



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • NOVEMBER 10, 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	Present	
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	
Holt Moore	City Attorney	Present	
Cedric McKinnon	Police Officer	Present	
Joseph Smith	Police Officer	Present	

III. INVOCATION

City Attorney Moore

IV. PLEDGE OF ALLEGIANCE

V. PROCLAMATION - HOME HEALTHCARE MONTH - KIM MILLER

VI. PUBLIC COMMENT PERIOD

No one appeared to speak.

VII. CONSENT AGENDA

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

A. Minutes Approval

1. City Council - Regular Meeting - Oct 13, 2014 7:00 PM -

2. Approval of October 2014 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, 1) clerical/computational error, 2) the tax was listed and billed in the name of the wrong taxpayer, 3) the property did not fall within the jurisdiction of the City of Lumberton, or 4) 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:

2014-----\$371.80

Approve the tax releases for the years and amounts listed above.

3. Refer the Petition from El Zarape De Antonio, LLP requesting a Conditional Use Permit for property located at 2310 Capuano Road to the Planning Board for their review and authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 2310 Capuano Road (parcel #3212-01-061-01). The purpose of the CUP is to operate a restaurant in which alcoholic beverages will be served.

On September 16, 2014 the Board of Adjustments voted to reduce the number of parking spaces for the restaurant to 49 spaces.

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. Acceptance of the Governor's Highway Safety Grant to Fund a DWI Enforcement Team - Council Policy Committee

The Lumberton Police Department has been awarded a GHSP grant to fund a DWI Enforcement Team. The total award of \$228,920 is for two officers (salary and fringe benefits), equipment to outfit the officers, two fully equipped traffic enforcement vehicles, and a 12-month network access for MDTs.

Personnel	\$114,480
Equipment	\$107,500
Training	\$ 6,000
Aircards	<u>\$ 940</u>
	\$228,920

This is a five year grant and includes a local match as follows:

1 st year	0% (personnel, equipment, training, direct costs)
2 nd year	15% (personnel, training, direct cost)
3 rd year	30% (personnel, training, direct cost)
4 th year	50% (personnel, training, direct cost)
5 th year	100% (personnel, training, direct cost)

It is requested that the GHSP Grant be accepted to fund DWI Enforcement Team.

5. Approve the Encroachment Agreement for a Awning located at 219 E. 3rd Street - Council Policy Committee
On October 6, 2014 a Façade Improvement Grant Application was submitted by Heather Jackson Smith (tenant) to erect an awning at 219 E. 3rd Street. Ms. Smith is currently operating Royalty Funeral Home at this location and wishes to put up an awning for their new business. Photographs, a proposal for the awning work, and a draft encroachment agreement are attached.
Staff requests the City Council accept the recommendation from the Recreation Department and approve the Encroachment Agreement as submitted by the City Attorney.
6. Acceptance of the Division of Aging and Adult Services Grant Award to Pine Street Senior Center - Council Policy Committee
The Lumber River Council of Government Area Agency of Aging has recently awarded the Pine Street Senior Center a General Purpose Funding Grant in the amount of \$7,787.00 for the current fiscal year. No additional funds are needed to satisfy this grant award since daily center operating expenses qualify as the local match.

The NC General Assembly allocated \$1,265,316 for distribution to senior centers within the state; Pine Street Senior Center is one of 163 centers across the state to receive funding.
Recreation staff recommends that the City Council accept the General Purpose Grant award of \$7,787.00 for the Pine Street Senior Center.
7. Approval of the Naming Rights Policy - Council Policy Committee
During the 2014 Council Retreat, Council requested that staff forward the draft "Naming Rights Policy" to the Lumberton Recreation Commission for their review and input prior to Council action to create a formal policy. Recreation Commission reviewed the draft and approved as presented without any revision being suggested.
Recreation Commission recommend that the City Council utilize the draft policy to formally adopt a Naming Rights Policy.
8. Approve the designation of \$200.00 of CRF to Bountiful Blessings Outreach Ministry in Precinct 3 - Council Policy Committee
Councilman Wilkins requests \$200.00 of Community Revitalization Funds to be given to the Bountiful Blessings Outreach Ministry located at 315 E. 20th Street.
Designate \$200.00 of CRF to Bountiful Blessings Outreach Ministry.
9. Approve the designation of \$250.00 of CRF to The Knights of Pythagoras for a Toy Drive - Council Policy Committee
Councilman Cantey requests \$250.00 of CRF to be given to The Knights of Pythagoras for a Toy Drive.
Designate \$250.00 to The Knights of Pythagoras.

10. Approve the designation of \$300 of Community Revitalization Funds for Housing Repairs Located at 208 Bullard Street - Council Policy Committee
Councilman Cantey requests \$300.00 of CRF for housing repairs located at 208 Bullard Street.
Designate \$300.00 of CRF for housing repairs.
11. Approve the designation of \$550.00 of Community Revitalization Funds to the Toys for Kids Program as follows: P1 - \$200.00 P2 - \$100.00 and P5 - \$250.00 - Council Policy Committee
Councilman Cantey requests \$250.00 of CRF to be given to the Toys for Kids program.
Councilman Robinson donated \$100.00 and P1 donated \$200.00
Designate \$550.00 to the Toys for Kids program.
12. Approve the designation of \$200.00 of Community Revitalization Funds for Toys for Kids in Precinct 6 - Council Policy Committee
Councilman Jones requests \$200.00 of CRF for the Toys for Kids program.
Designate \$200.00 for Toys for Kids.
13. Approve the designation of \$200.00 of CRF to the Lumberton Football Mom Squad - Council Policy Committee
Councilman Jones requests \$200.00 of CRF to be given to the Lumberton Football Mom Squad to help pay for the cost of a catered meal for the Junior Varsity football team.
Designate \$200.00 of CRF to the Lumberton Football Mom Squad.
14. Approve the designation of \$100.00 of CRF to Bountiful Blessings Outreach Ministry E. 20th Street - Council Policy Committee
Councilman Jones requests \$100.00 of CRF to be given to Bountiful Blessings Outreach Ministry located at E. 20th Street.
Designate \$100.00 to Bountiful Blessings Outreach Ministry.
15. Approve the designation of \$200.00 of CRF to The Refuge located on W. 5th Street in Precinct 7 - Council Policy Committee
Councilman Maynor requests \$200.00 of CRF to be given to The Refuge located on W. 5th Street in Precinct 7.
Approve the designation of \$200.00 of CRF to the Refuge located on W. 5th Street.

VIII. PUBLIC HEARINGS

- A. Murphy-Brown, LLC Rezoning Request for property located at the NW corner of Contempora & K.B. Rd. (portion of parcel #0208-01-012) (Deed Book 883 Page 0370) – Brandon Love, Planning Director
Murphy-Brown, LLC has submitted a Rezoning Petition for property located at the NW corner of Contempora & K.B. Rd. (Portion of parcel #0208-01-012). This request is to rezone property from A, Agriculture to M-2, Heavy Manufacturing. The applicants' intent is to build a livestock trailer wash facility at this location.

On October 21, 2014 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 amending the Land Use Ordinance by considering rezoning property located at the NW corner of Contempora Drive and Kenny Biggs Road from A, Agriculture to M-2, Heavy Manufacturing to build a livestock trailer wash facility. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. David Stanton, who owns property that is directly behind and to the side of the property appeared before Council and stated that he is not speaking against this action; however, there are some other facts that should be considered. Mr. Stanton felt that this facility would damage his property and somewhere in this City is another location that is more desirable for this use. Mr. Stanton discussed a few more of his concerns before Mr. Craig Westerbee, Mr. Terry Jones and Craig Kraft appeared to speak. They assured the people that there would be no pigs at this location; only trailers. He stated that there would be no trailers overnight that have not been washed. He explained how the relationship between his company and the personnel with other sites have been remarkable, he read a letter to that affect.

No one else appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- B. Jantzen Brantley Rezoning Request for property located at 3571, 3417, and 3467 Lackey Street (parcel #1008-01-009-03, 1008-01-022-03, and 1008-01-022-03A) (Deed Book 933 Page 0382 and Deed Book 1349 Page 0781). – Brandon Love, Planning Director
Jantzen Brantley has submitted a Rezoning Petition for property located at 3571, 3417, and 3467 Lackey Street (parcel #1008-01-009-03, 1008-01-022-03, and 1008-01-022-03A). This request is to rezone property from B-5 (Business Highway Services) to B-4 (Business General Commercial).

On October 21, 2014 the Planning Board reviewed the request and by a 4 to 3 vote recommends that City Council deny the rezoning request.

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

Mayor Pennington opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located at 3571, 3417, and 3467 Lackey Street from B-5 (Business Highway Services) 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.

Helen Locklear, co-owner with Mr. Marvin Johnson of the stated property appeared before Council and stated that she wanted to discuss some of her accomplishments here in the City of Lumberton. She also stated that she has her money invested in this property and all they are asking is to rezone the property so that they will be able to lease office space. She has attempted to get this rezoning several times and cannot understand why it is so hard to do.

No one else appeared before the Council to speak and the hearing was closed.

RESULT:	DENIED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- C. Rezoning Request for property located at the corner of Linkhaw Rd and Deacons Rd. {(parcel #1009-07-066-02AL) (Deed Book 1775 Page 748) (PIN 030225724200)} – Brandon Love, Planning Director

Gregory M. Caulder has submitted a Rezoning Petition for property located at the corner of Linkhaw Rd and Deacons Rd. (Parcel #1009-07-066-02AL). This request is to rezone property from B-3, Office Residential to B-2, Community Business. The applicants' intent is for multifamily development at location.

On September 16, 2014 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 amending the Land Use Ordinance by rezoning property located at the corner of Linkhaw and Deacons Roads from B-3,(Office Residential) to B-2, (Community Business) for the purpose of a multifamily development at this location. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Caulder and Glenn Jerningan appeared before Council and asked for their support in the rezoning. No one else appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Robinson, Precinct 2
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- D. Wonda Britt Conditional Use Permit Application for property located at 224 Warwick Mill Rd (parcel #3246-01-016) (Deed Book 1654 Page 471) – Brandon Love, Planning Director
Wanda Gail Johnson Britt has submitted a Conditional Use Permit Application for property located at 224 Warwick Mill Rd (parcel #3246-01-016). This request is to obtain a Conditional Use Permit for a single-family home with an accessory apartment.

On September 16, 2014 the Planning Board reviewed the request and by a 7 to 1 vote, recommends that City Council approve the Conditional Use Permit request.

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

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located at 224 Warwick Mill Road for the purpose of a single-family home with an accessory apartment. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [8 TO 0]
MOVER:	Harry Ivey, Precinct 4
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- E. Sterling J. Watson request a Conditional Use Permit for property located at 3555A North Roberts Avenue (parcel #1005-01-022-03B). – Brandon Love, Planning Director
Sterling J. Watson has submitted an application for a Conditional Use Permit for property located at 3555A North Roberts Avenue (parcel #1005-01-022-03B). The proposed use of the property is for a restaurant, bar and grill.

On September 16, 2014 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request with the added condition that the hours of operation shall be from 10:00am until midnight each day. Recommend that City Council hold tonight's public hearing and approve the Conditional Use Permit request with the added condition which sets the hours of operation from 10:00am until eleven each day.

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located at 3555A North Roberts Avenue to operate a restaurant bar and grill. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Sterling Watson and Ms. Ebony Moore and Anissa Bullard, appeared before Council and stated that they would like to see the hours of operation changed to extent the closing time to 2:00 am. Ms. Moore stated that she has checked with different restaurants and bars as well as the State Local laws and they would like to set their hours instead of beginning told what hours we can operate. The discussion ensued for a short span of time with the results as follows:

Councilman Hackney made a motion, seconded by Councilman Cantey, approving the Conditional Use Permit request with the added condition which sets the hours of operation from 10:00 am until 11:00 pm. It carried unanimously.

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

IX. NEW BUSINESS

- A. Authorize the Police Dept. To Purchase a 2012 Volkswagen Passat from US Marshals Service – Council Policy Committee -- Michael McNeill, Police Chief
The Police Dept. want to purchase a 2012 Volkswagen Passat through the US Marshals Service Equitable Sharing. The cost of vehicle is \$7,311.55. Funds to purchase this vehicle will come from drug forfeiture if authorized to proceed with purchase.
Authorize the Police Dept. to proceed in purchasing 2012 Volkswagen Passat with funding in the amount of \$7,311.55 coming from drug forfeiture.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- B. Approve the designation of \$200.00 of Community Revitalization Funds to the African American Cultural Center for Renovations – Council Policy Committee -- Robert Jones, Precinct 6

This agenda item was inadvertently left off of the CPC agenda. Councilman Jones is requesting \$200.00 of CRF to be given to the African American Cultural Center for renovations.

Designate \$200.00 to the African American Cultural Center.

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

X. ADJOURNMENT

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