

Hamlet City Council
Special Meeting
Monday, December 23, 2013
5:30pm

Council Present: Mayor Bill Bayless, Councilman Tony Clewis, Mayor Pro Tem Johnathan Buie, Councilman Jesse McQueen, and Councilman Eddie Martin

Staff Present: City Manager Marchell Adams David, Gail Strickland, Robert Brown, Jill Dickens, and Billy Stubbs

Guests: Don Norton, Chad and Amy Guinn

Mayor Bill Bayless called the meeting to order at 5:30 pm citing the meeting was for one purpose. Council elected not to reappoint Steve Futrell as the City's Attorney at the December Council meeting and Council needs someone on a temporary basis to fill in through January 31, 2014 unless someone is appointed full time before that time. They will accept applications and interview for the permanent position. He called the meeting because he felt the City needed to have an attorney in place. He asked for comments from Council.

Councilman Clewis inquired if the City was currently under contract with Steve Futrell. The City Manager explained the City has an agreement with him through 2014 for current matters. Councilman McQueen asked for the procedure for new matters. Mrs. David replied that Mr. Futrell and the newly appointed attorney would work simultaneously in the beginning until the transition.

Councilman Clewis stated the reason Mr. Futrell was not reappointed was some of Council felt there was a conflict of interest because he represented the County as well. He stated that the name he heard some members of Council were considering was Brent Garner and asked if the same conflict of interest was not present because Mr. Garner's father, John Garner, served as a County Commissioner. Mr. Clewis inquired if Attorney Garner could represent somebody that got speeding tickets from a City of Hamlet Police Officer. The Mayor responded that Steve and his office had the same issue. Councilman McQueen reported that Derrick Crawford had the same problem when he served on Council and would not take certain cases that were presented. He personally does not see where it would be a problem and reminded Council that as recently as November 2013, the City had an issue that Mr. Futrell could not address because he also represented the county. The City Manager had to contact an attorney in Laurinburg. He stated there were other matters in the past such as the fire contract and due to things that come up day to day, the city needs representation.

Councilman Buie said that one positive thing with Brent is that he lives in the City of Hamlet and he would want the best for his town. He realizes the City could get an attorney from Laurinburg but he doesn't want taxpayers' money going to Laurinburg.

Councilman Martin stated he did not think it would be a conflict on any level and made a motion to hire Attorney Brent Garner on an interim basis until January 31, 2014 at the same

hourly rate and retainer fee as paid to Attorney Futrell. Mayor Bayless stated Council would vote on the issue and then present the information to Attorney Garner. Councilman Buie then offered the second.

Councilman Clewis inquired if they should see if Attorney Garner would accept the offer before council voted on the motion. Mayor Bayless stated Council would vote and then make a call to Mr. Garner.

The motion carried on a 3-1 vote with Councilman Clewis opposing the motion.

Mayor Bayless then asked the City Manager to call the North Carolina League of Municipalities to determine if there would be a conflict.

Councilman Clewis inquired who should make calls to the Attorney. He reminded Council that the City is charged an hourly rate each time the Attorney is contacted. Mayor Bayless stated it would be the same as with Attorney Futrell. Councilman Clewis clarified that contact with the Attorney should be made by the Mayor or City Manager. Councilman McQueen asked that all of Council be notified of any communication with any City's Attorney.

Mayor Bayless called for a temporary recess to make a phone call to Attorney Garner. He left the Chambers to make the call. Upon his return, he advised he would hold the recess for Attorney Garner to come to the meeting.

At 5:45pm, Attorney Garner joined the meeting and was welcomed by Council.

Mayor Bayless reported he had spoken with Attorney Garner on the phone and he had accepted the offer from Council. He asked Mr. Garner if he felt he would have any conflict serving as the City's Attorney with his father serving as a County Commissioner.

Attorney Garner then addressed Council and offered his thanks for the job offer. He stated he has the training and ability to complete the job and does not feel it will be a conflict. He understands the terms are for an interim position and he will do the job as long as he is needed. He expressed his love for Hamlet.

Councilmen McQueen and Martin welcomed and congratulated Attorney Garner. Councilman Clewis asked if Mr. Garner was aware of the Steve's charges. Attorney Garner replied that he had agreed to the same terms as Steve's.

City Manager David advised Council that they may not want to set an exact deadline date of January 31, 2014 with the holidays. The application and interview process for a permanent attorney may take longer than that timeframe.

Councilman McQueen asked the City Manager to get all information to Brent for the next Council meeting. Mrs. David advised the City would have to get a contract for Attorney Garner.

Mayor Bayless expressed his appreciation that Attorney Garner was willing to help. Councilman Martin pointed out the Attorney's seat for Council meetings.

The Mayor then called for a motion to close the meeting. Councilman Clewis made the motion and Councilman McQueen offered the second. The meeting was adjourned at 6:05pm.

Respectfully submitted,

Gail Strickland

