



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, December 11, 2023 at 7:00 PM

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### MINUTES

#### Pre-Sine Die

#### Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Donnie Griffin, Dan Boling, Nellie Floyd, Brent Guffey and Joe Will were all present. City Manager, Josh Ross and City Attorney, David Smith were present as well.

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

Mayor Smith called the meeting to order. Oscar Stalcup, Associate Pastor of First Baptist Church led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

#### Adjustment and Approval of the Agenda

By motion Brent Guffey and unanimous vote, the November agenda was approved with the following revision:

- Add Item #14: To appoint a Board Chair for the ABC Board to serve until June 2024.

#### Special Presentations

Student Appreciation- Students from Bessemer City High 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:

Dr. Sheila Wyont, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Kelly Campos, 9<sup>th</sup> grade representative; Gustavo Barton, 10<sup>th</sup> grade representative; Addison Wallace, 11<sup>th</sup> grade representative and O'Quandre Gill-Wilson, 12<sup>th</sup> grade representative.

Dr. April Conley, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Arianna Montoya Lopez; 3<sup>rd</sup> grade representative; 4<sup>th</sup> Bailey Grant; and 5<sup>th</sup> Eva Koon.

Mr. Bill Kessler, Principal of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Rayn Dye, Kindergarten representative; Future Hovis, 1<sup>st</sup> grade, and representative; Noah Grant, 2<sup>nd</sup> grade representative.

Mrs. Kelsey Nixon, Kindergarten Administrator of Tryon Elementary and Mayor Smith, recognized the following students of the month: Kaysen Scarborough, Pre-K, Carter Williams, Kindergarten representative; Aurora Falls, 1<sup>st</sup> grade, Hunter Rathbun, 2<sup>nd</sup> grade representative, Deanna Mitchell, 3<sup>rd</sup>

grade representative; Melanie Lopez Lobo, 4<sup>th</sup> grade representative; Jonathan Gillet, SAC representative; and Brayden Beasley, 5<sup>th</sup> grade representative.

### **Consent Agenda**

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

2. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the November 13<sup>th</sup>, 2023 meeting.
3. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of the November 28<sup>th</sup>, 2023 meeting.

**Acceptance of Official Canvass** – By motion of Joe Will, and unanimous vote the official canvass of the Tuesday, November 7<sup>th</sup>, 2023 election was accepted.

The votes are as follows:

Becky Smith -270  
Michael Brooks -363  
Allen Hook - 501  
Brenda Boyd -273

### **Public Hearing for Community Development Block Grant (CDBG):**

City Council held a public hearing to hear public comment about the closeout out of the 2014 (14-D-3029) and 2016 (16-D-3029) CDBG-Neighborhood Revitalization projects.

By motion of Brenda Boyd and unanimous vote, the public hearing was opened at 7:35 PM.

Mayor Smith asked if there was anyone present to speak in favor of the Community Development Block Grant (CDBG). The following came forth:

#### Amanda Whitaker, Director of Funding Services:

In 2018 Bessemer City applied for the Community Development Block Grant (CDBG) Neighborhood Revitalization Program through the North Carolina Department of Commerce. The City was awarded funds in 2019 in the amount of \$750,000 for the rehabilitation of approximately 16 homes. When the state awarded the funds, the City was given funding out of the 2014 CDBG allocation, because the funds were already 5 years old when awarded the City had a shorter timeframe to expend the funds and complete the project. The City procured grant administration services in May 2019 and quickly began working to complete all the start up compliance requirements on the grant. No funds other than grant administration can be spent until the environmental review is approval and funds are released. The City immediately began procuring services for rehabilitation specialist, environmental specialist, and legal specialist once funds were released. However, due to low response this process required multiple rounds of advertisement and some services required the state to approve sole source procurement due to only one response. Additionally, the NC Department of Commerce requested that the City reduce the scope of work from 16 homes to 10 homes. Simultaneously, the Housing Selection Committee (a committee formed by the City and submitted with the application) began evaluating the applications for home repairs. Once homes were selected the City had to perform title searches and evaluate all the income information provided by the homeowners to ensure they met the program income requirements. Unfortunately, due to the expenditure deadlines the City was required to amend the project and only do emergency repairs to the first 5 homes

on the list. The City completed 5 emergency repairs and closed out the 2014 grant without spending all the funds. Due to the circumstances and the short timeframes of the 2014 grant NC Commerce awarded the City the remaining balance that couldn't be spent in a new award from their 2016 CDBG funds. The 2016 grant had the same challenges with deadlines, and ultimately the City was able to fully rehabilitate 4 homes in the given timeframe.

The CDBG-Neighborhood Revitalization Program requires that public hearings be held at the time of closeout. Therefore, the purpose of the public hearing is to meet that requirement. The public hearing is for the City of Bessemer City FY 2014 & FY 2016 Community Development Block Grant (CDBG) Neighborhood Revitalization Program, grant number 14-D-3029 & 16-D-3029. The purpose of this public hearing is to discuss the program performance, allow the citizens of the City of Bessemer City an opportunity to make any comments, and close out the CDBG project.

The City received \$750,000.00 in U.S. Department of Housing and Urban Development (HUD) CDBG funding from the North Carolina Department of Commerce (DOC) for grant 14-D-3029.

Proposed project activities include rehabilitation for 10 homes. The city was able to assist five (5) households with emergency repairs. All of the housing activities benefited low- and moderate- income (LMI) households directly, for 100% benefit to LMI persons.

Program activities are complete and approximately \$129,993.59 of the grant funds were spent - \$89,964 towards rehabilitation and \$40,029.59 towards administrative fees. Final requisitions for funds and CDBG closeout documents have been submitted to DOC.

With only a portion of the funds expended, the City received the remaining \$620,006.41 in U.S. HUD CDBG funding from NC DOC for grant 16-D-3029.

Proposed project activities include rehabilitation of 10 homes. The city was able to assist four (4) households. All of the housing activities benefited low- and moderate- income (LMI) households directly, for 100% benefit to LMI persons.

Program activities are complete and approximately \$431,650.24 of the grant funds were expended – \$396,685.09 towards rehabilitation and \$34,965.15 toward administrative fees. At the conclusion of the program approximately \$108,356.17 of the grant's funds were deobligated due to required grant expenditure deadlines. Final requisitions for funds and CDBG closeout documents have been submitted to DOC.

This has been a successful project and remained in compliance with the required federal regulations associated with funding.

Council member, Joe Will asked about how the money was received. Ms. Whitaker informed him that the City was awarded earmarked money. However, the City never received the money all at once. Rather, the process worked as a reimbursement process. The State does this to ensure that the funds are spent appropriately. After this close out hearing, State staff will come on site and monitor the City's records and checks. Mr. Will expressed gratitude sentiments that the City was fortunate to help several families in need.

Council member, Brenda Boyd inquired about the de-obligated funds. Ms. Whitaker informed her that the City never received the funds. Thus, the State would use that money for another project.

City Manager, Josh Ross – Mr. Ross thanked Ms. Whitaker for assisting City Staff administer this project. Whitaker has been apart of the project since it's inception. Her and the Withers-Ravenel team are phenomenal. Additionally, Mr. Ross highlighted Senator, Kathy Harrington. Ms. Harrington and her officer worked with City Staff to advocate for additional for an additional funding cycle. We ran into tight deadlines with funds from previous years grant cycle. We appreciate Amanda Whitaker and her staff. The City wants to advocate for additional funding to aid homeowners that were not able to receive funds this round.

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

By motion of Donnie Griffin and unanimous vote, the public hearing was closed at 7:51 PM.

**Resolution - Approving Minutes of Community Development Block Grant (CDBG)**

By motion of Joe Will, the resolution approving the meeting minutes of the CDBG close out hearing was adopted.

**Public Hearing: Amend Land Development Code (LDC) & Abolish Planning & Zoning Board of Adjustments**

As required by NCGS 160A-346, the City is required to hold a public hearing prior to adopting and amending any changes to Land Development Code (LDC). Mayor and Council wish to abolish the board by rescinding sections 6.2 and 6.3 of the LDC. Public notice of this public hearing was advertised in accordance of N.C.G.S. 160A-364.

By motion of Brent Guffey and unanimous vote, the public hearing was opened at 7:53 PM.

Mayor Smith asked if there was anyone present to speak in favor of the abolishment of the Planning & Zoning Board of Adjustments. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the abolishment of the Planning & Zoning Board of Adjustments. There was none.

By motion of Dan Boling and unanimous vote, the public hearing was closed at 7:54 PM.

**Public Hearing: Amend Land Development Code (LDC) & Establish Planning & Zoning Board of Adjustments**

As required by NCGS 160A-346, the City is required to hold a public hearing prior to adopting and amending any changes to Land Development Code (LDC). Mayor and Council wish to establish a Planning & Zoning Board of Adjustments by adopting sections 6.2 and 6.3 of the LDC. Public notice of this public hearing was advertised in accordance of N.C.G.S. 160A-364.

By motion of Joe Will and unanimous vote, the public hearing was opened at 7:55 PM.

Mayor Smith asked if there was anyone present to speak in favor of the establishment of the Planning & Zoning Board of Adjustments. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the establishment of the Planning & Zoning Board of Adjustments. There was none.

By motion of Dan Boling and unanimous vote, the public hearing was closed at 7:56 PM.

City Manager, Josh Ross informed the public that the purpose of the public hearing was to follow NC General Statutes about amending the LDC in respect to board membership. City Staff approached Mayor and City Council to change the Planning & Zoning Board membership numbers from 5 to 7. With 2 of these members in the ETJ. This will be the same case for the Downtown Development Board in the meeting shortly.

**Ordinance to Amend the Land Development Code (LDC) & Establish Planning & Zoning Board of Adjustments**

Staff previously requested that the number of board members be increased from five (5) to seven (7) voting members. Council has previously received several applications. However, City Council will only be installing the current Board Members and terms. New members will be discussed at a later meeting:

<u>Board Member:</u>	<u>Term:</u>
Charlene Hill	December 2023 - June 2025 (ETJ)
Pamela Gladney	December 2023 – June 2026
Bruce Absher	December 2023 – June 2024
Wendy Burgess	December 2023 – June 2026
Vacancy (Allen Hook)	December 2023 - June 2025

By motion of Brenda Boyd and unanimous vote, the ordinance amending Land Development Code (LDC) sections 6.2 and 6.3 and appointments were approved.

**Public Hearing: Abolish Downtown Development Board & Bylaw Changes**

Mayor and Council wish to abolish the downtown development board and change the bylaws.

By motion of Joe Will and unanimous vote, the public hearing was opened at 7:57 PM.

Mayor Smith asked if there was anyone present to speak in favor of the abolishment of the Downtown Development Board. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the abolishment of the Downtown Development Board. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing was closed at 7:57 PM.

**Public Hearing: Establish Downtown Development Board & Bylaw Changes**

Mayor and Council wish to establish the downtown development board and change the bylaws.

By motion of Dan Boling and unanimous vote, the public hearing was opened at 7:58 PM.

Mayor Smith asked if there was anyone present to speak in favor of the abolishment of the Downtown Development Board. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the abolishment of the Downtown Development Board. There was none.

By motion of Brenda Boyd and unanimous vote, the public hearing was closed at 7:58 PM.

**Resolution - Bessemer City Downtown Development Board - Bylaw Changes and Board Appointment** Staff previously requested that the number of board members be increased from five (5) to nine (9) voting members. Council has previously received several applications. However, City Council will only be installing the current Board Members and terms. New members will be discussed at a later meeting:

<u>Board Member:</u>	<u>Term:</u>
Bill Whitmire	December 2023 – June 2026
Dana Ijames	December 2023 – June 2026
Lauren Hogan	December 2023 – June 2024
J.C. Vargas	December 2023 – June 2024

By motion of Donnie Griffin and unanimous vote, the resolution amending the Downtown Development bylaw changes and appointments were approved.

### **ABC Board Appointment**

Mayor Smith informed the Board that upon the November 2023 election, ABC Board member Michael Brooks has been elected to serve on City Council. Thus, he has resigned from the ABC Board. Brooks was originally given a term to serve until June 2025. City Staff advertised for volunteer applications. One application from Robert Johnson was received.

By motion Joe Will and unanimously vote, Robert Johnson was appointed to complete Michael Brooks term until June 2025.

### **ABC Board Chair**

Mayor Smith informed the Board that upon the November 2023 election, ABC Board member Michael Brooks has been elected to serve on City Council. Thus, he has resigned from the ABC Board. Brooks was originally appointed as Board Chair to serve until June 2024.

By motion Joe Will and unanimously vote, Board member Katie Love was appointed to complete Michael Brooks Board chair term until June 2024.

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

City Manager, Josh Ross, commended Board members Joe Will and Dan Boling for their years of service to the City. Mr. Ross has watched them advocate for the City since he was in grade school.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling thanked the Board, Mayor Smith, and David Splawn for their years of service to the City. Mr. Boling additionally commended the late Kay McCathen for her service and City Manager, Josh Ross. Council member, Donnie Griffin expressed his appreciation for Joe Will and Dan Boling. The Board has always been able to work together for the greater good of the community. Council member, Joe Will stated the he has enjoyed serving for 15 years. There have been struggles at times. However, the City has an incredible staff. The staff make us look good. The Mayor is phenomenal, the Clerk helps us remember engagements. Hiring Joshua Ross as the City Manager was a wonderful decision. Mr. Will recognized previous members that he served with in his tenure: Marilyn Bess, Sonny Boyd, Kay McCathen, Allen Farris, Alfred Carpenter, and Howard Jones. Mrs. Bess was Will's Board representative and encouraged him to

run for office. Mr. Will congratulated Allen Hook and Michael Brooks on their recent win. Council member, Brent Guffey thanked Dan Boling for encouraging him to run for office and Joe Will.

**Adjournment Sine Die of the 2021-2023 Council Session**

Being no further business to come before the board, by motion of Dan Boling and unanimous vote, the meeting was adjourned at 8:11 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk