

**HAMLET CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, APRIL 9, 2013
7:00 PM**

Minutes

Present:

Jeff Smart	Mayor
Tony Clewis	Mayor Pro Tem
Pat Preslar	Councilmember
Abbie Covington	Councilmember
Johnathan Buie	Councilmember
Dewey Brower	Councilmember
Marchell David	City Manager
Tammy Kirkley	City Clerk
Steve Futrell	City Attorney
Jill Dickens	Finance Director
David Knight	Fire Chief
Amery Griffin	Acting Police Chief
Gail Strickland	Zoning Officer
Robert Brown	WT Plant Superintendent
Others: Present:	RC Daily Journal Rep., and approximately 15 attendees.

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1. **Call to Order.** Mayor Smart called the meeting to order.
 2. **Invocation.** Mayor Pro Tem Tony Clewis offered the invocation.
 3. **Adoption of Agenda.**
The agenda was unanimously adopted by way of motions made by Councilmember Pat Preslar and Councilmember Johnathan Buie. Vote passed 5-0.
 4. **Approval of Minutes.**
The March 12, 2013 Regular Meeting minutes were approved as presented by vote of 5-0 with motions made by Councilmember Pat Preslar and Dewey Brower.
 5. **Comments from Attendees.** None were presented.

Old Business

6. **Consideration of Resolution 13-07: Concerning the Lowering of Speed Limit from 55 mph to 45 mph along the portion of Hwy. 177 South located inside Hamlet City Limits.**

Resolution 13-07 was unanimously adopted by vote 5-0. Motions were made by Councilmember Clewis and Councilmember Brower to accept the resolution. The clerk will forward the resolution to the Raleigh NCDOT.

7. **Presentation by Ron Mayo.**

Ron Mayo of Hamlet presented council to report that the local Relay for Life event will be held this year at the Richmond County Race Track on Friday, May 3 at 6:00 pm. "Racing for a Cure" is the theme. He noted the month of April is national "Purple Ribbon Month" and he gave out purple ribbons to council and staff to be displayed in honor of the special time.

8. **Consideration of Resolution 13-08: Designating April 30213 as Purple Ribbon Month.**

City Council adopted Resolution 13-08 by motions of Councilmember Clewis and Councilmember Covington and the vote passed 5-0. Mayor Jeff Smart then presented the Resolution to Ron Mayo on behalf of the Richmond County Relay for Life Team.

9. **Public Hearing: Blakely Rezoning Request.**

Mayor Smart explained the purpose of the public hearing was to allow for citizen comments concerning a rezoning petition filed by Carroll Blakely and Cynda Blakely to rezone two parcels on Bridges Street from Light Industry (I-1) zoning to Neighborhood Business (B-3) zoning. The property operated as a business in the past and was closed. Once closed, the interested petitioners must follow the current zoning standards. The owners plan to operate a convenience store. A planning and zoning meeting was held on March 18, where surrounding property owners attended and expressed concerns with the sale of alcohol and cigarettes at the location due to the close proximity to public housing, a public park, a daycare and a church. The Planning Board gave a favorable recommendation for the rezoning request.

Councilmember Brower and Buie motioned to close regular session and enter into a public hearing. The vote passed 4-0. Mayor Smart opened the floor to the public hearing.

-Deborah Bryant of 110 S. Bridges St. spoke of her nieces, nephews and other children who play outside in the area and said she is concerned about the increased traffic and use of alcohol and potential drunk driving is not safe for the children in the area.

- **Mary McLaurin** of 204 S. Bridges St. had traffic concerns with children being near the streets and the potential traffic increase with the store. She said breaking & entering issues and people hanging out at the store would be a problem for the kids in the neighborhood and for the elderly citizens who reside in the area. Ms. McLaurin agreed that the area needs a business; however, the neighborhood does not need anything that would promote or enhance crime in the area.
- **Amanda Tinney** of 345 Buttercup Dr. expressed the store is a good idea for the community. She stated this will not make any of the existing problems worse. There are a number of people who cannot get a convenience store and this will help them. She said this will help the community and Ms. Blakely is a very respectable woman and it will be good for the area.
- **Gloria Mallici** agrees with Ms. Tinney. Ms. Mallici lives outside of Hamlet but in the Hamlet address area. She stated that the lady will not sell alcohol to an under-aged person and she will ask for identity and such. Ms. Mallici feels it's a good idea to reopen the store.
- **Merrielle Buckner** counselor with Project Gate, a project of the NC Rural Center administered by the Small Business Center at Richmond Community College presented

council. She has had the privilege to work closely with Ms. Blakely. They have looked closely at the needs of the community and have worked through a business plan, looked resources for capital and ways to meet the needs of the community. A number of the residents in the area do rely on walking to get their day-to-day needs, which is what Ms. Blakely's business focuses on. Ms. Buckner said this will be great.

- **Caroll Blakely** one of the petitioners presented council and addressed the issue about alcohol. She confirmed she would sell off premise alcohol and there will be no alcohol on the premises and no drinking.
- **Ms. Nakica Sloan** of 519 Lackey St and was a worker that was at the store and she knows the needs of the community and it has been lost since the store closed. She sees no problems that the community has brought about, quite community, 90% of the people who live there do not have a vehicle and that is the means of getting what they need other than walking a 5-10 minutes to another store. The community needs a store in this area.
- **Lorenzo Ingram** son of Ms. Blakely who resides in Greensboro feels his mother has a great business plan and he understands with the traffic comments and said they will make sure there is no liquor or alcohol use on the premises. He stated his mother has 140 signatures of people who live in the community and everyone is in favor of having the store. He spoke about these residents not having their own transportation.
- **Rev. Shelia Blakely** of 401 Marlboro St. who is a cousin to Ms. Blakely supports the business. She too reported that a lot of the senior citizens do not have transportation who would probably need to get to a convenience store who would not otherwise have the transportation to get there. Her father was a long time business person in South Hamlet and she is proud of Ms. Blakely. As a pastor she vouched for Ms. Blakely that there would be no drinking of alcohol on the property. She would appreciate a positive response.
- **Ms. Demetrius Jackson** of Lackey Street reported Ms. Blakely's plan is wonderful and no one is saying they do not want a convenience store but the problem is there is a church, a day care, housing and also the parks and recreation area in close proximity. Bridges St. is a very narrow street and she gave examples. She said the biggest concern or negativity with the matter is the consumption of alcohol is a great problem in the community. This will cause more problems in the community. She asked council to consider these matters when making a decision where alcohol may be sold.
- **Tommy Legrand** pastor within the South Hamlet Community stated that the church wants to be a part of what is going on in South Hamlet. He has seen a lot of positive changes with the progress in the last 10-15 years and commended the City for working with them. He is for growth and development of the community but the right kind. Rev. Legrand feels the store is in a prime location that makes its accessible to the community without endangering anyone in the community but feels alcohol is not wise knowing what it creates.

The church continues to make progress and doesn't want to see the community go backwards. Rev. Legrand suggested the parties come together to discuss and resolve this particular business venture.

- **Vernell Davis Riggins** of 110 Dungeon Street spoke on behalf mostly everyone in the area originally thought the business was going to open as a daycare and learned that it was going

to be a convenience store on the evening of the planning and zoning meeting. She welcomes a store but she does not want it to bring alcohol into the area. She is raising a grandson who plays in that area along with others who she is concerned about. She noted there has been a lot of B&Es in the area and said if alcohol is sold then it will get worse. The church needs to be respected. She asked council what they are going to be about the city ballpark in the area. Ms. Riggins asked council how many of them plan to go to this store. She is in favor of the having a store but recommended the owners to be selective about how they sell alcohol.

- **Ms. Carol Blakely** presented council and stated they will not start off with a kitchen, they are going to sell cigarettes, accept WIC vouchers and EBT and sell every day value items. Councilmember Covington inquired about an ABC permit and Ms. Blakely noted the B3 to sell beer only and for off premises and further explained. Mr. Preslar gave explanations for off premises consumption and recourses of city ordinances. Councilwoman Covington asked if the petitioners considered having the business without the sale of alcohol and Ms. Blakely replied no because she does want to sell alcohol.
- **Pat Preslar and Ms. Blakely** discussed the building improvements and inspections. Gary Williams with the county has walked her through everything. She is in the building reuse and restoration program and noted all of the upgrades that will be made to the building. The timeframe to open the business is in three months. Hours of operation will be 10:00 am – 9:00 pm M-S, and if she decides to open on Sundays, 2- 6 pm.
- **Tony Clewis** feels it is a great opportunity but what he is hearing from the community is it is a necessity and feels the alcohol part is not a necessity. He gave his opinion that if it was made more in-line with a grocery store, just as much money may be made. Ms. Blakely agreed but said grocery stores sell alcohol. Mr. Clewis spoke of riding through the community recently and seeing all of the progress that's been made and said he personally disagrees with the alcohol. He reiterated Rev. Legrand's comments concerning the area changing for the better but feels the element of alcohol could be a bad thing. Mr. Clewis said it's something that is needed but feels the alcohol is not a good idea.
- **Abbie Covington** confirmed with Ms. Blakely that the hours of operation reported tonight have changed since the Planning and Zoning Meeting and Ms. Blakely confirmed they have.
- **Dewey Brower** agreed with Councilmember Clewis; he said the store will be great for the community but he is against the part of the selling of alcohol. He noted that the senior citizens and children who need to be considered. He said when the time changes it will be hard to monitor with a lot of young people not following directions. He agreed the store is a fantastic idea.
- **Johnathan Buie** inquired about Ms. Blakely's approach to the approximate 140 residents who signed the petition. Ms. Blakely told them she was requesting for her building on Bridges St. to be rezoned for a convenience store. He inquired if they would know to ask about the selling of alcohol.
- **Ms. Blakely** confirmed a lot asked that question, she told them it depends if it is rezoned for a convenience store or not and if it is then she could sell alcohol. Mr. Buie felt that Ms. Blakely could handle what happens on the premises but felt the problem would come in after the customers who buy alcohol leave her property. Mr. Buie referenced the city's park across the street and said the matter could be a nuisance, which will then be in the hands of

the police chief and the tax payers of Hamlet spending time to control it. Mr. Buie commended Ms. Blakely's business plan and concluded with the worries about the kids at the park and such.

- **Pat Preslar** discussed the last similar situation of rezoning for a convenience store. He confirmed this is an industrial property that is requested to be a B-3 and he inquired about the houses beside the area. Gail explained they are legal non-conforming uses. The manager talked about when the uniformed zoning started in the county; she said aerial photos of areas were taken and designated zoning jurisdictions were based on that and close proximity areas to the railroad were mostly designated as light industrial.
- **Ms. Blakely** stated every community has a convenience store that sells alcohol and she wondered why everyone was just concerned about the South Hamlet community. She referenced Convenience Corner that has a park outside of their back door and they sell alcohol. Mr. Clewis noted that is a park that people voluntarily visit but the S. Hamlet Park has organized sports sponsored by the city. Mr. Clewis understands the store is something the community would love to have but suggested looking at the inventory.

There were no others wishing to speak during the public hearing.

10. **Consideration of Blakely Rezoning Request.**

Mayor Jeff Smart then closed the public hearing and went back into regular meeting. He called for a vote on the request. Councilman Brower motioned as long as they follow the instructions and guidelines for the store but no alcohol in the building to be served and added that he thinks the store will be fantastic. At this time, Councilman Preslar asked to abstain from voting because he will most likely be the person to do the investigations if this were to pass in regards to alcohol sales and service, and he would be in charge of enforcement of activities at that location if there were any, and therefore, respectfully requested to abstain from voting on this issue. Mr. Brower rescinded his motion on the floor. Councilmember Buie and Brower motioned to excuse Mr. Preslar from voting and the vote passed 4-0.

Mr. Brower then motioned to open the store as long as the petitioners follow the laws and guidelines of the City of Hamlet and not have alcoholic beverages and beer. Mayor Smart confirmed with Mr. Brower that the motion presented is to allow the rezoning with the restriction of no alcohols sales. Councilmember Clewis then confirmed with staff that this is may be done in this manner. Councilmember Covington made a second to the motion on the floor and the vote passed 4-0 to rezone the property with the exception of no alcoholic beverages being sold on the premises.

11. **Consideration of Resolution 13-09: Maintain and Support Current Integrity and Funding for the Parks and Recreation Trust Fund. (PARTF)**

Mayor Smart explained the request for supporting the PARTF Resolution. Councilmember Covington and Clewis motioned to adopt the resolution and the vote passed 5-0. The Clerk will send a copy to the members of the General Assembly representing the citizens of Hamlet.

12. **Consideration of Resolution 13-10: Urging the North Carolina General Assembly to Amend Senate Bills 363 and 394 to Preserve Balanced Municipal Revenues.**

The Mayor offered explanations for the request to support Resolution 13-10. Councilmember Covington and Clewis motioned to adopt the resolution and all were in favor with a 5-0 vote. The city clerk will send the Resolution to the General Assembly representatives for Hamlet.

13. Approval of Tax Releases.

The releases submitted by the tax collector per Richmond County for Chavis tax releases totaled \$27.09. Motions were made by Councilmember Clewis and Brower to approve the tax releases. The vote passed 5-0.

14. Recognition of the Governor's Spring Litter Sweep 2013 Proclamation.

The Spring Litter Sweep cleanup will celebrate the 25th anniversary of the NC Adopt-A-Highway program and the litter pick up dates will run from April 13-27, 2013. Hamlet staff plans to pick up on McDonald Avenue during the pick-up dates.

15. Proclamation Recognizing CSX as a Positive Corporate Citizen.

Council unanimously approved a Proclamation recognizing CSX as a positive corporate citizen with the City of Hamlet. There is a "CSX Service Day" with City Year that is scheduled to take place at the Hamlet City Lake on Saturday, April 13, 2013. Approximately 96 CSX volunteers will be in town working with the project. Angie Averette with CSX was recognized for all of her local efforts. Mayor Smart welcomed CSX and thanked them for all that they do.

Other: Jill Dickens gave explanations for the tax releases submitted during the March 12, meeting as requested by council.

Miranda Chavis informed the public of Amtrak's upcoming "National Train Day" scheduled in Hamlet on Saturday, May 11th and reported all of the events to be included during this family fun day.

16. City Manager's Report.

Marchell David reported the departmental budget work sessions are scheduled to begin next week. She reported she and Jill Dickens will meet with each department head and review their upcoming budgets. After the internal budget work sessions have been completed, council will have the Budget Meetings to discuss the city's FY 2013-14 budget.

17. Comments of Council.

Dewey Brower reported that all is going well. He is looking into expanding his business and he is trying to get some tours from Aberdeen to come tour the Depot. He noted city employees are doing a good job.

Johnathan Buie inquired about the pay levels for the intermediate and the advanced law officers and the manager gave explanations. He commended Miranda Chavis on the Depot Museum's newsletter and invited her to promote the depot and the events. Ms. Chavis recognized CSX for their contributions. Ms. Chavis reported the museums are open and tours of the facilities are offered M-F; volunteers work the museum on the weekends 1-5 pm. The Hamlet Depot

Museums will co-host a blood drive with the Hamlet Rotary Club in May. Ms. Chavis noted a free article published in the magazine OutreachNC about Hamlet's rich railroad heritage. The museums are free events offered to the public.

Pat Preslar reported a number of trees are down on the walking trails. He talked about the recent baseball drafts with Parks and Recreation and said some practices have already been scheduled.

Tony Clewis extended his appreciation for Billy Stubbs and all of the employees at Public Works for all that they do. He thanked CSX for donating the dirt and fencing for a local project.

Mrs. David reported it is expected for all of the library repairs to be completed tomorrow.

18. **Mayor's Comments.** Mayor Smart did not have any other comments.
19. **Motion to go into closed Session pursuant to NCGS Section 143.318.11 (a)(3)(6) to Discuss a Claim Concerning the Sewer Use Ordinance.**

At 8:12 pm motions were made by Councilmember Clewis and Brower to go into closed session per NCGS Section 143.318.11 (a)(3)(6). All were in favor with the vote passing 5-0.

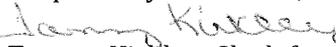
Reconvene Open Session. At 9:25 pm open session reconvened by motions of Council Member Clewis and Covington. Vote passed 5-0. The mayor welcomed Mr. Russell Pait to speak to council. Mr. Pait talked to council regarding Mr. Donald Quick's sewer connection issue. He said when the sewer connection in the subject area was put in around 1955 and Mr. Quick purchased the house on Juanita in 1956; he stated the real estate lady did not inform Mr. Quick that he could not couple up with the sewer connection. Throughout the years, city council voted twice to pay Mr. Quick and twice they have not. The mayor noted previous council did discuss the possibility of giving a refund to Mr. Quick at a meeting many years ago and the motion was rescinded. Mr. Pait asked why Mr. Quick had to pay for sewer when a tap is not in place. Mr. Pait said Mr. Quick can't couple up with the upstairs much less the basement. He feels there should be a way to settle the matter without just telling Mr. Quick no.

The mayor stated that in speaking with the attorney and reviewing the past records, council has been consistent with their answer to Mr. Quick. Mr. Sykes, in the minutes, confirmed that Mr. Quick's home could be hooked onto the sewer connection. Mr. Pait said the connection is two feet too high and cannot be coupled onto, he said the city couldn't get an easement. The mayor stated the city only gets an easement for public utility lines. The attorney read aloud part of a letter written by Mr. Quick in the past stating that he himself could get the easement. Per the past minutes, council has been consistent with what has been done.

20. Motion to Adjourn Meeting.

At approximately 9:47 pm, Councilmember Preslar and Covington motioned to adjourn the meeting and the vote passed with a 4-0 vote.

Respectfully submitted,


Tammy Kirkley, Clerk for City of Hamlet

