



**REGULAR CITY COUNCIL MEETING
MONDAY AUGUST 8, 2022 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN 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 Council Chambers. Councilmember's Jill Puett, Gary Freeman, Jon Abernethy, and Malcolm Parker were present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Planning & Zoning Director Alex Blackburn, Wastewater Superintendent Larry Wright, Fire Chief Jason Wofford, and Police Captain Brian Doolittle were also present. Police Chief Cam Jenks joined the meeting at 6:50 pm. Michael Powell was 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:

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

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve all four sets of the following minutes presented. They are as follows:

City Council Regular Meeting June 12, 2022
City Council Regular Work Session Meeting June 28, 2022
City Council Regular Meeting July 11, 2022
City Council Regular Work Session Meeting July 26, 2022

Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

“Over the past several weeks, we have had some issues at our water plant because of the recent heavy rains that have made our water unusually dirty at the creek level. We have had to wait several days before pumping this water to the reservoir. This is an example why the inter connects between Lincolnton and Cleveland County are vital for our future growth and water interruptions due to these issues as well as drought concerns.

On Wednesday July 27, Council Members Jill Puett, Gary Freeman, Jon Abernathy and I attended the Main Street Program Kick-Off for the coming year. The event was held at Niney’s and a cuisine was catered by Iris Hubbard of 133 West of Kings Mountain. After the meal, I was asked to speak to the attendees, followed by comments from all Council Members present. A banner year is expected for our city’s Main Street Program.

On August 3, I attended a Ribbon Cutting and Open House for the Belk Building on Main Street. A huge crowd was on hand that included County Commissioner Allen Fraley, City Manager Brian Dalton, as well as Council Members Jill Puett, Gary Freeman, and Jon Abernathy. At this event, I was honored to introduce Mr. Patrick O’Leary, the investor and owner of the newly renovated building. Mr. O’Leary announced that three of the four apartments on the top level have been rented and several of the businesses on the lower floor have been rented as well. This is a great asset to our downtown revitalization certainly enhancing future growth for our Main Street area and city also.

This past week, the city received \$967,000 in ARPA funding. This is our second round of funds from the American Rescue Fund and will help us financially in completing several of our city projects.

The city is currently in the process of accepting bids on the Westgate Park Project. Our city is hoping to begin this project in the very near future and look for completion sometime in the next year.

This concludes the Mayor’s Comments for this evening and we will now move to tonight’s agenda.”

CITIZENS TO BE HEARD:

No one wished to speak.

CONSIDERATION OF PUBLIC HEARING RE: REZONING FROM R-40, R-15, & R-12 TO R-9 CLUSTER DEVELOPMENT FOR PROPERTY LOCATED ON REQUA RD., (GASTON COUNTY PID #'S 158390, 203081, 158391, 203082, 203074, 203083, 203075, 203084, 203076, 203085, 203077, 203086, 203078, 203087, 203078, 203088, 203080, AND 203089) PLANNING & ZONING
DIRECTOR ALEX BLACKBURN:

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

Planning & Zoning Director Blackburn shared City Staff received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, regarding a possible rezoning and annexation request for the Parcels outlined above. A complete application with payment was obtained on May 13, 2022 from Mr. Robert Johnson. This request is to change the current zoning of the 161.2 acres residing within the City of Cherryville's corporate limits from the designations of Rural Residential District (R-40), Single Family Residential R-15, and Single Family Residential R-12 to that of the R-9/Cluster zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

Mr. Blackburn went on to say that in speaking with the applicant, Robert Johnson, they are hoping to utilize the 161.2 acres to provide for 504 single family homes to be accessed by Requa Road. Due to the proposed number of homes, two access points will be required for the subdivision.

The current properties surrounding this parcel are listed as Rural Residential (R-40) to the South West, R-15 to the East, General Manufacturing and Commercial to the North and Residential Multi-Family and R-9 to the North East.

Councilmember Parker asked Mr. Blackburn to explain to the citizens how these 500 homes that are going to be built, will only have one way in and one way out and it is on Requa Rd.

Mr. Blackburn shared that at this time, there is only one entrance and exit, but a development this size, will have to go through a rigorous traffic impact analysis with North Carolina Department of Transportation (NCDOT). They will consider the number of homes, the number of drivers, the number of trips made a day, etc. The NCDOT will then tell the developer what will need to take place to accommodate this development. Mr. Blackburn shared that he and Mr. Dalton did speak with last Monday with the NCDOT District 12 in Shelby, and they were told that every intersection within a mile radius would require an impact analysis study.

Mr. Johnny Johnson of 1323 Requa Rd. approached the podium to state many concerns. They were the existing traffic already on Requa Rd., school traffic, the bridge at the bottom of the road that floods, the possibility of the property owners losing road frontage, and the dangers to children on this road because the road is already a drag strip.

Rev. Jerry Lail of 204 Lee Black Rd. stated that he owns the property on Lee Black Rd. that surrounds the property and his property is not for sale. He stated that someone has not done homework on this property because it is old farmland and a certain part of the property is wet land. He has contacted the Environmental Protection Agency (EPA), and he was told to call them back when the first spade is turned. He was also concerned about Cherryville losing their identity.

Mr. Charles Moyer of 102 Hidden Valley Dr. expressed concerns just as his neighbors about the standing water on the land, the school traffic, pedestrians, children being hit by speeding cars, and he is concerned about the density. He was also concerned about the value of his property being affected by this development as well as other environmental issues, such as the fire salamander that is an endangered species.

Ms. Costner of 1226 Requa Rd. shared that she had not received the keys to her new home when she heard about this possible development. She stated that her and her family have been

planning and waiting to build their home and if this development is completed, she will never get out of her driveway because she will be stuck in the middle. Ms. Costner stated that 500 homes was too many for that area.

Mason Beam of 809 Requa Rd. shared some of the same concerns as his neighbors and he also, shared that some city employee that work at the water plant told him that adding this development with the other developments that are already planned, will be too much for the water plant to handle. He also shared that traffic circles are something the city needs to consider if, this development is approved.

Mayor Beam shared that all questions will be addressed before any decision is made.

Councilmember Parker asked Mr. Johnson if he was the developer. Mr. Johnson responded that he is the developer and he is willing to answer any questions that citizens may have.

Mayor Beam asked for a motion to continue this public hearing. Councilmember Abernethy made a motion to continue the public hearing for the consideration of rezoning these 18 parcels, to be re-convened at the September 12, 2022 meeting to be held at 106 S. Jacob Street starting at 6:00 pm. Councilmember's Puett and Freeman seconded the motion and the vote was unanimous.

CONSIDERATION OF PUBLIC HEARING RE: ANNEXATION FOR TWO PARCELS AND A PORTION OF ANOTHER PARCEL (GASTON COUNTY PID #'S 158391, 203078, AND A PORTION OF 203074) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Councilmember Abernethy made a motion to enter into a public hearing. Councilmember's Puett and Parker seconded the motion and the vote was unanimous.

Planning & Zoning Director Blackburn shared that on May 31, 2022, the owners, through their designated agent, of properties known, as Parcel ID #'s 203078, 158391 and a portion of 203074 of Gaston County, City of Cherryville Extra Territorial Jurisdiction, submitted a petition for Voluntary Contiguous Annexation into the city limits of the City of Cherryville. The property consists of 2.47 acres.

The standards for annexation require that the property must be contiguous to the "primary corporate limits". The fact that the property PID # 158391 lies in abutment to the City of Cherryville along the South and Western boundaries demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Cherryville. The property of PID # 203078 and a portion of PID # 203074 are fully bounded on all four sides by the Corporate Limits of the City of Cherryville and are thereby conforming to the North Carolina General Statutes for Voluntary Annexation of Contiguous Property.

The new development will be subject to the applicable taxes and fees in accordance with rates in effect through the City of Cherryville. The City will deliver standard municipal services for the property upon development. The City will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

Mayor Beam asked if any citizens wanted to speak on this matter. No citizens wanted to speak.

Councilmember Puett made a motion to exit the public hearing. Councilmember Parker seconded the motion and the vote was unanimous.

After some discussion, Councilmember Freeman made a motion to approve the annexation for the two parcels and a portion of another parcel. Councilmember Puett seconded the motion the motion and the vote was unanimous.

CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: REZONING FROM B-3 (GENERAL BUSINESS DISTRICT) TO R-9 (SINGLE AND TWO-FAMILY RESIDENTIAL) 1407 E. MAIN STREET (GASTON COUNTY PID #215920) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Planning & Zoning Director Blackburn shared that owner/applicant Mr. A. Patel contacted him on Thursday, June 30, 2022 regarding the property listed above located at 1407 E. Main Street Cherryville, NC 28021 further identified as Parcel ID# 215920. The owner is requesting a Zoning Map Amendment from the current designation of the General Business District (B-3) to that of the Single and Two-Family Residential (R-9) zoning district. At this time, the applicant is proposing that the property would be more suitable for a duplex considering the amount of time it has been vacant as a business (formerly Papa John's Pizza). The Planning Board reviewed the rezoning request at their regular scheduled July 18, 2022 meeting and they did not approved the request.

Councilmember Puett made a motion to set a date for a public hearing on September 12, 2022 for the rezoning request for 1407 E. Main Street. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: REZONING FROM B-1 (CENTRAL BUSINESS DISTRICT) TO R-0 (RESIDENTIAL OFFICE) 109 S. JACOB STREET (GASTON COUNTY PID #129868) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Planning & Zoning Director Blackburn met with an applicant regarding the potential uses allowable for the current zoning designation of the Central Business District (B-1). Property owners inquired about the possibility of having the existing structure remodeled to its original use as a Single Family Dwelling as it was when constructed in 1918. City Staff and the applicant agreed that the Residential Office (R-O) zoning designation would be the more fitting zoning designation for the intended use of the property and its existing structures. A completed application for a Zoning Map Amendment was submitted on July 8, 2022. The subject property is currently abutted on the South and Eastern sides by the R-O zoning district. To the North and West, properties are zoned as B-1. The Planning Board reviewed the rezoning request at their regular scheduled July 18, 2022 meeting and they approved the request.

Councilmember Puett made a motion to set a date for a public hearing on September 12, 2022 for the rezoning request for 1407 E. Main Street. Councilmember Abernethy seconded the motion and the vote was unanimous.

UPDATE ON WEST GATE PARK, CITY MANAGER BRIAN DALTON:

Mr. Dalton reported that he has one bid in for the renovations at West Gate Park. He is still waiting to hear from another contractor.

OTHER BUSINESS:

City Manager Dalton shared that the Planning Board approved the final plat for the J.C. Dellinger subdivision development, at their regular meeting July 18, 2022 meeting.

Mr. Blackburn shared that Mr. Robert Johnson plans to build 13 homes in this subdivision.

Councilmember Abernethy made a motion to approve the final plat for the J.C. Dellinger subdivision. Councilmember Freeman seconded the motion and the vote was unanimous.

Mayor Beam shared that, two councilmembers that will be out of town for the regular scheduled work session on Tuesday August 30, 2022. Mayor Beam asked the council to consider rescheduling the meeting.

Councilmember Puett made a motion to reschedule the work session for Tuesday August 23, 2022 at 6:00 pm., Councilmember Abernethy seconded the motion and the vote was unanimous.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the vote was unanimous. The meeting adjourned at 7:50 pm.

Adopted this 12 day of September 2022.



H.L. Beam, Mayor



Paige H. Green, CMC, NCCMC, City Clerk

