



REGULAR CITY COUNCIL MEETING
MONDAY APRIL 11, 2016 @ 7:00 PM
CHERRYVILLE COMMUNITY BUILDING
106 S. JACOB STREET CHERRYVILLE, N.C. 28021

The Honorable Mayor H.L. Beam III called the meeting to order. Councilmember's Jill Puett, David Kiser, Brian Dalton and Malcolm Parker were present. City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Public Works Director Brandon Abernathy, Police Chief Chad Hawkins, Fire Chief Jeff Cash, EDC Director Richard Randall, Water Plant Superintendent Patty Hall, Water and Sewer Supervisor Kevin Abernathy, and Street Superintendent Jason Black were also present. Michael Powell was present for media coverage.

INVOCATION BY: PASTOR BOB WISE, NORTH BROOK BAPTIST CHURCH:

Pastor Bob Wise of North Brook Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Everyone remained standing after the invocation and recited the Pledge of Allegiance.

MAYOR'S COMMENTS:

"First of all I want to welcome all of you to tonight's city council meeting. It is always a pleasure to see so many of our citizens present that are concerned about our city's government.

It was my honor and privilege to attend and speak at opening day for our Dixie Youth Softball program on March 19. A crowd of over 500 attended and our City is proud and supportive of this program.

On March 24, Council Member Jill Puett and I attended the monthly meeting of the Gaston-Lincoln-Cleveland Metropolitan Planning Organization. I am happy to announce that improvements to Highway 279 were at the forefront of this meeting. A vote was taken to open the project for a 30-day public comment, which is a normal proceeding before a highway project can begin. I am happy to report that the vote was unanimous for support of this project and construction should begin within the year with a completion date of sometime in 2017.

Later on this evening, Fire Chief Jeff Cash will be giving us an update on the city's hydrant flushing. I want to thank all of our citizens for their patience with this inconvenience and it should be completed shortly. Let me emphasize that this flushing is a requirement by several agencies including EPA-CFR and guidelines are in place that our city must follow to comply with these policies. Benefits most certainly out weighted the 10 to 12 hours of dingy water levels. These benefits include much cleaner water, better water quality and better ISO ratings for our city that make improvement to our insurance rates at the completion of this citywide flushing. If there are any concerns as to the quality of our city's water, plant superintendent Patty Hall just recently as this weekend spoke to N.C. regulatory personnel over some citizens' concerns and was informed that Cherryville has one of the state's best ratings on water quality.

I want to remind all of our citizens of several upcoming city events. This Saturday, the Gaston Symphonic Orchestra and Gaston Strings will be hosting a concert at Starnes Auditorium beginning at 7 P.M... This marks the first time this orchestra will perform in our city and admission is FREE. So, let's support this event.

Second, our annual Cherry Blossom Festival will be held on April 15th & 16th. This event is always a huge success and a large crowd is expected to be on hand. Following the Festival on Saturday at 7 P.M. the Darrin & Brooke Aldridge concert will be held at Starnes Auditorium, featuring not only the Aldridge's but Jimmy Fortune former singer with the Statler Brothers and Cherryville's own band Un-Spoken Tradition will also be performing. Come early for a good seat to enjoy this event.

Finally, also on Saturday April 16 at 9 A.M. I will be attending the opening day for Cherryville Little League Baseball. This is one of the City's most successful athletic programs and we all should support our Little League Program.

APPROVAL OF MINUTES:

- A. CITY COUNCIL MEETING MARCH 14, 2016**
- B. WORK SESSION MEETING MARCH 29, 2016**

Councilmember Kiser made a motion to approve both sets of minutes. Councilmember Puett seconded the motion and the vote was unanimous.

AGENDA APPROVAL/REVISION:

Councilmember Dalton made a motion to approve the agenda as presented. Councilmember Kiser seconded the motion and the vote was unanimous.

CITIZENS TO BE HEARD:

Ms. Harriette Golden of 900 W. Church Street approached the podium and stated, "I have a concern about the billing of the water. This has been an issue with me for several years. I have called numerous times and I have been told that we are not on a 30-day schedule. I have been told that the reader was on vacation, the reader was sick, it was a weekend, it was a holiday and it was an act of God. All of these things are not, I have no control over. I have an issue with the city billing me for more than thirty days. I usually pay the minimum of sixteen dollars. In January, I was billed for forty-one days. In the past it has been a few dollars and I have complained I have said it's not right if you go over you charge me more and so I've just went ahead and paid it. This time in January, it amounted to \$8.72 because it was forty-one days rather than on a thirty-day schedule. I've called city hall I have talked to numerous people there numerous times with no response or them saying there is nothing they can do. So this month I didn't pay it. The month it was due I did not pay it, I wrote a note after talking to several people at city hall. I wrote a note on my power bill saying I do not feel like I owe this therefore I am not paying it. So, the next month there was a balance forward on my bill. I still did not pay it because I still feel like I do not owe it. It's not that I used more water it's when you billed me for the water that I used. So, this month I was not only billed for the \$8.72 I was also billed a \$10.00 late fee. I just feel like this is unfair practice. I feel like if the city can't be on a thirty-day schedule something needs to be done for people that are normally on the minimum. So, because off all this, I went back and looked at my old power bills and I have them here. I have I thinks it's eleven that was under thirty days all minimum. I have eleven that was over 30 days and it amounted to sixty dollars for the overage. I just think that something needs to be done where we can get on a thirty day schedule, if not somehow there needs to be something done to where a single household's that are normally sixteen dollars should not be charged eight or nine dollars over because the meters weren't read. It's not my problem. I would like to ask, I know from zero to whatever it's sixteen dollars. Is it graded after that?"

Councilmember Dalton, "Yes."

Ms. Golden, "Is it all the same price after that? Is there a step up at some point after that?"

City Clerk Paige Green responded, "Yes the first two thousand gallons of water for a residential customer is sixteen dollars. Any usage after the first two thousand gallons and the customer is billed per thousand gallons."

Ms. Golden, "And it stays the same whether you use ten thousand or a hundred thousand, does it stay the same. Is there a point where it is stepped up again is what I am asking."

Councilmember Dalton, "No it's per thousand gallons"

Mr. Tom Moss of 607 W. Church Street approached the podium and stated, "The reason I am here is at Easter my sister Linda Ballard, who's house is at 429 N. Pine Street, said she had a sewer problem. I said ok Linda I will call Jackson Plumbing and get them out there. Called Jackson Plumbing, John Jackson went out to Linda's house rodded the line and informed me the problem was not in Linda's line, which she has a PVC line; it was collapsed in the street. Ok, Linda calls the City of Cherryville, the City of Cherryville comes out. Not our problem Linda gets in their truck and goes to city hall. Alright, so I go I talk to the mayor and I talk to Mr. Blackburn they say we will bring a camera done to Linda's house and we will find the problem, but it's going to cost you one hundred dollars. It's going to cost one hundred dollars to use the camera that the citizens bought for the city that I pay the men to run the camera. Its going to cost her one hundred dollars to run the camera. The mayor says well we will waive that fee. So they bring their camera. Of course it don't work, so they call the City of Kings Mountain. The City of Kings Mountain brings their camera, goes down the manhole, goes through the sewer, stop turn at Linda's the tap is perfect. They go into the tap to the curb and it's collapsed. The City of Kings Mountain says there's your problem, it in the curb it's collapsed. The City of Cherryville gets in their trucks and leaves. City of Kings Mountain talks to me. I say what is your policy on your tap. Well we sleeve four feet inside the property line and what where we maintain, four feet inside the property line to the street. So I go up to the city and I get a copy of their ordinance which states, the city code. The I get to article general connections, I'm reading this from what I got from the City of Cherryville. It states, the all laterals extending from the city's main shall be the responsibility of the owner to repair and to maintain. The city will not maintain any lines less than six inches. So Linda's responsible for that line, but then I go and read section E. Same section extension connections section 30 -3. All water and like meters, meter boxes, pipes and other equipment furnished and used by the city and installing any water light or sewer connection shall be and remain the property of the city code 1937/21/3/21/7. So my question is to your City Attorney, who owns the pipes? Do you want a copy of it?

City Attorney Huffstetler, "Sure."

Mr. Moss, "There you go, it's highlighted for ya, and I'd like to give there's you a copy, there's you a copy." Mr. Moss handed copies out to Mayor Beam and the councilmembers. He then states, "All I am asking is who owns the pipes? And if Linda don't own them, I don't think Linda should repair them. And I don't know if you received, I have a copy of our attorney's request too. Do yall have a copy of that? I'll give you one of those too."

Mr. Moss handed out a letter to Mayor Beam and the councilmember's from their attorney Doug Arthurs. He then stated, "I would just like to make one more comment, it seems to me

that every time the city gets out of their truck its, its not out problem, that's the first thing I hear. I told the mayor I told Ben, the citizen's work for everybody in here, I mean the workers. All our citizens we pay your salary. We pay you salary, your salary, your salary, everybody's salary here the citizens. I mean there working for me there working for Linda, she's got a problem and she don't own the pipe. Its' like we don't care, so I would like to have an answer that who owns the pipes?"

Mr. Blackburn, "Mr. Abernathy would you like to comment on that?"

Mr. Abernathy approached the podium and stated, "Yes sir, I'd be happy to."

Mr. Moss, "I got that Linda's problem, but then ya'll own the pipes though by in the next section. So, my attorney says that if I (inaudible) with your pipes I am trespassing and can be put in jail. I'd like to have an answer."

Mr. Abernathy shared, "Mayor the ordinance clearly states that the lateral extending from the structure to the main belongs to the property owner. The tap actually in the main line belongs to the city. That's actually the service you get through that hole. Anything installed on the main is ours and ours to maintain. The lateral itself belongs to the property owner. That is clearly stated in the ordinance."

Mayor Beam, "If I may ask, where did Jackson's plumbing say where the problem was. Did they know or were they just guessing?"

Mr. Moss, "To the best of his ability its four inches inside the curb in the road. City of Kings Mountain their workers to the best of their ability its four inches inside the curb in their road, in your road."

Mayor Beam, "I've went thought this same thing."

Mr. Moss, "I understand that but that don't mean it's right Mayor. Just because you had to fixed the problem it's not right. Right there is just tells you that you own the equipment. Am I right or wrong?"

Mr. Blackburn, "We own the main."

Mr. Moss, "You own the other stuff read, read your thing. Right here it says you own all the equipment. Everything that you attach to (inaudible) the stuff you own, and therefore, well let me read one more time. Maybe I didn't, maybe I read it wrong."

Mayor Beam, "It does seem ambiguous."

Mr. Moss, "I could be wrong you know I have been wrong before. Let's see."

Councilmember Dalton, "As far as policies go, the policy we have in place."

Mr. Moss, "It don't matter about your policy Brian, it's what, its what's in writing."

Councilmember Dalton, "Hear me out, I understand what you are saying."

Mr. Moss, "It's what's in writing!"

Councilmember Dalton, "I understanding there is some confusion in section E and the other section, I agree with you there. But as far as policies go, the city's policy wasn't just made up here in the City of Cherryville it's made up from what other municipalities are doing."

Mr. Moss, "Not true, not true I've spent, I've spoke to the City of Kings Mountain, City of Gastonia, Shelby no one else has got this policy."

Councilmember Dalton, "Hang on, well I can tell you the only one that I know that doesn't have this policy is Bessemer City. I can tell you that."

Mayor Beam, "Kings Mountain."

Mr. Abernathy, "Bessemer City goes to the back of the curb Kings Mountain goes to the back of the curb. Lincolnton will not maintain anything."

Mr. Moss, "No sir, no sir, no sir!"

Mr. Abernathy, "I've got their policies."

Mr. Moss, "The City of Kings Mountain is the one that run down your sewer line and told me that they went four foot inside of her, in their city they go four foot inside the yard."

Mr. Abernathy, "They go to the back of the curb."

Mr. Moss, "That's fine Brandon, that's fine. Let me read one more time. All water, light meters, meter boxes, pipes and equipment furnished and used by the city."

Mr. Abernathy, "Which would be the sewer saddle put on the main."

Mr. Moss, "And installing of any light or water connection shall be and remain the property of the city. All equipment!"

Mr. Abernathy, "Except the saddle on the main."

Mr. Moss, "It don't say that Brandon! Does it say that in there?"

Mr. Abernathy, "That's what it says, yes it does."

Mr. Moss, "Where, where at! Where!"

Mr. Abernathy, "Let's reread again. Let's explain."

Mr. Moss, "Ok let's do it."

Mr. Abernathy, "All water and light meters, light meters does not have nothing to do with the sewer. Water meters is how we register and how we get our money off water. And also,

used by the city and installing any water, light or sewer connection. That is the saddle where we make the tap."

Mr. Moss, "It don't say saddle!"

Mr. Abernathy, "That will remain ours."

Mr. Moss, "It does not say saddle, connection!"

Mr. Abernathy, "Connection is the definition. It's the connection Tom."

Mr. Ballard, "Could the tap in our yard not be the connection?"

Mr. Abernathy, "There is no tap in the yard the tap is made at the main."

Mr. Moss, "Ok, ok well that's fine, I would like for you to ask your attorney his official position because my attorney wants his official position."

Mayor Beam, "I don't know if your prepared to give that know or would you like to research this further."

Mr. Moss, "It's in writing! It's in writing!"

Councilmember Dalton, "Yes but there is a difference of opinion there Mr. Moss."

Mr. Moss, "No it's not!"

Councilmember Dalton, "Yes, you are stating one thing but Brandon's stating that the connection means at the main and you are thinking it's means at the road."

Mr. Moss, "In his opinion."

Councilmember Dalton, "That's difference of opinion, so we don't know what the right answer is exactly. I can't tell you that right now."

Mr. Moss, "I am telling you right now my sister's not had a sewer since Easter. OK! So whatever it takes we gonna get it fixed. I'm not paying no more money. I've put out four hundred dollars so far to get this researched, fixed. So whatever it takes. I'm telling you right now we are gonna have it fixed. Do we have any comment from the attorney!"

Mayor Beam, "I have one question before we go any further. How long has that line been in service?"

Mr. Moss, "Fifty two years."

Ms. Ballard, "Fifty two years."

Mr. Moss, "And the city installed it."

Mayor Beam, "I thought she just had Joey Hancock."

Mr. Moss, "She put a new plastic line to your tap."

Mayor Beam, "Oh that's what he did?"

Ms. Ballard, "No."

Mr. Moss, "No Joey Hancock done this ten years ago. That was her problem back then, Linda you have no line so she replaced it!"

Mayor Beam, "Ten years ago."

Mr. Moss, "Yes, now you've got an old problem Linda fix it!"

Mayor Beam, "My question is, and I am not trying to argue with you Tom. My question is this, when he replaced that line did he replace from the curb to the main?"

Mr. Moss, "He went to your tap which is in her yard."

Councilmember Dalton, "The tap is at the main in the middle of the road. The taps not in the yard like the water. The tap is in the middle of the road. So he just went to the curb am I right Brandon?"

Mr. Abernathy, "That's correct."

Councilmember Dalton, "And tied on from there."

Mayor Beam, "See I got into this same thing."

Mr. Moss, "Who did he tie onto?"

Councilmember Dalton, "The line that's in the road."

Mr. Moss, "Who owns it?"

Councilmember Dalton, "That's the difference of opinion."

Mr. Moss, "Right here is your attorney, ask him!"

Councilmember Dalton, "The other municipalities that had this same policy, we went through this three or four years ago maybe. We set up a committee. The committee met, hear me out, hear me out. The committee met, it was made up of some citizens, I think one of them is in here right now.

Mayor Beam, "Richard Beam."

Councilmember Dalton, "They never came back with a for sure decision, but the bottom line is our policy emulated other municipalities policy. That's a fact. There is no arguing that."

Mr. Moss, "Well the ordinance was changed in 2002 because it was to the property line I know that for a fact."

Councilmember Dalton, "Well that might have been 2002."

Mr. Moss, "That's when you changed all of this and you gonna give the citizens, they got to go out there and dig a hole in the road, But we can't dig a hole in the road because you own the road. Ha Ha that's real funny!"

Mayor Beam, "I went through this and luckily the person that replaced mine knew the city's policy. Because Murray Jr. my first cousin did it because he was cheaper than the city doing it. When he went out there he said H.L. you need to go all the way to the middle of the road because that is where you tap on. And I said you mean you are going to dig up the road and I am going to have to pay for it? He said no the city will put the road back but you are not going to spend all this money and not go all the way to the tap. So, he knew the policy and I am saying maybe Joey didn't know the whole policy when he did it you know."

Mr. Moss, "The only, and I am going to shut up set down and I am not going to get upset. I want you attorney to tell me if I am right or wrong or what are yall going to do. That's all my attorney wants to know."

City Attorney Huffstetler, "Tonight is the first that I have heard of this issue and you are represented by an attorney and we have his letter. Because you are represent by an attorney, I have to deal directly with your attorney and not you. I will meet with the city manager and the public works director and we prepare a response to your attorney and we will proceed from there."

Mr. Moss, "Thank you, and that is what your city ordinance gives you."

Walter Ballard of 610 W. Church Street approached the podium and stated, "As you know about a year or so ago I brought yall some water up here so yall could drink. And right there's you some more and this is before you started flushing lines. So, this is what I get before you start trying to clean everything up. And what our water filters look like, now I don't disagree that Patty does a great job at the water plant. We get all kinds of accolades and we know our water is good there. But it does me absolutely no good when it comes to mu house looking like that and the state guy told me today is you can see any discoloration in your water then it's not going to pass inspection. This is about a week and a half water filter if anybody wants to look at it and."

Mayor Beam, "Mr. Ballard when did you draw that water that's in the."

Mr. Ballard, "That's our filter system."

Mr. Ballard handed out filters and pictures to Mayor Beam and the councilmembers.

Mr. Ballard, "And this is what I get to look at every so often. It comes and goes but the bottom line is why does anybody have to pay for water that looks like that. Now I had an

argument here probably about a year and a half ago about the fact that I had to run my bathtub for 45 minutes to an hour before my water cleared up. I have to pay water overages because that's what I have to do to get clean water. I have to run my bathtub before I run my ice maker, I have to run it before I run my dishwasher and I have to run it before I run my washing machine. Just to make sure that my water's clean enough or clear enough to get stuff, do you want to wash your clothes in that? I don't want to brush my teeth in that. And some of you are on facebook, if you haven't seen what I look in my toilet some days. It's nasty, you can't even see the bottom of the toilet. So I called the state inspector today and he is suppose to be coming to do a water sample. I have no problem with it, here's your catch. That ten million dollars or whatever it is you say you can't afford. What's any of these other people's lives worth. Would you feed that to your daughter? Your grandkids? Do you want to drink that? Now I'm not saying her waters not great when it leaves that plant, but when it gets to my house I get that and I am not happy about it. I got stains in my bathtub my toilet and I replace the water head on my shower probably two to three times every other year because it gets so stopped up that the water don't come out anymore. Now you can say and try to justify whatever you want but that's not fine and that's not ok with me and maybe it is only twenty or thirty percent of the citizens but of fifty five hundred people that probably fourteen to fifteen hundred people that have to deal with this. I'm not the only one. There's people that have to buy bottled water to drink because of that and that's not ok. I don't care anybody up there that don't want to take a drink of that tonight, then don't complain to me about me up here bitching because of my water because that is nasty."

Mayor Beam, "I think you have every right in the world to complain Walter and I agree with you. It's unfortunate that you live where you do because you are in one of those zones that, and that's why we periodically flush for that reason. I am in one of those zones where it dead ends to. I go through some of this, not that bad but I do go through a lot of this. My wife will tell you, my underwear after so many washings you got to replace it unless you want to wear underwear that looks like that. That is unfortunate but we do feel your pain and we have contracted with a company that's going to be over fifty some thousand dollars that will hopefully benefit this a lot in your area, the Delview connection. And one of the problems there you had was with Peak Resources being there and they were using a ton of water. They left and moved across town the water usage dropped and the water is not circulating like it was when they were there. Can I tell you this will be cleared up with this flushing, it will for a while but it's going to be back. I agree with you 100%. You shouldn't have to put up with that and that's why we have taken the steps to try and remedy that as best we can. The company we contracted with city manager when was it December?"

Mr. Blackburn, "Yes sir."

Mayor Beam, "And when were they to start on it?"

Mr. Blackburn, "They were suppose to have started on it actually last November but they got tied up on a previous project that, according to our public works director Walter there suppose

to be starting the later part of this week and that should clear up a lot of these issues on W. Church Street.”

Mayor Beam, “And I wish I could tell you it’s going to make it 100% better but we will just have to wait and see. But, we do feel your pain I promise you we do.”

Mr. Ballard, “Well that’s ok my attorney really likes this also!”

Mayor Beam, “It’s good that you are presenting it before everybody because they need to know about it. We need to know when things like this happen. And I promise you we are going to do the best we can.”

Mr. Ballard, “The last time I was here you know there’s not a whole lot we can do about it we will just try to flush your lines and.”

Mayor Beam, “That was a matter of financing at that time. We got the hospital grant money and we decided where we were going to put it and that was one of the top priorities was that Delivew loop to try and clear up some that situation. And I promise you it’s going to be done. In fact, I asked Ben last Thursday, Ben if we have contracted it why is it not being done. He said well they say they have got a bigger fish to deal with and that’s Freightliner. They get bigger dollars out of them than us and that’s why it hasn’t been done. I asked if in our contract does it not say that they have a period that it has to be done. He said no it was not in there but he was going to contact them. And we are going to get on it as fast as we can because we do have the funds to do it now and I promise you it’s going to be done.”

Councilmember Puett, “If that contractor can’t do it is there not another backup?”

Mr. Blackburn, “Yes Ma’am.”

Councilmember Puett, “Then I suggest we move it to the next bidder if it’s not going to be done. Let me ask you Harriett you are on the same road down there, is yours this dark. I know Tom has had some problems.”

Ms. Golden, “No I think maybe it turns there at Walters I’m on the next block down. I don’t know how the water lines run. I have some discoloration but nothing like what they deal with.”

Mr. Ballard, “My next door neighbor’s water is nasty and they had the state come in and say you had to replace Self Street about two years ago or start fining. Well there’s cleared up for the most part but then they get days where theirs is just as bad as mine because I have talked to them. It comes and goes. It’s not every day but how many days do you want to run your water and brush your teeth with that because I don’t. Sometimes I wait till I go to work I have a toothbrush and toothpaste there but I’m not going to do that.”

Councilmember Dalton, “I’m going to ask you this and knowing you I already know the answer. You’ve probably already changed your pipes under the house.”

Mr. Ballard, “Everything under my house is plastic even running from the road.”

Mayor Beam, "How often do you change your filters?"

Mr. Ballard, "These are suppose to be changed every month to two month and they get changed every week and a half to two weeks."

Mayor Beam, "How about Malcolm are you on the same line?"

Councilmember Parker, "I don't have that problem at the restaurant. It might be because I use."

Councilmember Puett, "I know the Carry Out complains."

Mr. Ballard, "The Carry Out don't have the same problem."

Mayor Beam, "They don't?"

Ms. Golden, "Does it turn there and go down Delview. Does it turn and then I am on something different?"

Mr. Ballard, "My water comes from Delview."

Councilmember Dalton, "That new line should really help you."

Councilmember Parker asked Mr. Ballard, "Yours come from Delivew?"

Mr. Ballard, "Yes."

Councilmember Parker, "Well mine comes down 150."

Councilmember Dalton asked Mr. Abernathy, "Does his come from Delview?"

Mr. Abernathy responded by saying, "No his water comes from the same place Mr. Parker's does up Styers Street into the six inch cast iron on 150."

Mr. Ballard, "Well when they flush they usually flush the one out there at Delview."

Mr. Abernathy, "We flush there right before you get to North Drive and the Ginn house because that is the dead end. That's not connected on the outgoing. That's what Czerr Construction is going to do for us."

Mr. Ballard, "See just like Sunday they flushed right down there on the corner of Delview and Church Street and for about three to five minutes it looked like the South Fork."

Mayor Beam, "Well we knew this was going to happen with flushing. That's automatic because you are getting the pipes where the sediment has been. Ten to twelve hours of dingy water is well worth the benefit of clear water. What Mr. Ballard has is an entirely different situation and I will tell you this to that we already are in the process of filing for more grant money from Govern McCrory's money. That was the bond you voted on if any of you voted in the last election. We are trying to get part of that money which actually was designated for infrastructure. And we have got grants in place now that we are trying to get a piece of that pie

before it's gobbled up and if we do that maybe we will be able to replace the whole, some whole lines."

Mr. Ballard, "Well I'm gonna have them come out and test my water, that's the only thing I know how to do. And then if it, he told me if you can see any discoloration and it is not completely clear then it's not going to pass."

Mayor Beam, "Thank you and I hope we are working on a remedy. We appreciate your comments Mr. Ballard."

Mr. Hillard Wise approached the podium and stated, "I have been in Cherryville a long time about eighty four years. And 1010 W. Church Street. I came up here tonight just to observe but there's too many things that's come up that concerns me. Even about the, oh and have you ever thought about that maybe the pipes are corroded. Well were gonna have to replace the sometime or another."

Councilmember Dalton, "We know that. That's what we have been doing."

Mr. Wise, "Well were gonna have to do all of them. It don't matter what you flush if you flush it through a old dirty pipe. It ain't gonna help at all. Another thing, Ms. Golden talking about the power bills, I got mine. My electric bills fourteen days. Well that's great Whoopie! I had more money. My water bill was twenty seven days you see. Fourteen days on power bill. People look and say Lord my power bill has come down, well look at how many days it is. Mine wasn't but something over a hundred dollars for fourteen days which was great. And another thing, but I understand I don't know but for years and years we didn't have no problem it was around thirty or twenty eight to thirty two days, I don't know what's happened. They got the automatic that reads my out to the highway, you don't have to go around the house. I just wonder what's happened? All these years that I have been here we ain't had nothing like this happen before. We got people that don't know what they are doing or what is it? I don't know, I don't know but."

Mayor Beam, "Ben would you like to address that?"

Mr. Blackburn, "Mr. Abernathy is well aware of this and the fourteen days this most recent Mr. Wise is now that we have gotten into this new cycle of billing for the previous time period. So the next month should be back under the thirty day regular reading."

Mr. Wise, "It ain't gonna be forty or fifty?"

Mr. Blackburn, "No sir."

Mr. Wise, "Well am I gonna save some money or something?"

Mr. Blackburn, "Well that's up to you."

Mr. Wise, "Well if I get a bill this month for fourteen days and the next month is thirty I'll come out pretty good it looks like."

Mayor Beam, "You have, let me give you a hint. The month before is when you more to make up the fourteen days. You did pay for it the month before."

Mr. Wise, "Another thing I don't understand, back before you people were even around here, back 40's 50's the sewer running to your house was the responsibility of the home owner to the road. From the house back to the road. Ok and back then a long time ago people would come, I mean the city would come and clean it out all the way up to your house. They didn't have to but they did back then. But they have a problem. I think they got this new machine, they hooked it up and blowed the lady's bathroom the other way and that put a stop to it, see. What I don't understand now and Mr. Abernathy he came down there several years ago. I've got a sewer lines that goes across my property across Brookwood Ave. That's Houser Pines, going down through the field of Alan Black's property. Got a manhole down there and they say that's my manhole. That's my pipe and I am responsible for that sewer line all the way to that manhole. Now that policy ain't right. I talked to Jill about this. A person shouldn't be responsible for the lines to his property when it's gets off the property you shouldn't be responsible for it under the road and down through someone else's field. You know to the manhole. And I don't know how long this policy it was changed or whatever maybe Mr. Abernathy knows. But he told me I was gonna have to pay for it, see. If I replaced it, I was gonna have to pay for the pipe under the highway down through Alan Black's field cause that was my manhole. Well I'm gonna put me a little fence around it like a little grave yard or something. The Wise, it will be the Wise manhole. That policy I don't know, Mr. Abernathy that policy needs to be changed. That's not right for people to pay for the sewer when it's not even there's. When it goes across and leaves your property, you should be responsible to your property line. Would you think so?"

Mayor Beam asked Mr. Abernathy, "So that main line is not in the middle of the road like it is with most places in town."

Councilmember Parker, "I've got that same problem. Mine runs across someone else's property."

Mr. Wise, "Well see what happened to me was my line stopped up. I got the plumber down there and checked it out. It was stopped up on Alan Black's property from roots coming from this tree. Well Mr. Abernathy come down there and said that I was gonna have to pay for the line you know far away from the road to the manhole. Well I didn't much like that you know so I got a hold of Alan Black about the roots. He had a tree. Alan Black came down there and cut that tree down and hauled it off. I put some root remover in there and I haven't had no problem since. That shouldn't be my line. You know I don't think you should be responsible for something that's not on your property, like that. I don't know who changed the policy, I'm sure

it was changed before Abernathy ever come here, probably. It was the policy when you came here wasn't it Mr. Abernathy?

Mr. Abernathy, "That policy came into effect in 1992."

Mr. Wise, "It's bad, it's needs to be changed I can tell you that."

Mayor Beam, "Is there anything else because it looks like your five minutes is up."

Councilmember Dalton, "He's up."

Mr. Wise, "Well the city I will tell you what is bad. Rusty Wise, Wise Electric he built his place over there twenty-two years ago and the city sends him a bill says we didn't know, we didn't know that you wasn't in the city. Twenty-two years says you gotta pay four hundred dollars for water cause you been getting the cheap rate and you're on city water. He's on city water, it's not in the city he's on Duke Power. Starting down there at Eaker's that's all outside the city you see and that they way. Well Rusty he like, well I would have never paid it. They said we can't go back but so many years. I don't know who told him that maybe Mrs. Green somebody told him. They found out he, twenty two years and they found out you wasn't in the city. That's the way they stole all that money before I reckon. Nobody knew nothing about it. I guess that's all I got to say."

Mayor Beam, "Thank you Mr. Wise."

Mr. Wise, "What I need to be is on this board probably. There would be some changes made I can tell you that."

RECOGNITION OF ALEX BLACKBURN AND RYAN PENCE FOR COMPLETION OF NC FIREFIGHTER CERTIFICATION TRAINING, MAYOR H.L. BEAM:

Mayor Beam presented Alex Blackburn and Ryan Pence with certificates and read the following:

Cherryville Fire Department's Firefighter Alex Blackburn and Firefighter Ryan Pence recently graduated from the Cleveland Community College, Brown Training Center, Firefighter Academy, Class Number 14. It was held January 11 – March 11, 2016. They graduated on March 11, 2016 at the LaGrand Center, Shelby, NC. Alex is the son of Ben and Robin Blackburn. Ryan is the son of Mike and Lisa Pence.

The goal of the academy is to produce high quality firefighters, who will strengthen the ability of the fire protection services throughout our region, in an effort to provide a higher degree of fire and life safety; as well as, provide our citizens with excellent customer service. This quality training also provides ISO points for our fire department, when the certifications are obtained.

The training program consist of over 425 hours of classroom and hands on skills learning. The course is grueling, difficult, and at times, extreme, training exposes the candidates to environments that they will face back in their local department on a regular basis. This took place in a very challenging atmosphere. This course was especially tough due to it being held during winter weather conditions. The cadet instructors for this program are hand selected for their fire/rescue expertise and are very well respected instructors throughout North Carolina.

Through this program, both of these firefighters have received the following certifications:

NC Firefighter I & II Certification

NC Hazardous Material Awareness/Operations Certification

Rapid Intervention Training

The program also included a physical fitness component

Both Alex and Ryan will be taking the North Carolina EMT Certification Program in the coming months! This a 200 plus hour program.

The Cherryville Fire Department has five other firefighters who are graduates from this prestigious program since its inception in 2009. These are: Nathan Bowman, Curt Brown, Nick Lane, Harley Selfcheck, and Jimmy Johnson. City of Cherryville Firefighter Richard Carroll serves as the full-time Cleveland Community College Staff Program Director for the Firefighter Academy.

Will you please help me congratulate these two young men of this outstanding accomplishment!

RECOGNITION OF THE 2015 GASTON COUNTY FIREFIGHTER OF THE YEAR COLBY HEFNER, MAYOR H.L. BEAM:

Mayor Beam presented Colby Hefner with his award and read the following:

On Saturday, March 26 at the Annual Gaston County Firefighters Association Annual Awards Banquet, City of Cherryville Fire Department, Driver/Engineer, Colby R. Heffner, was named the 2015 Gaston County Firefighter of the Year! He was nominated by the officers of the fire department.

Colby joined the Cherryville Fire Department September 2008 as a junior volunteer firefighter and has given our department a little over 7 years of service. During his time as a junior volunteer firefighter, Colby was recognized by the National Volunteer Fire Council and Baskin-Robbins as one of the "America's Favorite Junior Firefighters."

Colby has completed his North Carolina Firefighter Certification, EMT, Emergency Vehicle Driver, Chief 101, Aerial Operations certification, Probationary Level I Fire Inspector and a

recent graduate of Gaston College with an Associate's Degree in Fire Protection. He is also in the process of obtaining his Bachelor's Degree from Fayetteville State University.

Colby as a child would come by the station to see the fire trucks and would hunt any reason to stop by. When he became of age to join as a junior firefighter there was no hesitation. Throughout the years, we have watched Colby grow into adulthood and recently promoted to a fulltime Driver Engineer on C-Shift, assigned to Captain Chris "Pudge" Cash.

Colby is the son of Randy and Tammy Heffner of Cherryville. He is an active member of Jesus Servant Ministries, which is founded by his father Randy. He spends most of his off time helping the poor with his father. Their ministry provides food and clothing for many families in our community. His other hobbies are bluegrass music, playing banjo, buying guns and hanging out at the station.

The fire department has nominated someone every year for the past 25 years for this award. The award has been won now by three Cherryville firefighters, the first award winner was Neal Gunter, followed by Matt Greenway, and now Colby Heffner.

We are very proud of our fire department. Throughout that past 30 years, they have received national level, state level, regional level, and county level awards!

Will you help me congratulate, Cherryville Fire Department, Driver/Engineer, Colby Heffner, on becoming the recipient of the 2016 Gaston County Firefighter of the Year!

UPDATE ON HYDRANT FLUSHING, FIRE CHIEF JEFF CASH:

Fire Chief Jeff Cash approached the podium to announce that at 4:15 pm the contractor had completed the testing of 370 fire hydrants. He thanked Mayor Beam and the Councilmember's for allowing him to get out and do this project because it is going to benefit the city in so many ways. The testing will improve water quality issues that Mayor Beam eluded to and the testing that the EPA requires us to do. The testing will also give the fire department much needed fire flow data for fire protection that affects the ISO rating. It helps to turn over the water in the two elevated tanks on the east and west side of town. The testing also identifies areas that will be given to Mayor Beam and the Council in a report for further recommendations of planning and upgrading. The testing shows pressure zones that the fire department needs to be aware of. It also helps to removed sedimentation caused by cast iron pipes. Chief Cash reported that the fire department staff flushes hydrants annually. Public works staff along with water plant staff also do spot flushing throughout the year. To do a total flush means to open and flow every hydrant. Chief Cash shared that when this is done several things take place. One, sediment is flushed from the lines. Two, static pressure, residual pressure, PTO pressure and gallons per minutes are recorded. ISO requires us to have this information to receive maximum points on every hydrant in town. Before we never had this data on every hydrant in town. Now we do and it will be forthcoming from Chief Cash's contractor who is Utility Water Services out

of Tryon Georgia. Chief Cash thanked the water plant staff, public works staff and fire department staff for their help with the process. He thanked the citizens for being patient through the process as well. Chief Cash explained that the process has went smooth because an employee went out with the contractor and a fire truck assisted to help with traffic. The hydrants were tested during the day and any complaints were followed up with in the afternoon or evenings. Chief Cash shared that he knew there would be dirty water. Samples were taken just before the meeting began at 5:30 from the Carry Out, Pat's Drive In, Howell Street and Delview and Church Street. Chief Cash had the quarts of clear water setting on the counter in front of Mayor Beam and the councilmembers to show how clear the water was after the hydrant testing. Chief Cash opened the water and took a drink to show his confidence in the quality of the city's water.

CONSIDERATION TO SET PUBLIC HEARING DATE FOR MAY 9 RE: REZONING OF PROPERTY LOCATED AT 700 SELF STREET (PID #130118) FROM R-9 (SINGLE AND 2 FAMILY MEDIUM DENSITY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) CITY MANAGER BEN BLACKBURN:

City Manager Blackburn shared with Mayor Beam and the Councilmembers that a public hearing date needed to be set for May 9, 2016 for the rezoning of the property located at 700 Self Street. Mr. Robert Johnson, owner of the property, is requesting that the property be rezoned from R-9 (single and 2 family medium density residential) to B-3 (general business). Councilmember Dalton made a motion to set a public hearing for May 9, 2016. Councilmember Parker seconded the motion and the vote was unanimous.

UPDATE ON UPSET BID PROCESS FOR THE WATER PLANT HOUSE, CITY MANAGER BEN BLACKBURN:

City Attorney Huffstetler Jr. explained that the clerk's office received one bid on the water plant property. After discussion at the work session, Councilmembers agreed to run the advertisement for the property again. The advertisement will run in the Cherryville Eagle April 6 and 13. Once ten days passes with no upset bids, it will go back to the council, at which time council can accept the offer of the highest bidder or reject all offers. The last day to bid on the property will be April 18, 2016 by 5:00 pm.

CONSIDERATION OF ZONING TEXT AMENDMENT RE: FENCES IN B-1 DISTRICT, CITY MANAGER BEN BLACKBURN:

City Manager Blackburn asked Mayor Beam and Councilmembers to consider directing staff to present the following changes to the planning board for a vote. Below is the ordinance and the recommended changes are in red.

CURRENT CITY OF CHERRYVILLE ZONING ORDINANCE(S) DEALING WITH FENCES IN THE BUSINESS/GMC DISTRICTS:

Section 5.4 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

5.4.1 In Residential (R) Districts:

- a. When fences or walls are installed in a required setback area (required front, side, or rear yard), the maximum height shall be six (6) feet, except when such fence or wall is installed pursuant to Section 5.2 of this Ordinance it shall not exceed eight (8) feet in height.
- b. No above ground electrical or barbed wire fences shall be allowed except in the R-40 district.

5.4.2 In B-1, B-2, B-3, and GMC Districts:

- a. Maximum height shall be twelve (12) feet except that no maximum shall apply to jails and prisons where said wall or fence is installed behind any required setbacks.
- b. No electrical fences except electrical livestock fences shall be permitted

PROPOSED TEXT ADMENDMENT TO THE CHERRYVILLE ZONING ORDINANCE(S) DEALING WITH FENCES IN THE B-1 DISTRICT: (CHANGES REQUESTED TO BE MADE ARE NOTED IN RED)

5.4.2 In B-1, B-2, B-3, and GMC Districts:

- a. Maximum height shall be twelve (12) feet except that no maximum shall apply to jails and prisons where said wall or fence is installed behind any required setbacks.
- b. No electrical fences except electrical livestock fences shall be permitted.
- c. **No chain-link fence(s) of any kind shall be allowed in the front yard or lot Of any B-1 (Central Business) Zoning District properties, Except, Temporary chain-link fencing will be allowed under Emergency Circumstances to prevent death / serious injury from occurring when a building / structure has been damaged.**

****ALL OTHER TEXT WILL REMAIN THE SAME****

Submitted / Requested by: Jeff Hawkins, Planning, Zoning, Code enforcement Administrator

OTHER BUSINESS:

None

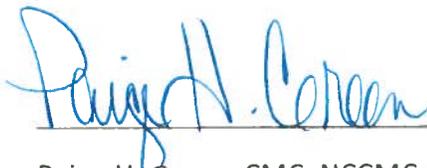
ADJOURNMENT:

Councilmember Kiser made a motion to adjourn the meeting. Councilmember Dalton seconded the motion and the vote was unanimous. The meeting adjourned at 8:24 pm.

Adopted this 9th day of May 2016



H.L. Beam, Mayor



Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)