



**REGULAR CITY COUNCIL MEETING  
MONDAY JULY 11, 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 meeting to order at the community building in the W.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, Finance Director Dixie Wall, Fire Chief Jason Wofford, Downtown Director David Day, Public Works Director Brandon Abernathy and Police Chief Cam Jenks were also present. Michael Powell was present for media coverage.

**INVOCATION: DR. PASTOR VINCE HEFNER, FIRST BAPTIST CHURCH:**

Dr. Pastor Vince Hefner gave the invocation.

**PLEDGE OF ALLEGIANCE:**

Everyone stood and recited the Pledge of Allegiance.

**AGENDA APPROVAL:**

Councilmember Puett made a motion to strike item number five from the agenda. The minutes will be put on the work session agenda for July 26, 2022. Councilmember Freeman seconded the motion and the vote was unanimous.

**APPROVAL OF MINUTES (See Agenda Materials)**

**A. CITY COUNCIL REGULAR MEETING JUNE 13, 2022 pg.(s) 1-**

**B. CITY COUNCIL REGULAR WORK SESSION MEETING JUNE 28, 2022 pg.(s)**

**MAYOR'S COMMENTS:**

"Our city has been informed that \$3,000,000 dollars has been put in the State Budget to pay for an interconnection between Cherryville and Cleveland County Water. The money will be distributed to the city of Cherryville and we will then do an inter-local agreement with Cleveland County to pay for the project. After Cherryville had since a letter of support for this

project to Governor Cooper, this is great news and will ensure our city that we can always have sufficient water if needed.

Stroupe Park located behind the Beam Truck Museum has been completed and looks fantastic. The city has received numerous compliments on this project. Thanks go out to Bean Brothers on the upgrade and Mr. Patrick O'Leary for funding this project.

The improvements to the North Alley are nearing completion and the new asphalt and parking striping are complete from Mountain Street to the Mini Park. This is a great enhancement for the back of these businesses and will be helpful as an access to customers when construction continues on Main Street.

The city's Independence Celebration was held at Rudisill Stadium on July 1, and was a tremendous success. The fireworks display was awesome as usual and thanks go to Cherryville Main Street Family Care for sponsorship of our fireworks. Crowd estimates have been between eight and ten thousand in attendance and many more were lining the parks and streets to watch this awe-inspiring display.

Gaston County School System was very cooperative in allowing our city use of Rudisill Stadium for our Independence Celebration. I want to thank all of the Chamber of Commerce personnel and volunteers for their time and hard work for support of this event. In conclusion, I want to offer a big thank you to all our city staff, firemen and law enforcement for their contribution on making this year's celebration a huge success."

**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):**

Mr. Glenn Bratton approached the podium to say that he is running for Gaston County School Board for the Dallas Township and he would appreciate the support of Cherryville citizens in November.

**SPECIAL RECOGNITION OF GASTON COUNTY DISTRICT ATTORNEY TRAVIS PAGE:**

Council recognized Travis Page, Gaston County District Attorney. Mr. Page approached the podium and thanked Mayor Beam and the Council for the invitation to attend the meeting and speak. Mr. Page shared that it was, "A privilege and a blessing for him to be back home." Mr. Page also shared that there are a lot of changes going on in Gaston County and he is excited to join the distinguished line of service in Cherryville. Many of Mr. Page's family members have served and currently serve the City of Cherryville and Gaston County in various offices and Mr. Page said that, "Public service has always been near and dear to our family."

Mr. Page continued, "As your DA, there needs to be a little bit of humility in what I do, and so, when I became the DA, I met with law enforcement officials in the county as one of the first things I did when I took the job." Mr. Page shared that he wanted to get their assessment on

how things were going for them and their departments and let them know that he was there for them.

**SPECIAL RECOGNITION OF NORTH CAROLINA DEPARTMENT OF LABOR SAFETY AWARD WINNERS, MAYOR H.L. BEAM:**

Mayor Beam recognized three departments with the NC Department of Labor Safety Awards. The three departments were Public Works, Police, and Fire. The City of Cherryville was recognized as a whole.

**CONSIDERATION OF CITY CLERK'S CERTIFICATE OF SUFFICIENCY RE: (PARCEL ID#'s 203078, 158391 AND A PORTION OF 203074 REQUA RD/CHERRYVALE) CITY CLERK PAIGE GREEN:**

City Clerk Paige Green was directed to investigate the petition of parcel for GIS Parcel #203078, 158391 and a portion of 203074 located on Requa Rd., for contiguous annexation of certain property known as Cherryvale LLC. Below is the Certificate of Sufficiency:



**CERTIFICATE OF SUFFICIENCY**

To: The City Council of the City of Cherryville, North Carolina

I, **Paige H. Green, City Clerk**, do hereby certify that I have investigated the Petition of Parcel ID #203078, 158391 and a portion of 203074 located on Requa Rd., for contiguous annexation of certain property known as Cherryvale LLC., and have found as a fact that said Petitions are signed by all of the owners of real property lying in the area described therein in accordance with North Carolina General Statutes §160A-58. The undersigned therefore certifies that the Petition is sufficient for the voluntary annexation of a contiguous area pursuant to NCGS §160A-31.

**IN WITNESS WHEREOF**, I have hereto set my hand and affixed the seal of the City of Cherryville this 11 day of July 2022.

A handwritten signature in blue ink that reads "Paige H. Green". The signature is written over a horizontal line.

(SEAL)

Paige H. Green, CMC, NCCMC, City Clerk

**CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: REZONING AND ANNEXATION OF PARCEL ID #203078, 158391, AND A PORTION OF 203074 ON REQUA RD., KNOWN AS CHERRYVALE, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Planning & Zoning Director Alex Blackburn approached the podium and asked for consideration of a public hearing date for the annexation of GIS Parcel ID #103078, 158391, and a portion of 203074 located on Requa Rd.

Councilmember Parker made a motion to set a public hearing date for the annexation of GIS Parcel ID #103078, 158391, and a portion of 203074 located on Requa Rd. Councilmember Puett seconded the motion and the vote was unanimous.

Planning & Zoning Director Alex Blackburn also asked for consideration of a public hearing date for the rezoning of GIS Parcel ID #103078, 158391, and a portion of 203074 locate on Requa Rd.

Councilmember Abernethy made a motion to set a date for a public hearing for the rezoning of GIS Parcel ID #103078, 158391, and a portion of 203074 locate on Requa Rd. Councilmember Freeman seconded the motion and the vote was unanimous.

**PUBLIC HEARING RE: PROPOSED TEXT AMENDMENT FOR BUILDING DESIGN STANDARDS,  
PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

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

Planning & Zoning Director Alex Blackburn approached the podium and presented the following proposed ordinance for Building Design Standards:



**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, street lights, 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.
- 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**

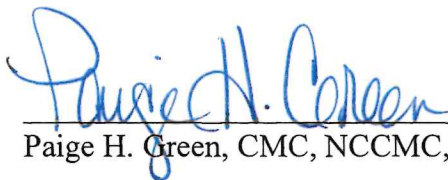
- a) If a development is requiring the installation of utilities, curb and gutter, sidewalk, bike paths, or greenways, the infrastructure shall be extended along the full length of the property. For instance, if curb and gutter is required along a street frontage, it will be provided along the entire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

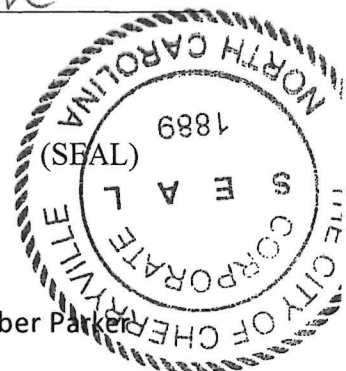
##### **5.10.5.1 Conditional Zoning**

- 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.

Adopted this 11 day of July 2022.

  
Paige H. Green, CMC, NCCMC, City Clerk

  
H.L. Beam, Mayor



Mayor Beam asked if any citizens would like to speak and no one did.

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

After some discussion, Councilmember Abernethy made a motion to approve the proposed Non-Residential Building Design Standards ordinance. Councilmember Puett seconded the motion and the vote was unanimous.



**PUBLIC HEARING RE: PROPOSED TEXT AMENDMENT FOR RV PARK, PLANNING & ZONING**  
**DIRECTOR ALEX BLACKBURN:**

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

Planning & Zoning Director Alex Blackburn approached the podium and presented the following proposed Recreational Vehicle Park Ordinance:



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

**Conditional uses: 17. Recreational Vehicle Park**

**13.5.7 RECREATIONAL VEHICLE PARK**

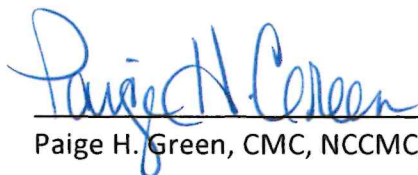
The purpose of these regulations is to allow for the placement and growths of Recreational Vehicle Parks while maintain the health, safety, and general welfare standards of established residential and commercial areas in the Cherryville area.


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

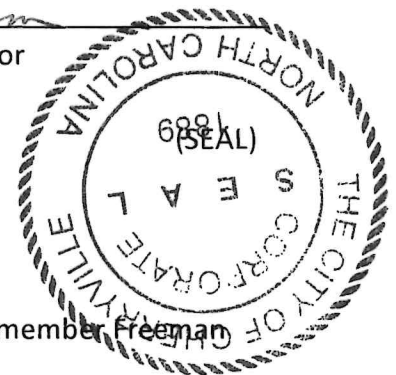
- A.** No Recreational Vehicle Park shall exist on a single parcel that is less than 3 acres in size.
  - 1. New Camping and Recreational Vehicles shall be located at least one (1) mile from any existing recreational vehicle park.
  - 2. Density
    - a. There shall be no more than 15 campsites per acre.
    - 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.

Adopted this 11 day of July 2022.

  
 Paige H. Green, CMC, NCCMC, City Clerk

  
 H.L. Beam, Mayor



Mayor Beam asked if any citizens would like to speak and no one did.

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

After some discussion, Councilmember Parker made a motion to approve the proposed Recreational Vehicle Park ordinance. Councilmember Freeman seconded the motion and the vote was unanimous.

**UPDATE RE: WEST GATE, CITY MANAGER BRIAN DALTON:**

City manager Brian Dalton reported that a pre-bid meeting was held last week and an advertisement for bids will run in the Cherryville Eagle next week. The bid will be awarded

August 1, 2022 for the renovation of West Gate Park. He anticipates that work will begin soon after the bid is awarded.

**DISCUSSION OF FINANCIAL STATEMENT, CITY MANAGER BRIAN DALTON:**

City manager Brian Dalton went over the financial statement and answered any questions that were asked.

**OTHER BUSINESS:**

Councilmember Freeman shared that the citizens on Elm Street called and thanked him for getting the potholes patched.

Councilmember Abernathy thanked everyone that was involved in the Independence Day celebration.

Councilmember Puett thanked everyone and shared that citizens have told her that they felt safer and the kids were safer with the Independence celebration held at Rudisill Stadium.

Councilmember Abernathy thanked the police department for giving attention to an area with speeding cars that he had reported to them several weeks ago.

Councilmember Parker thanked the Blackburn family for coming to the meeting.

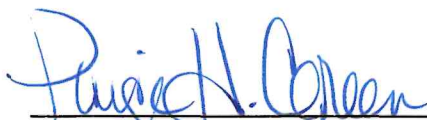
**ADJOURNMENT:**

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernathy seconded the motion and the vote was unanimous. The meeting adjourned at 6:46 pm.

Adopted this 8 day of August 2022.



H.L. Beam, Mayor

  
Paige H. Green, CMC, NCCMC, City Clerk