



**CITY OF LUMBERTON**  
**CITY COUNCIL**  
**MINUTES • DECEMBER 12, 2018**

**Regular Meeting**

**Council Chambers**

**11:00 AM**

**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    | 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 Councilwoman Karen Higley –

**II. RETIREE RECOGNITION: ALFRED DOUGLAS - LUMBERTON FIRE DEPARTMENT**

Mayor Davis presented a plaque, check and his firefighter's helmet to Assistant Fire Chief Alfred Douglas who retired with 28 years of service on behalf of the City Council. He thanked him for his service and wished him well in the future. Mr. Douglas thanked Council for their support and he is available anytime that he is needed; after January 1<sup>st</sup>.

**III. PUBLIC COMMENT PERIOD**

No one appeared to speak.

**IV. MINUTES APPROVAL**

A. City Council - Regular Meeting - Nov 19, 2018 6:00 PM –

|                  |                                                  |
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| <b>RESULT:</b>   | <b>ACCEPTED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Cantey, Mayor Pro Tem                       |
| <b>SECONDER:</b> | John Robinson, Precinct 2                        |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

**V. AGENDA ITEMS**

A. Permission to accept the 2018 Bulletproof Vest Partnership Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to accept the 2018 Bulletproof Vest Partnership Grant in the amount of \$19,175. This grant requires a 50% match for vests purchased by the department to provide critical safety equipment and personal protection for officers.

It is recommended that the Lumberton Police Department be granted permission to accept the 2018 Bulletproof Vest Partnership Grant in the amount of \$19,175.00.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Robinson, Precinct 2                        |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

B. Acceptance of Grants – Troy Gammon, Airport Manager

This grant is for use of Non-Primary Entitlement funds for the construction of the new terminal building.

Recommend accepting the grant in order to award the construction contract.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Leroy Rising, Precinct 1                         |
| <b>SECONDER:</b> | Owen Thomas, Precinct 8                          |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

C. Acceptance of State Grant for Terminal Building Construction – Troy Gammon, Airport Manager

This is for the state construction grant for the terminal building construction.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Leroy Rising, Precinct 1                         |
| <b>SECONDER:</b> | Chris Howard, Precinct 6                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

D. Purchase of a 2019 Ford F-750 flatbed Truck – Lamar Brayboy, Electric Utilities Director

The Electric Utilities Department is requesting to purchase a 2019 Ford F-750 Flatbed truck from Piedmont Truck Center through the North Carolina Sheriff's Association for the price of \$71,160.00. This truck will replace truck # 281, 1985 GMC flatbed which is used to haul the boring machine. The amount approved in the Capital Budget for the purchase of the flatbed was \$70,000. The amount of \$1,160.00 over our approved budget for this purchase will come from our contingent fund which has allocated funds of \$20,000.00.

The Electric Utilities Department seeks approval of the purchase of a 2019 Ford F-750 Flatbed truck from Piedmont Truck Center in the amount of \$71,160.00

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Robinson, Precinct 2                        |
| <b>SECONDER:</b> | Karen Higley, Precinct 4                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- E. Purchase of a 2019 Peterson Debris Loader – Lamar Brayboy, Electric Utilities Director  
The Electric Utilities Department is requesting to purchase a 2019 Peterson Debris Loader from Amick Equipment through the North Carolina Sheriff's Association for the price of \$150,874.85. This truck will replace truck # 282, a 2003 Limco debris loader. The amount approved in this year's Capital Budget was \$160,000.00. This purchase is \$9,125.15 under budget.

The Electric Utilities Department seeks approval of the purchase of a 2019 Peterson Debris Loader from Amick Equipment in the amount of \$150,874.85.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Chris Howard, Precinct 6                         |
| <b>SECONDER:</b> | John Cantey, Mayor Pro Tem                       |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- F. Old Whiteville Road Culvert Hydraulic Study – Rob Armstrong, Public Works Director  
A section of roadway on Old Whiteville Road near Hargrave School was washed out during Hurricane Florence. This same area was washed out during Hurricane Matthew. Public Works believes the washouts occur because the road culvert is undersized. In order for FEMA to consider providing mitigation funding for a larger culvert, they require us to provide a hydraulic study of the culvert and drainage basin. The expense for the study is reimbursable by FEMA. Public Works requested proposals from qualified firms. Two firms responded to our RFQ: Koonce, Noble & Associates, Inc. and McAdams. Attached is our scoring matrix selecting Koonce, Noble & Associates.  
Public Works is recommending Council award the hydraulic study agreement for the Old Whiteville Road Culvert to Koonce, Noble and Associates, Inc.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Owen Thomas, Precinct 8                          |
| <b>SECONDER:</b> | John Cantey, Mayor Pro Tem                       |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- G. Railroad Culvert Design on Linkhaw Road – Rob Armstrong, Public Works Director  
Public Works received two proposals from qualified engineering firms for the design of a new culvert under the railroad track adjacent to Linkhaw Road near the Lumberton High School. The Wooten Company and McAdams submitted qualification statements. This culvert was identified several years ago as a contributing factor to flash flooding up stream of the railroad on the Pole Cat Branch. The City has an opportunity to partner with NCDOT, who has committed to pay for the installation of the culvert if the City designs and permits

the improvement. Attached is a scoring matrix showing where Public Works has selected the Wooten Company as the design consultant.

Public Works recommends awarding the Linkaw Road / CSX Railroad Culvert design to the Wooten Company.

Councilman Cantey stated that there were a team of people out at the river and canals with antennas; who are they? Mr. Armstrong stated that they are surveyors working for the Corps of Engineers to study primary levee alignment. He stated that the 1<sup>st</sup> step to the levee review is cleaning out ditches.

Councilman Cantey asked if we have a plan in place. Mr. Armstrong stated that that we do and will begin canal clearing and swaging process in January and is reimbursable by FEMA. He stated that the process will start inside and outside. The question was asked if we are responsible for drainage in the ETJ and Mr. Armstrong stated that it will come before Council in March along with a couple of other projects.

This proposal is to start immediately and finish by mid-June. It's weather based and it's three months of solid work.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Robinson, Precinct 2                        |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

#### H. Financing of Vehicles & Equipment – Alisha Thompson, Finance Director

The Finance Department has obtained quotes for financing vehicles and equipment.

|                   |             |
|-------------------|-------------|
| 20 Patrol Cars    | \$820,000   |
| 3 Trucks          | \$85,995    |
| Tahoe             | \$18,400    |
| Sprinter Type Van | \$48,700    |
| Durango           | \$38,000    |
| Side Arm Mower    | \$99,500    |
| Track Hoe         | \$225,000   |
| Broom Tractor     | \$93,000    |
| Street Sweeper    | \$310,000   |
| Total             | \$1,738,595 |

|            | 5 years | 7 years |
|------------|---------|---------|
| BB&T       | 3.18%   | 3.30%   |
| CresCom    | 3.42%   | 3.42%   |
| Lumbee     | 3.42%   | 3.49%   |
| First Bank | 3.51%   | 3.52%   |

Recommend that Council award the financing of the vehicles and equipment to BB&T for 5 years at 3.18% and approve the attached resolution.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Owen Thomas, Precinct 8                          |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- I. Adopt a Resolution in Support of the Proposed Widening of Fayetteville Road from Farringdom Street to East 22<sup>nd</sup> Street – Brandon Love, Deputy City Manager  
North Carolina Department of Transportation (NCDOT) is in need of a Resolution of Support for the proposed TIP Project U-5797 (Widening of Fayetteville Road from Farringdom Street to East 22<sup>nd</sup> Street. These are proposed improvements that were presented to us in a meeting on October 23, 2018.

Adopt the Resolution of Support for the proposed improvements presented in the TIP Project U-5797 (Widening of Fayetteville Road from Farringdom Street to East 22<sup>nd</sup> Street).

Councilman Rising stated that following the November 27<sup>th</sup> meeting; he would ask that the Resolution be amended to say that the support comes with the stipulation that the project construction plan will take into account the concerns raised by property during the meeting. He stated that the City of not tied completely down to this project.

He also stated that he appreciates DOT meeting with property owners and taking their interest serious that they returned and spoke with them again. He thanked DOT project planners for their willingness to incorporate the concerns raised within the construction project.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Robinson, Precinct 2                        |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- J. Buy-back of Foreclosure Property – Holt Moore, City Attorney  
This item involves the foreclosure of the property located at 411 Warwick Mill Rd. The property went all the way through the foreclosure process to a sale, and the city bought the property at the sale. Because there appears to have been some honest misunderstanding on the part of the owner, staff is recommending that the City utilize a provision in the statutes which will allow the owner to buy back the property for what the City has in it. In this case, that amount is \$2,135.44. The property owner consents to this arrangement. This amount does include the attorney's fees and all other expenses incurred by the City.  
Authorize staff to allow property owner of 411 Warwick Mill Road to purchase the property back from the City for what the City has invested in the foreclosure.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Karen Higley, Precinct 4                         |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- K. HMGP-related Relief Item – Holt Moore, City Attorney

Please see attached a memorandum and related resolution which addresses a challenge staff has encountered in connection with the HMGP process.  
Approve attached resolution.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Leroy Rising, Precinct 1                         |
| <b>SECONDER:</b> | Chris Howard, Precinct 6                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- L. Approval of Leases Related to Hurricane Florence – Holt Moore, City Attorney  
Due to Hurricane Florence, the City is using the warehouse at Godwin Ave and Cedar Streets to assist with the distribution of supplies, and is also using the property located at 1407 E. 5<sup>th</sup> Street as temporary space for our displaced Electrical Utilities Department. We expected FEMA reimbursement for the expenses incurred in leasing these properties. FEMA requires a lease for their files for these types of uses. The two leases are attached to this agenda item. Approve attached leases as required for FEMA reimbursement.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Chris Howard, Precinct 6                         |
| <b>SECONDER:</b> | John Cantey, Mayor Pro Tem                       |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- M. Approval of Hurricane Florence Disaster Relief Assistance – Wayne Horne, City Manager  
On September 13, 2018, Hurricane Florence made landfall in Robeson County and ultimately our City, making history by damaging thousands of properties. In the City of Lumberton hundreds of homes remain uninhabitable while many residential and business property owners attempt to find resources for repair. In these cases owners desire to maintain utility service but have requested relief from City staff as it relates to non-metered utility services that are not being used. Staff recommends that during the recovery of these homes that the \$21.18 non-metered garbage collection fee, the \$4.25 residential non-metered storm water fee, and the budgeted commercial non-metered storm water & garbage fees be waived for a period of time, perhaps 90 days from the date of Council approval of the provision, should Council choose to approve it. A written request would be required from the applicant for this waiver.

Staff also requests that when utility services were voluntarily terminated by account holders as a result of the damages that the non-refundable \$26.75 above ground and \$80.25 underground service fee required for reconnection is waived. Staff makes this recommendation to assist with the recovery process of our community by lessening the financial burden on the FEMA victim.

Staff recommends that Council approve their recommendation to waive non-metered utility fees for FEMA victims for four (4) months.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Chris Howard, Precinct 6                         |
| <b>SECONDER:</b> | John Cantey, Mayor Pro Tem                       |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- N. Authorize the Designation of \$1,000.00 of CRF for Community Watch in Precinct 4 – Karen Higley, Precinct 4  
 Councilwoman Higley requests \$1,000.00 of CRF for Community Watch.  
 Designate \$1,000.00 of CRF for Community Watch in Precinct 4.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Cantey, Mayor Pro Tem                       |
| <b>SECONDER:</b> | Chris Howard, Precinct 6                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- O. Approve the designation of \$250.00 of Community Revitalization Funds to WH Knuckles Elementary School for the Replacement of Educational or Learning Block Rugs Destroyed in Hurricane Florence – John Cantey, Mayor Pro Tem  
 Councilman Cantey is requesting that \$250.00 of CRF be given to WH Knuckles Elementary School to replace educational or learning block rugs that were destroyed during Hurricane Florence.  
 Designate \$250.00 of CRF to WH Knuckles Elementary School for educational / learning block rugs.

City Council designated \$2,500 to WH Knuckles Elementary School from the GoFundMe Acct for learning block rugs.

Councilman Cantey suggested that the City Manager find at least \$2,500.00; if possible, to fund the learning block rugs for the children at WH Knuckles. The City Manager asked the Finance Director Alisha Thompson if there is any money in the GO Fund Me Account and; if so, do we have at least \$2,500. Ms. Thompson said yes.

Motion was made and passed to designate \$2,500.00 from the GoFundMe acct to WH Knuckles for learning block rugs.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Cantey, Mayor Pro Tem                       |
| <b>SECONDER:</b> | John Robinson, Precinct 2                        |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- P. Approve the designation of Community Revitalization Funds to the Empty Stocking Fund – Bruce Davis, Mayor  
 Mayor Davis would like to discuss a donation to the Empty Stocking Fund.  
 Approve the designation of \$1,250.00 to the Empty Stocking Fund as follows: P1 - \$250.00  
 P2 - \$100.00 P4 - \$250.00 P6 - \$150.00 P8 - \$250.00 Mayor \$250.00.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Leroy Rising, Precinct 1                         |
| <b>SECONDER:</b> | Owen Thomas, Precinct 8                          |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- Q. Acceptance of 2019 Council Meeting Schedule – Holt Moore, City Attorney  
Pursuant to NCGS 160A-71, Council shall fix the time and place for its regular meetings. Failure to do so would result in a statutory default schedule of 10:00 am on the first Monday of each month as well as requiring additional notice and restrictions for meetings at any other time.

The attached schedule principally follows the pattern of Council meeting on the second Monday with CPC meetings the prior Wednesday. Exceptions may be necessary for holidays, particularly Independence Day and Veterans' Day.

Also included in the schedule are agenda deadlines, which are recommended to be on the Thursday prior to any meeting.

Consider the attached schedule, adjust for any conflicts, and adopt a final schedule.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Cantey, Mayor Pro Tem                       |
| <b>SECONDER:</b> | Chris Howard, Precinct 6                         |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- R. Approve the designation \$250.00 of Community Revitalization Funds to Carolina Pines for Pine Straw for Pinedale Blvd – Leroy Rising, Precinct 1  
Councilman Rising requests \$250.00 of Community Revitalization Funds for pine straw used on the North end of the median of Pinedale Blvd.  
Recommend that Council designate \$250.00 of Community Revitalization Funds to Carolina Pines for pine straw used on North end of the median of Pinedale Blvd.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | John Robinson, Precinct 2                        |
| <b>SECONDER:</b> | Owen Thomas, Precinct 8                          |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

- S. Repairs to Electric Utilities – Lamar Brayboy, Electric Utilities Director  
Electric Utilities received quotes for repairs to the office complex, crewroom and warehouse damaged by Hurricane Florence for labor and materials. Three quotes have been submitted, Metcom, Inc. of Pembroke for \$225,387.00, Driven Contractors, LLC of Maxton for \$131,300.00 and Cook Contractors, LLC of Whiteville for \$94,497.00. EUD has been paid \$183,000 from flood insurance for damages.  
The Electric Utilities Department is requesting Council approval to award the lowest bid to

Cook Contractors, LLC from Whiteville for the repairs in the amount of \$94,497.00.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Owen Thomas, Precinct 8                          |
| <b>SECONDER:</b> | John Cantey, Mayor Pro Tem                       |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

T. Pride In Lumberton – Holt Moore, City Attorney

Mayor Davis would like to present at the January meeting a Pride in Lumberton award to John Thompson for his years of service on the Planning Board and other distinguished service to the City.

Approve Pride in Lumberton award.

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| <b>RESULT:</b>   | <b>APPROVED [6 TO 0]</b>                         |
| <b>MOVER:</b>    | Chris Howard, Precinct 6                         |
| <b>SECONDER:</b> | Owen Thomas, Precinct 8                          |
| <b>AYES:</b>     | Rising, Robinson, Higley, Cantey, Howard, Thomas |
| <b>ABSTAIN:</b>  | Davis                                            |

## VI. ADJOURNMENT