



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • APRIL 5, 2017

Regular Meeting

Third Floor Conference Room

11:00 AM

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

I. INVOCATION

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Mayor Pro Tem	Present	
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	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Alisha Thompson	Finance Director	Present	
Ben Andrews	Inspections Director	Present	
Bill French	Emergency Services Director	Present	
Brandon Love	Planning Director	Present	
Rob Armstrong	Public Works Director	Present	

II. ITEMS FOR COUNCIL POLICY COMMITTEE CONSIDERATION

III. COMMUNICATIONS

A. Events

1. Police Officer Joseph Frederick - 4th New York City Marathon –

RESULT: ANNOUNCED

IV. MINUTES APPROVAL

1. Council Policy Committee - Regular Meeting - Feb 8, 2017 11:00 AM –

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

V. AGENDA ITEMS

- A. Unsafe Structure located at 1102 Peachtree Street – Ben Andrews, Inspections Director
The house located at 1102 Peachtree Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on September 27, 2016 and the owner was present at the hearing. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of April 5, 2017.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 1102 Peachtree Street, contingent upon the owner not demolishing the property by close of business April 5th, 2017, which is their deadline.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	John Robinson, Mayor Pro Tem	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- B. Acceptance of CodeRED Contract – Bill French, Emergency Services Director
CodeRED was a lifesaver during Hurricane Matthew, and CodeRED has presented us another option at contract renewal time. Our old contract was 30,000 minutes for \$10,000 to be used anyway we wished. Hurricane Matthew caused a considerable increase in our minute usage, using 107,515 minutes during the storm. The overage is FEMA reimbursable. This contract provides for unlimited emergency minutes, and 37,500 general minutes for \$1,201 more. CodeRED's cost is split between Emergency Services, Public Works, and Electric Utilities. This contract would allow us to use CodeRED more for general messages, like reminding residents of Community Watch meetings since you can do a geographical area only if you need to. Other Departments could make use of it as well. The best thing about this contract is the unlimited emergency minutes. If we ever have a large scale event again, we will be covered.

Approval is recommended since this is a considerable value for the money.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- C. Final plat approval of Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50 – Brandon Love, Planning Director

The Planning Department received a request from Lumber River Real Estate, Inc. for final plat approval of Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50. Mr. B.G. French has indicated that all improvements were installed last year.

Recommend approval of the final plat for Amberdale Village lots 44, 45, 46, 47, 48, 49, and 50.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- D. Rezoning petition for property located at 307 E. 12th Street (parcel # 3228-02-052/Deed Book 414 Page 0395). – Brandon Love, Planning Director

Taylor Insurance Agency, Inc. has submitted a rezoning petition for property located at 307 E. 12th Street (parcel # 3228-02-052/Deed Book 414 Page 0395).

The applicants intended use of the property is a single family dwelling (rental unit).

Background: On March 24, 2003, City Council rezoned this property from R-7 to Conditional Use Permit B-4 (Florist shop only). This request is to rezone the property back to its original zone of R-7 (Residential Single family/Duplex).

This property is located within Area 14, 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.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Leroy Rising, Chris Howard	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- E. Conditional Use Permit petition for property located at 610 Old Whiteville Rd (parcel # 3246-04-050/Deed Book 2077 Page 704). – Brandon Love, Planning Director

Marcella D. Jones has submitted a Conditional Use Permit petition for property located at 610 Old Whiteville Rd. This request is to operate a day care center at this location.

This property is located within Area 6, as identified in our Land Use Plan. The parcel is currently zoned R-7 Residential Single-Family and a daycare center would require a conditional use permit. Although the building was originally constructed as a daycare, it has been vacant for 2-3 years; no existing conditional use permit can be found on record in the Robeson County Register of Deeds therefore a new conditional use permit is required. 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: 4/10/2017 6:00 PM
MOVER:	Karen Higley, Precinct 4	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- F. Conditional Use Permit petition for property located at 3555-A Roberts Avenue (parcel # 1005-01-022-03B/Deed Book 1601 Page 609). – Brandon Love, Planning Director
LaBreeska Renaie Lowry has submitted a Conditional Use Permit petition for property located at 3555-A Roberts Avenue. This request is to amend the operating hours for their restaurant, bar and grill.

On November 10, 2014, City Council granted a Conditional Use Permit with conditions that the public operating hours shall be from 10:00am to 11:00pm only, for this location.

This property is located within Area 11, 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.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- G. Approval of Professional Auditing Services for City & Airport – Alisha Thompson, Finance Director

The current audit contracts expired with the fiscal year 2015-2016 audits. Letters of interest in receiving a copy of the RFP for auditing services for the next three fiscal years were mailed to eight firms. Four firms received a RFP and three firms responded.

	2017	2018	2019	Total
Patterson & Associates, PLLC	22,500	22,500	22,500	\$67,500
W. Greene, PLLC	23,000	24,000	25,000	\$72,000
S. Preston Douglas & Associates	25,950	24,450	24,450	\$74,850

Recommend that CPC award the professional auditing services for the City of Lumberton and Lumberton Airport for the next three fiscal years to Patterson & Associates, PLLC.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

H. Pole Attachment Agreement - Fiber Technologies Networks, LLC – Holt Moore, City Attorney

NC state statutes require municipalities to allow attachment of communication lines to their electrical poles unless to do so would be completely non-feasible. Council approved an agreement for such attachment with LREMC for fiber optic not long ago and we have had agreements in place with Time Warner Cable and AT&T for quite some time. Fiber Technologies Networks, L.L.C. has been in communication with staff over a period of several months about such an agreement, and we have worked together to create the attached draft contract. It is based on a contract which was enacted by the Town of Wake Forest, and it has a number of well-thought-out protections for the City in it. We all ran this by the contracting engineer that works with EUD. The attachment fees are quite reasonable, we think, and this would be a source of revenue once approved. Approve draft pole attachment agreement.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

I. Potential Lease of Town Common Demolition Site – Holt Moore, City Attorney

As you may recall, the City obtained a grant for the demolition of two warehouses on Town Common Street, near Chippewa Street, and the demolitions are now complete. Staff has been approached by Scott Campbell, Manager of Lumberton Power on Hestertown Road, the biofuel plant here in town. The owner of that facility is North Carolina Power Holdings, LLC; and the parent company is Georgia Renewable Energy LLC. The company would like to lease the southernmost tract and the use would be unloading railroad ties onto the site and/or onto rail cars at the site, to be taken to their plant, which will be ground and burned as fuel. They anticipate 6 new positions immediately upon moving into the site, with as many as 15 from this new endeavor.

They are open to basically as long a lease as the city is willing to give. The tax value of the property in question is \$60,000. Staff consulted with two commercial property agents in Lumberton and they indicated the standard rent is based upon a 10% 'cap rate,' (meaning an investor could receive 10% of his purchase price back each year on a purchased property). This translates into a rent of \$6k a year on this property, and the potential lessee is agreeable to this, and agreeable to a reasonable annual inflation clause. They are also agreeable to do no grinding at the site, only loading and unloading; this use is consistent with the zoning on the site.

A map and pictures of the site are attached. A rail spur splits the property, and the pictures were taken basically where the railroad track crosses Town Common, and were taken going

left to right (or east to west); there is the section to the left side of the railroad spur, which is fenced, and then the sanded section to the right which is where the warehouse was. As a side note the other warehouse which was demolished was on the north side of Town Common and that tract is not included.

As this renewable energy use seems very much in keeping with the purpose of the grant, staff seeks Council's approval to negotiate a lease with NC Power Holdings LLC at the \$6k a year for the use of the property.

Allow staff to move forward with negotiating a lease for the subject property with NC Power Holdings, LLC with the anticipation of what is to be done concerning buffering and any other particulars to be included with the lease.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- J. Approve the designation of \$900.00 of Community Revitalization Funds for the Law Enforcement Memorial Ceremony as follows: P1 - \$100.00 P2 - \$100 P3 -- \$200.00 P4 - \$200.00 P6 - \$100.00 P7 - \$100.00 Mayor Discretionary Fund - \$100.00 – Burnis Wilkins, Precinct 3

Councilman Wilkins would like to contribute \$200.00 of Community Revitalization Funds to the Robeson County Executive Law Enforcement Committee towards the Law Enforcement Memorial Ceremony being held at RCC on Wednesday, May 17th, 2017 at 10:00 a.m. Over the years we have rotated the cost of this function and last year it was paid for by the County. Designate \$900.00 of CRF for the Law Enforcement Memorial Ceremony.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	John Robinson, Mayor Pro Tem	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- K. Approve the designation of \$980.00 of Community Revitalization Funds to the Girls Scouts Summer Jamboree - Troop # 1168 of First Presbyterian Church as follows: P1 - \$330.00 P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P6 - \$100.00 P7 - \$100.00 and from the Mayor's Discretionary Fund - \$100.00. – Leroy Rising, Precinct 1

Councilman Rising requests \$330.00 of Community Revitalization Funds to be given to the Girl Scouts Troop # 1168 of First Presbyterian Church for their Summer Jamboree. Designate \$330.00 of CRF to Girl Scouts Troop # 1168 for their Summer Jamboree.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- L. Encroachment Agreement with CSX for Water Line at Cox Road – Holt Moore, City Attorney
Public Works needs to install a new 6” water line near Cox Road and will need to go under the CSX Railroad track to do so. Attached for Council’s approval is the encroachment agreement for the water line.
Approve encroachment agreement.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Robinson, Mayor Pro Tem	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- M. Designate \$2,100 in CRF for Cape Fear Council of Boy Scouts of America from the Mayor's Discretionary Fund as follows: P1 - \$100.00 P2 - \$100.00 P3 - \$100 P4 - \$100 P6 - \$100 P7 - \$100 and form the Mayor's Discretionary Fund - \$1,500. – Bruce Davis, Mayor
Mayor Davis requests \$1500 in Community Revitalization Funds to be awarded to the Cape Fear Council of the Boy Scouts of America to assist them with their various programs.
Designate \$2,100.00 of CRF to Boy Scouts of America.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- N. Approve the designation of \$750.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00 – Holt Moore, City Attorney
As it meeting of April 5, 2017, the Council Policy Committee heard a request from Police Officer Joseph Frederick requesting support in his efforts to raise funds for youth health and wellness as part of the 2017 New York City Marathon in which he is a participant.
Approve the designation of \$750.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00.

RESULT:	REFERRED [8 TO 0]	Next: 4/10/2017 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Robinson, Mayor Pro Tem	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

VI. DESIGNATION OF CONSENT/NON-CONSENT ITEMS**VII. ADJOURNMENT**