

**HAMLET CITY COUNCIL REGULAR MONTHLY MEETING
HAMLET CITY HALL COUNCIL CHAMBERS
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, MARCH 11, 2014 – 7:00 PM**

MINUTES

Governing Body Present:

Mayor	William Bayless
Mayor Pro Tem	Johnathan Buie
Council Member	Pat Preslar
Council Member	Tony Clewis
Council Member	Jesse McQueen
Council Member	Eddie Martin

Staff Present:

City Manager	Marchell Adams-David
Interim City Attny	Brent Garner
City Clerk	Tammy Kirkley
Police Chief	Amery Griffin
Fire Chief	David Knight
WTP Supt.	Robert Brown
WWTP Supt.	E.G. Dunn
Zoning	Gail Strickland
Public Works	Billy Stubbs

Others Present:

Amanda Moss-RCDJ, Linda Bayless, Kim & David Lindsey, Gloria Maske, Don Norton, Jimmy Singletary, Starla Allen, Beth Brown, James & Natasha Beasley. (Approximately 21 attendees)

- 1. Call to Order.** Mayor Bayless called the meeting to order.
- 2. Invocation.** Rev. Michael Childers of Mt. Carmel Baptist Church offered the invocation.
- 3. Adoption of Agenda.** Councilman McQueen motioned to adopt the agenda and to move Council's Comments after the Closed Session portion of the meeting, Councilman Buie made the second. The motion passed unanimously with a 5-0 vote.
- 4. Approval of Minutes.** Motions were presented to approve the February 18, 2014, Regular Session and Executive Session minutes by Council Members Preslar, Martin and McQueen. All in favor with a 5-0 vote.
- 5. Comments from Attendees.** There were none.

New Business.

- 6. Ms. Twila Allen** with the Lumber River Council of Government, the Jurisdictional Assignee for the City of Hamlet, presented council with information concerning the Division of Aging.

She reported the School of Government's Ethics Training will be available to the COG in June and they are making it available to all new governing officials.

- 7. Public Hearing #1 - Molina Rezoning Request.** The Mayor reported that the Molina's property at 810 Hwy. 74 east was recently annexed into the city limits. The property is currently zoned Residential-6 (R-6) and the request is to rezone to General Business 2 (B-2) and further explained. The Mayor reported the Hamlet Planning Board gave the request a favorable recommendation during the February 17, 2014 meeting. He opened the floor to the public hearing for comments and there were none. The hearing was then closed.
- 8. Consideration of Molina Rezoning Request.** Mayor Bayless welcomed comments of council on the request and there were none. Councilman Martin and Preslar motioned to accept the rezoning request. The vote passed with a 5-0 vote.
- 9. Public Hearing #2 - Beasley Rezoning Request.** The Mayor explained that James and Natasha Beasley requested to rezone their property located at the intersection of Hwy. 381 and 74 from the current Residential Agriculture-20 (RA-20) to Neighborhood Business (B-3). The Hamlet Planning Board gave a favorable recommendation during the February 17, 2014 meeting. The hearing was opened for comments and there were none. The hearing was then closed.
- 10. Consideration of Beasley Rezoning Request.** The Mayor asked for comments of council and there were none. Councilman McQueen and Martin motioned to rezone the property. All were in favor with a vote of 5-0.
- 11. Public Hearing #3- Carney Rezoning Request.** The Mayor explained that property owner Linda Carney has requested to rezone her property located at 733 Hamlet Avenue from the current General Business (B-2) to Residential (R-6). The Hamlet Planning and Zoning Board met on February 17, 2014, and gave a favorable recommendation to rezone the property. Mayor Bayless opened the floor to the Public Hearing and welcomed comments. None were presented. The floor to the hearing was then closed.
- 12. Consideration of Carney Rezoning Request.** The request to rezone the Carney property to R-6 was then unanimously approved by motions of Council Members Buie and McQueen. The vote passed unanimously 5-0.
- 13. Public Hearing #4- Text Amendment to Zoning Ordinance.** Mayor Bayless opened the floor to the public hearing to consider approving a text amendment to the zoning ordinance. He explained the reason for the amendment is the State House made changes in HB 276 last year and requires minor wording changes within the document. Gail Strickland presented council to say that one section of the amendment was omitted under Section 12.6 regarding the posting of the sign on the property under the appeals process. She reported there should have been ten items listed and she will include the tenth item as the General Assembly requires. Mrs. Strickland reported that approving this text amendment will put Hamlet's ordinance in line with the State's General Statutes.

Attorney Brent Garner confirmed with the one mentioned addition, and said all is good. The Mayor for other comments and there were none and the public hearing was closed.

14. Consideration of Text Amendment to the Zoning Ordinance. Council Members Clewis and McQueen motioned to accept the text amendments as presented and to include the addition of Item No. 10. All were in favor. Mr. McQueen asked for an emailed copy of the amendments once the update has been made.

15. Approval of Tax Releases. The taxes are being released per Richmond County. Motions were made by Council Members Buie and Clewis to approve the submitted releases. The vote passed 5-0.

Other Business

Staff: Tammy Kirkley informed council and she will be working with Miranda Chavis in putting together a new city street map and is looking forward to the end product.

16. City Manager's Report. Marchell David reported that baseball registrations are currently underway and she announced the dates for the regular and late sign-ups. She announced that Miranda Chavis has partnered and has worked diligently with NCDOT in order to have some brown signage for lead-ins to the historic portion of town to be erected along the bypass and has gotten the price to a workable amount. To conclude, Mrs. David reminded everyone that the City Council Planning Retreat will be held on April 4 & 5, 2014.

17. Motion to go into Closed Session per NCGS 143.318.11 (a) (6) to discuss a contractual issue for a city attorney and to discuss a personnel issue. At approximately 7:18 pm, motions were made by Council Members Martin and Buie. The vote passed 5-0.

- **Reconvene to Open Session.** At 7:59 pm, open session reconvened and Mayor Bayless reported that no votes were taken while in closed session.

The Mayor called for a motion regarding the attorney. Councilman Preslar motioned to reach out to the former attorney to see if he would like to be the attorney again. He said there is no disrespect to the other firm, but the difference in the cost is his concern the \$1,200 versus \$7,800 for the coverage of the meetings. Councilman Clewis made a second to the motion. The vote failed with a 3-2 vote. Council Members Buie, McQueen and Martin opposed in vote.

Councilman McQueen motioned to appoint the Brough Law Firm out of Chapel Hill to be the attorney for the City of Hamlet effective immediately. Council Members Buie and Martin made a second. Mr. McQueen commented that via the recent Essentials of Government training, several people in different municipalities had nothing but praise for this law firm and he thanked Mr. Morphis for being in attendance. Councilman Buie noted his thanks to Brent Garner and said council respected Mr. Garner's wishes to move on. The Mayor called for a vote on the motion, and the vote passed 3-2. Council Members Preslar and Clewis opposed in vote.

The Mayor said this firm comes well represented and said they represent a number of cities around Hamlet.

18. Comments of Council

- **Pat Preslar** noted that he doesn't have any issue with the new law firm and he is sure they will do great things for Hamlet, but that he felt an obligation to reach out to the local attorney one more time.

- **Jesse McQueen** confirmed with Mr. Morphis that he and his firm are willing to start immediately. He then made the motion to have the Brough Law Firm to check into the way the A&P Building was purchased. Mr. McQueen noted he spoke with the lead attorney with the League of Municipalities during recent training, and noted the attorney said according to what was told to him about the matter, there could be a cloud hanging over the deed of that building. Council Member McQueen said he would like to get this firm to look at how it was purchased to see if anything needs to be changed or redone in an effort to make sure everything was done the way it should have been. Council Member Buie made a second to the motion. The vote passed 3-2 with Council Members Clewis and Preslar opposing. Mr. McQueen again thanked Brent Garner for stepping in as interim and thanked the city employees for their hard work and all that they do.
- **Tony Clewis** thanked Brent Garner for his help. He also thanked Mr. Morphis and said he is sure that they are a good law firm. Mr. Clewis shared his thoughts about the board moving backwards and referenced the aforementioned action with the A&P Building.
- **Johnathan Buie** again thanked Mr. Garner for serving as interim and for the advice he provided to council. He said council is moving forward but said there are some things they need to close up on and to make sure the citizens understand what was done and why. He said this is to ensure the public is appeased. He thanked Mr. Morphis for being at the meeting and he said he looks forward to working with him.
- **Eddie Martin** said he had three items. He asked if there was anyone in attendance from the press and confirmed that there was a representative in attendance. He asked the manager why the press does not have a place at the table in order to have somewhere to put their keyboard/computer to keep from having to write notes in their lap. He said he thinks press should have a place at the table to put their items on and said they will be able to hear and see better. Mr. Martin asked if a motion needs to be made and the Mayor said it is just be procedural item. The manager stated it has been the personal preference of media in the past where they wished to sit. Mr. Martin said media should have a place at the table to do their business, and said at the next meeting they will have a place at the table.

Mr. Martin reported that the meeting in Wilmington that the Mayor, Mr. McQueen and himself attended was worthwhile and beneficial. He noted that Mr. Morphis has been officially named Hamlet's City Attorney, effective immediately, and asked Mr. Morphis to sit at the table up front so in order to take any necessary notes. Council Member Martin said the previous board gave the city manager a contract and said it is his understanding that there is no contract that can explicitly bind an individual or group in perpetuity. He felt making this contract as written is invalid. Mr. Martin then asked if he needed to make a motion to have the new attorney to look into the contractual agreement set up by the previous board for the city manager, as to whether or not it is legal, illegal or the perpetuity situation exists.

Councilman Martin then motioned to have Mr. Morphis get a copy of the contract, review it and decide, if in fact, it is a valid contract.

Mr. Morphis confirmed the request is for the current manager. Councilman McQueen made the second to the motion. Several council members then shared an exchange of words concerning being informed with things that are going on. The Mayor called for a vote and the motion passed 3-2 with Council Members Preslar and Clewis opposing.

Councilman Preslar said if he may, to ask the city attorney to look into the South Hamlet ball field where \$18,000 was allotted for the ball field and \$17,500 was suppose to be matched. He wants to see the paperwork showing what was spent where and how much and to make sure the city got a \$35,000 investment for their cost. He asked the new attorney to look into this and make sure all areas were covered and to make sure the proper paperwork was filed. Mr. Preslar said he has asked both boards for this and said he has concerns the city paid \$18,000 for a full, turn-key concession stand, to include irrigation of the field and said the city did not get that. He noted a concern that about \$18,000 that they were possibly cheated out of. There was then brief discussion about a letter and/or meetings were it was reported that the matter was handled.

Councilman Preslar motioned for Marchell to obtain the report that went back to whoever granted the money, who was going to supply the other \$17,000, to see what the monies were spent on; he wants see that and verify it. He also wants cost estimates on what it cost to build the building. Mr. Preslar said if council will not settle it, he will do his own investigation and settle it and bring it to council. He said if he is wrong, he will say he is wrong, and if not, he expects council to take action. Mr. Preslar then reiterated his motion for the manager to research through the Field of Dreams or whoever applied for the money from the Cole Foundation, to see a report of what was spent on every item totaling \$37,500. Mr. Martin said it is his understanding that Mr. Smart said in a previous meeting that the city received what they were suppose to get, and he said Mayor Smart said they were satisfied. Council discussed items that were received in this matter. The Mayor called for a vote. Mr. Martin seconded the motion on the floor and then retracted his second. The motion then died for a lack of a second.

The Mayor noted his appreciation of communication between council. He said if Mr. Prelsar brings anything back, he will entertain it and council will take a look at it.

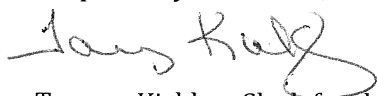
19. Mayor's Comments.

Mayor Bayless then gave his appreciation for what everyone does for the town and he welcomed new ideas and volunteers. He noted a recent meeting with the Transportation and Tourism Board and said the group is having a tourism company to market Richmond County for the things that can be seen in Richmond County. Mayor Bayless is hopeful this will bring more tourism to Hamlet. He said we need to promote Hamlet and do business in Hamlet.

Council Member McQueen noted a housekeeping item. He inquired about the term for the interim attorney within the contract and said he would like to see the city to honor the financial terms through April 8th as noted in the contract.

20. Adjournment of Meeting. At approximately 8:27 pm, motions were made by Council Members McQueen and Buie to adjourn the meeting. The vote passed 5-0.

Respectfully submitted,



Tammy Kirkley, Clerk for the City of Hamlet