

July 14, 2009 Monthly Council Meeting

**HAMLET CITY COUNCIL MONTHLY MEETING
201 MAIN STREET, HAMLET, NC 28345
TUESDAY, JULY 14, 2009
7:00 P.M.**

Minutes

Governing Body Present: Mayor, Jeff Smart; Mayor Pro-Tem, Bill Bayless; Council Members: Abbie Covington, Jesse McQueen, Pat Preslar and Tony Clewis

Staff Present: Marchell David, City Manager; Steve Futrell, City Attorney; Gail Strickland, Zoning Officer; David Knight, Fire Chief; Mitch Bowman, Parks & Recreation Director; Ernie Billingsley, Public Works Employee; George Schaner, Police Officer; Robert Brown, Water Plant Supervisor; Chris Clark, Water Plant Employee; and Christopher Lampley, Police Officer.

Others Present: Scott & Josie Taunton, Mitch & Mary Alice McEachern Long, Charles V. Vallance, Corey Dawkins, Gerard Morrison, and Olivia Webb from the Richmond County Daily Journal.

- 1. Call to Order.** Mayor Smart called the meeting to order and welcomed everyone.
- 2. Invocation.** Councilman Tony Clewis offered the invocation.
- 3. Adoption of Agenda.** The agenda was unanimously adopted as presented. Council Members Abbie Covington and Pat Preslar made the motions to adopt.
- 4. Approval of Minutes.** Minutes to the June 9, 2009 meeting were unanimously approved as presented by motions of Council Members Bill Bayless and Jesse McQueen.

5. Comments from Attendees. **Mary Alice McEachern Long** presented Council to discuss the neglect of Mary Love Cemetery. She stated she had 25 family members buried at the cemetery and she takes care of those lots. She called the condition of the cemetery disgraceful saying that on her numerous trips to the cemetery between May 14th and today, she had not witnessed one time when the grass was completely mowed. Mrs. Long mentioned the trashcan containers were never emptied. She then discussed the overgrowth there. She made reference to a meeting she had on June 27th with the city manager where she was informed the city has a contract with an individual to maintain the cemetery. Mrs. Long feels the city has an obligation to its citizens to see that the cemetery does not look like a city dump. She asked Council to take action.

Mayor Smart asked the condition of the cemetery today. Mrs. Long replied that some of the grass on the right had been cut, but the names on some tombstones are not visible due to the overgrowth. She feels it is not unreasonable for a town our size to have a well-kept cemetery and feels Council should look at new avenues. It angers her for the City to pay money for work not done.

Councilman Preslar stated that 8 years ago a Cemetery Committee was formed but it had now dissolved. He explained this was the first year of the contract for the maintenance of the cemetery and the contractor had equipment problems. He feels it would be good to have the Cemetery Committee again. Mrs. Long suggested a business-sponsored workday. She feels the city's money could be better spent elsewhere. She also stated that the contractor should have made arrangements to get the work done and if he could not get the job done he should get out of the program. Mayor Smart thanked her and told her Council was on the same page. Councilman Bayless said Council will make changes.

Corey Dawkins approached the podium to speak to Council. Mayor Smart asked if he was there to speak to Council concerning his pay. Mr. Dawkins confirmed and the Mayor advised Council would have to go into closed session to discuss. He asked Mr. Dawkins to remain until the end of the meeting and it would be discussed at that time.

Gerard Morrison presented Council. He distributed a Letter of Intent dated February 23, 2009, to Council and city staff. Mr. Morrison stated he did not want to beat a dead horse but it has been 30 days and he has received no response. He would have appreciated a response even if the response was that it was against policy. Mr. Morrison stated he had an issue with Captain Griffin concerning a break-in at his cousin's home. He went to the police department to speak to Captain Griffin and the captain left within talking with him. Mr. Morrison also had another issue with the police department when his grandmother's car was stolen. His complaint was that messages were not returned to him and the length of time it took for the case to be assigned a number. He also stated he wanted his cousins to review the 4 figures on the Housing Authority's cameras to see if they could identify them by their sway or walk.

Mayor Smart referred to the handout and asked Mr. Morrison if he was there to discuss the Coltrane Festival. Mr. Morrison responded that he gave the information about the police department to establish a pattern of lack of concern. Mayor Smart asked Mr. Morrison to tell Council exactly what role he wanted them to take. He also asked who the members of the Committee were and Mr. Morrison responded himself and others from other counties. The Mayor asked if the festival was planned for this October or next year. He said that with work and sacrifice he was adamant that it would be this year. He made reference to all of the talent in our area and mentioned a gospel tribute that would take place on Saturday. Mayor Smart asked Mr. Morrison to better define his request to Council. Was he requesting money or labor? He responded that no funds were included in the budget, money is critical, but a resolution of support would be helpful as he approached others for funding.

The Mayor asked if a location had been secured for the event. Mr. Morrison replied that he had booked the Cole Auditorium with his own money. He originally wanted to use the fairgrounds, but was told due to inclement weather that would not be a good choice. Councilman Bayless asked if Mr. Morrison had permission to use the Coltrane name from the family and he responded that he had a letter in process and he had left messages. Councilman McQueen asked if Mr. Morrison was a non-profit or if he was trying to get non-profit status. Mr. Morrison replied that you have to be in business 3 years to obtain. Mr. Morrison stated that he is looking at HIP as an agent to partner with. Council Member Covington explained that Council needs an agenda, a program with concrete details, calling Mr. Morrison's plans nebulous.

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She further stated the City needs something finite with rates, performers, expenses and associated funding. Mr. Morrison responded that the communication goes both ways and asked how he could have been more informed. Councilman McQueen agreed that the city needs more details. The Mayor told Mr. Morrison that the city was interested, but cannot operate that way. He should get an agenda to the City Manager and she will forward it to Council for their review. Mayor Smart also mentioned that he has had numerous conversations outside of the county with persons interested in John Coltrane.

Mr. Morrison stated he wished he had known that 5 months ago. He told Council he had submitted an application to the City to be on volunteer boards, but again he had no response from anyone. He expressed concern that there was a meeting with Congressman Kissell to request funding for the Opera House, but no one requested funding for his event. Marchell David advised the city has not called a meeting with the Congressman. County Commissioner Pam Dillman had the meeting.

Mayor Smart asked Mr. Morrison to get his agenda to Marchell David. He responded that the Mayor, Council and Staff were not making a good image by brushing him off. Mrs. David reminded Mr. Morrison not to send his correspondence by text.

Councilman Bayless told Mr. Morrison that he wanted him to be aware that the lighting and cameras at Hamlet Housing Authority belong to the Housing Authority, not the City of Hamlet. Mr. Morrison asked that someone talk to Captain Steele about giving updates.

Charles Vallance came before Council to discuss Code Enforcement issues and fines for his residence at 501 Lackey Street. Mr. Vallance stated he had lived and worked in Hamlet over 57 years, had served in the military and was confined to a psychiatric unit for 2 months. He told Council he wanted to know about the city codes and fines. He said he had pictures that were processed on March 17th that showed he did do something and he tried to comply. He informed council there are snakes and varmints everywhere in the world, except Hawaii. He puts out pesticides and when he cleaned up he did not find any. He stated the area was full of cats. Mr. Vallance stated he would like to know what Council wanted him to do. He was 67 years old with health problems. He asked if Council wanted him to leave.

Mr. Vallance then talked about his days in Vietnam serving with Harold Roper from Hamlet. He discussed the sights he experienced of the injured and dying. He said most people did not understand the situation. He stated he was in Vietnam fighting for freedom. He did not have family life like everyone else. He asked Council what they wanted him to do. What hoops did they want him to jump through?

Mayor Smart told Mr. Vallance that all of Council appreciated his years of service. He also stated that as far as the fines, Council was provided a timeline for 501 Lackey Street by Staff and it goes back 6 years when he was first contacted about the rubbish. He explained that City Council adopted the Ordinance with fines last year in an attempt to have homeowners clean their properties. He told Mr. Vallance that his fines had built to what they were today, but he was not the only one. Council's expectations were for him to clean his property. Once he did, the fines stopped on July 2nd. The fines stand. The Mayor asked Mr. Vallance what else he was asking.

Mr. Vallance replied he should be grand fathered. He stated he was not saying he was right or wrong, but he doesn't feel like he was done right. He feels he no longer has his safe haven and feels he has been violated and raped. He continued to say he has a hard time coping, but he is not the only one. He said he asked Gail Strickland what needed to be done and she said he needed to remove the vehicles and buckets. He said there are other uncovered vehicles in the area. He continued to say that Mrs. Strickland is not pleasant to work with. The Mayor stated Mrs. Strickland is in a position to follow an Ordinance. He thanked Mr. Vallance for addressing Council. Mr. Vallance again asked why he was not grand fathered. Mayor Smart responded this is not a situation to be grand fathered.

Old Business

6. Adoption of Proposed Text Amendments to Hamlet's Zoning Ordinance. A public hearing was held during the June council meeting in reference to proposed text amendments to Hamlet's Zoning Ordinance. The amendments have been available at Hamlet City Hall for a waiting period of 30 days. The mayor asked for a motion to adopt the Ordinance. Pat Preslar made the motion to adopt and Bill Bayless offered the second. The motion passed unanimously.

New Business

7. Setting of Public Hearing: Proposed Backflow Prevention Policy. Mayor Smart stated that council will need to set a public hearing to consider the Proposed Backflow Prevention Policy. During the 2009 Planning Sessions, council and staff discussed the community's need and the state's expectations for this type of policy to be in place. These guidelines will establish a program of inspection for an elimination of cross/backflow connections and penalty provisions for violations within the city's public water supply. The purpose of the policy is to protect the public water supply from contamination or pollution due to back siphonage or backpressure and to provide a continuing inspection program of cross-connections that may be installed in the future. Mayor Smart stated the next Council meeting would be August 11, 2009. Councilman Preslar asked if that date would meet the required 30-day period. Attorney Futrell stated the Public Hearing could be held at the August meeting and Council could vote at the September meeting.

Council Members Pat Preslar and Tony Clewis motioned to set the public hearing to consider the policy for Tuesday, August 11, 2009, at 7:00 p.m. The motion passed unanimously.

8. Approval of Tank and Tower Rules and Regulations. The mayor informed council they have a proposed list of guidelines the Council needs to review in an effort to prevent unauthorized and unsafe access on city water tanks and towers. The guidelines address safety and liability concerns for the City. Staff has recommended approval of the regulations. Councilman Bayless pointed out that the regulations do not address government agencies that are self-insured. Marchell David said that agencies such as the Highway Patrol would continue to have access once proper documentation is received.

Council McQueen referred to Item #2 of the regulations and noted the Fire Department may need to be included in the list of persons allowed to enter the tower properties.

Attorney Futrell recommended adding the Fire Chief or his designee. The City Manager stated that everyone will have to provide insurance and document the equipment that will be placed on the towers. Inspections will be conducted periodically to ensure only the equipment listed is on the City's towers. Councilman Preslar stated everyone currently existing on the tower should be contacted. Mayor Smart also stated other municipalities do not allow equipment to be on there towers free of charge and advised the City Manager to be careful in determining those allowed.

Council Member Abbie Covington made a motion to approve the regulations with the one revision to add the Fire Chief or his designee. Councilman McQueen gave the second and the motion passed unanimously.

9. Approval of Chalk Road Subdivision. The mayor explained that Taunton Enterprises, LLC has requested to develop a subdivision on Chalk Road in the City of Hamlet's ETJ area. The Planning and Zoning Board met June 29th and approved the lot areas and widths as indicated on the map. Mayor Smart then asked if Council had any questions for Mr. Taunton or staff. Councilman Bayless asked for the square footage and average price of the homes to be built. Mr. Taunton replied that 1200 – 1600 square foot would keep the homes in the adequate price range for the community. Councilman Clewis asked if lots 10 and 11 were the flag lots. Gail Strickland advised they were. Mr. Taunton responded that due to the topography, the flag lots were the only way to utilize this portion of the land. He said it would give the property owners a long driveway off the road. Councilman Clewis asked if the homes would be on a septic system. Mr. Taunton affirmed they would be. He also explained he was working with the County on water; however he may need 2 water taps from the City to get homes built quickly. He needs to proceed as soon as possible to receive the \$8000.00 tax credits available until November. Councilman Clewis asked if the city's water taps stopped at Trailwood. Mr. Taunton replied the lines ran to the main entrance of Trailwood on the opposite side of the street from his development. They would be sufficient to use. Councilman Prelar suggested Mr. Taunton give the residents copies of the City of Hamlet Zoning Ordinance regarding setbacks, fences, and pools. Mr. Taunton replied that he was working on the covenants for the subdivision and the city's restrictions would be included in them. He gave examples of no old cars and no more than 2 animals.

Councilmen Preslar and Bayless made the motion to approve the subdivision. The vote passed unanimously.

10. Adoption of Annual Tax Settlement. Mayor Smart advised that the Annual Tax Settlement gives the year-end tax collection rate of 96.10 percent. Councilman Bayless asked if the City will continue efforts to collect the unpaid taxes. Finance Officer Mike Deese answered that the Tax Collector has started garnishments already. The City Manager explained the state requires the tax settlement, but the city will pursue to collect. Councilman Preslar stated he was proud of the collection rate. He also noted the current rate will continue to grow as collections are made. He praised city staff and the citizens of Hamlet. The Mayor asked if the current year is in line with the past years. Mike Deese responded that under the circumstances, the city is doing good.

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Councilman Bayless made the motion and Councilwoman Covington gave the second to approve the tax settlement and close out the year. Council approved unanimously.

Other Business

Before the reports of the City Manager and Council were given, the Mayor called on Parks and Recreation Director Mitch Bowman to give a report.

Mr. Bowman reported baseball had ended for the City of Hamlet and he reported a very successful year. He also stated soccer sign-ups are underway and will end August 7th. The city sent 6 teams to play in the all-stars and 2 advanced to the state level. The city will host a state tournament next year. He also reported that this was the first year the city had the 9-12 year old program and the city's association with the American Legion went well.

11. City Manager's Report. The manager reported that as she and Robert Brown were at the water lake, they observed the water level was down. Water was not coming over the dam as it normally does. She asked for citizens to be responsible in using water.

Mrs. David also reported that the state may soon require municipalities to separate their garbage. This will create a problem for the city. The city will have to purchase containers for all residents to place separated items or the city will have to separate themselves. She also noted the County does not have a recycling program at this time.

The manager also discussed a Visioning Session she had with Synergy Group that afternoon along with the Mayor, Pam Dillman and Tom McCallum. The work session was to establish a vision for the museum. It was a round table discussion giving positive ideas for the community. She also advised that Synergy will conduct a training session for interviewers of the oral histories July 15th from 1-3 pm. The oral histories will be taken at the library for a quieter atmosphere away from the trains.

Council Member Covington noted there is a wonderful history in Hamlet.

Mrs. David also reported that the initial inspection of the dam at the water lake indicated seepage. Last week, when water levels were down, it showed that there was no seepage. J.T Grimes took photographs that he will submit to the State; hopefully, this will reduce the costs to repair.

12. Comments of Council.

Councilman Clewis asked the City Manager if the County was taking over videoing the Council meeting. He said he had received several inquiries. Mrs. David said she and Jeff Smart had talked to Pam Dillman that day about the same issue. Mrs. Dillman said she would check on it and get back with them. The manager also said she would see new County Manager Rick Sago on July 15th and would discuss the matter with him. She stated, at best, we would take a tape to the County to use with their equipment. The equipment was donated to the County by 911.

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Councilwoman Covington had no comments.

Councilman Preslar complimented the fireworks for July 4th. He said he wished the music was a little louder and said maybe we could work on that for next year.

Councilmen McQueen and Bayless had no comments or questions.

13. Mayor's Comments. Mayor Smart stated he had no comments at this time.

Motion to go into Closed Session: At approximately 8:20 pm, Mayor Smart reported that Council needed to go into closed session pursuant to General Statute 143.318.11 to discuss a contract issue. Council members Bayless and McQueen made the motions to go into closed session and the vote was unanimous.

At approximately 8:54 p.m. open session reconvened and Mayor Smart reported that no action was taken during closed session.

14. Adjournment. With no further business to discuss, at approximately 8:55 pm, Council Members Clewis and Bayless motioned to adjourn the meeting. All were in favor.

Respectfully submitted,

Gail Strickland