



**REGULAR CITY COUNCIL MEETING  
MONDAY NOVEMBER 14, 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 regular scheduled meeting to order at the community building in the William 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., Interim 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, and Police Chief Cam Jenks were also present. Michael Powell was present for media coverage.

**INVOCATION: DR. PASTOR VINCE HEFNER, FIRST BAPTIST CHURCH:**

Dr. Pastor Vince Hefner 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 the October 10 and October 25 set of minutes as presented. Councilmember's Freeman and Abernethy seconded the motion and the vote was unanimous.

**MAYOR'S COMMENTS:**

In addressing news from our city staff, I would like to announce that City Manager Brian Dalton has named Chris J. King as the interim Public Works Director until Manager Dalton has finished interviewing all applicants for this position. At that time Manager Dalton will name the individual that will permanently hired for this position.

Our city has been busy these past few weeks with leaves pick up. Please be patient with your leaves, as we have had one of our trucks in the repair shop and it will hopefully be back on the job this coming week. Our city crew has been working very hard with limited equipment in addressing this issue.

Sealand has finally completed our downtown revitalization and the results are magnificent. The city's official dedication and ribbon cutting for this event had to be post phoned because of inclement weather this past week. We are in the process of rescheduling this event for early spring of 2023.

On Friday of this past week, I was honored and privileged to present a resolution honoring all of our city's veterans at a celebration held at the local American Legion Hut. A large crowd was on hand for this event and Pastor Bill Lowe was the keynote speaker in which he gave a history of how Cherryville was a part of the first uniform patch issued to a special unit of our armed forces. I want to take this opportunity to honor all the men and women that have served our country and defended our freedoms. Thanks again for your service.

City Manager Dalton has informed the city council that he has received an email from the State that they will continue testing soil samples at Westgate Park in December and should have some answers for the city sometime in January.

The city has met with the Engineer and school officials regarding the proposed park at Cherryville Elementary. They have informed the city that they are moving forward with this project and plans are to build an all-purpose field and track at this location. Some trees will be left to create a buffer for the neighborhood. No lights are in the plans but bathroom are in the plans.

On this Saturday November 19<sup>th</sup> I will be volunteering to help with the Community Wide Thanksgiving dinner sponsored by Cherryville Area Ministries and also with food donated by Food Lion of Cherryville. These meals will be open to all from 11 a.m. until 2 p.m. on a first come basis, as long as the food last.

**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):**

Mr. Al Putnam of, 209 N. Jacob Street, approached the podium and shared that he is the vice president of the Cherryville Historical Association. Mr. Putnam explained that he has a check for the City of Cherryville that he would like to present publically from, the Cherryville Historical Association, for the annual lease payment for the last fifty years. Mr. Putnam stated that they do not have any records of any lease payments made to the City of Cherryville. Mr. Putnam

shared that, He is backed by five or more board members.” Mr. Putnam stated that, “The board has not had strong leadership in the past and they do not currently, and it will take time to resolve their issues.” Mr. Putnam feels like by January 1, 2023, issues with the board will be a lot better, especially once the bi-laws are updated, and members are given roles and responsibilities. Mr. Putnam stated that the city and the museum should be two different things as long as things go right. He then went on to ask the council and staff to share any comments or concerns with him and let him know where they came from, and he promised that he will address them firmly and swiftly with positive results.

Mayor Beam asked how many board members are on the museum board currently. Mr. Putnam stated that there are currently ten board members.

Councilmember Puett asked that a list be provided of the members. Mr. Putnam stated that he could do that.

Councilmember Abernethy asked if the proposal that was given to the board was still on the table for consideration. Mr. Putnam shared that there is resistance to the appointment of board members by the City of Cherryville. Councilmember Abernethy stated that he understands that the board would like the museum kept separate from the city however, that the city does own the building and the city pays the utilities. Mr. Putnam asked that the clerk send him a copy of the agreement so he can be clear on what the agreement says.

City Attorney Huffstetler shared that he recommends that this matter be scheduled for a future meeting and the city does not take possession of the \$50.00 check at this time. Mr. Putnam stated that he was leaving the check and he did. Mr. Huffstetler told Mr. Putnam that the City of Cherryville would not take possession of the check and he recommended that he take the check with him.

**CONSIDERATION TO LOWER THE SPEED LIMIT ON N. JACOB STREET, CITY MANAGER BRIAN DALTON:**

Mr. Dalton shared that we have had complaints about speeders on N. Jacob Street between First Street and Church St. Because the speed limit is not posted, the speed on this street is 35 mph. Citizens have shared their concerns about the children at the First Baptist Church pre-school and how a child could be seriously injured if they were to dart out onto N. Jacob Street.

Councilmember Parker made a motion to lower the speed limit on N. Jacob Street between First Street and Church Street, to 25 mph. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: SPECIAL USE PERMIT FOR 230 DICK BEAM RD., PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Blackburn approached the podium and asked for consideration to set a public hearing for, December 12, 2022, for a special use permit. Below is a description of this application:

Applicant:	Carlos Alexander Nieto Naguera
Property Owner(s):	Jerry Denet (Denet Properties LLC)

Property Location:	230 Dick Beam Road
Property Size:	13.94 Acres
Current Zoning:	General Manufacturing and Commercial (GMC)
Proposed Request:	Special Use for Granite/Stone Fabrication

**Description:**

Several months ago, City Manager Brian Dalton and Zoning Administrator Alex Blackburn met with property owner (Jerry Denet) and applicant (Carlos Alexander) to discuss possible uses for the property outlined above. The applicant is seeking to operate a granite countertop business on the property in which slabs will be delivered and the final cuts for sinks and other fixtures are cut to order. In accordance with the City of Cherryville Zoning Ordinance Part 7, Section 7.12.1(A)(1)(pp) Cut Stone and Stone Products this would require a Special Use Permit to be presented before the Board of Adjustment and then final approval by the City Council. The property is currently vacant with the exception of the owner’s miscellaneous storage of personal goods.

On Monday, September 19, 2022 a completed application was submitted to City Staff and the Special Hearing Procedure was initiated.



**Process:**

Staff received application and scheduled the Special Use Permit request to be reviewed at the next available meeting of the Cherryville Board of Adjustment meeting (October 17, 2022).

- September 19, 2022 – Staff received application and reviewed for completeness.
- October 17, 2022 – Board of Adjustment to consider request before submitting recommendation to the City Council.
  - The Board of Adjustment voted unanimously to recommend approval of the request.
- November 14, 2022 – City Council to set Public Hearing for December 12, 2022
  - Post Notification signs on property
  - Publish ad in newspaper once a week for two consecutive weeks
  - Post Notices in City Hall main lobby.
  - Mail adjoining and adjacent property owners of Public Hearing.
- December 12, 2022 – City Council to hold Public Hearing in quasi-judicial proceedings.

Councilmember Puett made a motion to set a public hearing for December 12, 2022, for a special use permit for, 230 Dick Beam Rd. Councilmember Abernethy seconded the motion and the vote was unanimous.

**CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: REZONING THE PROPERTY LOCATED ON THE CORNER OF S. PINK ST. & S. MOUNTAIN ST. (GASTON COUNTY PID #207096) FROM GMC, (GENERAL MANUFACTURING AND COMMERCIAL) TO R-9 (RESIDENTIAL SINGLE & TWO-FAMILY) PLANNING & ZONING DIRECTOR ALEX BLACKBURN:**

Mr. Blackburn approached the podium and asked for consideration to set a public hearing for December 12 for the rezoning of property located on the corner of S. Pink Street and S. Mountain Street. The applicant is requesting the property be rezoned from GMC (General Manufacturing and Commercial) to R-9 (Residential). Below is a description of this application:

<b>Applicant:</b>	Charles Alvarez
<b>Property Owner(s):</b>	Expert Builders LLC
<b>Property Location:</b>	PID 207096 Intersection of S. Pink Street and S. Mountain Street, Cherryville, NC 28021
<b>Property Size:</b>	0.92 Acres
<b>Current Zoning:</b>	GMC (General Manufacturing and Commercial)
<b>Proposed Zoning:</b>	R-9 Residential Single & Two-Family

**Description:**

City Staff met with applicant Charles Alvarez, owner of Expert Builders LLC, on September 28, 2022 and received a completed application for a Zoning Map Amendment (see Rezoning). Mr. Alvarez is seeking to change the current zoning designation of the property PID # 207096 from its current GMC District to that of the R-9 residential zoning jurisdiction. This property is located on the north-east corner of the intersection of S. Pink Street and S. Mountain Street and has not been granted an address.

Properties surrounding this parcel are comprised of the R-9 district to the West and South directions, GMC to the North and East sides, and B-3 to the South-West corner across S. Mountain Street.



**Process:**

Staff received the application and scheduled the rezoning request to be considered at the next regularly scheduled meeting of the Cherryville Planning Board on October 17, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with the applicable requirements and approval procedures.
- Filing of Request – September 28, 2022
- Staff to request City Council to set Public Hearing date
- Staff to schedule proper advertisement of the Public Hearing.
  - Ad in newspaper to be ran once a week for two consecutive weeks.
  - Notice to be placed in front lobby of City Hall
  - Zoning Sign(s) on subject property
  - Mailed Notices to all adjoining/adjacent property owners.

Councilmember Parker asked if this had been before the planning board. Mr. Blackburn shared that both request for a public hearing, have been before the board and both approved.

Councilmember Abernethy made a motion to set a public hearing date for December 12, 2022, for consideration to rezone the property located at the corner of S. Pink Street and S. Mountain Street. Councilmember Freeman seconded the motion and the vote was unanimous.

**OTHER BUSINESS:**

Councilmember Puett asked why the leaf truck would get one side of a street and not the other at the same time. Mr. Dalton shared that it could be once the leaf truck is full it goes and dumps the leaves. If it is late in the day, the truck just does not get back to the area to get them all the same day.

Councilmember Freeman asked what will be at the corner of Depot and Main now that Sealands Construction has moved on. Mr. Dalton shared that Sealands did clean the lot up before they left and the City of Cherryville does own that lot. Mr. Dalton shared that it will be up to council to make the decision as to what happens with the lot. Councilmember Freeman shared that he thought it was a part of the Main Street project. Mr. Dalton shared it was not a part of the Main Street project and it will be an additional cost to the city. Councilmember Freeman stated that he has been told for five years that the lot would be a gateway for Main Street. Mr. Dalton shared that Councilmember Freeman is correct about that lot being a gateway and it will need to be paved at some point to put up a sign.

Councilmember Puett thanked David Day for explaining the water tap fees for the merchants on Main Street.

Councilmember Freeman also asked if a pothole at Rotary Park could be repaired. Mr. Dalton shared that potholes are being repaired every Friday when possible.

Mr. Dalton went over the following financial report:



**CITY OF CHERRYVILLE**  
**MAJOR FUND FINANCIAL SUMMARY REPORT**  
**3 MONTHS ENDING SEPTEMBER 30, 2022**

25%

GENERAL FUND				CASH AND INVESTMENTS			
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>	General Fund	\$ 4,010,680	Operating Acct	\$ 2,593,224
<b>Revenues</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Collected</b>	Cemetery	32,133	NCCMT	10,204,669
Current Year Levy Property Taxes	\$ 2,518,000	\$ 615,979	24%	Powell Bill	372,217		
ABC Profit Distribution	\$ 25,000	1,500	6%	Electric Fund	3,378,119		
Utility Franchise Taxes	\$ 397,000	-	0%	Water and Sewer Fund	5,033,666		
Local Option Sales Taxes	\$ 850,000	104,542	12%	Solid Waste/Sanitation	(28,921)		\$12,797,893
Grants/Donations	\$ 24,500	5,000	0%	<b>Total</b>	<b>\$12,797,893</b>		
Powell Bill	\$ 200,500	103,284	52%				
Contributions/Charges Other Funds	\$ 108,600	-	0%				
Fund Balance Appropriated	\$ 933,485	-	0%				
All Other Revenues	\$ 168,300	56,246	33%				
<b>Total</b>	<b>\$ 5,225,385</b>	<b>\$ 886,551</b>	<b>17%</b>				
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>				
<b>Expenditures</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Spent</b>				
Governing Body	\$ 55,650	\$ 13,158	24%				
Administration	582,200	208,269	36%				
EDC	236,200	76,507	32%				
Police	1,868,985	407,739	22%				
Fire	1,229,130	322,448	26%				
Public Works	123,425	21,833	18%				
Streets	412,410	53,137	13%				
Powell Bill	462,150	22,415	5%				
Recreation	255,660	63,118	25%				
Appropriations/Contributions	-	-	0%				
<b>Total</b>	<b>\$ 5,225,810</b>	<b>\$ 1,188,623</b>	<b>23%</b>				
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>				
<b>Revenues</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Collected</b>				
Fund Balance Appropriated	\$ 476,225	\$ -	0%				
CMSP	-	3,120	#DIV/0!				
<b>Total</b>	<b>\$ 476,225</b>	<b>\$ 3,120</b>	<b>1%</b>				
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>				
<b>Expenditures</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Spent</b>				
CMSP	\$ 476,225	\$ 18,054	4%				
<b>Total</b>	<b>\$ 476,225</b>	<b>\$ 18,054</b>	<b>4%</b>				
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>				
<b>Revenues</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Collected</b>				
Cemetery Sales	\$ 87,000	\$ 26,828	31%				
Fund Balance Appropriated			0%				
<b>Total</b>	<b>\$ 87,000</b>	<b>\$ 26,828</b>	<b>31%</b>				
	<b>Annual Budget</b>	<b>Actual to Date</b>	<b>YTD %</b>				
<b>Expenditures</b>	<b>FY '22-23</b>	<b>FY '22-23</b>	<b>Spent</b>				
Administration	\$ 86,575	\$ 16,971	20%				
Contributions to Other Funds			0%				
<b>Total</b>	<b>\$ 86,575</b>	<b>\$ 16,971</b>	<b>20%</b>				
YTD Fund Balance Increase (Decrease)	-	(307,149)		YTD Fund Balance Increase (Decrease)	-	(206,571)	



**CONSIDERATION TO ENTER INTO A CLOSED SESSION RE: N.C.G.S. 143-318.11.(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.**

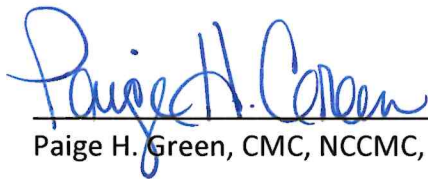
Councilmember Puett made a motion to enter into a closed session meeting. Councilmember Parker seconded the motion and the vote was unanimous. Time was 6:35 pm. Councilmember Abernethy made a motion to adjourn the closed session meeting. Councilmember Freeman seconded the motion and the vote was unanimous. The meeting adjourned at 6:44 pm.

Mayor Beam reported that no action was taken in the closed session meeting.

**ADJOURNMENT:**

Councilmember Parker made a motion to adjourn the meeting. Councilmember Abernethy seconded the motion and the vote was unanimous. The meeting adjourned at 6:45 pm.

Adopted this 12 day of December 2022.

  
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Paige H. Green, CMC, NCCMC, City Clerk

  
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H.L. Beam, Mayor

