



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • JANUARY 11, 2016

Regular Meeting

Council Chambers

6:00 PM

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

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Precinct 1	Present	
John Robinson	Mayor Pro Tem - P2	Excused	
Burnis Wilkins	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Holt Moore	City Attorney	Present	

III. INVOCATION

City Attorney Holt Moore

IV. PLEDGE OF ALLEGIANCE

Titans 4H Club of Robeson County led by Ms. Aggie Rogers.

V. RECOGNITION

Pride in Lumberton - Lumberton Fire Department –

Councilmen Cantey and Wilkins presented the Lumberton Fire Department with a Pride in Lumberton Award which consists of a Print of the Old City Hall and lapel pins for their work with the Toys for Kids program. Councilman Cantey stated that there was \$5,410.98 raised for the Toys for Kids program in which City Council gave \$2,750. There were 619 kids and 252 families that received gifts on Christmas Eve.

A. Retirees Recognition

Mayor Davis along with City Council presented the following retirees with plaques, some with a check

1. Brenda N. Poinsette- Executive Secretary - 21 years of service –
2. Jeffrey L. Carroll - Motor Equipment Operator IV - 9 years of service. –
3. Howard G. Floyd - Waste Plant Operator IV. –

4. James E. Locklear - General Supervisor - 23 years of service. –
5. Peter E. Marcinsky - Police Sergeant - 29 years of service. –
6. James L. McNair - Waste Plant Operator I - 7 years of service. –
7. Roy W. Sealy - Fleet Superintendent - 29 years of service. –

VI. PUBLIC COMMENT PERIOD - TIM LITTLER - ROBESON COUNTY PARTNERSHIP FOR CHILDREN

Mr. Tim Little appeared before Council and thanked them for the work and donations that they have given to the Exploration Station.

VII. CONSENT AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
EXCUSED:	Davis, Robinson

Minutes Approval

- A. City Council - Regular Meeting - Nov 9, 2015 6:00 PM -
- B. Approval of November 2015 Tax Releases - Council Policy Committee
Per G.S. 105-381, which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons: Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.
The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:
2011----- \$38.91
2012----- \$41.74
2013----- \$33.81
2014----- \$32.25
2015----- \$200.95
Approve the tax releases for the years and amounts listed above.
- C. Set the date of the public hearing for February 8, 2016 for Powers Family Properties, LLC. Request for a contiguous annexation of property located on Roberts Avenue (Parcel #101403021). - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Powers Family Properties, LLC. requesting that property located on Roberts Avenue, being parcel #101403021, be annexed into the City of Lumberton.

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 February 8, 2016.

- D. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for a Rezoning Request for property located on Snake Road - Council Policy Committee

FLS Energy has submitted a Rezoning Petition for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01). This request is to rezone property from 'A', Agriculture to M-1, Light Manufacturing. The intended use of the property is to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Conditional Use Permit application, which follows this agenda item.

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

- E. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing on a Conditional Use Permit Request for property located on Snake Road - Council Policy Committee

FLS Energy has submitted a Conditional Use Permit Petition for property located on Snake Road (Deed Book 445 Page 351) (parcel #2901-01-002-01). This request is for a Conditional Use Permit to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Rezoning application to rezone the property from A, Agriculture to M-1 Light Manufacturing, which precedes this agenda item.

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

- F. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 113 Warwick Mill Road - Council Policy Committee

The house located at 113 Warwick Mill Road was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on October 12, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of December 16, 2015. Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 113 Warwick Mill Road.

- G. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 41 Allen Street. - Council Policy Committee

The house located at 41 Allen Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing

was held on August 18, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of October 4, 2015.

At the October 12, 2015 City Council Meeting, Council granted the owner a 60 day extension to comply with the Building Inspectors order. That time has expired and the structure remains non compliant.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 41 Allen Street.

- H. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2923 Hedge Drive - Council Policy Committee

The house located at 2923 Hedge Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent and a hearing was held on August 3, 2015. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of September 30, 2015.

At the October 12, 2015 City Council Meeting, Council granted the owner a 30 day extension to comply with the Building Inspectors order. That time has expired and the structure remains non compliant .

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2923 Hedge Drive.

- I. Approval of Contract for TA Assistance - FY2014 CDBG Industrial Building Demolition Grant - Council Policy Committee

Staff has advertised and entertained proposals from consulting firms to provide technical assistance services for the FY14 CDBG Industrial Building Demolition Grant.

A Request for Proposals was mailed to eight (8) consulting firms and advertised in The Robesonian on November 20, 2015. As a result, the City received only one proposal from The Wooten Company.

A second Request for Proposals was mailed to eight (8) consulting firms and advertised in The Greater Diversity on December 10, 2015. As a result, the City received only one proposal from The Wooten Company.

The City has received approval from NC Rural Economic Development Commerce to enter into negotiations with The Wooten Company to provide the technical assistance services for this grant at a fee not to exceed Twenty-one (\$21,000) Thousand Dollars. Recommend Council authorize staff to negotiate the contract with The Wooten Company to provide the technical assistance for the FY14 CDBG Industrial Building Demolition grant. Funds are budgeted in the grant to pay for these services.

- J. Approve the designation of \$200.00 of Community Revitalization Funds to Robeson County Humane Society - Council Policy Committee

Councilman Maynor requests \$200.00 of Community Revitalization Funds to be given to the Robeson County Humane Society.

Designate \$200.00 of CRF to Robeson County Humane Society.

- K. Set the date of the public hearing for February 8, 2016 for Richard Kaczar request for a contiguous annexation of property located at 465 Kenric Road - Council Policy Committee

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Richard Kaczar requesting that property located at 465 Kenric Road, being Parcel #0204-01-003; 0207-02-006; 0204-01-003, be annexed into the City of Lumberton.

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 February 8, 2016.

- L. Approve the Request for Authorization to Sell Wrecked Vehicles by Private Sale - Council Policy Committee

The following three vehicles were included in the list Council recently designated as surplus and authorized to be sold by auction. However, the auction company declined to auction them due to their being damaged. The statute authorizes sale of surplus property through negotiated sale, and towards that end, staff has obtained informal bids on the vehicles, and those are listed below. Staff requests Council's authorization to sell the vehicles to the highest bidders, which are in bold. The Crown Victoria resulted in a tie bid, so that item is still being resolved, and the final high bid will be presented at CPC.

2002 Chevrolet 1500 Truck

B&W Auto Sales - \$800

Leroy Bullard - \$1500

RPM Lumberton - \$900

The Repair Shop - \$850

1992 Ford pickup

B&W Auto Sales - \$800

RPM Lumberton - \$300

The Repair Shop - \$650

2006 Ford Crown Victoria

B&W Auto Sales - \$450

RPM Lumberton - \$400

Provide authorization for staff to sell the three damaged city vehicles by negotiated private sale as described above.

- M. Refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing for Christopher Collins request for a Conditional Use Permit for property located on Saddletree Road . #1005-01-00305) - Council Policy Committee

Christopher Collins has submitted a Conditional Use Permit Petition for property located on Saddletree Road (Deed Book 1980 Page 484) (parcel #1005-01-00305). This request is for a Conditional Use Permit for an agricultural/farming/livestock operation.

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

- N. Acceptance of 2016 Annual Down Economic Development Implementation Plan - Council Policy Committee

In 2015, several changes occurred within the NC Department of Commerce that affect the manner in which statistics and standards are reported to the NC Main Street Program. As a designated NC Main Street Community, the City of Lumberton is encouraged to meet accreditation standards set forth by the National Main Street Program.

Accreditation guidelines require that staff report progress on standards to the N.C. Main Street Director through a Program Assessment Survey. With this in mind, staff has prepared a 1-year Downtown Economic Development Implementation Plan for fiscal year 2016.

Staff recommends that Council Policy Committee accept the 2016 Annual Downtown Economic Development Implementation Plan as presented.

Public Hearings

- A. Rezoning Request for property located at 2870 Kenny Biggs Rd. (parcel #1013-01-013-20) (Deed Book 1983 Page 419) - Planning / Inspections

Tony Paylor has submitted a Rezoning Petition for property located at 2870 Kenny Biggs Rd. (parcel #1013-01-013-20) (Deed Book 1983 Page 419). This request is to rezone property from M-2, Heavy Manufacturing to B-4, Business General Commercial.

On November 17, 2015 the Planning Board reviewed the petition and recommends that City Council deny the rezoning request on the grounds that it is not consistent with the Land Use Plan for industrial zoning in this area.

On January 11, 2016 City Council held the public hearing, during which Council voted to send the petition back to the Planning Board for further review. Mr. Paylor had been unavailable for the previous Planning Board meeting and City Council wished to offer him the opportunity to speak to the Planning Board regarding his request.

On January 19, 2016 the Planning Board held a second public meeting in which the board, again recommended that City Council deny the rezoning request. The decision was based on the surrounding zoning districts and the current Land Use Plan. Furthermore, the board's findings were based on the evidence presented and that there was insufficient new evidence to overturn the original recommendation.

On January 25, 2016 letters were sent to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on January 25, 2016, requesting that it be published on January 29, 2016 and February 5, 2016.

A public hearing sign was posted on the property on or before January 29, 2016 giving notice of the public hearing.

Recommends that City Council hold tonight's public hearing and deny the rezoning request.

Mayor Davis opened the Public Hearing to consider an amendment to the Land Use Ordinance by rezoning property located at 2870 Kenny Biggs Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Councilman Maynor stated that he had spoken with Mr. Paylor who was able to attend the Planning Board meeting to present this item. He talked with him about the new Land Use Plan and that he could not promise him anything; however, he would recommend that the application be returned to the Planning Board.

Mr. Paylor appeared to speak before the Council and stated that he had an engagement that caused his absence and would like for his item to go back to the Planning Board. He stated that he has barbers and hairdressers that would like to have jobs. He stated that he understands about the new Land Use Plan; however, he wants to bring jobs to the County. He stated that there is plenty of land.

Mr. Brandon Love stated that the decision to deny the rezoning request stems from the New Land Use Plan. The Planning Board quoted the Plan stating that the property surrounding Mr. Paylor's property is recommended as industrial.

Councilman Cantey stated that all the property is rezoned industrial for the future; however, 150 feet is also zoned commercial. He stated that the building is already there and it's not like he is asking to build on the property.

Councilman Maynor made a motion, seconded by Councilman Cantey, referring the item back to the Planning Board and it carried unanimously.

- B. Michael P. Walters requests a contiguous annexation of property located on HARRILL RD (Parcel # 1014-01-003/PIN 030178023100). - Planning / Inspections
The Planning & Neighborhood Services Department received an application for a contiguous annexation from Michael P. Walters requesting that property located on HARRILL RD, being parcel #1014-01-003/PIN 030178023100, be annexed into the City of Lumberton.

On November 9, 2015 the City Clerk certified the sufficiency of the petition and City Council set the date of the public hearing.

Recommend that City Council hold tonight's public hearing and approve the annexation request.

Mayor Davis opened the Public Hearing to consider extending the corporate limits by annexing property located on Harrill Road. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

No one appeared to speak and the hearing was closed.

- C. Rezoning Request for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404) and 2101 E. 7th Street (parcel #3236-02-016) (Deed Book 1420 Page 197). - Planning / Inspections
William Charles Rowan has submitted a Rezoning Petition for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404) and 2101 E. 7th Street (parcel #3236-02-016) (Deed Book 1420 Page 197). This request is to rezone property from B-3, Office Residential to B-2, Business Community.

On August 11, 2014 the above mentioned properties were rezoned from B-4, Business General Commercial, B-3, Office Residential and B-2, Business Community to B-3, Office Residential.

On November 17, 2015 the Planning Board reviewed the petition and recommends that City Council approve the rezoning request.

On December 28, 2015 letters we sent out to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on December 28, 2015, requesting to be published on January 1, 2016 and January 8, 2016.

A public hearing sign was posted on the property on/or before January 1, 2016 giving notice of the public hearing.

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

Mayor Davis opened the Public Hearing to consider an amendment to the Land Use Ordinance for property located at 700 Roberts Avenue. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

William Rowan appeared before Council and gave an overview of the property since 1980. He stated that this is a piece of property that we have discussed before. This property was developed by his father in 1980 as a mixed use development with the primary businesses being a restaurant; beauty shop, and a laundromat to serve the local community along with the residential apartments. This development was cosponsored by the City of Lumberton through an Urban Development Action Grant supported by the City in every step to ease two (2) major issues unemployment and the lack of affordable housing. At the time, the mixed use development was considered a new concept; however, you could see this model employed at many urban centers across North Carolina and beyond. This piece of property and its use has served the community for over 32 years providing housing and jobs for our citizens.

For those of you that are new to City Council and there are a couple, I would like to bring you up to date on this property. This property was selected by City Council two and half years ago to rezone from B4, Business General Commercial which it has been for over 32 years to B3, Office Residential. This motion was a complete surprise to me and caught me off guard coming just three (3) months after the death of my father. City Council brought evidence of criminal incidents in 2007 as their main evidence for the property being rezoned. The suggested rezoning removed the ability to have a restaurant on this property as well as removed all other retail possibilities.

These intended uses were explicitly described in the initial application of this federally backed loan cosponsored by the City of Lumberton. Since this rezoning a couple of things have come to my attention. After reviewing the zoning maps it's become evident that many B4 properties across Roberts Avenue are immediately located next to residential properties just like this one was or my property was. Several of which are operational restaurants. Also, since this motion was initiated no other motion has been made by Council to rezone similar properties which the City might consider a nuisance. Since my property was rezoned the property located at 1140 Roberts Avenue previously an unsightly mobile home park was rezoned from Residential Commercial mixed use to Commercial B4. Also, this property is immediately on the next block. This property was historically residential and abuts my property. I completely agree and support this zoning; however, no business development plans has been put forward in this rezoning and the motion passed unanimously.

I stand before you tonight asking that my property be restored to a zoning that permits its intended use. Brandon Love and I discussed this at length and B2, Business Community zoning is what best fits my property envisioned by my father and the City of Lumberton under current zoning regulations.

As a hand on involved local business owner, I simply ask for fair and equal opportunities to develop my business. I remind City Council that all such request be considered fairly. Thank you!

Council Hackney asked Director Love, if we rezone this property B2, Business Community, what other items outside of those mentioned in Item D would be of concern that could possibly go into this zoning?

Director Love Director Love discussed the B2 allowable uses in that B2 is a zoning district that has allowable uses that would commonly be adjacent to community settings; such as neighborhoods. You might have retail, you might have office, and you might have multifamily and single family dwellings. You might have a café or restaurant. To better answer your question would be the uses that are not allowed in this zoning; a bar, nightclub, an adult establishment all of which are allowed in a B4 zoning district but not a B2. He stated that a restaurant could go here, but not a restaurant that serves alcohol with a Conditional Use Permit therefore coming back before this Council.

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

- D. Conditional Use Permit Petition for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404). - Planning / Inspections
Melvin Morris has submitted a Conditional Use Permit Petition for property located at 700 Roberts Avenue (parcel #3236-02-017) (Deed Book 408 Page 404). The proposed use of the property is an art gallery.

5.320 Libraries, museums, art galleries, art centers and similar uses located within any permissible structure requires a Conditional Use Permit in the B-3 zoning district.

On November 17, 2015 the Planning Board reviewed the petition and recommends that City Council grant the Conditional Use Permit request.

On December 28, 2015 letters were mailed to the adjacent property owners within 150 feet giving notice of this request.

A legal ad giving notice of the public hearing for this request was sent to the Robesonian on December 28, 2015, requesting to be published on January 1, 2016 and January 8, 2016.

A public hearing sign was posted on the property on/or before January 1, 2016 giving notice of the public hearing.

Recommends that City Council hold tonight's public hearing and grant the Conditional Use Permit request.

No need to have, narrowed out by right of rezoning.

- E. Rezoning petition for property located off of Flair Fold Road and Caton Road (parcel # 160702003) - City Council
Par 3 Development Group has submitted a Rezoning petition for property located off

of Flair Fold Road and Caton Road (parcel # 160702003). This request is to rezone property from M-2 (heavy manufacturing) to B-2 (business community). The applicant's intent for the property is for retail development to be constructed along Flair Fold Road.

On October 20, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.

On October 27, 2015 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 October 30, 2015 a sign was posted on the property giving notice of the rezoning request.

On October 30, 2015 and November 6, 2015 the Robesonian ran the legal ad giving notice of the rezoning request.

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

Mayor Davis opened the Public Hearing to concern an amendment to the Land Use Ordinance for property located at 2870 Kenny Biggs Rd. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Mr. Scott Brown appeared before Council and stated that the rezoning would allow for a retail store on the corner of Fair Fold and Caton and they have no intentions of subdividing.

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

- F. Rezoning petition for property located off of Colony Drive and Martin Luther King, Jr. Drive. (portion of parcel # 2401-01-019/Deed Book 1824 Page 0293) and (portion of parcel # 2401-01-019.01/Deed Book 1824 Page 0295). - City Council
Stone Solar Farm, LLC. has submitted a rezoning petition for two properties located off of Colony Drive and Martin Luther King, Jr. Drive. (portion of parcel # 2401-01-019/Deed Book 1824 Page 0293) and (portion of parcel # 2401-01-019.01/Deed Book 1824 Page 0295).

This request is to rezone the property from 'A' agriculture to M-1, light manufacturing. The intended use of the property is to construct and operate a community or regional utility facility (solar farm) at this location.

The applicant has submitted a Conditional Use Permit application, which follows this agenda item.

On October 20, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the rezoning request.

On October 27, 2015 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 October 30, 2015 a sign was posted on the property giving notice of the rezoning request.

On October 30, 2015 and November 6, 2015 the Robesonian ran the legal ad giving notice of the rezoning request.

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

- G. Conditional Use Permit petition for property located off of Colony Drive and Martin Luther King, Jr. Drive. (portion of parcel # 2401-01-019/Deed Book 1824 Page 0293) and (portion of parcel # 2401-01-019.01/Deed Book 1824 Page 0295). - City Attorney

Stone Solar Farm, LLC. has submitted a Conditional Use Permit petition for two properties located off of Colony Drive and Martin Luther King, Jr. Drive (portion of parcel # 2401-01-019/Deed Book 1824 Page 0293) and (portion of parcel # 2401-01-019.01/Deed Book 1824 Page 0295).

This request is for the construction and operation of a solar farm (use#17.200) at this location.

On October 20, 2015 the Planning Board reviewed the request and unanimously recommends that City Council approve the Conditional Use Permit request with the following condition:

1. Lot Maintenance: Must comply with the City of Lumberton's Code of Ordinances Chapter 22 Article III. Grass, Weeds, Etc.

On October 27, 2015 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the Conditional Use Permit request.

On October 30, 2015 a sign was posted on the property giving notice of the Conditional Use Permit request.

On October 30, 2015 and November 6, 2015 the Robesonian ran the legal ad giving notice of the Conditional Use Permit request.

Recommends that City Council hold tonight's public hearing and approve the Conditional Use Permit request with the following condition: Lot Maintenance- Must comply with the City of Lumberton's Code of Ordinances Chapter 22 Article III. Grass, Weeds, ETC.

ORDER GRANTING A CONDITIONAL USE PERMIT

The Lumberton City Council met in regular session on January 11, 2016 to consider an Application for a Conditional Use Permit ("CUP") for a Community or Regional Utility Facility (Use

No. 17.200) (solar farm) filed by Stone Solar Farm, LLC (“Stone Solar”) to be applicable to approximately 57.43 acres (the “site”) currently owned by Melba Smith Stone, which property is further identified by site plans submitted with the CUP application and which site lies on portions of parcels 240101019 and 24010101901.

Having reviewed the extensive application, and having heard substantial information presented at the hearing on the map amendment which is applicable to the application for the CUP, the City Council makes the following Findings of Fact based upon substantial evidence presented.

Findings of Fact

1. The City Council finds that Stone Solar has presented competent, material and substantial evidence in its application, other written materials, and through witness testimony, and that it meets the standards in the City of Lumberton Zoning Ordinance precedent to the issuance of a conditional use permit if conditioned as stated below. No witnesses presented contrary information.

2. The City Council finds that the proposed use “will not materially endanger the public health or safety” based upon the following:

a. With regard to public health, solar farms offset air pollution from other energy generating sources; solar facilities are silent at night and very quiet during the day; there will be no need for septic or water on site; the panels only minimally disturb the soil and panel posts do not create sedimentation; and solar facilities produce no odor.

b. With regard to public safety, the proposed facility would only generate a few vehicle trips per month. The facility will be surrounded by a six foot chain link fence with three strands of barbed wire on top to prevent trespassers from entering the property.

3. The city council finds that the proposed use “will not injure the value of adjoining or abutting property” based upon the testimony of Mr. J. Thomas Hester, MAI, CCIM who used sales comparisons of properties adjoining other similar solar facilities to conclude that properties adjacent to solar facilities had comparable sales values and time on the market as properties not near or adjacent to solar facilities. He cited the facts that these facilities are quiet, odorless and produce very little traffic among the reasons a solar farm does not affect adjoining property values. Mr. Hester’s extensive Property Impact Analysis was included in the application materials. He was present at the hearing.

4. The city council finds the proposed use “will be in harmony with the area in which it is to be located” based upon evidence that this is a rural, agricultural area and a solar facility is dark at night; it will produce no noise, dust or odor; solar farms are not traffic generators; although they are very similar in appearance to other types of agricultural buildings, the proposed landscaped buffers and vegetation maintenance plan will prevent the facility from being seen by neighbors; and the site is surrounding on most sides by substantial wooded buffers.

5. The City Council finds that the proposed use will be in general conformity with the Land Use Plan *Lumberton Tomorrow* because the facility would be in “Area Seven” which is split between industrial and rural land use recommendations. This non-agricultural use has a lower intensity than many agricultural uses, generates little traffic and no dust or noise or odors, and it is an ideal transitional use.

6. Based upon the foregoing Findings of Fact and the following conditions which the applicant has agreed to, the City Council adopts the following Conclusions of Law:

Conclusions of Law

7. Stone Solar Farm, LLC has presented competent, material and substantial evidence that it complies with all standards in the City of Lumberton Zoning Ordinance precedent to issuance of a conditional use permit.

8. Stone Solar Farm, LLC, based upon these findings, and its agreement to meet the following conditions, is entitled to a conditional use permit as a matter of law.

9. Pursuant to N.C. Gen. Stat. § 160A-388(c), the City Council imposes the following conditions upon this permit:

(a) Use. The use shall be limited to a Community or Regional Utility Facility (Use No. 17.200) (solar farm).

(b) Landscaping. The applicant's site plan shall be amended to reflect the following landscaping conditions which are binding upon this permit: (a) the applicant shall plant three staggered rows of evergreens (instead of two rows) along the southeastern corner of the site, and that the height at planting shall be six feet; (b) that if any of the evergreens planted along the northern boundary near the site entrance or along the southeastern corner shall die, the evergreen shall be replaced by a comparable evergreen within 60 days or by the next planting season at a height no less than 6 feet at planting; (c) the applicant shall not remove, timber, or disturb the vegetation along the eastern boundary of the site demarcated as "wetlands;" and (d) that the applicant shall enter into a contract with the City of Lumberton for future maintenance of the site, and the terms of the contract shall be identical to the requirements of City of Lumberton Code of Ordinances Chapter 22, Article III, Grass and Weeds, etc.

(c) Decommissioning. The applicant shall submit a decommissioning plan to the planning department that specifies the manner in which all panels, posts and racking shall be removed at such time as this facility is no longer used as a community or regional utility facility (solar farm). The applicant shall also return to the City Council by the end of June, 2044 (28.5 years after approval and 1.5 years prior to a standard 30 year term) to report to the City Council whether the applicant intends to use the facility beyond thirty years.

VIII. NEW BUSINESS

A. Approval of Nexgrid AMI Professional Services and Support Agreement & License Agreement – Council Policy Committee -- Linda Oxendine, Public Services Director Lumberton deployed a real-time, standards-based smart grid infrastructure to support advanced metering, demand response, customer portal and other smart grid features pilot project in late 2014. This attached SOW details the Nexgrid solution for this Pilot project, including project approach, timelines, business arrangements, and project assumptions. An executed Professional Services and Support Agreement as well as the Software License Agreement for 2016 are required for the continuation of this project. The City Attorney has reviewed the agreements and recommends with staff its approval.

- Approve the attached Professional Services and Support Agreement
- Approve the attached License Software Agreement

RESULT:	APPROVED [7 TO 0]
MOVER:	Leroy Rising, Precinct 1
SECONDER:	Erich Hackney, Precinct 8
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis
EXCUSED:	Robinson

B. Police Vehicle Purchase Authorization – Council Policy Committee -- Michael McNeill, Police Chief

The Police Department is requesting authorization to proceed in purchasing ten (10) 2016 Dodge Chargers and two (2) Dodge Durangos. Two of the Dodge Chargers are being funded by the Lumberton Housing Authority. Total cost of purchase is \$324,430.

Eights (8) Dodge Chargers and two (2) Dodge Durangos	\$274,604.00
Two (2) Dodge Chargers (Housing Authority)	<u>49,826.00</u>
	\$324,430.00

Note from Legal: As the Police Department informs that this quote is through the dealership's contract with the State, it is exempt from the bid laws.
CPC recommends that the Lumberton Police Department be authorized to proceed in purchasing police vehicles from Ilderton Dodge in High Point, NC at a cost of \$324,430.

RESULT:	APPROVED [7 TO 0]
MOVER:	Burnis Wilkins, Precinct 3
SECONDER:	Leroy Rising, Precinct 1
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis
EXCUSED:	Robinson

C. Water Street Easement for BellSouth – Council Policy Committee -- Holt Moore, City Attorney

The City agreed to handle all of the utility easements in connection with the new roundabout to be located at Water Street and 6th Streets. BellSouth is in need of an easement for lines that will need to be relocated. The easement which is attached to the agenda item is agreeable with City Public Works, Legal and BellSouth. There are two maps attached. The first was prepared by the City, and second by BellSouth for greater clarification. Our map shows the easement going further south down Water Street, and their map shows the easement going up 6th Street. The latter is the most likely route but the documents as shown provide them with both options and staff believes neither option poses any problem. The easements are non-exclusive, meaning the City can still locate items, if needed, within the easement, so long as BellSouth can still access their lines for maintenance. Due to the need to begin work in January on the roundabout, this item is being brought to Council's Regular Meeting directly.

Grant proposed easement to BellSouth.

RESULT:	APPROVED [7 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Burnis Wilkins, Precinct 3
AYES:	Rising, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney
ABSTAIN:	Davis
EXCUSED:	Robinson

IX. ADJOURNMENT