



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • JANUARY 14, 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	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Excused	
Holt Moore	City Attorney	Present	

B. Invocation: City Attorney Holt Moore –

C. Pledge of Allegiance –

Councilman Robinson led them into the Pledge of Allegiance.

II. RECOGNITION:

A. Proclamation: John B. Thompson, Planning Board –

Mayor Davis presented Mr. John Bradley Thompson, former City Council member and former Planning Board member with a proclamation recognizing his many contributions to the City of Lumberton since 1989. On behalf of the City Council the Mayor wished him well.

B. Pride in Lumberton Award: Tzu Chi Foundation –

Councilman Cantey stated that Council would like to Tzu Chi for their contribution to our city recently. Tzu Chi reported that during three sessions held on Oct. 27th – 28th and November 25th they distributed 163 cash cards to 381 households totaling \$79,300. The Foundation has expressed plans to continue their relationship with the City. They were introduced to City Staff by the Red Cross. During Hurricane Matthew Tzu Chi coordinated their distribution through United Way of Robeson County.

Councilman Cantey presented a blanket and a piggy bank that were given every person that received a cash card to show the generosity of the Foundation.

Hank Chi received the Pride in Lumberton on behalf of Tzu Chi Foundation. He thanked the City of Lumberton for the opportunity to give. He expressed how the Foundation was started with a group of about 30 people placing 2 cents a day in a can.

He presented Council with a can and said this is how we can start giving back to our communities.

III. PUBLIC COMMENT PERIOD

IV. CONSENT AGENDA

Councilman Cantey made a motion, seconded by Councilman Howard, approving the Consent Agenda as read with the exception of Item IV.E (Cellco Partnerships d/b/a Verizon Wireless. It carried unanimously.

Councilman Cantey stated that he would like to table this item until the February meeting until they have the next community meeting and they find out about the other towers that are supposedly coming.

Councilman Rising expressed concerns as to the due diligence of the item and that this property is not located in any particular precinct because it is located in the ETJ. Councilman Cantey did not agree on that statement; therefore, it was confirmed by the Planning Director that the tower would be located on the parcel that is in the ETJ not specifically Precinct 5.

A substitute motion was presented by Councilman Rising and seconded by Councilman Thomas, referring the petition to the Planning Board and the motion carried as follows:

AYES

Rising
Higley
Thomas

NAYES

Robinson
Cantey
Howard

In the case of a tie, the Mayor has the right to vote. Mayor Davis voted in the affirmative making it a 4-3 vote in favor of the petition moving forward to the Planning Board.

A. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure located at 64 Carolina Avenue - Council Policy Committee

The structure located at 64 Carolina Avenue was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on July 31, 2018 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on September 30, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 64 Carolina Avenue.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

B. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure Located at 2485 E 5th Street - Council Policy Committee

The structure located at 2485 E 5th Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on August 30, 2018 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on October 31, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 2485 E 5th Street.

RESULT:	APPROVED [5 TO 1]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas
NAYS:	Robinson
ABSTAIN:	Davis

- C. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure Located at 123 W 4th Street - Council Policy Committee

The structure located at 123 W 4th Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on November 21, 2018. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on January 2, 2019.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 123 W 4th Street.

RESULT:	APPROVED [6 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- D. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure located at 3052 Westminster Road - Council Policy Committee

The structure located at 3052 Westminster Road was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on November 30, 2018 in which the owner was not present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expires on January 14, 2019.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 3052 Westminster Road.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- E. Refer the Petition Requesting a Conditional Use Permit for Property Located off of Martin Luther King, Jr. Drive to the Planning Board for their Review, and Authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee

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.

The applicant has satisfactorily addressed the ordinance requirements for Use #18.300 Towers and antennas more than fifty feet in height. Also, if the Conditional Use Permit is granted the applicant must submit site plans and building plans for our review and approval.

This property is located within Area 7 and its recommended future use is low intensity, as identified in our Land Use Plan.

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 [4 TO 3]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Davis, Rising, Higley, Thomas
NAYS:	Robinson, Cantey, Howard

- F. Adopt a Resolution Delegating Responsibility for Hearing and Deciding Requests for Compromises of Taxes on Discovered Property to Robeson County Board of Equalization and Review Pursuant to NCGS 105-312(l) - Council Policy Committee
- Generally, with regard to tax matters such as valuation, listing and so forth, the City adopts the findings of the County. It has become apparent that in one area we have not taken the necessary steps to take this same approach. That is in the area of compromises requested on discovered property. Discovered property is that which, for one reason or another, has not properly been listed on the tax rolls, often going back several years. This is the only tax setting of which staff is aware where compromises are allowed by law. Staff believes that in the interest of consistency, these items should be handled by the County as well, but a resolution is needed for this to happen and the City has not done this yet. The statutory authority for this is NCGS 105-312(l). A proposed resolution for Council is attached. This is largely an administrative item.
- Approve attached resolution delegating to County responsibility for considering requests for compromise of taxes on discovered property pursuant to NCGS 105-312(l).

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- G. Approve the Designation of \$500.00 of CRF to Mayfair Home Owners' Association (HOA) for Beautification - Council Policy Committee
- Councilman Thomas would like to designate \$500.00 of CRF to the Mayfair HOA for

beautification.

Designate \$500.00 of CRF to Mayfair HOA.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

- H. Approve a Pride in Lumberton Award for Tzu Chi Foundation - Council Policy Committee Councilman Cantey has requested the presence of the Tzu Chi Foundation at the January Council meeting so Council can thank them for their contribution to our city recently. Tzu Chi reported that during three sessions held on Oct. 27th – 28th and November 25th they distributed 163 cash cards to 381 households totaling \$79,300. The Foundation has expressed plans to continue their relationship with the City. They were introduced to City Staff by the Red Cross. During Hurricane Matthew Tzu Chi coordinated their distribution through United Way of Robeson County.

Councilman Cantey is requesting that Tzu Chi Foundation receive a Pride in Lumberton Award for their contributions to the City of Lumberton.

Approval of Pride in Lumberton for Tzu Chi Foundation.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

V. NEW BUSINESS

- A. Award the Design of the Railroad Culvert Improvements - Five Mile Branch to The Wooten Company – Council Policy Committee -- Rob Armstrong, Public Works Director
- The CSX Railroad Culvert at the Five Mile Branch just to the north of White Oak Drive was washed out during Hurricane Matthew and Hurricane Florence. After each hurricane event, CSX retrieved the washed out culvert and placed it back in service. City Staff has reviewed the time line of rise and recession of flood waters in this section of the five Mile Branch and believes the residential and street flooding on White Oak Drive was a function of this undersized culvert. The City is proposing a partnership with CSX to hydraulically study the flow on the Five Mile Branch and install a new adequately sized culvert. The goal is to have the new Five Mile Branch culvert installed during the same time period that the DOT will be replacing the Linkhaw Road / Pole Cat Branch culvert, utilizing the DOT track closure for the Five Mile Branch project too. Council will only be selecting the engineering firm for the culvert design at this meeting. Construction of the culvert will be a separate bid process after the design is approved and permitted.

On January 3rd Public Works received one proposal for engineering services to conduct the study and design the culvert from The Wooten Company. The cost of the design will be paid from the Drainage Fund.

CPC recommends that Council approve The Wooten Company for the CSX Railroad Five Mile Branch Culvert Design.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Robinson, Precinct 2
SECONDER:	Chris Howard, Precinct 6
AYES:	Davis, Rising, Robinson, Higley, Cantey, Howard, Thomas

B. Oak Ridge Blvd Drainage Study – Council Policy Committee -- Rob Armstrong, Public Works Director

Flash flooding on Oak Ridge Blvd and White Oak Drive during intense, non-hurricane related rain events have been an ongoing problem for several years. City Staff believes the street flooding that occurs during a 2 year to 10 year storm event can be prevented by modifying existing drainage infrastructure. Staff is proposing that a hydraulic study of the area be conducted and recommendations for future modifications be presented.

Public Works received two proposals for the hydraulic study on January 3rd, from Jewell Engineering Consultant and McGill & Associates. The scoring matrix used indicates that Jewell Engineering Consultant scored higher than McGill & Associates.

CPC recommends that Council award the hydraulic study for the Oakridge Blvd and White Oak Drive to Jewell Engineering Consultant.

Councilman Cantey asked Public Works Director Rob Armstrong if he would come and explain to the people that there is drainage work going on all over the City and not just the Oaks. I have had several phone calls just based on the two items that are presented here tonight.

Public Works Director Rob Armstrong stated that there are about 15 drainage projects going on all over the City but must be in the design phase or getting ready to go into construction phase. He stated that these projects target mostly every precinct that these two projects just happen to be in the Oaks. He stated that these projects were being studied before the Hurricane occurred.

Director Armstrong stated that we have projects that focus on the levee and the certification of the levee is probably the slowest moving project that we have. We have the canal cleaning projects that will be coming forth to Council in March which is a 1.2 or 1.3 million dollar projection which is FEMA reimbursed.

City Manager Horne stated that concerning the canal cleaning we get a lot of questions; however, there is a process that we have to go through with FEMA. You must submit an application to USDA and it has been reviewed and turned down before FEMA will move forward with their funding.

Director Armstrong stated that we have not been formally turned down by USDA as the application deadline is actually January 18, 2019. We feel that just based on our discussion with USDA that they will not fund the canal cleaning project because they are certain that we will get funding through FEMA who has announced that they will support the project.

RESULT:	APPROVED [6 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

C. Lambeth Street Sewer Rehab Revised Change Order #1 – Council Policy Committee -- Rob Armstrong, Public Works Director

Earlier this year Council approved a \$84,958 change order #1 for the Lambeth Street, I-95, Lackey Street Sewer Rehab project. That change order included lining additional footage of 18” sewer pipe. Once cleaning and inspection was started, we found the add on segment of pipe was actually 15” diameter. We also found two segments of pipe had be lined at some point in the past. We found these segments to be in good shape. The change order amount has been adjusted downward to \$66,570.50 to reflect the smaller pipe and removal of the previously lined segments.

Public Works is requesting approval of REVISED Change Order #1 with Prism Contractors for \$66,570.50 to be paid for with North Carolina Clean Water State Revolving Loan funds.

RESULT:	APPROVED [6 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Rising, Robinson, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

VI. ADJOURNMENT