

**HAMLET CITY COUNCIL REGULAR MONTHLY MEETING
COUNCIL CHAMBERS ROOM
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, NOVEMBER 14, 2017 - 7:00 PM**

MINUTES

Governing Body Present:

Bill Bayless	Mayor
Jesse McQueen	Council Member
Eddie Martin	Council Member
Johnathan Buie	Mayor Pro-Tem
Wendy Massagee	Council Member

Absent:

David Lindsey Council Member

Staff Present:

Jonathan Blanton	City Manager
TC Morphis	Attorney
Tammy Kirkley	City Clerk
Jill Dickens	Finance Officer
Calvin White	Fire Chief
Billy Stubbs	Public Works
Gerald Adams	IT Director
Gail Strickland	Zoning Coordinator
Scott Waters	Police Department

Others Present: Approximately 18 attendees

1. Call to Order

Mayor Bayless called the meeting to order.

2. Invocation

Reverend John Jackson offered the invocation.

3. Adoption of Agenda. The manager suggested to add an item under Old Business to award the bid to sell the property on Hamlet Avenue as directed by council during the October meeting. Council Members Buie and McQueen motioned to approve the agenda with adding Item 7A to vote to award the property bid. The motion carried.

4. Adoption of Minutes

Minutes from the October 10, 2017, Regular Monthly Meeting were unanimously approved by motions of Council Members Buie and Martin.

5. Comments from Attendees. None were presented.

Old Business

6. **Consideration of Contract for Raleigh and Charlotte Streets.** The mayor explained the need for the contract with Seaboard Railroad/CSX. Council Member Buie and Massagee motioned to approve the contract. The manager explained this is a 5-year agreement with the property owner to have the option to go in and spray the weeds, cut the grass and maintain the property. He said there is no obligation to keep the area clean; however, the city simply has the option to do so without any type of liability. Council Member McQueen said he is not in favor of spending money on the land but agreed an agreement is in order if we are going to clean it. Council Member Buie provided further explanation. The motion carried.

7. **Consideration of Ordinance No. 2017-08 Banning Compression Brakes.** Mr. Morphis has provided a draft ordinance concerning the banning of compression brakes as requested by council during the October meeting. Council Member Martin motioned to adopt the ordinance as written; he shared information confirmed to him via an OTR driver concerning the lack of a need to use compression brakes in Hamlet and that compression brakes should only be used in an emergency. Mr. Morphis provided an overview of the ordinance. Council Member Buie made a second to the motion. Mr. Buie also asked for an update on the request that NCDOT push back the 35-mph zone approximately 50-100 yards on Hwy. 177 south. Mr. Blanton stated once the ordinance has passed, the signage will be a discussion to have with NCDOT; he noted signage concerning the compression brakes will also need to be addressed at the same time. Council asked the manager to send a letter to NCDOT for this consideration and to request a survey. The motion on the floor carried.

- 7A. **Sale of Property on Hamlet Avenue.** Council agreed in September to move forward with selling a vacant city owned lot on Hamlet Avenue. Mr. Blanton reported one bid was received via the bidding process from Tim Nevinger for \$3,000. The manager said it is up to council if they wish to accept the bid. Council Member Buie and Massagee moved to approve Mr. Nevinger's bid for the property. The motion carried.

8. **Public Hearing #1. Amendments to the Zoning Ordinance for Signs Ordinance No. 2017-09.** The floor was opened and Mr. Morphis gave explanations for the revisions made to the ordinance. He stated he came down and worked with Gail Strickland and the Planning Board in making the revisions. Mrs. Strickland reported there are no major changes to the amended ordinance aside from the temporary signs- they are not regulated on contents. Mr. Morphis confirmed the city is not requiring any existing signs be phased-out; he said an existing sign will become a lawful non-conforming sign. Mr. Morphis stated he went through the amendments line by line with Planning Board and the changes were made accordingly. The changes will not have an effect on current businesses. The city is not requiring existing signs come into compliance. Mr. Morphis further discussed the changes. Mrs. Strickland discussed temporary signs and the guidelines. Council Members Buie and McQueen motioned to approve the request for the amendments and approve the accompanying Consistency Statement. The motioned carried.

9. **Public Hearing #2. Mackey Rezoning Request.** Mayor Bayless opened the public hearing on the Mackey rezoning request and reported the Hamlet Planning and Zoning Board has given the request a favorable recommendation. Ms. Angela Mackey presented council and explained her request is to rezone the property to residential as she has a buyer for the property. No other comments were presented. The hearing was closed.

10. **Consideration of Mackey Rezoning Request and Consistency Statement.** Council Members Buie and Massagee motioned to approve the Mackey rezoning request and the Consistency Statement. The motion carried.
11. **Public Hearing #3 Huerta Rezoning Request.** The Mayor opened the hearing and Mr. Huerta presented council with his proposed rezoning request for the building located at the old administration. Council Member Buie said he is happy with what Mr. Huerta is doing and welcomed the business to Hamlet. No further comments were made and the hearing closed.
12. **Consideration of Huerta Rezoning Request and Adoption of Consistency Statement.** Council Members Buie and McQueen motioned to rezone the property as requested and adopt council's Consistency Statement. The motion carried.
13. **Adoption of Budget Amendments.** Mayor Bayless reviewed the submitted budget amendments for the General Fund and Enterprise Fund. After review, Council Members Buie and McQueen motioned to approve the submitted budget amendments. The motion carried. (The budget amendments are attached as a part of the official minutes as Attachment A)
14. **Approval of Tax Releases and Refunds.** Council Members Buie and McQueen motioned to approve the submitted tax releases and refunds. The motion carried.
15. **Discussion of Seaboard Festival Activities.** Mayor Bayless said he brought up the issue because it was noticed by many. He said the Seaboard Festival is a tax exempt, non-profit 501(C)(3) agency. The political activity carried out by Seaboard Festival Committee members during the Seaboard Festival whereby supporting Corey Dixon was against the organizational rules and guidelines of a non-profit agency. Mr. Buie added the city manager normally gives the formal introduction of the mayor, and was on schedule to do so; however, he was not allowed to. The Seaboard Festival Committee members were wearing full gear campaigning for a specific candidate.

Mr. Buie noted his disgust in the manipulative way the campaign was carried out. He noted support is welcomed but in the correct manner. Mr. Martin said the Seaboard Festival Committee falls under a 501(C)(3) designation and this type of tax-free organization is absolutely forbidden to directly or indirectly participate in any political campaign on behalf of or, in opposition to, any candidate for elected public office. He mentioned the three potential options of the IRS and said he hopes they will only issue a warning in this matter. Mr. Martin stated council wants to prevent this from happening again.

Mr. McQueen thanked the Mayor for doing the right thing at the festival in regards to this matter. He pointed out it goes deeper than the festival as far as the members doing this on the street. The Seaboard Festival Committee added a new member to the committee a few months back and said new member was the actual candidate running for office. This new member/candidate was actively campaigning on the streets as well, as well as Council Members Lindsey and Massagee and several other committee members. The Mayor recommended sending a notice to cease. Due to the allegation of Mrs. Massagee's participation in campaigning in this matter, council recused Ms. Massagee from voting on the matter. The city attorney discussed the

matter further and stated if individuals would like to pursue the IRS, they may do so but he doesn't know if the city should be making the request and explained. It was council's wishes to be proactive and have the manager report the matter to the IRS and request to issue a warning. Motions were made by Council Members Martin and McQueen. The motion carried.

Allowance of alcohol during the Chambers' After-Hours event in Hamlet. The Chamber of Commerce December "After Hours" event is scheduled to take place at the Depot Rotunda December 14. Rick's Catering will cater the event and will obtain the ABC permit. Council discussed the matter and Council Members Buie and Martin motioned to allow the request. Mr. McQueen noted this request/approval format is part of the reevaluation council recently put into place when alcohol is being requested to be served on city property. The motion carried.

Discussion Items of Council Member McQueen.

Request for Attorney to provide overview of current form of government.

Mr. McQueen asked the attorney to review with council how the board operates as a group verses an individual. Mr. Morphis gave explanation of the council-manager form of government. He explained the manager's position is to serve as the CEO to the city and council is as a board of directors. Considering this type of government, it is not council's position to direct employee's actions or decide their disciplinary actions. Mr. McQueen noted individual council members should not come and direct employees on their own.

Continued Discussion of Foundation for the Carolinas Grant.

Mr. McQueen gave his view involving the grant with the recent playground project. He feels Council Member Lindsey should have told council they wanted to donate the land for the project; he stated the same grant the city was voting on, Mr. Lindsey was against it. He said it could have been changed from one issue to two. He suggested contacting the School of Government to see if there was a conflict in this matter in order to know how to handle this type of situation in the future. Mrs. Massagee said in the grant process the two agencies were not competing and pointed out the vote in the matter. Mr. McQueen motioned to ask the attorney to check on it, the motion passed with a 3-1 vote. Council Member Massagee was opposed.

Continued Discussion of the Jacksonville Project.

During the October council meeting, council confirmed the Hamlet Depot Board may bring the Jacksonville project to Hamlet with a 4-1 vote to look into doing it. Mr. McQueen stated the next morning Mr. Lindsey went to city hall with a request to delay the matter after council had voted. Mr. Blanton took a moment to read aloud an email he sent to council regarding the happening referred to by Mr. McQueen. The matter was further discussed.

16. Mayoral Proclamation National Hospice Palliative Month. Richmond County Hospice representative, Krista Phifer, was presented with the proclamation and provided upcoming events of the agency.

17. Mayoral Proclamation Alzheimer's Awareness Month. The Mayor read the proclamation aloud.

Other Business:

18. City Manger's Report. The manager made the following announcements:

- The manager noted the disappointment with the news involving the former fire chief and noted the city is not a part of the legal action and said steps have been put into place to try to prevent future actions.
- Demolition at Monroe Avenue
- Basketball registration dates: \$35 regular and \$45 late
- Christmas Parade- Contact Hamlet City Hall for registration. City Hall will close at 3:00 pm
- Thanksgiving Holiday: November 24 and 25
- Christmas Tree Lighting: November 27, 5:30 pm at Main Street Park
- Garbage schedule for Thanksgiving: Thursday pickup will take place on Wednesday
- Update on the poles being painted on Hamlet Avenue; he will renew the city's interest with Duke Energy on the project.

19. Comments of Council

Jesse McQueen spoke of the concerns over the past few months concerning the city's dog ordinance. The police chief confirmed the ordinance is enforceable; he stated his department issues warnings and then writes tickets as applicable. The chief noted reasons for dismissal in court. Specific citations were discussed and Mr. Morphis was asked to look at the ordinance to ensure the wording is appropriate. Mr. Morphis said it could be written to include a civil penalty, which would help alleviate the problem.

Eddie Martin agreed the barking dogs are a serious problem. He then took a moment to thank the citizens of Hamlet for re-electing him to serve the community another term.

Wendy Massagee reported she attended the Veteran's Day Parade and all went well; she stated it was good to see the police chief at the event.

20. Mayor's Comments.

Mayor Bayless encouraged more voters to participate in local elections. He extended his appreciation to the citizens for re-electing him into office. He congratulated the elected individuals and thanked all who ran for wanting to make a difference. The Mayor asked Bernice Owens to boost the upcoming Old-Fashioned Christmas event on Hamlet Avenue. Mrs. Owens reported on the details of the event.

Mr. McQueen thanked everyone who participated in the municipal elections; he said he is honored to have been elected again to serve the community.

21. Motion to go into Closed Session. At 8:13 pm, motions to go into closed session were made per NCGS 143-318.11 (a)(3) for Attorney-Client Privilege by Council Members Buie and McQueen. The motion carried. At 8:36 pm, open session reconvened. Mayor Bayless noted closed session was discussion only.

22. Motion to Adjourn. At 8:36 pm, Council Members Buie and McQueen motioned to adjourn the meeting. The motion carried.

Respectfully submitted,

Tammy Kirkley, City Clerk