



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, October 14, 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 City Attorney, David Smith were present.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Walnut Grove Pastor, Chris Parker 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 October agenda was approved with the following revision:

- Table item #19: Closed Session – personnel matter to the November 2024 Regular Meeting

Special Presentation

Student Appreciation- Students from Bessemer City High School, Bessemer City Middle 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:

Mrs. Doneen Johnson, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Kendal Gardner, 9th grade representative; Azayla Bolton, 10th grade representative; Hope Marley, 11th grade representative and Andrew Correa, 12th grade representative.

Dr. Rebecca Wilson, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: Kevin Cruz Urbano, 7th grade representative; and Mason Gregory and Leak Kendall Owens 8th grade representatives.

Ms. Anna Miller, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Zaire Butler; 3rd grade representative; 4th Bradyn Badger; and 5th Nalayah Eaddy.

Mrs. Erin Morehead, School Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Jason Jones, Kindergarten representative; Michael Bustle, 1st grade, and representative; Veronica Tacy, 2nd grade representative.

Request to Speak/Opportunity for Public Comment

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

- David Lutz of 408 N. 12th Street: Mr. Lutz addressed the Board regarding the City's new tax rate. Mr. Lutz stated that the City should consider selling Stinger Park, as maintenance costs associated with the park are exorbitant. Lutz further stated that the City's financial status reflects the previous Board's inability to monitor spending. The previous Board shouldn't have spent so much money. There are many low-income families in Bessemer City who cannot afford to pay the high tax rate. If the City needs assistance monitoring the budget, Mr. Lutz worked for a CPA firm and could assist with cutting the budget.

Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Brent Guffey:

1. **Approval of Minutes:** City Council will consider adopting Regular Meeting minutes of the September 9, 2024 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the September 24, 2024 meeting.
3. **Street Closure- Christmas in the City Festival & Parade:** City Staff is requesting a temporary street closure of the 100 block of West, 100 Block East Virginia Avenue, 100 block of N. 12th, 100 block of N. 11th Street for the Parks & Recreation Christmas in the City festival, Parade, and Community Tree Lighting on Sunday, November 24th from 11:00 AM until 9:00 PM.

ABC Store Presentation

Terry Battles, ABC Store Manager addressed Council regarding a payment to the City of Bessemer City from the store. The store is doing well and presented the Mayor, Becky S. Smith and City Manager, Josh Ross with a check of \$5,631.87 which goes to the City's General Fund. Mr. Battles hopes to distribute a check in the same amount on a quarterly basis. Mr. Battles commended the ABC Board for their hard work, as well as the store tellers.

Ordinance Amending Zoning Map

On Monday, September 9th, 2024 City Council held a public hearing to hear public comment regarding a zoning map amendment for property located at tax parcels #151640, #151644, and #151645 (35.77 acres) from Neighborhood Residential & Rural to Neighborhood Residential Conditional District to accommodate the development of a single-family residential community consisting of 93 single family units.

City Manager, Joshua Ross addressed the Board on the progress of the rezoning request. The applicant originally submitted their application mid-June 2024. The Planning & Zoning Board of Adjustments reviewed the request at the August 2024 meeting. The Planning & Zoning Board of Adjustments recommended the request with their conditions. After receiving the Planning & Zoning Board of Adjustments recommendation, City Council established a public hearing and potential ordinance vote for the September 2024 Regular Meeting. However, the applicant notified City staff that they would like to submit a change to their initial application mid- August 2024. Thus, City staff informed Council of the request to change their application. Per the direction of City Council, the application was reverted back to the Planning & Zoning Board of Adjustments, to be heard once more at their September 2024 meeting. At the September 2024 Regular City Council Meeting City Council held a public hearing to hear public comments about the rezoning request. At this time, City Council also tabled the ordinance vote for the zoning map amendment. Thus, City staff is back before the Board seeking approval of a zoning map amendment for the Sunset Ridge rezoning.

City Council member, Allen Hook inquired about sidewalks for this project. Kent Olson of Development Solutions Group informed him that initially sidewalks were not considered, so that the new subdivision could match the current homes in the area. However, adding a sidewalk to one side of the development is a modification that he can agree to.

By motion of Michael Brooks and unanimous vote, the zoning map amendment was adopted. A copy of this ordinance is on file at City Hall. This zoning map was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision. This amendment was adopted with the following areas of relief and conditions:

Areas of relief

- Sidewalks- relief from installing sidewalk on one side of new streets within the subdivision as indicated on the site plan. The Bessemer City Land Development Code (LDC) requires sidewalks on both sides of streets in Major Subdivisions (Chapter 4, Section 4.5).
- Garage Setback- relief from the six-foot garage setback requirement from front facing garages on 50% of units (Chapter 3, Section 3.3).

Conditions

- Design Standards- the development is required to abide by standards as follows: Design standards as required by the property owner, including 50% brick or stone facades, pitched roofs, architectural shingles, and all other standards as required by the property owner
- Upgraded door designs on units without 6-foot setback
- The developer is responsible for all system development fees.
- The developer shall extend the City of Bessemer City utilities and within the site, at their expense. The development will be served by City utilities: water and sewer.
- All off-site utility easements, if necessary to provide utilities to the site, must be obtained by the developer, at their expense, prior to approval of construction plans, issuance of permits, or commencement of construction.
- Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.

Capital Project Ordinance - Lead & Copper

City Council previously awarded the lead and copper inventory project contract to Harvin Engineering PLLC in the amount of \$780,000. City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues for the inventory project. City staff applied for NC Department Environmental Quality SRF grant funds and were awarded 90% grant funding with principal forgiveness to cover this state mandated project. An inventory of infrastructure has been mandated by the EPA and the State to check public and private pipelines for lead and copper.

By motion of Donnie Griffin and unanimous vote, the capital project ordinance for \$780,000 was approved. A copy of this ordinance is on file at City Hall.

Capital Project Ordinance - Stormwater Assessment Inventory

City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues of the Stormwater Assessment inventory. The City was awarded \$340,000 of NC Department of Environmental Quality LASII planning grant funds. These planning grant funds will cover the inventory 100%.

By motion of Brent Guffey and unanimous vote, the capital project ordinance for \$340,000 was approved. A copy of this ordinance is on file at City Hall.

Award Stormwater Assessment Inventory Engineering Services

City staff is seeking approval of the Stormwater Assessment Inventory engineering services contract with McGill Associates in the amount of \$340,000. This contract is 100% funded by NC Department of Environmental Quality LASII planning grant funds.

City Council member, Brent Guffey inquired if the City received other bids. City Manager, Joshua Ross informed him that the City received two bids. However, City staff recommends the use of McGill Associates as they have previously worked with the City and have an inventory of current City infrastructure.

By motion of Nellie Floyd and 4:3 vote the Stormwater Assessment Inventory engineering services contract was awarded to McGill Associates in the amount of \$340,000. Voting in favor: Nellie Floyd, Brenda Boyd, Michael Brooks. Voting in opposition: Donnie Griffin, Brent Guffey, and Allen Hook. Mayor Smith broke the tie in favor of awarding the service contract to McGill Associates.

Resolution - Approving Application for Emerging Contaminants (PFAS) Study

The City intends to conduct a study on emerging contaminants, known as PFAs at the Water Plant. The presence of PFAs in everyday water sources is an epidemic on the rise. Thus, City staff would like to apply for grant funds to conduct a study on PFAs.

By motion of Brenda Boyd and unanimous vote, the resolution regarding PFAs was approved.

Resolution - Modification to System Development Fees

Gaston County is installing a 5-mile-long waterline from Bessemer City to the Tryon Community via ARPA funds. Gaston County will be covering connection and meter cost for Tryone community residents to connect to the waterline. City Staff is seeking approval from Council to change the fee schedule and system development fees to entice outside residents to connect. If this resolution is approved, City Manager Joshua M. Ross, will be permitted a forty-five (45) day relinquishment period of system development fees for new customers along the Tryon Waterline Project Area.

By motion of Brenda Boyd and unanimous vote, the resolution regarding the modifications to system development fees was approved.

Establish Public Hearing: Amend Land Development Code (LDC)& Abolish Section 5.1 (Flood Hazard Overlay)

City Manager, Ross informed the Board that City staff would like to amend some provisions in section 5.1 of the Land Development Code (LDC). There have been new updates in legislation, and City staff would like to include these in the City's code to ensure compliance.

By motion of Donnie Griffin and unanimous vote, City Council will hold a public hearing to hear public comment regarding the abolishment of section 5.1 of the Land Development Code (LDC) on Tuesday, November 12, 2024 at 7 PM.

Establish Public Hearing: Amend Land Development Code (LDC)& Establish Section 5.1 (Flood Hazard Overlay)

City Manager, Ross informed the Board that City staff would like to amend some provisions in section 5.1 of the Land Development Code (LDC). By establishing this new section, the City will be in compliance with NC General Statutes. In the future, the City may be able to enter into an interlocal

agreement with Gaston County to be the City's floodplain administrator. Many City's in Gaston County have this structure as well.

By motion of Donnie Griffin and unanimous vote, City Council will hold a public hearing to hear public comment regarding the abolishment of section 5.1 of the Land Development Code (LDC) on Tuesday, November 12, 2024 at 7 PM.

City Manager's Report

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

- **Budget Amendments- Business Accelerator Program (BAP):** By motion of Brent Guffey and unanimous vote, a budget amendment regarding the transfer of \$29,762.00 to the general fund for the BAP program was approved. The city received a \$500,000 grant from the federal government for the Business Accelerator Program (BAP). These funds were used to purchase two historic buildings in the downtown district.
- **Budget Amendments- Business Accelerator Program (BAP-Closeout):** By motion of Michael Brooks and unanimous vote, a budget amendment regarding the transfer of \$29,762.00 to the general fund to closeout the BAP program was approved. There was a portion of funds not used for the building purchase. Thus, the remaining funds were used to purchase downtown furniture.
- **Budget Amendment- Community Development Block Grant (CDBG):** By motion of Brenda Boyd and unanimous vote, a budget amendment regarding the transfer of \$7,666.00 from the general fund to the CDBG project fund was approved. The Community Development Block Grant (CDBG) closed out earlier this year. There were outstanding expenses that city staff could not apply for reimbursement. Thus a transfer was needed.
- **Budget Amendment- Community Development Block Grant (CDBG- Closeout):** By motion of Allen Hook and unanimous vote, a budget amendment regarding the transfer of \$7,666.00 from the general fund to close out the CDBG project fund was approved.
- **General:** Mr. Ross informed Council about several things:
 - Osage Mill redevelopment will have 12 units occupied by the end of the year.
 - Kintegra Health is open for business as of today. They are planning to have ribbon cutting next month.
 - City staff is working diligently to clean up the storm debris in the city. We were fortunate that we did not have major damage from the recent storm.
 - Utility bills will be delayed this month due to Hurricane Helene. The printer ran into some issues getting the bills disbursed.
 - Parks & Recreation will host a trunk or treat on Saturday, October 26th from 10 AM – 12 Noon in downtown.
 - The City is continuing to work with NCDOT regarding traffic issues. NCDOT has placed additional striping and warning signs on 8th and Alabama Avenue due to a recent car incident.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council Member, Michael Brooks inquired about the fire department's rescue truck. Council Members, Brenda Boyd, Donnie Griffin and Allen Hook commended City staff for responding so quickly during hurricane Helene. Council Member, Brent Guffey

inquired about having Attorney Smith send the repair shop a letter to expedite the process on the fire rescue. Chief Ellis commended the public safety division for responding to emergencies during hurricane Helene.

Adjournment

Being no further business to come before the board, by motion of Michael Brooks and unanimous vote, the meeting was adjourned at 7:54 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk