



REGULAR CITY COUNCIL MEETING

MONDAY NOVEMBER 8, 2021 @ 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 on the big side. Councilmember's Jill Puett, Gary Freeman, Malcolm Parker, and Jon Abernethy were present. City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, Public Works Director Brandon Abernathy, Downtown Director David Day, and Finance Director Dixie Wall, Asst. Fire Chief Jason Wofford, and Captain Brian Doolittle were also present. Michael Powell of the Cherryville Eagle was present for media coverage.

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

Pastor Dr. Vince Hefner gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Councilmember Parker 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 the minutes from the following meetings:

- A. CITY COUNCIL MEETING OCTOBER 11, 2021
- B. CITY COUNCIL CLOSED SESSION MINUTES OCTOBER 11, 2021
- C. CITY COUNCIL RESCHEDULED WORK SESSION MEETING OCTOBER 26, 2021
- D. CITY COUNCIL CLOSED SESSION MINUTES OCTOBER 26, 2021

Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

First, I would like to welcome all of our citizens here tonight. Your presence is an indication of your interest and concern for your city government. This goes also to any citizens listening or viewing via social or city media that is available tonight.

I want to thank all of our city's citizens that came out to vote this past Tuesday. The City's turnout was more than expected as precinct 36 located at Second Baptist Church ran out of ballots and voters had to wait some 30 minutes for new ballots. In the end, over one thousand voters turned out. I was fortunate enough to be re-elected to serve my fifth two-year term as your mayor.

At this time, I want to acknowledge some of the individuals that were most beneficial in helping with my campaign. The first would be Jerry & Linda Hudson that spent days on the phone requesting support for my campaign. I want to recognize the bold move made by two of my council members, Malcolm Parker and Jill Puett to lend their faithful support and to labor so hard for my reelection. Finally, I want to thank my two daughters and sons-in-law for believing in me and giving of their time on Election Day to bring this campaign to a victory. I love all of these people and their tireless efforts of support.

I firmly believe this was a victory not just for me but for my city council and its members as well. The daunting duty before this council now is to begin work to interview and choose our next city manager. My hope is that this council will come together as one and complete this mission by December 1, 2021. Interviews will begin as soon as tomorrow night and last until late November to complete this process. I ask all citizens to pray for this council as they go about this challenging task.

On Thursday, Veteran's Day, I will be visiting and honoring the veteran residents of Somerset Court of Cherryville. Accompanying me will be Council Member Jill Puett the American Legion Auxiliary President for the Department of N.C. and other dignitaries.

On Friday November 12, I will be speaking at this year's city's revival. The festivities will begin at 6:30 p.m. and will continue with a Faith Fair starting at 2 p.m. on Saturday November 13. I urge all citizens to attend if possible.

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 CLERK AT THE MEETING BEFORE THE MEETING BEGINS):

Mr. Greg Payseur, of 827 Oak Grove Rd. Kings Mountain, approached the podium to congratulate Mayor Beam on winning the election. Mr. Payseur shared that he had not planned to be at the meeting but he was pulled into the middle of an election. He went on to shared that he has done many genealogies for people, including about five people in the room. Mr. Payseur has done genealogy for many years. He was President of Broad River for four years and

when he first started going to meeting there, an average of fourteen people were attending. When he left Broad River, approximately fifty people were attending the meetings and they still do to this day. Mr. Payseur explained that he was asked to be on the museum board in Cherryville. He shared that he felt like he was wasting an hour and a half of his time attending meeting because nothing was ever accomplished. He stated that no one on the board ever discussed promoting the museum and he could not figure out why they even had meetings. Mr. Payseur expressed that he stopped going to the meeting because he knew how to promote the museum another way. Mr. Payseur used the Cherryville Historical Museum face book page to promote the museum. He shared that his name was never on the site it was on the museums name. He shared that today there are over 2,000 people following the site but three weeks ago he quit promoting on the site and there were several reasons why. Mr. Payseur stated that he did not want to quit but he had to. On May 12, he started posting on the museums page posting old photos of Cherryville's history. He shared that he was posting photos (90% from the museum and the other 10% were his) spending anywhere from 20 minutes a day to 4 hours a day. Mr. Payseur shared that he was not being paid to promote the museum and he enjoyed doing it. He went on to say that on June 19, he received an email from the PBS television station about them wanting to film a segment on the history of Cherryville. Mr. Payseur stated that he immediately contacted the museum director and told her that promoting the museum on face book was working, people were following the page and the television station had called wanting to film a segment on the history of Cherryville. Mr. Payseur shared that he called Vicki Spurling and several other people and I learned that Rocky Bennett knew a lot about baseball. Mr. Payseur shared that John from PBS did not know that Cherryville is well known for baseball and he was not aware of the Cherryville New Year Shooters. Mr. Payseur and John from PBS corresponded through emails the rest of the afternoon. Mr. Payseur stated that he felt like he should reach out to Jeff Cash stating that he knew Jeff Cash and had done his family genealogy and at that time, he thought Jeff was a real nice person. Mr. Cash responded to Mr. Payseur saying that he would need to get David Day involved. Mr. Payseur shared that he was having health issues with his heart and that he was having a hard time breathing. Mr. Payseur shared that as soon as David Day got involved he wanted the phone number and the person's name at PBS. Mr. Payseur stated that he did not want John at PBS to think that Cherryville people are a bunch of idiots so he just set back and watched. Mr. Payseur shared that finally on August 2, he had had enough. He called Mayor Beam that day and ended up in the emergency room in Charlotte. Mr. Payseur was out of time speaking at the meeting but he did close saying that the plans with the PBS station were high jacked and he was doing it for the museum.

Ms. Beth Valone, of 109 Old Coach Lane Cherryville, expressed her concerns about the subdivision proposal for Delview. Along with Ms. Valone, the following citizens also spoke about the subdivision, Donnie Harrelson Clayton of 1268 Shelby Hwy., Mr. Dick Shull of 344 Doc Wehunt Rd., Mrs. Frances Gregory property owners on Doc Wehunt Rd., Mr. Pete Crowder of 1226 Delview Rd., Mr. Steven Gunnell of 1633 Shelby Hwy., Mrs. Stacy Redford of 515 Eaker Circle, Mr. James Redford of 515 Eaker Circle, and Mrs. Bobbi Ballard of 1245 Delview Rd.

Each citizen that approached the podium expressed their concerns about the new subdivision plans for the Howell Stroup Property. The following concerns were mentioned about the possibility of the subdivision: Traffic concerns, water availability for 490 more homes and water run-off, buffers between subdivision and existing property owners, entrance and exit plans for the subdivision on Delview Rd. and Eaker Circle, one property owner has an agricultural business that is well established on property abutting the property for the new subdivision and his business is chicken houses. He is concerned about all of the above and once citizens move in complaining about the chicken houses.

Mr. Michael Foess, Managing member of Montross LLC, spoke in favor of rezoning the Howell Stroup property for the subdivision. Mr. Foess shared that a community wide meeting was held on Friday November 5 and he did listen to the many concerns from Cherryville citizens and that changes have been made to the plans already.

The concerned citizens asked that council do their homework before making any decisions.

SPECIAL RECOGNITION OF CITY EMPLOYEES FOR THEIR YEARS OF SERVICE:

Mayor Beam recognized the following employees for their years of service to the City of Cherryville:

Bobby Dale Reynolds	Recreation Director	5 years
Jason Black	Street & Sanitation Superintendent	10 years
Charlie Canipe	Street & Sanitation Crew Leader	20 Years

CONSIDERATION OF APPOINTMENT TO THE CHERRYVILLE ABC BOARD:

Mayor Beam asked for consideration on re-appointing Gail Jenkins to the Cherryville ABC Board. Councilmember Abernethy made a motion to re-appointment Ms. Jenkins to the Cherryville ABC Board. Councilmember Puett seconded the motion and the vote was unanimous.

Ms. Jenkins approached the podium to thank everyone for supporting her and re-appointing her to the ABC Board. She also shared that she had a check for the City of Cherryville, in the amount of, \$10,000. Ms. Jenkins shared that the ABC Board audit is complete and 2020 -2021 has been the largest distribution of profits ever given to the City of Cherryville. In 2019 – 2020, the ABC Board gave the City of Cherryville a total of \$36,000 dollars and for 2020 2021; the board has given \$41,000 dollars to the city.

CONSIDERATION OF PUBLIC HEARING RE: REZONING 406 N. MULBERRY STREET (GIS PARCEL #130027) FROM GMC TO R-9, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

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

Planning & Zoning Director Derrick Mackey approached the podium and asked for consideration to rezoning 406 N. Mulberry St. Mr. & Mrs. Eugene Courtmanche filled out an

application and paid the fee to have the property that is zoned GMC (General Manufacturing) to R-9 (Residential). The Courtemanche's would like to build a home on this property.

Mr. Courtemanche approached the podium and shared that he had plans to put a home on the property.

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

Mayor Beam read the following Statement of Consistency:



STATEMENT OF CONSISTENCY

CITY OF CHERRYVILLE REQUIREMENT OF SECTION 19.1.10 OF THE CITY OF CHERRYVILLE ZONING ORDINANCE

The Cherryville City Council, held a Public Hearing on: November 8th, 2021 to consider Rezoning Parcel #305803, After the Public Hearing and discussion of the rezoning the Council draws the following CONCLUSIONS:

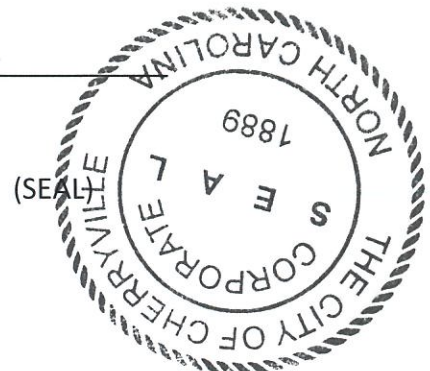
1. It is the Council's CONCLUSION that, the proposed rezoning **IS / IS NOT** consistent with the City of Cherryville Land Use Plan adopted in August 2012.

2. The Council finds the proposed rezoning **IS / IS NOT** reasonable and **IS / IS NOT** in the public interest. This conclusion is based on the following:

Ordered this 13th day of December, 2021

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor



After some discussion, Councilmember Puett made a motion to approve the rezoning of 406 N. Mulberry Street from GMC to R-9. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION OF PUBLIC HEARING RE: REZONING 1404 SHELBY HIGHWAY (GIS PARCELS 160116, 160117, 160120, 216819, & 305089) FROM R-40 TO CU R-9, CU RMF, & B-2, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

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

Planning & Zoning Director Derrick Mackey shared that the Planning & Zoning Board met October 18 concerning this rezoning. At that time, the board was not able to reach a decision. A motion was made but no second. No action was taken by the board for or against the rezoning.

Mayor Beam shared with the citizens that their concerns have been heard and he shared the following comments:

“Staff recommends that the hearing be continued to allow adequate time for a corrected site plan and development conditions. These updates should be provided by the developer with ample time to be assessed by city staff to ensure that infrastructure is adequate to accommodate the development requested. If the applicant cannot agree to modify the application and conditions to address the issues outlined herein, staff recommends that this request for rezoning be denied.

Statement of consistency and reasonableness {motion to approve}: The proposed rezoning is consistent with the City of Cherryville Comprehensive Plan, which recommends residential growth in this area. In light of the new transportation corridors and expected growth, the Board considers an affirmative vote to be reasonable and in the public interest.

Statement of consistency and reasonableness {motion to deny}: The proposed rezoning is inconsistent with the City of Cherryville Comprehensive Plan, which calls for lower density residential, and the proposed project is a much higher density than envisioned in this area, therefore the Board considers an affirmative vote to not be reasonable and not in the public interest.

Mayor Beam went on to say that, more time is needed to do the needed studies and make the best decision for Cherryville.

Ms. Hilda Bates, of 710 E. Main Street, Cherryville approached the podium and shared her concern about a cluster R-9. Ms. Bates asked if Cherryville was saying our normal R-9 is 9,000 square feet. Ms. Bates wanted to know if that was going to be consistent with this development. Ms. Bates pointed out that if R-9 requires 9,000 square feet per lot and then she asked, “So is that not what is being asked for in this subdivision?”

Mayor Beam responded by saying that, 9,000 square feet is not what is being asked for.”

Steven Gunnell asked Mayor Beam what the time frame was for the studies.

Mayor Beam responded by saying that, "It all depends on the feasibility study and how long it takes. I am sure we will have something at our next council meeting."

Mr. Mackey shared that everyone that owns property abutting the Howell Stroup will receive another letter if another meeting is held.

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

Councilmember Parker made a motion to continue this discussion at a later time. Councilmember Puett seconded the motion and the vote was unanimous. No action was taken.

CONSIDERATION TO PLACE CITY VEHICLES ON SURPLUS INVENTORY LIST, POLICE CHIEF CAM JENKS:

Police Chief Cam Jenks approached the podium to ask for consideration to share that the current inventory listed below is available for surplus. Chief Jenks stated that the vehicles have reached their mechanical limits and are no longer feasible to maintain or safe to be used as a police unit. Chief Jenks asked for consideration to put the vehicles on Gov. Deals:

- (1) 2007 CHEVROLET IMPALA/ VIN# 2G1WS55RX79289244, 117,000 MILES, ELECTRICAL ISSUES, NUMEROUS CHECK ENGINE INDICATORS, UNABLE TO CONSISTANTLY KEEP RUNNING, ENGINE MOUNTS BROKEN. NUMEROUS FLUID LEAKS.
- (2) 2007 FORD CROWN VICTORIA/ VIN# 2FAFP71W07X142528, 173,000 MILES, TRANSMISSION IN NEED OF REPAIR, SHIFTING ISSUES, REAR AXLES NEED TO BE REPLACED/ SEALS , NUMEROUS SUSPENSION COMPONENTS IN NEED OF REPLACEMENT.
- (3) 2006 FORD CROWN VICTORIA/ VIN# 2FAFP71W16X116924, 133,000 MILES NO LONGER MAINTAINS OIL PRESSURE, SEVERE ENGINE NOISE, UNABLE TO MAINTAIN RUNNING FOR EXTENDED PERIODS. NUMEROUS ENGINE CODE MALFUNCTIONS.
- (4) 2015 DODGE CHARGER/ VIN#2C3CDXAG8FH917671, 89,000 MILES FUEL SYSTEM FAILURE THAT WOULD REQUIRE EXTENSIVE AND COSTLY REPAIR IN EXCESS OF \$3000 DOLLARS.

Assistant Fire Chief Jason Wofford also approached the podium to ask for consideration to the fire department's 1988 Emergency One Pumper as a surplus item. Mr. Wofford stated that the fire truck is the oldest truck that the department has, it has 52,972 miles on it, it has 750-gallon tank, and it has a Hale Single Stage Pump capable of pumping 1500 gallons per minute. Mr. Wofford stated that truck like this one usually sell for \$10,000 to \$25,000 dollars. Mr. Wofford shared that this truck replaces the new truck the fire department got this year and the department was waiting to move all of the equipment off, of this truck onto the new one.

Mayor Beam asked if there was no place to store it. He also stated that the miles are low on that truck.

Assistant Chief Wofford responded by saying that most fire trucks do have low miles. He went on to say that, the truck is 34 years old and usually fire trucks are replaced after 30 years and since it is four years past due, the department has no use for it.

Councilmember Abernethy made a motion to place the five vehicles on Gov. Deals. Councilmember Freeman seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Mayor Beam shared that on November 28, the Cherryville Little Ironmen will have their banquet at First Baptist Church in the COC.

Mayor Beam shared that the Faith Fair will be held this weekend and porta-johns are needed for this event. He also shared that seventeen churches are involved in this year's Faith Fair. Mayor Beam shared that the City of Cherryville need to provide the porta johns for the Faith Fair and one of them would need to meet ADA requirements. The total cost of the porta johns will be \$945.00.

Councilmember Abernethy made a motion to approve the porta johns for the Faith Fair. Councilmember Puett seconded the motion and the vote was unanimous.

Councilmember Abernethy thanked everyone for praying for his daughter who recently had heart surgery and she is doing great. Councilmember Abernethy expressed his gratitude and stated that all the calls, text, and prayers were over whelming.

Councilmember Freeman asked for an update on the sidewalks on Elm St., and Academy St., from Public Works Director Brandon Abernathy.

Mr. Abernathy approached the podium to say that they are making progress on both. Mr. Abernathy stated that a purchase order has been issued for Beam Co., to fix those and he has marked them. Mr. Abernathy shared that Beam Co., was suppose to start on the sidewalks last week but did not so he is hoping he will start this week.

Councilmember Puett asked that David Day give an update on the construction on Main Street. Mr. Day approached the podium and stated that everything is going smoothly and they are almost done with the water lines. They are connecting everything at the corner of Pink Street and Main Street now. They will start connecting behind Houser Drug and move all the way down the south alley. The gas services are almost complete. David shared that he has met with all the merchants letting them know that the gas lines will be connected to the new lines this week. After Christmas, they will begin the construction on the sidewalks and the bump outs on Main Street.

Mayor Beam stated that right now the construction is ahead of schedule. Mr. Day stated that yes they are currently ahead of schedule. Mr. Day shared that all lines on Main Street will be

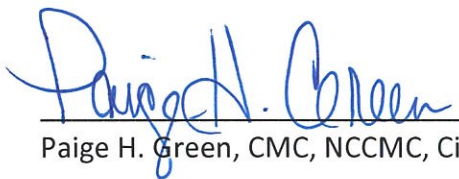
placed under ground and when everything is completed, there will be no lines on Main Street to look at.

Mr. Ryan Gunter of, 4706 Gary's Place, Crouse approached the podium to say that of all meetings he has attended, it would be a night when someone was talking about his uncle Jeff. He said that he supports his uncle Jeff.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Puett seconded the motion and the vote was unanimous. The meeting adjourned at 7:33 pm.

Adopted this 13 day of December 2021.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

