

CITY OF CHERRYVILLE
REGULAR CITY COUNCIL MEETING
TUESDAY OCTOBER 15, 2013 @ 7:00 PM
CHERRYVILLE COMMUNITY BUILDING

Present at the meeting, Honorable Mayor Robert Austell, Councilmember's Rick Campbell, Brian Dalton, David Kiser and Malcolm Parker. Staff that was present City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Police Chief Chad Hawkins, Fire Chief Jeff Cash, Finance Director Dixie Wall and Public Works Director Brandon Abernathy. Michael Powell was present for media coverage.

The Honorable Mayor Robert Austell called the meeting to order at 7:00 pm in the Council Chambers. Mayor Austell informed everyone that a copy of the new meeting rules were on the podium if they would like a copy. Mayor Austell welcomed everyone and called on Rev. Leonard Bumgardner for invocation followed by the Pledge of Allegiance.

MAYOR'S COMMENTS:

Mayor Austell shared with everyone that he wanted to let them know that many things were going on at this time. Mayor Austell shared that he has work for more than 14 years to bring businesses to this community Four years as chairman of the EDC and ten years as our Mayor. Mayor Austell stated that we need land that is certified in order to bring business in. We need the Beagle Club Rd. property owned by the McKee family in order to get to the eight acres beside Wal-Mart but we have not been able to obtain that property. We are currently working with an attorney in Greensboro and a letter will be sent to him this week. Mayor Austell also shared that at the last transportation meeting John Bridgeman Mayor of Gastonia shared that they own the land at Paysour Mountain. The plans were to put an airport on that land but that will not happen now. Mayor Austell along with Mayor Bridgeman feel like Cherryville, Gastonia, Bessemer City, Dallas and Gaston County could get involved with this land and start an industrial park. This will also help widen Hwy. 279. Mayor Austell shared that he wanted to make the people aware of some significant issues that may be coming up. They are important and could help Cherryville.

APPROVAL OF MINUTES:

Councilmember Kiser made a motion to approve the minutes from the previous City Council meeting held Monday September 9, 2013. Councilmember Parker seconded the motion and the vote was unanimous.

AGENDA APPROVAL/REVISIONS:

Councilmember Dalton made a motion to approve the Agenda as written Councilmember Campbell seconded the motion and the vote was unanimous.

CONSIDERATION OF LEASE AGREEMENT WITH GASTON COUNTY, RE:
RESCUE SQUAD BUILDING, BEN BLACKBURN:

City Manager Ben Blackburn addressed the Mayor, Council, staff and citizens sharing with them that the contract between Gaston County and the City of Cherryville as it relates to the Rescue Squad Building. The contract states that the City will be responsible for major repairs such as damage from water/or weather, HVAC repair, or repairs to ceiling, floors, walls, plumbing and electrical system. Gaston County will be responsible for maintenance such as changing light bulbs, leaky faucets, general cleaning and replacing broken kitchen equipment such as refrigerators. Gaston County will lease the building for \$500.00 a month and they will be responsible for all utility payments. The NCLM is recommending that some insurance requirements but put in the contract also, so Ben will get the requirements to the County Attorney so they can be incorporated in. Consideration to adopt the lease agreement will be place on the next agenda.

CONSIDERATION OF AMENDMENT TO CITY EMPLOYEE PERSONNEL POLICY, BEN BLACKBURN:

Ben addressed the Mayor, Council, staff and citizens stating that currently the personnel policy states the following:

The City also offers life insurance coverage to its regular status full-time employees. Upon the death of any regular status full-time employee, the City provide one full year's salary, whether the employee was on or off-duty at the time of death, to be paid to the beneficiary of the employee. The City will also pay all of the unused vacation and comp-time earned by the employee at the time of death to the beneficiary.

Ben shared that employees are covered under a death benefit by the Local Government Retirement System. The benefit would be paid to the employee's beneficiary if the employee were to die in active service with one year of credit. This is only given if the employer has elected the coverage and the City of Cherryville has. To avoid any confusion Ben asked the Council to approve removing this paragraph from the Personnel Policy. Councilmember Dalton made a motion to approve the removal of the paragraph from the personnel policy and Councilmember Kiser seconded the motion. The vote was unanimous.

DISCUSSION OF POWELL BILL STREET PAVING, BEN BLACKBURN:

Ben addressed the Mayor, Council, staff and citizens regarding the street paving list. He presented the following changes:

The city's paving list for consideration during the Fiscal Year 2013-14 is as follows:

- 1) Requa Road (Sixth Street to City Limits)
\$59,760
- 2) Mulberry Street (W. Church Street to S. Mountain Street)
\$72,720
- 3) Pine Avenue (E. Main Street to Mauney Farm Road)
\$59,760
- 4) N. Pink Street (E. Church Street to Ridge Avenue)
\$45,072

5) Queens Road (Hawthorne Street to nearby Woodhaven Drive)
\$12,000

6) Dalton Street (E. Church Street to end of city street maintenance area)
\$ 4,680

Total: \$253,992

City staff has reassessed the original paving list of street priorities and have identified the streets listed above for resurfacing and other improvements such as \$3,000 in water / sewer riser costs and an optional paint striping costs.

The list above includes the council's main priority streets (Requa, Mulberry and Pine) for resurfacing which were slated for improvements earlier in the year, however upon further inspection staff feels the need to add N. Pink Street because of the high traffic volume generated by two churches, the city's cemetery and the high school. City staff will be asking for a budget amendment during the year to address the \$53,992 in increased expenditures out of the city's Powell Bill budgeted amount of \$200,000.

The city's 2013-14 FY Budget projects a Powell Bill revenue allotment of \$185,000. Currently there is approximately \$444,587 of Powell Bill monies in the bank. This amount includes the 2013-14 FY's first Powell Bill payment in the amount of \$94,312.61 from the NC DOT. The second payment, which should occur around the first of January, 2014 should be \$94,312.61 the same as the first one. The total amount should be around \$538,900.

- 1) \$254,000 Street Resurfacing Project
- 2) \$ 45,200 Powell Bill eligible expenditures (Street patching / Sidewalk Maintenance)
- 3) \$ 86,000 General Fund reimbursement from Powell Bill for CMAQ expenditures *

Expected 2013-14 Year-End Powell Bill Fund Balance **\$153,700.**

- * The \$86,000 amount has already been spent over the past several years for planning and design work relating to the CMAQ Sidewalk project. These monies were spent out of the General Fund and staff is recommending the General Fund be reimbursed in the amount of \$86,000 from the Powell Bill funds which fall within the fund's eligibility parameters.

These funds for planning and design did not qualify for CMAQ funding.

CONSIDERATION OF CHANGING THE NOVEMBER 11TH, CITY COUNCIL MEETING TO NOVEMBER 12TH, IN OBSERVANCE OF VETERANS DAY, BEN BLACKBURN:

Ben addressed the Mayor, Council, staff and citizens pointing out that the next City Council meeting will fall on November 11th, which is Veterans Day a holiday for City staff. Ben asked the Council to consider moving the next City Council meeting to Tuesday November 12th in observance of Veterans Day. Councilmember Dalton made a motion to move the meeting to the 12th. Councilmember Kiser seconded the motion and the vote was unanimous.

ABC BOARD DISCUSSION, MAYOR AUSTELL:

Mayor Austell shared that we have a board member that will roll of November 1, 2013. Mayor Austell shared that by state statute it is the Council's responsibility to determine who the new board member will be. Councilmember Campbell is the liaison to the ABC Board and he made a motion to nominate Gail Jenkins. Councilmember Parker seconded the motion and the vote was unanimous. Mrs. Gail Jenkins will fill the position and she is also the first female to be appointed to the ABC Board. Councilmember Dalton asked about the application process for the ABC Board. Mayor Austell explained that years ago there was an application put in place for all boards. Mayor Austell explained that he and the Councilmember's are not bound by applications for any board or committee. Mayor Austell stated that it is not necessary to have applications for the ABC Board because it is a political appointment. Two applications were picked up and filled out and turned back in. Councilmember Dalton understood how it was a position that was appointed by the Council however he wanted to know why he and the other Councilmember's did not get a copy of the application. Mayor Austell explained that one applicant had turned in their application several years ago and the other applicant had just turned his in Monday afternoon, the day before the Council meeting. Councilmember Dalton asked if all Councilmember's could get copies of applications anytime they are turned in for a board or commission. And yes they can. Mayor Austell congratulated Mrs. Jenkins and thanked Mr. H.L. Beam for his service on the board. Mr. H.L. Beam has served for ten years.

Terry Fisher approached the podium and shared that the Council was also responsible for appointing a chairman for the board. Councilmember Dalton made a motion to appoint James Russell Beam as chairman. Councilmember Parker seconded the motion and the vote was unanimous.

CITIZENS TO BE HEARD:

Dennis Neill of 407 Oak Grove Drive approached the podium and shared the following, "its taken two months to get up here and I finally made it. I've got two things, one is a statement and one is a question. When we had 3 minutes to speak under agenda items, to me that was part of my freedom to speak, freedom of speech. Now ya'll took that away from me. So that's three minutes of freedom of speech that is gone. That far, ya'll took it away. Now the election is coming up and I can see two members up here setting on the board that will not get my vote because they took my freedom of speech away from me. Mayor Austell spoke up and told Mr. Neill that a lot of men and women died for him to be able to vote the way he wanted to. Mr. Neill said, "That's right, and in two more years there might be two more go. Uh one thing I have got, uh I've begged for

sidewalks for years and years and years ever since most of ya'll been up there. Uh now we are getting our sidewalks but what's surprising to me is there digging up the pavement to put the sidewalks out where the existing pavement is, and saying they still got enough room there for traffic. When you go down Main Street instead of the sidewalks being over in the grassy area, they are right out there in the street. You gonna have to move over a little bit or your gonna be on the sidewalks. And Ben stated that there how many feet of pavement left, twenty four foot?" Ben stated that there is 24 to 25 feet of asphalt paving that will be from the back of the curb. Mr. Neill stated that right before the meeting he went down to Depot Street where there gonna put the sidewalk, and there's 19 foot of pavement left. Ben shared with Mr. Neill that he was talking about W. Main Street and Mr. Neill asked if Depot did not count. He asked Ben if it was different for different streets and Ben told him that it is. Mr. Neill commented that to have two vehicles on 19 foot of pavement was going to be hard, and we need to look at that. Mayor Austell responded to Mr. Neill's comments about the sidewalks. Mayor Austell shared that the City of Cherryville has employed two Engineers to establish the plans. The money that the City received came from the Federal Government and the plans had to be approved by the NC Department of Transportation Engineers. Mayor Austell feels very confident that we will all be very proud of the sidewalks once they are in.

Walter Ballard of 610 W. Church Street approached the podium to express his concerns about citizens in town that asked him to help them get an audit done on their power. A customer did have an audit done on their power but the way it was handled really wasn't very appealing. Walter talked to Dixie Wall about this and the way it was handled. Walter stated that an individual went to the house to do the audit with a notepad and a cell phone. He stated that the guy doing the audit had no meters and no instruments. Walter stated that he is not sure how you take measurements with a cell phone but there may be a new app for that. Mr. Ballard shared that the guy doing the audit was not pleasant to the homeowner, and the last time he checked an employee from the City was suppose to accompany the individual that's doing the audit. Mr. Ballard commented that this is another service that the citizens of Cherryville are supposed to have and they are supposed to be able to request. He also stated that it would be nice if it was handled in a professional manner and taken seriously because people that get \$531.00 power bill payments are not happy about it and they wanted the audit so they could figure out a way to lower their bill. Mr. Ballard shared that the individual doing the audit was not pleasant to the customer. Mr. Ballard stated that he is not blaming anyone at the City but in the end the City should be taking care of this and its not nice when you have to deal with an individual that is not nice.

Mr. Ballard also commented on the Black Dot and how the City Council should listen more to the citizens because the citizens do know what they are talking about.

Mayor Austell shard that the City of Cherryville does offer energy audits to the citizens when requested by the citizens. The energy audits have proven to be very beneficial to our citizens.

Councilmember Dalton asked if the City had received any complaints from citizens about poor customer service from the guy doing the audits. None have been reported. Councilmember Dalton suggested to Walter Ballard that he let the citizen that was upset know that maybe they need to contact the City Manager to let him know.

Mr. Chuck Moyer of 102 Hidden Valley Drive stood up and stated that he was the citizens that was being discussed. He stated that the guy came out and was real obnoxious to his wife. He stated that all he wanted to know was why his power bill jumped up 1,000 kilowatts in one month. He stated also that the routine in his home has not changed. He wants to know what the problem could be. Mayor Austell asked Madame Clerk to provide him with a history of this account for his review.

Mr. Ken Gant of Gastonia shared that he had also had an audit on his business and Electricities is a bunch of fluff and not stuff when it comes to audits. Mr. Gant went on to thank Mayor Austell and recognize him for his contributions to Cherryville. He also thanked staff for resolving his issues in a cordial and honest manner. He thanked Richard Elam for his help with his new tenant. Mr. Gant asked that everyone work with each other to make a difference. Mr. Gant stated that people needs jobs and stable employment.

Ms. Paula Deese approached the podium and asked for an update on the BB&T building. Ben Blackburn gave an update and stated that the potential buyer is still in the process of having the building looked over.

ADJOURNMENT:

Mayor Austell asked for a motion to adjourn the meeting. Councilmember Kiser made a motion and Councilmember Dalton seconded the motion. Vote was unanimous. The meeting adjourned at 8:53 pm.

Adopted this 12 day of November, 2013

Robert D. Austell
Honorable Mayor, Robert D. Austell

Paige H. Green
City Clerk, Paige H. Green

(SEAL)

