

## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, May 09, 2022 at 7:00 PM

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### AGENDA

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

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

#### Special Presentations

1. **2022 NC Main Street Champion Award:** City Council will recognize the 2022 Bessemer City NC Main Street Champion.
2. **Gwendolyn Harrison Smith Presentation:** City Council will recognize Carla Smith Brown for her mother's achievements. Bessemer City resident, Gwendolyn Harrison Smith was the first Black woman to attend classes at UNC-Chapel Hill. Mrs. Smith was honored posthumously when Chapel Hill named an Office Building in her honor in August 2021.

**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.*

3. **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the April 11th, 2022 meeting.
4. **Approval of Minutes:** City Council will consider adopting the Special Session Session Meeting Minutes of the April 13th, 2022 meeting.
5. **Approval of Minutes:** City Council will consider adopting the Work Session Session Meeting Minutes of the April 26th, 2022 meeting.

#### Business Items

6. **Establish Public Hearing for 2022-2023 Proposed Budget:** City Council will consider establishing a public hearing on Monday, June 13th at 7:00 PM to hear public comment regarding the proposed 2022-2023 City budget.

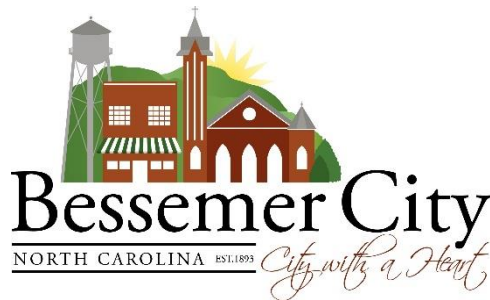
7. **Resolution for Truist:** City Council will consider adopting a resolution for financing with Truist.
8. **National Police Week Proclamation:** City Council will consider proclaiming Sunday, May 15th - Saturday, May 21st, 2022 as National Police Week in Bessemer City.
9. **Juneteenth Week - Proclamation:** City Council will consider adopting a proclamation that celebrates Juneteenth week in Bessemer City from Sunday, June 12th until Saturday, June 18th.
10. **Public Hearing - Rezoning for Alonzo's Towing LLC:** City Council will hold a public hearing for those wishing to speak in favor or opposition of the rezoning for Alonzo's towing.
11. **Ordinance - Zoning Map Amendment:** City Council will consider adopting an ordinance to amend the zoning map to rezone Tax Parcel 121274 (203 W. Highway 161) to Highway Commercial Conditional District.

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

12. **Budget Amendment:** City Council will consider approving a budget amendment regarding Stormwater Fund Appropriations.
13. **Budget Amendment:** City Council will consider approving a budget amendment regarding Capital Outlay Fund Appropriations.
14. **Settlement Approval:** City Attorney to address council regarding negotiated settlements of property value claims by Ernest Dameron, Jr., Sarah K. Morgan, and Wesley Dameron in connection with the City's foreclosure and taking of certain real property located on Sunset Drive (PID 151627). City Council to consider approval of the settlements.

**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, April 11, 2022 at 7:00 PM

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### MINUTES

#### Members Present

Mayor, Becky S. Smith, Council Members: Brent Guffey, Kay McCathen, 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.

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

Mayor Smith called the meeting to order. First United Methodist Pastor, Tripp Hord led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

#### Adjustment and Approval of the Agenda

By motion of Brent Guffey and unanimous vote, the April agenda was approved with no revisions.

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

Mayor Smith opened the floor for public comment. There was none.

#### Consent Agenda

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

- **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the March 14th, 2022 meeting.
- **Approval of Minutes:** City Council will consider adopting the Special Meeting Minutes of the March 25th, 2022 meeting.
- **Approval of Minutes:** City Council will consider adopting the Work Session Meeting Minutes of the March 29th, 2022 meeting.

#### Public Hearing – Osage Mill Redevelopment Revitalization Project Incentive:

City Council held a public hearing regarding a grant for the Osage Mill Redevelopment Revitalization Project Incentive.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the redevelopment revitalization project incentive was opened at 7:09 PM.

Mayor Smith asked if there was anyone present to speak in favor of the redevelopment revitalization project incentive. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the redevelopment revitalization project incentive. There was none.

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the redevelopment revitalization project incentive was closed at 7:09 PM.

**Resolution- Osage Mill Redevelopment Revitalization Project Incentive**

Donny Hicks of the Gaston County EDC, addressed Council regarding the Osage Mill Project Incentive. Mr. Hicks informed Council that the Gaston County Commissioners will be adopting the same resolution at its next meeting. Mr. Hicks also expressed his support of the resolution.

By motion of Joe Will and unanimous vote, the resolution was adopted. A copy is on file at City Hall.

**Public Hearing: Text Amendment to LDC Section 2.7.B**

City Council held a public hearing regarding an application to amend text in the Land Development Code Section 2.7.B, table of uses. City Planner, Nathan Hester informed Council that an amendment was needed to allow for mixed use residential in the downtown area. The Osage Mill Redevelopment Project and local businesses are using this new development set up. Typically, a commercial business is located on the first floor and the second floor is housing.

By motion of Kay McCathen and unanimous vote, the public hearing regarding the text amendment was opened at 7:12 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 Donnie Griffin and unanimous vote, the public hearing regarding the text amendment was closed at 7:13 PM

**Ordinance for Text Amendment:**

By motion of Joe Will and unanimous vote, the text amendment regarding Section 2.7.B of the Land Development Code (LDC) was approved. A copy of this ordinance is on file at City Hall. This text amendment was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision.

**Public Hearing: Text Amendment to LDC Table 3-6 Section 3.5.H**

City Council held a public hearing regarding an application to amend text in the Land Development Code table 3-6 Section 3.5.H, table of uses. City Planner, Nathan Hester informed Council that an amendment was needed to increase the fencing maximum. Currently the LDC has a maximum height requirement of 42 inches. For single family. Initially this height was imposed to create a pedestrian aesthetic with front yard fencing in residential areas.

However, after speaking with leaders in the commercial and residential industry Staff has determined that fence manufacturers don't produce a product that is 42 inches. The common increments are 24, 36, 48, 60, and 72. Thus, City Staff would like to amend the maximum height to 48 inches.



By motion of Brenda Boyd and unanimous vote, the public hearing regarding the text amendment was opened at 7:15 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 Kay McCathen and unanimous vote, the public hearing regarding the text amendment was closed at 7:15 PM.

### **Ordinance for Text Amendment to LDC Table 3-6 of Section 3.5.H:**

By motion of Donnie Griffin and unanimous vote, the text amendment regarding table 3-6 Section 3.5.H of the Land Development Code (LDC) was approved. A copy of this ordinance is on file at City Hall. This text amendment was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision.

### **Public Hearing: Pedestrian Plan Update**

City Council held a public hearing regarding an update to the Pedestrian Plan. City Planner, Nathan Hester informed Council that in 2019, the City Council approved a Planning and Economic Development Land Use Plan. Later on in 2021 City Council adopted changes to the Bessemer City Land Development Code and Land Use Map that would aid in fulfilling the goals adopted by Council. City Staff along with consultants have conducted a study of the plan, providing opportunities for public comments and a public hearing. City Staff considers it to be in the best interests of the City to adopt a plan pursuant of the City's Strategic Plan. This plan would address the following: outside exercise capability, updated pedestrian crossings, improvements to existing roadways and side walk projects, way finding signs and establishing a website for health education.

By motion of Kay McCathen and unanimous vote, the public hearing regarding the pedestrian plan update was opened at 7:22 PM.

Mayor Smith asked if there was anyone present to speak in favor of the pedestrian plan update. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the pedestrian plan update. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the pedestrian plan update was closed at 7:23 PM.

### **Resolution- Pedestrian Plan Update**

By motion of Dan Boling and unanimous vote, the resolution regarding an update to the Pedestrian Plan was approved. A copy of this resolution is on file at City Hall. This text amendment was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision.

### **Public Hearing - Edgewood85 Commerce Park for Major Site Plan:**

City Council held a public hearing regarding an application to amend the zoning map to include tax parcel #152648 as Business Campus Production (BCP). City Planner, Nathan Hester, addressed the Board regarding a site plan application received from Trinity Capital Advisors. Trinity has applied to develop 120 acres as phase one (1) of the Edgewood85 Commerce Park on Tax Parcels 152646, 152648, and 306415. The development will consist of new street infrastructure, utility infrastructure, and 1,028,700 square feet of structural space to accommodate future manufacturing ventures. The proposed site will be voluntarily annexed into the City of Bessemer City limits. Currently Tax Parcels 152646 and 306415 are zoned Business Campus Production. However, Tax Parcel 152648 is zoned Urban Residential, and will need to be rezoned to allow for development. Exactly 303.95 feet of recorded right of way, referred to as Downey Lane (PB 10, PG 154) will be closed to accommodate future ingress and egress into the development site.

The applicants submitted a Major Site Plan application on February 15, 2022 proposing to develop the proposed 120 acre site into a Commerce Park. Staff recommends approval of site plan with the following conditions proposed: The driveway between Buildings 1 and Building 2 be recorded as right of way, constructed, and dedicated to the City as a public street with sidewalks and landscaping. Restrictive vehicular access measures be constructed for the points of ingress and egress off of S 8th St., Capps Rd., and Steele Rd.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the site plan was opened at 7:151 PM.

Mayor Smith asked if there was anyone present to speak in favor of the site plan. The following came forward:

- Massie Flippin of Trinity Development: Mr. Flippin addressed Council regarding his support of the project. Trinity Development has been in the development business for over 30 years. The group is known for producing high quality developments that established great paying jobs. There will be multiple entrances, and over \$100 million in growth once this project is complete.
- Jason Seaman of Trinity Development: Mr. Seaman addressed Council regarding the site plan and how the development plans to handle egress and vegetation.
- Donnie Hicks of the Gaston County EDC: Mr. Hicks addressed Council regarding his support for the project. He has been working with the County since 1984, and was onboard when the Southridge Business Park was established.
- Roger LaCount of 559 Steele Rd: Mr. LaCount addressed Council regarding his concern about his property values. Mr. LaCount acquired about what phase his property was located in and if the project would bring jobs. He was informed that he was in Phase II and that this project would employ over 100.

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

- Joey Whitaker of 618 Steele Rd: Mr. Whitaker addressed Council regarding his concern about tractor trailers coming through the neighborhood and getting stuck. Although there has been talk about making sure trucks exit through the correct exit, some will inevitably go the wrong way. He also inquired about fire safety and police protection as the City grows.
- Nichole Whitaker of 618 Steele Rd: Mrs. Whitaker addressed Council regarding her concern about the small town character that the Steele Road community has. Mrs. Whitaker doesn't want the character of the neighborhood to be lost to development.

- Adam Huskins of 407 E. Tennessee Avenue: Mr. Huskins addressed Council regarding his concern about eminent domain. Mr. Huskins wanted to know if his property would be annexed into the City or if he would remain in the County. Mr. Huskins was informed that he would remain in the County. Cities no longer have the power to seize and involuntarily annex property into the City. He also inquired if DOT had plans to widen Edgewood Rd.
- Barabara Kennerly of 1137 Capps Rd: Ms. Kennerly inquired about her concerns. She is not in favor of the development and worries about the safety of her community.
- Rodney Absher of 1044 Capps Rd: Mr. Absher addressed Council about the public safety plans once this development has been completed.
- Benji Snipes of 314 E. Gaston Avenue: Mr. Snipes inquired about the tractor trailers that will get stuck if they come the wrong way out of the development. Mr. Snipes also spoke about his concern that natural wild life will no longer be preserved. Being a resident of the community for many years, he had grew accustomed to hearing the wildlife throughout the day.
- David Ross of 805 Edgewood Rd: Mr. Ross addressed Council about the trees and the possible encroachment of the development on his property. Mr. Ross also requested that the City not burn practice houses on days where it's windy.
- Tim Stuart of 1144 Capps Rd: Mr. Stuart addressed Council regarding the exit on Steele Road. Mr. Stuart stated that he felt that no exit on Steele Road was necessary. He suggested that the development team redraw their plans and place the exit on another street. He believes that this will be an inconvenience to residents on that street.
- Matt Weaver of 612 Steele Rd: Mr. Weaver addressed Council regarding his concern for the storm water system, construction, and the increased amount of traffic. Mr. Weaver also mentioned that the Tennessee Avenue already has numerous water problems, adding more can slow down the system.
- William Patterson of 563 Steele Rd: Mr. Patterson addressed Council regarding his concern with the number of parking spaces. This development will have over 1,000 parking spaces for. Mr. Patterson believes that many drivers of the development will look for a quick way out, and exit on to Steele Road often.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the site plan was closed at 8:20 PM

#### **Ordinance - Withdrawing & Closing a Portion of Right of Way Named Downey Lane**

City Planner, Nathan Hester addressed Council regarding the closing of a portion of right of way, Downey Lane. This right of way will be closed and a portion will be given to the adjacent property owner for a drive way to his property. He will be responsible for maintaining the portion of right of way.

By motion of Joe Will and unanimous vote, the portion of right of way named Downey Lane was closed. A copy of this ordinance is on file at City Hall.

#### **Ordinance - Zoning Map Amendment**

City Planner, Nathan Hester addressed Council regarding the zoning map amendment to include Tax Parcel #152648 as Business Campus Production (BCP).

By motion of Dan Boling and unanimous vote, Tax Parcel #152648 will be recorded as Business Campus Production (BCP). A copy of this ordinance is on file at City Hall.

#### **Resolution - Edgewood85 Commerce Park for Major Site Plan**

By motion of Donnie Griffin and unanimous vote, the Edgewood85 major site plan was approved. A copy of this resolution is on file at City Hall.

**City Manager's Report**

City Manager James Inman, addressed Council regarding the following:

- Declare Property Surplus: City Manager, James Inman requested that a 2003 John Deere backhoe be declared as property surplus. If approved this item will be placed on GovDeals for 14 days. People will be able to log on and bid on the backhoe. By motion of Brent Guffey and unanimous vote, the budget amendment was approved.

**Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Kay McCathen inquired about the possibility of opening the restroom facilities at the Indian Springs Park. Council member, Donnie Griffin inquired about the culverts on 8<sup>th</sup> Street and Georgia Avenue.

**Adjournment**

Being no further business to come before the board, by motion of Dan Boling and unanimous vote, the meeting was adjourned at 8:25 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk

**SPECIAL MEETING****April 13, 2022**

The Bessemer City Council met in special session on Wednesday, April 13<sup>th</sup>, 2022 at 2:00PM in Council Chambers of City Hall. Proper notice was given.

**Members Present**

Mayor Becky Smith, Council Members: Brenda Boyd, Kay McCathen, Brent Guffey, and Donnie Griffin. The following Council Members were absent: Dan Boling and Joe Will. Also present were City Manager, James Inman and department heads: Jamie Ramsey, Diane Jenkins, Joshua Ross, and Hydeia Hayes.

**Call to Order**

Mayor Smith called the meeting to order and explained that this meeting was to discuss the budgetary plans for FY 2022-2023.

**FY 2022- 2023 Budget Discussion**

City Manager, James Inman led the discussion.

Light discussion amongst Council and department heads ensued regarding spending priorities and the fee schedule. James went through the budget and informed Council on what Department Heads requested and what he ultimate had appropriated for each budget. Council was informed that a resolution regarding department equipment for the Police Department will be brought before them at the next regular session.

**Adjourn**

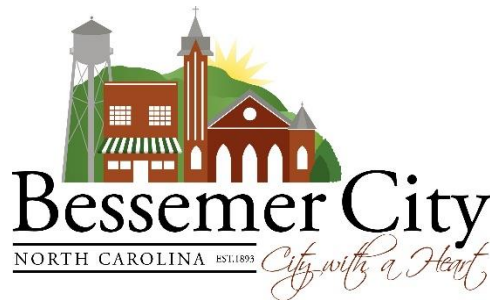
Being no further business to come before the board, by motion of Donnie Griffin and unanimous vote, the meeting was adjourned at 4:07 PM

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



## CITY COUNCIL WORK SESSION

### City Council Chambers

Tuesday, April 26, 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, Kay McCathen, Brenda Boyd, Dan Boling, and Donnie Griffin were all present. Council Member: Brent Guffey was absent. City Manager, James Inman and department heads was present as well. A quorum was present.

### **Department Head Reports**

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

Josh Ross, Director of Administration- Mr. Ross addressed Council regarding private investments, Osage Mill Redevelopment, Edgewood85, and Kintegra. The City continues to grow and spur private investment. We will see a lot of growth in the City and downtown businesses in the coming months.

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed Council regarding the City Pool, the Down Home Festival, and the April 2022 Concert & Cruise-In. We are currently looking to hire lifeguards for the 2022 Season. The April Concert & Cruise – In was well attended.

Diane Jenkins, Finance Director – Ms. Jenkins addressed Council regarding the ARPA funds report, upcoming audit, and general Finance and Customer Service department progress.

### **Planning & Zoning Board Member Vacancy**

Nathan Hester, City Planner & Code Enforcement addressed Council regarding a vacancy on the Planning & Zoning Board. Mark Wright contacted City administration and gave his resignation. Mr. Hester asked Council to be thinking about a possible replacement for him.

### **2022 Appointed Board Term Expirations**

City Clerk, Hydeia Hayes addressed regarding the upcoming board term expirations. Current board members on the ABC, Downtown Development, and Planning & Zoning Board will be notified that their term is expiring. Per the adopted City Council Rules of Procedure, said members will be allowed to reapply to serve and City staff will actively recruit new applicants via social media and the website.

### **FY 22-23 Budget Review**

City administrative staff review the proposed fiscal year 2022-2023 budget and fee schedule for Council. Discussion was held regarding the water and sewer rates, storm water rates, and potential changes to bulk pick up and the motor vehicle tag fee.

**Council General Discussion**

Mayor Smith opened the floor for Council general discussion. There was none.

**Adjourn**

Being no further business to come before the board, the meeting was adjourned at 5:13 PM by motion of Dan Boling and unanimous vote.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk


**Truist Financial Corporation**
**Governmental Finance**

2320 Cascade Point Blvd. Suite 600  
 Charlotte, North Carolina 28208  
 Phone (704) 954-1700  
 Fax (704) 954-1799

April 8, 2022

Mr. James Inman  
 City of Bessemer City, NC  
 125 E Virginia Ave.  
 Bessemer City, NC 28016

Dear Mr. Inman:

Truist Bank ("Lender") is pleased to offer this proposal for the financing requested by the City of Bessemer City, NC ("Borrower").

<b>PROJECT:</b>	Police Equipment
<b>AMOUNT:</b>	\$250,000.00
<b>TERM:</b>	3 years
<b>INTEREST RATE:</b>	2.62%
<b>TAX STATUS:</b>	Tax Exempt – Bank Qualified
<b>PAYMENTS:</b>	<u>Interest:</u> Annual <u>Principal:</u> Annual
<b>INTEREST RATE CALCULATION:</b>	30/360
<b>SECURITY:</b>	Police equipment
<b>PREPAYMENT TERMS:</b>	Prepayable in whole at any time without penalty
<b>RATE EXPIRATION:</b>	June 13, 2022
<b>DOCUMENTATION/ LEGAL REVIEW FEE:</b>	N/A
<b>FUNDING:</b>	Proceeds will be deposited into an account held at Lender pending disbursement unless equipment is delivered prior to closing.



**DOCUMENTATION:** Lender proposes to use its standard form financing contracts and related documents for this installment financing. We shall provide a sample of those documents to you should Lender be the successful proposer.

The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with the Internal Revenue Service Code. All documentation must be deemed appropriate by Lender before closing.

**REPORTING**

**REQUIREMENTS:** Lender will require financial statements to be delivered within 270 days after the conclusion of each fiscal year-end throughout the term of the financing.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to Lender. If your board adopts this resolution, then Lender shall not require any further board action prior to closing the transaction.

Lender shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to Lender.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

The stated interest rate assumes that the Borrower expects to borrow no more than \$10,000,000 in the current calendar year and that the financing will qualify as qualified tax-exempt financing under the Internal Revenue Code. Lender reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not qualified tax-exempt financing.

We appreciate the opportunity to offer this financing proposal. Please call me at (803) 413-4991 with your questions and comments. We look forward to hearing from you.

Sincerely,

*Truist Bank*



Andrew G. Smith  
Senior Vice President

**Resolution Approving Financing Terms**

**WHEREAS:** The City of Bessemer City, NC ("Borrower") has previously determined to undertake a project for the financing of police equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated April 8, 2022. The amount financed shall not exceed \$250,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.62 %, and the financing term shall not exceed three (3) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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

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

Title: \_\_\_\_\_

Title: \_\_\_\_\_

SEAL

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 Bessemer City, NC - Police Equipment (DRAFT)
 

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Nominal Annual Rate: 2.620%

**Cash Flow Data - Loans and Payments**

	Event	Date	Amount	Number	Period	End Date
1	Loan	04/08/2022	250,000.00	1		
2	Payment	04/08/2023	87,737.64	3	Annual	04/08/2025

**TValue Amortization Schedule - Normal, 360 Day Year**

	Date	Payment	Interest	Principal	Balance
Loan	04/08/2022				250,000.00
1	04/08/2023	87,737.64	6,550.00	81,187.64	168,812.36
2	04/08/2024	87,737.64	4,422.88	83,314.76	85,497.60
3	04/08/2025	87,737.64	2,240.04	85,497.60	0.00
<b>Grand Totals</b>		<b>263,212.92</b>	<b>13,212.92</b>	<b>250,000.00</b>	



**PROCLAMATION**  
**National Police Week 2022**

To recognize National Police Week 2022 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

**WHEREAS**, there are approximately 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Bessemer City Police Department; and

**WHEREAS**, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and

**WHEREAS**, since the first recorded death in 1791, almost 25,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

**WHEREAS**, many new names of fallen heroes are being added to the National Law Enforcement Officers Memorial; and

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 34<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2022; and

**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

**THEREFORE, BE IT RESOLVED** that the City of Bessemer City formally designates Sunday, May 15 - Saturday, May 21, 2022, as Police Week in Bessemer City, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

**IN WITNESS WHEREOF**, I hereunto set my hand this the 9th day of May, 2022

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



**PROCLAMATION  
COMMEMORATING JUNETEENTH WEEK A NATIONAL WEEK OF PRIDE**

**WHEREAS**, the Emancipation Proclamation, an executive order issued January 1<sup>st</sup>, 1863 by President Abraham Lincoln immediately freed approximately five hundred thousand from generational bondage, but still left approximately 3.5 million enslaved across the United States; and

**WHEREAS**, Juneteenth is the oldest known celebration commemorating the ending of slavery in the United States, when Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas to announce the war had ended, freeing the enslaved; and

**WHEREAS**, 2022 is the 157<sup>th</sup> anniversary of Juneteenth Day, a federally recognized holiday as of Friday, June 18, 2021 which commemorates June 19, 1865 as the observance of African American Emancipation Day of Freedom; and

**WHEREAS**, “Emancipation Day” is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

**WHEREAS**, Juneteenth is a time to cultivate the true spirit of freedom and remember our ancestors as the men and women who bravely acted as catalysts for change; and

**WHEREAS**, the City of Belmont, City of Bessemer City, City of Gastonia, and Elements of Empowerment, will host a Juneteenth Celebration on Friday, June 17, in Bessemer City Centennial Park from 6:00 PM -9:00 PM, and Saturday, June 18, 2022 in Belmont, beginning with “Juneteenth Sunday” on Sunday, June 12, 2022.

**NOW, THEREFORE**, I, Mayor Becky S. Smith and the City Council do hereby proclaim June 19<sup>th</sup>, 2022 as “Juneteenth Day” and Sunday, June 12<sup>th</sup> as “Juneteenth Sunday” and encourage citizens to recognize and commemorate Juneteenth which honors the history, legacy, and culture of African Americans throughout the United States of America by participating in celebrations and festivities during the month of June.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Bessemer City to be affixed on this 9th day of May 2022.

**Becky S. Smith, Mayor**

**Hydeia Y. Hayes, City Clerk**

















**City of Bessemer City, North Carolina**  
**Conditional District Rezoning Staff Report**  
 Planning Board Agenda Item April 4, 2022  
 City Council Agenda Item May 9, 2022

**Applicant:** Alonzo's Towing LLC

**Request:**

To rezone Tax Parcel 121274, 203 W. Highway 161 Bessemer City, NC 28016, from Urban Residential to Highway Commercial Conditional District to specifically operate a towing storage facility.

**Background Information:**

Tax Parcel 121274, 203 W. Highway 161 Bessemer City, NC 28016 was zoned Urban Residential on Jul 12, 2021. The rezoning was a part of the adoption of the City's Land Development Code and amendment of the Official Bessemer City Zoning Map to be consistent with the proposed zoning districts.

The applicant has stated within the application that the subject parcel was previously zoned B2. This is historically correct, however its most recent zoning was C-1 under the previous Bessemer City Unified Development Ordinance and had been since at least 2007. The zoning classification amendment from a commercial district to a residential district underneath the 2021 map amendments, was to make the parcel's zoning consistent with the zoning of adjacent parcels.

Proposal: The Applicant, Freddy A. Alonzo "Alonzo's Towing LLC", has submitted a Conditional District application proposing to develop a site used for the storage of towed vehicles. The site plan depicts a paved parking lot, secured gated access to storage areas, and a proposed office building fronting W. Highway 161.

Parcel Information:

Acres: 0.41

Current Use: Vacant

Proposed Use: Automobile Towing Service (Listed under Auto Services in General Commercial III within the City's Land Development Code.)

Roads: The proposal of the development site does not include the construction and dedication of right of ways. The development site would connect to two existing right of ways, W. Highway 161 and W. Boston Ave.

Utilities: Applicant is proposing that the office building to be constructed upon the site be serviced by City water and sewer. There is capability to service this building. Applicant would be responsible for all fees associated with connection to city utilities.

Stormwater Drainage: Drainage will be engineered according to the best management practices at the time of construction. Applicant has stated that a drainage pipe will be installed underneath the pavement lot to prevent stormwater runoff to adjacent residential properties.

Open Space: No requirement.

Landscaping and Screening: Applicant has proposed two security fencing of code compliant material to be erected at each of the two points of ingress and egress from the storage lot.

<b>Staff Recommendation:</b>
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1. Deny application as submitted.
2. If application to rezone is recommended and approved, staff recommends the following conditions:
  - a. Full masonry wall at least 10 ft. wide and 8 ft. high around the entire storage facility.
  - b. Principle structure shall be composed of like materials as the masonry wall.
  - c. Each entry point into the storage facility lot should be gated with a full metal electric gate.
  - d. Parking lot lighting and storage lot lighting shall not be illuminated after 9pm on weekdays and 10pm on weekends.

<b>Exhibits:</b>
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1. Application Packet
2. Site photos

This Approval also permits the Planning Director make administrative changes as permitted by G.S. 160-D.

Recommended Effective Date: May 9, 2021

**Exhibit A**  
**Areas of Relief and Conditions of Approval**

1. The proposed development shall be in compliance with the requirements of the City of Bessemer City Land Development Code.
2. Full masonry wall at least 10 ft. wide and 8 ft. high around the entire storage facility.
3. Principle structure shall be composed of like materials as the masonry wall.
4. Each entry point into the storage facility lot should be gated with a full metal electric gate.
5. Parking lot lighting and storage lot lighting shall not be illuminated after 9pm on weekdays and 10pm on weekends.



PLANNING BOARD/BOARD OF ADJUSTMENT  
REQUEST FOR ACTION

AGENDA ITEM NO.: 4.a

MEETING DATE: 4/7/2022

DESCRIPTION: Conditional Rezoning Application from Urban Residential to Highway Commercial Conditional District.

BACKGROUND INFORMATION: See Staff Report.

STAFF RECOMMENDATION: Deny Application as submitted.

BOARD ACTION TAKEN:

Planning Board recommended to deny request to rezone parcel from Urban Residential to Highway Commercial Conditional District.



**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 May, 09 2022 to consider a proposed amendment to the City of Bessemer City Zoning Map. On April 04, 2022 the Bessemer City Planning Board voted to recommend the City Council deny 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 CD 01-2022.

**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 #121274 from Urban Residential to Highway Commercial Conditional District.

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 9<sup>th</sup> Day of May, 2022.

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

\_\_\_\_\_  
Hydeia Y. Hayes, City Clerk

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS  
ZONING MAP AMENDMENT  
May 9<sup>th</sup>, 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/is not 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. This rezoning **is/is not** 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. This rezoning are consistent with these goals.
- 2) Said rezoning **is/is not** consistent with the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019.
- 3) The proposed map amendment **would/would not** be detrimental to the city and ETJ.
  - a. The physical conditions that make the rezoning reasonable/unreasonable are:
    - Places a highway commercial land use within a residentially zoned district.
  - b. The rezoning **is/is not** 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 rezoning **is/is not** reasonable and in the public interest.

Upon a motion that the application is consistent with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 9<sup>th</sup> Day of May, 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



# BUDGET AMENDMENT

May 9, 2022

BE IT ORDAINED by the governing body of the City of Bessemer City that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022 as follows:

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

<u>Acct. No.</u>		<u>Debit</u>	<u>Credit</u>
290-30-470-359	Maint. & Repair (E TN Stream Bank)	\$37,300	

This will result in a net increase of \$37,300 in the appropriations for the Stormwater Fund. To provide the additional revenue for the above, the following revenues will be increased.

290-30-3991-991	Fund Balance Appropriated	\$37,300
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Section 2. Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted by Council, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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## BUDGET AMENDMENT 2021-2022

May 9, 2022

BE IT ORDAINED by the governing body of the City of Bessemer City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

Section 1. To amend the General Fund, the appropriations are to be changed as follows:

### General Fund

Dept Number	Increase	Decrease	Debit	Credit
100-10-4310-500	33,000.00		33,000.00	
100-80-6130-500	165,000.00		165,000.00	

This will result in a net increase in appropriations of \$198,000 for the General Fund.

To provide for the increase, the following General Fund Revenue Accounts will be increased.

### General Fund

Dept Number	Increase	Decrease	Debit	Credit
100-00-3986-430	198,000.00			198,000.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted by Council, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

Attest:

\_\_\_\_\_  
Hydeia Y. Hayes, Clerk

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# BUDGET AMENDMENT 2021-2022

May 9, 2022

BE IT ORDAINED by the governing body of the City of Bessemer City that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

Section 1. To amend the Water Fund, the appropriations are to be changed as follows:

## General Fund

Dept Number	Increase	Decrease	Debit	Credit
610-91-7160-500		198,000		198,000.00
610-91-7110-480	198,000.00		198,000.00	

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted by Council, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

Attest:

\_\_\_\_\_  
Hydeia Y. Hayes, Clerk

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