



## **CITY COUNCIL REGULAR MEETING**

**City Council Chambers**

**Monday, February 14, 2022 at 7:00 PM**

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### **MINUTES**

#### **Members Present**

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

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

Mayor Smith called the meeting to order. Council Member, Donnie Griffin led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

#### **Adjustment and Approval of the Agenda**

By motion of Donnie Griffin and unanimous vote, the February agenda was approved with no revisions.

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

Mayor Smith opened the floor for public comment. There was none.

#### **Consent Agenda**

The following items on the Consent Agenda were unanimously approved by motion of Dan Boling:

- **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the January 10, 2022 meeting.
- **Approval of Minutes:** City Council will consider adopting the Special Meeting Minutes of the January 25, 2022 meeting.

#### **City With A Heart Day Proclamation**

Mayor, Becky S. Smith read the Dr. Martin Luther King Jr. Proclamation aloud and declared Monday, February 14th, 2022 as City with a Heart Day.

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

#### **African American History Month Proclamation**

Mayor, Becky S. Smith read the African American History Month Proclamation aloud and declared February 2022 as African American History Month.

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

**Appointment: ABC Board Member**

By motion of Dan Boling and unanimous vote, Alfred Carpenter was appointed to serve on the ABC Board to fulfill a vacancy until June 2024.

**Public Hearing –Rezoning Request:**

City Planner, Nathan Hester addressed Council regarding the rezoning request for property located at tax Parcel Number's 151795 and 220086 to accommodate the development of a single family residential community from Lennar Corporation. Tax Parcel's 151795 and 220086 are currently zoned Rural (R), are within the City of Bessemer City's extra territorial jurisdiction and are vacant parcels. The applicant is requesting a zoning map amendment to rezone the parcels to Urban Residential (UR). Lennar Corporation has stated that they will build 158 homes, with a greenspace, mini club house and pool. City Staff have confirmed that City infrastructure can handle the new development. Additionally, City Staff has spoken to school officials and verified that Bessemer City Schools are currently under capacity. Thus, an increase in enrollment would not be a hardship.

By motion of Dan Boling and unanimous vote, the public hearing regarding the rezoning request was opened at 7:19 PM.

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

- Matt Pannell of Lennar Homes: Mr. Pannell addressed Council about the rezoning request as a Lennar Homes planner. Mr. Pannell informed Council that the project has been amended from 170 units to 158 to meet the Land Development Code (LDC) requirements. The project will also include a pool, mini club house, and 2.7 units per acre.
- Shaun Tooley of Lennar Homes: Mr. Tooley addressed Council regarding the rezoning request as a Lennar Homes engineer. Mr. Tooley handled the design and structure of the residential units. Mr. Tooley also informed Council that a HOA or third party partnership would be responsible for maintenance of the development.
- Jason Galloway of Lennar Homes: Mr. Galloway addressed Council regarding the rezoning request as a Lennar Homes administrator. Mr. Galloway inquired about any concerns from Council. There were none.

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

- Keith McGee of 329 Costner Drive: Mr. McGee addressed Council regarding growth in Bessemer City. Mr. McGee expressed his concern regarding the Public Safety services as the City sees growth in the housing industry.
- Greg Farris of 905 Toncin Avenue: Mr. Farris addressed Council regarding the density and rezoning request. Mr. Farris expressed his concern with the development. He stated that some mistakes had been made with the Ashley Park Place. Mr. Farris inquired about why a conditional permit was not given to Lennar Homes.

Council held light discussion on the option of conditional use permit for the rezoning request. Staff informed Council that this option was discussed, however, Lennar withdrew their application and designed a different

product to meet the code. However, the City is restricted in what it can regulate when it comes to the housing design.

By motion of Kay McCathen and unanimous vote, the public hearing regarding the rezoning request was closed at 7:38 PM.

**Ordinance for Zoning Map Amendment:**

By motion of Donnie Griffin and 5-1 vote with Brent Guffey in opposition, the zoning map amendment regarding the Lennar Housing Development 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.

**Public Hearing –202 S. Skyland Dr:**

City Planner, Nathan Hester addressed Council regarding the demolition ordinance for property located at 202 S. Skyland Dr. This structure is an older Masonic Lodge that has been abandoned. In 2019 Code Enforcement did an interior inspection. The structure is in need of repair and does not meeting the Code. This property is tax exempt, thus there is no way to contact an owner. City Staff has made contact with the Masonic Lodges in Durham and Raleigh to no avail.

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the demolition of property located at 202 S. Skyland Dr was opened at 7:48 PM.

Mayor Smith asked if there was anyone present to speak in favor of the demolition. The following came forth:

- Michael Meeks of 812 W. Virginia Avenue: Mr. Meeks informed Council that everyone who was associated with this lodge is now deceased.

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

By motion of Dan Boling and unanimous vote, the public hearing regarding the demolition of property located at 202 S. Skyland Dr was closed at 7:49 PM.

**Demolition Ordinance- 202 S. Skyland Dr:**

By motion of Dan Boling and unanimous vote, the demolition ordinance for property located at 202 S. Skyland Dr was adopted. A copy of this ordinance is on file at City Hall.

**Ordinance - Rescinding Demolition Ordinance (402 N. 10th Street):**

City Planner, Nathan Hester addressed Council regarding the rescinding of a demolition ordinance for property located at 402 N. 10<sup>th</sup> Street. This property has been sold to a new property owner who would like to remodel the residence. City Staff has previously worked with this owner at another location, and is requesting that Council approve the rescinding.

By motion of Donnie Griffin and unanimous vote, the ordinance rescinding the demolition ordinance for property located at 402 N. 10<sup>th</sup> Street was approved. A copy of this ordinance is on file at City Hall.

**Ordinance - Rescinding Demolition Ordinance (609 S. 11th Street):**

City Planner, Nathan Hester addressed Council regarding the rescinding of a demolition ordinance for property located at 609 S. 11<sup>th</sup> Street. This property has been sold to a new property owner who would like to remodel the residence. The new owners plan to sale the home after its remodeled.

By motion of Brent Guffey and unanimous vote, the ordinance rescinding the demolition ordinance for property located at 609 S. 11th Street was approved. A copy of this ordinance is on file at City Hall.

### **Resolution Directing Clerk to Investigate- Voluntary Annexation Trinity Capital**

City Clerk Hayes is hereby directed to investigate the petition for voluntary annexation from Trinity Capital to ensure General Statute.

Upon motion of Dan Boling and unanimous vote, the resolution was adopted. A copy is on file at City Hall.

### **Establish Public Hearing:**

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a petition for voluntary annexation from Trinity Capital for property located at 902 Edgewood Rd. (Edgewood 85 Commerce Park) Parcel Number #306415 (recombination of Parcels #152636, 152628, 153633, 152634, 152647, 152631, 153067).

By motion of Brenda Boyd and unanimous vote, a public hearing regarding a petition for voluntary annexation from Trinity Capital will be held on Monday, March 14, 2022 at 7:00PM in Council Chambers. Public notice will be given per NCGS.

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

City Manager James Inman, addressed Council regarding the following:

- Declare Property Surplus: City Staff is requesting that 5 vehicles be declared property surplus. By motion of Brent Guffey and unanimous vote, the following vehicles were declared property surplus:
  - 2013 Dodge Charger VIN # 2C3CDXAT5DH670555
  - 2014 Dodge Charger VIN# 2C3CDXAT7EH186193
  - 2014 Ford F-150 Super Crew 4x4 VIN# 1FTFW1EF4EFB02806
  - 2014 Ford F-150 Super Crew 4x4 VIN#1FTFW1EF2EFB02805
  - 2000 Ford F-150 VIN# 3TZF1729YMA76473
- Capital Project Ordinance: City Staff is requesting the approval of a Capital Project Ordinance regarding the water line replacements and paving. By motion of Donnie Griffin and unanimous vote, the Capital Project ordinance was approved.
- Award E. Tennessee Stream Bank Project Bid: City Manager, James Inman requested that City Council award the E. Tennessee Stream Bank Project Bid to the Avery Grading in the amount of \$33,500. Two bids were received: Avery Grading (\$33,500) and A & A Grading (\$85,000). By motion of Joe Will and unanimous vote, the E. Tennessee Stream Bank Project bid was awarded to Avery Grading.
- Approval of a Partial Settlement: City Manager Inman will requested that City Council approve a partial settlement of the excess claim on Dameron Rd. property for \$6,375.00. By motion of Joe Will and unanimous vote, the settlement amount of \$6,375.00 for property on Dameron Rd. was approved.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling inquired about the repairs at the Osage Mill.

**Adjournment**

Being no further business to come before the board, by motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 8:07 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk