CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● JANUARY 5, 2022

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	Excused	
John Cantey	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Eric Chavis	Precinct 7	Excused	
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. PUBLIC COMMENT PERIOD

A. Adrian Lowery - Lumberton Housing Authority, ED –

Adrian Lowery, Executive Director of Lumberton Housing Authority, appeared before Council and presented a brief update as to what has been happening. He stated that in October, LHA received a $239K Safety Grant from HUD and will be used to update cameras that can assist greatly in LHA efforts to provide safety in our housing areas.

He stated that they served as a distribution site and distributed some 3K food boxes in Hilton Heights as a distribution site for community involvement, He stated that they are working on the administration building on MLK and that they are in the design phase with the Wooten Company on the 72 units that they are building on Hwy 72.

He also stated that with the empty stocking fund they were able to feed some 340 families and raised $17K. He also stated that Eastwood Terrace renovation process has been completed.

III. MINUTES APPROVAL

A. City Council - Regular Meeting - Nov 3, 2021 11:00 AM –

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

IV. PUBLIC HEARING:

A. RWDT Foods, Inc. SUP Request – ArTriel Kirchner, Planning Director
Donnell Thompson with RWDT Foods, Inc. is requesting a special use permit to operate a fast food restaurant "Checkers". The property is located on Fayetteville Rd. Deed book 626, pg. 173. Parcel number 10090300601 This request is to allow for the construction and operation of a fast food restaurant. Proposed hours of operation will be Sun-Thurs 10:00 am – 2:00 am and Fri-Sat 10:00am – 3:00 am. This property is currently zoned B4 (general commercial) and to operate a fast food restaurant with proposed operating hours, a special use permit is required (Use 8.400).
The Land Use Plan designates the future use of this parcel as medium intensity and is located in council precinct 1.
On December 22, 2021 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.
On December 22, 2021 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request on December 22, 2021.
On December 22, 2021 a request was sent to The Robesonian to have a legal ad for this request ran on Dec. 26, 2021 and Jan. 3, 2022 (CN 4132).
The Planning Board asks City Council to hold today's public hearing and approve the Special Use Permit request.

Mayor Davis opened the public hearing for the purpose of considering the issuance of a Special Use Permit to operate a fast food restaurant. City Clerk Mitchell-McIntosh presented the Affidavit of Publication showing that it was published in The Robesonian.

Mr. Donnell Thompson, Owner of the establishment appeared to speak and stated that he was born and raised here. He stated that it is a pleasure to come back and open up a business here.

A comment was read that was sent in by Coble Wilson expressing his concerns with the congestion in the area and the hours of operations and that it's not an idea spot for the restaurant with the road conditions.

Mr. Thompson stated that it's an ideal spot and that they have had conversations with DOT and they are fine with us doing business in the location. We are well aware of road changes. He stated that our location is similar to that of our competitor Cook Out. He stated that we will not be serving alcohol.

He stated that he owns several Checkers fast food restaurants and will be a great tax payer to the City.

Mr. Thompson gave his approval to enter his application and all applicable evidence into record.

Councilman Rising stated that he could see no reason why this business should not be approved especially that we already have business that are operating on the same hours and in similar locations.

Councilman Cantey and Councilman Howard gave welcoming comments to Mr. Thompson for returning to his hometown and bringing a business to our area.

V. AGENDA ITEMS

A. Approval of Lumberton Pocket Park Master Plan – Sarah Ward, Recreation Department
Main Street Lumberton Design Committee and Advisory Board members have been working with landscape architect and city staff to develop Pocket Park rendering (attached).
Main Street Lumberton is seeking City Council approval of the Lumberton Pocket Park Master Plan in order to move forward with Pocket Park installation.

Dencie Lambdin, appeared before Council and stated the following:

Good morning Mayor and Council, Happy New Year! Thank you for the opportunity to update you on the work of the Main Street Lumberton Advisory Committee. I'd also like to thank those of you who were able to attend the Annual Christmas Tree Lighting in downtown Lumberton. Our new downtown Development Coordinator, Sarah Beth Ward, did an amazing job of coordinating that event and we had a wonderful crowd gather to celebrate the kickoff of our holiday season downtown.
The Implementation Plan 2021 update:

1) The Advisory Design Committee in collaboration with the Lumberton Planning Committee presented Design Guidelines for the Downtown overlay which Council approved this fall. Main Street Lumberton hosted a Design Education workshop for the Planning Board members and for downtown merchants and property owners to help all become more knowledgeable concerning the significance and content of the guidelines.

2) In early November, Main Street hosted its first Art Stroll working in partnership with the Robeson County Arts Council, Carolina Civic Center and downtown restaurants and the new Inner Peace art center. We estimate that over 400 people attended the stroll and were happy to see several of you Council members join us.

3) Our Development Coordinator is working with half a dozen downtown property owners and merchants on Façade Improvement Grants. The funding Council provides for these grants include improvements such as new awnings, paint, energy efficiency improvements and building upgrades. Working with Sarah Beth, Main Street is actively promoting these grants and it's possible we will come back to Council to request additional funding this spring. Providing this incentive for property owners is key to supporting the investment they are making in downtown. Thank you!

4) Our Main Street Lumberton quarterly Clean Sweep has thirty plus volunteers coming downtown to pick up litter. Our next one will be in February. Among the groups who are joining us are students from Lumberton Sr. High School's Honor Society, Future Farmers of America and Beta Club members.

5) Our Main Street Economic Vitality members recently visited Goldsboro Main Street program in late November. We spent the day with their staff as they shared their success story. 20 years ago, their downtown vacancy rate was 87%. Today this rate is 17%. Goldsboro was able to increase their tax base downtown by 16%. Their City led 5 million dollar investment in downtown generated a $30 million public and private investment over this time period. The single most important part of their strategy to improve downtown was to have a 10- year Master Plan in place. We believe that this will be important for future development of our downtown and want to work with City staff to bring a proposal to you later this spring. Our current 5- year plan is from 2017 and will close out shortly.

6) And, finally, our Main Street Design Committee, working with City staff and a design landscape consultant, have approved a draft design for the Pocket Park which will need Council approval in order to move forward with the next phase of design work necessary to begin the bid process. As you remember, this year's City budget has a line item for beautification of the pocket park. The park design was included in your Council packet and I hope that you have had an opportunity to review it. I'm happy to field questions as I'm sure Brandon and Sarah Beth are.

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

B. Approval of Purchase of a Yanmar excavator and trailer – Greg Prevatte, Interim Electric Utilies Director

The Electric Utilities Department seeks approval to purchase a Yanmar excavator and trailer. The Ditch Witch excavator that is being replaced was purchased in 2006. We have been leasing this excavator since June, with the rental fees to be applied to the purchase price. EUD received three quotes ranging from $54,550.00 to $73,793.11. Vermeer has the lowest price less the rental fees, trade-in on our existing machine and trailer, for a total purchase price of $36,206.50. The amount approved in our 2021-2022 capital budget is $65,000.

The Electric Utilities Department is requesting approval to replace our existing excavator and trailer from Vermeer Mid Atlantic for $36,206.50.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

C. Award Bid for the Raw Water Intake Flood Mitigation Project – Rob Armstrong, Public Works Director

On Tuesday November 23rd at 2:00pm the City opened bids for the Raw Water Intake Flood Mitigation Project. Three bids were received. A summary of the bids and the Certified bid tabulation is attached. AC Schultes of Carolina, Inc. was the low bidder at $701,123.00. The project is funded by a $538,000 NC Golden Leaf Foundation Grant. After factoring in engineering design services, geotechnical services, potential value engineering deductions and considering the contingencies, approximately $265,000 is needed to bridge the funding shortage between the project budget and the NC Golden Leaf funds. Public Works is proposing the $265,000 be taken out of the Water and Sewer Capital reserve Fund.

Public Works is recommending Council award the Raw Water Intake Flood Mitigation Project construction to AC Schultes of Carolina, Inc. for $701,123 to be paid for by the North Carolina Golden Leaf Foundation Grant and by transferring $265,000 from the Water and Sewer Capital Reserve Fund.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

D. Rezoning Request for 220 Jackson Ct. – ArTriel Kirchner, Planning Director
Amit Patel is requesting a rezoning from B-4 to B-5 for a proposed dual-branded Hilton Hotel. A rezoning of the parcel is requested due to the configuration of the site, Hilton franchise requirements, financial underwriting, and allow additional levels of guest rooms. The property is located at 220 Jackson Ct. Parcel #1003-01-01205D, deed book 2282, pg. 273-277. The Land Use Plan designates the future use of this parcel as high intensity, furthermore, this property is located within precinct 1.
CPC review the request, refer the petition to the January 18th, 2022 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

E. Change of Dangerous Dog Ordinance as it relates to Landlords – Holt Moore, City Attorney
Our Senior Animal Control Officer and at least one Councilperson have expressed concerns where landlords who have been made aware of our dangerous dog / pit bull ordinance flagrantly make no effort to ensure compliance with the ordinance by their tenants. The new language on the proposed ordinance shown in green, is designed to make it clear that landlords may be held responsible under the ordinance when they facilitate violations of the ordinance by ignoring violations by their tenants.
Review proposed change and pass ordinance if deemed appropriate.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

F. Consideration of aid to Kentucky Tornado Victims – Holt Moore, City Attorney
The NC League of Municipalities has forwarded to towns and cities information about a relief fund for those affected by the tornados in Kentucky. That information is attached. Staff is forwarding in case Council would like to participate.
Consider whether to participate in Kentucky tornado relief fund.

Mayor Davis suggested that the City contribute the donation to the small town of Mayfield that was totally wiped out from the tornado. Councilman Rising agreed that this small town was wiped out and that the City's donation would be welcomed.

A discussion ensued as how to give and City Manager Horne suggested finding $5,000 and would do a budget amendment to cover the transaction. Mayor Davis also suggested that Council should designate some of their Community Revitalization Funds to this cause and allocations were made as follows:

P1 - $500 P2 - $500 P3 - $500 P5 - $200 P6 - $250 P8 - $100 and from the Mayor's Discretionary Fund - $950 for a total of $3,000 + $5,000 for a grand total of $8,000/

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	John Cantey, Precinct 5
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

G. Approve the designation of $200.00 of CRF for the Dr. Martin Luther King, Jr. Celebration to the Robeson County Black Caucus – John Cantey, Precinct 5
Councilman Cantey requests $200.00 of CRF to be given to the Robeson County Black Caucus for the Dr. Martin Luther King, Jr. Celebration on January 17, 2021, located at Sandy Grove.
Designate $200.00 of CRF to the Robeson County Black Caucus for the Dr. Martin Luther King, Jr. Celebration.

Contribution were made as follows: P1 - 100 P2- $150 P3- $100 P5 - $300 P6 - 250 and P8 - $100 for a total of $1,000 to be given to the Robeson County Black Caucus for the Celebration of MLK Day.

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

H. CRF- St. Mary Holiness Church – Holt Moore, City Attorney
Councilman Howard would like to provide $250 of CRF to St. Mary Holiness Church for COVID mitigation.

Approve CRF request.

Donations were given as follows: P1 - $50 P2 - $100 P3 - $50 P5 – 150 and P6 - $250 for a total of $600.

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

I. CRF - Sandy Grove Baptist Church – Holt Moore, City Attorney
Councilman Howard would like to provide $250 of CRF to Sandy Grove Baptist Church for COVID mitigation.
Approve CRF request.

Contributions were made as follows: P1 - $50 P3 - $50 P5 = $150 and P6 $250 for a total of $500.

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

J. CRF - McCormick Chapel AME Church – Holt Moore, City Attorney
Councilman Howard would like to provide $250 of CRF to McCormick Chapel AME Church for COVID mitigation.
Approve CRF request.

Contributions were made as follows: P1 - $50 P2 - $250 P3 - $50 P5 - $250 and P6 - $250 for a total of $850.

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

K. CRF - 1st Baptist Church (W. 2nd Street) – Holt Moore, City Attorney
Councilman Howard would like to provide $500 of CRF to 1st Baptist Church on W. 2nd Street for COVID mitigation.
Approve CRF request.

The following contributions were made: P1 - $50 P2 -$100 P3 - $50 P5 - $150 P6 - $500 for a total of $850.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Chris Howard, Precinct 6
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

L. CRF - Covid mitigation in South Lumberton – Holt Moore, City Attorney
Councilman Cantey would like to provide $500 for Covid mitigation including but not limited to testing, in South Lumberton.
Approve Covid CRF request.

RESULT:	**WITHDRAWN**

M. Lumber River United Way Request for City to Donate Building Located at 301 N. Water Street – Brandon Love, Deputy City Manager
At your latest meeting Council requested that staff explore further options with the United Way about the donation or lease of the building on Water Street. Staff met with United Way representatives and the letter which is attached (the 5th attachment) was the result of that meeting. We believe the option presented, a 15-year lease with the City contributing $50k towards renovations, most closely tracked the Council's expressed wishes.

Consider the lease option as presented by the United Way in the letter in the 5th attachment above.

City Council approved a 15-year lease with the City contributing $50k towards renovations to be placed in the City's next fiscal budget.

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

N. Amendment # 1 to Agreement for Professional Administration Services to 2017 CDBG Wastewater System – Wayne Horne, City Manager
The Wooten Company is requesting the approval of Amendment #1 to the 2017 CDBG Wastewater System Improvements Agreement. This request involves a time extension of six (6) months. There is no additional cost associated with it.
That City Council approve the extension of six months if so desired.

RESULT:	**APPROVED [6 TO 0]**
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Leroy Rising, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Cantey, Howard, Thomas
ABSTAIN:	Davis
EXCUSED:	Higley, Chavis

VI. ADJOURNMENT