

CITY OF CHERRYVILLE
REGULAR CITY COUNCIL MEETING
MONDAY MAY 13, 2013 @ 7:00 PM
CHERRYVILLE COMMUNITY BUILDING

Present at the meeting was Mayor Robert Austell, Councilmember's Malcolm Parker, Rick Campbell, David Kiser and Brian Dalton. Also present City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Planning and Zoning Director Richard Elam, Finance Director Dixie Wall, Police Chief Chad Hawkins, Fire Chief Jeff Cash and EDC Director Richard Randall. Michael Powell was present for the Cherryville Eagle.

Mayor Austell called the meeting to order at 7:00 pm and welcomed everyone. Mayor Austell than asked Rev. Tom Hartis to pray and everyone remained standing for the Pledge of Allegiance.

MAYOR'S COMMENTS

Mayor Austell thanked everyone for their hard work on this year's Cherry Blossom. It was a success and a big crowd turned out for this.

Mayor Austell commented on how proud he was of the National Day of Prayer. It was held at the Community Building because of the rain and a large group turned out this year.

Mayor Austell announced that both nursing homes in our community were given Proclamations for National Nursing Home Week. Both Carolina Care and Peak will have activities all week to celebrate. Mayor Austell encouraged everyone to go out and attend and visit our citizens that are in nursing homes.

Councilmember Kiser stated that both events held earlier were very well received.

ITEM #1 APPROVAL OF MINUTES

Mayor Austell asked for a motion to approve the minutes from the previous City Council meeting as well as the Work session meeting. Councilmember Campbell made a motion to approve both sets of minutes as written. Councilmember Kiser seconded the motion and the vote was unanimous.

ITEM #2 AGENDA APPROVAL/REVISIONS

Mayor Austell asked for a motion to approve the agenda. Councilmember Kiser made a motion to approve the agenda. Councilmember Dalton seconded the motion and the vote was unanimous.

ITEM #3 RECOGNITION OF JOHN CHAVIS MIDDLE SCHOOL STUDENTS OF THE MONTH, PRINICIPAL BRYAN DENTON

Principal Bryan Denton approached the podium and recognized students of the month for February, March and April. He also recognized Teachers of the month. There were as follows:

JCMS STUDENTS OF THE MONTH

FEBRUARY 2013

- 6th: Shamiyah Jefferies, Emily Torres, & Faith Dobbins
- 7th: Bessie Leonhardt, Elizabeth Shull, & Itzel Diaz
- 8th: Thomas LaFrancis, Frank Polson, & Danielle Walker

MARCH 2013

- 6TH: Alicia Dover, Gabby Berry, & Josh Lubert
- 7th: Brant Black, & Kelsey Willeby
- 8th: Alexis Grimes, Amanda Rhyne, & Austin Treadway

APRIL 2013

- 6th: Addy Pruitt, Natalie Clayton, & Niya Bush
- 7th: Robert Jefferies, Sara Mauney, & Taylor Paputseanos
- 8th: Charlotte Deviney, Zack Harrelson, & Harrison Walker

TEACHERS OF THE MONTH:

Catherine Pace	February
Jennie Peeler	March
Suzanne Beam	April

ITEM #4 CITIZENS TO BE HEARD

Dennis Neill of 407 Oak Grove Drive approached the podium to ask about sidewalks. He wanted to know about grant money that we received for the new water line for Peak. He was asking is there additional funds for sidewalks.

Richard Randall approached the podium and explained the CDBG Grant. The grant was strictly for the Peak water line.

Mr. Neill also asked about sidewalk work around town and the time frame with NCDOT. City Manager Ben Blackburn explained that there is a time frame with NCDOT and the work cannot begin before July 1, after the money is awarded. Mr. Neill said that there was a rumor going around that time runs out in October and he wanted to know if it was true. Mr. Blackburn shared that the work has to be completed by mid November. Mr. Neill commented that he was doubtful that we would ever see any sidewalks. Mr. Neill then shared some pictures that he had taken around town of extremely tall grass. He shared that there is grass on Hwy 150 that is taller than a yard stick. He gave these pictures to the Mayor and Councilmember to view. He also stated that Vicki Spurling has a for sale sign in the right away and it was mowed over. Mr. Neill feels like we are letting

our city go. He asked if citizens needed to start mowing the grass themselves. Councilmember Dalton commented that the pictures that he was looking at was the responsibility of the city. He asked Mr. Neill when the photos were taken, and Mr. Neill commented that he had taken the photos that morning. Councilmember Parker shared that he had talked to Richard Elam earlier in the day and he is busy getting some of this tall grass taken care of.

Ned Costner approached the podium and stated that he wished to extend his gratitude on behalf of Houser Drug Store and the sale of the BB&T building. The owners of Houser Drug had prior arrangements or they would have come to the meeting to thank Mayor Austell, City Councilmember's, and staff. Mr. Costner also shared that the check would be forth coming; they are waiting on the final inspection to take place. Mayor Austell thanked Mr. Costner for coming out.

Mr. Walter Ballard approached the podium and asked about the GPS system that he had heard about for the cemetery. Councilmember Campbell shared that the work in the cemetery would be completed this year. Mr. Ballard shared that he was curious, and in his personal opinion anytime the city buries a person in the wrong it is the worst time for the loved ones. Councilmember Campbell agreed. Mr. Ballard went on to say that once a person is buried in the wrong plot then the city has to go around and find out from others if it is ok to leave the body there or not. Mr. Ballard said that this is not acceptable in his opinion. Councilmember Campbell shared that in his first year of office the city had to correct three incidents of people being in the wrong plot. Mr. Ballard went on to say that the city had an issue this past week that he was aware of. Mr. Ballard said that he did not understand. Councilmember Campbell shared that he was not aware of a cemetery issue in the past week. Councilmember Campbell then asked City Clerk Paige Green if she was aware of any issues. Mrs. Green stated that she was aware of a cemetery issue and she did not feel the need to make a big deal out of it because the situation was handled and went smoothly. Mrs. Green stated that a gentleman was buried in a plot on the wrong row nine years ago. His wife died last week and when the grave diggers went out to dig her grave the mistake was realized. Mrs. Green and another staff member contacted other plot owners around this grave and they were very cooperative to move their plot to another spot. Councilmember Campbell did share with Mr. Ballard that this is an issue that the city has dealt with in the past. Mr. Ballard shared that his mother does genealogy and they have family in the city cemetery that are not listed on the plot. He said that his family members were originally buried somewhere else but were dug up and buried with the rest of the family. Mr. Ballard said he can understand that mistakes happen but with the GPS this should not happen. Councilmember Dalton shared that you can look at the books and they are so old that he is not able to make it out. Councilmember Dalton went on to say that he does not understand how staff does as well as they do with the books that they have to work with. Councilmember Campbell shared that when he was elected he saw how brittle the books are and the city had copies made of them because there were none. Councilmember Campbell shared that he had been working as the liaison with the cemetery committee and he feels like a lot of the mistakes were made when the books changed hands from Carpenter's Funeral Home to the City.

Mr. Ballard also wanted to know who is responsible for maintenance of city vehicles. He wanted to know if the vehicle were on a maintenance schedule. Mr. Ballard said that he has been told that some city vehicles rarely ever get any maintenance, but the police department can request maintenance and they can get their oil changed. Mr. Blackburn assured Mr. Ballard that maintenance of the city vehicles was a goal of his. This program is not where Mr. Blackburn wants it to be, but it is something he is working on. Mr. Ballard shared that he had personally purchased on the old city vehicles and he understands that there is normal wear and tear on vehicles, but when he disassembled the motor it was his opinion that the oil was only changed ever seventy five thousand miles regardless if it needed it or not. He stated that it was very sad and that he had pulled motors out of junk yards that had better looking motors than the city vehicle that he purchased. He also commented that this issue comes from a lack of routine maintenance.

Joe Martin approached the podium and shared that most new vehicle do use synthetic oil and you can run 7 thousand to 7500 miles before changing the oil. He thought the city might want to keep that in mind.

Mayor Austell shared that there were several votes taken at the previous work session. The City usually budgets money every year to take down condemn property in our community. Mr. Blackburn had sign a contract with Centralina Council of Government to help us along with this process. A house located at 402 W. Academy Street will be torn down in the near future.

Mayor Austell shared that the second item voted on was concerning a customer that had been grossly under billed for utilities. Council voted unanimously for the City Manager Mr. Blackburn to send them a letter to the customer and work out a payback plan that would exceed twenty four months.

Mayor Austell announced that it was voted unanimously to move the work session to Tuesday May 28, 2013 and also have a budget planning session that same day. The meeting will begin at 9:00 am and will be held at the Cherryville Fire Department training room. The meeting was moved because of the Memorial Day holiday.

ITEM #5 CONSIDERATION OF FY 2012-2013 AUDIT CONTRACT, BEN BLACKBURN

Mr. Blackburn addressed Mayor Austell and the City Council with a contract for consideration for the 2012-2013 FY Audit. Collis and Associates out of Gastonia has meet with Mr. Blackburn along with the Mayor and Council and Finance Director Dixie Wall about performing the audit for the city. The audit will cost \$5,000 more than the previous audits. Mr. Blackburn spoke highly of knowing Mr. Collis and his business partners and feel very confident that this is a positive for the city. Collis and Associates will provide a completed audit to the Mayor and Council by October 31, 2013 and they will present it at the regular scheduled November City Council Meeting. Mayor Austell asked if anyone had any question and asked for a motion to approve the contract with Collis and Associates. Councilmember Campbell made a motion to accept the contract and Councilmember Parker seconded the motion. The vote was unanimous.

Mayor Austell shared that an audit committee had been put together and he will be meeting with Andy West later in the week. Mr. West will be heading the committee.

ITEM #6 CONSIDERATION OF SALE OF THE BB&T BUILDING, BEN BLACKBURN

Mr. Blackburn addressed the Mayor and Council with an offer to purchase real estate from Houser Drug for the purchase of the BB&T building. The purchase price will be \$200,000. Councilmember Parker made a motion to accept the offer and sale the building. Councilmember Campbell seconded the motion and the vote was unanimous. The parking between City Hall and this building will be shared between the two. Councilmember Campbell asked if the inspection of the building was part of this sale. Mr. Ned Costner shared that the final inspection had not been given to Houser's yet.

ITEM #7 FARMERS MARKET UPDATE, RICHARD RANDALL

Richard Randall approached the podium and introduced the new farmers market that will begin in June and end in August. It may also carry on into the fall if the summer season is successful. Limits will be put on what is brought to the farmers market to sale. Anyone that is interested should contact the Chamber of Commerce for more information and applications. The farmers market will be held in the parking lot of the Chamber.

Councilmember Kiser asked who the market manager will be. Mr. Randall responded that there is a committee that has put this program together and it involves citizens and farmers. This market manager has not been announced yet but will be in the near future. Mr. Randall also shared a set of guidelines that were put together by the committee. Some citizens in the audience had questions and concerns and Mr. Randall answered them.

Mayor Austell commented that each citizen has the right to be heard and from now on if a citizens wants to comment on an agenda item, they need to come to the podium and they will have three minutes to speak. The fact that citizens are speaking from the audience on every item needs to stop and a new set of rules will be at the next meeting.

ITEM #8 CONSIDERATION OF AMENDMENT TO CHERRYVILLE'S CODE OF ORDINANCES, REF: FARMERS MARKET, RICHARD ELAM & RICHARD RANDALL

Richard Elam asked the Council to amend the Code of Ordinance for the farmers market. He explained that the change would need to voted on at this meeting for the farmers market to start on June 6, 2013. Councilmember Dalton made a motion to amend the ordinance and Councilmember Campbell seconded the motion. Vote was unanimous.

ITEM #9 SET A PUBLIC HEARING FOR FY 2012-2013 BUDGET, BEN BLACKBURN

City Manager Ben Blackburn addressed the Mayor and Council asking them to set a public hearing on June 10th, 2013 to consider the fy budget of 2012-2013. Councilmember Dalton made a motion to set the public hearing and it was seconded by Councilmember Kiser. Vote was unanimous.

ITEM #10 CONSIDERATION TO ENTER INTO CLOSED SESSION PER N.C.G.S. 143-318.11 (A) (3)

Councilmember Kiser made a motion to enter into closed session. Councilmember Campbell seconded the motion and the vote was unanimous.

Councilmember Campbell made a motion to come out of the closed session. Councilmember Parker seconded the motion and the vote was unanimous.

Mayor Austell and the Councilmember's came out of closed session and Mayor Austell explained that a law suit has been filed against the City of Cherryville and he and the Councilmember's discussed how to handle the law suit. City Attorney Palmer Huffstetler Jr. shared in closed session what the options were. Councilmember Dalton shared that the law suit was involving the gaming sweepstakes and it would cost the city more money to fight the law suit. One law suit alone would cost the city \$12,000 and the total amount of money collected for the gaming sweepstakes was \$21,000. Councilmember Dalton then made a motion to reimburse all the business's that paid fees for gaming sweepstakes. The motion was seconded by Councilmember Parker and the vote was unanimous. Mayor Austell also shared that this money was not budgeted and it has not been spent.

ITEM #11 OTHER BUSINESS

Councilmember Dalton spoke saying that the City Council meetings are for the benefit of the City of Cherryville's citizens. He stated that there needs to be order in the meetings. He, Mayor Austell, and the other Councilmember's have been elected to do what is best for the city but each agenda item has to be discussed by the Mayor and Councilmember's. Councilmember Dalton explained that any citizen can speak but they need to do so under Citizens to be Heard, and they must come to the podium state their name and address. He commented that citizen's speaking from their seats has to stop. Mayor Austell commented by saying that he and the Councilmember's want to be very open about all that is taking place and they are doing that, but each agenda item should not be a public hearing. He also stated that a new set of meeting rules will be in place before the next meeting.

Councilmember Parker feels like our community is heading in the right direction. He spoke with a realtor in town and shared that 29 houses have been sold in our city and 24 are pending. Councilmember Parker commented also on several houses that are being built. Mayor Austell also commented on several business's that may be making a change. Fleetnet has committed to 150 new jobs this year. They will have 400 employees.

Councilmember Parker feels like we need to recognize Trent Friday and the state records that he has set. He is a junior at Cherryville High School. He has broken state records for two years. Councilmember Dalton made a motion to adopt a resolution recognizing Trent Friday and his athletic accomplishments. Councilmember Campbell seconded the motion and the vote was unanimous.

ITEM #12 ADJOURNMENT

Councilmember Kiser made a motion to adjourn the City Council meeting. Councilmember Campbell seconded the motion and the vote was unanimous. The meeting adjourned at 9:45 pm.

Adopted this 10th day of June, 2013.

Paige H. Green
City Clerk, Paige H. Green

Brian Dalton
Mayor, Robert Austell (sick)
Mayor Pro Tem,
Brian Dalton

