



**REGULAR CITY COUNCIL MEETING
MONDAY MARCH 13th, 2023 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN JR. 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 Jr. 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., Public Works Director Chris J. King, Planning & Zoning Director Alex Blackburn, Wastewater Superintendent Larry Wright, Finance Director Dixie Wall, Downtown Director David Day, Fire Chief Jason Wofford, and Police Chief Brandon Hunsucker were also present. Michael Powell was present for media coverage.

INVOCATION: PASTOR BOB HOLTSCRAW, MISSIONARY METHODIST CHURCH:

Pastor Bob Holtzclaw gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Councilmember Abernethy made a motion to remove item #6 until April 10. Councilmember Freeman seconded the motion and the vote was unanimous.

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve all four sets of minutes below.

- A. CITY COUNCIL REGULAR MEETING JANUARY 9, 2023
- B. CITY COUNCIL WORK SESSION JANUARY 31, 2023
- C. CITY COUNCIL REGULAR MEETING FEBRUARY 13, 2023
- D. CITY COUNCIL WORK SESSION FEBRUARY 28, 2023

Councilmember Freeman asked that more information be added to the last set of minutes for February 28, 2023 under other business when he asked about the funding for Main Street.

City Clerk Paige Green stated that she would take care of that.

Councilmember Parker seconded the motion to approve all four sets of minutes. The vote was unanimous.

MAYOR'S COMMENTS:

“Our city is still in the process of accepting upset bids on the Museum Building located on Main Street. This process will continue until the deadline for this bidding ends. At that time council will take appropriate action on whether to accept the final bid.

There is a new welcome to Cherryville Mural that has just been completed. It is located on the building within the parking lot of the new YMCA building. This mural was financed by Mr. Patrick O’Leary and was completed at no cost to our city.

Piedmont Paving has been hired to patch some 90 locations we have identified that are in need of asphalt repairs. In the past the city has used about 1 ½” of asphalt for each repair and typically we have continued to have problems with these repairs. Piedmont is using 4” in local roads and 6” in state maintained roads for their repairs. Hopefully this will solve our pothole problems in the future.

City Manager Dalton has informed me that after meeting with the Carolina Thread Trail, Cherryville is looking at creating a trail from the City Park area leading toward the water plant. The new ROW mower we recently purchased will be used for this project so little if any city funds would be needed.

On Friday March 3, I attended the Ribbon Cutting for Scooters coffee located in the Wal-Mart complex. A large crowd was on hand and were treated to free samples from owners Jim and Janine Sas. I will be attending another ribbon cutting this Friday for Shamrock Sports Station located at 104 East Church Street.

Last week I met with local, state, and national officials from American Legion Baseball to discuss the possibility of Cherryville acquiring the bid to get the South East Regionals for the years of 2024 and 2025. Representatives from Cherryville were Jerry Hudson, Legion Post 100 Commander Mike Robinson, Post 100 Athletic Director Ned Yates, public announcer Danny Eaker, and Post 100 Coach Bobby Reynolds lobbied on behalf of our city. The decision will come from American Legion headquarters in Indianapolis and the announcement could come as early as next month.

This past Thursday I was honored to attend Cherryville Elementary’s annual Fairy Tale Ball. I gave a Royal Proclamation to begin the event for all five-kindergarten classes. I am always excited to visit this school and their classes. The students are so well disciplined and attentive. I commend Principal Watson and all his staff for making my visit so enjoyable.

On April 1, our city will be hosting the Grand Reopening of Main Street of Cherryville. The Chamber of Commerce and Main Street teams and committee members have been hard at work organizing all the events for this day.

1. A Cruise and Brews we be on Main Street from 3 pm-8 pm.
2. The dedication and ribbon cutting ceremony will begin at 5 pm
3. Many local and out of town guests will be attending this event.
4. I will be officially giving the welcoming and opening remarks shortly after 5pm
5. We are having beer, wine, and several food trucks for the evening.
6. There will be a Golf Cart Parade following the ceremony.

7. The Band "Ocean Blvd." will play following the ribbon cutting & ceremony.
8. Merchants are being encouraged to participate in these events.

The city is hoping for a huge turnout and all citizens are urged to attend."

SWEARING IN OF NEW POLICE CHIEF BRANDON HUNSUCKER, CITY CLERK PAIGE GREEN:

Voted to remove.

SPECIAL RECOGNITION OF A SENATORIAL STATEMENT HONORING FORMER MAYOR ROBERT D. AUSTELL, MAYOR BEAM:

Mayor Beam read a letter that he received from Senator Ted Alexander. He read the following:
 "Dear Mayor Beam, please accept this North Carolina Senatorial Statement in honor of former mayor Robert Donald "Bob" Austell who passed away January. I was pleased to honor his legacy on the senate floor last Thursday February 16, 2023 and wish to share this commendation with you. Thank you for your dedication and service to our community."

Mayor Beam then read the following statement to the family members of former Mayor Robert D. Austell:



SPECIAL PRESENTATION OF “ONE GASTON 2040”, GASTON COUNTY YMCA CEO SHARON

PADGETT:

Mrs. Sharon Padgett, a volunteer for Gaston County approached the podium to share “One Gaston 2040.” Mrs. Padgett shared that for the past two years volunteers have been putting together a community vision for all of Gaston County. Mrs. Padgett shared an overview of the vision as well as the process so far in creating this vision. She talked about community engagement that has now involved over 2,000 participants. Defining traits, focus areas, implementation structure, focus area teams were also discussed. Mrs. Padgett shared what the plans are moving forward and how anyone that would like to, can get involved.

Councilmember Freeman stated that he did not see Cherryville in the material that Mrs. Padgett handed out. Mrs. Padgett shared that the volunteers did reach out to all of the municipalities to have them send in pictures and the folks that put the information together included the pictures that they received.

Mrs. Padgett again asked for any citizens that would like to be involved, to reach out to her.

Councilmember Parker shared that it kind of hurt his feelings when he looks through the materials and sees Belmont and Gastonia pictures and things written up about those communities. He shared that it seems Cherryville is left out of everything that Gaston County does.

Mrs. Padgett shared that a focus group was held in Cherryville and the meeting was held with very low turnout.

SPECIAL RECOGNITION OF EMPLOYEES YEARS OF SERVICE, MAYOR BEAM:

Mayor Beam recognized the following employee’s for their years of service with the City of Cherryville:

● Seth Barker	Telecommunications	Police	5 Years
● David Thomas	Water/Sewer Maintenance	Public Works	5 Years
● Josh Colvard	Patrol Sergeant	Police	10 Years
● Kent Ballard	Class B Lineman	Electrical	10 Years
● Wes Bennett	Patrol Sergeant	Police	20 Years
● Jason Wofford	Fire Chief	Fire	25 Years

PUBLIC HEARING RE: PIEDMONT LITHIUM PROPERTY RELINQUISHMENT FROM ETJ, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

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

Mr. Blackburn approached the podium and went over the following:

Rezoning Case

<u>Applicant:</u>	<u>Piedmont Lithium Inc.</u>
Property Owner(s):	George Bennett Allen (PID 158034) Jeffrey Lee Freeman Jr./Kelly Brazell Freeman (158038, 158072) Andrew Green/ Madison Leigh Freeman (158037) Gaston Land Company (307416)

Property Location:	Near intersection of Hephzibah Church Road and Anthony Grove Road
Property Size:	158034-38.84 Acres 158072-15.40 Acres 158038 -13.20 Acres 158037 -3.84 Acres <u>307416-65.87 Acres</u> Total 137.15 Acres

City Staff received a Zoning Map Amendment application on December 9, 2022 requesting that the City of Cherryville relinquish the above listed properties located in the Extraterritorial Jurisdiction (ETJ) to be included in the sole jurisdiction of Gaston County. Applicant and City Staff held a meeting to discuss the possibility of this action several months prior.

Staff received the application and scheduled the request to be reviewed during the January 16, 2023 meeting of the Cherryville Planning Board.

- Pre-filing meeting to discuss proposed amendment and to become familiar with the applicable requirements and procedures
- Filing of Request
- December 9, 2022
- Cherryville Planning Board to review and recommend action on the proposed change.
- January 16, 2023 -Presented before the Planning Board.
- Planning Board voted unanimously to recommend approval of relinquishment to the City Council
- Staff to schedule with the City Council to set a Public Hearing.
- February 13, 2023 -Council set Public Hearing for March 13, 2023
- Staff to schedule proper advertisement of the Public Hearing to run once a week for two consecutive calendar weeks in a newspaper having general circulation in the area.
- Scheduled to run in the February 22, 2023 and the March 1, 2023 edition of the Cherryville Eagle Newspaper.
- Staff to install zoning signage on the subject property prior to Public Hearing.
- February 16, 2023 -Five (5) signs were placed on subject properties having road frontage.
- Notices of adjoining property owners to be sent prior to Public Hearing.
- February 16, 2023 – Mailed notices.
 - December 9, 2023 -Filing of Request
 - January 16, 2023 -Planning Board Consideration
 - February 13, 2023 -City Council to schedule Public Hearing
 - March 13, 2023 -Public Hearing

The five properties are currently located within the Extraterritorial Jurisdiction of the City of Cherryville and consist of General Manufacturing and Commercial (GMC) as well as Rural Residential (R-40) Zoning Districts.

The applicants have disclosed that they are intending to utilize the property for a Lithium Mine and refinery in conjunction with property already solely in the jurisdiction of Gaston County.

Both the City of Cherryville and Gaston County require that this use first obtain a Special Use Permit and the applicants are seeking to have one Special Use application and approval rather than going through the same process twice.

In accordance with the City of Cherryville Zoning Ordinance, a mining operation is a listed use as found in Part 7, Section 7.12.2(B):

Conditional Uses:

B. Mines and quarries

The City of Cherryville Future Land Use Plan, as adopted on August 13, 2012, depicts the entire area encompassing all five (5) parcels as being of the Industrial designation.

If approved, the properties will be relinquished from the zoning jurisdiction of the City of Cherryville. Per North Carolina General Statute 160D-202(h):

Relinquishment of Jurisdiction - When a city relinquishes jurisdiction over an area that it is regulating under this Chapter to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquishes jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings and take other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

If the City Council so decides to reject the request for relinquishment, the applicants would be required to apply for a Special Use Permit simultaneously for the same use before the Gaston County Board of Commissioners as well as the City of Cherryville City Council.

Mayor Beam asked if any citizens would like to speak.

Mr. Brian Harper of 1953 Hephzibah Church Rd. approached the podium share that he also owns a business at 2015 Hephzibah Church Rd. and he asked the council not relinquish the five parcels to Gaston County. Mr. Harper asked why the council would give up their say in the five parcels. He went on to say that Piedmont Lithium will eventually ask to be zoned I-3 and the Gaston County zoning code section 6.2.5 subsection d says the I-3 district is established to provide areas for the most intensive heavy manufacturing and industrial uses that may have impacts such as excess noise, environmental concerns and extended hours of operation. Uses in this district are extremely limited and include extractive and mining uses, petroleum refining and slaughterhouses.

Mr. Harper stated that Cherryville could still have say even after Piedmont Lithium has it rezoned to I-3, and he felt sure Cherryville would not want a slaughterhouse up against their Welcome to Cherryville sign. He stated that Cherryville resident deserve better and he hopes that council will see it that way. 36:49

Dr. Pastor Dennis Bean of Anthony Grove Baptist Church also approached the podium and shared that he is the pastor at Anthony Grove Baptist Church (AGBC) He pointed out that the church property is directly across the street from the property that is being considered. Dr. Bean stated, "I have been pastor at AGBC for 24 years, and during my time the church has built six buildings, and every time we have come to the planning & zoning department to get the permits and pay the fees. I want to know why a group out of Australia gets a pass. Why they do not have to get a permit and why do they not have to pay the fees. They should also have the city's supervision and the city looking at what they are wanting to do. I called city hall and asked about the named area and was told it a buffer zone. Dr. Pastor Bean explained that if you go to the Piedmont Lithium's website, you can see their plans. He went on to explain that their plan shows that that they are planning on putting two railroad tracks on the property that runs in front of AGBC along with a lithium hydroxide chemical plant. Dr. Bean shared again this will be across the street from a daycare. Dr. Bean asked the council, "You want to give up your say so, of what they can do and turn that over to Gaston County? Councilmember Freeman and Councilmember Parker you have already noted that Cherryville was neglected in the 2040 Gaston Vision. As the pastor of Anthony Grove, I believe if you relinquish this, every one of those railroad cars with chemicals going in and out of that plant, you are giving up any say so about what happens. My question to you is this, do you think the people in Belmont or Gastonia is going to care about what happens across the street from AGBC? I don't think they will. However, I do believe the folks in this room are sensitive to what is going to happen at our backdoor. These people from Piedmont can come to you just like we did and I think you will give them an honest hearing just like you gave us, so why should they get a pass? I believe it is not in Cherryville's best interest, it is not in AGBC best interest, to relinquish your control of the zoning and the planning of this property. Thank you!"

Mrs. Libby Carpenter of 426 Alderholt Rd. approached the podium to share the following:

"Thank you for your time Mayor Beam and City Council members, my name is Libby Carpenter of 426 Aderholt Rd. My property is located in a residential area in the Cherryville township where Piedmont Lithium wants to dig four open pit mines and construct a chemical plant. I am asking you to not give up your rights to zoning and here is why:

Cherryville values faith and family, our churches are the foundation of our faith. Anthony's Grove Baptist Church is just one of the churches that will be affected by your decision tonight.

I want to invite you as community leaders to think about the legacy you will leave. The Bible says in Proverbs, A good name is more desirable than great riches; to be esteemed is better than silver or gold. A good name earned by honorable behavior, godly wisdom, moral courage, and personal integrity is more desirable than great riches.

Especially as you consider the future of Cherryville and the drastic changes that Piedmont Lithium proposes to make to our community. Because the decisions you make about this project in the days, weeks, and months ahead could well affect the way you will be remembered.

Right now, the Cherryville Township has some of the most beautiful landscapes in the area with its many forests and fields, farmlands, streams and rivers, and all manner of wildlife. Open pit

mining will forever alter that landscape. Instead there will be trucks, traffic, dust. Noise, and sediment pollution in our streams and rivers.

When Piedmont Lithium first came to our area, they wanted to take photos of the foundations of our home, inside and out. For a baseline of damage they may cause. But good neighbors don't move into an area already knowing they're going to cause damage. Just like good city council members don't let strangers intrude into a community knowing they're going to bring destruction. Not when they can do something to prevent it. That's not the kind of legacy good city council members want to leave behind. They don't want to leave behind vacant homes and abandoned properties, muddy water, and dusty air, and a cavernous pit that looks more like it belongs on the side of the moon than on a Gaston County landscape

So tonight my request to you, Mayor Beam and Cherryville City Council is to think about your legacy. Think about how you will be remembered. And be cautious. Because the few gains Piedmont Lithium is promising will not be worth the cost to Cherryville's quality of life. Or the cost to your legacy. Thank you."

Mrs. Lisa Carpenter Baldwin approached the podium to share the following:

"My name is Lisa Carpenter Baldwin and my family home is at 426 Aderholdt Rd. in the Cherryville Township. Piedmont Lithium's proposed mine and chemical plant is a disastrous idea for Cherryville. I am asking that you do NOT relinquish the extra—territorial jurisdiction tonight. This is why:

The area targeted by Piedmont Lithium is home to families, businesses, churches and a thriving agricultural industry. The planned mining activity, which will use enormous amounts of water, will negatively impact the aquifer used by these good citizens. As a former economist, I am compelled to remind you of the Tragedy of the Commons.

When a "common" resource, like water, is consumed for short-term gain, over- pumping of groundwater leads to a lowering of the water table and deterioration of water quality. Essentially, the aquifer cannot refill as quickly as it's being depleted. Ultimately, the cost for Piedmont Lithium's overuse of the water is shared by all.

My first point is that groundwater is not an unlimited resource. Even if municipal water lines are installed, the drought-prone area cannot support the amount of water needed for homes, farms, businesses and the mine. In our drought-prone region, municipal water is not the answer. Even Cherryville hasn't always had enough water for its own citizens without buying it from Lincoln.

Thus, we can accurately conclude, the high water consumption by Piedmont Lithium would lead to devastating groundwater and natural spring depletion. In fact, half the world's population will reside in water stressed areas by 2025, groundwater levels are falling globally, and depletion and pollution of groundwater is predicted to be the single greatest water resource problem in the coming 30 years.

Point two, the economic benefit to the state and the county is insignificant compared to the environmental impact of the proposed mining project. The lithium ore is not considered high

quality and requires additional and extensive excavation. Other legitimate mining companies have evaluated this site and determined that with less than 3% usable ore, it is not even economically viable.

By-products, such as arsenic, from the proposed operation will threaten wildlife and impact natural springs, streams, ponds, and rivers in and around the county and adjoining watersheds. In June of last year, State Mining Engineer David Miller told the Mining Commission that his division is scrutinizing "emerging issues" related to extractive operations. Of special concern is leaching associated with lithium mining. Because Lithium Mining can produce arsenic, antimony and sulfuric acid could also be subject to federal hazardous waste regulations. Let that sink in as you remember the hazardous waste disaster in East Palestine, Ohio last month.

This brings me to point three. Gaston County does not need another EPA Superfund site like the defunct Hallman-Beam lithium mine only a few miles away. This disaster pails as insignificant compared to the expansive proposed mining project by Piedmont Lithium. But Cherryville's Mission and Vision statement gives me hope, as you view all decisions through the lens of this statement:

The City of Cherryville will be a transparent model of excellence that upholds high ethical standards and nurtures opportunities for current and future generations to live, work, play and conduct business while maintaining our small town character and heritage. You also set the goal of enhancing and promoting development that builds on the character and quality of Cherryville.

Piedmont Lithium would challenge your high ethical standards and character and fail to meet your goal. With a founder who was previously barred from the Australian stock exchange for manipulation, Piedmont Lithium's strong-arming and threatening of Cherryville residents over the past seven years, and now their business partner, Atlantic Lithium's, charges of bribing local officials at their mining site in Ghana. I have investigative reports for you that demonstrate the corruption inherent in Piedmont Lithium's business model.

Mayor Beam and City Council, you've worked so hard to revitalize the historic downtown and establish the Heritage Park. Let's not turn Cherryville into the Cherry Pit. We don't want Cherryville's new slogan to be "It's the pit" instead of encouraging life to blossom. I urge you to retain your jurisdiction over property that will be affected by Piedmont Lithium's plans. Thank you."

Trish Crocker of 1241 St. Marks Church Rd. approached the podium to share the following:

"I am the pastor of children and director at Bridge of Hope Daycare at AGBC. A year and a half ago my family and my sister in law, brother in law and their son met with some people from the lithium plant. Patrick Brendle, Melissa and Jim was there. As we conversed about what was going to happen and how this was going to take place, I had a question. My question to them was, If we had a daycare and a school at AG, what would happen. Patrick looked at me and said, "Well we would have to have a serious talk." I said would this hinder the children or hinder the parents from sending their children, and his answer to me was yes, out of his mouth. My sister in law Cindy Jenkins asked, she lived at 604 Anthony Grove Rd., would you live where we live? Would you live right now where we live knowing what you know about how the lithium plant is going to do this community? He told her no I would not. He said maybe in ten years when everything is settled

down I would live where you live. That mayor and city council should be enough. That was coming out of their mouth, not reports but out of their mouths. From someone that loves Cherryville who loves children I want to ask you something, do you have children? Yes, I know your children I know your grandchildren, and your grandchildren's lives and their lungs they depend on you not letting this go through. Earlier we heard about children being important, about having them to raise up and our goal and our desire is for them to learn about Jesus and to grow up to be the best citizens of Cherryville that they can possibly be, fulfilling what God wants them to fulfill. Someone asked Jesus what is the greatest commandment, and He said love the Lord God with all you heart, mind and all your strength, and the second is just as important, to love your neighbor as yourself. How can we love our neighbor and allow this to happen. Thank you."

Mayor Beam asked Mr. Brian Sciba to come forward and tell the citizens what his title is and what he has to do with the ETJ. Mr. Sciba approached the podium and shared the following:

"I am Brian Sciba and I am the Planned Growth and Development Manager for Gaston County, so I am over building inspections, zoning, planning and natural resources. I have been designated as the project lead for everything that is Piedmont Lithium within Gaston County. I came up tonight not to get involved in yall's process, but just to be here in case you had questions about what would happen if you did decide to relinquish the process to us. I am here for any questions that council may have in regards to that."

Councilmember Parker, "I have one, I would just like to ask you, what advantage or what is the county getting out of this? What is the advantage of having this property and what is the County getting out of this?"

Mr. Sciba, "So, as far as the rezoning process goes, I would say we have not negotiated anything with the rezoning process to know if there will be anything that is gotten, or given as part of this. As far as if there are going to be water line that have to be ran or sewer lines which are things that go along with development. As far as the process is concerned the only piece of advice I would give, and I am not an attorney so I would suggest you talk to your attorney, but I would say, is when we knew Piedmont Lithium was coming, we stopped our process, and put in a moratorium to refurbish our land-use ordinance, because it was lacking to be perfectly honest. There was just not inside of our ordinance to govern mining. So, we stopped and put those guidelines in place just in case, because at this point no decision has been made, whether we will approve it or we will not approve it, but what we did know is, we didn't have the guidelines in place to do either one. So, my caution would be, if you decide to keep it, that would be the first place I would go and look, is at my ordinance and know what I have, to actually govern it or not govern it."

Councilmember Freeman, "What would be the benefit to Piedmont for us relinquish it."

Mr. Sciba, "So, the other thing I could think of is, it would streamline the process for them and go down to one process rather than two. It would also, I mean you are dealing with a council here and a council in Gaston County. You take the likelihood of being turned down once and having to revamp your place twice or what have you, it puts another step in the process for them."

Councilmember Freeman, "At one time they told us they might be interested in being annexed and now they are wanting us to relinquish it all together. I don't understand."

Mayor Beam, "So you are saying that if we do relinquish the ETJ, that in turn takes Cherryville out of the equation of rather or not they are permitted period. Then it would put it in the county's hands, and whatever the county says then Cherryville would not have anything to do with it. Is that correct?"

Mr. Sciba, "That is correct."

Mayor Beam, "Now my next question is, you mentioned Gastonia council, they are not going to have any say so, would it not be the commissioners."

Mr. Sciba, "Yes I may have misspoken."

Councilmember Parker, "It just bothers me that we had this for years and years and years and suddenly the county wants it, and you are wanting it for some reason maybe other than, if we were to change this ya'll could change this and do anything you wanted to with this."

Mr. Sciba, "Let me be perfectly clear, I have talked Alex and Mr. Dalton, we are not here to advocate for either side of this. This is strictly a decision by this council. I am here for informational purposes only. I am not her to advocate that we want it or we do not want it, just for information and that is the truth. We want ya'll make the decision for ya'll and I am here to give you the information you need to do that. "

Councilmember Freeman, "Let me ask you another question. If we did not approve it and the county did not approve it, could the state or the federal government over ride us?"

Mr. Sciba, "So, I have been asked that question a lot during this process and I don't know what the answer is to that. I would say that gambling is not legal in the state of North Carolina but I could drive you to two casinos in a very short amount of time. So, having said that, the answer to your question is I don't know."

Councilmember Freeman, "They can do anything they want to."

Mr. Sciba, "What I would say is there is a lot of conjecture with that, and people think things are already done and people think things are going on in the back ground. I have not been a part of any of that, I have not seen any part of that. The process if going through like I think it is intended to go through. They are going through their mining permit with the state what I would say about that is, if you read the state statue on mining permits the state statue says a mining permit shall be issued when, so there are steps that have to be gone through and a permit will be issued once the steps have been gone through. When it gets to the zoning level it where the control is at. So, I would say that if the council wants that control for their people then zoning is where that control is had, but you need to have rules in place to do that. I think currently, correct if I get off here, I think currently you have a special use permit that is how mining gets done in Cherryville. There is a state statue guided process that says if you can prove these findings of facts that you have to issue that permit. Piedmont Lithium is going to give you those findings of facts, they will have experts that will give you those findings of facts, this board if a decision making body, you can't put on those findings of facts, so you are going to be reliant on someone else to come and present the other side to that

case, and if they do not, then you are stuck with making a decision off the information that you have. But like I said I am not a lawyer, I do not play one on TV so get legal advise before you make this decision.”

Councilmember Puett, “So there is a lot of information we have got to dig into, because you are talking this is only a few parcels of land and there is a lot of ETJ that is out there, it is like they are only spotting this. Wanting to take this away from us.”

Mr. Sciba, “So the reason this is coming up is because it is part of the mining permit that Piedmont Lithium has already applied for with the state and it is inside the permit boundary they have already giving to the state of North Carolina, and that is why it is not the whole ETJ.”

Mr. Dalton, “Just remember this is 135 acres of 3500 total acres.”

Mr. Sciba, “I think their mining permit is about 1500 acres and this is about 135 acres.”

Dr. Bean, “The 137 acres is where the chemical plant is going to be.”

Trish Crocker, “That is where the railroad is going to be.”

Mayor Beam, “We realize the majority of it is the buffer zone. That is where the mining will actually take place is within that, do we have a representative from Piedmont Lithium here?”

Monique Parker, Senior Vice President of Health, Safety, and Environment for Piedmont Lithium approached the podium and shared the following:

“So there are a couple things I want to address and then I’m happy to answer any other questions you may have. First, and foremost recently we were just talking about land ownership. Our mine permit boundary is 1,548 acres. So that is the acreage within the mine permit boundary that is with the state for our mining permit. Obviously as noted there are other property’s around the area that we own but that is the area that is linked in the mine permit boundary. Another statement that was made was around permitting versus zoning. The zoning, the rezoning activity is with you all City of Cherryville or Gaston County and it does not impact our ability to obtain a mining permit. So those are two separate activities. I just wanted to make that clear to everyone that they are completely separate, so we could get our mining permit but then we still have to go through the zoning, and we selected to wait until we have that mining permit to rezone any of that 1500 plus acres. There are other things that have been noted about, there are citizens that I’d like to address and the other was about the train. Well let me go back, the acreage that we are talking about, the area that is in the five parcels, that is not going to be any mining activities what so ever. So as noted, it is on the chemical plant side, but the chemical plant itself is not within those five parcels as of today and our current planning. There is the train that passes through that so all of that is accurate and correct. The train itself you know it was noted what is going on in Ohio could happen here. We will not use the train to bring in hazardous materials, so we are not going to have chemicals that are brought in on that train that are going to be hazardous or flammable and those types of things, we are going to use that train for soda ash and lime. Those are actually common chemicals that you use in your home to clean and cook baking soda, so what is coming in is not some of the same chemicals that you see in the news in other areas. Air was mention, you know obviously with the daycare there close to where the area is, there’s churches, residents and a school. So I just wanted to be clear we have a lot of restrictions that we have around us, those 1500

acres we have to go through stringent permitting not only with the mine body, but with air in order to even put a plan into place. We have to do stringent modeling that shows what is the extent of, or what are the pollutants at our property line. If we don't meet certain restrictions at the property line they will tell us no for the air permit. Those things have already been reviewed and we've provided it to them and they are going through that process to either grant or ask us to make some modifications. Any emissions that come past the property line is already within ambient conditions of the air that the children the area that the citizens are already breathing. So were are not going to have any contaminants of air outside our property line, and what we do create we have robust emission control equipment in place that has to get to a certain level, again from an air permitting perspective.

Talking about water, I know I said wait let me go back to one thing. Hazardous waste. I know it was mention about what we are going to do is create hazardous waste. Our entire process does not create hazardous waste. The only minor hazardous waste we may create is in our lab environment where various testing is done and that is very small quantity so it is not like we are going to be this major hazardous waste generator because again there permitting that has to be obtained to the ability create and dispose of that offsite.

I am going to water because I know that is a very big topic whether it's ground water, whether it's leachate, whether it's arsenic levels within the water. Obviously there is natural arsenic in the water here that everyone is fully aware, that is not breaking news or anything, but at the same time we have had to do studies to understand the levels of what is happening today. We haven't even broken ground and we understand you know what those levels are. We also understand what we are going to do and how we are going to impact that. Our process does not introduce arsenic and it is not a byproduct of what we do. So, we are not going to create arsenic and add it to what is going on today. But what we will do is, we are going to take it, use the water, treat it, and give it back a lot of times a lot cleaner than how we even receive it. So we are going to make improvement and not make negative impacts to the environment."

Mayor Beam, "Can I stop you right there. I know this council has discussed this several time and I have never gotten a definite answer on this so I am going to ask you now. Where will you purchase water for Piedmont Lithium?"

Ms. Parker, "Thank you for asking that question. From a water perspective we are currently, I think or I hope everyone is aware, we are working with Gaston County to have a SOQ, but we are getting proposals from engineers so were working with the county to have an engineering company to come and design. The plan even in that request proposal, is that the water will come from the City of Gastonia, it will come through Cherryville and then come to us. So that is even what we have put in the request for proposal for them to design, is for that process to work that way. We have met with the City of Gastonia, we have met with Gaston County, we have met with the City of Cherryville, and that is the process we agreed to and that is what we are currently working through."

Councilmember Freeman, "Can I ask you a couple questions?"

Ms. Parker, "Yes sir."

Councilmember Freeman, "How long have you been with Lithium?"

Ms. Parker, "One year and a half."

Councilmember Freeman, "What is your background and qualifications?"

Ms. Parker, "I am a chemical engineer. I obtained my chemical engineering degree from Tennessee Tech in Cookeville, Tennessee. I have been doing environmental health and safety for almost twenty years. I was previously with Albemarle before joining Piedmont."

Councilmember Freeman, "Okay, thank you."

Ms. Parker, "The last thing I was mentioning was around ground water. Obviously when we start mining, there will be impacts to ground water in regards to when you open the ground the water starts coming in and I think everyone is fully aware of that. We have to do extensive studies to understand that once we open that mine, where will the water come from, how far was the extent, and there is a lot of modeling that goes into that. That model is just being finished so we will be able to generate that report to provide to you all, to the county or to whoever wants to see it, so that you understand that. What we do know today is, because of the geography, if you will, of the ground surfaces, there is not just one big pool of water that everybody pulls from. There are aquifers, there are dykes, there are fractures that separate the water so just because we pull from one area it does not mean we are going to pull from the whole region. This study will allow us to see what that impact will be, how far it will go, and how much we will impact the water table. So, for us to be able to give you the answer today, I can't with any amount of confidence what that looks like, but we are doing those stringent studies to be able to answer those questions not only for ourselves but also the citizens in the area. If we are going to make an impact we would like to know today versus later. One of the things in our mine permit application that we had to do was a well mitigation plan. We know in this region that everyone is on wells so is we impact a well what are we going to do. We have had to answer that question and our plan says that we will either dig a deeper well or provide municipal water since we have to bring it out to this area anyway. I am sure there are other opportunities that we may have and we would have discussions with those residents one on one to understand what is the best solution for them. I am happy to answer any questions that you may have. If I have not mentioned something that someone has a question about, I will be happy to answer that as well."

Councilmember Abernethy, "How does the City of Cherryville and it's residence benefit by relinquishing this ETJ?"

Ms. Parker, "One of the main benefits obviously, as we have talked about before is jobs. We plan to bring over 400 jobs to this area, so that is one major impact to this region the economy, the work force and just other business's that will benefit from that. The other big impact that we will have by bringing this here is."

Councilmember Abernethy, "If we give up this control how do we benefit?"

Ms. Parker, "Well you are going to benefit even if you give up the control people are still going...."

Councilmember Abernethy, "Even if we don't give up the control the jobs and all that is still coming."

Ms. Parker, "Correct, they are coming regardless if you give up control or not."

Councilmember Abernethy, "So we don't benefit at all by relinquishing this control?"

Ms. Parker, "By relinquishing it, from a stand point of your benefit, we talked about, I mentioned we were looking at municipal water coming to this area. The benefit that you will have from the water that not only we will use but the others in this area."

Councilmember Freeman, "We would get that anyway, what difference is it going to make if we relinquish it or not?"

Mayor Beam, "Let me see if I can clarify this a little bit. So, they are saying, if we do relinquish then you are going to go to the county and ask to be permitted to mine. Their decision will take Cherryville out of the equation completely, correct? If they do not permit you, or permit you to mine, would you in turn come back to Cherryville and ask for annexation, or ask the city to permit you? Would that be an alternative if Gaston County would turn you down for a mining permit?"

Ms. Parker, "I can't speak to what that may look like I mean obviously that is definitely an option but we have not had those discussions internally within the organization for me to be able to say most definitely that is our plan B. That is definitely an option that we are aware of."

Nancy Choka of 1821 St. Mark's Church Rd. approached the podium to share the following:

"My land abuts the land that Piedmont Lithium (PL) has purchased. My intentions for that land when I moved here was to grow apples and have an apple farm. I moved here a couple years ago, so I am little different to the other folks that have spoken and have grown up in this area and have been here for a long time. I moved here because I really liked the area. I like that Gaston County was agricultural based, it lead into my retirement plans of having a farm and being able to be in nature and the beauty that it brings all around us. The animals, the wildlife, the community, the agricultural small town community that you just don't get in a lot of other places. I have moved around a lot, I worked for the Federal government and I was in the Army, so I have moved around a lot. Small towns, big cities and nothing beats a small town. Everybody know everybody, everybody cares about each other and when you invite strangers in you usually check them out to make sure they have the same values. I can tell you that I have never seen in all of my years a corporation that has the same values as residents and small town people. I understand that PL is trying to sell this idea that they are going to build these pit mines and it is not going to be harmful, but we know that this is not true. We have seen this throughout history and for centuries where projects like this occur and they are never beneficial, and if they are, it is usually a small amount. So for example, lithium mining if they come in and mine this lithium, they are going to pull it all out and then they are going to go when they are done. They are going to leave behind an open pit mine, and a depressed community, because they are not going to bring in more work and more money. Everybody throws out the jobs, all the corporations they throw out the job numbers and everything. It doesn't always meet that usually it doesn't. What we do know from other lithium mining in other places in the world and even in this country, it is not a safe process and it does affect the community around them and the environment around them. And for someone like me that moved here with this dream of having an apple farm and finally getting to do something where I can get my hands dirty and in the ground, I am very nervous about if I am even going to be able to grow apple trees. The gentle lady just said it is not going to affect the ground water, but everything

affects the ground water when it comes to that. We know this to be true. They will long gone when those affects really start to have a great impact. We need to consider that, so I am asking you, please do not give up your authority here. Because if you do, you are just letting them sota like steam roll over this community. Even if they end up being able to do what they are wanting to do, shouldn't we at least put up the fight for our founders of this nation, that believed the strongest power was at the lowest level in the individuals, and the small communities, and not up at the higher levels where they don't really care about the people they are lording their authority over. That is all I ask. Please don't give up your authority here because we really are depending on you to protect our way of life here."

Mayor Beam, "I have one question for you and it doesn't affect our judgement on this. I was just wondering if PL approached you to purchase your land?"

Ms. Choka, "I have not had anybody specifically approach me, they just send me stuff like cookies, coffee, and tell me to call them so we can meet and I am not interested in that because I have a plan for my land."

Mayor Beam, "Okay, thank you."

Mr. Al Putnam of 209 N. Jacob Street approached the podium and shared the following:

"The lithium, as I have always said, will be mined. Now who will mine it, is the question. Are you going to entrust a corporation to do that, because we haven't done anything with it individually for years. Since 1861 when it was determined that it was really lithium, but I am sure our ancestors knew well before that, that something was different about the ground. The lithium in the ground will be mined. It has become a rare mineral, they don't technically classify it that way, but it a unique highly wanted mineral and it will be mined. Do you let a corporation that is controlled by the county, controlled by the State, controlled by the Federal government, or does the federal government step in and they take over and you have no recourse with it. Look at Hanford Washington look at other places or sites that the federal government went in. Look at Camp Lejeune they are paying money for soldiers that had to drink the water down there. Again, the benefit of this pulling it together is where I see, it makes this one jurisdiction to deal with, and Cherryville is not going to have any jurisdiction or control over really any of the operations. It is all buffer property and that is all I have to say."

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

After some discussion, Councilmember Parker made a motion to table the public hearing until April 10. Councilmember Puett seconded the motion and the vote was three for and one opposed. Councilmember Freeman opposed. The public hearing will be continued until the April 10, 2023 city council meeting at the Cherryville Community Building at 6:30 pm.

CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: PROPOSED MURALS AND SIDEWALK PAINTING ORDINANCES, MARKETING COORDINATOR STEVE PANTON:

Mr. Panton approached the podium and asked for consideration to set a date for a public hearing regarding the proposed mural and sidewalk ordinances below:



**AMENDING THE BUILDINGS AND BUILDING REGULATIONS OF THE
CITY CODE OF ORDINANCES, CITY OF CHERRYVILLE, NORTH CAROLINA TO CREATE
THE CITY OF CHERRYVILLE MURAL ORDINANCE**

WHEREAS, the City of Cherryville has previously adopted building ordinances which provide for the regulation of construction in the City; and

WHEREAS, the Downtown Director of the City of Cherryville has recommended an addition to Chapter 8, Buildings and Building Regulations, of the City Code of Ordinances, in order to create requirements and guidelines for the installation of murals placed on private property within the city that can be seen by the public; and

WHEREAS, the City Council has conducted a Public Hearing on _____ at which time all interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

WHEREAS, the City of Cherryville Planning and Zoning Board has made a recommendation to the City Council on the matter.

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Cherryville, North Carolina, assembled in regular session this the ____ day of _____, 2023, as follows:

That pursuant to the authority granted by NCGS 160-A-360 and 364, the Official City Code of Ordinances of the City of Cherryville, North Carolina shall be amended to add the following language to Chapter 8, Buildings and Building Regulations, as follows:

Article VII. Murals

Sec. 8-201. Intent of this ordinance.

- (a) encourage artistic expression.
- (b) foster a sense of pride in our City.
- (c) control new commercial or advertising murals.
- (d) preserve existing murals that are a valued part of the history of the City of Cherryville.
- (e) promote public safety and welfare.
- (f) protect the visual environment by controlling the numbers, size, height, spacing, and location of murals.

Sec. 8-202. Applicability.

This ordinance applies to all murals which are on public property or are visible from public property within the City of Cherryville.

Sec. 8-203. General requirements for all murals.

- (a) Murals must be a one-of-a-kind work of art which is hand-painted, hand-tiled, or digitally printed and must not appear in any other public form including but not limited to advertising, logos, and trademarks.
- (b) Murals must not contain any commercial or advertising message that advertises business conducted, services rendered, or goods produced or sold.
- (c) Murals must be appropriate, coherent, compelling, and timeless.
- (d) Murals must not interfere with traffic or public safety by reason of their: 1) design, 2) installation, 3) repair, or 4) maintenance.
- (d) Murals must be placed on prepared surfaces which may include those surfaces receiving chemical treatments to remove chipping paint, mold, and dirt.
- (e) Murals must include a protective coating once the mural is complete.
- (f) Murals must be durable and able to withstand minor wear and tear and harsh outdoor elements for at least ten years.
- (g) Murals, if they are to contain an artist signature or brand, must be approved during the approval process for the mural.
- (h) Murals must be distinctive through the use of design color.

Sec 8-204. Requirements for Murals in the Central Business District.

Murals in the Central Business District should comply with the Downtown Murals Concept Plan approved by the City Council. Exceptions to the plan, in terms of locations and/or themes, will be approved on a case-by-case basis by the City Council.

Sec 8-205. Requirements for murals depicting notable personalities.

Murals depicting notable personalities should be carefully considered in terms of the lasting, positive, and significant impact on the community of the persons depicted. The City Council has the right to review or cause the removal of any mural should the personality do something to hurt the reputation of the city.

Sec. 8-206. Alterations to murals.

- (a) Alterations to murals must be approved in the same manner as depicted in Sec. 8-208.
- (b) Alterations include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural.

(c) Alteration does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an alteration. Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

Sec. 8-207. Removal of murals.

- (a) So as to retain the long-term character of the city, removal of murals must be approved in the same manner as depicted in Sec. 8-208.
- (b) A mural may be removed by the owner within the first four years of the date of registration under the following circumstances:
 - (1) the property on which the mural is located is sold.
 - (2) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.
 - (3) the property undergoes a change of use authorized by the Codes Department in the City of Cherryville.
- (c) The City Council may compel the removal of a mural if it is not complete by the time specified in 8-208 (d).

8-208. Approval Process.

The Downtown Director, the Cherryville Main Street Program (CMSP) Board of Directors, and the Architectural Review Board are the designated agents of the City Council for administering the mural program city wide. The approval process for all murals, whether they are inside or outside of the central business district, is as follows.

(a) Application must be submitted to the Downtown Director who will present the application to the Architectural Review Board to determine compliance. It will then be presented to the CMSP Board of Directors for their comments and recommendation. The Downtown Director will then forward it to the City Clerk and City Manager for approval by the City Council.

(b) If a mural proposal does not conform to the standards, non-conforming items will be noted and the proposal returned to the applicant for required changes. Non-conforming applications can be revised and re-submitted for review.

(c) Applications must include:

- 1) a cover letter explaining the proposed mural.
- 2) expressed permission of the owner of the property with the owner's name, address, and signature.
- 3) a to-scale rendering.
- 4) a map showing the proposed location of the mural.
- 5) a description of the materials used.
- 6) the actual size of the finished mural.
- 7) the process by which the mural will be created, including verification of materials and a coating for protection.

(d) City Council approval for the mural to be completed will be granted for a period of one year for the specific design submitted in the application documents.

8-209. Fee for New Mural Registration.

Each application for registration with the Architectural Review Board shall be accompanied by the payment of a \$100 non-refundable fee payable to the City of Cherryville. Murals sponsored by public funds are exempt from this registration fee.

8-210. Non-conforming murals. Any mural installed prior to the effective date of this section shall have legal nonconforming status and, notwithstanding any provision of this ordinance, will not require registration.

ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLINA

THIS _____ DAY OF _____, 2023.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)



AMENDING THE STREETS, SIDEWALKS, AND PUBLIC PLACES REGULATIONS OF THE CITY CODE OF ORDINANCES, CITY OF CHERRYVILLE, NORTH CAROLINA TO CREATE AN ARTICLE TO PROHIBIT PAINTING AND MARKING PUBLIC SIDEWALKS

WHEREAS, the City of Cherryville has previously adopted ordinances which provide for the regulation of streets, sidewalks, and other places.

WHEREAS, the Downtown Director of the City of Cherryville has recommended an addition to Chapter 24, Streets, Sidewalks, and Other Public Places, of the City Code of Ordinances, in order to prohibit painting and marking public sidewalks.

WHEREAS, the City Council has conducted a Public Hearing on _____ at which time all interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

WHEREAS, the City of Cherryville Planning and Zoning Board has made a recommendation to the City Council on the matter.

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Cherryville, North Carolina, assembled in regular session this the _____ day of _____, 2023, as follows:

That pursuant to the authority granted by NCGS 160-A-360 and 364, the Official City Code of Ordinances of the City of Cherryville, North Carolina shall be amended to add the following

language to Chapter 24, Streets, Sidewalks, and Other Public Places, Article 1, In General, as follows

Sec. 24-6. Painting or marking on sidewalks.

No person shall paint or mark any sign, advertising or other marking upon the pavement, curb or sidewalk constituting part of a public street.

ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLINA

THIS _____ DAY OF _____, 2023.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)

Councilmember Abernethy made a motion to set a public hearing date for April 10, 2023 for consideration of the proposed mural and sidewalk ordinances. Councilmember Puett seconded the motion and the vote was unanimous.

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):

Mr. Carl Dellinger approached the podium to speak against the selling of the city building that houses the Cherryville Historical Museum located at 109 E. Main Street.

Ms. Hilda Bates of 710 E. Main Street approached the podium to speak against the selling of the city building that houses the Cherryville Historical Museum located at 109 E. Main Street.

Ms. Teresa McFarland owner of 124 W. Main Street approached the podium to speak against the selling of the city building that houses the Cherryville Historical Museum located at 109 E. Main Street.

Mr. Al Putnam of 209 N. Jacob Street approached the podium to speak against the selling of the city building that houses the Cherryville Historical Museum located at 109 E. Main Street.

OTHER BUSINESS:

Mayor Beam shared that the set date of April 29 for the budget work session would need to be changed. Councilmember Abernethy made a motion to set a date for the budget work session for Saturday May 6 at 8:00 am at the fire department. Councilmember Puett seconded the motion and the vote was unanimous.


ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Parker seconded the motion and the meeting adjourned at 8:00 pm.

Adopted this 10 day of April 2023.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

