CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● MAY 13, 2019

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
Eric Chavis	Precinct 7	Present	
John R. Carroll	Precinct 3	Present	
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

B. Invocation: City Attorney Holt Moore

C. Pledge of Allegiance: Led by Councilman Eric Chavis

D. Retiree Recognition

1. Jerry E,. Kinlaw - 24 years as Police Sergeant - LPD - No Show

II. PUBLIC COMMENT PERIOD

Leon Burden, President of Colors of Life, appeared before Council to discuss funding for his organization.

Terry Wayne Locklear, 307 E. 15th Street, appeared before Council and discussed a situation pertaining to garbage and the dwelling located near him. He stated that the City should enforce the ordinances that they have. He wanted something done about the living situation at the house next to him.

III. CONSENT AGENDA

A. Award the Contract for Banking Service to BB&T - Option 2 for the Next Three Years - Council Policy Committee

Our current contract with CresCom will expire on June 30, 2019. 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 CresCom - option 2 for the next three fiscal years.

City Council chose to award the contract for banking services to BB&T - option 2 for the next three fiscal years.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

B. Approve the Engineering Services Agreement with Atkins for the Design and Construction Administration of the West Lumberton Flood Gate Project - Council Policy Committee
Proposals were received on April 18, 2019 for engineering of the West Lumberton Flood Gate project. Staff reviewed two proposals from Atkins and Schnabel, both highly qualified firms with experience in floodplain management and hydraulic design. Staff's evaluation of these proposals, based on the four scoring criteria defined in the RFQ, has resulted in a recommendation to utilize Atkins for engineering of the flood gates (evaluation matrices are attached for Council's review).
Recommendation is that Council authorize the Public Works Director to negotiate an engineering services contract with Atkins for the design and construction administration of the West Lumberton Flood Gate Project.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

C. Approve the Grant Administration Contract for West Lumberton Flood Gate Project with McGill for Grant Administration of the CDBG-DR funding of the West Lumberton Flood Gate Project - Council Policy Committee
Proposals were received on April 18, 2019 for grant administration of the West Lumberton Flood Gate project. Staff reviewed two proposals from Hartigan Management and McGill, both highly qualified firms with experience in CDBG grant administration. Staff's evaluation of these proposals, based on the seven scoring criteria defined in the RFQ, has resulted in a recommendation to utilize McGill for CDBG grant administration of the flood gate project (evaluation matrices are attached for Council's review).
Recommendation is that Council authorize the Deputy City Manager to negotiate a consulting services contract with McGill for grant administration of the CDBG-DR funding of the West Lumberton Flood Gate Project.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

D. Acceptance of Property Adjacent to East Rescue Station - Council Policy Committee
Mr. John Campbell and his family have kindly offered to donate to the city some land adjacent to the East Rescue Station on S. Roberts Ave / Hwy 72. Maps of the property are

attached, and staff believes that to own the property, even if it is only used to maintain a buffer, would be beneficial. The property is currently part of a larger tract that runs back to Saxon Avenue, so a subdivision would need to occur, but this should pose no problem. Attached is an aerial of the property, a map and a map showing the size and area; the property is 2.29 acres.
Staff recommends that the CPC refer the item to Council to accept the property donation.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

E. Acceptance of Property on the Lumber River by Campbell Family - Council Policy Committee
John Campbell and his family own a piece of property on the Lumber River just north of the Scottish Packing facility. The tax information for the property, an aerial map, and a map showing the surrounding ownership is attached. The property is on or abuts the levy, and as we look forward towards potentially having the levy certified, the more control the city has over such properties the better. As you can see the property to the west is owned by the city, the property to the north is owned by the City Housing Authority, and the property immediately to the south is heir property.
Staff recommends accepting the property from the Campbell family.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

F. Authorize Year-end Budget Amendments Closing of FY2019 - Council Policy Committee
Budget amendments will be needed for the year end closing of fiscal year 2019.
Recommend that CPC authorize the City Manager and Finance Director to perform budget amendments for the year end closing of fiscal year 2019.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

G. Approval of Write-off of Delinquent Receivables - Council Policy Committee
A list of delinquent receivables 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.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

H. Approve the designation of $250.00 for Cruising 2nd Street Again in Precinct 4 - Council Policy Committee
Councilwoman Higley requests $250.00 of CRF for "Cruising 2nd Street Again" an event that will be held on April 28, 2019.
Designate $250.00 for Cruising on 2nd Street Again.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

I. Approve the designation of $600.00 of CRF for Community Watches and Forums - Council Policy Committee
Councilman Cantey is requesting $600.00 of CRF to hold several community watches and forums in Precinct 5.
Designate $600.00 of CRF for community watches and forums in Precinct 5.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

J. Ratify the Designation of $1,000.00 of CRF to the Fallen Officers Memorial - City Council
City Clerk Mitchell-McIntosh conducted a telephonic poll on April 22nd and 23rd to honor fallen law enforcement officers in Robeson County. Councilman Chavis requested that $300.00 of CRF be given in support of the memorial and ask that we conduct a poll based on the timeframe of the event. As a result of the telephonic poll; the following CRF designations occurred: P1 - $200.00 P3 - $100.00 P4 - $200.00 P5 - $50.00 P6 - $50.00 P7 - $300.00 and P8 - $100.00 totaling $1,000.
Ratify the designation of $1,000.00 of CRF to the Robeson Community College Fallen Memorial Fund.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

K. Approve the designation of $300.00 of CRF ($150.00 P8 & $150.00 P7) to the Carolina Civic Center for the Broadway Musical "Annie" - Council Policy Committee
Councilmen Thomas & Chavis are requesting $150 each to be given to the Carolina Civic Center as monetary support for advertisement of the upcoming SMASH Broadway Musical "Annie."
Designate $300.00 of CRF ($150.00 from both P8 & P7) to the Carolina Civic Center for advertisement of the Broadway Musical "Annie."

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

L. Advise the Election Board of Council's Request to Hold Precinct 2 Special Election in July 2019 - Council Policy Committee
Staff relayed Council's request that the Precinct 2 special election take place as a stand-alone election in June or July without absentee / early voting. The state and local boards of elections have responded with a request that Council consider holding this election on September 10, 2019. A memo discussing this item in more detail is attached.
Consider the requests from the election boards and advise staff accordingly.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

M. 2749 : Approval of Language Access Plan - Council Policy Committee
As a recipient of CDBG and other grant funds under the Housing and Community Development Act of 1974, the City is required to maintain a number of plans and planning documents up-to-date. We have two CDBG projects REMPAC and Robeson Foods that we are working on and in order to complete them, we must have the attached resolution and planning documents in place.
That Council adopt the attached Resolution for Planning Documents Update for Community Development Block Grant Program.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

N. Approve Boards and Commissions / Non-Profits Budget Requests for FY2019-2020 - Council Policy Committee

The City Staff has started preparation of the FY 2019-2020 Budget. In 2002, City Council approved a policy on contracting with non-profit agencies creating procedures for evaluating proposals and creating clear responsibilities for accountability. Attached are the Boards and Commissions / Non-profits FY 2019-2020 Budget requests along with the City Manager's recommendations.

That CPC refer the funding for boards and commissions / Non-profits budget requests to City Council for approval.

Item is being sent for discussion to the May 29, 2019, Budget Workshop.

RESULT:	**REFERRED [7 TO 0]**
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John R. Carroll, Precinct 3
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

O. Adopt a Resolution of Intent to Close a Portion of Edens Street - City Attorney

At its meeting of May 8, 2019, CPC heard a request from Adrian Lowery, Executive Director of Lumberton Housing Authority asking the City to Close a Portion of Edens Street for future development. As discussed, the plan with the Housing Authority will be for the City to retain an easement for access once the street is closed.

The procedure for permanently closing a street requires the adoption of the attached Resolution by the City Council. Also attached, is a map depicting the area in which the City intends to permanently close.

That City Council adopt the attached Resolution of Intent.

Councilman Cantey voiced his concerns about the Church parking situation. Councilman Howard stated that the Church has discussed selling the property with the potential buyers.

Councilman Cantey just wants to make sure that due diligence is given to this item.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

IV. PUBLIC HEARING

A. Closeout Public Hearing for CDBG Demolition Project – Brian Nolley, CDBG Administration

This public hearing is for the purpose of reviewing and assessing the performance of the City's FY 14 Building Demolition program. This program consisted of the demolition of two dilapidated industrial buildings located at 110 First St and 608 Town Common St. and was financed with $4222,725.06 of Community Development Block Grant Funds (100% of the total program costs) received by the City from the NC Dept. of Commerce Rural Economic Development Division. With these funds, the City demolished and cleared two dilapidated buildings which eliminated slum and blight conditions and prepared the properties for future industrial development and private investment. This public hearing is the final public hearing for this grant program before submission of closeout information to the NC Dept. of Commerce.

Recommend that City Council hold tonight's public hearing.

Mayor Davis opened the public hearing for the purpose of reviewing and assessing the performance of the City's FY14 Building Demolition Program. City Clerk Mitchell-McIntosh presented the Affidavit of Publication showing that it was advertised in the Robesonian.

No one appeared to speak and the hearing was closed.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

B. Adopt a Resolution Authorizing Closeout Resolution – Brian Nolley, CDBG Administration

This resolution is required to closeout the city's FY14 Community Development Block Grant for the demolition of two industrial structures located and 1st and Town Common Streets. The resolution confirms all grant activities and closeout procedures have been completed. A copy of the performance report is included.

The planning department recommends adopting the resolution for closeout.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

V. AGENDA ITEMS

A. Approval of Addition to Budget – Troy Gammon, Airport Manager

The Airport Commission requests an additional $15,000 in capital funds as part of the local match for a Non-Primary Entitlement (NPE) grant in the amount of $300,000 ($270k state, $15k County, $15k City). These monies must be expended prior to the end of this fiscal year.

The state of North Carolina has expiring NPE funds available for the Terminal Project. The total amount is $300,000 which would require a $30,000 local match ($15,000/county,

$15,000 city). This money was not requested in this year's budget as it has just become available in the past week. This would allow us to request reimbursement immediately as opposed to waiting for future fiscal years to request reimbursement for certain funding monies for the airport terminal building project.
CPC recommends the addition of $15,000 to the airport capital budget as the city's portion for the grant local match.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

B. Approval of Bid/Contract for Home Reconstruction - Hazard Mitigation Grant Program – Brian Nolley, CDBG Administration
The planning department is seeking approval to award a construction contract to Cook Contractors, LLC based in Whiteville, NC. This bid was for the first home reconstruction at 123 Spearman St. under the city's Hazard Mitigation Grant Program. The bid opening was held on April 5, 2019 at 2:00 pm and we received 5 bids with the lowest bid coming from Cook Contractors at $163,900.00. Allocated funds from the HMGP program will be used to pay for reconstruction.
The planning dept. recommends awarding the construction contract to the low bidder, Cook Contractors, LLC.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John R. Carroll, Precinct 3
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

C. Approval of Bid/Contract for Demolition for Hazard Mitigation Grant Program – Brian Nolley, CDBG Administration
The Planning Dept. is seeking approval to award a contract to Barfield Backhoe of Lumberton for the demolition of 6 houses that have been acquired through the city's Hazard Mitigation Grant Program. Bid opening was held on April 23rd at 2:00. We received 7 bids with Barfield Backhoe being the low bid at $71,197. Grant funds will be used to pay for the demolition. These properties are located at:
106 Best Dr.
207 Elmhurst Dr.
209 Elmhurst Dr.
2306 Marshall St.
305 S. Walnut St.
62 National Ave.
CPC recommends awarding the contract for demolition to the low bidder, Barfield Backhoe in the amount of $71,197.

RESULT:	**APPROVED [7 TO 1]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
NAYS:	Davis

D. Acceptance of bid to replace concrete drive for Fire Station One – Paul Ivey, Fire Chief
Requesting to replace damaged concrete drive located in the front and rear of Fire Station One. The concrete has several areas where stress fractures and cracks have formed. Replacing concrete will also reduce the issues of water drainage in the rear lot areas with the modification to the existing drainage system. Bids were solicited from the following vendors:

Jerry Bell Concrete- $88,800
Specialized Concrete- $83,220
Sutton Concrete- $60,500
Greenstate- Declined Bid
CPC recommends the bid be awarded to Sutton Concrete in the amount of $60,500.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Precinct 4
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

E. Acceptance of bid proposal for replacement of Fire Station One flooring – Paul Ivey, Fire Chief
Request to upgrade aged VCT tile at Station One that requires continued maintenance, special products, and man hours to ensure floor covering is in a presentable condition. The request is to replace covering with a maintenance free finish that will be durable and requires no special chemical or cleaner for durability. Bids were solicited from the following vendors:
All Star Coatings Lincoln Floor Systems- $61,750
Superior Industrial Flooring- $51,225
Cox Flooring- Unable to Bid
West Carpet- Unable to Bid
CPC recommends that the bid be awarded to Superior Industrial Flooring in the amount of $51,225.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John R. Carroll, Precinct 3
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

F. 6" Water Main River Crossing Change Order #1 – Rob Armstrong, Public Works Director
During Hurricane Matthew a 6” Water main under the Lumber River was washed out. The

City awarded Axel McPherson Construction Inc. a contract to install a new water main under the river as part of a FEMA funded storm repair project. The original contract was for $69,899. As construction progressed, the City found it necessary to change the tie-in locations as well as take the bore deeper than originally anticipated. Attached is Change Order #1 from Axel McPherson Construction Inc. for $31,910 for these adjustments. This is a FEMA reimbursable expense.
CPC recommends approving the 6" Water Main River Crossing Change Order #1 from Axel McPherson Construction Inc. for $31,910. The total final project cost to be reimbursed by FEMA is $101,809

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Karen Higley, Precinct 4
SECONDER:	John R. Carroll, Precinct 3
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

G. Water Plant Berm Construction Bid Award – Rob Armstrong, Public Works Director
Bids for the FEMA funded flood protection berm at the Water Plant were received on Thursday, March 28, at 2:00pm. At the time of the agenda due date, bids had not been certified. A certified bid tab and recommendation of award will be presented at the CPC meeting.
CPC recommends awarding the construction project to T2 Contracting, Inc. to construct flood protection berm.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

H. Authorize the Execution of Design Contract with the Becker Morgan Group – Brandon Love, Deputy City Manager
At its March CPC meeting, Council authorized staff to negotiate an architectural services contract with the Becker-Morgan Group to provide design and project administration services for the construction of the new West Lumberton Resource Center. Staff has secured a contract with the Becker-Morgan Group based on an anticipated construction cost of $850,000 and at a fee of 8%. This equals approximate compensation in the amount of $68,000 and a portion of the contract is attached for your review. Funding for this project is being provided by a Golden LEAF grant.
It is recommended that City Council authorize the City Manager to execute the *Standard Form of Agreement Between Owner and Architect* with the Becker-Morgan Group at a fee of 8%.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

I. Renewal Of Retails Strategies Contract – Holt Moore, City Attorney
For a number of years, the city has worked with the Retail Strategies company. Retail Strategies has considerable expertise, and strong connections, in the realm of retail companies who are opening new locations or relocating. They have been very helpful in bringing several new businesses to Lumberton. A list of accomplishments and some references are attached. Also attached is the proposed new contract which is up for renewal. Staff recommends renewing the contract with Retails Strategies.
Renew contract with Retail Strategies.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Eric Chavis, Precinct 7
SECONDER:	Owen Thomas, Precinct 8
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

VI. NEW BUSINESS

A. Approve the designation of $200.00 of CRF to Robeson County Church & Community Center – Council Policy Committee -- Bruce Davis, Mayor
Mayor Davis is requesting that $200.00 of Community Revitalization funds be designated to the Robeson County Church and Community Center.
Designate $200.00 of CRF to Robeson County Church & Community Center from the Mayor's Discretionary Fund.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

B. Approve the designation of $200.00 of Community Revitalization Funds to Knuckles School for the Positive Behavioral Intervention Support Program from Precinct 7 – Council Policy Committee -- Eric Chavis, Precinct 7
Councilman Chavis requests $200.00 of CRF to be given to WH Knuckles School for the Positive Behavioral Intervention Support Program.
Designate $200.00 to WH Knuckles School.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Chavis, Carroll, Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis

VII. ADJOURNMENT