



REGULAR WORK SESSION MEETING

TUESDAY JUNE 29, 2021 @ 5:30 PM

CHERRYVILLE FIRE DEPARTMENT

411 E. CHURCH ST. CHERRYVILLE, N.C. 28021

The Honorable Mayor H.L. Beam called the meeting to order. Councilmember's Gary Freeman, Jill Puett, Jon Abernethy and Malcolm Parker were present. City Manager Jeff Cash, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, Finance Director Dixie Wall, and Planning & Zoning Director Derrick Mackey were also present. No media coverage.

ITEMS FOR DISCUSSION OR ACTION:

DISCUSSION/CONSIDERATION OF PROPOSED SIDE WALK CAFÉ ORDINANCE, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

Planning & Zoning Director Derrick Mackey asked for consideration for the following proposed Sidewalk Café Ordinance:



Article II Consumption and Possession of Alcohol Beverages

Section 3 Sidewalk Cafes, Public Places

Sec 3-36 – Definitions

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Sidewalk Café means any group of tables and chairs, and accessory devices maintained upon the sidewalk in use with connection of food and beverages sold to the general public from or in adjoining indoor restaurant which is located within the Corporate City Limits, (ETJ) of Cherryville, NC.

Sec 3-37 Permit

Application Process

(a) Application for a sidewalk café permit may be made to the office of the planning Administrator.

(b) The application shall be submitted upon a form provided by the city and shall contain the following information.

- (1) Name, Address, telephone and fax number of the restaurant owner/operator.
- (2) The proposed location of Café.
- (3) Diagram illustrating placement of tables and chairs and walkway area, location of ingress and egress exits to restaurant with dimensions.
- (4) Documentation of public liability insurance in the amount of \$1,000,000.00 Insuring against personal injury, wrongful death and property damage, including the City as a party insured and insuring the city against any liability resulting from the uses permitted pursuant from this section.
- (5) Copies of all permits and licenses showing all required approvals by the county health dept., and any other applicable regulatory agencies.
- (6) Consent to enter a hold-harmless agreement with the City of Cherryville.

Sec 3-38 Operation of Sidewalk Cafe

Operation of a sidewalk café shall conform to the following requirements:

- (1) There shall be a Five-foot wide unobstructed contiguous walkway within the public sidewalk area for use by pedestrian, and handicapped accessibility shall be provided as required by law. The outdoor activity shall not impede pedestrian or vehicle traffic.
- (2) All tables, chairs and other items shall not be placed as to prevent a sight hazard to pedestrians or vehicular traffic. Public chairs and benches are prohibited. Tables and chairs used for sidewalk café shall be constructed and utilized such as to protect public safety.

Furniture must be of commercial grade, durable and quality workmanship. A temporary physical barrier, as approved by City Manager shall be erected separating the permitted area from the unobstructed contiguous sidewalk, except for the entry and exit area of the sidewalk café.

(3) All outdoor dining furniture, including tables, chairs, umbrellas and planters shall be movable. Umbrellas must be secured with a base weight of not less than 60lbs.

(4) City Manager may allow tables and chairs to remain in place as permitted on a year round basis, provided that the permittee keeps area free of debris, leaves, food and sidewalk stain free. No other material shall not be permitted on sidewalks or right of way.

(5) At all times the permittee must comply with all other local, state or federal laws, ordinances and regulations, including but not limited to health, safety and welfare rules, laws and regulations.

Sec 3-39 Alcoholic Beverages

Alcoholic Beverages may be served in approved sidewalk cafes provided the following requirements are met:

(1) The sidewalk café shall be part of a restaurant which will be authorized under the state law and this code of ordinance to serve alcoholic beverages for on premises consumption.

(2) The sidewalk café permit must be included as part of the ABC permit issued pursuant to state law, for the purpose of applying and enforcing state laws regarding the sale and consumption of alcohol.

(3) Signs posted at all exit points that exhibit unlawful to remove alcoholic beverages from premises.

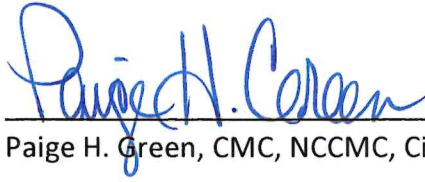
(4) No outdoor bar allowed within the sidewalk café or preparation of alcohol

(5) Any alcoholic beverage served must be consumed in glasses or cups, which bear no branding other than the logo or name of business with approved sidewalk permit.

(6) No advertising of alcoholic beverages served in any form shall be allowed in area of operation of sidewalk café.

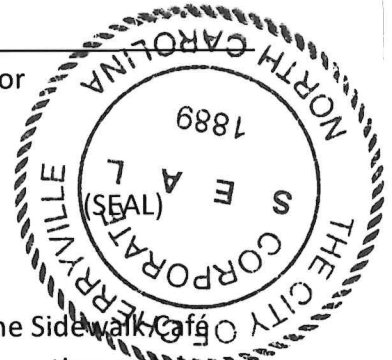
(7) Only fortified wine and beer may be served in the area of approved sidewalk. No other alcoholic beverages allowed.

Adopted this the 29 day of June 2021.



Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor



After some discussion, Councilmember Puett made a motion to approve the Sidewalk Café Ordinance effectively immediately. Councilmember Freeman seconded the motion and the vote was three to one. Councilmember Parker opposed the ordinance.

DISCUSSION OF CONDITIONAL USE PERMIT RE: 1444 W. ACADEMY STREET, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

Planning & Zoning Director Derrick Mackey approached the podium to share that the planning board met and voted three to one for the Conditional Use Permit of Denis Blackburne to go before city council. Mr. Blackburne, Senior Vice President of Woda Cooper Companies, Inc., would like for the Woda Company to develop the property located at 1444 W. Academy St. The Woda Company would like to build residential apartments on the 21.48 acres. Mr. Mackey shared that this will be an agenda item on the July 12 agenda.

DISCUSSION OF BUDGET AMENDMENTS, FINANCE DIRECTOR DIXIE WALL:

Finance Director Dixie Wall asked for consideration for the following budget amendments:



**Amendment to Capital Project Budget Ordinance-
Downtown, Water, and Sewer Bonds**

BE IT ORDAINED by the City Council of the City of Cherryville, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, that following amendment to capital project ordinance is hereby adopted.

Section 1. The project authorized is the beautification of downtown and replacement of water and sewer infrastructure replacements and improvements to be financed by the sale of general obligations bonds.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond resolution and budget contained herein.

Section 3. The following amended amounts are appropriated for the project:

	<u>Original</u>	<u>Amended</u>
Financing costs, including legal fees and LGC fee	\$ 112,419	\$ 112,419
Construction	\$7,025,737	\$7,656,459
Architect/Engineering fees preconstruction	\$ 244,000	\$ 344,000
Construction-period engineering and contract admin	\$ 550,993	\$ 550,993
Contingency	<u>\$ 766,851</u>	<u>\$ 875,609</u>
Total Appropriations	\$8,700,000	\$9,539,480

Section 4. The following amended revenues are anticipated to be available to complete this project:

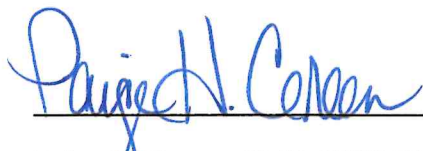
Proceeds from general obligation bonds	<u>\$8,700,000</u>	<u>\$9,539,480</u>
Total Appropriations	\$8,700,000	\$9,539,480

Section 5. The Finance Officer is hereby directed to maintain within the Amended Capital Project Fund sufficient specific detailed accounting records to meet the terms of the bond resolution.

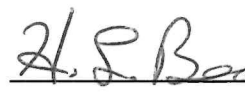
Section 6. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total proceeds from the general obligation bond revenues received.

Section 7. Copies of this amended capital project ordinance shall be furnished to the council and the finance officer for their use in carrying out this project.

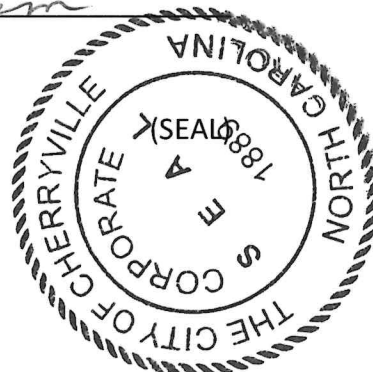
Adopted this 29th day of June 2021.



 Paige H. Green, CMC, NCCMC, City Clerk



 H.L. Beam, Mayor





2020-2021 BUDGET AMENDMENT

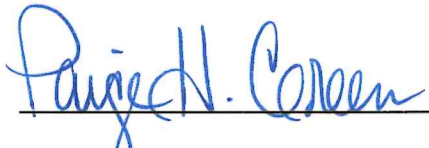
BE IT ORDAINED by the City Council of the City of Cherryville:

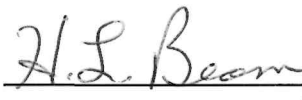
Section 1. The 2020-2021 Budget Ordinance of the City of Cherryville adopted on June 8, 2020 is amended by increasing and decreasing the following appropriations due to grants, donations and close year end 2021.

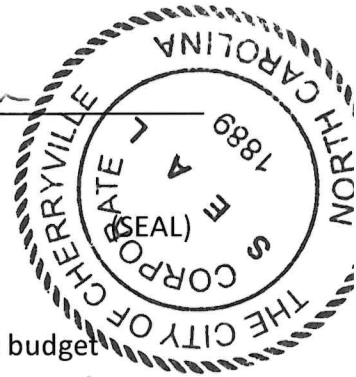
<u>REVENUES</u>	<u>Increase</u>	<u>Decrease</u>
10.3412.8500 Insurance Reim-GF	\$ 6,750	
10.3434.3350 Fire – Donations	\$ 15,000	
10.3493.3350 CMSP – Donations	\$ 41,145	
10.3493.2620 CMSP – Grants	\$ 5,000	
30.3720.8900 Electric Fd -Miscellaneous	\$ 500,000	
30.3720.2620 Electric Grants	\$ 9,546	
30.3720.2620 Electric Grants		\$ 5,000
31.3710.9900 Water/Sewer – Fund Balance	\$ 150,000	
 <u>EXPENDITURES</u>		
10.4340.6930 Fire – Donations	\$ 15,000	
10.4740.4400 Cemetery – Contract Services	\$ 6,750	
10.4930.6930 CMSP- Donations	\$ 41,145	
10.4930.6900 CMSP – Grants	\$ 5,000	
30.7200.6900 Electric – Grants	\$ 9,546	

30.7200.1820	Electric – Professional Services	\$ 5,000
30.7200.4400	Electric – Contract Services	\$ 100,000
30.7200.4510	Electric – Power Purchased	\$ 400,000
31.7110.4400	Water/Sewer- Contract Services	\$ 75,000
31.7130.3520	Water/Sewer- Equipment Maintenance	\$ 75,000

Section 2. This ordinance is effective upon its adoption this June 29, 2021.


 Paige H. Green, CMC, NCCMC, City Clerk


 H.L. Beam, Mayor



After some discussion, Councilmember Puett made a motion to approve both budget amendments. Councilmember Abernethy seconded the motion and the vote was unanimous.

DISCUSSION OF POSITION RE: FULL TIME MECHANIC, CITY MANAGER/FIRE CHIEF JEFF CASH:

City Manager Jeff Cash handed out the following handouts in reference to hiring another full time mechanic:

Full Time Mechanic

Salary - \$41,600 (\$20.00 per hour)

City Share FICA - \$3,162 (7.6%)

City Share State Retirement - \$4,722 (11.35%)

City Share 401k - \$2,080 (5%)

Health Insurance, Employee Only - \$10,898.04 (\$908.17 per month)

- If family would be added - \$18,823.32

Dental Insurance, Employee Only - \$345.72 (\$28.81 per month)

- If family would be added - \$737.40 (40%)

Total City Cost

- Just Employee - **\$58,085.76**
- If family coverage on insurance - **\$66,403.22**

**** Our current Part-Time Mechanic makes \$20.60 per hour and works 20-25 hours per week.

City of Cherryville Maintenance Cost Comparison

Parts and Maintenance				
Tires, Inspections, Parts, Big Lift Mechanic, Parts Rebuilt, and Body Work				
Vender	Description	2018/2019 Total Cost	2019/2020 Total Cost	2020/2021 Total Cost
Alray Tire	Tires, Inspections and Parts	18,167.30	7,433.57	11,900.64
The Shop	Body Work	1,652.81	2,065.00	1,362.56
Phil's Starter	Rebuilding Parts	519		
Marc Bradley	Parts and Maintenance	2,848.13	1,261.14	3,079.34
Shelby Ford	Parts and Maintenance	104.47		
Abernathy Chevrolet	Parts and Maintenance	47.5		868.39
R and M Motors	Parts and Maintenance	2,471.89	1,725.14	323.62
Dixie Tire and Diesel	Tires, Inspections and Parts	2,525.30		
M and M	Heavy Lift and Large Truck Maintenance	19,066.02	20,131.53	11,244.23
Rick's Automotive	Tires, Inspections and Parts	1,080.03	651.15	
Rush Truck	Heavy Lift and Large Truck Maintenance	3,965.00		
Earl Tindol Ford	Parts and Maintenance			109.88
Classic Ford	Parts and Maintenance			972.14

Total Cost - Parts and Maintenance	49,823.59	31,542.39	27,586.77
Total Cost - Everything Else	2,623.86	1,725.14	2,274.03
Total	52,447.45	33,267.53	29,860.80

New Fulltime Mechanic	Salary at \$20.00 per hour	Benefits/Insurance	Uniforms	Tools and Equipment
	41,600.00	Self -21,207.76/ Family - 24,803.22	N/A	Unknown
Total				66,403.22

Current Part-time Mechanic	Salary at \$20.60 per hour	Benefits/Insurance	Uniforms	Tools and Equipment
	21,424.00	N/A	N/A	N/A
Total				21,424.00

City of Cherryville
Mechanic Position Research
June 29, 2021

The following information is based on talking with fellow City Managers from some of our sister cities. These numbers are quoted from the various managers.

- Belmont – sends out all auto maintenance repair work
- Gastonia – sends out approximately 10-12% of maintenance work
- Kings Mountain – sends out approximately 15% and they have mechanics
- Lincolnton – sends out approximately 10-15% of their work
- Shelby – sends out work that their mechanic cannot handle

**Most of these cities continue to send out some work due to specialized pieces of equipment and not having the specialized diagnostic equipment. In all cases above, mechanical staff does not have expertise with specialized equipment and technology.

By taking more mechanical work in-house, it creates a loss in revenue for several in-town vendors and out-of-town vendors.

See the attached breakdown of the mechanical cost expense for the past 3 budget years (handout).

I have learned that our part-time mechanic, Don Helms, is interested in going full-time if a full-time mechanic position is created. I have received this in writing from Public Works Director Brandon Abernathy. Citing page 9 of the Employee Personnel Policy adopted September 26, 2005:

- Section 13 (B) states: Vacancies in positions shall be filled as far as practicable by the promotion from among those already employed by the City and across department lines. However, consideration should be given to all qualified applicants who have been the objects of perceived historical discrimination.
- Section 13 (E) states: When all promotional qualifications of two or more employees are judged equal, the one with the longest service with the City shall be promoted, unless such a promotion will continue any perceived historical discrimination. Promoted employees shall be required to successfully complete a six (6) months' probation period of employment in the new position. Pay on promotion shall be as outlined per pay classification period.

Section 6: Responsibility of the City Manager
(taken from the Employee Personnel Policy)

- The City Manager, as the chief executive officer, shall be directly responsible to the City Council for administration of all personnel matters. The City Manager shall: recommend rules and revisions to the personnel system to the Council for consideration; recommend revisions to the position classification plan to the Council for approval; prepare and recommend revisions to the pay plan to the Council for approval; determine which employees are exempt and non-exempt from FSLA; establish and maintain a roster of all persons in the municipal service, setting forth each officer and employee, class title of position, salary, and changes in class title status, and other as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the City; develop and coordinate training and educational programs for City employees; investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report the findings and recommendations to the Council; and perform such other duties as necessary to accomplish the mission of the City not inconsistent with this policy, the City's charter, ordinances, resolutions, federal laws set forth in North Carolina G.S. 160A-48. All matters dealing with personnel shall be routed through the City Manager, (or Manager's designee), who shall maintain a complete system of personnel files and records. The City Manager may perform any or all of these duties and responsibilities or assign them to other employees.

City Manager's Recommendation:

My recommendation would be that if you want a full-time mechanic position that it be awarded to Don Helms, by policy. An alternative would be to leave our current staffing in place. If funded, funds would have to come from multiple departments, including fund balance.

OTHER BUSINESS:

Mayor Beam shared that American Legion Baseball opening night is July 27, 2021 and our regular work session meeting is that day as well. Mayor Beam asked if anyone had an issue moving the meeting to Monday July 26, 2021. Councilmember Freeman made a motion to move the July work session meeting to Monday July 26, 2021 at 5:30 pm. Councilmember Parker seconded the motion and the vote was unanimous.

City Manager/Fire Chief shared that not as the city manager or the fire chief but as Jeff Cash would like for the record to state, "That Mr. Parker has attacked me personally on multiple occasions and even in the community and it all stems back that he thought some way he got promised that his property was going to be purchased by the hospital to build a new facility. I

was never a part of that, I am on the Caro-Mont Board of Directors and the property that was selected was done by a team of engineers and Vice President that the board because it is illegal to get involved in operations like that. I want it for the record that Jeff Cash had nothing to do with Mr. Parkers property potentially being purchased or not by Caro-Mont hospital. The new Caro-Mont hospital is going right here down the street. He holds me accountable and responsible for that and I had nothing to do with it.”

Parker, “I have never said anything to you about that.”

Cash, “That’s a lie. I’ve got people that have told me what you have said. You have told one of my kin folks that Parker.”

Mayor Beam shared that the record would show the comments.

CONSIDERATION TO ENTER INTO CLOSED SESSION RE: NCGS 143-318.11.(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

Councilmember Puett made a motion to enter into closed session. Councilmember’s Abernethy and Puett seconded the motion at 6:25 pm.

Mayor Beam and Council returned to open meeting and announced that no action was taken in closed session.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the vote was unanimous. The meeting adjourned at 7:35 pm.

Adopted this 12 day of July 2021.

H.L. Beam

H.L. Beam, Mayor

Paige H. Green

Paige H. Green, CMC, NCCMC, City Clerk

