



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • OCTOBER 13, 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	Present	
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	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT PERIOD

No one appeared to speak.

VI. CONSENT AGENDA

RESULT:	ADOPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

A. Minutes Approval

1. City Council - Regular Meeting - Sep 8, 2014 7:00 PM -

B. Agenda Items

1. Refer the petition for a Rezoning Request for property located at 3571, 3417, and 3467 Lackey Street to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
Jantzen Brantley has submitted a Rezoning Petition for property located at 3571, 3417, and 3467 Lackey Street (parcel #1008-01-009-03, 1008-01-022-03, and 1008-01-022-03A). This request is to rezone property from B-5 (Business Highway Services) to B-4 (Business General Commercial).
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.
2. Refer the Rezoning Petition for Property Located at the Corner of Linkhaw and Deacons Roads to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Council Policy Committee
Gregory M. Caulder has submitted a Rezoning Petition for property located at the corner of Linkhaw Rd and Deacons Rd. (Parcel #1009-07-066-02AL). This request is to rezone property from B-3, Office Residential to B-2, Community Business. The applicants' intent is for multifamily development at location.
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.
3. Refer the petition Requesting a Conditional Use Permit for Property Located at 3555A North Roberts Avenue 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 3555A North Roberts Avenue (parcel #1005-01-022-03B). The proposed use of the property is for a restaurant bar and grill.
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. Approve the Lease With Lumberton Rescue & EMS - Fire Station 2 - Council Policy Committee
At the August CPC Meeting, Council gave staff direction to move forward with working out a lease agreement with Lumberton Rescue & EMS for their use and occupation of what has heretofore been referred to as Fire Station 2; the plan is for the building to be appropriately renamed as part of the transition. Attached is a very straightforward lease which the City Attorney has drafted towards this end. It has been approved by Lumberton Rescue & EMS.
Approve lease agreement.
5. Adopt a Resolution in Support of the Atlantic Coast Pipeline - Council Policy Committee
I received a letter from David McNeill representing Duke Energy asking the City of Lumberton to adopt a Resolution in Support of the new 550-mile interstate natural gas pipeline that will extend from West Virginia, through Virginia and into eastern North Carolina. The new pipeline will be located around Interstate 95 corridor in North Carolina allowing Duke Energy Carolinas and Duke Energy Progress to:

- Bring new supplies of natural gas to North Carolina
- Help mitigate price increases
- Improve the reliability and geographic diversity of natural gas
- Enhance delivery capacity in eastern North Carolina
- Serve as a powerful engine to drive economic develop and job growth; and
- Generate new tax revenue for local governments.

Duke Energy is asking the City to endorse the attached resolution as it will bring benefits to this State.

That CPC consider this request for endorsement.

6. Nexgrid Metering Scope of Work and Related Documents - Council Policy Committee
The Nexgrid metering project which was approved and budgeted by Council. There will be 200 electric meters and 200 water meters installed during this pilot program. Attached are the Scope of Work Agreement, Professional Services Agreement, Software License Agreement, and Ten Year Warranty. The documents have been reviewed and found them to be satisfactory. The services portion of this agreement are exempt from the bid laws because all service agreements are exempt, and the remainder of the agreement is exempt as it qualifies for a group purchasing arrangement through Electricities. The hardware was purchased through Public Works and Electric Utilities and was exempt from formal bidding requirements the cost of the items fell under the informal bidding threshold. CPC recommends that City Council approve the Scope of Work Agreement and associated documents.
7. Approval of September 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:

2012-----\$178.77

2013-----\$659.57

2014-----\$428.10

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

8. Approve the designation of \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade - Council Policy Committee
Lumberton Area Chamber of Commerce is requesting the designation of \$5,000 to defray some of the overhead expenses for the Lumberton Christmas Parade. The

Christmas parade will be November 22, 2014.

Designate \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade. This is a budgeted item.

9. Approve the designation of \$1,200 of Community Revitalization Funds in Precinct 1 as follows: \$400.00 to the Oaks and \$400.00 to E. Wycliffe Homeowners' Associations for their Community Day; and \$400.00 to Wycliffe's Homeowners Associations for the fall landscape. - Council Policy Committee
Councilman Metzger is requesting \$1,200 of Community Revitalization Funds to be given to the following: \$400.00 to the Oaks and \$400.00 to the E. Wycliffe Homeowners' Associations for their Community Day and \$400.00 to the Wycliffe Homeowners Association for the fall landscape.
Designate \$1,200 to the Oaks, E. Wycliffe and Wycliffe's Homeowners Associations.
10. Approve the designation of \$75.00 to Breath of Life Ministries, INC., for Community Advertisement in Precinct 6 - Council Policy Committee
Councilman Robinson requests \$75.00 of CRF to be given to Breath of Life Ministries, Inc., for community advertisement.
Designate \$75.00 of CRF to BOLM.
11. Approve the designation of \$300.00 of CRF to the Robeson Community College Law Enforcement Training EXPO from Precinct 3 - Council Policy Committee
Councilman Wilkins requests from CRF \$300.00 to be given to Robeson Community College Law Enforcement Training EXPO scheduled for Oct 24 thru Oct 26, 2014.
Designate \$300.00 to be given to Robeson Community College Law Enforcement Training EXPO.
12. Approve the designation of \$200.00 of CRF for Godwin Heights Baptist Church Fall Festival in Precinct 3 - Council Policy Committee
Councilman Wilkins requests from CRF \$200.00 to Godwin Heights Baptist Church for the Fall Festival to be held Oct 31 from 6pm - 8pm at the church.
Designate \$200.00 of CRF to Godwin Heights Baptist Church.
13. Approve the designation of \$200.00 of CRF to Fairgrove School for CIS Office Space in Precinct 6 - Council Policy Committee
Councilman Jones requests \$200.00 of Community Revitalization Funds to be given to Fairgrove School for CIS Office Space.
Designate \$200.00 to Fairgrove School.
14. Approve the designation of \$200.00 of CRF to The Toys for Kids Program in Precinct 4 - Council Policy Committee
Councilman Ivey requests \$200.00 of Community Revitalization Funds to be designated to the Toys for Kids program.
Designate \$200.00 of CRF to Toys for Kids.
15. Approve the designation of \$100.00 to Magnolia School for CIS Clothing in Precinct 6 - Council Policy Committee

Councilman Jones requests \$100.00 of Community Revitalization Funds to be given to Magnolia School for CIS Clothing.
Designate \$100.00 of CRF to Magnolia School.

16. Approve the designation of \$100.00 of Community Revitalization Funds to Knuckles School for the Children's Aquarium in Precinct 6 - Council Policy Committee
Councilman Jones requests \$100.00 of Community Revitalization Funds to be given to Knuckles School for the Children's Aquarium.
Designate \$100.00 to Knuckles School.
17. Approve the designation of \$75.00 to BOLM for Community Advertisement in P6 - Council Policy Committee
Councilman Jones requests \$75.00 of CRF to be given to Breath of Life Ministries, Inc., for community advertisement.
Designate \$75.00 to BOLM.
18. Approve the designation of \$100.00 of Community Revitalization Funds for the Toys for Kids Program in Precinct 7 - Council Policy Committee
Councilman Maynor requests \$100.00 of CRF to be given to the Toys for Kids program.
Designate \$100.00 to Toys for Kids.
19. Approve the designation of \$500.00 of Community Revitalization Funds to West Lumberton Elementary School for the Positive Behavioral Support Program in Precinct 7 - Council Policy Committee
Councilman Maynor requests \$500.00 of Community Revitalization Funds to be given to West Lumberton Elementary School for the Positive Behavioral Support Program.
Designate \$500.00 of CRF to West Lumberton Elementary School for Positive Behavioral Support Program.
20. Approve the designation of \$100.00 of Community Revitalization Funds to Knuckles School for the Positive Behavioral Intervention Support Program from Precinct 7 - Council Policy Committee
Councilman Maynor requests \$100.00 of CRF to be given to Knuckles School for the Positive Behavioral Intervention Support Program.
Designate \$100.00 to Knuckles School.
21. Approve the designation of \$1,300 of CRF to the Lumberton Emergency Medical Services as follows: P1- \$100.00 P2 - \$100.00 P3 - \$150.00 P4 - \$100.00 P6 - \$100.00 P8 - \$550.00 and from the Mayor's Discretionary Fund \$200.00 - Council Policy Committee
Councilman Hackney requests \$550.00 be given to Lumberton Emergency Medical Services for a sign.
Designate \$550.00 of CRF to Lumberton's EMS.

VII. PUBLIC HEARINGS

- A. 2nd Reading - Commercial Solid Waste Franchise Request - All Points Waste Services – Holt Moore, City Attorney

All Points Waste Services Inc. of Laurinburg has requested a commercial solid waste franchise.

They would serve commercial businesses in the City on a contract basis. Under City Code Chapter 19 (Solid Waste) and under Article IX, Section 1 of the City Charter, the Council may grant non-exclusive franchises for commercial waste removal. While there is no specific franchise application, the City Council must pass an ordinance granting the franchise at two regular meetings of the Council before a franchise may be granted.

The following items from All Points Waste Services, Inc. were provided to Council at the Council meeting of August 11, 2014, Council meeting and the following documents are attached:

1. Articles of Incorporation.
2. Certificates of Insurance.
3. List of Commercial Trucks/Machines to be used.
4. Performance Bond
5. Schedule of Fees.
6. Proposed Ordinance.

The proposed ordinance would grant a franchise through May 31, 2018, which is the ending date for all other solid waste franchises.

This is considered to be the second reading of this request. Recommend that City Council hold the public hearing and adopt an Ordinance granting All Points Waste Services, Inc., a Commercial Solid Waste Franchise on a contract basis.

Mayor Pennington opened the Public Hearing to consider granting All Points Waste Services the ability to collect commercial solid waste within the City limits. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian. This is the second reading for the Ordinance.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Robert L. Jones, Precinct 6
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

VIII. NEW BUSINESS

- A. Approve the Residential Through the Fence (RTTF) Agreement for the Airport Authorizes authorizing the Commission authority to set a monthly fee of no more than \$10.00 as part of these agreements. – Council Policy Committee -- Holt Moore, City Attorney
‘Residential Through The Fence’ users, in connection with the airport, are those who own property adjacent to the airport, and who access the airport, with their planes, from their own property - as opposed to those who actually rent space on the airport property. The FAA has determined that such users must pay some sort of fee for their use of the airport (in addition

to property taxes, gas, etc). There is no such fee currently. The FAA has determined that this creates a noncompliance situation with its RTTF regulations. This noncompliance would cause problems with the airport obtaining grants from the FAA. This matter must be resolved by November 1st. Attached is a draft agreement for approval by Council and the Airport Commission. As the on-airport tie-down fees are only \$25 per month, it seems that a user fee of \$7.50 a month for the RTTF users, or something along those lines, would be appropriate. My suggestion is that Council authorize the use of the attached FAA-approved template agreement, and approve such agreement with these users for a fee of no more than \$10 a month, the exact amount to be determined by the Airport Commission, who we anticipate will hold a special meeting within the next few days to ensure that this is completed well before the November 1 deadline.

Approve attached agreement for use with RTTF property owners, and authorize Commission authority to set a monthly fee of no more than \$10.00 as part of these agreements.

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

B. Acceptance of Mail Finance Lease Agreement – Council Policy Committee -- Linda Oxendine, Public Services Director

The lease agreement between Mail Finance, A Neopost USA Company, and the City of Lumberton expires in November 2014. Mail Finance has agreed, in the proposed agreement, to maintain the same monthly rate of \$272 over the next sixty three months and Mail Finance has agreed to upgrade the city's mailing machine to a current model.

CPC recommends that City Council authorize staff to enter into an agreement with Mail Finance, A Neopost USA Company, for a mailing machine to process interoffice daily mail.

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

C. Acceptance of Northeast Park Scoring Tower Bid – Council Policy Committee -- Brandon Love, Planning Director

Sealed, informal bids for the Northeast Park scoring tower were opened on Monday, October 6th and the certified bid tabulation is attached. Three general contractors submitted bids for the project with the low bidder being BW Davis Construction, Inc. of Lumberton with a lump sum price of \$429,000. The stated price includes a line item allowance of \$35,000 for the installation of a wheelchair lift (not required by code). The base bid for the \$2,210 ft² scoring tower and concession stand building without the wheelchair lift, resulted in a square foot price of \$178/ft². Our proposed budget threshold would be a reduced contract amount of \$360,000 (\$158/ft²) with a project contingency of \$15,000 for a total of \$375,000.

CPC recommends that City Council authorize staff to work with the low bidder and architect

to value-engineer the project and negotiate a final price that would fall within the City's budget. Additional funding for this project will be reallocated from the BB&T loan.

At its October 8th meeting, Council instructed Planning Director Brandon Love to negotiate with the lower bidder, BW Davis, Inc. to reduce the price of the Northeast Park scoring tower and concession stand. Planning Director Love appeared before the City Council and stated that these adjustments have been made without sacrificing critical components of the facility or losing any square footage. The deducted wheelchair lift was included as an allowance in the bid; however, may be added at a later date through the Recreation Department's capital budget.

The recommendation for Council is to accept the revised bid to include the list of deductions, authorize staff to execute a contract for construction with BW Davis Construction, Inc. in the amount of \$358,505.00 and issue the Notice to Proceed. Additionally staff is requesting that Council set aside \$15,000 as a project contingency.

RESULT:	APPROVED [8 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

D. Purchase of a 101 ft. Platform ladder Truck – Council Policy Committee -- Wayne Horne, City Manager

Chief Ivey has been working on several options for the replacement of the 1991 Tower 1, 95 ft Ladder Truck. The first option is the refurbishing of the truck by E-One Factor Service Center at a cost of \$385,000. Council had approved \$400,000 in the current year budget for these project. In evaluating this option it was determined that critical items such as;; Diesel Engine, Transmission, Rear End and Axles, Diesel Generator, Pump Transmission were not included in the refurbish estimate.

The Second option for Council consideration is the purchase of new truck, the cost of new truck depending on the model and equipment is \$1.1 million. Chief Ivey has secured a quote of \$815,000 for a new 101 ft. Rosenbauer Ladder Truck (demonstrator) from C.W. Williams & Co of Rocky Mount, this price will be reduced to approximately \$775,000 when the proceeds of the sale of the 1991 Tower 1Truck are applied. This truck is can be purchased under the HGAC buying program which is similar to state contract purchasing.

The debt service payment for financing \$400,000 for 7 years is \$61,876.07. By extending the terms of the financing to 15 years the debt service for \$815,000 is \$71,502.21 per year.

CPC recommends that Council adopt a resolution authorizing the purchase of a new 101 ft. Rosenbauer Ladder Truck (demonstrator) from C.W. & Co., of Rocky Mount in the amount of \$815,000; this price will be reduced to approximately \$775,000 when the proceeds of the sale of the 1991 Tower 1Truck are applied. The debt service payment for financing \$400,000 for 7 years is \$61,876.07. By extending the terms of the financing to 15 years the debt service for \$815,000 is \$71,502.21 per year.

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

- E. Approval of Bid Award for Self Contained Breathing Apparatus (SCBA) to Newton,s Fire & Safety Equipment – Council Policy Committee -- Paul Ivey, Fire Chief
 Lumberton Fire Department received Assistance to Firefighters Grant in the amount \$243,766.00 for replacing Self Contained Breathing Apparatus (SCBA) used by the fire department. We issued an RFP for this project and received the following bids.

Vendor	(35) SCBA	(35) Lumbar Pads	(35) Transfill Kits	(22) Spare Mask	Total
Newtons Fire	\$206,675.00	\$1225.00	\$19,075.00	\$4,840.00	\$231,815.00
MES	\$222,775.00	N/A	N/A	\$6,358.00	\$229,133.00
American Blazemasters	N/A	N/A	N/A	N/A	

Lumberton Fire Department recommends CPC approve awarding the SCBA Bid to Newton's Fire in the amount of \$243,766.

RESULT:	APPROVED [8 TO 0]
MOVER:	Don Metzger, Mayor Pro Tem
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSTAIN:	Pennington

F. CLOSED SESSION

IX. ADJOURNMENT