



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JUNE 9, 2021

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
Bruce W. Davis	Mayor	Present	
Leroy Rising	Mayor Pro Tem	Present	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Precinct 4	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: City Attorney Holt Moore

II. MINUTES APPROVAL

A. City Council - Regular Meeting - May 12, 2021 11:00 AM –

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

III. PUBLIC COMMENT PERIOD: NO COMMENTS WERE SUBMITTED

IV. PUBLIC HEARINGS

FYI - May 25, 2021 Planning Board Minutes – ArTriel Kirchner, Planning Director
The Planning Board met on May 25, 2021 and held a public meeting for the following:

- Steve Branch rezoning request for property located on Country Club Drive (parcel # 16100200304). This request has been withdrawn by the applicant.
The draft minutes are being provided for Council's information and will be voted on by the Planning Board at a future Planning Board meeting.

RESULT:	NOT APPLICABLE
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- A. Barbara Lynn Cagle Benton annexation request for property located at 101 Arbor Lane. – ArTriel Kirchner, Planning Director

The Planning & Neighborhood Services Department received an application for annexation from Barbara Lynn Cagle Benton, requesting a contiguous annexation of property located at 101 Arbor Lane (Parcel #1002-05-043/Deed Book: 1818 Page: 676).

The property is currently zoned R-20 (Residential single family) therefore a rezoning is not required.

Recommends that City Council hold today's public hearing and approve the annexation request

Mayor Davis opened the public hearing to consider extending the corporate limits by annexing property located at 101 Arbor Lane. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was advertised in the Robesonian.

No one appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- B. Revisions to the Land Use Ordinance to address the new NC General Statute Chapter 160D changes to local ordinances, policies and practices. – ArTriel Kirchner, Planning Director
To keep in compliance with State requirements, we must update our Land Use Ordinance to address the new NC General Statute Chapter 160D changes to local ordinances, policies and practices. Attached please find the updated ordinance incorporating the changes required by the State. This ordinance must be adopted before July 1, 2021 , below are a list of the major changes:

- Definitions have been changed and added to reflect those required by the General Statute (GS 160D-706).
- Special Use Permit has replaced Conditional Use Permit, because Conditional Use Permit can no longer be used. The table of permissible uses and other sections of the ordinance have been changed to reflect this requirement and Special Use Permits will be reviewed by city council and not the Board of Adjustments (GS 160D-102 & GS 160D-703).
- Conditional Zoning District has replaced Parallel Conditional Use District (GS 160D-703).
- The term 'mobile home' has been replaced with 'manufactured home'.
- Cannot exclude manufactured homes based on the age of the home. The minimum age requirement (July 1, 1076) has been removed (GS 160D-910).
- And, revisions to Articles 1(A) and 3(B) of the FLOOD DAMAGE PREVENTION ORDINANCE.

Please keep in mind that more revisions to the ordinance are in the works, however, with a short period of time to adopt the ordinance, the attached revisions are the bare minimum needed to remain in compliance with the State.

Recommend that City Council hold tonight's public hearing and approve the required revisions to the Land Use Ordinance.

Mayor Davis opened the public hearing considering required revisions to the Land Use Ordinance. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing the it was published in the Robesonian.

No one appeared to speak and the hearing was closed.

RESULT:	APPROVED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

C. Proposed 2021-2022 Fiscal Year Budget – Wayne Horne, City Manager

The proposed 2021-2022 Fiscal Year Budget was presented to City Council on Wednesday, May 19, 2021 Budget Workshop.

* NCGS 159-12 requires no earlier than 10 days after the budget is presented that City Council hold a public hearing to allow for public comments on the proposed budget before it is adopted.

* The proposed budget has been placed in; the City Clerk's Office, the East Lumberton Resource Center, Robeson County Public Library and online @ www.ci.lumberton.nc.us the City's website.

Notice of the public hearing was advertised in the Robesonian.

Recommend that City Council hold a public hearing and consider the adoption of the proposed FY 2021-2022 Budget Ordinance.

Councilman Cantey asked if there were any significant changes to the budget and for the record; that we address the COLA in January. City Manager Horne stated that there are no changes to the budget and we will address the COLA in January.

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

V. AGENDA ITEMS

- A. Steven Branch request rezoning for a parcel located on Country Club Drive (Parcel #16100200304/Deed Book: 2128 Page: 287). – ArTriel Kirchner, Planning Director
The Planning & Neighborhood Services Department received a rezoning petition for a parcel located on Country Club Drive (Parcel #16100200304/Deed Book: 2128 Page: 287). This request is to rezone the property from R-20, residential single family to PCU B-4, Parallel Conditional Use Business General Commercial, restricting the uses to self-storage, parking rental spaces for automobiles, boats, R.V., etc., retail sales of moving staples and storage buildings, U-Haul rentals.

Land Use Plan: This property is currently zoned R-20. The Land Use Plan, area 9, designates the future use of this parcel as rural, furthermore, this property is located within Council Precinct 7.

May 12, 2021, City Council forwarded the request to the Planning Board for its review.

On May 24, 2021 Steve Branch requested to withdraw this application for rezoning.

On May 25, 2021 the Planning Board voted, unanimously, to accept the applicant's withdrawal request.

The Planning staff recommends that City Council accept the applicants request to withdraw the application.

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

- B. Authorize the Lumberton Police Department to apply for and accept the 2022 GHSP Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to apply for and accept the 2022 GHSP Grant in the amount of \$130,500.00 which will fund two DWI officers at 85 %. It is recommended that the Lumberton Police Department be authorized to apply for and accept the 2022 GHSP Grant in the amount of \$130,500.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- C. Authorize the surplus of a 1992 Grumman Fire Truck to Robeson Community College for their firefighter training program – Chris West, Assistant Fire Chief

The Lumberton Fire Department has been approached by Robert Ivey, Director of Fire & Rescue Training at RCC, requesting the donation of a 1992 Grumman Fire Apparatus for the college's fire training program. The truck will not meet the state's required pump capacity test and has been decommissioned from the Lumberton Fire Department fleet since August 2020. Parts for the trucks electronic pump system are no longer available due to the apparatus age and the manufactures business closing. With the truck no longer meeting the Office of State Fire Marshall's capacity requirements, it is no longer acceptable for firefighting operations due to safety regulations; however, the apparatus can be utilized for training and educational purposes.

The Lumberton Fire Department recommends donating the decommissioned 1992 Grumman Fire Apparatus to Robeson Community College's Fire & Rescue Training program on the

contingency that the apparatus will not be utilized for interior firefighting operations.

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

D. Acceptance of ___911 Board Funding Reconsideration_____ – Bill French, Emergency Services Director

Since November of 2020, I have been working on a project to replace my radio dispatch consoles to facilitate going to 800MHz Viper radios for our police and fire. The total cost of the consoles was \$237,439.90. \$173,198.38 was 911 Fund eligible, which I used from my 911 Fund. That left \$99,241.52 ineligible. I applied for a 911 Board Grant to cover the ineligible expenses and was awarded the grant. The remaining hardware needed for this project is a digital recording interface called an AIS, which costs \$121,565.00, which brings me to why I am here today. I applied for a Funding Reconsideration from the 911 Board for \$87,565 for the licensing and some hardware and software part of this device, and on May 28th was awarded the Funding Reconsideration. The remaining \$34,000 will be obtained with another Funding Reconsideration I will apply for after the new fiscal year. When this project is complete, not city funds were used for it. So I'm here today to ask for your permission to accept the Funding Reconsideration of \$87,565.00

<< Recommendation >>

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

E. Approval of Reconstruction Contracts – Brian Nolley, CDBG Administration

The Planning Dept. is seeking approval to award two contracts for home reconstructions under the city's CDBG-Neighborhood Revitalization Grant. These two properties are located at 530 Swann Dr. and 1703 Maryland St. A bid opening was held on May 18th, 2021 with the lowest bid for 530 Swann Dr. going to Finance Builders, Inc. of Red Springs, NC for \$143,850.00 and Nash Locklear Construction, Inc. of Lumberton for 1703 Maryland St. at \$157,750. Both properties will be complete tear down and rebuilds and paid for with grant funds.

We recommend awarding the contract for construction to the lowest bidders Finesse Builders, Inc (530 Swann Dr.) and Nash Locklear Construction, Inc. (1703 Maryland St.).

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

- F. Approval of HMGP Home Reconstruction – Brian Nolley, CDBG Administration
The Planning Dept. is seeking approval to award a home reconstruction contract under the city's HMGP-Matthew Grant. A bid opening was held on May 4th, 2021 with the lowest bid going to Faith Home Improvement & Construction (Frankie Demery) of Pembroke, NC at \$138,000.00. This property is located at 144 Spearman St. and will be a complete tear down and rebuild paid with grant funds.
We recommended awarding the contract for reconstruction to the lowest bidder, Faith Home Improvements and Construction.

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

- G. Well Relocation and Water System Mapping Engineering Selection – Rob Armstrong, Public Works Director
On April 22nd the City advertised Request for Qualifications for the engineering services for the ASADRA Drinking Water SRF Well Relocation Project and the AIA Water System Mapping Project. On May 18th the City received one response to the RFQ from the Wooten Company. The Wooten Company is familiar with the project and is currently working on the Preliminary Engineering Report associated with the SRF grant. Public Works is recommending Council select the Wooten Company to provide engineering services for the project. The project is funded by a \$2.3 Million ASADRA grant from the NC Drinking Water State Revolving Fund.
Public Works is recommending Council select the Wooten Company to provide engineering services for the project. The project is funded by a \$2.3 Million ASADRA grant from the NC Drinking Water State Revolving Fund.

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

- H. Rosewood Mobile Home Park CDBG Sewer Extension Engineering Contract Amendment #3 – Rob Armstrong, Public Works Director
The Rosewood Mobile Home Park CDBG Sanitary Sewer Extension Project is nearing completion. Construction of the project has come in under budget by almost \$200,000. However, because of COVID 19 related delays in getting materials, pumps and starting up

the lift station, the project time line has been extended 75 days, adding CDBG administrative and field inspection expenses to the project. Attached is Amendment #3 to the Engineering Contract with The Wooten Company adding \$54,000 to cover these expenses. Public Works has also requested the Wooten Company map in GIS format the new sewer infrastructure and add it to the City's master GIS sanitary sewer map. This is a \$20,000 addition to the agreement also shown in the attached amendment. All of these expenses will be paid for by the CDBG funds.

Public Works is requesting Council approval of Amendment #3 with the Wooten Company for \$74,000 for additional services related to the Rosewood Mobile Home Park CDBG Sanitary Sewer Extension to be paid for by CDBG Infrastructure grant funds.

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

- I. Sharon Smith is requesting a special use permit to open and operate a natural hair care school located at 215 E. 3rd St. Deed Book 862 pg. 778 parcel number 3233023901. – ArTriel Kirchner, Planning Director

Sharon Smith is requesting a special use permit to open and operate a natural hair care school located at 215 E. 3rd St. Deed Book 862 pg. 778 parcel number 3233023901. This request is to allow for the operation of natural hair care school to train hair care specialists (use #5.120). This property is currently zoned B1 (central business) and to operate a trade or vocational school a special use permit is required.

CPC review the request, refer the petition to the June 22, 2021 Planning Board meeting, and authorize the Planning Director to set the date of the public hearing.

RESULT:	REFERRED [8 TO 0]	Next: 8/11/2021 11:00 AM
MOVER:	John Cantey, Precinct 5	
SECONDER:	Chris Howard, Precinct 6	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

- J. Shanese Spaulding is requesting a special use permit to open and operate a beauty academy that will train estheticians located at 312 N. Elm St. Deed Book 01839 pg. 0734 parcel number 323302029 – ArTriel Kirchner, Planning Director

Shanese Spaulding is requesting a special use permit to open and operate beauty academy at 312 N. Elm St. Deed Book 01839 pg. 734 parcel number 323302029. This request is to allow for the operation of beauty school that will train students to become licensed estheticians (use #5.120). This property is currently zoned B1 (central business) and to operate a trade or vocational school a special use permit is required.

CPC review the request, refer the petition to the June 22, 2021 Planning Board meeting, and authorize the Planning Director to set the date of the public hearing.

Councilman Cantey asked Mrs. Kirchner if they would take a look at the operating hours and the parking. It is a concern especially when attempting to operate a school.

RESULT:	REFERRED [8 TO 0]	Next: 8/11/2021 11:00 AM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	John Cantey, Precinct 5	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

K. Acceptance of Property Donation from the Conservation Fund – Brandon Love, Deputy City Manager

The Conservation Fund, a non-profit organization, proposes to donate 10.35 acres on Campbell Street to the City to add to Lumber River Trail and a canoe/kayak access area. The property has a small encroachment from Jackie Currie, a neighbor. The Fund is acquiring the property in a bargain sale from Scottish Packing, Inc. with grants from the NC Land & Water Fund, Duke Energy Foundation, and the Attorney General's EEG program.

Staff recommends that City Council accept the property donation from the Conservation Fund and authorize staff to prepare the necessary real estate documents.

Councilman Cantey asked Deputy City Manager Love to inform the citizens on how we are bringing the community back with trade, recreation

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

L. Acceptance of Property Donation from Scottish Packing Company – Brandon Love, Deputy City Manager

Scottish Packing, Inc. proposes to donate 1.58 acres on Kinlaw Street to the City for a future park and canoe/kayak access area on the Lumber River. A grant from the Attorney General's Environmental Enhancement Grant (EEG) program will cover transaction costs, site clean-up and construction of the canoe/kayak access.

Staff recommends that City Council accept the property donation from Scottish Packing, Inc. and authorize staff to prepare the necessary real estate documents.

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

M. Approve the designation of \$300 of CRF to The Village – John Cantey, Precinct 5

Councilmen Cantey & Howard would like to grant \$150 each of Community Revitalization Funds to: The Village of Lumberton is a 501c3 nonprofit based in Lumberton North Carolina. The Village's focus is youth mentorship as well as community outreach that is building up the community to help build up the youth.

Approve the designation of \$300.00 as follows to The Village of Lumberton: P5 - \$150 and P6 - \$150.

Approved \$1,350.00 of CRF to The Village as follows: P1 - \$150 P2 - \$150 P3 - \$150 P4 - \$150 P5 - \$150 P6 - \$150 P7 - \$150 P8 - \$150 & from the Mayor's Discretionary Fund \$150.

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

- N. Approval of Rescheduling Fireworks Display – Tim Taylor, Recreation Director
Due to COVID-19 limits on outdoor mass gathering through mid-May; recreation department staff have not been able to confirm a date for the 2021 Family Fourth Celebration with Zambelli International to discharge a fireworks display this year.
Department staff is presently reviewing options to have an End of Summer community event with fireworks in conjunction with the Labor Day weekend on September 3, 2021 to replace the Independence Day holiday event if arrangements can be confirmed with local partner agencies and entertainment.
Department staff recommend that the City Council approve the “End of Summer Community Event” with fireworks to replace the Annual Family Fourth Celebration unable to be held this year.

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

- O. Approval of Documents - Opioid Settlement Funds Distribution – Holt Moore, City Attorney
As you are aware, there has been some longstanding, national litigation between local governments and several opioid manufacturers regarding inappropriate practices of distributing those drugs. A proposed settlement has come about. The enclosed documents describe the process by which the settlement funds would be distributed to the local governments. The County has already approved the Memorandum of Understanding, and has asked the City to do the same. Staff has reviewed the documents and believes it is in the City’s best interest to sign.

Approve the Memorandum of Understanding for the Mayor’s signature.

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

- P. Formal Acceptance of American Rescue Plan (ARP) Grant Funds – Wayne Horne, City Manager
City of Lumberton will receive grant funds through the American Rescue Plan Act (ARP) of

2021. In anticipation of receiving the grant funds; there is a process that Council must follow. City Council must formally accept the grant funds and at the appropriate time will need to amend the applicable budget ordinance / grant project ordinance in order to recognize the grant proceeds and authorize the expenditure of such funds.

That City Council formally accept the grant funds with the understanding that at a later date Council will need to amend the applicable budget ordinance or grant project ordinance to both recognize the grant proceeds and authorize expenditure of said funds.

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

- Q. CRF Precinct 3 - Wheelchair Ramp Expenses – Holt Moore, City Attorney
Councilman Carroll would like to use \$129.41 of CRF for reimbursement of building materials expenses for a handicapped ramp in Precinct 3, which was installed by the West Lumberton Kiwanis.
Approve CRF request.

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

- R. Adopt a Resolution - House Bill 500 – Brandon Love, Deputy City Manager
The City of Lumberton and Robeson County are very much aware of the perils and severe impacts of flooding as a result of Hurricanes Matthew and Florence. The Eastern NC Recovery and Resilience Alliance is an organization created in an effort to address these issues, and the Alliance set forth a list of priorities that were developed in accordance with local government elected officials and key staff throughout eastern NC.

The Alliance is convinced that House Bill 500 ably addresses each of the items on its list of priorities, which are: (1) Funding an actionable Flood Resilience Blueprint, (2) ensuring resilient critical transportation infrastructure, (3) supporting riverine and stream management to reduce flooding, (4) incorporating resilience investments as an allowable use into any new local revenue authority, (5) increasing resilience capacity and technical assistance to local governments, and (6) funding flood mitigation programs and innovative pilot projects. The City of Lumberton is mentioned extensively.

That City Council endorse HB 500.

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

VI. CLOSED SESSION**VII. ADJOURNMENT**