



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • SEPTEMBER 7, 2016

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	
Brandon Love	Planning Director	Present	
Rob Armstrong	Public Works Director	Present	
Tim Taylor	Recreation Director	Present	

II. ITEMS FOR COUNCIL POLICY COMMITTEE CONSIDERATION

III. MINUTES APPROVAL

1. Council Policy Committee - Regular Meeting - Aug 3, 2016 11:00 AM –

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis

IV. AGENDA ITEMS

- A. Acceptance Sponsorship Agreement – Tim Taylor, Recreation Director
Lumberton Chevrolet Buick GMC Cadillac Dealership having a history of community involvement through sponsorship of recreational activities such as the “Chevy to the Levy”, “the Rumba to the Lumber”, youth athletics (basketball, baseball, softball, soccer, football) and many other special events desires to enter into an annual Sponsorship Agreement with the Recreation Department. Proposed agreement is attached.
Staff recommends that Council accept the Sponsorship Agreement with Lumberton

Chevrolet Buick GMC Cadillac Dealership and authorize Recreation Director to sign the agreement.

John Franklin, General Manager of Lumberton Chevrolet, appeared before the CPC and stated that the Sponsorship Agreement with the Recreation Department is a formality in order to receive some reimbursement. He stated that it is just a mutual commitment. The agreement equals out to approximately \$1,100 per month.

Mayor Davis thanked Mr. Franklin on behalf of the City of Lumberton.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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	

- B. Unsafe Structure at 701 S. MLK Jr. Drive – Ben Andrews, Inspections Director
The house located at 701 S. MLK Jr. Drive 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 26, 2016 and the owner was not present for 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 August 31, 2016.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 701 S. MLK Jr. Drive.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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	

- C. Unsafe Structure at 2312 Burke Street – Ben Andrews, Inspections Director
The house located at 2312 Burke 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 July 19, 2016 and the owner was not present for 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 September 6, 2016.
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2312 Burke Street.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- D. Unsafe Structure at 2740 E. Elizabethtown Road – Ben Andrews, Inspections Director
The house located at 2740 E. Elizabethtown Road was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent, and a hearing was

held on July 28, 2016. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of August 31, 2016
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2740 E. Elizabethtown Road.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Burnis Wilkins, Precinct 3	
SECONDER:	John Robinson, Mayor Pro Tem	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

E. 310 Whiteville Avenue – Ben Andrews, Inspections Director

The house located at 310 Whiteville Avenue was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent, and a hearing was held on July 27, 2016. An order to demolish the structure was issued. The time in which the owner had to demolish the structure has expired as of August 31, 2016
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 310 Whiteville Avenue.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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. Unsafe structure located at 2314 Burke Street – Ben Andrews, Inspections Director

The house located at 2314 Burke 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 July 19, 2016 and the owner was not present for 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 September 6, 2016
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolished and removed the structure at 2314 Burke Street.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

G. Sewer Bypass Pump Purchase – Rob Armstrong, Public Works Director

Public Works has \$40,000 in our capital fund approved by Council to purchase a sewer bypass pump, 60-00-8332-5960. Attached is a quote from Thompson Pump for \$35,303.00 off of the National Joint Powers Alliance (NJPA) contract. We also received direct quotes from two other pump manufacturers, Godwin (\$35,581.00) and Rain for Rent (\$43,170.00). Public Works is requesting Council approval to purchase a new sewer by-pass pump from

Thompson Pumps for \$35,303.00 using funding appropriated in the Capital Budget line item 60-00-8332-5960

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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. WWTP Purchase of a Spare Influent Pump – Rob Armstrong, Public Works Director
Earlier this year Council approved funds to replace one of the 20 year Flygt Submersible Influent Pumps at the WWTP. During the course of replacing the pump Public Works has determined that we don't have a reliable spare pump in the event that another 20 year old Flygt pump may stop operating. Public Works would like to purchase a new Flygt replacement pump to be used as a spare influent pump for the WWTP. Attached is a quote for \$81,628.50 from Xylem Water Solutions, the sole source vendor for this product. Public Works is requesting Council approval to purchase a spare Flygt submersible WWTP influent pump for \$81,628.50 from Xylem Water Solutions with fund to be transferred from the Water and Sewer Capital Reserve Fund.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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	

- I. Adopt a Resolution to apply for NC Clean Water State Revolving Funds for a Scattered Sewer Rehab Project – Rob Armstrong, Public Works Director
Public Works would like to apply for the next round of Clean Water State Revolving Fund loan and grants due September 30, 2016. The project would fund a scattered sewer rehabilitation project with a goal of stabilizing select gravity sewer lines in the general areas of: Nevada Street, West Drive, Burke Street, Godwin Heights and Coree / Grace Street. The project is expected to be approximately \$750,000 with 25% of the amount to be a grant (if awarded) and 75% loan.
Public Works is requesting Council adopt a resolution to apply for a combination Loan and Grant from the North Carolina Clean Water State Revolving Fund to pay for a Scattered Sewer Rehabilitation Project.

RESULT:	WITHDRAWN
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- J. Regional Wastewater Study Engineering Agreement – Rob Armstrong, Public Works Director
In August the City of Lumberton was awarded a \$50,000 grant from the North Carolina Division of Water Infrastructure to study the potential regionalization of wastewater from Saint Pauls and the Robeson County Landfill. Public Works is recommending contracting the Wooten Company to develop the report and to study the current system and available

alternatives. Attached is a professional services agreement with the Wooten Company for \$50,000 to conduct the study.

Public Works is requesting approval of a professional services agreement with the Wooten Company for \$50,000 to conduct the Lumberton-Saint Pauls – Robeson County Landfill Regional Wastewater Study funded by a grant from the North Carolina Division of Water Infrastructure.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leroy Rising, Precinct 1	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

K. Elm Street & 1st Street Combined Sewer Engineering Agreement – Rob Armstrong, Public Works Director

During the recently completed Phase III / West Lumberton Sewer Separation Project, Public Works identified a source of storm water inflow in the area of Elm Street and 1st Street but was unable to fund this repair because the state appropriated money for this project had been expended. Public Works is recommending the construction of this project move forward using funds from the Water and Sewer Capital Reserve Fund. Attached is a cost opinion \$87,000 for the design and construction of the project. We would like to enter into a Professional Services Agreement with the Wooten Company for \$15,000 for the design and construction management of this project. When the design is complete, construction bids for the project will be brought back to Council for approval.

Public Works is requesting Council approval to enter into a Professional Services Agreement with the Wooten Company for \$15,000 for the design and construction management of the Elm Street and 1st Street Sewer Separation Project with funds from the Water and Sewer Capital Reserve Fund.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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	

L. Request from US Cellular for City Council to Consider a Text Amendment to the B-5 Zoning District to Allow Cellular Communications Towers – Brandon Love, Planning Director

Michael Doran with McGuire Development Corporation, a consultant for US Cellular, is requesting that City Council consider a text amendment to the Land Use Ordinance which would allow for cellular communications towers to be placed within the B-5 *Highway Service* zoning district. Please see the attached information packet from Mr. Doran which details the need for this capability as well as defines a specific location for a proposed tower. Currently, only M-1 *Light Manufacturing*, M-2 *Heavy Manufacturing* and A *Agricultural* zoning districts allow for the construction of cellular communications towers. Staff recommends that City Council review the information submitted by Mr. Doran on behalf of US Cellular and take one of the following actions:

1. Authorize staff to draft an amendment to the Land Use Ordinance allowing for the construction of cellular communications towers within the B-5 Highway Service district.
2. Forward the request to the Planning Board for their review and consideration.
3. Deny the petitioner's request to amend the Land Use Ordinance.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- M. Conditional Use Permit petition for property located at 2208 W. Carthage Road (parcel # 1005-01-01706/Deed Book 900 Page 578). – Brandon Love, Planning Director
Melanie N. Godwin has submitted a Conditional Use Permit petition for property located at 2208 W. Carthage Road. The proposed use of the property is a day care center. 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: 9/12/2016 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- N. Richard Kaczar requests a contiguous annexation of property located at 465 Kenric Road (Parcel #0207-02-006-01). – Brandon Love, Planning Director
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Richard Kaczar requesting that property located at 465 Kenric Road, being Parcel #0207-02-006-01, be annexed into the City of Lumberton.
Recommends that City Council direct the City Clerk to investigate said petition.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- O. Robeson County Humane Society Request for Revision to Deed - 3180 W 5th Street – Holt Moore, City Attorney
In July of 2005, the City conveyed the property located at 3180 West 5th Street, formerly the Lewis Veterinary Clinic, to the Robeson County Humane Society. The deed contained a reverter clause, stating that if the property ceased to be used as an animal shelter, or if the Humane Society attempted to sell the property, the property would revert back to the City. The Humane Society indicates that, in their attempts to raise funds, such as in applying for grants, the reverter clause has been a barrier. For instance, the Society indicates that

potential providers of funding, such as to improve the building, are reluctant to do so because the building could conceivably be taken back by the City. The Society is asking that the City issue an amended deed without the reverter clause.

The City Manager suggested that the City could retain a ‘right of first refusal,’ whereby the City would have the right to purchase the property, for instance for a dollar, if the Society wanted to sell it, which would essentially provide the City a ‘veto power’ on the sale of the property if the City was not satisfied with the intended sale to a 3rd party, but which would otherwise leave the property in free-and-clear Humane Society ownership.

Just for your information, the property has a tax value of \$213,800, of which \$123,800 is the building and \$90,000 is the land. The building is approximately 6280 sq. ft.

Consider the Humane Society’s request and decide whether to remove the reverter clause from their deed.

Mr. Jason Britt appeared before the CPC and stated that this has been a problem for a long time; first the roof expenditure and we have spent more than \$105,000 over the last two years making improvements. There has been drainage problem and we appreciate the City’s help. The situation that we are facing when it comes to getting grants...many say that can’t help because it’s not our building. We would like to have a clear deed. We hope to continue operating for many years. We don’t know how long it will be before we outgrow this place. Right now we are State regulated having only 27 dogs & 27 cats.

After a brief discussion, Council approved a motion to approve the request; however, the City will retain a “right of first refusal,” whereby the City would have the right to purchase the property, for instance for a dollar, if the Society wanted to sell it, which would allow the City a “veto power” on the sale of the property if the City was not satisfied with the intended sale to a 3rd party.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- P. Approve the designation of \$500.00 of Community Revitalization Funds for Community Watch in Precinct 4 – Karen Higley, Precinct 4
Councilwoman Higley requests \$500.00 of CRF for Community Watch.
Designate \$500.00 for Community Watch in Precinct 4.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- Q. Approve the designation of \$400.00 of CRF to BOLM for Special Programs – John Cantey Jr., Precinct 5
Councilman Cantey, along with Councilmen Howard and Robinson, requests CRF to be given to Breath of Life International Ministries, Inc. for special programs as follows:

P2 - \$200.00 P5 – \$100.00 P6 - \$100.00

Designate \$400.00 of CRF to Breath of Life International Ministries Inc.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 6:00 PM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Erich Hackney, Precinct 8	
AYES:	Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney	
ABSTAIN:	Davis	

- R. Discussion of Protocol for Pride in Lumberton Awards – Holt Moore, City Attorney
The Mayor has asked that this item be placed on the agenda to discuss the protocol and criteria for Pride in Lumberton Awards.
Discuss how Pride in Lumberton Awards are decided and presented and make any changes deemed appropriate.

After a brief discussion on the protocol for Pride in Lumberton awards; Council made a unanimous decision to bring the awards to CPC for the purpose of awareness and for any that involve designees such as employees will be for discussion.

It was also agreed that all appointments to boards and commissions that are for Council's approval will be discussed at a CPC meeting before its presentation at a Council meeting.

RESULT:	REFERRED [8 TO 0]	Next: 9/12/2016 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	

V. CLOSED SESSION

VI. ADJOURNMENT