



REGULAR CITY COUNCIL MEETING

MONDAY JUNE 13, 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., Finance Director Dixie Wall, Public Works Director Brandon Abernathy, Police Chief Chad Hawkins, Fire Chief Jeff Cash and EDC Director Richard Randall were also present.

Michael Powell was present for media coverage.

INVOCATION BY:

Pastor Tom Hartis of the First Church of the Nazarene gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

MAYOR'S COMMENTS:

On Tuesday May 24, I attended a meeting of the Main Street Program concerning the streetscape plans for the downtown area. A group of business merchant's, property owners and citizens were in attendance as well. A number of ideas were discussed as to the streetscape plans and each one in attendance was allowed to vote and voice their concerns for our downtown area. No final decisions were made at this meeting but a lot of ideas was presented and a follow-up meeting is planned for some time in July to finalize the downtown streetscape plans.

This past Monday night a public forum regarding the city's historic designation in the U.S. Dept. of Interior's National Register was held. It was announced following this meeting that barring any "hiccups" the city's application should be completed within the next couple of weeks and the historic district being placed onto the national register could come as early as late August or September.

On June 3, I attended the citywide pep rally for the high school baseball team as they prepared to depart for Zebulon to play for the state 1a baseball championship. Several hundred people were on hand and congratulations for a two game sweep of two time defending 1A champions Whiteville to bring the title back to Cherryville. Due to graduation and legion baseball, a formal recognition from the city is planned at our next city council meeting.

Now for some good news for our citizens. I have been notified by e-mail by the N.C. Dept. of Labor that our city has been selected to receive the gold safety award. This is the highest award of safety given to local cities and thanks go out to all departments qualifying for this award.

On June 9, I was informed that Cherryville has been selected as one of the safest cities in N.C. by a home security and financial website. Here is what the study said about Cherryville:

Over the year's Cherryville has evolved from a farming town and leader in textiles to an economy largely based around manufacturing. Just under a population of 6,000, make it the third smallest city within our rankings. Cherryville was chosen due to its low rate of violent crimes. Congratulations go to our police dept. for helping make this award possible.

Congratulations also go to water treatment operator Tim Abernethy for receiving his Grade C Certification following his successful passing of the recent exam he took in Morganton N.C. We are proud of Tim's accomplishment and wish him continued success as a valued employee of our city.

We want to also congratulate Water Plant Superintendent Patty Hall on receiving the 2016 AWOP award for the city's water treatment plant. In receiving this award for water quality Patty was informed that the plant had received the award for last year also but the state had failed to inform her at that time so both awards were given at this time.

Thanks go to Patty and her employees for a job well done.

Finally, this past Friday I attended the Post 100 American Legion Baseball game where former athletic director Bill "The Wizard" Abernethy was remembered for his dedicated service to post 100 baseball. Following speeches by Coach Bobby Dale Reynolds and Mr. Abernethy's son John, former CHS star athlete and former post 100 player Ralph Roberts was on hand to throw out the first pitch of the night's game.

APPROVAL OF MINUTES:

CITY COUNCIL MEETING MAY 9, 2016

WORK SESSION/PROPOSED BUDGET MEETING MAY 26, 2016

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

AGENDA APPROVAL/REVISION:

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

CITIZENS TO BE HEARD - CITIZENS THAT WISH TO SPEAK MAY DO SO BY COMING TO THE PODIUM AND STATING YOUR NAME AND ADDRESS BEFORE YOU SPEAK. COMMENTS WILL BE HELD TO 5 MINUTES PER PERSON:

Mr. Tom Moss of 607 W. Church Street approached the podium to ask if money has been budgeted for new water lines. Mr. Blackburn shared with Mr. Moss that in the proposed budget \$25,000 is budgeted for water line replacement, \$25,000 is budgeted for sewer line replacement, and \$25,000 for grant matching. Mr. Moss returned to his seat to get a jar of discolored water that he said he collected from his home.

Mr. Terry Moss approached the podium representing the members of the Community Revival. Mr. Moss asked Mayor Beam and the Council if it would be possible to put a flyer in the July utility billing in order to reach every household and make them aware of the revival and the things that will be taking place that week. The revival is planned for July 31 – August 4. Mr. Moss shared some of the things that have been added and they are, collecting canned goods for Cherryville Area Ministries, scholarship fund for students, plan to help the Pregnancy Crisis Center on Tryon Courthouse Rd. and Jimmy Wayne will be sharing and singing on August 4 at this year's revival.

Mr. Blackburn shared that he was not at all opposed but the City of Cherryville will need to be cautious with this decision because other churches may want to start using the utility bill as a form of advertisement.

Mayor Beam asked City Attorney Huffstetler if he thought there would be any legal reason the city should not agree to this like separation of church and state. Huffstetler said he would look into it and get back to the city.

Mr. Moss shared that he would have a flyer ready by the end of the week.

PUBLIC HEARING RE: ADOPTION OF THE 2016 – 2017 BUDGET ORDINANCE, CITY MANAGER BEN BLACKBURN:

Councilmember Parker made a motion to enter into a public hearing. Councilmember's Kiser and Puett seconded the motion and the vote was unanimous.

City Manager Blackburn present the proposed 2016 – 2017 budget to Mayor Beam, Councilmembers, staff and citizens. Mr. Blackburn shared the highlights of this proposed budget. They are as follows:

General Fund Highlights:

Administration: \$10,000 in Capital Outlay Equipment for New Financial System

EDC: No Change

Police Department: \$55,400 in Capital Outlay Equipment for 2 New Police Cars

Fire Department: \$4,350 in Capital Outlay Equipment for New Fire Hose

Public Works: \$3,000 in Capital Outlay Equipment to replace aging computers

Street: No Change

Powell Bill: \$157,320 for Paving List (Attached)
\$ 35,000 New Compact Tractor

Sanitation: \$18,000 for repairs to Older Sanitation Truck

Recreation: \$25,000 for Part-Time Recreation Director
\$10,000 for New Roof and overhang at City Pool
\$ 5,000 for Repairs to Heritage Park

Cemetery: \$25,000 to Construct Columbarium site

Electric Fund Highlights: \$45,000 for New Financial System
\$55,000 New Mini Excavator w/ Trailer
\$30,000 New Service Truck to Replace 2000 F-150

Water/Sewer Highlights:

Administration: \$45,000 for New Financial System
\$12,000 UTV for Right of Way and High Priority Lines per State

Water Plant: \$ 6,800 for Tuttnauer AutoClave
\$11,000 for New SCD unit –Replace old 2000 model

Wastewater: \$150,000 to replace Influent Bar Screen
\$ 11,000 New Utility Vehicle UTV

All Funds:

- Health Insurance increase 6.4%
- 2% Salary increase for all full time employees

Councilmember Parker made a motion to add Sixth Street and Pink Street to Requa Rd. to the paving list. Councilmember’s Kiser and Puett seconded the motion and the vote was unanimous. This will increase the proposed Powell Bill Fund \$16,000.

No citizens spoke at the public hearing. Councilmember Parker made a motion to exit the public hearing and Councilmember Puett seconded the motion. Vote was unanimous.

After the presentation of the proposed budget and discussion by Mayor Beam and the Councilmembers, staff was commended for the work on the 2016-2017 proposed budget.

Councilmember Kiser made a motion to approve the 2016 – 2017 budget. Councilmember Dalton seconded the motion and the vote was unanimous.

CONSIDERATION OF BUDGET AMENDMENTS, FINANCE DIRECTOR DIXIE WALL:

Finance Director Dixie Wall presented four budget amendments for approval. They are as follows:



2015-2016 BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Cherryville:

Section 1. The 2015-2016 Budget Ordinance of the City of Cherryville adopted on June 8, 2015 is amended by increasing the following appropriations to cover transform installed at a Cherryville business for new load on system.

REVENUES

30.3710.0000	Electric Sales	\$33,000.00
--------------	----------------	-------------

EXPENDITURES

30.8100.7320	Capital Outlay - Equipment	\$33,000.00
--------------	----------------------------	-------------

Section 2. This ordinance is effective upon its adoption this June 13, 2016.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor



2015-2016 BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Cherryville:

Section 1. The 2015-2016 Budget Ordinance of the City of Cherryville adopted on June 8, 2015 is amended by increasing the following appropriations to cover donations and expenditure for the Darin Aldridge Show ½ proceeds go to Cherryville Shrine Club and ½ to Cherryville Main Street Program.

REVENUES

10.3480.0900	General Donations	\$ 1,063.00
30.3480.0944	EDC- CMSP	\$ 3,527.00

EXPENDITURES

10.4200.2600	Admin - Advertising	\$ 980.00
10.4200.3300	Admin - Postage	\$ 83.00
30.8100.7320	Capital Outlay - Facade	\$ 3,527.00

Section 2. This ordinance is effective upon its adoption this June 13, 2016.

Paige Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor



2015-2016 BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Cherryville:

Section 1. The 2015-2016 Budget Ordinance of the City of Cherryville adopted on June 8, 2015 is amended by increasing the following appropriations to cover holiday pay on police and fire employees, Fire Department ISO Testing, Christmas Lights, and upgrade to ball fields, improvements to community building, and support Cherryville baseball team.

REVENUES

10.3010.0400	All Prior Year	\$ 2,500.00
10.3050.0001	NC VTS – Current Yr	\$28,000.00
10.3290.0000	Interest Earned	\$ 1,500.00
10.3350.0000	Miscellaneous Revenue	\$10,000.00
10.3400.0000	Insurance Reim	\$10,000.00
10.3470.0000	ABC Revenues	\$ 4,009.00
10.3550.0000	Zoning Fees	\$ 6,000.00
10.3990.0000	Fund Balance – Appro	\$20,000.00

EXPENDITURES

10.5100.0200	Police - Salaries	\$20,000.00
10.5300.0200	Fire - Salaries	\$20,000.00
10.5300.2900	Fire - Contract Services	\$ 9,909.00
10.5600.7300	Street - Capital Outlay – Other Improve	\$20,000.00
10.6200.1510	Recreation – Maint/Grounds	\$ 5,300.00
10.6200.1500	Recreation – Building Maint	\$ 6,800.00

Section 2. This ordinance is effective upon its adoption this June 13, 2016.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor



2015-2016 BUDGET AMENDMENT

BE IT ORDAINED by the City Council of the City of Cherryville:

Section 1. The 2015-2016 Budget Ordinance of the City of Cherryville adopted on June 8, 2015 is amended by increasing the following appropriations to cover water taps, water plant overtime (certified personnel have to work with uncertified personnel until certified), equipment that needs to be replaced outside budget approval and utilities through year end.

REVENUES

31.3710.0000	Water Sales	\$50,000.00
31.3711.0100	Sewer User Charges	\$40,000.00
31.3350.0000	Miscellaneous Revenue	\$10,000.00
31.3730.0000	Water & Sewer Tap Fees	\$15,500.00

EXPENDITURES

31.8120.0300	Salaries - Overtime	\$20,000.00
31.8120.1300	Utilities	\$30,000.00
31.8120.7300	Capital Outlay – Other Improvements	\$50,000.00
31.7200.7300	Capital Outlay – Other Improvements	\$15,500.00

Section 2. This ordinance is effective upon its adoption this June 13, 2016.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

Councilmember Dalton made a motion to approve all four-budget amendments. Councilmember Parker seconded the motion and the vote was unanimous.

CONSIDERATION OF ELECTRICAL RATE RIDER (REPS CHARGES), FINANCE DIRECTOR DIXIE WALL:

Finance Director Dixie Wall presented the Electrical Rate Rider (REPS) Charge for the new fiscal year. It is as follows:

City of Cherryville
Electric Rate Rider REPS
Renewable Energy Portfolio Standards (REPS) Charge

Applicability

The Renewable Energy Portfolio Standards Charge set forth in this Rider is applicable to all customer accounts receiving electric service from the City of Cherryville except as provided below. These charges are collected for the expressed purpose of enabling the City to meet its Renewable Energy Portfolio Standards compliance obligations as required by the North Carolina General Assembly in its Senate Bill 3 ratified on August 2, 2007.

Billing

Monthly electric charges for each customer account computed under the City's applicable electric rate schedule will be increased by an amount determined by the table below:

<u>Customer Type</u>	<u>Monthly Charges</u>		
	<u>Renewable Resources</u>	<u>DSM/Energy Efficiency</u>	<u>Total REPS Charge</u>
Residential Account	\$ 0.54	\$ 0.07	\$ 0.61
Commercial Account	\$ 2.95	\$ 0.00	\$ 2.95
Industrial Account	\$30.41	\$ 0.00	\$30.41

Exceptions

Industrial and Commercial Customer Opt-out

All industrial customers, regardless of size, and large commercial customers with usage greater than one million kWh's per year can elect not to participate in City's demand-side management and energy efficiency measures in favor of its own implemented demand-side management and energy efficiency measures by giving appropriate written notice to the City. In the event such customers "opt-out", they are not subject to the DSM/Energy Efficiency portion of the charges above. All customers are subject to the Renewable Resources portion of the charges above.

Auxiliary Service Accounts

The following service schedules will not be considered accounts because of the low energy use associated with them and the near certainty that customers served under these schedules already will pay a per account charge under another residential, commercial or industrial service schedule:

- Schedule _____ Outdoor Lighting Service (metered and unmetered)
- Schedule _____ Street and Public Lighting Service
- Schedule _____ Traffic Signal Service
- Etc.

Sales Tax

Applicable North Carolina sales tax will be added to charges under this Rider.

Effective for service rendered after July 1, 2016.

Adopted this _____ day of June 2016.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)

Councilmember Puett made a motion to approve the REPS charges. Councilmember Kiser seconded the motion and the vote was unanimous.

**CONSIDERATION OF PROPERTY LOCATED AT 812 TOT DELLINGER RD. (WATER PLANT HOUSE)
CITY MANAGER BEN BLACKBURN/CITY ATTORNEY PALMER HUFFSTETLER:**

City Manager Blackburn shared that the city has received a bid on the water plant house located at 812 Tot Dellinger Rd. An advertisement was placed in the Cherryville Eagle on May 25 and June 6, 2016. Bids were due in on June 6 by 5:00 pm. The final bid received was from Ms. Hilda Bates for \$38,100.00 on May 16, 2016.

Councilmember Dalton made a motion to sale the water plant house to Ms. Hilda Bates for \$38,100. Councilmember Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF ALCOHOL FOR INDEPENDENCE DAY FESTIVAL, EDC DIRECTOR RICHARD RANDALL:

EDC Director Richard Randall shared that the area downtown where alcohol has been served in the past is limited and the Chamber is asking council if they would like to expand that area for the Independence Day Festival. To expand the area would allow alcohol from Jacob Street to Oak Street. Mr. Richard Randall shared that arm bands would be used just as they have in the past for the ones that pay to drink. Mr. Randall shared that this issue is not

something the Chamber of Commerce is trying to push. The request is from citizens that wish to have a bigger area to consume alcohol and not just a beer garden.

Councilmember Parker made a motion to reject the sale of alcohol at the Independence Day Festival. The motion was not seconded.

Councilmember Dalton shared that if the sales are allowed this year but no money is made, this needs to be the last year for alcohol. Councilmember Dalton made a motion to have alcohol sales at the Independence Day festival. Councilmember Puett seconded the motion and the vote was three for: Councilmember's Dalton, Puett and Kiser and one opposed: Councilmember Parker.

CONSIDERATION OF APPOINTMENTS FOR PLANNING BOARD/BOARD OF ADJUSTMENTS, CITY MANAGER BEN BLACKBURN:

City Manager Blackburn shared that three extraterritorial jurisdiction (ETJ) Board of Adjustment/Planning Board members will be rotating off June 30, 2016. A list of names were available for consideration. Mr. Mark Mauney, Mr. Larry Gunnell, Mr. Scott Beam, and Mr. Patrick Kelly were on the list for consideration. Councilmember Dalton wanted to know if this has been advertised on the city's web site. The vacancies were advertised on the city's web site.

Councilmember Parker made a motion to recommend Mark Mauney, Pat Kelly and Larry Gunnell to the Planning Board/Board of Adjustments. Councilmember Dalton seconded the motion and the vote was unanimous. The recommendation will go before the County Commissioners for a vote.

CONSIDERATION TO SET A DATE FOR PUBLIC HEARING RE: ZONING TEXT AMENDMENT FOR FENCES IN B-1 DISTRICT, CITY MANAGER BEN BLACKBURN:

Mayor Beam and the Council asked Mr. Jeff Hawkins to take the following zoning ordinance back to the Planning Board and ask the board members to agree on a final text for fences in the business/GMC districts. The ordinance is as follows:

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**
In any B-1 (General Business) District property, Except, Temporary chain-link fencing will be allowed under Emergency Circumstances to prevent death / serious injury from occurring when a building has been damaged.

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

At the last city council work session they wanted this text amendment sent back to the Planning board for further clarification and to be defined more. It was reviewed again by the Cherryville Planning Board on 5.16.2016, 2016 at 6pm.

After much discussion they recommended that the Text amendment be approved as Re-Written below and voted unanimously to recommend to the Cherryville City Council that it be approved as re-written on 5.16.2016.

- c. **No chain-link fence(s) of any kind shall be allowed in the front yard or lot in any B-1 (Central Business) District property, Except, Temporary chain-link fencing will be allowed under**

Emergency Circumstances to prevent death or serious injury
from occurring when a building has been damaged.
Any other type of fence in the B-1 District would need approval
from the Zoning Administrator.

Councilmember Dalton made a motion to set a public hearing on July 11 for the zoning text amendment. Councilmember Kiser seconded the motion and the vote was unanimous.

CONSIDERATION OF SEWER ADJUSTMENTS FOR FILLING SWIMMING POOLS, CITY MANAGER BEN BLACKBURN:

City Manager Blackburn shared that in the past citizens would pay a flat fee of \$100.00 to fill swimming pools up. Citizens would pay the \$100.00 fee at city hall, take the receipt to the fire department where they would get fire hose to attached to the closest hydrant and fill their pool. Staff is asking this be changed and customers receive a one-time credit on their sewer bill. The customer can receive the credit once a year only.

Councilmember Dalton made a motion to give citizens a sewer adjustment once a year to fill their pools. Councilmember Puett seconded the motion and the vote was unanimous.

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 8:05 pm.

Adopted this 11 day of July 2016.



H.L. Beam, Mayor



Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)