



CITY OF LUMBERTON

CITY COUNCIL

AGENDA • APRIL 7, 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. Employee Recognition

- A. Paul Valenti -49 years of Faithful and Dedicated Service as Chief Water Plant Operator - , City Council

III. Public Comment Period

IV. Presentations -

- A. VHB - Robeson County Comprehensive Transportation Plan - Brandon Love, City Manager
- B. Audit Presentation - Wade Greene - Hank Lewis, Finance

V. Public Hearings

- A. March 18, 2025 Planning Board Minutes - , Planning & Neighborhood Services
- B. **Mark Tippet rezoning Dunn Rd.- ETJ**
- ArTriel Kirchner, Planning & Neighborhood Services
- C. **Mark Tippet SUP Dunn Rd.- ETJ** - ArTriel Kirchner, Planning & Neighborhood

Services

- D. Faith Community Christian Center – 1220 Alamac Road ETJ - ArTriel Kirchner, Planning & Neighborhood Services
- E. QBA Management La Quinta Rezoning-P1 - ArTriel Kirchner, Planning & Neighborhood Services
- F. Economic Incentives - Project Wolverine - Wayne Horne, City Manager

VI. Consent Agenda

- A. Ratify the Additional Funding for the Proposed Flood Wall - VFW Road and CSXT/I-95 Underpass to CSX in the amount of \$13,750. - Brandon Love, City Manager
- B. Ratify the designation of \$900 of CRF to Truly Treasure as follows: P1 - \$100 P2 \$200 P3 - \$100 P4 - \$100 P5 - \$100 P6 - \$100 P7 \$100 and P8 - \$100. - Wayne Horne, City Manager
- C. Ratify the Change Order - - Hickman Utilities Adding Elmhurst to Roberts Avenue for Sewer Replacement in the Amount of \$15,250.50. - Wayne Horne, City Manager
- D. Ratify the Contribution of \$850 to Chestnut Street Church for the Citizens of Western NC as follows: P1 - \$100 P2 - \$100 P3 - \$100 P4 - \$100 P5 - \$50 P6 - \$100 P7 - \$100 P8 - \$100 and from the Mayor's Discretionary Fund \$100. - Wayne Horne, City Manager
- E. Ratify Acceptance of Lead for NC Fellow from the UNC School of Government - Hank Lewis, Finance

VII. Agenda Items

- A. Main Street Lumberton Advisory Board - Sarah Ward, City Manager
- B. Battery Back-Up System - Tammy McLeod, Emergency Services
- C. CDBG-NR Grant Documents - Stephanie Canady, Planning & Neighborhood Services
- D. Request from UNC Health Southeastern to Designate 2 Parking Spots as Reserved - Michael McNeill, Holt Moore, City Attorney
- E. Lead and Copper Inventory Agreement Amendment #1 - Rob Armstrong, Public Works
- F. Engineer Selection for the Water Street Retaining Wall Improvements Project - Rob Armstrong, Public Works
- G. Release RFQ for AIA grant services - Rob Armstrong, Public Works

- H. Change Order 1 Noir Street Sewer Outfall Cleaning & Inspection - Rob Armstrong, Public Works
- I. Five Mile Branch Hydraulic Study - Rob Armstrong, Public Works
- J. Ryan Locklear Special Use Permit 328 E. 24th. St. - P3 - ArTriel Kirchner, Planning & Neighborhood Services
- K. Habbab Najjar Special Use Permit 2105 W.5th St.-P7 - ArTriel Kirchner, Planning & Neighborhood Services
- L. Dannie Stewart SUP 328 Hood Rd.-ETJ - ArTriel Kirchner, Planning & Neighborhood Services
- M. D. Locklear Bailey Rd - Special Use Permit - P1 WITHDRAWN - ArTriel Kirchner, Planning & Neighborhood Services
- N. Justin Patterson Rezoning 35 State St.-P7 - ArTriel Kirchner, Planning & Neighborhood Services
- O. Contiguous Annexation Emery Road - County - ArTriel Kirchner, Planning & Neighborhood Services
- P. Accept Phase III Construction Bid at Pennington Complex - Tim Taylor, Recreation
- Q. Approve Professional Services Agreement with Bensch to Design and Engineer Pickleball Courts - Tim Taylor, Recreation
- R. Financing - 6 Outfitted Police Vehicles and 1 Vehicle for Inspections - Hank Lewis, Finance
- S. Carolina Civic Center - Project Update/Change Orders - Brandon Love, City Manager
- T. Reappointment to the Library Board of Trustees - Wayne Horne, City Manager
- U. De-obligation of Funds in Precinct 4 - Karen Higley, City Council
- V. 2nd Street Cruising - Karen Higley, City Council
- W. Request from W.H. Knuckles - 3rd Graders Trip to Aquarium - Councilman Cantey, City Council
- X. Robeson County Relay for Life - Owen Thomas, City Council
- Y. Adopt a Resolution to Install Supplement Panel to "Welcome to Lumberton" Signs - Wayne Horne, City Manager

VIII. Closed Session - Confer with the City Attorney

IX. Adjournment

Lumberton City Council

Item: IV.A.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 04/02/2025

Subject: VHB - Robeson County Comprehensive Transportation Plan

Summary/Background of Subject Matter:

Staff Recommendation:

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

1. BP-70C45_20250403_140725



NORTH CAROLINA
Department of Transportation

Robeson County Safety Action Plan

Local Agency Updates

March 2025

Connecting people, products and places safely and efficiently with customer focus, accountability
and environmental sensitivity to enhance the economy and vitality of North Carolina

Goals for Safety Plan

- ☐ Develop a plan to achieve a significant reduction in fatalities and serious injuries on the region's transportation system.
- ☐ Inform other countywide efforts such as the Vision Zero Task Force and Comprehensive Transportation Plan (CTP).
- ☐ Increase awareness of transportation safety and risks.
- ☐ Identify needs and recommended safety improvements.
- ☐ Ensure consistency with Highway Safety Improvement Program (HSIP) and USDOT safety planning requirements.
- ☐ Create inputs for future grant applications for priority projects.

Our Roadmap to Project Success

Spring-Summer 2024: Leadership and Community Support

Fall 2024: Data-Driven Analysis and Public Input

Spring 2025: Action-Based Strategies

Summer 2025: Plan Adoption and Implementation



Public and Stakeholder Engagement

- Technical Stakeholder Workshop
- VZ Task Force Meetings
- Local Government Outreach
- Community Education and Engagement

Data Analysis

- Crash Analysis
- High Injury Network
- Equity Analysis

Crash Reduction Strategy

- Goals and Objectives
- Project Identification
- Prioritization
- Policy Review
- Implementation Plan

Action Plan

- Draft and Final Report
- Executive Summary
- Adoption and Presentations

Robeson County sees drop in traffic fatalities

By Heidi Perez-Moreno
 Robeson County saw a drop in traffic fatalities in 2024 for the third year in a row, according to preliminary data released by the N.C. Department of Transportation.



A road intersection in Robeson County. Photo by Heidi Perez-Moreno.

Robeson County saw a drop in traffic fatalities in 2024 for the third year in a row, according to preliminary data released by the N.C. Department of Transportation.



A road intersection in Robeson County. Photo by Heidi Perez-Moreno.

Robeson County saw a drop in traffic fatalities in 2024 for the third year in a row, according to preliminary data released by the N.C. Department of Transportation.

TRAFFIC DEATHS DECREASE IN ROBESON COUNTY; ROADWAY DEATH RATES DECLINE BY 36%

BY STAFF REPORT, POSTED 23 HOURS AGO

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Fewer people are dying on Robeson County roadways, according to preliminary data that saw the number of traffic deaths decrease by 36% last year.

A total of 42 people died in vehicle crashes in the county during 2024, compared with 66 deaths in the previous year. In 2021, the number who died was 69.

The figures were released this week by the N.C. Department of Transportation's Mobility & Safety Division. There were 38% fewer deadly crashes in Robeson County last year, too.

Grady Hunt, who is the area representative on the N.C. Board of Transportation, formed the Robeson County Vision Zero task force in 2018 to help improve highway safety and driver behavior; the long-term goal is to have no traffic deaths, because they are largely preventable.

"This has been a tremendous turnaround, thanks to the collective efforts of so many of our partners and the people working on our task force," Hunt said recently of the crash reductions in a press release. "But, we still have more work to do."

State Traffic Engineer Brian Mayhew said officials were still evaluating the recent trends and decrease last year. But, he said, two areas within the data stand out:

For a third year in a row, the number of fatal crashes that can be attributed to speeding declined to 21% last year. It was 29% in 2023, and 37% in 2022.

50

68° 71° 72° 66° 70°

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Robeson County sees another drop in traffic fatalities. What has changed?

By Heidi Perez-Moreno

heidiperez-moreno@borderbelt.org

Robeson County saw a drop in traffic fatalities in 2024 for the third year in a row, according to the N.C. Department of Transportation.

Forty-two people died in vehicle crashes in the county last year, compared to 66 in 2023, marking a 36% drop.

Officials attribute the decrease to road upgrades, including

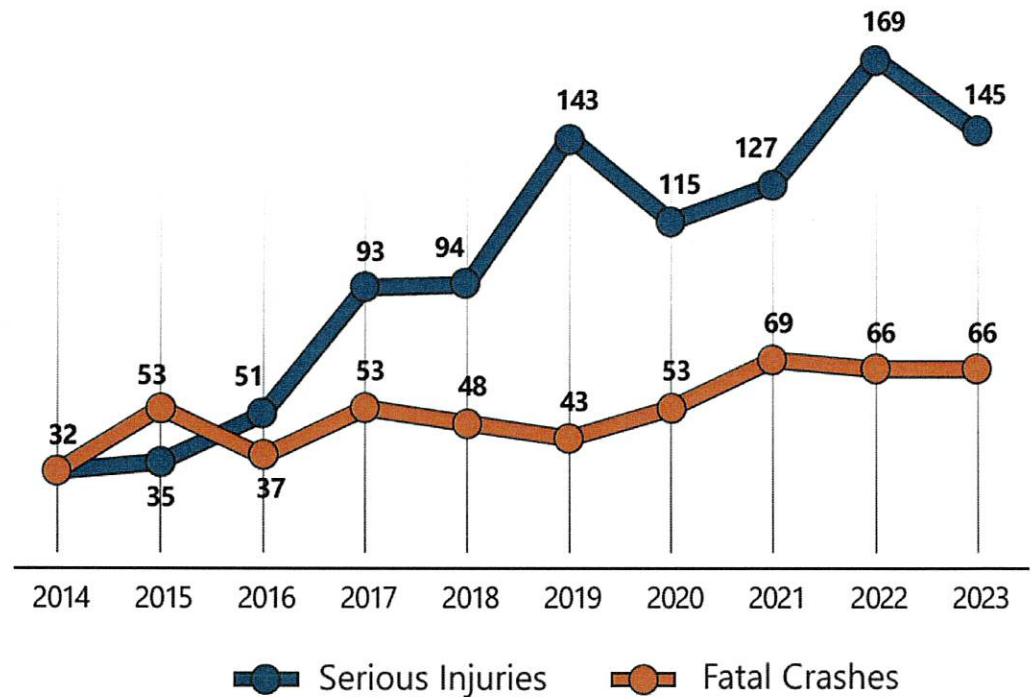
PUBLISHED BY
Les High

Les High, former editor and publisher of The News Reporter in Whiteville, is the founder and publisher of the Border Belt Independent. He is a 1984 graduate of the University of North Carolina at Chapel Hill School of Journalism.

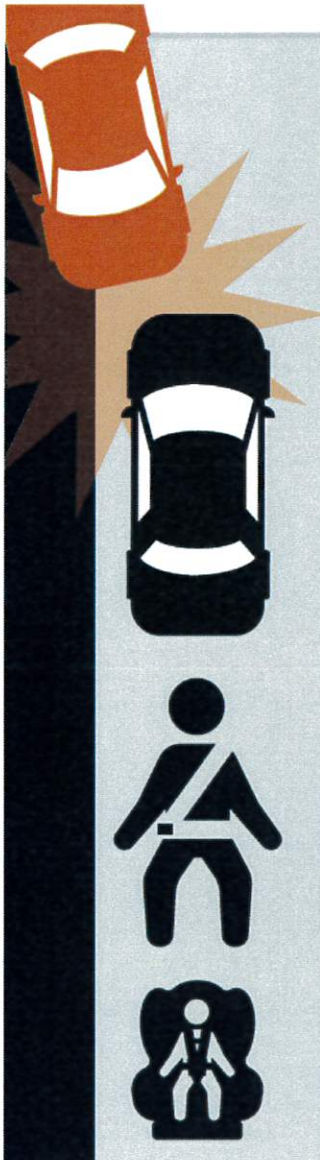
[View all posts by Les High](#)

2019 – 2023 Crash Trends in Robeson County

More than **23,000** crashes occurred on roads in Robeson County. Almost **770** of those crashes resulted in a **serious injury** and almost **300** people were **killed** in the crashes.



Fatal and Serious Injury Crashes (2014-2023)



1 out of 100 people injured or killed in roadway crashes are identified as **Native American**. That was more than twice the same crash rate for all North Carolinians and higher than other ethnicity or racial populations in the county.

People between the **ages 15 and 24** were killed or seriously injured at a rate of 13.37 per 1,000 population. That was almost **3 times** the same crash rate for all North Carolinians and the **highest crash rate** for all age groups in the county.

Nearly **90%** of fatal and serious injury crashes in Robeson County involved **crossing the center line**, crashing with objects on the **side of the road**, colliding with **people crossing or walking in the roadway**, and **head on crashes** with other vehicles at **intersections**.

Two-thirds of fatal and serious injury crashes in Robeson County were associated with people driving while **impaired** or **not using seat belts or car seats**.

Public Engagement & Stakeholder Outreach

- ❑ **Stakeholder Workshop** (May 9)
Pembroke, NC
- ❑ **Robeson County Municipal Association Meeting** (May 28)
Pembroke, NC
- ❑ **NCDOT Open Roads Meeting** (Wednesday, June 19)
Lumberton, NC
- ❑ **Lumbee Homecoming Vendor Booth** (Saturday, July 6)
Pembroke, NC
- ❑ **Red Springs Community Center Community Meeting** (Tuesday, July 16)
Red Springs, NC
- ❑ **African American Cultural Center Community Meeting** (Tuesday, July 30)
Lumberton, NC

Public Engagement & Stakeholder Outreach

- ❑ **Presentations to Lumber River RPO** (TCC and TAC – October 15, November 4)
Pembroke, NC
- ❑ **Presentation to Robeson Rural Communities Opioid Response Program (RCORP).** (October 23)
Pembroke, NC
- ❑ **Meeting with Lumbee Tribe staff** (October 15)
Pembroke, NC
- ❑ **Discussion with NC Youth Violence Prevention Coalition** (November 4)
Lumberton, NC
- ❑ **Community Stakeholder Interviews** (November)
- ❑ **PAWWS Meetings – Transportation Plan** (Multiple)
Virtual
- ❑ **Interview with State Highway Patrol – Robeson District** (December 13)
Lumberton, NC
- ❑ **Interview with Robeson County EMS** (February 14, 2025)
Lumberton, NC

Public Health Approach to Safety

GOALS

- Reduce fatalities and reduce serious injury crashes by half by 2035
Keep heading in the right direction!
- Manage Speeds and High-Risk Behaviors
Increase awareness and enforcement
- Adopt a Safe Systems Approach for Sustained Impact
Pursue safety in all projects and support first responders
- Empower People and Communities to Affect Safety Culture
Work with community organizations and discuss safety needs ongoing
- Implement Widespread Systemic Improvements
Double down on what works!



Example Safety Plan Strategies



ENGINEERING

Infrastructure countermeasures like lighting improvements, signal timing, pavement markings



EDUCATION

Safety outreach like PSAs, interactive maps, giveaways/promotions



ENFORCEMENT

Imposing stricter penalties for speeding, using crash data analysis to identify priority area

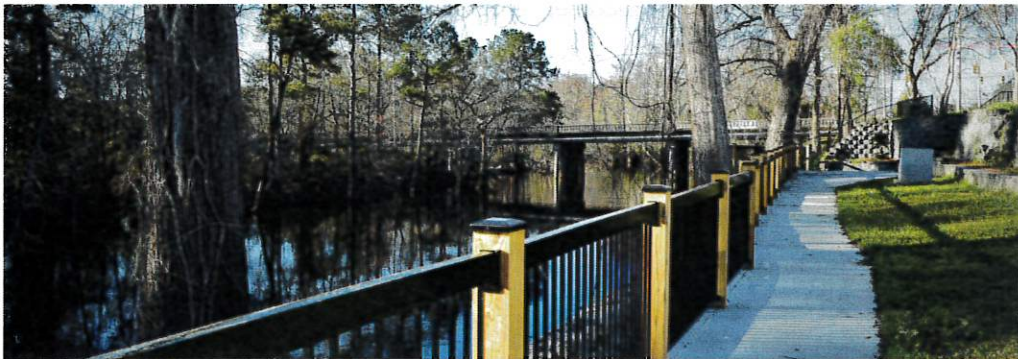


EMERGENCY SERVICES

Coordinated medical data, response times

Next Steps

- **Conduct additional listening sessions and discussions with local agencies and community organizations**
- **Develop a draft Comprehensive Safety Action Plan**
- **Discuss final plan and implementation with local partners**



Lumberton City Council

Item: V.A.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 04/02/2025

Subject: March 18, 2025 Planning Board Minutes

Summary/Background of Subject Matter:

A copy of the minutes from the March 18, 2025 Planning Board are available for review.

Staff Recommendation:

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. March 18, 2025



CITY OF LUMBERTON

PLANNING BOARD

MINUTES • MARCH 18, 2025

Council Chambers	Joe Terranova	Walter Smith	6:00 PM
	Greg Caulder	Lisa Douglas	
	Angela Jones	Lee-Pam Odom	
	Jeffery McLean	Randy Hammonds	
	Mitchell Prevatte	Ray Britt	

I. Call to Order

II. Minutes Approval

- A. Planning Board - Regular Meeting - DATE

III. Agenda Items

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

Mr. Locklear submitted a request to withdraw his special use permit application.

- B. **Mark Tippet rezoning Dunn Rd.- ETJ**
- ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. ArTriel Kirchner gave a brief overview of the request.

The applicant, Mr. Mark Tippet gave a presentation of the rezoning request.

After questions and discussion from the board, Chairman Terranova called for a motion.

Mr. Caulder made a motion to recommend approval for the rezoning based on no public opposition. It would be consistent with the land use plan, and be harmonious with the surrounding area.

The motion was seconded by Mr. McLean, the motion carried unanimously.

- C. **Mark Tippet SUP Dunn Rd.- ETJ** - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. ArTriel Kirchner gave a brief overview of the request.

The applicant, Mr. Mark Tippet gave a presentation of the rezoning request.

After questions and discussion from the board, Chairman Terranova called for a motion.

Mr. Caulder made a motion to recommend approval for the special use permit based

on the information provided it would be in harmony with the surrounding area, would not endanger public health and safety and would not devalue surrounding properties with the conditions that screening be installed in accordance with city code along borders to adjacent residential areas; the screening would be Italian Cyprus trees or equivalent allowed by city ordinance; and that a routine monthly maintenance plan for the facility be implemented and followed.

The motion was seconded by Ms. Douglas, the motion carried unanimously.

D. QBA Management La Quinta Rezoning-P1 - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. ArTriel Kirchner gave a brief overview of the request.

The applicant, Mr. Ron Jackson gave a presentation of the rezoning request.

After questions and discussion from the board, Chairman Terranova called for a motion.

Mr. Caulder made a motion to recommend approval for the rezoning from B-4 to B-5 to convert the application to a conditional rezoning to exclude use 6.140 Adult establishments. The owner agreed to do a conditional rezoning.

The motion was seconded by Ms. Douglas, the motion carried unanimously.

E. Faith Community Christian Center – 1220 Alamac Road ETJ - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. ArTriel Kirchner gave a brief overview of the request.

The applicant, Mr. Leo Barnwell gave a presentation on the special use permit request.

After questions and discussion from the board, Chairman Terranova called for a motion.

Mr. Prevatte made a motion to recommend approval of the special use permit and to revise the cemetery plot plan to include 8' rows instead of 4' to allow better access and the SUP would not materially endanger public health or safety, will not injure the value of adjoining property, would be in harmony with the surrounding area, and be in conformity with the land use plan.

The motion was seconded by Ms. Douglas, the motion carried unanimously.

IV. Adjournment

The meeting was adjourned at 7:38 pm.

Lumberton City Council

Item: V.B.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/19/2025

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

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

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. Application Staff Report REZONING CCPH
2. NYE Land Project Overview
3. Ordinance

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

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: **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

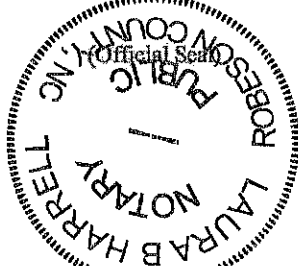
STATE OF NC, COUNTY OF NC

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

WITNESS my hand and official seal, this the 3 day of February, 2025



Laura B Harrell
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

NYE LANDS LLC

3113 ETON ROAD

Owner:

C. Howard Nye Mar.

Physical Address:

RALEIGH, NC 27608

Full Legal Name (type or print)

Home Address

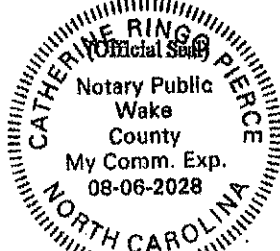
STATE OF NC, COUNTY OF NC

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. NYE 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

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.

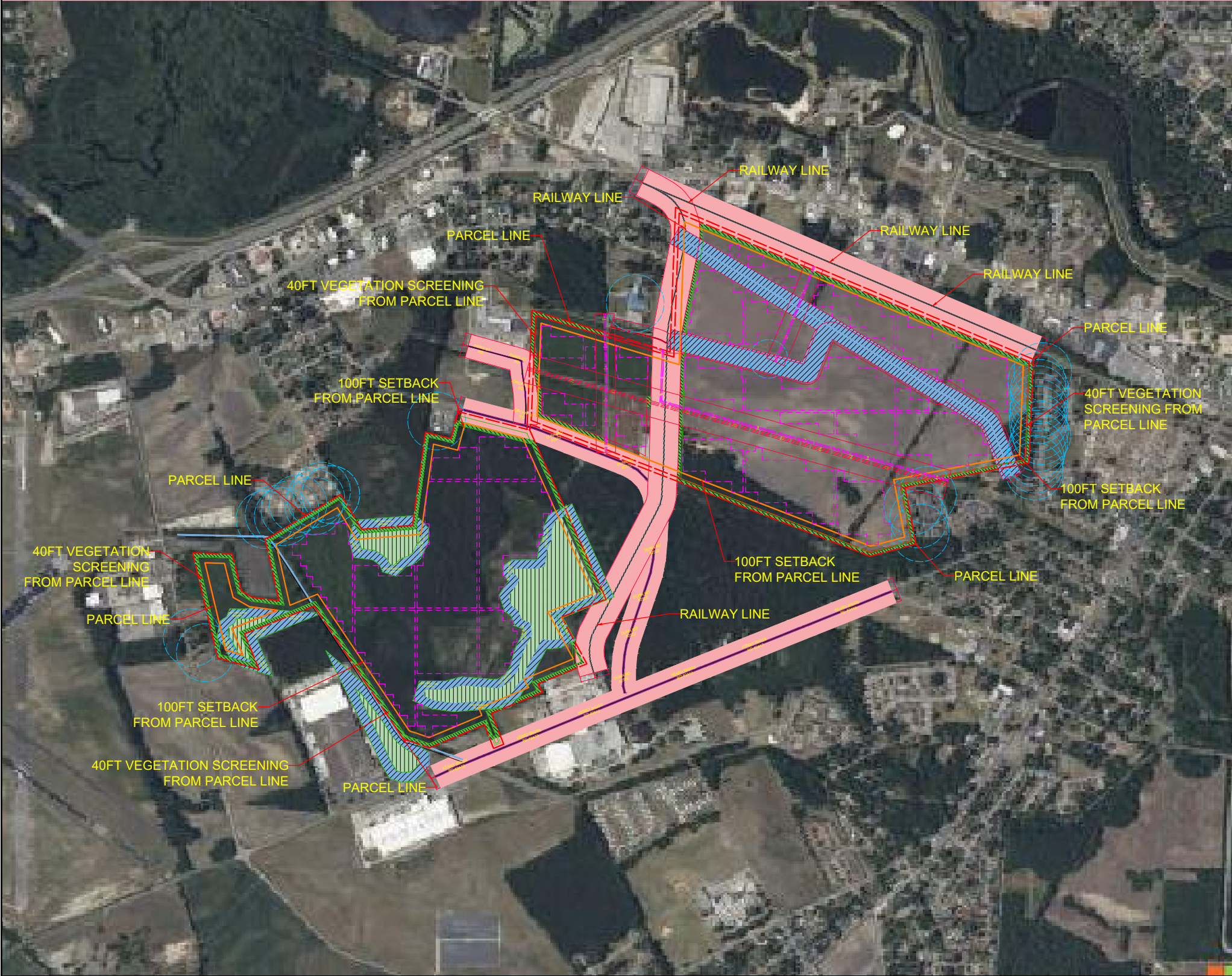
Cheers!

Robin Laine

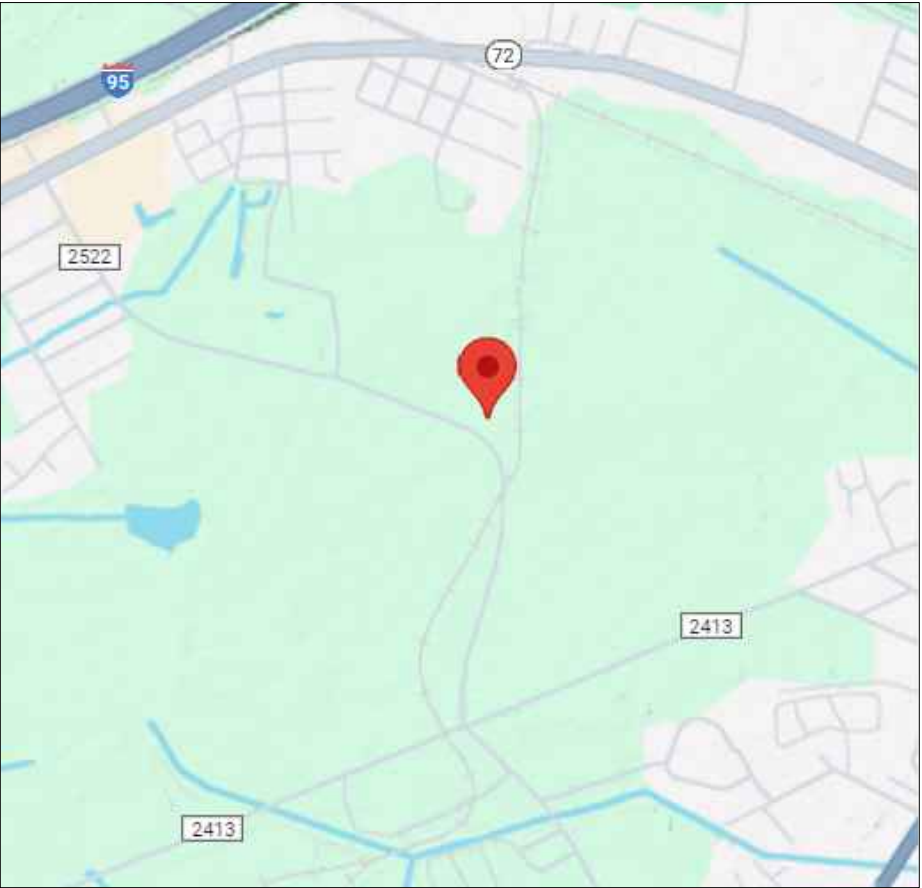


Robin Laine
CEO and Co-founder of Transect

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	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

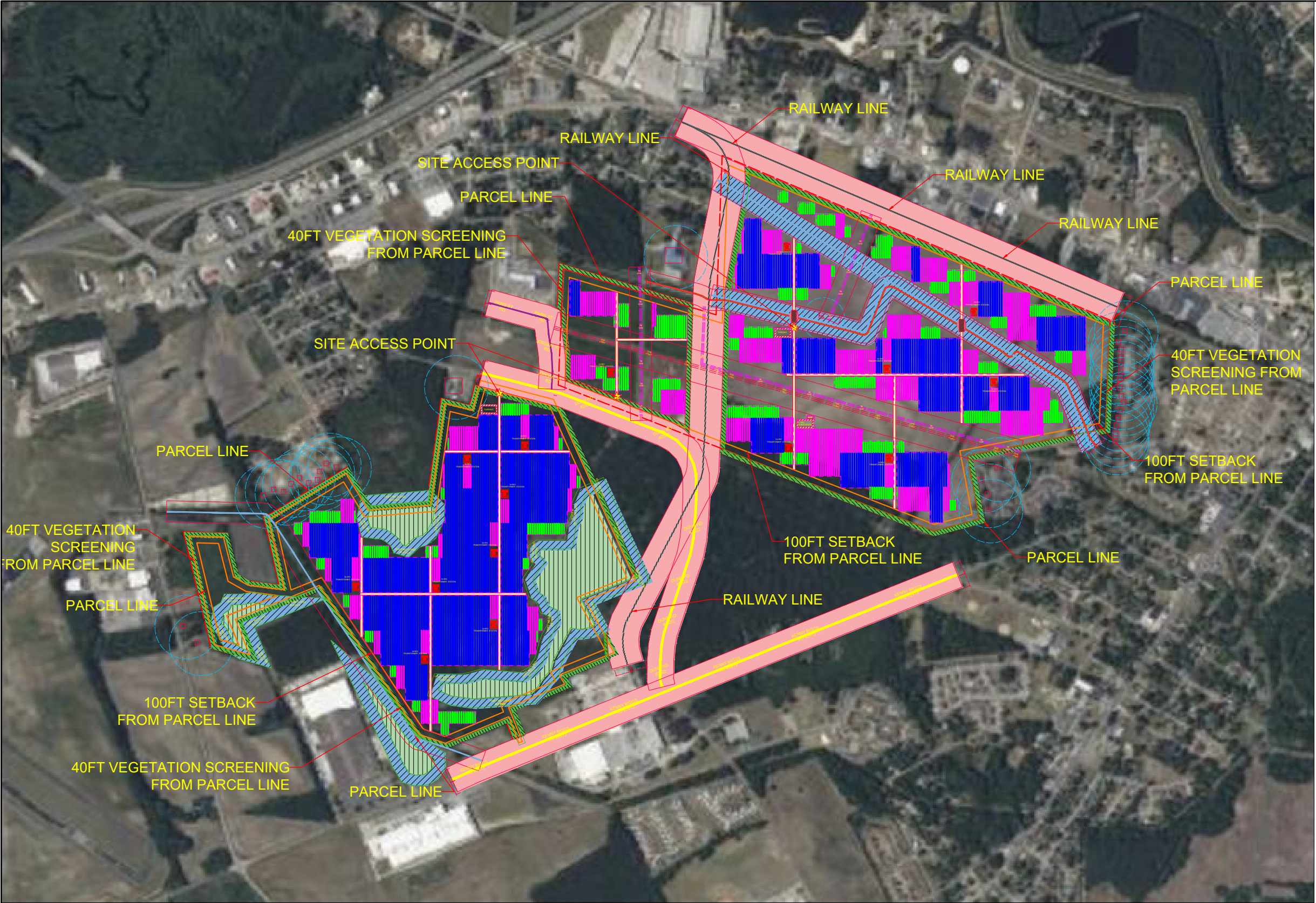


1 SITE PROJECTION
SCALE: NTS

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	DRAWING	LOCATION	SCALE AS NOTED
1	----	----				DO NOT SCALE. ALL MEASUREMENTS IN FEET UNLESS OTHERWISE STATED.				PROJECT NYE LANDS LLC SOLAR FARM - 45.22MW	SHEET SIZE ANSI B 11" X 17"
2	----	----							CLIENT ADDRESS	YAROTEK , LLC 800, 4TH AVE, SUITE 706 HALLANDALE, FL 33009 WWW.YAROTEK.COM	ORIG. DATE 20/07/2024
3	----	----									REV. DATE 20/07/2024
4	----	----									REV. NO. 8
5	----	----							SHEET NO.	PV- 3.0	REV. NO. 0
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

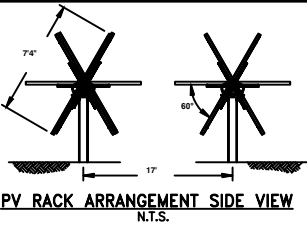
- FOLLOWING SETBACKS ARE MAINTAINED
- 1) 100ft SETBACK FROM PARCEL LINES/PROPERTY BOUNDARY
 - 2) 40ft WIDE AREA FOR VEGETATION
 - 3) 300ft SETBACKS FOR ONSITE STRUCTURES/AMENITIES
 - 4) 6ft HEIGHT MAINTAINED FOR FENCING
 - 5) 125ft SETBACK FROM STATE HIGHWAY / MAINTAINED ROADS
 - 6) 150ft SETBACK FROM 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	----	----



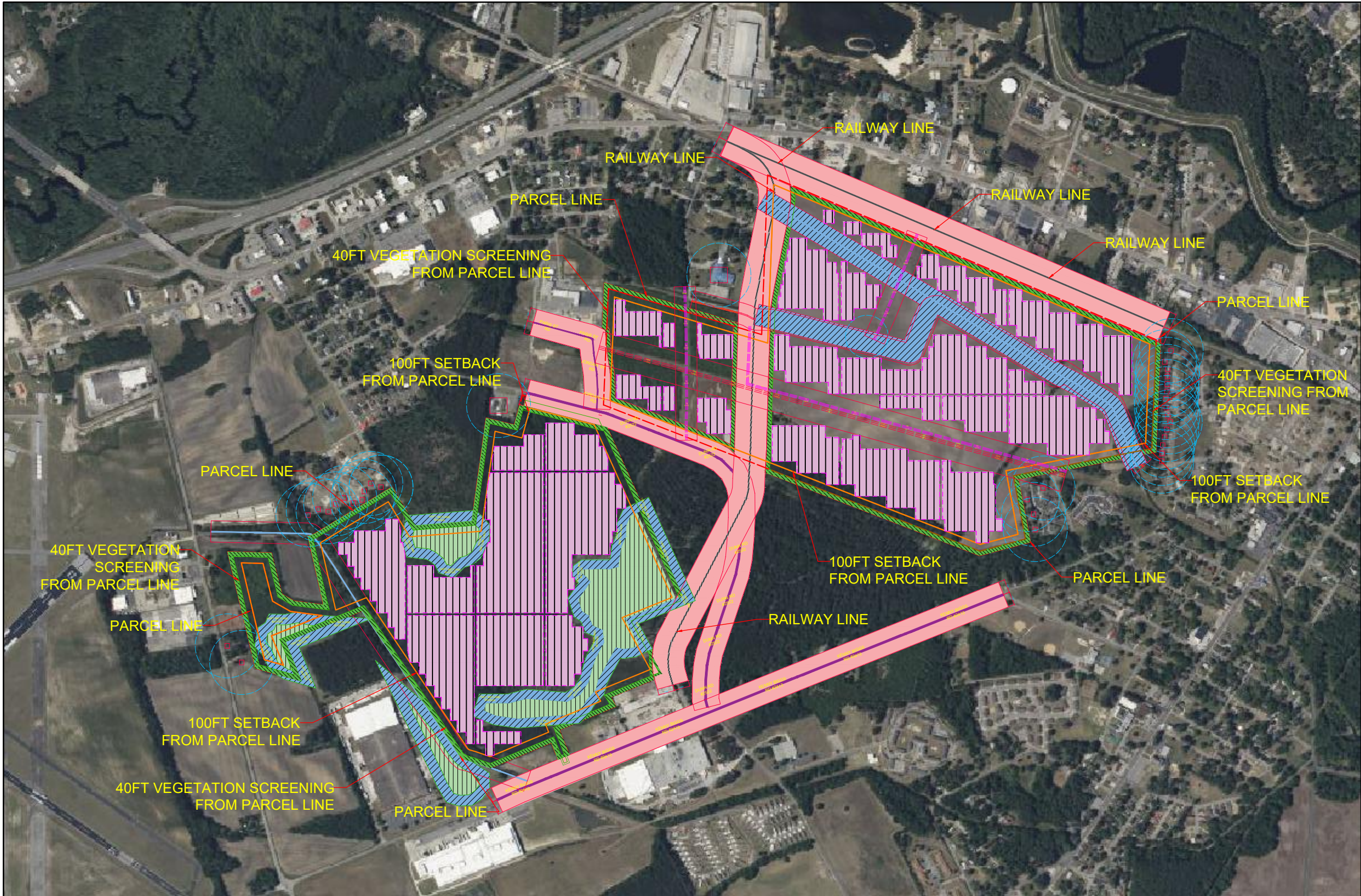
PARTNERS

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.	9



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	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	----	----								10
6	----	----						SHEET NO.	PV- 5.0	REV NO. 0

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:

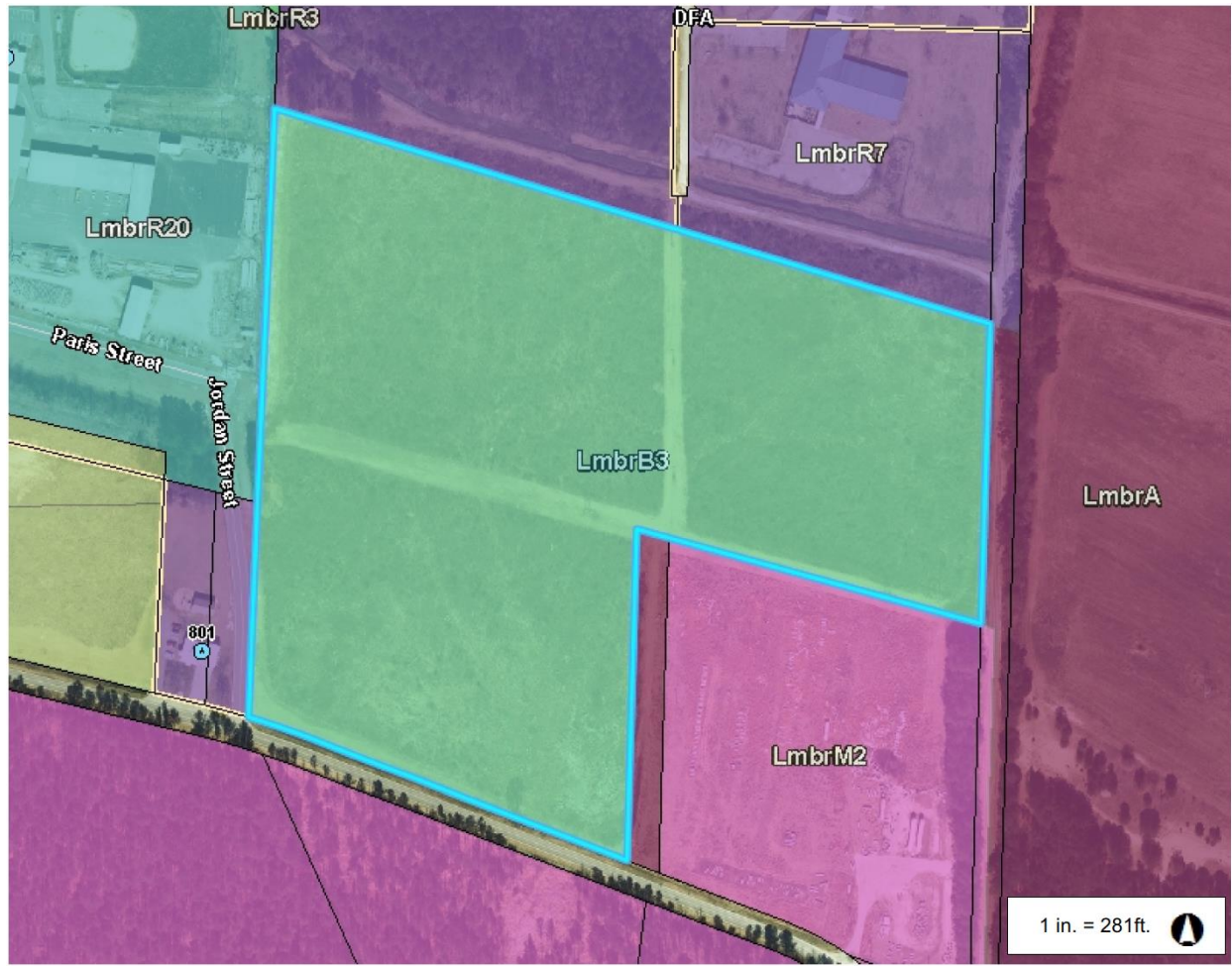
PARCEL 101301003 - LARRY & DEBORAH STONE



City of *Lumberton*

Planning & Neighborhood Services

ZONING



Planning & Neighborhood Services



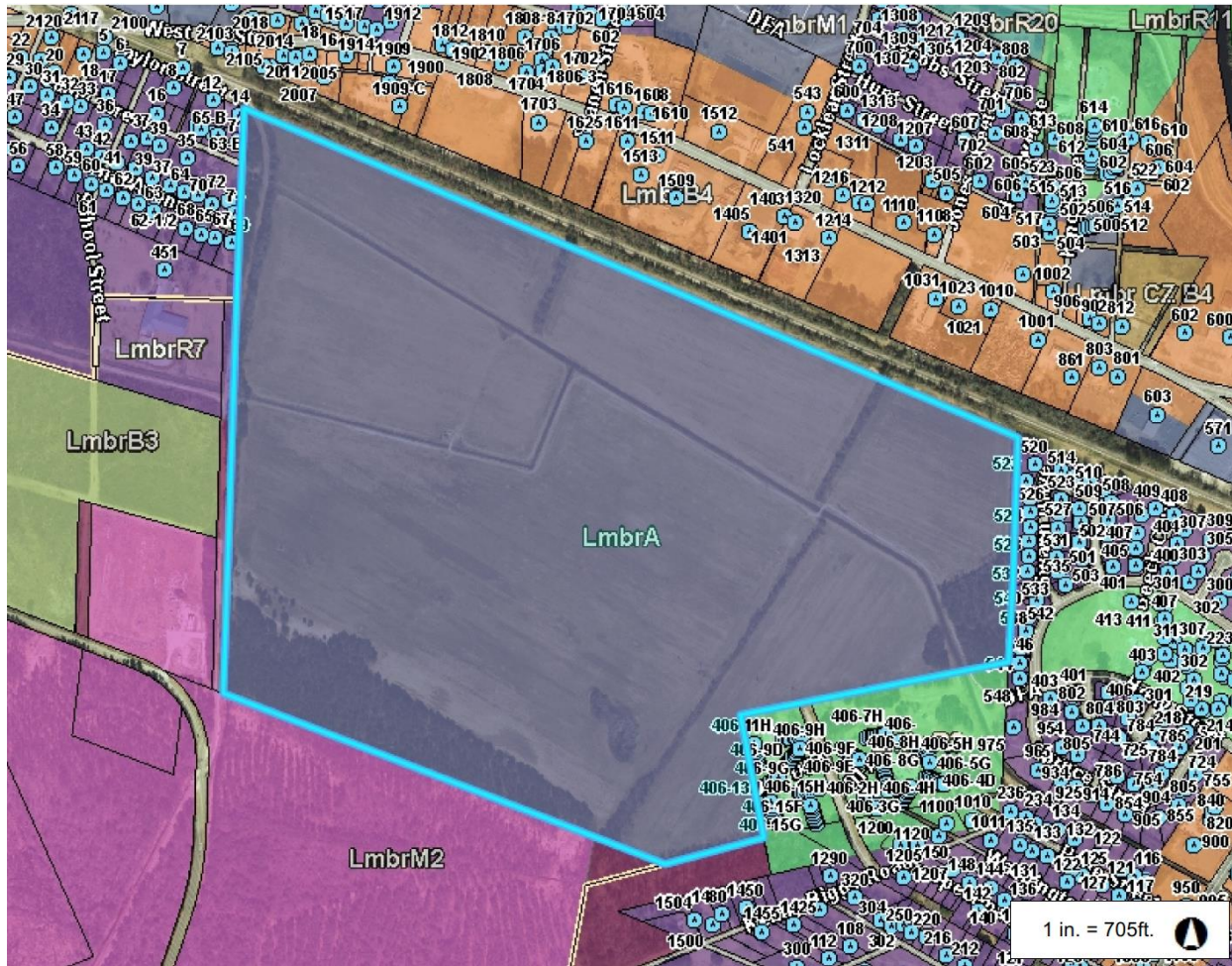
City of



Lumberton

Planning & Neighborhood Services

ZONING

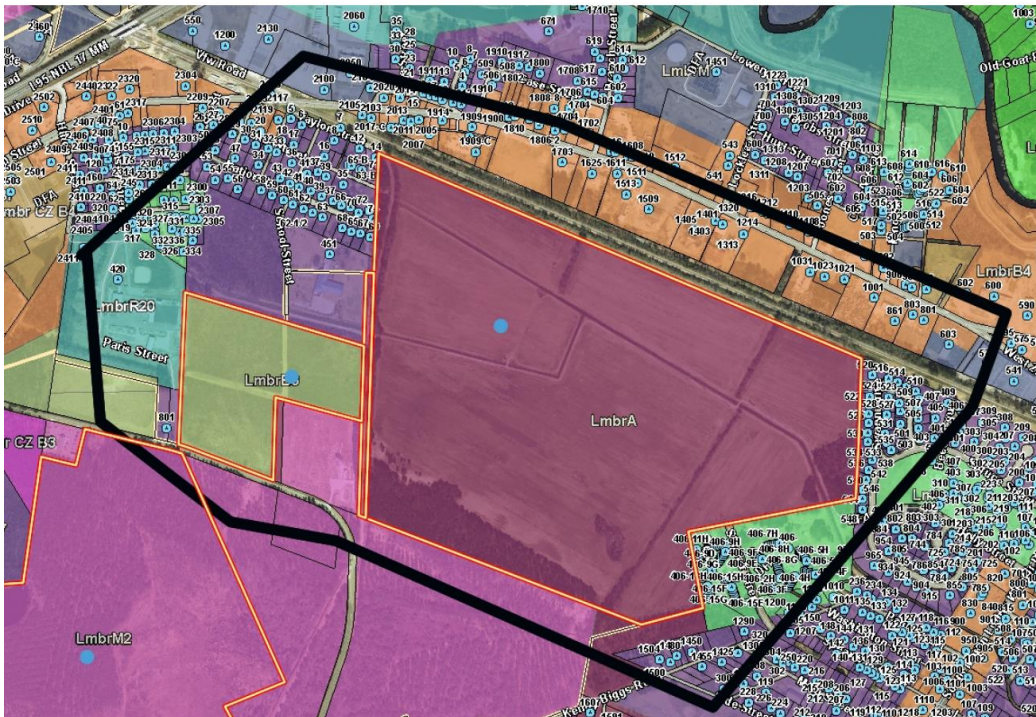


PARCEL INFORMATION

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

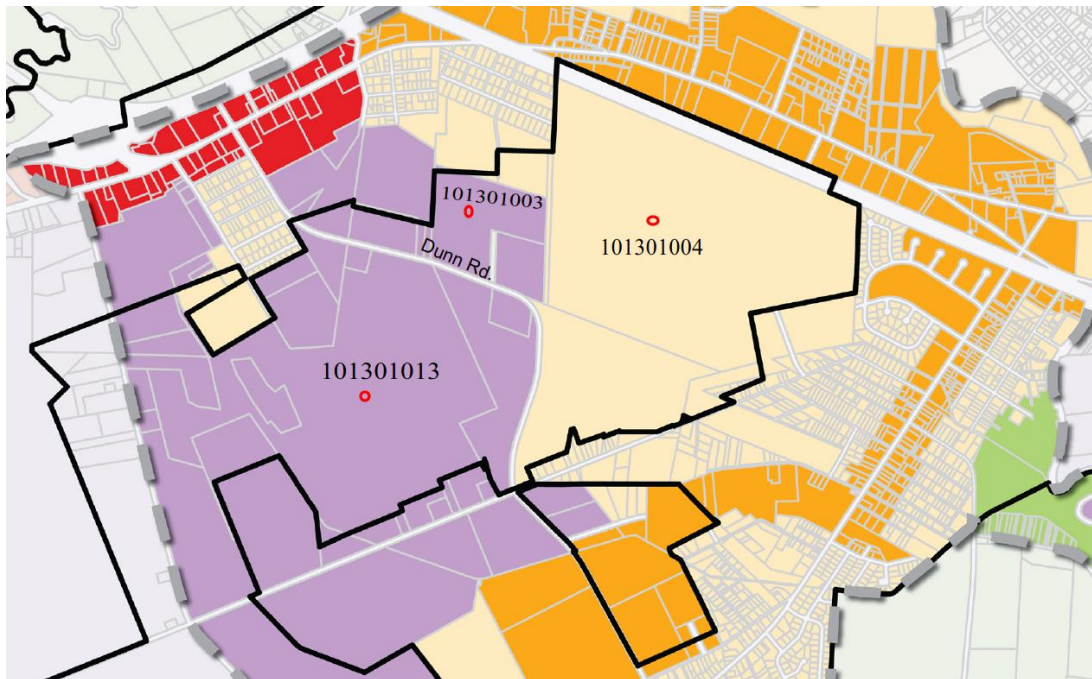
PROJECT OVERVIEW

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.

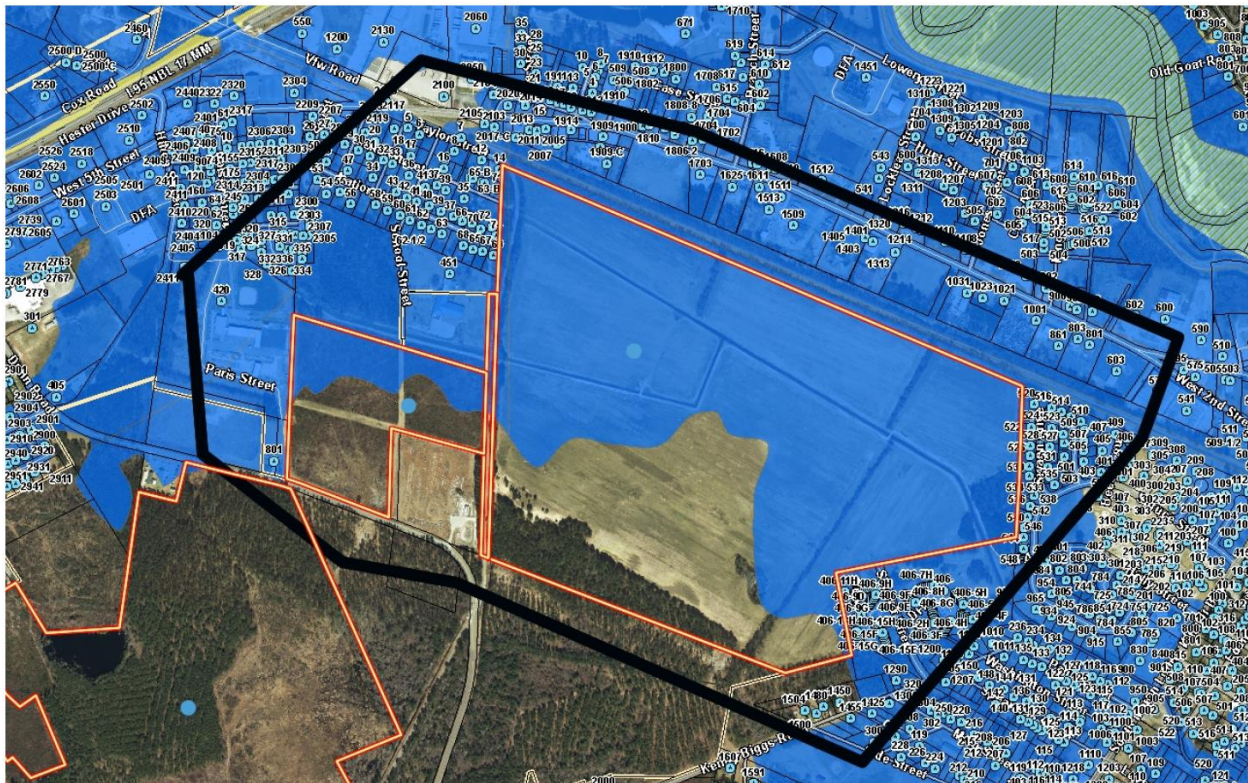
Type “B” Screen is required from cemeteries.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone ‘AE’ 100-YR 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



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.

NOTIFICATIONS FOR PUBLIC HEARING

On March 20, 2025 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On March 19, 2025, a request was sent to the Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request on or before March 21, 2025.

On March 19, 2025, a request was sent to the Robesonian to have the legal ad for this request run on March 22, 2025, and March 29, 2025.

PLANNING BOARD RECOMMENDATION TO COUNCIL

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

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

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

MARCH 18th, 2025



**NYE Land PROJECT
OVERVIEW**

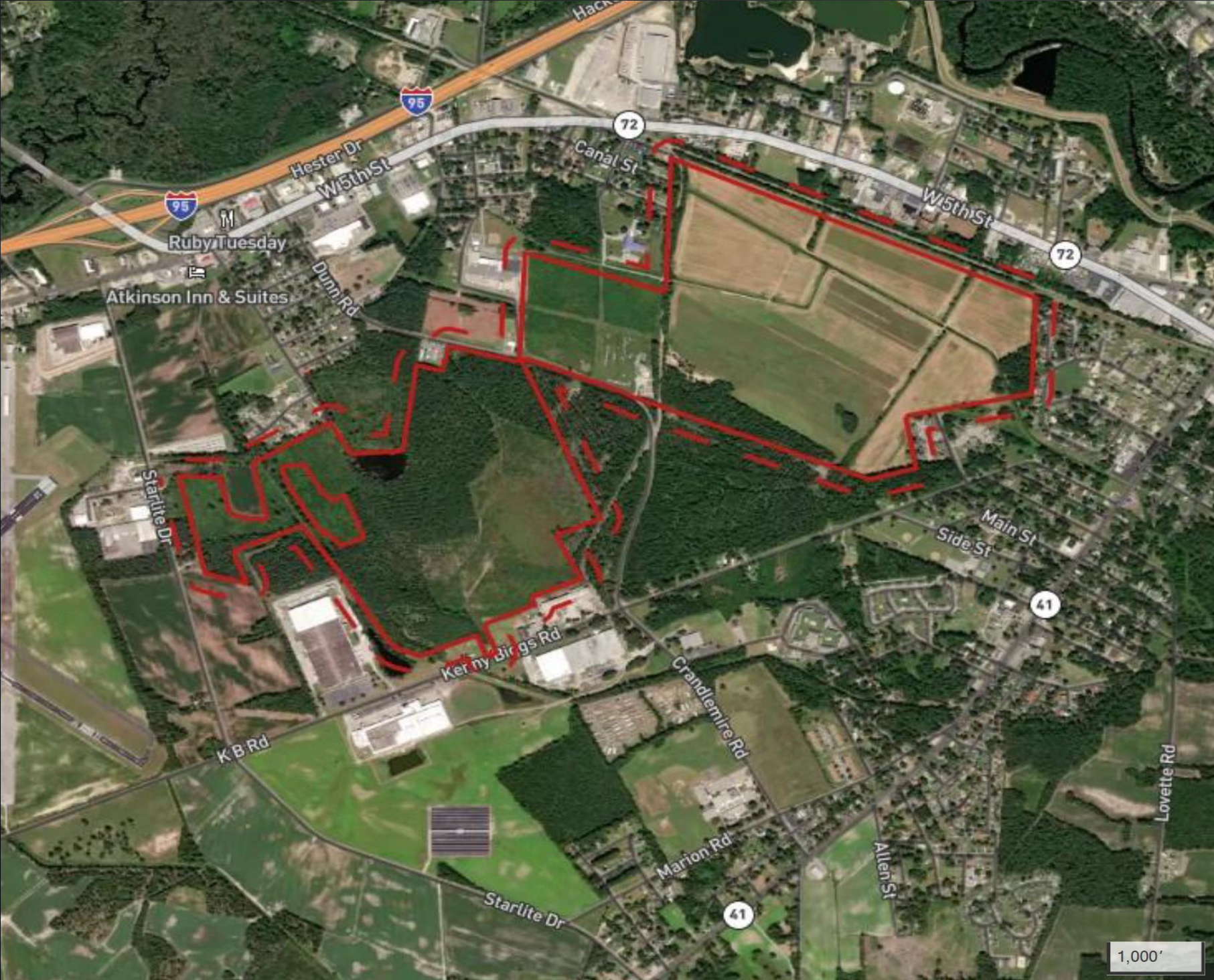
NYE Project Overview



NYE Land project located in Lumberton City, North Carolina.

- Site control is secured up to 2029 (can be extended if needed)
- Project Site: Approximately 400 acres
- Project Size: 42 MWac PV Solar
- Engineering: Complete
- Preliminary Environmental Study: Complete
- Decommissioning Study: Complete

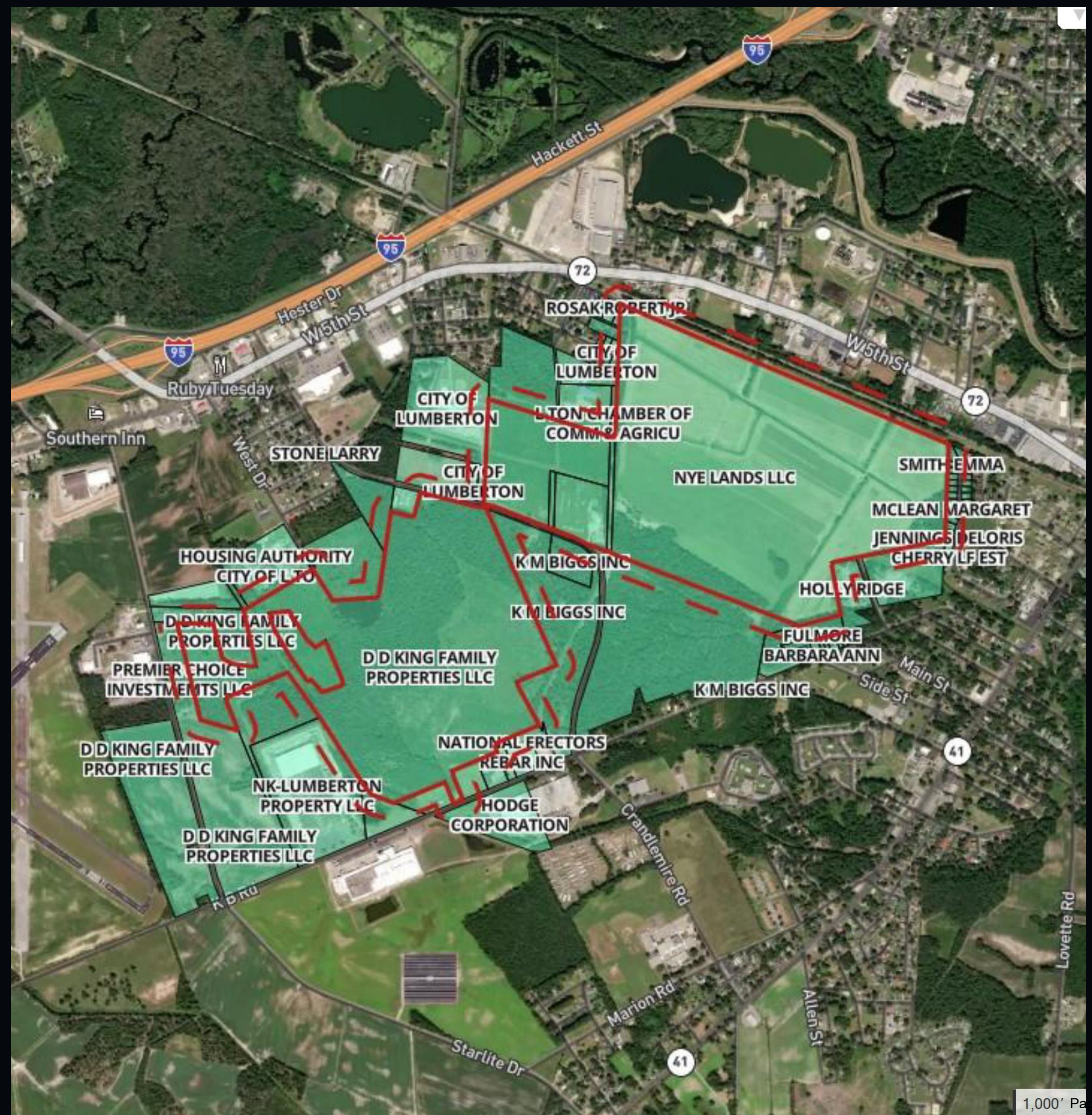
NYE Land



- Full Site Control
- Title Searches
- PV Engineering Layout
- ESA Phase 1 Study
- Transmission ROW
- Transmission Injection Study
- Duke Application Prepared To File
- State Permitting Phase (STARTING)

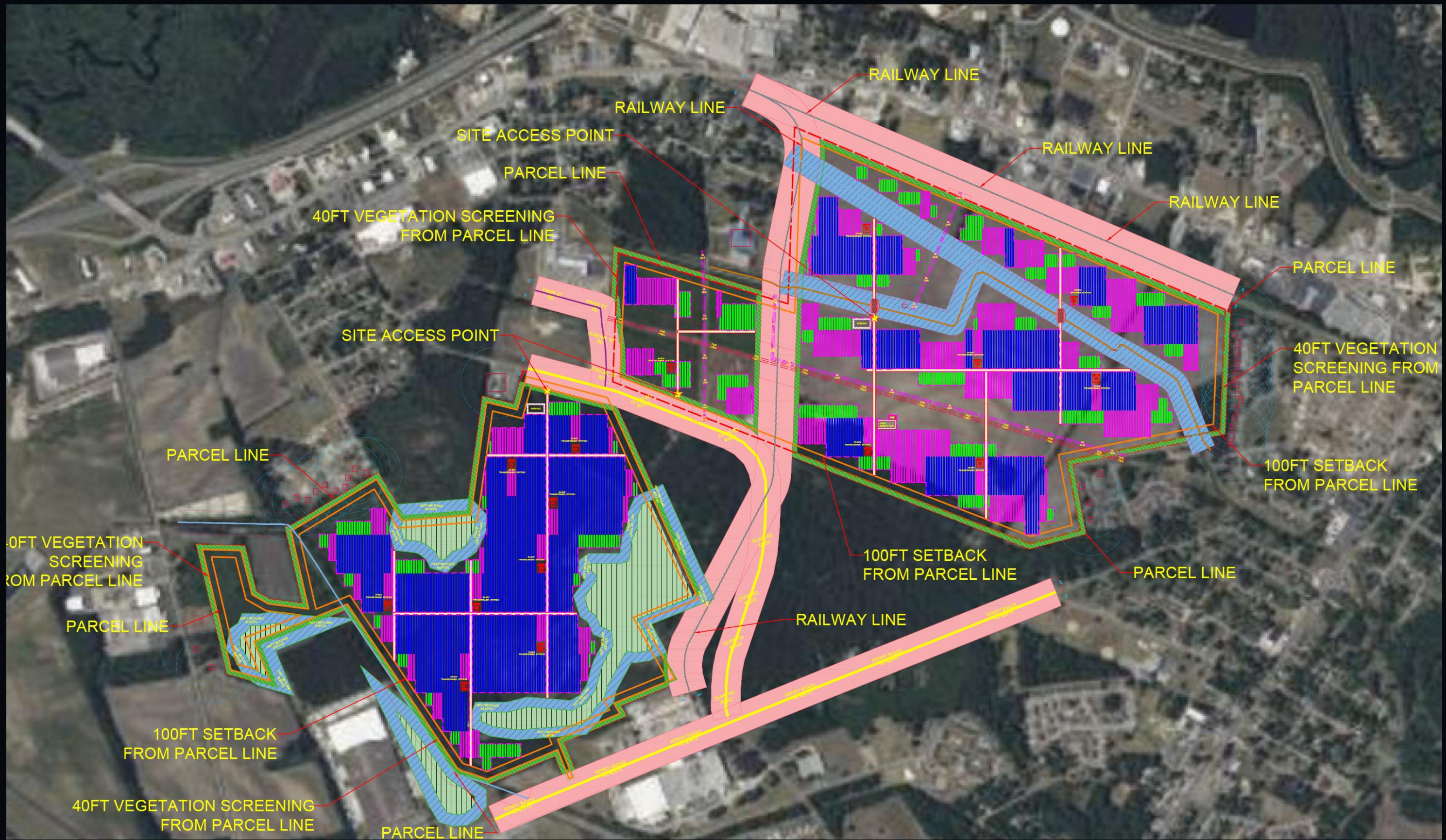
NYE Land

Project & Surrounding Land



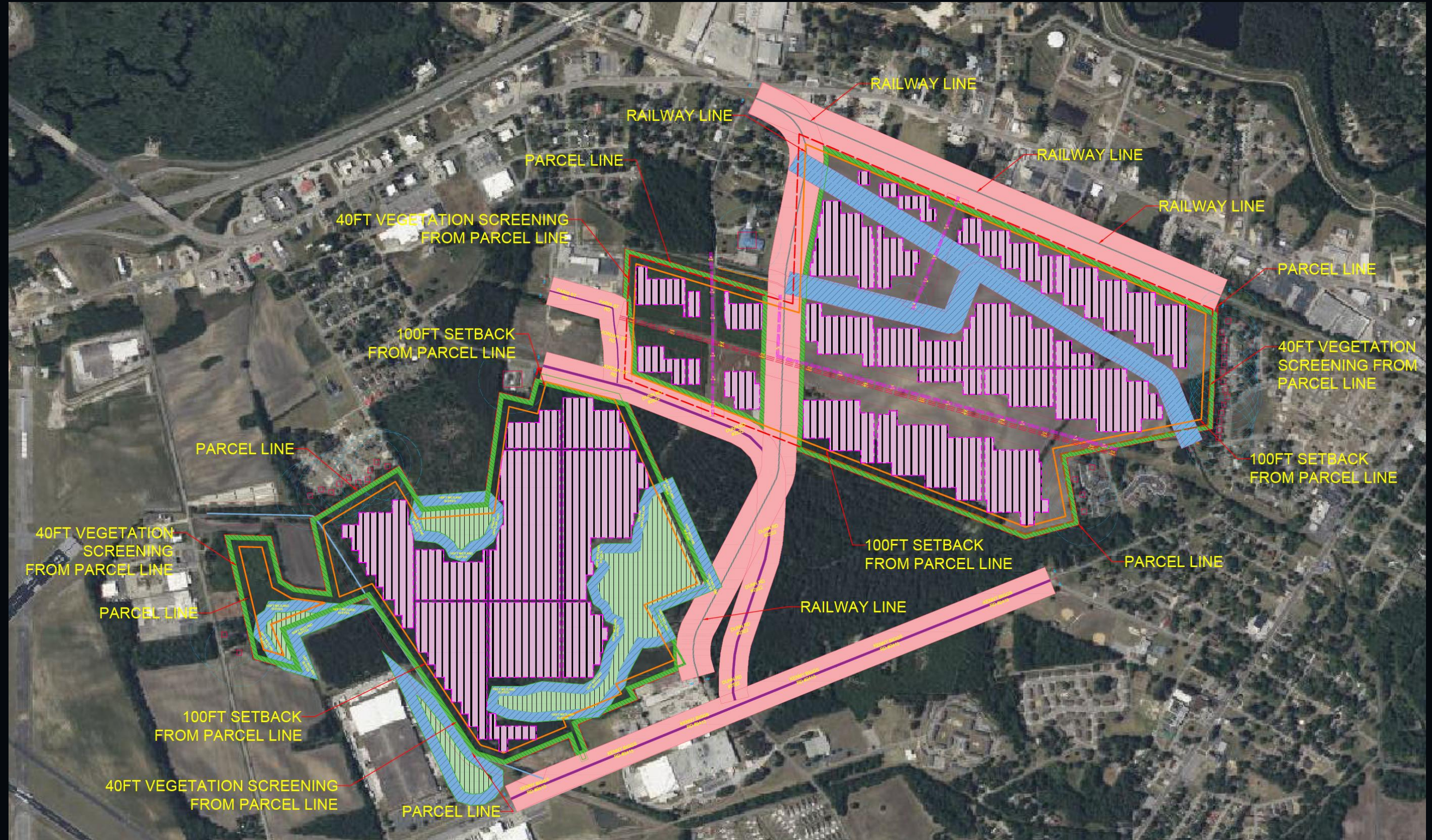
NYE Land

SITE PLAN



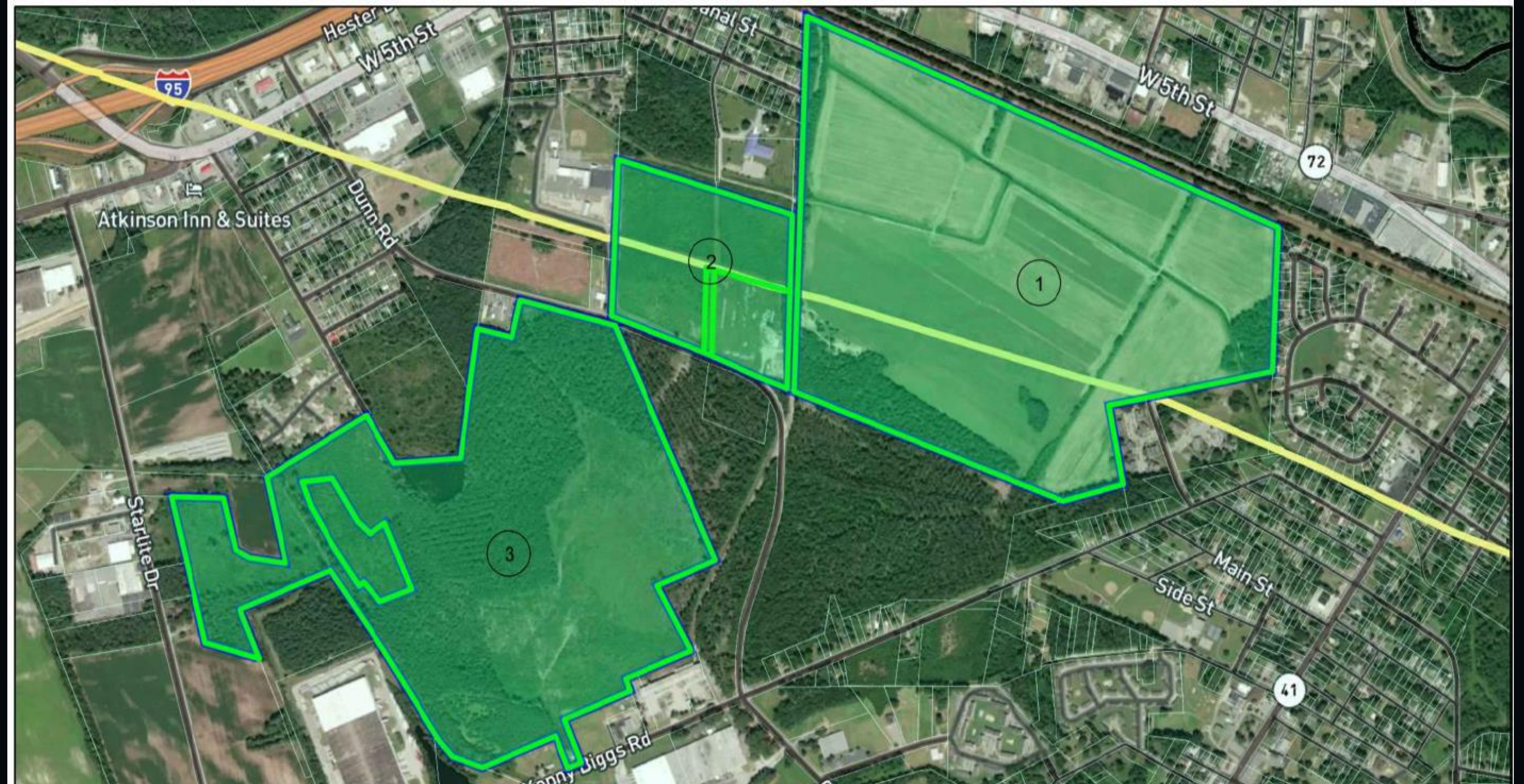
NYE Land

SITE PLAN



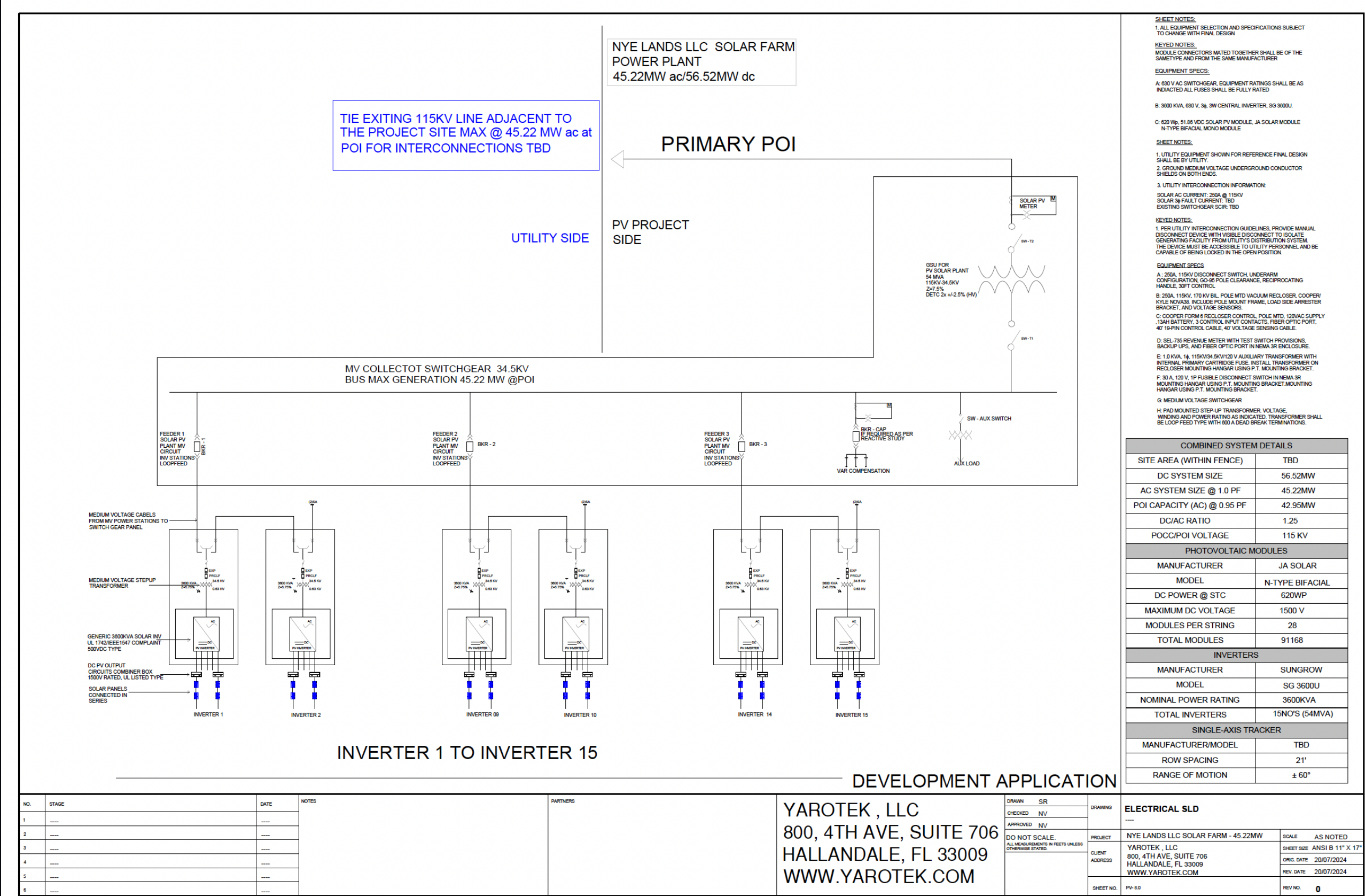
NYE Land

Rezoning Request
For Parcels 1 & 2



NYE Land

Single Line Diagram



PROJECT DEVELOPMENT TIMELINE



	2022	2023	2024	2025	2026	2027	2028
<i>SITE CONTROL</i>							
<i>PRELIMINARY ENGINEERING</i>							
<i>CONDITIONAL USE PERMITTING</i>							
<i>INTERCONNECTION STUDY</i>							
<i>NOTICE TO PROCEED</i>							
<i>CONSTRUCTION</i>							

yarotek



THANK YOU!

ORDINANCE AMENDING THE LAND USE ORDINANCE AND OFFICIAL ZONING MAP
BY REZONING PROPERTY FROM AGRICULTURE AND B-3 (OFFICE
RESIDENTIAL) TO M-2 (HEAVY MANUFACTURING)

OWNER(S): LARRY STONE & DEBORAH STONE
APPLICANT(S) MARK TIPPETT, YAROTECK, LLC.
PARCEL: 101301003
DEED: DEED BOOK 01132 PAGE 0040

OWNER(S): CHARLES B. NYE.
APPLICANT(S) MARK TIPPETT, YAROTECK, LLC.
PARCEL: 10120200103
DEED: DEED BOOK 00546 PAGE 0486

WHEREAS, a petition requesting the rezoning of certain property was filed with the Director of Planning and Neighborhood Services on February 3, 2025;

WHEREAS, the proposed amendment initiated by said petition was submitted to the Planning Board for review and recommendation and the Planning Board did make a recommendation at its March 18, 2025, meeting;

WHEREAS, the City Council set a public hearing on the proposed amendment for April 7, 2025;

WHEREAS, the public notice of said public hearing was published in a newspaper having general circulation in the City of Lumberton on March 22, 2025 and March 29, 2025;

WHEREAS, written notice of said public hearing was mailed to the owners of the property to be rezoned as well as the owners as shown on the county tax listing of all properties, any portion of which is within one hundred fifty (150) feet of the property rezoned by the amendment, pursuant to City of Lumberton Code of Ordinances Section 35-323 on March 20, 2025;

WHEREAS, a sign containing notification of said public hearing was posted on the property to be rezoned on March 20, 2025;

WHEREAS, a public hearing on the question of rezoning was held on April 7, 2025, and all persons were given an opportunity to be heard;

WHEREAS, the City Council of the City of Lumberton does hereby determine and find that in accordance with the City of Lumberton's comprehensive zoning plan and for the purpose

of promoting the health, safety, morals and the general welfare of the community, the property hereinafter described is best suited to be designated as M-2, Heavy Manufacturing and;

WHEREAS, G.S. 160D-702 grants to the City of Lumberton the power to zone, G.S. 160D-703 permits the City of Lumberton to divide its territorial jurisdiction into districts, and G.S. 160D-601 permits the City of Lumberton to amend its zoning boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that the Land Use Ordinance and Official Zoning Map of the City of Lumberton be and the same is hereby amended by rezoning that property more fully described herein from Agriculture and B-3 (office residential) to M-1 (heavy manufacturing), said property being described as follows:

STONE - 101301003

That certain tract of land lying about 1.5 miles West of the center of the City of Lumberton, NC, adjacent to and on the Northeastern side of Paved Secondary Rod No. 2510, adjoining lands now or formerly owned by the City of Lumberton, Victory Heights Subdivision and Housing Authority of the City of Lumberton on the West, Ada McLean Mills and Board of Education of Robeson County on the North and lands now or formerly owned by Charles Nye on the East and lands now or formerly owned by Contempra Fabrics, Inc., on the Southeast and being more particularly described as follows, to-wit:

BEGINNING at an existing two (2) inch iron pipe in Paved Secondary Road No. 2510, the Southwestern comer of the original tract of which this is a part and running thence as the Western line of said tract, North 03 deg. 03 min. East 435.51 ft. to a new one (1) inch iron rod; thence continuing as the Western line of said original tract, North 02 deg. 13 min. 30 sec. East 1136.97 ft. to a stake; thence South 87 degrees 48 min. 45 sec. East 123.07 ft. to an existing 3/4 inch iron pipe; thence North 01 deg. 12 min. East passing through an existing pump pipe at 455.26 ft. and continuing a total distance of 456.33 ft. to a stake; thence along the Southwestern lines of Lots 81 through 75, crossing 2nd Street of the Ada McLean Mills Subdivision South 66 deg. 58 min. 45 sec. East 646.4 ft. to a stake in the East line of said street; thence as the East line of said Street, South 07 deg. 05 min. 15 sec. East 380.25 ft. to a stake in the bend of said street; thence continuing as the Eastern edge of said street, South 01 deg. 45 min. 30 sec. West 25.1 ft. to an existing 1/2 inch iron pipe at the intersection of said street with the North line of another street; thence as the North line of said street, South 88 deg. 20 min. 30 sec. East crossing the US Cold Storage Spur of the COX Transportation Railroad 659.33 ft. to a stake in the Eastern line of the original tract of which this is a part; thence as said line, South 01 deg. 45 min. 30 sec. West 1156.58 ft. to an existing 3/4 inch iron pipe within the Right of Way of the Aitken River Power Co. Steel Tower Transmission line; thence North 74 deg. 30 min. 45 sec. West 742.05 ft. to a stake; thence South 01 deg. 49 min. 14 sec. West 671.37 ft. to an existing pk nail in Paved Secondary Road No. 2510; thence as the Southwestern line of said original tract, North 68 deg. 55 min. 30 sec. West 780.16 ft. to the beginning, containing 50.97 acres, more or less and being a portion of that 188 acre tract, Tract No. One conveyed by Lumberton Trading Company, Inc. to Planters Warehouses, Incorporated by deed dated June 19, 1951, recorded in Deed Book 10-Z, at page 444, in the office of the Register of Deeds of Robeson County. Subject to however any rights of way now owned by the North Carolina Department of Transportation on Paved Secondary Road No. 2510, any Rights of Way now owned by Aitken River Power Company across the above tract, Sewer Easements to the City of Lumberton, any Easements owned by Meadow Branch Drainage District across said tract and any Rights of Way within the above mentioned 30 ft. Streets across the above described tract also any Rights of Way now owned by the C'S Transportation on the above mentioned spur tract. Bearing of the above tract are referenced to NC Grid (AND-27) Lumberton Trading Company's 50.97 acre tract.

NYE - 10120200103

Tract #1: All right, title and interest Granters have in and to that certain farm located in Lumberton Township, formerly owned by R.H. Nye, deceased, which is located on the Southwest side of the Seaboard Airline Railway, about one-half (1/2) mile West of the Town of Lumberton, see also deed dated October 17, 1940, wherein R.S. Beam, D Wills Hunter and Wilton Mclean, Trustees Under the Will of Angus W. Mclean, Sr., deceased, conveyed to R.H. Nye, now deceased, all or the greater portion of the said farm, said deed being recorded in Deed Book 9-F, at page 289, Robeson County Registry and also map recorded in Book of Maps #2 at page 64, Robeson County Registry; said deed and plat incorporated herein by reference.

Tract #2: That certain farm known as Hunter's Lodge lying and being in Raft Swamp Township, Robeson County and which is fully described in that certain deed dated the 24th day of January, 1933, wherein L.C. Townsend and wife, Elizabeth Townsend, and L.W. Townsend and wife, Ruby Townsend, conveyed the said farm to R.H. Nye, now deceased, see deed recorded in Book 8-H at page 239, Robeson County Registry, said recorded deed being incorporated herein by reference.

On motion of Councilman _____, seconded by Councilman _____, the foregoing Amendment was adopted on the 7th day of April, 2025.

Bruce Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore, III, City Attorney

Ordinance No.

Lumberton City Council

Item: V.C.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/19/2025

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.

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the Special Use Permit request with the following conditions:

- Install a broken screen, type "B" consisting of Italian Cypress trees or similar, adjacent to all adjacent public streets. The trees must be a minimum of 6 feet tall at planting.
- Must meet the current screening requirements.
- Must adhere to the City ordinance regarding property maintenance and keep an ongoing maintenance plan.

Staff Recommendation:

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

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Application & Staff Report SUP CCPH
2. SUP Ordinance 2023

**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, Manzan - 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. Whitaker, 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.

File # _____ 1 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 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

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: **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: 01/30/2028

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

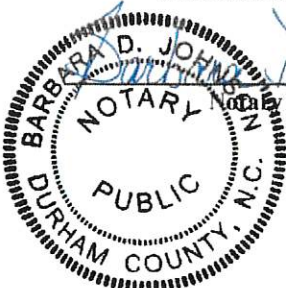
By: C. Howard Nye
Owner: _____
Signature Manager

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

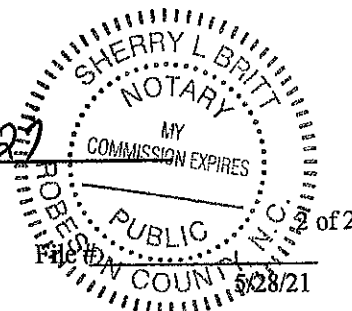
STATE OF North Carolina COUNTY OF Robeson

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



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



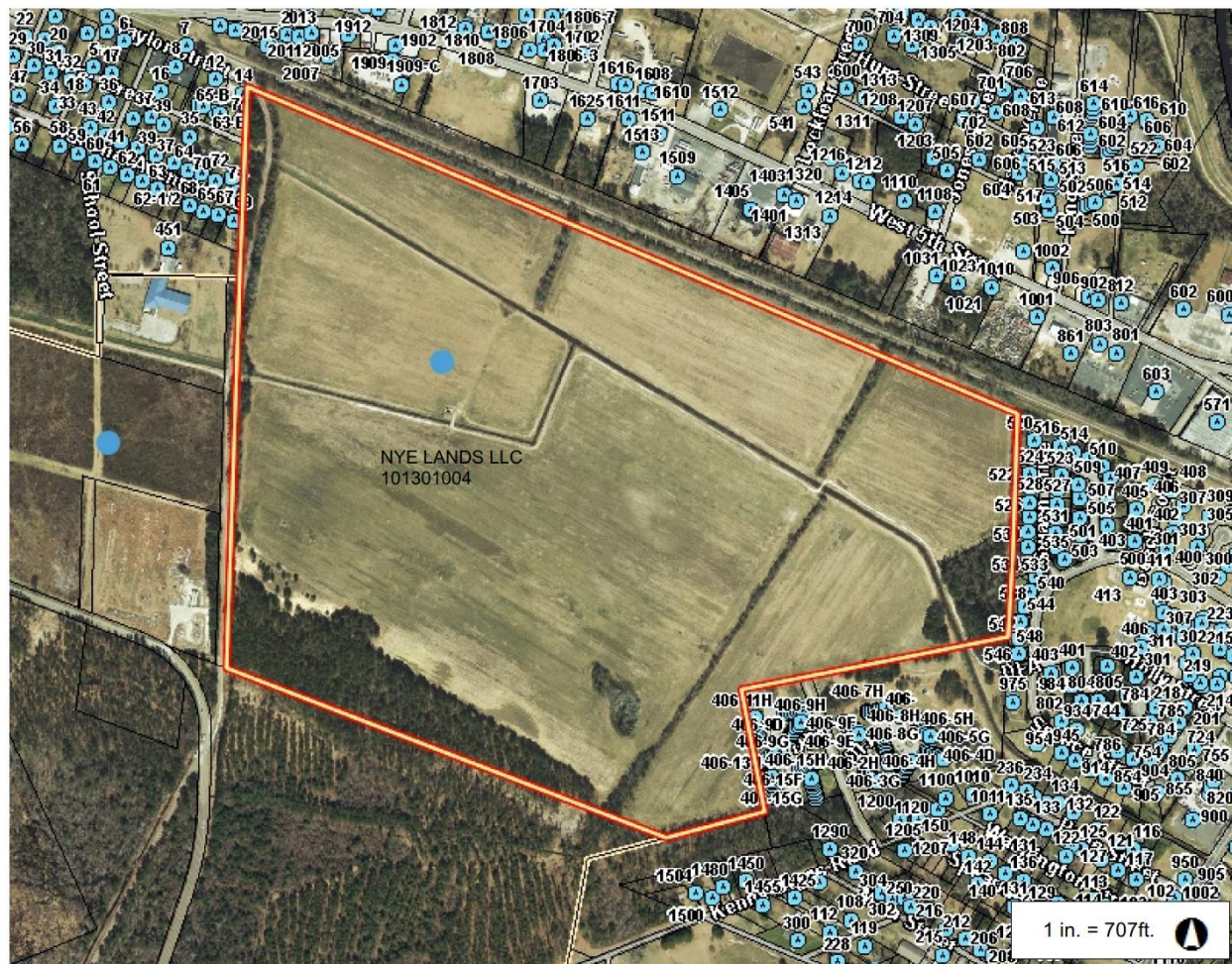
City of



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

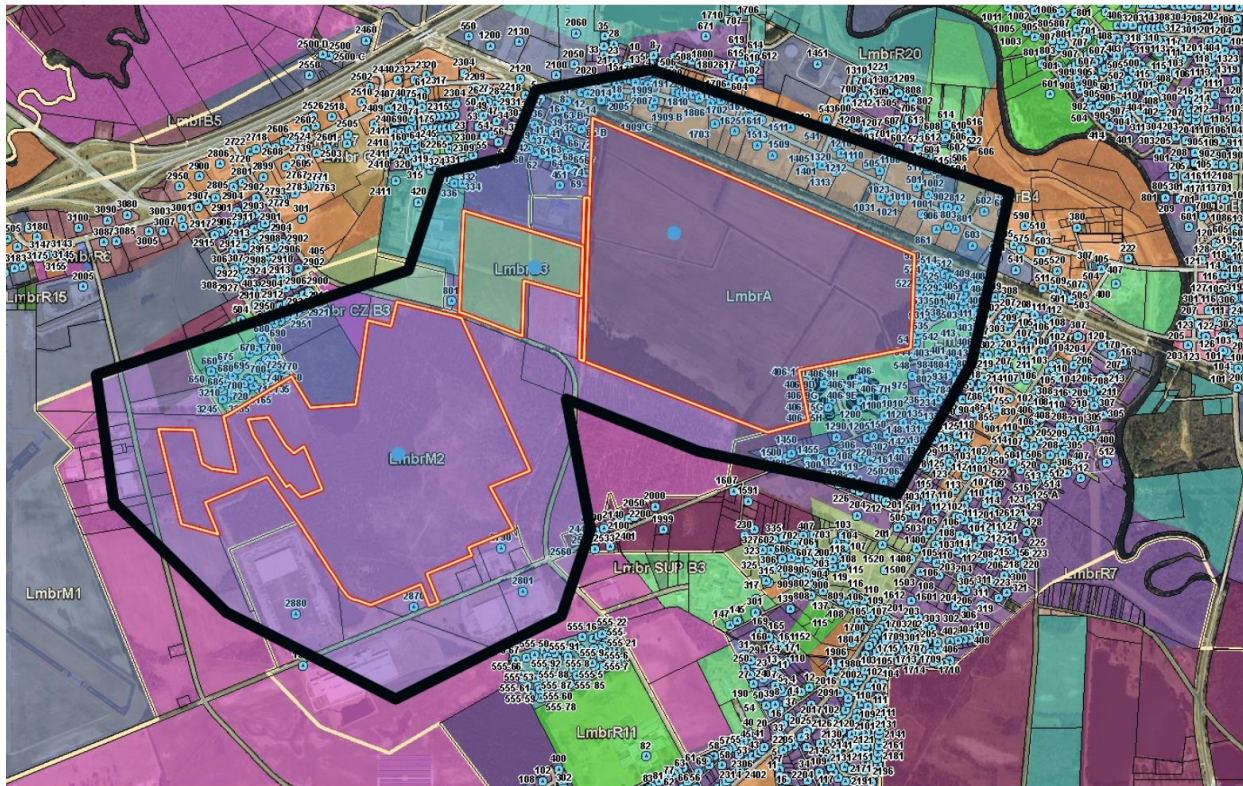
Planning & Neighborhood Services

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

ADJACENT PROPERTY SITE DATA

Zoning	Land Use
VARIOUS	



STAFF ANALYSIS

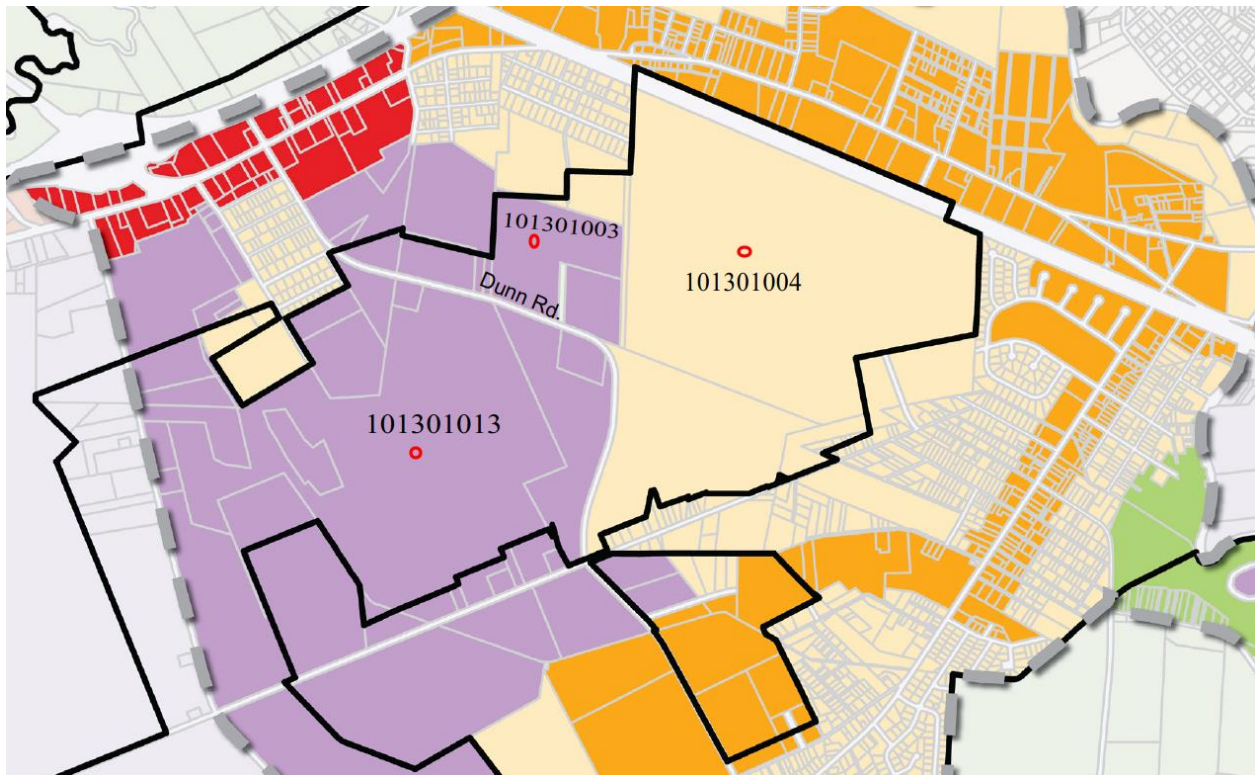
PROJECT OVERVIEW

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.

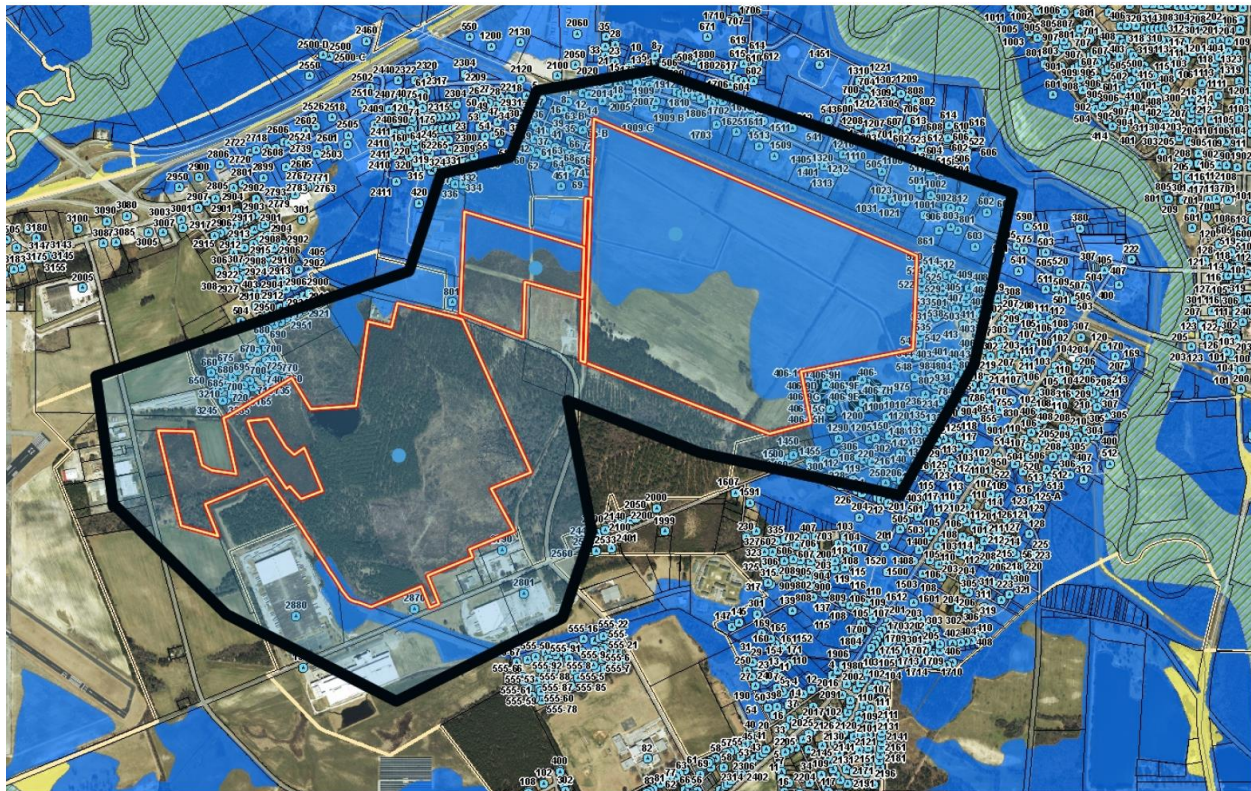
Type “B” Screen is required from cemeteries.

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.

NOTIFICATIONS FOR PUBLIC HEARING

On March 20, 2025 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On March 19, 2025, a request was sent to the Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request on or before March 21, 2025.

On March 19, 2025, a request was sent to the Robesonian to have the legal ad for this request run on March 22, 2025, and March 29, 2025.

PLANNING BOARD RECOMMENDATION TO COUNCIL

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the Special Use Permit request with the following conditions:

- Install a broken screen, type "B" consisting of Italian Cypress trees or similar, adjacent to all adjacent public streets. The trees must be a minimum of 6 feet tall at planting.
- Must meet the current screening requirements.
- Must adhere to the City ordinance regarding property maintenance and keep an ongoing maintenance plan.

PLANNING STAFF RECOMMENDATION TO COUNCIL

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

NORTH CAROLINA
ROBESON COUNTY

SPECIAL USE PERMIT

OWNER(S):	LARRY STONE & DEBORAH STONE
APPLICANT(S)	MARK TIPPETT, YAROTECK, LLC.
PARCEL:	101301003
DEED:	DEED BOOK 01132 PAGE 0040
OWNER(S):	CHARLES B. NYE.
APPLICANT(S)	MARK TIPPETT, YAROTECK, LLC.
PARCEL:	1012-02-00103
DEED:	DEED BOOK 00546 PAGE 0486
OWNER(S):	D D KING FAMILY PROPERTIES LLC C/O SANDRA OLIVER
APPLICANT(S)	MARK TIPPETT, YAROTECK, LLC.
PARCEL:	101301013
DEED:	DEED BOOK 02127 PAGE 0274
PROPOSED USE:	<u>Community or regional utility facility/solar farm (use #17.200)</u>
MEETING DATE:	<u>April 7, 2025</u>

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:

- Install a broken screen, type "B" consisting of Italian Cypress trees or similar, adjacent to all adjacent public streets. The trees must be a minimum of 6 feet tall at planting.
- Must meet the current screening requirements.
- Must adhere to the City ordinance regarding property maintenance and keep an ongoing maintenance plan.

(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: _____.

_____	_____ (SEAL)
Owner 3 Name (print/type)	Owner s 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 Notorial Seal this _____ day of _____, 200 ____.

	Notary Public
My Commission Expires: _____.	

Lumberton City Council

Item: V.D.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/19/2025

Subject: Faith Community Christian Center – 1220 Alamac Road ETJ

Summary/Background of Subject Matter:

Faith Community Church is requesting a Special Use Permit for a church cemetery on property located at 1220 Alamac Road.

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the Special Use Permit request with the following conditions:

- The cemetery shall have back-to-back rows with at least 8 feet paths.

Staff Recommendation:

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

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Faith Community Church Cemetery SUP App and Attachments PB
2. SUP Ordinance 2023

**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: Faith Community Christian Center Inc

Legal Name: Pastor Leo Barnwell

Physical Address: 1220 Alamac Rd.
Lumberton, NC 28358

Physical Address: 1220 Alamac Rd.
Lumberton, NC 28358

Mailing Address: P.O. Box 3536
Lumberton, NC 28359

Mailing Address: P.O. Box 3536
Lumberton, NC 28359

Telephone: 910-671-0339

Telephone: 910-671-0339

Name of Business: _____

Business Address: _____

EMAIL: _____

Description of Property:

2.	<u>1220 Alamac Rd.</u>	<u>1139</u>	<u>580</u>
	(Address)	(Deed Book)	(Page)
	<u>N/A</u>	<u>210</u>	<u>5,570</u>
	(Map Book)	(Page)	(Frontage)
			(Area)

3. **Tax Map Identification (parcel number):** 101701018

4. **Proposed Use of Property:** Church Cemetary

5. **Zoning District Designation of Property:** R-20

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 # 7.183
5/28/21

CK# 3761
Trans# 40976
Page 86 of 353

ADDRESS: 1220 Alamac Rd

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

The church would like to add a cemetery on property for up to 100 plot, using 50x100 area in the back of church, with a Baby section 15x20

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.

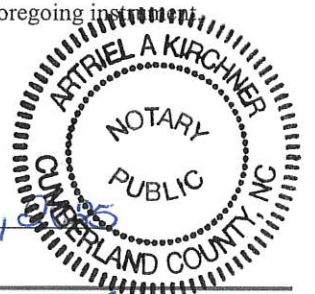
Applicant: Faith Community Christian Center Inc 1220 Alamac Rd.
Name Physical Address

Applicant: [Signature] Signature

STATE OF North Carolina COUNTY OF Robeson

I, Arriel A. Kirchner, 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 10th day of September, 2024
[Signature] My Commission Expires: October 4, 2025
Notary Public Signature



Owner: Leo Barnwell 1220 Alamac Rd.
Name Physical Address

Owner: [Signature] Signature

STATE OF North Carolina COUNTY OF Robeson

I, Arriel A. Kirchner, 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 10th day of September, 2024
[Signature] My Commission Expires: October 4, 2025
Notary Public Signature





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.: 7.183

Property address: 1220 Alamac Rd. Parcel #: 101701018

I, Pastor Leo Barnwell (property owner), give Dr./Mr./Ms. Redean Cotton the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Faith Community Christian Center Inc

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 North Carolina COUNTY OF Robeson

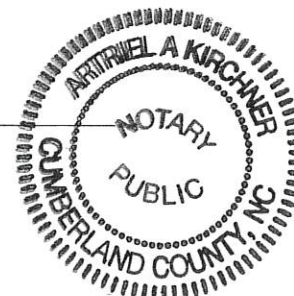
I, Artriel A. Kirchner, a Notary Public in and for said County and

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

WITNESS my hand and Notarial Seal this 10th day of September, 2024.

My Commission Expires: October 4, 2025.

[Signature]
Notary Public



Planning & Neighborhood Services

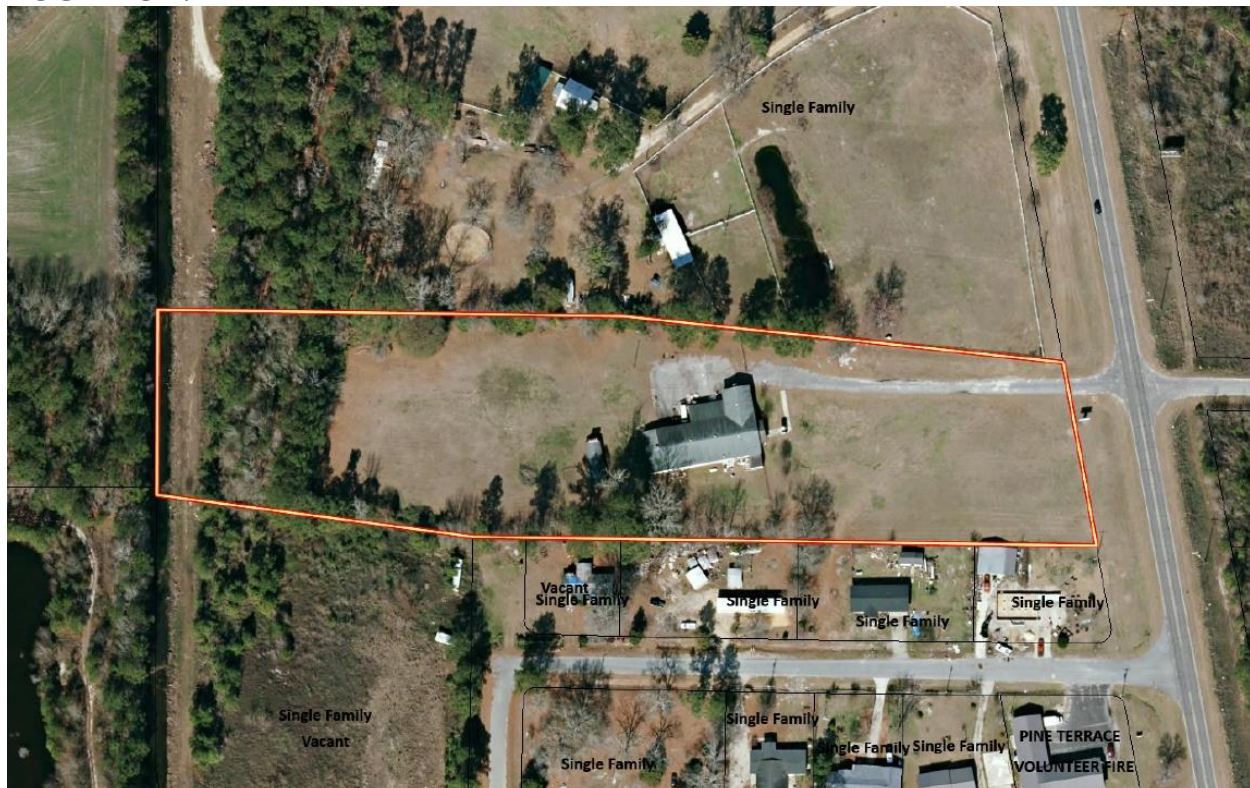
Request for Special Use Permit
Faith Community Christian Center – 1220 Alamac Road

File# 7.183

PETITIONER(S):	OWNER(S):
Authorized Person Redean Cotton (910 474-3652 Pastor Leo Barnwell FAITH COMMUNITY CHRISTIAN CENTER INC ATTN: PASTOR LEO BARNWELL P O BOX 3536 LUMBERTON NC 28359 910-671-0339	Pastor Leo Barnwell FAITH COMMUNITY CHRISTIAN CENTER INC ATTN: PASTOR LEO BARNWELL P O BOX 3536 LUMBERTON NC 28359 910-671-0339

Special Use Permit Request: Faith Community Christian Center Special Use Permit (SUP) for a church cemetery - 1220 Alamac Road – ETJ

LOCATION:



City of Lumberton

Planning & Neighborhood Services

ZONING:



PROJECT OVERVIEW

Analysis: Faith Community Christian Center is requesting A Special Use Permit (SUP) for a church cemetery for property located at 1220 Alamac Road.

PLANNING & ZONING

Owner	Parcel #(s)	Zoning	Square Footage/ Area	PROPOSED USE#
Faith Community Christian Center	101701018	R-20, single family residential	PARCEL – 242,629 SQ.FT./5.570 ACRES PROPOSED CEMETERY – 5,300 SQ.FT./0.122 ACRES	21.100 Cemetery (accessory use to the existing church) Existing Use 5.200 Church

City of*Lumberton**Planning & Neighborhood Services***MINIMUM (MAX) SETBACK AND LOT SIZE REQUIREMENTS**

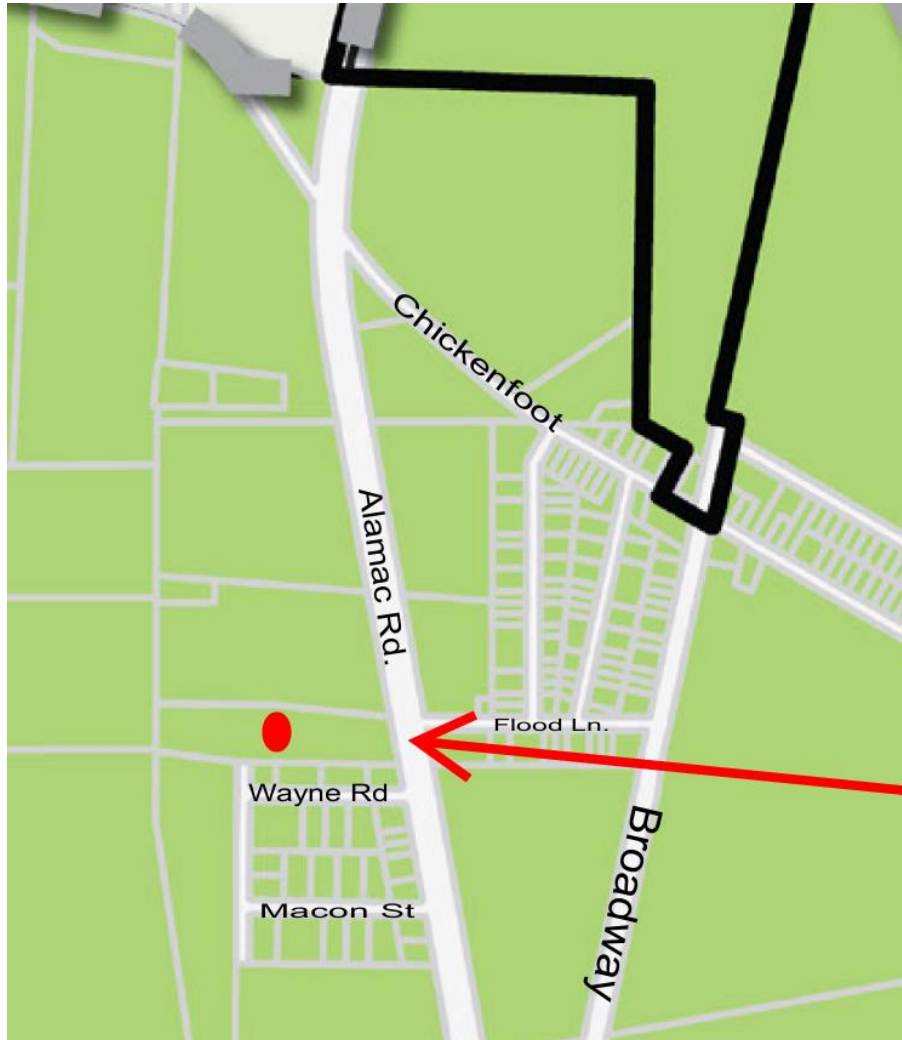
Zoning District	Min. Square Footage	Min. Road Frontage	Min. Front Setback (right of way)	Min. Side Setback	Min. Rear Setback	Max. Height
R-20	20,000 sq. ft.	100 feet	30 feet From all right of ways.	10 feet From all sides with no right of way	10 feet From all sides with no right of way	35 feet

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	R-20	Proposed Use 21.100 Cemetery (accessory use to the existing church) Existing Use 5.200 Church
North	A (Agriculture)	Single Family Residential
South	R-6 (Residential, class 'A' mobile homes)	Single Family Residential
East	B-4 (Business general commercial)	Alamac Road Vacant Manufacturing
West	A (Agriculture)	Vacant

EXISTING LOT INFORMATION: Current use of property – Church

Land Use Plan Designation: Rural. Precinct _ETJ_



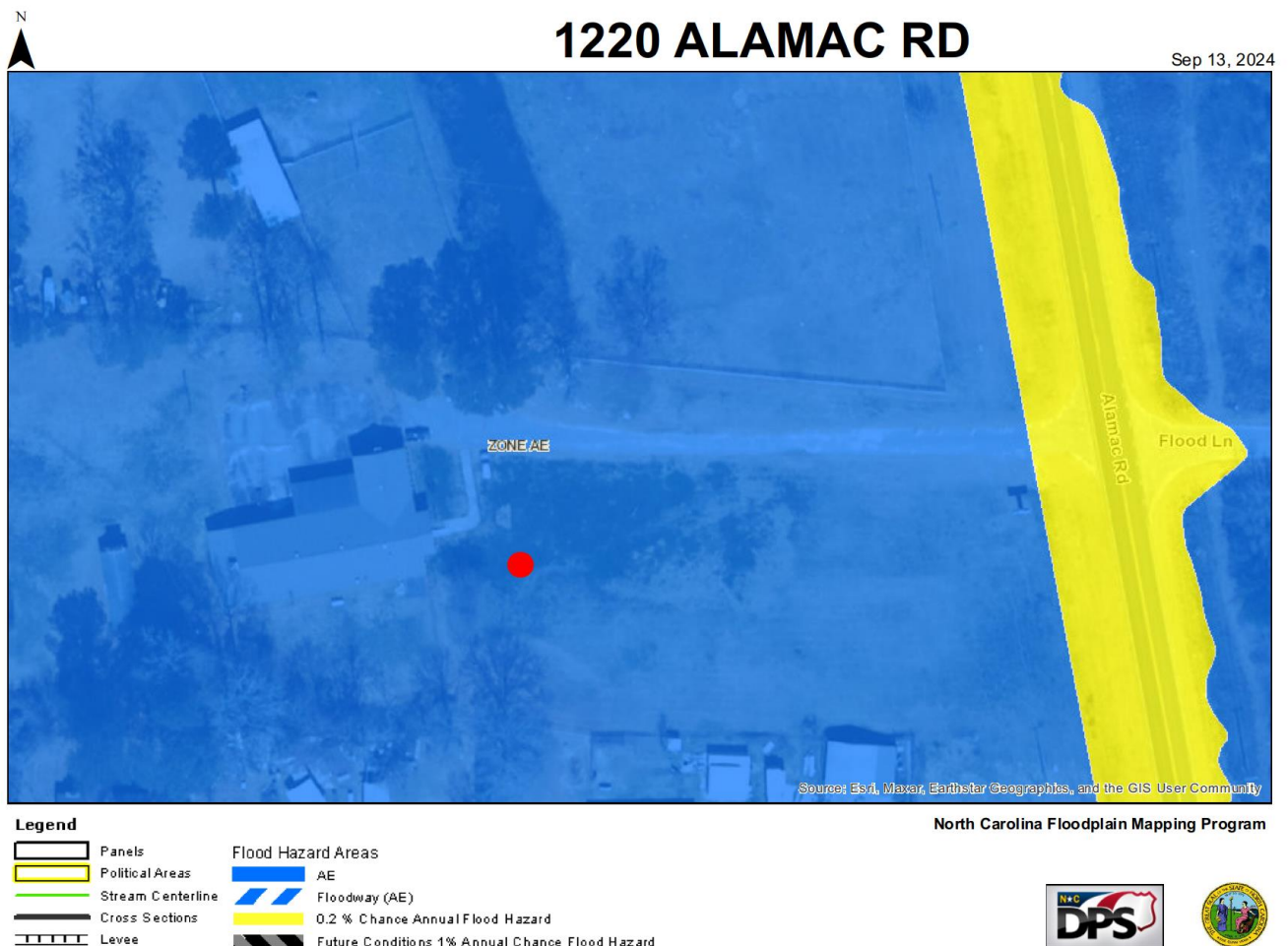
RURAL

The Rural land use category is applied to those areas which are situated outside of areas deemed to have the most growth potential. Where development does occur in these areas, it is expected to be at less than 1 dwelling unit per acre and to not be served by the city's wastewater system. While generally agricultural and low density residential in character, certain nonresidential land uses that serve the surrounding rural community are appropriate when sited in locations that do not negatively impact the character, such as small convenience retail uses at rural crossroads or larger scale commercial uses that are intended to directly support the rural agricultural economy.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone AE 100-YR Flood: 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.

Map Number: 3710939000K **Panel #** 9390 **Panel Effective Date:** 12/6/2019



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's Planning Department for approval. All conditions of the Special Use Permit must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy.

NOTIFICATIONS FOR PUBLIC HEARING

On March 20, 2025 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On March 19, 2025, a request was sent to the Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request on or before March 21, 2025.

On March 19, 2025, a request was sent to the Robesonian to have the legal ad for this request run on March 22, 2025, and March 29, 2025.

PLANNING BOARD RECOMMENDATION TO COUNCIL

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the Special Use Permit request with the following conditions:

- The cemetery shall have back-to-back rows with at least 8 feet paths.

PLANNING STAFF RECOMMENDATION TO COUNCIL

The Planning Staff asks the City Council to hold tonight's public hearing and approve the Special Use Permit with the recommended condition(s).

Use Description	A	R-20	R-15	R-11	PR-11	R-7	R-6	R-3	B-1	B-2	B-3	B-4	B-5	B-6	B-7	M-1	M-2	M-3
18.100 Towers and antennas fifty feet in height or less	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
18.200 Disguised/attached antennas	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
18.300 towers and antennas more than fifty feet in height	S															S	S	
19.000 <i>Open-Air Markets and Horticultural Sales</i>	Z											Z			Z			
20.000 <i>Funeral Homes</i>									Z	Z		Z		Z	Z			
21.000 <i>Cemetery and Crematorium</i>																		
21.100 Cemetery	S	S	S	S	S	S	S	S			S	S			S	S	S	
21.200 Crematorium	S											S			S	S	S	
22.000 <i>Nursery Schools; Day Care Centers</i>	S	S	S	S	S	S	S	S		Z	Z	Z			Z	Z	Z	S

NORTH CAROLINA
ROBESON COUNTY

SPECIAL USE PERMIT

OWNER(S): FAITH COMMUNITY CHRISTIAN CENTER INC
APPLICANT(S) PASTOR LEO BARNWELL
PARCEL: 101701018
DEED: DEED BOOK 01139 PAGE 0580

PROPOSED USE: Church Cemetery (21.100)

MEETING DATE: April 7, 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 cemetery shall have back-to-back rows with at least 8 feet paths.

(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.

Owner Name (print/type)

_____(SEAL)
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 Notorial Seal this _____ day of _____, 200__.

Notary Public

My Commission Expires: _____

Lumberton City Council

Item: V.E.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/19/2025

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. from B4 to B5 or CZB-5 no adult establishments (use #6.140). 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.

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the conditional rezoning request with the following conditions:

Adult establishments (use #6.140) are not allowed.

After further review, adult establishments are not allowed within the B5 zoning district. Furthermore, they are not allowed within 1,000 feet of a school, per City Code.

Staff Recommendation:

The Planning Staff asks the City Council to hold tonight's public hearing and approve the rezoning request without the unnecessary condition.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. REG & CZ Rezoning QBA Management La Quinta Hotel Application etal
2. Ordinance
3. CONDITIONAL ZONING Ordinance

\$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
Physical Home Address: 335 Fields Dr.
Aberdeen, NC 28315
Mailing Address: 335 Fields Dr.
Aberdeen, NC 28315
Telephone: 910-944-7453

Full Legal Name: Eagles Landing Properties LLC
Physical Home Address: 1937^W Palmetto St
Florence, SC 29501
Mailing Address: 1937^W Palmetto St
Florence, SC 29501
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
*** **CONDITIONAL** ***

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:**

Full Legal Name: QBA Management

Physical Home Address: 335 Fields Dr LLC

Aberdeen NC 28315

Mailing Address: 335 Fields Dr

Aberdeen NC 28315

Telephone: 9109447453

Owner:

Full Legal Name: Eagles Landing Properties

Physical Home Address: 1937^W Palmetto St LLC

Florence, SC 29501

Mailing Address: 1937^W Palmetto St

Florence, SC 29501

Telephone: 843 673 7399

Legal Name of Business: QBA Management, LLC (La Quinta to be constructed)

EMAIL: homeforyoutoday@hotmail.com

2. **Description of Property:**

4450 Kahn Drive

(Address)

1911

(Deed Book)

291

(Page)

48

(Map Book)

103

(Page)

(Frontage)

1.489c

(Area)

3. **Tax Map Identification Number (parcel number):** 939370346279

4. **Existing Zoning District Designation of Property:** B4

5. **Requested Zoning District Designation of Property:** CZ- 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:

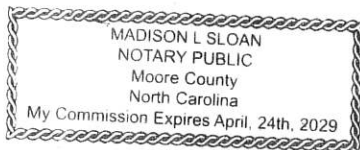
Applicant: Ronald Jackson 335 Fields Dr, Aberdeen
Full Legal Name (type or print) Home Address
STATE OF North Carolina COUNTY OF Moore NC 28315

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

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



DEL SOL PROTOTYPE B



PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



FRONT ELEVATION: 4 STORIES



PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



BACK ELEVATION: 4 STORIES

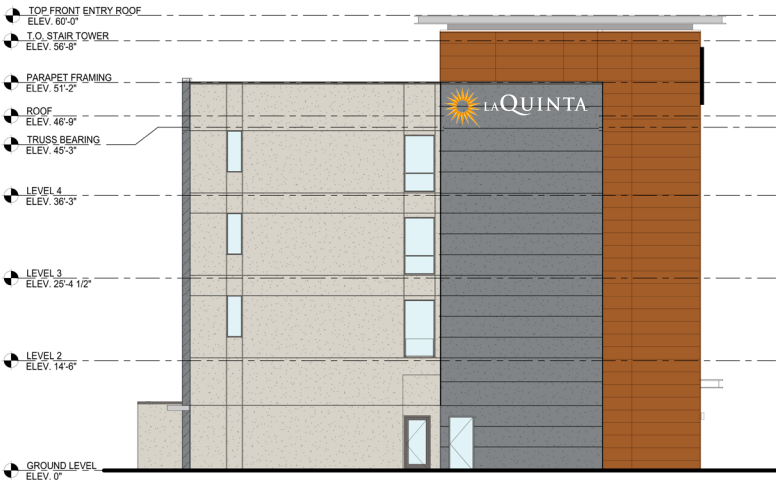


PROTOTYPE: ELEVATION

DEL SOL PROTOTYPE B



LEFT ELEVATION: 4 STORIES



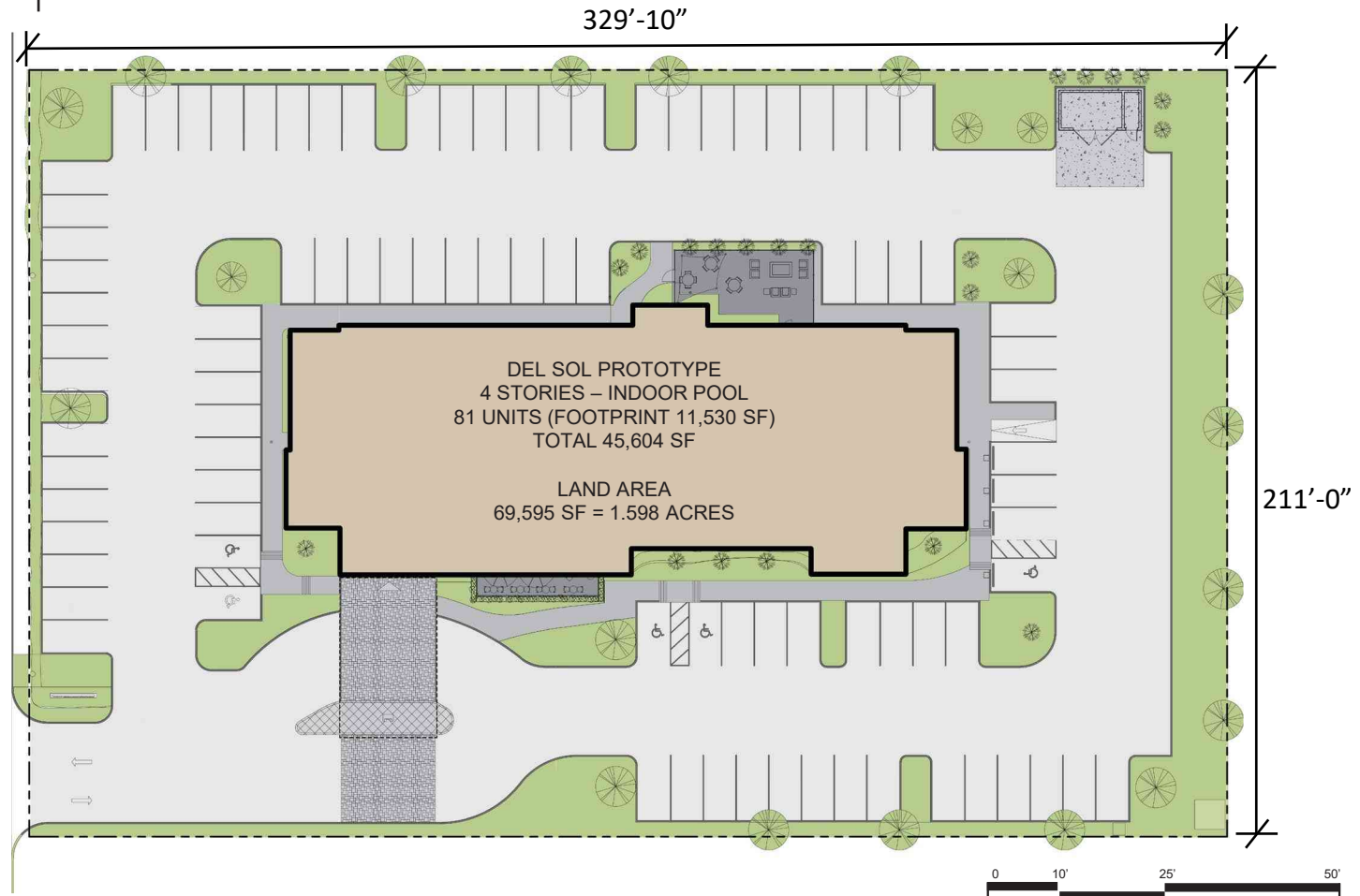
RIGHT ELEVATION: 4 STORIES



PROTOTYPE: SITE PLAN

DEL SOL PROTOTYPE B – INDOOR POOL OPTION

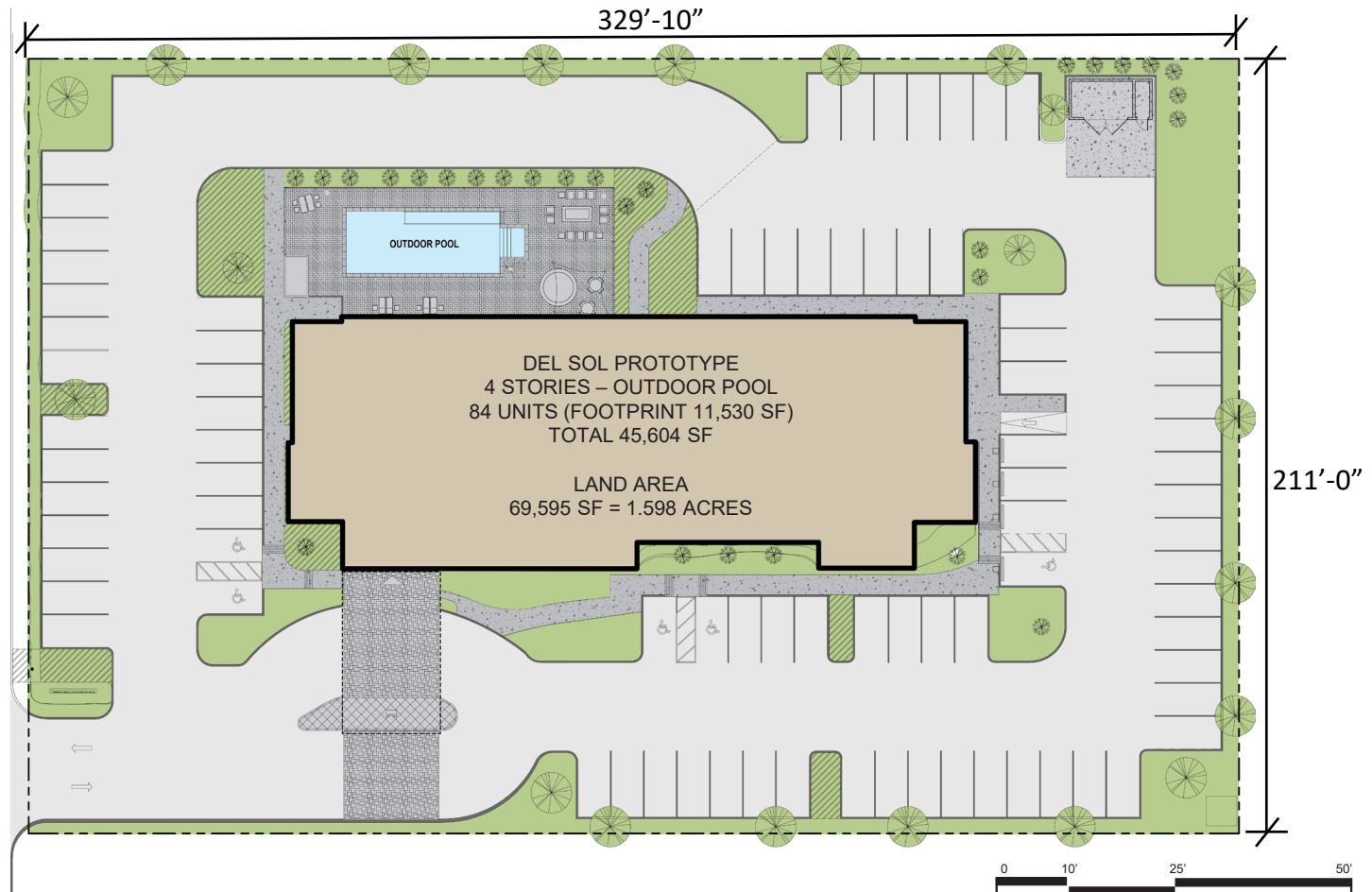
BUILDING LENGTH	187' - 3" FT
BUILDING DEPTH	73' - 11.5" FT
FLOORS	4 STORIES
PARKING SPACES	90



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

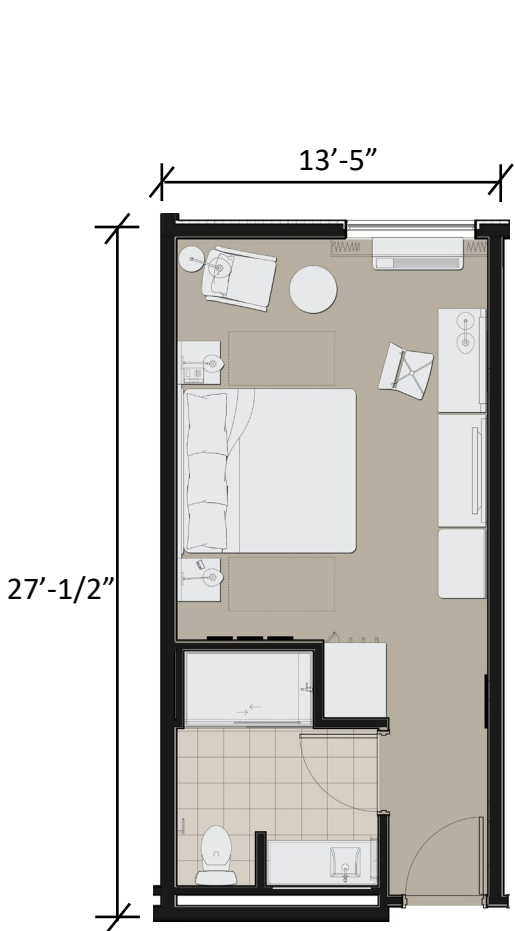


FLOOR PLAN: FOURTH FLOOR

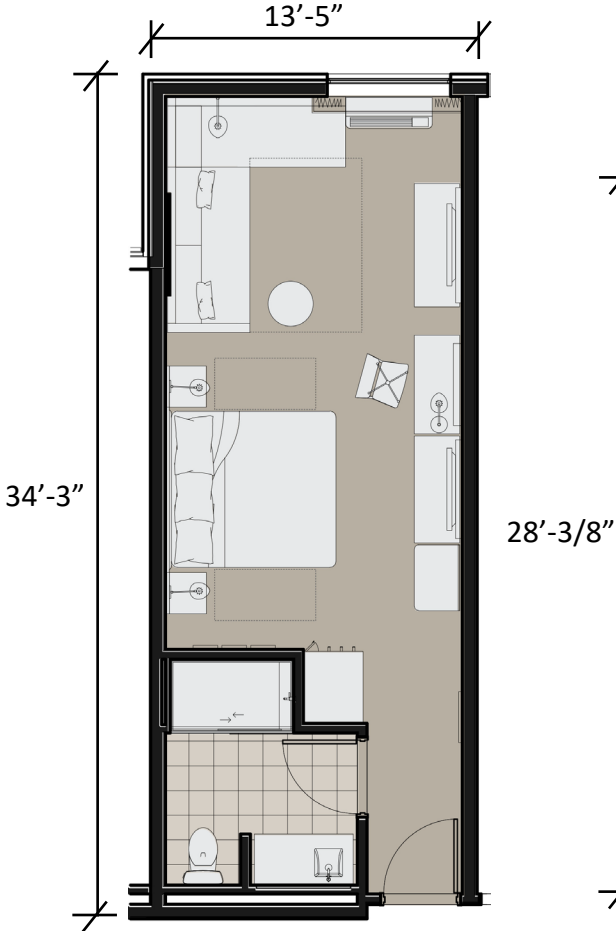


PROTOTYPE: GUEST ROOM PLAN

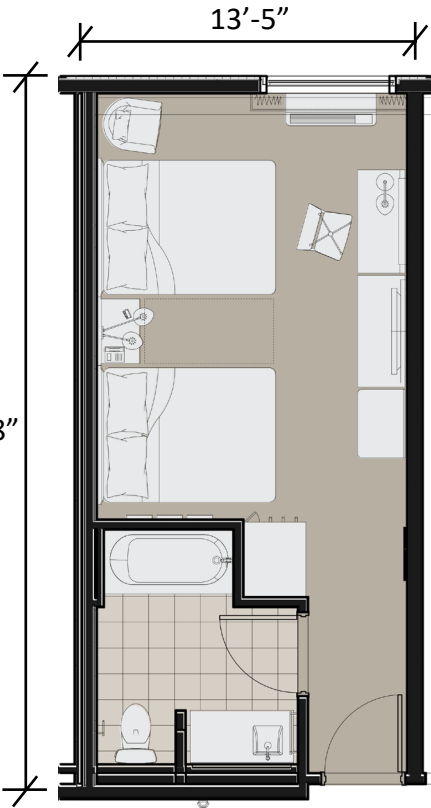
DEL SOL PROTOTYPE B



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

Conditional 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 or Conditional Zone 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 B5 or CZ 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 B5 or CZ 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

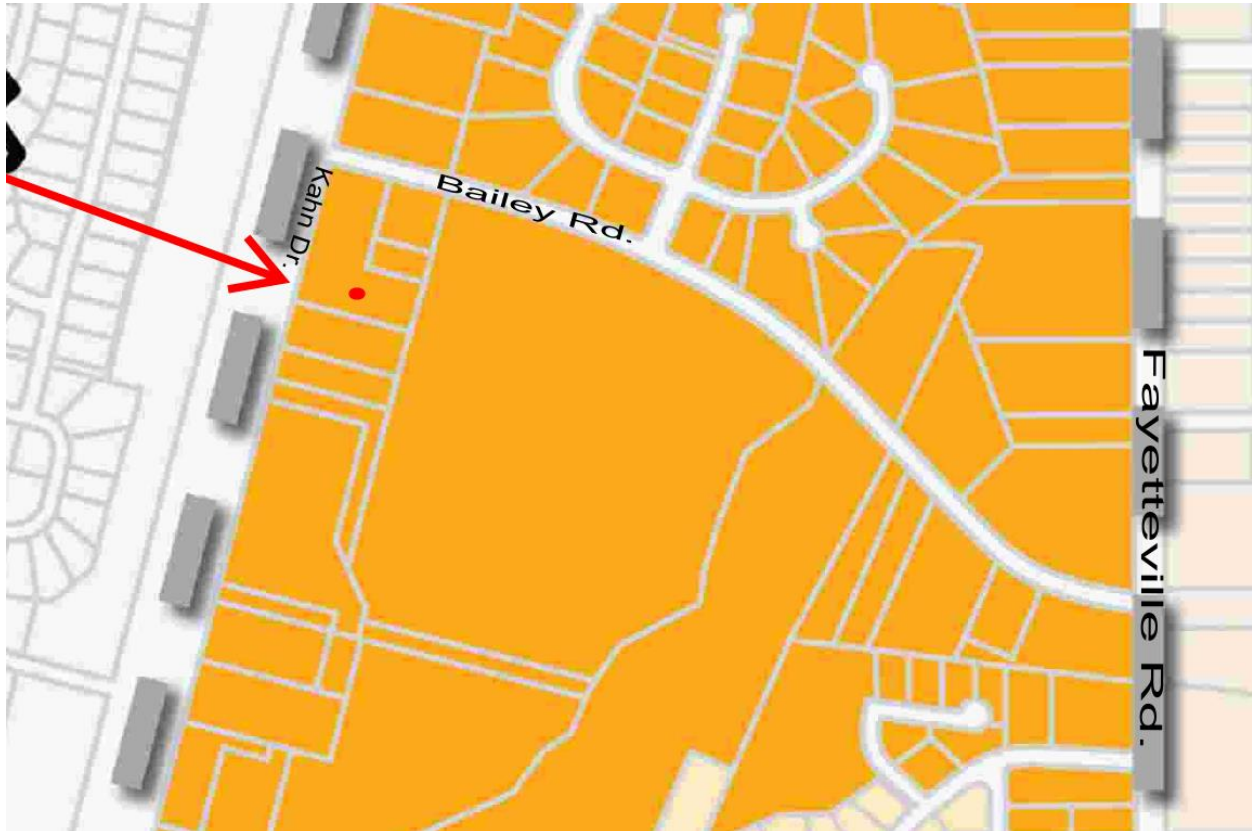
Analysis: QBA Management LLC is requesting to rezone parcel #10060101204I at 4450 Kahn Dr. from B4 to B-5 or CZB5 no adult establishments (use #6.140). This request is to increase the maximum overall height of a building from 35 feet to 60 feet to allow for the construction of a La Quinta Inn Hotel.

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
B5 or CZ B-5 NO ADULT ESTABLISHMENTS	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 the 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.

* If the conditional 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. All conditions of the conditional rezoning must be addressed prior to the issuance of a Land Use Permit and/or Certificate of Occupancy.

NOTIFICATIONS FOR PUBLIC HEARING

On March 20, 2025 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

On March 19, 2025, a request was sent to the Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request on or before March 21, 2025.

On March 19, 2025, a request was sent to the Robesonian to have the legal ad for this request run on March 22, 2025, and March 29, 2025.

PLANNING BOARD RECOMMENDATION TO COUNCIL

The Planning Board held a public meeting on March 18, 2025, and unanimously recommended that the Council approve the conditional rezoning request with the following conditions:

- Adult establishments (use #6.140) are not allowed.

After further review, adult establishments are not allowed within the B-5 zoning district, furthermore they are not allowed within 1,000 feet of a school, per City Code.

PLANNING STAFF RECOMMENDATION TO COUNCIL

The Planning Staff asks the City Council to hold tonight's public hearing and approve the rezoning request without the unnecessary condition.

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 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

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

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

ORDINANCE AMENDING THE LAND USE ORDINANCE AND OFFICIAL ZONING MAP
BY REZONING PROPERTY FROM B-4 (GENERAL COMMERCIAL) TO B-5
(HIGHWAY SERVICES)

OWNER(S): EAGLES LANDING PROPERTIES LLC
APPLICANT(S): QBA MANAGEMENT
PARCEL: 10060101204I
DEED: DEED BOOK 1911 PAGE 0291

WHEREAS, a petition requesting the rezoning of certain property was filed with the Director of Planning and Neighborhood Services on February 21, 2025;

WHEREAS, the proposed amendment initiated by said petition was submitted to the Planning Board for review and recommendation and the Planning Board did make a recommendation at its March 18, 2025, meeting;

WHEREAS, the City Council set a public hearing on the proposed amendment for April 7, 2025;

WHEREAS, the public notice of said public hearing was published in a newspaper having general circulation in the City of Lumberton on March 22, 2025 and March 29, 2025;

WHEREAS, written notice of said public hearing was mailed to the owners of the property to be rezoned as well as the owners as shown on the county tax listing of all properties, any portion of which is within one hundred fifty (150) feet of the property rezoned by the amendment, pursuant to City of Lumberton Code of Ordinances Section 35-323 on March 20, 2025;

WHEREAS, a sign containing notification of said public hearing was posted on the property to be rezoned on March 20, 2025;

WHEREAS, a public hearing on the question of rezoning was held on April 7, 2025, and all persons were given an opportunity to be heard;

WHEREAS, the City Council of the City of Lumberton does hereby determine and find that in accordance with the City of Lumberton's comprehensive zoning plan and for the purpose

of promoting the health, safety, morals and the general welfare of the community, the property hereinafter described is best suited to be designated as B-5, highway services, and;

WHEREAS, G.S. 160D-702 grants to the City of Lumberton the power to zone, G.S. 160D-703 permits the City of Lumberton to divide its territorial jurisdiction into districts, and G.S. 160D-601 permits the City of Lumberton to amend its zoning boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that the Land Use Ordinance and Official Zoning Map of the City of Lumberton be and the same is hereby amended by rezoning that property more fully described herein from B-4, general commercial to B-5, highway services, said property being described as follows:

A certain tract or parcel of land lying and being in Lumberton Township, Robeson County, North Carolina, and being more particularly described as follows:

Beginning at a set mag nail in the pavement within the right-of-way of Kahn Drive, said mag nail being the southwestern corner of the Eagles Landing Properties, LLC property as described in Deed Book 1911, Page 291, and shown on map recorded in Map Book 48, Page 103, and revised in Map Book 49, Page 2, Robeson County Registry, thence from the beginning North 14-49-48 East 111.00 feet to a found pk nail within the right-of-way of Kahn Drive, thence leaving the right-of-way of Kahn Drive South 75-16-19 East 66.02 feet to a found number 4 rebar flush with the ground, thence North 14-44-12 East 52.25 feet to a found mag nail in the pavement having the following NC Grid Coordinates (NAD 83) 2011 – North: 330,539.97' (Ground), East: 1,997,265.28' (Ground), thence South 75-13-17 East 134.12 feet to a 1-inch iron pipe 3-inches below grade, thence South 75-10-26 East 195.96 feet to a 1-inch iron pipe 1-inch below grade, thence South 14-50-34 West 162.80 feet to a number 4 rebar 1-inch below grade, thence North 75-16-18 West 395.99 feet to the point of beginning containing 1.40 acres more or less and being all of the Eagles Landing Properties, LLC property as described in Deed Book 1911, Page 291, and shown on map recorded in Map Book 48, Page 103, and revised in Map Book 49, Page 2, Robeson County Registry.

On motion of Councilman _____, seconded by Councilman _____, the foregoing Amendment was adopted on the 7th day of April, 2025.

Bruce Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore, III, City Attorney

Ordinance No.

CONDITIONAL REZONING

ORDINANCE AMENDING THE LAND USE ORDINANCE AND OFFICIAL ZONING MAP BY REZONING PROPERTY FROM B-4 (BUSINESS GENERAL COMMERCIAL) TO CZB-5 (CONDITIONAL ZONE HIGHWAY SERVICES)

OWNER(S): EAGLES LANDING PROPERTIES LLC
APPLICANT(S): QBA MANAGEMENT
PARCEL: 10060101204I
DEED: DEED BOOK 1911 PAGE 0291

WHEREAS, a petition requesting the rezoning of certain property was filed with the Director of Planning and Neighborhood Services on February 21, 2025;

WHEREAS, the proposed amendment initiated by said petition was submitted to the Planning Board for review and recommendation and the Planning Board did make a recommendation at its March 18, 2025, meeting;

WHEREAS, the City Council set a public hearing on the proposed amendment for April 7, 2025;

WHEREAS, the public notice of said public hearing was published in a newspaper having general circulation in the City of Lumberton on March 22, 2025 and March 29, 2025;

WHEREAS, written notice of said public hearing was mailed to the owners of the property to be rezoned as well as the owners as shown on the county tax listing of all properties, any portion of which is within one hundred fifty (150) feet of the property rezoned by the amendment, pursuant to City of Lumberton Code of Ordinances Section 35-323 on March 20, 2025;

WHEREAS, a sign containing notification of said public hearing was posted on the property to be rezoned on March 20, 2025;

WHEREAS, a public hearing on the question of rezoning was held on April 7, 2025, and all persons were given an opportunity to be heard;

WHEREAS, the City Council of the City of Lumberton does hereby determine and find that in accordance with the City of Lumberton's comprehensive zoning plan and for the purpose

of promoting the health, safety, morals and the general welfare of the community, the property hereinafter described is best suited to be designated as CZ B-5 (Conditional Zone Highway Services) and;

WHEREAS, G.S. 160D-702 grants to the City of Lumberton the power to zone, G.S. 160D-703 permits the City of Lumberton to divide its territorial jurisdiction into districts, and G.S. 160D-601 permits the City of Lumberton to amend its zoning boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that the Land Use Ordinance and Official Zoning Map of the City of Lumberton be and the same is hereby amended by rezoning that property more fully described herein from B-4, business general commercial to CZ B-5, conditional zone highway services, said property being described as follows:

A certain tract or parcel of land lying and being in Lumberton Township, Robeson County, North Carolina, and being more particularly described as follows:

Beginning at a set mag nail in the pavement within the right-of-way of Kahn Drive, said mag nail being the southwestern corner of the Eagles Landing Properties, LLC property as described in Deed Book 1911, Page 291, and shown on map recorded in Map Book 48, Page 103, and revised in Map Book 49, Page 2, Robeson County Registry, thence from the beginning North 14-49-48 East 111.00 feet to a found pk nail within the right-of-way of Kahn Drive, thence leaving the right-of-way of Kahn Drive South 75-16-19 East 66.02 feet to a found number 4 rebar flush with the ground, thence North 14-44-12 East 52.25 feet to a found mag nail in the pavement having the following NC Grid Coordinates (NAD 83) 2011 – North: 330,539.97' (Ground), East: 1,997,265.28' (Ground), thence South 75-13-17 East 134.12 feet to a 1-inch iron pipe 3-inches below grade, thence South 75-10-26 East 195.96 feet to a 1-inch iron pipe 1-inch below grade, thence South 14-50-34 West 162.80 feet to a number 4 rebar 1-inch below grade, thence North 75-16-18 West 395.99 feet to the point of beginning containing 1.40 acres more or less and being all of the Eagles Landing Properties, LLC property as described in Deed Book 1911, Page 291, and shown on map recorded in Map Book 48, Page 103, and revised in Map Book 49, Page 2, Robeson County Registry.

WHEREAS, the property owner has agreed to additional conditions. Cancellation of any or all conditions herein, requires approval by City Council. In granting the Conditional Zoning, the Council, has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein:

- No Adult establishments (use #6.140).

On motion of Councilman _____, seconded by Councilman _____, the foregoing Amendment was adopted on the 7th day of April 2025.

Bruce Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore, III, City Attorney

Ordinance No.

Lumberton City Council

Item: V.F.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 04/03/2025

Subject: Economic Incentives - Project Wolverine

Summary/Background of Subject Matter:

The purpose of the public hearing is to consider extending economic development incentives to an industry for the development of an industry within the City of Lumberton. Project Wolverine is expected to make an investment of (85) million dollars in real property and a building, and a minimum personal property investment of \$4,650,000.00 to include machinery and equipment and to create 123 new permanent full-time positions. Also to be offered is an electric rate incentive "Economic Development Credit Rider" with an initial 25% discount with a 5% decrease every 12 months, with the discount ending after 60 months. The Project Wolverine incentive grant is equivalent to 50% of the tax liability assessed on the real and personal property over a seven-year period, based partly upon an investment of approximately \$7,000,000.00 in City taxes.

Staff Recommendation:

That City Council hold tonight's public hearing and consider extending economic incentives for Project Wolverine as indicated

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VI.A.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 03/12/2025

Subject: Ratify the Additional Funding for the Proposed Flood Wall - VFW Road and CSXT/I-95 Underpass to CSX in the amount of \$13,750.

Summary/Background of Subject Matter:

In order to continue the PE review process, CSX requested additional funding. The original authorized budget was \$49,137, with a supplemental increase of \$13,750, bringing the total to \$62,887. The additional increase is necessary due to the extensive time required to review multiple submittals related to the flood wall/track design and calculations.

Staff Recommendation:

Ratify the Change Order in the amount of \$13,750 to CSX for the flood wall/track design.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VI.B.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 03/21/2025

Subject: Ratify the designation of \$900 of CRF to Truly Treasure as follows: P1 - \$100 P2 \$200 P3 - \$100 P4 - \$100 P5 - \$100 P6 - \$100 P7 \$100 and P8 - \$100.

Summary/Background of Subject Matter:

Ratify the designation of CRF to From the Heart by Truly Treasure, a nonprofit organization for the Teen Empowerment Conference.

Staff Recommendation:

Ratify the designation of \$900 of CRF to Truly Treasure as follows: P1 - \$100 P2 \$200 P3 - \$100 P4 - \$100 P5 - \$100 P6 - \$100 P7 \$100 and P8 - \$100.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VI.C.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 03/24/2025

Subject: Ratify the Change Order - - Hickman Utilities Adding Elmhurst to Roberts Avenue for Sewer Replacement in the Amount of \$15,250.50.

Summary/Background of Subject Matter:

While City crews were moving a water main that conflicted with the sewer replacement, they discovered that a section of sewer on Fuller, from Elmhurst to Roberts Ave, had collapsed. Hickman Utilities is under contract for \$18,000 to replace a collapsed gravity sewer main on Fuller Street, from Best Drive to Elmhurst, and Hickman is expected to begin emergency replacement in this area later on in the week. Public Works would like to add this to Hickman's work list while he is on site replacing the original segment. Hickman submitted a Change Order adding the Elmhurst to Roberts Ave segment in the amount of \$15,250.50. A poll was conducted and approved the Change Order to be paid for out of the water and sewer capital reserve fund.

Staff Recommendation:

Ratify the approval of said Change Order to Hickman Utilities to the amount of \$15,250.50 as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

1. Est_1706_from_Hickman_Uilities_INC_1648

Hickman Utilities INC

263 Singletary Millpond Rd
Bladenboro, NC 28320

Estimate

Date	Estimate #
3/21/2025	1706

Name / Address
City of Lumberton

Project

Description	Qty	Rate	Total
Fuller Avenue,extend sewer replaceent from Elmhurst to Hwy 211 340' at 8-10' in depth		15,250.50	15,250.50
We look forward to serving you.		Total	\$15,250.50

Lumberton City Council

Item: VI.D.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 03/31/2025

Subject: Ratify the Contribution of \$850 to Chestnut Street Church for the Citizens of Western NC as follows: P1 - \$100 P2 - \$100 P3 - \$100 P4 - \$100 P5 - \$50 P6 - \$100 P7 - \$100 P8 - \$100 and from the Mayor's Discretionary Fund \$100.

Summary/Background of Subject Matter:

Councilmen Rising and Thomas requested \$100 each of CRF to be given to the Benefit Drive for the citizens of Western North Carolina, ..

Staff Recommendation:

Ratify the contribution as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VI.E.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Finance

Submission Date: 04/03/2025

Subject: Ratify Acceptance of Lead for NC Fellow from the UNC School of Government

Summary/Background of Subject Matter:

The City of Lumberton has been selected to host a fellow from the UNC School of Government Lead for NC Program. The total cost for the fellow is \$64,413. Of this, the City of Lumberton is responsible for \$20,000.

Staff Recommendation:

Staff recommends Council approve accepting the award from the UNC School of Government Lead for North Carolina Program.

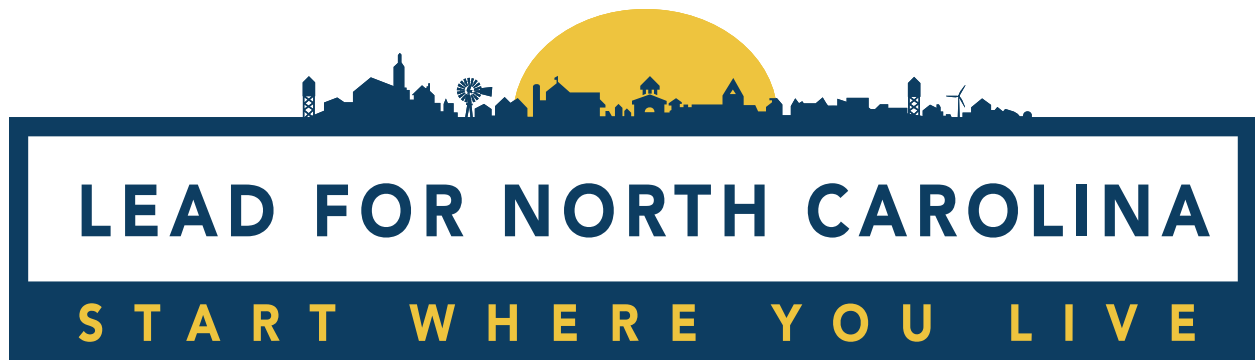
City Manager's Comments:

Signature: Wayne Horne, City Manager

Department: Finance

ATTACHMENTS:

1. Lead for NC fellowship



Lead for North Carolina connects promising young leaders with our state's local governments. This innovative fellowship program supports communities and strengthens public institutions, while creating a new generation of extraordinary public servants.

The finance department applied to host a fellow through the UNC School of Government Lead for North Carolina program. The intention is to bring in a person to help manage the many grants the City has applied for, received, are currently active or in the process of close-out.

This is a highly competitive application process with over 100 local governments across the state applying for this opportunity. Applications were due March 8, 2025. I'm proud to announce that on March 18, 2025 we were selected to host a fellow.

While the total cost for a fellow is \$64,413, the City of Lumberton is only responsible for \$20,000.

[Intro to Lead for North Carolina - YouTube](#)

Lumberton City Council

Item: VII.A.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 04/03/2025

Subject: Main Street Lumberton Advisory Board

Summary/Background of Subject Matter:

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 the Honorable Vicki Locklear, Robeson County Register of Deeds, as our new Advisory Board Member. Robeson County is a huge stakeholder in downtown Lumberton. Vicki's enthusiasm and expertise will make her a great asset to the Main Street Lumberton Advisory Board.

Staff Recommendation:

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

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VII.B.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Emergency Services

Submission Date: 04/03/2025

Subject: Battery Back-Up System

Summary/Background of Subject Matter:

The State 911 Board is requiring that all PSAP centers in the state of North Carolina have an uninterruptible power supply (UPS) System, along with a generator, to ensure continuous operation of essential 911 systems during power outages and capable of running all technical aspects on the 911 Center, until backup power source (generator) can be fully activated. The purpose of the UPS system is to ensure that the PSAP (Communication Center) can continue to receive and process 911 calls and dispatch emergency services even during a power outage. This state mandated project is due in May 2025. The Total cost from Unified Power is 148,285.20; a portion of the cost is being covered by the 911 board of 102,727.30, leaving an amount of 45,557.90 to be covered by the city. The amount left owing will be pulled from the open position, overtime, and pay scale level.

Staff Recommendation:

The city council approved the battery-up (UPS System) agreement with Unified Power in the amount of 45,557.90.

City Manager's Comments:

Signature: Wayne Horne, City Manager

Department: Emergency Services

ATTACHMENTS:

1. 20250325 City of Lumberton - UPS Quote - Final (004)

Unified Power

Matt Hollander
Phone: (407) 795-0768
Matthew.hollander@unifiedpowerusa.com
www.unifiedpowerusa.com



Keeping You in Power

Lumberton County 911
New UPS - Turnkey Install Project
Proposal #: 177128 - Rev: 3
2/21/2025

Matt Hollander
(407) 795-0768
Matthew.hollander@unifiedpowerusa.com



New UPS - Turnkey Install Project

Invoice To:	End User:
Tammy McLeod Lumberton County 911 500 N Cedar St. Lumberton NC 28358	Lumberton County 911

Lumberton County 911, 500 N Cedar St, Lumberton, NC 28358, US

Description	Rate	Quantity	Price
Inclusions: • Labor and materials included to provide an extension of the existing electrical system to provide a 15kVA UPS system for critical power for Lumberton County 911 Call Center. • Provide and install one (1) 3-pole 60-amp breaker to feed new 15kVA UPS system (approximately 150ft, from existing electrical room to existing server room). • Install new maintenance bypass switch (MBS). • Set new UPS in place, with new input and output whips from UPS to MBS. • Connect new MBS to new UPS Distribution Panel. • Provide an external Battery Cabinet • Set new Battery Cabinet into place • Connect new Battery Cabinet to 360 PQ UPS Systems • Provide new distribution panel adjacent to new UPS system for UPS distribution circuits. • Intercept existing UPS tower circuits at equipment racks to be on UPS power. • Provide UPS distribution power circuits in 911 call center on 2nd floor from new UPS system installed in 2nd Floor server room (approximately 20 circuits). • Remote annunciator installed in 911 Call Center. • Start-up of new UPS system. • Freight is included for new equipment. • Permit is included. Exclusions: • Repairs to existing systems outside the scope of this project. • Engineering (if required additional fees will incur). • Repairs to existing drywall and finishes. • Repairs to existing drop ceiling grid/tiles. • Repairs to existing Raised floor/tiles. Clarifications: • Labor is figured as straight time during a normal workweek – Monday through Friday. • Due to the current volatility of commodities, this proposal is valid for thirty-days from date of proposal.	\$138,584.30	1	\$138,584.30
Site Total:			\$138,584.30



Unified Power
217 Metro Dr., Terrell, TX 75160
Phone: 972.524.6050 Fax: 972.524.7954
www.unifiedpowerusa.com

Page 1 of 6
Proposal #: 177128
Date: 2/21/2025

Matt Hollander
(407) 795-0768
Matthew.hollander@unifiedpowerusa.com



Comments

Equipment to be used:

UPS - 360 Power Quality Diamond Series Three-Phase 15kVA
True on-line double conversion UPS system
Hard wired input/output
208/120 input and output
6-min battery back-up at 100% load, 15 minute battery back-up at 50% load
SNMP card for remote monitoring
Dimensions: 12"W x 34"D x 40"H
Weight: 398lbs

MBS - Maintenance Bypass Switch
3-breaker maintenance bypass switch
Includes Kirk Key interlocks as a standard
200% rated neutral
18KAIC rated breakers
Listed to UP891
Dimensions: 30"W X 10"D x 36"H
Weight: 110lbs

External battery cabinet
Provides 122 minutes @ Full Load 15kVA
Dimensions: 29.5"W x 31.6"D x 59"H
Weight: 3,750 lbs
Color: Black

Proposal breakdown

Labor: \$39,176.32
Electrical Material: \$51,025.23
15 kVA UPS: \$14,140.67
15 kVA MBS: \$1,854.56
External Battery Cabinet: \$23,894.45
Remote Status Panel: \$2,170.29
SNMP Comm Card: \$115.75
Factory Start up: \$2,572.20
Freight and Miscellaneous: \$3,634.83

Summary

Lumberton County 911, 500 N Cedar St, Lumberton, NC 28358, US		\$138,584.30
	Tax	\$9,700.90
	Total	\$148,285.20



Unified Power
217 Metro Dr., Terrell, TX 75160
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Page 2 of 6
Proposal #: 177128
Date: 2/21/2025

Matt Hollander
(407) 795-0768
Matthew.hollander@unifiedpowerusa.com



Unified Power's Terms & Conditions will apply to orders based on this proposal.
<https://unifiedpowerusa.com/terms-and-conditions>

Unified Power's Standard Terms are part of this Agreement and constitutes the entire Agreement between the parties and shall exclusively control the relationship of the parties, with regard to this Agreement. Printed, preprinted or other terms on the face or reverse side of Buyer's Purchase Order shall not be binding. By signing below the Purchaser represents that it is the owner of the Covered Equipment or, if it is not the owner that it has the authority to enter into this agreement.

Unified Power

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Lumberton County 911

Signature: _____

Date: _____

Printed Name: _____

Title: _____





Terms and Conditions

1. Acceptance and Entire Terms and Conditions. All services performed, including but not limited to scheduled, remedial and emergency services (collectively "Services") or products, equipment, batteries or parts ("Products") sold or delivered separately or as part of performing Services sold by ON COMPUTER SERVICES, LLC, dba UNIFIED POWER (Seller), as well as by third party vendors and/or services providers of Seller, on behalf of or to the CUSTOMER ("Customer") named in the attached Proposal (the "Proposal") shall be subject to these Terms and Conditions. If Services are being supplied pursuant to Customer's purchase or work order, Seller's acceptance of said purchase or work order is expressly conditioned on Customer's acceptance of these Terms and Conditions. Any of the provisions of Customer's purchase or work order which attempt to impose terms and conditions at variance with these Terms and Conditions shall not be binding on Seller and shall not be considered applicable to the Services contemplated by the Proposal. Neither commencement of performance nor delivery by Seller shall be considered or construed as acceptance of Customer's supplemental or conflicting terms and conditions. Seller's failure to object to conflicting or added terms will not change or add to the terms of this agreement. A customer's acceptance of the Products and/or Services from Seller shall be considered to constitute acceptance of the terms and conditions contained herein.

2. Delivery, Delays and Title. Any Service completion date or Product delivery date specified on the face hereof is approximate and is not a guarantee of a particular day of completion of the Services to be performed hereunder or delivery of the Products, and such dates are based upon prompt receipt of all necessary information from the Customer. Under no circumstances shall Seller be liable for damages for any delay or failure to perform the Services or deliver the Products as scheduled if such delay or failure is occasioned in whole or in part by reason of force majeure, or any other causes or circumstances beyond Seller's reasonable control or which Seller by reasonable diligence could not have avoided.

3. Warranty and Seller's Limitation of Liability. Seller's sole warranty pursuant to these Terms and Conditions shall be that all Services performed shall be performed in a competent manner, and that any Products provided hereunder and any incidental materials and consumables utilized in the performance of the proposed Services will be new or like new and free from defects in workmanship and will conform to the applicable drawings and specifications. If Customer identifies any failure of Seller to meet the above stated warranty within thirty (30) days from the date such Service or installation of such Products (or for any longer warranty period provided by a Product manufacturer, which warranty shall be passed directly to Customer), Customer must immediately notify Seller in writing. Any claims of Customer, shall not be cause for the cancellation of the Proposal or these Terms and Conditions.

NO WARRANTY, EXPRESS OR IMPLIED INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS, ARE EXTENDED BY Seller, OR MAY BE EXTENDED BY CUSTOMER, TO ANY THIRD PERSON. NOTWITHSTANDING ANYTHING IN THIS CONTRACT OR OTHERWISE TO THE CONTRARY, Seller SHALL NOT BE LIABLE INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF ANTICIPATED PROFITS, LOST SALES, GOODWILL, INJURY TO PERSON OR PROPERTY, OR OTHER INDIRECT LOSS IN CONNECTION WITH OR ARISING OUT OF: (I) WARRANTY, CONTRACT, NEGLIGENCE OR OTHERWISE RELATED TO A PRODUCT OR (II) THE PERFORMANCE OF ANY SERVICE, WHETHER OR NOT THE POSSIBILITY OF DAMAGE WAS DISCLOSED TO Seller OR COULD HAVE BEEN REASONABLY FORESEEN BY Seller.

4. Indemnity. Subject to Section LIABILITY herein, Seller shall defend, indemnify and hold harmless Customer, its officers, employees and agents from and against any and all claims, liabilities, damages, demands, losses, causes for action and suits, including reasonable attorney's fees incident thereto, to the extent they result directly from or out of (1) any injury to or death of any person or damage to or destruction of any property caused by the negligence acts, errors, omissions or willful misconduct of Seller, its agents or employees, and (2) any violation of federal or state law, regulation, order, rule or of any other governmental authority having jurisdiction by Seller, its employees or agents.

5. Force Majeure. Seller is not liable for failure to fulfill its obligations for any accepted Order or for delays in delivery due to causes beyond Seller's reasonable control including, but not limited to, acts of God, natural or artificial disaster, riot, war, strike, delay by carrier, shortage of Product, acts or omissions of other parties, acts or omissions of civil or military authority, Government priorities, changes in law, material shortages, fire, strikes, floods, epidemics, quarantine restrictions, acts of terrorism, delays in transportation or inability to obtain labor, materials or Products through its regular sources, which shall be considered as an event of force majeure excusing Seller from performance and barring remedies for nonperformance. In an event of force majeure condition, the Seller's time for performance shall be extended for a period equal to the time lost as a consequence of the force majeure condition without subjecting Seller to any liability or penalty. Seller may, as its option, cancel the remaining performance, without any liability or penalty, by giving notice of such cancellation to the Customer.

6. Returns. Products may be returned to Seller only after receipt by Customer of written authorization and shipping instructions from Seller signed by its authorized agent.

7. Cancellations. All requests for cancellation must be made in writing by Customer, and orders or service contracts shall not be cancelled without the prior written consent of Seller signed by an authorized agent of Seller. Orders for Products or Services in process or completed at the time Customer's cancellation is received by Seller are subject to cancellation charges up to the invoice value of the Products or Services.

8. Price. All prices stated in Seller's Proposal or in the attached rate sheets will be maintained for Services performed within thirty (30) days from the date of the Proposal unless extended by Seller at its sole option. Prices stated herein do not include installation, freight and handling charges, unless such item is specifically listed and priced in the agreements between Seller and Customer.





9. Payment. Unless otherwise specifically provided in the Proposal, invoices for performance of any non-Contract Services will be processed upon completion of the Service. Invoices for all Products not sold as part of a Service will be processed upon shipment of the Products to Customer. Payment of all invoices is due within thirty (30) days from the date of the invoice. Payment to Seller by Customer will not be contingent on third party payments to Customer. Any payment not made when due shall be subject to a one and one half percent (1-1/2%) service charge per month which will be added to all balances past due, which is an annual rate of eighteen percent (18%). In addition, an amount equal to twenty percent (20%) of the service price will be added to all outstanding principal balances which are more than thirty (30) days past due if, in the sole opinion of Seller, it is necessary to utilize the services of an attorney and incur related expense in the collection of the account and such additional amount shall be an obligation of Customer. In the event that Seller in its sole opinion shall decide it is necessary to file court action in order to collect any outstanding balance, then Customer shall be obligated to reimburse Seller for all attorney's fees and court costs.

10. Default. The following specific conduct shall be considered a default under these Terms and Conditions:

1. Failure to pay when due any amounts pursuant to any of the agreements between Seller and Customer.
2. The filing of a bankruptcy proceeding by or against Customer or attachment or garnishment proceedings commenced against Customer which is not dismissed within thirty (30) days after the date of filing.
3. Any breach of the terms of these Terms and Conditions or any other agreements between Seller and Customer, other than as set for the in subsection 1 or 2 of this Section 8 and such default continues for twenty (20) days after written notice thereof by the party not in breach, such continuing breach shall constitute a default by the breaching party.

Upon an event of default by Customer pursuant to subsection 1 or 2 of this paragraph, or if the financial responsibility of Customer shall become impaired or shall be deemed unsatisfactory by Seller for any reason, or if Customer shall default under any of its agreements between Seller and Customer, then in such case (i) upon demand by Seller, Customer shall provide satisfactory security or advance cash payment and performance of Services or delivery of Products may be withheld by Seller until such security or payment is received; (ii) Seller may declare all of Customer's outstanding indebtedness to Seller immediately due and payable; and/or (iii) Seller shall have the option to immediately withhold deliveries and suspend performance and to resume deliveries and performance when it deems appropriate or declare the transaction between Seller and Customer void and, upon such an event, Seller shall have no further duties or obligations to Customer whatsoever and will retain all amounts paid by Customer. Acceptance by Seller at any time of less than the full amount due Seller shall not be deemed to constitute a waiver of any of Seller's rights hereunder. Seller's rights under this Section of the Terms and Conditions are in addition to all rights available at law or in equity to Seller.

In the event of an uncured default by either party, pursuant to section 3 of this paragraph, the non-defaulting party shall have the right to declare the remaining term of the relationship between Seller and Customer void

11. Taxes. In addition to any price specified herein, Customer shall pay, or reimburse Seller for the gross amount of any and all taxes that are associated with this transaction unless Customer has furnished Seller with evidence of exemption acceptable to the taxing authorities in advance of this transaction.

12. Governing Law. These Terms and Conditions shall be construed and enforced in accordance with the laws of the State of Texas, exclusive of the Texas conflict of law rules. Any actions, claims or suits (whether in law or equity) arising out of or relating to these Terms and Conditions, or the alleged breach thereof, shall be brought only in courts located in Dallas County, Texas and Customer hereby waives its rights, if any, to bring such actions, claims or suits in any other courts. The parties hereby submit themselves to the jurisdiction of the courts located in Dallas County, Texas for the enforcement of this provision and for the enforcement of any judgment rendered by such courts. If any action, claim or suit is brought by Seller against Customer hereunder, Customer agrees to and does hereby irrevocably appoint the Texas Secretary of State as Customer's agent for the acceptance of service of process therein, and a copy of such process shall be mailed by Seller to Customer at Customer's last known address.

13. Nonassignability. This Terms and Conditions and its terms shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors and assigns except that neither these Terms and Conditions nor any interest or obligation hereunder shall be assignable or transferable by Customer, in whole or in part, without the prior written consent of Seller

14. Severability. If any provision or paragraph of these Terms and Conditions is determined to be illegal or unenforceable, it shall not affect the enforceability of any other provision or paragraph of these Terms and Conditions and the Terms and Conditions shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

15. Holiday Scheduling. Seller recognizes nine (9) holiday events each year ("Holidays") and there shall be no scheduled maintenance performed by Seller on Holidays. Accordingly, scheduled maintenance rates and availability during Holidays are subject to adjustment. Seller will notify Customer in advance of any conflicts between Seller's Holiday schedule and Customer's scheduled maintenance, and such scheduled maintenance shall be rescheduled at a time mutually agreeable to Seller and Customer. Holiday restrictions are not applicable to emergency call-out service, but rates may be adjusted.

16. Holiday Scheduling. Any notice, writing or other communication required or permitted to be given under the terms of these Terms and Conditions shall be in writing and sent to the addresses of Seller and/or Customer set forth in the agreement(s) between Seller and Customer by one or more of the following





methods: (a) by personal hand delivery; (b) by certified or registered mail in the United States mail, postage prepaid, return receipt requested; or (c) by a recognized overnight express mail service. If mailed by U. S. Mail, the notice period shall be deemed to begin two (2) days following the date on which that notice is mailed.

17. General Provisions.

- a. Unless otherwise specified by Seller, any quotation or proposal of Seller shall expire thirty (30) days from the date of issuance and may be modified or withdrawn at any time prior to the date of Customer's formal written acceptance.
- b. Seller reserves the right to subcontract any of the work to one or more subcontractors.
- c. For sales of Products (equipment/parts/materials) with installation, Seller shall retain the right to bill for Products separately from labor if installation is delayed by Customer
- d. Any information, suggestions or ideas transmitted by Customer to Seller in connection with performance hereunder are not to be regarded as secret or submitted in confidence except as may be otherwise provided in a writing signed by a duly authorized agent of Seller.
- e. The sale of any Service and Products ordered by the Customer which are not included within the scope of Seller's Proposal or other agreements with Customer is expressly conditioned upon these Terms and Conditions. Terms and conditions included in the Seller's Proposal, where not in conflict with the terms included herein, shall be incorporated by reference. Any additional or different terms and conditions set forth in the Customer's purchase order or similar communication are expressly objected to and will not be binding upon Seller unless specifically agreed to in writing by an authorized agent of Seller
- f. The parties to these Terms and Conditions specifically agree that in the event that any provision of these Terms and Conditions is found, by a court of competent jurisdiction, to be unenforceable under Texas law, such provision(s) shall be waived, to the full extent permitted by law, without invalidating the remaining provisions of the Terms and Conditions.
- g. All subheadings as used herein shall be descriptive only and shall not have any substantive meaning whatsoever.
- h. To the extent that any provisions of these Terms and Conditions conflict with or are inconsistent with the terms as stated in the body of the Proposal attached hereto, then the terms of the Proposal shall prevail.
- i. The parties hereto covenant and warrant that the persons executing any agreement between Seller and Customer have been duly authorized to execute said agreement, and the agreement and these Terms and Conditions constitute a valid and legally binding obligation of the parties hereto

-END OF TERMS AND CONDITIONS-

UNIFIED POWER
Lumberton County 911
New UPS - Turnkey Install Project
Proposal #: 177128 - Materials List
2/25/25

Item	Description	Price
Labor	Labor to complete the following: -Install one (1) 3-pole 60-amp breaker to feed new 15kVA UPS system (approximately 150ft, from existing electrical room to existing server room) -Install new maintenance bypass switch (MBS) -Set new UPS in place, with new input and output whips from UPS to MBS -Connect new MBS to new UPS Distribution Panel -Set new Battery Cabinet into place -Connect new Battery Cabinet to 360 PQ UPS Systems -Intercept existing UPS tower circuits at equipment racks to be on UPS power -Start-up of new UPS system NOTE: Labor is figured as straight time during a normal workweek - Monday thru Friday	\$39,176.32
Electrical Material	Including: -Breaker for UPS System including conduit and wire - -New Panel for UPS distribution system including conduit and wire -Conduit and wire for output circuits from UPS panel -Remote annunciator including conduit and wire -Conduit and wire to intercept existing circuits -Conduit and wire for Maintenance Bypass Switch -Power cables -Battery cables -Input/Output/Grounding wiring	\$51,025.23 \$14,867.00 \$10,970.00 \$6,123.00 \$5,868.00 \$3,897.00 \$2,673.00 \$1,162.00 \$2,240.00 \$3,225.23
15kVA UPS	UPS - 360 Power Quality Diamond Series Three-Phase 15kVA -True on-line double conversion UPS system -Hard wired input/output -208/120 input and output -6-min battery back-up at 100% load, 15 minute battery back-up at 50% load -Dimensions: 12"W x 34"D x 40"H -Weight: 398lbs	\$14,140.67
15kVA MBS	MBS - Maintenance Bypass Switch -3-breaker maintenance bypass switch -Includes Kirk Key interlocks as a standard -200% rated neutral -18KAIC rated breakers -Listed to UP891 -Dimensions: 30"W X 10"D x 36"H -Weight: 110lbs	\$1,854.56
External Battery Cabinet	External battery cabinet - Provides 122 minutes @ Full Load 15kVA -Dimensions: 29.5"W x 31.6"D x 59"H -Weight: 3,750 lbs -Color: Black	\$23,894.45
Remote Status Panel	Remote real-time status monitoring & control unit	\$2,170.29
SNMP Comm. Card	SNMP card for remote monitoring	\$115.75
Factory Start-up	Startup and commissioning of 15kVA UPS system	\$2,572.20
Freight	Shipping of equipment to Lumberton County	\$3,634.83

Lumberton City Council

Item: VII.C.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/28/2025

Subject: CDBG-NR Grant Documents

Summary/Background of Subject Matter:

The City of Lumberton was awarded a CDBG-NR grant of \$950,000 in January 2025. Several documents need to be adopted as part of the grant agreement. The following documents are attached for adoption.

1. Fair Housing Plan
2. Excessive Force Policy, Section 519
3. Equal Employment and Procurement Plan
4. Code of Conduct
5. Anti-displacement and Relocation Plan
6. Grant Project Ordinance
7. Optional Coverage Relocation Plan
8. Program Policies
9. Language Access Plan
10. 504 Grievance Procedure
11. Section 3 Plan

Staff Recommendation:

Staff Recommends that City Council adopt the above-listed documents as part of the grant process.

City Manager's Comments:

Signature: Wayne Horne, City Manager

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. CDBG NR DOCUMENTS

Recipient's Plan to Further Fair Housing

Grantee: City of Lumberton

Recipient's Address:

P.O. Box 1388, Lumberton, NC 28359

Contact Person: Stephanie Canady

Contact Phone #: 910-671-3844

Contact Email:

scanady@ci.lumberton.nc.us

TDD #:800-735-2962

- I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time _____

Past Activities X

- II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community. (Use additional pages as necessary)**

A major obstacle in City is lack of knowledge, community awareness and education. Some of the low income families are not aware of housing assistance programs and other services available to them in the City. Although local Realtors, lending institutions and other agencies are involved in housing placement and financing and are aware of Federal Fair Housing Legislation, there appears to be a lack of specific knowledge getting to our citizens of the Title VII of the Civil Rights Act of 1968.

- III. Will the above activities apply to the total municipality or county?**

Yes X No _____

If no, provide an explanation.
(Use additional pages as necessary)

- IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.* (Use attached table)**

Grantee Name: City of Lumberton

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
<i>Example: Establish FH policy, Complaint Procedure</i>	<i>Jan-Mar.</i>	<i>20xx</i>	<i>\$xxxx</i>	<i>\$xxxx</i>
Publish Fair Housing Complaint Procedure with the TDD number.	April – June	2025	\$100	
Place Fair Housing Literature in the Lobby of the City Hall	July – Sept.	2025	0	
Distribute Fair Housing Brochures to Local Financial Institutions, Realtors, Businesses	Oct. – Dec.	2025	\$20	
Publish Notice to Public Promoting Fair Housing	Jan. – March	2026	\$100	
A Fair Housing Notice will be printed on City Water Bill to all customers	April – June	2026	0	
Post Complaint Procedure in Lobby of City Hall	July – Sept.	2026	0	
Publish Fair Housing Complaint Procedure with the TDD number.	Oct. – Dec.	2026	\$100	
Conduct a Fair Housing Awareness Meeting	Jan. – March	2027	\$20	
Publish Notice to Public Promoting Fair Housing	April – June	2027	\$100	
Distribute Fair Housing Brochures to Local Financial Institutions, Realtors, Businesses	July – Sept.	2027	\$20	
Publish Notice to Public Promoting Fair Housing	Oct. – Dec.	2027	\$100	
A Fair Housing Notice will be printed on City Water Bill to all customers	Jan. – March	2028	0	

- V. **Describe recipient's method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures. (Use additional pages as necessary)**
- 1) Any person or persons wishing to file a complaint of housing discrimination in the City may do so by informing the City Clerk of the facts and circumstance of the alleged discriminatory acts or practice.
 - 2) Upon receiving a housing discrimination complaint, the City Clerk shall acknowledge the complaint within **10 days in writing** and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
 - 3) The City Clerk shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the City.
 - 4) The City Clerk shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Approved By:

Bruce Davis, Mayor

Name and Title of Chief Elected or Executive Officer	Signature	Date
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THE PROHIBITION OF THE USE OF EXCESSIVE FORCE FOR CDBG GRANTEES

WHEREAS, the **City of Lumberton**, as the recipient of federal funding through the Community Development Block Grant (CDBG) Grant program;

WHEREAS, Title 1 of the Housing and Community Development Act (HCDA) of 1974, Section 519 of Public Law 101-144, and 1990 HUD Appropriations Act requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

WHEREAS, all recipients of CDBG funds are further required to follow a policy enforcing applicable federal, state and local laws against physically barring entrances or exists to a facility that is the subject of a non-violent demonstration;

WHEREAS, **City of Lumberton** endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy; and

WHEREAS, the failure to enforce such policy may cause the **City of Lumberton** to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED:

SECTION 1: It is the Policy of the **City of Lumberton** that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and non-violent civil rights demonstrations within the its boundaries.

SECTION 2 It is the Policy of the **City of Lumberton** to enforce applicable federal, state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

SECTION 3: The **City Council** will coordinate with the local law enforcement agency(ies) to implement this Resolution.

PASSED BY THE **LUMBERTON CITY COUNCIL, LUMBERTON, NORTH CAROLINA.**

Adopted this _____ day of _____, 2025.

ATTEST:

Bruce Davis, Mayor

Clerk

City of Lumberton

CDBG Programs

Equal Employment and Procurement Plan

The City of Lumberton maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the *City* prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The *City* shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the *Mayor and/or other persons designated by the Chief Elected Official* to assist in the implementation of this policy statement.

The *City* shall development a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the *Chief Elected Official*.

The *City* is committed to this policy and is aware that with its implementation, the *City* will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this _____ day of _____, 2025.

Bruce Davis, Mayor

ATTEST:

(Clerk)

CODE OF CONDUCT

CDBG NR PROGRAM CITY OF LUMBERTON

- A. This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.
- B. No employee, officer or agent of City shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - 1. The employee, officer or agent;
 - 2. Any member of his immediate family;
 - 3. His or her partner; or
 - 4. Any organization which employs or is about to employ any of the above,has a financial or other interest in the firm selected for award.
- C. City officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.
- D. City at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
- E. All violations of these standards deemed by the Council to be in excess of minimum levels determined in No. 4, will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the City Board of Councilmen.

Adopted this ____ day of _____, 2025.

Bruce Davis, Mayor
Name, Title

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

This Residential Anti-Displacement and Relocation Assistance Plan is prepared by the **City of Lumberton** in accordance with the Housing and Community Development Act of 1974, as amended; and HUD regulations at 24 CFR 42.325 and is applicable to our CDBG¹ projects.

MINIMIZE DISPLACEMENT

Consistent with the goals and objectives of activities assisted under the Act, the **City** will take the following steps to minimize the direct and indirect displacement of persons from their homes:

- ☐ Coordinate code enforcement with rehabilitation and housing assistance programs.
- ☐ Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
- ☐ Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.

CDBG programs include: Entitlement Community Development Block Grant (CDBG) Program, State CDBG Program, CDBG Small Cities Program, Section 108 Loan Guarantee Program, CDBG Special Purpose Grants Program, and the Neighborhood Stabilization Program (NSP).

- ☐ If feasible, demolish or convert only dwelling units that are not occupied or vacant occupiable dwelling units (especially those units which are "lower-income dwelling units" (as defined in 24 CFR 42.305).
- ☐ Target only those properties deemed essential to the need or success of the project.
- ☐ Other: (*Describe*)

A. Relocation Assistance to Displaced Persons

The **City** will provide relocation assistance for lower-income tenants who, in connection with an activity assisted under the CDBG Program[s], move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

B. One-for-One Replacement of Lower-Income Dwelling Units

The **City** will replace all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the CDBG Program[s] in accordance with 24 CFR 42.375.

Before entering into a contract committing **City** to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the **City** will make public by publication in a newspaper of general circulation and submit to State CDBG Program(s) North Carolina Department of Commerce (NC DOC) the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of lower-income dwelling units by size (number of bedrooms) and location on a map of the replacement lower-income housing that has been or will be provided. *[See also 24 CFR 42.375(d)].*
5. The source of funding and a time schedule for the provision of the replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a lower-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of lower-income dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the HUD-approved Consolidated Plan and 24 CFR 42.375(b).

To the extent that the specific location of the replacement dwelling units and other data in items 4 through 7 are not available at the time of the general submission, the **City** will identify the general location of such dwelling units on a map and complete the disclosure and submission requirements as soon as the specific data is available.

C. Replacement not Required Based on Unit Availability

Under 24 CFR 42.375(d), the **City** may submit a request to the State (NC DOC) for a determination that the one-for-one replacement requirement does not apply based on objective data that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a non-discriminatory basis within the area.

D. Contacts

The **Community Development Administrator at 919-671-3844** is responsible for tracking the replacement of lower income dwelling units and ensuring that they are provided within the required period.

The **Community Development Administrator at 919-671-3844** is responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any dwelling unit or the conversion of lower-income dwelling units to another use.

Adopted this _____ day of _____, 2025.

Bruce Davis, Mayor

ATTEST:

**GRANT PROJECT ORDINANCE
2024 CDBG-NR PROGRAM
CITY OF LUMBERTON**

Be it ordained by the Lumberton City Council that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Community Development project described in the work statement contained in the grant agreement #23-C-4170 between this unit and the Department of Commerce. This project is more familiarly known as the Lumberton 2024 Community Development Block Grant Project Neighborhood Revitalization.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the Department of Commerce and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant	\$950,000.00
TOTAL	\$950,000.00

Section 4. The following amounts are appropriated for the project:

C-1 Rehabilitation	\$855,000.00
C-1 Administration	\$95,000.00
TOTAL	\$950,000.00

Section 5. The finance officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The finance officer is directed to report annually on the financial status of each project element in Section 4 and on the total grant 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 grant project in every budget submission made to this board.

Section 9. Copies of this grant project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Adopted this _____ day of _____, 2025.

Bruce Davis, Mayor
Name, Title

CITY OF LUMBERTON

OPTIONAL COVERAGE RELOCATION PLAN 2024 CDBG NR PROGRAM

Organization and Administration

The City of Lumberton (hereinafter called "City") will administer and coordinate all relocation activities (temporary or permanent) resulting from Community Development activities. Citizens displaced by Community Development Program activities are eligible to receive relocation assistance. The financial assistance is in a form as permitted under implementing regulations at 49 CFR part 24 and the Uniform Relocation Assistance and Real Property Acquisition Policies act of 1970, as amended.

Definition of a "Displaced Person"

A displaced individual is someone whose home, which is located within the Community Development Activity Area, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced as a result of program activities such as housing rehabilitation or reconstruction.

Definition of "Standard Housing"

A dwelling unit is in standard condition if it is decent, safe, and sanitary. A dwelling unit is considered decent, safe, and sanitary if (a) it is in good repair and is weathertight, with no leakage nor dampness; (b) it has no health, fire nor safety hazards within the structure or in the immediate vicinity; (c) it has running water, a private sewer-connected to a flush toilet, and a bathroom for exclusive use of the occupant, with tub or shower with hot and cold running water, all within the dwelling unit; (d) it has permanent, reasonably efficient kitchen facilities for exclusive use of the occupant, including sink with hot and cold running water, cooking stove connections, shelves and storage space for food and utensils; (e) it has facilities or connections for washing and drying clothes; (f) it is large enough to accommodate the occupants without overcrowding; (g) it is equipped with adequate heating facilities; (h) it is adequately ventilated by at least one operable window in every room and is screened, or screens are available; (i) it is wired for electricity; and (j) it is located in a neighborhood which is free from industrial and other nuisances, is supplied with the community facilities of a standard neighborhood, and is reasonably accessible to transportation, school, churches and stores.

It is intended that all dwellings into which displaced families relocate will be inspected by the City. If the dwellings are not found to be decent, safe and sanitary, the move will be considered temporary relocation.

Optional Coverage for the City of Lumberton, North Carolina

The City's Community Development Program shall undertake relocation that may not be covered automatically under the URA such as would be the case with voluntary demolition. The

City intends for these persons to be served at the same levels as those described under the URA and will use this Optional Coverage Relocation Plan to establish this coverage. Under this Plan, the City of Lumberton shall provide relocation payments and assistance to the following:

1. Homeowners and their families who are displaced by rehabilitation activity of a dwelling located within the Community Development Area by the City. This will be effective only when the City makes the request for the occupant to move.
2. Homeowners and their families who are displaced by the voluntary demolition of a dwelling occupied by the families and located within the Community Development Area.

Relocation Assistance to Families and Individuals

The City shall provide relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation as deemed necessary and reasonable to support the relocation, assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service and economic assistance programs as they are available.

Temporary Relocation

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. The City will only pay for the cost of the lodging during the temporary relocation time period. A maximum allowable per night charge shall be established prior to the move. Relocates are required to submit receipts to the City documenting the expenses for which they are requesting reimbursement.

Moving Expense Payment

A permanently displaced individual or family covered under this Plan shall be eligible to receive a moving expense payment in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). Specifically referenced is the following section of the URA:

1. Section 24.302 – Fixed payment for moving expenses – residential moves.

The relocatee will receive payment on the basis of the moving expense schedule (Fixed Rate Method) which is prepared by the U.S. Department of Transportation and shown below for the State of North Carolina.

Occupant Owns Furniture								Occupant Does Not Own Furniture		
Number of Rooms of Furniture										
1	2	3	4	5	6	7	8	Each Add. Room	First Room	Each Add. Room
550	750	1050	1200	1350	1600	1700	1900	150	350	50

Under the Fixed Rate method, it should be noted that certain rooms are excluded from the calculations. These include unfurnished or unused rooms, halls, bathrooms, attics, porches, garages, dressing rooms and utility rooms. However, should the relocatee have sufficient storage room in the above stated rooms, the City may count one additional room for the sum of these, but this is not to exceed one additional room for the calculation of the number of eligible rooms in the dwelling.

Replacement Housing Payment

A permanently displaced individual or family covered under this Plan shall be eligible to receive replacement housing payments in accordance with the following sections of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended (URA). Specifically referenced are the following sections of the URA:

1. Section 24.401 – 180 Day Homeowners
2. Section 24.403 – Additional Rules
3. Section 24.404 – Replacement Housing of Last Resort

Complaint Procedure

The City conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, the City solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The City has adopted the following Complaint Procedure:

Should any individual, family or entity have a complaint concerning the City of Lumberton Community Development Program, the complaint should first be discussed with the Project Manager. **ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.**

If the complaint cannot be resolved in this manner, a meeting with the City Manager, to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within ten (10) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing, within ten (10) calendar days.

If the citizen is dissatisfied with local response, they may **write** to the North Carolina Department of Commerce, Division of Community Assistance (DCA), 4313 Mail Service Center, Raleigh, North Carolina 27699-4313. DCA will respond **only to written comments** within ten (10) calendar days of the receipt of the comments.

Bruce Davis, Mayor

DATE

PROGRAM POLICIES

CDBG PROGRAM

CITY OF LUMBERTON

ADOPTED BY THE CITY COUNCIL OF LUMBERTON:

Bruce Davis, Mayor

Date

PROGRAM POLICIES

The policies contained in this document will serve as administrative guidelines for the Lumberton Community Development Block Grant Program. In the case of unforeseen hardship or inconvenience, these standards may be varied with the written permission of the Mayor. However, any variations made will not result in actions contrary to the Lumberton CDBG Application and DOC Regulations.

I. PROJECT AREA COMMITTEE

The CD Project Area Committee (PAC) will be composed of three members (1 council member, the City Clerk and the Mayor). The council member will be appointed by the Mayor, and any vacancy shall be immediately filled by the appointment of the Mayor. The PAC shall hold quarterly meetings when necessary and make diligent efforts to provide a liaison between the area citizens and the program administration. Responsibilities of the PAC will include:

- A. Review and comment on the program guidelines.
- B. Provide coordination and contact between the project area residents and the administrative personnel.
- C. Conduct meetings to review the progress of the program.
- D. Recommend program revisions to the administrative personnel as the project develops.
- E. Review recommended action to be taken on grievances.
- F. Conduct a public hearing prior to the close-out of the programs to obtain comment on the success of the project.
- G. Review and make recommendations on all community development programs and/or budget amendments.

II. HOUSING REHABILITATION

A. General

- 1. All homeowners and landlords are responsible for the correction of housing code violations of their housing facilities in the CDBG Target Area. The Program Administrator in conjunction with the local Code Enforcement Officer (as needed) will inspect each dwelling unit to determine what must be done to bring affected structures up to a minimum standard. Owners will be notified of all deficiencies.
- 2. Financial and counseling assistance will be provided by the CDBG program through grants and loans to homeowners and landlords for the correction of housing code deficiencies. Receipt of CDBG financial assistance will not be mandatory. The homeowner or landlord may correct all housing deficiencies through means other than the CDBG Program.

3. CDBG rehabilitation assistance will be provided for the correction of housing code deficiencies only.
4. Homeowners and landlords may, at their discretion, receive CDBG rehabilitation assistance for materials only and provide labor through other sources.
5. The City will act as the property owner's agent with respect to CDBG housing rehabilitation activities. Upon completion of rehabilitation activities, the property owner will be notified that code violations in the structure have been corrected.

B. Program Application Budget Amounts and Limits

1. Per unit amounts budgeted within the 2021 CDBG Application for various sets of proposed activities are as follows:

a.	Frame Built Reconstruction	\$ <u>177,750.00</u>
b.	Frame Built Rehabilitation	\$ <u>N/A</u>
c.	Mobile Homes	\$ <u>N/A</u>
2. The maximum allowable financial participation amount is the lesser of \$70.00 per square foot or \$72,000.00 per unit for Rehabilitation. The City anticipates rehabilitation costs between major and minor units will average out to the respective amounts budgeted. The City recognizes that some additional deficiencies may exist or be uncovered during the rehabilitation work. In order to correct these deficiencies, the bid amount may be amended by up to 15% by the Program Administrator. This limit is not applicable to Reconstructions.
3. Any expenditure over the bid amount plus 15% may be initially authorized by the Mayor for two reasons: One, to remove imminent threats to health and safety, and two, if the market value of the unit after rehabilitation work is completed will be more than the contract amount.
4. Any unit with a proposed rehabilitation cost exceeding the maximum allowable amount will be reviewed by the Mayor and C.D. Administrator. These units will be either referred for demolition or held until the end of housing activities to see if sufficient funds are available for rehabilitation. If sufficient funds are available, the Mayor and C.D. Administrator will review whether to proceed with a request for substantial reconstruction or relocation.

C. Rehabilitation Priorities and Contract Procedures

1. In general, the priority for selecting housing for assistance shall follow the following priorities:
 - a. LMI Owner occupied grant/loan financing
 - b. LMI Tenant occupied grant/loan financing – N/A
 - c. Above LMI Owner occupied loan financing – N/A
 - d. Above LIM Tenant occupied loan financing – N/A
 - e. Vacant units – N/AWithin each of the above categories, the elderly, handicapped or most underprivileged shall receive priority. However, the C.D. Administrator may deviate from these priorities if it is in the best interest of the Program.
2. All procurement and contract procedures will be completed in accordance with 2 CFR 200. An advertisement for bids will be sent to rehabilitation contractors and write-ups made available. Sealed bids will be received and read aloud. The C.D. Administrator will review the bids and recommend award. The Mayor may award the bids and execute grant and loan contracts or applicable Deeds of Trust. Upon approval of the Mayor, the C.D. Administrator will issue the Notice to Proceed. The C.D. Administrator may approve and execute all contract change orders as necessary within the limits set forth in Section I.B.2. Above.
3. The City of Lumberton will have no responsibility for the execution of private agreements nor will it allow any such agreements to hinder or interfere with contracted rehabilitation activities.

D. Coordination with Property Owners

At a minimum, the following items will be reviewed with property owners except in the case of unforeseen circumstances:

1. All housing code deficiencies.
2. The proposed financing arrangement, grant or loan.
3. Decisions on rehabilitation, delay or demolition of the unit.
4. Procedures concerning bidding, contracts and construction.
5. Contract completion and closeout.
6. If the property owner disagrees with any of the information and decisions presented, appeal of the decision can be processed through the complaint procedure.

E. Income Requirements

Income guidelines for determining grant and loan financing are those provided by

HUD as meeting low-moderate income limits. These figures are revised yearly, and the most current figures will apply. Income will be based on total household income of all people over 18 years of age. The eighteen-year-old exclusion does not apply for determining beneficiaries.

F. Grant/Loan Program

The type of assistance which will be made available for the correction of code deficiencies depends on the factors listed below:

1. Owner Occupied or Rental
2. Household Income - Owner
3. Household Income - Tenant
4. Household Income - Landlord
5. Amount of Monthly Rent

The specific design of the Loan Program can be found as an attachment at the end of these policies. See ATTACHMENT I.

G. Rent Freeze and Recapture Provisions

Whenever CDBG funds are used to rehabilitate a structure, rent freeze and recapture provisions shall apply. These provisions can also be found as an attachment at the end of these policies. See ATTACHMENT I. All recapture provisions shall be secured by a promissory note and deed of trust held on the property. Therefore, each property must have a clear title sufficient for execution of the deed of trust. It shall be the responsibility of the owner to insure the clear title.

H. Housing Code

1. All rehabable houses in the CDBG area must be brought up to minimum housing code during this program. Reproduced and found at the end of these policies is the N.C. Small Cities CDBG Housing Rehabilitation Standards which is the minimum accepted by N.C. DOC.
2. When conducting the rehabilitation investigation and construction, the following priorities will apply:
 - a. Provisions of a safe, sanitary water supply and adequate sewage disposal to include provisions of indoor plumbing and hot water service.
 - b. Elimination of major structural defects which are creating hazardous conditions due to unsafe electrical systems, etc.
 - c. Weatherization of the unit.
 - d. Control of insects, rodents and infestations.
 - e. Elimination of minor structural defects.

- f. Landscaping to eliminate health hazards.

I. Substantial Rehabilitation

For the purposes of the CDBG program, substantial rehabilitation is defined as the lesser of the two following standards: total CDBG rehabilitation costs for the unit exceed \$72,000.00; or total CDBG rehabilitation costs exceed \$70 per square foot of heated, occupiable space. DOC approval must be obtained where substantial reconstruction is proposed as part of a neighborhood rehabilitation effort. In order to receive DOC approval, justification for substantial rehabilitation must be based on the following two circumstances:

- (1) The estimated cost of reconstruction is at least 20 percent less than the estimated cost of purchasing comparable newly constructed housing (including land) in the locality's jurisdiction; and
- (2) The estimated cost of the reconstruction (excluding demolition, site preparation and temporary relocation) is less than the fair market value of the reconstructed housing and land.

III. FORMS AND AGREEMENTS

In applying the previously discussed rehabilitation activities, incomes must be verified, construction work let, agreements executed and construction completed. Provided in the Master Rehab Casefile are the forms to be used for these activities. The Future Deed of Trust forms and Loan Agreements are not included because these forms will be approved by the Program Attorney prior to use.

IV. ACQUISITION

- A. Acquisition of land is necessary in the following situations under the CDBG program:
 - 1. Acquisition of lots to remove dilapidated structures: Code Enforcement.
 - 2. Acquisition of Right-of-Way necessary for parks, streets, drainage or other public facilities improvements: Eminent Domain.
 - 3. Acquisition of a permanent easement for items in No. IV.A.2.
- B. General guidelines which will apply to code enforcement acquisition (structures) are listed below. These guidelines may be varied by the Board of Commissioners of Lumberton due to the broad nature of acquisition activities.
 - 1. A structure must be acquired and demolished when it is determined to be economically "beyond repair".
 - 2. A structure must be acquired and demolished if it is an imminent threat to health and safety.
 - 3. A structure must be acquired and demolished if the proposed rehabilitation cost is clearly more than the after rehabilitation market value. To salvage an existing structure, property owners may contribute directly to the rehabilitation cost in order for the structure to be eligible for rehabilitation

assistance.

- C. When it has been determined by the Program Administration that a structure must be acquired and demolished, one of the following two methods may be used:
1. The property owner may execute a voluntary demolition agreement and temporary demolition easement. With this agreement, the CDBG Program will demolish the structure, clear all debris, and reseed the lot. The property owner will retain ownership of the lot.
 2. If the property owner does not wish to execute a voluntary demolition agreement, the acquisition procedure listed in IV.D. below will be followed to purchase the structure and the parcel of land. The CDBG Program will demolish the structure and resell the property in accordance with municipal disposition procedures.
 3. When acquired property is offered for sale, it must be advertised and offered for sale to low-and-moderate income individuals and construction of a residential unit must start within 12 months. If there is no interest from LMI persons, the property must be re-advertised with only the 12-month restriction remaining.
- D. The steps necessary for acquisition of any property in the CDBG Program are as follows:
1. Title certification.
 2. Land survey.
 3. Appraisal of the property if expected value is over \$2,500.00 - property owner must be invited to accompany the appraiser.
 4. Second Appraisal of the property if it is a complex appraisal - property owners must be invited to accompany the appraiser.
 5. Appraisal Review by the Mayor, C.D. Administrator and Board of Commissioners.
 6. Establishment of Just Compensation by the Board of Commissioners.
 7. Written offer to purchase to the property owner.
 8. Negotiation with the property owner.
 9. Upon agreement, the property is purchased.
 10. If agreement cannot be reached, the matter is referred to the attorney for condemnation through code enforcement.

V. **RELOCATION**

Whenever a dilapidated structure is occupied, these people must be relocated to "standard housing" which is safe, sanitary, and decent. Relocation shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646). During the program execution, the Board of Commissioners of Lumberton may adopt an "Optional Coverage Relocation Plan" if circumstances deem treatment through other than Uniform Act procedures will be appropriate. All efforts will be made during the CDBG program to minimize displacement.

VI. COMPLAINT PROCEDURE

Whenever conflict arises during the program, target area residents will have the following procedure for dealing with complaints. All complaints must be made in writing and will be responded to within 10 working days from the date of receipt.

- A. Submit complaint to the Program Administrator at the City Hall, and the Program Administrator will issue a written response to the complaint.
- B. If resolution is not obtained, the complaint will be forwarded to the City Clerk by the complainant. A meeting with the complainant, Program Administrator and City Clerk will be held, and the City Clerk shall issue a written response to the complainant.
- C. If resolution is not obtained, the PAC shall conduct a hearing with the complainant, Program Administrator and the City Clerk to hear all sides of the complaint. The PAC shall issue a written opinion to the complainant and to the City Council of Lumberton.
- D. If resolution is still not obtained through the PAC, the City Council of Lumberton shall review the complainant's statement, previous written statements by the Program Administrator and the City Clerk, and the written opinion of the PAC. The Council shall make a decision which will be final.
- E. The Council's decision will be given to the complainant along with the name and address of DOC and project representative for the CDBG program.

VII. CODE OF CONDUCT

- A. This Code shall govern the performance of officers, employees, and agents engaged in the award and administration of contracts supported by Federal funds.
- B. No employee, officer or agent of the City shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - 1. The employee, officer or agent;
 - 2. Any member of his immediate family;
 - 3. His or her partner; or
 - 4. Any organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.
- C. City officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.

- D. The City, at its discretion may make determinations of minimum rules where financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.
- E. All violations of these standards deemed by the Council to be in excess of minimum levels determined in Item VII. D., will result in penalties, sanctions or disciplinary action as required by State and Local laws and regulations or as deemed appropriate by the City Council.

VIII. CITIZEN PARTICIPATION

- A. Citizen participation shall be consistent with all requirements of the CDBG Regulations. All said regulations shall be strictly adhered to. This citizen participation plan shall include the following actions by the CDBG recipient:
 - 1. Solicit and respond to citizen views and proposals. Respond to written comments within 10 calendar days.
 - 2. Provide technical assistance to groups so requesting to facilitate participation and proposals.
 - 3. Provide notices of public hearings in a timely manner. Notice to be given 10-25 days before public hearings.
 - 4. Schedule public hearings to permit broad citizen participation.
 - 5. Hold the following public hearings at a minimum:
 - a. Prior to formulation of CDBG Application
 - b. After Application formulation but prior to submission
 - c. Prior to submission of every program amendment
 - d. Prior to submission of closeout documents
 - 6. Provide for needs of non-English speaking citizens where a significant number of non-English speaking participants are anticipated.

Any other requirements of T15:13L.1002 shall be herein incorporated by reference.

IX. PROCUREMENT POLICY

- A. All procurement shall be conducted in accordance with 2 CFR 200.

Lumberton Language Access Plan (5-Year Plan)

Providing Meaningful Communication with Persons with Limited English Proficiency

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

POLICY:

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **City of Lumberton** will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

DEFINITIONS:

Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

Title VI Compliance Officer: The person or persons responsible for administering compliance with the Title VI LEP policies.

Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency which is Spanish.

PROCEDURES:

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

- i. The ***City of Lumberton*** will set benchmarks for translation of vital documents into additional languages. *(please ensure to keep records of those documents that apply to your agency)*
- ii. When translation of vital documents is needed, the ***City of Lumberton*** will submit documents for translation into frequently-encountered languages.
- iii. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

4. PROVIDING NOTICE TO LEP PERSONS

The ***City of Lumberton*** will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

Main Lobby *(Include those areas that apply to your agency).*

Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations

Local Newspaper *(Include those that apply to your agency).*

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, The ***City of Lumberton*** will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, The ***City of Lumberton*** will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

I. Compliance Procedures, Reporting and Monitoring

A. Reporting

SUBMITTED AND ADOPTED BY:

Bruce Davis, Mayor

Name of Mayor or Chairman of Board

Signature of Mayor or Chairman of Board

Date

CITY OF LUMBERTON
500 N. Cedar St.
Lumberton, NC 28358

SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT

The Governing Body of the City of Lumberton, hereby designates the City Clerk to serve as Section 504 Compliance Officer throughout the implementation of the City of Lumberton Community Development Block Grant Program.

Citizens with Section 504 grievance may do so at any point in the program. The Locality will respond in writing to written citizen grievances. Citizen grievances should be mailed to: City Manager, P.O. Box 1388 Lumberton, NC 28359, 910-671-3800. The City of Lumberton will respond to all written citizen grievances within ten (10) days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any actions prohibited under Section 504, a meeting with the Compliance Officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce (NCDOC), Rural Economic Development Division (REDD):

Mailing Address - 4346 Mail Service Center, Raleigh, North Carolina, 27699-1633

NCDOC will respond only to written comment within ten (10) calendar days of the receipt of the comment.

This information is available in Spanish or any other language upon request. Please contact Stephanie Canady at 910-671-3844 or at P.O. Box 1388 Lumberton, NC 28359 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 P.O. Box 1388 Lumberton, NC 28359 de alojamiento para esta solicitud.



Adopted this _____ day of _____, 2025.

Bruce Davis, Mayor

ATTEST: _____

Stephanie Canady
Community Development Administrator

Local Jobs Initiative
Section 3 Plan
Local Economic Benefit for Low- and Very Low-Income Persons
CITY OF LUMBERTON

I. APPLICATION AND COVERAGE OF POLICY

NC Commerce and any of its sub-recipients are committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, *NC Commerce and any of its sub-recipients* of the City of Lumberton has developed and hereby adopts the following Plan:

NC Commerce and any of its sub-recipients will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include *NC Commerce and any of its sub-recipients* and portions of the immediately adjacent area.

NC Commerce and any of its sub-recipients will be responsible for implementation and administration of the Section 3 plan. In order to implement the *NC Commerce and any of its sub-recipients*' policy of encouraging local residents and businesses participation in undertaking community development activities, the *NC Commerce and any of its sub-recipients* will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, *NC Commerce and any of its sub-recipients* will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The *State of North Carolina and any of its sub-recipients* will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources

State CDBG, Section 3 Template-English December 2017

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Section 3.docx

of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre- bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Sampson County Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. Community Investment and Assistance (CI) should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

NC Commerce and any of its sub-recipients will take the following steps to assure that low income residents and businesses within the community development project area and within the ***City*** are used whenever possible: (Describe below)

The City will keep a record of interested residents and businesses within the community development project area and within the City to use upon the need for solicitation of need for services. The City will advertise the local distributed newspaper encouraging all low income persons and Section 3 businesses to participate in activities related to the project.

(Example: Place qualified residents and businesses on solicitation lists, assure that residents and businesses are solicited whenever they are potential sources of contracts, services or supplies; divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses; establish delivery schedule, where the requirements permits, which encourages participation by area for residents and businesses)

Please check the methods to be used for the Section 3 program in your community:

☒ ***NC Commerce and any of its sub-recipients*** will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.

State CDBG, Section 3 Template-English December 2017

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Section 3.docx

- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which the **City** will maintain a list for individuals and business concerns inquiring information

☐ Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

☒ Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the City Hall

☐ Other (describe):

NC Commerce and any of its sub-recipients will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

- 1. Encourage rehabilitation contractors to hire local area residents
- 2. Encourage public works contractors to hire local area residents

NC Commerce and any of its sub-recipients will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

- 1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
- 2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
- 3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

III. RECORDS AND REPORTS

NC Commerce and any of its sub-recipients will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of State CDBG, and federal agencies access to books, records, and premises for

State CDBG, Section 3 Template-English December 2017

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purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

NC Commerce and any of its sub-recipients shall report annually the Section 3 numbers using the form HUD 60002 to State CDBG at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

NC Commerce and any of its sub-recipients may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Stephanie Canady
P.O. Box 1388
Lumberton, NC 28359
910-671-3844
scanady@ci.lumberton.nc.us

Adopted this _____ day of _____, 2025.

Bruce Davis, Mayor

ATTEST: _____

Lumberton City Council

Item: VII.D.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Attorney

Submission Date: 03/27/2025

Subject: Request from UNC Health Southeastern to Designate 2 Parking Spots as Reserved

Summary/Background of Subject Matter:

UNC Health Southeastern has requested of the Police Chief that two city parking spaces on W. 27th Street be designated for use by on-call OB/Gyn MDs only. The spaces would be, on the first picture, where the red truck is parked, and the one right behind it. The second attachment is just the same spaces taken from the east (with different vehicles present). Council would need to decide whether the need warrants dedicating the space as requested. If so, Council should also consider a charge for the exclusive use of these spaces. Generally the law is that local governments cannot convey or lease property to a private entity without charge.

Staff Recommendation:

Consider the request.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Attorney

ATTACHMENTS:

1. Pic2
2. 27th St Parking_ 2





W. 27th St. in front of the D & T building

Can we make 2 of these spaces designated parking spots?

Lumberton City Council

Item: VII.E.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Public Works

Submission Date: 03/27/2025

Subject: Lead and Copper Inventory Agreement Amendment #1

Summary/Background of Subject Matter:

The City has been awarded a second, \$1,000,000 Lead and Copper Inventory grant/loan from the North Carolina State Revolving Fund. Council selected the Wooten Company as the engineer for the first \$1,000,000 grant the City received from SRF. Public Works is requesting Council amend the original agreement with the Wooten Company, allowing them to proceed with Phase 2 of the Lead and Copper Inventory.

Staff Recommendation:

Public Works is requesting Council to approve amendment 1 of the Professional Services Agreement with the Wooten Company for \$1,000,000 for Phase 2 of the Lead and Copper Inventory to be paid for by the \$1,000,000 principal forgiveness / loan from the North Carolina State Revolving Fund.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Public Works

ATTACHMENTS:

1. 250326_Lumberton_Amendment 1 (2799-DF)

**AMENDMENT NO. 1
TO THE
ENGINEERING SERVICES AGREEMENT
BETWEEN
THE CITY OF LUMBERTON
AND
THE WOOTEN COMPANY
DATED OCTOBER 9, 2024
MARCH 19, 2025
TWC PROJECT # 2799-DF**

The following Amendment shall become a part of the Contract Agreement.

1. The work covered by the Amendment includes Field Investigation and Report Preparation services. Field Verification includes pothole excavation of water services in the Phase 2 portion of the City's water distribution system to comply with State and EPA requirements. Field work will be initiated in the Phase 2 area to provide the required sampling and if current funds are still available, will move to beyond that area to the next area designated by the City.

2.

Description of Work	Original Contract Amount	Amendment #1 Amount	New Total Contract
Historical Records Review	\$30,000		\$30,000
Field Work (Excavation, Potholing, Material Identification)	\$890,000	\$925,000	\$1,815,000
Data Entry	\$30,000	\$20,000	\$50,000
Field Coordination	\$15,000	\$20,000	\$35,000
Final Report	\$25,000	\$25,000	\$50,000
Funding Administration	\$10,000	\$10,000	\$20,000
Total Project Cost	\$1,000,000	\$1,000,000	\$2,000,000

3. SIGNATURES

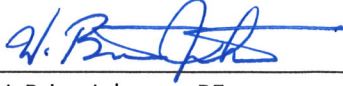
IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

CITY OF LUMBERTON

**LE WOOTEN & COMPANY dba
THE WOOTEN COMPANY**

Wayne Horne
City Manager

Date


W. Brian Johnson, PE
Vice President

Date

3/26/25

PRE-AUDITED STATEMENT

This instrument has been pre-audited in a manner required by the Local Government Budget and Fiscal Control Act.

Print Name: Henry (Hank) G. Lewis, Jr.

Title: Director of Finance

By (Signature): _____

Date Signed: _____

Lumberton City Council

Item: VII.F.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Public Works

Submission Date: 03/28/2025

Subject: Engineer Selection for the Water Street Retaining Wall Improvements Project

Summary/Background of Subject Matter:

On February 27th, Public Works received responses to the Request for Qualifications for Engineering Services to investigate and engineer a solution for the segment of the failing river retaining wall at the 300 block of Water Street. The Wooten Company was the only company to submit a response.

Staff Recommendation:

Public Works recommends Council select the Wooten Company as the Engineer for the Water Street Retaining Wall Improvements Project. Once the firm is selected, Public Works will request a formal agreement from the firm, which will be brought back to Council for final approval.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Public Works

ATTACHMENTS:

1. Lumberton - Water Street Retaining Wall



CITY OF LUMBERTON

WATER STREET RETAINING WALL IMPROVEMENTS

FEBRUARY 26, 2025

Wooten

COVER LETTER

February 26, 2025

Rob Armstrong
City of Lumberton
215 S Cedar St
Lumberton, NC 28359



RE: Statement of Qualifications – Water Street Retaining Wall Improvements

Dear Mr. Armstrong:

The Wooten Company is pleased to submit our qualifications to provide professional engineering services for the City of Lumberton's Water Street Retaining Wall Improvement Project. This is a unique and challenging project and believe we have put together the right team to tackle this. We are excited for the opportunity to continue our strong relationship in working with the City on this critical project.

On the following pages of this proposal, we will outline our plan to evaluate, design and assist the City in the construction oversight. The original designers of the stone wall knew what they were doing to have it lasted for close to a century. But with any structure, time and mother nature can take its toll. We believe a feasible solution can be obtained without impacting the existing wall and providing a secondary wall to provide protection for hopefully the next 100 years.

Our project team will be led by Lester Lowe, P.E. who has been involved in projects with the City since 2018. We are committed to clear communication, prompt coordination, and effective results, and hope that we can clearly demonstrate this in the following proposal. We invite you to reach out to us at any point during your selection process if you have questions about our proposal.

Best Regards,

THE WOOTEN COMPANY

A handwritten signature in blue ink, appearing to read 'W. Brian Johnson', with a long horizontal flourish extending to the right.

W. Brian Johnson, PE – President
919.828.0531 – bjohnson@thewootencompany.com
120 N. Boylan Ave. Raleigh, NC 27603

GENERAL INFORMATION

The Wooten Company is a privately held, multi-disciplinary firm with 100 employees focused on providing municipal engineering, surveying, and architectural services. Founded in 1936 and incorporated in 1949 in North Carolina, L.E. Wooten and Company (dba The Wooten Company) is now in its 89th year of continuous operation, making it the longest continually operated engineering consulting firm founded in North Carolina. The Wooten Company is licensed by the State of North Carolina to practice engineering and surveying (NC Certificate of Registration F-0115), and architecture (NC Board of Architecture Certificate 50430).

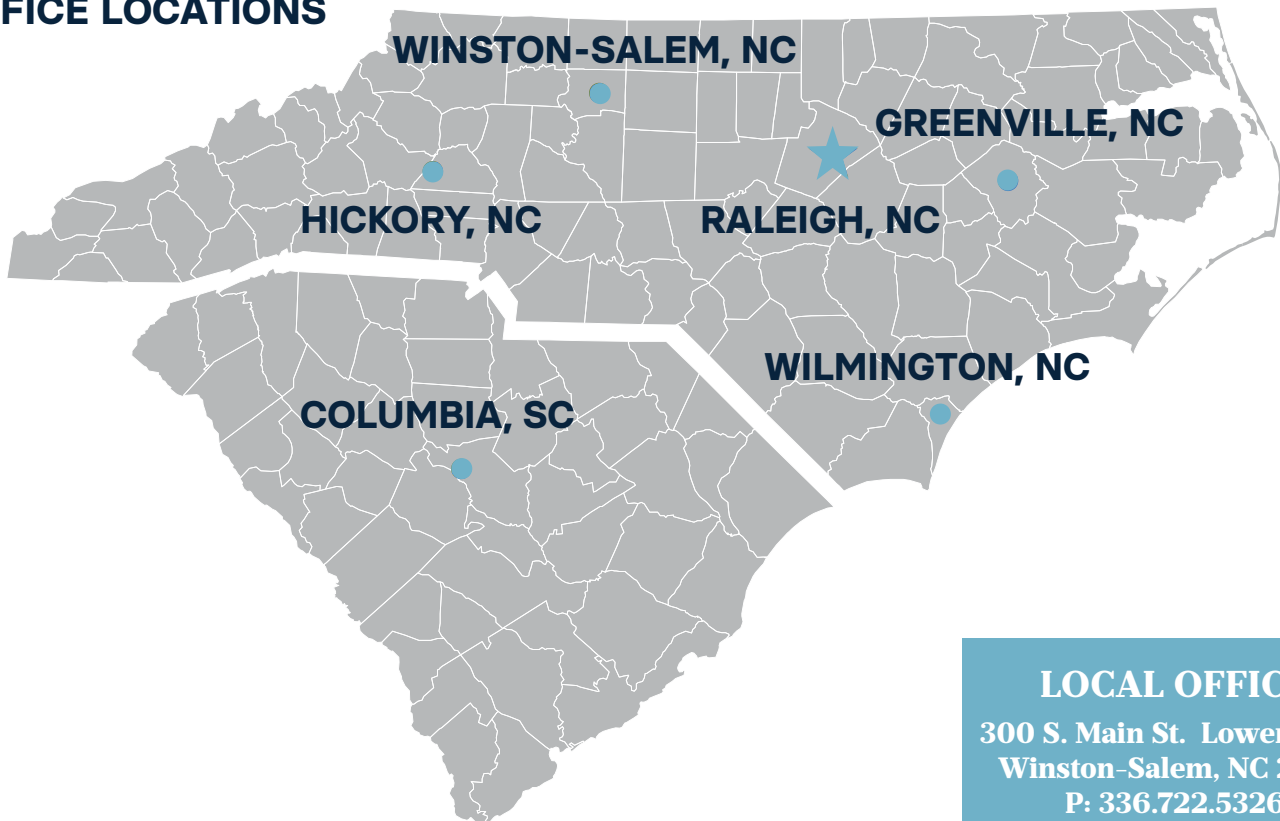
A comprehensive range of capabilities including environmental engineering, general civil engineering, geomatics, mechanical engineering, electrical engineering, plumbing engineering, and architecture affords our clients a singular point of contact for a majority of their infrastructure needs, and therefore efficient and reliable solutions that keep the taxpayer front of mind.

SPECIALTIES

- ➔ Stormwater conveyance and treatment
- ➔ Water and wastewater treatment
- ➔ Water booster pumping, storage and distribution
- ➔ Wastewater pump stations and collection
- ➔ Site/Civil design
- ➔ Roadway design and pavement condition survey
- ➔ Infrastructure planning
- ➔ Preliminary engineering and environmental assessment documents
- ➔ Surveying and Geographic Information Systems
- ➔ Water/Wastewater system modeling
- ➔ Mechanical and HVAC design
- ➔ Electrical design



OFFICE LOCATIONS



LOCAL OFFICE

300 S. Main St. Lower Level
Winston-Salem, NC 27101
P: 336.722.5326

TECHNICAL APPROACH / UNDERSTANDING

UNDERSTANDING

Old infrastructure presents many problems such as being undersized for current needs, failure/collapse, and being forgotten about and having structures built on them. In this situation, there is an existing stone/ concrete retaining wall along the Lumber River that is probably over 100 years old. Several years ago, the Town constructed a timber boardwalk overlook structure behind the Lumber River United Way building located on N Water St. Recently, the Town identified a noticeable sinkhole behind the boardwalk structure that forced the Town to close the overlook in an abundance of caution.

The desire is to install a permanent new retaining wall behind the stone/ concrete wall as secondary protection from the river and to protect the overlook structure , existing building, parking lot and City sidewalk and decorative metal fence that runs along parallel along the river.



APPROACH

Our general approach to the project would include pre-design services starting with a geotechnical investigation that would include multiple borings along the identified area. In conjunction with that, we will begin the design phase of the project with field survey work. The team will also do a quick confirmation that no wetlands or other environmental impacts are present within the project area.

Once that work is complete, we would begin our design phase to select a wall option that best fits the location and is the most feasible solution. As part of this effort, our design team would be coordinating with the City, representative of the US Army Corps of Engineers (USACOE), if deemed necessary, to verify if any permitting is required. In addition, we will do a quick hydrologic/hydraulic evaluation to confirm there are no FEMA impacts to the mapped Lumber River floodway in this area. We don't anticipate there will be any outside agency involvement, but will do our best assessment to confirm.

Once permits, if any , are obtained we will assist the City with bidding the work through a competitive bid process to assure the project cost is as practical as possible. We will assist the City with award and contracting of the project and through the construction of the project. We will provide Construction Administration which will include organizing and running the preconstruction meeting, shop drawing review schedule review, pay request review and general responses to questions from the Contractor. We will also provide part time Construction Observation to represent the interests of the City. If defective work is observed, it will be reported to the City.

If state or federal grants funding is used, we can provide funding administration if requested. This will include quarterly reports, reimbursement requests and final reporting. This service will be provided by the Funding Strategies Team led by Kevin Richards and assisted by the design team.

SCHEDULE

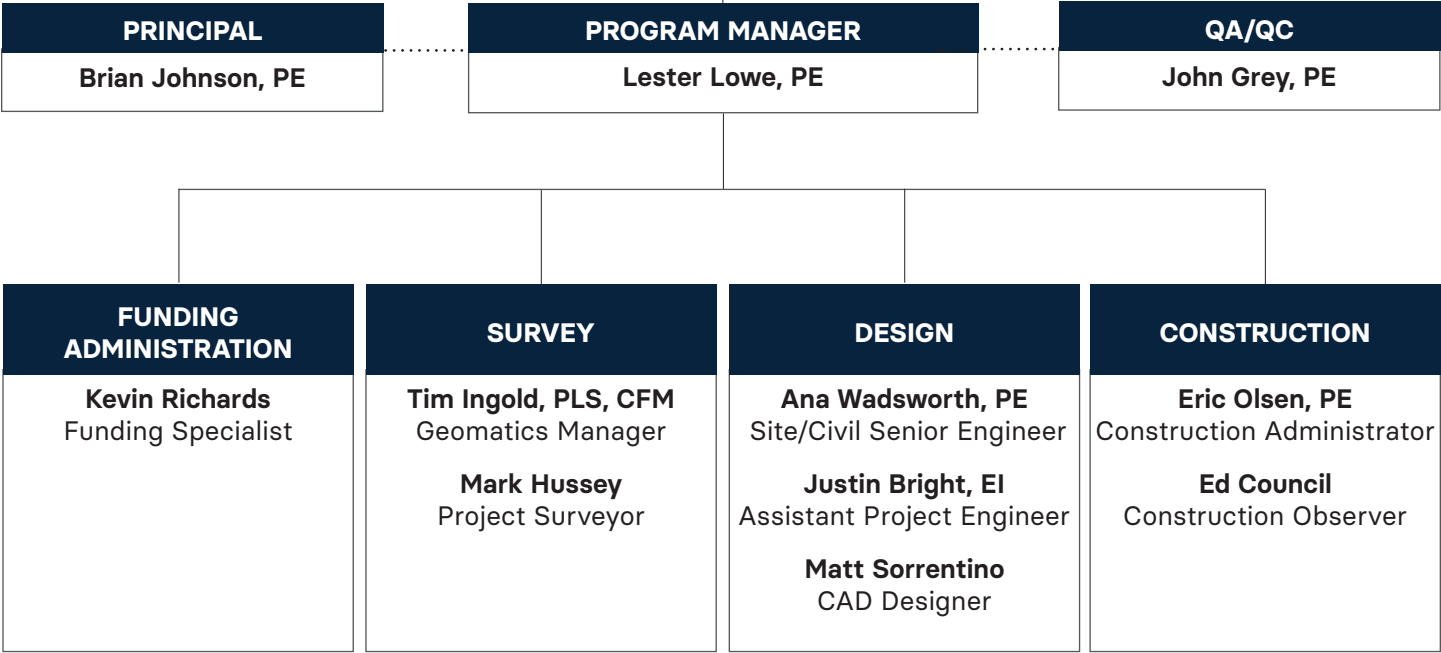
Below is an estimated project schedule based on the understanding that the project would not involve FEMA or USACOE, which could create very long review times based on previous experience.

Description	Timeline
Award/Contract/NTP	March 2025
Survey/Geotechnical	March/April 2025
Preliminary Design -65%	April/May 2025
Preliminary Cost Opinion- 65%	April/May 2025
City Review/Respond to Comments	May 2025
Final Design (90 % Permit Ready)	May/June 2025
Permitting	TBD
Bid/Award	60 days
Construction Duration	120 days



**Schedule is subject to change*

PROPOSED PERSONNEL



SUBCONSULTANTS		
Sungate Design Flood Studies	S&ME Geotechnical & Environmental Services	HMC Consultants Structural Engineering

PROPOSED PERSONNEL



BRIAN JOHNSON, PE
Principal

Brian Johnson, PE, is the Director of Engineering Services for The Wooten Company. Since 1996 Brian has applied his engineering expertise to provide planning, analysis, and design of many infrastructure projects for local governments throughout North Carolina and South Carolina. He has worked on and managed numerous projects, large and small. Brian's project responsibilities have included preliminary studies, design, permitting, and construction administration, and the details included with each project phase. In addition to his departmental duties, he continues to work as a Senior Project Manager working on projects from inception to completion, working closely with clients to ensure they receive a quality project, on time and within budget. Maintaining client satisfaction and a quality project are his ultimate goals.

Education:

BS, Civil Engineering, NCSU

Masters of Civil Engineering, NCSU

Registrations:

Professional Engineer, NC, SC; LEED AP

Relevant Projects: Lumberton First Street Drainage Study, Lumberton Tanglewood Storm Drainage, Lumberton Combined Sewer Separation, Asheboro Subdivision Stormwater Analysis, Asheboro Stormwater Evaluation at Buckhorn Drive, Asheboro Stormwater Evaluation at Colony Road, Washington Urban Stormwater Management, Oxford Goshen Street Stormwater Improvements, Oxford 2017 USDA Water & Sewer Improvements, Lumberton Elm Street & First Street Combined Sewer Separation



LESTER LOWE, PE
Program Manager

Lester Lowe brings over 35 years of experience on a variety of public and private sector civil engineering projects. A seasoned leader in the industry, he has successfully developed and managed teams through complex, full-service projects consisting of pre-design analysis phases (i.e. due diligence, alternatives analysis, stormwater management pavement assessment, and environmental assessments) through complete design fulfillment and construction administration support. Additionally, he is well versed in all aspects of full site civil design, permitting and construction phase services for institutional, commercial, industrial and residential projects. Lester serves as our Central Division Lead.

Education:

MBA, East Carolina University

BS, Civil Engineering (Construction Option), NCSU

Registrations:

Professional Engineer, NC, SC, VA

Relevant Projects: Lumberton First Street Drainage Improvements, Lumberton Pennington Park Baseball Field, Asheboro Subdivision Stormwater Analysis, Clinton Weeks St. Drainage Improvements

PROPOSED PERSONNEL



JOHN GREY, PE
QA/QC

Joining The Wooten Company in 1998 to open the firm's Asheboro Branch Office, John Grey now has over 35 years of experience in the design and construction administration phases of water distribution projects, wastewater collection projects, water and wastewater treatment projects, stormwater, and site development projects. John provides oversight and management on a variety of disciplines for the Winston-Salem Regional Office of The Wooten Company ranging from project funding strategy, to design, bidding and all the way through construction contract services.

His team's focus is on municipal clients in the where environmental stewardship, cost-effective designs and economic development are constants in every infrastructure project they perform.

Education:

BS, Civil Engineering, NCSU

Registrations:

Professional Engineer, NC

Relevant Projects: Lumberton First Street Drainage Study, Lumberton Tanglewood Storm Drainage, Lumberton Combined Sewer Separation, Asheboro Subdivision Stormwater Analysis, Asheboro Stormwater Evaluation at Buckhorn Drive, Asheboro Stormwater Evaluation at Colony Road



ANA WADSWORTH, PE
Site / Civil Project Engineer

Ana Wadsworth is a Project Manager/Engineer for the Site Development Group at The Wooten Company located in Raleigh, North Carolina. Ms. Wadsworth has almost thirteen years of experience in the site/land development industry and continues to expand her knowledge for both public and private sector projects in the area. Her background mainly includes project site design, permitting and construction administration for residential, commercial, and industrial projects. Ms. Wadsworth is responsible for site layout, grading and earthwork analysis, erosion and sediment control design, stormwater management, storm drainage and wastewater system design, water distribution, and roadway design.

Education:

BS, Civil and Environmental Engineering, University of Central Florida

Registrations:

Professional Engineer, NC

LEED AP BD+C, FL

Relevant Projects: Asheboro Subdivision Stormwater Analysis, Clinton Weeks St. Drainage Improvements, Newton W. 24th Street Stormwater Replacement



JUSTIN BRIGHT, EI
Assistant Project Engineer

Justin Bright has been part of the Site Civil Practice Group since graduation in May 2021. His experience has been focused on stormwater management in various programs in order to size, design, and model stormwater infrastructure for public and private developments. He has also worked in AutoCAD Civil3D to layout site plans, effectively grade sites, and to design roadways while ensuring drainage and utility cohesion.

Education:

BS, Environmental Engineering, NCSU

Registrations:

Engineering Intern, NC

Relevant Projects: Asheboro Drainage Feasibility Study, Lumberton First Street Drainage Improvements, Clinton Weeks St. Drainage Improvements

PROPOSED PERSONNEL



TIM INGOLD, PLS
Geomatics Manager

Timothy R. Ingold, PLS, CFS, serves as The Wooten Company's Geomatics Practice Manager. He has over 35 years of experience in the land surveying field, including over 20 years managing land surveying departments for multi-disciplined engineering and surveying firms. He has been licensed as a Professional Land Surveyor in NC since 1985. Tim has developed a comprehensive understanding of local, state, and federal laws and codes and technical standards pertinent to the geomatics practice as it applies to the protection of the public interests.

Education:

AAS, Surveying Technology, Guilford Technical CC
AAS, Civil Engineering Technology, Guilford Technical CC

Registrations:

Professional Land Surveyor, NC
Certified Floodplain Surveyor

Relevant Projects: Lumberton First Street Drainage Study, Lumberton Tanglewood Storm Drainage, Asheboro Subdivision Stormwater Analysis, Asheboro Stormwater Evaluation at Buckhorn Drive, Oxford Goshen Street Stormwater Improvements, Oxford 2017 USDA Water & Sewer Improvements, Lumberton Elm Street & First Street Combined Sewer Separation



ERIC OLSEN, PE
Construction Administrator

Eric Olsen has managed construction projects since 1984 as a Resident Engineer, Project Manager, Construction Manager and Construction Administrator. He has worked on a wide variety of infrastructure projects including heavy-highway, water and wastewater, pump stations, and utility rehabilitations throughout North Carolina. He has not only handled the administration of construction contracts for large diameter wastewater collection systems water distribution systems, and highway projects; he has estimated and built such facilities. His experience includes shop drawing reviews, payment requests, change orders, claim writing and analysis, leading project meetings and interfacing with regulatory agencies to ensure projects are built in accordance with the plans and specifications within budget and on time.

Education:

BS, Civil Engineering, NCSU

Registrations:

Professional Engineer, NC

Relevant Projects: Lumberton Tanglewood Storm Drainage, Oxford 2017 USDA Water & Sewer Improvements, Lumberton Raw Water Intake, Lumberton Raw Water Test Wells, Lumberton 2018 Priority Repairs Sewer Rehab Project



ED COUNCIL
Construction Observer

Ed Council has over 25 years experience in monitoring and observing civil engineering projects of all sizes and complexity throughout North Carolina. His observation duties include day-to-day observation on the project during the construction phase to ensure conformance to the design, approved plans and specifications, confirm pay quantities, provide observation reports and communication daily with the construction administrator. He is very proactive in identifying, and resolving, issues in documents and activities, and strives to ensure that his clients receive first class workmanship through the construction of their projects. Ed also has field surveying experience and conducts Davis-Bacon Labor Standards employee interviews for federally-funded projects.

Relevant Projects: Lumberton First Street Drainage Study, Lumberton Tanglewood Storm Drainage, Lumberton Combined Sewer Separation, Oxford Goshen Street Stormwater Improvements, Oxford 2017 USDA Water & Sewer Improvements, Lumberton Elm Street & First Street Combined Sewer Separation



KEVIN RICHARDS
Funding Specialist

Kevin Richards joined the Wooten Company in September of 2022. Kevin previously worked with the Mid-East Commission (Region Q Council of Governments) for 25 ½ years as the Director of Planning, Economic Development and Community Services. His duties included grant writing and administration for all types of economic development projects. He has successfully written and/or administered 132 grants totaling more than \$50 million in grant funding and \$108 million in total project costs. He has worked with local governments, business owners and several different grant agencies.

Education:

BS, Urban and Regional Planning, Eastern Carolina University

Relevant Projects: Lumberton Golden Leaf Flood Mitigation, Lumberton Linkhaw Road Drainage Grant Administration, Roseboro Golden Leaf Stormwater Grants

PROPOSED PERSONNEL



MARK HUSSEY
Project Surveyor

Mark Hussey has been performing engineering surveying and system evaluation duties for The Wooten Company for over 35 years. Mark’s role includes GPS infrastructure inventory and assessment, topographic surveying, construction staking and wetland, stream, and buffer delineation using conventional surveying equipment as well as GPS surveying equipment. The diversity of Mark’s experiences allows him to adapt the most recent GPS technology to almost any project in every geographic corner of North Carolina.

Registrations:
NASSCO PACP, MACP

Relevant Projects: Clinton Weeks St. Drainage Improvements, Lumberton First Street Drainage Study, Lumberton Tanglewood Storm Drainage



MATT SORRENTINO
CAD Designer

Matthew Sorrentino serves as a CAD Designer for the Civil/Site practice. Matthew has many years of experience in water, wastewater, and storm water designs. He has worked on design projects for sidewalk improvements, site development, wastewater, water, storm, pump stations, sewer treatment plants, and street revitalization.

Education:
AAS, Civil Engineering Technology, Wake Tech Community College (currently ongoing)

Relevant Projects: Clinton Weeks Street and Beaver Dam Drive Neighborhoods, Benson LASII Stormwater Improvements

PROPOSED PERSONNEL



SUNGATE DESIGN GROUP **Flood Studies**

Sungate Design Group, PA (SDG) is a SPSF firm that focuses exclusively on highway and site drainage design and its impacts. The engineering staff at SDG has extensive experience in NCDOT policies and procedures for highway drainage design and bridge and culvert analysis, stormwater management plans, FEMA regulations including MOA's with North Carolina Floodplain Mapping Program, environmental permit requirements, natural channel design, and erosion control. They are continually investigating new approaches, procedures, and products in order to provide the best service and design product for their clients.



S&ME **Geotechnical Services**

S&ME is an award winning engineering and environmental services firm with 22 offices in the Carolinas, Virginia, Georgia, Tennessee and Florida. We were ranked in this year's top 100 pure design firms by, Engineering News-Record magazine. S&ME was founded as, "Soil and Materials Engineers, Inc." in Raleigh North Carolina in 1973. Our major service areas are a strong combination, satisfying all construction site and regulatory compliance needs. Expertise includes:

- Geotechnical engineering
- Environmental Engineering
- Natural Resources
- Asbestos/Lead Based Paint Services
- Construction materials engineering, testing and quality control



HMC CONSULTANTS **Structural Engineering**

HMC Consultants has been partnering with The Wooten Company as the structural engineer of record for more than 16 years, allowing the engineer, Min Hsu, to seamlessly integrate with our teams and work most efficiently, no matter the scope of the project. Mr. Hsu brings to his teams over 30 years of experience in the design of structural systems for buildings. His projects consist of public facilities including schools, university buildings, auxiliary facilities in support of civil engineering projects, and bridges.

EXPERIENCE OF THE FIRM

CITY OF WASHINGTON - URBAN STORMWATER MANAGEMENT

The City of Washington, NC undertook a project aimed at updating their stormwater management system and creating a wetlands/boardwalk area to function both as a filter for runoff and as a recreational asset for it's citizens. The Wooten Company served as the prime consultant and provided design, construction administration and construction observation for the project, which ACEC/NC awarded with their Grand Award for Water Resources. There were three phases of improvements within the work performed. The first included retrofitting the downtown stormwater system to capture a portion of the runoff before it entered the Pamlico River. The second realigned Stewart Parkway along the riverfront in order to reduce impervious cover, and the third involved the construction of the wetlands and boardwalk. A 36-inch through 60-inch diameter bypass piping system was designed to capture the first flush runoff from 73 acres of downtown area and deliver it to the constructed wetland to remove pollutants before discharging into the river. The 4 acre wetland was designed per NC Best Management Practices and the 1900 foot elevated boardwalk through the wetland served as an extension of the riverfront park, connecting residential areas to the NC Estuarium and the central business district in Washington. The project cost the city \$1.457 million but received funding from a Clean Water Management Trust Fund grant.

Contact: Frankie Buck Jr., Public Works Director, 252.975.9302



TOWN OF EDENTON – WATERFRONT TOWN PARK

In 2018 The Wooten Company partnered with the Town of Edenton to renovate a waterfront town park utilizing FEMA funding. The design team provided engineering design, permitting and periodic construction administration and part-time resident inspection for construction of a new, Town-owned bulkhead. Running along the shore of Edenton Bay and Queen Anne's Creek, the new bulkhead runs approximately 200 LF and will prevent over wash from storm surge that has created an issue for local residents.

Contact: Corey Gooden, Town Manager, corey.gooden@edenton.nc.gov, 252.482.4111



EXPERIENCE OF THE FIRM

CITY OF LUMBERTON - FIRST STREET DRAINAGE STUDY

In 2019, the Wooten Company assisted the City of Lumberton by evaluating the 1st St Drainage basin. The area analyzed was from the railroad tracks south of Town Common St up to the 11th St area. The study evaluated possible runoff based on land use, estimated impervious areas, and compared that runoff with the capacity of the culverts and channels in the drainage basin. The primary area of interest was from 5th St to the railroad tracks. The study confirmed flooding areas and provided recommended projects to reduce the flooding in the area.

Contact: Rob Armstrong, Director of Public Works, 910.671.3800

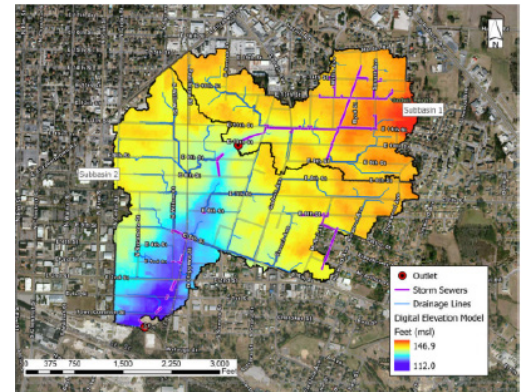


Figure 1: First Street Drainage Basin

CITY OF LUMBERTON - TANGLEWOOD STORM DRAINAGE

As development and impervious areas have increased over the years around the City of Lumberton, the capacity of the existing storm drainage infrastructure, both pipe networks and canals, have begun to exhibit capacity issues. Within the Tanglewood area of the City (one of the oldest, more densely developed and containing critical infrastructure including Southeastern Regional Medical Center) the frequency and severity of these issues prompted City leaders to pursue improvements. The Wooten Company and its team worked to evaluate the capacity of the existing storm drainage infrastructure and verify performance of proposed improvements. Once the preliminary sizing/routing study was completed, The Wooten Company designed the upgrades to the drainage facilities serving the Tanglewood Area. These improvements included over 6,700 feet of 15" through 96" storm sewer replacing the existing pipe system. With the majority of this work being in the roadway through an established residential area, there is significant asphalt repair work and traffic control required. Additionally, this project was funded with EDA funding and coordination with the agency was necessary.

Contact: Rob Armstrong, Director of Public Works, 910.671.3800



CITY OF LUMBERTON - COMBINED SEWER SEPARATION

In 2009, The City of Lumberton required assistance to address storm sewer basins in the downtown area that were tied to the sanitary sewer system. The city was also suffering from failing lines throughout the downtown that were in need of rehabilitation. In order to update and rehabilitate the City's systems, The Wooten Company provided service to 7,000 linear feet of 8" and 12" gravity sewer line, manhole rehabilitation or replacement, service reconnection and pavement repairs. Additionally, 60 linear feet of 42" steel casing with 30" PVC storm drain was installed under the CSX Railroad, and approximately 270 linear feet of 10" sanitary sewer replacement was placed parallel to and within the right-of way of CSX Railroad, (this portion of the contract has been approved but not yet constructed). Clean Water State Revolving Funds were taken advantage of to assist with financing the \$2.5 million project.

Contact: Rob Armstrong, Director of Public Works, 910.671.3800



RATE SCHEDULE

THE WOOTEN COMPANY

The hourly rates outlined below include fringe benefits, indirect costs, reimbursable expenses, and profit.

WAGE CATEGORY	HOURLY BILLING RATE
Engineer I	\$ 136
Engineer II	\$ 172
Engineer III	\$ 210
Engineer IV	\$ 252
Engineer V	\$ 298
Designer I	\$ 99
Designer II	\$ 115
Designer III	\$ 139
Designer IV	\$ 179
Construction Admin I	\$ 136
Construction Admin II	\$ 197
Construction Admin III	\$ 258
Construction Observer / Resident Project Representative	\$ 128
Utility Coordinator II	\$ 148
Utility Coordinator III	\$ 228
Survey Technician I	\$ 69
Survey Technician II	\$ 81
Survey Technician III	\$ 95
Survey Technician IV	\$ 113
Survey Technician V	\$ 143
Surveyor I	\$ 110
Surveyor II	\$ 135
Surveyor III	\$ 169
Surveyor IV	\$ 224
Funding Coordinator I	\$ 92
Funding Coordinator II	\$ 125
Funding Coordinator III	\$ 175

Reimbursables: Mileage will be billed at the current IRS Standard Mileage Rate, Subcontracted Services and other expenses at cost plus 15%.

Standard Hourly Rates are subject to periodic review and adjustment.

Effective as of July 1, 2024.

SUNGATE DESIGN GROUP

WAGE CATEGORY	HOURLY BILLING RATE
Josh Dalton, PE	\$205
Matt Edwards, PE	\$135

HMC CONSULTANTS

WAGE CATEGORY	HOURLY BILLING RATE
Min Hsu, PE	\$125

FAMILIARITY WITH LOCALITY

The Wooten Company has a long history of successful project partnerships with the City of Lumberton, whether architectural, engineering, or funding administration related. Many of the collaborations are as a result of our intimate knowledge of the City's public infrastructure needs. The list below is just a snapshot representation of our continuing work with the City of Lumberton.

- **TANGLEWOOD STORMWATER IMPROVEMENTS**
- **WTP FLOOD PROTECTION**
- **RAW WATER INTAKE IMPROVEMENTS**
- **SEWER AIA**
- **WATER AIA**
- **2018 PRIORITY POINTS SEWER REHABILITATION**
- **ROSEWOOD MOBILE HOME PARK SEWER**
- **NORTHWEST SEWER SYSTEM EVALUATION**
- **OLD WHITEVILLE ROAD SEWER IMPROVEMENTS**
- **PHASE III SEWER SYSTEM MAPPING**
- **REGIONAL WASTEWATER STUDY**
- **SANITARY SEWER COLLECTION SYSTEM**
- **TANGLEWOOD SEWER REHABILITATION**
- **TANGLEWOOD INFRASTRUCTURE MAPPING**
- **BILL SAPP CENTER RENOVATION**
- **CANCER INSTITUTE SEWER PUMP STATION IMPROVEMENTS DESIGN**
- **LUMBERTON CHRISTIAN CARE CENTER**
- **COMBINED SEWER SEPARATION**
- **DOWNTOWN AREA MAP**
- **EASTERN INTERCEPTOR FORCE MAIN**
- **KENNY BIGGS SEWER IMPROVEMENTS**
- **HAZARD MITIGATION PLAN UPDATE**
- **MANHOLE INSPECTION**
- **MILL STREET SEWER**

As a team devoted to supporting the health and welfare of communities throughout the Carolinas, we sincerely appreciate the opportunity to continue to develop our working relationship with the City of Lumberton. These referenced qualifications are the results of decades of hard work and commitment - a proud cornerstone of our practice - to the communities that we call home.

A Tradition of
DESIGNING THE FUTURE ►

Lumberton City Council

Item: VII.G.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Public Works

Submission Date: 04/02/2025

Subject: Release RFQ for AIA grant services

Summary/Background of Subject Matter:

The NC Division of Water Infrastructure has awarded the City a \$150,000 Asset Inventory Assessment Grant (AIA). Public Works is requesting Council permission to advertise an RFQ for engineering services for this project with the following scope.

- Pot hole some water lines that are unknown size to verify size and material.
- Map Location of Raw water wells and lines
- Develop a Hydraulic model of the water system and evaluate for pressure and water age.
- Evaluate the WTP and look study Disinfection Byproducts
- Complete a rate study of the water system
- Develop an Asset Management Plan with CIP based on the results
- Grant Administration

Staff Recommendation:

Public Works is requesting Council approval to develop and advertise an RFQ for Engineering Services for the 2025 Division of Water Infrastructure Grant.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Public Works

ATTACHMENTS:

1. BP-70C45_20250321_083309

JOSH STEIN
Governor
D. REID WILSON
Secretary
SHADI ESKEAF
Director



March 10, 2025

Mr. Wayne Horne, City Manager
City of Lumberton
P.O. Box 1388
Lumberton, NC 28358

Subject: Letter of Intent to Fund
City of Lumberton
Water AIA
October 2024 Application Cycle
Project No.: AIA-D-0332

Dear Mr. Horne:

The Division of Water Infrastructure (Division) has reviewed the City of Lumberton's application for the Asset Inventory and Assessment (AIA) grant program, and the State Water Infrastructure Authority (SWIA) has approved your project as eligible to receive State Reserve Program (SRP) grant funding. The total grant amount will be \$150,000 with a required match of 5%. A fee of 1.5% will be invoiced upon acceptance of the formal funding offer.

Please note that this intent to fund is contingent on meeting **all** of the following milestones:

<u>Milestone</u>	<u>Date</u>
Preliminary Scope Submittal	June 9, 2025
Preliminary Scope Approval	August 8, 2025
Executed Contracts Submittal	November 7, 2025
Draft Project Deliverable Submittal	November 7, 2026
Final Closeout Including Final Disbursement	March 10, 2027

The first milestone for the AIA grant is the submittal of a preliminary project scope that includes a description of the project, cost estimate, and schedule for each major task by June 9, 2025. Please submit this to your Division project manager, Linda Culpepper, via the Laserfiche link below. Upon the Division's review and approval of this information, we will issue the funding offer and information package for your signature and approval.



North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Mr. Wayne Horne, City Manager
March 10, 2025
Page 2 of 3

Please contact us if you plan to proceed with study work prior to receipt of the Division's grant offer, as such work may later be determined to be ineligible. Additionally, ensure you review past work, completed or underway, to develop the scope of work for this grant. We have resources on [Division's Website – AIA](#) to assist you and your consultant in preparing your scope.

All project documents are to be submitted via Laserfiche at the following link:
<https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>.

Disbursement of Funds

Funds are disbursed to the Subrecipient for eligible costs that are documented as part of the project only after the costs have been incurred by the Subrecipient and all necessary documentation has been received and approved by the Division beforehand. After receiving approval for the project scope, you will be asked to submit to the Division, via the link above, several required documents which are listed below:

1. One copy of the original funding offer-and-acceptance document, executed by the Authorized Representative for the project, along with the signed "Standard Conditions and Assurances".
2. A resolution adopted by the governing body accepting the funding offer and making the applicable assurances contained therein.
3. Federal Tax ID/Unique Entity ID (UEID) Form (attached).
4. Sales Tax Certification Form.
5. One copy of all executed service agreements and/or contracts.

The Division will communicate with you when these documents will be required. Once all documents have been received and approved, the Subrecipient can start requesting disbursements using the Division's AIA/MRF Disbursement Request form. If the Subrecipient requests funds prior to paying contractors, the Subrecipient will have three business days to pay contractors upon receipt of funds.

Upon receipt of your letter of intent to fund, please fill out the attached Federal ID & Unique Entity ID (UEI) form and email it to DEQ.DWI.FundingOffer@deq.nc.gov. If you choose to decline this funding, the Authorized Representative as declared in the application must directly contact the Division project manager via email or letter on the Subrecipient's letterhead.

We look forward to working with you on this project. If you have any questions, please contact Linda Culpepper at linda.culpepper@deq.nc.gov or by phone at (919) 707-9109.

Mr. Wayne Horne, City Manager

March 10, 2025

Page 3 of 3

Sincerely,

DocuSigned by:

Victor D'Amato

52CD62E9DA6B44F...

Victor A. D'Amato, Supervisor
Viable Utilities Unit

Enclosures: Federal Tax ID/Unique Entity ID (UEID) Form

EC: John C. Grey, PE, The Wooten Company (via email)
Linda Culpepper (via email)
Mark Hubbard, PE (via email)
DWI Agreement ID 2000081928 (COM - LOIF)

FEDERAL ID & Unique Entity ID # REQUEST MEMO

TO: All Loan and Grant Recipients

SUBJECT: Federal Identification Number & Unique Entity ID

Please be advised that all local government units receiving funds from the State of North Carolina must supply their Federal Identification Number. The Unique Entity IDs are required for certain federal funds, as well. Fill out the applicable portions of the form below and email it to Pam Whitley at pam.whitley@ncdenr.gov.

RECIPIENT:

PROJECT NUMBER:

FEDERAL IDENTIFICATION NUMBER (All Programs):

UNIQUE ENTITY ID:

Lumberton City Council

Item: VII.H.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Public Works

Submission Date: 04/02/2025

Subject: Change Order 1 Noir Street Sewer Outfall Cleaning & Inspection

Summary/Background of Subject Matter:

The Noir Street Sewer Outfall Cleaning and Inspection Project has become a much more involved task than originally planned. The contractor is removing about four times the amount of anticipated debris which has caused project delays and additional labor and equipment expenses. Another problem is we are having to deal with a surcharge problem from the WWTP influent wet well that keeps the line full of water. The original project was awarded for \$150,220 which was being paid for by the AIA grant we received. Between the video and inspection phase and the engineering phase, all of the grant money has been exhausted. Public Works is asking Council to approve the attached KRG Utility Inc. Change Order #1 for \$234,880 to be paid for out of the water and sewer capital reserve fund.

Staff Recommendation:

Public Works is asking Council to approve Change Order #1 with KRG Utility, Inc. for \$234,880 to be paid for out of the water and sewer capital reserve fund.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Public Works

ATTACHMENTS:

1. Signed CO 1

CHANGE ORDER NO 1

Owner: City of Lumberton

Owner's Project No.: N/A

Engineer: The Wooten Company

Engineer's Project No.: 2799-CY

Contractor: KRG Utility, Inc.

Contractor's Project No.: 25-0020K

Project: Lumberton - Noir St. Interceptor Clean and TV Inspection

Contract Name: AIA-W-ARP-0067

Date Issued: 4/2/25

Effective Date of Change Order: 4/7/25

The Contract is modified as follows upon execution of this Change Order:

Description:

1. This change order Establishes an allowance for additional contractor expenses for bypass pump rentals and per diem costs. These expenses are due to the Noir Street Sewer Line being surcharged from the WWTP to MH 10 preventing the completion of the work as anticipated. The City of Lumberton and Contractor are working jointly to lower the sewerage level in the subject line so that the work may continue. The contractor will present actual invoices for these costs to document payment.
2. Contract time is extended accordingly.

Attachments:

1. Contractor's estimated cost projection worksheet.

Change in Contract Price	Change in Contract Times
Original Contract Price:	Contract Date: 11/4/24
	Original Contract Times:
\$ <u>150,220.00</u>	Substantial Completion: <u>45 days, 3/6/25</u>
Select from previously approved Change Orders No. 1 to No. : <u> </u>	Ready for final payment: <u>60 days, 3/21/25</u>
\$ <u>0.00</u>	Select from previously approved Change Orders No.1 to No.: <u> </u>
Contract Price prior to this Change Order:	Substantial Completion: <u> </u>
\$ <u>150,220.00</u>	Ready for final payment: <u> </u>
Select this Change Order:	Contract Times prior to this Change Order:
\$ <u>234,880.00</u>	Substantial Completion: <u>45 days, 3/6/25</u>
Contract Price incorporating this Change Order:	Ready for final payment: <u>60 days, 3/21/25</u>
\$ <u>385,100.00</u>	Select this Change Order:
	Substantial Completion: <u>85 days</u>
	Ready for final payment: <u>115 days</u>
	Contract Times with all approved Change Orders:
	Substantial Completion: <u>130 days, 5/20/25</u>
	Ready for final payment: <u>145 days, 6/14/25</u>

Recommended by Engineer (if required)

By: EE Olsen
Title: Project Manager/Construction Administrator
Date: April 2, 2025

Authorized by Owner

By: _____
Title: _____
Date: _____

Accepted by Contractor

Justin
Region Manager
April 2, 2025

Approved by Funding Agency (if applicable)

END OF SECTION

KRG Utility - City of Lumberton Change Order 1 Request for Pricing Increase

	Item	Pricing \$	Units	Quantity	Total	Comments
1	Mobilization	\$ 815.00	Day	52	\$ 42,380.00	KRG originally proposed \$6,000 mobilization for four crew members hotel & meals for the Lumberton Noir St. Interceptor bid form estimated at four weeks and due to heavy sediment, KRG is requesting a project extension date through May 30th, 2025. With the ceased project work, KRG is requesting an additional estimated out-of-town expenses compensation for 52 more days (Feb. 24th to March 11th last day before project cease and time over the bid four week projection of completion and April 7 - May 30th estimated completion date), with KRG not including mobilization for the ceased period March 12 - April 4, 2025. KRG would appreciate the consideration of the requested funds to accommodate our additional project expense for hotel & meal per diem of our field crew to complete this cleaning & CCTV inspection for the City of Lumberton. KRG hotel expenses are averaging \$150/day for each crew member plus the daily meal per diem (\$55/day) for out-of-town scoped work.
2	Bypass pumping equipment rental	\$ 2,750.00	Day	12	\$ 33,000.00	KRG typically has a four (4) man crew for cleaning & CCTV inspection projects. For the Lumberton Noir St. Interceptor Clean & TV Inspection, KRG performed bypass pumping labor in house with rentals from United rental. Mersino previously quoted bypass pumping for the project at \$199,635.96 originally without the adders and KRG Utility wanted to save the City of Lumberton project cost for project bid form (please see the attached supporting document). KRG Utility has already extended this rental for an additional month as of Feb. 24 - March 11, 2025 from our original 20 day proposed pricing at \$55,000 or \$2,750/day Monday - Friday to include two 8" bypass pumps, hoses, adapter connections, three (3) hose reels 12" hose @ 660 LF, bobcat for hose reel assembly, lull for moving bypass pump setup in between runs, road ramps for traffic control, roadway signage, and pipe plugs.
3	Bypass pumping equipment rental	\$ 2,750.00	Day	18	\$ 49,500.00	The City of Lumberton Noir St. Interceptor project was ceased work on March 12 - April 4, 2025 and KRG has had the bypass rental equipment onsite while project coordination has occurred between KRG, Wooten, and the City of Lumberton. The involved parties has had multiple teams meetings and another in person coordination meeting on March 20th where the City of Lumberton has concluded that additional bypass pumping will be required at their Wastewater Treatment facility to bring down their influent wet well to accommodate the backed up storage in the collection system creating the ceased work scope of cleaning/CCTV inspection from manhole 10 to the plant facility. The projected date of Lumberton receiving the additional bypass pumping is the week of April 2 - April 4, 2025 and KRG Utility has continued to accrue cost of our bypass rental equipment for 18 days Monday - Friday at our daily rental cost \$2,750/day.
4	Bypass pumping equipment rental	\$ 2,750.00	Day	40	\$ 110,000.00	KRG is requesting additional expense funding of our rental bypass equipment consideration for the remaining estimated 8 weeks of project completion from April 7 - May 30th at our daily rate \$2,750/day due to the project extension and issues encountered throughout the original bid form projection.
5	Bypass work order	\$953.44	LS	1	\$ 953.44	KRG Utility had an onsite service of bypass pump due to a brick in the collection system pipe that stopped the pump operations. KRG Utility has accrued this expense and just wanted to show our commitment to the City of Lumberton project completion for the Noir St. Interceptor. WO # 245295926 3-7-25 please see attached documents.
6	Bypass work order	\$16,540.39	LS	1	\$ 16,540.39	KRG Utility had additional expense cost for the bypass pump equipment rental for pump repair due to the brick that was suctioned into the intake. KRG has accrued this expense and wanted to inform the City of Lumberton of our commitment to completed the Noir St. Interceptor cleaning and CCTV inspection. WO # 245430964 3-11-25 please see attached documents.
7		(\$17,493.83)	LS	1	\$ (17,493.83)	Subtraction of line items 5-6 of bypass pump work order repairs.
8	Heavy Cleaning	\$ 9.50	LF	3500	\$ 33,250.00	KRG has experienced large amounts of heavy sediment below flow levels that has required additional time to perform cleaning and decreased our daily production rate (roughly estimated at 1/3 to 1/2 pipe full of sediment). KRG usually averages around 1500 LF per day on 36" and 42" pipe diameter and our daily production is averaging around 330 LF (one pipe segment per day). KRG normal heavy cleaning is in the range of 4-6 passes for sediment removal and the whole project has been more than the typical heavy cleaning range for the Noir St. Interceptor. KRG Utility is requesting for the City of Lumberton's consideration to half the additional line sediment in the sewer pipes for the total linear footage being 7,000 LF. KRG performed 2 onsite visits to provide pricing for this project and until a bypass pump was in place the amount of sediment was unknown to any contractor.
					\$ 234,880.00	

Additional Comments:

KRG Utility has worked with the City of Lumberton and Wooten through multiple teams meetings and an additional onsite visit on March 20th to help use our expertise to resolve the issues Lumberton was experiencing with the collection system. The City of Lumberton has now got a plan in place for the WWTP influent wet well not being able to accommodate their collection system pumping needs to complete this cleaning and CCTV inspection project. KRG Utility's request for additional funds of this change order is only to cover the additional expenses that our company will accrue to fully complete the Noir St. Interceptor project and value your consideration of approval.

Lumberton City Council

Item: VII.I.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Public Works

Submission Date: 04/02/2025

Subject: Five Mile Branch Hydraulic Study

Summary/Background of Subject Matter:

In February, Council selected Atkins Realis as the engineer for the Five Mile Branch Hydraulic Study at Bailey Road. The second step of the procurement process is to approve the agreement. Attached is the proposed service agreement from Atkins Realis with a proposed fee of \$111,821.76.

Staff Recommendation:

Public Works is requesting Council approval of the Atkins Realis agreement for \$111,821.76 to conduct the hydraulic study of the Five Mile Branch and Bailey Road Culverts. This project is proposed to be paid for from the water and sewer capital reserve fund.

City Manager's Comments:

Signature: Wayne Horne, City Manager

Department: Public Works

ATTACHMENTS:

1. City of Lumberton Professional-Service-Agreement
2. Attachment A Lumberton Five Mile Br at Bailey Rd Hydraulic Study AtkinsRealis

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement"), effective this 21st day of February 2025, is by and between ATKINSRÉALIS USA INC., having offices at 4030 West Boy Scout Boulevard, Ste. 700, Tampa, Florida 33607 ("ATKINSRÉALIS"), and City of Lumberton, having offices at 215 South Cedar Street, Lumberton, NC 28358 ("Client"). Hereinafter, ATKINSRÉALIS and Client shall be collectively referred to as the "Parties" or individually referred to as a "Party."

ARTICLE 1 – SCOPE OF SERVICES

- 1.1 ATKINSRÉALIS shall provide to Client the requested professional services as described herein at Attachment A.
- 1.2 In performing its work under this Agreement, ATKINSRÉALIS shall perform its services to the standard of care of a reasonable professional that is performing the same or similar work, at the same time and locality and under the same or similar conditions faced by ATKINSRÉALIS (Standard of Care).
- 1.3 ATKINSRÉALIS' services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the project.
- 1.4 It is understood and agreed that ATKINSRÉALIS' services under this Agreement do not include participation in or support for any litigation. Should such services be required, a Supplemental Agreement may be negotiated between the Client and ATKINSRÉALIS describing the services desired and providing a basis for compensation to ATKINSRÉALIS.
- 1.5 If any change proposed by the Client to the requested professional services described in Attachment A causes an increase or decrease in the cost and/or time required for performance of this Agreement, ATKINSRÉALIS shall notify the Client and the change will be reduced to writing mutually agreed to by both parties and will modify this Agreement accordingly.

ARTICLE 2 – COMPENSATION

- 2.1 The compensation to be paid to ATKINSRÉALIS for providing the requested services shall be (if additional pages are necessary, they are identified as Attachment BA): Check the applicable box below.
 - ☐ "Time & Materials" identified in Attachment B. Time - Actual or averaged labor rate fully burdened with overhead and profit. Material - travel, materials or equipment, printing and reproduction costs, and survey supplies.
 - ☒ A "Fixed Price" (Lump Sum) amount of \$11,821.76 paid in accordance with Attachment BA.
 - ☐ "Unit Rates"/"Unit Prices" identified in Attachment B.
(Unit Rate/Price includes the cost of fully loaded labor, expenses, equipment, inclusive of profit.)
 - ☐ Other - Identified in Attachment B
- 2.2 If ATKINSRÉALIS' Services under this Agreement are delayed, suspended, or interrupted for reasons beyond ATKINSRÉALIS' control, ATKINSRÉALIS' compensation and schedule shall be equitably adjusted at the time of performance.
- 2.3 RETAINER (Check box below if applicable)
 - ☐ Client shall pay a retainer to ATKINSRÉALIS for the Services described herein in the amount of \$ Click or tap here to enter text. This fee shall be payable in advance upon contract signing. This retainer is non-refundable. ATKINSRÉALIS shall bill first to the retainer. Upon depletion of the retainer, Client shall pay additional fees, if any, upon presentment of an invoice as provided for herein.

- 2.4** Client hereby acknowledges that ATKINSRÉALIS cannot warrant that any cost estimates provided by ATKINSRÉALIS will not vary from actual costs incurred by the Client
- 2.5** It is understood and agreed that ATKINSRÉALIS' services under this Agreement are limited to those described in Article 1 hereof (and Attachment A) and do not include participation in or control over the operation of any aspect of the project. Compensation under this Agreement does not include any amount for participating in or controlling any such operation.

ARTICLE 3 – INVOICE PROCEDURES AND PAYMENT

- 3.1** ATKINSRÉALIS shall submit invoices to the Client for work accomplished during each financial month, unless otherwise required by the scope/compensation for this Agreement. For services provided on a Fixed Price basis, the amount of each monthly invoice shall be determined on the "percentage of completion method" whereby ATKINSRÉALIS will estimate the percentage of the total work (provided on a Fixed Price basis) accomplished during the invoicing period. Invoices may include, separately listed, any charges for services for which time charges and/or unit costs may apply. Such invoices shall also include, separately listed, any charges for Professional Associates and reimbursable costs. Such invoices shall be submitted by ATKINSRÉALIS as soon as practicable after the end of the calendar month in which the work was accomplished. The Client agrees that the monthly invoice from ATKINSRÉALIS is correct, conclusive, and binding on the Client unless the Client within fourteen (14) working days from the date of receipt of such invoice, notifies ATKINSRÉALIS in writing of alleged inaccuracies, discrepancies, errors in the invoice, or the need for additional backup. Where the method of payment is based on a time and materials, unit rates/unit price, or other hourly based compensation, time segment for charging of work shall be based on actual time charged.
- 3.2** The Client, as owner or authorized agent for the owner, hereby agrees that payment as provided herein will be made for said work within 30 days from the date the invoice for same is mailed to the Client at the address set out herein or is otherwise delivered, and, in default of such payment, hereby agrees to pay all costs of collection, including reasonable attorney's fees, regardless of whether legal action is initiated. The Client hereby acknowledges that unpaid invoices shall accrue interest at the maximum rate allowed by law after they have been outstanding for more than 30 days. ATKINSRÉALIS reserves the right to suspend all services on the Client's project without notice if an invoice remains unpaid 45 days after date of invoice. This suspension shall remain in effect until all unpaid invoices are paid in full, and ATKINSRÉALIS shall not have any liability to Client for delays or damages caused by Client's untimely or unpaid payments.

ARTICLE 4 – DOCUMENTS

All original sketches, tracings, drawings, computations, details, design calculations, and other documents and plans that result from ATKINSRÉALIS' services under this Agreement are and remain the property of ATKINSRÉALIS as instruments of service. Where such documents are required to be filed with governmental agencies, ATKINSRÉALIS will furnish copies to the Client upon request. Reuse or modification by the Client is prohibited. Any unapproved use or modification by Client or Client's clients shall be at Client's sole risk without liability or legal exposure to ATKINSRÉALIS unless approved in writing by ATKINSRÉALIS prior to such reuse.

ARTICLE 5 – NO WARRANTY

ATKINSRÉALIS makes no warranties, expressed or implied, or arising by operation of the law or course of performance, custom, usage in the trade or profession, including without limitation the implied warranties of merchantability and fitness for a particular purpose.

ARTICLE 6 – LIMIT OF LIABILITY

The limit of liability of ATKINSRÉALIS to the Client for any cause or combination of causes shall be, in total amount, limited to the fees paid under this Agreement.

ARTICLE 7 – MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES

NOTWITHSTANDING ANYTHING TO THE CONTRARY, ON BEHALF OF THEMSELVES, THEIR GOVERNING OFFICERS AND EMPLOYEES, THE PARTIES WAIVE ALL CLAIMS AGAINST EACH OTHER FOR INDIRECT OR CONSEQUENTIAL LOSSES OR DAMAGES, AND PUNITIVE DAMAGES, WHETHER ARISING IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, INCLUDING BUT NOT LIMITED TO LOSSES OF PROFITS, USE, EXCESS CONSTRUCTION COSTS, ALTERNATIVE MEANS OR METHODS, OR LOSSES OF FUNDING.

ARTICLE 8 – CONSTRUCTION SERVICES

- 8.1 If, under this Agreement, professional services are provided during the construction phase of the project, ATKINSRÉALIS shall not be responsible for or have control over means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work.
- 8.2 ATKINSRÉALIS does not guarantee and shall have no liability for the failure of contractors performing construction work to comply with any construction schedules or any plans or specifications or to perform the work to contract prices or to achieve anticipated construction costs.

ARTICLE 9 – INSURANCE

- 9.1 ATKINSRÉALIS shall at all times carry Workers' Compensation insurance as required by statute, commercial general liability insurance including bodily injury and property damage; automobile liability coverage; and professional liability coverage. Insurance certificates will be provided to the Client upon request.
- 9.2 Client agrees to require that ATKINSRÉALIS be named as an additional insured on insurance coverages provided by contractors on the project.

ARTICLE 10 – ASSIGNMENT Neither the Client nor ATKINSRÉALIS will assign or transfer its interest in this Agreement without the written consent of the other, which shall not be unreasonably withheld.

ARTICLE 11 – SUBSURFACE INVESTIGATIONS

In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics may vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect total cost and/or execution of projects. These conditions and cost/execution effects are not the responsibility of ATKINSRÉALIS.

ARTICLE 12 – CLIENT-FURNISHED DATA

CLIENT will provide to ATKINSRÉALIS all data in CLIENT's possession relating to ATKINSRÉALIS' Services. ATKINSRÉALIS will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by CLIENT.

ARTICLE 13 – ACCESS TO FACILITIES AND PROPERTY

CLIENT will make its facilities accessible to ATKINSRÉALIS as required for ATKINSRÉALIS' performance of its services and will provide labor and safety equipment as required by ATKINSRÉALIS for such access. CLIENT will perform, at no cost to ATKINSRÉALIS, such tests of equipment, machinery, pipelines, and other components of CLIENT's facilities as may be required in connection with ATKINSRÉALIS' services.

ARTICLE 14 – NO THIRD-PARTY BENEFICIARIES

Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, any third party. It is expressly understood and agreed that the enforcement of these items and conditions shall be reserved to Owner and ATKINSRÉALIS. Nothing contained in this Agreement shall give or allow any claim or right of action whatsoever by any third person. It is the express intent of Owner and ATKINSRÉALIS that any such person or entity, other than Owner and ATKINSRÉALIS, receiving services or benefits under this Agreement shall be deemed an incidental beneficiary.

ARTICLE 15 – SUSPENSION, TERMINATION, OR ABANDONMENT

- 15.1** In the event the Scope of Services described in Attachment A, or the services of ATKINSRÉALIS called for under this Agreement, is/are suspended, canceled, terminated or abandoned by the Client, ATKINSRÉALIS shall be given fifteen (15) days prior written notice of such action and shall be compensated for the professional services provided up to the later of (1) the date of termination notice, or (2) date of final project closeout, notice of suspension, termination, cancellation or abandonment in accordance with the provisions of this Agreement for all work performed up to such date of suspension, termination, cancellation or abandonment, including reimbursable expenses. ATKINSRÉALIS shall also have the right to terminate for convenience upon giving fifteen (15) days prior written notice to Client, and shall be compensated for the professional services provided up to the later of (1) the date of termination notice, or (2) date of final project closeout, including reimbursable expenses.
- 15.2** If Client seeks to terminate the Agreement for cause, ATKINSRÉALIS shall be given an opportunity to develop a plan to cure any declared default within fifteen (15) calendar days from the date of written notification.
- ATKINSRÉALIS may terminate this Agreement for cause by giving Client fifteen (15) days written notice of the cause and fifteen (15) days in which to cure the cause or breach. ATKINSRÉALIS shall be compensated for all work performed up to the date of termination.

ARTICLE 16 – WAIVER

Any failure by ATKINSRÉALIS to require strict compliance with any provision of this contract shall not be construed as a waiver of such provision, and ATKINSRÉALIS may subsequently require strict compliance at any time, notwithstanding any prior failure to do so.

ARTICLE 17 – NOTICES

All notices, certifications or acknowledgments given under this Agreement shall be in writing and delivered personally or sent by registered mail, reputable overnight courier service, telegram, fax or other confirmed electronic means. Such notices shall be effective upon receipt by the addressee. Notices to ATKINSRÉALIS shall be sent to:

ATKINSRÉALIS

[1616 East Millbrook Road](#)
[Suite 160](#)
[Raleigh, NC 27609](#)
[Click or tap here to enter text.](#)

Attention: [Amit Sachan, PE, CFM](#)

Notices to Client shall be sent to:

[City of Lumberton, Public Works Department](#)
[215 South Cedar Street](#)
[Lumberton, NC 28358](#)
[Click or tap here to enter text.](#)

Attention: [Rob Armstrong, PE](#)

ARTICLE 18 – HAZARDOUS WASTE, MATERIALS OR SUBSTANCES

Unless otherwise specifically provided in this Agreement, ATKINSRÉALIS shall not be responsible for or have control over the discovery, presence, handling, removal, transport or disposal of hazardous waste, materials or substances in any form on the project site.

ARTICLE 19 – DISPUTE RESOLUTION

If a dispute arises out of or related to this Agreement or the breach thereof, the parties will attempt to settle the matter between themselves. If no agreement can be reached the parties agree to use mediation with a mutually agreed upon mediator before resorting to a judicial forum. The cost of a third-party mediator will be shared equally by the parties. In the event of litigation, the prevailing party will be entitled to reimbursement of all reasonable costs and attorneys' fees. The parties mutually agree that a similar dispute resolution clause will be contained in all other contracts executed by Client concerning or related to this contract and all subcontracts executed by ATKINSRÉALIS.

ARTICLE 20 – GOVERNING LAW

This Agreement shall be governed by and construed according to the laws of the State where the site of the work is located.

ARTICLE 21 – LIMITED COPYRIGHT LICENSE

ATKINSRÉALIS grants Client a paid-up, non-transferable, non-exclusive license to make or have made copies of any copyrightable materials delivered under this Agreement and specifically marked by ATKINSRÉALIS as "Reproduction Authorized."

ARTICLE 22 – INTELLECTUAL PROPERTY

With the sole exception of specifically marked reproducible materials subject to the Limited Copyright License herein, all worldwide right, title and interest in and to any and all Intellectual Property conceived, invented, authored or otherwise made by or pursuant to this Agreement shall remain the sole and exclusive property of ATKINSRÉALIS, its successors and assigns unless licensed or assigned by ATKINSRÉALIS pursuant to a separate written instrument. The term "Intellectual Property" shall be construed broadly to include all forms of intellectual property including without limitation all: inventions, discoveries, designs, plans, improvements, trademarks, service marks and copyrights in drawings, computer programs, architectural works, and in all other original works of authorship.

ARTICLE 23 – FORCE MAJEURE

ATKINSRÉALIS shall not be responsible for delays or failures in performance resulting from acts beyond its reasonable control. Such acts shall include, but not be limited to, acts of God, strikes, acts of war, epidemics, Government regulations superimposed after the fact, fire, communication line failures, power failures, earthquakes, acts of terrorism, or other disasters. Time of performance and compensation to ATKINSRÉALIS shall be adjusted appropriately for any such event.

ARTICLE 24– NO INDIVIDUAL LIABILITY

PURSUANT TO FLORIDA STATUTES, SECTION 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT OF ATKINSRÉALIS MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

ARTICLE 25 – PERMITTING

In cases where the scope of services requires ATKINSRÉALIS to submit, on behalf of the Client, a permit application and/or approval by a third party to this contract, ATKINSRÉALIS does not make any warranties, guarantees or representations as to the success of our effort on behalf of the Client. Payment for services rendered by ATKINSRÉALIS is not contingent upon the successful acquisition of these permits. ATKINSRÉALIS shall not be responsible for Regulatory Agency delays.

ARTICLE 26 – SEVERABILITY

In the event any term or provision of this Agreement or applicable contract document is held invalid, void or otherwise unenforceable, the remainder of the Agreement or contract document shall not be affected, impaired or invalidated. Each remaining term and provision of the Agreement or contract document shall be valid and enforceable to the fullest extent permitted by law.

ARTICLE 27 – RECORD DRAWINGS

Record drawings, if required, will be prepared, in part, on the basis of information compiled and furnished by others, and may not always represent the exact location, type of various components, or exact manner in which the Project was finally constructed. ATKINSRÉALIS is not responsible for any errors or omissions in the information from others that is incorporated into the record drawings.

ARTICLE 28 – ENTIRE AGREEMENT AND MODIFICATIONS

This Agreement and the Attachments incorporated by reference contain the entire understanding between the Parties, superseding all prior or contemporaneous communications, agreements, and understandings between the Parties with respect to the subject matter hereof. This Agreement may not be modified in any manner except by written amendment executed by both Parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

ATKINSRÉALIS USA INC.

BY: _____
NAME: Click or tap here to enter text.
TITLE: Click or tap here to enter text.
DATE: Click or tap to enter a date.

{CLIENT}CITY OF LUMBERTON

BY: _____
NAME: Click or tap here to enter text.
TITLE: Click or tap here to enter text.
DATE: Click or tap to enter a date.

**ATTACHMENT A
SCOPE OF SERVICES**

**ATTACHMENT B
COMPENSATION**

Mr. Rob Armstrong, PE
Director of Public Works
City of Lumberton
215 South Cedar Street
Lumberton, NC 28358

February 21, 2025

Subject: Hydraulic Study of the Five Mile Branch Culvert at Bailey Road

Dear Rob,

As requested, AtkinsRéalis is submitting the following scope and fee estimates for the hydraulic study of the Five Mile Branch Culvert in the Walnut Cove neighborhood:

- Data Collection and Review
- Survey (McGill Associates)
- Hydrology and Hydraulic Analysis
- Alternatives Evaluation and Construction Cost Estimates
- Report and Findings
- Project Management

Each of these items are independent tasks and are described in detail in the following sections:

Task 1 – Data Collection and Review

The AtkinsRéalis team will perform data collection and review. Data to be collected and reviewed include:

- a. GIS and as-built data of the existing structures
- b. Existing hydrologic and hydraulic studies for the study area
- c. High water marks

We will review the data to identify any gaps or issues in the data and ensure those gaps or issues are addressed before moving forward.

Task 2 - Survey (McGill Associates)

The AtkinsRéalis team will conduct a field survey of the existing drainage structures and channel cross-sections for the hydraulic study. This will give the team an on-the-ground understanding of the Walnut Cove neighborhood drainage system and its unique topography.

Survey data to be collected include:

- a. Existing culverts at Bailey Road and I-95 crossings
- b. Channel cross-section survey just upstream and downstream of Bailey Road and at critical locations along Five Mile Branch

Task 3 – Hydrology and Hydraulic Analysis

AtkinsRéalis has already conducted a detailed hydrologic and hydraulic analysis in this area to support the design of the proposed City of Lumberton floodgate at the I-95/CSX Railroad underpass. The hydrologic and hydraulic models developed for the floodgate study were calibrated and validated by comparing the simulated peak stages and flows to the observed data and high-water marks. Hydraulic simulations were performed to estimate peak water surface elevations for events ranging from the 100-year flood to the Probable Maximum Flood (PMF), including the flood of record.

Existing flood boundaries (Figure 2) from this prior study show extensive overland flooding, complex flow patterns, and potential backwater effects from downstream tributaries and the I-95 crossing. These conditions indicate that 2D modeling is likely needed to accurately assess flooding in this area.

AtkinsRéalis can utilize the two-dimensional (2D) hydraulic modeling from the City of Lumberton floodgate study as a starting point for the hydrologic and hydraulic analysis. The 2D model will be updated with the latest survey and as-built data. Simulations will be performed for the 10-year, 20-year, 50-year, and 100+ year return periods. The results of the 2D modeling will be validated with FEMA's one-dimensional (1D) model, if necessary.

Task 4 – Alternatives Evaluation and Construction Cost Estimates

AtkinsRealis will develop and model potential mitigation measures based on feasibility, cost, and potential impacts. The proposed alternatives will aim to meet the City's desired level of service for Bailey Road and other roadways in the Walnut Cove neighborhood. Typical alternatives will explore upsizing existing structures, supplemented by channel modifications, as needed, to improve flow conveyance. Based on the alternatives analysis, AtkinsRéalis will provide recommendations along with preliminary cost estimates for completing the project(s).

Task 5 – Report and Findings

AtkinsRéalis will create a detailed report documenting the data used, the methods used, assumptions, results, recommendations, and preliminary cost estimates. AtkinsRéalis will provide a draft of the report to the City for review and address any comments from the City before finalizing the report.

Task 6 – Project Management

AtkinsRéalis will coordinate with the City regarding project execution including but not limited to progress meetings, progress reports, and monthly invoices.

Deliverables

- Hydraulic Models (Existing and Proposed Conditions)
- Survey Data
- Hydraulic Study Report

Assumptions/Exclusions

The City will provide design plans for any planned drainage improvements upstream or downstream of Bailey Road.

Schedule

AtkinsRéalis expects additional support work to be completed by June 31, 2025, barring any unexpected delays during coordination.

Fee

This scope of work will be completed for a lump sum cost of **\$111,821.76**. Fee changes to the respective tasks are summarized in the table below.

Task#	Description	Estimate
1	Data Collection and Review	\$13,200.64
2	Survey (McGill Associates)	\$17,000.00
3	Hydrology and Hydraulics Analysis	\$28,405.20
4	Alternatives Evaluation and Construction Cost Estimate	\$27,462.72
5	Report and Findings	\$14,000.80
6	Project Management	\$11,752.40
	Total	\$ 111,821.76

Please let me know if you have any questions or need any clarifications. I may be reached at 919.431.5253 or amit.sachan@atkinsrealis.com. We look forward to the opportunity to serve the City.

Sincerely,



Amit Sachan, PE, CFM
Sr. Project Director, AtkinsRéalis

Lumberton City Council

Item: VII.J.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/20/2025

Subject: Ryan Locklear Special Use Permit 328 E. 24th. St. - P3

Summary/Background of Subject Matter:

Ryan Locklear is requesting a Special Use Permit to extend his operating hours for his restaurant and arcade, located at 328 E. 24th. St. (parcel #32140100801), to 2:00 am on Fridays and Saturdays. His current operating hours are Mon. - Sat. 4 pm – 11 pm and Sunday 4 pm-10 pm.

Restaurants with hours of operation, which includes the hours of 11:00 pm through 6:00 am, require a Special Use Permit.

Staff Recommendation:

That City Council review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, 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. Locklear Application CPC

**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: Ryan Locklear

Physical Address: 328 E 24th St.

Lumberton, NC 28358

Mailing Address: 1619 Cabinet Shop Rd

Maxton, NC 28364

Telephone: (910) 733-2132

Name of Business: Retro City Arcade LLC

EMAIL: retrocityarcadeshop@gmail.com

Owner:

Legal Name: Brad Martin for Dass Investors

Physical Address: 600-E Farmington St.

Lumberton, NC 28358

Mailing Address: same as above

Telephone: (910) 738-1466

Business Address: same as above

Description of Property:

2. 328 E 24th St.
(Address)

01767
(Deed Book)

0078
(Page)

(Map Book)

(Page)

155'
(Frontage)

28,830 sq. ft.
(Area)

3. Tax Map Identification (parcel number): 32140100801

4. Proposed Use of Property: Amusement arcade, Bar, Restaurant

5. Zoning District Designation of Property: B4

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.

File # 7.190 1 of 2
5/28/21

ADDRESS:

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

I would like to extend my hours of operation until 2am on Friday and Saturday nights.

Current hours: Mon - Fri : 4pm - 11pm
Saturdays : 12pm - 11pm
Sundays : 3pm - 10pm

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: Ryan Locklear 1619 Cabinet Shop rd, Maxton NC 28564
Name Physical Address

Applicant: Ryan Locklear
Signature

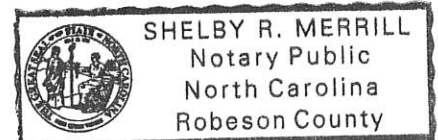
STATE OF North Carolina COUNTY OF Robeson

I, Shelby R. Merrill, 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 February, 2025.

Shelby R. Merrill
Notary Public Signature

My Commission Expires: July 28, 2027



Owner: Brad Martin For Pass Investors 600 -E Farningham St. Lumberton NC 28358
Name Physical Address

Owner: Pass Investors, LLC by Brad Martin (Agent for Owner)
Signature

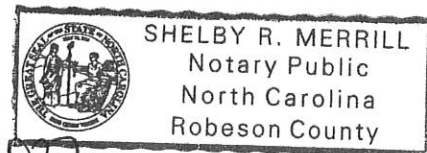
STATE OF North Carolina COUNTY OF Robeson

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WITNESS my hand and Notarial Seal this 21st day of February, 2025.

Shelby R. Merrill
Notary Public Signature

My Commission Expires: July 28, 2027



File # 7.190 2 of 2
5/28/21

City of *Lumberton*

Planning & Neighborhood Services

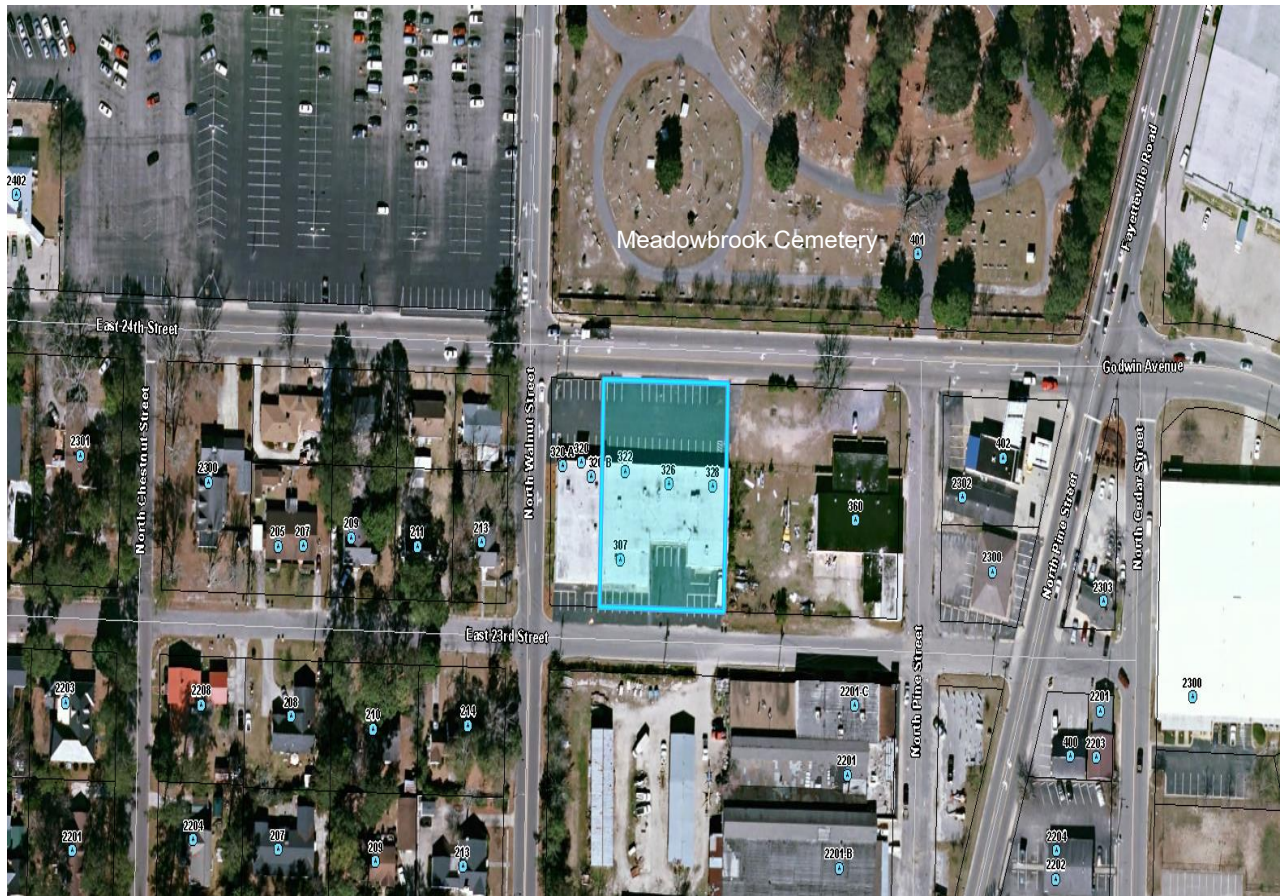
Request for Special Use Permit (SUP)

PETITIONER(S):	OWNER(S):
Name of Petitioner: Ryan Locklear	Name of Owner: Dass Investors Limited
Address: 1619 Cabinet Shop Rd	Address: 328 E. 24 th St.
City/State/Zip: Maxton, NC 28364	City/State/Zip: Lumberton, NC 28358
Mailing Address: 1619 Cabinet Shop Rd. Maxton, NC 28364	Mailing Address: 712 RoanTree Dr. Brentwood, TN 37027

SUP Request: Ryan Locklear is requesting a Special Use Permit for property located at 328 E. 24th St. Parcel #32140100801.

LOCATION:

328 E 24th St.



Zoning



PROJECT OVERVIEW

Analysis: Ryan Locklear is requesting a Special Use Permit to extend his operating hours for his restaurant and arcade, located at 328 E. 24th. St. (parcel #32140100801), to 2:00 am on Fridays and Saturdays. His current operating hours are Mon. - Sat. 4 pm – 11 pm and Sunday 4 pm-10 pm. Restaurants with hours of operation, which includes the hours of 11:00 pm through 6:00 am, require a Special Use Permit.

BACKGROUND:

City Council approved the Special Use Permit on October 9, 2023 to allow the arcade. During that time, his operating hours for the restaurant with accessory bar and arcade were Mon. - Sat., 4:00 pm to 11:00 pm and Sunday, 4:00 pm to 10:00 pm.

PLANNING & ZONING

<i>Parcel #(s)</i>	<i>Zoning</i>	<i>Width</i>	<i>Area</i>	<i>Structure Area</i>	
32140100801	B-4	155'	28,830 sq ft.	12,040 sq.ft. divided	

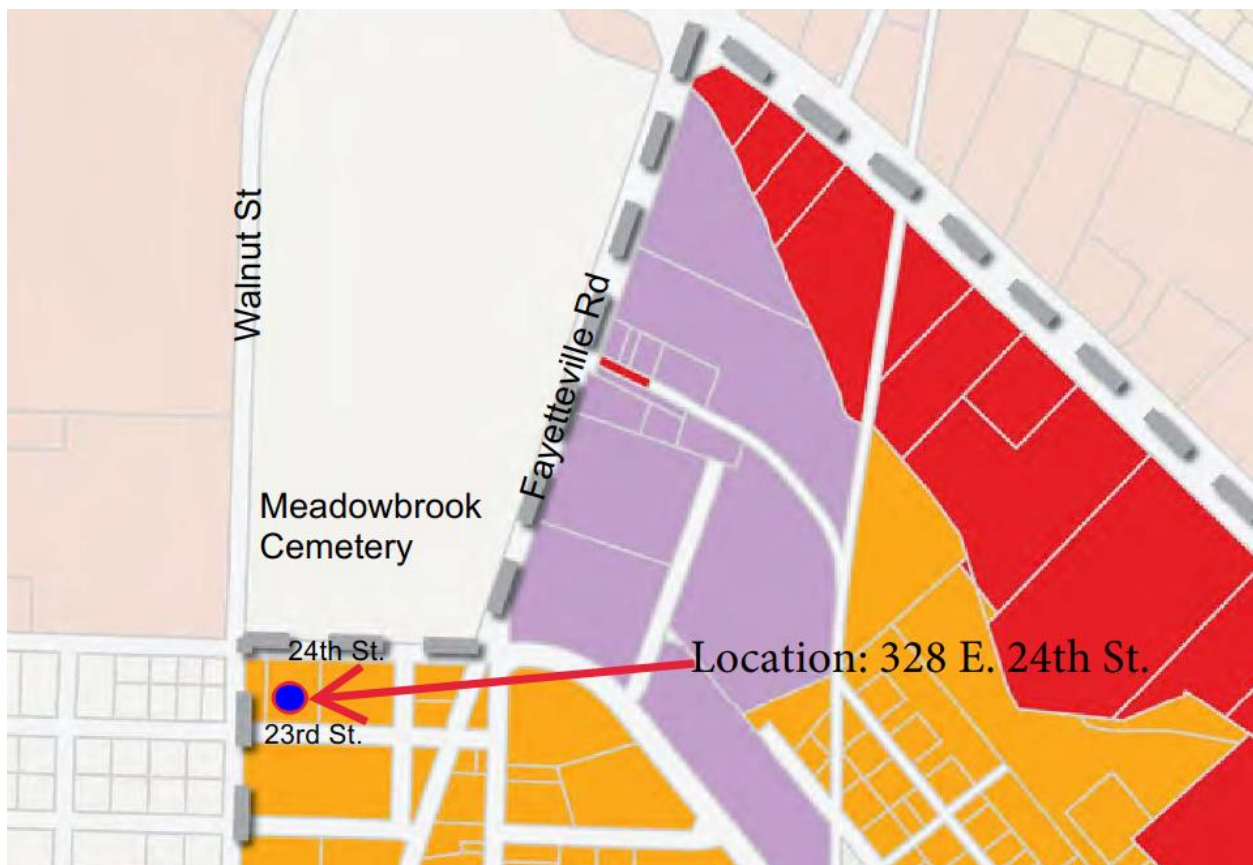
City of Lumberton

Planning & Neighborhood Services

ADJACENT PROPERTY SITE DATA

	<i>Zoning</i>	<i>Zoning Description</i>	<i>Land Use</i>
Subject Property	B-4	General Commercial	Restaurant with accessory bar and arcade
North	B-4	General Commercial	Cemetery
South	B-4	General Commercial	Retail/Storage
East	B-4	General Commercial Walnut St./R11	Retail Residential Single Family
West	B-4	General Commercial	Gas Station/Convenience Store

Land Use Plan: The parcel is currently zoned B-4 (General Commercial). The Land Use Plan designates the future use of the parcel as medium intensity and is located in precinct 3.



City of



Lumberton

Planning & Neighborhood Services

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.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone: 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: 3710939200K **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's Planning Department for approval. All conditions of the Special Use Permit must be addressed prior to the issuance of a Land Use Permit.

PLANNING STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

Use Description	A	R-20	R-15	R-11	PR-11	R-7	R-6	R-3	B-1	B-2	B-3	B-4	B-5	B-6	B-7	M-1	M-2	M-3
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									S			S	S		S			
8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed										Z		Z	Z		Z			
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												S	S		S			

RETURN: CITY OF LUMBERTON



NORTH CAROLINA

SPECIAL USE PERMIT

ROBESON COUNTY

APPLICANT: RYAN LOCKLEAR
 PROPERTY OWNER: DASS INVESTORS
 TAX MAP: 32140100801
 DEED REFERENCE: BK: 01767 PG 078
 PROPOSED USE: GAME CENTER
 MEETING DATE: OCTOBER 9, 2023

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.

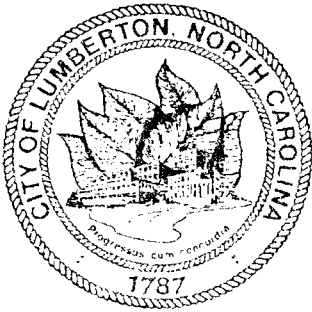
(2) In granting the Special Use Permit, the Council has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein:

PROVIDE A PARTITION WALL BETWEEN THE ALCOHOL SALES AND GAME CENTER

(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 W. Davis
Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh
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.

Dass Investors by Agent Brad Martin BRM (SEAL)
Owner Name (print/type) Owner Signature

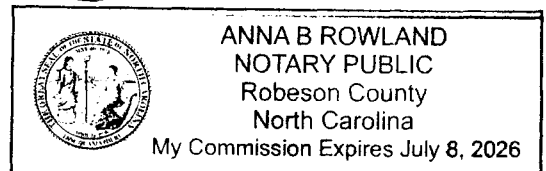
STATE OF NORTH CAROLINA
COUNTY OF Robeson

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

WITNESS my hand and Notarial Seal this 20th day of November, 2023.

My Commission Expires: July 20, 2023

[Signature]
Notary Public



Lumberton City Council

Item: VII.K.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/20/2025

Subject: Habbeb Najjar Special Use Permit 2105 W.5th St.-P7

Summary/Background of Subject Matter:

Habbeb Najjar is requesting a Special Use Permit for an electronic gaming center for property located at 2105 W. 5th Street P7.

Staff Recommendation:

That Council review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

Furthermore, the Planning Staff recommends denial of the request based on the fact that the operation will not meet the requirements outlined in Section 35-166.5 of the Code of the City of Lumberton.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Habbeb 2105 W 5th St application et al

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

7-191

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: HABBEB NIZAR NAJJAR

Legal Name: AMZ SS Properties, LLC.

Physical Address: 2105 W 5th St
Lumberton, NC 28358

Physical Address: 230 Kensington St
Lumberton NC 28358

Mailing Address: 2105 W 5th St
Lumberton, NC 28358

Mailing Address: 230 Kensington St
Lumberton NC 28358

Telephone: 818-270-5357

Telephone: 919 798 2237

Name of Business: mike gift shop

Business Address: 2105 W 5th St

EMAIL: habbeeb.syria1993@gmail.com

Description of Property:

2. <u>2105 W 5th St</u> (Address)	<u>2415</u> (Deed Book)	<u>0476</u> (Page)
<u>4</u> (Map Book)	<u>104</u> (Page)	<u>286</u> (Frontage)
		<u>0.36 acres</u> (Area)

3. Tax Map Identification (parcel number): 3223 0200901

4. Proposed Use of Property: 6.160 Electronic gaming operation

5. Zoning District Designation of Property: B-4

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:

- That it will not materially endanger the public health or safety; and
- That it will not substantially injure the value of adjoining or abutting property; and
- That it will be in harmony with the area in which it is to be located; and
- 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.

Trans. # 41326

File # 7.191

1 of 2

5/28/21

ADDRESS:

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

- Days/Hours operation: 8am - 10pm Monday through Saturday
- numbers of machines: 40
- licensed machines: Yes
- No Food cooked/served
- No Alcohol Allowed
- Parking lot light: yes
- SUFFICIENT PARKING: Yes
- operations meets the necessary requirements for distance away from prohibited areas.
- operation is open for access by All emergency personnel
- Permitted Age: 18+
- Full time Security onsite w/weapon (licensed) at all times.

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: HABIB NAJJAR 2105 W 5th St, Lumberton, NC
Name Physical Address
28358

Applicant: HABIB
Signature

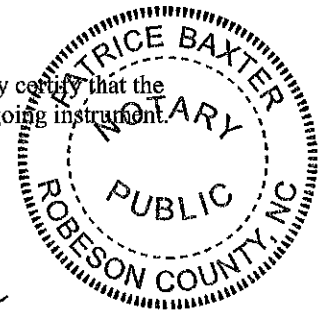
STATE OF NC COUNTY OF Robeson

I, Patrice Baxter, 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 18th day of November, 2024

Patrice Baxter
Notary Public Signature

My Commission Expires: 11-18-2025



Owner: AMZEE Properties LLC 2105 W 5th St, Lumberton, NC
Name Physical Address

Owner: AMZEE Properties LLC
Signature

STATE OF NC COUNTY OF Robeson

I, Patrice Baxter, 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 18th day of November, 2024

Patrice Baxter
Notary Public Signature

My Commission Expires: 11-18-2025

File # 7.191 2 of 2
5/28/21

REQUIRED APPLICATION / APPEAL AND SPECIAL USE PERMIT APPENDIX FOR ELECTRONIC GAMING OPERATIONS

Under the Lumberton City code, Electronic Gaming Operations are allowed only Zones B-4, B-5 and B-7, and even then, only by a Special Use Permit. Further requirements and limitations are set forth in Code Section 35-166.5. Subsection (j) thereof makes an Electronic Gaming Operation impermissible within 1000 feet of certain other uses. If a proposed Electronic Gaming Operation fails to meet these or any other threshold requirements, staff will not accept an application for the required special use permit. A letter setting forth the basis for the refusal to accept the application will be provided upon request.

The following Certification is also required to be signed and notarized before any Electronic Gaming Operation Special Use Permit application or appeal will be accepted and processed:

CERTIFICATION

I, HABIB NIZAR NAJJAR, the undersigned applicant for an Electronic Gaming Operation Special Use Permit, or Appellant of an Electronic Gaming Operation-related issue, having been duly sworn, do hereby acknowledge that any false statement herein could be construed as perjury, and further certify that:

1. In addition to the above, the Electronic Gaming Operation for which I am applying, or to which the appeal pertains, is not in any way in contravention or violation of any aspect of Article 37 of Chapter 14 of the North Carolina General Statutes. HN (initial)

2. I understand that, while the City seeks the assurance set out in Paragraph 1, no action or inaction by the City with regard to an Electronic Gaming Operation Special Use Permit or appeal, shall be construed in any way as a conclusion

by the City that the facility is in compliance with Article 37 of Chapter 14 of the North Carolina General Statutes. I understand that it is not part of the City Special Use process to evaluate the facility for compliance with Chapter 14 (entitled "Criminal Law"), Article 37, of the NC General Statutes, which is, again, clearly a criminal matter. The enforcement of Article 37 of Chapter 14 of the NC General Statutes falls under the purview of Law Enforcement. HN (initial)

3. I further understand that despite any type of City acceptance of the application or appeal, processing of the same, or approval as for the special use process or appeal, city, county, and/or state law enforcement may investigate the subject facility and determine whether it is in violation of Article 37 of Chapter 14 of the North Carolina Statutes and may take any and all appropriate legal actions, including but not limited to confiscation of property and criminal prosecution, and I understand that in this regard I am proceeding completely at my own risk. HN (initial)

4. I acknowledge that I have been given the opportunity to consult with legal counsel prior to executing this Certification. HN (initial)

Notarized signatures:

APPLICANT: HABBEH NIZAR NAJJAR (print)

2105 W 5th St, Lumberton, NC 28358

Physical Address

Applicant signature: HABBEH

State of North Carolina

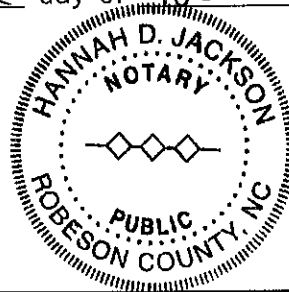
County of Robeson

I, Hannah D. Jackson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared

before me this day, and was duly sworn, and duly acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 22 day of November, 2024.

Hannah D. Jackson
Notary Public Signature



My Commission Expires: 9-4-29

PROPERTY OWNER: AMZ ss Properties, LLC (print)
2105 W 5th St Lumberton (28358)
Physical Address

Property owner signature: AMZ

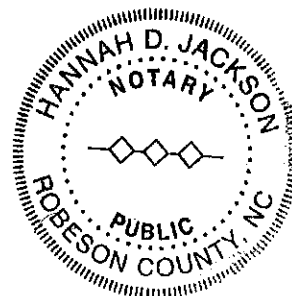
State of NC

County of Robeson

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

WITNESS my hand and Notarial Seal this 22 day of November, 2024.

Hannah D. Jackson
Notary Public Signature



My Commission Expires: 9-4-29

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.: _____

Property address: 2105W 5th St. Parcel #: 32230200901

I, Amigos Properties, LLC. (property owner), give Dr./Mr./Ms. HABIB NIZAR NAJJAR the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Abdelmounaim Zaini

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

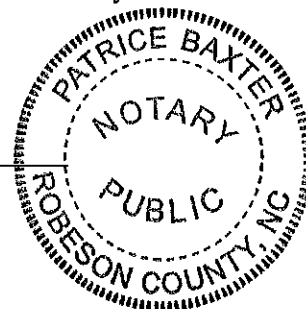
I, Patrice Baxter, a Notary Public in and for said County and

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

WITNESS my hand and Notarial Seal this 18th day of November, 2024.

My Commission Expires: 11-18-2025

Patrice Baxter
Notary Public



Planning & Neighborhood Services

Request for Special Use Permit 7.191 Habbeb Najjar 2105 W.5th St.

PETITIONER(S):	OWNER(S):
Habbeb Nizar Najjar 2105 W. 5 th Street Lumberton, NC 28358 818-270-5357 habbeb.syria1993@gmail.com	AMZ55 PROPERTIES LLC 230 KENSINGTON ST LUMBERTON , NC 28358 919-798-2237

Special Use Permit Request: Habbeb Najjar is requesting a Special Use Permit for an electronic gaming center for property located at 2105 W. 5th Street P7.

LOCATION: 2105 W. 5th Street **PARCEL #**32230200901



Planning & Neighborhood Services

PROJECT OVERVIEW

PLANNING & ZONING

<i>Parcel #(s)</i>	<i>Zoning</i>	<i>Width</i>	<i>Area</i>		<i>Limits of Construction</i>
32230200901	B-4	~286'	~0.36 Acres	Floor area = 4,146 sq.ft. (Rob. Co. Tax)	~0.36 Acres Floor area = 4,146 sq.ft. (Rob. Co. Tax)

MINIMUM (MAX) SETBACK AND LOT SIZE REQUIREMENTS

<i>Zoning District</i>	<i>Min. Square Footage</i>	<i>Min. Road Frontage</i>	<i>Min. Front Setback (right of way)</i>	<i>Min. Side Setback (no right of way)</i>	<i>Min. Rear Setback (no right of way)</i>	<i>Max. Height</i>
B-4, Business General Commercial	No minimum	100'	40'	20'	20'	35'

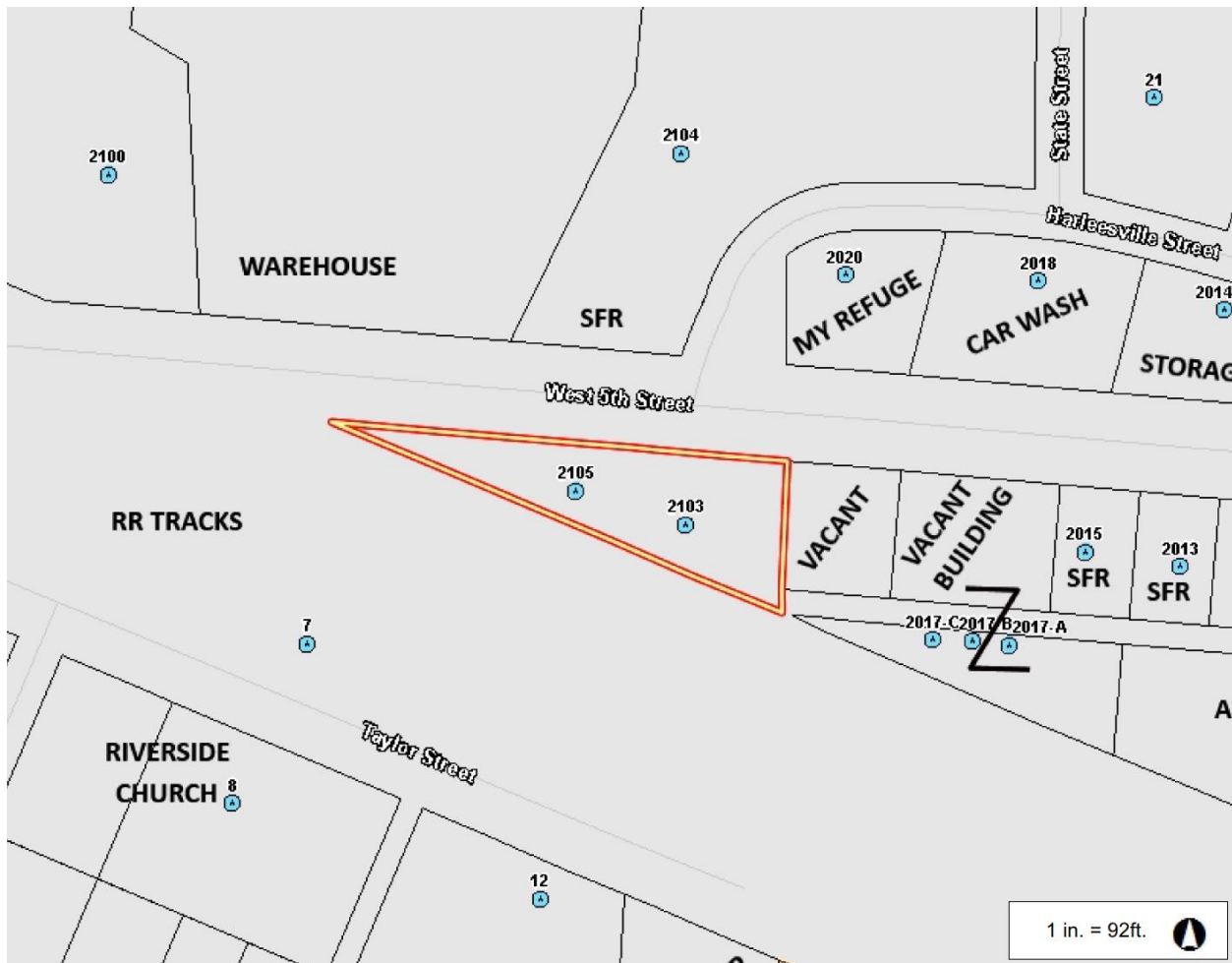
ADJACENT PROPERTY SITE DATA

	<i>Zoning</i>	<i>Zoning Description</i>	<i>Land Use</i>
Subject Property	B-4	Business General Commercial	Proposed Electronic Gaming Center
North	M-1 B-4	Light Manufacturing Residential Single-Family/Duplex Business General Commercial	STREET SINGLE-FAMILY RESIDENTIAL WAREHOUSE NON-PROFIT
South	N/A	N/A	RR TRACK
East	B-4	Business General Commercial	Vacant Lot
West	N/A	N/A	RR TRACK

City of *Lumberton*

Planning & Neighborhood Services

ADJACENT PROPERTY MAP

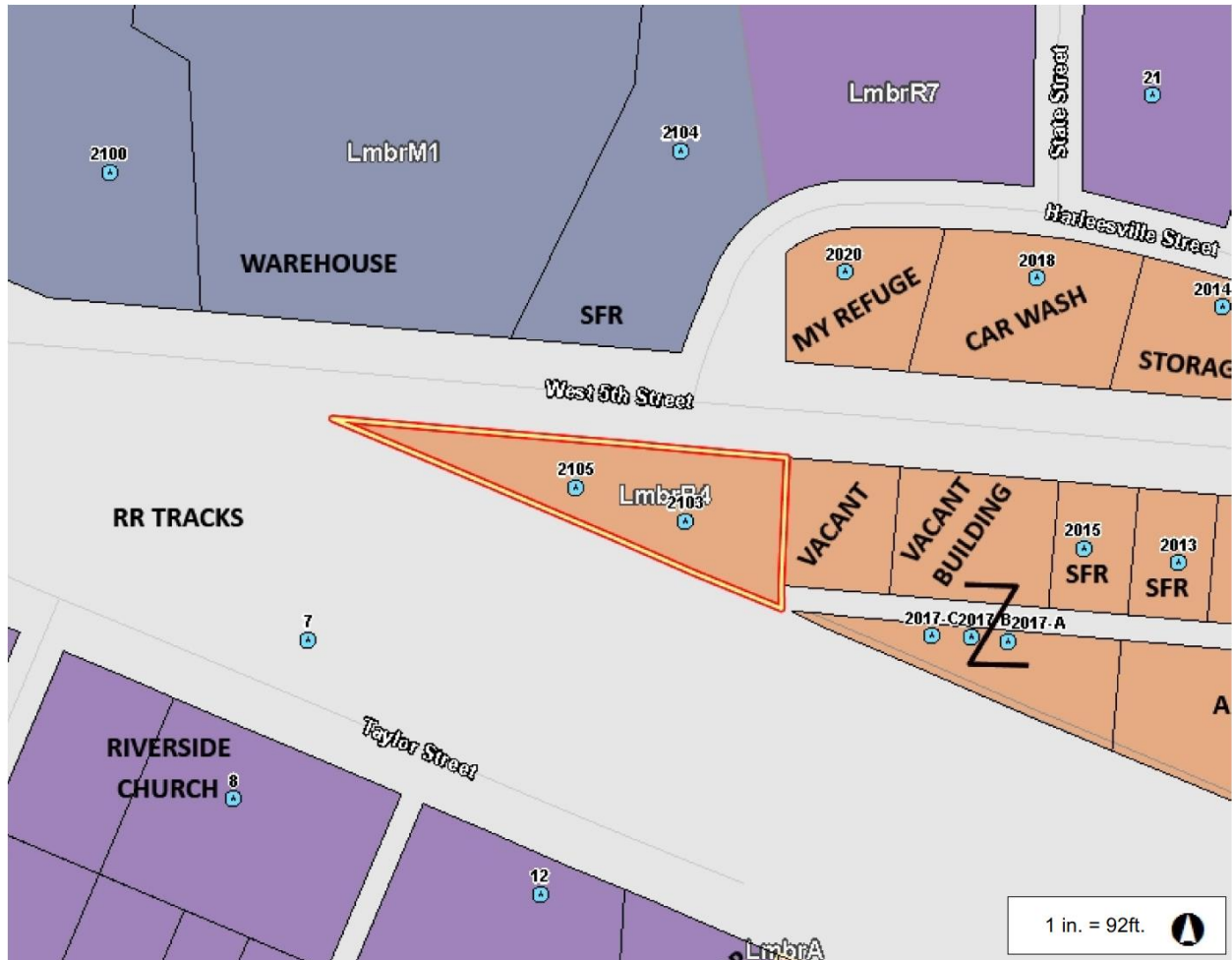


City of Lumberton

Planning & Neighborhood Services

EXISTING LOT INFORMATION: Current use of property – Non-permitted Gaming Center.

ZONING – B-4





Planning & Neighborhood Services

NON-COMPLIANCE WITH CITY CODE SECTION 35-166.5

Section 35-166.5(9):

- This location will not meet the required parking spaces of 24 spaces.

Section 35-166.5(10):

- This location is ~60 feet of residential use.
- This location is ~60 feet from a residential zoning district (R-7)/residential use.
- This location is ~ 204 feet from Riverside Church of God.
- This location is within ~ 655 feet from Luther Britt Park (City Park).

*****PLEASE SEE ATTACHED MAPS AND ORDINANCE*****

Sec. 35-166.5 Electronic Gaming Operations

- (1) Any business desiring to operate as an Electronic Gaming Operation must obtain a special use permit. Special use permit for Electronic Gaming Operations can only be applied for in zoning districts B-4, B-5, and B-7.
- (2) The following will require a special use permit under this section:
 - a. The opening or commencement of an electronic gaming operation as a new business;
 - b. The conversion of an existing business, whether or not an electronic gaming operations, to any of the electronic gaming operations defined herein;
 - c. The addition of any of the features of one or more of the electronic gaming operation defined herein to an existing business;
 - d. The addition of any of the electronic gaming operations defined herein to any other existing electronic gaming operation; or
 - e. The relocation of any electronic gaming operation.
- (3) Days/Hours of operation: An Electronic Gaming Operation may operate from 8:00am until 10:00pm Monday thru Saturday, closed on Sundays. If the electronic gaming operation is an accessory use, the primary use may continue to operate during its normal business hours.
- (4) Number of machines/terminals/computer for any Electronic Gaming Operation: 1 unit per 50 sq.ft. of gross floor area designated for the Electronic Gaming Operation. The maximum number of machines/terminals/computer for any Electronic Gaming Operation is 40. Floor area = 4,146 (Rob. Co. Tax)
If approve maximum number of 40
- (5) The machines/terminals/computers used by an Electronic Gaming Operation must not be prohibited by state or federal law and must have all applicable permits and licenses.
- (6) If food or beverages are served by an Electronic Gaming Operation, the establishment must meet the requirements of the Robeson County Department of Health, and all state law requirements.
- (7) The consumption of alcoholic beverages on premises is prohibited unless the owner or operator has secured appropriate state alcoholic beverage permit(s).
- (8) Lighting shall be kept on the parking surfaces associated with an Electronic Gaming Operation during the hours of operation which are within sunset to sunrise.

- (9) An Electronic Gaming Operation must meet a parking requirement of one (1) space for every two hundred (200) square feet of gross floor area plus three (3) additional parking spaces.

Floor area = 4,146 SQ.FT. (Rob. Co. Tax)
Minimum required 21, will not meet

- (10) An Electronic Gaming Operation shall not be located within one thousand (1,000) linear feet of any:

(a) other Electronic Gaming Operation,

(b) residential zoning district, nearest residential zoning district ~60 feet

(c) single-family residence, nearest single-family residence ~60 feet

(d) church or place of worship, nearest church ~204 feet

(e) public or private daycare center,

(f) public or private school,

(g) government building,

(h) public park, playground, or library, nearest public park ~655 feet

(i) adult establishment,

(j) group care, facilities for the care of the aged or infirm, or congregate care facilities, or

(k) cemetery.

- The required separation from the above listed places applies whether a use indicated in (a) to (j) is the principal use or an accessory use of the property.
- Distances shall be measured from the closest point of a lot line of each of the two properties in question.

- (9) All Electronic Gaming Machines shall be open for direct, unobstructed access by police officers, fire department personnel, and emergency response personnel, and shall be visible from the main entrance of the involved Electronic Gaming Operation.

- (10) No Electronic Gaming Operation shall permit, allow, or condone the use of an Electronic Gaming Machine by any person under the age of 18.

- (11) A \$200.00 Civil Penalty per day per violation and/or a criminal misdemeanor, punishable as provided in G.S. 14-4, with a maximum fine of up to five hundred dollars (\$500.00) per day per violation may be issued for a violation of any part of this Ordinance. The penalty or fine may be imposed upon the owner, the operator, or both.

- (12) This section shall not apply to any lottery endorsed, approved, or sponsored by the State of North Carolina nor to arcade games of skill which don't involve the use of electronic machines.

(Ord. No. 2017.12.03, 12-6-2017)

2105 W. 5TH ST. DISTANCE MEASUREMENTS



Legend

- Site Address
- Road
- Parcel
- City Limit

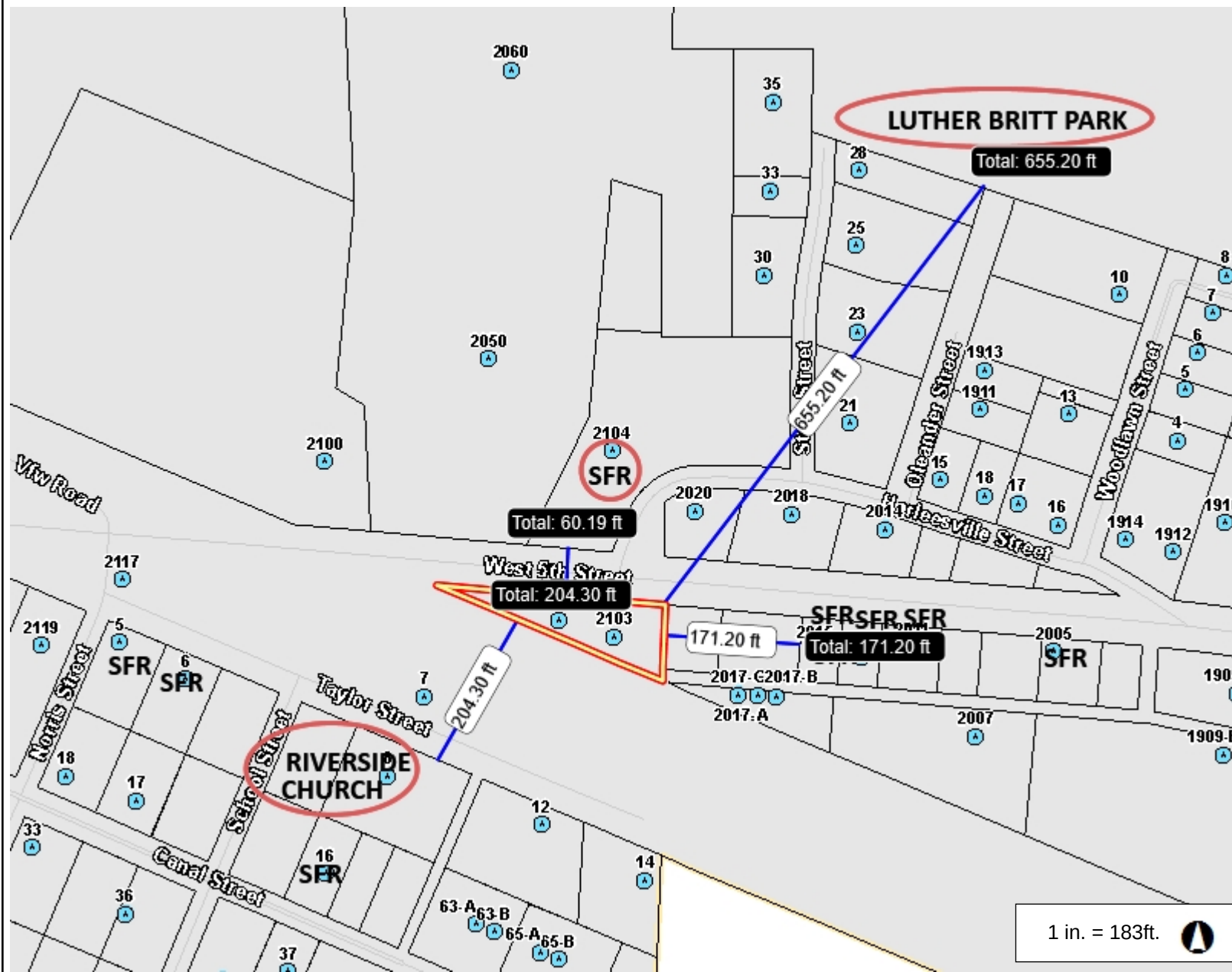
Notes

366.4 0 183.21 366.4 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

2105 W. 5TH ST. DISTANCE MEASUREMENTS

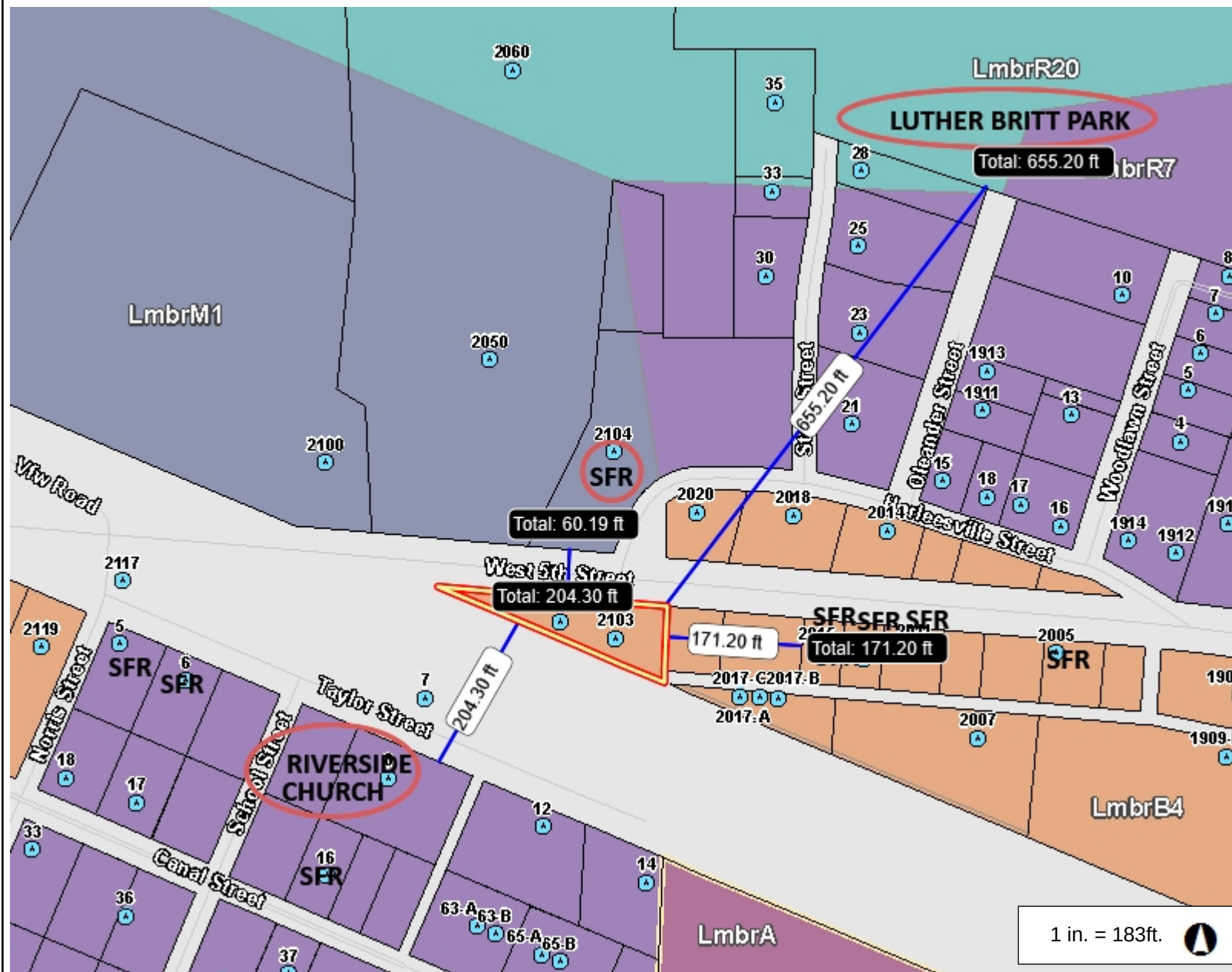


366.4 0 183.21 366.4 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

2105 W. 5TH ST. DISTANCE MEASUREMENTS



Legend

- Site Address
- Road
- Parcel
- City Limit
- Zoning**
- CntyC1
- CntyH1
- CntyI2
- CntyR2
- CntyRA
- Lmbr CZ B3
- Lmbr CZ B4
- Lmbr CZ B6
- Lmbr CZ R6
- Lmbr SUP A
- Lmbr SUP B2
- Lmbr SUP B3
- Lmbr SUP B4
- Lmbr SUP R6
- LmbrA
- LmbrB1
- LmbrB2
- LmbrB3
- LmbrB4
- LmbrB5
- LmbrB6

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

City of *Lumberton*

Planning & Neighborhood Services

Land Use Plan: Future use of the parcel is medium intensity and is located in precinct 7.



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

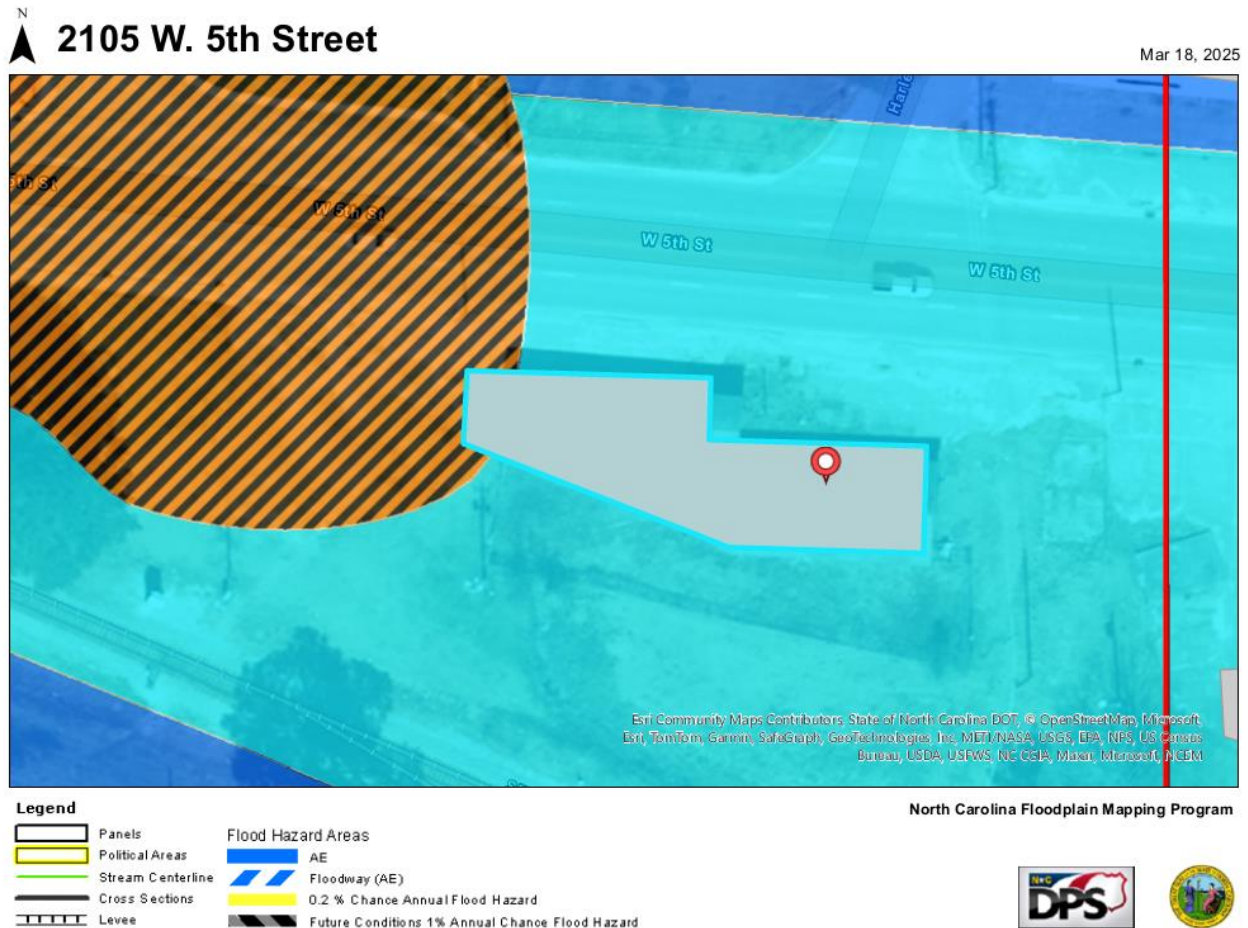
Planning & Neighborhood Services

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone AH 100-YEAR FLOOD (portion of building & property): Special Flood Hazard Area inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.. Mandatory flood insurance purchase requirements apply.

Zone X: (Protected by Levee) NOT IN 100-YEAR FLOOD (portion of building & property): Moderate flood hazard area protected by levee from the 1% annual chance flood.

Map Number: 3710938100K **Panel Effective Date:** 12/6/2019



City of *Lumberton*
Planning & Neighborhood Services

DEVELOPMENT UPON APPROVAL

If the Special Use Permit is granted the applicant must submit site development plans to the City of Lumberton, and other applicable Federal and State Departments, for review and approval prior to development. All conditions of the Special Use Permit must be met prior to issuance of a Certificate of Occupancy.

PLANNING DEPARTMENT RECOMMENDATION TO CITY COUNCIL (CPC)

CPC review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing. Furthermore, the Planning Staff recommends denial of the request based on the fact that the operation will not meet the requirements outlined in Section 35-166.5 of the Code of the City of Lumberton.

Lumberton City Council

Item: VII.L.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/31/2025

Subject: Dannie Stewart SUP 328 Hood Rd.-ETJ

Summary/Background of Subject Matter:

Dannie Stewart is requesting a Special Use Permit to construct a 1600 square feet accessory structure for property located at 328 Hood Rd. (parcel # 102006019/Deed Book 01059 Page 117).

Staff Recommendation:

City Council review the request, refer the petition to the April 18, 2025 Planning Board meeting for their review, and authorized 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. Stewart SUP Application and Attachments

**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: Dannie R. Stewart

Legal Name: Dannie R. Stewart

Physical Address: 328 Hood Rd. Lumberton, NC 28358

Physical Address: 328 Hood Rd. Lumberton, NC 28358

Mailing Address: 328 Hood Rd. Lumberton, NC 28358

Mailing Address: 328 Hood Rd. Lumberton, NC 28358

Telephone: 910-301-9989

Telephone: 910-301-9989

Name of Business: N/A

Business Address: N/A

EMAIL:

Description of Property:

2. 328 Hood Rd. Lumberton, NC 28358

01059

0690

(Address)

(Deed Book)

(Page)

21

117

140 ft.

42,000 sq. ft.

(Map Book)

(Page)

(Frontage)

(Area)

3. Tax Map Identification (parcel number): 102006019

4. Proposed Use of Property: Accessory Structure - garage building

5. Zoning District Designation of Property: R20

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.

File # 7.192 1 of 2
5/28/21

ADDRESS:

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

Requesting a special use permit to construct a 40' x 40' garage. City ordinance will only allow for a 745 sq. ft. accessory structure.

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: DANNIE RAY STEWART 328 HOOD ROAD LOHREY N.C. 28358
Name Physical Address

Applicant: *Dannie Ray Stewart*
Signature

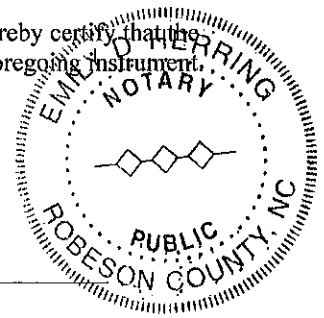
STATE OF NC COUNTY OF Robeson

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 28th day of March, 2020.

Emily D Herring
Notary Public Signature

My Commission Expires: 9-4-29



Owner: _____
Name Physical Address

Owner: _____
Signature

STATE OF _____ COUNTY OF _____

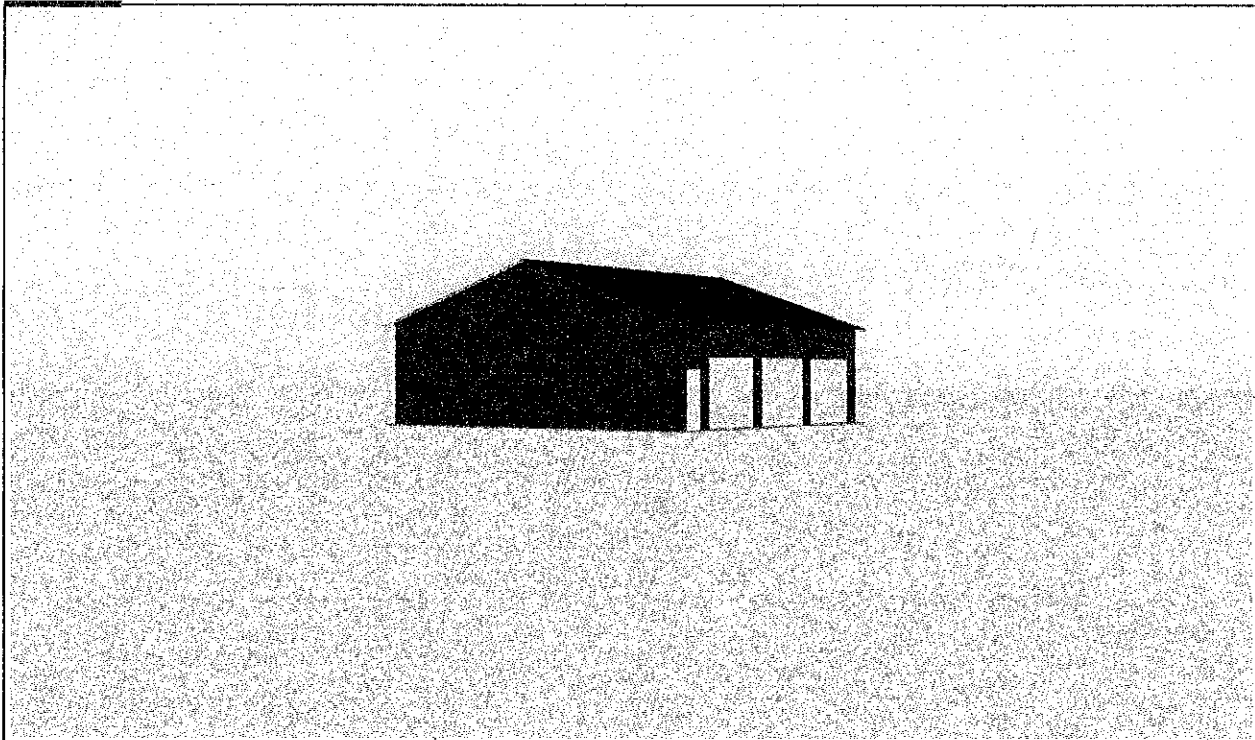
I, _____, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public Signature My Commission Expires: _____

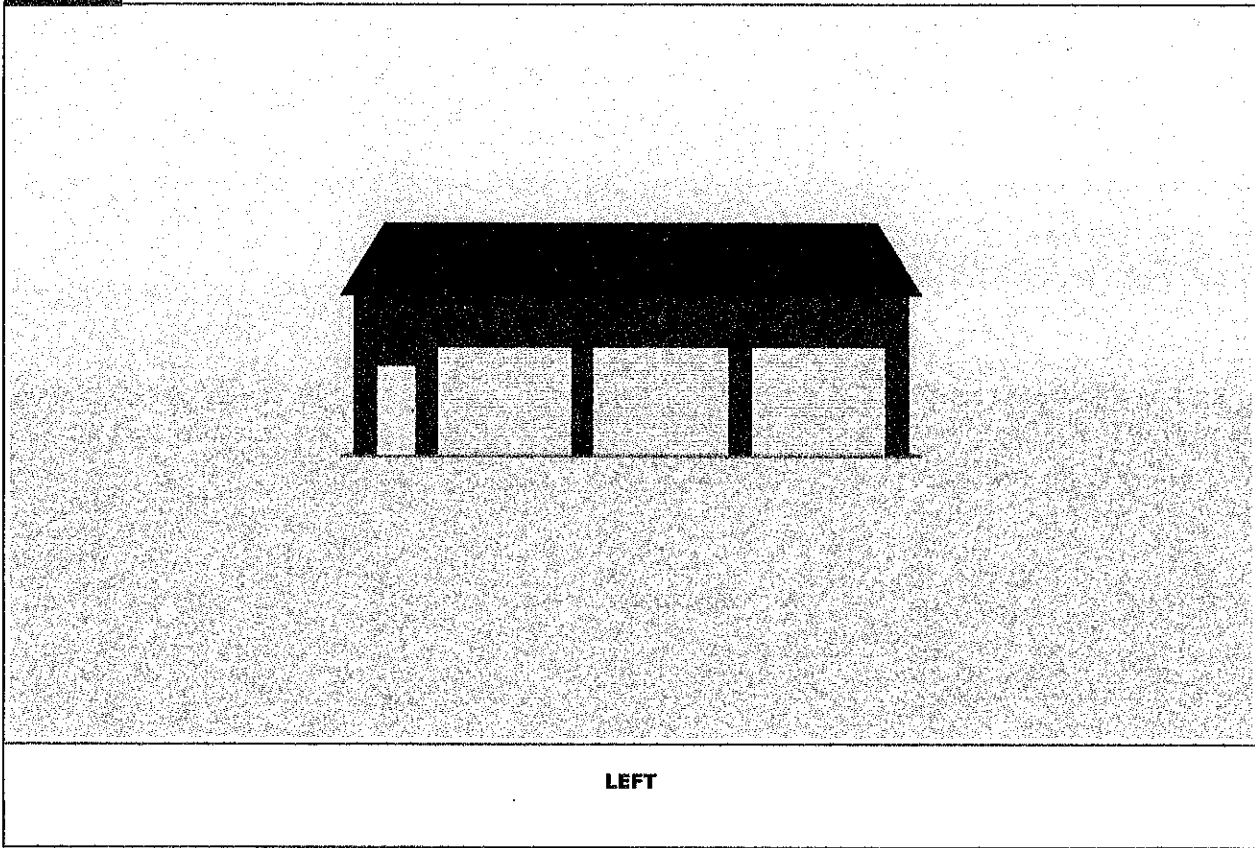
File # 7-192 2 of 2
5/28/21

BUILDING VIEW

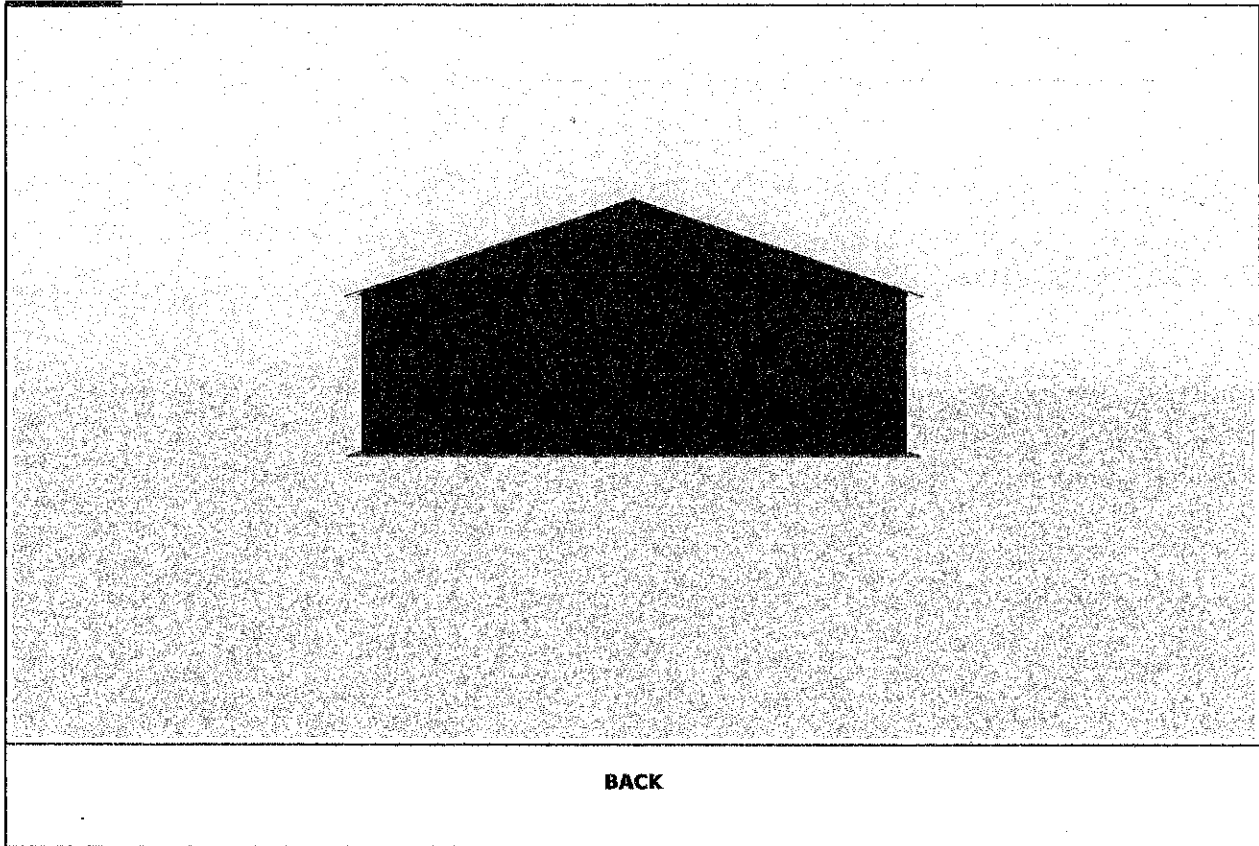


FRONT

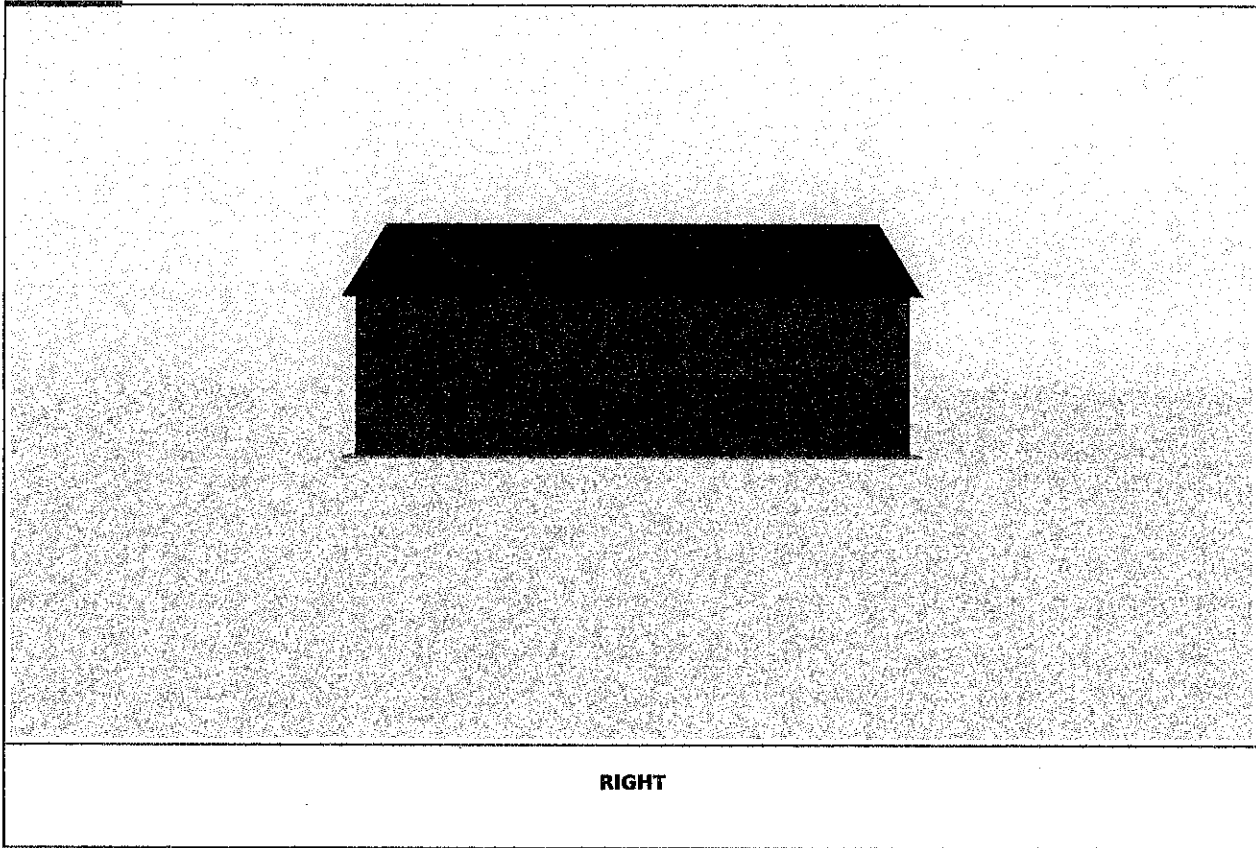
BUILDING VIEW

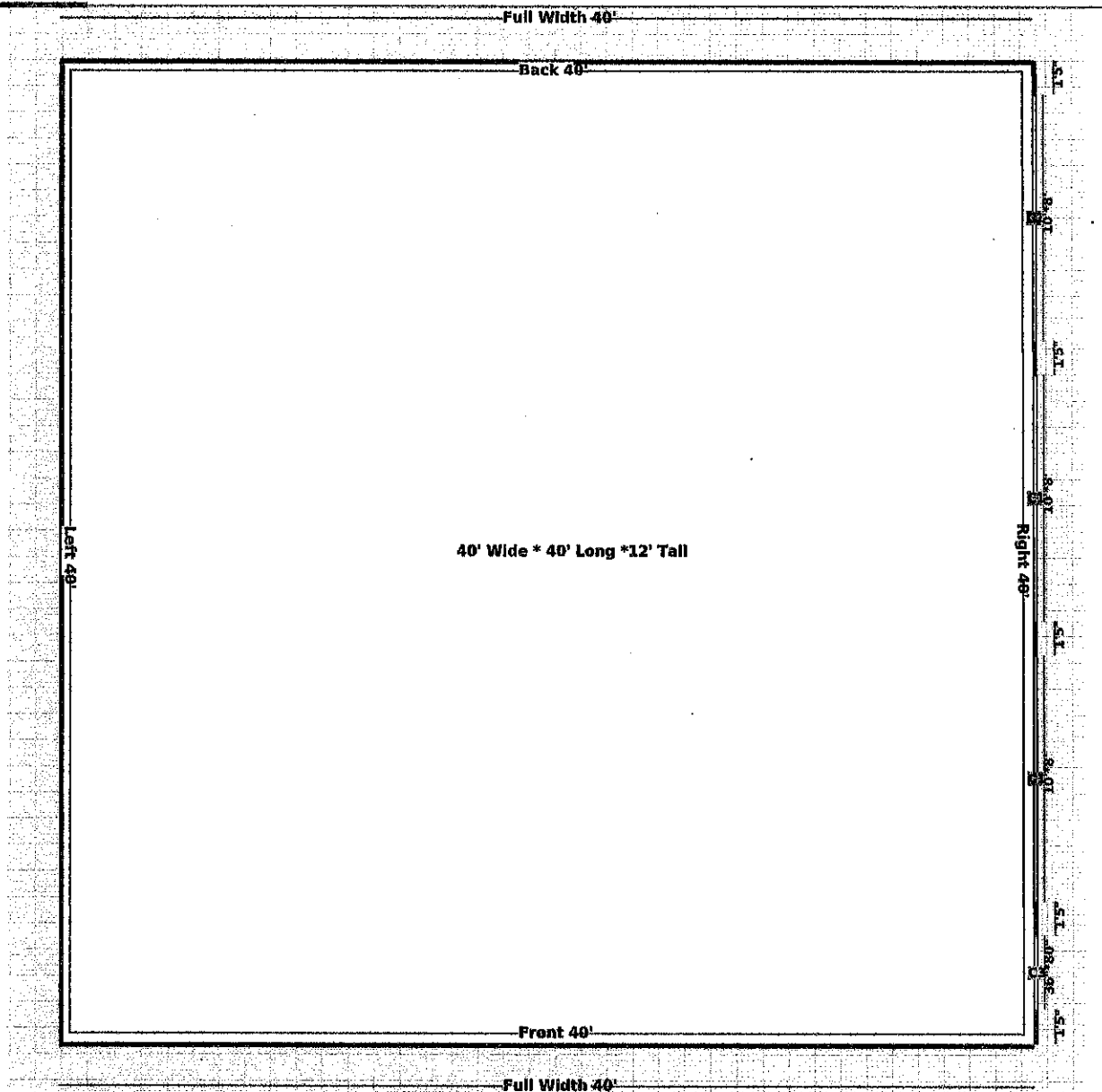


BUILDING VIEW



BUILDING VIEW

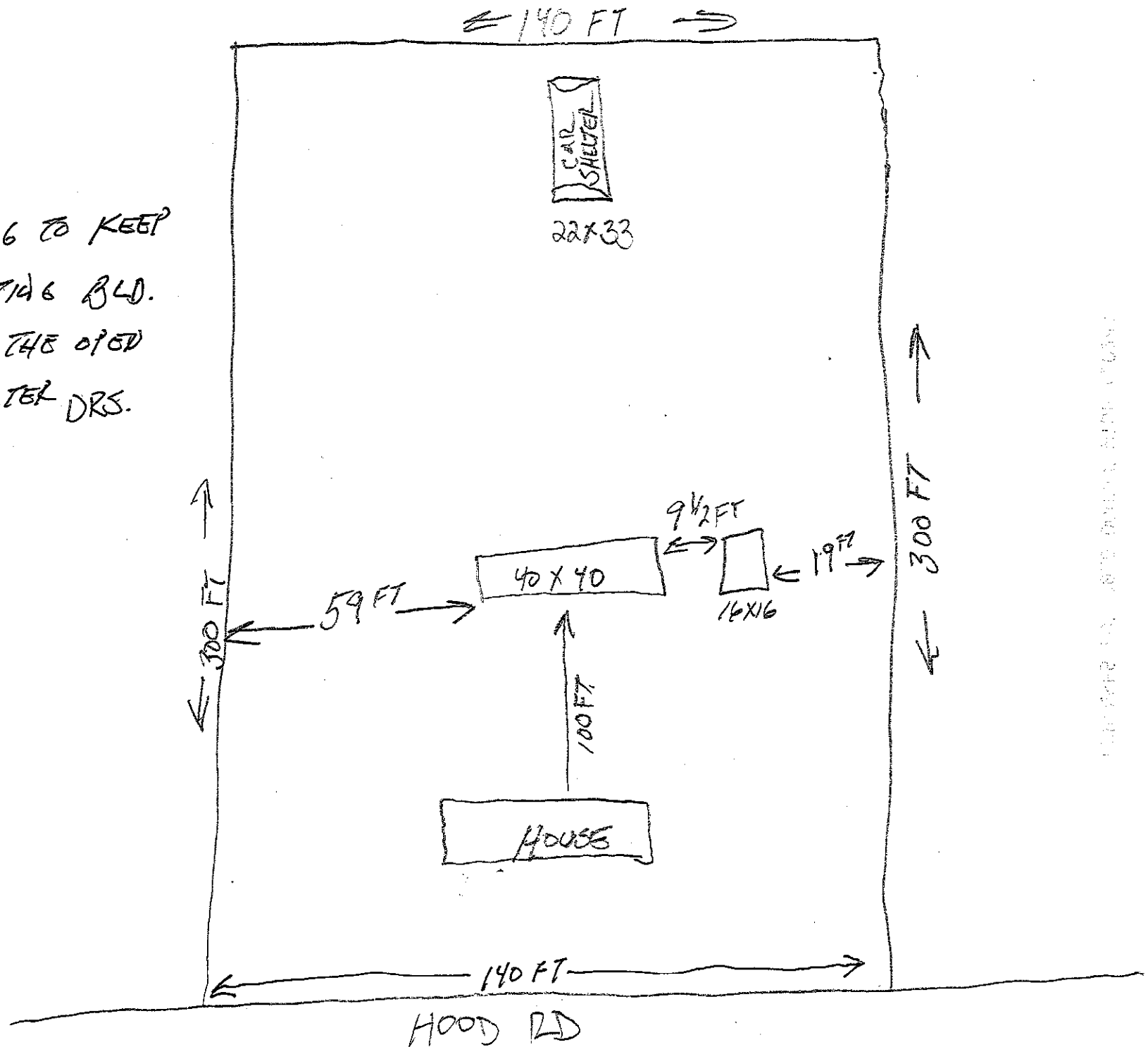




LEGENDS

- Garage Door
- Garage Door Frameout
- Walk In Door
- Walk In Door Frameout
- Windows
- Windows Frameout
- Open Wall
- Close Wall
- Distance
- Storage Length (Utility)
- Cupola

I'M GOING TO KEEP
THE EXISTING BLD.
16X16 AND THE OPEN
CAR SHELTER DRS.



**Leons Metal Structures, LLC**248 Garren Town Road
North Carolina 27205

leonsmetalstructures@gmail.com

(336) 241-2073

<https://www.leonsmetalstructures.com>**Sales: Aimee Dominguez**248 Garren Town Road
North Carolina 27205

aimee@leonsmetalstructures.com

**Building Quote
QTE-002591**Date
03/14/2025Total
\$22,684.00**CUSTOMER DETAILS****Danny Stewart****Billing Address**

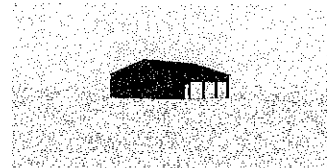
Lumberton, Robeson, North Carolina 28358

Shipping Address

Lumberton, Robeson, North Carolina 28358

dannier5@yahoo.com

(910) 301-9989

Commercial Buildings-Risk II - 40 x 40 x 12☒ Roof Color: Black☒ Trim Color: Black☒ Sides/Ends Color: Charcoal☐ Door Color: High Gloss White☐ Wainscot Color: NAReady for Installation? ☐ Jobsite Level? ☐ Permit Required? ☒ Inside City Limit? ☐ Electricity Available? ☐ Installation Surface? ConcreteBuilding Dimension
40'W x 40'L x 12'HRoof Style
VerticalGauge
14 GaugeWind/Snow Rating
Built to Local CodeDistance on Center
4 Feet

40X40' (Roof 41') Vertical Roof	1
12' Height (Double Legs)	1
Built to Local Code	1
4/12' Roof Pitch	1
10x8 ft Garage Door (Roll-Up) on Right Wall (High Gloss White)	1
10x8 ft Garage Door (Roll-Up) on Right Wall (High Gloss White)	1
10x8 ft Garage Door (Roll-Up) on Right Wall (High Gloss White)	1
36x80 Inch Walk-In Door (Standard 6 Panel) on Right Wall	1
Roof Insulation Single Bubble	1
1' Overhang On Ends	1
1' Overhang On Sides	1
Colored Screws	1

NOTES

40x40 concrete pad, 4 inches thick, vapor barrier, smooth finish, 3000 psi, grading up to 4hrs, 12"x12" footers, #4 rebars included \$9,860 plus tax.*concrete price is NOT included in the total, must be paid on pour day. *customer must provide fill dirt on site. *IF COUNTY REQUIREMENTS DIFFER ON PLANS THAN WHAT IS STATED ABOVE, THERE WILL BE ADDITIONAL UPGRADING COST.

Building Amount:	\$21,200.00
Manufacturer Discount:	\$0.00
Sub Total:	\$21,200.00
Sales Tax (7%)	\$1,484.00
Additional Charges	\$0.00
Grand Total	\$22,684.00

Pay Now

Downpayment	\$6,360.00
Balance Due	\$16,324.00

309 Hood Rd

EXISTING STRUCTURES



Image capture: May 2023 © 2025 Google



City of



Lumberton

Planning & Neighborhood Services

Special Use Permit
Dannie Stewart SUP 328 Hood Rd-ETJ

Date of Application Submittal:

PETITIONER(S):	OWNER(S):
Name of Petitioner: Dannie Stewart 328 Hood Rd. Lumberton, NC 28358	Name of Owner: Dannie Stewart 328 Hood Rd. Lumberton, NC 28358
Special Use Permit Request: Dannie Stewart is requesting a Special Use Permit to construct a 1600 square feet accessory structure for property located at 328 Hood Rd. (parcel # 102006019/Deed Book 01059 Page 117).	

LOCATION:

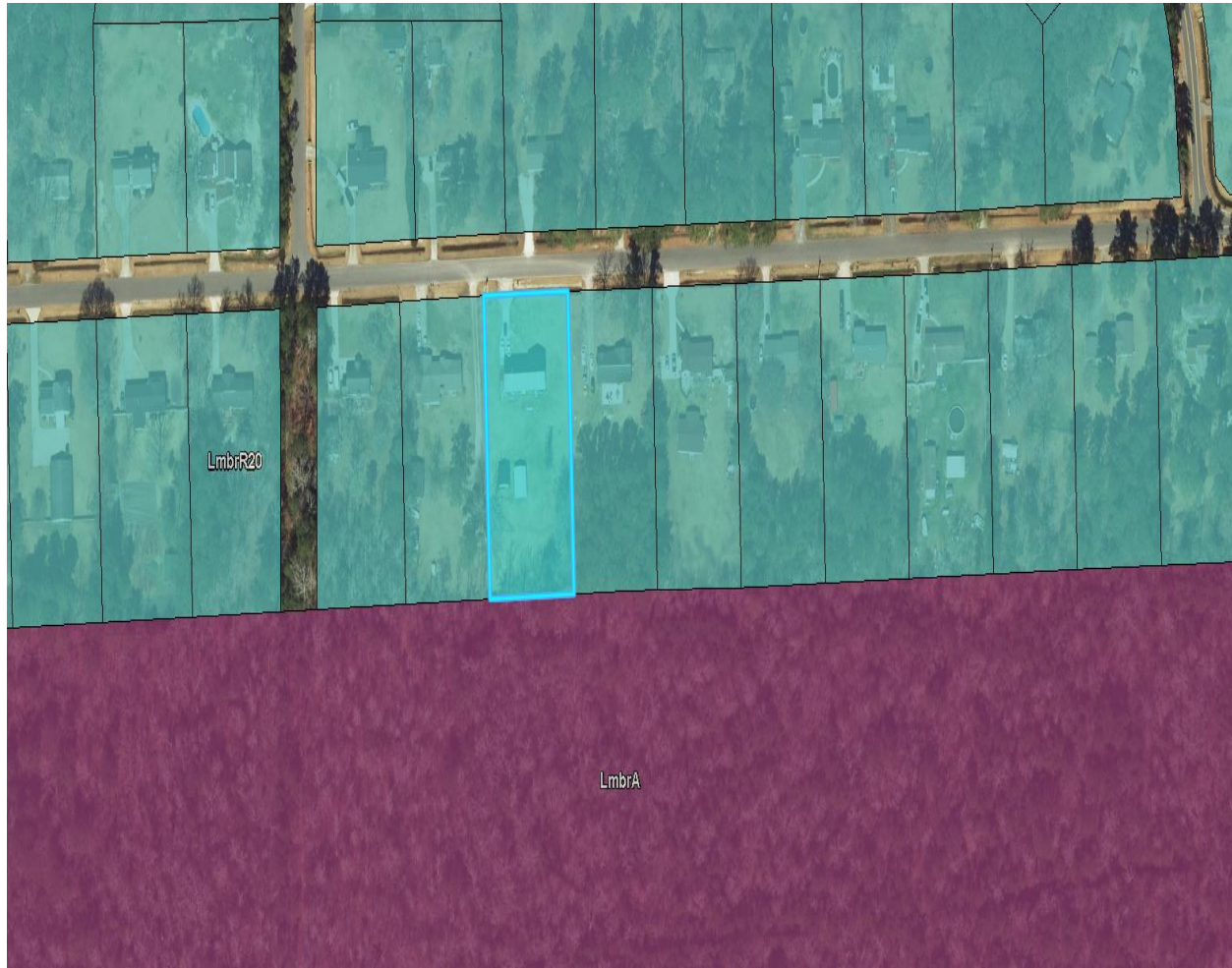


City of



Lumberton

Planning & Neighborhood Services



PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Dannie Stewart	102006019	R-20, Residential single-family	42,000 sq.ft.	42,000 sq.ft.

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	- R-20, Residential single-family	- Single-family residential
North	- R-20, Residential single-family	- Single-family residential
South	- A, Agriculture	- Woods
East	- R-20, Residential single-family	- Single-family residential
West	- R-20, Residential single-family	- Single-family residential

ADJACENT PROPERTY ACCESSORY STRUCTURE



STAFF ANALYSIS

PROJECT OVERVIEW

Analysis: Dannie Stewart is requesting a Special Use Permit to construct a 1600 square feet accessory structure for property located at 328 Hood Rd. (parcel # 102006019/Deed Book 01059 Page 117).

The maximum size of residential accessory structures is fifty (50) percent of the ground floor area of the principal building. A Special Use Permit is required to exceed the maximum size.

In this case, the principal building is 2,998 sq.ft. (Rob.Co. Tax) and the maximum size of all residential accessory structures is 1,490 square feet.

The total square feet of all accessory structures, including existing and proposed, will be 2,582. **1,092 square feet over the maximum allowance (includes a 726 sq.ft. open carport).** The maximum allowance for accessory structures shall include a total of all accessory structures on the property.



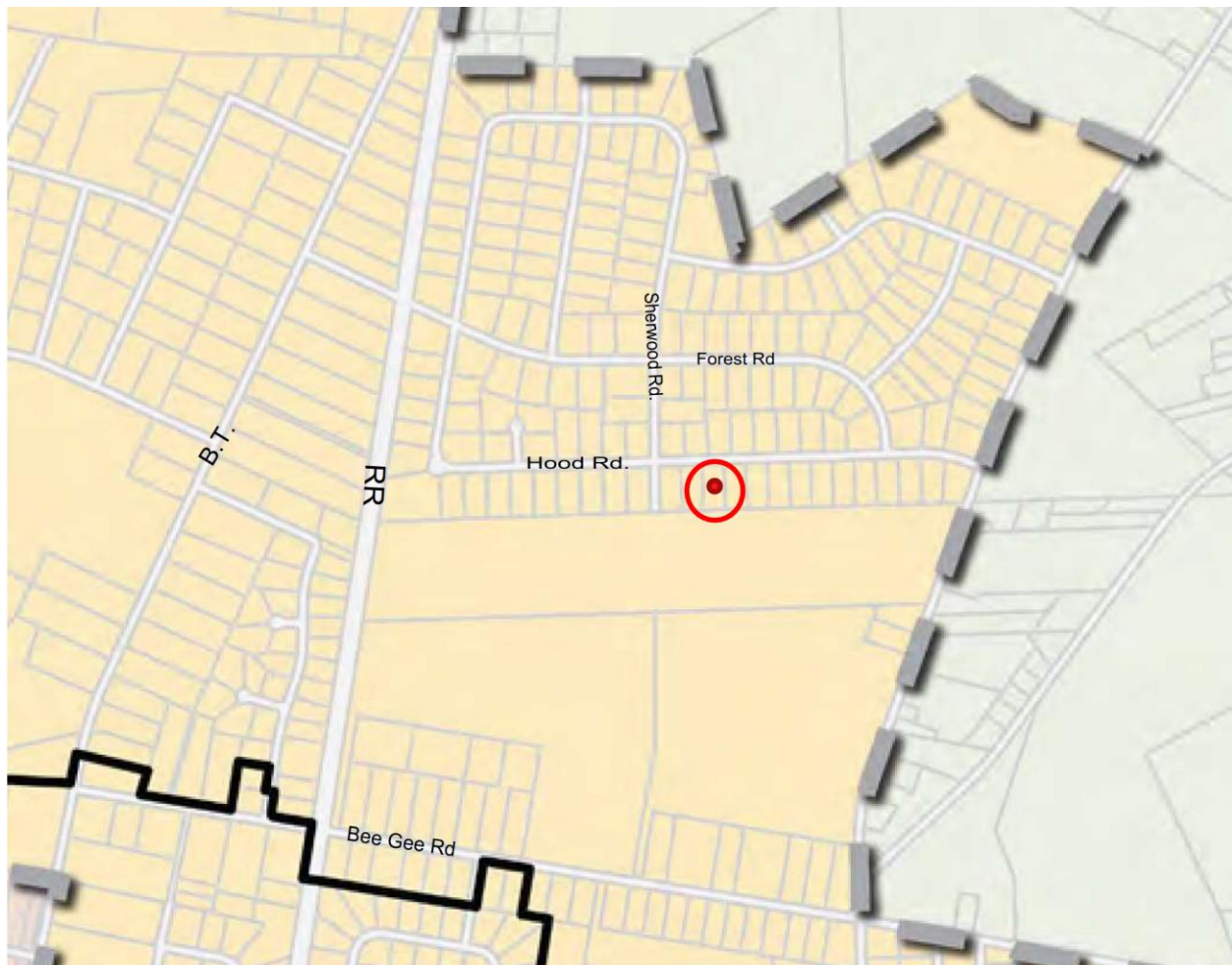
Planning & Neighborhood Services

PLANNING & ZONING

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

Setback and Lot Size:

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Maximum Height
R-20	20,000	100'	30'	10'	35'



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: Area of minimal risk and determined to be outside the 100 and 500-year floodplains.

Map Number: 3720030300K **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 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 STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the April 18, 2025 Planning Board meeting for their review, and authorized the Planning Director to set the date of the public hearing.

Lumberton City Council

Item: VII.M.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 03/20/2025

Subject: D. Locklear Bailey Rd - Special Use Permit - P1 WITHDRAWN

Summary/Background of Subject Matter:

Devance Locklear is requesting to withdraw his request for a Special Use Permit for property located at 550 Bailey Road (parcel # 10090100501, 10090100501B, and 10090100501D/ Deed Book 2320 Page 328). This request was to construct 8-10 senior living cottages at the existing nursing care community.

Staff Recommendation:

The Planning staff asks the Council to accept Mr Locklears' withdrawal request.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Withdrawl letter
2. D. Locklear SUP Baily Rd Application PB

Askew, ArTriel

From: Davance Locklear <davance.locklear@gmail.com>
Sent: Friday, March 7, 2025 7:41 AM
To: Askew, ArTriel
Subject: Withdraw of Application

Ma'am ,

We have decided to withdrawal our application a for special use permit at 550 Bailey Rd and intent to pursue the multi family option. Thanks for your help in the matter.

Davance Locklear
Sent from my iPhone

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: Darance Locklear

Physical Address: 550 Bailey Rd

Lumberton NC 28358

Mailing Address: 2603 Cherry Plum Dr

Fayetteville NC 28306

Telephone: 910-778-0025

Owner:

Legal Name: Darance Locklear

Physical Address: 550 Bailey Rd

Lumberton NC 28358

Mailing Address: 2603 Cherry Plum Dr

Fayetteville NC 28306

Telephone: 843-754-5147

Name of Business: CAC Management

Business Address: 550 Bailey Rd

EMAIL: _____

Lumberton NC 28358

Description of Property:

² Next to 550 Bailey Rd 2320

(Address)

(Deed Book)

328

(Page)

(Map Book)

(Page)

560.27

(Frontage)

7.00 ACRES

(Area)

3. Tax Map Identification (parcel number): 10090100501B + 10090100501

4. Proposed Use of Property: #1.420

5. Zoning District Designation of Property: B3

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:

- That it will not materially endanger the public health or safety; and
- That it will not substantially injure the value of adjoining or abutting property; and
- That it will be in harmony with the area in which it is to be located; and
- 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.

File # 7.188

1 of 2

5/28/21

ADDRESS:

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

Looking to add 8-10 Senior Living Cottages
approximately 900 sq feet.
Senior living cottages will market
to 55 older population.

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:

Darance Lockyer

Name

550 Bailey Rd Lumberton

Physical Address

NC 28358

Applicant:

[Signature]

Signature

STATE OF

NC

COUNTY OF

Hobeson

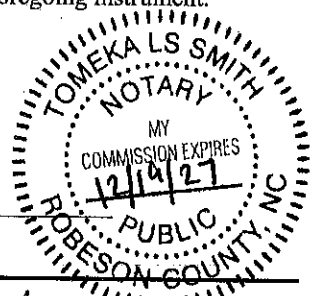
I, Tomeka L.S. Smith, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 11 day of December, 2024

Tomeka L.S. Smith

Notary Public Signature

My Commission Expires: 12/19/27



Owner:

Darance Lockyer

Name

550 Bailey Rd Lumberton

Physical Address

NC 28358

Owner:

[Signature]

Signature

STATE OF

NC

COUNTY OF

Hobeson

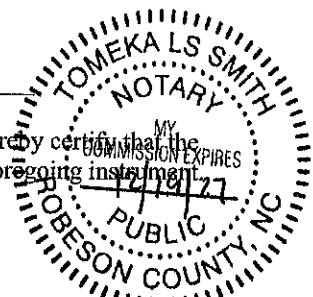
I, Tomeka L.S. Smith, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 11 day of December, 2024

Tomeka L.S. Smith

Notary Public Signature

My Commission Expires: 12/19/27



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.: _____

Property address: 550 Bailey Rd. Parcel #: 1009 01 005D1B

I, Darance Locklear (property owner), give Dr./Mr./Ms.
Tomey Locklear the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Tomey Locklear

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

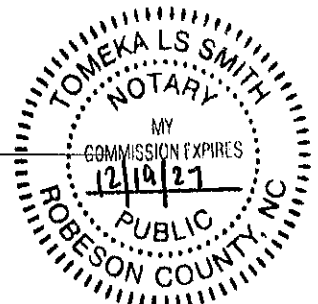
I, Tomeka L.S. Smith, a Notary Public in and for said County and

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

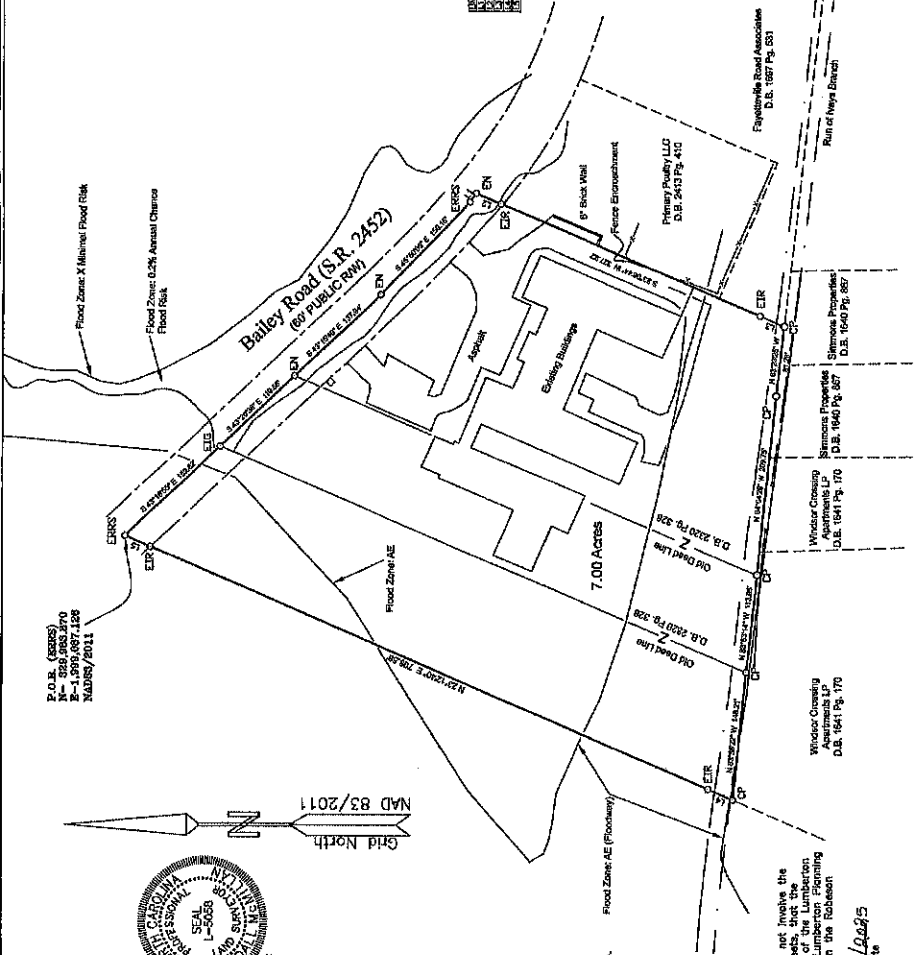
WITNESS my hand and Notarial Seal this 11 day of December, 2024.

[Signature]
Notary Public

My Commission Expires: 12/19/27



9



2025000193
ROBSON CO, NC FEE \$21 00
PAID/UNPAID & RECORDED:
01/09/2025 03:19:35 PM
VICKI LOCKLEAR
REGISTERED CLERK
BY KARRA ORTIZ
GENITY
BK: M 66
PG: 16-16

Flood Statement
According to FEMA Map Number 3710939200K, dated 12/8/2019, the property illustrated hereon is not located within a special flood hazard area.

Title Reference
Deed Book 2320, Page 328

Legend

[illegible]

RETURN: CITY OF LUMBERTON

Recombination Survey for
CAC Management, LLC

Lumberton Township
Robeson County
North Carolina
Grid Meridian
Scale: 1"=100'

Ratio of Precision 1:10,000+
Surveyed:01September2024
Mko Completed:20Sep2024



IM3 Land Surveying, PLLC
FIRM LICENSE NO. P-2395
774 FERNGULLY LANE
ROWLAND, NORTH CAROLINA 28383
randall.merrill@im3survey.com
PHONE (910) 374-5312
Map Number: 10690100510050200
839282591502000

Project: 20241329
Map Number: 100901005010
839299150200

1. Randall McElharron, certify that this plot was drawn under my supervision from an actual survey made under my supervision (see "Title Reference" on face of plot), that the boundaries not surveyed are clearly indicated, that the fractional accuracy so calculated is 0.12%; that this plot was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 20th day of September, A.D. 2024.

This is to certify that the survey illustrated hereon creates a subdivision of land within the area of a county or municipality that has an ordinance that remittes parcels of land.

Class of Survey	Class B
Positional Accuracy	0.12' Horizontal
Type of GPS Field Procedure	Real Time-Network
Real-Time Kiosk	
Survey Date	01September2024
Datum/Epoch	NAD 83 (2011)
Published/Field Control	Yes: North Carolina Real
Geoid Model	Geoid 12B
Combined Grid Factor	0.999925713

Randall McMillan 17 October 2024 Date
Randall McMillan, R.S. L-5058

State of North Carolina
County of Robeson, Leeville, S. Eason Review Officer
certification is affixed meets all statutory requirements for
recording.

Review Officer: Wachira S. Eschen Date: 01-09-2025

Notes

1. All distances are horizontal ground unless otherwise noted.
2. Area was computed by coordinate method.
3. Property subject to city and all easements.
4. All property lines and corners established using existing corners found, existing boundary evidence and deeds.
5. Dashed or broken lines are from deed descriptions and plats of record and not an actual field survey.
6. No subsurface investigation was performed to locate underground utilities, septic tanks, drain lines and wells. Any underground

Certificate of Approval for Recording Final Plate:

herby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any changes in existing public streets, that the subdivision shown is in all respects in compliance with chapter 35 of the Lumbermen City Code, and that therefore this plat has been approved by the Lumbermen Planning and Neighborhood Services Director, subject to its being recorded in the Robeson County Registry within 30 days of the date below.

19/0025
Date



North Carolina Department of Transportation
Division of Highway Approved for Recordation:

By: N/A

Date: M/A

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon and that I adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted. Furthermore, I dedicate all public sewer and water lines to the appropriate municipality if applicable.

Owner's Print DAVANCE LOCKLEAR

Owner Sign [Signature] Date 1-9-2012

Owner Print _____ Date _____
Owner Sign _____

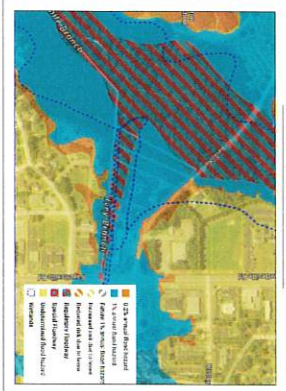
SITE PLAN

Address:
550 BAILEY RD
LUMBERTON, NC 28358
Assessor's Parcel Number:
10090100501B
Parcel Area:
0.91 Acres
and Use:
COMMERCIAL
HOSPITALS,
CONVALESCENT HOMES
Zoning: /
Legal Description:
AC/S/S BAILEY RD HERMITAGE
RETIREMENT CENTER
Subdivision:
/
Owner: CAC
MANAGEMENT LLC
Paper size & scale:
11" x 17", 1"=80'
Date: December, 2024

VICINITY MAP

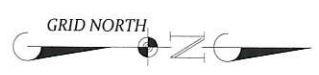


FLOOD MAP



Graphic scale

Scale:
1"=80'
Paper size:
11" x 17"



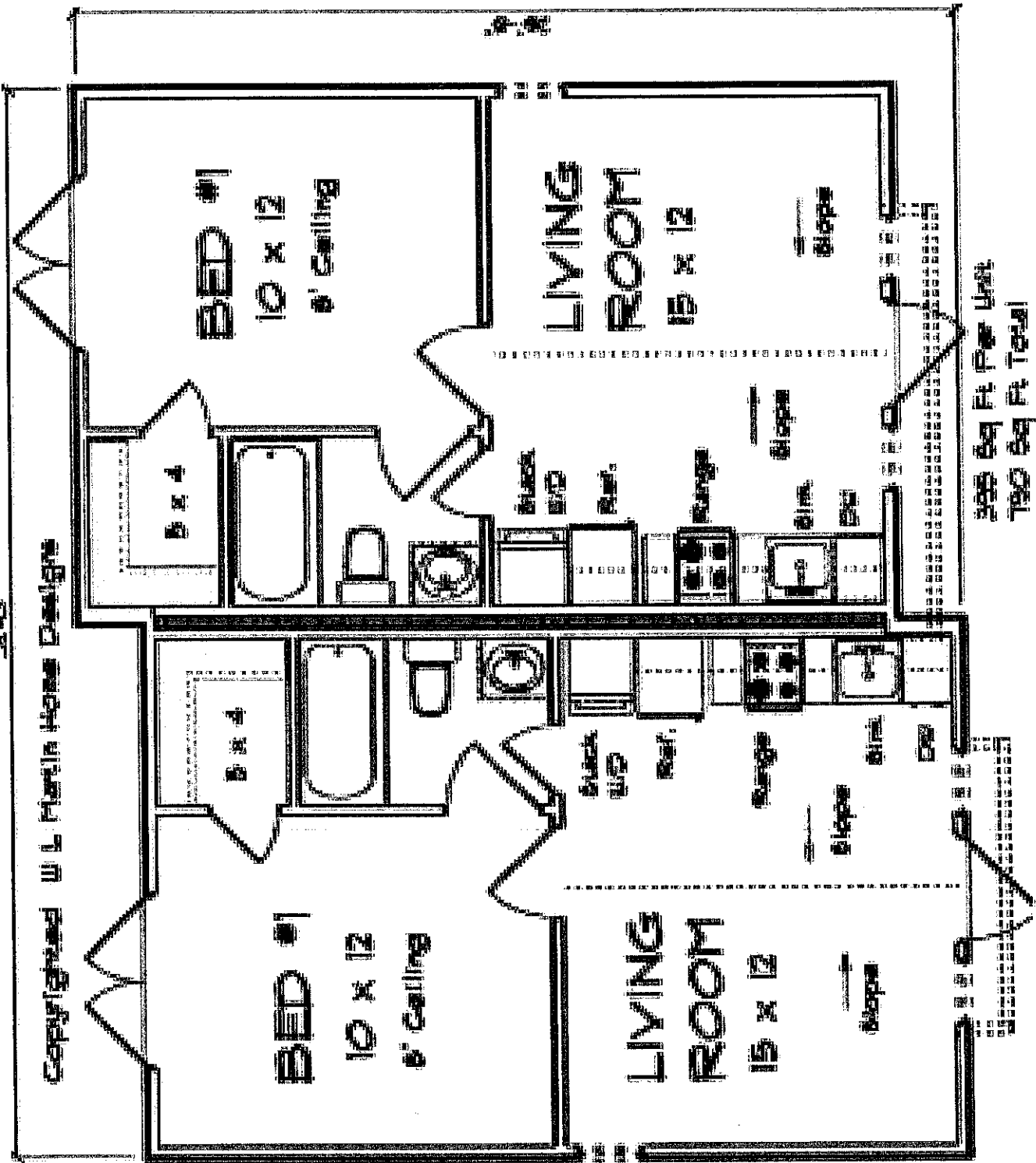
- Legend**
- Property line
 - Topography line
 - Wall line
 - Roof line
 - Retaining wall
 - Fence
 - Proposed addition

Disclaimer
This is a legal survey, and it is intended to be used as such. These measurements are approximate and are for illustrative purposes only. This work product represents only generalized location of features, objects or boundaries and is not intended to be used as a substitute for the precise location of any feature, object or boundary.



58-03

Copyright © W. L. Martin Home Designs



City of



Lumberton

Planning & Neighborhood Services

Request for Special Use Permit
Bailey Road

PETITIONER(S): Name of Petitioner: Davance Locklear/CAC Management, LLC 2603 Cherry Plum Drive Fayetteville, NC 28306 (910) 778-0025 davance.locklear@gmail.com	OWNER(S): Name of Owner: Same as applicant
Special Use Permit Request: Davance Locklear is requesting a Special Use Permit for property located at 550 Bailey Road (parcel # 10090100501, 10090100501B, and 10090100501D/ Deed Book 2320 Page 328).	

LOCATION:





PARCEL INFORMATION				
Owner	Parcel #(s)	Zoning	Area	Limits of Construction
Davance Locklear/CAC Management, LLC	Recently combined into one parcel. (10090100501, 10090100501B, and 10090100501D)	B-3, Office residential	7 acres more or less	7 acres more or less

*Planning & Neighborhood Services*

ADJACENT PROPERTY SITE DATA		
	Zoning	Land Use
Subject Property	B-3, Office residential	- To construct cottages for the existing nursing care community
North	B-3, Office residential	- City of Lumberton Fire Station - National Guard Armory
South	- R-3, multifamily - B-4, Business general commercial	- Multifamily Residential - Vacant
East	- B-3, Office residential - B-4, Business general commercial	- Day Care Center - Center at Bailey Road Shopping Center
West	- B-3, Office residential	- Vacant City of Lumberton Property

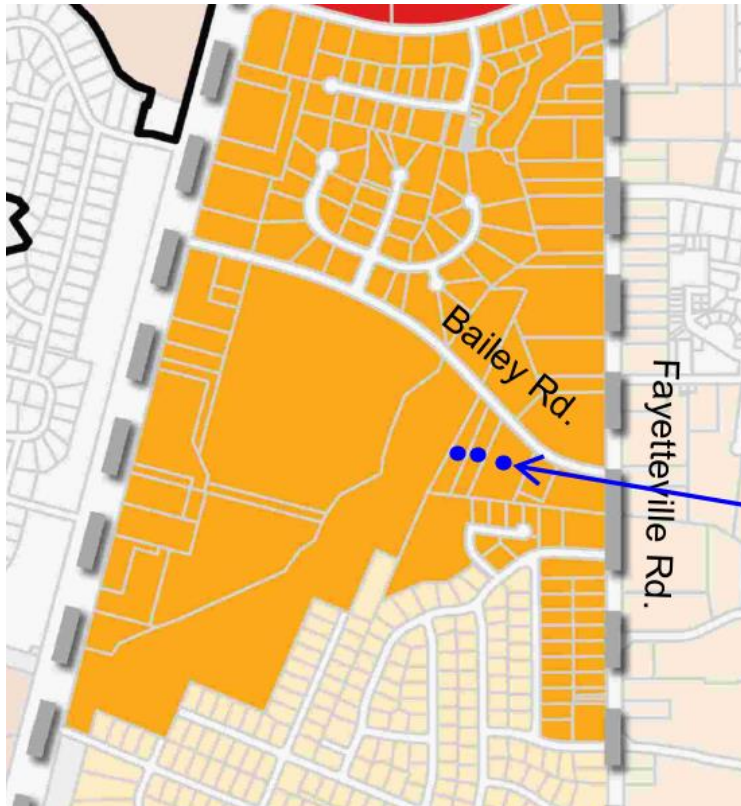
STAFF ANALYSIS**PROJECT OVERVIEW**

Analysis: Davance Locklear requests a Special Use Permit to construct 8-10 senior living cottages at approximately 900 square feet each for the existing nursing care community. The senior living cottages will be marketed to ages 55 years and older.

This property is currently zoned -B-3, Office residential and to add on to a nursing care facility at this location requires a Special Use Permit.

PLANNING & ZONING

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.



Setback and Lot Size:

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks	Minimum Height
B-3	7,000 sq.ft.	70'	20'	10'(unless its bordered by a right of way. Then right of way min setbacks are observed)	35'

Screening Requirement: Screening is not required

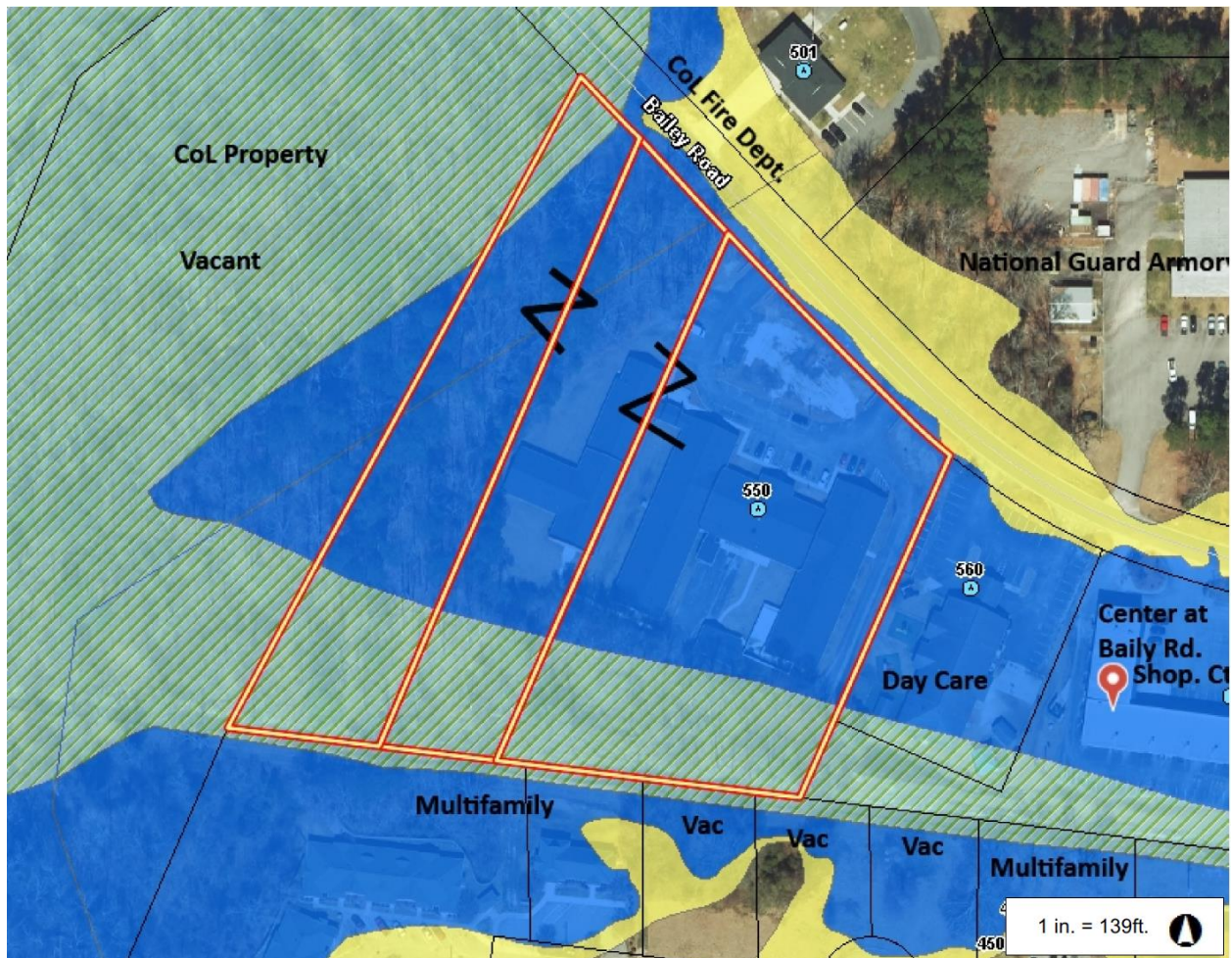
FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone AE: Special Flood Hazard Area inundated by the 100-year flood; base flood elevations are determined.

Flood Zone AE Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Map Number: 3710939200K

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

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

Lumberton City Council

Item: VII.N.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 04/03/2025

Subject: Justin Patterson Rezoning 35 State St.-P7

Summary/Background of Subject Matter:

Justin Patterson is requesting to rezone parcel #322202006 at 35 State Street (deed book 2066, pg. 118) from R-20, residential single family to R-7, residential single family/duplex.

Staff Recommendation:

That City Council review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, 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. Patterson Rezoning 35 State St Application and attachments

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:**

Full Legal Name: Justin Patterson

Physical Home Address: 35 State St,
Lumberton, NC 28358

Mailing Address: 4240 Portsmouth Blvd, Ste 221
Chesapeake VA 23321

Telephone:

Owner:

Full Legal Name: Justin Patterson

Physical Home Address: 35 State St,
Lumberton, NC 28358

Mailing Address: 4240 Portsmouth Blvd, Ste 221
Chesapeake, VA 23321

Telephone:

Legal Name of Business:

EMAIL: 12Seventeenllc@gmail.com

2. **Description of Property:**

35 State St, Lumberton NC 28358
(Address)

02066 / 0118
(Deed Book) (Page)

(Map Book)

(Page)

(Frontage)

0.33
(Area)

3. **Tax Map Identification Number (parcel number):** 322202006

4. **Existing Zoning District Designation of Property:** R20

5. **Requested Zoning District Designation of Property:** R7

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 # 6-230
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):

I would like to change the zoning of this particular property to R7. This will allow me to
build a duplex on this property and or subdivide the property

2 of 3

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

File # 6.230

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:

4240 Portsmouth Blvd, Ste 221
Chesapeake, VA 23321

Applicant: Justin Patterson

Full Legal Name (type or print)

Home Address

STATE OF North Carolina

COUNTY OF Robeson County

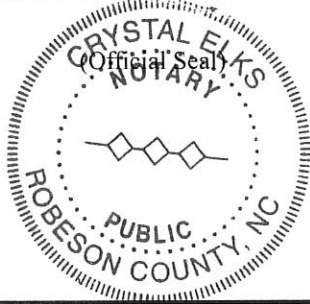
I, Jacqueline Patterson, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant:

Justin Patterson Jacqueline Patterson
Signature

WITNESS my hand and official seal, this the

31 day of March, 2025



Crystal Elks
Official Signature of Notary

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

My Commission Expires: 10/22/2029

Owner: Justin Patterson

Full Legal Name (type or print)

35 State St, Lumberton NC 28358

Home Address

STATE OF North Carolina

COUNTY OF Robeson County

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:

Justin Patterson
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 # 6.230

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*

Planning & Neighborhood Services

Rezoning Request

35 State Street

PETITIONER(S):	OWNER(S):
PATTERSON JUSTIN 4240 PORTSMOUTH SUITE 221 CHESAPEAKE , VA 23321	PATTERSON JUSTIN 4240 PORTSMOUTH SUITE 221 CHESAPEAKE , VA 23321

Rezoning Request: Justin Patterson is requesting to rezone parcel #322202006 at 35 State Street (deed book 2066, pg. 118) from R-20, residential single family to R-7, residential single family/duplex.

LOCATION:



City of *Lumberton*

Planning & Neighborhood Services

ZONING:



City of Lumberton
Planning & Neighborhood Services

PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area	Limits of Construction
JUSTIN PATTERSON	3222-02-006	R-20, residential single-family Request: R-7, residential single-family/duplex	0.33 ac ~14,374.8 sq.ft.	0.33 ac ~14,374.8 sq.ft.

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	R-20, residential single-family Request: R-7, residential single-family/duplex	Proposed single family or duplex
North	R-20, Residential single-family	Luther Britt Park
South	R-7, residential single-family/duplex	Residential single-family/duplex
East	R-20, Residential single-family R-7, residential single-family/duplex	Luther Britt Park Residential single-family/duplex
West	R-20, Residential single-family M-1, light manufacturing	Freight transportation Former Total Fitness Gym



Planning & Neighborhood Services

PROJECT OVERVIEW

Analysis: Justin Patterson is requesting to rezone parcel #322202006 at 35 State Street (deed book 2066, pg. 118) from R-20, residential single family to R-7, residential single family/duplex. This request is to allow for the development of a duplex or subdivide the lot for two single-family residences.

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
R-20	20,000 sq.ft	100'	30'	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
R-7, residential single-family/duplex	7,000 sq.ft. for single-family 11,000 sq. ft. for duplex	70' for single-family 100' for duplex	20'	8'(unless its bordered by a right of way. Then right of way min setbacks are observed)	35'

City of *Lumberton*

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 7.



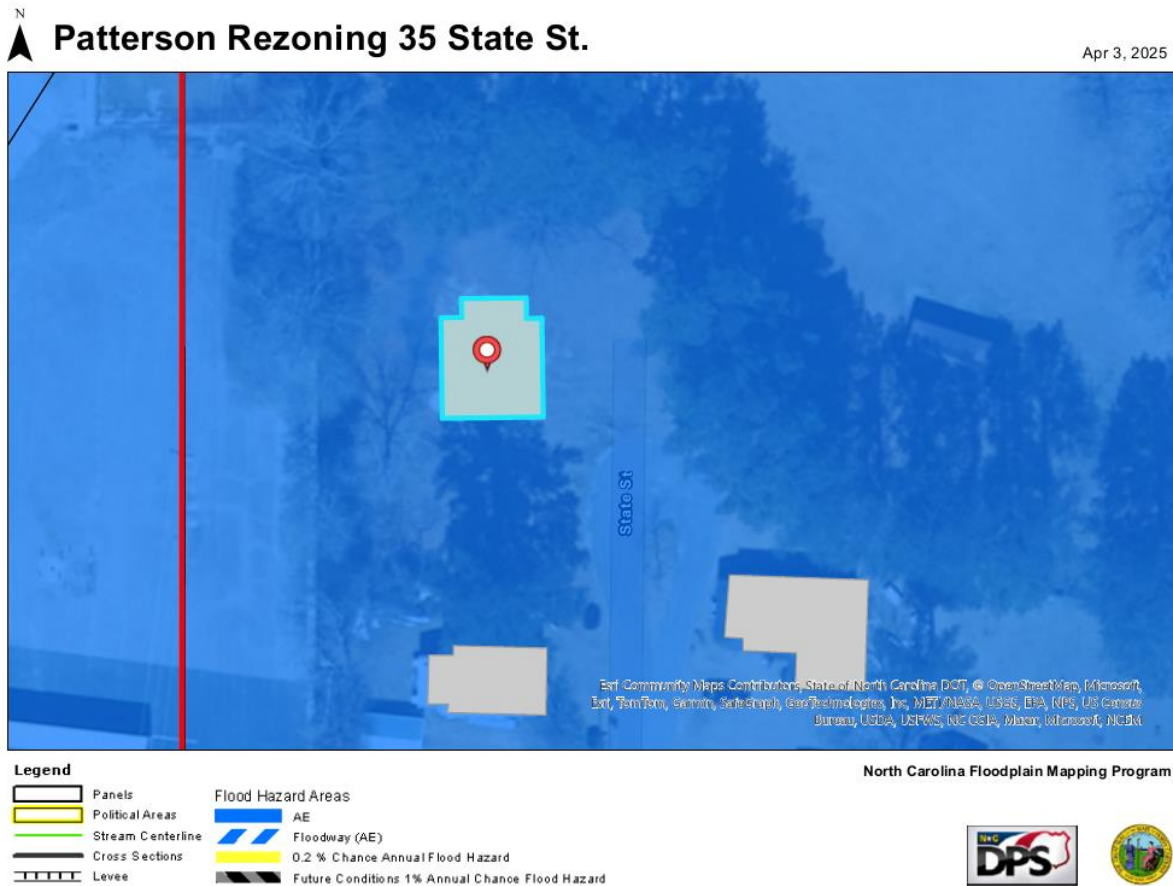
MEDIUM INTENSITY

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.

FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION

Flood Zone AE 100-YEAR FLOOD: Special Flood Hazard Area inundated by the 100-year flood; base flood elevations are determined.

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



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

CPC review the request, refer the petition to the April 15, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

The R-7 district is designed to accommodate single-family and two-family dwelling units.

I. R-7 Zoning District Permitted Uses

1.110 Single-family residences Other than mobile homes

1.210 Duplex

1.220 Two-family conversion

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)

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

28.200 Minor Subdivisions

II. R-7 Zoning District Requires a Special Use Permit

1.130 Single- family residences with accessory apartment

1.330 Multifamily conversion

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

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

14.400 Reclamation landfill

17.100 Neighborhood Utility Facilities

21.100 Cemetery

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The R-20 , R-15 and R-11 districts differ primarily in the density allowed as determined by the minimum lot size requirements set forth in section 35-181. In addition, some types of mobile homes are allowed to be used for single-family residential purposes in the R-20 zone.

I. R-20 Zoning District Permitted Uses

1.110 Single-family residences Other than mobile homes

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)

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

26.000

28.200 Minor Subdivisions

II. R-20 Zoning District Requires a Special Use Permit

1.130 Single- family residences with accessory apartment

1.320 Mobile home parks

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

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

14.400 Reclamation landfill

17.100 Neighborhood Utility Facilities

21.100 Cemetery

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

Lumberton City Council

Item: VII.O.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 04/03/2025

Subject: Contiguous Annexation Emery Road - County

Summary/Background of Subject Matter:

The City of Lumberton submitted an application for contiguous annexation on behalf of the property owner Mary Price Tubbs, for property located on Emery Road parcel #02070201501. The property is zoned County H-1; therefore, a rezoning is required. The City requests the property be zoned M-2, Heavy Manufacturing.

Staff Recommendation:

Recommend City Council direct the City Clerk to investigate said petition.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City
Clerk

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Tubbs Annexation Application 3-26-2025
2. 2025.04.01 Resolution Directing the City Clerk to Investigate Annexation Parcel # 02070201501

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY

NORTH CAROLINA

CITY OF LUMBERTON

ROBESON COUNTY

**IN THE MATTER OF THE ANNEXATION)
OF CERTAIN LANDS INTO THE CITY)
OF LUMBERTON)**

P E T I T I O N

TO THE CITY COUNCIL OF LUMBERTON

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Lumberton.
2. The area to be annexed is contiguous to the City of Lumberton and the boundaries of such territory are described in the attached legal description labeled as Exhibit "A".
3. A map showing the area to be annexed is attached hereto as Exhibit "B".
4. Tax Parcel Number: 02 07 0201501
(Map #) (Block #) (Parcel #)
5. Deed Book: 00403 Page: 0201 Map Book: 64 Page: 128

This the 3rd day of April, 2025.

PROPERTY OWNER(S)

Name: TUBBS, MARY PRICE

Address: PO Box 967

Telephone: 910-740-7856

Lumberton, NC 28359

Signature: Mary P. Tubbs

Name: City of Lumberton, Wayne Horne (MGR) Applicant

Address: PO Box 1388

Telephone: 910-671-3800

Lumberton, NC 28359

Signature: Wayne Horne

Email Address(s): whorne@ci.lumberton.nc.us

201

NORTH CAROLINA

WARRANTY DEED

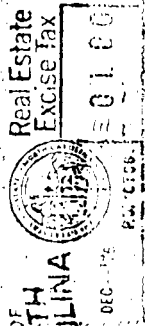
ROBESON COUNTY

THIS DEED made this the 29 day of Dec, 1976, by Mary Biggs Price, Widow, of the County of Robeson, State of North Carolina, of the first part to Mary Elizabeth Price Tubbs of the County of Robeson, State of North Carolina, of the second part;

WITNESSETH: That the said party of the first part in consideration of the sum of One Dollar and other good and valuable considerations in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey unto the said party of the second part and to her heirs and assigns forever, the following lands in Wishart's, Back Swamp and Burnt Swamp Townships, Robeson County, North Carolina, bounded and described as follows, to-wit:

FIRST TRACT: Being known as the Doyle Hammonds Farm and consisting of one parcel of land, particularly described as follows: In Wishart's Township, Robeson County. Containing 97 acres, more or less, situated on the old Fayetteville Road about 5 miles from the Town of Lumberton, adjoining the lands of Marcus Allen, L. H. Caldwell, Richard Ballard and others, and beginning at a stake on the West side of the Fayetteville Road, the Northeast corner of the James Goins 100 acre survey, now N. M. Allen's corner, and runs thence South 89 degrees East 9 chains to a stake in the line of a 100 acre survey; thence as the line of that survey South 36½ degrees East 31 chains and 80 links to a stake in the Southwest edge of Cypress Bay and in the line of a 200 acre survey; thence as that line South 4½ degrees West 11 chains to a stake with small pine and black gum pointers in the East edge of a bay; thence North 85 degrees West 1 chain to a maple with three maple pointers in said bay; thence North 36½ East 52 links to a stake on a ditch bank, a corner of a 22 acre survey sold by Joel F. Pitman to J. H. Perry, now owned by the said L. H. Caldwell; thence as the line of said 22 acre survey and along said ditch North 88½ degrees West 12.52 chains to a stake, the corner; thence as the other line South 23½ degrees West 9.25 chains to a stake, the other corner; thence as the other line South 4 degrees West 7.95 chains to a stake in the said J. I. Burchett's line; thence as his line North 77 degrees West 8.70 chains to a stake in the East edge of said Fayetteville Road, the said J. I. Burchett's corner, and also the corner of the 15 acres sold to the said Joel F. Pitman now owned by N. M. Allen; thence along said Fayetteville Road North 10½ West 19.04 chains to an iron stob on the West edge of said road, a corner of the said 15 acre survey, and also the Southeast corner of the James Goins 100 acre survey; thence as the line of said 100 acre survey North 4 ¾ East 31.63 chains to the beginning.

And being the same lands conveyed to Mary Biggs Price by F. K. Biggs and others by deed recorded in Book 10-2, at page 392, Robeson County Registry.



Robeson County Register of Deeds

201-A

SECOND TRACT: Consisting of that certain tract or parcel of land known to the parties as the "Anna Bullard Farm", situated in Back Swamp Township, Robeson County, North Carolina, and more particularly described as follows:

Adjoining the lands of George L. Thompson, J. A. Thompson and others, described as follows: BEGINNING at a stake on a ditch, J. A. Thompson's corner and runs thence North $32\frac{1}{2}$ degrees East 22.66 chains to a stake in the center of the public road; thence with the road South 82 degrees East 13.37 chains to a stake in the center of the road and in George L. Thompson's line; thence with his line North 2 degrees West 12.50 chains to a stake; thence South 86 degrees West 8.75 chains to a stake; thence North $10\frac{3}{4}$ degrees West 22.28 chains to a stake; thence South 83 degrees West 12.50 chains to a stake; thence South 26 degrees West 12.50 chains to a stake; thence South 1 degree West 8.60 chains to a stake; thence South $44\frac{1}{2}$ degrees West 8.50 chains to a stake; thence South $38\frac{1}{2}$ degrees East 30.93 chains to the beginning, containing 118 acres.

Being the same land conveyed by G. A. Inman and wife to Anna Inman by deed recorded in Robeson County Registry in Book 7-R, page 95, to which reference is made.

And being the same lands conveyed to Mary Biggs Price by F. K. Biggs and others by deed recorded in Book 15-C, at page 220, Robeson County Registry.

THIRD TRACT: Being known as the "Harrington Locklear Farm" containing 50 acres, more or less.

Located on State Highway No. 70, known as Lumberton and Red Springs Highway, about 10 miles North of Lumberton, on the waters of Moss Neck Branch, bounded on the North by the lands of A. A. Carter; on the East by the lands of A. Jacobs and W. D. Locklear; on the South by lands of John C. Lowry, and on the West by lands of Will and Mary McArthur. This tract of land is particularly described according to a plat prepared by L. T. Bryan, on March 28, 1935, as follows to-wit:

BEGINNING at a stake in the edge of the run of Moss Neck Branch, a point in John C. Lowry's upper line, and runs with his line North 68 degrees East 22 chains to a stake; thence North 22 degrees West 8 chains to a stake; thence North 64 degrees East 2 chains to a stake in the edge of N. C. Highway No. 70; thence North 25 degrees West 11.25 chains to a stake in the line of A. A. Carter; thence South 68 degrees West 27 chains to a stake in the run of Moss Neck Branch; thence with the run of Moss Neck Branch, the traverse call of this line South 33 degrees East 19.70 chains to the point of beginning, containing 50 acres, more or less, and being the same tract conveyed to Harrington Locklear by K. M. Biggs, Incorporated, by deed dated August 15, 1935, and recorded in Book 8-N, at page 587, also same tract conveyed to James W. Locklear by Arch Buie et ux, by deed dated December 7, 1885, and recorded in Book GGG, at page 760.

And being the same property conveyed to K. M. Biggs, Incorporated, by Harrington Locklear and wife, Fannie Locklear, by deed dated October 14, 1938, and recorded in Book 9-B, page 5, Robeson County Registry.

And being the same lands conveyed to Mary Biggs Price by F. K. Biggs and others by deed recorded in Book 11-O, at page 156, Robeson County Registry.

The foregoing described lands and premises are conveyed subject to the lien of a certain Deed of Trust to I. M. Biggs, Trustee for K. M. Biggs, Incorporated, securing a Promissory Note in the amount of \$16,945.00; the grantee herein, as a condition of this deed of gift, agrees that she will assume, discharge and pay off the indebtedness secured by said lien.

TO HAVE AND TO HOLD the above described lands and premises, with the appurtenances, unto the said party of the second part her heirs and assigns forever. And the said party of the first part for herself and her heirs, executors, administrators does covenant with the party of the second part her heirs, and assigns that she is lawfully seized in fee of said lands; that she has good right to sell and convey the same, that they are free from all encumbrances, except as herein above described, and that she will, and her heirs, executors and administrators shall warrant and defend the title of the same against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF the said party of the first part has hereunto set her hand and affixed her seal the day and year above written.

Mary Biggs Price (SEAL)
Mary Biggs Price, Widow

NORTH CAROLINA

ROBESON COUNTY

I, Barbara E. McIntyre, a Notary Public do hereby certify that Mary Biggs Price, Widow, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Conveyance.

Witness my hand and seal, this 29 day of December,

Barbara E. McIntyre (SEAL)
Notary Public

My commission expires: Feb 13 1980

NORTH CAROLINA, ROBESON COUNTY
The foregoing or annexed certificate

of Barbara E. McIntyre

Presented for registration and recorded in this office in Book 403, Page 201 is/are certified to be correct.

This 30 day of December, 1976 at 11:30 o'clock A.M.

D. G. KINLAW, Register of Deeds

By Linda Nedgely, Deputy
Asst. Register of Deeds

201-13

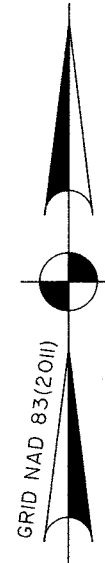
Exemption Note (G.S. 160A-376):

This plat is not subject to subdivision regulations due to parcels being greater than 10 acres in size; no street right-of-way dedication is involved.

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128

R.L. CURRIE FAMILY PROPERTIES
PIN #936097414500



2024004450

ROBESON CO, NC FEE \$21.00

PRESENTED & RECORDED

05-16-2024 03:10:16 PM

VICKI L LOCKLEAR

REGISTERED DEEDS

BY: KATELON FLOYD HUNT

DEPUTY

BK: M 64

PG: 128-128

LEGEND

- IRON REBAR FOUND (SIZE NOTED)
- 5/8" IRON REBAR SET
- GUY WIRE
- ⊕ POWER POLE
- UNDERGROUND UTILITY LINE MARKER
- NC DOT R/W POST
- NC DOT R/W MONUMENT
- ⊗ WATER VALVE
- ⊕ FIRE HYDRANT
- AXLE
- ☒ TELEPHONE BOX
- ⊙ SEWER MANHOLE
- △ CONTROL MONUMENT
- OHP — OVERHEAD POWERLINE
- — — PROPERTY BOUNDARY
- — — ADJACENT PROPERTY LINE (NOT SURVEYED)
- — — ADJACENT PROPERTY TIE LINE (SURVEYED)
- — — UTILITY EASEMENT
- — — RIGHT-OF-WAY (NOT SURVEYED)
- — — SS — FIELD LOCATED SEWER LINE
- — — — — FIELD LOCATED WATER LINE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 79°59'40" W	47.85'
L2	N 79°59'40" W	17.14'
L3	S 83°06'57" E	102.14'
L4	S 89°48'03" E	1772.80'
L5	N 5°00'22" W	57.96'

CURVE TABLE				
CURVE	RADIUS	LENGTH	CH BEARING	CH LENGTH
G1	5077.81'	36.49'	S 87°36'17" W	36.49'
G2	3371.40'	378.52'	S 79°44'23" E	378.38'
G3	5077.81'	346.50'	N 88°26'39" E	346.43'
G4	4455.38'	254.52'	N 89°23'33" W	254.48'

RETURN: WAYNE SHELLEY

State of North Carolina

County of

I, Rob S. Ramsey, Review Officer of Robeson County, certify that the map or plat on which this certification is affixed meets all statutory requirements for recording.

Rob S. Ramsey
Review Officer

Date 5-16-24

EMORY ROAD (60' R/W)

EDGE OF PAVEMENT

Date 5/13/2024

BACK OF CURB

TO THOMPSON ROAD

L3

L4 (COMPUTED TIE)

S 83°47'38" E 232.02'

PUBLISHED

N.C. CONTROL MONUMENT

"TAYLOR" P.I.D. EB1652

N: 307,540.30

E: 1,973,196.96

(NOT FIELD TIED)

FIELD LOCATED OVERHEAD POWERLINE

(NO EASEMENT DOCUMENT SUPPLIED)

CITY OF LUMBERTON

PIN #937016289200

MARY ELIZABETH TUBBS

PIN #937017281000

D.B. 403, PG. 201

26.58 AC.

(BEARING AND DISTANCES ARE GRID. SEE NOTE #3)

CERTIFICATE OF APPROVAL:

I hereby certify that all streets shown 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 (12) 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 5-13-24

City Manager

REFERENCE MAPS:

- "SURVEY FOR: CURTIN REALTY AND INVESTMENTS, LLC" DATED APRIL 25, 2020 BY DRIGGERS LAND SURVEYING & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN D.B. 2246, PG. 303.
- "SURVEY MAP PREPARED FOR: CITY OF LUMBERTON" DATED MARCH 17, 2000 BY POWERS LAND SURVEYING, P.A. & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN M.B. 37, PG. 93.
- "EXISTING PARCEL BOUNDARY SURVEY FOR: HINTON MCCALL KING" DATED DEC. 3, 2015 BY JOHN D. POWERS, JR. & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN M.B. 50, PG. 81.
- "STREAM MITIGATION SURVEY; FOR THE STATE OF NORTH CAROLINA" DATED JAN. 12, 2006 BY JOHNNY NOBLES & ASSOCIATES & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN M.B. 44, PG. 102.
- "RECOMBINATION/SUBDIVISION PREPARED FOR: STONEMONT FINANCIAL GROUP CONTAINING 46.63 ACRES TOTAL" DATED OCT. 25, 2021 BY THIS OFFICE & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN M.B. 58, PG. 30.
- "DIVISION OF THE ESTATE OF E.A. THOMPSON" DATED OCT. 10, 1951 BY W.E. STONE, JR. & RECORDED IN THE ROBESON COUNTY R.O.D. OFFICE IN M.B. 9, PG. 18.
- "STATE OF NORTH CAROLINA ROBESON COUNTY HIGHWAY PLANS R-513C" DATED MARCH 15, 2000.

NOTES:

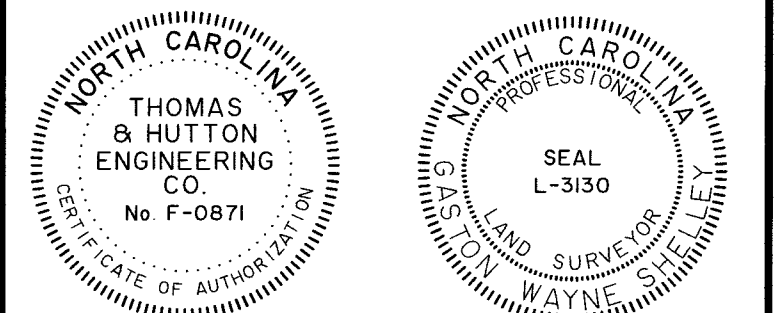
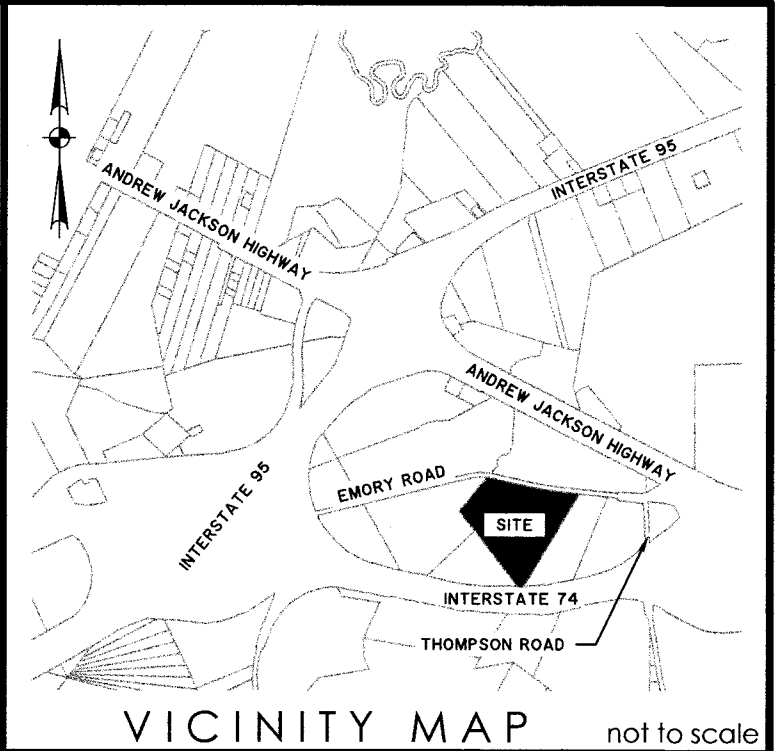
- PIN NO.: 937017281000.
- THIS AREA IS LOCATED IN FLOOD ZONE X (AREA OUTSIDE 500 YEAR FLOOD PLAIN) PANEL NO. 3710936000K & 371097000K DATED DEC. 6, 2019 - NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP.
- ALL BEARINGS AND COORDINATES ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD 1983(2001). ESTABLISHED BY GLOBAL POSITIONING SYSTEM VIRTUAL REFERENCE STATIONS & GLONASS. DISTANCES SHOWN ARE GRID DISTANCES NOT HORIZONTAL DISTANCES. TO MAKE DISTANCES GROUND, MULTIPLY BY 1.000063384.
- THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR.
- NO TITLE SEARCH PERFORMED BY THIS OFFICE ON THIS DATE.
- THIS LOT IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AN ELEMENT OF THIS SURVEY. NO STATEMENT IS MADE REGARDING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTINGENCIES THAT MAY AFFECT THE USE OF THIS PARCEL.

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, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, 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 as 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 the public interest.

Date 5/13/2024

Owner



I, GASTON WAYNE SHELLEY, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 403, PG. 201); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 112A, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000, THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS/GNSS SURVEY:

- CLASS OF SURVEY: (A)
- POSITIONAL ACCURACY: 0.05'
- TYPE GPS (OR GNSS) FIELD PROCEDURE: RTN-BASE/ROVER
- DATE(S) OF SURVEY: APRIL 17, 2024
- DATUM/EPOCH: NAD83 (2011)
- PUBLISHED/FIXED CONTROL: TAYLOR; PID: EB1652
- GEOID MODEL: 2018
- COMBINED GRID FACTOR: 0.99993662
- UNITS: U.S. SURVEY FEET

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 17TH DAY OF APRIL 2024.

Gaston Wayne Shelley
GASTON WAYNE SHELLEY, N.C. PROFESSIONAL LAND SURVEYOR
LICENSE NO. L-3130

BOUNDARY SURVEY OF THE

MARY ELIZABETH TUBBS TRACT
(26.58 ACRES)

BACK SWAMP TOWNSHIP
ROBESON COUNTY, NORTH CAROLINA

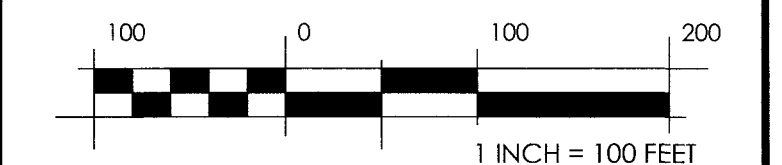
prepared for
RAGAN SMITH

No	Revision	By	Date
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THOMAS & HUTTON

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Myrtle Beach, SC 29577 • 843.839-3545

www.thomasandhutton.com



plat	drawn	reviewed	field	crew
4/17/2024	JED	GWS	4/2024	CDH

job 31909.0000b01(TUBBS)

SHEET 1 OF 1

City of



Lumberton

Planning & Neighborhood Services

Request for Annexation
5.135 Tubbs

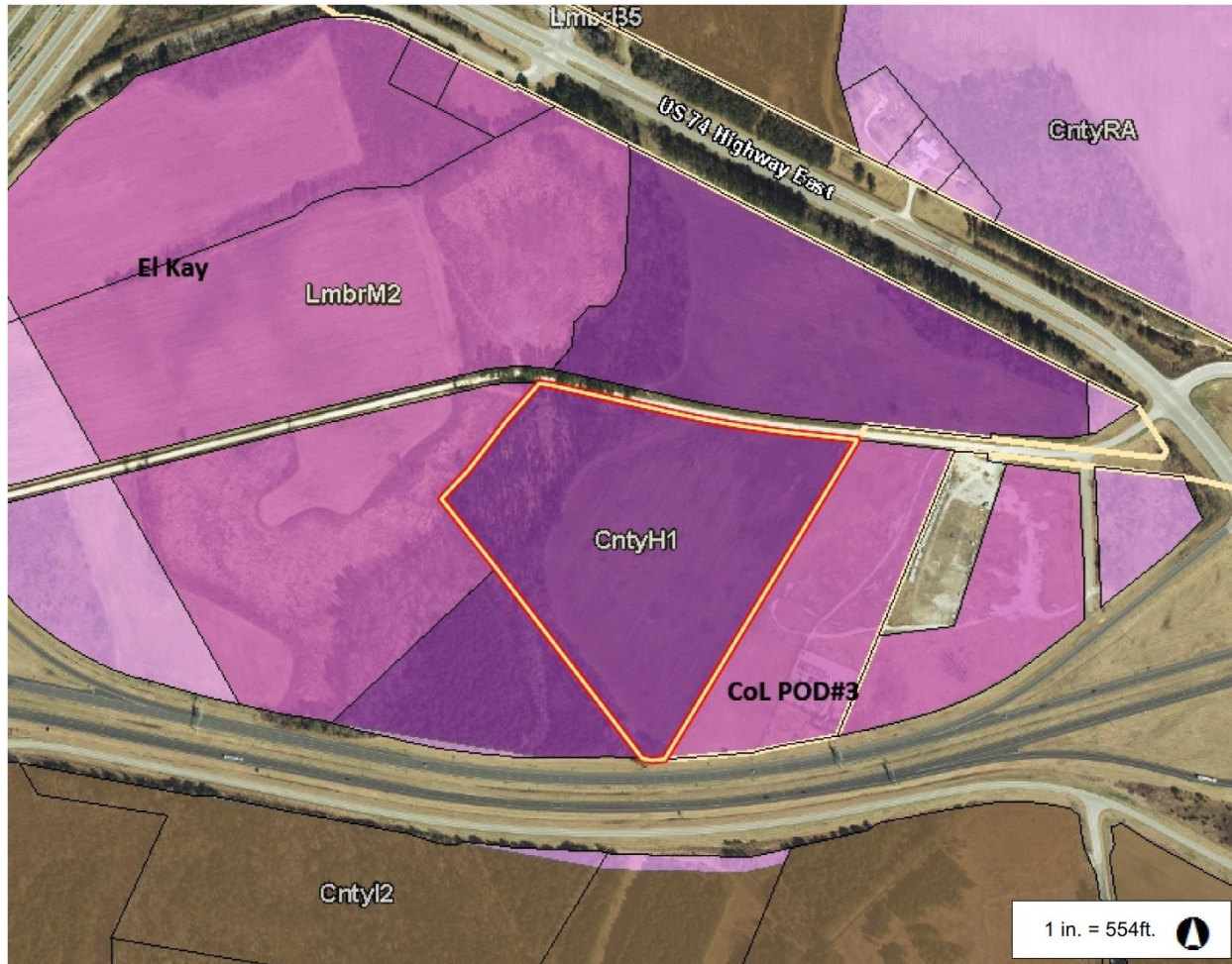
PETITIONER(S):	OWNER(S):
Name of Petitioner: City of Lumberton	Name of Owner: Mary Price Tubbs
Address: PO Box 1388	Address: PO Box 967
City/State/Zip: Lumberton, NC 28359	City/State/Zip: Lumberton, NC 28359

LOCATION: Emery Rd. Parcel # 02070201501



City of *Lumberton*
Planning & Neighborhood Services

Zoning: County H1



City of



Lumberton

Planning & Neighborhood Services

PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area
Mary Tubbs	02070201501	County H-1	~ 27 Acres

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
North	County H-1 City M-2	Vacant Elkay
South	County I-2	Vacant
East	City M-2	City of Lumberton POD #3
West	County H-1 City M-2	Vacant

STAFF ANALYSIS

PROJECT OVERVIEW

Annexation: The city of Lumberton is requesting a contiguous annexation of property located on Emery Road parcel #02070201501, Deed Bk. 00403, Pg. #0201/Map Book: 64 Page: 128.

Analysis: The City of Lumberton submitted an application for contiguous annexation on behalf of the property owner Mary Tubbs, for property located on Emery Road parcel #02070201501. The property is zoned County H-1; therefore, a rezoning is required. The City requests the property be zoned M-2, Heavy Manufacturing.

City of

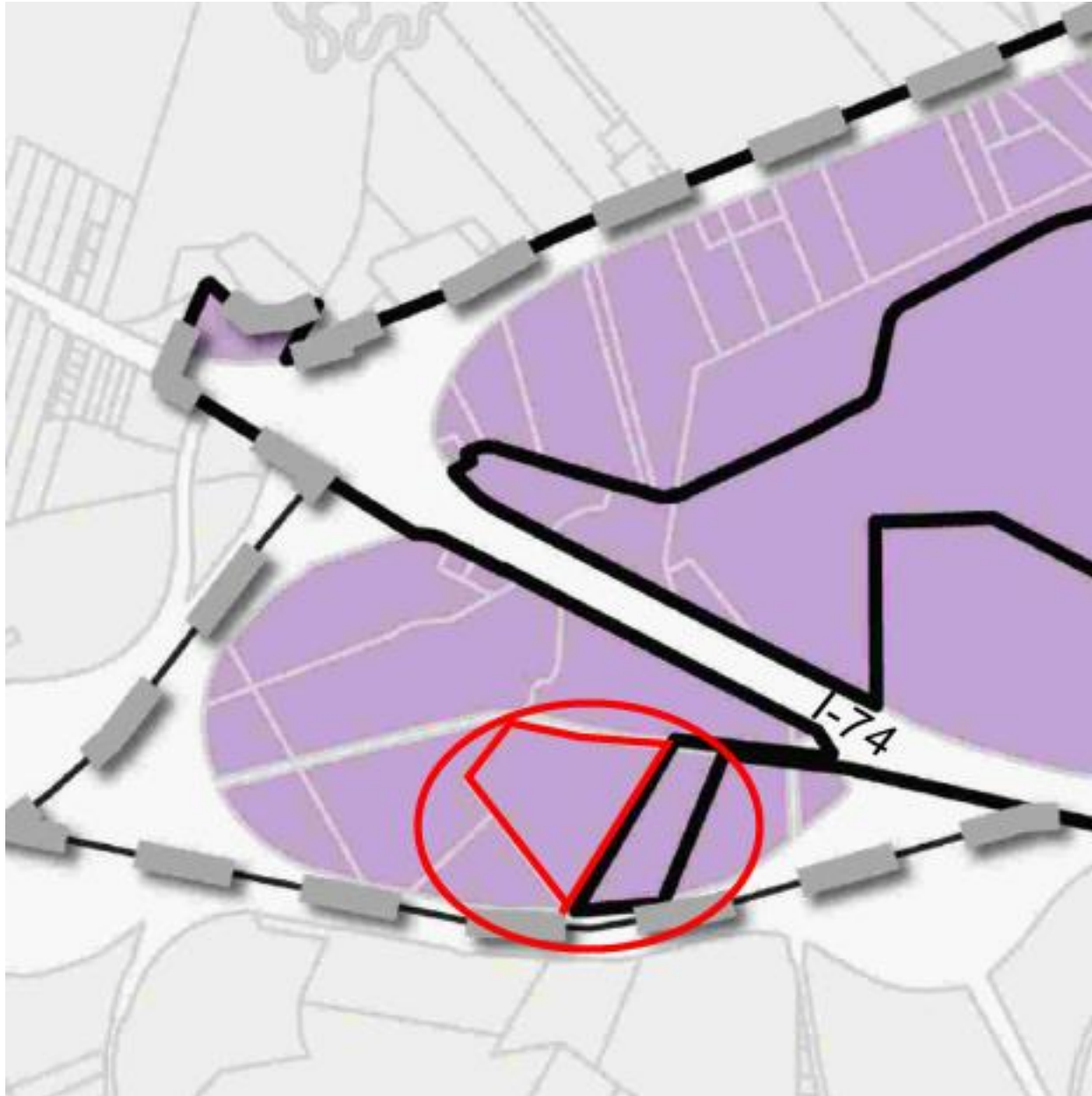


Lumberton

Planning & Neighborhood Services

PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as industrial and is located in Robeson County's jurisdiction.



City of Lumberton

Planning & Neighborhood Services

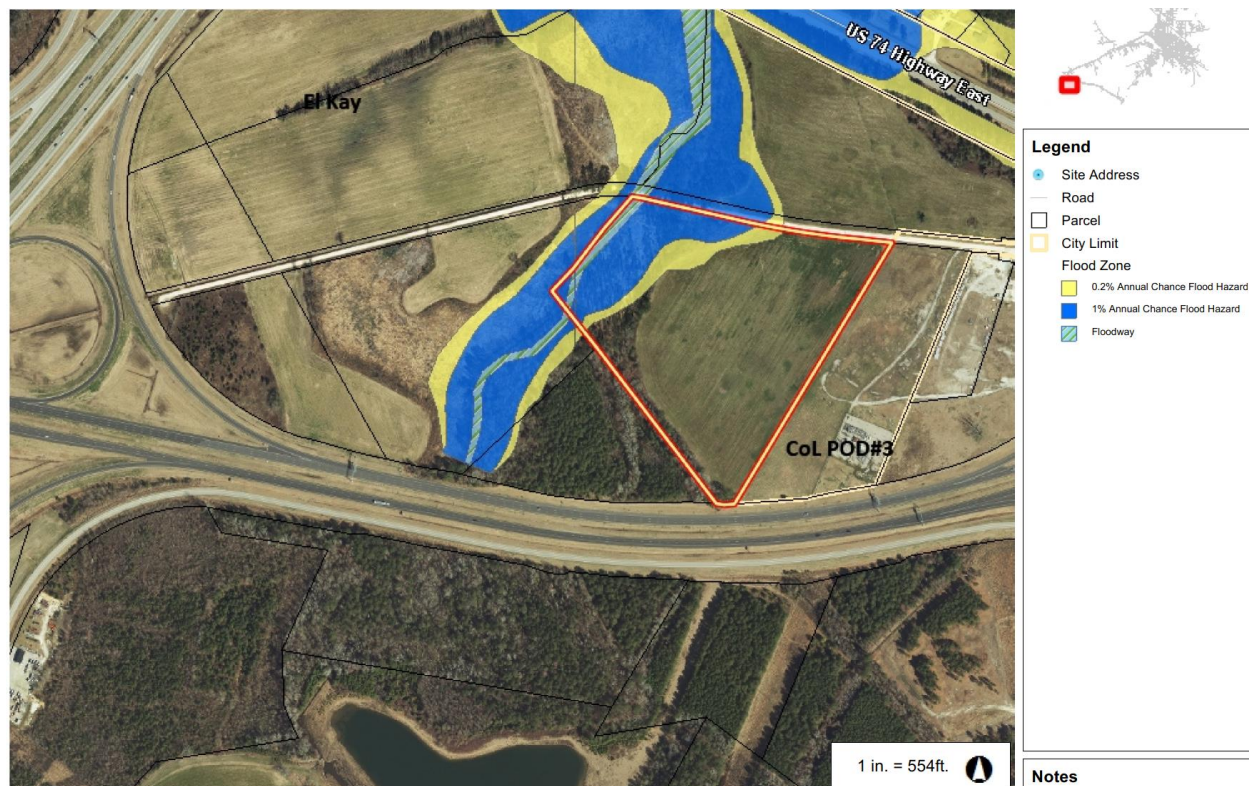
Flood Zone 'X' Not in 100-YR Floodplain: Area of minimal risk and determined to be outside the 100 and 500-year floodplains.

Flood Zone Shaded 'X' in 500-YR Floodplain: 0.2 Percent Annual Chance Flood: The flood that has a 0.2% chance of being equaled or exceeded in any given year. Also known as the 500-year floodplain.

Flood Zone AE in 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 AE Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Map Number: 3710937000K Panel Effective Date: 12/6/2019





Planning & Neighborhood Services

Department Comments:

Electrical Utilities:

Fire:

Planning:

Police:

Public Works:

Tax:

PLANNING STAFF RECOMMENDATION TO COUNCIL #1

Recommend City Council direct the City Clerk to investigate said petition.

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE SAID PETITION
REQUESTING CONTIGUOUS ANNEXATION FOR MARY PRICE FOR PROPERTY
LOCATED ON EMERY ROAD (Parcel # 02070201501)**

WHEREAS, a petition requesting contiguous annexation of an area described in said petition has been filed with the City Clerk on April 7, 2025.

WHEREAS, the City Clerk, pursuant to Section 2-65 of the Lumberton City Code, has presented said petition to the City Council;

WHEREAS, G.S. 160A-31 provides that the sufficiency of the filed petition shall be investigated by the City Clerk and the results of her investigation certified to the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lumberton as follows:

That the City Clerk is hereby directed to investigate the sufficiency of the petition for annexation filed with the City Clerk on April 7, 2025, and to certify as soon as possible to the City Council the results of her investigation.

On motion of Council _____, seconded by Council _____, the foregoing Resolution was adopted the 7th day of April, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

E. Holt Moore III, City Attorney

Resolution 2025.04.01

Lumberton City Council
Lumberton, North Carolina



Item: VII.P.

Request for Action

Meeting Date: April 7, 2025

Originated By: Recreation

Submission Date: 04/03/2025

Subject: Accept Phase III Construction Bid at Pennington Complex

Summary/Background of Subject Matter:

Notice was posted on January 22, 2025 that the City would accept sealed bids for Phase III Construction at Pennington Complex; twenty potential contractors requested bid documents.

A prep-bid meeting occurred on February 11, 2025 at Complex with five prospective bidders present to discuss bid process and clarify any questions regarding scope of work.

One bid was submitted on February 19, 2025 as requested by advertised notice. Re-bid was advertised on February 24, 2025 and one bid was received on March 13, 2025. Consultant reviewed sole bid and investigated the license requirements for the bidder for the Pennington Complex Soccer Fields and PARTF project. On that basis and discussions with City staff, recommends that the City enter formal negotiations and execute a single prime general construction contract with the sole bidder, Achuti, LLC.

Staff Recommendation:

The following award scenario is proposed below for Council consideration:

<i>Base Bid</i>	<i>\$2,985.950</i>
<i>Construction Testing Allowance</i>	<i>\$3,000</i>
<i>Splashpad Equipment Allowance</i>	<i>\$330,000</i>
<i>General Contingency Allowance</i>	<i>\$149,297.50</i>
<i>Total Bid Received</i>	<i>\$3,468.247.50</i>
<i>Value Engineering Credits/Reductions</i>	<i>\$(708,656.30)</i>
<i>Total Bid Award</i>	<i>\$2,759,591.20</i>

Funding for this project includes PARTF & Visitor's Bureau tourism grants totaling \$900,000

An installment loan of \$1,859,591.20 will be discussed at the May Council meeting by the Finance Director.

City Manager's Comments:

Signature:

Department: Recreation

ATTACHMENTS:

1. Value Engineering Summary
2. Pennington Bid
3. Pennington Soccer Complex_Grading Plan

Value Engineering Summary

<i>Removal of temporary sediment basins and associated items:</i>	<i>Deduct \$47,471</i>
<i>Removal of ABC stone under concrete sidewalks:</i>	<i>Deduct \$59,852.40</i>
<i>Removal of concrete bleacher pad for field no.1:</i>	<i>Deduct \$16,556.40</i>
<i>Removal of 4" Rootzone sand mix:</i>	<i>Deduct \$113,376</i>
<i>Removal of 6" underdrain for field:</i>	<i>Deduct \$46,950</i>
<i>Different manufacturer of precast restroom facility:</i>	<i>Deduct \$179,748</i>
<i>Different splash pad company:</i>	<i>Deduct \$146,000</i>
<i>Contingency adjustment (reduction) to \$35,000:</i>	<i>Deduct \$114,297.50</i>
<i>Install sanitary sewer manhole instead of 4 cleanouts:</i>	<i>Deduct \$8,185</i>
<i>Sod Field 1:</i>	<i>Add \$23,780</i>
 <i>Total value engineering adjustments</i>	 <i>\$708,656.30</i>

<i>Revised Base Bid</i>	<i>\$2,759,591.20</i>
--------------------------------	------------------------------

BID FORM (PROPOSAL)Single-Prime Contract Bidder: Achuti, LLCBid Date: 3/13/25

To: City of Lumberton, NC
 500 North Cedar Street
 Lumberton, NC 28358

Gentlemen:

The undersigned Bidder, having carefully investigated the existing conditions at the project site, and having thoroughly familiarized himself with the Contract Documents as prepared by Benesch, dated January 20, 2025 or as indicated on each drawing sheet, 2359 Perimeter Pointe Parkway, Suite 350, Charlotte, NC 28208, hereby proposes to provide all necessary labor, equipment, materials, services and etc. to complete the construction of the Pennington Complex Soccer Fields and PARTF Grant Improvements.

Base Bid: Two Million Nine Hundred Eighty Five Thousand Nine Hundred Fifty Dollars Dollars (\$ 2,985,950)

Construction Testing Allowance: Three Thousand Dollars (\$ 3,000)

Splashpad Equipment Allowance: Three Hundred Thirty Thousand Dollars (\$ 330,000)

+General Contingency: One Hundred Forty Nine Thousand Two Hundred Ninety Seven and Fifty Cent Dollars (\$ 149,297.50)
 (5% of Base Bid) Do not include a contingency on Construction Testing or Splashpad Equipment Allowance.

Total bid is all work in accordance with the aforementioned contract document, including General Contingency, Construction Testing Allowance, Splashpad Equipment Allowance, and Base Bid. UP-1 through UP-12 are not included in the Total Bid.

Total Bid: Three Million Four Hundred Sixty Eight Thousand Two Hundred Forty Seven and Fifty Cent Dollars (\$ 3,468,247.50)

ALTERNATE:

The following Alternate applies to this project: Should the alternate as described in the contract documents be accepted, the amount written below shall be the amount to be 'added to' the bid. If the alternate is left blank, then the Alternate would not change if the base bid is accepted. The bidder agrees to construct the Alternate as described in the Contract documents for the following price. Acceptance of the alternate does not increase the contract time.

Add Alternate No. 1A: Provide Sprigs-Field No. 2

Provide, Deliver, and Install the sprigging work defined in Section 01 23 00 of the specifications.

Add Three Hundred Thirty Seven Thousand Two Hundred Ninety Dollars (\$ 337,290)

Add Alternate No. 1B: Athletic Field Site Furnishings for Field No. 2

Provide, Deliver, and Install athletic field site furnishings work for Field No. 2 defined in Section 01 23 00 of the specifications.

Add Eighty Three Thousand Three Hundred Eighty Dollars (\$ 83,380)

Add Alternate No. 2: Provide Sod-Field No.1

Provide, Deliver, and Install work for Field No. 1 defined in Section 01 23 00 of the specifications.

Add Twenty Three Thousand Seven Hundred Eighty Dollars (\$ 23,780)

Add Alternate No. 3: Provide Sod-Field No.2

Provide, Deliver, and Install work defined for Field No. 2 in Section 01 23 00 of the specifications.

Add Two Hundred Eighty Nine Thousand One Hundred Dollars (\$ 289,100)

The following unit prices are submitted by the undersigned Bidder as a proposed basis for additive or deductive adjustment in the event contract changes in the work are required involving items described. Unit prices shall include all fees, taxes, profit, bond, overhead and similar items.

Unit prices are based on same standard of materials in contract documents.

UP-1 Additional Excavation/Disposal Off Site	50 CY @ \$ <u>32</u> /CY (\$ <u>1,600</u>)
UP-2- Additional Imported Fill/Install/Compact in Place	50 CY @ \$ <u>30</u> /CY (\$ <u>1,500</u>)
UP-3- Site/Mass Rock Removal/Disposal On Site	50 CY @ \$ <u>200</u> /CY (\$ <u>10,000</u>)
UP-4 – Site/Mass Rock Removal/Disposal Off Site	50 CY @ \$ <u>250</u> /CY (\$ <u>12,500</u>)
UP-5 – CABC Stone/Purchased/Compact in Place	100 tons @ \$ <u>70</u> /Ton (\$ <u>7,000</u>)
UP-6 – Tensar Geogrid, TX-5/Purchased/Installed	100 SY @ \$ <u>24</u> /SY (\$ <u>2,400</u>)
UP-7 – NAG-SC150 BN Purchased/Installed	100 SY @ \$ <u>3.50</u> /SY (\$ <u>350</u>)
UP-8 – Rootzone Mixture Purchased/Installed	100 CY @ \$ <u>44</u> /CY (\$ <u>4,400</u>)
UP-9 – Grass Seed/Purchased/Installed	1,000 SF @ \$ <u>.34</u> /SF (\$ <u>340</u>)
UP-10 – Concrete Sidewalk/Installed	100 SY @ \$ <u>58</u> /SY (\$ <u>5,800</u>)
UP-11 – No.57 stone Purchased/Installed.	100 Tons @ \$ <u>80</u> /Ton (\$ <u>8,000</u>)
UP-12 – Asphalt, S9.5B Purchased/Installed.	100 Tons @ \$ <u>175</u> /Ton (\$ <u>17,500</u>)

The undersigned further agrees that this proposal shall be valid for a period of sixty days from the date of receipt of the bids and that if this proposal is accepted by the City within this period, the Bidder will execute the contract form and provide surety bonds as described in the Contract and required by North Carolina General Statutes.

The undersigned further agrees to begin the work promptly upon receipt of Notice to Proceed and to pursue the work with an adequate work force to complete the work as follows:

All work shall be complete and ready for final acceptance within 180 days from Notice to Proceed.

City of Lumberton will award the project to the lowest qualified bidder.

The undersigned further agrees for each calendar day that any part of the work remains uncompleted after the contract time stipulated for final completion of the work, liquidated damages in the sum of \$500 per calendar day shall be set off or deducted from any monies due the Contractor or, if no money is due the Contractor, the Owner shall have the right to recover said sum or sums from the Contractor or from the surety or from both.

Accompanying this proposal is a bid security (5% of Contract Sum) in the form of: Bid Bond
as required by North Carolina General Statute.

The undersigned acknowledges receipt of the following addenda which will be considered as part of the Contract Documents:

Addendum No.	<u>1</u>	Dated	<u>2/11/25</u>
Addendum No.	<u>2</u>	Dated	<u>2/14/25</u>
Addendum No.	<u>3</u>	Dated	<u>2/25/25</u>
Addendum No.		Dated	

Name of Bidder: Achuti, LLC
Company

By: [Signature] Tray Taylor
(Signature) (Typed Name)

Title: Project Manager

Address of Bidder: 917 New Bern Ave. Raleigh, NC 27606

Contractor's License No: 81770

Attest:

By: [Signature]

Title: President

The following major subcontractors are included in the base bid:

Grading Subcontractor	<u>TBD</u>
Concrete Subcontractor	<u>Concrete Cowboys</u>
Landscape Subcontractor	<u>Greenstate Landscaping</u>
Splashpad Subcontractor	<u>Great Southern Recreation</u>
Electrical Subcontractor	<u>TBD</u>
Irrigation Subcontractor	<u>Greenstate Landscaping</u>
Sportsfield Subcontractor	<u>TBD</u>
Utility Subcontractor	<u>TBD</u>
Asphalt Paving Subcontractor	<u>Sykes Paving</u>

State of North Carolina AFFIDAVIT A – Listing of Good Faith Efforts

County of Robeson

(Name of Bidder)

Affidavit of Achuti, LLC

I have made a good faith effort to comply under the following areas checked:

Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive. (1 NC Administrative Code 30 I.0101)

- ☒ **1 – (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.
- ☒ **2 --(10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.
- ☐ **3 – (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.
- ☐ **4 – (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.
- ☒ **5 – (10 pts)** Attended prebid meetings scheduled by the public owner.
- ☐ **6 – (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.
- ☐ **7 – (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.
- ☐ **8 – (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.
- ☐ **9 – (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.
- ☒ **10 - (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 3/13/25 Name of Authorized Officer: Tray Taylor

Signature: [Signature]

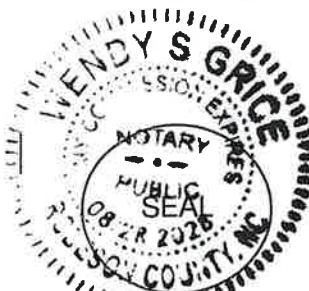
Title: Project Manager

State of North Carolina, City Robeson of Robeson

Subscribed and sworn to before me this 13 day of MARCH 2025

Notary Public [Signature]

My commission expires August 28, 2028



FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT _____

Achuti, LLC as
principal, and The Gray Casualty & Surety Company, as surety, who is
duly licensed to act as surety in North Carolina, are held and firmly bound unto
City of Lumberton as obligee,
in the penal sum of Five Percent of Amount Bid 5% DOLLARS, lawful money of
the United States of America, for the payment of which, well and truly to be made, we bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and
severally, firmly by these presents.

Signed, sealed and dated this 13th day of March, 2025

WHEREAS, the said principal is herewith submitting proposal for

Pennington Complex Soccer Fields and PARTF Grant Improvements
and the principal desires to file this bid bond in lieu of making the cash deposit as required
by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that
if the principal shall be awarded the contract for which the bid is submitted and shall
execute the contract and give bond for the faithful performance thereof within ten days after
the award of same to the principal, then this obligation shall be null and void; but if the
principal fails to so execute such contract and give performance bond as required by G.S.
143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in
the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by
G.S. 143-129.1

Achuti, LLC (SEAL)

By: *Dan Patrick* (SEAL)
Daniel Patrick Member

(SEAL)

The Gray Casualty & Surety Company (SEAL)

By: *Christina Worrells* (SEAL)
Christina Worrells, Attorney-in-
Fact



FORM OF BID BOND

THE GRAY INSURANCE COMPANY
THE GRAY CASUALTY & SURETY COMPANY

GENERAL POWER OF ATTORNEY

Bond Number: Bid Bond

Principal: Achuti, LLC

Obligee: City of Lumberton

KNOW ALL BY THESE PRESENTS, THAT The Gray Insurance Company and The Gray Casualty & Surety Company, corporations duly organized and existing under the laws of Louisiana, and having their principal offices in Metairie, Louisiana, do hereby make, constitute, and appoint: Christina Worrells

on behalf of each of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of \$25,000,000.00

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both The Gray Insurance Company and The Gray Casualty & Surety Company at meetings duly called and held on the 26th day of June, 2021.

"RESOLVED, that the President, Executive Vice President, any Vice President, or the Secretary be and each or any of them hereby is authorized to execute a power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings, and all contracts of surety, and that each or any of them is hereby authorized to attest to the execution of such Power of Attorney, and to attach the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be binding upon the Company now and in the future when so affixed with regard to any bond, undertaking or contract of surety to which it is attached.

IN WITNESS WHEREOF, The Gray Insurance Company and The Gray Casualty & Surety Company have caused their official seals to be hereinto affixed, and these presents to be signed by their authorized officers this 28th day of October, 2021.



By

Michael T. Gray

Michael T. Gray
President
The Gray Insurance Company

Cullen S. Piske

Cullen S. Piske
President
The Gray Casualty & Surety Company



State of Louisiana

95

Parish of Jefferson

On this 28th day of October, 2021, before me, a Notary Public, personally appeared Michael T. Gray, President of The Gray Insurance Company, and Cullen S. Piske, President of The Gray Casualty & Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the companies as officers of, and acknowledged said instrument to be the voluntary act and deed, of their companies.



Leigh Anne Henican
Notary Public
Notary ID No. 92653
Orleans Parish, Louisiana

Leigh Anne Henican

Leigh Anne Henican
Notary Public, Parish of Orleans State of Louisiana
My Commission is for Life

I, Mark S. Mangino, Secretary of The Gray Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 13th day of March, 2025

Mark S. Mangino

I, Leigh Anne Henican, Secretary of The Gray Casualty & Surety Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 13th day of March, 2025

Leigh Anne Henican



Pennington Complex Soccer Fields and PARTF Grant Improvements

900 Meadow Road
Lumberton North Carolina 28358

Project No:	17000386
Date:	01.22.25
Revisions:	
Issued for Bid	01.22.25

Sheet Title:

Corrosion Control Plan

Post-Developed

Sheet No:

C302



Lumberton City Council

Item: VII.Q.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Recreation

Submission Date: 04/03/2025

Subject: Approve Professional Services Agreement with Bensch to Design and Engineer Pickleball Courts

Summary/Background of Subject Matter:

Staff has received two (2) professional services proposals for design and construction documents to bid Phase I of a planned capital improvement project to convert several existing tennis courts at the Old Racket Club site on Fayetteville Road to pickleball courts for future community use,

Anderson Engineering & Assoc, PA *\$34,000.00*

Alfred Benesch & Company *\$32,200.00*

Expenses incurred in current fiscal year will be allocated from budget code 10-00-6121-1940

Expenditures incurred in FY25/26 will be allocated from an installment loan to be secured by Finance to complete Phase I of this project.

Staff Recommendation:

City Manager's Comments:

Signature:

Department: Recreation

ATTACHMENTS:

1. T.Taylor_Pickleball_1.20.25
2. Fayetteville Road Pickleball Complex-Proposal

January 30, 2025

Mr. Tim Taylor
City of Lumberton Director of Recreation & Parks
500 North Cedar Street
Lumberton, NC 28358
Email: ttaylor@ci.lumberton.nc.us

Re: Former Racquet Club Pickleball Court Conversion
Professional Services

Dear Tim,

Thank you for the opportunity to submit this proposal to assist Lumberton with professional services associated with the design of the improvements to the former Racquet Club on Fayetteville Road. Our email conversations over the weeks were informative and provided a good understanding of the improvements the City is considering.

Project Understanding

Benesch will assist the City with design and construction documentation services to convert the former Racquet Club on Fayetteville Rd (screenshot below) to a new pickleball complex.



The project team includes a surveyor, Live Oak Engineering and Surveying, PLLC, to provide a physical survey of the project.

The project team also includes a geotechnical engineer, ECS Southeast, LLC, to perform a subsurface investigation.

Anticipated improvements will include:

- Renovation of one existing asphalt tennis court
- Renovation of one existing asphalt tennis court for 6 pickleball courts
- Renovation/Paving of one existing clay tennis court for 6 pickleball courts
- Renovation/re-sealing/re-striping of the existing parking lot and driveway
- Addition of approximately 150 square yards of concrete sidewalk
- Addition of 8 benches to the pickleball courts
- Addition of regulatory signage to the parking lot
- Evaluation of and recommendations for crack repair and/or asphalt replacement on one existing asphalt tennis court.

Our professional services for the work include construction documents. The construction budget is not known currently.

Scope of Services

The following describes in more detail each step of the design process:

Survey

Design documents will be based on field survey. We will work with Live Oak Engineering and Surveying, PLLC, to prepare a topographic and boundary survey for the project. This proposal includes fee for this work.

Subsurface Investigation

Benesch will work with ECS Southeast, LLC to perform a subsurface exploration of the site. ECS will advance 6 soil test borings to explore the subsurface conditions of the site to determine whether or not existing paving is in good condition and is suitable to re-purpose for pickleball use. This proposal includes fee for this work.

Construction Documents

Benesch will prepare construction documents for improvements. We anticipate the deliverables to include the following items:

- Existing Conditions and Demolition Plan
- Site Plan
- Construction Details
- Technical Specifications
- Division One Specifications

- Budget Estimate

The plans will be submitted for design review at the 50% and 100% completion milestones with a budget estimate and will be revised to include review comments.

Permitting/Approvals

Once the plans have been completed, Benesch will work to prepare applications, submit plans, and secure permits through the City of Lumberton's Plan Review process. Benesch will be responsible for addressing review comments pertaining to the site drawings that emerge during the permitting review process. One cycle of review comments is included in this proposal. This proposal excludes any permit fees.

Meetings

No meetings have been included in the scope of services. All submittals will be made electronically.

Bidding

These services are excluded from the scope of services.

Construction Administration

These services are excluded from the scope of services.

Project-Close out

These services are excluded from the scope of services.

DESIGN FEE

Based on our current knowledge of the work as well as discussions with the City regarding the project, Benesch will be responsible for the services as described herein and will work with the City on a time and expense basis for an anticipated fee itemized as follows:

Design Fees

Survey	\$ 8,500
Subsurface Investigation	\$ 6,100
Construction Documents	\$14,600
<u>Permitting/Approvals</u>	<u>\$ 3,000</u>
Total Fee Amount:	\$32,200

The above fees include:

- All printing, mailing, and mileage cost

The design fee and any future scope of work adjustments are based on the following hourly rates:

CLASSIFICATION	RATE
Project Principal / DM	\$231.00
Group Manger/Principal	\$210.00

Senior Project Manager I	\$185.00
Project Manager II	\$175.00
Project Manager I	\$165.00
Landscape Architect I	\$130.00
Senior LA Designer	\$145.00
Project Engineer II	\$155.00
Project Engineer I	\$140.00
Designer II	\$130.00
Designer I	\$115.00
Technical Specialist II	\$130.00
Administrative Assistant	\$82.00

ADDITIONAL SERVICES

Work not included in Design Fee included but not limited to:

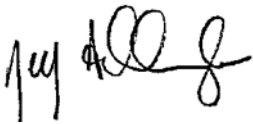
- Signage Plans
- Gas, cable, telephone, communications
- Any unusual site work associated with conditions discovered during construction, including but not limited to, underground storage tanks/hazardous materials, unusually large quantities of rock or unsuitable material, on site disposal area/landfills, or unusually high ground water table requiring permanent site de-watering.
- Illustrative drawings
- Rezoning or Conditional Use plans
- Special inspections for foundations, masonry, etc.
- Express plan review
- Community/neighborhood meetings
- Bid advertisements
- Retaining wall design
- Security systems
- Septic System
- Public Road improvements
- Architectural design
- Site lighting
- Irrigation design
- No rise studies
- Structural engineering
- Geotechnical engineering
- Bidding
- Construction Administration
- Subsurface investigation of existing utilities.

Schedule

We are prepared to begin work within two weeks after a Notice to Proceed is issued by the City.

If this agreement meets your understanding and approval, please sign below and return a copy for our files. A signed copy of this agreement signifies acceptance of the above scope and terms. Once we have a signed agreement, we will start work upon the City's authorization to proceed.

Sincerely,



Jeff Ashbaugh, PLA
Associate, NC LA Group Manager



Brian Cannella
Vice President, Charlotte Branch Manager

AGREEMENT AND AUTHORIZATION TO PROCEED WITH THE SCOPE OF WORK INDICATED ABOVE.

City of Lumberton

Date



Anderson Engineering & Assoc., P.A.

*P.O. Box 1736
305 North Chippewa
Lumberton, NC 28359
Licensure No.: C-0793*

*Larry Anderson, P.E.
President*

January 3, 2025

Attention: Brandon Love, Deputy City Manager
500 North Cedar Street
Lumberton, NC 2835824

Ref: Fayetteville Road Pickleball Complex
Engineering Services

Mr. Love,

Thank you for the opportunity to help with the City's needs on the above referenced project located at the Lumberton Racket Club. I am in receipt of your probable cost/budget and have revised those costs to include the renovation of one existing regulation asphalt tennis court. We have estimated that cost at \$35,000.⁰⁰, yielding a Phase I budget of \$294,250.⁰⁰. Also, this budget does not include any efforts for landscape maintenance/demo/renovations.

Our proposal is for the engineering efforts to survey, design, and specifications for anticipated work, assuming the procurement and construction management will be completed by others. Certainly we can offer those services as you see fit for an agreed upon amount. This is an effort to reduce the overall budget with 'in-kind' services.

The Phase I efforts are proposed as follows:

- Renovate one existing asphalt tennis court
- Renovate one existing asphalt tennis court for 6 Pickleball courts
- Renovate/pave one existing clay tennis court for 6 Pickleball courts
- Renovate/re-seal/re-stripe the existing parking lot and driveway
- Add 150 sy of concrete sidewalk
- Add 8 benches to Pickleball courts
- Add regulatory signage to the parking lot
- Develop project specifications for above scope of work



*National Society of
Professional Engineers®*

NSPE Licensed Member

January 3, 2025

Attention: Brandon Love, Deputy City Manager

Fayetteville Road Pickleball Complex

Page 2 of 2

In the design development phase, we will investigate the options on the tennis court renovations including a recommendation on crack repairs or asphalt replacement on the existing courts. In some instances, crack repairs may not be the best option of renovation, especially when those repairs exceed 500 linear feet per court. Also, during the design phases, we will refine the probable construction costs for consideration.

Below is our fee proposal for the anticipated scope show previously:

- Topographic survey of existing conditions (SAM, Inc.) \$ 8,000.⁰⁰
- Basic design services including specifications \$ 26,000.⁰⁰

We have also attached our Hourly Fee Schedule for consideration of efforts over the above scope, or those extra services can be negotiated as required. Thank you for the opportunity to offer our services to the City of Lumberton for your consideration. If approved, we will submit a short form Agreement along with insurance information for execution. Should you have any questions, please do not hesitate to contact me.

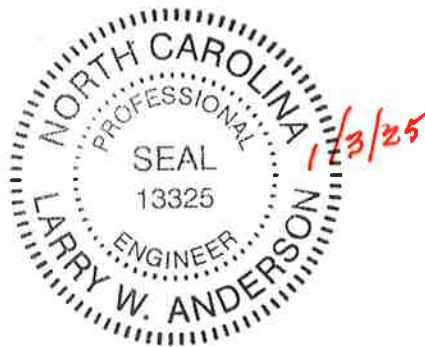
Sincerely,

ANDERSON ENGINEERING & ASSOCIATES, P.A.



Larry W. Anderson, P.E.

LWA/rl





Anderson Engineering & Assoc., P.A.

P.O. Box 1736
305 North Chippewa
Lumberton, NC 28359
Licensure No.: C-0793

Larry Anderson, P.E.
President

Anderson Engineering & Assoc., PA

• Engineering Design Services

- Basic Design: 15% of construction costs
- Construction Management: 8% -10% of construction costs

Hourly Rate for Services Rendered

▪ Principal Engineer	\$ 135.00/hour
▪ Associate Engineer	\$ 120.00/hour
▪ Staff Engineer	\$ 110.00/hour
▪ Engineer Tech III (> 10 years Experience)	\$ 105.00/hour
▪ Engineer Tech II (5-10 years Experience)	\$ 100.00/hour
▪ Engineer Tech I (< 5 years Experience)	\$ 85.00/hour
▪ Professional Land Surveyor-One Man	\$ 135.00 hour
▪ Professional Land Surveyor -Two Man	\$ 170.00 hour
▪ Professional Land Surveyor -Three Man	\$ 205.00 hour
▪ CAD Designer III (> 10 years Experience)	\$ 95.00/hour
▪ CAD Designer II (5-10 years Experience)	\$ 75.00/hour
▪ CAD Designer I (< 5 years Experience)	\$ 65.00/hour
▪ Project Manager	\$ 110.00/hour
▪ GIS Manager	\$ 95.00/hour
▪ Construction Inspector	\$ 75.00/hour
▪ Administrative/Secretary	\$ 45.00/hour
▪ Mileage	\$ 1.65/mile
▪ Outside Professional Services	125% of cost

Effective December 11, 2024
Last revised: October 22, 2024



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Professional Engineers®
NSPE Licensed Member

Lumberton City Council

Item: VII.R.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: Finance

Submission Date: 04/03/2025

Subject: Financing - 6 Outfitted Police Vehicles and 1 Vehicle for Inspections

Summary/Background of Subject Matter:

The Finance Department has sought quotes for financing 7 vehicles for purchase approved in the 2024-2025 Capital Plan. We have obtained 3 responses, but only one qualified quote.

Lumbee Bank - 3.96%; Estimated Annual Debt Service (payment) \$93,339.90; Total Interest: \$50,699.50

Truist Bank - Did not quote

Civic Federal Credit Union - Did not quote

Staff Recommendation:

Staff recommends Council approve accepting the finance officer from Lumbee Bank at and APR of 3.96% for 5 years.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: Finance

ATTACHMENTS:

1. Lumbee Bank - Term Sheet



LUMBEE GUARANTY BANK

600 N. Pine St.
Lumberton, NC 28358

March 17, 2025

Cheryl Spaulding-Hunt
Assistant Finance Director
City of Lumberton
Lumberton, NC 28358

Dear Cheryl:

Lumbee Guaranty Bank is pleased to offer this term sheet for a loan to provide financing for the purchase of six (6) outfitted police cars and one (1) SUV – sport utility vehicle as stated in your RFP. This term sheet should be used as a basis for the terms that could be included in a formal commitment letter. The proposed terms are as follows:

1. **Borrower:** The City of Lumberton.
2. **Loan Amount:** Up to \$416,000 as referenced in your RFP.
3. **Collateral:** 1st lien on six (6) purchased police cars (outfitted) and one (1) SUV.
4. **Interest Rate:** 3.96% fixed for 5 years. The rate is based on the assertion in the RFP that this is a bank qualified tax-exempt transaction.
5. **Term:** Term will be 5 years.
6. **Repayment Terms:** Principal and interest payments due annually.
7. **Fees:** The bank will not charge an origination fee for this loan.
8. **Documentation:** Borrower shall execute documentation satisfactory to the Bank.
9. **Financial Information:** Lumbee Guaranty Bank will require annual financial statements from The City of Lumberton (your annual audit).
10. **Expenses:** All expenses are to be paid by the Borrower. These expenses include, but are not limited to, recording fees and any other cost associated with the transaction.
11. **Other Terms and Conditions:** This commitment is open for your acceptance until April 18, 2025. After that time the Bank reserves the right to adjust the interest rates offered.

Lumbee Guaranty Bank has prepared this Preliminary Term Sheet setting forth primary terms under which we believe a commitment to lend can be approved by the appropriate authority.

Please call me at 910-671-9011 if any questions arise.

Sincerely,

Bradley Strickland

Bradley Strickland
Vice President
Lumbee Guaranty Bank

Lumberton City Council

Item: VII.S.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 04/03/2025

Subject: Carolina Civic Center - Project Update/Change Orders

Summary/Background of Subject Matter:

Staff will present a project update on the Carolina Civic Center annex construction, to include a rundown of the various Change Orders to date, both additive and deductive.

Staff Recommendation:

Approve necessary Change Orders as submitted.

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

None

Lumberton City Council

Item: VII.T.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 03/20/2025

Subject: Reappointment to the Library Board of Trustees

Summary/Background of Subject Matter:

City Manager Horne received a request from Director Fountain, Robeson County Public Library, asking that the City reappoint Sarah Griffin-Greene and Melvin Morris to a new term on the Library Trustee Board. Their current terms are set to expire on June 30, 2025.

Staff Recommendation:

Reappoint Sarah Griffin-Greene and Melvin Morris RCPL Board of Trustees, if so desired.

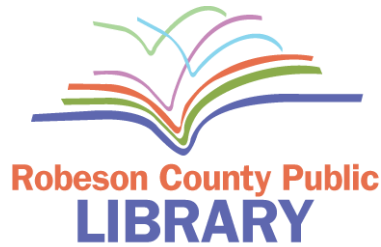
City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Manager

ATTACHMENTS:

1. Appointment Request 3.20.25 - Sarah Griffin-Greene Melvin Morris



March 20, 2025

Mr. Wayne Horne
City of Lumberton
500 N. Cedar Street
Lumberton, NC 28358

Dear Mr. Horne,

I am writing to request that the Lumberton City Council reappoint Sarah Griffin-Greene and Melvin Morris to a new term on the Library Trustee Board. Their current terms are set to expire on June 30, 2025.

Mrs. Griffin-Greene was appointed to the Board in 2019 and has dutifully served, holding both Secretary and Treasurer roles during her first term. Mr. Morris was appointed to fill the unexpired term of the late Trustee Priscilla Leazer. This would be his first full term. I am grateful for his service!

Both are Lumberton residents. Their contact information is:

Sarah Griffin-Greene | 1011 Riverside Blvd, Lumberton, NC | 910-674-5136 | rugbybelle@yahoo.com

Melvin Morris | 2628 McPhail Rd, Lumberton, NC | 910-733-1046 | mmorris29@nc.rr.com

If reappointed, their new terms will be from July 1, 2025 - June 30, 2031. Please let me know if you need any further information and when the item is placed on the agenda for City Council.

Sincerely,

Katie Fountain

Library Director
Robeson County Public Library
101 N. Chestnut Street
Lumberton, NC 28358
910-738-4859 ext. 304

Lumberton City Council

Item: VII.U.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Council

Submission Date: 03/17/2025

Subject: De-obligation of Funds in Precinct 4

Summary/Background of Subject Matter:

Councilwoman Higley is requesting that \$449.54 be de-obligated from code 10-00-4313-2125 (Community Watch) to Code 10-00-4935-6904 (Unobligated Funds).

Staff Recommendation:

De-obligate \$449.54 from code 10-00-4313-2125 to Code 10-00-4935-6904 Unobligated Funds.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VII.V.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Council

Submission Date: 03/12/2025

Subject: 2nd Street Cruising

Summary/Background of Subject Matter:

Councilwoman Higley requests \$280.00 of CRF for “Cruising 2nd Street Again” to be held on Sunday, April 6, 2025, from 1:00-5:30 pm.

Staff Recommendation:

Approve the designation of \$280.00 of CRF as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VII.W.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Council

Submission Date: 03/31/2025

Subject: Request from W.H. Knuckles - 3rd Graders Trip to Aquarium

Summary/Background of Subject Matter:

Councilman Cantey is asking the Council to help support a request received on behalf of W.H. Knuckles' 3rd-grade class, as they are planning an exciting and educational field trip to the Aquarium in Myrtle Beach, SC. This trip will provide the students with a unique opportunity to explore marine life up close, enhancing their understanding of science and the world around them.

To make this enriching experience possible for all students, they are seeking donations to help cover the cost of transportation and admission. Our support would ensure that every child has the chance to participate. The 3rd grade team would like to go on this field trip on April 11, 2025.

Please see the total cost below.

Cost

\$30.00 per child X 88= \$2640.00

Councilman Cantey would like to sponsor two children at an amount of \$176.00 and ask if the Council would join with him in support of the 3rd graders from WH Knuckle. Thanks for your anticipated support.

Staff Recommendation:

Approve the contribution to WH Knuckles as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

None

Lumberton City Council

Item: VII.X.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Council

Submission Date: 03/27/2025

Subject: Robeson County Relay for Life

Summary/Background of Subject Matter:

Councilman Thomas requests \$100 to be designated for the Robeson County Relay for Life to be held on Friday, May 2, 2025, from 12:00 noon until 12:00 midnight at Lumberton High School. There is also a Survivor Banquet on April 24th 3:00 pm - 5:00 pm at the Southeastern NC Agricultural Events Center.

Staff Recommendation:

Approve CRF as stated above.

City Manager's Comments:

Signature: Laney Mitchell-McIntosh, City Clerk

Department: City Council

ATTACHMENTS:

1. BP-70C45_20250326_074837



Robeson County Relay For Life Survivor Reception

Celebrate, Remember, Fight Back

To Whom It May Concern:

Robeson County Relay For Life will be held on Friday, May 2, 2025 from 12:00 noon until 12:00 midnight at Lumberton High School. We are having a Survivor Banquet to honor our survivors on April 24th from 3:00pm-5:00pm at the Southeastern NC Agricultural Events Center in Lumberton NC.

We would like to ask if the City of Lumberton would be willing to be a Corporate Sponsor for our event this year. Community partners, like you, is vital to the success of our organization.

Any assistance that you could give would greatly be appreciated. If you have any questions or concerns, please do not hesitate to contact me at (910) 225-3377.

Thank you and have a wonderful day!

**Cheryl L. Revels
Robeson County
Relay For Life
Event Director**

Lumberton City Council

Item: VII.Y.

Lumberton, North Carolina



Request for Action

Meeting Date: April 7, 2025

Originated By: City Manager

Submission Date: 04/07/2025

Subject: Adopt a Resolution to Install Supplement Panel to "Welcome to Lumberton" Signs

Summary/Background of Subject Matter:

Staff reached out to the Department of Transportation (NCDOT) in reference to "Supplemental Panels" being installed with the "Welcome To" signs representing the:

Lumberton Sr High School
2024 Girl's Wrestling State Tournament Champions

The District Engineer stated that they could be installed; however, the city must adopt a resolution for the supplemental panels. The resolution must specify a maximum installation of 3 years for any dated sign message. After 3 years, the signs will be removed. The design, fabrication, and installation costs are the responsibility of the requesting party. DOT will give the city a price for this work once they know where the panels will be attached. DOT would enter into a reimbursable agreement with the requesting party for the work performed. DOT would take care of the agreement process.

Staff Recommendation:

That we Adopt a Resolution for the Installation of "Supplemental Panels" to "Welcome To Lumberton" Signs.

City Manager's Comments:

Signature:

Department: City Manager

ATTACHMENTS:

1. 2025.04.01 Resolution Adoption of 2024 Wrestling Champions Sign

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUMBERTON
APPROVING THE INSTALLATION OF SUPPLEMENTAL PANELS TO “WELCOME TO
LUMBERTON” SIGNS
AT APPROPRIATE SITES WITHIN THE CITY

BE IT RESOLVED by the City Council of the City of Lumberton that the City Council hereby adopts an official “Lumberton Sr High School 2024 Girl’s Wrestling State Tournament Champions” sign to be located on “supplement panels” placed on the “Welcome To Lumberton” signs at appropriate sites within the jurisdiction of the City of Lumberton.

BE IT FURTHER RESOLVED that the City Council of the City of Lumberton agree that said signs will be purchased, installed, and maintained by the and will be located off state right-of-way and further understands and agrees that such official signs may not contain any advertisement and must not create a safety problem for the traveling public and must be removed after a maximum of three (3) years from date of installation.

On motion of Council _____, seconded by Council _____,
the foregoing Resolution was adopted on the 7th day of April, 2025.

Bruce W. Davis, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Holt Moore III, City Attorney