



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • NOVEMBER 6, 2019

Regular Meeting

Council Chambers

11:00 AM

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	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Eric Chavis	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

B. Invocation: City Attorney Moore –

C. Pledge of Allegiance: Led by Councilwoman Robinson –

II. PUBLIC COMMENT PERIOD

Ms. Lisa Jo Douglas, 1508 N. Cedar Street, appeared before Council and invited them to 11th annual Senior Citizen caring and Sharing Event on Saturday, December 7, 2019, at Lumberton Junior High School located at 82 Marion Road.. She also asked if they would consider donating to the event. Mayor Davis stated that we have a request for that event on our agenda and they would consider her request at that time.

III. PUBLIC HEARING:

A. Public Schools of Robeson County Rezoning Request for property located at 100 Hargrave Street (Janie C Hargrave Elementary School) (parcel # 324001019). – ArTriel Kirchner, Interim Planning Director

Public Schools of Robeson County request to rezone property located at 100 Hargrave Street (Hargrave Elementary School). This request is to rezone the property from R-7 residential single-family/duplex to B-3 office residential to use as office space of the school system. This property is located within Area 6, and its recommended future use is medium intensity, as identified in our Land Use Plan. Furthermore, this property is located adjacent to Council Precinct #4.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

On October 22, 2019 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On October 24, 2019 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning request. On October 25, 2019 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the rezoning request, on or before April 29, 2016.

On October 25, 2019 a request was sent to the Robesonian to have the legal ad for this request ran on October 28, 2019 and November 4 2019.

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

Mayor Davis opened the public hearing to consider rezoning property located at 100 Hargrave Street from R-7, (Residential Single Family/Duplex), to B-3, (Office Residential) to allow for the office space for the school system. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it 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 R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

IV. AGENDA ITEMS

- A. Replacement of Substation Infrared Camera – Lamar Brayboy, Electric Utilities Director
The Electric Utilities Department seeks approval to replace our Fluke infrared camera. The camera is used on a weekly basis to locate any heating connections that needs to be repaired/replaced before an outage occurs at each substation. EUD has received four quotes ranging from \$13,136.00.00 to \$17,198.25.00 with Wesco Distribution being the lowest. Our existing infrared camera is over 15 years old and we can no longer find batteries to replace them. Funding will come from our contingency account code of \$20,000.00. The Electric Utilities Department is requesting council approval to replace our infrared camera from Wesco Distribution in the amount of \$13,136.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- B. Live Oak Engineering and Surveying, PLLC has submitted a Conditional Use Permit petition for property located at 2100 West 5th Street. – ArTriel Kirchner, Interim Planning Director
Live Oak Engineering and Surveying, PLLC has submitted a Conditional Use Permit petition for property located at 2100 West 5th Street (parcel # 3221-01-007.01/Deed Book 1024 Page 474). This request is to amend the existing conditional use permit requirement that an opaque type screen must be erected along north and east boundary line.

This property is located within Area 17, as identified in our Land Use Plan. CPC to review the request, refer the petition to the November 19, 2019 Planning Board meeting for their recommendation, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	APPROVED [8 TO 0]
MOVER:	Eric Chavis, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- C. Cape Fear Property Ventures annexation request for property located on Caton Road – ArTriel Kirchner, Interim Planning Director

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Cape Fear Property Ventures requesting a contiguous annexation of property located on Caton Road (Parcel #16100200303 Deed Book 02193 Page 0493). The property is currently zoned City of Lumberton 'A' (Agriculture) therefore a rezoning is not required.

The City Clerk has certified the sufficiency of the petition and the Planning Department recommends City Council set the date of the public hearing for December 4, 2019.

RESULT:	APPROVED [8 TO 0]
MOVER:	Eric Chavis, Precinct 7
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- D. Consideration of Limiting On-street Parking - Sections of Hardin Road – Holt Moore, City Attorney

Councilman Carroll has observed, and has received complaints concerning, the on-street parking right up to the intersections of Hardin and Elizabethtown Roads and Hardin Road and Willis Street. The concern is safety as persons pull on and off of Hardin Road at these locations.

Staff recommends that the Police Department investigate the situation at these intersections and come back to Council with a recommendation as to how we might make these locations safer.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- E. Direct staff to draft an ordinance prohibiting food parking vendors from parking in the spots adjacent to Elm and Chestnut Streets and facing 2nd Street by the plaza, and reserving the two spots by the bricked median facing 2nd Street for food vendors only, first come, first serve. – Holt Moore, City Attorney

Council is most likely familiar with the food vendors who regularly park by the plaza on the 2nd Street side. The vendors serve a need, but the general concern of staff and some of Council is having those businesses so close to two city streets. Site distance is impacted pulling onto 2nd Street from Elm, and the location next to Chestnut creates visual challenges for those coming around the plaza onto Chestnut. Also, it seems unsafe for children of customers of these mobile businesses to be so close to those streets. Staff's proposal is to make the two outside (adjacent to Elm and Chestnut Streets) parking spots off limits for food vendors, and make the two innermost spots (by the bricked median) reserved for food vendors on a first-come first-serve basis. We believe these two measures will help alleviate both of these problems. Attached are: (1) a picture showing the current parking in red and the proposed parking in blue, and (2) a picture showing the bricked median where the new parking for the vendors would be.

Direct staff to draft an ordinance for the Mayor's signature prohibiting food parking vendors from parking in the spots adjacent to Elm and Chestnut Streets and facing 2nd Street by the plaza, and reserving the two spots by the bricked median facing 2nd Street for food vendors only, first come, first serve.

To move forward with the Ordinance.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- F. Adopt an Amendment to Ordinance No. 2018.03.01, Repurchase of Cemetery Lots by the City to Include the Amount of Administrative Fees – Holt Moore, City Attorney

In March of 2018, Council adopted an Ordinance setting the repurchase price for cemetery lots conveyed to the City at ninety (90) percent of the original purchase price paid by the individual or entity less an administrative fee and recording fees charged by the Robeson County Register of Deeds. It is indicated that the fee for these services is written in the adopted annual budget; however, there is no such fee listed.

A fee of \$26.00 is charged by Register of Deeds and a \$20.00 administration fee is proposed being a total of \$46.00. Therefore, the individual of entity would receive 90% of the original purchase price minus the \$46.00 administrative fees.

That Council includes in the Annual Budget under Rates and Fees; Section 9-43 to read: 90%

of the Purchase Price - \$46.00 Admin. Fee.

Approved setting the Admin Fee at \$46.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- G. Adopt a Resolution Declaring Personal Property Surplus to the Needs of the City and Disposition of Said Property to be Auctioned – Holt Moore, City Attorney
Attached is a Resolution Declaring Personal Property Surplus to the Needs of the City and Disposition of Said Property to be auctioned on December 27, 2019, at Lloyd Meekins & Sons Auction Company.
Adopt the resolution declaring the personal property to be surplus to the needs of the City and authorizing disposition of the property as proposed.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- H. Approval of Maurer Architecture as Project Architect for the Carolina Civic Center Annex Project – Brandon Love, Deputy City Manager
At its October meeting, City Council approved the Carolina Civic Center annex project and authorized the civic center board to move forward with plans for the expansion. During the 14 months prior to this decision, the Carolina Civic Center Board has worked with Maurer Architecture of Raleigh in developing schematic plans for this construction. The board solicited qualifications statements from three architectural firms with extensive experience in historic preservation, renovations and additions. Two of these firms were then interviewed and from this interview process, Maurer Architecture was selected.
Because the City of Lumberton is the owner of the civic center and the most favorable financing option at this time is through USDA-Rural Development, a contract to provide design services for the project must be executed between the architect and the City of Lumberton. The Carolina Civic Center Board has agreed to pay for all “soft costs” included with this building expansion, including the architectural and engineering plans. The recommendation is for City Council to approve Maurer Architecture as the project architect for the civic center addition and to authorize staff to facilitate the necessary contractual documentation.

Will bring contract with fee to the December meeting.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- I. Adopt a Resolution for the Building Reuse Grants and Local Match – Wayne Horne, City Manager

Southeastern Health would like the City to apply for two Building Reuse Grants from the NC Department of Commerce. The first grant would be used to expand the Gibson Cancer Center by adding a second linear accelerator. The second grant would be used for the renovation of a vacated nursing unit on the main hospital campus that will allow 10 newly licensed inpatient behavioral health beds. A pre-application conference call was held on October 30, 2019 with City staff, SE Health staff and Ms. Hazel Edmond of NC Department of Commerce. The City was given approval to submit two applications for funding in the amounts of \$350,000 and \$187,500.

Recommend that Council adopt the attached resolutions and local match.

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

- J. Request from NCCUMC for the City to demolish a House at 210 Side Street – Wayne Horne, City Manager

The City has received a request from Jeff Wade, the Construction Manager for the NCCUMC for the City to assist with the demolition of the house at 210 Side Street. This request include the removal of asbestos, disconnection of utilities and rough grading of the lot. In partnership, NCCUMC will build a new 2 bedroom house, for the owner that is elevated and in compliance with the City of Lumberton building code standards.

Recommends that City Council considers the request and authorized staff to assist NCCUMC with the demolition and removal of the house at 210 Side Street.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- K. Approve the designation of \$150.00 of Community Revitalization Funds for Community Watch in Precinct 3 – John Carroll, Precinct 3

Councilman Carroll would like to designate \$150.00 of CRF for a Community Watch dinner. Designate \$150.00 of CRF to Community Watch for a dinner in Precinct 3.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- L. Approve the Designation of \$450.00 of CRF to Lumberton Jr. High School Girls Basketball Team for Uniforms – Chris Howard, Precinct 6

Councilman Howard would like to designate \$450.00 of CRF to Lumberton Jr. High School for uniforms. The uniforms that they have are more than 10 years old and it's time for a new look and a new perspective. Please see the attached letter.

Designate \$450.00 of CRF as indicated above.

Designations as follows: P1 - \$100 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - 200.00 P6 - \$450.00 P7 - \$100.00 for a total of \$1,150.00

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- M. Approve the Designation of \$700.00 of CRF to WH Knuckles Elementary School to Repair a Sign – Chris Howard, Precinct 6

Councilman Howard would like to designate \$700.00 of CRF to WH Knuckles Elementary School to assist with the repairing of their sign.

Designate \$700.00 of CRF as indicated above.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- N. Approve the designation of \$300.00 of CRF from Precinct 8 and \$100.00 from Precinct 7 to Colors of Life Inc. For the Annual Thanksgiving Giveaway and Christmas Dinner for a total of \$400.00 – Owen Thomas, Precinct 8

Councilmen Thomas and Chavis request a total of \$400.00 of CRF to be given to Colors of Life for the Annual Thanksgiving Giveaway on November 16, 2019, and the Annual Christmas dinner on December 14, 2019 at Hayswood Hut.

Designate \$400.00 of CRF to Colors of Life for the Annual Thanksgiving Giveaway and Christmas Dinner as follows: P7 \$100.00 & P8 - \$300.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- O. Approve the Deobligation of Funds \$500.00 for the "Guns Down, Water Guns Up" Program to the Toys for Kids Program and Approve the Designate of \$1,200 of Community Revitalization Funds for the Toys for Kids Program as follows: P2 - \$500.00 P5 - \$350.00 P6 - \$350.00 – John Cantey, Mayor Pro Tem
Councilmen Cantey and Howard request that \$350.00 each of CRF; along with Councilwoman Robinson requests to de-obligate \$500.00 of CRF from the “Guns Down, Water Guns Up” Program to be given to the Toy for Kids Program for Christmas. Designate \$1,200 to the Toys for Kids Program as indicated above.

Fire Chief Paul Ivey stated that the Firefighters Association supports some of the programs but because of some restraints they have not had the program in a couple of years and they have to depend solely on Council's donations. He stated that applicants are selected by the Council members.

Donations were given as follows: P1 - \$250.00 P2 - \$500.00 P3 - \$200.00 P4 - \$400.00 P5 - \$350.00 P6 - \$350.00 P7 - \$300.00 & P8 - \$200.00 for a total of \$2,550.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- P. Empty Stocking Fund – Wayne Horne, City Manager
It is that time of year when the City employees start selling 50/50 raffle tickets to give to the Empty Stocking Fund. Last year, Council gave a donation of \$1250 out of your CRF. We are asking if Council would like to donate this year to the Empty Stocking Fund. Approve any donation that is given.

Donations were given as follows:

P1 - \$250 P2 - \$200 P3 - \$150 P4 - \$150.00 P5 - \$150 P6 - \$250 P7 - \$200 P8 - \$150 and Mayor's fund \$100.00 for a total of \$1,600.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- Q. Purchase of a Water Rescue Boat – Paul Ivey, Fire Chief
Lumberton Fire Department recently requested \$40,000.00 and was awarded \$35,000.00 from the Duke Energy Storm Resilience Grant to purchase a Water Rescue Boat for our Water Rescue Team. We received the following quotes from rescue boat dealers:

Spec. Rescue International, Inc - \$42,580.00 w/o delivery
Mid-Atlantic Rescue Systems - \$43,507.00 w/o delivery
Lumberton Fire Department recommends we award the purchase to Spec. Rescue International in the amount of \$42,580.00

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

R. Replace Fire Station 3 Bay Doors – Paul Ivey, Fire Chief

A bay door at Fire Station 3 was recently damaged and is in need of replacement. Due to the age of the door, a matching replacement door cannot be purchased and both doors will need replacement. Lumberton Fire Department received the following quotes to replace the doors:

Chavis Garage Door Co - \$17,400.00

The Door Man - \$12,840.00

Lumberton Fire Department recommends awarding the job to The Door Man, Inc for the amount of \$12,840.00

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Melissa Robinson, Precinct 2
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

S. FEMA Public Assistance Required Documents - Hurricane Dorian – Holt Moore, City Attorney

As with prior storms, we have requested Public Assistance for expenses and damage incurred during Hurricane Dorian. Attached are the required SAA and DAA forms, which are required, as well as an explanatory power point, and a W-9 form which is also required. Approve SAA and DAA forms for Hurricane Dorian.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

T. Approve the designation of \$200.00 of Community Revitalization Funds for the Sharing and Caring Holiday Program Sponsored by Representative Charles Graham – Eric Chavis, Precinct 7

Councilman Chavis would like to designate \$200.00 of CRF for the Sharing and Caring Holiday Program sponsored by Representative Charles Graham.

Designate \$200.00 of CRF as indicated above.

Donations were given as follows:

P1 - \$200 P2 - \$200 P3 - \$200 P4 - \$200 P5 - \$200 P6 - \$200 P7 - \$200 P8 - \$200 and \$200 from the Mayor's Fund for a total of \$1,800.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Eric Chavis, Precinct 7
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- U. Approve the designation of \$650.00 of Community Revitalization Funds to Golden Leaf Lodge #124 as follows: P5 - \$250.00 P6 - \$400 – John Cantey, Mayor Pro Tem Councilmen Cantey, and Howard request \$250.00 from Precinct 5 and \$400.00 from Precinct 6 to be given to Golden Leaf Lodge #124 for Holiday Programming. Designate \$650.00 to Golden Leaf Lodge #124.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

V. ADJOURNMENT