



CITY OF CHERRYVILLE

116 S. MOUNTAIN STREET

CHERRYVILLE, N.C. 28021

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REGULAR CITY COUNCIL MEETING
MONDAY NOVEMBER 14, 2022 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN COUNCIL CHAMBERS
106 S. JACOB ST. CHERRYVILLE, N.C. 28021

- I. CALL TO ORDER: HONORABLE MAYOR H.L. BEAM III
- II. INVOCATION: DR. PASTOR VINCE HEFNER, FIRST BAPTIST CHURCH
- III. PLEDGE OF ALLEGIANCE
- IV. AGENDA APPROVAL **VOTE**
- V. APPROVAL OF MINUTES (See Agenda Materials) **VOTE**
 - A. CITY COUNCIL REGULAR MEETING OCTOBER 10, 2022 pg.(s) 1-14
 - B. CITY COUNCIL REGULAR WORK SESSION MEETING OCTOBER 25, 2022 pg.(s) 15-16
- VI. MAYOR'S COMMENTS
- VII. 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. 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)***
- VIII. CONSIDERATION TO LOWER THE SPEED LIMIT ON N. JACOB STREET, CITY MANAGER BRIAN DALTON. **VOTE**

- IX. CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: SPECIAL USE PERMIT FOR 230 DICK BEAM RD., PLANNING & ZONING DIRECTOR ALEX BLACKBURN (See Agenda Materials) pg.(s) 17-23 **VOTE**
- X. CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: REZONING THE PROPERTY LOCATED ON THE CORNER OF S. PINK ST. & S. MOUNTAIN ST. (GASTON COUNTY PID #207096) FROM GMC, (GENERAL MANUFACTURING AND COMMERCIAL) TO R-9 (RESIDENTIAL SINGLE & TWO-FAMILY) PLANNING & ZONING DIRECTOR ALEX BLACKBURN (See Agenda Materials) pg.(s) 24-29 **VOTE**
- XI. OTHER BUSINESS
- XII. CONSIDERATION TO ENTER INTO A CLOSED SESSION RE: N.C.G.S. 143-318.11.(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
VOTE TO ENTER...VOTE TO EXIT
- XIII. ADJOURNMENT **VOTE**

*Providing exceptional service to our community
that inspires life to blossom*



**REGULAR CITY COUNCIL MEETING
MONDAY OCTOBER 10, 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, Finance Director Dixie Wall, Downtown Director David Day, Fire Chief Jason Wofford, and Police Chief Cam Jenks were also present. Michael Powell was present for media coverage.

INVOCATION: MRS. JEANNA SPIKER, MT. ZION BAPTIST CHURCH:

Mrs. Jeanna Spiker 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 three sets of minutes. They are as follows:

- A. CITY COUNCIL REGULAR MEETING SEPTEMBER 12, 2022
- B. CITY COUNCIL CLOSED SESSION MEETING SEPTEMBER 12, 2022
- C. CITY COUNCIL SPECIAL WORK SESSION MEETING AUGUST 23, 2022

Councilmember Parker seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

On September 22, I attended and chaired the September meeting of the Gaston-Cleveland-Lincoln MPO held at the Gastonia Police Station's Conference room. The majority of the meeting dealt with the 100 million in federal grant funding from the Bipartisan Infrastructure Law signed by President Biden last year to make improvements along the vital corridor of Interstate 85 between Charlotte and the South Carolina line.

The grant will support the widening of about 10 miles of I-85 in Gaston County from six to eight lanes-relieving traffic congestion on one of the Southeast's busiest highways, as well as new connections for bicycles and pedestrians along that stretch. It will also enable the installation of broadband infrastructure and electric vehicle charging stations along the route in both Gaston and Cleveland counties.

This was the largest and only grant received for our state under this program. It is great news for N.C. as well as Gaston, Lincoln, and Cleveland counties. As chairman of this organization, I was honored and privileged to receive the news of this much needed transportation grant.

On October 4, I attended the 100th birthday of Cherryville Citizen Beulah Beam Reynolds. At this occasion, I read a proclamation honoring Mrs. Reynolds and congratulated her on reaching this momentous occurrence. Less than 1% of the world's populations achieve this milestone.

Last Thursday City Manager Dalton and I attended a commissioner's meeting in Concord with ElectriCities. The meeting entered into closed session and information regarding the material discussed will be made public at a later date.

Weather permitting, main street revitalization should be drawing to a close by the end of October. This has been a long process, and the city is very excited for the completion of this project, but even more excited at the beautiful results.

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. 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):

UPDATE MRS. VICKI SPURLING:

Mrs. Vicki Spurling gave an update on the renovations of the buildings that Patrick O'Leary has bought.

SPECIAL RECOGNITION OF EMPLOYEES YEARS OF SERVICE:

Mayor Beam recognized Jessica Richardson for her five years of service with the City of Cherryville. Below is a copy of the certificate:



SPECIAL RECOGNITION OF RETIRING EMPLOYEES:

Mr. Charlie Canipe will retire on November 1, 2022 and Mr. Brandon Abernathy will retire December 1, 2022. Neither employee attended the meeting to be recognized.

RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR ACTIVE MILITARY SERVICE MEMBERS IN TRANSITION TO CIVILIAN LIFE, COUNCILMEMBER JILL PUETT:

Councilmember Puett read the following resolution:



RESOLUTION

SUPPORTING OPERATION GREEN LIGHT FOR ACTIVE MILITARY SERVICE MEMBERS IN TRANSITION TO CIVILIAN LIFE (VETERAN STATUS)

WHEREAS, the residents of the City of Cherryville have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women that served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the City of Cherryville seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, there are approximately 700,000 veterans in the State of North Carolina, with over 350 of them being in the City of Cherryville; and

WHEREAS, Veterans continue to serve their community in the American Legion, Veterans of Foreign Wars, church groups, civil service; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20% increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44% to 72% of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the City of Cherryville City Council appreciates the sacrifices our United State Military Personnel made while defending freedom and believes accord them, specific recognition in appreciation of their service and to demonstrate the honor and support they have earned;

NOW THEREFORE BE IT RESOLVED, with designation as a Green Light for Military Service City, Cherryville hereby declares from November 7, 2022 through November 14, 2022 a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, the Cherryville City Council encourages its citizens in patriotic tradition to recognize the importance of honoring all those who the immeasurable sacrifices helped to preserve freedom by displaying a green light in a window of their place of business or residence.

Adopted this 10 day of October 2022.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

CONSIDERATION OF 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:

Councilmember Puett made a motion to enter into a public hearing regarding the rezoning of 109 S. Jacob Street. Councilmember Parker seconded the motion and the vote was unanimous.

Planning & Zoning Director Blackburn shared that he 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.

Mayor Beam asked if any citizens would like to speak on this matter. No citizens spoke.

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

Mayor Beam then 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: **October 10, 2022** to consider Rezoning 109 S. Jacob Street, **Parcel #129868**. 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 10th day of October 2022

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

After some discussion, Councilmember Parker made a motion to approve the rezoning of 109 S. Jacob Street from B-1 to R-0. Councilmember Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF 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:

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

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.

Mayor Beam asked if any citizens would like to speak on this matter. No citizens spoke.

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

Mayor Beam then 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: **October 10, 2022** to consider Rezoning 1407 E. Main Street, **Parcel #215920**. After the Public Hearing and discussion of the rezoning the Council draws the following CONCLUSIONS:

3. 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.

4. 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 10th day of October 2022

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

After some discussion, Councilmember Abernethy made a motion to deny the rezoning of 1407 E. Main Street from B-3 to R-9. Councilmember Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF RESOLUTION RE: AUTHORIZATION OF FUNDING FOR THE CLEVELAND COUNTY WATER INTERCONNECTION PROJECT, CITY MANAGER BRIAN DALTON:

Mr. Dalton asked for consideration for the following resolution. He explained that a resolution was approved on September 27, and this is the same resolution but the resolution before them, includes phone numbers for contacts with Cleveland County water and the City of Cherryville.

NORTH CAROLINA

CLEVELAND COUNTY

**INTERLOCAL AGREEMENT FOR INSTALLATION, OPERATION
AND MAINTENANCE OF A WATER SYSTEM
INTERCONNECTION ALONG WEST ACADEMY STREET
BETWEEN CLEVELAND COUNTY WATER AND THE CITY OF
CHERRYVILLE**

This Agreement entered into this the 10th of October, 2022, by and between the CITY OF CHERRYVILLE, a North Carolina Municipal Corporation, Party of the First Part, hereinafter referred to as "Cherryville", and CLEVELAND COUNTY WATER, a Sanitary District organized under the laws of the State of North Carolina, Party of the Second Part, hereinafter referred to as "CCW".

WITNESSETH:

WHEREAS, Cherryville and CCW jointly will install a project referenced as the Cherryville-CCW Interconnection project along West Academy Street near the Cherryville Corporate limits; and

WHEREAS, due to the funding provided pursuant to S.L 2022-74, both CCW and Cherryville desire to install and maintain an interconnection for Cherryville to utilize and receive potable water service from CCW and for CCW to utilize and receive potable water service from Cherryville, and both CCW and Cherryville are ready, willing, and able to provide potable water service to the other party under certain terms and conditions; and,

WHEREAS, the upgraded facilities will consist as follows:

- Adequate easement for facilities at or near Gaston tax parcel ID 130325 or parcel 130326
- Dual Meter vault and associated appurtenances to include a new six-inch (6") meters and appropriate backflow devices to protect both systems at the master meter vault
- SCADA communications link between the master meter and the West Academy elevated water storage tank for the benefit of CCW
- SCADA communications link between the master meter and the Mary's Grove elevated water storage tank for the benefit of Cherryville

WHEREAS, it serves the mutual benefit and convenience of Cherryville and CCW to enter into this Agreement to better utilize the assets and abilities of each party for their mutual benefit and for the public good and protection of health and welfare.

NOW, THEREFORE, in consideration of the mutual benefits provided for each Party, Cherryville and CCW agree as follows:

1. OBLIGATIONS OF CHERRYVILLE

- A. Cherryville will cooperate fully and assist CCW by whatever means necessary or available in obtaining the necessary easement for the anticipated dual meter vault improvements. CCW will be responsible for any financial considerations in obtaining the necessary easement.
- B. Cherryville will review and approve the plans, and specifications of the meter vault design and connection

methods designed by a duly licensed North Carolina Professional Engineer in accordance with the North Carolina Public Water Supply Permitting Process.

- C. Cherryville shall notify CCW to open and utilize the connection between CCW and Cherryville. Notification shall be given as follows: 1) During normal business hours via telephone at the CCW Administrative Offices (704) 538-9033 or 2) After normal business hours via telephone at the CCW WTP (704) 538-9034
- D. In the event of water restrictions in accordance with CCW water shortage response plan, Cherryville shall be required to abide by and institute the same water restrictions during use of the interconnection. If the interconnection between CCW and Cherryville is not in use, then said water shortage response plan restrictions shall not apply to Cherryville.
- E. The rate charged to CCW from Cherryville during use of the interconnection shall be the reciprocal Governmental Rate adopted by CCW in affect at the time.

2. OBLIGATIONS OF CCW

- A. CCW will manage, oversee, and direct, by hiring duly licensed Professional Engineers in the State of North Carolina, for all aspects of the design and permitting of the water interconnection and connection between the Cherryville and CCW public water supply system.
- B. CCW shall notify Cherryville to open and utilize the connection between Cherryville and CCW. Notification shall be given as follows: 1) During normal business hours via telephone at the Cherryville WTP (704) 435-1738 or 2) After normal business hours via telephone at the Cherryville Police Department (704) 435-1717
- C. In the event of water restrictions in accordance with the Cherryville water shortage response plan, CCW shall be required to abide by and institute the same water restrictions during use of the interconnection. If the interconnection between Cherryville and CCW is not in use, then said water shortage response plan restrictions shall not apply to CCW.
- D. The rate charged to Cherryville during use of the interconnection shall be the duly adopted Governmental Rate adopted and amended from time to time by CCW.

The current rate is \$2.03 per 1,000 gallons as of the effective date of this agreement. CCW commits to notify Cherryville in writing a minimum of six (6) months in advance of any change or increase to the CCW adopted governmental rate schedule.

3. OBLIGATIONS OF BOTH PARTIES

- A. There shall be no tap or connection charges applicable to this dual meter interconnection owed by either party to the other party.
- B. CCW and Cherryville shall be jointly responsible upon completion of construction and for the life of the metering vault and equipment, all operation and maintenance costs in accordance with standard practice. Should either party desire for either meter located in the dual interconnection pit to be calibrated, tested or replaced, then each party shall share equally in the costs of such action of calibration, testing or replacement.
- C. Upon completion of the interconnection project, CCW shall own, operate, and maintain as part of its public water supply system all infrastructure up to the metered point of delivery of potable water from CCW to Cherryville, and Cherryville, likewise, shall own, operate, and maintain as part of its public water supply system all infrastructure up to and including the metered point of delivery of potable water from Cherryville to CCW.

4. AMENDMENTS

This Agreement contains the entire agreement along with Exhibit A (Meter Pit Layout) attached hereto and understanding among the parties hereto with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements, understandings, inducements, and conditions, express or implied, oral, or written, of any nature whatsoever with respect to the subject matter hereof. The express terms hereof control and supersede any course of performance and/or usage of the trade inconsistent with any of the terms hereof.

5. TERM

This Agreement shall commence on the day in which it is signed by the final Party and exist for the life of the water system interconnection and master meter equipment. If any party shall seek to terminate this Agreement, they shall do so only after having given the other parties ninety (90) days written notice, said notice to be given by certified mail return receipt requested to the address of the parties as stated herein.

6. ENTIRE AGREEMENT

This document including any Exhibits contains the entire agreement of the parties and there are no verbal terms or other written terms or provisions hereof which are not contained in this document. The paragraph headings or titles herein are for convenience only and constitute no part of the terms of this agreement.

7. NOTICES

All notices provided for herein and all documents and payments exchanged between the parties shall be provided to as follows:

City of Cherryville
Attn: City Manager
116 S. Mountain St.
Cherryville, NC 28021

Cleveland County Water
Attn: General Manager
PO Box 788
Lawndale, NC 28090

8. FORCE MAJEURE

The term "force majeure" as used in this contract shall mean acts of God and any event or effect that cannot reasonably be anticipated or controlled. In any case in which by reason of "force majeure" either party is rendered unable wholly or in part to carry out its obligations to the other party. The obligation of the party giving such notice, in so far as it is affected by "force majeure" shall be suspended during the continuance of the inability claimed, but no longer.

9. LIABILITY AND INDEMNIFICATION

Nothing contained in this agreement shall be construed to impose upon CCW or Cherryville any responsibility for or liability arising from the operations of the meter or metering equipment and water interconnection between the parties. If any third party shall attempt to hold CCW or Cherryville or its public officials, employees, contractors, heirs or assigns responsible in any way for the meter or metering equipment and interconnection in any manner, including, but not limited to, legal action, both parties hereby agrees to hold the other party harmless and indemnify it for any costs or liabilities associated therewith, including, but not limited to, judgments, court costs, and attorney fees.

10. CITY OF CHERRYVILLE AUTHORITY

The authority of the officials of the City of Cherryville to execute this Agreement is evidenced by the authority given on _____ in Resolution No. _____.

11. CCW AUTHORITY

The authority of the officials of the Cleveland County Water to execute this Agreement is evidenced by the authority given on _____ in Resolution No. _____.

IN WITNESS WHEREOF, the City of Cherryville has caused this agreement to be executed in duplicate originals by its Mayor and attested by its Clerk. Each party with its Corporate Seal hereto affixed on the date and year so indicated.

CITY OF CHERRYVILLE

H.L. Beam
Mayor

Date _____

ATTEST:

Paige H. Green, CMC NCCMC
City Clerk

Date: _____

(Seal)

Pre-Audit Statement: This instrument has been pre-audited in the manner required by the Local Budget and Fiscal Control Act.

Dixie Wall
Finance Director

Date: _____

APPROVED AS TO FORM

Palmer E. Huffstetler, Jr.
City Attorney

Date: _____

IN WITNESS WHEREOF, Cleveland County Water has caused this agreement to be executed in duplicate by its Chairman of the Board of Commissioners and Secretary. Each party with its Corporate Seal hereto affixed on the date and year so indicated.

CLEVELAND COUNTY WATER

_____ Date _____
Donald O. Melton
Chairman

ATTEST:

_____ Date: _____
Bill Cameron
Secretary

(Seal)

Pre-Audit Statement: This instrument has been pre-audited in the manner required by the Local Budget and Fiscal Control Act.

_____ Date: _____
Ginger Fern, CPA
Finance Director

APPROVED AS TO FORM

_____ Date: _____
Timothy K. Moore
Cleveland County Water Attorney

Councilmember Parker made a motion to approve the resolution regarding, authorization of funding for the Cleveland County Water Interconnection Project. Councilmember Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF CITY FINANCIAL STATEMENT ENDING AUGUST 31, 2022, CITY MANAGER BRIAN DALTON:

Mr. Dalton went over the financial statement.

OTHER BUSINESS:

Mayor Beam shared the following:

Water—Have You Ever Wondered? The average person uses over 100 gallons of water at home each day. Here are some tips to reduce the amount you use.

1. Fix leaky faucets and plumbing joints. A leaky faucet can waste up to 20 gallons of water per day.
2. Don't run the hose while washing your car. Use a bucket of water and a quick hose rinse at the end.
3. Install water-saving shower heads or flow restrictors.
4. Run only full loads in the washing machine and dishwasher.
5. Shorten your showers. Even one or two minute reduction makes a big difference.
6. Use a broom instead of a hose to clean driveways and sidewalks.
7. Capture tap water. While you wait for hot water to come down the pipes, catch the flow in a watering can to use later on house plants or your garden. These are just a few tips to save on household water use.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Freeman seconded the motion and the vote was unanimous. The meeting adjourned at 6:38 pm.

Adopted this 14 day of November, 2022.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)



**REGULAR WORK SESSION MEETING
TUESDAY OCTOBER 25, 2022 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W.J. ALLRAN COUNCIL CHAMBERS
106 S. JACOB STREET CHERRYVILLE, NC 28021**

The Honorable Mayor H.L. Beam called the meeting to order. Councilmember's Gary Freeman, Malcolm Parker, Jon Abernethy, and Councilmember Jill Puett were present. City Manager Brian Dalton and City Clerk Paige H. Green were also present. Michael Powell was present for media coverage.

ITEMS FOR DISCUSSION OR ACTION:

PRESENTATION OF FUNDS TO CITY OF CHERRYVILLE, CHERRYVILLE ABC BOARD:

Mr. Tim Moss, of the Cherryville ABC Board, presented a check in the amount of, \$10,000 to the City of Cherryville.

Councilmember Parker made a motion to reappoint Tim Moss to the Cherryville ABC Board for another three-year term. Councilmember Puett seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Councilmember Abernethy thanked Mr. Dalton and the electrical department for coming out after hours to repair a utility pole with a transformer that was leaning.

Mayor Beam shared that Don Millwood told him that there are electrical lines in a tree at the corner of Spinners Dr. and Pine Ave.

Councilmember Puett thanked public works employees for cleaning up so quickly after Scareyville.

Councilmember Freeman thank Sid Stroupe, who was present, for having the old stained glass windows repaired. The windows were originally in the Cherryville National Bank and they are now in the Cherryville Historical Museum. Councilmember Freeman shared that Sid also covered some of that cost himself.

Mr. Sid Stroupe shared that he and several of his family members are working hard to take care of their side of town. Mr. Stroupe thanked the city employees for their help with replacing streetlights that were out, and sweeping the streets.

Mr. Dalton shared that the back flow preventer was installed at the water plant.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Puett seconded the motion and the vote was unanimous.

Adopted this 14 day of November 2022.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)

Special Use Case # 22-02

Applicant:	Carlos Alexander Nieto Naguera
Property Owner(s):	Jerry Denet (Denet Properties LLC)
Property Location:	230 Dick Beam Road
Property Size:	13.94 Acres
Current Zoning:	General Manufacturing and Commercial (GMC)
Proposed Request:	Special Use for Granite/Stone Fabrication

Description:

Several months ago, City Manager Brian Dalton and Zoning Administrator Alex Blackburn met with property owner (Jerry Denet) and applicant (Carlos Alexander) to discuss possible uses for the property outlined above. The applicant is seeking to operate a granite countertop business on the property in which slabs will be delivered and the final cuts for sinks and other fixtures are cut to order. In accordance with the City of Cherryville Zoning Ordinance Part 7, Section 7.12.1(A)(1)(pp) Cut Stone and Stone Products this would require a Special Use Permit to be presented before the Board of Adjustment and then final approval by the City Council.

The property is currently vacant with the exception of the owner’s miscellaneous storage of personal goods.

On Monday, September 19, 2022 a completed application was submitted to City Staff and the Special Hearing Procedure was initiated.



Process:

Staff received application and scheduled the Special Use Permit request to be reviewed at the next available meeting of the Cherryville Board of Adjustment meeting (October 17, 2022).

- September 19, 2022 – Staff received application and reviewed for completeness.
- October 17, 2022 – Board of Adjustment to consider request before submitting recommendation to the City Council.
 - The Board of Adjustment voted unanimously to recommend approval of the request.

- November 14, 2022 – City Council to set Public Hearing for December 12, 2022
 - Post Notification signs on property
 - Publish ad in newspaper once a week for two consecutive weeks
 - Post Notices in City Hall main lobby.
 - Mail adjoining and adjacent property owners of Public Hearing.
- December 12, 2022 – City Council to hold Public Hearing in quasi-judicial proceedings.

Meeting Dates:

- September 19, 2022 – Received Application
- October 17, 2022 – Board of Adjustment Consideration
- November 14, 2022 – Set Public Hearing
- December 12, 2022 – Hold Public Hearing

Purpose of Special Use Permit:

There are many uses identified in the General Manufacturing and Commercial Zoning district listed as “by right uses” in which the uses are allowed as long as they conform to the general requirements of the zoning district (i.e. setbacks, building height, off street parking, and density). In addition to these uses, there are some uses in which applicants are required to obtain the approval of Special Use Permits as to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located.

General Manufacturing and Commercial (GMC) Zoning District

This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, retail, transportation terminals and a broad variety of specialized commercial and industrial operations. Many types of such operations are permitted by right, however, certain types of manufacturing and commercial operations will be allowed only upon issuance of a special use permit after review by the Board of Adjustment and the Board Having made certain findings and having determined any required conditions as set forth in Part 13.

Per the City of Cherryville Zoning Ordinance Part 7, Sub-Section 7.12.1(A)(1)(pp) “Cut Stone and Stone Products” would require the issuance of a Special Use Permit to be granted in order to occupy the property. Other considerations with this request shall include:

§ 7.12.4 Screening and Landscaping

§ 5.2 Screening shall be required as provided in Section 5.2 of this Ordinance.

- a) When a B-1, B-2, B-3 or GMC District abuts a Residential (R) District, screening shall be provided on the lot(s) which are located in the B-1, B-2, B-3 or GMC District at the time such lots are developed (except with a residential use) or when any existing and/or accessory structure on such lot is expanded. In no instance shall screening be required for any residential use located in a B-1, B-2, B-3 or GMC District except as herein provided.
- d) Within any B-1, B-2, B-3 or GMC District, screening shall be required for the open storage of any non-retail goods or any unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment, whenever such storage or structure is located within one-hundred (100) feet of the street right of way line. Screening shall be placed on the property so as to effectively screen such open storage or structure from the public view from any street right-of-way. The use of a fence or wall constructed pursuant to 5.2.2-b of this Ordinance shall be considered an acceptable method (as with planting) for screening outdoor storage.

§ 5.2.2

Any screening required by Subsection 5.2.1 shall be located along side and/or rear property lines of the lot(s) in question except that screening shall not be required along any street right-of-way unless otherwise stipulated in this Ordinance.

Wherever an industrial use is located on the opposite side of a street right-of-way from a (R) residential zone, screening shall be installed on the industrial use property along said street right-of-way.

Staff Comments:

This property is currently bordered on three sides (North, South and East) by the General Manufacturing and Commercial (GMC) Zoning District. To the West, across Wallaby Road, is the residential (R-40) Zoning District.

Additional Review Criteria as outlined in Part 13, Section 13.5.3 of the City of Cherryville Zoning Ordinance also provides additional specific review criteria for each of the following special uses that will need to be addressed.

13.5.3 Manufacturing Uses

- (a) The use will not overly impact the ability of the City to collect and/or treat any wastewater generated by the use or the ability of the City to treat and distribute any potable water needed by the use.
- (b) The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.
- (c) That not only will the use meet the minimum screening required of this Ordinance, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distant view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

Conditions Recommended:

- Use shall conform to all Local, State and Federal Regulations.
- All waste water associate with the use shall be contained and removed by third party vendor to prevent deterioration of city infrastructure including Sanitary Sewer lines, pump station. Applicant has provided documentation that this will be accomplished pending the approval of the request by City Council.
- Screening of Use from neighboring residential uses as provided in Section 5.2 of the City of Cherryville Zoning Ordinance.

Adjoining Property Identification

North:

21 North Storage LLC
1094 Turnersburg Hwy
Statesville, NC 28625-2606

West:

Joel R Carter & Kimberly Carter
141 Wallaby Road
Cherryville, NC 28021

South:

David Troy Carpenter Jr
140 Wallaby Road
Cherryville, NC 28021

Linda B Beam AMND RSTD REV TR
P.O. Box 4148 MAC G0128-021
Atlanta, GA 30302

East:

Michael N Beam Trust M'shel B Bowen
868 Church St. N FL 2
Concord, NC 28025-4350

Amongst The Waves LLC
3516 Niblick Ct.
Denver, NC 28037

Notice of Public Hearing

The City of Cherryville's City Council will hold an Evidentiary Hearing at their regularly scheduled meeting on Monday, _____, 2022, at 6:00 p.m. at the Cherryville Community Center, 106 S Jacob Street Cherryville, NC 28021.

The purpose of this hearing will be to consider a Special Use Permit for allowing a Granite Countertop "Stone Fabrication" use located at 230 Dick Beam Road, Cherryville, NC 28033. PID # 210764.

Case # SUP22-02



For further information, please contact Alex Blackburn, Planning Director, at 704-435-1705.

City of Cherryville Planning Department – Staff Report

Rezoning Case

Applicant:	Charles Alvarez
Property Owner(s):	Expert Builders LLC
Property Location:	PID 207096 Intersection of S. Pink Street and S. Mountain Street, Cherryville, NC 28021
Property Size:	0.92 Acres
Current Zoning:	GMC (General Manufacturing and Commercial)
Proposed Zoning:	R-9 Residential Single & Two-Family

Description:

City Staff met with applicant Charles Alvarez, owner of Expert Builders LLC, on September 28, 2022 and received a completed application for a Zoning Map Amendment (see Rezoning). Mr. Alvarez is seeking to change the current zoning designation of the property PID # 207096 from its current GMC District to that of the R-9 residential zoning jurisdiction. This property is located on the north-east corner of the intersection of S. Pink Street and S. Mountain Street and has not been granted an address.

Properties surrounding this parcel are comprised of the R-9 district to the West and South directions, GMC to the North and East sides, and B-3 to the South-West corner across S. Mountain Street.



Process:

Staff received the application and scheduled the rezoning request to be considered at the next regularly scheduled meeting of the Cherryville Planning Board on October 17, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with the applicable requirements and approval procedures.
- Filing of Request – September 28, 2022
- Staff to request City Council to set Public Hearing date
- Staff to schedule proper advertisement of the Public Hearing.
 - Ad in newspaper to be ran once a week for two consecutive weeks.
 - Notice to be placed in front lobby of City Hall
 - Zoning Sign(s) on subject property
 - Mailed Notices to all adjoining/adjacent property owners.

Meeting Dates:

- September 28, 2022 – Meeting and Submittal of Application
- October 17, 2022 – Planning Board review of requested rezoning
- November 14, 2022 – City Council to set Public Hearing date.
- December 12, 2022 – City Council to hold Public Hearing.

Staff Comments:

The current zoning designation for this parcel is General Manufacturing and Commercial (GMC) and is recorded in the **City of Cherryville Zoning Ordinance Section 6.2.12 GMC General Manufacturing and Commercial** as:

A district designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, retail, transportation terminals and a broad variety of specialized commercial and industrial operations. Many types of such operations are permitted by right, however, certain types of manufacturing and commercial operations will be allowed only upon issuance of a special use permit after review by the Board of Adjustment and the Board of Adjustment having made certain findings and having determined any required conditions as set forth in Part 13.

The applicant has requested a change to the Single- Two-Family Residential (R-9) District which is further enumerated in **Section 6.2.4 R-9 Residential District** as:

This district is established to accommodate single-family dwellings on 9,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots and to allow under certain conditions and after review and approval by the City Council, a variety of residential dwelling unit arrangements in Planned Residential Developments. R-9 districts are located in older, established areas of the City where mixtures of single and two-family dwellings can be accommodated. Like the R-12 District, public water and sewer service is present in all R09 areas. Review by the Planning Board, and review and approval by the City Council for the residential uses and arrangements, other than those specifically permitted by right, is established to ensure that developments are well-planned and, where applicable, compatible with adjoining single-family residences and neighborhoods. A limited number of private and public community uses are allowed or may be allowed on a special use basis where certain criteria specified in this Ordinance are met. Accessory residences are also allowed on a special basis.

This property is located outside of the City of Cherryville Corporate Limits but within the Extraterritorial Jurisdiction of our Zoning Ordinance. The Future Land Use Plan, as adopted by City Council on August 13, 2012, shows that this area was intended to maintain the Neighborhood Business type zoning.

As discussed with the Planning Board during their consideration of this request, the **North Carolina General Statute 160D-605(a)** declares that “If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required.” This would mean that it is within the capability of the City Council as the governing board to approve (if they so desire) a request despite it being inconsistent with the Future Land-Use Map as approved in 2012.

Abutting/adjacent Property Owners:

North:

Title Town Properties LLC
1401 Forge Creek Ct.
Gastonia, NC 28054-7784

West:

Marcellette Rollins
706 S Pink Street
Cherryville, NC 28021

Georgia Jefferies Heirs
125 College Ave. Apt C8
Shelby, NC 28152-7590

South:

Willie Mae Aiken
722 S Mountain Street
Cherryville, NC 28021

Martha Jane Mitchell & Joyce Giles
724 S Mountain Street
Cherryville, NC 28021

800 Mountain NC WCO LLC
611 Macon Street
Brooklyn, NY 11233

East:

Linda Muri McQuaige
601 Delview Road
Cherryville, NC 28021

Applicant/Owner:

Expert Builders LLC
C/O Charles Alvarez
481 Mozelle Road
Cherryville, NC 28021

NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, _____, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Zoning Map Amendment for the property identified as Parcel ID # 207096, located at the intersection of South Pink Street and South Mountain Street. The request is a change from the current zoning designation of General Manufacturing and Commercial (GMC) to that of the Residential District (R-9) zoning district.



For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at ablackburn@cityofcherryville.com

	A	B	C	E	F	G	H	I	J	L	M	N
1		CITY OF CHERRYVILLE										
2		MAJOR FUND FINANCIAL SUMMARY REPORT										
3		3 MONTHS ENDING SEPTEMBER 30, 2022										
4		25%										
5												
6		GENERAL FUND					CASH AND INVESTMENTS					
7			Annual Budget	Actual to Date	YTD %		General Fund	\$ 4,010,680		Operating Acct	\$ 2,593,224	
8	Revenues		FY '22-23	FY '22-23	Collected		Cemetery	32,133		NCCMT	10,204,669	
9	Current Year Levy Property Taxes	\$	2,518,000	\$ 615,979	24%		Powell Bill	372,217				
10	ABC Profit Distribution	\$	25,000	1,500	6%		Electric Fund	3,378,119				
11	Utility Franchise Taxes	\$	397,000	-	0%		Water and Sewer Fund	5,033,666				
12	Local Option Sales Taxes	\$	850,000	104,542	12%		Solid Waste/Sanitation	(28,921)			\$ 12,797,893	
13	Grants/Donations	\$	24,500	5,000	0%		Total	\$ 12,797,893				
14	Powell Bill	\$	200,500	103,284	52%							
15	Contributions/Charges Other Funds	\$	108,600	-	0%							
16	Fund Balance Appropriated	\$	933,485	-	0%		ELECTRIC FUND					
17	All Other Revenues	\$	168,300	56,246	33%		Revenues	FY '22-23	FY '22-23	Collected		
18	Total	\$	5,225,385	\$ 886,551	17%		Electric Sales	\$ 6,126,024	\$ 1,914,597	31%		
19							All Other Revenues	4,000	5,923	148%		
20			Annual Budget	Actual to Date	YTD %		Total	\$ 6,130,024	\$ 1,920,520	31%		
21	Expenditures		FY '22-23	FY '22-23	Spent							
22	Governing Body	\$	55,650	\$ 13,158	24%			Annual Budget	Actual to Date	YTD %		
23	Administration		582,200	208,269	36%		Expenditures	FY '22-23	FY '22-23	Spent		
24	EDC		236,200	76,507	32%		Administration	\$ 827,800	\$ 201,558	24%		
25	Police		1,868,985	407,739	22%		Operations	1,643,500	297,531	18%		
26	Fire		1,229,130	322,448	26%		Purchased Power	3,588,724	793,502	22%		
27	Public Works		123,425	21,833	18%		Contributions to Other Funds	70,000	-	0%		
28	Streets		412,410	53,137	13%		Total	\$ 6,130,024	\$ 1,292,590	21%		
29	Powell Bill		462,150	22,415	5%		YTD Fund Balance Increase (Decrease)	-	627,930			
30	Recreation		255,660	63,118	25%		SOLID WASTE/SANITATION					
31	Appropriations/Contributions		-	-	0%		Revenues	Annual Budget	Actual to Date	YTD %		
32	Total	\$	5,225,810	\$ 1,188,623	23%		Solid Waste Disposal Fees	\$ 646,050	\$ 150,526	0%		
33							Solid Waste Disposal Tax	5,000	-	0%		
34	CHERRYVILLE MAIN STREET PROGRAM											
35			Annual Budget	Actual to Date	YTD %		Total	\$ 646,050	\$ 150,526	0%		
36	Revenues		FY '22-23	FY '22-23	Collected			Annual Budget	Actual to Date	YTD %		
37	Fund Balance Appropriated	\$	476,225	\$ -	0%		Expenditures	FY '22-23	FY '22-23	Spent		
38	CMSP		-	3,120	#DIV/0!		Operations	646,050	142,129	22%		
39	Total	\$	476,225	\$ 3,120	1%		Total	\$ 646,050	\$ 142,129	22%		
40							YTD Fund Balance Increase (Decrease)	-	8,397			
41			Annual Budget	Actual to Date	YTD %		WATER AND SEWER FUND					
42	Expenditures		FY '22-23	FY '22-23	Spent		Revenues	FY '22-23	FY '22-23	Collected		
43	CMSP	\$	476,225	\$ 18,054	4%		Water Charges	\$ 1,475,700	\$ 479,793	33%		
44	Total	\$	476,225	\$ 18,054	4%		Sewer Charges	1,083,000	321,143	30%		
45							Fund Balance Appropriated	492,400	-	0%		
46	CEMETERY											
47			Annual Budget	Actual to Date	YTD %		All Other Revenues	5,000	-	0%		
48	Revenues		FY '22-23	FY '22-23	Collected		Total	\$ 3,056,100	\$ 800,936	26%		
49	Cemetery Sales	\$	87,000	\$ 26,828	31%			Annual Budget	Actual to Date	YTD %		
50	Fund Balance Appropriated				0%		Expenditures	FY '22-23	FY '22-23	Spent		
51	Total	\$	87,000	\$ 26,828	31%		Administration	\$ 1,508,550	\$ 321,980	21%		
52							Water Treatment Plant	903,500	195,589	22%		
53			Annual Budget	Actual to Date	YTD %		Wastewater Treatment	644,050	489,938	76%		
54	Expenditures		FY '22-23	FY '22-23	Spent		Total	\$ 3,056,100	\$ 1,007,507	33%		
55	Administration	\$	86,575	\$ 16,971	20%							
56	Contributions to Other Funds				0%		YTD Fund Balance Increase (Decrease)	-	(307,149)			
57	Total	\$	86,575	\$ 16,971	20%		YTD Fund Balance Increase (Decrease)	-	(206,571)			
58												
59	YTD Fund Balance Increase (Decrease)											
60												
61												

***given to council/dept heads monthly