



REGULAR WORK SESSION MEETING

TUESDAY MAY 25, 2021 @ 5:30 PM

CHERRYVILLE FIRE DEPARTMENT

411 E. CHURCH ST. CHERRYVILLE, N.C. 28021

The Honorable Mayor H.L. Beam called the meeting to order at 5:30 pm. Councilmember's Malcolm Parker, Jill Puett, Gary Freeman and Jon Abernethy were present. City Manager Jeff Cash, City Clerk Paige H. Green, City Attorney Palmer Huffstetler Jr., Police Chief Cam Jenks, Public Works Director Brandon Abernathy, Planning and Zoning Director Derrick Mackey, and Downtown Director David Day were also present. Michael Powell was present for media coverage.

ITEMS FOR DISCUSSION OR ACTION:

PRESENTATION OF 160D UPDATES TO THE ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE, MATTHEW GALLMAN, REGIONAL PLANNER:

Mr. Matthew Gallman approached the podium to explain what the new Chapter 160D is, and why The City of Cherryville needs to consider the adoption of this chapter. Mr. Gallman explained that the new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

Mr. Gallman also shared that Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law. Cities and counties that have zoning ordinances must have an up-to-date comprehensive plan or land use plan by July 1, 2022.

After some discussion, Mayor Beam asked that this be on the June 14 agenda for approval.

CONSIDERATION OF RESOLUTION RE: RECEIVING FEDERAL FUNDS UNDER THE AMERICAN RESCUE PLAN, CITY MANAGER JEFF CASH:

City Manager Jeff Cash asked for consideration for the following resolution:



RESOLUTION FOR RECEIVING FEDERAL FUNDS UNDER THE AMERICAN RESCUE PLAN ACT (ARPA)

WHEREAS, the State of North Carolina will be appropriated funding from the federal American Rescue Plan Act (ARPA) to fund necessary Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible municipal corporations, and townships; and

WHEREAS, before receiving a payment, a subdivision is required to adopt a resolution affirming that the subdivision will spend funding only on federal guidance related expenses as required under the ARP Act; and

WHEREAS, revenue received under the ARP Act will be kept in a separate fund and will not be co-mingled with other revenue; and

WHEREAS, the City of Cherryville will provide to the State of North Carolina and the US Treasury any unspent balance of the funds received; and

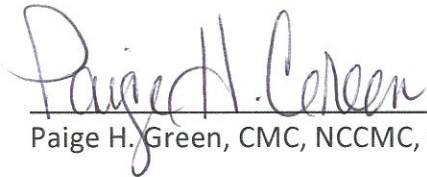
NOW, THEREFORE, BE IT RESOLVED, by the City of Cherryville City Council That we do hereby request ARP Act funding to be distributed by the State of North Carolina and by adopting this resolution affirm that the revenue will only be used for the purposes prescribed in the ARP Act guidance as described in 31 CFR, Part 35, and any applicable regulations, for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic, budget and certify such to the State Director of Office of Budget and Management and the City of Cherryville Finance Director, and be it further


BE IT FURTHER RESOLVED RESOLVED that the City of Cherryville will comply with the procedure created by the North Carolina General Assembly and the US Treasury Department to receive funds under the Act.

RESOLVED that this resolution is necessary for the immediate preservation of the public peace, health, safety, and the financial integrity of the City of Cherryville;

WHEREFORE this resolution is declared to be an emergency measure and shall take effect upon its passage.

Adopted this 25 day of May 2021.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor



Councilmember Abernethy made a motion to approve the resolution for receiving federal funds under the American Rescue Plan. Councilmember Puett seconded the motion and the vote was unanimous.

PRESENTATION OF THE ARCHITECTURAL REVIEW BOARD GRANTS UPDATES, DOWNTOWN DIRECTOR DAVID DAY (Sent as a separate file to your email):

Downtown Director David Day shared that he and Steve Panton reviewed the Cherryville Incentive Grant Program. Mr. Day went over the changes that are being proposed for consideration. After discussion, Councilmember Abernathy made a motion to approve the proposed changes to the Grant Program. Councilmember Puett seconded the motion, and the vote was three (3) for and one (1) opposed. Councilmember Parker opposed stating that all businesses in Cherryville should be able to take advantage of the grant program not just Main Street.

A copy of the Cherryville Incentive Grant Program can be obtained at City Hall.

DISCUSSION OF ORDINANCE TEXT AMENDMENT RE: SECTION 17-07.5 WEEDS, GRASS, NOXIOUS VINES AND OTHER VEGETATION, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

Planning & Zoning Director, Derrick Mackey, asked for consideration for the following amendment to the weed, grass, noxious vines, and vegetation ordinance:



CITY OF CHERRYVILLE

APPLICATION TO AMEND THE TEXT OF THE CODE OF ORDINANCE

TO : City of Cherryville City Council

The Cherryville Zoning and Planning Office respectfully request that the Cherryville City Council, pursuant to the provisions of Section 17-07.5 of the City of Cherryville Code of Ordinance, recommend to the Cherryville City Council a Code Ordinance text amendment change. The proposed change is in red for consideration:

Section 17-07.5 Weeds, Grass, Noxious vines and other Vegetation. (Current reads as)

It Shall be unlawful for the owner and occupant of improved property or vacant lots to cut grass, weeds, or overgrowth is of a height greater than eighteen (18) inches or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, an of one (1) of which situations is declared to be a nuisance. Vacant lots (excluding wooded property) adjacent to improved property shall be kept no more eighteen (18) inches in height and shall be cut within one hundred (100) feet of such improved property, the rest of which shall be cut when the height exceeds twenty four (24) inches.

Applicant is requesting that Section 17-07.5 (Proposed Amendment)

It Shall be unlawful for the owner and occupant of improved property or vacant lots to cut grass, weeds, or overgrowth is of a height greater than twelve (12) inches or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, an of one (1) of which situations is declared to be a nuisance. Vacant lots (excluding wooded property) adjacent to improved property shall be kept no more twelve (12) inches in height and shall be cut within one hundred (100) feet of such improved property, the rest of which shall be cut when the height exceeds eighteen (18) inches.

After some discussion, Councilmember Parker made a motion to amend Section 17-07.5 of the Code of Ordinances and change grass height from 18 inches to 12 inches. Councilmember Puett seconded the motion and the vote was unanimous.

DISCUSSION OF ORDINANCE TEXT AMENDMENT RE: ZONING ORDINANCE, PLANNING & ZONING DIRECTOR DERRICK MACKEY:

Planning & Zoning Director Derrick Mackey shared that he has received the following request for a zoning text amendment. The request will go before the Cherryville Planning Board on June 21, and any recommendations from the board will then be brought to the council for consideration. The request is below:



**CITY OF CHERRYVILLE
APPLICATION TO AMEND THE TEXT OF THE
ZONING ORDINANCE**

TO THE CHAIRMAN OF THE CHERRYVILLE PLANNING BOARD:

The undersigned hereby respectfully request that the Cherryville Planning Board, pursuant to the provisions of Section 6.2.2,6.2.3,6.2.4 of the City of Cherryville Zoning Ordinance, review the attached materials and recommend to the Cherryville City Council a zoning text amendment change of:

6.2.2 R-15 Residential District

... residences and except as provided in sections 6.5, the minimum lot...

6.2.3 R-12 Residential District

This district is established to provide for single- family and two family residences. Except as provided in section 6.5, the minimum lot size for single family lots is 12,000, and he minimum lot size for two family lots is 18,000 square feet. Public water and sewer are required in the R-12 district. Certain other uses are allowed or maybe on a conditional basis.

6.2.4 R-9 Residential District

This district is established to provide for single family and two family residences. Except as provided in section 6.5, the minimum lot size for single family is 9,000 square feet and for two family lots is 12,000 square feet. Public sewer and water are required in the R-9 district. Accessory residences are allowed on s conditional basis. Other uses are allowed or maybe allowed on a conditional basis.

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 ten 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 sustainable development pattern, cluster development is allowed by right in accordance with the following chart.

Minimum Single Family Lot Requirements

Zoning	Area	Width	Setback	Side Yard	Rear Yard	Open Space
R-15	10,000	70'	25'	6'	25'	30%
R-12	7,500	60'	25'	5'	25'	30%
R-9	5,000	50'	25'	5'	25'	30%

Minimum Two Family Lot Requirements

Zoning	Area	Width	Setback	Side Yard	Rear Yard	Open Space
R-12	10,000	70'	25'	6'	25'	30%
R-9	7,500	60'	20'	6'	25'	30%

DISCUSSION OF PUBLIC HEARING FOR JUNE 14, 2021 RE: FY 2021 – 2022 PROPOSED BUDGET, CITY MANAGER JEFF CASH:

City Manager Jeff Cash reminded everyone that a public hearing would be held Monday June 14, 2021 for consideration of the proposed FY 2021-2022 proposed budget.

CONSIDERATION OF RESOLUTION RE: SUPPORT OF THE CHARLOTTE AREA TRANSIT SYSTEM’S (CATS) LYNX SILVER LINE EXTENDING INTO GASTON COUNTY, CITY MANAGER JEFF CASH:

City Manager Jeff Cash asked for consideration for the following resolution supporting the Charlotte Area Transit System (CATS) Lynx to extend into Gaston County. Below is the resolution:



**RESOLUTION IN SUPPORT OF THE CHARLOTTE AREA
TRANSIT SYSTEM'S (CATS) LYNX SILVER LINE
EXTENDING INTO GASTON COUNTY**

WHEREAS, more transportation options are needed to provide greater mobility to the existing residents as well as the growing population in Gaston County; and

WHEREAS, the US Census Bureau, Center for Economic Studies, LODES, (2018) indicates that 36,364 Gaston County residents are traveling into Mecklenburg County each weekday for work; and

WHEREAS, the Charlotte MSA region is home to over 2.6 million people and is expected to grow to over 3.0 million by 2030 and the key to supporting this economic growth is a rapid transit system integrated with land-use planning creating a sustainable, economic-environment which improves the quality of life and attracts businesses and people to the region; and

WHEREAS, Gaston County stakeholders have expressed interest in exploring rapid transit options into Gaston County from Mecklenburg County; and

WHEREAS, the 2019 adoption of the LYNX Silver Line Locally Preferred Alternative defined the Silver Line as a 26-mile continuous light rail corridor from the Town of Matthews to Center City Charlotte and continuing west to the Charlotte Douglas International Airport and beyond to a western terminus in the City of Belmont and Gaston County; and

WHEREAS, in early 2020, the cities of Belmont and Gastonia committed both cash and in-kind services to the LYNX Silver Line Transit Oriented Development (TOD) Plan; and

WHEREAS, in January 2020, the Charlotte Area Transit System initiated the Silver Line Design and Environmental Study; and

WHEREAS, beginning in March of 2020 the LYNX Silver Line project team worked with staff from the City of Charlotte, Town of Matthews, City of Belmont, Town of Stallings, Town of Indian Trail, the North Carolina Department of Transportation, major stakeholders along the alignment, and the residents in the study area to refine the alignment and station locations in an open, fair, comprehensive, and impartial manner; and

WHEREAS, on April 5, 2021 the City of Belmont adopted a Resolution Supporting the LYNX Silver Line Refined Locally Preferred Alternative; and

WHEREAS, on April 28, 2021 the Metropolitan Transit Commission adopted the LYNX Silver Line Staff Recommendations; and

WHEREAS, the City understands that Gaston County will be responsible for providing local funding to design, construct, and maintain the portion of the LYNX Silver Line in Gaston County; and

WHEREAS, Gaston County must have authority approved by the North Carolina General Assembly to seek additional funding from a county-wide source; and

WHEREAS, in order to adequately fund the extension of the LYNX Silver Line in to Gaston County the North Carolina General Assembly must increase the current cap of 10% for light rail projects in North Carolina; and

WHEREAS, Gaston County must work directly with the City of Charlotte, CATS, and the Metropolitan Transit Commission (MTC) to secure sufficient federal funds to complete the extension of the LYNX Silver Line into Gaston County; and

NOW THEREFORE, BE IT RESOLVED that the City of Cherryville supports the LYNX Silver Line in Gaston County and encourages Gaston County to seek federal, state, and local funding options for the Silver Line project.

.....

Resolution adopted this, the 25th of May, 2021, upon a motion of Council member Bill Pratt and seconded by Council member Madam Parker by a vote of 4 affirmative votes to 0 negative votes.

H. L. Beam

H.L. Beam, Mayor

ATTEST:
Paige H. Green

Paige H. Green, CMC, NCCMC, City Clerk

Certificate

The undersigned duly qualified City Clerk of the City of Cherryville certifies that the foregoing is a true and correct copy of a resolution adopted as a legally convened meeting of the City of Cherryville held on the 25th of May, 2021.

Paige H. Green

Paige H. Green
City Clerk



(seal)
May 25, 2021

Date

PROCLAMATION RE: JUNETEENTH WEEK, MAYOR H.L. BEAM:

Mayor Beam read the following proclamation:



**PROCLAMATION
COMMEMORATING A JUNETEENTH WEEK**

WHEREAS, The Emancipation Proclamation, an executive order issued January 1st, 1863 by President Abraham Lincoln immediately freed approximately five hundred thousand from generational bondage, but still left approximately 3.5 million enslaved across the United States; and

WHEREAS, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States, when Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas to announce the war had ended, freeing the enslaved, and it has become the African American addendum to our national Independence Day; and

WHEREAS June 19th was quickly shortened to “Juneteenth” among celebrants; historically, these celebrations were a time to reassure each other, pray, and gather remaining family members. Juneteenth is the oldest known celebration commemorating the ending of slavery in the US, and it has become the African American addendum to our national Independence Day; and

WHEREAS, “Emancipation Day” is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to

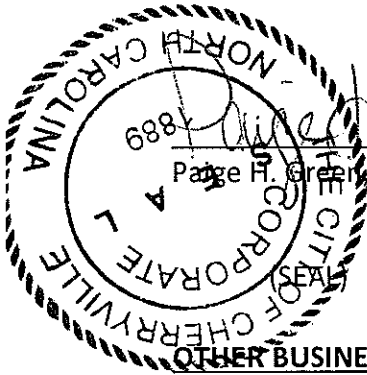
request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, the City of Belmont, City of Bessemer City, City of Gastonia, and Elements of Empowerment, will observe Juneteenth the weekend of Friday, June 18, and Saturday, June 19, 2021 beginning with "Juneteenth Sunday" on Sunday, June 13, 2021; and

WHEREAS the City of Belmont first celebrated Juneteenth in 2012 and 2021 is the 10th Anniversary of the Belmont Juneteenth Celebration;

NOW, THEREFORE, I, Mayor H.L. Beam, and the City Council do hereby proclaim June 13th - 19th, 2021 as "Juneteenth Week" and encourage citizens to recognize and commemorate Juneteenth which honors the history, legacy, and culture of African Americans throughout the United States of America by participating in celebrations and festivities during the month of June.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Cherryville to be affixed on this 25 day of May 2021.



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

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

OTHER BUSINESS:

Mayor Beam shared that the Cherryville ABC Board presented him with a check during the Terry Fisher Ceremony. The check was for \$25,000.

Mayor Beam shared that the Cherryville Audit Committee will be losing three members.

Councilmember Parker shared that Johnny Stroupe has contacted him asking for help from the city. Mr. Stroupe is having a hard time getting his contractor to come back and finish the job.

Councilmember Parker asked if the city would be hiring a mechanic anytime soon.

Councilmember Abernethy thanked public works for repairing a water leak so quickly in the road near his house.

CONSIDERATION TO ENTER INTO CLOSED SESSION REF: CHERRYVILLE SITE ASSIST PROGRAM, CRYSTAL MORPHIS RE: NCGS 143.318.11.(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract:

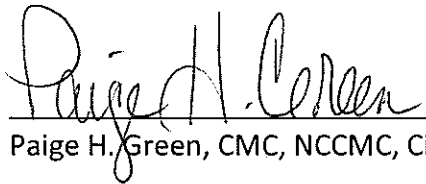
Councilmember Parker made a motion to enter into a closed session. Councilmember seconded the motion and the vote was unanimous.


Councilmember Puett made a motion to exit the closed session meeting. Councilmember Freeman seconded the motion and the vote was unanimous. The closed session ended at 7:25 pm.

ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Parker seconded the motion and the vote was unanimous. The meeting adjourned at 7:30 pm.

Approved this 11 day of June 2021.


Paige H. Green, CMC, NCCMC, City Clerk


H.L. Beam, Mayor

