



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • SEPTEMBER 8, 2014

Regular Meeting

Council Chambers

7:00 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	
Edwin Holt Moore	City Attorney	Present	

III. INVOCATION - CITY ATTORNEY MOORE

IV. PLEDGE OF ALLEGIANCE

V. PRIDE IN LUMBERTON - JAMIE BURNEY TEACHER OF THE YEAR 2013-2014

Mr. Jamie Burney was presented the Pride in Lumberton which is a print of the Old City Hall/Fire Station and a City Lapel Pin in recognition of being named "Teacher of the Year" 2013-2014. Mayor Pennington and Councilman Wilkins offered their congratulations along with the City Council.

VI. PUBLIC COMMENT PERIOD

No one appeared to speak.

VII. CONSENT AGENDA

RESULT:	ADOPTED [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

A. Minutes Approval

1. City Council - Regular Meeting - Aug 11, 2014 7:00 PM -

2. Approve a Contract for Asbestos Removal for 22 Canal Street - Council Policy Committee

The Inspections department solicited bids for the asbestos removal at 22 Canal Street on July 31, 2014. The following bids were received.

Environmental Concerns \$6,375.00

Republic Industries \$6,950.00

Locklear & Sons \$8,140.00

Staff Recommends City Council award the bid to Environmental Concerns in the amount of \$6,375.00.

3. Acceptance of 2014 Bulletproof Vest Partnership Grant - Council Policy Committee
The Lumberton Police Department has been awarded a Bulletproof Vest Partnership Grant in the amount of \$16,179.11. These funds will be used to purchase sixty-five (65) outdated vests for sworn personnel. This grant has a dollar for dollar match that will be taken from operating budget.

Accept grant award of \$16,179.11 from the 2014 Bulletproof Vest Partnership Program.

4. Agreement with The Robeson Guard for Norment Cemetery - Council Policy Committee
The Robeson Rifle Guards Camp #216 of Lumberton's Sons of the Confederate Veterans desire to adopt the Norment Cemetery located on East Fifth Street adjacent to the City Hall Building. The Robeson Guard wishes to enter into an annual agreement to provide monthly cleanup of the cemetery grounds. Furthermore, The Guard wishes to place a monument on the grounds to preserve the memory of more than 2,000 confederate soldiers who served Robeson County from 1861-1865.
Staff recommends that Council approve the attached Release Agreement with The Robeson Guard for cleanup of the Norment Cemetery and authorize the installation of a monument to acknowledge the faithful service of the confederate soldiers from 1861-1865.

5. Approve the Sign Permit for Southeastern Health Park requesting a modification to the freestanding sign located at 4901 Dawn Drive - Council Policy Committee
Eric Bever with Poblocki Signs is requesting a sign permit for Southeastern Health Park located at 4901 Dawn Drive (B-6 zoning district). His request is to amend the approved sign permit for the freestanding sign approved by City Council on June 9, 2014. The approved size was 156 square feet with an overall height of 18 feet. The current request is to increase the size to 200 square feet and reduce the overall height to 15 feet-10-3/8 inches.

Review and make a decision regarding the modification request.

6. Adopt an Ordinance Erecting "No Parking" signs from the hours of 7:30 am - 8:30 am and 2:30 pm - 3:30 pm on McMillan Avenue from West 31st to West 33rd on both the East and West side of McMillan; and on the Southside of West 31st Street from McMillan Ave to Floyd Ave. - Council Policy Committee

As a public safety issue; I would like to make you aware of some concerns that we are having as it pertains to parking on some of the city streets surrounding Tanglewood School. During the hours of 7:30 am – 8:30 am and again from 2:30 pm – 3:30 pm; both

sides of the streets (listed below) are blocked not allowing a lane for emergency vehicles to come through.

It is requested that the City erect: "No Parking" signs from the hours of 7:30 am - 8:30 am and 2:30 pm – 3:30 pm on McMillan Avenue from West 31st to West 33rd on both the East and West side of McMillan; and on the Southside of West 31st Street from McMillan Ave to Floyd Ave.

That the Council Policy Committee approve the erection of "No Parking" signs from the hours of 7:30 am - 8:30 am and 2:30 pm - 3:30 pm on McMillan Avenue from West 31st to West 33rd on both the East and West side of McMillan; and on the Southside of West 31st Street from McMillan Ave to Floyd Ave.

7. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing on a request for a Conditional Use Permit for property located at 224 Warwick Mill Rd - Council Policy Committee
Wanda Gail Johnson Britt has submitted a Conditional Use Permit Application for property located at 224 Warwick Mill Rd (parcel #3246-01-016). This request is to obtain a Conditional Use Permit for a single-family home with an accessory apartment. 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.
8. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a request to rezone property located at the NW corner of Contempora & K.B. Rd. - Council Policy Committee
Murphy-Brown, LLC has submitted a Rezoning Petition for property located at the NW corner of Contempora & K.B. Rd. (portion of parcel #0208-01-012). This request is to rezone property from A, Agriculture to M-2, Heavy Manufacturing. The applicants' intent is to build a livestock trailer wash facility at this location.
Council 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.
9. Authorize the August 2014 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:

2006-----	22.36
2007-----	21.65
2008-----	38.34
2009-----	798.14
2010-----	767.97
2011-----	1895.74

2012-----4624.35

2013-----8209.85

2014-----8447.55

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

10. Approval of Fire Station 2 Transition - Council Policy Committee

The City Council at the August CPC requested that the City Manager, Chief Ivey, Councilmen Ivey, Wilkins and Hackney meet with Lumberton Rescue to discuss the transition of Station 2 to a Public Safety Facility with 24-hour ambulance service. The purpose of the meeting was to develop specific recommendations for Council consideration.

A meeting was held on August 28th with City Staff; Council Representatives, Robert Ivey, Commander, Lumberton Rescue and Greg Bounds, Director, Robeson County Ambulance Service. The following costs were identified with the operation of Station 2; Utilities - \$600 - \$800 per month, Time Warner Cable - \$94.90 per month, Phone Service - \$40.00 per month and Property Insurance - \$1,999 a year. The Lumberton Rescue indicated that they would incur \$2,000 initial costs for computer and \$6,500 for operation which would include utilities.

The benefits to the City would include the reassignment of firefighters to other stations allowing the department to meet the staffing needs as recommended by the National Fire Protection Association (NFPA). The 1996 Fire Truck assigned to Station 2 would not have to be replaced a savings of \$400,000. The community would see improved services; ambulance calls over twelve month period were 590 vs. 66 fire calls. In addition to full time ambulance service; a fire truck will be maintained at Station 2 during the transition.

As a result of the August 28th meeting, the Committee recommended that City Council authorize Staff to move forward with a Transition Plan for Station 2. As part of this plan, the City Attorney would be authorized to prepare a lease for the use of the facility by Lumberton Rescue and Robeson County EMS. This Lease would be subject to review and approval by City Council and Lumberton Rescue Board of Directors. The Lease as presented would include the following provisions; Lumberton Rescue would be responsible for all utilities and general maintenance and repairs to the building. The City would continue to maintain its insurance and telephone/internet service to the building. The Committee also recommended that the funding of \$12,500 deleted from the Lumberton Rescue be restarted with the execution of a formal agreement.

11. Approve the designation of \$200.00 to the African American Cultural Center for Renovations - Council Policy Committee

Councilman Robinson is requesting \$200.00 of Community Revitalization Funds to be given to the African American Cultural Center for renovations.

Designate \$200.00 of CRF to the African American Cultural Center for renovations.

12. Approve the designation of \$315.08 of Community Revitalization Funds for a Handicap Ramp Located at 2308 Rosenwald Street - Council Policy Committee
Council Robinson requests \$315.08 of CRF for a handicap ramp located at 2308 Rosenwald Street.
Designate \$315.08 of CRF for a handicap ramp located at 2308 Rosenwald Street.
13. Approve the designation of \$500.00 to Joseph Frederick - New York City Marathon for Charity as follows: P4 - \$200.00 P6 - \$100.00 P8 - \$200.00 - City Manager
Police Officer Joseph W. Frederick appeared before the Council Policy Committee and stated that he is running in the New York City Marathon on Sunday, November 2, 2014. Officer Frederick is running for Team for Kids charity and has to raise a minimum of \$2,620.00 by October 2, 2014.
Council Designated CRF Funds as follows: P4 - \$200.00 P6 - \$100.00 P8 - \$200.00

VIII. PUBLIC HEARINGS

- A. Public Hearing - FY14/15 CDBG-1 Application – Rob Armstrong, Public Works Director
Rob Armstrong appeared before Council and stated that:

- Tonight's public hearing is required prior to the City submitting an application for 2014/15 CDBG funds. Since the State has changed the date that applications are due, the City is required to conduct another public hearing.
- CDBG funding categories for the 2014/15 funding cycle are infrastructure and economic development activities which benefit low and moderate income persons. The State of North Carolina budget has deleted the CDBG funds from housing activities and reallocated CDBG funds to infrastructure and economic development activities.
- The City intends to apply to the NC Department of Environmental & Natural Resources (NCDENR) for CDBG-I funds for a sewer rehabilitation project. Total amount of statewide funding for this category is \$26 million. CDBG-I funds will be awarded on a competitive basis.
- The City has an adopted CDBG program manual which includes the Residential Anti-Displacement and Relocation Plan. This manual is available for public viewing in the Community Development office at City Hall.

Recommend City Council conduct the Public Hearing and entertain any citizen's comments.

Mayor Pennington opened the Public Hearing to explain the proposed project...the 2013 CDBG Program and to allow the citizens' of Lumberton an opportunity to express their views concerning community development needs and priorities.

No one appeared to speak and no action was needed by Council.

RESULT: NOT APPLICABLE

- B. Robeson County Arts Council Conditional Use Permit Application for property located at the 910 N. Walnut Street (parcel #3233-03-001) (Deed Book 735 Page 836) – Brandon Love, Planning Director

Robeson County Arts Council has submitted a Conditional Use Permit Application for property located at the 910 N. Walnut Street (parcel #3233-03-001). This request is to obtain a Conditional Use Permit to operate an art gallery/art center at this location.

On August 19, 2014 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request with the following condition:

1. Major events shall be held after regular business hours of the adjacent office use(s).
Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request.

Mayor Pennington opened the Public Hearing to consider amending the Land Use Ordinance by considering an application for a Conditional Use Permit property located at 910 N. Walnut Street . City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mary Ann Masters appeared before Council and stated that the property located at 910 Walnut will be utilized as an Art Gallery. She stated that she is seeking approval from Council. No one else appeared to speak so the Mayor closed the public hearing.

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert L. Jones, Precinct 6
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

C. Commercial Solid Waste Franchise Request - All Points Waste Services – Edwin Moore, City Attorney

All Points Waste Services Inc. of Laurinburg has requested a commercial solid waste franchise.

They would serve commercial businesses in the City on a contract basis. Under City Code Chapter 19 (Solid Waste) and under Article IX, Section 1 of the City Charter, the Council may grant non-exclusive franchises for commercial waste removal. While there is no specific franchise application, the City Council must pass an ordinance granting the franchise at two regular meetings of the Council before a franchise may be granted.

The following items from All Points Waste Services, Inc. were provided to Council at the Council meeting of August 11, 2014, Council meeting and the following documents are attached:

1. Articles of Incorporation.
2. Certificates of Insurance.
3. List of Commercial Trucks/Machines to be used.
4. Performance Bond
5. Schedule of Fees.
6. Proposed Ordinance.

The proposed ordinance would grant a franchise through May 31, 2018, which is the ending date for all other solid waste franchises.

Recommend that the City Council hold the public hearing. There is no action required at this hearing; it is considered the first reading at a regular meeting. Set the date for the next reading on October 13, 2014.

Mayor Pennington opened the Public Hearing to consider granting All Points Waste Services the ability to collect commercial solid waste within the City limits. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

D. Economic incentives for Project Sweep – Wayne Horne, City Manager

Project Sweep which is located in the City of Lumberton with an investment of \$1.7 million for building and equipment will create 10 new jobs, with an average wage of \$12.00 per hour. If approved by Council; this project would qualify for \$20,967.38 in incentives under Lumberton Economic Development Policy. These incentives will be granted as a utility tax credit over a three year period.

Recommend that City Council hold a Public Hearing and consider approval of \$20,967.38 in economic incentives for Project Sweep.

Mayor Pennington opened the Public Hearing to consider extending economic development incentives to an industry for the expansion of an industry with the City of Lumberton.. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

E. Economic incentives for Project Heat Extraction – Wayne Horne, City Manager

Project Heat Extraction which is located in the city of Lumberton with an investment of \$5.5 million for building and equipment will create 8-10 new jobs, with an average wage of \$12.00 per hour. If approved by Council; this project would qualify for \$107,250.00 in incentives under Lumberton Economic Development Policy. These incentives will be granted as a property tax credit over a three year period.

Recommend that City Council hold a Public Hearing and consider approval of \$107,250.00 in economic incentives for Project Heat Exchange.

Mayor Pennington opened the Public Hearing to consider extending economic development incentives to an industry for the expansion of an industry with the City of Lumberton.. City Clerk Laney Mitchell-McIntosh

submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [8 TO 0]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

IX. NEW BUSINESS

A. Robeson County Church and Community Center – Council Policy Committee -- Wayne Horne, City Manager

Darlene Jacobs, Executive Director, Robeson County Church and Community Center, appeared before Council at the August CPC meeting to request assistance with repairs to the roof of their Administrative Office building on W. 5th Street. The estimated cost of repairs is \$100,000. Ms. Jacobs made a similar request to the Robeson County Board of Commissioners this past month. Staff made the following recommendation for Council consideration; that the Robeson County Church and Community Center finance the roof repairs over 5 years. If this plan was accepted; then City Council would consider increase its' annual appropriation to the Robeson County Church and Community Center by \$10,000 per/year for 5 years to coincide with their 5-year financing plan. Robeson County followed the City's lead and approved increasing their contribution to the Robeson County Church and Community Center for five years, for 50% of the project cost. CPC recommends that City Council consider the request for assistance from the Robeson County Church and Community Center for assistance and instruct Staff on how to proceed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney

CLOSED SESSION

X. ADJOURNMENT