



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, May 8, 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, Dan O'Shea were present as well.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Tripp Hord, Pastor of First United Methodist Church led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Adjustment and Approval of the Agenda

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

- (Additional Item) Resolution - Approving the Sale of Beer & Wine - City Council will consider adopting a resolution that would permit the sale of Beer and Wine at the 2023 Community Concert & Cruise-In Series and 35th Annual Down Home Festival.

Special Presentations

Student Appreciation- Students from Bessemer City High School, Bessemer City Central Elementary School, and Bessemer City Primary School were recognized by their principals and City Council as part of the Student Appreciation Program for April and May:

Dr. Sheila Wyont, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Nicole Cisneros Saldana and Shyann Baucom, 9th grade representatives; Oliver Perez Ruiz and Elion Morales Diaz, 10th grade representatives; Cameron Berry and Jasmine Villantoro-Fuentes, 11th grade representatives and Tori Johnson and Keyshawn Adams, 12th grade representatives.

Dr. April Conley, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Rhiley Hamrick and Brenda Flores Calero; 3rd grade representatives; 4th grade representatives, Mary Vickers and Alberto Holden; and 5th grade representatives, Madalyn Christopher and Anthony Contreras.

Ms. Erin Morehead, Guidance Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Ceriniti Rollins and Kylee Hardict, Kindergarten representatives; Wesley Welch and Minail Koulouvis, 1st grade representatives; and Jeyamir Castro and Valerie Miranda Cruz, 2nd grade representatives.

Request to Speak/Opportunity for Public Comment

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

- Fatmir Fejzullahu of 805 Gastonia Highway – Mr. Fejzullahu addressed Council regarding his drug store, Robinson’s Pharmacy. Mr. Fejzullahu has been a pharmacist for over 13 years. He previously worked for Walmart Corporate pharmacy. He thanks City Staff and the public for welcoming him to the community.

Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Donnie Griffin:

1. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the April 10th, 2023 meeting.
2. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of the April 25th, 2023 meeting.
3. **A Resolution Ratifying The National Day of Prayer Proclamation:** City Council will consider ratifying a Proclamation that declared Thursday, May 4th as the National Day of Prayer in Bessemer City.
4. **Resolution - Approving the Sale of Beer & Wine** - City Council will consider adopting a resolution that would permit the sale of Beer and Wine at the 2023 Community Concert & Cruise-In Series and 35th Annual Down Home Festival.

National Police Week Proclamation:

Mayor Smith read the proclamation aloud and proclaimed Sunday, May 14th -Saturday, May 20th as National Police Week here in Bessemer City, NC. Mayor Smith thanked the Police Chief Ellis and the police department for their dedication.

By motion of Dan Boling and unanimous vote, the proclamation regarding National Police Week in Bessemer City was adopted.

Juneteenth Week Proclamation:

Mayor Smith read the proclamation aloud and proclaimed Sunday, June 11th until Saturday, June 17th as Juneteenth week in Bessemer City. Additionally, they proclaimed Sunday, June 11th as Juneteenth Sunday and Monday, June 19th as Juneteenth Day. Mayor Smith encouraged all present to attend the 5th Annual Juneteenth Festival on Friday, June 16th in downtown Bessemer City.

By motion of Joe Will and unanimous vote, the proclamation regarding Juneteenth Week in Bessemer City was adopted.

Establish Public Hearing:

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding the proposed Fiscal Year 2023-2024.

By motion of Kay McCathen and unanimous vote, a public hearing regarding the FY 2023 -2024 Municipal Budget will be held on Monday, June 12, 2023 at 7:00PM in Council Chambers. Public notice will be given per NC General Statutes.

Public Hearing- Text Amendments -Land Development Code: 3.2.B Accessory Structures, 3.7 Lighting, 4.7.D Street Lighting, 7.1.D Development Approvals chart, 7.1.E.6 Review Process, 7.3.C Special Use Permit, Major Site Plans, and Major Subdivision:

By motion of Brenda Boyd and unanimous vote, the public hearing was opened at 7:54 PM.

Mayor Smith asked if there was anyone to speak in favor of the text amendment. There was none.

Mayor Smith asked if there was anyone to speak in opposition of the text amendment. There was none.

By motion of Brent Guffey and unanimous vote, the public hearing to consider the text amendment was closed at 7:55 PM.

Ordinance - Text Amendments -Land Development Code: 3.2.B Accessory Structures, 3.7 Lighting, 4.7.D Street Lighting, 7.1.D Development Approvals chart, 7.1.E.6 Review Process, 7.3.C Special Use Permit, Major Site Plans, and Major Subdivision:

City Planner, Nathan Hester informed City Council that several changes were needed to provide the citizenry with clarity within the Land Development Code. The following text amendments:

1. Unless otherwise specified, accessory structures shall be set back at least five feet from the rear, side lot lines, and at least ten feet from the principal structure on the lot.
2. The accessory structure shall be clearly incidental to the primary use. Accessory structures shall not exceed the height, length, or width of the principal structure on the lot.
3. With the exception of mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump houses, and bus shelters, accessory structures must be located in the rear yard and in no case may an accessory structure be placed in a general drainage or utility easement unless, upon the determination of the Zoning Administrator, no practical location exists.
4. Each lot shall be permitted up to three accessory structures.
5. Lots that are one acre or less shall only be permitted one accessory structure that may be used for storage purposes.
6. A detached garage shall not be counted towards the one permitted accessory structure used for storage purposes.
7. Lots greater than one acre shall be permitted for up to four accessory structures.
8. The square footage of accessory structures must not exceed 50 percent of the square footage of the primary structure on a lot.
9. Garage buildings, both attached and detached, shall be regulated as an accessory structure.
10. All outdoor in-ground swimming pools shall be enclosed entirely by a fence. All fence openings or points of entry into the pool area enclosures shall be equipped with gates. The minimum height for fences and gates shall be four (4) feet above the grade level. All gates shall be equipped with self-latching devices placed at the top of the gate. All materials shall be decay-or corrosion-resistant. The fence shall not have openings greater than sixteen (16) inches.
11. All above-ground pools that are equipped with stairs to access the pool shall have a gate with a height of a minimum of four (4) feet. All gates shall be equipped with self-latching devices placed at the top of the gate.
12. Except as herein provided, accessory structures shall be placed on the same lot as the principal structure to which it is an accessory. In cases where a property owner owns two or more adjacent lots (on the same block and accessing the same street), up to one accessory structure may be placed on the lot abutting the lot containing the principal structure.
13. Roof-mounted solar panels shall be regulated as an accessory structure but shall not be counted toward the permitted accessory structure square footage lot requirements.
14. Structures that cannot be used as an accessory structure for a residential use include:
 - A. school buses

- B. Manufactured Trailers
- C. Tractor Trailers (with or without wheels)
- D. Buses
- E. Recreation Vehicles
- F. Cargo Containers (Connex Containers)

3.7 Lighting and 4.7.D Street Lighting

The Bessemer City Land Development Code has no street lighting standards specific to the distance requirements between streetlights within residential developments. Due to the number of residential projects applied for and either approved or denied by the city council of Bessemer City, it would be pertinent to require developers to follow such requirements. The planning staff has spoken with the electrical provider for our municipality, Duke Energy, and other municipal planning staff in Hickory, NC, Dallas, NC, and Charlotte, NC. Staff proposes the following list to the City Council of Bessemer City to be adopted and enforced within section 4.7.D. Street Lighting of Chapter Four Infrastructure and Subdivision Standards.

Proposed Standards:

1. Spacing of lighting should be approximately 200 feet (no less than 150 feet and no greater than 250 feet)
2. Every intersection within the development shall be illuminated by street lighting.
3. Uniformity in the type of lighting (if there is existing lighting in the area, any new lighting should match the existing lighting). If new lighting cannot match existing lighting, then new lighting should follow design standards according to section 3.7 *Lighting* of this code.
4. Avoidance of stormwater infrastructure conflicts.
5. Light sources should be installed in the right-of-way on property lines.
6. Minimum of 50W 3000K LED fixtures.

Spacing is the biggest challenge, and traditional photometric requirements do not allow for flexibility when it comes to lot frontages/size while having lights installed on the property lines, so that is the reason for the minimum and maximum allowances. Developers should be able to meet desired levels of safety if the spacing attempts to reach that 200-foot goal.

The Land Development Code for the City of Bessemer City requires that the maximum height of light poles be 20ft. During discussions with Industrial developers and the municipality electrical service provider, Duke Energy, planning staff has been made aware that this causes a dilemma for industrial development. The restriction to a 20ft light pole will cause a large installation of light poles within the parking areas of these development sites. Furthermore, with a large amount of passenger vehicle and tractor-trailer traffic for the end users of such industrial sites, the number of light poles can become burdensome to developers and the electricity provider and exceed the required lighting amount for pedestrians and vehicle safety.

Staff proposes the following amendment to the current text:

The maximum height of the light source (light bulb) detached from a building shall be 20 feet for residential developments and 30 feet for developments within the Business Campus Production (BCP) and Industrial (I) zoning districts.

7.1.D Development Approvals chart, 7.1.E.6 Review Process, 7.3.C Special Use Permit, Major Site Plans, and Major Subdivisions.

Chapter Seven of the Bessemer City Land Development Code regulates all procedures and plans for development approvals. Currently, within Section 7.1.D. – Development Approval Chart, 7.1.E.6 Review Process Major Subdivision, and Section 7.3.C. Special use permits, major site plans, and major

subdivisions; the review and approval of major subdivisions are classified as a quasi-judicial process and require a public hearing. After consultation with other North Carolina municipalities, this has been identified as a double redundancy and does not provide any specific benefit to the technical review of the development requirements. Currently, the city of Bessemer City defines major subdivisions as:

1. Subdivisions of land that result in five (5) or more lots.
2. When at least one (1) new street, public or private, is proposed.
3. The extension of public utilities to serve the subdivision.
4. When the entirety of the tract of land subdivided is more than ten (10) acres.

The change of major subdivision review from quasi-judicial to administrative would only allow people applying for major residential development and the subdivision of large parcels of land without intent for extensive development to forego a public hearing for the subdivision of land itself and does not prevent the citizens of Bessemer City from voicing their support and or opposition to such development applications. The change would prevent the same development application from facing two separate public hearings, one for rezoning and one for major subdivisions. The development application, development company, and potential site would still be subject to the evidentiary hearing for rezoning, conditional districts, special use permits, planned unit developments, and major site plans. However, the actual technical review for the preliminary plat of the subdivision of land would transition to a staff review by all local, state, and third-party entities required (e.g., planning staff, public works staff, engineering firms, NCDOT.)

By motion of Joe Will and unanimous vote, the ordinance regarding text amendments to Chapter 150 was adopted.

Award Bid for Southridge Parkway Expansion:

City Staff is requesting that the Natural Gas System Expansion in Phase 1 of the Southridge Parkway be awarded to Classic City Mechanical, Inc in the amount \$96,328.00.

By motion Brent Guffey and unanimous vote, City Council approved the Southridge Parkway expansion of Phase 1 to Classic City Mechanical.

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 Water Plant Improvement project was approved.
- Budget Amendment #2: By motion of Dan Boling and unanimous vote, the budget amendment regarding soft costs for the Stinger Park payment was approved.
- Offer to Sell Property: By motion of Joe Will and unanimous vote, City Council accepted the offer to purchase property on W. Iowa Avenue (0.18 acres) Parcel ID#151687 for \$1,100.00 from Arctek Construction.
- General: The Osage Mill redevelopment project is fully underway. City Staff will be able to open the City Swimming Pool on time this season. The needed repairs to the drainage system have been completed.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council member, Joe Will inquired about the opening date for the Osage Mill and a streetscape project around that area. Council member, Donnie Griffin inquired about the Kintegra Health medical facility and a sinkhole on Lee Avenue.

Adjournment

Being no further business to come before the board, by motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 8:09 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk