



REGULAR WORK SESSION MEETING

TUESDAY FEBRUARY 23, 2021 @ 5:30 PM

CHERRYVILLE FIRE DEPARTMENT

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

ITEMS FOR DISCUSSION OR ACTION:

CALL TO ORDER:

The Honorable Mayor H.L. Beam called the meeting to order at 5:30 pm. Councilmember's Malcolm Parker, Jill Puett, Gary Freeman and Jon Abernethy were present. City Manager Jeff Cash, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Finance Director Dixie Wall, Police Chief Cam Jenks, Public Works Director Brandon Abernathy, Water Plant Superintendent Patty Hall, and Planning and Zoning Director Derrick Mackey were also present. Michael Powell was present for media coverage.

PRESENTATION BY PIEDMONT LITHIUM, PATRICK BRINDLE, VICE PRESIDENT PROJECT MANAGER:

Mr. Patrick Brindle of Piedmont Lithium approached the podium to share plans they have for the project in Cherryville. Mr. Brindle had a slide show presentation showing the plans and the areas that they have purchased. Mayor Beam and Councilmembers had some discussion with Mr. Brindle and he answered questions they had. Mayor Beam and Council thanked Mr. Brindle for the update.

PRESENTATION BY LITTLE IRONMEN, PRESIDENT WILL PUCKETT:

Mr. Will Puckett approached the podium to share that the Little Ironmen need a practice field. Mr. Puckett shared that currently the Little Ironmen have to start two weeks late due to baseball. He asked Mayor Beam and Council to consider putting a practice field at Westgate Park with a walking track for the parents to enjoy while the kids practice.

PRESENTATION RE: FLOURIDE UPDATE/RECOMMENDATION AT CHERRYVILLE WATER PLANT, PATTY HALL, WATER PLANT SUPERINTENDENT:

Water Plant Superintendent Patty Hall approached the podium and asked that Council consider stopping the use of fluoride in city water. Mrs. Hall explained the dangers of fluoride and shared that she has not been able to use fluoride due to a leak in the fluoride tank. Mrs. Hall shared that the State no longer requires water plants to feed fluoride. Mrs. Hall shared that the City of Cherryville spends approximately \$10,000 annually on fluoride. Councilmember Freeman asked for Mrs. Hall's recommendation and Mrs. Hall recommended that the City of Cherryville stop using fluoride.

PRESENTATION OF MAIN STREET PROGRAM, DAVID DAY, DOWNTOWN DIRECTOR:

Downtown Director David Day approached the podium to give an update on the Main Street Program. Mr. Day presented a slide show that shared weaknesses, threats, and plans moving forward for Main Street. The Main Street Committees have big plans for the mini-park, signage, and events. Some of those events are, Food Truck Monday, Lunch in the Mini Park, Floral Market Saturdays, new picnic tables in the mini park and heritage park, Easter on Main, City wide clean up and planting day on April 24, new tourism web page, and Wi-Fi in the mini park.

DISCUSSION OF APPOINTMENT/REAPPOINTMENT CHERRYVILLE PLANNING BOARD, DERRICK MACKEY, PLANNING & ZONING DIRECTOR:

Planning and Zoning Director Derrick Mackey asked Council to consider reappointing Ed Yount and Reid Huss to the Board of Adjustments. Councilmember Parker made a motion to reappointment both Ed Yount and Reid Huss to the Board of Adjustments. Councilmember Abernethy seconded the motion and the vote was unanimous.

DISCUSSION OF GOLF CART ORDINANCE, MAYOR H.L. BEAM:

Mayor Beam shared that he had read over the golf cart policy and he would like to see it updated in some areas. At the time of the original adoption, the policy only defined a golf cart as electric only due to State restrictions. Mayor Beam asked that the policy include gas powered golf carts. Police Chief Cam Jenks reviewed the policy and presented the following for Council's consideration:



AN ORDINANCE OF THE CITY OF CHERRYVILLE

Chapter 28

TRAFFIC AND VEHICLES

ARTICLE II. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

Sec. 28-49 Liability Disclaimer.

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts, are not designed or manufactured to be used on public streets, roads and highways, hereinafter "road(s)," and the City of Cherryville in no way advocates or endorses their operation on roads. The adoption of this Ordinance is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride upon carts on roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The City of Cherryville has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the State Legislature. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads of the City of Cherryville.

Sec. 28-50 Purpose.

The purpose of this ordinance shall be to establish a Golf Cart Ordinance within the City of Cherryville to promote the health, safety and welfare of persons operating cart(s) within the City of Cherryville and to protect the safety of their passengers and other users of roads.

SEC. 28-51 Definitions.

For the purpose of this section, the following words and phrases shall have the following meanings.

1. **Golf Cart:** A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 MPH. G.S. 20-4.01(12b).
2. **Driver's License:** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.
3. **Financial Responsibility:** Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
4. **Operator:** Only persons over 16 years of age and holding a valid driver's license may operate a golf cart on roads.

Sec. 28-52: Rules and Regulation.

This ordinance is to establish guidance in the interest of public safety. Golf carts hereinafter:

1. Golf carts shall not be operated on or alongside a public road or street with a posted speed limit greater than 35 miles per hour.
2. Golf carts are prohibited from traveling on Highway 150 (East and West Church Street), Highway 274 (North and South Mountain Street), and Hwy 279 (E. Main Street between Rudisill Street and Dick Beam Road.) However, golf carts are permitted to cross over Highway 150 (East and West Church Street) and Highway 274 (North and South Mountain Street) as long as the crossing occurs at a lighted traffic control device (i.e. stoplight).
3. Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on or alongside a roadway with a speed limit of 35 mph or less. Golf cars must cross in a manner that is the most direct route in order to decrease crossing distance, i.e. no riding along a road or crossing at an angle.
4. Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.
5. Any person who operates a golf cart must be at least sixteen (16) years of age or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads and highways of North Carolina and then, only in accordance with such valid driver's license. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads.
6. Any person who operates a golf cart on public streets and roads must adhere to all applicable State and local laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.

7. The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the City of Cherryville which governs the operation of motor vehicles.
8. An operator may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags.
 - a. In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.
9. Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
10. Golf carts must park in designated spaces or in such a manner that multiple golf carts can utilize the same space. All parking rules and limits apply. No parking on sidewalks is allowed.
11. Golf carts must have basic equipment supplied by the manufacturer, including a vehicle identification or serial number. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by North Carolina law.
12. Golf carts without lights may be operated only during daylight hours. Golf carts meeting the requirements set forth below may operate between sunup to 11:00 p.m.
 - a. Golf carts having two (2) operating headlights, one on each side of the front of the golf cart and two (2) operating tail lights, one on each side of the rear of the cart, all four (4) lights must be visible from a distance of 500 feet; and
 - b. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

13. The Chief of Police, or his designee, may prohibit the operation of golf carts on any street, road or highway if it is determined that the prohibition is necessary in the interest of safety.
14. During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated on or upon other locations.

Sec. 28-53: Registration, Inspection and Fee Prior to Usage.

1. All golf carts must complete a golf cart registration application and submit it to the City of Cherryville for approval. Before driving on public roads, the operator of a golf cart must have a valid issued registration.
2. Each owner must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the City of Cherryville from liability that may arise as a result of operation of a golf cart inside the City of Cherryville. These documents must be in the golf cart at all times while in operation on public roads.
3. All golf carts must meet the requirement or minimum standards of safety equipment as set forth above in this ordinance.
4. All golf cart operators must present a valid driver's license while operating a golf cart on a public road.
5. The registration sticker shall be valid for no more than one (1) year and must be visible on a golf cart operated on a public road. Cherryville Police Department will conduct registration and inspections at an appointed time and date for a fee of \$25, which must be renewed annually.
6. Lost or stolen permit/stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

Sec. 28-54: Enforcement.

Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes, and are subject to a fine and penalties of up to \$250.00, and the loss of operating privileges for up to six (6) months. However, operating a golf cart under the influence of an impairing substance (i.e. alcohol or drugs) on a public road or

highway is not a violation of this article, but a violation of state law, and is punishable as provided therein.

Violation Fines and Penalties:

1. First Offense \$50 Fine
2. Second Offense \$100 Fine
3. Third Offense \$200 Fine and loss of operating privileges for at least 30 days.
4. Fourth Offense \$250 Fine and loss of operating privileges for at least 6 months.

In the event that the operator of the golf cart is a juvenile, the owner of the golf cart may be charged for such violation.

In the event that any fines have not been collected prior to an annual registration, the fines may be added to the registration fee.

Golf Carts Prohibited on the Following Streets:

Any street, road or highway with a speed limit greater than 35 mph.

Hwy. 279 (E. Main St.) between Rudisill Street and Dick Beam Road.

Hwy. 274 (North and South Mountain Street) (can cross at a lighted traffic control device)

Hwy. 150 (East and West Church Street) (can cross at a lighted traffic control device)


Sec. 28-55 Effective Date.

This ordinance shall be effective on February 23, 2021.

Duly adopted this 23 day of February 2021.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor



Councilmember Puett made a motion to approve the golf cart ordinance as written and effective immediately. Councilmember Abernethy seconded the motion and the vote was unanimous.

DISCUSSION OF CITY IPADS FOR MEETINGS, MAYOR H.L. BEAM:

Downtown Director David Day handed out i-Pads to city officials. The i-Pads will be utilized for all meetings moving forward. The i-Pads will save time and money and allow officials to keep agendas, minutes, and emails together.

DISCUSSION OF CITY DOG PARK, MAYOR H.L. BEAM:

Mayor Beam shared that he would like to move the discussion of a dog park to the council meeting on March 8. Mayor Beam encouraged Council to look over the materials that they have been given and be prepared to make a decision on this issue on March 8. This will be on the March 8 agenda for consideration.

OTHER BUSINESS:

Councilmember Parker asked how everyone felt about Piedmont Lithium. After some discussion, a consensus was taken and it was very favorable for Piedmont Lithium.

Mayor Beam shared that several citizens on South Pink Street were upset because people are driving around the barricades that the State has put up. The State is in the process of making repairs to the road and it has been delayed due to all the rain that we have had lately. The citizens are upset because people are driving in their yards and leaving deep ruts. Police Chief Jenks will have the patrol officers patrol the area more.

Councilmember Abernethy asked for an amendment of the sign ordinance. He shared that several businesses have been told they could not have certain signs because of the ordinance and then other businesses have installed signs that are clearly in violation of the ordinance. Councilmember Abernethy shared that the ordinance is in place for all businesses and everyone should have to follow the same guidelines for signs.

Councilmember Abernethy would like council meetings to return to the W.J. Allran Council Chambers as soon as possible. Chief Cash shared that the Community Building does not have Wi-Fi at this time.

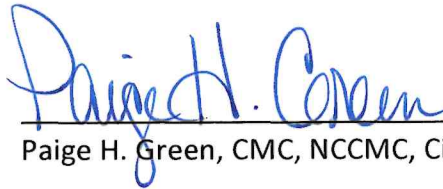
City Clerk Paige Green shared that Dr. Thomas White has requested permanent street closings for Wert Street, Webb Street and a portion of Howell Street. Dr. White also noted that there is no need for the existing sewer lines that are currently there. Mrs. Green asked Council to consider a Resolution of Intent and setting a public hearing date for Monday April 12, 2021. Councilmember Abernethy made a motion to approve the Resolution of Intent and to set a public hearing date for Monday April 12, 2021. Councilmember Puett seconded the motion and the vote was unanimous.

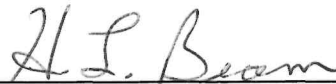
Mrs. Green will publish the Resolution of Intent for four consecutive weeks along with the Public Hearing notice for Monday April 12, 2021. She will also mail a copy by registered or certified mail to each owner of property abutting upon the said portion of streets, a copy of the Resolution of Intent.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Freeman seconded the motion and the vote was unanimous. The meeting adjourned at 8:10 pm.

Adopted this 8 day of March 2021.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



