



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, December 09, 2024 at 7:00 PM

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### MINUTES

#### **Members Present**

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

#### **Call to Order, Prayer, Pledge of Allegiance**

Mayor Smith called the meeting to order. Mt. Pleasant Baptist, Assistant Pastor Mike Stokes 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 December agenda was approved with no revisions.

#### **Special Presentation**

Student Appreciation- Students from Bessemer City High School, Bessemer City Middle School, Bessemer City Central Elementary School, Bessemer City Primary School, and Tryon Elementary 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: Cody Taylor, 9<sup>th</sup> grade representative; Jaelyn Wilson, 10<sup>th</sup> grade representative; Bayleigh McCarter, 11<sup>th</sup> grade representative and Jaelyn Gamble, 12<sup>th</sup> grade representative.

Dr. Rebecca Wilson, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: Khloe Carothers, 6<sup>th</sup> grade representative; Oswaldo Mendez Sandoval, 7<sup>th</sup> grade representative; Kaelynn Hardy 8<sup>th</sup> grade representative; and Jayden Johnson, Encore representative.

Ms. Anna Miller, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Sophia Hernandez, 3<sup>rd</sup> grade representative; Emma Courtemanche, 4<sup>th</sup> grade representative; and Ja'Leyah Moore, 5<sup>th</sup> grade representative.

Mrs. Angela Rimmer, Kindergarten Administrator of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Khasmir Wallace, Kindergarten representative; Madeline Mountain, 1<sup>st</sup> grade representative; Brielyn Burris, 2<sup>nd</sup> grade representative.

Mrs. Elizabeth Glover, Content Administrator of Tryon Elementary and Mayor Smith, recognized the following students of the month: Kyendi Esiet, Kindergarten representative; Mia Seller, 1<sup>st</sup> grade, Aurora Falls, 2<sup>nd</sup> grade representative, Jadon Vang, 3<sup>rd</sup> grade representative; Anderson Patterson, 4<sup>th</sup> grade representative; and Jameson Patterson, 5<sup>th</sup> grade representative.

## **Request to Speak/Opportunity for Public Comment**

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

- Stan Haynes of Tryon Courthouse Road: Mr. Haynes addressed the Board regarding outside city limits water and sewer rates. Gaston County is using ARPA funds to construct a 5-mile water line from Bessemer City to the Tryon Community. However, Mr. Haynes would like for Council to consider permanent lowering the outside city limits water and sewer rates. There is a concern about affordability for those in his community and those along the water line route.
- Courtney Womack of 517 Costner School Road: Ms. Womack addressed the Board regarding wildlife and city employees driving distracted. Ms. Womack stated that on November 24<sup>th</sup> she heard reports of a mother and bear cubs being sighted along Crescent Drive. She stated that on December 4<sup>th</sup> she had to stop on Costner School Road for deer to cross. As the City continues to develop, Ms. Womack is worried about wildlife being displaced. Additionally, Ms. Womack mentioned that one of her family members saw a city employee weaving in and out of the road. She assumes the driver was distracted and worries that this poses a safety concern for all involved.
- Goldie Byers of 604 S. Skyland Drive: Mr. Goldie addressed the Board regarding the Boys & Girls Club. Mr. Byers is kindly requesting that the City assist the Boys & Girls Club with finding a new location. Mr. Byers believes that the Board is capable of supporting the club and assisting with facility needs. The First Baptist Church is offering support to the Boys & Girls Club for a month through the use of their fellowship center.

## **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 Regular Meeting minutes of the November 12, 2024 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the November 26, 2024 meeting.
3. **2025 Annual Meeting Schedule:** City Council will consider adopting the proposed 2025 holiday schedule that establishes when the City will observe certain holidays.
4. **Resolution of Authorization:** City Council will consider approving a resolution that authorizes the Ridge Runners to hold their annual event with certain guidelines on New Year's Eve.

## **Public Hearing: Rezoning Request 03-2024 (N. Gould Ave.)**

By motion of Allen Hook and unanimous vote, the public hearing was opened at 7:26 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. There was none.

By motion of Michael Brooks and unanimous vote, the public hearing was closed at 7:27 PM.

### **Ordinance- Zoning Map Amendment**

By motion of Donnie Griffin and unanimous vote, the ordinance regarding the zoning map amendment for property located at tax parcel #120960 (0.83 acres) being zoned Neighborhood Residential Conditional District (NR-CD) was approved. 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:

1. The proposed development shall follow the requirements of the City of Bessemer City Land Development Code with the added **Relief (R)** of:
  - a. Sidewalks- relief from installing sidewalks on either side of N. Gould Ave. in front of the three (3) new single-family homes. The Bessemer City Land Development Code (LDC) requires sidewalks for Major Subdivisions (Chapter 4, Section 4.5).
  - b. Stormwater- relief from installing stormwater curb and gutter. The Bessemer City Land Development Code (LDC) requires curb and gutter for subdivisions (Chapter 2, Section 4.2 & 4.4).
2. The following **Conditions (C)** will be applied to the development and agreed to by the developer with the vote of the City of Bessemer City Council to approve the rezoning:
  - a. Design Features- the developer agrees to install additional architectural features, including shutters, gable brackets, cedar columns, and stone veneer accents on the front elevation of each home.
  - b. Parking- the developer agreed to include additional space for parking to accommodate up to five (5) vehicles for each home (4 in the driveway; one in the garage).
3. All other requirements and standards stated within the City of Bessemer City Land Development Code (LDC) shall be followed.
4. The developer shall extend the City of Bessemer City water and sewer to and within the site, at their expense. The development will be served by City utilities: water and sewer.
5. 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.
6. Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.

### **Public Hearing: Rezoning Request 06-2024 (Yellow Jacket Lane)**

By motion of Nellie Floyd and unanimous vote, the public hearing was opened at 7:29 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. There was none.

By motion of Brenda Boyd and unanimous vote, the public hearing was closed at 7:30 PM.

### **Ordinance- Zoning Map Amendment**

By motion of Michael Brooks and unanimous vote, the ordinance regarding the zoning map amendment for property located at tax parcel #151678 (6.26 acres) being zoned Urban Residential Conditional District (URCD) was approved. 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:

1. The proposed development shall follow the requirements of the City of Bessemer City Land Development Code with the added **Relief (R)** of:
  - a. Acreage- Allowing the development for multifamily use on one lot that is excess of three (3) acres (LDC 2.8.C). The development shall be on a 6.26 acre parcel (PID 151678).
  - b. Density- Allowing for an excess of eight (8) units per acre, which is more than the density limits as permitted in the LDC (LDC 3.2.A.E.) The development shall not exceed ten (10) units per acre and 63 units.
  - c. Open Space- Relief of the open space requirement. LDC 4.8.B. requires 1/35 of an acre per dwelling unit be dedicated to open space, no less than 2 acres. The development is proposing 1.5 acres of open space.
  - d. Relief from front setback requirements provided in section 3.2.A of the Bessemer City Land Development Code.
2. The following **Conditions (C)** will be applied to the development and agreed to by the developer with the vote of the City of Bessemer City Council to approve the rezoning:
  - a. Offset Residential Units- the developer shall offset units at the intersection of M.L. Kiser Road and Besstown Road.
  - b. Pay in Lieu- the developer shall pay \$25,000 to the City for the following purpose:
    - i. Funding for the new Bessemer City Fire Department
  - c. Developer will commit to servicing the project with Natural Gas utility service, the developer will be financially responsible for the infrastructure expansion.
3. All other multifamily design standards stated within the City of Bessemer City Land Development Code shall be followed.
4. The developer shall extend the City of Bessemer City water and sewer to and within the site, at their expense. The development will be served by City utilities: water and sewer.
5. 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.
6. Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.

#### **Establish Public Hearing: Rezoning Request (610 S. Skyland)**

By motion of Michael Brooks and unanimous vote, City Council will hold a public hearing on Monday, January 13th, 2025 at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcel #218801 (1.35 acres) from Neighborhood Residential (NR) to Neighborhood Residential Conditional District (NR-CD) to subdivide three (3) lots for single-family homes.

#### **Establish Public Hearing: Rezoning Request (N. 12th Street/Parkview Commons)**

By motion of Nellie Floyd and unanimous vote, City Council will hold a public hearing on Monday, January 13th, 2025 at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcels #120283 and #120286 from Neighborhood Residential (NR) to Urban Residential- Conditional District (UR-CD) to accommodate the development of a multi-family residential community that will consist of 41 townhomes.

#### **Establish Annual Planning Retreat**

By motion of Brenda Boyd and unanimous vote, City Council will hold their annual Planning Retreat on Thursday, February 27 and Friday, February 28, 2025 at Dhollandia in Southridge Business Park.

### **Resolution – Property for Surplus**

City Manager, Josh Ross informed the Board that the Police Department has a number of items that can be declared as surplus and sold on GovDeals or other means allowed by NCGS. The list of items are: X26P Tasers (11), X26P Taser cartridges (19), Axon Body cameras (11), In car cameras (11), Kenwood NEXEDGE handheld radios with accessories (15), Motorola HT1250 handheld radios with accessories (10), Kenwood NX-820HG in-car radio (19), Kenwood NX-5800K detachable face in-car radio (2), Kenwood NX-5800K in-car radio (3).

By motion of Michael Brooks and unanimous vote, the resolution declaring police department accessories as surplus was approved.

### **Capital Project Ordinance – Public Safety Project**

City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues for the public safety project to construct a new Fire Station. The City received a \$2.15 million grant for a new Fire Station. This ordinance will be amended in the future to meet project cost.

By motion of Donnie Griffin and unanimous vote, the capital project ordinance for \$215,000.00 was approved. A copy of this ordinance is on file at City Hall.

### **Offer to Sell Property**

City Staff received an offer to purchase property at 112 West Virginia Avenue Parcel ID#120802 for \$230,000.00 from Sohil Shah of SLK Realty LLC. Sam Kline, MECA Commercial representative informed the Board that the previous owners have been contacted to retrieve any property they wish to retain. Per City Council, there is a restriction that the business going in this location would have to be a food or beverage service. Per NCGS, this offer must be advertised in the newspaper and undergo the upset bid process.

By motion of Allen Hook and unanimous vote, the offer to sell property at 112 West Virginia Avenue will begin the upset bid process.

### **Temporary Construction Easement for Meritage Homes (Stewart Crossing)**

City Manager, Josh Ross informed the Board that Meritage Homes would like to construct a pedestrian bridge from the project to Stiner Park. However, to complete this a construction easement is needed. This pedestrian bridge was a previous condition for the Stewart Crossing project under Eastwood homes. Currently there is discussion about who would own and maintain the bridge.

By motion of Michael Brooks and unanimous vote, the construction easement for Meritage Homes was approved.

### **Easement Exchange**

City Staff is seeking approval of an easement exchange for a private home located at 1033 Lewis Farm Road. There is a parcel of land located next to the City's water reservoir. The owners of this property would like to construct a new home. Additionally, owners would like to build a road and enhance the property. The owners would assume all of the fees and costs, they just need an easement from the City.

By motion of Michael Brooks and unanimous vote, City Manager, Josh Ross is permitted to sign the easement exchange agreement.

### **City Manager's Report**

City Manager, Josh Ross, thanked all City Staff for their assistance over the past month. The Police, Fire, Public Works, and Administration departments have been extremely busy, and we wish them a Merry Christmas.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council Members, Nellie Floyd and Donnie Griffin wished everyone a Merry Christmas. Council Member, Brenda Boyd inquired about a code enforcement issue and FEMA assistance for citizens. Attorney, David Smith thanked the Board for their loyalty and wished everyone a Merry Christmas. Public Safety Director, Tom Ellis commended the Police and Fire department for all of their hard work. City Clerk, Hydeia Hayes reminded the Board that their Local Government Commission's training.

### **Adjournment**

Being no further business to come before the board, by motion of Allen Hook and unanimous vote, the meeting was adjourned at 7:55 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk