



CITY OF LUMBERTON
CITY COUNCIL
MINUTES • NOVEMBER 18, 2013

Regular Meeting

Third Floor Conference Room

11:00 AM

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

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Precinct 1	Present	
John Robinson	Precinct 2	Present	11:25 AM
Jackie Taylor	Mayor Pro Tem	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Absent	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Robert E. Price	Interim City Attorney	Present	

III. INVOCATION

Interim City Attorney Robert E. Price

IV. PLEDGE OF ALLEGIANCE

V. RECOGNITION

1. Proclamations for National Home Care Month -

Mayor Pennington presented Kim Miller and her coworkers with the National Home Care Proclamation. He thanked them for the amazing work that they do.

VI. PUBLIC COMMENT PERIOD - NO ONE APPEARED TO SPEAK.

**VII. PROPOSED MINUTES FOR THE NOVEMBER 18, 2013 CITY COUNCIL MEETING
CONSENT AGENDA**

A. Minutes Approval

1. Council Policy Committee - Regular Meeting - Oct 9, 2013 12:00 AM -
2. City Council - Special Meeting - Oct 23, 2013 11:00 AM -

VIII. AGENDA ITEMS

1. Approval of Amendment to Wooten Company Architectural Contract Lumberton Christian Care FY11 CDBG Catalyst Project - Brandon Love, Planning Director
The original architectural contract with The Wooten Company for the Lumberton Christian Care project was for the building only. Once the site was approved and the Zoning and Conditional Use Permit was approved, Staff has been working with Wooten staff to negotiate the contract amendment to cover survey work, site civil engineering, landscape plan, contract administration and construction observation.
Recommend Council approve the architectural contract amendment with Wooten Company.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

2. Surplus Fire Department Equipment - Paul Ivey, Fire Chief
Fire House Subs has contacted Lumberton Fire Department requesting items to place on display in their new facility in Lumberton. The following items are outdated and no longer safe to use for emergency response.

- 2 Helmets
- 1 Turnout Coat
- 1 Turnout Pants
- 1 Self Contained Breathing Apparatus

Declare these items as surplus and authorize Lumberton Fire Department to donate the items to Fire House Subs for display purposes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

3. Acceptance of Bulletproof Vest Partnership Funds - \$4,154.89 - Michael McNeill, Police Chief
The Lumberton Police Department has been awarded Bulletproof Vest Partnership funds in the amount of \$4,154.89. Monies will be used to purchase twenty (20) vests for sworn personnel. This grant has a dollar for dollar match.
Accept grant award from Bulletproof Vest Partnership Program in the amount of \$4,154.89.

4. Installation of Stop Signs - Patton St. - Michael McNeill, Police Chief
It is recommended that Stop signs be installed on Patton Street at Inglewood for East and West bound traffic.
Approve recommendation that Stop signs be installed on Patton St. at Inglewood for both East and West bound traffic.

5. Purchase of a Replacement Fuel Dispensing System at Public Works - Rob Armstrong, Public Works Director
Public Works serves as the fueling hub for all City owned vehicles and equipment. The current dispensing system is comprised of three dispensers (2 gasoline and 1 diesel) and a control center that dates back to the 1980's. The Capital Improvement Plan for Public Works schedules a complete replacement of the dispensing and storage system in Fiscal Year 2014-2015. Recently, the dispensing system experienced problems that were difficult to resolve due to lack of available parts for the older equipment. Public Works considers the fueling system a critical element of the essential services provided by the City. We are recommending replacing the system in the current Fiscal Year in lieu of waiting to 2014-2015. Two regional vendors submitted pricing for the replacement system.

MECO, Fayetteville, NC	\$29,999.62 (Wireless Interface)
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Updated 11/20/2013 11:24 AM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

6. Unsafe House at 210 E 10th Street - Ben Andrews, Inspections Director
The structure located at 210 E 10th Street has been cited by the City of Lumberton Inspections Department on multiple unsafe building violations. The Inspections Department started enforcement action on September 24, 2012 and has completed all required steps in the process including the order to demolish. The owner John Singletary upon receipt of the order filed a notice of appeal, and was granted a 90 day extension on August 7, 2013. A building permit was issued on November 6, 2013 to John Singletary for renovations of the structure. The deadline for Mr. Singletary to comply was November 13, 2013 at this time the structure is still non compliant but renovations are in progress.
Staff recommends to grant Mr. Singletary an additional 30 days to comply or proceed with the demolition process

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

7. Amendment to Section 16-164 of the Personnel Ordinance - Alisha Thompson, Finance Director
Council amended Section 16-164 of the Personnel Ordinance on October 8, 2012. This change moved the anniversary date for longevity from December to November. We currently have twenty six employees that were hired in November that are adversely affected because the cutoff date for determining tenure and eligibility was changed.
Recommend that CPC adopt the attached Ordinance amending Section 16-164 of the Personnel Ordinance reference Longevity Pay, to leave the anniversary date at December. If approved, the amended date will be effective for December 2013.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

8. Financing Vehicles & Equipment - Alisha Thompson, Finance Director
The Finance Department has obtained quotes for financing vehicles and equipment.

Loan 1

15 Police Vehicles & Street Sweeper \$730,000 for 5 years

BB&T: 1.48%

PNC: 1.64%
Lumbee Bank: no quote
Annual Payment: \$152,545.89

Loan 2

Refurbish Ladder Truck, 3 Tandem Trucks, Lowboy Tractor/ Trailer, 2 Rubber Tire Backhoes, Track hoe, Bush Hog Tractor, Climbing Bar Screen, Bucket Truck* \$1,815,000
BB&T: 2.03% for 8 years
PNC: 2.16% for 7 years
Lumbee Bank: no quote
Annual Payment: \$36,844.50 (Interest Only for First Year)
\$280,762.69

*Bucket Truck was not part of the installment purchase in the budget
Recommend that CPC award the financing of the vehicles and equipment to BB&T for 5 years at 1.48% and 8 years at 2.03% and approve the attached resolutions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

9. Acceptance of Native Solar Conditional Use Permit Application - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a conditional use permit application from Native Solar for property located at 357 Dundee Drive, parcel #2014-04-010. The applicant's intention is to develop this tract as a 5 megawatt solar farm.

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

This agenda item was referred to the next Council Policy Committee. Councilman Hackney made a motion, seconded by Councilman Cantey, sending the item back to Planning in order to establish the recognition of the company and correct the notary pages.

RESULT:	REFERRED [UNANIMOUS]	Next: 1/8/2014 11:00 AM
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney	
ABSENT:	Jones	

10. Acceptance of BG French Application for Rezoning - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a rezoning application from BG French to rezone property located at 5019 Dawn Drive, parcel #1006-01-012.17. The property is currently split-zoned with the front portion being zoned B-4 and the back portion B-3. It is the applicants request to rezone the entire property to B-4. The applicant has indicated that there is currently no planned use and that it is the owner's intention to have the entire parcel zoned the same and then offer the property for sale.

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

11. Acceptance of Rezoning Application for Uptown Real Estate, LLC - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a rezoning application from Rob Redfearn on behalf of Uptown Real Estate, LLC to rezone property located at 101 South Chestnut Street, parcel #3238-01-018.01. The property is currently zoned M-1 Light Manufacturing and the applicant is requesting rezoning to B-1 Central Business District. It is the applicant's intent to redevelop this property for use as a large art studio, retail store and gallery space (see attached business description).

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

12. Acceptance of Withdrawal of Francis Cummings Rezoning Application - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a rezoning application from Frances Cummings in care of Sisters with Pearls Serving Society for 1400 Martin Luther King, Jr. Drive, parcel #3249-03-011. The request was to rezone from R-7 Residential Single Family/Duplex to B-3 Office-Residential. The applicant's intention was to utilize this property as a headquarters for their non-profit organization.

The Planning Board reviewed the request on September 17th and then again on October 22nd. At the October meeting, Ms. Cummings requested that the Planning Board allow her to withdraw their application.

The Planning Board recommends that City Council accept Ms. Cummings' request to withdraw her rezoning application and reimburse the appropriate City Council Community Revitalization Fund account(s) for the application fee.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, John Cantey Jr.
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

13. Adopt an Ordinance Banning Begging - Rob Price, City Attorney

The City Code now includes:

Sec. 15.15 - Begging.

No person shall beg on the streets of the city without first having secured a permit.

(Code 1967, § 18-1)

Chief McNeill suggested that the City would be better served by prohibiting begging. Code provisions from a few other municipalities were considered, and a new code section prepared.

Consider adopting the attached proposed ordinance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Erich Hackney, Precinct 8
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

14. Adopt an Ordinance Amending Chapter 35 of the Code - Rob Price, City Attorney

The General Assembly recently adopted Session Law 2013-126, which made a large number of substantive changes to Chapter 160A of the General Statutes, which in turn requires changes to Chapter 35 of the City Code. A "Checklist" attachment is the School of Government's summary of the needed changes. It includes a copy of the legislation. A "Comparison" attachment shows the proposed deletions and additions to the City Code. Adopt the Attached Ordinance.

After a brief discussion, the agenda item amending sections of Chapter 35 was approved; however, it should be placed on the agenda for the Planning Conference.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Erich Hackney, Precinct 8
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

15. Approval of October 2013 Tax Releases - Linda Oxendine, Public Services Director

Per G.S. 105-381, which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons:

Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or

the tax was listed in duplicate.

The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:

2008-----119.06
2009-----144.28
2010-----121.01
2012-----376.07
2013-----2,678.75

Approve the tax releases for the years and amounts listed above.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	Don Metzger, Precinct 1
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

16. Approve the designation of \$1,000 to Rowland Norment School for the Positive Behavioral Intervention Support Program in Precinct 3 - Jackie Taylor, Precinct 3
Councilman Taylor requests \$1,000 of Community Revitalization Funds be given to Rowland Norment School for the Positive Behavioral Intervention Support Program in Precinct 6.
Designate \$1,000 of CRF to Rowland Norment School.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

17. Approve the designation of \$2,500 to the Boys and Girls Club from Precinct 3 - Jackie Taylor, Precinct 3
Councilman Taylor requests \$2,500 of Community Revitalization Funds to the Boys and Girls Club to purchase essential items.
Designate \$2,500 of CRF to the Boys and Girls Club.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

18. Approve the designation of \$1,000 of CRF to Robeson County Church and Community Center from Precinct 3 - Jackie Taylor, Precinct 3

Councilman Taylor requests \$1,000 of Community Revitalization Funds be given to the Robeson County Church and Community Center for the Senior Citizens "Season for Giving Program."

Designate \$1,000 of CRF to Robeson County Church and Community Center.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

19. Approve the designation of \$250.00 to Godwin Heights Baptist Church for Fall Festival Community Day in Precinct 3 - Jackie Taylor, Precinct 3

Councilman Taylor requests \$500.00 of CRF for the Godwin Heights Baptist Church Fall Festival Community Day in Precinct 3.

Approve the designation of \$500.00 of CRF to Godwin Heights Baptist Church.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

20. Approve the designation of \$300.00 to Breath of Life Ministries, Inc., for the Outreach Ministry from Precinct 3 - Jackie Taylor, Precinct 3

Councilman Taylor requests that \$300.00 of CRF be given to Breath of Life Ministries, Inc., to help with the cost food, toys and equipment that is used in its Outreach Ministry community events, i.e., Back to School Youth Explosion; Community Day and the Christmas Charity Program.

Designate \$300.00 of CRF to Breath of Life Ministries.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

21. Approve the designation of \$250.00 of Community Revitalization Funds for the "Toys for Tots" Program in the City of Lumberton - John Cantey Jr., Precinct 5
Councilman Cantey requests \$250.00 of Community Revitalization Funds for the "Toys for Tots" Program in the City of Lumberton.

Designate \$250.00 of Community Revitalization Funds to "Toys for Tots."

P1 - \$300.00 P2 - \$300.00 P3 - \$300.00 P4 - \$300.00 P5 - \$250.00

P7 - \$300.00 P8 - \$300.00 Mayor's Fund - \$300.00 for a total of \$2350.00.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, John Cantey Jr.
SECONDER:	Harry Ivey, Precinct 4
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

22. Approve the designation of \$300.00 to Breath of Life Ministries Outreach - Robert Jones, Precinct 6

Councilman Jones requests that \$300.00 of CRF be given to Breath of Life Ministries, Inc., to help with the cost food, toys and equipment that is used in its Outreach Ministry community events, i.e., Back to School Youth Explosion; Community Day and the Christmas Charity Program.

Designate \$300.00 to Breath of Life Ministries, Inc.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

23. Approve the designation of \$300.00 to Ms. North Carolina Johnna Edmund. - Leon Maynor, Precinct 7

Councilman Maynor requests \$300.00 of CRF to be given to Miss North Carolina Johnna Edmund.

Approve the designation of \$300.00 of CRF to Miss NC Johnna Edmund.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Robinson, John Cantey Jr.
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

24. Approve the designation of \$200.00 to The Refuge located on W. 5th Street in Precinct 7 - Leon Maynor, Precinct 7

Councilman Maynor requests \$200.00 of CRF to be given to The Refuge located on W. 5th Street in Precinct 7.

Approve the designation of \$200.00 of CRF to the Refuge located on W. 5th Street.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

25. Approve the designation of \$300.00 to Straightway Outreach Center Ministry in Precinct 8 - Erich Hackney, Precinct 8

Councilman Hackney requests \$300.00 of Community Revitalization Funds to be given to Straightway Outreach Center. The Straightway Outreach Center is sponsoring an outreach ministry for November 16th at Luther Britt Park to benefit approximately 600 elderly people from various area nursing homes and shelters.

Designate \$300.00 of CRF in Precinct 8 for the Straightway Outreach Center.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

IX. PUBLIC HEARINGS

1. Approval of Rezoning for RMC Holdings - Brandon Love, Planning Director

The Planning & Neighborhood Services Department received a rezoning application from Larry Stone in care of RMC Holdings, Inc. for property located on West 5th Street and Hilton Street, parcels #1013-01-001.04 & #1013-01-001.05. The request is for a parallel conditional use rezoning from B-7 *Business-Mobile Home Sales* and B-4 *Business-General Commercial* to PCU B-4 with the following conditions:

1. No adult establishments
2. No stand alone bars
3. No night clubs
4. No flea markets

The applicant's intended use of the property is for development of a retail shopping center.

Planning Board reviewed the parallel conditional use rezoning request on September 17th and then again on October 22nd.

Planning Board unanimously recommends that City Council hold tonight's public hearing and approve the parallel conditional use rezoning for RMC Holdings, Inc. with the proposed conditions.

Mayor Pennington opened the public hearing to consider rezoning property located on West 5th Street and Hilton Street, parcels #1013-01-001.04 & #1013-01-001.05. The request is for a parallel conditional use rezoning from B-7 *Business-Mobile Home Sales* and B-4 *Business-General Commercial* to PCU B-4. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Maynor, Hackney
ABSENT:	Jones

X. ADJOURNMENT



CITY OF LUMBERTON
COUNCIL POLICY COMMITTEE
MINUTES • OCTOBER 9, 2013

Regular Meeting**Council Chambers****12:00 AM**

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

I. INVOCATION

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Precinct 1	Present	
John Robinson	Precinct 2	Present	
Jackie Taylor	Precinct 3	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Robert E. Price	Interim City Attorney	Present	

II. ITEMS FOR COUNCIL POLICY COMMITTEE CONSIDERATION

1. Authorize the execution of the DataMax d/b/a Interstate Credit Collections Collection Service Agreement - Linda Oxendine, Public Services Director
The Public Services Department entered into a service agreement with Linebarger Goggan Blair & Sampson, LLP Attorney's at Law, a Virginia based firm, for the collection of delinquent utility debt in July 2005. Staff request to terminate this agreement so the City may enter into an agreement with DataMax Corporation d/b/a Interstate Credit Collections of Winston-Salem, NC with a January 1, 2014 effective date as this company offers services that Linebarger Goggan Blair & Sampson does not or cannot offer.

DataMax Corp d/b/a Interstate Credit Collections

- Contingency Fee 25% for life of debt (current fee 30%-45% based on delinquency age)
- Reporting to 3 Credit Reporting Agencies for non-business accounts (not provided by current agency)
- Reporting to Business Credit Reporting for business accounts (not provided by current agency)
- Pre-Collect Plus (1 cost for collection letter, debt-setoff letter (submit debt to clearing house for 10 years), and submittal to credit reporting agency) (not provided by current agency)
- 0% Contingency Fee for delinq debt related to reconnection to city system (not provided by current agency)
- 0% Contingency Fee for payments received via the debt-setoff program administered by the NC DOR when submitted directly by the City of Lumberton to the agency. (provided by current agency)

Recommend Council authorize staff to execute the DataMax d/b/a Interstate Credit Collections Collection Service Agreement with an effective date of January 1, 2014.

Minutes Acceptance: Minutes of Oct 9, 2013 12:00 AM (Minutes Approval)

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Don Metzger, Precinct 1	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

2. Adopt an Ordinance Designating 25 MPH as the Speed Limit for Roslyn Drive - Michael McNeill, Police Chief
 Current speed limit for Roslyn Drive is set at 35 mph. It is recommended that speed limit be changed to 25 mph.
 Adopt an Ordinance designating the speed limit for Roslyn Drive to 25 mph.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

3. Acceptance of the Edward Byrne JAG Grant in the amount of \$36,106.00. - Michael McNeill, Police Chief
The Lumberton Police Department has received notification of approval from the Office of Justice Programs for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) for which our department was allocated \$36,106.00.

This is a three-year grant and if awarded, monies will be used to fund training (\$4,480.00), equipment (\$20,604.00) and overtime (\$11,022.00). Training and travel for all police personnel will be funded to enhance, develop, and increase skills of staff to include, records management, patrol officers, special operations, SWAT, administration, and other essential command staff. Overtime operations will include patrol officers, drug enforcement team, interdiction team, detectives, gang officers, hot spot officers and housing officers who will conduct special operations within the city. Monies for equipment will be used to purchase tablets for the detective division which would allow detectives to make audio recordings of witness statements, share photos of suspects, and access crime maps to detect patterns or email case files, as well as complete reports out in the field rather than coming back to the office. It is requested that the Lumberton Police Department be granted permission to accept the 2013 Edward Byrne Memorial Justice Assistance Grant.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Don Metzger, Precinct 1	
SECONDER:	Jackie Taylor, Precinct 3	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

4. Acceptance of COPS Grant in the amount of \$303,632 - Michael McNeill, Police Chief

The Lumberton Police Department has been awarded COPS Hiring Recovery Program (CHRP) Grant in the amount of \$227,724. The city must provide a cash match of \$75,908 for a combined total of \$303,632. Funding will be available for hiring two (2) school resource officers for identified elementary schools in our district. This grant will provide 75 percent funding for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired officers.

It is requested that the Lumberton Police Department be granted permission to accept COPS Hiring Grant in the amount of \$303,632 and provide match of \$75,908.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Don Metzger, Precinct 1	
SECONDER:	Jackie Taylor, Precinct 3	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

5. Award of Contract for Sludge Removal and Disposal for WWTP to Synagro Central, LLC - Rob Armstrong, Public Works Director

The City of Lumberton Purchasing Division solicited proposals for the removal and disposal of the sludge generated at the Wastewater Treatment Plant. The contract for this service will be for five years. Two proposals were received:

- Porter Scientific, Inc., Pembroke, NC \$0.11 per gallon
- Synagro Central, LLC, Baltimore MD \$0.037 per gallon**

Synagro submitted the lowest price for the service. The current contract is with this company, which has a local office in Wilmington. Funding for this service is provided in the WWTP operating budget.

Public Works recommends awarding the five year WWTP sludge removal and disposal contract to Synagro Central, LLC

RESULT:	REFERRED [7 TO 1]	Next: 10/9/2013 11:00 AM
MOVER:	Don Metzger, Precinct 1	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Ivey, Cantey Jr., Jones, Maynor, Hackney	
NAYS:	Taylor	
EXCUSED:	Pennington	

6. East Robeson Lift Station Spare Pump - Rob Armstrong, Public Works Director
- Public Works is in need of a spare pump for the East Robeson Lift Station. The original spare was used to replace a failed pump at the Wastewater Treatment Plant. The required pump is a Flyght Model CP-3127.181 4", 10 HP, 460 Volts. This is a vendor item available thru Xylem Water Solutions, Charlotte, NC for \$7,907.00
- Public Works is requesting authorization to purchase a Flyght Model CP-3127.181 4", 10 HP pump from Xylem Water Solutions of Charlotte, NC for \$7,907.00 using funds available in the Wastewater Treatment Plant operation budget code 60-00-7130-3520

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Don Metzger, Precinct 1	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

7. Piping of Road Ditch at Lot 6, Londonderry Drive - Rob Armstrong, Public Works Director
Public Works has received a request to pipe the existing road ditch in front of Lot 6, Londonderry Drive, Wycliff East Subdivision. Council Policy 743.00 – Ditch Tiling – allows the Property Owner to petition the City Council to share half the cost of the total installation of the pipe, including labor, material and equipment. Public Works has estimated the total cost of this project will be \$5,419.76. Under the provision, the Property Owner will pay the City half of the expense, \$2,709.88 before any pipe is installed. Public Works has reviewed the project site and concurs with the proposed piping in accordance with Council Policy 743, sharing the expense with the Property Owner. Public Works will be installing the pipe. Attached is an itemized project estimate including material, labor and equipment. Public Works is requesting authorization to pipe the roadside swale located in front of Lot 6 Londonderry Drive, Wycliff East in accordance with Council Policy 743 and charging the Property Owner \$2,709.88 for the their half of the installation expense.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Don Metzger, Precinct 1	
SECONDER:	John Robinson, Precinct 2	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

8. Authorize the Installation of Reinforced Concrete Piping Road Ditch at Mount Haven Church, 3733 West 5th Street - Rob Armstrong, Public Works Director
Representatives from Mount Haven Church approached Councilman Maynor for help with piping the road ditch in front of their facility at 3733 West 5th Street. This particular road ditch is located on a DOT maintained street although it does convey stormwater from adjacent properties including a small area portion of the Airport. Public Works met with NCDOT at Councilman Maynor's request and has received permission to pipe the short section of ditch. 96' l.f of 18" RCP will be required. The cost estimate is summarized below.

• 18" Reinforced Concrete Pipe:	96 l.f @ \$9.39	\$ 901.44
• Labor and Equipment:	Lump Sum	<u>\$ 900.00</u>
		\$1,801.44

The Church has agreed to pay for half the cost of the project, which is customary under the Council's residential ditch / piping policy, and Councilman Maynor providing the remainder thru the CRF.

Public Works is requesting authorization to install 96 l.f. of 18" RCP at 3733 West 5th Street in front of Mount Haven Church. The Church has agreed to pay for half the cost of the

project, \$900.72 with Councilman Maynor providing \$900.72 thru the CRF.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Jackie Taylor, Precinct 3	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

9. Boom Truck Remote Control - Rob Armstrong, Public Works Director

The maintenance crew routinely uses the boom truck to pull pumps and motors out of lift stations and from the well heads. We also use it for non-Public Works tasks through-out the City. Currently, the boom truck operator has to work the boom while physically on the truck. This means the operator cannot see the actual equipment or the person in the hole or wet well. The operator must rely on hand signals from an intermediate person who is viewing the equipment down in the wet well. We feel a safer way to operate the truck is to have a remote control device available that allows the boom truck operator to operate the boom while having his eyes on the equipment and personnel below. He can stand over the work area while working the boom. Attached is a spec sheet and quote we received to up-fit the truck with the remote capability. The cost is \$14,783.

Public Works is requesting Council approval to up-fit the Boom Truck with remote control operation. The up-fit would be done by MAPS Enterprises of Burlington, NC for \$14,783. Funding would come from the Water and Sewer Capital Reserve Fund.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Robert L. Jones, Precinct 6	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	
EXCUSED:	Pennington	

10. City owned building at 110 N Chestnut Street - Ben Andrews, Inspections Director
City Council directed the building inspector to obtain estimates for the repair of the building located at 110 N. Chestnut Street, owned by the City. The estimates are as follows:

Strickland Construction- \$13,670.00

Cornerstone Construction Company- \$17,048.00

Meares & McCray Construction- No response

Staff recommends City Council award bid to Strickland Construction in the amount of \$13,670.00

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Robert L. Jones, Precinct 6	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

11. Approval of Service Contract with Midlands GIS Solutions - Brandon Love, Planning Director

Minutes Acceptance: Minutes of Oct 9, 2013 12:00 AM (Minutes Approval)

At its spring planning workshop, the Lumberton City Council received a presentation from Matt Sorenson of Midlands GIS Solutions regarding their GIS web platform. Additionally, Mr. Sorenson discussed Midlands' capabilities of providing a companion application written specifically for the iPad device. Representatives from the Planning, MIS and Public Works Departments also viewed an expanded version of Mr. Sorenson's presentation which detailed specific applications of the GIS web platform towards individual, departmental needs. Attached you will find a contract agreement and scope of services for launching the City's GIS web platform with Midlands GIS Solutions in the amount of \$17,500 for the initial data collection and set-up with a yearly hosting fee of \$4,800.

The Planning & Neighborhood Services Department recommends that City Council authorize staff to execute the attached service agreement with Midlands GIS Solutions for the creation and hosting of a GIS web platform for the City of Lumberton.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Don Metzger, Precinct 1	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

12. Change of Boundaries of Two Wards - Rob Price, City Attorney

Councilman Maynor has secured an agreement with Councilman Jones for each of them to give specific small portions of their precincts to the other. The effect of the changes can be seen in the attached "District Changes Effects", which summarizes the attached "Proposed Summary" to the attached "Existing Summary", both of which were prepared by COG. Under the City Charter, the Board of Elections and the City would have to approve the changes.

A map of the areas each of the Councilmen would be ceding to the other is attached as "Districts Changes Map". That map is especially vague as to the area being ceded to Councilman Jones. A map entitled "Holly Ridge" is attached to show that area more precisely.

The language from Section 13 of Article III of the Charter is:

Election wards or precincts. There shall be eight election wards or precincts. The boundaries of the wards shall be as indicated on the map approved by the Robeson County Board of Elections on May 11, 1981 and by the City Council on May 12, 1981. The wards or precincts may be altered by the Robeson County Board of Elections with the approval of the City Council, provided, however, that in the event that the corporate limits of the City of Lumberton are extended, the Board of Elections shall enlarge the nearest ward or precinct so as to include the annexed area therein.

Adopt the attached "Precinct Changes Resolution".

Councilman Jones made a motion and seconded by Councilman Maynor to remove this item from the table. The motion carried unanimously.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Robert L. Jones, Precinct 6	
SECONDER:	Leon Maynor, Precinct 7	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

13. Acceptance of Two Lots on McLeod Road in Lieu of 2013 County Property Taxes - Rob Price, City Attorney

Danny K. Martin approached Dixon Ivey about a donation of two lots to the City. Mr. Ivey has determined that the lots are desirable to the City as a location for a sewer lift station. A title search shows that Mr. Martin and his wife, Katherine C. Martin, own the lots, subject only to a Carolina Power and Light Company easement and 2013 taxes due to the County in the amount of \$430.00. The lots each have a \$25,000 tax value. Copies of tax maps showing the property are attached. The "Martin Lots" attachment is a more focused view. A condition of the donation is that the City pay the 2013 County property taxes.

Accept the donation of the property with the requirement that the City pay the 2013 County property taxes.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Robinson, Precinct 2	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

14. Approval of September 2013 Tax Releases - Linda Oxendine, Public Services Director
Per G.S. 105-381, which authorizes the release or refund of billed and/or collected taxes when such taxes were imposed as a result of any of the following reasons:

Clerical/computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.

The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:

2011.....\$10.80

2012.....\$569.78

2013.....\$1,611.93

Approve the tax releases for the years and amounts listed above.

Minutes Acceptance: Minutes of Oct 9, 2013 12:00 AM (Minutes Approval)

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Robinson, Precinct 2	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

15. Robeson County Board of Election request to uses the Pine Street Parking for overflow parking. - Wayne Horne, City Manager
The Robeson County Board of Elections has made a formal request to connect their new office on Walnut Street with the parking lot of the Lumberton Senior Citizen Center on Pine Street.

The request from the Board of Elections is for an entrance and exit gate (map attached) for overflow parking during the voting process for Early Voting and to provide access to the voting precinct polling place by election official on Election day.
Staff recommends that City Council consider the request from the Robeson County Board of Elections and instruct staff on how to proceed.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	John Robinson, Precinct 2	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

16. Approve the designation of \$500 of Community Revitalization Funds to the Oaks Association in Precinct 1 - Don Metzger, Precinct 1
Councilman Metzger requests \$500.00 of community revitalization funds for to the Oaks Association for an event held on October 20, 2013.
Designate \$500.00 of CRF to the Oaks Association.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

17. Approve the designation of \$175.00 of CRF for Handicap Rails Located at 2319 Rosenwald Street in Precinct 2. - John Robinson, Precinct 2
Councilman Robinson requests \$175.00 of Community Revitalization Funds for handicap rails located at 2319 Rosenwald Street.
Designate \$175.00 of CRF to 2319 Rosenwald Street for handicap rails.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Harry Ivey, Erich Hackney	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

18. Approve the designation of \$800 of Community Revitalization Funds for a Community Day in Precinct 2 - John Robinson, Precinct 2

Councilman Robinson requests \$800.00 of CRF for a Community Day in Precinct 2 on October 12, 2013.

Designate \$800.00 of CRF for a Community Day in Precinct 2.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

19. Approve the designation of \$200.00 of CRF for a Handicap Rail at 2606 Rogers Street in Precinct 2 - John Robinson, Precinct 2

Councilman Robinson requests \$200.00 of Community Revitalization Funds for a handicap rail at 2606 Rogers Street.

Designate \$200.00 of CRF to 2606 Rogers Street for a handicap rail.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

20. Approve the De-obligation of \$100.00 of CRF from 10-00-4313-2125 - John Cantey Jr., Precinct 5

Councilman Cantey requests de-obligation of CRF from code 10-00-4313-2125.

De-obligate \$100.00 of CRF from code 10-00-4313-2125.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

21. Approve the designation of \$100.00 of CRF to Miss Lumberton USA 2014 - John Cantey Jr., Precinct 5

Councilman Cantey requests \$100.00 of Community Revitalization Funds be designated to Miss Lumberton USA 2014; Ms. Jasmine Calvin who is seeking sponsorship support in this year's Miss North Carolina USA pageant held on November 9, 2013 in High Point.

Designate \$100.00 of CRF to Miss Lumberton USA 2014. Additional funds added:

P2 - \$100.00 and P6 - \$100.00

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

22. Approve the designation of \$400.00 of CRF for a Community Day on October 12th in Precinct 5. - John Cantey Jr., Precinct 5

Councilman Cantey requests \$400.00 of CRF for a Community Day on October 12th
Designate \$400.00 of CRF for a Community Day.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

23. Approve the designation of \$100.00 of CRF to W. H. Knuckles for a 2-Way Visual Security System - John Cantey Jr., Precinct 5

Councilman Cantey requests \$100.00 of CRF to W.H. Knuckles for a 2-Way Visual Security System.

Designate \$100.00 to W.H. Knuckles School. Additional funds are listed as:

P1 -\$100.00 P2 - \$100.00

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

24. Approve the designation of \$500.00 of Community Revitalization Funds to West Lumberton Elementary School for the Positive Behavioral Intervention Support program (PBIS) in Precinct 7 - Leon Maynor, Precinct 7

Councilman Maynor requests \$500.00 of Community Revitalization Funds be designated to the West Lumberton Elementary School for the Positive Behavioral Intervention Support program (PBIS).

Designate \$500.00 of CRF to the West Lumberton Elementary School for the PBIS program in Precinct 7.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

25. Approve the designation of \$100.00 to W.H. Knuckles School for the Positive Behavioral Intervention Program - Leon Maynor, Precinct 7

Councilman Maynor requests \$100.00 of Community Revitalization Funds be designated to W. H. Knuckles for the Positive Behavioral Intervention

Designate \$100.00 of CRF to W.H. Knuckles for the Positive Behavioral Intervention program.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

26. Approve the designation of \$100.00 of CRF to Lumberton Junior High School for the Positive Behavioral Intervention Program - Leon Maynor, Precinct 7
Councilman Maynor requests \$100.00 of CRF to Lumberton Junior High School for the Positive Behavioral Intervention Support Program.
Designate \$100.00 of CRF to Lumberton Junior High School for the Positive Behavioral Intervention Support Program. Additional funds added:

P1 - \$100.00 P6 - \$100.00

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

27. Approve the designation of \$500.00 of CRF to the Robeson County Executive Law Enforcement Officer's Association from Precinct 8 - Erich Hackney, Precinct 8
Councilman Hackney requests that \$500.00 of CRF be designated to the Robeson County Executive Law Enforcement Officer's Association.
Designate \$500 of CRF to the Robeson County Executive Law Enforcement Officer's Association from Precinct 8.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

28. Approve the designation of \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade - Raymond Pennington, Mayor
Lumberton Area Chamber of Commerce is requesting the designation of \$5,000 to defray some of the overhead expenses for the Lumberton Christmas Parade. The Christmas parade will be November 23, 2013.
Designate \$5,000 to the Lumberton Area Chamber of Commerce for the Lumberton Christmas Parade.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

29. Approve the designation of \$200.00 of CRF to the Lumberton Boys & Girls Club to Purchase Essential Items in Precinct 6 - Robert Jones, Precinct 6

Councilman Jones requests \$200.00 of CRF to be given to the Lumberton Boys & Girls Club to purchase essential items.

Designate \$200.00 of CRF to the Boys & Girls Club. Additional funds were given as follows:

P1 - \$100.00 P2 - \$100.00 P7 - \$100.00 P3 - \$300.00 P4 - \$200.00.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

30. Approve the Designation of \$200.00 to the Robeson County Church & Community Center for Building two Handicap Ramps in Precinct 6 - Robert Jones, Precinct 6
Councilman Jones requests \$200.00 of CRF to be given to the Robeson County Church & Community Center for building a handicap ramp.
Designate \$200.00 of CRF to the Robeson County Church & Community Center.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

31. Approve the designation of \$500.00 to Lumberton High School for Band Uniforms from Precinct 6 - Robert Jones, Precinct 6
Councilman Jones requests \$500.00 of CRF to be given to Lumberton High School for band uniforms.
Designate \$500.00 of CRF to Lumberton High School.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

32. Approve the designation of \$350.00 of CRF to W.H. Knuckles Elementary School for a Fundraiser in Precinct 6 - Robert Jones, Precinct 6
Councilman Jones requests \$350.00 of CRF to be given to W.H. Knuckles Elementary School for a fundraiser.
Designate \$350.00 to W.H. Knuckles for a fundraiser.

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

33. Approve the designation of \$100.00 of CRF to Miss Lumberton 2014 in Precinct 6 - Robert Jones, Precinct 6

Councilman Jones requests \$100.00 of Community Revitalization Funds be designated to Miss Lumberton USA 2014; Ms. Jasmine Calvin who is seeking sponsorship support in this year's Miss North Carolina USA pageant held on November 9, 2013 in High Point. Designate \$100.00 of CRF to Miss Lumberton USA 2014.

RESULT:	REFERRED [UNANIMOUS]	Next: 11/18/2013 12:00 AM
MOVER:	Erich Hackney, Precinct 8	
SECONDER:	John Cantey Jr., Precinct 5	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

III. RESOLUTIONS

- RES - 2013.10.1** Adopt a Resolution Declaring IT Property Surplus to the Needs of the City and Authorize the MIS Director to Dispose of as Necessary - Travis Branch, MIS Director
The following items are defective IT equipment.

- 37 Computers
- 7 Servers
- 15 Monitors
- 5 Printers
- 5 Uninterruptible Power Supplies (UPS)
- 1 Television
- 1 Analog Video Recorder
- 1 Network Attached Storage Appliance

Declare these items as surplus and authorize MIS to dispose of as necessary.

The Council Policy Committee meeting was recessed and the Special City Council meeting began.

RESULT:	RECOMMENDED FOR ADOPTION [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	John Cantey Jr., Erich Hackney	
SECONDER:	John Robinson, Precinct 2	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

IV. DESIGNATION OF CONSENT/NON-CONSENT ITEMS

V. RECESS

A. City Council Meeting

I. Public Comment Period

No one appeared to speak.

II. Consent Agenda

Items II.1 - II.4 and items II.12 - II.33 were all approved.

Items II.5 - II.11 were approved by each individual Councilman.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

III. Public Hearings

1. FY10 CDBG Economic Recovery Closeout Public Hearing - Brandon Love, Planning Director

This is the CDBG closeout public hearing for the FY10 Economic Recovery Grant. The purpose of the Public Hearing is to entertain citizens' comments on the City's performance and Council to authorize Staff to proceed with the closeout paperwork to be submitted to the NC Department of Commerce.

Recommend Council conduct the Public Hearing and authorize Staff to proceed with closing out the grant.

Mayor Pennington opened the Public Hearing to entertain citizens' comments on the City's performance and authorize staff to proceed with the close out paperwork to be submitted to the NC Department of Commerce. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Teresa Johnson stated that this is the closeout Public Hearing for the FY10CDBG Economic Recovery Grant program. This grant activities included:

Demolition/clearance of three (3) substandard single-family houses (703 Saxon Avenue, 216 Center Street, 2109 Hayswood Street)

One tenant relocation

Two owner relocations (703 Saxon Avenue & 216 Center Street)

Construction of two single-family dwellings to
two owner relocations (601 Saxon Avenue & 220 Center Street)

Eleven (11) scattered site emergency repair

Grant administration

Total CDBG funds spent \$432,572.46. Total low/ moderate income benefit was 100%.

Recommend Council entertain citizens' comments on the City's performance and authorize staff to proceed with the close out paperwork to be submitted to the NC Department of Commerce.

Minutes Acceptance: Minutes of Oct 9, 2013 12:00 AM (Minutes Approval)

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	Leon Maynor, Precinct 7	
SECONDER:	Robert L. Jones, Precinct 6	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

2. Adopt an Ordinance Amending Section 35-178 C, Organized Shelter Type C - Brandon Love, Planning Director
- Currently, the Land Use Ordinance for the City of Lumberton does not allow organized shelters that provide counseling and/or therapeutic activities on site. The Planning Department requests that the following sections be amended to accommodate for a greater number of individuals and to allow counseling and/or therapeutic activities on site.

On August 20, 2013 the Planning Board tabled the petition and requested additional information. On September 17, 2013 the Planning Board reviewed the request and recommends approval.

Definitions Section

Organized shelter--Type C. A transitional housing facility designed to temporarily feed, shelter and provide counseling or therapeutic activities for individuals according to the standards in section 35-178.

Sec. 35-178. Organized shelters

(A) An organized shelter Type A shall meet all of the following standards:

- (1) The shelter may not operate kitchen facilities for the preparation of meals, but light snacks and hot beverages may be served.
- (2) The shelter shall provide 50 square feet of sleeping space per person.
- (3) The shelter will conform to all applicable health, building codes, licensing laws and regulations.
- (4) The shelter operators will provide an employee or volunteer to maintain continuous on-site supervision of the shelter during the shelter's hours of operation.
- (5) No shelter shall be located within **one and one-half mile** radius (determined by straight line and not street distances) of another organized shelter **Type A, Type B or Type C.**

(B) An organized shelter Type B shall meet all of the following standards:

- (1) The organized shelter Type B shall house no more than 15 individuals at any one time.
- (2) No individual shall remain in any one shelter longer than 30 consecutive days. No individual shall be readmitted to any organized shelter Type B until at least 14 days have elapsed from his last residency at that shelter.
- (3) No counseling or therapeutic activities shall be conducted in an organized shelter Type B. Referral of residents to employment agencies and other personal service agencies shall not be deemed to be counseling.
- (4) The shelter operators will provide an employee or volunteer to maintain a continuous on-site supervision of the shelter.
- (5) No organized shelter Type B shall be located within a **one and one-half mile** radius (determined by straight line and not street distances) of another organized shelter **Type A, Type B or Type C**.

(C) An organized shelter Type C shall meet all of the following standards:

- (1) The organized shelter Type C shall house no more than forty-five (45) individuals at any one time.**
- (2) No individual shall remain in any one shelter longer than (90) consecutive days. No individual shall be readmitted to any organized shelter Type C until at least thirty (30) days have elapsed from his last residency at that shelter.**
- (3) Counseling and/or therapeutic activities may be conducted in an organized shelter Type C.**
- (4) The shelter operators shall provide at least one employee or volunteer at all times to maintain continuous on-site supervision of the shelter.**
- (5) No organized shelter Type C shall be located within a one and one-half mile radius (determined by straight line and not street distances) of another organized shelter Type C, an organized shelter Type B or an organized shelter Type A.**

Use Descr iption							
7.500 Orga nized Shelt ers Facili ties							
7.510 Type A							
7.520 Type B							
7.530 Type C							

Parking table

	1 space per every 3 beds or 1 space per 400 square feet of gross floor area, whichever is greater.
--	---

Recommends City Council approve this request by approving the attached ordinance creating Section 35-178 C, Organized Shelter Type C

Mayor Pennington opened the Public Hearing to consider the creation of Section 35-178 C, Organized Shelter Type C to the Land Use Ordinance for the City of Lumberton. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Jim Parker a resident of Lumberton appeared before Council and stated his comments in opposition to the Lumberton Christian Care Center new location.

Marie Parker a resident of Lumberton appeared before Council and stated her comments in opposition to the Lumberton Christian Care Center new location.

Ms. Renie Mills, President of the Board of Directors, Lumberton Christian Care Center appeared before Council and stated the consensus of the Board for approving the creation of Section 35-178C for the advantage of the Lumberton Christian Care Center.

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

RESULT:	REFERRED [UNANIMOUS]	Next: 10/9/2013 11:00 AM
MOVER:	John Cantey Jr., Precinct 5	
SECONDER:	Jackie Taylor, Precinct 3	
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney	

3. Lumberton Christian Care Center Requests a Conditional Use Permit for 220 E. 2nd Street - Brandon Love, Planning Director

Lumberton Christian Care Center has submitted a Conditional Use Permit application for property located at 220 East Second Street, parcel #3238-01-014. This request is to obtain a Conditional Use Permit to operate a soup kitchen/transient housing (Organized Shelter type "C").

On February 11, 2013 City Council voted to approve Lumberton Christian Care Center's previous CUP request for an Organized Shelter type "B" which allows for 15 individuals.

Lumberton Christian Care has been selected to participate in the North Carolina Housing Finance Agency Supportive Housing Program. They have been awarded \$600,000 for the construction of the emergency housing portion of the new facility. In order to receive the funds, the facility has to increase the number of individuals they will be able to assist at one time from 15 to 44.

On July 29, 2013 Lumberton Christian Care Center is requesting to operate an Organized Shelter type "C". They stated that the Organized Shelter type "C" will best suit their needs.

Sec. 35-178. Organized shelters

(C) An organized shelter Type C shall meet all of the following standards:

(1) The organized shelter Type C shall house no more than forty-five (45) individuals at any one time.

(2) No individual shall remain in any one shelter longer than (90) consecutive days.

No individual shall be readmitted to any organized shelter Type C until at least thirty (30) days have elapsed from his last residency at that shelter.

(3) Counseling and/or therapeutic activities may be conducted in an organized shelter Type C.

(4) The shelter operators shall provide at least one employee or volunteer at all times to maintain continuous on-site supervision of the shelter.

(5) No organized shelter Type C shall be located within a one and one-half mile radius (determined by straight line and not street distances) of another organized shelter Type C, an organized shelter Type B or an organized shelter Type A.

Minutes Acceptance: Minutes of Oct 9, 2013 12:00 AM (Minutes Approval)

On August 20, 2013 the Planning Board tabled the petition and requested additional information.

On September 17, 2013 the Planning Board reviewed the request and recommends approval.

Recommend that City Council hold today's public hearing and approve the attached Conditional Use Permit.

Proper notification was not advertised for the CUP for Lumberton Christian Care; so therefore, the Public Hearing will be advertised for October 23, at 11:00 a.m. There will be no action necessary until then.

RESULT:	WITHDRAWN [UNANIMOUS]
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

4. Rezoning application for 806 E. 2nd Street, parcel #3239-01-014 - Brandon Love, Planning Director

Kenneth Gray Britt has submitted a rezoning application for property located at 806 E. 2nd Street, parcel #3239-01-014. This request is to rezone property from M-1, Light Manufacturing to B-4, Business General Commercial.

September 17, 2013 the Planning Board reviewed the request and recommends approval.

Recommend that City Council hold tonight's public hearing and approve the attached ordinance rezoning 806 E. 2nd Street, parcel #3239-01-014 to B-4, Business General Commercial.

Proper notification was not advertised for the Rezoning request by Kenneth Britt; so therefore, the Public Hearing will be advertised for October 23, at 11:00 a.m. There will be no action necessary until then.

RESULT:	WITHDRAWN [UNANIMOUS]
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

B. Closed Session

2. Open Session

3. Conduct a Public Hearing to Consider Economic Development Incentives for Project Cartoon. - Wayne Horne, City Manager

City Manager Horne stated that Staff is currently working with the Robeson County Economic Development office to assist an existing Industry with a plant modernization and expansion.

*Project Parameters-\$9 million investment in equipment and machinery. Ten jobs full time jobs will be created. The current average wage is \$23.62 per hour.

Year-1 \$28,350

Year-2	\$28,350
Year-3	\$28,350
Total	\$85,050

If the Level I incentives (50% Inducement) are approved by Council they will be granted as a utility tax credit over a three year period.

That City Council conduct a Public Hearing to consider economic development incentives for Project Cartoon.

Mayor Pennington opened the Public Hearing to consider extending economic incentives to specific industry. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

RESULT:	APPROVED AND SENT [UNANIMOUS]
MOVER:	Leon Maynor, Precinct 7
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

5. The Acceptance of an Easement from B.G. French - Wayne Horne, City Manager
B.G. French is interested in offering the City of Lumberton an easement on the 140.7 acres of wood/swamp land that adjoins Mayfair subdivision. The City currently has 4 outfall lines from the subdivision that drains through this tract of land to the Saddletree Swamp which is the western boundary of the property. The property which is located outside the city limits has a tax value of \$371,500.

That City Council considers the offer by of an easement on the 140.7 acres tract of land adjoining Mayfair Subdivision to the City of Lumberton and advice staff on how to proceed.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Don Metzger, Precinct 1
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

C. Adjournment

**CITY OF LUMBERTON****CITY COUNCIL****MINUTES • OCTOBER 23, 2013****Special Meeting****Council Chambers****11:00 AM****500 N Cedar St, Third Floor, Lumberton, NC 28358****I. CALL TO ORDER**

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Precinct 1	Present	
John Robinson	Precinct 2	Present	
Jackie Taylor	Mayor Pro Tem	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Robert E. Price	Interim City Attorney	Present	

II. PUBLIC COMMENT**III. AGENDA ITEMS**

1. Lumberton Christian Care Center Requests a Conditional Use Permit for 220 E. 2nd Street - Brandon Love, Planning Director

Lumberton Christian Care Center has submitted a Conditional Use Permit application for property located at 220 East Second Street, parcel #3238-01-014. This request is to obtain a Conditional Use Permit to operate a soup kitchen/transient housing (Organized Shelter type "C").

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Lumberton Christian Care has been selected to participate in the North Carolina Housing Finance Agency Supportive Housing Program. They have been awarded \$600,000 for the construction of the emergency housing portion of the new facility. In order to receive the funds, the facility has to increase the number of individuals they will be able to assist at one time from 15 to 44.

On July 29, 2013 Lumberton Christian Care Center is requesting to operate an Organized Shelter type "C". They stated that the Organized Shelter type "C" will best suit their needs. Sec. 35-178. Organized shelters

(C) An organized shelter Type C shall meet all of the following standards:

(1) The organized shelter Type C shall house no more than forty-five (45) individuals at any one time.

Minutes Acceptance: Minutes of Oct 23, 2013 11:00 AM (Minutes Approval)

(2) No individual shall remain in any one shelter longer than (90) consecutive days. No individual shall be readmitted to any organized shelter Type C until at least thirty (30) days have elapsed from his last residency at that shelter.

(3) Counseling and/or therapeutic activities may be conducted in an organized shelter Type C.

(4) The shelter operators shall provide at least one employee or volunteer at all times to maintain continuous on-site supervision of the shelter.

(5) No organized shelter Type C shall be located within a one and one-half mile radius (determined by straight line and not street distances) of another organized shelter Type C, an organized shelter Type B or an organized shelter Type A.

On August 20, 2013 the Planning Board tabled the petition and requested additional information.

On September 17, 2013 the Planning Board reviewed the request and recommends approval. Recommend that City Council hold today's public hearing and approve the attached Conditional Use Permit.

Mayor Pennington opened the public hearing to consider issuing a Conditional Use Permit to operate a soup kitchen/transient housing (Organized Shelter type "C") located at 220 East Second Street in Lumberton. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

The following list of individuals appeared before Council and spoke in opposition of the new location for the Lumberton Christian Care Center:

Dr. Jim Baker; Rob Redfearn

The following list of individuals appeared before Council and spoke in favor of the new location for the Lumberton Christian Care Center:

Former Councilman Wyatt Johnson; Barbara Andrews, Carla Carter, Doug Mills, Bob Caton, Joe Burke, Robert DeLane Shaw, Renie Mills, James Robinson, Columbus Howard and Dave Whiner.

Mr. Eric Dent congratulated the LCCC for obtaining the grant and he believes that this could be a win-win situation for all if the people meet and be of one accord before a motion is passed.

The motion made by Councilman Cantey, and second of Councilman Robinson, granting the Conditional Use Permit entitled the Lumberton Christian Care Center to operate an Organized Shelter Type "C" and restricted them to a maximum of 24 beds. It was approved based upon the facts:

- (1) that it will not materially endanger the public health or safety; and
- (2) that it will not substantially injure the value of adjoining or abutting property; and
- (3) that it will be in harmony with the area in which it is to be located; and
- (4) that it will be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the City.

The vote carried unanimously.

RESULT:	APPROVED AND SENT [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Ivey, Cantey Jr., Jones, Maynor, Hackney
EXCUSED:	Taylor

2. Rezoning application for 806 E. 2nd Street, parcel #3239-01-014 - Brandon Love, Planning Director

Kenneth Gray Britt has submitted a rezoning application for property located at 806 E. 2nd Street, parcel #3239-01-014. This request is to rezone property from M-1, Light Manufacturing to B-4, Business General Commercial.

September 17, 2013 the Planning Board reviewed the request and recommends approval. Recommend that City Council hold tonight's public hearing and approve the attached ordinance rezoning 806 E. 2nd Street, parcel #3239-01-014 to B-4, Business General Commercial.

Mayor Pennington opened the public hearing to consider rezoning property located at 806 E. 2nd Street, Parcel #3239-01-014 to B-4 Business General Commercial. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

Kenneth Britt, owner of the property appeared before Council and stated that he wants to open a tattoo shop and that it is governed by the State.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Cantey Jr., Precinct 5
SECONDER:	Leon Maynor, Precinct 7
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 14, 2013

Subject: Amendment to Wooten Company Architectural Contract - LCC<< Short Title Here >>

Summary/Background of Subject Matter -

The original architectural contract with The Wooten Company for the Lumberton Christian Care project was for the building only. Once the site was approved and the Zoning and Conditional Use Permit was approved, Staff has been working with Wooten staff to negotiate the contract amendment to cover survey work, site civil engineering, landscape plan, contract administration and construction observation.

Recommendation for CC Consideration:

Recommend Council approve the architectural contract amendment with Wooten Company.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management



November 13, 2013

Ms. Teresa Johnson
Community Development Administrator
City of Lumberton
500 North Cedar Street
Lumberton, NC 28358

Re: **LCCC Surveying-Site Engineering/Planning**

Dear Ms. Johnson:

The Wooten Company is pleased to submit this amendment for surveying, site engineering and landscape planning for the new Lumberton Christian Care Center (LCCC) soup kitchen and emergency shelter.

Project Understanding

On April 29, 2013 the City of Lumberton engaged The Wooten Company to provide certain design, contract administration and construction observation services associated with a 8,400 square foot facility for the Lumberton Christian Care Center. The facility will provide administrative offices, dining facilities and transient housing. The Agreement did not provide for surveying, site engineering and landscape planning.

In accordance with Section 4 (Additional Services) of the Agreement, the following will be performed.

Scope of Work

- Property and topographical survey of the site.
- Site civil engineering to include erosion control, grading and utilities plans.
- Landscape plan
- Contract administration
- Construction observation

Fees

We propose to provide these services, as outlined above, on a phased fixed fee basis. Assuming a single construction contract and construction duration of eleven (11) months, our fees for design, bidding and construction will total Twenty-Nine Thousand Three Hundred Dollars (\$29,300.00).

120 North Boylan Avenue
Raleigh NC 27603-1423

919.828.0531
fax 919.834.3589

Letter to Ms. Teresa Johnson

Page 2 of 2

November 13, 2013

Invoices for our services will be submitted monthly. We do not anticipate any reimbursable expenses associated with this work. However, if reimbursable expenses become necessary, they invoiced at cost plus 10%, with prior approval of the City of Lumberton.

Owner's Responsibility

- Designate a person to act as the City of Lumberton's representative with respect to the work to be performed under this agreement. Such person shall be the primary contact to transmit instructions, receive information, interpret and define City's policies.
- Assist the Engineer by placing at his disposal, all available information pertinent to development of the construction documents.
- Provide timely review and comment of design submittals.
- Assist with coordinating access to the site throughout the design and construction phases.

Terms and Conditions

All terms and conditions for compliance with CDBG funding requirements apply to this Amendment.

Please review our Amendment and let us know if you have any questions or desire any additional information. If you find the Amendment acceptable, please indicate the City's approval by signing in the appropriate space below and returning a single copy of the Amendment to our office.

We appreciate the opportunity to be of continuing service to the City of Lumberton. As you know, The Wooten Company will make every effort to deliver quality service in a timely manner.

Sincerely,

THE WOOTEN COMPANY



Robert E. Egan, PE
Building Systems Group, Director

Accepted and Approved:
City of Lumberton

_____ Date

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Fire

Submission Date: November 15, 2013

Subject: Surplus Equipment

Summary/Background of Subject Matter -

Fire House Subs has contacted Lumberton Fire Department requesting items to place on display in their new facility in Lumberton. The following items are outdated and no longer safe to use for emergency response.

- 2 Helmets
- 1 Turnout Coat
- 1 Turnout Pants
- 1 Self Contained Breathing Apparatus

Recommendation for CC Consideration:

Declare these items as surplus and authorize Lumberton Fire Department to donate the items to Fire House Subs for display purposes.

Signature: *Paul Ivey*

Department: Fire

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Police

Submission Date: October 21, 2013

Subject: Grant - Bulletproof Vest Partnership

Summary/Background of Subject Matter -

The Lumberton Police Department has been awarded Bulletproof Vest Partnership funds in the amount of \$4,154.89. Monies will be used to purchase twenty (20) vests for sworn personnel. This grant has a dollar for dollar match.

Recommendation for CC Consideration:

Accept grant award from Bulletproof Vest Partnership Program in the amount of \$4,154.89.

Signature: *Michael McNeill*

Department: Police

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Police

Submission Date: October 29, 2013

Subject: Installation of Stops Signs

Summary/Background of Subject Matter -

It is recommended that Stop signs be installed on Patton Street at Inglewood for East and West bound traffic.

Recommendation for CC Consideration:

Approve recommendation that Stop signs be installed on Patton St. at Inglewood for both East and West bound traffic.

Signature: *Michael McNeill*

Department: Police

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Public Works

Submission Date: November 12, 2013

Subject: Fuel Dispensing System Replacement

Summary/Background of Subject Matter -

Public Works serves as the fueling hub for all City owned vehicles and equipment. The current dispensing system is comprised of three dispensers (2 gasoline and 1 diesel) and a control center that dates back to the 1980's. The Capital Improvement Plan for Public Works schedules a complete replacement of the dispensing and storage system in Fiscal Year 2014-2015. Recently, the dispensing system experienced problems that were difficult to resolve due to lack of available parts for the older equipment. Public Works considers the fueling system a critical element of the essential services provided by the City. We are recommending replacing the system in the current Fiscal Year in lieu of waiting to 2014-2015. Two regional vendors submitted pricing for the replacement system.

Southern Pump & Tank Company, Raleigh, NC	\$26,210.53 (New System)
	<u>\$ 3,500.00</u> (New wire)
	\$29,710.53 (Hardwire in existing conduit)
MECO, Fayetteville, NC	\$29,999.62 (Wireless Interface)

Our current system is maintained by MECO of Fayetteville. The quote from Southern Pump and Tank assumes we can use the existing conduit to pull new low voltage wiring. The MECO system is a wireless interface which we prefer since the condition of the existing underground conduit is questionable. Southern Pump does not offer a wireless interface for this type of dispensing system.

Recommendation for CC Consideration:

Public Works is requesting authorization to purchase a new fueling system from MECO of Fayetteville, NC for \$29,999.62 with money allocated from the Water and Sewer Capital Reserve Fund.

Signature: *Rob Armstrong*

Department: Public Works

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

MECO Florence

904 S Church St, Florence SC 29506 ■ 1-800-845-4357
316 Raymond St, Fayetteville NC 28301 ■ 1-800-493-9960

*Serving North and South Carolina with expert petroleum
equipment sales, service, and installation since 1964*
www.mecoflorence.com



City Of Lumberton

Public Works Department
215 South Cedar Street
Lumberton, NC 28358

Garage

Roy Sealy
rsealy@ci.lumberton.nc.us
910-671-3855

Terms: 1% - 10, NET 15 days

Abstract: CUSTOMER needs estimate to replace his old diesel dispenser and both Petrovend card reader pedestals with a new Gasboy 9153 diesel dispenser, install a Gasboy Islander Plus 2-hose mechanical pedestal at the diesel island and a TopKat Plus pedestal at the gasoline island. MECO to install a wireless communication system from both pedestals to Customer's P/C. MECO to oversee the install of Fleet Head Office sequal server software on City of Lumberton's computer server, program and start-up system.

Dispensing Equipment

Gasboy 9100K Atlas Series Commercial Mechanical (Fleet) Dispensers

These models are built for rugged non-retail (fleet) mechanical computing applications and come in standard speed (up to 15 GPM) or hi-speed (up to 22 GPM). Suction models have continuous-duty rated 3/4HP motors. All models come standard with electric reset, 1" discharge outlets, internal hose retractor, and 1-year parts & labor warranty.

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
1	9153KX F	Commercial hi-speed 1-product, 1-hose dispenser	2748.00	2748.00
1	SHIPPING	Freight per Dispenser	66.00	66.00
9100 Series Dispenser Options				
1	option L	Lighted bezel	149.00	149.00
1	option CX	10:1 gallons pulser, per hose	298.00	298.00
1	option F	internal filter adapter, per hose	no charge	no charge
1	026005	Standard filter element, per hose	no charge	no charge
1	warranty	2nd year warranty, parts & labor	309.00	309.00
<i>Gilbarco shipped FOB Factory - Gilbarco Frt Surcharge Applies</i>			subtotal	\$3,570.00

Hanging Hardware

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
Nozzles				
1	7H-0100	1" Diesel nozzle with GREEN cover (hi-flow diesel), OPW	98.00	98.00
1	8HG-0100	1" GREEN fill guard, OPW	5.00	5.00
Hoses				
1	71241BPR168	1" x 14' Double belted hardwall hose (hi-flow diesel)	66.00	66.00
1	7280BFL-9	1" Jumper Hose	21.00	21.00
Fittings				
1	241TPS-1000	1" swivel, OPW	43.00	43.00
1	66RB-2000	1" Dry reconnect breakaway, OPW	89.00	89.00
			subtotal	\$322.00

Gasboy TopKat Plus Fuel Management System (for gasoline island)

The TopKat Plus System interfaces with 2 mechanical or 8 electronic hoses per terminal (depending on model) and supports up to 25,000 transactions. Keypad, Mag Card and Mifare access methods, with web-based interface for local reporting and consolidated reporting through Fleet Head Office interface.

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
Outdoor hardware - Mechanical Registration Dispensers				
1	PA040501000	TopKat System for 2 mechanical hoses - Pedestal Mount	5498.00	5498.00
1	99049	Annual support contract	510.00	510.00
<i>TopKat shipped FOB factory</i>			subtotal	\$6,008.00

Gasboy Islander Plus Fuel Management System (for diesel island)

The Islander Plus is self contained with pedestal and supports 2 to 8 hoses per terminal (depending on model). Standard features include illuminated graphic LCD screen, contactless tag reader, rugged piezoelectric 16 key-keypad, TCP/IP communication, built-in web server for remote maint, and magnetic card reader. Can be ordered for magnetic card, Fleetkey, RFID, or keypad access methods and there is an option for built-in receipt printer. 1-year parts & labor warranty.

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
System components				
1	PA039400201	Islander Plus for 2 Mechanical Hoses	7298.00	7298.00
1	99039	Annual Software Support	510.00	510.00
Islander Plus Options and Accessories				
1	M09679B001	Blue Mifare Tags - 10 per box	73.00	optional
1	PA04020000	Fleet Head Office Mifare Tag Reader	920.00	optional

Fleet Head Office PC Software

Fleet Head Office Software Package works with Islander Plus. Features include Real Time, Web Enabled - Remote web monitoring, management, reporting and maintenance - Custom design limits and restrictions - Ability to network multiple fuel locations - Interface with Fleet Management Software and other 3rd party systems. Note: each Islander Plus represents 1 site.

1	KS612K002	Fleet Head Office Software (up to 5 sites)	3098.00	3098.00
1	099046	FHO 2-5 Site Annual support contract (phone support & software upgrades)	473.00	473.00
<i>Islander Plus shipped FOB factory</i>			subtotal	\$11,379.00

Wireless Communication Equipment

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
Wireless Ethernet Bridge				
4	Wireless Outdoor	Business Class Wireless-N Outdoor Access Point, Engenius	119.00	476.00
<i>Engenius shipped FOB factory</i>			subtotal	\$476.00

Electrical Equipment

QTY	ITEM	DESCRIPTION OF PRODUCT	AMOUNT	TOTAL
AC Surge Protection				
2	ZTAH-01-K	Hard-wired single surge suppression module, POWER INTEGRITY	111.00	222.00
<i>Power Integrity shipped FOB factory</i>			subtotal	\$222.00

Total Equipment \$21,977.00

Installation Scope of Work

Mechanical work includes:

- MECO to remove (2) existing Petrovend pedestals and (1) diesel dispenser and set to side for disposal by customer
- MECO to set (1) Gasboy TopKat Plus pedestal at the gasoline island and (1) Gasboy Islander Plus pedestal at the diesel island
- MECO to use existing piping, flex connectors and impact valves
Note: if impact valves must be raised, lowered or anchored per NCDENR requirements, this will be additional
- MECO to set and pipe up (1) Gasboy 9153 diesel dispenser and attach to existing piping
- MECO to purge and verify/calibrate new dispenser
- MECO to install miscellaneous equipment listed on pages 1 and 2

Electrical work includes:

- MECO to install (4) wireless ethernet bridges and run CAT-5 cable from (2) to internet hub, then from (2) to Gasboy pedestals
- MECO to install AC surge protection modules under Gasboy pedestals
- MECO to re-use existing electrical conduits and existing wire for the following:
 - (1) Gasboy 9153 dispenser
 - (2) Gasboy Plus fuel management pedestals**Note: if new conduit or wire is required, this will be additional**
- MECO to assist with installation of Fleet Head Office software on customer's server system
- MECO to train customer on use of software
- **CUSTOMER responsible for all electrical in building. New sites must stub out fueling system conduits 10' from building.**
- If electrical equipment is not adequate to meet current municipal or manufacturer's electrical codes, additional sub panels, enclosures, and/or other components may be required. CUSTOMER is responsible to upgrade electrical service accordingly.
 - Including, but not limited to:**
 - Electrical in building including panel with adequate breakers
 - Electrical trough and NEC Class 1 Division 1 rigid metal threaded conduits stubbed out 10' from building
 - Explosion-proof seal-offs inside building for forecourt & tank conduit entries
 - Switched-neutral circuit breakers, one per dispenser
 - Raceway from electrical panel to counter
 - Dedicated 110V outlet at checkout
 - 2" conduit from sales counter to back room panel area for point-of-sale and other data cables
 - 3/4" conduit from sales counter to back room panel area for point-of-sale isolated ground, dedicated power circuit
 - All other miscellaneous power and telephone outlets in cashier area as needed, including dedicated phone circuit for modem.
 - Dedicated phone line for Ras modem to facilitate dial in support for Passport**
 - Satellite system must be equipped with Lan port**

Concrete work: None included

Permits

- MECO to obtain NCDENR permits applicable to underground fueling system installation when tanks are purchased and installed by MECO. General contractor to obtain all other permits. CUSTOMER responsible for cost of permits.
- Customer responsible for ALL permits and regulatory approvals for aboveground fueling systems.
- No provision is made in this Contract for special fees, permits, licenses or similar expenses. If MECO is requested to furnish same, such charges will be added to the contract price. Easements, structures, or permanent changes in the existing facilities shall be secured and paid for by the Customer.

Training

- **MECO to start up system and train office personnel on MECO supplied Fuel Management system during start up process. Additional training furnished at hourly rate.**

Warranty

- MECO warrants, for a period of one (1) year from the date of completion of the installation, that the installation of all equipment shall be done in a workmanlike manner in accordance with standard procedures. (MECO MAKES NO OTHER WARRANTY, EITHER EXPRESS OR IMPLIED, AND MAKES NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE.)
- MECO's obligations and liability under this warranty are expressly limited to performing the labor necessary to correct any defect in the installation of the equipment. Neither party shall be liable for special, indirect or consequential damages.
- The remedies set forth herein are exclusive, and the liability of MECO, whether in contract, tort or otherwise, shall not, except as expressly provided herein, exceed the price of the installation on which such liability is based.
- No MECO employee or representative is authorized to change this warranty in any way or grant any other warranty.

- Equipment furnished as part of this proposal is warranted by the manufacturers of such equipment. MECO makes no warranties whatsoever as to such equipment.
- CUSTOMER shall make all claims for breach of warranty to the manufacturer offering such warranty, and in the same manner specified by the manufacturer of the equipment with a copy of the claim to MECO.
- IMPORTANT: TANKS SHOULD BE TESTED BEFORE INSTALLING. ALL TANKS ARE GUARANTEED AGAINST DEFECTS, BUT MECO WILL NOT BE RESPONSIBLE FOR LOSS OF PRODUCT, INSTALLATION COST, DRAYAGE, ETC.

CUSTOMER responsible for the following per MECO specifications:

- CUSTOMER responsible for any engineered plans and drawings that are required. MECO's fee for engineered plans is \$2000.00
- CUSTOMER responsible for locating any underground pipes, cable, utilities, or obstructions in work area and notifying MECO. MECO not responsible for any damage or repair to such.
- Property lines and finished grades are to be established and verified by Customer.
- CUSTOMER shall make a storage area available to MECO. Any necessary relocation of equipment or installation materials from the designated area will be at CUSTOMER's expense.
- **CUSTOMER responsible for all environmental testing.**
- CUSTOMER to remove excavated soils from job site after soil is tested clean

Conditions

- The entire contract between MECO ("Seller") and Customer is embodied in this writing (the "Contract") and this writing constitutes the final expression of the parties agreement and is a complete and exclusive statement of the terms of the Contract. It is expressly agreed that there are no promises, agreements, or understandings, oral or written, not specified in this proposal. Any and all representations, promises or statements made by employees or representatives of the Seller do not constitute warranties, shall not be relied on by the Customer, and are not part of this Contract. No waiver, alteration or modification of the terms and conditions of this Contract shall be binding unless in writing and signed by an officer of Seller.
- **MECO not responsible for upgrade and/or repair to equipment not included in this quotation. Any repairs or modifications required on any product or equipment not sold by MECO will result in additional charges.**
- Labor, materials and outside services for electrical, concrete, asphalt, water and sewer or site restoration are not included in this Contract unless specified.
- All excavation, where required, is based on normal soil conditions. Should any heavy rock, water or unusual digging be encountered, MECO's cost for overcoming such shall be cost plus 10%. As such, if water is encountered during excavation, MECO will notify customer. MECO recommends that tank burial be suspended until anchoring can be arranged. If CUSTOMER elects to proceed with tank burial without anchoring, CUSTOMER assumes all responsibility should tanks shift or float.
- If excavated soils or water for tank/piping installation are contaminated, the price for disposal of this soil/water shall be adjusted per SCDHEC/DENR requirements for disposal. Price adjustment shall also reflect cost for additional excavation and backfill.
- During upgrade of existing tanks, MECO is not responsible if tank(s) float when concrete pad is removed.
- Delivery to MECO's plant for purposes of convenience or coordination shall be considered "delivery" for billing purposes.
- Prices quoted are for acceptance within thirty (30) days and, unless otherwise specified, are subject to change without notice after that date.
- The price and terms of this form are NOT SUBJECT TO VERBAL CHANGES OR OTHER AGREEMENTS UNLESS APPROVED IN WRITING and signed by an officer of Seller.
- If material is not in stock when an order is accepted, MECO reserves the right to establish a policy of "PRICE IN EFFECT AT TIME OF SHIPMENT". Any increase will be limited to that which MECO receives from its supplier.
- Prices on all steel products (tanks, island forms, pump guards, manholes,etc) are good for 7 days due to volatile steel markets. "PRICE IN EFFECT AT TIME OF SHIPMENT" will result in increases being passed thru to customer at time of invoice.
- All delivery schedules are only estimates based on information given MECO by its suppliers. ESTIMATES ARE SUBJECT TO CHANGE WITHOUT NOTICE.
- Delivery promises and installation are contingent upon fire, strikes, accidents, availability of materials, acts of God, or other causes beyond Seller's control. The Seller will endeavor to maintain schedules, but cannot guarantee to do so. Time shall not be of the essence of this Contract. The Seller is not liable for any loss or damages resulting from delay, however caused or occasioned.
- Conditions not specifically stated herein shall be governed by established trade customs. Terms inconsistent with those stated herein which may appear on CUSTOMER's formal order will not be binding on MECO.
- Title to equipment remains vested in MECO until final payment is received. The warranty is void if payment is not made according to the terms of the contract.
- MECO agrees not to discriminate in its business practices, and will render services under this agreement without regard to race, color, religion, sex, national origin, veteran status, political affiliation, or disabilities.
- Typographical and mathematical errors subject to correction.

Security Interest

- For Value Received, the undersigned grants Mecco, Inc of Florence a security interest in the property described as a part of this proposal and contract. The undersigned further consents, without further notice, to Mecco, Inc of Florence filing or recording of any documents necessary to perfect, continue, amend, or terminate its security interest.

Invoicing Policy

- **Invoices are sent as non-stock items (such as tanks, dispensers, tank monitors, cont. sumps) are received from MECO's suppliers. This equipment is delivered to the jobsite as needed; therefore, some items will be invoiced before the installation begins.**
- All Gilbarco equipment will be invoiced upon receipt of invoice (at time of shipment). These invoices are due in 10 days.
- Stock items are invoiced when they leave MECO premises.
- Customer agrees to pay invoices according to payment terms listed on page 1 and keep account current at all times. Should account become past due, MECO reserves the right to halt work until account is current.
- Final payment is due upon substantial completion.

Quick Pay Discounts

- To receive the Quick pay discount, MECO must receive full amount of the invoice within (10) days of the invoice date.
- To receive the quick pay discount, CUSTOMER's account cannot have a past due balance.
- The quick pay discount amount is located at the bottom left of each invoice and must be manually deducted from the invoice amount.
- The quick pay discount does not affect the original tax on that item.

Finance Charges

- MECO terms are net 20 days from invoice date. Interest will accrue at the rate of 18% on any unpaid balance.
- Should the account be placed with an attorney or collection agency for collection, CUSTOMER agrees to pay all reasonable costs of collection, including attorneys fees in the amount of 25% of the amount outstanding on the account , including interest.

Freight Charges

- Freight is included on all items except those listed as FOB-Factory at the bottom of each respective quote section
All Gilbarco, Gasboy, Red Jacket and Veeder-Root products subject to a 2% Freight Surcharge

Installation

CATEGORY	DETAIL	TOTAL
Installation Material		\$1,580.00
Labor		\$5,080.00
	Installation Total	\$6,660.00
	Equipment Total (from page 2)	\$21,977.00
	Sub total (excluding options below)	\$28,637.00
	Estimated NC sales tax	\$1,648.99
	Less 1% Quick Pay Discount	\$286.37
	Total after Quick Pay Discount (excluding freight and options)	\$29,999.62

Deposit

- A 25% deposit of the total amount is required which will be credited toward final invoice balance.

25% of total job = \$7,499.91

Customer's Signature

Date



CITY OF LUMBERTON
215 S CEDAR ST
LUMBERTON NC 28358

Bill-to address
CITY OF LUMBERTON
Attn: Roy
215 S CEDAR ST
LUMBERTON NC 28358

Quotation

Number/Date
20053726 / 10/29/2013
Reference no./Date

Delivery date
~
Cust. no.
1034565
Validity period
10/29/2013 to 11/29/2013
Salesperson
221

We deliver according to the following conditions:

Currency USD

Terms of payment Pending Credit Approval

Terms of delivery FOB SHIPPING POINT

Contact: Jeff Woody, Petroleum Sales Representative
Mobile: (919)422-2843 Office: (919) -832-6634, ext 2012
jeff.woody@southernpump.com - www.southernpump.com

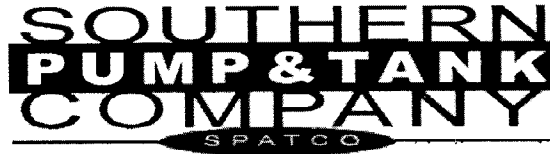
Southern Pump & Tank Scope of Work:

1. Remove the Regular Unleaded Gasboy dispenser under the equipment shelter and leave on site for customer disposal
2. Install new Gasboy dispenser on existing island
3. Make all connections to the dispenser
4. Start-up, purge and calibrate dispenser
5. Unhook E-Stop switch from the side of the K-2500 and set aside for reuse
6. Remove the two existing Petrovend K-2500 card terminals and bring back to Raleigh office for trade-in credit
7. Remove old Fuel Site Controller from the office and install the new FSC3000
8. Install two new Petrovend K800 terminals and program
9. Re-install E-Stop switch on the side of the new K800 terminal
10. Load Phoenix software on current computer being used for Petrovend
11. Test operation and confirm pulse rate is calculating properly

Note:

Quote based on using all existing wires. All work done beyond scope will be charged on time/materials basis.

1501 SOUTH BLOODWORTH STREET RALEIGH, NC 27610
800-677-6634 919-832-6634 FAX 919-831-9057



CITY OF LUMBERTON
215 S CEDAR ST
LUMBERTON NC 28358

Doc. no./Date
20053726 / 10/29/2013

Page
2

Material	Qty	Price	Value
GPD189	1 EA	3,645.00	3,645.00
Gasboy Single Product Mech Disp			
Model 9153K F CC- Single One Product			
- 4 Wheel Non Computer Register			
- Positive Displacement Meter			
- Front Panel - Painted White or Specify Color			
- Top & Sides - Painted Black			
- Standard Filter (F)			
- Pulser, 100:1 Ratio, Gallon (CC)			
125781C	1 EA	10.69	10.69
5/8" X 8" Crimped Coupling Whip Hose			
66V-0300	1 EA	28.12	28.12
OPW 3/4" Single Use Breakaway			
125171C	1 EA	29.07	29.07
5/8"x9'6"Steelflex MxM Crimped CPLG Hose			
241TPS-0241	1 EA	21.00	21.00
OPW 3/4" x 3/4" Multi-Plane Swivel			
11BP-0400	1 EA	55.47	55.47
OPW 3/4" Unleaded Pressure Nozzle -Black			
8BL-0400	1 EA	3.40	3.40
OPW Black Splash Guard for 3/4" Nnz			
FLF109	1 EA	12,950.00	12,950.00
Fleet Fueling System - Petro Vend			

(1) 20-8057 The External FSC3000 Includes USB Transaction Storage, Standard Card Record Software, Downloadable Software, ARTWare Windows-Based Configuration Utility Software, Built-in 10base-T Ethernet Port, 8 Serial Communication Ports, Direct-Connect PC Cable, Petro-net Cable, Plug-in Memory Module with Transaction Memory Level 2 (500 Transactions) and Card Memory Level 2 (2000 cards), CD With System Documentation, Printed Installation Manual.

1501 SOUTH BLOODWORTH STREET RALEIGH, NC 27610
800-677-6634 919-832-6634 FAX 919-831-9057

Attachment: Southern Pump and Tank Quote (1230 : Fuel Dispensing System Replacement)



CITY OF LUMBERTON
215 S CEDAR ST
LUMBERTON NC 28358

Doc. no./Date
20053726 / 10/29/2013

Page
3

Material	Qty	Price	Value
(1) K800-HFIT-2 Hybrid Fuel Island Terminal (HFIT) 2-Hose (includes 2-Hose Pump Control, 2X16 LCD display, heater, pedestal and choice of ChipKey or 20-4139-01 magnetic stripe card readers and FSC3000/System2 compatible software)			
(1) K800-HFIT-4 Hybrid Fuel Island Terminal (HFIT) 4-Hose (includes 4-Hose Pump Control, 2X16 LCD display, heater, pedestal and choice of ChipKey or 20-4139-01 magnetic stripe card readers and FSC3000/System2 compatible software)			
(2) 20-4124 Pocket Weathershield			
(4) 20-4268 Voltage-to-Current Sense Converter Module (required for dispensers with little or no current draw)			
(200) 54-1005-MAG White Mag-stripe Card			
(200) 54-1020-C Standard Encoding for ChipKeys, DuraKeys, Optical Cards, or Mag-stripe Cards by OPW (per device) Please specify card/key range and network number			
(1) 20-6149 (F) FSC3000/System2 Phoenix Plus (adds multi-site reports, and card file management tool)			
(1) 20-6150-03 Factory-direct telephone training service for Phoenix Plus			
INSTALLATION PRICE	1 EA	8,105.79	8,105.79
Installation - Contract Price			
Items total			24,848.54
Freight			190.00
Estimated Tax			1,171.99
Final amount			26,210.53

****THANK YOU FOR THE OPPORTUNITY TO QUOTE****

1501 SOUTH BLOODWORTH STREET RALEIGH, NC 27610
800-677-6634 919-832-6634 FAX 919-831-9057

Armstrong, Robert

From: Sealy, Roy
Sent: Thursday, November 07, 2013 12:33 PM
To: Armstrong, Robert
Subject: FW: Electrical Estimate

From: Jeff Woody [<mailto:Jeff.Woody@southernpump.com>]
Sent: Thursday, November 07, 2013 11:29 AM
To: Sealy, Roy
Subject: Electrical Estimate

Roy,

If new wire has to be pulled the estimated cost would be \$3500. That is based on the existing conduits not being obstructed and we can get the new wire pulled thru it.

Jeff Woody
SPATCO 919-422-2843

Sent from my HTC smartphone on the Now Network from Sprint!

Attachment: Southern Pump and Tank Quote (1230 : Fuel Dispensing System Replacement)

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 12, 2013

Subject: 210 E 10th Street

Summary/Background of Subject Matter -

The structure located at 210 E 10th Street has been cited by the City of Lumberton Inspections Department on multiple unsafe building violations. The Inspections Department started enforcement action on September 24, 2012 and has completed all required steps in the process including the order to demolish. The owner John Singletary upon receipt of the order filed a notice of appeal, and was granted a 90 day extension on August 7, 2013. A building permit was issued on November 6, 2013 to John Singletary for renovations of the structure. The deadline for Mr. Singletary to comply was November 13, 2013 at this time the structure is still non compliant but renovations are in progress.

Recommendation for CC Consideration:

Staff recommends to grant Mr. Singletary an additional 30 days to comply or proceed with the demolition process

Signature: *Ben Andrews*

Department: Planning / Inspections

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Finance

Submission Date: November 14, 2013

Subject: Amendment to Section 16-164 of the Personnel Ordinance

Summary/Background of Subject Matter -

Council amended Section 16-164 of the Personnel Ordinance on October 8, 2012. This change moved the anniversary date for longevity from December to November. We currently have twenty six employees that were hired in November that are adversely affected because the cutoff date for determining tenure and eligibility was changed.

Recommendation for CC Consideration:

Recommend that CPC adopt the attached Ordinance amending Section 16-164 of the Personnel Ordinance reference Longevity Pay, to leave the anniversary date at December. If approved, the amended date will be effective for December 2013.

Signature: *Alisha Thompson*

Department: Finance

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Finance

Submission Date: November 14, 2013

Subject: Financing of Vehicles & Equipment

Summary/Background of Subject Matter -

The Finance Department has obtained quotes for financing vehicles and equipment.

Loan 1

15 Police Vehicles & Street Sweeper \$730,000 for 5 years

BB&T: 1.48%

PNC: 1.64%

Lumbee Bank: no quote

Annual Payment: \$152,545.89

Loan 2

Refurbish Ladder Truck, 3 Tandem Trucks, Lowboy Tractor/ Trailer, 2 Rubber Tire Backhoes, Track hoe, Bush Hog Tractor, Climbing Bar Screen, Bucket Truck* \$1,815,000

BB&T: 2.03% for 8 years

PNC: 2.16% for 7 years

Lumbee Bank: no quote

Annual Payment: \$36,844.50 (Interest Only for First Year)

\$280,762.69

*Bucket Truck was not part of the installment purchase in the budget

Recommendation for CC Consideration:

Recommend that CPC award the financing of the vehicles and equipment to BB&T for 5 years at 1.48% and 8 years at 2.03% and approve the attached resolutions.

Signature: *Alisha Thompson*

Department: Finance

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LUMBERTON APPROVING
FINANCING TERMS WITH BRANCH BANKING & TRUST COMPANY (BB&T)
FOR THE FINANCING OF FIFTEEN VEHICLES AND MISCELLANEOUS ROLLING STOCK

WHEREAS, the City of Lumberton has previously determined to undertake a project for financing of fifteen (15) vehicles and miscellaneous rolling stock that the Finance Officer has now presented a proposal for the financing of such Project;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City of Lumberton hereby determines to finance the Project through Branch Banking and Trust Company (BB&T), in accordance with the proposal dated November 6, 2013. The amount financed for police vehicles shall not exceed \$730,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.48% for the financing of the vehicles, and the financing term for those funds shall not exceed five (5) years from closing. The amount financed for the financing of the miscellaneous rolling stock shall not exceed \$1,815,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.03%% for the financing of the rolling stock, and the financing term for those funds shall not exceed five (8) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the Financing Documents) shall be consistent with the foregoing terms. All officers and employees of the City of Lumberton are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The City of Lumberton shall not take or omit to take any action or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City of Lumberton hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purposes of Internal Revenue Code Section 265(b)(3).
5. All prior actions of City of Lumberton officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Upon motion of Councilman _____, seconded by Councilman _____, the foregoing resolution was adopted on the 18th day of November, 2013.

Raymond B. Pennington, Mayor

ATTEST:

Laney S. Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Robert E. Price, Interim City Attorney

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 15, 2013

Subject: Native Solar Conditional Use Permit

Summary/Background of Subject Matter -

The Planning & Neighborhood Services Department received a conditional use permit application from Native Solar for property located at 357 Dundee Drive, parcel #2014-04-010. The applicant's intention is to develop this tract as a 5 megawatt solar farm.

Recommendation for CC Consideration:

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

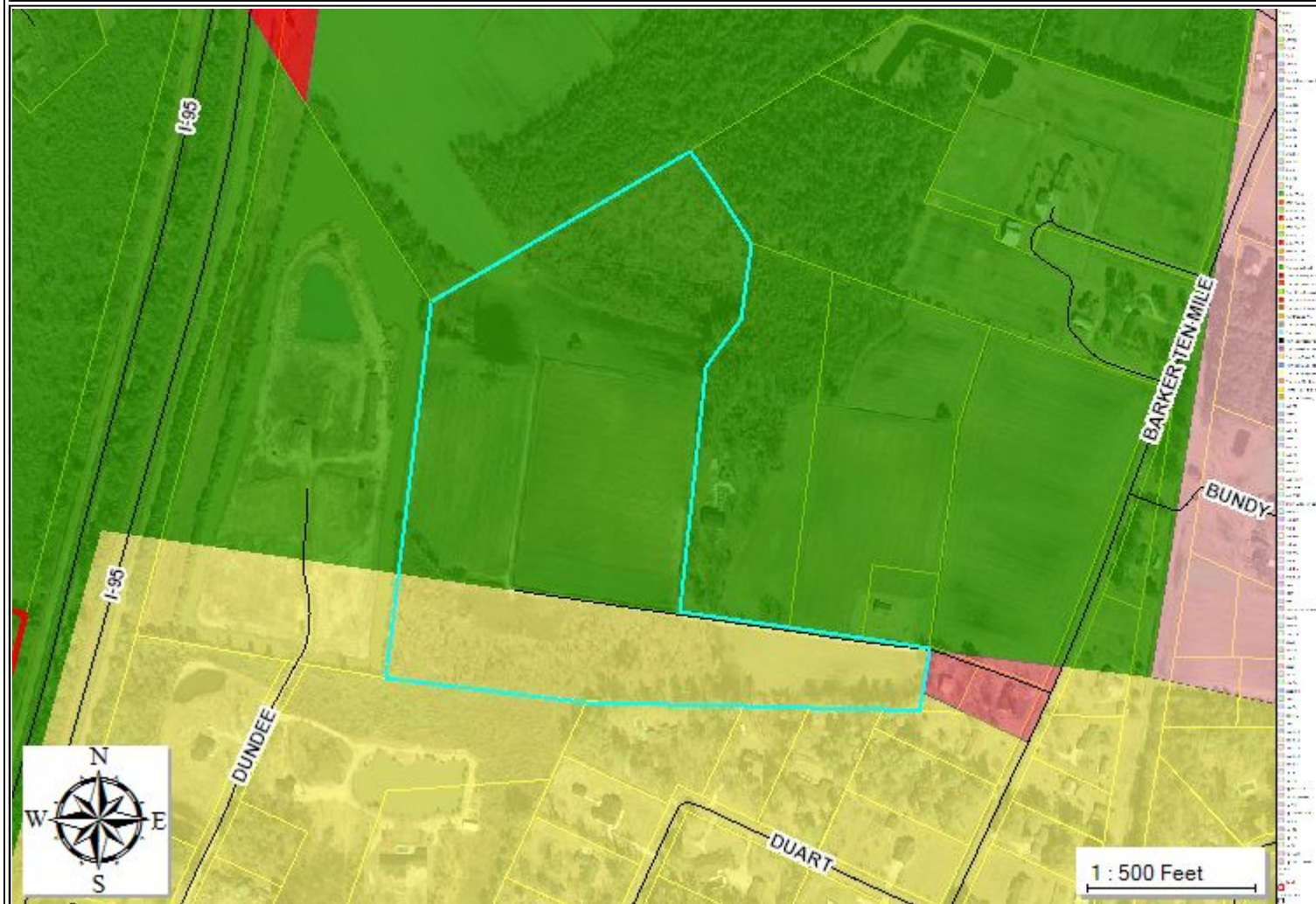
<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management



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Attachment: Native Solar Map (1241 : Native Solar Conditional Use Permit)

**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
CITY OF LUMBERTON, NORTH CAROLINA
APPLICATION FOR CONDITIONAL 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 Conditional Use Permit as hereinafter described:

1. Applicant:

Name: Native Solar

Mailing Address: 800 Union Chapel Rd

Pembroke, NC 28372

Business Address: PO Box 571

Red Springs NC 28327

Telephone: 910-521-0505

Owner (if different from Applicant):

Name: Same

Mailing Address:

Business Address:

Telephone:

2. Description of Property:

357 Dundee Drive

(Address)

01532

(Deed Book)

0680

(Page)

(Map Book)

(Page)

(Frontage)

(Area)

3. Tax Map Identification:

Saddletree 20

(Township)

14

(Map)

04

(Block)

201404010

(Parcel)

4. Proposed Use of Property: Solar farm

5. Zoning District Designation of Property: Agriculture & 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 Rolls 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. Please attach a detailed description of the proposed use/uses, to include information such as operating hours, staffing, business plan etc. 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.

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

11.09.17

City of*Lumberton*

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR CONDITIONAL USE PERMIT

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

*5 MW Solar farm to be built
on 32 ac. of land off of Barker ten mile
rd. Farm to be built & owned by Native Solar
co.*

2 of 3

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

File #

6/18/2013

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 CONDITIONAL USE PERMIT

11. Notarized Signatures:

Applicant: Native Solar co. 800 union chapel rd, Pembroke NC
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, Jack Lowery, 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: Jack Lowery / President
Signature

WITNESS my hand and official seal, this the 30 day of October, 20 13.

(Official Seal)

Russell S. Hieb
Official Signature of Notary

RUSSELL SHIEB, Notary Public
Notary's printed or typed name

My Commission Expires: 12-11-14

Owner: Native Solarco 800 union chapel rd. Pembroke NC 28372
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, JACK LOWERY, 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: Jack Lowery
Signature

WITNESS my hand and official seal, this the 30 day of October, 20 13.

(Official Seal)

Russell S. Hieb
Official Signature of Notary

RUSSELL S. HIEB, Notary Public
Notary's printed or typed name

My Commission Expires: 12-11-14

3 of 3

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

File #

6/18/2013

Updated 4/5/2012

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 15, 2013

Subject: 5019 Dawn Drive Rezoning

Summary/Background of Subject Matter -

The Planning & Neighborhood Services Department received a rezoning application from BG French to rezone property located at 5019 Dawn Drive, parcel #1006-01-012.17. The property is currently split-zoned with the front portion being zoned B-4 and the back portion B-3. It is the applicants request to rezone the entire property to B-4. The applicant has indicated that there is currently no planned use and that it is the owner's intention to have the entire parcel zoned the same and then offer the property for sale.

Recommendation for CC Consideration:

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

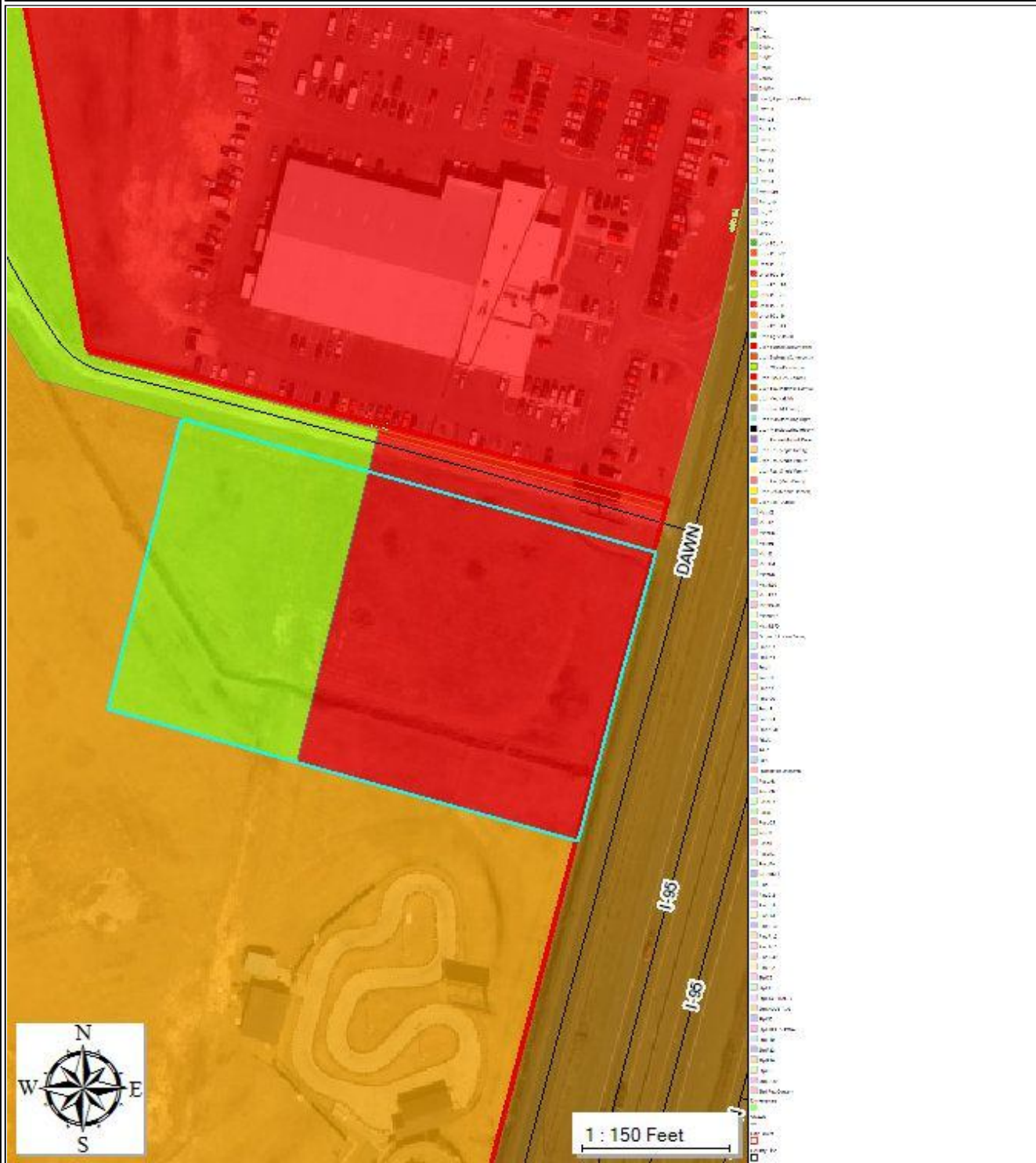
<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management



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Attachment: French Rezoning (1240 : 5019 Dawn Drive Rezoning)

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: B.G. French

Physical Address: 4310 Ludgate St.
Lumberton, N.C. 28358

Mailing Address: _____

Telephone: (910) 739-3335

Legal Name of Business: _____

Owner:

Full Legal Name: Robert J. Williams IV

Physical Address: 2645 Old Colony Place
Fayetteville, N.C. 28303

Mailing Address: _____

Telephone: (910) 850-3305

2. **Description of Property:**

	(Address)	0142 (Deed Book)	0724 (Page)
<u>44</u> (Map Book)	<u>34</u> (Page)	<u>304</u> (Frontage)	<u>5019 Dawn Dr. Lumberton</u> (Area)

3. **Tax Map Identification Number (parcel number):** 1006 - 01 - 01217

4. **Existing Zoning District Designation of Property:** B-3 - back of lot

5. **Requested Zoning District Designation of Property:** B-4

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. See attached map

8. **Site Map:** Attach a map of the property in question. See attached

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 # 6.106

7/23/2012

Updated 4/5/2012

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):

None at present - property for sale - getting
the back part of property re-zoned to match
the front part.

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: BERRY G. FRENCH JR. 4310 Lodgepole Dr.
Full Legal Name (type or print) Physical Address

STATE OF N.C. COUNTY OF Robeson

I, Berry G French Jr., 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.

X Applicant: Berry G French Jr.
Signature

WITNESS my hand and official seal, this the 4 day of November, 2013.

(Official Seal)

Artiel A. Kirchner
Official Signature of Notary

Artiel A. Kirchner, Notary Public
Notary's printed or typed name

My Commission Expires: October 3, 2015

X Owner: Robert J. Williams, Jr 2645 Old Colony Pl, Fayetteville
Full Legal Name (type or print) Physical Address

STATE OF NC COUNTY OF Cumberland

I, William M. Baler, 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: Robert J. Williams, Jr
Signature

WITNESS my hand and official seal, this the 27th day of Oct, 2013.

(Official Seal)

William M. Baler
Official Signature of Notary

William M. Baler, Notary Public
Notary's printed or typed name

My Commission Expires: 7-8-16

3 of 3

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

File # _____

7/23/2012

Updated 4/5/2012

I, JOHN D. POWERS, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-A. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 14TH DAY OF DECEMBER, 2007.

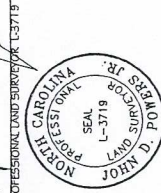
Lumberton Motors Properties, LLC
(Lumberton Ford)
Deed Book 1143, Page 140



I, JOHN D. POWERS, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-A. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 14TH DAY OF DECEMBER, 2007.

NORTH CAROLINA
ROBESON COUNTY

I, JOHN D. POWERS, JR., PLS L-3719, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-A. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 14TH DAY OF DECEMBER, 2007.



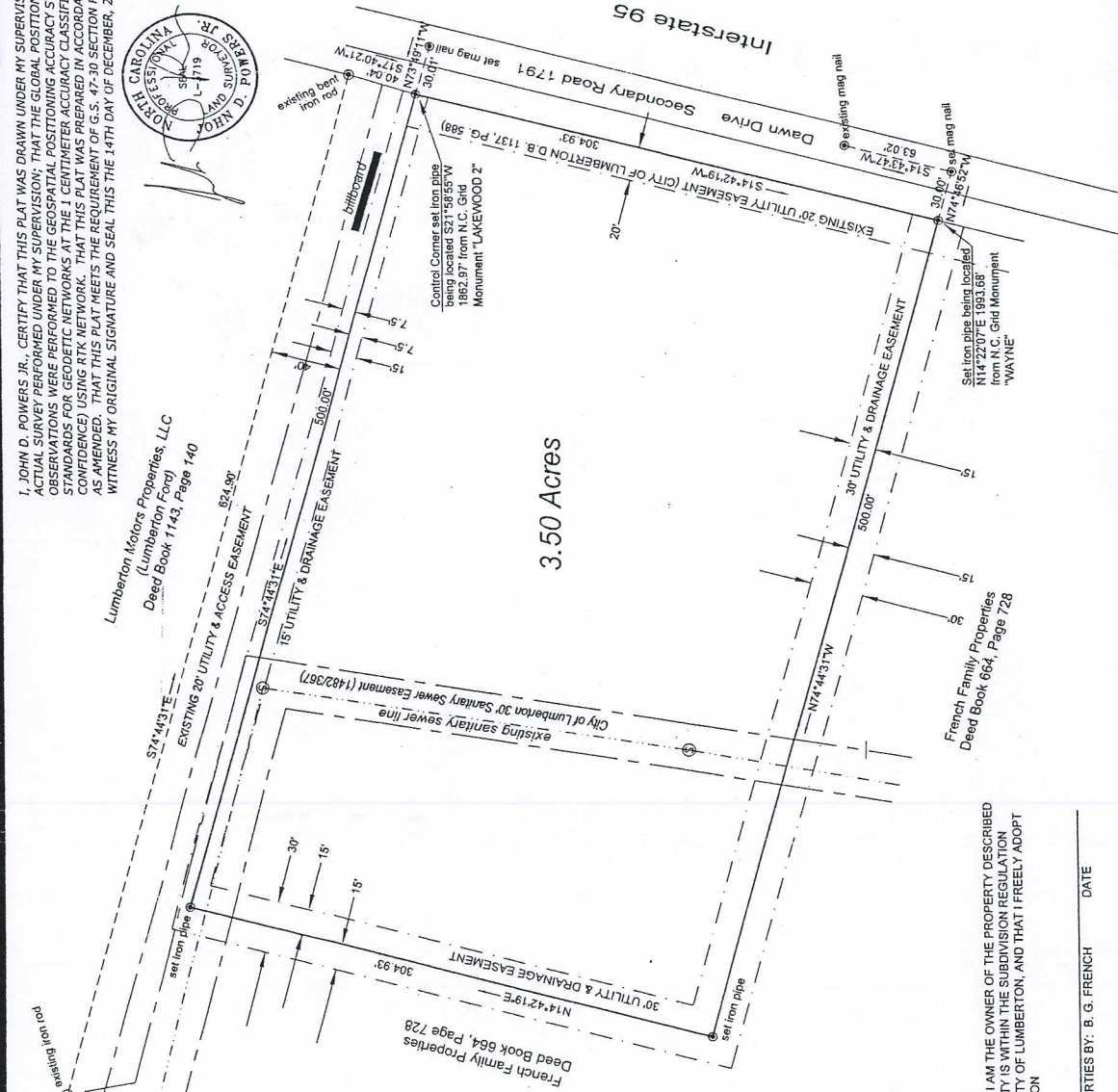
STATE OF NORTH CAROLINA
COUNTY OF ROBESON
I, JOHN D. POWERS, JR., REVIEW OFFICER OF ROBESON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE _____
FILED THIS _____ DAY OF _____
IN MAP BOOK _____ PAGE _____

WILLIAMS, REGISTER OF DEEDS
ROBESON COUNTY, NC

3.50 Acres



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF LUMBERTON, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION

FRENCH FAMILY PROPERTIES BY: B. G. FRENCH

DATE

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAN DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS. THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH CHAPTER 35 OF THE LUMBERTON CITY CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE LUMBERTON PLANNING AND INSPECTIONS DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE ROBESON COUNTY REGISTRY WITHIN 30 DAYS OF THE DATE BELOW

PLANNING AND INSPECTIONS DIRECTOR

DATE

John D. Powers, Jr.
Professional Land Surveyor

9792 U.S. Highway 301 North
Post Office Box 776
Lumberton, North Carolina 28359
Voice 738-6980 Fax 738-6956
Email jpowers@ncrrbiz.com

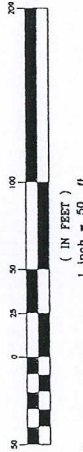


DRAWING & CALCULATIONS
DRAWN BY: JP
CHECKED BY: JP
DATE OF LAST REVISION
JANUARY 28, 2008

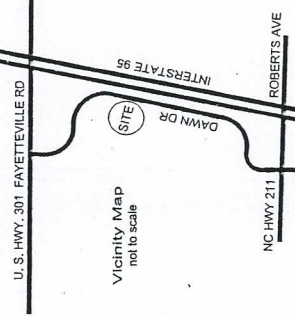
MINOR SUBDIVISION PLAT PREPARED FOR
French Family Properties

Lumberton Township
Robeson County North Carolina
December 14, 2007 Scale 1" = 50'
Title Reference: Deed Book 664, Page 728

GRAPHIC SCALE



INTERSTATE 95
DAWN DR
SITE
VICINITY MAP
not to scale



Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections
Subject: Uptown Real Estate Rezoning

Submission Date: November 15, 2013

Summary/Background of Subject Matter -

The Planning & Neighborhood Services Department received a rezoning application from Rob Redfearn on behalf of Uptown Real Estate, LLC to rezone property located at 101 South Chestnut Street, parcel #3238-01-018.01. The property is currently zoned M-1 Light Manufacturing and the applicant is requesting rezoning to B-1 Central Business District. It is the applicant's intent to redevelop this property for use as a large art studio, retail store and gallery space (see attached business description).

Recommendation for CC Consideration:

The Planning & Neighborhood Services Department recommends that City Council accept the rezoning application, forward it to the Planning Board for review and recommendation and authorize the Planning Director to set the date of the public hearing.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

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: ROS REDFEARNPhysical Address: 1501 ELM STLUMBERTON 28358Mailing Address: SAMETelephone: 910-734-9953Legal Name of Business: ART SPACE**Owner:**Full Legal Name: UPTOWN REAL ESTATE, LLCPhysical Address: 104 RED OAK COURTLUMBERTON NC 28358Mailing Address: SAMETelephone: 910-739-24002. **Description of Property:**101 SOUTH CHESTNUT, LUMBERTON

(Address)

136 FT ON CHESTNUT133 FT ON 1ST

(Map Book)

(Page)

(Frontage)

01649

(Deed Book)

0770

(Page)

Approx 19,000 SF

(Area)

3. **Tax Map Identification Number (parcel number):**323801018014. **Existing Zoning District Designation of Property:**C-80 (WAREHOUSES) M15. **Requested Zoning District Designation of Property:**B1 - BUSINESS6. **Applicant's Interest In Property (check one):**☐ Owner☐ Owner's Agent☐ Lease-to-Own☐ Tenant☐ Family member☒ Other (explain)DEVELOPER7. **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 #

7/23/2012

Updated 4/5/2012



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):

See Attached.

2 of 3

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

File # 6.105

7/23/2012

Updated 4/5/2012

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

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

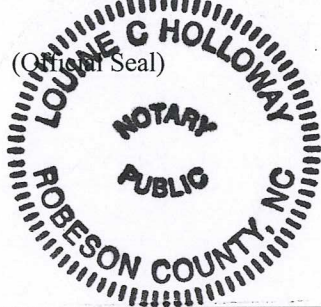
Applicant: ROBERT ANDREW REDFEAR 1501 ELM ST LUMBERTON NC
Full Legal Name (type or print) Physical Address

STATE OF NORTH CAROLINA COUNTY OF ROBESON

I, Louine C. Holloway, 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 4th day of October, 2013.



Louine C. Holloway
Official Signature of Notary

Louine C. Holloway, Notary Public
Notary's printed or typed name

My Commission Expires: February 13, 2016
My Commission Expires

Owner: UPTOWN REAL ESTATE, LLC 104 RED OAK COURT, LUMBERTON
Full Legal Name (type or print) Physical Address

STATE OF NORTH CAROLINA COUNTY OF ROBESON

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

Owner: [Signature]
Signature

WITNESS my hand and official seal, this the 7th day of October, 2013.



Louine C. Holloway
Official Signature of Notary

Louine C. Holloway, Notary Public
Notary's printed or typed name

My Commission Expires: February 13, 2016
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 # 6.105

7/23/2012

Updated 4/5/2012



101 South Chestnut Street, Lumberton NC 28358

Application for zoning amendment

Intended use of property:

The property is a former tobacco warehouse (constructed in 1925) that was later a hardware store and eventually a cut-and-sew operation. It has been mostly vacant and used as storage for a number of years.

Our plan is to convert it for use into a large art studio with a retail store/gallery in which artists may sell their work. The ground floor will be one large common area for all artists to use. The store/gallery will be operated during posted hours (still to be determined) and operated by the artists.

The second floor, which was once offices for the hardware store is planned to be renovated (at a later date) into offices.

At the present time it is intended that it all be one tenant space (not subdivided) with one electric meter, one water meter, etc.

The initial plan is to attract a number of artists who will each pay a monthly fee to be able to use the facility at will.

As developers, we hope that this facility will be a draw to bring visitors and tourist dollars to downtown. The studio and gallery will be advertised and open to the public which will be encouraged to enter the studio areas, engage with the artists, look at art in progress and purchase finished works of art and crafts on display.

Phase One: (Restoration and repair) Removal of plywood from windows and doors, replacing broken glass, replacing rotten wood (fascia boards and trim, etc), replacing rotted roof deck, etc. Cleaning of exterior walls, Painting the interior walls and ceiling and removing some of the interior partition walls and modifying some others. Total anticipated expense: \$20-30,000

Phase Two: Will involve the completion of the second floor which will include adding plumbing, a stairwell, new electrical, new HVAC, new partition walls (studs and drywall). Plans are still being completed for this phase. Total anticipated expense: \$150,000-250,000 depending on extent and nature of the plan.

Please do not hesitate to contact me directly for more information.

ROB REDFEARN cell: 910-734-9953

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Lumberton Commercial Historic District,
Robeson County

Section number 7 Page 49

and a raised loading dock fronting on Walnut Street; a wholesale hardware distributor is presently located here. The center building, probably the oldest of the three buildings (c.1910), displays decorative brickwork with a tiered corbeled cornice and multiple rows of mousetoothing. The original arched windows on the First Street elevation of this center unit were replaced (date unknown) with fixed fifteen-light metal-trimmed windows; a large faded painted sign identifies this section as a former wholesale grocery and feed store. The west (end) two-story building (c. 1930) features a corbeled eave and a row of mousetoothing above and bisecting the second-story boarded-over windows. The main entrance to this unit is located in a cutaway corner fronting on Chestnut Street. The center and west unit presently house a clothing manufacturing company. (0)

90. Warehouse
North side First Street, between Water and Elm streets
c. 1935
C

Utilitarian, one-story brick building with steel-framed windows and stepped roofline on the side elevations; constructed by the Biggs family c. 1935 and used commercially as a mule stable until the early 1940s. The building is currently used for storage. (0)

TRACT ONE: Parcel # 3238 01 018

In the City of Lumberton, Lumberton Township, Robeson County, North Carolina.

Known as the McLean Wholesale Grocery Company Building: BEGINNING at an iron stake in the South line of First Street, said stake being 141 feet from the Northwest corner of Lot No. 87 according to the plan of the City of Lumberton, and runs as the line of First Street South 87½ East 75 feet to an iron stake in the Eastern line of Lot No. 87; thence as the line of Lots Nos. 87 and 88 South 2½ West 216 feet to an iron stake in the line of Town Common; thence North 87½ West along the said line of Town Common 75 feet to an iron stake; thence North 2½ East 216 feet to the Beginning, and being the eastern part of Lots Nos. 87 and 88 as designated on the Official Map of the City of Lumberton, and being the same tract of land conveyed under deed recorded in Book 6-E, at Page 248, Robeson County Registry. Subject however to a portion conveyed to V & C.S.R.R. under deed recorded in Book 5-T, at Page 38.

And being the same property described in deed dated March 18, 1977 by First Union National Bank of North Carolina and Luther C. Thompson, Trustees under the Will of Nora G. Caldwell, Deceased to Christine Caldwell Thompson, recorded in Book 407, Page 414, Robeson County Registry.

TRACT TWO: Parcel # 3238 01 01801

In the City of Lumberton, Lumberton Township, Robeson County, North Carolina.

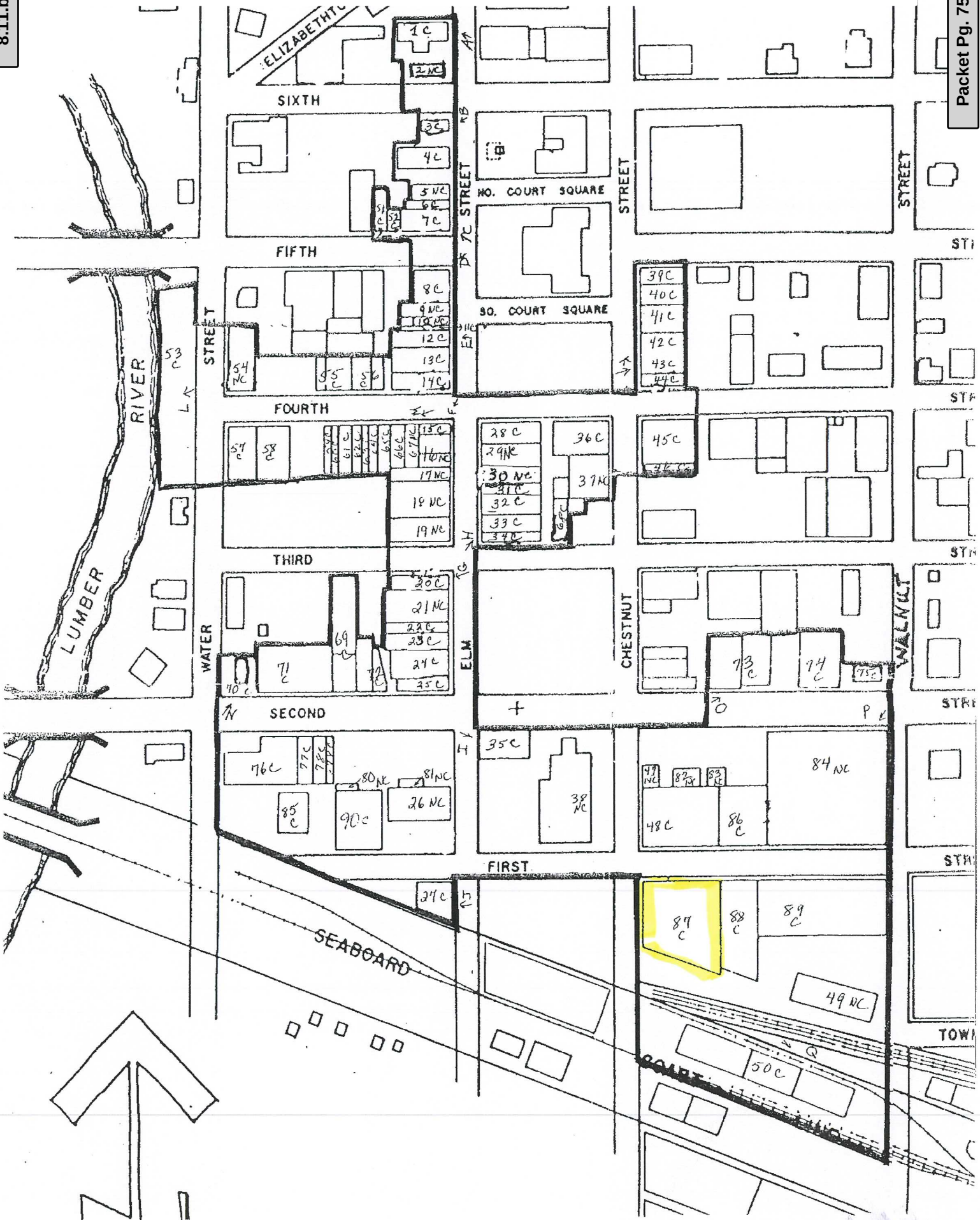
BEGINNING at the northwest corner of Lot No. 87, said corner also being the southeast corner of the intersection of First and Chestnut Streets, and runs thence South 85° 45' West along the Southern line of First Street and the Northern line of Lot No. 87, 141 feet to a stake, the beginning corner of the lot conveyed by Caldwell and Carlyle to Robeson County Loan and Trust Company by deed recorded in Book 4-W, Page 526, Robeson County Registry; thence South 4° 15' West parallel with Chestnut Street and crossing Lots Nos. 87 and 88, 216 feet to a stake in the Northern line of Town Common Street, said stake being the 4th corner of the Robeson County Loan and Trust Company lot; thence North 85° 45' West along the Northern line of Town Common Street and the Southern line of Lot No. 88, 141 feet to a stake at the Northeast corner of the intersection of Town Common and Chestnut Streets, said stake also being the Southwest corner of Lot No. 88; thence North 4° 15' East along the Eastern line of Chestnut Street and with the Western line of Lot No. 88, to and with the Western line of Lot No. 87, 216 feet to the beginning, and being the Western parts of Lots Nos. 87 and 88, as set forth and shown on the Official Map of the City of Lumberton, said map being recorded in Book of Maps No. 1, Page 16, Robeson County Registry. EXCEPTING the rights and privileges of the Virginia and Carolina Southern Railroad Company as to right-of-way or other easements on said property, and especially excepting the rights and privileges heretofore conveyed to said Railroad Company by Caldwell and Carlyle, as appear from an instrument duly recorded in said Registry in Book 5-Q, at page 396. Also excepting the right-of-way of the Seaboard Air Line Railway, if any.

And being the same described in deed dated June 24, 1982 by W. Carvel Woodall, Jr. and wife, Rebecca H. Woodall and Lois Carlyle Berry and husband, Doran J. Berry to Christine Caldwell Thompson, recorded in Book 517, Page 130, Robeson County Registry.

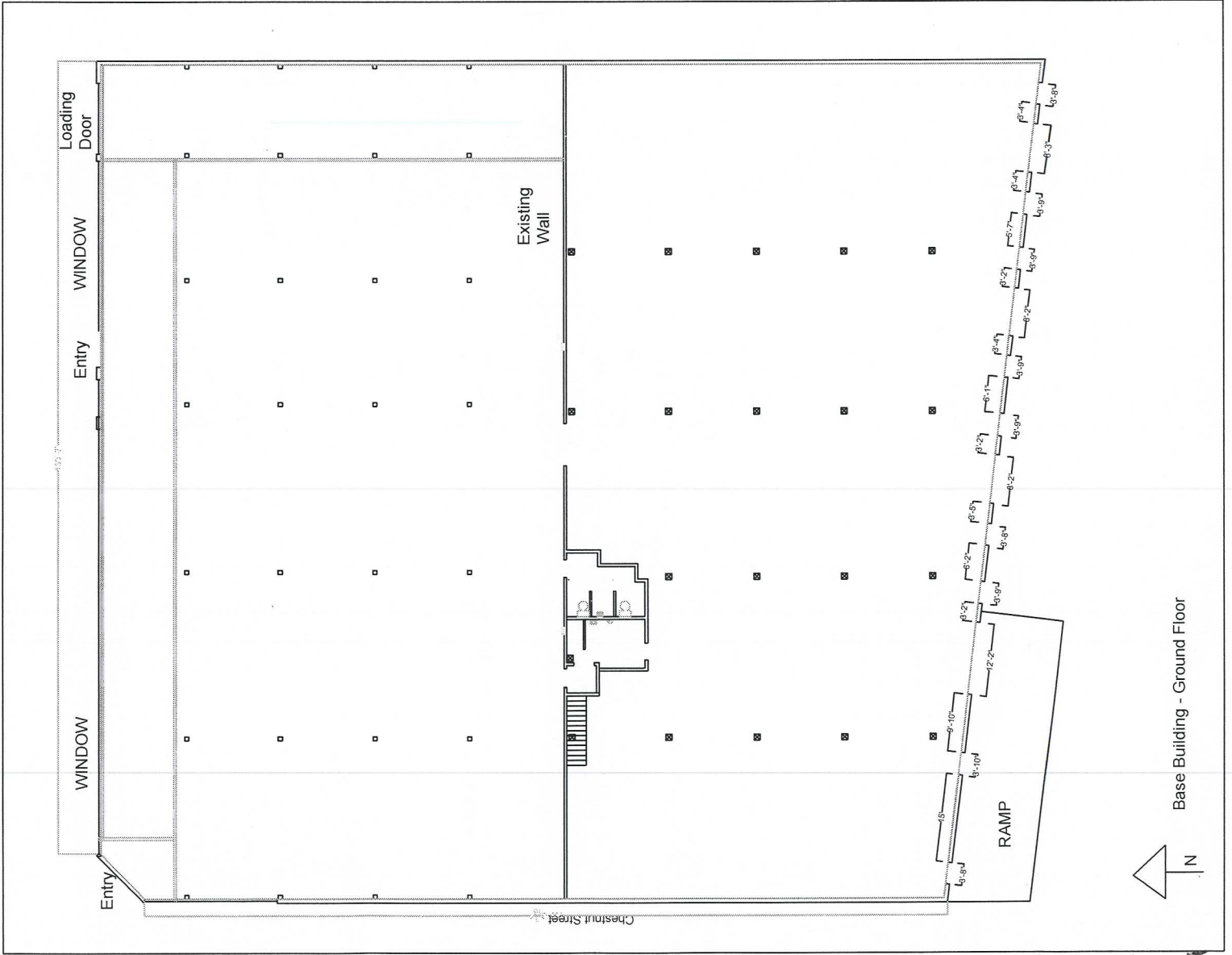


- Parcel
- Dimensions
- Sales Since 2008
- Streets
- City Limits
- County Line

6.103

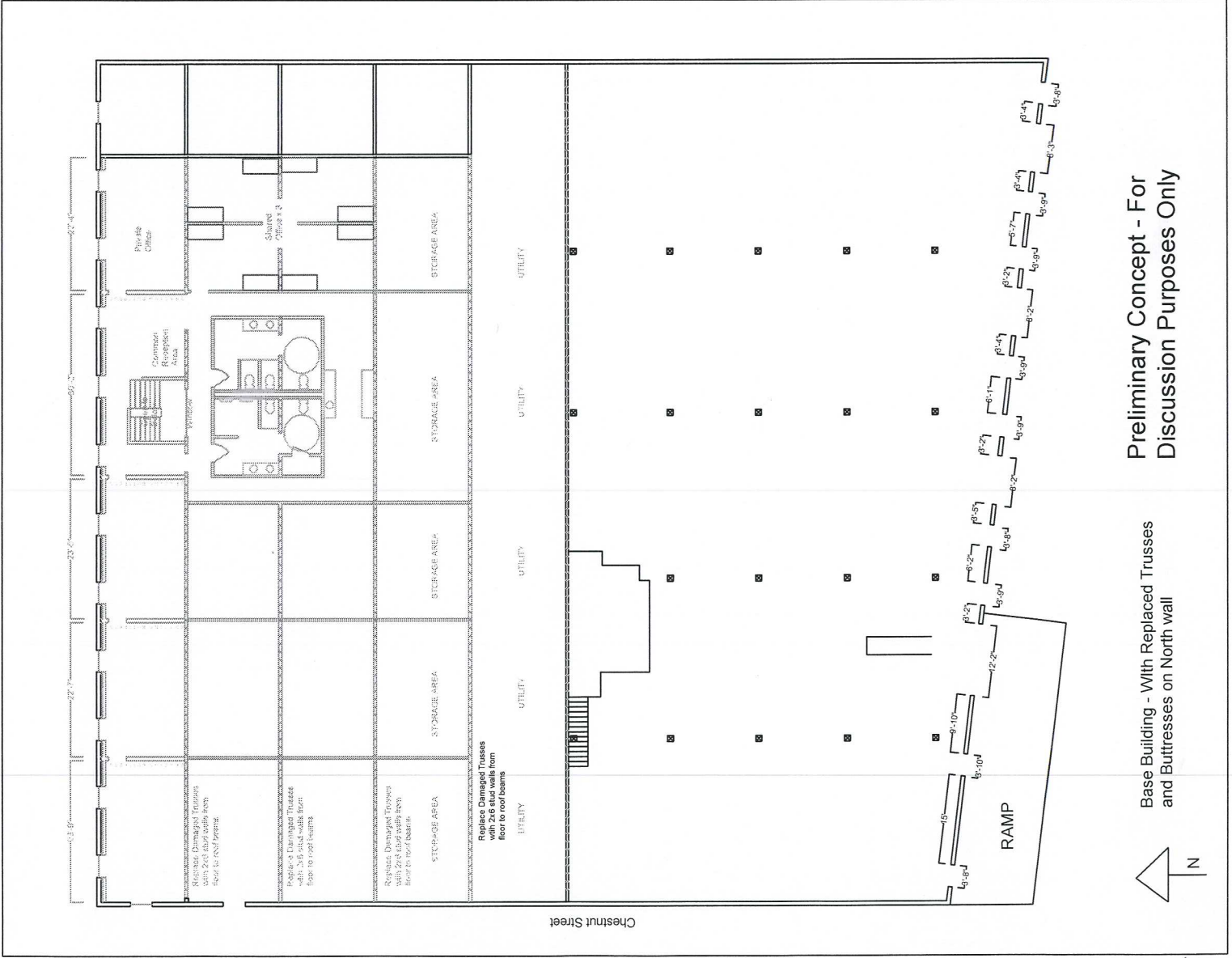


Propose to Replace
Previously Existing Walls
on Lower Floor.



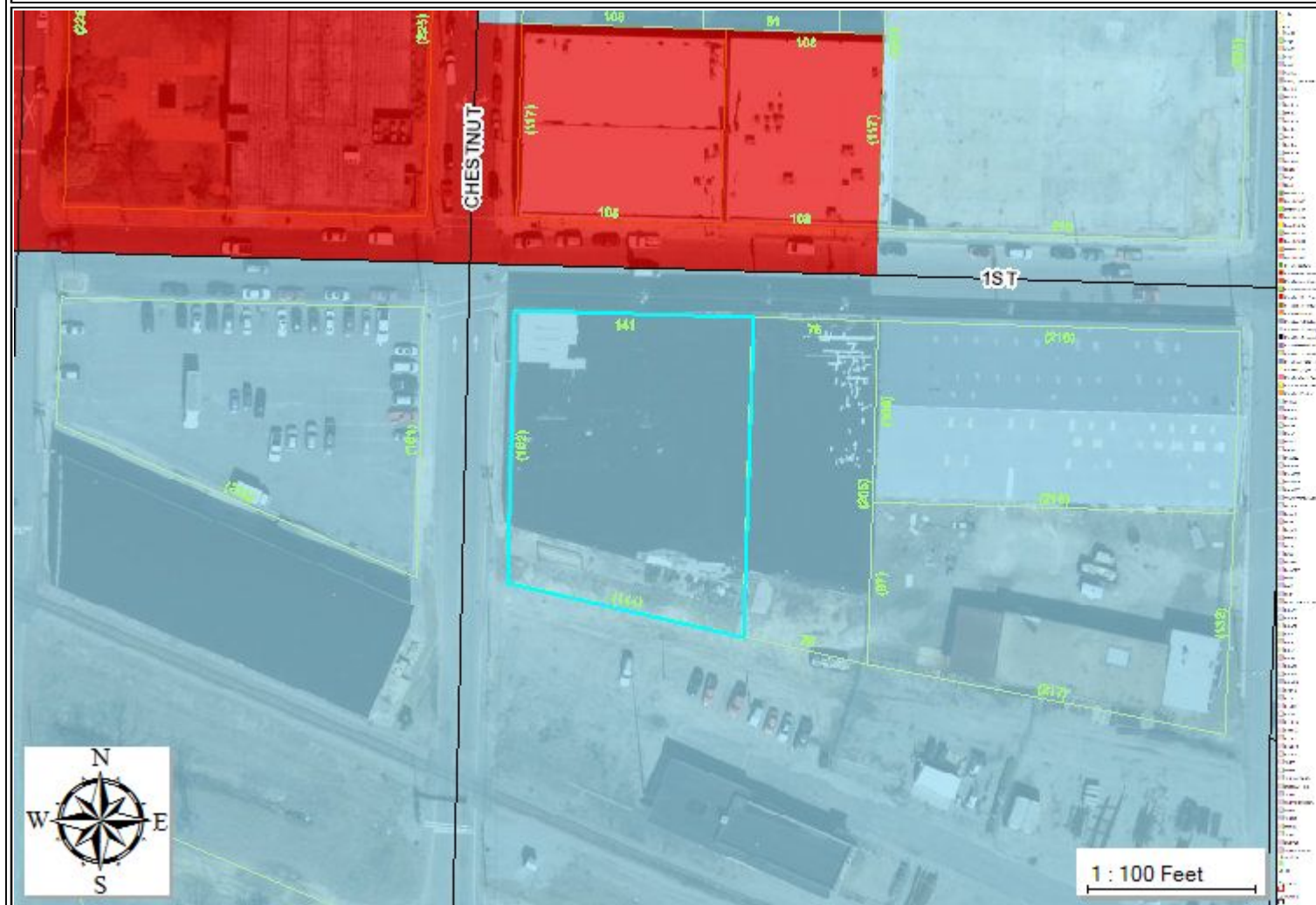
6.105

Revised 2nd Floor Plan





The information contained on this or any other associated page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed. This information is compiled from recorded deeds, plats and other public data. Users of the Robeson County Geographic Information System are hereby notified that the aforementioned information sources should be consulted for verification of the information contained on this map. Any errors or omissions should be reported to the Robeson County Geographic Information Systems Division. In no event will Robeson County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.



Attachment: Uptown Real Estate Map (1245 : Uptown Real Estate Rezoning)

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 15, 2013

Subject: Cummings Rezoning

Summary/Background of Subject Matter -

The Planning & Neighborhood Services Department received a rezoning application from Frances Cummings in care of Sisters with Pearls Serving Society for 1400 Martin Luther King, Jr. Drive, parcel #3249-03-011. The request was to rezone from R-7 Residential Single Family/Duplex to B-3 Office-Residential. The applicant's intention was to utilize this property as a headquarters for their non-profit organization.

The Planning Board reviewed the request on September 17th and then again on October 22nd. At the October meeting, Ms. Cummings requested that the Planning Board allow her to withdraw their application.

Recommendation for CC Consideration:

The Planning Board recommends that City Council accept Ms. Cummings' request to withdraw her rezoning application and reimburse the appropriate City Council Community Revitalization Fund account(s) for the application fee.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

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):

Sisters With Pearls Serving Society Foundation, Inc. is a 501 (c) (3) Non-Profit Organization. It is an entity of the Sigma Iota Omega Chapter of Alpha Kappa Alpha

Sorority, Inc.

The Corporation is organized for the purposes of charitable and educational distributions under sections 501 (c) (3) of the Internal Revenue Service Code of 1986.

The Ivy House, which the dwelling is named by the Board of Directors and members, is the Sorority and Foundation's dwelling used for meeting purposes and in which to take care of the business affairs of both the sorority and its entity, SPSS Foundation, Inc.

As the programs grow, the Sorority/Foundation will enlarge some of the needs of children and adults: mentoring children and offering educational enhancements. The

adults will be served food baskets and other out-reach ministries programs.

Our current programs give to the Women's Shelter, Holiday gift-giving and Program Visitations at the health-care institutions in Robeson County and in foreign countries.

We engage in a three-level program for girls: Emerging Young Leaders: 8-12 yrs.; Debutantes 14-18 years of age who are en-route to higher education, many of whom are given financial scholarships upon graduation from high school and after completion of college.

The Ivy House is our outreach center. We have Officers and a Board of Directors. Frances M. Cummings is President of the Sisters With Pearls Serving Society

Foundation, Inc. and Gwendolyn Roberts is President of the Alpha Kappa Alpha Sorority.

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: Frances M. Cummings 1708 Maryland St., L'ton, NC28358
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, Cathy L. Buie, 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: McCummings
Signature

WITNESS my hand and official seal, this the 25th day of July, 2013.

(Official Seal)

Cathy L. Buie
Official Signature of Notary

Cathy L. Buie, Notary Public
Notary's printed or typed name

My Commission Expires: October 13, 2015

Owner: Frances M. Cummings 1708 Maryland St., Lum'ton 28358
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, Cathy L. Buie, 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: McCummings
Signature

WITNESS my hand and official seal, this the 25th day of July, 2013.

(Official Seal)

Cathy L. Buie
Official Signature of Notary

Cathy L. Buie, Notary Public
Notary's printed or typed name

My Commission Expires: October 13, 2015

3 of 3

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

File # _____

7/23/2012

Updated 4/5/2012

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

This certifies that PIN: ; 3249 03 011
is free of any delinquent ad valorem Tax liens
charged to the Robeson County Tax Collector;
but does not certify that the deed description
matches this PIN.

Mapping Technician Signature

Date 7/25/13

ROBESON CO, NC FEE \$26.00
STATE OF NC REAL ESTATE EXT
\$40.00
PRESENTED & RECORDED:
07-25-2013 02:44:53 PM
VICKI L LOCKLEAR
REGISTER OF DEEDS
BY: YOLANDA WILLIAMS
DEPUTY
BK:D 1914
PG:461-463

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$40.00

Parcel Identifier No. 3249-03-011 Verified by _____ County on the _____ day of _____, 2013
By: _____

Mail/Box to: SMITH & GRAHAM, LLP, PO BOX 965, LUMBERTON, NC 28359

This instrument was prepared by: CRYSTAL L. GRAHAM ATTORNEY AT LAW

Brief description for the Index: Lots 3, 4, 5, 6, 7, and 8 - A. G. Thompson Subdivision

THIS DEED made this 25th day of July, 2013 by and between

GRANTOR

**ROBERT L. MOORE and Wife
ALICE FAYE MOORE**

**Address: 2366 Meadow Road
Lumberton, NC 28358**

GRANTEE

**SISTERS WITH PEARLS SERVING
SOCIETY FOUNDATION, INC.**

**Address: 1708 Maryland Street
Lumberton, NC 28358**

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all

That certain lot or parcel of land situated in the City of **LUMBERTON**, **LUMBERTON** Township, **ROBESON** County, North Carolina and more particularly described as follows:

SEE ATTACHED "SCHEDULE A"

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 1855, Page 347**.

All or a portion of the property herein conveyed X includes or _____ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in **Plat Book 6, Page 83**.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

SUBJECT TO AD VALOREM TAXES; ALL APPLICABLE ZONING AND LAND USE ORDINANCES, STATUTES AND REGULATIONS; AND TO THE PROVISIONS OF ALL APPLICABLE RESTRICTIVE COVENANTS AND UTILITY EASEMENTS OF RECORD.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Robert L. Moore (SEAL)
ROBERT L. MOORE

Alice Faye Moore (SEAL)
ALICE FAYE MOORE

State of North Carolina - County of Robeson

I, the undersigned Notary Public of the County and State aforesaid, certify that **ROBERT L. MOORE** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 July, 2013.

My Commission Expires
(Affix Seal)

7/14/2016

Lillie Townsend Notary Public

PRINT NAME: Lillie Townsend

State of North Carolina - County of Robeson

I, the undersigned Notary Public of the County and State aforesaid, certify that **ALICE FAYE MOORE** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 25 day of July, 2013.

My Commission Expires

7/16/2016

Lillie Townsend Notary Public

PRINT NAME: Lillie Townsend

SCHEDULE "A"

On the northwest side of U.S. Highway No. 41 leading from Lumberton to Fairmont, and being all of Lots Nos. Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of the subdivision of the A.G. Thompson lands as shown on Book of Maps No. 6, at page 83, Robeson County, North Carolina, Registry, reference to which is hereby made for the purpose of further identifying the same, and being further described as follows: Beginning at an iron stob in the west edge of U.S. Highway No. 41, the northeast corner of the A.G. Thompson property of which this is a part and runs thence along the west edge of said highway in the southwesterly direction 70 feet to an iron stake at the end of a new dividing line in said property; thence as said new dividing line North 63 degrees 35 minutes West 210 feet to a stake, the western corner of Lot No. 8 of said division, also the corners of Lots Nos. 11 and 12 of same; thence North 33 degrees 35 minutes East, along the northwestern lines of Lots Nos. 8, 7, 6, 70 feet to a stake in the W. H. Knuckles estate line; thence along the Knuckles line South 63 degrees 35 minutes East 210 feet to the beginning, said lot having a frontage on the Highway of 70 feet and extending northwesterly there from 210 feet, and being a part of the lands formerly owned by Elias M. Thompson. See also deed dated January 4, 1996, from Willie Worley and Portia Worley, to Charles Worley for and during the term of his lifetime with remainder interest to Harold Worley and wife, Marzella Worley, recorded in Book 890, at Page 146, in the Register of Deeds of Robeson County, North Carolina.

Save and except any releases, deeds of release or prior conveyances of record.

Said property is commonly known as 1400 Martin Luther King Jr Drive, Lumberton, North Carolina.

GRANTOR'S INITIALS: RLM & AFM

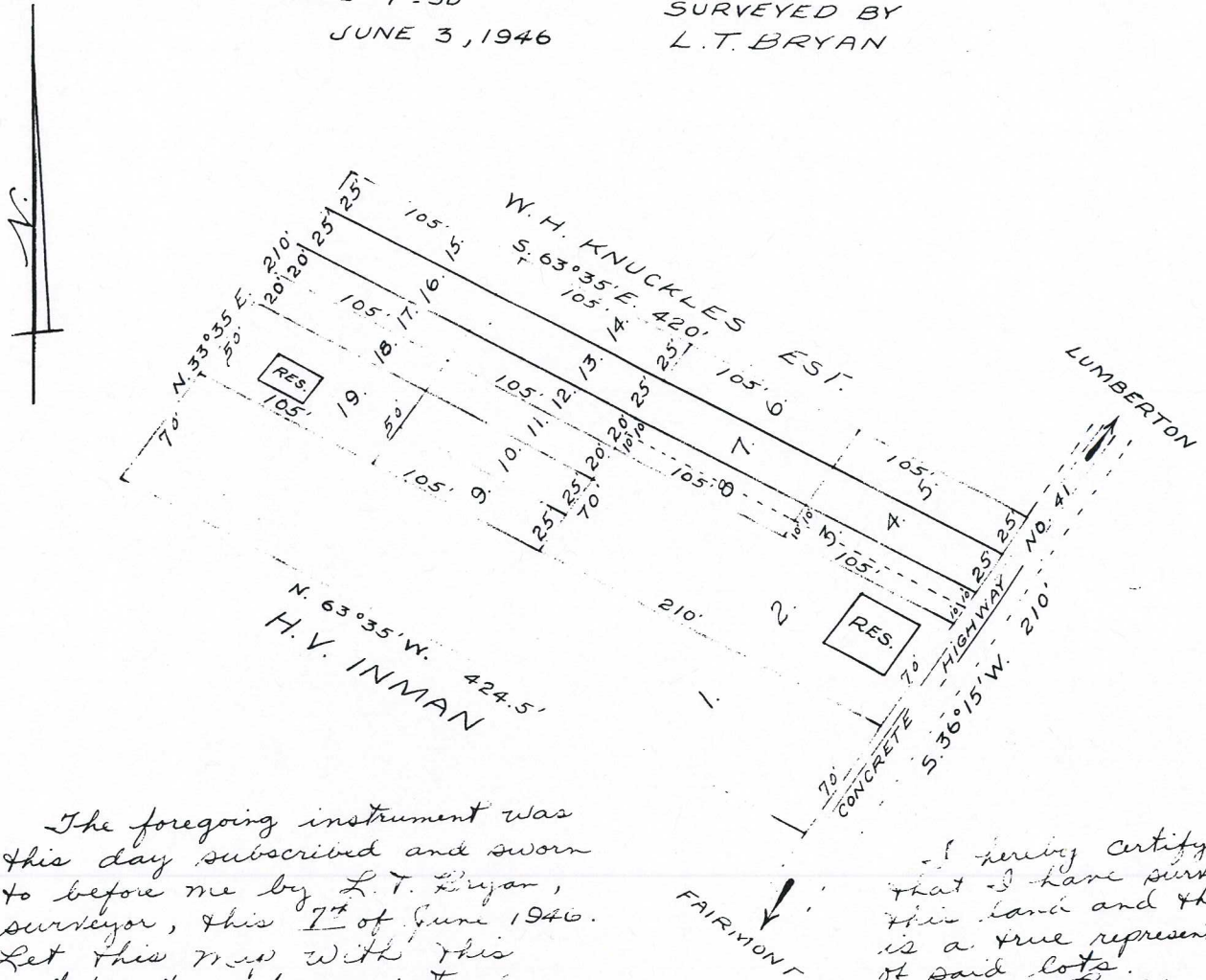
MAP OF A.G. THOMPSON SUB-DIVISION

LOCATED IN LUMBERTON TWP.,
ROBESON CO., N.C.

SCALE - 1" = 50'

JUNE 3, 1946

SURVEYED BY
L.T. BRYAN



The foregoing instrument was
this day subscribed and sworn
to before me by L.T. Bryan,
surveyor, this 7th of June 1946.
Let this map with this
certification be registered.

B. J. McMillan
Clerk Superior Court.

Filed and Recorded June 7th, 1946, Book #6, page 83.

L. H. Inman
Register of Deeds.

I hereby certify
that I have surveyed
this land and this
is a true representation
of said lots.

L. T. Bryan
Surveyor.

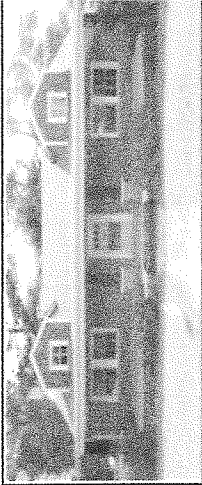
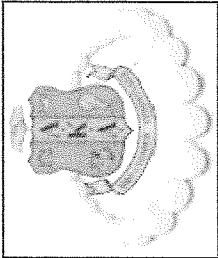
SISTERS WITH PEARLS SERVING SOCIETY
FOUNDATION, INC.
Sigma Iota Omega Chapter
AKA Sorority, Inc.

SPSS

Foundation, Inc.

Sisters With Pearls Serving Society
With Two Major Purposes . . .

- o CHARITABLE
- o EDUCATIONAL



"The Ivy House"
1400 Martin Luther King, Jr. Driv
Lumberton, NC 28358

President: Frances M. Cummings
1708 Maryland Street
Lumberton, NC 28358

Vice-President: Musheerah Ali
1130 Furman Dr. Apt. B2
Lumberton, NC 28358

Secretary: Denotra Powell
70 Crescent Street
Lumberton, NC 28358

Assist. Secretary: Iris Herring
4515 Manchester Lane - Lumberton, NC 28358

Financial Secretary: Raven Powers
414 W. 24th Street - Lumberton, NC 28358

Treasurer: Vickie Tate
2059 7th Street - Lumberton, NC 28358

Legal Council: Tiffany Peguise-Powers, ESQ
414 W. 24th Street - Lumberton, NC 28358

Gwendolyn Roberts: SIO President
539 E. 11th Street - Lumberton, NC 28358

Glenda Gerald, SIO Financial Secretary
703 S. Main Street - Fairmont, NC 28340

Monche Simmons
SIO Program Chairperson
422 Ward Street-Whiteville, NC 28472

(Complete Form and Mail on or before December 10, 2013)

Sisters With Pearls Serving Society, Inc.
1708 Maryland Street
Lumberton, NC 28358

NAME: _____

ADDRESS: _____

E-Mail: _____

Telephone: _____

Donation: \$ _____

Signature: _____

“A VISION WITHOUT ACTION
IS JUST A DREAM”

SPSS History

The Sisters With Pearls Serving Society Foundation, Inc. was established February 25, 2013, emerging from a group of leading members of Sigma Iota Omega Chapter, Alpha Kappa Alpha Sorority, Inc. These leaders joined together to immediately establish the organization as a nonprofit status, making contributions to qualify as exempt organizations under section 501 (c) 3.

On July 25, 2013, the SIO Chapter and its entity, the SPSS, purchased its meeting headquarters, a sorority house, known as “The Ivy House.”

“This new development is a reaffirmation of the mission, purpose, goals and intent of the sorority where there is a pipeline of qualified leadership. The sorority is continuously seeking to do more to improve lives. Reflections of our initiatives make me to know that it really does take all of us--the public, private and nonprofit sectors working together to make a meaningful difference in peoples lives. This is a privilege to move ahead together.”

Thank you in advance for your ongoing commitment and support.

Frances McArthur Cummings, Founder

Our Mission

The mission of SPSS Foundation, Inc. is to foster educational advancement, to secure resources to serve the needs of the community and to provide opportunities for establishing and acquiring.

CONTACTS:

- * Ms. Gwendolyn Roberts, President, Sigma Iota Omega - Alpha Kappa Alpha Sorority, Inc. 910-738-2778 - Goimbledd2windstream.net
- * Ms. Frances M. Cummings, SPSS President 910-739-0094 - fcummings@nc.rr.com

The Sisters With Pearls Serving Society Foundation, Inc. is the vision of the twenty-three year old Sigma Iota Omega Chapter of Alpha Kappa Alpha Sorority, Inc. Strong ties and support for the twenty-three year old and the eight-month old organizations continue for these cornerstones of Robeson and surrounding counties.

Establishing The Ivy House is one of the strategies of the sorority to preserve its real heritage and the memory of the historical area of many of the members. Sigma Iota Omega Chapter has a rich and valuable history of enhancing and strengthening the communities and promoting education among citizens across the nation.

The vision of SPSS, housed in The Ivy House, is immeasurable. As the Foundation and The Ivy House develop, they will provide needed resources as a museum, recreational and cultural events, economic stability, and community and educational support.

The most immediate and greatest need is the necessary renovation making The Ivy House compatible and user-friendly.

How You Can Help: Citizens, friends, business and educational leaders and supporters are requested to be diligent and vigilant in responding to the needs of SPSS and The Ivy House. Your tax-deductible financial contribution is needed to assist with our educational and charitable programs.

*Please let us hear from you, and we
thank you for your support in helping
us to serve the communities' citizens.*

Enclosed is my tax deductible gift

<u>Individual Sponsorship Level</u>	
<u>Pearl*</u> - Donation level:	\$1,000.00
<u>Gold*</u> - Donation level:	\$500-\$999.00
<u>Silver*</u> - Donation level:	\$200-\$499.00
<u>Patron*</u> - Donation level:	Up to \$100.00

*Donations by Reactivated Sorors at Silver level or higher will be emphasized with marking of an Ivy Leaf.

<u>Corporate Sponsorship Level</u>	
<u>Ivy Sponsor*</u> - Donation levels:	\$2,000
<u>Golden (Ivy) Leaf *</u> -	\$1,000 - 1,999.00
<u>(Tea) Rose Sponsor*</u> -	\$ 200 - 499.00

*Donations made at the Golden Leaf Corporate Sponsor level or higher will receive special recognition with their logo on the SPSS Foundation website and an ad in our Annual Banquet Souvenir Booklet.

All contributors will be recognized at the official opening celebration.

Sisters With Pearls Serving Society Foundation, Inc. is a 501(c)3 non-profit organization. Donations may be deductible to the fullest extent by law.

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Attorney

Submission Date: November 1, 2013

Subject: Begging Ordinance

Summary/Background of Subject Matter -

The City Code now includes:

Sec. 15.15 - Begging.

No person shall beg on the streets of the city without first having secured a permit.

(Code 1967, § 18-1)

Chief McNeill suggested that the City would be better served by prohibiting begging. Code provisions from a few other municipalities were considered, and a new code section prepared.

Recommendation for CC Consideration:

Consider adopting the attached proposed ordinance.

Signature: *Rob Price*

Department: City Attorney

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

**ORDINANCE AMENDING SECTION 15-15 OF CHAPTER 15 OF THE
CITY CODE OF ORDINANCES
OF THE CITY OF LUMBERTON, NORTH CAROLINA**

BE IT ORDAINED by the City Council of the City of Lumberton that Chapter 15 – Offenses-Miscellaneous, Article I In General, of the Code of Ordinances of the City of Lumberton, North Carolina, be and is hereby amended by replacing the existing Section 15-15 Begging with the following:

Section 15-15 - Begging

- a. Authority** North Carolina General Statutes 160A-178 and 160A-179 give the city the power to prohibit or regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person.
- b. Begging Prohibited** No person shall beg or otherwise canvass the public for contributions for the private benefit of the solicitor or any other person on any public or private property, including the right of way of any interstate, federal, or city highway, road, or street, within the City.
- c. Beggar Refusing To Leave** Any beggar who enters upon premises owned, leased, or rented by another and willfully refuses to leave said premises after having been notified by the owner or possessor of said premises, or his agent, to leave shall be in violation of this ordinance.
- d. Solicitation of Contributions from the Public** Nothing in this ordinance shall prohibit any licensed non-profit agency holding 501(c)3 status from soliciting funds in the B-1, B-2, B-2H, B-4, B-5, and B-7 zoning districts with permission from the owner of said premises. No door-to-door solicitations are not allowed in any other zoning district without express prior communication from the possessor of the premises.
- e. Penalty for violation of article** Any violation of the provisions of this article shall constitute a Class 3 misdemeanor punishable, upon conviction, as provided in G.S. 160A-175 and G.S. 14-4.
- f. Severability** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

This ordinance shall be in full force and effect from and after the date of adoption.

On motion of Councilman _____, seconded by Councilman _____, the foregoing Ordinance was adopted the 18th day of November, 2013.

Raymond B. Pennington, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Robert E. Price, Interim City Attorney

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Attorney

Submission Date: November 13, 2013

Subject: Ordinance Amending Chapter 35

Summary/Background of Subject Matter -

The General Assembly recently adopted Session Law 2013-126, which made a large number of substantive changes to Chapter 160A of the General Statutes, which in turn requires changes to Chapter 35 of the City Code. A "Checklist" attachment is the School of Government's summary of the needed changes. It includes a copy of the legislation. A "Comparison" attachment shows the proposed deletions and additions to the City Code.

Recommendation for CC Consideration:

Adopt the Attached Ordinance.

Signature: *Rob Price*

Department: City Attorney

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

ORDINANCE AMENDING SECTIONS OF CHAPTER 35 OF THE CITY CODE OF ORDINANCES OF THE CITY OF LUMBERTON, NORTH CAROLINA

BE IT ORDAINED by the City Council of the City of Lumberton that the following sections be added to Chapter 35 – Land Use Ordinance of the Code of Ordinances of the City of Lumberton, North Carolina, replacing those sections of the same numbers where a section previously existed:

ARTICLE III. ADMINISTRATIVE MECHANISMS

DIVISION 1. PLANNING BOARD

Sec. 35-21. - Appointment and terms of planning board members.

(a) There shall be a planning board, under the authority given in G.S. 106-361, consisting of ten members. Eight members, appointed by the city council, shall reside within the city, one within each of the city's eight precincts. One member, appointed by the mayor, shall reside within the city's planning jurisdiction. One member, appointed by the Robeson County Board of Commissioners, shall reside within the city's extraterritorial planning area. If the Robeson County Board fails to make its appointment within 90 days after receiving a resolution from the city council requesting that it be made; the council may appoint someone from the city's extraterritorial planning area for the Robeson County Board.

(b) Planning board members shall be appointed for three-year terms, but members shall continue to serve until their successors have been appointed. Members may be appointed to successive terms without limitation.

(c) The members of the planning board shall serve as such without compensation.

(d) Extraterritorial members shall have equal rights, privileges and duties with the other members of the planning board regardless of whether the matters at issue arise within the city or within the extraterritorial area.

(e) Planning board members may be removed by the council at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the council shall hold a hearing on the removal before it becomes effective.

(f) If a planning board member appointed from a precinct moves out of his or her precinct, that shall constitute a resignation from the planning board, effective upon the date a replacement from that precinct is appointed by the council.

Sec. 35-24. Planning board officers.

(a) At its first meeting in September of each year, the planning board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the board's meetings and one member to serve as vice-chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

(b) The chair and vice-chair may take part in all deliberations and vote on all issues.
(Ord. No. 813, § 1, 6-3-85)

DIVISION 2. BOARD OF ADJUSTMENT

Sec. 35-29. - Appointment and terms of board of adjustment.

(a) There shall be a board of adjustment consisting of five (5) regular members and five (5) alternate members appointed by the council. One (1) regular member shall reside within the city's extraterritorial planning area and shall be appointed by the Robeson County Board of Commissioners. If the seat designated for the extraterritorial district remains vacant for ninety (90) consecutive days, the council may make the appointment. If a regular member is absent at the start of a meeting, the Chair of the Board of Adjustments will select an alternate to serve in that regular member's place for that meeting.

(b) Board of adjustment members shall be appointed for three-year terms, but members shall continue to serve until their successors have been appointed. Members may be appointed to successive terms without limitation.

(c) The members of the board of adjustment shall serve as such without compensation.

(d) Extraterritorial members shall have equal rights, privileges and duties with the other members of the board of adjustment regardless of whether the matters at issue arise within the city or within the extraterritorial area.

(e) Board of adjustment members may be removed by the council at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the council shall hold a hearing on the removal before it becomes effective.

(f) If a board of adjustment member appointed from a precinct moves out of his or her precinct, that shall constitute a resignation from the board of adjustment, effective upon the date a replacement from that precinct is appointed by the council.

(Ord. No. 813, § 1, 6-3-85; Ord. No. 1729, 5-24-99)

Sec. 35-32. Voting.

(a) The concurring vote of four-fifths of the regular board membership (excluding vacant seats and members who are disqualified from voting on the issue) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a special use permit) or to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.

(b) The concurring vote of a majority of the regular board membership (excluding vacant seats and members who are disqualified from voting on the issue) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a special use permit), other than to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) or has been allowed to withdraw from the meeting in accordance with subsection (d).

(c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

- (1) If the member has a direct financial interest in the outcome of the matter at issue; or
 - (2) If the matter at issue involves the member's own official conduct; or
 - (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
 - (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(d) A roll call vote shall be taken upon the request of any member.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-33. Board of adjustment officers.

(a) At its first regular meeting in September, the board of adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chair and preside over the board's meetings and one member to serve as vice-chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

(b) The chair or any member temporarily acting as chair and the clerk to the board are authorized to administer oaths to witnesses coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(c) The chair and vice-chair may take part in all deliberations and vote on all issues.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-34. Powers and duties of board of adjustment.

(a) The board of adjustment shall hear and decide:

- (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in section 35-91.
- (2) Applications for special use permits, as provided in subsection 35-46(a).
- (3) Applications for variances, as provided in section 35-92.
- (4) Any other matter the board is required to act upon by any other city ordinance.

(b) The board may develop rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter. These rules and regulations shall be subject to review and approval by the council and, upon approval, shall become effective for the board.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-35. Subpoenas. – The board of adjustment, through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with

standing under G.S. 160A-393(d) House Bill 276 Session Law 2013-126 Page 5 may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its order subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Sec. 35-36. Reserved.

DIVISION 3. LAND USE ADMINISTRATION AND PLANNING DIRECTOR

Sec. 35-37. Land use administrator.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the city manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "land use administrator" or "administrator." The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator."

Every time an administrator makes a decision affecting property, the administrator shall give written notice of the decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(Ord. No. 813, § 1, 6-3-85)

ARTICLE V. APPEALS, VARIANCES, INTERPRETATIONS

Sec. 35-91. Appeals.

(a) An appeal from any final order or decision of the administrator may be taken to the board of adjustment by any person who has standing under G.S. 160A-393(d), which provides that:

Standing. - A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons shall have standing to file a petition under this section:

(1) Any person meeting any of the following criteria:

- a. Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
- b. Has an option or contract to purchase the property that is the subject of the decision being appealed.

- c. Was an applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.
- (3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
- (4) A city whose decision-making board has made a decision that the council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of an ordinance adopted by that council.

An appeal is taken by filing with the city clerk a written notice of appeal specifying the grounds therefor. The date and time of filing shall be entered on the notice by the City Clerk.

(b) The owner or other party shall have 30 days from receipt of written notice of a decision within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(c) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Posting of signs shall not be required.

(d) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(e) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such

property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(f) Subject to the provisions of subdivision (e) of this section, the board of adjustment shall hear and decide the appeal within a reasonable time.

(g) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(h) The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(h) When hearing an appeal pursuant to G.S. 160A-400.9(e) (relating to historic districts) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

(i) The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The parties may agree upon the use of such standards and procedures as they deem would facilitate and manage such voluntary alternative dispute resolution.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-92. Variances.

(a) An application for a variance shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning and inspections department. Applications shall be handled in the same manner as applications for special use permits in conformity with the provisions of sections 35-48, 35-49, and 35-56.

(b) A variance shall be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit spirit, purpose, and intent of the ordinance shall be observed, ordinance, such that public safety and welfare secured, safety is secured, and substantial justice done. is achieved.

No change in permitted uses may be authorized by variance

(c) . Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

(d) A variance may be issued for an indefinite duration or for a specified duration only.

(e) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-93. Interpretations.

(a) Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as following such shorelines;

(4) Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map;

(5) Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(b) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator as provided in section 35-258.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-96. Board action on appeals and variances.

(a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption (see section 35-32), then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the board's membership (excluding vacant seats).

(b) Before granting a variance, the board must take a separate vote and vote affirmatively (by a four-fifths majority--see section 35-32) on each of the four required findings stated in subsection 35-92(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 35-92(b) shall include a statement of the specific reasons for findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more of the four criteria set forth in subsection 35-92(b) are not satisfied or that the application is

incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by more than one-fifth of the board's membership (excluding vacant seats).

(Ord. No. 813, § 1, 6-3-85)

ARTICLE VI. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Sec. 35-102. Notice of hearing.

The administrator shall give notice of any hearing required by section 35-101 in as follows:

(a) The administrator shall publish a notice of the hearing once a week for two successive weeks in a newspaper having general circulation in the Lumberton area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for the hearing. This period is to be computed in accordance with G.S. Section 1-594, which provides that the date of publication is not counted but the date of the hearing is.

(b) The administrator shall mail written notice of the hearing by first class mail at the last address listed on the county tax listings (except when there is evidence the tax records are incorrect) to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing, and to the owners as shown on the county tax records of all properties any portion of which is within 150 feet of the property subject to the hearing. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The administrator shall certify that the notice was mailed, and such certificate shall be deemed conclusive in the absence of fraud.

(c) The planning staff shall also prominently post notices of the public hearing on the site that is the subject of the hearing or on an adjacent street or highway right of way, and take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing of the hearing.

(d) The notice required or authorized by this section shall;

- (1) State the date, time and place of the hearing;
- (2) Summarize the nature and character of the hearing;
- (3) Identify the property that might be affected by the hearing; and,
- (4) State that the full text of the notice of the hearing may be obtained from the city clerk.

(e) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, no failure to comply with any of these provisions shall render any decision invalid, except as provided by state law.

ARTICLE VII. ENFORCEMENT AND REVIEW

Sec. 35-116. Quasi-judicial decisions and judicial review.

(a) The board (city council or board of adjustments shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based

upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the city clerk. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper delivery of the decision has been made.

(b) Every decision of the city council granting or denying a conditional use permit and every final decision of the board of adjustment shall be subject to review by the Superior Court of Robeson County by proceedings in the nature of certiorari pursuant to G.S. 160A-393.

(c) A petition for review by the superior court shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subsection (b). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(c) A copy of the writ of certiorari shall be served upon the City of Lumberton.
(Ord. No. 813, § 1, 6-3-85)

Secs. 35-117--35-120. Reserved.

**On motion of Councilman _____, seconded by Councilman _____,
the foregoing Ordinance was adopted on October 18, 2013.**

Raymond B. Pennington, Mayor

ATTEST:

Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Robert E. Price, Interim City Attorney

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ARTICLE III. ADMINISTRATIVE MECHANISMS

DIVISION 1. PLANNING BOARD

Sec. 35-21. ~~_~~ Appointment and terms of planning board members.

(a) ~~—~~ There shall be a planning board, under the authority given in G.S. 106-361. consisting of ten members. ~~eight~~ Eight members, appointed by the city council, shall reside within the city, one within each of the city's eight precincts. ~~two members~~ One member, appointed by the mayor, shall reside within the city's planning jurisdiction. One member, appointed by the Robeson County Board of Commissioners, shall reside within the city's extraterritorial planning area. If the Robeson County Board fails to make ~~these appointments~~ its appointment within 90 days after receiving a resolution from the city council requesting that ~~they~~ it be made; the council may ~~make them appoint someone from the city's extraterritorial planning area for the Robeson County Board.~~

(b) ~~—~~ Planning board members shall be appointed for three-year ~~staggered~~ terms, but members ~~may~~ shall continue to serve until their successors have been appointed. ~~Initially, persons residing in precincts one, two, and three and one extraterritorial area resident shall be appointed for three-year terms; persons residing in precincts four, five, and six shall be appointed for two-year terms; and persons residing in precincts seven and eight and one extraterritorial area resident shall be appointed for one-year terms. Vacancies may be filled for unexpired terms only.~~

~~(c) —~~ Members may be appointed to successive terms without limitation.

~~(d) —~~ (c) The members of the planning board shall serve as such without compensation.

(d) Extraterritorial members shall have equal rights, privileges and duties with the other members of the planning board regardless of whether the matters at issue arise within the city or within the extraterritorial area.

(e) Planning board members may be removed by the council at any time for failure to attend three consecutive meetings or for failure to attend 30 percent or more of the meetings within any ~~12~~ twelve-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the council shall hold a hearing on the removal before it becomes effective.

~~(e) —~~ (f) If a planning board member appointed from a precinct moves out of his or her precinct, that shall constitute a resignation from the planning board, effective upon the date a replacement from that precinct is appointed by the council.

~~(Ord. No. 813, § 1, 6-3-85)~~

Sec. 35-24. Planning board officers.

(a) At its first meeting in September of each year, the planning board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as ~~chairman~~ chair and preside over the board's meetings and one member to serve as vice-~~chairman~~ chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

(b) The ~~chairman~~ chair and vice-~~chairman~~ chair may take part in all deliberations and vote on all issues.

(Ord. No. 813, § 1, 6-3-85)

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Attachment: Ordinance Amending Chapter 35 - Comparison (1233 : Ordinance Amending Chapter 35)

DIVISION 2. BOARD OF ADJUSTMENT

Sec. 35-29. - Appointment and terms of board of adjustment.

~~(a)~~ (a) There shall be a board of adjustment consisting of five (5) regular members and five (5) alternate members appointed by the council. One (1) regular member shall reside within the city's extraterritorial planning area and shall be appointed by the Robeson County Board of Commissioners. If the seat designated for the extraterritorial district remains vacant for ninety (90) consecutive days, the council may make the appointment. If a regular member is absent at the start of a meeting, the Chair of the Board of Adjustments will select an alternate to serve in that regular member's place for that meeting.

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~~(b) Regular board~~ (b) Board of adjustment members shall be appointed for three-year terms, but ~~may members shall~~ continue to serve until their successors have been appointed. ~~Vacancies may be filled for the unexpired terms only.~~

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~~(c)~~ (e) Members may be ~~reappointed~~ appointed to successive terms without limitation.

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(c) The members of the board of adjustment shall serve as such without compensation.
(d) Extraterritorial members shall have equal rights, privileges and duties with the other members of the board of adjustment regardless of whether the matters at issue arise within the city or within the extraterritorial area.

~~(d) (e)~~ Board of adjustment members may be removed by the council at any time for failure to attend three ~~or more consecutive meetings or for failure to attend 30 percent or more of the~~ meetings within any ~~12 twelve~~-month period or for any other good cause related to performance of duties.

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~~(e) Extraterritorial planning area members may vote~~ Upon request of the member proposed for removal, the council shall hold a hearing on ~~all matters the removal before the board of adjustment to the same extent as other members. it becomes effective.~~

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~~-(f) If a board of adjustment member appointed from a precinct moves out of his or her precinct, that shall constitute a resignation from the board of adjustment, effective upon the date a replacement from that precinct is appointed by the council.~~

(Ord. No. 813, § 1, 6-3-85; Ord. No. 1729, 5-24-99; ~~Ord. #?, 6-11-12~~)

Sec. 35-32. Voting.

(a) The concurring vote of four-fifths of the regular board membership (excluding vacant seats and members who are disqualified from voting on the issue) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a special use permit) or to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.

(b) The concurring vote of a majority of the regular board membership (excluding vacant seats and members who are disqualified from voting on the issue) shall be necessary to reverse any order, requirement, decision, or determination of the

administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a special use permit), other than to grant any variance. All other actions of the board shall be taken by majority vote, a quorum being present.

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) or has been allowed to withdraw from the meeting in accordance with subsection (d).

(c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

- (1) If the member has a direct financial interest in the outcome of the matter at issue; or
- (2) If the matter at issue involves the member's own official conduct; or
- (3) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
- (4) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(d) A roll call vote shall be taken upon the request of any member.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-33. Board of adjustment officers.

(a) At its first regular meeting in September, the board of adjustment shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as ~~chairman~~chair and preside over the board's meetings and one member to serve as vice-~~chairman~~chair. The persons so designated shall serve in these capacities for terms of one year. Vacancies may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).

(b) The ~~chairman~~chair or any member temporarily acting as ~~chairman~~maychair and the clerk to the board are authorized to administer oaths to witnesses coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(c) The ~~chairman~~chair and vice-~~chairman~~chair may take part in all deliberations and vote on all issues.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-34. Powers and duties of board of adjustment.

(a) The board of adjustment shall hear and decide:

- (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in section 35-91.
- (2) Applications for special use permits, as provided in subsection 35-46(a).
- (3) Applications for variances, as provided in section 35-92.

~~(4) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in section 35-93.~~

~~(5)(4)~~ Any other matter the board is required to act upon by any other city ordinance.

(b) The board may develop rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter. These rules and regulations shall be subject to review and approval by the council and, upon approval, shall become effective for the board.

(Ord. No. 813, § 1, 6-3-85)

~~Secs. 35-35.~~ **Sec. 35-35. Subpoenas.** – The board of adjustment, through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) House Bill 276 Session Law 2013-126 Page 5 may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its order subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Sec. 35-36. Reserved.

DIVISION 3. LAND USE ADMINISTRATION AND PLANNING DIRECTOR

Sec. 35-37. Land use administrator.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the city manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "land use administrator" or "administrator." The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator."

Every time an administrator makes a decision affecting property, the administrator shall give written notice of the decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(Ord. No. 813, § 1, 6-3-85)

ARTICLE V. APPEALS, VARIANCES, INTERPRETATIONS

Sec. 35-91. Appeals.

(a) An appeal from any final order or decision of the administrator may be taken to the board of adjustment by any person ~~aggrieved. An appeal is taken by filing with the administrator and the board of adjustment a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the administrator and the board of adjustment when delivered to the planning and inspections department, and the date and time of filing shall be entered on the notice by the planning staff who has standing under G.S. 160A-393(d), which provides that:~~

~~(Standing. - A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons shall have standing to file a petition under this section:~~

~~(1) Any person meeting any of the following criteria:~~

~~a. Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.~~

~~b) —. Has an option or contract to purchase the property that is the subject of the decision being appealed.~~

~~c. Was an applicant before the decision-making board whose decision is being appealed.~~

~~(2) Any other person who will suffer special damages as the result of the decision being appealed.~~

~~(3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal—must be—~~

~~(4) A city whose decision-making board has made a decision that the council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of an ordinance adopted by that council.~~

~~An appeal is taken within by filing with the city clerk a written notice of appeal specifying the grounds therefor. The date and time of filing shall be entered on the notice by the City Clerk.~~

~~(b) The owner or other party shall have 30 days after the date of the decision or order appealed from from receipt of written notice of a decision within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.~~

~~(c) Whenever an appeal is filed, the administrator shall forthwith (c) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the~~

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property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Posting of signs shall not be required.

(d) The official who made the decision shall transmit to the board of adjustment all the papers, documents and exhibits constituting the record relating to upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(d) — (e) An appeal stays all actions by the administrator seeking of a notice of violation or other enforcement order stays enforcement of or compliance with the order or decision action appealed from, unless the administrator official who made the decision certifies to the board of adjustment that (after notice of appeal has been filed that because of the facts stated in the certificate) an affidavit, a stay would, in his opinion, cause imminent peril to life or property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by order of the a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(f) Subject to the provisions of subdivision (e) of this section, the board of adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator shall hear and decide the appeal within a reasonable time.

(e) — (g) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(h) The board of adjustment may reverse or affirm (, wholly or partly), or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion, ought to be made in the case before it. To this end, the The board shall have all the powers of the officer from whom official who made the decision.

(h) When hearing an appeal is taken pursuant to G.S. 160A-400.9(e) (relating to historic districts) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

(i) The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The parties may agree upon the use of such standards and procedures as they deem would facilitate and manage such voluntary alternative dispute resolution.

(Ord. No. 813, § 1, 6-3-85)

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Sec. 35-92. Variances.

(a) An application for a variance shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning and inspections department. Applications shall be handled in the same manner as applications for special use permits in conformity with the provisions of sections 35-48, 35-49, and 35-56.

(b) A variance ~~may~~shall be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in ~~practical difficulties or unnecessary hardships for the applicant and that, by granting upon a showing of all of the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that~~ following:

- (1) ~~If unnecessary hardship would result from the applicant complies strictly with the provisions strict application of the ordinance, he can make. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of his the property;~~
- (2) ~~The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;~~
- (3) ~~The hardship relates results from conditions that are peculiar to the applicant's land, rather than property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.~~

~~(4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;~~

~~(5) The hardship is not the result of the applicant's own actions; and~~

~~(6) The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.~~

~~(c) In granting variances, the board of adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.~~

~~(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.~~

~~(4) The requested variance is consistent with the spirit spirit, purpose, and intent of the ordinance shall be observed, ordinance, such that public safety and welfare secured, safety is secured, and substantial justice done. is achieved.~~

~~No change in permitted uses may be authorized by variance~~

~~(c) . Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.~~

(d) A variance may be issued for an indefinite duration or for a specified duration only.

(e) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

(Ord. No. 813, § 1, 6-3-85)

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Sec. 35-93. Interpretations.

~~(a) The board of adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such question arise in the context of an appeal from a decision of the zoning administrator, they shall be handled as provided in section 35-91.~~

~~(b) An application for a map interpretation shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning and inspections department. The application shall contain sufficient information to enable the board to make the necessary interpretation.~~

~~(c)~~ (a) Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as following such shorelines;

(4) Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map;

(5) Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(eb) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator as provided in section 35-258.

(Ord. No. 813, § 1, 6-3-85)

Sec. 35-96. Board action on appeals and variances.

(a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption (see section 35-32), then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the board's decision if supported by more than one-fifth of the board's membership (excluding vacant seats).

(b) Before granting a variance, the board must take a separate vote and vote affirmatively (by a four-fifths majority--see section 35-32) on each of the ~~six~~four required findings stated in subsection 35-92(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 35-92(b) shall include a statement of the specific reasons for findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more of the ~~six~~four criteria set forth in subsection 35-92(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's

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decision if supported by more than one-fifth of the board's membership (excluding vacant seats).

(Ord. No. 813, § 1, 6-3-85)

ARTICLE VI. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Sec. 35-102. Notice of hearing.

The administrator shall give notice of any hearing required by section 35-101 in ~~the same manner as required by section 35-323 as follows:~~
(Ord. No. 813, § 1, 6-3-85; Ord. No. 1636, 10-13-97)

(a) The administrator shall publish a notice of the hearing once a week for two successive weeks in a newspaper having general circulation in the Lumberton area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for the hearing. This period is to be computed in accordance with G.S. Section 1-594, which provides that the date of publication is not counted but the date of the hearing is.

(b) The administrator shall mail written notice of the hearing by first class mail at the last address listed on the county tax listings (except when there is evidence the tax records are incorrect) to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing, and to the owners as shown on the county tax records of all properties any portion of which is within 150 feet of the property subject to the hearing. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The administrator shall certify that the notice was mailed, and such certificate shall be deemed conclusive in the absence of fraud.

(c) The planning staff shall also prominently post notices of the public hearing on the site that is the subject of the hearing or on an adjacent street or highway right of way, and take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing of the hearing.

(d) The notice required or authorized by this section shall:

- (1) State the date, time and place of the hearing;
- (2) Summarize the nature and character of the hearing;
- (3) Identify the property that might be affected by the hearing; and,
- (4) State that the full text of the notice of the hearing may be obtained from the city clerk.

(e) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, no failure to comply with any of these provisions shall render any decision invalid, except as provided by state law.

ARTICLE VII. ENFORCEMENT AND REVIEW

Sec. 35-116. ~~Judicial~~Quasi-judicial decisions and judicial review.

~~(a)–(a)~~ The board (city council or board of adjustments shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the city clerk. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper delivery of the decision has been made.

~~(b)~~ Every decision of the city council granting or denying a conditional use permit and every final decision of the board of adjustment shall be subject to review by the Superior Court of Robeson County by proceedings in the nature of certiorari pursuant to G.S. 160A-393.

~~(b)–The c)~~ A petition for review by the ~~writ of certiorari must~~superior court shall be filed with the ~~Robeson County Clerk of Court within~~ clerk of superior court by the later of 30 days after the ~~later of the following occurrences:~~

~~(1) A written copy of the board's decision (see section 35-106) has been filed in the office of the planning and inspections department; and~~

~~(2) A written copy of the board's decision (see section 35-106) has been delivered, by personal service~~is effective or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed~~after~~ a written request for such copy at the hearing of the case~~copy thereof is given in accordance with subsection (b). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.~~

(c) A copy of the writ of certiorari shall be served upon the City of Lumberton.
(Ord. No. 813, § 1, 6-3-85)

Secs. 35-117--35-120. Reserved.

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Public Services

Submission Date: October 28, 2013

Subject: October 2013 Tax Releases

Summary/Background of Subject Matter -

Per G.S. 105-381, which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons:

Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.

The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:

2008-----	119.06
2009-----	144.28
2010-----	121.01
2012-----	376.07
2013-----	2,678.75

Recommendation for CC Consideration:

Approve the tax releases for the years and amounts listed above.

Signature: *Linda Oxendine*

Department: Public Services

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 14, 2013

Subject: P3 - CRF to Rowland Norment School

Summary/Background of Subject Matter -

Councilman Taylor requests \$1,000 of Community Revitalization Funds be given to Rowland Norment School for the Positive Behavioral Intervention Support Program in Precinct 6.

Recommendation for CC Consideration:

Designate \$1,000 of CRF to Rowland Norment School.

Signature: *Jackie Taylor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 14, 2013

Subject: P3 CRF to Boys and Girls Club

Summary/Background of Subject Matter -

Councilman Taylor requests \$2,500 of Community Revitalization Funds to the Boys and Girls Club to purchase essential items.

Recommendation for CC Consideration:

Designate \$2,500 of CRF to the Boys and Girls Club.

Signature: *Jackie Taylor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 14, 2013

Subject: P3 - CRF Robeson County Church and Community Center

Summary/Background of Subject Matter -

Councilman Taylor requests \$1,000 of Community Revitalization Funds be given to the Robeson County Church and Community Center for the Senior Citizens "Season for Giving Program."

Recommendation for CC Consideration:

Designate \$1,000 of CRF to Robeson County Church and Community Center.

Signature: *Jackie Taylor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management



North Carolina General Assembly House of Representatives

REPRESENTATIVE GARLAND E. PIERCE
48TH DISTRICT

OFFICE ADDRESS: 1204 LEGISLATIVE BUILDING
16 W. JONES STREET
RALEIGH, NC 27601-1096
TELEPHONE: (919) 733-5803
(919) 754-3164 FAX
EMAIL: garlandp@ncleg.net

DISTRICT: 48TH
DISTRICT ADDRESS: 21981 BUIE STREET
WAGRAM, NC 28396
TELEPHONE: (910) 369-2844

COMMITTEES:

APPROPRIATIONS
APPROPRIATIONS SUBCOMMITTEE ON NATURAL
AND ECONOMIC RESOURCES – VICE CHAIR
COMMERCE AND JOB DEVELOPMENT
HEALTH AND HUMAN SERVICES
INSURANCE
PUBLIC UTILITIES
REGULATORY REFORM

November 1, 2013

MEMORANDUM

TO: All Robeson County Elected Officials
Congressman Mike McIntyre

FROM: Representative Garland E. Pierce *GEP*

SUBJECT: **Season for Giving Program**

Thank you for your support and for participating again this year as we celebrate our fifth year of the Season for Giving Program to the senior citizens. We have had four successful years and this year, we want to have another successful year.

As we plan to celebrate our fifth year with the Season for Giving Program, I ask a special request that the Robeson County elected officials come together again to provide holiday meals for the senior citizens in our community. We are pleased to join efforts again this year with Robeson County Church and Community Center, Department of Social Services, and volunteers in the community. The program is scheduled to provide a Christmas dinner to our senior citizens on Saturday, December 21, from 10am to 1pm at the Lumberton Junior High School, located at 82 Marion Road in Lumberton.

If you plan to give a monetary donation, please make your check payable to Robeson County Church and Community Center. All donations will be used to purchase food items and prepare holiday baskets. Please mail your check to:

Ms. Darlene Jacobs, Executive Director
Robeson County Church and Community Center
600 West Fifth Street
Lumberton, NC 28358

We appreciate the support you have given in the past and thank you for your consideration of this special request. If you have any questions, please do not hesitate to let me know.

GEP/ma

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: October 31, 2013

Subject: P3 Community Revitalization Funds -Godwin Heights

Summary/Background of Subject Matter -

Councilman Taylor requests \$500.00 of CRF for the Godwin Heights Baptist Church Fall Festival Community Day in Precinct 3.

Recommendation for CC Consideration:

Approve the designation of \$500.00 of CRF to Godwin Heights Baptist Church.

Signature: *Jackie Taylor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 14, 2013

Subject: P3 CRF for Breath of Life Ministries, Inc.

Summary/Background of Subject Matter -

Councilman Taylor requests that \$300.00 of CRF be given to Breath of Life Ministries, Inc., to help with the cost food, toys and equipment that is used in its Outreach Ministry community events, i.e., Back to School Youth Explosion; Community Day and the Christmas Charity Program.

Recommendation for CC Consideration:

Designate \$300.00 of CRF to Breath of Life Ministries.

Signature: *Jackie Taylor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council
Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council
Subject: P5 Toys for Tots

Submission Date: November 14, 2013

Summary/Background of Subject Matter -

Councilman Cantey requests \$250.00 of Community Revitalization Funds for the "Toys for Tots" Program in the City of Lumberton.

Recommendation for CC Consideration:

Designate \$250.00 of Community Revitalization Funds to "Toys for Tots."

Signature: *John Cantey Jr.*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 15, 2013

Subject: P6 CRF Breath of Life Ministries, Inc.

Summary/Background of Subject Matter -

Councilman Jones requests that \$300.00 of CRF be given to Breath of Life Ministries, Inc., to help with the cost food, toys and equipment that is used in its Outreach Ministry community events, i.e., Back to School Youth Explosion; Community Day and the Christmas Charity Program.

Recommendation for CC Consideration:

Designate \$300.00 to Breath of Life Ministries, Inc.

Signature: *Robert Jones*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: October 31, 2013

Subject: P7 Community Revitalization Funds

Summary/Background of Subject Matter -

Councilman Maynor requests \$300.00 of CRF to be given to Miss North Carolina Johnna Edmund.

Recommendation for CC Consideration:

Approve the designation of \$300.00 of CRF to Miss NC Johnna Edmund.

Signature: *Leon Maynor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: October 31, 2013

Subject: P7 Community Revitalization Funds

Summary/Background of Subject Matter -

Councilman Maynor requests \$200.00 of CRF to be given to The Refuge located on W. 5th Street in Precinct 7.

Recommendation for CC Consideration:

Approve the designation of \$200.00 of CRF to the Refuge located on W. 5th Street.

Signature: *Leon Maynor*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: City Council

Submission Date: November 13, 2013

Subject: P8 - Community Revitalization Funds - Straightway Outreach Ministry

Summary/Background of Subject Matter -

Councilman Hackney requests \$300.00 of Community Revitalization Funds to be given to Straightway Outreach Center. The Straightway Outreach Center is sponsoring an outreach ministry for November 16th at Luther Britt Park to benefit approximately 600 elderly people from various area nursing homes and shelters.

Recommendation for CC Consideration:

Designate \$300.00 of CRF in Precinct 8 for the Straightway Outreach Center.

Signature: *Erich Hackney*

Department: City Council

City Manager's Comments:

Signature: *Wayne Horne*

Department: City Management

Lumberton City Council

Lumberton, North Carolina



REQUEST FOR CC ACTION

Meeting Date: November 18, 2013

Originated By: Planning / Inspections

Submission Date: November 15, 2013

Subject: RMC Holdings Rezoning

Summary/Background of Subject Matter -

The Planning & Neighborhood Services Department received a rezoning application from Larry Stone in care of RMC Holdings, Inc. for property located on West 5th Street and Hilton Street, parcels #1013-01-001.04 & #1013-01-001.05. The request is for a parallel conditional use rezoning from B-7 *Business-Mobile Home Sales* and B-4 *Business-General Commercial* to PCU B-4 with the following conditions:

1. No adult establishments
2. No stand alone bars
3. No night clubs
4. No flea markets

The applicant's intended use of the property is for development of a retail shopping center.

Planning Board reviewed the parallel conditional use rezoning request on September 17th and then again on October 22nd.

Recommendation for CC Consideration:

Planning Board unanimously recommends that City Council hold tonight's public hearing and approve the parallel conditional use rezoning for RMC Holdings, Inc. with the proposed conditions.

Signature: *Brandon Love*

Department: Planning / Inspections

City Manager's Comments:

<< FOR CITY MANAGER ONLY >>

Signature: *Wayne Horne*

Department: City Management

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: LARRY H. STONEFull Legal Name: RMC HOLDINGS, INCPhysical Address: 5006 LIVE OAK LNPhysical Address: 2701 W. 5TH ST.LUMBERTON NC 28359LUMBERTON NC 28359Mailing Address: PO Box 707Mailing Address: P.O. Box 707LUMBERTON NC 28359LUMBERTON, NC 28359Telephone: (910) 608-0138Telephone: (910) 608-0138Legal Name of Business: RMC HOLDINGS, INC2. Description of Property:2503 W. FIFTH STREET1205822100580

(Address)

(Deed Book)

(Page)

40137652'9.14 AC

(Map Book)

(Page)

(Frontage)

(Area)

3. Tax Map Identification Number (parcel number):10130100104
101301001054. Existing Zoning District Designation of Property:B7 & B45. Requested Zoning District Designation of Property:PCU B46. 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 # 6.102

7/23/2012

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):

RETAIL SHOPPING CENTER

1) NO ADULT ESTABLISHMENTS

2) NO STAND ALONE BARS

3) NO NIGHT CLUBS

4) NO FLEA MARKETS

2 of 3

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

File # 6.102

7/23/2012

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: LARRY H. STONE 5006 LIVE OAK LANE
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, Connie D. 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.

Applicant: Larry H. Stone
Signature

WITNESS my hand and official seal, this the 21 day of August, 2013.

(Official Seal)

Connie D. Britt
Official Signature of Notary

Connie D. Britt, Notary Public
Notary's printed or typed name

My Commission Expires: 3-30-15

Owner: LARRY H. STONE 5006 LIVE OAK LANE
Full Legal Name (type or print) Physical Address

STATE OF North Carolina COUNTY OF Robeson

I, Connie D. 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.

Owner: Larry H. Stone
Signature

WITNESS my hand and official seal, this the 21 day of August, 2013.

(Official Seal)

Connie D. Britt
Official Signature of Notary

Connie D. Britt, Notary Public
Notary's printed or typed name

My Commission Expires: 3-30-15

3 of 3

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

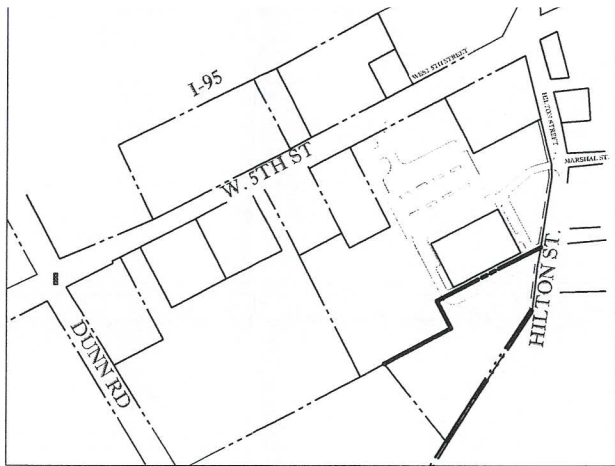
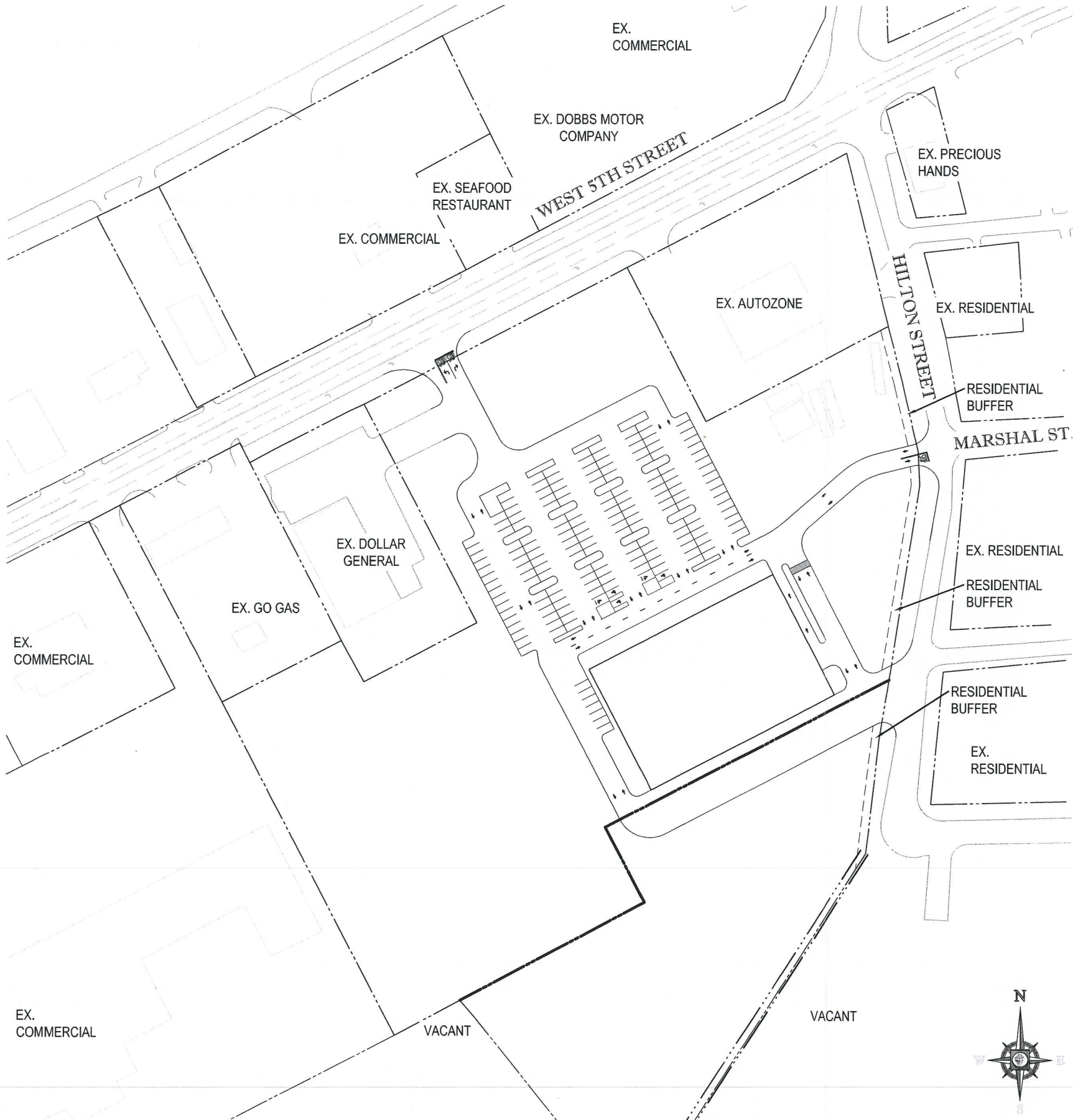
File # 6.102

7/23/2012

Updated 4/5/2012

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

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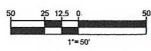


LEGEND

	PROPOSED BUILDING		PROJECT BOUNDARY
	PROPOSED 18" CURB AND GUTTER		EXISTING SITE FEATURES

NOTES:
1. EXISTING INFORMATION AND PROPOSED LAYOUTS OUTSIDE OF THE LEASE BOUNDARY ON THIS PLAN IS COMPRISED OF INFORMATION PROVIDED FROM ROBESON COUNTY GIS AND AN AERIAL FROM NC ONE MAP.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



CONCEPTUAL PLAN

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERING

PROJECT MANAGERS
SURVEYORS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

OFFICES:
• ALABAMA
• ARIZONA
• CALIFORNIA
• COLORADO
• CONNECTICUT
• DELAWARE
• FLORIDA
• GEORGIA
• ILLINOIS
• INDIANA
• IOWA
• KANSAS
• KENTUCKY
• LOUISIANA
• MARYLAND
• MASSACHUSETTS
• MICHIGAN
• MINNESOTA
• MISSISSIPPI
• MISSOURI
• MONTANA
• NEBRASKA
• NEVADA
• NEW HAMPSHIRE
• NEW JERSEY
• NEW YORK
• NORTH CAROLINA
• NORTH DAKOTA
• OHIO
• OKLAHOMA
• OREGON
• PENNSYLVANIA
• RHODE ISLAND
• SOUTH CAROLINA
• SOUTH DAKOTA
• TENNESSEE
• TEXAS
• UTAH
• VERMONT
• VIRGINIA
• WASHINGTON
• WEST VIRGINIA
• WISCONSIN
• WYOMING

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATE OF NORTH CAROLINA PROFESSIONAL ENGINEER SEAL IS BEING USED FOR THE PROJECT DESCRIBED HEREON. THE SEAL IS VALID FOR THE PROJECT DESCRIBED HEREON. THE SEAL IS VALID FOR THE PROJECT DESCRIBED HEREON.

BOHLER ENGINEERING

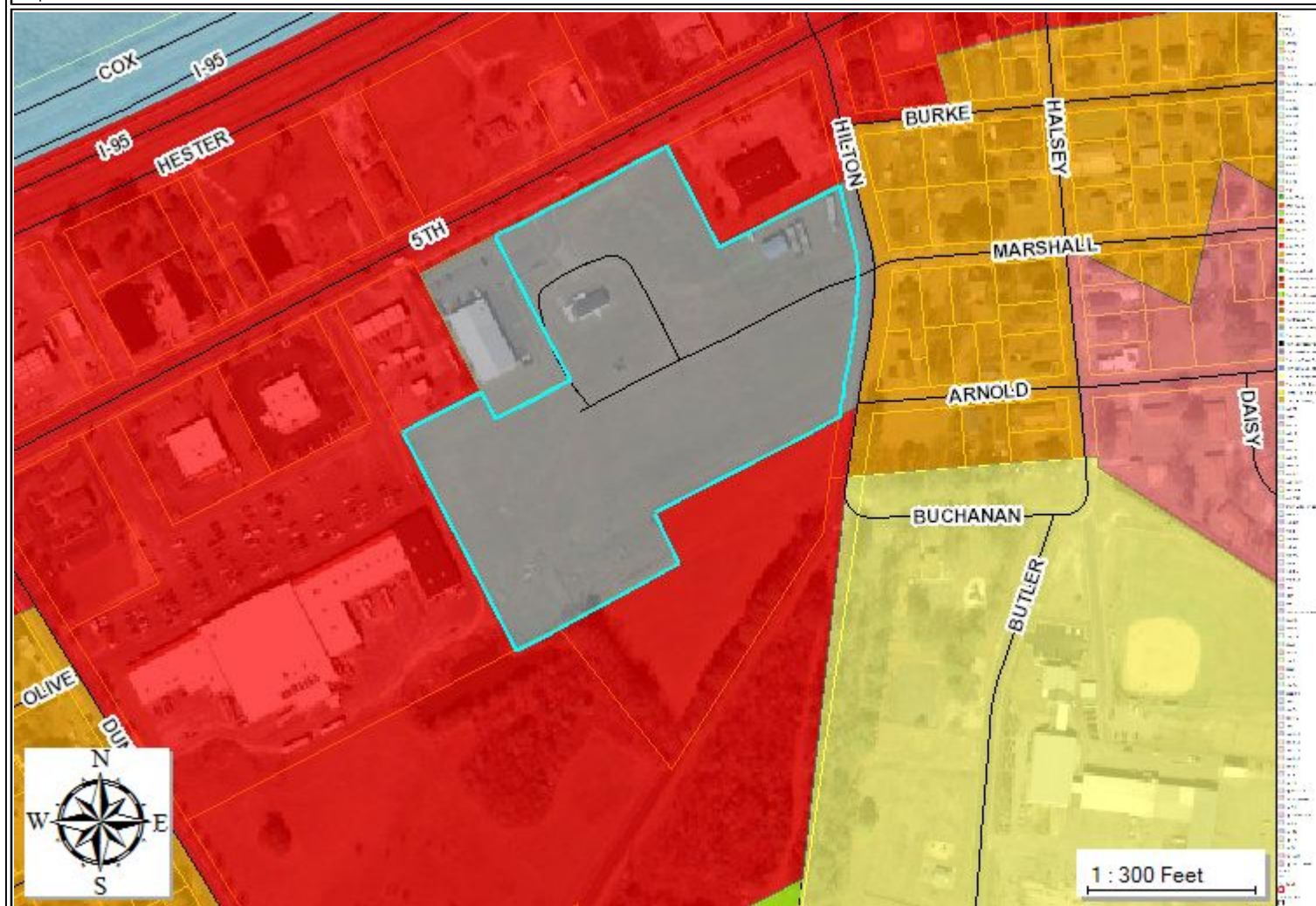
800 WEST HILL STREET, SUITE 101
CHARLOTTE, NC 28208
Phone: (980) 272-3400
Fax: (980) 272-3401
www.BohlerEngineering.com

W. 5TH STREET AND HILTON STREET
OVERALL CONCEPTUAL LAYOUT
LUMBERTON, NORTH CAROLINA

DRAWN	CRC
CHECKED	APM
DATE	10/18/13
SCALE	1"=50'
JOB No.	NCC138124
SHEET	

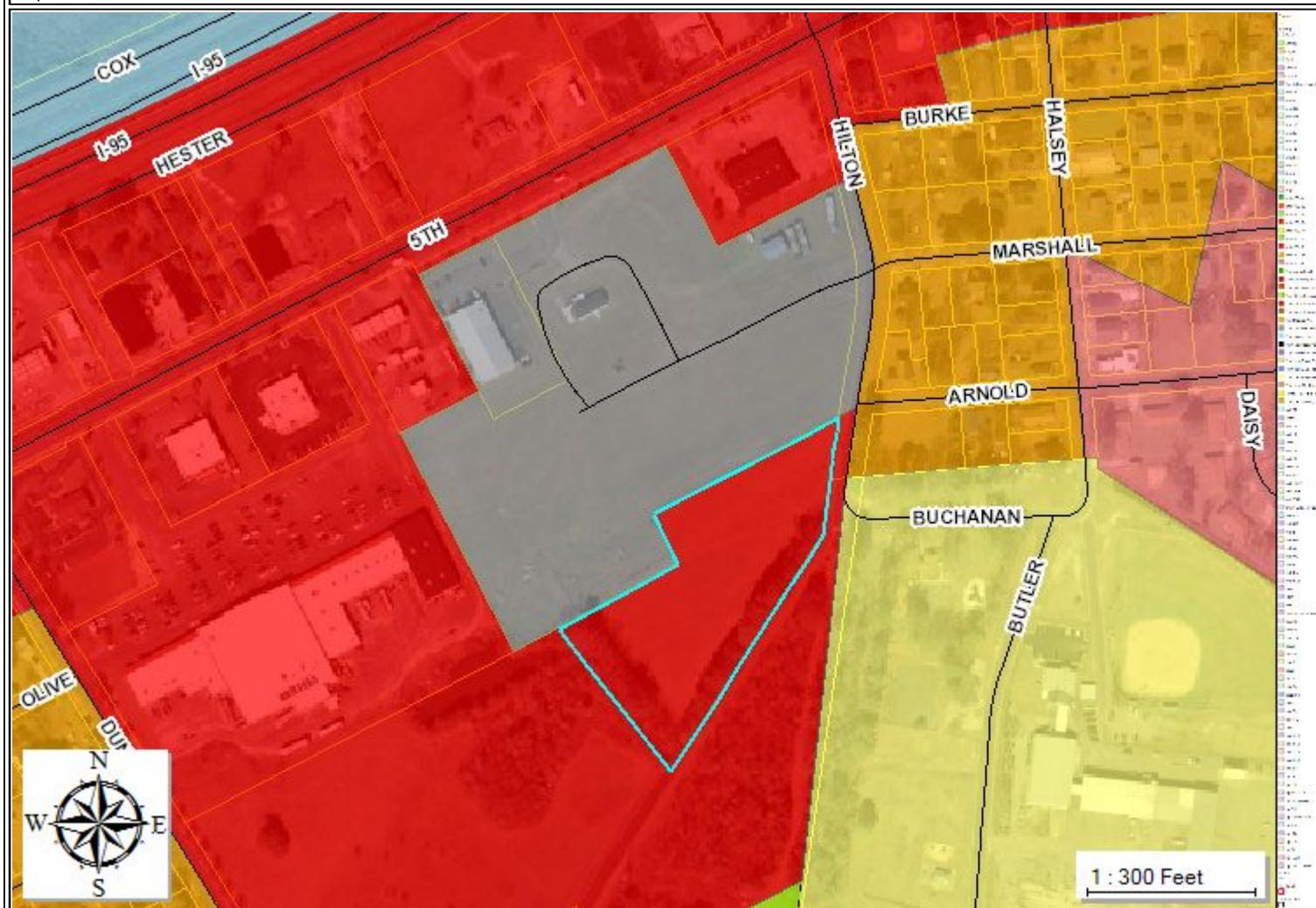
EX-1

 The information contained on this or any other associated page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed. This information is compiled from recorded deeds, plats and other public data. Users of the Robeson County Geographic Information System are hereby notified that the aforementioned information sources should be consulted for verification of the information contained on this map. Any errors or omissions should be reported to the Robeson County Geographic Information Systems Division. In no event will Robeson County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.



Attachment: RMC Holdings Map Tract 1 (1247 : RMC Holdings Rezoning)

 The information contained on this or any other associated page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed. This information is compiled from recorded deeds, plats and other public data. Users of the Robeson County Geographic Information System are hereby notified that the aforementioned information sources should be consulted for verification of the information contained on this map. Any errors or omissions should be reported to the Robeson County Geographic Information Systems Division. In no event will Robeson County be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.



Attachment: RMC Holdings Map Tract 2 (1247 : RMC Holdings Rezoning)