



**REGULAR CITY COUNCIL MEETING
MONDAY APRIL 10th, 2023 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN JR. COUNCIL CHAMBERS
106 S. JACOB ST. CHERRYVILLE, N.C. 28021**

The Honorable Mayor H.L. Beam called the regular scheduled meeting to order at the community building in the William J. Allran Jr. Council Chambers. Councilmember's Jill Puett, Jon Abernethy, and Malcolm Parker were present. Councilmember Gary Freeman was absent. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Public Works Director Chris J. King, Planning & Zoning Director Alex Blackburn, Wastewater Superintendent Larry Wright, Finance Director Dixie Wall, Downtown Director David Day, Fire Chief Jason Wofford, Major Brian Doolittle, and Police Chief Brandon Hunsucker were also present. Will Attwater with NC Health News was present for media coverage.

INVOCATION: MINISTER OF YOUTH JEANNA SPIKER, MT. ZION BAPTIST CHURCH:

Mrs. Jeanna Spiker gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

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

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve the following three sets of minutes:

- A. CITY COUNCIL REGULAR MEETING MARCH 13, 2023
- B. CITY COUNCIL CLOSED SESSION MARCH 13, 2023
- C. CITY COUNCIL WORK SESSION MEETING MARCH 28, 2023

Councilmember Abernethy seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

"I hope all our citizens enjoyed a Happy Easter with family and friends and thank you for attending your city's council meeting this evening. Your attendance is appreciated.

Let me begin by giving an update on the possible sale of the Historical Museum. Our city is still in the ongoing upset bid process and no decision will be entertained by the council until this process is completed.

On April 6, Municipal Clerk Paige Green, Planning & Zoning Director Alex Blackburn, City Manager Brian Dalton, and I attended the noon Holy Week Service held at the First Presbyterian Church of Cherryville. Those in attendance enjoyed the music presented by the chorus of Chavis Middle School followed by a short service by Pastor Dr. Matt Thomas of Second Baptist Church. After the service a meal was provided by First Baptist and St. Mark's Lutheran Churches.

Our grand reopening of Main Street was held on April 1 with estimates of one thousand or more in attendance. Dr. Vince Hefner, pastor of First Baptist was our Master of Ceremonies. Preston Long sang our National Anthem followed by the pledge of allegiance. Speakers on stage began with our Mayor, Council Member Jill Puett, former City Manager Ben Blackburn, Main Street Chairperson Donna Berringer, Dr. Tom White, and Dr. Bill Lowe giving our benediction. Mr. Bob Barker and Mr. Patrick O'Leary were recognized for their financial contributions to the Main Street Program for the enhancements of the Downtown Area. Thanks go to Main Street Director David Day and events coordinator Mary Beth Tackett for making this event such a huge success.

The city's annual Cherry Blossom Festival will be held on April 21st and 22nd this month. Many vendors, food trucks, and entertainment will high lite this event. I encourage all our citizens to make an effort to attend one or two of these days' events."

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

City Clerk Paige Green administered the following oath to police Chief Brandon Hunsucker:

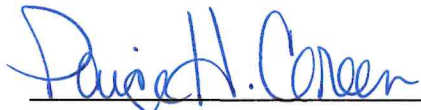


CHIEF OF POLICE OATH

I, **Brandon Hunsucker**, do solemnly swear that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the City of Cherryville and the State of North Carolina not inconsistent herewith, and to the constitutional powers and authorities of which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the laws and Constitution of said State, and the Charter of the City of Cherryville; and that I will well and truly execute the office of Chief of Police to the best of my knowledge and ability, according to law. So help me, God.

Brandon Hunsucker, Chief of Police

Sworn and subscribed before me this 13 day of March 2023.



Paige H. Green, CMC, NCCMC, City Clerk



SPECIAL RECOGNITION OF EMPLOYEE’S YEARS OF SERVICE:

Mayor Beam shared that the employee to be recognized is on vacation. Mayor Beam requested that this agenda item be on the May 8, 2023 agenda.

SPECIAL RECOGNITION OF VICKI SPURLING, NC MAIN STREET CHAMPION AWARD, MAYOR BEAM:

Mayor Beam recognized Vickie Spurling, NC Main Street Champion. Mayor Beam read the following:

“Long time Main Street relator Vickie Spurling is a lynch pin in the ongoing resurgence of downtown Cherryville. As a passionate advocate for historic preservation, Vickie has long chaired the city board approving multiple renovation projects. And, much more significantly, Vickie has worked with an entrepreneur to oversee the complete renovation of three historic structures – with even more on the way. With the present gleaming renovations complete, and as an active member of our economic vitality team, Vickie worked diligently to recruit multiple new businesses and apartment dwellers. As excitement builds in our downtown, Vickie leads day-to-day as a tireless volunteer at virtually every downtown event. No job is ever too small or too large for her to tackle. As a prominent member of our community and as a passionate Main Street advocate, Vickie proactively promotes downtown to local and state leaders.

Because of her tireless and fruitful efforts to revitalize our downtown, Cherryville -- Where Life Blossoms -- is proud to recognize Vickie Spurling as our NC Main Street Champion.

Vickie has over seen the contractors’ work and the design of 12 renovations and assures us they are in line with the historic preservation of our Main Street. Vickie is Chair of our Architectural Review Board and on the Economic Vitality Committee. She is the first to volunteer for projects, festivals, and events. Her efforts were influential in obtaining a \$100,000.00 donation to purchase outdoor furniture, park updates, and items for public spaces. She is passionate about our Main Street and has its best interest at her core. Her zeal along with donated funds from an entrepreneur have brought six new, 2nd floor apartments and over 14 business to our Main Street. She is overseeing the new 9-apartment revitalization of our 3-story old post office to become eight additional apartments. She helped in the renovation of several historic buildings and the relocation of the YMCA to enhance new areas of Main Street. Vickie volunteers and gets her hands dirty. She has planted flowers and has been seen picking up trash as she walks to construction sites. She speaks with our City Council and the Mayor frequently about the progress in our downtown area and is involved in many community events. Her passion for Main Street is prevalent in all she does and our city is extremely proud of her work and the accomplishments she has and will continue to make for our city.

Congratulations to Vickie Spurling from this council and from all our citizens for this award and thank you for all you do for our city.”

Mayor Beam then presented Mrs. Spurling with the following award:



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):

Ms. Teresa McFarland, owner of Rocking Realty at 124 W. Main Street, approached the podium to speak in favor of keeping the city building that houses the Cherryville Historical Museum.

Ms. Pat Sherrill of 208 W. Main Street approached the podium to speak in favor of keeping the city building that houses the Cherryville Historical Museum.

Mr. Al Putnam of 209 N. Jacob Street approached the podium to share that no one from the City of Cherryville has contacted him about selling the building that houses the Cherryville Historical Museum. He stated, “You do not own the building, the City of Cherryville does not own the building.” He stated that the City of Cherryville does not have the right to sell something they do not own. Mr. Putnam shared that the building was a joint gift to the association and the city. He went on to say, “If you think you are going to sell the building, it is not going to happen. You can’t. We will take care of whatever needs to be done to take care of it, we have investors that are willing to put money in a trust that would be run by a board of directors. Hopefully there will be enough funding representing that, and it will take care of operating cost in the future. We are talking an

extensive amount of money and an extensive amount of investment to set there and make that. That's it, thanks."

Mayor Beam stated, "In your minutes you voted to have no contact with the city and you have threatened us with a lawsuit, so that is why the city has not been in contact with you. Your board voted I think it was seven to three or nine to three to have nothing to do with the city."

Mr. Putnam, "Nobody threatened to sue the city over it, but we do have documentation to prove the ownership of that but the city has never asked to come talk about it or anything else. Again, we invoke not to have contact with the city, we don't want the tourney of the government of Cherryville to take over the leadership of the museum. Preservation history does not belong as a city function, it was never portrayed like that, the best question I had was how do we solve problems with stale leadership. The perfect example has been over the past six to 8 months and we have new leadership and we are moving forward."

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

Mayor Beam asked for a motion to enter a public hearing. Councilmember Abernethy made a motion to continue the public hearing until May 8, 2023 at 6:00 pm. Councilmember Abernethy shared that councilmember Freeman is absent to vote, and information is still coming in, that will help in making the best decision in this matter. Councilmember Puett seconded the motion and the vote was unanimous.

PUBLIC HEARING RE: PROPOSED MURALS AND SIDEWALK PAINTING ORDINANCES, MARKETING COORDINATOR STEVE PANTON:

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

Mr. Steve Pantan briefing went over the mural ordinance and the ordinance to prohibit paintings and markings on public sidewalks. Below is a copy of both ordinances:



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

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

WHEREAS, the Downtown Director of the City of Cherryville has recommended an addition to Chapter 8, Buildings and Building Regulations, of the City Code of

Ordinances, in order to create requirements and guidelines for the installation of murals placed on private property within the city that can be seen by the public; and

WHEREAS, the City Council has conducted a Public Hearing on 4-10-2023 at which time all interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

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

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Cherryville, North Carolina, assembled in regular session this the 10 day of April, 2023, as follows:

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

Article VII. Murals

Sec. 8-201. Intent of this ordinance.

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

Sec. 8-202. Applicability.

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

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

- (a) Murals must be a one-of-a-kind work of art which is hand-painted, hand-tiled, or digitally printed and must not appear in any other public form including but not limited to advertising, logos, and trademarks.
- (b) Murals must not contain any commercial or advertising message that advertises business conducted, services rendered, or goods produced or sold.
- (c) Murals must be appropriate, coherent, compelling, and timeless.
- (d) Murals must not interfere with traffic or public safety by reason of their: 1) design, 2) installation, 3) repair, or 4) maintenance.
- (d) Murals must be placed on prepared surfaces which may include those surfaces receiving chemical treatments to remove chipping paint, mold, and dirt.
- (e) Murals must include a protective coating once the mural is complete.

(f) Murals must be durable and able to withstand minor wear and tear and harsh outdoor elements for at least ten years.

(g) Murals, if they are to contain an artist signature or brand, must be approved during the approval process for the mural.

(h) Murals must be distinctive through the use of design color.

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

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

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

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

Sec. 8-206. Alterations to murals.

(a) Alterations to murals must be approved in the same manner as depicted in Sec. 8-208.

(b) Alterations include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural.

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

Sec. 8-207. Removal of murals.

(a) So as to retain the long-term character of the city, removal of murals must be approved in the same manner as depicted in Sec. 8-208.

(b) A mural may be removed by the owner within the first four years of the date of registration under the following circumstances:

(1) the property on which the mural is located is sold.

(2) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural.

3) a to-scale rendering.

(3) the property undergoes a change of use authorized by the Codes Department in the City of Cherryville.

4) a map showing the proposed location of the mural.

(c) The City Council may compel the removal of a mural if it is not complete by the time specified in 8-208 (d).

5) a description of the materials used.

8-208. Approval Process.

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

6) the actual size of the finished mural.

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

7) the process by which the mural will be created, including verification of materials and a coating for protection.

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

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

(c) Applications must include:

8-209. Fee for New Mural Registration.

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

the proposed mural.

1) a cover letter explaining

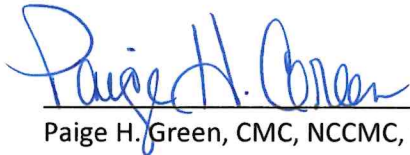
the owner of the property with the owner's name, address, and signature.

2) expressed permission of

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

ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLIA

THIS 10 DAY OF April, 2023.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



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

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

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

WHEREAS, the City Council has conducted a Public Hearing on 4/10/2023 at which time all interested citizens, residents, property owners and agencies could be heard on whether they approved or disapproved of the proposed amendment; and

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

NOW THEREFORE, BE IT ORDAINED and established by the City Council of Cherryville, North Carolina, assembled in regular session this the 10 day of April, 2023, as follows:

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


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


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

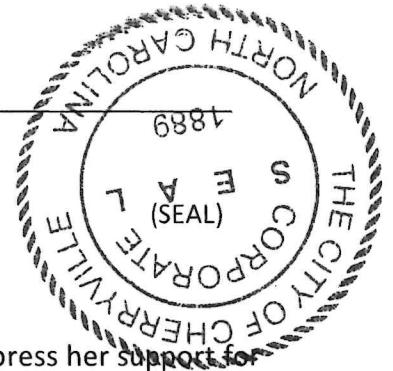
No person shall paint or mark any sign, advertising or other marking upon the pavement, curb or sidewalk constituting part of a public street.

ADOPTED BY THE CITY COUNCIL of CHERRYVILLE, NORTH CAROLIA

THIS 10 DAY OF April, 2023.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



Mayor Beam asked if any citizen would like to speak. Mrs. Vickie Spurling of 211 E. Main Street approached the podium to express her support for the mural ordinance.

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

After some discussion, Councilmember Puett made a motion to approve the City of Cherryville mural ordinance. Councilmember Abernethy seconded the motion and the vote was unanimous.

Councilmember Puett made a motion to approve the ordinance to prohibit painting and markings on public sidewalks. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION TO CHANGE VENUE FOR WORK SESSION & BUDGET WORK SESSION ON APRIL 25, 2023, MAYOR BEAM:

Mayor Beam shared that the venue for the April 25, 2023 work session/budget work session would need to be changed to the training room at the fire department.

Councilmember Puett made a motion to change the venue for the work session/budget work session to the training room at the fire department. Councilmember Parker seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Councilmember Puett thanked Steve Panton for putting the mural ordinance and the sidewalk ordinance together.

Mayor Beam asked public works director Chris J. King how many potholes were left to be repaired. Chris shared that approximately 35 potholes were left to repair.

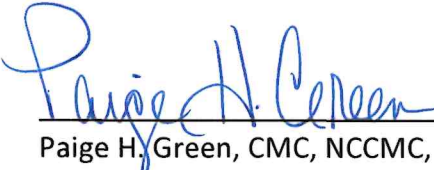
Councilmember Puett also thanked the public works staff for the quick cleanup on Main Street after the ribbon cutting on April 1.

Mr. Dalton shared that Mike Steele is behind on starting at West Gate Park due to the heavy rains we have had recently.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Parker seconded the motion and the vote was unanimous. The meeting adjourned at 6:44 pm.

Adopted this 8 day of May 2023.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

