



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • JANUARY 9, 2019

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	Precinct 2	Excused	
Karen Higley	Precinct 4	Present	
John Cantey	Mayor Pro Tem	Present	
Chris Howard	Precinct 6	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

II. INVOCATION: CITY ATTORNEY MOORE

III. ITEMS FOR COUNCIL POLICY COMMITTEE CONSIDERATION

A. Council Policy Committee - Regular Meeting - Nov 14, 2018 11:00 AM –

RESULT:	ACCEPTED [5 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Mayor Pro Tem
AYES:	Rising, Higley, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Robinson

IV. AGENDA ITEMS

- A. Unsafe Structure located at 64 Carolina Avenue – Ben Andrews, Inspections Director**
The structure located at 64 Carolina Avenue was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on July 31, 2018 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on September 30, 2018.
Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 64 Carolina Avenue.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Karen Higley, Precinct 4	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

B. Unsafe Structure at 2485 E 5th Street – Ben Andrews, Inspections Director

The structure located at 2485 E 5th Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on August 30, 2018 in which the owner was present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on October 31, 2018.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 2485 E 5th Street.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Karen Higley, Precinct 4	
SECONDER:	John Cantey, Mayor Pro Tem	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

C. Unsafe Structure at 123 W 4th Street – Ben Andrews, Inspections Director

The structure located at 123 W 4th Street was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on November 21, 2018. An order to repair or demolish the structure was issued. The time in which the owner had to comply expired on January 2, 2019.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 123 W 4th Street.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

D. Unsafe Structure located at 3052 Westminster Road – Ben Andrews, Inspections Director

The structure located at 3052 Westminster Road was inspected by our department was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on November 30, 2018 in which the owner was not present for the hearing. An order to repair or demolish the structure was issued. The time in which the owner had to comply expires on January 14, 2019.

Staff recommends that City Council direct the building inspector to demolish and remove the unsafe structure located at 3052 Westminster Road.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Owen Thomas, Precinct 8	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

- E. Award the Design of the Railroad Culvert Improvements - Five Mile Branch to The Wooten Company – Rob Armstrong, Public Works Director

The CSX Railroad Culvert at the Five Mile Branch just to the north of White Oak Drive was washed out during Hurricane Matthew and Hurricane Florence. After each hurricane event, CSX retrieved the washed out culvert and placed it back in service. City Staff has reviewed the time line of rise and recession of flood waters in this section of the five Mile Branch and believes the residential and street flooding on White Oak Drive was a function of this undersized culvert. The City is proposing a partnership with CSX to hydraulically study the flow on the Five Mile Branch and install a new adequately sized culvert. The goal is to have the new Five Mile Branch culvert installed during the same time period that the DOT will be replacing the Linkhaw Road / Pole Cat Branch culvert, utilizing the DOT track closure for the Five Mile Branch project too. Council will only be selecting the engineering firm for the culvert design at this meeting. Construction of the culvert will be a separate bid process after the design is approved and permitted.

On January 3rd Public Works received one proposal for engineering services to conduct the study and design the culvert from The Wooten Company. The cost of the design will be paid from the Drainage Fund.

CPC recommends that Council approve The Wooten Company for the CSX Railroad Five Mile Branch Culvert Design.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Leroy Rising, Precinct 1	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

- F. Oak Ridge Blvd Drainage Study – Rob Armstrong, Public Works Director

Flash flooding on Oak Ridge Blvd and White Oak Drive during intense, non-hurricane related rain events have been an ongoing problem for several years. City Staff believes the street flooding that occurs during a 2 year to 10 year storm event can be prevented by modifying existing drainage infrastructure. Staff is proposing that a hydraulic study of the area be conducted and recommendations for future modifications be presented.

Public Works received two proposals for the hydraulic study on January 3rd, from Jewell Engineering Consultant and McGill & Associates. The scoring matrix used indicates that Jewell Engineering Consultant scored higher than McGill & Associates.

CPC recommends that Council award the hydraulic study for the Oakridge Blvd and White

Oak Drive to Jewell Engineering Consultant.

Questions were asked concerning the responsibility of the developers/builders in dealing with drainage in a pre-discovery phase. Public Works Director Rob Armstrong stated that the Oaks had a Master Plan; however, that only for a 10-year storm event. Culverts start at a 50-year Plan. He stated that Lake Nancy was supposed to be their outlet. He stated that the plan for culverts would be geared around a storm such as Hurricane Florence. Director Armstrong also stated that he wants to come up with a Master Drainage Study that would link all these matters that we are discussing together.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Leroy Rising, Precinct 1	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

G. Lambeth Street Sewer Rehab Revised Change Order #1 – Rob Armstrong, Public Works Director

Earlier this year Council approved a \$84,958 change order #1 for the Lambeth Street, I-95, Lackey Street Sewer Rehab project. That change order included lining additional footage of 18” sewer pipe. Once cleaning and inspection was started, we found the add on segment of pipe was actually 15” diameter. We also found two segments of pipe had be lined at some point in the past. We found these segments to be in good shape. The change order amount has been adjusted downward to \$66,570.50 to reflect the smaller pipe and removal of the previously lined segments.

Public Works is requesting approval of REVISED Change Order #1 with Prism Contractors for \$66,570.50 to be paid for with North Carolina Clean Water State Revolving Loan funds.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

H. Cellco Partnership d/b/a Verizon Wireless. Conditional Use Permit petition for property located off of Martin Luther King Jr. Drive. – ArTriel Kirchner, Interim Planning Director

Cellco Partnership d/b/a Verizon Wireless has submitted a Conditional Use Permit petition for property located off of Martin Luther King Jr. Drive and being parcel #101701027/Deed Book 1885 Page 155. This request is to allow for the construction of a 155 feet cellular tower at this location. This property is zoned ‘A’ (agriculture) and requires a Conditional Use Permit.

The applicant has satisfactorily addressed the ordinance requirements for Use #18.300 Towers and antennas more than fifty feet in height. Also, if the Conditional Use Permit is

granted the applicant must submit site plans and building plans for our review and approval.

This property is located within Area 7 and its recommended future use is low intensity, 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.

Councilman Cantey asked questions concerning the proximity of the private cemetery to the proposed cell tower. He asked that the this item be tabled until Monday night allowing him the opportunity to speak with the property owners.

This item will appear on the agenda for Monday night.

RESULT:	REFERRED [UNANIMOUS]	Next: 1/14/2019 6:00 PM
MOVER:	John Cantey, Mayor Pro Tem	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Davis, Rising, Higley, Cantey, Howard, Thomas	
EXCUSED:	Robinson	

I. Delegation to County Board of E&R – Holt Moore, City Attorney

Generally, with regard to tax matters such as valuation, listing and so forth, the City adopts the findings of the County. It has become apparent that in one area we have not taken the necessary steps to take this same approach. That is in the area of compromises requested on discovered property. Discovered property is that which, for one reason or another, has not properly been listed on the tax rolls, often going back several years. This is the only tax setting of which staff is aware where compromises are allowed by law. Staff believes that in the interest of consistency, these items should be handled by the County as well, but a resolution is needed for this to happen and the City has not done this yet. The statutory authority for this is NCGS 105-312(l). A proposed resolution for Council is attached. This is largely an administrative item.

Approve attached resolution delegating to County responsibility for considering requests for compromise of taxes on discovered property pursuant to NCGS 105-312(l).

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	John Cantey, Mayor Pro Tem	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

J. Approve the Designation of \$500.00 of CRF to Mayfair Home Owners' Association (HOA) for Beautification – Owen Thomas, Precinct 8

Councilman Thomas would like to designate \$500.00 of CRF to the Mayfair HOA for beautification.

Designate \$500.00 of CRF to Mayfair HOA.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	Owen Thomas, Precinct 8	
SECONDER:	John Cantey, Mayor Pro Tem	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

- K. Pride in Lumberton Award for Tzu Chi Foundation – John Cantey, Mayor Pro Tem
Councilman Cantey has requested the presence of the Tzu Chi Foundation at the January Council meeting so Council can thank them for their contribution to our city recently. Tzu Chi reported that during three sessions held on Oct. 27th – 28th and November 25th they distributed 163 cash cards to 381 households totaling \$79,300. The Foundation has expressed plans to continue their relationship with the City. They were introduced to City Staff by the Red Cross. During Hurricane Matthew Tzu Chi coordinated their distribution through United Way of Robeson County.
Councilman Cantey is requesting that Tzu Chi Foundation receive a Pride in Lumberton Award for their contributions to the City of Lumberton.
Approval of Pride in Lumberton for Tzu Chi Foundation.

RESULT:	REFERRED [5 TO 0]	Next: 1/14/2019 6:00 PM
MOVER:	John Cantey, Mayor Pro Tem	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Higley, Cantey, Howard, Thomas	
ABSTAIN:	Davis	
EXCUSED:	Robinson	

V. DESIGNATION OF CONSENT/NON-CONSENT ITEMS

VI. CLOSED SESSION

VII. ADJOURNMENT