

**CITY OF CHERRYVILLE  
CITY COUNCIL WORK SESSION  
MONDAY JULY 29, 2013 @ 3:00 PM  
CHERRYVILLE FIRE DEPARTMENT  
TRAINING ROOM**

Present at the work session meeting, Mayor Robert Austell, Councilmember's Campbell, Kiser, Parker and Dalton. Staff present, City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Finance Director Dixie Wall, Police Chief Chad Hawkins, Fire Chief Jeff Cash, EDC Director Richard Randall, Planning and Zoning Administrator Richard Elam. Media that was present, Michael Powell of the Cherryville Eagle.

**UPDATES FROM PREVIOUS CITY COUNCIL MEETING ON JULY 8, 2013 BEN BLACKBURN:**

City Manager Ben Blackburn gave an update on David Seate and his concerns with storm water. Mr. Blackburn spoke with Mr. Seate and the City helped Mr. Seate by unstopping a pipe that was stopped up. Mr. Seate was very please with the help he received.

Mr. Blackburn also gave an update on Ms. Paula Deese and her concerns about clearing limbs at the entrances of her neighborhood. The over grown vegetation that was blocking views has been cut back at both entry ways.

The City should receive two new inmates to add to the existing crew. We are waiting on Raleigh to approve these inmates. Mr. Blackburn stressed to the Council that staff is focusing on city streets and getting them cleared of any grass.

Richard Elam was asked to give a report on policies that other cities or towns in our area have on mowing and edging. Councilmember Dalton feels like Main Street should be manicured. Councilmember Parker feels like Main Street, Hwy 274, and Hwy 150 should be maintained by the city.

Mr. Blackburn gave an update on limbs around town. He reported that the chipper truck has been down and staff is behind for this reason. Much discussion was had about limbs and bagged items on the curb side.

**CONSIDERATION OF MEETING RULES OF PROCEDURES, MAYOR AUSTELL:**

Mayor Austell had a list of rules printed up so that everyone is very clear about how the meetings will be handled. Mayor Austell shared that Cherryville does do things a lot different in meetings that they do not have to do. Mayor Austell shared that he gives five minutes for citizens to speak but most cities only give three minutes. The state only requires three minutes. Mayor Austell listed six rules for the Council to go over and consider so that meeting can be as productive as possible. Mayor Austell had the following six rules:

**CITY OF CHERRYVILLE  
CITY COUNCIL MEETING RULES  
(Proposed)**

The purposes of these City Council Meeting Rules are to declare that the business of the City is to be conducted in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making.

- 1) No vote on a particular agenda item shall be taken during any of the City Council's Regular Meeting, Work Session Meeting, or Special Meeting unless the agenda item has been previously discussed between the City Council and City Staff. Exceptions to this rule can be made in the event of time sensitive, unplanned (added), and non-controversial issues (Proclamations, Resolutions, etc.) agenda items which may require prompt attention.
- 2) Any and all actions, voting or otherwise, taken at the work session or special meeting shall be reported at the next Regular Meeting of the City Council.
- 3) Agenda items not specifically addressed such as a statutory required Public Hearing will not be open for public comments during any Regular Meeting, Work Session Meeting, or any Special Meeting of the City Council. Agendas for these meetings may be placed on the city's webpage prior to the meeting as well as being made available for public inspection at City Hall. Anyone wishing to contact the Mayor, a Council Member, or City Manager to express their opinion or seek clarification on any item on the agenda may have the opportunity to do so.
- 4) During the Regular Meeting of the City Council there shall be an agenda item "Citizens To Be Heard", in which any person(s) may address the council on any agenda item or any issue of particular interest relating to the city. Any person(s) wishing to speak must first be recognized by the Mayor and give his/her name and address for the record. Each person may be given up to five (5) minutes to address the council.
- 5) Persons wishing to address the City Council shall only be allowed one (1) time to speak under the agenda item "Citizens To Be Heard". It should be noted that persons may speak more than once during a council meeting when: a) a statutorily required Public Hearing is entered into; and b) recognized by the Mayor.
- 6) In order that the proper operation of City Council meetings is undertaken there shall not be any public talking or disruptive behavior expressed from the floor.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Mayor Austell read each rule and Council agreed to all of them. The changes that were made in item #1, Council agreed to add that resolutions and proclamations could be voted on at a work session meeting. The change in item #3 was to add Mayor, City Council and City Manager to the last sentence of the paragraph. After a review and some

discussion of each item, the Council unanimous agreed that the rules should be put on the agenda for the August City Council meeting.

CONSIDERATION OF AUDIT COMMITTEE CHARTER, BEN BLACKBURN:

City Manager Ben Blackburn shared with the Mayor and City Council a draft of the Audit Committee Charter. The Mayor and City Council were given time to review this draft and shared their thoughts and concerns. It was agreed on unanimously that on page two of the draft under letter (F) #2 should be removed. Also agreed upon, page 4 under letter (I) the first sentence of the second paragraph should be removed. This draft will be placed on the agenda for the City Council meeting for a vote.

Congressman Patrick McHenry came into the meeting to say hello and answer any questions that anyone may have. He visited for about thirty minutes.

CONSIDERATION OF CLEANING CONTRACT FOR CITY HALL, BEN BLACKBURN:

Mayor Austell addressed the issue of cleaning City Hall and the fact that we did receive a bid that was much lower than the current cleaning crew. After taking a look at the lower bid it was obvious that the cleaning of City Hall could not be done for that price. Mayor Austell shared that the price is impractical. City Manager Ben Blackburn shared that he spoke with the owner of the company and he was told that he knew that he could not clean City Hall for the price of the quote he gave but he wanted to have City Hall on his resume. Councilmember Parker stated that he personally knew the owner of the company and he feels like he would not fulfill his obligation. Council agreed with the statements made prior and decided unanimously that this decision was to be made by the City Manager. Mr. Blackburn will make the decision for the cleaning crew.

DISCUSSION OF LEASING AGREEMENT RE: CHERRYVILLE RESCUE SQUAD BUILDING, BEN BLACKBURN:

Mr. Blackburn addressed the Mayor and Council that as of August 1, 2013 the Cherryville Rescue Squad will no longer be in existence. In the past the City of Cherryville has rented the rescue building for one dollar a year, paid all utilities, and did routine maintenance on the building for the rescue squad. Mr. Blackburn, Chief Jeff Cash, and Brandon Abernathy met with Mark Lamphiear Director of Gaston County Emergency Management (GEMS) to discuss a lease agreement for this building. In this lease agreement the county would pay the city \$500.00 a month and the electrical utilities which average about \$900.00 a month. The county would also be responsible for cleaning the building, changing light bulbs, and routine maintenance. The City of Cherryville will be responsible for major issues such as a new HVAC unit, or replacement of doors. Mr. Blackburn has sent this request over to County Commissioner Alan Fraley and he has responded very respectfully by saying that he feels like it is a good deal and he does want the citizens of Cherryville to have proper coverage in the event of an emergency. Mr. Fraley will sponsor this action before the County Commissioners. Mr. Phil Ponder acting County Manager also responded by saying he feels like the deal is reasonable. This will be put on the County Commissioners agenda for August 22, 2013 for discussion. Mr. Blackburn asked Council to look over the lease agreement that has been drafted and let

him know of any changes they may want to see. Mr. Blackburn did share that the building currently needs a new HVAC unit and money was budgeted for this expense. This will be put on the August 12, 2013 agenda.

UPDATE ON INMATE PROGRAM, BEN BLACKBURN:

Mr. Blackburn gave a brief update on the inmate program stating that we are waiting on two more inmates. We are currently waiting on paper work from Raleigh to be processed. Mr. Blackburn also made everyone aware of an incident that recently happened with an inmate. A female approached one of our inmates and it was recognized by city staff that put him in the truck and took him back to the camp. The proper paper work was completed and that inmate will not be back to Cherryville. Mr. Garren Beam was the employee that handled this situation and Mayor Austell asked that Ben share with Mr. Beam the appreciation he and the City Council have for a job well done.

CONSIDERATION OF RESOLUTION IN SUPPORT OF SMALL TOWN MAIN STREET PROGRAM, RICHARD RANDALL:

Mr. Richard Randall addressed the Mayor and Council presenting them with a resolution in support of the Small Town Main Street Program that is basically house keeping. This is the same resolution that was signed last year in support of this program. Money has been budgeted for this. Councilmember Kiser made a motion to approve the resolution. Councilmember Campbell and Dalton stated that they do not feel comfortable voting on this at a work session. This will be placed on the agenda for the August 12 meeting.

CONSIDERATION OF MINIMUM HOUSING DEMOLITION ORDINANCE RE: 401 E. ACADEMY STREET, RICHARD ELAM:

Mr. Richard Elam addressed the Mayor and Council letting them know that he is currently taking bids for the demolition and cleaning up of the property at 401 E. Academy Street. Mr. Sam Leggett will be at the August city council meeting to finalize this.

CONSIDERATION OF ADOPTION OF RENEWABLE ENERGY PORTFOLIO STANDARDS (REPS) CHARGE, DIXIE WALL:

Mrs. Wall explained to Mayor Austell and Council the REPS charge and the fact that it is on every customer's utility bill. It is required by statute. This will be on the agenda for the August 12 meeting.

OTHER BUSINESS:

Councilmember Campbell wanted an update on the BB&T building. Mr. Blackburn talked with Mr. Tim Moss and he is in the process of getting a quote for the sprinkler system. Councilmember Campbell asked for an update on the paving of city streets. Mr. Blackburn shared that we added another street. Asphalt Paving was the lowest bid and there trucks have been in town the last few days looking at the resurfacing areas. Mr. Blackburn hopes the work will get started by the 28<sup>th</sup>.

Councilmember Parker shared that he talked to Tim Moss and H.L. Beam and says there are issues with the sprinkler system so they are looking into it. They are interested in putting the clock back up so that the building can be classified as a historical building.

Councilmember Dalton shared that he feels like we should not have work session meetings when the general population cannot attend. Councilmember Dalton feels like work sessions should be held at a different time when citizens can attend. Councilmember Dalton also does not feel like a work session is needed every month. He feels like the City Manager will let the Mayor and Councilmember's know when a meeting needs to be held. Councilmember Dalton feels like department heads do not need to attend and votes should never be taken at a work session. Councilmember Dalton feels like we are wasting staff time as well as the City Attorney's time. Councilmember Dalton made a motion to leave the work session meeting up to the City Manager. Councilmember Campbell feels like the work sessions are great and thinks the time should be changed. Councilmember Parker feels like many issues were handles at today's meeting and it should be up to the Mayor and City Manager if a meeting needs to be held. He does not feel like staff should be expected to be at the work sessions after working all day. Mayor Austell shared that many cities run without ever having a work session meeting. Mayor Austell shared that the work session meeting were planned in the afternoon so staff and Councilmember's could come together and discuss what issues are going on. Mayor Austell also shared that these meeting were set up for discussion purposes only and not voting. Mayor Austell also shared that no one has ever had intentions of keeping anything from the public. Mayor Austell feels like the meetings are necessary because topics need thought and discussion before they are voted on. Councilmember Kiser shared that he feels like the meetings are good to have because it gives everyone a chance to hear each others opinions on topics. Chief Cash shared that votes were required at work session meetings in order to get grants for Peak Resources. After much discussion about work session meetings Mayor Austell shared that he alone could call a meeting at anytime and two Councilmember's could call a meeting at anytime. Mayor Austell shared that he would call a meeting anytime he feels it is necessary.

Chief Cash shared with the Mayor and Councilmember's that we are breaking our own laws by having too many people in the council chambers during meetings. Meeting will be held on the big side.

Chief Chad Hawkins asked that the city post a sign at Aaron Moss Park for there to be no softball playing on the field. The field is not designed for hitting softballs. It has become a safety issue and balls are being bounced off of peoples homes. This will be on the August agenda.

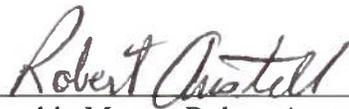
Councilmember Kiser asked for an update on under charged electrical bill. Mr. Blackburn shared that the customer has spoke with an attorney and he has spoke with the attorney as well. The city has sent two letters to the customer and the city attorney has also spoke with the attorney this customer is using. Mr. Blackburn stated that a commitment has been made from this customer but he has not heard anything more. City

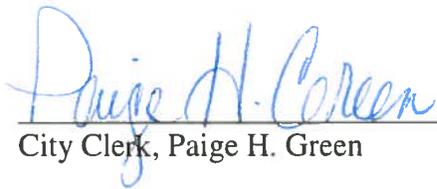
Attorney Huffstetler Jr. is expecting a written update from this attorney in the next couple weeks, maybe by the next meeting on the 12<sup>th</sup> of August.

**ADJOURNMENT:**

Mayor Austell asked for a motion to adjourn the work session meeting. Councilmember Campbell made a motion to adjourn the work session. Councilmember Dalton seconded the motion and the vote was unanimous. The meeting adjourned at 5:45 pm.

Adopted this 12<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Honorable Mayor, Robert Austell

  
\_\_\_\_\_  
City Clerk, Paige H. Green



(SEAL)