



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, August 14, 2023 at 7:00 PM

MINUTES

Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Kay McCathen, Donnie Griffin, Brent Guffey, Dan Boling, and Joe Will were all present. City Manager, Josh Ross and City Attorney, Marshall Walker were present as well.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Nellie Floyd, Associate Pastor of St. James Baptist 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 August agenda was approved with no revisions.

Request to Speak/Opportunity for Public Comment

Mayor Smith opened the floor for public comment. The following individuals came forth:

- Pamela Gladney at 502 E. Ohio Avenue: Mrs. Gladney addressed Council regarding streaming City Council meetings. Ms. Gladney stated that multiple requests have been made by citizens and Council members to stream the meetings for those who can not attend. During COVID when the public was not permitted to attend the meetings the City streamed the meetings then. Thus, the City has the capability. Streaming the meetings would eliminate the misinterpretation of City business. There are four seats up for election this November. This would be a great time to start streaming the meetings. Gaston County offers live streaming, as well as other municipalities.

-Pearl Brown at 407 S. Skyland Drive: Ms. Brown addressed Council regarding sidewalks along Highway 161. Ms. Brown has a child who must walk along Highway 161 and Skyland Drive to attend middle school. There is a need for additional sidewalks. The existing sidewalks need to be cleaned and cleared. There are overgrown weeds. Also, there is a speeding problem. If the City installed speed bumps this would reduce speeding in the area.

-Courtney Womack: Ms. Womack addressed Council regarding access for citizens. Ms. Womack read the City's mission and vision statement per the City's website. Womack suggested that Council increase its access to citizens by streaming the meetings and limiting industry. If the meetings are streamed this could allow more people to applaud the students of the month. Increase industry has unintended implications for current citizens. Citizens who are truck drivers would be limited with free parking and lodging space. Thus, the City should encourage the development of a travel center for truck drivers. Currently, some are parking on the I-85 ramp and this is not safe.

- Aaron Grosdider at 517 Costner School Road: Mr. Grosdider addressed Council regarding several items. Grosdider commended the girls 11-12U softball team for their win at the World Series championship in Louisiana. Grosdider stated that he thought there are many people running for office this election season as they would like change. Grosdider inquired about why the Police and Public Works Departments vehicles are not numbered. City Staff have yet to provide an update on grant funds for the rehabilitation of the 10 homes. The citizens have a right to be in the know. There is no running water in Stinger Park near the picnic area. Additionally, there is not a safe way for citizens to get down from the overflow parking lot at Stinger Park. Mr. Grosdider inquired if the Stinger Park shortfalls were due to City Staff oversight. He would like to see more transparency.

Public Comment Acknowledgment

Mayor Smith recognized City Manager, Josh Ross to provide clarification on some items discussed during public comment.

- The Community Development Block Grant (CDBG) project is still progressing. This is a project where the City is reimbursed for cost. The City did not receive a one-time payment of the total proceeds which is \$750,000. The City is aware that sidewalks are needed along Highway 161 and the Vantine community. However, the City has not received funds from the state to begin installing the sidewalks. Highway 161 is a state-maintained road, thus we cannot begin the project without receiving their approval and funding. The City is still in conversation with NCDOT as the project was approved in 2018. Citizens are able to complete a public records request for matters related to City business.

Consent Agenda

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

2. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the July 10th, 2023 meeting.
3. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of the July 25th, 2023 meeting.
4. **Street Closure - 2nd Annual Brew & Que Festival:** City administration is requesting the temporary closure of the 100 Block of West Virginia, East Virginia, West Pennsylvania Avenue, and the 100 Block of North and South 12th Street for the 2nd Annual Brew & Que Festival on Friday, September 22nd and Saturday, September 23rd, 2023.
5. **Local Water Supply Plan:** City Council will consider adopting the local water supply plan. The Local Water Supply Plan provides a comprehensive assessment of water supply needs, water use, and water availability.

9/11 Proclamation:

Mayor, Becky S. Smith read the 9/11 Proclamation aloud and declared September 11, 2023 as a day of remembrance in Bessemer City. All present were encouraged to engage in programming honoring those in the 9/11 attack on the twin towers.

By motion of Joe Will and unanimous vote, the proclamation was adopted. A copy of the proclamation is available at City Hall.

Public Hearing –Bess Town Rd. (Rezoning Request):

City Council held a public hearing to hear public comment regarding a rezoning request from Exponential Development for property located at tax parcel #151220 (14.155 acres), from Rural (R) to Urban Residential Conditional District (URCD).

Development Services Officer, Nathan Hester informed Council that the rezoning request was reviewed by the Planning Board back in July 2023. The Board recommended the request be submitted to Council with the following areas of relief:

1. The proposed development shall follow the requirements of the City of Bessemer City Land Development Code.
2. Developer responsible for all fees associated but not limited to engineering, plan review, permitting, constructing, inspecting, of the following utility improvements:
 - a. Twelve (12) inch water line from current position on Bess Town Rd. to furthest driveway.
 - b. On-site pump station
 - c. Sewer gravity extension from Stinger Park to 12th St.
 - d. Sewer gravity extension to ML Kiser to 12th St.
 - e. New pump, electrical equipment, and generator for 9th St. pump station.
3. Developer responsible for any and all system development fees.
4. Developers are granted relief to construct multifamily residential buildings at minimum thirty (30%) percent masonry. (Recommendation from Planning Board- Land Development Code requires 60%)
5. Developers are granted relief to develop multifamily residential project on a tract of land over three (3) acres in size.
6. Developers are granted relief from having to provide elevators for a multifamily residential building with a minimum of three stories.
7. Developers are granted relief from having to provide interior corridors and allowed to construct open breezeways for access to residential units.

Chris Fooley and Sean Palone of Exponential Development addressed Council regarding the rezoning request. Exponential Development will be conducting a traffic impact assessment (TIA) at the end of September. The applicant wanted to wait until school was in session to have an accurate account of the traffic count. The project will consist of 228 apartment units, 91 will be two-bedroom units.

By motion of Griffin and unanimous vote, the public hearing regarding the rezoning request was opened at 7:34 PM.

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

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

- **Gary Grant of 821 Bess Town Rd:** Mr. Grant stated that Bess Town Road is currently over capacity. This makes it hard when school is in session to drive down the road. These builders only want to come in and make a profit. They don't care about the community. Permitting this project would result in a lot of crime.
- **Jason Mauney of 10 St. Marks Church Rd:** Mr. Mauney stated that he was against the rezoning request from Exponential Development from Rural (R) to Urban Residential Conditional District (URCD).

- **Tom Kakassy of P.O. Box 2436, Gastonia:** Mr. Kakassy stated that he was present on behalf of the Kiser family who has land surrounding the project. Per the City's Land Development Code (LDC) this project would be considered illegal spot zoning. The project would be surrounded by rural zoning at the neighboring parcels. This rural designation is meant to have low density and promote a healthy environment. Permitting this project would go against the City's LDC and the people in the area do not want this project approved.
- **Vern Grant of 819 Bess Town Rd:** Mr. Grant expressed his concern with this project in a country setting. We don't need an apartment complex, we already have a mobile park. Mr. Grant stated that he owns the mobile park and he conducts background checks on all residents. He inquired if the new apartments would do the same.
- **Alan Fowler of 433 Bess Town Rd:** Mr. Fowler stated that the community did not need this project. The City of Gastonia has a waste station at the end of the road. Thus, they have heavy trucks on this road every day transporting hazardous materials. Traffic comes to halt or moves over when these trucks come through.
- **Melvin Kiser of 1411 Puetts Chapel Rd:** Mr. Kiser informed Council that his family purchased their land in 1892. As previously mentioned, the City of Gastonia has sludge trucks coming down the road every 30 minutes. This would make traffic around this area congested. Also, the project's playground is close to his property setbacks. His family still has active irrigation lines on the property. Mr. Kiser state that he is still permitted to spray manure on his property ant that he do so if people come on his property.
- **Marcus Salette of 113 Scott and Dawson Lane:** Mr. Salette expressed his concern about the project. If this project is permitted it would drastically change the make up of the economy, logistics, and traffic in that area. This would also bring in more crime and alter the "small City" environment. This project would be a threat to current citizens of Bessemer City, not an asset. Mr. Salette stated that he moved from Atlanta to live in the country. He does not want to live the "big City" life.
- **Suzette Kiser of 1411 Puetts Chapel Rd:** Mrs. Kiser stated that permitting this project would devalue her property. This project would bring over 400 people and many cars. This land is utilized for farming. Perhaps some single family homes would be better suited for the land. This project comes as a direct threat to her family and farm.
- **Eric Harmon of 413 Bess Town Rd:** Mr. Harmon stated that he was against the rezoning request from Exponential Development from Rural (R) to Urban Residential Conditional District (URCD).
- **Tim Bess of 511 Bess Town Rd:** Mr. Bess expressed his concern about permitting more rental housing instead of homes for homeowners. Permitting this project would increase the number of students in our schools and lead to overcrowding. Speeding is also already a problem on this street. Adding more people would increase speeding.

By motion of Dan Boling and unanimous vote, the public hearing regarding the rezoning request was closed at 7:55 PM.

Public Hearing –Bess Town Rd. (Voluntary Annexation):

City Council held a public hearing to hear public comment regarding a voluntary annexation request from Exponential Development for property located at tax parcel #151220 (14.155 acres).

By motion of Joe Will and unanimous vote, the public hearing regarding the voluntary annexation was opened at 7:56 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:

- **Alan Fowler of 433 Bess Town Rd:** Mr. Fowler stated that he was not in favor of the annexation, as the Police do not come to that area often. Additionally, the City purchases water from Gastonia every week and the City does not provide water to that area currently.

By motion of Dan Boling and unanimous vote, the public hearing regarding the rezoning request was closed at 7:55 PM.

Public Hearing –Economic Development Grant (Project Program):

Development Services Officer, Nathan Hester and Executive Director of Gaston County Economic Development Commission (EDC), Donnie Hicks informed Council that Project Program is requesting a level 2 investment grant. This economic development incentive program grant request is for the Hunter Douglas property located in the Southridge Business Park. The investment is a total of \$17,200,000.00 and set to establish a facility that will bring over 222 jobs. The proposed Economic Development Agreement grant is very similar to other projects in the City like Dhollandia, Tosaf, and Trinity Capital. The property would receive a portion of their tax payment back over a 10 year period.

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the economic development incentive was opened at 7:56 PM.

Mayor Smith asked if there was anyone present to speak in favor of the economic development incentive. The following individual came forward:

- **Pamela Gladney of 502 E. Ohio Avenue:** Ms. Gladney stated that she was in favor of the project after she found information on the Gaston County website regarding this project. This proposed project would be a good thing for the City of Bessemer City. Ms. Gladney stated that she wished the Council would be more forthcoming with information.
- **Alan Fowler of 433 Bess Town Rd:** Mr. Fowler stated that the City only wants to build houses and bring more jobs in to replace missing money. Mr. Fowler stated that the City is missing over \$100,000. Council member, Dan Boling asked Mr. Fowler to expound on the missing money. Mr. Fowler shouted an obscenity. Mayor Smith asked law enforcement to remove Mr. Fowler. Mr. Fowler was ejected from the meeting.

Mayor Smith asked if there was anyone present to speak in opposition of the economic development incentive. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the economic development incentive was closed at 8:04 PM.

Resolution Approving Incentives Pursuant to NCGS §158-7.1 And To Authorize Bessemer City To Enter Into An Economic Development Agreement (EDA) With Project Program (Level II Investment):

By motion of Joe Will and unanimous vote, the resolution for the level 2 investment grant was approved for Project Program.

City Manager's Report

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

- Budget Amendment #1: By motion of Donnie Griffin and unanimous vote, the budget amendment regarding the Fire Department grant was approved. The City received grant funds in the amount of \$20,624.34. Thus, an amendment is needed to account for these funds in the City budget.
- Budget Amendment #2: By motion of Joe Will and unanimous vote, the budget amendment regarding an increase to Staff health insurance premium was approved. Per the North Carolina State Health Plan (SHP), all employers will see a \$90 increase per staff member for Health Insurance cost beginning January 2024. Thus, an increase of \$21,600.00 was needed to cover said cost.
- General: Per NC General Statute, City staff is required to present Mayor and Council with all zoning request. All request must go through a legal process, where public input is solicited. Mayor and Council may deny the request or approve the request at that time.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Mayor Smith led the discussion by stating that there are several matters that have been incorrectly stated during tonight's meeting from the visiting public. At no time have Mayor or City Council taken money from the City. Some may allege that the City received \$1.2 million for the Community Development Block Grant (CDBG). However, the City only received \$750,000. If anyone has any questions about the City budget you may submit a public records request to the City Clerk. City financials are a matter of public record. Council member, Dan Boling stated that citizens should not state that Council has taken money if they can't provide details or the instance to Council. Council member, Joe Will stated that he was happy of the public engagement at tonight's meeting. Public involvement allows citizens to be a part of the decision making process. Council member, Donnie Griffin commended the girls 11-12U Softball team for winning the 2023 World Series Ponytails Championship. Mr. Griffin also inquired about fencing installment at Stinger Park.

Adjournment

Being no further business to come before the board, by motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 8:13 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk