

CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, February 14, 2022 at 7:00 PM

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.*

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.*

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.*

1. **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the January 10, 2022 meeting.
2. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting Minutes of the January 25, 2022 meeting.

Business Items

3. **Proclamation: City With A Heart Day** - City Council will consider proclaiming Monday, February 14th, 2022 as City with a Heart Day in Bessemer City.
4. **Proclamation: African American History Month**- City Council will consider proclaiming February 2022 as African American History Month in Bessemer City.
5. **Appointment: ABC Board Member**- City Council will consider appointing Alfred Carpenter to serve as an ABC Board Member until June 2024 to fill a vacancy.
6. **Public Hearing: Rezoning Request**- City Council will hold a public hearing regarding a rezoning request from Lennar Homes for property located at tax parcels #220086 and #151795, from Rural (R) to Urban Residential (UR).
7. **Ordinance for Zoning Map Amendment**- City Council will consider approving a rezoning request from Lennar Homes for property located at tax parcels #220086 and #151795, from Rural (R) to Urban Residential (UR).

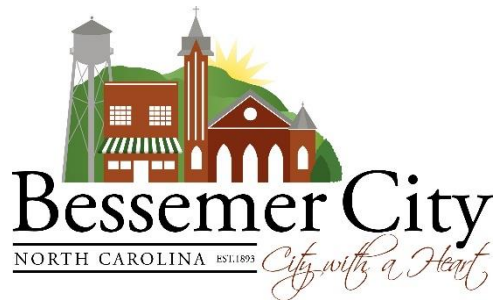
8. **Public Hearing - 202 S. Skyland Dr:** City Council will hold a public hearing regarding a demolition ordinance for property located at 202 S. Skyland Dr.
9. **Demolition Ordinance - 202 S. Skyland Dr.:** City Council will consider demolishing property located at 202 S. Skyland Drive.
10. **Ordinance - Rescinding Demolition Ordinance (402 N. 10th Street):** City Council will consider rescinding a demolition ordinance for property located at 402 N. 10th Street.
11. **Ordinance - Rescinding Demolition Ordinance (609 S. 11th Street):** City Council will consider rescinding a demolition ordinance for property located at 609 S. 11th Street.
12. **Resolution Directing City Clerk to Investigate a Petition for Voluntary Annexation-** City Council will consider a resolution directing the City Clerk to investigate a petition received from Trinity Capital regarding property located at 902 Edgewood Rd. (Edgewood 85 Commerce Park) Parcel Number #306415 (*recombination of Parcels #152636, 152628, 153633, 152634, 152647, 152631, 153067*).
13. **Establish a Public Hearing-** City Council will consider establishing a public hearing on Monday, March 14th at 7:00 PM to hear public comment regarding the petition for voluntary annexation from Trinity Capital regarding property located at 902 Edgewood Rd. Parcel Number #306415 (Edgewood 85 Commerce Park).

City Manager's Report

14. **Declaring Property Surplus-** City Staff is requesting that several vehicles be declared as property surplus.
15. **Award E. Tennessee Stream Bank Project Bid-** City Manager Inman will request that City Council award the E. Tennessee Stream Bank Project Bid to Avery Grading in the amount of \$33,500. Two bids were received: Avery Grading (\$33,500) and A & A Grading (\$85,000).
16. **Capital Project Ordinance -** City Council will consider approving a Capital Project Ordinance regarding water line replacements and paving.
17. **Approval of a Partial Settlement-** City Manager Inman will ask City Council to approve a partial settlement of the excess claim on Dameron property for \$6,375.00.

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



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, January 10, 2022 at 7:00 PM

MINUTES

Members Present

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

Call to Order, Prayer, Pledge of Allegiance

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

Adjustment and Approval of the Agenda

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

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

Request to Speak/Opportunity for Public Comment

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

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

Consent Agenda

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

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

Dr. Martin Luther King Jr. Proclamation

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

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

Establish Public Hearing:

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a rezoning request. City Staff has received a request from Lennar Homes to amend the Zoning Map to rezone Tax Parcels #220086 and #151795, from Rural (R) to Urban Residential (UR).

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

Public Hearing –Table of Uses:

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

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

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

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

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

Ordinance Adopting Text Amendments:

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

Public Hearing –Rezoning Request:

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

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

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

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

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

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

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

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

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

Ordinance Adopting Zoning Map Amendments:

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

Ordinance Adopting Text Amendments

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

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

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

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

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

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

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

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

Resolution To Proceed- Stinger Park Lighting Financing:

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

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

City Manager's Report

City Manager James Inman, addressed Council regarding the following:

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

Council General Discussion

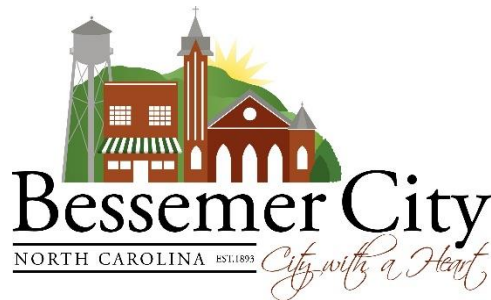
Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling requested that City Staff continue to communicate new developments and projects to citizens. Council member, Joe Will inquired about the Lennar project. Mr. Inman informed him that there will be a public hearing regarding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

Adjournment

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

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, January 25, 2022 at 3:00 PM

MINUTES

Call to Order

Mayor Becky S. Smith called the meeting to order.

Members Present

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

Audit Presentation

Tony Brewer, CPA of Eddie Carrick, CPA addressed Council regarding the 2021 Budget Audit. Mr. Brewer informed Council that his organization services over 28 municipalities and have over 15 years of experience. Per new Local Government Commission guidelines, auditors are required to give a report to Council addressing any concerns from the year end audit. Mr. Brewer had no concerns to address Council regarding the budget. The Bessemer City 2021 budget was in great shape. All performance areas met the LGC's requirements. The City met all requirements per NC General Statutes.

Resolution Approving an Installment Financing Contract- Stinger Park Lighting

City Manager, James Inman addressed Council about the resolution approving an installment financing contract. A public hearing was held on Monday, January 24th at 3:00 PM to allow the public time to address Council regarding the resolution to enter into installment financing for Stinger Park lighting. There was none. Bids were received from HomeTrust and Truist. City Staff recommends that the Truist financing proposal for 10 years with a fixed interest rate of 2.27% be selected.

By motion of Joe Will and unanimous vote, the resolution approving an installment financing contract with Truist for 10 years with a fixed interest rate of 2.27% was approved.

Department Head Reports

Bessemer City department heads gave reports on their department's status:

Josh Ross, Director of Administration- Mr. Ross addressed Council regarding the Osage Mill Redevelopment project, the 85 Commerce Project, the business accelerator program, and a recent visit from the Ambassador and Consul General from Belgium. The Ambassador and Consulate from Belgium came to visit the Dhollandia plant in the Southridge Business Park.

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed Council regarding the two new hires, Doug Ross and Larry Boone. One will be filling a vacant position and another will be taking over Mark Nichols place. Mark Nichols will have a retirement reception tomorrow at 12:00 Noon at the Community

Center. Stinger Park is still coming along well. Shannon Ramsey will be hired as temporary part time to help with the Kiser Senior Center. The Center will be opened on Monday, Wednesday, and Friday from 8AM to 12Noon, and at 4PM to 8PM on Tuesday and Thursday nights.

Charlie Harbin, Fire Chief- Mr. Harbin addressed Council regarding modifications and work being done to the Fire Station. Also, call volume is beginning to rise. Defibrillators have been ordered for the Police Department. Once they have arrived, the Fire and Police Department will be dispatched to cardiac arrest calls in Bessemer City, which will decrease citizen response time.

Jamie Ramsey, Assistant City Manager- Mr. Ramsey addressed Council regarding a 5% sewer rate increase from the City of Gastonia. This rate is a direct increase from the City of Gastonia. Dole is back in operation, and we have seen their water usage rates rise. A budget amendment may have to be done at a later date to balance the budget. This will be determined at a later date.

David James, Captain/Patrol Commander- Mr. James informed Council that the Police Department is doing well.

Diane Jenkins, Finance Director – Ms. Jenkins addressed Council regarding the annual audit and general Finance and Customer Service department progress.

Nathan Hester, City Planner & Code Enforcement – Mr. Hester addressed Council regarding the town homes project, the Lennar Homes project, and a DOT traffic study. Lennar Homes will have a public hearing at the February 2022 Regular City Council meeting.

City Manager's Report

Mr. Inman informed Council on the progress of Stinger Park, the annual Planning Retreat, the creation of two positions and the general City affairs. The annual Planning Retreat will be held on Thursday, February 17th and Friday, February 18th. City Staff request that two positions be created to aid in the City's landscaping. Previously the City had contracted with a third party to handle most of our landscaping needs. However, said contractor has seen a huge reduction in his workforce and has had to close his business. Thus, a financial analysis was done to determine if contracting out City landscaping duties or doing them in house were more affordable. City Manager Inman explained that brining landscaping back in house would allow for more staffing hours to complete projects throughout the year.

By motion of Brent Guffey and unanimous vote, two new positions for landscaping were created.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council member, Joe Will inquired about speed monitoring on Bess Town Rd and Sherwood Ave. Council member, Brent Guffey inquired about the plate readers on Costner School Rd. Council member, Donnie Griffin commended all City departments on a job well done throughout the holiday season and winter weather.

Adjourn

Being no further business to come before the board, the meeting was adjourned at 5:06 PM by motion of Donnie Griffin and unanimous vote.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



**PROCLAMATION
CITY WITH A HEART DAY
FEBRUARY 14, 2022**

WHEREAS, the City of Bessemer City desires to celebrate Valentine’s Day and expand upon its “logo” as the City With A Heart by encouraging all citizens to reach out to others with simple acts of kindness, and

WHEREAS, our goal is to demonstrate the extraordinary power and importance of simple kindness, or a kind act, and

WHEREAS, educating people about the power of kindness can improve the emotional climate in our workplaces, schools, communities and on the roadways, and

WHEREAS, spreading kindness is fun, rewarding, and will serve to enrich our lives and the world and you can show you care by being kind to animals, taking a co-worker to lunch, or just by smiling and greeting everyone you encounter.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Bessemer City that February 14, 2022 be proclaimed as

“City with a Heart Day”

and all citizens are urged to celebrate Valentine’s Day by demonstrating random acts of kindness and encouraging kindness throughout the world.

Proclaimed this 14th day of February, 2022.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



Proclamation
African American History Month 2022

Whereas, Much of Bessemer City's honor, strength and stature can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this city; and

Whereas, African Americans have played significant roles in the history of economic, cultural, spiritual and political development while working tirelessly to maintain and promote their culture and history; and

Whereas, As a result of their determination, hard work, intelligence and perseverance, African Americans have made valuable and lasting contributions to Bessemer City, Gaston County and the great state of North Carolina, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

Whereas, In 1976, African American History Month was formally adopted to honor and affirm the importance of African American History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

Whereas, African American History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

Whereas, during African American History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice;

Now, therefore, I, Mayor Becky S. Smith and the City Council do hereby proclaim February 2022 as

African American History Month

in Bessemer City and urge all citizens to join me in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our town, state and nation.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Bessemer City to be affixed on this 14th day of February, 2022.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



City of Bessemer City Application for Rezoning (Zoning Amendment)

1. Applicant Name: Mark Henninger
2. Applicant Address: 6701 Carmel Road Ste 425
3. Applicant City: Charlotte State: NC Zip Code: 28226
4. Applicant Telephone: Home: _____ Work: 704.309.1425
5. Name and address of owner (if different from applicant): _____
6. Location of Subject Property: _____
 (a) Street address: 3200 Bessemer City Road and 143 Bobbie Lane
 (b) Gaston County P.I.N. 305559 & 220086
7. Area of Subject Property (acres or square feet): +/- 95.33 AC
8. Zoning Classification: Current: R & I-2 Proposed: UR
9. Existing Land Use: Vacant
10. Surrounding Land Use: North: NR & R South: I-2
 East: R-1 & RS-12 West: NR, R & BC
11. Reason(s) for Requesting a Rezoning (Zoning Amendment): Single Family Proposed Use

Required Attachments/Submittals

Typed metes and bounds description of the property (or portion of property to be rezoned. A property deed is sufficient, provided that the deed describes only the property requested for rezoning.

Certification

I hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Bessemer City Planning Department. It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Signature of Applicant: Mark Henninger Digitally signed by Mark Henninger
Date: 2021.10.18 23:47:20 -04'00' Date: 10/18/2021

Staff Use Only:

Fee: \$ _____ Received by: Nathan Hester Date: 10/18/2021

The application fee is nonrefundable

Staff Use Only:**Scheduled for Planning and Zoning Commission consideration:**Date: November 1, 2021 Time: 6:00 p.m. Location: 132 W. Virginia Ave. Bessemer City, NC 28016Date Advertised, written notice(s) sent, and property posted: N/APlanning and Zoning Commission recommendation: ☒ Approved ☐ Denied

If denied, was an appeal filed? _____

Scheduled for City Council consideration:Date: December 13, 2021 Time: 7:00 p.m. Location: 132 W. Virginia Ave. Bessemer City, NC 28016

Dates advertised: (a) first notice: _____ (b) second notice: _____

City Council recommendation: ☐ Approved ☐ Denied

Date applicant notified of City Council action: _____

Comments: _____



COSTNER SCHOOL ROAD

± 95.33 AC

EXISTING ZONING: R (BESSEMER CITY),
I-2 (GASTON COUNTY JURISDICTION)

PROPOSED ZONING: UR

± 158 UNITS (54' X 125')
6,000 SF LOT MINIMUM

DUA:
158 LOTS / 95.33 AC = 1.65 DUA

OPEN SPACE:
REQUIRED: 1/35 PER UNIT = 2.72 AC
PROVIDED: ± 45 AC (47%)



City of Bessemer City, North Carolina
Text Amendment/Rezoning Staff Report
Planning Board Recommendation November 1, 2021

Applicant: Lennar Corporation

Request:

General Rezoning application 03-2021 from Lennar Corporation to rezone Tax Parcel Number's 151795 and 220086 to accommodate the development of a single family residential community.

Background Information:

Tax Parcel's 151795 and 220086 are currently zoned Rural (R), are within the City of Bessemer City's extra territorial jurisdiction and are vacant parcels. The applicant is requesting a zoning map amendment to rezone the parcels to Urban Residential (UR) to accommodate the development of a single family residential community. The parcels will be voluntarily annexed into the City of Bessemer City's city limits by the applicant.

Urban Residential Dimensional Standards:

Minimum Lot Area: 6,000 Square Feet

Minimum Lot Width: 50 Feet

Minimum Front Setback: 20 Feet

Minimum Side Setback: 6 Feet

Minimum Rear Setback: 30 Feet

Minimum Corner Setback: 20 Feet

Maximum Building Height: 45 Feet

Proposal: The applicants have submitted a General Rezoning application on October 18, 2021 proposing to develop a single family residential community on the proposed site. A summary of the proposal is as follows:

Site Development Data:

Acreage: 95.33

Tax Parcels: 151795, 220086

Existing Zoning: (R) Rural (Bessemer City)

Proposed Zoning: Urban Residential (UR)

Existing Uses: Vacant

Proposed Uses: Single-Family

Lots: +/- 158 (54' x 125')

Maximum Building Height: 45' (Per Bessemer City Code)

Minimum Building Height: 20' (Per Bessemer City Code)

Parking: 2 per Unit Minimum

Open Space: +/- 45 acres with approximately multiple amenity spaces, including a swimming pool. Proposed greenway.

Roads: The proposal of the site involves the creation of right of ways within the community that include streets, sidewalks on both sides, and green strips. All right of ways and streets will be dedicated to the city upon development completion. Primary ingress and egress from the site will be off of Costner School Rd. with a secondary access point of ingress and egress off of Arc St. There is a proposed future connection east of the development if future development were to become possible.

- A five (5) foot wide sidewalk shall be constructed alongside all roadways, existing or proposed, as well as a six (6) foot green strip.

Utilities – Water and Sewer: The applicant is proposing the development to be served by City of Bessemer City Water and Sewer services.

- Public Works Director has indicated that there is City water and sewer availability for the site.
- Applicants will pay the water, sewer tap fees, and system development fees.

Stormwater Drainage: Drainage will be engineered according to the best management practices at the time of construction and will be handled through multiple retention ponds and a curb and gutter system located within the proposed road right-of-way. The property is subject to adopted stormwater management guidelines.

Open Space: Applicant proposes approximately +/- 45 acres of open space with a community pool and proposed greenway.

Land Use Buffer: The Preliminary Site Plan indicates there will be a six (6) foot greenstrip along all main roadways within the residential community. The greenstrip shall have Canopy, Understory, or a combination of both. Number of trees required to be determined at the time of permitting. There is a combination of 20 ft., 30 ft., and 40 ft. landscape/stream buffer's proposed around the perimeter of the development site.

<u>School Impact:</u>	Enrollment	Capacity
Bessemer City Primary	337	502
Bessemer City Central	391	490
Bessemer City Middle	490	751
Bessemer City High	573	685

Traffic Impact: Initial Traffic Impact Analysis scope conducted by Ramey Kemp Associates estimated 1,547 daily trips with 114 AM peak hour and 154 PM peak hour. With the reduction of proposed units by applicant these numbers will decrease. Final estimates by consultant not available at the time of this report.

Staff Recommendation:

Approve rezoning of development site to Urban Residential.

Exhibits:

1. Application packet submitted by Land Design on behalf of Applicant.
2. Plan Consistency & Reasonableness Statement



**AN ORDINANCE AMENDING OFFICIAL ZONING MAP OF THE CITY
OF BESSEMER CITY.**

WHEREAS, after proper notification a Public Hearing was held before the Bessemer City Council on February 14th, 2022 to consider a proposed amendment to the City of Bessemer City Zoning Map. On November 1st, 2021 the Bessemer City Planning Board voted to recommend the City Council approve the proposed zoning map amendment.

WHEREAS, after a _____ vote, the City Council of Bessemer City approved a zoning map change to the Official City of Bessemer City Zoning Map reflected in application ZA-03-2021.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bessemer City, that the Official City of Bessemer City Zoning Map is amended to reflect the adopted changes as written below.

1. Tax Parcel #220086 is rezoned from Rural (R) to Urban Residential (UR).
2. Tax Parcel #151795 is rezoned from Rural (R) to Urban Residential (UR).

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 14th Day of February, 2022

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS
ZONING MAP AMENDMENT
February 14, 2022

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the rezoning of the City limits and Extra Territorial Jurisdiction of Bessemer City, North Carolina as noted and depicted on the proposed Official Zoning Map.

- 1) Said zoning change is **not consistent/consistent** with the goals and values established by the City Council adopted in 2019.
 - a. The City Council created a mission and vision statement that included the following seven values: 1. Open, Honest and Accessible Government, 2. Fiscal Accountability and Sustainability, 3. Public Safety and Safe and Accessible Neighborhoods, 4. Keeping True to Our Small-Town Character and Traditions, 5. Focused on Quality and Customer Service, 6. Family Oriented, 7. Promote a Healthy Quality of Life. These rezonings are consistent with these values.
 - b. The City Council created a mission and vision statement that included the following eight goals: 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life. These rezonings are consistent with these goals.
- 2) Said rezoning is **not consistent/consistent** with the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezonings are:
 - a. Consistent with the future land use as designated on the official land use map.
- 3) The proposed map amendments **would be/would not be detrimental** to the city and ETJ.
 - a. The physical conditions that make the rezonings reasonable are:
 - Provides Economic Development growth opportunities with redevelopment and new development in areas that are currently limited due to current zoning.
 - b. The rezonings are in the best interest of the public to increase and maximize property values in order to provide for future infrastructure and amenities.

Therefore, the requested rezonings are **unreasonable/reasonable** and **is not/is in the public interest**.

Upon a motion that the application is **not consistent/consistent** with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 14th day of February, 2022

ATTEST

CITY COUNCIL FOR THE
CITY OF BESSEMER CITY

Hydeia Hayes, City Clerk

BY _____
Becky S. Smith, Mayor

APPROVED AS TO FORM

David W. Smith, City Attorney











MT. SINAI LODGE
FEB. 11, 1901
WALTER
WILLIAM NICHOLSON
WITH CHAPTER #21
WORTHINGTON
CARROLLINE THOMAS



COBC-GOVBOD-2021-2022 O 36

City of Bessemer City

ORDINANCE DIRECTING CODE ENFORCEMENT OFFICER TO DEMOLISH (Sec. 160D-1203, NCGS)

WHEREAS, PURSUANT TO THE Code of Ordinances of the City of Bessemer City (hereinafter called the "Code"), the Code Enforcement Officer of the City of Bessemer City has requested the City Council of the City of Bessemer City (hereinafter called "Council"), to adopt an Ordinance requiring him to remove and/or demolish that certain structure on certain premises locally designated as **202 S. Skyland Ave., Bessemer City, North Carolina**, Tax Parcel # 122525, which premises are described in that certain deed duly recorded in the Gaston County Registry in Deed Book 0624 at Page 0002 to which reference is hereby made, which has been found not to comply with the minimum standards established in said Code; and

WHEREAS, the Council hereby finds that the listed owner Mt. Sinai (a/k/a Sinai) Chapter of A&A SR* Masonic Lodge and,

WHEREAS, the Council hereby finds that the premise is blighted, dilapidated and has defects that are dangerous to the health and welfare of the citizens of Bessemer City; and,

WHEREAS, the Council hereby finds that the City has complied with all appreciable provisions of the Code relative to the adoption of this resolution; and,

WHEREAS, the owner of the premises, after having been given reasonable opportunity to do so, has failed and refused to comply with a lawful order of the Code Enforcement Officers to demolish the structures located on the premises within the time prescribed; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL THAT;

Section 1. The Code Enforcement Officer shall cause the structure on the premises commonly known as 202 S. Skyland Ave., Bessemer City, North Carolina, to be vacated, demolished and removed, and the lot cleaned and cleared of all debris.

Section 2. The cost of the removal or demolition shall be a lien on the premises to be collected pursuant to Chapter 160D-1203 of the North Carolina General Statutes.

Section 3. A copy of this Ordinance, certified as a true copy by the City Clerk, shall be recorded in the Gaston County Registry pursuant to North Carolina General Statutes 160A-443(5).

Section 4. This Ordinance shall become effective upon its adoption.

Adopted this 14th day of February, 2022

BECKY S. SMITH, MAYOR

ATTEST: _____
HYDEIA Y. HAYES, MPA, CITY CLERK

File #: V2018-0226

NORTH CAROLINA
GASTON COUNTY

This the ____ day of _____, _____, personally appeared before me, a Notary Public for said County and State, Hydeia Y. Hayes who being duly sworn to me says that she knows the common seal of the City of Bessemer City and is acquainted with Becky S. Smith, who is the Mayor and presiding member of said municipal corporation; and that she saw the Mayor sign the foregoing instrument and saw the common seal of the said municipal corporation affixed to said instrument by said Mayor, and that she, the said Hydeia Y. Hayes, signed her name in attestation of said instrument in the presence of said Mayor of said municipal corporation.

Witness my hand and notarial seal, this the ____ day of _____, _____.

Notary Public

My Commission expires _____

Prepared By: Charles N. Hester, City Planner/Code Enforcement Officer

Mail To: Bessemer City Police Department
132 W. Virginia Ave.
Bessemer City, NC 28016

CITY OF BESSEMER CITY

ORDINANCE RESCINDING DEMOLITION ORDINANCE

WHEREAS, pursuant to the Code of Ordinances of the City of Bessemer City (“City”), hereinafter called the “Code”) the code enforcement officer of the City has requested the City Council of the City to adopt ordinances requiring him to remove and or demolish certain structures set forth below; and

WHEREAS, the owners of the structures (“Owners”) are identified below; and

WHEREAS, the Owners have complied with the ordinances of the City and the City now desires to rescind the ordinances directing demolition which are set forth in the Gaston County Register of Deeds at the references set forth below; and

WHEREAS, the subject properties (all in the City of Bessemer City), owners, and deed references for each ordinance are as follows:

<u>Property</u>	<u>Owner</u>	<u>Ordinance Book & Page</u>
402 N. 10th Street	<i>Dana Raye Greene</i>	<i>Book 5250, Page 2058-2059</i>

NOW, THEREFORE, be it ordained by the Council that the aforementioned ordinances directing demolition of the structures on the aforementioned properties are hereby vacated and rescinded and such ordinances are hereby deemed of no further force and effect.

A copy of this ordinance, certified as a true copy by the city clerk, shall be recorded in the Gaston County Registry.

Adopted this 14th day of February, 2022

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CITY OF BESSEMER CITY

By: _____
Mayor, Becky S. Smith

ATTEST:

City Clerk, Hydeia Y. Hayes

CITY SEAL

NORTH CAROLINA

GASTON COUNTY

Personally appeared before me, a notary public for the said county and state, on this the _____ day of _____, 2022, _____, who being duly sworn to me says that s/he knows the common seal of the City of Bessemer City and is acquainted with _____ who is the Mayor and presiding member of said municipal corporation and that s/he saw the Mayor signed the foregoing instrument and saw the common seal of said municipal corporation be affixed to said instrument by said Mayor and that s/he, the said City Clerk, signed his/her name in attestation of said instrument in the presence of said Mayor of said municipal Corporation.

Witness my hand and notarial seal, this the _____ day of _____, 2022.

Notary Public

My Comm. Exp.: _____

NOTARY SEAL

Prepared By: Hydeia Y. Hayes (Bessemer City)

Mail To: Bessemer City
125 E. Virginia Ave.
Bessemer City, NC 28016

CITY OF BESSEMER CITY

ORDINANCE RESCINDING DEMOLITION ORDINANCE

WHEREAS, pursuant to the Code of Ordinances of the City of Bessemer City (“City”), hereinafter called the “Code”) the code enforcement officer of the City has requested the City Council of the City to adopt ordinances requiring him to remove and or demolish certain structures set forth below; and

WHEREAS, the owners of the structures (“Owners”) are identified below; and

WHEREAS, the Owners have complied with the ordinances of the City and the City now desires to rescind the ordinances directing demolition which are set forth in the Gaston County Register of Deeds at the references set forth below; and

WHEREAS, the subject properties (all in the City of Bessemer City), owners, and deed references for each ordinance are as follows:

<u>Property</u>	<u>Owner</u>	<u>Ordinance Book & Page</u>
609 S. 11 th Street	<i>David Dallas Phillips</i>	<i>Book 5250, Page 2060-2061</i>

NOW, THEREFORE, be it ordained by the Council that the aforementioned ordinances directing demolition of the structures on the aforementioned properties are hereby vacated and rescinded and such ordinances are hereby deemed of no further force and effect.

A copy of this ordinance, certified as a true copy by the city clerk, shall be recorded in the Gaston County Registry.

Adopted this 14th day of February, 2022

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CITY OF BESSEMER CITY

By: _____
 Mayor, Becky S. Smith

ATTEST:

 City Clerk, Hydeia Y. Hayes

CITY SEAL

NORTH CAROLINA
 GASTON COUNTY

Personally appeared before me, a notary public for the said county and state, on this the _____ day of _____, 2022, _____, who being duly sworn to me says that s/he knows the common seal of the City of Bessemer City and is acquainted with _____ who is the Mayor and presiding member of said municipal corporation and that s/he saw the Mayor signed the foregoing instrument and saw the common seal of said municipal corporation be affixed to said instrument by said Mayor and that s/he, the said City Clerk, signed his/her name in attestation of said instrument in the presence of said Mayor of said municipal Corporation.

Witness my hand and notarial seal, this the _____ day of _____, 2021.

 Notary Public

My Comm. Exp.: _____

NOTARY SEAL

Prepared By: Hydeia Y. Hayes (Bessemer City)

Mail To: Bessemer City
 125 E. Virginia Ave.
 Bessemer City, NC 28016



**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER N.C.G.S. §160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 14th, 2022 by City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the Council of the City of Bessemer City deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE BE IT RESOLVED by the City Council of Bessemer City that:

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Council the result of her investigation.

Adopted this the 14th day of February 2022

Becky S. Smith, Mayor

Attest:

Hydeia Y. Hayes, City Clerk



February 9, 2022

Dear Bessemer City,

Trinity Capital Advisors, as member and manager of Edgewood Industrial Phase I Owner, L.P., owns the following parcels in Gaston County: Parcel ID Nos.: 152636; 152628; 153633; 152634; 152647; 152631; and 153067. We would like to annex into Bessemer City those certain parcels that are not already annexed into Bessemer City.

Thank you,

Ian Shorkey

Trinity Capital Advisors

704-295-0435



**RESOLUTION DECLARING PROPERTY SURPLUS AND
AUTHORIZING THE DISPOSITION OF SAID PROPERTY**

WHEREAS, the City Council of the City of Bessemer City, North Carolina has determined that the City owns certain property that has become surplus for its current needs; and

WHEREAS, the property is described as follows:

2013 Dodge Charger VIN # 2C3CDXAT5DH670555
 2014 Dodge Charger VIN# 2C3CDXAT7EH186193
 2014 Ford F-150 Super Crew 4x4 VIN# 1FTFW1EF4EFB02806
 2014 Ford F-150 Super Crew 4x4 VIN#1FTFW1EF2EFB02805
 2000 Ford F-150 VIN# 3TZF1729YMA76473

WHEREAS, General Statute §160A-266 permits the City to sell such property by private sale, upon authorization by the City Council at a regular meeting and notice to the public; and

WHEREAS, General Statute §160A-271 permits the City to exchange such property for comparable property and not below tax value, upon authorization by the City Council at a regular meeting and notice to the public;

NOW, THEREFORE BE IT RESOLVED that the City Manager is hereby authorized to dispose of the aforementioned property by any means allowable including internet on-line offering, private sale or even exchange.

BE IT FURTHER RESOLVED that the property described in this resolution was declared surplus on February 14th, 2022

Adopted this the 14th day of February, 2022.

 Becky S. Smith, Mayor

Attest:

 Hydeia Hayes, City Clerk

CITY OF BESSEMER CITY
CAPITAL PROJECT ORDINANCE
02/14/2022

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 Water/Sewer Fund capital project ordinance is hereby adopted:

Section 1. The project authorized is water line replacements and paving.

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 expenditures:

Water Line Replacement	\$ 448,570
Paving	257,350
Contingency	70,592

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

Fund Balance	\$ 776,512
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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 _____ 2022.

Becky S. Smith, Mayor

Date

Hydeia Hayes, Clerk

Date