



**REGULAR CITY COUNCIL MEETING  
MONDAY JUNE 12, 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 meeting to order at the community building in the W.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, Finance Director Dixie Wall, Fire Chief Jason Wofford, and Police Chief Cam Jenks were also present. There was no media coverage.

**INVOCATION: PASTOR DR. BILL LOWE, FIRST PRESBYTERIAN CHURCH:**

Pastor Dr. Bill Lowe was unable to attend so David Day 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 Abernethy seconded the motion and the vote was unanimous.

**APPROVAL OF MINUTES:**

Councilmember Puett made a motion to approve both sets of minutes from the following meetings of May 9, and May 31, 2022. Councilmember Abernethy seconded the motion and the vote was unanimous.

**MAYOR'S COMMENTS:**

The Department of Transportation has sent me an email stating that the period between Memorial Day and Labor Day is, known as the 100 Deadliest Days for the number of crash fatalities involving teen drivers historically rise. In 2021, there were 12,562 teen crashes in N.C. resulting in numerous injuries and 30 Teen deaths. I want to advise all teen drivers to slow down, buckle up, no phones, no drinking and be extra vigilant while driving. From June 27-July

10, the Governor's Highway Safety Program is conducting Operation Firecracker, as part of its Booze It and Lose It campaign to discourage impaired driving during the July 4 holiday.

On June 1, City Manager Dalton and I attended the 2022 Town & State Dinner held in Raleigh. We spoke with Representative Kelly Hastings and Senator Ted Alexander concerning the recent letter that our city had sent to each of them asking for support of a water system Interconnection between the City of Cherryville and Cleveland County Water. The interconnection would be at the intersection of Paul Beam Road and Academy Street. The City of Cherryville feels that this interconnection could be essential in assuring that water supplies would be available for future growth as well as being prepared for droughts. Both Representative Hastings and Senator Alexander informed us that the project had been discussed earlier that day, but no definite decision had been reached.

In other news, Bean Landscaping has been working on the improvements to Stroup Park, located just across from the Post Office and behind Grier Beam Truck Museum. This project is estimated to be completed by the end of June.

Mike Still has been working in the North Alley and this project is progressing at a rapid rate and will be completed every soon.

The work on the Historical Museum has been moving ahead and making headway and I must say the improvements are very good impressive to this point. Sid Stroupe has been working with this crew and the city thanks Mr. Stroupe for his hard work and attentiveness with this project.

The city has many projects that we are addressing at this time and when they are all completed, it will be a giant step forward for progress within our city. We extend a heartfelt thanks to all involved with these projects and thank our merchants and citizens for all their patience and support.

**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):**

None.

**CONSIDERATION OF PUBLIC HEARING RE: FY 2022 – 2023 PROPOSED BUDGET, CITY MANAGER BRIAN DALTON:**

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

City Manager Brian Dalton shared that the City of Cherryville is moving forward with many great projects and he would like to highlight several areas this past year that helped continue to move Cherryville and projects coming within the next year. They are:

1. Water/Sewer Projects completed on Main Street.
2. Downtown Revitalization/Beautification with a tentative completion date of September 2022.
3. Engineering taking place to install a new water line on West Hwy 150.
4. Numerous Waste Water projects- Ballard pump Station Bridge, reviving the second oxidation ditch at the wastewater plant, roof improvements on pump stations, new pumps at several pump stations and new generators.

Mr. Dalton shared that the City of Cherryville is fortunate to have funds available this year from the American Relief Plan (ARPA) that will continue to help address numerous infrastructure needs. The Council has been presented a plan of projects that will take place this coming budget year identifying where these funds are scheduled to be used. ARPA funds are providing Cherryville a unique opportunity to complete projects that otherwise may not be able to happen. The ARPA funds are separate from the budgeted items presented.

Mr. Dalton also wanted to highlight several areas this budget does attempt to address. The 2022/2023 budget does not include a tax rate increase and keeps the current rate at .52 cents per \$100. There are also no other fees scheduled to increase in this year's budget.

Mr. Dalton shared that the Electric Rate is proposed to be **decreased by 2%** in the 2022/23 budget. The reason for the decrease is a reduction in wholesale rate that was passed on to the nineteen (19) member cities in Western North Carolina. City Staff feels a 2% reduction will help Cherryville continue to have a strong Electric fund while preparing for future growth. Mr. Dalton shared that he foresees Cherryville continuing to grow in the near future and bringing on additional electric customers. For example, Stroup Acres that was recently passed and includes a neighborhood development close to 500 residences. There have been 230 lots identified that will be supplied with electricity from the City of Cherryville. There is an upfront cost associated with providing the electricity to these residences. There has been \$300,000 appropriated in this budget to help fund the cost of getting the electricity to these lots. This is one of the reasons that staff only recommends a 2% reduction in electrical rates. This enables us to continue to grow the electric fund to help bring on additional customers in the future. The 2% reduction this year also helps us prepare for increases that will likely be passed on in the years ahead. This will enable us to absorb the increases in future years to keep our rates stable without having any increases.

Mr. Dalton shared that the 2022/23 budget includes a 2% COLA for all Full Time City Employees. The budget also includes salary adjustments to numerous employees to complete the salary study that was implemented three (3) years ago. This will be the final year of adjustments to attempt to have all City Employees at or near the state average for their individual

position. I believe in this environment it is critical for the City to continue to keep employees compensation at a competitive level to attract and retain employees.

Health Insurance cost was negotiated from a 10% increase down to a 4% increase according to Mr. Dalton. This budget has the cost increase being absorbed without passing any of the additional cost on to employees. The Dental plan was negotiated to have no fee increase for the next two (2) years.

This budget only has four (4) items to be purchased. They are:

- One is a right of way mower that is priced at \$240,000. This cost will be split across four (4) funds to pay for this item. This will enable us to mow water/sewer right of ways as well as electric in the future. The mower is enclosed and will give us the ability to cut right of ways on a year round basis.
- Another item in the budget is a bucket truck for the electrical department. This is simply a planned purchase to try and maintain quality equipment as needed.
- Another purchase is to lease one (1) Chevrolet Tahoe for the Police Dept. This will enable us to move a Dodge Charger to a spare vehicle status. The Dodge Charger has given us numerous mechanical issues over the last couple years and it is more cost effective to take this car off the road as a primary vehicle. The Dodge Charger would become a spare vehicle for the Police Dept.
- There is also a new dump truck in the budget for the Water Department. The existing dump truck is a 1994 model and badly needs to be replaced. The dump truck is estimated to be \$80,000.

Mr. Dalton went on to say that as staff has prepared this budget the Water/Sewer fund has been identified as the one with the most concern. He has worked with Finance Director Wall to try to correct this going forward. For example, in the last budget \$108,000 was transferred to the General Fund from the Water/Sewer and Electric Funds in lieu of taxes. \$70,000 of the \$108,000 was from the Water/Sewer fund. The 22/23 budget has the \$70,000 coming from the Electric Fund and the \$38,000 from Water/Sewer Fund. This will help us try to create a stronger Water/Sewer fund. The other reason we are more cognizant of the Water/Sewer fund is that the debt payment for the bonds coming out of this fund is scheduled to be \$340,000 this budget year. In comparison, last year we paid a little over \$200,000 in debt service out of the Water/Sewer fund. An increase of roughly \$140,000 of debt service is now scheduled to come out of the Water/Sewer fund.

Mr. Dalton explained that we do have a fund balance built up in the Water/Sewer fund, but our ultimate goal is that we do not resort to having to use these funds to cover expenses.

This year there is some paving scheduled to be completed with Powell bill funds. Currently, we are looking to pave some of the roads that run off Main St and will need to be paved to make improvements and keep the Main Street project looking uniform. I plan on trying to

identify a few more roads to pave in early Summer. Last budget year there were no roads paved and I want to keep progressing to not fall behind.

In summary, the budget has increased overall. The reason for the increase is ultimately a \$400,000 increase in debt service over last year and approximately \$245,334 in salary increases for the 2% COLA and the final year of step increases for numerous employees. Staff feels this, is a very conservative budget that does address our needs and that of the Citizens of Cherryville. We are going to make numerous improvements to our infrastructure by using ARPA funds this year that is going to greatly improve our standing in the years to come.

No citizens spoke concerning the proposed budget.

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

Councilmember Freeman shared that we are getting a 13% cut from Electricities but only passing on a 2% decrease to the customers. Councilmember Freeman said he would like to propose a 5% decrease to customers.

Mr. Dalton responded by saying that after this year Electricities will start going back up and when they do, the city will be able to eat the cost of the increase.

Councilmember Abernethy pointed out that we do have new subdivisions coming that we must provide the infrastructure too.

After some discussion, Councilmember Parker made a motion to approve the proposed FY 2022 – 2023 budget. Councilmember Abernethy seconded the motion and the vote was unanimous.

**CONSIDERATION OF PUBLIC HEARING RE: SPECIAL USE PERMIT FOR ANTHONY GROVE BAPTIST CHURCH, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

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

Planning & Zoning Director Alex Blackburn approached the podium to shared that on Monday, March 21, 2022 he met with Pastor Dr. Dennis Bean and Trish Crocker regarding the possibility of opening a daycare ad elementary school within the confines of the existing church building(s) located on the property of 100 Anthony Grove Road. Mr. Blackburn explained that an application for a Special Use Permit was submitted to him on Tuesday, April 5, 2022, by Pastor Dr. Bean, along with the request for the board to allow this into their April 18, 2022 meeting. Mr. Blackburn shared that the Planning Board voted unanimously to waive the 15-day submittal requirements and the application is requesting the ability of the church to utilize its current structures on the property as a day care and elementary school during the week.



Mr. Blackburn shared that on Monday, April 18, 2022 the Planning Board heard for consideration the case outlined below and voted unanimously to recommend the approval of the Special Use by the City Council.

Mr. Blackburn explained that the following has taken place:

- April 5, 2022 Staff received application and reviewed for completeness.
- April 18, 2022 Planning Board to consider request before submitting suggestion to the Cherryville City Council.
- May 9, 2022 City Council to schedule a Public Hearing for June 13, 2022.
  - May 19, 2022 - Staff to post notification signs on property.
  - Staff to publish notice in newspaper (The Eagle) once a week for two (2) consecutive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the public hearing.
    - June 1, 2022
    - June 8, 2022
  - May 19, 2022 - Placement of notice in the Cherryville City Hall front Lobby.
  - May 19, 2022 - Notice mailed to applicant(s), property owner(s), and to all contiguous property owners.
- June 13, 2022 City Council to hold Public Hearing in a quasi-judicial manner.

Mayor Beam asked if any citizen would like to speak on this matter. No one spoke.

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

Mayor Beam asked Council to respond with a yes or a no to the following:



## **CONDITIONAL USE PERMIT**

### **FINDINGS OF FACT**

PROPERTY LOCATION: **100 Anthony Grove Road, PID 225126**

**USE: Church housing more than 400 seats and inclusion of a daycare and elementary school within existing structures.**

FINDINGS OF FACT

	YES	NO
1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and	<u>X</u>	___
2. The use meets all required conditions and specifications, and	<u>X</u>	___
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and	<u>X</u>	___
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Cherryville Land Development Plan.	<u>X</u>	___

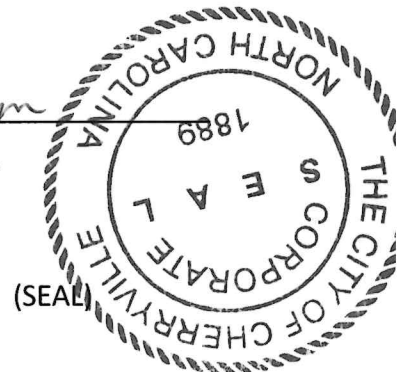
After having held a Public Hearing on Monday June 13, 2022 and in light of the Finding of Fact listed herein, the following action was taken

by Cherryville City Council: **(Approval, Approval with Conditions, Denial)**

Paige H. Green  
Paige H. Green, CMC, NCCMC, City Clerk

H.L. Beam  
H.L. Beam, Mayor

June 12, 2022  
Date



Councilmember Abernethy made a motion to approve the Special Use Permit and Facts of Findings for Anthony Grove Baptist Church. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION TO ADOPT RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION (PARCEL ID# 161849 W. ACADEMY/SETTLERS LANDING) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Blackburn shared that he received a Zoning Map Amendment application on May 6, 2022 from Brandy Mercer regarding a possible rezoning and annexation request for PID # 161849 described above. A complete application with payment was obtained on May 13, 2022. This request is to change the current zoning of the 29.86 acres residing within the City of Cherryville's Extraterritorial Jurisdiction from the designation of Single Family Residential District (R-15) to that of the R-9 zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

In speaking with the applicant, Brandy Mercer, they are hoping to utilize the 29.86 acres to provide for 81 single-family homes to be accessed by Lester Street off W. Academy Street. Due to the proposed number of homes, only a single access point 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.

Mr. Blackburn asked Council to consider the following resolution directing the City Clerk to investigate the annexation petition for parcel ID #161849 on W. Academy Street:



**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION PURSUANT TO ARTICLE 4A OF NORTH CAROLINA GENERAL STATUTE 160A GOVERNING CONTIGUOUS ANNEXATIONS.**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on May 13, 2022 by the City of Cherryville; and

**WHEREAS**, North Carolina General Statute Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the City Clerk of the City of Cherryville, North Carolina before further annexation proceedings consistent within the petition can take place; and

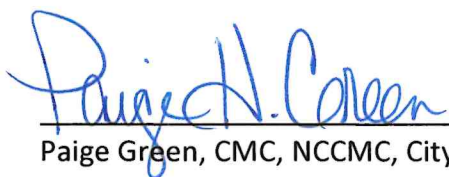
**WHEREAS**, the Mayor and Council of the City of Cherryville, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the petition;



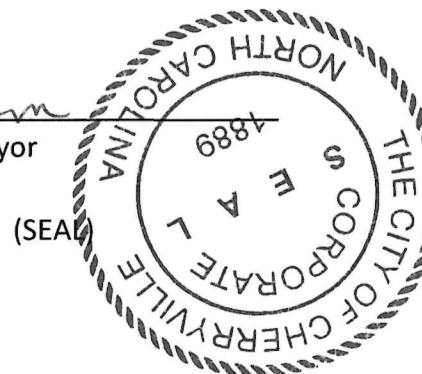
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council for the City of Cherryville, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition under the N.C.G.S. Chapter 160A, Article 4A, Part 1 and to certify as soon as possible to the Mayor and Council of the City of Cherryville to result of the investigation.

**ADOPTED** this the 13<sup>th</sup> day of June 2022.

  
Paige Green, CMC, NCCMC, City Clerk

  
H.L. Beam, Mayor



Councilmember Abernathy made a motion to direct the City Clerk to investigate the annexation petition for Parcel ID #161849 on W. Academy Street. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION TO ADOPT RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION (PARCEL ID#'s 203078, 158391 AND A PORTION OF 203074 REQUA RD/CHERRYVALE) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Planning & Zoning Director Alex Blackburn shared that he received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, regarding a possible rezoning and annexation request for the Parcel ID #'s 203078, 158391 and a portion of 203074 off Requa Rd. Mr. Blackburn shared that a complete application with payment was obtained on May 13, 2022. He went on to explain, that the request is to change the current zoning of the 161.2 acres residing within the City of Cherryville's corporate limits. Parcel 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.

Mr. Blackburn stated that 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.

Mr. Blackburn shared that 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.

Mr. Blackburn as consideration for the resolution directing the City Clerk to investigate the annexation petition for Parcel Id #'s 203078, 158391 and a portion of 203074 off Requa Rd. Below is a copy of the resolution:



**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE AN ANNEXATION PETITION  
PURSUANT TO ARTICLE 4A OF NORTH CAROLINA GENERAL STATUTE 160A GOVERNING  
CONTIGUOUS ANNEXATIONS.**

**WHEREAS**, a petition requesting annexation of an area described in said petition (PID #'s 203078, 158391 AND A PORTION OF 203074) was received on May 31, 2022 by the City of Cherryville; and


**WHEREAS**, North Carolina General Statute Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the City Clerk of the City of Cherryville, North Carolina before further annexation proceedings consistent within the petition can take place; and


**WHEREAS**, the Mayor and Council of the City of Cherryville, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the petition;

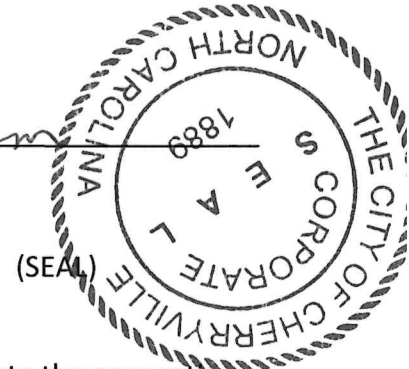
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council for the City of Cherryville, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition under the N.C.G.S. Chapter 160A, Article 4A, Part 1 and to certify as soon as possible to the Mayor and Council of the City of Cherryville to result of the investigation.

ADOPTED this the 13<sup>th</sup> day of June 2022.

  
Paige Green, CMC, NCCMC, City Clerk

  
H.L. Beam, Mayor



Councilmember Parker made a motion to direct the City Clerk to investigate the annexation petition for Parcel Id #'s 203078, 158391 and a portion of 203074 off Requa Rd. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: PROPOSED TEXT AMENDMENT FOR RV PARK, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Planning & Zoning Director Alex Blackburn asked for consideration to set a public hearing for the following proposed text amendment for RV Parks:

**WILL ALSO NEED TO BE ADDED TO 7.1.2 (RURAL RESIDENTIAL-40) ZONING DISTRICT UNDER CONDITIONAL USES**

**Conditional uses: 17. Recreational Vehicle Park**

**13.5.7 RECREATIONAL VEHICLE PARK**

The purpose of these regulations is to allow for the placement and growths of Recreational Vehicle Parks while maintain the health, safety, and general welfare standards of established residential and commercial areas in the Cherryville area.

Camping and Recreational Vehicle Parks shall be allowed pursuant to **7.1.17** with the additional standards outlined below;

- A.** No Recreational Vehicle Park shall exist on a single parcel that is less than 3 acres in size.
  - 1. New Camping and Recreational Vehicles shall be located at least one (1) mile from any existing recreational vehicle park.
  - 2. Density
    - a. There shall be no more than **15** campsites per acre.
    - b. A setback of a minimum of twenty (20) feet shall be required to separate Recreational Vehicle locations.
- B.** All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line. Where the lot line adjoins a public road right-



of-way or street, the spaces shall be located at least fifty (50) linear feet from the property line.

C. The campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.

D. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).

E. **Screening**

Screening of property shall abide by Section 5.2 in order to provide an opaque screening of the use from adjoining and adjacent properties. This is not to be counted as open space as outlined in subsection 13.5.7g (below).

F. **Roads and road access**

1. No recreational vehicle site shall have direct access to a public road. Rather, all recreational vehicle sites shall be accessible only from interior roads.

2. Interior roads shall have a minimum width of twenty (20) feet and shall have a maximum length of one thousand (1,000) feet.

3. Interior roads shall be made of an all-weather driving surface capable of supporting emergency vehicles in accordance with the Fire Apparatus Roads Standards in the North Carolina Fire Code.

4. Each recreational vehicle site shall have an address posted thereon to distinguish it from other sites on the property.

G. **Open Space-** A minimum of 800 square feet of area per vehicle space must be provided for active or passive recreation such as but not limited to ball fields, tennis courts, swimming pools, clubhouses, etc.

Councilmember Puett made a motion to set a public hearing for July 11, 2022, for consideration of the proposed text amendment for an RV Park. Councilmember Abernethy seconded the motion and the vote was unanimous.

**CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: PROPOSED TEXT AMENDMENT FOR BUILDING DESIGN STANDARDS, PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Planning & Zoning Director Alex Blackburn asked for consideration to set a public hearing for the following proposed text amendment for Building Design Standards:



## **Section 5.10 Non-Residential Building Design Standards**

### **5.10.1 Purpose**

- a) These standards are intended to promote the development of property with buildings that positively contribute to increasing property values, respond to long term needs of changing users, prioritize connectivity and access for pedestrians, future transit opportunities, and vehicular requirements, and integrate with adjacent existing properties by maintaining context sensitive street frontages along the thoroughfares they border.

### **5.10.2 Applicability**

- a) Requirements of this section shall apply to all new and/or expanding developments in the B-1, B-2, B-3, RO and GMC zoning districts, as well as any office and/or retail developments located in the Residential zoning districts. This section does not apply to warehouse or industrial buildings, and does not apply to detached, single family residential properties.
- b) Civic and Institutional buildings, such as schools, churches, and libraries, are signature community elements, and may be made exceptions to the requirements of the more regulated style of private development. However, appropriate designs for these types of structures is a crucial part of maintaining the image of the City; therefore, while civic and institutional buildings shall meet the following design regulations, exceptions may be provided administratively when the specific design circumstance is justified.

### **5.10.3 Architectural Standards**

#### **5.10.3.1 Materials and Color**

- a) Building walls shall incorporate brick, stone, cast stone, formed concrete, stucco, concrete siding, EIFS, wood and wood materials designed and intended for use as an exterior finish material, or other long-lasting material over a minimum 75% of the surface area (excluding windows and doors). Exterior metal, aluminum siding, or vinyl siding shall be prohibited as a primary material.
- b) Building materials shall be similar to the materials already being used in the area, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
- c) Façade colors shall be of earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, dayglow, or neon colors shall be prohibited.

#### **5.10.3.2 Configurations and Articulation**

- a) The building façade shall have a clearly identifiable base, body, and cap with horizontal element separating these components. The component described as the body shall constitute a minimum of 50% of the total building height.
- b) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding forty (40) feet. All building walls shall include at least two of the following items:
  - i. Change in plane of at least twelve (12) inches in depth
  - ii. Change in texture or masonry pattern
  - iii. Windows
  - iv. Awnings and/or canopies, so long as they meet the following criteria;
    - 1. Must have a minimum of nine (9) feet clear height above the sidewalk and must have a minimum depth of three (3) feet.
    - 2. May extend into a required setback above private property; may extend into public right-of-way so long as it is no closer to 2 feet to the back of the curb of the street, nor shall it interfere with street trees, street lights, or street signs.
- c) All sides, including the rear of the building shall include materials and design characteristics consistent with those of the front. Use of inferior or lesser quality materials on side or rear walls is prohibited.

**5.10.3.3 Transparency**

- a) Façades of all commercial structures shall incorporate windows and doors over a minimum percentage of the surface area of street fronting facades. Minimum percentages are outlined below.
  - i. Ground level of commercial uses: 30% of surface area minimum
  - ii. Ground level buildings over 25,000 square feet: 20% of surface area minimum
  - iii. Upper Story Transparency: 20% of surface area minimum
- b) In cases where a building has more than two facades fronting a street or primary travel way, the transparency requirement shall only be required on two facades based on pedestrian traffic and vehicular visibility.

**5.10.3.5 Roof Pitch and Form**

- a) Rooflines should consist of one or more sloped planes. However, flat roofs are allowed so long as they are concealed from view by a parapet wall of a minimum height of three (3) feet along all elevations of the building.

- b) Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, architectural asphalt shingles, or similar, high-quality roofing materials as determined by the Administrator. Minimum roof pitch shall be 3/12.
- c) All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties.

#### **5.10.3.6 Height**

- a) Building height is specific to the zoning district as outlined in Part 7 of this Ordinance. Height Calculations and Exceptions can be found in Section 5.9 of this Ordinance.

#### **5.10.4 Site Design Standards**

##### **5.10.4.1 Relationship of Building to the Street**

- a) Building facades that front a street must extend parallel to the street. Main pedestrian access to the building shall be from the fronting street, with secondary access from the parking areas. Entrances to retail oriented buildings shall be at grade with fronting sidewalk. Corner buildings may have corner entrances.
- b) To the greatest extent practical, parking shall be placed to the side and/or rear of a building. In instances where this requirement is not practical, as determined by the Administrator, two rows of parking, not greater than 40% of the total amount of parking located on the parcel may be located between a commercial building and the street that is not located along. All additional off-street parking requirements can be found in Part 10 of this Ordinance.
- c) Drive-thru service windows shall be placed on the rear façade of the building. In no case shall a drive-thru window be located on the front façade. If a drive-thru window is to be located on a side of the building, it must be located on the least visible side from the fronting street.
- d) Loading and unloading areas shall be provided in accordance with Section 10.2 of this Ordinance. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and screened from view of any street or any residentially developed or residentially zoned property. In the event that a loading dock is necessary to support the proposed use, the loading dock shall be located to the rear of the structure and shall be screened from view of any street or any residentially developed or residentially zoned property.

##### **5.10.4.2 Sidewalks**

- a) A minimum of 8-foot-wide sidewalks are required with a minimum of 4 feet of landscaped buffer between sidewalk and edge of curb along Main Street. Bollards may be required at intersections to prevent unauthorized vehicles from accessing sidewalks. Subject to Administrators approval.

- b) A minimum of 6-foot-wide sidewalks are required with a minimum of 3 feet of landscaped buffer between sidewalk and edge of curb along all other routes. Subject to Administrator approval.

#### **5.10.4.3 Solid Waste Storage Area**

- a) Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to complement the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or residentially developed or residentially zoned property.

#### **5.10.4.4 Landscaping, Screening, and Mechanical Appurtenances**

- a) Screening and landscaping shall be provided in accordance with Section 5.2 and 5.3 of this Ordinance. In addition to these requirements, landscaping shall be provided along the length of the first 15 feet of the front yard. Such landscaped area shall consist of any combination of trees, shrubs, grass, or other decorative or vegetative ground cover provided, however, that a minimum of 1 canopy tree per 40 feet OR 1 understory tree per 25 feet of linear road frontage be planted. Understory trees shall be utilized where overhead utilities exist to minimize conflicts.
- b) Mechanical equipment, utility meters, storage areas, transformers, generators, and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be located so that they are not visible from any public view or adjacent property. In addition to design elements, landscape materials shall be used to provide additional screening and/or softening of equipment areas.

#### **5.10.4.5 Installation of Infrastructure**

- a) If a development is requiring the installation of utilities, curb and gutter, sidewalk, bike paths, or greenways, the infrastructure shall be extended along the full length of the property. For instance, if curb and gutter is required along a street frontage, it will be provided along the entire length of the frontage. Greenways and bike lanes, where required based on the adopted plans, will be located along the entire frontage of the street, or along the full extent of the property, depending on the location of the infrastructure in relation to the site.

### **5.10.5 Alternative Designs**

#### **5.10.5.1 Conditional Zoning**

- a) An applicant may request certain alternate designs to those that are required where such deviations may not meet the strict requirements of this Section 5.10, but clearly



satisfy its purpose and intent. The City Council may, as part of a conditional zoning request, approve such alternative designs. Such approval must conform to the requirements of Section 19 of this Ordinance.

Councilmember Puett made a motion to set a public hearing for July 11, 2022 for Consideration of the proposed text amendment for Building Design Standards. Councilmember Abernethy seconded the motion and the vote was unanimous.

**CONSIDERATION OF AMENDMENT TO ZONING FEES, PLANNING & ZONING DIRECTOR ALEX BLACBURN:**

Planning & Zoning Director Alex Blackburn approached the podium and asked for consideration for the recommended fee schedule update listed below:

**Fence Permit - \$25**

**Residential Remodel/No Expansion - \$50**

**Accessory Structure (Residential) - \$25 (12'x 12' or less) \$50 (if greater than 144 square feet)**

**Change of Use (Commercial) - \$100**

**Driveway Permit - \$25 Single Family/Two Family Dwelling**

**\$50 Subdivision entrance**

**Commercial Building – Less than 1,000 square feet = \$250**

**1,000 – 5,000 square feet = \$350**

**5,000 – 10,000 square feet = \$450**

**10,000+ square feet = \$450 + \$50 per additional 10,000sq.ft.**

Mr. Blackburn explained that over the past few weeks he have researched other municipalities within and around the Gaston County area to reference what other municipalities are charging for permits and other items relating to the department. He has also taken the liberty to add a few sections that, he feels, will allow for easier processing of permitting fees.

Mr. Blackburn also shared that he also looked at increasing the fees associated with rezoning and major subdivision reviews. Mr. Blackburn explained that the fees for rezoning, variance, appeals, and subdivision reviews/approvals is currently \$250.00 and is the lowest in Gaston County. He shared that he would also like to propose an increase to \$300.00 - \$350.00. Below is a list of the proposed fees:

**Zoning Map Amendment - \$250 to ~~\$250~~ **\$300/\$350****

**Zoning Text Amendment - \$250 to \$300/\$350**

**Variance Application - \$250 to \$300/\$350**

**Appeal Application - \$250 to \$300/\$350**

**Subdivision Review - \$250 to \$300/\$350**

**Subdivision Approval - \$250 to \$300/\$350**

After some discussion, Councilmember Abernethy made a motion to adopt the proposed zoning fees and updating the rezoning fees to \$350.00 each effective July 1, 2022. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION OF FY 2022 – 2023 AUDIT CONTRACT, CITY MANAGER BRIAN DALTON:**

City Manager Brian Dalton asked for consideration for the audit contract for Butler and Stowe. Mr. Dalton explained that this year the audit fees are higher, (\$52,700.00) because the American Rescue Plan funds and the Bond funds have to be audited this year.

Councilmember Puett made a motion to approve the audit contract. Councilmember Freeman seconded the vote and the vote was unanimous.

**CONSIDERATION OF MAIN STREET CHAIR AND MEMBERS, DOWNTOWN DIRECTOR DAVID DAY:**

Downtown Director David Day approached the podium and asked for consideration for the following Main Street Chair and volunteers:

**Cherryville Main Street Program  
2022/2023 Committees Nominees  
for Cherryville City Council approval  
May 31, 2022**

The following have been nominated by a unanimous vote from the Cherryville Main Street Board of Directors at our May 25, 2022, meeting to serve on the 2022/2023 Main Street Program. We seek City Council vote on these members to serve.

**Cherryville Main Street Chair - Donna Beringer – 2-year term.**

**Economic Vitality Team**

Tina Clark 2-year term

John Rudisill 2-year term

Kathy Bumgarner 2-year term

Seth Hartman 2-year term

Amanda Owensby 1-year term (*filling a remaining term*)

Logan Buchanan (*Term not completed, not up for election this year*)

**Design Team**

Reggie Walker 2-year term

Linda Alexander 2-year term

Sherry Bingham 2-year term

Lacey Dellinger 2-year term

Hannah Garrett 1-year term (*filling a remaining term*)

Blair Beam (*Term not completed not up for election this year*)

**Promotions Team**

Angela Walker 2-year term

Pam McGinnis 2-year term

Paula Rupard 2-year term

Donna Beringer 2-year term

Bernice Harris 2-year term

Melanie Thornburg 1-year term (*filling a remaining term*)

Tina Feemster (*Term not completed not up for election this year*)

**Remaining Main Street Board of Directors from City and City Council (Not up for election)**

David Day – Downtown Director

Mary Beth Tackett – Director of Festivals and Events

Steve Panton – Marketing Coordinator

Brian Dalton – City Manager

Jill Puett – City Council appointed (January 2022)

Gary Freeman – City Council appointed (January 2022)

**Advisory Boards 1 year term**

Sandy Diskmuske

Screttia Hartman

Jill Puett

John Porter

Al Graves

Mark Upchurch

**DISCUSSION OF FINANCIAL STATEMENT, CITY MANAGER BRIAN DALTON:**

City Manager Brian Dalton went over the financial statement that ended April 30, 2022.

**OTHER BUSINESS:**

Planning & Zoning Director Alex Blackburn approached the podium and asked for consideration for two members of the Planning Board and Board of Adjustments to be re-appointed for their three (3) year term. Mr. Blackburn stated that he has reached out to the three Extraterritorial Jurisdiction (ETJ) members and has heard back from Mark Mauney and

Matt Mauney. Both members have filled out another application for re-appointment. Mr. Blackburn shared that Pat Kelly was also an ETJ member but he has moved and he is not sure where he has moved too.

City Attorney Huffstetler shared that Mr. Kelly is now living on Bates Ave.

Councilmember Parker made a motion to re-appoint Mark Mauney and Matt Mauney to the Planning Board and Board of Adjustments. Councilmember Abernethy seconded the motion and the vote was unanimous.

Councilmember Freeman stated that he has had a citizen complain to him about the potholes on Elm Street. Mr. Dalton responded saying that the city can only get asphalt on Friday's and the same employees that empty the hobs through the week are the same employees that also do the paving. He went on to say that with a holiday on the month it pushes garbage pick up a day behind, which pushes it into Fridays and we have also had rain on two Fridays this past month. Mr. Dalton shared that if the state is paving and needs asphalt, they would get the asphalt over us.

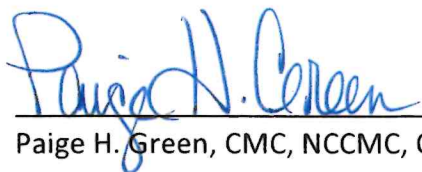
Councilmember Freeman also asked about the project on Vivian Street that Paul Czeer is doing. Mr. Dalton responded saying that he should be finishing up soon and that there was an issue with a pipe but he thinks Mr. Czeer is able to work that out and work around the existing pipe.


Mr. Dalton also shared that Engineer Recil Wright has the plans completed for West Gate Park and a meeting will be held on Monday June 20, so the plans can be passed out for bids.

**ADJOURNMENT:**

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Puett seconded the motion and the vote was unanimous. The meeting adjourned at 6:57 pm.

Adopted this 8 day of August 2022.

  
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Paige H. Green, CMC, NCCMC, City Clerk

  
\_\_\_\_\_  
H.L. Beam, Mayor

