



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • APRIL 14, 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	Absent	
Don Metzger	Mayor Pro Tem	Present	
John Robinson	Precinct 2	Present	
Burnis Wilkins	Precinct 3	Present	
Harry Ivey	Precinct 4	Absent	
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 - COUNCILMAN LEON MAYNOR

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

A. Retirees Recognition

1. Jerry Walters, Arborist..20 years -

Jerry Walters was not present.

VI. PUBLIC COMMENT PERIOD

Mr. Al Floyd appeared before Council and spoke on behalf of the Veterans of Foreign Wars Post 8969 concerning an Award Dinner "A Night with Veterans" to be held on Saturday, May 24, 2014 at 7:00 p.m. at the Bill Sapp Recreation Center from 7:00 p.m. - 10:00 p.m.

Mr. Floyd discussed what the program is all about, presented Council with tickets to support the event.

Mr. David Edwards appeared before Council to discuss Solar Technology that would allow citizens the ability to attach solar panels onto the roof of their homes. He wants to discuss an ordinance that the City has in place regarding said topic that would allow the City to become more progressive instead of regressive. He stated that he had presented the materials needed to discuss this topic to Councilman Metzger.

VII. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

A. Minutes Approval

1. City Council - Regular Meeting - Mar 17, 2014 7:00 PM -

VIII. AGENDA ITEMS

1. Acceptance of Electric Utilities Resolution Authorizing Disposal of Property - Lamar Brayboy, Electric Utilities Director
The Electric Utilities Department has taken out of service seventeen (17) 333 KVA voltage regulators, eleven (11) control panels and six (6) stands for step voltage regulators as part of a system upgrade.

The Electric Department recommends the Council Policy Committee adopt the attached resolution declaring the equipment under items a, b, and c as surplus and authorize staff to dispose of said equipment under NC General Statues.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

2. Reduction of Speed Limit on E. Oak Street - Michael McNeill, Police Chief
The speed limit on E. Oak Street from Roberts Avenue to city limit is currently 35 mph. It is requested that speed limit be lowered to 25 mph.
Approve recommendation that speed limit on E. Oak Street be lowered from 35 to 25 mph.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

3. Adopt an Ordinance Reducing the Speed Limit on Redwood Way from Amber Leaf Drive to Redwood Court from 25 MPH to 15 MPH - Michael McNeill, Police Chief
It is requested that speed limit on Redwood Way between Amber Leaf Dr. and Redwood Court be reduced from 25 mph to 15 mph due to playground equipment being installed in this area and child safety is a concern.

Adopt an ordinance reducing the speed limit on Redwood Way between Amber Leaf Dr. and Redwood Court to 15 mph.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

4. Approval of March 2014 Tax Releases - Linda Oxendine, Public Services Director
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-----\$2.40
2011-----\$79.19
2012-----\$637.08
2013-----\$3,060.61

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

5. Refer the Petition from Tony Reese Requesting a Conditional Use Permit to the Planning Board for their Review and Recommendation - Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 210 E. 15th Street (parcel #3228-01-059). The proposed use of the property is for an intermediate care institution. 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:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

6. Technical Assistance Grant for the Northeast Sanitary Sewer Study & Mapping - Rob Armstrong, Public Works Director

Public Works would like to apply for a Technical Assistance Grant (TAG) offered by NCDENR-Clean Water. Attached is a Resolution authorizing the grant application. This grant is similar to the Planning Grant that used to be offered by NC Rural Center. The purpose of the TAG is to continue GIS mapping of the sewer system in the north Lumberton area and to evaluate sewer capacity along with potential diversion routes for the sewer flows from north Lumberton. Specifically, Public Works would like to study the possibility of diverting flows from the Ramada Inn Lift Station and the Mayfair Lift Station over to the new Northeast interceptor so these flows will not be routed thru Stephen's Park and Ed's Tire Lift Station. This would help relieve potential sewer overflows at these locations during heavy rain events.

The grant amount is \$50,000 and will be matched by \$50,000 currently allocated in the Water and Sewer Fund for GIS mapping in this FY.

CPC recommends that Council adopt the attached resolution authorizing the application for a \$50,000 NCDENR-CW Technical Assistance Grant and match the grant with \$50,000 of local water and sewer funds currently budgeted for GIS matching.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

7. Adopt an Ordinance Directing the Building Inspector to Remove or Demolish Unsafe Structure at 508 Lumbee Street - Ben Andrews, Inspections Director

The house located at 508 Lumbee Street (Parcel# 3240-02-020) 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 August 28, 2013. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of February 24, 2014.

CPC recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 508 Lumbee Street.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

8. Refer the Rezoning Request for property located at 700 Roberts Avenue to the Planning Board for their review and authorize the Planning Director to set the date of the public hearing - Brandon Love, Planning Director

Burnis Wilkins has submitted a Rezoning Petition for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404) and 2101 E. 7th Street (parcel #3236-02-016) (Deed Book 1420 Page 197). This request is to rezone property from B-4, Business General Commercial, B-3, Office/Residential and B-2, Business Community to B-3, Office/Residential.

City Council 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:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

9. Resolution by the City of Lumberton endorsing the sale of Generation Assets owned by the NCEMPA - Wayne Horne, City Manager

The North Carolina Eastern Municipal Power Agency has entered into negotiations of a definitive agreement for Power Supply and the sale of certain generation assets owned by the NCEMPA to Duke Energy Progress (DEP). The NCEMPA has requested that member Cities adopt a ordinance endorsing and supporting the negotiations.

That City Council approve the attached resolution titled "Resolution of the City Council of the City Of Lumberton Endorsing the negotiation of definitive agreements for the sale of certain generating assets owned by the NCEMPA to Duke Energy Progress, INC. And for power supply".

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

10. Adopt a Resolution Requesting the North Carolina Department Board of Transportation Place Signage at the Entrances to Lumberton - Wayne Horne, City Manager
Request that Council adopt a resolution requesting the NC Department Board of Transportation place signage at the entrances to Lumberton that reads "Welcome to Lumberton Home of Miss North Carolina 2013 Johna Edmonds." These signs would replace the outdated 2001 Lady Pirates Basketball signs. See attachments!

Adopt the Resolution Requesting the NC Department Board of Transportation place signage at the entrances to the City of Lumberton.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

11. Approve the Deobligation of \$115.00 from 10-00-4930-9015 to 10-00-4935-6903 - Edwin Moore, City Attorney
Councilman Wilkins would like to deobligate \$115 from line item 10-00-4930-9015 to 10-00-4935-6903.
Deobligate \$115 from line item 10-00-4930-9015 to 10-00-4935-6903

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

12. Approve the designation of \$1,000 for Precinct 7 Community Day - Edwin Moore, City Attorney
Councilman Maynor requests \$1,000 of Community Revitalization Funds for a Community Day in Precinct 7.
Designate \$1,000 in Precinct 7 for a Community Day.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

13. New Business

A. Purchase of Two Street Sweepers - Council Policy Committee

Public Works has \$265,000 allocated in the equipment installment purchase loan to purchase a new street sweeper. We also have \$150,000 allocated in the equipment installment purchase loan to purchase a used low boy trailer and used tractor truck. The consensus among Public Works staff is that we do not need another low boy and tractor trailer at this time. We have found that we can hire private haulers to move our equipment at favorable rates and use our current tractor trailer for emergency moves. Public Works is requesting that the \$150,000 allocated for the low boy tractor and trailer be re-allocated to purchase an additional street sweeper. This would provide a total of \$415,000 to purchase two street sweepers. We would like to purchase one vacuum sweeper and one regenerative air sweeper. Roy Sealy has found a Johnston VT-650

Vacuum Sweeper, which is the newer version of our current 2007 Johnston, on the Houston-Galveston Area Contract (HGAC) for \$224,520. Similarly, A Schwarze Model A7000 regenerative air sweeper was located on the NJPA Contract for \$189,520. This sweeper is similar to our current 2008 Elgin Crosswind Sweeper. Public Works was loaned a demonstration model of the Schwarze for a few days and staff recommends the Schwarze as a replacement for the Elgin. Attached are specification sheets and price information from each procurement contract for each sweeper.

The legal basis for proceeding without advertising or additional bids is the group purchasing program exception of NCGS 143-129(e)(3).

CPC recommends that City Council authorize Public Works to purchase a 2014 Johnston VT-60 Vacuum Street Sweeper from the Houston-Galveston Area Contract for \$224,520 and a 2014 Schwarze Model A7000 Regenerative Air Street Sweeper from the NJPA Contract for \$189,520. The total purchase amount is \$414,040. Funding for these purchases will be from the Equipment Installment Purchase Loan using the originally allocated \$265,000 for sweepers in combination of the \$150,000 reallocated from the lowboy tractor trailer purchase.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Robinson, Precinct 2
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

B. Approval to Purchase CelleBrite 4PC System - Council Policy Committee

It is requested that the Police Department be given permission to purchase the CelleBrite 4PC program that will be used to download information from cell phones for investigative purposes. It is also requested that funds from drug forfeiture be used to make this purchase. The cost of this system is \$9,000 with a renewal cost of \$3,300 per year.

CPC recommends that Council authorize Police Department to purchase the CelleBrite 4PC system using drug forfeiture funds in the amount of \$9,000.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Metzger, Burnis Wilkins
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

D. Approval of Britt's Farm Sewer Rehab Engineering Agreement with Wooten Company - Council Policy Committee

The Britt's Farm Sanitary Sewer Rehabilitation Project is being paid for by an Emergency Loan from NCDENR Infrastructure Finance Section. During the early project development stage Public Works had approached the project as an addition to the Tanglewood Sewer Rehabilitation Project before NCDENR required us to break it out as a separate project. The Wooten Company began engineering the project under the

original concept of including it with the Tanglewood project. The attached Engineering Agreement is a modification of the Tanglewood Engineering Services Agreement in the amount of \$73,500 for the Britt's Farm Engineering Services. This service fee will be paid thru the loan.

CPC recommends Council approval of a \$73,500 increase to the Tanglewood Sanitary Sewer Rehabilitation Engineering Services Agreement with the Wooten Company for the portion of engineering covering the Britt's Farm Sanitary Sewer Rehabilitation Project. This amount will be paid for the by NCDENR loan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert L. Jones, Precinct 6
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

E. Bid Award - Lumberton Christian Care Soup Kitchen and Emergency Housing - Council Policy Committee

The original bid opening for the Lumberton Christian Care Center – Soup Kitchen and Transient Housing facility on February 19th yielded bids which were in excess of the available project funding. Russell Pearlman, architect with The Wooten Company, has directed a redesign of the facility and advertised for a rebid on Tuesday, April 8th. Bids were opened on Tuesday and the architect reviewed and certified those bids. Central Builders Inc. of Mebane is the low bidder with a bid of \$1,218,000.00. Attached is the bid tabulation sheet for your review.

CPC recommends that City Council select Central Builders Inc. of Mebane to be awarded the bid; contingent upon negotiations with the contractor for cost savings and bring back to May Council Policy Committee meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

F. Purchase of Low Profile Dump from State Contract - Council Policy Committee

Public Works would like to replace the current 1994 model low profile dump truck used by the asphalt repair crew. The low profile truck is primarily used to haul asphalt for pot hole patching. The low profile sits lower to the ground than the larger tandem trucks which allows the crew to hand shovel small quantities of asphalt and have better control over small dump quantities and spreading loads. It is a high use vehicle. The current truck is 20 years old, has over 135,000 miles and will need to have major hydraulics and transmission work in the near future if not replaced. Public Works has found a replacement truck and low profile dump body on the North Carolina State Contract. Attached are the quotes. Listed below is a summary of the pricing:

Low Profile Dump Body from Godwin, NC 065A Contract #: \$9,315.40

2015 Ford F650 Chassis from Piedmont Truck Center: \$59,654.00

The truck purchase with dump body is: \$68,969.40

Council Policy Committee recommends authorizing Public Works to purchase a 2015 Ford F-650 truck with a low profile dump body from the North Carolina State Contract for a total price of \$68,969.40 with funds from the Water and Sewer Equipment Loan. Public Works is also requesting authorization to surplus the current low profile dump truck, vehicle #339 and to sell it at the next available auction.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Erich Hackney
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

G. Building Reuse Grant for Southeastern Regional Medical Center Expansion Project - Council Policy Committee

Southeastern Regional Medical Center is planning a \$1.5 million renovation project on the 4th floor of the hospital to accommodate the residency Program for the Campbell Medical School. Initial jobs estimates are 50 residents and 8 administrative staff with plans for expansion to 100 residents. The Administration for SRMC is requesting that the City assist them by applying for a \$500,000 Building Reuse Grant through the NC Department of Commerce ED Division. The funds would be granted to the City then loaned to SRMC, on a forgiving basis. The 5% local match required as a condition of the grant will be provided by SRMC.

Authorize staff to proceed with application and append a safeguard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

H. Approval of Renovating Hangar # 6 to B. W. Davis Construction, Inc. - Council Policy Committee

The hangar was originally built to be an aircraft hangar. Several years later was converted into an aircraft maintenance facility at which time bathrooms and offices were not required. Since then the building codes have changed and the renovation are needed to meet code standards. Also paint and other repairs are needed to improve safety and appearance. B. W. Davis was low bidder at \$34,937.00 and we have the funds.

Council Policy Committee recommends that City Council approve the contract with B.W. Davis for \$34,937.00 for renovation on hangar 6.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Robert L. Jones, Precinct 6
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

- I. Approval of City Assisting with Stall Development Project - Council Policy Committee
The Southeastern Agricultural Center has raised over \$413,759.59 towards the Stall Development Project. They still need additional funding to make this project a reality. Recommend Council approve the City assisting with site work for the horse stalls by providing labor, equipment and materials up to \$30,000.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Robert L. Jones, Precinct 6
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Pennington, Ivey

14. Adjournment