CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● JANUARY 13, 2014

Regular Meeting **Council Chambers** **7:00 PM**

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

I. CALL TO ORDER

II. ROLL CALL

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	Absent	
John Cantey Jr.	Precinct 5	Present	
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	
Rob Price	Interim City Attorney	Present	

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

A. Retiree Recognition

Sheron Shooter, Police Lieutenant received a plaque and check for her 27 years of dedicated service to the City of Lumberton. On behalf of Council, Mayor Pennington wished her the best on her retirement.

James Moore, Director of Human Resources received a plaque and check for his 30 years of dedicated service to the City of Lumberton. On the behalf of Council, Mayor Pennington wished him the best on his retirement.

V. PUBLIC COMMENT PERIOD

No one appeared to speak.

VI. CONSENT AGENDA

Councilman Hackney made a motion, seconded by Councilman Cantey, approving the Consent Agenda with the exception of Item VI. A. 4, Ben Chavis rezoning petition. He made a motion, seconded by Councilman Maynor, to pull and table this item until the next CPC in order for Mr. Chavis to receive the potential tenants request. The motion carried unanimously.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

A. Minutes Approval

1. City Council - Regular Meeting - Sep 9, 2013 7:00 PM -

2. City Council - Regular Meeting - Nov 18, 2013 11:00 AM -

3. Refer the Request to Amending the Land Use Ordinance by allowing retail sales as an accessory use in the M-1 and M-2 zoning districts refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
Currently, the Land Use Ordinance for the City of Lumberton does not allow retail sales in the M-1 and M-2 Zoning Districts. Understanding the changing needs of today's industrial development clients, staff asks the City Council to consider amending the Land Use Ordinance to allow for accessory sales in manufacturing districts by adding the following:

Sec. 35-159.5. Developments in the M-1 and M-2 industrial districts.

(a) It is the intention of this chapter that accessory uses, such as retail sales of manufactured items, be permitted in the M-1 (light manufacturing) and M-2 (heavy Manufacturing) districts if it (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, as approved by the Planning and Neighborhood Services Department.

(b) No more than fifty percent (50%) of the total gross floor area of all buildings used for such manufacturing business shall be dedicated to the accessory use.

(c) Adequate parking to accommodate the accessory retail activities shall be provided in accordance with Sec. 35-291.

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

4. Refer the Rezoning Petition for Ben Chavis to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
Ben Chavis has submitted a Rezoning Petition for property located at 3450 Capuano Drive (parcel #3205-01-029) (Deed Book 1674 Page 467). This request is to rezoned

property from B-5, Business Highway Services to B-4, Business General Commercial. The applicants' intent is for a doctor's office to be allowed at this location.
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.

5. Adopt a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for Contiguous Annexation for Southeastern Regional Medical Center for Property Located on Dawn Drive - Council Policy Committee
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Lynn Wieties, Vice President of SRMC, requesting that property located on Dawn Drive (Southeastern Health Park), being parcel #1006-01-012-20, be annexed into the City of Lumberton.
Public Works' policy states that property owners who are contiguous to the City's corporate limits and request City provided utilities shall submit for annexation of their property.
Recommends that City Council direct the City Clerk to investigate the sufficiency of the petition.

6. Refer the Rezoning Request for property located at 4140 Fayetteville Road to the Planning Board for its Review and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
William E. Antone, Jr. has submitted a Rezoning Petition for property located at 4140 Fayetteville Road (parcel #1009-04-001). This request is to rezoned property from B-3, Office Residential to B-4, Business General Commercial. The applicants' intent is for retail sales to be allowed at this location.
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.

7. Approval the Negotiations for the Waterline Agreement Between Gibson Cancer Center, Wesley Pines & Others Once Staff has Contacted Wesley Pines Concerning the Easement. - Council Policy Committee
Easements are needed so that the City may provide enhanced water service to the Gibson Cancer Center. The Fire Department would also prefer that an access easement be created through the Southeastern Hospice House property for a controlled or emergency access to the Wesley Pines campus. Southeastern Regional Medical Center and some of its related entities have agreed to the attached agreement. The governing body for the Wesley Pines facility is considering approval of the agreement, having agreed to all but the underlined language in the agreement.

   Approve the attached agreement and authorize its execution once Staff has contacted Wesley Pines; as to the 20' easement and approve with any change in the language of the agreement which doesn't affect the City's interests. Staff is free to negotiate.

8. Approval of Synagro Contract CPI Provision - Council Policy Committee
The bid for WWTP Sludge Removal services submitted by Synagro for Council consideration in October didn't disclose contract requirements for an annual CPI

adjustment to the company' rates nor a monthly fuel surcharge. The Legal Department told the company that staff couldn't proceed with a contract with those provisions. The company has responded that they are willing to forego the fuel surcharge, but must have the CPI adjustment provision. The contract has a 5-year term.
Authorize execution of a contract allowing for an annual CPI adjustment.

9. Approval of November 2013 Tax Releases - Council Policy Committee
   Per G.S. 105-381 which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons:
   Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.

   The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:

   2007----------------32.93
   2008----------------29.35
   2009----------------35.78
   2010----------------30.04
   2011----------------26.34
   2012----------------23.14
   2013----------------198.51
   Approve the tax releases for the years and amounts listed above.

10. Approve the designation of $600.00 for Lumberton High School Wrestling Uniforms; P1 - $100.00 P3 - $100.00 P4 - $100.00 P7 - $100.00 P8 - $100.00 and $100.00 for the Mayor's Discretionary Funds - Council Policy Committee
    Councilman Maynor is requesting a donation of $100.00 from CRF be given to Lumberton High School for the purchase of wrestling uniforms.
    Designate $100.00 of CRF to Lumberton High School for wrestling uniforms.

11. Approve the designation of $400.00 to the Boy Scouts of America Campaign; P8 - $200.00 and from the Mayor's Discretionary Funds - Council Policy Committee
    The Cape Fear Region of the Boy Scouts of America are beginning their annual fundraising campaign. Councilman Hackney is requesting $200 of CRF to go toward this effort.
    Designate $200.00 of CRF to the Boy Scouts of America campaign.

12. Approve P4 - Designation of Funds to Build a Handicap Ramp at 1208 Saxon Avenue -

VII. PUBLIC HEARINGS

A. Rob Redfearn submitted a rezoning application for property located at 101 Chestnut Street (Parcel # 3238-01-018-01). - Brandon Love, Planning Director

On October 7, 2013 Rob Redfearn submitted a rezoning application for property located at 101 Chestnut Street (Parcel # 3238-01-018-01). This request is to rezone the properties from M-1 (Light Manufacturing) to B-1 (Business Downtown). The applicant's intent is to operate an art studio and store/gallery.
On November 19, 2013 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.
Recommends that City Council hold tonight's public hearing and approve the attached ordinance approving the rezoning request.

Mayor Pennington opened the Public Hearing to consider rezoning property located at 101 Chestnut Street from M-1, Light Manufacturing to B-1, Downtown Business. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

B. BG French submitted a rezoning application for property located at 5019 Dawn Drive (Parcel #1006-01-012-17). - Brandon Love, Planning Director
B.G. French, in care of Robert J. Williams, IV, has submitted a rezoning application for property located at 5019 Dawn Drive (Parcel #1006-01-012-17). This request is to rezone a portion of the property from B-3 (Office Residential) to B-4 (Business General Commercial). The property is split zoned {B-3 (Office Residential) and B-4 (Business General Commercial)} and the intent of the applicant is to make the zoning consistent and for possible sale of the property.
On November 19, 2013 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.
Recommends that City Council hold tonight's public hearing and approve the attached ordinance approving the rezoning request.

Mayor Pennington opened the Public Hearing to consider rezoning property located at 5019 Dawn Drive from B-3, Office residential to B-4, Business General Commercial. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

VIII. NEW BUSINESS

A. Approval of Financing Software Service Transfer - Council Policy Committee
The company which had provided the software used by a number of departments for financial and accounting functions no longer exists. Proper support for the software is no

longer available. The MIS Department has arranged for transfer of the provision of these services to Harris Local Government at a total initial cost of $70,770.00, the bulk of which is for services related to the conversion of our operations to a new software package. This expense was included in the 2013-2014 Capital Budget. Annual maintenance and support will cost $8,431.00.
Approve the attached contract.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

B. Approval of Block Grant Agreement of Airport - Council Policy Committee
The NC Department of Transportation has awarded a Block Grant to the Airport for an "Airfield Lighting and Signage Rehabilitation" Project. The grant is limited to a federal/state contribution of $711,376, with the federal/state contribution not to exceed 90% of the final total costs. This indicates the total estimated project cost will be $790,417.78. Thus, the local match would be $79,041.78, to be shared between the City and County. The City and the County would each bear $35,520.89. This item was budgeted in the FY2013-2014 Capitol Budget. The grant agreement will not be executed until the County has approved its participation in the project.
Approve the attached grant agreement.

RESULT:	**ADOPTED [7 TO 0]**
SECONDER:	John Cantey Jr., Leon Maynor
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

C. Adopt a Resolution Appointing Susan Walker to the Planning Board - City Attorney
Councilman Burnis Wilkins requests that Susan Walker be appointed to the Planning Board.
Adopt the Resolution appointing Susan Walker to the Planning Board.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

IX. ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:30 p.m.