CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● JULY 12, 2017

Regular Meeting | **Third Floor Conference Room** | **11:00 AM**

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

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Mayor Pro Tem	Present	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

II. PUBLIC PORTION - MR. WILLIAM ANDERSON - LYBA

III. AGENDA ITEMS

1. Bid Acceptance for Repairs to South Resource Center – Tim Taylor, Recreation Director

   Informal Sealed Bids were requested by the Becker Morgan Group contracted to obtain bids on behalf of the City for repairs to the South Resource Center damaged by Hurricane Matthew. Three bid packages were requested and received by local contractors; one contractor requested a site visit and K&S Builders submitted the only bid to complete requested repair work at the South Resource Center in the amount of $124,121.00.

   Funding for this expense to come from insurance payout of $90,080; FEMA unmet needs and unobligated Recreation Capital Improvement Funds.

   Pursuant State Statues regarding Informal Bidding, a local governing body may accept a single bid in the event that only one bid has been received when a good faith effort has been made to obtain competitive bids on a repair and/or construction project with a cost of less than $500,000 for work requested.

Seven different local contractors were informed of this bid opportunity; three contractors obtained bid information and one contractor did a site visit with sub-contractors before submitting a bid.

Staff recommends accepting the single bid from K&S Builders in amount of $124,121.00 to complete repairs at the South Resource Center.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

2. Bid Acceptance for Repairs at Parkview Activity Center – Tim Taylor, Recreation Director

Informal Sealed Bids were requested by the Becker Morgan Group contracted to obtain bids on behalf of the City for repairs to the Parkview Activity Center damaged by Hurricane Matthew. A pre-bid conference will be held on Wednesday May 24, 2017 with no contractor in attendance; four bid packages were requested and received by local contractors; one bid was received on June 5, 2017 and returned to contractor. A second bid opening was held on June 28, 2017; two contractors received bid information, two contractors requested a site visit and K&S Builders submitted the only bid to complete requested repair work at Parkview Activity Center in the amount of $87,982.00.

Funding for this expense to come from the following sources:

Lowes Home Improvement	$24,000
FEMA	$26,000
Golden Leaf	$37,982

Staff recommends accepting the single bid from K&S Builders in amount of $87,982.00 to complete repairs at Parkview Activity Center.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

3. W 5th Street Sewer Repair Bid Award – Rob Armstrong, Public Works Director

On June 29th Public Works received informal bids for the W 5th Street Emergency Sewer Repair near Blacks Tire. Six licensed utility contractors were asked to consider bidding on the project. Only one bidder submitted a bid. Under the State informal bidding rules, the City is allowed to open a single bid. The low bid was submitted by Columbus Utilities for $61,238. Due to the urgency of this repair need, Public Works is asking that Council award the repair contract to Columbus Utilities.

Public Works is requesting Council award the W 5th Street Sewer Repair Project to

Columbus Utilities for $61,238 to be paid for with funds from the Water and Sewer Capital Reserve Fund.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

4. Tanglewood Drainage Project Engineering Agreement – Rob Armstrong, Public Works Director
   The City of Lumberton has been awarded a $3,000,000 grant by the Golden Leaf Foundation in order to improve drainage in the Tanglewood area. In June Council approved the selection of the Wooten Company as the Engineering service provider for the Tanglewood Drainage Project, based on the review of their qualifications statement. The next step is to approve the actual Engineering Agreement. Attached is a copy of the proposed contract for $369,850.
   Public Works is requesting Council to approve the Tanglewood Drainage Project Engineering Service Agreement with the Wooten Company for $369,850 to be paid for thru the Golden Leaf Foundation grant.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

5. Appointments / Reappointments to ABC Board – Holt Moore, City Attorney
   The terms of all six Lumberton ABC Board members have expired. The board operates with staggered terms, and Abe Marshall and Ericka Whittier's terms expired in June of 2017, Alan Avant and John Armstrong's terms expired in June of 2016, and Lillian Hardin's term expired in June of 2015. Per the recent changes made to the Boards and Commissions section of the Code, the members continue once their terms expire. However, as the legislature dictated that the board shall have staggered terms, it seems important to re-appoint these members, or appoint new members at Council's discretion, and maintain the staggered terms.
   Therefore, staff recommends Council pass the attached Resolution, which will maintain the staggered terms. Council is free to appoint new members, and if that is the wish as to any position, staff will simply alter the Resolution accordingly (it currently speaks in terms of re-appointment), and thank the existing member for their service.
   Pass attached reappointment resolution.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

6. Request that Council Declare Real Property Surplus and Sell Through Sealed Bids – Holt Moore, City Attorney
   Recently the City acquired the property located at 510 E. 21st Street through a tax foreclosure. Since acquiring the property, the City has been contacted by a party interested in purchasing it. Generally, with regard to the properties the City obtains through foreclosure, the goal is to sell the properties as quickly as possible in order to recoup the foreclosure expenses incurred by the City, and get the properties back on the tax rolls (They are tax exempt while in our name). In order to do that, Council needs to declare the property surplus and we suggest selling the property through sealed bids. Staff has included in the resolution that no bid in an amount less than the amount the City has invested through the foreclosure process will be accepted. Unfortunately, an advertisement must be run at least 30 days before the bid opening, hence the dates in late August for the bid deadline and the bid opening.
   Pass the enclosed resolution declaring the property at 510 E. 21st Street as surplus, and allowing the property to be sold through an advertisement for sealed bids.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Robinson, Mayor Pro Tem
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

7. Rural Center Small Business Recovery Fund – Holt Moore, City Attorney
   Attached is some information about The Rural Center Small Business Recovery Fund. This is a somewhat unique program that provides assistance to small business, primarily those recovering from disasters, in ways other programs such as the SBA and FEMA do not. The Rural Center suggests a committee of local citizens such as those in the banking industry and those familiar with small business financing to help administer the program. If Council wishes the City to participate, we will complete the application and send it to the Rural Center for consideration. They have encouraged the City to apply.
   Consider the Rural Center's program and advise staff accordingly.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

8. Approve the designation of $900.00 of Community Revitalization Funds to B.B. Thompson Choir, Inc., as follows: P1 - $100.00 P2 - $100.00 P3 - $100.00 P4 - $100.00 P5 - $50.00 P6 - $50.00 P7 $100.00 P8 - $100.00 Mayor $200.00 – Wayne Horne, City Manager

   City Manager Horne received a request from A. Louise Lassiter requesting support for the B.B. Thompson Choir, Inc. Council has given to this organization in the past because of the work that perform with our youth. They have an educational ministry, conduct workshops and they host an Annual Concert each year for 41 years. They are asking for the City's support to fund the workshop for this year.

   Consider the request and donate if you so choose.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

9. Approve the designation of $1,000 of CRF for Community (Fun) Day in Precinct 4 – Karen Higley, Precinct 4

   Councilwoman Higley requests $1,000 of CRF for a Community Day in Precinct 4 on September 9th, 2017.

   Designate $1,000 of CRF for a Community (Fun) Day in Precinct 4.

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

10. Approve the designation of $500.00 for Community Watch – Burnis Wilkins, Precinct 3

    Councilman Wilkins request $500.00 of CRF for Community Watch in Precinct 3.

    Designate $500.00 of CRF for Community Watch in Precinct 3.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

11. Approve the designation of $300.00 of CRF for a Handicap Ramp Located at 300 Pearl Street – John Cantey Jr., Precinct 5
Councilman Cantey requests $300.00 of Community Revitalization Funds for a handicap ramp located at 300 Pearl Street in Precinct 5.
Designate $300.00 of Community Revitalization Funds for a handicap ramp located at 300 Pearl Street in Precinct 5.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

12. Approve the designation of $500.00 of CRF for Community Watch in Precinct 5 – John Cantey Jr., Precinct 5
Councilman Cantey requests $500.00 of Community Revitalization Funds for Community Watch in Precinct 5.
Designate $500.00 of Community Revitalization Funds for Community Watch for Precinct 5.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

13. Approve the designation of $1,500.00 of Community Revitalization Funds for Girls Training Camp from Precinct 6 as follows: P1 - $100 P2 - $100 P3 - $100 P4 - $100 P5 - $200 P6 - $800 P7 - $100 – Chris Howard, Precinct 6
Councilman Howard requests $800.00 of CRF for the Girls Training Camp.
Designate $800.00 of CRF to the Girls Training Camp in care of Ms. Kawanda Merritt.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

14. Approve the Designation of $1,132.00 of CRF to the Lumberton Youth Baseball Association as follows: P1 - $200.00 P2- $133.00 P3 (Gave a personal contribution), P4 - $133.00 P5 - $100.00 P6 - $100.00 P7 - $133.00 P8: 133.00 & $200,00 from the Mayor's Discretionary Fund – Erich Hackney, Precinct 8

Mr. William Anderson appeared before City Council on behalf of the Lumberton Youth Baseball Association requesting funds for the team to travel to the State Tournament in Edenton. He stated that the approximate cost is $7,200.00 and they have raised $6,000.00, so they are asking the City to contribute to this cause.
Designate $1,132.00 or CRF to the LYBA as follows: P1 - $200.00 P2- $133.00 P3 (Gave a personal contribution), P4 - $133.00 P5 - $100.00 P6 - $100.00 P7 - $133.00 P8: 133.00 & $200, 00 from the Mayor's Discretionary Fund.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

15. Requested Closing of Alley Near W 5th Street. – Holt Moore, City Attorney
As you may be aware, the Public Works Department has been dealing with a rather difficult sewer cave in on the property occupied by Black's Tire on the south side of W. 5th Street (not to be confused with Black's retail operation across the street on the north side of W. 5th Street near Luther Britt Park). The property is owned by Freeman Investments and Robert Freeman has been very cooperative throughout this process. What Mr. Freeman would like, and has agreed to, is an exchange whereby the City would obtain our necessary sewer easements on his property, and the City would close an alleyway which runs through his property. This alleyway shows up on some very old maps, but has never been dedicated to the public or the city or, from what staff can tell, ever been used. This "alleyway on paper only" just serves to confuse property lines and so forth. Attached are two maps: the first shows a rendering in red of the sewer easement the city would obtain through this process (the hatched area has actually already been surveyed and put into an easement document and the other area can easily be added; the cave-in is towards the south end of the hatched area). The second map shows in blue the alley areas Freeman is requesting be closed. All of the property abutting the alleyway is owned by Mr. Freeman except the property with the red-roofed house on it. The alley closing will arguably benefit that property owner as well, however, as the alley closing will move her property line to the middle of the former alley, enlarging her property. The home appears to be abandoned.
The contractor is ready to proceed on the sewer work more or less immediately, and only within the last 24 hours have staff and Mr. Freeman concluded discussions regarding the proposed agreement; hence the late arrival of this item on the agenda with staff's apologies. In order to accomplish the alley closure, Council would need to pass the attached resolution, and then the language from the resolution would be advertised over the course of the next month, and finally a public hearing would take place at the August meeting.
Pass Resolution expressing intent to close the alleyway.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

16. Approve the Deobligation of Funds in Precinct 8 – Erich Hackney, Precinct 8
Councilman Hackney stated that a little while back he designated $1,200 to the Southeastern Family Violence Center; however, he only used $475.00 of what was allocated. He stated that he would like to delobigate the remaining $725 and return to his unobligated fund.
Return $725.00 of obligated funds back to his unobligated fund.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

17. Approve the designation $3,00.00 to the Robeson County Arts Council – Burnis Wilkins, Precinct 3
Councilman Wilkins stated that the Arts Council contacted him stating that they failed to fill out a request form back in the spring to be included in the City's budget request for FY 2017-2018. In order to promote the arts and the City of Lumberton; the NC Arts Council will only match what we fund and that funding comes from the City.
Councilman Wilkins recommends that the City provide the Robeson County Arts Council with the allocation of $3,000 which they failed to request at our budget session.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	John Robinson, Mayor Pro Tem
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

18. Approve the designation of $1,050.00 of CRF to Redstone-Hayswood School as follows: P1 _ $100.00 P2 - $200.00 P3 - $100.00 P4 - $100.00 P6 - $300.00 P7 - $50.00 Mayor's Discretionary Fund - $200.00 – Chris Howard, Precinct 6
Councilman Howard requests $300.00 of CRF to be given to Redstone-Hayswood School for a celebration.
Designate $1,050.00 of CRF to Redstone-Hayswood School as follows: P1 _ $100.00 P2 - $200.00 P3 - $100.00 P4 - $100.00 P6 - $300.00 P7 - $50.00 Mayor's Discretionary Fund - $200.00

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

IV. PUBLIC HEARINGS

1. Ordinance Amendment Relating to Temporary Emergency Aid Facilities – Brandon Love, Planning Director
Following the devastation from Hurricane Matthew multiple aid organizations have been present in Lumberton, assisting property owners with cleanup and rebuilding. Currently there are at least two of these groups who wish to establish a longer term presence in the community by creating a facility to store materials, incorporate office space(s) and potentially house volunteer groups during short-term stays in Lumberton. Unfortunately, there is no single land use category which accommodates all of these varied uses. Additionally, there are no zoning districts which allow for all of these uses simultaneously.

The Planning Department proposes to create a new, standalone land use category which accommodates all of these potential uses into one, concise use and further authorizes this use in a very limited amount of zoning districts. The Planning Department request that the following section be added to accommodate for Temporary Emergency Aid Facilities.

On June 20, 2017 the Planning Board held the public meeting and recommends that City Council approve the ordinance amendment.

On June 23, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on June 30, 2017 and July 7, 2017.
Recommends that City Council hold tonight's public hearing and approve the ordinance amendment.

There was a question as to the disposition of the property once United Methodist moves out. Director Love stated that the property would not revert back, it will stay in place; however, the amendment is written that it must be another faith-based organization that is performing the same type work.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	Leroy Rising, Precinct 1
AYES:	Davis, Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney

2. Text Amendment to the Land Use Ordinance, for the City Of Lumberton, Ordinance Amendment Relating to Late Night Restaurants – Brandon Love, Planning Director
In a recent discussion with staff, Council expressed its agreement that our ordinance which requires a conditional use permit for those wishing to open a restaurant which serves alcohol, should be repealed, based upon an opinion from the ABC Commission. City Council has directed the Planning Department to draft an ordinance requiring a conditional use permit for

restaurants which will be open between the hours of eleven-o'clock pm and six am, and having an appropriate list of supplemental restrictions for that category of restaurant.

On June 20, 2017 the Planning Board held the public meeting and recommends that City Council approve the ordinance amendment.

On June 23, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on June 30, 2017 and July 7, 2017.
Recommends that City Council hold today's public hearing and approve the ordinance amendment.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

V. CLOSED SESSION

VI. ADJOURNMENT

With no further business to come before the Board the meeting was adjourned.