



REGULAR WORK SESSION MEETING

TUESDAY NOVEMBER 30, 2021 @ 5:30 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 Jill Puett, Jon Abernethy, Malcolm Parker, and Gary Freeman were present. City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, Public Works Director Brandon Abernathy, Asst. Fire Chief Jason Wofford, Finance Director Dixie Wall, and Planning & Zoning Director Derrick Mackey were also present. Michael Powell was present for media coverage.

ITEMS FOR DISCUSSION OR ACTION:

Mayor Beam shared that Will Puckett wanted to share some comments.

Mr. Will Puckett approached the podium to give an update on the Little Ironman Program. Mr. Puckett shared that when he took the program over they had \$3,000 in the bank. After a season of football that sent two teams to the playoffs, they have ended the season with \$28,000 in the bank. Mr. Puckett said the money was made from the concession stands and fundraising. Mr. Puckett shared that he would like to see a facility built for basketball. He stated that Mt. Zion Baptist Church is the only place that they have to practice basketball. Mr. Puckett said that gym accessibility is difficult because the schools are using their gyms and they have to work around their schedules. Mr. Puckett mentioned several locations that would be good for a gymnasium. One of the locations was at the little league fields and Mr. Puckett shared that he was not asking for money from the City of Cherryville, but simply asking for help with a location. He would like to see an 8800 sq. foot facility built and he will apply for grant and have fundraisers to raise the money.

Mayor Beam shared that this would need to be addressed at budget time. Mayor Beam thanked Mr. Puckett for the update.

DISCUSSION OF ADOPTION OF 2021 RETENTION SCHEDULES, CITY CLERK PAIGE H. GREEN:

City Clerk Paige Green asked for consideration to approve the 2021 Retention Schedules. Both the General Records Schedule for local government agencies and the Program Records Schedule for local government agencies have been update and must be adopted by council. Councilmember Parker made a motion to adopt the updated retention schedules. Councilmember Abernethy seconded the motion and the vote was unanimous.

DISCUSSION OF TRYON RESOLVE NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION (NSDAR) CHAPTER DESIGNATING CHERRYVILLE MEMORIAL CEMETERY FOR THEIR LOCATION FOR WREATHS ACROSS AMERICA, CITY CLERK PAIGE H. GREEN:

Mrs. Dianne H. Cable, Regent of the Tryon Resolves Chapter NSDAR, reached out to City Clerk Paige Green to say that they are participating with Wreaths Across American. Mr. Cable shared that the Tryon Resolves Chapter would like to designate City of Cherryville Memorial Cemetery at 600 N. Pink Street as their location cemetery. Mrs. Cable also shared that Wreaths Across America has informed the chapter that this cemetery has not been assigned to any group but their chapter. A ceremony will be held on Saturday December 18, 2021 at 12 pm. Mrs. Cable needed permission from council to have a drone flown over the cemetery. Councilmember Freeman made a motion to allow a drone to fly over the city cemetery on December 12, 2021. Councilmember Puett seconded the motion and the vote was unanimous.

DISCUSSION OF NUISANCE & ABATEMENT PROPERITIES, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

Planning & Zoning Director Derrick Mackey passed out several handouts of properties that are in desperate need of being cleaned up. Mr. Mackey explained that he has followed the policy and he is unable to have the city clean up the properties because public works director Brandon Abernathy does not have enough employees to get the job done. Mr. Mackey asked council for direction on how to handle getting the properties cleaned up. Mr. Mackey stated that he did reach out to Scott Beam of Beam's Hauling who gave a quote of \$100.00 an hour and Mr. Mackey stated there would need to be an administrative fee of \$150.00 added to that. If the property owner does not pay the fines and clean up fee after that, a lien would be put against the property. Mr. Mackey shared that he continues to receive many calls about this issue.

DISCUSSION OF ADDING FIRE DEPARTMENT CAR 73 ON SURPLUS INVENTORY LIST, ASST. FIRE CHIEF JASON WOFFORD:

Asst. Fire Chief Jason Wofford approached the podium and asked Council to surplus the following vehicle:

Fire Department Chief Vehicle



Asst. Chief Wofford shared the following as well:

Car -73 has been used for 15 years.

2006 4x4 Ford Expedition

Over 150,000 miles (Due to electrical system failure can't retrieve exact mileage)

Due to be replaced in 2016. This vehicle does have a major engine issue with coil packs and compression, transmission needs attention, the alternator is out, and the entire electrical system is out. This vehicle stopped traveling out of town in 2020 due to these issues.

Councilmember Abernethy made a motion to surplus the vehicle. Councilmember Puett seconded the motion and the vote was unanimous.

DISCUSSION OF UPDATES RE: REZONING STROUP ACRES LOCATED AT 1404 SHELBY HWY. (GIS PARCELS 160116, 160117, 160120, 216819 & 305089) PUBLIC WORKS DIRECTOR BRANDON ABERNATHY:

Planning & Zoning Director Derrick Mackey approached the podium to give an update on the rezoning of Stroup Property. Mr. Mackey reported that the developer has agreed to all the changes they were given and he is waiting to hear if they will agree to another set of changes that have been sent to them. Below is a copy of the public hearing staff report:

PUBLIC HEARING
STAFF REPORT
Cherryville City Council Meeting - December 6, 2021

OWNER: Stroup Acres, LLC
APPLICANT: Montrose LLC, Michael Foess
PROPOSED ACTION: Rezone from R-40 to CU R-9 Cluster, CU RMF, and B-2
LOCATION: 1404 Shelby Highway, Cherryville
TRACT SIZE: Approximately 176.62 acres
PARCELS: 160116, 160117, 160120, 216819, 305089

Background

- On November 8, 2021, the Cherryville City Council voted to continue the public hearing.
- On October 18, 2021, the Cherryville Planning Board held a public hearing to review the proposed development. The Board did not provide a recommendation on the proposed development.
- The purpose of the hearing today is to consider rezoning the subject properties per the application provided to the City of Cherryville.
- The City Council is being asked to:
 - Approve/Disapprove/Modify the rezoning to CU R-9 Cluster, CU RMF, and B-2 or continue the hearing.

Site Description and Adjoining Properties

The property is vacant, heavily wooded and accessed from a Shelby Highway/Highway 150. The property is bisected by several streams and the topography is gently rolling. The property is generally bounded to the west by Doc Wehunt Road and to the east by Brown Road. Surrounding properties include rural land, single family residential, and commercial uses along Highway 150. The property is currently zoned by Cherryville as R-40.

Land Use Plan

The Cherryville Future Land Use Map indicates that this area should be general business along Shelby Highway (Highway 150), rural preservation on the west side of the property, rural

residential through the center of the site, and traditional residential/two-family residential for the northern portion of the site. Rural preservation is intended for low-density residential uses and limited small-scale commercial or industrial uses suited to blend with rural environments. Equestrian subdivisions are encouraged. Rural residential is intended for residential densities that do not need public water and sewer. Traditional single/two-family residential is for smaller to medium side lots. The future land use plan does not indicate attached housing for this area. Attached housing can be used as a buffer land use between detached homes and non-residential development when well designed.

Transportation

Shelby Highway/Highway 150 is considered a major thoroughfare by the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) and is identified as a bicycle on road corridor in the Comprehensive Transportation Plan and as a bike-pedestrian project in the 2045 Metropolitan Transportation Plan.

Proposed Request

The applicant proposes to develop the property for up to 470 single family residential detached homes, 204 town homes and 5.3 acres of commercial property (674 dwelling units total). For the detached homes, the lots will be a minimum of 50' wide. Street access would be from Shelby Highway/Highway 150, via two connections. Improvements to Shelby Highway have not been addressed, however a binding traffic impact analysis has been added to the development conditions, with improvements that are phased based on the development phases and final NCDOT permits. Street stub outs are proposed to several adjacent properties.

The site plan draws a donut hole around a single-family residential property owned by Joe Millwood. The existing driveway to this residence would become a public street into the site. Consideration for consistent, unobstructed ingress/egress for this property are not considered in the site plan conditions. No improved open space has been identified for the project and the phasing of construction has not been outlined. Landscape buffers have not been identified surround the town homes, commercial development or adjacent to the Millwood property. Streets for the single-family residential section will be public and private streets are noted for the townhome area. Homeowner association responsibilities have not been addressed. Street cross section, sidewalks, and street tree diagram have not been included. Public water and sewer are required for this development and will be installed by the developer and maintained by the City of Cherryville.

Updates to Development Conditions For December 6, 2021

- Total homes – 490 total dwelling units with up to 120 single family attached (reduced from 674 total and up to 204 single attached)
- Residential Care Facilities and Yard sales removed as uses
- Two-car driveways added for all residential (increased from one-car driveways)
- Thirty (30) foot tree save area adjacent to Eaker Circle lots
- One hundred (100) foot tree save area adjacent to Gunnel farm
- Added street trees on every single family detached lot and every fifty (50) feet along common open space and sides of corner lots
- Sidewalks installed along Hwy 150 and on one side of all residential streets.
- Added open space amenity maintenance language (City or HOA).
- Added options for open space amenities but not quantified.
- Traffic impact analysis included.
- Gate will be installed at Eaker Circle to prevent construction traffic from using access.

Issues to Consider

Residential

- Improved open space amenities are typically provided for this level of density. Sidewalks should not count for active open space unless constructed outside of the public street right of way. Remove sidewalk from active open space list. Open space amenities are not quantified. Add specificity around location of and specifications of improved amenities (parks with playgrounds, picnic/BBQ areas, pool, ball fields or courts, natural trails) such as trail surface and width, number or play structures and picnic tables. Note location of passive open areas (open fields).
- Tree save areas should be in addition to required landscaping buffers.
- Representative building elevations should be provided and material list should be more descriptive.
- Front setbacks of 20' from right-of-way is an absolute minimum to avoid vehicles parked across sidewalks. Recommend increasing front setback dimensions when measured from garage face.
- Townhomes should not back up to public streets without adequate setbacks/landscaping.

Infrastructure

- Sidewalk widths should be noted for internal and external infrastructure.
- Traffic improvements along Hwy 150 shall be constructed prior to the first certificate of occupancy.
- Public water and sewer shall be provided to the property by the developer. Developer shall meet with the City of Cherryville to establish inspection milestones. Water and

sewer utilities will be maintained by the City of Cherryville after inspection and acceptance.

- All other specifications and general provisions shall be met as required by the City of Cherryville Ordinances.

Business

- The development would allow all uses identified in B-2.

Conclusion

Several updates to the development conditions were provided by the applicant, however, several items remain under issues to consider.

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

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

Proposed Draft Conditions for Rezoning of Stroup Acres

A, Any item(s) not specifically addressed in this Ordinance, shall meet the requirements of the ~~Town's-City's' Unified Development Zoning~~ Ordinance and Subdivision Ordinance. The requirements listed below must also be recorded with the Register of Deeds of Gaston County and are perpetually binding unless another rezoning request is brought to the Town and approved by the Town Council.

B. Lot Characteristics

- 1. Total Homes within Petition Area Not to Exceed 490**
- 2. Single Family Attached {Townhomes} Not to Exceed 120**
- 3. Lot Dimensions:**
 - i) Single-Family Detached**
 - (1) Minimum lot size 6,000 square feet**
 - (2) Minimum lot width at Right of Way: 50 feet**
 - (3) Front Setback: 20 feet**
 - {4) Side Yard Setback: 5 feet**

{5} Internal Lot Rear Yard Setback: 20 feet {6} External Lot Rear Yard Setback: 30 feet

ii) Single Family Attached (Townhomes)

- (1) Minimum lot width at Right of Way: 16 feet
- (2) Front Setback: 20 feet
- (3) Side Yard Setback: 5 feet
- (4) Internal Lot Rear Yard Setback: 20 feet
- (5) External Lot Rear Yard Setback: 30 feet

B.C. Accessory Building Placement:

1. Accessory structures shall follow the current standards of the City of Cherryville Unified

Development Ordinance

G.D. Permitted Uses in Residential Section(s):

- 1. Single-Family detached homes
- 2. Single-Family attached homes
- 3. Accessory structures
- 4. Home occupations
- ~~5.~~ Residential care facilities
- ~~6-5.~~ Parks (public and private)
- ~~7-6.~~ Recreational facilities (public and private)
- ~~8-7.~~ Essential services class 1 & 2
- ~~9-8.~~ Parking lots associated with active open space and overflow parking
- ~~10-9.~~ Yard sales in accordance with UDO

D.E. Parking Requirements:

1. Single Family Detached

- i) Driveways will be concrete or similar hardscape material and will accommodate a minimum of ~~one-two~~ (1-2) vehicles outside of the right-of-way.
- ii) Each Single Family Detached lot shall provide a minimum of 1 parking space within a garage fronting the public right of way

2. Single Family attached

- i) A minimum of 2 parking spaces per unit will be provided outside of the right of-way
- ii) Additional off-street parking will be provided for visitors.

E.F. Landscaping & Buffering:

- I. Prior to issuance of Certificate of Compliance by City of Cherryville, the following landscaping shall be in place:
 - i) Single Family Detached:
 - (1) Front yard shall be seeded or sodded to the front corner of the house
 - (2) A minimum of one (1) tree, including required street trees, shall be provided a minimum of every lot, located in either the "front yard", "side yard" or "back yard". Tree size at the time of planting shall be a minimum of 2.0" caliper size.
 - ii) Single Family Attached (Townhomes):
 - (1) Front yard shall be seeded or sodded to the front corner of the building
 - (2) A minimum of one (1) tree, including required street trees, shall be provided a minimum of every third lot, located in either the "front yard", "side yard" or "back yard". Tree size at the time of planting shall be a minimum of 2.0" caliper size.
 - (3) **Screening per Section 5.2 of Cherryville's Zoning Ordinance will be installed**

iii) Commercial

~~(2)~~(1) Screening per Section 5.2 of Cherryville's Zoning Ordinance will be installed

2. Existing trees and natural vegetation within the conservation open space are to remain undisturbed to the extent practical determined during the design phase and shall be delineated during construction with tree protection fence. However, dead, diseased, and nuisance or invasive vegetation such as kudzu, poison ivy, and brambles may be removed from the tree preservation area. Additionally, supplemental trees and shrubs may be planted in the tree preservation area.
3. Dedication of right-of-way for future cross parcel street connections as shown on the plan shall be to the perimeter property line; however, removal of any temporary end-of-road barricades shall not occur until road connections from adjacent properties are completed. Developer shall install street end of road barricades and dead-end signs in accordance with the town's standards.
4. **4. A natural buffer of a thirty (30) feet tree save area will be provided between the residents of Eaker Circle and the proposed single-family lot this will include the proposed additional ten (10) feet of rear yard setback for all exterior lots that are adjacent to the project's property line. The**

thirty (30) feet of buffer will be recorded as 'Tree Save' area and included on the single family lots or shall be Common Open Space to be maintained by the proposed HOA.

5. A natural buffer of a one hundred (100) feet tree save area will be provided between the Gunnell farm and the proposed single-family lots west of the FEMA 1% Chance Annual Flood Plain. The buffer will be recorded as 'Tree Save' area and shall be Common Open Space to be maintained by the proposed HOA.

6. Street trees shall be installed in the planting strip behind the back of curb in the Right-of-Way at the following rates:

i) Single Family Detached:

(1) 1 per lot frontage

~~(0)~~(2) Every fifty (50) feet along common open space frontage and along street frontage on sides of corner lots.

F.G. Additional Site-Specific Conditions:

1. Developer shall perform or guarantee by the time of the final plat approval required off-site improvements needed to accommodate the development, including but not limited to water service extensions, sewer system extensions, and onsite public street improvements for the area included in the final plat or services the area included in the final plat
2. The construction and final plat may be recorded in phases as determined by the Developer.
3. Sidewalks shall be installed at the time of home construction on each lot. Sidewalks located along the frontage of open spaces will be constructed as early as is feasible during the construction process. Sections of open space sidewalk that may be subject to damage due to ongoing construction activities, such as maintenance of erosion control devices, may be installed once all construction activities in that area are completed. **Sidewalks shall be installed along the frontage of Hwy 150 per the GCLMPO Comprehensive Transportation Plan as well as on one side of the residential streets and to include ADA ramps per NCDOT standards.**
4. Power service to the community shall be provided by underground wiring including street lighting.
5. The developer shall provide street lighting on all streets within the subdivision. Street lighting intensities will be established and maintained to provide adequate community lighting and prevent light spillage and glare directed at adjacent properties or the sky. The type of lighting fixtures, height, and foot-candle

illumination will be determined at the time of construction document submittal and will be limited to fixtures available from the local utility company.

6. An anticipated Pump station is depicted on the rezoning plan. The location is approximate. Final design will be reviewed and permitted by the City of Cherryville and applicable jurisdiction during the construction design phase. Pump station is proposed to be public and to be dedicated to the City of Cherryville for ownership and operation.
7. An HOA shall be established by the developer or builder and maintained by the community. The applicant shall provide covenants, conditions, and restrictions (CCR's) to the Town prior to recordation of the final plat to ensure consistency with commitments and approvals.
8. The community green open space generally depicted on site plan shall include a mix or combination of enhanced landscape and hardscape, public benches, and passive play area.
9. Active open space shall be included in the plans and constructed in tandem with dwelling units in the same phase. Active Open Space may include the following amenities:
 - i) Playgrounds
 - ii) Natural Trails
 - iii) Sidewalks
 - iv) Grass field of size and levelness for ballgames
 - v) Pavilion, gazebo, or other shade structure
 - vi) Benches
10. All Open Spaces including Passive and Active, shall be maintained by the Developer until turned over the HOA for maintenance or dedicated to and accepted by the City of Cherryville for maintenance and operation.
11. All weather ingress and egress access for Mr. Joe Millwood will be provided 24-hours a day during construction.

G.H. Storm water:

1. Erosion control and storm water measures shall be designed and maintained to be compliant with local, county, and state regulations.

I. Public Roads and Traffic

1. A transportation engineering firm will be engaged to perform a Traffic Impact Analysis (TIA). All mitigation recommendations identified for the entrances and access points of the proposed development shall be constructed.
2. Traffic mitigation improvements shall be phased with development as outlined in the analysis.

3. Public street cross sections shall meet Cherryville's Subdivision Ordinance for Minor (Residential) Streets as Article VI, Section 1.5(a) as amended May 9, 1994 and Section 1.5(b) as amended June 81 2005 to include fifty (50) feet of right of way and twenty-eight (28) feet of paving width as measured back to back of curbs.

4. Road network shall be constructed per plat phases with sidewalks, street trees, and final surface of asphalt to be completed prior to dedication and acceptance for maintenance by the City of Cherryville. A surety bond may be provided by the developer to the City of Cherryville at the time of plat recordation for uncompleted sidewalks, street trees, and final surface of asphalt associated with the proposed plat phase to ensure remaining work will be completed.

5. Developer shall engage a licensed construction materials testing firm to perform visual observations and testing during utility and street construction and provide reports to City of Cherryville prior to dedication and acceptance of utilities and streets for maintenance.

6. Developer shall install a gate at the access to Eaker Circle to prevent construction traffic from using that access. At certain times during the testing and widening of the earthen embankment for the existing farm pond, Eaker Circle access may be used for construction access. The gate shall be removed at either the request of the Fire Marshall or when the phase of the development connects to Eaker Circle is paved, whichever occurs first. Any damage caused by construction traffic on Eaker Circle shall be repaired by Developer prior to dedication and acceptance of the connecting street.

J. Residential Building Design Requirements:

1. A variety of exterior building materials shall be allowable and utilized on primary and accessory structures on site. Exterior structure materials shall be durable and residential in character and shall allow a mix of, but not limited to vinyl, masonry, brick, synthetic or natural stone, stucco, asphalt composite shingles, EIFS, metal, manufactured or natural siding or other similar building materials.

2. Accessory buildings shall be clad in materials similar in appearance to the principal structure.

DISCUSSION OF CITY OF CHERRYVILLE FUNDS APPROPRIATED FROM STATE BUDGET, MAYOR H.L. BEAM:

Mayor Beam shared that the City of Cherryville was appropriated the following funds from the State budget. They are as follows:

- \$350,000 for Westgate Park
- \$22,800 for a storage facility at the recreation department
- \$50,000 as a local government grant

Mayor Beam also stated that Commissioner Fraley shared with him that Gaston County would be spending 1 million dollars in Cherryville in early spring. Gaston County will be building a park on the Gaston County property located at the corner of E. Academy Street and Kenwood Rd. The county plans to build a soccer field on that property.

Finance Director Dixie Wall shared that the ARPA funds will not cover the police department's body cameras that will cost \$18,000 over a four-year period. She also stated that the planning & zoning office is in desperate need of software.

OTHER BUSINESS:

Councilmember Puett asked about leaves. Public Works Director Brandon Abernathy shared that he only has one truck running because they have been unable to hire anyone to run the other truck. He simply does not have the manpower.

City Clerk Paige Green shared that public works will be cleaning off the graves at the cemetery on Friday December 10. She asked that if anyone has flowers they wish to keep that they be removed before Dec. 10. Any old faded flowers or items that are on graves that are against cemetery policy will be removed. There will be an ad in the Cherryville Eagle for the next two weeks and this has been put on the web site.

Mayor Beam shared that the annual employee's Christmas luncheon will be held Friday December 17 at the community building. The luncheon will be from 11:30 to 1:30.

Councilmember Puett made a motion to approved closing city hall for the luncheon. Councilmember Freeman seconded the motion and the vote was unanimous.

CONSIDERATION TO ENTER INTO CLOSED SESSION RE: N.C.G.S. 143-318.11.(6) MAYOR AND CITY COUNCIL ONLY (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting:

Councilmember Abernathy made a motion to enter into closed session. Councilmember's Puett and Freeman seconded the motion and the vote was unanimous. The meeting began at 7:03.

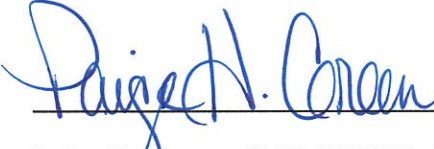
Councilmember Puett made a motion in closed session to interview three applicants on Saturday December 4, 2021 at City Hall in the conference room. Councilmember Abernethy seconded the motion and the vote was unanimous.

Councilmember Parker made a motion to adjourn the closed session and return to open session. Councilmember Abernethy seconded the motion and it was unanimous. The meeting adjourned at 8:26 pm.


ADJOURNMENT:

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the meeting adjourned at 8:30 pm.

Adopted this 13 day of December 2021.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

