



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • FEBRUARY 9, 2015

Regular Meeting

Council Chambers

7:00 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	Excused	
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	

2. Invocation: Pastor David Ruth, First Presbyterian Church, Lumberton

i. Pledge of Allegiance

Walt Bailey, along with Troop 301 of First Presbyterian Church.

A. Public Comment Period

Quinton Robinson, a straight A student with Lumberton Junior High School along with his teacher, Ms. Felicia Hunt and fellow students, appeared before the City Council and thanked them for their help in sending them to Chapel Hill. The experience that Quinton received as well as his classmates will assist them in their quest to bridge the gap between secondary education and local business and industry. Mayor Pennington wished them the best!

II. MINUTES APPROVAL

1. City Council - Regular Meeting - Jan 12, 2015 7:00 PM –

RESULT:	ACCEPTED [7 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

III. AGENDA ITEMS

1. Approve the Naming Rights Policy Fee Schedule – Tim Taylor, Recreation Director
Council reviewed a Sponsorship/Naming/Advertising Policy draft submitted at the November 5th Council Policy meeting with the understanding that a fee schedule proposal would be provided at a later date. Attached is a draft fee schedule for Council consideration. Recommend that City Council accept the fee schedule proposal submitted for inclusion into the Sponsorship/Naming/Policy previously adopted in November 2014.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

2. Adopt a Resolution Ordering the Tax Collector to Advertise Tax Liens – Linda Oxendine, Public Services Director
In accordance with G.S. 105-369 the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. The total amount of unpaid taxes for the current fiscal year totals \$1,049,007.53. Recommend that Council order the tax collector to advertise current year tax liens.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

3. Refer the Petition from Adelio Cruz requesting a Conditional Use Permit for property located at 3541, 3545 & 3551 Lackey Street to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 3541, 3545 & 3551 Lackey Street (parcel #1008-01-009-03). This request is to allow for a restaurant which sells alcoholic beverages. 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 [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

4. Refer the Petition Requesting Rezoning for Property Located at 3147 W. 5th Street, 3182 W. 5th Street and 505 Cottonwood Street – Brandon Love, Planning Director

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. 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 [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

5. Approve an Encroachment Agreement for a Sign Located at 118 W. 5th Street – Holt Moore, City Attorney

Petitioner Gray Built Construction, Inc., proposes to install a sign at 118 W. 5th Street for their client K.M Biggs, who in turn is renting the recently renovated building at that location to Two-Hawk Employment Services. If approved, the sign will be oval in shape, as depicted on the attached rendering, fifty inches in length, hung from a metal support which will be fifty-two and a half inches. The sign would be made of a hi-density urethane and sand blasted, made by Sammy Shackelford, and would be 9'2" above the sidewalk at its lowest point. An encroachment agreement is required, and the proposed agreement is attached.

Consider and approve request for encroachment agreement, authorizing the Mayor to sign the same.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

6. Approve an Encroachment Agreement with Jacqueline Locklear – Holt Moore, City Attorney
- The item relates to a piece of property located near Luther Britt Park, on the corner of Lowery and Branch Streets, and owned until very recently by the Friends of Recreation & Parks Foundation, Inc. It has now been deeded to the City. The property is shown on the map attached to the agenda item. Ms. Locklear, who owns and resides upon the property to the south, built an addition to her house and it was erroneously constructed in part on the Foundation's, now the City's, land. The intrusion is about 40' across (east-west) and 10' (north) into the property, based upon the GIS. The Recreation Director believes the intrusion will not impact any anticipated use of the property by the City. Ms. Locklear contends the addition was built with the City's knowledge. She has nonetheless agreed to pay \$500 for an encroachment agreement to make the intrusion on the property legal. The City Attorney has drawn up such an agreement. It does require that City approval be

obtained before rebuilding can occur, if the structure is ever damaged beyond 50% of its value.

Councilman Maynor made a motion, seconded by Councilman Cantey, referring the item to Council to approve the encroachment agreement and waive the \$500.00 charge. It carried unanimously.

Consider and approve encroachment agreement.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

7. Adopt an Ordinance Directing the Building Inspector to Remove and Demolish Unsafe Structure located at 2140 Kenny Biggs Road – Ben Andrews, Inspections Director
The house located at 2140 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the Hearing was held on December 5, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of January 19, 2014. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2140 Kenny Biggs Road.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

8. Adopt An Ordinance Directing the Building Inspector to Remove and Demolish the Unsafe Structure located at 2200 Kenny Biggs Road – Ben Andrews, Inspections Director
The house located at 2200 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the Hearing was held on December 5, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of January 19, 2014. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2200 Kenny Biggs Road.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

9. Declare a 1991 E-One Ladder Truck Surplus – Paul Ivey, Fire Chief
Lumberton Fire Department request permission to surplus a 1991 E-One Ladder Truck. The

truck has been replaced with a 2014 Rosenbaur Ladder Truck.
Lumberton Fire Department recommends CPC designate the 1991 E-One Ladder Truck as surplus.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

10. Approve Contract with Lumberton Housing Authority for Additional Beat - Police Services – Holt Moore, City Attorney

For quite some time the Lumberton Housing Authority has had an agreement with the City of Lumberton through which the City provides additional police services for Authority properties. The last of these agreements ended in August 2014. The current agreement will therefore be partially retroactive. The proposed agreement is attached and is identical to the most recent agreement, with the exception of some language added to ensure that a back-due balance owed to the City for the period since the lapse is paid upon execution of the agreement. This agreement will run through March of this year. The Authority would like to explore adding additional services, beyond those in the current contract, when the next contract is put into place – hence the short term of the current proposed contract. CPC recommends approval of the contract with the Housing Authority.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
EXCUSED:	Cantey Jr.

11. Direct the City Manager to Find \$1,000 to be given to NCDOT for the Erection of Two Signs at Exit 22 – Erich Hackney, Precinct 8

Councilman Hackney requests that the City Manager find \$1,000 to fund the erection of two signs located at Exit 22.

Authorize the City Manager to find \$1,000 to fund the erection of two signs.

RESULT:	APPROVED [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

12. Approve \$200.00 of Community Revitalization Funds to Boy Scouts of America from Precinct 8 – Erich Hackney, Precinct 8

Councilman Hackney requests \$200.00 of CRF to be given to the Boy Scouts of America. Designate \$200.00 of CRF to Boy Scouts of America.

RESULT:	APPROVED [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

IV. Public Hearings

- I. Interstate Sign Company request a Conditional Use Permit for property located at 5128 Fayetteville Road (Spring Hill Suites) (parcel #1003-01-026-02). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 5128 Fayetteville Road (Spring Hill Suites) (parcel #1003-01-026-02). The proposed Conditional Use Permit is for an 80 feet tall high rise sign to be located within 800 feet of a residential zone.

On January 20, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request. Recommends that City Council hold tonight's public hearing and approve the request.

RESULT:	APPROVED [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

V. New Business

1. Approve the Naming Rights Agreement for the Downtown Performance Shelter Southeastern Health – Council Policy Committee -- Tim Taylor, Recreation Director
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.

Approve the 10-year Naming Rights for the Plaza Performance Shelter to Southeastern Health in the amount of \$48,400.

Councilman Hackney made a motion, seconded by Councilman Maynor, tabling this agenda (Plaza Performance Shelter) until the March 4th, 2015, CPC. He asked that the City Manager meet with the Rediscover Downtown Lumberton Board; discuss the information concerning Lumberton Ford

proposal; clarify the what, how and why it was never presented; he also asked that protocol between Council and Rediscover Downtown Lumberton Board be established. The motion carried as follows:

AYES

Robinson
Wilkins
Ivey
Jones
Maynor
Hackney

NAYES

Metzger

RESULT:	TABLED [6 TO 1]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
NAYS:	Metzger
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.

2. Lumberton Police Department Generator Replacement – Council Policy Committee --
Linda Oxendine, Public Services Director

Recently it was discovered that the Lumberton Police Department generator has an alternator short to ground. Staff has been advised by two generator service companies that the cost to repair is approximately \$20,000 and each recommended replacement rather than repair due to the age of the generator.

A quote has been provided by Gregory Poole Power Systems for purchase of a Caterpillar D100-6 Diesel Package Generator set, rated 100kW Standby, 120/208 VAC three Phase, 60 Hz at 1800 RPM engine at a net cost of \$31,340. Other costs include \$2500 for startup and \$1000 shipping costs. For a total cost \$34,840.

A second quote has been obtained from Power Secure of Wake Forest for a Caterpillar 100kW Engine w/ shipping to Lumberton (same CAT engine), for \$37,500 which included startup and shipping cost

A 3rd quote was also obtained, from Sure Gen Operations LLC, which totaled \$34,000 plus tax. In reviewing this quote it was determined that it was presented as an estimate only.

CPC recommends the purchase a new 100kW Standby Generator for the Police Dept. from Gregory Poole Power Systems for a total cost of \$34,840.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Robinson, Precinct 2
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Cantey Jr.