



MONDAY FEBRUARY 14, 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, and Jon Abernethy were present. Councilmember Malcolm Parker was absent. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Planning & Zoning Director Derrick Mackey, Public Works Director Brandon Abernathy, Downtown Director David Day, and Finance Director Dixie Wall, Fire Chief Jason Wofford, and Captain Brian Doolittle were also present. No media coverage.

INVOCATION: PASTOR ZAC MAYHUE, SHADY GROVE BAPTIST CHURCH:

Pastor Zac Mayhue gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and gave recited the Pledge of Allegiance.

AGENDA APPROVAL:

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

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve the minutes from the January 10, 2022 meeting and the January 25, 2022. Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

On behalf of all of your City Council and City Staff, I want to wish all of our citizens a very Happy Valentine's Day.

It is with sadness that I announce the loss of two of our city staff workers. Jason Black resigned this past month to take a position with a utility company and Derrick Mackey has accepted a full time position at a pharmaceutical company in Lincolnton, NC. Both positions have been advertised and some interviewing has already take place to fulfill one of the vacancies.

Butter Me Up has closed recently on Main Street. City Manager Dalton and I met several weeks ago with Mr. Patrick O'Leary the owner of the building and he has informed us that at least four individuals have already demonstrated an interest in opening in this location. Mr. O'Leary stated that the YMCA will likely be ready sometime this month. He is looking at the Belk building to be completed in late spring.

Our city works employees did an outstanding job on the snow removal after our recent snow storm. We want to commend and thank them for their untiring work during this event.

On January 27, Mayor Pro-Tem Jill Puett and I attended the virtual meeting of the Gaston-Cleveland-Lincoln MPO. We were informed at this meeting that the construction project on Highway 279 was about 67 per cent complete. The last phase will be mostly on the Dallas side of the highway. Some improvements at some of the intersections are still to be completed also.

The heat/air went out at the community building and because of the age of the unit, it was recommended that we replace the unit. Bids went out and CSI of Shelby came in with the low bid of \$20,000 and has already begun installing the new unit.

City Manager Dalton informed me that he met with Sea Land and they have indicated that they will likely start tearing/replacing sidewalks and curbs on Main Street in the next couple weeks.

Public Works Director Brandon Abernathy met with REA officials concerning who will provide the electrical power to the Stroup Acres Subdivision. The City of Cherryville will serve a total of 230 of the proposed lots. The City feels this is great for our growth and we look forward to increasing our electrical power customer base.

City Manager Dalton spoke with Mr. Ray Maxwell with Gaston County concerning the proposed park at Cherryville East Elementary woods. Mr. Maxwell is hoping a contractor will be chosen soon and the construction of the recreation area will begin by the summer and they will have the Bermuda put in by the fall of this year.

Plans for Westgate Park renovations have begun and I will have updates soon.

This past Friday, I attended and spoke at the retirement event for Fireman Chris "Pudge" Cash. A very large crowd was on hand and I presented Mr. Cash with an autographed picture by all in attendance. Afterwards Assistant Fire Chief Colby Hefner presented Mr. Cash with his retired fire helmet. Mr. Cash followed with an emotional speech concerning his time with the

Cherryville Fire Department. "Pudge" will certainly be missed by all of us that knew him and his dedication to this city.

In closing, I want to give everyone an update on the condition of Council Member Malcolm Parker. I spoke with Councilman Parker yesterday and he stated that they are still evaluating his condition. He is not allowed any visitors other than family at this time but related how thankful he was to all the prayers that have gone up for his health. He is optimistic for a speedy recovery and hopes to be coming home soon, as he states the food is not to his liking and cannot wait to get better food at home. I ask everyone to continue to keep Council Member Parker in your thoughts and prayers.

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):

Ms. Teresa McFarland approached the podium to ask questions concerning the parking on Main Street and how it affects her business Rocking Realty.

Mayor Beam let Ms. McFarland know that the item that she was questioning was also on the agenda, and comments could be made after being sworn in. Ms. McFarland asked if she would need her attorney present.

Mayor Beam explained that the public hearing was item number 13 on the agenda and it would be a quasi-judicial hearing. In order to speak you have to take an oath and be sworn in and that would take place before the hearing.

PRESENTATION OF PROJECT UPDATE FROM PIEDMONT LITHIUM, COO DAVID KLANECKY:

Ms. Malissa Gordon, Community & Government Relations Manager for Piedmont Lithium, approached the podium to share several updates. One, Piedmont Lithium is still working toward obtaining the state mining permit. Ms. Gordon shared that there may be two more rounds of questioning before a permit is considered. Ms. Gordon shared that the State permit must be obtained before the rezoning with Gaston County.

Two, Ms. Gordon shared that Piedmont Lithium has committed with the Cherryville High School Education Foundation and an announcement will be coming soon regarding that. Ms. Gordon stated that an initial donation was given to help Cherryville High School continue to have the leading edge for programs to foster academic excellence. Piedmont Lithium is hoping that Cherryville High School will work toward some technical careers that will also benefit them.

Mayor Beam asked Ms. Gordon if Piedmont Lithium would be working through Gaston College as well to make sure they are offering certain courses to help benefit them.

Ms. Gordon stated that they are already working with Gaston College on setting up pathways for their apprenticeship program. Ms. Gordon stated that Piedmont Lithium would want to hire employees that have been a part of Gaston College's program.

Mayor Beam asked Ms. Gordon about utilities for Piedmont Lithium. Mayor Beam wanted to make sure that Cherryville be at that table for utility discussions.

Ms. Gordon stated that all parties involved in utilities, would have a seat at the table once a meeting is held for those discussions.

CONSIDERATION OF UPSET BID RE: CITY OWNED LOT LOCATED ON CORNER OF W. MAIN STREET AND S. MULBERRY ST, CITY MANAGER BRIAN DALTON:

City Manager Brian Dalton shared that Cherryville Main Street LLC., has made an offer to the City of Cherryville to purchase the City owned lot on the corner of W. Main St., and S. Mulberry St. Cherryville Main Street, LLC, submitted an offer of \$30,000 and paid \$1,500.00 earnest money.

Mr. Dalton explained that an ad was in the Cherryville Eagle regarding the upset bid, but no other bids have come in.

Mayor Beam asked Council for a motion to accept the bid from Cherryville Main Street LLC.

Councilmember Puett made a motion to approve the offer of \$30,000 from Cherryville Main Street, LLC for the property located on the corner of W. Main Street and S. Mulberry Street.

Councilmember Abernethy seconded the motion and the vote was unanimous.

PRESENTATION OF END OF YEAR REPORT FROM CHAMBER OF COMMERCE, CHAIRMAN PETE CRAFT:

Mr. Pete Craft, Chairman of the Chamber Board of Directors, approached the podium and gave the following end of year report:

Ribbon Cuttings:

- Butter Me Up
- International Express

Dedications and Groundbreakings:

- Attended the Terry Fisher ABC Store Dedication
- Attended the Caromont Urgent Care Groundbreaking

Held 2 Virtual Seminars:

- Small Business Association: Business Solutions
- Small Business Media Marketing

Community Relations:

- Held a virtual Annual Meeting

- Helped with gathering volunteers for 4 Covid Clinics
- Weekly Firefighter Highlights
- Weekly Chamber Member Highlights
- Provided Community Marketing Materials (such as Restaurant guides, shopping guides, Cherryville Branded fans, chip clips, writing pens and website QR code cards) for all the welcome bags for both the Dixie Youth and American Legion Ball Tournaments. The QR Code Cards generated over 800 hits on the City's new website.

School Partnerships:

- Helped promote the decorating of Downtown for the rescheduled Homecoming Parade and Radio Station
- Provided cookies for all Cherryville Area Schools Students and Staff
- Decorated the drop off area of CHS for the class of 2021 Senior Class
- Took the Grinch and Santa to the Elementary Schools and Middle School
- Helped find sponsorships for area schools for things such as extra outdoor furniture and student of the month programs.

Festivals Committee:

Assisted with the planning and execution of the following events:

- Independence Day Celebration
 - Hocus Pocus Parade
 - Monsters March
 - Scary-Ville
 - Tree Lighting
 - Who-Ville
 - Christmas Parade
- **We helped gain sponsors to help pay for \$3,000.00 of the city's fireworks display since there was an unforeseen increase in the price of fireworks due to covid and container ships coming over from China.**
 - **We did not use any of the city's budget for the Christmas events. We raised enough sponsors to where it was not needed.**

Mayor Beam and the Councilmembers thanked Mr. Craft for his service to Cherryville and the end of year report. Mayor Beam went on to thank Mary Beth Tackett and David Day for all they do for the City of Cherryville.

Mr. Craft thanked everyone for having confidence in him to be able to be chair of the Chamber of Commerce Board for ten years.

**CONSIDERATION OF APPOINTMENTS TO CHAMBER OF COMMERCE BOARD OF DIRECTORS,
PROGRAM COORDINATOR MARY BETH TACKETT:**

Mrs. Mary Beth Tackett approached the podium to ask for consideration in appointing two nominees to the Chamber Board of Commerce. The nominees are Barry Heavner, Emily Blackburn, Sarah Chambers, Casey Sipe, and Johnny Brown.

Councilmember Freeman made a motion to appoint Casey Sipe of Modern Printing and Johnny Brown of Allstate to the Chamber Board. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION OF APPOINTMENT TO PLANNING BOARD, PLANNING & ZONING DIRECTOR
DERRICK MACKEY:**

Planning and Zoning Director Derrick Mackey approached the podium and asked for consideration for an appointment to the planning & zoning board. Mr. Mackey asked that Matt Mauney be considered to replace Mr. Larry Gunnell. Mr. Mauney resides at 175 Oak Tree Lane, Cherryville. Mr. Mauney would be an ETJ member, which is needed. Mr. Mackey shared that Mr. Mauney is familiar with local government and was once employed by the Cherryville Police Department. Mr. Mackey shared that Mr. Mauney would be an asset to the board.

Councilmember Puett made a motion to appoint Mr. Matthew Mauney to the board. Councilmember Abernethy seconded the motion and the vote was unanimous.

**CONSIDERATION OF PUBLIC HEARING RE: SPECIAL USE PERMIT FOR (GIS PARCEL #129707)
126 W. MAIN STREET FROM B-1 TO RESIDENTIAL, PLANNING & ZONING DIRECTOR DERRICK
MACKEY:**

Mayor Beam asked for a motion to enter into public hearing.

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

Mayor Beam explained that this was a Quasi-Judicial hearing and any one that would like to speak will need to be sworn in before speaking on this issue. Mayor Beam then asked that all citizens that would like to speak to come forward to be sworn in together.

City Clerk Paige Green held the Bible while Derrick Mackey, Vicki Spurling and Teresa McFarland placed their left hand on it, and raised their right hand. Mrs. Green read the following:

Do you solemnly swear or affirm that the evidence you are about to give in the matter now at issue before the Cherryville City Council, shall be the truth, the whole truth, and nothing but the truth, so help you God.

All three agreed to tell the truth.

Mr. Mackey approached the podium to share that Cherryville Main Street, LLC, has paid for and filled out an application for a special use permit for 126 W. Main Street. Cherryville Main Street, LLC, has plans to renovate the existing three-story building to apartments. Currently the building is zoned B-1 (business) and Cherryville Main Street, LLC, is asking that the building be rezoned to residential. In order for a building on Main Street to have every floor residential, the owner must ask for a Special Use Permit because there will be no commercial use. If commercial use were on the first floor, no permit would be needed.

Mrs. Vicki Spurling approached the podium and stated that she resides at 1661 Delview Rd. and she owns an office located at 211 E. Main Street. Mrs. Spurling shared that as Derrick explained if you make every floor of a building on Main Street residential then it is required of the owner to have a special use permit in order to have residential on the bottom floor. Mrs. Spurling shared that she is the project manager for Cherryville Main Street LLC, and the owner, Patrick O'Leary, would like to make the building residential on all three floors. Mrs. Spurling pointed out that this building is located on the west side of Main Street and the other three corners are residential already on that block. Mrs. Spurling has had citizens say they would like to live on the main level downtown and with the renovation of the other buildings down town; the apartments are all on the second level. Mrs. Spurling shared that this building will have an elevator so there would be easy access to all three floors. Mrs. Spurling went on to say that with the special use permit each apartment has to be supplied at least one parking space. With eight apartments in this building there will need to be eight designated parking spaces for the tenants. Mrs. Spurling stated that there is parking behind the building but Cherryville Main Street LLC has purchased the property across the street for the designated parking. The corner lot will be made into a parking lot for the tenants and other citizens to use. Mrs. Spurling shared that there will be signs up for the eight tenants designating their parking space.

Mayor Beam asked Mrs. Spurling if she had made a decision about the tree on the corner. Mrs. Spurling explained that she has looked at the tree and the roots are already high up out of the ground. She has called Adams Tree Service out to look at the tree and get a quote to remove it. Mrs. Spurling stated that trees tear up paving and paving is expensive.

Ms. Teresa McFarland approached the podium. Ms. McFarland owns Rocking Realty located at 124 W. Main Street. Ms. McFarland shared that her questions about parking have been answered by Councilmember Freeman. Ms. McFarland says she owns two parking spots behind her building. She went on to say that, realistically there be 16 spots needed for the apartments because most husbands and their wife's own a car and both will need somewhere to park. Ms. McFarland does not want her agents to be unable to park in her spots. She stated that there are usually one to four agents at a time working. Ms. McFarland explained that her and her agents will not take up a lot of parking, but she does not want to get in a bad neighbor situation when she is having people towed that are parking in her designated parking spaces behind her building.

Ms. McFarland also stated that she is concerned about the construction phase because during the water and sewer project's she also had to have a wall repaired and she and Mr. O'Leary had to come to a meeting of the minds about that, and it cost her \$42,000 to repair. Ms. McFarland shared that she is concerned about the disruption of her business. She stated that she was told at a business owners meeting that she attended last year that her business would not be disrupted, but during all of the stuff that has happened, her business had to shut down for two months. She said that she was unable to get to her business. She went on to say that, she filed an insurance claim for loss of use but it was denied because it was not caused by an act of God. Ms. McFarland shared that she was out of business, but was told that her business would not be affected. Ms. McFarland stated she is concerned that something like that may happen again, and it may impede her and her agent's lively hood as well. Ms. McFarland stated again that parking was her biggest objection but thanks to Vickie, she thinks that that has been overcome with the parking lot she hopes. Ms. McFarland said she was also told that handicap parking would be available but she has looked at the slope of the land and she thinks it would be impossible to get handicap parking there. She invited Mayor Beam and Council to come look at the area and feels like the handicap parking will need to be across the street in the new parking lot. Ms. McFarland stated that she had expressed her concerns and thanked everyone for listening.

Mayor Beam asked Ms. McFarland if she has designated her two parking spaces for her agents.

Ms. McFarland responded saying that she has not designed her two spaces yet because she has not had too, but she will put a sign up. She went on to say that, if she has a problem she has had to tow in Gastonia and she does not have a problem having to tow in Cherryville. She also shared that she does not want things to get to that point because she like being a good neighbor but she would stand up for her agents.

Councilmember Abernethy asked Ms. McFarland again about her business being shut down for two months. He asked if it was strictly because of construction on Main Street.

Ms. McFarland said that it was a combination of things and she was unable to access the front of her office because of the water and sewer project that is going on. She responded again, "Yes my office was closed for two months as a direct result of what was going on." She went on to explain that she planned to have the repairs to her building done to coincide with the Main Street construction. She shared that making repairs to her building impeded her business a little bit, but what impeded it the most was not being able to access her building because the roads are torn up. She shared she lost two months of business and an agent because of the Main Street construction. She stated that she was able to relocate one of her agents to Gastonia but she also lost an agent so she has suffered economically from all of this stuff going on and she is concerned about what the repercussions will be, once Mr. O'Leary starts on the apartment building.

Mayor Beam shared that everyone that was sworn in has had a chance to speak and he asked Council for a motion to exit the public hearing.

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

Mayor Beam went over the following Findings of Facts:



SPECIAL USE PERMIT

PROPERTY LOCATION: 126 West Main St. Cherryville, NC 28021

USE: B-1 Central Business District

FINDINGS OF FACT

	YES	NO
1. The use will not materially endanger the public health Or safety if located where proposed and developed according to plan, and	<u>X</u>	___
2. The use meets all required conditions and specifications, and	<u>X</u>	___
3. The use will not substantially injure the value of adjoining Or abutting property unless the use is a public necessity, and	<u>X</u>	___
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony		

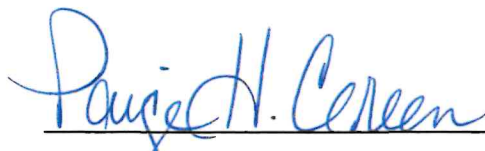
with the area in which it is to be located and will be in general conformity with the Cherryville Land Development Plan. X —

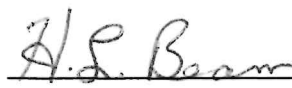
After having held a Public Hearing on February 14, 2022 and in light of the Finding of Fact listed herein, the following action was taken by Cherryville City Council:

All Councilmembers agreed unanimously to answer YES to every findings of facts.

Councilmember Puett made a motion to accept the Findings of Facts and to approve the Special Use Permit for 126 W. Main Street, rezoning the building from B-1 to Residential. Freeman seconded the motion and the vote was unanimous.

Adopted this 14 day of February 2022.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



PRESENTATION OF MONTHLY FINANCIAL STATEMENT, FINANCE DIRECTOR DIXIE WALL:

Finance Director Dixie Wall approached the podium to give the following monthly financial statement.

Councilmember Freeman had several questions for Mrs. Wall regarding the procurement cards.

CONSIDERATION OF WORK SESSION MEETING ON FEBRUARY 22, 2022, MAYOR H.L. BEAM:

Mayor Beam stated that since February is a shorter month and the meetings will only be a week apart that Council may want to consider cancelling the February 22, 2022 meeting.

Councilmember Abernethy made a motion to cancel the work session meeting scheduled for February 22, 2022. Councilmember Puett seconded the motion and the vote was unanimous.

OTHER BUSINESS:

City Manager Brian Dalton gave an update on West Gate park stating that he met with Todd Sosebee of Sosebee Pavement Markings regarding the tennis court. Mr. Sosebee will be giving

the City of Cherryville a price on resurfacing the tennis courts. Mr. Sosebee also knows a contractor that creates dog parks. Mr. Dalton will be talking to Mr. Sosebee soon to get more information from him.

Councilmember Freeman asked for an update regarding Jerry Sander's property.

Mr. Dalton shared that when we have heavy rains storm water is running down Vivian Street causing erosion in Mr. Sander's back yard. The city took rock out to Mr. Sander's house to help slow the storm water down. Mr. Dalton explained that he met with Paul Czeer, of Czeer Construction, and he is going to put a storm drain in that will catch the heavy storm water. Mr. Czeer will cut the road and replace a piece of pipe routing it to the storm drain on the other side of the road. This will remove the standing water on Vivian Street and help with the erosion of Mr. Sander's yard.

Councilmember Puett asked for an update on the Main Street Construction.

Downtown Director David Day approached the podium and gave an update on how the construction is on time and they plan to have the project completed this fall. The construction group meets every Tuesday and new sidewalks will begin soon. Mr. Day explained that as this phase of the construction begins, only small sections of Main Street would be closed at a time and both sides of the street will be done at the same time. Mr. Day shared that the new sidewalk phase will begin in the next week. Mr. Day stated that he stays in close contact with the business owners and he will continue to do so as this phase begins.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Puett seconded the motion and the vote was unanimous. The meeting adjourned at 7:15 pm.

Adopted this 14 day of March 2022.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

