CITY OF LUMBERTON

COUNCIL POLICY COMMITTEE

MINUTES ● FEBRUARY 5, 2020

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
Bruce W. Davis	Mayor	Present	
Leroy Rising	Mayor Pro Tem	Present	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Eric Chavis	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Brandon Love	Deputy City Manager	Present	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

II. AGENDA ITEMS FOR THE COUNCIL POLICY COMMITTEE CONSIDERATION

A. Authorization to Purchase Police Vehicles – Michael McNeill, Police Chief
The Police Department is requesting authorization to proceed in purchasing 6 vehicles for the Detective Division with funding in current Capital Budget in the amount of $150,000 (10-00-8120-5411). These vehicle are coming off of the state contract.
It is recommended that City Council authorize the Police Department to proceed in purchasing 6 vehicles for the Detective Division.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

B. Authorization to Purchase LiveScan System – Michael McNeill, Police Chief
Current LiveScan system is no longer working and due to its age, technicians are no longer servicing or repairing this type of system. The Police Department is seeking permission to purchase a new LiveScan System in the amount of $25,000. Funding will come from Operating Budget. This is essentially a unique sole source item.
It is recommended that Police Department be given the authorization to proceed in purchasing a new Morpho Trak LiveScan System from the vendor Idemia in the amount of $25,000 with funding coming from current year Operating Budget.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

C. Delinquent Tax Advertisement – Sharon Oxendine, Tax Collector
In accordance with G.S. 105-369(a) the tax collector must report to the governing body the total unpaid 2019 taxes that are lien on real property. Said property taxes are attached totaling $994,790.03.
Authorize the tax collector to advertise and to collect 2019 taxes in accordance with the general statute.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	John R. Carroll, Precinct 3	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

D. Conditional Use Permit petition for property located off of West Carthage Road (parcel # 100501024 /Deed Book 551 Page 726). – ArTriel Kirchner, Interim Planning Director
USCOC of Greater North Carolina, LLC has submitted a Conditional Use Permit petition for property located off of West Carthage Road and being parcel #100501024. This request is to allow for the construction of a 130 feet cellular tower at this location. This property is zoned 'A' (agriculture) and requires a Conditional Use Permit.

This property is located within Area 11 of our Land Use Plan and its recommended future use is rural. This property is located within the City's ETJ.
CPC to review the request, refer the petition to Planning Board for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Leroy Rising, Mayor Pro Tem	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

E. Lumberton Housing Authority petition for property located at 2440 E. 5th Street. – ArTriel Kirchner, Interim Planning Director
Lumberton Housing Authority has submitted a Rezoning petition for property located at 2440 E. 5th Street (parcel #1014-03-026 & 1014-03-03301/Deed Book 1001 Page 296 & Deed Book 970 Page 269). This request is to rezone the property from B-7, Business general commercial/mobile home sales to R-3, multifamily for the construction of a multifamily development.

This property is located within Area 5 of our Land Use Plan and its recommended future use is Industrial. Furthermore, this property is located within Council Precinct #4.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.
CPC to review the request, refer the petition to the February 18, 2020 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Karen Higley, Precinct 4	
SECONDER:	John R. Carroll, Precinct 3	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

F. Wesley Pines Lift Station Pump – Rob Armstrong, Public Works Director
This item was listed in the 2019-2020 budget and approved previously. This is for the purchase of a new Flyght pump for use at the Westley Pines Lift Station to replace a well-used older pump. The amount budgeted for this item was $28,000 based on previous quotes. The new quote that we have received from the manufacture is now $30,732.95.
Public Works is recommending council approval of the purchase of this Flyght Pump for the Westley Pines Lift Station in the amount of $30,732.95. This would be $28,000 from the water and sewer capital reserve as budgeted, and the balance coming from the Public Utilities Maintenance Code 60-00-7132-3550.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Leroy Rising, Mayor Pro Tem	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

G. Approval of change to Safety Accountability Policy – Bill French, Emergency Services Director
Our current Safety Accountability Policy states that if an employee has an avoidable accident, they will pay $100 or the cost of the repair, whichever is less. For the second and subsequent avoidable accidents, the cost goes to $250 or the cost of the repair whichever is less. This has been the policy for some time, but due to a considerable increase in avoidable accidents, this policy now longer works and needs to be changed.

Last this fiscal year we almost could not get liability insurance due to the significant increase in avoidable automobile accidents, but did find a company at the last minute. They said we needed to make a significant change in our policy to help reduce the number of accidents we are having.

I have attached the current accountability policy, and the three options discussed in a meeting with City Management and legal, along with department heads that have a fleet of vehicles.

It was recommended by a majority of Departments Heads in attendance that Option 1 (1st occurrence, $500 or the cost of the repair whichever is less, additional avoidable occurrences within three years are $1000 or the cost of the repair whichever is less. Additionally, the employee must attend a Defensive Driving Course, and take a drug/alcohol test immediately after the avoidable accident. Repeat offenses are subject to suspension and/or termination. The payment of the fine is done through payroll deduction, and it cannot be applied in such a way as to violate the Fair Labor Standards Act. We recommend approval of Option 1.

RESULT:	**TABLED [8 TO 0]**
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

H. Donation of Hornets Road Parcel by Friends of Recreation – Holt Moore, City Attorney
In 2001, the Baker family donated the property across Hornets Road from the main entrance to Pennington Athletic Complex to the Friends of Recreation and Parks Foundation, Inc. It was contemplated that the nonprofit might be able to sell the property but that has not come to pass. Currently the Friends of Recreation are simply paying taxes on the parcel and the City is maintaining it. The Friends would like to donate it to the City for whatever use the City may ultimately decide upon. A dog park has been one option discussed on numerous occasions. The property is 7.56 acres and has a tax value $26,500. Attached are street view pictures of the property from the south and north, an aerial the property highlighted, the tax information, and the deed to the property.
Accept donation of property from the Friends of Recreation.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Melissa Robinson, Precinct 2	
SECONDER:	Leroy Rising, Mayor Pro Tem	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

I. Contract for NCORR Buyout Program – Holt Moore, City Attorney
The N.C. Department of Public Safety, Office of Recovery and Resiliency is administering a buyout program using CDBG funds, for homeowners who have experienced significant flood damage to their homes, but who have been denied by the other recovery programs. Up for Council's approval is the contract which will allow NCORR to move forward with the buyout of those properties selected. The selection process was very thorough, and involved, among other criteria, tying in with existing buyout properties such as to avoid 'checkerboarding' – properties being bought out in a spotty or isolated manner. The city is fortunate to have this additional program to assist those who, for one reason or another, could not be otherwise assisted in moving to a less flood-prone location.
Approve buyout agreement with NCORR.

Councilman Cantey enquired as to who would be eligible for this program or is this income based or what? City Manager Horn explained that it is HUD funded therefore it is income-based. He stated that there was a cost benefit analysis conducted and that pushed several out of the program. He stated that they revised the budget now we are awaiting an answer from the State.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	Leroy Rising, Mayor Pro Tem	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

J. Appointment to the Airport Commission – Holt Moore, City Attorney
The Mayor is requesting that Council appoint Councilman Chavis to the Airport Commission. Councilman Rising is currently on the commission. The County has two commissioners on the board, so this (Councilman Chavis' appointment) would provide for an equal number of elected officials from each entity. Staff can provide additional details relating to the potential appointment at the CPC meeting.
Appoint Councilman Chavis to the Airport Commission.

City Attorney Moore stated that the County has appointed two Commissioners to the Commission and would like to replace Mr. Andrews with Councilman Chavis. Councilman Cantey asked questions as to why Mr. Jerry Andrews is being taken off the board. He said that he is a pilot and has his own plane at the Airport. The Mayor responded by saying that his term has expired. Councilman Cantey then asked about the racial balance of the Commission. Councilman Cantey that I am just wondering if anyone else term is expired.

Councilman Rising explained importance of the project that's going on at the Airport; however, he can't say that Mr. Andrews is not making the meetings. He stated that he does not make every meeting. Councilman Howard wanted to know if there is a specific reason for removing Mr. Andrews from the Commission. He stated that if he is missing meeting excessively, then that would be a reason to look at removing him.

RESULT:	**REFERRED [5 TO 3]**	**Next: 2/10/2020 6:00 PM**
MOVER:	John Cantey, Precinct 5	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Carroll, Higley, Chavis, Thomas	
NAYS:	Robinson, Cantey, Howard	
ABSTAIN:	Davis	

K. Consideration of Pocket Park Lease – Holt Moore, City Attorney
Over the last several months, the City Manager and Deputy City Manager have been in discussions with Dick Taylor, who owns the vacant lot at 306 N Elm Street, adjacent to the new mural downtown, regarding his potentially leasing to the City that vacant lot for a 'pocket park.' Mr. Taylor has conceptually proposed leasing the lot to the City for an amount equal to his city and county taxes. A draft lease put together by the Legal Department is attached for your consideration. The taxes are approximately $540/year currently, so over the course of a 5-year lease the cost would be approximately $2700. The lease would provide that Mr. Taylor may cancel the lease if he provides building permits showing firm evidence of his immediate plans to build a building at that location.

Approve lease for submittal to Mr. Taylor.

Councilman Howard asked two questions, what if he decides to build on the property and what if he decides to sell the property.

City Attorney Moore stated that it more than likely since we haven't seen him eagerly want to construct any new building that it is possible and the City Manager added that there are steps that would take place if that should occur.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Chris Howard, Precinct 6	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

L. Donation of Property From French Family Properties – Brandon Love, Deputy City Manager
The City Manager's office brought before you at its 10/9/19 and 12/4/19 meetings, a conceptual approval and then final approval for a donation of land along Dawn Drive, just outside the Mayfair subdivision, and also one area inside the subdivision from Mr. B G French, Principal with French Family Properties. Council on 12/4/19 approved the acceptance of the donation and agreed to pay the cost of surveying for a maximum of $5,000; however, since that time Mr. French has received an invoice for the survey and mapping of the property from Johnny Powers in the amount of $6,000.
As referenced on the attached letter, Mr. French acknowledges the City's agreement up to $5,000 but he is wondering if the City would consider paying the full $6,000.
Due to the generous donation of property; Staff recommends that CPC consider paying the $6,000 for the survey and mapping of the property.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Owen Thomas, Precinct 8	
SECONDER:	Leroy Rising, Mayor Pro Tem	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

M. Catlin Engineers Professional Service Agreement Modification for the Rempac Project – Rob Armstrong, Public Works Director
Catlin Engineers is working on the final design of the flood mitigation berm for the Rempac Foam site on Starlite Drive. The US Army Corps of Engineers is requiring the City to obtain a Nationwide 39 Permit to relocate an existing ditch on the south side of the Rempac Property. The Nationwide 39 Permit was not in Catlin's original technical services scope. Public Works is requesting Council approval to modify the original Catlin Agreement by $3,890 to include the Nationwide 39 Permit. This service will be paid for by the NC Commerce CDBG Grant funding the overall project.
Public Works is requesting Council approval to modify the original Catlin Engineers Agreement by $3,890 to be paid for by the NC Commerce CDBG Grant funding the overall project.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Eric Chavis, Precinct 7	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

N. Approve the Ratification of the Agreement with CSX in the Amount of $16,500 for the Flood Gate – Wayne Horne, City Manager
CSX requested that the City approve an agreement for the Flood Gate in the amount of $16,500. On January 17, 2020, a telephone poll was conducted and the vote was unanimous. That City Council ratify the unanimous vote approving the contract with CSX in the amount of $16,500.

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Eric Chavis, Precinct 7	
SECONDER:	John R. Carroll, Precinct 3	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

O. Designate $100.00 of CRF to Cape Fear Council of the Boy Scouts of America – Owen Thomas, Precinct 8
Councilman Thomas would like to provide $100.00 of CRF to the Cape Fear Council of the Boy Scouts of America for their various programs.

Approve contribution of $1,100.00 of CRF funds to the Boy Scouts as follows: P1 - $100.00 P2 - $100.00 P3 - $100.00 P4 - $100.00 P7 - $100.00 P8 - $100.00 and $500.00 Mayor's Discretionary Fund

Approve contribution of $1,100.00 of CRF funds to the Boy Scouts as follows: P1 - $100.00 P2 - $100.00 P3 - $100.00 P4 - $100.00 P7 - $100.00 P8 - $100.00 and $500.00 Mayor's Discretionary Fund

RESULT:	**REFERRED [8 TO 0]**	**Next: 2/10/2020 6:00 PM**
MOVER:	Owen Thomas, Precinct 8	
SECONDER:	Leroy Rising, Mayor Pro Tem	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

III. ADJOURNMENT