

THE FOUR HUNDRED AND THIRTY SIXTH SESSION
OF THE BOARD OF ALDERMAN
VILLAGE OF ALAMANCE
SPECIAL MEETING
SEPTEMBER 9, 2014 – 6:30 PM

Present: Mayor Bundren, Mayor Pro Tem Tichy, Alderman Clemmons, Alderman Sharpe, Alderman Slaughter, Alderman Gregory and Clerk York.

Absent: Alderman Crouse

The Board of Aldermen met in special session to interview and consider applicants for the position of Town Attorney.

Charlie Davis

Attorney Charlie Davis introduced himself to the Board and gave an overview of his practice. He told the Board that he practices law with Davis, Humbert, and Jennings in Mebane. He has been practicing law for about 30 years. Their firm is a general practice law firm in Mebane. Rob Jennings is one of the partners; the newest attorney is Gil Frasier. They were both present and introduced to the Board. Bill Humbert is the other partner, who works solely on residential real estate. Mr. Humbert was not present. Generally, a town does not need help with residential real estate. However, Mr. Humbert does help some with Haw River, in that he draws easements. They are a general practice law firm, not specialists in municipal law. When they were first approached by Haw River in 2009, they were very candid with them, about whether or not they could do the job. Their firm has now been working with the Town of Haw River since June 29, 2009. They do not know the municipal laws inside and out, as would a full-time City Attorney. The problem is that smaller communities don't need a full-time City Attorney. They need someone to attend their meetings and answer various questions from time to time. The majority of the work Mr. Davis' firm does for Haw River is not related to zoning questions, or special use permit questions, or not even open meeting law questions. Basically, for example, it's reviewing the contract for waste management or, let's see if this department did it right or let's see if there is a personnel problem. It's more of a general type thing that the firm does. Mr. Davis' firm advises Haw River on these matters. They have reviewed and drafted contracts. They do a variety of different things for Haw River. Haw River is the only municipality that their law firm has ever represented. They have represented Haw River for over 5 years now. Mr. Davis generally goes to two thirds of the meetings, while Rob Jennings goes to about one third of the meetings. If there are questions, the town will call Mr. Davis or Mr. Jennings, depending on the question and who is available. Gil Frasier will be coming to all of the meetings. He will be listening and learning. Mr. Davis is a firm believer in mentoring, and that mentoring is needed in law. When Mr. Jennings first started working with the firm, he didn't do anything on his own for 6 months. There will be no charge for Gil Frasier's attendance at meetings. The firm would charge the Village of Alamance the same as the Town of Haw River, to be fair. They are on a retainer for the Town of Haw River, as they probably have quite a bit more work than the Village of Alamance. Haw

River has a police department. The police department is a “hot button” department that always seems to have issues. This is normal, as with any sheriff’s department or police department. Mr. Davis’ firm charges Haw River a reduced hourly rate. Their normal hourly rate is \$245.00 per hour. They charge Haw River \$220.00 per hour. Mr. Jennings’ normal hourly rate is \$195.00 per hour. They charge Haw River \$150.00 per hour. They have not yet established an hourly rate for Gil Frasier. If there is something that Rob Jennings can do, at a lesser hourly rate, he does it. They try to handle questions this way, to be fair to the client. They make sure to attend the council meetings. Mr. Davis doesn’t want to have a problem brought to his desk the next day that he could have handled in three minutes at the council meeting. It is a waste of time and effort, and the problem is bigger than before. They are very firm about meeting attendance. Either Mr. Davis or Mr. Jennings would attend every council meeting. They understand that the Village council meetings are held the fourth Monday of the month. That would not conflict with any of their schedules. Mr. Davis would not be available for the September meeting this year, but Mr. Jennings could attend. That summarizes information about the firm. Mr. Davis asked if the Board had any questions. Mayor Bundren asked if Mr. Davis’ firm had a flat retainer fee. Mr. Davis responded that there is a retainer and the hourly charge. The retainer gives the client priority over everyone else that they are working for. If Haw River calls with a question, they drop everything they’re doing to address the question, unless they are working with another retainer client. If the client is on a retainer, they have paid for that right. The retainer for the Town of Haw River is \$3600.00 per year. Mayor Bundren asked if this amount would be charged to the Village of Alamance, as retainer. Mr. Davis stated that the work for the Village would be considerably less than for Haw River. They would charge the Village a nominal retainer of \$1200.00 per year; a third of what their firm charges Haw River. They don’t believe that “one size fits all.” Mayor Pro Tem Tichy asked if a monthly report was given to the Board in Haw River, or do they just answer questions. Mayor Pro Tem Tichy asked if an update was given on what they were tracking. One of the problems with the Village, historically, has been that legal matters stretch out over months. The Board has no idea whether there has been any progress or not. An example is, that right now, the Village is in the process of obtaining easements for the new sewer line. Things get lost in the cracks sometimes. Mr. Davis answered that he does not have a spot on the agenda for the Town of Haw River each month. If the Mayor asks a question, he addresses that; if the Town Manager asks him to address a concern, he does that. If the Village of Alamance wishes them to be on the agenda, and make a monthly report on items, they will be happy to do that. They want to do things the way the client wants them to be done. Their firm is pretty old-fashioned, though they are higher tech than Mr. Davis would like to be. They would be happy to do whatever the Board wanted regarding updates. Mayor Bundren observed that they would like a regular update if the law firm was in the process of doing something for the Village. Alderman Tichy stated that this would be his preference. He referred to the unpaid assessments, which dragged out for years. Mr. Davis stated that he expected the Board to let him know, when some update was needed. Alderman Clemmons asked how many hours were worked per month for Haw River. Mr. Davis responded that the hours varied so much, from month to month, project to project. A couple of years ago, Haw River had issued a special use permit for a recycling facility. They were sued. They won the lawsuit. Rob Jennings did a wonderful job in court, on

the research and brief. At that time, they had tons of hours. Other months, there is the council meeting and one call during the month. There is no way that Mr. Davis can provide a monthly average of hours worked. It depends on what is going on. For example, they dealt with a CDBG Grant, and there were quite a few meetings that month. If there is a personnel problem, things like that take time. It varies so much. Alderman Clemmons asked if the Village Board meeting lasts an hour, would travel time also be charged. Mr. Davis replied that they do not charge for travel time. If he is asked to go to Raleigh, he would charge travel time for that. They don't charge clients travel time when they go to court in Graham. Clerk York observed that he deals with questions of planning and zoning. He asked Mr. Davis about his experience with these matters. Mr. Davis responded that they take a very conservative approach. They do not say anything, until they are sure. Rob Jennings is a great researcher, and reader of zoning ordinances. They have done some of this for Haw River, but they have not done a lot. Haw River doesn't have a lot of those matters. Mayor Bundren asked about Mr. Humbert handling these types of questions. Mr. Davis noted that Mr. Humbert deals strictly with easements. However, Rob Jennings has the ability to work with the zoning questions. You learn by what you go through. They learned, when they had their first special use hearing in Haw River, that they needed to have specific questions. Those questions needed to be asked by the council. Specific motions needed to be made. Rob Jennings did those for them to use. They are pretty good at interpreting things like that. They would need the Village's zoning ordinances and other ordinances, to have a copy in the office. Alderman Clemmons referred to times when the Board is not sure about the legality surrounding an issue. He asked if Mr. Davis would be comfortable to step in and say the Board is looking at an issue wrongly. Mr. Davis responded that he would not want the Board to be sued. If he thinks the Board is doing something that would make them about to be sued, his job would be to advise. He is not ashamed to say that he doesn't know something, and needs to check on it. Mr. Davis praised Attorney Bateman and his municipal experience. There is probably no one else in the County that has that kind of experience. Mr. Davis described the listserv, of which attorneys in North Carolina are members. He can post a question and have other municipal attorneys tell what they have done in their municipalities. They learn from this too, as well. Alderman Gregory asked if Clerk York called with a simple question, would this be charged as an hour. Mr. Davis answered that this would likely be charged as a tenth of an hour; they charge in tenths of an hour. The minimum charge is a tenth of an hour. They round to the nearest tenth of an hour. Alderman Clemmons asked Mr. Davis is he was from this area. Mr. Davis stated that he has been here for about 30 years. He is originally from Winston-Salem. He attended Davidson College and UNC Law School. Rob Jennings is from everywhere; his father was in the Marines. He went to UNC-W and UNC Law School. Gil Frasier is from Henderson, and went to UNC-CH, undergraduate, and to Campbell Law School. Rob Jennings observed that the firm does not have a bill by hours department. A lot of bigger firms do. If Gil Frasier hits December 31st and he hasn't billed 2200 hours, he's not leaving his job. They are not looking over his shoulder to see how many hours he's done. When there is a firm with multiple attorneys, an important question to ask is how the .1 hours get racked up. For example, in divorce law, a timesheet shows multiple initials, and the .1 of service is suddenly .3. There is a lot of pressure to bill, to generate, when there are attorneys with a bill by hours requirement.

Their law firm does not have that; he wanted to point that out. Mayor Bundren thanked Mr. Davis, Mr. Jennings, and Mr. Frasier for coming to the meeting. Business cards were distributed at this point.

Alderman Clemmons asked Clerk York about the number of hours per month, billed by Attorney Bateman. Clerk York replied that Mr. Bateman billed \$100.00 per hour, for about 4 hours per month. That doesn't seem odd. Clerk York suggested considering an hour a week, or 52 hours per year, as a rule of thumb. Alderman Gregory asked if Attorney Bateman had charged the Village a retainer. Clerk York replied that he did not charge a retainer. He calculated the cost for Mr. Davis' firm for 52 hours, plus the \$1200.00 retainer, to be \$12640.00. He suggested to average the cost to \$200.00 per hour, as the rate for Mr. Jennings is \$195.00 per hour.

Paul Koonts

Paul Koonts thanked the Board for taking the time to see him. He currently represents the Town of Swepsonville and the Town of Sedalia. He has been representing Swepsonville since he started practicing law in 1995. He picked up Sedalia a few years after that. He does all of their municipal work. In addition, when he practiced with Charles Bateman, they did all the work for the City of Mebane. There was a time period there, before Charles Bateman went in-house with Mebane, when they did all the work in their firm. When Mr. Bateman went in-house with Mebane, he was doing it part-time there. In addition to representing the municipalities, throughout his practice, Mr. Koonts has represented applicants for zoning issues in front of the City of Burlington, Graham, and Mebane, as those cases came up. Municipal practice has been a part of the work that Mr. Koonts does. Bob Ward is probably the only other attorney, for whom that has been his entire practice. Unless you are in-house with a municipality, it is only going to be a part of your practice. In continuing representation of Swepsonville and Sedalia, Mr. Koonts has to keep up with municipal issues. This includes continuing education. There is a municipal conference every year that the North Carolina Bar Association does. Mr. Koonts does not attend every year. Sometimes the topics are things like bond issues for Charlotte or Raleigh. These are not issues that small, local municipalities deal with very often. Mr. Koonts is very familiar with the process of the council meeting. He has sat in on 12 meetings per year, since 1995, for the Town of Swepsonville. They started out as a sanitary district before they became a town. Mr. Koonts also does a lot of business law. He represents a lot of small corporations, in all shapes and sizes. These are from Mom & Pop's to textile companies of 200 employees. So, he does a variety of corporate transactions as well. He also does litigation work, primarily in the construction litigation field. He represents a lot of subcontractors and general contractors. In a small practice with four attorneys, he does a little bit of everything. His partner, Paul Oertel does all real estate work, both commercial and residential. Jack Oertel does a lot of litigation work. David Stephens, a newer associate with the firm, does everything that they don't want to do. At least, that's the way he would describe it. He has a lot of court room practice and sees a lot of new clients as well. They have been very fortunate to be able to grow as a practice, over the last seven years. They went out on their own in 2007, with one paralegal. Now they are 4 attorneys and 4 paralegals, with plans to hire another one

pretty soon. They have been blessed to have a lot of good clients throughout Alamance County and throughout the region. Mr. Koonts referred to the earlier letter that discussed fees. With Sedalia, he charges them by the hour, as they need him. They may go 4-6 months without having anything to do for Sedalia. Then they will call on Monday morning and say they need Mr. Koonts to attend that night's meeting. There is a little bit of work, spread out over the year. Sedalia doesn't have much of a budget, because Guilford County changed the way they allocate sales tax. Mr. Koonts has a longer relationship with Swepsonville. His structure with them is broken into twelve equal monthly payments of their budget of \$12,000.00 per year. Some months it's 2-3 hours, other months it's 20-30 hours. The arrangement is, if one of them feels they are on the short end of the stick, they will sit down and talk about it. They came to this arrangement four or five years ago. They have been very happy with it. The fees have not changed over that period of time. Mayor Bundren asked if this would change if the Village wanted Mr. Koonts to attend every meeting. Mr. Koonts responded that he goes to every meeting for them. There is a regular, monthly conversation about what is coming up at the meeting and what's going on in the town. This is the relationship Mr. Koonts prefers if he is representing a municipality. The biggest part of the job is avoiding problems, as opposed to getting the Board out of problems. For Mr. Koonts to understand the bigger picture and the vision of the town, and where it's trying to go, that helps him give the Board better advice to get you there. In the long term, it helps you accomplish your goals better. Mr. Koonts doesn't want the fees to be the determining factor as to whether the Village picks up the phone to call the Attorney. Mr. Koonts' experience is that you tend to wait too long, until there is really a problem. Then, the cost is off the charts and everybody's upset. Mr. Koonts would rather that this not happen. This helps them stay in front of things. At the beginning of the relationship, he will spend more time than he is probably being paid for, as he has a learning curve. In his opinion, this is a more effective way to do it. Mr. Koonts suggested \$1000.00 per month, from now until the spring. Then, when the Board is doing the budget, they can talk about it and see how it goes. They still track their time and keep up with the hours. Mr. Koonts' regular hourly rate is \$250.00 per hour. He doesn't get that rate working for towns. There will be months where he attends the meeting, spends an hour, and everything goes smoothly. There will also be months where Mr. Koonts spends 25-30 hours working out easements or something else in the gamut of things. He would rather not attend a meeting and be put on the spot to answer a bunch of questions he hasn't had the opportunity to research. With three children at home, his evenings are important. Mayor Bundren referred to some matters "in progress" with Mr. Bateman and asked about picking up on those and transferring over some projects. Mr. Koonts stated that he had a very good relationship with Charles Bateman, personally and professionally, and this should not be an issue. Alderman Clemmons asked Mr. Koonts if he minded stepping in, when he saw the Board going off track on some legal issue. Mr. Koonts replied that he would smile, because this happens a lot. It's not so much a legal interpretation, but it's simply trying to find the best result, without having the legal background or trying to figure out what the facts are. It's rare that you get completely unique circumstances for the town. It's happened somewhere before; someone has dealt with it in a similar way. If it's something that Mr. Koonts hasn't dealt with before, he will pick up the phone and call the League of Municipalities or somebody at the Institute of Government. He would have a

conversation with them too. You need to do your research. It's a lot easier now, with everything online. Within, the council meeting, he doesn't have any problem at all [stepping in]. This is part of the relationship; as he gets to know the Board better, he gets the sense of when to ask a question. This is really what you want to do. This is what he means about steering around problems as much as possible. There will be tough issues that come up in the town. There will be disagreements. It won't always be unanimous, but that's what makes for good government. Mr. Koonts remarked that he was glad the press was there as well. He is very much an open government person. The times to go into closed session are rare. They are important, when it's time to go into closed session, especially for personnel type issues. It's the people's business and it's the people's money. It's important that it stay open as a government, to make sure that they get the information. There's a lot of things you can mess up, but the one thing you can't mess up is keeping track of public money. You can have differences of opinion, and in hindsight, make what you think is the wrong decision. That's just government and legislation. The General Assembly doesn't get it right every time either. The Village has good auditors and accountants that help out as well. Also, the Village is lucky to have these same type relationships with the Sheriff's Department and the Planning Department at the County. These are the same things that he works on in Swepsonville as well. Alderman Gregory asked Mr. Koonts what he did when he attended the other meetings. Mr. Koonts said that he receives a copy of the packet, with the agenda, prior to the meeting. He will typically have a phone call or conference prior to the meeting, to run through the issues that he needs to address. Typically, there are agenda items where the town is following up with him. They are doing a water line easement connecting two dead ends, in Swepsonville right now. They are preparing documents and this will be his line item on the agenda to cover. Usually there are not contentious issues, with the foresight to plan ahead of time. He will give his advice, but remind the Board they are entitled to vote any way they want to vote. The Board does not have to listen to the Attorney. He will tell the Board what he thinks. Mayor Bundren stated that they needed the legal advice, for sure. Mr. Koonts commented that some of the issues are tough and you deal with them the best that you can. Sometimes you table them, do some more research, and come back to them. Mayor Pro Tem Tichy said that he would like to see the Attorney on the agenda for an update on any issues ongoing. This way they would know the status of anything the Attorney is working on over a longer time period. This has been one of the weaknesses, in terms of knowing whether or not they are making progress on an issue. Mr. Koonts stated that his job was to work with staff during the month, in-between the meetings, to get the Board there. He has a paralegal, Valerie, who sets up a file, within the Town's files, for each issue they are working on. Some issues take a long period of time to resolve. Mayor Pro Tem Tichy referred to the easement proposals, saying the Board liked to know that this was done. If the attorney is busy, and something didn't get done, the Board needs to know that. Mr. Koonts stated that he would be glad to provide an update in person. They are very electronic in the way they practice, as well. Anytime they create documents or send documents, they could send copies to the Board as well. This is part of the communication they try to keep up. Mr. Koonts expressed his understanding that the Board wanted to make sure the Attorney is staying on task, and so does his firm. Clerk York asked Mr. Koonts about his familiarity with planning and zoning related law. Mr. Koonts answered that they do a lot of it right now, on the applicant side. They take

projects, mostly through the City of Burlington. Occasionally, they have one in Mebane or Graham. They get involved with the client; many times it involves moving to a new site. They get involved at the Planning Board stage, working with staff at the City of Burlington to help formulate that process. It may be an annexation petition or a rezoning, or conditional use zoning. They are very used to going through this process, on behalf of the town and on behalf of the applicants. There is a lot of practical knowledge that you must have about real estate development and how it's going to affect the community; what the buffers are, what the barriers look like; how does it look versus the comprehensive plan. At the same time, you can't be so inflexible, that you miss a good opportunity. Clerk York referred to questions he receives about subdividing a lot, that are not directly addressed in the ordinances. He asked if Mr. Koontz has experience with people wanting to draw flag lots. Mr. Koontz replied that he deals with this all the time. Mayor Bundren stated that the ordinances have been in place for a long time and do need looking at. This was one of the things that Mr. Bateman had planned to do, but not much of this has been accomplished. Mr. Koontz said this was some of the background work that he would do, reading the ordinances, subdivision ordinance, and zoning ordinance. Usually these are born out of a specific situation, such as Heritage Glen, that you've developed a specific ordinance for. It's important to get these right and to get them well written, because everyone has to be treated the same, and the ordinance has to be applied uniformly. Equal protection is a big part of it. A little bit of planning upfront is a good thing. Alderman Clemmons asked Mr. Koontz how he would handle it, if one of his corporate clients was having an issue with the town. Mr. Koontz noted that he has not yet run into a situation like this, where there is a conflict. If he has a conflict, then he has a conflict. There is no other way around it. Any attorney, serving as a town attorney, would have this same situation. If they have a client that has a conflict with the town, then the Attorney has to get out of it. They have information on both sides that they can't share. Then, someone would have to sub-in for both sides, the town and the client. Mr. Koontz said he would have to step away from that situation. Hopefully, that won't happen. They try to be careful about conflicts. Sometimes they are not as apparent as you think they would be. Alderman Gregory asked if the fees would be about the same as for Swepsonville. Mr. Koontz replied that this is correct, \$1000.00 per month, what he feels is an appropriate amount. There are months when there is not a whole lot going on, then there are times when the 7:00pm meeting ends at 10:30pm. The creativity of this job is trying to find solutions that work for people. It's not so much about reading the statute or telling what the law is, but it's about trying to help find solutions that make things work for the town and the community. Alderman Gregory asked about the location of Mr. Koontz' office. Mr. Koontz' office is in Burlington on Forestdale. Mayor Bundren thanked Mr. Koontz for coming to the meeting. He expressed thanks for the time.

Alderman Slaughter had to leave the special meeting at this point in the schedule.

asked how long Mr. Bateman had been the Town Attorney. The Mayor replied that Mr. Bateman came on board in 1998 or maybe 1999.

Joseph Thompson

Joseph Thompson introduced himself to the Board. He was born in Alamance County, growing up on Kimesville Road. He attended E.M. Holt Elementary School. His great-aunts were Frances, Juanita, and Helen Seymour who were long-time Village residents. His Aunt Frances was instrumental in the organization of the Village. After attending the University of North Carolina, where he majored in English and received a degree with honors and distinction, he went to Yale University where he studied theology. He graduated with a Masters in Divinity. He went on to the University of Oregon Law School. He received his JD from the University of Oregon Law School. He specialized in criminal law. Upon graduation, he was hired as Deputy District Attorney for Lincoln County, Oregon. It's a rural region, with some of the same demographics and relations between rural authorities and village authorities that one might see in this area. After that job, Mr. Thompson was hired as an Administrative Law Judge by the State of Oregon. In that position, his responsibility was to conduct administrative hearings, which involved someone having a disagreement with the state. For example, this could be a driver's license suspension for an 85 year old. It could be something simple like whether you would receive unemployment benefits. These conflicts went all the way up to folks in the state mental hospital, whether they would be involuntarily medicated or individuals in nursing homes being threatened to be thrown out for nonpayment, or for other reasons. Of course, the state's approval is needed for that, in the state of Oregon. Mr. Thompson would decide cases as weighty as that. It was his responsibility to conduct the hearing, interview witnesses, listen to presentations by law enforcement, if they were involved, and then render a decision. These decisions were formal decisions. They were appealable in most cases to the Oregon Court of Appeals, directly over the trial courts. In those cases, Mr. Thompson was functioning in the same way that a trial court judge would here in North Carolina-- not as a magistrate, but an actual elected trial court judge. After a few years, Mr. Thompson's wife, who is an Episcopal priest, was called to the Church of the Holy Comforter, which is downtown, on Davis Street. To help her further her career, as she had supported him for so many years, Mr. Thompson agreed to move back to their hometown. They moved into the homes owned by his Aunts, here in the Village. Mr. Thompson has been living here for the past two years, operating a small, independent law office. He has been concentrating on Administrative Law, wills, trusts, and estates, along with criminal law. He has not yet done any criminal law cases. He has also done some work with small businesses and non-profit organizations. Mr. Thompson stated that he would like to work for the Village, first and foremost, because of his deep connections to the Village. His family is deeply rooted in the Village; he has strong connections with half the people present at the meeting. He has a passion for the Village, not only because of his history here, but because he is a resident here. What happens to the Village matters to Mr. Thompson. He has strength in certain areas of law and proceeded to address how his strengths can help, in light of some of the meetings he has attended in the last half year. He saw that the Board had to deal with a crisis caused by the unexpected, sudden snowstorm in March. There was a situation in which one of the sewage pumps stopped functioning and there was a spill of material into the creek. That caused a situation in which investigators from the State and investigators from the federal government got involved. There was a very serious concern and threat of fines, and other

actions that the government could have taken. As an administrative law expert, and former administrative law judge, that is the strongest place that Mr. Thompson could help the Village—dealing with government on different levels, dealing with rules and regulations. He has nothing but experience in working with groups like that. He understand perfectly how to read the regulations and the code. He understands how to communicate with non-lawyers and with individuals from agencies. Mr. Thompson knows how to work inside the bureaucracy, because that's what he did for four years, in the State of Oregon. Sometimes these people can be like a stone wall. Mr. Thompson has the ability to get through it, for the Village. Secondly, he has seen the Board struggling with the speed limit in the Village. There is a lot of trouble communicating with local law enforcement about the speed limit and why there can't be more enforcement. For Mr. Thompson, it's personal. Why are cars going by at 50 or 60 miles per hour, when he has two children at his home? His experience as a Deputy District Attorney enables him to work with law enforcement in a way that attorneys, without that criminal background, are unable to do. As a civilian, he has directed investigations and worked very closely with law enforcement to help victims. He has investigated crimes and worked with law enforcement to enforce probation and parole. He has worked closely with law enforcement, in every aspect of criminal law. In that kind of problem, he can help the Village very much. In the spirit of honesty, Mr. Thompson addressed what will be a learning curve for him. He has seen the Board meet to establish easements for the purpose of running sewers on properties. Property law is not his specialty. He has done very little practice there. Property law varies enormously, from state to state. Any attorney who did their training outside of North Carolina would have something new to learn about property law, coming in. The current attorney has forgotten more than almost any candidate knows. No one is going to have that kind of fount of knowledge and experience that he does. In terms of payment, that is negotiable. Mr. Thompson's normal rate is \$150.00 per hour. He is willing to lower that to \$100.00 per hour, assuming the Village would bring in a significant amount of business. If the Village is paying less than that now, they can talk about that also. Mr. Thompson normally works on an advance fee basis. He would expect that a certain amount of money be put in trust with his office. That would depend on how much business the Board expects per month. Mr. Thompson would sent it back to the Board the minute it is requested. As he works on projects for the Village, work that is authorized by the Board, he would deduct the amount owed from the amount held in the trust. After giving the bill, if he doesn't receive any objections in 72 hours, he pays the amount to himself. Periodically, he would let the Board know when the balance is running low, and ask the Board to refresh it. Mayor Bundren asked about the minimum amount of the advance fee. Mr. Thompson responded it depends on how much work the Board anticipates per month. If it would be 10 hours of legal work per month, then \$1000-\$1500 would be the amount held in trust. If the work was 30 hours per month, the trust amount would be closer to \$3000.00. Mayor Bundren asked Mr. Thompson if he planned to attend every meeting. Mr. Thompson replied that he would attend every meeting, if he is chosen as the Attorney. He may attend some meetings if he is not chosen. Alderman Clemmons asked Mr. Thompson if he would raise his hand when the Board is getting off track, or crossing the line when it comes to municipal law. Mr. Thompson commented that the meetings are already running ably by someone else. He has never seen any meeting get too far off

track. If there are real questions about the law, he would step in, especially if asked. He doesn't have any hesitation to raise his hand and say "no" or that they need to be looking into this or that issue. There is always a learning curve. He does not have the same depth of knowledge that Charles has, but will do his best to step in whenever appropriate. Mayor Pro Tem Tichy asked Mr. Thompson if he had any problem with being on the agenda at each meeting to give an update on the current status of all legal projects. Mr. Thompson answered that he would be happy to do that; it is a service that he provides. Clerk York asked Mr. Thompson how familiar he was with planning and zoning related law. Mr. Thompson said he did not have a great deal of familiarity with it, as it is lumped in with property law. He expects that he could bring himself up to speed very quickly. He knows there are some challenges, like those facing the Village right now. He would want to educate himself and sit down with Clerk York to talk about the specific issues being looked at. Clerk York noted situations related to subdividing a lot. Mr. Thompson replied this would be the same kind of property law, but this would be a lot simpler. Laws regarding zoning and subdeveloping, especially when you're working with professional contractors and developers, can be more complicated, more driven by regulation. The process is longer. Simple law, when you can establish an easement, will take 30 minutes to figure out. Alderman Clemmons asked Mr. Thompson if, since he grew up here, he foresaw issues with dealing with people that he grew up with, where he is making a recommendation that might not "sit well" with some. Mr. Thompson answered that's a great question, but the fact is he writes their wills right now. He is already involved in the process where people could be hurt or angry. He manages to maintain good relationships with everyone, despite those potential challenges. Mr. Thompson left his business card and thanked the Board for the opportunity to speak with them.

Alderman Clemmons asked if the Board wanted to make some decisions tonight or think through this more. Mayor Bundren asked about the Board's pleasure. They need someone at the Board meeting to represent them. The Board has a quorum, so there would be no problem with making a decision. It is up to the Board. Alderman Gregory asked if there were other attorneys they wished to talk with. Mayor Bundren spoke with Keith Whited, with Graham. He is not sure where his career is going right now, so she didn't bring him in. The only other person was Tom Steele, but he is not doing municipal law right now. Mayor Bundren asked the Board if they had strong opinions at the moment. Mayor Pro Tem Tichy stated that he liked Joe, but had some potential problems. He has done their wills; but is he comfortable suing someone over nonpayment of something? Mayor Pro Tem Tichy is uncomfortable with the fact that he is a sole practitioner. If he is sick or something, they won't have coverage. With the others, there is coverage under any circumstance. His personal preference is Paul Koonts. He liked his attitude better, and his billing system better. It's easier that he's not keeping track of every two minute call. As far as Mayor Pro Tem Tichy is concerned, Paul Koonts is the best fit. Mayor Bundren added that Paul Koonts certainly has the most experience in municipal law. Mayor Pro Tem Tichy also mentioned Mr. Koonts' experience in zoning. The Village needs to have the ordinances brought up to date, as evidenced by what they saw across the street. Alderman Clemmons observed that it appears that Paul Koonts would be more expensive. Mayor Pro Tem Tichy interjected,

that it wouldn't be more expensive for 5 hours per month. Alderman Clemmons agreed. He knows Paul fairly well and has done a lot of business with him at the bank. He has represented the bank and has been the attorney for some of Alderman Clemmons' clients. He has a good level of trust as a person and as an attorney. Alderman Clemmons doesn't know the folks from Mebane. They seem to be good at what they do. However, he does know Paul and what he brings to the table. He knows Paul does a good job. Mayor Bundren observed that she wanted to bring in several candidates so that the Board could make a good, sound choice. She did not have a preference, as Mayor. After hearing the candidates, she has a preference. She agreed that Paul Koonts would be the best choice for the Village Attorney. Alderman Sharpe stated that she was impressed by Paul Koonts. Alderman Gregory concurred. Alderman Clemmons made the motion to offer the position of Town Attorney to Paul Koonts, under the \$1000.00 per month contract retainer he offered, for the balance of the fiscal year. Mayor Pro Tem Tichy seconded the motion. The motion passed unanimously.

Mayor Bundren thanked the Board members for their attendance.

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_____ Cathera R. Bundren, Mayor

_____ Ben York, Village Clerk