

HAMLET CITY COUNCIL REGULAR MONTHLY MEETING
COUNCIL CHAMBERS ROOM
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, OCTOBER 11, 2016
7:00 PM

MINUTES

Governing Body Present:

Bill Bayless	Mayor
Jesse McQueen	Council Member
Eddie Martin	Council Member
David Lindsey	Council Member
Wendy Massagee	Council Member

Absent:

Johnathan Buie	Mayor Pro-Tem
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Staff Present:

Marcus Abernethy	City Manager
TC Morphis	City Attorney
Tammy Kirkley	City Clerk
Jill Dickens	Finance Officer
Billy Stubbs	Public Works
Scott Waters	Police Chief
Gerald Adams	IT Director
Gail Strickland	Zoning
Jennifer Turner	Tax Collector

Others Present: Media; approximately twenty attendees

Call to Order. Mayor Bayless called the meeting to order.

Invocation. Pastor Mims of Calvary Baptist Church offered the invocation.

Adoption of Agenda. Council Member Lindsey motioned to table Item No. 7 on the agenda and to accept the remaining Agenda as presented. Council Member Massagee made a second to the motion on the floor. The vote passed 4-0.

Adoption of Minutes. The Special Minutes of August 9th; Special Minutes of September 13 and Regular and Closed Session minutes of September 13th were unanimously approved by motions of Council Members Martin and Lindsey. The motion carried 4-0.

Comments from Attendees.

Gerard Anthony Morrison presented council on behalf of the John Coltrane Ed-U-Tainment. Every first Saturday in October. He has asked for 91 saxophone players; be it veteran or rookie to play a birthday tribute. The Mayor extended his appreciation.

Chad Gross presented council to inquire about the Park & Recreation football program for the 11-12-year-old league. He said he understands the concerns with mixing the two leagues and he has researched the Pop Warner Football Leagues and compared the options. Mr. Gross noted there are 15-20 players who will not be able to play football. He and council talked about the liability issues with Park and Recreation. Mr. Gross said in his research, the majority do not specify age, weight, etc. The discussion went to last year's football program where the two leagues were mixed and there not being any unordinary injuries for football. Mr. Gross simply asked council to help the 15-20 kids that have nowhere to play. Mr. McQueen said council did direct the two groups not to play together this year due to safety concerns. Mr. McQueen explained it falls on them to make the decisions and they have to look on both sides and there are four years age difference. They wanted to make sure the program was safe. Mr. Martin said they did make that decision and the NFL is even concerned about concussions and he doesn't feel we should mix the 9 and 12 year olds. Mr. Gross noted his research on a number of different leagues with different age groups and some do not have weight limits. Mr. Gross agreed there has to be some weight limits. Jesse said he would be willing to review the research. Mr. Bayless said council will talk and get back with Mr. Gross. Mr. Lindsey said council agreed unanimously to not mix the age groups.

Review of Draft Policy to Hire Off-Duty Police Officers in their official capacity. This policy does not set guidelines other than a law enforcement capacity. Officer eligibility that officers must adhere to. The manager continued to review the process and said it requires approval of the police chief and a certificate of insurance. The manager said this will apply to being within the city limits. The chief said it's a good opportunity to be out in the community and give the officers an extra opportunity to earn an income; the chief said he supports it. Mr. McQueen notes concerns with there being an instance where we do not have officers to cover the shift. The police chief said it may be a case by case basis and explained the matter of being out of work to do the afterhours work. The chief said his concern is to control the abuse of being out of work. TC suggested the policy may read that an officer can't do work that would interfere with their job. Mr. Lindsey said with the chief's approval, he doesn't have a problem. The police chief reiterated this is a living document and it may be a case by case matter. Mr. Martin had no issue if it was not related to their job as a police officer and involving alcohol and such. He said as long as an officer is off-duty and not using their authority for other than their position. The police chief noted the department has a policy in-place that deals with other employment matter.

Council Members Martin and Massagee motioned to adopt the policy as written. The manager noted the changes he made to the document during the meeting as discussed by council. Mr. Martin said his motion includes the manager's changes. The motion carried 4-0.

Review of Draft Facility Rental/Reservation. The matter was tabled.

Special Use Hearing – Sellers Solar Farm. Mr. Morphis gave a review of what needs to take place during, as well as, the rules for a quasi-judicial hearing and explained it is as a mini court hearing. A written decision must be made by council. Mr. Morphis explained conditions may be added to the permit if council so chooses. Mr. Morphis read aloud portions of the city's ordinance for this type of matter.

Mayor Bayless opened the hearing and asked all who wished to speak on behalf of the matter to be sworn in by the city clerk. Mrs. Kirkley swore-in everyone to testify in during the hearing for the solar farm issue by James and Jean Sellers.

Testimonies and Statements.

Hamlet Zoning Officer Gail Strickland gave a report and said the majority of the property is located outside of the City of Hamlet with a small portion being in Hamlet's extraterritorial jurisdiction area.

Attorney David Neill on behalf of the applicants introduced the applicants and experts. He said the site is slightly under 40 acres with 11 acres or less being set aside for a storm water device that may or may not be needed and the remaining property being located in the Richmond County jurisdiction. Mr. Neill stated the other portion of property was approved by the county on July 12, 2015.

Statements and Affidavits of the following were given: Gerry Dudzik with Solar Energy System, Ashton Smith, PE with firm of Ballentine Associates, PA, and J. Thomas Hester, NC Real Estate Appraiser. Affidavits for the experts were submitted as evidence into record.

A Special Use Permit Application packet for Sellers Farm Solar, LLC was delivered to the clerk as part of evidence of for the record that included a Decommissioning Plan, an aviation map analysis, letters from Solar Energy, a Glare Impact Study of Sellers Solar Facility, Solar Farm Comparisons, and map. Mayor Bayless officially accepted the documents into record.

Gail Strickland reported per the solar farm ordinance, council will determine the setbacks. The applicant has a proposed 50 ft. setback and the one side council will need to determine. Mr. Neill noted the Richmond County setbacks and said the county had already established the minimum setbacks. Mrs. Strickland noted it was up to council.

No further testimonies or reports were given and the hearing was closed. Council did not request a deliberation. Mr. Morphis explained the form for the board of adjustments and the form for the finding of fact. Council Members McQueen and Lindsey motioned to approve. Findings 1-5 of the attached Exhibit A- Order Granting a Special Use Permit, were voted on as follows:

1. First finding: Council Members McQueen and Lindsey motioned to approve; the motion carried.
2. Second finding: Council Members McQueen and Lindsey motioned to approve; the motion carried.
3. Third finding: Council Members McQueen and Lindsey motioned to approve; the motion carried.
4. Fourth finding: Council Members McQueen and Lindsey motioned to approve; the motion carried.
5. Fifth finding: Mr. Morphis noted this is where council needs to vote to approve or deny the Special Use application as submitted or place conditions on same. Council Member Lindsey confirmed this is a purchase and not a lease. Council Members McQueen and Martin motioned to approve the application as submitted with no further setbacks. The motion carried.

Blakely-Event Venue Special Use Quasi-Judicial Hearing began at 8:30 pm.

Mayor Bayless opened the floor to the Blakely hearing and the city clerk swore-in the individuals who wished to speak on the matter: Gail Strickland and Carroll Blakely.

Gail Strickland provided an overview of the request. She explained Carroll Blakely's requested the property to be rezoned to the current B-3 Neighborhood Business by council in April 2013, which council approved. Mrs. Strickland said Ms. Blakely would now like to have an event venue on this site; however, the ordinance does not list it as a permitted use; if not listed the applicant must apply as a special use.

Carroll Blakely presented and gave an overview of the project. She explained how the center will help the community and noted the various events that may be catered to with such a center. She said having an event venue will enrich the lives of citizens and it will not be used as a club. Mr. Martin confirmed club was excluded.

Jesse McQueen asked how they would rent the building out such as operating hours and such. Mr. McQueen asked about renting it at night and possibly underage drinking or alcohol violations going on the premises. Ms. Blakely said she would not rent to them anymore if such a situation occurred. She said alcohol would need to be permitted from NC. Ms. Blakely agreed she will be in good contact with who is renting the center. Mr. Lindsey inquired about liability insurance and Ms. Blakely said she would supply it and she was not aware of the limits of the policy.

Mr. Lindsey asked about how many off street parking would be available. Ms. Blakely said Mr. White said she could adequately have at least 100 people.

Mary McLaurin presented council. She said her family owns the vacant property to the subject property. She has an issue with the address; the listed address is her mother's property. Gail Strickland recommended Ms. McLaurin contact the Richmond County GIS for corrections in Parcel ID's. Mrs. Strickland confirmed that the zoning sign was posted in front of the correct property. Mrs. McLaurin said she feels it is a good idea for the neighborhood; for church, retirement, birthdays, etc. She was concerned that people not park across the property lines and she said she didn't like the idea of a lot of noise because her mom lives near the property and is 75 years of age and has health issues. Mr. Lindsey asked about the line Ms. McLaurin was referring to and Ms. McLaurin confirmed the property line at Columbia Avenue. She noted that is her only concerns.

Mayor Bayless asked if Ms. Blakely has worked out the parking issue yet and Ms. Blakely said she hasn't had any issues; however, she said she will put up a divider if needed in order to not go onto Ms. McLaurin's property. The parking space matter was discussed.

The maximum capacity was noted and Mrs. Strickland confirmed Ms. Blakely is required to have one parking space for every 3 people and a map of the layout will be needed. Mrs. Strickland will verify with Chief White. Gail noted guidelines on allowing a church and uses that require larger than standard setbacks. She said if council approves the request, they may set this as a condition. Mr. Morphis explained the applicant will have to show how they will comply before the permit is issued.

All of the neighbors were contacted via mailed letters and no one presented against the request. Noise levels in a residential area was discussed. Mr. Morphis and the manager noted the noise ordinance will still apply and council may add conditions to address the noise and perhaps hours of operation.

Mayor Bayless said there is a letter from Ms. Vernell Riggins of the neighborhood writing in favor of the request. The hearing was closed at 8:48 pm and the mayor noted the findings of fact.

Motions to approve with conditions to be approved momentarily were made by Council Members McQueen and Massagee and all were in favor.

1. First finding. Council Members McQueen and Massagee motioned to approve. All were in favor.
2. Second finding. Council Members McQueen and Lindsey motioned to approve. All were in favor.
3. Third finding. Council Members McQueen and Massagee motioned to accept. All were in favor.
4. Council discussed the conditions: Mr. McQueen asked for no outdoor speakers and to limit hours because of it being in a residential neighborhood. Ms. Blakely asked to stay open until 1 or 2 am. Mrs. Massagee and Mr. McQueen agreed to midnight, and the venue is not to be used as a club. Parking will still have to be complied to with code. Mr. Morphis said council could prohibit the venue from being a club and list as a restriction.
5. Approve or Deny the Request. Council Member McQueen motioned to approve with the three conditions. TC suggested council may want to have opening hours as well, operating from 8 am to midnight. The property shall remain in a clean and orderly condition. The motion was amended to add this condition. Council Members McQueen and Lindsey made the motion to approve with all noted conditions. All were in favor to approve with conditions.

Public Hearing - Blakely Rezoning Request. Gail Strickland presented and stated 101 Gin Mill Road is currently zoned B-3 Neighborhood Business and the owner has attempted to maintain tenants unsuccessfully and is now requesting to rezone it to a R-6, Residential 6 and will renovate. The Planning Board met and gave favorable recommendation.

Ms. Blakely reiterated Mrs. Strickland's comments and explained the current use is not working and noted she now wants to turn the store into a 3- bedroom house. The public hearing was closed.

Consideration of Blakely Rezoning Request and Consistency Statement by Council. Council Members McQueen and Lindsey motioned to approve the request and the consistency statement. The motion carried.

Retention Schedule Amendments. Mrs. Kirkley explained the amendments to the state retention schedule. She stated the changes have been implemented on the state level. Council Members Lindsey and Massagee motioned to approve the retention changes. The vote was 4-0 in favor.

Appointment to the Hamlet ABC Board. The terms of city representative Wendy Massagee and regular board member Jerry Thomas are expiring. Council members Martin and McQueen motioned to reappoint Wendy Massagee as city representative. All were in favor. Council Members Massagee and Martin motioned to reappoint Jerry Thomas and the motion carried.

Adoption of Budget Amendments. The manager explained the budget amendment is for a \$1,000 contribution to the depot board. Mr. Abernethy noted this donation will be included in next year's budget process as a donation to a 501-C (3). Council Members Lindsey and McQueen motioned to approve the budget amendments. The vote passed

The manager informed council the bid process for the update to the council chambers ended Friday and one bid was received for \$66,000. The budget amendment for this item will be included on November's agenda. He reminded council of the funding source via the televised governmental channel.

Amendments to Hamlet's Personnel Policy. The manager gave explanations for two proposed amendments. The amendments allow for on-call pay for any employee who is instructed to remain on-call (pg. 21). The second amendment establishes an Employee Assistance Program (pg. 73). The manager noted shift employees need to get approval and said if the fire chief decided to do this as well, it may be an additional cost to the city. Mr. McQueen gave background information for the police department and said he doesn't see a need for the police to be on-call during the daytime hours. The police chief referenced the situation with the hospital. He added this would be good as a morale booster; the chief noted the problems with the state law. Mr. Abernethy confirmed this change will apply to a true on-call employee. Chief Waters said his department has taken on the Animal Control and has had two positions eliminated and yet still operating.

The Employee Assistance Program is a newly added section to the policy. It is designed to allow for employees to confidentially seek three, one hour counseling sessions paid for by the city for stress issues. Council inquired if medical insurance would cover the visit if it affects job performance. This type of visit is a \$50 co-pay under medical insurance. The manager stated the city has an opportunity to contract with a local licensed clinical therapist for a flat \$50 rate. Mr. McQueen suggested the manager to bring the matter bring to include stipulations for getting therapy. Mr. Morphis stated if there is a confidential therapy session, he has concerns with restrictions of what may be discussed, which will be getting into medical records. The manager will research the insurance situation.

Council Member Massagee motioned to approve the amendments concerning the on-call amendments and suggested the manager get back with them with more information on the Employee Assistance Program. Council Member McQueen made the second and all were in favor.

Billy Stubbs thanked city crews for their hard work and overtime put in during recent storm cleanup. He also thanked the governing body for everything they did for his department during this time.

Jennifer Turner gave explanations for timing of the tax bills this year and said explained about following up with mortgage companies concerning the tax bills. She confirmed the new system will allow for postcards. The finance director is looking into the mailing for next year. Mr. Lindsey suggested if the city has to make changes, to look at all avenues.

Chief Waters gave his appreciation for council's support to the police department.

City Manager's Report.

Mr. Abernethy thanked the employees for their work during the hurricane. The County EMS Director said Hamlet will likely get reimbursements for storm issues from FEMA. The manager welcomed a subcommittee meeting with a few council members to discuss the earlier policy if they would like.

Mr. Lindsey asked how many applications have been received for the city manager's position and the manager replied 10-15. The next sub-committee meeting to review these applications is scheduled for October 20 at 2:00 pm.

Comments of Council.

David Lindsey reminded everyone of Seaboard Festival to be held on October 29th from 9 am -5 pm. He reported 190 spots have been sold this year of which 84 are craft vendors and 49 are food vendors. Mr. Lindsey stated one of the city's employees' son is creating a mobile app for the festival. Portions of Jefferson along Henderson Street will be blocked off for the festival.

Jesse McQueen thanked everyone who worked during the storm.

Eddie Martin commended the city's performance during the aftermath of the storms.

Mayor's Comments.

Mayor Bayless thanked everyone for their support during the hurricane. He noted on that Saturday morning the city was declared to be in a state of emergency. Damages are continued to be assessed. The city should be out of state of emergency within a few days. Mayor Bayless reported Convenience Corner is the HBDA's business of month. He then provided detailed information on several upcoming events in the city; the Richmond County Agriculture Fair, Annual Candlelight Reflections Ceremony, and a parade for veterans.

Motion to go into Closed Session. At 9:51 pm, motions to go into Closed Session per NCGS Section 143-318.11 (a)(3)(5)(6) for attorney client privilege, discussion of acquisition of real property, and personnel matters were made by Council Members Massagee and Martin. The motion carried.

At 10:44 pm, Open Session reconvened. Mayor Bayless reported council needs to vote to accept a donation of real property by Kim Lindsey. Council Members Massagee and Martin motioned to accept the donation of property. The vote passed 3-0.

Adjournment. At 10:45 pm, Council Members McQueen and Martin motioned to adjourn the meeting. All were in favor.

Respectfully submitted,


Tammy Kirkley, City Clerk

