



**REGULAR CITY COUNCIL MEETING
MONDAY JUNE 10TH, 2024 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN JR. COUNCIL CHAMBERS
106 S. JACOB ST. CHERRYVILLE, N.C. 28021**

The Honorable Mayor H.L. Beam called the regular scheduled meeting to order at the community building in the William J. Allran Jr., Council Chambers. Councilmembers Jill Puett, Jon Abernethy, Gary Freeman, and Janice Hovis were present. 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, Water Plant Superintendent Bryan Williams, Finance Director Dixie Wall, Downtown Director David Day, Wastewater Superintendent Larry Wright, Police Chief Brandon Hunsucker Police Major Danny Renn and Fire Chief Jason Wofford, were also present. The Lincoln Times and Wise News Network were present for media coverage.

INVOCATION: DR. REV. BILL LOWE, FIRST PRESBYTERIAN CHURCH:

Dr. Rev. Bill Lowe gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

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

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve the minutes as written for the following meetings:

- A. CITY COUNCIL REGULAR MEETING MAY 13, 2024
- B. CITY COUNCIL WORK SESSION MEETING MAY 28, 2024

Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

Construction on the new gym has been delayed due to "bad" dirt that was found. The reason it is bad is because it will not compact to give a solid foundation to build on. We are in the

process of installing a French drain so the water will run to the retention pond, and this will clear up the problem.

Little League and Dixie Youth are in the process of wrapping up their seasons and American Legion Baseball is in full swing at this time.

The parking lot at the corner of Main Street and Mulberry has been paved and stripped. It is a nice addition to downtown and the city incurred no cost of this project, as the property belongs to Mr. Patrick O'Leary.

The pad for the new splash pad has been poured and we are now waiting on the concrete to set up within the next couple of weeks. Once that occurs, we will anchor the stations down and we will be ready to open the splash pad. A temporary fence was installed to separate the splash pad from the pool. The city pool had its opening this past Saturday.

One of our boom trucks blew an engine and it will have to be replaced immediately. This has caused a delay on getting some of the storm debris picked up.

The old drain pipe that collapsed at the end of East Academy has been removed and a new pipe has been installed by our city employees. The cost of this project was approximately \$10,000. Contractors had estimated this project to cost around \$40-50 thousand to repair. Thanks go out to our public works crews to saving our city the cost of this project.

In closing, I want to remind all our citizens of our Independence Celebration on Friday, July 3rd at the Rudisill Football Stadium. Cherryville will host numerous food vendors, games, beer garden, The Swinging Medallions Band and fireworks to follow. Please make plans to attend this event as it is one of largest events to bring crowds from all over.

This concludes the mayor's comments.

SPECIAL RECOGNITION OF CITY EMPLOYEE'S YEARS OF SERVICE, MAYOR H.L. BEAM:

Mayor Beam recognized city employee Lisa Millwood for ten years of service. Lisa works in accounts payable.



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 3 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):

No citizens spoke.

CONSIDERATION OF PUBLIC HEARING RE: ADOPTION OF PROPOSED FY 2024-2025 ANNUAL BUDGET, CITY MANAGER BRIAN DALTON:

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

City Manager Dalton shared the follow regarding the proposed FY 2024-2025 annual budget:

- **General Fund** - Proposing the tax rate to remain at .48 per 100. The tax rate was lowered last year from .52 to .48, due to reevaluation of property values. With the reevaluation and the tax rate being reduced to .48, we are looking at additional \$800,000 in property taxes. The estimated tax revenue for property taxes for FY 2024-2025, will be approximately three million dollars.

When the tax rate was set last year, two positions were added at the Police Department, to bring our total of sworn positions to (16) up from (14). To put this into perspective, in 1997 the Cherryville Police Department had (17) sworn positions.

Last year a salary study was completed that had been implemented over a (3) year period and gave a 5% COLA adjustment. In previous years we were at the bottom of the salary scale with municipalities our size. In the 2023 League of Municipalities salary study, we started approaching the average range for most positions. Therefore, a 5% COLA adjustment in the 24/25 budget is being proposed to remain competitive, and be at or above the average range for most positions.

If Cherryville can continue to have positive growth, there will be a possibility in the next few years that we can lower the tax rate to put us on the path of being on the lower half of Gaston County municipalities. Currently, two other municipalities in Gaston County are at a higher tax rate than Cherryville. Before last year, Cherryville had the highest tax rate.

- **Electric Rate** - With the reductions that have been implemented over the past several years, Cherryville has the lowest rate of any provider in our area. The proposal for FY 2024-2025 is to leave the electric rate at our current rate. This allows the opportunity to continue to build the electric fund. It is in our best interest to keep a healthy electric fund because of incidents like

May 16, 2023. Even though we got reimbursed approximately 75% of the funds, the city had unexpected expenses on the storm. It is critical that there is a savings account available to withstand incidents like this. Also, with the responsibility being on the City of Cherryville to get the infrastructure in place for electricity in the new developments, we need a healthy fund to be successful. The new development on Requa Rd., will consist of 504 homes and the electric service will be supplied by the city of Cherryville. This will be a major revenue stream in both tax revenue and utilities, but the cost of the infrastructure will be close to \$1,000,0000.

• **Water/Sewer Rate-** It is being proposed that our water/sewer rates remain the same for the FY 2024-2025 budget year. This fund remains to be the worst performing fund. Evidence shows that maintenance of our aging infrastructure is likely the primary reason we do not perform as well in this fund. For example, in the FY 2023-2024 budget year, \$557,900 was appropriated out of the water/sewer fund balance. In the FY 2024-2025 budget it is being proposed that \$352,000 come out of the water/sewer fund balance. This is used for budget purposes and typically the city does not have to use the fund balance. As we continue to make improvements to our system with grant funds, our maintenance costs will decline. The total budget for water/sewer was \$3,472,400 in FY 2023-2024 and the FY 2024-2025 budget is proposed at \$3,433,800, a decrease of \$38,600. The city has been told throughout the years that our rates were too low to qualify for numerous water/sewer grants. The goal of the AIA study that is coming to completion, is that this information will be used to secure some large grants in the coming years for water/sewer projects.

• **Highlights of proposed 2024-2025 budget:**

- Establishing a shift premium at the Police Department for (4) sworn Officers and (2) Dispatchers that work permanent night shifts. The premium would be a line item on their pay of \$1.25 per hour. This is common practice with most organizations. If an employee comes off night shift, they forfeit this benefit.
- Going from (8) leased vehicles at the Police Department to (10). The price of buying one vehicle and equipment is approximately \$60,000. With the lease program we can pay the lease and have (10) vehicles for approximately \$90,000. The lease program has proven to save money because of mostly eliminating the maintenance cost of maintaining old vehicles. The positions we added last year are a primary reason for the increase in leased vehicles.
- Proposing that the city lease (2) trucks for public works. The city would then shift two trucks in public works to other departments. Recreation department needs another truck and would likely take one of these vehicles. Staff is still waiting on pricing from Enterprise to decide on this.
- Staff is looking at adding a part-time Narcotics Detective at the Police Department. We currently only have one Narcotics Detective, and this is not feasible to fight the drug activity that our community is experiencing. The part-time detective would be allowed to work up to 1000 hours per year based on retirement regulations.

The total budget for FY 2023-2024 is \$16,491,725.

The total budget proposed for FY 2024-2025 is \$17,917,445.

Factors causing the increase:

- 5% COLA increase for all employees (\$260,000 in salary and benefits)
- Currently staff has negotiated a health insurance premium of 7% with a \$21,000 credit to our account, making the actual increase 5%.
- Increase cost in electric fund to build the infrastructure in the new developments.
- Inflation of goods and services

No citizens spoke.

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

Councilmember Hovis made a motion to approve the proposed 2024-2025 FY budget. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION OF PROPOSED CITY FEES, CITY MANAGER BRIAN DALTON:

Mr. Dalton also asked for consideration for amendment to the following city fees:

Meter Damage Fee	\$250.00 per occurrence
Underground Service Fee	\$35.00 for the first 100 feet \$3.00 per foot over 100 feet
Garbage Container Fee	\$75.00
Water/Sewer Tap Fees	¾" Water Meter \$350.00 1" Water Meter \$500.00
Any boring or cutting involved in making taps	\$400.00
Flat Rate Sewer Fee (Inside Fee)	\$36.50
(Outside Fee)	\$73.00

Councilmember Abernethy made a motion to approve the proposed fees. Councilmember Hovis seconded the motion and the vote was unanimous.

CONSIDERATION OF PUBLIC HEARING RE: AMENDMENTS TO ZONING ORDINANCE SECTION 6.5 CLUSTER DEVELOPMENT, PLANNING & ZONING DIRECTOR RICHARD ELAM:

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

Mr. Elam went over the proposed amendments to section 6.5, Cluster Development, of the zoning ordinance. Below is a copy of the amendments. The amendments are highlighted:

Section 6.5 Cluster Development.

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.

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 Special 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 lot requirements are:

MINIMUM SINGLE-FAMILY LOT REQUIRMENTS

Zoning	Area	Width	Front 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' 6'	25'	33%
R-9	6,000	50'	20'	5'	25'	33%

MINIMUM TWO FAMILY LOT REQUIRMENTS

Zoning	Area	Width	Front Setback	Side Yard	Rear Yard	Open Space
R-12	12,000	70'	25'	6'	25'	33%
R-9	9,000	60'	25'	6'	25'	33%

d. Additional requirements:

1) Public sewer and water are required.

2) Minimum rear yards along exterior boundaries of development shall be increased by 10'.

3) The **Lot Width** shall be the distance between side lot lines measured at the minimum required front yard setback.

4) An additional ten (10) feet shall be provided on all side yards which abut a public street.

5) The **Lot Width** of cul-de-sac lots at the required front yard setback may be reduced by the authority of the Zoning Administrator as long as there is no reduction in the square footage of the lot.

6) Street trees shall be required on each side of the street at a minimum average spacing of 50' on center.

7) Minimum 4' wide sidewalks shall be required. Cul-de-sacs require sidewalk on one side only.

e. Every lot approved for a development shall be for the purpose of building a single or a two-family dwelling upon each of the approved parcels. Parcels shall not be combined from side or rear parcels to make for a larger parcel.

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. **At that time, the Home Owners association will be responsible for maintaining all undeveloped lots and open spaces.**
- 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.

No citizens spoke.

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

Councilmember Puett made a motion to approve the amendments to section 6.5, Cluster Development, of the zoning ordinance. Councilmember Freeman seconded the motion and the vote was unanimous.

CONSIDERATION OF APPOINTMENTS TO THE MAIN STREET COMMITTEE, DOWNTOWN DIRECTOR DAVID DAY:

Mr. Day read a letter from Senator Ted Alexander congratulating Mayor Beam on being recognized as the NC Main Street Champion. Below is a copy of that letter:



North Carolina General Assembly
Senate

SENATOR TED ALEXANDER
44TH DISTRICT

May 23, 2024

Mayor H. L. Beam
404 Spring St.
Cherryville, NC 28021

Dear Mayor Beam,

I would like to congratulate you on being recognized as the NC Main Street Champion! This is an incredible accomplishment for you and our community! Thank you for all that you do for the City of Cherryville.

I am wishing you and your family all the best.

Sincerely,

Senator W. Ted Alexander

Mr. Day asked for consideration for the following appointment to the Main Street Committees:

To: Mayor H.L Beam, Brian Dalton, Paige Green, Jill Puett, Gary Freeman, Janice Hovis, Jon Abernethy

From: Donna Beringer – Main Street Chair
David Day – Downtown Director

Date: June 6, 2024

As required by the Main Street Bylaws and the City of Cherryville below are the nominations presented to the City Council to serve on the Cherryville Main Street program. The below individuals are nominated by the Board of Directors of the Cherryville Main Street Program and were selected from a list of volunteers who asked to serve and fill the vacant seats or continue serving.

Design Team:

Steve Panton – 2024/2026 (re-election)

Sherry Bingham – 2024/2026 (re-election)

Not up for re-election below names

Samantha Moss – 2023/2025

Susie Huffstetler – 2023/2025

Barbara Moss – 2023/2025

Kim Rainwater – 2023/2025

Tina Clark – 2023/2025

Economic Vitality Team:

Darrell Shepherd – 2-year term – 2024/2026

Sid Stroupe - 1 year term – Filling Janice Hovis Term

Not up for re-election below names

Seth Hartman – 2023/2025

Amanda Owensby – 2023/2025

Vickie Spurling – 2023/2025

John Rudasill – 2023/2025

Kathy Bumgarner – 2023/2025

Promotions Team:

Angela Walker – 2024/2026 (re-election)

Pam McGinnis – 2024/2026 (re-election)

Not up for re-election below names

Madison Moss Dellinger – 2023/2025

Amanda McCorkle – 2023/2025)

Tina Feemster –2023/2025

Donna Beringer – 2023/2025

Paula Rupard – 2023/2025

Advisory Board:

John Porter (1 year term)

Al Graves (1 year term)

Mark Upchurch (1year term)

Linda Alexander (1 year term)

Reggie Walker (1 year term)

Councilmember Abernethy made a motion to approve all of the appointments. Councilmember Puett seconded the motion and the vote was unanimous.

CONSIDERATION OF REQUEST FROM ABC BOARD RE: CITY SEAL ON NEW STORE SIGN, MAYOR H.L. BEAM:

City attorney Yansea Taylor was asked to research any case law involving a city seal being on an ABC store sign. Mrs. Taylor sent some examples of other cities and towns that do have their name and some have their seal on the sign as well. Others have the ABC seal. Below is a copy of the proposed sign that the ABC Store is asking permission for:



Councilmember Freeman made a motion not to use the city seal, and maybe the ABC Board can use their ABC seal. Councilmember Hovis seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Mayor Beam asked for an update on the Juneteenth festival. Councilmember Puett shared that the festival was bigger this year than last. They had food, vendors, music, singing, bouncy slide for the kids and a good time was had by all.

Mr. Day shared that there were 8 vendors and 4 food trucks.

Councilmember Freeman shared that he was approached by a couple veterans and they wanted to know why we did not have a Memorial Day parade this year.

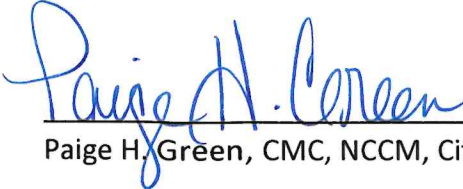
Mr. Dalton shared that the American Legion did have a service Memorial Day.

Councilmember Hovis asked about the potholes and the work on N. Mountain Street that is being done by Dominion Energy.


ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Hovis seconded the motion and the vote was unanimous. The meeting adjourned at 7:00 pm.

Adopted this 8 day of July 2024.



Paige H. Green, CMC, NCCM, City Clerk



H.L. Beam, Mayor

(SEAL)