



## CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, June 29, 2021 at 3:00 PM

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### AGENDA

*Bessemer City will conduct this meeting in accordance with the Governor's current Executive Order issued in response to the COVID-19 Public Health Emergency. Fully vaccinated people are not required to wear a mask. All others are.*

#### Call to Order

#### Department Head Reports

#### Discussion Items

- 1. Board Appointment Discussion:** Mayor & Council will review and discuss applicants who have applied to serve on the Downtown Development Board.
- 2. Historic Preservation Commission Discussion**
- 3. Budget Amendments:** Council will consider adopting the end of year Budget Amendments to close out the FY 2020-2021.

#### City Manager's Report

- 4. Capital Project Ordinance- ARPA Funds**

#### Council General Discussion

#### Adjourn

*Individuals requiring special accommodations at this public meeting should contact ADA Coordinator, Hydeia Hayes, at (704) 729-6509 or Countrywide at (704) 866-3300 or State Relay Service at 1-800-375-8662.*

# Memorandum



**To:** Mayor Smith and City Council  
**From:** Josh Ross, Director of Administration *JMR*  
**Date:** 6/9/2021  
**Subject:** Council-Appointed Board Applications

Staff has been working in accordance with the *Council Rules and Procedures Policy* to advertise board vacancies. Currently, there are vacancies on the ABC Board, Downtown Development Board, and Planning/Zoning Board/BOA. The information below outlines who is currently on each board, their terms, and who has applied for the board’s vacancy (ies):

### ABC Board

<u>Board Member</u>	<u>Office</u>	<u>Term</u>
John Matsik		August 2018-June 2021
Michael Brooks		June 2019-June 2022
David Bess		August 2018-June 2021
Robert Crouch	2020-2021 Chair	June 2019-June 2022
Michael Meeks		July 2020-June 2023

ABC Board Applications Received:  
 John Matsik June 2021-2024



**Downtown Development Board**

<u>Board Member</u>	<u>Office</u>	<u>Term</u>
Nellie Floyd		June 2019-June 2022
Tracie Anderson		June 2019-June 2022
Vacancy (Donna Schroder)		June 2020-June 2023
Vacancy (Mike Croft)		June 2018-June 2021
Vacancy (Brooke Randolph)		June 2018-June 2021

Downtown Development Board Applications Received:

JC Vargas June 2021-2024  
 Jonathan Fioritto June 2021-2023  
 Lauren Hogan June 2021-2024  
 Shilo Canipe  
 Jonathan Jones

**Planning/Zoning/BOA Board**

<u>Board Member</u>	<u>Office</u>	<u>Term</u>
Allen Hook (IN)	2020-2021 Chair	June 2019-June 2022
Wendy Burgess (IN)		June 2020-June 2023
Mark Wright (IN)		June 2020-June 2023
David Absher (IN)		December 2019-June 2021
Charlene Hill (OUT)		June 2019-June 2022

Planning/Zoning/BOA Board Applications Received:

David Absher June 2021-2024  
 Lauren Hogan  
 Shilo Canipe  
 John Matsik





# Board Appointment Application

The Mayor and City Council of Bessemer City believe that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the City’s advisory boards or committees. If you wish to be considered for such an appointment, please complete the following application and return to the City Clerk, 132 W. Virginia Ave., Bessemer City, NC 28016. Phone: 704-729-6509 Email: hhayes@bessemerncity.com

REQUEST FOR APPOINTMENT TO: Downtown Development Board

NAME: Jonathan Jones

ADDRESS: 405 Costner School Rd

TELEPHONE: HOME 704-681-2017 WORK SAME CELL SAME

EMAIL ADDRESS: jjones@cla-val.com

CURRENT: OCCUPATION: Sales Manager

EDUCATIONAL BACKGROUND: High School

**VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:**

Guardian Ad litem Gaston County Dsitric Court 27A

Sales manager CLA-VAL Automatic Control Valves

Geo-Spec Environments

**BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:**

While employed at GeoSpec Environments for 6 years in Charlotte, NC I worked with most major municipalities on their streetscape improvements. Notably I have worked on the City of Charlotte bike rack and bike locker designs, Bobcat arena exterior benches and trash can selection along with Tuuci umbrella design East Montague Streetscape N Charleston SC, CPCC, Columbia Convention Center etc. I have since transferred to CLA-VAL and work in municipal water distribution engineering Sales since 2007 to present

**WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?**

With over 20 years in Municipal sales I have visited and worked with almost every town in NC,SC. I have seen what spurs growth in small towns. I was privileged to attend the City of Asheville revitalization seminar conducted on how Asheville brought prosperity back to a declining downtown, I have solid experience in streetscape products like benches, trash cans, tree grates, bike racks, play ground equipment etc. I also have understanding of engineer/architect selection and how to approach grant writing etc.

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION  
HOW CAN YOU POSITIVILY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

Item 1.

I have an interest in the communtiy having lived here for 4 years I see Bessemer City as a small town community with the potential to revitalize it's small town past while maintaining a marketable growth.

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SIGNATURE: Jonathan Jones

DATE: Jonathan Jones

Digitally signed by Jonathan Jones  
DN: cn=Jonathan Jones, o=CLA VAL, ou=CLA VAL, email=jones@cla-val.com, c=US  
Date: 2021.05.05 22:52:31 -0500

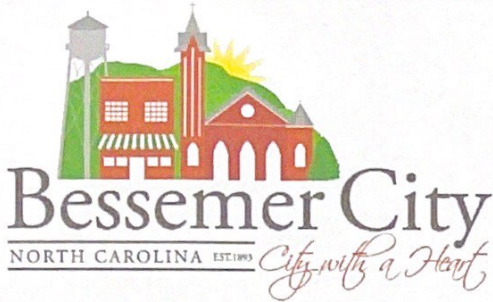
**CLERK USE ONLY**

**Received On:**

**Received By:**

**Signature:**

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION



Board Appointment Application

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REQUEST FOR APPOINTMENT TO: B.C. Downtown Development

NAME: Jonathan Fioritto Jr

ADDRESS: 101 E Virginia Ave, Bessemer City

TELEPHONE: HOME \_\_\_\_\_ WORK 704 629 4586 CELL 704 813 6041

EMAIL ADDRESS: blossom.jonathanf@gmail.com

CURRENT OCCUPATION: Business Owner

EDUCATIONAL BACKGROUND: BA in business administration.

VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:

Volunteer @ church soup kitchen & blessing bag making.  
Walking dogs @ animal shelter w/old work piers.

BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:

I would like to help make a positive impact on the community that I have decided to invest in. I believe being on this board will allow me to help spearhead ideas & push B.C. forward!

WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?

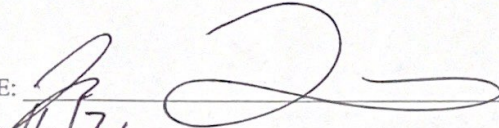
I served in the Marines for 5 years and I know how important it is to be involved in the community. By owning property here I am invested in the best possible future for B.C.

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION  
HOW CAN YOU POSITIVELY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

By serving on this board I can help coordinate relations between the city & the citizens. Being a business owner here, I get ~~at~~ a lot of feedback on ways the citizens would like to see changes here.

SIGNATURE:

DATE:

  
6/6/21

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Received By:

Signature:



# Board Appointment Application

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REQUEST FOR APPOINTMENT TO: Zoning & Planning/Downtown Developemant

NAME: Shilo Canip

ADDRESS: 311 Long Creek Rd. Bessemer City, NC 28016

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL 7047478390

EMAIL ADDRESS: shilocanipe@yahoo.com

CURRENT: OCCUPATION: Electriccian

EDUCATIONAL BACKGROUND: High School Diploma

VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:

- Whetstone Masonic Lodge
- Crowders Mountain Shrine Club
- Carl Johnson Memeorial turkey Shoot

BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:

Being A Life Long Citizen I Feel That I Am A Superb Candidate For this Board.

WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?

Having Served On City Council From 2000-2002 And On The Planning Board For 3 years After Being On Council



CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION  
HOW CAN YOU POSITIVELY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

Being From Here I Feel I Understand The Direction The City Is Progressing Towards. It Is My Hope To See Us Move Forward In A positive Manner

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SIGNATURE: Shilo Cain  
DATE: 6/7/21

**CLERK USE ONLY**

**Received On:** \_\_\_\_\_

**Received By:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION



# Board Appointment Application

The Mayor and City Council of Bessemer City believe that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the City's advisory boards or committees. If you wish to be considered for such an appointment, please complete the following application and return to the City Clerk, 132 W. Virginia Ave., Bessemer City, NC 28016. Phone: 704-729-6509 Email: hhayes@bessemerncity.com

REQUEST FOR APPOINTMENT TO: Downtown Development Board

NAME: JC Vargas

ADDRESS: 6640 Wilkinson Blvd., Belmont NC 28012

TELEPHONE: HOME 704-825-8456 WORK 704-825-0661 CELL 704-309-0192

EMAIL ADDRESS: JC@belmontoffices.com

CURRENT: OCCUPATION: Commercial Real Estate

EDUCATIONAL BACKGROUND: Undgraduate Business Degree - Marketing and Management - Appalachian State University

**VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:**

- Metrolina Jaycees - Charlotte Chapter past President
- Homeless Shelter Volunteer - Charlotte
- Montcross Chamber of Commerce - Member
- Queen of Apostles Church - Member

**BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:**

See Attached

**WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?**

- Vision, Compassion and Preservation
- 32 Business Experience - Bussiness CEO
- 17 Years Construction and Development Experience

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION  
HOW CAN YOU POSITIVELY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

Vision, Compassion and Preservation

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SIGNATURE: J. L. Varigan

DATE: 02-15-21

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Received By: \_\_\_\_\_

Signature: \_\_\_\_\_

**Attachment:**

Vision, Compassion and Preservation is what has driven me for the past 10 years. My goal has been to find buildings that we can help revive/repurpose and give a new life. Bessemer City has many buildings that need this type of love...

Small town architecture is what connects us to our diverse past. I challenge the notion that new is better. I realize that the look and feel of a small town is what drew residents here in the first place. This is the cause that transforms communities from places we live to into places we want to be, places we want to visit, places we want to move to and places people love.

My vision is that in the future this type of redevelopment will attract shops, galleries, boutiques, cafes and salons, all with old-fashion storefronts... Due to the proximity of the Osage Mill redevelopment, the new Kings Mountain Casino and Lithium Corp. expansion the future of Main Street Bessemer City is very hopeful. We want to make Bessemer City a destination that everyone talks about and that everyone wants to visit.



# Board Appointment Application

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REQUEST FOR APPOINTMENT TO: Bessemer City Planning Board/Board of Adjustment

NAME: Lauren Hogan

ADDRESS: 206 E Virginia Ave Bessemer City, NC 28016

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL 704-685-1816

EMAIL ADDRESS: LAURENWHOGAN@GMAIL.COM

CURRENT: OCCUPATION: Independent Contractor

EDUCATIONAL BACKGROUND: Associate of Arts with a concentration in Business Fundamentals

### VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:

Actively participate in the electoral process by voting, and encouraging others to vote. Volunteered with the Gaston County Chamber of Commerce in 2018 to help spread information about the "Our Children Our Future" initiative to help build new schools, and repair current schools in Gaston County. Volunteered with Pleasant Ridge Elementary School PTO to help raise money and expand the playground with a \$15K walking track. Volunteered with Habitat for Humanity & WWP

### BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:

I would like to be considered to serve on the planning board/board of adjustment because I am a great listener and I am willing to study the information required for making thoughtful decisions. I have enjoyed watching the city grow, since I moved here in 2015, and would like to help facilitate further growth, in the best interest of the town and its citizens.

### WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?

I have the ability to listen well, and understand different perspectives. I have a light understanding of the planning process, through past and current projects and am willing to attend workshops or seminars to understand more. I have the ability to communicate clearly in a meeting environment, and listen to all sides to make a fair decision. Capable of understanding the long-term impact of new development decisions to help avoid unintended consequences for the city.

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION  
HOW CAN YOU POSITIVELY IMPACT THE COMMUNITY BY SERVING ON THIS BOARD?

Item 1.

I can positively impact the community by serving on the planning board/board of adjustment by helping the current team make good decisions to keep Bessemer City growing positively, adding new amenities in a way that makes sense with the current and future zoning plans.

SIGNATURE: Y. D. Hagan

DATE: 5/27/2021

**CLERK USE ONLY**

**Received On:**  
\_\_\_\_\_

**Received By:**  
\_\_\_\_\_

**Signature:**  
\_\_\_\_\_

**AGREEMENT DESIGNATING A JOINT HISTORIC PRESERVATION COMMISSION  
AND REQUESTING THAT GASTON COUNTY ACT AS A CERTIFIED LOCAL  
GOVERNMENT**

This is an agreement between the County of Gaston (“County”) and the **TOWN/CITY NAME** (“Town/City”) requesting the Gaston County Historic Preservation Commission to exercise those powers and duties given to it by and under the North Carolina General Statutes 160D and the Gaston County Historic Preservation by-laws within (**TOWN/CITY Name**) planning jurisdiction, as well as to act on the **TOWN/CITY’s** behalf as a Certified Local Government.

**1. Designation of a Joint Historic Preservation Commission**

Pursuant to the authority provided in Section 160D of the North Carolina General Statutes, the County and **TOWN/CITY** hereby designate the Gaston County Historic Preservation Commission as a joint historic preservation commission to be governed by the statutory sections cited above and provisions set forth in the Gaston County Historic Preservation Commission Ordinance, as established in the Ordinance and Resolution creating the Historic Preservation Commission and its amendments, as found in Resolution 90-124, 91-26, and 93-308. The Commission shall have the authority to exercise, within the planning jurisdiction of **TOWN/CITY**, all the powers and duties given to it by said statutes as well as the Gaston County Historic Preservation Commission By-Laws. These powers and duties shall include but are not limited to identification and designation of local historic districts and landmarks as provided in N.C. Gen. Stat. §160D, provided that any such designation be submitted to and approved by both the **TOWN/CITY** and the County. The Commission shall have the sole authority for issuing Certificates of Appropriateness for any designated landmark.

**2. County Amendments to the Gaston County Historic Preservation Commission Ordinance**

If the County proposes any amendment to the Gaston County Historic Preservation Commission Ordinance, it will provide the **TOWN/CITY** written notice of the proposed amendment and provide the **TOWN/CITY** reasonable opportunity to review and comment on the proposed amendment before the County holds a public hearing on the amendment.

**3. Funding Commission**

As established in the Ordinance creating the Historic Preservation Commission and subsequent amendments, the County will provide the staffing, materials, and funding it deems necessary to support the Commission's basic duties.

#### 4. **Termination of Agreement**

The **TOWN/CITY** may terminate this agreement by providing the County a 90-day written notice of its intent to terminate. The County may terminate this Agreement by providing the Town with a 90-day written notice of its intent to terminate. Any landmarks within the jurisdiction of the **TOWN/CITY** after withdrawal from the Agreement become the responsibility of the **TOWN/CITY**, provided that it has passed an ordinance to create a local preservation commission. Landmarks in the jurisdiction of the **TOWN/CITY** with no preservation commission will be de-designated by the Gaston County Historic Preservation Commission.

#### 5. **Entire Agreement**

This Agreement constitutes the entire agreement between the Parties and it supersedes any and all prior representations and agreements, whether oral or written, between the Parties. No such prior representations or agreements may be offered or considered to vary the terms of this Agreement, or to determine the meaning of any of its provisions.

#### 6. **Severability**

In the event that any provision of this Agreement is declared invalid for any reason by a court of competent jurisdiction, said finding will not affect the remaining provisions of this Agreement.

#### 7. **No Third-Party Beneficiaries**

This Agreement is binding upon all Parties hereto, by and through their officials, agents, employees, and successors. This Agreement is enforceable only by the Parties. No person or entity is intended to be a third-party beneficiary of the provisions of the Agreement for purposes of any civil, criminal, or administrative action, and accordingly, no person or entity may assert any claim or fight as a beneficiary or protected class under the Agreement.

#### 8. **Rights of Third-Parties**

This Agreement is not intended to impair or expand the rights of any person or organization seeking relief against the County or the Town, or any officer or employee thereof, for their conduct or the conduct of any officer or employee. Accordingly, it does not alter legal standards governing any such claims by third parties, including those arising under state or federal law.

#### 9. **Effective Date**

This Agreement shall become effective between the County and the **TOWN/CITY** after adoption by both the County Board of Commissioners and the governing body of the **TOWN/CITY** NAME.



(INSERT APPROPRIATE SIGNATURES)

BY-LAWS (as corrected 10/16/90)  
BY-LAWS (as corrected XX/XX/2021)

THE GASTON COUNTY HISTORIC PRESERVATION COMMISSION

## I. GENERAL RULES

The Gaston County Historic Preservation Commission shall be governed by the terms of Part 4 of Chapter 160D of the General Statutes of North Carolina, by Gaston County, and any municipality adopting the Gaston County Historic Preservation Ordinance, as amended from time to time. All members of the Commission shall thoroughly familiarize themselves with the general statutes and this ordinance. In addition, the meetings of the Commission shall be governed by Robert's Rules of Order as revised and amended.

## II. OFFICERS AND DUTIES

The following officers shall be elected by majority vote of the Historic Preservation Commission members. Terms of office shall be one (1) year or until their successors are elected. Officers are eligible for re-election.

### Chairman

The Chairman shall preside over the meetings of the Commission and shall decide all points of order and procedure subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chairman shall have the authority to call all meetings, including special meetings and make all committee appointments with the Executive Committee. The Chairman shall act as a liaison between the Commission and the elected officials of Gaston County and all cities participating in an interlocal agreement with the Historic Preservation Commission.

The Chairman shall see that effective presentations are made to the Gaston County Commissioners and the council members of all of the cities participating through an interlocal agreement and shall see that the policies of the Commission are carried out.

### Vice-Chairman

The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman and at such times shall have the powers and duties as the Chairman.

### Secretary

The Secretary shall keep all the records, be responsible for conducting all correspondence of the Commission, and shall generally supervise the clerical work of the Commission. The Secretary shall keep the minutes of every meeting of the Commission. All minutes shall be public record and shall show the record of all important facts pertaining to each meeting, including every resolution acted upon by the Commission. The Secretary shall be an appointed Gaston County staff member.

#### Treasurer –

The Treasurer shall work with the appropriate fiscal officers of the respective cities and Gaston County in receiving and disbursing funds. They shall keep a full and accurate account of the finances of the Commission and shall provide periodic reports of those finances. The Treasurer shall furthermore be responsible for reporting the status of the funds of the Commission at each monthly meeting to the full Commission.

### III. MEETINGS

#### Regular Meetings –

Regular meetings of the Commission shall be held on the third Tuesday of each month at 12:00 p. m. at a designated place specified by the Chairman in advance of the meeting. Notice of these meetings shall be circulated by the Secretary one (1) week in advance of each meeting. All meetings shall be open to the public in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.

#### Special Meetings –

Special meetings of the Commission may be called at any time by the Chairman or any other officer of the Commission. At least twenty-four (24) hours' notice of the time, place, and subject of the special meeting shall be given by the Secretary or the Chairman to each member of the Commission and the general public.

**Quorum**  
A quorum shall consist of four (4) members of the Commission. The number required for a quorum shall not be affected by vacancies. Faithful attendance of all members of the Commission is expected by the Commission.

#### Voting

The vote of a majority of those members present shall be sufficient to decide any matter before the commission provided a quorum is present. No member shall be excused from voting except upon matters involving the consideration of their own financial interest or official conduct.

#### Conduct of Meetings

All meetings of the Commission shall be open to the Public. The order of business at regular meetings shall be as follows: (a) call to order; (b) approval of minutes of previous meetings; (c) reports of committees; (d) treasurer's report; (e) unfinished business; (f) new business; (g) other business.

#### Certificate of Appropriateness Hearings

See VI. Procedures for Certification of Appropriateness Hearings

#### Annual Meeting

The annual meeting of the Commission shall be held on the third Tuesday in June of each year or at such other time as may be agreed upon. At the annual meeting, there shall be reports of all committee chairmen of their respective activities during the previous year with their plans and recommendations for the current year. The election of officers shall take place at the annual meeting and nominations for each office shall be made openly and voting shall be accomplished by following Robert's Rules of Order regarding voting procedures. All Commissioners who are serving in an office at the time of the election shall be eligible for reelection.

#### Vacancies

Failure to attend three (3) consecutive meetings, or four (4) of the regular meetings during a fiscal year that are not excused by the Commission shall require the Secretary to report to the Gaston County Commissioner representing the district from which the member of the Commission resides. The Secretary shall inform the County Commissioner as promptly as possible so that the Commissioner can consider appointing a replacement to fill the unexpired term of the Commission member.

## IV. COMMITTEES

The Chairman may create committees as required. There shall be four (4) standing committees as follows:

#### Advisory Committee

The Advisory Committee shall be ex-officio members of the Commission and shall have no voting power. The Commission members shall appoint persons to the Advisory Committee to secure adequate representation from the municipalities included in their respective townships. The size of the Advisory Committee shall vary in size proportionate to the population of each township. The initial size of the Advisory Committee shall be: Gaston Township, five (5) members; South Point Township, three members; Riverbend Township, two (2) members; Dallas Township one ( 1) member; Cherryville Township, one ( 1) member; Crowders Mountain Township, one (1) member. The Secretary shall keep a current roster of the members of the Advisory Committee which shall change every fiscal year, but the members of the Advisory Committee may be re-nominated by the members of the Commission. The members of the Advisory Committee shall work in close association and in conjunction with the members of the Commission in safeguarding the heritage of Gaston County and promoting the use and conservation of real property for education, pleasure and enrichment of Gaston County and the State of North Carolina; and furthermore, to assist in recommending sites for designation as historical properties on the basis of individual merit and historic significance. Members of the Advisory Committee may serve on any other committees in conjunction to their service on the Advisory Committee and shall assist the Commission members in all projects of the Commission.

#### Executive Committee

The Chairman, Vice-Chairman, Secretary, and Treasurer of the Commission shall serve as the Executive Committee. A quorum for the transaction of any business shall consist of a minimum of two executive officers, provided all members of the Executive Committee have been notified. The Executive Committee shall have and may exercise the powers of the Historic Preservation Commission with respect to authorized business operations of the Commission between meetings. The Executive Committee shall have the duty of appointing the inventory Committee and the Revolving Fund Committee as aforesaid.

#### Inventory Committee

The Inventory Committee shall be appointed by the Executive Committee of the Gaston County Historic Preservation Commission. The Inventory Committee's responsibility will be to make an index of the historic properties throughout Gaston County. Members of the Inventory Committee shall include the Secretary and members from the Commission, the Advisory Committee, or from the county population at large.

The Inventory Committee shall include no less than three members, one member being specifically designated and responsible for the photographic work. The Inventory Committee shall be responsible for identifying and making an inventory of buildings, structures, sites, areas, and objects in Gaston County for possible designation as historic properties and shall see that they are brought to the attention of the Commission in orderly fashion for consideration as projects of the Commission. Said committee shall make presentations regarding historic properties to the Commission, pointing out their historical and/or architectural significance as well as the respects in which they meet the criteria for listing in the National Register of Historic Places or the state or local listing. The term of the members of the Inventory Committee is continual and any vacancy may be filled by appointment by the Executive Committee of the Commission.

#### Revolving Fund Committee

The purpose of this committee shall be to create and administer the Gaston County Historic Preservation revolving Fund which may be used in any legal fashion to achieve the purposes of the Historic Preservation Commission, including the purchase for resale under appropriate covenants, or real property, and to invest any funds or other securities in which it may acquire interest in any manner it may deem most appropriate and productive for achieving the other purposes of the Commission.

Members of the Revolving Fund Committee shall be appointed by the Executive Committee of the Historic Preservation Commission. It shall be made up of the Chairman, the Treasurer, the Secretary, and a minimum of three other persons who have demonstrated special interest, experience, or education in history, preservation, architecture, real estate, or law from the Commission or the community.

The members of the Revolving Fund Committee shall work in close association and in conjunction with the members of the Commission in safeguarding the heritage of Gaston County and in promoting the use and conservation of historic properties for the education, pleasure; and enrichment of Gaston County and the State of North Carolina.

The term of the members is continual and any vacancy may be filled by appointment by the Executive Committee of the Commission. The Rules of Procedure of the Revolving Fund Committee shall follow the rules as written in the handbook on revolving funds for nonprofit historic preservation organizations prepared by the Historic Preservation Foundation of North Carolina, Incorporated and the Young Lawyers Division of the North Carolina Bar Association. The Chairman of the Revolving Fund Committee shall be elected by the Committee members and have the power of calling the members of the committee and preparing a report to the Historic Preservation Commission meetings. Meetings of the Revolving Fund Committee shall be held quarterly and/or as deemed necessary for the functioning of this committee.

A quorum shall consist of a simple majority of this committee present and/or voting by conference phone.

## V. PROCEDURES FOR HISTORIC DISTRICTS AND LANDMARK DESIGNATION

A. Designation of Historic Districts shall follow the North Carolina General Statutes, 160D -944. Historic Districts are defined as areas which are deemed to be of special significance in terms of their history, prehistory, architecture, and/or culture, and to possess integrity of design, setting, materials, feeling, and association.

Procedures for designation include:



(1) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared, and (2) A copy of the report shall be shared with the Department of Cultural Resources, acting through the State Historic Preservation Officer or their designee. The State Preservation Officer shall have thirty days to analyze and make recommendations on the report and description of proposed boundaries. Failure of the department to submit its written analysis and recommendations to the Commission within thirty (30) calendar days, or to a municipal governing board if the district lies within a city limits, shall relieve the governing board of any responsibility for awaiting such analysis and said board may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

B. Designation of Historic Landmarks shall comply with North Carolina General Statutes 160D-945. Historic Landmarks are defined as landmarks which are deemed to be of special significance in terms of historical, prehistorical, architectural, or cultural importance), and to possess integrity of design, setting, workmanship, materials, feeling, and/or association. Procedures for designation include:

(1) The Preservation Commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principals and standards for altering, restoring, moving or demolishing properties designated as landmarks.

(2) The Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation of acquisition. Such investigation or report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.

(3) The Department of Cultural Resources, acting through the State Historic Preservation Officer, upon request of the department or at the initiative of the preservation commission shall be provided the opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this section. Any comments shall be provided in writing. If the Department of Cultural Resources does not submit its comments or recommendation in connection with any designation within thirty (30) days following receipt of the investigation and, report of the Commission, the Commission and any city or county governing board shall be relieved of any responsibility to consider such comments.

(4) The Preservation Commission and the governing board shall hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Reasonable notice of the time and place thereof shall be given. All meetings of the commission shall be open to the public in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.

(5) Following the joint or separate legislative hearings, the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.

(6) Upon adoption of the regulation, the owners and occupants of each designated landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the regulation and all amendments thereto shall be filed in the office of the Register of Deeds of Gaston County. In the case of any landmark property lying within the zoning jurisdiction of a city, a second copy of the ordinance and all amendments thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the city or county building inspector. The fact that a building structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as designation remains in effect.

(7) Upon the adoption of the landmarks regulation or any amendment thereto, it shall be the duty of the Preservation Commission to give notice to the tax supervisor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

## VI. PROCEDURES FOR CERTIFICATE OF APPROPRIATENESS HEARINGS

Procedures for Certificate of Appropriateness hearings shall follow North Carolina General Statutes 160D-947 and 160D-948. The sole principles and standards used in reviewing applications shall be the current edition of the Secretary of the Interior's Standards for Rehabilitating Historic Buildings.

### A. Certificate of Appropriateness Required

(1) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Preservation Commission. The county shall require such a certificate to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions. A certificate of appropriateness shall be required whether or not a building or other permit is required.

For purposes of this regulation, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

Except as provided in (2) below, the Commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.

(2) Jurisdiction of the commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which owner consent for interior review has been given by the owner. Said consent of the owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

(3) Prior to any action to enforce a landmark or historic district ordinance, the Commission shall prepare and adopt principles and standards not inconsistent with this regulation for new construction, alterations, additions, moving, and demolition. The ordinance may provide, subject to prior adoption by the Preservation Commission of detailed standards, for the review and approval by an administrative official of applications for a certificate of appropriateness or of minor works or activity as defined by the regulation; provided however, that no application for a certificate of appropriateness may be denied without formal action by the Commission. Other than these administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow procedures of G.S. 160D-4-6.

Prior to issuance or denial of a certificate of appropriateness the Commission shall take such steps as may be reasonably required in the ordinance and/or rules of procedure to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a legislative hearing concerning the application. All meetings of the Commission shall be open to the public in accordance with the North Carolina Open Meetings Law, Chapter 143 Article 33C.

(4) All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed one hundred-eighty (180) days from the date the application for a certificate of appropriateness is filed, as defined by the ordinance or the Commission's rules of procedure. As part of its review procedure, the Commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

(5) All decisions of the commission in granting or denying a certificate of appropriateness may be appealed to the board of adjustment in the nature of certiorari within thirty (30) days from receipt of the written notice of the determination.

(6) The State and its agencies shall have a right of appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under G.S. 121-12(a) from any decision of a local Preservation Commission. The Commission shall render its decision within thirty (30) days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Standards for Rehabilitating Historic Buildings shall be the sole principles and standards used in reviewing applications of the State for certificates of appropriateness. The decision of the commission shall be final and binding upon both the State and the preservation commission.

#### B. Certain changes not prohibited

Nothing shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark which does not involve a change in design, material or appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition. Nothing shall be construed to prevent a property owner from making any use of this property that is not prohibited by other law. Nothing shall be construed to prevent a) the maintenance, or b) in the event of an emergency, the immediate restoration of any existing above-ground utility structure without approval by the preservation commission.

### C. Delay in demolition of landmarks and buildings within historic district

(1) An application for a certificate of appropriateness authorizing the demolition or destruction of a designated landmark or a building, structure or site within the district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to one hundred-eighty (180) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay.

During such period, the Preservation Commission shall negotiate with the owners and with any other parties in an effort to find a means of preserving the building or site. If the Preservation Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

If the Commission or planning agency has voted to recommend designation of a property as a landmark or designation of an area as a district and final designation has not been made by the local governing board, the demolition or destruction of any building site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission or planning agency for a period of up to one hundred-eighty (180) days or until the local governing board takes final action of the designation, whichever occurs first.

(2) The governing board of any municipality may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(3) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

## VII. Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the members of the Commission, provided that such amendments shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken. The Secretary shall be responsible for seeing that notice of any amendment proposed shall be mailed to all members of the Commission.

These By-Laws shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

HISTORIC PRESERVATION COMMISSION

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

Capital Project Ordinance Amendment  
June 29, 2021

BE IT ORDAINED by the governing body of the City of Bessemer City that the following amendments be made to the Public Works Capital Project Ordinance for the fiscal year ending June 30, 2021 as follows:

Section 1. To amend the Public Works Capital Project Ordinance to close out the Project.

<u>Account</u>	<u>Increase</u>	<u>Decrease</u>
560-91-3984-985 Transfer From Water		\$40,000
560-99-9810-984 Transfer From 560 To Water	\$105,000	
560-99-9810-985 Transfer From 560 To Gas	\$105,000	
560-20-4510-430 Design Services		\$45,000
560-20-4510-440 Resident Project Observation	\$7,000	
560-20-4510-450 Professional Fees	\$25,500	
560-20-4510-400 Furnishings & Equipment	\$6,400	
560-20-4510-400 Construction		\$235,000
560-20-3315-360 Investment Earnings	\$8,900	
610-99-3989-985 Transfer From Capital Project	\$136,436.98	
610-91-7160-500 Capital Outlay	\$15,000	
610-91-7130-550 Capital Outlay	\$121,436.98	
640-99-3989-985 Transfer From Capital Project	\$136,436.97	
640-94-7320-500 Capital Outlay	\$136,436.97	

Section 2. Copies of this Capital Project 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 \_\_\_\_\_ 2021.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date





CITY OF BESSEMER CITY  
CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the governing board of the City of Bessemer City, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is miscellaneous water, sewer and/or stormwater projects.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are budgeted for the project:

Misc. Projects \$ 1,777,375.64  
(Water, Sewer, and/or Stormwater or Projects)

Section 4. The following revenues are anticipated to be available to complete this project:

ARPA Funds \$ 1,777,375.64

Section 5. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues expended.

Section 6. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted by Council, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date