



**REGULAR WORK SESSION MEETING
TUESDAY JANUARY 30, 2024 @ 5:30 PM
CHERRYVILLE COMMUNITY BUILDING
W.J. ALLRAN JR. COUNCIL CHAMBERS
106 S. JACOB STREET CHERRYVILLE, NC 28021**

The Honorable Mayor H.L. Beam called the work session meeting to order at the community building in the William J. Allran Jr. Council Chambers. Councilmembers Jill Puett, Gary Freeman, and Janice Hovis were present. Councilmember Jon Abernethy joined by phone. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Yansea Taylor, Public Works Director Chris J. King, Planning and Zoning Director Richard Elam, Finance Director Dixie Wall, Fire Chief Jason Wofford, and Police Chief Brandon Hunsucker were also present. Wise News was present for media coverage.

CONSENT AGENDA:

**PUBLIC HEARING CONTINUED FEBRUARY 12, 2024 RE: REZONING TERRACE ESTATES II,
PLANNING & ZONING DIRECTOR RICHARD ELAM**

**RESOLUTION OF INTENT TO CLOSE A STREET OR ALLEY RE: VERNON STREET, PLANNING &
ZONING DIRECTOR RICHARD ELAM**

Councilmember Puett made a motion to approve the consent agenda. Councilmember Hovis seconded the motion and the vote was unanimous.

ITEMS FOR DISCUSSION OR CONSIDERATION:

Councilmember Puett made a motion to approve the agenda as written. Councilmember Hovis seconded the motion and the vote was unanimous.

**DISCUSSION OF REZONING TERRACE ESTATES II WITH PLANNING BOARD MEMBERS,
PLANNING & ZONING DIRECTOR RICHARD ELAM:**

Mayor Beam welcomed the members of the Planning Board that were present. The members present were Mark Mauney, Chair Ed Yount, Wade Stroupe, Frank Morehead, and Reid Huss. Matt Mauney and Veda Jackson were unable to attend.

Planning and Zoning Director Richard Elam approached the podium to say that the planning board was present, as per the Councils request, to answer any questions they may have about why the board denied rezoning Terrace Estates II.

Mayor Beam asked the board members what the basic reason for denying the rezoning of Terrace Estates. Mr. Ed Yount spoke up as chair of the board and stated that he can only respond with what is in the minutes, and the board wants to deny, plain and simple. Mr. Frank Morehead spoke up and shared that he was acting chair at that planning meeting when the board denied the rezoning of Terrace Estates. He wanted to share that when the board had the second meeting to get more information about the Land Use Plan, if he known all of that information, he would have tried to interject some things for council to considered. Mayor Beam explained the size of the lots on the map.

Councilmember Abernethy asked the planning board members if they would have approved the rezoning if they had known of the other options that are available, and not just the option of R-9 cluster, or are they just against the rezoning all together. Mr. Mark Mauney stated that they asked the builder about the other options, and the builder said it would cost too much. Former Mayor Wade Stroupe shared that Frank and Mark are both correct in their responses and in his opinion, it is the egregious nature of the reduction in lot size. Mr. Stroupe shared that at the first meeting regarding this rezoning, the board was not given any other options to consider but to cut the lot sizes from R-12 (12,000 sq. ft lots) to R-9 (6,000 sq. ft. lots). Mr. Stroupe commented that half of the surrounding residential properties are R-12, and then Dewey Beam Estates is zoned R-15. He stated that in his opinion, had the board been asked to consider R-12 or R-something cluster that's a \$10,000 sq. ft. lot, the board may have not denied the request, but they were only faced with one option and that was R-9.

Councilmember Freeman shared that now that we are seeing growth in Cherryville and the real estate values have gone so high, that if the builder were to go with bigger lots, they would not be able to sell them. Councilmember Freeman said that the builder would lose money and now people want smaller lots to maintain.

Mr. Stroupe said that he does not believe in the saying, "well we have done it in the past and if we did for them, we have to do it for this area as well." He stated that he does not like that school of thought because you learn from past issues and if that is going to be the case, then Council would continue to grant all rezonings. He said if that is the case then it's time to do a drastic overhaul and revision of the city's zoning policy.

Mayor Beam said that he would just like say that we've already got two developments that we have approved with the cluster building and the Council approved them. He stated that he did not agree with the approval of Requa Rd. and he asked that the minutes reflect that.

Councilmember Hovis shared that she campaigned on controlling growth in Cherryville. She shared that at the meeting last week in Gastonia, all the elected officials in Gaston County were talking about controlling growth in their communities. Councilmember Hovis said unless the planning board wants to review all the options, she is sticking with her original thought of supporting the planning boards recommendation to deny the rezoning.

Mayor Beam asked Mr. Upshaw if the property was limited to 85 houses would that be a deal breaker. Mr. Upshaw shared that he would have to go back and have the plans redrawn, they would have to reprice the grading, and see what the lots would cost. They would then have to go back to the builder and see what their thoughts were. He stated that it would take three to six months to do all of that.

Mr. Dalton shared that currently we do have a water pressure issue in this area and engineer has told the city that a new 12-inch water line needs to be put in from Henry Putnam to Black

Rock School Rd., and that would solve the problem. Mr. Dalton went on to share that the developer has agreed to pay half the cost of the new water line. The estimate for the new water line is \$240,000, so that would be \$120,000 for the city and \$120,000 for the developer. A lot of issues in the city would be solved with this new line. Mr. Dalton explained that with the new 12-inch line, it would create a loop and there would be no dead ends.

Councilmember Hovis asked Mr. Dalton if she was correct in saying that if the property is left at R-12, then there would be a subdivision process and they would have to come back, and go through that process. Mr. Dalton agreed that, that is correct and the builder would have to go through the subdivision regulations and procedures.

Mayor Beam stated that they all have a lot to digest and the continued public hearing will continue at the February 12, 2024 meeting.

END OF YEAR REPORT FOR CHERRYVILLE POLICE DEPARTMENT, POLICE CHIEF BRANDON

HUNSUCKER:

Police Chief Brandon Hunsucker approached the podium to give an end of the year report for 2023. Chief Hunsucker shared that today, he celebrates one year with the city of Cherryville. He thanked Council for the opportunity of being chief and he thanked them for the two new positions in the department. He shared that they have strived to become a more professional agency in the past year. The professionalism started with new uniforms and a new look on the vehicles.

Chief Hunsucker shared that the department has worked on building bonds with different agencies. Two of our officers are on a fugitive apprehension team with the county police, and the drone team. Cherryville is part of taking crime off the streets all over the county.

Chief Hunsucker reminded everyone of the grant that was awarded to the police department in 2022. The department used the grant for construction on the building's roof, and some remodeling on the interior, all of which has been completed. They have also redesigned the communication center, which added new desks that are ergonomically designed. The three monitors viewed by the telecommunicator are now curved and easier to view while working. The employees now have the option to stand while they are working and that makes it more comfortable for their twelve-hour shift. Chief Hunsucker thanked Callaway Construction for all they have done at the police department with the remodeling. They provided the paint and had the exterior of the building painted.

Chief Hunsucker shared the total number of incidents and investigations, a call log summary, total number of calls for each month, and a call volume chart comparing the number of calls since 2000. The department lost years of experience this year with the retirement of Lt. Mark Stout and telecommunicator Jon Mark Rudisill. They had a combined total of 58 years of experience with the police department.

Councilmember Hovis asked when the new sign for the front of the police department would be installed. Chief Hunsucker shared that funding is the issue with the new sign. He is hoping to be able to get it soon. He shared that the old sign would not match the new look of the building.

A copy of this report can be obtained from the Cherryville Police Department.

END OF YEAR REPORT FOR CHERRYVILLE FIRE DEPARTMENT, FIRE CHIEF JASON WOFFORD:

Fire Chief Jason Wofford approached the podium to give an end of year report for 2023. Chief Wofford shared that he has never seen a time when the police department and the fire department got along better than they do now.

Chief Wofford went over the total number of calls in 2023, and the types of calls. He shared the average response time, a call volume comparison, a comparison of incidents for years 2013 through 2023, the types of fires in the past year, number of mutual aid calls, off duty response calls, training hours for the department, certifications received by full time personnel, total number of building inspections, and the number of citizens reached through fire prevention.

Mayor Beam asked what the current ISO rating was.

Chief Wofford shared that the current ISO rating is 2 but, they had their inspection three or four months ago and they were lacking in volunteer response, and lacking on volunteers stopping by the station to get our ladder truck and having it on scene. Because of these issues, they have been given a twelve-month probationary period to make improvements. If improvements are not made the ISO rate will go to a 3. Chief Wofford said they department is working hard trying to keep the rating of 2.

Mayor Beam asked about the ladder truck. He wanted to know what the issue was with the ladder truck. Chief Wofford explained that they are having to find a remanufactured engine and have it replaced in the ladder truck. The cost is \$47,000. Mayor Beam asked what a new ladder truck cost, and Chief Wofford shared that he was given an estimate of 2.4 million for a new ladder truck and they are three years out.

Mayor Beam asked how many volunteers we have. Chief Wofford shared that we currently have 33 volunteers.

Councilmember Hovis shared that she can remember back when she started working for the city that she, as well as the average citizens, did not know how the ISO rating affected them. She remembers the ISO rating being a six. Chief Wofford explained the ISO rating and where Cherryville fits on the grading scale.

A copy of the report can be obtained from the fire department.

DISCUSSION OF UPSET BID PROCESS RE: CITY OWNED PROPERTY ON BATES AVE. GASTON COUNTY PID# 130718 & 130719, CITY MANAGER BRIAN DALTON:

Mr. Dalton explained that we did start the upset bid for the two parcels of land owned by the city on Bates Ave. Mr. Dalton shared that the ad ran in the Cherryville Eagle on January 11, 2024, and any upset bids were due in by January 22, at 5:00 pm. No upset bids came in so, we did have the bid from Stagecoach Investments for \$36,000. Mr. Dalton explained that the bid for \$36,000 can be accepted by Council or rejected.

Councilmember Hovis suggested it be put on the agenda for the regular city council meeting for February 12.

Councilmember Freeman made a motion to accept the offer of \$36,000 from Stagecoach Investments for the two parcels of land on Bates Ave., that the city of Cherryville owns. Councilmember Puett seconded the motion.

City Attorney Yansea Taylor suggested that because this contract is with the city, that we give a special warranty deed as opposed to a general warranty deed.

Mayor Beam asked what the difference was in the two deeds.

Mrs. Taylor shared that a general warranty deed means, that any person in the title, in the back chain of the title, you're giving warranties that, that title is good for all general warranty deeds in the back chain of the title. If you give a special warranty deed, you are saying I'm limiting it to only anything the city has done, while it has been in title as record owner going forward. So, typically when we see foreclosures, when we see deeds out of REOS, real estate owned corporation, we're going to see a special warranty deed. We would expect to see a special warranty deed so, that's the only thing I would do in this contract, that is just a standard, if's this is a standard residential contract, but since we are a city, I think we should limit our liability a little bit more by giving a special warranty as opposed to a general warranty.

Councilmember Freeman amended his motion to include the special warranty deed in the closing. Councilmember Puett seconded the motion and the vote was three for and one opposed. Councilmember's Freeman, Puett and Abernethy voted to sell the property and Councilmember Hovis voted against the selling the property.

OTHER BUSINESS:

Mayor Beam shared that a citizen had reached out to him and was concerned that the city had done nothing for C. Grier Beam. Mayor Beam said the gentleman asked him if the city would consider doing something to show our concern of how he impacted our city. Mayor Beam told the citizen that he would bring it before Council. The citizen was suggesting a bronze monument or naming a park after Mr. Beam. Mayor Beam told the citizen that there had been some talk of putting a stage behind the C. Grier Beam Museum for entertainment and asked how the citizen would feel about that.

Councilmember Hovis shared that her late husband had also talked to a gentleman several years ago about naming a road or a street after Mr. Beam. She said her husband looked into it, and after some research, they were told that since there is a C. Grier Beam Blvd at Gaston College, so it could not be done. You cannot have two roads named after the same person.

Mayor Beam pointed out that he and Ms. Hovis may be referring to the same citizen.

Mr. Dalton, "I think we're getting closer on having the permit for the gym. We received everything back from Recil Wright for the site plans. We've received amendments back for the GM and the mechanical engineer. The structural engineer has submitted his stuff, but he forgot to sign the document, so they kick it back to him again over a signature. So, hopefully within the next couple days, with everything submitted, we will get the permit to get started. I did speak to Mr. Tommy Summer this week, and the appraisal on the land has been completed. So, that's been taken care of. We're getting that invoice paid this week, and as soon as the permits are issued, they said they would sign the land over to the city of Cherryville, and we can start building. The paperwork's already completed and it's just waiting to get signed and taken to the rest of your deeds.

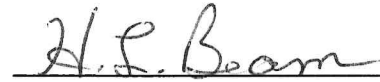
ADJOURNMENT:

Councilmember Puett made a motion to adjourn the meeting. Councilmember Hovis seconded the motion and the vote was unanimous. The meeting adjourned at 6:35 p.m.

Adopted this 12 day of February 2024.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

