



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • APRIL 9, 2018

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
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Precinct 2	Absent	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	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 to the Flag –

Councilman Leon Maynor

D. 2460 : Addpt a Resolution for Honoring Police Sergeant. Shawn Byrd – Bruce Davis, Mayor

Mayor Davis stated that he has been asked if Council would approved a Resolution Honoring the Late Police Sergeant Shawn Byrd.

Approve a Resolution Honoring the Late Police Sergeant Shawn Byrd.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

E. Resolution Honoring the Late Police Sergeant Shawn Byrd –

The City Council on the City of Lumberton acknowledged and honored the daughter of the Late Retired Police Sergeant Byrd with a Resolution Posthumously Honoring the service, contributions and achievements of Retired Police Sergeant Shawn Byrd as a member of the Lumberton Police Department to the City of Lumberton and its citizens.

F. Retiree Recognition: Ms. Teresa Johnson, 27 yrs Community Development Administrator –

No Show.

G. Proclamation: Week of the Young Child –

II. PUBLIC COMMENT PERIOD

Councilman Cantey stated that mostly all of the people in the audience are hearing concerning the information that they have heard floating around and even referenced that they have heard it from someone on the Council that the City has received a pot of money for the housing victims of Hurricane Matthew.

If possible, I would like Brandon Love, Planning Director to come and inform the people on where we stand with the Hurricane Matthew recovery. Mr. Love gave an overview of where the City is and that we are still awaiting the release of funds.

Mike Coleman, 218 Center Street expressed concerns as to why they are paying taxes on homes that they are not living in. City Manager Horne stated that he would like to answer Mr. Coleman's question. He stated that the value on real property is made by the County. He instructed him to go to the County Tax Administration office and they should be able to answer your questions.

Jennifer Nichols, 123 Spearman Street, asked a question concerning the grant letter.

Ms. Sadie Thompson appeared before Council and stated that the people need clarity. We are being told certain things only to find out that they are not so.

III. MINUTES APPROVAL

1. City Council - Regular Meeting - Mar 7, 2018 12:00 PM –

RESULT:	ACCEPTED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

IV. CONSENT AGENDA

A. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure Located at 1003 Ash Street - Council Policy Committee

The structure located at 1003 Ash Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on October 25, 2017 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on March 16, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 1003 Ash Street

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

- B. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe Structure located at 422 Warwick Mill Road - Council Policy Committee

The structure located at 422 Warwick Mill Road was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on February 28, 2018 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on April 7, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 422 Warwick Mill Road.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

- C. Adopt an Ordinance Directing the Building Inspector to Demolish and Remove the Unsafe structure located at 204 Lafayette Street - Council Policy Committee

The structure located at 204 Lafayette Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. The notice of hearing was also published in the Robesonian and posted on the property. A hearing was held on February 28, 2018 in which the owner was not present for the hearing. An order to repair or demolish the structure was issued, published in the Robesonian and posted on the property. The time in which the owner had to comply expired on April 7, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 204 Lafayette Street.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

- D. Refer the Petition for Non-Contiguous Annexation of Rob's Kwik Stop to Clerk to Investigate Sufficiency - Council Policy Committee

The Planning and Neighborhood Services Department has received a non-contiguous annexation petition from Robert Earl Sampson for property located at the intersection of NC

72 and Pine Log Road. The parcel number is 1607-01-018.03 and the current use of the property is for Rob's Kwik Stop convenience store and mini storage units. Staff comments collected to date are as follows:

Chief McNeill: The distance from this Quick Stop is about the same distance as the Sun Do on 711 from the city limit. I don't see a problem with us providing or responding to calls for service from the police side. It is well within the miles jurisdictions.

Chief Ivey: This property is within 5 miles of our closest fire station. It will receive the same insurance rating and service as the rest of the city. We have no issues with providing service to this property.

Rob Armstrong: This site will be served by County Water. Sewer service will be similar to the Sundo on deep branch. The city has a sewer force main across front of the property. The Quick Stop can tap into this for Sewer. It will require them to design and permit a small pump station that can overcome the pressure in the force main. The pump station will remain private and will be their maintenance responsibility.

Recommend that CPC direct the Clerk to investigate the sufficiency of the petition and direct staff to complete a serviceability study for the non-contiguous annexation request.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

E. 2451 : Approve March 2018 Tax Releases - Council Policy Committee

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:

2009-----\$913.46	2016-----\$50.75
2010-----\$1262.47	2017-----\$2542.29
2011-----\$1189.24	
2012-----\$1121.01	
2013-----\$1114.64	
2014-----\$1570.80	
2015-----\$214.19	

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

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

F. 2454 : Approve the Appointment of Randy Hammonds to the Board of Adjustment - Council Policy Committee

The Board of Adjustment is a five member board, appointed by the City Council to hear matters concerning items such as appeals and most often variances to the City's Land Use Ordinance. This board has historically been made up of Planning Board members, one of which must be the County's ETJ appointee. Thus, four members are then selected from the remaining Council appointed Planning Board members. There is currently one vacancy on the Board of Adjustment and staff recommends that City Council designate one Planning Board member to fill this seat.

Because of the infrequency of Board of Adjustment meetings and their inherent legal nature, prior appointments to the board have been made based solely on the attendance records of the current Planning Board members. Planning Department staff recommends that City Council appoint Randy Hammonds to the vacant Board of Adjustment seat, as Mr. Hammonds has the highest attendance record over the last four years.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

G. Adopt a Resolution to Begin the Process to Close a Portion of Madison Avenue - Council Policy Committee

The pastor of El Nueve Renacer Church, which is on Oak Street near the corner with Roberts Avenue, has asked for the closure of Madison Avenue which runs by the church. As you can see on the attached map, there is no actual road there, i.e. it is a 'paper street' only, and the church is built up to, if not into, the would-be right-of-way. It does appear the church owns the property on both side of the area delineated as a street; thus, if the request is granted the church will take title to what is now the paper right-of-way. Staff would request that Council pass the attached resolution to begin the process, and staff will further investigate the matter; should any concerns be discovered they can be addressed at the May meeting. Pass the attached resolution to begin the process of street closure for the section of Madison Avenue on the north side of Oak Street, with a final decision to be made in May.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

H. Godwin Heights & Sunset Heights Collection System Rehabilitation Project - Council Policy Committee

Public Works would like to apply for a partial grant / partial loan from the North Carolina State Revolving Loan to fund another round of sanitary sewer rehabilitation in the Godwin Heights area and Sunset Heights area (see attached map). The project will be similar to the current Lambeth Street Project which is designed to slip line older concrete pipe sewer before they cave in. The total proposed project will be approximately \$1,000,000.

Public Works is requesting Council approval of the attached resolution applying for a \$1,000,000 combination grant and loan from the North Carolina State Revolving Loan to be used to rehabilitate sewer pipes in the Godwin Heights and Sunset Heights area.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

I. Approve the designation of \$1,000.00 of CRF to Cheer XCELS for Cheer Leading Competition as follows: P1 - \$100.00 P2 - \$250.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$50.00 P7 - \$100.00 P8 - \$100.00 Mayor's Discretionary Fund - \$100 - Council Policy Committee

Councilman Cantey requests \$100.00 of CRF to be given to Cheer XCELS for cheer leading competition.

Designate \$100.00 of CRF to Cheer XCELS.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

J. Approval of the Distinguished Service Medal for Jimmy Rhodes - Council Policy Committee
Councilman Wilkins is requesting that Mr. Jimmy Rhodes be presented a Distinguished Service Medal for his act of heroism in his attempts to save the life of a pilot in 2015.
Approve honoring Mr. Rhodes with a Distinguished Service Medal.

RESULT:	APPROVED [7 TO 0]
MOVER:	John Cantey, Mayor Pro Tem
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

V. NEW BUSINESS

- A. Approval to purchase a 2019 bucket Truck – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director

In this year's capital budget, the Electric Utilities Department had planned on replacing our 2003 knuckle boom loader. The purchase was approved in the 2017-2018 budget capital code 63-00-8420-5463 in the amount of \$150,000. However due to several mechanical issues with our 2008 service bucket truck (#243) we are requesting to change our capital item and purchase a 2019 service bucket truck from Altec Industries, Inc. through National Joint Powers Alliance Bid (national government contract) for the price of \$113,402.00. This purchase is \$36,598.00 under the budgeted amount.

The Electric Utilities Department recommends the approval of the purchase of the 2019 Service Bucket Truck from Altec Industries, Inc. in the amount of \$113,402.

RESULT:	APPROVED [7 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

- B. Replacement of a 2004 Ford Ranger Pickup – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director

The Electric Utilities Department is requesting to replace a 2004 Ford Ranger (#256) pickup with 96,000 miles. The truck is used daily by the meter readers. Electric Utilities has three quotes ranging from \$12,587 to \$13,950. Baker Chevrolet in Red Springs submitted the lowest cost of \$12,500 for a 2010 Ford Ranger pickup with 54,437 miles. With a savings of \$36,598 funding will come from capital code 63-00-5420-5463.

The Electric Utilities Department is requesting to replace a 2004 with a 2010 Ford Ranger truck from Baker Chevrolet for \$12,587.00.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

C. Request to Consider Traffic Signal at Linwood Ave & E. 7th Street – Council Policy Committee -- Burnis Wilkins, Precinct 3

We have had 35 motor vehicle collisions at the intersection of 7th and Linwood Avenue from January 1, 2013 to February 27, 2018. Listed below is the number of motor vehicle collisions for each year:

2013	10 collisions
2014	05 collisions
2015	10 collisions
2016	04 collisions
2017	04 collisions
2018	02 collisions

The following is an estimated cost for the installation of traffic signals at Linwood Avenue and E. 7th Street. EUD will install the traffic signals and control cabinet. We will have this intersection engineered so we can have a traffic count and a set of engineered drawings:

Engineered Traffic Drawings	\$5,000.00
Traffic Signals and Control Cabinet	\$14,600.00
Miscellaneous Labor and Equipment	\$5,000.00

Total:	\$24,600.00
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The request is submitted for CPC consideration.

Approved that a traffic signal be erected at Linwood Avenue and 7th Street.

RESULT:	APPROVED [7 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

D. Approval of Engineering Contract with Koonce Noble & Associates for Riverwalk Phase I – Council Policy Committee -- Brandon Love, Planning Director

The City has received a \$150,000 appropriation from the General Assembly to construct the first phase of the Lumberton Riverwalk. Public Works and the Planning Department have met with Bo Noble, PE of Koonce Noble & Associates to solicit a proposal for engineering services to create construction documents, bid, permit and provide construction administration for Phase I of the project. Attached you will find a proposal outlining the

work to be provided.

The recommendation is that CPC authorize staff to enter into a contract with Koonce Noble & Associates for the design, bidding, permitting and construction administration of Phase I of the Lumberton Riverwalk.

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

E. Selection of Consultant for Assistance with Charter Review – Council Policy Committee -- Holt Moore, City Attorney

Council recently asked the Legal Department to look into updating the City Charter to ensure compliance / consistency with state law and to generally bring it up to date. We reached out to Municode, who handles the updating the rest of our City Code, and the Lumber River Council of Governments, who we knew had assisted some other local governments with charter revisions recently. The two proposals received are attached. The LRCOG quote is \$1,800, and the Municode quote is \$1,450. However, the LRCOG quote is more or less all inclusive, including a draft new charter document, and the Municode quote results in a document that is just a recommendation as to what the City should do. There is also the fact that LRCOG is local and therefore more accessible for whatever in-person meetings may be needed. Given the total picture, staff recommends moving forward with LRCOG. In the interest of full disclosure, I am ‘Counsel of Record,’ for LRCOG, but generally only do about 5 hours of work for them a year.

Staff recommends awarding the Charter revision project to LRCOG.

RESULT:	APPROVED [7 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Wilkins, Higley, Cantey, Howard, Maynor, Thomas
ABSTAIN:	Davis
ABSENT:	Robinson

VI. CLOSED SESSION

VII. ADJOURNMENT

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