



**REGULAR CITY COUNCIL MEETING
MONDAY JANUARY 8TH, 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 Jill Puett, Jon Abernethy, Gary Freeman, and Janice Hovis 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. Wise News was present for media coverage.

INVOCATION: PASTOR KEITH HUSS, MT. ZION BAPTIST CHURCH:

Pastor Keith Huss gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Councilmember Abernethy made a motion to approve the agenda as written. Councilmember Puett seconded the motion and the vote was unanimous.

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve the minutes from the December 11, and December 28, meeting. Councilmember Freeman seconded the motion and the vote was unanimous.

- A. CITY COUNCIL REGULAR MEETING DECEMBER 11, 2023
- B. CITY COUNCIL SPECIAL WORK SESSION MEETING DECEMBER 28, 2023

MAYOR'S COMMENTS:

On December 20th, the city held the ribbon cutting for the reopening of Westgate Park. A large crowd was in attendance complementing how great the park looks. There are certain

selected touch ups left to do. I urge all our citizens to take the time to drive out and look at all the upgrades that have been completed to this park.

City Manager Brian Dalton has informed the council that Lance Hudson has been officially employed as the city's new Recreation Director. Mr. Hudson is due to begin his duties on February 5th. Congratulations go out to Mr. Hudson as we wish him immense success as director of our recreation department.

With the additional funds we are receiving from the State plans are to replace the roof on the Historical Building. The city also has plans to pave the parking area at the community building. Parking in this area becomes desirable as Main Street continues to grow, especially with the addition of new eating facilities. This will be another enhancement to draw people to our downtown area.

CONSIDERATION OF PUBLIC HEARING RE: REZONING TERRACE ESTATES II, PLANNING & ZONING DIRECTOR RICHARD ELAM:

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

Planning & Zoning Director Richard Elam approached the podium to go through the application process for rezoning. Mr. Elam explained that the applicant, Mr. Craig Upshaw, of Piedmont Companies, Inc, Lincolnton, NC 28092, would be representing the owners of parcel number 158768. The property owners are William L. & Debra Heafner of Lincolnton, N.C. The rezoning request is from R-12 single family residential to R-9 cluster development. Mr. Elam explained that Mr. Upshaw has received permission from the property owners, to move forward with this request to rezone. Mr. Elam then proceeded to go through the application one page at a time explaining the application and also answering any questions. Mr. Elam went on to explain he sent a Letter of Notification to all adjacent property owners. He also advertised a Notice of Public Hearing in The Cherryville Eagle for two weeks prior to the public hearing on December 20 and 27. Mr. Elam explained the options that the council has in making their decision.

Mayor Beam asked if any citizen would like to speak.

Mr. Alvin Gene Dellinger of 1810 and 1820 Delview Rd., approached the podium to share his concerns about water run-off. "Mr. Mayor and members of Council, the reason I'm here is the concern of the runoff. The farm is in North Carolina century farm. It's been recognized actually, it's old enough now to get bicentennial farm, and I'm concerned there are two tributaries that feed into Muddy Fork Creek from the development. The water is flowing all the westward down the hill and what I'm concerned about is, and I was glad to see the developer already has one retention pond, that will need to be large and I want to explain to you why. Growing up and being on farm all my entire life, I have seen the flow of water when where the development is going to be within cotton, corn and wheat, and on the summer down burst, I've seen the Creek get to 10 feet. The Creek #1, the first tributary to be as high as 10 feet in there. When we didn't have a canopy. Now the development has a canopy in addition to the houses that are there. I would encourage the developer to leave as much canopy as possible because now my tributary

one is flowing at about anywhere from 2-3 and four feet, and if it gets to up to eight, it will wash out my entrance to the farm. And then on the back of the tributary, #2 retains the water.”

Mayor Beam asked Mr. Dellinger to point to the plat so everyone would know where he is talking about.

Mr. Dellinger pointing to the map, “OK, we're talking about this part where you see the blue pond. What I'm showing, if you can see this one, you can see the two tributaries, one is here. That's one tributary. The 2nd tributary is at this point. Ok, and the back one now is about two feet when we have heavy rain like tomorrow, if we have two days of continuous heavy rain, we will have three to four feet in tributary #1 and the tributary #2 will have a couple of feet. My concern is the runoff, and I'm glad to again say, the developer at least has one retention pond. I'd like for them to consider putting a second one in because, and my reasoning is, when I was growing up, I know how much water comes off of that ground when it didn't have a canopy. Now we do have a canopy and we're down to a couple 2-3 feet in the tributaries. So, my concern is, and also at the bottom of those tributaries are EPA Wetland, designated wetland and the question would be then, how the water gets pollutants and sediments then get into the wetlands and all of that is going into Moss Lake. So, I'd like to ask the council and the developer to consider a second sediment pool so that we keep the quality of Moss Lake, because eventually all of us are going to drink the water from that lake. I still have my well and the springs that are contributors to these two creeks. But that's the one thing I want the group to consider is the runoff and taking care of the settlements that they don't end up, because in the in the 90's, there was EPA and the USDA did a study of the settlements that were flowing into Moss Lake, and part of those actually came from the farm, which amazed me, they came to see me about it and we talked about doing a retention even in that sediment one creek. But then they decided against it. They decide to let nature take its course and therefore the creek now is about an inch and a half a foot and a half deeper than it was when I was growing up, because they had always cut the banks back. They piled the lumber of the trees into the bottom of that, and of course that hasn't been done in about 25 or 30 years at this point. But that's my biggest concern is, we take care of the settlement so it doesn't end up into Muddy Fork and then into Moss Lake.”

Councilmember Freeman, “Where do you think the other retention pond should go?”

Mr. Dellinger, “I think that what you've got the development and all the water from here is coming into the tributary 2, and the water from here is coming into tributary 1 and I, like I said, I'm glad to see this one. You'll need to be large enough to be able to take care of the water that comes off, when, especially if the canopy is taken out. And it will have to be taken out for these houses to be built. So, I would encourage that the canopy, as much of it as we can, be retained for the protection of the water. We're all more environmentally conscious today than we've ever been. I didn't think about environment when I was growing up and I'm 80 years old and that's my concern. We all need to be concerned about environment when you think about water pollution and the chemicals and even USDA, I have a report I do each year on the fertilizers that

i've used in the pesticides that I've used, I have to report that to USDA. And the North Carolina Department of Agriculture, part of my yearly report."

Mayor Beam, "Mr. Upshaw you have the floor now."

Mr. Upshaw, "One of the reasons we chose to go with the R9 cluster is the smaller lots which preserves everything you see in green. Keep it all, everything you see in green will remain ok. All right, so what you're seeing is currently already approved by the state as far as stormwater control. All of the roads, everything that runs off will go into the pond that's shown on here. We're certainly not averse to adding another pond if you think that's necessary. We want to preserve all of that green space. The walking trail would simply be a trail through the woods and we are looking to make a very nice neighborhood. It will not be visible from Black Rock School Rd., for the most part, because you're looking up a hill and then down into the neighborhood. The tree canopy along the back of the lots on Black Rock School Rd., will be, it's in all the documents, but that's going to be preserved, so that when you're on Black Rock School Rd., you do not see a two-story house behind the existing one-story homes. Anything you would like us to do as far as making bigger lots will eat into that tree preserve area."

Mayor Beam, "So right now you are proposing 100 homes?"

Mr. Upshaw, "Yes 100 homes. Improving the water infrastructure for this area is part of the subdivision. We have gotten quotes to Brian with the city on that taking care of that, and this is Mr. Tom Kutz, he is with Century Homes and they have agreed to help participate in paying for that infrastructure at the time the lots are purchased."

Mayor Beam, "We're talking about the water line that will have to go in there to increase the pressure."

Mr. Dalton, "Mayor, Council, what he's talking about is from Henry Putnam all the way to Black Rock School Road, and I think it's exactly 1631 linear feet of 12-inch water line, that would have to be installed to solve the pressure issue out on Black Rock School Road, and that would have to be done first before any construction."

Councilmember Freeman, "Will that help the water pressure for the people that already live out there?"

Mr. Dalton, "Absolutely."

Councilmember Hovis, "Mayor, can I make my statement? I was not on, it's like Gary said, I was not on the City Council when the previous two developments were approved. And my concern with rezoning this, first is the existing R-12, the houses that are already existing on Black Rock School Rd. I just, I am of the opinion that I'm not sure what the or how the density would change, but I think the lower density in this area, is going to be beneficial to the entire community because the higher density we get on these developments is going to impact

everything in our community. So, I would like to see this remain what it is R-12, based on those reasons. How would that effect the density Mr. Upshaw?"

Mr. Dalton, "I can help answer a little bit of that from speaking to Recil Wright, our engineer. What he has told me is if they remained R-12 as it currently is, obviously they would start building into this open space, the green area. And you would go from probably around 100 houses to around 76 to 80, is what it would change. But you would lose the open space."

Mayor Beam, "And that would be the walking trails, the golden ponds, and the canopy he is talking about too."

Mr. Upshaw, "Yeah you would lose the walking trails. The ponds would have to stay in order to meet the stakes."

Mayor Beam, "OK, my question would be and it's along the same lines as Council member Hovis, what is the difference if we did, say, an R-12 cluster with 8000 square feet and still have the six-foot set back on each side? So, it's going to be 12-foot between the houses. How would that cut? Would that cut down on the number of houses at 8000 square feet in an R-12 cluster?"

Mr. Upshaw, "It would or it would cut into the available green space. That would be a 33% increase in lot size so it's definitely going to eat into the green space or something would have to give. Either the number of lots goes down or we're going to have less green space. Here you are looking at 6,000 square foot lots and there you are looking at 8,000 square foot lots. And not only that, though, that changes the road locations. The road would have to be rerouted and all of that kind of stuff. So, you end up with longer roads and, which and all, all of the longer roads have the stormwater associated with them also, so that, that would increase the size of your stormwater system and your ponds."

Councilmember Hovis, "The planning & zoning board also recommended that we leave the area R-12. Is that correct Richard? The planning & zoning board recommended that it be left R-12."

Mayor Beam, I just thought that they denied it."

Mr. Elam, "That means the same thing, that they recommend it remain R-12."

Mr. Upshaw, "This build will take approximately 2 to 2 ½ years to complete."

After more discussion was held, Mr. Sid Stroupe of, 207 W. Academy Street, approached the podium to share, "I guess the first question, I want to back up to, we do have a planning board, right? And they have voted against this? But I haven't heard an explanation why did they vote against it? Now, it's not a reason that, we've already approved two like this, because we learn as we go along, and I just to that point that, is anybody here from the Planning Commission, Wade you may be on it? That can talk about what the negatives, because why have a planning board if you're, just going to discussed what they, or have I missed a meeting? Has that been discussed?"

So why isn't Richard, or somebody needs to present what planning recommended and why. There have to be specific reasons, right?"

Mr. Elam, "I said there's three new members on the planning board. Mr. Wade Stroupe and Ms. Veda Jackson, and Mr. Matt Mauney. They just, I guess their country, they just, you know, can't see that development. That's my idea."

Mr. Sid Stroupe, "Can somebody speak to what the specifics were I would be asking."

Mayor Beam, "I think it all goes back to what Richard was saying, the size of the lots. They would like to see more developments like Dewey Beam rather than cluster development."

Mr. Sid Stroupe, "Well, first of all, you know, I had to sort of apologize. I didn't even know where, I thought you were talking about the homes about the Stroupe Estates, because nobody explained. Is this, like, way up you go out Delview Rd. So, you know, thing too is, you've got water now coming off the Stroupe Estates, it's coming down and also hits Muddy Fork creek. There are tributaries up there, so you got to sort of look at these two in conjunction as to how much water do they really want to take on, maybe at, you know, Moss Lake. I didn't even know that they would have a say or anything that."

Mayor Beam shared that he would like to get a consensus of where the council stands to see if they were even close to making a decision or did the discussion need to be tabled for another meeting.

Councilmember Freeman, "I'm like you, I think we approved two similar developments already, I don't see how we can deny this one. Like I said earlier, it's going to create more competition for these lots and these other two developments as well, which will slow down the development there. And maybe they won't build 50 to 100 houses a year."

Councilmember Abernethy, "I personally I'm leaning towards continuing to get more information and to look at it closer. But that's just my opinion. I don't know that I'm ready to make a qualified vote yet."

Councilmember Hovis, "I'm not either."

Councilmember Puett, "Can we request the planning & zoning board meet with us at the next work session?"

Ms. Shirley Champion, of 209 Black Rock School Rd., approached the podium to shared, "I hear there will be two entrances and outlet to this subdivision. I know the one is 5 houses down on the left. I am wondering where the seconded one will be."

Mr. Dalton, "Where the rezoning signs are."

Ms. Champion, "Ok that is going to put more traffic on Black Rock, which once you go on down it's turn into a dirt road. Most of the people don't want to use the dirt road and mess up

your tires and what not. It's going to put more traffic on Black Rock going back out to Delview. And I think that needs to be considered as well, 100 houses, more people, more buses, more traffic coming down that one small road. So, I think that needs to be considered."

Mr. Dellinger, "Mr. Mayor, I'd like to just ask one question to the developer." Do we have enough room for school buses to turn in that area? Yes, rather than have all those, I think it's dangerous to have all those kids from the development walk all the way out to Black Rock. You have to think about a five-year-old little girl or boy either one walking from those developments back out to Black Rock to get to a school bus. In this day and time, it's dangerous. Thank you. This is how we have to think more than we've ever had. I'm not there anymore. Thank goodness I'm not. But we have to think about children's safety."

Mrs. Mandy Harrill of 404 S. Elm Street, approached the podium to share, "I'd like to thank Councilman Hovis for rethinking the lot size. Councilman Freeman, for maybe getting input from the planning and zoning board. That's two of my concerns. You've got a board that's, you know, studied this, talked about it. At least know what they, their concerns are. Also, about the lot size and I'm not against new developments by any means. That we've got so many going in now. I hope there's been a study on the impact of schools because being a retired school teacher, that's still there, I don't know that our schools right now can just handle the influx of, you know, all of this. So, I would like for you all to consider the lot size. I just think that will make a big difference on everything. That's all the concerns tonight. Thank you."

Councilmember Puett shared that once a development is approved, Gaston County Schools are contact so they know the changes that are coming their way.

Former Mayor Wade Stroupe, of 101-C S. Elm Street, approached the podium to share, "In full disclosure, I am one of the newer members of the planning and zoning board here in Cherryville. So just to clarify, my part in those discussions and meetings that we've had and our unanimous vote for denial of this project, and I'm by no means am I speaking for the rest of the planning and zoning members, and as a newer member and as a member of that board, we would welcome any occasion to meet and discuss this, and other planning and zoning topics with the Council. In my mind it was lot size. The city of Cherryville has established this property as R-12, twelve thousand square foot lots. It has been that way, for over 20 years, R-12. The owner of the land, has owned that parcel for over 20 years. So, they bought it at R-12. They've known for 20 years it's R-12 so it, to me personally, it's the egregious nature of this request. We're not going to R-15 cluster or we're not going to 10,000 square foot lots, you're cutting the lot size in half, 50%. All of the neighboring residential areas are R-12 or if you go on over to Dewey Beam R-15. So, you're taking an R-12 that has been R-12 for 20 years and you're asking to cut it in half. Perhaps if you were asking to go to 10,000 square foot lots, maybe there's some leeway there, but the planning and zoning board was asked to make a ruling on R-12 to the R-9 cluster, which you know all the numbers, but basically, we were asked to look at cutting the lot size in half, 12,000 square feet to 6000 square feet, and to me that's just incredibly egregious and that's a personal citizen comment. Thank you, Ms. Hovis, I agree with you. High density is

going to have a negative impact on our city. Whatever is done in the past is in the past. I don't see how you can make a ruling today based on anything else other than, this one development. You've heard about water quality. You've heard about school impacts, you've heard about traffic issues. So, I would just say that you do need to study it much more, and Requa Road, Stroupe Estates, those are done. Those are done. Let's rule on this. Judge on this on its merits alone. Thank you."

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

After some discussion, Councilmember Abernethy made a motion to continue this public hearing at our next City Council meeting in February. The meeting will be held February 12, 2024. Councilmember Puett seconded the motion and the vote was unanimous.

Mr. Elam, "You still want the planning board at the work session, correct?"

Councilmember Puett, "Yes."

Vote was unanimous in favor of continuing the public hearing for February 12, 2024.

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 3 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):

Ms. Shirley Champion of 209 Black Rock School Rd., approached the podium to ask if the city would be willing to pave the dirt road part of Black Rock School Rd.

Public Works Director Chris J. King shared that the road is a state-maintained road and it would be up to the state to pave it.

CONSIDERATION OF COUNCIL APPOINTMENTS, MAYOR H.L. BEAM:

Mayor Beam went over the list of council appointments. They are listed below:



Appointment

Mayor Pro-Tem

ABC Board Liaison

Current Appointee Appointed 01/08/2024

Councilmember Jill Puett

Councilmember Jon Abernethy

Appearance Committee/Garden Club	Councilmember Hovis
Audit Committee	Mayor H L Beam Councilmember Jon Abernethy-Chairman
Centralina Council of Government	Councilmember Jill Puett Alt. Mayor H.L. Beam
Cemetery Committee Liaison	Councilmember Jill Puett
Chamber of Commerce Liaison	Councilmember Gary Freeman Alt. Councilmember Jon Abernethy
Depot Museum Liaison & Historical Museum	Councilmember Hovis Alt. Councilmember Gary Freeman
ElectriCities Board	Mayor H L Beam Alt. Brian Dalton-City Manager
ElectriCities Rate Committee	Councilmember Jill Puett Alt. Dixie Wall
Fire Department Relief Fund Board	Councilmember Jon Abernethy Co-Chair Gary Freeman
Gaston-Cleveland - Lincoln Transportation Advisory Committee (MPO)	Mayor H L Beam Alt. Councilmember Jill Puett
Recreation Advisory Committee Liaison	Councilmember Gary Freeman Alt. Councilmember Hovis
YMCA Liaison	Councilmember Gary Freeman Alt. Councilmember Janice Hovis
Main Street Program	Councilmember Jill Puett Councilmember Gary Freeman

Councilmember Abernethy made a motion to approve the appointments for Council. Councilmember Puett seconded the motion and the vote was unanimous to approve the appointments.

OTHER BUSINESS:

Councilmember Hovis asked Police Chief Hunsucker about the status of the taxi service coming to Cherryville. Chief Hunsucker stated that he talked to Mr. Bombardier before Christmas and he was working on getting his background check and other paperwork together.

City manager Dalton publicly thanked Mr. Lance Wyatt for the outstanding job he did on removing the tree at the city pool. Not only did he remove the tree, he also planted grass and covered with straw. Mr. Dalton stated that the area looked great and Mr. Wyatt is to be commended for the job he did.

Mayor Beam asked Mr. Dalton for an update on the Cherryville Historical Museum.

Mr. Dalton, "A museum update, we did meet with Mr. Putnam, Councilmember Freeman, and Councilwoman Hovis. Basically, we've talked about going back to when this all started. Palmer Huffstetler Sr., you know he's the charter member of the historical association and he provided some new bylaws and recommended those bylaws be adopted. So, we're back basically at that level, we we're trying to negotiate with Mr. Putnam and Lori Pruitt, they are the two members that are left, to adopt the new bylaws and resign from the historical museum, but the museum would stay there, as is. The artifacts would remain inside and City Council would then, based off the bylaws, appoint a new board for the Historical Museum. As you know, this afternoon, maybe around 4:00, Mr. Putnam did send the list of items that he wishes to have. I think some of you, or most of you, have had a chance to look at some of those and some of that is not feasible. I don't believe some of it is feasible. So, at this point, you know, I think our best option is to basically, go back to where we were, and where when we met with Mr. Putnam last week is, you know, Mr. Huffstetler has already given us the paperwork that he recommends we have them sign, where they amended the bylaws and where they resign from the Historical Association, giving Council the ability to appoint a new board. So, at this point, I think our best option is to probably, this week, that needs to be done or we'll have to move forward probably."

Mayor Beam, "I got one question, when y'all met, and I wasn't privy to be there, that meeting and I have heard some of the discussion that was discussed at that meeting, but was it ever brought up about dropping the law suit?"

Mr. Dalton, "No, I don't remember us ever even talking about the law suit at all."

Councilmember Freeman, "I said that I wasn't going to give that painting back as long as that is hanging over us. What I'm referring to is, a painting that I did for the city back in the early 90s. When I went through the museum, I saw it hanging up high improperly framed with no mat, couldn't even see my name on it, and I asked Pat, the director, if I could take it and reframe it. And I told her when I got it reframed, I'd bring it back. But in the meantime, all this controversy started when we got sued, and we were told not to have any contact with them. And so, I told him and I told them all, that once it's all settled, I'll give it back to the museum, but I really,

really, I don't think I have to. It's got my name on it. And I did it for the city, not for the museum, but I will, I'll give it back to them once it's all settled."

Councilmember Abernethy, "Yeah, I personally think we've made our stance very clear. We sent the letter saying that as of December 31st, our lease agreement with them was null and void and it is currently so, there's no lease agreement in place. I think the relationship between us and that board is fractured beyond repair, and they reached out to us at 4:00 today wanting to negotiate terms at the last minute. I'm not in favor of that. I am all in favor of us setting a deadline before we leave here tonight to say. Here's our terms. Number one, you adopt the new bylaws, #2 you resign? And then we will move forward with establishing a new board."

Mr. Dalton, "And technically the lawsuit has been dropped."

City Attorney Taylor, "Well, it was without prejudice, so it could be refiled. The list pendants have expired, so that will not, as to your question Mayor Beam, it should not impact any of your properties that those are expired by operation of law statute. So, it's just like Brian said, technically the lawsuits dropped."

Mayor Beam, "OK, I don't understand why they think they can make the agreement when we own the building and they're telling us what we can do. We need to be telling them what they can do or else. And I think that's basically what John said, we put a deadline on them."

Councilmember Abernethy, "Here we are January 8th. I'll go ahead, and put this in form as a motion I mean I'm ready, and we'll see where it goes. So, I hereby make a motion that we give the current board of the museum until this Friday at 5:00, to adopt the new bylaws and resign. And if that is not done, then we will formally move forward with eviction of the board. I want to make it clear that we would like for the stuff to stay and we would like for that building to be maintained as a museum, but I do not want to, I think the relationship is too fractured with that board and I want to that board to resolve, I mean dissolve. I support a new one and move on establishing a new lease and the new agreements with that new board?"

Councilmember Puett, "I seconded that."

Mayor Beam, "So the deadline will now be what, what day will that be, this coming Friday? January 12, 2024 at 5:00 pm. and we go, we start the proper legal procedure of evicting them, that board from the building with all artifacts remaining in the building. Have I left anything out? Because I want to get it exactly the way you want it worded for our minutes exactly. We got that on a motion and a second any other discussion by Council."

Mr. Dalton, "Can I interject this one thing this Friday at the deadline at 5:00, do you want to lock the doors?"

Mayor Beam, "Absolutely nobody's in there. They shouldn't be in the building period. I mean, that's my opinion."

Mrs. Taylor, "Mayor and council, the rule is that we can only do that which is called a self-help eviction, so long as it does not breach the peace. So, and breach the peace is a pretty low threshold. So, if they protest and say no, you can't put the locks on the doors, the courts have recognized that that's enough to say that that would be a breach of the peace. So, I suggest we serve them with eviction, before we lock any doors. Just so that we are making sure that we are doing everything correctly."

Councilmember Freeman, "What is the process with that?"

Mrs. Taylor, "We will have to go to the court and file a summary ejection motion, and then there will be a hearing set within 20 days of that motion. They will be served with that and then, and they can remain in possession during this time, and then the magistrate will hear our case and they will make a ruling, and then they're given seven days to appeal, and if they do not appeal on the eighth day, business day, then you can get the sheriff to forcibly remove them."

Councilmember Hovis, "I have a question. Who are we evicting? Are we evicting the hysterical, hysterical, hysterical, the board members, I mean, who are we evicting, actually?"

Mrs. Taylor, "Our lease is with the Historical Society Association Board members."

Councilmember Hovis, "So, we will be evicting the association."

Mayor Beam, "I have a question for City attorney. You said they could still have possession of the building until, and it could be up to 20 days before it is served. Can they remove any of the artifacts? Who really owns these artifacts?"

Mr. Dalton, "If you remember, Palmer senior when he come and talked to us originally, he clearly told us that the association owns the artifacts within the building."

Councilmember Abernethy, "Except the fire truck. We own the fire truck."

Mayor Beam, "So, I've heard people say I only loaned them something to use in that museum and it was with a handshake or by word of mouth that they could put my prom dress up safe on display, but I still own it. My sister has a picture as big as the seal of Cherryville there of her, when she was administrator of Carolina Care Center. She only loaned it to them, she didn't give it to him. So, what happens if they take that?"

Mr. Dalton, "In my opinion, that is not a legal battle that the city needs to get involved in. That's between that individual and the association."

Councilmember Hovis, "OK, if that's the case, then I think we need to proceed with haste. If we can get this settled by Friday and get new board members and proceed with haste."

Mr. Dalton, "I'm guessing if the current board members would come in tomorrow or whatever and amend the bylaws and resign, then we're good. We don't need to go forward with anything else."

Mrs. Taylor, "Exactly, that would be ideal if we can reach a mutually agreeable agreement, yes."

Mayor Beam, "OK, we still have a motion and a second on the floor, and that is to proceed with the eviction of the historical association from the building at 109 E. Main Street, so all in favor of this motion say so by aye."

Vote was unanimous.

Mr. Dalton, "Custom has started submitting the plans to try to get the permits awarded for the new gym. We do have a couple things that the county has back bounced back to us, so we've sent the plans back to the engineer to get them to make a few changes that, that the county has asked for and then hopefully we'll have the permit."

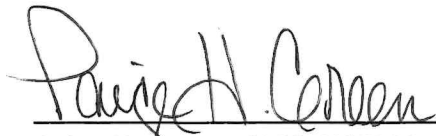
Mayor Beam, "Is it not the very same plans Stanley had?"

Mr. Dalton, "Don't get me started on that. I've asked that question 100 times. How do you deny a permit for a building that you've already approved, and it's the same engineer, same plan. I don't know how to answer that."

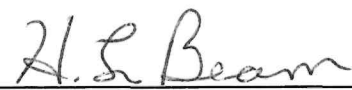
ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Puett seconded the motion and the vote was unanimous. The meeting adjourned at 7:30 pm.

Adopted this 12 day of February 2024.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor



1

2

3