CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● AUGUST 11, 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	
Cedric McKinnon	Police Officer	Present	
Latisha Ransom	Police Officer	Present	

III. INVOCATION: CITY ATTORNEY MOORE

IV. PLEDGE OF ALLEGIANCE

V. PRIDE IN LUMBERTON - MR. MARK REIF - MOUNTAIRE FARMS

Mr. Mark Reif, of Mountaire Farms received the Pride in Lumberton presented by the Mayor, Councilman Cantey and the City Council thanking him for all that he and Mountaire Farms do for the City of Lumberton and his call to civic duty. Mr. Reif gave thanks to God and the City Council as he felt that we all have an obligation to do for the people in our communities. He received the print of the Old City Hall with pride.

VI. PUBLIC COMMENT PERIOD

VII. CONSENT AGENDA

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney

A. Minutes Approval

1. City Council - Regular Meeting - Jun 9, 2014 7:00 PM -

VIII. AGENDA ITEMS

1. Set the Date of the Public Hearing for Economic Incentives – Wayne Horne, City Manager
   At its meeting of August 6, 2014, Council discussed the possibility of offering economic incentives to an industry.
   Recommend that Council set the date of a Public Hearing to consider economic incentives.

   Amended Item 8.4 to reflect that P1 gave $200.00 and P5 – gave $100.00

RESULT:	**ADOPTED AS AMENDED [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

2. Approval of Final Subdivision Plat(s) for Amberdale Section 3, Part 3 – Brandon Love, Planning Director
   B.G. French has submitted final subdivision plats for approval of the following areas of "The Oaks" subdivision: Amberdale Section 3, Part 3, lots 74 & 75, lots 40, 41 & 42, and lots 43, 44 & 45. Attached you will find copies of these plats for review as well as a cost estimate from Morman, Kizer & Reitzel, Inc. for completion of the aggregate base course, asphalt paving, right-of-way seeding and landscaping. All underground utilities, stormwater conveyance systems, curb and gutter and sidewalks are complete at this time.
   Staff recommends that CPC approve the attached subdivision plats, authorize the City Manager to sign and record the same and set a bond in the amount of $55,000 for completion of the 6" CABC, 2" asphalt paving, right-of-way grading, seeding, mulching and landscaping.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

3. Approve the Job Description for MIS Systems Administrator. – Travis Branch, MIS Director
   The City Council approved the System Administrator position in the 2014-2015 FY Budget for the MIS Department. The job description is attached for Council's review.
   CPC recommends that City Council approve the job description for the MIS System Administrator position by amending the Pay Classification Plan to add the MIS Systems Administrator position at a Grade Level 20 with the pay range for this position at $47,248.21 - $66,761.32.

RESULT:	**APPROVED [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

4. Approve the Designation of $1,300.00 Of CRF to the Lumberton Dixie Youth Softball Association as follows: P1 - $200.00 P2 $100.00 P3 - $100.00 P4 - $100.00 P5 - $100.00 P6 - $100.00 P7 - $100.00 P8 - $200.00 Mayor $300.00 – Tim Taylor, Recreation Director
   Lumberton Dixie Youth Softball Association is a parent organization created in the spring of 2014 to increase participation and awareness of girl's softball within Lumberton. Lumberton's 12U All Star team was invited to participate in the State Championship held in Moore County. Lumberton's girls won every game played before being crowned the state champion. Now Lumberton's team will represent the North Carolina at the Dixie Softball World Series in Myrtle Beach, SC from August 3rd to August 8th. The Team is seeking donations to offset the cost of travel, lodging and food during this tournament.

   Lumberton Dixie Youth Softball Association ask Mayor and City Council to consider making a donation form their Community Revitalization Funds to help Lumberton's 12U All Star Team with expenses incurred while participating in the 2014 Dixie Softball World Series.

RESULT:	**APPROVED [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

5. Approve the Concept for the Performance Shelter Installation in the City's Downtown Historic District – Brandon Love, Planning Director
   1. **In March of 2013, a group of citizens and business owners aligned themselves to form an organization that could take a leading role in helping with the revitalization of the City's Downtown Historic District.**
   2. **This group has been officially named- Rediscover Downtown Lumberton, Inc. (RDL)**
   3. **Since their conception, the group has initiated several downtown projects: a. Four concrete planters have been purchased and placed in the Downtown area. b. The group has applied for and received their official 501(c)(3) nonprofit status. c. They have organized a monthly Cruise In in the Plaza bringing people to the Downtown area. d. With the help of a local artist, a City Flag project has been designed to promote the "Love Living in Lumberton" theme. e. Currently the RDL is planning for the installation of a Performance Shelter to enhance current and future events on the Plaza.**
   1. **The RDL is asking for approval of the concept presented to you in the Supplementary Material attached.**

2. **They would also like to ask Council to authorize City staff to assist with the design of this project.**
3. **Once a design is complete, the RDL will readdress Council with a final design plan and a cost estimate for the project. Even though the RDL group is not asking for money to complete this project, there will be some in-kind services requested with which they hope the City may assist.**

RESULT:	**APPROVED [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

6. Accept the grant award of $7,788.00 from the NC Division of Aging and Adult Services for the Pine Street Senior Center. – Tim Taylor, Recreation Director
The Lumber River Area Agency on Aging as grant administrator for the North Carolina Division of Aging and Adult Services has recently awarded the Pine Street Senior Center a General Purpose Funding Grant in the amount of $7,788.00 with a local match of 25% required. Daily operating expenses qualify as local match so no additional funds are needed to satisfy this grant.

   Grant funding is allocated by the NC General Assembly for distribution to senior centers within the state which provide full time programs and will utilize the award to develop full time program activities. Across the state, 160 senior centers or developing senior centers will receive funds.
   Council Policy Committee recommend that Council accept the grant award of $7,788.00 from the NC Division of Aging and Adult Services for the Pine Street Senior Center.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney

7. Refer the Petition from Robeson County Arts Council Requesting a Conditional Use Permit to Operate an Art Center at 910 N. Walnut Street to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. – 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 center at this location.
CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

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

8. Approve the Commercial Solid Waste Franchise Request - All Points Waste Services, Inc., by setting the dates of the Public Hearings for September – Edwin Moore, City Attorney
   All Points Waste Services Inc. of Laurinburg has requested a commercial solid waste franchise. Attached to this agenda item is a letter from All Points setting forth their qualifications, along with a copy of: their articles of incorporation, a proposed schedule of charges which does comply with our ordinance, their insurance and performance bond information (also compliant), and a list of vehicles. It appears they have addressed all of the items in our current franchise ordinance, and have indicated an understanding of the requirements. Also enclosed is a draft franchise ordinance which mirrors those currently in place, for use with All Points should the Council elect to grant a franchise to them. The current commercial franchisees are: Waste Management of Carolinas Inc., Pembroke Waste Collection Inc., and Waste Industries Inc.
   Consider request and materials and grant or deny requested franchise. Per statute, the item will need to be considered at two regular meetings.

RESULT:	**APPROVED [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

9. 1440 : Approve Encroachment Agreement for Awning - 405, 407 N. Elm – Edwin Moore, City Attorney
   SE Community & Family Services has recently moved from Laurinburg to the building located at 405 & 407 N. Elm Street, Lumberton, which is owned by Pemberton Place, Inc. Ms. Ericka J. Whitaker, on behalf of SECFS, has asked to place an awning on the building and has obtained the permission of the owner; attached is a letter from Ms. Frances Butler, a director with Pemberton Place, Inc. An encroachment agreement is required for said installation. Attached are: A summary from Downtown Coordinator Connie Russ, a picture of the building without the awning, a rendering of the building with the awning, and the proposed encroachment agreement, to be signed by the President of Pemberton Place Inc. and the City.
   Grant encroachment request for awning.

RESULT:	**APPROVED [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

10. Approve the Amendment to Ditching Piping / 'Tiling' Policy to Allow Small, Single-Owner Items to be Approved by the Public Works Director – Edwin Moore, City Attorney
As described on the attached memo, the current policy for installing drainage pipes at the request of citizens does not address the situation where only one property owner is making the request for his or her own property, as opposed to a joint request for a block or more. The proposed change would allow these small, single-owner items to be approved by the Public Works Director.
Approve proposed change to policy.

RESULT:	**APPROVED [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

11. Approval of NCDOT Easements for the Roundabout that will constructed at the Intersection of SR 1536 Water Street and NC 41 E-Town Road. – Wayne Horne, City Manager
The City of Lumberton was awarded a Transportation, Community and System Preservation Program grant (TCSP) in the amount of $556,000 for the construction of a Roundabout at the intersection of Water Street and NC 41(E-Town Rd.). The improvements will extend from 5th Street to 8th Street and along NC 41. The NCDOT who is administering this grant has provided matching funds of approximately $400,000 toward this project. The City of Lumberton is responsible for utility relocation and right of way acquisition.
The NCDOT is requesting that the City provide easements along Water Street between 5th Street and 8th Street and at the intersection of Water Street and NC41(E-Town Road) for this project. The Easements and maps are provided for Council consideration.
Staff recommends that Council review and approve the Easements with the NCDOT for the Water Street and NC 41 TCSP Roundabout project.

* U-5524-001 SR 1536 Water Street between 5th and 8th Street
* U-5524-003 SR 1536 Water Street between 5th and 8th Street and NC
E-Town Rd.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington

12. Approve the designation of $400.00 to the Knights of Pythagoras for Community Outreach Event – John Robinson, Precinct 2
Councilman Robinson requests $400.00 of Community Revitalization Funds to given to KOP to assist in the Community Outreach event held on September 12, 2014, at the Bill Sapp Recreation Center.
Designate $400.00 to KOP Community Outreach Program.

RESULT:	**APPROVED [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

13. Approve the designation of $500.00 to the Godwin Heights Community Watch Program in Precinct 3 – Burnis Wilkins, Precinct 3
Councilman Wilkins requests $500.00 of Community Revitalization Funds to be given to the Godwin Heights Community Watch Program.
Designate $500.00 of CRF to Godwin Heights Community Watch Program.

RESULT:	**APPROVED [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

14. Approve the designation of $350.00 for a Handicap Ramp Located at 310 Hollywood Drive – Harry Ivey, Precinct 4
Councilman Ivey requests $350.00 of CRF for a handicap ramp located at 310 Hollywood Drive.
Designate $350.00 of CRF for a handicap ramp located at 310 Hollywood Drive.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

15. Approve the designation of $1,550.00 to the Knights of Pythagoras for a Community Outreach Event in P5 - $400.00 P3 - $200.00 P4 - $200.00 P5 - $400.00 P6 - $250.00 Mayor Pennington $500.00 – John Cantey Jr., Precinct 5

Councilman Cantey requests $400.00 of CRF to be given to KOP to assist in the Community Outreach event held on September 12, 2014, at the Bill Sapp Recreation Center.
Designate $1,550.00 to the Knights of Pythagoras for a Community Outreach Event.

RESULT:	**APPROVED [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

16. Approve the designation of $200.00 of CRF to Communities in Schools – Robert Jones, Precinct 6
Councilman Jones requests that $200.00 of Community Revitalization Funds be given to Communities in Schools for school supplies.
Designate $200.00 of CRF to Communities in Schools.

RESULT:	**APPROVED [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

17. Approve the designation of $100.00 to the Rape Crisis Center in Precinct 6 – Robert Jones, Precinct 6
The Rape Crisis Center of Robeson County has been working to end sexual violence in our community since 1991. The Agency has assisted many of our citizens after being sexually assaulted. They are sponsoring a 100 Good Men campaign as a way of bringing community awareness and response to sexual violence that overwhelms many of our citizens in Lumberton. They are asking that each good man donate $100.00 to this effort. Therefore, I am requesting $100.00 of CRF to be given to the Rape Crisis Center in support of this campaign.
Designate $100.00 of CRF to the Rape Crisis Center.

RESULT:	**APPROVED [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

18. Approve the designation of $100.00 BB Thompson Community Choir in Precinct 6 – Robert Jones, Precinct 6
Councilman Jones requests $100.00 of CRF to be given to the BB Thompson Community Choir.
Designate $100.00 of CRF to the BB Thompson Community Choir.

RESULT:	**APPROVED [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

19. Approve the designation of $100.00 to Academic Excellence & Encouragement Ministry – Robert Jones, Precinct 6
Councilman Jones requests $100.00 of Community Revitalization Funds to be given to the Academic excellence & Encouragement Ministry for a back to school function.
Designate $100.00 of CRF to the Academic Excellence & Encouragement Ministry.

RESULT:	**APPROVED [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

20. Approve the designation of $100.00 of CRF to the Academic Excellence & Encouragement Ministry in Precinct 7 – Leon Maynor, Precinct 7
Councilman Maynor requests $100.00 of Community Revitalization Funds to be given to the Academic Excellence & Encouragement Ministry for a back to school function.
Designate $100.00 of CRF to the Academic Excellence & Encouragement Ministry.

RESULT:	**APPROVED [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

21. Approve the designation of $100.00 of CRF to the March of Dimes in Precinct 7 – Leon Maynor, Precinct 7
Councilman Maynor requests $100.00 of CRF to be given to the March of Dimes.
Designate $100.00 of CRF to the March of Dimes.

RESULT:	**APPROVED [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

IX. Public Hearings

1. CDBG Project for Lambeth Street Area Sewer Rehabilitation – Rob Armstrong, Public Works Director

Tonight's public hearing is the second of two required public hearings necessary for the City to apply to the NC Department of Environmental & Natural Resources (NCDENR) for CDBG-I funds for a grant to improve the sanitary sewer collection system in the Lambeth Street area.

Total statewide funding for this category is $26 million and the City intends to apply for $1.15 million with the City providing $50,000 local match.

The total budget for this project will be $1,245,778 (96% of total budget funded by CDBG).

CDBG-I grants will be awarded on a competitive basis.

- The range of activities that are allowed under the program = Water and sewer infrastructure improvements.
- The funds will be used to benefit all persons within the project area which will at a minimum include 51% Low Moderate Income. The area will be income surveyed to determine a more exact number of LMI percentage in the project area.
- The City currently has on file in the Community Development office the adopted CDBG program manual which includes the Residential Anti-Displacement and Relocation Plan
- Citizens have access to information on previous CDBG projects in the City's Community Development office if they would like to review.
- Citizens have the opportunity to comment on any substantial changes in the use of the funds available

Recommend that City Council conduct the Public Hearing and adopt the attached resolution authorizing staff to apply for a $1,195,778 CDBG infrastructure grant to repair failing sewer pipes in the Lambeth Street area and to provide a $50,000 match from the Water and Sewer Capital Reserve Account and authorizing the Mayor to sign all necessary grant documents on behalf of the City.

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.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Robinson, Precinct 2
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

2. Rezoning Request for property located at 3000 E. Elizabethtown Road (parcel #3211-03-004) (Deed Book 1757 Page 471) – Brandon Love, Planning Director
Joel Benjamin Gonzalez Lopez has submitted a Rezoning Petition for property located at 3000 E. Elizabethtown Road (parcel #3211-03-004). This request is to rezone property from R-6, Residential (Class A Mobile Home) to B-2, Business (Community). The applicants' intent is to build a store at this location.

On May 14, 2007 City Council voted to approve a rezoning request from Mr. Lopez for property located next to the subject property. The property was rezoned from R-6, Residential (Class A Mobile Home) to B-2, Business (Community).

On June 17, 2014 the Planning Board reviewed the application and unanimously recommends that City Council approve the rezoning request
The Planning Board recommends that City Council hold tonight's public hearing and approve the attached ordinance approving the rezoning request.

Mayor Pennington opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located at 3000 E. Elizabethtown Road from R-6, Residential (Class A Mobile Home) to B-2, Business (Community) to build a store. 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:	Burnis Wilkins, Precinct 3
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

3. Rezoning Request for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404) and 2101 E. 7th Street (parcel #3236-02-016) (Deed Book 1420 Page 197). – Brandon Love, Planning Director
Burnis Wilkins has submitted a Rezoning Petition for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404) and 2101 E. 7th Street (parcel #3236-02-016) (Deed Book 1420 Page 197). This request is to rezone property from B-4, Business General Commercial, B-3, Office Residential and B-2, Business Community to B-3, Office Residential.

On April 22, 2014 the Planning Board tabled the request and asked the City Attorney to research the petition. On June 17, 2014 the Planning Board reviewed the petition and unanimously recommends that City Council approve the rezoning request.
The Planning Board recommends that City Council hold tonight's public hearing and approve the attached ordinance rezoning the property to B-3, Office Residential.

Mayor Pennington opened the Public Hearing to consider amending the Land Use Ordinance by rezoning property located at 700 Roberts Avenue and 2101 E. 7th Street from B-4, business General Commercial, N-3, Office Residential and B-2, business Community to B-3, Office Residential. Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian**.**

Attorney Woody Bowen, representative for Mr. William Malcom Rowan appeared before City Council and stated that this mixed use structure has commercial and townhouses and Council approved of this mixed use since 1974. This item came before the Planning Board and the ideal was to take away the B-4 because there had been some problems with the operation of the restaurant. All the evidence that was presented was over four years old. For four years this property has not operated as a restaurant and there have not been any problems of a similar nature that were alleged four years ago. At this point; there is going to be a new owner; William Malcolm Rowan, the only living heir and also there will not be the same tenant that allegedly caused these problems. Our objection to this is that there is no evidence that this owner will perpetrate the kind of problems that existed. The folks that came and had difficulties with the things that went on; I can certainly sympathize with them as well as Mr. Rowan who will demonstrate that to you in a minute. What I want to foreshadow is what you are opening yourself up to if you do this action; if you condone it. It's not the same owner and it's not the same tenant. You cannot show anything about the new owner and tenant that have not been chosen or say that they are going to give you problems at all. There is no evidence or intent by this man to create any or to violate any laws of this City. There is already a restaurant there that he could lease as a restaurant. What this is going to do is deprive him the opportunity to operate any restaurant at all, alcohol or no alcohol. For what reason they are going to take away his B-2 zoning which has nothing to do with the operation of a restaurant at all; nothing to do with the complaints made by these citizens, so why would you arbitrarily take away his ability to have small commercial shops or anything that B-2 allows is totally arbitrary because there are no objections to that. This is what the crux of it was; the individuals that addressed the Planning Board basically said this; when William's father first opened and running it as a restaurant…it ran fine. There was this referendum and alcohol began to be sold there; and someone in your mist stated that even when Bo Rowan was running it and serving alcohol it was still ok. All this is based on a bad tenant out there towards these last years and now it is based on the anticipation or speculation that a new owner or tenant is going to violate these rules when there is no evidence of that whatsoever.

We think that this action is arbitrarily unreasonable and capricious specifically concerning the B-2 zoning designation. One thing that we found out (Attorney Bowen passed out a diagram and a map) and what you will see is that there are nine different properties along side of Roberts Avenue that are zoned B-4 and they abut and are contiguous to a residential area; yet, if you take this action all of those B-4 properties will be subject to the erection of a drinking place whereas Mr. Bowen will have his rights taken away from him and he will not be able to do that. Every one of these properties, and I think you will agree, are contiguous to this area. Rowan has a buffer; he has Roberts Avenue in the front, two City streets on each side, behind him he has a couple of residents that he owns and all forms of protection in his B-4 than you have in any of the other and to take his B-4 away and leave all the others screams to me; arbitrary, capricious and unreasonable.

Now, I was told by one in your mist that the City once thought about a 1500 feet radius around any drinking place in the City of Lumberton and you might wonder how we would feel about that; I think you should do that because it effects everyone similarly situated; you will curtail any of these nine B-4 areas from doing the things given rise to these objections. Do it to everyone and I will go away. When you are trying to rectify a problem you first look for the least stringent remedy. You have all sorts of remedies available to you to curtail this activity even if it recurs. There are several other remedies you have ALE who controls drinking place and can basically shut these places down over night, your local police officers who has jurisdiction and I know that they get tired of going back and forth to these places. Finally, you have condemnation as a threat; when you have one of these places that you can prove is creating a nuisance you can shut them down. You can condemn or cause them to be sold. It is going on right now in Fayetteville. They are trying to shut down a 18 million--450 unit complex; do you think those owners are not coming and sitting at the foot of the cross and willing to do whatever that Council want to do to curtail criminal activity over those apartments. Well, that's your big threat and it should keep any of those B-4 people in line.

During the Planning Board meeting Chairman Page spoke up and said; Mr. Bowen do you think that your client would consider a limited use permit in reference to serving alcohol on Mr. Rowan premises. I responded by saying that Mr. Page it's a great ideal; but, I do not know if I have the authority to agree with that here tonight and the board had other things to do and they moved on. Since that time, I have talked with Mr. Rowan who said that I am not sure I wanted any alcohol there in the beginning and I want to listen to the people input and this Councilman that has a lot to say about this so here is what I propose for you to do and I have made a formal motion to this and submitted it in a timely manner. I am making a formal motion that you remand this action to the Planning Board for further discussion. I was amazed when you had this problem and not a single person came to Mr. Rowan and talked to him about it. I think this could have been settled out of court so to speak. I recall an issue that came up; it was a concern of Mr. Hackney and we had mediation at City Hall and we worked it out. We did not get that chance here. Now we can go back to the Planning Board and do what Mr. Paige suggested, we can live with that. It is just a matter of the City Attorney and me to find a way to make it work. I talked with Mr. Page today and he stated that we could put a limited or restrictive use on that property, and here is what I will do because I think that are suggestions and serious constitutional questions to this; however, I will waive any constitutional objectives that we may have to the Planning Board or this Council and if they do not work then we will know what to do. Let us be conciliatory as we can on this Rowan issue and let us not be draconian concerning this issue.

Mayor Pennington was a little confused as to what the recommendation is from the Planning Board and Brandon Love stated that the recommendation from the Planning Board is to rezone the property to B3 and by doing that it would take away the ability to have the restaurant. Councilman Maynor asked Mr. Love if there was an issue as far as the alcohol at the Planning Board and Mr. Love stated that the issue of the alcohol was brought up by the applicant. There were other issues raised such as trash; loud noises and stuff blowing across the street. Councilman Maynor asked if he could ask Mr. Rowan some questions. Mr. Rowan, owner of the properties that are in discussion appeared before Council; Councilman Mayor asked since he has heard some of the concerns from the Planning Board meeting; would he be receptive about those changes were it concerns the alcohol. Mr. Rowan stated that his focus is on the residential side not on having alcohol. He moved here when his father died and he has concentrated on the revitalization of the properties. Councilman Robinson asked if there are any neighbors that would like to speak to this issue. Mr. Clifford Townsend appeared before Council and voiced his concerns and that he does not want it at all. Councilman Hackney stated that if I am not mistaken; Mr. Rowan stated that he is not interested in a bar or restaurant; so what would be the issue with the current request for the rezoning. Mr. Love stated that before we recommended the B-3 zoning, we looked at each property out there and the B3 allows for single and multi-family dwellings, clerical office space…there was a surveyor's office as well as a beauty shop; the only thing that will not be allowed in the restaurant or bar.

Attorney Bowen stated that the problem you have is taking away the B-2 which has a number of options, and there has been no objection to anything or any use that would be B-2 and you are going to take away his B-4 and not going to have a bar or loud restaurant and we are going to get restrictive covenants or restrictive uses or something like that, we can nail that down. We are addressing the problem and it's the alcohol; there is no alcohol…a small restaurant is okay as for the apartment overhead remember that the building was designed all permits were obtained.. He made it real clear what he was going to do with it. It was approved the City as well as encouraged by this City. Nothing was said about a buffer over the restaurant; it may be a little loud there; but everybody knew what they were getting into. We are not having a club there; not a loud restaurant. I sympathize with this citizen because I would not like to live across the street from what he talking about. The issue is, is that this young man going to be given a chance after he has done so much to improve the area, is he going to get shot down and not be able to do what the others will have a right to do, it just isn't fair.

Councilman Wilkins stated; I was approached by several residents during my campaign one of whom spoke tonight and they voiced their concerns about this location. At the Planning Board meeting Jeffery Britt spoke and he was attacked on this property; he went over to confront some of the people and got attacked. Most of you know that I was an ALE agent for 10 years and I am very familiar with the rules and regulations and ALE cannot shut down a place overnight. There is a lot of paperwork that goes into this process. I remember frequenting this place when it was called Merck's and that is the only time that this place has operated as just a restaurant. Year after year; the complaints I brought up here leading up to a murder. There have been no reports in the last four years because it has been closed since the murder and ALE had a part in that. While I do appreciate everything that Mr. Rowan has done and he has done a great job and have received compliments on how he is cleaning it up, but when it comes to that business and making it more conducive to that neighborhood with residents living on top of that building, I had no choice but to file this paperwork. I took it upon myself because I did not want the residents involved in this action. Councilman Cantey asked how many of the petitioners' are residents of the property owned by Mr. Rowan. The answer to this question is not clear on the DVD; however, Councilman Cantey stated that it is easy for landlords to say sign this and they sign. No one else appeared to speak and the Mayor closed the public hearing.

Councilman Wilkins made a motion, seconded by Councilman Hackney, to rezone the properties located at 700 Roberts Avenue and 2101 E. 7th Street to B-3, Office Residential. It carried unanimously.

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

X. New Business

1. WWTP Screw Pump Repair Change Order #1 – Council Policy Committee -- Rob Armstrong, Public Works Director
In March Council awarded Heavenly Creations (Stanley Carter) a $48,470 contract to repair the screw pump and screw pump deflector plate as well as the monorail beams at the WWTP. When Mr. Carter started the work we discovered the steel deflector plate on the screw was not repairable and will need to be replaced. Attached is Change Order #1 for $7,958 to cover the replacement plate.
CPC recommends that City Council approve Change Order #1 from Heavenly Creations for $7,958 to replace the WWTP Screw Pump Deflector Plate. We are proposing the funds be taken from the Water and Sewer Capital Reserve Account.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

2. Retail Strategies Agreement to provide Professional Consulting and Related Services. – Council Policy Committee -- Wayne Horne, City Manager
Phase I of the City's retail marketing study has been completed and presented to Council by Lacy Beasley, Vice President of Business Development with Retail Strategies. The first phase of this program focuses on putting together a Strategic Plan, Market Analysis and a Retail Recruitment Plan for Lumberton. Phase II of this program includes the implementation of the plan which includes; making phone calls, connecting with retailers, developers and property owners to help attract new business to Lumberton. The Contract cost for Phase II of $18,000 was approved by Council in the 2014-2015 FY Budget.
CPC recommends that City Council review and approve the Agreement to provide professional consulting and related services with Retail Strategies.

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

3. Purchase of Water & Sewer Utility Truck – Council Policy Committee -- Rob Armstrong, Public Works Director
   Public Works has $55,000 appropriated in this Fiscal Year's Capital Budget to purchase a new utility truck for the water & sewer construction crew. The new truck will replace a 1994 utility truck that has been taken out of service because of safety equipment deficiencies. We are requesting authorization to purchase a new Ford F-450 four door crew cab, long wheel base utility truck from the NC State Contract for $45,851.00 and a utility body from the NC State Contract for $6,600.00
   Public Works is requesting authorization to purchase a new Ford F-450 crew cab utility truck for $45,851.00 from the NC State Contract and a new utility body for $6,600 from the NC State Contract. The total purchase amount is $52,451.00 to be paid for with funds budgeted in the Water & Sewer Capital Reserve Fund line item 60-00-8220-5460.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Robinson, Precinct 2
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

4. Adopt a Resolution for the State Technical Assistance Grant from the Water Infrastructure fund for the Northwest Sewer System Evaluation in the Amount of $50,000.00 – Council Policy Committee -- Wayne Horne, City Manager
   The City of Lumberton has been approved for a State Technical Assistance Grant from the Water Infrastructure Fund in the amount of $50,000. This grant will provide funds for the evaluation of the Northwest Sewer System includes GIS mapping of the primary interceptors that serves and potentially can serve the area, as well as the collection system within the study area. The study area includes; Mayfair, Wycliff, Walnut Cove, part of the Oaks and Lakewood Estates.
   Recommend that Council approve the Resolution, Offering and Acceptance Document extending a State Grant in the amount of $50,000 to the City of Lumberton.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

5. Additional consideration of the funding request for the Robeson County Teen Court – Council Policy Committee -- Wayne Horne, City Manager
Mr. Jim Barbee, Interim the executive director of the Robeson County Teen Court has received a grant award for the NC Governor's Crime Commission in the amount of \$80,250. This grant has a local matching requirement of \$30,000. In order to match the grant he had requested assistance in the amount of \$15,000 from both Robeson County and the City of Lumberton during the Budget process. The Robeson County commissioners approved their local match in the budget process. However, the City of Lumberton's request which was included in the Boards and Commissions Budget for consideration but was not approved. Mr. Barbee indicated that without the State and Local funds the Teen Court program will cease operations effective September 30, 2014.

The Robeson County Teen Court has been invited by the Center for Disease Control to apply for an additional 5-year grant. However, this cannot occur until the later part of 2015, their request is a one-time request to help bridge the funding from the first 5-year grant (ending September 30,2014) until the second cycle (beginning October 1,2015).

Based on the "Defendant Update Report" there were 469 referrals to the Robeson County Teen Court with 338 hearing conducted from October 1, 2011 through June 1, 2014; 68% were from the City of Lumberton.
Recommend that City Council approve the allocation of \$15,000 to the Robeson County Teen Court.

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

6. 1407 : Northwest Sewer System Evaluation Engineering Contract – Council Policy Committee -- Rob Armstrong, Public Works Director
The City of Lumberton has been awarded a \$50,000 Technical Assistance Grant (TAG) from the North Carolina Department of Natural Resources - Clean Water Division. The grant has a \$50,000 match by the City for a total project budget of \$100,000. The purpose of the project is to continue GIS mapping of the sewer infrastructure in northwest area of the City as well as study the waste water flows and consider possible future diversion projects that would help eliminate Sanitary Sewer Overflows in the Stephens Park area and Noir Street area. Attached is an Engineering

Services Contract from the Wooten Company for $99,250 to continue the mapping and to conduct the study funded by the grant and matching City funds.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

7. 1408 : Phase 3 Separation & West Lumberton Sewer Rehabilitation Change Order #1 – Council Policy Committee -- Rob Armstrong, Public Works Director
The Phase 3 & West Lumberton Sewer Separation Project is approximately 70% complete. Attached is AC Schultes' Change Order #1 for the project which is a **deduct** of $126, 504.29. This change order reduces the overall contract from $1,863,377.50 to $1,736,873.21. Future change orders will most likely reflect additions to resolve combined sewer infrastructure at the intersection of Elm and First Street. We don't believe we will exceed the original contract price even with the future additional work.
CPC recommends that Council approve Change Order #1 from AC Schultes, which is a **deduction** of $126, 504.29. This change order reduces the overall contract from $1,863,377.50 to $1,736,873.21.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

8. 1409 : Grit Removal System for the Southwest Interceptor Lovett Road Lift Station – Council Policy Committee -- Rob Armstrong, Public Works Director
Public Works has replaced several pumps at the Lovett Road Lift Station on the Southwest Interceptor in recent years. In each case the pump failures were linked to debris in the lift station wet well being pulled through the pump volute and impeller. In order to prevent this recurring problem, we are proposing to install a patented Rok4-500 grit removal and screening device by Huber Waste Solutions at the inlet pipe in the lift station wet well. Attached are proposal for the purchase and installation of the device.

Equipment purchase:	Huber Waste Solutions Rok4-500	$90,000
Installation:	Charles Underwood, inc	<u>$37,500</u>
	Total Project Cost:	$127,500

Public Works is requesting authorization to purchase a Huber Waste Solutions RoK4 – 500 screening device for $90,000 and authorize Charles Underwood, Inc. of Sanford, NC to install the device for a cost of $37,500. The total project cost will be $127,500 to be paid for by the $150,000 allocated in the Water and Sewer Capital

Line Item 60-00-8332-5960 pending approval by the Local Government Commission.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

9. 1414 : FEMA Grant – Council Policy Committee -- Paul Ivey, Fire Chief
Lumberton Fire Department has received notification from the Assistance to Firefighters Grant Program that our project to replace outdated Self Contained Breathing Apparatus (SCBA) has been approved. This project in the amount of $270,851.00 has been approved by FEMA for $243,766.00 in federal funds with a required match of $27,085.00. The required match was approved for the 2014-15 budget.
CPC recommends that City Council approve the acceptance of the 2013 FEMA Assistance to Firefighters Grant.

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

10. 1438 : Reschedule Fireworks Display – Council Policy Committee -- Tim Taylor, Recreation Director
Due to weather concerns associated with Hurricane Arthur's landfall approach on July 3rd, the 2014 Family Fourth Celebration with a fireworks display was postponed with the intend of rescheduling at a later date. Council was polled by phone on July 8th as to whether this event should be postponed or cancelled. Four votes were cast to reschedule and three votes were cast to cancel event. One council member could not be reached by phone.

Recreation staff have considered several options for rescheduling this community event with fireworks and mutually agree that the Labor Day weekend (August 30) would be an excellent time to reschedule this event as it coincides with the end of summer and the return to school for area students.
Approve the cancellation of the rescheduling of the fireworks display.

The fireworks display will be August 30th.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

Adjournment