



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JUNE 13, 2016

Regular Meeting

Council Chambers

6:00 PM

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

I. CALL TO ORDER

II. ROLL CALL

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	

III. INVOCATION

Pastor David Hawes - Godwin Heights Baptist Church

IV. PLEDGE OF ALLEGIANCE

David and Sam Ervin led the Pledge of Allegiance.

V. RECOGNITION

Proclamation - National Small Cities Day –

On behalf of the Mayor and City Council; Councilman Maynor was presented the Proclamation for National Small Cities Month as he serves as a representative on this board.

A. *Retirees Recognition*

1. Shawn Byrd - Police Sergeant - 17 years and 7 months of service. –

On behalf of Mayor Davis and Lumberton City Council; Shawn Byrd was presented with a plaque for 17 years and 7 months of service for his duties as a Police Sergeant with Lumberton's Finest – Lumberton Police Department. Shawn stated that God knows best and that it is his time to step aside. He thanked the City for helping him in career and wished everyone the best.

2. Ruffin Powers II, Wastewater Operator IV, 8 years and 8 months of service. –

In his absence, Mayor Davis read a plaque for Ruffin Powers II, for 8 years and 8 months of service as a Wastewater Treatment Operator IV with the City of Lumberton. Mayor Davis thanked Mr. Powers for his service and wished him the best on his retirement.

VI. PUBLIC COMMENT PERIOD -

Jamie West appeared before Council and stated that she wanted to reiterate what she had stated in the previous meeting in reference to the Dog Ordinance; please follow through with this Ordinance because she promised her 8 year old son that they would start somewhere and this is a starting point.

Willie Johnson appeared before the Council and stated that there is a problem in Northeast Park with dogs. He stated that it is ridiculous how much dog feces is in this park. We should have some type of Dog Park.

Dr. Abdel Aziz appeared before Council in response to the Breed Specific Provision Ordinance. Dr. Aziz stated that our people over in South Lumberton are not given to our people. He stated that this proposed Ordinance would create hardships for our people. He stated that Edenton Ordinance may not have been the best use to create this Ordinance.

Christina Smith felt that there should be no restrictions by breed. She stated that her 3-year old pit mixed stays in the house and his shots are up to date. She stated that her dog is not vicious and you should look at the dogs before you judge them as vicious.

Two other people appeared to speak against the Dog Ordinance; however, their names were not clearly stated.

VII. CONSENT AGENDA

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

Minutes Approval

A. Authorize the May 2016 Tax Releases - City Attorney

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:

2008-----	.62
2009-----	.05
2010-----	.10
2011-----	.18
2014-----	14.91

2015-----413.37

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

- B. Ordinance an Ordinance Regulating Basketball and Other Games on City Streets - City Attorney

At the workshop in March, Council considered whether to put in place a prohibition against playing games in city streets. This had stemmed from complaints primarily about basketball being played on city streets, making it difficult for vehicles to pass by and also causing potential danger from traffic to those playing the games. It seemed to be the general consensus of Council to put in a prohibition. Attached is proposed revision to our ordinance which would do away with the possibility of play streets and implement a ban on games on city streets and on basketball and similar goals in city right of ways.

Consider proposed ordinance revision and pass if found to be suitable.

- C. Authorize the Police Department to apply for 2016 Edward Byrne JAG Grant - Police
The Lumberton Police Department is asking permission to apply for the 2016 Edward Byrne JAG Grant in the amount of \$38,282. Funds from this grant will be used for training, equipment and overtime operations.
It is recommended that the Lumberton Police Department be granted permission to apply for the Edward Byrne JAG Grant in the amount of \$38,282.

- D. Approval of the Write-off of Delinquent Accounts - Finance
A list of delinquent accounts is attached for review and consideration for write-off. This is a standard accounting practice to write-off accounts receivable that are three years old and taxes receivable that are ten years old and continue our efforts to collect them.
Recommend that CPC approve the write-off of the attached delinquent receivables.

- E. Authorize FY 2016 Budget Amendments - Finance
Budget amendments will be needed for the year end closing of fiscal year 2016. City Manager Wayne Horne and Finance Director Alisha Thompson are requesting authorization to perform budget amendments for year end.
Recommend that CPC authorize the City Manager and Finance Director to perform budget amendments for year end closing effective June 30, 2016.

- F. Stark Investment Properties and Oakridge Land Development Co., LLC annexation request for property located in Amberdale Subdivision Section 3 Part 3, lots #43, 44 & 45. - Planning / Inspections
Stark Investment Properties and Oakridge Land Development Co., LLC requests a contiguous annexation of property located in Amberdale Subdivision Section 3 Part 3, lots #43, 44 & 45. (Portion of Parcel # 1004-02-080).

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Stark Investment Properties and Oakridge Land Development Co., LLC requesting that property located in Amberdale Subdivision Section 3 Part 3, lots #43, 44 & 45, being a portion of Parcel # 1004-02-080, be annexed into the City of Lumberton.

Recommends that City Council direct the City Clerk to investigate said petition.

- G. Rezoning petition for two properties located on Wintergreen Drive (parcel # 1003-04-004.02/Deed Book 1357 Page 0608 and parcel # 1003-01-023.04/Deed Book 1630 Page 0697). - Planning / Inspections

Niranjan "Jim" Shah has submitted a rezoning petition for two properties located on Wintergreen Drive (parcel # 1003-04-004.02 /Deed Book 1357 Page 0608 and parcel # 1003-01-023.04/Deed Book 1630 Page 0697).

This request is for the construction and operation of a hotel (use#1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations) 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.

- H. Adopt a Resolution to Accept Page Road from NCDOT - City Council

The attached resolution requesting that the NC Department of Transportation concur with the deletion of a portion of Page Road from Martin Luther King Drive (NC HWY 41), 975 feet northwest, to Kenny Biggs Road from the State Highway System and that said street be made a part of the City of Lumberton's Street System for maintenance purposes.

Public Works is requesting Council Approval of the attached resolution asking that the NC Department of Transportation concur with the deletion of a portion of Page Road from Martin Luther King Drive (NC HWY 41), 975 feet northwest, to Kenny Biggs Road from the State Highway System and that said street be made a part of the City of Lumberton's Street System for maintenance purposes.

- I. Breed Specific Dog Provisions - City Council

At the March workshop and again at the May Council Policy Committee meeting, Council considered implementing an ordinance placing additional restrictions on certain breeds of dogs. As the majority of Council seemed to feel that such an ordinance is needed, staff has prepared one for your potential approval. A memo setting forth some of the primary features of the ordinance, a marked-up version of the ordinance showing the changes, and a clean copy of the proposed new ordinance are attached.

Consider the proposed changes to the current dog ordinance, and enact said changes if Council finds them satisfactory.

- J. Approve the designation of \$400.00 of Community Revitalization Funds to Wycliffe Homeowners' Association for a Community Day Event - City Council

Councilman Rising requests \$400.00 of CRF to be given to the Wycliffe Homeowners' Association for a community event.

Designate \$400.00 of CRF to the Wycliffe Homeowners; Association.

- K. Approve the designation of \$1200.00 of CRF for Godwin Heights Family Fun Day and \$600.00 for Godwin Heights Community Watch - City Council

Councilman Wilkins requests \$1,800 of Community Revitalization Funds to be given to Godwin Heights; \$1,200 for the Family Fun Day and \$600.00 for Godwin Heights Community Watch.

Designate \$1,800 of CRF for Godwin Heights Family Fund Day and Community Watch.

- L. Approve the designation of \$850.00 of Community Revitalization Funds in Precinct 5 for a Community Day - City Council
Councilman Cantey requests \$850.00 of CRF for a Community Day in Precinct 5.
Designate \$850.00 of CRF in Precinct 5 for a Community Day.
- M. Approve the designation of \$850.00 of Community Revitalization Funds in Precinct 6 for a Community Day - City Council
Councilman Howard requests \$850.00 of CRF for a Community Day in Precinct 6.
Designate \$850.00 of CRF in Precinct 6 for a Community Day.

VIII. PUBLIC HEARINGS

- A. Proposed 2016-2017 Fiscal Year Budget – Wayne Horne, City Manager
The proposed 2016-2017 Fiscal Year Budget was presented to City Council on Monday, May 23rd, 2016 Budget Workshop.

* NCGS 159-12 requires no earlier than 10 days after the budget is presented that City Council hold a public hearing to allow for public comments on the proposed budget before it is adopted.

* The proposed budget has been placed in; the City Clerk's Office, the Robesonian County Public Library, South Lumberton Resource Center and East Lumberton Resource Center.

Notice of the public hearing was advertised in the Robesonian.

Recommend that City Council hold a public hearing and consider the adoption of the proposed FY 2016-2017 Budget Ordinance.

Mayor Pennington opened the Public Hearing to consider the adoption of the FY2016-2017 Municipal Capital & Operating Budget. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	ADOPTED [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

IX. NEW BUSINESS

- A. Approval of Professional Banking Services – Council Policy Committee -- Alisha Thompson, Finance Director
Our current contract with BB&T will expire on June 30, 2016. A list of required services and general information was given to local banks to receive a competitive proposal. The options are summarized in the attached chart.
Recommend that CPC review the attached options and award the contract to First South Bank for the next three fiscal years.

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

B. Well #6 Rehabilitation – Council Policy Committee -- Rob Armstrong, Public Works Director

Public Works would like to Rehabilitate Well #6. This well was originally scheduled to receive maintenance work during this fiscal year but the work was delayed. Public Works would like to proceed with the maintenance work as soon as possible. Attached are two quotes. The quote from Pearson Pump for \$12,780 only includes a price for inspecting and air burst cleaning the well. Any other repair requirements discovered during the inspection would be charged in addition to the inspection fee. Additionally, Pearson's quote is for Airburst cleaning which we don't want to do because this well has a casing reducing sleeve at the screen packer seal which could be damaged during airburst cleaning. Public Works prefers contracting with Charles Underwood Inc. who proposes using acid cleaning of the screens and has already priced in rebuilding the pump and providing a new bowl assembly and appurtenances. Charles Underwood Inc. has itemized their quote for the cleaning and inspection (\$3,675 + \$8,475 = \$12,150) and rebuilding (\$19,701) for a total of \$31,851.00

Public Works is requesting Council approval to contract with Charles Underwood Inc. to rehabilitate Well #6 for a not-to-exceed price of \$31,851.00 with from money allocated from the Water and Sewer Capital Reserve Fund.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

C. Repainting NC 72 Water Tank Change Order #1 & 2 – Council Policy Committee -- Rob Armstrong, Public Works Director

Attached are Change Orders #1 & 2 from Utility Service Group Co., Inc. for the repainting of the NC 72 elevated water tank.

Change Order #1 increases the contract price by: \$2,500.00

This change order was to install a conduit on top of the tank, to run all of the coaxial cables. Prior to this installation, the cables penetrated the roof in several locations and were directly in contact with the top of the tank. Attached are the pictures of the conduit.

Change Order #2 increases the contract price by: \$5,590.00

This change order is for a complete overcoat of the interior dry area above the condensate deck. When the contractor was pressure washing the interior, as specified, the paint chipped off in small portions throughout the entire area. This went back to bare steel which will eventually rust. In the contract we accounted for spot repainting, but not an entire overcoat, thus the reason for the change order. Attached are pictures of this area.

The new total adjusted contract price due to Change Orders #1 & 2 is \$1,335,090.

Public Works is requesting Council approval of Change Order #1 for \$2,500 and Change Order #2 for \$5,590 from Utility Service Group Co., Inc for the NC 72 water tank repainting project to be paid for from capital code 60-00-8220-5860. The new total adjusted contract price due to Change Orders #1 & 2 is \$1,335,090.

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

X. ADJOURNMENT