



CITY OF CHERRYVILLE

116 S. MOUNTAIN STREET

CHERRYVILLE, N.C. 28021

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**REGULAR CITY COUNCIL MEETING
MONDAY SEPTEMBER 12, 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: PASTOR SCOTT HOMESLEY, ST. JOHN'S LUTHERAN CHURCH
- III. PLEDGE OF ALLEGIANCE
- IV. AGENDA APPROVAL **VOTE**
- V. APPROVAL OF MINUTES (See Agenda Materials) **VOTE**
 - A. CITY COUNCIL REGULAR MEETING AUGUST 8, 2022 pg.(s) 1-6
 - B. CITY COUNCIL SPECIAL WORK SESSION MEETING AUGUST 23, 2022 pg.(s) 7-11
- VI. MAYOR'S COMMENTS
- VII. SPECIAL RECOGNITION OF EMPLOYEES YEAR'S OF SERVICE **E-MAILED SEPERATE**
- VIII. CONSIDERATION PROCLAMATION RE: CONSTITUTION WEEK 2022, MAYOR H.L. BEAM (See Agenda Material) pg. 12
- IX. CONSIDERATION OF RESOLUTION RE: PUBLIC POWER WEEK OCTOBER 2-8, 2022 (See Agenda Material) pg. 13
- X. 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)

- XI. CONSIDERATION TO SET A DATE FOR 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
VOTE

- XII. CONSIDERATION TO SET A DATE FOR 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 **VOTE**

- XIII. CONSIDERATION TO CONTINUE OF PUBLIC HEARING RE: REZONING FROM R-40, R-15, & R-12 TO R-9 CLUSTER DEVELOPMENT FOR PROPERTY LOCATED ON REQUA RD., (GASTON COUNTY PID #'S 158390, 203081, 158391, 203082, 203074, 203083, 203075, 203084, 203076, 203085, 203077, 203086, 203078, 203087, 203078, 203088, 203080, AND 203089) PLANNING & ZONING DIRECTOR ALEX BLACKBURN (See Agenda Materials) pg. (s) 14-35 **VOTE? E-MAILED THE UPDATED MAP SEPERATE**

- XIV. CONSIDERATION TO AMEND THE CITY FEE SCHEDULE TO ADD ENGINEERING REIMBURSEMENT FEE, PLANNING & ZONING DIRECTOR ALEX BLACKBURN (See Agenda Materials) pg. (s) 36-37 **VOTE**

- XV. CONSIDERATION TO APPROVE INTERLOCAL AGREEMENT WITH CLEVELAND COUNTY RE: WATER INTERCONNECTION, CITY MANAGER BRIAN DALTON (See Agenda Materials) pg. (s) 38-44 **VOTE**

- XVI. CONSIDERATION OF RESOLUTION RE: AUTHORIZATION OF FUNDING FOR THE CLEVELAND COUNTY WATER INTERCONNECTION PROJECT, CITY MANAGER BRIAN DALTON (See Agenda Material) pg. 45 **VOTE**

- XVII. CONSIDERATION OF CITY FINANCIAL STATEMENT ENDING JULY 2022, CITY MANAGER BRIAN DALTON (See Agenda Material) pg. 46

- XVIII. 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 INTO I WILL BRING THE MATERIALS WITH ME TO THE MEETING.**

XIX. OTHER BUSINESS

XX. ADJOURNMENT **VOTE**

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



**REGULAR CITY COUNCIL MEETING
MONDAY AUGUST 8, 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, Fire Chief Jason Wofford, and Police Captain Brian Doolittle were also present. Police Chief Cam Jenks joined the meeting at 6:50 pm. Michael Powell was present for media coverage.

INVOCATION: PASTOR ZACK CHRISTY FIRST UNITED METHODIST CHURCH:

Pastor Zack Christy 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 all four sets of the following minutes presented. They are as follows:

City Council Regular Meeting June 12, 2022
City Council Regular Work Session Meeting June 28, 2022
City Council Regular Meeting July 11, 2022
City Council Regular Work Session Meeting July 26, 2022

Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

“Over the past several weeks, we have had some issues at our water plant because of the recent heavy rains that have made our water unusually dirty at the creek level. We have had to wait several days before pumping this water to the reservoir. This is an example why the inter connects between Lincolnton and Cleveland County are vital for our future growth and water interruptions due to these issues as well as drought concerns.

On Wednesday July 27, Council Members Jill Puett, Gary Freeman, Jon Abernathy and I attended the Main Street Program Kick-Off for the coming year. The event was held at Niney’s and a cuisine was catered by Iris Hubbard of 133 West of Kings Mountain. After the meal, I was asked to speak to the attendees, followed by comments from all Council Members present. A banner year is expected for our city’s Main Street Program.

On August 3, I attended a Ribbon Cutting and Open House for the Belk Building on Main Street. A huge crowd was on hand that included County Commissioner Allen Fraley, City Manager Brian Dalton, as well as Council Members Jill Puett, Gary Freeman, and Jon Abernathy. At this event, I was honored to introduce Mr. Patrick O’Leary, the investor and owner of the newly renovated building. Mr. O’Leary announced that three of the four apartments on the top level have been rented and several of the businesses on the lower floor have been rented as well. This is a great asset to our downtown revitalization certainly enhancing future growth for our Main Street area and city also.

This past week, the city received \$967,000 in ARPA funding. This is our second round of funds from the American Rescue Fund and will help us financially in completing several of our city projects.

The city is currently in the process of accepting bids on the Westgate Park Project. Our city is hoping to begin this project in the very near future and look for completion sometime in the next year.

This concludes the Mayor’s Comments for this evening and we will now move to tonight’s agenda.”

CITIZENS TO BE HEARD:

No one wished to speak.

CONSIDERATION OF PUBLIC HEARING RE: REZONING FROM R-40, R-15, & R-12 TO R-9 CLUSTER DEVELOPMENT FOR PROPERTY LOCATED ON REQUA RD., (GASTON COUNTY PID #'S 158390, 203081, 158391, 203082, 203074, 203083, 203075, 203084, 203076, 203085, 203077, 203086, 203078, 203087, 203078, 203088, 203080, AND 203089) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

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

Planning & Zoning Director Blackburn shared City Staff received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, regarding a possible rezoning and annexation request for the Parcels outlined above. A complete application with payment was obtained on May 13, 2022 from Mr. Robert Johnson. This request is to change the current zoning of the 161.2 acres residing within the City of Cherryville's corporate limits from the designations of Rural Residential District (R-40), Single Family Residential R-15, and Single Family Residential R-12 to that of the R-9/Cluster zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

Mr. Blackburn went on to say that in speaking with the applicant, Robert Johnson, they are hoping to utilize the 161.2 acres to provide for 504 single family homes to be accessed by Requa Road. Due to the proposed number of homes, two access points will be required for the subdivision.

The current properties surrounding this parcel are listed as Rural Residential (R-40) to the South West, R-15 to the East, General Manufacturing and Commercial to the North and Residential Multi-Family and R-9 to the North East.

Councilmember Parker asked Mr. Blackburn to explain to the citizens how these 500 homes that are going to be built, will only have one way in and one way out and it is on Requa Rd.

Mr. Blackburn shared that at this time, there is only one entrance and exit, but a development this size, will have to go through a rigorous traffic impact analysis with North Carolina Department of Transportation (NCDOT). They will consider the number of homes, the number of drivers, the number of trips made a day, etc. The NCDOT will then tell the developer what will need to take place to accommodate this development. Mr. Blackburn shared that he and Mr. Dalton did speak with last Monday with the NCDOT District 12 in Shelby, and they were told that every intersection within a mile radius would require an impact analysis study.

Mr. Johnny Johnson of 1323 Requa Rd. approached the podium to state many concerns. They were the existing traffic already on Requa Rd., school traffic, the bridge at the bottom of the road that floods, the possibility of the property owners losing road frontage, and the dangers to children on this road because the road is already a drag strip.

Rev. Jerry Lail of 204 Lee Black Rd. stated that he owns the property on Lee Black Rd. that surrounds the property and his property is not for sale. He stated that someone has not done homework on this property because it is old farmland and a certain part of the property is wet land. He has contacted the Environmental Protection Agency (EPA), and he was told to call them back when the first spade is turned. He was also concerned about Cherryville losing their identity.

Mr. Charles Moyer of 102 Hidden Valley Dr. expressed concerns just as his neighbors about the standing water on the land, the school traffic, pedestrians, children being hit by speeding cars, and he is concerned about the density. He was also concerned about the value of his property being affected by this development as well as other environmental issues, such as the fire salamander that is an endangered species.

Ms. Costner of 1226 Requa Rd. shared that she had not received the keys to her new home when she heard about this possible development. She stated that her and her family have been

planning and waiting to build their home and if this development is completed, she will never get out of her driveway because she will be stuck in the middle. Ms. Costner stated that 500 homes was too many for that area.

Mason Beam of 809 Requa Rd. shared some of the same concerns as his neighbors and he also, shared that some city employee that work at the water plant told him that adding this development with the other developments that are already planned, will be too much for the water plant to handle. He also shared that traffic circles are something the city needs to consider if, this development is approved.

Mayor Beam shared that all questions will be addressed before any decision is made.

Councilmember Parker asked Mr. Johnson if he was the developer. Mr. Johnson responded that he is the developer and he is willing to answer any questions that citizens may have.

Mayor Beam asked for a motion to continue this public hearing. Councilmember Abernethy made a motion to continue the public hearing for the consideration of rezoning these 18 parcels, to be re-convened at the September 12, 2022 meeting to be held at 106 S. Jacob Street starting at 6:00 pm. Councilmember's Puett and Freeman seconded the motion and the vote was unanimous.

CONSIDERATION OF PUBLIC HEARING RE: ANNEXATION FOR TWO PARCELS AND A PORTION OF ANOTHER PARCEL (GASTON COUNTY PID #'S 158391, 203078, AND A PORTION OF 203074) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

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

Planning & Zoning Director Blackburn shared that on May 31, 2022, the owners, through their designated agent, of properties known, as Parcel ID #'s 203078, 158391 and a portion of 203074 of Gaston County, City of Cherryville Extra Territorial Jurisdiction, submitted a petition for Voluntary Contiguous Annexation into the city limits of the City of Cherryville. The property consists of 2.47 acres.

The standards for annexation require that the property must be contiguous to the "primary corporate limits". The fact that the property PID # 158391 lies in abutment to the City of Cherryville along the South and Western boundaries demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Cherryville. The property of PID # 203078 and a portion of PID # 203074 are fully bounded on all four sides by the Corporate Limits of the City of Cherryville and are thereby conforming to the North Carolina General Statutes for Voluntary Annexation of Contiguous Property.

The new development will be subject to the applicable taxes and fees in accordance with rates in effect through the City of Cherryville. The City will deliver standard municipal services for the property upon development. The City will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

Mayor Beam asked if any citizens wanted to speak on this matter. No citizens wanted to speak.

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

After some discussion, Councilmember Freeman made a motion to approve the annexation for the two parcels and a portion of another parcel. Councilmember Puett seconded the motion the motion and the vote was unanimous.

CONSIDERATION TO SET A DATE FOR 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:

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.

Councilmember Puett made a motion to set a date for a public hearing on September 12, 2022 for the rezoning request for 1407 E. Main Street. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION TO SET A DATE FOR 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:

Planning & Zoning Director Blackburn 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.

Councilmember Puett made a motion to set a date for a public hearing on September 12, 2022 for the rezoning request for 1407 E. Main Street. Councilmember Abernethy seconded the motion and the vote was unanimous.

UPDATE ON WEST GATE PARK, CITY MANAGER BRIAN DALTON:

Mr. Dalton reported that he has one bid in for the renovations at West Gate Park. He is still waiting to hear from another contractor.

OTHER BUSINESS:

City Manager Dalton shared that the Planning Board approved the final plat for the J.C. Dellinger subdivision development, at their regular meeting July 18, 2022 meeting.

Mr. Blackburn shared that Mr. Robert Johnson plans to build 13 homes in this subdivision.

Councilmember Abernethy made a motion to approve the final plat for the J.C. Dellinger subdivision. Councilmember Freeman seconded the motion and the vote was unanimous.

Mayor Beam shared that, two councilmembers that will be out of town for the regular scheduled work session on Tuesday August 30, 2022. Mayor Beam asked the council to consider rescheduling the meeting.

Councilmember Puett made a motion to reschedule the work session for Tuesday August 23, 2022 at 6:00 pm., Councilmember Abernethy seconded the motion and the vote was unanimous.

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the vote was unanimous. The meeting adjourned at 7:50 pm.

Adopted this 12 day of September 2022.

H.L. Beam, Mayor

(SEAL)

Paige H. Green, CMC, NCCMC, City Clerk



**SPECIAL WORK SESSION MEETING
TUESDAY AUGUST 23, 2022 @ 6:00 PM
CHERRYVILLE FIRE DEPARTMENT
411 E. CHURCH ST. CHERRYVILLE, N.C. 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, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Planning & Zoning Director Alex Blackburn, Police Chief Cam Jenks, Fire Chief Jason Wofford, and Public Works Director Brandon Abernathy, were also present. Michael Powell of the Cherryville Eagle was present for media coverage.

ITEMS FOR DISCUSSION OR ACTION:

CONSENT AGENDA:

- A. PUBLIC HEARING SCHEDULED FOR MONDAY SEPTEMBER 12, 2022 RE:
CONSIDERATION OF REZONING 109 S. JACOB STREET (GIS PARCEL #129868)
- B. PUBLIC HEARING SCHEDULED FOR MONDAY SEPTEMBER 12, 2022 RE:
CONSIDERATION OF REZONING 1407 E. MAIN STREET (GIS PARCEL #215920)
- C. PUBLIC HEARING CONTINUED MONDAY SEPTEMBER 12, 2022 RE:
CONSIDERATION OF REZONING CHERRYVALE

Councilmember Parker made a motion to approve the consent agenda. Councilmember's Puett and Abernethy seconded the motion and the vote was unanimous.

DISCUSSION OF CHERRYVILLE HISTORICAL MUSEUM, MAYOR H.L. BEAM & PALMER HUFFSTETLER SR:

Mr. Palmer Huffstetler Sr. approached the podium to share that Mayor Beam invited him to come and give some history on the Cherryville Historical Museum. Mr. Huffstetler stated that he wanted to offer suggestions for strengthening the organizational structure of the museum. He went on to say, he has visited museums in other cities and Cherryville is lucky to have such a beautiful building to house the museum.

Mr. Huffstetler shared that he was president of the Rotary Club in 1969-1970, and they adopted the project of having a historical museum. From 1970-mid 1980's, project was dormant until Howell Stroup took the initiative to assemble various items and artifacts. Interest

was revived which led to the incorporation of The Cherryville Historical Association (CHA) by Howell Stroup, Ruth Stroup, and himself. In 1985, the historical museum gained momentum and in 1986, Lester Nail contacted him to say that the family would like to give the old fire station (the building) to the Historical Association to be used for the museum. Mr. Huffstetler informed Mr. Nail that the association was not yet qualified as a tax-exempt entity and he suggested that the property be given to the City of Cherryville in order to qualify as a tax-deductible contribution. In December 1986, the Nail family members sold the building to the City of Cherryville for \$10.00.

Mr. Huffstetler stated that he like to suggest that the City of Cherryville enter into a lease agreement with the CHA and amend the bylaws to allow the City to name those who will serve on the association's board of directors. Then the board of directors would have the responsibility of governing day-to-day affairs of the association including electing officers, complying with applicable laws especially those pertaining to the continued tax-exempt status of the association.

After some discussion, Council agreed that Councilmember Parker, liaison to the museum board, and Mayor Beam would meet with the museum board and explain that the lease agreement needs updating, and the bylaws amended, so the council can appoint board members.

DISCUSSION OF CHERRYVALE PROPERTY LOCATED ON REQUA RD., MAYOR H.L. BEAM:

Mr. Robert Johnson approached the podium to share that he along with Andrew Eagle, traffic engineer, Mr. Ramey, Kemp & Associates, and Jerod Carpenter, Meritage Homes, were available to answer any questions that anyone may have concerning Cherryvale.

Mr. Eagle explained how the traffic study is conducted and what all is compiled to determine if a subdivision can be built in an area.

Mr. Carpenter explained the types of home that could be built in the subdivision and the cost. Many questions were asked concerning the proposed area located on Requa Rd.

Mr. Johnson did share that there will be to entrances and two exits in and out of the subdivision.

This public hearing for the rezoning of this area was continued from the August 15, 2022 meeting. The public hearing will continue at the September 12, 2022 meeting.

DISCUSSION OF LAWN CARE MAINTENANCE RE: SAINT JOHN'S LUTHERAN CHURCH, CITY MANAGER BRIAN DALTON:

City Manager Brian Dalton shared that is has been brought to his attention that the City of Cherryville mows the old part of the Lutheran cemetery. When he asked why we mow it, no one was clear about why. After some research of minutes and conversations with others, it was determined that on November 13, 1978, council voted at a meeting, that the city would maintain the old section of the Lutheran cemetery. Mr. Dalton explained that the City of Cherryville should not be mowing any part of the Lutheran cemetery because we do not own the property and never have.

Councilmember Abernethy made a motion to stop mowing the old section of the Lutheran cemetery after the last mow of 2022. Councilmember Puett seconded the motion and the vote was unanimous.

DISCUSSION OF ADMINISTRATIVE FEE RE: CEMETERY PLOTS, CITY MANAGER BRIAN DALTON:

City Manager Dalton explained that the city clerk spends a lot of time selling cemetery plots, preparing cemetery deeds, and recording the information. He realizes that anyone can purchase plots or niches and then sell them back to the city and he explained that a lot of time is spent refunding a customer. He explained that he is suggesting an administrative fee for this process.

The cemetery committee will meet soon and propose an administrative fee for consideration.

DISCUSSION OF TEXT AMENDMENT RE: THE DIFFERENCE BETWEEN BOARD OF ADJUSTMENT AND CITY COUNCIL, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Mr. Blackburn shared that he will be meeting with the planning & zoning board in regards to the agenda item concerning the Zoning Text Amendment. He is working to clarify the boundaries and processes involved in Special Use Permitting Procedures so that there will be less confusion for both the City as well as all applicants and members of the respective Boards and City Council. He will bring to council for consideration after the planning board meeting.

DISCUSSION OF ENGINEERING REIMBURSEMENT FEE, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:

Mr. Blackburn shared that currently when a developer's plans are sent to the City's engineer for review, the bill is sent to the city to pay. He explained that this cost needs to be passed on to the developer. He is working to add, that expenses paid by the City to its designated engineering service, be reimbursed by the developer/development seeking guidance. This will be for Council's consideration at the September 12 meeting.

OTHER BUSINESS:

Mayor Beam shared that the railroad crossing on Mountain Street will be closed tomorrow for repairs.

Mr. Dalton shared that Tennisbloc is a company that has reached out to him to offer community-driven tennis and pickleball programs beginning in the Spring of 2023. Below is more information regarding Tennisbloc:



Tennisbloc LLC would like to present a proposal to the City of Cherryville to launch and maintain professional and community-driven tennis and pickleball programs beginning in the fall of 2022.

About Tennisbloc

Tennisbloc works with HOA's, clubs, schools and parks & recreation organizations to create and foster a truly positive and meaningful tennis and pickleball community by acting as a turn-key tennis and pickleball provider. We are a team of professionals whose mission is to help make tennis and pickleball more affordable, accessible and inclusive. We provide the registration software, equipment, professional staff, marketing material, administrative work/in-season communications, and full transparency reports, all at no cost. We provide consistent, professional and effective tennis and pickleball services that create an active and engaged community. We currently manage tennis and pickleball programs for over 60 schools, communities and cities across NC, instructing over 5000 participants each year through camps, clinics and teams.

Pricing Structure

Our pricing structure can be found in the initial schedule proposal, but there is no cost directly to the City of Cherryville. For participants, we price our services to break down to be approximately \$7.50-12.50 per hour, maintaining a similar price-equivalent to parks and recreation pricing, ensuring that no one is left out of the opportunity of tennis and pickleball.

Nonresidents

The option to allow nonresidents is completely up to the City of Cherryville. Most often, nonresidents are charged a \$20 nonresident fee and 100% of nonresident fees are provided to the City of Cherryville. If nonresidents are not allowed to join, no worries! Our registration software can vet residents vs nonresidents.

Registration Software and Transparent Reports

Tennisbloc would create schedules and submit to the City of Cherryville each season for approval. Upon approval, Tennisbloc will create registration and provide a URL that would hold the program registration. This URL, along with registration information materials, will be provided to the City of Cherryville to distribute to residents digitally and/or physically. Tennisbloc would collect registration payments directly from participants, providing the option to pay online or by check. All registration information is provided to the City of Cherryville for full transparency.

Financial Compensation

A revenue-share payment will be provided each season, along with a report containing full details on every participant to ensure complete transparency. Tennisbloc would like to propose a revenue-share of 10% of all generated revenue from tennis and pickleball programs.

Curated, Trained, Certified and Insured Instructors

We bring professional instructors that have undergone background checks and that are experienced & passionate about spreading the opportunity of tennis and pickleball.

Equipment is Covered

We provide all hoppers, all types of youth development balls (red and orange), along with junior nets, cones and non-invasive drop-down rubber lines. We replenish balls every season, eliminating the cost of equipment.

Insurance Coverage

Tennisbloc has full company insurance coverage with a zero-incident history and will add any

utilized locations as an additional insured. We do not hire any contractors and enforce a strict background check on all employees and ensure that all proper safety protocols are executed appropriately. All locations are added as an additional insured, which covers workers comp and a \$1,000,000 injury policy.

Initial Proposed Schedule for Spring of 2023

Tennis Program Details: 9 Week Program

Dates: Saturday, March 4 - Saturday, May 6th (No classes April 8th)

Times: Ages 5-8: Saturdays 9:00 - 10:00am
Ages 9-14: Saturdays 10:00 - 11:00am
Adult Beginners: Saturdays 11:00 - 12:00pm

Price (covers the entire): \$85 *multiple participant discounts available

Pickleball Program Details: 9 Week Program

Dates: Monday, March 6th - Monday, May 1st

Times: Adult Beginner: Mondays 7:30 – 8:30pm
Adult Intermediate Mondays 6:30 – 7:30pm

Price (covers the entire): \$85 *multiple participant discounts available

ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the vote was unanimous. The meeting adjourned at 7:40 pm.

Adopted this 12 day of September 2022.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)



PROCLAMATION

CONSTITUTION WEEK 2022

WHEREAS: September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Henry L. Beam by virtue of the authority vested in me as Mayor of the City of Cherryville in the state of North Carolina do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND, ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Cherryville to be affixed this 12 day of September of the year of our Lord two thousand twenty one.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

(SEAL)



PROCLAMATION RECOGNIZING PUBLIC POWER WEEK, OCTOBER 2-8 A WEEK-LONG CELEBRATION OF CITY OF CHERRYVILLE YEAR-ROUND SERVICE.

WHEREAS, public power is a crucial component of cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service, and prompt restoration; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country; and

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns; and

WHEREAS, public power meets the electric needs of 49 million Americans, who make up almost 15 percent of electricity consumers; and

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

WHEREAS, North Carolina's public power utilities are dependable institutions that are committed to providing excellent service; and

WHEREAS, the City of Cherryville recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities;

NOW, THEREFORE, the City of Cherryville hereby proclaims October 2-8, 2022, as "PUBLIC POWER WEEK" in City of Cherryville and commends its observation to all citizens.

Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam, Mayor

(SEAL)

City of Cherryville Planning Department – Staff Report

Rezoning Case

Applicant:	Carolina Home Co. Inc./ Robert Johnson																		
Property Owner(s):	Cherry Vale LLC																		
Property Location:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">PID # 158390</td> <td style="width: 50%;">203081</td> </tr> <tr> <td>158391</td> <td>203082</td> </tr> <tr> <td>203074</td> <td>203083</td> </tr> <tr> <td>203075</td> <td>203084</td> </tr> <tr> <td>203076</td> <td>203085</td> </tr> <tr> <td>203077</td> <td>203086</td> </tr> <tr> <td>203078</td> <td>203087</td> </tr> <tr> <td>203079</td> <td>203088</td> </tr> <tr> <td>203080</td> <td>203089</td> </tr> </table>	PID # 158390	203081	158391	203082	203074	203083	203075	203084	203076	203085	203077	203086	203078	203087	203079	203088	203080	203089
PID # 158390	203081																		
158391	203082																		
203074	203083																		
203075	203084																		
203076	203085																		
203077	203086																		
203078	203087																		
203079	203088																		
203080	203089																		
Property Size:																			
Current Zoning:	Rural Residential R-40 - 158391 Single Family Residential (R-15) – 158390, 203074, Single Family Residential (R-12) – 203075, 203076, 203077, 203078, 203079, 203080, 203081, 203082, 203083, 203084, 203085, 203086, 203087, 203088, 203089																		
Proposed Zoning:	R-9/Cluster Development Conditional District																		

Description:

City Staff received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, regarding a possible rezoning and annexation request for the Parcels outlined above. A complete application with payment was obtained on May 13, 2022. This request is to change the current zoning of the 161.2 acres residing within the City of Cherryville’s Corporate limits with the exception of Parcels 203078, a portion of 203074 and 158391 that reside wholly or partially in the Extraterritorial Jurisdiction from the designations of Rural Residential District (R-40), Single Family Residential R-15, and Single Family Residential R-12 to that of the R-9/Cluster zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

In speaking with the applicant, Robert Johnson, they are hoping to utilize the 161.2 acres to provide for 504 single family homes to be accessed by Requa Road. Due to the proposed number of homes two access points will be required for the subdivision. A petition for voluntary annexation has also been submitted for the two parcels not currently within the City of Cherryville’s Corporate Limits and a portion of a third parcel is included as well.

The current properties surrounding this parcel are listed as Rural Residential (R-40) to the South West, R-15 to the East, General Manufacturing and Commercial to the North and Residential Multi-Family and R-9 to the North East.





Process:

Staff received the application and scheduled the rezoning request to be reviewed at the next available meeting of the Cherryville Planning Board on June 20, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with applicable requirements and approval procedures.
- Filing of Request
 - May 6, 2022 – for Rezoning
 - May 31, 2022 – Petition for Annexation
- City Council to instruct City Clerk to investigate Petition of Voluntary Annexation.
 - June 13, 2022

- Cherryville Planning Board to consider the annexation and conditional zoning along with the preliminary plat review.
 - June 20, 2022 – request was presented for consideration to the Cherryville Planning Board.
- Staff to schedule with the City Council to set a Public Hearing
- 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.
 - Advertisement to be placed in the front lobby of the Cherryville City Hall
 - Two ads placed in the Cherryville Eagle
- Staff to install zoning signage on the subject property prior to public hearing.
- Notices of adjoining property owners to be sent prior to the Public Hearing by staff.

Meeting Dates:

- March 15, 2022 Pre-Filing meeting
- May 31, 2022 Submittal of complete application
- June 13, 2022 City Council to instruct City Clerk for investigation into Annexation
- June 20, 2022 Planning Board Review of Rezoning Request/Annexation Petition.
- July 11, 2022 City Council to set Public Hearing
- August 8, 2022 City Council to hold Public Hearing

Staff Comments:

The current zoning designations, for the parcels involved in the rezoning request, are split between the **R-40** zoning district, the **R-15** zoning district and the **R-12** zoning district. These two general zoning districts are recorded in our Zoning Ordinance as presented below:

R-40 Rural Residential – This district is intended to accommodate low-density residential and agricultural uses in fringe areas of the zoning jurisdiction which generally are non-intensely developed. This district is established to accommodate low density development where public utilities are non-existent or partially existent, and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of such facilities. The continuance of agricultural operations is encouraged within this district. Under certain circumstances, certain conditional uses may be allowed depending upon facilities to support such uses, compatibility with existing and proposed surrounding development, and other criteria set forth in this Ordinance.

R-15 Single Family Residential District – This district is established to provide areas consisting primarily of larger-lot single-family residences located in both urban and suburban settings where public water and sewer are either present or readily available. Permitted residential uses consist solely of single-family residences and the minimum lot size shall be 15,000 square feet. In addition to single-family residences, a limited number of private and public community uses are allowed, on either a permitted by right basis or on a conditional use

basis where certain criteria specified in this Ordinance are met. Certain single family detached planned residential developments are allowed on a conditional basis.

R-12 Single Family Residential District – This district is established to provide primarily for single-family residences. The minimum lot size for single-family dwellings on a use by right basis is established at 12,000 square feet. Unlike the R-15 district, public water and sewer are available in all R-12 zoned areas. Two-family dwellings are also permitted. Certain public and private community facilities are also allowed or may be allowed on a conditional basis. Certain cluster type residential planned developments may be allowed on a conditional basis.

Applicants have requested a change to the **Single and Two Family Residential (R-9)/Cluster** which is further enumerated in Section 6.5 where “There are circumstances where a better community can be achieved by concentrating development on portions of the site most suitable for development; leaving undeveloped land which can be left in its natural state or developed into open space amenities to serve the community. Such development patterns typically require less street and utilities per unit than conventional development; thus saving both initial costs and long term maintenance costs. To facilitate such a more sustainable development pattern, cluster development is allowed as a conditional use in accordance with the following requirements.”

Further outlined in **Section 6.5.1 Basic Requirements: Cluster development shall meet all of the following criteria:**

- a. Minimum Acreage: The minimum area of a cluster development shall be 10 acres.
- b. Conditional Use: Cluster development requires a conditional use permit. As part of the conditional use approval, a schematic master plan shall be provided which shall show the intended layout, density, and the arrangement of roads, lots, and open space. Minimum proposed open space improvements shall be indicated on the master plan.
- c. Dimensional requirements: All cluster developments shall meet the City of Cherryville Subdivision Regulations, but are exempt from the subdivision ordinance and the zoning ordinance requirements relating to layout, minimum lot size, property line setbacks and street frontage.

Minimum Single Family Lot Requirements

Zoning	Area	Width	Setback	Side yard	Rear yard	Open Space
R-40	20,000	70'	25'	8'	30'	50%
R-15	10,000	70'	25'	6'	25'	33%
R-12	8,000	60'	25'	5'	25'	33%
R-9	6,000	50'	20'	5'	25'	33%

d. Additional requirements:

- 1) Public sewer and water required.
- 2) Minimum rear yards along exterior boundaries of development shall be increased by 10'.
- 3) Street trees shall be required on each side of the street at a minimum average spacing of 50' on center.
- 4) Minimum 4' wide sidewalks shall be required. Cul-de-Sacs require sidewalk on one side only.

Furthermore, the dedication and maintenance of Common Open Space is outlined in **Section 6.5.2 Dedication and Maintenance of Common Open Spaces.**

- a. **Covenant Restrictions:** The common open space land shall be jointly owned in common by the owners of the dwelling units/lots in the development. Covenants for mandatory memberships in an association, setting forth the owner's rights and interests, shall be included in the deed for each lot.
- b. **Use of Common Open Space:** The common open space shall be permanently restricted to recreation, conservation or agricultural purposes. Structures accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common open space. Utilities serving the development and measures intended to enhance water quality may be on common open space.
- c. **Restrictions on Common Open Spaces:** Common open spaces shall be shown on the final record plat with notation that indicates that:
 - 1) Common open space shall not be used for additional residential units.
 - 2) A part or all of the common open spaces may be dedicated for acceptance by the City for operation as a municipal recreation facility.

- d. Developer Responsibility for Common Open Space Maintenance: The developer or sub-divider shall maintain control of such open space(s) and shall be responsible for their maintenance until at least 50% but not more than 85% of the lots/units are sold.
- e. Phased Dedication of Common Open Space: The minimum percent of common open space recorded on each record plat shall be such that the total percent of open space dedicated at any one time is approximately equal to the percent of total lots recorded.

The applicants have provided site details of their proposed development based on the approval of the requested annexation and zoning designation show that they will supply roughly 55.29 acres of Common Open Space. In accordance with the Cluster Development Ordinance referenced above, this accomplishes the requirement of 33% Common Open Space for the R-9/Cluster District.

Staff must bring to your attention that the Future Land Use Plan, as adopted by City Council on August 13, 2012, shows this area as planned to be residential in nature.

Possible Conditions to be considered:

- Level of Density for the area.

- As it is currently requested the annexation and rezoning of these parcels is intended for the creation of a subdivision containing an estimated 504 houses on lots that abide by the R-9/Cluster development ordinance standards. As presented above, this allows for lots to be a minimum of 6,000 square feet with the requirement that all rear yards along the exterior boundaries of the development shall be increased by 10 feet.

- While the North Carolina General Statute 160D does have strong language regarding the act of down-zoning a property it does provide that:

- No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than is allowed under its previous usage.
- (2) by reducing the permitted uses of land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

- In my interpretation of the Ordinance as well as the NCGS 160D-601 in its description of down-zoning, I feel that it is within the City Council’s capability to bring forth such request that the property be granted a Cluster Development Designation whether it is R-9/Cluster or one of the other such districts (R-12/Cluster or R-15/Cluster) would still maintain a higher density than the current zoning districts

R-15/Cluster:

Minimum lot requirements for single family lots are set forth as

Minimum lot area (square feet)	10,000
Minimum lot width	70 feet
Minimum Front Setback	25 feet
Minimum Side Setback	6 feet
Minimum Rear Setback	25 feet
Open Space Required	33%

*A quick calculation of available land area for this property, not counting 33% open space as required, would provide for roughly 332 lots to be allowed on the development.

R-12/Cluster:

Minimum lot requirements for Single Family Lots are described as

Minimum Lot Area (Square feet)	8,000
Minimum Lot Width	60 feet
Minimum Front Setback	25 feet
Minimum Side Setback	5 feet
Minimum Rear Setback	25 feet
Open Space Required	33%

*A quick calculation of available land area for this property, not county 33% Open Space as required, would provide roughly ~415 lots to be allowed on the development.

- Buffer Strips.

- As the preliminary plat currently shows there is a 50 foot buffer of common open space surrounding all development on the western side of Requa Road. However, there is no evidence that a buffer has been planned for the plots abutting the existing Hidden Valley Subdivision. Staff feels that this should be reviewed and the possibility of adding the buffer to full development should be discussed with the applicant.
- In the City of Cherryville Zoning Ordinance Part 5, Section 5.2 the requirements for buffer strips are laid out. While Part 11 of the ordinance was removed pertaining to Planned Residential Developments, the intent of screening as outlined in Section 5.2 is as follows:
 - The intent of these screening requirements shall be to create a screen between zoning districts and other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. Any screening required under this Section shall materially screen the subject use between the ground level and the height of the required screening.
 - **Please see below:**

5.2.3 Specifications for Screening

Screening may be in the form of natural plantings, berms or walls or fences. Screening shall be encouraged, however, in the form of natural plantings. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural plantings, such natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a berm, wall or fence may be used. The Zoning Administrator may approve a combination of natural planting, berm,

wall or fence, if he determines that the spirit and intent of this section are met by such combination.

a. Natural Plantings. Where natural plantings are used, a buffer strip of at least twenty (20) feet in width [ten (10) feet for a non-residential use in the R-O District] shall be planted. This strip shall be free of all encroachment by structures, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per one hundred (100) linear feet shall be as indicated in Figure 5.2.2. At least 75 percent of the Natural Plantings shall be evergreen species which are locally adapted to the area. See Figure 5.2.3 for acceptable plant species.

All materials planted shall be free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked and planted in a manner which is not intrusive to utilities and/or pavement and planted in accordance with Section 5.2.6 of this Ordinance.

b. Walls or Fences. Any wall shall be constructed in a durable fashion with a finish surface or brick, stone or other decorative masonry material approved by the Zoning Administrator. Fences shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern. No wall or fence shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or wood fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with Section 5.2.6 of this Ordinance.

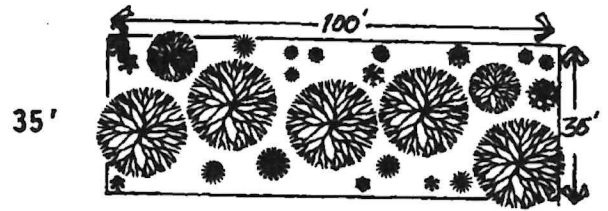
c. Berms. All berms shall be grassed and/or planted with other plant materials. If grassed alone, the berm shall be no less than six (6) feet nor greater than nine (9) feet in height. If landscaped, the berm shall be at least three (3) feet in height and contain at least twenty (20) shrubs per one hundred (100) linear feet. Said shrubs shall be a species that can be expected to materially screen the development site within five (5) years of planting. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet in plane.

FIGURE 5.2.2

REQUIRED BUFFER STRIP ALTERNATIVES (PER 100 LINEAR FEET) FOR NATURAL PLANTINGS

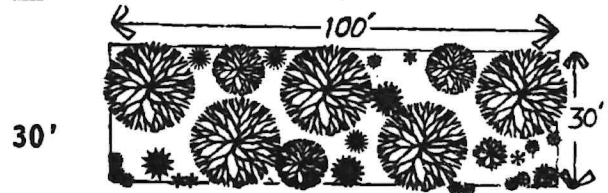
ALTERNATIVE

1. 5 LARGE TREES (L)
2 SMALL TREES (T)
19 SHRUBS (S)



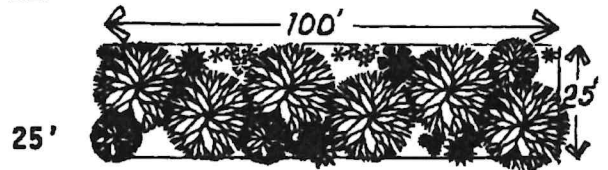
OR

2. 5 LARGE TREES (L)
3 SMALL TREES (T)
22 SHRUBS (S)



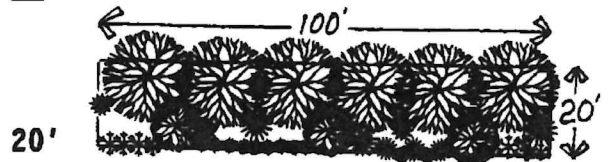
OR

3. 6 LARGE TREES (L)
3 SMALL TREES (T)
24 SHRUBS (S)



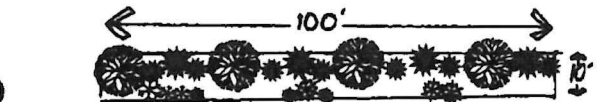
OR

4. 6 LARGE TREES (L)
3 SMALL TREES (T)
28 SHRUBS (S)



OR

5. (FOR R-0 DISTRICT ONLY, AS)
SET FORTH IN 5.2.1-B)
4 SMALL TREES (T)
20 SHRUBS



LEGEND

Large Tree



Small Tree



Shrubs



Abutting/Adjoining Property Owners:

Mark Benjamin Heavner
1912 Piney Grove Church Road
Knoxville, TN 37909

Frankie L Anthony 99% Int.
Joie L Arthurs 1%
122 Requa Road
Cherryville, NC 28021

Katherine R Kester
1203 Requa Road
Cherryville, NC 28021-8102

Arthur W Yount & Jennifer Yount
1217 Requa Road
Cherryville, NC 28021

Jason G Wilson
1323 Worthington Pl
Lincolnton, NC 28092-6307

William C Eaker & Matthew C Eaker
12 Tulip Ave
Concord, NC 28025

Ronald Wiggins Jr.
1229 Requa Road
Cherryville, NC 28021

Daniel W Howard & Carrie Howard
1311 Requa Road
Cherryville, NC 28021

Kelly Shantal Crawford
& Kevin Eugene Mobley
1005 Union Terrace
Gastonia, NC 28056-8023

Ricky L Eggers & Kelly E Eggers
801 Groves Street
Kings Mountain, NC 28086

Johnny W Johnson & Trudy B Johnson
1431 Requa Road
Cherryville, NC 28021

Mary G Green
1335 Requa Road
Cherryville, NC 28021

Fred W McSwain
370 Lee Black Road
Cherryville, NC 28021

Jerry R Lail & Rita M Lail
204 Lee Black Road
Cherryville, NC 28021

Debra Bowman Gantt
1152 Cherryville HWY
Cherryville, NC 28021-7702

Reginald Max Beam
1104 N Mountain Street
Cherryville, NC 28021

Thomas Alexander Hord &
Joan Marie Hord
P.O. Box 104
Mount Holly, NC 28120

Jack D Bingham Enhanced Life Estate &
Judy B Bingham Enhanced Life Estate
815 Requa Road
Cherryville, NC 28021

Christopher Lynn Mercer
1103 Requa Road
Cherryville, NC 28021

ARC/HDS Gaston County Housing
P.O. Box 29594
Greensboro, NC 27429

Sowmya Upadhyaya Kiran Keshava
18479 Mccoy Ave
Saratoga, CA 95070-4709

Casey Thomas Reeves
112 Wright Circle
Cherryville, NC 28021

David S Segrest & Ana U Segrest
118 Robinson Drive
Cherryville, NC 28021

Timothy Lee Henley & Deborah Henley
100 Hidden Valley Street
Cherryville, NC 28021

Charles Lavern Moyer &
Stephanie Creason Moyer
102 Hidden Valley Street
Cherryville, NC 28021-2001

Donna R Perry
1410 Barbara Drive
Cherryville, NC 28021-2638

Elwyn N Bertaux Jr. & Judy J Bertaux
106 Hidden Valley Street
Cherryville, NC 28021

Mary E Adams
603 Windwood Drive
Gastonia, NC 28056

Nicholas T Dimauro
110 Hidden Valley Street
Cherryville, NC 28021

Lewis Ray Costner II
112 Hidden Valley Street
Cherryville, NC 28021-2001

Fred W Doolittle
P.O. Box 432
High Shoals, NC 28077

Michael Wayne Rudisill
116 Hidden Valley Street
Cherryville, NC 28021

Debbie Hester Jones &
Richard Todd Jones
118 Hidden Valley Street
Cherryville, NC 28021

Quinn Family Cemetery
128 W Main Ave
Gastonia, NC 28052

James P Rhodes & Betty B Rhodes
1340 Requa Road
Cherryville, NC 28021

Robert Johnson
711 E Main Street
Cherryville, NC 28021

Cherry Vale LLC
5201 Monroe Road
Charlotte, NC 28205

NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, August 8, 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 (Rezoning) for the property identified as PID #'s 158390, 203081, 158391, 203082, 203074, 203083, 203075, 203084, 203076, 203085, 203077, 203086, 203078, 203087, 203079, 203088, 203080 and 203089 located along Requa Road. The request is for the change of the current zoning (R-40, R-15 and R-12) to that of the R-9/Cluster Development zoning designation.



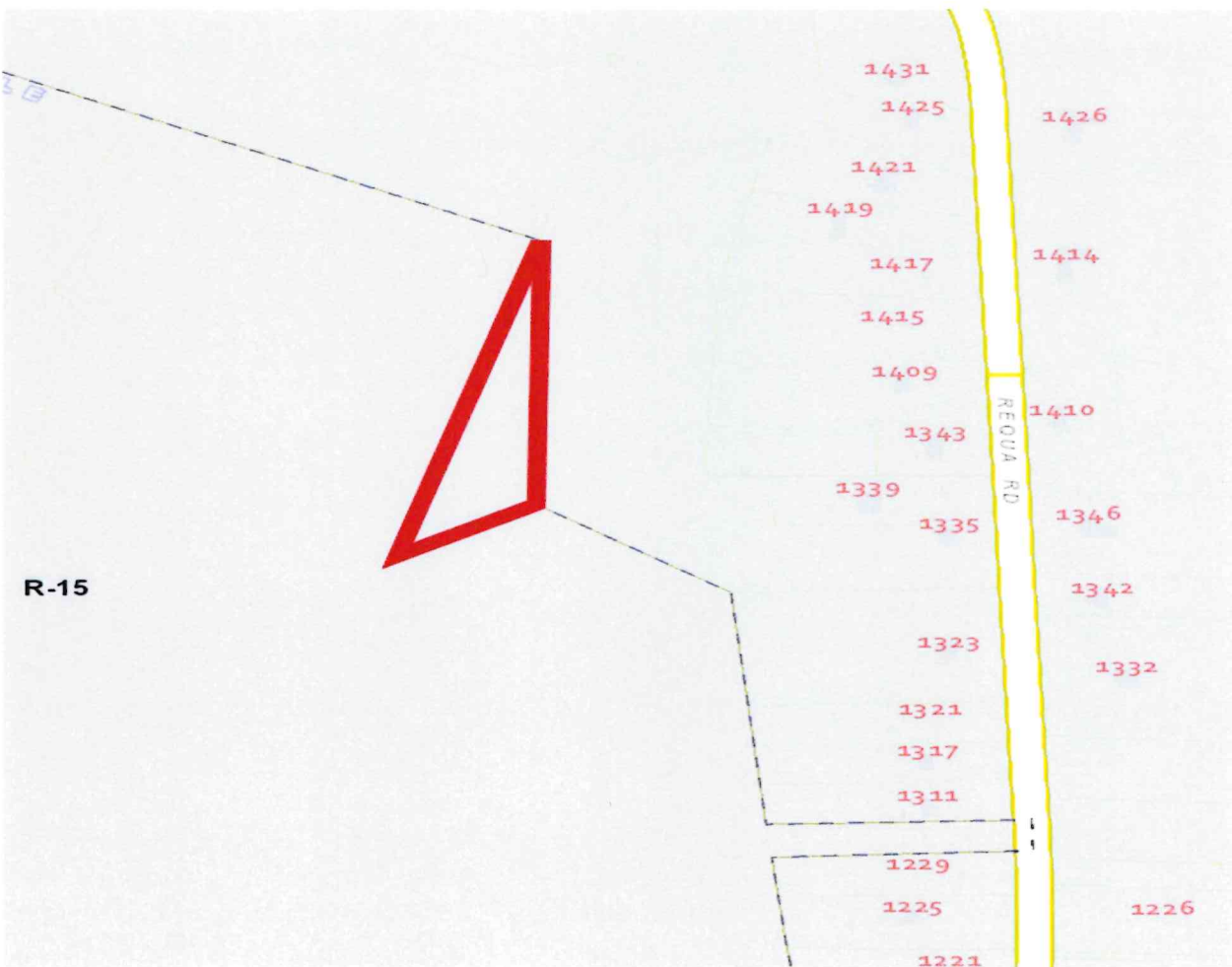
For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at ablackburn@cityofcherryville.com

NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, August 8, 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 Annexation for two parcels of land and a portion of a parcel previously annexed. Parcels in question are identified in red outline below and recorded as Parcel # 158391 (Triangle) comprised of ~1.69 acres, Parcel # 203078 and a portion of 203074 (Rectangle shape) comprised of ~1.013 acres.

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







Blue – Rezoning notification Signs

Red – Annexation Notification Sign

Annexation Description (as provided by Miles Wright)

Area #1:

Commencing at an existing angle iron, said iron being an existing corner of the City of Cherryville City Limits, said corner also being the Northeast Property corner of Jack D. Bingham (Deed 5076 Page 2160), from said commencement point the following three (3) calls N 80°26'49" W – 145.52' to an existing #4 rebar, thence continuing N 80°15'49" W – 151.01' to an existing #4 rebar, said rebar being located on the western margin of Requa Road, a 60' public Right of Way maintained by the City of Cherryville, thence N 21°32'21" E – 311.73' to the Point of Beginning of the Annexation area, from said Point of Beginning N 69°48'04" W – 300.00' to a point, thence N 20°23'45" E – 150.00' to a point, thence S 69°47'17" E – 289.00' to a point, thence S 16°11'56" W – 150.30' to the point and place of beginning containing 1.013 Ac± to be annexed into the City of Cherryville's City Limits.



Area #2

Beginning at a metal fence post, said fence post being an existing corner of the City of Cherryville City Limits, said corner also being the Southeast Property corner of Fred W. McSwain (Deed 2243 Page 485). From said beginning point and following the new city limit line S 02°31'52" W – 660.05' to an iron pin, thence S 60°11'52" W – 264.00' to an existing rebar, thence N 18°05'17" E – 831.72' to the point of beginning containing 1.690 Ac± to be annexed into the City of Cherryville's City Limits.



To date, Staff has spoken with the following person(s) regarding the Annexation and/or Rezoning of the above listed properties:

Stephanie Langford – 1306 Black Road, Cherryville, NC 28021

- Had questions concerning the zoning district R-9/Cluster and what open space that would allow for. Mrs. Langford stated that she was in favor of development for the City and was curious about the signs.

Jerry Lail – 204 Lee Black Road, Cherryville, NC 28021

- Questions concerning the usage and the annexation. At first Mr. Lail believed that this would lead to houses being built on his property and the City of Cherryville annexing him. I reassured Mr. Lail that he would first have to sign a petition to ask the City to be annexed and seek approval for that to happen.

Nick Fox – 1706 Requa Road, Cherryville, NC 28021

- Mr. Fox was curious about the rezoning and annexation signs posted on the property and questioned how far toward his property would be affected. I summarized the rezoning request as well as the total acres requesting annexation. He stated that he was in favor of development as long as it was single-family homes.

Katherine Kester – 1203 Requa Road, Cherryville, NC 28021

- Mrs. Kester had overheard the Public Hearing being set and was curious about the proposed zoning district and annexation. Once it was explained she expressed that she did not mind the development but was concerned about the areas natural wildlife.

Kenneth Kester – 1203 Requa Road, Cherryville, NC 28021

- Mr. Kester complained that his map he received in the mail was upside down and that he was not informed as to the details of the zoning classification changes. I reviewed the map orientation with him and discussed the difference in the zoning districts of those currently and the proposed use of the property.

Daniel Howard – 1311 Requa Road, Cherryville, NC 28021

- Questions regarding the possible zoning differences of what is currently there and what is proposed.

Carrie Howard – 1311 Requa Road, Cherryville, NC 28021

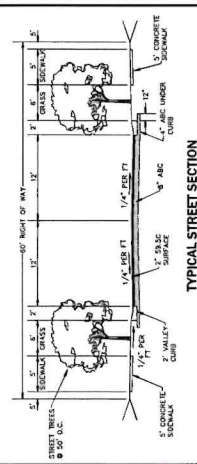
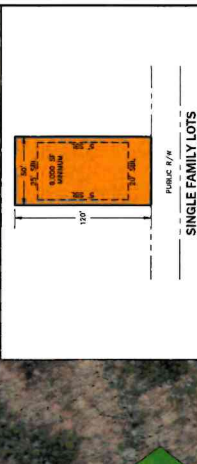
- Inquired about what was being proposed on the property. Once she was informed of the potential housing subdivision, she stated that if it was approved, then they would sell their house because that is what they were escaping when they left Gastonia.

Mark Heavner – 1209 Requa Road, Cherryville, NC 28021

- Inquired about the impact of the subdivision on his property. Corresponded via email the main components of the annexation and rezoning would be in abutment of the rear of his property on the western side of Requa Road and the southern edge of his property on the eastern side of Requa Road.

Clay Sherrill – 1340 Requa Road, Cherryville NC 28021

- Inquired about what was being proposed for the Cherryvale Property and how it would impact his property. How many houses and what price range. Stated that he felt development would be good for our city.



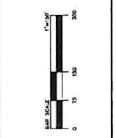
- GENERAL NOTES:**
- 1) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 2) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 3) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 4) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 5) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 6) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 7) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 8) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
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 - 18) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
 - 19) ALL LOTS SHALL BE 1/4 AC. IN SIZE.

DEVELOPMENT STANDARDS:

- 1) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
- 2) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
- 3) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
- 4) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
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- 17) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
- 18) ALL LOTS SHALL BE 1/4 AC. IN SIZE.
- 19) ALL LOTS SHALL BE 1/4 AC. IN SIZE.

DATE: AUGUST 18, 2021	JOB NO.: 202-080	SHEET
CONDITIONAL USE PLAN		
Cherryvale		
CAROLINA HOME CO., INC. 711 E. MAIN STREET CHERRYVILLE, NC 28021		
CITY OF CHERRYVILLE		
DESIGNED	BY	DATE
CHECKED	BY	DATE
PROJECT	BY	DATE
MANAGER	BY	DATE
NO.	REVISONS	DATE

WRIGHT & ASSOCIATES
ENGINEERS & SURVEYORS
LICENSE# C-6033
209 1ST AVE SOUTH
CONOVER, NC 28613
(828) 455-2205



Please see the proposed amendment to the Zoning Fee Schedule as presented below. All proposed additions/changes are marked in RED.

Zoning Fees effective July 1, 2022: (Amended _____, 2022)

Fence Permit:	\$25
Residential Single/Two Family Dwelling:	\$100
Residential Multi-Family Dwelling:	\$200
Residential Remodel/No Expansion:	\$50
Residential Addition:	\$75
Accessory Use:	\$50
Accessory Structure (Residential):	\$25 (12'x12' or less) \$50 (more than 144 Square feet)
Driveway Permit:	\$25 (Single/Two Family Dwelling) \$50 (Subdivision Entrance)
Commercial Change of Use:	\$100
Commercial Building:	\$250 (Less than 1,000 square feet)
(* plus applicable City Engineering Fees)	\$350 (1,001-5,000 square feet)
	\$450 (5,001- 10,000 square feet)
	\$450 (10,001+ square feet plus \$50 per additional 10,000 square feet)
Zoning Verification Letter:	\$25
Temporary Use Permit:	\$25
Site Evaluation Form:	\$10
Minor Subdivision:	\$50
Cell Tower:	\$3,500

Sign Permits:

Free Standing Signs:	\$50
Wall Signs:	\$50
Temporary Signs:	\$15

Board of Adjustment Requests:

Variance Application:	\$350
Appeal Application:	\$350
Mobile Home Hardship:	\$350

City Council & Planning Board Request:

Zoning Map Amendment:	\$350
Zoning Text Amendment:	\$350
Subdivision Review:	\$350 (* plus applicable City Engineering Fees)
Subdivision Approval:	\$350 (* plus applicable City Engineering Fees)

*Engineering Cost Billed Monthly During Project. To be applied to all Site Plans that involve infrastructure installations. Engineering services to cover: Potable Water, Sanitary Sewer, Storm Drainage, Curb and Gutter, Streets, and Sidewalk Facilities.

**Balance of above fees due prior to approval.



NORTH CAROLINA

CLEVELAND COUNTY

**INTERLOCAL AGREEMENT FOR ADMINISTRATION OF NORTH
CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY – DIVISION
OF WATER INFRASTRUCTURE S.L. 2022-74 APPROPRIATED PROJECT**

This Agreement entered into this the _____ of _____, 2022, by and between the CITY OF CHERRYVILLE, a North Carolina Municipal Corporation, Party of the First Part, hereinafter referred to as "Cherryville" or "City", 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" or "District",;

WITNESSETH:

WHEREAS, the North Carolina General Statutes § 160A-460-464 refers to interlocal cooperation which is authorized for any unit of local government, and details of such contracts or agreements are detailed and explained therein; and,

WHEREAS, Cherryville and CCW worked together to obtain funding for the CCW-Cherryville Interconnection Project pursuant to Session Law 2022-74 and Cherryville has been awarded a \$3,000,000 grant from the State of North Carolina through the NC Department of Environmental Quality for the Cherryville-CCW Interconnection Project; and,

WHEREAS, CCW currently owns, operates and maintains waterlines at/near the Cleveland/Gaston County line along Tobe Bridge Road, Old Post Road, and Paul Beam Road and will upgrade and extend said lines to complete a dual interconnection with the City of Cherryville to deliver water from CCW to the City of Cherryville and to receive water from the City of Cherryville; and,

WHEREAS, Cherryville currently owns, operates and maintains waterlines at and along West Academy Street and will upgrade and extend said lines to complete a dual interconnection with CCW to deliver water from the City of Cherryville and to receive water from CCW; and,

WHEREAS, Cherryville and CCW wish to partner to complete the joint CCW-Cherryville Interconnection Project totaling \$3,000,000 grant funds; and,

WHEREAS, it serves the mutual benefit and convenience of Cherryville and CCW to enter into this Interlocal Agreement with the other party to better utilize the assets and abilities of each party for their mutual benefit and for the public good; and,

NOW, THEREFORE, in consideration of the mutual benefits provided for each Party, and in cooperation with the NC General Statutes each party hereby agree as follows:

1. OBLIGATIONS OF THE CITY

- A. Cherryville shall transfer to and pay CCW, with the NC Department of Environmental Quality grant funds, reimbursements as requested and prepared by CCW.
- B. Cherryville will cooperate fully and assist CCW by whatever means may be necessary or available in the execution of each party's duties and obligations under this Agreement.

2. OBLIGATIONS OF CCW

- A. CCW will manage, oversee, design, bid, prepare documents, and direct all aspects of the CCW-Cherryville Interconnection project according to NC Department of Environmental Quality – Division of Water Infrastructure standards and as outlined in City's Request for Funding.
- B. CCW will oversee the Request for Qualifications process and select the engineer and any other appropriate consultants for the project as needed.
- C. CCW will jointly bid the project with Cherryville and receive invoices for expenses related to all project costs and pay them directly. CCW will then request reimbursement from

Cherryville not to exceed the amount of NC Department of Environmental Quality grant funds awarded to Cherryville.

- D. Upon completion, CCW 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 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.

3. AMENDMENTS

This Agreement may be modified only by a further written agreement which shall be dated and executed by authorized agents of each of the parties. No officer, official or agent of any of the parties shall have the power to amend, modify or alter this contract or to waive any of its terms, so as to bind either of the parties by making any oral or written promise or representation which is not executed in the manner and form of modification required herein. All previous agreements are hereby deemed null and void by all parties.

4. TERM

This Agreement shall commence on the day in which it is signed by the final Party and exist until the \$3,000,000 in NC Department of Environmental Quality Funds are exhausted. If either 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.

5. ENTIRE AGREEMENT

This document including Exhibit A (NCDEQ Division of Water Infrastructure Request for Funding S.L. 2022-74 Appropriated Projects) and Exhibit B (Conceptual Layout of the CCW-Cherryville Interconnection Project) 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.

6. NOTICES

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

- A. City of Cherryville
C/O City Manager
116 S. Mountain Street
Cherryville, NC 28021
- B. Cleveland County Water
C/O General Manager
PO Box 788
Lawndale, NC 28090

7. 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.

8. LIABILITY AND INDEMNIFICATION

Nothing contained in this agreement shall be construed to impose upon CCW any responsibility for or liability arising out of its management and construction of the Interconnection Project in and around the project limits as defined or in association with the Interconnection Project. In the event that any third party shall attempt to hold CCW or its agents, employees, officers, or assigns responsible in any way for the development of the project in any manner,

including, but not limited to legal action or claims of any kind, Cherryville hereby agrees to hold CCW harmless and indemnify it for any and all costs or liabilities associated therewith, including, but not limited to, judgments, court costs, and attorney fees.

IN WITNESS WHEREOF, the City of Cherryville has caused this agreement to be executed in duplicate 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

By: _____

H.L. Beam, Mayor

Dated: _____

Attest:

Paige H. Green, CMC NCCMC, City Clerk

(Seal)

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

By: _____

Title: _____

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

By: _____

Donald O. Melton, Chairman

Dated: _____

Attest:

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.

By: _____

Title: _____

Date: _____



A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR FUNDING FOR THE CLEVELAND COUNTY WATER/CITY OF CHERRYVILLE INTERCONNECTION PROJECT FOR S.L. 2022-74 APPROPRIATED PROJECTS

WHEREAS, Session Law 2022-74 Appropriated Funds to various entities via ARP funding, and
WHEREAS, the City of Cherryville and Cleveland County Water have need for and intend to improve its drinking water treatment works by completing an interconnection between the two public water supply systems, and
WHEREAS, the City of Cherryville intends to accept the funding amount of \$3,000,000 in appropriated funds for the design, construction and completion of the project.

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF CHERRYVILLE:

That the City of Cherryville, the Applicant, will arrange for the construction and completion of the project in conjunction with Cleveland County Water.

That Brian Dalton, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for the appropriated funds in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 12th of September 2022.

H.L. Beam, Mayor

Paige H. Green, CMC, NCCMC, City Clerk

(SEAL)



CITY OF CHERRYVILLE										
MAJOR FUND FINANCIAL SUMMARY REPORT										
1 MONTHS ENDING JULY 31 2022										
8%										
GENERAL FUND										
	Annual Budget	Actual to Date	YTD %	YTD %	General Fund	Operating Acct	Operating Acct	Operating Acct	Operating Acct	YTD %
	FY '22-23	FY '22-23	Collected	Collected		FY '22-23	FY '22-23	FY '22-23	FY '22-23	Collected
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***given to council/dent heads monthly