CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● JANUARY 12, 2015

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	Excused	
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	
Holt Moore	City Attorney	Present	
Ronnie Hayes	Sergeant-at-Arms, Police Officer	Present	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

A. Pride in Lumberton: Lumberton's Volunteer Firefighters' Association (Toys for Kids) –

VI. PUBLIC COMMENT PERIOD

Ms. Brenda Burke and Eshonda Hooper, appeared before Council and extended an invitation to the January 24th, 2015, Unity March on Martin Luther King, Jr. Drive.

VII. CONSENT AGENDA

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
EXCUSED:	Ivey

A. Minutes Approval

1. Agenda Items

1. Withdrawal of Dunn Street Rezoning Request by Fred G. Mills Sr. - City Attorney
   Fred G. Mills Sr. applied to have approximately 10 acres on Dunn Street rezoned for an apartment complex. The matter was tabled by Council on multiple occasions. Mr. Mills has decided not to pursue the rezoning, and this item is designed to formally allow the withdrawal of that item so it will not reappear on future agendas. The City Attorney has confirmed that this is the wish of Mr. Mills. The intent is to refund the application fee as the matter was never advertised.
   Allow withdrawal of rezoning request.

2. Approve the Erection of 2 Three-Way Stop Signs at Camellia Lane & Flynn and Simmons Dr. & Kipling - Council Policy Committee
   It is requested that three-way stop signs be erected at Camellia Lane & Flynn and also at Simmons Dr. & Kipling due to speeding on these streets.
   Approve installation of three-way stop signs at Camellia Lane & Flynn and also at Simmons Dr. & Kipling.

3. Refer the petition from Interstate Sign Company requesting a Conditional Use Permit for property located at 5102 Fayetteville Road (Spring Hill Suites) to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
   The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 5102 Fayetteville Road (Spring Hill Suites) (parcel #1003-01-026-02). The proposed Conditional Use Permit is for an 80 feet tall high rise sign to be located within 800 feet of a residential zone. The ordinance states: A freestanding sign may have a height no greater than fifty (50) feet measured from the adjacent ground level in the B-4 and B-5 districts if it is located within eight hundred (800) feet of an interstate right-of-way except that a conditional use permit must be granted if the sign is located within eight hundred (800) feet of property having a residential zoning classification other than the A (agricultural) district.
   CPC to 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.

4. Acceptance of Firehouse Subs Public Safety Grant to Lumberton's Fire Department - Council Policy Committee

Lumberton Fire Department has been awarded 10 sets of firefighting turnout gear from Firehouse Subs Public Safety Foundation, valued at $18,792.00. The grant is a no match grant dedicated to improving the life-saving capabilities of first responders and public safety organizations in communities served by Firehouse Subs.
Lumberton Fire Department recommends CPC approve the acceptance of the Firehouse Subs Grant valued at $18,792.00.

5. Adopt a Resolution Authorizing the Building Inspector to Remove or Demolish Unsafe Structure at 3525 W 5th Street - Council Policy Committee
   The mobile home located at 3525 W 5th Street (on Airport Blvd) was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the hearing held on October 15, 2014, no-one showed for the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of December 15, 2014
   CPC recommends that CPC order building inspector to demolish and remove the structure at 3525 W 5th Street

6. Grant a 45-Day Extension to Mr. Larry Stone for Property Located on Dunn Road - Council Policy Committee
   The Modular office unit located on Dunn Road was inspected by our department and determined to be unsafe. A hearing was scheduled for October 22, 2014. The property owner contacted the building inspector on October 21, 2014. An order to remove or demolish the unit was issued on November 21, 2014. The time in which he had to remove or demolish the Modular Unit expired on December 21, 2014.
   CPC recommends that Mr. Larry Stone be given a 45-day extension to bring the modular office unit p located on Dunn Road into compliance with the Building Code standards.

7. 1550 : P6 - CRF for Housing Rehab at 108 Marion Road for Housing Rehab - Council Policy Committee
   Councilman Jones requests $100.00 of CRF to be given to Ms. Maxine King, 108 Marion Road for housing rehab.
   Designate $100.00 of CRF to Ms. Maxine King for housing rehab.

8. Approve the designation of $400.00 to the Lumberton Jr. High School for a Field Trip to Chapel Hill P2 - $100.00 P5 - $100.00 P6 - $100.00 P7 - $100.00 - Council Policy Committee
   Councilmen Jones, Maynor, Robinson and Cantey are requesting $100.00 each of Community Revitalization Funds to be given to the Lumberton Jr. High School for a field trip to Chapel Hill.
   Designate $400.00 of CRF to Lumberton Jr. High School.

9. Approve the designation of $400.00 of Community Revitalization Funds to the Robeson County Humane Society- P7 - $200.00 and P1 - $200.00 - Council Policy Committee
   Councilmen Maynor and Metzger request $200.00 each of CRF to be given to the Robeson County Humane Society.

Designate $400.00 of CRF to the Robeson County Humane Society.

10. Approve the designation of $1,000.00 of Community Revitalization Funds for P7 911 Day - Council Policy Committee
Councilman Maynor requests $1,000.00 of CRF for Precinct 7- 911 Day held in June 2015.
Designate $1,000.00 of CRF to Precinct 7- 911 Day.

11. Approve the designation of $200.00 of Community Revitalization Funds to the Robeson County Humane Society - P8 - Council Policy Committee
Councilman Hackney requests $200.00 of CRF to be given to the Robeson County Humane Society.
Designate $200.00 to the Robeson County Humane Society.

12. City Council - Regular Meeting - Dec 8, 2014 7:00 PM -

VIII. PUBLIC HEARINGS

A. Rezoning Request for properties located on Harrill Road (parcel #1014-01-003) (Deed Book 00948 Page 0017). – Brandon Love, Planning Director
Fred G. Mills, Sr. has submitted a Rezoning Petition for property located on Harrill Road (parcel #1014-01-003). This request is to rezone property from R-7 (Residential Single Family/Duplex) to R-3 (Residential/Multi-family). The applicants' intent is for the development of a multi-family apartment complex at this location.

On December 16, 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.

Mayor Pennington opened the Public Hearing to consider an amendment to the Land Use Ordinance by rezoning property located on Harrill Road from R-7, Residential Single Family/Duplex to R-3, Residential Multi Family with the intent to develop a multifamily apartment complex. . City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian**.**

The following names appeared before Council to speak in opposition to the petition for rezoning for the following reasons: In fear that the passing of the request would; decrease property value, crime rate will go up, up keep of the property and the failure to comply with the Density Ordinance.
Mr. William Rowan
Mr. Eli Martin - 2505 Oak Street
Hugh Bledsoe - Coroner of Harrill and Hardin Roads
Ms. Tonnie Kinlaw - 2503 Oak Street
Joanne Hayes - 2207 E. 7th Street

Mr. Lucius Jones, appeared before Council and stated that his office is located beside one of these developments and it is one of the finest developments that he has seen. He stated that the on-site management is good and as far as security it is probably one of the safest places to be.

Mr. Billy Gillette, representing Mr. Fred G. Mills & company spoke to the concerns of the citizens. He assured them that they manage their property. He stated that this company has been in business for 45 years and that they have 33 projects similar to this project. He mentioned that the NC Financing Agency will conduct annual inspections.

Introduced into the record; petition, pictures, and slides depicting the upcoming apartment complex.
Councilman Wilkins stated that he had three names that appear on the petition that stated if they would have known the history of the project they would have never signed the petition.

No one else appeared to speak and the hearing was closed.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington
EXCUSED:	Ivey

IX. NEW BUSINESS

A. 911 Center Logging Recorder Quotation – Council Policy Committee -- Mitchell Pate, Emergency Services Director
This quotation is for the purchase of a Logging Recording System for the 911 Center. With the advances in technology, and new requirements on the horizon, we need to replace our current system. We have chosen the Eventide 740 Communications Recorder from Carolina Recording Systems of Charlotte, NC. The Eventide 740 represents the latest in recorder technology, offers some features we have not had access to before, and will take us to Next Generation 911 and beyond. We chose Carolina Recording Devices because they have more of their product in more 911 centers in North Carolina than any vendor, plus their excellent service is well documented. The price of this device is $30, 932.50, and payment will come from the 911 Fund. Carolina Recording Devices pricing was GSA pricing, which according to our City Attorney, requires no RFP or competitive bidding

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CPC requests City Council's approval of this quotation.

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

B. Re-roofing Buildings at the Electric Utilities Complex – Council Policy Committee -- Lamar Brayboy, Electric Utilities Director
Informal quotes were obtained for the repair of the roofing at the electric utilities complex buildings. Britt & Britt Roofing, R & J Roofing and Evans Roofing were asked to examine the condition of all the roofs of the buildings to determine what repair or replacement was needed. These vendors were advised to include in their quotes all material and labor for the repair of the roofs of the administrative building, the warehouse and the crew room. They all

have the original roofing except for the warehouse which was replaced around 1996 and they all develop leaks during moderate to heavy rain. The roofs have been patched numerous times over the last ten – twelve years and the problem still persists. Britt & Britt estimated the cost for repairs at $100,800.00, R & J roofing quoted $49,750.00 and Evans Roofing was the lowest quote at $39,700.00.

The cost of this roof work has been approved in this current year's capital budget under the account code 63-00-8410-5863. The amount budgeted is $60,000.00.
The Electric Utilities Department recommends the approval of the repair of the roofs be awarded to the lowest bidder, Evans Roofing Company, for the quoted price of $39,700.00.

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

C. Approve the Britt's Farm Sewer Rehabilitation Project Change Order #1 – Council Policy Committee -- Rob Armstrong, Public Works Director
In 2014 Public Works was granted a no interest emergency loan for $503, 676 from the State Revolving Fund (SRF) to rehabilitate the Britt's Farm Sewer Outfall. The video inspection of the Britt's Farm pipe was completed in December. The condition of the pipe was found to be very fragile and unstable for the entire reach from the Britt's Farm lift station to the end point just north of NC 211. Only one short reach under NC 211 was stable enough to be slip lined as originally planned. The remainder of the pipe, approximately 3,400 linear feet will need to be replaced in lieu of slip line rehabilitation. The original slip line rehabilitation construction bid by Layne Inliner was for 315,068.15. The replacement of the pipe will cost $400,294.30, an $85,226.15 increase in construction. Additionally, we estimate there will be an additional $7,500 of construction observation needed from the Wooten Company. Lastly, Public Works would like to maintain a 5% contingency ($20,014.72) given the unknown variables we continue to discover as the project evolves. The additional construction costs, construction observation and contingency brings the new project amount to $521,185.02 which is $17,509.02 above the original SRF loan amount. We are requesting the additional $17,509.02 be allocated from the Water and Sewer Capital Reserve Fund. If no other construction problems are encountered and the contingency is not used, the project will be covered by the original loan amount.
CPC recommends that City Council approve the following: 1) Change Order #1 from Layne Inliner for $85,226.15 to replace the Britt's Farm sewer pipe, 2) add $7,500 to the Wooten Company contract for the additional construction observation and 3) maintain a 5% construction contingency amount of $20,014.72 for the project. These project additions will be funded thru the existing SRF Loan with an additional $17,509.02 allocated from the Water and Sewer Capital Reserve Fund.

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

X. ADJOURNMENT