



REGULAR WORK SESSION MEETING

TUESDAY MAY 31, 2022 @ 5:30 PM

CHERRYVILLE FIRE DEPARTMENT

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

The Honorable Mayor H.L. Beam called the meeting to order. Councilmember's Gary Freeman, Malcolm Parker, and Jon Abernethy were present. Councilmember Jill Puett was not present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, Public Works Director Brandon Abernathy, Fire Chief Jason Wofford, Finance Director Dixie Wall, and Planning & Zoning Director Alex Blackburn were also present. Michael Powell of the Cherryville Eagle was present for media coverage.

ITEMS FOR DISCUSSION OR ACTION:

PRESENTATION FROM CHERRYVILLE ABC BOARD, BOARD MEMBER JR BEAM:

James Beam of the Cherryville ABC Board presented the City of Cherryville with a check for \$30,000 from alcohol sales.

DISCUSSION OF FY 2022 – 2023 PROPOSED BUDGET, CITY MANAGER BRIAN DALTON:

Mr. Dalton reminded everyone that the public hearing would be held June 13, 2022 for consideration of the proposed 2022 – 2023 budget.

DISCUSSION OF SPECIAL USE PERMIT FOR ANTHONY GROVE BAPTIST CHURCH, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Planning & Zoning Director Alex Blackburn approached the podium to share that a public hearing will be held on June 13, 2022 for consideration of a Special Use Permit for Anthony Grove Baptist Church.

Mr. Blackburn shared that on Monday, March 21, 2022 he met with Rev. Dr. Dennis E. Bean and Trish Crocker regarding the possibility of opening a daycare and elementary school. Mr. Blackburn explained that that Anthony Grove would like to open the daycare and elementary school within the confines of the existing church building(s) located on the property. Anthony Grove submitted a Special Use Permit to Mr. Blackburn on Tuesday, April 5, 2022 by the Rev. Dr. Bean along with the request for the board to allow this into their April 18 meeting, upon the Planning Board voting to waive the 15-day submittal requirements in unanimous vote. This

application is requesting the ability of the church to utilize its current structures on the property as a day care and elementary school during the week. On Monday, April 18, 2022, the Planning Board met and gave consideration of the Special Use Permit. The board voted unanimously to recommend the approval of the Special Use by the City Council.

DISCUSSION OF AMENDMENT TO ZONING FEES, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Planning & Zoning Director Alex Blackburn asked for consideration to the following revised zoning fees listed below:

Mr. Dalton, please find the attached recommendations for updating the fee schedule in regards to the Planning and Zoning Department. Over the past few weeks, I have researched other municipalities within and around the Gaston County area to reference what other municipalities are charging for permits and other items relating to the department. I have also taken the liberty to add a few sections that, I feel, will allow for easier processing of permitting fees.

- Fence Permit - \$25
- Residential Remodel/No Expansion - \$50
- Accessory Structure (Residential) - \$25 (12'x 12' or less) \$50 (if greater than 144 square feet)
- Change of Use (Commercial) - \$100
- Driveway Permit - \$25 Single Family/Two Family Dwelling

\$50 Subdivision entrance

- Commercial Building - Less than 1,000 square feet = \$250
- 1,000 - 5,000 square feet = \$350
- 5,000 - 10,000 square feet = \$450
- 10,000+ square feet = \$450 + \$50 per additional 10,000 sq. ft.

At this time, we can also look at increasing the fees associated with rezoning and major subdivision reviews. Our current fee across the board for these (Rezoning, Variance, Appeals)

- Subdivision Review/Approval) is set at \$250 and is the lowest in the county. If the Council so wishes, I would propose an increase to \$300-\$350 for the above-listed actions.
- Zoning Map Amendment - \$250 to **\$300/\$350**
- Zoning Text Amendment - \$250 to **\$300/\$350**
- Variance Application - \$250 to **\$300/\$350**
- Appeal Application - \$250 to **\$300/\$350**
- Subdivision Review - \$250 to **\$300/\$350**
- Subdivision Approval - \$250 to **\$300/\$350**

This will be on the June 13 agenda for consideration.

DISCUSSION OF APPLICATION FOR ANNEXATION REF: SETTLERS LANDING & REZONING FROM R-15 TO R-9, PLANNING & ZONING DIRECTOR ALEX BLACKBURN (HANDOUT):

Planning & Zoning Director Alex Blackburn shared that on May 15, 2022 he and City Manager Dalton met with Brandy Mercer, acting agent with the Bonar family. Mr. Blackburn explained that Oleg & Alena P. Bonar have requested a zoning classification change of R-15 to R-9 for the 29.9 acres on W. Academy Street. They have also requested a Voluntary Annexation Petition for this property. The Bonar's plan to build 81 single family homes on this property.

This will be on the June 13, 2022 agenda for consideration.

CONSIDERATION TO SET A PUBLIC HEARING DATE RE: PROPOSED CONDITIONAL USES FOR RECREATIONAL VEHICLE PARK AND RESIDENTIAL BUILDING DESIGN STANDARDS, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Planning & Zoning Director Alex Blackburn approached the podium after handing out two proposed documents. Mr. Blackburn went over the document for Conditional Uses for Recreational Vehicle Park, and explained that he will presenting the proposed document to the planning & zoning board for consideration. Mr. Blackburn explained that the document would be coming to council for approval.

Mr. Blackburn shared that a citizen is interested in opening an RV Park and currently the City of Cherryville does not have an ordinance regarding RV Parks. Mr. Blackburn is proposing the ordinance below:

WILL ALSO NEED TO BE ADDED TO 7.1.2 (RURAL RESIDENTIAL-40) ZONING DISTRICT UNDER CONDITIONAL USES

Conditional uses: 17. Recreational Vehicle Park or

Addition to Campgrounds found in 7.2.14

13.5.7 RECREATIONAL VEHICLE PARK

The purpose of these regulations is to allow for the placement and growths of Recreational Vehicle Parks while maintain the health, safety, and general welfare standards of established residential and commercial areas in the Cherryville area.

Camping and Recreational Vehicle Parks shall be allowed pursuant to 7.1.17 with the additional standards outlined below;

- A. No Recreational Vehicle Park shall exist on a single parcel that is less than 3 acres in size.
 - 1. New Camping and Recreational Vehicles shall be located at least one (1) mile from any existing recreational vehicle park.

2. Density

- a. There shall be no more than 15 campsites per acre.
 - b. A setback of a minimum of twenty (20) feet shall be required to separate Recreational Vehicle locations.
- B.** All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line. Where the lot line adjoins a public road right-of-way or street, the spaces shall be located at least fifty (50) linear feet from the property line.
- C.** The campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- D.** Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).
- E. Screening**
- Screening of property shall abide by Section 5.2 in order to provide an opaque screening of the use from adjoining and adjacent properties. This is not to be counted as open space as outlined in subsection 13.5.7g (below).
- F. Roads and road access**
1. No recreational vehicle site shall have direct access to a public road. Rather, all recreational vehicle sites shall be accessible only from interior roads.
 2. Interior roads shall have a minimum width of twenty (20) feet and shall have a maximum length of one thousand (1,000) feet.
 3. Interior roads shall be made of an all-weather driving surface capable of supporting emergency vehicles in accordance with the Fire Apparatus Roads Standards in the North Carolina Fire Code.
 4. Each recreational vehicle site shall have an address posted thereon to distinguish it from other sites on the property.
- G. Open Space-** A minimum of 800 square feet of area per vehicle space must be provided for active or passive recreation such as but not limited to ball fields, tennis courts, swimming pools, clubhouses, etc.

This will be on the June 13, 2022 agenda for consideration of setting a public hearing date.

DISCUSSION OF MAIN STREET CHAIR AND MEMBERS, DOWNTOWN DIRECTOR DAVID DAY:

Downtown Director David Day approached the podium to share the following list of Main Street members and chair. Mr. Day shared that this would be on the agenda for June 13, for consideration. Below is the list that Mr. Day shared:

**Cherryville Main Street Program
2022/2023 Committees Nominees
for Cherryville City Council approval**

May 31, 2022

The following have been nominated by a unanimous vote from the Cherryville Main Street Board of Directors at our May 25th, 2022, meeting to serve on the 2022/2023 Main Street Program. We seek City Council vote on these members to serve.

Cherryville Main Street Chair - Donna Beringer – 2-year term.

Economic Vitality Team

Tina Clark 2-year term

John Rudisill 2-year term

Kathy Bumgarner 2-year term

Seth Hartman 2-year term

Amanda Owensby 1-year term (*filling a remaining term*)

Logan Buchanan (*Term not completed, not up for election this year*)

Design Team

Reggie Walker 2-year term

Linda Alexander 2-year term

Sherry Bingham 2-year term

Lacey Dellinger 2-year term

Hannah Garrett 1-year term (*filling a remaining term*)

Blair Beam (*Term not completed not up for election this year*)

Promotions Team

Angela Walker 2-year term

Pam McGinnis 2-year term

Paula Rupard 2-year term

Donna Beringer 2-year term

Bernice Harris 2-year term

Melanie Thornburg 1-year term (*filling a remaining term*)

Tina Feemster (*Term not completed not up for election this year*)

Remaining Main Street Board of Directors from City and City Council (Not up for election)

David Day – Downtown Director

Mary Beth Tackett – Director of Festivals and Events

Steve Panton – Marketing Coordinator

Brian Dalton – City Manager

Jill Puett – City Council appointed (January 2022)

Gary Freeman – City Council appointed (January 2022)

Advisory Boards 1 year term

Sandy Diskmuske

Screttia Hartman

Jill Puett

John Porter

Al Graves

Mark Upchurch

DISCUSSION OF CEMETERY PLOTS RE: RUTH T. HAYES PLOTS ROW Q - PLOT 37 A & B, CITY CLERK PAIGE H. GREEN:

City Clerk Paige Green shared that Terry Bame has asked about two plots that are beside his grandparents. Mr. Bame has asked about the use of the two plots numerous times and would like to purchase them from the current owner. Mr. Bame has talked to several citizens in town about the owner of the two plots and no one seems to know the owner. Mrs. Green explained that the owner of the two plots is Ruth T. Hayes, and Ms. Hayes purchased the plots in 1965. City staff has confirmed that no one has been buried in either plot. Mrs. Green went over a documented list of calls that have been made trying to locate Ruth T. Hayes. Many hours have been spent trying to locate Ms. Hayes and there has been no success.

City Attorney Palmer Huffstetler Jr., shared that the current Code of Ordinances states the following:

Sec.12-10. Reversion of title to city; publication of notice.

(a) When any cemetery lot or single grave openings shall remain without any interment therein for 20 years or more since the last cemetery deed therefor was issued or since the last interment therein, whichever is later, and the owner of record shall have died or is not a resident of the city, and the whereabouts of such record owner or any relative by blood, marriage or adoption of such owner is not known by any member of the council, the title to such cemetery lot or single grave openings shall revert to the city when the conditions of subsection (b) of this section have been complied with.

(b) The city council shall cause notice to be published once a week for four successive weeks in a newspaper, having a circulation in the city meeting the requirements of state law for publication of legal notice, a notice setting forth the conditions of subsection (a) of this section, designating the cemetery lot or single grave openings, and stating that title thereto will revert to the city if prior to the expiration of 30 days from the last date of publication the record owner or a relative by blood, marriage or adoption of such owner does not appear and confirm to the city their claim of ownership thereto. If after such publication such record owner or relative does not appear and confirm such claim of ownership thereto, title to such cemetery lot or single grave openings shall revert to the city.

(Code 1973, § 6-9)

After some discussion, Mayor Beam and the Council acknowledged that they do not know Ruth T. Hayes. Councilmember Parker made a motion to start the four-week legal publication in the Cherryville Eagle just as the Code of Ordinances says. Councilmember Abernethy seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Councilmember Abernethy shared that he had received an email regarding speeders on Kenwood, Hawthorne and Spring Streets.

Police Chief Jenks said that he would put that area back on rotation.

Planning & Zoning Director Alex Blackburn is proposing a Non-Residential Building Design Standard Policy that will address materials, color, configurations, articulation, transparency, roof pitch form and height.

Below is a copy of the proposed policy that Mr. Blackburn shared.

Section 5.10 Non-Residential Building Design Standards

5.10.1 Purpose

- a) These standards are intended to promote the development of property with buildings that positively contribute to increasing property values, respond to long-term needs of changing users, prioritize connectivity and access for pedestrians, future transit opportunities, and vehicular requirements, and integrate with adjacent existing properties by maintaining context sensitive street frontages along the thoroughfares they border.

5.10.2 Applicability

- a) Requirements of this section shall apply to all new and/or expanding developments in the B-1, B-2, B-3, RO and GMC zoning districts, as well as any office and/or retail developments located in the Residential zoning districts. This section does not apply to warehouse or industrial buildings, and does not apply to detached, single family residential properties.
- b) Civic and Institutional buildings, such as schools, churches, and libraries, are signature community elements, and may be made exceptions to the requirements of the more regulated style of private development. However, appropriate designs for these types of structures is a crucial part of maintaining the image of the City; therefore, while civic and institutional buildings shall meet the following design regulations, exceptions may be provided administratively when the specific design circumstance is justified.

5.10.3 Architectural Standards

5.10.3.1 Materials and Color

- a) Building walls shall incorporate brick, stone, cast stone, formed concrete, stucco, concrete siding, EIFS, wood and wood materials designed and intended for use as an exterior finish material, or other long-lasting material over a minimum 75% of the surface area (excluding windows and doors). Exterior metal, aluminum siding, or vinyl siding shall be prohibited as a primary material.
- b) Building materials shall be similar to the materials already being used in the area, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
- c) Façade colors shall be of earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, dayglow, or neon colors shall be prohibited.

5.10.3.2 Configurations and Articulation

- a) The building façade shall have a clearly identifiable base, body, and cap with horizontal element separating these components. The component described as the body shall constitute a minimum of 50% of the total building height.

- b) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding forty (40) feet. All building walls shall include at least two of the following items:
- i. Change in plane of at least twelve (12) inches in depth
 - ii. Change in texture or masonry pattern
 - iii. Windows
 - iv. Awnings and/or canopies, so long as they meet the following criteria;
 - 1. Must have a minimum of nine (9) feet clear height above the sidewalk and must have a minimum depth of three (3) feet.
 - 2. May extend into a required setback above private property; may extend into public right-of-way so long as it is no closer to 2 feet to the back of the curb of the street, nor shall it interfere with street trees, streetlights, or street signs.
- c) All sides, including the rear of the building shall include materials and design characteristics consistent with those of the front. Use of inferior or lesser quality materials on side or rear walls is prohibited.

5.10.3.3 Transparency

- a) Façades of all commercial structures shall incorporate windows and doors over a minimum percentage of the surface area of street fronting facades. Minimum percentages are outlined below.
- i. Ground level of commercial uses: 30% of surface area minimum
 - ii. Ground level buildings over 25,000 square feet: 20% of surface area minimum
 - iii. Upper Story Transparency: 20% of surface area minimum
- b) In cases where a building has more than two facades fronting a street or primary travel way, the transparency requirement shall only be required on two facades based on pedestrian traffic and vehicular visibility.

5.10.3.5 Roof Pitch and Form

- a) Rooflines should consist of one or more sloped planes. However, flat roofs are allowed so long as they are concealed from view by a parapet wall of a minimum height of three (3) feet along all elevations of the building.

- b) Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, architectural asphalt shingles, or similar, high-quality roofing materials as determined by the Administrator. Minimum roof pitch shall be 3/12.
- c) All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties.

5.10.3.6 Height

- a) Building height is specific to the zoning district as outlined in Part 7 of this Ordinance. Height Calculations and Exceptions can be found in Section 5.9 of this Ordinance.

5.10.4 Site Design Standards

5.10.4.1 Relationship of Building to the Street

- a) Building facades that front a street must extend parallel to the street. Main pedestrian access to the building shall be from the fronting street, with secondary access from the parking areas. Entrances to retail oriented buildings shall be at grade with fronting sidewalk. Corner buildings may have corner entrances.
- b) To the greatest extent practical, parking shall be placed to the side and/or rear of a building. In instances where this requirement is not practical, as determined by the Administrator, two rows of parking, not greater than 40% of the total amount of parking located on the parcel may be located between a commercial building and the street that is not located along. All additional off-street parking requirements can be found in Part 10 of this Ordinance.
- c) Drive-thru service windows shall be placed on the rear façade of the building. In no case shall a drive-thru window be located on the front façade. If a drive-thru window is to be located on a side of the building, it must be located on the least visible side from the fronting street.
- d) Loading and unloading areas shall be provided in accordance with Section 10.2 of this Ordinance. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and screened from view of any street or any residentially developed or residentially zoned property. In the event that a loading dock is necessary to support the proposed use, the loading dock shall be located to the rear of the structure and shall be screened from view of any street or any residentially developed or residentially zoned property.

5.10.4.2 Sidewalks

- a) A minimum of 8-foot-wide sidewalks are required with a minimum of 4 feet of landscaped buffer between sidewalk and edge of curb along Main Street. Bollards may be required at intersections to prevent unauthorized vehicles from accessing sidewalks. Subject to Administrators approval with regard to the *Cherryville Historic Central Business District.*

*to be proposed for approval at a later date.

- b) A minimum of 6-foot-wide sidewalks are required with a minimum of 3 feet of landscaped buffer between sidewalk and edge of curb along all other routes. Subject to Administrator approval.

5.10.4.3 Solid Waste Storage Area

- a) Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to complement the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or residentially developed or residentially zoned property.

5.10.4.4 Landscaping, Screening, and Mechanical Appurtenances

- a) Screening and landscaping shall be provided in accordance with Section 5.2 and 5.3 of this Ordinance. In addition to these requirements, landscaping shall be provided along the length of the first 15 feet of the front yard. Such landscaped area shall consist of any combination of trees, shrubs, grass, or other decorative or vegetative ground cover provided, however, that a minimum of 1 canopy tree per 40 feet OR 1 understory tree per 25 feet of linear road frontage be planted. Understory trees shall be utilized where overhead utilities exist to minimize conflicts.
- b) Mechanical equipment, utility meters, storage areas, transformers, generators, and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be located so that they are not visible from any public view or adjacent property. In addition to design elements, landscape materials shall be used to provide additional screening and/or softening of equipment areas.

5.10.4.5 Installation of Infrastructure

- a) If a development is requiring the installation of utilities, curb and gutter, sidewalk, bike paths, or greenways, the infrastructure shall be extended along the full length of the property. For instance, if curb and gutter is required along a street frontage, it will be provided along the entire length of the frontage. Greenways and bike lanes, where required based on the adopted plans, will be located along the entire frontage of the

street, or along the full extent of the property, depending on the location of the infrastructure in relation to the site.

5.10.5 Alternative Designs

5.10.5.1 Conditional Zoning

- a) An applicant may request certain alternate designs to those that are required where such deviations may not meet the strict requirements of this Section 5.10, but clearly satisfy its purpose and intent. The City Council may, as part of a conditional zoning request, approve such alternative designs. Such approval must conform to the requirements of Section 19 of this Ordinance.

This will be on the June 13, 2022 agenda for consideration of setting a public hearing date.

City Manager Brian Dalton shared that the curbs on Main Street that were poured incorrectly, have been re-poured.

After some discussion about who was responsible for pouring them incorrectly, Mr. Abernathy stated that Sealands or Cardinals would be responsible for the cost of replacing them.

Mr. Dalton shared that Recil Wright will have plans for West Gate and a meeting will be held June 20, 2022 to start the bidding process.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember's Abernathy and Freeman seconded the motion and the vote was unanimous. The meeting adjourned at 6:36 pm.

Adopted this 13 day of June 2022.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor

