CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● AUGUST 12, 2013

Regular Meeting	Council Chambers	7:00 PM

500 N Cedar St, Third Floor, Lumberton, NC 28358

I. ROLL CALL

A. Call to Order

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Precinct 1	Present	
John Robinson	Precinct 2	Present	
Jackie Taylor	Mayor Pro Tem	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	
Robert E. Price	Interim City Attorney	Present	

B. Invocation: Interim City Attorney Robert Price

II. PRIDE IN LUMBERTON

Daniel Harper - Valedictorian - Lumberton High School. -

Daniel Harper had a Grade Point Average (GPA) of 4.98. On behalf of the City Council; Mayor Pennington wished Daniel the best in all of his endeavors and instructed to learn all that he can and return home and use it for the betterment of this City.

Will Norton - Salutatorian - Lumberton High School -

Will Norton had a Grade Point Average (GPA) of 4.78. On behalf of City Council, Mayor Pennington wished Harper the best and instructed him to learn all that he possibly can and return home and use it in the City of Lumberton.

III. RETIREE RECOGNITION

Howard Reaves -

Officer Reaves did not appear to receive his plaque; however, he had 29 years with the Lumberton Police Department. Mayor Pennington in the absence of Reaves wished him the best in his retirement.

Johnny Harrelson -

Mr. Johnny Harrelson was presented with a plaque thanking him for his 14 years of service with the City of Lumberton as a Material and Inventory Specialist in the Electric Utilities Department. On behalf of the City of Lumberton, Mayor Pennington wished Mr. Harrelson the best on his retirement and God's speed.

Gordon Wright -

Mayor Pennington thanked Mr. Gordon Wright for his ten years with the City of Lumberton as a Tree Trimmer in the Electric Utilities Department. Mayor Pennington and on behalf of this City wished Mr. Wright the best in his retirement and his endeavors. He thanked him for his ten years with this City.

UNCP

Mayor Pennington was presented an award from the University North Carolina at Pembroke Board of Trustees by Kyle Carter, Chancellor and his wife Sarah; Joshua Malcolm, General Counsel and Dan Kenney, Chief of Staff to the Chancellor for his meritorious service on the Board of Trustees at the University of Pembroke. They thanked Mayor Pennington for his dedication and loyalty over the years.

IV. PUBLIC COMMENT PERIOD

Mr. Terry Evans appeared to speak before Council and stated that he is in opposition to item concerning Nathaniel Stubbs and the youth center. He stated that he is a member of the Robeson County Planning Board and that they refuse to allow this type of pyramid scheme in Robeson County. Their job is to protect the children not allow them to be exploited.

Sergeants-at-Arm -

Mayor Pennington recognized the Sergeants-at-arms and thanked them for their service.

Sgt. Shawn Byrd -

Plt. Steven Jacobs -

V. CONSENT AGENDA

A. City Council - Regular Meeting - Jun 10, 2013 7:00 PM -

B. Acceptance of the Division of Aging and Adult Services Grant Award to the Pine Street Senior Center - Council Policy Committee
The Lumber River Council of Governments Area Agency on Aging recently notified Senior Center Coordinator Tonya Alford that the Pine Street Senior Center has been awarded $12,610 from Home & Community Care Block Grant Funds for the fiscal year ending June 2013. These funds were awarded due to under spending by another center and funds were transferred to Robeson County so that unused funds would not be returned to the State. Grant award requires a ten percent local match; any expense incurred between July 1, 2012 and June 30, 2013 would qualify as the local match. The Senior Center will receive $11,349 after the ten percent match has been withheld by the State.
Recreation staff recommend that the Council Policy Committee accept the Home & Community Care Block Grant award of $11, 349 to the Pine Street Senior Center.

C. Adopt a Resolution Declaring the Property Located at 1204 Peachtree Street as Surplus to the Needs of the City, and Authorize the Property to be Demolished and Removed - Council Policy Committee

The property located at 1204 Peachtree Street is part of an original tract of land purchased in 1991 by the City for the purpose of providing community based recreation. Known now as the Hayswood Community Center, the site contains a community building, an outdoor basketball court, a children's play unit and open space for athletic practice. The Inspection's Department has deemed the property to be damaged beyond repair.
Recreation administrative staff recommends that the Council Policy Committee declare the property located at 1204 Peachtree Street as surplus property; and authorize city staff to demolish structure and remove all debris at this location.

D. Approve the Creation of Section 35-174 C, Organized Shelter Type C, and amend the Definitions Section, Table of Permissible Uses, and Parking Table - Council Policy Committee
Currently, the Land Use Ordinance for the City of Lumberton does not allow organized shelters that provide Counseling and/or therapeutic activities on site. The planning Department request that the following sections be amended to accommodate for a greater number of individuals and to allow Counseling and/or therapeutic activities on site.

<u>Definitions Sections</u>

Organized shelter--Type C. A transitional housing facility designed to temporarily feed, shelter and provide counseling or therapeutic activities for individuals according to the standards in section 35-178.

<u>Sec. 35-178. Organized shelters</u>

(C) An organized shelter Type C shall meet all of the following standards:

(1) The organized shelter Type C shall house no more than forty-five (45) individuals at any one time.

(2) No individual shall remain in any one shelter longer than (90) consecutive days per calendar year. No individual shall be readmitted to any organized shelter Type C until at least thirty (30) days have elapsed from his last residency at that shelter.

(3) Counseling and/or therapeutic activities shall be conducted in an organized shelter Type C.

(4) The shelter operators will provide an employee or volunteer to maintain a continuous on-site supervision of the shelter.

(5) No organized shelter Type C shall be located within a one and one-half mile radius (determined by straight line and not street distances) of another organized shelter Type C, an organized shelter Type B or an organized shelter Type A.

<u>Table of Permissible Uses</u>

Use Description	B-4	B-5	B-6	B-7	M-1	M-2	M-3

7.500 Organized Shelters Facilities							
7.510 Type A	C			C	C	C	
7.520 Type B	C			C	C	C	
7.530 Type C	**C**			**C**	**C**	**C**	

Parking Table

7.510 7.520 7.530	1 space per every 3 beds or 1 space per 400 square feet of gross floor area, whichever is greater.

Recommend Council Policy Committee discuss this item, forward request to the Planning Board for their review and authorize the Planning Director to set the date for a public hearing.

E. Refer the Petition from Lumberton Christian Care Center Requesting a Conditional Use Permit for property located at 220 East Second Street to the Planning Board for their review, and authorize the Planning Director to set the date of the Public Hearing - Council Policy Committee

Lumberton Christian Care Center has submitted a Conditional Use Permit application for property located at 220 East Second Street, parcel #3238-01-014. This request is to obtain a Conditional Use Permit to operate a soup kitchen/transient housing (Organized Shelter type "C").

On February 11, 2013 City Council voted to approve Lumberton Christian Care Center's previous CUP request for an Organized Shelter type "B" which allows for 15 individuals.

Lumberton Christian Care has been selected to participate in the North Carolina Housing Finance Agency Supportive Housing Program. They have been awarded $600,000 for the construction of the emergency housing portion of the new facility. In order to receive the funds, the facility has to increase the number of individuals they will be able to assist at one time from 15 to 44.

On July 29, 2013 Lumberton Christian Care Center is requesting to operate an Organized Shelter type "C". They stated that the Organized Shelter type "C" will best suit their needs.

Sec. 35-178. Organized shelters

(C) An organized shelter Type C shall meet all of the following standards:

(1) The organized shelter Type C shall house no more than forty-five (45) individuals at any one time.

(2) No individual shall remain in any one shelter longer than (90) consecutive days per calendar year. No individual shall be readmitted to any organized shelter Type C until at least thirty (30) days have elapsed from his last residency at that shelter.

(3) Counseling and/or therapeutic activities shall be conducted in an organized shelter Type C.

(4) The shelter operators will provide an employee or volunteer to maintain a continuous on-site supervision of the shelter.

(5) No organized shelter Type C shall be located within a one and one-half mile radius (determined by straight line and not street distances) of another organized shelter Type C, an organized shelter Type B or an organized shelter Type A.

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.

F. Approval of July 2013 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:

2002……….$4.52
2005……….$2.07
2006……….$51.56
2007……….$12.48
2008……….$8.58
2009……….$45.91
2010……….$833.07
2011……….$912.08
2012……….$2,542.03

TOTAL $4,412.30
Approve the tax releases for the years and amounts listed above.

G. Direct Staff to Repair the City owned Building at 110 N Chestnut Street - Council Policy Committee
The building located at 110 N Chestnut Street owned by the City, was inspected this past month. As a result of the inspection, issues with the floor system, windows, block walls, facia boards and roof were the most severe damaged areas. We have secured a quote of $13,170.00 to repair the structure and estimated $5,000 - $6,000 to demolish.
CPC recommends that City Council review the information and direct Staff to repair the structure.

H. Accept the Request to Withdraw the Petition from RMC Holdings for a Conditional Use Permit for property located at the corner of W. 5th Street and Hilton Street. - Council Policy Committee
RMC Holdings (Larry Stone, Owner) has submitted a Conditional Use Permit application for property located at the corner of W. 5th Street and Hilton Street, parcel #'s 1013-01-001-04

and 1013-01-001-05. This request is to obtain a Conditional Use Permit for a major subdivision.
On June 18, 2013 the Planning Board reviewed the request and recommended denial based on the fact that no one was present at the meeting on behalf of the applicant/owner to present the application to the Board.
On July 29, 2013 Mr. Larry H. Stone, President of RMC Holdings, Inc. submitted a formal request to withdraw this application.
The Council Policy Committee recommends that City Council accept this withdrawal request.

I. Refer the Rezoning Request from Steven Branch (Breck LLC) to the Planning Board for its review and Authorize the Planning Director to set the date of the public hearing for property located at 410 E 2nd Street - Council Policy Committee
Steven Branch (Breck LLC) has submitted a rezoning application for property located at 410 E 2nd Street (Parcel #s 3238-02-016 and 3238-02-015). This request is to rezone the properties from M-1 (Light Manufacturing) to B2H (Business Community). The applicant's intent is to operate a miscellaneous retail store.
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.

J. Approve the Request form Southeastern Regional Medical Center for 8 freestanding signs - Council Policy Committee
Southeastern Regional Medical Center is requesting the following freestanding signs:
1) 63 sq.ft. freestanding sign at location 1
2) 63 sq.ft. freestanding sign at location 2
3) 41.1 sq.ft. freestanding sign at location 3
4) 41.1 sq.ft. freestanding sign at location 4
5) 41.1 sq.ft. freestanding sign at location 5
6) 41.1 sq.ft. freestanding sign at location 6
7) 23 sq.ft. freestanding sign at location 7
8) 12 sq.ft. freestanding sign at location 8
This request is for property located at 300 W. 27th Street. This property is zoned B-6, Medical Arts.
Sec. 35-282. Signs within the medical arts district states:
Notwithstanding any other provisions of this article excepting for the provisions of section 35-281, signs in the B-6 (medical arts) district may be erected, moved, enlarged, or substantially altered pursuant to plans approved by city council.
(Ord. No. 1448, 6-27-94)
Recommends Council Policy Committee and City Council approve this request.

K. Adopt the Tax Collection Order for 2013-2014 - Council Policy Committee
Pursuant to a resolution adopted by Council on August 26, 2002, an order for the collection of taxes is to be adopted annually. An order in the form specified by that ordinance is attached.
Recommend that Council adopt an order directing the tax collector to collect taxes in accordance with G.S. §105-321 & 105-351.

L. Approve the Mutual Aid Agreement with Smyrna Volunteer Fire Department - Council Policy Committee
Lumberton Fire Department requests permission to enter into a Mutual Aid Agreement with Smyrna Volunteer Fire Department. The agreement would allow either department to request assistance from the other department during an emergency.
Lumberton Fire Department recommends that city council allow the fire department to enter into a mutual aid agreement with Smyrna Volunteer Fire Department.

M. Deny the Request to Amend Table of Permissible Uses to allow Clerical Office in the B-5 Zoning District - Council Policy Committee
Currently, the Land Use Ordinance for the City of Lumberton does not allow clerical office and services not primarily related to goods or merchandise in the B-5 Zoning District. This request is to consider amending the table of Permissible Uses to allow clerical office and services not primarily related to goods or merchandise (use#3.100, 3.110, 3.200, and 3.220) in the B-5 zoning district.

On April 15, 2013 staff requested City Council to forward this amendment proposal to the Planning Board for their review and consideration.

On May 16, 2013 the Planning Board reviewed the request and recommended the request be denied.

On June 10, 2013 City council voted to send the proposal back to the Planning Board for further review.

On June 18, 2013 the Planning Board reviewed this proposal again and recommends the request be approved, allowing *clerical office and services not primarily related to goods or merchandise* (use#3.100, 3.110, 3.200, and 3.220) in the B-5 zoning district. Additionally, the Planning Board recommends that City Council allow land use 3.130 – *offices of physicians and dentists* in the B-5 zoning district. This recommendation passed the Board by a vote of 6-2.
Planning Board recommends City Council approve the request allowing clerical office and services not primarily related to goods or merchandise (use#3.100, 3.110, 3.200, and 3.220) and offices of physicians and dentists (use#3.130) in the B-5 zoning district.

N. Approve the Ratification of the United States Department of Agriculture Contract Change Order No. 4 in the Amount of $8,050.00 for the Lumberton Police Department - City Manager
Chancel Builders, Inc. Requested Change Order No. 4 to the USDA contract for the Lumberton Police Department in the amount of $8,050.00 be approved. On June 19, 2013, a telephonic poll was conducted and the vote was unanimous.
That City Council ratify the unanimous vote to increase the USDA contract for the Lumberton Police Department by $8,050.00.

O. Adopt an Ordinance Directing the Building Inspector to Remove or Demolish Unsafe Structure at 2901 Olive Drive - Council Policy Committee

The house located at 2901 Olive Drive (Parcel# 3218-02-011) was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the Hearing was held on May 21, 2013. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired.
Staff recommends City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2901 Olive Drive.

P. Approve Tax Releases for May 2013 - Council Policy Committee
2011 $66.54
2012 $7,123.83

Q. Approve the designation of $200.00 of Community Revitalization Funds for a Community Watch Program in Gavintown Housing Area. - Council Policy Committee
Councilman Robinson requests $200.00 of Community Revitalization Funds for a Community Watch Program in Gavintown Housing Area.
Designate $200.00 of Community Revitalization Funds for a Community Watch Program in Gavintown Housing Area.

R. Approve the designation of $560.05 of Community Revitalization Funds to Community Watch to offset the cost for the 911 Day in Precinct 7 - Council Policy Committee
Council Maynor requests that $560.05 be designated to Community Watch to offset the cost for the 911 Day.
Designate $560.05 to Community Watch.

S. Approve the Designation of $250.00 of Community Revitalization Funds to First Baptist Church for a Community Day. - Council Policy Committee
Councilman Cantey requests $250.00 of Community Revitalization Funds be designated to First Baptist Church for a Community Day on August 17, 2013.
Designate $250.00 of Community Revitalization Funds to First Baptist Church, Lumberton.

T. Approve the designation of $900.00 For Community Watch in Precinct 3 - Council Policy Committee
Councilman Taylor requests $900.00 be designated to Community Watch in Precinct 3.
Designate $406.55 to Community Watch in Precinct 3.

U. Approve the designation of $208.82 of Community Revitalization Funds from P7 for a Water Bill @ BART 3143 W. 5th Street - Council Policy Committee
The building located at 3143 W. 5th Street is used by BART for a storage area that has no service for water. BART has had several homeless people living in the back yard of the building and many times they have been asked to leave. Ms. Hunt, CEO for BART never knew there was a problem until she attempted to use the kitchen sink and the water had been turned off due to an extremely high water bill. Researching the problem; we found a water hose hanging in a tree apparently where vagrants were using the water to bathe or drink.

BART could not afford to pay this bill; working with Councilman Maynor, the bill was checked out for accuracy and found that there were no plumbing problems and we asked for financial assistance. Councilman Maynor is requesting $208.82 dollars be designated to

BART to pay the water bill at 3143 W. 5th Street.
Designate $208.82 of CRF be made payable to the City of Lumberton from Precinct 7 on behalf of BART's water bill.

V. Approve the designation of $850.00 to Offset the Cost of the Community Day on July 13, 2013 - Council Policy Committee
Councilman Cantey requests $850.00 to offset the cost of the Community Day held on July 13, 2013.
Designate $850.00 of CRF to offset the cost of the Community Day.

W. Approve the designation of $200.00 of Community Revitalization Funds for Community Watch Program - Council Policy Committee
Councilman Cantey requests $200.00 of Community Revitalization Funds in Precinct 5 for a Community Watch program at Weaver Court Housing Community.
Designate $200.00 of CRF to Weaver Court Housing Community for Community Watch.

X. Approve the designation of $250.00 of Community Revitalization Funds for a Community Watch Program - Council Policy Committee
Councilman Cantey requests $250.00 of Community Revitalization Funds for a Community Watch Programs in Magnolia Housing / Rozier Homes Communities in Precinct 5.
Designate $250.00 of CRF to Magnolia Housing / Rozier Homes Communities for Community Watch.

Y. Approve the designation of $1,100.00 of Community Revitalization Funds to Breath of Life Ministries, Inc., for a Community Day - Council Policy Committee
Approve the designation of CRF to Breath of Life Ministries, Inc., for a Community Day event on August 24, 2013 at Luther Britt Park as follows:

P2 - $200.00 P3 - $200.00 P4 - $300.00 P5 - $200.00 P6- $200.00
Designate $200.00 of CRF to Breath of Life Ministries, Inc.

Z. Approve the designation of $200.00 of Community Revitalization Funds for a Community Watch Program in Davis Heights - Council Policy Committee
Councilman Robinson requests $200.00 of Community Revitalization Funds for a Community Watch Program in Davis Heights.
Designate $200.00 of CRF to Davis Heights for Community Watch.

AA. Approve the designation of $200.00 of Community Revitalization Funds for a Community Watch Program in Carriage Hills Housing Area - Council Policy Committee
Councilman Robinson requests $200.00 of Community Revitalization Funds for a Community Watch Program in Carriage Hills Housing Area.
Designate $200.00 of Community Revitalization Funds for a Community Watch Program in Carriage Hills Housing Area.

AB. Approve the designation of $100.00 of CRF to be paid to the West Lumberton Kiwanis Club for a handicap ramp at 2905 Hedge Dr. - Council Policy Committee
Councilman Maynor requests $100.00 of Community Revitalization Funds to be paid to the

West Lumberton Kiwanis Club for a handicap ramp located at 2905 Hedge Dr.
Designate $100.00 of CRF to West Lumberton Kiwanis Club for handicap ramp in Precinct 7.

AC. Approve the Designation of $500.00 of Community Revitalization Funds to Oakridge Association of Lumberton - Council Policy Committee
Request that $500.00 of Community Revitalization Funds be given to the Oakridge Association of Lumberton Ltd. for maintenance of common areas in Precinct 1.
Designate $500.00 of CRF to Oakridge Association of Lumberton Ltd for maintenance.

AD. Designation $500.00 of Community Revitalization Funds to the Robeson County Museum - Council Policy Committee
Designation of $500.00 of Community Revitalization Funds to the Robeson County Museum from Precinct 8.
Designate $500.00 of CRF to the Robeson County Museum in Precinct 8.

VI. OLD BUSINESS

1. Appeal Hearing for Unsafe structure at 210 E 10th Street - Ben Andrews, Inspections Director
The structure located at 210 E. 10th Street has been cited by the City of Lumberton Inspections Department on multiple unsafe building code violations. The inspections department started enforcement action on this property on September 24, 2012 and has completed all required steps in the process, including the Order to Demolish. The owner John Singletary, upon receipt of the order, filed a notice of appeal. As of to date the owner has taken no action to correct or address the code violations that have been identified by the inspections department.
Refer the appeal to City Council for recommendation.

Mr. John Singletary, 210 E. 10th Street appeared before Council and stated that his intention is repair this home. He has applied for financing and should hear an answer very soon. He stated that the house is under modification review.

The motion made by Councilman Jones extends Mr. Singletary time to comply by 90 days. Mr. Singletary was instructed that if anything happens in the time span of the 90 days; please inform Mr. Andrews.

RESULT:	**DESIGNATED [UNANIMOUS]**
MOVER:	Robert L. Jones, Precinct 6
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

2. Public Hearing to Consider Economic Development Incentives for Project Carpet Ride - Wayne Horne, City Manager
Staff is currently working with the Robeson County Economic Development office to help locate Project Carpet Ride to the Fox Building on W 5th Street/I-95.

This project if approved by Council qualifies for $14,125 incentives under Lumberton Economic Development Policy. These incentives will be granted as a utility tax credit over a three year period.

Project Parameters - $ 1.9 million investment for equipment and real property.

- Phase I………26 jobs (1st year)
- Phase II……...15 jobs (2nd & 3rd year)
- Phase III……... 9 jobs (5th year)

Total…………..50 jobs

That City Council hold the Public Hearing to consider economic development incentives for Project Carpet Ride.

Council approved granting economic development incentives for Project Carpet Ride.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

3. Adopt an Ordinance Granting Franchise Agreement for Commercial Waste - Wayne Horne, City Manager

The City has received requests from Waste Management of Carolinas; Waste Industries, and Pembroke Waste Collection to renew their franchise for Commercial Solid Waste. The existing franchise agreements expire on May 31, 2013. The existing franchise agreements were for five (5) years. Within the present agreement, Council approved in section (9) that an Annual CPI increase shall be based on the Bureau of Labor Index South Urban and shall not exceed 5% annually.

That the City Council approve granting the new franchise agreements for five years beginning June 1, 2013, and ending on May 31, 2018, and may be renewed for an additional five (5) year period as written in section three (3) page three (3) of the franchise agreement. All franchise agreements must have two (2) readings. Recommend accepting this as the second reading.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

4. Public Hearing FY2013 CDBG Program - Brandon Love, Planning Director

Tonight's public hearing is the first of two required public hearings required prior to the City submitting an application to the State for CDBG funds. This is an informational public hearing which is held during the planning stages of the CDBG application process.

The State budget deleted the CDBG housing grant funds. The CDBG funds were redirected to economic development and infrastructure.

Staff will begin working to conduct door-to-door surveys in two (2) areas which need sewer replacement to determine if the areas are low to moderate income. The CDBG infrastructure grant submission is a two part process. Based upon the door-to-door survey information, the City will be required to submit a letter of interest to the State along with the preliminary engineering report and proof that the first public hearing was held. The State will schedule a meeting with City staff to review and discuss the proposed project. The State will either send the City a letter inviting them to conduct a second public hearing and submit the CDBG application, or send the City a letter declining the proposed project. The maximum CDBG infrastructure grant amount is $850,000.

Recommend City Council conduct the public hearing and authorize staff to proceed with the CDBG infrastructure preliminary application process.

Brandon Love, Planning & Neighborhood Services Director appeared before Council and stated that tonight's public hearing is the first of two required public hearings required prior to the City submitting an application to the State for CDBG funds.

This public hearing is an informational public hearing which is held during the planning stages of the CDBG application process.

State budget has deleted CDBG housing funds. These funds have been redirected to economic development and infrastructure; therefore the CDBG funding categories for the 2013 grant cycle are infrastructure or economic development.

Staff has been directed to two (2) areas which need sewer replacement. During the CDBG planning process, staff will conduct door to door surveys to see if these areas meet the LMI objective required by CDBG regulations.

Based upon the door-to-door survey information, the City will submit a letter of interest along with proof that the first public hearing was held and the Preliminary Engineering report to the State.

State representatives will schedule a meeting with City staff to review the proposed CDBG project.

After review of the City's proposed CDBG project, the State will either send the City a letter inviting them to conduct the second public hearing and submit the CDBG application or a letter of decline.

Maximum CDBG grant amount for infrastructure is $850,000.

No one appeared to speak and the hearing was closed.

A motion was made and Council conducted the first public hearing and
authorize Staff to proceed with the preliminary CDBG infrastructure application process.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

5. Ruling on Petition of Nathaniel Stubbs for Conditional Use Permit - Rob Price, City Attorney
A hearing on the application for a CUP by Nathaniel Stubbs was held at the Council Meeting of June 10, 2013. No action was taken on the application. The Planning Board had voted on May 21, 2013, to approve the application.

Council should act on the application. Should Council decide to deny the permit, it should state the standard of review on which the denial is based and the evidentiary basis for the determination that the application doesn't satisfy the standard. For guidance on these issues, see the attached memo, which restates a memo of June 21, 2013.

The motion was made recommending that Council adopt the following ruling:
The request is denied based upon the following:
1. The proposed use will endanger the public health or safety; and,
2. It will not be in harmony with the area in which it is to be located.
These legal conclusions are based upon findings that the applicant didn't appear, requested information was not timely provided, not enough information was provided to assure that the standards would be met, the information provided wasn't thorough, it appears that the actual use of the facility will not be in keeping with the application, and the applicant did not commit to refusing felons access to the premises, which was proposed as a youth center.

RESULT:	**DENIED [7 TO 1]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
NAYS:	Jones
ABSTAIN:	Pennington

VII. NEW BUSINESS

1. Approve Agreement with Lumberton Housing Authority - Council Policy Committee
The City has an agreement with the Lumberton Housing Authority to provide LHA beat officers. The contract is pursuant to the Drug Elimination Program, a HUD funded program of the LHA. This agreement is typically renewed annually. Earlier in the year Council approved an agreement which had been approved by the LHA executive director and called for higher payment amounts. LHA is now requiring revisions to that agreement.

The revisions include a shortened term (from one year to 6 months), a modified start date, a mutual indemnification clause and a requirement that the City provide time or activity sheets. Approve the attached agreement with Lumberton Housing Authority.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

2. Approve Change Order #3 Decreasing the Overall Contract Price for the Tanglewood Sanitary Sewer Rehabilitation Project - Council Policy Committee
Attached is a detailed summary of Change Order #3 and progress map for the Tanglewood Sanitary Sewer Rehabilitation Project. Public Works will discuss the changes in detail. As an overview, the change order is a series of additions and deductions that are required to correspond with the actual field conditions encountered during the construction. The actual overall contract price has decreased $1,820.99.
Publics Works is requesting approval of Change Order #3 for the Tanglewood Sanitary Sewer Rehabilitation Project.

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

3. Authorize the Police Department to Apply for the Cops (CHRP) Grant in the Amount of $303,632.00 - Council Policy Committee
We are asking to apply for the COPS Hiring Recovery Program (CHRP) Grant which is a competitive grant program that provides funding directly to law enforcement's agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. Funding will be available for hiring additional officers and will provide 75 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for the newly-hired officers.

Computation to include projected salary and benefit increases, is as follows:
See attachment
It is requested that the Lumberton Police Department be granted permission to apply for the COPS Hiring Grant in the amount of $303,632.00.

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

4. Well Number 2 Repair - Council Policy Committee
Public Works has $11,000 allocated from capital Reserves to clean well #2 this FY (Capital Project 60-00-8220-5860). Pearson Pump started the cleaning process in July and discovered a hole in the well casing & screen that is allowing sediment to clog the well. Public Works recommendation is to rebuild the well. The total cost of rebuilding the well is $23,765.27. We have spent $4,200 of the original $11,000 doing the inspection work to date. We will need to allocate an additional $17,000 from the capital reserve fund to complete this project.

CPC recommends that City Council authorize Public Works the allocation of $17,000 from the capital reserve fund to complete the repair of Well Number 2 for a total cost of $23,765.27.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

5. Proposed Days off for City Employees - Council Policy Committee
In light of the fact that the City was unable to provide an annual cost of living increase for City employees due to budget restraints, the following additional day off with pay is

proposed for Council consideration.

December 27th - Christmas holiday.

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Recommend that Council consider and approve the additional day (December 27) off for our City employees.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney