



**REGULAR CITY COUNCIL MEETING
MONDAY OCTOBER 14, 2024 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN JR. COUNCIL CHAMBERS
106 S. JACOB ST. CHERRYVILLE, N.C. 28021**

The Honorable Mayor H.L. Beam called the regular scheduled meeting to order at the community building in the William J. Allran Jr., Council Chambers. Councilmembers Jon Abernethy, Gary Freeman, and Janice Hovis, and Jill Puett were present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Yanssea Taylor, Public Works Director Chris J. King, Planning and Zoning Director Richard Elam, Finance Director Dixie Wall, Downtown Director David Day, Police Chief Brandon Hunsucker were also present. The Lincoln Times and Wise News Network were present for media coverage.

INVOCATION: JEANNA SPIKER, CHILDREN MUSIC MINISTER, MT. ZION BAPTIST CHURCH:

Mrs. Jeanna Spiker gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Mayor Beam asked for a motion to amend the agenda and add citizens to be heard. Councilmember Puett made a motion to amend the agenda and add citizens to be heard. Councilmember Abernethy seconded the motion and the vote was unanimous.

APPROVAL OF MINUTES:

Councilmember Hovis made a motion to approve both sets of minutes. They are listed below:

CITY COUNCIL REGULAR MEETING SEPTEMBER 9, 2024
WORK SESSION MEETING SEPTEMBER 24, 2024

Councilmember Puett seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

"Let me begin by saying how great it is to be back at work. I still have several health issues to deal with, but I am optimistic and hopeful that they can be resolved soon.

First, I want to thank all of our city employees, citizens, and all organizations that assisted us on the repairs and clean up after our third storm since the spring of 2023. Our city has always been very resilient and this support is what makes the difference. It is a welcoming aid that helps us in getting our city back to some normalcy.

The city is looking fantastic at this time. James Parker just finished paving four of our streets and they look great. When you get a chance make a trip over North Elm, Melville/Styers, Rudisill and Benaja and feel the difference in the ride. These street improvements were paid through our Powell bill money and our hope is to do more paving when funds are available.

Mike Still has started on the Pink Street repair project. Unfortunately, we have had to divert school traffic to an alternate route until this project is completed. Mr. Still informed City Manager Dalton and I this past week that he probably is looking at several more weeks to finish this project.

The city has started cleaning up the storm debris as well as the annual leaf pick up and we ask our citizens to give us ample opportunity and time to get this done. The company that we normally rent an extra leaf truck from has gone out of business unexpectedly. We still have our two city trucks running at this point, but it is always a challenge to keep this equipment on the road without down time.

This past week City Manager Dalton and I took a tour of the new gym. Construction is still on going, the scoreboard has been installed as well as power to the building. The air must run for 14 days before starting to put down the hardwood floors. The parking lot has been paved and striped and the playground area has been graded and preparation to this area has begun also. This project is nearing completion and will be a major attraction for our city and citizens.

Scaryville is scheduled for this Friday night and we are expecting a crowd of over 6,000 that have indicated they will attend over our online survey. The city will be closing the street from Mountain/Main for a more efficient and safer event.”

CITIZENS TO BE HEARD:

Mr. John Rudisall owner of, Phoenix Corporate Services at 400 E. Main Street, approached the podium and shared the following:

1. Our company was founded in 1995. We could have, at that time, moved to a larger city, but we chose to keep our business here in Cherryville, the home of Carolina Freight, where my partners and I worked for over 20 years.
2. We have provided contract services to the City since July 1, 2004 and have worked with the City through a number of difficult times and situations, always working as much of a part of the City as any City employee.

3. I cannot recall having ever received a written or verbal complaint from any department concerning our services. To the contrary, every department we have worked with has been very complimentary of the services we have provided.
4. Our contract states that we can charge 1.5-2.0 times our normal hourly rate for services provided: outside of normal business hours, on weekends or on holidays. We often provided services at those times in an attempt to avoid interrupting normal City operations. Although applicable, in an effort to assist the city with maintaining their established budget, we have never charged this additional amount for services rendered outside normal business hours.
5. All that being said, without any explanation or justification, we received notice on Tuesday, September 24th from City Manager Dalton that our information technology contract was being terminated and that a new contract was being given to a company out of Monroe, which is located on the southeast side of Charlotte, about an hour away.
6. We were not aware that the city or any of its departments were dissatisfied with our services, as we have never received any complaints, either verbal or written.
7. It's interesting that this company, out of Monroe, apparently knows very little about the City of Cherryville or the various departments in the city, as we, Phoenix Corporate Services, are being asked to train them on the City's departments and operations.

Questions:

1. Has Phoenix Corporate Services ever not met the City's requirements for services? **NO.**
2. Has Phoenix Corporate Services ever not responded to the City's needs in a timely manner? **NO. I dare say we can and will respond quicker than any company out of southeast Charlotte.**
3. Has Phoenix Corporate Services ever once not provided services when requested or required? **NO.**
4. Were all departments in the city contacted and asked for input as it related to our services before the decision was made to go with a company located in Monroe? **I don't know the direct answer to that, but I hazard to guess, they were not.**
5. Were members of City Council consulted and asked for input as it relates to the services provided by Phoenix Corporate Services before the decision was made to go with a company in Monroe?
Again, I don't know the answer to that, but I can guess, they were not.

6. If there were any deficiencies in our services, why were we not approached by the City Manager or anyone else in the city with these concerns prior to an alternate service provider being employed? **Again, I dare say we were not approached concerning deficiencies, because there were none and I would request that any written complaints received from any of the departments be produced, since we have never seen any such documentation.**
7. Why was the request for pricing proposals for information technology services not posted on the City's website or announced to the general public for bid submissions? **Having provided information technology services to the city for well over 20 years, one would have thought that common courtesy and decency would have dictated that we be approached concerning this matter prior to it occurring, which we were not.**
8. Have multiple quotes been requested and received for information technology services? If so, with the "Sunshine Laws" being in effect, where can these proposals be accessed and reviewed by the public?
9. It was my understanding and thought that the City of Cherryville wanted to do business, whenever possible, with local businesses.
That being said, why was a local business, Phoenix Corporate Services, who has been providing services to the city for well over 20 years and that is located within two city blocks of City Hall, overlooked in lieu of a company whose nearest office is located on the other side of Charlotte in Monroe?
10. Finally, will this new company out of Monroe be opening an office in downtown Cherryville and staffing that office with at least as many staff members as are currently employed by Phoenix Corporate Services?
It should be noted that Cherryville Police officers often stop by our offices for assistance, when they are having issues with their in-vehicle computer equipment or systems. Any delay in services provided by a company located on the other side of Charlotte in Monroe could have a direct impact on public safety, which does not appear to have been taken into consideration.
11. In conclusion, as per the signed contract still in effect between the City and Phoenix Corporate Services, I'm assuming the City will honor their legal obligation and pay out the remaining 9 months of the renewed contract, if their intent is to employ another service provider?
12. All that being said, the real burning question is, who is really behind this change and for what personal reason?
It is obviously not due to the lack of services Phoenix Corporate Services has provided to the City and its departments or our

responsiveness to those needs and requirements for the past 20 years, otherwise we would not have remained under contract with the City for over 20 years.

Mayor Beam, "Thank you Mr. Rudisall, there were a lot of questions that were brought up at one time. I am not completely aware of the situation I can only say that this council does not make a lot of the decisions that are made in the city, that is why we have a city manager, is for him to make the correct assessment, the correct answers to employment that goes on. I don't have an answer right off for your questions. I think we could address them once you have brought that to our attention that maybe you just need to set up a meeting with our city manager and discuss any concerns that you have and hopefully something can be resolved then."

Mr. Rudisall, "I thought we would have been approached by that by the city manager."

Mr. Dalton, "Mayor, Council I'll say this has been going on for a long time that we have been looking at some of the issues were having, and a lot of it is, I agree with you we do need to set down and probably have a better face to face meeting, but a lot of this comes down to its, I'm not the best at the technology stuff by any means but a lot of it comes down to we are at risk of a lot of cyberattacks, and a lot of our departments, and we've had issues with multiple people that's been looking at our, specifically at the police department where we have had some issues. That's what we are a little concerned with right now, and that is why we are looking at other companies and IT Visual is the same company that all of our copiers and printer are contracted through, so it is a company we have been doing business with for I guess the last two years, maybe. So that is where we are looking at the IT services. But I will gladly set down with you Mr. Rudisall and go over some things."

Mr. Rudisall, "I'd be happy too."

SPECIAL RECOGNITION OF CHERRYVILLE HIGH SCHOOL "POWER PLAYERS", CHERRYVILLE HIGH SCHOOL ATHLETIC DIRECTOR MATT POWERS & PIEDMONT LITHIUM COMMUNITY RELATIONS MANAGER EMILY WINTERS:

Mr. Matt Powers and Ms. Callie Cook, of Cherryville High School, approached the podium to recognize the following students as Power Players for the month of October:



CHS POWER PLAYERS

Cameryn Bell – Cross Country

Jared Varela – Men's Soccer

SPECIAL EMPLOYEE RECOGNITION FOR YEARS OF SERVICE, MAYOR H.L. BEAM:

Mayor Beam recognized Mr. Clarence Bowers of the recreation department for five years of service:



CONSIDERATION OF BUDGET AMENDMENTS, CITY MANAGER BRIAN DALTON:

Mr. Dalton asked for consider to approve the following capital project budget ordinance and budget amendment:



Capital Project Budget Ordinance

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

Section 1. The project authorized is the Cherryville Water and Sewer Project, **No. SRP-D-ARP-0195**, to be financed by a State Fiscal Recovery Funds (ARP) Grant.

Section 2. The officers of the City of Cherryville are hereby directed to proceed with the capital project within the terms of the funding program requirements and the budget contained herein.

Section 3. The DWI administrative fee is 1.5% of the awarded amount of \$1,650,000, totaling \$24,750. Therefore, the following amounts are directly appropriated for the project:

Account Description	Account Code	Amount
Sewer Projects	40-7140-6900	1,625,250

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

Revenue Description	Account Code	Amount
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Section 5. The Treasurer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the funding agency, the funding agreements, and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the funding agency in an orderly and timely manner.


Section 7. The Treasurer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

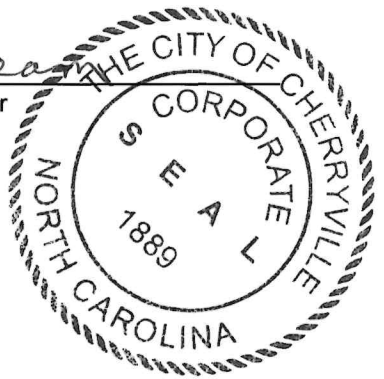
Section 8. The Treasurer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project budget ordinance shall be furnished to the Secretary to the Board, and to the Treasurer for direction in carrying out this project.

Adopted this 14th day of October 2024 at Cherryville, North Carolina.


 Paige H. Green, CMC, NCCMC, City Clerk


 H.L. Beam, Mayor




2024-2025 BUDGET AMENDMENT


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

Section 1. The 2024-2025 Budget Ordinance of the City of Cherryville adopted on June 10, 2024 is amended by increasing following appropriations due to Carryover Budget from Fiscal Year 2024 for NCDWI Grant due to the 1.5% administrative fee to the DWI (\$24,750) and the expenditure that occurred in FY 2024 (\$65,112)

<u>REVENUES</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
40.3714.2620	Capital Projects -Wastewater - Grant Revenue		\$89,862.00
<u>EXPENDITURES</u>		<u>Increase</u>	<u>Decrease</u>
40.7140.6900	Capital Projects - Wastewater - Grants		\$89,862.00

Section 2. This ordinance is effective upon its adoption this October 14, 2024


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



Councilmember Puett made a motion to approve both, the capital project budget ordinance and the budget amendment. Councilmember Freeman seconded the motion and the vote was unanimous.

CONSIDERATION OF RESOLUTION RE: LOCAL WATER SUPPLY PLAN, CITY MANAGER BRIAN DALTON:

Mr. Dalton asked for consideration of a resolution for approval of the 2023 Local Water Supply Plan. Mr. Dalton explained that the Water Plant Superintendent Bryan Williams, has worked hard to get the necessary information to the State. The Local Water Plan resolution has to be adopted by the governing board.

Councilmember Hovis made a motion to approve the resolution for the 2023 Local Water Supply Plan. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION OF PUBLIC HEARING RE: ANNEXATION ORDINANCE FOR DOLLAR TREE @2301 LINCOLNTON HWY (GIS PARCEL #312590), PLANNING & ZONING DIRECTOR RICHARD ELAM:

Councilmember Freeman made a motion to enter into a public hearing. Councilmember Puett seconded the motion and the vote was unanimous.

Mr. Elam approached the podium to go over the application for voluntary annexation for Piedmont Companies. Mr. Elam explained that all requirements have been met and Mr. Larry Bearden was present to answer any question that council may have.

Mayor Beam asked if any citizens would like to speak. There were none.

Councilmember Abernethy made a motion to exit the public hearing. Councilmember's Hovis and Freeman seconded the motion and the vote was unanimous.

Councilmember Freeman made a motion to adopt the ordinance to annex the property located at 2301 Lincolnton Hwy into the city limits of Cherryville. Councilmember Abernethy seconded the motion and the vote was unanimous. Below is a copy of the ordinance:



ORDINANCE ANNEXING CERTAIN CONTIGUOUS REAL PROPERTY TO THE CITY OF CHERRYVILLE, NORTH CAROLINA

WHEREAS, the CHERRYVILLE City Council has been petitioned under G.S. 160A-58.1 of the General Statutes of North Carolina, to annex the area described as 2301 Lincolnton Hwy (Gaston County PID #312590); and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a Public Hearing on the question of this annexation was held at the Cherryville Community Building in the W.J. Allran Council Chambers at 106 S Jacob Street, on October 14th, 2024, after due notice by publication on October 1st, 2024; and

WHEREAS, after the notice was duly given in compliance with the pertinent provisions of Chapter 160A-58.2 of the General Statutes of North Carolina, a public hearing was held before the City Council of the City of Cherryville, North Carolina, at a regular meeting held in the Cherryville Community Center in Cherryville, on October 14th, 2024 relative to the annexation of land that is contiguous to the existing city boundary hereinafter described to the City of Cherryville; and

WHEREAS, at said public hearing all persons who question the necessity for the annexation were given an opportunity to be heard along with proponents of such annexation; and

WHEREAS, after the completion of said public hearing, the City Council has determined that the Petition for Annexation meets the requirement of said Chapter 160A-58.2 of the General Statutes of North Carolina, and has further determined, after due and careful deliberation, that it is for the best interest of the City of Cherryville and its citizens that the contiguous real property proposed be annexed to the City of Cherryville; and

WHEREAS, the City Council finds it to be in the best interests of the City of Cherryville to modify the boundaries of the electoral district in order to afford the citizens of the annexed area full participation in the electoral process of the City of Cherryville and in order to comply with State and Federal law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cherryville, North Carolina, that the following described contiguous real property be and the same is hereby annexed to the City of Cherryville:


2301 Lincolnton Hwy (Gaston County PID #312590)


Being all those certain that 1.46 acres of land located in Cherryville Township, Gaston County, North, and being more particularly shown on the attached printout "EXHIBIT "A" of the plat from Gaston County's GIS Mapping showing the dimensions of said Gaston County PID #312590.

BE IT FURTHER ORDAINED THAT:

1. The annexed area herein above identified by added to and become a part of Ward 4; and
2. The effective date of annexation for the property under consideration is October 14th, 2024.

3. This Ordinance is adopted this 14th day of October, 2024.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor

OTHER BUSINESS:

Councilmember Hovis asked if Walmart and Scooters Coffee is inside the city limits. Mr. Dalton shared that they are in the city limits.

Councilmember Freeman wanted to remind staff that the parking lot on the corner of Depot and Main needs to be stripped, and the Rotary Park needs mulch.

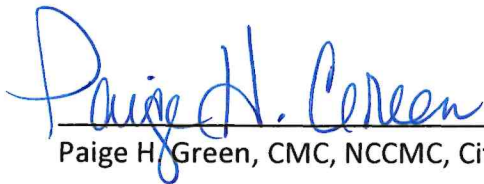
Mr. Dalton shared that the gym is still moving along. The basketball goals have been installed.


Councilmember Hovis asked what type of fence will be installed at the gym. Mr. Dalton shared that a wooden painted fence will line both sides of the gym. Mr. Dalton also shared that a sign is being made for the gym. It will be the Larry & Carolyn Summers Recreation Complex.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Hovis seconded the motion and the vote was unanimous. The meeting adjourned at 6:47 pm.

Adopted this 11 day of November 2024.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor

