



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • JANUARY 8, 2014

Regular Meeting

Third Floor Conference Room

11:00 AM

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

I. CALL TO ORDER

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	12:15 PM
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Absent	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Rob Price	Interim City Attorney	Present	

Audit Presentation: Matt Patterson; Collins, Kemp & Patterson

Matt Patterson, Collins, Kemp & Patterson, appeared before the Council Policy Committee and presented an overview of the City's Comprehensive Annual Financial Report. He stated that the City's finances are absolutely amazing.

II. AGENDA ITEMS

- A. Equipment Purchase Update - Rob Armstrong, Public Works Director
- Public Works has begun procuring equipment associated with the equipment loan approved by Council in December. In order to avoid a January 1st price increase, the rubber tire backhoe purchases were made from North Carolina State Contract in late December. Attached are the state contract quotes for the two types of John Deere backhoes purchased. Public Works purchased (2) JD310SKT rubber tire back hoes with hydraulic coupler and (1) JD310SKT without a hydraulic coupler for a total purchase price of \$247,791. \$250,000 was allocated for rubber tire back hoe purchases. The track hoe excavator purchase will be made from the North Carolina State Contract this week. The track hoe excavator will be a John Deere 210GLFF with a hydraulic thumb priced at \$177,850. \$220,000 had been allocated for a track hoe purchase.
- For information only, no Council action required.

No action necessary.

RESULT:	WITHDRAWN
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- B. Adopt an Ordinance to Remove or Demolish the Structure at 210 E 10th Street - Ben Andrews, Inspections Director

The structure located at 210 E 10th Street has been cited by the City of Lumberton Inspections Department on multiple unsafe building code violations. All required steps in the process including the order to demolish have been completed. On November 18, 2013 City Council granted Mr. Singletary an additional 30 day extension to comply with the order. The deadline for compliance was December 18, 2013 . At this time the structure is non-compliant with the building inspectors original order.

Staff recommends that Council give the order to proceed with the demolition process.

No action was necessary.

RESULT:	WITHDRAWN
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- C. Refer the Rezoning Request for property located at 4140 Fayetteville Road to the Planning Board for its Review and authorize the Planning Director to set the date of the public hearing. - Brandon Love, Planning Director

William E. Antone, Jr. has submitted a Rezoning Petition for property located at 4140 Fayetteville Road (parcel #1009-04-001). This request is to rezoned property from B-3, Office Residential to B-4, Business General Commercial. The applicants' intent is for retail sales to be allowed at this location.

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 [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- D. Refer the Rezoning Petition for Ben Chavis to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Brandon Love, Planning Director

Ben Chavis has submitted a Rezoning Petition for property located at 3450 Capuano Drive (parcel #3205-01-029) (Deed Book 1674 Page 467). This request is to rezoned property from B-5, Business Highway Services to B-4, Business General Commercial. The applicants' intent is for a doctor's office to be allowed at this location.

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 [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- E. Refer the Request to Amending the Land Use Ordinance by allowing retail sales as an accessory use in the M-1 and M-2 zoning districts refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. - Brandon Love, Planning Director

Currently, the Land Use Ordinance for the City of Lumberton does not allow retail sales in the M-1 and M-2 Zoning Districts. Understanding the changing needs of today's industrial development clients, staff asks the City Council to consider amending the Land Use Ordinance to allow for accessory sales in manufacturing districts by adding the following:

Sec. 35-159.5. Developments in the M-1 and M-2 industrial districts.

- (a) It is the intention of this chapter that accessory uses, such as retail sales of manufactured items, be permitted in the M-1 (light manufacturing) and M-2 (heavy Manufacturing) districts if it (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, as approved by the Planning and Neighborhood Services Department.
- (b) No more than **fifty percent (50%)** of the total gross floor area of all buildings used for such manufacturing business shall be dedicated to the accessory use.
- (c) Adequate parking to accommodate the accessory retail activities shall be provided in accordance with Sec. 35-291.

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 [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- F. Adopt a Resolution Directing the City Clerk to Investigate the Sufficiency of a Petition for Contiguous Annexation for Southeastern Regional Medical Center for Property Located on Dawn Drive - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Lynn Wieties, Vice President of SRMC, requesting that property located on

Dawn Drive (Southeastern Health Park), being parcel #1006-01-012-20, be annexed into the City of Lumberton.

Public Works' policy states that property owners who are contiguous to the City's corporate limits and request City provided utilities shall submit for annexation of their property.

Recommends that City Council direct the City Clerk to investigate the sufficiency of the petition.

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- G. Approval the Negotiations for the Waterline Agreement Between Gibson Cancer Center, Wesley Pines & Others Once Staff has Contacted Wesley Pines Concerning the Easement. - Rob Price, City Attorney

Easements are needed so that the City may provide enhanced water service to the Gibson Cancer Center. The Fire Department would also prefer that an access easement be created through the Southeastern Hospice House property for a controlled or emergency access to the Wesley Pines campus. Southeastern Regional Medical Center and some of its related entities have agreed to the attached agreement. The governing body for the Wesley Pines facility is considering approval of the agreement, having agreed to all but the underlined language in the agreement.

Approve the attached agreement and authorize its execution once Staff has contacted Wesley Pines; as to the 20' easement and approve with any change in the language of the agreement which doesn't affect the City's interests. Staff is free to negotiate.

As part of the motion, the Board would like for the City Attorney to contact Wesley Pines Board as to the 20' easement. Staff is free to negotiate.

RESULT:	REFERRED [6 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	John Robinson, Precinct 2	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	
RECUSED:	Metzger	

- H. Approval of Financing Software Service Transfer - Rob Price, City Attorney

The company which had provided the software used by a number of departments for financial and accounting functions no longer exists. Proper support for the software is no longer available. The MIS Department has arranged for transfer of the provision of these services to Harris Local Government at a total initial cost of \$70,770.00, the bulk of which is for services related to the conversion of our operations to a new software package. This expense was included in the 2013-2014 Capital Budget. Annual maintenance and support

will cost \$8,431.00.

Approve the attached contract.

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

I. Approval of Block Grant Agreement of Airport - Rob Price, City Attorney

The NC Department of Transportation has awarded a Block Grant to the Airport for an "Airfield Lighting and Signage Rehabilitation" Project. The grant is limited to a federal/state contribution of \$711,376, with the federal/state contribution not to exceed 90% of the final total costs. This indicates the total estimated project cost will be \$790,417.78. Thus, the local match would be \$79,041.78, to be shared between the City and County. The City and the County would each bear \$35,520.89. This item was budgeted in the FY2013-2014 Capitol Budget. The grant agreement will not be executed until the County has approved its participation in the project.

Approve the attached grant agreement.

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Burnis Wilkins, Precinct 3	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

J. Approval of November 2013 Tax Releases - 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:

2007-----	32.93
2008-----	29.35
2009-----	35.78
2010-----	30.04
2011-----	26.34
2012-----	23.14
2013-----	198.51

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

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- K. Approve the designation of \$600.00 for Lumberton High School Wrestling Uniforms; P1 - \$100.00 P3 - \$100.00 P4 - \$100.00 P7 - \$100.00 P8 - \$100.00 and \$100.00 for the Mayor's Discretionary Funds - Leon Maynor, Precinct 7
Councilman Maynor is requesting a donation of \$100.00 from CRF be given to Lumberton High School for the purchase of wrestling uniforms.
Designate \$100.00 of CRF to Lumberton High School for wrestling uniforms.

P1 - \$100.00 P3 - \$100.00 P4 - \$100.00 P7 - \$100.00 P8 - \$100.00

Mayor - \$100.00

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Don Metzger, Mayor Pro Tem	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- L. Approve the designation of \$400.00 to the Boy Scouts of America Campaign; P8 - \$200.00 and from the Mayor's Discretionary Funds - Erich Hackney, Precinct 8
The Cape Fear Region of the Boy Scouts of America are beginning their annual fundraising campaign. Councilman Hackney is requesting \$200 of CRF to go toward this effort.
Designate \$200.00 of CRF to the Boy Scouts of America campaign.

Mayor - \$200.00

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

- M. Approval of Synagro Contract CPI Provision - Rob Price, City Attorney
The bid for WWTP Sludge Removal services submitted by Synagro for Council consideration in October didn't disclose contract requirements for an annual CPI adjustment to the company's rates nor a monthly fuel surcharge. The Legal Department told the company that staff couldn't proceed with a contract with those provisions. The company has responded that they are willing to forego the fuel surcharge, but must have the CPI adjustment provision. The contract has a 5-year term.

Authorize execution of a contract allowing for an annual CPI adjustment.

RESULT:	REFERRED [7 TO 0]	Next: 1/13/2014 7:00 PM
MOVER:	Don Metzger, Mayor Pro Tem	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Metzger, Robinson, Wilkins, Ivey, Cantey Jr., Maynor, Hackney	
ABSTAIN:	Pennington	
ABSENT:	Jones	

N. P4 - Requests \$400.00 for a Handicap Ramp Located at 1208 Saxon Avenue -

Councilman Ivey requests \$400.00 of Community Revitalization Funds for a handicap ramp located at 1208 Saxon Avenue. On a motion by Councilman Cantey and a second by Councilman Hackney, it carried unanimously.

O. Comprehensive Land Use Plan -

Brandon Love, Planning & Inspections Director, presented to Council and update on the Comprehensive Land Use Plan. He asked them for direction on making appointments to the Steering Committee.

III. Designation of Consent/Nonconsent Agenda Items

I. Closed Session

Council Hackney made a motion, seconded by Councilman Maynor, entering into closed session. It carried unanimously.

2. Return to Open Session -

Councilman Hackney made a motion, seconded by Councilman Metzger, returning to open session. It carried unanimously.

Adjournment

There being no further business to come before the board the meeting was adjourned.