

CITY OF CHERRYVILLE
REGULAR CITY COUNCIL MEETING
MONDAY JANUARY 14, 2013 @ 7:00 PM
CHERRYVILLE COMMUNITY BUILDING

Present at the meeting was Mayor Pro Tem Brian Dalton, Councilmember's Campbell, Kiser, and Parker, City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler, Finance Director Dixie Wall, Public Works Director Brandon Abernathy, Interim Police Chief Cam Jenks, EDC Director Richard Randall, and Fire Chief Jeff Cash. Also media was present from WSOC Channel 9 and Michael Powell from the Cherryville Eagle.

Mayor Pro Tem asked Jeff Cash to say the prayer and everyone said the Pledge of Allegiance.

Mayor Pro Tem Brian Dalton called the meeting to order at 7:00 pm by welcoming citizens, reading the rules of the meeting and announcing that we did have a building that was at full capacity, for everyone to make sure all exits were clear at all times.

Mayor Pro Tem Brian Dalton welcomed all by letting everyone know that Mayor Bob Austell was home from the hospital and recovery well. He is glad to be home and hopes to be back soon.

Mayor Pro Tem Dalton also announced that he felt like the meeting was packed out due to the decision about the Cherryville Police Department. He gave an update and shared that the numbers the City Manager and City Council had received from the County Manager and Commissioner's were not strong numbers. Mayor Pro Tem Dalton feels like it is a dead issue. The savings are short term savings and in three or four years we would be spending the same amount of money that we are now. Mayor Pro Tem Dalton then opened the floor to the other Councilmember's that wanted to comment on this issue. Councilmember Parker shared that he looked at the numbers as well and he was for the Gaston County Police in the beginning. He stated that there was no way he could vote for the County Police after a review of the figures he had been given. He thanked the County Police for their help.

Councilmember Kiser shared that he was not in the favor of the County Police and he feels like we need to support or own police department and build them back up.

Councilmember Campbell shared that he was never for the Gaston County Police and would not have voted for them to take over our police department. He also said that he had been accused of not looking at numbers and not attending meeting about the police issue. He shared that he looked at numbers, and listen to what the County Manager had to offer. Councilmember Campbell feels that the City of Cherryville is a better City than what we are considered by in the County. He stated that the County Police had worked in Bessemer City for half of what they offered to the City of Cherryville. Councilmember Campbell said that he did make the statement that he would not vote for the County Police if they paid us, for the simple reason that he does not feel like Bessemer City is a bit better than than the City of Cherryville. Under no circumstances are they better than

us. He feels like if they should offer the same price to all the other Town's and Cities for what they have offered it to Bessemer City for. He is ready to see the police department heal and move on. He also stated that he was happy for the department and that he was never for the Gaston County Police taking over.

CITIZENS TO BE HEARD

Rodney Hamrick, 102 Thistle Court, approached the podium and shared that he was happy that Cherryville was going to keep their police department. He also stated that he works for the Gaston County Police and he worked several days in Cherryville helping out. He has a concern about the radios at the police department. He feels like the police department needs a new system before someone gets hurt.

Mayor Pro Tem agreed with Officer Hamrick and said the system does need to be looked at.

Interim Police Chief Cam Jenks said that this is currently being looked at and he feels like the problem has to do with the narrowing banding. Mayor Pro Tem asked if the tower had been moved to City Hall. Jenks responded that it had moved and the weather did play a part on the system sometimes.

Rick Jenks, 106 Summers Place, had concerns about communications. He followed a drunk driver from Gastonia and he called for police all the way back to Cherryville and was told that one department could not communicate with another department. He feels like something needs to be done about this issue so we can help as citizens to keep drunk drivers off the road.

Vicki Spurling, 1661 Delview Rd, is also a Main Street business owner and rental property owner in the city limits. Vicki shared that she is glad the City of Cherryville has decided to keep their own police department. She talked about the expense of starting up another police department. She shared her thoughts about the cost of the County taking over in years to come. She thanked the County Police for their help but was very happy we are keeping our own. She feels like cuts need to be across the board.

Mayor Pro Tem reminded everyone how eight hundred thousand dollars had been cut from the budget.

Vicki shared that she has rental property in Bessemer City and left a message for a non emergency call. After a few days she did get a call back and her issue was addressed. She says she can call Cherryville Police and she gets help immediately. She commended the police department for being so quick.

Councilmember Campbell shared that Bessemer City was voting tonight on the County Police.

Mrs. Spurling agreed and stated that we do pay County taxes and the County Police is ours also.

Mayor Pro Tem Dalton agreed.

Mrs. Spurling stated that she was not trying to single the Gaston County Police out because she does think they are a good police department.

Janet Anthony, owns rental property in the city limits. She wanted to thank the Gaston County Police for helping to keep Cherryville safe.

Walter Ballard, 610 W. Church Street, feels like the police department needs to be commended for all their hard work since they were put under stress while having to do their job. He feels like they were not able to do their job previously because of certain individuals at the police department making it hard for them. He said that some of the officers had not had a raise in six years. He understands that times are rough and money is tight but he also knows that we have saved some money by letting some officers go. He feels like the police department should receive some type of gratuity in the form of a 2, 3, 4, or 5% raise. Mr. Ballard stated that the police officers had been under a lot of stress not knowing if they were going to have a job or not, and that most of them do have families. He also suggested that this was the time for the City to consider cutting cost as a whole. He noted that the Councilmember's get insurance along with a monthly check. He feels like the Councilmember's should be doing the job they were elected to do for the good of the community and their monthly check and give up their insurance to save money. He stated that this savings could be given to the police officers as a gift of appreciation.

The citizens responded by clapping.

Mayor Pro Tem Dalton responded to Mr. Ballard by saying that if he could get two more Councilmember's to vote for that change he would gladly vote to make that change. He agreed with Mr. Ballard and stated that those savings from the Councilmember's insurance were a drop in the bucket and not enough to cover a raise for the police department.

ITEM #1 APPROVAL OF MINUTES

Mayor Pro Tem asked that on page five of the previous Council meeting minutes, the 14,000,000.00 needed to be changed to 14,000.00. Councilmember Kiser had contact the City Clerk earlier that day and the change had already been made.

Councilmember Kiser made a motion to approve the minutes as amended from the previous City Council meeting, the previous Work Session meeting, and the Closed Session meeting. Councilmember Campbell seconded the motion and the vote was unanimous.

Councilmember Kiser thanked the City Clerk for the hard work that she puts into the minutes and putting them together with great detail.

ITEM #2 AGENDA APPROVAL/REVISION

Councilmember Campbell made a motion to approve the agenda. Councilmember Kiser seconded the motion and the vote was unanimous.

ITEM #3 PREVIOUS WORK SESSION VOTING UPDATE

At the recent Work Session meeting held on January 7, 2013, the City Council voted unanimously to appoint Ollie Lineberger to the Cemetery Committee for a three year term.

ITEM #4 CONSIDERATION OF AMENDMENT TO SANITARY SEWER MAINTENANCE POLICY

City Manager Ben Blackburn addressed the Mayor Pro Tem, Councilmember's and citizens that Public Works Director Brandon Abernathy was going to give an update on this.

Brandon approached the podium and stated that he was asked to give information on the City's responsibility and the customer's responsibility when it came to sewer laterals. This was a topic of discussion at the previous Work Session. Brandon stated that he was open for any questions that anyone may have.

Councilmember Parker feels like every issue should be looked at individually. He does not feel like the citizens have been treated fairly in the past. He feels like the City needs to take more responsibility on some of the issues customers face.

City Manager Ben Blackburn stated that at the previous Work Session meeting it was discussed that City staff would address all issues that pertained to our customers on an individual basis.

Councilmember Parker thinks that when the City leaves a property line, it should be the City's responsibility. He says if the tap has been paid for then the City should maintain it. A customer should not have to dig up a road to make repairs.

Councilmember Campbell feels like every case should be treated on an individual basis and changing the policy would open a can of worms.

Councilmember Kiser shared that this policy has been looked at in the past on a case by case basis and should be looked at the same way going forward.

Dennis Neill of 407 Oak Grove Dr. stated that he followed this issue back to 2004 when Don Millwood's mother could not get help with her sewer line. He said the City had a new machine that forced water into the line. Mr. Neill got a copy of the ordinance and it calls for the customer to repair the sewer line with ABC stone. He says that he has made some phone calls and there is no such thing as ABC stone but it is in the policy. Mr. Neill has commented that Houser Street in front of Second Baptist Church has been patch many times and the road is sunk in where it has not been repaired properly. He stated that the proper way to make the repairs was to tamp the soil but the citizens have no way to do that. He commented that Putnam Street had places about the length of two or three houses that was sunk in about four to six inches. He also stated that he told Jeff about this and nothing had been done.

Mayor Pro Tem Dalton asked if the City repaired the street. Mr. Blackburn shared that filling in the hole was the utility contractor's responsibility. The City would pave the road back.

Mr. Neill says the City will cut the pavement and patch it back, but the citizens have to tamp the soil. He stated that this has to be done right by tamping every six inches and moving up so the roadway does not sink in. Mr. Neill feels like the policy needs to be rewritten because it was full of lies. Mr. Neill also commented on Hedgepath Street and how it had two big ditches as you travel down it.

Mayor pro tem Dalton stated that the City was to oversee this work and make sure it is done properly.

Bob Shull of 600 N. Styers Street shared that he had experienced the same problem. When David Hodgkins was City Manager he told Mr. Shull that he would have to make the repairs to his sewer line himself. He stated that he was capable of making the repairs himself and did but the average citizen was not capable of doing this work.

Brandon stated that the City was not asking citizens to make repairs out in the road, and he knows that the work is for utility contractors. The City does offer a price for the repairs and the customer can then get in touch with other contractors and make the decision about who will make the repairs.

Vicki Spurling, 1661 Delview Rd. approached the podium and shared that in 2002 when the City did not have the currently policy, the city was responsible for the sewer line out to the manhole. Vicki is concerned about the City asking citizens to make repairs out in the road. Mrs. Spurling deals with other cities and she has never been asked by the other cities to make such repairs. She stated that property owners should not have to work in the road because it is City property. She will always believe that the citizen's responsibility should stop at the property line.

Burton Bridges, 308 S. Mountain Street, approached the podium concerned that he just had a sewer issue where he was told he was responsible to the center of the road. He does not understand why the City decided it was not their responsibility. He feels like the citizens could pay an extra dollar every month to cover the cost of the City making these repairs. He feels like the home owner should not have to pay for this utility service. He feels like the customer should only be responsibility at the curb of the property. He agrees that it is a service to that property owner but so is his electric, garbage, and gas lines but he does not have to pay to the center of the road if something goes wrong with those services.

Mayor Pro Tem asked for a five minute recess.

Walter Ballard, 610 W. Church Street, shared that his mother had experienced the same issue. At that time they spent \$850.00 for nothing because the problem came back about a week later. The City came out and told him the problem was out in the road and the cost would be \$75.00 to correct the problem. Mr. Ballard had a hard time understanding why his mother was responsible for a blockage in the middle of the road. His mother paid the money, got the blockage cleared up. Not long after that, the sewer problem was back and the City came out with a machine and blew water up the manhole line, blowing the trash or whatever was blocking the line up the street. Mr. Ballard said the city employees told him they had received a lot of calls on Pine Street. He asked why the city was pushing the problem up the street or to another area and not removing it. Mr. Ballard shared his concerns about the water consumption that his mother was being billed for. He stated that she lives alone and never goes over the minimum usage of 2,000 gallons. Last months water bill was for 3,500 gallons. The City came out and told Mrs. Ballard that she had a leak. Mr. Ballard sent out a family member to check under the house and everywhere for a leak. He could not find one. They marked a spot on the meter and came back several hours later to check it and the meter had not moved. Mr. Ballard contacted the City to let them know that there was no leak. He wanted an explanation of where the water went. He was told that maybe the water meter was read wrong. Mr. Ballard asked if we paid an intelligent individual to do this job.

Christy Ford, 108 Stoney Lane, approached the podium to share her concerns about waste in the City of Cherryville. Mrs. Ford and her family moved in their house about a year ago. The bank let them close on their house even though the yard work had not been completed. She works for herself and goes to work at different times of the day. On four different occasions she observed city employees sleeping in her cul-de-sac. She finally reported it to the City Manager at that time, but nothing was done about it. She has also

followed a city vehicle around town one morning and observed the truck stopping on three different storm drains. They got out of the truck put safety cones all around the truck and they did not pick up more than three leaves. She complained to the former City Manager and he told her a storm was coming and the storm drains needed to be cleaned out. Mrs. Ford shared that she loves the City of Cherryville and she does not want not to see us fail. She expressed her appreciation for what the City does offer the citizens.

Rodney Bowyer, 305 Mark Street, approached the podium and asked the Council to make a decision on this sewer policy and stick with it. He does not feel citizens should be treated different. He also stated that we can all think OSHA for one man working and three standing and watching.

Blake Hallman, 105 Wright Circle, approached the podium to express his concern about the sewer issues. He was told that the policy was put in place by the previous City Manager. He was told by a plumber that the city lines were in such bad shape that a citizen has nothing to hook onto. He also agreed with Mrs. Spurling that the citizens should not have to make repairs in the road. He understands that the city does have costly issues right now with water and sewer lines because of the age of the lines but he also feels like it is not fair to the citizens to be responsible for it. He says he is responsible for his electric up to his house and his gas up to his house and the sewer should be the same up to the property line.

Richard Beam, 605 Vista Drive, approached the podium and reminded the group that he spoke at the previous Work Session and gave them a scenario that he would absolutely not be responsibility for. He feels like the Council should address every situation based on the issue at the property. He agrees that he would be responsible for tree roots but not something beyond his control.

Councilmember Campbell made a motion to form a committee on the issue of sewer laterals. He suggests that a committee can go over the policy and bring it back to the Council for a vote.

Mayor Pro Tem Dalton thinks we should use the City's camera and look to see where the blockage is at. If we can determine where the problem is at then it can be determined who is responsible.

Mr. Abernathy stated that the problem with that is not all properties have a clean out for camera access. If there is not a clean out, the city would have to dig down and cut into the pipe for access. The City would need to put in a clean out at that time and then come back to make repairs.

Councilmember Parker feels like the City needs to step up to the plate and take responsibility for the services that we offer. He is for a change in this policy.

Jody Fowler approached the podium and asked if the citizen has a problem on their side can they cut the asphalt, block the road, and make the repairs themselves? The answer is it has to be a licensed contractor that does the work. The City would cut the asphalt and the City would need to be there to over see the work for inspection.

Dennis Neill, 407 Oak Grove Drive, approached the podium concerned that the curb at his house does not indicate his property line. The city has a right a way. He was also concerned about the sewer fees and where that money goes.

Paula Deese, 409 Myra Lane, approached the podium with concerns about water run off and how the water is causing damage to her yard and the concrete in her driveway. This will be looked into by Brandon.

Mr. Abernathy is familiar with this issue and agreed that she does have a water issue. Councilmember David Kiser seconded the motion for a committee on sewer laterals and the vote was three for, one opposed. Councilmember Parker opposed this motion.

ITEM #5 CONSIDERATION OF RESOLUTION IN SUPPORT OF THE NC CLEAN WATER MANAGEMENT TRUST FUND

City Manager Ben Blackburn addressed the Mayor Pro Tem, City Council and the citizens explaining to them the resolution that was before them. The resolution is for the NC Clean Water Trust Fund to better the water and sewer infrastructure in North Carolina. This resolution supports the General Assembly so they can look at this fund and make an impact on the water and sewer lines. Councilmember Parker made a motion to adopt this resolution and Councilmember Kiser seconded the motion. Vote was unanimous.

ITEM #6 CONSIDERATION OF APPOINTMENT TO ELECTRICITIES POWER AGENCY ONE'S RATE COMMITTEE

City Manager Ben Blackburn addressed Mayor Pro Tem, City Council and citizens to ask the Councilmember's to put a delegate on this committee. The committee looks at rate and each member of Electricities has a member on this board. Councilmember Rick Campbell made a motion to put Councilmember Brian Dalton on this board and it was seconded by Councilmember Parker, the vote was unanimous. Councilmember Parker made a motion to make Councilmember Campbell the alternate. Councilmember Dalton seconded the motion and the vote was unanimous. Vote was three to one. Councilmember Campbell opposed.

ITEM #7 CONSIDERATION OF APPOINTMENT TO THE CHERRYVILLE FIRE DEPARTMENT RELIEF/SUPPLEMENT RETIREMENT FUND BOARD OF DIRECTORS

Chief Jeff Cash approached the podium and explained that the General Assembly requires the fire department annually to elect two members of the City Council to their supplement retirement board and relief fund board. This is required by General Statute. The term for Councilmember Parker has expired and he needs to be reappointed. Councilmember Campbell made the motion to reappoint Councilmember Parker and it was seconded by Councilmember Kiser. Vote was unanimous.

ITEM #8 END OF YEAR REPORT G.S. 160A – 292 CHERRYVILLE FIRE DEPARTMENT

Chief Jeff Cash approached the podium to give the fire departments end of year report. Jeff shared fire issues to the Councilmember's and gave them a handout. Jeff also shared that this end of year report would be on the web site for anyone to look at. If any has any questions they are asked to please call Chief Cash. Jeff also added that communications for the police department is also a problem for the fire department as well. He will be working with Cam Jenks on this issue. He feels like it is because Cherryville is at a higher elevation.

ITEM #9 END OF YEAR REPORT, CHERRYVILLE POLICE DEPARTMENT

Interim Chief Cam Jenks approached the podium after handing out his report to the Councilmember's. Cam went over his report and shared all that the police department has accomplished in the year. After Cam went over his list he was applauded by everyone at the meeting and given a standing ovation.

ITEM # 10 CITY MANAGER'S REPORT

Nothing from staff at this time.

ITEM #11 OTHER BUSINESS

Mayor Pro Tem shared that at the last work session the council was given a financial work sheet. Mayor Pro Tem Dalton went over the financials of the city and was very proud to let everyone know that the city is doing an outstanding job on cutting cost. He did also say that we are no way out of the woods just yet, but we are doing much better now than we were last year. Mayor Pro Tem does recognize that we have major issues to face but the bleeding has stopped and we are headed up.

ITEM #12 ADJOURNMENT

Councilmember Kiser made a motion to adjourn the meeting and it was seconded by Councilmember Campbell. Vote was unanimous. City Council meeting adjourned at 8:30 pm.

Adopted this 11th day of February, 2013.

Brian Dalton
Mayor Pro Tem, Brian Dalton

Paige H. Green
City Clerk, Paige H. Green

