CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● FEBRUARY 10, 2020

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	Mayor Pro Tem	Present	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Eric Chavis	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Brandon Love	Deputy City Manager	Present	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

B. Invocation: City Attorney Holt Moore –

C. Pledge of Allegianc: Pack 301...Webelos II....Zack Greene Den Leader/Cub Master –

D. Good Samaritan Awards

The following recipients (Good Samaritans) received the City of Lumberton's Distinguished Service Award presented by Councilman Eric Chavis on behalf of the City Council. On December 10, 2019, James Locklear, who is the editor and publisher of Native Visions Magazine, was attempting to help an elderly couple who had just been in a car accident of Fayetteville Road when he (James) suffered a heart attack.

1. Officer Daniel M. Smith –

2. Allison Wright –

3. Jamie Bell –

4. James Locklear –

II. MINUTES APPROVAL

A. City Council - Regular Meeting - Jan 13, 2020 6:00 PM –

RESULT:	**ACCEPTED [8 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

III. PUBLIC COMMENT PERIOD

No one appeared to speak.

IV. CONSENT AGENDA

A. Authorize the tax collector to advertise and to collect 2019 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 2019 taxes that are lien on real property. Said property taxes are attached totaling $994,790.03.
Authorize the tax collector to advertise and to collect 2019 taxes in accordance with the general statute.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

B. Accept the Donation of property located on Hornets Road by Friends of Recreation - Council Policy Committee
In 2001, the Baker family donated the property across Hornets Road from the main entrance to Pennington Athletic Complex to the Friends of Recreation and Parks Foundation, Inc. It was contemplated that the nonprofit might be able to sell the property but that has not come to pass. Currently the Friends of Recreation are simply paying taxes on the parcel and the City is maintaining it. The Friends would like to donate it to the City for whatever use the City may ultimately decide upon. A dog park has been one option discussed on numerous occasions. The property is 7.56 acres and has a tax value $26,500. Attached are street view pictures of the property from the south and north, an aerial the property highlighted, the tax information, and the deed to the property.
Accept donation of property from the Friends of Recreation.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

C. Refer the petition to Planning Board for their review, and authorize the Interim Planning Director to set the date of the public hearing for a Conditional Use Permit petition for property located off of West Carthage Road (parcel # 100501024 /Deed Book 551 Page 726). - Council Policy Committee

USCOC of Greater North Carolina, LLC has submitted a Conditional Use Permit petition for property located off of West Carthage Road and being parcel #100501024. This request is to allow for the construction of a 130 feet cellular tower at this location. This property is zoned ‘A’ (agriculture) and requires a Conditional Use Permit.

This property is located within Area 11 of our Land Use Plan and its recommended future use is rural. This property is located within the City’s ETJ.

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.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

D. Refer the petition to the February 18, 2020, Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing for the Lumberton Housing Authority Rezoning Petition for property located at 2440 E. 5th Street. - Council Policy Committee

Lumberton Housing Authority has submitted a Rezoning petition for property located at 2440 E. 5th Street (parcel #1014-03-026 & 1014-03-03301/Deed Book 1001 Page 296 & Deed Book 970 Page 269). This request is to rezone the property from B-7, Business general commercial/mobile home sales to R-3, multifamily for the construction of a multifamily development.

This property is located within Area 5 of our Land Use Plan and its recommended future use is Industrial. Furthermore, this property is located within Council Precinct #4.

If this rezoning 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 the February 18, 2020 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

E. Approve the Ratification of the Agreement with CSX in the Amount of $16,500 for the Flood Gate Project - Council Policy Committee
CSX requested that the City approve an agreement for the Flood Gate in the amount of $16,500. On January 17, 2020, a telephone poll was conducted and the vote was unanimous. That City Council ratify the unanimous vote approving the contract with CSX in the amount of $16,500.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

F. Approve the Buyout Program Agreement With North Carolina Department of Public Safety, Office of Recovery and Resiliency - Council Policy Committee
The N.C. Department of Public Safety, Office of Recovery and Resiliency is administering a buyout program using CDBG funds, for homeowners who have experienced significant flood damage to their homes, but who have been denied by the other recovery programs. Up for Council's approval is the contract which will allow NCORR to move forward with the buyout of those properties selected. The selection process was very thorough, and involved, among other criteria, tying in with existing buyout properties such as to avoid 'checkerboarding' – properties being bought out in a spotty or isolated manner. The city is fortunate to have this additional program to assist those who, for one reason or another, could not be otherwise assisted in moving to a less flood-prone location.
Approve buyout agreement with NCORR.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

G. Approve contribution of $1,100.00 of CRF funds to the Cape Fear Council of the Boy Scouts of America as follows: P1 - $100.00 P2 - $100.00 P3 - $100.00 P4 - $100.00 P7 - $100.00 P8 - $100.00 and $500.00 Mayor's Discretionary Fund - Council Policy Committee
Councilman Thomas would like to provide $100.00 of CRF to the Cape Fear Council of the Boy Scouts of America for their various programs.

Approve contribution of $1,100.00 of CRF funds to the Boy Scouts as follows: P1 - $100.00 P2 - $100.00 P3 - $100.00 P4 - $100.00 P7 - $100.00 P8 - $100.00 and $500.00 Mayor's Discretionary Fund

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

V. NEW BUSINESS

A. Authorization to Purchase Police Vehicles – Council Policy Committee -- Michael McNeill, Police Chief
The Police Department is requesting authorization to proceed in purchasing 6 vehicles for the Detective Division with funding in current Capital Budget in the amount of $150,000 (10-00-8120-5411). These vehicle are coming off of the state contract.
It is recommended that City Council authorize the Police Department to proceed in purchasing 6 vehicles for the Detective Division.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

B. Authorization to Purchase LiveScan System – Council Policy Committee -- Michael McNeill, Police Chief
Current LiveScan system is no longer working and due to its age, technicians are no longer servicing or repairing this type of system. The Police Department is seeking permission to purchase a new LiveScan System in the amount of $25,000. Funding will come from Operating Budget. This is essentially a unique sole source item.
It is recommended that Police Department be given the authorization to proceed in purchasing a new Morpho Trak LiveScan System from the vendor Idemia in the amount of $25,000 with funding coming from current year Operating Budget.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Melissa Robinson, Precinct 2
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

C. Appointment to the Airport Commission – Council Policy Committee -- Holt Moore, City Attorney
The Mayor is requesting that Council appoint Councilman Chavis to the Airport Commission. Councilman Rising is currently on the commission. The County has two

commissioners on the board, so this (Councilman Chavis' appointment) would provide for an equal number of elected officials from each entity. Staff can provide additional details relating to the potential appointment at the CPC meeting.
Appoint Councilman Chavis to the Airport Commission.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

D. Donation of Property From French Family Properties – Council Policy Committee -- Brandon Love, Deputy City Manager
The City Manager's office brought before you at its 10/9/19 and 12/4/19 meetings, a conceptual approval and then final approval for a donation of land along Dawn Drive, just outside the Mayfair subdivision, and also one area inside the subdivision from Mr. B G French, Principal with French Family Properties. Council on 12/4/19 approved the acceptance of the donation and agreed to pay the cost of surveying for a maximum of $5,000; however, since that time Mr. French has received an invoice for the survey and mapping of the property from Johnny Powers in the amount of $6,000.
As referenced on the attached letter, Mr. French acknowledges the City's agreement up to $5,000 but he is wondering if the City would consider paying the full $6,000.
CPC recommends that Council approve paying the $6,000 for the survey and mapping of the property.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Karen Higley, Precinct 4
SECONDER:	Leroy Rising, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

E. Catlin Engineers Professional Service Agreement Modification for the Rempac Project – Council Policy Committee -- Rob Armstrong, Public Works Director
Catlin Engineers is working on the final design of the flood mitigation berm for the Rempac Foam site on Starlite Drive. The US Army Corps of Engineers is requiring the City to obtain a Nationwide 39 Permit to relocate an existing ditch on the south side of the Rempac Property. The Nationwide 39 Permit was not in Catlin's original technical services scope. Public Works is requesting Council approval to modify the original Catlin Agreement by $3,890 to include the Nationwide 39 Permit. This service will be paid for by the NC Commerce CDBG Grant funding the overall project.
CPC recommends Council's approval to modify the original Catlin Engineers Agreement by $3,890 to be paid for by the NC Commerce CDBG Grant funding the overall project.

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

F. Wesley Pines Lift Station Pump – Council Policy Committee -- Rob Armstrong, Public Works Director

This item was listed in the 2019-2020 budget and approved previously. This is for the purchase of a new Flyght pump for use at the Westley Pines Lift Station to replace a well-used older pump. The amount budgeted for this item was $28,000 based on previous quotes. The new quote that we have received from the manufacture is now $30,732.95.

CPC recommends Council's approval of the purchase of this Flyght Pump for the Westley Pines Lift Station in the amount of $30,732.95. This would be $28,000 from the water and sewer capital reserve as budgeted, and the balance coming from the Public Utilities Maintenance Code 60-00-7132-3550.

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

G. Consideration of Pocket Park Lease – Council Policy Committee -- Holt Moore, City Attorney

Over the last several months, the City Manager and Deputy City Manager have been in discussions with Dick Taylor, who owns the vacant lot at 306 N Elm Street, adjacent to the new mural downtown, regarding his potentially leasing to the City that vacant lot for a 'pocket park.' Mr. Taylor has conceptually proposed leasing the lot to the City for an amount equal to his city and county taxes. A draft lease put together by the Legal Department is attached for your consideration. The taxes are approximately $540/year currently, so over the course of a 5-year lease the cost would be approximately $2700. The lease would provide that Mr. Taylor may cancel the lease if he provides building permits showing firm evidence of his immediate plans to build a building at that location.

Approve lease for submittal to Mr. Taylor.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

H. Approval of CSX - Temporary Right of Entry Agreement – Council Policy Committee -- Brandon Love, Deputy City Manager

The City of Lumberton's consulting engineer on the floodgate project at the CSX rail line and I-95 has contracted for soil borings along the CSX track, adjacent to the proposed location of the floodgate project. Because this activity requires access upon railroad right-of-way, CSX is requiring execution of the attached right of entry agreement and payment of $9,450 for various requirements such as liability insurance and design review.

Staff is recommending that City Council authorize execution of the attached CSX – Right of Entry Agreement and payment of the $9,450 access fee.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

VI. ADJOURNMENT