



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • NOVEMBER 19, 2018

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	Excused	
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	Present	
Holt Moore	City Attorney	Present	

II. INVOCATION: CITY ATTORNEY HOLT MOORE

III. PLEDGE OF ALLEGIANCE: LED BY COUNCILWOMAN HIGLEY

IV. PUBLIC COMMENT PERIOD:

Mr. Greg Phelps, 113 Sterling Drive appeared before Council and asked if they would postpone their decision concerning the widening of Fayetteville Road until they receive further information from NCDOT. He stated that there are too many uncertainties.

Scott Bigelow, 1106 Chestnut Street appeared before Council and stated that he attended the public informational meeting that was held; however, after he wrote his article concerning that meeting that the people are probably more confused than ever because he is confused. He gave a scenario as to how he would get home when he shops in his most frequent places such as Smith Cleaner and Surf and Turf shop. He wondered if Council could tell him how to get home from there.

City Manager Horne informed Mr. Bigelow that there will be meeting next Tuesday at 10:00 am and he should try and make it. Maybe there will be some clarity that he could take from that meeting.

Councilman Rising stated that with the comments that have made, maybe the Resolution in Support of the Widening of Fayetteville Road should be pulled from the agenda until the meeting is held. Councilman Cantey expressed his agreement with that decision and on the motion of Councilman Rising and second of Councilman Cantey, Item 5. G. Adopt a Resolutin in Support of the Proposed Widening of Fayetteville Road was removed from the Consent Agenda. It carried unanimously.

1. Recognition of Retiree Sheila Smith –

Sheila Smith was presented with a plaque and a check for 35 years of faithful and dedicated service to the City of Lumberton as a Senior Customer Service Clerk with the Lumberton Police Department. Mayor Davis wished Ms. Smith well in her retirement.

V. CONSENT AGENDA

A. Minutes Approval**1. City Council - Regular Meeting - Oct 8, 2018 6:00 PM -**

RESULT:	ACCEPTED AS AMENDED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- B. Approval of a Letter of Intent to the USDA Natural Resources Conservation Service Applying for a Emergency Watershed Protection Grant - Council Policy Committee Attorney Robert Price, Lawyer and Assistant Secretary for the Robeson County Drainage District, appeared before the Council Policy Committee concerning Emergency Watershed Protection Grants through USDA. He explained how two (2) spots have been identified within the Drainage District #4 (which is a part of the 5 mile branch) that need major repair; however, FEMA funds are not available to do the repairs.

Attorney Price stated that he, on behalf of the Robeson County Drainage District, is asking the City to submit a Letter of Intent to apply for an Emergency Watershed Protection Grants from USDA. He stated that the deadline is today but they said don't worry about that, just get it in fast.

Attorney Price introduced two (2) members of the Board of Commissioners from Drainage District #1; Mr. Kenny Biggs and Mr. John Walton Hendren Jr. Attorney Price stated that help is needed to get the water all the way out of the City. He said that you can dredge to get it down to where you were but help is needed.

Questions were asked as to how this would affect Jacob Swamp in South Lumberton. Attorney Price stated just getting your blessing on the Letter of Intent will help. He talked about the other players involved as well as how Robeson Soil & Water Conservation has given over \$300k and over \$265K has flowed through their hands. He stated that they were approved for \$85K during Hurricane Matthew.

Councilman Cantey made a motion, seconded by Councilman Howard, referring to Council that a Letter of Intent be approved. It carried unanimously.

<< Recommendation >>

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

C. Approval of Tax Releases for October 2018 - Council Policy Committee

2017-----\$203.57

2018-----\$741.03

Recommend Council approval of 2018 Tax Releases

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

D. Approve the Christmas Holiday Schedule as December 24th , 25th & 26th as Paid Christmas Holidays and December 27th and 28th as Required Vacation or Leave Without Pay Days Off - Council Policy Committee

The City of Lumberton Personnel Ordinance Sec. 16-165 designates the following holidays with pay for the City employees; Christmas Eve and Christmas Day, and

- Sec. 10 – Any other day designated as a Christmas Holiday by both the State and the County.
- Sec. 11 – Any other day designated by the City Council

Recommend that City Council review the following dates and approve a vacation schedule for City Employees:

- Monday, Dec. 24th, Christmas Eve and Tuesday, Dec. 25th, Christmas Day & Wednesday, December 26th are scheduled days off.
- Thursday, Dec. 27th, approved by the County as a holiday (Employee required to take vacation or leave without pay).
- Friday, Dec. 28th, approved by the County as a holiday. (Employee required taking vacation or leave without pay).

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

E. Approve the City Council Meeting for December 12th, 2018 at 11:00 - Council Policy Committee

During the month of December, it has been customary due to the Christmas season, for City Council to hold one meeting with the exception of an election year. In keeping with that tradition, City Council meeting for the month of December would be scheduled for December 12th at 11:00 a.m.

Consider the information and set a date for December's City Council meeting.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

F. Approval of Required NC Emergency Management Forms with Regard to Hurricane Florence - Council Policy Committee

In order to receive the necessary assistance from the North Carolina Division of Emergency Management with regard to Hurricane Florence, it is necessary that Council approve the two documents attached to this agenda item: a 'Designation of Applicant's Agent,' form, and an 'Applicant Disaster Assistance Agreement.' The City Manager and Deputy City Manager will be the City's designated agents on the first form, and the Applicant Disaster Assistance Agreement will simply be completed and signed as you see it attached. Again these are required in order to receive the state's assistance.

Approve the attached forms.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

G. Adopt a Resolution in Support of the Proposed Widening of Fayetteville Road from Farringdom Street to East 22nd Street - Council Policy Committee

North Carolina Department of Transportation (NCDOT) is in need of a Resolution of Support for the proposed TIP Project U-5797 (Widening of Fayetteville Road from Farringdom Street to East 22nd Street. These are proposed improvements that were presented to us in a meeting on October 23, 2018.

Adopt the Resolution of Support for the proposed improvements presented in the TIP Project U-5797 (Widening of Fayetteville Road from Farringdom Street to East 22nd Street).

RESULT:	TABLED [5 TO 0]	Next: 12/12/2018 11:00 AM
MOVER:	John Cantey, Mayor Pro Tem	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

H. Adopt a Resolution Declaring Personal Property Surplus to the Needs of the City - Council Policy Committee

The Finance Department has compiled a list of personal property which needs to be declared surplus to be sold at auction in December. A resolution and the spreadsheet of items are attached.

Approve resolution declaring property surplus and to be sold at auction in December.

RESULT:	ADOPTED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

I. Adopt a Resolution Approving an Agreement With the County for City To Administer CDBG-DR Projects - Council Policy Committee

As you are aware, the City has been awarded CDBG-DR funding for floodgates at the CSX / VFW Road / I95 crossing (along with funding from Golden Leaf), and also for extending sewer further west on Hwy 211. The default approach for CDBG-DR projects is for the county to administer them. Because the City is more familiar with these two projects, we would like to enter into an agreement with the County whereby the City would administer these projects. Staff is still in the process of negotiating this agreement with the County and seeking state approval. However, Council approval will be needed so staff seeks your approval in advance, so that there will be no delay if the other approvals are granted. The exact language of the resolution will be tailored to fit the final agreement.

Grant authority to staff to present for the Mayor's signature a resolution approving an agreement with the County whereby the City will administer the CDBG-DR floodgates and 211 sewer extension projects.

RESULT:	ADOPTED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

J. Approve a Resolution Accepting FEMA Mobile Units and City Setbacks located on property affected by Hurricane Florence - Council Policy Committee

The Planning Staff asks City Council to allow the placement of FEMA- provided travel trailers as temporary housing units on property affected by Hurricane Florence, without having to comply with the setback requirements, for no more than 6 months with one 6 month extension. And the placement of FEMA- provided mobile homes as temporary housing units on property affected by Hurricane Florence, without having to comply with the setback requirements, for no more than 15 months with one 3 month extension.

Furthermore, the placement of any unit in this manner may not create any other building or fire code violation.

Our current ordinance allows for the placement of such units, mobile homes only, for no more than 6 months with one 3 month extension, and it does not address the exemption of the setback back requirements which greatly limits their placement nor the use of travel trailers as temporary housing units.

Consider and approve the Planning Department's request to exempt FEMA mobile units from setback back requirements.

RESULT:	ADOPTED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

K. Acceptance of Grant Number 2019-080-3201-2587; Project Title: Cold Stone Creamery" - Council Policy Committee

North Carolina Rural Center has approved a grant agreement number 2019-080-3201-2587 for Project Title "Cold Stone Creamery."

Staff is asking for Council's approval to accept the grant in the amount of \$25,000 and authorize the Mayor to sign the grant agreement on behalf of the City.

Accept the grant in the amount of \$25,000 and authorize the Mayor to sign on behalf of the City.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

L. Approve the designation of \$1,100 of Community Revitalization Funds to the Lumberton-Robeson Kiwanis Club to Pay for Meals served to the NC Baptist Men Association; Methodist Association and the Mennonites at the Pancake Festival as follows: P1 - \$300.00 P2 - \$300.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P8 - \$100.00 and \$100.00 from the Mayor's discretionary Fund - Council Policy Committee

Councilman Rising requests \$300.00 of CRF to be given to the Lumberton-Robeson Kiwanis Club for meals served to the NC Baptist Men Association; the Methodist Association and the Mennonites at the Pancake Festival.

Approve the designation of \$1,100 of CRF to the Lumberton-Robeson Kiwanis Club as indicated above.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- M. Approve the designation of \$400.00 of Community Revitalization Funds to Oakridge Homeowners' Association for the Fall Festival - Council Policy Committee

Councilman Rising is requesting \$400.00 of Community Revitalization Funds to be given to the Oakridge Homeowners' Association for its Fall Festival.

Designate \$400.00 to Oakridge Homeowners' Association for its Fall Festival.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- N. Approve the Designation of \$600.00 of CRF to Fund a Field Trip to Fort Fisher Aquarium from Rowland Norment Elementary School in Precinct 3 - Council Policy Committee
- Ms. Mary Watson, a third grade teacher with Rowland Norment Elementary School and in the absence of a Councilmember for her Precinct, sent a letter requesting funds to supplement a grant that they received from the Fort Fisher Aquarium to help provide lunch for the attending students.

Ms. Watson is requesting \$600.00 to cover lunch expenses for the trip on Tuesday, November 27th, 2018, to Fort Fisher Aquarium, 900 Loggerhead Rd, Kure Beach, NC. Consider the information and if Council so desires, fund the request.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- O. Approve the Designate of \$3,550 of Community Revitalization Funds for the Toys for Kids Program as follows: P1 - \$500.00 P2 - \$500.00 P3 - \$400.00 P4 - \$500.00 P5 - \$250.00 P6 - \$400.00 P7 - \$400.00 & P8 - \$600.00 - Council Policy Committee
Councilman Cantey is requesting (if possible) that the City Manager try and find \$3,000.00 from the General Fund to be given the Lumberton Fire Department for the Toys for Kids Program. He stated with so many kids displaced that it would take close if not more to help supplement the children Christmas.
Please consider this request.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- P. Approve the designation of \$500 .00 of Community Revitalization Funds for Community Programming in Precinct 5 - Council Policy Committee
Councilman Cantey requests \$500.00 of CRF for Community Programming.
Designate \$500.00 of CRF for community programming in Precinct 5.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Davis, Rising, Higley, Cantey, Howard, Thomas
EXCUSED:	Robinson

- Q. Approve the designation of \$900.00 of CRF for Holiday Community Programming as follows: P2 - \$300.00 P5 - \$300.00 & P6 - \$300.00 - Council Policy Committee
Councilmen Robinson, Cantey and Howard would like to designate \$300 each to Holiday Programming in their precincts.
Approve the Designation as follows: P2 - \$300.00 P5 - \$300.00 and P6 - \$300.00 for Holiday Programming.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- R. Approve the Deobligation of \$1,000 from Code 1000-4313-2125 to Unobligated Funds Code 1000-4935-6908 in Precinct 8 - Council Policy Committee
Councilman Thomas wishes to deobligate \$1,000 of obligated funds code 1000-4313-2125 to Unobligated Funds Code 1000-4935-6908 in Precinct 8.
Deobligate \$1,000 from code 1000-4313-2125 to Unobligated Funds Code 1000-4935-6908.

RESULT:	APPROVED [5 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

VI. PUBLIC HEARING

- A. French Family Properties has submitted a Conditional Use Permit petition for property located off of Dawn Drive – ArTriel Kirchner, Interim Planning Director
French Family Properties has submitted a Conditional Use Permit petition for property located off of Dawn Drive (parcel #1006-01-012/Deed Book 1430 Page 0572). This request is to allow for the subdivision of property in accordance with section 35-236 utility ownership and easement rights.

This property is zoned Agriculture and requires a Conditional Use Permit for subdividing land, for a public utility facilities, without direct or indirect access.

This property is located within the rural area, as identified in Area 1 of our Land Use Plan.

-On October 16, 2018 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request.

-On November 5, 2018 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, sent a request to Public Works Department to have a sign placed on the property, and sent a request to the Robesonian to have the legal ad ran on November 9, 2018 and November 16, 2018, all giving notice of this request. Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request.

Mayor Davis opened a public hearing concerning the issuance of a Condition Use Permit for property located off of Dawn Drive. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication of the advertisement in the Robesonian.

No one appeared to speak and the hearing was closed.

The application and all supporting documents were entered into the record.

RESULT:	APPROVED [5 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

VII. NEW BUSINESS

- A. Approval of Change Order Request #2 - Lumberton Riverwalk – Council Policy Committee -
- Brandon Love, Deputy City Manager

Bo Noble with Koonce Noble and Associates, project engineer for the Lumberton Riverwalk – Phase I, is suggesting a change order to the contract with Axel McPherson Construction. Significant impediments were encountered in the riverbed when attempting to install the large pier foundations for the Riverwalk, thus creating the need for additional structural and foundation work. Also, the City has requested that the contractor install an additional section of railing along the existing retaining wall which was not included in the initial project scope. Staff recommends that CPC authorize Change Order #2 for the Lumberton Riverwalk – Phase I for a net amount of \$11,330. This includes an increase for the additional foundation work and railing of \$29,660 and a deduction of \$18,330 for the deletion of multiple piers.

RESULT:	APPROVED [5 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- B. Engineering Services for Nevada Street and Godwin Heights Sewer Rehab – Council Policy Committee -- Rob Armstrong, Public Works Director

On Tuesday, October 30th, Public Works received proposals from firms interested in providing engineering and funding administration services for the City of Lumberton 2018 Priority Repairs for our Sanitary Sewer Collection System. The project will focus on sewer rehabilitation in the Sunset Heights area and the Godwin Heights Area. The project is funded with a \$1,000,000, 50% low interest and 50% principal forgiveness loan from the North Carolina State Revolving Fund. Only one proposal was received, from the Wooten Company.

Public Works is requesting Council select the Wooten Company as the design firm for the Nevada Street and Godwin Heights 2018 Priority Repair Sewer Rehabilitation Project

RESULT:	APPROVED [5 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- C. Water Plant Berm Design Agreement Amendment 1 – Council Policy Committee -- Rob Armstrong, Public Works Director

FEMA is funding a protective berm around the water plant as part of our long-term flood mitigation plan. During the design phase, headed by the Wooten Company, Public Works requested that permanent internal dewatering pumps be designed for the water plant site. Attached is an amendment to the original engineering agreement from the Wooten Company requesting an additional \$9,966 to design the permanent dewatering pumping stations within the water plant berm. This is a FEMA reimbursable expense.

Public Works is requesting Council approval of contract amendment 1 with the Wooten Company for \$9,966 to design the permanent dewatering pumping stations associated with the FEMA funded water plant berm hazard mitigation project.

RESULT:	APPROVED [5 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

- D. Approve the designation of \$300.00 to Colors of Life, Inc. for a Christmas Dinner – Council Policy Committee -- Owen Thomas, Precinct 8

Councilman Thomas is requesting \$300.00 of CRF to be given to Colors of Life, Inc. for a Christmas dinner.

Designate \$300.00 of Community Revitalization Funds to Colors of Life, Inc. for a Christmas dinner.

A motion was made by Councilman Cantey to waive the first reading of a request of \$300.00 of CRF to be given to Colors of Life, Inc. for a Christmas dinner. It was seconded by Councilman Thomas and it carried unanimously.

RESULT:	APPROVED [5 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

VIII. ADJOURNMENT

There being no further business to come before the Board the meeting was adjourned.