



# CITY OF LUMBERTON

## CITY COUNCIL

MINUTES • MARCH 4, 2020

Regular Meeting

Council Chambers

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 |         |

2. *Invocation: City Attorney Holt Moore*

3. *Pledge of Allegiance: Led by Councilman Carroll*

### II. PUBLIC COMMENT PERIOD

### III. PUBLIC HEARINGS

Planning Board - Regular Meeting - Feb 18, 2020 6:00 PM –

- A. Lumberton Housing Authority has submitted a Rezoning petition for property located at 2440 E. 5th Street – ArTriel Kirchner, Interim Planning Director

At the March 4, 2020 City Council meeting, Council voted to continue the hearing for this petition until the next scheduled meeting. Due to Statutes relating to the COVID-19 pandemic the next scheduled public hearing was postponed until today, June 24, 2020.

Lumberton Housing Authority has submitted a Rezoning petition for property located at 2440 E. 5th Street (parcel #1014-03-026 & 1014-03-03301/Deed Book 1001 Page 296 & Deed Book 970 Page 269). This request is to rezone the property from B-7, Business general commercial/mobile home sales to R-3, multifamily for the construction of a multifamily development.

This property is located within Area 5 our Land Use Plan and its recommended future use is Industrial. Furthermore, this property is located within Council Precinct #4.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

On February 18, 2020 the Planning Board held the public hearing and recommends City Council approve the request.

On February 19, 2020 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the rezoning request.

On February 18, 2020 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the rezoning request, on or before February 21, 2020.

On February 18, 2020 a request was sent to the Robesonian to have the legal ad for this request ran on February 21, 2020 and February 28, 2020  
Recommends that City Council hold tonight's public hearing and make a decision regarding the rezoning request.

Mayor Davis opened the public hearing on a request to rezone property located at 2440 E. 5<sup>th</sup> Street from B-7, Business general commercial/mobile home sales to R-3, multifamily for the construction of a multifamily development.

Councilwoman Higley stated that she would like to continue the public hearing because it is difficult for people in my precinct, in which the housing would be built to attend an 11:00 a.m. meeting. I have a big group of people in my precinct who are against this and they have every right to be able to come here and be heard. It is difficult for people to make it here during the day.

Councilman Cantey asked why put the hearing off if we are going to hear the same complaints that were presented at the Planning Board. I just don't think we should hold up the Rezoning petition for repetitive complaints.

A long discussion ensued and the motion was made to continue the hearing.

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|------------------|----------------------------------------|---------------------------------|
| <b>RESULT:</b>   | <b>CONTINUED [5 TO 4]</b>              | <b>Next: 6/24/2020 11:00 AM</b> |
| <b>MOVER:</b>    | Karen Higley, Precinct 4               |                                 |
| <b>SECONDER:</b> | Owen Thomas, Precinct 8                |                                 |
| <b>AYES:</b>     | Davis, Rising, Carroll, Higley, Thomas |                                 |
| <b>NAYS:</b>     | Robinson, Cantey, Howard, Chavis       |                                 |

- B. USCOC of Greater North Carolina, LLC. Conditional Use Permit petition for property located off of West Carthage Road. – ArTriel Kirchner, Interim Planning Director  
USCOC of Greater North Carolina, LLC has submitted a Conditional Use Permit petition for property located off of West Carthage Road and being parcel #100501024. This request is to allow for the construction of a 130 feet cellular tower at this location. This property is zoned 'A' (agriculture) and requires a Conditional Use Permit.  
This property is located within Area 11 our Land Use Plan and its recommended future use is rural. This property is located within the City's ETJ.

On February 18, 2020 the Planning Board held the public hearing and recommends City Council approve the request with the condition they erect a minimum of 6 feet high fence around the tower and equipment.

On February 19, 2020 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On February 18, 2020 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the, on or before February 21, 2020.

On February 18, 2020 a request was sent to the Robesonian to have the legal ad for this request ran on February 21, 2020 and February 28, 2020.

Recommends that City Council hold tonight's public hearing and make a decision regarding the Conditional Use Permit request.

Mayor Davis opened the public hearing to consider the issuance of a Conditional Use Permit to allow for the construction of a 130 feet cellular tower located off West Carthage Road. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was advertised in the Robesonian.

Attorney Michael Doran, Roman Acquisition Inc., appeared before Council representing USCOC of Greater North Carolina, LLC. He is present to answer any questions that Council may have.

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | Leroy Rising, Mayor Pro Tem                                       |
| <b>SECONDER:</b> | Eric Chavis, Precinct 7                                           |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

C. Creation of a Mill Village redevelopment district and overlay plan – ArTriel Kirchner, Interim Planning Director

The planning department, in coordination with the manager's office, is proposing the creation of a Mill Village redevelopment district and overlay plan to assist with the creation of new residential homes and the redevelopment of existing homes.

The objective of the proposed Mill Village redevelopment district and overlay plan is to create an environment conducive to the development and improvement of residential structures within a defined area of East Lumberton. It is intended that these actions will be implemented over time and be coordinated with the needs of existing residents so that undue hardship or displacement is minimized. To the extent certain existing uses of property, if deemed non-compliant with the proposed ordinance, will continue to exist until such time the City undertakes redevelopment activities with respect to said properties. Among the purposes of the ordinance is to ensure the new construction is as consistent with the existing historic appearance and architecture as possible, including but not limited to setbacks.

Also, this ordinance will allow the City to construct homes, in compliance with the plan, for displaced residents following Hurricanes Matthew and Florence, who have received or will

receive HMGP buyouts.

The Planning Board reviewed the ordinance at its February meeting and recommends approval.

Recommend that City Council hold the public hearing and make a decision on the matter.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | Karen Higley, Precinct 4                                          |
| <b>SECONDER:</b> | John R. Carroll, Precinct 3                                       |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

#### IV. AGENDA ITEMS

- A. Rezoning and CUP petition for five properties off of Hornets and Elizabethtown Roads – ArTriel Kirchner, Interim Planning Director  
Moss Neck Trust and George Regan have submitted Rezoning and Conditional Use Permit petitions for the following properties:

- 1) Moss Neck Trust (owned by John C & Anne B. Culbreth) - 1010-02-012 & portion of 1012-01-011 - Current Zone Agriculture requested zone is CUP R-6 (residential subdivision)
- 2) George Regan (owned by Gerald & Brenda Phillips) - 1012-02-00102 - Current Zone Agriculture and B7 requested zone is CUP R-6 (residential subdivision)
- 3) George Regan (owned by Margaret Baxley) - 1012-02-00103 - Current Zone Agriculture and B7 requested zone is CUP R-6 (residential subdivision)
- 4) George Regan - 1012-02-001 & 1012-02-00101 (owned by Hazel & Ferris Brisson)- Current Zone Agriculture and B7 requested zone is CUP R-6 (residential subdivision)
- 5) George Regan - (Owned by JW Hammonds & wf.) - 2901-01-001 - Current Zone Agriculture requested zone is CUP R-6 (residential subdivision)

This request is to rezone all parcels to R-6 Single family residential with a Conditional Use Permit for a major residential subdivision.

This property is located within Area 3 and 4 of our Land Use Plan and its recommended future use is low intensity. Furthermore, this property is located within the ETJ.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

CPC to review the request, refer the petitions to the March 17, 2020 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

Councilman Rising would like to table this item for further discussion. He has expressed concerns about the rezoning.

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| <b>RESULT:</b>   | <b>TABLED [8 TO 0]</b>                                            | <b>Next: 6/3/2020 11:00 AM</b> |
| <b>MOVER:</b>    | Leroy Rising, Mayor Pro Tem                                       |                                |
| <b>SECONDER:</b> | Chris Howard, Precinct 6                                          |                                |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |                                |
| <b>ABSTAIN:</b>  | Davis                                                             |                                |

- B. Marylyn Linkhaw Britt Rezoning petition for property located on Linkhaw and Gavintown Roads (being a portion of the following parcel # 1009-01-00509 and 1009-01-00508C). – ArTriel Kirchner, Interim Planning Director

Marylyn Linkhaw Britt has submitted a Rezoning petition for property located on Linkhaw and Gavintown Roads (being a portion of the following parcel # 1009-01-00509 and 1009-01-00508C). This request is to rezone the parcels from Agriculture to B-4, Business General Commercial to allow for the operation of a kidney dialysis center.

This property is located within Area 3 of our Land Use Plan and its recommended future use is medium intensity. Furthermore, this property is located within Council Precinct #2.

If this rezoning is granted the applicant must obtain a Land Use Permit from the City of Lumberton's Planning Department.

CPC to review the request, refer the petition to the March 17, 2020 Planning Board meeting for their review, and authorize the Interim Planning Director to set the date of the public hearing.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | Melissa Robinson, Precinct 2                                      |
| <b>SECONDER:</b> | John Cantey, Precinct 5                                           |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

- C. Hands-free Cell Phone Legislation Resolution – Holt Moore, City Attorney
- The NC Legislature is considering a bill which would prohibit the use of a wireless communication device while holding such device in the driver's hands while operating the vehicle. Councilman Thomas has asked that a resolution in support of this legislation be brought before Council for consideration, and the resolution is attached. The legislation is also attached; this is the original version - the bill's primary sponsor, Rep Kevin Corbin, plans to have the current HB 144 be replaced with this language when it's heard by the Senate Commerce and Insurance Committee.
- Consider resolution.

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

- D. Approve the designation of \$400.00 of Community Revitalization Funds to Rowland Norment School as follows: \$200.00 for a field trip to Wonder Works in Myrtle Beach, SC and \$200.00 for a field trip to Fort Fisher, N, to pay the cost of transportation – John Carroll, Precinct 3

Councilman Carroll requests \$400.00 of CRF to be given to Rowland Norment School as follows: \$200.00 for a field trip to Wonder Works in Myrtle Beach, SC and \$200.00 for a field trip to Fort Fisher, NC. Both trips are scheduled for April and the funds will be used to help with the cost of charter bus transportation for the students.

Designate \$400.00 of CRF to Rowland Norment School for a field trip to Wonder Works in Myrtle Beach, SC in Precinct 3.

The following donations were given to Rowland Norment School:

P1 - \$100.00 P2 - \$100.00 P3 - \$400.00 P5 - \$50.000 P6 - \$100.00 P7 - 200.00 and P8 - \$100.00 for a total of \$1,250.00.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | John R. Carroll, Precinct 3                                       |
| <b>SECONDER:</b> | Melissa Robinson, Precinct 2                                      |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

- E. Approve the designation of \$500.00 of Community Revitalization Funds in Precinct 4 for Community Watch – Karen Higley, Precinct 4

Councilwoman Higley is requesting \$500.00 of CRF for Community Watch.

Designate \$500.00 for Community Watch in Precinct 4.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | Karen Higley, Precinct 4                                          |
| <b>SECONDER:</b> | Leroy Rising, Mayor Pro Tem                                       |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

- F. Approve the designation of \$280.00 of CRF to the NC General Assembly on Behalf of Justin Pittman for Youth Legislative Assembly – Owen Thomas, Precinct 8

Councilman Thomas would like to contribute \$280.00 of CRF on behalf of Justin Pittman, a Lumberton Senior High School student who will represent the school at the Youth Legislative Assembly (YLA) in Raleigh, NC, April 3 -5, 2020.

Designate \$280.00 of CRF to the YLA on behalf of Justin Pittman.

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

- G. Authorize the Lumberton Police Department to apply for 2020 COPS Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to apply for the 2020 COPS Grant in the amount of \$503,387.00 which will fund three officers' salaries and fringe benefits. This is a 25% matched grant over a period of three years.

It is recommended that the Lumberton Police Department be granted permission to apply for the 2020 COPS Grant in the amount of \$503,387.00 for three officers.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | John Cantey, Precinct 5                                           |
| <b>SECONDER:</b> | John R. Carroll, Precinct 3                                       |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

- H. Authorize the Lumberton Police Department to apply for 2021 GHSP Grant – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to apply for the 2021 GHSP Grant in the amount of \$230,940.00 which will fund two DWI officers, two vehicles, and equipment.

It is recommended that the Lumberton Police Department be granted permission to apply for the 2021 GHSP Grant in the amount of \$230,940.00 for a DWI traffic enforcement team.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                          |
| <b>MOVER:</b>    | John Cantey, Precinct 5                                           |
| <b>SECONDER:</b> | John R. Carroll, Precinct 3                                       |
| <b>AYES:</b>     | Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas |
| <b>ABSTAIN:</b>  | Davis                                                             |

## V. ADJOURNMENT