CITY OF LUMBERTON

COUNCIL POLICY COMMITTEE

MINUTES ● JUNE 5, 2013

Regular Meeting	Third Floor Conference Room	11:00 AM

500 N Cedar St, Third Floor, Lumberton, NC 28358

I. ROLL CALL

II. CALL TO ORDER

III. AGENDA ITEMS

Items For Council Policy Committee Consideration

Presentation by: Marlowe Group

Representatives of the Marlowe Group appeared before the Council Policy Committee and gave an overview and update of some of the projects that they have worked on and what they perceive for the future. Council thanked them for their services

1. Approval of Contract for Outside Fire Protection with Alamac Knitting – Paul Ivey, Fire Chief
   Alamac American Knits, LLC., is requesting a renewal of contract for outside fire protection. The contract will begin on July 1, 2013, with an ending date of June 30, 2014.
   That the Council Policy Committee approved the renewal of contract with Alamac American Knits, LLC.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Precinct 3
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

2. Tanglewood Stormwater Sewer Rehab Change Order – Rob Armstrong, Public Works Director
   While installing the new sanitary sewer on Elm Street, the contractor discovered a set of stormwater catch basins at the intersection of 11th and Elm that were connected to the sanitary sewer system. In order to separate the stormwater / sewer interconnection, a new stormwater pipe must be extended from 12th Street intersection, south, to the 11th Street intersection. The contractor has provided a change order price of $30,200 to do this work. This amount is below the estimated amount of $30,600 which is eligible for NC Cleanwater IFS funding.
   Public Works is requesting Council approve the Change Order amount of $30,200 and authorize Stepp Construction of Lenoir, NC to install the proposed stormwater pipe.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Precinct 3
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

3. Approve the Request from Southeastern Regional Medical Center requesting three building signs – Brandon Love, Deputy City Manager
Southeastern Regional Medical Center is requesting the following building signs:
1) 315.39 sq.ft. building sign at location 1
2) 169 sq.ft. building sign at location 2
3) 82 sq.ft. building sign at location 3

This request is for property located at 300 W. 27th Street. This property is zoned B-6, Medical Arts.

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

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Precinct 1
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

4. Return the Item Concerning an Amendment to the Table of Permissible Uses to allow for Clerical Office in the B-5 Zoning District Request to Staff and the Planning Board. – Brandon Love, Deputy City Manager
Currently, the Land Use Ordinance for the City of Lumberton does not allow clerical office and services not primarily related to goods or merchandise in the B-5 Zoning District. This request is to consider amending the table of Permissible Uses to allow clerical office and services not primarily related to goods or merchandise (use#3.100, 3.110, 3.200, and 3.220) in the B-5 zoning district.

On April 15, 2013 staff requested City Council to forward this amendment proposal to the Planning Board for their review and consideration.

On May 16, 2013 the Planning Board reviewed the request and recommends the request be denied.
Recommend that this item be returned to Staff and the Planning Board to find (if possible) any viable options to this issue and bring back to the Council Policy Committee.

Helen Locklear appeared before the Council Policy Committee and asked the Committee to reconsider the request. She stated that she has several business owners who would like to occupy an office in this location. She stated that the plans for the City have not changed since 1976 and it is time to rewrite the rule book.

Councilman Hackney made a motion to send this item back to the Planning Board to see if there are any viable options that they could come up with.

RESULT:	**REFERRED [8 TO 0]**	**Next: 6/10/2013 7:00 PM**
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Precinct 1	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

5. Approval of Change Order #4 - Lumberton Police Department in the Amount of $7,383.00 – Brandon Love, Deputy City Manager
Attached you will find a list of change order items which have been requested as part of the new Lumberton Police Department project. Please note that this list reflects a majority of items which have been requested by the owner (City) as well as several credits to the City's contract. With this request included, the total amount of project change orders to date is $29,146 and represents slightly over 1% of the total project cost. A contingency fund of 5% was established by USDA for this project in the amount of $125,693.
Staff recommends that CPC approve Change Order #4 for the Lumberton Police Department project in the amount of $7,383.00 And authorize payment from the project contingency.

Approve the change order for the Lumberton Police Department in the Amount of $7,383.00.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Jackie Taylor, Precinct 3
SECONDER:	Don Metzger, Precinct 1
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

6. Refer the petition from RMC Holdings to the Planning Board for their review, and Authorize the Planning Director to set the date of the public hearing for RMC Holdings CUP for a Major Subdivision – Brandon Love, Deputy City Manager
RMC Holdings (Larry Stone, Owner) has submitted a Conditional Use Permit application for property located at the corner of W. 5th Street and Hilton Street, parcel #s 1013-01-001-04 and 1013-01-001-05. This request is to obtain a Conditional Use Permit for a major subdivision.
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 .

Councilman Hackney made a motion, seconded by Councilman Maynor, to change the Conditional Use Permit (CUP) Application to mirror that of the Rezoning Application. It carried unanimously.

RESULT:	**REFERRED [8 TO 0]**	**Next: 6/10/2013 7:00 PM**
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Jackie Taylor, Precinct 3	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

7. Settlement Agreement (Keystone) – Don Metzger, Precinct 1
The City entered into a mutual limited settlement agreement and release with Keystone Construction & Consulting, LLC. Pursuant to NCGS 132-1.3, all such settlement documents are public record. When initially reported in closed session, settlement agreements must be later reported to and entered into the minutes of an open session.
Accept the report of the attached settlement agreement.

RESULT:	**APPROVED [7 TO 1]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Ivey, Cantey, Jones, Maynor, Hackney
NAYS:	Taylor
ABSTAIN:	Pennington

8. Adopt a Resolution Appointing King Compton to the Personnel Board. – James Bryan, City Attorney
At its meeting of May 8, 2013, the Council Policy Committee approved King Compton as a member of the Personnel Board. The appointment is forwarded for Council's approval.
That City Council approve the appointment of King Compton to the Personnel Board.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

9. Approve the Removal of the Cyber Gambling Privilege License Fee – James Bryan, City Attorney
The budget to be adopted on June 10, 2013, should not include a Privilege License fee like the 2012-2013 budget provision that the fees for Cyber Gambling Establishments are $5,000 per location and $2,500 per machine. That fee amount was determined to be unconstitutional by the N.C. Supreme Court. At the direction of our District Attorney, our Police Department is committed to pursuing criminal prosecution against all establishments which might otherwise pursue licensing under Sec. 12-60.1 of our Budget Ordinance.
Eliminate Sec. 12-60.1
(15) Cyber Gambling Tax Per Establishment
Cyber Gambling Tax Per Computer

of SECTION XII. RATES AND FEES of the 2013 Budget Ordinance

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

10. Approve the 2013-2014 Council Meeting Schedule – James Bryan, 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 meetings 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.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	Erich Hackney, Precinct 8
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSENT:	Pennington

11. Adopt an Ordinance Granting Franchise Agreement for Commercial Waste – Wayne Horne, City Manager
The City has received requests from Waste Management of Carolinas; Waste Industries, and Pembroke Waste Collection to renew their franchise for Commercial Solid Waste. The existing franchise agreements expire on May 31, 2013. The existing franchise agreements were for five (5) years. Within the present agreement, Council approved in section (9) that an Annual CPI increase shall be based on the Bureau of Labor Index South Urban and shall not exceed 5% annually.
That the City Council approve granting the new franchise agreements for five years beginning June 1, 2013, and ending on May 31, 2018, and may be renewed for an additional five (5) year period as written in section three (3) page three (3) of the franchise agreement. All franchise agreements must have two (2) readings. Recommend accepting this as the second reading.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Don Metzger, Precinct 1
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

12. Carthage Road and Water Street Intersection Street Improvement Project-TIP #: U5524 – Wayne Horne, City Manager
The City of Lumberton was awarded a Transportation Community and System Preservation Program Grant for $556,000 for the Carthage Road and Water Street Intersection Improvement Project. This project will be administered by the NC Department of Transportation.

The NCDOT is requesting that the City of Lumberton enter into a Municipal Agreement for improvements to this intersection to include the construction of a round-about. The City's cost for the relocation of utilities and acquisition of right of way for this project is $175,000. That City Council review and approve the attached Municipal Agreement TIP#:u5524 for the Carthage Road and Water Street Intersection Improvement Project.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Don Metzger, Precinct 1
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

13. Public Hearing for incentives for Project Flow – Wayne Horne, City Manager
Project Flow will locate in the City of Lumberton with an investment of $1million for building and equipment will create 40 new jobs with an average wage of $15.00 per hour plus benefits.
That City Council set a public hearing for Monday, June 10th to consider incentives for Project Flow.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Jackie Taylor, Precinct 3
SECONDER:	Don Metzger, Precinct 1
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

14. Approve the Designation of $500.00 of Community Revitalization Funds for East Wycliffe Landscape Project – Don Metzger, Precinct 1
Councilman Metzger requests $500.00 of Community Revitalization Funds for East Wycliffe Landscape Project.
Designate $500.00 of Community Revitalization Funds to East Wycliffe Landscape Project.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	John Cantey, Precinct 5
SECONDER:	John Robinson, Precinct 2
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

15. Approve the designation of $500.00 Community Revitalization Funds to W.H. Knuckles – Robert Jones, Precinct 6
Councilman Jones requests $500.00 of Community Revitalization Funds for W.H. Knuckles Elementary School to purchase supplies for Fun/Field Day.
Designate $500.00 of CRF to W.H. Knuckles Elementary School for Fun/Field Day.

Councilman Jones designated $500.00 to W. H. Knuckles for Fun Day.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Raymond B. Pennington, Don Metzger
SECONDER:	Leon Maynor, Precinct 7
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

16. Approve the designation of $500.00 of CRF to Lumberton Junior High School for awards and Plaques – Robert Jones, Precinct 6
Councilman Jones requests $500.00 of CRF to Lumberton Junior High School to be used for to purchase rewards and plaques.
Designate $500.00 of CRF to Lumberton Junior High School for awards and plaques.

Councilman Jones designated $500.00 of Community Revitalization Funds to Lumberton Junior High School for awards and plaques.

RESULT:	**APPROVED [8 TO 0]**
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Don Metzger, Precinct 1
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney
ABSTAIN:	Pennington

17. Approve the designation of $100.00 in Precinct 7 for Handicap Rails on Branch Street – Leon Maynor, Precinct 7
Councilman Maynor requests $100.00 for handicap rails on a senior citizen's home on Branch Street. The money will be paid to the West Lumberton Kiwanis.
Designate $100.00 for handicap rails on Branch Street. The money is to be paid to the West Lumberton Kiwanis.

Councilman Maynor designated $100.00 of Community Revitalization Funds for handicap rails on Branch Street.

RESULT:	**DESIGNATED [8 TO 0]**	**Next: 6/10/2013 7:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

18. Approve the designation of $1,500.00 To Robeson County Partnership for Children as follows P1 - $200.00 P2- $200.00 P3 - $200.00 P4 - $200.00 P6 - $200.00 P7 - $200.00 P8 - $100.00 and from the Mayor's discretionary fund $200.00 – Leon Maynor, Precinct 7
At its meeting of June 5, 2013, the Council Policy Committee discussed among other things the designation of funds to the Robeson County Partnership for Children.
Designate $1,500.00 to Robeson County Partnership for Children as listed above.

Council designated $1,500.00 of Community Revitalization Funds to Robeson County Partnership for Children as follows:

P1 - $200.00 P2 - $200.00 P3 - $200.00 P4 - $200.00 P6 - $200.00 P7 - $200.00 P8 - $100.00 Mayor's Discretionary Fund $200.00

RESULT:	**DESIGNATED [8 TO 0]**	**Next: 6/10/2013 7:00 PM**
MOVER:	Don Metzger, Precinct 1	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

19. Approve the designation of $400.00 for a Handicap Ramp at 1708 Maryland Street – John Cantey, Precinct 5 *- Additional Items Received*
Councilman Cantey requests $400.00 of Community Revitalization Funds for a handicap ramp located at 1708 Maryland Street for Ms. Mollie Robinson.
That the Council Policy Committee approve the designation of $400.00 for a handicap ramp located at 1708 Maryland Street.

Councilman Cantey designated $400.00 of Community Revitalization Funds for a handicap ramp at 1708 Maryland Street; Mrs. Mollie Robinson.

RESULT:	**DESIGNATED [8 TO 0]**	**Next: 6/10/2013 7:00 PM**
MOVER:	Don Metzger, Precinct 1	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey, Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

Designation of Consent/Nonconsent Items

Adjournment