

**CITY OF CHERRYVILLE**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY JULY 14, 2014 @ 7:00 PM**  
**CHERRYVILLE COMMUNITY BUILDING**

The Honorable Mayor H.L. Beam called the meeting to order at 7:00 pm. Present was Councilmember David Kiser, Councilmember Jill Puett, Councilmember Brian Dalton and Councilmember Malcolm Parker. Also present was City Manager Ben Blackburn, City Clerk Paige Green, City Attorney Palmer Huffstetler Jr., Finance Director Dixie Wall, Police Chief Chad Hawkins, Public Works Director Brandon Abernathy, and Fire Chief Jeff Cash.

Rev. Leonard Bumgardner gave the invocation and it was followed by the Pledge of Allegiance.

**MAYOR'S COMMENTS:**

Mayor Beam welcomed everyone to the meeting. Mayor Beam shared that he had been very busy since the last meeting. He gave the welcoming address at the district meeting of the Daughters of the American Revolution that was held at the Cherryville Country Club.

Mayor Beam also attended a presentation at Cherryville Federal Bank. They are corporate sponsors of the Cherryville Farmer's Market. Mayor Beam shared that we are very fortunate to have Mr. Stan Allen and his staff that gave their financial support for this project.

Mayor Beam shared that the public works department has been busy patching areas with asphalt and they have laid over 22 tons of asphalt in the past few weeks.

Mayor Beam also gave the welcoming address at the recent Independence Day Celebration that was held on July 3 on Main Street in the Mini Park. It was a great success and we had a very large crowd. Mayor Beam thanked everyone that played a part in this. He has received compliments from many people about the band and the fireworks.

Mayor Beam also shared that he visited the water plant and the waste water treatment plant unannounced and the visits were great.

Mayor Beam shared that at the last work session meeting held on June 30, 2014 the City of Cherryville received a check from the Cherryville ABC Board for \$12,000. Since the ABC Store opened in 1981, the City has received over \$1,200,000. Mayor Beam shared that more revenue will be coming our way.

Mayor Beam gave the welcoming speech for the kickoff of the Small Town Main Street Program that was held this past week. The "war room" for the STMS Program is on the second floor of City Hall. This room will serve as headquarters for the program and is open to all citizens that may wish to come by and see the progress being made.

Mayor Beam attended a retirement party on July 12 at the community building honoring Captain Derrick Mackey of the fire department. Captain Mackey will retire on July 31, 2014 after serving his community in the fire service for 30 years. Thank you Captain Mackey.

Mayor Beam received a letter from Kathy Harrington congratulating him on receiving the grant for Carolina Care Center. The grant is for the expansion of Carolina Care Center.

**APPROVAL OF MINUTES:**

Councilmember Kiser made a motion to approve both sets of minutes from the previous City Council meeting as well as the previous Work Session meeting. Councilmember Puett seconded the motion and the vote was unanimous.

**AGENDA APPROVAL/REVISION:**

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

**CITIZENS TO BE HEARD:**

Former Mayor Wade Stroupe of 501 S. Elm Street approached the podium and shared that he is working with a group of citizens in the community that have put together Cherryville Community Revival. The group consist of all the local churches coming together for a revival that will be held at Buck Fraley Field weather permitting and if not at Starnes Auditorium. The event will be held on August 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>. The group has been meeting in the council chambers every Tuesday to organize this. Mr. Stroupe commented that this community has been through a lot and this will give the churches and the community a chance to come together and spread the good news of Jesus Christ.

**PUBLIC HEARING RE: CONSIDERATION TO ADOPTION OF RESOLUTION AND ORDER FOR THE CLOSING OF SWEETREE ST. (PORTION):**

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

Richard Elam explained that on June 9, 2014 the City Council adopted the Resolution of Intent and also set a Public Hearing date of July 14, 2014 for the closing of a portion of Sweetree Street. The Resolution of Intent as well as the Legal Notice of Public Hearing was published for four consecutive weeks which were June 18<sup>th</sup>, June 25<sup>th</sup>, July 2<sup>nd</sup>, and July 9<sup>th</sup>, 2014. On June 10<sup>th</sup>, 2014 a copy of the Resolution of Intent and a Legal Notice of Public Hearing was mailed by certified mail to all adjoining property owners. On June 18<sup>th</sup>, 2014 a copy of the Resolution of Intent and a Legal Notice of Public Hearing was posted at the corner of Sweetree Street and W. Academy Street and at the corner of Sweetree Street and W. Carroll Street Extension, and also posted in the lobby at Cherryville's City Hall. Mr. Elam went on to explain that the Public Hearing is another step in the process per NC General Statute

160A-299. This Public Hearing is to discuss and vote on the Resolution and Order for the permanent closing of a portion of Sweetree Street.

Mayor Beam asked if any citizens would like to speak on the closing.

Mr. Rich Hillard Vice President and owner of Modern Polymers and a resident of Cherryville living at 404 Farris Drive approached the podium and shared that he has lived in Cherryville since 1977. Mr. Hillard explained that he has looked into expansion for the last two years since his company began an automotive business with BMW and Mercedes Benz. Mr. Hillard explained that he has looked at other buildings in other counties around Cherryville. He shared that Cherryville has been a great town for Modern Polymers and he wants to keep the business here. He has an interest in the lot beside of him and would like expand his business to that lot. Mr. Hillard would need the portion of Sweetree Street between Modern Polymers and this property to be closed in order to expand his business. He has contacted City officials and is asking that the portion be closed. Mr. Hillard stated that no trucks from his business would use Sigmon Street at all. He would keep the trucks on Academy St.

Mayor Beam asked Mr. Hillard is he planned on connecting the two buildings together. Mr. Hillard stated that he does not plan on connecting the two buildings because of power lines but needs the road for delivery trucks and tow motors to move supplies from one building to the other. Mr. Hillard plans on putting the loading docks on the Sweetree Street portion.

Ms. Teresa Anthony of 1006 W. Carroll Street Ext. approached the podium to share some of her concerns. She was concerned that the closing of the portion of Sweetree Street would affect her property in negative ways. She was concerned that if would affect her property value, it would create a dead end street beside of her property, she shared that Sigmon Street was a danger because of the hill at the corner of Sigmon and Academy and the visibility. She also expressed her concern for school buses and the safety of children. She felt like it would limit Duke and REA access to the substation on Sigmon. She had concerns about emergency vehicles using Sigmon Street saying it would slow down their response time, and she expressed that Sigmon had more curves and potholes and was in need of some maintenance.

Mayor Beam asked Ms. Anthony if school buses use Sigmon Street. Councilmember Dalton spoke up and share that they did, he has passed them before. Councilmember Dalton has discussed this issue with administrators at the school. He shared that he uses Sweetree Street every day because he lives in that area. He also shared that the curve on Sweetree Street is dangerous and many times people are on the wrong side of the road as they come around the curve. He agreed that Sigmon Street is in bad shape and is in need of maintenance. He also shared that after riding both roads he feels like Sigmon Street would be safer than the curve on Sweetreet St.

Ms. Anthony asked how wide Sigmon Street is. She commented that the street is not wide enough for two cars.

Mr. Rusty Wise of 1204 Johnson Drive approached the podium and stated that he was for the closing of the road and he was pro-business. He asked the Mayor and Council to consider better access to the neighborhood saying the land is available to extend Colonial out to Academy. He asked them to consider making the area safer than it currently is.

Councilmember Dalton shared that there has been legal action taken in the past about the corner of Colonial Drive. We are very limited there. He agreed that it needed to be looked at.

Ms. Paula Deese of 409 Myra Lane approached the podium and shared that it would be nice to have a cut through to Food Lion. She was glad that Mr. Wise spoke on better access to and from the neighborhood.

Mrs. Brandy Prince Kiser approached the podium and shared that she lived on Sigmon Street growing up and she has never thought it was dangerous. She feels like it would be a positive for Cherryville and she is for it.

Ms. Hilda Bates of 710 E. Main Street approached the podium and shared that she owns property in the Westgate area. She stated that two things needed to be considered. One, there needs to be a traffic count and two, the city needs to do maintenance to Sigmon Street, she does not feel like the tax payers should have to pay for it.

Mayor Beam asked for a motion to close the public hearing. Councilmember Kiser made a motion to close the public hearing and Councilmember Puett seconded the motion. Vote was unanimous.

Councilmember Dalton shared that this affects him more than anyone else on the Council because he lives in that neighborhood. He shared that he is also pro-business and our community needs this type of expansion. He added that it will bring 20 to 25 new full time jobs and he appreciates everything Modern Polymers is doing.

Councilmember's Kiser, Puett and Parker shared that they were all for new business as well. Councilmember Parker shared that he was concerned that if we closed the road now plans may fall through and we would have a closed road that we did not need to close.

City Attorney Huffstetler shared that the Resolution of Intent refers to the effective date upon the issuing of a certificate of occupancy by Gaston County. Mr. Huffstetler recommended that the same date be used for the Resolution and Order if you choose to adopt it. This would mean that the road closing would not be effective until Modern Polymers takes possession of the building and begin occupying it.

Mr. Hillard shared that his only issue is once the concrete is poured for the docks the area will look like a road has never been there. He wants to move as fast as he can and do it the right way. He hopes to have trees removed on the lot in 60 days. Modern Polymers also has a contract on the building in front of them.

Mr. Richard Randall approached the podium and asked Mr. Hillard if the road is left open during construction would the existing right-a-way create any setback problems for him. He was just wanting to make sure that this would not slow down the construction.

Mayor Beam shared that we can do a temporary closing so the contractor would have access to build.

Mr. Elam asked Mr. Hillard is he was going to combine the two lots and make one. Mr. Hillard shared that he would.

Councilmember Kiser shared that the date needed to be clear in section four of the Resolution and Order.

Councilmember Dalton made a motion to make the date change in section four and to approve the Resolution and Order. Councilmember Parker seconded the motion and the vote was unanimous.

**CONSIDERATION OF AUDIT CONTRACT FOR FY 2013 – 2014:**

Mr. Rob Collis of Collis and Associates approached the podium and asked City Council to approve the FY 2013 – 2014 Audit Contract. Councilmember Dalton made to motion to approve the audit contract and Councilmember Kiser seconded the motion, vote was unanimous.

**CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE TEXT, RICHARD ELAM:**

Councilmember Kiser made a motion to enter into a Public Hearing for consideration of amending the Zoning Ordinance. Councilmember Dalton seconded the motion and the vote was unanimous.

Mr. Richard Elam approached the podium and shared that the recommended changes came from the Small Town Main Street committee. The committee looked at the zoning ordinance for downtown to see if any changes could be made. The following in red are the recommendations from the committee:

**3. RECOMMENDATION TO CITY COUNCIL REGARDING AN AMENDMENT TO THE CITY OF CHERRYVILLE**

**ZONING ORDINANCE TO ADD THE FOLLOWING USE TO B-3 GENERAL BUSINESS ZONES:**

**Section 7.10.1**

**Services**

**SS. Tattoo Parlor/Body Piercing Establishment**

**Section 4.1 – Definition**

**Tattoo Parlor/Body Piercing Establishment**

**Tattoo Parlor/Body Piercing Establishment - An establishment whose principal business activity is**

- (1) Placing ink under the skin using needles that result in the coloration of the skin or,**
- (2) for piercing of the body (other than for the ear).**

**THE PLANNING BOARD RECOMMENDS TO CITY COUNCIL THAT THE ABOVE USE AND DEFINITION BE APPROVED AS PRESENTED AND WRITTEN FOR B-3 ZONES ONLY. IF ADOPTED, THIS SERVICE WOULD THEN ONLY BE ALLOWED IN B-3 (GENERAL BUSINESS) ZONES**

**4. RECOMMENDATION TO CITY COUNCIL REGARDING AN AMENDMENT TO THE CITY OF CHERRYVILLE**

**ZONING ORDINANCE TO DELETE THE FOLLOWING USES/SERVICES FROM B-1 CENTRAL BUSINESS DISTRICT:**

**Section 7.8.1 – Retail Uses**

**MM. Pawn Shop** The Planning Board did not see a problem with this retail use. **Was recommended to stay in B-1 (Central Business District)**

**Section 7.8.1 – Services**

**I. Fitness and tanning shop** The Planning Board did not see a problem with these services. However, they recommended **name changes to “Fitness Center and/or Tanning Salon”**

**K. Laundromat** The Planning Board recommended that **Laundromats** no longer be allowed in B-1 and that this **service be deleted from the B-1 Zone.** It is still allowed in B-3 Zones.

**V. Recycling depository** The Planning Board recommended that a **Recycling depository** no longer be allowed in B-1 and that this **service be deleted from the B-1 Zone.** It is still allowed in B-3 Zones.

**Section 7.8.2 – Services**

**F. Telecommunication Towers and Facilities** The Planning Board recommended that **Telecommunication Towers and Facilities** no longer be allowed in B-1 and that this **service be deleted from the B-1 Zone.**

**This service is still allowed in many other Zones with the issuance of a Conditional Use Permit from City Council.**

Councilmember Kiser made a motion to approve the recommended changes to Section 7.10.1 of the Zoning Ordinance. Councilmember Parker seconded the motion and the vote was unanimous.

Councilmember Parker made a motion to approve the recommended changes to Section 7.8.1 of the Zoning Ordinance. Councilmember Kiser seconded the motion and the vote was unanimous.

**CONSIDERATION TO APPOINT PLANNING BOARD/BOARD OF ADJUSTMENT MEMBERS, RICHARD ELAM:**

Mr. Richard Elam approached the podium and asked City Council to consider appointing two members to the Board of Adjustments and Planning Board. Mr. Reid Huss and Ms. Guyann Fraley’s term expired on June 30, 2014. Mr. Huss would be glad to serve another term But Ms. Fraley chose not to. Mr. Elam recommended that Ms. Patsy Dellinger is interested in being appointed to this board to replace Ms. Fraley.

Councilmember Parker made a motion to approve Mr. Reid Huss and it was seconded by Councilmembers Puett and Kiser. Vote was unanimous.

Councilmember Parker made a motion to approve Ms. Patsy Dellinger and it was seconded by Councilmembers Puett and Kiser. Vote was unanimous.

**CONSIDERATION TO ADOPT TRAVEL POLICY FOR THE CHERRYVILLE ABC BOARD, BEN BLACKBURN:**

City Manager Ben Blackburn asked the City Council to consider the City of Cherryville’s Travel Policy for approval for the Cherryville ABC Board. This policy has to be approved every year for the ABC Board.

Councilmember Kiser made a motion to approve the Travel Policy. Councilmember Puett seconded the motion and the vote was unanimous.

**CONSIDERATION TO APPROVE PROPOSAL FOR THE TRAFFIC FLOW AT THE CORNER OF SIXTH STREET AND N. PINK STREET, POLICE CHIEF CHAD HAWKINS:**

Police Chief Chad Hawkins explained that the flow of traffic to and from the Cherryville High School is dangerous for the kids that walk to and from the school. Chief Hawkins ask the Mayor and Council to consider the two proposals that he received from Sosebee Pavement Markings on making some changes that he feels will make the issue of school traffic safer. One proposal is for relocating the sidewalk on the corner of N. Pink Street and Sixth Street and narrow the width of Sixth Street so that the intersection of these two streets meet perpendicular. It would also include the removal of the existing stop sign on N. Pink Street to create free flowing traffic. Installing stop sign on galvanized u-channel post and paint a stop bar on Sixth Street. There would also be a “stop sign ahead” sign on Sixth Street in advance of the intersection and paint pedestrian cross walk across Sixth Street with reflective traffic paint. The total cost for this option would be \$16,683.00.

The second option that Chief Hawkins shared was to paint a double centerline with reflective yellow paint, paint a stop bar, stencil directional arrows, stencil “STOP” on the asphalt, paint traffic island with reflective white traffic paint, install stop ahead sign on galvanized u-channel post, as well as a yield sign, install pedestrian crossing sign ahead, and install crosswalk sign in crosswalk. Chief Hawkins recommends the second option at the cost of \$2,895.00. Chief Hawkins as well as the other police officers have observed the traffic after many complaints and they feel like it is a dangerous situation.

Councilmember Kiser made a motion to approve the \$2,895.00 option for the school traffic. Councilmember Puett seconded the motion and the vote was unanimous.

Chief Hawkins will have this completed as soon as possible so citizens can see the change.

**CONSIDERATION TO CHANGE DATE OF JULY 28<sup>TH</sup> WORK SESSION TO JULY 30<sup>TH</sup>, BEN BLACKBURN:**

City Manager Blackburn addressed Mayor Beam and the City Council explaining that the City Manager and the City Clerk will both be returning from vacation on Friday June 26<sup>th</sup>, 2014, and the work session for July is scheduled for Monday July 28, 2014. At this time there is nothing for discussion for a work session so Mr. Blackburn asked that the work session either be canceled or scheduled for a later date than July 28.

Councilmember's Dalton and Parker shared that if there was nothing that needed to be discussed, then there is no reason to have a meeting at all.

Councilmember Dalton made a motion to cancel the July work session meeting and move the August City Council meeting to August 5, at 7:00 pm in the Council Chambers. Councilmember Parker seconded the motion and the vote was unanimous.

Councilmember Kiser expressed his concern about the City Manager and the City Clerk being on vacation at the same time. Mr. Blackburn explained that it was not planned and he accepted full responsibility for the miscommunication.

**OTHER BUSINESS:**

Councilmember Dalton reminded everyone that last year we honored Trent Friday for his track accomplishments. Recently Trent was named National Gatorade Track Athlete of the year for the USA. We may want to consider honoring him again with another resolution. The athlete has set National records and there is a possibility that he could be in the Olympics next time. Cherryville is very proud of Trent Friday and all of his accomplishments.

Councilmember Puett thanked Chief Chad Hawkins and the police department for the services they offered at the recent funeral of retired police officer Paul King. The family was very appreciative of the presentation at the funeral. Councilmember Puett received many compliments on the job the police department did.

Councilmember Parker thanked Brandon Abernathy for putting the signs up in the Vista neighborhood.

Councilmember Kiser asked about the handicap parking in the mini park. City Manager Blackburn stated that the parking is being looked at.

**ADJOURNMENT:**

Councilmember Parker made a motion to adjourn the meeting. Councilmember Kiser seconded the motion and the vote was unanimous. The meeting ended at 8:25 pm.

Adopted the 5<sup>th</sup> day of August, 2014.

H.L. Beam

Mayor, H.L. Beam

Paige H. Green  
City Clerk, Paige H. Green

(SEAL)