



**REGULAR CITY COUNCIL MEETING
MONDAY DECEMBER 11TH, 2023 @ 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 Jill Puett, Jon Abernethy, Gary Freeman, and Malcolm Parker were present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Yansea Taylor, Public Works Director Chris J. King, Planning and Zoning Director Richard Elam, Finance Director Dixie Wall, Downtown Director David Day, Fire Chief Jason Wofford, and Police Chief Brandon Hunsucker were also present. Grace Smith with Wise News, and Michael Powell with the Cherryville Eagle were present for Media Coverage.

INVOCATION: PASTOR ZACK CHRISTY, FIRST UNITED METHODIST CHURCH:

Pastor Zack Christy gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Council member Abernethy made a motion to approve the agenda as written, Council member's Puett and Freeman seconded the motion and the vote was unanimous.

APPROVAL OF MINUTES:

Council member Puett made a motion to approve the following minutes as written:

CITY COUNCIL REGULAR MEETING NOVEMBER 13, 2023:

Council member Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

"Despite the rain, Who-Ville and the annual Christmas Parade both were big successes for our city. Over 5,000 people were estimated to attend these two events. The downtown merchants were pleased with the events and the business they produced. These events take a lot of planning and hard work by many different city departments and individuals. The city would like

to acknowledge and thank Mary Beth Tackett and all her volunteers for all the tireless work in ensuring these events successful for our city and its citizens.

Westgate Park now has six-foot fencing installed at the pickle ball courts. Eight-foot fencing for the basketball court will soon follow. The city plans for an official reopening of this park in the future.

The city has finished paying for the engineering cost for the new water line that will be installed on Highway 150. City Engineer Recil Wright and City Manager Brian Dalton are pushing to get this project's bid out as soon as possible. This new water line is critical to completing the loop of our water system to prevent dead ends.

The future housing development on Requa Road is now ready to start development. Equipment for this project has started to move onto the property. The contractors for the apartments on East Academy have announced that grading and construction will begin on December 15th.

Finally, on behalf of the Cherryville City Council, City Staff, and all city workers we want to take this opportunity to wish all our citizens a very happy and safe Holiday season. Always remember the reason for the season and that is the birth of our Savior Jesus Christ."

SPECIAL RECOGNITION OF COUNCIL MEMBER MALCOLM PARKER:

Mayor Beam recognized Council member Malcolm Parker for twelve years of dedication to the citizens of Cherryville with a plaque. Mayor Beam shared, "Malcolm has worked for us for the for the 12 years and has been very instrumental in what we have done as a city for the last 10 years." Council member Parker, "Just like to thank the good Lord and Citizens of Cherryville for these last 12 years, and I would also like to thank the Mayor, City Council, Brian Dalton and all of our city employees for the hard work and dedication they have put into this town in the last 12 years and just wish everybody a Merry Christmas and a Happy New Year."

SWEARING IN CEREMONY, MAYOR H.L. BEAM:

District Court Judge Craig Collins started the swearing in ceremony with Janice Hovis, and City Clerk Paige Green gave the oath to Councilmember Jon Abernethy and the Honorable Mayor Beam.

Councilmember Hovis, "I am honored and I'm extremely humbled that the voters of our city showed confidence and trust in me as they elected me to serve on this City Council for the next 4 years. As most of you know as well, probably as most of us here I've lived here all my life with the exception of one year in Charlotte attending college. I'm excited and I'm ready to serve in this capacity, and I look forward to working alongside Jill and Jon, and Gary, and Mayor Beam, and Mr. Dalton, our city manager, Mr. Dalton. Everybody's sitting up here I am sure want's the best for our city but, I would like to add one last thing. We're not going to agree on everything. We will not agree on everything. And we have had a couple issues over the past couple of years, that have divided the town and I've attended a couple City Council meetings prior to filing for

election and maybe one after I filed for election. I would just like to say, we must strive even though we disagree, we must strive to communicate with each other and to communicate with the citizen of the Cherryville in a respectful manner and with kindness. Thank you very much. Everybody have a Merry Christmas.”

Councilmember Abernethy, “Yeah, I think we've done a lot of good things in the last four years, I think the town is heading in a wonderful direction. I'm looking forward to the next four years and I think it's only going to get better from here. So, thank you, citizens of Cherryville for giving me four more years.”

Mayor Beam, “And that does bring us to my comments. You know what you get with me. I've been here 10 years. I'm going to be here for at least two more years and I do promise you this, there will not be any decisions I make, that I do not think is for not personal, but for the best for our city and its citizens. I love everybody in this town. I've been here for 79 years. I've been on business on Main Street for over 60 years, so I love this town. And I will strive to keep it as positive as I can and I hope that I can govern with wisdom in my mind and Christianity in my heart for the citizens of Cherryville. Thank you.

**CONSIDERATION OF PRESENTATION RE: 2022/2023 AUDIT, MS. SHEILA THORTON, CPA
MANAGING PARTNER BUTLER & STOWE:**

Ms. Sheila Thorton gave an update on the 2022 – 2023 audit. Ms. Thorton, “Thank you for having me tonight. I just want to let you know that I've presented a copy of the audit to the Council members. It's about an 85-page report, so I'm just going to get a couple of highlights for you guys let you know the important parts. We begin the audit in September and we finished the field work in early October. We were able to submit the report to the LGC by the October 31st deadline and they approved it in November. So, you guys are good with your deadlines for the year, there were no financial performance indicators of concern, if you had any of those, we would have had to let you know at this meeting that there were some concerns that needed to be addressed. We don't have any of those this year so, you don't have to do anything else as far as the LGC is concerned until next year. We did perform a single audit, you guys had spent in excess of \$750,000 in federal funds and that's the ARPA monies, the American Rescue plan monies, so it did require a single audit so there were some additional procedures performed this year. All of that went well. We didn't find any kind of discrepancies or anything, so we found the books to be in very good order and we were giving all the information that we asked for. So, our opinion on the audit is an unqualified opinion. That means that it's a clean opinion. We didn't have any kind of discrepancies that we would to note and talked about tonight, that is what you want. You want to clean opinion on your audit. OK, so everything went well. So, you have met the audit requirements of the North Carolina general statutes, and we believe these financial statements represent the financial status of the city at June 30, 2023. I'll just point out a couple of the highlights and these mostly can be found on pages 2 through 11. That's a summary of everything, the city's ended the year with combined assets exceeding your liability by, \$23,439,416, and that's an increase over the prior year of over \$635,854 dollars, so it could help with the financial conditions of June 30. The unassigned fund balance of the General Fund was

\$2,419,747 at June 30, and that amount represents funds that are unrestricted and they are available to the Council without any kind of restriction, so that's good number there. And then I just wanted to point out the 2 enterprise funds, your electric and your water and sewer, you guys had a combined income of \$421,089 for the year ended June 30, 2023. So overall, you know you have increases in the fund balance from 2022 to 2023. So, I feel like you had a good healthy year, as far as your finances are concerned. In the back you will see the combined part of the audit, and that is a requirement of the LGC to present the federal monies that were received. I believe that's on page 81, you'll see that that's the American rescue plan monies that were received, you receive \$967,622 It's 22 and those were spent during the year. So, I just wanted to point that out, since that's a compliance thing and make sure you guys knew that's in the back of the year. Any kind of questions that I can answer for you guys at the moment?"

Mayor Beam, "Only comment I would make, I'm looking on page two, and that is the percent of our fund balance now, is that correct 31.2%?"

Ms. Thorton, "That means that you fund balance is 31.2%"

Mayor Beam thanked Ms. Thorton for coming and sharing the audit.

CITIZENS TO BE HEARD CITIZENS THAT WISH TO SPEAK MAY DO SO BY COMING TO THE PODIUM AND STATING YOUR NAME AND ADDRESS BEFORE YOU SPEAK. COMMENTS WILL BE HELD TO 5 MINUTES PER PERSON. (PLEASE SIGN UP WITH THE CITY CLERK AT THE MEETING BEFORE THE MEETING BEGINS. IF YOU WISH TO SPEAK ON A MATTER WHERE A PUBLIC HEARING IS BEING HELD, YOU WILL HAVE A CHANCE TO DO SO DURING THE PUBLIC HEARING AND DO NOT NEED TO SIGN UP):

Mr. Sid Stroupe of 207 W. Academy Street approached the podium to let everyone know the 2023 cherry tree project has been completed. The 100 cherry trees were planted in one day. The majority of the trees did go in the city cemetery. Mr. Stroupe shared that he would like to have Cherryville referred to as the, "Jefferson Memorial of the South." Mr. Stroupe shared, "Just real briefly, we did have one benefactor that contributed the funds to do the total planning and we're really thankful to him, It's John B Talbert from Wrightsville Beach. He's a Cherryville native. He and his wife Judy Blackwelder Talbert wanted to do this. Now, I will admit this is a secret for Judy. John wants to let her know about this planting of cherry trees on Christmas Day, and he's doing this in honor of what they call the Cherryville cherries. This was a group of about 8 or 10 women that graduated in the CHS class of 1957 and he wanted to do it in honor of them. You know, every year for the last, I think I counted 60 something years, they would get together and come to Cherryville and revisit their families and friends and that sort of thing. So, it's a secret if anybody happens to talk to Judy in particular, don't let her know that this has happened, but she, she'll be aware Christmas Day and I will follow up just to say I want to thank my sister Carol. Carol and I went around several months ago and we did a complete inventory and this was everything all over town. Of every Cherry Tree that we have planted today. So, we have, you know, a plan that we would like to continue this like we said next year and then the next to target those areas that would really give us some good high visibility of these beautiful cherry trees in the spring."

Mr. Authur Robledo, of 532 Tot Dellinger Rd., approached the podium to share, "Just here to note that I had a water leak in front of my property. I'm not connected to the city water I use a well water. But I had this new pond growing in my front yard and it turns out it was a city water line that was leaking into the property, and when I called the City Water Department, they came over and the gentlemen's that are the men and the women they came over and helped me figure out where was leaking from. I determined that it was city water and we got it fixed and it got done within a couple, within a week or so and I just wanted to thank them for those work that they did and the water that they may have saved after we turned it off because, it had been running since May. We just have done it a week ago, maybe two weeks ago. So, I would suggest that maybe the water department invest in a water monitoring system. Thank you very much. I did e-mail the mayor, city manager and a few other people, but I never heard anything back, so that's why."

CONSIDERATION OF VEHICLES FOR HIRE RE: PERMIT FOR A TAXI SERVICE, CITY MANAGER BRIAN DALTON:

"Yes, Mayor Council, we were approached by Mr. Bombardier. A few weeks ago, about a potential taxi. Service here in town. Obviously, we've not had one of those, to my knowledge in my lifetime. I think at some point we used to have one, but our ordinances lay out what you have to do to get a permit in order to operate a taxi cab service. Now some of this is a little outdated, obviously with the with the coming of Uber and things like that. But as far as our ordinance goes, the permit has to be issued by the City Council. And if you look there on page 12 and going through page 14 It has all the rules and what has to be met, and specifically page 13, 1 through 3 is the issues that you look at, as far as determining if you would issue this permit, so if you would decide to issue the permit, at that point, the police chief then is responsible for making sure that the taxi cab service has certain markings on the car so that it's known what they're what they're doing, who they are, and the other thing is they have to do criminal background checks to make sure nobody's been convicted of any certain felonies or anything like that to operate the taxi cab service and Mr. Bombardier, I think has been working with Mr. Lail here in town about some decals for identification purposes and like I said, from that point forward if you would issue the permit, then like I said, it's on the police chief to make sure that he follows all the rules. You know, the proper insurance, the criminal background checks and all."

Mr. Bombardier approached the podium to share that he is very excited about having a taxi service in Cherryville for many reasons. He feels like his taxi can help all ages and he is willing to help with any need that a customer may have. He has reached out to the schools, Walmart, the drug stores, and he is aware that a new restaurant will be opening on Main Street that will be serving alcohol. Mr. Bombardier stated that he owns others business's and they are successful. He shared that he would like to give this taxi service a shot and he feels like he will have issues following the guidelines.

Listed below are the guidelines for determining issuance of a permit:

1. The applicant's responsibility.

2. The likelihood of the proposed service being permanent in nature and character.
3. The number and condition of the applicant's taxicabs and of any and all of the applicant's taxicab facilities.
4. The number of taxicabs now operated and the demand for increased service.
5. Whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved.
6. The applicant's experience in the taxicab business
7. The current population of the city and its projected growth.
8. Any other factors relevant to a particular application and to the taxicab situation as it exist as of the time of the application.

City manager Dalton explained that the taxi's would have to be inspected by the police chief every six months. He shared with council that all they are being asked to consider is issuing a permit. Mr. Bombardier would have to pass inspections with the police chief before he could begin to operate.

Council member Abernethy made a motion to issue a permit for a taxi cab. Council member Freeman seconded the motion and the vote was unanimous.

CONSIDERATION OF PROPOSED BIDS ON NEW GYMNASIUM, CITY MANAGER BRIAN DALTON:

City manager Dalton, "Yes, mayor's council as you know, we've been talking about this for several months now. We've actually already entered into an interlocal agreement with Gaston County where they are going to provide \$1.5 million towards this project. We put this out for bid after getting the engineered plans. At first, we had at a pre bid meeting we had eight contractors show up for the pre bid meeting. But as the as the project kept going and it got closer to time to bid a lot of the smaller contractors started dropping off, so we were left with two large contractors that were going to be and so we had to really re advertise because we did not get three bids at the time that they were due originally. So, we re-advertised at that point and when bids were due at this time we received two bids, one from Quinn sales, which most of you probably know is Custom Builders. Custom Builders built Caromont Urgent Care here in town just this past year or two. The other individual or company that bid was Beam Construction. Quinn sales came in at the low bid of \$1,643,363. So, at this time I am requesting that they be awarded the contract to bid the gymnasium."

Mayor Beam, "Can you tell us what the other bid was?"

Mr. Dalton, "Yes, Beam Constructions bid was \$1,864,000 and that is a difference of \$220,637."

Council member Hovis made a motion to award the construction bid to Quinn Sales or Custom Builders. Council member Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF WATER AGREEMENT WITH THE CITY LINCOLNTON, CITY MANAGER BRIAN DALTON:

City Manager Dalton shared, "The mayor and I met with Mayor Hatley and City manager Haynes with Lincolnton about our agreement with the City of Lincolnton on our interconnect. I'm going to say this interconnect has probably been in since what, early 2000s, maybe when we had a serious drought back in the early 2000s. But we've always been charged \$3.05 per 1000 gallons, when we would purchase water from the City of Lincolnton. So, we negotiated this contract to change that to \$1.50 cents per 1000 gallons. That's going to be a huge savings to us, of course. So, if you look on page 31, there under #1 about middle way down, you'll see there, that's the price of \$1.50 per 1000 gallons. But we can get up to 1.2 million gallons per day from the City of Lincolnton."

Council member Abernethy, "So all the changes that we have made to this contract have been made, correct?"

Mr. Dalton, "Yes, and the City of Lincoln had their council meeting last Thursday and they approved this new agreement and there was one thing that they changed. It can be found on page 33 of your agenda package under number six. And what this is, the \$1800 that we talked about in electric cost that they have on a given year because it's three phase down there at the pump station, if we would end up not turning the interconnect on at all, and never turn it on, there's \$1800 that well, there's actually \$300.00 a month to \$3600, so we've agreed to split that price. So, the only thing that they changed on that though is. Instead of the word remaining it's going to be the different. The difference in balance will be paid to Lincolnton within 45 days. So, what I'm saying is, if we buy, which we're always going to buy more than \$900 worth of water or \$1800 if we turn it on. But if we buy \$900 worth of water. Then we owe \$900 at the end of the year, not 1800. But I feel like we're probably going to be buying some water at some point. I mean, and it's worth it for us just to turn it on no matter what, to purchase that amount. And this would go into effect immediately, and actually it's going to revert back to a bill that we had several months ago and he's going to change the rate from \$3.05 per thousand back to the \$1.50, which is going to save us about \$40,000 in a bill.

Council member Puett made a motion to approve the contract with the City of Lincolnton for the water interconnect. Council member Freeman seconded the motion and the vote was unanimous.

CONSIDERATION TO SET A PUBLIC HEARING DATE RE: REZONING TERRACE ESTATES II, PLANNING & ZONING DIRECTOR RICHARD ELAM:

Mr. Elam approached the podium to ask for consideration to set a date for a public hearing for January 8, 2024, re: rezoning Terrace Estates II.

Mr. Elam explained, "The applicants William & Deborah Heafner applied on October the 31st for their properties 33 acres. West of Black Rock School Rd., to be rezoned from R12, which is single family residential, to a cluster development which is zoned as CZR 9. And we held our planning board meeting on November the 20th, and after lengthy discussion they voted unanimously to recommend denial of the application request, and they've sent it on to City Council for the public hearing, which City Council can come up with, you know, their approval or

resubmit to another status. Pages two and three is the application page 4 I circled the property that was going to be relocated. It's behind the West of those houses on Black Rock School Rd. And Page 5 is just another larger showing the rezoning around the property showing the Dewey Beams Estate to the east is R15 and those houses to the east of Black Rock School Rd. are R15 also. The white you see with those numbers, that's Gaston County. That's out of our ETJ and to the north, that's out of ETJ. The darker color to the South is the Delview community. And Page 6 is just a plat of their proposal and what they would do with the property if it is rezoned."

Council member Abernethy made a motion to set a date for a public hearing on January 8, 2024, for the consideration of rezoning Terrace Estates II. Council member Hovis seconded the motion and the vote was unanimous.

CONSIDERATION OF SURPLUS EQUIPMENT, CHIEF BRANDON HUNSUCKER:

*Cherryville Police Department
Brandon Hunsucker Chief of Police*



Surplus Equipment

The Cherryville Police Department is requesting the following equipment to be considered for surplus.

A Glock model 19 handgun and 3 magazines with the serial # BKR725

This handgun is the duty handgun issued to Captain Mark Stout of the Cherryville Police Department.

Captain Mark Stout will be retiring from his position with the Police Department on January 1st 2024 with his last working day being December 29th 2023. In the Law Enforcement profession, it is customary for the retiring officer to receive his handgun for retirement.

Cherryville Police Department is also requesting for approval of the handgun to be sold to and purchased by Captain Stout from the City of Cherryville for the amount of \$1.00.

The purchase will be completed using The Great Outdoors a licensed Federal Firearms Dealer for the firearms transfer. The Great Outdoors will use the Federal Firearms transfer forms (Firearms Transaction Record) and Form 4473. Chief Hunsucker will sign the form as the Transferee and Captain Stout will take possession of the handgun when the forms are signed.

Council member Freeman made a motion to surplus both gun and badge to Captain Mark Stout for \$1.00 when he retires. Council member Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION OF ARCHITECTURE REVIEW BOARD (ARB) NOMINATIONS, DOWNTOWN DIRECTOR DAVID DAY:

Mr. Day asked for consideration to re-nominate the following board members. They are listed below:

**This Year's Nominations for ARB Board by Donna Beringer
Up for re-nomination (2-year Term)**

- Scott Beam – 2024 – 2026
- Tim Moss – 2024 – 2026
- Stan Bumgarner – 2024 – 2026

Council member Puett made a motion to reappoint Scott Beam, Tim Moss, and Stan Bumgarner to the ARB. Council member Hovis seconded the motion and the vote was unanimous.

CONSIDERATION OF PROPOSED CEMETERY RATES, CITY CLERK PAIGE GREEN:

City Clerk Paige Green shared that price increase for opening and closing cemetery plots in the city cemetery. Greene & Son is the contractor for opening and closing the graves and each year he may have an increase for five or ten dollars. Below is the proposed price increase for consideration:



FEES FOR CHERRYVILLE CITY MEMORIAL PARK

The following fee changes for the **Cherryville Memorial Cemetery** will be effective **January 1, 2024** and will remain in effect until further notice.

FEES FOR GRAVE OPENING AND CLOSINGS: (CHARGES PRIOR TO INTERMENT)

Cremation Grave Opening	\$ 395.00	\$405.00
Baby Grave Opening	\$ 345.00	\$350.00
Adult Grave Opening	\$ 650.00	\$660.00
Oversized Adult Grave Opening	\$ 750.00	\$760.00

Council member Hovis made a motion to approve the proposed changes effective January 1, 2024. Council member Puett second the motion and the vote was unanimous.

CONSIDERATION OF BUDGET AMENDMENT, CITY MANAGER BRIAN DALTON:

City manager Dalton shared the following budget amendment for consideration:

Council member Puett made a motion to approve the budget amendment. Council member Abernethy seconded the motion and the vote was unanimous.



2023-2024 BUDGET AMENDMENT

#2024-06

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

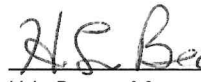
Section 1. The 2023-2024 Budget Ordinance of the City of Cherryville adopted on June 12, 2023 is amended by increasing the following appropriations due to donations for Piedmont Lithium Recreation and Cherry Tree Project

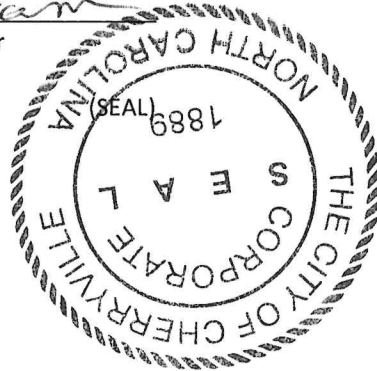
<u>REVENUES</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
10.3412.3350	General - Donations	\$ 16,500.00	
10.3412.3350	General - Donations	\$ 500,000.00	

<u>EXPENDITURES</u>		<u>Increase</u>	<u>Decrease</u>
10.4120.6930	Administration - Donations	\$ 16,500.00	
10.6120.6930	Recreation - Donations	\$ 500,000.00	

Section 2. This ordinance is effective upon its adoption this December 11, 2023.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



OTHER BUSINESS:

Mayor Beam read the follow:

“The City of Cherryville would like to try and explain the situation of the Historical Museum to the community. This has been a complicated process with many rumors that have not been accurate information.”

“It is true that the City of Cherryville was actively looking to recruit a nice restaurant for our downtown. We felt that with the recent beautification project that was completed a new restaurant would be beneficial to our downtown. We had one successful established restaurant that had started showing some interest in being located within our city. We had spoken to Cherryville Main Street LLC (Patrick O’Leary), and they eventually did make an offer on the building that houses the Historical Museum. There was an idea that this building could be used to house a new restaurant on Main Street. Mr. O’Leary had intentions to provide another building for the Historical Museum located on the same street as the C. Grier Beam Truck Museum. The city felt this building would be better suited for the museum from a maintenance standpoint and both museums would be located near each other.”

“Shortly after all this, Cherryville Main Street LLC purchased (3) additional buildings that were better suited for a restaurant. The upset bid process was still ongoing with the Historical Museum. There was a mistake made in placing the advertisement in the Cherryville Eagle. When this happened the city ultimately decided to decline all bids, which is clearly an option by North Carolina General Statute. The city then received another bid from Cherryville Main Street LLC to purchase the historical museum building for \$400,000. The Council accepted this offer and then the 10- day upset bid process started. No upset bids were received and ultimately council voted to accept the bid of \$400,000 and sell the property to Cherryville Main Street LLC. The city feels strongly that Cherryville Main Street LLC had intentions of keeping the museum in this location, with expanded hours and renovations that would draw more citizens to visit the museum with its extended open hours.”

“The city feels that a frivolous lawsuit was then filed by Al Putnam, the President of the Cherryville Historical Association. The lawsuit claimed adverse possession, which asked that the building be granted to the historical association by the Court. This lawsuit caused Cherryville Main Street LLC to be unable to obtain Title Insurance and they ultimately decided not to purchase the property. Mr. Putnam did voluntarily dismiss the lawsuit without prejudice. The without prejudice dismissal shows there were problems with the initial lawsuit, but there is potential for another lawsuit. This still caused issues for Cherryville Main Street LLC to receive Title Insurance and thus ultimately decided not to purchase. This was no fault of Cherryville Main Street LLC, and the city believes the right thing to do was to terminate the contract at the buyer’s request.”

“During this time all board members of the Cherryville Historical Association have resigned, except for Al Putnam and Laurie Pruitt. The city did send notification that the lease would not be renewed for 2024. The main reason for this notification was that the city believed they

would no longer own the building, and this was a requirement of the current lease. The city still has no intention of renewing the lease with the current board members. The city encourages all artifacts to remain in the Historical Museum and a new board will be appointed by the City Council in 2024. The city wants to be very clear; our desire is that the museum remain in the current building located at 109 E. Main Street. The city under no circumstance can let the current leadership of the museum remain in place. If the current President of the Cherryville Historical Association resigns, artifacts are left in the current building, and the City Council appoints a new board, the City of Cherryville will continue to have the museum on Main Street!”

“To sum up the situation, there is one person that is keeping the Historical Museum from remaining where it is now with all its belongings. The following former members or volunteers of the museum have walked away from the current leadership: Alice Dellinger Past President, Anita Millwood Past Secretary, Amy Beam Doster Past Board Member, Linda Barger Past Board Member, Greg Payseur Volunteer, and many others. What does this say about the museum’s leadership?”

“This is why the city cannot and will not continue to work with the current leadership. If you love the historical museum, please let this current one officer know it is time for new leadership.”

Mayor Beam asked if anyone would like to speak.

Mr. Rusty Wise of 1204 Johnson Drive, “I know Boozie is not here. Mr. Dellinger is not here he’s not feeling well but, he had been in negotiations with Mr. Dalton and Al and it was my understanding that Al was willing to drop everything if he could get something in writing that the museum would stay there. And the city did produce a 10-year utilities contract that the city would give the utilities for 10 years and also pay up to \$500 per month on the lease. But it’s my understanding that the negotiations between Mr. Dellinger and Mr. Dalton, is no one will ever put in writing that it’s going to stay at the museum. Now you said that, mayor, but Cherryville Main Street LLC never would put it in writing that they were actually going to keep it a museum. They never would say what they were going to do. So, it is my understanding that if Cherryville Main Street, LLC would have said yes, we are going to keep it a museum, this would have been over months ago, but nobody would ever put it in writing. It’s my understanding that the museum wanted a 10-year lease, but they said no, we’re not going to do a lease so, is the city going to have, what’s the lease going to be? Is it going to be a day? A year? Or what’s it going to be?”

Council member Abernethy, “We are not going to negotiate with Al Putnam at all, and none of that will be done until a new board has been appointed.”

Mayor Beam, “We do stand firm on that.”

Council member Abernethy, "If Al chooses to take everything and move it out of the building that's on him 100%, we're saying it can stay, but the board has to go. And that's very clear. That's our stance."

Mayor Beam, "I would tell you this Mr. Wise, we have deep concerns over the leadership and we look at it this way, that leadership has lost every single member that was on that board, with the exception of 1, so every all these Members have seen, they don't like the way that the that the museums headed so they pulled out. I know the Linda Barger, Alice Dellinger, Anita Millwood, I can keep naming Amy Doster, Greg Payseur, all these people have resigned. Does that not tell the current leadership they don't like the way the leadership is in the direction they're sending them? But the city is firm, where we're not going to renew that lease with current leadership, that's it. Period."

Mr. Wise, "Ok well, I just know that negotiations between, you know, Mr. Dalton and Mr. Dellinger and AL that everything was going to be dropped if the lease was produced, but no one would ever produce a lease."

Mayor Beam, "Let me explain this, they don't need to be making demands to us, we need to be making demands to them. We own that building. We give them free utilities, we repair the building to the extent we spent some \$48,000 in the last year, this current year, on that building so you know we definitely want to see it there. We've never had intentions that we didn't want it there. Our problem is with the leadership."

Mr. Wise, "Yeah, I'm not here to take either side. I'm really not. I just thought you know, no one would ever put in writing that it's going to stay the museum."

Mr. Dalton, "But Mr. Wise, I have to say that statement he just read is, you can consider that in writing. We choose to leave the museum there at 109 E Main St. period. We own the building that is our intention."

Mr. Wise. "It was almost a restaurant. Until the owner said he's not, put the restaurant in there."

Mr. Dalton, "But that's what I'm saying is your negotiations now are really with the city of Cherryville the current board needs, to be the current board, we need a new board and we're going to issue a new lease. City Council will choose a board issue, a new lease, and we move. And that's why we encourage all artifacts to stay and we encourage the museum to stay right there at 109 E Main St."

Mr. Wise, "Are you going to keep the same association?"

Mr. Dalton, "I think that would be a good thing. I do think the new bylaws that were presented to the City Council, I guess about a year, year and a half ago. Yeah, from the charter member those, those new bylaws probably need to be looked at as being adopted. But I think that is the best scenario for all citizens of the city of Cherryville. If they'll just leave the artifacts, the museum is going to stay there and the museum is going to continue to operate and it's

going to get better. That's the goal. The goal is to get a new board in there and to move forward with the museum being exactly where it."

Council member Freeman, "There is a cloud over that leadership now anyway, because he became president, really, in an illegal meeting. He didn't even tell the current president that he was having a meeting that night and they voted her out."

Mr. Wise, "Yeah, I don't know."

Council member Hovis, "I have a question that Mister Putnam removes artifacts, would he be liable? I mean, what would the Yansea would there be?"

City Attorney, "It depends on what the bylaws say, for one, if they're on lease, if they're on loan or if they are owned by the museum and what the relationship is with the Board and the city as to who owns those artifacts. But if he took things that belong to the city or any citizen that are not his, then by definition, that would be a taking, that could be potentially punishable by imprisonment or otherwise."

Mayor Beam, "I can add this to make it simple, how it all started. City manager, myself, and council member Parker, who was the liaison to the museum, went to their meeting, in a friendly manner, and told them that we wanted input into the leadership for one reason. We understood from the current President that they couldn't have a meeting for everybody hollering and not respecting Roberts rules or anything else. So, we told them, and we were immediately attacked, by members saying, well, you're here to take us over. But let me tell you we said we'll do it diplomatically, just like we do the ABC board. You come to City Hall, go to city clerk, get an application, tell us you want to be on the board at the museum. We will look at the applications and choose however many that would represent the city. The ABC Board gives us an audit every year, tells us every penny they take in, every penny they spend. They give us free reigns to their meeting minutes and everything the museum has never, as long as I've been mayor of this city, has never given us an audit report, has never given us a financial report, has never told us what is going on with the hundreds of thousands of dollars that has been donated to them. That the city has no control over it, it was donated to them, but yet they've not told us how it's being spent. Is it being spent on legal matters to sue the city? We don't know. Because we've never seen a report from them, but that, that's what I would comment and I'm done with this and let's some Council members have anything they want to say. Thank you, Mr. Wise."

Mr. Sid Stroupe, "So I'll just make a few comments. I'm Sid Stroupe and I live at 207 W. Academy Street. I joined the board in January, I believe of 2022, and within six months I was the in that year, I think I was the second person to resign from the Board of Directors. It's been spoken before the meetings were not meetings that I've ever, I've served on other boards, 501 3 C nonprofit corporations, and I've never witnessed anything that I like that went on there. Now, look, I realize it's a small town, so, you know, we were we were trying to get along, but I'll just say this, you know, to Rusty's point, look what the Main Street LLC their involvement is done. It doesn't matter at this point what the Main Street LLC promised or didn't promise. You

know, we're now at a point that the city they still own the building. We need to move forward folks, this has been going on too long. And I understand this, this should be operated, I think just like we do with the Cherryville Little Theater, you know, other groups in town. There's nothing wrong with having the city appoint, looking at resumes, you know who really wants to be involved. What's in there? You know? Are they really interested in history and preserving this? I think it's a great thing that we move in that direction and that's one reason why I was sort of forced out. Because I was on that side. I don't want to go into disparaging other people, but you know, we need a fresh slate, by the way, Mr. Putnam, I am not looking to join the new board. I think it's sometimes that, that's what started this whole thing is that he was so irate with me and my asking questions, that it was just, it was, there were no limits that that would go to, to try to keep this thing in turmoil and move forward. However, again, it's over. That's all done, it's in the past, I support the Council's direction to move this thing forward and I do ask people please talk to Mr. Putnam, please talk to Miss Lori Pruitt. Lori Pruitt is the other single remaining member. Here's my last point. I reviewed those bylaws when I joined the board because having been served on these before, I said that's the first thing, you know where the bylaws well, they're back in cabinet somewhere in the bylaws. And how do we know we're running this thing correctly if we don't know what we're bound legally to do as a 501C3 nonprofit corporation. We finally got that out, and I will say this, one of the downfalls of those bylaws, and who would have thought this, it can continue to operate, I believe with as few as one person on the board. Whoever wrote them never thought that something like this would come about, where you would have a mass exodus and you were left with two people, so my appeal is to Mr. Putnam and Miss Pruitt to do the right thing for this town. You know, there's been enough bad blood and you know name calling all this stuff, let's move forward. You know, Cherryville has got so much going right now, and this museum could be a top draw. I'm telling you for out-of-town business. Got to get moving, folks. So, thank you, Council."

Council member Abernethy, "I'd like to bring up I've watched a couple of the county commissioners' meetings recently. I've talked to several county commissioners. Their citizens, to be heard, is limited to 3 minutes and I've it's always been plenty of time. I don't know why we give 5 minutes. Even the gentleman that spoke earlier did not use the entire 5, so I would like to maybe have us discuss changing that to 3 minutes instead of five. I think 3 minutes is a lot of time to get your point across. If you get up here and you tell your point, and you don't beat around the bush, or you don't chew us out for 5 minutes, so I'd like to see us change that from 5 to 3. Like I said, the county does it, I know other towns only get three, I don't know why we ever gave 5 but, we can discuss it at the work session and then put it on the agenda for January 8 meeting."

Council member Freeman, "Can you give us an update on the recreation director position?"

Mr. Dalton, "Yes, we've received five applications I believe for the recreation director position, I'm going to start interviewing this week is the first interview on Wednesday and I have another individual that is coming home from college for break and I'm going to try to interview him and get home on his break and then I'm going to try to interview some of the other candidates at the first of the year."

Council member Freeman, "Is the screen up at Edwards Park?"

Mr. Dalton, "Not yet, but the fence did get installed today at West Gate Park around the basketball court. They finished it today. So, what I'm going to try to do is get chief offer to get his guys to go out there and wash the road down the port down, clean it up and hopefully we can have a reopening of Westgate here in the near future. We have planted new grass, straw is down and hopefully we can have a grand opening of the park soon."

Council member Freeman, "I told my neighbor I would bring it up. Is the police chief still here? I got a complained about speeders on East Academy Street."

Chief Hunsucker reported that traffic was watched for approximately three weeks and they did get some good feedback. There were very few speeders out of thousand of cars. He offered to give the true numbers but shared that he did not have that with him. Chief Hunsucker shared that he would move the signs to the east side of Academy this week.

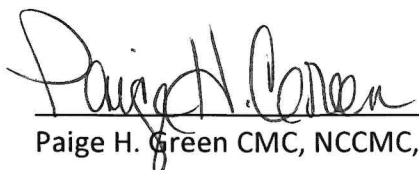
Mr. Dalton, "City offices will be closed December 25th, 26th and 27th for Christmas, and obviously the 26th is what our scheduled work session would be, to see about possibly rescheduling our work session to the 28th, maybe.


After some discussion, Council member Abernethy made a motion to reschedule the December 26, work session to December 28. Council member Puett seconded the motion and the vote was unanimous.

ADJOURNMENT:

Council member Abernethy made a motion to adjourn the meeting. Council member seconded the motion and the vote was unanimous. The meeting adjourned at 7:51 pm.

Adopted this 8 day of January 2024.


Paige H. Green CMC, NCCMC, City Clerk


H.L. Beam, Mayor

