

**HAMLET CITY COUNCIL REGULAR MONTHLY MEETING  
HAMLET CITY HALL COUNCIL CHAMBERS  
201 MAIN STREET, HAMLET, NC 28345  
TUESDAY, September 9, 2014 – 7:14 PM**

**Minutes**

***Governing Body Present:***

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

***Staff Present:***

Interim Manager/	
City Clerk	Tammy Kirkley
City Attorney	Al Benschhoff
Interim Police Chief	Rodney Tucker
Fire Chief	David Knight
WTP Supt.	Robert Brown
Zoning	Gail Strickland
Museum Manager	Miranda Chavis
IT	Zach Garner
Public Works Dir.	Billy Stubbs
P&R Director	Mitch Bowman

Others Present: Approximately 15 attendees. Media -2

---

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

**2. Invocation.** Councilman Tony Clewis offered the invocation.

**3. Adoption of Agenda.**

The agenda was amended to include Item 8A for a proclamation, Item 8B for a discussion of the canine policy and disposition of the older dog, Item 10 for a Closed Session per NCGS 143.318 (a)(3) Attorney Client Privilege and (a) (6) for a personnel matter. Council Members McQueen and Buie motioned to approve the agenda as amended. The vote passed 5-0.

**4. Minutes Approved: July 8, 2014 Closed Session and August 12, 2014 Regular and Closed Session Minutes.**

A text error under the canine policy portion of the August 12<sup>th</sup> minutes was noted. Council Members Preslar and Clewis motioned to approve the minutes presented collectively and the vote passed 5-0.

**5. Comments from Attendees.**

**Mr. Tommy Cooper** mentioned that the recent Council Retreat was to discuss money and goals; however, he had not heard anything about goals.

He inquired how much the city has spent on attorney's fees thus far. Mr. Cooper noted the recent trend of losing employees, more recently three department heads.

Council Member McQueen said reported that goals were discussed during the Budget Session, which was an open meeting. Mr. McQueen said his current priority is infrastructure and he further explained. The taxes or T-word was mentioned. Mr. McQueen said he doesn't like to hear the T-word but we need to make sure things are being done correctly in the city as with an attorney. Mr. McQueen thanked Mr. Mr. Cooper for the dialog and said he welcomed any questions of the public. McQueen encouraged citizens to talk to council members and not spread rumors in the public and on social media.

Pat Preslar recognized the law firm representing Hamlet and noted their thorough knowledge in municipal law; however, noted the city has spent \$12,500 in this fiscal year and has spent \$23,000 since the firm was appointed. Mr. Buie said council weighed into the dollar amount, the firm's experience and the clients they represent. The mayor stated we know the base fee is \$650 per month and noted it is the additional or extra cases that have driven the costs upward.

Mr. Clewis said the city's infrastructure is in bad condition and he said he met with the Lumber River Council of Governments (LRCOG) last month and the group was discussing infrastructure mapping for sewer and water lines. The government will soon require agencies to have this type of mapping. Mr. Brown and other department heads will be meeting with Mr. Perry of the LRCOG to discuss this issue. Mr. Cooper recommended the next city manager should have experience with and be able to write grants. He then thanked council for their services.

#### **6. Budget Amendments.**

The budget amendments were presented to council for consideration. Councilman Preslar said we are borrowing from Fund Balance again, which brings us to almost \$1 million they are borrowing to balance budget this year. Mr. Buie pointed out that \$180,000 for two items from last year was rolled over into this year's budget due to the items not actually being purchased last fiscal year. Mr. Preslar said that some hard decisions will need to be made next year and reminded council that there may be another \$20,000 or so to go towards unexpected issues at the water plant.

Mr. McQueen inquired what the city's plans are for the Palmetto Wye Property. Tammy Kirkley then clarified the ongoing matter concerning the purchase of the Palmetto Wye Property. The attorney explained that there is an agreement that was inadvertently omitted between NCDOT and the City, which Craig McNeill will draft and it will need to go before city council in October and before the NCDOT Board in November. Mr. Benshoff said the approval of the funds will not affect the schedule of the project. Councilman McQueen motioned to accept the budget amendments as written with the omission of the \$17,000 administrative expense for the Palmetto Wye Property, which will decrease the requested \$63,600 budget amendments. Councilman Martin made a second to the motion. The vote passed unanimously in favor 5-0. Mr. McQueen thanked Mr. Benshoff for finding the error with the agreement.

**7. Approval of Tax Releases.**

The releases were briefly discussed. Jill Dickens reported per her understanding, the number of vehicle tax releases are expected to begin to decrease as they will be funneled through Raleigh. Council Members McQueen and Clewis motioned to accept the tax releases as presented. The vote passed 5-0.

**8. Mayoral Proclamation.**

The Mayor read aloud a proclamation recognizing September 11, 2014 as National Day of Service and Remembrance within the City of Hamlet. Mayor Bayless also encouraged the public to participate in local events as a way of remembrance. The police and fire chiefs and their personnel were thanked by the Mayor.

**8a. Mayoral Proclamation.**

Mayor Bayless read aloud a proclamation whereby proclaiming the week of September 17-23, 2014, as Constitution Week in Hamlet.

**8b. Canine Discussion Policy.**

Chief Tucker reported the Hamlet Police Department has two canines. He reminded council that the canine officer for the younger dog recently resigned, and the canine officer for the older dog resigned as handler due to moving his residence. Chief Tucker said he allowed the training for the new handler of the older canine to take place with the training of the younger one; however, at no cost for the older canine handler. The chief reported that an officer with the HPD took it upon himself to pay for the training and requested to take on the canine. Mr. Tucker said he informed the volunteering officer of the older canine that he would be promised nothing from the city beyond the allowed time for taking care of the dog. Chief Tucker reiterated the training of the second dog did not cost the city any additional funds and gave his professional opinion that it is a benefit for the city to have two canines. He confirmed that the city paid to retrain the handler for the younger dog and he pointed out that he knows of no health issues with the older dog.

Chief Tucker stated that he was not aware that it was council's wishes to retire the older dog. He informed the volunteering canine officer that the city will not be able to purchase another canine if something happens to the current/older dog. The subject canine officer was trained in Hamlet and all training arrangements were made by the employee and not the police department. The Chief said the employee did not receive any overtime or comp-time but the chief did work with the officer's work schedule. Mr. McQueen expressed his concern with the liability of the officer's training and certification. Councilman McQueen asked the attorney if the dog were to bite someone and the city did not send the employee to be trained, would the city be liable. Attorney Al Benshoff said if the officer has the same training as the other canine officers who the city pays for training, there would be no difference in liability. Chief Tucker said the officer in question received the same training as officers who come here from another agency; he said it's the same situation. Comp-time was again discussed and the Chief reported that he has informed his employees to lower their comp-time and they have been doing so.

Council then had a lengthy discussion on recommendations for the amount of time that should be allowed for the canine handlers to train the dogs within the new canine policy. Mayor Bayless asked for a motion to retain the older canine. Councilman Preslar motioned to allow the officer who received his own training to keep the dog and Councilman Clewis seconded the motion contingent upon the signing of a waiver by the officer. Attorney Benshoff noted if council wants to know how they protect themselves from the liability for the employees' training to keep in mind that it would be like any other donation, you can ask the person making the donation to sign away their rights. Mr. Benshoff recommended if council wants to be extra cautious they may ask the officer for a written waiver.

It was suggested to employ the older dog with a Memorandum of Understanding (MOU) that the city does not have to reimburse the officer if something should happen to the dog. Mr. Martin commented that it should not be up to the employee as to what the city needs to do because he has training. Mr. Preslar agreed there was some miscommunication in the matter; however, he agreed to extend the life of the older dog for two and a half years and said he would like to see a successful canine program in Hamlet. The Mayor called for a vote to the motion on the floor. The vote passed 3-2. Council Members McQueen and Martin were the opposing votes. Mr. McQueen noted his vote has nothing to do with the officer.

Councilman McQueen then commented that there appeared to be some snickering or talking in the audience during these discussions and he asked that council to be allowed to do their job because they are trying to protect the city from future liability in this matter.

While reviewing the current canine policy for changes, Councilman Buie asked the Chief to ask for bids on veterinarians to be used and to stay inside of Richmond County. Continued discussions for the proper language to be used for ranking officers within the policy were discussed. Councilman Preslar asked for records on the canines and training documents; he suggested having two ranking police personnel to inspect the records randomly. The Chief responded that he is already requiring these records to be submitted to his office weekly. Councilman Preslar suggested making the changes as discussed and to send a draft copy of the policy to council for review.

It was the consensus of council for Chief Tucker to get with the interim manager to come up with a draft policy for council to consider. Mr. Preslar suggested within the records submitted by the canine officers, to show the records of deployment and the success cases and all of council agreed. Mr. Buie said to make sure to check with the manager and council before money is being spent in reference to the canines.

#### **9. Departmental Reports.**

Fire Chief Knight reported that his department may have found a reasonable fire truck to fit within the \$200,000 budget. He noted this will take out the 1972 model from the fleet system.

Interim Chief Tucker reported the HPD has gotten some of their vehicles painted and said they are handling vehicle recalls on some of the Dodge vehicles.

Robert Brown gave an update on the water situation. He said they will be running samples on the water tomorrow. Mr. McQueen stated he has received complaints from business owners and he asked for feedback to provide. Mr. Brown stated that staff has been flushing hydrants in certain areas, which has helped the matter. He reported that it will take some time to be completely rid of the problem due to the odor trapped in the older water lines and explained. He stated the problem is not at the plant; however, it is in the water lines. Mr. Brown reported buying water from Rockingham will not help because it is a distribution problem and purchasing water from the county will cause problems for DaVita and Knit-Rite.

The Mayor thanked Zach Garner and Billy Stubbs for all of their help. Mr. McQueen thanked Billy Stubbs for going above and beyond his job duties. Councilman Preslar motioned to increase Billy Stubbs' pay by 15% for doing two jobs as the other personnel has been compensated and Councilman Martin made the second to the motion. The 15% increase is to be retroactive from the date Mr. Stubbs took on the two jobs at the shop. The vote passed 5-0.

Mitch Bowman presented council and stated that he has enjoyed working at the City of Hamlet and thanked the ones who supported him. Mr. Preslar said overall with the organization of the department and the competitiveness, he would put Mitch against the best of directors. He wished Mr. Bowman the best. Mitch said money and goals were very important and that he is worried about the direction of the city, which may have had some assistance in his decision to leave.

Billy Stubbs gave a report on the new garbage truck and a report on the used Ford trucks recently purchased from the Forestry Service. He explained the city was not the first agency to choose what vehicles they wanted to purchase.

#### **10. Closed Session.**

At 9:03 pm, motions to go into Closed Session per NCGS Section 143-318.11 (a) (3) to discuss matters within the Attorney-Client Privilege and 143.318.11 (a) (6) to discuss a personnel matter were made by Council Members Buie and Preslar. All were in favor.

Open Session reconvened at 10:26 pm

#### **11. Comments of Council.**

**Pat Preslar** commented on a tax issue that potentially will be facing us in 2015. Some items were unexpected and council will need a strong direction to keep this down. He noted the fund balance appropriations of about \$883,000 that we are borrowing, which is the highest that's he's known. He noted the city has been at \$300,000 - \$400,000 in fund balance appropriations and that we are now over that amount. Proper goals and direction are important. Mr. Preslar said council needs to come together to save money this year and to stay focused. He noted that one cent tax increase brings in \$20,000 and said he hopes council can avoid any kind of tax increase.

**Jesse McQueen** reiterated councilman Preslar's comments. He mentioned the major issues with infrastructure and said we may be coming upon the time for breaks. Mr. McQueen said it is his hopes that the city can find a place to store the model train display as a way to help the

National Railroad Museum and Hall of Fame. Mr. McQueen also reported the city received a number of applications for the city manager's position and he wished the applicants the best in their future endeavors. Mr. McQueen said he feels the city is moving forward.

**Tony Clewis** gave his appreciation for all of the employees and thanked them for the great job they do with saving funds. He reminded all that council has some hard decisions to make but that they will agree to get the job done. Mr. Clewis reported that he continues to ask for the left-hand turn signal to be added at the intersection of Hwy. 74 and Hwy. 177, east and west and that he will continue to do so.

**Eddie Martin** reported that he was sworn in as an ABC Board member last week and that he attended an ABC Board meeting today and there was nothing to report at this time. Mr. Martin thanked EG Dunn for his work and noted the degree of technicality with Mr. Dunn's job at the wastewater plant. He asked staff to check into the sign that was previously posted near the engine and caboose prior to the cars being painted.

**Johnathan Buie** provided a reminder to the public about the proper placement of yard debris and noted the pick-up schedule. He asked that city employees keep safety in mind when driving vehicles. Mr. Buie talked about employees wearing seat belts while they are traveling on Hwys 74 & 177 and reported he has received some recent complaints regarding cell phones. He asked the department heads to pass the safety reminders along to their employees. Mr. Buie thanked everyone for the job they do for the city.

### **12. Mayor's Comments.**

Mayor Bayless reported that the Hamlet Downtown Business Association has agreed to take over the Annual Christmas Parade as requested by the Hamlet Rotary Club and he thanked the group for doing same. He reported the dates for the upcoming Agriculture Fair in Hamlet. The Mayor talked briefly about the funding from the State. He gave a report of complaints regarding four wheelers along Freeman Mill Road.

The Mayor asked council for dates to hold a closed session to begin reviewing employment applications for the city manager. Council then agreed on Monday and Tuesday, September 22 and 23 beginning at 4:30 pm.

### **13. Adjournment of Meeting.**

At approximately 10:52 pm, Council Members Clewis and McQueen motioned to adjourn the meeting. The vote passed 5-0.

Respectfully submitted,



Tammy Kirkley, City Clerk for Hamlet

