CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● MARCH 17, 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	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	
E. Holt Moore III	City Attorney	Present	
Cedrick McKinnon	Police Officer	Present	
Sarah Willets	Media	Present	

III. INVOCATION - COUNCILMAN DON METZGER

IV. PLEDGE OF ALLEGIANCE

V. PRIDE IN LUMBERTON

A. Shane and Jenna Richardson: -

Shane Richardson - Head Football Coach -

University of North Carolina at Pembroke -

Shane Richardson was presented with a Pride in Lumberton and a City lapel pin from the City of Lumberton and a plaque from Councilman Hackney for his achievements as the head football coach at University of North Carolina at Pembroke.

B. Logan Cameron -

Logan Cameron is being recognized from her achievement of becoming the North Carolina Junior Beta Club Vice President. Logan will represent the County in June 2014. Mayor Pennington, Councilman Wilkins along with Council congratulated Logan and presented her with a Pride in Lumberton and a City lapel pin.

C. Retiree Recognition - Captain Leroy Hardin - Fire Department

Captain Leroy Hardin was presented his fireman's hat and a plaque from the City of Lumberton in recognition of 23 years of service.

VI. PUBLIC COMMENT PERIOD

Michelle Gaitley - Lumber River Council of Governments appeared before Council to promote the Older Adults Nutrition Program a service that congregate and home deliver meals. A service that is intended to promote the health and well being of older adults through the provision of a nutritious meal five days a week. She asked for assistance in getting the word out about the services.

Chris Howard Jr. 127 Page Street spoke on behalf of the citizens as they stand in opposition of he electrical rate increase.

Loretta Locklear spoke against the electrical rate.

VII. CONSENT AGENDA

Councilman Hackney made a motion, seconded by Councilman Cantey, approving the Consent Agenda with the exception of Items VII C Acceptance of Electric Utilities Resolution Authorizing Disposal of Property and VII D Adopt an Ordinance Endorsing Negotiation of Sale of ElectriCities Assets. The motion carried.

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

A. Minutes Approval

1. City Council - Regular Meeting - Feb 10, 2014 7:00 PM -

B. Acceptance of February 2014 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:

2007----------59.56
2008----------11.65
2009----------10.88
2012----------48.54

2013----------29.26
Approve the tax releases for the years and amounts listed above.

C. Acceptance of Electric Utilities Resolution Authorizing Disposal of Property - Council Policy Committee
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.

D. Adopt an Ordinance Endorsing Negotiation of Sale of ElectriCities Assets - Council Policy Committee

Roy Jones, Chief Operating Officer at ElectriCities, will consult with Council in closed session at the March 17 Council Meeting about a potential sale of ElectriCities assets, pursuant to NCGS 143-318.11(a)(1), which permits closed sessions to prevent the disclosure of information which is privileged or confidential, and NCGS 159B-38, which make discussions of a proposed contract to which a joint agency is a party, which involves the ownership of electric power facilities confidential.

Adopt Ordinance for the consideration after the above-described closed session presentation.

E. Adopt an Ordinance Setting a Schedule for Consideration of Zoning of Electronic Gaming - Council Policy Committee
The existing moratorium on Electronic and Cyber-Gambling Establishments will expire on June 10, and the Ordinance establishing the moratorium doesn't contain a schedule of actions to be taken. Staff has developed proposed zoning regulations for this use, which are attached as Ordinance - Electronic Gaming Operations, which is provided for information only.
Adopt the attached Ordinance - Schedule on Moratorium" to add a schedule to the moratorium ordinance.

F. Adopt a Resolution Supporting County's Dumping Ordinance - Council Policy Committee
The County has requested support for an ordinance it adopted, because the state has requested evidence of local government cooperation on the issue. The cover letter received from the County and the County Ordinance for which support is sought are attached as "County Landfill Ordinance". This was considered by Council in February, but not adopted because the City's recycled wastes are being transported out of county. County Attorney Hal Kinlaw has now stated that an exception for recycling will be acceptable, so an exception for recycling has been added to the Resolution.
Adopt the attached resolution supporting the County Ordinance.

G. Approve the request from Sign City for one hospital sign located at 395 W. 27th Street - Council Policy Committee

Sign City, is requesting one hospital sign located at 395 W. 27th Street. Property is zoned B-6, (Medical Arts). The request is as follows:

1) One 15 sq. ft. freestanding sign, double face, at 6' in overall height.

Sec. 35-282. Signs within the medical arts district. States:
Notwithstanding any other provisions of this article excepting for the provisions of section 35-281, signs in the B-6 (medical arts) district may be erected, moved, enlarged, or substantially altered pursuant to plans approved by city council.
(Ord. No. 1448, 6-27-94)
Recommends City Council Policy Committee approve the attached sign permit request.

VIII. PUBLIC HEARINGS

A. Rezoning Request for property located at 123 Farmbrook Drive (parcel #'s 1003-04-017; 1003-04-016; 1003-04-015) - Brandon Love, Planning Director
Larry Anderson has submitted a Rezoning Petition for property located at123 Farmbrook Drive (parcel #'s 1003-04-017; 1003-04-016; 1003-04-015). This request is to rezone property from B-4, Business General Commercial to B-5, Business Highway Services. The applicants' intent is for the construction of a 5 story hotel.

On October 4, 2005 the Board of Adjustments approved a Variance to allow for the construction of a 60', 5 story hotel on parcel #'s 1003-04-017 and 1003-04-016. Parcel # 1003-04-015 was not included in the variance request.

On February 18, 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 attached ordinance approving the rezoning request.

Larry Anderson appeared before Council and stated that this is a tremendous asset to the continued growth of the community.

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

B. Anthony Spence request a Conditional Use Permit for property located at 418 N. Chestnut Street (parcel #3233-02-014). - Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 418 N. Chestnut Street (parcel #3233-02-014). The proposed use of the property is for a Barber and Beauty School.

On February 18, 2014 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request with no additional

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

As a stipulation to the Conditional Use Permit; instructions to the employees, staff and student to park in the old BB&T building parking lot.

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

C. Public Hearing on the Proposed 3% adjustment in Electrical Utility Rates affective April 2014. - Wayne Horne, City Manager
The City's revenues in the Electrical Utility Fund have declined over the past several years as a result of mild winters and consumer education and energy conservation. The total sales over the past three years are as follows: 2011-$36,044,593, 2012-$32,676,159, 2013-$33,644,397. The last rate adjustment approved by council was in FY 2006-2007 in the amount of 4%, and there has been no rate adjustment over the past six years. The purpose of the proposed rate adjustment is to stabilize the Electric Fund Balance and to provide revenues for system upgrades and emergency repairs. Before a rate adjustment can be approved and in accordance with G.S. 159B-16.1; notices of a public hearing were advertised to receive any comments concerning this rate adjustment.
Recommend that City Council hold the public hearing and approve a 3% adjustment in the City's Electrical Rate Schedules and authorize staff to implement the rate adjustment on bills generated on or after April 1, 2014.

Chris Howard, 127 Page Street wanted to comments made during the public comment period to become part of this public hearing. He spoke against the increase in electrical rates.

RESULT:	**ADOPTED [5 TO 2]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Metzger, Wilkins, Jones, Maynor, Hackney
NAYS:	Robinson, Cantey Jr.
ABSTAIN:	Pennington
ABSENT:	Ivey

IX. NEW BUSINESS

A. Approval of Professional Auditing Services - Council Policy Committee
The current audit contracts expired with the fiscal year 2012-2013 audit. Letters of interest in receiving a copy of the RFP for auditing services for the next three fiscal years were mailed to eight firms, of which four expressed interest and responded.

2014	2015	2016	Total

W Greene & Company	21,500	22,500	23,500	67,500
Collins Kemp & Patterson	23,500	23,500	23,500	70,500
S. Preston Douglas & Associates	23,500	23,500	23,500	70,500
Thompson, Price, Scott, Adams, & Co	23,750	23,750	23,750	71,250

Recommend that CPC review the bids submitted and select a firm to provide auditing services for the City of Lumberton and Lumberton Airport for the next three fiscal years.

Councilman Cantey made a motion, seconded by Councilman Robinson, recommending that Collins, Kemp & Patterson be awarded the Professional Auditing Services for the City & Airport for the next three fiscal years.

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

B. WWTP Screw Pump & Monorail Repairs - Council Policy Committee
On Thursday, January 23rd, Bids were received for the Screw Pump and Monorail Beam Rehabilitation and Repair Project at the Wastewater Treatment Plant. The Scope of Work was broken into three components. Component 1 Work included the repair of the Screw Pump and Deflector Plate only. Component 2 Work included the Monorail Beam repairs only. Component 3 was pricing for both Component 1 & 2 combined. Only two bids were received for this project.

Heavenly Creations, Lumberton NC

Component 1:	$28,095.00
Component 2:	$23,375.00
Component 3:	**$48,470.00**

Superior Industrial Maintenance, Concord NC

Component 1:	$81,614.00
Component 2:	$118,492.00
Component 3:	$194,103.00

Attached is a certified bid tab from the Purchasing Agent, Emily Locklear. Public Works has $45,000 budgeted in the current FY capital budget for this work. Heavenly Creations has previously rehabilitated our WWTP Clarifiers and other system equipment and we are satisfied the company can complete the work as specified. We would like to proceed with awarding Component 3, the combined repairs, to Heavenly Creations of Lumberton for $48,470 and appropriate an additional $3,470 from the Water and Sewer Capital Reserve Fund to the project for complete funding.

Public Works is requesting Council to award Component 3, the WWTP combined repairs, to Heavenly Creations of Lumberton for $48,470 and appropriate an additional $3,470 from the Water and Sewer Capital Reserve Fund to the project for complete funding.

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

C. Acceptance of a Purchase of a Tree Bucket Truck for Electric Utilities - Council Policy Committee

Bids were opened on February 18, 2014 for a tree bucket truck which will replace a 1997 tree bucket truck. Bids were received from Map Enterprises for $161,943.00, Terex Inc. for $165,191.00 and Landmark Industries for $168,849.98. The purchase of the tree truck from our lowest bidder, Mapp Enterprises, with the optional Braden Bumper Winch, which costs $10,602.00, will bring the purchase price to $172,545.00. The amount approved in the Capital Budget for the purchase of the tree bucket truck was $170,000. The amount of $2,545.00 over our approved budget for this purchase will come from our contingent fund (63-00-9900-9920) which has allocated funds of $20,000.00.

The Electric Utilities Department recommends the award of the bid for the tree bucket truck to Mapp Enterprises Inc. for the total amount of $172,545.00 with the optional Braden Bumper Winch.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

D. Harrill Road Lift Station Odor Control - Council Policy Committee

There has been an ongoing odor problem on the northeast interceptor force main that extends from the Wesley Pines lift station to the Harrill Road lift station. The hydrogen sulfide smell is prevalent and strong at two points. One point is at the Harrill Road lift station and the other point is at the Harrill Road, Elizabethtown Road, Hornet Road intersection where we have an air relief valve. At each point, the smell drifts into either a neighboring commercial area or residential area that borders the locations. We have had several complaints since the new interceptor came on line. Jim Walters devised a lime system installed at Wesley Pines lift station that raised the wastewater pH. This system went a long way to solve the problem, however it became evident we could not hand feed enough lime to completely eliminate the odor in all conditions. Public Works solicited the help of NRP, a company who established

an odor reducing method through a three month field trial. A graph showing the odor reduction results is attached. Public Works would like to contract with this company to continue the odor control program, until such a time that our flows are adequate to solve the problem without specialized assistance. Attached is the proposal from NRP to offer the odor reduction program for $1,200 per month. This would be paid for out of the lift station operating budget for contracted services. We would like authorization to enter into this monthly service agreement as quick as possible. We are currently spending around $4000 to $5000 annually on bagged lime that is not fully addressing the problem. Additionally, we are dedicating a one or two man crew several times a week to hand feed the lime.
Public Works in requesting approval of a two year odor control service contract with NRP for a $1,200 monthly to be paid for out of the lift station operation code 60-00-7132-3960.

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

E. Approve the designation of $500.00 of Community Revitalization Funds to Golden Leaf Lodge #124 - City Council
Councilman Robinson requests $500.00 of CRF be designated to the Golden Leaf Lodge #124 for its Scholarship Banquet.
Designate $500.00 to the Golden Leaf Lodge #124 for the Scholarship Banquet.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

F. Approve the designation of $500.00 of Community Revitalization Funds for Handicap Rails Located 1012 E. 9th Street - City Council
Councilman Wilkins requests $500.00 of Community Revitalization Funds for a handicap rails located at 1012 E. 9th Street for Mr. Thomas & Laura West. This is an emergency request due to the fact that the next CPC will not be until April. Mr. West is in need of the handicap rails as soon as possible.
Designate $500.00 of CRF for handicap rails located at 1012 E. 9th Street.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

G. Approve the Designation of $300.00 of Community Revitalization Funds W.H. Knuckles for the Repair of an Outside Camera - City Council
Councilman Jones was unable to attend the March 5, 2014, Council Policy Committee and he would like to submit the attached request from W.H. Knuckles for your review. W.H. Knuckles is requesting Council's assistance with the maintenance cost for American Eagle Security Services on an outside camera at the school. We would like to thank you for any assistance that you are willing to give.
Designate $300.00 of CRF to W.H. Knuckles.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Mayor Pro Tem
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
ABSENT:	Ivey

X. ADJOURNMENT