



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • FEBRUARY 11, 2019

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	Precinct 2	Excused	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Excused	
Chris Howard	Precinct 6	Absent	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

B. Invocation: City Attorney Moore –

C. Pledge of Allegiance: Led by Councilmen-Elect Eric Chavis & John Carroll –

II. PUBLIC COMMENT PERIOD: NO APPEARED TO SPEAK.

III. CONSENT AGENDA

RESULT:	ADOPTED [3 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Higley, Thomas
ABSTAIN:	Davis
ABSENT:	Howard
EXCUSED:	Robinson, Cantey

A. Authorize the Lumberton Police Department to apply for the 2020 Governor's Highway Safety Program Grant - Council Policy Committee

The Lumberton Police Department is requesting permission to apply for the 2020 GHSP Grant in the amount of \$244,295.00 which will fund two DWI officers, two vehicles, and equipment.

It is recommended that the Lumberton Police Department be granted permission to apply for the 2020 GHSP Grant in the amount of \$244,295.00 for a DWI traffic enforcement team.

B. Approve the Appointment Jay Humphrey to the Personnel Board - Council Policy Committee
King Compton has resigned from the Personnel Board after a period of long and dutiful service, and Council needs to appoint a replacement. It is important that the members of the

Personnel Board have human resource-related experience. There is also a goal of ethnic diversity on the board, which is currently addressed as Abe Marshall and Felicia Hunt, currently on the board, are African-American and Native American respectively. Jay Humphrey, employed with Two Hawk Employment Services, has expressed a willingness to serve on the board and staff believes he would be an excellent choice.

Appoint Jay Humphrey to the Personnel Board.

- 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 for a Conditional Use Permit for property located at 3500 Elizabethtown Road. - Council Policy Committee

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 from the City of Lumberton's Planning Department.

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 Planning Board for their review, and authorize the Interim Planning Director to set the date of the public hearing on a Request for a Conditional Use Permit for property located off of Saxon Avenue - Council Policy Committee

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 prior to operation.

CPC to review the request, refer the petition to Planning Board for their review, and authorize the Interim Planning Director to set the date of the public hearing.

- E. Approve Tax Release for January 2019 in the Amount of \$20,269.98 - Council Policy Committee

Tax Releases for January 2019

2013.....\$19.09

2014..... 6.24

2015.....15.05

2016.....57.39

2017.....68.37

2018.....20103.84

Recommend Council approval of January 2019 tax Release

- F. Authorize the Tax Collector to Advertise and Collect 2018 Taxes in Accordance with the General Statute - Council Policy Committee

In accordance with G.S. 105-369(a) the tax collector must report to the governing body the total unpaid 2018 taxes that are lien on real property. Said property taxes are attached totaling \$1,031,836.03.

Authorize the tax collector to advertise and to collect 2018 taxes in accordance with the general statute.

- G. Approve the designation of \$500.00 of CRF to United Way of Robeson County from Precinct 1 - Council Policy Committee

Councilman Rising requests \$500.00 of CRF to be given to United Way of Robeson County. Designate \$500.00 of CRF to United Way of Robeson County.

- H. Approve the designation of \$700.00 of CRF to the AJ Robinson Community Day on February 9th, 2019 - Council Policy Committee

Councilman Cantey is requesting \$700.00 of Community Revitalization Funds for the AJ Robinson Medical Clinic Community Day to be held on February 9, 2019.

Designate \$700.00 of CRF to the AJ Robinson Medical Clinic Community Day on February , 2019.

- I. Approve the designation of \$250.00 of Community Revitalization Funds to the Mayfair North Association in Precinct 8 - Council Policy Committee

The Mayfair North entrance is maintained by the Mayfair North Association which was established by deed restrictions when Mayfair North was developed. It is an active association and we collect dues annually and contact with Mike Mowing & bush Hog service to do the maintenance. I am requesting \$250.00 of CRF to be given to the Mayfair North Association for entrance beautification.

Designate \$250.00 of CRF to the Mayfair North Association for entrance beautification.

IV. PUBLIC HEARING

- A. Cellco Partnership d/b/a Verizon Wireless. Conditional Use Permit petition for property located off of Martin Luther King Jr. Drive. – ArTriel Kirchner, Interim Planning Director
Cellco Partnership d/b/a Verizon Wireless has submitted a Conditional Use Permit petition for property located off of Martin Luther King Jr. Drive and being parcel #101701027/Deed Book 1885 Page 155. This request is to allow for the construction of a 155 feet cellular tower at this location. This property is zoned 'A' (agriculture) and requires a Conditional Use Permit. This property is located within Area 7 and its recommended future use is low intensity, as identified in our Land Use Plan. This property is located within the City's ETJ.

ADD INFORMATION SINCE JANUARY 14, 2019 COUNCIL MEETING:

Page 27 - Email from the applicant regarding reasons for choosing this location, Page 35 - Email regarding the private cemetery, Page 36 - Nearest cell tower locations, Page 37 - Cell tower locations within Lumberton's Jurisdiction, Page 38 - Cell tower locations within each council precinct, Page 39 - Map showing the distance the private cemetery is from the Property in Question, Page 40- Map showing the flood zone for the Property in Question.

On January 23, 2019 the Planning Department mailed letters to the adjacent property owners within 150 feet of the petitioned property, requested a sign be posted on the property on or before February 1, 2019 and sent a request to the Robesonian to have the legal ad ran on February 1, 2019 and February 8, 2019, all to provide public notice of this request.

On January 22, 2019 the Planning Board held the public meeting and unanimously recommends that City Council approve the Conditional Use Permit request.

Mr. Ben Herrick, Faulk & Foster Real Estate , appeared before Council and stated that he is a representative for the petitioners and that they received their letter of No Hazard Determination to Air Navigation from the Federal Aviation Administration (FAA) and everything is in order.

Attorney Marcus Williams appeared as a representative of the land owners and expressed that this is a great service that Verizon is doing. It's advancing technology and is a positive sign of economic development since this area has been hit with several storms.

RESULT:	APPROVED [3 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Higley, Thomas
ABSTAIN:	Davis
ABSENT:	Howard
EXCUSED:	Robinson, Cantey

V. NEW BUSINESS**A. Groundwater Assessment fro First Street Demo Project – Council Policy Committee -- Rob Armstrong, Public Works Director**

The North Carolina Department of Environmental Quality Underground Storage Tank Unit is requiring additional long-term ground water monitoring to be conducted at the First Street & Town Common site where the warehouses were removed a few years ago. Attached is a proposal from Blue Ridge Geological Services. Public Works recommends we contract with the company for Task 1 only at this time for \$8,500 which will be paid for by the remaining CDBG funds allocated to the project.

CPC is requesting that Council approve the contract with Blue Ridge Geological Services for \$8,500 to perform Task 1 of the groundwater assessment plan which will be paid for by the remaining CDBG funds allocated to the project.

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

- B. Acceptance of Bid to Grade, Level and Install Gravel in Parking Area on East 11th Street – Council Policy Committee -- Tim Taylor, Recreation Director

Three informal bids were received from area contractors to grade, level and install ABC Stone on lots owned by the City on East 11th Street for the purpose of creating overflow parking at the Bill Sapp Recreation Center.

The following bids were received:

Brent Barfield	\$10,950.00
Sykes Paving, INC.	\$12,875.00
McArthur Construction	\$35,165.00

\$25,000.00 has been allocated in the Recreation Department Capital Reserve Code 10-00-8170-5701 to complete this work.

CPC recommends that City Council accept the bid from Barfield Backhoe in the amount of \$10,950.00 to level, grade and install ABC stone on East 11th Street to create an area for overflow parking at the Bill Sapp Recreation Center.

RESULT:	APPROVED [3 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Higley, Thomas
ABSTAIN:	Davis
ABSENT:	Howard
EXCUSED:	Robinson, Cantey

- C. Award the Preparation and Painting of the items Downtown on the Plaza to Stone's Painting Corp of Lumberton in the amount of \$5,650.00 – Council Policy Committee -- Brandon Love, Deputy City Manager

The Downtown Plaza has undergone a major renovation over the last couple of years and the construction is nearing an end. In order to finish the overall look of the work that has been done; the Recreation-DT Coordinator requested quotes for the preparation and painting of the following items Downtown on the Plaza; the corner post on Performance Shelter and beams on the front and back; bollards on sidewalk along 5th street, benches attached to brick walls, flag poles and light poles.

The following three (3) quotes were received:

Stone's Painting Corp	\$5,650.00
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Miguel Rodriguez \$6,400.00

CertaPro Painters \$7,298.00

Recreation-DT Coordinator is recommending that CPC award the Preparation and Painting of the items Downtown on the Plaza to: Stone's Painting Corp of Lumberton in the amount of \$5,650.00 to be paid out of Code 10-00-4111-9910.

RESULT:	APPROVED [3 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Higley, Thomas
ABSTAIN:	Davis
ABSENT:	Howard
EXCUSED:	Robinson, Cantey

D. Clean-up Change Order for Plaza Work – Council Policy Committee -- Holt Moore, City Attorney

The Deputy City Manager would like to discuss with Council a request for Council to grant to staff authority to negotiate any change orders up to a maximum of \$15,000 in order to complete all of the plaza work before the 2019 Rumba on the Lumber event. Mr. Love will provide further details at the meeting.

Grant authority to staff to negotiate final 'clean-up' change orders in order to complete plaza work prior to the Rumba on the Lumber.

Councilman Rising made a motion, seconded by Councilwoman Higley, to waive the CPC hearing to hear the unagendaed item; Clean-up Change Order for Plaza Work. It carried unanimously.

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

VI. ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned.