



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, November 12, 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. Harmony Baptist, Senior Pastor Steven Faine 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 November 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: Kendrell Wray, 9th grade representative; Kelly Campos, 10th grade representative; Gabriella Pursley, 11th grade representative and Jenny Strickland, 12th grade representative.

Dr. Rebecca Wilson, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: Lesley Alvarado and Dana Dominguez, 6th grade representatives; Vanessa Zapata, 7th grade representative; and Jayden Rote 8th grade representative.

Ms. Anna Miller, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Brian Phinney, 3rd grade representative; 4th grade representative, Carla Castro Flores; and 5th grade representative, Bailey Grant.

Mrs. Erin Morehead, School Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Lynnelee Bridges, Kindergarten representative; Rayn Dye, 1st grade, and representative; Ellie Bardsley, 2nd grade representative.

Mrs. Kelsey Nixon, Kindergarten Administrator of Tryon Elementary and Mayor Smith, recognized the following students of the month: Henry Hoyle, Kindergarten representative; Japheth (Jay) Carson, 1st grade, Aria Eichlin, 2nd grade representative, Vanessa Howell, 3rd grade representative; and Ryder Hampton, 4th grade representative.

Request to Speak/Opportunity for Public Comment

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

- Aaron Grosdidier of 517 Costner School Road: Mr. Grosdidier addressed the Board regarding waste collection, emergency response, and the rebranding campaign. During the recent storm the City did not provide a thorough response to the elderly community, in his opinion. There were senior citizens without water or power. Mr. Grosdidier stated that he contacted Duke Power and had power restored within two hours. The City should have opened the fire department and city hall for those in need to have access to showers and power. Instead, citizens were given an extra 10 days to pay their utility bills. The city could have used the rebranding campaign dollars to pay citizens utility bills. Instead of making frivolous proclamations, one should be done recognizing every 100-year-old citizen in Bessemer City.

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 October 14, 2024 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the October 29, 2024 meeting.

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

By motion of Donnie Griffin and unanimous vote, the public hearing was opened at 7:25 PM.

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

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

By motion of Nellie Floyd and unanimous vote, the public hearing was closed at 7:26 PM.

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

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

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

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

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

Ordinance- To Amend Land Development Code (LDC) & Establish Section 5.1 (Flood Hazard Overlay)

By motion of Donnie Griffin and unanimous vote, the establishment of a new Section 5.1 of the Land Development Code (LDC) was approved.

Resolution - Lead & Copper Inventory Project

City Council previously awarded the lead and copper inventory project contract to Harvin Engineering PLLC in the amount of \$780,000. This contract is 90% funded by NCDEQ SRF Funds. Slade Harvin was present to provide City Council with an update and answer questions. In conference with city staff, step one of the inventory project has been completed via mailed letters. Said letters informed Bessemer City citizenry that the status of their infrastructure is indicated as “unknown”. Mr. Slade informed the Board that galvanized pipes may be identified during this inventory, identifying a lead pipe is probably not likely. However, city staff is seeking approval of a resolution allowing staff to apply for additional grant funding to replace lines if lead, copper, or galvanized pipes are found. Additionally, the City will need to formally accept NCDEQ SRF funds of \$780,000. Mr. Harvin expects the work to be completed by February 2025.

City Manager, Josh Ross informed the Board that information regarding the inventory project has been placed online for citizen review.

By motion of Brent Guffey and unanimous vote, the resolution allowing City Manager, Josh Ross to apply for additional grant funding was approved. A copy of this resolution is on file at City Hall.

Capital Project Ordinance – Meritage Homes (Stewart Crossing)

City Staff is seeking approval of a capital project ordinance detailing the appropriations and revenues of the Meritage Homes, Stewart Crossing development natural gas project. All funding for the installment of natural gas for the Stewart Crossing development will come from Meritage Homes LLC. City staff has been in conference with City Attorney, David Smith to administer an agreement that Meritage pay for all engineering services. The city will administer the project, as it owns the utility, and charge Meritage accordingly.

By motion of Michael Brooks and unanimous vote, the capital project ordinance for \$653,268.00 was approved. A copy of this ordinance is on file at City Hall.

Establish Public Hearing: Rezoning Request (Better Path Homes LLC)

City Manager, Josh Ross, informed the Board that the Planning Board met earlier this month and reviewed a conditional district rezoning request for property located on N. Gould Avenue. This is for a three (3) single family development. Typically, this would not qualify as a major subdivision, however, when a utility extension or new road is built, the project becomes a major subdivision.

By motion of Allen Hook and unanimous vote, City Council will hold a public hearing on Monday, December 9th, 2024 at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcels #120960 (0.83 acres) from Neighborhood Residential (NR) to Neighborhood Residential Conditional District (NR-CD) to accommodate the development of 3 single-family homes.

Establish Public Hearing: Rezoning Request (Development Solutions Group)

City Manager, Josh Ross, informed the Board that in May 2024 a conditional district CD-02-2024 for 63 townhomes was approved along Yellow Jacket Lane. However, the developer would like to request a modification to the reliefs and conditions on the project. The developer would like to remove the natural gas requirement. Thus, this matter must be brought before the Board once more. The Planning Board will hear about this item at its December 2024 meeting. Light discussion was held regarding the development solutions group and property located along Surf and Turf Lodge. City Council inquired about the 24-month expiration on a conditional district. City Attorney, David Smith informed the Board that a conditional use permit gives the developer vested rights in the property for two years, meaning that the property cannot be rezoned for two years. At the expiration of said two years, City Council may vote to hold a hearing and

rescind the conditional use permit. City Attorney Smith explained that the permit does not expire and revert back to the prior zoning automatically.

By motion of Brent Guffey and unanimous vote, City Council will hold a public hearing on Monday, December 9th, 2024, at 7:00 PM to hear public comment regarding a rezoning request for property located at tax parcel #151678 (6.26 acres) from Urban Residential Conditional District (URCD) to Urban Residential Conditional District (URCD). The developer is requesting a modification to the project's relief and conditions.

City Manager's Report

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

- **General:** Mr. Ross informed Council about several things:
 - Osage Mill redevelopment will have 20 units occupied by the end of the year. A ribbon cutting will be held in March 2025.
 - Kintegra Health is having a ribbon cutting that is open to the public on Wednesday, November 13th at 5 PM
 - The Fire Department held its 46th annual BBQ sale. It went well.
 - Parks & Recreation will host the annual Christmas in the City festival and Parade downtown on Sunday, November 24th at 4:30 PM.
 - On Thursday, November 14th at Tryon Elementary, the County will be hosting a community meeting regarding the Tryon Community water line project. This is free and open to the public.
 - Creekside Cottages (Lennar Homes) has over 50 homes completed or near completion. The development is well underway, and developers are moving on to Phase II.
 - City staff worked diligently to clean up the storm debris in the city. However, when these types of natural disasters occur, "It takes the entire community to help out with the response. Mr. Ross explained to the public that City water and sewer service was never lost during the storm."
 - Additionally, the city is using grant funds to complete the rebranding of the city.
 - Utility bills will be delayed last month due to Hurricane Helene. Thus, late fees were waived.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council Member, Michael Brooks inquired about debris at the Memorial Cemetery, household garbage along the south side of the city, and trash downtown. Mr. Brooks commended the Police Department for being alert on the weekends, as well as the Fire Department for answering a house fire along Oak Street so quickly. Council Member, Nellie Floyd inquired about installing cameras in the Vantine Memorial cemetery. Council Member, Brenda Boyd commended City staff for all their hard work and thanked the Bessemer City citizenry for allowing her to serve. Council Member, Allen Hook commended the Police Department for being so visible. Council Member, Brent Guffey inquired about debris removal from the recent storm, and possible resources for those in need of tree removal from their property. Council Member, Donnie Griffin thanked Mayor Smith and City Manager Ross for attending his sisters' memorial services. He thanked the city for the memorial flower sent in honor of his sister.

Closed Session

By motion of Brenda Boyd and unanimous vote, City Council entered in to closed session to discuss a personnel matter pursuant to NCGS143-318(a)(6) at 8:04 PM.

By motion of Michael Brooks and unanimous vote, City Council came out of closed session at 8:30 PM.
No action was taken.

Adjournment

Being no further business to come before the board, by motion of Allen Hook and unanimous vote, the meeting was adjourned at 8:32 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk