

**HAMLET CITY COUNCIL REGULAR MONTHLY MEETING  
HAMLET CITY HALL COUNCIL CHAMBERS  
201 MAIN STREET, HAMLET, NC 28345  
TUESDAY, JULY 14, 2015– 7:00 PM**

**MINUTES**

***Governing Body Present:***

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

***Staff Present:***

City Manager	Marcus Abernethy
City Clerk	Tammy Kirkley
City Attorney	TC Morphis
Finance Officer	Jill Dickens
Police Chief	Scott Waters
Human Resources	Edna Cumberland
WTP Supt.	Robert Brown
Zoning	Gail Strickland
Public Works Dir.	Billy Stubbs
IT Director	Zach Garner
Asst. Fire Chief	Calvin White
Tax Collector	Gail Wise

Others Present: Approximately 13 attendees. Randy Webb; Media RCDJ

---

**1. Call to Order.**

Mayor Bayless called the meeting to order.

**2. Invocation.**

Pastor Tony Clark of New Beginnings Christian Ministries in Hamlet offered the invocation.

**3. Adoption of Agenda.**

Councilman Buie asked that Items 18 and 19 be placed before Item 17A. Councilman Preslar seconded the motion. The vote passed 5-0.

**4. Adoption of Minutes.**

Councilman Buie motioned to collectively approve the May 6, 2015 Budget Session minutes, the May 28, 2015 Budget Session minutes, and the June 9, 2015 Regular and Closed Session minutes. Councilman Clewis made a second and the motion carried 5-0.

**5. Comments from Attendees.**

No one presented council.

**6. Recognition of Personnel.**

Police Chief Scott Waters introduced Officer Skylar Dover who started with the police department on June 1<sup>st</sup>, and gave background information. The Chief then recognized Officer William Earl “Billy” Jacobs who started with the police department on July 1<sup>st</sup> and gave background information. Chief Waters reported there is now one vacant position within the police department.

**7. Amendment to Ordinance for Water/Sewer Annexation Requirements.**

Mr. Abernethy reminded all that this issue was tabled from the June meeting. He said the question last month from council was who would be responsible for the installation cost to hook onto the water line. He referenced the requirements within Chapter 21 of the Code, Section 252. He confirmed if a property owner wants to hook up to the city’s water, they are required to pay the costs unless the city does a large project wherein many connections would be made and it would be otherwise financially feasible for the city. The attorney confirmed that the presented ordinance is consistent with what council requested and he has no problem with the wording. It was reiterated to receive city sewer services, customers must be annexed into the city limits. Councilman Buie and McQueen motioned to approve the amendments presented. The vote passed 5-0.

**8. Amendment to Personnel Policy Workman’s Comp Drug Testing.**

The manager explained the suggested amendments are reestablishing the random and post accident drug and alcohol testing policy. Staff has tried to streamline and simplify the drug testing section in an effort for it to be clear and easy to follow. Mr. Abernethy noted the simplification will not change the content. Current policy states employees are to be drug tested for any and all workman’s comp claims and it is being recommended to remove this because there are many minor injuries that do not warrant a drug test. Another portion recommended to be amended is the post-accident drug testing requirements and the threshold for total aggregate property damage requiring a drug test; the current threshold is \$2,500 for safety sensitive employees for \$5,000 for all other employees and the intent is to amend it to be uniformed with the same dollar amount. Employees in a major accident are to be tested for alcohol and drugs, the employee will still receive the needed medical attention first at the discretion of first responders. Guidelines are being established that outlines the supervisors’ role in these events.

Mr. McQueen questioned the property damage amounts and explained he does not agree with the dollar amount. Mr. Morphis noted it is common to have a dollar threshold but not necessary, and said it would not affect the policy. Personal injuries for the employee or others are included. Council discussed the estimated damage verses actual damage. Mr. Morphis added that some common sense will need to be used, as well as, behavioral signs and such. Reasonable suspicion by the supervisor is also a guideline. The attorney added that this is common number used by others. Councilman Buie motioned to approve the amendments. The motion carried with a 5-0 vote.

**9. Discussions of Amendments to Personnel Policy – Leave Time.** Mr. Abernethy noted this matter has been previously discussed; he said the two major reasons initiating the discussion is to correct the differences between the city’s policy & its practice with regards to vacation & holiday time for the police and firefighters. An overview of the city’s sick and vacation time was discussed with the manager explaining the number of hours earned by employees. The manager pointed out what the city’s policy says, and what has been done in

practice, are two things; he offered several possible solutions based on what other local governments practice. The manager reported that staff met with Hartwell Wright with NCLM who recommended all of city leave time to follow the pro-rated method, where every employee earns a certain number of hours based on the same percentage of worked. Mr. Wright suggested the number of hours an employee earns, that same number of hours should be deducted. If an employee earns 10.6 hours, then 10.6 hours will be deducted, even if an employee's shift is 24 hours, the employee is getting a day for a day. The manager said under these terms, the leave time would no longer be an issue. Mr. Abernethy noted the problem hasn't been what the employees are earning; it's the deducted amount of time that has been an issue. A new method needs to be determined.

The manager then talked about unused sick leave and how it can be used and rolled over into the retirement system. He said some were concerned about the accrual of holiday time that could potentially roll over into sick time. The state looks at an agency's policy and uses the number as stated in same.

The accrual of holiday time was then discussed. Mr. Abernethy reported the state's benefits counselor with the Retirement Board informed staff that they will accept what is arranged within a policy and will not accept more hours than the maximum time allotted in the policy. Holiday time is a benefit established by the city council and is given either as a gift of straight time, or as compensation to employees who work the holiday; this time is not regulated by federal or state law. Mr. Abernethy said Hamlet gives holiday time as a gift and it is prorated; however, in practice the time has accrued hour for hour at 12 and 24 hours. The solution is loosely based on the majority of how other agencies operate. Mr. Abernethy reported the majority of agencies pay 8 hours across the board. He then reviewed six options that would resolve the problem with holiday accrual and would provide some type of a payout. The manager recommended Solution E to be the best fit for Hamlet as it is one of the solutions that pays it forward.

Councilman Preslar suggested paying the officers 11 days per year and pay time and a half for the employees who work on a holiday. Councilman Martin asked for the manager's recommendation on the matter and said he will make a motion to accept same. Mr. Abernethy recommended Solution E, as it gives prorated hours up front and pays more. Councilman Martin motioned to accept the city manager's recommendation and go with Solution E. The Mayor called for a second to the motion and a second was not made. The motion on the floor died for a lack of a second. Mr. McQueen asked when the employees will get paid with the option recommended; he questioned why we would want to pay the police and fire up front or in the end. He said with good management employees' will take time off which is the ideal situation.

Mr. Preslar then talked about the number of hours worked by regular employees and firemen; he suggested prorating the time based on 8 hours. Mr. McQueen noted sick and vacation time has been settled, and said the method of deducting the time needs to be determined. Mr. McQueen suggested setting a date for a meeting so that council may discuss the matter and get it right. Mr. McQueen then motioned to table the item and set aside a later day to discuss it. Mr.

Preslar suggested having a panel of each type of employee to be represented at the meeting and said he just wants to make compensation fair. Mr. McQueen suggested that council may want to meet an hour before the next council meeting to discuss this matter. Mr. Preslar briefly discussed case law in regards to a specific fireman's situation. Mr. Preslar made a second to the motion on the floor and the vote passed 5-0. The manager asked council if there is anyone he can reach out to in helping to determine a solution and Mr. Preslar recommended Hartwell Wright. Mr. Abernethy noted he will also attempt to survey employees. Mr. Buie suggested council look at their calendars at a later time to try to determine a potential meeting date to discuss the matter.

**10. Discussion of Financial Arrangement with Hamlet EMS.**

Richard Lassiter with Hamlet EMS was present for discussion. Mr. Preslar said his concerns have nothing to do with the quality of service given by the Hamlet EMS and commended the group's quality of work. He pointed out there are several sites online to locate non-profits' auditing records and said some go back 14 years. Mr. Preslar then said he is in no way suggesting having a part-time or volunteer fire department; however, stated the Hamlet EMS is a separate entity operating in the city's fire department. He talked about the costs paid for by the city and said for all intensive purposes, the paramedics are city employees. A concern is they give funds to the city every year to offset the costs of the paramedics. Mr. Preslar then noted the net revenues made by HEMS that has been well over \$400,000 for a number of years. Mr. Preslar talked about the call volume and said EMS calls are at 78% and fire calls are at about 21%; he asked if this is being good stewards with the taxpayers' money. Mr. Preslar noted HEMS could possibly be a viable entity on their own; he suggested the city needs to be completely in the EMS business or completely out of the business. HEMS gives the city \$125,000 and they have increased it to \$140,000, which is about half of the paramedics' pay.

Mr. McQueen stated that HEMS has always paid what the city has asked for and said he is in favor of having a contract with the entity but thinks it should be done under new council. Mr. McQueen said the contract needs to be brought up during the 2016 budget year. Mr. Clewis confirmed the city is not out of the EMS business, he said the paramedics work for the city a certain amount of the time and, therefore, are employed by the City of Hamlet.

Mr. Morphis said this situation is common. He agreed that the city needs to get something in writing that addresses concerns about liability and finances, and said as a volunteer association who raises funds; a contract will protect both sides. The attorney said there is no need to do this immediately and that it can be looked at for the next budget year. The Mayor asked the manager to get with Richard Lassiter to begin looking at a contract. It was the consensus of council to have the upcoming new council look at a contract next year. The manager confirmed he will get with Mr. Lassiter on the matter. Mr. Preslar suggested for the HEMS to have a highly governed and active board because of their dealing with finances.

**11. Utility Easement between the City of Hamlet and Piedmont Natural Gas Company.**

Mr. Abernethy reported that Piedmont Natural Gas (PNG) approached the Hamlet about purchasing an easement from the city so that they may bury an exposed line which runs parallel to the city lake and the dam. PNG has agreed to pay the city \$11,000 for the easement. The manager explained the specifics for the line location and said PNG's goal is to promote safety and prevent accidents. It was also reported that Dam Safety has no issues with the easement; the contract indemnifies the city if something happens to the dam or the lake. Mr. Preslar inquired if

this affects the city with being at “high risk” for the lake and Robert Brown replied this will not affect anything that we do in reference to dam renovations. Mr. Randy Webb with PNG presented council and he said the company is looking at possible threats and are trying to eliminate them. Mr. Webb also explained where and how PNG intends to bury the subject line. The manager reported that the city will pay the attorney’s fee in the matter and will collect the \$11,000 for the easement. Councilman Martin motioned to give PNG the easement to bore the line as noted and Councilman McQueen made a second to the motion. The motion passed 5-0.

**12. Consideration of Amendments to the Animal Control Ordinance.**

Mr. Abernethy said the county has called on Hamlet to take a more active role with controlling animals within the city limits and they have said they do not have the authority to enforce the city ordinance. This will be a new department within the police department. The manager said we will continue to respond to calls as in the past and enforce the leash law; he said there are some purchases that will need to be made such as a vehicle and a box for the animals, and have volunteered sworn officers to do the control. Mr. Abernethy said the city’s current ordinance will need to be updated. Mr. Clewis asked what will happen when Hamlet picks up an animal and the county cannot accept it. After discussing the question at hand, council asked the manager to find out what will happen in this situation because the city does not have a location to keep the animals. Mr. Preslar also asked what the city will do with the animals over the weekend.

The Police Chief said the department has been proactive in animal control but pointed out they cannot trap or transport. Mr. McQueen stated the county needs to give the city a guarantee that they will accept the animals. Mr. McQueen then asked about the vehicles for this new position; he said the department needs to go ahead and buy the approved car as soon as possible. Mr. McQueen suggested using an existing vehicle and fit it for animal control purposes. Chief Waters referenced several requirements the department will have to adhere to according to the North Carolina General Statutes. Motions were made by Mr. McQueen and Mr. Buie to table the matter until next month’s meeting. The vote passed 5-0.

**13. Discussion of Façade Grant Improvement Program.**

The manager took a few moments and explained the proposed Façade Grant Program. He referenced the areas that would be applicable to the grant program. Mr. Abernethy then reviewed the guidelines with council. He said the grants would be available to applicants while funds are available. He explained most agencies that implement this type of program do it on a 50/50 matching basis, which is what he is recommending for Hamlet. Mr. Preslar inquired about restrictions on paint to maximize the city’s dollars; he suggested using Sherwin Williams for discounts. Mr. Preslar asked the manager to reach out to Sherwin Williams about the matter. Councilman Buie and Clewis motioned to approve the Façade Grant Program. The vote passed 5-0. Staff will check with Sherwin Williams about the paint discount inquiries.

**14. Annual Tax Settlement for 2014.**

Council Members Preslar and Buie motioned to approve the submitted tax settlement and the charge to the tax collector. The vote passed 5-0.

**15. Approval of Tax Releases.**

Councilman Buie inquired about taxes that are billed to Hamlet and Tax Collector Gail Wise provided explanations. Council Members Buie and Martin motioned to approve the tax releases and the vote passed in favor 5-0.

**16. Departmental Reports.**

Councilman Buie asked Chief Waters to share the information concerning the \$3,000 donation made to the HPD. The chief reported that the Ladies Auxiliary of Sandhills Regional Medical Center recently donated \$3,000, which will go towards the purchase of several new life vests for the officers. Councilman Preslar suggested seeing if the League is still offering the matching grants for the safety vests. Officers from the HPD also recently attended the Dobbins Heights Ribbon Cutting Ceremony for their new building.

Mayor Bayless asked Mr. Stubbs to check on a some backed up drains located on Bauersfeld Street and Clay Street. He also thanked Zach Garner for his help with the Fourth of July activities.

Jill Dickens reported that the city's auditor is scheduled to be in Hamlet next month working on this past FY's Audit.

**17. City Manager's Report.**

Mr. Abernethy reported that staff is currently working on a Body Cam Policy and they hope to present to council for discussion during the August meeting. The manager thanked city staff who helped prepare for and clean up after the Fourth of July activities; he also recognized the HBDA for coordinating the events. The manager reported that the Hamlet Fish Market has been selected as the Business of the Month.

**18. Comments of Council.**

**Pat Preslar** thanked the HBDA for their help with the Fourth of July events. He said the fireworks show was some thinner this year and suggested looking at outside help next year or looking at another company. Mr. Preslar also expressed concern with the Parks & Recreational Department not having an All-Star team this year and suggested the city may need to start the season sooner next year. He welcomed a meeting with Maurice McLaurin and himself to meet with the new high school football coach to obtain pointers and such in order to better sculpt the football program. He ended with recognizing Jerry Lamont's upcoming retirement with the city on July 31<sup>st</sup> and congratulated Mr. Lamont.

**Jesse McQueen** reported there are a few flower beds around the Main Street Park and at the Senior Center that need to be looked at, as well as, some loose pavers on Main Street.

**Tony Clewis** thanked everyone who helped with the Fourth of July events in town. He reported that he will have to step down from the Transportation Advisory Commission (TAC) Board due to a new job, which begins in August. Mr. Clewis stated another council member will need to be nominated to serve on the board; he said the nomination will need to go before the Richmond County Board of Commissioners for an official appointment.

**Eddie Martin** said he received a few complaints about the conditions of the weeds and such at Mary Love Cemetery. He said he rode to the area and the complaints are legitimate and asked that the city try to improve the conditions. The manager reported that he recently met with a few citizens that have some concerns as well and he is working on the matter.

**Johnathan Buie** said the recent Melvin Ingram Fun Day went well. He said he is excited to see that Mr. McLaurin is offering a 30 & over Adult Basketball League and he thinks it is a good idea.

He too said the July 4<sup>th</sup> activities went well. Mr. Buie thanked Doc Sylvain, the HFD, Ernie Billingsley, Billy Stubbs, Gene Ross, the HPD, Zach Garner, David and Kim Lindsey and the HBDA for all of their help.

**19. Mayor's Comments.**

Mayor Bayless reiterated that Hamlet Fish Market was selected as the HBDA's Business of the Month. He encouraged the public to visit the gift shop located Front Street and said the owner has a number of interesting things. The Mayor offered thanks to all who helped with the city's Fourth of July activities. He recognized the efforts of the National Railroad Museum and Hall of Fame, and ended with wishing Jerry Lamont the best on his upcoming retirement.

**17A. Motion to go into Closed Session.**

At 9:20 pm, a motion was made to go into Closed Session per NCGS Section 143.318-11 (a)(3) to preserve the attorney-client privilege to discuss Tax Lawsuits. Council Members Buie and Clewis made the motions and the vote passed in favor 5-0.

**Open Session Reconvened.** Councilman Buie and Clewis motioned to go back into open session at 9:34 pm. The vote passed 5-0. Mayor Bayless reported that no action was taken while in closed session.

**20. Motion to Adjourn.**

At 9:35 pm, Council Members Clewis and Buie motioned to adjourn the meeting. The motion carried 5-0.

Respectfully submitted,

  
Tammy Kirkley, City Clerk

