



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • FEBRUARY 2, 2022

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	Excused	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

B. Invocation: City Attorney Moore

II. MINUTES APPROVAL

A. City Council - Regular Meeting - Jan 5, 2022 11:00 AM –

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

III. PUBLIC COMMENT PERIOD: NO COMMENTS WERE SUBMITTED.

IV. PUBLIC HEARING

A. Amit Patel rezoning request for property located at 220 Jackson Ct. Parcel #1006-01-01205D – ArTriel Kirchner, Planning Director

Amit Patel is requesting a rezoning from B-4 to B-5 for a proposed 140-unit dual branded Hilton Hotel. The property is located at 220 Jackson Ct. Parcel #1006-01-01205D, deed book 2282, pg. 273-277.

The City has conducted several meetings with the developers and has determined that this rezoning will be consistent with the future land use plan for area 12, high intensity.

The Planning Board reviewed this request on January 18, 2022 and unanimously recommends City Council approve the rezoning request.

On January 19, 2022 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 January 19, 2022 a sign placed on the property, notifying the adjacent property owners of the rezoning request.

The legal ad ran on January 26, 2022 and February 2, 2022.

Recommends City Council hold today's public hearing and approve the rezoning request.

Mayor Davis opened the public hearing to consider amending the Land Use Ordinance by rezoning property located at 220 Jackson Court from B-4 (Business General Commercial) to B-5 (Business Highway Service) for a proposed 140-unit dual branded Hilton Hotel. City Clerk Mitchell-McIntosh submitted the Affidavit of Publication showing that it was published in The Robesonian.

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 FOR COUNCIL'S CONSIDERATION:

- A. Change Order #1 - Tanglewood Drainage Project – Rob Armstrong, Public Works Director
Attached is Change Order #1 from Terrahawk, LLC for the Tanglewood Drainage Project. The Change Order covers unforeseen items encountered during construction, including: Stock piling petroleum laden soils, installing a conflict manhole on 27th Street, adding a steel casing at the sewer crossing near the River and removing existing stormwater on 27th Street. The total Change Order #1 amount is \$122,573.10 and will be paid for by the project contingencies included with the \$6.8 US Economic Development Administration Grant awarded to the project.

Public Works is requesting approval of the Tanglewood Drainage Project Change Order #1 from Terrahawk, LLC for \$122,573.10 to be paid for the US EDA grant awarded to the project.

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

- B. Water Plant Lime Tower Painting – Rob Armstrong, Public Works Director
The City of Lumberton Public Works Department had requested, and been approved in the FY21-22 Capital Items, for sandblasting and painting the lime tower and various outdoor piping around the Water Treatment Plant. That budgeted amount was for \$65,000.00. Public Works requested bids from American Pump Corp., Floor Care Specialists, Inc., and Mechanical Resources LLC. Those bids came back at \$37,000 (APC), \$45,100 (FCS), No Quote (MR).
Public Works recommends that council award the project to American Pump Corp. in the

amount of \$37,000.00 using capital code 60-00-8220-5960.

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

- C. Authorize the funding for the installation of the Airport weather sensor tower and antenna. – Gary Lewis, Airport Manager

The Airport maintains an Automated Surface Observing System (ASOS) to provide weather support to incoming and outgoing aircraft. The ASOS provides vital data such as cloud bases, pressures, wind direction and speed as well as other data. This system has been disabled for over two years limiting pilots' access to the Airport during questionable weather. This equipment is extremely important to pilots during inclement weather.

Grant funding has been approved and has paid for the Design phase but, we are awaiting construction funding pending final approval from the Federal Aviation Administration. The Grant is 100% funded and no local match is required.

Though the Grant is 100% funded it has been a slow process for approval. Recently, the Airport along with our engineers met virtually with the NC Division of Aviation (NC DoA) to see if the process could be moved forward faster. It was recommended that we obtain local funds so that the project could be contracted out. We were assured that once the construction funds were available any local money spent would be reimbursed. The total amount needed is \$70,000 dollars (\$35,000 City, \$35,000 County).

This is a non-competitive bid project and will be awarded as soon as assurances are given by the City and County.

I am requesting \$35,000 dollars from the City Council as well as \$35,000 dollars from the County Commissioners in order for the ASOS to move into the Construction phase.

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. Special Use Permit - 1985-A N. Roberts Ave. – ArTriel Kirchner, Planning Director
- Dominique Brown is requesting a special use permit to operate a bar and lounge to be located at 1985-A North Roberts Ave. Parcel # 10090201105, deed book 1487, pg. 208. This request is to allow for the operation of a bar and lounge that serves food, with the proposed operating hours of Thursday - Saturday from 12:00 pm - 2:00 am and Sundays for catering events. This property is currently zoned B4 (general commercial) and to operate a bar/lounge with limited food menu, a special use permit is required (Use 8.500-Bars, night clubs). This property is currently zoned general commercial B4. The Land Use Plan designates the future use of this parcel as high intensity and is located in council precinct 2. CPC review the request, refer the petition to the February 15, 2022 Planning Board meeting for their review and allow the planning director to set the date of the public hearing.

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

- E. Request for Annexation- Bethel Baptist Church – ArTriel Kirchner, Planning Director
The Planning & Neighborhood Services Department received an application for annexation from Bethel Baptist Church, requesting a contiguous annexation of property located at 417 Hornets Rd. (Parcel #10100201205/ Deed Book: 2206 Page: 0783). The property is currently zoned City of Lumberton A (Agricultural) therefore a rezoning is not required and is located in the city's ETJ.
This property is currently zoned Agriculture and is located in Area 3 of our Land Use Plan. The Land Use Plan designates the future use of this parcel as medium intensity.
Authorize City Clerk to investigate said petition.

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

- F. Rezoning Request - A & B Holdings Airport Blvd – ArTriel Kirchner, Planning Director
Applicant is requesting a rezoning from B-4 to B-2 (community business) for multi-family apartments. The property is 2 parcels located at West 5th Street and Airport Blvd. Parcel # 321701009, Deed book pg. 01622 pg. 0825 and parcel # 321701010 (120 Airport Blvd.), Deed book 00664, pg. 0743.
This property is zoned PCU B-4. The Land Use Plan designates the future use of this parcel as industrial furthermore, this property is located within precinct 7.
CPC review the request, refer the petition to the February 15th, 2022 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	WITHDRAWN
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- G. Mr. Chase Howard, vice president of CCC Car Wash LLC, has submitted a Rezoning petition for two (2) adjacent lots located Roberts Avenue – ArTriel Kirchner, Planning Director
Rezoning: CCC Car Wash LLC is requesting a rezoning to construct a car wash on two (2) adjacent lots located Roberts Avenue (parcel #'s 3206-01-008/Deed Book 1037 Page 265 and 3206-01-009/ Deed Book 1261 Page 215).

Analysis: Mr. Chase Howard, vice president of CCC Car Wash LLC, has submitted a Rezoning petition for two (2) adjacent lots located Roberts Avenue (parcel #'s 3206-01-008/Deed Book 1037 Page 265 and 3206-01-009/ Deed Book 1261 Page 215). This request is to allow for the construction of a car wash (use #9.600). This property is currently zoned

B-3 (Office Residential) and R-15 (residential single family) and to operate a car wash at this location requires a rezoning; the request is to change to B4.

Land Use Plan: The Land Use Plan designates the future use of this parcel as low intensity, and staff will provide information about how this use compares to that level of intensity.

Furthermore, this property is located within precinct 1.

CPC review the request, refer the petition to the February 15, 2022 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	APPROVED [7 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Melissa Robinson, Precinct 2
AYES:	Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis
RECUSED:	Rising

- H. Approve the Appointment of Interim Director Greg Prevatte as First Alternate to the NCEMPA Board of Commissioners – Wayne Horne, City Manager

The North Carolina Eastern Municipal Power Agency is requesting a Lumberton Appointment to the NCEMPA BOC to replace the former First Alternate. Councilman John Carroll serves as Commissioner to the NCEMPA Board; City Manager Horne as the Second Alternate and Mayor Davis is requesting that Electric Utilities Interim Director Greg Prevatte serve as First Alternate. An Oath of Office must be executed for each appointment. Approve the Appointment of Interim Director Greg Prevatte as First Alternate to the NCEMPA Board of Commissioners.

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

- I. Approve the Appointments of Ms. Jennifer Whitley and Mr. Melvin Morris to the Robeson County Public Library Board of Trustees – Wayne Horne, City Manager
City Manager Horne received a request from Director Fountain, Robeson County Public Library, asking that the City appoint Ms. Jennifer Whitley to the Board of Trustees replacing Ms. Nancy Martin with an expiration date of 6/30/2028.

City Manager Horne also received a request from Director Fountain asking that Mr. Melvin Morris be appointed to the Board to fulfill the unexpired term of Ms. Priscilla Leazer which expires 6/30/2025.

Appoint Ms. Jennifer Whitley and Mr. Melvin Morris to the RCPL Board of Trustees, if so desired.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- J. Approve the Designation of CRF in Support of Lumberton High School Varsity Cheerleaders Competition – Leroy Rising, Mayor Pro Tem

After many hours of hard work, Lumberton High School Varsity cheerleaders earning a bid and will compete at the UCA High School Cheer Nationals in Orlando, Florida. The trip seems out of reach for the team; however, they are determined to raise enough funds to help with the cost of transportation and lodging. The LHS Varsity Cheerleaders are asking for our support.

That Council approve the following donations: P1 - \$150 P2 - \$100 P3 - \$150 P4 - \$150 P5 - \$100 - P6 - \$100 P7 - \$150 and P8 - \$100 for a total of \$1,000.in support of Lumberton High School Varsity Cheerleaders trip to Orlando, FL.

Mayor Davis added \$150.00 for a total of \$1,150.00.

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

- K. Acceptance of Final Plat and Road for Autumn Leaf Court – ArTriel Kirchner, Planning Director

B.G. French requests approval of the final major subdivision plat and street acceptance for Autumn Leaf Court. All improvements are in except for final paving and landscaping. Attached is a copy of Heath Grading schedule showing \$30,000 to finish the paving and I am going to propose a figure of \$10,000 to finish landscaping. A letter of credit for \$50,000 will be submitted to cover the unfinished improvements. According to Mr. French, the pavement shall be completed by the end of February 2022.

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

- L. Approve Reimbursement of Funds – Melissa Robinson, Precinct 2

Councilwoman Robinson received \$1350 for a Toy Giveaway and exceeded that amount by \$270.43, and received \$850 for “O Give Thanks” event and exceeded that amount by \$216.18.

Councilwoman Robinson is requesting reimbursement in the amount of \$486.61 from code: 10-00-4935-6902.

That Council approve the reimbursement amount of \$486.61 from code: 10-00-4935-6902 to Councilwoman Robinson.

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

- M. Discussion on the Observance of a Federal Holiday - Juneteenth – John Cantey, Precinct 5
On Thursday, June 17, 2021, President Biden signed legislation to make Juneteenth a federal holiday. Upon approval of Juneteenth as a Federal Holiday; the City Manager stated that City Council did not have enough time to act upon whether the City would observe Juneteenth as a federally recognized holiday in the City of Lumberton.

I realize that the establishment of Juneteenth as a federal holiday does not mean that it is a holiday in the City unless deemed so; however, I am requesting that the City Manager along with City Staff come together and discuss this issue and bring a recommendation to Council in March.

That the City Manager and Staff meet and bring back recommendation in March.

Councilman Cantey expressed his concerns. City Manager Horne stated that they will prepare a report of general information to make an informed decision.

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

VI. ADJOURNMENT: THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE BOARD THE MEETING WAS ADJOURNED.