

CITY OF CHERRYVILLE
REGULAR CITY COUNCIL MEETING
MONDAY JULY 8, 2013 @ 7:00 PM
CHERRYVILLE COMMUNITY BUILDING
COUNCIL CHAMBERS

Present at the meeting was Honorable Mayor Robert Austell, Councilmember's Kiser, Campbell, Dalton and Parker, City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Finance Director Dixie Wall, Chief Jeff Cash, Chief Chad Hawkins, and Public Works Director Brandon Abernathy. Michael Powell was present for the Cherryville Eagle.

Mayor Austell called the meeting to order at 7:00 pm welcoming everyone to the meeting. Mayor Austell read the rules of the meeting and asked everyone to stand for prayer by Rev. Leonard Bumgardner followed by the Pledge of Allegiance.

MAYORS COMMENTS:

Mayor Austell shared a letter that Fire Chief Jeff Cash wrote to the citizens of Cherryville regarding the July 4th celebration that was held on Main Street July 3, 2013. Below is a copy of the letter:

Dear Editor, Cherryville Eagle

The City of Cherryville and Chamber of Commerce worked very hard with the planning and operation of our July Independence Celebration/Festival, that was held on Wednesday, July 3rd. I personally want to thank our Elected Officials, City Manager, Chamber Board and Staff, and especially the City of Cherryville Departments (Fire, Police, and Public Works) and their staff involved with the event. I also want to thank the outside agencies that assisted us with the event.

I do owe an apology to several individuals. I want to make these apologies within this letter. I also want to make you aware that it was me (Jeff Cash) that was solely responsible for making the decision to fire the pyrotechnic show early. It was not Mayor Austell, our City Council, or our City Manager Ben Blackburn. I was afforded the overall decision-making for the event.

At 9:05 pm, I was advised by our mobile Incident Command Post, staffed by professional Police, Fire, and EMS personnel that within the window of 20 - 40 minutes, Cherryville would be under severe weather. The radar data they were receiving indicated heavy rain and lightning for our area. In other words, a red cell of weather was headed for Cherryville. In essence they did their job to provide me with the critical information and I thank them for doing their job! At that point, I made the decision to fire the pyrotechnics as soon as possible. With the safety of our citizens and our staff in mind, I made the best decision I could make with the data I was provided.

Within 10 minutes we were ready to move forward with our show. The show went extremely well and it lasted 18 minutes. Special thanks to the members of the Cherryville Fire Department who assisted me!! We had no injuries reported and no damage reported. After the show, we still had the assignment of clean-up of our fall-out debris from the pyrotechnics show and the clean-up and tear down of Main Street and the Mini-Park area. This also was an influencing factor in my decision-making process. I did not want our employees (Fire, Police, EMS, and Public Works), exposed to the elements of a severe thunderstorm that was headed in our direction.

I also wanted to apologize to our American Legion Post 100 members, Coach Reynolds, the players, visiting team, and fans for the smoke from the pyrotechnics show that delayed the game. My calculations, with the information in hand, had the wind carrying the smoke due east. I apologize for the inconvenience I caused. I also sincerely apologize to the families that missed out on the pyrotechnics show due to my decision-making, with safety in mind, to initiate the show early. I know how disappointed your children may have been and I am sorry! Once again, I was the sole individual responsible for the decision-making for the event and I apologize for any inconvenience that I caused.

Sincerely,

Jeff Cash, Fire Chief
Cherryville Fire Department

Mayor Austell thanked everyone that was involved in the planning of the July 4th events.

ITEM # 1 APPROVAL OF MINUTES:

Councilmember Kiser made a motion to approve the minutes from the previous City Council meeting as well as the previous Work Session meeting. Councilmember's Dalton and Parker both seconded the motion and the vote was unanimous.

ITEM #2 AGENDA APPROVAL/REVISIONS:

City Manager Ben Blackburn had two items that were brought to his attention late in the day and he asked Council to revise the agenda and add the two items at the end. One was for the ABC Board Contract for law enforcement and the other was for the ABC Board Travel Policy. Councilmember Campbell made a motion to revise the agenda and add the two items. Councilmember Kiser seconded the motion and the vote was unanimous. Mayor Austell added the two items to the agenda.

ITEM #3 PREVIOUS WORK SESSION VOTING UPDATE, MAYOR AUSTELL:

Mayor Austell shared that a vote was taken at the previous work session meeting held June 24, 2013. The vote was taken to approve a budget amendment to balance the budget. The budget amendment is required by the state and it done every year. This year a total of \$28,200.00 was amended and Mayor Austell commented that is has been the smallest amount made in his ten years as Mayor. Mayor Austell also commented that the year that was just closed out June 30, 2013 has been a very good year and the audit will reflect that.

ITEM #4 RESOLUTION HONORING TRENTAVIS FRIDAY, MAYOR PRO TEM BRIAN DALTON:

Mayor Pro tem Brian Dalton read a resolution honoring Trentavis Friday. Mayor Austell and City Council thanked Trentavis for his hard work. Below is a copy of the resolution:

RESOLUTION

WHEREAS, Mr. Trentavis Friday is a Junior at Cherryville High School and is a two sport athlete in Track and Basketball for the Cherryville Ironmen for the 2012 and 2013 school years and;

WHEREAS, Mr. Trentavis Friday has elevated his track performances from a 2012 state meter record to setting a three state 1A records in 2013. This year he set all three state 1A records including the 100 meter, 200 meter, and 400 meter runs; and

WHEREAS, Mr. Trentavis Friday in 2012 was Gaston County, Regional and State Champion in the 400 meter run. Despite suffering a broken collar bone during the last weeks of basketball season, he still managed to run 48.12 and set the state record. Mr. Friday was also a part of the relay teams that won Conference and Regional titles; and

WHEREAS, Mr. Trentavis Friday has been hampered by a hip flexor problem but still managed to set 1A state records in three events at the State Championships. Mr. Friday set the 100 meter sprint with a time of 10.48, the 200 meter at 21.7 and the 400 meter at 48.0, beating his own record from a year ago. Mr. Friday was also voted as the Most Valuable Runner at the State Meet; and

WHEREAS, Mr. Trentavis Friday traveled to Orlando Florida on May 18th to compete in a Southeast Regional Prep Meet where he placed 2nd with a personal best of 10.37 seconds in the 100 meter sprint. Mr. Friday currently has the 5th best time of high school runners in the nation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council recognizes and commends

TRENTAVIS FRIDAY

For all of his hard work, leadership, dedication, accomplishment for himself and to the Cherryville High School track and basketball teams as well as to the community of Cherryville.

Duly adopted the 8th day of July, 2013

ROBERT AUSTELL, MAYOR

PAIGE H. GREEN, CITY CLERK

(SEAL)

ITEM #5 RESOLUTION HONORING DREW REYNOLDS, MAYOR PRO TEM BRIAN DALTON:

Mayor Pro Tem Brian Dalton read a resolution honoring Drew Reynolds. Mayor Austell and City Council thanked Drew his hard work. Below is a copy of the resolution:

RESOLUTION

WHEREAS, Mr. Drew Reynolds is a Junior at East Carolina University and has been named Louisville Slugger Second – Team All American and;

WHEREAS, Mr. Drew Reynolds earned First – Team All – Conference USA and All – Tournament Team honors. Mr. Reynolds a utility player led the Pirates with a .322 average and 68 hits, while ranking second with 13 doubles and fourth with 30 runs scored and;

WHEREAS, Mr. Drew Reynolds posted a 3-2 record with a 2.92 ERA and recorded a league and team best 14 saves, which also ranks 13th nationally and;

WHEREAS, Mr. Drew Reynolds in three seasons with the Pirates owns a .313 average (147 for 470) with three home runs, 47 RBI's, 21 doubles, and 65 RBI. After posting a career best 14 saves in 2013, Mr. Reynolds moved into sole possession of second place on the school's all time saves list and is three away from breaking the record that stands at 26 and;

WHEREAS, Mr. Drew Reynolds is a two time C-USA Player of the Week selection taking home hitting honors on March 13, 2013 and pitching honors on April 15, 2013. In the classroom, Mr. Reynolds is a two time C-USA All- Academic selection and three time C-USA Honor Roll member.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council recognizes and commends

DREW REYNOLDS

For all of his hard work, leadership, dedication, accomplishment for himself and to the East Carolina Pirates baseball team as well as to the community of Cherryville.

Duly adopted the 8th day of July, 2013

ROBERT AUSTELL, MAYOR

PAIGE H. GREEN, CITY CLERK

(SEAL)

ITEM #6 CONSIDERATION OF ADOPTION OF RESOLUTION FOR THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES INTERLOCAL RISK MANAGEMENT FUND, BEN BLACKBURN:

City Manager Ben Blackburn explained to Mayor Austell, City Council and citizens that because of the bad publicity and the issues of embezzlement that the City of Cherryville has faced, we have been dropped from our current liability carrier. Mr. Blackburn commended the Finance Director Dixie Wall and the City Clerk Paige Green for their hard work. Both Dixie and Paige have met with several insurance representatives and told the story of the events that have taken place and also shared what has been implemented to prevent the same events in the future. The NC League has offered the City of Cherryville a rate that is lower than what the City has been paying. Mr. Blackburn asked the City Council to adopt a resolution making the NC League's insurance official.

Councilmember Dalton made a motion to approve the resolution. Councilmember's Kiser and Parker seconded the motion and the vote was unanimous.

ITEM #7 CONSIDERATION OF APPROVAL OF CMAQ SIDEWALK CONSTRUCTION BID, BRANDON ABERNATHY:

Mr. Blackburn addressed the Mayor and Council pointing out a copy of the bids before them. On June 28th, 2013 bids were received and opened for consideration at the fire department in the training room at 2:00 pm. The lowest bid received was \$248,366.00 and the highest bid was \$339,877.00. The bidders had to show that they will use Disadvantage Business Enterprises (DBE). DBE is a contract that requires a minimum of 5% of the contract amount be awarded to and performed by the DBE. The lowest bidder did not meet the 5% requirements at the time of the bid opening. The City has decided that the construction contract should be awarded to the Tarpon Construction, Inc., who came in with a bid of \$274,958.00. The NCDOT also recommended that the City award the bid to Tarpon Construction Inc.

Mayor Austell asked when the sidewalk construction would start. Brandon Abernathy approached the podium and responded with a date of July 29, 2013. Brandon also shared the sidewalks would be placed in the following areas: South Jacob Street starting at Ballard Street down to John Chavis Middle School, John Chavis Middle School will have a sidewalk beside it, east side of Mountain Street between Ballard Street and Chavis Drive, and finally a section of sidewalk on west Main Street from S. Elm Street to Academy Street.

Councilmember Kiser made a motion to approve the construction bid and award it to Tarpon Construction, Inc. Councilmember Campbell seconded the motion and the vote was unanimous.

ITEM #8 CONSIDERATION OF REAPPOINTMENT OF BOB GILREATH TO THE CEMETERY COMMITTEE, COUNCILMEMBER CAMPBELL:

Councilmember Campbell addressed Mayor Austell and fellow Councilmember's sharing that he is the liaison for the cemetery committee. He shared that this committee has made significant progress on much needed update to the city cemetery. Mr. Bob Gilreath has been a very active part of the committee for three years and has agreed to taken on another term of two years. Councilmember Campbell made a motion to reappointment Mr. Gilreath to the cemetery committee for another term.

Councilmember's Kiser and Parker seconded the motion and the vote was unanimous. Mr. Gilreath's term will end June 2015.

ITEM #9 DISCUSSION OF CITY CHARTER, SECTION 3.3:

Mayor Austell shared a section of the Code of Ordinances for the City of Cherryville. He read the follow found in section 3.3:

Qualifications and terms of councilmember' and mayor; vacancies in council and office of mayor.

- (a) The members of the city council shall serve for terms of four years, and the mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.**
- (b) No person shall be eligible to be a candidate or be elected as mayor as a member of the city council or to be served in such a capacity, unless he is a resident and a qualified voter of the city, having resided within the city and in the ward from which he is elected for a period of twelve (12) months next preceding his election.**
- (c) In the event a vacancy occurs in the office of mayor, the council shall by majority appoint some qualified person to fill the same until the next election. Any vacancy in the office of councilman shall be filled by majority vote of the remaining members of the council until the next election.**

Mayor Austell asked City Attorney Palmer Huffstetler Jr., to give an update on his findings about the City's charter. Mr. Huffstetler researched the law and on June 5th, he wrote a letter to City Manager Ben Blackburn and it reads as follows:

Dear Ben:

Pursuant to your request, I have reviewed the 12 month residency requirement for elective office contained in the City's charter. Based upon case law, specifically Moore v. Knightdale Board of Elections, I am of the opinion that the residency requirement is unconstitutional and unenforceable. As such, the City may rely upon this advisory letter to go forward without imposing the requirement. Please let me know if you have any further questions.

Mayor Austell asked Mr. Huffstetler if he cover the requirements of the state constitution. Mr. Huffstetler shared that the state constitution requires an individual has to be a resident 30 days prior to the election and we have to abide by this. Councilmember Dalton asked Mr. Huffstetler what determines if you are a resident or not. Mr. Huffstetler shared that a number of factors would determine residency but it would be up to the board of elections not city council to make that decision.

Mayor Austell shared with everyone that legal council just shared that the Institute of Government as well as the League of Municipalities has stated that section (b), specifically the 12 month period is unconstitutional and should say 30 days. Mr. Huffstetler shared in order to make a change to the charter, the city would have to go before state legislature to have it changed. Per Mr. Huffstetler the City of Cherryville can rely on his advisory letter and leave section (b) as it is. Mayor Austell shared that it is not up to the City Council to challenge this law. Mayor Austell also asked Mr. Huffstetler if it would be up to the individual running for office to provide proof of his residency if another citizens were to challenge it. Mr. Huffstetler responded by saying the petitioner would file an appeal with the Gaston County Board of Elections and the applicant running for office would have to defend their residency. Beyond that an appeal would be before the NC Board of Elections and the Court of Appeals. Councilmember Campbell commented that the City's Charter that has been in place for hundreds of years cannot just be changed without going before the Legislator. Mr. Huffstetler stated that Councilmember Campbell was correct and that there are some items that can be changed but this is not one of them. A statue details what items can be changed but this is not one of them. Councilmember Campbell asked Mr. Huffstetler why the state would trump our charter. Councilmember Campbell feels like the city needs to change the charter so that this does not happen again. Mr. Huffstetler stated that the charter did not need to be amended because the city can rely on the letter that he sent to Mr. Blackburn on June 5, 2013.

Rodney Bowyer 305 Mark Street approached the podium asked why would the City of Cherryville want to change its charter. He feels like any citizens should find out what the charter is and abide by it. He also stated if they don't abide by it they should not run.

Mayor stated that we don't really care to change it. They are simply trying to point out what the law is.

Harvey Patterson 703 S. Mountain Street Apt. D. Mr. Patterson feels like the controversy is related to his bid to run for Mayor. Mr. Patterson stated that the legal opinion that Mr. Huffstetler referenced to from the Board of Elections relates to his bid to run for Mayor. He stated that his situation is different. Mr. Patterson shared that many people believe that he resides at 3135 Tryon Courthouse Rd. Mr. Patterson stated that he does own a residence at that address, but he also owns a legal residence at 703 S. Mountain Street. Mr. Patterson stated that he has maintained 703 S. Mountain Street since June 2005. Mr. Patterson stated that even if you go by the section 3.3 of the City's Charter he still is qualified to run. He and his wife made the decision to take one of his rental properties off line for rent and make it their residence. He shared that the apartment is fully furnished, he pays the light bill every month to the City of Cherryville and has been paying it for eight years. Mr. Patterson says that he is legally registered to vote at 703 S. Mountain Street Apt. D in Cherryville. He shared once again that he meets all the legal requirements to run for office.

Mayor Austell asked Ben to read Palmers letter once again for all to hear. Ben once again read the letter so that everyone could hear it. Once again Mr. Huffstetler recommended the City Council adopt his letter and attach to the charter.

Councilmember Parker shared that he does not understand what the big deal is. Mr. Patterson lives in our City, pays taxes in our city and has the right to run.

Don Lawrence of 108 Woodvale Dr. approached the podium and asked Mr. Huffstetler to repeat the interpretation from the Institute of Government one more time. Mr. Huffstetler state that based on case law, more specifically the Knightdale Board of Elections, the City's charter is unconstitutional. Mr. Lawrence asked about the 30 days. He wanted to know if it was 30 before filing date or 30 days prior to election. Mr. Lawrence stated that anyone can file to run for office as long as they move into the city limits 30 days before election. Mr. Huffstetler shared that he understood it the same way. Mr. Lawrence feels like this needed to be changed. He shared that this does not make any sense and this opens a whole variety of questions. Mayor Austell feels like this has to be looked at. Mr. Huffstetler feels like this needs to be voted on a copy of his letter attached to the charter.

Councilmember Dalton made a motion to attached Palmer Huffstetler's letter to City Manager Ben Blackburn dated June 5, 2013 to the charter, specifically section 3.3. Councilmember Parker seconded the vote and it was unanimous.

ITEM #10 CITIZENS TO BE HEARD:

Dennis Neill of 407 Oak Grove Drive approached the podium and asked about the grant for the sidewalks. He wanted to know if the original grant was for \$350,000. Yes it was. He wanted to know why we would have sidewalk put in for \$274,958.00. He wanted to know why we would not just add more sidewalks and use the whole amount we were granted. Mr. Blackburn shared that he does not feel like we can add to this project. The city was not able to get easements to the east side of the town. Brandon shared that the money not used will be returned.

Mr. Neill also had complaints about tall grass on Hwy. 150. He also feels like Rudisill Stadium needs to be mowed on 150. Mr. Neill stated that this looks bad to people that come through our city. Mr. Neill also stated that he had weeds growing in the street in front of his house. Mr. Neill feels like no one cares.

Councilmember Dalton takes his 4 year old daughter to the park and she wants to know why the weeds are so tall and there is no sand to play in. Councilmember Dalton shared that he can no longer defend the city when he has also complained to management and nothing has been done. Mr. Neill wanted to know who was in charge. Councilmember Dalton said that when citizens leave the meeting they should look at the grass at the community building. Councilmember Dalton stated that it has not been mowed and we have this meeting tonight. Mr. Neill wanted to know if the curb belongs to the city. Councilmember Dalton told Mr. Neill his point was well taken.

Councilmember Parker shared that he spoke with the City Manager before the meeting about an issue concerning limbs. Councilmember Parker said that employees can tell the city manager that they pick limbs up in certain section all they want to but he gets out and rides every Sunday and knows for a fact that limbs have been out for eight weeks in some areas. Councilmember Parker stated that we charge our customers for curb side pick up and we are not any better off than some of the other employees that have taken money from the citizens because we are also taking from them. Councilmember Parker said that

he can show areas that have limbs that have laid so long that grass is growing up around them.

Paula Deese of 409 Myra Lane approached the podium and shared her concerns about tall grass that hinder her ability to see going into her neighborhood from either entrance. She also had concerns about issues with storm water that she was told would be looked into but has not been. Councilmember Dalton asked which entrance Ms. Deese uses into her neighborhood because he also lives in that area. Councilmember Dalton shared that Walt Smith's property on the corner of Westgate and Colonial Dr. does have a very thin street beside of it but that Mr. Smith actually owns that property and it has been a legal battle before.

Councilmember Parker called on David Seate of 103 N. Rudisill Ave. Councilmember Parker asked him to share with everyone his issue. He handed out pictures of water issues that he is having in his yard. Mr. Seate approached the podium and stated that every time it rains he has water that runs off of Huss Ave. and Rudisill Ave. and it floods his yard. Mr. Seate showed that water gets chest high on his property. He shared that it has ruined his building. Mr. Seate stated that he has had this problem since the widening of Hwy. 150. He complained to the state and they told him it was an act of God and they could not do anything about it. Several years ago he spent his own money to have dirt brought in. Now there is a tractor trailer that has been parking behind his house and it has busted the culvert on Black Ave. Mr. Seate shared that he stopped Brandon Abernathy 2 weeks ago and Brandon told him he would send Doug Black out to look at the issue. Mr. Black came out and looked at busted culvert. Mr. Seate took him over to the fence to show him where the pipe was stopped up. Mr. Seate stated that Doug Black said, "I hate to piss you off but that's your damn problem." Mr. Seate stated that Doug Black was unprofessional and he did not like it. Mr. Seate said that he told Doug Black what he could do with the culvert. Mr. Seate shared that he does not have the money to have the pipe cleaned out. He shared that he is on kidney dialysis 3 times a week and the man that owns the property is Wayne Poston and he is in prison. Mr. Seate wants something done about this issue. City Manager Ben Blackburn was given the pictures and Mayor Austell asked him to look into this and give him and the Council an update. Mr. Seate shared that he had called channel 9 news and Councilmember Parker said that Channel 9 had contacted him about this.

Walter Ballard of 610 W. Church Street approached the podium and asked if the City of Cherryville had received both checks from the insurance company for the embezzlement claims. Mayor Austell told him that we have received the checks and they went back into last year's budget. Mr. Ballard wanted to know where that money had been distributed to. He was told the general fund. Mr. Ballard wanted to know why the general fund when most of the money was stolen out of the electric fund. Mr. Ballard said, "that money should go back to supplement the general fund with money that part of the citizens don't pay toward like you." Mayor Austell asked Mr. Blackburn if he was correct by saying it went back in the general fund, and Mr. Blackburn stated yes sir. Mr. Ballard stated the one of the employees stole 90% of her money from the electric fund and the other also stole from the electric fund because the general fund was not making any

money at that time. Mr. Ballard shared that anytime the city needed money they were taking it from the electric fund. Mayor Austell said some money was taken from that fund but to say the majority was taken from that fund was wrong. Mayor Austell shared that the majority of the money stolen came through payroll. Mr. Ballard stated, "That may be true but every time the city could not make ends meet, we took money from the electric fund to do so." Mayor Austell responded by saying "Mr. Ballard that has not happened," and was interrupted by Mr. Ballard saying, "Not currently I understand that, but back then it did." Mayor Austell said, "Yes we did and the state allows you 4%. Under our circumstance it has been rendered as unfair." Mr. Ballard interrupted Mayor Austell stating that he understood that but 1/3 of this city does not pay toward that. Mayor Austell said to Mr. Ballard, "Do what now," and Mr. Ballard said "This is my five minutes, excuse me, there is a 1/3 of the city that does not pay toward that." Mayor Austell said, "I will hear you when you speak at your five minutes, so I would like to know what you are saying, ok." Mr. Ballard said, "Correct me if I am wrong but there is a 1/3 of the city that does not paying into that like you." Mayor Austell responded, "The citizens?" Mr. Ballard, "Correct." Mayor Austell, "It goes into the fund balance that is used by the city." Mr. Ballard, "I am talking about towards the Electricities part, which is where that money should have went since that's where the majority of it came from." Mayor Austell said, "The majority of it came from payroll, it didn't come from the electric fund." Mr. Ballard, "In three years we took a million dollars out of the electric fund, I have the budgets at home I've got them highlighted. Mayor Austell, "That's years gone by and this Council has corrected that." Mr. Ballard, "That's true than that money should have went back into the electric fund. I know I'm not going to make no sense with you because you don't care." Mayor Austell, "This Council has the authority to move it anywhere they want to move it, and it has been put in the general fund because it needs to be in the general fund. You are arguing it should in the electric fund." Mr. Ballard, "Then let that other 1/3 pay into Electricities." Mayor Austell, "I'm not being indifferent to what you say, the Council has the authority to do what they want to with it, and it's in the general fund. I didn't put it there, this Council did. The staff put it there and this Council allowed it." Mr. Ballard, "I just don't understand why every time there's money we get back from something, for 30 years you took money from the electric fund that could have went toward paying this debt off and we wouldn't be 20 million dollars in debt. Now all of the sudden we need to pay this debt off, there's no money there. I just think you know that at some point and time quit taking money and putting it in the general fund every if you are not taking it from the electric fund any more." Mayor Austell, "You are correct we have been in this program and paying in this since 1983 and it's never been anything other than the power bills that paid the debt. Does Council want to make any comments on what has been said?" Councilmember Parker sated that he does not remember being asked where that money should go. Mayor Austell and Mr. Blackburn both shared that it had been talked about in a work session. Councilmember Parker shared that he was never told that we had received the second \$50,000. Councilmember Dalton shared that there may be some legal issue of why it went into that fund. He also agreed with Councilmember Parker that he did not remember being asked where to put the money. Finance Director Dixie Wall approached the podium and shared that when the embezzlement occurred, the payroll was taken straight from the bank account it was not taken from a ledger account. Councilmember Dalton asked if it was taken from the

general account, and Mrs. Wall said that was correct. Councilmember Dalton asked Mrs. Wall if it would be legal to put that money in the electric fund, and Mrs. Wall stated yes, saying that money could be put in the electric fund. Mayor Austell asked Mrs. Wall if she had communicated with the state treasurer's office on all of the money including the water tank money that came in. Mrs. Wall said that she had consulted with the state. Mrs. Wall also stated that there is \$50,000 in the electric and fund and \$100,000 in the general fund.

Mr. Ned Costner, 307 E. Academy St. approached the podium and thanks the city for assisting him in acquiring a swimming pool in his back yard as well as a zoo in his yard on the corner of ghetto and bull. Mr. Costner shared that he has possums and raccoons that he has had to take care of with his gun in side the city limits.

Paula Deese of 409 Myra Lane approached the podium again and stated that she came to Cherryville and made it her home. She wanted to shared some "hear say" that she had been told. She shared that she had heard that some employees were not going to do the best job because they did not get raises. She feels like if you are on the payroll, you need to do the work you are getting paid for. She is not sure who said this, but she thinks the grass needs to be mowed. Mayor Austell thanked her for her comments.

ITEM #ABC CONTRACT FOR LAW ENFORCEMENT, BEN BLACKBURN:

Mr. Blackburn shared that this contract is in place and just needs to be renewed as required by general statues. This contract has been in existence for many years. Councilmember Dalton made a motion to approve the renewal of the ABC Contract. Councilmember Campbell seconded the motion and the vote was unanimous.

ITEM #12 ABC TRAVEL POLICY, BEN BLACKBURN:

Mr. Blackburn asked the City Council to approve the ABC Board Travel Policy. This policy is for reimbursement of travel that is paid back by the ABC Board not the city. Councilmember Campbell made a motion to approve the travel policy and it was seconded by Councilmember Kiser. Vote was unanimous.

ITEM # 13 OTHER BUSINESS:

Councilmember Campbell shared that he is the liaison for the ABC Board and by law they are required to share profits. Recently the ABC Board has updated and remolded the store with new carpet, shelving, painting and a new sign. Councilmember Campbell presented Mr. Blackburn with a check for \$5,000.00. Councilmember Campbell also stated that the ABC Board hopes to be able to give more soon.

ITEM #14 ADJOURNMENT:

Mayor Austell asked for a motion to adjourn the meeting. Councilmember Campbell made a motion to adjourn. Councilmember Kiser seconded the motion and the vote was unanimous. The City Council meeting adjourned at 8:20 pm.

Adopted this 12th day of August, 2013

Paige H. Green
City Clerk, Paige H. Green

Robert Austell
Mayor, Robert D. Austell

(SEAL)

