



CITY OF LUMBERTON

CITY COUNCIL

MINUTES • OCTOBER 7, 2020

Regular Meeting

Third Floor Conference Room

11:00 AM

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

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bruce W. Davis	Mayor	Present	
Leroy Rising	Mayor Pro Tem	Present	
Melissa Robinson	Precinct 2	Present	
John R. Carroll	Precinct 3	Present	
Karen Higley	Precinct 4	Present	
John Cantey	Precinct 5	Present	
Chris Howard	Precinct 6	Present	
Eric Chavis	Precinct 7	Present	
Owen Thomas	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Brandon Love	Deputy City Manager	Present	
Holt Moore	City Attorney	Present	
Laney Mitchell-McIntosh	City Clerk	Present	

B. Invocation –

C. Invocation: City Attorney Holt Moore –

II. PUBLIC COMMENT PERIOD

A. PC - Crystal Blue-Clawson –

RESULT: ANNOUNCED

B. PC - Tony Caulder - Noise and Parking Concerns –

RESULT: ANNOUNCED

C. PC - Olivia Oxendine –

RESULT: ANNOUNCED

III. PUBLIC HEARINGS:

A. B.G. French annexation request for property located in Amberdale Subdivision Section 3 Part 3, lots # 65, 66, 67, 68, 69, 70. – ArTriel Kirchner, Interim Planning Director

The Planning Department received an application for a contiguous annexation from B.G. French requesting the annexation of property located in Amberdale Subdivision Section 3 Part 3, lots #65, 66, 67, 68, 69, & 70 (Parcel #1004-02-080).

The property is currently zoned City of Lumberton B-3 (Office Residential) therefore a rezoning is not required.

On September 25, 2020 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the annexation request.

On September 24, 2020 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the annexation request.

On September 24, 2020 a request was sent to the Robesonian to have the legal ad for this request ran on September 26, 2020 and October 3, 2020.

The Planning Department recommend that City Council hold tonight's public hearing and approve the annexation request.

Mayor Davis opened the public hearing on a request for contiguous annexation for property located in Amberdale Subdivision Section 3 Part 3. The Affidavit of Publication from the Robesonian was submitted by City Clerk Mitchell-McIntosh.

Councilman Cantey asked Public Works Director Armstrong if the City has done its true diligence of this regarding flooding issues. He stated that it seems that every few months we are continuously adding other developments.

Director Armstrong stated that there are only 6 lots and this plan was accounted for within the Master Plan that was approved many years ago. There is a pond associated with this subdivision and at the time it was mandatory.

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

- B. Michael and Billie Gray, rezoning for property located at 810 Barker Ten Mile Road (ETJ). (parcel # 0816-01-003/Deed Book 2207 Page 547). – ArTriel Kirchner, Interim Planning Director

The Planning Department received a rezoning application from Michael and Billie Gray, for property located at 810 Barker Ten Mile Road. This request is to rezone the parcel from R-20, residential single-family and 'A', agriculture to R-3 residential multi-family for the retention of the single-family home and the addition of a duplex (multi-family use).

This property is located within Area 2 and its recommended future use is low intensity, as identified in our Land Use Plan. Furthermore, this property is located within the ETJ.

-On September 22, 2020 the Planning Board held the public meeting and recommends that City Council requests the application to be amended to a Parallel Conditional Use Permit with the condition that only a duplex be added to the property.

-On September 25, 2020 the Planning Department sent out letters to the adjacent property owners within 150 feet of the petitioned property, notifying them of the request.

-On September 24, 2020 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the request.

-On September 24, 2020 a request was sent to the Robesonian to have the legal ad for this request ran on September 26, 2020 and October 3, 2020.

The Planning Board recommends that City Council hold tonight's public hearing and approve the amended rezoning request with the condition that only a duplex be added to the property.

Mayor Davis opened the public hearing on a request to rezone property located at 810 Barker Ten Mile Road (ETJ). The Affidavit of Publication from the Robesonian was submitted by City Clerk Mitchell-McIntosh.

City Attorney Moore stated that he would like to pose a question to Council by roll call vote: Do you agree that if the rezoning is approved that it is consistent with the Land Use Plan and that it would be in the best interest of the public when you take into account the attributes of the area proposed to be rezoned, the benefits and detriments to the landowners, the neighbors and the surrounding community, the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.

Councilman Cantey asked the Interim Planning Director how would she answer this question:

The lot is 1.39 acres and in the low-intensity area, as identified by the Land Use Plan, recommends 4-6 units per acre. Based on the size of the lot, the recommended number of units is between 5 and 8. The total units allowed under our ordinance are ten units per acre, which allows 14 units. The request is for adding a duplex on the same lot as the existing single-family house, which will bring the total number of units to three.

Councilman Rising stated that it is his understanding that this property is family owned and that are asking to place only one duplex on this property.

Mr. Mike Gray stated that it is correct that it is family owned and only one duplex is being asked to be placed on the property.

Councilman Howard stated that Ms. Kirchner stated that there can be up to 8 units on the property and they stated that they are only asking for one right now. How do we know that they won't change their minds and add more at a later date. He asked would this be rental property? City Attorney Moore stated that they are committing to only one duplex. So if the Conditional Use Permit is put in place only one will be allowed.

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

IV. MINUTES APPROVAL

A. City Council - Regular Meeting - Mar 4, 2020 11:00 AM –

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

B. City Council - Regular Meeting - Sep 9, 2020 11:00 AM –

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

C. City Council - Special Meeting - Sep 16, 2020 11:00 AM –

RESULT:	ACCEPTED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Eric Chavis, Precinct 7
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

V. AGENDA ITEMS

A. Authorize the Lumberton Police Department to Retire Police Canine Nero and Handler to Purchase – Michael McNeill, Police Chief

The Police department is seeking authorization to retire Police Canine Nero due to failing health and let handler, Officer Travis Ransom, purchase him for \$1.

It is recommended that Police Canine Nero be retired and purchased by handler for amount of one (1) dollar.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

B. Authorize the Lumberton Police Department permission to purchase two vehicles and equipment – Michael McNeill, Police Chief

The Lumberton Police Department is requesting permission to purchase two vehicles and equipment for each. This equipment includes but is not limited to mobile data terminals (MDT's) and in-car cameras. These vehicles and the equipment will be reimbursed by the NC GHSP as these vehicles and the equipment are purchases made for the new DWI officers. It is recommended that the Lumberton Police Department be granted permission to purchase two vehicles and equipment for the DWI Enforcement Team which will be reimbursed by the NC GHSP.

RESULT:	APPROVED [8 TO 0]
MOVER:	Karen Higley, Precinct 4
SECONDER:	Owen Thomas, Precinct 8
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- C. Approval to Purchase a 2020 Directional Drill – Lamar Brayboy, Electric Utilities Director
The Electric Utilities Department seeks approval to purchase a 2020 Directional Drill from Vermeer Mid Atlantic Corporation through the Sourcewell bid contract for the price of \$212,420.00. Vermeer will accept our trade in on our existing 2004 Directional Drill and 1985 Flatbed truck for a price of \$25,000.00. With the trade in, the total purchase price will be \$187,420.00. The amount approved in our 2020-2021 Capital Budget is \$200,000.00. The Electric Utilities Department is requesting Council approval of the purchase of a 2020 Directional Drill from Vermeer Mid Atlantic Corporation in the amount of \$187,420.00.

RESULT:	APPROVED [8 TO 0]
MOVER:	Leroy Rising, Mayor Pro Tem
SECONDER:	John R. Carroll, Precinct 3
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- D. Requested equipment surplus of 1980 GMC 7000 Beverage Truck and donation of apparatus to Pembroke City Fire Department. – Chris West, Assistant Fire Chief
The fire department is requesting permission to surplus a 1980 GMC 7000 Beverage Truck to the Pembroke Fire Department. The 1980 service truck was originally donated to the Lumberton Fire Department for the purposes of Hazardous Materials response and to provide as a service vehicle for transporting equipment. The 1980 truck was replaced from funding in the 2019-2020 capital budget with an apparatus that better supports the functions of the department. The fire department requests that the 1980 truck be designated as surplus and donated to the Pembroke Fire Department.
The Lumberton Fire Department would like to recommend that the 1980 beverage truck be removed from inventory and donated to the Pembroke Fire Department.

RESULT:	APPROVED [8 TO 0]
MOVER:	Chris Howard, Precinct 6
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- E. Rosewood Mobile Home Park CDBG Sewer Extension Construction Contract – Rob Armstrong, Public Works Director
On September 22, 2020, Bids for the construction of the Rosewood Mobile Home Sanitary Sewer Improvement Project were received. Attached is a certified bid tab from the Wooten Company. The low bid was submitted by Jymco Construction Company Inc. of Smithfield for \$1,221,922.46. The project is funded by a CDBG grant and is within the allowable construction budget. The City Attorney will discuss the bids with Council.

<< Recommendation >>

City Attorney Moore stated that this is a CDBG project which has particular requirements associated with it. After an in depth discussion with The Wooten Company and CDBG staff; the low bidder, Jymco Construction Company failed to perform mandatory CDBG outreach requirements and must be disqualified. I sent out a letter yesterday with a little more detail about it.

With that said, the recommendation is to award the bid for the Rosewood Mobile Home Sanitary Sewer Improvement project to the second lowest bidder Ralph Hodge Construction Co. with a bid amount which includes the base and alternative of \$1,358,480.80 with the base bid of \$1,343,383. City Attorney Moore stated that the sum cost that will be the responsibility of RMHP owner; I am pleased to say that they wired in their portion which is \$39,214, this morning. If they had not it would have been the City's cost.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Melissa Robinson, Precinct 2
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

F. Engineering Agreement for the Raw Water Intake Improvement Project – Rob Armstrong, Public Works Director

In September Council selected the Wooten Company as the design engineer for the Raw Water Intake Flood Mitigation Project. The project is funded by a \$538,000 North Carolina Golden Leaf Grant and has a goal of elevating our Raw Water Intake pumps and controls and to provide more fuel storage so we can draw water from the river during extreme prolonged flooding events. Our next step in this project is to approve the attached engineering agreement.

Public Works is requesting Council approval of the \$119,130 professional services agreement with the Wooten Company to provide engineering design for the Raw Water Intake Flood Mitigation Project.

RESULT:	APPROVED [8 TO 0]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Chris Howard, Precinct 6
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

G. Beth Hunt, General Manager for CMH Home Inc. annexation request for property located at 6684 NC N 41 HWY – ArTriel Kirchner, Interim Planning Director

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Beth Hunt, General Manager for CMH Home Inc. requesting a contiguous annexation of property located at 6684 NC N 41 HWY (Parcel #29010100110).

The property is currently zoned City of Lumberton B-7 (business general commercial/manufactured home sales) therefore a rezoning is not required.

On October 14, 2020 the City Clerk certified the sufficiency of the petition. Set the date of the public hearing for the December Council Meeting.

Adopted a Resolution Directing the City Clerk to investigate the petition from Beth Hunt, General Manager for Clayton Mobile Home (CMH) requesting annexation for property located at 6684 NC N 41.

RESULT:	REFERRED [8 TO 0]	Next: 11/4/2020 11:00 AM
MOVER:	Chris Howard, Precinct 6	
SECONDER:	Leroy Rising, Mayor Pro Tem	
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas	
ABSTAIN:	Davis	

H. Declare 608 E 8th St Surplus / Conduct Sealed Bid – Holt Moore, City Attorney

The City purchased the property located at 608 E 8th Street through foreclosure. The attached pictures are from 2012 and unfortunately now the property is boarded up and in all likelihood would need to be condemned. It is reported that much of the wiring has been removed. The location of the lot adjacent to the railroad also reduces its desirability. We have an interested purchaser. We request that Council declare the property surplus and allow staff to conduct a sealed bid sale to hopefully convey the property and return it to the tax rolls.

Adopt a Resolution Declaring Property located at 608 E. 8th Street as surplus and authorize staff to conduct sealed bid.

RESULT:	APPROVED [8 TO 0]
MOVER:	John Cantey, Precinct 5
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

I. Schedule a Public Hearing for Economic Incentives for Project Blue Jay – Wayne Horne, City Manager

Staff is currently working with the Robeson County Economic Development Office to develop an economic development package for a major industry expansion in Lumberton. The company is proposing a \$9.8M expansion and the hiring of 20 new employees.

This project, if approved by Council, would receive incentives of \$81,802.50 to be provided over three years as a utility and tax credit.

That City Council schedule a Public Hearing on November 4th to consider economic development incentives for Project Blue Jay.

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

J. P4 - Requests \$350.00 of CRF as a Reimbursement for an Eagle Scout Project in Meadowbrook Cemetery – Karen Higley, Precinct 4

Councilwoman Higley is requesting \$350.00 be designated as part of a reimbursement to a member of the Boy Scouts for an Eagle Scout project that was completed in the City's Meadowbrook Cemetery. Attached you will be the results of his efforts.

Designate \$350.00 of CRF as a reimbursement on the Meadowbrook Cemetery Project from P4.

A total of \$1,150 was donated as a reimbursement on the Meadowbrook Cemetery Project:

P1- \$100
P2 - \$100
P3 - \$100
P4 - \$350
P5 - \$100
P6 - \$100
P7 - \$100
P8 - \$100
Mayor - \$100

It is noted that only \$949 is requested and each councilmember will allocate an equal amount to reach the total of \$949.

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

- K. Approve the designation of \$250.00 of CRF from Precinct 3 to Colors of Life Inc. For the Annual Thanksgiving Giveaway and Christmas Dinner – John Carroll, Precinct 3
Councilman Carroll requests \$250.00 of CRF to be given to Colors of Life for the Annual Thanksgiving Giveaway on November 14, 2020, and the Annual Christmas dinner on December 19, 2020 at Hayswood Hut.
Designate \$250.00 of CRF to Colors of Life for the Annual Thanksgiving Giveaway and Christmas Dinner.

A total of \$1,100 was donated to Colors of Life annual Thanksgiving and Christmas dinners as follow:

P1 - \$100
P2 - \$100
P3 - \$250
P4 - \$200
P7 - \$200
P8 - \$250

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John R. Carroll, Precinct 3
SECONDER:	Owen Thomas, Precinct 8
AYES:	Davis, Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas

- L. Approve the designation of \$500.00 of CRF to the Robeson County Sheriff's Office for the No Shave October through December Event – Eric Chavis, Precinct 7
Councilman Chavis would like to donate \$500.00 of Community Revitalization Funds to the Robeson County Sheriff's Office for the No Shave October through December event. These funds will be used to help children whose families are experiencing financial difficulties due to cancer or to help children that have been affected due to a homicide in their family
Designate \$500.00 of CRF to the Robeson County Sheriff's Office to help children whose families are experiencing financial difficulties as stated above.

A total of \$1,400 of Community Revitalization Funds were given to the Robeson County Sheriff's Office to help children whose families are experiencing financial difficulties as follows:

P1 - \$200
P2 - \$100
P3 - \$100
P4 - \$250
P5 - \$100
P6 - \$50
P7 - \$500
P8 - \$100

RESULT:	APPROVED [8 TO 0]
MOVER:	Eric Chavis, Precinct 7
SECONDER:	Leroy Rising, Mayor Pro Tem
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

- M. Approve the designation of \$100.00 for the Halloween Crawl and Sponsorship – Owen Thomas, Precinct 8
Councilman Thomas is requesting to donate \$100.00 of CRF to the Robeson County Public Library for Halloween programming.
Designate \$100.00 of CRF as stated above.

A total of \$600 of Community Revitalization Funds were given to Robeson County Public Library for the Halloween Crawl and Sponsorship as follows

P1 - \$100
P2 - \$100
P3 - \$100
P4 - \$100
P7 - \$100
P8 - \$100

RESULT:	APPROVED [8 TO 0]
MOVER:	Owen Thomas, Precinct 8
SECONDER:	Karen Higley, Precinct 4
AYES:	Rising, Robinson, Carroll, Higley, Cantey, Howard, Chavis, Thomas
ABSTAIN:	Davis

VI. CLOSED SESSION

City Manager Horne stated that at the Strategic Planning Workshop held in March 2019, City Council endorsed a 211 acre site at the intersection of I-95, I-74 and old US74 as an industrial/distribution park. He stated that the purpose for the closed session is to update you as to where we are; what has taken place and the direction in which we are going. He stated that this project has generated a lot of interest and as a result staff has started working on the key components of this project, which includes updating infrastructure cost to serve the site and a contact list of property owners.

In order to apply to the NC Department of Commerce's Rural Infrastructure Authority (RIA) site ready program for funding to extend water and sewer infrastructure to the site, the City will have to show that options on the properties have been acquired from the ten property owners or that the City has acquired the property in its entirety.

He stated that the cost to extend water and sewer to the site is estimated at \$ 4.5 million. A water tank maybe required in the site and to provide adequate fire protection for the different industries would push it up to \$5 million. He stated that we have had conversations with Mark Poole, Financial Analyst with the NC Department of Commerce in recent weeks and have been encouraged to continue our efforts to develop this park. We have been told that the State likes this project and have been encouraged to re-submit the application for consideration once the site is under option.

Deputy City Manager gave an overview of the property explaining that there are a total of 112 properties; 9 private and 2 public with one belonging the City and the other public property belongs to the State. He stated that there is a total of 215 acres and that the right-of-ways are not included in the 211 figure.

We are posed to start negotiating with the property owners and we have already spoken with a commercial real estate broker and gotten tips on how to negotiate the properties and we are ready to move ahead with negotiating options. We do have a potential client that would be interested in purchasing up to 60 acres of this property and in the initial phase of the development would construct a 400,000 sq. ft. building and a possible 200,000 sq. ft. expansion. We would still have room for additional industrial buildings.

Councilman Thomas asked about job creation. City Manager Horne stated that the number would be low around 50 people but once that add that additional 200, 000 sq. ft. and bring in a new product line it would add about 120 jobs. He stated that we have had some additional discussion with the County economic development director about bringing another client in with a distribution center that would serve as a spec building but that would be further in the future.

City Manager Horne stated that the potential client has asked for an agreement to specify what the City plans are verses what their plans are. Councilman Cantey inquired into the financial part of this issue. City Manager stated that would be a part of typing the option into a five-year window to the cost that we just discussed.

City Attorney Moore stated that the City would pay a certain amount each year for the option; however, that does not obligate the City to purchase but it does mean that the owner cannot sell it to anyone else. He stated that the beauty of an option is that we do not have to meet a requirement to go out and purchase in the beginning and he thinks that the State will be satisfied with that because the State's role would be to provide a grant for utilities and infrastructure and they will be pleased knowing that we have the option that would give us the right to purchase.

He stated that the business that would be moving into the western part of the property just wants an agreement saying what we would do and what we can provide to them and what that is we would submit the grant application as soon as possible and to get these properties under option as quickly as possible.

CA Moore stated that if we were to put all 215 acres under option giving us the right to purchase it would be \$20 to \$30K. Of course, we would want to negotiate that towards the purchase price if we decided to go after and purchase the property.

Councilman Howard made a motion, seconded by Councilman Thomas, granting power to Staff to negotiate options with the property owners and authority to submit an application to the NC Department of Commerce's Rural Infrastructure Authority (RIA) site ready program for funding to extend water and sewer infrastructure to the site. It carried unanimously.

VII. ADJOURNMENT

City Attorney Holt Moore stated that Council granted Staff permission to move forth with real estate.

With no further business to come before the board the meeting was adjourned.