



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • SEPTEMBER 12, 2016

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
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	Excused	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

III. INVOCATION - DR. DAVID ELKS: PASTOR, FIRST BAPTIST CHURCH

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT PERIOD

VI. CONSENT AGENDA

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

A. Agenda Items

Minutes Approval

1. City Council - Regular Meeting - Apr 11, 2016 6:00 PM -
2. City Council - Regular Meeting - Aug 8, 2016 6:00 PM -

- A. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure at 701 S. MLK Jr. Drive. - Council Policy Committee

The house located at 701 S. MLK Jr. Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on July 26, 2016 and the owner was not present for the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of August 31, 2016.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 701 S. MLK Jr. Drive.

- B. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure at 2312 Burke Street - Council Policy Committee

The house located at 2312 Burke Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on July 19, 2016 and the owner was not present for the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of September 6, 2016.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2312 Burke Street.

- C. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure at 2314 Burke Street - Council Policy Committee

The house located at 2314 Burke Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on July 19, 2016 and the owner was not present for the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of September 6, 2016

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2314 Burke Street.

- D. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure at 310 Whiteville Avenue - Council Policy Committee

The house located at 310 Whiteville Avenue 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 27, 2016. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of August 31, 2016

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 310 Whiteville Avenue.

- E. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure at 2740 E. Elizabethtown Road - Council Policy Committee

The house located at 2740 E. Elizabethtown 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 28, 2016. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of August 31, 2016
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2740 E. Elizabethtown Road.

- F. Approve the Request from Robeson County Humane Society Approving the Request for Revision to Deed for Property Located at 3180 W 5th Street Along with the City's Right to Retain a "Right of First Refusal" - Council Policy Committee

In July of 2005, the City conveyed the property located at 3180 West 5th Street, formerly the Lewis Veterinary Clinic, to the Robeson County Humane Society. The deed contained a reverter clause, stating that if the property ceased to be used as an animal shelter, or if the Humane Society attempted to sell the property, the property would revert back to the City. The Humane Society indicates that, in their attempts to raise funds, such as in applying for grants, the reverter clause has been a barrier. For instance, the Society indicates that potential providers of funding, such as to improve the building, are reluctant to do so because the building could conceivably be taken back by the City. The Society is asking that the City issue an amended deed without the reverter clause. The City Manager suggested that the City could retain a 'right of first refusal,' whereby the City would have the right to purchase the property, for instance for a dollar, if the Society wanted to sell it, which would essentially provide the City a 'veto power' on the sale of the property if the City was not satisfied with the intended sale to a 3rd party, but which would otherwise leave the property in free-and-clear Humane Society ownership. Just for your information, the property has a tax value of \$213,800, of which \$123,800 is the building and \$90,000 is the land. The building is approximately 6280 sq. ft. Consider the Humane Society's request and decide whether to remove the reverter clause from their deed.

- G. Refer the Request from US Cellular for City Council to Consider a Text Amendment to the B-5 Zoning District to Allow Cellular Communications Towers to the Planning Board for their review. - Council Policy Committee

Michael Doran with McGuire Development Corporation, a consultant for US Cellular, is requesting that City Council consider a text amendment to the Land Use Ordinance which would allow for cellular communications towers to be placed within the B-5 *Highway Service* zoning district. Please see the attached information packet from Mr. Doran which details the need for this capability as well as defines a specific location for a proposed tower. Currently, only M-1 *Light Manufacturing*, M-2 *Heavy Manufacturing* and A *Agricultural* zoning districts allow for the construction of cellular communications towers.

Staff recommends that City Council review the information submitted by Mr. Doran on behalf of US Cellular and take one of the following actions:

1. Authorize staff to draft an amendment to the Land Use Ordinance allowing for the construction of cellular communications towers within the B-5 Highway Service district.
2. Forward the request to the Planning Board for their review and consideration.
3. Deny the petitioner's request to amend the Land Use Ordinance.

- H. Refer the petition Requesting a Conditional Use Permit for property located at 2208 W. Carthage Road to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing (parcel # 1005-01-01706/Deed Book 900 Page 578). - Council Policy Committee

Melanie N. Godwin has submitted a Conditional Use Permit petition for property located at 2208 W. Carthage Road. The proposed use of the property is a day care center.

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.

- I. Direct the City Clerk to Investigate the Sufficiency of the Petition Requesting a contiguous annexation of property located at 465 Kenric Road (Parcel #0207-02-006-01). - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Richard Kaczar requesting that property located at 465 Kenric Road, being Parcel #0207-02-006-01, be annexed into the City of Lumberton. Recommends that City Council direct the City Clerk to investigate said petition.

- J. Acceptance of a Sponsorship Agreement with Lumberton Chevrolet - Council Policy Committee

Lumberton Chevrolet Buick GMC Cadillac Dealership having a history of community involvement through sponsorship of recreational activities such as the “Chevy to the Levy”, “the Rumba to the Lumber”, youth athletics (basketball, baseball, softball, soccer, football) and many other special events desires to enter into an annual Sponsorship Agreement with the Recreation Department. Proposed agreement is attached.

Staff recommends that Council accept the Sponsorship Agreement with Lumberton Chevrolet Buick GMC Cadillac Dealership and authorize Recreation Director to sign the agreement.

- K. Establishment of Protocol for Pride in Lumberton Awards - Council Policy Committee

The Mayor has asked that this item be placed on the agenda to discuss the protocol and criteria for Pride in Lumberton Awards.

Discuss how Pride in Lumberton Awards are decided and presented and make any changes deemed appropriate.

- L. Approve the designation of \$500.00 of Community Revitalization Funds for Community Watch in Precinct 4 - Council Policy Committee

Councilwoman Higley requests \$500.00 of CRF for Community Watch.

Designate \$500.00 for Community Watch in Precinct 4.

- M. Approve the designation of \$400.00 of CRF to BOLM for Special Programs - Council Policy Committee

Councilman Cantey, along with Councilmen Howard and Robinson, requests CRF to be given to Breath of Life International Ministries, Inc. for special programs as follows:

P2 - \$200.00 P5 – \$100.00 P6 - \$100.00

Designate \$400.00 of CRF to Breath of Life International Ministries Inc.

VII. APPEALS AND PUBLIC HEARINGS

- A. Appeal of Order on Unsafe Buildings - Dr. Judith Webb – Holt Moore, City Attorney

The City Inspections Department, through Code Enforcement Officer Stephanie Canady, conducted an unsafe housing hearing regarding the property located at 617 S. MLK Jr. Drive

on August 5, 2016 at 11:15 AM, which was continued from July 26, 2016 at the owner's request. Appropriate notification was provided to the property owner, Dr. Judith Webb, at all times. Based upon the record and all of the evidence offered and the contentions made, found that, as to the subject property, the structure is unsafe and thereby constitutes a fire or safety hazard and that the property is dangerous to life, health or other property. This was rendered in a written determination dated August 11, 2016. The owner of the property was served with a copy of this decision, and filed a timely appeal of the decision with the Inspections Department. Dr. Webb also requested that the appeal hearing be postponed for 65 days and not heard at the September 12, 2016 Council meeting, and the Council Policy Committee has recommended that said request for postponement of the hearing be denied. Attached are: the Notice of Condemnation and Hearing, the Code Enforcement Officer's determination, the Notice of Appeal, the request for postponement, and pictures of the property.

Render an official ruling on the request for postponement, and if the postponement request is denied, consider the property owner's appeal and render a decision.

City Attorney Moore explained that this is a matter that came before the Council Policy Committee on question whether to go forth with the hearing tonight and Council agreed that the matter should be brought forth. He stated that we should have a motion to proceed with the hearing. Councilman Cantey made a motion, seconded by Councilman Howard recommending that the hearing be held. City Attorney Holt Moore shared a letter that was received on today from Ms. Webb and instructed Council that they could consider the request for time or its at their discretion to deny the request. The agenda item contained all of the paperwork from the Inspections Department to include pictures of the property. Councilman Cantey stated that he takes no pleasure in condemning property, but when the property is landlocked and the community is plagued with crime; there is no room for growth because the community is locked. In order to grow we must remove the structure.

Councilman Cantey made a motion, seconded by Councilman Howard, to deny the postponement and accept the recommendation of the Building Inspector recommendation to remove and demolish the property. It carried unanimously.

RESULT:	DENIED [8 TO 0]	Next: 10/10/2016 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

B. Appeal on Order on Unsafe Building - Douglas and Patricia McMillian – Holt Moore, City Attorney

The City Inspections Department, through Code Enforcement Officer Stephanie Canady, conducted an unsafe housing hearing regarding the property located at 14 Marion Road on August 25, 2016 at 11:00 AM. Appropriate notification was provided to the property owners, Douglas and Patricia McMillian, at all times. Based upon the record and all of the evidence offered and the contentions made, found that, as to the subject property, the structure is unsafe and thereby constitutes a fire or safety hazard and that the property is dangerous to life, health or other property, and provided a specific list of items needed to be corrected if the property was not to be demolished. This was rendered in a written determination dated August 26, 2016. The owner of the property was served with a copy of this decision, and filed a timely appeal of the decision with the Inspections Department. The McMillians also requested that the appeal hearing be postponed until October and not heard

at the September 12, 2016 Council meeting, and the Council Policy Committee has recommended that said request for postponement of the hearing be denied. Attached are: the Notice of Condemnation and Hearing, the Code Enforcement Officer's determination, the Notice of Appeal, the request for postponement, and pictures of the property.

Render a formal determination on the request for a continuance to October, and if the continuance is denied, render a decision on the owners' appeal.

City Attorney Moore explained that this is a matter is just like the previous one that came before the Council Policy Committee on question whether to go forth with the hearing tonight and Council agreed that the matter should be brought forth. He stated that we should have a motion to proceed with the hearing. Councilman Howard made a motion, seconded by Councilman Cantey recommending that the hearing be held. Mr. Andrews read the material from the submitted agenda item as shown above. Mr. McMillan appeared before Council and stated that this property was his grandmother's residence. The 10 years that Mr. Andrews eluded to; there has been a new roof has been damaged from tree moisture. He stated that he obtained a list from the building inspector and that he had already received a list from the contractor which were similar in nature. Mr. McMillan stated that he is asking for more time to bring the dwelling into conformity with the building code.

Ben Andrews appeared before Council and stated that additional time to demolish is set for September 28th. Mr. Andrews was asked what amount of work would it require in order for Mr. McMillan property not to be demolished after September 28th. Mr. Andrews stated that at least 75 to 80% of the work needs to be done in order for the order to demolish to be pulled. Mr. McMillan stated that he sees no problem with the time frame that he is being to complete the work but he is asking for additional time to complete it all. Mr. McMillan stated that he only found out about this two weeks ago when the notice of determination was done.

Councilman Rising stated that he would not like to see Mr. McMillan put all this work into a place and it not be sufficient to warrant an extension. I would hate to see Mr. McMillan's money go down the drain.

Councilman Howard stated that he ran his campaign on the promises that he would keep the community clean so therefore, it would be in the best interest to proceed with the recommendation.

RESULT:	DENIED [8 TO 0]	Next: 10/10/2016 6:00 PM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- C. Conditional Use Permit petition for property located at 4880 Kahn Drive (parcel # 1006-01-014.01/Deed Book 1958 Page 854). – Brandon Love, Planning Director
Justus 4, LLC has submitted a Conditional Use Permit petition for property located at 4880 Kahn Drive. This request is to allow the restaurant to sell alcoholic beverages.

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request with the following condition(s):

Operating hours will be between the hours of 10:00am - 11:00pm, Monday thru Sunday, only

On August 19, 2016 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On August 19, 2016 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the Conditional Use Permit request.

On August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located at 4880 Kahn Drive. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Director Love stated that the hours of operation have been changed from what is shown on the application. The Planning Board wanted the hours of operation to be consistent with what has been approved in the past.

Jason and Wendy Allison, owners of Woody's BBQ, appeared before Council and stated that they are restaurant owners and not a bar. He stated that they are a franchise that been in operation for 36 years and have no intentions of becoming anything other than a restaurant. Mrs. Allison stated that they are happy to be in the City and that they are sorry to hear of past events. She stated that they are family oriented and they want to be able to sell cocktails with meals. She stated that they serve a lot of good food.

Councilman Rising stated that he has spoken with the owners and they will have no live music on the property, that they will be more like an Outback setting. He stated that his concerns surround the parking issue... parking based on the square footage. Mr. Allison stated that at some point they are going to speak with the owners of the adjacent property.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- D. City of Lumberton Rezoning petition for property located off of NC Hwy 301 North (Parcel #2017-02-028-04) – Brandon Love, Planning Director

Previously, the City of Lumberton annexed property located off of NC Hwy 301 North (Parcel #2017-02-028-04). As of today, the property is zoned County Residential Agriculture. We are requesting to rezone the property to ?A? (City, Agriculture).

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located off of NC Hwy 301 North from County Residential to A (City, highway services). 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:	Leroy Rising, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- E. City of Lumberton Rezoning petition for property located at 9020 NC Hwy 74 (Parcel #0207-01-007) – Brandon Love, Planning Director

Previously, the City of Lumberton annexed property located at 9020 NC Hwy 74 (Parcel #0207-01-007). As of today, the property is zoned County Heavy Industrial. We are requesting to rezone the property to B-5 (City, highway services).

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located at 9020 NC Hwy 74 from County Heavy Industrial to B-5 (City, business highway services). 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:	Leon Maynor, Precinct 7
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- F. Rezoning petition for property located off of Meadow Road (Parcel #1010-01-008-05; 1010-01-008-03; and 1010-02-002). – Brandon Love, Planning Director
Previously, the City of Lumberton annexed property located off of Meadow Road (Parcel #1010-01-008-05; 1010-01-008-03; and 1010-02-002). As of today, the properties are zoned County Residential Agriculture and R-6 (City, residential class 'A' mobile home). We are requesting to rezone all of the properties to City Agriculture.

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning the Northeast Park Property located off of Meadow Road from County Residential Agriculture and R-6 (City, residential class "A" mobile home). 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:	John Robinson, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

- G. City of Lumberton Rezoning petition for property located at 465 Kenric Road (Parcel #0204-01-003; 0207-02-006) owned by Richard Kaczar. – Brandon Love, Planning Director
On March 14, 2016 the City of Lumberton annexed property located at 465 Kenric Road (Parcel #0204-01-003; 0207-02-006) with an effective date of May 14, 2016. As of today, the zoning of the property is County Highway District; we are requesting to rezone the property to B-4 (business general commercial).

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located at 465 Kenric Road from County Highway District 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.

Director Love appeared before Council and stated that on the agenda Council has directed the City Clerk to investigate the sufficiency of a petition requesting contiguous annexation of property that is part of this rezoning. The Planning Department requests that Council continue the public hearing until November.

RESULT:	REFERRED [8 TO 0]	Next: 11/14/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- H. Sylvia C. Harriss and Zella Ann Cooper rezoning petition for property located at 409 E. 19th and Street 406 E. 20th Street – Brandon Love, Planning Director
Sylvia C. Harriss and Zella Ann Cooper have submitted a rezoning petition for three (3) properties located at 409 E. 19th Street and 406 E. 20th Street, requesting the properties be rezoned from R-7 (residential single family) to B-2 (business community).

The current zoning of the property (R-7) does not support the current use of the property (multi-family residential). This request is to eliminate the non-conforming situation on the property and maintain the current use as multi-family.

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning properties located at 409 E. 19th Street and 406 E. 20th Street from R-7 (Residential Single Family) to B-2 Business Community). City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Attorney David Ramsaur, representative of Mrs. Harriss and Cooper appeared before Council and stated that we had the property appraised and we realized that the party was not compliance with the proper zoning districts.

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

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

I. Sylvia C. Harriss. Rezoning petition for property located at 2300 N. Pine Street. – Brandon Love, Planning Director

Sylvia C. Harriss has submitted a rezoning petition for property located at 2300 N. Pine Street, requesting the properties be rezoned from B-2 (business community) to B-4 (business general commercial).

The reason for this request is to open up the property for a broader range of commercial uses appropriate to the neighborhood.

On August 16, 2016 the Planning Board held the public meeting and recommends that City Council approve the rezoning request.

On August 19, 2016 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 August 19, 2016 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 August 24, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on September 2, 2016 and September 9, 2016.

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

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by rezoning properties located at 2300 N. Pine Street from B-2(Business Community) 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.

Attorney David Ramsaur, representative of Mrs. Harriss and Cooper appeared before Council and stated that rezoning this property would increase marketability. He stated that they have had a level of difficulty obtaining tenants.

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

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

VIII. NEW BUSINESS

A. Elm Street & 1st Street Combined Sewer Engineering Agreement – Council Policy Committee -- Rob Armstrong, Public Works Director

During the recently completed Phase III / West Lumberton Sewer Separation Project, Public Works identified a source of storm water inflow in the area of Elm Street and 1st Street but was unable to fund this repair because the state appropriated money for this project had been expended. Public Works is recommending the construction of this project move forward using funds from the Water and Sewer Capital Reserve Fund. Attached is a cost opinion \$87,000 for the design and construction of the project. We would like to enter into a Professional Services Agreement with the Wooten Company for \$15,000 for the design and construction management of this project. When the design is complete, construction bids for the project will be brought back to Council for approval.

Council Policy Committee is requesting that City Council approve entering into a Professional Services Agreement with the Wooten Company for \$15,000 for the design and construction management of the Elm Street and 1st Street Sewer Separation Project with funds from the Water and Sewer Capital Reserve Fund.

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

B. Regional Wastewater Study Engineering Agreement – Council Policy Committee -- Rob Armstrong, Public Works Director

In August the City of Lumberton was awarded a \$50,000 grant from the North Carolina Division of Water Infrastructure to study the potential regionalization of wastewater from Saint Pauls and the Robeson County Landfill. Public Works is recommending contracting the Wooten Company to develop the report and to study the current system and available alternatives. Attached is a professional services agreement with the Wooten Company for \$50,000 to conduct the study.

Council Policy Committee recommends that City Council approve the professional services agreement with the Wooten Company for \$50,000 to conduct the Lumberton-Saint Pauls - Robeson County Landfill Regional Wastewater Study funded by a grant from the North

Carolina Division of Water Infrastructure.

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

- C. WWTP Purchase of a Spare Influent Pump – Council Policy Committee -- Rob Armstrong, Public Works Director

Earlier this year Council approved funds to replace one of the 20 year Flygt Submersible Influent Pumps at the WWTP. During the course of replacing the pump Public Works has determined that we don't have a reliable spare pump in the event that another 20 year old Flygt pump may stop operating. Public Works would like to purchase a new Flygt replacement pump to be used as a spare influent pump for the WWTP. Attached is a quote for \$81,628.50 from Xylem Water Solutions, the sole source vendor for this product. Council Policy Committee recommends that City Council approve the purchase of a spare Flygt submersible WWTP influent pump for \$81,628.50 from Xylem Water Solutions with fund to be transferred from the Water and Sewer Capital Reserve Fund.

RESULT:	APPROVED [8 TO 1]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
NAYS:	Davis

- D. Sewer Bypass Pump Purchase – Council Policy Committee -- Rob Armstrong, Public Works Director

Public Works has \$40,000 in our capital fund approved by Council to purchase a sewer bypass pump, 60-00-8332-5960. Attached is a quote from Thompson Pump for \$35,303.00 off of the National Joint Powers Alliance (NJPA) contract. We also received direct quotes from two other pump manufacturers, Godwin (\$35,581.00) and Rain for Rent (\$43,170.00). Council Policy Committee is requesting Council approve the purchase a new sewer by-pass pump from Thompson Pumps for \$35,303.00 using funding appropriated in the Capital Budget line item 60-00-8332-5960

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

IX. ADJOURNMENT