



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • OCTOBER 9, 2017

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	Mayor Pro Tem	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	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	

Police Officers Heath Graham and Garrett Robinson served as Sergeant-at-Arms.

2. *Invocation*

Pledge Allegiance

3. *Invocation - City Attorney Holt Moore*

Pledge Allegiance - Councilwoman Higley

II. RETIREE RECOGNITION - BRENDA ROZIER, PROGRAM AIDE - RECREATION DEPARTMENT

III. RETIREE RECOGNITION - BRENDA ROZIER, PROGRAM AIDE - RECREATION DEPARTMENT (NO SHOW)

IV. RECOGNITION - MS. GLENDA TYSON

Receiving a plaque for Ms. Glenda Tyson for all the support and service that she has given to the Mayor's Committee for the Challenged were Ms. Myra Gibson and the President of the Committee Ms. Joyce Patterson.

V. PROCLAMATION - DISABILITY AWARENESS MONTH

Accepting the Proclamation for Disability Awareness Month were Ms. Joyce Patterson and Ms. Myra Gibson on behalf of the Mayor's Committee for the Challenged.

Public Comment Period

Richard Sceiford, 301 W. 17th Street, appeared before Council and spoke on behalf of the Carolina Civic Center. He spoke about the need for storage

Mr. Terry Locklear, 307 E. 15th Street, appeared before Council and registered his complaint concerning trash receptacles left on the side of the streets all week long. He wanted to know who came he call that will help him with this issue.

James Nance, 3574 Stacey Circle, appeared before Council concerning 1110 E. 11th Street. He stated that Ben Andrews has been a great help and has given him all the information that he needed.

VI. CONSENT AGENDA**a. City Council - Regular Meeting - Sep 11, 2017 6:00 PM -**

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- b. Request the Petition from Joe French for a Conditional Use Permit for property located at 1702 W. 5th Street to the Planning Board for their review, and authorize the Planning Director to set the Date of the Public Hearing - Council Policy Committee
- Joe French has submitted a Conditional Use Permit petition for property located at 1702 W. 5th Street (parcel # 3225-01-019/Deed Book 1215 Page 265). This request is to allow for the operation of a skill game arcade/indoor recreation facility (use #6.150 Billiard parlors/Pool Halls & Game Centers) at this location. This property is zoned B-4 (business general commercial) and requires a Conditional Use Permit for Billiard parlors/Pool Halls & Game Centers.

This property is located within Area 17, as identified in our Land Use Plan.
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.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- c. Refer the Petition from PMP Properties LLC., for a Conditional Use Permit for property located at 3487 Lackey Street to the Planning Board for their review, and authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee
- PMP Properties LLC has submitted a Conditional Use Permit petition for property located at 3487 Lackey Street (parcel # 1008-01-2202/Deed Book 1114 Page 174). This request is to

allow for skilled-based online gaming business with complimentary online work stations for email, bill pay and internet research. This property is zoned B-5.
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.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- d. Adopt a Resolution Directing the City Clerk to Certify the Petition for a Ditch Tiling Assessment for Bryan Britt for Property Located at 301 Cambridge Blvd - Council Policy Committee

This is a request for ditch tiling assessment at 301 Cambridge Blvd. Council Policy 743.00 - Ditch Tiling - allows the Property Owner to petition the City Council to share half the cost of the total installation of the pipe, including labor, material and equipment.

Adopt the Resolution Directing the City Clerk to Certify the Petition for Ditch Tiling at 301 Cambridge Blvd.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- e. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure at 1110 E 11th Street - Council Policy Committee

The structure located at 1110 E 11th Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on June 16, 2017, in which the owner was present for the hearing. An order to demolish and remove the structure was issued. The time in which the owner had to demolish and remove the structure expired on September 29, 2017.

Saff recommends the City Council direct the building inspector to demolish and remove the unsafe structure located at 1110 E 11th Street.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- f. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe structure located at 830 E. 7th Street - Council Policy Committee

The structure located at 830 E. 7th Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on June 22,

2017, in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on August 14, 2017.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 830 E. 7th Street.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- g. Approve the designation of \$300.00 of Community Revitalization Funds to Southern Sapphires Dance Company as follows: P1 - \$150.00 P2 - \$50.00 P4 - \$50.00 and P5 - \$50.00 - Council Policy Committee

Councilman Rising requests \$150.00 of Community Revitalization Funds to be given to Southern Sapphires Dance Company for support as they compete across NC against other dance companies.

Designate \$150.00 of CRF to the Southern Sapphires Dance Company.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- h. Bob Billingsley, Sanderson Farms, Inc., requests a contiguous annexation of property located at 6762 NC Highway 41 N. (Parcel # 290101001.12). - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Bob Billingsley, Sanderson Farms, Inc., requesting that property located at 6762 NC Highway 41 N. (Parcel # 290101001.12). , be annexed into the City of Lumberton.

Recommends that City Council direct the City Clerk to investigate said petition.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- i. Adopt an Ordinance Relating To Rabbits - Council Policy Committee

Some citizens and one or more members of Council have reported problems with pet rabbits leaving the property of the owners and causing problems for those nearby. In an attempt to address this, staff has amended the cat ordinance to include rabbits. Please note that one difference is that there is no rabies shot requirement for rabbits so provisions relating to that will not apply to them.

Consider proposed ordinance and pass if deemed appropriate.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- j. Adopt a Resolution to accept Maintenance Responsibility of the Roundabout from NCDOT - Council Policy Committee

The City received a Federal Grant, which was matched by NCDOT funds, to improve the intersection of Water Street and Elizabethtown Road by installing a roundabout. The grant agreement required the City to take over the improved section of Water Street from 5th Street to 8th Street from NCDOT upon completion of the project. Public Works is requesting Council adopt the attached resolution requesting this transfer from the North Carolina Department of Transportation.

Public Works is requesting Council to adopt the attached resolution authorizing the City to take over the maintenance responsibility of the Water Street roundabout from the North Carolina Department of Transportation.

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- k. Approve the designation of \$200.00 of CRF to Cheer XCEL for Cheer Leading Competition - Council Policy Committee

Councilman Robinson requests \$200.00 of CRF to be given to Cheer XCEL for cheer leading competition.

Designate \$200.00 of CRF to Cheer XCEL.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- l. Approve the De-obligation of \$1,250 from P5 Community Watch and Obligate \$500.00 for Community Programming for Volunteer Day of Service on for October 7th - Council Policy Committee

Councilman Cantey would like to de-obligate \$1,250 of Community Watch approved in September's meeting and obligate \$500.00 for community programming to assist with the Volunteer Day of Service in Precinct 5.

De-obligate \$1,250 of Community Watch and obligate \$500.00 of CRF for Community Programming for the Volunteer Day of Service on October 7th.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

- m. Approve the designation of \$100.00 of Community Revitalization Funds to Robeson Community College Foundation for its Golf Tournament from Precinct 7 - Council Policy Committee
Councilman Maynor requests \$100.00 of CRF to be given to Robeson Community College Foundation Golf Tournament.
Designate \$100.00 of CRF to RCC Golf Tournament.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- n. Refer the Proposed Ordinance Addressing Sweepstakes to the Planning Board for their Review and Authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee
Last month Council requested that staff bring back a proposed ordinance to address sweepstakes. The proposed ordinance is attached. This is a combination of the ordinance previously drafted by staff, with some updates from more recent ordinances. We believe it can be applied to be an effective method of sweepstakes regulation.
Consider ordinance and refer to the Planning Board for their recommendation.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

VII. PUBLIC HEARING

- a. Greenstate Investments, LLC. Rezoning application for 2610 Carthage Road – Brandon Love, Planning Director
Greenstate Investments, LLC. Rezoning application for property located at 2610 Carthage Road (parcel #1005-01-010/deed book 1140/page 402). This request is to rezone property from A (Agriculture) to R-7 (residential single family/duplex) to allow for the subdivision of the lot for the construction of duplex housing.

This property is located within the ETJ.

On September 19, 2017 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On September 27, 2017 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 September 27, 2017 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 September 29, 2017.

On September 27, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on September 29, 2017 and October 6, 2017.

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

Mayor Davis opened the Public Hearing on a request to rezone property located at 2610 Carthage Road. 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:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- b. Bruce or Pat Davis Rental Rezoning application for two parcels located on Godwin Avenue, 1600, 1604 and 1606 Godwin Avenue. – Brandon Love, Planning Director
Bruce or Pat Davis Rental Rezoning application for two parcels located on Godwin Avenue, 1600, 1604 and 1606 Godwin Avenue (parcel #'s 3216-02-021 and 3216-02-02105/deed book 1952/page 417). This request is to rezone property from M-1 (light manufacturing) to B-4 (business general commercial).

This property is located within Area 15, as identified in our Land Use Plan.

On September 19, 2017 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On September 27, 2017 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 September 27, 2017 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 September 29, 2017.

On September 27, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on September 29, 2017 and October 6, 2017.

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

Mayor Pro Tem Robinson opened the Public Hearing on a request rezone properties located at 1600, 1604, and 1606 Godwin Avenue. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [7 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Robinson
RECUSED:	Davis

VIII. NEW BUSINESS

- a. 911 Backup Center Bid – Council Policy Committee -- Bill French, Emergency Services Director

On August 25, 2017 informal bidding was opened on the Electrical and Mechanical portion of the 911 Backup Center project at 1608 E. 5th St. On September 25, 2017 a bid opening was held with the following results: TEMPCO Inc, **\$91,450.00** Smith Refrigeration, **\$83,801.00**. Three companies requested bid documents, but only two submitted a final bid. Council award the bid of \$83, 801.00 from Smith's Refrigeration for the 911 Backup Center.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- b. Electric Utilities Office Furniture – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director

The Electric Utilities office furniture was damaged by flooding due to Hurricane Matthew on October 8, 2016. The Electric Utilities department received bids from two local vendors to replace office warehouse and crewroom furniture. Shaw Office Supplies bid was 33,601.00 and Forms & Supply Inc. bid was 32,578.71. Funding for the furniture will come from FEMA and Golden Leaf unmet needs.

City Council award the bid for Electric Utilities office furniture to Forms & Supply Inc. in the amount of \$32,578.71.

RESULT:	APPROVED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- c. Award the bid to install HVAC units in the gym at Bill Sapp Center in the amount of \$154,300 to Smith's Refrigeration – Council Policy Committee -- Tim Taylor, Recreation Director

Informal Sealed Bids were received on September 19, 2017 by the Recreation staff to install air conditioning units in the gymnasium at the Bill Sapp Center. Bid tabulation form is attached.

Funding for this project was approved in FY16/17 from Recreation Capital Reserve Funds. Recreation staff recommends awarding bid to Smith's Refrigeration, Inc in the amount of \$154,300 to install central air conditioning in gymnasium at the Bill Sapp Center.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Robinson, Mayor Pro Tem
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- d. Purchase of 200KW Generator for the WWTP – Council Policy Committee -- Rob Armstrong, Public Works Director

There are three generators that provide backup power to the Waste Water Treatment Plant, two 200KW and one 900KW. One of the 200KW generators, which is approximately 30 years old, needs a radiator replacement. We've been given a \$24,000 repair estimate from Power Pro Tech Services, our generator maintenance service contractor, to provide a new radiator and necessary appurtenances. We can purchase a new 200 kw Caterpillar with 48 hour fuel tank from the NJPA contract services for \$49,770. Backup power is a permit requirement for the WWTP. Public Works is proposing we purchase a new 200KW generator with fuel tank from Gregory Pool Power Systems under NJPA Contract number #080613-CAT

Council authorize the purchase of a new Caterpillar 200KW generator with fuel tank from Gregory Pool Power Systems under NJPA Contract number #080613-CAT for \$49,770 using funds from the Water & Sewer Capital Reserve Account.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
EXCUSED:	Davis

- e. Change order of \$50,835.97 to Driven Contractors for Electric Utilities office repairs – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director

Attached is a list of Change Orders for Electric Utilities office repairs. The change orders are due to unforeseen electrical, wiring issues which was determined that needed to be repaired and replaced. Additional brick and sheathing had to be replaced due to flood and rain water that had leaked behind the front wall. Ceiling tile/grid had to be removed to install new air handlers and duct work in the ceiling. The change order price was a total of \$50,835.97.

Funding for the change order will come from FEMA and Golden Leaf.

CPC requests Council's approval for the Change order of \$50,835.97 to Driven Contractors for Electric Utilities office repairs.

RESULT:	APPROVED [8 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- f. Approve \$13,775 from the City's GoFundMe Account to Christian Aid Ministries to assist residents on the mitigation list with a cap of \$2,500.00 per home. – Council Policy Committee -- John Cantey Jr., Precinct 5

Currently in the City's GoFundMe account is the sum of \$20,775. Please see the attached letter of request from Christian Aid Ministries.

Designate the money from the City's GoFundMe Account to Midianites in the amount of \$13,775.00 to assist residents on the mitigation list with a cap of \$2,500.00 per home.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

IX. UNAGENDAED ITEMS

1. Approve the designation \$550.00 of Community Revitalization Funds to Bethany Presbyterian Church for a Community Program as follows: P1 - \$50.00 P2 - \$100.00 P3 - \$50.00 P4 - \$50.00 P5 - \$150.00 P6 - \$50.00 P7 - \$50.00 P8 - \$50.00 – John Cantey Jr., Precinct 5

Councilman Cantey requests \$150.00 of CRF to be distributed Bethany Presbyterian Church for a community program.

Designate \$550.00 of CRF Bethany Presbyterian Church for a community program as listed above.

RESULT:	APPROVED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

2. Approve the designation of \$600.00 of Community Revitalization Funds for St. Mary Holiness Church for Convocation Week as follows: P1 - \$50.00 P2 - 100.00 P3 - \$50.00 P4 - \$50.00 P5 - \$100.00 P6 \$200.00 P7 - \$50.00 – John Cantey Jr., Precinct 5

Councilmen Cantey & Howard request CRF to be distributed to St. Mary Holiness Church for Holy Convocation Week. Councilman Cantey would like to donate \$100.00 and Councilman Howard \$200.00.

Designate \$600.00 of CRF to St. Mary Holiness Church for Convocation Week as listed above.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

X. ADJOURNMENT

With no further business to come before Council the meeting was adjourned.