



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • APRIL 8, 2015

Regular Meeting

Third Floor Conference Room

11:00 AM

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

I. INVOCATION

City Attorney Holt Moore

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	
E.Holt Moore	City Attorney	Present	
Alisha Thompson	Finance Director	Present	
Ben Andrews	Inspections Director	Present	
Brandon Love	Planning Director	Present	
Michael McNeill	Police Chief	Present	
Tim Taylor	Recreation Director	Present	
Rob Armstrong	Public Works Director	Present	

2. Chuck Williams - Avondale Pictures –

Mr. Williams came before Council and gave them an update on the movie “Shake off the World.” He also stated that they are in need of \$30,000 to finish making the film. He stated that he has approached the County and now he is looking to the City for help. After finishing the presentation; Mayor Pennington stated that this Council will take it under advisement.

RESULT: ANNOUNCED

II. ITEMS FOR COUNCIL POLICY COMMITTEE CONSIDERATION

III. AGENDA ITEMS

- a. Approval of Amendment #1 for Wooten Company Services, Phase 3 West Lumberton Sewer Rehab – Rob Armstrong, Public Works Director
During the Construction of the Phase 3 West Lumberton Sanitary Sewer Rehabilitation Project we encountered several unforeseen rehabilitation obstacles and discovered new sources of inflow that required additional design and observation services from the Wooten Company. One area was the discovery of the inflow source on 5th Street near Pine Street. Also we had the unexpected sewer pipe collapses on Olsen Street and on Locklear Street.

There was an expanded scope in the slip lining around School Street. The project is nearly complete. Attached is Amendment #1 from the Wooten Company for the additional Construction Observation and Administration in the amount of \$50,200.

The Council Policy Committee recommends that Council approve Contract Amendment #1 with the Wooten Company for additional construction observation and construction administration associated with the Phase 3 West Lumberton Sanitary Sewer Rehabilitation Project in the amount of \$50,200 to be paid for from remaining State Revolving Funds within the capital project code.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- b. Phase 3 West Lumberton Sewer Rehabilitation Change Order #2 – Rob Armstrong, Public Works Director

The Phase 3 West Lumberton Sewer Rehabilitation Project is nearing completion. Only about 12 manholes and 400 linear feet of pipe remain to be lined. Public Works is presenting Change Order #2 for Council consideration which is a deduction of \$234,207.30 from the original contract. The total revised contract amount is \$1,502,665.91. The City was able to perform some of the work with our own forces, removing this expense from the loan part of the project. Also, much of the paving and patching was removed from the original contract so we could provide full street width asphalt overlays in areas we replaced pipe.

CPC recommends that Council approve Change Order #2 of the Phase 3 West Lumberton Sewer Rehabilitation Project from AC Schultes of the Carolinas Inc., which is a deduction of \$234,207.30 from the original contract. The total revised contract amount is \$1,502,665.91, down from the original contract amount of \$1,863,377.50.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- c. Police Firearms Purchase Authorization – Michael McNeill, Police Chief

The Police Dept. is seeking to replace fifteen (15) pistols and fifteen (15) shotguns that are over twenty (20) years old and are malfunctioning. Approximate cost for weapons is \$14,709.02. Funding for this purchase is to come from Drug Forfeiture.

It is recommended that Police Dept. be authorized to proceed with firearms purchase from Craig's Firearm Supply (Pistols - \$7,527.45) and Lawmen's (Shotguns - \$7,181.57) for a total approximate cost of \$14,709.02.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- d. Authorize Purchase of Two Police Vehicles – Michael McNeill, Police Chief
The Police Dept. is asking for the authorization to proceed in purchasing two (2) 2015 Chevrolet Tahoe 4 x4 Police Vehicles to be used by DWI Enforcement Team. Approximate cost for both vehicles is \$64,894.96. Funding for vehicles will come from the Governor's Highway Safety Program Grant.
It is recommended that Police Department be authorized to proceed in purchasing two (2) Tahoe Police Vehicles from Bobby Murray Chevrolet at an approximate cost of \$32,447.48 each.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- e. Acceptance of Division of Prisons Inmate Labor Contract – Tim Taylor, Recreation Director
Scotland Correctional Institution on behalf of the NC Department of Public Safety Prison Division recently contacted the City of Lumberton to begin the process of renewing the Inmate Labor Contract for FY15/16. The renewal terms are identical to original contract executed in July 2013. The projected cost to continue this partnership is \$6,240.00.
Staff recommends that CPC renew the Inmate Labor Contract with Scotland Correctional for FY15/16 and authorize the City Manager to sign the contract.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- f. Mangan Renewables Conditional Use Permit for property located at 2901 Kenny Biggs Road (parcel #1016-01-001-01). – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 2901 Kenny Biggs Road (parcel #1016-01-001-01). The proposed use of the property is a neighborhood utility facility (solar farm).
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.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Robert L. Jones, Precinct 6	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- g. Bob Billingsley rezoning for property located on NC Hwy. 41 East (parcel #2901-01-001). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a rezoning application for property located on NC Hwy. 41 East (parcel #2901-01-001). The request is to rezone a 12.88 acre portion of the property from B-7 (Business General/Commercial/Manufactured Home Sales), B-4(Business General/Commercial), and Agriculture to B-7 (Business General/Commercial/Manufactured Home Sales). The proposed use of the property is a chick hatchery facility (Sanderson Farms).

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.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Burnis Wilkins, Precinct 3	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- h. Adelio Cruz requests a Conditional Use Permit for property located at 3551 Lackey Street (parcel #1008-01-009-03). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a Conditional Use Permit for property located at 3551 Lackey Street (parcel #1008-01-009-03). This request is to allow the restaurant to sell alcoholic beverages.

Background:

On February 4, 2015 CPC reviewed an application for a Conditional Use Permit for property located at 3541, 3545, and 3551 Lackey Street (parcel #1008-01-009-03). This request was to allow the two restaurants to sell alcoholic beverages.

On February 17, 2015 the Planning Board reviewed the Conditional Use Permit and at that time the Planning Board requested that the applicant submit additional information. The Board then voted to table the application until its next scheduled meeting.

On March 17, 2015 the Planning Board reviewed the application for a second time. The applicant did not submit the requested information and the board voted to table the request until its next scheduled meeting.

Brandon Love, Planning Director met with the applicant and the property owner on March 18, 2015 to discuss the Board's request. At that time, the applicant amended the application to only include 3541 Lackey Street and to submit a separate application for 3551 Lackey

Street.

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.

RESULT:	TABLED [8 TO 0]	Next: 5/6/2015 12:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- i. Authorize the March 2015 Tax Release – Linda Oxendine, Public Services Director
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-----3.58

2013-----22.88

2014-----851.20

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

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- j. Proposed Amendments to Sections 35-127 & 35-152.5 of the City Code – Holt Moore, City Attorney

Per Council's discussion at the Planning Workshop, staff has prepared a proposed amendment to the ordinances related to nonconforming bars and nightclubs, and conditional use permits for bars and night clubs, as well as restaurants serving alcohol. Please see a memorandum attached with the proposed changes.

Consider proposed changes to ordinance and pass if acceptable.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

k. Revised Sponsorship & Naming Rights Policy – Holt Moore, City Attorney

At the Planning Workshop, staff presented a revised policy relating to sponsorship and naming rights. The revised policy is being brought forward for Council's approval. Attached are a summary of the changes (1st document), and the proposed revised document. The overall purpose of the revisions was to address some changes and clarifications the need for which became apparent during the first naming rights item Council considered. Consider and approve revised sponsorship and naming rights policy.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

l. Ordinance Addressing Hours of Commercial Uses Near Residences – Holt Moore, City Attorney

At the request of Councilman Cantey, the City Attorney has drafted an ordinance which would limit the nighttime hours during which a commercial use may operate when it is particularly close to a residence. The primary concern was convenience stores operating all night next door to homes. However, in considering the matter, it was difficult to envision a commercial use which would need to operate all night next to a residence, so it was drafted more broadly to apply to all commercial uses, on a going-forward-only basis. The draft ordinance is attached.

Consider and approve ordinance.

Council will visit this item later if there is a need.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

m. Approve the designation of \$1,000 of Community Revitalization Funds for a Community Day in Precinct 2 – John Robinson, Precinct 2

Councilman Robinson requests \$1,000 of Community Revitalization Funds for a Community Day in Precinct 2.

Designate \$1,000.00 of CRF for a Community Day in Precinct 2.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- n. Approve the designation of \$200.00 Of Community Revitalization Funds to K&L Veterans Services – Leon Maynor, Precinct 7
 Councilman Maynor requests \$100.00 of CRF to be given to K&L Veterans Services.
 Councilman Hackney contributed \$100.00 of CRF.
 Designate \$200.00 of CRF to K&L Veterans Services

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- o. Approve the designation of \$500.00 of Community Revitalization Funds to P7 911 Day – Leon Maynor, Precinct 7
 Councilman Maynor requests \$500.00 of Community Revitalization Funds to be moved from undesignated funds code 4935-6907 to 4313-2125 for 911 Day in Precinct 7.
 Designate \$500.00 of CRF to the 911 Day in Precinct 7.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- p. Approve the designation of \$850.00 of Community Revitalization Funds to Robeson County Special Olympics – Leon Maynor, Precinct 7
 Councilman Maynor requests \$100.00 of CRF to be given to Robeson County Special Olympics.
 Designate \$800.00 of CRF to Special Olympics from the following:

P1 - \$100.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - \$50.00 P6 - \$100.00 P7 - \$100.00 P8 - \$100.00 and Mayor - \$100.00

P1 - \$100.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P5 - \$50.00 P6 - \$100.00 P8 - \$100.00 Mayor - \$100.00

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- q. Approve the designation of \$500 of Community Revitalization Funds to Tanglewood Elementary School for a Beautification Project in Precinct 8 – Erich Hackney, Precinct 8 Councilman Hackney requests \$500.00 of Community Revitalization Funds to be given to Tanglewood Elementary School for a school beautification project.
Designate \$500.00 to Tanglewood Elementary School.

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

- r. Approve the designation of \$125.00 of Community Revitalization Funds to Breath of Life Ministries (BOLM) for Community Programming – John Cantey Jr., Precinct 5 Councilman Cantey requests \$125 of CRF to be given to BOLM for community programming.
Designate \$576.00 of CRF to BOLM for community programming from the following:

P2 - \$125.00 P4 - \$200.00 P5 – 125.00 P6 - \$126.00

P2 - \$125.00 P4 - \$200.00 P6 - \$126.00

RESULT:	REFERRED [8 TO 0]	Next: 4/13/2015 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

Designation Of Consent/Non-Consent Items

Adjournment