



# CITY OF LUMBERTON

## CITY COUNCIL

MINUTES • AUGUST 8, 2016

Regular Meeting

Council Chambers

6:00 PM

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

### I. CALL TO ORDER

### II. ROLL CALL

| Attendee Name           | Title            | Status  | Arrived |
|-------------------------|------------------|---------|---------|
| Bruce W. Davis          | Mayor            | Present |         |
| Leroy Rising            | Precinct 1       | Present |         |
| John Robinson           | Mayor Pro Tem    | Present |         |
| Burnis Wilkins          | Precinct 3       | Present |         |
| Karen Higley            | Precinct 4       | Present |         |
| John Cantey Jr.         | Precinct 5       | Present |         |
| Chris Howard            | Precinct 6       | Present |         |
| Leon Maynor             | Precinct 7       | Present |         |
| Erich Hackney           | Precinct 8       | Present |         |
| Wayne Horne             | City Manager     | Present |         |
| Laney Mitchell-McIntosh | City Clerk       | Present |         |
| Holt Moore              | City Attorney    | Present |         |
| Heath Graham            | Sergeant-at-Arms | Present |         |
| Luke Humphrey           | Sergeant-at-Arms | Present |         |

### III. INVOCATION: CITY ATTORNEY MOORE

### IV. PLEDGE OF ALLEGIANCE

### V. CITY COUNCIL RECOGNITION

- A. Councilman John W. Robinson - 5 years of service.
- B. Councilman John Cantey, Jr. - 10 years of service.

#### PRIDE IN LUMBERTON AWARDS:

On behalf of Mayor Davis and City Council; Pride in Lumberton Awards were given to Police Officers Anthony Maynor; Joe Butler IV, Latten Bartley and Police Lieutenant Pete Montero for their valiant actions when a citizen was shot and lying in the street. Councilman Cantey stated that these officers did not allow what is going on in the world to deter them from doing their job. He stated that there were more than 300 chest pumps applied in the mist of 100 degree weather. It is an honor to recognize these young men for their heroic efforts. A Pride in Lumberton was also presented to Police Officer John Scott for his extraordinary efforts in trying to save a drowning victim.

Councilman Howard stated that he is proud of the relationship that exist between the citizens and the police force. This is accredited to the leadership of Police Chief McNeill.

Police Officer Anthony Maynor -  
Police Officer Joe Butler IV  
Police Officer Latten Bartley

Police Lieutenant Pete Montero  
Police Officer John Scott

## VI. PUBLIC COMMENT PERIOD

Mayor Davis introduced Arnold West, Visitor's Bureau Chairperson, who stated that is is with great pride that he serves in partnership along the way.

John Franklin, John Sand Chevrolet, presented a check for Lumberton Youth Baseball Association for \$540.00 and also stated that they received \$500.00 worth of equipment for the baseball team a they will do the same for the soccer team. Mr. Franklin stated that he and Tim Taylor are working on a program that can sponsor all of the City programs.

Mayor Davis recognized Police Officers Luke Humphrey and Officer Heath Graham as our Sergeants-at-Arms.

## VII. CONSENT AGENDA

|                  |                                                                        |
|------------------|------------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [8 TO 0]</b>                                                |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

### *Minutes Approval*

- A. City Council - Regular Meeting - Jul 11, 2016 4:00 PM -
- B. City Council - Regular Meeting - May 9, 2016 6:00 PM -
- C. City Council - Regular Meeting - Jun 13, 2016 6:00 PM -

## VIII. AGENDA ITEMS

- A. Approval of June 2016 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:  
2007-----1.00  
2015-----52.23  
Approve the release of the June 2016 property taxes.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- B. Ratify the Telephonic Poll Conducted on July 26 Confirming the Continued Contract with Preservation NC – Holt Moore, City Attorney

The option agreement we have with Preservation NC regarding the historic fire station, will automatically renew at the end of August, unless the City (or either party) cancels it by the end of July. As the July 11<sup>th</sup> meeting is the last meeting prior to that deadline, staff is bringing this to council for your review.

Advise staff as to whether council wishes to renew or cancel the current option agreement with Preservation NC.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- C. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2108 S. MLK Jr. Drive. – Ben Andrews, Inspections Director

The Structure located at 2108 S. MLK Jr. Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent by first class mail, certified mail and also published in the Robesonian. The hearing was held on May 17, 2016. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of July 25, 2016.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2108 S. MLK Jr. Drive.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- D. Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2110 S. MLK Jr. Drive. – Ben Andrews, Inspections Director

The Structure located at 2110 S. MLK Jr. Drive was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent by first class mail, certified mail and also published in the Robesonian. The hearing was held on May 17, 2016. An order to demolish the structure was issued. The time in which the owners had to demolish the structure has expired as of July 25, 2016.

Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector to demolish and remove the structure located at 2110 S. MLK Jr. Drive.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- E. Adopt an Ordinance Directing the Building Inspector remove the debris of the demolished structure located at 814 W 24th Street – Ben Andrews, Inspections Director  
The Structure located at 814 W 24th Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent by first class and certified mail. The hearing was held on March 2, 2016. An order to demolish the structure was issued with a compliance date of May 6, 2016.  
The Owner has demolished the structure but still has debris from the demolished structure on the lot.  
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector remove the debris of the demolished structure located at 814 W 24th Street

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- F. Adopt an Ordinance Directing the Building Inspector remove the debris of the demolished structure located at 900 W 24th Street – Ben Andrews, Inspections Director  
The Structure located at 900 W 24th Street was inspected by our department and was determined to be unsafe. A notice of Condemnation and Hearing was sent by first class and certified mail. The hearing was held on March 2, 2016. An order to demolish the structure was issued with a compliance date of May 6, 2016.  
The Owner has demolished the structure but still has debris from the demolished structure on the lot.  
Staff recommends that City Council Adopt an Ordinance Directing the Building Inspector remove the debris of the demolished structure located at 900 W 24th Street

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- G. Refer the Rezoning petition for property located at 2300 N. Pine Street to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. (parcel # 3214-01-012/Deed Book 1609 Page 0338). – Brandon Love, Planning Director  
Sylvia C. Harriss has submitted a rezoning petition for property located at 2300 N. Pine Street, requesting the properties be rezoned from B-2 (business community) to B-4 (business general commercial).

The reason for this request is to open up the property for a broader range of commercial uses appropriate to the neighborhood.

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- H. Refer the Rezoning petition for property located at 409 E. 19th and Street 406 E. 20th Street to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing (parcel #'s 3214-02-009 and 3214-02-00901A/Deed Book 2022 Page 496 and 3214-02-00901/Deed Book 2033 Page 0118). – Brandon Love, Planning Director  
Sylvia C. Harriss and Zella Ann Cooper have submitted a rezoning petition for three (3) properties located at 409 E. 19th Street and 406 E. 20th Street, requesting the properties be rezoned from R-7 (residential single family) to B-2 (business community).

The current zoning of the property (R-7) does not support the current use of the property (multi-family residential). This request is to eliminate the non-conforming situation on the property and maintain the current use as multi-family.

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- I. Refer the Request for a Conditional Use Permit petition for property located at 4880 Kahn Drive to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. – Brandon Love, Planning Director  
Justus 4, LLC has submitted a Conditional Use Permit petition for property located at 4880 Kahn Drive. This request is to allow the restaurant to sell alcoholic beverages.  
CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- J. Refer the Rezoning petition property located at 465 Kenric Road to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing – Brandon Love, Planning Director

On March 14, 2016 the City of Lumberton annexed property located at 465 Kenric Road (Parcel #0204-01-003; 0207-02-006) with an effective date of May 14, 2016. As of today, the zoning of the property is County Highway District, we are requesting to rezone the property to B-4 (business general commercial).

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- K. Refer the Rezoning petition for property located off of Meadow Road to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. – Brandon Love, Planning Director

Previously, the City of Lumberton annexed property located off of Meadow Road (Parcel #1010-01-008-05; 1010-01-008-03; and 1010-02-002). As of today, the properties are zoned County Residential Agriculture and R-6 (City, residential class 'A' mobile home). We are requesting to rezone all of the properties to City Agriculture.

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- L. Refer the Rezoning petition for property located at 9020 NC Hwy 74 to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. – Brandon Love, Planning Director

Previously, the City of Lumberton annexed property located at 9020 NC Hwy 74 (Parcel #0207-01-007). As of today, the property is zoned County Heavy Industrial. We are requesting to rezone the property to B-5 (City, highway services).

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- M. 1981 : Refer the Lumberton Rezoning petition for property located off of NC Hwy 301 North the to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing – Brandon Love, Planning Director

Previously, the City of Lumberton annexed property located off of NC Hwy 301 North (Parcel #2017-02-028-04). As of today, the property is zoned County Residential Agriculture. We are requesting to rezone the property to 'A' (City, Agriculture). CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- N. Refer the petition for Proposed revision to Sec. 35-186. Building height limitations to the Planning Board for their review, and authorize the Planning Director to set the date of the public hearing. – Brandon Love, Planning Director

As discussed at the planning workshop, the Planning Department has requested approval to investigate the possibility of revising Sec. 35-186. Building height limitations. Considering the number of variance requests to this section, the Planning Department recommends we increase the building height limitations for some of our business zoning districts. Attached, please find the list of variances pertaining to building height, which have been approved by the Board of Adjustments.

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

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- O. Approve the Sign Permits for Southeastern Health to replace (5) of their freestanding campus directional signs located at 300 27th St – Brandon Love, Planning Director

Southeastern Health would like to replace (5) of their freestanding campus directional signs located at 300 27th St. (Main campus)- Lumberton, NC 28358. Please see attached sign permit application, sign location map, and sign specifications. Southeastern Health would like to replace signs at the following locations: 3, 4, 5, 6, & 7.

The property is zoned B-6 (medical arts) and City Council approval is required for the erection, alteration, and/or modification of all signs within this district.

**Sec. 35-282. Signs within the medical arts district. States:**

**Notwithstanding any other provisions of this article excepting for the provisions of section 35-281, signs in the B-6 (medical arts) district may be erected, moved, enlarged, or substantially altered pursuant to plans approved by city council.**

**(Ord. No. 1448, 6-27-94)**

Recommends City Council Policy Committee approve the attached sign permits.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- P. Adopt a Resolution Directing the City Clerk to Certify the Petition for a Ditch Tiling Assessment for William C Rowan for Property Located at 2360 Oak Street – Holt Moore, City Attorney

This is a petition for ditch tiling at 2360 Oak Street.

Adopt the Resolution relating to the petition for ditch tiling.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- Q. Approve the designation of \$500.00 of Community Revitalization Funds to B.B. Thompson Choir, Inc. – Erich Hackney, Precinct 8

Councilman Hackney is requesting \$500.00 of Community Revitalization Funds to be given to the B.B. Thompson Choir, Inc., for their educational ministry, workshops and the Annual Concert.

Designate \$500.00 of CRF to the BB Thompson Choir Inc.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- R. Approve the designation of \$700.00 of CRF to Redstone-Hayswood School as follows: P2 - \$100.00 P3 - \$100.00 P4 - \$100.00 P6 - \$300.00 Mayor's Discretionary Fund - \$100.00 – Chris Howard, Precinct 6

Councilman Howard requests \$300.00 of CRF to be given to Redstone-Hayswood School for a celebration.

Designate \$300.00 of CRF to Redstone-Hayswood School.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

- S. Approve the designation of \$950.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00 P8 \$100.00 and from the Mayor's Discretionary Fund - \$100 – Erich Hackney, Precinct 8

As it meeting of August 3, 2016, the Council Policy Committee heard a request from Police Officer Joseph Frederick requesting support in his efforts to raise funds for youth health and wellness as part of the 2016 New York City Marathon in which he is a participant.

Approve the designation of \$950.00 of Community Revitalization Funds to Team for Kids in Honor of Joseph Frederick - Marathon Runner as follows: P1 - \$100.00 P2 - \$150.00 P3 - \$100.00 P4 - \$100.00 P5 - \$100.00 P6 - \$100.00 P7 - \$100.00 P8 - \$100.00 Mayor's Discretionary Fund \$100.00

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Erich Hackney, Precinct 8                                              |
| <b>SECONDER:</b> | John Cantey Jr., Precinct 5                                            |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

## IX. PUBLIC HEARING

- A. Stark Investment Properties and Oakridge Land Development Co., LLC annexation request for property located in Amberdale Subdivision Section 3 Part 3, lots #43, 44 & 45. (Portion of Parcel # 1004-02-080). – Brandon Love, Planning Director

The Planning & Neighborhood Services Department received an application for a contiguous annexation from Stark Investment Properties and Oakridge Land Development Co., LLC requesting that property located in Amberdale Subdivision Section 3 Part 3, lots #43, 44 & 45, being a portion of Parcel # 1004-02-080, be annexed into the City of Lumberton.

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

On July 27, 2016 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 July 27, 2016 a request was sent to Public Works Department to have a sign placed on the property, notifying the adjacent property owners of the rezoning request, on or before July 29, 2016.

On July 25, 2016 a request was sent to the Robesonian to have the legal ad for this request ran on July 29, 2016 and August 5, 2016

Recommend that City Council hold tonight's public hearing and approve the annexation request.

Mayor Davis opened the Public Hearing to consider amending the Land Use Ordinance by extending the corporate limits of the City by annexing property located in Amberdale Subdivision. City Clerk Laney Mitchell-McIntosh submitted the Affidavit of Publication showing that the Notice of the Hearing was advertised in The Robesonian.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Leroy Rising, Precinct 1                                               |
| <b>SECONDER:</b> | Erich Hackney, Precinct 8                                              |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

## **X. NEW BUISNESS**

- A. Award of Contract for Warehouse Demolition Project – Holt Moore, City Attorney  
The bid opening for the grant funded demolition work of the two buildings on First Street took place on July 19. Cecil Holcomb Renovations from Raleigh was the low bidder at \$260,000. The list of the other bidders can be found at the bottom of this memo. To date, Mr. Holcomb has refused to sign some of the minority participation paperwork required by the federal government, without which it would be impossible for him to move forward with the project. He has also refused to provide a written request to withdraw his bid, but we have no option to interpret his refusal to sign the mandatory paperwork as a withdrawal of his bid. State statutes require that he be entitled to a hearing in front of a city representative or the city council, as to whether or not the city will pursue a claim against that bid bond. Staff requests that council advise whether it would prefer for the Public Works Director, in conjunction with our contract engineers to conduct that hearing, or whether council would like to. Also, because Cecil Holcomb Renovations will not be able to participate under any scenario, having effectively withdrawn its bid, staff requests that council award the contract to the second lowest bidder, 4 Seasons Site and Demo from Wilmington, whose bid was \$296,896.00.

Remaining bids:

|                                          |           |
|------------------------------------------|-----------|
| NEO Corporation, Canton, NC:             | \$306,500 |
| Muter Construction, Zebulon, NC:         | \$384,078 |
| Empire Dismantlement, Grand Island, NY:  | \$454,000 |
| Driven Contractors, Maxton, NC:          | \$474,800 |
| DH Griffin Wrecking Co., Wilmington, NC: | \$524,200 |

That City Council allow the Public Works Director in conjunction with the contract engineer to conduct the hearing regarding Cecil Holcomb's bid bond, and award the contract for the demolition project to 4 Seasons Site and Demo at \$296,896.00. Bring back to City Council for final decision.

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| <b>RESULT:</b>   | <b>APPROVED [8 TO 0]</b>                                               |
| <b>MOVER:</b>    | Karen Higley, Precinct 4                                               |
| <b>SECONDER:</b> | Erich Hackney, Precinct 8                                              |
| <b>AYES:</b>     | Rising, Robinson, Wilkins, Higley, Cantey Jr., Howard, Maynor, Hackney |
| <b>ABSTAIN:</b>  | Davis                                                                  |

## **XI. ADJOURNMENT**

City Council called a Special City Council meeting for August 23rd, 2016, at 11:00 a.m. to discuss a grant received for downtown. With no further business to come before the board the meeting was adjourned at 6:40 p.m.