



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • AUGUST 7, 2023

Regular Meeting

Council Chambers

6:00 PM

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

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Mayor Pro Tem	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	

B. Invocation: Pastor Josh Owens, First Baptist Church

C. Pledge of Allegiance: Led by Councilman Eric Chavis

II. RETIREES' RECOGNITION

A. Brian A. Nelson - 23 Years of Service as Fire Battalion Chief: Received a plaque for his dedicated service.

B. Woodel Jacobs - 18 Years of Service as Crew Supervisor - Rec Dept: No show

C. Maeola Hammonds - 20 years of Service as Revenue Officer - Public Svcs: No show

III. PUBLIC COMMENT PERIOD

Mr. Willingham Nance, 407 E. 8th Street, appeared before Council and expressed his concerns regarding the Disaster Relief Center transfer trucks damaging his property for the past 3 years. He stated that he has received assistance from EUD as they allowed him credit for electric and water and sewer. Public Works has also assisted him. He stated that he has ruts across his and he has reseed his yard several enough and now it's the City's turn to do something for me. He stated that it's not the Disaster Relief Center problem, they just have inexperienced drivers.

Ms. Carol T. Richardson, LRCC Las Amigas, Inc., appeared before Council and thanked each Council member for their support financially and personally. She expressed her special thanks to Councilmen Cantey & Howard for all that they do. Their support for the Juneteenth has been nothing but outstanding.

IV. COMMUNICATIONS

a. General**Historical Marker - Jim Pate - Shepp Oliver –**

Mr. Jim Pate, appeared before City Council seeking the placement of a historical marker in the Dick Taylor Plaza which would honor two local brothers; David Britt and Earl Britt. According to Mr. Pate, David Britt was the first Robeson County Native to be named Speaker of the NC House of Representative and was also elected to the state Supreme Court. His brother Earl Britt was appointed as a federal judge in 1980 and served for 42 years. Mr. Pate stated that the brothers did have offices in Lumberton.

City Attorney Moore advised Mr. Pate that staff will get with Council and will get him back him. Mr. Pate stated that he will leave his information with the Clerk.

RESULT:	ANNOUNCED
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V. CONSENT AGENDA

- A. 3999 : Approve the Ratification of \$1,600 of Community Revitalization Funds to the Lumberton Youth Softball Team - City Manager

Council made the following designations of CRF to the Lumberton Youth Softball Association. The funds were used to defray the costs of team equipment needs, travel and hotel expenses for the 10u team to travel to Alexandria, Louisiana on July 28th thru August 3rd 2023, for the World Series.

The designations were done by telephone poll due to time constraints, and need to be ratified at today's meeting. The designations were: P1 - \$200 P2 - \$200 P3 - \$200 P4 - \$200 P5 - \$100 P6 - \$100 P7 - \$200 P8 - \$200 and \$200 from the Mayor's Discretionary Fund for a total of \$ 1,600.00.

Ratify designations of CRF made during telephone poll.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- B. Ratification of \$900.00 of CRF to the Lumberton Youth Baseball Association (LYBA) - City Manager

Council made the following designations of CRF to the Lumberton Youth Baseball Association. The funds were used to defray the costs of team equipment needs, travel and hotel expenses for the OZONE team to travel to Ruston, Louisiana on August 4th thru August 9th, 2023, for the World Series.

The designations were done by telephone poll due to time constraints, and need to be ratified at today's meeting. The designations were: P1 - \$200 P3 - \$200 P4 - \$100 P7 - \$200 and P8 - \$200 for a total of \$900.00.

Ratify designations of CRF made during telephone poll.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- C. Ratification - The Award of Contract to Great Southern Recreation at a Cost of \$114,889.71 for Parkview Splashpad - City Attorney

On June 30, staff conducted a telephonic poll regarding awarding the contract for construction of a splashpad at the Parkview location. Council voted to award the contract to Great Southern Recreation, at a cost of \$114,889.71. The other bid received was \$180,676.00.

Ratify vote to award splashpad contract at Parkview to Great Southern Recreation.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- D. Ratify the Bid of Award for Raw Water Intake Valves to Titan Flow Control in the amount of \$20,649.27 - City Attorney

On July 25, staff conducted a telephonic poll regarding several valves that needed to be replaced as part of the raw water intake raising and modification. Two bids were received and Council approved awarding the contract to Titan Flow control in the amount of \$20,649.27. The project contractor offered a price of \$35,760.

Ratify the award of valve purchase contract to Titan Flow control.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- E. Ratification of Negotiated Sales to NCDOT for Parcels, p268, p273B, p275, p340 - City Attorney

On June 30, staff conducted a telephonic poll regarding negotiated sales of easements or rights of way on NCDOT parcels p268, p273B, p275 and p340. The prices were \$26,705, \$7,625, \$1,575, and \$1,325 respectively.

Ratify sales to NCDOT.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- F. Approve the designation of \$1,200.00 of CRF for Highland Inverness Block Party as follows:
P1 - \$600 and P3 - \$600 - City Council
Councilmen Carroll and Rising would like to designate \$600 each of CRF for Highland Inverness Block Party.
Designate \$1,200 of CRF as indicated above.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- G. Approve the designation of \$500.00 of CRF to McCormick Chapel for a Memorial Program as follows: P5 - \$250 and P6 - \$250 - City Council
Councilman Cantey would like to designate \$250 of CRF and Councilman Howard would like to designate \$250 of CRF to McCormick Chapel for a Combined Memorial Program.
This program is set for September 10, 2023.
Designate \$500 of CRF to McCormick's Chapel Program as designated above.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- H. Approve the designation of \$1,500.00 of CRF to First Baptist Church Homecoming & Anniversary Program as follows: P5 - \$500 and P6 - \$1,000 - City Council
Councilman Howard would like to designate \$1,000 of CRF and Councilman Cantey would like to designate \$500 of CRF to First Baptist Church Homecoming & Anniversary Program.
This program will serve many in the community.
Designate \$1,500 of CRF to First Baptist Church Homecoming & Anniversary Program.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- I. Approve the designation of \$950.00 of CRF to Bethany Presbyterian Church for a Community Event on August 19, 2023 as follows: P2 - \$250 P5 - \$350 and P6 - \$350 - City Council

Councilmen Cantey and Howard would like to designate \$350 of CRF each, and Councilwoman Robinson would like to designate \$250 of CRF to Bethany Presbyterian Church for a Community Event. This program is set for August 19, 2023.
Designate \$950 of CRF to Bethany Presbyterian Church as designated above.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- J. Approve the designation of \$500.00 of CRF to Various Non-Profit Organizations for School Supplies from Precinct 5 - City Council

Councilman Cantey would like to designate \$500 of CRF to various nonprofit organization for school supplies.
Designate \$500 of CRF to various organizations for school supplies in Precinct 5.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- K. Approve the designation of \$600.00 of CRF to The Pentecostals of Lumberton Back-to-School Program - City Council

Councilmen Chavis and Carroll are requesting \$300.00 each of CRF for The Pentecostals of Lumberton for Back-to-School Event.
Designate \$600.00 of CRF to The Pentecostals of Lumberton Back-to-School Event as indicated above.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- L. Approve the designation of \$500.00 of Community Revitalization Funds to West Lumberton Church Back to School Event on August 19, 2023 - City Council
Councilman Chavis requests \$500.00 of Community Revitalization Funds be designated to West Lumberton Church for a Back to School event held on August 19, 2023.
Designate \$500.00 of CRF to West Lumberton Baptist Church for a Back to School event held on August 19, 2023.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- M. Approve the designation of \$300.00 of Community Revitalization Funds to the Mayfair Homeowners Association for Beautification in Precinct 8 - City Council
Councilman Thomas is requesting \$300.00 of CRF to be given to the Mayfair Homeowners Association for beautification.
Designate \$300.00 of CRF to the Mayfair Homeowners Association for beautification.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- N. Approve the designation of \$300 of CRF to North Mayfair Association - City Council
Councilman Thomas would like to designate \$300 of CRF to North Mayfair Homeowners Association.
Designate \$300.00 of CRF to North Mayfair Homeowners Association.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

VI. PUBLIC HEARINGS:

- A. Sheila Murphy is requesting a Special Use Permit to operate an Intermediate Care Home (1.420) at 1901 N. Elm Street (parcel # 3213-06-013). – ArTriel Kirchner, Planning Director

Sheila Murphy is requesting a Special Use Permit to operate an Intermediate Care Home (1.420) at 1901 N. Elm Street (parcel # 3213-06-013). This property is zoned R-11 (residential single-family) and a Special Use Permit is required for Intermediate Care Homes within the R-11 zoning district.

The Planning Board unanimously recommended denial of the special use permit request. The planning staff recommends that the City Council hold tonight's public meeting and deny the special use permit request.

Mayor Davis opened a public hearing to consider a request for a Special Use Permit for property located at 1901 E. Elm Street to operate an Intermediate Care Home. City Clerk Mitchell-McIntosh presented the Affidavit of Publication showing that it was advertised in **The Robesonian**.

When considering a special use permit, City Attorney Holt Moore said, Council must consider the following: would the proposed use materially endanger public health and safety; would it substantially injure the value of nearby property; would it be in harmony with the surrounding area; and would it be consistent with the land use plan.

Ms. Bonnie and Jeff Lambdin, both are residents that reside on Elm Street, appeared to speak in opposition of the SUP. Ms. Biggs stated that they wanted to preserve the integrity and historical value of their home. She stated that she understands the need for the services being that she cared for her brother for years, however, she does not feel that it is right for the Elm Street Community.

Jeff Lambdin, stated that he is here to state the facts; he started by stating that intermediate care facilities are nowhere in the language of the R-11 zoning.

Mr. Lambdin stated that Olive Branch Integrated Community Development, the company owned by the applicant which was seeking to start the facility, was stated as a nonprofit on the application. Lambdin stated that there is no such nonprofit listed in the IRS database of tax-exempt organizations. One corporation, with the slightly different title of Olive Branch Integrated Care Services, was listed on the N.C. Secretary of State's listing of business corporations, according to Lambdin, but it is not listed a tax-exempt nonprofit.

Mr. Lambdin stated that Ms. Murphy, is listed as the registered agent for five corporations in which three are currently under administrative dissolution by the Secretary of State's office, and a fourth has had its articles of corporation suspended.

Lambdin also questioned the possibility of endangering public health and safety, including "inadequate infection control" due to close living quarters and potential errors in supervision of the residents.

The applicant, Sheila Murphy, did not speak.

No one else appeared to speak and the hearing was closed.

Councilman Thomas made a motion, seconded by Councilman Cantey, to deny the application for Special Use Permit for property located at 1901 North Elm Street, stating that it will materially endanger the public health or safety; and that it will substantially injure the value of adjoining or abutting property; and that it will not be in harmony with the area in which it is to be located; and that it will not be in general conformity with the Land Use Plan. The motion carried unanimously.

RESULT:	DENIED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- B. Robert Hester is requesting a rezoning of parcel #'s 3214-01-03601, 3214-01-02601 and 3214-01-02601A located at 2100 N. Pine St. and 2200 N. Pine St. from B-2 (business community) to B-4 (general commercial). – ArTriel Kirchner, Planning Director
Robert Hester is requesting a rezoning of parcel #'s 3214-01-03601, 3214-01-02601 and 3214-01-02601A located at 2100 N. Pine St. and 2200 N. Pine St. from B-2 (business

community) to B-4 (general commercial) for the operation of a monument sales business (Cape Fear memorials).

The Planning Board recommended the rezoning of Lot 1 only (parcel #32140103601) to B-4 with the condition of monument sales only.

The planning staff recommends that City Council hold tonight's public meeting and approve the rezoning request.

Mayor Davis opened the public hearing to consider a request to rezone property located at 2100 & 2200 N. Pine Street from B-2 business-community to B-4 general commercial for the operation of a monument sales business. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was advertised in **The Robesonian**.

Robert Hester appeared to speak and stated that the planning board had recommended that the conditions of the rezoning include that the property could only be used as a monument sales business, but Hester stated that could be a hardship in the event he tries to sell the land in the future.

Mr. Mike Townsend appeared to speak and stated that Mr. Hester is losing his business to NCDOT from the widening of Fayetteville Road.

Councilman Carroll also agreed that the property should not have such limited restrictions and proposed that the property could be used for the designated uses in a B-4 zoning; however, with a few exceptions that I have highlighted and if you are willing to agree to the terms I don't see why that parcel should be restricted as well as the other 3 parcels being included (the highlighted uses are attached for reference).

Councilman John Carroll, in whose Precinct 3 the property sits, proposed that the conditions state that the property could be used for anything normally allowed under B-4 zoning with a few exceptions - it could not be used for: adult establishments; ABC stores; billiard parlors/pool halls and game centers; electronic gaming operations; organized shelter facilities; restaurants (with or without carry-out/delivery/drive-in with or without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-p clock am Section 8.150, 8.250, 8.350 and 8.450) and bars and nightclubs.

Mr. Hester and Mr. Townsend found the conditions to be satisfactory, and Council approved Councilman Carroll's motion.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- C. Jona-Rae Locklear is requesting a rezoning of 2300 N. Pine St. from B-2 (business community) to B-4 (general commercial). – ArTriel Kirchner, Planning Director
Analysis: Jona-Rae Locklear is requesting a rezoning of parcel #321401012, deed book 2165, pg. 93 located at 2300 N. Pine St. from B-2 (business community) to B-4 (general commercial). The applicant is requesting a rezoning to operate a mental health treatment facility - Locklear's Behavioral Health Services, PLLC.

The Planning board unanimously recommended approval of a conditional rezoning B-4 Mental Health Treatment only.

The planning staff recommends that the City Council hold tonight's public meeting and approve the rezoning request.

Mayor Davis opened the public hearing to consider a request to rezone property located at 2300 N. Pine Street from B-2 business-community to B-4 general commercial to operate a mental health treatment facility. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was advertised in **The Robesonian**.

Ms. Jona-Rae Locklear and Mr. Brad Martin appeared before Council . Ms. Locklear stated that the application basically speaks for itself. She would like to operate as a mental health facility and asking for the property to be rezoned as such. Mr. Martin stated that it will not be residential services. Mr Martin asked if they could receive the same option as the previous applicant and Council approved his request for the same restrictions as stated in the previous application with the same exceptions - it could not be used for: adult establishments; ABC stores; billiard parlors/pool halls and game centers; electronic gaming operations; organized shelter facilities; restaurants (with or without carry-out/delivery/drive-in with or without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-p clock am Section 8.150, 8.250, 8.350 and 8.450) and bars and nightclubs.

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

- D. Steven Branch is requesting to rezone 1140 N. Roberts Avenue (parcel # 1014-01-001), from B-4 (general commercial) to B-7 (general commercial/manufactured home sales). – ArTriel Kirchner, Planning Director

Steven Branch is requesting to rezone property located at 1140 N. Roberts Avenue (parcel # 1014-01-001), from B-4 (general commercial) to B-7 (general commercial/manufactured home sales) for the operation of a manufactured home sales lot.

The Planning Board unanimously recommended approval of the rezoning request from B-4 to B-7.

The planning staff recommends that the City Council hold tonight's public meeting and approve the rezoning request.

Mayor Davis opened the public hearing to consider a request to rezone property located at 1140 N. Roberts Avenue from B-4general commercial) to B-7 general commercial /manufactured home sales) for the operation of a manufactured home sales lot. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was advertised in **The Robesonian**.

Mr. Branch appeared to answer any questions that Council may have.

No one else appeared to speak and the hearing was closed

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Karen Higley, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

VII. AGENDA ITEMS FOR COUNCIL'S CONSIDERATION

A. Approval of Rediscover Downtown Lumberton "RDL" Recognition Plaque – Sarah Ward, Downtown Coordinator

Friends of Main Street Lumberton is a recently established non-profit organization solely dedicated to helping with the revitalization of downtown Lumberton. We are a group of volunteers that work cohesively with the City Council appointed Advisory Board for Main Street Lumberton to achieve our common goal of creating a thriving downtown as a means to drive economic development in our entire city. Friends of Main Street Lumberton is the successor to Rediscover Downtown Lumberton. To recognize the hard work and efforts of “RDL”, Friends of MSL is requesting a plaque to be placed in the Dick Taylor Plaza in recognition of Rediscover Downtown Lumberton. While RDL was active from 2013-2021, some of the achievements of this group include a performance stage and metal sculpture on the plaza, a building mural, a whisper bench on the Riverwalk, planters, wayfinding signs, and benches.

Attachment A is an example of the plaque.

Attachment B indicates with a star the location recommended for the plaque to be installed in the Dick Taylor Plaza.

Friends of Main Street Lumberton along with City Staff are recommending City Council approve a bronze plaque to be placed in the flower bed facing Elm Street in the Dick Taylor Plaza in recognition of Rediscover Downtown Lumberton and their efforts to move the needle forward on downtown revitalization.

Sarah Beth Ward, Downtown Coordinator, introduced Mr. Tate Johnson, President of Friends of Main Street Lumberton who presented this item before Council.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

B. Authorize the Lumberton Police Department to apply for and accept the FY23 JAG Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to apply for and accept the 2023 JAG Grant. This grant will fund training in the amount of \$5,254.00 and purchase four in - car cameras for approximately \$24,000.00.

It is recommended that the Lumberton Police Department be granted permission to apply for and accept the 2023 JAG Grant in the amount of \$29,254.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

C. Acceptance of 2024 GHSP Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to accept the 2024 GHSP Grant in the amount of \$151,500.00 This is the fourth year the DWI team would be funded, and there is a 50% match.

It is recommended that the Lumberton Police Department be granted permission to accept the 2024 GHSP Grant in the amount of \$151,500.00.

Councilman Cantey asked Chief McNeill what line item would the match. Chief replied lapsed salaries.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

D. Adopt an Ordinance Erecting "No Thru Truck Traffic" Signs on Center, Front and Main Streets – Michael McNeill, Police Chief

The Police Department received concerns from Councilman Cantey in reference to large trucks using Center, Front and Mains Streets as a pass through / or alternate route to MLK which is damaging the roads and overhead lines. The main concern is that they are speeding through the residential area. After further investigation, we see the concerns as valid and of importance to the residents of South Lumberton and especially to those who live on the listed streets.

Main Street, from Martin Luther King, Jr., Drive to Kenny Biggs Road is designated as a "No thru truck traffic."

Please see the attachment for the definition of trucks.

The Police Department recommendation is that these streets be marked with signs showing that no through trucks are permitted in accordance with Sec. 14-24, of the Code of Ordinances.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

E. Water Plant AC Units – Rob Armstrong, Public Works Director

The Water Treatment Plant has 2 AC units that have stopped working after various attempts at repair. Public Works has sought quotes from 3 different HVAC companies for this replacement. All Seasons Air Conditioning & Heating, Inc. is the low bid at \$14,800.00. Southern Heating & a/C, Inc. came in at \$18,484.00, and Certified Heating & Air conditioning came in at \$19,669.18.

Public Works is recommending council approval of All Seasons Air Conditioning & Heating, Inc. for the replacement of 2 HVAC units at the Water Treatment Plant in the amount of \$14,800.00. Funds would be paid via operations code 60-00-7120-3520.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- F. Noir Street Sewer Outfall Evaluation – Rob Armstrong, Public Works Director
In June Public Works advertised a Request for Qualifications for the Noir Street Sewer Outfall Evaluation. The Wooten Company submitted the only response to the RFQ. Public Works is requesting that Council select the Wooten Company as the Engineer for the Noir Street Sewer Outfall Evaluation. Once selected as the most qualified engineer to perform the evaluation, Public Works will bring a contract that includes the cost of the project back to Council for approval next month. The project is being funded by a NCDEQ AIA grant.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- G. Pines and Lovette Rd LS Pumps – Rob Armstrong, Public Works Director
Public Works is seeking to purchase 2 new Flyght pumps for the Pines and Lovette Rd Lift Stations in order to make them a triplex station. Currently there are only 2 pumps at each station, but the stations are built to have a 3rd pump installed. Due to the increased flow from the hauled waste and the new industrial park, this section of sewer collection piping is seeing more flow and in need to the build out to a triplex station. Public Works has received a quote from Xylem Water Solutions USA, Inc., the sole source provider for these pumps in our region, in the amount of \$131,742.90 for both pumps. The current Capital Budget contains \$75,000.00 for one pump for the Pines LS, and \$70,000.00 for wear rings for the Lovette Rd LS, for a total of \$145,000.00
Public Works recommends council approval to purchase 2 70HP Flyght pumps from Xylem Water Solutions USA, Inc. in the amount of \$131,742.90, with funds coming from the capital codes of 60-00-8332-5960.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- H. Purchase New Sewer Flusher / Vacuum Truck – Rob Armstrong, Public Works Director
Public Works has \$560,000 in the Capital Budget to purchase a new Flusher / Vacuum Truck using funds from the Water and Sewer Capital Reserve. The flusher truck is a critical piece of equipment that responds to emergency sewer calls as well as performs routine maintenance and cleaning on the City’s sanitary sewer collection system. Our current flusher truck is a 2012 model and has experienced mechanical problems in the last year. It’s difficult to obtain repair parts quickly if at all for the current truck. Public Works is requesting Council Approval to purchase a Super Products Camel Max Model 1200 flusher / vacuum truck on a 2023 Freightliner chassis for \$548,289.72 from the North Carolina Sheriffs Association Contract. The current delivery time is approximately 8 months. Public Works is requesting Council Approval to purchase a Super Products Camel Max Model 1200 Flusher / Vacuum Truck on a 2023 Freightliner chassis for \$548,289.72 from the North Carolina Sheriffs Association Contract (NCSA Contract # NC 08-24-0421) using funds budgeted in Water and Sewer Capital Code 60-00-8221-5460.

RESULT:	APPROVED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- I. Purchase of a New Knuckle Boom Truck – Rob Armstrong, Public Works Director
Public Works is requesting Council approval to purchase a new knuckle boom debris collection truck offered by Joe Johnson Equipment Company on the NC Sheriffs Association Contract (Contract # 1773) for \$203,657.00. This purchase is not a previously approved Capital Item. Public Works would like to pay for the truck from the Sanitation Fund cash reserve which currently has a balance of approximately \$500,000. This truck will bring efficiency to our own collection efforts that are focusing on illegal and nonconforming debris dumping that is not part of the Waste Management contract. Currently, Public Works has to pick these piles up using a back hoe and tandem trucks. This method requires a back hoe operator, a truck driver (sometimes two) and a ground guide. Because of the resources required, the debris collection is often done after hours, on overtime, after the crew has completed their regular work assignments. With the boom truck, one operator can collect the illegal and non-conforming debris.
Public Works is requesting Council approval to purchase a new knuckle boom truck from Joe Johnson Equipment Co. off of the NC Sheriff Association Contract, Contract # 1773, for \$203,657.00 to be paid for from the Sanitation Fund cash reserve.

Councilman Howard asked Director Armstrong, where will this debris. Councilman Howard’s concern is that he gets so many calls. Director Armstrong stated that at the land field and have to pay a tipping fee. He stated

that on the calls; many time I send my staff out there to evaluate and many times it turns out to be an abandoned home and Waste Management will not pick up that trash.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

J. Terry Wethington Contiguous Annexation - HWY 41 N. – ArTriel Kirchner, Planning Director

The Planning & Neighborhood Services Department received an application for annexation. Specifically, Terry Wethington is requesting a contiguous annexation of property located on NC HWY 41 N. parcel #10120200102 deed bk. 017595, pg #895 and parcel #10120200103, deed bk 00694, pg. 74. The property has been rezoned from agriculture to B7 for a proposed self-storage facility. Annexation is required for water and sewer services. The 2 parcels are located in ETJ.

The Land Use Plan designates the future use of this parcel as low intensity and is located in the ETJ.

The City Clerk has certified the sufficiency of the petition and the Planning Department recommends City Council set the date of the public hearing for their October 2023 meeting.

RESULT:	APPROVED [8 TO 0]
MOVER:	Melissa Robinson, Precinct 2
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

K. Proposal from David King to develop an RV Park Ordinance – ArTriel Kirchner, Planning Director

The Planning staff received a request from David King to develop an RV park. Currently, there is not a land use category which accommodates the development of Recreational Vehicle (RV) Park(s) within the City's jurisdiction.

The Planning Department proposes to create a new, standalone land use category and ordinance which accommodates RV parks, furthermore, authorizing this use within the City's jurisdiction.

The Planning Staff ask Council to authorize the Planning Department to develop an ordinance addressing Recreational Vehicle Parks and present a draft to the Planning Board for discussion, and to present their recommendation to City Council for review and final decision.

RESULT:	REFERRED [8 TO 0]	Next: 9/26/2023 12:00 AM
MOVER:	Eric Chavis, Precinct 7	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

L. Matthew Blanks Rezoning Request - 2406 N. Roberts. Ave. – ArTriel Kirchner, Planning Director

Matthew Blanks is requesting to rezone property located at 2406 Roberts Avenue (parcel # 3206-01-0071), from B-3 (office/residential) to B-4 (general commercial for the operation of a funeral home).

Future land use of the parcel as low intensity and is located in precinct 3.

Council review the request, refer the petition to the August 2023 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	REFERRED [8 TO 0]	Next: 8/22/2023 6:00 PM
MOVER:	John R. Carroll, Precinct 3	
SECONDER:	Leroy Rising, Precinct 1	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

M. Contiguous Annexation Request - Ernest McArn- 44 Lorraine Dr. – ArTriel Kirchner, Planning Director

The Planning & Neighborhood Services Department received an application for annexation from Ernest McArn, Sr. and Gladys B. Love, requesting a contiguous annexation of property located on Meadow Road parcel 10090102001, Deed Book 02326, pg. 037/Map Book 57, pg. 177. The property is currently zoned City of Lumberton Agriculture therefore a rezoning is not required. The property is located within the City's ETJ.

The City Clerk has certified the sufficiency of the petition and the Planning Department recommends City Council set the date of the public hearing for their October 2023 meeting.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

N. Jason Britt Rezoning Request - Old Whiteville Rd./202 Taylor Dr. MHP – ArTriel Kirchner, Planning Director

Jason Britt is requesting to rezone property located at 202 Taylor Drive/Old Whiteville Rd. (parcel # 290501007), from M-1 (manufacturing) to R-20 (residential mobile home park) for the development of a mobile home park.

City Council review the request, refer the petition to the August 22nd, 2023 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	REFERRED [8 TO 0]	Next: 8/22/2023 6:00 PM
MOVER:	Karen Higley, Mayor Pro Tem	
SECONDER:	John R. Carroll, Precinct 3	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

- O. Jason Britt SUP Request - Old Whiteville Rd./202 Taylor Dr. MHP – ArTriel Kirchner, Planning Director

Jason Britt is requesting a special use permit property located at 202 Taylor Drive/Old Whiteville Rd. (parcel # 290501007) for the development and operation of a mobile home park.

City Council review the request, refer the petition to the August 22nd, 2023 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	REFERRED [8 TO 0]	Next: 8/22/2023 6:00 PM
MOVER:	Karen Higley, Mayor Pro Tem	
SECONDER:	John R. Carroll, Precinct 3	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

- P. Special Use Permit: Ryan Locklear/Retro City Arcade, LLC - 328 E 24th St. – ArTriel Kirchner, Planning Director

Ryan Locklear is requesting a Special Use Permit to operate an amusement arcade dba Retro City Arcade LLC at 328 E. 24th. St. Parcel #32140100801. The amusement arcade will consist of retro arcade games, a bar (alcohol), and snack bar. Proposed operating hours are M-Thrus. 4pm – 11 pm, Fri-Sat 4pm – 2 am, and Sunday from 4pm – 10pm. Uses 6.150 Billiard Parlors/pool halls & game centers (no electronic gaming), 8.5 Bars/nightclubs, & 8.150 Restaurants with operating hours 11:00 pm to 6:00 am. all require a special use permit. Council review the request, refer the petition to the August 22nd, 2023 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	REFERRED [8 TO 0]	Next: 8/22/2023 6:00 PM
MOVER:	John R. Carroll, Precinct 3	
SECONDER:	Owen Thomas, Precinct 8	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

- Q. Lease of Property on Grace Street – Holt Moore, City Attorney

The City has been approached by Rivers of Life Ministries, located on Coree Street, about a lease of a portion of a City-owned parcel which fronts Grace Street, in order to assist with their parking and recreational activities. The City has a drainage ditch on the property, a utility line and power lines. These would not be impacted by the lease. The church has indicated they can afford \$400 a year and will maintain the portion they wish to lease, which

is that north of the drainage ditch that runs diagonally across the property. Maps are attached of: 1- the church and property (southeast of intersection of Coree and Grace), 2- church parcel in blue, our parcel in red, and 3- the area to be leased shown in yellow (church parcel also in yellow). Staff has no problem with the lease, would recommend a 5 year period to start, and legal will draft a release that the church will need to sign. Approve lease to church.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Karen Higley, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

R. Declare 201 Dresden Surplus for Sale – Holt Moore, City Attorney

The property located at 201 Dresden Ave was acquired by the City in foreclosure. An individual has expressed interest in purchasing the property and staff recommends selling it. We request that the property be declared surplus and that staff be authorized to conduct a sealed bid sale.

<< Recommendation >>

RESULT:	ADOPTED [8 TO 0]
MOVER:	Karen Higley, Mayor Pro Tem
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

S. Consideration of NCDOT Offer - P212 – Holt Moore, City Attorney

Staff has negotiated a purchase price of \$18,275 on the parcel designated as P212 by NCDOT. Maps and other information relating to this parcel are attached. Approve offer of purchase from NCDOT on P212.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

T. Consideration of NCDOT Offer - Parcel 273A – Holt Moore, City Attorney

Staff believes a fair price of \$3050 has been offered for the parcel NCDOT has identified as 273A. This is exclusively for an easement. Approve offer from NCDOT for parcel 273A.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- U. Consideration of NCDOT Offer - Parcel 161B – Holt Moore, City Attorney
Staff has negotiated a price for right of way and easement on what NCDOT has identified as parcel 161B. We believe that a reasonable price of \$3225 has been reached. Some of the documents were amended to reflect that NCDOT decided to take less property than originally envisioned.
Approved sale of easement and right of way to NCDOT on parcel 161B.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- V. Request by First Baptist Church to Close Block of 6th Street – Holt Moore, City Attorney
First Baptist Church, 606 N. Walnut Street, has requested that the City officially close the block of E. 6th Street, between Pine and Walnut Streets. The rationale for the request is set forth in the attached letter from Senior Pastor Joshua Owens.
Review the request, and if so inclined, pass the attached Resolution of Intent to close the street, so that staff can perform the normal departmental reviews, postings, etc., and bring the matter back for public hearing in September.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- W. E911 Memorandum of Understanding – Holt Moore, City Attorney
For some time, while the City of Lumberton has been dispatching police and fire calls in the city, all EMS calls (city and county) have been dispatched by Robeson County. City and County staff have agreed that a memorandum of understanding clearly setting out the duties and responsibilities of each party with regard to the EMS dispatching would be best. A draft agreement approved by both staffs is attached.
Approve E911 MOU.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- X. Adopt a Resolution for the Acceptance for a State Loan for the 2020 Well Replacement Project from the Department of Environmental Quality - Project No. WIF-2020 – Wayne Horne, City Manager

The City of Lumberton has been approved for loan from the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASARDA) in the amount of \$2,316,900 and all principal will be forgiven for the 2020 Well Replacement Project. The attached resolution must be adopted by City Council, accepting the loan offer and making applicable assurances contained therein.

Staff, along with the Public Works Department, recommends that Council accept the Additional Supplemental Appropriations for Disaster Relief Act of 2019 in the amount of \$2,316,900 State Loan with all principal forgiven for the 2020 Well Replacement project by adopting the attached resolution.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Karen Higley, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- Y. Flock Safety System – Wayne Horne, City Manager

Chief McNeill has secured the following estimate for establishing a pilot program with the Flock Safety System which would include 5 cameras, installation, maintenance and data storage. The user has the ability to get notification any time a stolen tag is read passing a camera. If a tag is registered to an individual who has a warrant for arrest entered into NCIC a notification can be delivered to the user. The system has the option to network with other community systems such as Elizabethtown, Fairmont and Robeson County.

Staff recommends that City Council approve the first-year contract with startup and operational cost of \$33,250.00 with the second-year renewal fee of 15,000.00 for the Flock Safety System. Additional cameras can be added at a cost of \$2,500.00 each.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Mayor Pro Tem
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- Z. Approve the Christmas Holiday Schedule as December 25th , 26th & 27th as Paid Christmas Holidays and December 28th and 29th as Required Vacation or Leave Without Pay Days Off or Christmas Holidays as Designated by City Council – Wayne Horne, City Manager

The City of Lumberton Personnel Ordinance Sec. 16-165 designates the following holidays

with pay for the City employees; Christmas Eve and Christmas Day, and

- Sec. 10 – Any other day designated as a Christmas Holiday by both the State and the County.
- Sec. 11 – Any other day designated by the City Council

Recommend that City Council review the following dates and approve a vacation schedule for City Employees:

Current Policy

- 1) Monday, Dec. 25th, Christmas Day, Tuesday, Dec. 26th, and Wednesday, Dec 27th, as scheduled days off.

Additional Days:

- 2) Thursday, Dec. 28th, and Friday, Dec. 29th, approved by the County as holidays. (County Employees are required to take vacations days or leave without pay)

That the City will follow the County holiday schedule.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Karen Higley, Mayor Pro Tem
AYES:	Davis, Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas

VIII. CLOSED SESSION

A. Approval of Settlement of Workers Compensation Claim – Holt Moore, City Attorney

In closed session at their regular meeting on August 7, 2023, City Council approved the settlement of the workers compensation claim of John Moore for \$500,000 and an allowance of \$25,000 for a medical fund to avoid Medicare having to pay for work related future medical expenses. If Medicare insists on a larger fund than the \$25,000, the City has a right to opt out of the settlement. This passed unanimously.

<< Recommendation >>

City Attorney Moore announced a need for a brief closed session to discuss possible litigation. Councilman Rising made a motion to enter into closed session, seconded by Councilman Carroll, and it passed unanimously.

Councilman Cantey made a motion to enter into open session, seconded by Councilman Howard, and it passed unanimously.

RESULT:	NOT APPLICABLE
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IX. ADJOURNMENT - THERE BEING NO FURTHER BUSINESS TO COME BEFORE COUNCIL, THE MEETING WAS ADJOURNED.

X. ADJOURNMENT