



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • MARCH 4, 2015

Special Meeting

Council Chambers

12:00 PM

500 N Cedar St, Third Floor, Lumberton, NC 28358

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Mayor Pro Tem	Present	
John Robinson	Precinct 2	Present	
Burnis Wilkins	Precinct 3	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	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	
Cedrick McKinnon	Sergeant-at-arms	Present	

II. PUBLIC PORTION

III. AGENDA ITEMS

1. Approve the designation of \$100.00 of Community Revitalization Funds to West Lumberton Elementary School for a Field Trip – Leon Maynor, Precinct 7
Councilman Maynor requests \$100.00 of Community Revitalization Funds to be given to West Lumberton Elementary School for a field trip.
Designate \$100.00 of CRF to West Lumberton Elementary School for a field trip.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

2. Approve the designation of \$100.00 of Community Revitalization Funds for Project Graduation – Leon Maynor, Precinct 7
Councilman Maynor requests \$100.00 of CRF for Project Graduation.
Designate \$100.00 for Project Graduation.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

3. Rezoning request for property located on Cox Road (portion of parcel #1002-01-011-01) (Deed Book 406 Page 72). – Brandon Love, Planning Director
Tommie Cox has submitted a Rezoning Petition for property located on Cox Road (portion of parcel #1002-01-011-01) (Deed Book 406 Page 72). This request is to rezone property from A (Agriculture) to R-20 (Residential Single Family). The applicants' intent is for the lots to be used for single family residences, to be conveyed to his relatives for their home sites. 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:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

4. Rezoning request for property located at 3303 W. 5th Street (parcel #3217-02-013) (Deed Book 1931 Page 535). – Brandon Love, Planning Director
Luther Allen Lewis, Jr. has submitted a Rezoning Petition for property located at 3303 W. 5th Street. This request is to rezone property from R-6 (Residential Class A Mobile Home) and R-15 (Residential Single Family) to M-1 (Light Manufacturing). The applicants' intent is for the operation of a automotive mechanics shop.
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. Rezoning Request for property located on Saddletree Road (parcel #1005-01-003-05) (Deed Book 0581 Page 0606). – Brandon Love, Planning Director
Lumberton Solar 1, LLC has submitted a Rezoning petition for property located on Saddletree Road (parcel #1005-01-003-05). This request is to rezone property from A, Agriculture to M-1, Light Manufacturing. The applicants' intent is for a community or regional solar farm (use#17.200) at this location.

Lumberton Solar1, LLC. has also submitted a Conditional Use Permit for this property. 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. Conditional Use Permit Application for property located on Saddletree Road (parcel #1005-01-003-05) (Deed Book 0581 Page 0606). – Brandon Love, Planning Director
Lumberton Solar 1, LLC has submitted a Conditional Use Permit Application for property located on Saddletree Road (parcel #1005-01-003-05). This request is for a Conditional Use Permit to operate a community or regional solar farm (use#17.200) 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.

7. Posting No Parking Signs on north side of Poplar St. – Michael McNeill, Police Chief
Poplar Street is very narrow and residents can't back out of their drive safely when other vehicles are parked on the street. It is requested that No Parking signs be erected on the north side Poplar St., 30 feet from Carthage Rd.
It is recommended that No Parking signs be posted on the north side of Poplar Street, thirty (30) feet from Carthage Rd.
8. Authorize the February 2015 Property Tax Releases – Linda Oxendine, Public Services Director
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:

2012-----101.72

2013-----375.48

2014-----1,056.73

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

9. Rezoning request for property located on Carver Street and North Street (parcel #3210-01-032 and part of parcel #3210-01-045) (Deed Book 1848 Page 472 and Deed Book 1853 Page 407). – Brandon Love, Planning Director
Dean C. Hilton has submitted a Rezoning Petition for property located on Carver Street and North Street. This request is to rezone property from R-7 (Residential Single Family) to B-2 (Business Community). The applicants' intent is as follows: 1) to recombine five (5) parcels into three (3) parcels; 2) add property behind existing laundry to laundry parcel; 3) construct a 2,700 s.f. commercial building on vacant parcel; 4) construct duplex apartment on vacant parcel.
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.

10. NEW BUSINESS

11. Approve the Naming Rights Agreement for the Downtown Performance Shelter Southeastern Health – Holt Moore, City Attorney
Mr. Robert Britt appeared before the Council Policy Committee and stated that he is acting on behalf of Rediscover Downtown Lumberton (RDL). He stated that last year Council approved a Naming Rights Policy and they would like to use that policy for the naming of

the Plaza Performance Shelter. He said that the cost for the naming rights is \$48,400. He stated that with the portion of money that RDL has (\$17,000); Southeastern Health committed to giving them \$31,400 for a 10-year Naming Rights upon the commencing of construction. Mr. Britt stated that he would like to get the approval of the City Council for the naming rights of the Plaza Performance Shelter for Southeastern Health for 10 years. Due to the fact that the vote at the CPC was not unanimous, the item was placed on the regular, as opposed to the consent, agenda for the February Council meeting, at which time the matter was tabled, primarily so that questions concerning protocol by RDL, as well as specifics on the proposals could be addressed.

Towards that end, regarding the proposals, a letter from the Rediscover Downtown Lumberton Marketing Committee Chairman, relaying the recommendation of the RDL Board of Directors, as well as the two written proposals from Lumberton Ford and Southeastern Health are attached. RDL Board members will be available to answer other questions. Approve the 10-year Naming Rights for the Plaza Performance Shelter to Southeastern Health in the amount of \$48,400.

12. Additional Parking for Bill Sapp Recreation Center – Tim Taylor, Recreation Director
During the 2012 Council Planning Workshop staff discussed the need for additional parking to support the many regular and special event activities that take place at the Bill Sapp Center. The discussion focused on the acquisition of property along East 11th Street from Cedar to Willow Street as such property became available for purchase.

In October 2013, the City accepted an offer to purchase 508 East 11th Street for this purpose. Staff recently received a verbal offer from Lumber River I Family LTD owner at 504 East 11th Street to sell said property to the City at a cost of \$22,500. The tax value of the property is \$20,000.

Recreation staff recommends that Council accept the offer to sell property located at 504 East 11th Street to the City. If approved, the cost of this property purchase would be charged to funds available within operating budget codes for contract service and property demolition that will not be spent by June 30, 2015.

13. Purchase of Used Broom and Tractor from Lloyd Meekins – Rob Armstrong, Public Works Director

Public Works uses the milling machine purchased a few years ago to edge mill, full width mill and tie-in mill streets that we are proposing to repave. Experience has taught us that our street sweeper does not completely remove milling debris from the road before repaving paving. This is because the broom sweeps horizontal to the pavement rather than digs in on a vertical sweep. The residual debris left in the street is compressed together in an asphalt lump and makes it a little difficult to pave smoothly over resulting in a slightly uneven surface. To alleviate this, we have looked into buying a front mounted broom for one of our tractors. We priced these attachments new for about \$6,500 or more – for just the broom attachment not including the tractor. The added problem to sweeping is that you really need an enclosed cab because the brooming operation is extreme dusty. We don't have an enclosed cab tractor available for this attachment. We have found a *used* broom, enclosed tractor and blade for \$8,356.70 at Lloyd Meekins (photo attached). Roy Sealy has checked out the mechanical condition of both the broom and tractor and feels it is in good shape.

Public Works is requesting authorization to purchase a used, 2005 New Holland TN60DA Broom Tractor from Lloyd Meekins & Sons Auction Co. for \$8,356.70 with funds allocated from the Water and Sewer Capital Reserve Fund.

14. Appeal of Unsafe Structure Determinations - Lumberton Mobile Home Park – Holt Moore, City Attorney

The Inspections Department began the condemnation process with regard to many of the mobile homes in the Lumberton Mobile Home Park at 1140 North Roberts Ave. Hearings were held on December 4, 2014. The city has received appeals from the owners of nine individually-owned mobile homes - the homes on Lots number 11, 12, 13, 27, 34, 36, 39, 42 and 49 – as well as one appeal by the park owner for all the homes owned by the park itself. As there are technically ten different appeals, Council will need to consider and rule on each appeal separately, with the Inspections Director presenting information as to why the mobile home or mobile homes at issue in that appeal were condemned, what happened at the hearing on December 4th, and then with the owner presenting any relevant information as to why the decision should be overturned or whatever other relief they are seeking.

The determination by the Inspections Director, and copies of each appeal, are attached to the agenda item.

Consider each appeal and either uphold, modify, or overturn the decision of the Inspections Director.

15. Rezoning Request for property located at 3147 W. 5th Street, 3182 W. 5th Street and 505 Cottonwood Street (parcel #'s 3218-01-001, 3218-01-001-01A & 3218-01-001-01) (Deed Book 595 Page 0908 & Deed Book 1839 Page 409). – Holt Moore, City Attorney

Jerry Michael Townsend has submitted a Rezoning Petition for property located at 3147 W. 5th Street, 3182 W. 5th Street and 505 Cottonwood Street (parcel #'s 3218-01-001, 3218-01-001-01A & 3218-01-001-01) This request is to rezone property from M-2, Heavy Manufacturing and M-1, Light Manufacturing to B-4, Business General Commercial.

On February 17, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.

Recommends that City Council hold today's public hearing and approve the rezoning request.

16. CLOSED SESSION -