



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JUNE 9, 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	Absent	
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	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

A. *Presentation: Erma Hester Award - Mr. Mickey Locklear in West Lumberton*

Mayor Pennington and Councilman Maynor presented Mr. Mickey Locklear with the Erma Hester Award for his work in the community.

V. PUBLIC COMMENT PERIOD

VI. CONSENT AGENDA

RESULT:	ADOPTED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Robert L. Jones, Precinct 6
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

A. *Minutes Approval*

1. City Council - Regular Meeting - May 12, 2014 7:00 PM -

2. Endorse the Lumberton Comprehensive Transportation Plan Population and Employment Projection Control Totals - Council Policy Committee

The Lumberton Comprehensive Transportation Plan (CTP) is a joint effort between the City of Lumberton, the Lumber River Rural Planning Organization (LRRPO), and the NCDOT - Transportation Planning Branch. A CTP Steering Committee was formed of local officials, LRRPO and NCDOT staff, as well as other local stakeholders. Included in the agenda packet is a presentation of what a CTP is, as well as population and employment projections for the Lumberton planning area. The CTP Steering Committee has approved these population and employment projections and has recommended that the Lumberton City Council endorse these projections. These projections will be used in future traffic estimates for Lumberton.

Recommend that Council approve and endorse the attached population and employment projections for use during the Comprehensive Transportation Plan update process.

3. Approval of Change Order #4 (Final) for The Tanglewood Sewer Rehabilitation Project - Council Policy Committee

Step Construction is close to finishing the Tanglewood Sewer Rehabilitation Project. Only some minor clean-up punch list items remain. Before the City can receive our final grant reimbursement from the State infrastructure Finance Section, we need to approve the final change order for the project. Because a portion of the proposed work for the project was removed from the contract and performed by Public Works, the final change order is a net deduction of \$134,334.06. Council previously approved a net deduction to the contract of \$1,820.99 bringing the total contract price to \$1,800,300.06 from \$1,936,455.11 - a total project deduction of \$136,155.05.

Approve the Final Contract Change Order #4 for the Tanglewood Sewer Rehabilitation Project deducting \$134,334.06 from the current contract price bringing the final contract price to \$1,800,300.06.

4. Adopt an Ordinance Erecting Stop Signs at the Three-Way Intersection of E. 10th and Chestnut Streets for the Purpose of Traffic Control - Council Policy Committee

The three-way intersection at E. 10th Street and Chestnut Street is currently controlled by traffic lights. The speed limit on Chestnut Street is 20 MPH. Located at this intersection is First Presbyterian Church which includes the Children's Learning Center. Motorists approaching the intersection, particularly those traveling north out of town, are approaching the intersection at dangerously high speeds. A recent vehicular traffic study conducted by the Police Department's Traffic Unit found that motorists, in some cases, are traveling higher than twice the posted limit. In addition, a marked cross-walk was recently installed by the City at the church's request which was placed between the Fellowship Hall and the parking lot. This cross-walk is located only 138 feet north of the intersection. It is clearly more difficult for motorists who are traveling at high speeds upon approach to this cross-walk to be able to stop for pedestrians than if they had been required to come to a full stop at the intersection before reaching the cross-walk area. Remove the traffic light at the intersection of E. 10th Street and Chestnut Street and install stop signs requiring all traffic approaching the three-way intersection to come to a full stop before proceeding.

Note: On Sunday, May 18, 2014, this matter was brought before the full Session of First Presbyterian Church. A motion was made by the Session to fully support this recommendation. The motion carried unanimously.

5. Approval of Contract for Outside Fire Protection with Alamac Knitting - Council Policy Committee

Alamac American Knits, LLC., is requesting a renewal of contract for outside fire protection. The contract will begin on July 1, 2014, with an ending date of June 30, 2015.

Approve the renewal of contract with Alamac American Knits, LLC.

6. Approval of Addendum to Datamax Contract - Council Policy Committee

On January 2, 2014 the City of Lumberton entered into an agreement with DataMax Corporation dba Interstate Credit Collections for Pre-Collect Plus letter writing service. The original contract amount for this service was \$8.50 for consumer accounts. After negotiations DataMax Corporation dba Interstate Credit Collections has agreed to decrease this amount to \$4.75 for commercial accounts in consideration that the business accounts are not forwarded to the NC Clearinghouse for the collection of the delinquent debt through Debt Setoff (state income tax refunds).

Recommend Council approve the amended Addendum Contract decreasing the Pre-Collect Plus letter writing service from \$8.50 to \$4.75 for non-commercial accounts.

7. Refer the Rezoning Request for property located at 3000 E. Elizabethtown Road to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee

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).

CPC to review the request, refer the petition to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

8. Eric Bever with Poblocki Signs is requesting sign permits for Southeastern Health Park located at 4901 Dawn Drive - Council Policy Committee

Eric Bever with Poblocki Signs is requesting sign permits for Southeastern Health Park located at 4901 Dawn Drive (B-6 zoning district). His request is for four (4) wall signs totaling 393.26 square feet and one freestanding sign totaling 156 square feet.

Approve the sign permit request.

9. Adopt a Resolution Clarifying ABC Board Terms - Council Policy Committee

A local act requires staggered terms for the Lumberton ABC Board. Staff is recommending a resolution clarifying the state of the current members and their terms on the board.

Recommend Council pass the attached resolution

10. Grant the Lumberton Police Department Permission to apply for Edward Byrne JAG Grant in the amount of \$41,073.00 - Council Policy Committee

The Lumberton Police Department has received notification of open solicitation for the FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) for which our department was allocated \$41,073.00.

This is a three-year grant and if awarded, monies will be used to fund training (\$6,073.00), equipment (\$21,000.00) and overtime (\$14,000.00). Training and travel for all police personnel will be funded to enhance, develop, and increase skills of staff to include, records management, patrol officers, special operations, SWAT, administration, and other essential command staff. Overtime operations will include patrol officers, drug enforcement team, interdiction team, detectives, gang officers, hot spot officers and housing officers who will conduct special operations within the city. Monies for equipment will be used to purchase MDT's. These MDT's would be used to obtain driver's license and vehicle registration information and view jail records and photographs from other law enforcement agencies. The MDT's would also be used to locate arrest warrant information with NCWARE for suspects and other individuals involved in criminal activities.

It is requested that the Lumberton Police Department be granted permission to apply for and accept upon approval the Edward Byrne Memorial Justice Assistance Grant.

11. Adopt Ordinance Number 2014.06.01 Directing the Building Inspector to demolish and remove the structure located at 22 Canal Street. - Council Policy Committee

The house located at 22 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 April 14, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of May 23, 2014. Recommend that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 22 Canal Street.

12. Adopt an Ordinance Number 2014.06.02 Directing the Building Inspector to demolish and remove the structure located at 2400 Kenny Biggs Road. - Council Policy Committee

The house located at 2400 Kenny Biggs Road 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, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of May 23, 2014. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2400 Kenny Biggs Road.

13. Transfer 115.00 from 10-00-4930-6905 (housing rehab) back to undesignated 10-00-4935-6905 and designate \$500.00 of Community Revitalization Funds to Pythagoras Community Day in Precinct 5. - Council Policy Committee

Last month City Council allocated funds to the Golden Leaf Council #139 in support of the Community Day scheduled for June 14, 2014, at the Bill Sapp Recreation Center. In conjunction with those funds Councilman Cantey would like to donate \$500.00 of

Community Revitalization Funds to the Knights of Pythagoras Community Day and transfer 115.00 from 10-00-4930-6905 (housing rehab) back to undesignated 10-00-4935-6905.

Transfer 115.00 from 10-00-4930-6905 (housing rehab) back to undesignated 10-00-4935-6905 and designate \$500.00 of Community Revitalization Funds to Pythagoras Community Day in Precinct 5.

14. Approve the designation of \$200.00 to Sandy Grove Day Care Center in Precinct 6 - Council Policy Committee

Councilman Jones requests \$200.00 of Community Revitalization Funds to be given to Sandy Grove's Day Care Center of Martin Luther King, Jr. Drive.

Designate \$200.00 to Sandy Grove Day Care Center.

15. Approve the designation of \$100.00 to Lumbee Homes Computer Classes in Precinct 6 - Council Policy Committee

Councilman Jones requests \$100.00 of Community Revitalization Funds to be given to Lumbee Homes Computer Classes.

Designate \$100.00 to Lumbee Homes computer classes.

VII. PUBLIC HEARINGS

- A. Approval of Rezoning Request for property located at 202 Taylor Drive (parcel #2905-01-007) (Deed Book 1488 Page 260) - Brandon Love, Planning Director

FLS Owner 170, LLC has submitted a Rezoning Petition for property located at 202 Taylor Drive (parcel #2905-01-007). This request is to rezone the property from A - Agriculture to M-1 - Light Manufacturing. The applicant's intent is for the construction of a community or regional solar farm (use#17.200) at this location.

This use also requires a Conditional Use Permit. The applicant has submitted a Conditional Use Permit application, which is following this agenda item.

On May 20, 2014 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 approve the rezoning request.

Mayor Pennington opened the Public Hearing to consider rezoning property located at 202 Taylor Drive from A - Agriculture to M-1 - Light Manufacturing. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Harry Ivey, Precinct 4
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Robinson

- B. Approval of Conditional Use Permit Request for property located at 202 Taylor Drive (parcel #2905-01-007) (Deed Book 1488 Page 260) - Brandon Love, Planning Director

FLS Owner 170, LLC has submitted a Conditional Use Permit petition for property located at 202 Taylor Drive (parcel #2905-01-007). This request is for a Conditional Use Permit to construct a community or regional solar farm (use#17.200) at this location.

The applicant has submitted a Rezoning application to rezone the property from A - Agriculture to M-1 - Light Manufacturing, which precedes this agenda item.

On May 20, 2014 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request.

Mayor Pennington opened the Public Hearing to consider the issuance of a Conditional Use Permit for property located at 202 Taylor Drive.. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Harry Ivey, Precinct 4
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

- C. Notation Regarding Budget Amendment - Edwin Moore, City Attorney
Article III, Section 16-42 of the Personnel Ordinance states that the annual budget adopted by the City Council and any amendments thereto with the authorized appropriation shall constitute the approval of the amendments to the Pay Plan.

Staff has incorporated classification changes for: Power Ground Technician PLT I-IV, Master Lineman, PL Crew Supervisor and PL Crew Superintendent in the 2014-2015 FY Budget for Council Approval.

No action necessary; the approval of the budget shall incorporate this item.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

- D. 1388 : Propsed 2014-2015 Fiscal Year Budget - Wayne Horne, City Manager
The proposed 2014-2015 Fiscal Year Budget was presented to City Council on Wednesday, May 12th, 2014 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 2014-2015 Budget Ordinance.

RESULT:	APPROVED [4 TO 3]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Wilkins, Jones, Maynor
NAYS:	Ivey, Cantey Jr., Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

VIII. NEW BUSINESS

- A. Approval of Bid Award for the 911 Center Console Project to Amerizon Wireless in the Amount of \$167,500.00 - Council Policy Committee

The four dispatch consoles in the 911 Center were installed in 2005 and have now reached end of life and the vendor no longer supports the system. We issued an RFP for this project, and received bids from two vendors, Century Link, which offered its Moducom UltraCom IP solution, and Amerizon Wireless, which offered the Motorola MCC-5500. Both these solutions represent the latest in technology in dispatch consoles, and have capability to adapt to the next phase of 911 dispatching, Next Generation 911. These console systems will also allow us to add a 800 MHz Viper channel, which is currently being used by Robeson EMS, and all county rescue units.

Approval of the bid offered by Amerizon Wireless in the amount of \$167,500 for the Motorola MCC-5500. The bid offered by Century Link was \$150,317.99. At the advice of the City Attorney, we used a Technology Bid process that allows considerations other than price to be evaluated in deciding who would get the bid. It allows the bidder that has the best ability to provide the equipment in a seamless manner, based on their experience and qualifications. The bid represents a \$9,000 per year savings from the bid offered by Century Link for their service. All funds for this project come from our 911 Fund.

RESULT:	APPROVED [7 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

- B. Approval of the AT&T Viper and Windows Server 911 Upgrade Contract - Council Policy Committee

Due to Microsoft not supporting Windows XP any longer, it becomes necessary to upgrade our AT&T Viper 911 Controller to the Windows 7 architecture. This is the device that the 911 and

administrative calls come to and are then routed to the Telecommunicator's position. The cost will include all necessary hardware, software, and new licensing required.

Approval of the AT&T Viper and Windows Server Upgrade Contract. The contract has a non-recurring cost of \$30,356.00, and the 24/7 365 maintenance will be \$1,613.00 per month. All these monies come from the 911 Fund.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Robinson, Precinct 2
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

- C. Approval of Contract for Tax Foreclosure Services - Council Policy Committee
 Mark Bardill is an attorney who does tax foreclosures for a number of other jurisdictions. The Manager, Tax Collector and I met with him and I spoke with him at some length. I spoke with other jurisdictions who are using Mr. Bardill, and they report good results. Attached are the proposed contract and information from Mr. Bardill about the services he offers.
 Recommend contracting with Mr. Bardill for him to perform tax foreclosures for the City.

RESULT:	APPROVED [7 TO 0]
MOVER:	Harry Ivey, Precinct 4
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

- D. Approval of the Purchase of 3 tandem Dump Trucks - Council Policy Committee
 \$375,000 has been designated from the recent Water and Sewer equipment loan to purchase dump trucks. In April, Council approved the purchase of a low profile dump truck for a total of \$68,968.40. Public Works would like to purchase three (3) tandem truck chassis and three (3) dump bodies. The proposed equipment purchase was advertised and formal bids received on Tuesday, May27th for the truck chassis. The following formal bids for the Tandem Truck Chassis were received:

Smith International Truck Center, Fayetteville, NC: \$82,805.36 x 3 = \$248,416.08

H&H Freightliner, Hope Mills, NC: \$83,221.00 x 3 = \$249,663.00

Advantage Truck Center, Charlotte, NC: \$128,297.40 x 3 = \$375,892.20

Smith International Truck Center of Fayetteville was the lowest bidder. Attached is a certified bid tab.

The Dump Bodies will be purchased from Godwin of Dunn on NC State Contract for \$15,760.00 x 3 = **\$47,280**

Total purchase price for the three truck chassis and three dump bodies is = **\$295,696.08**

Authorize the purchase of 3 tandem truck chassis from the low bidder, Smith International Truck Center, Fayetteville, NC for \$248,416.08 and 3 dump bodies from Godwin of Dunn, NC off of the NC State Contract for \$47,280. The total sum of these purchases is

\$295,696.08 which will be paid out of the designated funds in the Water and Sewer Capital Loan.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Robinson

E. Public Works Building Addition Design - Council Policy Committee

City council recently designated \$350,000 of the water and sewer infrastructure loan to pay for locker room and training room improvements to the Public Works Facility located at 215 South Cedar Street. Attached is a narrative prepared by the Becker Morgan Group defining the proposed project and the scope of the design services. Their proposed design fee is \$20,450.

Authorize hiring the Becker Morgan Group to prepare design documents for the proposed Public Works Addition for a total fixed fee of \$20,450 to be paid for out of the water and sewer infrastructure loan.

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

IX. ADJOURNMENT