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**CITY OF HAMLET REGULAR MONTHLY MEETING  
HAMLET CITY HALL- COUNCIL CHAMBERS  
201 MAIN STREET, HAMLET, NC 28345  
TUESDAY, SEPTEMBER 08, 2015  
7:25 PM**

**Minutes**

**Present:**

<b>Mayor</b>	<b>Bill Bayless</b>
<b>Mayor ProTem</b>	<b>Johnathan Buie</b>
<b>Council Member</b>	<b>Pat Preslar</b>
<b>Council Member</b>	<b>Tony Clewis</b>
<b>Council Member</b>	<b>Jesse McQueen</b>
<b>Council Member</b>	<b>Eddie Martin</b>

**Staff Present:**

<b>City Manager</b>	<b>Marcus Abernethy</b>
<b>City Clerk</b>	<b>Tammy Kirkley</b>
<b>City Attorney</b>	<b>TC Morphis</b>
<b>Finance Officer</b>	<b>Jill Dickens</b>
<b>Police Chief</b>	<b>Scott Waters</b>
<b>Asst. Fire Chief</b>	<b>Calvin White</b>
<b>Zoning Officer</b>	<b>Gail Strickland</b>
<b>Public Works Dir.</b>	<b>Billy Stubbs</b>
<b>WTP Dir.</b>	<b>Robert Brown</b>
<b>IT Dir.</b>	<b>Zach Garner</b>

**Others Present:**

**Daily Journal-Melonie Mclaurin, Pastor Pfisterer, Linda Bayless, Terri Clewis, Billy Jacobs, Jaime Chaver, David and Kim Lindsey, Leonetta Wiley, David Harrington, Chris Lampley**

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- 1. Mayor Bayless** called the meeting to order at 7:25 pm and noted that the meeting was recessed from the Special Meeting prior to the Regular Meeting.
  - 2. Invocation** by Pastor Pfisterer of St. Paul Lutheran Church in Hamlet.
  - 3. Adoption of Agenda.**  
The Agenda was adopted by motions of Council Members Buie and Clewis. The vote passed 5-0.
  - 4. Adoption of Minutes.**  
Minutes to the August 11<sup>th</sup> Regular and Closed Sessions were approved by motions of Council Members Buie and Martin. Mr. Preslar asked to abstain from voting on the minutes due to his absence and all agreed. The motion passed 4-0.

**5. Comments from Attendees.**

None were presented.

**6. Recognition of City Personnel.**

Police Chief Waters introduced Chris Lampley as a new/previous hire with the city and also announced the promotion of Richard Jordan to that of Detective Sargent. The chief provided background information on both employees.

**Old Business**

**7. Amendments to Swimming Pool Ordinance – Ord. No. 2015-04.**

The manager explained the requested amendments. A draft ordinance has been prepared by the city attorney. The NC Residential Building Code was referenced; for pools 48” and higher, the pool walls can serve as the barrier regardless of the wall materials. The draft has been reviewed by the Planning Board and they did add the part that states pools should not be located within the front yard, and for the pools to have setbacks same as other structures. Mr. Morphis briefed council as to the recommendation to go by the Residential Building Code on these issues. Council Members McQueen and Buie motioned to accept the amendments of the pool ordinance and the vote passed 5-0.

**8. Adoption of Council’s Consistency Statement Regarding the Ord. No. 2015-04.**

Council Members Buie and Clewis motioned to adopt the Council’s Consistency Statement with Ord. No. 2015-04. The vote passed 5-0.

**New Business**

**9. Public Hearing #1: Wiley Rezoning Request.**

The mayor reported this rezoning request is for the parcel located at 703 King Street to be rezoned from a (B-3) Neighborhood Business to a (B-2) General Business in order to allow for a certain type of business, which is a funeral home. Mayor Bayless opened the floor to the public hearing. Ms. Leonetta Wiley presented council and said 703 King Street has been abandoned and they would like to have a funeral home on this site. Ms. Wiley said they are asking to try to remodel the building for the usage stated. Mrs. Strickland confirmed that the building has met the setbacks of a business. No other comments were presented and the Mayor closed the public hearing.

**10. Consideration of Wiley Rezoning Request.**

Mayor Bayless stated the Hamlet Planning and Zoning Board recommended this request be approved. Council Members Buie and Martin motioned to approve the rezoning request. The vote passed 5-0.

**11. Adoption of Council’s Consistency Statement for Wiley Rezoning.**

Motions were made by Council Members Clewis and Buie to adopt council’s consistency statement. The vote passed 5-0.

**12. Public Hearing#2: Amendment to the Zoning Ordinance. Ord. No. 2015-05: Temporary Healthcare Facility.**

The Mayor opened the hearing and the manager explained that the law recently changed in regards to this zoning matter and the city is updating the ordinance to reflect the newly changed law. The city attorney said Hamlet simply needs its zoning ordinance to reflect the statue. He explained the Granny Pod. The changed amount for the fees will be \$100 for the initial permit and \$50 for each year of renewal. Councilman Buie confirmed this update is to allow for relatives who are disabled and/or have mental illness. Council discussed the size of facility that is allowed. Mrs. Strickland clarified the existing ordinance language, which states 600 sq. ft. Mr. Morphis explained if council

wants to take advantage of this exception of 300 sq. ft. on a unit they may do so. All units must abide by the zoning ordinance. It was confirmed if units currently exist, they will be considered as lawful non-conforming units; the new statute governs the new units that may come about. Councilman Preslar inquired about the allowed number of people to be taken care of per unit and it was stated that the issue would be considered as a business at a certain number. Mr. Morphis offered further explanations of the state and federal regulations. No one presented council during the hearing and the Mayor closed the floor to the hearing.

**13. Consideration of Amended Zoning Ordinance 2015-05.**

Council Members Martin and Buie motioned to adopt Ord. No. 2015-05 and the vote passed 5-0.

**14. Adoption of Council's Consistency Statement- Temporary Healthcare Facility.**

Council Members Buie and McQueen motioned to adopt council's consistency statement in reference to Ord. No. 2015-05. The vote passed 5-0.

**15. Public Hearing #3: Ord. No. 2015-06 Pertaining to Zoning Protest Petitions and Abstentions.**

The mayor opened the hearing. Mr. Morphis explained that this is statutory language that has been mandated and have added some language to the existing law. This year the General Assembly passed legislation eliminating zoning petitions and the votes to part of this amendment gets rid of it and the other the provision has been added to allow the council member to abstain from voting and he gave examples where members may abstain now. The General Assembly has said now there are reasons council may abstain from voting on a zoning issue. Section 252 of the Code reflects the statute change and includes the other language for standards of voting and conflicts of interest. No other comments were made during the hearing and the floor to the hearing was closed.

**16. Consideration to Adopt Ord. No. 2015-06- Zoning Protest Petitions and Abstentions.**

Motions were made by Council Members Buie and McQueen to adopt Ord. No. 2015-06. The vote passed 5-0.

**17. Adoption of Council's Consistency Statement for Zoning Protest Petitions and Abstentions.**

Motions were made by Council Members Buie and McQueen to adopt council's consistency statement in regards to Ord. No. 2015-06. The vote passed 5-0.

**18. Update to Animal Control Ordinance – Ord. No. 2015-07.**

The manager explained the additional recommendations or revisions to the ordinance. He said staff wants to clear up the language to reflect the guidelines to coincide with the state statutes. There are also clarifications in the language for "dangerous dog". The statutes require municipalities to set-up a board to hear appeals and city council has to appoint a committee. Mr. Abernethy recommended the city manager and police chief to serve as the board for availability and time sensitive purposes. Mr. Morphis added the dangerous dog language was added by the statutes; he said he liked the manager's recommendation for appointments due to time sensitive issues and said council may add another person if they so desired. Mr. Clewis suggested adding a female to the board. Mr. Morphis informed council that they may open up the appointment to the public and accept applications. The manager reiterated that all animals must be accepted by the shelter and there are after hour cages. The police chief noted that the police department will have keys to facility gate.

Chief Waters explained the department's efforts in obtaining an animal control officer and the training. Mr. Preslar asked if this is in an effort to address dogs running at large or potentially dangerous dogs; he also inquired about the fee amounts. Mr. Clewis suggested reaching out to the females who serve on the Planning Board.

Council discussed enforcement issues. The mayor asked Chief Waters to talk to Rockingham to see how their animal cases have been handled with citations and in court. Mr. McQueen noted transparency comes into play and said he doesn't want the chief or the city manager to serve on the board. He suggested establishing a board made up of four or five members. Mr. Morphis informed council that counties are required to have a rabies program. This review board will apply to only the people who bring forth an appeal. The Mayor asked the manager to bring something back at the next meeting to consider. The manager asked if council was comfortable with temporarily appointing the chief and the manager to serve until they can get another group. Council agreed to do so only temporarily.

Councilman McQueen and Buie motioned to adopt Ord. No. 2015-07 as written. The motion carried 5-0.

**19. Discussion of Take Home Car Policy.**

Chief Waters asked council to consider extending the take home car policy for the police department. He provided explanations for the request and noted how a policy would benefit the city, including improving morale. Chief Waters stated they will not need to purchase additional cars and said the fuel costs will increase slightly. This policy will expand within 5 miles of the Hamlet city limits. The chief stated the department has one employee who lives 5.3 miles from the city limits; he said five of his employees would benefit from this policy and there will be another one coming on that will benefit. Chief Waters said this will enhance ownership. Mr. Buie commended Chief Waters and said he thinks adding another mile to the guidelines by making it 6 miles from the city limits would be ok and noted it will be for on- duty use only. Mr. Martin confirmed with the chief that the allowable 5-6 miles from the city limits would be inside of Richmond County. Mr. Clewis reiterated that the cars are not to be used to pick up or drop kids off at school and for personal tasks; it is to be for work only. Pat Preslar confirmed he didn't need to abstain due to his employment. Mr. Preslar suggested leaving the miles at five and approving beyond five miles on a case by case situation. The Mayor called for a vote. Councilman Buie motioned to approve the 6 miles take home car policy with understanding that it is for work use only, Mr. Martin made the second to the motion. The vote passed 5-0. The manager recognized a recent intern with the city who assisted in the document.

**20. Mayoral Appointment to the Hamlet Housing Board.**

Mayor Bayless reported that Ms. Diane Smith's term on the Hamlet Housing Board of Commissioners will expire this month and that Ms. Smith has expressed an interest to serve another 5 year term. The Hamlet Housing Director has also recommended Ms. Smith to be reappointed. Mayor Bayless then appointed Diane Smith to serve another 5-year term to the Hamlet Housing Board and thanked her for her service.

**21. Consideration of Nomination to the Lumber River Council of Governments - Transportation Advisory Committee (TAC).**

Councilman Clewis has resigned from his position on this board and the person nominated to serve on this board will go before the county board for a vote. Mr. Martin nominated Councilman Buie; Mr. Buie nominated Mayor Bayless. Tony Clewis explained various requirements for the position and that the nomination will go before the Richmond County Board of Commissioners. Councilman

McQueen made a second to Councilman Buie's nomination. The mayor accepted the nomination and the motion carried with a 5-0 vote.

**22. Approval Submitted Tax Releases.**

Council Members Clewis and Buie motioned to approve tax releases as presented. The vote passed 5-0.

**Other Business**

**23. Departmental Reports.**

**Police Chief Scott Waters** reported the police department has received a number of speeding complaints on Hamlet Avenue by business owners and others. He said they are requesting to reduce the speed limit to 20 mph as on Main Street. The chief explained that the portion of the roadway to be affected is maintained by the city and it runs from Raleigh Street down to the Fairgrounds. The chief noted that speed limit signs will be need to be posted. Councilman Martin motioned to lower the speed to 20 mph in the described area and Councilman Buie made the second to the motion. The vote passed 5-0. Mr. Preslar suggested in an effort to try to slow down drivers, if the police department will do speed checks Spring Street in the mornings. The Mayor asked Mr. Stubbs to make sure the speed limit signs are posted on Hamlet Avenue.

**Tammy Kirkley** reported the United Way's Annual Day of Caring will be held on September 10<sup>th</sup> and that the kick-off will start at the Cole at 7:30 a.m.

**24. City Manager's Report.**

The manager offered thanks to the city employees. He announced the dates for the Richmond County Agriculture Fair and for the Seaboard Festival. Mr. Preslar inquired about the trees at the Senior Center; the manager gave explanations and said the city is collaborating with a class at the Richmond Sr. High School. He said they are going to create the design work and make a proposal to the city for landscaping and will do the landscaping work for the city in the afternoons at no cost. The plans will need to be approved by the city prior to work beginning. Mr. Preslar asked Mr. Stubbs' department to look at the debris on the lot of the old Fiesta Brava. He asked the manager to request a schedule of the state's landscaping plans for clean-up.

**25. Comments of Council.**

**Pat Preslar** – No other comments.

**Jesse McQueen** asked for an update on the Trailer Park located off of Boyd Lake Road. Mrs. Strickland explained there are 4-5 remaining trailers. The owner is keeping contact with the city and is continuing to take care of the issue. The Monroe Garden Apartments were inquired about and Mrs. Strickland reported the city is in need an ordinance update to include a Minimum Housing Code in order to move forward with this particular area. She said inspections have been performed, a letter has been sent, and the city received word that the owner of the property has deceased. Mr. Morphis provided explanations for the need of the Minimum Housing Code. Mr. McQueen asked if there is a conflict, if we can move forward with doing another property. Mrs. Strickland reported she provided information to the fire chief to see if permits may be obtained to burn both apartments simultaneously the fire chief told her they may be able to because of the close proximity of the structures. Mr. McQueen reported that the fire chief and a few other fire personnel have gone to Atlanta to check out the lettering for the new fire truck. He then asked Billy if he can get the Horticulture Club to look at some other areas in town and he commended Billy for the networking with this group.

**Tony Clewis** extended his appreciation for everyone's hard work.

**Eddie Martin** asked for an update on the house located inside of the trailer park on Boyd Lake Road. Gail Strickland reported the inspection has been completed, the heirs have been contacted and the city has received documents from the state on the matter. Letters have been sent and there have been no response thus far. Gail reported the city is waiting for the deadlines for the fines to begin. Mr. Martin then inquired about permits for feeding fish at the city lake. Staff reported their recollection of having a contract with NC Wildlife years back and to their knowledge the program has expired.

**Johnathan Buie** thanked Robert Brown for the tour of the Hamlet Water Treatment Plant and said he is looking forward to the upcoming tour of the Hamlet Waste Water Treatment Plant. Mr. Buie then said there is a section shrubbery that spell out the word "HAMLET" in front of Front Street and identified and thanked the individuals who assisted with the project.

**26. Mayor's Comments.**

The Mayor recognized Group 527 of the Boy Scouts for a recent Eagle Scout project and the group did the repair work on the Gazebo at the Library in Hamlet. He reported that the Business of the Month is the Girl's Scout building in Hamlet. The Annual Horticulture Fair will take place October 6-10 in Hamlet and no birds will be allowed for exhibits due to the bird flu. The Mayor provided other information concerning the fair. He thanked the employees for what they do and said both museums in Hamlet are doing well.

**27. Motion to go into Closed Session** per N.C.G.S. § 143-318.11(a)(3) (5) for **Attorney-client privilege; and (a) (6) personnel.** At approximately 8:49 pm, Council Members Buie and Clewis motioned to go into Closed Session. The vote passed 5-0.

*Reconvene to Open Session:* At 10:01 pm. council reconvened and the Mayor reported that no decisions were made in closed session.

**28. Motion to Adjourn.**

Council Members Clewis and Preslar motioned to adjourn and the vote passed 5-0 at 10:02 pm.

Respectfully submitted,

  
Tammy Kirkley, City Clerk

