



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, June 10, 2024 at 7:00 PM

AGENDA

Call to Order, Prayer, Pledge of Allegiance

Adjustment and Approval of the Agenda — *Items will only be added or removed with the approval of the Mayor and City Council.*

Request to Speak/Opportunity for Public Comment — *This is an opportunity for members of the public to express items of interest to the Mayor and City Council. This is not a time to respond or take action. Any necessary action will be taken under advisement. Speakers are asked to use proper decorum and to limit comments to no more than three minutes.*

1. **Public Comment Acknowledgment:** City Manager, Josh Ross will provide clarity on items mentioned during public comment, if needed.

Consent Agenda — *The items of the Consent Agenda are adopted on a single motion and vote, unless the Mayor and City Council wish to withdraw an item for separate vote and/or discussion.*

2. **Approval of Minutes:** City Council will consider adopting Regular Meeting minutes of the May 13, 2024 meeting.
3. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the May 28, 2024 meeting.
4. **Approval of Minutes:** City Council will consider adopting Special Session Meeting minutes of the May 31, 2024 meeting.

Business Items

5. **Establish a Public Hearing - Rezoning Request (City Center):** City Council will consider establishing a public hearing for Monday, July 8th, 2024 at 7:00 PM to hear public comment regarding a rezoning request from property located at tax parcels #121595, 121596, 121597 (0.8 acres) from City Center (CC) to City Center Conditional District (CCCD) to accommodate the development of a multifamily townhome community consisting of 19 units.
6. **Public Hearing for 2024-2025 Proposed Budget:** City Council will hold a second public hearing to hear public comment regarding the proposed 2024-2025 City budget.

- 7. Ordinance - Proposed FY 2024-2025 Budget:** City Council will consider adopting the ordinance regarding the 2024-2025 budget.
- 8. Public Hearing - Rezoning Request (Tryon Courthouse Road):** City Council will hold a public hearing to hear public comment regarding a rezoning request from property owners for property located at tax parcel #151483 (0.58 acres) at 1220 N. Tryon Courthouse Rd from Rural (R) to Neighborhood Residential (NR) for the construction of one single family residence.
- 9. Ordinance Amending Zoning Map (Tryon Courthouse Road):** City Council will consider approving an ordinance regarding a rezoning map request from property owners for property located at tax parcel #151483 (0.58 acres) at 1220 N. Tryon Courthouse Rd from Rural (R) to Neighborhood Residential (NR) for the construction of one single family residence.
- 10. Board Appointments:** Mayor and City Council will review applications received by citizens to serve on the following volunteer boards: Downtown Development Board, Planning & Zoning Board, Parks & Recreation Advisory Board, and the ABC Board. Appointments may be made at this time.
- 11. Resolution- Renaming a Portion of W. Carolina Avenue:** City Council will consider adopting a resolution naming a portion of W. Carolina Avenue to A. Wayne Love Drive from the intersection of Ramseur Road continuing west through the property of St. James Missionary Baptist Church (Parcel #121117).

City Manager's Report

- 12. Budget Amendments** - City Council will consider approving the following budget amendment regarding _____ to close out the end of the year reporting for FY 2023-2024.
- 13. Capital Project Budget Amendments** - City Council will consider approving the following budget amendment regarding _____ project ordinance.
- 14. Waste Pro Contract:** City Council will consider approving a contract with Waste Pro for service from July 1, 2024 to June 30, 2031.

Council General Discussion — *This is an opportunity for the Mayor and City Council to ask questions for clarification, provide information to staff, request staff to report back, or place a matter on a future agenda.*

Adjourn



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, May 13, 2024 at 7:00 PM

MINUTES

Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Brent Guffey, Donnie Griffin, Nellie Floyd, Michael Brooks and Allen Hook were all present. City Manager, Josh Ross and Attorney, David Smith.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Council member, Nellie Floyd led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Adjustment and Approval of the Agenda

By motion of Brent Guffey and unanimous vote, the May agenda was approved with the following revision:

- Add under the Manager's Report to revise the Downtown Development Board's meeting schedule

Special Presentations

Student Appreciation- Students from Bessemer City High School, Bessemer City Central Elementary School, Tryon Elementary and Bessemer City Primary School were recognized by their principals and City Council as part of the Student Appreciation Program. Bessemer City Middle School was unable to attend:

Mrs. Doneen Johnson, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Nyzer Harris, 9th grade representative; Luna Aguilar, 10th grade representative; Payton Ingersoll, 11th grade representative and Alicia Avila Arellanes, 12th grade representative.

Dr. April Conley, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Emma Abernathy; 3rd grade representative; 4th grade representative, Brayllan June; and 5th grade representative, Mikyha Cozart.

Dr. Bill Kessler, Principal of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Kirston Johnson & Colt Clampett, Kindergarten representatives; Harley Tallent & Maddie Hall, 1st grade representatives, and Kanler Carpenter & Tucker Baxter, 2nd grade representatives.

Mrs. Kelsey Nixon, Kindergarten Administrator of Tryon Elementary and Mayor Smith, recognized the following students of the month: Akasia Brewer, Kindergarten representative; Jase Towell, 1st grade, Alayah Brooks, 2nd grade representative, Ryder Hampton, 3rd grade representative; Grayson Correll, 4th grade representative; and Bryce Brown, 5th grade representative.

Request to Speak/Opportunity for Public Comment

Mayor Smith opened the floor for public comment. There was none.

Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Brenda Boyd:

1. **Approval of Minutes:** City Council will consider adopting Regular Meeting minutes of the April 8, 2024 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the April 30, 2024 meeting.

Proclamation Commemorating National Police Week

Mayor, Becky S. Smith read the proclamation recognizing Sunday, May 12th - Saturday, May 18th, 2024 as National Police Week in Bessemer City.

By motion of Allen Hook and unanimous vote, the Proclamation was adopted. A copy of this proclamation is available for citizen review at City Hall.

Proclamation Commemorating Juneteenth Week & Festival

Mayor, Becky S. Smith read the proclamation recognizing Juneteenth week in Bessemer City from Sunday, June 9th until Saturday, June 15th, 2024. Additionally, the Festival will be held Friday, June 14th at 6:00 PM in Centennial Park.

By motion of Nellie Floyd and unanimous vote, the Proclamation was adopted. A copy of this proclamation is available for citizen review at City Hall.

Establish a Public Hearing - Rezoning Request (Tryon Courthouse Road)

By motion of Michael Brooks and unanimous vote, City Council will hold a public hearing on Monday, June 10th, 2024 at 7:00 PM to hear public comment regarding a rezoning request from property owners for property located at tax parcel #151483 (0.58 acres) at 1220 N. Tryon Courthouse Rd from Rural (R) to Neighborhood Residential (NR) for the construction of one single family residence.

Public Hearing- Proposed FY 2024- 2025 Budget

As required by NCGS 159-12, the City is required to hold a public hearing prior to adopting the fiscal budget.

City Manager, Josh Ross presented a review of the proposed budget. This budget has been prepared per the North Carolina Local Government Budget and Fiscal Control Act. This proposal encompasses Council's newly adopted mission, vision, values, and goals. The 2024-2025 proposed budget is a policy document that reflects the direction and objectives of the City Council. This proposed budget between all funds is approximately \$15,473,200. The following funds are in the budget: General, Water/Wastewater, Natural Gas, Stormwater, and Powell Bill. Each fund primarily includes operational expenses, payroll, and debt service for various projects. This year's proposed budget has several variables that were considered while being developed:

- Additional debt services in the general fund and water/wastewater fund
- Additional operational expenses (inflation)
- Fund balance
- Investments for growth
- Decrease in utility usage

The 2024-2025 Proposed Budget includes increasing the City's tax rate from \$.45 per \$100 of valuation to \$.60 per \$100 of valuation. This \$.15 per \$100 valuation increase is crucial to providing funds for general operations, debt service, and to build back fund balance (savings) in all funds. In a ten-year period (2013-2023), the City's tax rate only changed from \$.43 to \$.45 per \$100 of valuation; however, debt service and operating expenses drastically increased. This budget proposes a rate increase of the following:

- Solid Waste Fee to \$16/cart/month (\$12 to \$16)
- 7% Water Rate Increase
- 10% Sewer Rate Increase (2.5% City; 7.5% Two Rivers Utilities)
- Residential Stormwater: \$6.00/month (\$3.07 to \$6.00)
- Non-Residential: based off impervious surface schedule; charged at 50% rate for 2024-2025 Fiscal Year

This recommended budget works toward providing a revenue stream for future service changes as the City grows and service expectations increase.

By motion of Donnie Griffin and unanimous vote, the public hearing was opened at 6:57 PM.

Mayor Smith asked if there was anyone to speak in favor of the 2024-2025 proposed budget. There was none.

Mayor Smith asked if there was anyone to speak in opposition of the 2024-2025 proposed budget. The following individual came forth:

-Greg Farris of 905 Toncin Avenue: Mr. Farris stated that the City didn't do a tax reduction when the County did the revaluation one year ago. This was an increase to citizens. Now the City would like to increase taxes again this year. Mr. Farris states that you can't spend more money than you make. There are issues with the budget and infrastructure, and this burden will be placed on the citizens. Mr. Farris says that sometimes you have to say no to departmental request.

-Michael Meeks of 812 West Virginia Avenue: Mr. Meeks said that he hopes his City Council representative doesn't vote in support of the budget. Additionally, Mr. Meeks deferred the rest of his allotted speaking time to Mr. Greg Farris to continue his remarks.

By motion of Allen Hook and unanimous vote, the public hearing to consider the adoption of the 2024-2025 proposed budget was closed at 7:04 PM.

Public Hearing – Petition for Voluntary Annexation (Meritage Homes)

City Council held a public hearing to hear public comment regarding a voluntary annexation petition from Meritage Homes (Stewart Crossing) for property located at tax parcel #304904 and a portion of Parcel# 306573 (23.688 acres).

Development Services Director, Nathan Hester addressed the Board, stating that this project was previously approved as an Eastwood Development back in 2022. Since then, Meritage Homes has acquired the property and would like to annex the back portion of the development into the City limits. A pedestrian bridge will be constructed to Stinger Park and the project will be utilizing natural gas. Dennis Roy with Meritage Homes introduced himself to the Board. This project will be zoned Urban Residential Conditional District (URCD). All other previous conditions imposed by City Council will be followed.

By motion of Michael Brooks and unanimous vote, the public hearing regarding the voluntary annexation was opened at 7:08 PM.

Mayor Smith asked if there was anyone present to speak in favor of the voluntary annexation. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the voluntary annexation. The following came forth:

-Greg Farris of 905 Toncin Avenue: Mr. Farris inquired about the 30-foot buffer that will be maintained by the HOA of the development. Attorney Smith informed him that all previously adopted conditions under Eastwood would transfer to Eastwood.

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the rezoning request was closed at 7:10 PM.

Ordinance to Extend The Corporate Limits of the City of Bessemer City, North Carolina

Per NCGS 160A-31, City Clerk Hayes provided a certificate of sufficiency for Council review regarding a petition received by Meritage Homes. Public hearing notice of the annexation was published in the local newspaper for public inspection ten (10) days prior to public hearing on May 1, 2024.

By motion Brent Guffey and unanimous vote, City Council adopted an ordinance extending the corporate limits of the City of Bessemer City to include property located at tax parcel #304904 and a portion of Parcel# 306573 (23.688 acres). A copy of this ordinance is available for citizen review.

Ordinance Amending Zoning Map

Development Services Director, Nathan Hester addressed the Board regarding a revision to the site plan from Development Solutions Group (DSG). After the initial public hearing in February 2024, the developer has addressed the Boards concerns about connection to M.L. Kiser and Yellowjacket. There is one right of way connection to Yellowjacket and one to M.L. Kiser the unit number has decreased to 63. Thus, making it to 10 units per acre.

Kyle Crowe with LC3 Consulting introduced himself to the Board. Mr. Crowe provided clarity on the setbacks from Yellowjacket Lane and the open space between each building. Thus, the units will be connected.

By motion of Allen Hook and unanimous vote, the zoning map amendment to include tax parcel #151678 as Urban Residential Conditional District (URCD) for purposes of a multifamily housing development was approved. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision. The proposed map amendment would not be detrimental to the City and ETJ.

Ordinance - Authorizing An Amendment To Gas Supply Contract With The Public Energy Authority of Kentucky (“PEAK”)

City Manager, Joshua Ross informed Council that an amendment to the gas supply contract was needed. Starting in April of 2019, The City executed a yearly gas supply contract with Public Energy Authority of Kentucky (PEAK). Amending the contract will allow the City to lock in a better rate for purchased gas sold to citizens. This amendment would extend the current contract. The City will still be able to sale excess gas if need be.

By motion of Brenda Boyd and unanimous vote, the ordinance authorizing the City Manager to make an amendment to the PEAK gas supply contract was approved.

Amendment To Gas Supply Contract

By motion of Nellie Floyd and unanimous vote, the ordinance regarding an amendment to the PEAK gas supply contract was approved.

Audit Contract

City Staff is requesting the approval of an audit contract of City financials with Tony Brewer. Mr. Brewer previously worked for Eddie Carrick, CPA, the City's previous auditor. Brewer has worked on the City's audit for four years. Council Member Brent Guffey inquired about if the City had solicited other audit contracts. City Manager, Josh Ross informed him that City Staff would like to stick with the current auditor to eliminate new costs associated with the budget.

By motion Michael Brooks and a 5:1 vote, with Brent Guffey in opposition, City Council approved the audit contract with Tony Brewer, CPA for the 2023-2024 audit for \$23,000.

City Manager's Report

City Manager, Josh Ross, addressed Council regarding the following:

- General: Down Home Festival went well, and the fireworks celebration will be held on Friday, June 28th in downtown as part of the Independence Day celebration. The Juneteenth Festival is coming up on Friday, June 14th. The recent storm did not bring as much damage to the City as anticipated. The City is working to support neighboring communities that were not as fortunate. The splash pad will be opening Saturday, May 25th. City Staff has been working with WastePro to renew the City's waste collection contract. Mr. Ross thanked the Board and City Staff for their input and service with the budget.
- Downtown Development Board: The Board would like to move their business meetings from the last Monday of the month to the last Thursday of the month. City Council approval is needed for this. By motion of Brent Guffey and unanimous vote, the Downtown Development Board meeting scheduled change was approved.

Council General Discussion

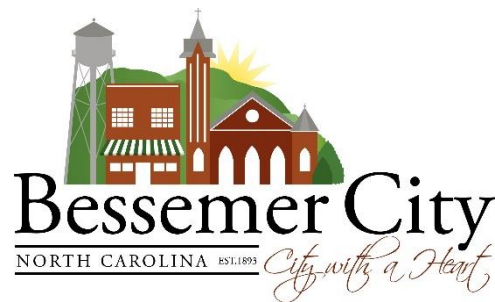
Mayor Smith opened the floor for Council general discussion. Council Member, Michael Brooks commended City Staff for getting the live stream up. Council Member, Allen Hook provided an update about the officer who was involved in a shooting in Charlotte earlier this month. Council Member, Brent Guffey stated that he would like to see the proposed tax increase lowered. Council member, Donnie Griffin inquired about traffic on Costner School Road and 274. City Manager, Josh Ross informed him that this area has been discussed with NCDOT. Additionally, about a red flashing light at Virginia Avenue and 12th Street.

Adjournment

Being no further business to come before the board, by motion of Michael Brooks and unanimous vote, the meeting was adjourned at 8:29 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, May 28, 2024 at 3:00 PM

MINUTES

Call to Order

Mayor Becky S. Smith called the meeting to order.

Members Present

Mayor, Becky S. Smith, Council Members: Michael Brooks, Brent Guffey, Donnie Griffin, Nellie Floyd, and Allen Hook were all present. City Manager, Josh Ross, and department heads were present as well. Council member, Brenda Boyd was absent. A quorum was present.

Department Head Reports

Bessemer City department heads gave reports on their department's status:

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed Council regarding the Down Home Festival, youth recreational sports, and the upcoming Baseball tournaments at Stinger Park.

Brent Gordon, Fire Chief – Mr. Gordon addressed Council regarding a grant from the NC Volunteer Fire Department Fund. The amount is \$25,022.01, the City has received a total of \$150,831.80 since the program began. The General Assembly created the Volunteer Fire Department Fund in 1988 to help volunteer units raise money for equipment and supplies. City Staff is waiting on one of the rescue trucks to be repaired.

Jamie Ramsey, Director of Operations- Mr. Ramsey addressed Council regarding upcoming routine water tank maintenance. The Bessemer City Water Department will be doing a routine maintenance project at our water storage tank starting on June 5th and ending around July 5th. During this time some customers may experience abnormal water pressure. In some areas the pressure could be lower and in some areas the pressure could be higher. During this time the City will purchase water from Kings Mountain.

Nathan Hester, Development Services Director – Mr. Hester addressed Council regarding a community rebranding campaign and the Meritage Homes project located behind Ashley Park off of Costner School Road. The City recently received a \$50,000 grant from the NC Commerce's Rural Community Capacity program for the branding project. The City sent out a RFQ for firms to assist with a City rebranding initiative. The Motley Group was selected as the consultant firm and has sent a press release that City Staff will share to the website soon. Mr. Hester informed City Council that the Meritage Homes project was previously approved as an Eastwood Development back in 2022. Since then, Meritage Homes has acquired the property and would like to annex the back portion of the development into the City limits. A pedestrian bridge will be constructed to Stinger Park and the project will be utilizing natural gas. All other previous conditions imposed by City Council will be followed.

Diane Jenkins, Finance Director – Ms. Jenkins addressed Council regarding the upcoming audit and the auditing firm. Due to the nature of municipal budgets and strict GAAP regulations, there are not many firms that specialize in municipal audits. However, the City has had the same auditor for four budget cycles. The City is able to avoid extra cost by retaining the same firm, as well as strengthen employee relations with the auditor. The City uses a two different auditing firms; one firm handles the annual audit, the other audits financial statements. Additionally, City Staff will be reaching out to the ABC Board for their audit in order to remain in compliance with the upcoming audit. Per the Local Government Commission (LGC), sales tax revenue may be withheld if audits are not turned in on time. Council member, Michael Brooks advised that the ABC Board will be selecting its auditor at their next meeting. This information will be relayed to City Staff as it becomes available. At the June 2024 regular meeting and work session meetings, City Staff will submit several budget amendments to close the year end books and prepare for the upcoming audit.

Deputy Chief, David James & Police Captain, Chris Vaughn- Mr. James & Vaughn addressed Council regarding recent investigations and the new cadet who will be joining the department after his completion of BLET.

Hydeia Hayes, City Clerk & Human Resources Director- Ms. Hayes addressed Council regarding the upcoming Juneteenth Festival on Friday, June 14th from 6 PM -10 PM in Centennial Park.

Solid Waste Contract

Light discussion was held regarding the solid waste contract. A draft contract has been sent to the attorney to review. This would increase the solid waste fee from \$12 to \$16 per cart per month. Additionally, customers would begin paying for bulk item pickup as a separate fee directly to the City's solid waste provider, Waste Pro.

Advisory Boards Discussion

City Clerk & Human Resources Director, Hydeia Hayes informed the Board of upcoming term expirations for the Downtown Development, Planning & Zoning, ABC, and Parks & Recreation Advisory Boards. Light discussion was held regarding the process of reviewing advisory board applicants. City Staff has advertised for Board applications.

By general consensus, the applicants will be appointed at the June 2024 meeting.

FY 2024-2025 Budget Session #3

City Manager, Josh Ross addressed City Council regarding the proposed budget. There are 5 factors that drove this proposed budget:

- Additional debt services in the general fund and water/wastewater fund
- Additional operational expenses (inflation)
- Fund balance
- Investments for growth
- Decrease in utility usage

Over the last 10 years the City has seen an increase in debt service. However, the tax rate has not increased to keep up with the additional debt service. Additionally, operational costs have increased and per the last audit, fund balance has decreased. Historically, previous management has used fund balance and overcharged enterprise funds (administrative charges) to balance the City's budget and operations. This action has caused a substantial decrease in the City's fund balance and has contributed to the negatively impact enterprise funds now face.

The 24-25 City Manager's Proposed budget includes \$0 from fund balance. It also strives to build back fund balance levels and strengthen cash flow. In the FY23 audit, cash flow and fund balance were identified as 2 indicators of concern. City Manager Ross has proposed increasing the City's tax rate from \$.45 per \$100 of valuation to \$.60 per \$100 of valuation. This \$.15 per \$100 valuation increase is crucial to providing funds for general operations, debt service, and to build back fund balance (savings) in all funds.

Manager Ross presented various additional expenditures cuts and revenue changes that would have to take place to raise the tax rate less than 60 cents. He emphasizes these changes are not part of his recommendation; rather, they reflect the types of changes that would take place if Council did not agree to a 60 cent tax rate increase. Additionally, various department heads expressed the need for the 15-cent increase. This year each fund has struggled to manage operational expenses. There have been times when staff have had to manage accounts payable as cash flow has continued to be an issue. Council Member Floyd stated that she understood the need for an increase, and that she would like to see all staff retained in the 24-25 budget. Council Member Floyd went on to say that although the current board is not at fault for the City's financial situation, it is the responsibility of the current board to improve the situation as much as possible.

Council Members Guffey, Brooks and Hook stated that they would like to see a \$.55 per \$100 valuation, which would be a 10-cent increase. Light discussion ensued amongst City Staff and Council. City Manager, Ross stated that he would need additional time to create a proposed budget with a 10-cent increase; however, only a 10-cent increase was not advised since there are crucial financial challenges this budget aims to address without compromising needed services. Manager Ross further discussed that the City would need to work on addressing Financial Performance Indicators of Concern (FPIC) as identified by the Local Government Commission (LGC) and a 15-cent tax increases addresses these concerns more than a 10-cent tax increase. Manager Ross also expressed his frustration for having to propose a 33% increase in one year and that he understands the burden this tax increase proposal places on citizens and businesses; however, this proposal helps to address the City's financial situation which was caused by prior decisions and expenses that cannot be reversed.

A special session will be held on Friday, May 31st, 2024, at 3 PM to discuss the proposed budget changes to account for a rate of 55-cents rather than 60-cents.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council member, Brent Guffey asked if staff could investigate mill workers utilizing the City's power boxes during lunch on West Virginia Avenue. Council member, Michael Brooks stated that said people are leaving trash on the road in downtown. Council member, Nellie Floyd inquired about the debris from the recent storm on NC Highway 161 and a broken headstone in the Vantine Cemetery. Council member, Donnie Griffin asked Finance Director, Diane Jenkins if the City would be ok to operate with only a 10-cent increase. Ms. Jenkins stated that she prays that it would be enough.

Adjourn

Being no further business to come before the board, the meeting was adjourned at 5:19 PM by motion of Michael Brooks and unanimous vote.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk

SPECIAL MEETING**May 31, 2024**

The Bessemer City Council met in special session on Friday, May 31st, 2024 at 3:00PM in Council Chambers. Proper notice was given.

Members Present

Mayor Becky Smith, Council Members: Brenda Boyd, Donnie Griffin, Nellie Floyd, Allen Hook, and Brent Guffey. Also present were City Manager, Josh Ross and department heads. Council Member, Michael Brooks was absent.

Call to Order

Mayor Smith called the meeting to order and explained that this meeting was to discuss the proposed FY 2024-2025 budget.

2024-2025 Proposed Budget Review and Discussion

City Manager, Josh Ross addressed Council about potential changes needed to meet the \$0.55 cent tax rate that City Council requested at Tuesday's work session. The City Manager recommends keeping the City's proposed tax rate at \$0.60 per \$100.00 of valuation. This \$.15 per \$100 valuation increase is crucial to providing funds for general operations, debt service, and to build back fund balance (savings) in all funds. However, per City Council direction, the budget will need to be balanced with a 10-cent increase per \$100 valuation. In order to achieve this goal, several items were omitted from the upcoming FY 2024-2025 budget:

- Pool Renovations
- April and May 2025 Community Cruise-In & Concerts
- Land Development Code (LDC) Plan Review
- Economic Development Grant for downtown businesses
- Ice Machine for Stinger Park
- City Manager COLA in 24-25 in budget
- City Council pay reduction
- Students of the Month Appreciation Program
- Portion of Police Department Overtime
- Down Home Festival added entertainment

Additionally, several positions have received half of the year funding, with placement beginning in January 2025: Events & Recreation Coordinator, Stormwater Manager, and Natural Gas Technician.

In order to only increase the tax rate 10-cents, revenue sources have change as well as follows:

- Sales tax (\$1,000,000 to \$1,050,000)
- Investment earnings (\$30,000 to \$35,000)
- Natural Gas Admin. Charge (\$100,000 to \$137,500)
- Stormwater Admin. Charge (\$50,000 to \$100,000)
- Water/Wastewater Admin. Charge (\$650,000 to \$710,000)

City Manager, Josh Ross informed Council that he does not advise the 10-cent increase as it eliminates operations and does not address the Financial Performance Indicators of Concern (FPIC) as identified by the Local Government Commission (LGC) as effectively. Additionally, decreasing expenditures will have a direct consequence on service and increasing revenues from enterprise funds follows the same pattern that contributed to the City's current financial dilemma.

Light discussion was held regarding a possible fire tax and the consideration of \$.5569 versus \$.55 per \$100 valuation. Council members, Floyd and Boyd commented that \$.5569 would be ideal, as all staff members would be retained. However, Council member, Guffey stated that the Board should stick with balancing the budget at \$.55 per \$100 valuation, per Tuesday's work session.

By general consensus from City Council, the FY 24-25 Manager Recommended Budget was modified to include a 55-cent tax rate vs. the City Manager's recommendation of 60-cents. This version of the FY 24-25 budget will be on the June 2024 Regular Meeting Agenda for Council adoption.

City Manager's Report

City Manager, Josh Ross informed Council that City Staff has received a request to rename a portion of W. Carolina Avenue to A. Wayne Love Drive. This will formally come before City Council at the June 2024 regular meeting.

Council General Discussion

Mayor Smith opened the floor for Council discussion. Mayor Smith led the discussion by thanking City Manager, Josh Ross and department heads for working so diligently on the 2024-2025 budget. Council member, Brent Guffey inquired about the warranty items and general landscaping at Stinger Park.

Adjourn

By motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 4:16 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk

**2024-2025 Budget Ordinance**

BE IT ORDAINED, by the City Council of the City of Bessemer City, North Carolina:

Section 1. It is estimated that the following revenues will be available to the General Fund for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025:

Ad Valorem Taxes	\$	4,166,439
Ad Valorem Taxes State Board Assessed		40,000
Prior Year Taxes		30,000
Motor Vehicle License		250,000
Gross Rental Vehicle Tax		600
Penalties & Interest		40,000
North Carolina Local Sales Tax		1,050,000
Solid Waste Disposal Tax		4,000
Beer & Wine Tax		22,000
Franchise Tax		450,000
PD Fees for Services		500
Confiscated Drug Money		500
Fire Department Grants		20,000
PD – Grants		80,000
Landfill Fees		510,000
Grave Opening/Closing		25,000
Cemetery Lot Sales		1,000
Zoning Permits & Fees		20,000
Grant - Kiser Center		5,000
Recreation Department Fees/Sponsors		50,000
Senior Events		5,000
Pool Fees/Concessions		105,000
Park Fees/Concessions/Mer/Rental		125,000
Investment Earnings		35,000
Rent- Land		1,100
Sale of General Fund Property		30,000
Miscellaneous Revenues		15,000
Administrative Charges - Enterprise Funds		947,500
Fund Balance Appropriated		0
	\$	8,028,639

Section 2. The following amounts are hereby appropriated in the General Fund for the Fiscal Year 2024-2025 in accordance with the established chart of accounts:

Governing Body & Legal	\$	86,364
Administration & Finance		1,238,877
Police Department		2,093,603
Fire Department		537,658
Garage Operations		236,965
Public Works Department		363,300
Sanitation Department		478,000
Planning & Zoning		129,973
Economic Development		90,000
Debt Service		1,324,016
Recreation Department		917,981
Parks & Gym		332,300
Pool & Concessions		181,102
Cemetery		18,500
	\$	8,028,639

Section 3. It is estimated that the following revenues will be available to the Water & Sewer Fund for the Fiscal Year 2024-2025:

Water Sales	\$	2,465,000
Sewer Sales		2,530,000
Water Tap Fees		70,000
Water System Development Fees		220,000
Reconnect Fees		22,000
Penalties		100,000
Miscellaneous		15,000
Admin Activation Fee		20,000
Sewer Tap Fees		50,000
Sewer System Development Fees		70,000
Fund Balance Appropriated		0
	\$	5,562,000

Section 4. The following amounts are hereby appropriated in the Water & Sewer Fund for the Fiscal Year 2024-2025 in accordance with the established chart of accounts:

Debt Service	\$	624,458
Administration Share		710,000
Water/Wastewater Treatment		2,821,218
Public Works		1,406,324
	\$	5,562,000

Section 5. It is estimated that the following revenues will be available to the Natural Gas Fund for the Fiscal Year 2024-2025:

Sales of Gas	\$	1,240,000
Cut-ons and Reconnects		1,500
Fund Balance Appropriated		0
		<hr/>
	\$	1,241,500

Section 6. The following amounts are hereby appropriated in the Natural Gas Fund for the Fiscal Year 2024-2025 in accordance with the established chart of accounts:

Debt Service	\$	129,255
Administration Share		137,500
Gas Operations		974,745
		<hr/>
	\$	1,241,500

Section 7. It is estimated that the following revenues will be available to the Storm Water Fund for the Fiscal Year 2024-2025:

Storm Water Charges	\$	300,000
		<hr/>
	\$	300,000

Section 8. The following amounts are hereby appropriated in the Storm Water Fund for the Fiscal Year 2024-2025 in accordance with the established chart of accounts:

Debt Service	\$	35,958
Administrative Share		100,000
Operations		164,042
		<hr/>
	\$	300,000

Section 9. The following revenues are expected to be available in the Powell Bill Fund for the Fiscal Year 2024-2025:

State Powell Bill Allocation	\$	180,000
		<hr/>
	\$	180,000

Section 10. The following amount is hereby appropriated in the Powell Bill Fund for the Fiscal Year 2024-2025 in accordance with the established chart of accounts:

Debt Service	\$	100,815
Street Operations		79,185
		<hr/>
	\$	180,000

Section 11. There is hereby levied a tax rate of fifty-five cents (\$.55) per one hundred dollars (\$100) valuation of property taxes as of January 1, 2024, for the purpose of raising the revenue listed 'Ad

Valorem Taxes' in the General Fund. This rate is on a total valuation of property for the purposes of taxation of \$775,319,144 and an estimated rate of collection of 97%.

Section 12: Fees shall be charged as follows starting July 1, 2024:

Service	2024-2025
WATER	
Treated Water- Inside City Limits	\$14.00 min. per month for 2,000 gal.
	\$8.60 per 1,000 gal. over 2,000 gal.
Treated Water- Outside City Limits	Double Rates Above
Water Deposit	\$250/\$300/\$450
Water Reconnect Fee	\$35-70
Broken Lock Fee	\$300
Meter Tampering Fee	\$500
Utility Cut off Fee	\$20
Utility Late Fee	15%
Administrative Fee	\$50
Illegal Turn-on Fee	\$200
Meter Reset Fee	\$300
Water Tap Fees*	
<i>.75 Inch Line</i>	\$1,100
<i>1 Inch Line</i>	\$1,500
<i>1.5 Inch Line</i>	\$2,000
<i>2 Inch Line</i>	\$2,500
<i>*Plus the cost of meter at market rate</i>	
SEWER	
Sewer- Inside City Limits	\$20.50 min. per month for 2,000 gal. of water metered
	\$15.75 per 1,000 gal. over 2,000 gal. of water metered
	\$11.00 per 1,000 gal. over 1 mil. gal. of water metered
Sewer- Outside City Limits	Double Rates Above
Sewer Tap Fees	
<i>4 Inch Line</i>	\$1,000
<i>6 Inch Line</i>	\$1,500
Sewer User Surcharges	
<i>High Strength BOD</i>	\$.02400 per lb. (for high strength >250 mg/L)
<i>High Strength TSS</i>	\$0.0450 per lb. (for high strength >250 mg/L)
<i>High Strength O & G</i>	\$0.10 per lb. (for high strength >100 mg/L)
<i>High Strength TKN</i>	\$0.4830 per lb. (for high strength >25 mg/L)
<i>High Strength TP</i>	\$0.8470 per lb. (for high strength > 8 mg/L)
<i>Initial Issuance Permit</i>	SIU Fee- \$1,000 Local Permit Fee- \$500
<i>Annual Maintenance Permit</i>	SIU Fee- \$250 Local Permit Fee- \$100
<i>Reopening Permit</i>	SIU Fee- \$500 Local Permit Fee- \$250
<i>Composite Sample Event</i>	\$300
<i>Acute Toxicity Screening</i>	\$600
<i>Chronic Toxicity Screening</i>	\$1,200
<i>TTO with Pesticide Analysis</i>	\$550
<i>TTO without Pesticide Analysis</i>	\$500

SYSTEM DEVELOPMENT FEES	
<i>** System development fees are calculated by the Council-Adopted System Development Fee Schedule Calculator. Examples are provided below:</i>	
Residential Dwelling Unit	
2 Bedrooms	\$3,861
3 Bedrooms	\$4,211
4 Bedrooms	\$5,573
Church without a Kitchen or Daycare	\$4,869
Full-Service Restaurant (20 emp.)	\$5,410
Convenience Store with Food Preparation (2,500 sq. ft.)	\$16,230
Stores & Shopping Center without Food Service (25,000 sq. ft.)	\$27,050
AVAILABILITY FEES	
Water and Sewer Availability Fees	
<i>Inside Customer Connected to Water but Not Sewer</i>	\$20.50 per month
<i>Inside Customer Connected to Sewer but not Water</i>	\$80.00 per month
<i>Inside Customer not Connected to Water or Sewer</i>	\$34.50 per month (\$14.00 Water + \$20.50 Sewer)
METER CHECKS	
<i>One Check Per Year</i>	\$0
<i>Defective Meter Replacement</i>	\$0
<i>Non-Defective Meter Check</i>	\$25 + Cost of Testing
STORM WATER	
<i>Residential</i>	\$6 per month
<i>Non-Residential</i>	Calculation based on Council-Adopted Impervious Surface Study
	ERU: 3,286 sq. ft.
	FORMULA: (impervious surface sq. ft./ ERU) X residential rate = non-residential rate
SOLID WASTE	
<i>Waste Collection Weekly</i>	\$16 per month per container
<i>Waste Collection Bi-Weekly (Commercial Only)</i>	\$32 per month per container
PLANNING AND DEVELOPMENT	
Board of Adjustment	
<i>Variance Request</i>	\$500 + advertising cost
<i>Appeals</i>	\$500
<i>Conditional Use Permit</i>	\$1,200 + advertising cost
<i>Special Use Permit (SUP)</i>	\$500 + advertising cost
Planning Board	
<i>Zoning Map Amendment (Rezoning)</i>	\$800 + advertising cost

<i>Zoning Text Amendment</i>	\$600 + advertising cost
Other Fees	
<i>Zoning Verification Letter</i>	\$100
<i>New Single Family</i>	\$200
<i>New Multi-Family</i>	\$200 + \$50 per unit
<i>Additions</i>	\$100
<i>Accessory</i>	\$100
<i>Non- Residential up to 5,000 Sq. Ft.</i>	\$250
<i>Non-Residential 5,001-10,000 Sq. Ft.</i>	\$350 + \$5 per 1,000 Sq. Ft.
<i>Non-Residential Greater Than 10,001 Sq. Ft.</i>	\$500 + \$5 per 1,000 Sq. Ft.
<i>Minor Subdivision Plat</i>	\$300 + \$50 per lot
<i>Major Subdivision Plat</i>	\$800 + \$50 per lot
<i>Recombination Plat</i>	\$100
Zoning Permits	
<i>Sign Permit</i>	\$100
<i>Accessory Building Verification (No Building Permit Required)</i>	\$50
<i>Accessory Building Verification (Building Permit Required)</i>	\$100
<i>Zoning Certificate of Compliance</i>	\$100
<i>Demolition Permit</i>	\$100
<i>Home Occupation Permit</i>	\$100
<i>Temporary Use Permit</i>	\$150
<i>Telecommunication Tower Permit</i>	\$5,000
<i>Telecommunication Tower Permit (Co-Location)</i>	\$500
<i>Fence Permit</i>	\$25
<i>Driveway Permit</i>	\$50
CITY COUNCIL	
Code Enforcement Appeal	\$150
Annexation Petition	\$400 + advertising cost
Street/Alley/ROW Closing Petition	\$500 to advertising cost
CODE ENFORCEMENT	
Grass Cutting	
<i>Grass Cutting Maintenance Show Up Fee</i>	\$50
<i>Grass Cutting Maintenance Administrative Fee*</i>	\$200
<i>****Plus, Cost of Mowing Contractor</i>	
NATURAL GAS	
Base Fee	
<i>Residential</i>	\$10.40
<i>Commercial</i>	\$10.40
<i>Industrial</i>	\$8.00
Availability	

<i>Residential</i>		\$8.70
<i>Commercial</i>		\$9.10
<i>Industrial</i>		\$200
OTHER FEES		
Return Check Fee		\$35
Copies		
<i>B & W Up to 8.5 X 14</i>	\$.45/page	
<i>Color up to 8.5 X 14</i>	\$.50/page	
City Truck Rental	\$75 + additional fees for waste exceeding 1 ton.	
CEMETERY FEES		
<i>Cemetery Lot</i>	\$1,000	
<i>Grave Marking Fee</i>	\$100	
<i>Grave Opening</i>	\$435-825 per City Cemetery Ordinance	
MOTOR VEHICLE		
<i>Motor Vehicle Tag Fee</i>	\$30	

Section 13: All other fees for service, surcharges, etc. previously established by Council shall remain the same unless adjusted at some future date. All billing not paid on the due date is subject to a 15% late penalty.

Section 14: The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein as follows:

- a. The Budget Officer may transfer amounts between the object of expenditure within a department as defined by Ordinance without limitations.
- b. The Budget Officer may transfer amounts up to \$7,500 between departments as designed by Ordinance of the same fund with report on such transfers at the next regular Council meeting.

Section 15: Copies of the Budget Ordinance shall be furnished to all Department Heads for guidance in the disbursement of funds. A copy shall always be available for public inspections in the City Clerk's office.

Adopted this the 10th day of June 2024.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



132 W. Virginia Ave.
Bessemer City, NC 28016
(704) 629 - 5542 Ext. 1003

Staff Only:
Date Rec'd: 5/2/2024
Rec'd by: N. Hester
Case #: RE-01-2024

LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	Fee	✓	Fee
• Sketch Plan/Plat (Major Sub):		_____	• Conditional Zoning (CZ)	_____
• Preliminary Plat (Major Sub):		_____	• Special Use Permit (SUP)	_____
• Final Plat (Major Sub):		_____	• Text Amendment	_____
• Major Site Plan		_____	• Minor Site Plan	_____
• Construction Documents:		_____	• Minor Subdivision Plat	_____
• Recombination Plat		_____	• General Rezoning	✓
• Other: _____		_____		
Fee Total:				<u>\$600</u>

2. Project Information

Date of Application: 5-2-24 Name of Project: Residential Neighborhood Rezone

Location: 1216 Tryon Courthouse Rd Property Size (acres): .58 # of Units/Lots: 1
Bessemer City NC 28016

Current Zoning: Rural Residential Proposed Zoning: Neighborhood Residential

Current Land Use: nothing Proposed Land Use: build new 1248sqft
2BR - 2BA Home

Tax Parcel Number(s): 151483

Square Footage: 25,300sqft for .58 acres

3. Contact Information

Owner, Applicant, or Developer

James Robert Whisman

Agent(s) (Engineer, Architect, Etc.)

Address

1220 Tryon Courthouse Rd

Address

City, State Zip

Bessemer City NC 28016

City, State Zip

Telephone

704-616-2433

Telephone

Email

Email

4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:

- Signed "Original" application
- Project Fee(s) - See Fee Schedule
- Written Summary/Description of Request can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ's, must also describe any variations proposed from the Land Development Code
- Property Survey (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18" in diameter), and other natural features.
- Site/sketch plan (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots
- Illustrative (color) site/sketch plan for presentation purposes with same layers as described above
- Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis's, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).
- Illustrative (color) elevations for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples
- Digital Files of all items listed above

Last Update: 07/06/2021

Signature:

James Robert Whisman

Printed Name:

Date:

5-1-24

The community values your input and feedback in improving and developing the neighborhoods. Feel free to share any concerns or suggestions regarding this request.

The property at 1216 Tryon Courthouse Road, Bessemer City, NC 28016 is .58 acres (25,300sqft) and has been in the family for generations and holds sentimental value to us. It is located in a peaceful and quiet neighborhood, with easy access to main roads and amenities. The new home design has been carefully planned and we are excited to see it come to life.

We have taken great care of the property over the years and are confident that it will make a wonderful home for the new family residence. The septic tank from the previous 980sqft home is in good working condition and is ready to support the new two bedroom/two bath 1492sqft home.

Outside, there will be a large backyard with plenty of space for outdoor activities or gardening. The driveways that are already cut-in on Tryon Courthouse Road make access to the property easy and provide easy access for parking multiple vehicles. The location is convenient, close to schools, shopping, job, and dining options in the area.

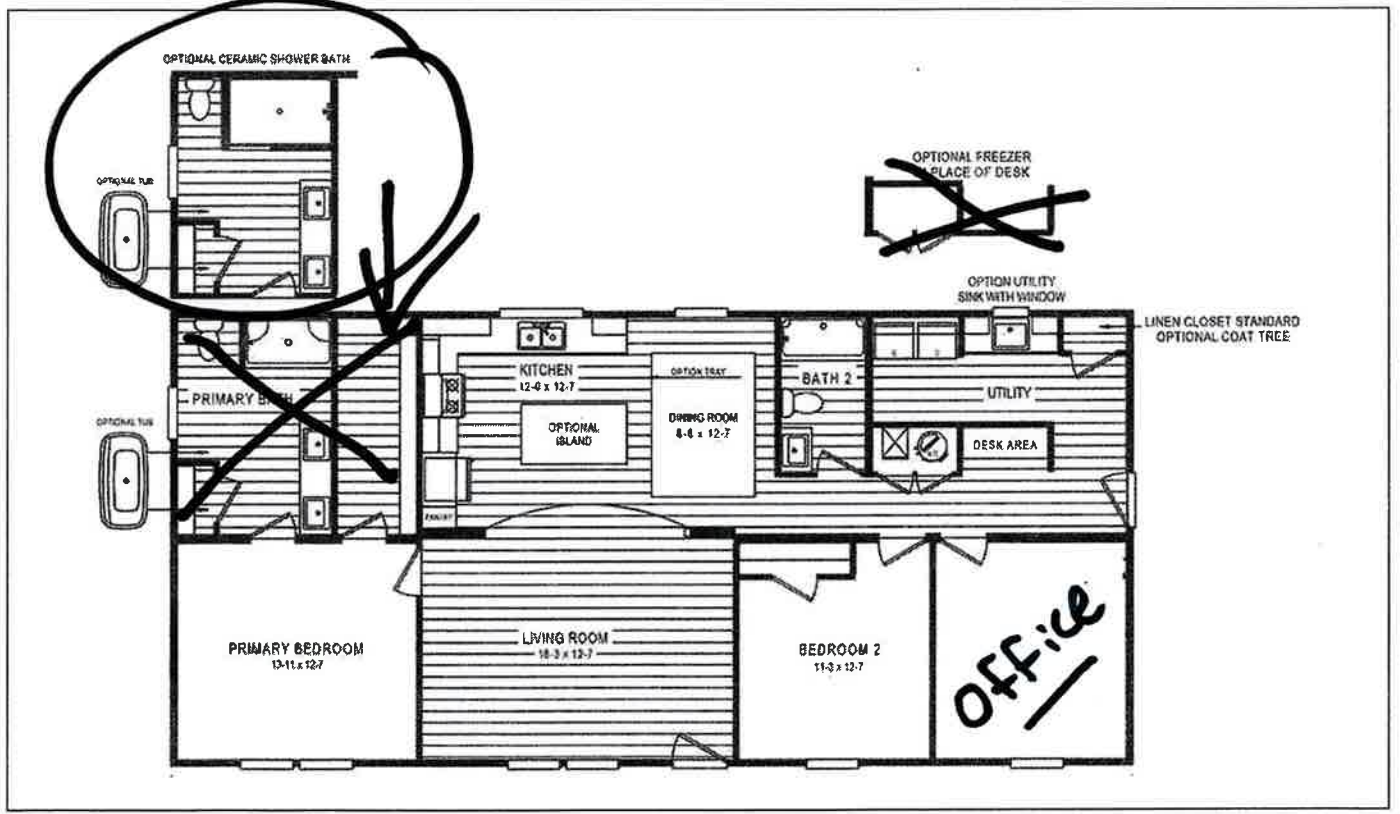
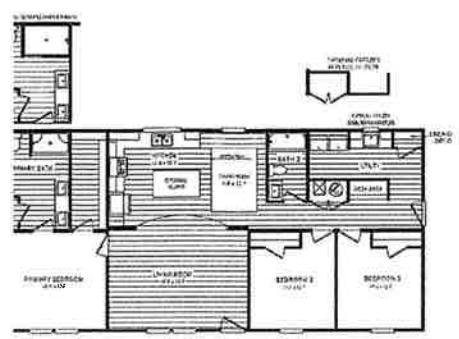
The land is already cleared, level and ready for the new construction. This will expedite the process of the new neighborhood residential construction.

Moving this property from Rural Residential to Neighborhood Residential will allow this new family construction to come to Bessemer City and will fall well within the front setback of 20' and the rear setback of 30'.

If you have any further questions or would like to schedule a visit to the property, please don't hesitate to contact us. With the rezoning, this special piece of land that will keep it in the family. Thank you for considering our property rezoning request and thank you for your active participation in the community. Please see the attached site sketch plan for the placement of the home.



ROC745277NCABAC
2 beds • 2 baths
1,492 sq. ft.



(704) 484-2211
 Monday - Friday: 9am - 6pm
 Saturday: 9am - 5pm Sunday: Closed

OAKWOOD HOMES-SHELBY
1839 EAST DIXON BLVD.
SHELBY, NC 28151

Our home building facilities invest in continuous product and process improvements. Plans, dimensions, features, materials, specifications, and availability are subject to change without notice or obligation. Renderings and floor plans are representative likenesses of our homes and many differ from actual homes. We invite you to tour a Home Center near you and inspect the highest value in quality housing available or call (704) 484-2211 to speak with a Home Consultant. ©2024, CMH. All rights reserved.

I, Bill E. Sawyer, Registered Land Surveyor, certify that this map was drawn from an actual field survey performed under my direction and supervision, that the ratio of precision is 1:10000, and that this map conforms to GS 47-30 as amended. Witness my hand and seal this 15th day of Jan, 1988. REGISTERED LAND SURVEYOR



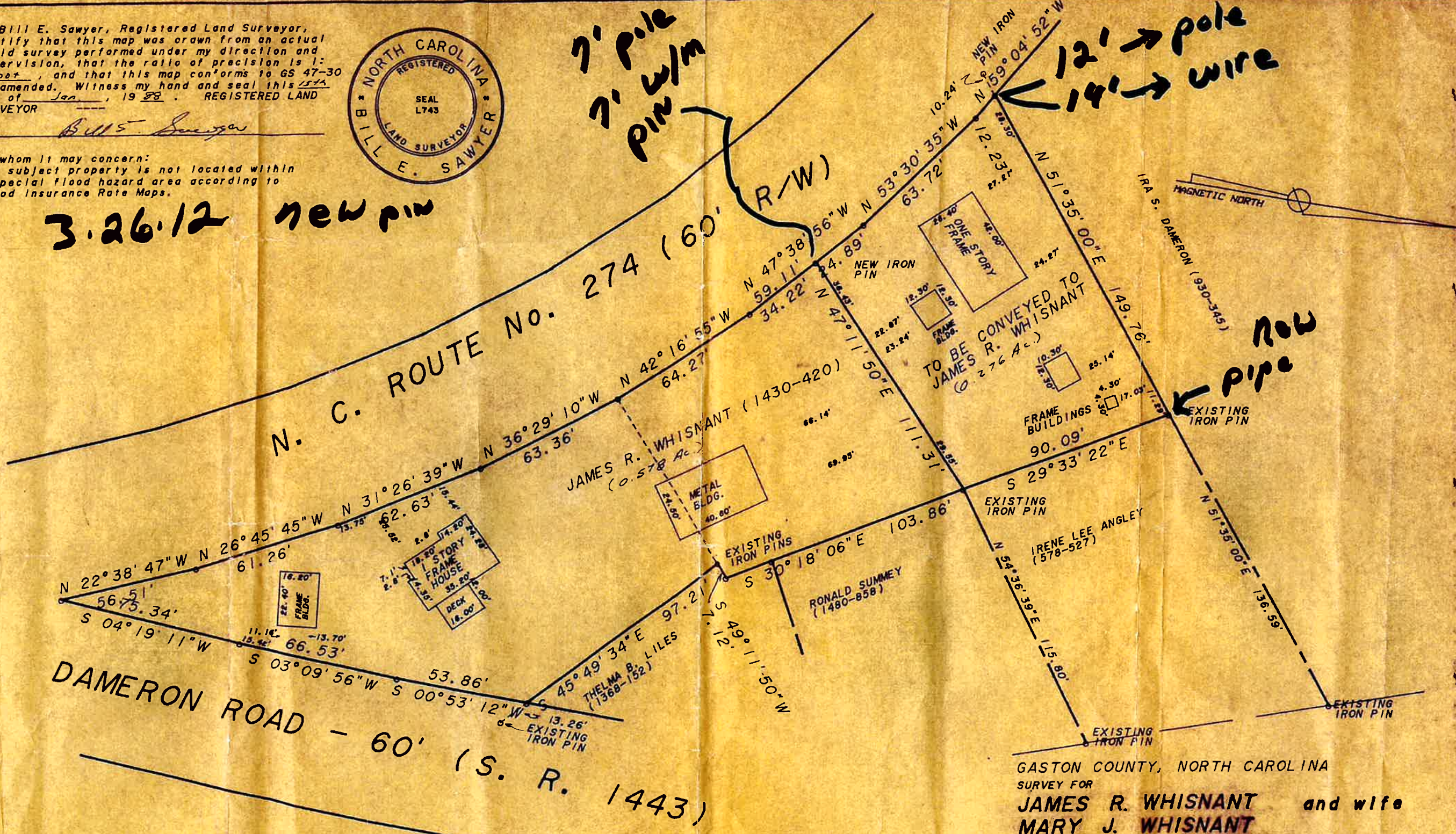
To whom it may concern:
The subject property is not located within a special flood hazard area according to Flood Insurance Rate Maps.

3.26.12 new pin

7' pole
7' w/m
PIN

12' → pole
14' → wire

now
pipe



NOTES:
(1) SURVEY BASED ON PHYSICAL EVIDENCE.
(2) PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS OR EASEMENTS NOT OBSERVED.

GASTON COUNTY, NORTH CAROLINA
SURVEY FOR
JAMES R. WHISNANT and wife
MARY J. WHISNANT

40 0 40 80 120

GRAPHIC SCALE - 1" = 40'

JANUARY 15, 1988
SURVEY FOR
ROBINSON & SAWYER, INC.,
ENGINEERS & SURVEYORS
GASTONIA, N. C.
TEL. (704) 864-2201

FILE No. 1340-A

I, Bill E. Sawyer, Registered Land Surveyor, certify that this map was drawn from an actual field survey performed under my direction and supervision, that the ratio of precision is 1:10,000+, and that this map conforms to GS 47-30 as amended. Witness my hand and seal this 15th day of Jan., 1988. REGISTERED LAND SURVEYOR



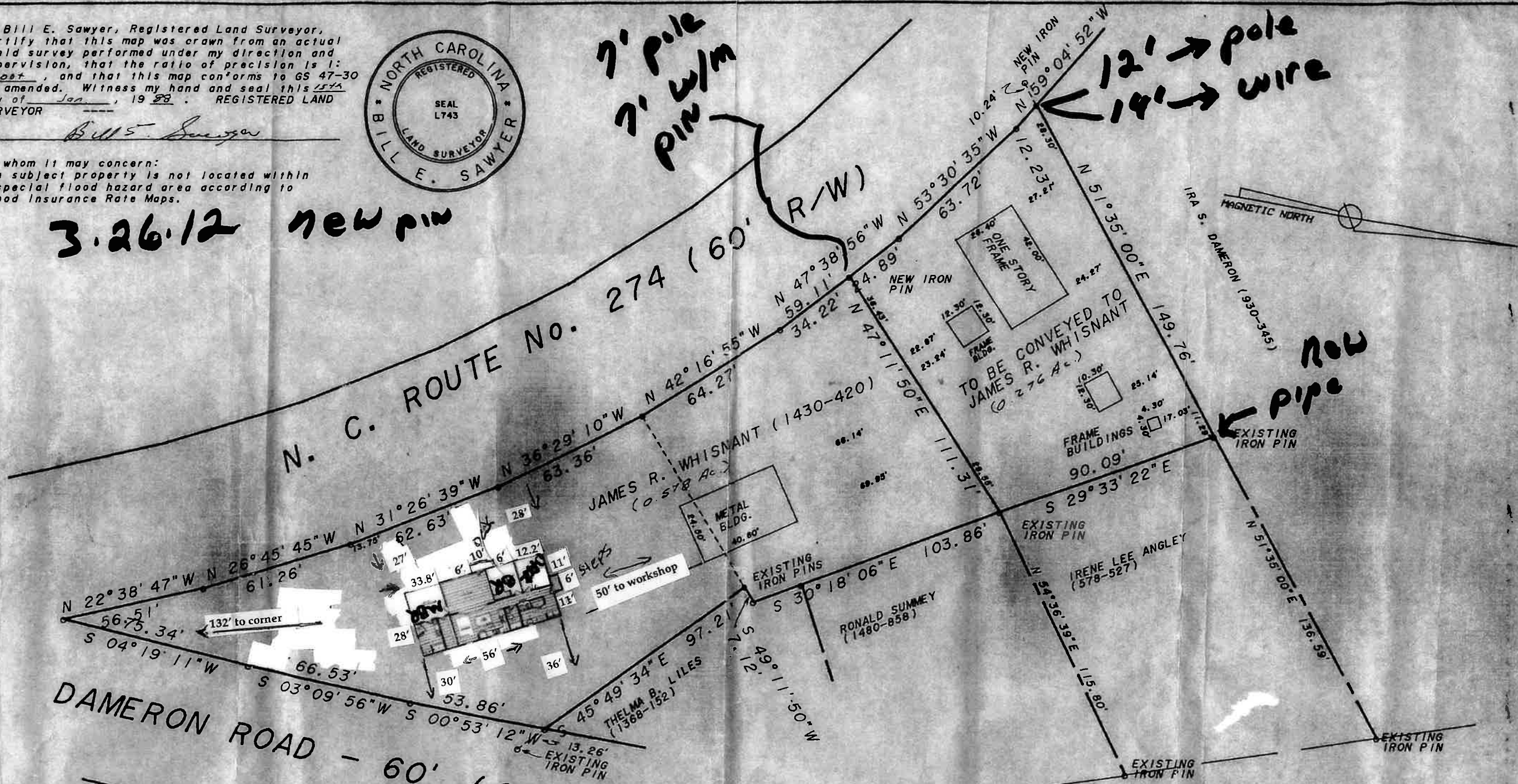
To whom it may concern: The subject property is not located within a special flood hazard area according to Flood Insurance Rate Maps.

3.26.12 new pin

7' pile
7' w/m
PIN

12' → pole
14' → wire

new
pipe



NOTES:

- (1) SURVEY BASED ON PHYSICAL EVIDENCE.
- (2) PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS OR EASEMENTS NOT OBSERVED.

GASTON COUNTY, NORTH CAROLINA
SURVEY FOR

JAMES R. WHISMANT and wife
MARY J. WHISMANT

40 0 40 80 120



GRAPHIC SCALE - 1" = 40'

JANUARY 15, 1988
SURVEY FOR
ROBINSON & SAWYER, INC.,
ENGINEERS & SURVEYORS
GASTONIA, N. C.
TEL. (704) 864-2201

FILE No. 1340-A



City of Bessemer City, North Carolina

General Rezoning Staff Report

Planning Board Agenda Item May 6th, 2024

City Council Agenda Item June 10th, 2024

Applicant: James Robert Whisnant

Request:

To review and make a recommendation on the rezoning of one.58 acres parcel of land currently zoned Rural (R) to Neighborhood Residential (NR). The intent of the property owner is to utilize the property for the construction of one single family residence.

Background Information:

The property requested for zoning map amendment is assigned by the Gaston County Tax Mapping Department with PID#151483 and is approximately 0.58 acres in size. The current property owners are James Robert Whisnant and Sonja Rodden of 1220 N. Tryon Courthouse Rd. Bessemer City, NC 28016.

The property owner, James Whisnant, inherited the land parcel from his family and grew up in the single-family structure that was previously on the land. Currently the parcel is zoned Rural which requires single family structures to meet the following zoning regulations: front setback of 100' due to viewshed overlay, rear setback of 50', side setbacks of 15', and a corner setback of 50'. Due to the land of record measuring approximately 100' in width, it prevents anyone from constructing a single-family residence upon the lot.

The applicants are requesting a rezoning to Neighborhood Residential (NR) which would change the single-family zoning requirements for the lot to a front setback of 20', rear setback of 30', side setbacks of 12', and a corner setback of 20'. The proposed structure to be constructed upon the lot if rezoned would be able to accommodate the Neighborhood Residential zoning requirements.

The previous residential structure utilized a septic tank on the property that has been inspected and is in good working condition. The driveway that accessed the former structure would be utilized to access the proposed structure. Adjacent parcels to the North and west are zoned Rural (R) and adjacent parcels to the east and south are zoned Neighborhood Residential (NR). The rezoning of this parcel of land from Rural (R) to Neighborhood Residential (NR) would be following the City of Bessemer City future land use map.

Staff Recommendation:

- 1. Approve rezoning as requested.

Exhibits:

- 1. 1216 N. Tryon Courthouse Rd. Rezoning Application Packet.

Recommended Effective Date: June 10, 2024.

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS
ZONING MAP AMENDMENT
June 10th, 2024

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the rezoning of the Tax Parcel included with development application RZ 01-2024 within the City limits of Bessemer City, North Carolina as noted and depicted on the proposed Official Zoning Map.

- 1) Said zoning change **is/is not** consistent with the goals and values established by the City Council adopted in 2023.
 - a. The City Council created a mission and vision statement that included the following six values: 1. Accountability, 2. Ethics, 3. Community Dependability, 4. Honesty, 5. Respect, 6. Open-Mindedness. These rezoning's are consistent with these values.
 - b. The City Council created a mission and vision statement that included the following five goals: 1. Promote a desirable place to live and work that provides a healthy quality of life, 2. Ensure a safe and secure community for residents and visitors, 3. Invest in a high quality infrastructure to support a thriving and diverse economy, 4. Provide opportunities for citizen engagement and promote volunteerism, 5. Foster organizational sustainability that embraces innovation and creativity. These rezoning's are consistent with these goals.

- 2) Said rezoning **is/is not** consistent with the City of Bessemer City 2020 Vision Plan and the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezoning's are:
 - a. Consistent with the existing adjacent land uses as designated on the official land use map.

- 3) The proposed map amendments **would/would not** be detrimental to the city and ETJ.
 - a. The physical conditions that make the rezoning's reasonable are:
 - Provides Residential growth opportunities with new development in areas that are currently limited due to current zoning.
 - b. Rezoning is in the best interest of the public to increase and maximize property values to provide for future infrastructure and amenities.

Therefore, the requested rezoning's are **reasonable/unreasonable** and **not within/within the public interest**.

Upon a motion that the application **is/is not** consistent with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 10th day of Juen, 2024.

ATTEST

CITY COUNCIL FOR THE
CITY OF BESSEMER CITY

Hydeia Hayes, City Clerk

BY _____
Becky S. Smith, Mayor

APPROVED AS TO FORM

David Smith, City Attorney



**AN ORDINANCE AMENDING OFFICIAL ZONING MAP OF
THE CITY OF BESSEMER CITY**

WHEREAS, after proper notification a Public Hearing was held before the Bessemer City Council on June 10th, 2024 to consider a proposed amendment to the City of Bessemer City Zoning Map. On May 6th, 2024 the Bessemer City Planning Board voted to recommend the City Council approve the proposed zoning map amendment.

WHEREAS, after a _____ vote, the City Council of Bessemer City approved a zoning map change to the Official City of Bessemer City Zoning Map reflected in application RZ 01-2024.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bessemer City, that the Official City of Bessemer City Zoning Map is amended to reflect the adopted changes as written below.

1. Tax Parcel #151483 is rezoned from Rural to Neighborhood Residential.

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 10th Day of June, 2024.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION



Board Appointment Application

The Mayor and City Council of Bessemer City believe that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the City's advisory boards or committees. If you wish to be considered for such an appointment, please complete the following application and return to the City Clerk, 132 W. Virginia Ave., Bessemer City, NC 28016. Phone: 704-729-6509 Email: hhayes@bessemercity.com

REQUEST FOR APPOINTMENT TO: ABC Board

NAME: JOHN T. MATSIK

ADDRESS: 120 Helen Ave

TELEPHONE: HOME _____ WORK _____ CELL 704-214-2566

EMAIL ADDRESS: j.matsik@Carolina.RR.com

CURRENT OCCUPATION: Retired

EDUCATIONAL BACKGROUND: Bs Physics minor Chemistry + Math

VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:
ABC Board

BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:

In my last year the ABC showed an increase in profits. I have been asked by several citizens and past Board members to run again

WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?

I know the store and its activities, I took the store from a losing store to a profitable store. I have worked at Teaching for 45 years + in Retail for 10 years

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION
HOW CAN YOU POSITIVELY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

SIGNATURE: John T Matsub
DATE: 6/10/2024

CLERK USE ONLY

Received On:

Received By:

Signature:

Bessemer City Committees, Organizations, and Civic Groups

INTERNAL
YEAR

UPDATED ON: 06/10/2024

Will Be APPOINTED 2024

GROUP NAME	INDIVIDUAL NAME	<i>Renewal Application Rec.</i>	TERM
Bessemer City A.B.C. Board	John Matsik	Yes	June 2021- June 2024
	Rober Johnson		June 2022- June 2025
	Alfred Carpenter	Yes	June 2021 - June 2024
	Robert Crouch		June 2022- June 2025
	Katie Love		June 2023 - June 2026
	Michael Brooks		N/A
Bessemer City Planning Board/ Board of Adjustment	Constantine Tsambourinery		June 2022- June 2025
	Wendy Burgess		June 2023-June 2026
	Pamela Gladney		June 2023 - June 2026
	David Absher	Yes	June 2021- June 2024
	Charlene Hill		June 2022- June 2025
	Bryan Hoffman		January 2024 - June 2027
	Linda Willis		January 2024 - June 2027
Bessemer City Downtown Development (BCDD)	Diamond Brown		June 2022- June 2025
	Dana Ijames		June 2023- June 2026
	Bill Whitmire		June 2023-June 2026
	Sue Ann Propst		January 2024 - June 2027
	Fatmir Fejzullahu		January 2024 - June 2027
	Lauren Hogan		June 2021- June 2024
	JC Vargas		June 2021- June 2024

Bessemer City Parks & Recreation Board	Huston R. Sheppard	Yes	November 2021 - June 2024
	Erika Nixon		June 2023 - June 2026
	Andrew Herring		November 2021 - June 2024
	Stephanie Gee		November 2021 - June 2024
	Andrew Baxter		November 2021 - June 2025
	Andrea McLeymore		June 2023 - June 2026
	Vacancy		June 2023 - June 2026



Memorandum

To: Mayor Smith and City Council
From: Hydeia Hayes, City Clerk & HR
Date: 6/10/2024
Subject: Council-Appointed Board Applications

Staff has been working in accordance with the *Council Rules and Procedures Policy* to advertise board vacancies. Currently, there are vacancies on the ABC Board, Downtown Development Board, and Planning/Zoning Board/BOA. The information below outlines who is currently on each board, their terms, and who has applied for the board’s vacancy (ies):

ABC Board

<u>Board Member</u>	<u>Reapplied</u>	<u>Term</u>
John Matsik	Yes	June 2021- June 2024
Robert Johnson		June 2022-June 2025
Alfred Carpenter	Yes	June 2021- June 2024
Robert Crouch		June 2022-June 2025
Katie Love		June 2023-June 2026

ABC Board Applications Received:

- Alfred Carpenter
- John Matsik
- Terry Holt
- Christine Holland
- Courtney Womack

Downtown Development Board

<u>Board Member</u>	<u>Reapplied</u>	<u>Term</u>
Diamond Brown	Resigned	June 2022- June 2025
Dana Ijames		June 2023- June 2026
Bill Whitmire		June 2023-June 2026



Sue Ann Propst		January 2024 - June 2027
Fatmir Fejzullahu		January 2024 - June 2027
JC Vargas		June 2021 – June 2024
Lauren Hogan		June 2021 – June 2024

Downtown Development Board Applications Received:
Pearl Brown

Planning/Zoning/BOA Board

<u>Board Member</u>	<u>Reapplied</u>	<u>Term</u>
Constantine Tsambourinery		June 2022- June 2025
Wendy Burgess		June 2023-June 2026
Pamela Gladney		June 2023 - June 2026
David Absher	Yes	June 2021 - June 2024
Charlene Hill		June 2022- June 2025
Bryan Hoffman		January 2024 - June 2027
Linda Willis		January 2024 - June 2027

Planning/Zoning/BOA Board Applications Received:
Bruce Absher (*Also, is currently the Board Chair for 2023-2024*)

<u>Board Member</u>	<u>Reapplied</u>	<u>Term</u>
Huston R. Sheppard	Yes	November 2021 - June 2024
Erika Nixon		June 2023 - June 2026
Andrew Herring		November 2021 - June 2024
Stephanie Gee		November 2021 - June 2024
Andrew Baxter		November 2021 - June 2025
Andrea McLeymore		June 2023 - June 2026



Vacancy		June 2023 - June 2026
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Parks & Recreation Board Applications Received:

- Huston Sheppard
- Kelsie Nixon
- Danny Guin





RESOLUTION RENAMING A PORTION OF W. CAROLINA AVE TO A. WAYNE LOVE DR.

WHEREAS, City of Bessemer City Land Development Code Sec. 4.4.Q. provides for a uniform system of street and road naming between the City and the County of Gaston; and

WHEREAS, it is the intent of the naming system to provide for efficient directional information for public and emergency use; and

WHEREAS, Code Sec. 4.4.Q. provides that the City Council shall approve street names and changes of street names that conform to the Gaston County Street Naming and Housing Numbering Ordinance; and

WHEREAS, Gaston County has provided that the requested street name change does conform to the Gaston County Street Naming and Housing Numbering Ordinance; and

WHEREAS, a request has been made to change the name of a portion of W. Carolina Ave. to A. Wayne Love Dr. from the intersection of Ramseur Rd. and continues west through the property of St. James Missionary Baptist Church, which is identified as Gaston County Tax Parcel number 121117; and

WHEREAS, the City Council finds that this is a reasonable request and consistent with the redevelopment goals of the City;

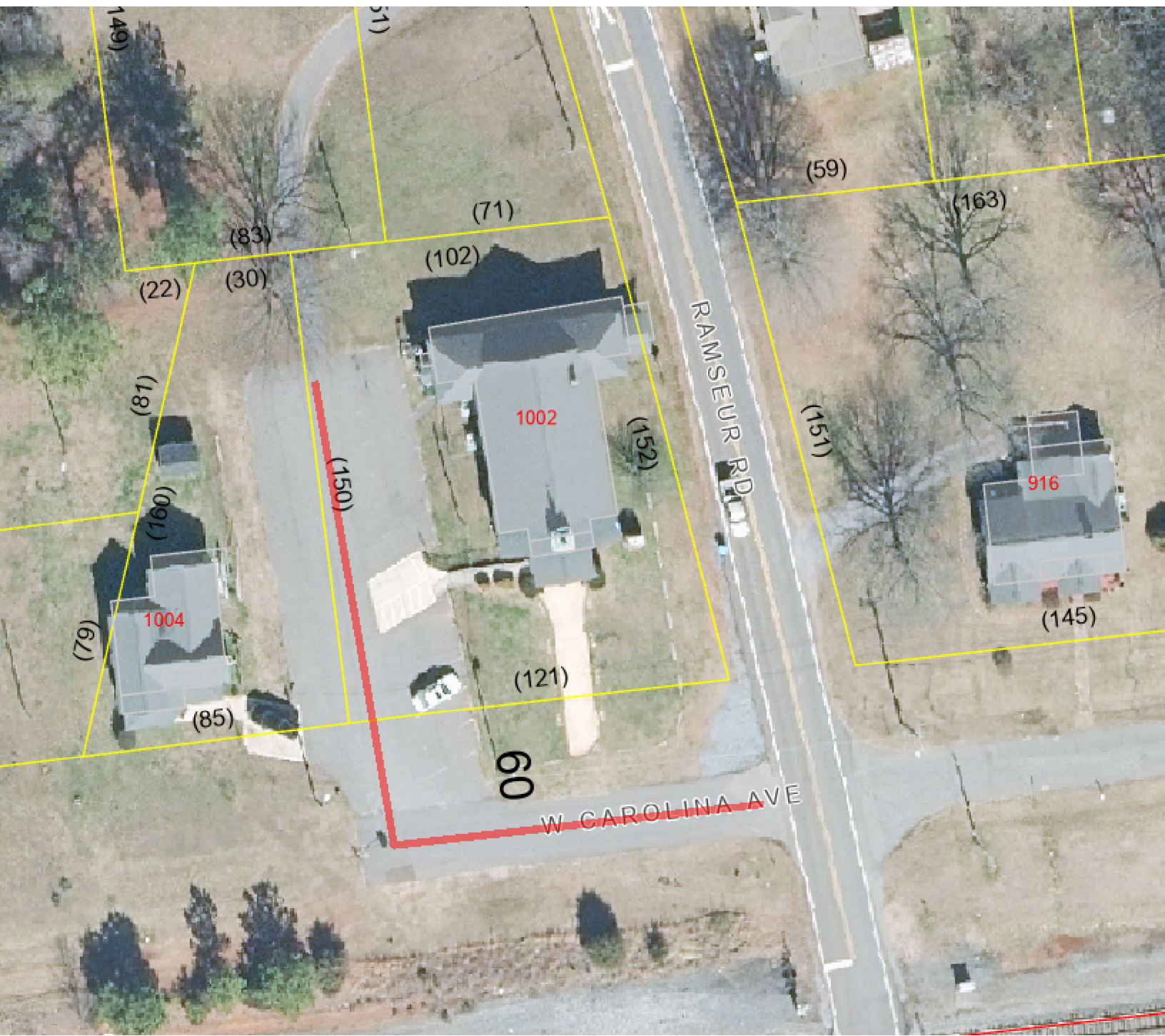
NOW, THEREFORE, the City Council does hereby change the name of the requested portion of W. Carolina Ave. to A. Wayne Love Dr.

Adopted this 10th day of June, 2024.

Becky S. Smith, Mayor

ATTEST:

Hydeia Y. Hayes, MPA, City Clerk



STATE OF NORTH CAROLINA

COUNTY OF GASTON

THIS CONTRACT was made and entered into this ___ day of June 2024 by and between the **City of Bessemer City (the "City"), acting by and through their City Mayor, and Waste Pro of North Carolina (Waste Pro)** (the "Company").

WITNESSETH:

WHEREAS the City is desirous of securing the services of the Company to provide equipment, personnel, and management of each City collection, transportation, and disposal of the City Municipal Solid Waste (MSW) and Bulk Waste collection services;

WHEREAS, the Company desires to provide these Services for the City, having experience in the collection, transportation, and disposal of MSW and household Garbage to appropriate EPA and NCDEQ-approved Subtitle D Landfill;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. DEFINITIONS

- A. **BACK DOOR SERVICE** – The collection, emptying, and return of a Residential Unit’s Garbage Cart from the Customer’s property that is not curbside but that is accessible by the Company.
- B. **BULK WASTE**—Large solid waste items such as furniture, white goods, mattresses, and other oversized waste whose large size precludes or complicates their handling by standard solid waste collection, processing, or disposal methods.
- C. **CITY** – City of Bessemer City, NC
- D. **COLLECTION** – The act of removing solid waste, or bulk waste materials that have been properly prepared, to a transfer station, processing facility, or disposal facility.

- E. **CONSTRUCTION AND DEMOLITION WASTE** — Waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar non-hazardous material.
- F. **COMPANY** – The person, corporation, or partnership performing solid waste collection services under contract with the City.
- G. **DISPOSAL SITE** – A refuse depository including but not limited to sanitary landfills, transfer stations, and waste processing/separation centers licensed, permitted, or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits, or approvals to receive refuse for processing or final disposal. The disposal or processing facility for any or all the materials collected may change to meet the needs and contractual obligations of the City.
- H. **GARBAGE** — Dead animals of less than ten (10) pounds in weight except those that have been slaughtered for human consumption; every accumulation of waste (animal, vegetable, and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains, or other animal or vegetable matter including, but not limited to, different foods or containers of food; and all putrescible or easily decomposable waste; animal or vegetable matter likely to attract flies or rodents, but excluding sewage and human waste.
- I. **HAZARDOUS WASTE**—Any chemical, compound, mixture, substance, or article designated by the United States Environmental Protection Agency or appropriate federal or state agency to be hazardous or toxic as those terms are defined by or pursuant to Federal or State law or regulations.
- H. **INDUSTRIAL WASTE** — Waste generated by industrial processes and manufacturing.
- I. **LANDFILL**—A legally permitted disposal facility. Copies of permit documentation verifying the legality of such landfills must be provided. This language is not intended to preclude the utilization of transfer stations.
- J. **LEAF and LEAVES** — Vegetative matter resulting from landscaping and lawn maintenance is limited to leaves from trees and shrubs, exclusive of limbs, stumps, etc.
- K. **MEDICAL WASTE** — Any Solid Waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biological, but does not include any hazardous waste or those substances excluded from the definition of Solid Waste.

- L. MUNICIPAL SOLID WASTE — Solid Waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal Solid Waste ("MSW") does not include Hazardous Waste, Special Waste, or solid waste from mining or agricultural operations.
- M. REFUSE — All non-putrescible waste.
- N. RECYCLABLES — Items that are acceptable by the City include newspapers and their inserts, computer paper, white office paper and junk mail, magazines, envelopes, cereal boxes and boxes for crackers, cookies and other similar foods, plastic soft drink bottles, plastic water and milk jugs, aluminum food cans, bi-metal and steel food cans, old corrugated cardboard boxes that are flattened and/or crushed and other recyclables acceptable for processing at the MRF as mutually agreed by the City and the Company. Items to be recycled may be changed upon mutual agreement by the City and the Company based on current market conditions for such goods. Recyclable materials may change based on the ability of the local processing facilities to process such goods. Recycling Collection is not included in the Contract.
- O. RESIDENTIAL UNITS – An occupied dwelling (whether a single-family home or a multi-family unit) containing four (4) or fewer units within the corporate limits of the City requiring curbside collection. A residential unit shall be deemed occupied when supplied with water or domestic light and power services.
- P. ROLL OUT CART ("Cart") - A ninety-six (96) gallon storage receptacle with two (2) wheels and an axle and as a receiving receptacle for Garbage. The Cart is also equipped with a top lid constructed of special plastic that allows the Cart to be pushed or pulled to the curb of the street. It is designed to accommodate household Garbage and MSW.
- Q. SEPTAGE — Any solid, semisolid, or liquid waste generated from municipal, commercial, industrial, or institutional wastewater treatment plants, water supply treatment plants, air pollution control facilities, or other waste with similar characteristics and effects.
- R. SMALL COMMERCIAL UNIT – Any active small business in the City requiring curbside collection.
- S. SOLID WASTE — All solid and semi-solid Garbage and Refuse, but never (a) Hazardous Waste materials, (b) the other items excluded under the Exclusions paragraph of this Contract, (c) solid or dissolved materials in domestic sewage, (d) solid or dissolved materials in irrigation return flows, (e) industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended (86 STAT.880), and (f) source, special nuclear, or by-product materials as defined by the Atomic energy Act of 1954 as amended (68 STAT.923)

- T. **SPECIAL WASTE** — Solid Waste requiring special handling and management, including White Goods, whole tires, used motor oil, lead-acid batteries, and Medical Wastes. Also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl ("PCB") wastes, industrial process wastes, asbestos-containing material, chemical-containing equipment, demolition debris, incinerator ash; medical wastes; off-spec chemicals, sludge; spill-cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.
- U. **UNACCEPTABLE WASTE** – Highly flammable substances, Hazardous Waste, Special Waste, liquid wastes(wastewater, fats, oils or grease (FOG), used oil, and hazardous liquids), biological and pathological wastes, explosives, toxic materials, radioactive materials, materials that the disposal facility is not authorized to receive and/or disposal of, and other materials deemed by state, federal, or local law, or in the reasonable discretion of the Company, to be dangerous or threatening to health or the environment, or which cannot be legally accepted at the disposal facility.
- V. **UNIT** - is defined as one (1) single-family residence, detached or attached, or a designated non-residential location within the City's Corporate Limits requiring curbside collection.
- W. **UNIT PRICE** - is defined as the amount on “Exhibit A” to provide Refuse and Bulk Waste Collection. (Services as mentioned above shall not include apartment complexes.)
- X. **WHITE GOODS** - Refrigerators, ranges, stoves, water heaters, freezers, scrap metal, copper, and similar domestic and commercial large appliances. All White Goods must be free of freon and certified by a licensed plumber.
- Y. **YARD WASTES** - All vegetative matter resulting from landscaping or yard maintenance. Yard Waste shall not include Unacceptable Waste. Contractor-generated yard waste and land clearing are not included in this definition.

2. AWARD OF CONTRACT

The City hereby awards this Contract to the Company. During the term of this Contract and any extensions or renewals, the Company shall be the only entity or person paid by the City to provide the Services herein within the City limits for the term of this Contract and any extensions.

3. TERM

The Term of this Contract shall begin July 1, 2024, and continue through June 30, 2031, unless sooner terminated for cause or failure to perform per the terms and conditions set forth. The Term of this Contract shall automatically extend for an additional five (5) year term unless one party advises the other in writing at least one hundred eighty (180) days before the expiration of the then-current term of the Contract. Any such written notice shall be served by certified or

registered mail return receipt requested. In no event shall the term of this Contract extend beyond that allowed by applicable North Carolina State Law. Nothing herein shall prevent the City and the Company from mutually agreeing upon the selection of an extension term subsequent to the initial term of the Contract.

4. SERVICE

The Services to be provided by the Company shall include the following:

A. MSW - The Company shall provide and service each City-approved Residence and Small Commercial Unit within the City with one (1) ninety-six (96) gallon Cart designed to store and collect MSW and household Garbage. The Company will deliver Carts to City residents once per week. The Company will provide a scheduled service to empty the stored contents in the Company's collection refuse body on a scheduled basis once each week, which the Customer properly and adequately prepares in accordance with Section 4. A.i.

i. Each unit will be serviced with one (1) Refuse cart per unit. The Company will not be responsible for collecting overflow outside of the cart except for the weeks following Thanksgiving, Christmas, and New Year's.

ii. The Company shall not collect materials resulting from the operation of any business or commercial endeavor unless it falls under the definition of a Small Commercial Unit.

iii. The Company shall collect BACK DOOR SERVICE from a Residential Unit where the Town has certified this collection. The Cart shall be visible from the road for collection and not behind a fence and/or in a garage.

iv. The Company shall take refuse collected to the Designated Disposal Facility as specified by the City.

v. Tagging Non-Compliant Materials. The Company shall collect refuse placed in the Designated Collection Container provided by the Company. If unacceptable materials are placed in the Designated Collection Container, the Company shall not collect materials, tag them with an explanatory printed notice to the customer, or notify the City within eight (8) work hours. Following the notification by the Company, the City will investigate the matter and advise the Company of its decision and any action that is required by the Company. If the City finds that the material set out does meet the specifications, the Company will be notified by the City and must return and pick up the refuse within eight (8) working hours of notification. If the City finds that the materials did not meet the specifications, the Company will not be required to return to the Unit until the next regularly scheduled pickup. The Company shall pick up material if the materials set out meet the specifications at the next regularly scheduled pickup.

v. Customers may contract with the City to have additional Refuse Containers serviced on the regular collection day.

vi. The Company shall advise the City when observing Customers who have repetitive Bulk Waste.

B. BULK WASTE - The Company shall provide on-call curbside collection of white goods and bulk waste of large items of solid waste such as furniture, mattresses, and other oversized waste whose large size precludes or complicates their handling by normal solid waste collection process or disposal methods for a fee. The Collection of white goods and bulk waste shall include the removal of all white goods and bulk waste material that is properly prepared by the customer in accordance with Section 4. B.i.

i. The Company shall collect on-call scheduled white goods, bulk waste, and other compliant materials placed at the curb on the collection day provided to residents.

ii. The Company shall collect up to five (5) items per household per scheduled event. Each item placed out for collection should weigh less than sixty (60) pounds.

iii. The Company shall not collect small businesses' white goods and bulk waste.

iv. The Company shall dispose of white goods and bulk waste collected at the Designated Disposal Facility as specified by the Town.

v. Tagging Non-Compliant Materials. If white goods and bulk waste are set out at a Unit in the Contract Area that does not meet the specifications above, the Company shall not collect materials and tag them with a clearly explanatory printed notice to the customer and notify the Town within eight (8) work hours.

Following notification by the Company, the Town will investigate the matter and advise the Company of its decision and of any action that is required by the Company. If the Town finds that the set out did meet the specifications, the Company will be notified by the Town and must return and pick up the Bulk Waste within eight (8) working hours of notification. If the Town finds that the material set out did not meet specifications, the Company will not be required to return to the Unit until the next regularly scheduled pickup. The Company shall pick up the material if the materials set out meet the specifications at the next regularly scheduled pickup.

5. HOURS of OPERATION

The Company shall operate from 7:00 a.m. to 8:00 p.m. All approved services shall be at the curb before 7:00 a.m. on collection day. Any material not at the curb before 7:00 a.m. may be considered late/non-compliant. The company shall not be deemed a missed service during a late set-out. Exceptions to collection hours may occur upon mutual agreement of the City and the Company.

6. HOLIDAYS

Collection will be suspended on the observed holidays at the discretion of the Company. The observed holidays may or may not be the same as those designated by the City for City

employees. The Company shall submit annually to the City its observed holidays for the calendar year. Holiday schedules for the following year must be submitted by the Company by December 1, proceeding with the new calendar year. All dates are subject to change based on the disposal/processing facilities.

7. EXCLUSIONS

This Contract shall not require the company to collect, transport, dispose of, or otherwise handle Construction and Demolition Waste, Hazardous Waste, Industrial Waste, Recyclables, Septage or Special Waste, or Yard Waste.

8. TITLE

The Company shall collect the City's MSW, and the title shall remain with the City during the Company's receipt and transportation to the designated Subtitle D Landfill Facility.

9. RATES

Rates are outlined in ATTACHMENT "A."

10. RATE MODIFICATION

The rate charged by the Company to the City for the second and subsequent years of the term hereof will be adjusted upward to reflect the changes in the Consumer Price Index ("CPI") during the preceding twelve months. For this Contract, the CPI shall mean the Consumer Price Index for All Urban Consumers (CPI-U): U.S. Cities Water and Sewer and Trash Collection Services. The initial rate adjustment will take effect July 1, 2025, and any successive rate increases in the succeeding year throughout the term. Monthly rate payments will be adjusted to compensate for the annual rate increases. The Company shall give notice of possible rate increases before March 1st of each fiscal year based on the December report.

In addition, the Company may petition the City for a rate increase based on other unusual changes in the Company's cost of operations, including disposal or processing costs or increased/decreased costs associated with the relocation of either facility, by written request with justification approved by the City. The City will not withhold such approval unreasonably.

11. PANDEMIC / EPIDEMIC

The parties acknowledge that the financial impacts of a pandemic or epidemic would be uncertain. They understand that those effects, as they become known, would constitute "unusual changes."

12. CHANGE in FUEL PRICE

The City shall adjust payments to the Company quarterly for either an increase or decrease in the fuel cost for providing the service to the City as per the contract. The fuel adjustment component (fac) shall be adjusted on the first quarter after the start date of the contract with the base of fuel pricing being set at the fuel pricing as per "On Highway Retail Diesel Price" Lower Atlantic Region, U. S. Department of Energy, Energy Information Administration published on the Internet at: http://tonto.eia.doe.gov/oogiinfo/wohdp/diesel_detail_report.asp.at the start date of this contract and every quarter thereafter. This fuel adjustment component will not be considered within the CPI adjustment in paragraph F above.

Example:	Fuel cost as per the internet listing at the start date of the	
contract:	\$2.90 per gallon	
5% of rate		.145
Base Rate		\$3.045
1st Quarter price		\$3.25
Rate of		\$.205 per gallon
		.205 multiplied by the gallons used by the
Company.		

Each quarter, the Company shall calculate the adjusted fuel component price described above and send a letter to the City showing the calculations using the route miles, route hours, and gallons of fuel used to provide the services to the City as per the contract. The rate paid to the Company will be adjusted by residential unit counts for residential will be adjusted monthly accordingly.

The base rate established for this contract is \$3.75 per gallon. Therefore, the fuel increase will only occur once the fuel reaches above this rate.

13. INDEMNITY

The Company shall indemnify the City against any claims, actions, or suits, including court costs and reasonable attorneys' fees, to the extent caused by (a) the Company's negligent or willful misconduct in providing the Services herein required, (b) the Company's negligent or willful misconduct in the operation of its equipment in connection with the performance of the Services herein required, or (c) the Company's failure to comply with any applicable law, ordinance, or regulation. The City shall notify the Company immediately upon obtaining knowledge of any matter giving rise to possible indemnification. The Company shall have the right to defend or contest any such claim or demand in the name of the Company. The City shall provide such cooperation in connection therewith as the Company may reasonably request and shall make available to the Company or its representatives all records or other materials reasonably required in such defense. So long as the Company is contesting or defending any such claim or demand in good faith, no amount shall be deemed due unless the City has been required by order of any court to pay any sum arising out of the subject matter of the suit.

14. INSURANCE

During the term of this Contract and all extensions, the Company shall maintain in full force and affect the following insurance, and a Certificate of Insurance will be provided to the City upon execution of the Contract.

The Company shall provide the City with the Certificate of Insurance for the Company for all coverage upon executing the Contract by the parties. In writing, a thirty (30) day notification is required from the Company if the stipulated Insurance Coverage is canceled or modified. It shall be the responsibility of the Company to ensure that all subcontractors, if used by the Company, have the exact insurance requirements hereinabove, which shall be required by the City.

15. FORCE MAJEURE

The Company shall be relieved of its obligations hereunder when acts of God, war or public enemy, civil commotion, strike, terrorism, inclement weather, riot or insurrection, epidemic, pandemic, governmental interference, or any other event beyond the control of the Company render its performance hereunder substantially impossible. During such periods, a mutually agreed reduction in charges reflecting the reduction of Service shall be made. The Company shall make all reasonable efforts to resume Service as expeditiously as possible.

16. PERMITS, LICENSES AND TAXES

The Company shall obtain all permits and licenses required by law or ordinance at its own expense and maintain same in full force and effect. The Company shall be solely responsible for permitting, licensing, and adequately operating its equipment. The Company shall promptly pay all taxes required by local, state, and federal laws.

17. COMPLIANCE WITH LAWS AND LAWS TO GOVERN

The Company shall conduct operations under this Contract in compliance with all applicable state, federal, and local laws and ordinances, provided, however, that the term of this Contract shall govern the obligations of the Company where conflicting ordinances exist. The Company will also comply with all applicable federal, state, and local laws, rules, and regulations related to accepting, transporting, and delivering. This Contract shall be governed by and construed in accordance with the laws of the State of North Carolina.

18. ENTIRE CONTRACT/MODIFICATION

This Contract constitutes the entire agreement and understanding between the parties with respect to the subject matter, and it shall not be considered modified, altered, changed, or amended in any respect unless in writing and signed by the parties hereto.

19. BIDING EFFECT

This Contract shall inure to the benefit of and be binding upon the lawful successors and permitted assigns of the parties hereto.

20. REPORTS

The City shall be able to review daily reports of missed stops or areas and requests for cart delivery, removal, or repairs. Monthly invoicing will be submitted by the 14th of each month after service and include the monthly tonnage information. All payments by the City will be processed within thirty (30) days of receipt. Notification of personal injury or property damage, including vehicular damage to public or private property, including status and final disposition. The revocation of any license or permits to provide service to the City of Bessemer City.

The Company shall provide the City with information and records to assist the City, County, or State of North Carolina in reporting data under the Solid Waste Management Act.

21. STORM and OTHER DISASTERS

Notwithstanding any term of this Contract, the Company shall not be liable for damages (or be held in breach or default) for its failure to perform due to contingencies beyond its control, including but not limited to strikes, riots, flooding, terrorism, fires or acts of God (a "Force Majeure Event"). During any period when the performance of the Company's obligation is prevented by a Force Majeure Event, that obligation shall be suspended provided that the Company shall resume performance as soon as reasonably possible upon cessation of the Force Majeure Event. The Company shall notify the other party as soon as practical upon the beginning and end of the Force Majeure Event. If the Company is reasonably willing or able to provide some level of the services during a period of a Force Majeure Event, the Company's reasonable performance under the circumstances shall be sufficient, the Town shall grant the Company variances in routes and schedules as may be deemed necessary by Company and agreed to by the Town, and partial performance shall not be considered a breach of performance or event of default. If the Company is required to incur additional expenses in performing its obligations during a Force Majeure Event or thereafter as a result of damages caused by the Force Majeure Event, then the Company may pass through those expenses to the Town, and the Town shall reimburse the Company in accordance with this Contract." The Services under this Contract do not include collecting and disposal of any increased volume resulting from a Force Majeure Event. The Town and the Company shall negotiate mutually agreed-upon amounts to be paid to the Company for any extra services to be performed due to the increased volumes resulting from unforeseen and extraordinary events.

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IN WITNESS WHEREOF, this Contract was executed in duplicate on the day and in the year mentioned above. The execution by the City shall be made pursuant to the authority granted to the City Mayor by the City’s elected Board. The City Municipal corporate seal shall be affixed by the City Mayor and attested by the City Clerk. Waste Pro of North Carolina, Inc., as the Company, has set their hand below.

By: _____
Hydeia Hayes, City Clerk

By: _____
Becky Smith, City Mayor

ATTEST:

WASTE PRO of NORTH CAROLINA (Waste Pro)

By: _____
Malinda Barkley,
Regional Director of Government Affairs

By: _____
Chip Gingles,
Regional Vice President

This instrument has been pre-audited as required by the “Local Government Budget and Fiscal Control Act.”

Diane Jenkins, Finance Director

ATTACHMENT “A”
Pricing

Once per week collection of MSW \$10.10 per unit per month

Once per week collection of Bulk Waste \$0 through August 31, 2024, per unit per month

ATTACHMENT “B”
MUNICIPAL LOCATIONS and EVENTS

FIRST AMENDMENT TO CONTRACT FOR SOLID WASTE SERVICES

This First Amendment to the Contract for Solid Waste Services entered into as of June ___, 2024, between the City of Bessemer City, North Carolina ("City") and Waste Pro of North Carolina, Inc. ("Contractor").

Recitals

Whereas the City of Bessemer City (the "City") and Waste Pro (the "Contractor") entered into a contract for Solid Waste Services dated June ___, 2024 (the "Contract"); and

Whereas the Contractor and City (the "Parties") desire to amend the Contract to change certain terms described below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

1. Section B "Bulk Waste" The costs of Bulk Waste service is hereby amended effective September 1, 2024, to invoice individual resident for all Bulk Waste service(s).

2. Exhibit "A": Pricing in this section per unit per month shall be amended to:

Bulk Collection On-Call Scheduled:
Maximum three (3) items per address: \$35.00
Additional per item: \$15.00
(Maximum of any resident shall not exceed five (5) items per week.)

3. Execution in Counterparts. This Amendment may be executed in any number of counterparts each of which shall be deemed an original.

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the date first set forth above.

CITY OF BESSEMER CITY, NC

WASTE PRO OF NC, INC

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____