CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● AUGUST 10, 2015

Regular Meeting | **Council Chambers** | **6:00 PM**

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

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Mayor Pro Tem	Present	
John Robinson	Precinct 2	Excused	
Burnis Wilkins	Precinct 3	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Excused	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	
Heath Graham	Police Officer	Present	

Retiree Recognition

1. Michael G. Sessoms - Water Plant Operator - 30 years –

   Mayor Pennington presented Michael Sessoms with a plaque thanking him for his 30 years of service to the City of Lumberton as a Water Plant Operator. Mayor Pennington wished him the best in his future endeavors.

2. Kenneth Locklear - Fire Marshall - 26 years –

   Mayor Pennington presented Kenneth Locklear with a plaque thanking him for his 26 years of service to the City of Lumberton as Fire Marshall. Mayor Pennington wished him the best in his future endeavors.

II. PUBLIC SPEAKERS

1. Katie Fountain - Librarian –

   Ms. Katie Fountain, Robeson County Public Library, appeared before Council and thanked them so for all that they do for the Library. She also gave an overview of what the Library is doing to move forward. She invited Council to come out some time and look around and see the progress the Library has and is making.

2. Mark Jones - LYBA –

   Mr. Jones appeared before Council to thank them for their financial assistance and to introduce the players of the winning team.

3. Public Comment Period

No one appeared to speak.

III. MINUTES APPROVAL

I. City Council - Regular Meeting - Jun 8, 2015 6:00 PM –

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

IV. CONSENT AGENDA

B. Approval of Routine Plans/Procedures FY15 Urgent Repair Program - Council Policy Committee

The City has received a $50,000 FY15 Urgent Repair grant from NC Housing Finance Agency. The attached routine plans/procedures must be approved by City Council in order for the start up of the program:

1) Assistance Policy
2) Procurement/Disbursement Policy
3) Budget Ordinance
4) Resolution of Grant Acceptance
5) Contract with Wooten Company to provide rehabilitation technical assistance

Recommend Council approve the attached routine plans/procedures for the FY15 Urgent Repair program.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

C. Adopt an Order Authorizing the Tax Collector to Collect Property Taxes for Fiscal Year 2015-2016 - 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 the Order.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

D. Adopt a Resolution for NCDOT Release of Liability - Council Policy Committee
NCDOT requires a letter of Release of Liability for Safety/Maintenance program funding. Resolution to be adopted:
CPC recommends that City Council authorize the Mayor to enter into a Commitment and Release of Liability agreement with the Department of Transportation by adopting the attached Resolution binding the Sponsor's fulfillment of its obligation as incurred under this resolution and its commitment to the Department.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

E. Authorize July 2015 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:

2005------------------- 485.77
2006------------------- 449.02
2007------------------- 1,265.71
2008------------------- 1,164.38
2009------------------- 1,100.49
2010------------------- 464.48
2011------------------- 432.82
2012------------------- 405.51
2013------------------- 376.25
2014------------------- 400.33
Approve the tax releases for the years and amounts listed above.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

F. Adopt an Ordinance Directing the Building Inspector to demolish and remove the unsafe structure located at 71 Canal Street - Council Policy Committee
The house located at 71 Canal Street 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 December 9, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of June 29, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 71 Canal Street.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

G. Adopt an Ordinance Directing the Building Inspector to demolish and remove the unsafe structure located at 1406 W. 5th Street - Council Policy Committee
The house located at 1406 W 5th Street 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 27, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of July 27, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1406 W 5th Street.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

H. Adopt an Ordinance Directing the Building Inspector to demolish and remove the Unsafe Structure at 501 Glendale Avenue - Council Policy Committee
The house located at 501 Glendale Avenue 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 April 15, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of June 29, 2015.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 501 Glendale Avenue.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

I. Adopt an Ordinance Directing the Building Inspector to demolish and remove the Unsafe Structure at 502 Glendale Avenue - Council Policy Committee
The house located at 502 Glendale Avenue 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 April 15, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of June 29, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 502 Glendale Avenue.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

J. Adopt an Ordinance Directing the Building Inspector to demolish and remove the Unsafe Structure at 421 Columbia Avenue - Council Policy Committee
The house located at 421Columbia Avenue 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 April 14, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of June 29, 2015.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 421 Columbia Avenue.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

K. Refer the rezoning petition from Milton Gene Hall & David Stephenson for multiple properties located in the Pinecrest Village Subdivision to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee

The Planning & Neighborhood Services Department received a rezoning application for multiple properties located in the Pinecrest Village Subdivision. This request consists of 49 properties with multiple owners. The parcel numbers and map are attached.

This request is to rezone the multiple properties from PR-11 (Planned Residential Single-Family) to R-7 (Residential Single Family/Duplex). The proposed use of the property is to develop single family homes or duplexes.

On September 8, 2008 and January 13, 2009 City Council granted a rezoning request, submitted by Pinecrest Developers, LLC., for the above mentioned properties, thus approving the property to be rezoned to PR-11 (Planned Residential Single-Family).
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 [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

L. Approve the renewal of EUD Contract with USIC Locating Services - Council Policy Committee
The Electrical Utilities Department would like to renew its contract with USIC Locating Services. USIC locates utility lines to prevent damage to said lines during EUD work. The contract is essentially unchanged from past years and EUD has been well pleased with their services.
Approve contract with USIC Locating Services.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

M. Approve the purchase of 1991 E-One Fire Truck to the Town of Pembroke - Council Policy Committee
The Town of Pembroke has submitted an offer of $45,000 for the City’s 1991 E- One Hurricane (95 ft. Platform) Fire Truck. The City Council declared this truck surplus at the February 9th, 2015 City Council meeting.

NCGS 160A-274. Currently allows for the sale, lease, exchange and joint use of governmental property. Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

Recommend that City Council consider the offer of $45,000 for the 1991 E-One Hurricane Fire Truck that has been submitted by the Town of Pembroke.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

N. Approval to Conduct an Environmental Study by Robeson County Partnership for Children to acquire the Old City Hall/Fire Station property Contingent Upon Release of Contract - Council Policy Committee
The Robeson County Partnership for Children, Inc., Board of Directors is interested in acquiring the old City Hall/Fire Station property on Elm Street for an Interactive Children Museum. This project will be in collaboration with the Lumberton Historical Society. Because of the extensive repairs repaired and renovation needed to restore this property so that it can be used in this capacity. The Robeson County Partnership for Children is requesting that the City of Lumberton consider the donation of this property to the RCPC.

The donation of the property by the City Council if approved and the final action by the Robeson County Partnership for Children in accept the donation, would be subject to the evaluation of the environmental report prepared as a result of the testing preform on the building.

Should the Robeson County Partnership for Children fail to use the building for its stated purpose within a specified time then it would revert back to the City of Lumberton.
Recommend that City Council consider the request from the Robeson County Partnership for Children for the City of Lumberton to donate the Old City Hall/Fire Station property to the RCPC for an Interactive Children's Museum and advise staff on how to proceed.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

O. Adopt a Resolution declaring Scott Self Contained Breathing Apparatus as Surplus - Council Policy Committee
Lumberton Fire Department recently received a 2013 Assistance to Firefighters Grant to replace its Scott Self-Contained Breathing Apparatus (SCBA) with new MSA SCBA that meet the latest safety requirements.

Lumberton Fire Department requests permission to surplus 35 Scott SCBA frames and 70 Scott SCBA bottles that were replaced through the 2013 Assistance to Firefighters Grant.

Lumberton Fire Department also request permission to donate the Scott SCBA to mutual aid emergency organizations.
Lumberton Fire Departments recommends CPC adopt a resolution declaring 35 Scott SCBA frames and 70 Scott SCBA bottles as surplus and give Lumberton Fire Department permission to donate them to interested mutual aid emergency organizations.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

P. Approve the Final Close Out Change Order Phase 3 West Lumberton Sewer Rehabilitation - Council Policy Committee
Contracted work on the Phase 3 West Lumberton Sanitary Sewer Rehabilitation Project has wrapped up. Attached is a final close out change order from AC Schultes of the Carolinas adjusting final quantities and closing out their area of responsibility of the construction phase of the project. The final change order is a deduction of $4,500.20 bringing the total final contract to $1,498,165.71.
Public Works is requesting Council approval of the Final Closeout Change Order from AC Schultes, a deduction of $4,500.20, for a final contract amount of $1,498,165.71. This project has been funded by a combination low interest loan and principal forgiveness loan from the North Carolina Clean water state Revolving Fund.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

Q. Approve the designation of $1,300 of Community Revitalization Funds for P# family Fun Day - Council Policy Committee
On September 5th, 2015, P3 will be hosting its Family Fun Day. Councilman Wilkins is requesting $1,300 of Community Revitalization Funds to be designated for its use.
Designate $1,300 of Community Revitalization for P3 – Family Fun Day.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

R. Approve the designation of $400.00 for Godwin Heights Community Watch in Precinct 3 - Council Policy Committee
Councilman Wilkins is requesting $400.00 of Community Revitalization Funds for the Godwin Heights Community Watch.
Designate $400.00 of CRF to Godwin Heights Community Watch.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

S. Approve the designation of $201.00 of Community Revitalization Funds to Sandy Grove Church for Back-to-School Event as follows: P5 - 4100.00 and P6 - $101.00 - Council Policy Committee
Councilman Cantey requests $100.00 and Councilman Jones requests $101.00 of Community Revitalization Funds to be given to Sandy Grove Church for their Back-to-School Event.
Approve the designation of $201.00 to Sandy Grove Church.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

T. Approve the designation of $431.68 of Community Revitalization Funds in Precinct 5 for Community Watch - Council Policy Committee
Councilman Cantey requests $431.68 Of CRF for Community Watch
Approve the designation of $431.68 For Community Watch.

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

U. Approve the designation of $150.00 to McCormick Chapel for Back-to-School Event - Council Policy Committee
Councilman Cantey requests $150.00 of Community Revitalization Funds to be given to McCormick Chapel for their Back-to-School Event.
Approve the designation of $150.00 to McCormick Chapel..

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

V. Approve the designation of $1100.00 of Community Revitalization Funds to the Lumberton Dixie Youth Softball Association as follows: P2 - $100.00 P3 - $200.00 P4 - $200.00 P6 - $200.00 P8 - $200.00 and from the Mayor's Discretionary Fund $200.00 - Council Policy Committee
Councilman Maynor requests that the designation of the following Community Revitalization Funds be approved for the Lumberton Dixie Youth Softball Association (12 yrs. old - and under).

P2- $100.00 P3 - $200.00 P4 - $200.00 P6 - $200.00 P8- $200.00 and from the Mayor's Discretionary Fund - $200.00
Designate $1,100.00 of CRF to the Lumberton Dixie Youth Softball Association (12 yrs. old and under).

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

W. Approve the designation of $801.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - $100.00 P4 - $200.00 P6 - $101.00 P7 - $100.00 P8 $200.00 and from the Mayor's Discretionary Fund - $100 - Council Policy Committee
As it meeting of August 5, 2015, the Council Policy Committee heard a request from Police Officer Joseph Frederick requesting support in his efforts to raise funds for youth health and wellness as part of the 2015 New York City Marathon is which he is a participant.

Approve the designation of $801.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - $100.00 P4 - $200.00 P6 - $101.00 P7 - $100.00 P8 $200.00 and from the Mayor's Discretionary Fund - $100

RESULT:	**APPROVED [6 TO 1]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
NAYS:	Pennington
EXCUSED:	Robinson, Jones

Public Hearings

I. Public Hearing Closeout of FY11 CDBG Catalyst Grant - Planning / Inspections
The purpose of tonight's public hearing is to discuss the closeout of the FY11 CDBG Catalyst Grant.
Recommend City Council conduct the required closeout public hearing and entertain comments from citizens.

Mayor Pennington opened the Public Hearing to discuss the closeout of FY11 Catalyst Grant and entertain comments from citizens. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian**.** Planning Director Brandon Love stated that the public hearing is for the City of Lumberton FY2011 Community Development Block Grant (CDBG) Catalyst Special Projects Program. The City is holding this public hearing to detail the program performance, receive citizen comments, and prepare for close out the project.

The City received $640,000 (approx. 38% of total project costs) in U.S. Department of Housing and Urban Development (HUD) CDBG funding from the North Carolina Department of Commerce (DOC), Rural Economic Development Division of Community Assistance (DCA).

Other project funding consists of:

$660,000	Supporting Housing from NC Housing Finance Agency
$70,207	LCCC
$10,000	Donation
$50,000	Cannon Foundation Grant
$245,000	City In-kind

The project activities consisted of construction of a new facility at 220 E 2nd Street for Lumberton Christian Care's for administrative offices, a soup kitchen, and transient housing.

The project will benefit an average of 1114 persons (872 households) annually and have a 100% benefit to low- and moderate income (LMI) persons for the City.

At this time, the project is approximately 85% complete, with approximately $542,770.00 (85%) of CDBG funds being expended. The City expects 100% completion in September and grant closeout documents to be submitted to the Department of Commerce shortly thereafter.

Recommend City Council conduct the Public Hearing and entertain comments from the public.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

II. Adelio Cruz requests a Conditional Use Permit for property located at 3541 Lackey Street (parcel #1008-01-009-03). - Planning / Inspections
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 3541 Lackey Street (parcel #1008-01-009-03). This request is to allow for a restaurant that will serve alcoholic beverages.

On February 17, 2015 the Planning Board reviewed the application and requested that the applicant submit additional information. The Board then voted to table the application until its next scheduled meeting.

On March 17, 2015 the Planning Board reviewed the application for a second time. The applicant did not submit the requested information and the board voted to table the request until its next scheduled meeting.

Brandon Love, Planning Director met with the applicant and the property owner on March 18, 2015 to discuss the Board's request. At that time, the applicant amended the application to only include 3541 Lackey Street and requested operating hours from 10:00am - 11:00pm only.

On June 16, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request with the condition that the operating hours will be Monday thru Sunday from 10:00am - 11:00pm only.
Recommends that City Council hold tonight's public hearing and approve the request with the stated condition(s).

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional use Permit for property located at 3541 Lackey Street. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Adelio Cruz appeared before Council and thank each one of them for the help and support.

Helen Locklear of JohnLock Enterprise appeared before Council and stated that JohnLock Enterprise approve of this Conditional Use Permit.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

III. Adelio Cruz requests a Conditional Use Permit for property located at 3551 Lackey Street (parcel #1008-01-009-03). - Planning / Inspections
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 3551 Lackey Street (parcel #1008-01-009-03). This request is to allow for a restaurant with a banquet facility that serves alcoholic beverages.

****Please see attached background summary.****
Recommends that City Council hold tonight's public hearing and approve the request with the stated conditions.

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional use Permit for property located at 3511 Lackey Street. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian**.**

Mr. Cruz and Helen Locklear appeared to speak in favor of the this action.

The following are conditions added to the Conditional Use Permit for Adelio Cruz for property located at 35551 Lackey Street which Mr. Cruz agreed.

1. Tenant must strictly comply with all ABC regulations.

2. Tenant shall agree to cooperate in the prosecution of any person arrested by any law enforcement agency.

3. Tenant, as well as their employees, shall give immediate access to all portions of the premises to any and all law enforcement and fire personnel who seek it.

4. the basic proportions as depicted on the diagram as submitted by the applicant as shown on agenda page 184, in terms of the bar area versus the restaurant and banquet room sections shall remain the same. Any, but the most minor or incidental changes, to these dimensions shall require a new conditional use permit.

5. Hours of operation shall be from 10:00 a.m. until 1:30 a.m.

Councilman Hackney asked that the diagram referenced be attached to the permit for purposes of enforcement of the fourth condition above.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

IV. Burnis Wilkins rezoning for property located at 1140 N. Roberts Ave (parcel #1014-01-001). - Planning / Inspections
The Planning & Neighborhood Services Department received a rezoning application for property located at 1140 N. Roberts Ave (parcel #1014-01-001). The request is to rezone the property from R-20, residential single family, R-7, residential single family and B-4, business general/commercial to B-4, business general/commercial only.

On June 16, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request
Recommends that City Council hold tonight's public hearing and adopt the attached ordinance approving the rezoning request.

Mayor Pennington opened the Public Hearing to consider an amendment to the Land Use Ordinance by rezoning property located at 1140 N. Roberts Avenue from R-20, Residential Single Family, R-7, Residential Single Family and B-4, Business General / Commercial to B-4, Business General /Commercial Only. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Will Rowan, representing Rowan Properties which has adjoining properties, stated that since that action started the he has seen a dramatic decrease of foot traffic. The serves the neighborhood as well as the City. He stated that great strides to revitalize the area and that this is great commercial property.

Councilman Wilkins thanked Mr. Rowan and others for all of their help.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

V. Amar Mustafa rezoning for property located at 2302 Elizabethtown Road (parcel #3210-02-019). - Planning / Inspections
The Planning & Neighborhood Services Department received a rezoning application for property located at 2302 Elizabethtown Road (parcel #3210-02-019). The request is to rezone the property from R-7, residential single family to B-4(Business General/Commercial). The proposed use of the property is an automotive dealership.

On June 16, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.
Recommends that City Council hold tonight's public hearing and adopt the attached

ordinance approving the rezoning request.

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional use Permit for property located at 3541 Lackey Street. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian**.**

Council stated that there must be some kind of a controlled access because there are multiple addresses at this site. Mr. Love that the site plans must be approved by DOT.

Amar Mustafa appeared to speak and stated that they have hired an engineer to do a site plan. He stated that he spoke with Chuck Miller and anything on Roberts Avenue must be an entrance only.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

VI. Adoption of a Rate Reduction/Stabilization Plan as result of completion of the NCEMPA asset sales - Council Policy Committee

The NCEMPA Asset Sale close as of July 31, 2015, the July 2015 monthly power billing statement that will be issued on August the 10th, 2015 will be under the new FR-1 Rate and rider for wholesale power cost. The projected reduction in Lumberton Wholesale cost is estimated at between 19-20%. A 6.7% (4%+2.7%) reduction in retail rates is recommended for utility billing on or after September 1st, 2015.

Based on information provided be Duke Energy/Progress NCMPA projects that Lumberton wholesale rates will increase over the next few years as follows:

*2016 - 2.7%	*2021 - 3.6%
*2017 - 3.4%	*2022 - 4.3%
*2018 - 3.0%	*2023 - 2.5%
*2019 - 2.2%	*2024 - 6.3%
*2020 -0.8%	*2025 -0.7%

The Rate Reduction/Stabilization Plan, if approved by Council it will provide for an immediate reduction in retail rates, and will offset or reduced future wholesale increases over the next 5years. It will also help improve fund balance and provide revenues needed for the maintenance and upgrade of the Electrical Distribution System.

Recommend that City Council hold tonight's public hearing on the Electrical Rate Reduction/Stabilization Plan.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

V. NEW BUSINESS

1. Approval of Refurbish AVGAS tank – Council Policy Committee -- Troy Gammon, Airport Manager
   The current AVGAS tank will be refurbished and installed on the newly purchased chassis cab. The company American Refuelers is the original builder of the equipment. All other companies contacted could not utilize any of our equipment and required purchasing their specific product.
   CPC recommends that Council award the refurbishing of the tank for approximately $43,300 to American Refuelers.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

2. Approval of Informal Bids for the Bill Sapp Kitchen & Restroom Renovations – Council Policy Committee -- Brandon Love, Planning Director
   Drawing packages were made available to subcontractors on July 8th for the Bill Sapp kitchen and restroom renovation project. Informal bids were received for completion of work for individual trades on Monday August 3rd, then tallied, certified and forwarded to CPC on August 5th. City staff has already begun clearing the areas to be renovated and the limited demolition involved in preparation for the subcontractors to begin.

   Funding has been allocated in the City's capital improvement plan for this renovation. City staff will be performing various tasks such as select demolition, trim carpentry, utilities connections, toilet partition installation and cleaning as necessary. Subcontractors will be delivering work associated with individual trades such as plumbing, mechanical, electrical, flooring, etcetera.
   CPC recommends that the bids be accepted as presented and authorize the Finance Director to issue purchase orders for each individual trade as indicated in the certified bid tabulation.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

3. 911 Viper Upgrade – Council Policy Committee -- Mitchell Pate, Emergency Services Director
The contract that we present for your approval is a major software upgrade of our 911 Intrado Viper controller and its associated server. We have been on Windows XP Professional, and this contract represents an upgrade to Windows 7 and an upgrade to the server as well. This project was first planned in the fall of 2014, but due to numerous software upgrades, AT&T felt it better to wait until the final upgrades had been released. They have advised us that all upgrades have occurred. One significant addition is that the software will locate the callers with more confidence, thereby allowing better response times. They have also agreed to honor their price from 2014 of $30,356.00, which is a one- time charge. If approved, we hope to begin the process in late August. All funds for this project come from the 911 Fund, and even with the substantial upgrade, our monthly maintenance fee will not go up.

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CPC recommends that Council approve the software upgrade of the Intrado Viper in the amount of $30,356.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

4. WWTP Generator Upgrade Bids – Council Policy Committee -- Rob Armstrong, Public Works Director
On June 26th the City received Bids for the proposed Wastewater Treatment Plant generator upgrades. Only one Bid was submitted. Power Secure submitted the only bid of $239,624 + sales tax of $16,774 for a total bid of $256,938.00. Several Contractors initially showed interest in the project, however, after visiting the site and grasping the complexity of the full scope of the work required, interest declined. The scope had expanded from our original concept during design because the existing Motor Control Center was insufficient to handle the peak shaving cycles. Our original budget was $232,000.
CPC recommends that Council award the Wastewater Treatment Plant Generator Upgrades contract to Power Secure for $256,938.00. $232,000 will be paid from the water and sewer capital code 60-00-8221-5960 with the remaining balance of $24,938 taken from the water and sewer capital reserve fund.

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

5. Crushing Concrete Material – Council Policy Committee -- Rob Armstrong, Public Works Director
Public Works has approximately 12,000 tons of concrete debris that needs to be crushed and transformed into crushed aggregate base course. This is a special service with a limited number of service providers available. Public Works received two quotes for the service.

American Materials Company, Wilmington, NC $109,889.00

Best Sand and Gravel, Inc, Goldsboro, NC $128,500.00
CPC recommends that Council authorize American Materials Company to crush the stored concrete debris at the City's landfill for $109,889.00. $50,000 of this is to be paid from capital code 10-00-8130-5534, $50,000 from capital code 60-00-8331-5560 and $9,889.00 to be paid from the water and sewer capital reserve fund.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Harry Ivey, Precinct 4
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

6. Sanderson Farms Sanitary Sewer Extension Design Fee – Council Policy Committee -- Rob Armstrong, Public Works Director
The City has received a $300,000 Golden Leaf Foundation Grant to help fund a sanitary sewer extension to serve the proposed Sanderson Farms Hatchery on Elizabethtown Road. The City has committed an additional $200,000 to the project which is expected to cost around approximately $500,000. The design of the sewer extension will be paid for from the City's contributed funds. Attached is a proposal from Koonce, Noble and Associates for the design services. The sewer design fee is $41,800 and the construction observation fee is expected to be $11,500 for a total professional services fee of $53,300.
CPC recommends that Council approve the Professional Services Agreement with Koonce, Noble and Associates for $53,300 for the design and project management of the Sanderson Farms Sanitary Sewer Extension to be paid for from the Water and Sewer fund.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

7. Sanderson Farms Sewer Extension Grant Management – Council Policy Committee -- Rob Armstrong, Public Works Director
Hartigan Management Enterprises, Inc., submitted a grant administration proposal to administer the $300,000 Golden Leaf Foundation Grant that partially funds the sanitary sewer extension to serve the Sanderson Farms Hatchery on Elizabethtown Road. A copy of the proposal and Koonce Noble's Hourly Fee Schedule are attached. The proposed grant administration fee is $17,500.
CPC recommends council approval of the Grant Administration Contract with Hartigan Management Enterprises, Inc for $17,500 to administer the $300,000 Golden Leaf Foundation Grant partially funding the sanitary sewer extension to serve the Sanderson Farms Hatchery.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones

8. Acceptance of 2014 Assistance to Firefighters Grant – Council Policy Committee -- Paul Ivey, Fire Chief
Lumberton Fire Department has been selected to receive the 2014 Assistance to Firefighters Grant in the amount of $37,720. The grant is a matching grant with 90% ($34,291) supplied by FEMA and 10% ($3,429) from local funds. The grant will allow us to purchase 42 pair of leather firefighting boots, 57 personal issued flashlights and four Rapid Intervention Firefighter Rescue Packs.
Council Policy Committee recommends that Council approve acceptance of the 2014 Assistance to Firefighters Grant.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Robinson, Jones