



# CITY OF LUMBERTON

## CITY COUNCIL

MINUTES • AUGUST 14, 2017

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           | Mayor Pro Tem | Excused |         |
| Burnis Wilkins          | Precinct 3    | Present |         |
| Karen Higley            | Precinct 4    | Present |         |
| John Cantey Jr.         | Precinct 5    | Present |         |
| Chris Howard            | 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 |         |

Sergeants-at-Arms: Police Officer Heath Graham  
Police Officer Cedric Bridges

### II. PRIDE IN LUMBERTON

Pride in Lumberton as well as City Lapel Pins were presented to Mr. & Mrs. W. C. Washington and their son Wesley Washington for their interest in the Community by Councilman Erich Hackney in Precinct 8 for having such a positive impact within the City of Lumberton. Mr. Washington thanked all for such a warm welcome and said that they like to build positive relationship within the community. He thanked Councilman Hackney and others for thinking about them.

### III. PUBLIC PORTION

Lumberton Tourism Development Authority (LTDA) chairman Arnold West introduced the board members of the Lumberton Visitors Bureau. They also presented the City with a \$500,000 check for Dr. Raymond B. Pennington Sporting Complex formerly known as the Northeast Park.

Bruce Mullis spoke about the LYBA and the tournament that will be held at the Sporting Complex in 2018.

Mr. Jimmy Gilchrist voiced concerns about the status of the citizens being 10 months since Hurricane Matthew and the citizens have not received their portion of the millions of dollars that have come into the City. He expressed that the governing body should remedy this situation as he expressed his concerns as to why the citizens have not received evaluations of their property as it has depreciated greatly.

### IV. CONSENT AGENDA

- a. City Council - Regular Meeting - Jul 12, 2017 11:00 AM -

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- b. Allow the Long-term Recovery Planning Team to Continue to March Forward - Council Policy Committee  
Hurricane Matthew Disaster Recovery and Resilience Initiative-Long Term Recovery Presentation.  
Presented by Lincoln Walther Consulting, LLC

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- c. Award the contract for replacement of fire station generators to KB Power Systems in the amount of \$80,480.04 - Council Policy Committee  
The generators located at Fire Station 2 (Bailey Road) and Fire Station 3 (Dunn Road) were damaged beyond repair during Hurricane Matthew. The generators are used for backup power at each station during short and long term power outages. This enables us to keep each station operational at all times.

We received quotes from the following vendors for replacement of both generators:

KB Power Systems - \$80,480.04

Power Secure - \$84,509.12

Ezzell Electric - \$85,219.90

Staff recommends CPC award the contract for replacement of generators to KB Power Systems in the amount of \$80,480.04.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- d. Approve the Hiring of Anderson Engineering & Associates, PA to Conduct Warranty Inspections on the NC 72 & W. 5th Street Water Tanks for a fee of \$7,500.00 - Council Policy Committee

The one year completion of repainting the interior and exterior of the W 5<sup>th</sup> Street and NC 72 Tank is nearing. Public Works is requesting that a detailed review of the repainted surfaces be conducted before the end of the initial warranty period. Anderson Engineering & Associates, PA has proposed fee of \$7,500 to provide this service for both tanks.

Public Works is requesting Council approval to hire Anderson Engineering & Associates, PA to conduct independent warranty inspections on the NC 72 and W 5<sup>th</sup> Street water tanks for a fee of \$7,500 to be paid from operations code 60-00-7110-3970, contracted services.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- e. Authorize the purchase of SCADA software and computer system from Lord and Company for \$71,438.22 with funds allocated in capital code 60-00-8220-5860. - Council Policy Committee

The Supervised Control And Data Acquisition (SCADA) software and computer system at the water plant needs to be upgraded because the Windows XP program is no longer supported by Microsoft and the current computers are not upgradable. Public Works would like to purchase new SCADA computers and software that is compatible with Windows 10. We will also have a software bridge to allow the SCADA to have limited use remotely on an iPhone or tablet. This feature will help the on-call personnel assess a problem before deploying on a site visit. The total system cost by Lord and Company is \$71,438.22. This is a specialty product that has to integrate with other products managed by Lord and Company. Public Works is requesting Council authorization to purchase an upgraded SCADA software and computer system from Lord and Company for \$71,438.22 with funds allocated in capital code 60-00-8220-5860.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- f. Approve Charles R. Underwood, Inc., installing the high service pump #4 control valve improvements for \$49,108 with funds transferred from the originally budgeted SCADA improvements in the capital code 60-00-8332-5960 - Council Policy Committee

The Water Plant Flooding experienced during Hurricane Matthew brought to light a couple of operational issues with our High Service pumps. One issue is the lack of isolating valves that would give us the ability to work on one of the existing 6 pumps without shutting down the entire plant. Another issue is the condition the older Willamette brand ball valves at each of the high service pump locations. Each of these will need to be replaced in the near future but one in particular on high service pump #4 is allowing treated water to back feed thru the pump, effecting plant efficiency. Attached is a proposal from Charles R. Underwood, Inc. outlining several repair options. The most urgent need for the water plant is to replace the pump control valve of high service pump #4 which is highlighted on page 2 of the proposal for \$49,108. Public Works would like Council approval to install the control valve improvements. In order to pay for the repair, we are proposing that we delay the SCADA improvements budgeted in the capital code for \$50,000 and re-dedicate this amount to the high service pump #4 control valve repairs.

Public Works would like Council approval to have Charles R. Underwood, Inc. install the high service pump #4 control valve improvements for \$49,108 with funds transferred from the originally budgeted SCADA improvements in the capital code 60-00-8332-5960.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- g. Approve Public Works to purchase the 8" Godwin (Xylem) Well Point Pump w/ trailer for \$56,936 from Capital Code 60-00-8221-5560 - Council Policy Committee

Public Works requested quotes on an 8" diameter quiet run well point pump to replace an older standard run pump that is no longer serviceable. We received two quotes for 8" pumps and one quote for a 6" pump from Rain for Rent. The company does not make a run quiet 8" pump. Following is summary of the quotes:

1. 8" Thompson w/ trailer: \$55,860
2. **8" Godwin (Xylem) w/ trailer: \$56,936**
3. 6" Rain for Rent: \$33,000

We have disqualified the 6" Rain for Rent pump because it does not meet the minimum

specifications. Public Works is requesting council approval to purchase the 8" Godwin Well Point Pump with Trailer for \$56,936.00. The Godwin is \$1,076 more expensive than the Thompson Pump. We are requesting approval to purchase the Godwin because of the higher maximum pumping head, the heavier duty trailer and because our current well point fittings we have will connect to the standard Godwin connections. Lastly the Thompson motor has an environmental purge requirement on the exhaust which lends its use more toward industrial applications with more frequent oversight. Our use may have runtime of several hours or overnight between operation checks.

Public Works is requesting council approval to purchase the 8" Godwin (Xylem) Well Point Pump w/ trailer for \$56,936 from Capital Code 60-00-8221-5560.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- h. Approve the Hiring of Terra Tech to complete the close out environmental spill report required by the state for 1st and Town Common Street Warehouse at a not-to-exceed fee of \$9,000 paid for by CDBG funds - Council Policy Committee

The CDBG funded demolition of the two former industrial buildings on 1<sup>st</sup> Street and Town Common Street is complete. During demolition we encountered a previously unknown petroleum source. This petroleum clean up was handled outside of the Four Seasons contract directly with a company from Wilmington called SR&R. Four Seasons handled the clean-up for the known sources of contamination. NC Department of Environmental Quality is asking the City to submit an integrated spill response report covering both of the site contaminants instead of submitting the reports separately. Terra Tech, the environmental firm that conducted the Phase II site study has submitted a proposal to complete the close out environmental spill report required by the state for a not-to-exceed fee of \$9,000 which will be paid for by the CDBG funds.

Public Works is requesting Council approval to hire Terra Tech to complete the close out environmental spill report required by the state for a not-to-exceed fee of \$9,000 which will be paid for by CDBG funds.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- i. Approval of the Sanderson Farms Sewer Extension final close out change order in the amount of \$16,007.00 to Frank Horne Construction, Inc., with \$5,219.00 of the change order amount paid from the Water and Sewer Capital Reserve Fund and the balance paid by The Golden Leaf Foundation Grant - Council Policy Committee

Frank Horne has completed the installation of the gravity sewer to serve Sanderson Farms hatchery on Elizabethtown Road. The main portion of this project was funded by a Golden Leaf Foundation grant. The final construction cost was \$588,339.50. This includes a final close out change order amount of \$16,007.00. \$5,219.00 of the change order amount is not eligible for the Golden Leaf grant reimbursement because it was outside of the required scope to serve the Sanderson building. The additional work included extending a tap to the neighboring building and extending the gravity sewer all the way to the NC 41 right of way from behind the Sanderson site.

Public Works is requesting Council approval of the Sanderson Farms Sewer Extension final close out change order amount of \$16,007.00 to Frank Horne Construction, Inc. with \$5,219.00 of the change order amount paid from the Water and Sewer Capital Reserve Fund and the balance paid by The Golden Leaf Foundation Grant.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- j. Approve the Purchase of a 2010 Chevrolet 17 passenger van from Baker Chevrolet in Red Springs for \$19,087.00 using funds from \$9,000 in pump savings (60-00-8221-5560) and \$10,087 in SCADA savings (60-00-8220-5860) - Council Policy Committee

Public Works is in need of a replacement 17 passenger van for the inmate crew. The current van is a 2001 model with 150,000 miles and has had mechanical and electrical problems. We have found a used 2010 model with only 20,100 miles at Baker Chevrolet in Red Springs for \$19,087.00. We'd like to purchase this van as a replacement to the existing van. The proposed van purchase is not budgeted in our capital budget. We propose to purchase the van using funds from \$9,000 in pump savings (60-00-8221-5560) and \$10,087 in SCADA savings (60-00-8220-5860) in the current capital budget.

Low mileage vehicles like this are somewhat difficult to find, but the following comparables lead staff to believe the above is a good value: a 2010 model with 28.4k miles in Warrenton, VA for \$21,999, and another 2010 with 29.3k for \$21,500 in Dallas, GA (as researched by the Legal Dept. on AutoTrader).

Public Works is requesting Council authorization to purchase a 2010 Chevrolet 17 passenger van from Baker Chevrolet in Red Springs for \$19,087.00 using funds from \$9,000 in pump savings (60-00-8221-5560) and \$10,087 in SCADA savings (60-00-8220-5860) in the current capital budget.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- k. Award Columbus Utilities, Inc., the Elm Street and 1st Street Sewer Repair Project contract for \$115,620.00 to be funded by the Water and Sewer Capital Reserve Fund. - Council Policy Committee

On June 29<sup>th</sup> Public Works received bids for the Elm & 1<sup>st</sup> Street Sewer Repair Project. This project was bid in conjunction with the Blacks Tire W 5<sup>th</sup> Street Sewer Repair Project. Only one contractor, Columbus Utilities, submitted a bid of \$131,420. This bid was higher than our initial cost estimate of \$90,000 developed 2 years ago, so we negotiated with the contractor to reduce the scope of work based on the itemized bid quantities. The negotiated contract Public Works would like to award to Columbus Utilities is \$115,620. Funding for the project would be from the Water and Sewer Capital Reserve Fund. The project construction will begin in October.

Public Works is requesting Council Authorization to award Columbus Utilities, Inc. the Elm Street and 1<sup>st</sup> Street Sewer Repair Project contract for \$115,620.00 to be funded by the Water and Sewer Capital Reserve Fund.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- l. Award of Bid to Trigon of Whiteville Inc., in the amount of \$143,000 for Repairs to Jaycee Hut - Council Policy Committee

Informal Sealed Bids were requested by the Becker Morgan Group on behalf of the City for repairs to the Jaycee Hut damaged by Hurricane Matthew. Two bids were submitted on July 31, 2017. Thames Construction Company bid \$151,560 and Trigon of Whiteville Inc. bid \$143,000 to complete the specified repairs.

Funding for this repair work to come from Golden Leaf (\$120,810) FEMA (\$22,190).

Staff recommends awarding bid for repairs to the Jaycee Hut to Trigon of Whiteville Inc. in the amount of \$143,000.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- m. Award the bid for repairs to the Beach House to Trigon of Whiteville Inc., in the amount of \$110,000 - Council Policy Committee

Informal Sealed Bids were requested by the Becker Morgan Group on behalf of the City for repairs to the Beach House at Luther Britt Park damaged by Hurricane Matthew. Two bids were submitted on July 31, 2017. Thames Construction Company bid \$145,087 and Trigon of Whiteville Inc. bid \$110,000 to complete repairs.

Funding for this repair work to come from insurance (\$110,436.00) and FEMA (\$11,294.00).

Staff recommends awarding bid for repairs to the Beach House to Trigon of Whiteville Inc. in the amount of \$110,000.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- n. 2270 : Acceptance of 911 Backup Center Budget Estimate - Council Policy Committee
- After losing our initial location for the 911 Backup Center to Hurricane Matthew, we have now located a city property that we can use. It is the Eastside Resource Center at 1608 E. 5<sup>th</sup> St. We will be using two rooms that are currently not in use. The facility was unharmed by Hurricane Matthew and has bathrooms with showers, a kitchen, and a large area that could be used for sleeping should it be necessary to stay at the Backup Center. It will be totally self-sustaining, and will be powered by an LP generator should there be a power outage. The total budget estimate is \$333,311.17, which includes 911 Fund eligible expenses. The total estimate for capital expense is \$87,846, and the 911 Fund expenses are \$245,465.17. This is an estimate from the engineer on this project, and if approved, the project will go to informal bid, which should provide some competitive pricing.
- Recommend approval so that the informal bid process can begin.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- o. Approve Public Works to purchase a 6” quiet run Godwin (Xylem) Dri-Prime by-pass pump for \$38,889.00 from funds budgeted in Capital Code 60-00-8220-5560 - Council Policy Committee

Public Works received quotes from 3 separate vendors for a 6” diameter run quiet sewer by pass pump. The pump is designated to replace an older standard non-operable pump with a new quiet run pump that can be used to bypass pump in residential neighborhoods where pumping efforts may continue for sustained 24 hour periods. Following is a summary of the attached quotes:

1. **Godwin (Xylem) Dri-Prime: \$38,889.00**
2. Thompson Dry Prime: \$43,161.00
3. Rain for Rent: \$50,000.00

Public Works is requesting Council approval to purchase the new bypass pump from Godwin.

Public Works is requesting Council approval to purchase a 6” quiet run Godwin (Xylem) Dri-Prime by-pass pump for \$38,889.00 from funds budgeted in Capital Code 60-00-8220-5560.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- p. Award of Bid to Driven Contractors, LLC for Electric Utilities office complex repairs in the amount of \$150,000 - Council Policy Committee

Sealed bids were received and opened on July 31, 2017 for repairs to the Electric Utilities office complex damaged by Hurricane Matthew. Eight bids were received for labor and materials ranging from \$150,000 to \$288,000. As shown by the enclosed tabulation sheet, Driven Contractors, LLC of Maxton submitted the lowest bid of \$150,000. Funding for the repairs will come from FEMA and Golden LEAF unmet needs.

Staff recommends accepting the lowest bid to Driven Contractors, LLC for Electric Utilities office complex repairs in the amount of \$150,000.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- q. Refer the Petition from Sharon Smith for a Conditional Use Permit for property located at 202 E. 3rd Street to the Planning Board for their review, and authorize the Planning Director to set the date of the Public Hearing(parcel # 3238-01-002/Deed Book 1705 Page 440). - Council Policy Committee

Sharon Smith has submitted a Conditional Use Permit petition for property located at 202 E. 3rd Street. This request is to allow for the operation of a beauty school (use #5.120-trade school) at this location. This property is zoned B-1 (central business) and requires a Conditional Use Permit for trade schools.

This property is located within Area 16, as identified in our Land Use Plan. 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.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- r. Refer the Request to Amend Table of Permissible Uses for car washing in B-1 (central business) to the Planning Board for its review - Council Policy Committee  
On June 15, 2017, June 18, 2017 and June 20, 2017 the Planning Department received a request from Johnny Ray Wilkins and Dick Taylor to allow car washes in the B-1 Zoning District. Currently, the Land Use Ordinance for the City of Lumberton does not allow car washes in the B-1 Zoning District. This request is to consider amending the table of Permissible Uses to allow car washes (use#9.600) in the B-1 zoning district.

The B-1 (central business) district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian-oriented) that will result in the most intensive and attractive use of the city's central business district. Additionally, the Land Use Plan adopted in September 2015 states that the Downtown land use category shall include a range of retail, office, public, institutional and public service establishments that cater to the needs of a local and regional customer base. Furthermore, the allowed uses should be consistent with those found in a traditional urban setting.

Recommend that Council Policy Committee send the proposed ordinance to the Planning Board and have the Planning Director set the public hearing.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- s. Award the design services for the Water Plant Flood Mitigation Project to the Wooten Company - Council Policy Committee

As a result of Flooding from Hurricane Mathew, FEMA will provide the City up to \$1.5 Million of Hazard Mitigation money to construct a flood protection system around the water plant. Based on their review of the flood damage at the plant, FEMA is proposing that a protective earthen dike be constructed around the water plant operations center. Public Works requested qualification statements from engineering firms interested in provided professional design services for the project. Two firms submitted qualification statements: MacConnell & Associates, P.C., Raleigh NC and The Wooten Company, Raleigh, NC. Public Works reviewed the statements and ranked them based on the following scoring matrix.

| <u>Evaluation Criteria</u>                       | <u>MacConnell</u> | <u>Wooten Company</u> |
|--------------------------------------------------|-------------------|-----------------------|
| Technical Approach (25 points)                   | 23                | 24                    |
| Personnel Experience (25 points)                 | 23                | 24                    |
| Firm Experience (25 points)                      | 24                | 24                    |
| <u>Familiarity with the Locality (25 points)</u> | <u>21</u>         | <u>24</u>             |
| Total                                            | 91                | 96                    |

The Wooten Company scored the highest primarily due to their familiarity with the Water Plant area and their understanding of the proposed project.

Public Works recommends Council award the design services for the Water Plant Flood Mitigation Project to the Wooten Company of Raleigh.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- t. Refer the Rezoning Petition from Shalonda Nicole Regan for Property Located at 2305 Collin Street to the Planning Board for their review, authorize the Planning Director to se the date of the public hearing, and Inform the Property Owner of This Action - Council Policy Committee

Shalonda Nicole Regan Rezoning application for property located at 2305 Collin Street (parcel #3210-02-012/deed book 0770/page 463). This request is to rezone the property from R-7 (residential single family/duplex) to B-4 (business general commercial) to allow for a convenience store/outdoor flea market to operate at this location.

This property is located within Area 13, as identified in our Land Use Plan. 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.

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- u. Approved the Small Cellular Antenna Agreement with Fiber Technologies - Council Policy Committee

In April of this year, Council approved a pole attachment agreement with Fiber Technologies Networks LLC, specifically regarding that company's use of the City's poles for fiber optic cable. Up for your consideration at this point is an addendum to that agreement relating to small cellular antennas. Staff has spent a considerable amount of time discussing this matter with the company due to concerns related to aesthetics etc. The company has been very cooperative, and staff, Legal and EUD, has had communications with other cities who have indicated a positive working relationship with the company both as to fiber optic pole attachment and small cellular. As with the fiber optic pole attachment agreement, this agreement is almost identical to that which has been approved by the city of Wake Forest, and it has many protections in place relating to the City's rights before any installation. Consider and pass small cellular agreement.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- v. Acceptance of August 2017 Tax Releases and Refunds - 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:

2016-----\$285.94

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

|                  |                                                              |
|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- w. 2263 : Approve the designation of \$500.00 to Ms. Karla Carter ...K&L Veterans Affairs for the 4th Annual Standoff held at Hyde Park Gymnasium on August 4th, 2017 in Precinct 4 - Council Policy Committee

I would like to designate \$500.00 of CRF to Ms. Karla Carter with K&L Veterans Affairs for the 4<sup>th</sup> Annual Standoff Program which will be held on August 4<sup>th</sup>, 2017, at Hyde Park Gymnasium. Ms. Carter does an excellent job with our veterans, Designate \$500.00 to K&L Veterans Affairs for the 4<sup>th</sup> Annual Standoff Program held on August 4<sup>th</sup>, 2017, at Hyde Park Gymnasium from 9:00 a.m. to 2:00 p.m.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- x. Approve the designation of \$500 of CRF for Community (Fun) Day in Precinct 4 - Council Policy Committee

Councilwoman Higley requests \$500 of CRF for a Community Day in Precinct 4 on September 9<sup>th</sup>, 2017.

Designate \$500 of CRF for a Community (Fun) Day in Precinct 4.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- y. 2265 : Approve the designation of \$500.00 of CRF for Community Watch in Precinct 5 - Council Policy Committee

Councilman Cantey is requesting \$500.00 for Community Watch.

Designate \$500.00 for Community Watch in Precinct 5.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- z. 2272 : Approve an Amendment to Fire Prevention & Protection Chapter of City Code - Council Policy Committee

This item relates to a couple of housekeeping changes that staff felt needed to be made to the 'Fire Prevention and Protection' section of the City Code. The proposed changes are described on the attached ordinance and are relatively self-explanatory. Our existing Code, Section 11-46, references the 1991 edition of the Building Code (and the fire provisions in it) and it seemed best to simply reference "the current version" of the NC Building Code.

Secondly, Section 11-51 of our Code currently indicates that the Chief of the Fire Department enforces the Fire Prevention Code, when in actuality, for quite some time, that responsibility has rested with the Fire Marshal. The second half of the ordinance addresses that change. These changes have been approved by the Chief of the Fire Department, the Building Inspector, and the Fire Marshal.

Approve amendments to the ordinance.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- aa. Approve the designation of \$1200.00 of CRF for the Godwin Heights Family Fun Day - August 26, 2017 - Council Policy Committee

Councilman Wilkins requests \$1200 of CRF for the Godwin Heights Family Fun Day scheduled for August 26, 2017.

Designate \$1200.00 of CRF for Precinct 3 Family Fun Day.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- ab. Approved the Designation of \$900.00 of CRF (\$100.00 from each Precinct to include \$100 from the Mayor's Discretionary Fund) to the Robeson County's 1st Annual 9/11 Remembrance Walk - Council Policy Committee

On September 9<sup>th</sup>, 2017, Southeast Fire & Rescue will sponsor the 1<sup>st</sup> Annual Remembrance Walk at Luther Britt Park held in remembrance of those who gave all and to honor those who continue to serve.

They have asked that we help support this cause by giving a donation. Please see the attached flyer for more information.

Approve the designation of \$900.00, \$100 from each precinct to include \$100 from the Mayor's Discretionary Fund to the Robeson County's 9/11 Remembrance Walk.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- ac. 2260 : Approve the designation of \$150.00 of CRF to The Pentecostals of Lumberton Back-to-School Program from P7 - Council Policy Committee

Councilman Maynor is requesting \$150.00 of CRF for The Pentecostals of Lumberton for their Back-to-School Program.

Designate \$150.00 of CRF to The Pentecostals of Lumberton for their Back-to-School Program.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- ad. Approve the designation of \$500.00 of CRF to Morning Star Church on Dunn Road - Council Policy Committee

Councilman Maynor requests \$500.00 of CRF to be given to Morning Star Church located on Dunn road for a Church outing. The Church will be visiting Amish Country and many of the children cannot afford to pay for the trip.

Designate \$500.00 of CRF to Morning Star Church for a field trip.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- ae. 2259 : Approve the designation of \$150.00 of CRF to The Pentecostals of Lumberton Back-to-School Program in Precinct 8 - Council Policy Committee  
Councilman Hackney is requesting \$150.00 of CRF for The Pentecostals of Lumberton for their Back-to-School Program.  
Designate \$150.00 of CRF to The Pentecostals of Lumberton for their Back-to-School Program.

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                                         |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                           |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                             |
| <b>AYES:</b>     | Davis, Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>EXCUSED:</b>  | Robinson                                                            |

- af. Approve the designation of \$3,500 of CRF for a Historical Marker in Honor of Mr. Hector McLean - Council Policy Committee  
Councilman Hackney is requesting \$3,500.00 of CRF for the placement of a historical marker honoring a former Lumberton resident.  
Designate 3,500.00 of CRF for the placement of a historical marker in honor of Mr. Hector McLean.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | Leon Maynor, Precinct 7                                      |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

## V. PUBLIC HEARING

- a. Requested Closing of Alley Near W 5th Street. – Holt Moore, City Attorney  
As you may be aware, the Public Works Department has been dealing with a rather difficult sewer cave in on the property occupied by Black's Tire on the south side of W. 5<sup>th</sup> Street (not to be confused with Black's retail operation across the street on the north side of W. 5<sup>th</sup> Street near Luther Britt Park). The property is owned by Freeman Investments and Robert Freeman has been very cooperative throughout this process. What Mr. Freeman would like, and has agreed to, is an exchange whereby the City would obtain our necessary sewer easements on his property, and the City would close an alleyway which runs through his property. This alleyway shows up on some very old maps, but has never been dedicated to the public or the city or, from what staff can tell, ever been used. This "alleyway on paper

only” just serves to confuse property lines and so forth. Attached are two maps: the first shows a rendering in red of the sewer easement the city would obtain through this process (the hatched area has actually already been surveyed and put into an easement document and the other area can easily be added; the cave-in is towards the south end of the hatched area). The second map shows in blue the alley areas Freeman is requesting be closed. All of the property abutting the alleyway is owned by Mr. Freeman except the property with the red-roofed house on it. The alley closing will arguably benefit that property owner as well; however, as the alley closing will move her property line to the middle of the former alley, enlarging her property. The home appears to be abandoned.

The contractor is ready to proceed on the sewer work more or less immediately. In order to accomplish the alley closure, Council passed the attached resolution and has then been advertised in the Robesonian for four consecutive weeks. A public hearing is scheduled for August Council meeting.

Hold tonight’s public hearing and render a decision if Council so choose.

Mayor Davis opened the Public Hearing on a request to close an alley near W. 5<sup>th</sup> Street. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

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|------------------|--------------------------------------------------------------|
| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Leon Maynor, Precinct 7                                      |
| <b>SECONDER:</b> | Leroy Rising, Precinct 1                                     |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

- b. Live Oak Engineering and Surveying, PLLC has submitted a Conditional Use Permit petition for property located at 2100 West 5th Street. – Brandon Love, Planning Director  
Live Oak Engineering and Surveying, PLLC has submitted a Conditional Use Permit petition for property located at 2100 West 5th Street (parcel # 3221-01-007.01/Deed Book 1024 Page 474). This request is to allow for vehicle equipment storage and material storage at this location.

This property is located within Area 17, as identified in our Land Use Plan.

On June 20, 2017 the Planning Board held the public meeting and recommends that City Council approve the Conditional Use Permit request with the following condition(s):

Must erect opaque type screen along north and east boundary line.

On July 25, 2017 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On July 25, 2017 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the Conditional Use Permit request, on or before August 4, 2017.

On July 25, 2017 a request was sent to the Robesonian to have the legal ad for this request ran on August 4, 2017 and August 11, 2017.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request with the following condition(s): Must erect opaque type screen along north and east boundary line.

Mayor Davis opened the Public Hearing to the issuance of a Conditional Use Permit for property located at 2100 West 5<sup>th</sup> Street. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian. The purpose of the petition is to allow for vehicle equipment storage and material storage at this location.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Leon Maynor, Precinct 7                                      |
| <b>SECONDER:</b> | Erich Hackney, Precinct 8                                    |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

## VI. NEW BUSINESS

- a. Professional Services Agreement to Design and Construct Baseball Field at Pennington Complex – Council Policy Committee -- Tim Taylor, Recreation Director

Given that the City of Lumberton will host the Dixie Youth World Series in July and August of 2018 at the Pennington Athletic Complex; one additional youth baseball field is needed to play tournament games during this two week period. The Wooten Company has experience in design and construction administration of athletic fields and would commit to a timeline that ensures the new field is constructed prior the World Series start date of July 28, 2018.

The City received a donation of \$500,000 from the Lumberton Tourism Development Authority to assist with the construction of this baseball field.

Staff recommends that Council enter into a Professional Service agreement with The Wooten Company to design and provide construction administration for one ballfield at the Pennington Athletic Complex for the 2018 Dixie Youth World Series.

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| <b>RESULT:</b>   | <b>APPROVED [7 TO 0]</b>                                     |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                    |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                  |
| <b>AYES:</b>     | Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                        |
| <b>EXCUSED:</b>  | Robinson                                                     |

## VII. ADJOURNMENT