



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, March 13, 2023 at 7:00 PM

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### AGENDA

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

**Adjustment and Approval of the Agenda** — *Items will only be added or removed with the approval of the Mayor and City Council.*

#### Special Presentations

1. **Students of the Month:** Mayor & City Council will recognize the March 2023 students of the month from Bessemer City area schools: Bessemer City Primary School, Bessemer City Central Elementary, Bessemer City Middle School, and Bessemer City High School
2. **Proclamation Celebrating Bessemer City's 130th Anniversary:** Mayor Smith will present a proclamation regarding the City's 130th anniversary.
3. **Audit Presentation:** Tony Brewer, CPA will present to City Council regarding the City's 2022 financial audit.

**Request to Speak/Opportunity for Public Comment** — *This is an opportunity for members of the public to express items of interest to the Mayor and City Council. This is not a time to respond or take action. Any necessary action will be taken under advisement. Speakers are asked to use proper decorum and to limit comments to no more than three minutes.*

4. **Public Comment Acknowledgment:** City Manager, Josh Ross will provide clarity on items mentioned during public comment, if needed.

**Consent Agenda** — *The items of the Consent Agenda are adopted on a single motion and vote, unless the Mayor and City Council wish to withdraw an item for separate vote and/or discussion.*

5. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the February 13th, 2023 meeting.
6. **Approval of Minutes:** City Council will consider adopting the Special Session Meeting minutes of the February 23rd, 2023 meeting.
7. **Street Closure-35th Annual Down Home Festival Ordinance** - City administration is requesting the temporary closure of the 100 Block of West Virginia, East Virginia, West Pennsylvania Avenue, and the 100 Block of North and South 12th Street for the 35th Annual Down Home Day Festival on Thursday, May 11th, Friday, May 12th and Saturday, May 13th, 2023.

8. **Street Closure-Sounds of Summer 2023** - City administration is requesting the temporary closure of the 100 Block of West and East Virginia Avenue and the 100 Block of North and South 12th Street for the 2023 Sounds of Summer Series on the 4th Saturday of each month from April to September from the hours of 2:00PM-10:00PM.

### **Business Items**

9. **One Gaston 2040:** City Council will hear a report from One Gaston 2040 staff. One Gaston 2040's vision is to engage county residents, businesses, and organizations in dialogue about their desires for the future of Gaston County and to use that dialogue, along with an examination of data and trends, to create a vision for what Gaston County can achieve between today and 2040.
10. **Public Hearing- Economic Development Grant (Foundry):** City Council will hold a public hearing to hear public comment regarding an Economic Development Incentive Level 2 for Foundry Commercial.
11. **Resolution to Approve Incentives Pursuant to NCGS §158-7.1 And To Authorize Bessemer City To Enter Into An Economic Development Agreement (EDA) With Foundry Commercial (Level II Investment):** City Council will consider approving a resolution regarding an Economic Development Incentive Level II for Foundry Commercial.
12. **Amendment to Audit Contract:** City Council will consider approving the amended audit contract. There was a delay in receiving a component units financial report.
13. **Loan Closing Approval:** City Council will consider approving the closing loan for the Water Treatment Plant. The interest rate for LN 05 \$4,865,000 will be 2.125% and for subsequent LN 09 \$133,000 will be 1.25%, both loans are a 40-year term with the first installment due June 1, 2023, and annually thereafter on the 1st day of June until maturity.

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

14. **Budget Amendment:** City Council will consider approving a budget amendment regarding the fire department.

**Council General Discussion** — *This is an opportunity for the Mayor and City Council to ask questions for clarification, provide information to staff, request staff to report back, or place a matter on a future agenda.*

### **Adjourn**



**Proclamation  
Bessemer City 130<sup>th</sup> Anniversary**

**Whereas**, the City of Bessemer City is named for Sir Henry Bessemer who created the Bessemer process for smelting iron and began as Bessemer City station, a one-square-mile railroad stop on the Atlanta & Richmond Airline Railroad; and

**Whereas**, Bessemer City was incorporated as a city on March 6, 1893 with a population of less than 500; and

**Whereas**, over the years the city grew into a major textile manufacturing center for cotton and corn production and home to several textile firms, yielding Bessemer City as an industrial leader; and

**Whereas**, Bessemer City now serves a population of 5,500 in a five-square-mile radius; and

**Whereas**, Bessemer City has weathered the storm of the national recession and economic downturn to rebound as a growing manufacturing and industrial hub, a safe community, and thriving historic downtown; and

**Whereas**, the City’s slogan, “The City With A Heart” describes both the proud heritage and promising future of this great city;

**Now, therefore**, I, Mayor Becky S. Smith and the City Council do hereby proclaim March 6, 2023 as Bessemer City’s 130<sup>th</sup> Anniversary, and I encourage all Bessemer City residents to celebrate with us all year long.

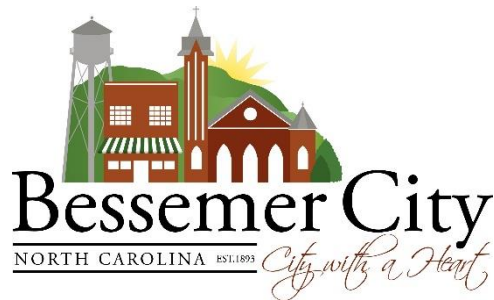
**In witness whereof**, I have hereunto set my hand and caused the seal of the City of Bessemer City to be affixed on this 13th day of March, 2023

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, February 13, 2023 at 7:00 PM

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### MINUTES

#### Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Brent Guffey, Dan Boling, Donnie Griffin and Joe Will were all present. City Manager, Josh Ross 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. Christie Brown, Associate Pastor of Shepherd's Grove Holiness Church 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 February agenda was approved with the following revision:

- Item 9A- Boundary Line Agreement (Add)

#### Special Presentations

Student Appreciation- Students from Bessemer City High School, Bessemer City Middle School, Bessemer City Central Elementary School, and Bessemer City Primary School 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: Samantha Guess, 9<sup>th</sup> grade representative; Jamari Gaddy, 10<sup>th</sup> grade representative; Abigail Ratte, 11<sup>th</sup> grade representative and Juan David Jimenez, 12<sup>th</sup> grade representative.

Dr. Jessica Mellon, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: Madeline Hendrix, 6<sup>th</sup> grade representative; Jamal Smarr, 7<sup>th</sup> grade representative; and Emily Ruiz 8<sup>th</sup> grade representative.

Mr. Bill Kessler, Principal of Bessemer City Primary and Central School, and Mayor Smith, recognized the following students of the month: Nolan Longwell, Kindergarten representative; Jacqueline Garrido Vasquez, 1<sup>st</sup> grade representative; Ariana Urbina Olivia, 2<sup>nd</sup> grade representative; Elmer Villamil Guzman; 3<sup>rd</sup> grade representative; 4<sup>th</sup> Allen Laasiga Carilla; and 5<sup>th</sup> Katie Radeumcher.

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

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

- Matthew Evers of 404 Pinchback Avenue- Mr. Evers addressed Council regarding his concerns of roadway issues. There is water running across Pinchback Avenue after it storms.

## 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 the Regular Meeting minutes of the January 9th, 2023 meeting.
2. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of the January 31st, 2023 meeting.

### **Establish Public Hearing- Economic Development Grant (Foundry):**

By motion of Dan Boling and unanimous vote, City Council will holding a public hearing to hear public comment regarding an Economic Development Incentive Level 2 for Foundry Commercial on Monday, March 13th at 7:00 PM.

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

Mayor, Becky S. Smith read the City With a Heart Day Proclamation aloud and declared Tuesday, February 14th, 2023 as City with a Heart Day.

By motion of Brent Guffey and unanimous vote, the Proclamation was adopted.

### **Proclamation: African American History Month -**

Mayor, Becky S. Smith read the African American History month Proclamation aloud and declared February 2023 as African American month.

By motion of Joe Will and unanimous vote, the Proclamation was adopted.

### **Public Hearing – (Petition for Voluntary Annexation - 304 E. Cleveland Avenue):**

City Council held a public hearing regarding a request for voluntary annexation from Home Team Property for property located at Tax Parcel #152621.

By motion of Dan Boling and unanimous vote, the public hearing regarding the voluntary annexation was opened at 7:32 PM.

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

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

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the voluntary annexation was closed at 7:33 PM.

### **Boundary Line Agreement (304 E. Cleveland Avenue):**

City Council previously discussed this matter in closed session several months prior. This agreement is needed to properly address property lines. Current property owners had a misunderstanding regarding the metes and bounds of the City's right of way dimensions. Said agreement would properly record the City's right of way and the new property lines.

By motion Brent Guffey and unanimous vote, City Council adopted the boundary line agreement for property located at 304 E. Cleveland Avenue. This agreement states that both parties herein agree that the

new boundary lines of the Home Team Property and the 80' Right-of-Way of E. Cleveland Avenue shall be contiguous.

### **Ordinance to Extend The Corporate Limits of the City of Bessemer City, North Carolina**

Per NCGS 160A-31, City Clerk Hayes provided a certificate of sufficiency for Council review regarding a petition received by Home Team Property Management on January 18<sup>th</sup>, 2023. Public hearing notice of the annexation was published in the local newspaper for public inspection ten (10) days prior to public hearing.

By motion Joe Will and unanimous vote, City Council adopted an ordinance extending the corporate limits of the City of Bessemer City to include property located at tax parcel #152621. A copy of this ordinance is available for citizen review.

### **108 West Virginia Avenue:**

City Staff is requesting the approval of a Building Rehabilitation Incentive Grant (BRIG) for property owners of 108 West Virginia Avenue. The building is currently undergoing changes to become a teleworking space. The owners have completed a project similar to this one in Fuquay-Varina. This building will offer 8 private offices, a lunch area, and one shared common conference room. The grant is a dollar per dollar match up to \$10,000. Once the building owners have received the certificate of occupancy, the City would reimburse the property owners up to \$10,000.00.

By motion of Joe Will and unanimous vote, the BRIG grant for property located 108 West Virginia Avenue was approved.

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

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

- Budget Amendment #1: By motion of Dan Boling and unanimous vote, the budget amendment regarding the financing of new IT services was approved.
- Budget Amendment #2: By motion of Brenda Boyd and unanimous vote, the budget amendment regarding HVAC services at the City Hall Annex was approved.
- Budget Amendment #3: By motion of Brent Guffey and unanimous vote, the budget amendment regarding Parks & Recreation department supplies for Down Home Festival was approved.
- General: Amazon has received approval from Duke Energy for power line construction to begin.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling inquired about blue lights on personal trucks. The lights have a blinding effect, and should only be used on emergency vehicles. Council member, Joe Will commended City workers for the lights on the underpass. Council member, Brent Guffey inquired about the homes on Texas Avenue and their relation to the sewer pumps and landscaping. He also inquired about the old light pole on 12<sup>th</sup> Street it is still leaning. Council member Brenda Boyd thanked City Staff for speaking with NCDOT and getting Alabama Avenue re-opened as it was closed due to a road hazard. Council member, Donnie Griffin inquired about a tree being down in the graveyard and a ditch on the 100 block of Helen Avenue.

### **Adjournment**

Being no further business to come before the board, by motion of Donnie Griffin and unanimous vote, the meeting was adjourned at 7:52 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk

## **SPECIAL MEETING**

**February 23, 2023**

The Bessemer City Council met in special session on Thursday, February 23<sup>rd</sup>, 2023 at 8:00AM in Dhollandia Conference Room. Proper notice was given.

### **Members Present**

Mayor Becky Smith, Council Members: Brenda Boyd, Kay McCathen, Dan Boling, Joe Will, Brent Guffey, and Donnie Griffin. Also present were City Manager, Josh Ross and department heads: Jamie Ramsey, Diane Jenkins, Tom Ellis, Michael Gordon, Nathan Hester, Brandon Willis, and Hydeia Hayes.

### **Call to Order**

Mayor Smith called the meeting to order and explained that this meeting was to discuss the strategic plan for FY 2023-2024.

### **Strategic Plan Discussion**

City Manager, Josh Ross introduced Centralina Council of Governments (CCOG) staff. CCOG staff facilitated a session designed to help City Council identify their goals, mission, and vision. By general consensus, City Council compiled the following:

- Vision: Bessemer City strives to be a unique and welcoming community that connects people to economic opportunities and a higher quality of life.
- Mission: Bessemer City provides high quality public services in a responsible manner that creates success.
- Goals:
  - o #1 Promote a desirable place to live and work that provides a healthy quality of life.
  - o #2 Ensure a safe and secure community for residents and visitors.
  - o #3 Invest in high quality infrastructure to support a thriving and diverse economy.
  - o #4 Provide opportunities for citizen engagement and promote volunteerism.
  - o #5 Foster organizational sustainability that embraces innovation and creativity.

### **Department Head Reports**

Department Heads presented their department's strategic plan for the upcoming year.

By general consensus, the meeting was recessed at 4:30 PM.

### **Call to Order**

Mayor Smith called the meeting to order again on Friday, February 24<sup>th</sup> at 8:00 AM.

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

City Manager, Josh Ross presented the City's strategic plan for the upcoming year. No voting took place during this special session.

**Adjourn**

Being no further business to come before the board, by general consensus the meeting was adjourned at 11:10 AM on Friday, February 24<sup>th</sup>.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk





**ORDINANCE  
ANNUAL DOWN HOME FESTIVAL**

WHEREAS, the City of Bessemer City wishes to provide recreational entertainment for the citizens of Bessemer City; and

WHEREAS, the City of Bessemer City understands the importance of hosting such entertainment in the downtown central business district of Bessemer City; and

WHEREAS, the City of Bessemer City acknowledges that a special event requires rerouting traffic and providing safety measures for citizens attending said events; and

WHEREAS, the City of Bessemer City wishes to host the Annual Down Home Festival along Highway 274 (East and West Virginia Avenue), 100 block of West Pennsylvania Avenue, SR 1448 (North & South 12<sup>th</sup> Street) on Friday, May 12<sup>th</sup> and Saturday, May 13<sup>th</sup>, 2023; and

NOW THEREFORE BE IT ORDAINED by the City Council of Bessemer City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the days and times set forth below on the following described portion of a State Highway System route:

Date: Thursday, May 11, 2023  
 Time: 5PM – 12PM  
 Route Description: 100 Block of West Pennsylvania Avenue

Date: Friday, May 12, 2023 and Saturday, May 13, 2023  
 Time: Friday, May 12, 2023 at 12PM-Saturday, May 13, 2023 at 11PM  
 Route Description: 100 Block of West Pennsylvania Avenue, 100 Block of East Virginia Avenue and 100 Block of West Virginia Avenue, 100 Block of North 12th (SR 1448), and 100 Block of South 12th

Adopted by City Council this 13<sup>th</sup> Day of March, 2023

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



**ORDINANCE  
SOUNDS OF SUMMER SERIES**

**WHEREAS**, the City of Bessemer City wishes to provide recreational entertainment for the citizens of Bessemer City; and

**WHEREAS**, the City of Bessemer City understands the importance of hosting such entertainment in the downtown central business district of Bessemer City; and

**WHEREAS**, the City of Bessemer City acknowledges that a special event requires rerouting traffic and providing safety measures for citizens attending said events; and

**WHEREAS**, the City of Bessemer City wishes to host six (6) entertainment events titled the “Sounds of Summer Series” in downtown Bessemer City along Highway 274 (East and West Virginia Avenue) and the 100 Block of South and North 12<sup>th</sup> Street on the 4<sup>th</sup> Saturday of each month from April to September from the hours of 5pm to 10pm;

**NOW THEREFORE BE IT ORDAINED** by the City Council of Bessemer City pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the days and times set forth below on the following described portion of a State Highway System route:

**Dates:** Saturday, April 22, 2023; Saturday, May 27, 2023; Saturday, June 30, 2023; Saturday, July 22, 2023; Saturday, August 26, 2023; and Saturday, September 23, 2023.

**Times:** 2pm-10pm

**Route Description:** 100 Block of East Virginia Avenue and 100 Block of West Virginia Avenue (Highway 274), 100 Block of South 12<sup>th</sup> Street and 100 Block of North 12<sup>th</sup> Street

Adopted by City Council this 13<sup>th</sup> Day of March, 2023

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



[Onegaston2040.com](http://Onegaston2040.com)



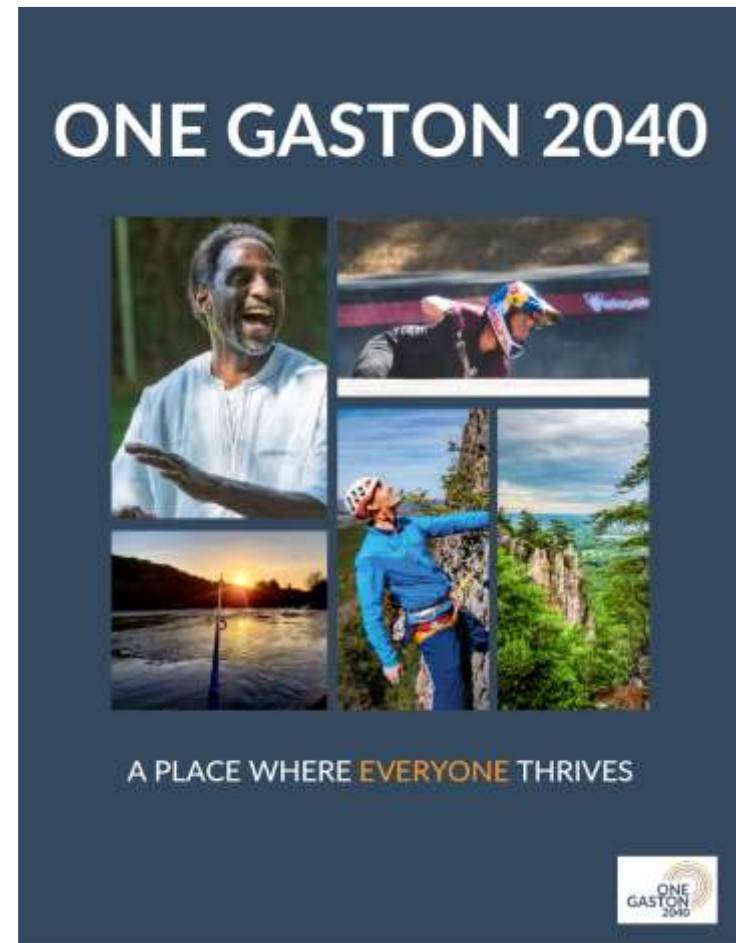
## OVERVIEW

- Creating the Community Vision
- Vision as a **Foundation** for Community Collaboration, Action, and Data-Informed Decision Making
- What Does It Say?
- What's Next?: Implementation
- Data Dashboard/Community Information Hub
- Staying Involved



# CREATING THE VISION

- 2.5 year process (First year preliminary planning/groundwork)
- Public/private initiative (THANK YOU!)
- Diverse steering committee
- Purposeful community engagement





# COMMUNITY ENGAGEMENT



- Three Rounds
- 70+ workshops/meetings
- 2 online surveys
- 1700 participants
  
- **The product is “the end of the beginning”**

# VISION AS A COMMON FOUNDATION FOR THE WORK OF OUR ORGANIZATIONS AND COMMUNITY

<b>WISE USE OF RESOURCES</b>	<b>COMMUNITY INTERACTION</b>	<b>MEASURES OF SUCCESS</b>
<b>COMMUNITY DATA</b>	<b>INNOVATION</b>	<b>SHARED GOALS</b>
<b>INFORMED STRATEGIES</b>	<b>COLLABORATIVE PLANNING</b>	<b>COORDINATED ACTION</b>
		



A place where everyone thrives

# ONE GASTON 2040



A PLACE WHERE **EVERYONE** THRIVES







A place where everyone thrives

# DEFINING TRAITS

## Sense of Belonging

People will feel welcomed and valued in Gaston County, long-term residents, newcomers, commuters, and visitors alike.

## Collaborative Spirit

Collaboration will be a byword for success in Gaston County, as people and organizations join forces to address community challenges and leverage the benefits of growth.

## Unique Locales

Gaston County has it all: mountains, lakes, trails, parks, farmland, charming downtown districts. These locales will continue to lend character and vibrance to the County.

## Quality Growth

Robust economic growth will be a part of Gaston County's future, bringing investment, jobs, and opportunity, without destroying the things that residents value.

## Inclusive Opportunity

No one will feel excluded from or overlooked by the community. Everyone will see people who look like them in positions of leadership in the community.



**FOCUS AREAS**

**One Gaston Shines**

**We will have a sense of pride about all Gaston County has to offer.**

- Generate pride and positive perceptions
- Leverage arts and culture

**One Gaston Grows**

**We achieve quality growth and economic success by using our land and resources wisely.**

- Maximize housing options
- Provide adequate infrastructure
- Retain character and natural amenities

**One Gaston Works**

**We have great job and career opportunities, and we are prepared and equipped to succeed.**

- Strengthen childcare and early childhood education
- Ready students for college and careers
- Strengthen targeted economic development

**One Gaston Connects**

**We have convenient access to the internet, and the ability to get around by walking, biking, driving, and using public transit.**

- Improve mobility, connectivity, and accessibility
- Enable broadband internet access

**One Gaston Cares**

**We are healthy in body, mind, and spirit, and our communities work together for quality of life for all.**

- Collaborate and build coalitions
- Welcome and value diversity
- Promote health and wellness in body, mind, and spirit



A place where everyone thrives

# IMPLEMENTATION STRUCTURE

ONE GASTON 2040 Implementation Lead Organization  
**Gaston Together**

**ONE GASTON CARES**  
Focus Area Team

**ONE GASTON CONNECTS**  
Focus Area Team

**ONE GASTON WORKS**  
Focus Area Team

**ONE GASTON GROWS**  
Focus Area Team

**ONE GASTON SHINES**  
Focus Area Team



# FOCUS AREA TEAMS

- Leverage existing teams/initiatives – do not duplicate
- 10 – 15 members per team
- Led by a
  - 1 -2 Subject Matter Experts
  - 1 - 2 Community Champions
- Diverse and energized membership
- Develop collaborative strategies
- Set specific near-term goals
- Identify measures to track progress
- Innovate for efficient and effective use of resources

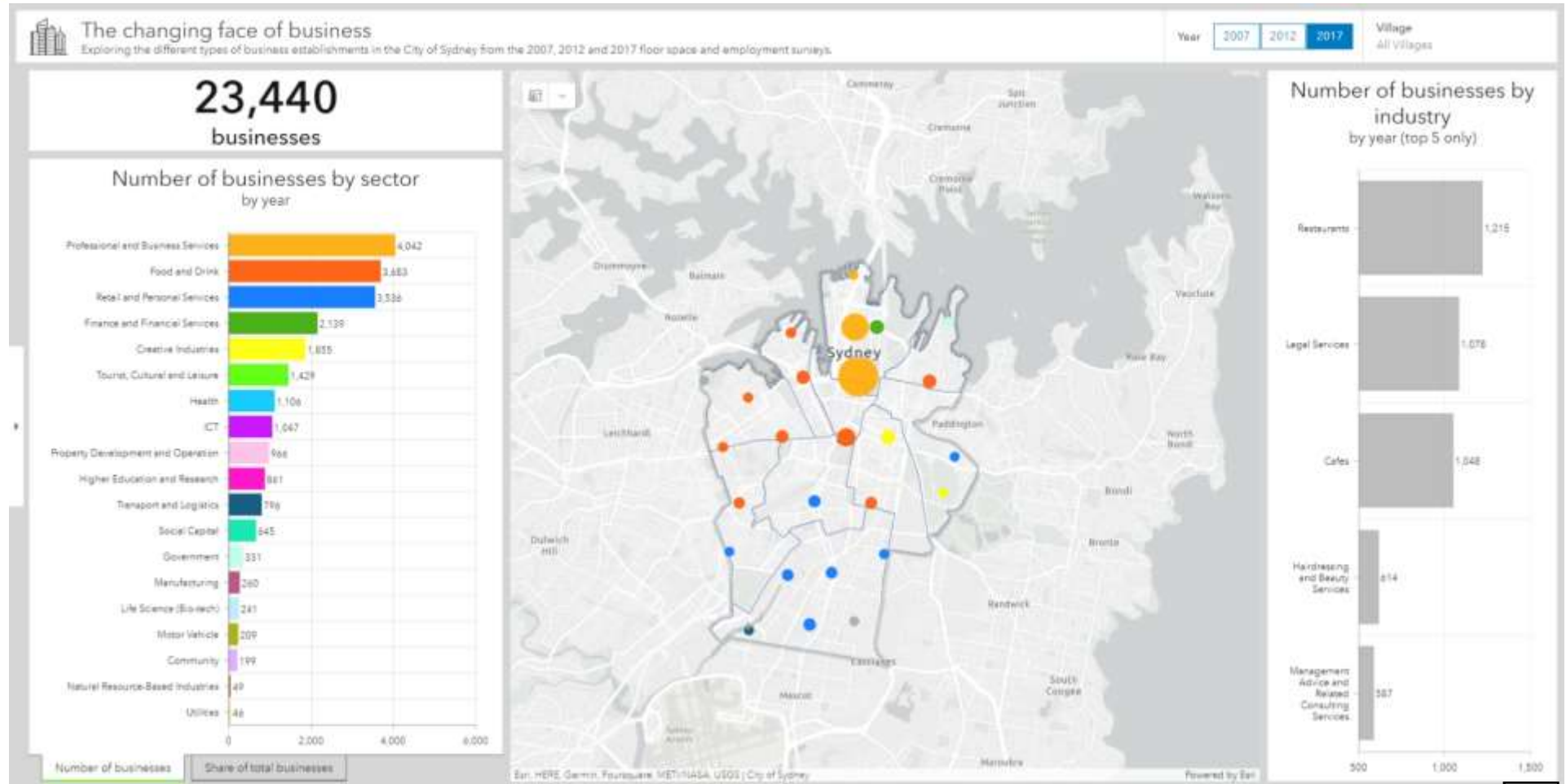




# DATA DASHBOARD/ COMMUNITY INFORMATION HUB

Item 9.

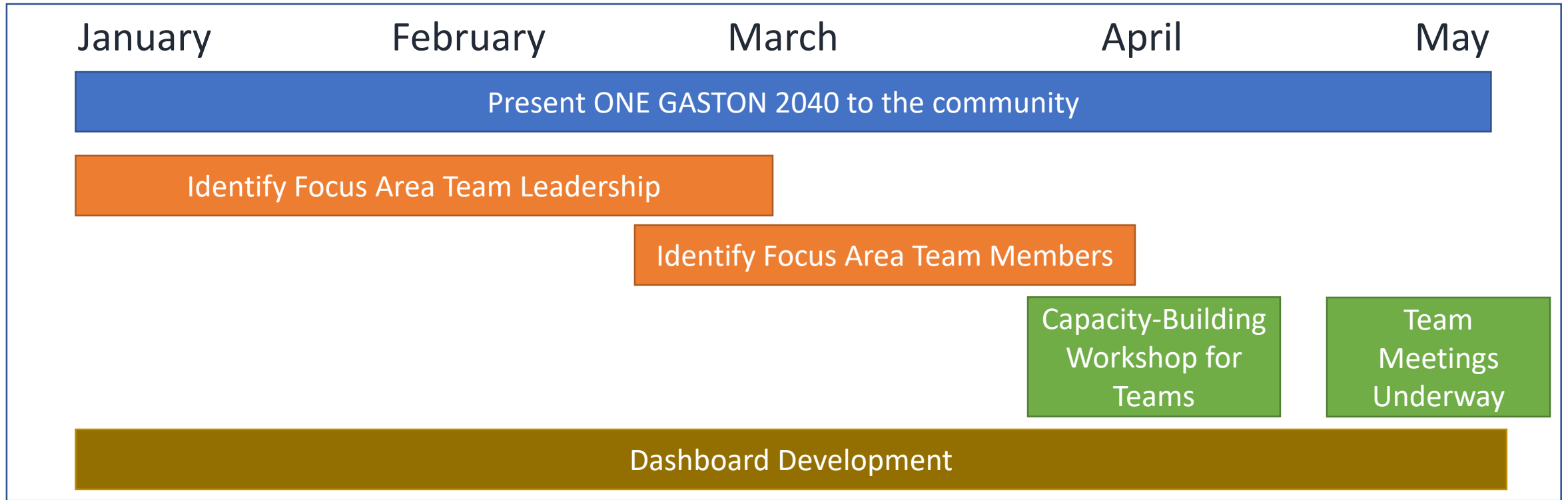
- ArcGIS Hub Premium
- Enables a community of users
- Can be customized to each locality or initiative





# MOVING FORWARD AS A COMMUNITY

A place where everyone thrives



COMMUNICATION

COLLABORATION

INCLUSION

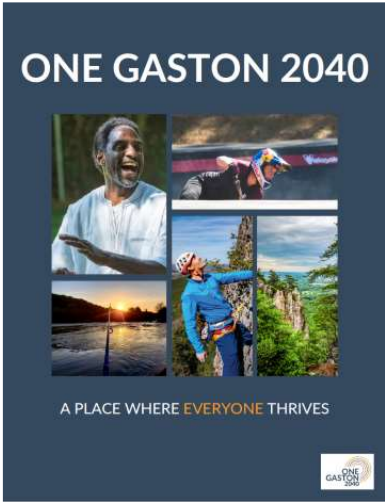


# How Can You Get Involved?

- Help us spread the word
- Offer names as potential members of Focus Area Teams
- Participate in the Data Dashboard/Community Information Hub
- Reference and support One Gaston 2040 in your strategic planning
  
- Innovate, Collaborate, Create

[www.onegaston2040.com](http://www.onegaston2040.com)

Leslie Lee, Executive Director, Gaston Together  
llee@gastontgether.org



COMMUNICATION

COLLABORATION

INCLUSION



**RESOLUTION TO APPROVE A LEVEL TWO INCENTIVE GRANT PURSUANT TO N.C.GEN.STAT. §158-7.1 AND TO AUTHORIZE GASTON COUNTY TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT (EDA) WITH FOUNDRY COMMERCIAL**

**WHEREAS**, Foundry Commercial is considering a total investment of \$15,000,000 to establish a 280,460 square foot warehouse and distribution facility in the Southridge Business Park, with the expectation to complete this investment on or before November, 2023; and,

**WHEREAS**, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for the location of industry; and,

**WHEREAS**, Bessemer City and Gaston County developed an economic grant policy to provide global advanced manufacturing companies and distribution facilities with high quality industrial park locations; and,

**WHEREAS**, it is anticipated that the Company's capital investment in and at the Property and its operations there at will generate significant ad valorem tax, sales tax and other revenues to the City and will qualify for a Level One Grant; and,

**WHEREAS**, City of Bessemer City Resolution No. 2022-2023- R 8, authorized a Level One Grant for this project and Foundry Commercial anticipates that its investment will exceed the threshold under the City policy to receive a Level Two Grant, and,

**WHEREAS**, the County will prepare a detailed Economic Development Agreement (EDA), between Foundry Commercial, the County and Bessemer City, so as to induce the company to provide good job opportunities and capital investment which will enhance the County's ability to attract additional business and industry;

**NOW, THEREFORE BE IT RESOLVED** that the City of Bessemer City Council approves a Level Two, or Level One Grant (contingent upon the tax value of the investment) and authorizes City Manager to execute any documents necessary to complete an Economic Development Agreement for Foundry Commercial.

Adopted this the 13<sup>th</sup> day of March, 2023.

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Becky S. Smith, Mayor

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Hydeia Hayes, City Clerk



LGC-205 Amendment **AMENDMENT TO CONTRACT TO AUDIT ACCOUNTS** Rev. 11/2022

Whereas	Primary Government Unit City of Bessemer City
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor Eddie Carrick, CPA, PC

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending <input type="text" value="06/30/22"/>	and originally to be submitted to the LGC on	Date <input type="text" value="10/31/22"/>
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hereby agree that it is now necessary that the contract be modified as follows.

<input checked="" type="checkbox"/> Modification to date submitted to LGC	Original date 10/31/22	Modified date 06/30/23
	Original fee	Modified fee
<input type="checkbox"/> Modification to fee		

Primary Other  
(choose 1)(choose 0-2)

**Reason(s) for Contract Amendment**

- Change in scope
- Issue with unit staff/turnover
- Issue with auditor staff/workload
- Third-party financial statements not prepared by agreed-upon date
- Unit did not have bank reconciliations complete for the audit period
- Unit did not have reconciliations between subsidiary ledgers and general ledger complete
- Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger
- Unit did not have information required for audit complete by the agreed-upon time
- Delay in component unit reports
- Software - implementation issue
- Software - system failure
- Software - ransomware/cyberattack
- Natural or other disaster
- Other (please explain)

**Plan to Prevent Future Late Submissions**

If the amendment is submitted to modify the date the audit will be submitted to the LGC, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Audits are due to the LGC four months after fiscal year end. Indicate NA if this is an amendment due to a change in cost only.

Component unit experienced significant turnover in the finance department. Unit was determined to be unauditible by prior auditor. Subsequently, component unit hired experienced bookkeeper to reconcile books and accounts. New auditor completed audit timely upon request. Problem seems to be corrected going forward.

**Additional Information**

Please provide any additional explanation or details regarding the contract modification.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Eddie Carrick, CPA, PC	
Authorized Firm Representative* (typed or printed)	Signature*
Date*	Email Address eddie@eddiecarrickcpa.com

GOVERNMENTAL UNIT

Governmental Unit* City of Bessemer City	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (if required by governing board policy)	3-14-2023
* Mayor/Chairperson* (typed or printed) Becky S. Smith	* Signature* Becky S. Smith
* Date 3-01-23	* Email Address Bsmith@bessemercity.com

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

**GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE**  
**\*ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT\***  
*(Pre-audit certificate not required for hospitals)*

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

* Primary Governmental Unit Finance Officer* Diane Jenkins	* Signature* Diane Jenkins
* Date of Pre-Audit Certificate* 2/27/2023	* Email Address* djenkins@bessemercity.com

**SIGNATURE PAGE – DPCU**  
(complete only if applicable)

**DISCRETELY PRESENTED COMPONENT UNIT**

DPCU N/A	
Date DPCU Governing Board Approved Amended Audit Contract (If required by governing board policy)	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

**DPCU – PRE-AUDIT CERTIFICATE**  
**\*ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT\***  
*(Pre-audit certificate not required for hospitals)*

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

DPCU Finance Officer (typed or printed) NA	Signature
Date of Pre-Audit Certificate	Email Address

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE City Council  
OF THE City of Bessemer City  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
To provide municipal services to city residents  
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Bessemer City  
(Public Body)  
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of  
Four Million Eight Hundred Sixty-Five Thousand & 00/100 (\$4,865,000)

pursuant to the provisions of NC General Statute Subpart 160A-20; and  
**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association:

- NOW THEREFORE**, in consideration of the premises the Association hereby resolves:
1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
  2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
  3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
  4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
  5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
  6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
  7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
  8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
  9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
  10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 3,165,000.00

under the terms offered by the Government; that the Mayor

and City Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

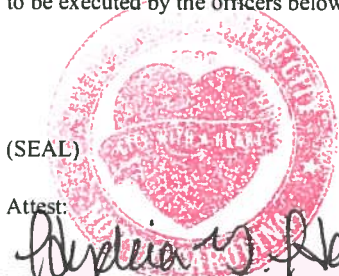
The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was:                      Yeas 5                      Nays 0                      Absent 1

IN WITNESS WHEREOF, the City Council of the

City of Bessemer City has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 7<sup>th</sup>, August day of 2019



(SEAL)

Attest:

Hydeia Hayes  
Hydeia Hayes  
Title City Clerk

By Becky S. Smith  
Becky S. Smith  
Title Mayor

**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as City Clerk of the City of Bessemer City hereby certify that the City Council of such Association is composed of \_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting by the vote shown above, I further certify that as of \_\_\_\_\_ , the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
**Hydeia Hayes**  
 Title City Clerk

**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE City Council  
OF THE City of Bessemer City

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

To provide municipal services to city residents

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Bessemer City  
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Hundred Thirty-Three Thousand & 00 100

pursuant to the provisions of NC General Statute Subpart 160A-20; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 900,000.00

under the terms offered by the Government; that the City Mayor

and City Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was:                      Yeas 6                      Nays 0                      Absent 0

IN WITNESS WHEREOF, the City Council of the

City of Bessemer City has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 2021, 8 day of November



(SEAL)

Attest:

Hydria Hayes  
Hydria Hayes  
Title City Clerk

By Becky Smith  
Becky Smith  
Title Mayor



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as City Clerk of the City of Bessemer City hereby certify that the City Council of such Association is composed of \_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting by the vote shown above, I further certify that as of \_\_\_\_\_ , the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
**Hydeia Hayes**  
 Title City Clerk

BUDGET AMENDMENT  
March 13, 2023

BE IT ORDAINED by the governing body of the City of Bessemer City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023 as follows:

Section 1. To amend the General Fund appropriations as follows:

<u>Acct. No.</u>		<u>Debit</u>	<u>Credit</u>
100-10-4340-500	Replace HVAC FD	\$15,000	

This will result in a net increase of \$15,000 in the appropriations for the General Fund. To provide the additional revenue for the above, the following revenues will be increased.

100-00-3991-991	Fund Balance Appropriated		\$15,000
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Section 2. Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted by Council, this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Becky Smith, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hydeia Hayes, Clerk

\_\_\_\_\_  
Date

COBC-GOV BOD-2022-2023 O 29