



CITY OF LUMBERTON

CITY COUNCIL

AGENDA • MARCH 3, 2025

Regular Meeting

Council Chambers

6:00 PM

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

Mayor Bruce W. Davis

Councilmember Leroy Rising, Precinct 1
Councilmember Melissa Robinson, Precinct 2
Councilmember John Carroll, Precinct 3
Councilmember Karen Higley, Precinct 4

Councilmember John Cantey, Precinct 5
Councilmember Alfred Douglas, Precinct 6
Councilmember Eric Chavis, Precinct 7
Councilmember Owen Thomas, Mayor Pro Tem

STAFF:

Wayne Horne, City Manager
Brandon Love, Deputy City Manager
Holt Moore, City Attorney
Laney Mitchell-McIntosh, City Clerk

I. Call to Order

- A. Invocation –
- B. Pledge of Allegiance –

II. Retiree Recognition

III. Public Comment Period

IV. Public Hearings

- A. Planning Board Minutes Report - February 18, 2025 - , Planning & Neighborhood Services
- B. **Pradeep Sharma (Ajay Mulchandani) is requesting a Rezoning for property located on Wintergreen Drive. P-1 - ArTriel Kirchner, Planning & Neighborhood Services**
- C. **Ajay Mulchandani is requesting a Special Use Permit for a major subdivision for property located on Wintergreen Drive. P1 - ArTriel Kirchner, Planning & Neighborhood Services**
- D. Sabrina Leshore-Cummings Special Use Permit (SUP) request for Christian School-P6 - ArTriel Kirchner, Planning & Neighborhood Services

V. Consent Agenda

- A. Minutes Approval for February 3, 2025, City Council Meeting
- B. Ratification of Carolina Civic Center Change Orders - Brandon Love, City Manager

VI. Agenda Items

- A. Unsafe Structure 513 Bay Street - Shanna Halliburton, Inspections
- B. Unsafe Structure 104 Orange Street - Shanna Halliburton, Inspections
- C. Unsafe Structure 137 Powell Street - Shanna Halliburton, Inspections
- D. Unsafe Structure 705 E 7th Street - Shanna Halliburton, Inspections
- E. Unsafe Structure 417 Columbia Avenue - Shanna Halliburton, Inspections
- F. Unsafe Structure 403 Columbia Avenue - Shanna Halliburton, Inspections
- G. Unsafe Structure 42 National Avenue - Shanna Halliburton, Inspections
- H. Unsafe Structure 605 Clark Avenue - Shanna Halliburton, Inspections
- I. Lumberton Fire Department Duke Energy Grant award and Polaris Ranger Purchase - Chris West, Fire
- J. CDBG-NR Administrative Services Procurement - Stephanie Canady, Planning & Neighborhood Services
- K. Public Works Vehicle Purchase - Rob Armstrong, Public Works
- L. **Mark Tippet rezoning Dunn Rd.- ETJ**
- ArTriel Kirchner, Planning & Neighborhood Services
- M. **Mark Tippet SUP Dunn Rd.- ETJ** - ArTriel Kirchner, Planning & Neighborhood Services
- N. QBA Management La Quinta Rezoning-P1 - ArTriel Kirchner, Planning & Neighborhood Services
- O. Approve \$500 CRF - Cape Fear Council Boy Scouts of America for Character Luncheon - Leroy Rising, City Council
- P. P2 - CRF for Children's Theatre Arts Program Boosters - Melissa Robinson, City Council
- Q. Designation \$500.00 of Community Revitalization Funds for Community Watch - Karen Higley, City Council

- R. 3rd Annual Big Hat Brunch - John Cantey, City Council
- S. Cooking With Jesus Community Breakfast and Prayer Ministry - John Cantey, City Council
- T. Precinct 5 - Community Event to be held on March 29, 2025 - John Cantey, City Council
- U. Rape Crisis Center 5th Annual Golf Tournament - Owen Thomas, Legal
- V. Mayor's Committee for the Challenged - Funds Request - Holt Moore, City Attorney
- W. Request for Contribution to Support K-Kids - , City Council
- X. Adopt Resolution Accepting a Grant Award from Department of Commerce - Wayne Horne, City Manager
- Y. Offer and Acceptance for PFAS Study Water Treatment Plant Grant - Wayne Horne, City Manager

VII. Closed Session - Confer with the City Attorney

VIII. Adjournment

Lumberton City Council

Item: IV.A.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/26/2025

Subject: Planning Board Minutes Report - February 18, 2025

Summary/Background of Subject Matter:

Minutes from the February 18, 2025 Planning Board meeting are available for review

Staff Recommendation:

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. February 18, 2025



CITY OF LUMBERTON

PLANNING BOARD

MINUTES • FEBRUARY 18, 2025

Council Chambers

Joe Terranova
Greg Caulder
Angela Jones
Jeffery McLean
Mitchell Prevatte

Walter Smith
Lisa Douglas
Lee-Pam Odom
Randy Hammonds
Ray Britt

6:00 PM

I. Call to Order

II. Minutes Approval

- A. Approval of Minutes from January 21st, 2025

III. Agenda Items

- A. **Pradeep Sharma (Ajay Mulchandani) is requesting a Rezoning for property located on Wintergreen Drive. P-1 - ArTriel Kirchner, Planning & Neighborhood Services**

Planning Director, Dr. Kirchner gave a brief overview of the rezoning request. The applicant, Pradeep Sharma, gave a presentation of the rezoning request. Mr. Kenneth Richardson, property owner, spoke in favor of the rezoning. Adjacent Property owner, Jerri Gibson, spoke in favor of the project but wanted assurance that required screening would be installed. After some questions from the board, Chairman Terranova called for a motion. Mr. Hammonds made a motion to recommend approval of the rezoning based on prior precedent set by the board on similar rezoning, the request is in harmony with the surrounding area, and was not in conflict with the land use plan. That motion was seconded by Mr. Britt, the motion carried unanimously.

- B. **Pradeep Sharma (Ajay Mulchandani) is requesting a Special Use Permit (SUP) for a major subdivision for property located on Wintergreen Drive. P1 - ArTriel Kirchner, Planning & Neighborhood Services**

Planning Director, Dr. Kirchner gave a brief overview of the special use permit request. City Attorney, Holt Moore, swore in staff, the applicant, and others who wished to speak on the matter. The applicant, Pradeep Sharma, gave a presentation of the rezoning request. After some questions from the board, Chairman Terranova called for a motion. Mr. Hammonds made a motion to recommend approval of the special use permit based on recommending approval of the previous agenda item and

testimony for the rezoning. That motion was seconded by Mr. McLean, the motion carried unanimously.

C. D. Locklear Bailey Rd - Special Use Permit - P1 - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. Kirchner gave a brief overview of the special use permit request. Shanna Emery, representing the applicant, gave a presentation of the request. After some questions and discussion from the board, Chairman Terranova called for a motion. Mr. Caulder made a motion to recommend approval with the conditions that no more than 9 single-family cottages be constructed not to exceed 900 sq. ft. The motion was seconded by Ms. Jones. The motion carried unanimously.

IV. Adjournment

Hearing no other business before the board. Chairman Terranova called for a motion to adjourn. Mr. Hammonds made a motion to adjourn and was seconded by Mr. Caulder. The meeting was adjourned.

Lumberton City Council

Item: IV.B.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/19/2025

Subject: Pradeep Sharma (Ajay Mulchandani) is requesting a Rezoning for property located on Wintergreen Drive. P-1

Summary/Background of Subject Matter:

Pradeep Sharma (Ajay Mulchandani) is requesting to Rezone a portion of property located on Wintergreen Drive (part of parcel #100301023/Deed Book 1587 Page 712). This request is to rezone the property from B-4 and Agriculture to B-5 to increase the maximum overall height of a building from 35 feet to 60 feet.

Staff Recommendation:

The Planning Staff asks the City Council to hold tonight's public hearing and approve the rezoning request.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Mulchandani Rezoning Application - PH



**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT**

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. Applicant:**Owner:**Full Legal Name: Pradeep SharmaFull Legal Name: Happy Valley Farm LLC

Physical Home Address: _____

Physical Home Address: _____

Mailing Address: 6115 Corporate Ridge RoadMailing Address: 315 Barker Ten Mile RoadRaleigh, NC 27607Lumberton, NC 28358Telephone: 919-802-1370Telephone: 910-734-1225Legal Name of Business: Mulchandani Family LLCEMAIL: andy@chdinvestments.net**2. Description of Property:**Wintergreen Dr. Lumberton, NC 28358

(Address)

1587

(Deed Book)

712

(Page)

38

(Map Book)

44

(Page)

279.86'

(Frontage)

3.82 +/- Acres

(Area)

3. Tax Map Identification Number (parcel number):Part of #100301023**4. Existing Zoning District Designation of Property:**B4 and A**5. Requested Zoning District Designation of Property:**B-5**6. Applicant's Interest In Property (check one):**☐ Owner☐ Owner's Agent☐ Lease-to-Own☐ Tenant☐ Family member☒ Other (explain) Buyer of the Property at Closing**7. Legal Description of Property:** Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.**8. Site Map:** Attach a map of the property in question.**9. Application Fee:** Submit the fee payment with application. The application fee is **nonrefundable**.

1 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975



DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

New Fairfield Inn & Suite by Marriott hotel project. The parcel is a part of a larger piece of
land and 3.82+/- acres is being carved out for this project. The current zoning for this parcel
is B4 and A and we are requesting to change to B5. The hotel project is to be 5 stories
and around 60+/- feet

2 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File #

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975



DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: RADEEP SHARMA 1725 FAIRBANKS RD, CARY NC 27513
Full Legal Name (type or print) Home Address

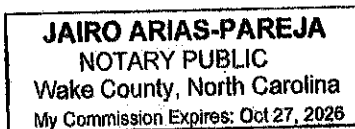
STATE OF North Carolina COUNTY OF Wake

I, Jairo Arias Pareja, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 23 day of Jan, 2025.

(Official Seal)



[Signature]
Official Signature of Notary

Jairo Arias Pareja, Notary Public
Notary's printed or typed name

My Commission Expires: 10/27/2026

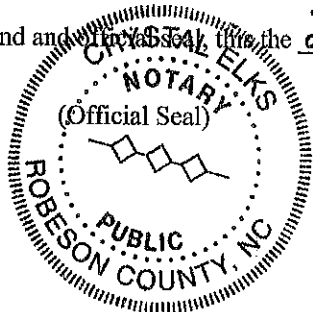
Owner: Happy Valley Farm LLC 315 Barker Ten Mile Road Lumberton NC 28358
By: Thomas C. Gibson Full Legal Name (type or print) Home Address

STATE OF NC COUNTY OF Robeson

I, Crystal Elks, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: [Signature]
Signature

WITNESS my hand and official seal, this the 22 day of Jan, 2025.



[Signature]
Official Signature of Notary

Crystal Elks, Notary Public
Notary's printed or typed name

My Commission Expires: 10/22/29

3 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

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Material Legend

	DFD - Dark Gray
	DFD - Light Gray
	DFD - Dark Blue Accent
	Brick - Pinedale Brick & Co.
	Natural Stone - Natural Stone
	Manufactured Stone - Manufactured Stone

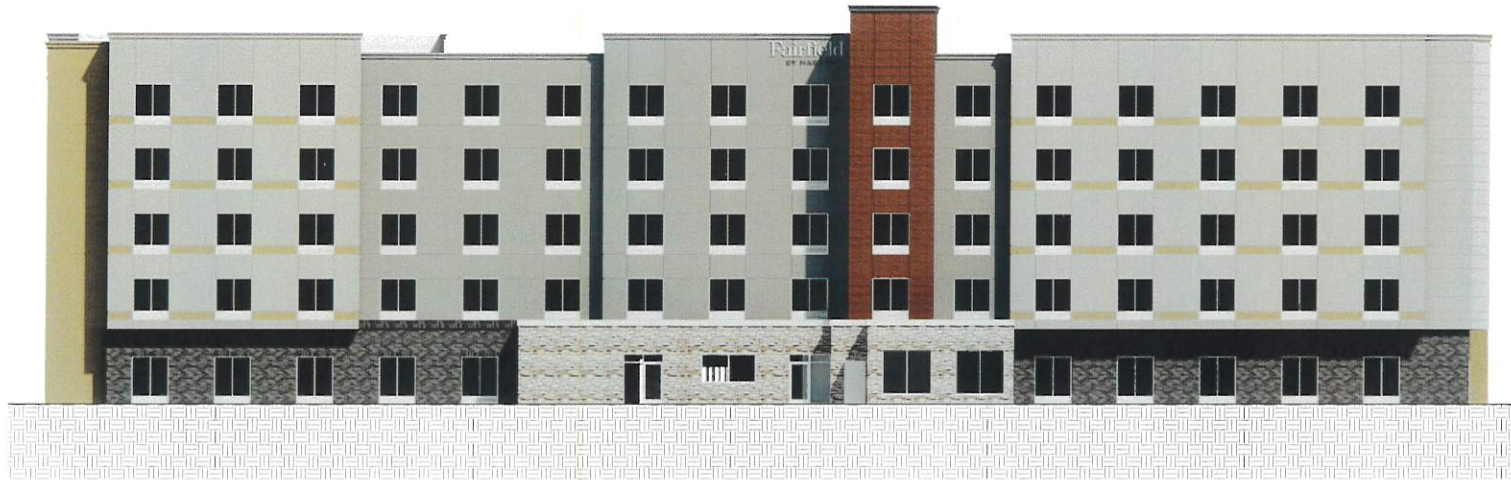
Project

Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner

CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT



1 Front Elevation
Scale: 1/8" = 1'-0"



2 West Elevation
Scale: 1/8" = 1'-0"



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7500

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 843-531-6848

www.R4architecture.com

Revision Date

Drawn By MAR
Checked By MJR
Issue Date 12/11/2024
Project No 240706

Sheet Title
Exterior Color Elevations

Sheet Number

A201a

6
Page 13 of 417

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1 Rear Elevation
Scale: 1/8" = 1'-0"



2 East Elevation
Scale: 1/8" = 1'-0"

Material Legend

	EPS - Dark Gray
	EPS - Light Gray
	EPS - Dark Gray Accent
	Rock - Natural Stone Block
	Hardwood - Natural Wood
	Manufactured Stone Masonry

Project

Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner

CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7950

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 843-531-6848

www.R4architecture.com

Revision Date

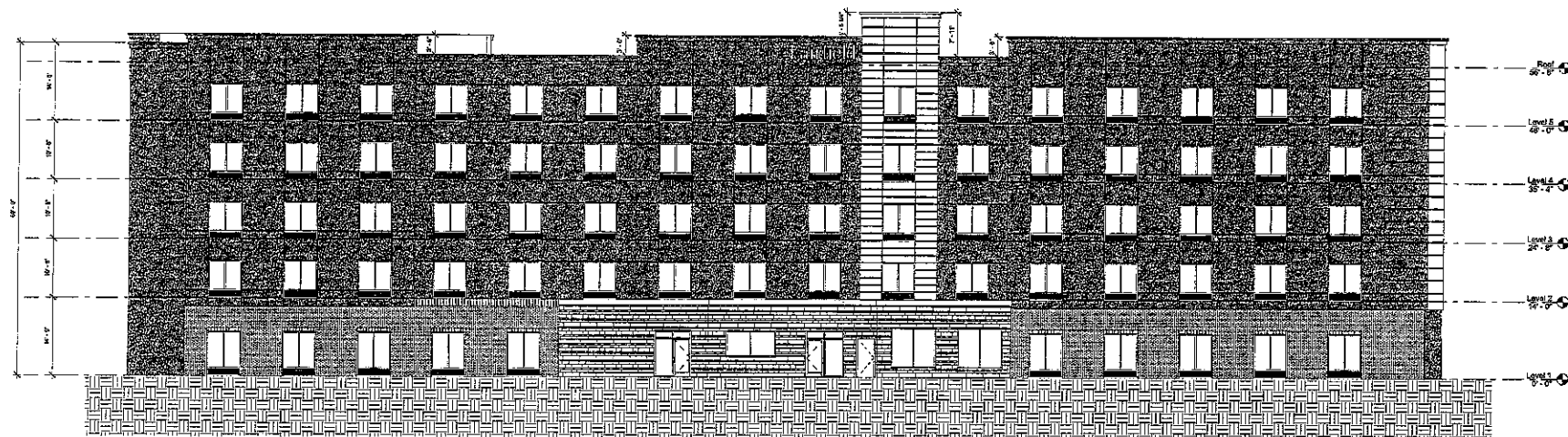
Drawn By	MAR
Checked By	MJR
Issue Date	12/11/2024
Project No	240706

Sheet Title
Exterior Color Elevations

Sheet Number

A200a

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North
Scale: 1/8" = 1'-0"



East
Scale: 1/8" = 1'-0"

Project
Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner
CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT

01/14/25



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7000

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 843-637-8048

www.R4architecture.com

Revision Date

Drawn By MAR
Checked By MJR
Issue Date 1/14/2025
Project No 240706
Sheet Title
EXTERIOR ELEVATIONS

Sheet Number

A201

City of



Lumberton

Planning & Neighborhood Services

Authorization to appear before City Council/Planning Board/Board of Adjustment on the behalf of the property owner(s).

Application File No.: 6.227

Property address: Wintergreen Drive Parcel #: Partoof 100301023

I, Thomas C. Gibson (property owner), give Dr./Mr./Ms.
Kenneth A. Richardson the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Thomas C. Gibson

Signature: [Signature] (Authorized Person)

Authorized Actions: Appear before City Council/Planning Board/Board of Adjustment on property owner's behalf; Answer questions of the board(s) on property owner's behalf; Appear as the applicant.

1. The North Carolina State Bar has opined on more than one occasion, that non-lawyers representing someone else at a quasi-judicial hearing (such as variances and special use permits) constitutes the unauthorized practice of law (The City Attorney can provide copies of these opinions). Simply providing factual or expert testimony as a witness does not violate this rule.
2. If the applicant is not present and the representative does not have sufficient knowledge regarding the application to satisfy the Planning Board or Board of Adjustment, this may cause the request to the tabled or denied.

I, the undersigned, (owner of the above described property), do hereby acknowledge: (1) that I give authority to the authorized person listed above to appear before City Council/Planning Board/Board of Adjustment on my behalf, (2) that this authorization will not waive my rights as the property owner.

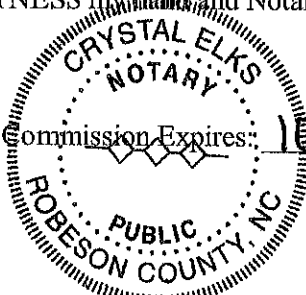
STATE OF NC COUNTY OF Robeson

I, Crystal Elks, a Notary Public in and for said County and

State, do hereby certify that Thomas C. Gibson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 25 day of Jan., 2025

My Commission Expires: 10/22/29
[Signature] Notary Public



City of Lumberton

Planning & Neighborhood Services

Rezoning Request Wintergreen Drive

PETITIONER(S):	OWNER(S):
Pradeep Sharma (Ajay Mulchandani) 6115 Corporate Ridge Road Raleigh, NC 27607 919-802-1370 ajay@cp-construct.net	Happy Valley Farm, LLC Attn: Thomas C. Gibsion 315 Barker Ten Mile Road Lumberton NC 28358 910-734-8993

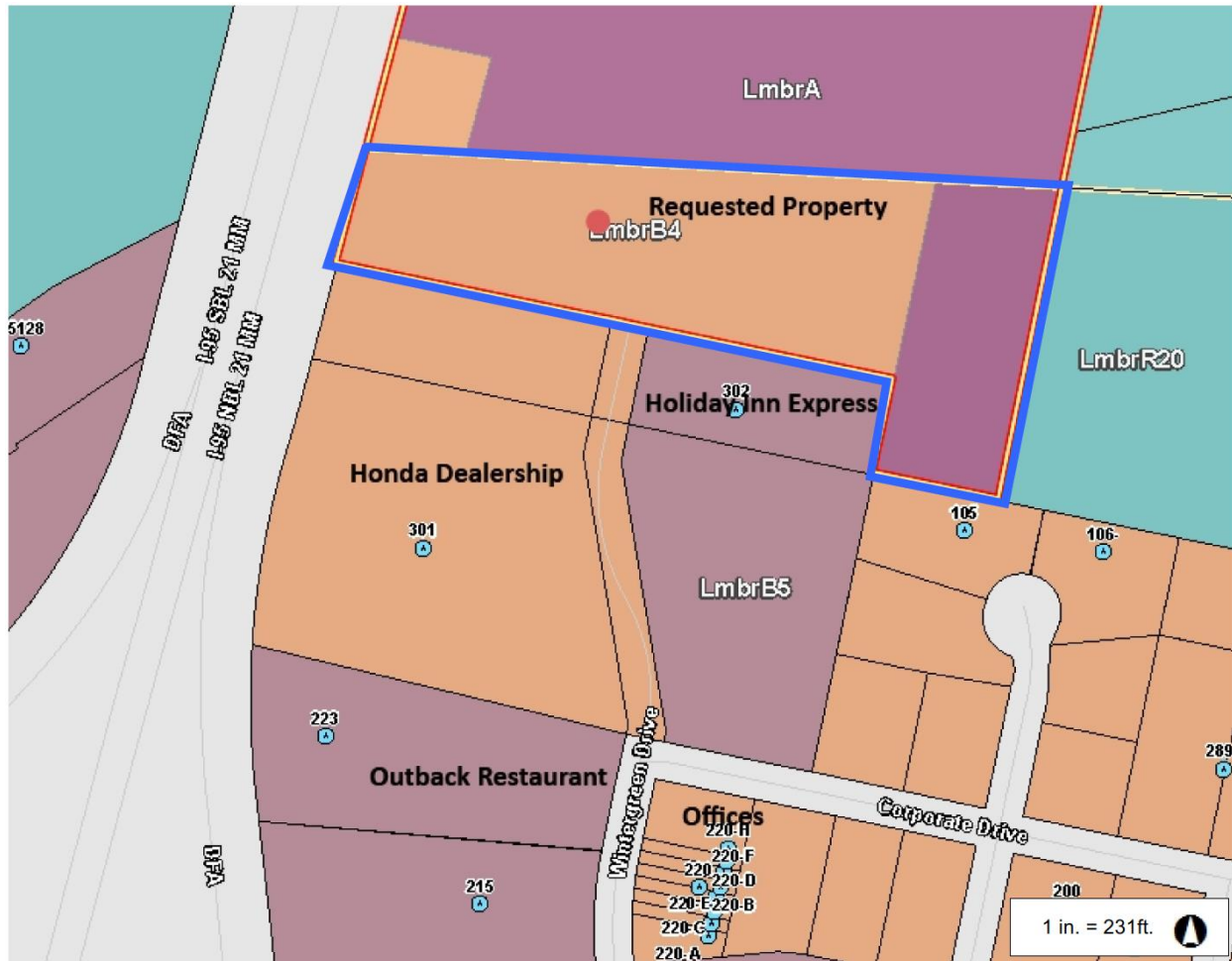
Rezoning Request: Pradeep Sharma (Ajay Mulchandani) is requesting a Rezoning for a portion of property located on Wintergreen Drive (part of parcel #100301023/Deed Book 1587 Page 712).

LOCATION:



City of Lumberton

Planning & Neighborhood Services

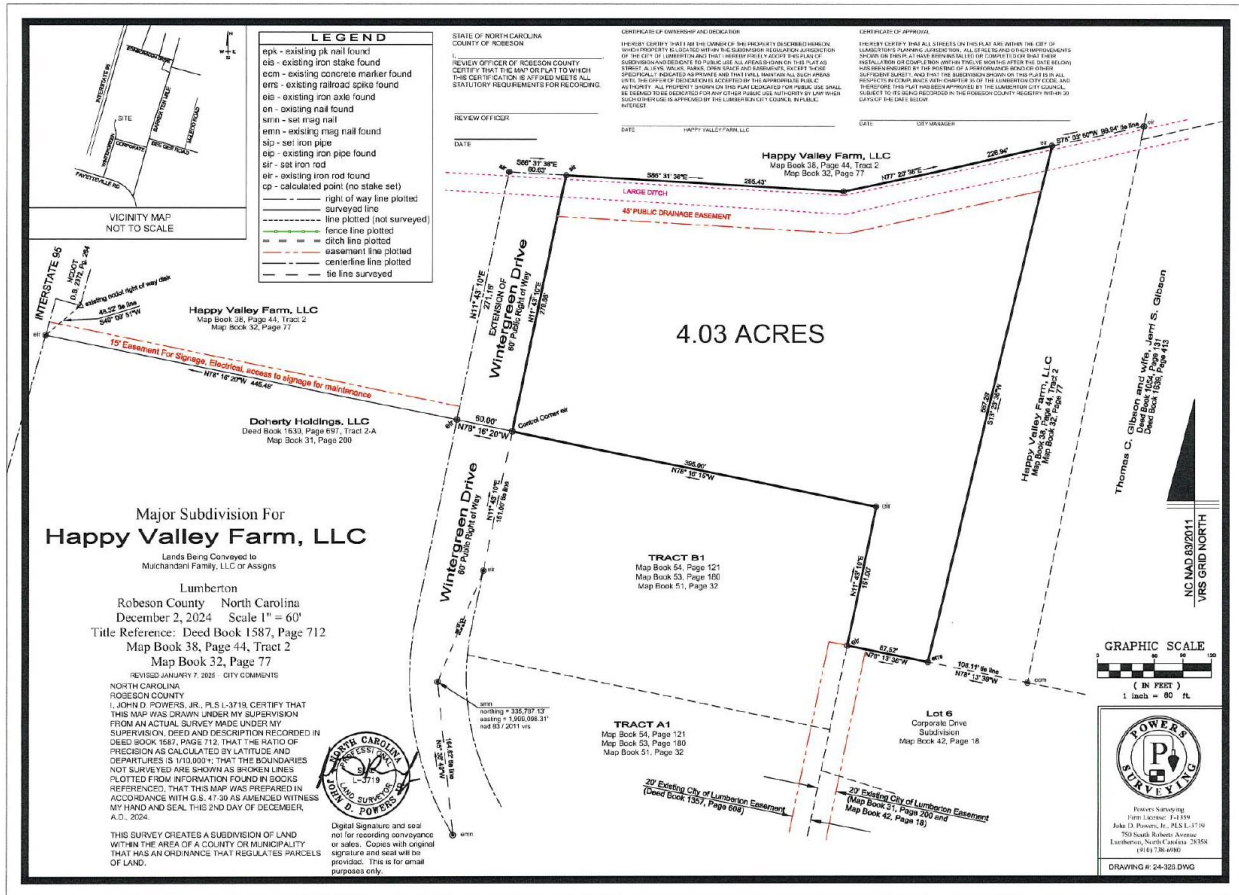


City of



Lumberton

Planning & Neighborhood Services



PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Happy Valley Farm, LLC	Part of 100301023	B-4, business general commercial and 'A' Agriculture Request to rezone to B-5, Highway services	4.03 ac	4.03 ac

City of



Lumberton

Planning & Neighborhood Services

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	B-4, business general commercial and 'A' Agriculture Request to rezone to B-5, Highway services	Proposed Hotel
North	Agriculture	Vacant
South	B-4, business general commercial B-5, Highway services	Honda Dealership Holiday Inn Express
East	R-20, Residential single-family	Single Family Residence
West	Interstate 95	Interstate 95



Planning & Neighborhood Services

PROJECT OVERVIEW

Analysis: Pradeep Sharma (Ajay Mulchandani) is requesting to rezone a portion of property located off of Wintergreen Drive from B-4 and Agriculture to B-5. This request is to increase the maximum overall height of a building from 35 feet to 60 feet.

Setback and Lot Size:

Existing Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Minimum Height
A	40,000 sq.ft.	100'	50'	20'(unless its bordered by a right of way. Then right of way min setbacks are observed)	35'
Existing Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Minimum Height
B-4	No Minimum	100'	40'	10'(unless its bordered by a right of way. Then right of way min setbacks are observed)	35'
Requested Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Minimum Height
B-5	No Minimum	100'	60'	10'(unless its bordered by a right of way. Then right of way min setbacks are observed)	60'

Planning & Neighborhood Services

Screening: Type 'A' screen is required from vacant residentially zoned property and single family residences.

Opaque screen, type "A". A screen that is opaque from the ground to a height of at least eight (8) feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species or field observation of existing vegetation. The screen must be opaque in all seasons of the year.



Planning & Neighborhood Services

Land Use Plan: The Land Use Plan designates the future use of this parcel as Low Intensity. Furthermore, this property is located within Precinct 1.



LOW INTENSITY

The Low Intensity land use category is intended to accommodate both the preservation and growth of low to medium density neighborhoods (4 to 6 dwelling units / acre) consisting primarily of single family residences, as well as small scale multi-family residential development, such as two and three family dwellings. While primarily residential in character, certain low impact nonresidential uses are appropriate for development within these areas, such as small churches, daycare centers, traditional home occupations and similar uses which will not conflict with the character of these areas when they are situated and developed in a manner that is consistent with an overall low intensity land use pattern.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone X-Not in 100-Year Floodplain: Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.



City of *Lumberton*
Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If this rezoning is granted the applicant must submit site development plans to the City of Lumberton, and other Federal and State Departments, if applicable, for review and approval prior to development.

PLANNING BOARD RECOMMENDATION TO COUNCIL

The Planning Board held a public meeting on February 18, 2025, and unanimously recommended that the Council approve the rezoning request.

NOTIFICATIONS FOR PUBLIC HEARING (6-9-2021)

On February 19, 2025, the Planning Department mailed letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On or before February 22, 2025, a sign was placed on the property, notifying the adjacent property owners of the request.

On February 19, 2025 a request was sent to the Robesonian to have the legal ad for this request ran on February 22, 2025 and March 1, 2025 (CN 4225).

PLANNING STAFF RECOMMENDATION TO COUNCIL

The Planning Staff asks the City Council to hold tonight's public hearing and approve the rezoning request.

The A (agricultural) district is designed to protect agricultural lands and woodlands within the city's planning jurisdiction, for this reason, larger minimum lot sizes are required. This district is also intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in the more intensely developed residential zones.

I. Agriculture 'A' Zoning District Permitted Uses

1.110 Single-family residences other than Mobile Homes

1.120 Mobile homes, 1.121 Class A & 1.122 Class B

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.600 Temporary emergency, construction, and repair residences

1.700 Home occupations

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

6.240 Horseback riding; stables (not constructed pursuant to permit authorizing residential development)

12.100 Veterinarian

12.200 Kennel

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

19.000 Open-Air Markets and Horticultural Sales

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

25.000 Commercial Greenhouse Operations

28.200 Minor Subdivisions

II. Agriculture 'A' Zoning District Requires a Special Use Permit

- 1.130 Single- family residences with accessory apartment
- 1.420 Nursing care, intermediate care homes
- 1.430 Child care homes
- 1.440 Halfway houses
- 5.110 Elementary and secondary (including associated grounds and athletic and other facilities)
- 5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)
- 5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet
- 6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development
- 6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school
- 6.260 Drive-in movie theatres
- 6.270 Recreational vehicle parks and/or campgrounds
- 13.100 Police stations
- 13.200 Fire stations
- 13.300 Rescue squad, ambulance service
- 13.400 Civil defense operation
- 13.510 & 13.520 Training Facilities with Activity conducted within or outside fully enclosed building
- 14.120 Agricultural operations, farming Including livestock
- 14.300 Mining or quarrying operations, including on-site sales of products
- 14.400 Reclamation landfill

15.200 Airport

15.300 Sanitary landfill

17.100 Neighborhood Utility Facilities

18.300 towers and antennas more than fifty feet in height

21.100 Cemetery

21.200 Crematorium

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The B-4 (general commercial) district is designed to accommodate the widest range of commercial activities.

I. B-4 Zoning District Permitted Uses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

2.130 Wholesale sales

2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.230 Wholesale sales, Storage and display of goods outside fully enclosed building allowed

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.130 Office or clinics of physicians or dentists

3.210 Operations designed to attract and serve customers or clients on the premises

3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use

4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.200 Operations conducted within or outside fully enclosed building Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.

5.120 Trade or vocational schools

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

5.320 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within any permissible structure

5.400 Social, fraternal clubs and lodges, union halls, and similar

6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses

6.121 Movie theatres Seating capacity of not more than 300

6.122 Movie theatres Seating capacity 301—999

6.140 Adult establishments

6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses

7.100 Hospitals or other medical (including mental health) treatment facilities

7.200 Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care Institutions

8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure

8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed

8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed

9.100 Motor vehicle sales or rentals, excluding manufactured home sales

9.200 Sales with installation of motor vehicle parts or accessories (e.g. tires, mufflers, etc.)

9.300 Motor vehicle repair and maintenance, not including substantial body work

9.500 Gas sales

9.600 Car wash

9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

9.810 Manufactured home sales office without, display units.

10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related

10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored within completely enclosed structures

10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot

10.400 Storage and parking Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

12.100 Veterinarian

13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction

13.620 Mobile Units (including Recreational Vehicles)

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

16.000 Dry Cleaner, Laundromat

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

19.000 Open-Air Markets and Horticultural Sales

20.000 Funeral Homes

22.000 Nursery Schools; Day Care Centers

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

24.100 Bus stations

24.200 Train stations

24.300 Taxi stands

25.000 Commercial Greenhouse Operations

27.000 Off- Premises Signs

28.200 Minor Subdivisions

II. B-4 Zoning District Requires a Special Use Permit

2.112 ABC stores

3.140 Government Office Buildings

3.230 Banks with drive-in windows

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people

6.150 Billiard parlors/Pool Halls & Game Centers

6.160 Electronic Gaming Operations

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.260 Drive-in movie theatres

6.270 Recreational vehicle parks and/or campgrounds

7.500 Organized Shelters Facilities: 7.510 Type A; 7.520 Type B; & 7.530 Type C

8.150 Restaurant without carry-out/delivery/drive-in; without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.250 Restaurant without carry-out/delivery/drive-in; with outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.350 Restaurant with carry-out/delivery/outdoor dining; without drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.450 Restaurant with carry-out/delivery/outdoor dining; with drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.500 Bars, nightclubs

10.220 Storage inside or outside completely enclosed structures

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

21.100 Cemetery

21.200 Crematorium

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The B-5 (highway service) is designed to accommodate commercial activities that draw business primarily from and provide services primarily to 1-95 traffic.

I. B-5 Zoning District Permitted Uses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

2.130 Wholesale sales

2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.210 Operations designed to attract and serve customers or clients on the premises

3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use

4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

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4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.

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5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

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6.121 Movie theatres Seating capacity of not more than 300

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6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses

8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure

8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed

8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed

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9.300 Motor vehicle repair and maintenance, not including substantial body work

9.500 Gas sales

9.600 Car wash

9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

12.200 Kennel 13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

27.000 Off- Premises Signs

28.200 Minor Subdivisions

II. B-5 Zoning District Requires a Special Use Permit

2.112 ABC stores

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people

6.150 Billiard parlors/Pool Halls & Game Centers

6.160 Electronic Gaming Operations

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.270 Recreational vehicle parks and/or campgrounds

8.150 Restaurant without carry-out/delivery/drive-in; without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

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8.350 Restaurant with carry-out/delivery/outdoor dining; without drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.450 Restaurant with carry-out/delivery/outdoor dining; with drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.500 Bars, nightclubs

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

Lumberton City Council

Item: IV.C.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/19/2025

Subject: Ajay Mulchandani is requesting a Special Use Permit for a major subdivision for property located on Wintergreen Drive. P1

Summary/Background of Subject Matter:

Ajay Mulchandani is requesting a Special Use Permit for a major subdivision. This request is to subdivide the property and extend Wintergreen Drive, a public road.

Staff Recommendation:

The Planning Staff asks the City Council to hold tonight's public hearing and approve the Special Use Permit request.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Mulchandani SUP Application- PH
2. WINTERGREEN DRIVE SUP Ordinance

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR A SPECIAL USE PERMIT

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the City Council of the City of Lumberton issue a Special Use Permit as hereinafter described:

1. **Applicant:**

Owner:

Legal Name: Ajay Mulchandani

Legal Name: Happy Valley Farm LLC

Physical Address: 6115 Corporate Ridge Road

Physical Address: 315 Barker Ten Mile Road

Raleigh, NC 27607

Lumberton, NC 28358

Attn: Thomas C. Gibson

Mailing Address: Same as above.

Mailing Address: Same as above.

Telephone: 919-802-1370

Telephone: ~~910-734-1225~~

910-734-8993

Name of Business: CHD Lumberton Hotel II LLC

Business Address: Same as above.

Description of Property:

<u>315 Barker Ten Mile Road, Lumberton, NC</u>	<u>1587</u>	<u>712</u>
(Address)	(Deed Book)	(Page)
<u>32</u>	<u>77</u>	<u>Proposed 279.86</u>
(Map Book)	(Page)	(Frontage)
		<u>4.03 Acres (See attached map)</u>
		(Area)

3. Tax Map Identification (parcel number): 939396497580 or Tax Parcel: 100301023
4. Proposed Use of Property: Hotel
5. Zoning District Designation of Property: LmbrB4 and LmbrA (B-5)
6. Development Site Plan: See Appendix A of Land Use Ordinance.
7. Notice of Hearing: All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.
8. Supportive Information: At the Hearing, you will be responsible for providing information to the City Council to enable it to determine whether the development, if completed as proposed, will comply with the requirements of the Land Use Ordinance. You should be ready to show the following relative to the proposed development:
- a. That it will not materially endanger the public health or safety; and
 - b. That it will not substantially injure the value of adjoining or abutting property; and
 - c. That it will be in harmony with the area in which it is to be located; and
 - d. That it will be in general conformity with the Land Use Plan Thoroughfare Plan, or other plan officially adopted by the City.
9. Application Fee: Submit the fee payment with application. The application fee is nonrefundable.

1 of 2

File #

5/28/21

ADDRESS:

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

Applicant proposes to build a hotel on parcel number 939396497580. The City of Lumberton requires road frontage for the property. Wintergreen Drive will require extension in order to provide road frontage to the property.

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

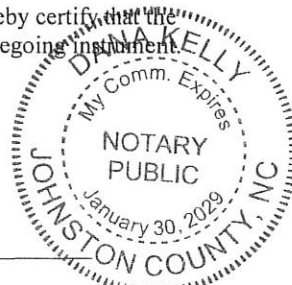
Applicant: CHD LUMBERTON HOTEL II LLC 6115 Cooperate Ridge Rd Raleigh NC
Name Gray Mulchandani Physical Address 27602

Applicant: Gray
Signature

STATE OF NC COUNTY OF Johnston

I, Dana Kelly, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 9th day of December, 2024
Dana Kelly
Notary Public Signature My Commission Expires: 1/30/29



Owner: Happy Valley Farm LLC 315 Barker Ten Mile Rd. Lumberton NC
Name Thomas C. Gibson Physical Address 28358

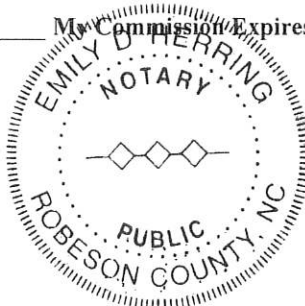
Owner: Thomas C. Gibson
Signature

STATE OF NC COUNTY OF Robeson

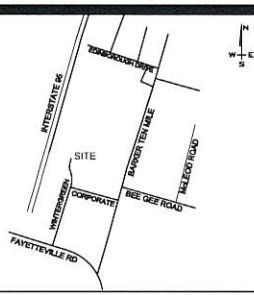
I, Emily D Herring, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 5th day of Dec, 2024.

Emily D Herring
Notary Public Signature My Commission Expires: 9-4-29



File # _____ 2 of 2
5/28/21



LEGEND	
epk - existing pk nail found	
eis - existing iron stake found	
ecm - existing concrete marker found	
erss - existing railroad spike found	
eia - existing iron axle found	
en - existing nail found	
smn - set mag nail	
emn - existing mag nail found	
sip - set iron pipe	
eip - existing iron pipe found	
sir - set iron rod	
eir - existing iron rod found	
cp - calculated point (no stake set)	
— — — — — right of way line plotted	
— — — — — surveyed line	
— — — — — line plotted (not surveyed)	
— — — — — fence line plotted	
— — — — — ditch line plotted	
— — — — — easement line plotted	
— — — — — centerline line plotted	
— — — — — tie line surveyed	

STATE OF NORTH CAROLINA
COUNTY OF ROBESON

I, _____
REVIEW OFFICER OF ROBESON COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH
THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____
DATE _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

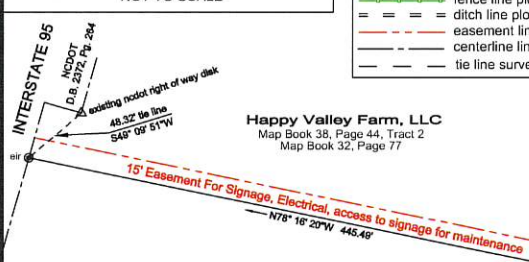
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON,
WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION
OF THE CITY OF LUMBERTON AND THAT I HEREBY FREELY ADOPT THIS PLAN OF
SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS
STREET ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE
SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS
UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC
AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT DEDICATED FOR PUBLIC USE SHALL
BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORITY BY LAW WHEN
SUCH OTHER USE IS APPROVED BY THE LUMBERTON CITY COUNCIL, IN PUBLIC
INTEREST.

DATE _____ HAPPY VALLEY FARM, LLC

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT ALL STREETS ON THIS PLAT ARE WITHIN THE CITY OF
LUMBERTON'S PLANNING JURISDICTION, ALL STREETS AND OTHER IMPROVEMENTS
SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR
INSTALLATION OR COMPLETION (WITHIN TWELVE MONTHS AFTER THE DATE BELOW)
HAS BEEN ENSURED BY THE POSTING OF A PERFORMANCE BOND OR OTHER
SUFFICIENT SURETY, AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL
RESPECTS IN COMPLIANCE WITH CHAPTER 35 OF THE LUMBERTON CITY CODE, AND
THEREFORE THIS PLAT HAS BEEN APPROVED BY THE LUMBERTON CITY COUNCIL,
SUBJECT TO ITS BEING RECORDED IN THE ROBESON COUNTY REGISTRY WITHIN 30
DAYS OF THE DATE BELOW.

DATE _____ CITY MANAGER _____



Happy Valley Farm, LLC
Map Book 38, Page 44, Tract 2
Map Book 32, Page 77

Doherty Holdings, LLC
Deed Book 1630, Page 697, Tract 2-A
Map Book 31, Page 200

Major Subdivision For Happy Valley Farm, LLC

Lands Being Conveyed to
Mulchandani Family, LLC or Assigns

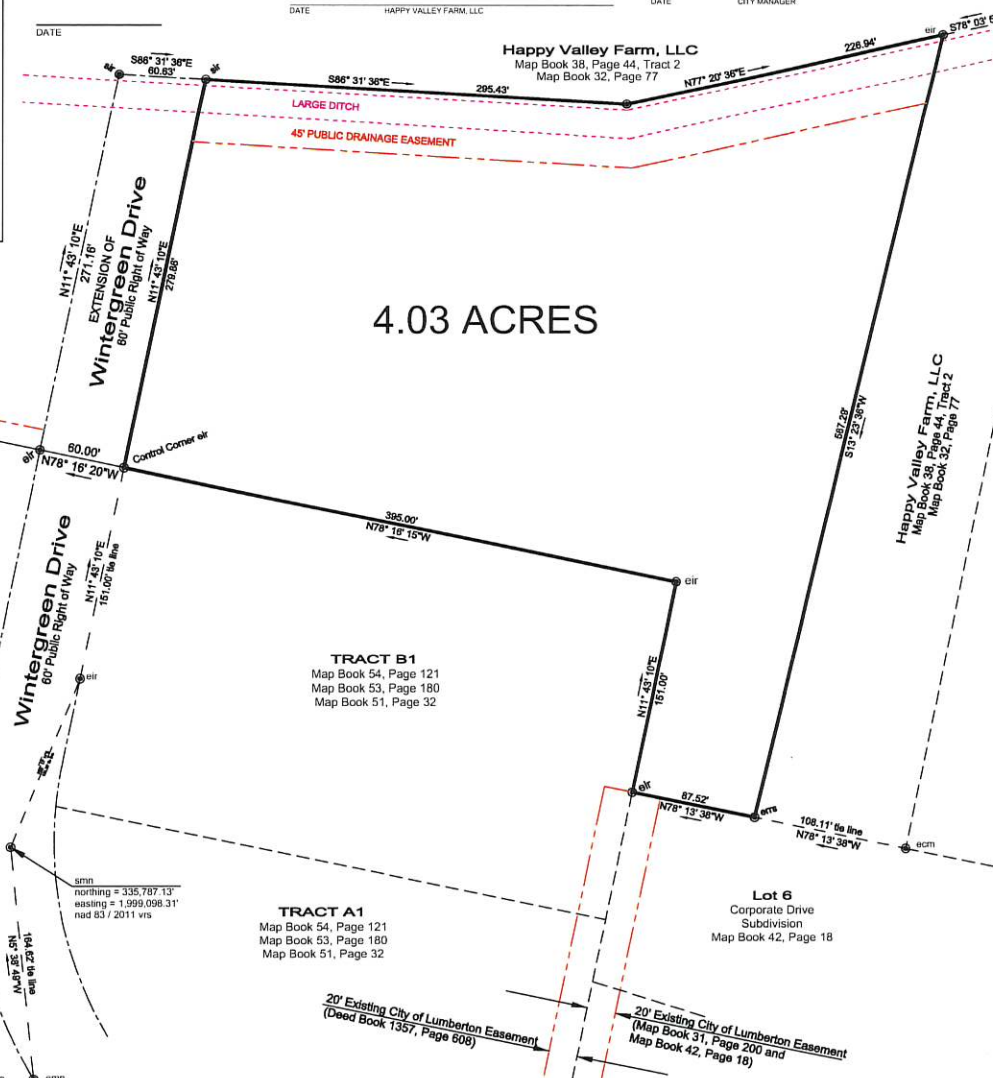
Lumberton
Robeson County North Carolina
December 2, 2024 Scale 1" = 60'
Title Reference: Deed Book 1587, Page 712
Map Book 38, Page 44, Tract 2
Map Book 32, Page 77

REVISED JANUARY 7, 2025 - CITY COMMENTS

NORTH CAROLINA
ROBESON COUNTY
I, JOHN D. POWERS, JR., PLS L-3719, CERTIFY THAT
THIS MAP WAS DRAWN UNDER MY SUPERVISION
FROM AN ACTUAL SURVEY MADE UNDER MY
SUPERVISION, DEED AND DESCRIPTION RECORDED IN
DEED BOOK 1587, PAGE 712, THAT THE RATIO OF
PRECISION AS CALCULATED BY LATITUDE AND
DEPARTURES IS 1/10,000+; THAT THE BOUNDARIES
NOT SURVEYED ARE SHOWN AS BROKEN LINES
PLOTTED FROM INFORMATION FOUND IN BOOKS
REFERENCED, THAT THIS MAP WAS PREPARED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS
MY HAND AND SEAL THIS 2ND DAY OF DECEMBER,
A.D., 2024.



Digital Signature and seal
not for recording conveyance
or sales. Copies with original
signature and seal will be
provided. This is for email
purposes only.

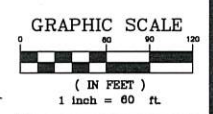


4.03 ACRES

TRACT B1
Map Book 54, Page 121
Map Book 53, Page 180
Map Book 51, Page 32

TRACT A1
Map Book 54, Page 121
Map Book 53, Page 180
Map Book 51, Page 32

Lot 6
Corporate Drive
Subdivision
Map Book 42, Page 18



POWERS SURVEYING

Powers Surveying
Firm License: F-1359
John D. Powers, Jr., PLS L-3719
750 South Roberts Avenue
Lumberton, North Carolina 28158
(910) 738-6980

DRAWING #: 24-326.DWG

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: PRADEEP SHARMA 1725 FAIRBANKS RD, CARY NC 27513
Full Legal Name (type or print) Home Address

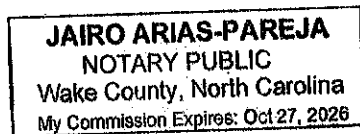
STATE OF North Carolina COUNTY OF Wake

I, Jairo Arias Pareja, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 23 day of Jan, 2025.

(Official Seal)



[Signature]
Official Signature of Notary
Jairo Arias Pareja, Notary Public
Notary's printed or typed name

My Commission Expires: 10/27/2026

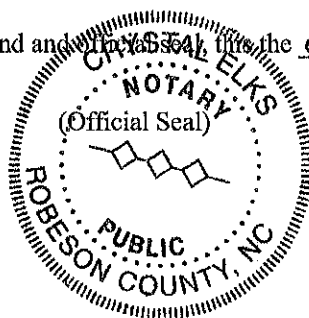
Owner: Happy Valley Farm LLC 315 Barker Ten Mile Road Lumberton NC 28358
By: Thomas C. Gibson
Full Legal Name (type or print) Home Address

STATE OF NC COUNTY OF Robeson

I, Crystal Elks, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: [Signature]
Signature

WITNESS my hand and official seal, this the 22 day of Jan, 2025.



[Signature]
Official Signature of Notary
Crystal Elks, Notary Public
Notary's printed or typed name

My Commission Expires: 10/22/29

3 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

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Material Legend

- EPS - Dark Gray
- EPS - Light Gray
- EPS - Dark Beige Accent
- Brick - Preset/Smooth Black
- Stucco Panel - Natural Stone
- Manufactured Stone Veneer

Project
Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner
CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT



1 Front Elevation
Scale: 1/8" = 1'-0"



2 West Elevation
Scale: 1/8" = 1'-0"



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7300

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 843-631-6848

www.R4architecture.com

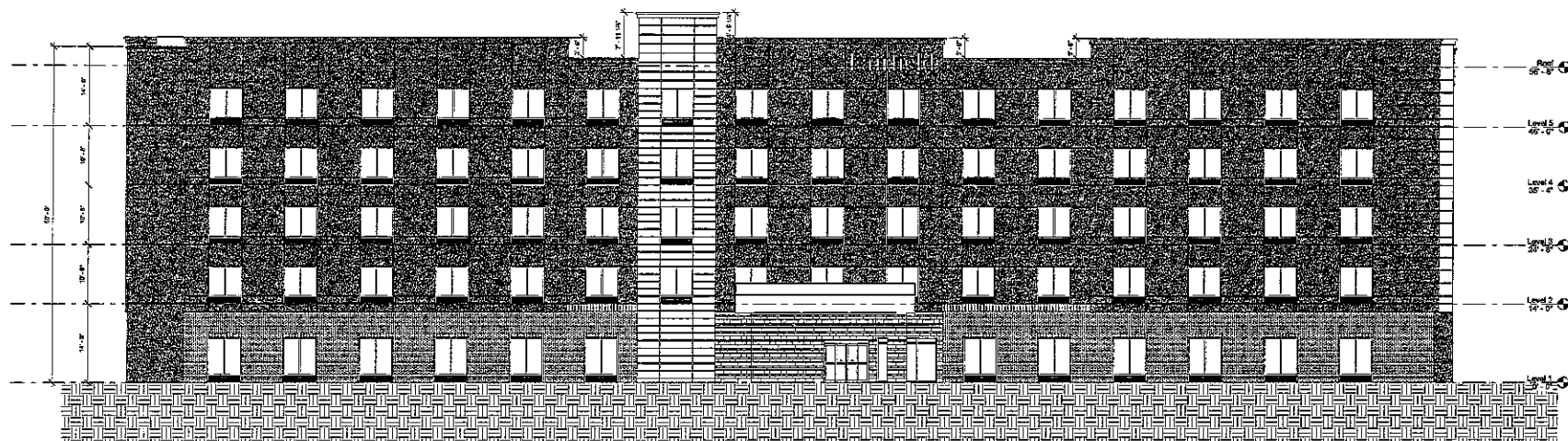
Revision Date

Drawn By MAR
Checked By MJR
Issue Date 12/11/2024
Project No 240706

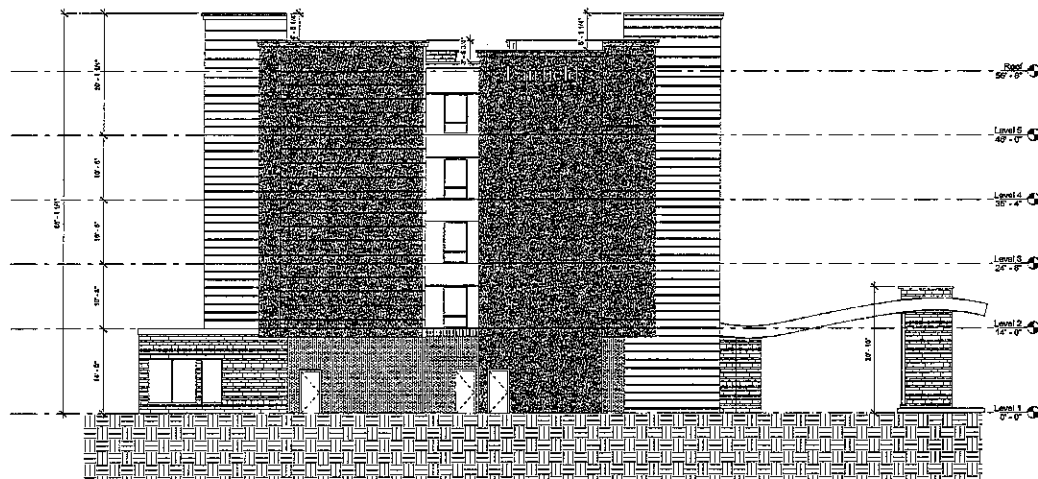
Sheet Title
Exterior Color Elevations

Sheet Number
A201a

ALL DESIGN, DIMENSIONS AND MODIFICATIONS SHOWN ON THIS SHEET ARE THE PROPERTY OF R4 ARCHITECTURE, P.A. ANY UNAUTHORIZED USE OR REPRODUCTION IS SUBJECT TO LEGAL PROSECUTION. CONSENT FOR THE PROJECT.



South
Scale: 1/8" = 1'-0"



West
Scale: 1/8" = 1'-0"

Project
Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner
CHD Lumberton II LLC
8115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT

07/03/24



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7690

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 803-651-6846

www.R4architecture.com

Revision Date

Drawn By MAR
Checked By MJR
Issue Date 1/14/2025
Project No 240706

Sheet Title
EXTERIOR ELEVATIONS

Sheet Number

A200

ALL DESIGNS, DRAWINGS AND SPECIFICATIONS EMPLOYED ON THIS SHEET ARE THE PROPERTY OF R4 ARCHITECTURE P.A. ANY UNAUTHORIZED USE OR REPRODUCTION IS SUBJECT TO LEGAL PROSECUTION. POSSESSION IN ANY FORM CONSTITUTES ACCEPTANCE OF THESE CONDITIONS. 12/11/2024



1 Rear Elevation
Scale: 1/8" = 1'-0"



2 East Elevation
Scale: 1/8" = 1'-0"

Material Legend

- EPS - Dark Gray
- EPS - Light Beige
- EIFS - Dark Beige Accent
- Rock - Pinval Spalls Rock
- Nordica Panel - Natural Wood
- Manufactured Stone Masonry

Project

Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner

CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7990

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 843-631-0948

www.R4architecture.com

Revision Date

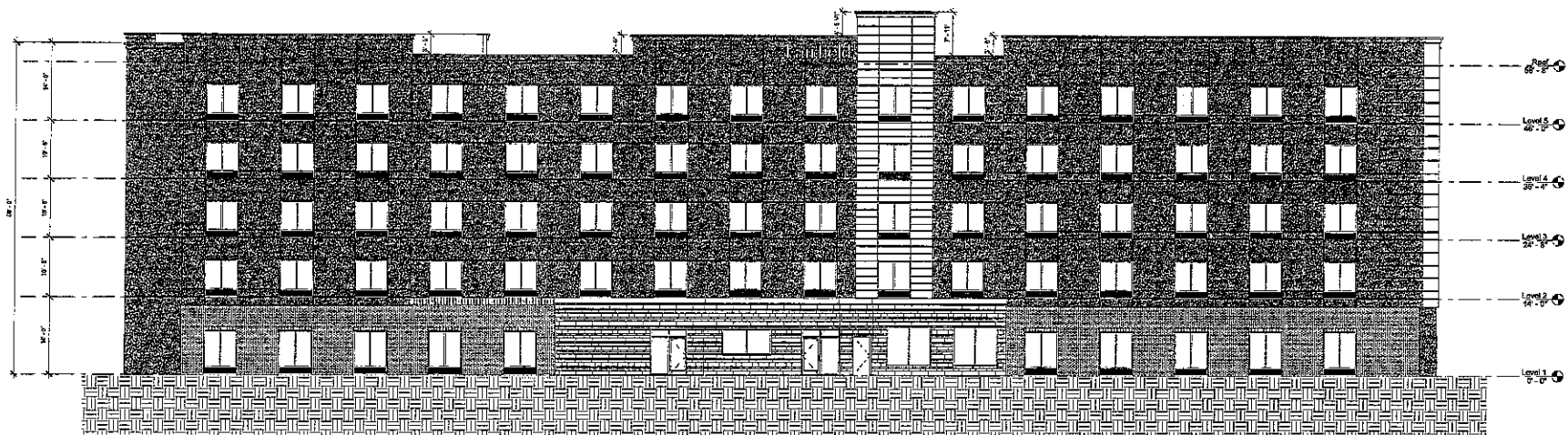
Drawn By MAR
Checked By MJR
Issue Date 12/11/2024
Project No 240706

Sheet Title
Exterior Color Elevations

Sheet Number

A200a

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1 North
Scale: 1/8" = 1'-0"



2 East
Scale: 1/8" = 1'-0"

Project
Fairfield Inn By Marriott
Wintergreen Drive
Lumberton, NC 28258

Owner
CHD Lumberton II LLC
6115 Corporate Ridge Rd
Raleigh, NC 27607

Fairfield
BY MARRIOTT

01/14/25



165 Brumley Avenue NE
Suite 2004
Concord, NC 28025
Tel: 704-688-7500

309 Wingo Way
Suite 103
Mt. Pleasant, SC 29464
Tel: 853-551-6540

www.R4architecture.com

Revision Date

Drawn By MAR
Checked By MJR
Issue Date 1/14/2025
Project No 240706
Sheet Title
EXTERIOR ELEVATIONS

Sheet Number

A201

City of



Lumberton

Planning & Neighborhood Services

Authorization to appear before City Council/Planning Board/Board of Adjustment on the behalf of the property owner(s).

Application File No.: 7.187

Property address: Wintergreen Drive Parcel #: Partoof 100301023

I, Thomas C. Gibson (property owner), give Dr./Mr./Ms. Kenneth A. Richardson the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Thomas C. Gibson

Signature: [Handwritten Signature] (Authorized Person)

Authorized Actions: Appear before City Council/Planning Board/Board of Adjustment on property owner's behalf; Answer questions of the board(s) on property owner's behalf; Appear as the applicant.

1. The North Carolina State Bar has opined on more than one occasion, that non-lawyers representing someone else at a quasi-judicial hearing (such as variances and special use permits) constitutes the unauthorized practice of law (The City Attorney can provide copies of these opinions). Simply providing factual or expert testimony as a witness does not violate this rule.
2. If the applicant is not present and the representative does not have sufficient knowledge regarding the application to satisfy the Planning Board or Board of Adjustment, this may cause the request to the tabled or denied.

I, the undersigned, (owner of the above described property), do hereby acknowledge: (1) that I give authority to the authorized person listed above to appear before City Council/Planning Board/Board of Adjustment on my behalf, (2) that this authorization will not waive my rights as the property owner.

STATE OF NC COUNTY OF Robeson

I, Crystal Elks, a Notary Public in and for said County and

State, do hereby certify that Thomas C. Gibson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 25 day of Jan., 2025

My Commission Expires: 10/22/29 [Handwritten Signature] Notary Public

City of *Lumberton*

Planning & Neighborhood Services

Special Use Permit Wintergreen Drive

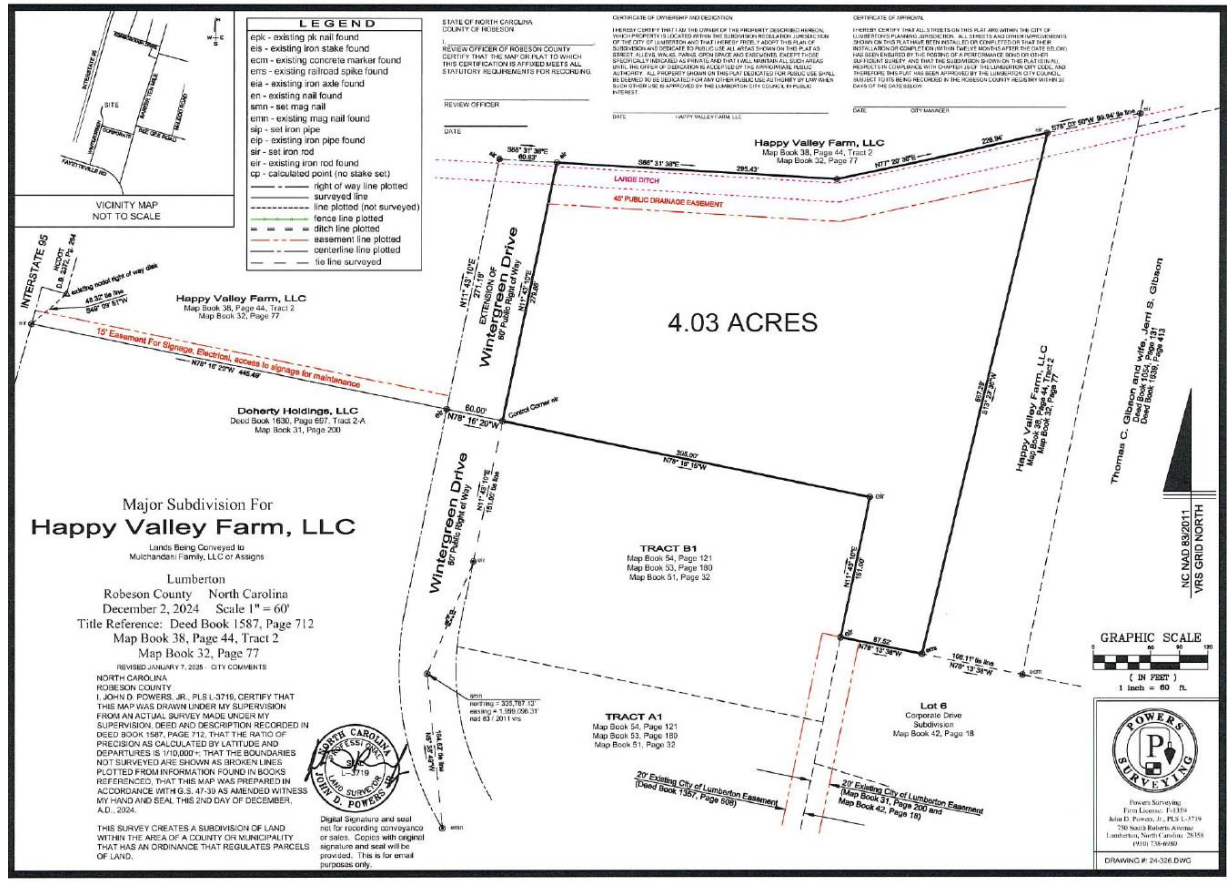
PETITIONER(S):	OWNER(S):
Pradeep Sharma (Ajay Mulchandani) 6115 Corporate Ridge Road Raleigh, NC 27607 919-802-1370 ajay@cp-construct.net	Happy Valley Farm, LLC Attn: Thomas C. Gibsion 315 Barker Ten Mile Road Lumberton NC 28358 910-734-8993

Special Use Permit Request: Pradeep Sharma (Ajay Mulchandani) is requesting a Special Use Permit for a major subdivision for a portion of property located on Wintergreen Drive.

LOCATION:



Planning & Neighborhood Services



PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Pradeep Sharma (Ajay Mulchandani)	Part of 100301023	B-4, business general commercial and 'A' Agriculture Request to rezone to B-5, Highway services	4.03 ac	4.03 ac

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	B-4, business general commercial and 'A' Agriculture Request to rezone to B-5, Highway services	Proposed Hotel
North	Agriculture	Vacant
South	B-4, business general commercial B-5, Highway services	Honda Dealership Holiday Inn Express
East	R-20, Residential single-family	Single Family Residence
West	Interstate 95	Interstate 95

STAFF ANALYSIS

PROJECT OVERVIEW

Analysis: Pradeep Sharma (Ajay Mulchandani) is requesting a Special Use Permit for a major Subdivision for a portion of property located on Wintergreen Drive (Part of 100301023). This request is to subdivide the property and extend Wintergreen Drive, a public road.

Planning & Neighborhood Services

Land Use Plan: The Land Use Plan designates the future use of this parcel as Low Intensity. Furthermore, this property is located within precinct 1.



LOW INTENSITY

The Low Intensity land use category is intended to accommodate both the preservation and growth of low to medium density neighborhoods (4 to 6 dwelling units / acre) consisting primarily of single family residences, as well as small scale multi-family residential development, such as two and three family dwellings. While primarily residential in character, certain low impact nonresidential uses are appropriate for development within these areas, such as small churches, daycare centers, traditional home occupations and similar uses which will not conflict with the character of these areas when they are situated and developed in a manner that is consistent with an overall low intensity land use pattern.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone X-Not in 100-Year Floodplain: Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.



City of *Lumberton*
Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If this Special Use Permit is granted the applicant must submit site development plans to the City of Lumberton, and other Federal and State Departments, if applicable, for review and approval prior to development. All conditions of the Special Use Permit must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy (CO).

PLANNING BOARD RECOMMENDATION TO COUNCIL

The Planning Board held a public meeting on February 18, 2025, and unanimously recommended that the Council approve the Special Use Permit request.

NOTIFICATIONS FOR PUBLIC HEARING

On February 19, 2025, the Planning Department mailed letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On or before February 22, 2025, a sign was placed on the property, notifying the adjacent property owners of the request.

On February 19, 2025 a request was sent to the Robesonian to have the legal ad for this request ran on February 22, 2025 and March 1, 2025 (CN 4226).

PLANNING STAFF RECOMMENDATION TO COUNCIL

The Planning Staff asks the City Council to hold tonight's public hearing and approve the Special Use Permit request.

NORTH CAROLINA

SPECIAL USE PERMIT

ROBESON COUNTY

OWNER(S): HAPPY VALLEY FARM, LLC.
APPLICANT(S) AJAY MULCHANDANI
PARCEL: PART OF 100301023
DEED: DEED BOOK 01587 PAGE 0712

PROPOSED USE: MAJOR SUBDIVISION AND EXTENTION OF
WINTERGREEN DRIVE, A PUBLIC ROAD.

MEETING DATE: March 3, 2025

On the date listed above, the City Council of the City of Lumberton met to consider an application to issue a Special Use Permit for the aforelisted proposed use of property at the aforelisted property location.

Having heard all the evidence and argument presented at the hearing, the Council finds that the application is complete, that the application complies with all of the applicable requirements of the Lumberton Land Use Ordinance for the development proposed, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Lumberton Land Use Ordinance and the following conditions:

(1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Council, a copy of which is filed in the Planning and Neighborhood Services Department of the City of Lumberton, North Carolina.

(2) In granting the Special Use Permit, the Council has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein:

THE EXTENSION OF THE PUBLIC ROAD MUST COMPLY WITH ALL REQUIREMENTS
OF THE LUMBERTON CODE OF ORDINANCES FOR DEDICATION. NO ADDED
CONDITIONS

(3) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, this permit shall be void and of no effect.

Nothing authorized by the permit may be done until the property owner properly executes and returns to the City the attached acknowledgement of the issuance of this permit so that the City may have it recorded in the Robeson County Registry.

IN WITNESS WHEREOF, The City of Lumberton has caused this permit to be issued in its name, and the undersigned, being all of the property owners of the above-described property, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

CITY OF LUMBERTON

BY: _____
Bruce Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

The undersigned, being all of the owners of the above described property, do hereby acknowledge: (1) receipt of this Special Use Permit, (2) that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements, and (3) that this restriction shall be binding on them and their successors in interest.

_____	_____ (SEAL)
Owner Name (print/type)	Owner Signature

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 200____.

Notary Public

My Commission Expires: _____.

_____	_____ (SEAL)
Owner 2 Name (print/type)	Owner 2 Signature

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 200____.

Notary Public

My Commission Expires: _____.

Lumberton City Council

Item: IV.D.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/25/2025

Subject: Sabrina Leshore-Cummings Special Use Permit (SUP) request for Christian School-P6

Summary/Background of Subject Matter:

Sabrina Leshore-Cummings is requesting a Special Use Permit for a Christian day school Jirehs Remnant Youth Bible Training Academy, grades K-12, operating Mon-Thurs. 8am-4pm. located at 1106 N. Water St (parcel # 322705008 & 322705006, deed book 2398, pg. 283).

Staff Recommendation:

Staff recommends that City Council hold tonight's public hearing and make a decision regarding this request.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Cummings Application and staff Report- SUP - CPC
2. Private School Grade K-12 School Requirements _ NC DOA
3. NC Non-Public School Fire Inspection Preparation Checklist _ NC DOA
4. NC Non-Public School Sanitation Inspection Preparation Checklist _ NC DOA
5. Chapter 115C - Article 39
6. Notice of Intent
7. 1106 N Water Street Fire Inspection
8. 1106 N. Water Street Building Floor Plan (1920 x 1080 px) (2)
9. Jirehs Remnant Site Plan- Final
10. Jireh's Remnant Youth Bible Training Academy Inspection

City of *Lumberton*

Planning & Neighborhood Services

Special Use Permit

1106 N. Water St.

Date of Application Submittal:

PETITIONER(S):	OWNER(S):
Sabrina O. Leshore-Cummings 604 N. Chestnut St. Lumberton, NC 28358	Bethel Baptist Church Inc. of Lumberton 1106 N. Water St. Lumberton, NC 28358

Special Use Permit Request: Sabrina Leshore-Cummings is requesting a Special Use Permit for a Christian day school Jirehs Remnant Youth Bible Training Academy, grades K-6, operating Mon-Thurs. 8am-4pm. located at 1106 N. Water St (parcel # 322705008 & 322705006, deed book 2398, pg. 283).

LOCATION:



City of *Lumberton*

Planning & Neighborhood Services

ZONING DISTRICT:



Planning & Neighborhood Services

PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Bethel Baptist Church	322705008 & 322705006	R-7 Residential Single/Two Family	0.31 acre .25 acre	0.31 acre .25 acre

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	R-7, Residential single family	Existing Church. Proposed use Christian School
North	R-7, Residential single/-family	Single Family Residence
South	R-7, Residential single-family	Multi-Family/Apartments Town Village Apartments
East	R-7, Residential single-family	Single Family Residence
West	R-7, Residential single-family	Single Family Residence

STAFF ANALYSIS

PROJECT OVERVIEW

Analysis: Sabrina Leshore-Cummings is requesting a Special Use Permit for a Christian day school Jirehs Remnant Youth Bible Training Academy, grades K-6 with a maximum of 60 students, operating Mon-Thurs. 8am-4pm. located at 1106 N. Water St (parcel # 322705008 & 322705006, deed book 2398, pg. 283).

PLANNING & ZONING

Setback and Lot Size (General to R-15 Zoning District):

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Minimum Height
R-7	7,000 11,000 for duplex	70'	20'	8'	35'

Planning & Zoning Analysis

Sabrina Leshore-Cummings is requesting a Special Use Permit for property located at 1106 N. Water St. The intended use is a Christian day school Jirehs Remnant Youth Bible Training Academy, grades K-6 with a maximum of 60 students, operating Mon-Thurs. 8am-4pm.



Planning & Neighborhood Services

Use 5.110 Elementary and secondary schools (including associated grounds and athletic and other facilities) require a special use permit in the R-7 zoning district.

A church (Bethel Baptist Church) is currently operating on the property; however, the property is for sale. The school's stakeholders are considering purchasing the property pending the outcome of this request.

Required Parking:

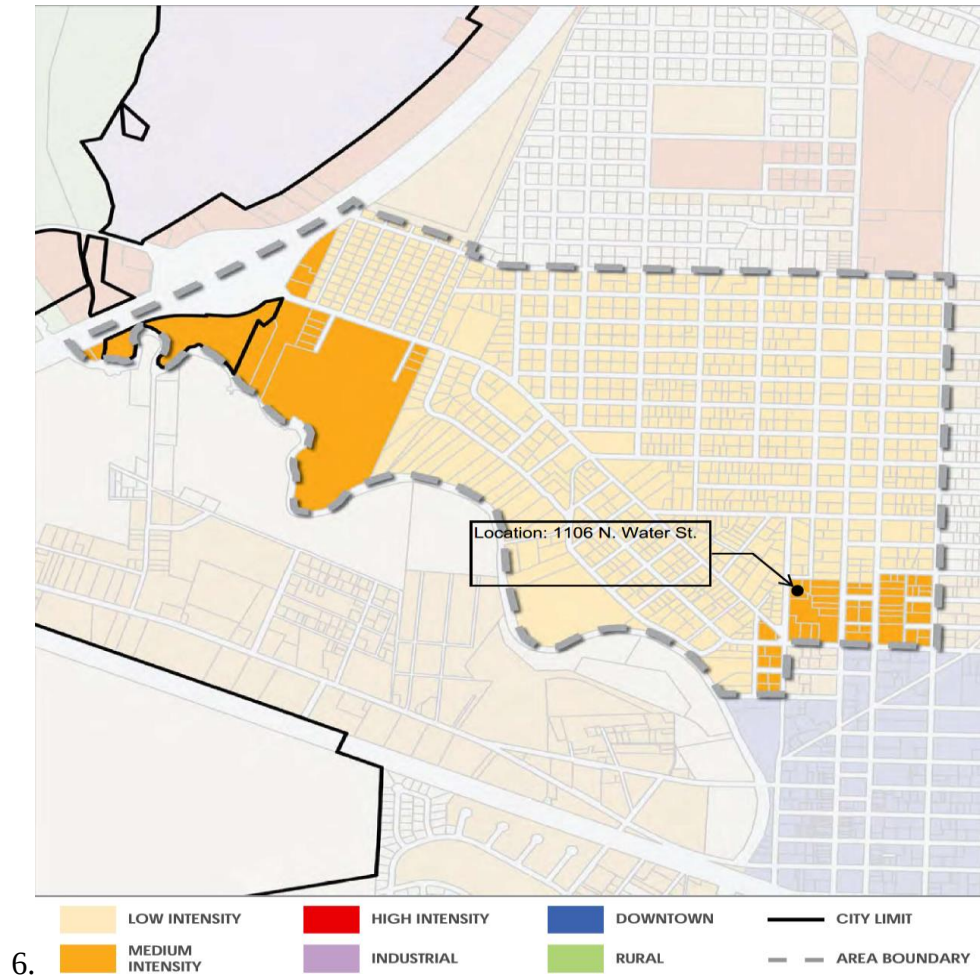
On-site Parking - Use # 5.110 requires 1.75 spaces per classroom in elementary schools; 5 spaces per classroom in high schools.

Proposed 4 classrooms will require a minimum of 7 parking spaces including a minimum of 1 handicap accessible space.

Screening requirements: A type 'A' screen is required from adjacent single-family residential, multifamily, and vacant residential zoned properties.

Planning & Neighborhood Services

Land Use Plan: The Land Use Plan designates the future use of this parcel as Medium Intensity, furthermore, this property is located within precinct 6.



MEDIUM INTENSITY

The Medium Intensity land use category is intended to accommodate medium density residential development (up to 10 dwelling units / acre), including both single family residences and larger scale multi-family dwellings. This land use category is also intended to accommodate the use and development of land for medium intensity nonresidential uses, such as churches, schools, neighborhood scale retail, professional offices and similar uses when sited in a manner that does not negatively impact adjoining residential uses located within this or an adjacent lower intensity land use category. In general, these areas are intended to provide a transition between low and high intensity land uses, as well as to facilitate redevelopment in areas where increased density and/or intensity of use is desired.

City of Lumberton

Planning & Neighborhood Services

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone X-Not in 100-Year Floodplain: Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

Map Number: 3710939100K **Panel Effective Date:** 12/6/2019



DEVELOPMENT UPON APPROVAL

If this Special Use Permit is granted the applicant must submit site development plans to the City of Lumberton, and other Federal and State Departments, if applicable, for review and approval before development. All conditions of the Special Use Permit must be addressed before the issuance of a Land Use Permit and/or Certificate of Occupancy (CO).

PLANNING BOARD RECOMMENDATION TO COUNCIL

The motion ended in a tie vote 5-5. The board decided to refer the application to City Council without a recommendation.



PLANNING STAFF RECOMMENDATION TO COUNCIL

The planning staff recommends that the City Council hold tonight's public hearing and make a decision regarding this request.



Private School Grade K-12 School Requirements

Each conventional private elementary/secondary school in North Carolina enrolling students of North Carolina compulsory attendance age (at least age 7 but not yet age 16) must in accordance with G.S. 115C- 547-562:

1. **Report its name, address, and names of its chief administrator and owner(s) to the Division of Non-Public Education (DNPE).** It is suggested that this action be taken 30-60 days before the school begins initial operation. [Click here for the link to file Notice of Intent form](#) for providing this notification.
***Do not** use the following words in your school name: Charter, college, elementary, grade, grammar, high, incorporated (or Inc.), junior, kindergarten, lower, middle, primary, public, residence, schooling, secondary, seminary, senior, the, university or upper.
2. **Meet the state fire safety and sanitation standards established by state and local authorities.** [All child care through grade 2 students must be housed on the ground floor.](#) Prior to initial school occupancy, the local building inspector must inspect the building(s) and issue to the school a certificate of occupancy for school usage. Thereafter, he/she will need to inspect again only when structural changes are made to the building(s). In addition, before initially beginning classes and annually thereafter, have the local Fire Marshal and Health Department inspect the school facility. Allow up to possibly a month or more for the inspections to be completed. Keep original inspector-completed forms on file at the school. [Click here for the fire inspection preparation checklist.](#) [Click here for the sanitation inspection preparation checklist.](#)
3. **Operate for a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations.** (The NC public schools follow a school term of at least 180 school days.)
4. **Keep accurate student attendance records on file at its office.**

5. **Maintain current and accurate disease immunization records on file at its office for each pupil enrolled.** All pupils must be properly immunized with the required vaccine minimum dosages before entering kindergarten and first grade. For information about dosages required and the immunization laws, contact:
- Immunization Branch
North Carolina DHHS
1917 Mail Service Center
Raleigh, NC 27699-1917
(919) 707-5550
immunize.nc.gov
6. **Administer to all students in grades 3 and 6 each school year, a nationally standardized achievement test in the subject areas of English grammar, reading, spelling and math.** Keep test results on file at the school for at least one calendar year for annual review by a DNPE representative.
7. **For grade 9, the nationally standardized test or other equivalent measurement selected must measure either of the following:**
- a. Achievement in the areas of English grammar, reading, spelling, and mathematics.
 - b. Competencies in the verbal and quantitative areas.
- Keep test results on file at the school for at least one calendar year for annual review by a DNPE representative.
8. **Administer to all grade 11 students each school year, a nationally standardized test which measures competencies in the verbal and quantitative areas.** Keep test results on file at the school for at least one calendar year for annual review by a DNPE representative. Establish a minimum score on the test for high school graduation.
9. **Issue Driving Eligibility Certificates to its age 15-17 students who are making progress toward graduation, exhibiting exemplary behavior, and who request them in order to obtain their North Carolina Learner's Permit/Driver's License.** See the [North Carolina Non-Public School Student Driving Eligibility Requirements](#) webpage for further specifics.
10. **Provide industrial quality eye protective devices free of charge to students and teachers participating in shop or laboratory classes involving hazardous materials** as mandated by G.S. 115C-166 and 168 and require the students and teachers to wear the devices at all times when participating in such a program along with visitors to such shops and laboratories while such programs are in progress.
11. **Notify DNPE upon termination of the school.**
12. **Satisfy child care requirements which may apply if a nursery or pre-kindergarten program is also operated.**

Child care requirements may be obtained from:
Division of Child Development
North Carolina DHHS
2201 Mail Service Center

Raleigh, NC 27699-2201
(919) 814-6300
ncchildcare.ncdhhs.gov

Related Content

- [Private Schools](#)

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Department of Administration



NC Non-Public School Fire Inspection Preparation Checklist

The following is a listing of items (prepared by the North Carolina Department of Insurance) which a local fire marshal's office will typically inspect in a non-public school facility in North Carolina.

Other items may be added by local government.

Refer to [Daycare through Grade 2 Students in Existing Buildings \(/daycare-through-grade-2-students-existing-buildings\)](#) for additional information.

1. All corridors, storage areas, stairways, basement, attic and closets are clear of trash and debris.
2. There is no accumulation of trash, rubbish or weeds adjacent to the building.
3. All exit doors are in proper working condition (unlocked and unobstructed), are properly identified and swing in the direction of exit travel.
4. Fire doors and smoke doors are not blocked, open and swing in the direction of exit travel.
5. All emergency exit signs are properly illuminated.
6. Exit corridors and stairways have Class A finish.
7. Fire alarm detection equipment is in proper working order so that all occupants can hear the signal.
8. Emergency numbers are posted by telephones.
9. Evacuation Plan is posted in all occupied areas.

10. Combustible school supplies (books, paper, art supplies, etc.) are stored in a safe and orderly manner.
11. Maintenance and cleaning supplies and equipment are stored in an orderly manner in a well ventilated area or in an approved container with a self closing lid.
12. Portable fire extinguishers are charged, in proper working condition, tagged, mounted and are of the proper type in accordance with NFPA 10.
13. All cooking areas, including the Home Economics Department, are equipped with proper portable BC rated fire extinguishers.
14. Kitchen equipment with grills and/or deep fat fryers are protected with a fixed fire extinguishing system and have semi-annual certification.
15. Hood and vent systems, including filters, in kitchen area are free of grease.
16. Combustible or flammable liquids used for instructional purposes are stored in approved containers with vapor-tight covers in a proper location.
17. Chemicals used for instructional purposes are labeled and stored in approved containers in proper locations.
18. Heat producing laboratory equipment such as bunsen burners are in good condition (e.g., tubing and connections are properly fitted and not worn).
19. No portable electric heaters with exposed elements are present.
20. No open flame type oil, gas or solid fuel fired heating equipment located in general classrooms (does not apply to vocational shop areas).
21. Boiler, furnace and mechanical rooms are clean and free of stored combustible materials.
22. Upper and lower combustion air openings in rooms containing gas or oil fired equipment are open and unobstructed.
23. Heating and air conditioning equipment is equipped with clean filters.
24. Vent pipes for oil and gas fired equipment are without leaks from loose joints or deterioration.
25. There is no evidence of leaks in oil lines and oil tank.
26. Boilers have inspection certification seal. (Inspector will record date of certification)
27. All access doors on heating and air conditioning equipment are in place.
28. If smoking is permitted in the building, "No Smoking" signs are posted in areas subject to hazardous chemicals, flammable vapors and dust.
29. Emergency lighting is in operable condition.
30. [Principal's monthly report \(/documents/files/dnpe-private-school-principals-monthly-fire-drill-inspection-report-2014-pdf/open\)](#) indicates that fire drill and inspection have been conducted.

Related Content

- [Private Grade K-12 School Requirements \(/divisions/non-public-education/private-schools/requirements\)](/divisions/non-public-education/private-schools/requirements)

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🔒 Secure websites use HTTPS certificates. A lock icon or https:// means you've safely connected to the official website.



Department of Administration



NC Non-Public School Sanitation Inspection Preparation Checklist

The following is a listing of items (prepared by the North Carolina Department of Environmental Quality) which a local health department representative will typically inspect in a non-public school facility in North Carolina. Other items may be added by local government.

1. **Water Supply:** Approved water supply properly located, constructed and operated, adequate for all requirements 130*; well house clean, no storage 15*; no cross connections 30* (.2405)
2. **Sanitary Sewage Disposal:** Sewage collected, treated and disposed of by an approved method 150*; system properly operated and maintained 55* (.2407)
3. **Drinking Fountains:** Clean and in good repair 40#; adequate pressure, properly regulated 40# (.2406)
4. **Toilet Facilities:** Walls and ceilings clean, nonabsorbent, washable, and in good repair 30#; fixtures clean and in good repair 40#; floors impervious, kept clean 30# (.2408)
5. **Lavatory Facilities:** Fixtures clean and in good repair 30#; soap and individual towels or approved hand-drying devices provided 40# (.2409)
6. **Floors, Walls & Ceilings:** Floors, walls and ceilings clean and in good repair 30# (.2410)
7. **Storage Spaces:** Clean 20#; storage off floor 20# (.2411)
8. **Lighting & Ventilation:** Fixtures, grills, vents, blinds, drapes, etc., clean and in good repair 40# (.2412)
9. **Dressing Rooms & Showers:** Floors, walls and ceilings clean, in good repair, washable, non-absorbent 30#; fixtures clean, in good repair 40#; facilities for storage of clothes provided, kept

clean 20#; soap and towel 10* (.2413)

10. **Solid Waste Disposal:** Impervious, cleanable containers with lids, approved type 20*; clean and in good repair 20#; empties as needed, properly disposed of 40# (.2414)
11. **Premises, Miscellaneous:** Premises neat, clean 30#; no vector breeding or harborage 20#; pesticides and other toxic materials properly handled and stored 30* (.2415)

Related Content

- [Private Grade K-12 School Requirements \(/divisions/non-public-education/private-schools/requirements\)](/divisions/non-public-education/private-schools/requirements)

SUBCHAPTER X. PRIVATE AND PROPRIETARY SCHOOLS.

Article 39.

Nonpublic Schools.

Part 1. Private Church Schools and Schools of Religious Charter.

§ 115C-547. Policy.

In conformity with the Constitutions of the United States and of North Carolina, it is the public policy of the State in matters of education that "No human authority shall, in any case whatever, control or interfere with the rights of conscience," or with religious liberty and that "religion, morality and knowledge being necessary to good government and the happiness of mankind . . . the means of education shall forever be encouraged." (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-548. Attendance; health and safety regulations.

Each private church school or school of religious charter shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance so long as the school operates on a regular schedule, excluding reasonable holidays and vacations, during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law.

The Division of Nonpublic Education, Department of Administration, shall ensure that materials are provided to these schools so that they can provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information may be provided electronically or on the Division's Web page. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also ensure that materials are provided to these schools so that they can provide parents and guardians with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information may be provided electronically or on the Division's Web page. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also ensure that information is available to these schools so that they can provide information annually on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care.

The Division of Nonpublic Education, Department of Administration, shall also ensure that information is available to these schools so that they can provide information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with Article 5A of Chapter 7B of the General Statutes. (1979, c. 505; 1981, c. 423, s. 1; 2004-118, s. 4; 2007-59, s. 3; 2007-126, s. 3; 2013-307, s. 1.2; 2023-14, s. 6.2(j).)

§ 115C-548.1. Athletic teams.

(a) Any private church school or school of religious charter that is a member of an organization that administers interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with G.S. 115C-407.59.

(b) Any athletic team organized by a private church school or school of religious charter at the middle or high school level that is not covered by subsection (a) of this section shall comply with G.S. 115C-407.59 if the team is playing a team from any school required to follow Article 29E of this

§ 115C-549. Standardized testing requirements.

(a) Each private church school or school of religious charter shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and nine, as follows:

- (1) For grades three and six, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics.
- (2) For grade nine, the nationally standardized test or other equivalent measurement selected must measure either of the following:
 - a. Achievement in the areas of English grammar, reading, spelling, and mathematics.
 - b. Competencies in the verbal and quantitative areas.

(b) Each school shall make and maintain records of the results achieved by its students. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 505; 1981, c. 423, s. 1; 1987, c. 738, s. 180(b); 2004-199, s. 30(a); 2021-111, s. 1(a).)

§ 115C-550. High school competency testing.

To assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society, each private church school or school of religious charter shall administer at least once in each school year, a nationally standardized test or other nationally standardized equivalent measure selected by the chief administrative officer of such school, to all students enrolled and regularly attending the eleventh grade. The nationally standardized test or other equivalent measurement selected must measure competencies in the verbal and quantitative areas. Each private church school or school of religious charter shall establish a minimum score which must be attained by a student on the selected test in order to be graduated from high school. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 505; 1981, c. 423, s. 1; 2004-199, s. 30(b).)

§§ 115C-550.1 through 115C-550.4. Reserved for future codification purposes.

§ 115C-550.5. Remote instruction.

A private church school or school of religious charter may provide remote instruction if the school maintains copies of all records required by this Chapter at an administrative office that is physically located in the State. For the purposes of this section, remote instruction means instruction delivered to students in a remote location outside of a school facility, whether synchronously or asynchronously. (2023-134, s. 7.80(a), (d); 2024-1, s. 2.8E(a).)

§ 115C-551. Voluntary participation in the State programs.

(a) Any private church school or school of religious charter may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs.

(b) All private church schools and all schools of religious charter are encouraged to do the following:

- (1) School Risk Management Plan. - In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public

record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.

- (2) Schematic diagrams and school crisis kits. - Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (3) School safety exercises. - At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the private school's SRMP.
- (4) Safety information provided to the Department of Public Safety, Division of Emergency Management. - Provide the following: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6. (1979, c. 505; 1981, c. 423, s. 1; 2023-78, s. 5(h).)

§ 115C-552. New school notice requirements; termination.

(a) Any new school to which this Part relates shall send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator.

(b) Any school to which this Part applies shall notify a duly authorized representative of the State of North Carolina upon termination of the school. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-553. Duly authorized representative.

The duly authorized representative of the State of North Carolina to whom reports of commencing operation and termination shall be made and who may inspect certain records under this Part shall be designated by the Governor. (1979, c. 505; 1981, c. 423, s. 1.)

§ 115C-554. Requirements exclusive.

No school, operated by any church or other organized religious group or body as part of its religious ministry, which complies with the requirements of this Part shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization. (1979, c. 505; 1981, c. 423, s. 1.)

Part 2. Qualified Nonpublic Schools.

§ 115C-555. Qualification of nonpublic schools.

The provisions of this Part shall apply to any nonpublic school which has one or more of the following characteristics:

- (1) It is accredited by the State Board of Education.
- (2) It is accredited by a national or regional accrediting agency.
- (3) It is an active member of the North Carolina Association of Independent Schools.
- (4) It receives no funding from the State of North Carolina. For the purposes of this Article, scholarship funds awarded pursuant to Part 2A of this Article or Article 41 of this Chapter to eligible students attending a nonpublic school shall not be considered funding from the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1; 2013-360, s. 8.29(c); 2017-57, s. 10A.4(c); 2021-180, s. 8A.3(p).)

§ 115C-556. Attendance; health and safety regulations.

Each qualified nonpublic school shall make, and maintain annual attendance and disease immunization records for each pupil enrolled and regularly attending classes. Attendance by a child at any school to which this Part relates and which complies with this Part shall satisfy the requirements of compulsory school attendance so long as the school operates on a regular schedule, excluding reasonable holidays and vacations,

during at least nine calendar months of the year. Each school shall be subject to reasonable fire, health and safety inspections by State, county and municipal authorities as required by law.

The Division of Nonpublic Education, Department of Administration, shall ensure that materials are provided to each qualified nonpublic school so that the school can provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information may be provided electronically or on the Division's Web page. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also ensure that materials are provided to each qualified nonpublic school so that the school can provide parents and guardians with information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information may be provided electronically or on the Division's Web page. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also ensure that information is available to each qualified nonpublic school so that the school can provide information annually on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care.

The Division of Nonpublic Education, Department of Administration, shall also ensure that information is available to each qualified nonpublic school so that the school can provide information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with Article 5A of Chapter 7B of the General Statutes. (1979, c. 506; 1981, c. 423, s. 1; 2004-118, s. 5; 2007-59, s. 4; 2007-126, s. 4; 2013-307, s. 1.3; 2023-14, s. 6.2(k).)

§ 115C-556.1. Athletic teams.

(a) Any qualified nonpublic school that is a member of an organization that administers interscholastic athletic activities pursuant to Article 29E of this Chapter shall comply with G.S. 115C-407.59.

(b) Any athletic team organized by a qualified nonpublic school at the middle or high school level that is not covered by subsection (a) of this section shall comply with G.S. 115C-407.59 if the team is playing a team from any school required to follow Article 29E of this Chapter. (2023-109, s. 1(f); 2023-133, s. 18(f).)

§ 115C-557. Standardized testing requirements.

(a) Each qualified nonpublic school shall administer, at least once in each school year, a nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of such school, to all students enrolled or regularly attending grades three, six and nine, as follows:

- (1) For grades three and six, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling and mathematics.
- (2) For grade nine, the nationally standardized test or other equivalent measurement selected must measure either of the following:
 - a. Achievement in the areas of English grammar, reading, spelling, and mathematics.
 - b. Competencies in the verbal and quantitative areas.

(b) Each school shall make and maintain records of the results achieved by its students. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1; 1987, c. 738, s. 180(c); 2004-199, s. 30(c); 2021-111, s. 1(b).)

§ 115C-558. High school competency testing.

To assure that all high school graduates possess those minimum skills and that knowledge thought necessary to function in society, each qualified nonpublic school shall administer at least once in each school year, a nationally standardized test or other nationally standardized equivalent measure selected by the chief administrative officer of such school, to all students enrolled and regularly attending the eleventh grade. The nationally standardized test or other equivalent measurement selected must measure competencies in the verbal and quantitative areas. Each qualified nonpublic school shall establish a minimum score which must be attained by a student on the selected test in order to be graduated from high school. For one year after the testing, all records shall be made available, subject to G.S. 115C-174.13, at the principal office of such school, at all reasonable times, for annual inspection by a duly authorized representative of the State of North Carolina. (1979, c. 506; 1981, c. 423, s. 1; 2004-199, s. 30(d).)

§§ 115C-558.1 through 115C-558.4. Reserved for future codification purposes.

§ 115C-558.5. Remote instruction.

A qualified nonpublic school may provide remote instruction if the school maintains copies of all records required by this Chapter at an administrative office that is physically located in the State. For the purposes of this section, remote instruction means instruction delivered to students in a remote location outside of a school facility, whether synchronously or asynchronously. (2023-134, s. 7.80(b), (d); 2024-1, s. 2.7.)

§ 115C-559. Voluntary participation in the State programs.

(a) Any qualified nonpublic school may, on a voluntary basis, participate in any State operated or sponsored program which would otherwise be available to such school, including but not limited to the high school competency testing and statewide testing programs.

(b) All qualified nonpublic schools are encouraged to do the following:

- (1) School Risk Management Plan. - In coordination with local law enforcement agencies, adopt a School Risk Management Plan (SRMP) relating to incidents of school violence. In constructing and maintaining these plans, the school may utilize the School Risk and Response Management System (SRRMS) established pursuant to G.S. 115C-105.49A. These plans are not considered a public record as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6.
- (2) Schematic diagrams and school crisis kits. - Provide schematic diagrams and keys to the main entrance of school facilities to local law enforcement agencies, in addition to implementing the provisions in G.S. 115C-105.52.
- (3) School safety exercises. - At least once a year, hold a full school-wide lockdown exercise with local law enforcement and emergency management agencies that are part of the qualified nonpublic school's SRMP.
- (4) Safety information provided to the Department of Public Safety, Division of Emergency Management. - Provide the following: (i) schematic diagrams, including digital schematic diagrams, and (ii) emergency response information requested by the Division for the SRMP. The schematic diagrams and emergency response information are not considered public records as the term "public record" is defined under G.S. 132-1 and shall not be subject to inspection and examination under G.S. 132-6. (1979, c. 506; 1981, c. 423, s. 1; 2023-78, s. 5(i).)

§ 115C-560. New school notice requirements; termination.

(a) Any new school to which this Part relates shall send to a duly authorized representative of the State of North Carolina a notice of intent to operate, name and address of the school, and name of the school's owner and chief administrator.

(b) Any school to which this Part applies shall notify a duly authorized representative of the State of North Carolina upon termination of the school. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-561. Duly authorized representative.

The duly authorized representative of the State of North Carolina to whom reports of commencing operation and termination shall be made and who may inspect certain records under this Part shall be designated by the Governor. (1979, c. 506; 1981, c. 423, s. 1.)

§ 115C-562. Requirements exclusive.

No qualifying nonpublic school, which complies with the requirements of this Part, shall be subject to any other provision of law relating to education except requirements of law respecting fire, safety, sanitation and immunization. (1979, c. 506; 1981, c. 423, s. 1.)

Part 2A. Scholarship Grants.

§ 115C-562.1. Definitions.

The following definitions apply in this Part:

- (1) Authority. - The State Education Assistance Authority.
- (2) Division. - The Division of Nonpublic Education, Department of Administration.
- (3) Repealed by Session Laws 2023-134, s. 8A.6(a), effective July 1, 2023.
- (3a) Eligible student. - A student residing in North Carolina who has not yet received a high school diploma and who meets all of the following requirements:
 - a. Is eligible to attend a North Carolina public school pursuant to Article 25 of this Chapter. A child who is the age of 4 on or before April 16 is eligible to attend the following school year if the principal, or equivalent, of the school in which the child seeks to enroll finds that the student meets the requirements established by the Authority pursuant to G.S. 115C-562.2(d) and those findings are submitted to the Authority.
 - b. Has not been enrolled in a postsecondary institution as a full-time student taking at least 12 hours of academic credit.
 - c. Has not been placed in a nonpublic school or facility by a public agency at public expense.
- (3c) Repealed by Session Laws 2023-134, s. 8A.6(a), effective July 1, 2023.
- (4) Local school administrative unit. - A local school administrative unit, charter school, or regional school.
- (5) Nonpublic school. - A school that meets the requirements of Part 1 or Part 2 of this Article as identified by the Division.
- (5c) Repealed by Session Laws 2023-134, s. 8A.6(a), effective July 1, 2023.
- (5e) Reserve. - The Opportunity Scholarship Grant Fund Reserve established under G.S. 115C-562.8.
- (6) Scholarship grants. - Grants awarded annually by the Authority to eligible students. (2013-360, s. 8.29(a); 2016-94, s. 11A.3(a), (d); 2018-97, s. 2.12(a); 2018-145, s. 1(d); 2020-97, s. 3.3(c); 2021-180, s. 8A.3(c); 2022-6, s. 2.13(a); 2022-74, ss. 8A.1(b), 8A.4(a); 2023-134, ss. 8A.6(a), (b).)

§ 115C-562.2. Scholarship grants.

(a) The Authority shall make available no later than February 1 annually applications to eligible students for the award of scholarship grants to attend any nonpublic school on a full- or part-time basis. Information about scholarship grants and the application process shall be made available on the Authority's Web site. Beginning March 15, the Authority shall begin awarding scholarship grants to students who have applied by March 1 in the following order:

- (1) Eligible students who received a scholarship grant for the school year prior to the school year for which the students are applying.
- (2) Eligible students qualifying for a scholarship grant in the amount provided under subdivision (1) of subsection (b2) of this section.
- (3) Eligible students qualifying for a scholarship grant in the amount provided under subdivision (2) of subsection (b2) of this section.
- (4) Eligible students qualifying for a scholarship grant in the amount provided under subdivision (3) of subsection (b2) of this section.
- (5) All other students.

(b) Repealed by Session Laws 2023-134, s. 8A.6(c), effective July 1, 2023.

(b1) Repealed by Session Laws 2021-180, s. 8A.3(e), effective July 1, 2021.

(b2) Scholarship grants shall be awarded to eligible students as follows:

- (1) For students residing in households with an income level not in excess of the amount required for the student to qualify for the federal free or reduced-price lunch program, per year per eligible student, an amount of up to one hundred percent (100%) of the average State per pupil allocation for average daily membership in the prior fiscal year.
- (2) For students residing in households with an income level between the amount required for the student to qualify for the federal free or reduced-price lunch program and not in excess of two hundred percent (200%) of that amount, per year per eligible student, an amount of up to ninety percent (90%) of the average State per pupil allocation for average daily membership in the prior fiscal year.
- (3) For students residing in households with an income level of between two hundred percent (200%) of the amount required for the student to qualify for the federal free or reduced-price lunch program and not in excess of four hundred fifty percent (450%) of that amount, per year per eligible student, an amount of up to sixty percent (60%) of the average State per pupil allocation for average daily membership in the prior fiscal year.
- (4) For all students, per year per eligible student, an amount of up to forty-five percent (45%) of the average State per pupil allocation for average daily membership in the prior fiscal year, unless the student qualifies for a higher amount under this subsection.

(b3) Tuition and fees for a nonpublic school may include tuition and fees for books, transportation, equipment, or other items required by the nonpublic school.

(b4) No scholarship grant shall exceed, per year per eligible student, an amount equal to one hundred percent (100%) of the average State per pupil allocation for average daily membership in the prior fiscal year, and no scholarship grant shall exceed the required tuition and fees for the nonpublic school the eligible student will attend.

(b5) In addition to the amount of the scholarship grant, for any student receiving a scholarship grant in grades three, eight, or 11, the Authority shall provide to the nonpublic school an amount equal to the cost of the nationally standardized test required to be administered as provided in G.S. 115C-562.5.

(c) The Authority shall permit an eligible student receiving a scholarship grant to enroll in a different nonpublic school and remain eligible. An eligible student receiving a scholarship grant who transfers to another nonpublic school during the year may be eligible to receive a pro rata share of any unexpended portion of the scholarship grant for tuition and fees at the nonpublic school to which the student transfers.

(d) The Authority shall establish rules and regulations for the administration and awarding of scholarship grants and shall include a rule regarding the early admission of four-year-old children that establishes the same factors for eligibility as the rule adopted by the State Board of Education pursuant to G.S. 115C-364(d). The Authority may include in those rules a lottery process for selection of scholarship grant recipients within the criteria established by this section.

(e) Scholarship applications and personally identifiable information related to eligible students receiving scholarship grants shall not be a public record under Chapter 132 of the General Statutes. For the purposes of this section, personally identifiable information means any information directly related to a student or members of a student's household, including the name, birthdate, address, Social Security number, telephone number, e-mail address, financial information, or any other information or identification number that would provide information about a specific student or members of a specific student's household. (2013-360, s. 8.29(a); 2014-100, s. 8.25(a), (b); 2016-94, s. 11A.3(b), (e); 2018-145, s. 1(e); 2020-97, s. 3.3(a); 2021-180, s. 8A.3(d), (e); 2022-74, s. 8A.4(b); 2023-134, s. 8A.6(c).)

§ 115C-562.3. Verification of eligibility; information from other State agencies.

(a) To verify that the domicile requirements of G.S. 115C-366 are met for State residency, the Authority shall establish a domicile determination system and shall establish rules for determination of domicile within the State in accordance with this subsection. The Division of Motor Vehicles of the Department of Transportation, the Department of Public Instruction, the Department of Commerce, the Department of Health and Human Services, the Department of Revenue, the State Board of Elections, and the State Chief Information Officer each shall expeditiously cooperate with

the Authority in verifying electronically, or by other similarly effective and efficient means, evidence submitted to the Authority for the purposes of establishing the domicile required by G.S. 115C-366 for State residency. The Authority shall accept any of the following as evidence of domicile within the State:

- (1) Verified State drivers license or State identification card.
- (2) Verified State voter registration.
- (3) Verified receipt of public benefits from a State agency.
- (4) Verified filing of State income taxes for the year prior to application.
- (5) Verified enrollment in a North Carolina public school at the time of application.
- (6) An electronically submitted copy of one of the following current documents that show the name of the parent and an address within the State:
 - a. A utility bill.
 - b. A bank statement.
 - c. A government check.
 - d. A paycheck.
 - e. Any other government document.

(a1) In addition to the requirements of subsection (a) of this section, the Authority may seek verification of information on any application for scholarship grants from eligible students. The Authority shall select and verify four percent (4%) of applications for scholarship grant funds awarded under G.S. 115C-562.2(b2)(1) through (b2)(3) annually, including those with apparent errors on the face of the application. The Authority shall establish rules for the verification process and may use the federal verification requirements process for free and reduced-price lunch applications as guidance for those rules. If a household fails to cooperate with verification efforts, the Authority shall revoke the award of the scholarship grant to the eligible student.

(b) Household members of applicants for scholarship grants shall authorize the Authority to access information needed for verification efforts conducted under this section held by other State agencies, including the Department of Revenue, the Department of Health and Human Services, and the Department of Public Instruction.

(c) By December 1 of each year, the Department of Public Instruction shall provide the Authority the average State per pupil allocation for that fiscal year to determine the maximum scholarship amount for eligible students to be awarded in the following fiscal year in accordance with G.S. 115C-562.2(b2). (2013-360, s. 8.29(a); 2014-100, s. 8.25(c); 2021-180, s. 8A.3(f); 2023-134, s. 8A.6(d).)

§ 115C-562.4. Identification of nonpublic schools and distribution of scholarship grant information.

(a) The Division shall provide annually by December 31 to the Authority a list of all nonpublic schools operating in the State that meet both of the requirements of Part 1 or Part 2 of this Article and the requirements of G.S. 115C-562.5(a)(8). The Division shall notify the Authority of any schools included in the list that the Division has determined to be ineligible within five business days of the determination of ineligibility. The Division shall create, in collaboration with the Authority, a unique identifier for each nonpublic school and provide the unique identifiers to the Authority for all nonpublic schools that are registered with the Division.

(b) The Authority shall provide information about the scholarship grant program to the Division, including applications and the obligations of nonpublic schools accepting eligible students receiving scholarship grants. The Division shall ensure that information about the scholarship grant program is provided to all qualified nonpublic schools on an annual basis. (2013-360, s. 8.29(a); 2023-134, s. 8A.16(a); 2024-1, s. 2.15(a).)

§ 115C-562.5. Obligations of nonpublic schools accepting eligible students receiving scholarship grants.

(a) A nonpublic school that accepts eligible students receiving scholarship grants shall comply with the following:

- (1) Provide to the Authority documentation for required tuition and fees charged to the student by the nonpublic school.

- (2) Provide to the Authority a criminal background check conducted for the staff member with the highest decision-making authority, as defined by the bylaws, articles of incorporation, or other governing document. Information provided to the Authority in accordance with this subdivision is privileged information and is not a public record but is for the exclusive use of the Authority.
- (3) Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, an annual written explanation of the student's progress, including the student's scores on standardized achievement tests.
- (4) Administer, at least once in each school year, tests as provided in this subdivision. Test performance data shall be submitted to the Authority by July 15 of each year. Test performance data reported to the Authority under this subdivision is not a public record under Chapter 132 of the General Statutes. Tests shall be administered to all eligible students enrolled in grades three and higher whose tuition and fees are paid in whole or in part with a scholarship grant as follows:
 - a. The nationally standardized test designated by the Authority in grades three and eight.
 - b. The ACT in grade 11.
 - c. A nationally standardized test or other nationally standardized equivalent measurement selected by the chief administrative officer of the nonpublic school in all other grades four and higher. For grades four through seven, the nationally standardized test or other equivalent measurement selected must measure achievement in the areas of English grammar, reading, spelling, and mathematics. For grades nine, 10, and 12, the nationally standardized test or other equivalent measurement selected must measure either (i) achievement in the areas of English grammar, reading, spelling, and mathematics or (ii) competencies in the verbal and quantitative areas.
- (5) Provide to the Authority graduation rates of the students receiving scholarship grants in a manner consistent with nationally recognized standards.
- (6) Contract with a certified public accountant to perform a financial review, consistent with generally accepted methods of accounting or any other comprehensive basis of accounting recognized by the American Institute of Certified Public Accountants (AICPA) for each school year in which the school enrolls 70 or more students receiving scholarship grants or scholarship funds awarded by the Authority.
- (7) Maintain a school facility within the State where in-person instruction is provided. This subdivision does not prohibit a school from offering remote-only courses of instruction in addition to in-person instruction.
- (8) Provide the following information annually to the Division:
 - a. Name and address of the school, including physical location address. A school with more than one physical location shall establish a separate notice of intent for each physical location and shall provide all information required by this subdivision for each physical location.
 - b. The name of the owners and chief administrator.
 - c. Number of students in attendance at the school as of October 1.

(b) A nonpublic school that accepts students receiving scholarship grants shall not require any additional fees based on the status of the student as a scholarship grant recipient.

(c) A nonpublic school enrolling more than 25 students in any grade whose tuition and fees are paid in whole or in part with a scholarship grant shall provide and retain information on student test performance in each grade with more than 25 students, as follows:

- (1) Report to the Authority on the aggregate standardized test performance of eligible students in grades three, eight, and 11. Aggregate test performance data reported to the Authority which does not contain personally identifiable student data shall be a public record under Chapter 132 of the General Statutes. Test performance data may be shared with public or private institutions of higher education located in North Carolina and shall be provided to an independent research organization selected by the Authority for research purposes as permitted by the Federal Education Rights and Privacy Act, 20 U.S.C. § 1232g.

(2) Retain standardized test performance data for eligible students in all other grades and annually certify to the Authority compliance with the requirements of subdivision (4) of subsection (a) of this section.

(c1) A nonpublic school shall not discriminate with respect to the categories listed in 42 U.S.C. § 2000d, as that statute read on January 1, 2014.

(d) If the Authority determines that a nonpublic school is not in compliance with the requirements of this section, the nonpublic school shall be ineligible to receive future scholarship funds. The nonpublic school shall notify the parent or guardian of any enrolled student receiving a scholarship grant that the nonpublic school is no longer eligible to receive future scholarship grants. The Authority shall establish by rule a process for a nonpublic school to appeal for reconsideration of eligibility after one year. To ensure compliance, the Board of Directors of the Authority shall review the criminal history provided under subdivision (2) of subsection (a) of this section to ensure that the person has not been convicted of any crime listed in G.S. 115C-332. The Board shall determine through this review whether the nonpublic school is noncompliant with this section. The Board shall make written findings with regard to how the criminal history information was used when making the compliance determination. The Board of Directors may delegate any of the duties in this subsection to the Executive Director of the Authority. As part of its review, the Board shall determine whether the results indicate that the staff member has any of the following disqualifying characteristics:

(1) Poses a threat to the physical safety of students or personnel.

(2) Demonstrates that he or she does not have the integrity or honesty to fulfill his or her duties in overseeing State funds and the requirements of the scholarship grant program.

(3) Has not fully satisfied the criminal sentencing obligations imposed following his or her conviction by a court of competent jurisdiction.

(e) If a nonpublic school terminates operation during the school's regular schedule and fails to (i) report the date of the closure to the Division within 14 days and (ii) return funds owed to the Authority in a timely manner for students who received scholarship grants, any other nonpublic school opened during that school year or subsequent school years by an owner or chief administrator listed in the report submitted to the Division under subdivision (8) of subsection (a) of this section for that closed school shall be ineligible to receive scholarship grants until such time the Authority determines the obligation to return those funds has been satisfied. (2013-360, s. 8.29(a); 2014-100, s. 8.25(d), (d1); 2021-111, s. 1(c); 2022-74, s. 8A.5(a)-(c); 2023-134, ss. 7.80(c), (d), 8A.6(e), 8A.12(a), 8A.16(b); 2024-1, ss. 2.7, 2.15(b).)

§ 115C-562.6. Scholarship endorsement.

The Authority shall remit, at least two times each school year, scholarship grant funds awarded to eligible students to the nonpublic school for endorsement by at least one of the student's parents or guardians. The parent or guardian shall restrictively endorse the scholarship grant funds awarded to the eligible student for deposit into the account of the nonpublic school to the credit of the eligible student. The parent or guardian shall not designate any entity or individual associated with the nonpublic school as the parent's attorney-in-fact to endorse the scholarship grant funds. A parent's or guardian's failure to comply with this section shall result in forfeit of the scholarship grant. A scholarship grant forfeited for failure to comply with this section shall be returned to the Authority to be awarded to another student. (2013-360, s. 8.29(a); 2017-57, s. 10A.2(b).)

§ 115C-562.7. Reporting requirements.

(a) Repealed by Session Laws 2014-100, s. 8.25(e), effective August 7, 2014.

(b) The Authority shall report annually, no later than October 15, to the Joint Legislative Education Oversight Committee on the following information from the prior school year:

(1) Total number, grade level, race, ethnicity, and sex of eligible students receiving scholarship grants.

(2) Total amount of scholarship grant funding awarded.

(3) Repealed by Session Laws 2023-134, s. 8A.6(f), effective July 1, 2023.

(4) Nonpublic schools in which scholarship grant recipients are enrolled, including numbers of scholarship grant students at each nonpublic school.

(5) Nonpublic schools deemed ineligible to receive scholarships.

(c) The Authority shall report annually, no later than December 1, to the Department of Public Instruction and the Joint Legislative Education Oversight Committee on the following:

- (1) Learning gains or losses of students receiving scholarship grants. The report shall include learning gains or losses of participating students on a statewide basis and shall compare, to the extent possible, the learning gains or losses of eligible students by nonpublic school to the statewide learning gains or losses of public school students with similar socioeconomic backgrounds, using aggregate standardized test performance data provided to the Authority by nonpublic schools and by the Department of Public Instruction. The report shall, at a minimum, analyze the aggregate performance of students receiving scholarship grants in grades three, eight, and 11 on the designated nationally standardized test in comparison to national outcomes for that test.
- (2) Competitive effects on public school performance as a result of the scholarship grant program. The report shall analyze the impact of the availability of scholarship grants on public school performance by local school administrative units to the extent possible, and shall provide comparisons of the impact by geographic region and between rural and urban local school administrative units.

This report shall be conducted by an independent research organization to be selected by the Authority, which may be a public or private entity or university. The independent research organization shall report to the Authority on the results of its research. The Joint Legislative Education Oversight Committee shall review reports from the Authority and shall make ongoing recommendations to the General Assembly as needed regarding improving administration and accountability for nonpublic schools accepting students receiving scholarship grants.

(d) For any fiscal year in which the Authority uses funds from the Reserve as provided under G.S. 115C-562.8(e), the Authority shall report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division of the General Assembly by April 1 of that fiscal year on at least the following:

- (1) The methodology used by the Authority for determining the awards for the school year, including the number of eligible students and the amount of scholarship grants that were awarded under G.S. 115C-562.2.
- (2) The actual number of eligible students and the amount of scholarship grants received by eligible students for that school year.
- (3) The amount of funds used from the Reserve, as permitted under G.S. 115C-562.8(e), to fully fund the awards.
- (4) Any legislative recommendations, including funding amounts, for the scholarship grant program for the next fiscal year.

(e) No later than October 15 of each year, the Authority shall provide the following information to the Department of Public Instruction:

- (1) The information described in subdivision (4) of subsection (b) of this section.
- (2) For each scholarship grant recipient, award amounts and sufficient personally identifiable information to track the recipient's continued enrollment in a nonpublic school. This information is confidential and not a public record under G.S. 132-1.

(f) The Department of Public Instruction shall report no later than April 1 of each year to the Joint Legislative Education Oversight Committee on the cumulative difference in the current school year between the scholarship grant award amount for each prior public school attendee enrolled in a nonpublic school and the average State per pupil allocation for average daily membership for a student in a public school unit. For purposes of this subsection, a "prior public school attendee" is any scholarship grant recipient who was in membership in a public school unit for a majority of the first or second month of the school year immediately prior to enrollment in a nonpublic school, beginning with students enrolled in a public school unit the 2023-2024 school year or subsequent school years. (2013-360, s. 8.29(a); 2014-100, s. 8.25(e), (f); 2018-5, s. 10A.1(e); 2023-134, ss. 7.82(a), 8A.6(f).)

§ 115C-562.8. The Opportunity Scholarship Grant Fund Reserve.

(a) The Opportunity Scholarship Grant Fund Reserve is established as a reserve to be administered by the Board of Governors of The University of North Carolina for the purpose of allocating funds to the Authority for the award of scholarship grants in accordance with this Part. The Reserve shall consist of monies appropriated from the General Fund to the Reserve by the General Assembly and any interest accrued to it thereon. These funds shall be used to award scholarship grants to eligible students for the school year that begins in the fiscal year following the fiscal year in which the appropriation is made to the Reserve. The Board of Governors shall only use monies in the Reserve in accordance with the purposes set forth in

this section. Funds appropriated in a particular fiscal year to be used for the award of scholarships in the following fiscal year that are unexpended at the end of the fiscal year after the fiscal year in which the funds were appropriated shall be first used for the purpose set forth in subdivision (1) of subsection (d) of this section, if applicable. After funds are used for this purpose, any unexpended funds from the funds appropriated in a particular fiscal year to be used for the award of scholarships in the following fiscal year shall be carried forward for one fiscal year and may be used for the purposes set forth in this section. Funds carried forward pursuant to this section that have not been spent within one fiscal year shall revert to the General Fund.

(b) The General Assembly finds that, due to the critical need in this State to provide opportunity for school choice for North Carolina students, it is imperative that the State provide an increase of funds for 15 years to the Opportunity Scholarship Grant Fund Reserve. Therefore, there is appropriated from the General Fund to the Reserve the following amounts for each fiscal year to be used for the purposes set forth in this section:

Fiscal Year Appropriation

2017-2018 \$44,840,000

2018-2019 \$54,840,000

2019-2020 \$64,840,000

2020-2021 \$74,840,000

2021-2022 \$84,840,000

2022-2023 \$94,840,000

2023-2024 \$176,540,000

2024-2025 \$191,540,000

2025-2026 \$415,540,000

2026-2027 \$430,540,000

2027-2028 \$445,540,000

2028-2029 \$460,540,000

2029-2030 \$475,540,000

2030-2031 \$490,540,000

2031-2032 \$505,540,000

For the 2032-2033 fiscal year and each fiscal year thereafter, there is appropriated from the General Fund to the Reserve the sum of five hundred twenty million five hundred forty thousand dollars (\$520,540,000) to be used for the purposes set forth in this section. When developing the base budget, as defined by G.S. 143C-1-1, for each fiscal year specified in this subsection, the Director of the Budget shall include the appropriated amount specified in this subsection for that fiscal year.

(c) Of the funds allocated to the Authority to award scholarship grants under this Part, the Authority may retain up to two and one-half percent (2.5%) of the funds appropriated each fiscal year for administrative costs associated with the scholarship grant program. If the actual costs of administering the scholarship grant program are less than the funds authorized for administering the program pursuant to this subsection, the Authority may allocate unused funds for the additional administrative costs of the Personal Education Student Accounts for Children with Disabilities Program in accordance with G.S. 115C-597(d).

(d) Any unexpended funds at the end of a fiscal year from the funds appropriated in a particular fiscal year to be used for the award of scholarships in the following fiscal year shall be used as follows:

- (1) Up to one million dollars (\$1,000,000) may be used by the Authority to contract with one or more nonprofit corporations representing parents and families for outreach and scholarship education and application assistance for parents and students pursuant to Part 4A of this Article.
- (2) Any remaining funds shall be carried forward for one fiscal year pursuant to subsection (a) of this section.

(e) The Authority shall make reasonable efforts to ensure the amount of scholarship grants awarded for a school year do not exceed the funds that are available for the awards to eligible students in each fiscal year. However, notwithstanding subsection (a) of this section, to ensure that as many eligible students receive scholarship grants in a timely manner as possible, the Authority may use up to thirty percent (30%) of the unencumbered cash balance in the Reserve in a fiscal year if the funds required to award scholarship grants to eligible students for a school year exceed the funds available for the distribution of those awards. If the Authority expends funds in excess of those available in the Reserve for a particular school year, the Authority shall submit the report required by G.S. 115C-562.7(b1). (2016-94, s. 11A.3(f), (g); 2017-57, s. 6.6(b), (g); 2021-180, s. 8A.3(g), (i), (j); 2022-74, s. 8A.1(a); 2023-134, s. 8A.6(g); 2024-40, s. 4(a).)

Part 3. Home Schools.

§ 115C-563. Definitions.

As used in this Part or Parts 1 and 2 of this Article:

(a) "Home school" means a nonpublic school consisting of the children of not more than two families or households, where the parents or legal guardians or members of either household determine the scope and sequence of academic instruction, provide academic instruction, and determine additional sources of academic instruction.

(b) "Duly authorized representative of the State" means the Director, Division of Nonpublic Education, or his staff. (1987 (Reg. Sess., 1988), c. 891, s. 1; 2013-57, s. 1.)

§ 115C-564. Qualifications and requirements.

A home school shall make the election to operate under the qualifications of either Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except that any requirement related to safety and sanitation inspections shall be waived if the school operates in a private residence and except that testing requirements in G.S. 115C-549 and G.S. 115C-557 shall be on an annual basis. The persons providing academic instruction in a home school shall hold at least a high school diploma or its equivalent. (1987 (Reg. Sess., 1988), c. 891, s. 1.)

§ 115C-565. Requirements exclusive.

No school which complies with this Part shall be subject to any other provision of law relating to education except requirements of law respecting immunization. The Division of Nonpublic Education, Department of Administration, shall provide to home schools information about meningococcal meningitis and influenza and their vaccines. This information may be provided electronically or on the Division's Web page. The information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also provide to home schools information about cervical cancer, cervical dysplasia, human papillomavirus, and the vaccines available to prevent these diseases. This information may be provided electronically or on the Division's Web page. This information shall include the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and the places where parents and guardians may obtain additional information and vaccinations for their children.

The Division of Nonpublic Education, Department of Administration, shall also provide to home schools information on the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illicit drugs, and inadequate prenatal care. This information may be provided electronically or on the Division's Web page.

The Division of Nonpublic Education, Department of Administration, shall also provide to home schools information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with Article 5A of Chapter 7B of the General Statutes. This information may be provided electronically or on the Division's Web page. (1987 (Reg. Sess., 1988), c. 891, s. 1; 2004-118, s. 6; 2007-59, s. 5; 2007-126, s. 5; 2013-307, s. 1.4; 2023-14, s. 6.2(I).)

§ 115C-565.1. Eligibility to participate in certain testing administration in local school administrative units.

(a) A student enrolled in a home school shall be allowed to participate in the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test or the PreACT test, as offered by the local school administrative unit in accordance with G.S. 115C-174.18, as follows:

- (1) The student may take the test at a school within the local school administrative unit that the student would be assigned to if the student attended public school.
- (2) The student shall have completed a course or test that shows equivalent competency to passing Algebra I.
- (3) The student's parent shall be charged the cost of the test by the local school administrative unit.
- (4) The student's parent, or other responsible adult designated by the parent, may be required by the local school administrative unit to serve as a proctor in order for the student to take the test, if the addition of the student would prevent the local school administrative unit from meeting the required proctor-student ratio for that test at that school.

(b) A student enrolled in a home school shall be allowed to take any advanced course examination offered by a local school administrative unit in accordance with G.S. 115C-174.26, as follows:

- (1) The student may take the advanced course examination at a school within the local school administrative unit that the student would have been assigned to if the student attended public school.
- (2) The student shall meet any requirements to take the advanced course examination established by the organization issuing that examination and the chief administrator of the home school. A local board of education shall not require the student to complete a specific advanced course to take the related examination.
- (3) The student's parent shall be charged the cost of the test by the local school administrative unit.
- (4) The student's parent, or other responsible adult designated by the parent, may be required by the local school administrative unit to serve as a proctor in order for the student to take the advanced course examination, if the addition of the student would prevent the local school administrative unit from meeting the required proctor-student ratio for that examination at that school. (2023-134, s. 7.75(c).)

Part 4. Miscellaneous Requirements.

§ 115C-566. Driving eligibility certificates; requirements.

(a) The Secretary of Administration, upon consideration of the advice of the Division of Nonpublic Education in the Department of Administration and representatives of nonpublic schools, shall adopt rules for the procedures a person who is or was enrolled in a home school, in a nonpublic school that is not accredited by the State Board of Education, or in an educational program found by a court, prior to July 1, 1998, to comply with the compulsory attendance law, must follow and the requirements that person must meet to obtain a driving eligibility certificate. The procedures shall provide that the person who is required under G.S. 20-11(n) to sign the driving eligibility certificate must provide the certificate if he or she determines that one of the following requirements is met:

- (1) The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and is not subject to G.S. 20-11(n1).
- (2) The person seeking the certificate is eligible for the certificate under G.S. 20-11(n)(1) and G.S. 20-11(n1).

The rules shall define exemplary student behavior, define what constitutes the successful completion of a drug or alcohol treatment counseling program, and provide for an appeal to an appropriate educational entity by a person who is denied a driving eligibility certificate. The Division of Nonpublic Education also shall develop policies as to when it is appropriate to notify the Division of Motor Vehicles that a person who is or was enrolled in a home school or in a nonpublic school that is not accredited by the State Board of Education no longer meets the requirements for a driving eligibility certificate.

(b) The Secretary of Administration shall develop a form for parents, guardians, or emancipated juveniles, as appropriate, to provide their written, irrevocable consent for a school to disclose to the Division of Motor Vehicles that the student no longer meets the conditions for a driving eligibility

certificate under G.S. 20-11(n)(1) or G.S. 20-11(n1), if applicable, in the event that this disclosure is necessary to comply with G.S. 20-11 or G.S. 20-13.2. Other than identifying under which statutory subsection the student is no longer eligible, no other details or information concerning the student's school record shall be released pursuant to this consent. This form shall be used for students enrolled in home schools or nonpublic schools.

(c) In accordance with rules adopted by the Secretary under this section, persons who are required to sign driving eligibility certificates that meet the conditions established in G.S. 20-11 shall obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles and shall notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets the conditions under G.S. 20-11(n)(1) or G.S. 20-11(n1). (1997-507, s. 5; 1998-212, s. 9.21(d); 1999-243, s. 6; 2006-264, s. 59(a).)

§ 115C-566.1. Disclosure of student data and records by nonpublic schools.

A nonpublic school that discloses personally identifiable information in student data or records according to the terms of a written agreement with a State agency, local school administrative unit, community college, or constituent institution of The University of North Carolina, in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, shall not be liable for a breach of confidentiality, disclosure, use, retention, or destruction of the student data or records if the breach, disclosure, use, retention, or destruction results from actions or omissions of either (i) the State agency, local school administrative unit, community college, or constituent institution of The University of North Carolina to which the data was provided or (ii) persons provided access to the data or records by those entities. (2012-133, s. 2.)

§ 115C-567: Reserved for future codification purposes.

Part 4A. Information for Parents and Students on Nonpublic School Scholarship Programs.

§ 115C-567.1. Outreach and assistance for parents and students.

(a) The State Education Assistance Authority, in its administration of scholarship programs for eligible students pursuant to Part 2A of this Article and Article 41 of this Chapter may contract with a nonprofit corporation representing parents and families, for outreach and scholarship education, program promotion, and application assistance for parents and students. The Authority shall issue a request for proposals in order to enter into a contract with a nonprofit corporation that meets the following requirements during the term of the contract:

- (1) Be a nonprofit corporation organized pursuant to Chapter 55A of the General Statutes and comply at all times with the provisions of section 501(c)(3) of the Internal Revenue Code.
- (2) Employ sufficient staff who have demonstrated a capacity of direct parent and family outreach, program promotion, procedural knowledge to assist parents through scholarship application process and provide guidance on the scholarship grant program, including by doing the following:
 - a. One-on-one parent and family engagement.
 - b. Scholarship education and public awareness.
- (3) Comply with the limitations on lobbying set forth in section 501(c)(3) of the Internal Revenue Code.
- (4) Have no State officer or employee serving on the board of the nonprofit.
- (5) Conduct at least quarterly meetings of the board of directors of the nonprofit at the call of its chair.

(b) The terms of the contract between the Authority and a nonprofit corporation shall require that the nonprofit (i) maintain the confidentiality of any information provided by the Authority for parents and students as directed by the Authority and (ii) not disseminate information to third parties without written parental consent. During the term of the contract provided for in this section, the Authority shall include on scholarship applications a statement for parents to indicate nonconsent for sharing information with a nonprofit corporation.

(c) Notwithstanding any other provision of law, during the term of the contract provided for in this section, the Authority may share the name, address, email, and telephone number of the parent of any student applicant, unless the parent indicates that the information should not be shared.

(2021-180, s. 8A.3(h), (q).)

§ 115C-567.2: Reserved for future codification purposes.

§ 115C-567.3: Reserved for future codification purposes.

§ 115C-567.4: Reserved for future codification purposes.

§ 115C-567.5: Reserved for future codification purposes.

§ 115C-567.6: Reserved for future codification purposes.

§ 115C-567.7: Reserved for future codification purposes.

§ 115C-567.8: Reserved for future codification purposes.

§ 115C-567.9: Reserved for future codification purposes.

Part 5. COVID-19 Immunity.

§ 115C-567.10. Definitions.

The following definitions apply in this Part:

- (1) Claim. - A claim or cause of action seeking any legal or equitable remedy or relief.
- (2) COVID-19. - The coronavirus disease 2019.
- (3) COVID-19 emergency declaration. - Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.
- (4) COVID-19 essential business executive order. - Executive Order No. 121 issued March 27, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.
- (5) Individual. - A person paying, or on whose behalf a third party is paying, tuition, fees, or room and board to a nonpublic school for the 2019-2020 academic year.
- (6) Nonpublic school. - Any of the following schools, including the owners, directors, trustees, officers, employees, contractors, and agents of those schools:
 - a. A private church school or school of religious charter in compliance with Part 1 of this Article.
 - b. A qualified nonpublic school in compliance with Part 2 of this Article. (2020-49, s. 10(a).)

§ 115C-567.11. Tuition liability limitation.

(a) Notwithstanding any other provision of law and subject to G.S. 115C-567.12, a nonpublic school shall have immunity from claims by an individual, if all of the following apply:

- (1) The claim arises out of or is in connection with tuition or fees paid to the nonpublic school for the 2019-2020 academic year.
- (2) The claim alleges losses or damages arising from an act or omission by the nonpublic school during or in response to COVID-19, the COVID-19 emergency declaration, or the COVID-19 essential business executive order.

(3) The alleged act or omission by the nonpublic school was reasonably related to protecting the public health, safety, or welfare in response to the COVID-19 emergency declaration, COVID-19 essential business executive order, or applicable guidance from the Centers for Disease Control and Prevention.

(4) The nonpublic school offered remote learning options for enrolled students during the 2019-2020 academic year that allowed students to complete the academic year.

(b) Subsection (a) of this section shall not apply to losses or damages that resulted solely from a breach of an express contractual provision allocating liability in the event of a pandemic event.

(c) Subsection (a) of this section shall not apply to losses or damages caused by an act or omission of the nonpublic school that was in bad faith or malicious. (2020-49, s. 10(a).)

§ 115C-567.12. Applicability.

This Part applies to alleged acts or omissions occurring on or after the issuance of the COVID-19 emergency declaration until July 1, 2020. The provisions of this Part shall be in addition to all other immunities provided by applicable State law. (2020-49, s. 10(a).)

§ 115C-567.13. Severability.

It is a matter of vital State concern affecting the public health, safety, and welfare that nonpublic schools continue to be able to fulfill their educational missions during the COVID-19 pandemic without civil liability for any acts or omissions for which immunity is provided in this Part. This Part shall be liberally construed to effectuate those public purposes. The provisions of this Part are severable. If any part of this Part is declared to be invalid by a court, the invalidity does not affect other parts of this Part that can be given effect without the invalid provision. (2020-49, s. 10(a).)

Notice of Intent to Establish a Private School

Each conventional private elementary/secondary school in North Carolina enrolling students of North Carolina compulsory attendance age (at least age 7 but not yet age 16) must be in accordance with [G.S. 115C- 547-562](#).

- Report its name, address, and names of its chief administrator and owner(s) to the Division of Non-Public Education (DNPE) via the Notice of Intent to operate a conventional private school. It is suggested that this action be taken 30-60 days before the school begins initial operation.
- Meet the fire, safety and sanitation standards established by state and local authorities. **A copy of the fire and sanitation inspections must be submitted with the Notice of Intent to operate a conventional private school.**
- Follow certain requirements to ensure that the school buildings meet the applicable asbestos regulations.
- Operate for a school term of at least nine calendar months on a regular schedule excluding reasonable holidays and vacations.
- Administer a national standardized test in grades 3, 6, 9, and 11 each academic year.
- Establish and maintain a cut-off score for graduation on the national standardized test administered to all 11th graders.
- Maintain on file for each calendar year
 1. Attendance records
 2. Immunization records
 3. Annual testing records for each enrolled student
- Provide required records for inspection to an official of the Division of Non-Public Education when requested.
- **Close the private school within 30 days by notifying Division of Non-Public Education when there are no more students being actively enrolled in the school (i.e. when all students have been enrolled in another school or graduated).** Schools may be reopened at a later time if necessary. You may close a school by [logging into the account established for the school](#). (G.S 115C-552, 115C-564).

The recent change in law has not altered how and when private schools are required to register with the NC Division of Non-Public Education. Registration is done by the filling of a Notice of Intent form. Private schools with only one administrator and additional locations within a reasonable supervisory distance are only required to submit one Notice of Intent to Operate. These schools will list there multiple locations on one Notice of Intent form as they have always done. Private schools with separate administrators and multiple locations should complete a Notice of Intent to Operate for each campus

I agree and wish to set up a private school

I do not agree



Form: Annual

Lumberton Fire Dept

Occupancy: **Bethel Baptist Church**
Occupancy ID: **526**
Address: **1106 Water ST Lumberton NC 28358**

Inspection Type: **Annual**
Inspection Date: **2/24/2025** By: Jackson, Brantley (00117)
Time In: **11:00** Time Out: **11:30**
Authorized Date: **02/24/2025** By: Jackson, Brantley (00117)

Inspection Topics:

Exits

Exit access, exits, and exit discharge shall be continuously maintained free from obstructions or impediments to full instant use.
NCFC- 1031.2

Status: **FAIL**
Notes: **speaker is blocking side exit**



Fire Extinguishers

Annual service of fire extinguishers.

NCFC- Chapter 9

Status: FAIL

Notes:



Compliance

NC Fire Code compliance

Status: FAIL

Notes:

Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
Notes: No Additional time recorded		

Total Additional Time: 0 minutes

Inspection Time: 30 minutes

Total Time: 30 minutes

Summary:

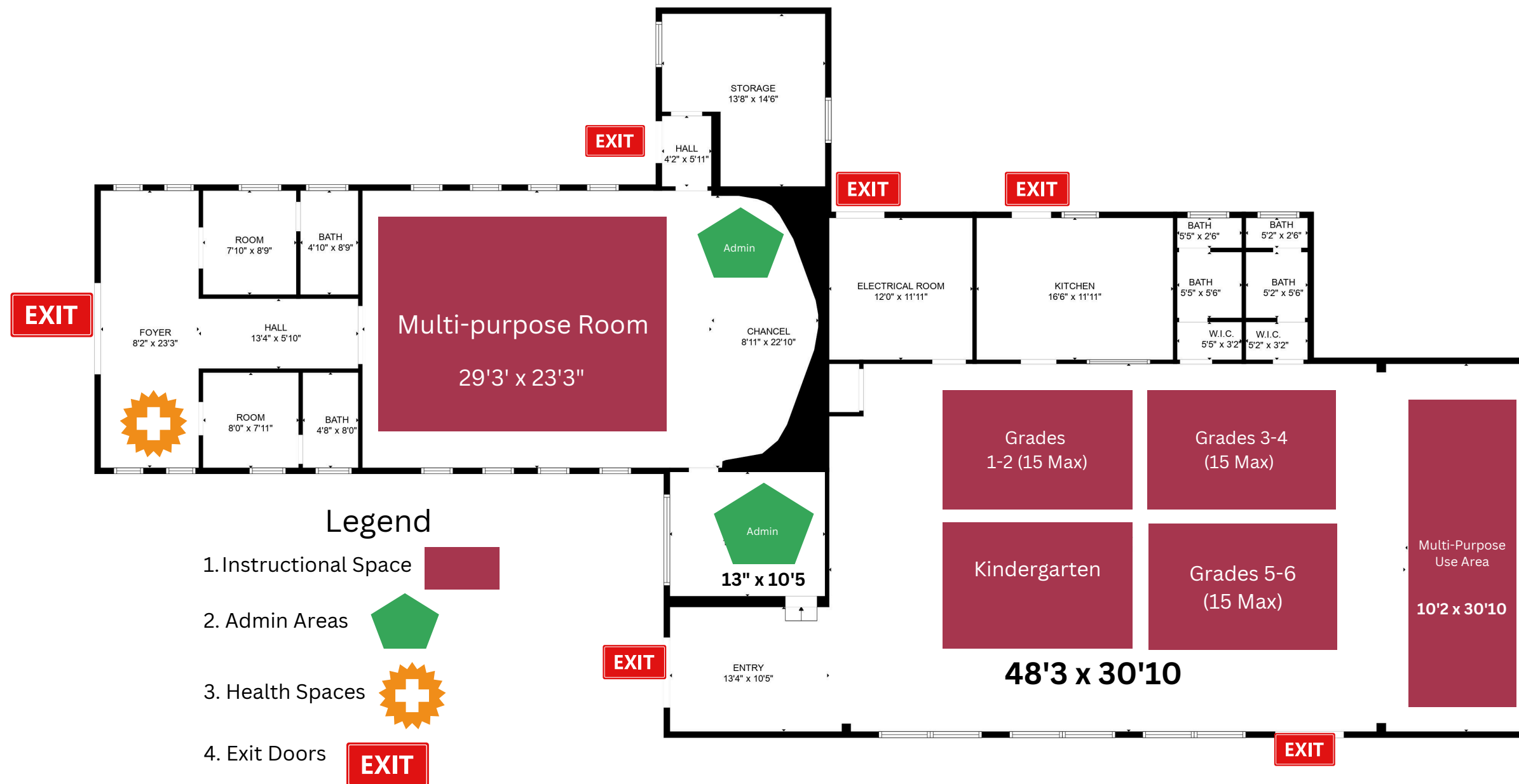
Overall Result: Correction Notice Issued

Inspector Notes: reinspection on or after 30 days

Closing Notes:

A re-inspection shall occur after 30 days. If any violation still exist, further action shall be taken as required by law, including citations. If you have any questions please call 910-671-3841 or email bjackson@ci.lumberton.nc.us

Inspector:
Name: Jackson, Brantley Rank: Fire Marshal



FLOOR PLAN CREATED BY CUBICASA APP. MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

Score 100

Date of Insp/Chg: 02/27/2025

Health Department 78 Robeson

Current Facility ID 5078440068

Old Facility ID _____

Inspection of School

Status Code: A

Water Supply: ☒ Municipal/Community ☐ On-Site Supply

Water sample taken today?

☐ Yes ☒ No

☒ Inspection

☐ Re-inspection

☐ Visit

☐ Name Change

☐ Verification of Closure

☐ Status Change

Wastewater: ☒ Municipal/Community ☐ On-Site System

Name of School: JIREH'S REMNANT YOUTH BIBLE TRAINING ACADEMY

Location Address: 1106 N WATER STREET

Mailing Addr: PO BOX 13

City: LUMBERTON State: NC Zip: 28358

City: LUMBERTON State: NC Zip: 28358

Score

Comments

1. WATER SUPPLY: Approved water supply properly located, constructed, and operated, adequate for all requirements 130*; well house clean, no storage 15*; no cross connections 30* (.2405)

175

**** SEE COMMENT SHEET ATTACHED ****

2. SANITARY SEWAGE DISPOSAL: Sewage collected, treated, and disposed of by an approved method 150*; system properly operated and maintained 55* (.2407)

205

3. DRINKING FOUNTAINS: Clean and in good repair 40#; adequate pressure, properly regulated 40# (.2406)

80

4. TOILET FACILITIES: Walls and ceilings clean, nonabsorbent, washable, and in good repair 30#; fixtures clean and in good repair 40#; floors impervious, kept clean 30# (.2408)

100

5. LAVATORY FACILITIES: Fixtures clean and in good repair 30#; soap and individual towels or approved hand-drying devices provided 40# (.2409)

70

6. FLOORS: WALLS: AND CEILINGS: Floors, walls, and ceilings clean and in good repair 30# (.2410)

30

7. STORAGE SPACES: Clean 20#; storage off floor 20# (.2411)

40

8. LIGHTING AND VENTILATION: Fixtures, grills, vents, blinds, drapes, etc., clean and in good repair 40# (.2412)

40

9. DRESSING ROOMS AND SHOWERS: Floors, walls, and ceilings clean, in good repair, washable, non-absorbent 30#; fixtures clean, in good repair 40#; facilities for storage of clothes provided, kept clean 20#; soap and towel 10# (.2413)

100

10. SOLID WASTE DISPOSAL: Impervious, cleanable containers with lids, approved type 20*; clean and in good repair 20#; empties as needed, properly disposed of 40# (.2414)

80

11. PREMISES: MISCELLANEOUS: Premises neat, clean 30#; no vector breeding or harborage 20#; pesticides and other toxic materials properly handled and stored 30# (.2415)

80

TOTAL 1000 0

Additional Comment Sheet Attached

☐ Yes ☒ No

Inspection by: Mercedes L.

EHS 3097 - Locklear, Mercedes

INSTRUCTIONS Purpose: General Statute 130A-236 requires the Commission for Health Services to adopt rules governing the sanitation of public, private, and religious schools. This form has been developed to record the results of such inspections. Preparation: Local environmental health specialists shall complete the form every time they conduct an inspection. Prepare an original and two copies for: 1. Original to be left with principal. 2. Copy for the local health department. 3. Copy for the Environmental Health Services Section, Division of Environmental Health. Disposition: Please refer to Records Retention and Disposition Schedule 8.B.6., Inspection Records for County/District Health Departments which is published by the North Carolina Division of Archives & History. Additional forms may be ordered from: Division of Environmental Health, 1632 Mail Service Center, Raleigh, NC 27699-1632, (Courier 52-01-00) EHS 1163 (Revised 7/05) Environmental Health Services Section (Review 7/08)



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • FEBRUARY 3, 2025

Regular Meeting

Council Chambers

6:00 PM

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

I. Call to Order

A. Invocation –

Led by City Attorney Holt Moore

B. Pledge of Allegiance –

Led by Eagle Scout Samuel Gibson

II. Special Recognition - Pride in Lumberton Award - Samuel Lee Gibson - Eagle Scout

Councilman Carroll along with Mayor Davis presented Samuel Lee Gibson with the Pride in Lumberton Award and a Pride in Lumberton lapel pin. Samuel Lee Gibson is 14 years old and a freshman at Dillon Christian School. He is in the Senior Beta Club, FCA, chess club and honors classes. Sam is an active member of First Presbyterian Church of Lumberton, where he is involved with youth, helping with the FISH program, Feast and Scouts. Sam started scouting as a Tiger Cub. While in Boy Scouts Troop 301, he earned 48 merit badges, well over the 21 merit badges required to become an Eagle Scout. On November 21, 2-24, Sam earned the rank of Eagle Scout. Becoming an Eagle Scout was a goal of Sam's. Sam lives his life by following the Scout Law and will go into the ministry after college.

III. Public Comment Period

No one appeared to speak.

IV. Presentation

A. Electricities - Southeast Crossroads - Carl Rees, CEcD Manager, Economic and Community Development Electricities of North Carolina - , City Manager

Mr. Carl Rees, Electricities appeared before the Council and gave the following presentation:

Lumberton Southeast Crossroads Industrial Park Smart Site®



Why is Site Development Important?

- Expanding companies prefer certified/qualified sites
- Reduces risk for companies/developers
- Increases the competitiveness of a community
- Assists in the retention of existing businesses and attraction of new businesses



What is a Smart Site®?

- A "shovel-ready" site -
- Phase 1 Environmental Assessment
 - Geotechnical Study
 - Wetlands Identification
 - Threatened and Endangered Species Identification
 - Historical and Cultural Resources Identification
 - Conceptual Site Plan
 - Development Cost Estimate
 - Marketing Video



Features of Lumberton Southeast Crossroads Industrial Park

- Intersection of I-95 & I-74
- 99 acres certified, 215 in the park
- Owned by City of Lumberton
- Plan with 4 buildings - 100,000-560,000 SF
- City-served electric service
- One tenant already located in the park

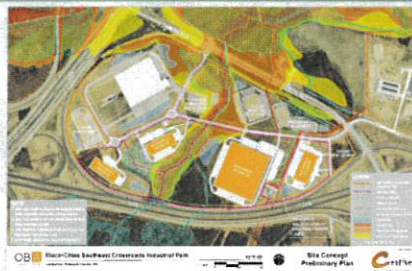


Key Assessment Findings

- A former asphalt plant area may warrant additional research before development
- Wetlands identified on the western side of site
- No findings of endangered species or historical and cultural resources



Conceptual Site Plan



Market the Smart Site®

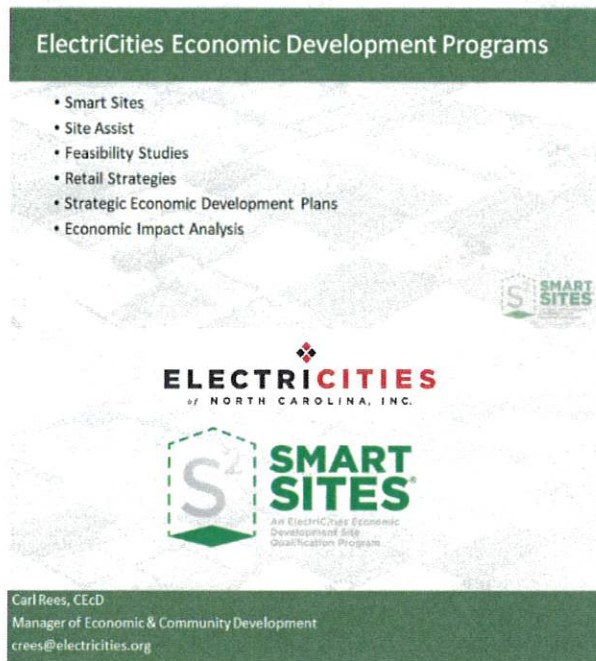
- Keep updated information with:
 - Robeson County Economic Development
 - NC's Southeast Region
 - Economic Development Partnership of NC's statewide database
- Add link on "Business" menu to Robeson County Economic Development
- Periodic social media posts
- Press release about Smart Site Certification



Next Steps

- Certify site with NC Department of Commerce
- Apply for/seek funds to grade and prepare building pads
- Study feasibility of speculative industrial building with development partners
- Explore the control or acquisition of the 'Future Development' parcels in the Preliminary Concept Plan
- Develop cost estimates and plans for relocation of the electric line needed for the concept plan





V. Public Hearings

A. Sabrina Leshore-Cummings Special Use Permit (SUP) request for Christian School-P6 - ArTriel Kirchner, Planning & Neighborhood Services

City Attorney Moore opened the public hearing to consider a special use permit for a proposed private Christian Day School at 1106 N. Water Street. City Clerk Mitchell-McIntosh entered the Affidavit of Publication showing that the meeting was advertised in *The Robesonian*.

Dr. Kircher, Planning & Neighborhood Services Director appeared before Council and stated that Sabrina Leshore-Cummings is requesting a Special Use Permit for a Christian day school, Jirehs Remnant Youth Bible Training Academy, grades K-6, operating Mon-Thurs. 8am-4pm, located at 1106 N. Water St (parcel # 322705008 & 322705006, deed book 2398, pg. 283).

Attorney Sabrina Leshore-Cummings came before the Council and presented their plans to purchase what is now known as New Bethel Church. She stated that our plan is to open Jireh's Remnant Youth Bible Training Academy this fall to 60 students in grades K-6. Many questions about parking and traffic were asked by the Council. Attorney Leshore-Cummings attempted to explain how the parking and traffic would flow; however, without a sufficient site plan, the Council could not draw a picture of

how she was explaining the parking or the traffic flow. Councilman Douglas stated that he likes the idea and I have nothing against Christian schools. However, his main concern was the parking situation.

Attorney Leshore-Cummings stated that she requested from the NC Department of Transportation statistics of the traffic flow from Carthage Road because NCDOT was not able to obtain a reading of Water Street. After a lengthy discussion, the board requested that she (the applicant) submit a site plan for next month's meeting with more specific details, particularly on the north end of the property in which a driveway, parking and playground area would be in a relatively small space.

Attorney LeShore Cummings stated that she only heard about the site plan earlier today; however, it was stated that a site plan should have been anticipated.

City Manager Wayne Horne also suggested including information on the building itself, since the school would change the use of the building. Leshore-Cummings stated that she reached out to the School of Government and found that the Board could hold a special meeting once the site plan is complete, to accelerate the process, citing the need for the students to have time to apply for scholarships before the school year. City Attorney Holt Moore stated that the time the surveyors would need to develop a site plan and for stakeholders to review and make any needed changes would likely take most of the time between Monday and next month's meeting, which is scheduled for March 3.

No one else appeared to speak, and the public hearing continued.

RESULT: Passed (8 TO 0)

MOVER: Precinct 6 Douglas

SECONDER: Precinct 5 Cantey

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- B. Jimmy McRae (Le Benediction, LLC) Special Use Permit for a single-family residence with accessory apartment - P8 - ArTriel Kirchner, Planning & Neighborhood Services

City Attorney Moore opened the public hearing to consider a special use permit for a single-family dwelling with accessory apartment (ADU) for property located at 3125 Wellington Road. City Clerk Mitchell-McIntosh entered the Affidavit of Publication showing that the meeting was advertised in *The Robesonian*.

Planning Director, Dr. Kirchner appeared before the Council and stated that Mr. Jimmy McRae (Le Benediction, LLC) is requesting a Special Use Permit for a single-family residence with an accessory apartment located at 3125 Wellington Road (parcel # 3201-01-046/Deed Book/Page 02227 / 0844). Dr. Kirchner stated that If this Special Use Permit is granted, the applicant must submit site development plans to the City, and other Federal and State Departments, if applicable, for review and

approval prior to development. All conditions of the Special Use Permit must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy (CO).

Dr. Kirchner stated that the Planning Board, by a 6-4 vote, recommended that the City Council deny the request. She stated that the Planning staff recommends that City Council hold tonight's public hearing and make a decision regarding this request.

Mr. Jimmy McRae, appeared before the Council and gave an overview of his request. He stated that the plans for the property are to create a 2 bedroom, 1 bath, with 750 square feet of living space with a 2-car garage and an owner storage bay. Mr. McRae also stated that this could provide a deserving individual displaced by Hurricane Matthew or Florence during the 2016 / 2018 storms with affordable housing that they can call home. Many concerns were discussed, with one being that the building may not have been properly permitted. Another issue is the size of the lot and the floor space, that it is too small for an auxiliary dwelling unit to exist on the property according to the Land Use Plan and his plan for renovations would make the floor space nonconforming. . .

Councilman Thomas stated that the applicant has come to us without getting proper zoning and proper code enforcement and I don't see how we can overlook that. Mr. McRae showed Council picture of five structures that exist in the Mayfair subdivision that he believes could be auxiliary dwelling units on other properties. Dr. Kirchner stated that she has no evidence that those structures or any other structures in the Mayfair subdivision are auxiliary dwelling units. City Attorney Holt Moore stated that some of Mr. McRae's issues could be addressed with a variance and asked Mr. McRae if he would be willing to table the request for the special use permit to allow time to request a variance. Mr. McRae first stated that he was not aware of a variance; however, Dr. Kirchner read a portion of an email addressing the topic of a variance that had been presented to him at an earlier time. Mr. McRae eventually agreed to tabling this request and would pursue a variance.

RESULT: Passed (8 TO 0)

MOVER: Precinct 8 Thomas

SECONDER: Precinct 1 Rising

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- C. Farouk Huraira is requesting a Special Use Permit for an electronic gaming center for property located at 2720 W. 5th Street P7. - ArTriel Kirchner, Planning & Neighborhood Services

City Attorney Moore opened the public hearing to consider a special use permit for an electronic gaming center for property located at 2720 W. 5th Street. City Clerk Mitchell-McIntosh entered the Affidavit of Publication showing that this is a

continued public hearing and that it was advertised in *The Robesonian*.

Planning Director Dr. Kirchner, stated that Farouk Huraira is requesting a Special Use Permit for an electronic gaming center for property located at 2720 W. 5th Street.

On September 17, 2024, Planning staff advised the board that this location does not meet the distance requirement from single-family homes and zoning districts off Olive Drive and Olsen Drive. In addition, it will be located approximately 600 feet from a single-family residence located on W. 5th Street. Furthermore, the Planning staff recommends that the Planning Board make a recommendation to the Council to deny this request based on the fact that the operation will not meet the distance requirement outlined in Section 35-166.5(10) (a) of the Code of the City of Lumberton.

On September 17, 2024, the Planning Board held a public meeting and unanimously recommends City Council Deny the Special Use Permit request based on the fact that the operation will not meet the distance requirement outlined in Section 35-166.5(10) (a) of the Code of the City of Lumberton.

The applicant did not appear. City Attorney Moore stated that the law is very clear that these types of establishments cannot operate. He stated that his suggestion would be to make a motion to deny and the hearing was closed.

Councilman Chavis followed the direction of the Planning Board and the City Attorney and made a motion to deny the request.

RESULT: Passed (8 TO 0)

MOVER: Precinct 7 Chavis to deny the request.

SECONDER: Precinct 5 Cantey

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

VI. Consent Agenda

- A. Minutes Approval - January 13, 2025, City Council Meeting

VII. Agenda Items

- A. Ground Power Unit for Airport - Gary Lewis, Airport

The Airport wishes to purchase a Ground Power Unit (GPU). A GPU is used by Jet Aircraft to operate on-board electronics while the jet engines are turned off. This is needed by business jets flying into Lumberton Regional Airport. This item will be purchased from budget item 65-00-8139-5565 which currently contains \$59,587.90. Cost for the unit is \$18,515.00. Robeson County will reimburse 50% of the cost. Recommend City Council approve the purchase of a GPU.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

B. Purchase of Synology DP7400 Active Protect Appliance - Travis Branch, MIS

This is a replacement for a 10-year-old backup appliance. This is necessary due to the limitations of the the old appliance. This equipment is being purchased using the Charlotte Technology Products and Related Services contract at a cost of \$32,196.83.

MIS recommends the approval of this purchase for \$32,196.83 using the MIS Capital Budget.

RESULT: Passed (8 TO 0)

MOVER: Precinct 5 Cantey

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

C. Approval of Main Street Lumberton Advisory Board Member - Sarah Ward, City Manager

The general purpose of the Main Street Lumberton Advisory Board is to serve as an advisory committee to City Council for the purposes of facilitating the implementation of the Comprehensive Downtown Master Plan and the 4-Point Main Street Approach.

With City Council approval, Main Street Lumberton would like to appoint Joe Butler as our new Advisory Board Member. Prior to Joe's 2006 employment by UNC Health Southeastern as Director of Physician/Provider Recruitment, he managed operations for Kimbrell's Furniture in Downtown Lumberton for over 23 years. During that time, he was fortunate to work with leaders of the Downtown Lumberton Association, Lumberton Economic Advancement for Downtown (L.E.A.D.), Main Street America, and the All-America City committees. Joe has always believed that the key to progressive growing communities is a strong and vibrant downtown as an anchor. Along city officials championing several associated efforts, Joe believes the Main Street Lumberton Advisory Board has enhanced our downtown through strong

leadership and diligent work. If approved to serve on the board, Joe looks forward to working with Dencie Lambdin, fellow board members, and Ms. Ward to continue the efforts to grow our downtown into all it can be. Thank you for considering Joe's interest in serving.

Joe has a vested interest in the downtown area and his enthusiasm for the City of Lumberton and downtown as well as his areas of expertise make him a great fit for the Main Street Lumberton Advisory Board.

City Staff and Main Street Lumberton Advisory Board are recommending City Council Approval of Joe Butler III as a new advisory board member for Main Street Lumberton.

RESULT: Passed (8 TO 0)

MOVER: Precinct 6 Douglas

SECONDER: Precinct 5 Cantey

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- D. Rosewood Drive Drainage Project Professional Services Agreement - Rob Armstrong, Public Works

In January, Council selected Anderson Engineering as the design engineer for the Rosewood Drive Drainage Project, based on the firm's qualifications. The next step is to approve the attached professional services contract with Anderson Engineering for \$78,000.

Public Works is requesting Council approval of the Rosewood Drive Drainage Project Professional Services Agreement with Anderson Engineering for \$78,000 to be paid for out of the Drainage Fund Operations Budget.

RESULT: Passed (8 TO 0)

MOVER: Precinct 2 Robinson

SECONDER: Precinct 3 Carroll

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- E. RFQ for Engineering Services - Riverwalk Stabilization - Rob Armstrong, Public Works

The retaining wall behind the Riverwalk has become unstable, in all likelihood due to the velocity of river flow during the floods. Staff seeks authorization to issue an RFQ for engineering services, in order to obtain a design for the re-stabilization effort. The City has received state funds which are believed by Management to be eligible for use for these purposes.

Allow staff to issue RFQ described above.

A question was asked concerning funding and Public Works Director Armstrong stated that it will be paid from State Appropriations.

RESULT: Passed (8 TO 0)

MOVER: Precinct 6 Douglas

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- F. **Ajay Mulchandani is requesting a Rezoning for property located on Wintergreen Drive. P-1 - ArTriel Kirchner, Planning & Neighborhood Services**

Ajay Mulchandani is requesting to rezone a portion of property located off of Wintergreen Drive. This request is to increase the maximum overall height of a building from 35 feet to 60 feet.

That Council review the request, refer the petition to the February 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 3 Carroll

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- G. **Ajay Mulchandani is requesting a Special Use Permit for a major subdivision for property located on Wintergreen Drive. P1 - ArTriel Kirchner, Planning & Neighborhood Services**

Ajay Mulchandani is requesting a Special Use Permit for a major Subdivision. This request is to subdivide the property and extend Wintergreen Drive, a public road.

Recommend that Council review the request, refer the petition to the February 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 3 Carroll

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- H. D. Locklear Bailey Rd - Special Use Permit - P1 - ArTriel Kirchner, Planning & Neighborhood Services

Devance Locklear is requesting a Special Use Permit for property located at 550 Bailey Road (parcel # 10090100501, 10090100501B, and 10090100501D/ Deed Book 2320 Page 328).

The Planning staff recommend that the Planning Board hold tonight's public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cante, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- I. Financing - 2 pumper Trucks - Hank Lewis, Finance

The Finance Department has obtained quotes for financing the 2 Pumper Trucks approved for the Fire Department. 3 quotes have been received:

Truist - 4.71%; Estimated Annual Debt Service (payment) \$191,530.57; Total Interest: \$415,305.75

Lumbee Bank - 3.98%; Estimated Annual Debt Service (payment) \$184,752.33; Total Interest: \$347,523.35

Community Leasing Partners (a Division of Community First National Bank) - 5.37%; Estimated Annual Debt Service (Payment): \$197,762.64; Total Interest: \$477,626.42

RESULT: Passed (8 TO 0)

MOVER: Precinct 3 Carroll

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cante, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- J. CDBG-NR (21) - Reconstruction Bid Awards - Brandon Love, Planning & Neighborhood Services

The Planning Department received bids on January 28, 2025, for the reconstruction of three houses under the City's 2021 Community Development Block Grant – Neighborhood Revitalization program. The bid tabulation sheet is attached for your review. Based on the Bid Tabulation Summary Sheet, it is recommended that the City award Contract 01 - 190 Starlite Drive to the lowest bidder Holland

Construction (Owner Thomas J. Holland) at the bid price of \$162,500.00; award Contract 02 - 301 McCollum Street to Faith Home Improvement & Construction, Inc (owner Frankie Demery), at the bid price of \$154,900.00, and award Contract 04 - 2008 E. 6th Street to Rescue Construction Solutions (Sheila Brewington, President) at the bid price of \$144,886.00.

The Planning Department recommends awarding contracts for the reconstruction of three houses under the CDBG-NR Revitalization Program to the lowest bidders Holland Construction Company for 190 Starlite Drive (\$162,500.00); Faith Home Improvement & Construction, 301 McCollum Street (\$154,900), and award Rescue Construction Solutions - 2008 E. 6th Street at the bid price of (\$144,886.00).

RESULT: Passed (8 TO 0)

MOVER: Precinct 5 Cantey

SECONDER: Precinct 4' Higley

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- K. Acceptance of CDBG-NR Grant Funding Approval and Adoption of Grant Acceptance Resolution - Wayne Horne, City Manager

The City applied for and has been awarded a CDBG-NR grant in the amount of \$950,000 to assist in the reconstruction of 4 properties in the city. In order to receive the grant award the city must accept and authorize the execution of the grant agreement and funding approval and adoption of the Grant Acceptance Resolution.

Staff recommends council accept and execution of the attached grant agreement for the CDBG-NR grant agreement and funding approval and the Grant Acceptance Resolution.

RESULT: Passed (8 TO 0)

MOVER: Precinct 5 Cantey

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- L. Award of Contract for AMI Services - Wayne Horne, City Attorney

We have received three bids for AMI services which were found to be compliant with our minimum requirements. The three were Aclara, Olameter, and Ferguson / Sensus. Staff recommends awarding the AMI contract to Aclara, as they were found to be the lowest responsible bidder. Attached are the cost comparison, and a grid showing how the three bidders fared with regard to key components.

Award the AMI contract to Aclara.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

M. NCDOT Offer to Purchase - Parcel No. U-5797 004Y - Holt Moore, City Attorney

NCDOT has offered to purchase a permanent drainage easement and a right of entry near the intersection of Walnut Street and Roberts Avenue as part of the Fayetteville Road project. Staff believes the \$20,000 offer is reasonable, and Public Works observed that this particular project will actually provide needed drainage features at NCDOT's expense, so it is a beneficial item.

Approve offer to purchase from NCDOT.

RESULT: Passed (8 TO 0)

MOVER: Precinct 4' Higley

SECONDER: Precinct 1 Rising

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

N. Request from Robeson County School Board - Replacement of Scoreboard at LJHS - Owen Thomas, City Council

Council has received a request from one of the Robeson County School Board members seeking funding to help replace the scoreboard at Lumberton Junior High School. Councilman Thomas would like to designate \$250 of Community Revitalization Funds for this cause.

Approve the designation of \$2,250.00 of CRF to the Lumberton Junior High School to help replace the scoreboard as follows: P1 - \$350 P2 - \$250 P3 - \$250 P4 - \$250 P5 - \$100 P6 - \$250 P-7 \$250 P8 - \$250 and \$300 from the Mayor's discretionary fund.

RESULT: Passed (8 TO 0)

MOVER: Precinct 8 Thomas

SECONDER: Precinct 3 Carroll

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

VIII Closed Session

A. Closed Session

1. Consultation with City Attorney
- Wayne Horne, City Attorney

City Manager Horner stated that the City has experienced an extreme number of cave-ins since the past storms, starting with Hurricane Matthew. He explained to the Council the number of cave-ins in the City. He stated that in our efforts to obtain funds we have talked with Daniel Sheehan of Strategic Government Affairs, LLC, who has worked with us in the past. He secured money for the City in the past with the roundabout and fire department. We would like to hire Mr. Sheehan as a lobbyist to seek funding on the City's behalf to meet our infrastructure needs. He would basically be looking for sources of funding for the cave-ins.

After a brief discussion, the Council agreed to hire Mr. Sheehan on a one-year contract at the cost of \$4000.00 for lobbying services.

Financial Support for Jennings Village

City Manager Horne stated that Wallick Asset Management LLC ("Wallick") is seeking funding from the City for Jennings Village, a proposed 48-unit senior affordable housing development on Alexander Street. Wallick is currently under contract to purchase 4.77 acres of land from the Pentecostal United Holy Church. City Manager Horne explained that the company submitted a successful application to the North Carolina Housing Finance Agency in hopes of securing an allocation of Low-Income Housing Tax Credits to fund the construction and development of the housing complex.

Wallick is requesting financial participation from the City in the form of a low-interest loan in the amount of \$75,000. City Manager Horne stated that it's the same as the request that we had from Morgan & Associates. After a brief discussion, the Council made a motion to approve.

RESULT: Passed (8 TO 0)

MOVER: Precinct 2 Robinson

SECONDER: Precinct 8 Thomas

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None

- B. Consultation with City Attorney
- Holt Moore, City Attorney

The Memorandum of Understanding between Robeson Community College and the

City of Lumberton Recreation Department was the topic of discussion. Many concerns were brought forth i.e., the use of Field 5 at the Pennington Athletic Complex, maintenance and improvement and naming rights. Council expressed their dissatisfaction with the agreement and came to a unanimous decision to authorize staff to go back to Robeson Community College and renegotiate the agreement based on the comments that have been made and bring it back to Council.

RESULT: Passed (8 TO 0)

MOVER: Precinct 1 Rising

SECONDER: Precinct 7 Chavis

AYES: Leroy Rising, Melissa Robinson, John Carroll, Karen Higley, John Cantey, Alfred Douglas, Eric Chavis, Owen Thomas

ABSTAIN: None to Council.

IX. Adjournment

Lumberton City Council

Item: V.B.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Manager

Submission Date: 02/17/2025

Subject: Ratification of Carolina Civic Center Change Orders

Summary/Background of Subject Matter:

On February 17th, a telephonic poll was conducted pertaining to a round of Change Orders for the Carolina Civic Center. A couple of them were time-sensitive and dealt specifically with the roof and brickwork; however, most of them were additives, but there was also one deduct. The total increase was \$24,320.00, which is still below the overall project contingency.

Staff Recommendation:

Ratification of the above-mentioned Change Orders.

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

1. Carolina Civic Center_2-17-25_Outstanding Change Orders

Carolina Civic Center			
Construciton Cost Breakdown			
Pending Change Orders			
2/26/2025			
	generally valid 15 days		
Change Orders			Accept
#18	Bathroom Furring	2,702.50	Yes
#19	Parapet Sheathing & Blocking	8,050.00	Yes
#20	Pass Thru Framing	7,302.50	Yes
#21	Sandblast Samples	1,150.00	Yes
#22	Electrical-AV Revisions	1,114.09	Yes
#23	EIFS Patching	5,002.50	Yes
#24	Additional Storage of Materials	4,114.59	Yes
#25R	Remove mastic at lobby exposed masonry	2,550.18	Yes
	Total Change Orders	\$31,986	
Credits			
			Accept
CO#17	Lobby Bench steel and framing	\$7,666.86	Yes
	Total Credit	\$7,667	
Net Change with Current Change Orders		\$24,320	

Lumberton City Council

Item: VI.A.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 513 Bay Street

Summary/Background of Subject Matter:

The structure located at 513 Bay Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent. A hearing was held on December 17, 2024 in which the owners were present. An order to demolish the structure was issued. The time in which the owners had to comply expired on January 20, 2025

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 513 Bay Street.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 513 Bay Street
2. 2025.03.07 - Ordinance Directing Building Inspector - 513 Bay Street



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
513 Bay Street - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 513 Bay Street, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located

at 513 Bay Street, in the City of Lumberton, North Carolina, owned by – Heirs of Thomas & Virginia Shaw, 2541 Jenkins Road, Whiteville, North Carolina 28472, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.07

Lumberton City Council

Item: VI.B.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 104 Orange Street

Summary/Background of Subject Matter:

The structure located at 104 Orange Street was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on December 17, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on January 20, 2025

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 104 Orange Street.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 104 orange street
2. 2025.03.06 - Ordinance Directing Building Inspector -104 Orange Street



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
104 Orange Street - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 104 Orange Street, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located

at 104 Orange Street, in the City of Lumberton, North Carolina, owned by – Heirs of David Burchett, 104 Orange Street , Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.06

Lumberton City Council

Item: VI.C.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 137 Powell Street

Summary/Background of Subject Matter:

The structure located at 137 Powell Street was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on August 8, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on September 17, 2024

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 137 Powell Street.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 137 Powell Street
2. 2025.03.05 - Ordinance Directing Building Inspector - 137 Powell Street



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
137 Powell Street - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 137 Powell Street, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located at 137 Powell Street, in the City of Lumberton, North Carolina, owned by – Brian K. Corbie, 301 Parkview Drive , Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.05

Lumberton City Council

Item: VI.D.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 705 E 7th Street

Summary/Background of Subject Matter:

The structure located at 705 E 7th Street was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on August 8, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on September 17, 2024

Staff Recommendation:

Staff recommends the City Council direct the building Inspector to demolish and remove the unsafe structure located at 705 E 7th Street

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 705 E 7th Street pic 2
2. 2025.03.04 Ordinance Directing Building Inspector..705 E. 7th Street



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
705 E. 7th Street - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 705 E. 7th Street, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located

at 705 E. 7th Street, in the City of Lumberton, North Carolina, owned by – Wanda Gail McPhatter – 705 E. 7th Street, Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.04

Lumberton City Council

Item: VI.E.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 417 Columbia Avenue

Summary/Background of Subject Matter:

The structure located at 417 Columbia Avenue was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on September 24, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on November 1, 2024

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 417 Columbia Avenue.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 417 Columbia Ave
2. 2025.03.03 Ordinance Directing Building Inspector..417 Columbia Avenue



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
417 Columbia Avenue - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 417 Columbia Avenue, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located at 417 Columbia Avenue, in the City of Lumberton, North Carolina, owned by – Heirs of Larry Harrison, 417 Columbia Avenue, Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.03

Lumberton City Council

Item: VI.F.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 403 Columbia Avenue

Summary/Background of Subject Matter:

The structure located at 403 Columbia Avenue was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on October 31, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on December 1, 2024

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 403 Columbia Avenue.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 403 Columbia Avenue
2. 2025.03.02 Ordinance Directing Building Inspector..403 Columbia Avenue



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
403 Columbia Avenue - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 403 Columbia Avenue, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located at 403 Columbia Avenue, in the City of Lumberton, North Carolina, owned by – Heirs of Linda Carol Dunbar & Heirs of Lorrie Ann Cox, 1426 Old Whiteville Road, Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.02

Lumberton City Council

Item: VI.G.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 42 National Avenue

Summary/Background of Subject Matter:

The structure located at 42 National Avenue was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on October 3, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on November 10, 2024

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 42 National Avenue.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 42 national ave
2. 2025.03.01 Ordinance Directing Building Inspector..42 National Avenue



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
42 National Avenue - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 42 National Avenue, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located

at 42 National Avenue, in the City of Lumberton, North Carolina, owned by – Canaan Full Gospel Church, 36 Canal Street, Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Councilwoman Higley, seconded by Councilman Cantey, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.01

Lumberton City Council

Item: VI.H.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Inspections

Submission Date: 02/10/2025

Subject: Unsafe Structure 605 Clark Avenue

Summary/Background of Subject Matter:

The structure located at 605 Clark Avenue was inspected by our department and was determined to be unsafe. A notice of condemnation and hearing was sent. A hearing was held on October 3, 2024 in which the owners were not present. An order to demolish the structure was issued. The time in which the owners had to comply expired on November 10, 2024

Staff Recommendation:

Staff recommends the City Council direct the Building Inspector to demolish and remove the unsafe structure located at 605 Clark Avenue.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Inspections

ATTACHMENTS:

1. 605 Clark Ave
2. 2025.03.08 Ordinance Directing Building Inspector - 605 Clark Avenue



ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE AND
DEMOLISH PROPERTY AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE
SAME MAY NOT BE OCCUPIED
605 Clark Avenue - LUMBERTON, NORTH CAROLINA

WHEREAS, the City Council of the City of Lumberton finds that the dwelling described herein is unfit for human habitation under the provisions of the Building and Housing Codes, and that all of the procedures of the Code of the City of Lumberton, North Carolina, have been complied with;

WHEREAS, the dwelling should be removed or demolished, as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting the use for human habitation;

WHEREAS, the owner of the dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Building and Housing Code pursuant to an Order issued by the Building Inspector and the owner has failed to comply with the lawful Order of the Building Inspector to repair or demolish the property within the time therein described; and

WHEREAS, G.S. 160A-389 and 160A-426 through 160A-432, inclusive, and Sections 8-124 and 8-225 of the Code of the City of Lumberton, North Carolina, empowers the City of Lumberton to have its inspector to remove or demolish a dwelling when an Order of the Building Inspector has not been complied with;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that:

Section 1. The Building Inspector is hereby authorized and directed to place a placard containing the legend:

"This building is unfit for human habitation; the
use or occupation of this building for human
habitation is prohibited and unlawful."

on the building located at 605 Clark Avenue, in the City of Lumberton, North Carolina.

Section 2. The Building Inspector is hereby authorized and directed to proceed to vacate

the

dwelling of all occupants and to remove or demolish the dwelling, said dwellings being located

at 605 Clark Avenue, in the City of Lumberton, North Carolina, owned by – Mary Jane Oxendine, 605 Clark Avenue, Lumberton, North Carolina 28358, in accordance with the Order of the Building Inspector issued pursuant to the Unsafe Buildings Ordinance contained in Article VII of Chapter 8 of the Code of the City of Lumberton, North Carolina.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the City Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Building Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Building Inspector shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Building Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-443(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This Ordinance shall become effective upon its adoption.

On motion of Council _____, seconded by Council _____, the foregoing amendment was adopted the 3rd day of March, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Ordinance No. 2025.03.08

Lumberton City Council

Item: VI.I.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Fire

Submission Date: 02/25/2025

Subject: Lumberton Fire Department Duke Energy Grant award and Polaris Ranger Purchase

Summary/Background of Subject Matter:

The Lumberton Fire Department applied for and was awarded the Duke Energy Foundation Flood and Water Rescue Capability Grant of \$25,000 to aid in the purchase of a rescue utility vehicle. The grant will cover 80% of the cost of purchasing a utility vehicle that meets the carrying capacity needed for water and general rescue capabilities. The fire department obtained quotes from three UTV dealers: Redline Motorsports in Myrtle Beach (Can-Am) (\$33,499), Wilmington Powersports (Polaris) (\$35,999), and Yamaha of Lumberton (Polaris) (\$31,252). The rescue utility vehicle will be used to enter limited access areas where fire engines and support apparatus cannot navigate. These areas include the river dike, Luther Britt Park, wooded areas, lift stations and wells in low-lying areas around the City of Lumberton.

Staff Recommendation:

The Lumberton Fire Department would like council to approve the awarded grant amount of \$25,000 from the Duke Energy Foundation and \$6,252 from budget code 10-004340-2605 to be used to purchase a six-passenger all-terrain utility vehicle for the amount of \$31,252 from Yamaha of Lumberton.

City Manager's Comments:

Signature:

Department: Fire

ATTACHMENTS:

None

Lumberton City Council

Item: VI.J.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/26/2025

Subject: CDBG-NR Administrative Services Procurement

Summary/Background of Subject Matter:

The City has been awarded a \$950,000 CDBG-NR grant for the reconstruction of 4 properties within the City. A request for proposals for administrative services was received on March 27, 2025. We received 3 proposals. After evaluating all proposals, the Adams Company was identified as the most qualified, according to the evaluation criteria.

Staff Recommendation:

Staff recommends awarding the Administrative Services contract to The Adams Company.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. _LU24 CDBG-NR Admin RFP detailed

CITY OF LUMBERTON
REQUEST FOR PROPOSALS FOR
GRANT ADMINISTRATION SERVICES

The City of Lumberton has received a Community Development Block Grant-Neighborhood Revitalization (CDBG-NR) award in the amount of \$950,000 by the North Carolina Department of Commerce (NCDOC) for the 2024 CDBG-NR Project which includes 4 housing units to be demolished and reconstructed. These houses are scattered throughout City. The project will take place over the next 36 months.

The City Council are soliciting proposals for grant administration services to assist the City in the administration and management of this project in compliance with all applicable requirements under the North Carolina CDBG-NR Program. The fee for grant administration services will be paid with CDBG-NR funds.

Scope of Services:

Grant administration services shall include, but are not limited to, standard tasks necessary for the implementation of the project in conformance with the following CDBG compliance areas:

1. Environment Review Compliance and Release of Funds and other Funding Conditions;
2. Citizen Participation Compliance;
3. Fair Housing Compliance;
4. Equal Employment and Procurement Compliance;
5. Section 3 Compliance;
6. Section 504 Compliance;
7. Completion of Language Access Plan;
8. Completion of Anti-Displacement and Relocation Assistance Plan;
9. Complaints and Grievance Procedures for Compliance Plans;
10. Labor Standards Compliance;
11. Completion of all required reports and documentation;
12. Assistance with Financial Reimbursements Forms;
13. Setting up and managing official records; and
14. Housing related services to include;
 - a. Home inspections to determine needs
 - b. Establishing qualifications of homeowners
 - c. Preparation of construction documents
 - d. Preparation of acquisition documents
 - e. Preparation of clearance contracts
 - f. Coordination of necessary asbestos and lead paint inspections
 - g. Preparation of relocation eligibility amounts and coordination with owners

The services will not include the disbursement or account of funds distributed by the City's financial officer, legal advice, fiscal audits, or assistance with activities not related to the CDBG-NR project.

Proposal Submission:

Submissions provided to the City shall include at a minimum:

1. Individual or Firm Information: the consultant or firm's legal name, address, email, and telephone number, the principal(s) of the firm and their experience and qualifications;
2. CDBG Grant Administration Experience: description of specialized experience and technical competence of the staff to be assigned to the project with respect to CDBG grant administration, description of firm's prior experience, including any similar projects (in particular those funded by CDBG), size of community, location, total construction cost, and name of local official knowledgeable regarding the firm's performance. Include at least three references;
3. Consultant / Firm Capability: description of firm's current work activities, capability of carrying out all aspects of CDBG related activities, and firm's anticipated availability during the term of the project;
4. Cost of Services: Indicate a fee for service and explanation of the basis for the fee;
5. Documentation of compliance with state and federal debarment/eligibility requirements.

Proposal Evaluation Criteria:

Proposals for grant administrative services will be evaluated by a Selection Committee. Proposals will be considered on an equal competitive basis. The following criteria will be used in the evaluation process:

1. General Qualifications, Competence and Reputation of Firm
or Individual Consultant 20 points
2. Prior CDBG Housing Grant Experience of Firm
or Individual Consultant 20 points
3. Qualifications of Actively Involved Staff
(assigned staff members of Firm or Consultant)..... 25 points
4. Ability to Address Local Needs 15 points
5. Availability 15 points
6. Cost of Services 10 points

Upon completion of the review, the Committee will make its recommendation to the City Commissioners for approval.

Respondents may review the CDBG-NR application which includes a description of the proposed project including activities, budget, schedule, and other pertinent information by visiting City Hall during regular office hours.

The above information should be submitted no later than February 27, 2025, 2:00 p.m. to Stephanie Canady, City of Lumberton, P.O. Drawer 1388, Lumberton, NC, 28359 or delivered to 500 N. Cedar Street, Lumberton, NC. For more information, contact Stephanie Canady, Community Development Administrator, at 910-671-3844.

The City of Lumberton is an Equal Opportunity Employer and invites the submission of proposals from minority and women-owned firms, historically underutilized businesses, and certified/registered Section 3 business concerns.

This information is available in Spanish or any other language upon request. Please contact Stephanie Canady at 910-671-3844 or at 500 N. Cedar Street, Lumberton, NC for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Stephanie Canady al 910-671-3844 o en 500 N. Cedar Street, Lumberton, NC de alojamiento para esta solicitud.

Date: February 10, 2025

Bruce Davis, Mayor



Lumberton City Council

Item: VI.K.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Public Works

Submission Date: 02/26/2025

Subject: Public Works Vehicle Purchase

Summary/Background of Subject Matter:

Public Works had previously requested \$45,000 in the capital budget for the water and sewer fund for a new 4x4 pickup in code 60-00-8332-5960. Public Works is seeking to instead purchase an SUV within the same budget amount.

Staff Recommendation:

Public Works is requesting council approval of the purchase of a 2025 Ford Explorer SUV from Capital Ford through the NC Sheriffs Association 25-11-0912 item #161 in the amount of \$42,065.00 with funds being made available from the capital code 60-00-8332-5960.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Public Works

ATTACHMENTS:

1. Capital Ford Quote



RALEIGH, NC



GOVERNMENT SALES DIVISION

From Jennifer Romano Government Sales Mgr.
Phone/Fax Office 919-790-4648 Fax 919-871-6917
E-Mail jromano@capitalford.com

Date February 7th 2025
City of Lumberton

Quote NCSA 25-11-0912 Item #161

Explorer

Ford, Explorer Active, 4DR, 4WD, 2.3L EcoBoost, K8D \$ 38,906.00
68A Active Comfort Package \$3,159.00

Per vehicle \$ 42,065.00

Total vehicles quoted 1

Total Price \$ 42,065.00

Remit to jromano@capitalford.com
Capital Ford of Raleigh
4900 Capital Blvd
Raleigh, NC 27616

4800 Capital Blvd

1-800-849-3166



Raleigh, NC 27616

Lumberton City Council

Item: VI.L.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/13/2025

Subject: Mark Tippet rezoning Dunn Rd.- ETJ

Summary/Background of Subject Matter:

Mark Tippet requests the rezoning of two parcels located off of Dunn Road, from 'A' (agriculture) and B-3 (office residential) to M-2, Heavy Manufacturing, to construct a solar energy farm.- ETJ

Staff Recommendation:

CPC review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Application Staff Report REZONING2

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. Applicant:

Owner:

Full Legal Name: MARK F. TIPPETT, YAROTEK LLC

Full Legal Name: LARRY H STONE AND DEBORAH STONE

Physical Home Address:

Physical Home Address:

800, 4th Ave, Suite 706, Hallandale, FL 33009

P.O. Box 787, Lumberton, NC 28359-0787

Mailing Address:

Mailing Address:

800, 4th Ave, Suite 706, Hallandale, FL 33009

P.O. Box 787, Lumberton, NC 28359-0787

Telephone: (917) 770-2323

Telephone:

Legal Name of Business: Renewable Energy projects

NYE LANDS LLC

EMAIL: mark@yarotek.com

c/o C. Howard Nye
3148 Eton Dr., Raleigh, NC 27608

2. Description of Property:

Wilshire Dr, Lumberton township, Robeson county, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

(Address)		(Deed Book)	(Page)
(Map Book)	(Page)	(Frontage)	(Area)

3. Tax Map Identification Number (parcel number): # 101301003 ; 101301004

4. Existing Zoning District Designation of Property: B-3, office residential ; A

5. Requested Zoning District Designation of Property: M2

6. Applicant's Interest In Property (check one): ☐ Owner ☐ Owner's Agent ☐ Lease-to-Own

☐ Tenant ☐ Family member ☐ Other (explain) _____

7. Legal Description of Property: Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. Site Map: Attach a map of the property in question.

9. Application Fee: Submit the fee payment with application. The application fee is nonrefundable.

1 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

YAROTEK LLC, proposes to develop a 45.22MW utility scale SEPGS (Solar- energy power-generation system) within an area of 416.31 acres of which 174.74 acres would be the actual solar farm.

The environment and bio-life are not adversely affected by the installation of solar PV farms and local employment increases

#101301003 The parcel currently owns by Larry H stone and Deborah stone, currently zoned as B3, Office residential, hence this application is for changes in Zoning to M2 (For special use permits for solar PV farms)

101301004 The parcel currently owned by NHE LANDS LLC, currently zoned as A, Agricultural, hence this Application for change in zoning to M2 (for special use permit for solar PV farm)

2 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File #

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: **MARK F. TIPPETT** Physical Address: **800, 4th Ave, Suite 706, Hallandale, FL 33009**

Full Legal Name (type or print)

Home Address

STATE OF FL, COUNTY OF Virginia Beach

I, Patrick Maurice Nelson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: Mark F. Tippett

Signature

WITNESS my hand and official seal, this the 27th day of January, 2025

(Official Seal)



Patrick Maurice Nelson
Commonwealth of Virginia
Notary Public
Commission No. 7989793
My Commission Expires 2/28/2026

Patrick Maurice Nelson
Official Signature of Notary

Patrick Maurice Nelson, Notary Public
Notary's printed or typed name

My Commission Expires: 02/28/2026

Owner: _____

Physical Address: _____

Full Legal Name (type or print)

Home Address

STATE OF NC, COUNTY OF NC

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: _____

Signature

WITNESS my hand and official seal, this the _____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My Commission Expires: _____

3 of 3

***All property owners must provide a physical address and sign their application. Additional signature

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: **MARK F. TIPPETT** Physical Address: **800, 4th Ave, Suite 706, Hallandale, FL 33009**

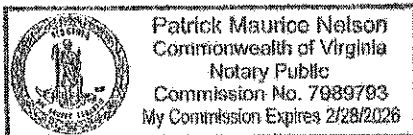
Full Legal Name (type or print) Home Address
VA Virginia Beach
STATE OF VA COUNTY OF FL

I, Patrick Maurice Nelson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 27th day of January, 2025

(Official Seal)



[Signature]
Official Signature of Notary

Patrick Maurice Nelson, Notary Public
Notary's printed or typed name

My Commission Expires: 02/28/2026

Owner: **LARRY H STONE AND DEBORAH STONE** Physical Address: **P.O. Box 787, Lumberton, NC 28359-0787**

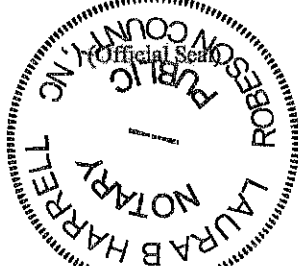
LARRY H. STONE Deborah Stone 5006 Live Oak Lane, Lumberton, NC 28358
Full Legal Name (type or print) Home Address

STATE OF NC, COUNTY OF NC

I, Laura B Harrell, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: [Signature]
Signature

WITNESS my hand and official seal, this the 3 day of February, 2025



[Signature]
Official Signature of Notary

Laura B Harrell, Notary Public
Notary's printed or typed name

My Commission Expires: May 19, 2026

3 of 3

***All property owners must provide a physical address and sign their application. Additional signature

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: MARK F. TIPPETT Physical Address: 800, 4th Ave, Suite 706, Hallandale, FL 33009

Full Legal Name (type or print)

Home Address

STATE OF FL, COUNTY OF Virginia Beach

Patrick Maurice Nelson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant:

Signature

WITNESS my hand and official seal, this the 27th day of January, 2025

(Official Seal)



Patrick Maurice Nelson
Commonwealth of Virginia
Notary Public
Commission No. 7989793
My Commission Expires 2/28/2028

Patrick Maurice Nelson
Official Signature of Notary

Patrick Maurice Nelson, Notary Public
Notary's printed or typed name

My Commission Expires: 02/28/2028

NVE LANDS LLC

3113 ETON ROAD

Owner:

C. Howard Nye Mar.

Physical Address: RALEIGH, NC 27608

Full Legal Name (type or print)

Home Address

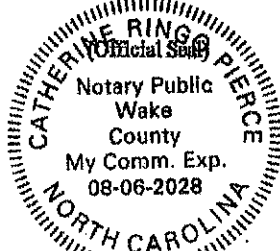
STATE OF NC, COUNTY OF NC

Catherine Ringo Pierce, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument. NVE LANDS LLC

Owner: By:

[Signature]
Signature Manager

WITNESS my hand and official seal, this the 3rd day of February, 2025



Catherine R. Pierce
Official Signature of Notary

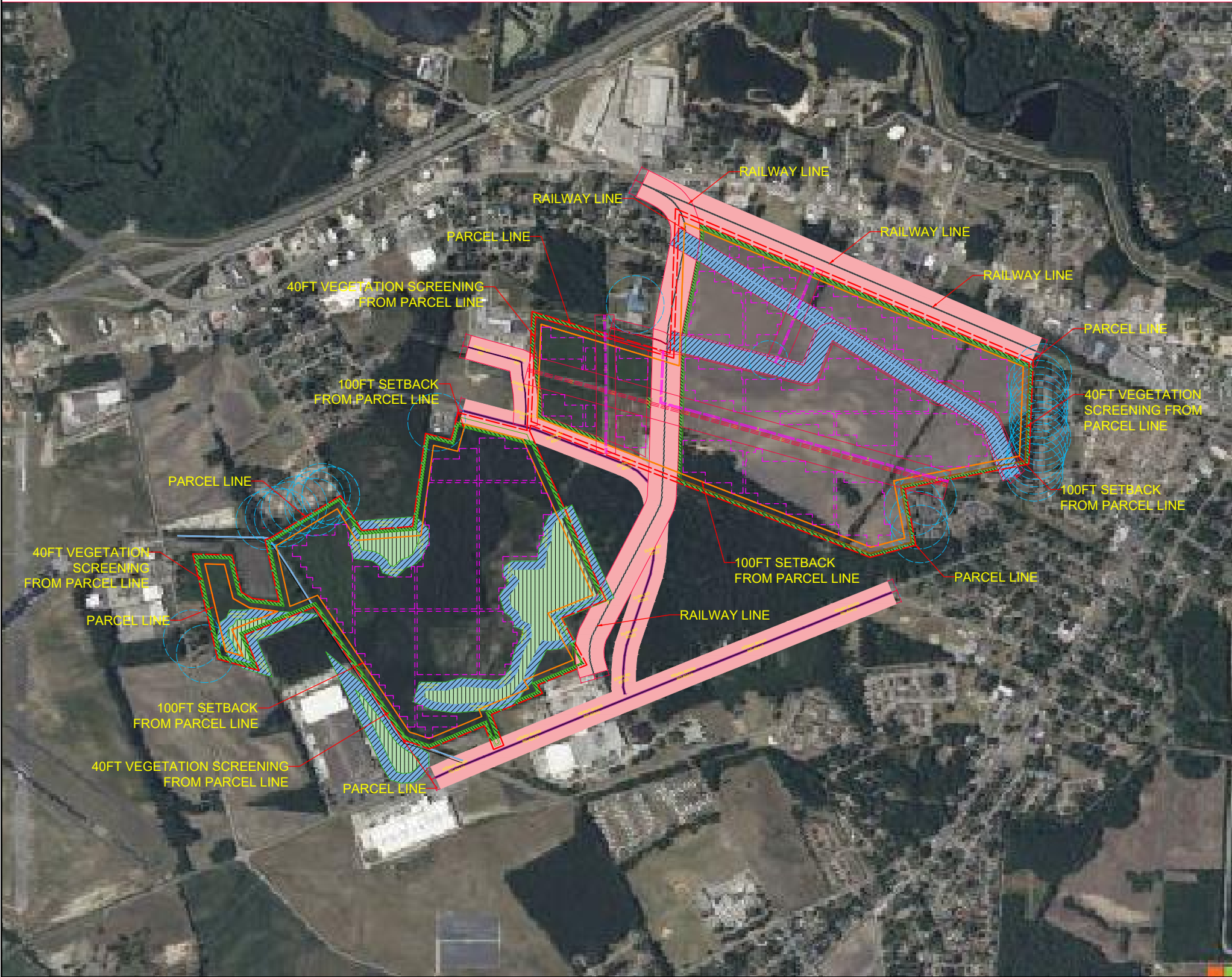
Catherine Ringo Pierce, Notary Public
Notary's printed or typed name

My Commission Expires: 08-06-2028

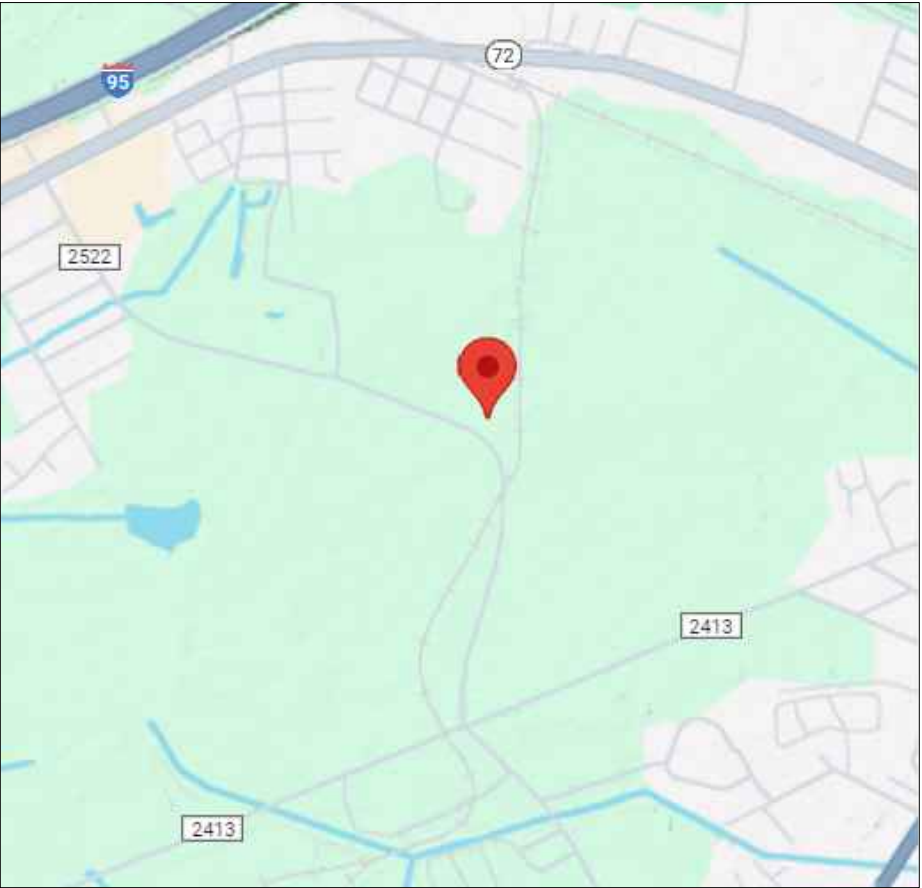
3 of 3

***All property owners must provide a physical address and sign their application. Additional signature

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975



	TRANSMISSION LINE 115KV
TYPE	AC; OVER HEAD
STATUS	IN SERVICE
Naics _ Code	221121
Naics _ Desc	ELECTRIC BULK POWER TRANSMISSION AND CONTROL
OWNER	PROGRESS ENERGY CAROLINAS INC
VOLTAGE	115 KV
VOLTAGE CLASSIFICATION	100 - 161 KV
INFERRED	YES
Sub _ 1	UNKNOWN 114009
Sub _ 2	TAP146808

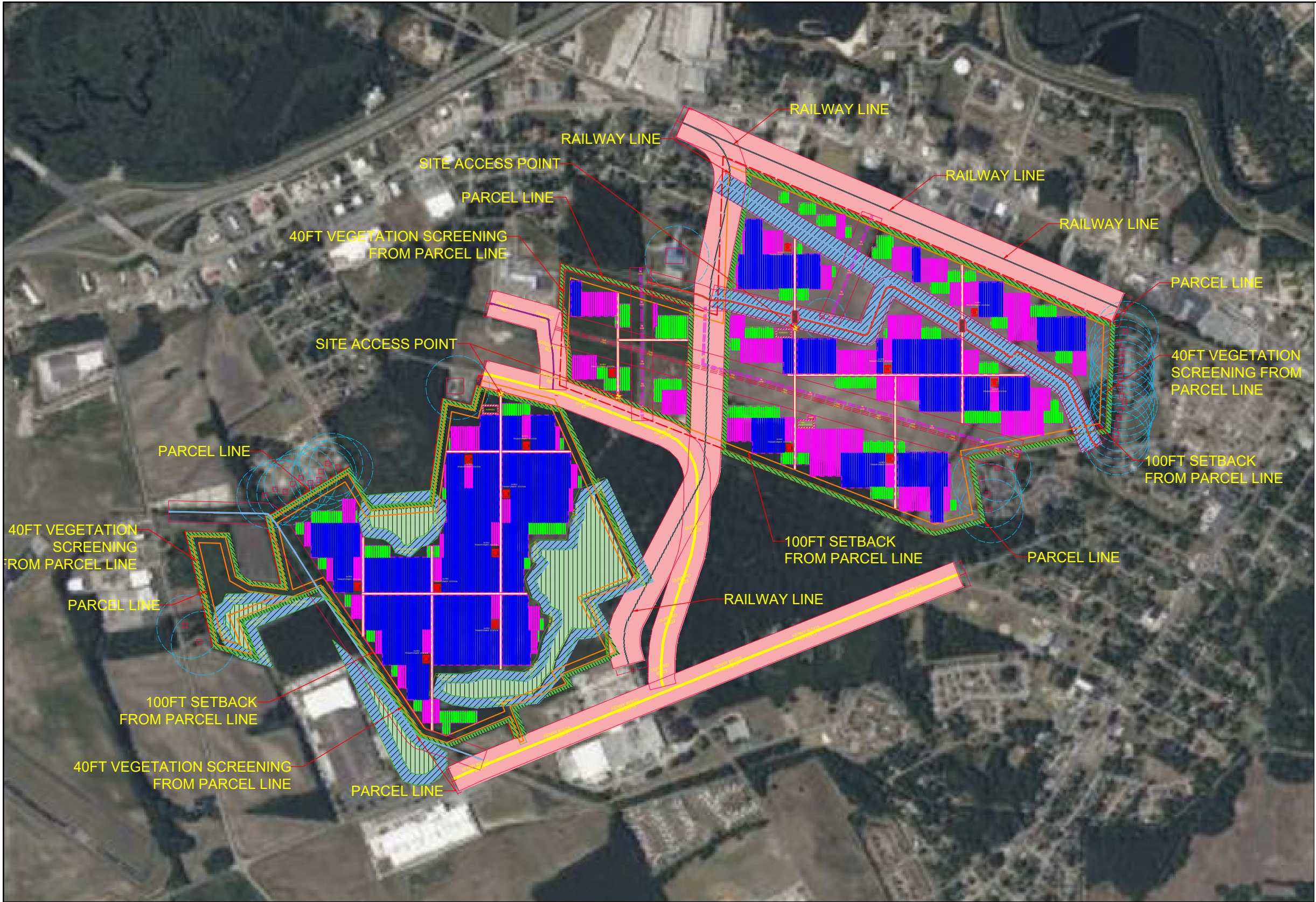


1 SITE PROJECTION
SCALE: NTS

2 LOCATION PLAN
SCALE: NTS

DEVELOPMENT APPLICATION

NO.	STAGE	DATE	NOTES	PARTNERS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	DRAWN SR CHECKED NV APPROVED NV DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.	DRAWING LOCATION PROJECT NYE LANDS LLC SOLAR FARM - 45.22MW CLIENT ADDRESS YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM SHEET NO. PV-3.0	SCALE AS NOTED SHEET SIZE ANSI B 11" X 17" ORIG. DATE 20/07/2024 REV. DATE 20/07/2024 REV NO. 6
1	----	----						
2	----	----						
3	----	----						
4	----	----						
5	----	----						
6	----	----						



LEGEND	
	PARCEL LINE
	75' SETBACK FROM PARCEL LINE
	400' SETBACK FROM OFF-SITE RESIDENCES
	INTERNAL ROAD
	ENTRANCE
	40' VEGETATION SCREENING FROM PARCEL LINE
	WETLANDS
	125' SETBACK FROM CENTERLINE OF STATE MAINTAINED ROADS #DUNN RD 2522, #KENNY BIGGS RD 2413
	125' SETBACK FROM CENTERLINE OF MAINTAINED ROADS #PARIS ST, #JORDAN ST
	SETBACK AREA FOR STATE MAINTAINED HWY'S & ROADS
	EXISTING RAILWAY LINES
	1 STRING TRACKER (28 MODULES)
	2 STRING TRACKER (56 MODULES)
	3 STRING TRACKER (84 MODULES)
	FENCE LINE
	EXISTING OVERHEAD ELECTRICAL LINES #115KV
	EXISTING OVERHEAD ELECTRICAL LINES #3-Ø LINES
	RESIDENTIAL AMENITIES SETBACK 300'
	FOOTOVER BRIDGE

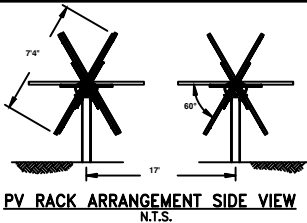
- FOLLOWING SETBACKS ARE MAINTAINED
- 1) 100ft SETBACK FROM PARCEL LINES/PROPERTY BOUNDARY
 - 2) 40ft WIDE AREA FOR VEGETATION
 - 3) 300ft SETBACKS FOR ONSITE STRUCTURES/AMENITIES
 - 4) 6ft HEIGHT MAINTAINED FOR FENCING
 - 5) 125ft SETBACK FROM STATE HIGHWAY / MAINTAINED ROADS
 - 6) 150ft SETBACK FROM EXISTING RAILWAY LINES
 - 7) 100ft SETBACK FROM WATER BODIES/WATERWAYS
 - 8) 100ft SETBACK FROM WETLANDS
 - 9) 20ft WIDTH ROADS MAINTAINED FOR INTERNAL ACCESS FOR SOLAR PV

1

GENERAL ARRANGEMENT PLAN

SCALE: NTS

NO.	STAGE	DATE
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

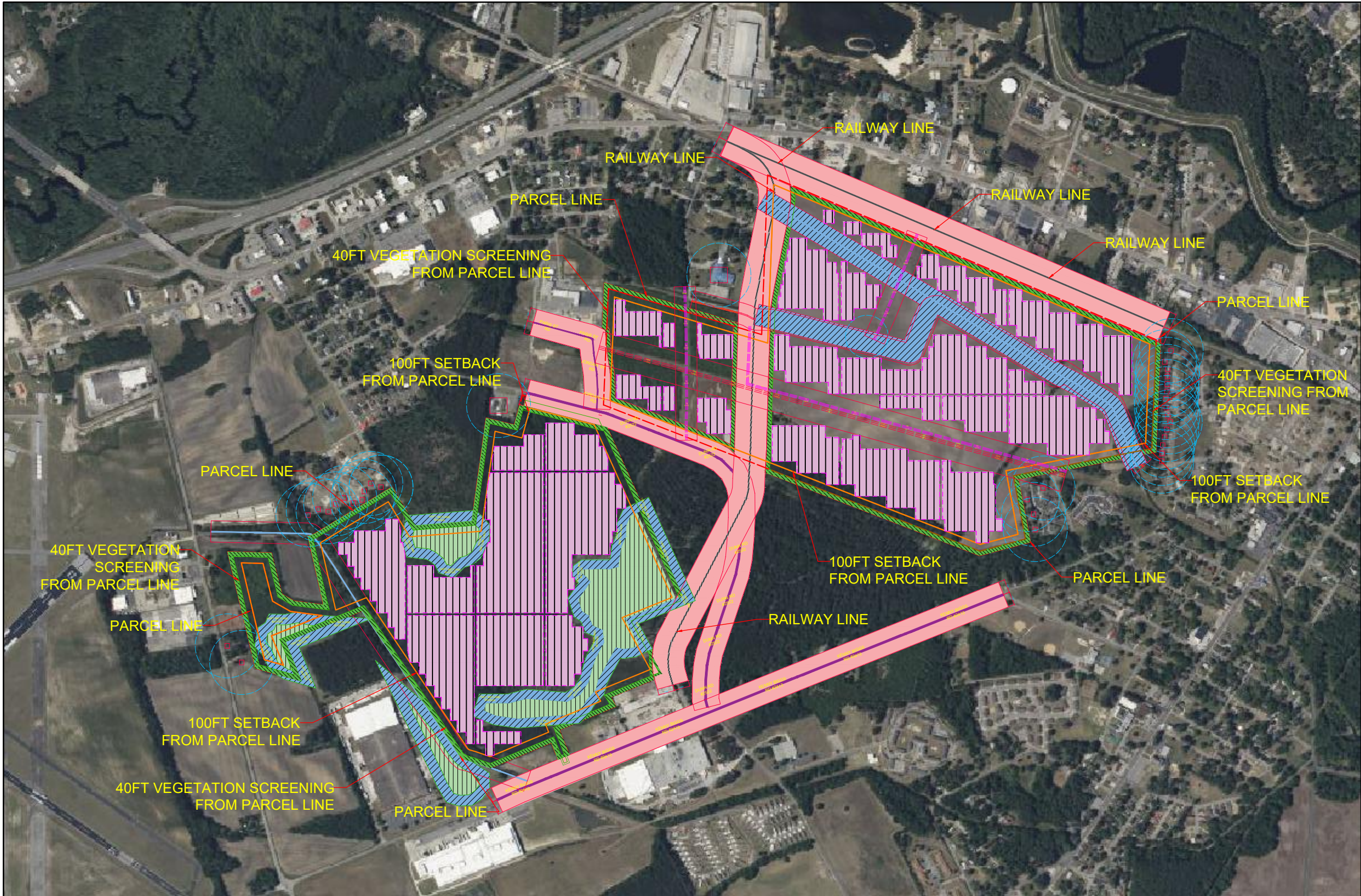


PARTNERS

YAROTEK , LLC
800, 4TH AVE, SUITE 706
HALLANDALE, FL 33009
WWW.YAROTEK.COM

DRAWN	SR
CHECKED	NV
APPROVED	NV
DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.	

DRAWING		SITE PLAN	
----		----	
PROJECT	NYE LANDS LLC SOLAR FARM - 45.22MW	SCALE	AS NOTED
CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	SHEET SIZE	ANSI B 11" X 17"
		ORIG. DATE	20/07/2024
		REV. DATE	20/07/2024
SHEET NO.	PV- 4.0	REV NO.	0



TOTAL AREA : 416.31 ACERS
FENCED AREA : 174.74 ACERS

	LEGEND
	PARCEL LINE
	100' SETBACK FROM PARCEL LINE
	300' SETBACK FROM OFF-SITE RESIDENCES
	40' VEGETATION SCREENING FROM PARCEL LINE
	WETLANDS
	125' SETBACK FROM CENTERLINE OF STATE MAINTAINED ROADS #DUNN RD 2522, #KENNY BIGGS RD 2413
	125' SETBACK FROM CENTERLINE OF MAINTAINED ROADS #PARIS ST, #JORDAN ST
	SETBACK AREA FOR STATE MAINTAINED HWY'S & ROADS
	EXISTING RAILWAY LINES
	FENCE LINE
	EXISTING OVERHEAD ELECTRICAL LINES #115KV
	EXISTING OVERHEAD ELECTRICAL LINES #3-Ø LINES
	RESIDENTIAL AMENITIES SETBACK 300'
	FOOTOVER BRIDGE

1

PROJECT COVERAGE AREA

SCALE: NTS

DEVELOPMENT APPLICATION

NO.	STAGE	DATE	NOTES	PARTNERS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	DRAWN SR CHECKED NV APPROVED NV	DRAWING	PROJECT COVERAGE AREA	
1	----	----				DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.		PROJECT	NYE LANDS LLC SOLAR FARM - 45.22MW
2	----	----						CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM
3	----	----						SHEET NO.	PV- 5.0
4	----	----						SCALE	AS NOTED
5	----	----						SHEET SIZE	ANSI B 11" X 17"
6	----	----						ORIG. DATE	20/07/2024
								REV. DATE	20/07/2024
								REV NO.	8

NYE ESA PHASE 1 Transect Report

April 15, 2024

Prepared for

Yarotek

county(ies)/state(s)

Robeson County/North Carolina

prepared by



Real-Time Environmental Due Diligence

LETTER FROM THE FIELD

Hi, I'm Robin!

I am pleased to provide this Transect report for the NYE Lands New KML project in .

The U.S. abounds with sensitive plant, animal, water, land, geologic, cultural, and other sensitive natural resources that are legally protected through federal laws, like the Endangered Species Act and Clean Water Act, and through state and local laws. These laws are designed to protect these sensitive resources from the negative effects of land development. All public and private entities are subject to these laws, and intentional or incidental violations may result in civil or criminal penalties.

The purpose of a Transect report is to inform the potential for natural and cultural resources to occur within the defined area of interest (AOI), to explain the regulations and permits relevant to those resources, and to provide site-specific insight on recommendations, next steps, and timelines to move forward with the proposed project. The information and recommendations provided by Transect should not be relied upon as the final determination of onsite conditions or permitting requirements. Timelines may vary pending project complexity.

Let's talk about concern levels. Data on a map or in a table is helpful, but what does it mean for your project success? Transect reports use high, medium, and low concern ratings to help you better understand key roadblocks to successful development on the site.

A quick note: The content of this Transect report PDF has been prepared in accordance with your selected reporting requirements. As such, this report may not represent the full breadth of information available for this AOI in the Transect platform. A list of additional information available for this AOI is provided on the final page of this report, and the additional information is viewable at www.app.transect.com. Was this PDF provided to you? Contact the sender to request online access.

If you have any questions or comments about the contents of this Transect report, please do not hesitate to reach out to us at support@transect.com.

Cheers!

Robin Laine



Robin Laine
CEO and Co-founder of Transect

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Site Location Map

Yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson County

34.617253, -79.035545

transect

Legend

■ BU er
 ■ AOI

Executive Summary

Summary & Context Question Answers

Project center: 34.617253, -79.035545
 Area: 408.27 AC.
 Project type: Renewable Energy Generation
 Project subtype: Solar
 construction type: New construction
 Federal Funds: yes
 Plan to impact any rivers, streams, or wetlands: yes

AOI SUMMARY

408.27 Acres

6 Parcels

BUILDABLE AREA
 Create



NEAREST TRANSMISSION LINE

On Site

NEAREST SUBSTATION

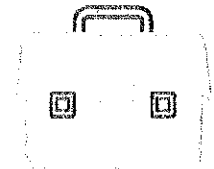
0.44 miles



OWNERSHIP

6 Owners

KEY OWNER
 CITY OF LUMBERTON (0.91 Acres)



Expert Review

An expert review was not requested for this report.

Concern Levels



Federally Protected Species

2 Active Regulations

3 permits

0 recommendation

Next Steps

protected species may occur within the project if appropriate habitat is present. species listed as May occur have a lower potential to occur based on information available and are therefore not a species of concern, but may still require consultation with respective agencies depending on other permitting efforts for the project. A habitat assessment and/or presence/absence survey may be warranted; contact a qualified biologist to assist in this evaluation and discuss project-specific avoidance and minimization strategies at your discretion or at the direction of the regulatory authority. In general, we recommend you avoid impacts to species and their habitat to the greatest extent practicable to avoid permitting delays and mitigation. species listed as Not Likely to occur have been excluded as a concern due to lack of appropriate habitat or geography. A field survey to confirm this result can be performed by a consultant at your discretion.

Transect uses the best available data from multiple public and private sources. When there are discrepancies with species data on IPAC reports and Transect reports, we recommend that you contact the USFWS to determine the next steps for your project.

Snapshot

- 0 species of concern
- 6 species may occur
 - Bald eagle (*Haliaeetus leucocephalus*)
 - Tricolored bat (*Perimyotis subflavus*)
 - Michaux's sumac (*Rhus michauxii*)
 - Monarch butterfly (*Danaus plexippus*)
 - Red-cockaded woodpecker (*Picoides borealis*)
 - Wood stork (*Mycteria americana*)
- 1 species are Not Likely to occur

Recommendations

species	Recommendation(s)
Bald eagle	if active eagle nests or roost sites are present, up to a 660-foot buffer may be warranted during project activities to avoid take. visit the National Bald Eagle Management Guidelines and USFWS's Eagle Management website for more information. Page 6 of the guidelines provides a calendar advising when surveys should occur based on geographic region.
Tricolored bat	Although this bat is not officially listed as endangered yet, consideration of this species may be required in areas of the project where a federal nexus is triggered. A common federal nexus is at wetland and waterway crossings, which are regulated under the clean water Act. In forested areas, avoid impacts to federally-regulated streams and wetlands to avoid triggering clean water Act permitting under a Nationwide Permit.
Michaux's sumac	Consideration of this plant species is only required if: 1. it occurs within the project, and 2. the project requires a federal permit, is on federal land, or is receiving federal funds. Private actions on private lands are allowed to impact federally protected plants without penalty unless a state law prohibits it.
monarch butterfly	This species was recently designated by USFWS as a candidate species across the entire U.S. Candidate species are not statutorily protected under the Endangered species Act, and therefore effects to the butterfly from this project are not unlawful (although consideration of this species may be required if the project is on federal lands or subject to NEPA environmental review). However, effects to the butterfly could become unlawful in the future should the USFWS decide to list it as endangered or threatened, a process which could take up to 4 years or more.
wood stork	during times of the year when storks are present, avoid human activities within 1,000 feet of roosting (non-nesting) sites. Avoid any tree removal activities within 1,500 feet of active nesting colonies.



Waters

3 Active Regulations

6 permits

4 Recommendations

Next Steps

There are streams and/or wetlands within your project, impacts to which could trigger federal or state permitting. Contact a wetlands biologist to delineate streams and wetlands. Use the delineation to develop an avoidance and minimization plan early in the planning process. Typically, if you do not impact any waters or wetlands, then federal or state waters/wetland permitting is not required.

Snapshot

Wetlands

- 13 wetlands
 - Total 38.3 acres

Waterbodies

- 7 waterbodies
 - Total 8,546.13 feet

Floodplains

- 2 Flood Hazard Areas
 - X: 254.3
 - AE: 155.84
 - AH: 0



Protected Areas

Next Steps

non-federal, publicly owned or managed lands intersecting your project. Contact the agency as soon as practical during your planning process to find if any environmental review, specific surveys, or additional permitting will be required. A consultant will be able to assist in these efforts.

AOI intersects a Tribal Reservation. Check land title to determine if the lands are trust, Allotted, or private. If trust or allotted lands are present, contact the Bureau of Indian Affairs (BIA) to determine the level of review and NEPA permitting that will be required. An experienced consultant will be able to assist you. We recommend contacting a tribal consultant, tribal leadership and/or tribal historic preservation office (THPO) to understand any concerns they may have, or if there are Traditional Historic Properties that may be affected. If lands are privately owned, no BIA permitting actions are necessary; however, you may still elect to contact the tribe as a respectful courtesy.

Snapshot

- 0 Federally owned or Managed
- 1 Tribal Area(s)
- 0 State owned or Managed
- 0 Other



Environmental Compliance

Next Steps

Transect has not identified any registered facilities or contaminated sites within or adjacent to the AOI. This preliminary assessment does not replace a Phase 1 Environmental site Assessment.

Snapshot

- 0 environmental compliance catalog features within AOI or buffer
- 0 federal registered facilities within your AOI or buffer have a formal action, penalty, violation, and/or RCRA id.

This space is intentionally left blank to comply with the Transect's report format.

Permit Matrix

USFWS Consultation/Permitting

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Impacts to federally-protected species	1-6+ months for Section 7 consultation; 18-24+ mo for 10(a) Permit	U.S. Fish and Wildlife Service	Endangered Species Act

Recommendations

If the species concern level is moderate or high, a habitat assessment or presence/absence survey for the federally-listed species of concern by a qualified biologist is typically recommended and USFWS may be required for effects to protected species. If the species concern level is low, we generally do not recommend additional actions as warranted, though a habitat assessment may be conducted at your discretion.

Running a USFWS Information for Planning and Consultation (IPaC) report can assist you in further analyzing your project for species effects and with USFWS consultation. In some simple cases, an IPaC report may satisfy consultation requirements. In other cases where effects to species will occur, additional consultation will be required.

NEPA Environmental Review

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Federal funds or lands	Variable, pending level of review (CE/EA/EIS)		National Environmental Policy Act

Recommendations

NEPAssist is an online tool that can facilitate the environmental review process and project planning about environmental considerations.

Contact the lead federal agency (the one whose land the project is on, or the one providing federal funding) as early as possible to discuss your project plans. Their environmental requirements will be based on your project footprint and impacts.

Local Floodplain Permit

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Flood hazard zone	Variable	Federal Emergency Management Agency	National Flood Insurance Program

Recommendations

AOI intersects a flood hazard zone. If excavation or any above ground facilities are expected to be installed within the zone, a permit may be needed. Contact the local floodplain administrator to determine if there are any floodplain permit requirements.

401 Certification (NC)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Waters of the U.S.	60+ days	North Carolina Department of Environmental Quality	CWA 401 North Carolina

Recommendations

Conditional 401 WQC was issued for use with the NWP; all conditions must be adhered to or an individual 401 WQC is required. If an individual WQC is needed, a pre-filing meeting must be requested

Blanket authorization is limited to 150 feet of stream impacts, 1/10 acre of wetland impacts any permanent impacts to coastal wetlands, state designated waters or regulated buffer areas.

NCG01 Certificate of Coverage for Stormwater

Trigger	Timeline	Assc. Regulator	Assc. Regulation
1 or more acres of land disturbed. O&G generally exempt unless reportable quantity release.	Varies by authority (see "Regulation Description")	NCDEQ Division of Energy, Mineral and Land Resources	CWA 402 North Carolina

Recommendations

Erosion and Sedimentation Control plan must be submitted and approved by the regulator prior to submitting the Notice of Intent; time for approval varies. Time from submitting the NOI to receipt of coverage is approximately 1 week.

Section 408 Civil Works

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Civil works projects	3-6+ months	U.S. Army Corps of Engineers	Section 408: Civil Works, Civil Works 408 Wilmington District

Recommendations

AOI intersects a USACE civil works project, per the National Levee Database or National Dam Inventory. Contact the USACE to determine if review and approval is necessary based on proposed project plans. If so, some projects qualify for a categorical exclusion and others require full NEPA review. You may also need check with USACE real estate division to see if any flowage easements are crossed.

NWP 51- Land-Based Renewable Energy (NC)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Impacts to waters of the U.S.	If PCN is required, 3-6+ months (pending level of env impacts)	USACE Wilmington District	CWA 404 North Carolina

Recommendations

Available for impacts in non-tidal waters of the U.S. resulting in no more than 0.50 acre of fill or loss up to 0.05 acre of streambed. Preconstruction notification (PCN) to USACE is required in several instances, notably for greater than 0.10 acre of fill or loss of 0.002 acre of streambed. All general and regional conditions must be met or an individual permit must be obtained.

The USACE is currently interpreting the post of a solar panel as a temporary impact that does not count towards the 1/2-acre of fill threshold for this permit.

FAA Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Within the vicinity of an airport	File notice 45 days prior to construction	Federal Aviation Administration	FAA Obstruction Determination

Recommendations

The AOI intersects or is within 5 miles of an airport. Projects near an airport or planning to construct a structure greater than 200 feet tall must file a notice with the FAA's Obstruction Evaluation Group at least 45 days prior to construction. Use the Notice Criteria Tool to determine if this is needed for your project. If an evaluation is needed, and the project is not located on airport property, submit FAA Form 7460-1 (Notice of Proposed Construction) and Form 7460-2 via the e-filing system. If the project is on airport property, submit only Form 7460-1. The FAA may provide project-specific requirements and recommendations.

EPA/Tribal Permitting

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Indian Reservation	Variable, pending impacts	U.S. Environmental Protection Agency	EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)

Recommendations

i A data gap has been identified. See recommendations.

The project is located within the boundaries of a Reservation. If on Trust lands, the Clean Water Act (except for 404) is regulated by the EPA or the respective tribe (if that tribe has delegated authority), and not the agency with state delegated authority. Verify land ownership, check with the Tribe and/or or respective EPA or BIA office on jurisdiction.

NC Natural Heritage Data Explorer

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Voluntary Review	Immediate	North Carolina Department of Natural and Cultural Resources	Endangered Species Act

Recommendations

The North Carolina Natural Heritage Data Explorer provides free access to maps and data representing Natural Heritage resources and other conservation values in North Carolina. For a fee, users can also view confidential species data and generate unlimited project review reports. We recommended you visit the Data Explorer as part of your project due diligence.

NWP NC Regional Condition D.8: Floodplain

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Floodplain	6-12+ months for Individual Permit	USACE Wilmington District	CWA 404 North Carolina

Recommendations

AOI intersects the 100-hr floodplain, dredge and fill resulting in higher grade within this floodplain are precluded from use of NWP and will require an individual permit.

Spill Prevention, Control and Countermeasure (SPCC) Plan

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Oil storage volume	Must have in place prior to construction	U.S. Environmental Protection Agency	The Oil Pollution Prevention Regulation (40 CFR Part 112)

Recommendations

Aboveground tanks, transformers, and other oil-storing containers above certain volume thresholds may be subject to planned oil preparedness and prevention measures (in the form of an SPCC plan).

Bald and Golden Eagle Self-Certified General Permit

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Impacts to eagles that meet general permit eligibility	Immediate self-certification	U.S. Fish and Wildlife Service	Bald and Golden Eagle Protection Act, Endangered Species Act

Recommendations

Authorizes incidental take of bald and golden eagles for projects that meet eligibility criteria. General permit applicants must self-identify eligibility and register with USFWS, including providing required application information and fees, as well as certifying that they meet eligibility criteria and will implement permit conditions and reporting requirements. USFWS review is not required prior to obtaining a permit. Instead, a general permit is generated using permit conditions and reporting requirements for the activity.

USFWS allows the use of general permits for the following activities:

- eagle incidental take permits for wind energy
- eagle incidental take permits for power lines
- eagle disturbance take permits
- eagle nest take permits

Nest disturbance and nest take general permits require a fee of \$100 per disturbance or take per year. All take of golden eagle nests will not be eligible for a general permit and will require a specific permit. For both specific and general permits, approved avoidance and minimization measures are required, and compensatory mitigation may be required depending on the type of activity and whether it affects bald or golden eagles.

Review the Final Rule on Permits for Incidental Take of Eagles and Eagle Nests and contact USFWS to determine project-specific requirements for your project.

Certificate of Public Convenience and Necessity (Transmission Lines)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Construction of new transmission facilities 161 kV and above	Varies by project	North Carolina Utilities Commission	North Carolina § 62-101 Article 5A – Siting of Transmission Lines

Recommendations

A CPCN is required for a public utility or person to begin construction of a new transmission line by obtaining a certificate of environmental compatibility and public convenience and necessity for lines 161 kV and above. The certificate is not required for expansion of existing transmission facilities. The project developer should consult with the North Carolina Utilities Commission early in the planning process for specific project requirements. Refer to Chapter 62-102 for the application process.

Regulation-related Recommendations

regulation	recommendation(s)
EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)	The project is on or intersects the boundaries of a reservation. Reservations include Trust lands and Private Lands; Trust Lands are under the jurisdiction of the BIA and NEPA permitting may be required. Also on Trust Lands, the EPA or delegated Tribe is responsible for CWA authorizations (other than Section 404) instead of the state delegated permitting authority. We recommend verifying the title of the parcel(s) and checking with the Regional EPA office to determine jurisdiction.
USDA Business & Industry Guaranteed Loan Eligibility Area (B&I)	Your project is located within the eligibility area for the USDA Business & Industry (B&I) and may qualify for guaranteed loans for development. View the USDA B&I Loan Guarantees link and contact your local program specialist to obtain more information and determine if your project qualifies for the program.
Farmland Protection Policy Act of 1981 (FPPA)	The project has areas of prime farmland, farmland of statewide importance, farmland of local importance, or farmland of unique importance. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. If your project intends to convert farmland to nonagricultural use and is completed by or with assistance from a Federal agency, contact that agency to complete the site assessment portion of the AD-1006 form and determine next steps. The project has areas of prime farmland or farmland of statewide importance. Some counties or municipalities may have avoidance or minimization requirements for solar projects on these soil types.

regulation	recommendation(s)
Disadvantaged Community - Justice 40 Initiative	AOI is wholly or partially within a Disadvantaged Community identified through the CEQ's Climate and Economic Justice Screening Tool. The current administration seeks to invest 40% of federal funds allocated through the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and similar bills to improve Disadvantaged Communities. Renewable energy development in Disadvantaged Communities may receive preferential funding during federal decision-making. Contact the agency that the project will seek funding from for additional information.
USDA Rural Energy for American Program Guaranteed Loan & Grants Eligibility Area (REAP)	Your project is located within the eligibility area for the USDA Rural Energy for American Program (REAP) and may qualify for guaranteed loans and grants for renewable development. View the REAP Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants link and contact your State Rural Development Energy Coordinator to obtain more information and determine if your project qualifies for the program.
Section 106 of the NHPA	Section 106 consultation with the State Historic Preservation Office (SHPO) is typically conducted in tandem with other federal permits (e.g. NEPA or CWA 404). The first step in Section 106 consultation is conducting a SHPO Records Search, which you can do in the Transect Marketplace. Depending on the results of the SHPO Record Search, the SHPO office may recommend that you contact an archaeologist to conduct a site investigation and prepare a SHPO request for review. After receiving a request for review, SHPO has 30 days to provide concurrence or comment.
Section 404: Permits for Dredged or Fill Material	The definition of Waters of the U.S. (WOTUS) has been debated since the inception of the Clean Water Act 1977 and has been highly politicized and litigated since 2005. In June 2021, the EPA announced its intentions to repeal the 2020 definition and draft a new one. Then, in August 2021, a US District Court vacated the 2020 rule, and the EPA and USACE subsequently announced their return to the pre-2015 regulatory regime until further notice. In December 2022, the EPA and USACE announced the final "Revised Definition of 'Waters of the United States'" rule which took effect on March 20, 2023. This Rule was challenged in March and April of 2023 and preliminary injunctions were issued for 26 states. On May 25, 2023 the Supreme Court ruled that CWA jurisdiction "extends to only those wetlands with a continuous surface connection to bodies that are 'waters of the United States' in their own right, so that they are 'indistinguishable' from those waters." Further, the Court ruled that wetlands without a continuous surface connection to WOTUS are not adjacent wetlands because they are not actually adjoining the waters. This ruling removes the significant nexus from the CWA and all protections for wetlands without direct surface connection to WOTUS. Transect will continue to track developments related to this decision closely and will provide any additional guidance as it becomes available. We advise that project

regulation

recommendation(s)

proponents be aware of the merry-go-round of legal definitions identifying water features that are subject to jurisdiction and regulations.

Wetlands appear to be present onsite. If the wetland(s) is near a stream or river, it is likely jurisdictional. Contact a wetlands biologist to conduct a site assessment. Avoid impacts to wetlands to minimize the permit burden.

Forested wetlands appear to be present within the project, but an onsite field investigation is recommended to confirm. If present, minimizing impacts to forested wetlands (through avoidance and/or hand clearing) may limit permitting and mitigation requirements.

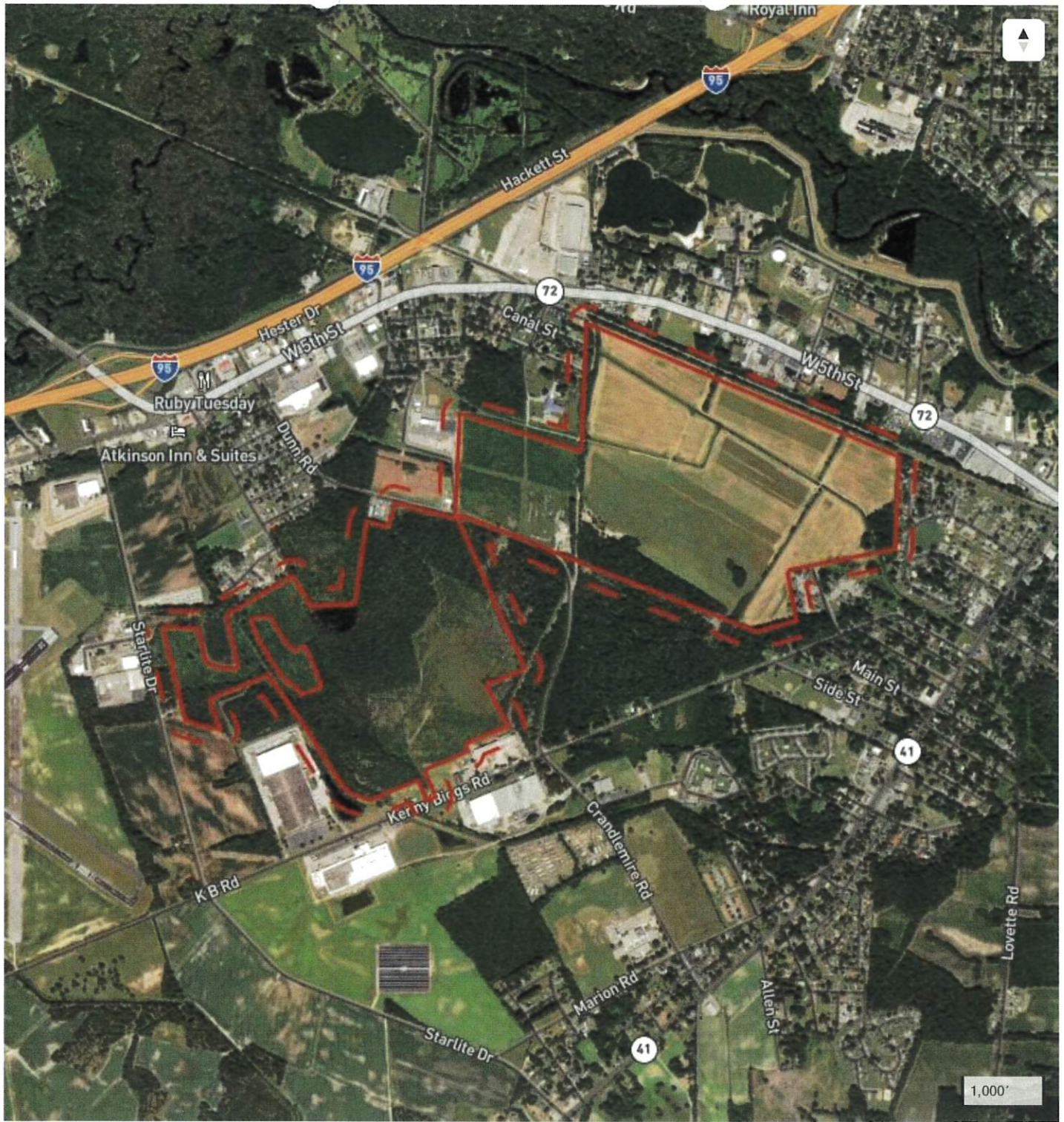
Environmental Justice Considerations

If the project undergoes an environmental review under NEPA, regulatory agencies will consider the project's impacts to environmental justice (EJ). Federal regulatory agencies may have differing approaches to addressing EJ during the environmental review, viewable at the bottom of the EPA's "EJ and NEPA" webpage. Early coordination with the lead regulatory agency to discuss their approach to EJ is highly recommended to avoid permitting delays and public opposition that may derail the project. Developers may utilize the Climate and Economic Justice Screening Tool (CEJST) and EJScreen 2.0 to identify environmental issues facing individual communities.

 A data gap has been identified. See recommendations.

Section 10 North Carolina

Public list not available. If the project intersects a major river, major creek, bay, lake, or tidal area, contact the USACE office to determine if the waterbody is subject to Section 10.



Critical Habitat Map

Yarotek
 NYE lands New KML
 408.27 acres
 North Carolina
 Robeson county
 34.617253, -79.035545
 transect

Legend

 Buffer  AOI

Species

- Bald and Golden Eagle Protection Act
- Endangered species Act
- North Carolina Endangered species Act
- North Carolina Plant Protection and Conservation Act
- North Carolina Regulation of wildlife (General statute Article 22)
- ~~Eagle conservation plan guidance~~
- ~~Magnuson-Stevens Fishery Conservation and Management Act~~
- ~~Migratory Bird Treaty Act~~
- ~~USFWS Land-Based Wind Energy Guidelines~~
 - ~~Eagle conservation plan guidance~~

Federal Species Profiles

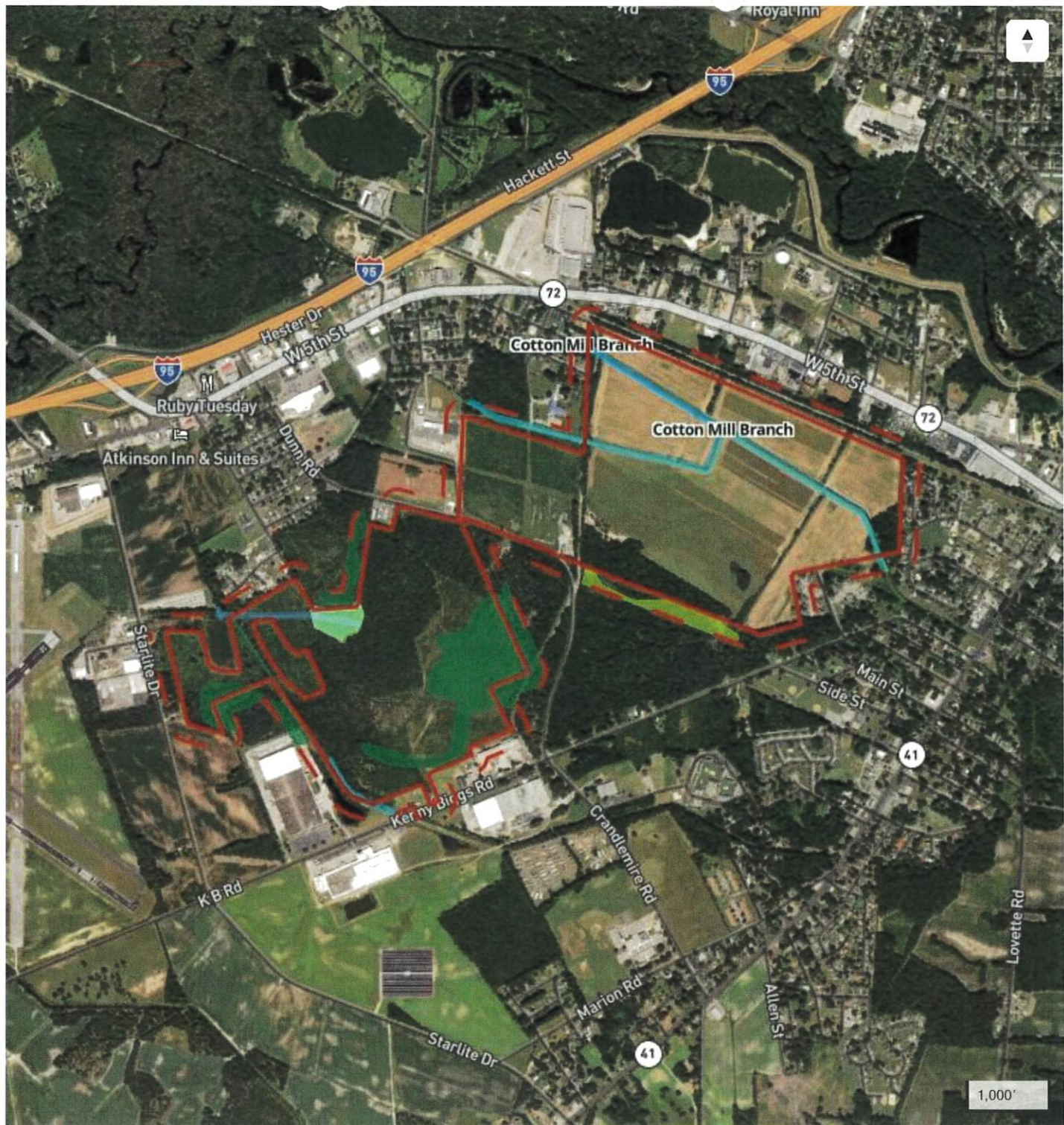
Species May Occur

- Bald eagle (*Haliaeetus leucocephalus*)
- Michaux's sumac (*Rhus michauxii*)
- Red-cockaded woodpecker (*Picoides borealis*)
- Wood stork (*Mycteria americana*)
- Tricolored bat (*Perimyotis subflavus*)
- Monarch butterfly (*Danaus plexippus*)

Species Not Likely to Occur

- 1 species are not likely to occur

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Wetlands and Waterways Map

Yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transsect

Legend

- BU er ■ AOI ■ Freshwater emergent wetland
- Freshwater forested/shrub wetland ■ Riverine ■ Artificial Path
- Canal/ditch ■ Lake/Pond ■ stream/river



Floodplains Map

yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transect

Legend

 Bu er AOI AE; AH;

X; AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Waters

- Clean Water Act
 - Section 408: Civil Works
 - The Oil Pollution Prevention Regulation (40 CFR Part 112)
 - Section 401: State / Tribal Water Quality Certification
 - Section 402: National Pollutant Discharge Elimination System (NPDES)
 - Section 404: Permits for Dredged or Fill Material
 - ~~Section 303(d) Impaired Waterways~~
- National Flood Insurance Program
- Rivers and Harbors Appropriation Act of 1899
 - Section 10: Section 10 of the Rivers and Harbors Appropriation Act of 1899
 - ~~Section 9: Section 9 of the Rivers and Harbors Appropriation Act of 1899~~
- ~~National Flood Insurance Program (No Digital Data Area)~~
- ~~North Carolina Dredge and Fill Law~~
- ~~North Carolina Riparian Buffer Rules~~
- ~~Wild and Scenic Rivers Act of 1968~~

Wetlands

- 13 Wetlands
 - Total 38.3 acres

type	Area within AOI - acres
Freshwater Forested/Shrub Wetland	31.062
Freshwater Emergent Wetland	6.105
Riverine	1.128

Waterways

- 7 Waterbodies
 - Total 8,546.13 feet

Feature code description	Length within AOI - feet
Stream/River: Hydrographic Category = Intermittent	3,891.713
Stream/River: Hydrographic Category = Perennial	3,164.595
Canal/Ditch	914.011
Artificial Path	575.808

- Cotton Mill Branch

Floodplains

- 2 Flood Hazard Areas

Flood HaZard zone	Area within AOI - acres
X	254.297
AE	155.838

FIRM Panels

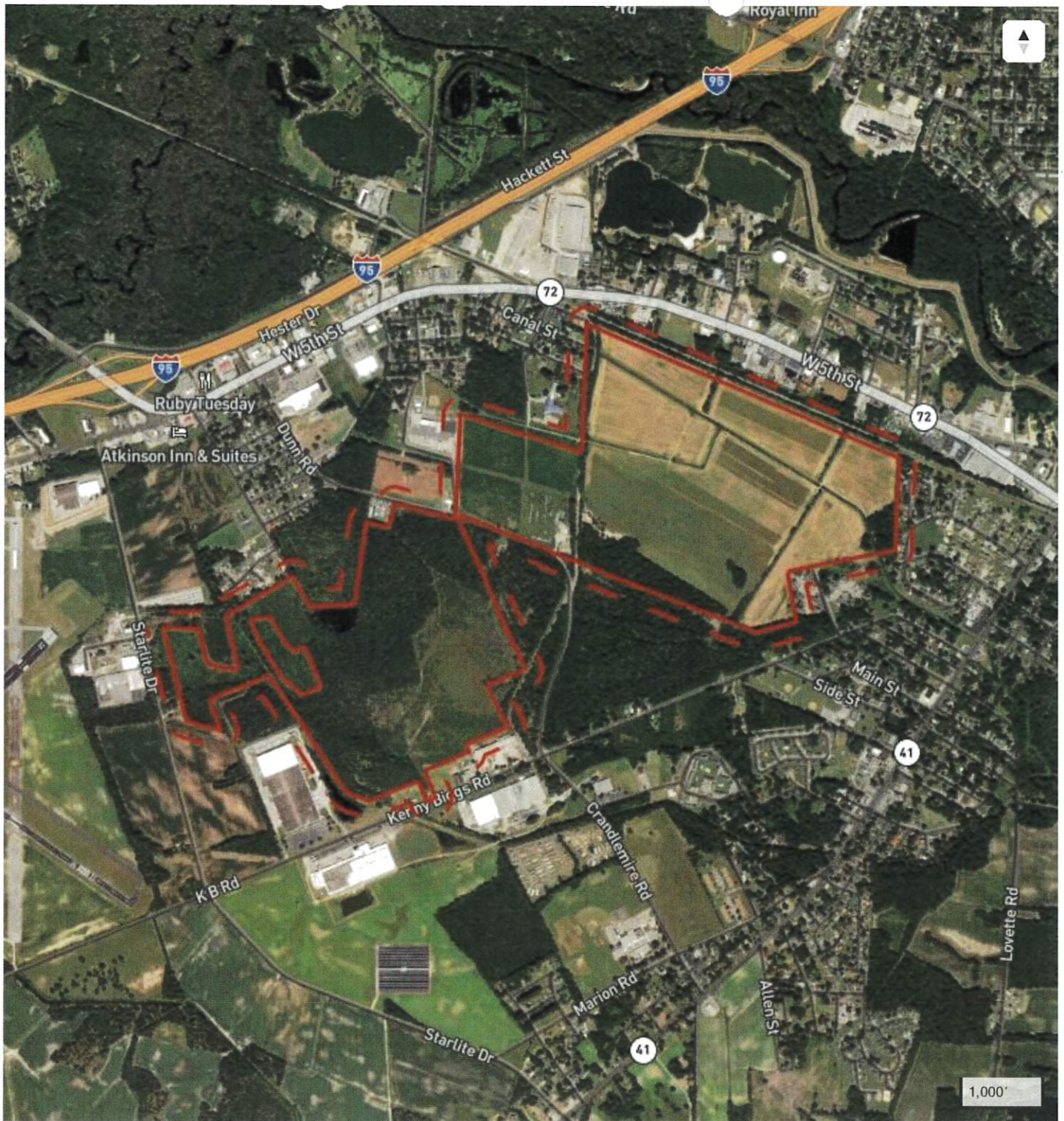
Panel #	Area within AOI - acres
3710938100K	214.424
3710939100K	195.71

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Other Regulations

- 2022 North Carolina state building code
- Disadvantaged community - Justice 40 Initiative
- EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)
- FAA Review
 - FAA obstruction determination
- Farmland Protection Policy Act of 1981
- National Environmental Policy Act
 - Environmental justice considerations
- National Historic Preservation Act
 - Section 106: section 106 of the NHPA
 - ~~National Register of Historic Places~~
- North Carolina Environmental policy Act
- North Carolina § 62-101 Article 5A - siting of Transmission Lines
- USDA Business & industry Guaranteed Loan Eligibility Area
- USDA Rural Energy for American Program Guaranteed Loan & Grants Eligibility Area
- ~~Cemetery Laws~~
- ~~Coastal Barrier Resources Act~~
- ~~Coastal zone Management Act~~
 - ~~North Carolina Coastal Area Management Act~~
- ~~Federal Power Act (if other type = hydropower)~~
- ~~Grassland Reserve Program~~
- ~~Ike Skelton National Defense Authorization Act~~
- ~~Land Based Wind Energy Guidelines~~
- ~~Natural Gas Act~~
- ~~Natural Gas Pipeline Safety Acts~~
- ~~North Carolina General Statute 12-12(a)~~
- ~~State Antiquities Regulations~~
- ~~Wetland Reserve Program~~

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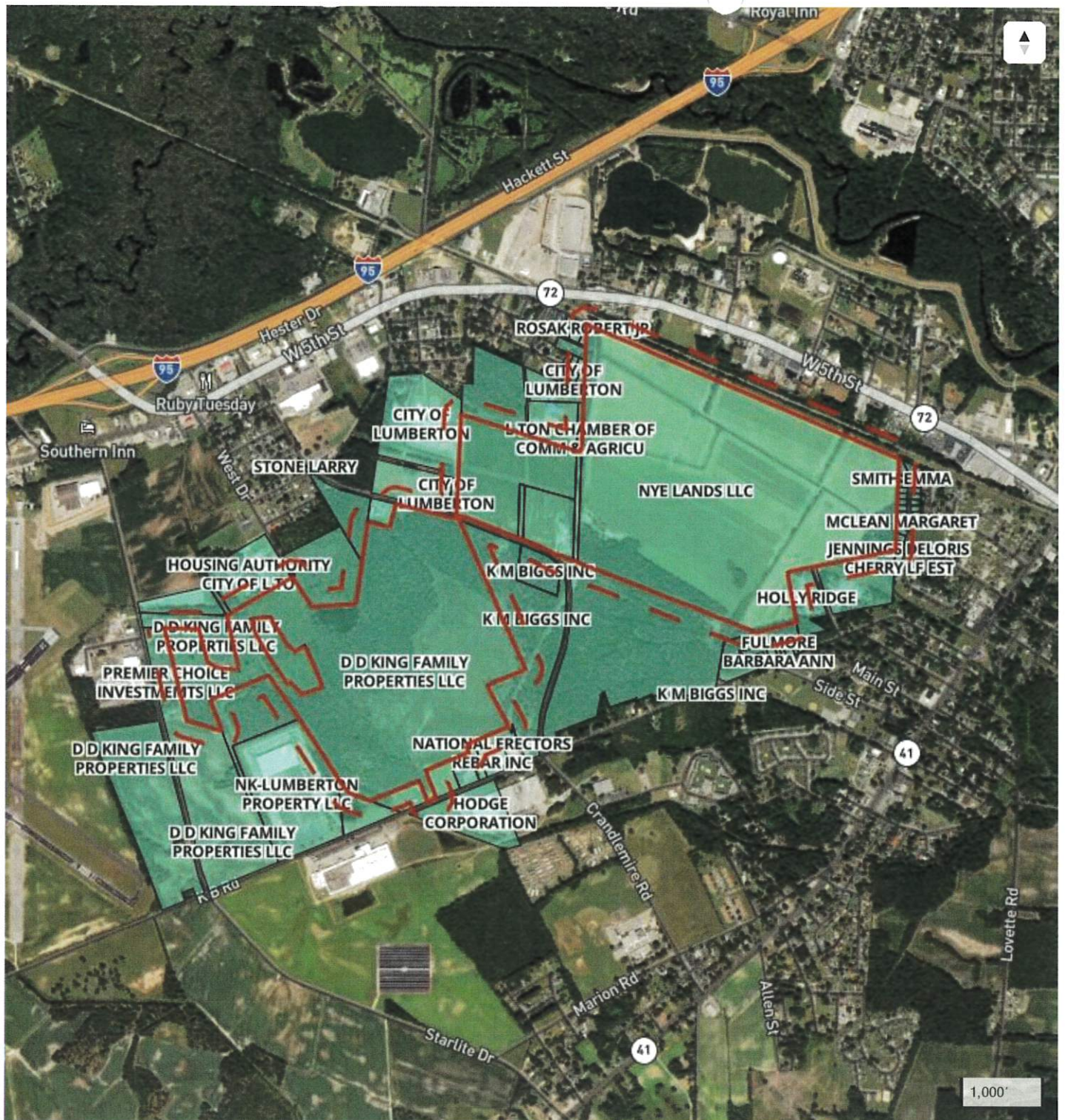


Protected Areas Map

Yarotek
 NYE lands New KML
 408.27 acres
 North Carolina
 Robeson county
 34.617253, -79.035545
 transect

Legend

 BU er
  AOI



Parcels Map

Yarotek

NYE lands New KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transact

Legend

Parcels Bu er AOI

Parcels

Parcel Number	owner Name	owner Mailing Address	site Address	Area within AOI - aCres
101301004	NYE LANDS LLC	3118 ETON ROAD RALEIGH, NC 27608-1114	1919 WILSHIRE DR Lumberton, NC 28358	201.676
101301013	D D KING FAMILY PROPERTIES LLC	P O BOX 99 MARIETTA, NC 28362	2860 KENNY BIGGS RD LUMBERTON, NC 28358-6332	166.302
101301003	STONE LARRY H & WF DEBORAH	PO BOX 787 LUMBERTON, NC 28359	DUNN RD Lumberton, NC 28358	29.011
10130100302	FERRELLGAS 2825	1 LIBERTY PLAZA LIBERTY, MO 64068	DUNN RD LUMBERTON, NC 28358	9.533
10130100301	L TON CHAMBER OF COMM & AGRICU	800 N CHESTNUT ST LUMBERTON, NC 28358	DUNN RD Lumberton, NC 28358	1.663
10130100302A	CITY OF LUMBERTON	P O BOX 1388 LUMBERTON, NC 28359	DUNN RD LUMBERTON, NC 28358	0.916

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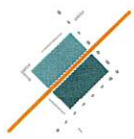
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transect

The full interactive Transect Report is available online

Land Use Data Maps:

- › Federal and state protected species
- › protected Land
- › Rivers, streams, and wetlands
- › Flood Hazard zones
- › USGS Topographic Maps
- › Landslide susceptibility
- › vegetation
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- › Parcel Data
- › Elevation, slope, and Aspect base layers

Transportation and Infrastructure:

- › ROads, Railroads, and Airports

Landmark and Historical Data:

- › National Register of Historic Places
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Energy Infrastructure

- › Transmission Lines
- › substations power plants
- › irradiance values
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YAROTEK, LLC.

PROJECT OVERVIEW
(SOLAR-ENERGY POWER-GENERATION SYSTEM)

NYE LANDS LLC SOLAR FARM – 45.22MW

in

LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA.



Prepared:

YAROTEK, LLC
800, 4TH AVE, SUITE 706
HALLANDALE, FL 33009
WWW.YAROTEK.COM

EXECUTIVE SUMMARY

YAROTEK LLC ("Yarotek"), proposes to develop a 45.22MW utility scale SEPGS (Solar-energy power-generation system) identified as "NYE LANDS LLC SOLAR FARM" within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in "LUMBERTON TOWNSHIP, , USA" at the geographical location of 34°37'17.0" N 79°01'48.6" W. Site Control of the land has been obtained, YAROTEK LLC proposes to develop the solar farm with an interconnection point at 115kV transmission line that bisect the proposed site.

Below is a Google Map image of the general location in ROBESON COUNTY for the proposed site:



Per ROBESON COUNTY Planning and Zoning Department requirements, the preliminary design has been prepared by a professional engineer, licensed in the Commonwealth of Robeson County. PV sheet No: 8 of this Document includes a single-line diagram of the electrical components of the solar farm, stamped and certified by -----

The Point of Interconnection ("POI") to the Utility (PROGRESS ENERGY CAROLINAS INC) is proposed to be 115kV transmission line that bisect the proposed site.

SITE DESCRIPTION:

Below is an image of the proposed site for the NYE LANDS LLC SOLAR FARM to be in LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA., with geographical coordinates of 34°37'17.0" N, 79°01'48.6" W.



Figure 1: Map of proposed site

The total land available at the proposed site is 416.31 acres of which 174.74 acres would be the actual footprint of the solar farm. There are no existing structures within the site boundaries or near the site.

The proposed site is accessed by DUNN RD 2522, which is bisect the Proposed site. The site is nearly 5 miles away from the East of LUMBERTON TOWNSHIP.

In compliance with ROBESON COUNTY Zoning Ordinance, setbacks would be provided, 50feet for any equipment, structures, or solar panels and 100ft from wet lands, 100ft from waterbodies/waterways and 150ft from the centre to the Existing OHE lines. The 174.74 acres of the project site would be provided with a perimeter fence (cyclone fence) of 6' height equipped with an appropriate anti-climbing device (see attached drawing set Sheet

No. PV 11.0, titled, "Vegetative Screening Details" and Sheet No. PV 13.0, titled "Fence Detail"), in compliance with ROBESON COUNTY. Also, in compliance with this ordinance, the entire facility (including fencing) would be screened from ground-level view of adjacent properties by a landscaped buffer zone of 40 feet wide consisting of an evergreen and deciduous mix to be submitted for approval by the ROBESON COUNTY Zoning Ordinance Administrator. Existing mature tree growth and natural landforms on the site would be preserved to the maximum extent possible and would be used in whole or in part to provide the required screening. In the event that existing vegetation or landforms providing screening are disturbed, new plantings would be provided to accomplish the same effect.

Refer to enclosed drawing set Sheet No. PV 3.0, titled "Location Plan" and Sheet No. PV 4.0, titled "site plan" for details of the proposed solar farm layout. Drawings include the main access gate to the solar farm from State Road (DUNN RD #2522), which is that bisect the proposed site.

A total of 91168 solar panels grouped in arrays with 21ft as inter row spacing would be placed in shadow-free areas. Internal roads of the Solar Farm for access and maintenance would be Twenty (20) feet wide. The solar panels would be elevated above the ground surface by approximately 5-6 ft on mounting structures of Hot-Dip-Galvanized (HDG) steel construction with stainless steel accessories. Pile depth of vertical supports would be approximately 4-6 ft below ground level. In compliance with ROBESON COUNTY Zoning Ordinance, the proposed Solar Energy Systems & equipment would not exceed twenty-five (25) feet in height when ground mounted as measured from the highest grade at the base to the top of structure. Excluded from this requirement are utility poles and transmission lines. There would be no roof mounted systems in the proposed project.

SOLAR PLANT COMPONENTS:

Electricity is produced by the solar farm when photons from the sun's rays hit electrons in the solar-photovoltaic panels, wired together in strings and generating direct current (DC) power from each string, and grouped together to form arrays. Multiple arrays of solar panels would be grouped together and fed to a dedicated grid-interactive inverters (typically 3600KVA- AC capacity catering to each array field of 3768kWp), converting the DC power to alternating-current (AC) power. Fifteen (15) inverters have been considered in the design. The outputs of these Fifteen (15) inverters would be clubbed together and fed through distribution transformers stepping the voltage up to 34.5kV (AC). The AC power is then routed through a high-voltage switchgear, voltage stepped up through a 115kV and to other required measuring & protection devices, subsequently connecting to the grid-interconnection point at an existing 115KV transmission line owned by PROGRESS ENERGY CAROLINAS INC and transmission line that bisect the proposed site.

The proposed solar plant would consist of the following major components:

- 91168 Solar PV Modules -620Wp capacity N-type bifacial Mono module
- Fifteen (15) Inverters
- MV Collector Switchgear 34.5kV
- Power Transformers (54MVA)
- Module mounting structures with single axis tracker mechanism.
- SCADA Monitoring system
- Cables & connectors

See drawing No. PV 4.0, titled "site plan" for location of the major solar plant components.

ADDITIONAL NOTES:

1. Land utilization has decreased from over 416.31 acres available to approximately 174.74 acres of actual footprint, to address local concerns about land usage.
2. The solar plant would meet or exceed all community solar requirements, including the 40' setback from site boundary. In many locations, the project would have more than 25' setbacks to maintain vegetations.
3. The project has been disclosed to PROGRESS ENERGY CAROLINAS INC and the Utility is very supportive of the additional generation at the NYE LANDS LLC SOLAR FARM 's local level.
4. The project has the possibility to interconnect to PROGRESS ENERGY CAROLINAS INC 115kV transmission line whichever gives it a better chance of success in the interconnection process.
5. YAROTEK LLC would post a decommissioning bond (see lease) to guarantee the funds to restore the land to the condition before construction.
6. YAROTEK LLC provide a decommissioning plan (see "Decommissioning Plan") for COUNTY approval prior to acceptance and approval to construct.
7. Where needed beyond the setback buffer, YAROTEK LLC would plant natural tree barriers or vegetation.
8. The proposed Solar Energy System would not emit noise, electrical emissions, toxic materials, smells, dust, or soot during operations. Any dust generated during construction would be minimized by water tanker spray applications.
9. Upon decommissioning, the project materials (glass, steel, aluminum) would be recycled.
10. The solar panels, inverters and other components would be manufactured in the United States.
11. YAROTEK LLC would employ local workers when available.

12. The proposed project size would produce over 10,22,00,000 kilowatt hours per year. Assuming 3,000-kilowatt hour usage per month, the project would provide enough electricity to power over 2900 homes.

PROJECT AT A GLANCE:

Project Authority	YAROTEK LLC
Project Name	NYE LANDS LLC SOLAR FARM – 45.22MW
Project Installed Capacity	45.22MW Solar Photovoltaic Power Plant
Selected Location	LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA.
Site Co-ordinates	34°37'17.0"N 79°01'48.6"W
Annual degradation	0.5%
Nearest Major Towns	LUMBERTON TOWNSHIP
Solar module type	JA SOLAR
Capacity of each module	620 Wp
No. of modules	91168 Nos.
PV System Mounting Structure type	MS Galvanized (Hot dip)
Power conditioning Unit (Invertors) capacity	2500 KVA
Power conditioning Unit specifications	Input voltage range 1500 V
No. of invertors	Fifteen(15)
Invertors make	SUNGROW
Performance ratio (%)	90%
Land	416.31 acres (174.74 - acre footprint)
Power Evacuation	115KV Transmission Line - PROGRESS ENERGY CAROLINAS INC

CERTIFICATIONS AND STANDARDS:

- IEC 62548 - PV ARRAY DESIGN REQUIREMENT.
- IEC 62930 - ELECTRIC CABLES FOR PHOTOVOLTAIC SYSTEMS.
- IEC 61552 - SAFETY REQUIREMENTS AND TEST.
- IEC 62109-1:2010 - GENERAL REQUIREMENTS.
- IEC 62109-2 - PARTICULAR REQUIREMENTS FOR INVERTERS.
- IEC 6246-1 - REQUIREMENTS FOR TESTING, DOCUMENTATION AND MAINTENANCE.
- IEC 6246-2 - REQUIREMENTS FOR TESTING, DOCUMENTATION, COMMISSIONING TESTS AND INSPECTION.
- IEC 61730-1 - REQUIREMENTS FOR CONSTRUCTION.
- IEC 61730-2 - REQUIREMENTS FOR TESTING.
- IEC 61215 (ALL PARTS) - TERRESTRIAL PV MODULES DESIGN QUALIFICATION AND TYPE APPROVAL.
- IEC/TS 61836 - SOLAR PV ENERGY SYSTEMS - TERMS, DEFINITIONS AND SYMBOLS.
- IEC TS 62786 - DISTRIBUTED ENERGY RESOURCES CONNECTION WITH THE GRID.
- IEC 62738 - GROUND-MOUNTED PV POWER PLANTS - DESIGN GUIDELINES AND RECOMMENDATIONS.
- IEC 61683 PV SYSTEMS - POWER CONDITIONERS - PROCEDURE FOR MEASURING EFFICIENCY.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 1: MONITORING.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 2: CAPACITY EVALUATION METHOD.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 3: ENERGY EVALUATION METHOD.
- IEEE 2030.7 - STANDARD FOR THE SPECIFICATION OF MICRO-GRID CONTROLLERS.
- IEEE 2030.8 - STANDARD FOR THE TESTING OF MICRO-GRID CONTROLLERS.
- IEC 62093 - REQUIREMENTS FOR THE DESIGN QUALIFICATION OF PCE
- NEC 690 – ELECTRICAL SAFETY REQUIREMENTS
- NEC 705 – SUPPLY SIDE CONNECTIONS
- NEC 705.1 – POWER SYSTEM CONTROLS(PEC)
- NEC 705.32 – GROUND FAULT PROTECTION

- NEC 690.9 – OVER CURRENT PROTECTION
- NEC 690.12-RAPID SHUTDOWN PVSYSTEMS.

NYE LANDS LLC SOLAR FARM - 45.22MW

DEVELOPMENT APPLICATION

ADDRESS:

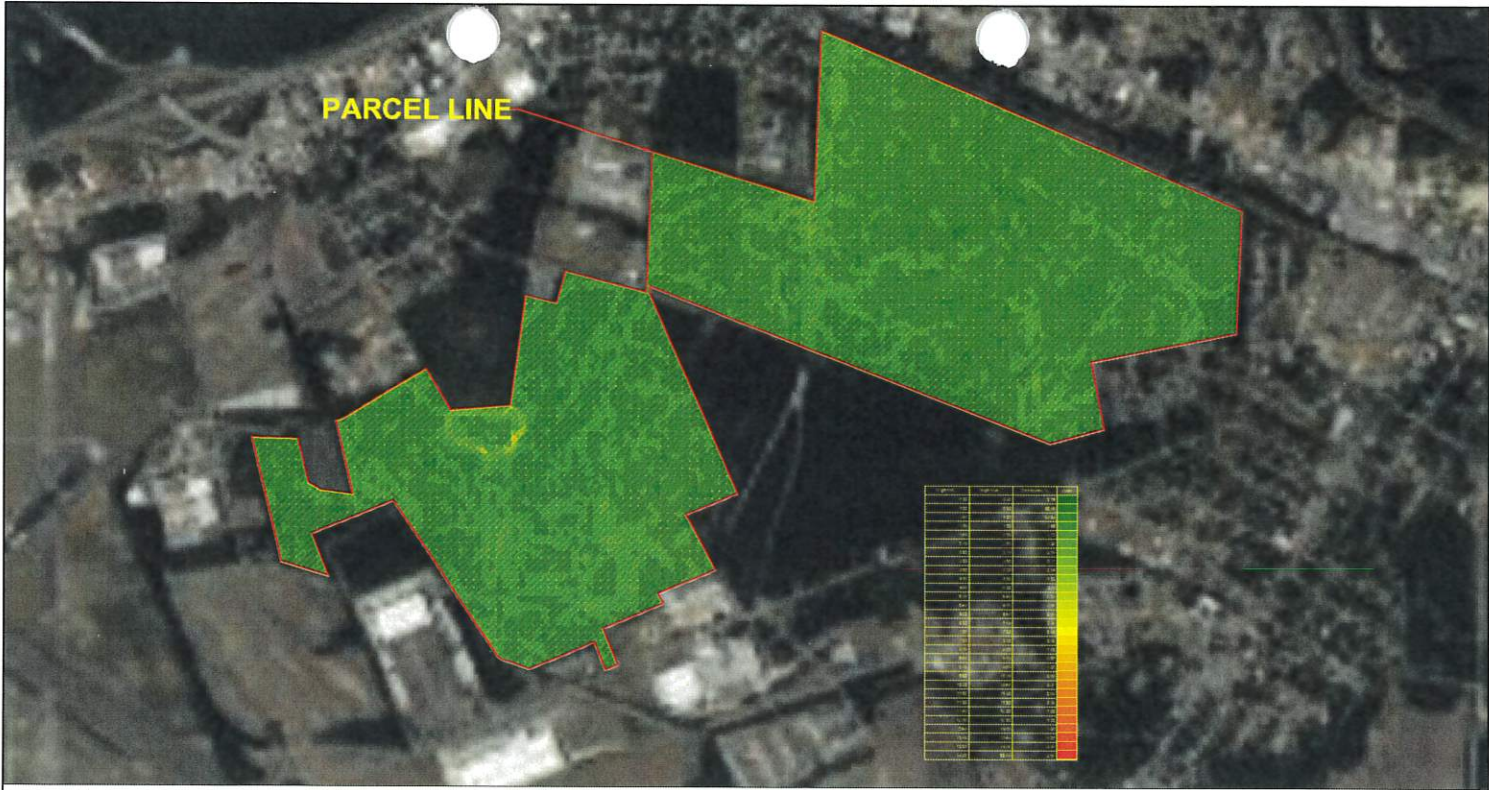
34°37'17.0"N 79°01'48.6"W
LUMBERTON TOWNSHIP, ROBESON COUNTY
NORTH CAROLINA, USA.



DEVELOPED BY:

YAROTEK, LLC
800, 4TH AVE, SUITE 706
HALLANDALE, FL 33009
WWW.YAROTEK.COM

SHEET INDEX	
PV-1.0	COVER PAGE
PV-2.0	SLOPE & TERRAIN ANALYSIS
PV-3.0	LOCATION PLAN
PV-4.0	SITE PLAN
PV-5.0	PROJECT COVERAGE AREA
PV-6.0	SITE PLAN WITH DIMENSIONS
PV-7.0	RESIDENTIAL ZONES
PV-8.0	ELECTRICAL SLD
PV-9.0	SIGNAGE
PV-10.0	STANDARDS & CERTIFICATIONS
PV-11.0	VEGETATIVE SCREENING DETAILS
PV-12.0	INVERTER STATION FOOTING DETAILS
PV-13.0	FENCE DETAIL
PV-14.0	ACCESS ROAD DETAILS
PV-15.0	ARRAY FRAMING DETAILS
PV-16.0	INVERTER STATION DETAILS
PV-17.0	FOOT OVER BRIDGE DETAILS
PV-18.0	TAX PARCEL NUMBERS
PV-19.0	ADJACENT LAND PARCEL NUMBERS
PV-20.0+	EQUIPMENT DATA SHEETS



1 SLOPE & TERRAIN ANALYSIS
SCALE: NTS

REVISIONS				DEVELOPMENT APPLICATION			
NO.	DATE	BY	NOTES	PROJECT	CLIENT	PROJECT	PROJECT
1				YAROTEK, LLC	YAROTEK, LLC	NYE LANDS LLC SOLAR FARM - 45.22MW	SCALE: AS SHOWN
2				800, 4TH AVE, SUITE 706	800, 4TH AVE, SUITE 706		DATE: 2/15/2024
3				HALLANDALE, FL 33009	HALLANDALE, FL 33009		REV: 001
4				WWW.YAROTEK.COM	WWW.YAROTEK.COM		DATE: 2/15/2024
5							REV: 002
6							DATE: 2/15/2024
7							REV: 003
8							DATE: 2/15/2024
9							REV: 004
10							DATE: 2/15/2024

City of



Lumberton

Planning & Neighborhood Services

Request for REZONING

PETITIONER(S):	OWNER(S):
MARK TIPPET, YAROTEK LLC 800, 4 TH AVE, STE 706 HALLANDALE, FL 33009	LARRY & DEBORAH STONE PO BOX 787 LUMBERTON, NC 28359 PARCEL #101301003 C. HOWARD NYE 3118 ETON ROAD RALEIGH, NC 27608 PARCEL #101301004

Rezoning Request: Mark Tippet requests the rezoning of two parcels located off of Dunn Road, from 'A' (agriculture) and B-3 (office residential) to M-2, Heavy Manufacturing, to construct a solar energy farm.- ETJ

City of *Lumberton*

Planning & Neighborhood Services

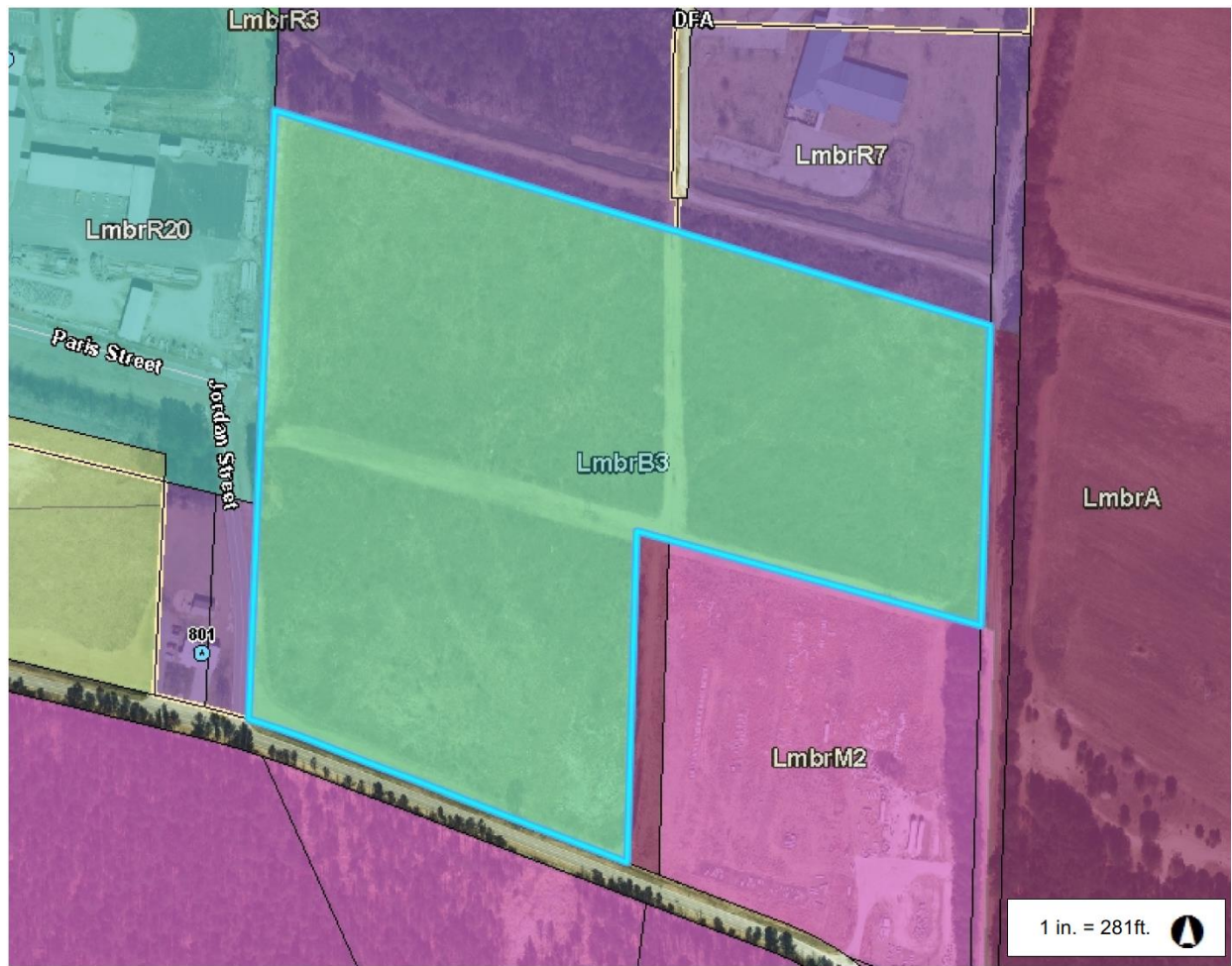
LOCATION:

PARCEL 101301003 - LARRY & DEBORAH STONE



City of *Lumberton*
Planning & Neighborhood Services

ZONING



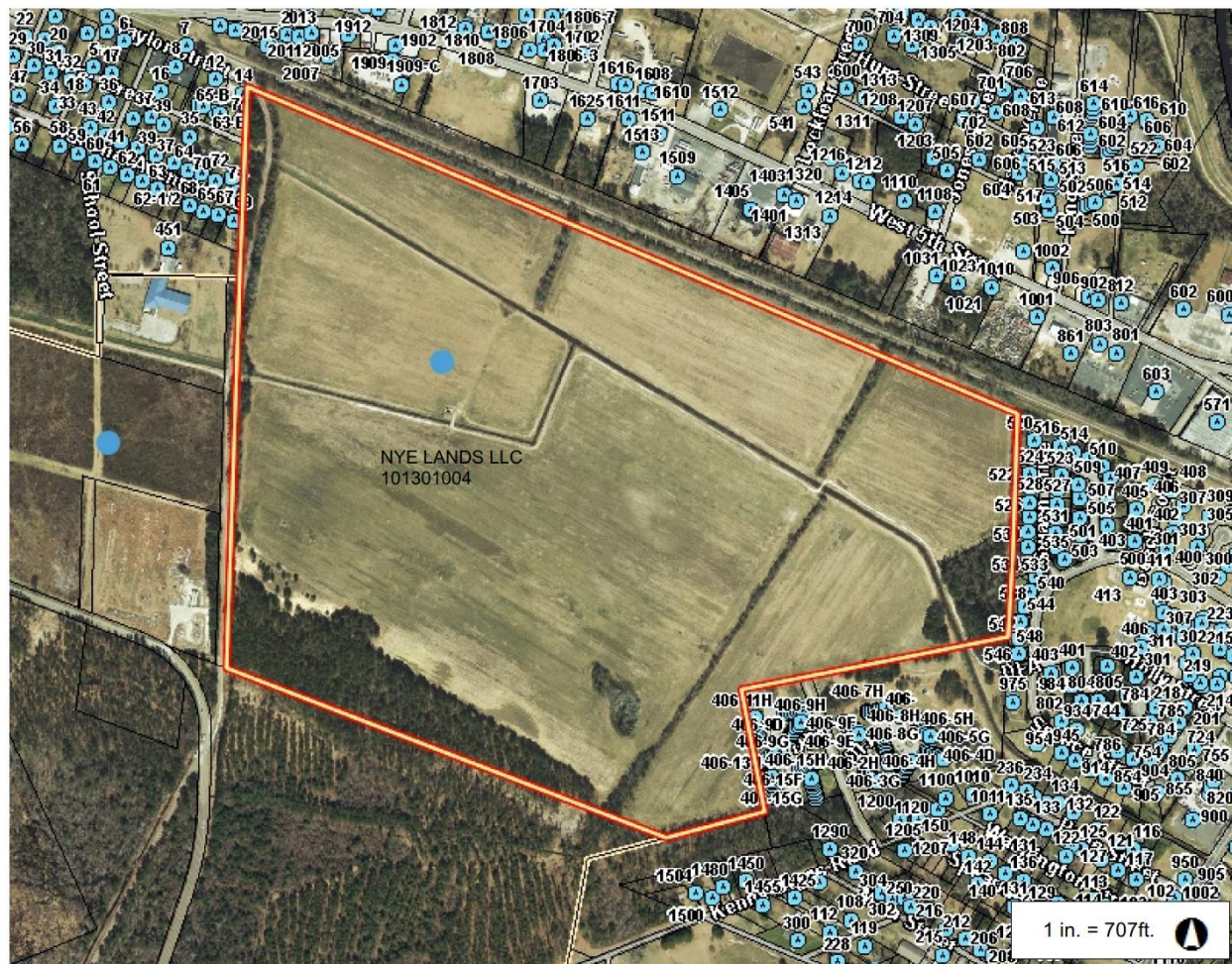
City of



Lumberton

Planning & Neighborhood Services

PARCEL 101301004 - C. HOWARD NYE



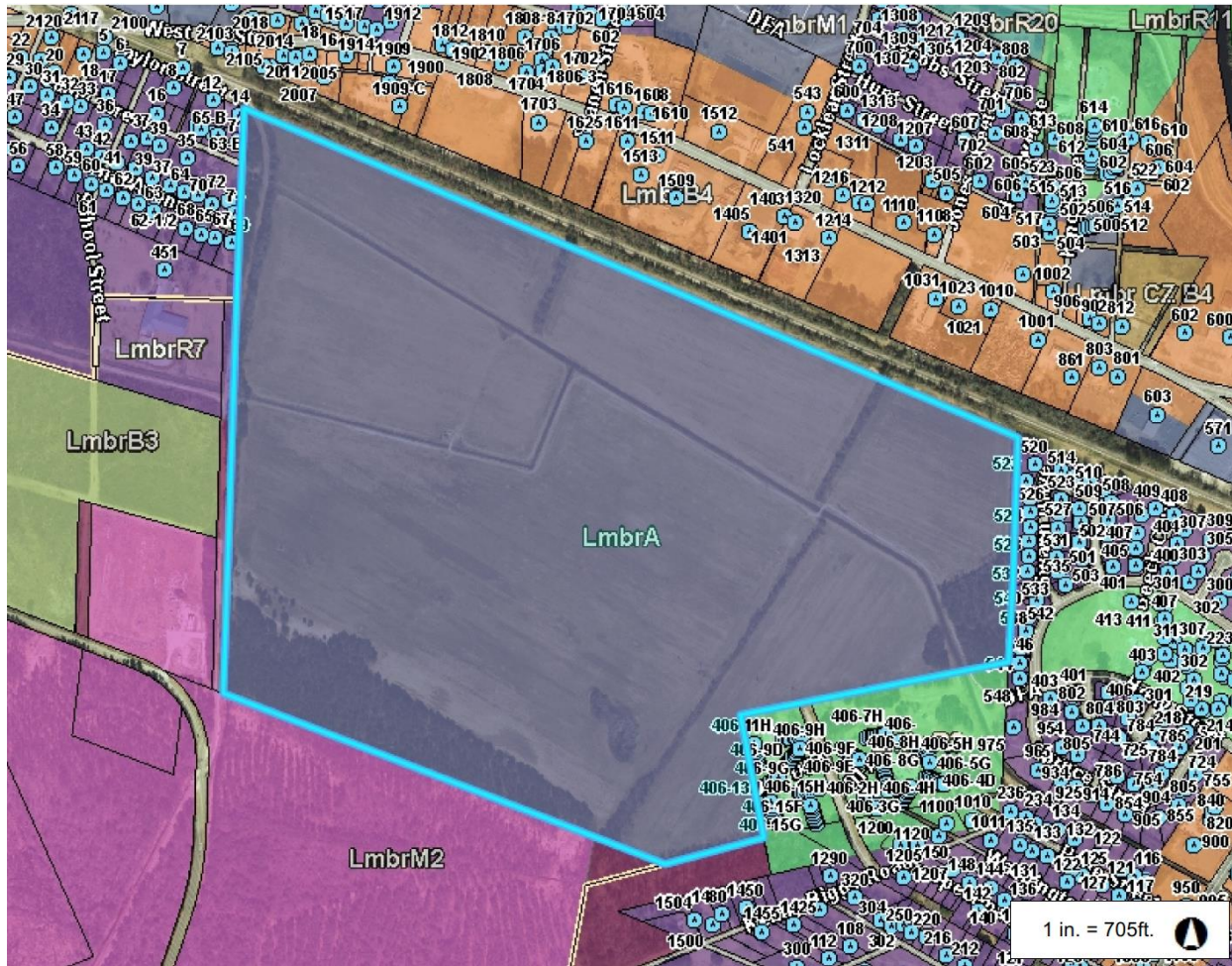
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ZONING

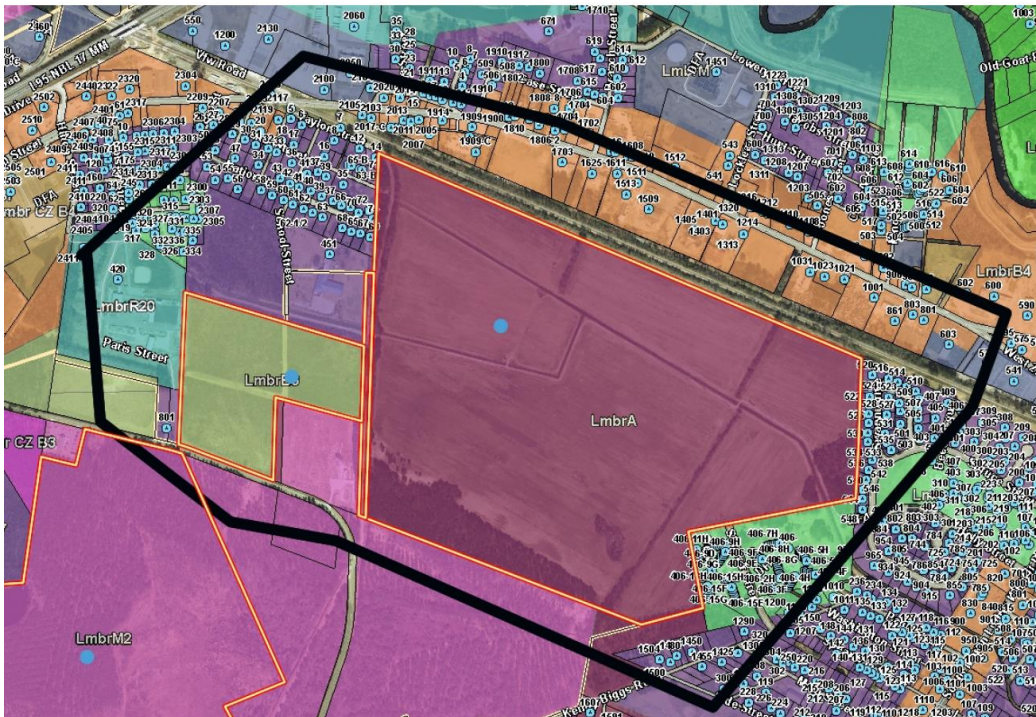


PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
STONE LARRY H & WF DEBORAH	101301003	B-3, office residential *Rezoning & SUP request submitted	~30.74 acres	30.74 acres
NYE LANDS LLC	101301004	Agriculture *Rezoning & SUP request submitted	~203.26 acres	203.26 acres

ADJACENT PROPERTY SITE DATA

Zoning	Land Use
	VARIOUS



STAFF ANALYSIS

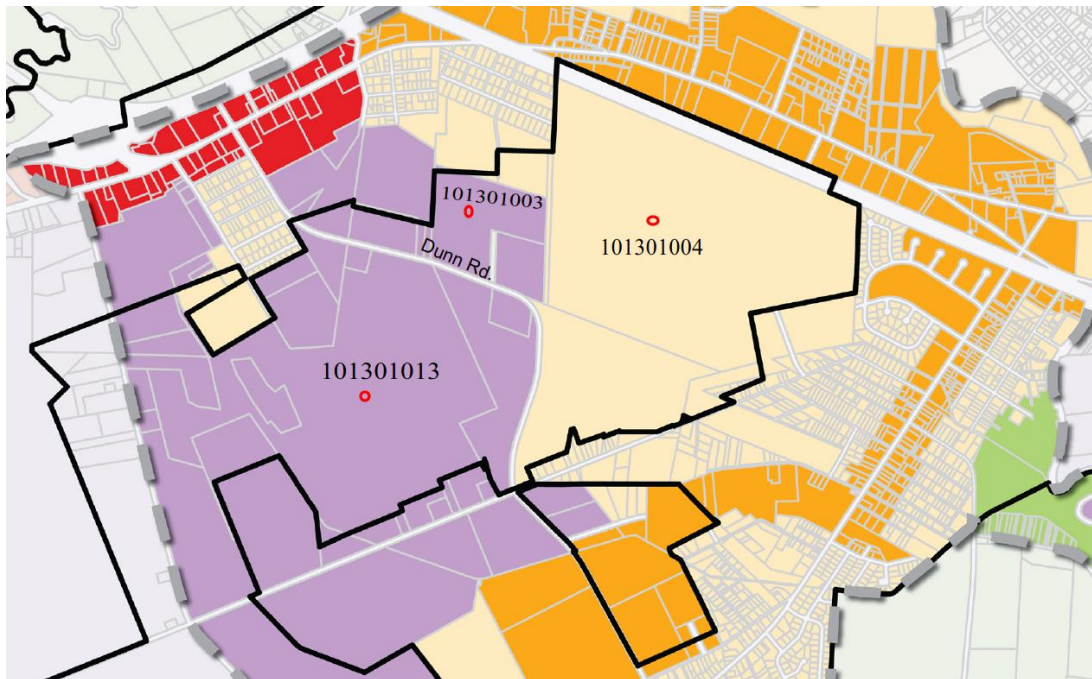
PROJECT OVERVIEW

Analysis: Mark Tippet with Yorotek, LLC. is requesting to rezone two parcels located off of Dunn Road, to construct a solar energy farm.

This project consists of three separate parcels under three ownerships, whereas only two parcels require rezoning: parcel 101301003 (zoned B-3) and parcel 101301004 (zoned agriculture). Operating a solar farm (Use # 17.200) at this location requires rezoning to a manufacturing zoning district and a Special Use Permit (Special Use Permit application for all three parcels follows this application).

PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as Rural and Low Intensity, furthermore, this property is located within the ETJ.



SCREENING:

Type “A” Screen is required from all Single-family residences, Two family residences, Multifamily residences, and Streets.

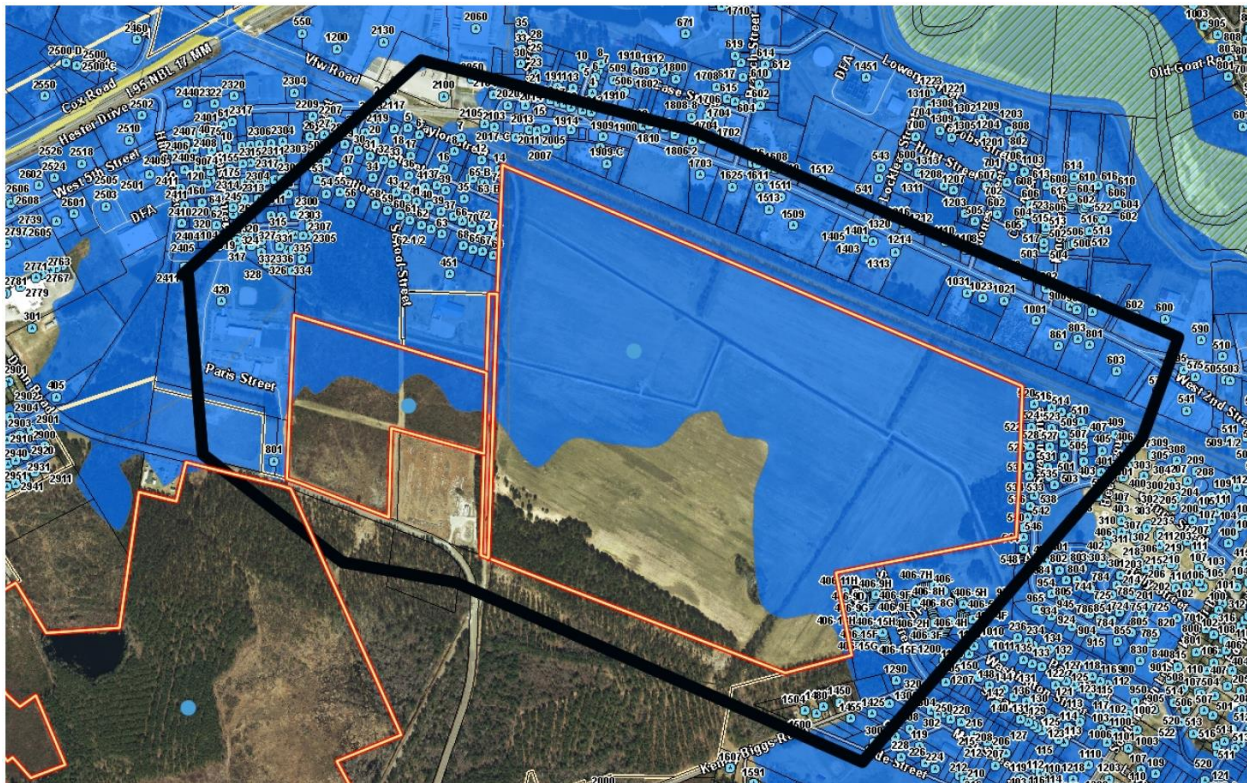
Type “B” Screen is required from cemeteries.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone 'AE' 100-YR floodplain: Zones AE and A1-A30 are the flood insurance rate zones used for the 1-percent-annual-chance floodplains that are determined for the FIS by detailed methods of analysis. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply.

Flood Zone 'X' Not in 100-yr floodplain: Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

Map Number: 3710938100K & 3710939100K **Panel #** 9381 & 9391 **Panel Effective Date:** 12/6/2019



City of *Lumberton*
Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If this Rezoning and subsequent Special Use Permit is granted, the applicant must submit site development plans to the City of Lumberton and other Federal and State Departments, if applicable, for review and approval prior to development. All conditions of the permit must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy.

PLANNING STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

The A (agricultural) district is designed to protect agricultural lands and woodlands within the city's planning jurisdiction, for this reason, larger minimum lot sizes are required. This district is also intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in the more intensely developed residential zones.

I. Agriculture 'A' Zoning District Permitted Uses

1.110 Single-family residences other than Mobile Homes

1.120 Mobile homes, 1.121 Class A & 1.122 Class B

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.600 Temporary emergency, construction, and repair residences

1.700 Home occupations

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

6.240 Horseback riding; stables (not constructed pursuant to permit authorizing residential development)

12.100 Veterinarian

12.200 Kennel

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

19.000 Open-Air Markets and Horticultural Sales

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

25.000 Commercial Greenhouse Operations

28.200 Minor Subdivisions

II. Agriculture 'A' Zoning District Requires a Special Use Permit

1.130 Single- family residences with accessory apartment

1.420 Nursing care, intermediate care homes

1.430 Child care homes

1.440 Halfway houses

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.260 Drive-in movie theatres

6.270 Recreational vehicle parks and/or campgrounds

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities with Activity conducted within or outside fully enclosed building

14.120 Agricultural operations, farming Including livestock

14.300 Mining or quarrying operations, including on-site sales of products

14.400 Reclamation landfill

15.200 Airport

15.300 Sanitary landfill

17.100 Neighborhood Utility Facilities

18.300 towers and antennas more than fifty feet in height

21.100 Cemetery

21.200 Crematorium

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

II. B-3 Zoning District Requires a Special Use Permit

1.130 Single- family residences with accessory apartment

1.420 Nursing care, intermediate care homes

1.430 Child care homes

1.440 Halfway houses

1.510 Rooming houses, boarding houses

1.520 Tourist homes and other temporary residences renting by the day or week

3.140 Government Office Buildings

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

5.320 Located within any permissible structure

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.270 Recreational vehicle parks and/or campgrounds

7.100 Hospitals or other medical (including mental health) treatment facilities

7.200 Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care Institutions

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

17.100 Neighborhood Utility Facilities

21.100 Cemetery

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The following districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment: M-1 , M-2 and M-3. The M-3 (planned industrial) district is intended to encourage the development of a well-planned industrial park.

I. M-2 Zoning District Permitted Uses

1.600 Temporary emergency, construction, and repair residences

2.113 Convenience stores

2.130 Wholesale sales

2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.230 Wholesale sales

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.210 Operations designed to attract and serve customers or clients on the remises

3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use

4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.200 Operations conducted within or outside fully enclosed building Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.

5.120 Trade or vocational schools

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

5.400 Social, fraternal clubs and lodges, union halls, and similar

6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses

6.121 Movie theatres Seating capacity of not more than 300

6.122 Movie theatres Seating capacity 301—999

6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses

9.300 Motor vehicle repair and maintenance, not including substantial body work

9.400 Motor vehicle painting and body work

9.500 Gas sales

9.600 Car wash

9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored All storage within completely enclosed structures

10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot

10.400 Storage and parking Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards

13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction

13.620 Mobile Units (including Recreational Vehicles)

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

15.400 Military reserve, national guard centers

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

22.000 Nursery Schools; Day Care Centers

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

24.100 Bus stations

24.200 Train stations

24.300 Taxi stands

25.000 Commercial Greenhouse Operations

27.000 Off- Premises Signs

28.200 Minor Subdivisions

II. M-2 Zoning District Requires a Special Use Permit

4.300 Operations involving decomposition or transformation of material by heat Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people

6.150 Billiard parlors/Pool Halls & Game Centers

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.250 Automobile and motorcycle racing tracks

6.260 Drive-in movie theatres

7.300 Institutions (other than halfway houses) where mentally ill persons are confined, intensive residential treatment facilities (Level IV)

7.400 Penal and Correctional Facilities

7.500 Organized Shelters Facilities: 7.510 Type A; 7.520 Type B; & 7.530 Type C

10.220 Storage inside or outside completely enclosed structures

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.300 Mining or quarrying operations, including on-site sales of products

14.400 Reclamation landfill

15.200 Airport

15.300 Sanitary landfill

17.100 Neighborhood Utility Facilities

17.200 Community or regional Utility Facilities

18.300 towers and antennas more than fifty feet in height

21.100 Cemetery

21.200 Crematorium

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

Lumberton City Council

Item: VI.M.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/13/2025

Subject: Mark Tippet SUP Dunn Rd.- ETJ

Summary/Background of Subject Matter:

Mark Tippet with Yorotek, LLC. is requesting a Special Use Permit to construct a solar energy farm on ~416.31 acres of property located off of Dunn Road.

Staff Recommendation:

CPC review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Application & Staff Report SUP2

**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR A SPECIAL USE PERMIT**

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the City Council of the City of Lumberton issue a Special Use Permit as hereinafter described:

1. Applicant:

Legal Name: MARK F. TIPPETT, YAROTEK LLC

Physical Address:

800, 4th Ave, Suite 706, Hallandale, FL 33009

Mailing Address:

800, 4th Ave, Suite 706, Hallandale, FL 33009

Telephone: (917) 770-2323

Name of Business: Renewable Energy projects

EMAIL: mark@yarotek.com

Owner:

Legal Name: C. Howard Nye, Manak - NYE LANDS LLC

Physical Address:

3118 Eton Road, Raleigh, NC 27608

Mailing Address:

3118 Eton Road, Raleigh, NC 27608

Telephone: 919.609.8025

Business Address:

Owner:

Legal Name: Larry H Stone and Deborah Stone

Physical Address:

P.O. Box 787, Lumberton, NC 28359-0787

Mailing Address:

P.O. Box 787, Lumberton, NC 28359-0787

Telephone:

Business Address:

Owner:

Legal Name: Sandra Oliver

Physical Address:

P.O. Box 99, Marietta, NC 28362

Mailing Address:

P.O. Box 99, Marietta, NC 28362

Telephone:

Business Address:

Description of Property:

2. ~~Whereas~~ Lumberton township, Robeson county, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

<u>(Address)</u>		<u>(Deed Book)</u>	<u>(Page)</u>
<u>(Map Book)</u>	<u>(Page)</u>	<u>(Frontage)</u>	416.31 Acres <u>(Area)</u>

3. **Tax Map Identification (parcel number) PIN:** #939116456300, #938196063600, #938174458115
4. **Proposed Use of Property:** Setup a solar PV farm, utility facilities approval by SUP
5. **Zoning District Designation of Property:** Lmbr A, LmbrM2
6. **Development Site Plan:** See Appendix A of Land Use Ordinance. (Please check the attached site plan)
7. **Notice of Hearing:** All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.
8. **Supportive Information:** At the Hearing, you will be responsible for providing information to the City Council to enable it to determine whether the development, if completed as proposed, will comply with the requirements of the Land Use Ordinance. You should be ready to show the following relative to the proposed development:
 - a. That it will not materially endanger the public health or safety; and
 - b. That it will not substantially injure the value of adjoining or abutting property; and
 - c. That it will be in harmony with the area in which it is to be located; and
 - d. That it will be in general conformity with the Land Use Plan Thoroughfare Plan, or other plan officially adopted by the City.
9. **Application Fee:** Submit the fee payment with application. The application fee is nonrefundable.

1 of 2
File # 5/28/21

ADDRESS: Wilshire Dr, Lumberton township, Robeson County, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

YAROTEK LLC, proposes to develop a 45.22MW utility scale SEPGS (Solar- energy power-generation system) within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in Lumberton township. The environment and bio-life are not adversely affected by the installation of solar PV farms and The establishment of solar PV farms can increase local employment.

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

Applicant: MARK F. TIPPET

Physical Address: 800, 4th Ave, Suite 706, Hallandale, FL 33009

Applicant: _____
Signature

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public Signature My Commission Expires: _____

Owner: C. Howard Nye

Physical Address: 3118 Eton Road, Raleigh, NC 27608.

Owner: Sandra Oliver

Physical Address: P.O. Box 99, Marietta, NC 28362

Owner: Larry H Stone and Deborah Stone

Physical Address: P.O. Box 787, Lumberton, NC 28359-0787

Owner: _____
Signature

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public Signature My Commission Expires: _____

2 of 2
File # _____
5/28/21

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: **MARK F. TIPPETT** Physical Address: **800, 4th Ave, Suite 706, Hallandale, FL 33009**

Full Legal Name (type or print) Home Address
VA Virginia Beach
STATE OF ~~FL~~, COUNTY OF ~~FL~~

I, Patrick Maurice Nelson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 27th day of January, 2025

(Official Seal)



Patrick Maurice Nelson
Commonwealth of Virginia
Notary Public
Commission No. 7989793
My Commission Expires 2/28/2026

[Signature]
Official Signature of Notary

Patrick Maurice Nelson, Notary Public
Notary's printed or typed name

My Commission Expires: 02/28/2026

Owner: **LARRY H STONE AND DEBORAH STONE**, Physical Address: **P.O. Box 787, Lumberton, NC 28359-0787**

Full Legal Name (type or print) Home Address

STATE OF NC, COUNTY OF NC

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: _____
Signature

WITNESS my hand and official seal, this the _____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My Commission Expires: _____

3 of 3

***All property owners must provide a physical address and sign their application. Additional signature

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975

ADDRESS: Wilshire Dr. Lumberton township, Robeson County, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

YAROTEK LLC, proposes to develop a 45.22MW utility scale SEPGS (Solar- energy power-generation system) within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in Lumberton township. The environment and bio-life are not adversely affected by the installation of solar PV farms and local employment increases.

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

Applicant: MARK F. TIPPETT

Physical Address: 800, 4th Ave, Suite 706, Hallandale, FL 33009

Applicant: _____

Signature

STATE OF Virginia

COUNTY OF Virginia Beach

I, Marietta Eubanks Chaney, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 28 day of January, 2025

Notary Public Signature

My Commission Expires: 07/30/2028

MARISSA EUBANKS CHANEY
NOTARY PUBLIC
REG. #7868104
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 09/30/2028

Owner: C. Howard Nye

Owner: Sandra Oliver

Owner: Larry H Stone and Deborah Stone

Physical Address: 3118 Eton Road, Raleigh, NC 27608.

Physical Address: P.O. Box 99, Marietta, NC 28362

Physical Address: P.O. Box 787, Lumberton, NC 28359-0787

Owner: _____

Signature

STATE OF North Carolina

COUNTY OF Robeson

I, Laura B Howell, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

ADDRESS: [REDACTED] Lumberton township, Robeson County, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

YAROTEK LLC, proposes to develop a 45.22MW utility scale SEPGS (Solar- energy power-generation system) within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in Lumberton township. The environment and bio-life are not adversely affected by the installation of solar PV farms and local employment increases.

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

Applicant: **MARK F. TIPPETT**

Physical Address: **800, 4th Ave, Suite 706, Hallandale, FL 33009**

Applicant: _____
Signature

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public Signature My Commission Expires: _____

Owner: C. Howard Nye

Physical Address: 3118 Eton Road, Raleigh, NC 27608.

Owner: Sandra Oliver

Physical Address: P.O. Box 99, Marietta, NC 28362

Owner: Larry H Stone and Deborah Stone

Physical Address: P.O. Box 787, Lumberton, NC 28359-0787

NYE LANDS LLC

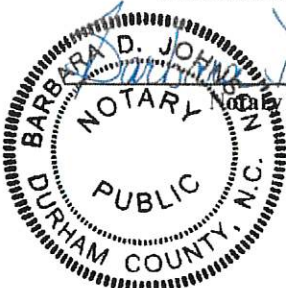
By: C. Howard Nye
Owner: _____
Signature Manager

STATE OF North Carolina COUNTY OF Wake

I, BARBARA D JOHNSON, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 16th day of January, 2025

Barbara D. Johnson
Notary Public Signature My Commission Expires: March 17, 2029



File # _____ 2 of 2
5/28/21

ADDRESS: Wilshire Dr, Lumberton township, Robeson County, NC at the geographical location of 4°37'17.0" N 79°01'48.6" W.

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

YAROTEK LLC, proposes to develop a 45.22MW utility scale SEPGS (Solar- energy power-generation system) within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in Lumberton township. The environment and bio-life are not adversely affected by the installation of solar PV farms and local employment increases.

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

Applicant: MARK F. TIPPETT

Physical Address: 800, 4th Ave, Suite 706, Hallandale, FL 33009

Applicant: _____
Signature

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public Signature

Owner: C. Howard Nye

Physical Address: 3118 Eton Road, Raleigh, NC 27608.

Owner: Sandra Oliver

Physical Address: P.O. Box 99, Marietta, NC 28362

Owner: Larry H Stone and Deborah Stone

Physical Address: P.O. Box 787, Lumberton, NC 28359-0787

Owner: Sandra Oliver
Signature

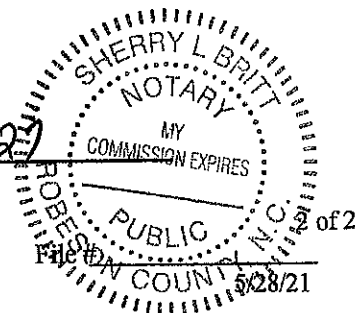
STATE OF North Carolina COUNTY OF Robeson

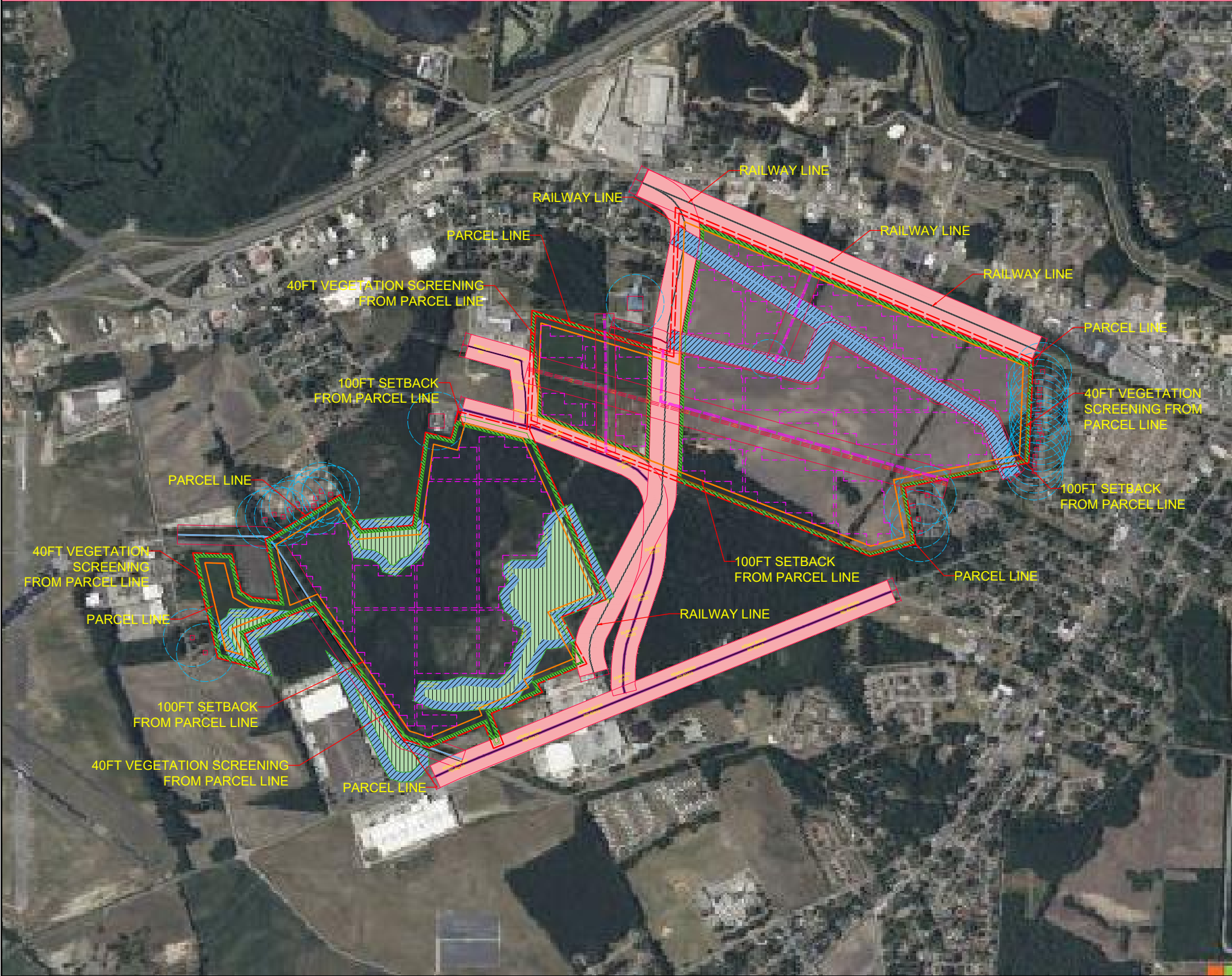
I, Sherry L. Britt, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 21st day of January, 2025

Sherry L Britt
Notary Public Signature

My Commission Expires: 3/22/2027





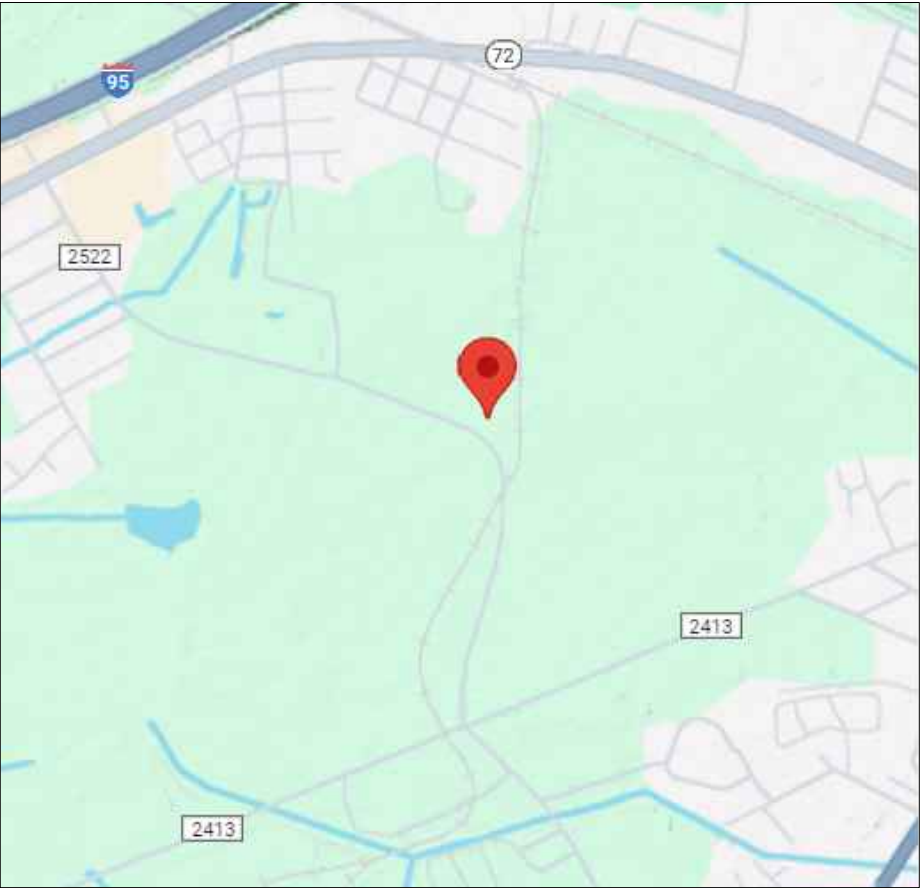
1 SITE PROJECTION
SCALE: NTS

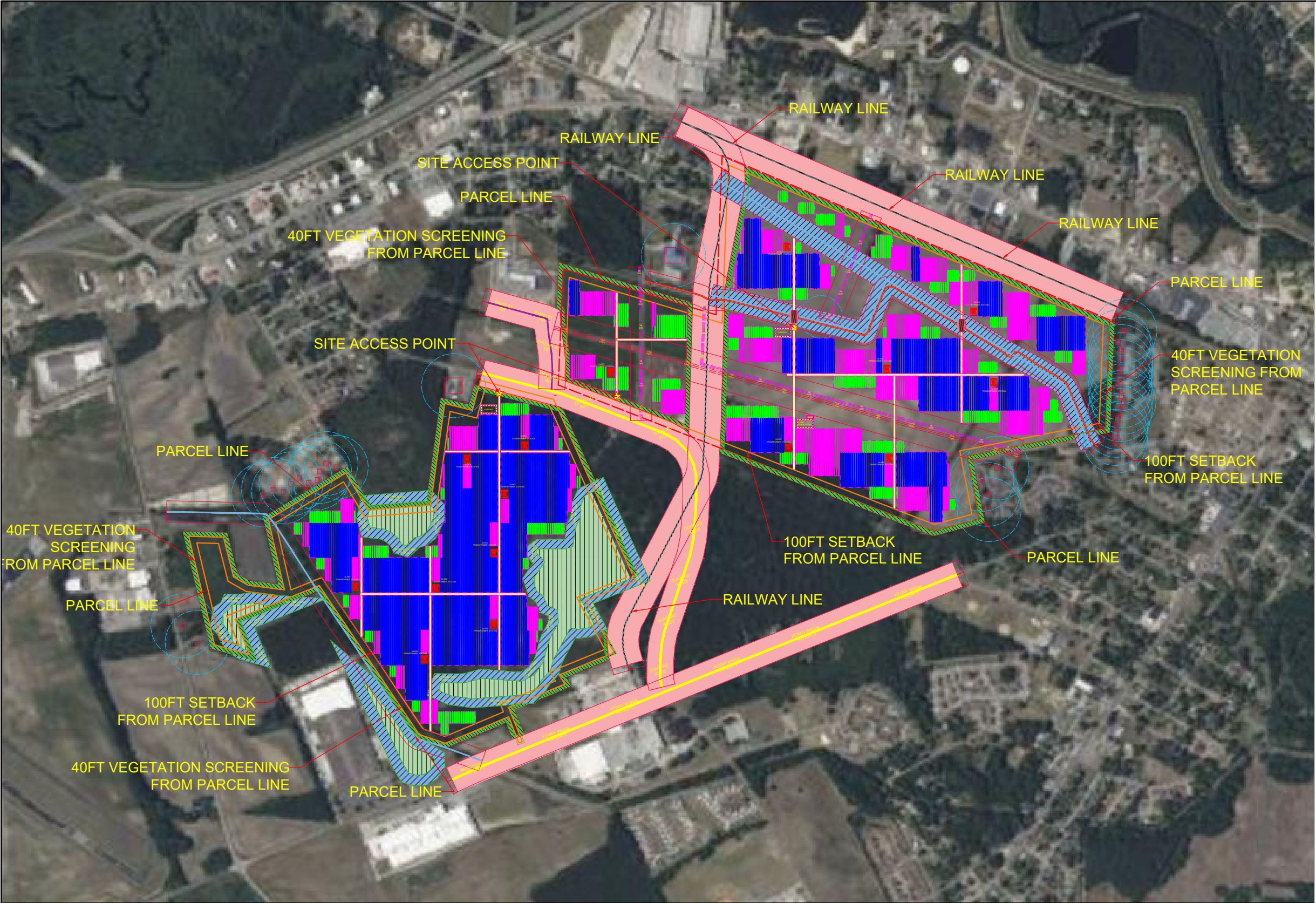
2 LOCATION PLAN
SCALE: NTS

DEVELOPMENT APPLICATION

NO.		STAGE	DATE	NOTES	PARTNERS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM		DRAWN SR CHECKED NV APPROVED NV		DRAWING	LOCATION ----	
1		----	----					DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.		PROJECT	NYE LANDS LLC SOLAR FARM - 45.22MW	SCALE AS NOTED
2		----	----							CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	SHEET SIZE ANSI B 11" X 17"
3		----	----									ORIG. DATE 20/07/2024
4		----	----									REV. DATE 20/07/2024
5		----	----							SHEET NO.	PV-3.0	REV NO.
6		----	----									

	TRANSMISSION LINE 115KV
TYPE	AC; OVER HEAD
STATUS	IN SERVICE
Naics _ Code	221121
Naics _ Desc	ELECTRIC BULK POWER TRANSMISSION AND CONTROL
OWNER	PROGRESS ENERGY CAROLINAS INC
VOLTAGE	115 KV
VOLTAGE CLASSIFICATION	100 - 161 KV
INFERRED	YES
Sub _ 1	UNKNOWN 114009
Sub _ 2	TAP146808





LEGEND	
	PARCEL LINE
	75' SETBACK FROM PARCEL LINE
	400' SETBACK FROM OFF-SITE RESIDENCES
	INTERNAL ROAD
	ENTRANCE
	40' VEGETATION SCREENING FROM PARCEL LINE
	WETLANDS
	125' SETBACK FROM CENTERLINE OF STATE MAINTAINED ROADS #DUNN RD 2522, #KENNY BIGGS RD 2413
	125' SETBACK FROM CENTERLINE OF MAINTAINED ROADS #PARIS ST, #JORDAN ST
	SETBACK AREA FOR STATE MAINTAINED HWY'S & ROADS
	EXISTING RAILWAY LINES
	1 STRING TRACKER (28 MODULES)
	2 STRING TRACKER (56 MODULES)
	3 STRING TRACKER (84 MODULES)
	FENCE LINE
	EXISTING OVERHEAD ELECTRICAL LINES #115KV
	EXISTING OVERHEAD ELECTRICAL LINES #3-Ø LINES
	RESIDENTIAL AMENITIES SETBACK 300'
	FOOTOVER BRIDGE

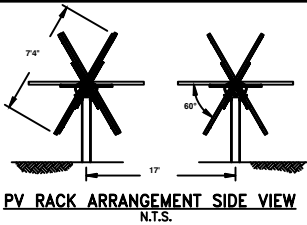
- FOLLOWING SETBACKS ARE MAINTAINED
- 1) 100ft SETBACK FROM PARCEL LINES/PROPERTY BOUNDARY
 - 2) 40ft WIDE AREA FOR VEGETATION
 - 3) 300ft SETBACKS FOR ONSITE STRUCTURES/AMENITIES
 - 4) 6ft HEIGHT MAINTAINED FOR FENCING
 - 5) 125ft SETBACK FROM STATE HIGHWAY / MAINTAINED ROADS
 - 6) 150ft SETBACK FROM EXISTING RAILWAY LINES
 - 7) 100ft SETBACK FROM WATER BODIES/WATERWAYS
 - 8) 100ft SETBACK FROM WETLANDS
 - 9) 20ft WIDTH ROADS MAINTAINED FOR INTERNAL ACCESS FOR SOLAR PV

1

GENERAL ARRANGEMENT PLAN

SCALE: NTS

NO.	STAGE	DATE
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----



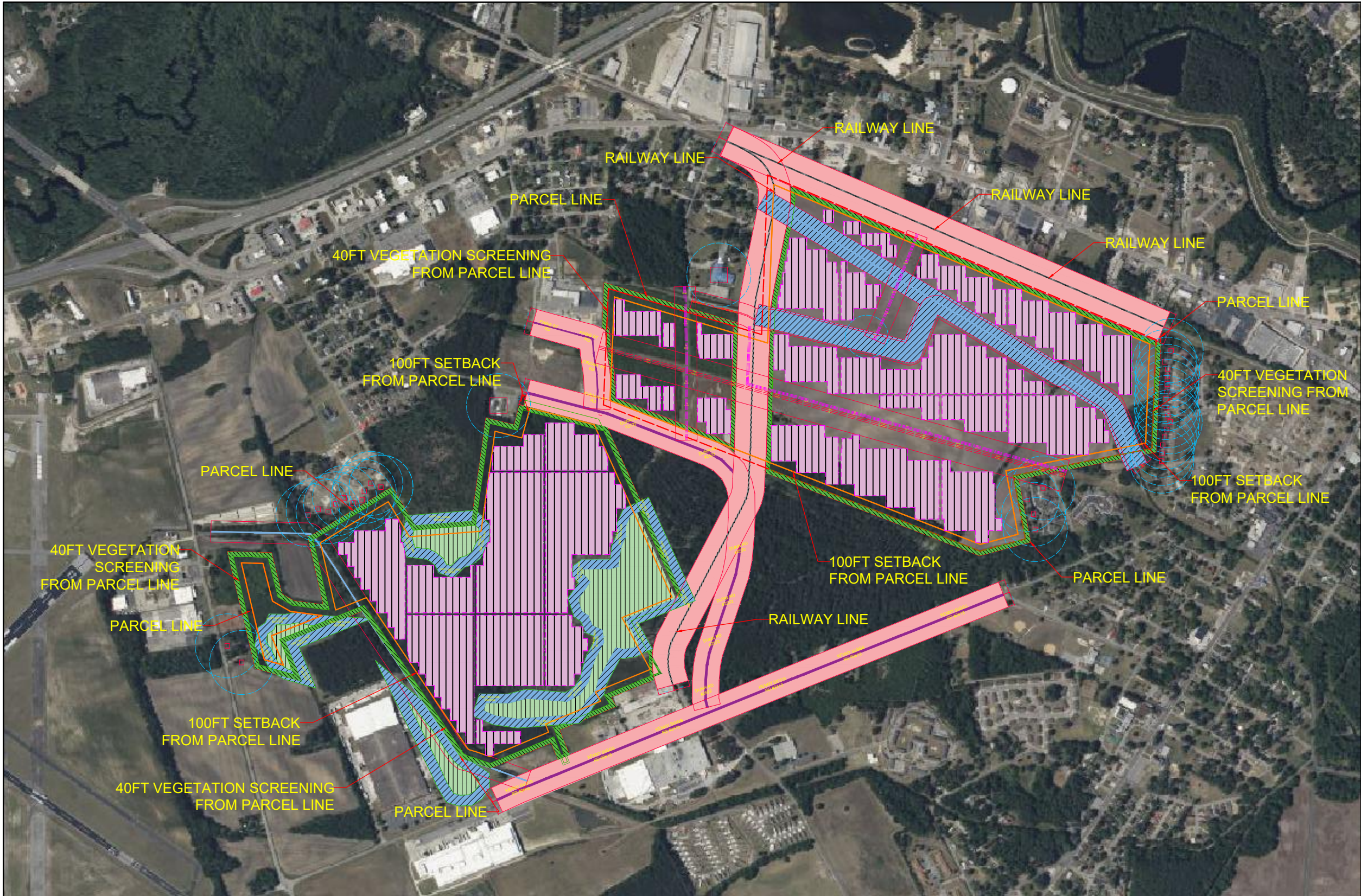
PARTNERS

YAROTEK , LLC
800, 4TH AVE, SUITE 706
HALLANDALE, FL 33009
WWW.YAROTEK.COM

DRAWN	SR
CHECKED	NV
APPROVED	NV
DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.	

DRAWING	SITE PLAN		

PROJECT	NYE LANDS LLC SOLAR FARM - 45.22MW	SCALE	AS NOTED
CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	SHEET SIZE	ANSI B 11" X 17"
		ORIG. DATE	20/07/2024
		REV. DATE	20/07/2024
SHEET NO.	PV- 4.0	REV NO.	0



TOTAL AREA : 416.31 ACERS
FENCED AREA : 174.74 ACERS

	LEGEND
	PARCEL LINE
	100' SETBACK FROM PARCEL LINE
	300' SETBACK FROM OFF-SITE RESIDENCES
	40' VEGETATION SCREENING FROM PARCEL LINE
	WETLANDS
	125' SETBACK FROM CENTERLINE OF STATE MAINTAINED ROADS #DUNN RD 2522, #KENNY BIGGS RD 2413
	125' SETBACK FROM CENTERLINE OF MAINTAINED ROADS #PARIS ST, #JORDAN ST
	SETBACK AREA FOR STATE MAINTAINED HWY'S & ROADS
	EXISTING RAILWAY LINES
	FENCE LINE
	EXISTING OVERHEAD ELECTRICAL LINES #115KV
	EXISTING OVERHEAD ELECTRICAL LINES #3-Ø LINES
	RESIDENTIAL AMENITIES SETBACK 300'
	FOOTOVER BRIDGE

1

PROJECT COVERAGE AREA

SCALE: NTS

DEVELOPMENT APPLICATION

NO.	STAGE	DATE	NOTES	PARTNERS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	DRAWN SR CHECKED NV APPROVED NV	DRAWING	PROJECT COVERAGE AREA	
1	----	----				DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.		PROJECT	NYE LANDS LLC SOLAR FARM - 45.22MW
2	----	----						CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM
3	----	----						SHEET NO.	PV- 5.0
4	----	----						SCALE	AS NOTED
5	----	----						SHEET SIZE	ANSI B 11" X 17"
6	----	----						ORIG. DATE	20/07/2024
								REV. DATE	20/07/2024
								REV NO.	0

NYE ESA PHASE 1 Transect Report

April 15, 2024

Prepared for

Yarotek

county(ies)/state(s)

Robeson County/North Carolina

prepared by



transect

Real-Time Environmental Due Diligence

LETTER FROM THE FIELD

Hi, I'm Robin!

I am pleased to provide this Transect report for the NYE lands new KML project in .

The U.S. abounds with sensitive plant, animal, water, land, geologic, cultural, and other sensitive natural resources that are legally protected through federal laws, like the Endangered Species Act and Clean Water Act, and through state and local laws. These laws are designed to protect these sensitive resources from the negative effects of land development. All public and private entities are subject to these laws, and intentional or incidental violations may result in civil or criminal penalties.

The purpose of a Transect report is to inform the potential for natural and cultural resources to occur within the defined area of interest (AOI), to explain the regulations and permits relevant to those resources, and to provide site-specific insight on recommendations, next steps, and timelines to move forward with the proposed project. The information and recommendations provided by Transect should not be relied upon as the final determination of onsite conditions or permitting requirements. Timelines may vary pending project complexity.

Let's talk about concern levels. Data on a map or in a table is helpful, but what does it mean for your project success? Transect reports use high, medium, and low concern ratings to help you better understand key roadblocks to successful development on the site.

A quick note: The content of this Transect report PDF has been prepared in accordance with your selected reporting requirements. As such, this report may not represent the full breadth of information available for this AOI in the Transect platform. A list of additional information available for this AOI is provided on the final page of this report, and the additional information is viewable at www.app.transect.com. Was this PDF provided to you? Contact the sender to request online access.

If you have any questions or comments about the contents of this Transect report, please do not hesitate to reach out to us at support@transect.com.

Cheers!

Robin Laine



Robin Laine
CEO and Co-founder of Transect

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- ♦ Floodplains Map
- ♦ **waters**
- ♦ other Regulations
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- ♦ protected Area
- ♦ **Parcels Map**
- ♦ **Parcel**
- ♦ References

This space is intentionally left blank to comply with the Transect's report format.



Site Location Map

Yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transect

Legend

BU er AOI

Executive Summary

Summary & Context Question Answers

Project center: 34.617253, -79.035545
 Area: 408.27 AC.
 Project type: Renewable Energy Generation
 Project subtype: Solar
 construction type: New construction
 Federal Funds: yes
 Plan to impact any rivers, streams, or wetlands: yes

AOI SUMMARY

408.27 Acres

6 Parcels

BUILDABLE AREA
 Create



NEAREST TRANSMISSION LINE

On Site

NEAREST SUBSTATION

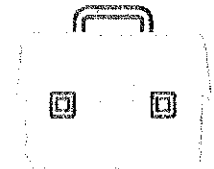
0.44 miles



OWNERSHIP

6 Owners

KEY OWNER
 CITY OF LUMBERTON (0.91 Acres)



Expert Review

An expert review was not requested for this report.

Concern Levels



Federally Protected Species

2 Active Regulations

3 permits

0 recommendation

Next Steps

protected species may occur within the project if appropriate habitat is present. species listed as May occur have a lower potential to occur based on information available and are therefore not a species of concern, but may still require consultation with respective agencies depending on other permitting efforts for the project. A habitat assessment and/or presence/absence survey may be warranted; contact a qualified biologist to assist in this evaluation and discuss project-specific avoidance and minimization strategies at your discretion or at the direction of the regulatory authority. In general, we recommend you avoid impacts to species and their habitat to the greatest extent practicable to avoid permitting delays and mitigation. species listed as Not Likely to occur have been excluded as a concern due to lack of appropriate habitat or geography. A field survey to confirm this result can be performed by a consultant at your discretion.

Transect uses the best available data from multiple public and private sources. When there are discrepancies with species data on IPAC reports and Transect reports, we recommend that you contact the USFWS to determine the next steps for your project.

Snapshot

- 0 species of concern
- 6 species may occur
 - Bald eagle (*Haliaeetus leucocephalus*)
 - Tricolored bat (*Perimyotis subflavus*)
 - Michaux's sumac (*Rhus michauxii*)
 - Monarch butterfly (*Danaus plexippus*)
 - Red-cockaded woodpecker (*Picoides borealis*)
 - Wood stork (*Mycteria americana*)
- 1 species are Not Likely to occur

Recommendations

species	Recommendation(s)
Bald eagle	if active eagle nests or roost sites are present, up to a 660-foot buffer may be warranted during project activities to avoid take. visit the National Bald Eagle Management Guidelines and USFWS's Eagle Management website for more information. Page 6 of the guidelines provides a calendar advising when surveys should occur based on geographic region.
Tricolored bat	Although this bat is not officially listed as endangered yet, consideration of this species may be required in areas of the project where a federal nexus is triggered. A common federal nexus is at wetland and waterway crossings, which are regulated under the clean water Act. In forested areas, avoid impacts to federally-regulated streams and wetlands to avoid triggering clean water Act permitting under a Nationwide Permit.
Michaux's sumac	Consideration of this plant species is only required if: 1. it occurs within the project, and 2. the project requires a federal permit, is on federal land, or is receiving federal funds. Private actions on private lands are allowed to impact federally protected plants without penalty unless a state law prohibits it.
monarch butterfly	This species was recently designated by USFWS as a candidate species across the entire U.S. Candidate species are not statutorily protected under the Endangered species Act, and therefore effects to the butterfly from this project are not unlawful (although consideration of this species may be required if the project is on federal lands or subject to NEPA environmental review). However, effects to the butterfly could become unlawful in the future should the USFWS decide to list it as endangered or threatened, a process which could take up to 4 years or more.
wood stork	during times of the year when storks are present, avoid human activities within 1,000 feet of roosting (non-nesting) sites. Avoid any tree removal activities within 1,500 feet of active nesting colonies.



Waters

3 Active Regulations

6 permits

4 Recommendations

Next Steps

There are streams and/or wetlands within your project, impacts to which could trigger federal or state permitting. Contact a wetlands biologist to delineate streams and wetlands. Use the delineation to develop an avoidance and minimization plan early in the planning process. Typically, if you do not impact any waters or wetlands, then federal or state waters/wetland permitting is not required.

Snapshot

Wetlands

- 13 wetlands
 - Total 38.3 acres

Waterbodies

- 7 waterbodies
 - Total 8,546.13 feet

Floodplains

- 2 Flood Hazard Areas
 - X: 254.3
 - AE: 155.84
 - AH: 0



Protected Areas

Next Steps

Non-federal, publicly owned or managed lands intersecting your project. Contact the agency as soon as practical during your planning process to find if any environmental review, specific surveys, or additional permitting will be required. A consultant will be able to assist in these efforts.

AOI intersects a Tribal Reservation. Check land title to determine if the lands are trust, allotted, or private. If trust or allotted lands are present, contact the Bureau of Indian Affairs (BIA) to determine the level of review and NEPA permitting that will be required. An experienced consultant will be able to assist you. We recommend contacting a tribal consultant, tribal leadership and/or tribal historic preservation office (THPO) to understand any concerns they may have, or if there are traditional historic properties that may be affected. If lands are privately owned, no BIA permitting actions are necessary; however, you may still elect to contact the tribe as a respectful courtesy.

Snapshot

- 0 Federally owned or managed
- 1 Tribal Area(s)
- 0 State owned or managed
- 0 other



Environmental Compliance

Next Steps

Transect has not identified any registered facilities or contaminated sites within or adjacent to the AOI. This preliminary assessment does not replace a Phase 1 Environmental site Assessment.

Snapshot

- 0 environmental compliance catalog features within AOI or buffer
- 0 federal registered facilities within your AOI or buffer have a formal action, penalty, violation, and/or RCRA id.

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Permit Matrix

USFWS Consultation/Permitting

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Impacts to federally-protected species	1-6+ months for Section 7 consultation; 18-24+ mo for 10(a) Permit	U.S. Fish and Wildlife Service	Endangered Species Act

Recommendations

If the species concern level is moderate or high, a habitat assessment or presence/absence survey for the federally-listed species of concern by a qualified biologist is typically recommended and USFWS may be required for effects to protected species. If the species concern level is low, we generally do not recommend additional actions as warranted, though a habitat assessment may be conducted at your discretion.

Running a USFWS Information for Planning and Consultation (IPaC) report can assist you in further analyzing your project for species effects and with USFWS consultation. In some simple cases, an IPaC report may satisfy consultation requirements. In other cases where effects to species will occur, additional consultation will be required.

NEPA Environmental Review

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Federal funds or lands	Variable, pending level of review (CE/EA/EIS)		National Environmental Policy Act

Recommendations

NEPAssist is an online tool that can facilitate the environmental review process and project planning about environmental considerations.

Contact the lead federal agency (the one whose land the project is on, or the one providing federal funding) as early as possible to discuss your project plans. Their environmental requirements will be based on your project footprint and impacts.

Local Floodplain Permit

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Flood hazard zone	Variable	Federal Emergency Management Agency	National Flood Insurance Program

Recommendations

AOI intersects a flood hazard zone. If excavation or any above ground facilities are expected to be installed within the zone, a permit may be needed. Contact the local floodplain administrator to determine if there are any floodplain permit requirements.

401 Certification (NC)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Waters of the U.S.	60+ days	North Carolina Department of Environmental Quality	CWA 401 North Carolina

Recommendations

Conditional 401 WQC was issued for use with the NWP; all conditions must be adhered to or an individual 401 WQC is required. If an individual WQC is needed, a pre-filing meeting must be requested

Blanket authorization is limited to 150 feet of stream impacts, 1/10 acre of wetland impacts any permanent impacts to coastal wetlands, state designated waters or regulated buffer areas.

NCG01 Certificate of Coverage for Stormwater

Trigger	Timeline	Assc. Regulator	Assc. Regulation
1 or more acres of land disturbed. O&G generally exempt unless reportable quantity release.	Varies by authority (see "Regulation Description")	NCDEQ Division of Energy, Mineral and Land Resources	CWA 402 North Carolina

Recommendations

Erosion and Sedimentation Control plan must be submitted and approved by the regulator prior to submitting the Notice of Intent; time for approval varies. Time from submitting the NOI to receipt of coverage is approximately 1 week.

Section 408 Civil Works

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Civil works projects	3-6+ months	U.S. Army Corps of Engineers	Section 408: Civil Works, Civil Works 408 Wilmington District

Recommendations

AOI intersects a USACE civil works project, per the National Levee Database or National Dam Inventory. Contact the USACE to determine if review and approval is necessary based on proposed project plans. If so, some projects qualify for a categorical exclusion and others require full NEPA review. You may also need check with USACE real estate division to see if any flowage easements are crossed.

NWP 51- Land-Based Renewable Energy (NC)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Impacts to waters of the U.S.	If PCN is required, 3-6+ months (pending level of env impacts)	USACE Wilmington District	CWA 404 North Carolina

Recommendations

Available for impacts in non-tidal waters of the U.S. resulting in no more than 0.50 acre of fill or loss up to 0.05 acre of streambed. Preconstruction notification (PCN) to USACE is required in several instances, notably for greater than 0.10 acre of fill or loss of 0.002 acre of streambed. All general and regional conditions must be met or an individual permit must be obtained.

The USACE is currently interpreting the post of a solar panel as a temporary impact that does not count towards the 1/2-acre of fill threshold for this permit.

FAA Obstruction Evaluation / Airport Airspace Analysis (OE/AAA)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Within the vicinity of an airport	File notice 45 days prior to construction	Federal Aviation Administration	FAA Obstruction Determination

Recommendations

The AOI intersects or is within 5 miles of an airport. Projects near an airport or planning to construct a structure greater than 200 feet tall must file a notice with the FAA's Obstruction Evaluation Group at least 45 days prior to construction. Use the Notice Criteria Tool to determine if this is needed for your project. If an evaluation is needed, and the project is not located on airport property, submit FAA Form 7460-1 (Notice of Proposed Construction) and Form 7460-2 via the e-filing system. If the project is on airport property, submit only Form 7460-1. The FAA may provide project-specific requirements and recommendations.

EPA/Tribal Permitting

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Indian Reservation	Variable, pending impacts	U.S. Environmental Protection Agency	EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)

Recommendations

i A data gap has been identified. See recommendations.

The project is located within the boundaries of a Reservation. If on Trust lands, the Clean Water Act (except for 404) is regulated by the EPA or the respective tribe (if that tribe has delegated authority), and not the agency with state delegated authority. Verify land ownership, check with the Tribe and/or or respective EPA or BIA office on jurisdiction.

NC Natural Heritage Data Explorer

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Voluntary Review	Immediate	North Carolina Department of Natural and Cultural Resources	Endangered Species Act

Recommendations

The North Carolina Natural Heritage Data Explorer provides free access to maps and data representing Natural Heritage resources and other conservation values in North Carolina. For a fee, users can also view confidential species data and generate unlimited project review reports. We recommended you visit the Data Explorer as part of your project due diligence.

NWP NC Regional Condition D.8: Floodplain

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Floodplain	6-12+ months for Individual Permit	USACE Wilmington District	CWA 404 North Carolina

Recommendations

AOI intersects the 100-hr floodplain, dredge and fill resulting in higher grade within this floodplain are precluded from use of NWP and will require an individual permit.

Spill Prevention, Control and Countermeasure (SPCC) Plan

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Oil storage volume	Must have in place prior to construction	U.S. Environmental Protection Agency	The Oil Pollution Prevention Regulation (40 CFR Part 112)

Recommendations

Aboveground tanks, transformers, and other oil-storing containers above certain volume thresholds may be subject to planned oil preparedness and prevention measures (in the form of an SPCC plan).

Bald and Golden Eagle Self-Certified General Permit

Trigger	Timeline	Assoc. Regulator	Assoc. Regulation
Impacts to eagles that meet general permit eligibility	Immediate self-certification	U.S. Fish and Wildlife Service	Bald and Golden Eagle Protection Act, Endangered Species Act

Recommendations

Authorizes incidental take of bald and golden eagles for projects that meet eligibility criteria. General permit applicants must self-identify eligibility and register with USFWS, including providing required application information and fees, as well as certifying that they meet eligibility criteria and will implement permit conditions and reporting requirements. USFWS review is not required prior to obtaining a permit. Instead, a general permit is generated using permit conditions and reporting requirements for the activity.

USFWS allows the use of general permits for the following activities:

- eagle incidental take permits for wind energy
- eagle incidental take permits for power lines
- eagle disturbance take permits
- eagle nest take permits

Nest disturbance and nest take general permits require a fee of \$100 per disturbance or take per year. All take of golden eagle nests will not be eligible for a general permit and will require a specific permit. For both specific and general permits, approved avoidance and minimization measures are required, and compensatory mitigation may be required depending on the type of activity and whether it affects bald or golden eagles.

Review the Final Rule on Permits for Incidental Take of Eagles and Eagle Nests and contact USFWS to determine project-specific requirements for your project.

Certificate of Public Convenience and Necessity (Transmission Lines)

Trigger	Timeline	Assc. Regulator	Assc. Regulation
Construction of new transmission facilities 161 kV and above	Varies by project	North Carolina Utilities Commission	North Carolina § 62-101 Article 5A – Siting of Transmission Lines

Recommendations

A CPCN is required for a public utility or person to begin construction of a new transmission line by obtaining a certificate of environmental compatibility and public convenience and necessity for lines 161 kV and above. The certificate is not required for expansion of existing transmission facilities. The project developer should consult with the North Carolina Utilities Commission early in the planning process for specific project requirements. Refer to Chapter 62-102 for the application process.

Regulation-related Recommendations

regulation	recommendation(s)
EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)	The project is on or intersects the boundaries of a reservation. Reservations include Trust lands and Private Lands; Trust Lands are under the jurisdiction of the BIA and NEPA permitting may be required. Also on Trust Lands, the EPA or delegated Tribe is responsible for CWA authorizations (other than Section 404) instead of the state delegated permitting authority. We recommend verifying the title of the parcel(s) and checking with the Regional EPA office to determine jurisdiction.
USDA Business & Industry Guaranteed Loan Eligibility Area (B&I)	Your project is located within the eligibility area for the USDA Business & Industry (B&I) and may qualify for guaranteed loans for development. View the USDA B&I Loan Guarantees link and contact your local program specialist to obtain more information and determine if your project qualifies for the program.
Farmland Protection Policy Act of 1981 (FPPA)	The project has areas of prime farmland, farmland of statewide importance, farmland of local importance, or farmland of unique importance. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. If your project intends to convert farmland to nonagricultural use and is completed by or with assistance from a Federal agency, contact that agency to complete the site assessment portion of the AD-1006 form and determine next steps. The project has areas of prime farmland or farmland of statewide importance. Some counties or municipalities may have avoidance or minimization requirements for solar projects on these soil types.

regulation

recommendation(s)

Disadvantaged
Community - Justice
40 Initiative

AOI is wholly or partially within a Disadvantaged Community identified through the CEQ's Climate and Economic Justice Screening Tool. The current administration seeks to invest 40% of federal funds allocated through the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and similar bills to improve Disadvantaged Communities. Renewable energy development in Disadvantaged Communities may receive preferential funding during federal decision-making. Contact the agency that the project will seek funding from for additional information.

USDA Rural Energy for
American Program
Guaranteed Loan &
Grants Eligibility Area
(REAP)

Your project is located within the eligibility area for the USDA Rural Energy for American Program (REAP) and may qualify for guaranteed loans and grants for renewable development. View the REAP Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants link and contact your State Rural Development Energy Coordinator to obtain more information and determine if your project qualifies for the program.

Section 106 of the
NHPA

Section 106 consultation with the State Historic Preservation Office (SHPO) is typically conducted in tandem with other federal permits (e.g. NEPA or CWA 404). The first step in Section 106 consultation is conducting a SHPO Records Search, which you can do in the Transect Marketplace. Depending on the results of the SHPO Record Search, the SHPO office may recommend that you contact an archaeologist to conduct a site investigation and prepare a SHPO request for review. After receiving a request for review, SHPO has 30 days to provide concurrence or comment.

Section 404: Permits
for Dredged or Fill
Material

The definition of Waters of the U.S. (WOTUS) has been debated since the inception of the Clean Water Act 1977 and has been highly politicized and litigated since 2005. In June 2021, the EPA announced its intentions to repeal the 2020 definition and draft a new one. Then, in August 2021, a US District Court vacated the 2020 rule, and the EPA and USACE subsequently announced their return to the pre-2015 regulatory regime until further notice. In December 2022, the EPA and USACE announced the final "Revised Definition of 'Waters of the United States'" rule which took effect on March 20, 2023. This Rule was challenged in March and April of 2023 and preliminary injunctions were issued for 26 states.

On May 25, 2023 the Supreme Court ruled that CWA jurisdiction "extends to only those wetlands with a continuous surface connection to bodies that are 'waters of the United States' in their own right, so that they are 'indistinguishable' from those waters." Further, the Court ruled that wetlands without a continuous surface connection to WOTUS are not adjacent wetlands because they are not actually adjoining the waters. This ruling removes the significant nexus from the CWA and all protections for wetlands without direct surface connection to WOTUS.

Transect will continue to track developments related to this decision closely and will provide any additional guidance as it becomes available. We advise that project

regulation

recommendation(s)

proponents be aware of the merry-go-round of legal definitions identifying water features that are subject to jurisdiction and regulations.

Wetlands appear to be present onsite. If the wetland(s) is near a stream or river, it is likely jurisdictional. Contact a wetlands biologist to conduct a site assessment. Avoid impacts to wetlands to minimize the permit burden.

Forested wetlands appear to be present within the project, but an onsite field investigation is recommended to confirm. If present, minimizing impacts to forested wetlands (through avoidance and/or hand clearing) may limit permitting and mitigation requirements.

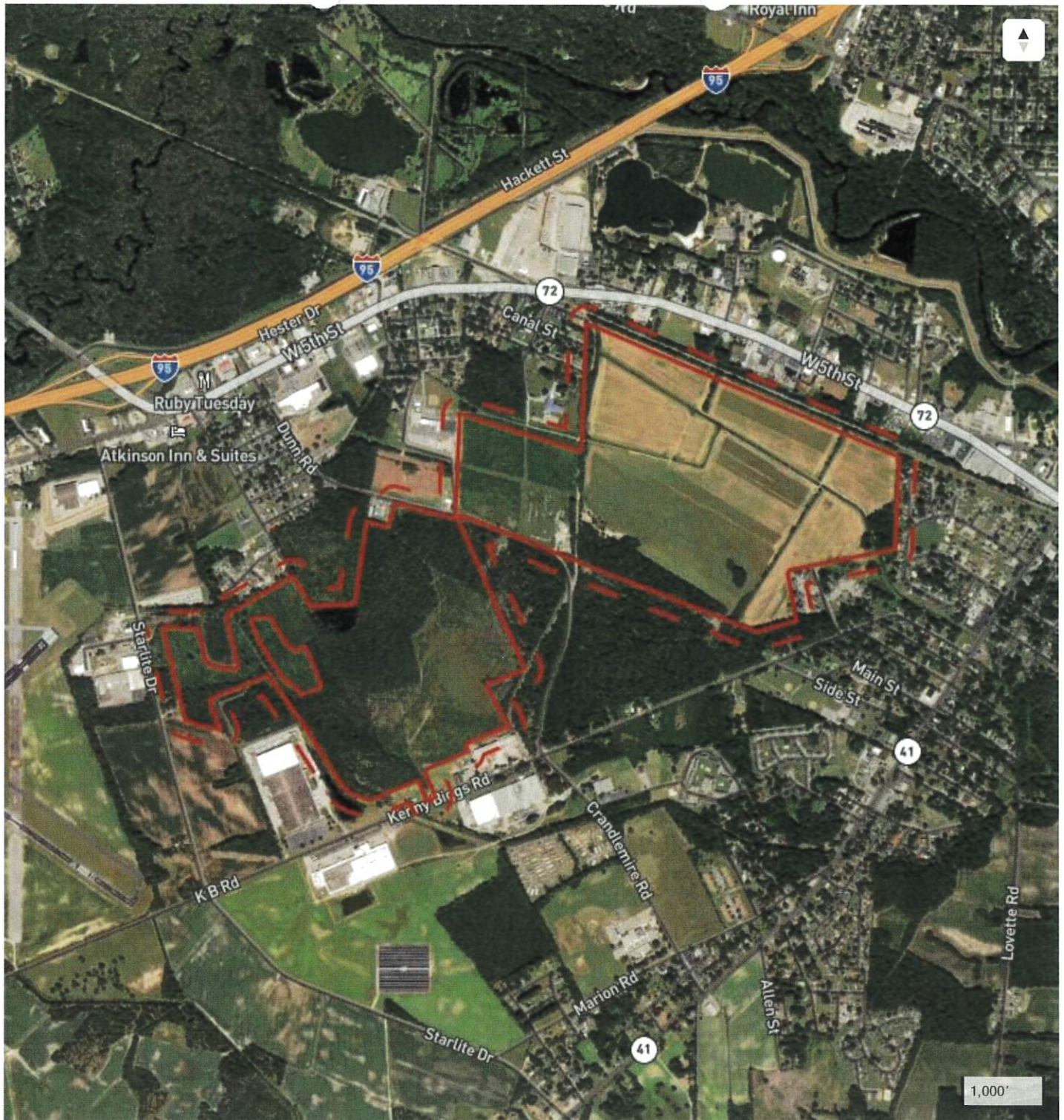
Environmental Justice Considerations

If the project undergoes an environmental review under NEPA, regulatory agencies will consider the project's impacts to environmental justice (EJ). Federal regulatory agencies may have differing approaches to addressing EJ during the environmental review, viewable at the bottom of the EPA's "EJ and NEPA" webpage. Early coordination with the lead regulatory agency to discuss their approach to EJ is highly recommended to avoid permitting delays and public opposition that may derail the project. Developers may utilize the Climate and Economic Justice Screening Tool (CEJST) and EJScreen 2.0 to identify environmental issues facing individual communities.

 A data gap has been identified. See recommendations.

Section 10 North Carolina

Public list not available. If the project intersects a major river, major creek, bay, lake, or tidal area, contact the USACE office to determine if the waterbody is subject to Section 10.



Critical Habitat Map

Yarotek

NYE lands New KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transect

Legend

 Buffer AOI

Species

- Bald and Golden Eagle Protection Act
- Endangered species Act
- North Carolina Endangered species Act
- North Carolina Plant Protection and Conservation Act
- North Carolina Regulation of wildlife (General statute Article 22)
- ~~Eagle conservation plan guidance~~
- ~~Magnuson-Stevens Fishery Conservation and Management Act~~
- ~~Migratory Bird Treaty Act~~
- ~~USFWS Land-Based Wind Energy Guidelines~~
 - ~~Eagle conservation plan guidance~~

Federal Species Profiles

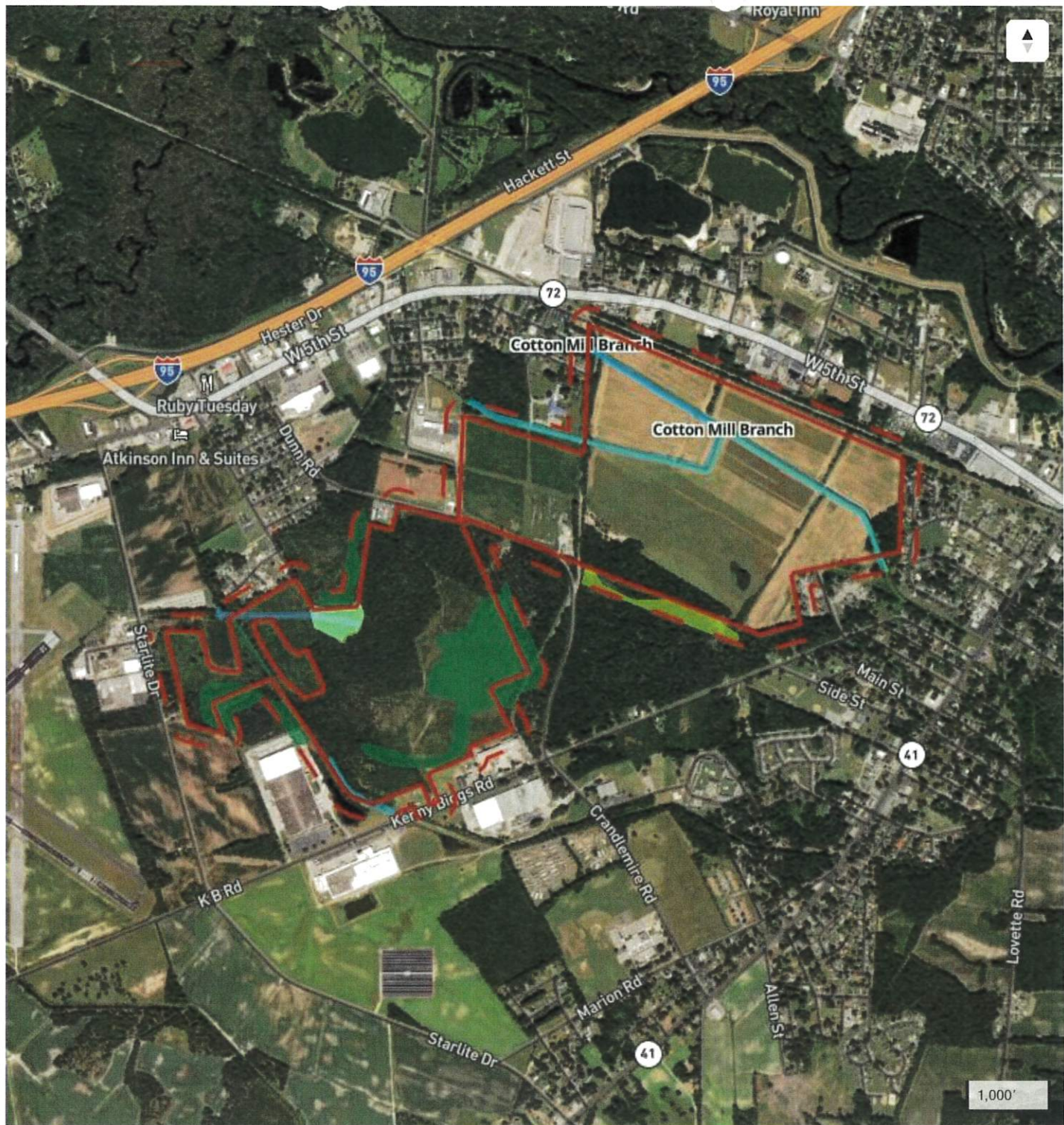
Species May Occur

- Bald eagle (*Haliaeetus leucocephalus*)
- Michaux's sumac (*Rhus michauxii*)
- Red-cockaded woodpecker (*Picoides borealis*)
- Wood stork (*Mycteria americana*)
- Tricolored bat (*Perimyotis subflavus*)
- Monarch butterfly (*Danaus plexippus*)

Species Not Likely to Occur

- 1 species are not likely to occur

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Wetlands and Waterways Map

Yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson County

34.617253, -79.035545

transsect

Legend

- BU er ■ AOI ■ Freshwater emergent wetland
- Freshwater forested/shrub wetland ■ Riverine ■ Artificial Path
- Canal/ditch ■ Lake/Pond ■ stream/river



Floodplains Map

yarotek

NYE lands NEW KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transect

Legend

 Bu er AOI AE; AH;

X; AREA WITH REDUCED FLOOD RISK DUE TO LEVEE

Waters

- Clean Water Act
 - Section 408: Civil Works
 - The Oil Pollution Prevention Regulation (40 CFR Part 112)
 - Section 401: State / Tribal Water Quality Certification
 - Section 402: National Pollutant Discharge Elimination System (NPDES)
 - Section 404: Permits for Dredged or Fill Material
 - ~~Section 303(d) Impaired Waterways~~
- National Flood Insurance Program
- Rivers and Harbors Appropriation Act of 1899
 - Section 10: Section 10 of the Rivers and Harbors Appropriation Act of 1899
 - ~~Section 9: Section 9 of the Rivers and Harbors Appropriation Act of 1899~~
- ~~National Flood Insurance Program (No Digital Data Area)~~
- ~~North Carolina Dredge and Fill Law~~
- ~~North Carolina Riparian Buffer Rules~~
- ~~Wild and Scenic Rivers Act of 1968~~

Wetlands

- 13 Wetlands
 - Total 38.3 acres

type	Area within AOI - acres
Freshwater Forested/Shrub Wetland	31.062
Freshwater Emergent Wetland	6.105
Riverine	1.128

Waterways

- 7 Waterbodies
 - Total 8,546.13 feet

Feature code description	Length within AOI - feet
Stream/River: Hydrographic Category = Intermittent	3,891.713
Stream/River: Hydrographic Category = Perennial	3,164.595
Canal/Ditch	914.011
Artificial Path	575.808

- Cotton Mill Branch

Floodplains

- 2 Flood Hazard Areas

Flood HaZard zone	Area within AOI - acres
X	254.297
AE	155.838

FIRM Panels

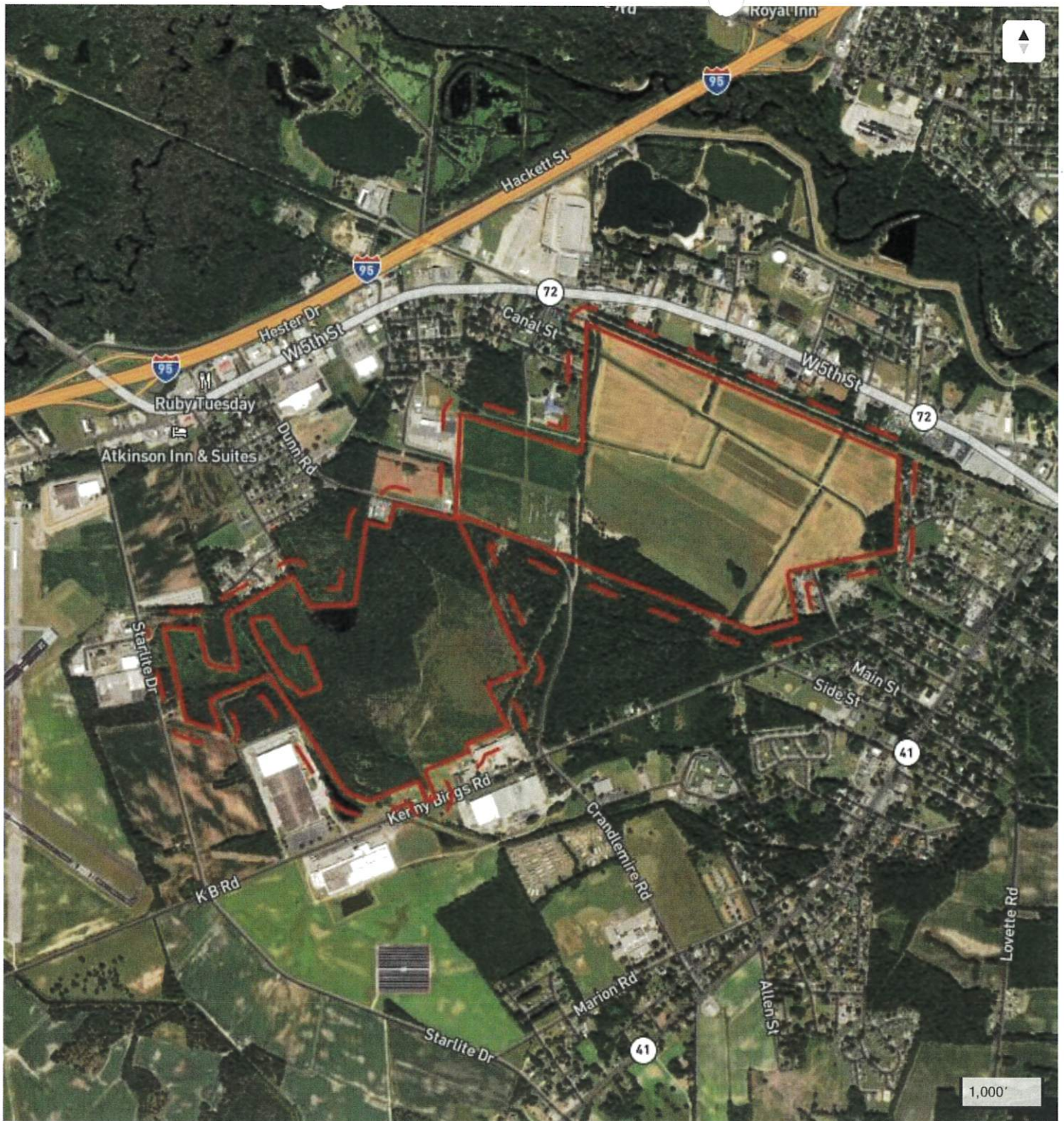
Panel #	Area within AOI - acres
3710938100K	214.424
3710939100K	195.71

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Other Regulations

- 2022 North Carolina state building code
- Disadvantaged community - Justice 40 Initiative
- EPA Policy for the Administration of Environmental Programs on Indian Reservations (1984 Indian Policy)
- FAA Review
 - FAA obstruction determination
- Farmland Protection Policy Act of 1981
- National Environmental Policy Act
 - Environmental justice considerations
- National Historic Preservation Act
 - Section 106: section 106 of the NHPA
 - ~~National Register of Historic Places~~
- North Carolina Environmental Policy Act
- North Carolina § 62-101 Article 5A - siting of Transmission Lines
- USDA Business & Industry Guaranteed Loan Eligibility Area
- USDA Rural Energy for American Program Guaranteed Loan & Grants Eligibility Area
- ~~Cemetery Laws~~
- ~~Coastal Barrier Resources Act~~
- ~~Coastal Zone Management Act~~
 - ~~North Carolina Coastal Area Management Act~~
- ~~Federal Power Act (if other type = hydropower)~~
- ~~Grassland Reserve Program~~
- ~~Ike Skelton National Defense Authorization Act~~
- ~~Land-Based Wind Energy Guidelines~~
- ~~Natural Gas Act~~
- ~~Natural Gas Pipeline Safety Acts~~
- ~~North Carolina General Statute 12-12(a)~~
- ~~State Antiquities Regulations~~
- ~~Wetland Reserve Program~~

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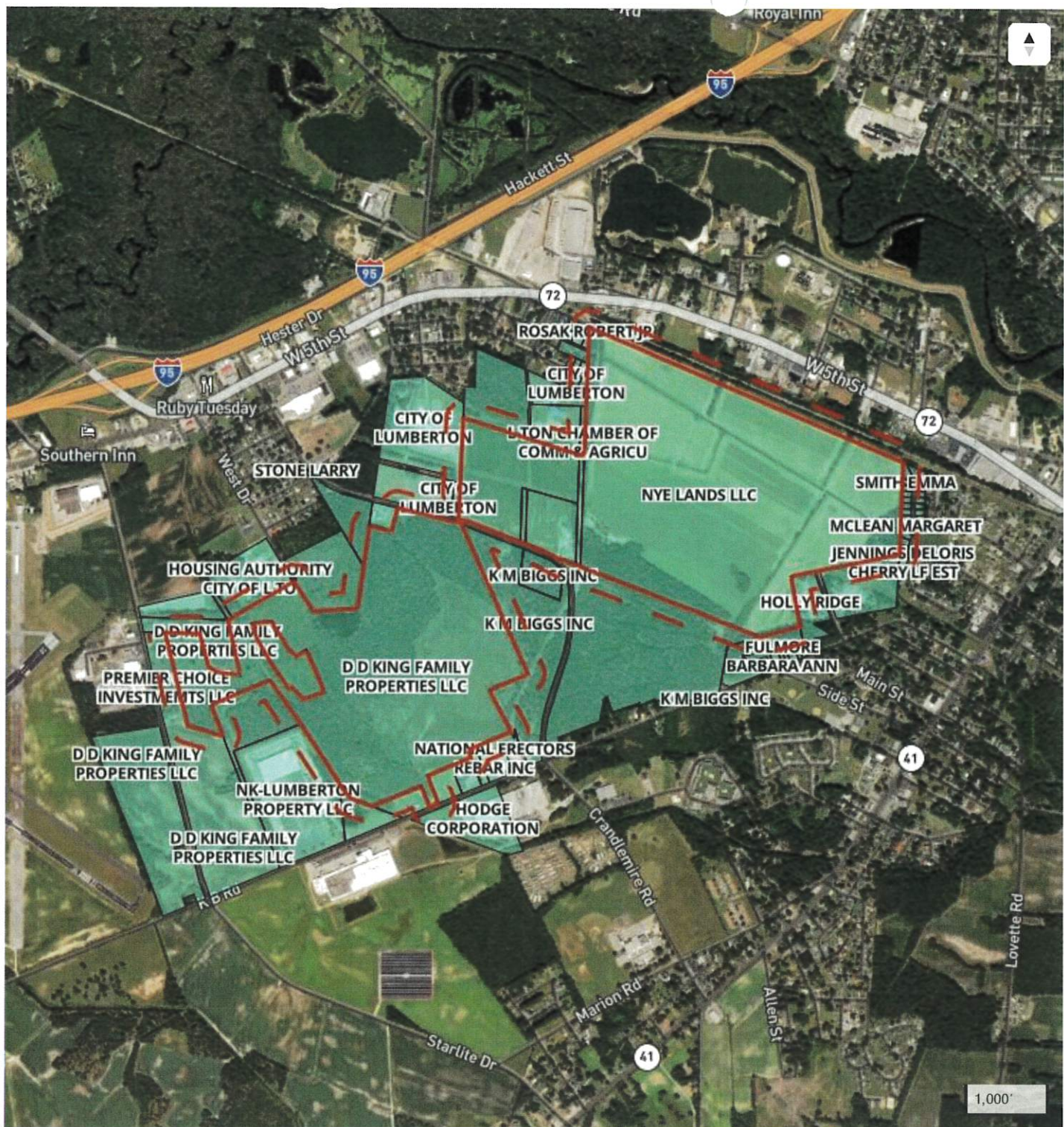


Protected Areas Map

Yarotek
 NYE lands New KML
 408.27 acres
 North Carolina
 Robeson county
 34.617253, -79.035545
 transect

Legend

 BU er AOI



Parcels Map

Yarotek

NYE lands new KML

408.27 acres

North Carolina

Robeson county

34.617253, -79.035545

transact

Legend

Parcels Bu er AOI

Parcels

Parcel Number	owner Name	owner Mailing Address	site Address	Area within AOI - aCres
101301004	NYE LANDS LLC	3118 ETON ROAD RALEIGH, NC 27608-1114	1919 WILSHIRE DR Lumberton, NC 28358	201.676
101301013	D D KING FAMILY PROPERTIES LLC	P O BOX 99 MARIETTA, NC 28362	2860 KENNY BIGGS RD LUMBERTON, NC 28358-6332	166.302
101301003	STONE LARRY H & WF DEBORAH	PO BOX 787 LUMBERTON, NC 28359	DUNN RD Lumberton, NC 28358	29.011
10130100302	FERRELLGAS 2825	1 LIBERTY PLAZA LIBERTY, MO 64068	DUNN RD LUMBERTON, NC 28358	9.533
10130100301	L TON CHAMBER OF COMM & AGRICU	800 N CHESTNUT ST LUMBERTON, NC 28358	DUNN RD Lumberton, NC 28358	1.663
10130100302A	CITY OF LUMBERTON	P O BOX 1388 LUMBERTON, NC 28359	DUNN RD LUMBERTON, NC 28358	0.916

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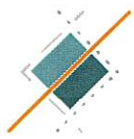
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YAROTEK, LLC.

PROJECT OVERVIEW
(SOLAR-ENERGY POWER-GENERATION SYSTEM)

NYE LANDS LLC SOLAR FARM – 45.22MW

in

LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA.



Prepared:

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EXECUTIVE SUMMARY

YAROTEK LLC ("Yarotek"), proposes to develop a 45.22MW utility scale SEPGS (Solar-energy power-generation system) identified as "NYE LANDS LLC SOLAR FARM" within an area of 416.31 acres of which 174.74 acres would be the actual solar farm. The proposed system would be in "LUMBERTON TOWNSHIP, , USA" at the geographical location of 34°37'17.0" N 79°01'48.6" W. Site Control of the land has been obtained, YAROTEK LLC proposes to develop the solar farm with an interconnection point at 115kV transmission line that bisect the proposed site.

Below is a Google Map image of the general location in ROBESON COUNTY for the proposed site:



Per ROBESON COUNTY Planning and Zoning Department requirements, the preliminary design has been prepared by a professional engineer, licensed in the Commonwealth of Robeson County. PV sheet No: 8 of this Document includes a single-line diagram of the electrical components of the solar farm, stamped and certified by -----

The Point of Interconnection ("POI") to the Utility (PROGRESS ENERGY CAROLINAS INC) is proposed to be 115kV transmission line that bisect the proposed site.

SITE DESCRIPTION:

Below is an image of the proposed site for the NYE LANDS LLC SOLAR FARM to be in LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA., with geographical coordinates of 34°37'17.0" N, 79°01'48.6" W.



Figure 1: Map of proposed site

The total land available at the proposed site is 416.31 acres of which 174.74 acres would be the actual footprint of the solar farm. There are no existing structures within the site boundaries or near the site.

The proposed site is accessed by DUNN RD 2522, which is bisect the Proposed site. The site is nearly 5 miles away from the East of LUMBERTON TOWNSHIP.

In compliance with ROBESON COUNTY Zoning Ordinance, setbacks would be provided, 50feet for any equipment, structures, or solar panels and 100ft from wet lands, 100ft from waterbodies/waterways and 150ft from the centre to the Existing OHE lines. The 174.74 acres of the project site would be provided with a perimeter fence (cyclone fence) of 6' height equipped with an appropriate anti-climbing device (see attached drawing set Sheet

No. PV 11.0, titled, "Vegetative Screening Details" and Sheet No. PV 13.0, titled "Fence Detail"), in compliance with ROBESON COUNTY. Also, in compliance with this ordinance, the entire facility (including fencing) would be screened from ground-level view of adjacent properties by a landscaped buffer zone of 40 feet wide consisting of an evergreen and deciduous mix to be submitted for approval by the ROBESON COUNTY Zoning Ordinance Administrator. Existing mature tree growth and natural landforms on the site would be preserved to the maximum extent possible and would be used in whole or in part to provide the required screening. In the event that existing vegetation or landforms providing screening are disturbed, new plantings would be provided to accomplish the same effect.

Refer to enclosed drawing set Sheet No. PV 3.0, titled "Location Plan" and Sheet No. PV 4.0, titled "site plan" for details of the proposed solar farm layout. Drawings include the main access gate to the solar farm from State Road (DUNN RD #2522), which is that bisect the proposed site.

A total of 91168 solar panels grouped in arrays with 21ft as inter row spacing would be placed in shadow-free areas. Internal roads of the Solar Farm for access and maintenance would be Twenty (20) feet wide. The solar panels would be elevated above the ground surface by approximately 5-6 ft on mounting structures of Hot-Dip-Galvanized (HDG) steel construction with stainless steel accessories. Pile depth of vertical supports would be approximately 4-6 ft below ground level. In compliance with ROBESON COUNTY Zoning Ordinance, the proposed Solar Energy Systems & equipment would not exceed twenty-five (25) feet in height when ground mounted as measured from the highest grade at the base to the top of structure. Excluded from this requirement are utility poles and transmission lines. There would be no roof mounted systems in the proposed project.

SOLAR PLANT COMPONENTS:

Electricity is produced by the solar farm when photons from the sun's rays hit electrons in the solar-photovoltaic panels, wired together in strings and generating direct current (DC) power from each string, and grouped together to form arrays. Multiple arrays of solar panels would be grouped together and fed to a dedicated grid-interactive inverters (typically 3600KVA- AC capacity catering to each array field of 3768kWp), converting the DC power to alternating-current (AC) power. Fifteen (15) inverters have been considered in the design. The outputs of these Fifteen (15) inverters would be clubbed together and fed through distribution transformers stepping the voltage up to 34.5kV (AC). The AC power is then routed through a high-voltage switchgear, voltage stepped up through a 115kV and to other required measuring & protection devices, subsequently connecting to the grid-interconnection point at an existing 115KV transmission line owned by PROGRESS ENERGY CAROLINAS INC and transmission line that bisect the proposed site.

The proposed solar plant would consist of the following major components:

- 91168 Solar PV Modules -620Wp capacity N-type bifacial Mono module
- Fifteen (15) Inverters
- MV Collector Switchgear 34.5kV
- Power Transformers (54MVA)
- Module mounting structures with single axis tracker mechanism.
- SCADA Monitoring system
- Cables & connectors

See drawing No. PV 4.0, titled "site plan" for location of the major solar plant components.

ADDITIONAL NOTES:

1. Land utilization has decreased from over 416.31 acres available to approximately 174.74 acres of actual footprint, to address local concerns about land usage.
2. The solar plant would meet or exceed all community solar requirements, including the 40' setback from site boundary. In many locations, the project would have more than 25' setbacks to maintain vegetations.
3. The project has been disclosed to PROGRESS ENERGY CAROLINAS INC and the Utility is very supportive of the additional generation at the NYE LANDS LLC SOLAR FARM 's local level.
4. The project has the possibility to interconnect to PROGRESS ENERGY CAROLINAS INC 115kV transmission line whichever gives it a better chance of success in the interconnection process.
5. YAROTEK LLC would post a decommissioning bond (see lease) to guarantee the funds to restore the land to the condition before construction.
6. YAROTEK LLC provide a decommissioning plan (see "Decommissioning Plan") for COUNTY approval prior to acceptance and approval to construct.
7. Where needed beyond the setback buffer, YAROTEK LLC would plant natural tree barriers or vegetation.
8. The proposed Solar Energy System would not emit noise, electrical emissions, toxic materials, smells, dust, or soot during operations. Any dust generated during construction would be minimized by water tanker spray applications.
9. Upon decommissioning, the project materials (glass, steel, aluminum) would be recycled.
10. The solar panels, inverters and other components would be manufactured in the United States.
11. YAROTEK LLC would employ local workers when available.

12. The proposed project size would produce over 10,22,00,000 kilowatt hours per year. Assuming 3,000-kilowatt hour usage per month, the project would provide enough electricity to power over 2900 homes.

PROJECT AT A GLANCE:

Project Authority	YAROTEK LLC
Project Name	NYE LANDS LLC SOLAR FARM – 45.22MW
Project Installed Capacity	45.22MW Solar Photovoltaic Power Plant
Selected Location	LUMBERTON TOWNSHIP, ROBESON COUNTY NORTH CAROLINA, USA.
Site Co-ordinates	34°37'17.0"N 79°01'48.6"W
Annual degradation	0.5%
Nearest Major Towns	LUMBERTON TOWNSHIP
Solar module type	JA SOLAR
Capacity of each module	620 Wp
No. of modules	91168 Nos.
PV System Mounting Structure type	MS Galvanized (Hot dip)
Power conditioning Unit (Invertors) capacity	2500 KVA
Power conditioning Unit specifications	Input voltage range 1500 V
No. of invertors	Fifteen(15)
Invertors make	SUNGROW
Performance ratio (%)	90%
Land	416.31 acres (174.74 - acre footprint)
Power Evacuation	115KV Transmission Line - PROGRESS ENERGY CAROLINAS INC

CERTIFICATIONS AND STANDARDS:

- IEC 62548 - PV ARRAY DESIGN REQUIREMENT.
- IEC 62930 - ELECTRIC CABLES FOR PHOTOVOLTAIC SYSTEMS.
- IEC 61552 - SAFETY REQUIREMENTS AND TEST.
- IEC 62109-1:2010 - GENERAL REQUIREMENTS.
- IEC 62109-2 - PARTICULAR REQUIREMENTS FOR INVERTERS.
- IEC 6246-1 - REQUIREMENTS FOR TESTING, DOCUMENTATION AND MAINTENANCE.
- IEC 6246-2 - REQUIREMENTS FOR TESTING, DOCUMENTATION, COMMISSIONING TESTS AND INSPECTION.
- IEC 61730-1 - REQUIREMENTS FOR CONSTRUCTION.
- IEC 61730-2 - REQUIREMENTS FOR TESTING.
- IEC 61215 (ALL PARTS) - TERRESTRIAL PV MODULES DESIGN QUALIFICATION AND TYPE APPROVAL.
- IEC/TS 61836 - SOLAR PV ENERGY SYSTEMS - TERMS, DEFINITIONS AND SYMBOLS.
- IEC TS 62786 - DISTRIBUTED ENERGY RESOURCES CONNECTION WITH THE GRID.
- IEC 62738 - GROUND-MOUNTED PV POWER PLANTS - DESIGN GUIDELINES AND RECOMMENDATIONS.
- IEC 61683 PV SYSTEMS - POWER CONDITIONERS - PROCEDURE FOR MEASURING EFFICIENCY.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 1: MONITORING.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 2: CAPACITY EVALUATION METHOD.
- IEC 61 72-1 - PV SYSTEM PERFORMANCE - PART 3: ENERGY EVALUATION METHOD.
- IEEE 2030.7 - STANDARD FOR THE SPECIFICATION OF MICRO-GRID CONTROLLERS.
- IEEE 2030.8 - STANDARD FOR THE TESTING OF MICRO-GRID CONTROLLERS.
- IEC 62093 - REQUIREMENTS FOR THE DESIGN QUALIFICATION OF PCE
- NEC 690 – ELECTRICAL SAFETY REQUIREMENTS
- NEC 705 – SUPPLY SIDE CONNECTIONS
- NEC 705.1 – POWER SYSTEM CONTROLS(PEC)
- NEC 705.32 – GROUND FAULT PROTECTION

- NEC 690.9 – OVER CURRENT PROTECTION
- NEC 690.12-RAPID SHUTDOWN PVSYSTEMS.

NYE LANDS LLC SOLAR FARM - 45.22MW

DEVELOPMENT APPLICATION

ADDRESS:

34°37'17.0"N 79°01'48.6"W
LUMBERTON TOWNSHIP, ROBESON COUNTY
NORTH CAROLINA, USA.



DEVELOPED BY:

YAROTEK , LLC
800, 4TH AVE, SUITE 706
HALLANDALE, FL 33009
WWW.YAROTEK.COM

SHEET INDEX	
PV-1.0	COVER PAGE
PV-2.0	SLOPE & TERRAIN ANALYSIS
PV-3.0	LOCATION PLAN
PV-4.0	SITE PLAN
PV-5.0	PROJECT COVERAGE AREA
PV-6.0	SITE PLAN WITH DIMENSIONS
PV-7.0	RESIDENTIAL ZONES
PV-8.0	ELECTRICAL SLD
PV-9.0	SIGNAGE
PV-10.0	STANDARDS & CERTIFICATIONS
PV-11.0	VEGETATIVE SCREENING DETAILS
PV-12.0	INVERTER STATION FOOTING DETAILS
PV-13.0	FENCE DETAIL
PV-14.0	ACCESS ROAD DETAILS
PV-15.0	ARRAY FRAMING DETAILS
PV-16.0	INVERTER STATION DETAILS
PV-17.0	FOOT OVER BRIDGE DETAILS
PV-18.0	TAX PARCEL NUMBERS
PV-19.0	ADJACENT LAND PARCEL NUMBERS
PV-20.0+	EQUIPMENT DATA SHEETS

City of



Lumberton

Planning & Neighborhood Services

Request for SPECIAL USE PERMIT

PETITIONER(S):	OWNER(S):
MARK TIPPET, YAROTEK LLC 800, 4 TH AVE, STE 706 HALLANDALE, FL 33009	LARRY & DEBORAH STONE PO BOX 787 LUMBERTON, NC 28359 PARCEL #101301003 C. HOWARD NYE 3118 ETON ROAD RALEIGH, NC 27608 PARCEL #101301004 D D KING FAMILY PROPERTIES LLC C/O SANDRA OLIVER P O BOX 99 MARIETTA , NC 28362 PARCEL #101301013

Special Use Permit Request: Mark Tippet with Yorotek, LLC. is requesting a Special Use Permit to construct a solar energy farm on ~416.31 acres of property located off of Dunn Road.

City of

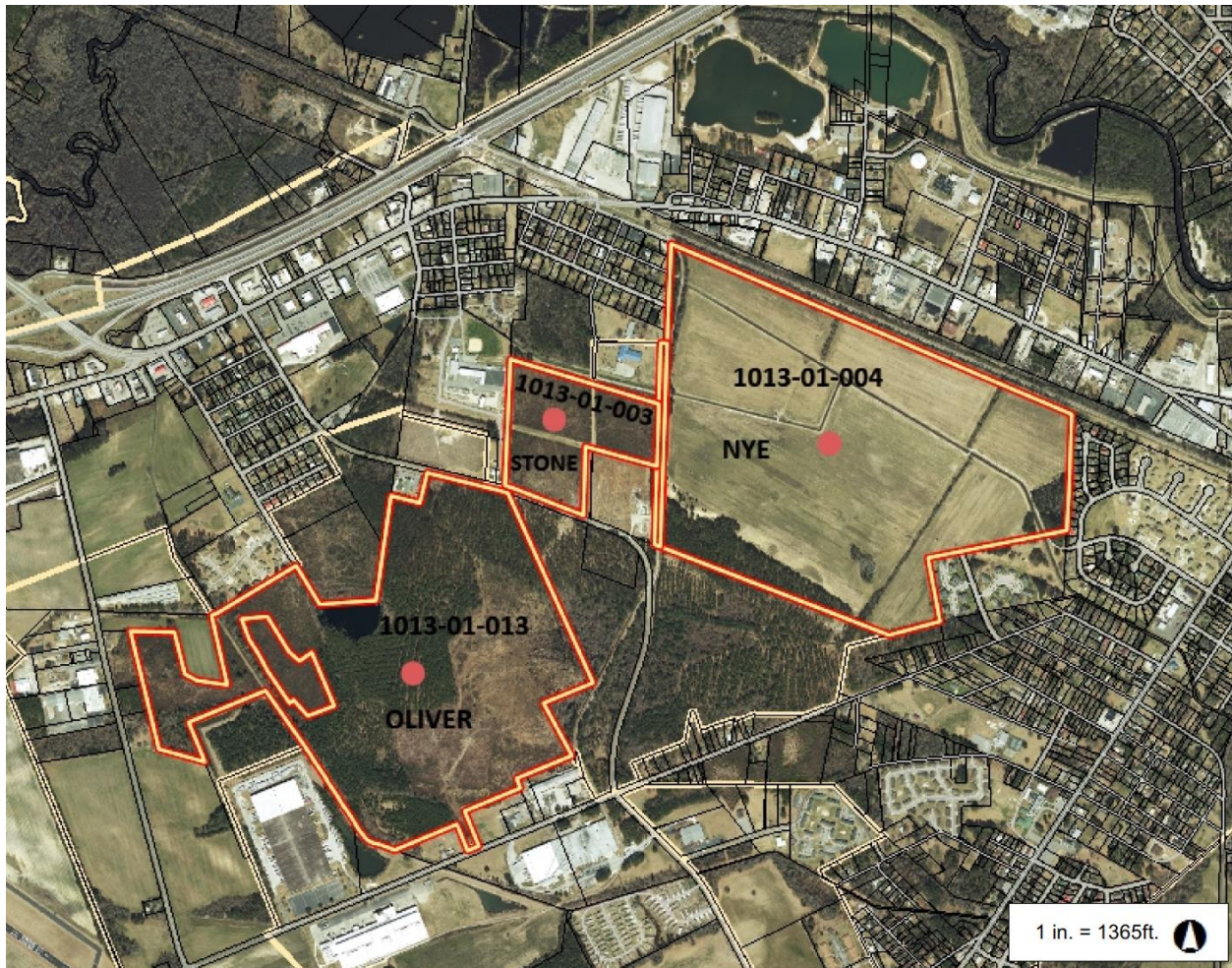


Lumberton

Planning & Neighborhood Services

LOCATION:

ALL 3 PARCELS



City of *Lumberton*
Planning & Neighborhood Services

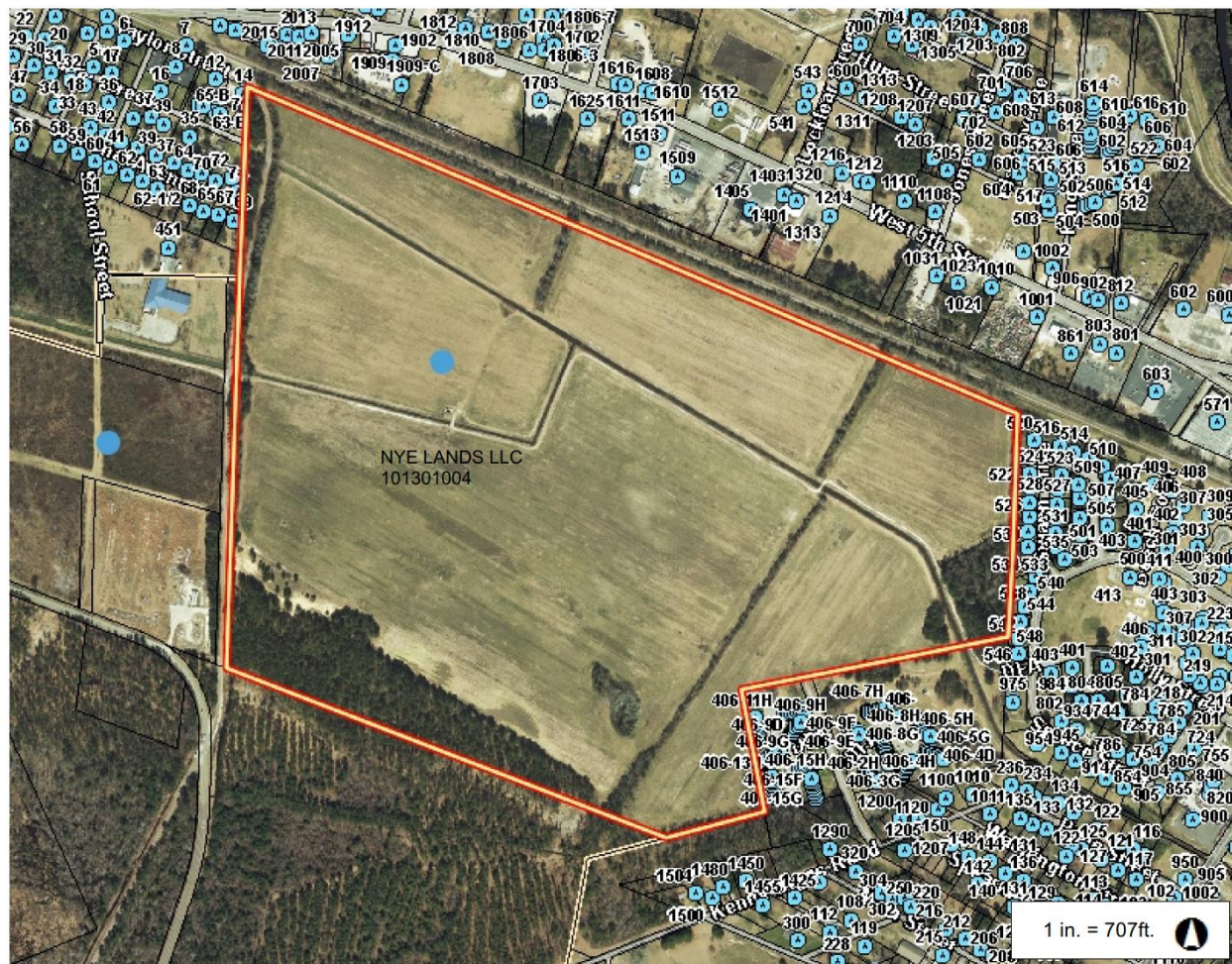
PARCEL 101301003 - LARRY & DEBORAH STONE



City of Lumberton

Planning & Neighborhood Services

PARCEL 101301004 - C. HOWARD NYE



City of *Lumberton*
Planning & Neighborhood Services

PARCEL 101301004 - D D KING FAMILY PROPERTIES LLC



City of



Lumberton

Planning & Neighborhood Services

PARCEL INFORMATION

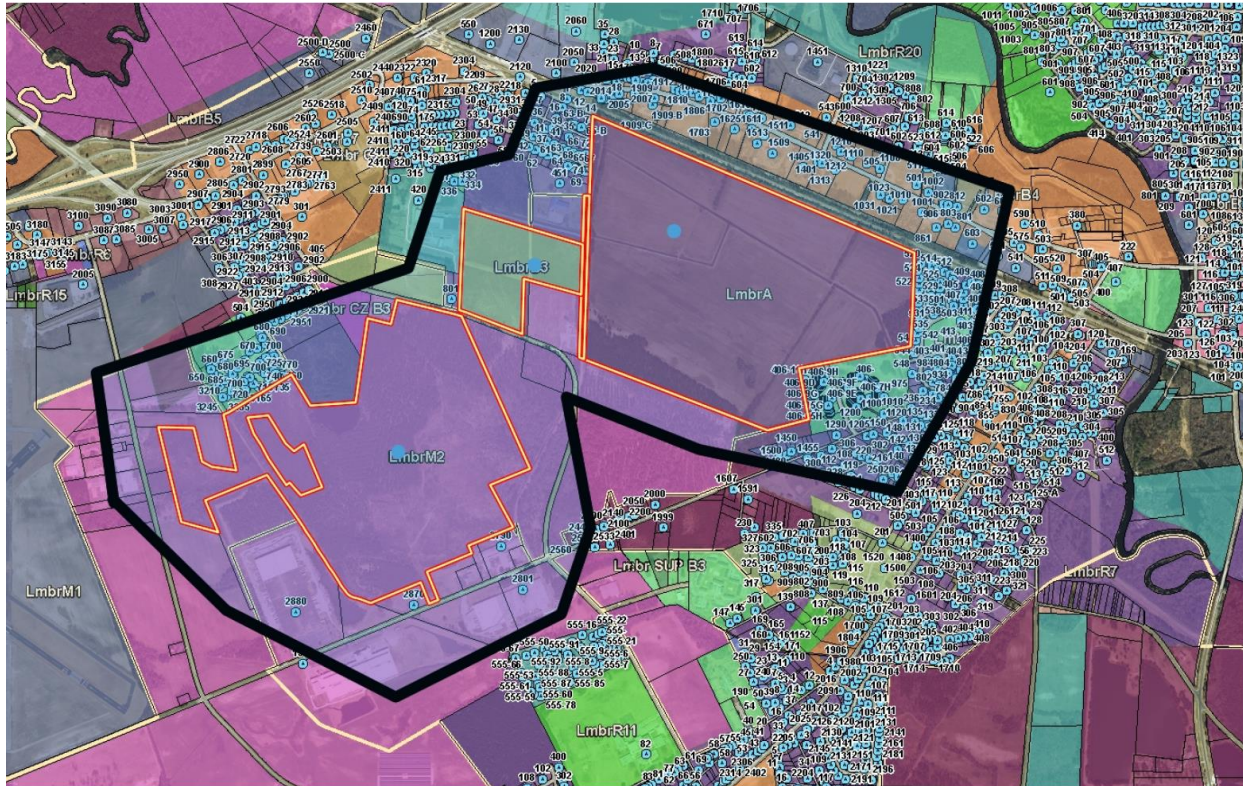
Owner	Parcel #(s)	Zoning	Area	Limits of Construction
STONE LARRY H & WF DEBORAH	101301003	B-3, office residential *Rezoning & SUP request submitted	~30.74 acres	30.74 acres
NYE LANDS LLC	101301004	Agriculture *Rezoning & SUP request submitted	~203.26 acres	203.26 acres
D D KING FAMILY PROPERTIES LLC C/O SANDRA OLIVER	101301013	M-2, heavy manufacturing * SUP request submitted	~153.74 acres	153.74 acres



Planning & Neighborhood Services

ADJACENT PROPERTY SITE DATA

Zoning	Land Use
	VARIOUS



STAFF ANALYSIS

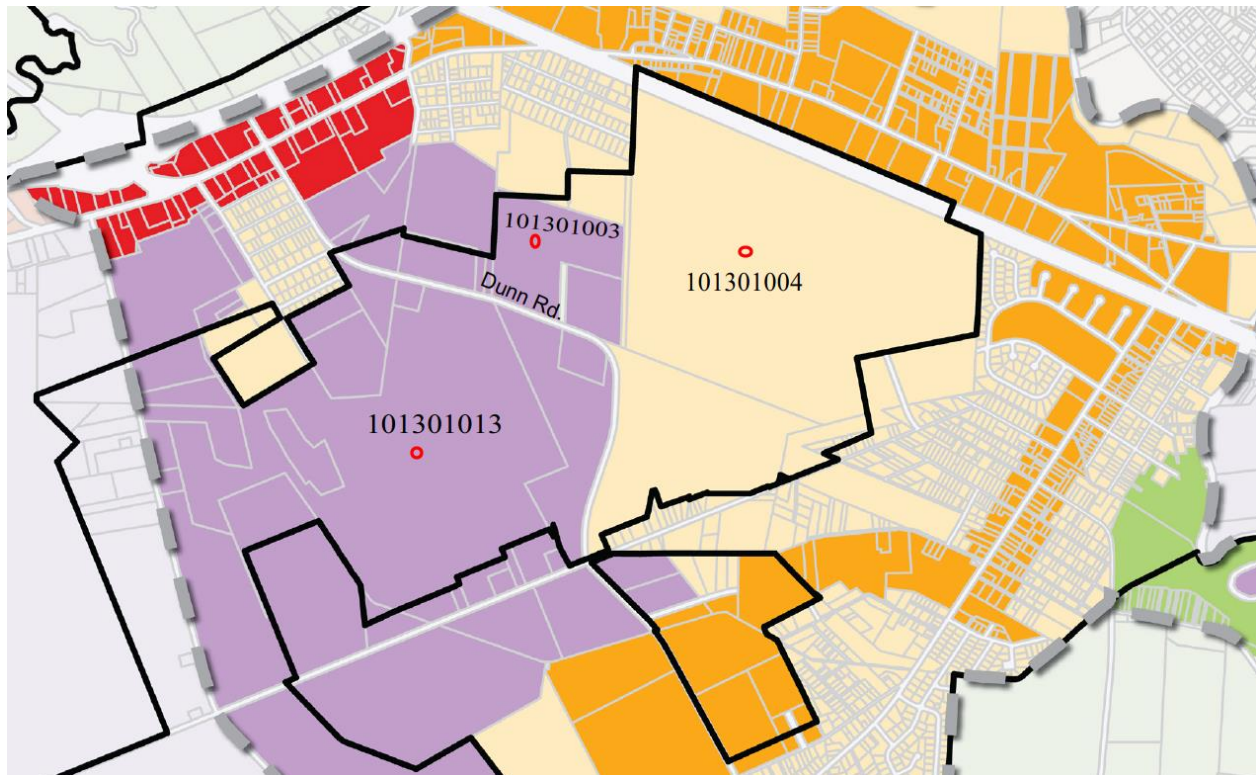
PROJECT OVERVIEW

Analysis: Mark Tippet with Yorotek, LLC. is requesting a Special Use Permit to construct a community or regional utility facility/solar farm (use #17.200) on ~416.31 acres of property located off of Dunn Road.

This project consists of three separate parcels under three ownerships. The parcels are currently zoned A (agriculture), B-3 (office/residential), and M-2 (heavy manufacturing). Operating a solar farm at this location requires a rezoning to a manufacturing zoning district and a Special Use Permit {Rezoning applications for two parcels (parcel 101301003, zoned B-3 and parcel 101301004, zoned agriculture) precedes}.

PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as Rural and Low Intensity, furthermore, this property is located within the ETJ.



SCREENING:

Type “A” Screen is required from all Single-family residences, Two family residences, Multifamily residences, and Streets.

Type “B” Screen is required from cemeteries.

City of



Lumberton

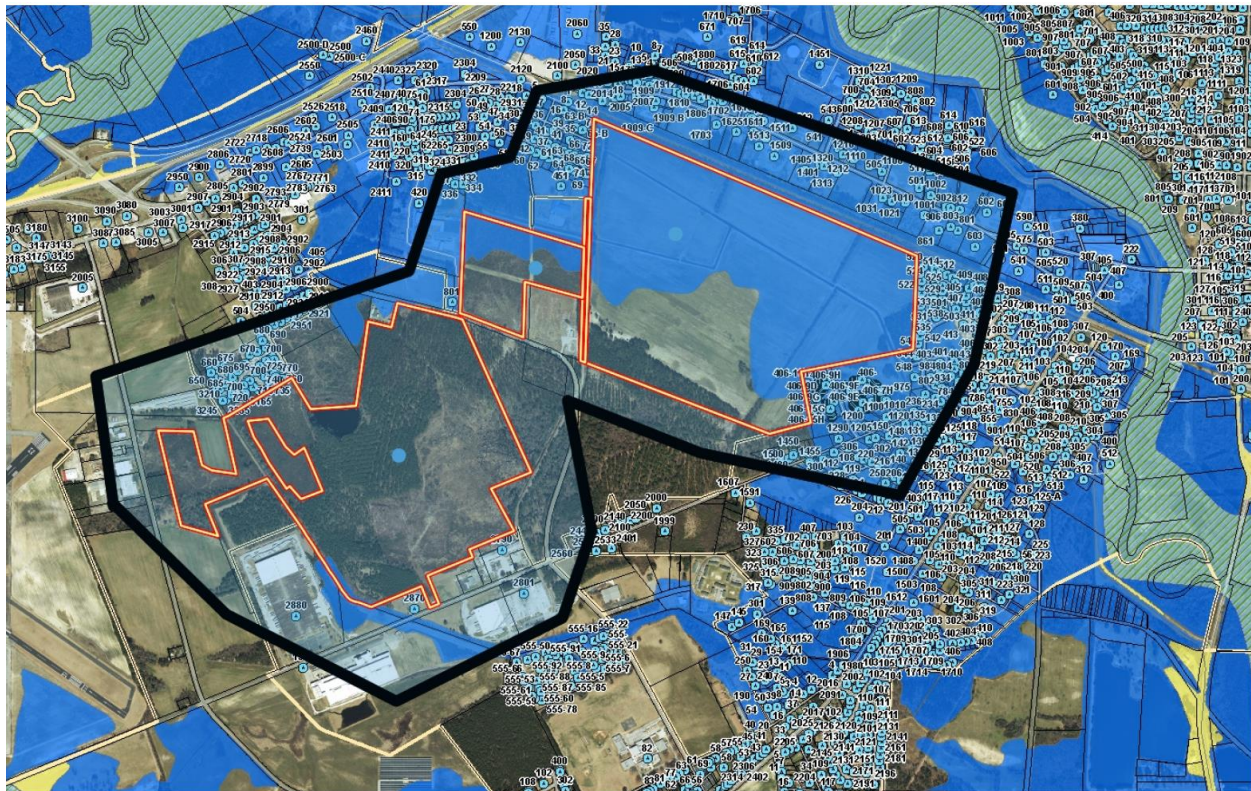
Planning & Neighborhood Services

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone 'AE' 100-YR Flood Zone: Zones AE and A1-A30 are the flood insurance rate zones used for the 1-percent-annual-chance floodplains that are determined for the FIS by detailed methods of analysis. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply.

Flood Zone 'X' (Not in 100-yr floodplain): Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

Map Number: 3710938100K & 3710939100K **Panel #** 9381 & 9391 **Panel Effective Date:** 12/6/2019





Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If this Special Use Permit is granted, the applicant must submit site development plans to the City of Lumberton and other Federal and State Departments, if applicable, for review and approval prior to development. All conditions of the permit must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy.

PLANNING STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

Lumberton City Council

Item: VI.N.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 02/25/2025

Subject: QBA Management La Quinta Rezoning-P1

Summary/Background of Subject Matter:

QBA Management LLC is requesting to rezone parcel #10060101204I at 4450 Kahn Dr. (deed book 1911, pg. 291) from B4 to B5.

Staff Recommendation:

City Council review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. QBA Management La Quinta Hotel Application etal

\$350-
(Brian)

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. **Applicant:**

Owner:

Full Legal Name: QBA Management, LLC

Full Legal Name: Eagles Landing Properties LLC

Physical Home Address: 335 Fields Dr.
Aberdeen, NC 28315

Physical Home Address: 1937^W Palmetto St
Florence, SC 29501

Mailing Address: 335 Fields Dr.
Aberdeen, NC 28315

Mailing Address: 1937^W Palmetto St
Florence, SC 29501

Telephone: 910-944-7453

Telephone: 843-673-7399

Legal Name of Business: QBA Management, LLC
(La Quinta to be constructed)

2. **Description of Property:**

<u>445D Kahn Drive</u>	<u>1911</u>	<u>291</u>
(Address)	(Deed Book)	(Page)
<u>48</u>	<u>103</u>	<u>1.48ac.</u>
(Map Book)	(Page)	(Area)

3. **Tax Map Identification Number (parcel number):**

939370346279

4. **Existing Zoning District Designation of Property:**

B4

5. **Requested Zoning District Designation of Property:**

B5

6. **Applicant's Interest In Property (check one):**

☐ Owner

☒ Owner's Agent

☐ Lease-to-Own

☐ Tenant

☐ Family member

☒ Other (explain)

land purchaser

7. **Legal Description of Property:** Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. **Site Map:** Attach a map of the property in question.

9. **Application Fee:** Submit the fee payment with application. The application fee is **nonrefundable**.

1 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

land will be purchased with the intent
to construct a La Quinta hotel.
(4 story building, 81 rooms, swimming
pool, paved parking lot)

* Prototype B → overall height (60')

2 of 3

***All property owners must provide a physical address and sign their application. Additional signature
page(s) are available upon request.***

File #

2-6-2014

Updated 4-5-2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3535 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

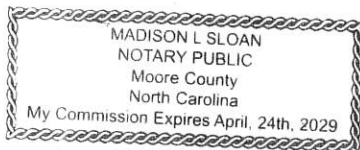
Applicant: Ronald Jackson 335 Fields Dr, Aberdeen
Full Legal Name (type or print) Home Address
STATE OF North Carolina COUNTY OF Moore NC 28315

I, Madison L. Sloan, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 12th day of February, 2025

(Official Seal)



[Signature]
Official Signature of Notary

Madison L. Sloan, Notary Public
Notary's printed or typed name

My Commission Expires: 4/23/29

Owner: _____
Full Legal Name (type or print) Home Address

STATE OF _____ COUNTY OF _____

I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: _____
Signature

WITNESS my hand and official seal, this the _____ day of _____, 20____.

(Official Seal)

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

My Commission Expires: _____

3 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

Proven RevPAR **PERFORMANCE**
Modern **EFFICIENT DESIGN**
Strong & **GROWING FOOTPRINT**



“I own 3 Wyndham hotels and continue to develop more because of their exceptional performance. It’s a testament to the strength of Wyndham’s brands and exceptional support of the team.”



Vic Patel
LA QUINTA INN & SUITES BY WYNDHAM
OPELIKA, AL

- + **100%** RevPAR Index of recently constructed hotels against the competition¹
- + **85%** total central contribution with 55% of total stays delivered by Wyndham Rewards members¹
- + **\$34M** direct investment in existing franchised hotels to help fund renovations and drive hotel performance²
- + **1,069** hotels open or in the pipeline in USA, Canada & Latin America³

Learn more at wyndhamdevelopment.com



CATEGORY

Upper Midscale



FOOTPRINT⁴

Total Global Hotels: 918
U.S. Hotels: 899



GUEST AMENITIES

- Spacious rooms with work stations
- Great room with communal and private spaces
- Sundry shop
- Fitness center
- Pool



TYPE

New Construction & High-Quality Conversions



ROOMS

70-150+

LA QUINTA FRANCHISE FEES¹

INITIAL FEES ▼
Greater of \$550 per room or \$55,000

ROYALTY FEE ▼
5.5-6% of GRR

MARKETING/RESERVATION FEE ▼
3.5% of GRR



THE WYNDHAM ADVANTAGE

Your business, powered by the world’s largest hotel company.⁵ We put owners at the center of everything we do.

- + **AWARD-WINNING REWARDS PROGRAM** with 110M enrolled members drives ~50% of U.S. stays⁶
- + **HEAVILY NEGOTIATED RATES** with quality suppliers with an average savings of 20% off OTAs⁷
- + **HIGH-IMPACT REVENUE DRIVING SERVICES AND SUPPORT** to maximize hotel performance
- + **NEXT-GEN TECHNOLOGY** simplifies owner operations and enhances guest experience



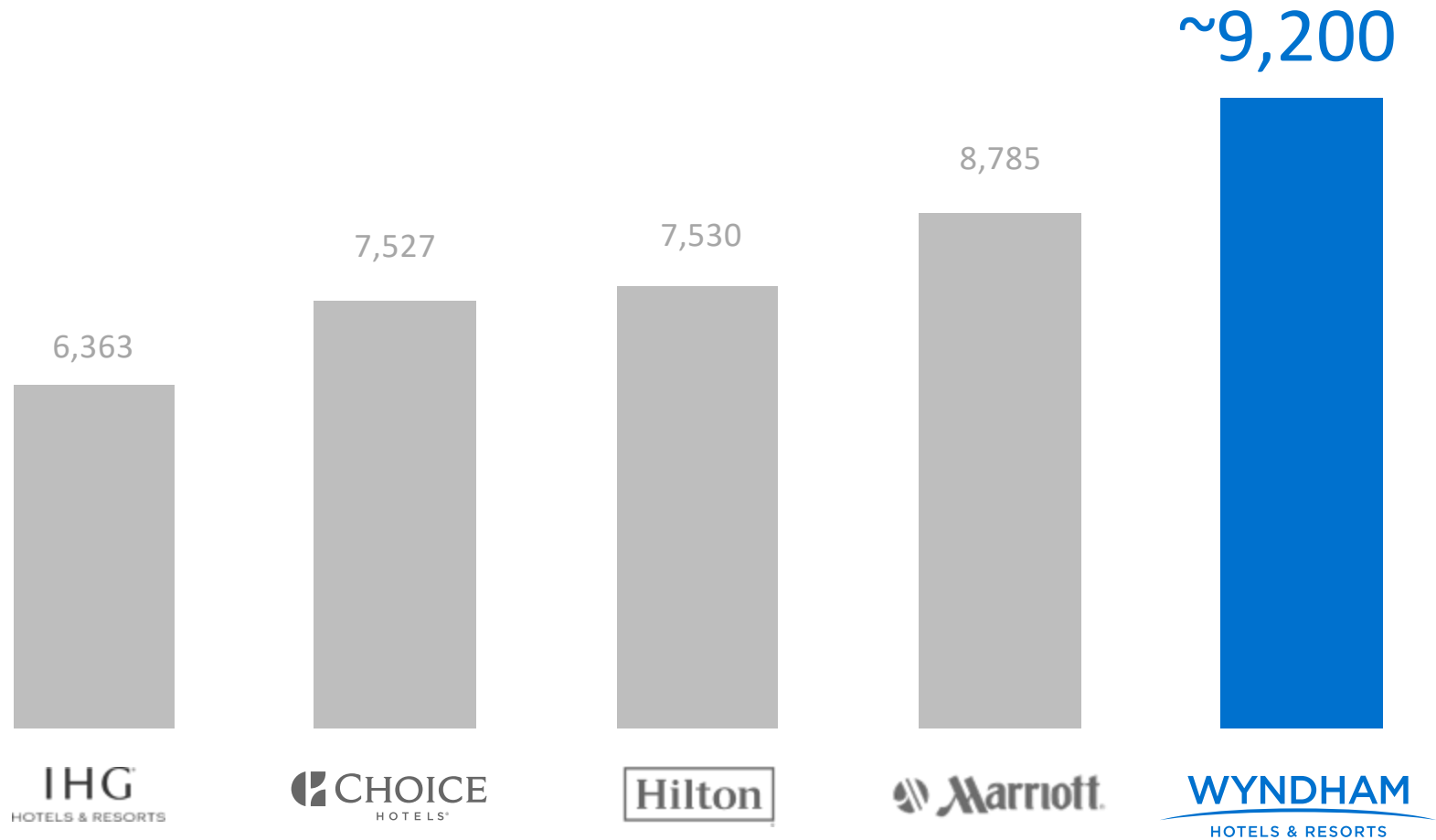
This is not an offer. Federal and certain state laws regulate the offer and sale of franchises. An offer will only be made in compliance with those laws and regulations, which may require we provide you with a Franchise Disclosure Document. For a copy contact us at 22 Sylvan Way, Parsippany, NJ 07054. All hotels are independently owned and operated. © 2024 La Quinta Franchising, LLC. All rights reserved. ¹FDD dated March 30, 2024, as amended July 29, 2024. RPI and Contribution numbers presented are based on averages for certain franchisees in the U.S. and Canada during 2023. 17 (47.2%) of the Qualified Franchisees whose data was disclosed in the FDD met or exceeded the RPI presented. 471 (52.3%) and 473 (52.5%) of franchisees whose data was disclosed in the FDD met or exceeded the CR Contribution and WR member Contribution presented, respectively. Your results may differ. ²Over the past 4 years. ³As of 12/31/23 with 899 hotels open in the U.S., 159 hotels in the U.S. pipeline, 2 hotels open in Canada, and 9 hotels open in LATAM. ⁴As of 12/31/2023. ⁵Based on number of hotels as of 12/31/2023. ⁶Across all Wyndham and by Wyndham hotels as of 6/30/2024. ⁷Versus independent or unbranded hotels.



WYNDHAM

HOTELS & RESORTS

The World's Largest Hotel Company¹



Global Footprint

CANADA
~500

UNITED STATES
~6,100

LATIN
AMERICA
~250

EUROPE/
MIDDLE EAST/AFRICA
~640

GREATER CHINA
~1,600

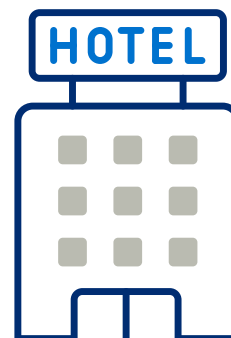
ASIA PACIFIC
~180

Global Reach



~ 94

COUNTRIES¹



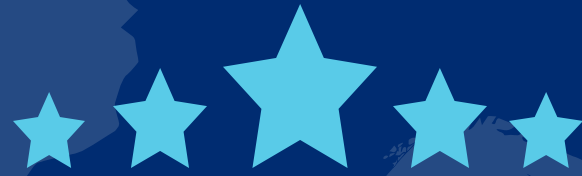
~ 9,200

HOTELS¹



25

GLOBAL BRANDS²



Why Scale Matters

STRONGER LOYALTY

INCREASED DISTRIBUTION

HIGHER CONTRIBUTION

GREATER OPTIONS

Based on branded versus independent and unaffiliated hotels

Diverse Brand Portfolio

EXTENDED STAY	ECONOMY	MIDSCALE	LIFESTYLE	UPSCALE	DISTINCTIVE
ECHOSUITES EXTENDED STAY				WYNDHAM	REGISTRY COLLECTION HOTELS
Hawthorn EXTENDED STAY			<i>esplendor.</i>		DOLCE HOTELS AND RESORTS
waterwalk EXTENDED STAY		WYNDHAM GARDEN	DAZZLER		WYNDHAM GRAND
			VIENNA HOUSE		
					
		RAMADA			
					



LAQUINTA



LAQUINTA®

BY WYNDHAM

1838



wake up on the bright side®

- **100%** RevPAR Index of recently constructed hotels against the competition¹
- **85%** total central contribution with 55% of total stays delivered by Wyndham Rewards members¹
- **\$34M** direct investment in existing franchised hotels to help fund renovations and drive hotel performance²
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La Quinta Inn & Suites by Wyndham
Opelika, AL



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“

I own 3 Wyndham hotels and continue to develop more because of their exceptional performance. It's a testament to the strength of Wyndham's brands and exceptional support of the team.

”



Vic Patel

LA QUINTA INN & SUITES BY WYNDHAM
OPELIKA, AL



La Quinta Performance

2023 Total Sample



ADR

\$113.37



Occ%

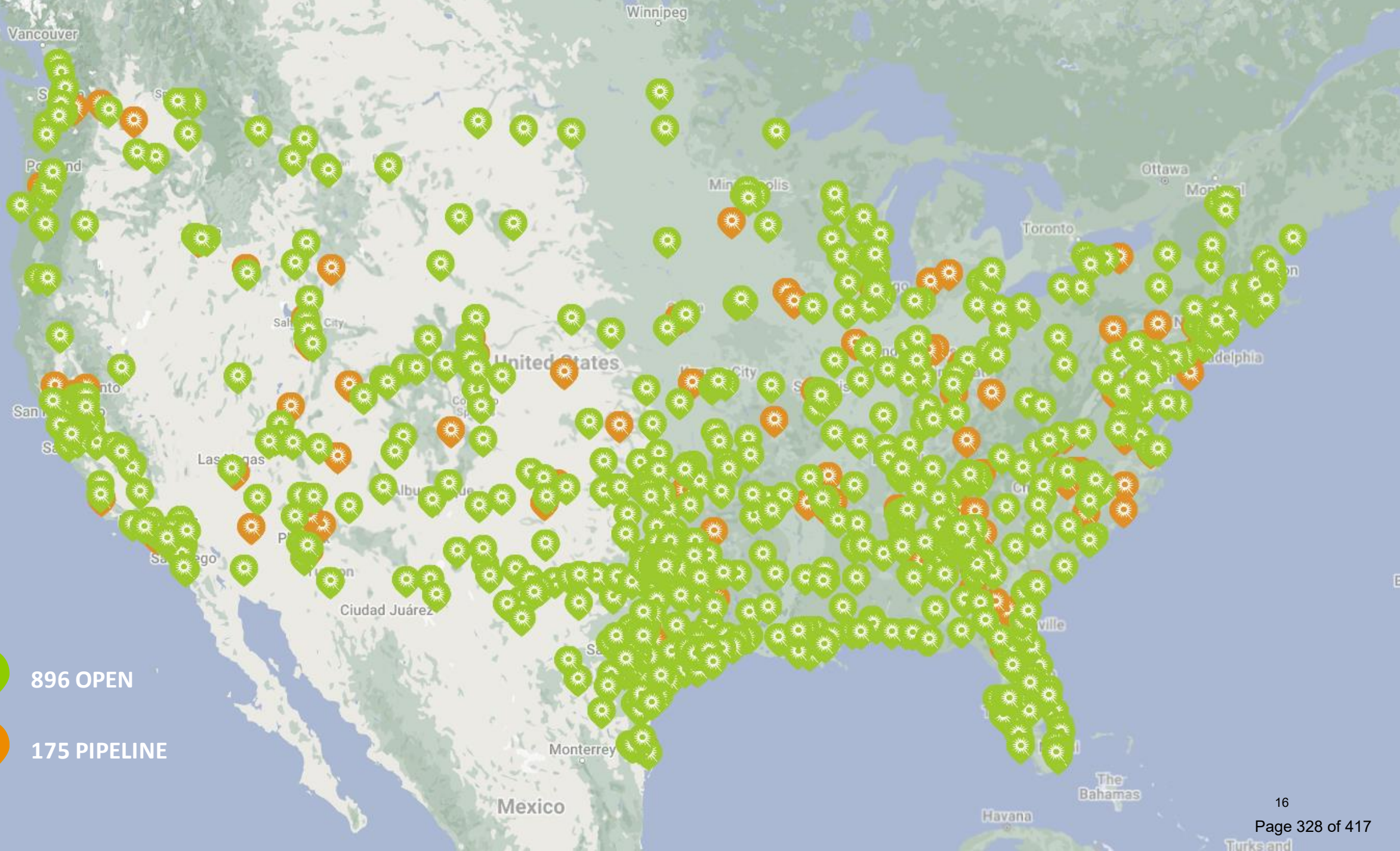
66.1%



RevPAR

\$74.88

FDD dated March 30, 2024, as amended July 29, 2024. RPI and Contribution numbers presented are based on averages for certain franchisees in the U.S. and Canada during 2023. 17 (47.2%) of the Qualified Franchisees whose data was disclosed in the FDD met or exceeded the RPI presented. 471 (52.3%) and 473 (52.5%) of franchisees whose data was disclosed in the FDD met or exceeded the CR Contribution and WR member Contribution presented, respectively. Your results may differ.



896 OPEN



175 PIPELINE

Del Sol Prototype A



FRONT ELEVATION: 4 STORIES



BACK ELEVATION: 4 STORIES

Del Sol Prototype A

Ground Floor Plan (Indoor Pool)



Del Sol Prototype A

Ground Floor Plan



FLOOR PLAN: TYPICAL GUESTROOM FLOOR

- 4TH FLOOR ONLY: (4) EXTENDED KING AND (1) ADA QUEEN REPLACED WITH (5) STANDARD KING



Del Sol Prototype B



BACK ELEVATION: 4 STORIES

Del Sol Prototype B

Ground Floor Plan (Indoor Pool)



FLOOR PLAN: GROUND FLOOR



Del Sol Prototype B

Ground Floor Plan (Outdoor Pool)



FLOOR PLAN: GROUND FLOOR



Efficient Prototype

	La Quinta Del Sol Prototype A	Fairfield I&S*	Comfort Suites*	Hampton I&S*	Holiday Inn Express*
Total Building SF	56,392	56,497	48,633	61,689	50,874
Public Area (Gross SF)	7,082	4,134**	3,920**	5,584**	6,650
Guestrooms (Gross SF)	39,101	36,185	31,017	35,124	34,967
Number of Rooms	106	111	86	101	104
Number of Suites	28	28	86	32	16
GSF per room	532	509	566	611	489
Aver. SF per Room	369	326	361	348	336
Rentable Area	69%	64%	63%	57%	68%

*Competitor information compiled from the most recently filed Franchise Disclosure Documents and other publicly available documents

** No pool included in publicly available information compared to competitor Brands

LA QUINTA INN & SUITES BY WYNDHAM LOUISVILLE NE
LOUISVILLE, KY



LA QUINTA



LA QUINTA

BY WYNDHAM

24

LA QUINTA INN & SUITES BY WYNDHAM LOUISVILLE NE
LOUISVILLE, KY



LA QUINTA INN & SUITES BY WYNDHAM TERRELL
TERRELL, TX



LA QUINTA INN & SUITES BY WYNDHAM TERRELL
TERRELL, TX



LA QUINTA INN & SUITES BY WYNDHAM LAKEWAY
LAKEWAY, TX



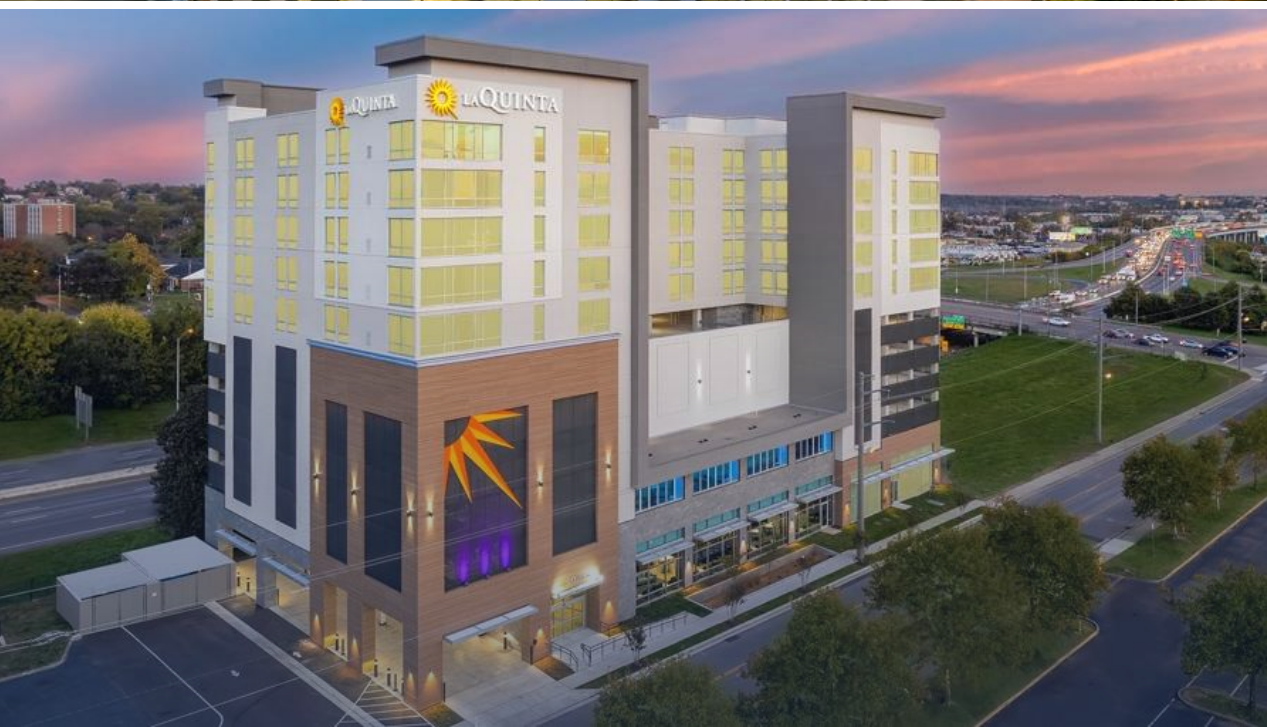
LA QUINTA INN & SUITES BY WYNDHAM LAKEWAY
LAKEWAY, TX



LA QUINTA INN & SUITES BY WYNDHAM NASHVILLE DOWNTOWN
NASHVILLE, TN



LA QUINTA INN & SUITES BY WYNDHAM NASHVILLE DOWNTOWN
NASHVILLE, TN



LA QUINTA INN & SUITES BY WYNDHAM
WISCONSIN DELLS, WI



LA QUINTA INN & SUITES BY WYNDHAM
WISCONSIN DELLS, WI

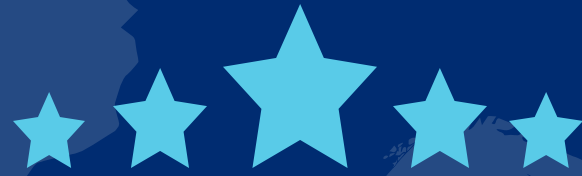


LA QUINTA INN & SUITES BY WYNDHAM MIRAMAR BEACH
DESTIN, FL



LA QUINTA INN & SUITES BY WYNDHAM MARICOPA
MARICOPA, AZ





Why Scale Matters

STRONGER LOYALTY

INCREASED DISTRIBUTION

HIGHER CONTRIBUTION

GREATER OPTIONS

Based on branded versus independent and unaffiliated hotels



AWARD WINNING LOYALTY PROGRAM DRIVES GROWTH

~110
Million+

enrolled members¹

Members
stay & spend

2x

more than
non-members²

Nearly

50%

of U.S. hotel stays
from Wyndham
Rewards Members³

~7
million

new members added in
2023

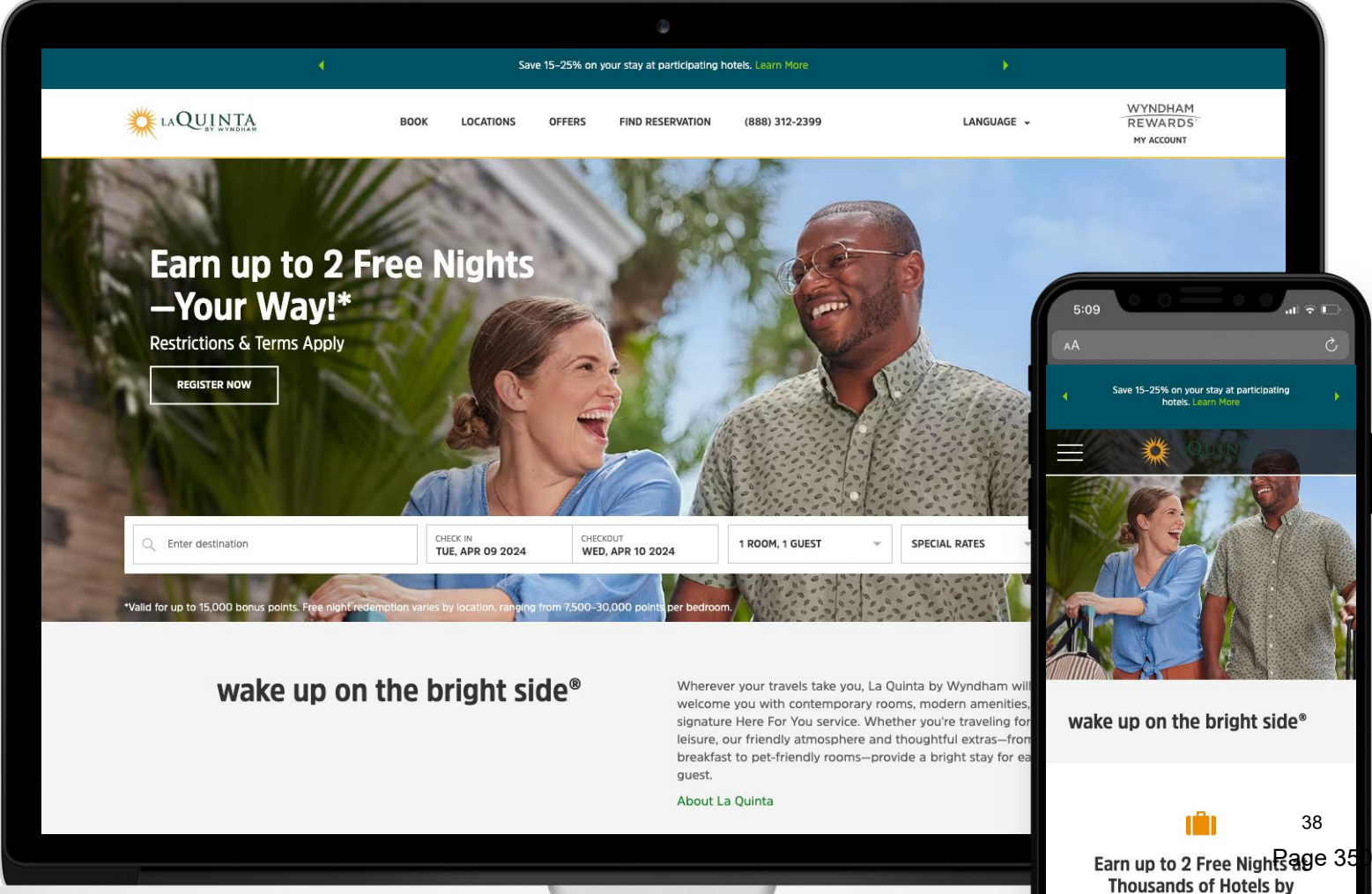
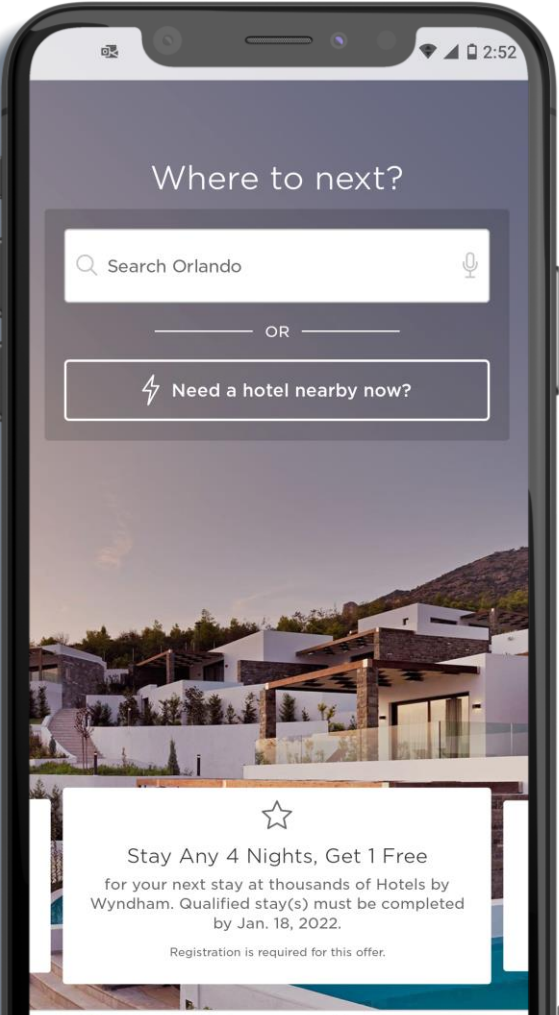


Named the **#1 Best Hotel Loyalty Program** in the 2024 USA Today 10best Readers' Choice Awards for 7 consecutive years and one of the Best Travel Rewards Programs by U.S. News & World Report now 9 years running.

Best In Class Digital Ecosystem

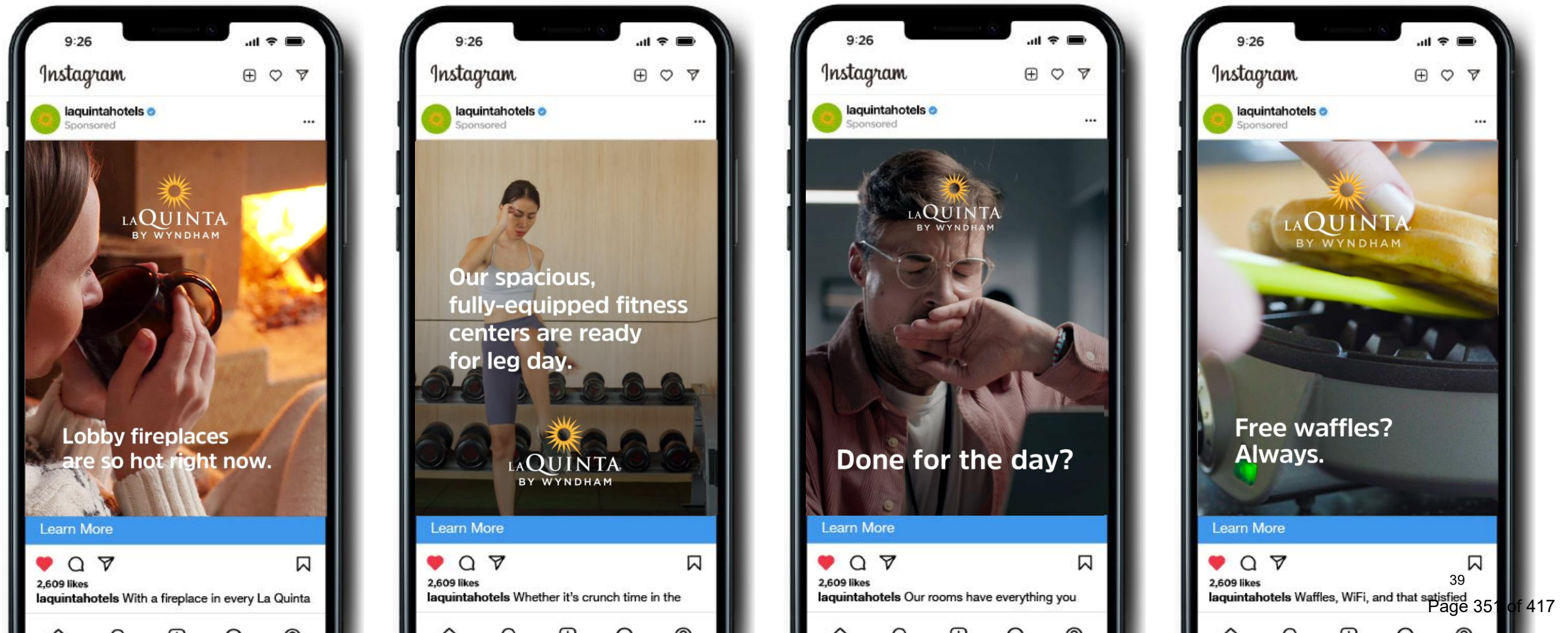
MOBILE APP

BRAND.COM



2024 Social Content

RELAUNCH ASSETS (CLICK TO PLAY)



Seamless Access to Over 100 Distribution Channels

with an average savings of 20% on the most recognizable OTAs¹



Dedicated Wyndham Business Team Drives Revenue



GLOBAL PARTNERSHIPS

Master service agreements and preferred agreements with Fortune 500 and other leading companies:

Technology
Finance
Energy
Manufacturing
Automotive
& More



SMALL & MID-SIZE BUSINESS REACH

Team of sellers dedicated to driving revenue from small to mid-size businesses including:

Construction
Trucking
Oil, Gas &
Renewable Energy



WYNDHAM DIRECT

“Payment & Billing” solution simplifies travel management – providing easier booking, and central billing and central payment. All designed to drive increased direct bookings.



LOCAL SALES & MARKETING SUPPORT

Available on-site pre-opening support and training to identify and capture local and regional demand. Available 30-, 60- & 90-day sales plan for new hotels.

Wyndham Business Partnerships

TRAVEL & TOUR / SPORTS GROUPS / SMERF

GROUP SEGMENT / THIRD PARTY ORGANIZATIONS

TMC / CONSORTIA



Hotel Operations

Wyndham can support a hotel's operations
for **less than the cost of hiring and training full-time staff**



SIGNATURE RESERVATION SERVICES¹

(SRS)

Reservations booked by the call-transfer program at a higher ADR¹ than property direct bookings. Wyndham only charges for calls that result in a booking.



REVENUE MANAGEMENT SERVICES

(RMS)

Hotels on Revenue Management achieved a 4.4% higher occupancy index in 2023.²



REMOTE SALES SERVICES

(RSS)

Proactive direct sales support converts more than 50% of all global sales leads at a fraction of the cost of a full-time sales director.³



LEVELUP

(Powered By Koddi)

Enables owners to bolster hotel-level marketing managed by a dedicated external campaign team. Hotels utilizing Level Up have 157% increased revenue and 116% increased bookings⁴

¹ On average, based on 2023 performance of hotels on SRS (DSCT and PCT). Your results may differ.

² On average versus hotels not on Revenue Management.

³ Results from hotels using RSS (From 1/1/2024-3/31/24)

⁴ On average, hotels utilizing Level Up have 157% increased revenue and 116% increased bookings compared to hotels not utilizing Level Up (From 1/1/2024-3/31/2024)

Technology Fuels our Franchisees' Future



GLOBAL PARTNERSHIPS

We partner with leading organizations to offer a best-in-class tech ecosystem offering new innovations at scale and a lower cost:

Sabre
Oracle
Amazon
Adobe
Salesforce
and more!



CONTINUED INVESTMENT

Over the past few years, we've invested **\$275 million in technology**. Our investments help every hotel-regardless of size- access the most current innovations our industry has to offer:

NextGen PMS + RMS
Award-Winning Mobile App
ReconcileNow



DELIGHT TODAY'S GUESTS

We are providing at scale new technology that helps hotels deliver the experiences today's guests expect:

Cashless tipping
Mobile Check-in/Check-out
Enterprise Level Messaging with AI



TECHNOLOGY ADVISORY BOARD

A dedicated group of franchisees who help us determine what comes next.
New ideas such as:

EV Charging
Smart HVAC controllers
Intelligent casting / streaming solutions

WYNDHAM CONNECT

Guest Engagement Platform
designed to increase revenue & enhance guest experience



Earn more revenue
by offering guests
paid upgrades in
advance



Reduce fraud and
chargebacks with
mobile check-in



Connect with guests
directly with
AI-powered text
messaging



Save your staff and
guests
time with contactless,
mobile check-out



Boost your hotel's
online reviews and
improve your online
presence

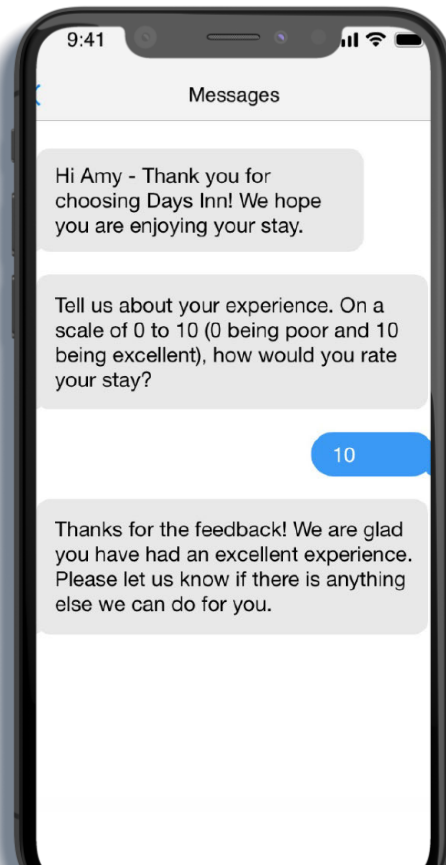
Powered by the award-winning hospitality software company Canary.



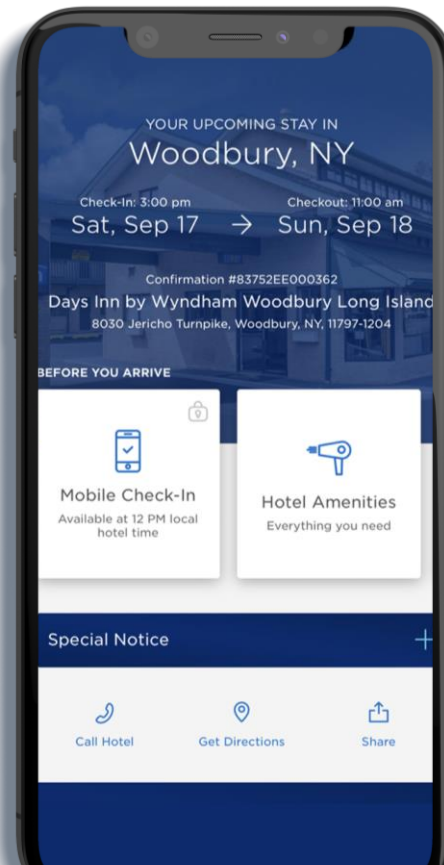
WYNDHAM CONNECT

Enhancing the guest experience through digital innovation

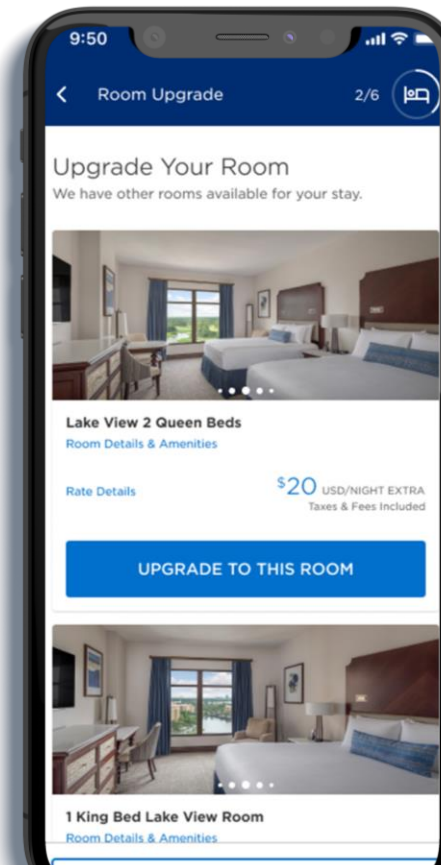
PROPERTY MESSAGING



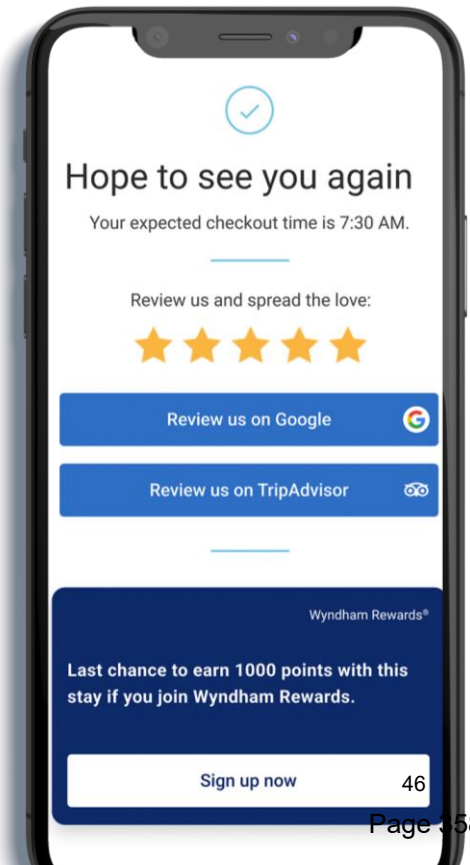
SMART MOBILE CHECK-IN



DYNAMIC UPSELL

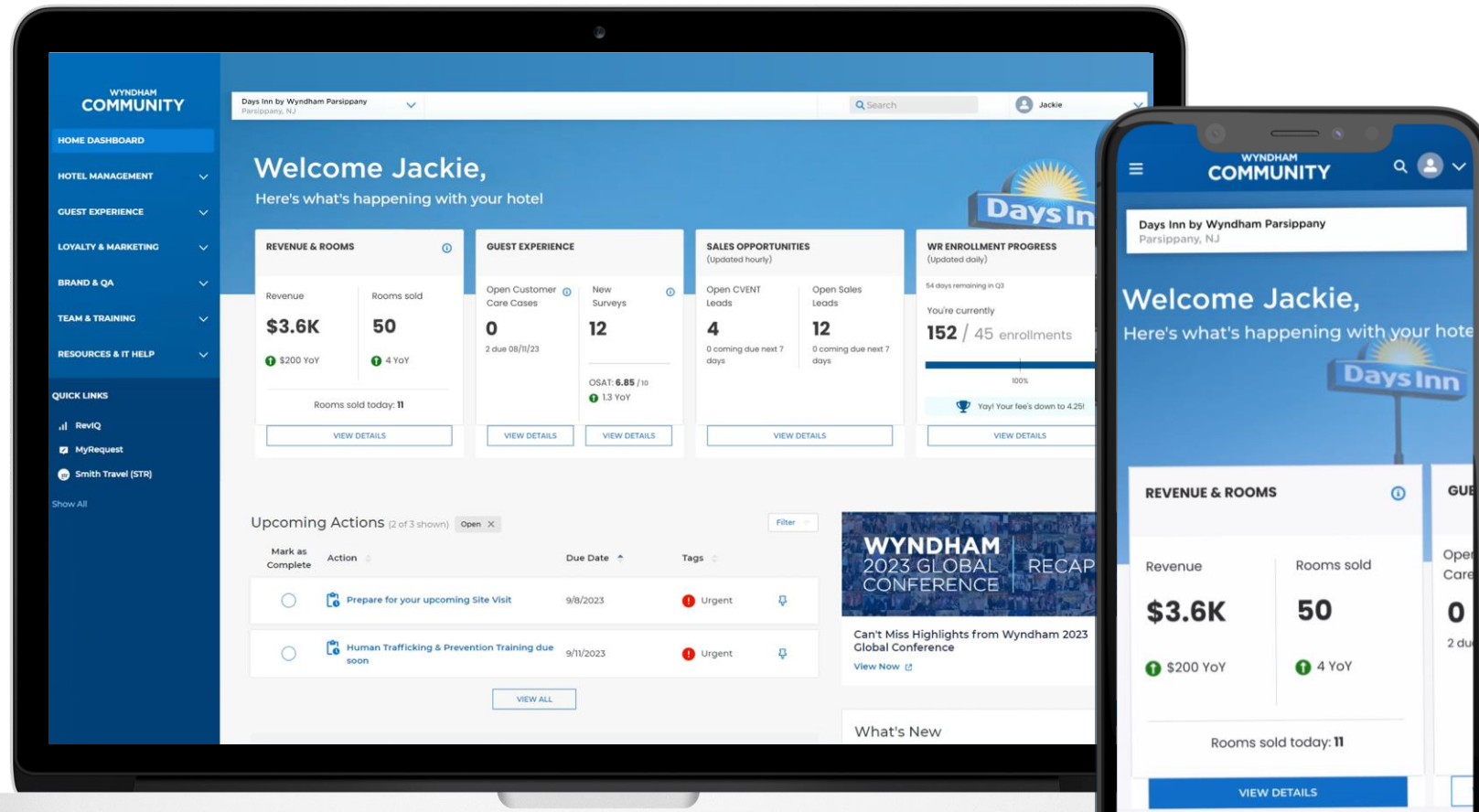


SMART MOBILE CHECK-OUT



WYNDHAM COMMUNITY

Franchisee Engagement Platform
access actionable resources and personalized performance insights



Personalized Performance Insights
Real-time dashboards to view your hotel's performance and an action panel to help prioritize tasks

Easy and Efficient to Use
Key information in two clicks and instant chat with your Wyndham Support team ensures you have the help you need

All at your fingertips!

Get in touch.

wyndhamdevelopment.com

800-889-9710

development@wyndham.com



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PROTOTYPE: ELEVATION
 DEL SOL PROTOTYPE A



FRONT ELEVATION: 4 STORIES



PROTOTYPE: ELEVATION
 DEL SOL PROTOTYPE A

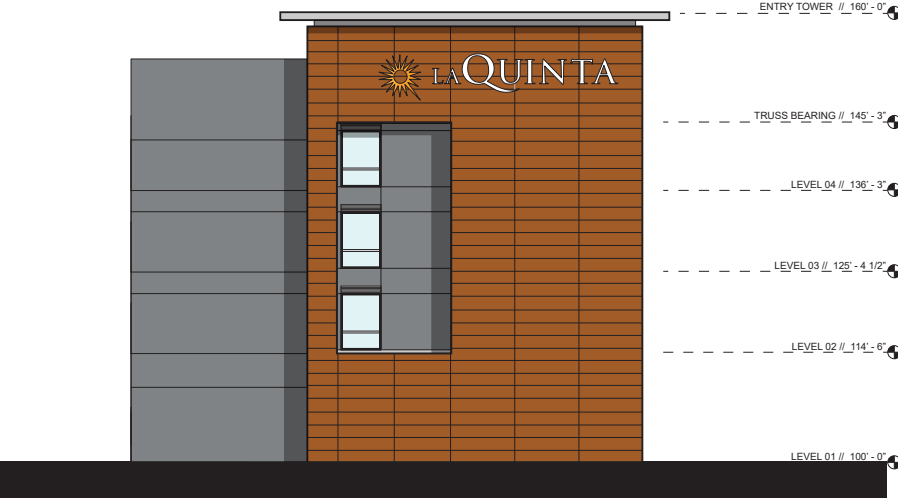


BACK ELEVATION: 4 STORIES

PROTOTYPE: ELEVATION
 DEL SOL PROTOTYPE A



LEFT ELEVATION: 4 STORIES



RIGHT ELEVATION: 4 STORIES



PROTOTYPE: SITE PLAN

DEL SOL PROTOTYPE A

BUILDING LENGTH	234' - 11" FT
BUILDING DEPTH	68' - 4" FT
FLOORS	4 STORIES
PARKING SPACES	109



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE A



FLOOR PLAN: GROUND FLOOR

- SHOWN WITH INDOOR POOL & PATIO OPTION
- OUTDOOR POOL AVAILABLE



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE A



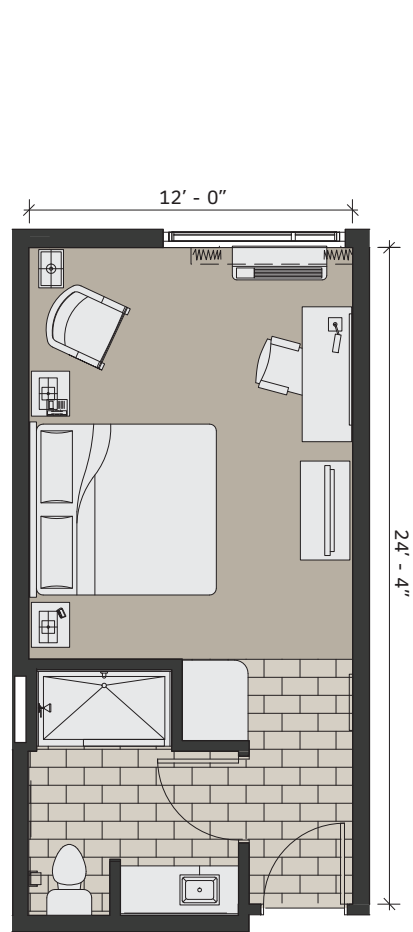
FLOOR PLAN: TYPICAL GUESTROOM FLOOR

- 4TH FLOOR ONLY: (4) EXTENDED KING AND (1) ADA QUEEN REPLACED WITH (5) STANDARD KING

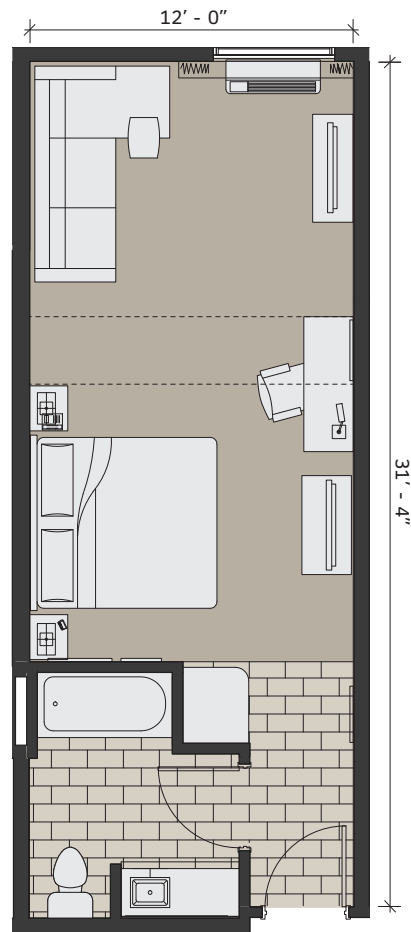


PROTOTYPE: GUEST ROOM PLANS

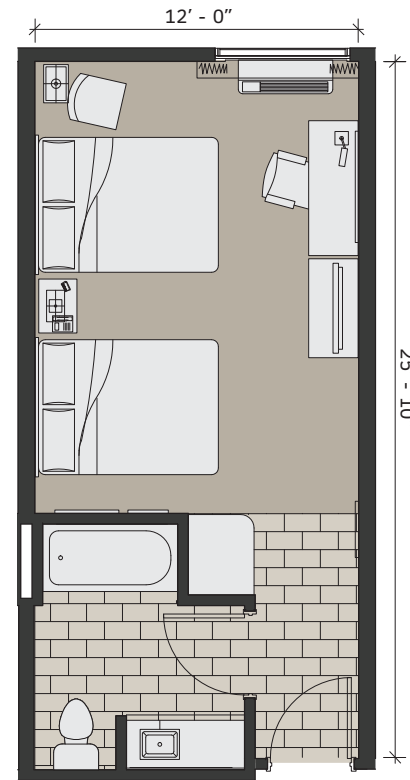
DEL SOL PROTOTYPE A



STANDARD KING



EXTENDED KING



DOUBLE QUEEN

PROTOTYPE: DEVELOPMENT SUMMARY

DEL SOL PROTOTYPE A



GUESTROOM SUMMARY

GUESTROOMS (INDOOR POOL)	ROOM MIX (PERCENT %)	UNITS	AREA (SF)	TOTAL (SF)
KING	22%	23	318 SF	7,314 SF
QUEEN QUEEN	46%	49	337 SF	16,513 SF
ADA KING	4%	4	384 SF	1,536 SF
ADA QUEEN QUEEN	1%	1	394 SF	394 SF
EXTENDED KING	22%	24	406 SF	9,744 SF
WIDE KING	1%	1	399 SF	399 SF
WIDE EXTENDED KING	2%	2	511 SF	1,022 SF
ADA EXTENDED KING	2%	2	406 SF	812 SF
TOTAL	100%	106	3,155 SF	37,734 SF

GUESTROOM SUPPORT	1ST	2ND	3RD	4TH	AREA (SF)
CORRIDORS	1119 SF	1,457 SF	1,457 SF	1,457 SF	5,490 SF
STAIRS	351 SF	351 SF	351 SF	351 SF	1,404 SF
ELEVATOR SHAFT/EQUIP	123 SF	123 SF	123 SF	123 SF	492 SF
GUESTROOM LAUNDRY	0 SF	150 SF	0 SF	0 SF	150 SF
MECH/ELECTRICAL	356 SF	163 SF	163 SF	163 SF	845 SF
HOUSEKEEPING	0 SF	0 SF	102 SF	102 SF	204 SF
AHU ROOM	0 SF	45 SF	45 SF	45 SF	135 SF
TOTAL	1,949 SF	2,391 SF	2,241 SF	2,241 SF	8,720 SF

FRONT OF HOUSE

FOOD & BEVERAGE	AREA
BREAKFAST & SERVING	400 SF
PANTRY	253 SF
BAR & STORAGE (WHEN AVAILABLE)	341 SF
SUNDRY	75 SF
TOTAL	1,069 SF

FUNCTION	AREA
MEETING ROOM & STORAGE	730 SF
PREFUNCTION	210 SF
TOTAL	940 SF

RECREATION	AREA
FITNESS CENTER	750 SF
INDOOR POOL ROOM	1310 SF
INDOOR POOL SIZE	430 SF
TOTAL	2,490 SF

PUBLIC MISC	AREA
GREAT ROOM SEATING AREA	2,280 SF
RECEPTION	204 SF
PRINT STATION	27 SF
VESTIBULE	80 SF
LUGGAGE STORAGE	41 SF
MEN'S ROOM	133 SF
WOMEN'S ROOM	133 SF
TOTAL	2,898 SF

BACK OF HOUSE

SUPPORT	AREA
GM OFFICE	113 SF
WORK AREA	253 SF
BREAK ROOM	113 SF
TOLIET	65 SF
TV/VIDEO	50 SF
LAUNDRY	696 SF
LINEN STORAGE	113 SF
JANITOR	27 SF
HVAC	12 SF
TOTAL	1,512 SF

TOTAL GROSS SF	57,512 SF
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DEL SOL PROTOTYPE B



PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



FRONT ELEVATION: 4 STORIES



PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



BACK ELEVATION: 4 STORIES

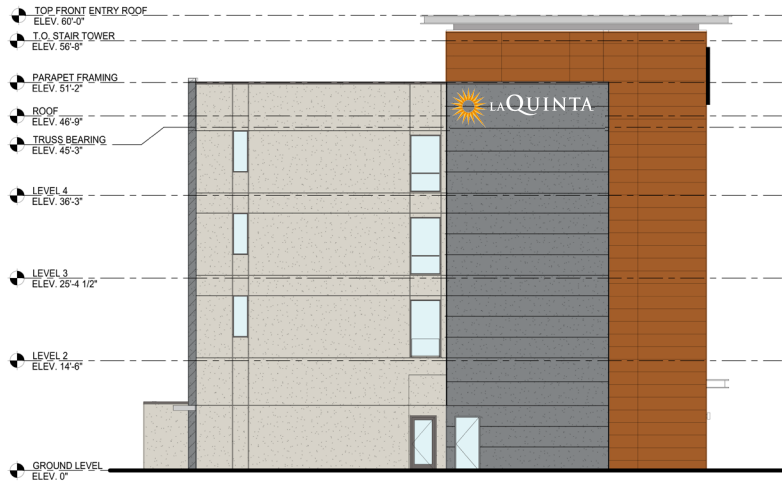


PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



LEFT ELEVATION: 4 STORIES



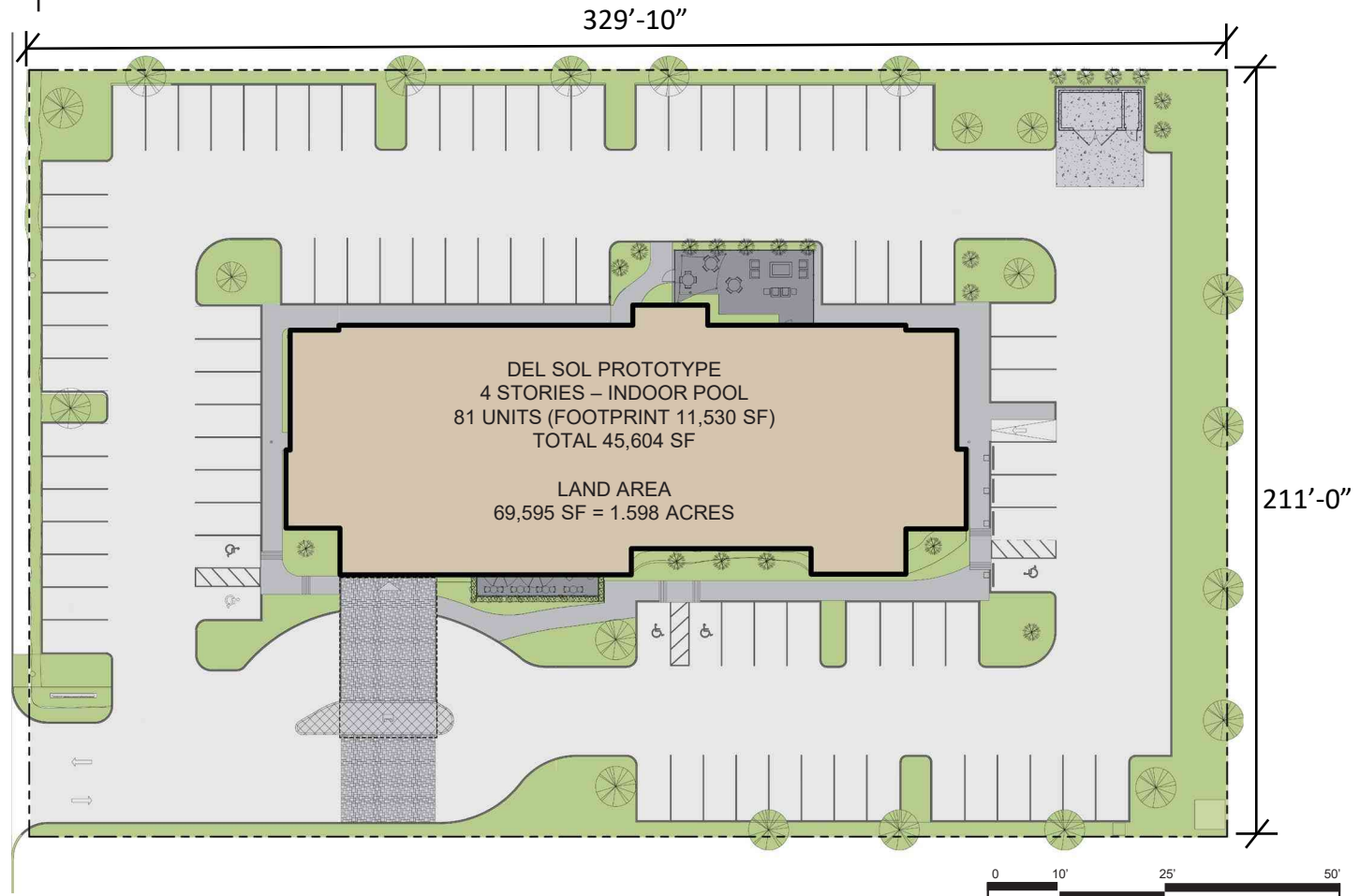
RIGHT ELEVATION: 4 STORIES



PROTOTYPE: SITE PLAN

DEL SOL PROTOTYPE B – INDOOR POOL OPTION

BUILDING LENGTH	187' - 3" FT
BUILDING DEPTH	73' - 11.5" FT
FLOORS	4 STORIES
PARKING SPACES	90

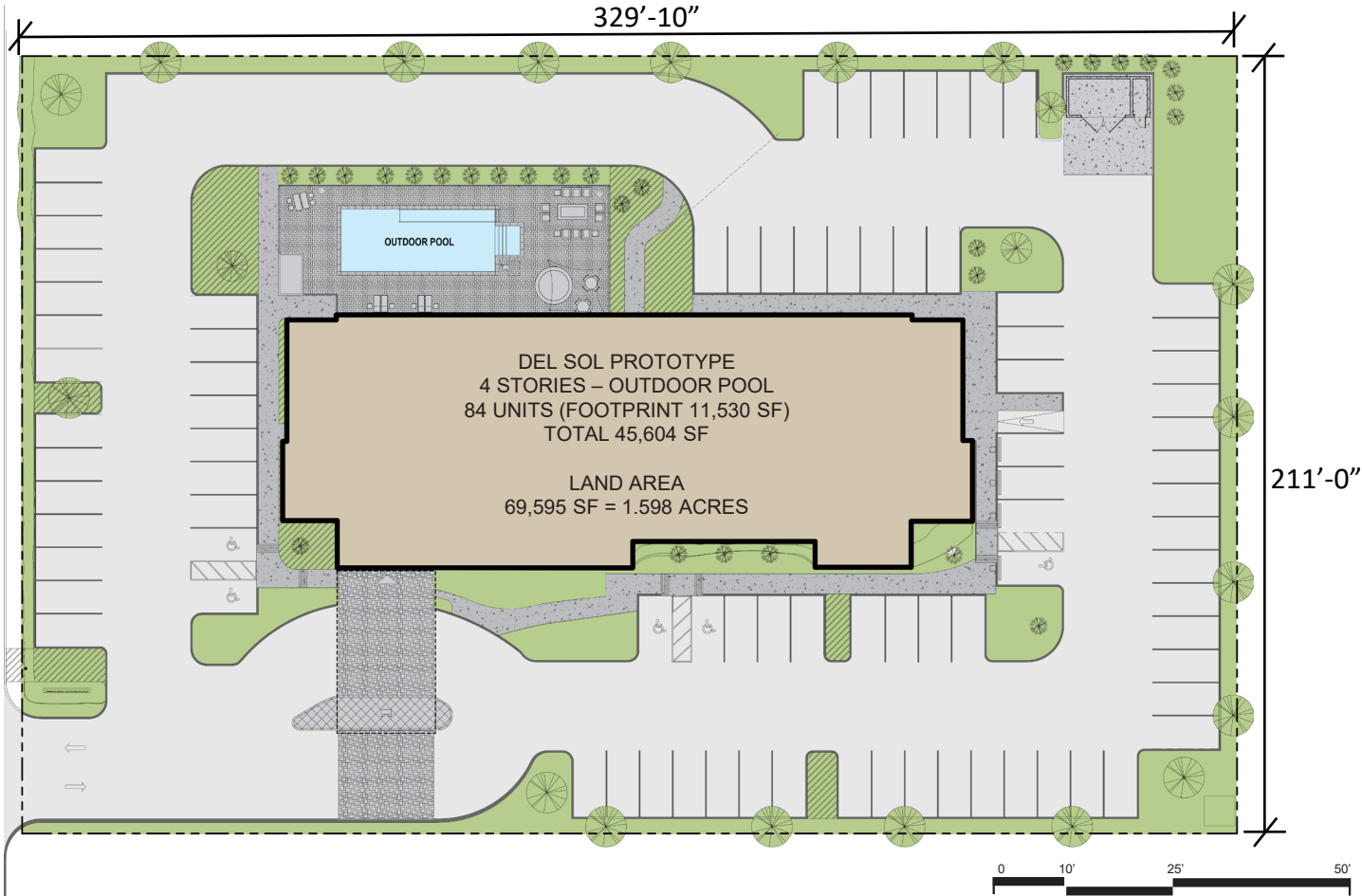


PROTOTYPE: SITE PLAN

DEL SOL PROTOTYPE B – OUTDOOR POOL OPTION



BUILDING LENGTH	187' - 3" FT
BUILDING DEPTH	68' - 0" FT
FLOORS	4 STORIES
PARKING SPACES	84



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE B – INDOOR POOL OPTION



FLOOR PLAN: GROUND FLOOR



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE B – OUTDOOR POOL OPTION



FLOOR PLAN: GROUND FLOOR

PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE B



FLOOR PLAN: SECOND FLOOR



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE B



FLOOR PLAN: THIRD FLOOR



PROTOTYPE: FLOOR PLAN

DEL SOL PROTOTYPE B

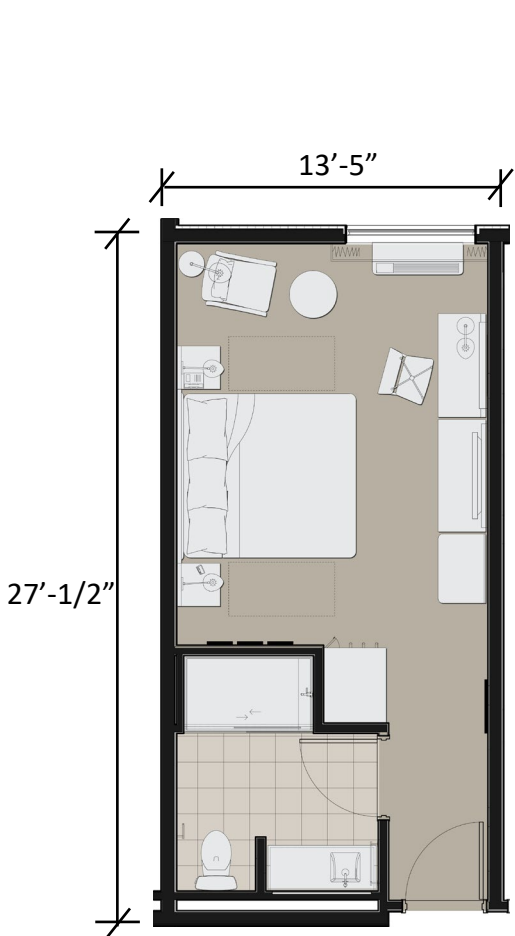


FLOOR PLAN: FOURTH FLOOR

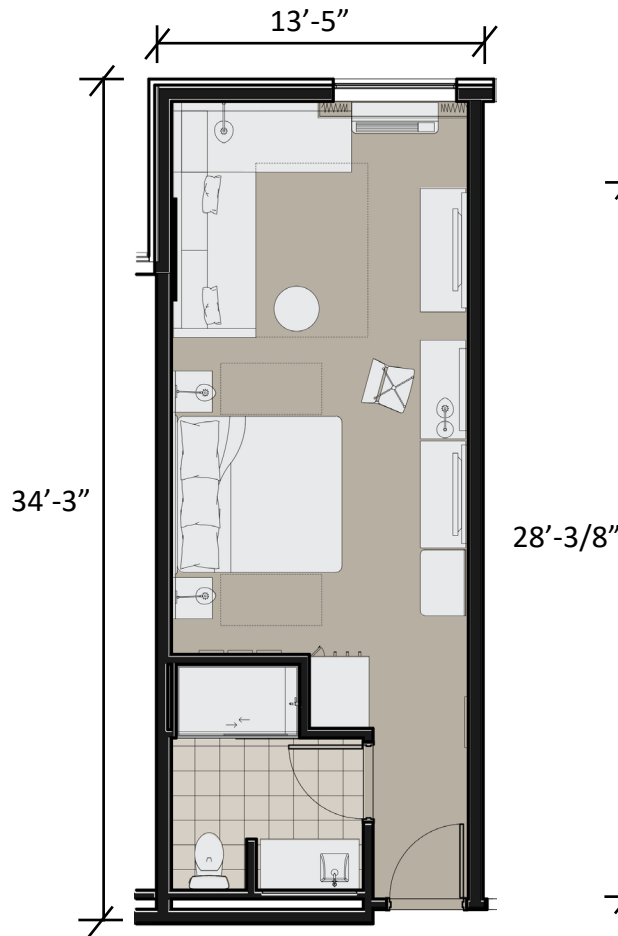


PROTOTYPE: GUEST ROOM PLAN

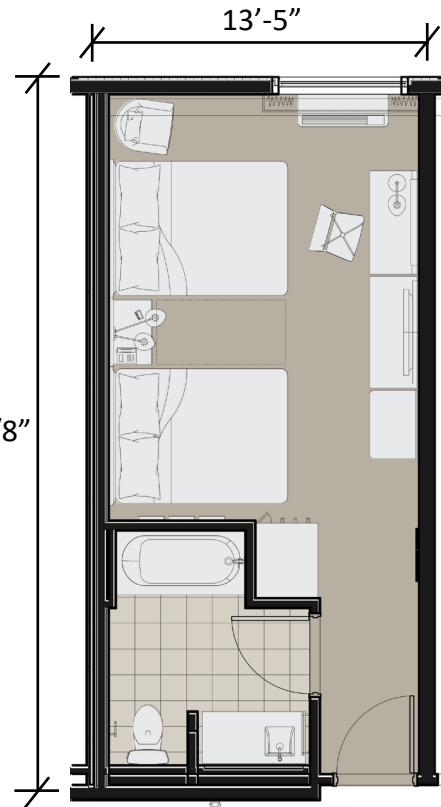
DEL SOL PROTOTYPE B



STANDARD KING



EXTENDED KING



DOUBLE QUEEN



PROTOTYPE: DEVELOPMENT SUMMARY

DEL SOL PROTOTYPE B – INDOOR POOL OPTION

GUESTROOM (INDOOR POOL)	ROOM MIX (PERCENT%)	UNITS	AREA (SF)	TOTAL (SF)
KING	27%	22	240 SF	5280 SF
WIDE KING	4%	3	319 SF	957 SF
EXTENDED KING	11%	9	322 SF	2898 SF
ADA KING	1%	1	275 SF	275 SF
ADA EXTENDED KING	1%	1	303 SF	303 SF
QUEEN QUEEN	51%	41	280 SF	11480 SF
ADA QUEEN QUEEN	5%	4	304 SF	1216 SF
TOTAL	100%	81	2043 SF	22409 SF

GUESTROOM SUPPORT	1ST	2ND	3RD	4TH	AREA
CORRIDORS	832 SF	1161 SF	1161 SF	1161 SF	4313 SF
STAIRS	326 SF	326 SF	326 SF	326 SF	1302 SF
ELEVATOR SHAFT/EQUIP	125 SF	125 SF	125 SF	125 SF	498 SF
GUESTROOM LAUNDRY	0 SF	122 SF	122 SF	122 SF	365 SF
ELECTRICAL ROOM	392 SF	114 SF	114 SF	114 SF	732 SF
AHU ROOM/STORAGE	0 SF	62 SF	62 SF	62 SF	187 SF
TOTAL	1674 SF	1908 SF	1908 SF	1908 SF	7398 SF

FOOD & BEVERAGE	AREA
BREAKFAST & SERVING	375 SF
PANTRY	168 SF
SUNDRY	114 SF
TOTAL	658 SF

FUNCTION	AREA
MEETING ROOM	310 SF
TOTAL	310 SF

RECREATION	AREA
FITNESS CENTER	612 SF
INDOOR POOL ROOM	334 SF
INDOOR POOL SIZE	981 SF
TOTAL	1927 SF

RECREATION	AREA
GREAT ROOM SEATING AREA	1555 SF
RECEPTION	170 SF
PRINT STATION	71 SF
VESTIBULE	80 SF
LUGGAGE STORE	34 SF
MEN'S ROOM	125 SF
WOMEN'S ROOM	130 SF
TOTAL	2164 SF

BACK OF HOUSE	AREA
GM OFFICE	118.13 SF
WORK AREA	266.06 SF
BREAK ROOM	108.64 SF
TOILET	60.45 SF
TV/VIDEO	63.5 SF
LAUNDRY	642.4 SF
LINEN STORAGE	113.71 SF
JANITOR	34.88 SF
TOTAL	1408 SF

TOTAL GROSS SF	45604 SF
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City of *Lumberton*

Planning & Neighborhood Services

Rezoning Request 4450 Kahn Dr.

PETITIONER(S):	OWNER(S):
QBA Management 335 Fields Dr. Aberdeen, NC 28315	Eagles Landing Properties LLC 1937 W Palmetto St Florence, SC 29501

Rezoning Request: QBA Management LLC is requesting to rezone parcel #10060101204I at 4450 Kahn Dr. (deed book 1911, pg. 291) from B4 to B5.

LOCATION:



City of Lumberton

Planning & Neighborhood Services



City of Lumberton
Planning & Neighborhood Services

PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Eagles Landing Properties LLC	10060101204I	B-4, business general commercial Request to rezone to B-5, Highway services	1.48 ac	1.48 ac

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	B-4, business general commercial Request to rezone to B-5, Highway services	Proposed Hotel
North	B-4 Business general commercial	IHOP restaurant
South	B-4, business general commercial	Social Security Admin.
East	R-20, Residential single-family	Carroll Middle School
West	Interstate 95	Interstate 95

*Planning & Neighborhood Services***PROJECT OVERVIEW**

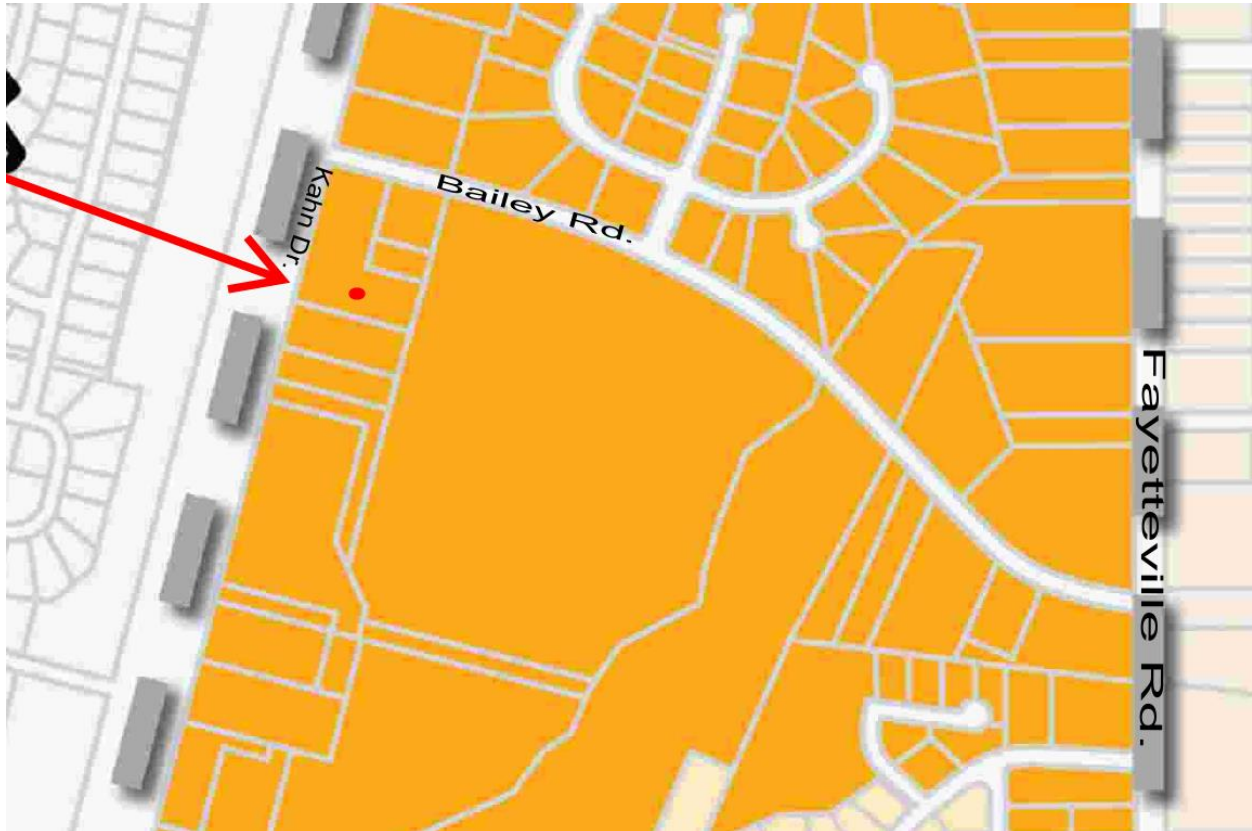
Analysis: QBA Management LLC is requesting to rezone parcel #10060101204I at 4450 Kahn Dr. from B4 to B5. This request is to increase the maximum overall height of a building from 35 feet to 60 feet to allow for the construction of a La Quinta Inn Hotel.

Setback and Lot Size:

Existing Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Maximum Height
B4	No min.	100'	40'	10'(unless its bordered by a right of way. Then right of way min setbacks are observed)	35'
Requested Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Maximum Height
B-5	No Minimum	100'	60'	10'(unless its bordered by a right of way. Then right of way min setbacks are observed)	60'

Planning & Neighborhood Services

Land Use Plan: The Land Use Plan designates the future use of this parcel as Medium Intensity. Furthermore, this property is located within Precinct 1.



MEDIUM INTENSITY

The Medium Intensity land use category is intended to accommodate medium density residential development (up to 10 dwelling units / acre), including both single family residences and larger scale multi-family dwellings. This land use category is also intended to accommodate the use and development of land for medium intensity nonresidential uses, such as churches, schools, neighborhood scale retail, professional offices and similar uses when sited in a manner that does not negatively impact adjoining residential uses located within this or an adjacent lower intensity land use category. In general, these areas are intended to provide a transition between low and high intensity land uses, as well as to facilitate redevelopment in areas where increased density and/or intensity of use is desired.

DEVELOPMENT UPON APPROVAL

If this rezoning is granted the applicant must submit site development plans to the City of Lumberton, and other Federal and State Departments, if applicable, for review and approval prior to development.

PLANNING STAFF RECOMMENDATION TO COUNCIL

City Council review the request, refer the petition to the March 18th, 2025 Planning Board meeting for their recommendation, and authorize the Planning Director to set the date of the public hearing.

The B-4 (general commercial) district is designed to accommodate the widest range of commercial activities.

I. B-4 Zoning District Permitted Uses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

2.130 Wholesale sales

2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.230 Wholesale sales, Storage and display of goods outside fully enclosed building allowed

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.130 Office or clinics of physicians or dentists

3.210 Operations designed to attract and serve customers or clients on the premises

3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use

4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.200 Operations conducted within or outside fully enclosed building Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.

5.120 Trade or vocational schools

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

5.320 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within any permissible structure

5.400 Social, fraternal clubs and lodges, union halls, and similar

6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses

6.121 Movie theatres Seating capacity of not more than 300

6.122 Movie theatres Seating capacity 301—999

6.140 Adult establishments

6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses

7.100 Hospitals or other medical (including mental health) treatment facilities

7.200 Nursing Care Institutions, Intermediate Care Institutions, Handicapped or Infirm Institutions, Child Care Institutions

8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure

8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed

8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed

9.100 Motor vehicle sales or rentals, excluding manufactured home sales

9.200 Sales with installation of motor vehicle parts or accessories (e.g. tires, mufflers, etc.)

9.300 Motor vehicle repair and maintenance, not including substantial body work

9.500 Gas sales

9.600 Car wash

9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

9.810 Manufactured home sales office without, display units.

10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related

10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored within completely enclosed structures

10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot

10.400 Storage and parking Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

12.100 Veterinarian

13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction

13.620 Mobile Units (including Recreational Vehicles)

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

16.000 Dry Cleaner, Laundromat

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

19.000 Open-Air Markets and Horticultural Sales

20.000 Funeral Homes

22.000 Nursery Schools; Day Care Centers

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

24.100 Bus stations

24.200 Train stations

24.300 Taxi stands

25.000 Commercial Greenhouse Operations

27.000 Off- Premises Signs

28.200 Minor Subdivisions

II. B-4 Zoning District Requires a Special Use Permit

2.112 ABC stores

3.140 Government Office Buildings

3.230 Banks with drive-in windows

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people

6.150 Billiard parlors/Pool Halls & Game Centers

6.160 Electronic Gaming Operations

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.260 Drive-in movie theatres

6.270 Recreational vehicle parks and/or campgrounds

7.500 Organized Shelters Facilities: 7.510 Type A; 7.520 Type B; & 7.530 Type C

8.150 Restaurant without carry-out/delivery/drive-in; without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.250 Restaurant without carry-out/delivery/drive-in; with outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.350 Restaurant with carry-out/delivery/outdoor dining; without drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.450 Restaurant with carry-out/delivery/outdoor dining; with drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.500 Bars, nightclubs

10.220 Storage inside or outside completely enclosed structures

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

21.100 Cemetery

21.200 Crematorium

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The B-5 (highway service) is designed to accommodate commercial activities that draw business primarily from and provide services primarily to 1-95 traffic.

I. B-5 Zoning District Permitted Uses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

2.130 Wholesale sales

2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.210 Operations designed to attract and serve customers or clients on the premises

3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use

4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.200 Operations conducted within or outside fully enclosed building Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.

5.120 Trade or vocational schools

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses

6.121 Movie theatres Seating capacity of not more than 300

6.122 Movie theatres Seating capacity 301—999

6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses

8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure

8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed

8.400 Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed

9.200 Sales with installation of motor vehicle parts or accessories (e.g. tires, mufflers, etc.)

9.300 Motor vehicle repair and maintenance, not including substantial body work

9.500 Gas sales

9.600 Car wash

9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.

12.200 Kennel 13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

27.000 Off- Premises Signs

28.200 Minor Subdivisions

II. B-5 Zoning District Requires a Special Use Permit

2.112 ABC stores

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people

6.150 Billiard parlors/Pool Halls & Game Centers

6.160 Electronic Gaming Operations

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

6.270 Recreational vehicle parks and/or campgrounds

8.150 Restaurant without carry-out/delivery/drive-in; without outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.250 Restaurant without carry-out/delivery/drive-in; with outdoor dining; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.350 Restaurant with carry-out/delivery/outdoor dining; without drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.450 Restaurant with carry-out/delivery/outdoor dining; with drive-in service; with hours of operation which include the hours of eleven-o'clock pm thru six-o'clock am

8.500 Bars, nightclubs

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

Lumberton City Council

Item: VI.O.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/27/2025

Subject: Approve \$500 CRF - Cape Fear Council Boy Scouts of America for Character Luncheon

Summary/Background of Subject Matter:

Members of Council Rising and Thomas would each like to donate \$250 of CRF to the Boy Scouts of America, Cape Fear Council for the Character Luncheon here in Lumberton on March 25, 2025. Any others who wish to donate to this worthy cause is welcomed to do so.

Staff Recommendation:

That Council approve the designation of \$500 of CRF as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VI.P.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/27/2025

Subject: P2 - CRF for Children's Theatre Arts Program Boosters

Summary/Background of Subject Matter:

The Public Schools of Robeson County's Children's Theatre Arts Program (CTAP) will present a production of Roald Dahl's Willy Wonks Jr. I received a request for a donation of funds to this cause. The CTAP is a 501(c)3 non-profit organization comprised of dedicated parents and community members who work tirelessly behind the scenes to ensure the success of productions.

This is considered to be a worthy cause and Precinct 2 would like to designate \$200 for this event and if the Council so choose, please feel free to donate.

Staff Recommendation:

That Council approve the designation of \$200 of CRF to the Children's Theatre Arts Program Boosters. The check will be mailed to the following address: CTAP, 100 Hargrave Street, Lumberton, NC 28358

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

1. Children's Theatre Arts Program Boosters



January 28, 2025

Dear Supporter of the Arts,

The Public Schools of Robeson County's Children's Theatre Arts Program (CTAP) is excited to present its upcoming production of Roald Dahl's Willy Wonka JR., a magical journey into a world of pure imagination! This production is an opportunity for students in our district to showcase their talents and build skills in the performing arts. However, to bring this vision to life, we need your help.

The CTAP Booster Club is a 501(c)(3) non-profit organization comprised of dedicated parents and community members who work tirelessly behind the scenes to ensure the success of our productions. Our mission is to provide resources and financial assistance to CTAP, supporting artistic pursuits throughout our district and community. We are reaching out to ask for your support as we fundraise to cover costs not provided by district funds.

Every donation, no matter the size, makes a difference in the lives of our young performers and helps us create a production that the entire community can enjoy. As a token of our appreciation, all donors will be recognized in our event program and on social media.

If you are interested in contributing, please send your donation to:

Children's Theatre Arts Program Boosters
100 Hargrave St
Lumberton, NC 28358



Or donate online at Zeffy, <https://rb.gy/lajbip>

Thank you for considering this opportunity to invest in the arts and support the talented students of Robeson County. Together, we can ensure that CTAP continues to inspire creativity, confidence, and community in our young performers.

If you have any questions or would like to discuss other ways to support CTAP, please don't hesitate to contact us at ctapboosters@gmail.com or 910-644-8055.

With gratitude,

A handwritten signature in black ink that reads "Cherish Roberts".

Cherish Roberts

President
Children's Theatre Arts Program Boosters

Lumberton City Council

Item: VI.Q.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/13/2025

Subject: Designation \$500.00 of Community Revitalization Funds for Community Watch

Summary/Background of Subject Matter:

Councilwoman Higley requests \$500 of CRF for Community Watch in Precinct 4.

Staff Recommendation:

Approve the designation of \$500 to Community Watch in Precinct 4.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VI.R.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/27/2025

Subject: 3rd Annual Big Hat Brunch

Summary/Background of Subject Matter:

Councilman Cantey would like to designate \$150 of CRF to Las Amigas Inc. in support of the Inaugural Big Hat Brunch honoring "Women of Faith."

Staff Recommendation:

Approve designation as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

1. 3rd Annual Brunch



Las Amigas Incorporated
Lumberton Robeson County Chapter

3rd Annual Big Hat Brunch
Honoring Women of Faith

Saturday March 22nd 2025

11am-2pm

Sandy Grove Baptist Church
1601 S Martin Luther King Jr. Dr.
Lumberton NC 28358

Tickets: \$50

Tag Team Speakers:
Erica C. Barnhill & Tameka Davis

Lumberton City Council

Item: VI.S.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/27/2025

Subject: Cooking With Jesus Community Breakfast and Prayer Ministry

Summary/Background of Subject Matter:

Eden International Ministries, located at 1202 N. Pine Street, Lumberton, teamed up with NLBC and the Cooking With Jesus Ministry, as well as the Emergency Winter Shelter, to transform its fellowship hall into a warm and welcoming space to nourish the hungry, uplift in prayer, and spread the love of Jesus throughout our communities. As indicated in the attached photo, they are eating and housing the homeless.

I would like to designate \$100 of CRF to this cause and if any other Council member would like to donate, please feel free.

Staff Recommendation:

That City Council approve the designation as indicated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

1. NLBC - Cooking With Jesus Community Breakfast and Prayer Ministry



Lumberton City Council

Item: VI.T.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 02/27/2025

Subject: Precinct 5 - Community Event to be held on March 29, 2025

Summary/Background of Subject Matter:

Councilman Cantey would like to designate \$250 for a Community Event to be held on March 29, 2025; location to be determined. The CRF is being given to Mr. Diddy's Catering (Mr. John McEachin) in Precinct 5.

Staff Recommendation:

That Council approve the designation as stated.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VI.U.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: Legal

Submission Date: 02/13/2025

Subject: Rape Crisis Center 5th Annual Golf Tournament

Summary/Background of Subject Matter:

Councilman Thomas would like to designate \$200 to the Robeson County Rape Crisis Center for their 5th Annual Golf Tournament for "TEE UP AGAINST SEXUAL VIOLENCE."

Staff Recommendation:

Designate \$200.00 of CRF to the Rape Crisis Center as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Legal

ATTACHMENTS:

1. Rape C risis Center Golf Tournament

ROBESON COUNTY RAPE CRISIS CENTER

5TH ANNUAL

GOLF

TOURNAMENT

TEE UP AGAINST SEXUAL VIOLENCE

-Prizes-

1st place \$300
2nd place \$200
3rd place \$100
Closet Pin \$50
Longest Drive \$50

SATURDAY

MARCH 29TH

PINECREST GOLF COURSE

Check-in: 10:00am

Shotgun start: 1:00 pm

\$60- Per Player

\$240- Per Team (4 players)

Includes cart/green fee, range balls, snack & lunch

Mulligan's \$5 each -1 per player

-Sponsorship Opportunities-

Platinum \$750 - Gold \$500 - Silver \$300 - Bronze \$200

For More Information Contact:

Sheila Beck (910) 374-0433

Patrick Strickland (910) 734-8264

Luci Hunt (910) 674-8052

March 14th Deadline for Guarantee Signage

Lumberton City Council

Item: VI.V.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Attorney

Submission Date: 02/27/2025

Subject: Mayor's Committee for the Challenged - Funds Request

Summary/Background of Subject Matter:

The Mayor's Committee for the Challenged has only one ramp in stock currently, which is reserved for Hospice situations. The Committee is respectfully seeking funds for additional ramps and a small amount for additional administrative / meeting costs.

Staff Recommendation:

Consider request for funding.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Attorney

ATTACHMENTS:

1. FundsRequestLtr02272025

CITY OF LUMBERTON



MAYOR'S COMMITTEE FOR THE CHALLENGED

February 27, 2025

To: Honorable Mayor and Lumberton City Council

Good Day,

I am writing to request that you consider additional emergency funding for the Mayor's Committee for the Challenged. This committee meets monthly in order to explore ways we can help all Lumberton's citizens have fuller lives and better opportunities. One of our primary tasks is to help people who have been thrust into an emergency need for a handicap ramp to get into their home get this assistive device. We currently have ramps in every part of Lumberton. At this time, all of the ramps the city owns are distributed. I currently have three pending requests which we cannot fill because we have no available ramps. Our committee recommends that recipients find long term solutions if their need stretches beyond a year, but we realize that this is not always possible. Thus, all of our ramps are currently distributed.

We would like to encourage this body to allocate more funding to this ramp program. The reality of our city is that people are getting older and are in more often in need of this service. I truly feel that this is one of the most important services the city of Lumberton provides for its residents. I ask that you would help us to help your constituents be safe getting into and out of their homes after surgeries, after accidents, or when we get to a point in our lives when navigating steps into the homes we've occupied for decades is no longer possible. This is a program that enables people to stay in the homes they love longer, and allows their loved ones to care for them at home rather than moving into assisted living or skilled care.

In terms of cost, our most recent quote was that a ramp costs \$2,479 each (\$2,354 if 2 or more are purchased), and a landing costs \$1,575 (\$1,500 if two or more are purchased). Having spent most all of its spent funds on ramps and related items, the Committee is also in need of approximately \$400 for meeting and related administrative expenses.

We thank you for your support for this well used and greatly loved program.

Sincerely,

Tim Little

Chair, Mayor's Committee for the Challenged

Lumberton City Council

Item: VI.W.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Council

Submission Date: 03/03/2025

Subject: Request for Contribution to Support K-Kids

Summary/Background of Subject Matter:

Erika Nolley, on behalf of Kiwanis Robeson-Lumberton, sponsor of the K-Kids Program at Tanglewood Elementary. K-Kids is a service leadership program where students work together, serve their communities, and develop essential leadership skills through collaborative projects. To celebrate their first year of sponsoring K-Kids, they will be hosting an end-of-year celebration on March 26th at Northeast Park. Attendance is expected to be 50–60 attendees, including 16 K-Kids members.

We are seeking a generous contribution of \$500.00 to support the cost of lunch for the event. Your support will help create an enjoyable and meaningful experience for these young leaders. Precinct 8 would like to designate \$100 of CRF for this event.

Staff Recommendation:

That Council approves the designation of CRF as indicated above.

City Manager's Comments:

Signature:

Department: City Council

ATTACHMENTS:

1. K-Kids Donation Request



Kiwanis Robeson-Lumberton

PO Box 2705

Lumberton, NC 28358

kiwaniserika@gmail.com

910-316-3527

2/28/2025

Dear Councilman Owen Thomas & City Council,

Subject: Request for Contribution to Support K-Kids End-of-Year Celebration

I hope this message finds you well. I am writing on behalf of Kiwanis Robeson-Lumberton, the sponsor of the K-Kids program at Tanglewood Elementary. K-Kids is a service leadership program where students work together, serve their communities, and develop essential leadership skills through collaborative projects.

To celebrate our first year of sponsoring K-Kids, we will be hosting an end-of-year celebration on March 26th at Northeast Park. This event will bring together 50-60 attendees, including 16 K-Kids members, their parents, and Kiwanis members. It will be a wonderful opportunity to reflect on the impact they've made and encourage their continued growth as young leaders.

We are seeking a generous contribution of \$500.00 to support the cost of lunch for the event. Your support will help create an enjoyable and meaningful experience for these young leaders and their families, marking a memorable end to a successful year of service.

Thank you for your time, your generosity, and for helping us support these young leaders.

Sincerely,

Erika Nolley

Kiwanis Robeson-Lumberton President

Lumberton City Council

Item: VI.X.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Manager

Submission Date: 03/03/2025

Subject: Adopt Resolution Accepting a Grant Award from Department of Commerce

Summary/Background of Subject Matter:

The City of Lumberton has been awarded a grant from the Department of Commerce for the Southeast Crossroads Industrial Park - Electrical Line Relocation & Upgrade in the amount of \$825,000. A Resolution Accepting the Grant Award is attached for Council's approval and adoption.

Staff Recommendation:

That City Council will adopt the attached Resolution Accepting the Grant Funding from the Department of Commerce in the amount of \$825,000.

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

1. Sample RESOLUTION - NC Department of Commerce

Sample **RESOLUTION** *Sample*

BE IT RESOLVED, that a grant from the Department of Commerce through the County of _____ be made to assist the _____ project.

BE IT FURTHER RESOLVED, that _____ County will administer this grant in accordance with the rules and regulations of the Department of Commerce.

BE IT FURTHER RESOLVED, that the County will administer this grant through the County Finance Office.

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.

BE IT FURTHER RESOLVED, that the amount of the grant application will be \$ _____.

ADOPTED this _____ day of _____, 20____.

Chairman

Clerk to Board

Lumberton City Council

Item: VI.Y.

Lumberton, North Carolina



Request for Action

Meeting Date: March 3, 2025

Originated By: City Manager

Submission Date: 03/03/2025

Subject: Offer and Acceptance for PFAS Study Water Treatment Plant Grant

Summary/Background of Subject Matter:

The City of Lumberton has been approved for funding assistance in the amount of \$500,000 for the PFAS Study Water Treatment Plant (Phase 1) by the North Carolina Division of Water Infrastructure. Attached for Council's approval is a Resolution Accepting the funding offer and accepting the Conditions and Assurances and a Capital Project Ordinance for the project.

Staff Recommendation:

That Council Adopt the Resolution of Offer and Acceptance and Capital Project Ordinance from the Division of Water Infrastructure/DEQ.

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

1. BP-70C45_20250303_172811

RESOLUTION BY GOVERNING BODY OF APPLICANT *(Suggested Format)*

- WHEREAS,** the Bipartisan Infrastructure Law (BIL) of 2021 and North Carolina General Statute (NCGS) 159G have authorized the making of principal forgiveness loans to aid eligible, drinking-water system owners in financing pre-construction activities and planning efforts associated with the removal of per- and polyfluoroalkyl substances (PFAS); and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund – Emerging Contaminants (DWSRF-EC) loan with principal forgiveness in the amount of (INSERT dollar amount here: \$ _____), to conduct (INSERT project description here), hereafter referred to as the "Project"; and
- WHEREAS,** the (INSERT name of drinking-water system owner here) intends to conduct said Project in accordance with a scope of work that was approved by the North Carolina Division of Water Infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE (INSERT NAME OF GOVERNING BODY HERE) OF THE (INSERT NAME OF DRINKING-WATER SYSTEM OWNER: "CITY OF...", "TOWN OF...", "COUNTY OF" and so forth):

That (INSERT name of drinking-water system owner) does hereby accept the DWSRF-EC principal forgiveness loan offer in the amount of (INSERT dollar amount here: \$ _____); and

That the (INSERT name of drinking-water system owner) does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of a DWSRF-EC principal forgiveness loan; and

That (INSERT here the name and title of your Authorized Representative), and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the (INSERT name of drinking-water system owner) has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the (INSERT here date resolution adopted) at (INSERT place name here), North Carolina.

(Signature of Chief Executive Officer)

(Date)

Capital Project Ordinance

Be it ORDAINED by the Governing Board of the (Town of Anywhere), North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the (construction/rehabilitation of a wastewater treatment/collection System) to be financed by (the sale of general obligation bonds/ARRA loan /federal loan/state loan / state grants and reserves).

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering	\$ 120,000
Land	90,000
Construction	<u>1,440,000</u>
	<u>\$ 1,650,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Federal/ARRA Loan	\$ 1,100,000
Proceeds from general Obligation Bonds	\$ 500,000
Transfer from Wastewater treatment capital Reserve	\$ <u>20,000</u>
	<u>\$ 1,650,000</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 5: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner. Section

7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this __ day of _____ 202_.

Signature, (Authorized Rep)

(Seal)

Attest: _____
Signature (Town Clerk)