year period. This document is essentially an update to the AI, extending the life of the report for another 5 years. It is intended to serve the AI/AFH requirement across the City's multiple CDBG grants.

It is the Planning Department's recommendation to adopt the resolution authoring the adoption of the Assessment of Fair Housing to remain in compliance with state and federal guidelines.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- E. Pedestrian Fence at High School – Rob Armstrong, Public Works Director
When DOT installed the pedestrian crosswalks at the corner of Linkhaw Road and Fayetteville Road, the City was required to install a chain link fence along Linkhaw Road

from the crosswalk sidewalk approach to the driveway entrance to the high school. The fence is a pedestrian safety feature intended to guide foot traffic to the crosswalk. Public Works ask bidders to price a 4' high and 5' high vinyl coated chain link fence. We receive two bids for each fence type. The lowest bidder for the recommended 5' high fence was P&W Fence at \$5,900. Seegars price was \$6,023.00.

Public Works is requesting Council approval to hire P&W Fence to install a 5' high vinyl coated chain link fence for \$5,900 to be paid for with funds allocated for the project.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- F. MC Morgan & Associates, Inc. has submitted a rezoning petition for property located at 3400 Elizabethtown Road – ArTriel Kirchner, Interim Planning Director
MC Morgan & Associates, Inc. has submitted a rezoning petition for property located at 3400 Elizabethtown Road (a portion of parcel # 1012-03-007/Deed Book 1557 Page 0158). The request is to rezone a portion of the property from B-7 (business general commercial manufactured home sales) and 'A' (agriculture) to B-2 (business community). The applicants intended use is a multifamily complex.

This property is located within Area 4 and its recommended future use is medium intensity, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #3 and the ETJ.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

City Council to review the request, refer the petition to the March 19, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	John R. Carroll, Councilman
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- G. Air Methods Corp. Conditional Use Permit petition for property located at 2391 Roberts Ave. – ArTriel Kirchner, Interim Planning Director
Air Methods Corp. has submitted a Conditional Use Permit petition for property located at 2391 Roberts Avenue (parcel # 3209-01-003/Deed Book 500 Page 348). This request is to allow for the permanent housing and operation of an Emergency Medical Helicopter (use

#13.300) at this location. This property is zoned B-4 (business general commercial) and this use requires a Conditional Use Permit.

Also, Air Methods Corp. requests an adjustment to the shade tree requirement. They are requesting approval to substitute the large maturing shading trees for the small maturing shading trees for safety reasons.

This property is located within Area 19 and its recommended future use is low intensity, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #2.

If this Conditional Use Permit is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

City Council to review the request, refer the petition to the March 19, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- H. Fred G. Mills, Sr. has submitted a rezoning petition for property located on Elizabethtown Road. – ArTriel Kirchner, Interim Planning Director
Fred G. Mills, Sr. has submitted a rezoning petition for property located on Elizabethtown Road (parcel # 321501002/Deed Book 1516 Page 0335). The request is to rezone the property from M-1 (light manufacturing) to R-3 (residential multifamily). The applicants proposed use is the development of a multifamily complex.

This property is located within Area 14 and its recommended future use is high intensity, as identified in our Land Use Plan. Furthermore, this property is located within Council Precinct #2.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

City Council to review the request, refer the petition to the March 19, 2019 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

I. Resolution Reinstating Early Voting – Holt Moore, City Attorney

Council did away with early voting for the special election which was held in January. In order to have early voting for the November election, which would consistent with normal practices, Council needs to pass a resolution reinstating early voting. The draft resolution is attached.

Approve resolution reinstating early voting.

Due to the untimely death of Councilman Robinson a Special Election is required. When we placed this action on the agenda; the death had not occurred. The recommendation would be to not reinstall early voting at this time and since the election is so close for the primary and after speaking with the Clerk; it is our recommendation that we plan for the Special Election sometime in June or July giving the Board of Elections enough time between the Primary and preparation for our Special Election. We will have enough time to reinstall Early Voting before the November election.

Looking at it from a financial standpoint the cost would be roughly \$2,000.00.

RESULT:	ADOPTED AS AMENDED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

J. Authorize the Deputy City Manager to Negotiate an Architectural Services Contract for the West Lumberton Resource Center & Police Substation – Brandon Love, Deputy City Manager

At its February Council Policy Committee, City Council authorized staff to proceed with procurement of architectural services for the design and construction administration of the new West Lumberton Resource Center and Police Substation. This facility will replace the existing Jaycee Hut which has been inundated by flood waters following both Hurricanes Matthew and Florence. Funding is provided in large part by a \$500,000 grant from Golden LEAF, insurance proceeds and the general fund. An advertisement was placed in the Robesonian and the RFQ was also posted on the City's website.

Authorize staff to negotiate an architectural services contract with the Becker-Morgan Group for the design and construction administration of the new West Lumberton Resource Center and Police Substation.

RESULT:	APPROVED [7 TO 0]
MOVER:	Eric Chavis, Councilman
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- K. Approve the De-Obligation of \$6,460 in Precinct 7 to Unobligated Funds – Wayne Horne, City Manager

City Manager Horne would like to de-obligate \$6,460 of obligated funds in Precinct 7 to unobligated funds for a grand total of \$13,355 of unobligated funds in Precinct 7.

De-obligate \$6,460 of obligated funds in Precinct 7 back to unobligated funds for a total of \$13,355.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- L. Approve the designation of \$425.00 of CRF for Crush N Run to the Golden Leaf Lodge Located at 116 Thompson Street – John Cantey, Mayor Pro Tem

Councilman Cantey is requesting \$425.00 of CRF for Crush N Run to be placed at 116 Thompson Street the Golden Leaf Masonic Lodge.

Designate \$425.00 payable to the City of Lumberton for Crush N Run located at 116 Thompson Street.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- M. Approve the designation of \$500.00 of CRF to The Pentecostals of Lumberton for Youth Leadership – Owen Thomas, Precinct 8

Councilman Thomas is requesting \$500.00 of CRF for The Pentecostals of Lumberton for Youth Leadership.

Designate \$500.00 of CRF to The Pentecostals of Lumberton for Youth Leadership.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- N. Designate \$350.00 of CRF to Cape Fear Council of the Boy Scouts of America – Owen Thomas, Precinct 8

Councilman Thomas would like to provide \$350.00 of CRF to the Cape Fear Council of the Boy Scouts of America for their various programs.

Approve contribution of \$350.00 of CRF funds to the Boy Scouts.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- O. Approve the designation of \$250.00 of CRF to UNCP Office of Regional Initiations for SAT Camp – Owen Thomas, Precinct 8

Councilman Thomas would like to provide \$250.00 of CRF to UNCP Office of Regional Initiations for SAT camp to support students from Lumberton High School attending camp. Approve contribution of \$250.00 of CRF funds UNCP Office of Regional Initiations for SAT Camp.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- P. Approve the Designation of \$1,850.00 to United Way of Robeson County as follows: P3 - \$250.00 P4 - \$250.00 P6 - \$50.00 P7 - \$300.00 P8 - \$500.00 from the Mayor's Discretionary Fund \$500.00 – Holt Moore, City Attorney

The Mayor would like to provide \$500 of discretionary funds to the United Way of Robeson County.

Approve grant of discretionary funds.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- Q. Approve the Designation of \$1,450.00 of CRF to - Lumberton Christian Care Center as follows: P1 - \$250 - P3 - \$100 P4 - \$250 P6 - \$100 P7 - \$150 P8 - \$100 Mayor's Discretionary Fund \$500 – Holt Moore, City Attorney
The Mayor would like to provide \$500 of discretionary funds to the Lumberton Christian Care Center.
Approve grant of discretionary funds.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John R. Carroll, Councilman
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

- R. Approve the designation of \$1,300.00 of CRF to - Cape Fear Council of the Boy Scouts as follows: P3 - \$100 P4 - \$200.00 Mayor's Discretionary Fund - \$1,000.00 – Holt Moore, City Attorney
The Mayor would like to provide \$1,000 of discretionary funds to the Cape Fear Council of the Boy Scouts of America.
Approve grant of discretionary funds.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas, Carroll, Chavis
ABSTAIN:	Davis
ABSENT:	Robinson

V. CLOSED SESSION

VI. ADJOURNMENT