



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • FEBRUARY 8, 2016

Regular Meeting

Council Chambers

6:00 PM

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

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Mayor Pro Tem - P2	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	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	
Heath Graham	Sergeant-at-Arms	Present	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

Pride in Lumberton - Ms. Eshonda Hooper –

Mayor Davis, Councilmen Cantey and Howard presented Ms. Eshonda Hooper with a Pride in Lumberton award in recognition of her service to the community and on behalf of her continued support and leadership of the Martin Luther King Jr. March. Councilman Cantey stated that if we had 100 people liken unto Ms. Hooper that the City would progress in becoming unified. Mayor Davis and Councilman Howard thanked Ms. Hooper for the work that she does and will do.

Ms. Hooper extended thanks to the Mayor and Council for their participation and donations to the MLK event.

VI. PUBLIC COMMENT PERIOD

Mr. Bruce Mullis appeared before Council on behalf of the Lumberton Youth Baseball Association. He stated that the Dixie Youth has been awarded several tournaments and they will be played at the Raymond B. Pennington Sports Complex this summer. He wanted to prepare everyone for this excitement that will be taking place. Mayor Davis thanked Mr. Mullis for all of his support and efforts when it comes to baseball.

VII. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- A. Authorize the Advertisement of Tax Liens - Council Policy Committee
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 \$997,556.43 real and \$78,109.61 personal. Order the tax collector to advertise tax liens.
- B. Approve the Ratification of \$850.00 of Community Revitalization Funds Given on Behalf of the Martin Luther King, Jr. March "Celebrate the Dream: No Better Place or Time" as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$50.00 P5 - \$100.00 P6 - \$50.00 P8 - \$100.00 Mayor's Discretionary Fund - \$200.00 - City Council
Approve the ratification of a telephonic poll designating \$850.00 of Community Revitalization Funds as listed as above.
Ratify the \$850.00 of Community Revitalization Funds.
- C. Approval of Fire Lieutenant Job Description - Council Policy Committee
Lumberton Fire Department currently has three vacant captain positions. I am proposing to reclassify those positions to lieutenant and place them as supervisors on Ladder 1. This would enable the fire department to have a supervisor on each emergency vehicle.
- The starting pay grade for a captain is grade 15C and the proposed starting pay grade for lieutenant is grade 13C. This amounts to \$3814.30 savings per position.
Lumberton Fire Department recommends CPC approve the attached lieutenant job description and allow the current captain positions to be reclassified as lieutenants.
- D. Refer the Zoning Text Amendment to the Planning Board for their review and Allow the Planning Director to set the date of the public hearing - Council Policy Committee
Councilman Hackney has requested that the Planning Department investigate the possibility of allowing clerical office and service type uses in the B-5 *Highway Service* district. Currently, the Land Use Ordinance for the City of Lumberton does not allow clerical, office and services not primarily related to goods or merchandise in the B-5 zoning district and Sec. 35-136 (f) states that this district is designed to accommodate commercial activities that draw business primarily from and provide services primarily to I-95 traffic. There are approximately 111 parcels currently zoned B-5 within Lumberton's Jurisdiction and of those parcels, there are 6 office uses which would be considered existing, non-conformities. In an effort to assist property owners with filling existing, vacant storefronts along the I-95 corridor, staff is requesting the City Council consider amending the Table of Permissible Uses to allow clerical, office and services not primarily related to goods or merchandise (Land Use #3.000) in the B-5 *Highway Service* zoning district. It is our assumption that over time and with changes to the consumer marketplace, the economics of maintaining clerical

offices along the Interstate would prompt property owners to limit rentals to strictly retail and consumer uses, thereby encouraging office users to seek space somewhere other than along I-95.

Authorize staff to proceed with the recommended zoning text amendment.

- E. Approve February 18th for the Presentation of Updated 5-Year Capital Plan for 2016-2017 Fiscal Year - Council Policy Committee

As part of the annual budget process a special meeting of the City Council is requested for department heads to present their updated 5-Year Capital Project Plan for City Council consideration.

It is recommended that City Council select one of the following dates for the 5-Year Capital Plan workshop.

* Wednesday - February 17th

* Wednesday - February 24th

- F. Adopt a Resolution in Support of the Atlantic Coast Pipeline - Council Policy Committee

At the RCMA meeting held on January 26th, 2016, Mayor McNeill asked if each municipality would endorse the attached resolution in support of the Atlantic Coast Pipeline. Council approved a resolution in October 2014, referencing the same; however, this resolution is more specific as to the benefits:

- More than 4,400 jobs created in the State of North Carolina with almost 2,600 directly supported by spending on construction activities
- More than \$680 million in additional economic activity in our State
- Producing more than \$134 million annually in energy cost savings.
- Savings would generate additional economic activity that would support an average of 925 new jobs annually in our State; and
- Generating almost \$5.5 million in new property tax revenue

This resolution will support the Atlantic Coast Pipeline project and would serve as an endorsement as we urge the Federal Energy Regulatory Commission to approve the project after their review.

That CPC consider this request for endorsement.

- G. Approve the designation of \$150 of Community Revitalization in Precinct 5 for Community Watch - Council Policy Committee

Councilman Cantey requests \$150.00 of CRF for Community Watch.

Designate \$150.00 for Community Watch in Precinct 5.

- H. Approve the designation of \$300.00 of Community Revitalization Funds to Golden Leaf Lodge #124 as follows: P2 - \$100.00 P5 - \$100.00 P6 - \$100 - Council Policy Committee Councilmen Cantey, Robinson and Howard request \$100.00 each to be given to Golden Leaf Lodge #124 for a banquet.

Designate \$300.00 to Golden Leaf Lodge #124.

- I. Approve the designation of \$180.00 of Community Revitalization Funds to Lumberton Jr. High School in Precinct 6 - Council Policy Committee
Councilman Howard requests \$180.00 of CRF to be given to Lumberton Jr. High School for impending Beta Club Convention Trip on February 1-2, 2016. They are asking for assistance with at least 25 students to attend this convention.
Designate \$180.00 to the Lumberton Jr. High School Beta Club.
- J. Approve the designation of \$250 of Community Revitalization Funds to the Boy Scouts of America in Precinct 8 - Council Policy Committee
Councilman Hackney requests \$250.00 of CRF to be given to the Boy Scouts of America.
Designate \$250.00 of CRF to Boy Scouts of America.

VIII. PUBLIC HEARINGS

- A. Powers Family Properties, LLC. requests a contiguous annexation of property located on Roberts Avenue (Parcel #101403021). – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Powers Family Properties, LLC. requesting that property located on Roberts Avenue, being parcel #101403021, be annexed into the City of Lumberton. The City Clerk has investigated and certified the sufficiency of the annexation petition.

Recommend that City Council hold tonight's public hearing and approve the annexation request.

Mayor Davis opened the Public Hearing to consider annexing property located at on Roberts Avenue, parcel number 101403021 into the corporate limits. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

No one appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- B. Rezoning Request for property located at 2870 Kenny Biggs Rd. (parcel #1013-01-013-20) (Deed Book 1983 Page 419) – Brandon Love, Planning Director
Tony Paylor has submitted a Rezoning Petition for property located at 2870 Kenny Biggs Rd. (parcel #1013-01-013-20) (Deed Book 1983 Page 419). This request is to rezone property from M-2, Heavy Manufacturing to B-4, Business General Commercial.

On November 17, 2015 the Planning Board reviewed the petition and recommends that City Council deny the rezoning request on the grounds that it is not consistent with the Land Use Plan for industrial zoning in this area.

On January 11, 2016 City Council held the public hearing, during which Council voted to send the petition back to the Planning Board for further review. Mr. Paylor had been

unavailable for the previous Planning Board meeting and City Council wished to offer him the opportunity to speak to the Planning Board regarding his request.

On January 19, 2016 the Planning Board held a second public meeting in which the board, again recommended that City Council deny the rezoning request. The decision was based on the surrounding zoning districts and the current Land Use Plan. Furthermore, the board's findings were based on the evidence presented and that there was insufficient new evidence to overturn the original recommendation.

On January 25, 2016 letters were sent to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on January 25, 2016, requesting that it be published on January 29, 2016 and February 5, 2016.

A public hearing sign was posted on the property on or before January 29, 2016 giving notice of the public hearing.

Recommends that City Council hold tonight's public hearing and deny the rezoning request.

Mayor Davis opened the Public Hearing to consider an amendment to the Land Use Ordinance by rezoning property located at 2870 Kenny Biggs Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

No one appeared to speak and the hearing was closed.

The motion to deny the request was approved.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Robinson, Mayor Pro Tem - P2
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- C. Conditional Use Permit Request for property located on Saddletree Road (Deed Book 1980 Page 484) (parcel #1005-01-00305) – Brandon Love, Planning Director
Christopher Collins has submitted a Conditional Use Permit Petition for property located on Saddletree Road (Deed Book 1980 Page 484) (parcel #1005-01-00305). This request is for a Conditional Use Permit for an agricultural/farming/livestock operation.

On January 19, 2016 the Planning Board reviewed the petition and unanimously recommends that City Council approve the Conditional Use Permit request with the following conditions:

- 1) No commercial production of poultry, swine or any other livestock on a commercial scale.
- 2) Limit the number of farm animals to ten (10).

On January 25, 2016 letters were sent out to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on January 25, 2016, requesting it be published on January 29, 2016 and February 5, 2016.

Two public hearing signs were posted at either end of the property on or before January 29, 2016 giving notice of the public hearing.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit with the attached conditions.

Mayor Davis opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located on Saddletree Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Dr. Cary and Christopher Collins appeared before Council and stated that she operations a Pediatric Dentistry here in Lumberton; however, she resides in Fayetteville. She stated that she and her husband purchased the property in question so that she could move her to be closer to her business. She stated that the reason for the rezoning is not that they could have some type of livestock operation; but they want to have at no more than two (2) cows and a hen.

Mr. Jimmy Brewington appeared before Council and stated that his concerns were the ten cows or more and a cattle operation. He stated that there is enough smell as it is. He stated that Dr. Collins cleared that up his concerns.

Mr. George Matthews appeared before Council and stated that he would prefer that it stays like it is.

RESULT:	APPROVED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- D. Rezoning Request for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01) – Brandon Love, Planning Director

Snake Owner LLC has submitted a Rezoning Petition for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01). This request is to rezone property from 'A', Agriculture to M-1, Light Manufacturing. The intended use of the property is to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Conditional Use Permit application, which follows this agenda item.

On January 19, 2016 the Planning Board reviewed the petition and unanimously recommends that City Council approve the rezoning request.

On January 25, 2016 letters we sent out to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on January 25, 2016, requesting that it be published on January 29, 2016 and February 5, 2016.

A public hearing sign was posted on the property on or before January 29, 2016 giving notice of the public hearing.

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

Mayor Davis opened the Public Hearing to consider an amendment to the Land Use Ordinance by rezoning property located on Snake Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Attorney Collin Terent, Smith Moore and Leatherwood Attorneys at Law Office, appeared before Council and stated that he is acting on behalf of Snake Owner, LLC. He gave an overview of the company, the application and project. No one else appeared to speak and after a brief discussion the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Erich Hackney, Precinct 8
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- E. Conditional Use Permit Request for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01) – Brandon Love, Planning Director
Snake Owner, LLC has submitted a Conditional Use Permit Petition for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01). This request is for a Conditional Use Permit to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Rezoning application to rezone the property from A, Agriculture to M-1 Light Manufacturing, which precedes this agenda item.

On January 19, 2016 the Planning Board reviewed the petition and unanimously recommends that City Council approve the Conditional Use Permit request with the following conditions:

- 1) Install a double vegetative buffer along the open perimeter of the property.
- 2) Remain in compliance with a letter submitted to Ar'Triel Kirchner, Deputy Director of Planning & Neighborhood Services from Greg S. Ness Assistant General Council, FLS Energy dated November 13, 2015 (filed with the City of Lumberton's Planning Department).
- 3) Remain in compliance with the City's lot mowing requirement.
- 4) If vegetative buffer dies then it must be replaced with an approved buffer planting within 60 days or the next planting season, whichever is sooner.

On January 25, 2016 letters were sent out to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on January 25, 2016, requesting that it be published on January 29, 2016 and February 5, 2016.

A public hearing sign was posted on the property on or before January 29, 2016 giving notice of the public hearing.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit.

Mayor Davis opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located on Snake Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Attorney Collin Terent appeared before Council and gave an overview of the CUP application. He spoke

extensively concerning the type buffer that would be used as a screen for this project and a discussion ensued.

No one appeared to speak in opposition and the hearing was closed. The CUP was granted with the four conditions as listed on the CUP.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

IX. NEW BUSINESS

- A. Approval of Contract - Phase II Environmental Services - CDBG Demolition Project – Council Policy Committee -- Teresa Johnson,
A Request for Proposals to provide the Phase II environmental services for the CDBG Demolition Project was directly sent out to eleven (11) firms. Proposals were received from four firms.

Based upon the rating of the proposals received, staff has determined that Tera Tech best meets the criteria requested in the City's RFP. Recommend that City Council authorize staff to enter into a contract with Terra Tech in the amount of \$8,950 to provide these services. Funding for the Phase II environmental services is provide for in the CDBG grant.

RESULT:	APPROVED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- B. Approval of Purchasing a 2016 Bucket Truck – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director
The Electric Utilities Department seeks approval to purchase a 2016 bucket truck from Northside Ford Trucks through the National Joint Powers Alliance Bid (national government contract) for the price of \$98,108.50. This truck will replace Truck # 244, a 2002 Ford bucket truck. The purchase was approved in the 2015 – 2016 budget in our Capital Code 63-00-8420-5463 in the amount of \$110,000.00. This purchase is \$11,891.50 under the budgeted amount.

Note from Legal: As the item falls under a specific negotiated contract through the NJPA, it satisfies the NC purchasing laws.

The Electric Department recommends the approval of the purchase of the 2016 Bucket Truck from Northside Ford Trucks in the amount of \$98,108.50.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

C. Approval to Purchase a Chipper – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director

The Electric Utilities Department seeks approval to purchase a brush chipper from Vermeer Corporation through the National Joint Powers Alliance Bid (national government contract) for the price of \$47,955.00. This chipper will replace the existing 1994 Vermeer chipper, asset # 226. The purchase was approved in the 2015 – 2016 budget in our Capital Budget Code 63-00-8420-5563 for the amount of \$55,000.00. This purchase is \$7,045.00 under budget.

Note from Legal: As the item falls under a specific negotiated contract through the NJPA, it satisfies the NC purchasing laws.

The Electric Department recommends the approval of the purchase of the chipper from the Vermeer Corporation in the amount of \$47,955.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

X. ADJOURNMENT