



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • FEBRUARY 4, 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	
Holt Moore	City Attorney	Present	

2. Items For Council Policy Committee Consideration

II. MINUTES APPROVAL

1. Council Policy Committee - Regular Meeting - Jan 7, 2015 11:00 AM –

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Harry Ivey, Precinct 4
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney

III. COMMUNICATIONS

A. General

1. Ray Townsend - Land –

Will speak on agenda item IV. 5.

RESULT:	ANNOUNCED
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2. Robert Britt - Rediscover Downtown - Naming Rights Policy for Downtonw Performance Shelter –

Mr. Robert Britt appeared before the Council Policy Committee and stated that he is acting on behalf of Rediscover Downtown Lumberton (RDL). He stated that last year Council approved a Naming Rights Policy and they would like to use that policy for the naming of the Downtown Performance Shelter. He said that the cost for the naming rights is \$48,400. He stated that with the portion of money that RDL has; Southeastern Health has given them a check for \$31,400 for a 10-year Naming Rights upon the commencing of construction. Mr. Britt stated that he would like to get the approval of the City Council for the naming rights of the Downtown Performance Shelter for Southeastern Health for 10 years.

Councilmen Cantey and Maynor expressed their concerns and City Manager Horne stated that the Fee Schedule for the Naming Rights has not been approved; however, it is on the agenda today to be discussed. At Council's discretion you could approve pending approval of the fee schedule.

Councilman Hackney made a motion, seconded by Councilman Metzger, referring the request to City Council for approval pending the approval of the Naming Rights Fee Schedule. The motion carried as follows:

AYES

Metzger
Wilkins
Ivey
Jones
Maynor
Hackney

NAYES

Robinson
Cantey

RESULT:	ANNOUNCED
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B. Events**1. Church Williams, CEO, Avondale Pictures –**

Mr. Chuck Williams appeared before the Council Policy Committee and stated that he is the Chief Executive Officer (CEO) and Owner of Avondale Pictures, a Faith-Based Company out of Burbank, CA. Mr. Williams stated that he had the opportunity to visit Lumberton a couple of years ago and he liked Lumberton. He has been in contact with Ms. Mickey Gregory, Lumberton Visitors' Bureau and he would love to shoot a film here. He stated that the movie "Shake Off the World" is a film that the whole family will enjoy. He stated to shoot this movie he would like to use several locations and he has a 1.5 million dollar insurance package for the movie that will provide riders to cover the various locations. He stated if he needs to get more he is willing to do that.

He mentioned a few members of the cast and that he would be utilizing a lot of local talent for smaller parts and background actors for the movie. He opened up to receive any questions and thank Council for allowing him to speak and allowing him to film this movie in our great City.

Mayor Pennington thanked Mr. Williams for selecting our town and wished him the best.

RESULT:	ANNOUNCED
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C. Reports

1. John A. (Andy) Bailey- Senior Transportation Engineer, Winston-Salem MPO Coordinator, NCDOT - Transportation Planning Branch - Lumberton's Comprehensive Transportation Plan Update –

Brandon Love, Planning & Neighborhood Service Director appeared before the Council Policy Committee and introduced Mr. Andy Bailey, Project, Mr. Wayne C. Davis, Triad Supervisor, Mr. Joe Bailey, Division Planning Engineer and Ms. Janet Robertson, Lumber River Rural Planning Organization (COG). Andy Bailey presented CPC with an update on Lumberton's Comprehensive Transportation Plan. He placed emphasis on the Capacity Issues and highlighted what the next steps would be by presenting that with a tentative schedule of events. Andy asked if they had any questions or concerns.

Mayor Pennington thanked Mr. Bailey for a great presentation and a job well done.

RESULT:	ANNOUNCED
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IV. AGENDA ITEMS

1. Unsafe Structure located at 2200 Kenny Biggs Road – Ben Andrews, Inspections Director
The house located at 2200 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the Hearing was held on December 5, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of January 19, 2014. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2200 Kenny Biggs Road.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

2. Unsafe Structure located at 2140 Kenny Biggs Road – Ben Andrews, Inspections Director
The house located at 2140 Kenny Biggs Road was inspected by our department and was determined to be unsafe. A Notice of Condemnation and Hearing was sent and the Hearing was held on December 5, 2014. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of January 19, 2014. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2140 Kenny Biggs Road.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

3. Approved an Encroachment Agreement with Jacqueline Locklear – Holt Moore, City Attorney

The item relates to a piece of property located near Luther Britt Park, on the corner of Lowery and Branch Streets, and owned until very recently by the Friends of Recreation & Parks Foundation, Inc. It has now been deeded to the City. The property is shown on the map attached to the agenda item. Ms. Locklear, who owns and resides upon the property to the south, built an addition to her house and it was erroneously constructed in part on the Foundation's, now the City's, land. The intrusion is about 40' across (east-west) and 10' (north) into the property, based upon the GIS. The Recreation Director believes the intrusion will not impact any anticipated use of the property by the City. Ms. Locklear contends the addition was built with the City's knowledge. She has nonetheless agreed to pay \$500 for an encroachment agreement to make the intrusion on the property legal. The City Attorney has drawn up such an agreement. It does require that City approval be obtained before rebuilding can occur, if the structure is ever damaged beyond 50% of its value.

Councilman Maynor made a motion, seconded by Councilman Cantey, referring the item to Council to approve the encroachment agreement and waive the \$500.00 charge. It carried unanimously.

Consider and approve encroachment agreement.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

4. Adelio Cruz requests a Conditional Use Permit for property located at 3541, 3545 & 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 3541, 3545 & 3551 Lackey Street (parcel #1008-01-009-03). This request is to allow for a restaurant which sells alcoholic beverages. 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 [UNANIMOUS]	Next: 2/9/2015 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Pennington, Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	

5. Refer the Petition Requesting a Parallel Conditional Use B-4 Not to Include Multi-Family Housing for Property Located at 3147 W. 5th Street, 3182 W. 5th Street and 505 Cottonwood Street – Brandon Love, Planning Director

Jerry Michael Townsend has submitted a Rezoning Petition for property located at 3147 W. 5th Street, 3182 W. 5th Street and 505 Cottonwood Street (parcel #'s 3218-01-001, 3218-01-001-01A & 3218-01-001-01) This request is to rezoned property from M-2, Heavy Manufacturing and M-1, Light Manufacturing to B-4, Business General Commercial. 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: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

6. Lumberton Police Department Generator Replacement – Linda Oxendine, Public Services Director

Recently it was discovered that the Lumberton Police Department generator has an alternator short to ground. Staff has been advised by two generator service companies that the cost to repair is approximately \$20,000 and each recommended replacement rather than repair due to the age of the generator.

A quote has been provided by Gregory Poole Power Systems for purchase of a Caterpillar D100-6 Diesel Package Generator set, rated 100kW Standby, 120/208 VAC three Phase, 60 Hz at 1800 RPM engine at a net cost of \$31,340. Other costs include \$2500 for startup and \$1000 shipping costs. For a total cost \$34,840.

A second quote has been obtained from Power Secure of Wake Forest for a Caterpillar 100kW Engine w/ shipping to Lumberton (same CAT engine), for \$37,500 which included startup and shipping cost

A 3rd quote was also obtained, from Sure Gen Operations LLC, which totaled \$34,000 plus tax. In reviewing this quote it was determined that is was presented as an estimate only.

Allow staff to purchase a new 100kW Standby Generator for the Police Dept. from Gregory Poole Power Systems for a total cost of \$34,840.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

7. Order the Tax Collector to Advertise Tax Liens – Linda Oxendine, Public Services Director

In accordance with G.S. 105-369 the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. The total amount of unpaid taxes for the current fiscal year totals \$1,049,007.53. Recommend that Council order the tax collector to advertise current year tax liens.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

8. Presentation of updated 5-Year Capital Plan for 2015-2016 Fiscal Year – Wayne Horne, City Manager

As part of the annual budget process a special meeting of the City Council is request for department heads to present their updated 5-Year Capital Project Plan for City Council consideration.

It is recommended that City Council select one of the following day for the 5-Year Capital Plan workshop.

- * Wednesday - February 11th
- * Wednesday - February 18th
- * Wednesday - February 25th

This past years meeting was held on February 20th starting at 9:30 a.m. and ending at 3:45.

RESULT:	NOT APPLICABLE
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9. Surplus Fire Department Ladder Truck – Paul Ivey, Fire Chief
Lumberton Fire Department request permission to surplus a 1991 E-One Ladder Truck. The truck has been replaced with a 2014 Rosenbaur Ladder Truck.
Lumberton Fire Department recommends CPC designate the 1991 E-One Ladder Truck as surplus.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

10. Naming Rights Policy Proposed Fee Schedule – Tim Taylor, Recreation Director
Council reviewed a Sponsorship/Naming/Advertising Policy draft submitted at the November 5th Council Policy meeting with the understanding that a fee schedule proposal would be provided at a later date. Attached is a draft fee schedule for Council consideration.
Recommend that City Council accept the fee schedule proposal submitted for inclusion into

the Sponsorship/Naming/Policy previously adopted in November 2014.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

11. Contract with Lumberton Housing Authority for Additional Beat - Police Services – Holt Moore, City Attorney

For quite some time the Lumberton Housing Authority has had an agreement with the City of Lumberton through which the City provides additional police services for Authority properties. The last of these agreements ended in August 2014. The current agreement will therefore be partially retroactive. The proposed agreement is attached and is identical to the most recent agreement, with the exception of some language added to ensure that a back-due balance owed to the City for the period since the lapse is paid upon execution of the agreement. This agreement will run through March of this year. The Authority would like to explore adding additional services, beyond those in the current contract, when the next contract is put into place – hence the short term of the current proposed contract. Consider and approve proposed contract with the Housing Authority.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

12. Encroachment Agreement for Sign - 118 W. 5th Street – Holt Moore, City Attorney

Petitioner Gray Built Construction, Inc., proposes to install a sign at 118 W. 5th Street for their client K.M Biggs, who in turn is renting the recently renovated building at that location to Two-Hawk Employment Services. If approved, the sign will be oval in shape, as depicted on the attached rendering, fifty inches in length, hung from a metal support which will be fifty-two and a half inches. The sign would be made of a hi-density urethane and sand blasted, made by Sammy Shackelford, and would be 9'2" above the sidewalk at its lowest point. An encroachment agreement is required, and the proposed agreement is attached.

Consider and approve request for encroachment agreement, authorizing the Mayor to sign the same.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

13. Approve \$200.00 of Community Revitalization Funds to Boy Scouts of America from Precinct 8 – Erich Hackney, Precinct 8
Councilman Hackney requests \$200.00 of CRF to be given to the Boy Scouts of America.
Designate \$200.00 of CRF to Boy Scouts of America.

RESULT:	REFERRED [8 TO 0]	Next: 2/9/2015 7:00 PM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Jones, Maynor, Hackney	
ABSTAIN:	Pennington	

DESIGNATION OF CONSENT/NONCONSENT

Adjournment