



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • SEPTEMBER 11, 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	

b. Invocation

c. Pledge of Allegiance

Presentation to the City - VFW Post 8969

d. Invocation: City Attorney Holt Moore

e. Pledge of Allegiance: Councilman Hackney

Presentation to the City - VFW Post 8969

Mickey Biggs and Ken Sinclair presented City Council with a plaque as a symbol of thanks for Council's for their unwavering support. They thanked Council for all that they do.

f. Pride in Lumberton - Mr. Sims Williamson & Betty Guin

Mr. Sims Williams and Ms. Betty Guin were honored with the Distinguished Service Award for their heroic efforts in pulling a man out of a fire on Chippewa Street. They were joined by the members of the fire department that were there at the time. Both stated that they would do it again if the circumstance arises.

II. PUBLIC COMMENT PERIOD

Mr. & Mrs. Terry Jackson appeared before Council to thank Council and especially Councilwoman Higley for their contribution to the Lumberton Junior High School Athletic Program. Mrs. Jackson, who is the Softball Coach at the Junior High stated how the school was broken into and mentioned the equipment that was stolen; however, with the donation from Council, they were able to replace most of the necessary equipment.

PUBLIC SPEAKERS

1. David Richardson –

David Richardson, Executive Director of Lumber River Council of Governments, appeared before Council and introduced himself along with the NC Tomorrow Plan which encompasses regional and statewide strategies for comprehensive community and economic development building communities for tomorrow's jobs. . He stated that he is grateful to Councilman Maynor for his role on the Board. He stated that they are working with Ms. Tonya Alford so that Pine Street can become a Center of Excellence through additional funding that is being provided for the Center.

Mr. Richardson stated that still working with the Workforce Program and there are additional funds for the Recovery Program maintenance cleanup and clerical which is approved through September 2018. A matter of requirements / skills / and racial balance were discussed and Mr. Richardson stated that it is on the employer. Whatever skill level they are looking for is how the people are chosen.

III. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSENT:	Davis

A. City Council - Regular Meeting - Feb 13, 2017 6:00 PM -

B. City Council - Regular Meeting - Apr 10, 2017 6:00 PM -

C. City Council - Regular Meeting - Jun 12, 2017 6:00 PM -

D. City Council - Regular Meeting - Aug 14, 2017 6:00 PM -

E. Acceptance of Governor's Highway Safety Program Resolution in the amount of \$54,424.00 - Police

The Lumberton Police Department is asking City Council to adopt a Resolution of the North Carolina Governor's Highway Safety Program for federal funding in the amount of \$54,424 for traffic safety funding.

It is recommended that City Council adopt said Resolution from the North Carolina Highway Safety Program in the amount of \$54,424.00.

F. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Storage Building at 3605 N Walnut Street - Council Policy Committee

The storage building located at 3605 N Walnut 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 June 27, 2017 and the owner was present. An Order to demolish the storage building was issued. The time in which the owner had to comply has expired as of August 14, 2017.

Staff recommends that City Council adopt an Ordinance Directing the Building Inspector to demolish and remove the storage building located at 3605 N Walnut Street.

G. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure located at 2310 Marshall Street - Council Policy Committee

The structure located at 2310 Marshall 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 June 27, 2017. An order to demolish and remove the structure was issued. The time in which the owner had to demolish the structure has expired as of August 14, 2017. Staff recommends that City Council adopt an ordinance Directing the Building Inspector to demolish and remove the structure located at 2310 Marshall Street.

- H. Acceptance of a Request for Withdrawal for Shalonda Nicole Regan Rezoning application for 2305 Collins Street - Council Policy Committee
Shalonda Nicole Regan Rezoning application for 2305 Collins Street

Shalonda Nicole Regan Rezoning application for property located at 2305 Collins Street (parcel #3210-02-012/deed book 0770/page 463). This request is to rezone the property from R-7 (residential single family/duplex) to B-4 (business general commercial) to allow for a convenience store/outdoor flea market to operate at this location.

This property is located within Area 13, as identified in our Land Use Plan.

On August 22, 2017 Shalonda Nicole Regan withdrew this rezoning application.
Request council to accept Shalonda Nicole Regan's withdrawal request.

- I. Permission for Lumberton Police Department to apply for the 2017 Edward Byrne JAG Grant. - Council Policy Committee
The Lumberton Police Department is requesting permission to apply for the 2017 Edward Byrne JAG Grant in the amount of \$34,953 which will fund equipment, overtime, and training.
It is recommended that the Lumberton Police Department be granted permission to accept the 2017 Edward Byrne JAG Grant in the amount of \$34,953.

- J. Bruce or Pat Davis Rental Rezoning application for two parcels located on Godwin Avenue, 1600, 1604 and 1606 Godwin Avenue. - Council Policy Committee
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.
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.

- K. Greenstate Investments, LLC. Rezoning application for 2610 Carthage Road - Council Policy Committee
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.

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.

- L. Asset Inventory Assessment (AIA) Grant Application - Council Policy Committee
By adopting the attached resolution, Public Works is requesting Council authorization to apply for a second Asset Inventory Assessment (AIA) grant to start mapping our water system and to monitor infiltration in the Noir Street Sewer Outfall. There is no match required for the \$150,000 grant however Public Works is planning on supplementing the grant funds with \$50,000 of capital reserve money appropriated for mapping (60-00-8221-5560)
Public Works is requesting Council adopt the attached resolution authorizing the City of Lumberton to apply for a North Carolina Water Infrastructure AIA grant.
- M. Approve the designation of \$1900.00 of CRF for Tanglewood PTA for Playground Improvements as follows: P1- \$750.00 P3 - \$50.00 P4 - \$100 P5 - \$50.00 P6 - \$100.00 P8 - \$100 and \$750.00 from the Mayor's Discretionary Fund - Council Policy Committee
Councilman Rising requests \$750.00 of CRF to be given to Tanglewood PTA for playground improvements.
Designate \$750.00 of CRF for playground improvements to Tanglewood PTA.
- N. Approve the designation of \$500.00 of CRF for Community Watch in Precinct 4 - Council Policy Committee
Councilwoman Higley requests \$500.00 of CRF for Community Watch in Precinct 4.
Designate \$500.00 of CRF in Precinct 4 for Community Watch.
- O. Approve the designation of \$1250.00 of CRF for Hurricane Matthew Community Day on the Plaza - Council Policy Committee
Councilman Cantey requests \$1,250.00 of Community Revitalization Funds for Hurricane Matthew Community Day to be held on the Plaza on October 7, 2017.
Designate \$1,250.00 for the Hurricane Matthew Community Day in Precinct 5.
- P. Approve the designation of \$500.00 of CRF to Pentecostal United Holy Church for Church Anniversary as follows: P1 - \$50.00 P2 - \$100.00 P3 - \$50.00 P4 - \$50.00 P5 - \$100.00 P6 - \$50 & \$100.00 from the Mayor's Discretionary Fund - Council Policy Committee
Councilman Cantey requests \$100.00 of CRF to be given to Pentecostal United Holy Church for its anniversary celebration.
Designate \$100.00 to Pentecostal United Holy Church for its anniversary.

IV. PUBLIC HEARINGS

- 1. Amend Table of Permissible Uses for car washing in B-1 (central business) – Brandon Love, Planning Director
On June 15, 2017, June 18, 2017 and June 20, 2017 the Planning Department received a request from Johnny Ray Wilkins and Dick Taylor to allow car washes in the B-1 Zoning District. Currently, the Land Use Ordinance for the City of Lumberton does not allow car

washes in the B-1 Zoning District. This request is to consider amending the table of Permissible Uses to allow car washes (use#9.600) in the B-1 zoning district.

The B-1 (central business) district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the city's central business district.

On August 22, 2017 the Planning Board unanimously recommends City Council deny this request.

Recommend that City Council deny this amendment request.

Mayor Davis opened the Public Hearing on a request to amend the Table of Permissible Uses to allow a car wash in B-1 (Central Business) zoning district. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Johnny Wilkins, the applicant appeared before Council and stated that he did not know that he had to apply for authorization until he went to have his electric turned on. He stated that he rented the place and was not informed and that he has spent over \$3,000 in fixing up this place. He had an electrician to come in a rewire the place. Mr. Wilkins also mentioned that he wanted to sell clothes out of this place.

See no one else approach the podium to speak, Mayor Davis closed the hearing.

Councilman Cantey asked Mr. Love to explain the efforts that has gone into the downtown revitalization from not only the City's behalf but Redevelop Downtown Lumberton (RDL) group. Mr. Love mentioned a handout and gave a brief synopsis of the activities devoted to downtown revitalization over the past 10 years in Lumberton such as; brick sidewalk improvements, landscape planters and street trees, updated traffic signals to monopole mast arms and the \$2 million renovation to the Carolina Civic Center, just to mention a few.

Councilman Cantey explained to Mr. Wilkins that the City is pro-business and love to see new businesses coming to the City; however, at this time we must accept the recommendation of the Planning Board which is to deny this amendment request.

Mr. Love mentioned that Mr. Wilkins mentioned that he would be selling clothes at this location which is allowed in the B-1 zoning district. Council instructed Mr. Wilkins to see Mr. Love in reference to having a trade store at this location.

RESULT:	APPROVED [7 TO 1]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Maynor, Hackney
NAYS:	Howard
ABSTAIN:	Davis

2. Sharon Smith. Conditional Use Permit petition for property located at 202 E. 3rd Street. – Brandon Love, Planning Director
Conditional Use Permit petition for property located at 202 E. 3rd Street
(parcel # 3238-01-002/Deed Book 1705 Page 440).

Sharon Smith has submitted a Conditional Use Permit petition for property located at 202 E. 3rd Street. This request is to allow for the operation of a beauty school (use #5.120-trade

school) at this location. This property is zoned B-1 (central business) and requires a Conditional Use Permit for trade schools.

This property is located within Area 16, as identified in our Land Use Plan.

On August 22, 2017 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request.

On August 23, 2017 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 23, 2017 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 or before September 1, 2017 .

On August 23, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on September 1, 2017 and September 8, 2017.
Recommends that City Council hold tonight's public hearing and approve the conditional use permit request.

Mayor Davis opened the Public Hearing on a request for a Conditional Use Permit for property located at 202 E. 3rd Street.. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Sharon Smith, the owner of Smith's Natural Hair Care stated that this is a 300 hour course. Her hours of operation are from 5 to 9. She stated that this course will teach people to open their own saloons.

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

3. Water and Sewer Capital Improvement Plan Update – Rob Armstrong, Public Works Director

In order for Public Works to optimize our CDBG application for the Rosewood Mobile Home Park, we need to extend our existing 5 year Capital Improvement Plan (CIP) to 10 years. Also we need to specifically identify the Rosewood Project in our CIP. Currently we have generically labeled the project as a grant funded sewer extension in fiscal year 2018. Public Works is requesting Council approval of the revised 10 year Water and Sewer Capital Improvement Plan.

Council expressed concerns about the Gavintown Lift Station. Mr. Armstrong stated that they will probably add another lift station and that the desire is to reroute to the Northeast Lift Station. Concerns were expressed about money to improve streets and code enforcement along with beautiful. He stated that all of the concerns will be addressed through the grant and ownership funding.

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

4. Request Public Hearing for Rosewood Mobile Home Park CDBG Project – Rob Armstrong, Public Works Director

Public Works is requesting Council to hold a Public Hearing at the September 11, 2017 Council Meeting to consider applying for CDBG funds in order to extend sanitary sewer into the Rosewood Mobile Home Park off of Elizabethtown Road. The park contains approximately 125 home sites with approximately 86 sites served by on-site septic systems. Many of the lots served by septic systems are vacant, shut down by the Robeson County Health Department due to failing septic systems. The Health Department is not allowing additional connections or replacement homes on these lots. Clark and Associates, a soil science firm hired by the park owner, confirmed the poor soils conditions and concurred with the Health Department's moratorium. Teresa Johnson informed Public Works of potential CDBG infrastructure funds available to help extend gravity sewer throughout the park. Initial project reviews suggests that the project will score well in the competitive CDBG application round due in September.

Public Works is requesting Council to hold a Public Hearing at the September 11, 2017 Council Meeting to consider applying for CDBG funds in order to extend sanitary sewer into the Rosewood Mobile Home Park

Mayor Davis opened the Public Hearing on a request to consider applying for CDBG funds in order to extend sanitary sewer into the Rosewood Mobile Home Park. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Director Rob Armstrong read into the records the Public Hearing Meeting Minutes from the template verbatim. A narrative of the minutes can be found at Exhibit A.

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

V. NEW BUSINESS

1. Approval of UniFirst Service Agreements – Council Policy Committee -- Alisha Thompson, Finance Director

Our current service agreement with UniFirst expires on September 5, 2017. The Finance Department opened bids for uniforms on August 24, 2017. The bid tabulation is attached. Finance recommends that CPC approve the attached service agreements with UniFirst for five years.

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
RECUSED:	Davis

2. Approve the designation of \$500.00 of CRF from the Mayor's Discretionary Fund to be Given to the United Methodist Volunteers in Mission for the Purchase of a Generator – Council Policy Committee -- Bruce Davis, Mayor
Mayor Davis requests that the 1st reading on the request for \$500.00 of CRF to be given to the United Methodist Volunteers in Mission be waived for the purchase of a generator.
Designate \$500.00 of CRF to the United Methodist Volunteers in Mission.

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

VI. ADJOURNMENT

VII. AGENDA ITEMS

1. Approve the designation of \$625.00 of CRF from the Mayor's Discretionary Fund to be Given to the Robesonian – Bruce Davis, Mayor
Mayor Davis requests that the 1st reading on the request for \$625.00 of CRF to be given to the Robesonian for a page in its Hurricane Matthew publication be waived.
Designate \$625.00 of CRF to the Robesonian.

Councilman Cantey made a motion, seconded by Councilman Maynor, to waive the first reading on a request by the Mayor. It carried unanimously

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