

CITY OF CHERRYVILLE
CITY COUNCIL WORK SESSION
MONDAY JANUARY 28, 2013 @ 3:00 PM
CHERRYVILLE FIRE DEPARTMENT
TRAINING ROOM

Mayor Pro Tem Brian Dalton called the work session meeting to order at 3:03 pm. Present were City Councilmember's Rick Campbell, David Kiser and Malcom Parker. Also present, City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler, Fire Chief Jeff Cash, Interim Police Chief Cam Jenks, Planning and Zoning Director Richard Elam, and Public Works Director Brandon Abernathy. Michael Powell was there for the Cherryville Eagle.

ITEM #1 CITIZENS TO BE HEARD

Mayor Pro Tem asked if any citizens had any comments or wished to be heard. There were none.

ITEM #2 CONSIDERATION OF PERSONNEL POLICY CHANGE, ARTICLE VIII, SECTION 1, BEN BLACKBURN

Ben addressed Mayor Pro Tem, City Councilmember's, staff and citizens sharing with them to consider a change for the personnel policy involving insurance and retirement benefits. Mr. Blackburn asked the Council to consider added the following phrase to the policy: **In the event a City retiree is convicted of, or enters a plea of guilty to, any felony charge any or all benefits afforded to the retiree by the City shall immediately cease. Also in the case of a conviction, or the entering of a guilty plea to any felony charge, the City shall apply this provision to be in affect retroactively from the date of the guilty conviction or plea.** Mr. Blackburn asked the City Council to consider changing the word shall in each sentence to may.

Councilmember Campbell feels like the City should go after full restitution of any embezzlement. All Councilmember's agreed.

Councilmember Campbell made a motion to adopt the change and Councilmember Parker seconded the motion. No vote was taken and the Council will table this vote until the City Council meeting on February 11. After discussion by the Councilmember's, Councilmember Campbell made a motion to change the word shall to the word may.

Councilmember Kiser does feel like we need to be aggressive about collecting restitution.

Staff has contacted Local Government to find out what Mrs. Bonny Alexander's pension is and it is public information.

ITEM #3 DISCUSSION OF GAMING SWEEPSTAKES REFUNDS, BEN BLACKBURN

City Manager Blackburn shared a document that was sent to him from Richard Elam. Richard received the e-mailed document from the UNC School of Government. In the document it states that Cities who levy privilege license taxes on video sweepstakes

operators should not provide refunds. Ben shared that we do have a business owner in town that is requesting his money be refunded, and Ben also shared that he knows of no other town or city that has given refunds.

Councilmember Parkers feels like we should give the business's a refund, however if the city were to give a refund for video sweepstakes operators when the tax ordinance does not call for refunds, that action could constitute an illegal use of public funds.

Councilmember Campbell shared that he was never for the gaming to begin with.

Mayor Pro Tem Dalton shared that we should not give the refunds especially if it is illegal to do so.

Citizen Rodney Bowyer asked about collecting from the business owners that had the machines but never did pay.

Council decided to table this and vote on it at the next City Council meeting in February.

ITEM #4 CONSIDERATION OF MEMBERS FOR SEWER LATERAL COMMITTEE, BRANDON ABERNATHY

Ben reminded the Council that at the last City Council meeting this issue was table so that a committee could be formed. The committee members are Ben Blackburn, Brandon Abernathy, Richard Beam, Dennis Neill, Jody Fowler and Councilmember Malcom Parker. Alternate will be Rodney Bowyer.

Mayor Pro Tem Dalton made a motion to approve the members and it was seconded by Councilmember Campbell. Vote was unanimous.

ITEM #5 UPDATE ON THE OLD CLOCK, JEFF CASH & BRANDON ABERNATHY

Chief Cash addressed the crowd and explained that he and Brandon had met with the clock technician and soon realized that they knew very little about the old clock. At first Jeff and Brandon were going to have some fund raisers to restore the old clock and were even offered donations from some citizens. The initial cost was going to be around \$3,750.00. That project was a go. Now the cost will be between \$65,000 and \$100,000. The technician shared his knowledge of the clock with Brandon and Jeff and pointed out that the clock had some major issues. It has several places near the bottom of the clock where there are holes, tick marks on the dials are faded, and it has corrosion on the steel frame work. In fact the corrosion has eaten away the framework. The clock is not in a safe area. The clock needs to be removed and placed in a much safer location. Several ideas for the clock would be to remove it from the building and put on a post securely at another city location such as City Hall or place it in the Historic Museum. We do know that the inspector has stated that the clocks condition is extremely dangerous. Currently three of the four sides of the clock still work. If the clock is removed it may lose operating ability.

Mayor Pro Tem Dalton did state that the building is for sale and the city does plan on getting it sold as soon as possible. He also feels like we should call Aaron Moss and John Black who were both keepers of the clock for many years and give them the latest update.

ITEM #6 OTHER BUSINESS

Mayor Pro Tem Dalton shared a concern that he had about information that was given out to organizations such as DSS and Cherryville Area Ministries when it came to them wanting to help with a customer's power bill. He was told that the girls in the utility office were not given any information to these organizations and it was keeping the customer's from getting assistance. Ben did share that is was law that only certain information could be given out about a customer's account. We want to be very careful not to give the wrong information to someone other than that customer. Ben did share that there are ways around this law if someone wants to help someone with their bill. Anyone can come in and pay on anyone's account but we cannot tell the amount of the utility bill.

Mayor Pro Tem Dalton suggested we share this change with this organization.

Mayor Pro Tem shared that he has put a lot of thought into the embezzlement and how if controls had been in place that this would have never happened. He feels like if another staff member had been able to see the bank account statement, then it would have been caught. He does not feel like only one employee should have control over all the financials. He wants the Council to think about the city and the controls that are in place and maybe consider another source to come in and make sure that the proper controls are in place.

Councilmember Parker shared his concerns about the communications with the police and fire. He was wondering if we could get on the tower behind the high school. Cam Jenks shared that he, Jeff, and Brandon were going to a meeting next week about communications.

Councilmember Parker asked about the building beside his business that Randy Hefner wants to put a church in. He asked Jeff about the sprinkler system and Jeff explained that the building inspections department is where the hold up is. Jeff explained that his department is the maintenance for this sprinkler system. Randy is trying to put a class A public assembly in this building and it would not be safe. Jeff explained that we cannot deviate from state law.

Councilmember Parker shared that Sav-A-Lot has approached his about opening a store in our community. Ben has talked to Mr. Spivey about this business and he gave his information to Richard Randall so that he could help him with this.

Councilmember Parker wanted to know who owner the house beside the City Pool. The YMCA owns this home.

Councilmember Parker shared that Geraldine Connor talked to him about our city not having any interest in using the inmates at the Dallas Camp. Ben shared that there are two different programs to take advantage of with the inmates. The City would need to provide workers comp for the inmates and pay them a dollar a day.

Mayor Pro Tem Dalton feels like we could benefit greatly from the inmates. They are very capable of doing a lot of work. We would have to provide transportation to work

and back to the camp. They are capable of painting, working on water repairs, sewer repairs, clearing a bank, or patching a leak in the pool.

Councilmember Parker asked where the City stood with our liability insurance. Ben shared that as of Friday we found out that we would be dropped on June 30, 2013 by Selective. Because of the issues that the city has faced with the police department and the embezzlement at City Hall we will be dropped by Selective.

Mayor Pro Tem Dalton feels like the City would benefit greatly by going with the NC League's insurance.

Ben shared that Selective has made a lot of money off the City, yet they are dropping us over bad publicity.

Councilmember Parker asked if we would be able to collect on the claim that has been filed on Mrs. Bonny Alexander's embezzlement. Yes we will.

Councilmember Kiser asked if we were looking for a Police Chief and has a criteria been put together. Ben did share that he is putting together a criteria for Police Chief and he will be getting the word out.

Mayor Pro Tem feels like we need to send the Gaston County Police a letter of appreciation letting them know that we appreciate their help. Ben will send a letter to the County.

Mayor Pro Tem asked about the evidence room at the police department and wanted to know if some of the evidence could be destroyed. Cam said it could and that each officer could look at their cases and see if they still need the evidence that is on file. If not the officers can get rid of it.

Councilmember Kiser asked if anyone had received a call about the article that was in the Gazette today. It was a bad reflection on Cherryville and poorly written.

City Manager Ben Blackburn asked if the Council would like to bring up the issue of the inmates at the next Council meeting so the public would be aware of what we are trying to do. This would give the citizens a heads up that they may see inmates in their neighborhoods working. Along side the inmate will be a city employee and of course they are not allowed tools like chain saws. Only inmates on their best behavior are allowed to be on work release. Ben shared that the benefits are great for the city.

Rodney Bowyer of 304 Mark Street wanted to know if Bonny Alexander would have to sell her belongings to pay the city back the money she embezzled. Mayor Pro Tem Dalton responded by saying that everything has been done to make sure the City receives full restitution and the feds were helping us as much as possible.

ITEM # 7 ADJOURNMENT

Councilmember Campbell made a motion to adjourn the work session meeting. Councilmember Kiser seconded the motion and the vote was unanimous. The work session adjourned at 4:25 pm.

Adopted the 11th day of February, 2013.

Brian Dalton
Mayor Pro Tem, Brian Dalton

Paige H. Green
City Clerk, Paige H. Green

