



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • OCTOBER 12, 2015

Regular Meeting

Council Chambers

6:00 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	
Heath Graham	Sergeant-at-Arms	Present	
Nolan Hunt	Sergeant-at-Arms	Present	
Sarah Willets	Reporter	Present	

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. RETIREE RECOGNITION - MICHAEL S. ROGERS - 16 YEARS AS MAINTENANCE WORKER IV

Mayor Pennington presented Michael Rogers with a plaque for sixteen years of service to the City as a Maintenance IV Worker. He wished him the best of luck in his retirement.

A. Employee Recognition -

Officer Joseph Alan Smith received a certificate from the Department of Justice certifying him as a School Resource Officer. Mayor Pennington thanked Officer Smith for his dedication.

VI. PUBLIC COMMENT PERIOD

No one appeared to speak.

VII. CONSENT AGENDA

A. Agenda Items**1. Minutes Approval for September 14, 2015, Regular City Council Meeting****a. Approval of August 2015 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-----	11.76
2008-----	38.82
2011-----	448.35
2012-----	501.57
2013-----	226.82
2014-----	755.66
2015-----	4,656.27

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

b. Approval of September 2015 Property 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:

2005-----	2.04
2006-----	1.98
2008-----	1.67
2009-----	1.99
2012-----	198.45
2013-----	184.27
2014-----	208.70
2015-----	2,868.36

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

c. Approval of September 2015 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:

2005-----	2,544.70
2006-----	925.51
2007-----	874.49
2008-----	737.25
2009-----	1.99
2012-----	198.45
2013-----	184.27
2014-----	216.33
2015-----	2,892.75

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

- d. Acceptance of the 2015 Bulletproof Vest Partnership Grant in the Amount of \$5,370.27 - Council Policy Committee
The Lumberton Police Department has been awarded a Bulletproof Vest Partnership Grant in the amount of \$5,370.27. These funds will be used to purchase twenty (20) vests for sworn personnel. This grant has a dollar for dollar match that will be taken from operating budget.
Accept grant award in the amount of \$5,370.27 from the 2015 Bulletproof Vest Partnership Program.
- e. Acceptance of the 2015 COPS Hiring Grant in the Amount of \$455,499 - Council Policy Committee
The Lumberton Police Department is requesting permission to accept the 2015 COPS Hiring Grant in the amount of \$455,499 for four officers.
It is recommended that the Lumberton Police Department be granted permission to accept the 2015 COPS Hiring Grant in the amount of \$455,499 for four officers.
- f. Acceptance of the 2015 Edward Byrne JAG Grant in the amount of \$35,345 - Council Policy Committee
The Lumberton Police Department is requesting permission to accept the 2015 Edward Byrne JAG Grant in the amount of \$35,345.
It is recommended that the Lumberton Police Department be granted permission to accept the 2015 Edward Byrne JAG Grant in the amount of \$35,345.
- g. Acceptance of Governor's Highway Safety Program DWI Grant in the amount of \$103,207.00 - Council Policy Committee

The Lumberton Police Department is asking permission to accept the 2nd year GHSP DWI Grant. Federal funding for this grant will be \$103,207.00; the City of Lumberton will be responsible for \$18,213.00.

It is recommended that the Lumberton Police Department be granted permission to accept the 2nd year GHSP DWI Grant. Federal funding for this grant will be \$103,207.00; the City of Lumberton will be responsible for \$18,213.00.

- h. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 820 Kenny Biggs Road. - Council Policy Committee
The house located at 820 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on July 16, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of September 14, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 820 Kenny Biggs Road.
- i. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1819 Booker Street - Council Policy Committee
The house located at 1819 Booker Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 11, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of September 25, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1819 Booker Street.
- j. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1290 Kenny Biggs Road. - Council Policy Committee
The house located at 1290 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 19, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of October 4, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1290 Kenny Biggs Road.
- k. Grant the Property Owners a 30 Day Extension for Property Located at 2923 Hedge Drive to Comply with the Building Inspectors Order - Council Policy Committee
The house located at 2923 Hedge Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 3, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of September 30, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2923 Hedge Drive.

- l. Grant the Property Owner a 45 Day Extension for Property Located at 2308 Arnold Street to Comply With the Building Inspectors Order - Council Policy Committee
The house located at 2308 Arnold Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 6, 2015 . An order to repair or demolish the structure was issued. The time in which the owners had to repair or demolish the structure has expired as of September 18, 2015. The owner is in the process of complying with the Building Inspectors order.
Staff recommends that City Council grant the property owner a 45 day extension to comply with the Building Inspectors order.
- m. Approve the designation of \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade - Council Policy Committee
Lumberton Area Chamber of Commerce is requesting the designation of \$5,000 to defray some of the overhead expenses for the Lumberton Christmas Parade. The Christmas Parade will be Saturday, November 21, 2015.
Designate \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade.
- n. Michael P. Walters with Mack White Investments, Inc., requests a contiguous annexation of property located on HARRILL RD (Parcel # 1014-01-003/PIN 030178023100). - Council Policy Committee
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Michael P. Walters with Mack White Investments, Inc., requesting that property located on HARRILL RD, being parcel #1014-01-003/PIN 030178023100, be annexed into the City of Lumberton.
Recommends that City Council direct the City Clerk to investigate said petition.
- o. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a Rezoning petition for property located off of Flair Fold Road and Caton Road. - Council Policy Committee
Par 3 Development Group has submitted a Rezoning petition for property located off of Flair Fold Road and Caton Road (parcel # 160702003/Deed Book 1930 Page 0311). This request is to rezone property from M-2 (heavy manufacturing) to B-2 (business community). The applicants intent for the property is for retail development to be constructed along Flair Fold Road.
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.
- p. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a rezoning petition for property located off of Colony Drive and Martin Luther King, Jr. Drive. - Council Policy Committee
Stone Solar Development, LLC. has submitted a Rezoning petition for a portion of two properties located off of Colony Drive and Martin Luther King, Jr. Drive. (parcel # 2401-01-019/Deed Book 1824 Page 0293) and (parcel # 2401-01-019.01/Deed Book 1824 Page 0295).

This request is for the construction and operation of a solar farm (use#17.200) at this location.

This use also requires a Conditional Use Permit. The applicant has submitted a Conditional Use Permit application, which is following this agenda item.

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.

- q. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a Conditional Use Permit petition for property located off of Colony Drive and Martin Luther King, Jr. Drive. - Council Policy Committee

Stone Solar Farm, LLC. has submitted a Conditional Use Permit petition for a portion of two properties located off of Colony Drive and Martin Luther King, Jr. Drive (parcel # 2401-01-019/Deed Book 1824 Page 0293) and (parcel # 2401-01-019.01/Deed Book 1824 Page 0295).

This request is for a Conditional Use Permit to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Rezoning application to rezone a portion of the properties from A, Agriculture to M-1 Light Manufacturing, which precedes this agenda item.

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.

- r. Accept the Donation of Property by Ted Parker - Council Policy Committee
Ted Parker has offered to donate a tract of land in the Hollywood Cemetery area to the City. The parcel is designated with the number '1' on the attached aerial photo from GIS. It is 3.22 acres in size and has a tax value of \$25,300. There appear to be some graves within the parcel, though most are in the area surrounding the parcel. The City owns the adjacent parcel to the south of this parcel (between the parcel and Hollywood Drive). The City has been maintaining the parcel being offered, and it seems to make sense for the City to take ownership as Mr. Parker is willing to donate it. A title search revealed no problems in that regard.
Consider whether to accept the land being offered for donation by Mr. Parker.

- s. Request from Lumberton Firefighter's Relief Fund Board for Repeal of Pension Fund Act - Council Policy Committee

The Lumberton fire Department has had, for some time, a Supplemental Retirement Account. These supplemental retirement accounts were created statewide when the Firefighters Relief Funds, designed to assist firefighters who are injured while volunteering their services to the community, were found by the state to have more funds than were needed for that purpose (assisting the injured).

Historically, the supplemental retirement funds have been created by local act of the legislature, and any change to the plans required legislative approval. However, the legislature recently allowed accounts to be established and approved by the NC State

Firemen's Association, and thus freed from having to receive legislative approval for any sort of change.

The Lumberton Firefighters Relief Fund Board sought and has received approval from the NC State Firemen's Association for a supplemental retirement plan.

Therefore, the LFRF Board seeks the city's assistance in having the current local act controlling the Lumberton Firemen's Supplementary Pension Fund repealed so that it can move forward with the plan to be overseen by the N.C. State Firemen's Association.

The LFRF Board seeks Council approval of the attached resolution asking State Sen. Jane Smith's office to work with the City Attorney to create a local act repealing the local act controlling the Lumberton Firemen's Supplementary Pension Fund to accomplish this goal.

Attached are: (1) A memo from Chief Ivey setting forth some history of the Fund, (2) a copy of the proposed plan, and the approval of the that plan by the NC State Firemen's Association, (3) the proposed resolution.

Approve the resolution for the Lumberton Relief Fund Board seeking legislative assistance in repealing the current local act controlling the Lumberton Firemen's Supplementary Fund.

- t. Approve the designation of \$300.00 of Community Revitalization Funds to Rowland Norment School for the Positive Behavioral Intervention Support Program - Council Policy Committee

Councilman Wilkins requests \$300.00 of CRF to be given to Rowland Norment School for the Positive Behavioral intervention Support Program.

Designate \$300.00 to Rowland Norment School for PBIS Program.

- u. Designation of CRF \$1,100.00 of CRF to the Lumberton Dixie Youth Baseball Association as follows: P1 - \$200.00 P2 - \$200 P3 - \$100 P4 - \$150
P6 - \$202 P7 \$124 P8 - \$124 = \$1,100 - Council Policy Committee

On August 10th, 2015, Council approved the designation of \$1,100 to the Lumberton Dixie Youth Softball Association; however, at the August 7th CPC, this item appeared as one request when there were actually two separate items for Council's attention. Councilman Maynor had a request for LYBA and Councilman Wilkins had a request for Softball Association. The Softball Association received their request; however, the LYBA did not. This request is placed on the agenda for your consideration at this time.

Recommend that Council consider the request for the baseball association.

Community Revitalization Funds were donated as follows:

P1 - \$200.00 P2 - \$200 P3 - \$100 P4 - \$150 P6 - \$202 P7
\$124

P8 - \$124 = \$1,100

- v. Approve the designation of \$1,400 of Community Revitalization Funds to Breath of Life Ministries, Inc., for the Community Programming as follows: P2 - \$300.00 P4 - \$400.00 P5 - \$200.00 P6 - \$500.00. - Council Policy Committee
Councilmen Cantey, Robinson, Ivey, and Jones request CRF be given to Breath of Life Ministries for Community Programming as follows:

P2 - \$300.00 P4 - \$400.00 P5 - \$200.00 P6 - \$500.00.

Designate \$1,400 to Breath of Life Ministries, Inc. as listed above.

- w. Approve the designation of \$600.00 to First Baptist Church for Trunk a Treat Night as follows: P2 - \$100.00 P4 - \$200.00 P5 - \$100.00 and P6 - \$200.00 - Council Policy Committee
Councilmen Cantey and Jones request that \$600.00 of CRF to be given to First Baptist Church for the Hallelujah Ween Night “Trunk a Treat” as follows:

P2 - \$100.00 P4 - \$200.00 P5 - \$100.00 and P6 - \$200.00

Designate \$600.00 of CRF to First Baptist Church.

- x. Approve the Certificate of Sufficiency for Ditch Tiling at 7 Trinity Drive - City Attorney
I, Laney Mitchell-McIntosh, Clerk of the City of Lumberton, North Carolina, do hereby certify that the attached petition of property owner for the improvement of 7 Trinity Drive was lodged with me on the 11th day of September, 2015; that I have investigated the sufficiency of the said petition; and that the result of my investigation is that the petition has been found to be sufficient.
Approve the Certificate of Sufficiency for Ditch Tiling at 7 Trinity Drive

VIII. PUBLIC HEARINGS

- A. 1768 : PH Application for CDBG ED Funds - Presented by Steve Player- The Wooten Company – Teresa Johnson,
Tonight’s Public Hearing is the second of two required in order to submit the City’s application for FY14/15 ED funds in the amount of \$495,041 to demolish two industrial buildings on Town Common and First Street that were acquired by the City
Recommend City Council conduct the public hearing to entertain any comments from citizens and adopt the attached resolution authorizing submission of the FY14/15 CDBG ED application and approve the attached procurement plan.

Mayor Pennington opened the Public Hearing to discuss the Demolition Grant and entertain comments from citizens. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian

Steve Player of the Wooten Company stated that this is the second hearing for the 2014/2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM is to discuss the following:

Purpose: The purpose of this public hearing is to explain the State of North Carolina Small Cities Community Development Block Grant (CDBG) program and allow the citizens an opportunity to express their views concerning community development needs and priorities. Federal funding comes from the U.S. Department of Housing and Urban Development (HUD)

State Administration: The Rural Economic Development Division within the North Carolina Department of Commerce (DOC) and the North Carolina Department of Environment and Natural Resources (DENR) Division of Water Infrastructure (DWI) administer the CDBG program to local governments in non-entitlement areas.

Eligibility: All NC small cities are eligible to apply for these CDBG funds except for the 24 entitlement cities that receive funds directly from HUD. All NC counties, except for HUD-designated urban counties of Cumberland, Mecklenburg, and Wake, are eligible to apply.

National Objective: The primary statutory objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment and by expanding economic opportunities, primarily for persons of low- and moderate- income (LMI). The State must ensure that at least 70% of CDBG funds are spent for activities benefitting LMI persons. Program design must meet one of three national objectives: 1) LMI benefit; 2) prevent or eliminate slum and blight; 3) address an urgent need. Grants are expected to be awarded on a competitive basis.

Available Funding: Infrastructure- IF (DENR) and Economic Development- ED (DOC)

- **FY2013 & FY2014:** NC received about \$43 million in each year- About \$26 million for IF and about \$16 for ED
- **FY2015, 2016, and 2017:** Similar amounts are expected
- Deobligated/recaptured funding is reserved for capacity building and special projects

General Criteria:

- Previous CDBG grants administered in compliance with program regulations
- Progress towards completing previous grants meeting performance requirements for the particular program
- Current CDBG grant, if any, cannot be open beyond grant period according to the grant agreement (15, 30 or 36 months depending on grant category)
- No more than the maximum \$\$ amount of applications depending on the grant category, (e.g. max of \$3 million over 3 years for DENR; no more than \$1.25 million in CDBG applications at one time except for urgent needs, scattered site housing, and capacity building.

Economic Development (ED) grants provide funding for public infrastructure improvements and are designed to benefit LMI persons through job creation or retention by a private for-profit company. Funding eligibility is contingent upon the creation or retention of permanent, full-time jobs, at least 60% of which are made available to persons earning 80% or less of the median income for the area; or the elimination of slum and blighting conditions that can lead to future industrial development and job creation. In past years, funding per program year limited to a maximum of \$1 million to local government located in Tier 1 or 2 county and \$750,000 to local government located in Tier 3 counties. A 25% local match required for projects located in Tiers 2 and 3. As in past years, applications are accepted on a rolling basis.

Infrastructure (IF) grants are designed to improve the quality of life in target residential areas or area wide jurisdictions by installing, extending, or replacing public water and sewer systems. The maximum grant is \$2-3 million over a 3-year period. Priority is given to communities with critical water/wastewater systems needs (e.g. Special Order by Consent, Notice of Violations, administrative orders), and communities with proactive Asset Management Plans/ Capital Improvement Plans. Applications are due twice a year (March and September) with other DENR-funded applications.

No one appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

- B. Edgar Flores request a Conditional Use Permit for property located at 3025 North Roberts Avenue (parcel #1008-01-003.01). – Brandon Love, Planning Director

**EDGAR FLORES REQUEST A CONDITIONAL USE PERMIT FOR PROPERTY
LOCATED AT 3025 NORTH ROBERTS AVENUE (PARCEL #1008-01-003.01).**

Edgar Flores has submitted an application for a Conditional Use Permit for property located at 3025 North Roberts Avenue (parcel #1008-01-003.01). The proposed use of the property is for a restaurant bar.

On September 22, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request with the condition that the operating hours will be between the hours of 10:00am - 11:00pm, Monday thru Sunday.

On September 30, 2015 notices were mailed to the adjacent property owners within 150 feet, giving notice of this request.

On September 30, 2015 a notice was sent to the Robesonian to publish the legal ad for this request on October 2, 2015 and October 9, 2015.

On September 25, 2015 a notice was sent to the director of Public Works to have a public hearing sign posted on this property on or before October 2, 2015.

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

Mayor Pennington opened the Public Hearing to discuss a request for a Conditional Use Permit for property located at 3025 North Roberts Avenue. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

No one appeared to speak and the hearing was closed.

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. Unsafe Structure at 41 Allen Street – Council Policy Committee -- Ben Andrews, Inspections Director

The house located at 41 Allen Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 18, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of October 4, 2015.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 41 Allen Street.

After conversing with Ben Andrews, Inspections Director; Councilman Cantey made a motion, seconded by Councilman Hackney, allowing the home owner a 60 day extension to rectify some of the problems associated with the home. When the 60 days are up it will come back to Council.

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

X. ADJOURNMENT