



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, January 10, 2022 at 7:00 PM

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### MINUTES

#### **Members Present**

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

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

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

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

By motion of Dan Boling and unanimous vote, the January agenda was approved with the following revisions:

- Remove the parcel number #305559 from item #9 because the portion of land that is referenced in this number is not in the City's ETJ

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

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

- Melissa Toye of 109 N. F St: Mrs. Toye addressed Council regarding her concern for wild life near the Osage Mill. Toye stated that she has seen a number of vultures in the water tower of the Osage Mill that is slated for a redevelopment project. Mrs. Toye inquired about how City Council plans to handle the vultures.
- Carrie Fain of 115 W. Lee Ave: Ms. Fain addressed Council regarding the local Emergency Medical response time. Ms. Fain informed Council that a recent call for cardiac arrest at her home took more than 16 minutes for medical staff to respond. Ms. Fain asked for a quicker service when dealing with cardiac arrest medical calls.
- Dewail Doyle of 115 W. Lee Ave: Ms. Doyle addressed Council regarding the local EMS services as well. She stated that the incident Ms. Fain referenced involved her son. She inquired about why the EMS response times are so long, being that several departments are in the area.

#### **Consent Agenda**

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

- **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the December 13, 2021 meeting.
- **Approval of Minutes:** City Council will consider adopting the Special Meeting Minutes of the December 16, 2021 meeting.

### **Dr. Martin Luther King Jr. Proclamation**

Mayor, Becky S. Smith read the Dr. Martin Luther King Jr. Proclamation aloud and declared Monday, January 17th, 2022 as Martin Luther King Jr. Day.

By motion of Joe Will and unanimous vote, the proclamation was adopted. A copy of the proclamation is available 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 rezoning request. City Staff has received a request from Lennar Homes to amend the Zoning Map to rezone Tax Parcels #220086 and #151795, from Rural (R) to Urban Residential (UR).

By motion of Dan Boling and unanimous vote, a public hearing regarding a zoning map amendment will be held on Monday, February 14, 2022 at 7:00PM in Council Chambers. Public notice will be given per NCGS.

### **Public Hearing –Table of Uses:**

City Planner, Nathan Hester addressed Council regarding the proposed text amendments in the table of uses. City Staff would like to amend Section 2.7.B of the Land Development Code (LDC) to permit the use of a cemetery in the Highway Commercial District with additional conditions. Currently the use of a Cemetery is only permitted within zoning districts designated as Rural (R) with additional standards. The additional standards required are to provide screening and separation from the public right of way and adjacent properties with a masonry wall, decorative fencing, or evergreen hedge maintained between a three (3) and four (4) foot height. The proposed text change would allow for the current cemetery on Edgewood Rd. to maintain their state required minimum additional acreage while allowing for future business expansion with the Business Park located along South Ridge Parkway.

By motion of Joe Will and unanimous vote, the public hearing regarding the text amendment to the LDC table of uses opened at 7:21 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 Brenda Boyd and unanimous vote, the public hearing regarding the text amendment to the LDC table of uses was closed at 7:22 PM.

### **Ordinance Adopting Text Amendments:**

By motion of Joe Will and unanimous vote, the text amendments regarding a text change to Section 2.7.B of the Land Development Code (LDC) was approved. A copy of this ordinance is on file at City Hall.

### **Public Hearing –Rezoning Request:**

City Planner, Nathan Hester addressed Council regarding the request to rezone of two parcels of land that are currently zoned Urban Residential to Urban Residential Conditional District to accommodate the

development of a multifamily townhome community on property located on N. 14<sup>th</sup> Street. The preliminary site plan for the development includes two separate parcels of land located on N. 14<sup>th</sup> St. Bessemer City, NC 28016. Parcel #214726 is approximately 8.07 acres and parcel #119975 is approximately 4.04 acres for a total of 12.11. Parcel #214728 is approximately 0.30 acres and will not be developed for residential housing but potentially developed for pedestrian access between the two developed parcels. Applicant is proposing to develop approximately 91 townhomes, 83 units that are rear entry with approximately 2.60 acres of open space. Current regulations within section 2.8.C of the Bessemer City Land Development Code state that no multifamily development is to be developed on a site larger than three (3) acres and that all garages on multifamily buildings shall not face a street. The applicant is hoping to receive a conditional district to allow for 8 of the 91 units have front entry garages facing the street.

By motion of Dan Boling and unanimous vote, the public hearing regarding the rezoning request opened at 7:31 PM.

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

- Kent Olson of Development Solutions Group: Mr. Kent addressed Council about the project as the applicant and developer. Mr. Kent addressed Council questions regarding the street ownership and size. At this time, plans include for the street to be privately owned. Public Safety and trash service personnel will still be able to navigate the neighborhood with the planned turn radius. A NCDOT traffic study was completed, and no improvements are required.
- Aaron Jordan of 1110 Cherry Road Baptist: Mr. Jordan addressed Council regarding his stormwater concerns. Mr. Jordan stated that run off from this project would end up in the creek along his family property and deteriorate the natural banks.
- Chris Harmon of 212 W. Texas Ave: Mr. Harmon addressed Council regarding his family home near the proposed area. Mr. Harmon stated that there is no creek located near this property and proposed questions regarding the Stormwater plans.

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

- Melissa Toye of 109 N. F Street: Mrs. Toye addressed Council regarding the sale of the townhomes. Mrs. Toye wonders if local citizens would purchase the homes.
- Ronald Burleson of 103 Sherwood Dr.: Mr. Burleson addressed Council regarding his discomfort with the development. Mr. Burleson informed Council that he bought his property as he enjoyed the country living and that he was annexed in to the City. Lastly, he inquired about City services and the ability to manage the growth.
- Donna Schroeder of 703 N. 14<sup>th</sup> Street: Mrs. Schroeder addressed Council regarding her concern with traffic along 14<sup>th</sup> Street with the proposed development.
- Jenny Kiser at 815 N. 14<sup>th</sup> Street: Mrs. Kiser inquired about plans to widen Highway 274 with the proposed development.

- Carrie Fain of 115 W. Lee Ave.: Ms. Fain addressed Council regarding the safety and emergency services that would be needed with the proposed development.

By motion of Dan Boling and unanimous vote, the public hearing regarding the rezoning request for property located at N. 14<sup>th</sup> Street was closed at 7:50 PM.

#### **Ordinance Adopting Zoning Map Amendments:**

By motion of Joe Will and unanimous vote, the map amendments regarding a zoning text change to property located at parcels number #214726 (approximately 8.07 acres) and #119975 (approximately 4.04 acres) from Urban Residential to Urban Residential Conditional District was approved. A copy of this ordinance is on file at City Hall.

#### **Ordinance Adopting Text Amendments**

City Planner, Nathan Hester addressed Council regarding the adoption of ordinances to regulate garage doors, carports and accessory structures. This action calls for Council to amend several sections of the Land Development Code (LDC): Section 3.2.B Accessory Structures, 3.3.F Garages and Carports, and Section 10.1 General Definitions.

By motion of Donnie Griffin and unanimous vote, the ordinance regarding text changes to sections 3.2.B Accessory Structures, 3.3.F Garages and Carports, and Section 10.1 General Definitions was approved. A copy of this ordinance is on file at City Hall

#### **Resolution- Providing for the Issuance of a \$4,998,000 Water and Sewer System Revenue Bond:**

City Manager, James Inman addressed City Council regarding the adoption of a resolution for the issuance of a Water and Sewer System Revenue Bond. City Staff is requesting the approval of the resolution to accept funding so that improvements the Water Plant can begin.

By motion of Joe Will and unanimous vote, the resolution providing for the issuance of a \$4,998,000.00 Water and Sewer System Revenue Bond was approved. A copy of this resolution is on file at City Hall

#### **Ordinance Adopting Text Amendments- Chapter 94 – Noise Regulation of the Code of Ordinances**

City Planner, Nathan Hester informed Council that at the last regular meeting, a public hearing was held regarding the proposed text amendment changes to Chapter 94 – Noise Regulation of the Code of Ordinances. However, Council needs to formally adopt the text changes.

By motion of Brent Guffey and unanimous vote, the proposed text amendments to Chapter 94 of the Code of Ordinances was approved. A copy of this ordinance is on file at City Hall

#### **Resolution To Proceed- Stinger Park Lighting Financing:**

City Manager, James Inman addressed Council regarding a resolution to proceed to solicit banking institutions about funding for Stinger Park Lighting. The formal adoption of this resolution is needed to comply with the Local Government Commission (LGC).

By motion of Brent Guffey and 3:2 vote with Joe Will and Brent Guffey in opposition, the resolution regarding Stinger Park Lighting financing was approved.

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

City Manager James Inman, addressed Council regarding the following:

- Budget Amendment: City Staff is requesting the approval of a budget amendment regarding the sale of general fund property. By motion of Dan Boling and unanimous vote, the budget amendment was approved.
- Capital Project Ordinance: City Staff is requesting the approval of a Capital Project Ordinance regarding the transfer of funds in to the Stinger Park Capital Project Ordinance.
- Award Water Plant Project Bid: City Manager, James Inman requested that City Council award the Water Plant Project Bid to the Harper Corporation of Greenville, SC. Harper had a bid base amount of \$7,403,780.00 and 5% contingency (\$370,189.00). By motion of Donnie Griffin and unanimous vote, the Water Plant Project bid was awarded to the Harper Corporation of Greenville, SC.
- General: Trinity Capital has purchased property at 902 Edgewood Road. Trinity will be constructing industrial-business spec buildings equal to 1,000,000 square feet. This is a multi-million dollar investment.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling requested that City Staff continue to communicate new developments and projects to citizens. Council member, Joe Will inquired about the Lennar project. Mr. Inman informed him that there will be a public hearing regarding the project at the February 2022 Regular meeting, the site plans and details are currently online for citizen review. Council member, Brenda Boyd informed Council that the Parks & Recreation Advisory Board meeting went well. Council member, Brent Guffey inquired about property located at 709 Costner School Road. Council member, Donnie Griffin inquired about downtown projects, the Police Department, and defibrillators.

### **Adjournment**

Being no further business to come before the board, by motion of Brent Guffey and unanimous vote, the meeting was adjourned at 8:23 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk