



## CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, September 28, 2021 at 3:00 PM

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### AGENDA

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

#### Call to Order

#### Department Head Reports

- 1. Parks & Recreation Advisory Board Applications:** JoD Franklin, Parks & Rec. Director will review the received applications during his report.

#### Discussion Items

- 2. House Bill 890- Social Districts**
- 3. CDBG- Rehabilitation Administrator-** Director of Administration, Josh Ross will address Council regarding a change in the CDBG rehabilitation administrator.

#### City Manager's Report

#### Council General Discussion

#### Adjourn

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

CITY OF BESSEMER CITY- BOARD APPOINTMENT APPLICATION



# Board Appointment Application

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

REQUEST FOR APPOINTMENT TO: Recreation Advisory Board

NAME: Jean C. Floyd

ADDRESS: 205 S. Mickley Ave Bessemer City, NC 28016

TELEPHONE: HOME 704 629 3331 WORK None CELL 704 460 1737

EMAIL ADDRESS: None

CURRENT: OCCUPATION: Retired

EDUCATIONAL BACKGROUND: HS grad

VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:  
The last two years I have not been active.

BRIEFLY STATE WHY YOU WOULD LIKE TO BE CONSIDERED TO SERVE ON THIS BOARD OR COMMITTEE:  
Being a resident of BC, I would like to have some input.

WHAT QUALITIES DO YOU POSSESS THAT MAKES YOU THE RIGHT CANDIDATE FOR THIS BOARD?  
I have been a supporter of the senior bingo program since it started. I have gone on day trips also. Enjoy the live music and car shows.

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

*Let my voice be heard along with others to bring other activities to our community.*

SIGNATURE:

*Jean C. Floyd*

DATE:

*9/21/2021*

**CLERK USE ONLY**

Received On:

Received By:

Signature:



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REQUEST FOR APPOINTMENT TO: Parks & Recreation Advisory Board

NAME: Stephanie Gee

ADDRESS: 409 E. Iowa Ave.

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL 704-913-7759

EMAIL ADDRESS: the\_gees@bellsouth.net

CURRENT: OCCUPATION: Secretary

EDUCATIONAL BACKGROUND: High School Diploma and NC Cosmetology

**VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:**

Owned a salon in BC for 15 years, My husband and I own a business in town.  
I worked 7 years at GCS working in the office, being involved with students, parents, teachers and coaches.  
Volunteered through BC Rec and Optimist for 10 years

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

I have lived in Bessemer City most of my life, raised my son here, and currently live and own a business in BC.  
I love BC and would love to help the community and city by serving on this board. Parks and Rec is a big part of BC. Our committee needs these parks and our children need these parks and sport programs.

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

Son has always played ball in Bessemer City through the Recreation Dept. and Optimist Club. I have helped out with coaching, volunteering, and as a officer in the Optimist Club over many years.

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

Item 1.

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SIGNATURE: Stephanie Gee

DATE: \_\_\_\_\_

**CLERK USE ONLY**

**Received On:**  
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**Received By:**  
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**Signature:**  
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# Board Appointment Application

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REQUEST FOR APPOINTMENT TO: Parks and Rec Advisory Board

NAME: Andrew Baxter

ADDRESS: 801 Dameron Rd Bessemer City, NC 28016

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL 704-616-4997

EMAIL ADDRESS: andrewbaxter77@gmail.com

CURRENT: OCCUPATION: Self Employed

EDUCATIONAL BACKGROUND: College Grad

VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:

Bessemer City Optimist Club Vice President

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

I have experience with coaching and being invovled with youth activities since joining the BC Optimist Club in 2013.

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

Leadership

Organization

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

Item 1.

I have first hand knowledge of what people would like to see happen being a parent of smaller children myself.

SIGNATURE: Andrew Baxter

DATE: \_\_\_\_\_

**CLERK USE ONLY**

**Received On:**

**Received By:**

**Signature:**



# Board Appointment Application

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REQUEST FOR APPOINTMENT TO: Parks and Rec Advisory Board

NAME: Rev. Matt Mitchell

ADDRESS: 805 Toncin Ave. Bessemer City, NC 28016

TELEPHONE: HOME N/A WORK 704-869-5226 CELL 336-209-6017

EMAIL ADDRESS: revmattmitchell@gmail.com

CURRENT: OCCUPATION: Senior Pastor

EDUCATIONAL BACKGROUND: Undergraduate, Masters, and Ph.D Candidate (Graduate Dec. 2021)

**VOLUNTEER/CIVIC/PROFESSIONAL ACTIVITIES:**

Multiple Committees in Denominational District (District Board of Administration; District Board of Ministerial Development; Spiritual Formation Director)

Chamber of Commerce Board Member - Bessemer City NC

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

I love Bessemer City. I appreciate what the leaders of our town are doing and the direction in which they are leading the city. I believe the Parks and Rec Department is doing a wonderful job of bringing the community together by offering events to the public. I also believe the new park that is being built will be very beneficial to our town, especially economically. I look forward to seeing the the events that are held at the park and would love to be a part of the great things going on in Bessemer City.

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

I believe my leadership gifts, experience, and educational background would help me to make a valuable contribution to the Parks Rec Advisory Board.



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

Item 1.

My position as Senior Pastor at First Wesleyan Church in Bessemer City is a platform for leadership in the community. Therefore, I want to be able to partner with the City and what the leaders are doing in order to make a difference in our community.

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SIGNATURE: Rev. Matt Mitchell

DATE: \_\_\_\_\_

**CLERK USE ONLY**

**Received On:**

**Received By:**

**Signature:**

**"§ 18B-1011. Retail permittee off-site airport storage.**

(a) Permittees holding permits issued pursuant to G.S. 18B-1001(1), (3), (5), and (10) for premises located within airport terminals may contract with an airport central storage permittee for storage at the airport central storage permittee's licensed premises of the permittee's alcoholic beverages to be sold at the retail permittee's airport locations as authorized by the Commission. The permittee may contract with the airport central storage permittee to transport the retail permittee's alcoholic beverages from the airport central storage facility to the retail permittee's premises or support location.

(b) The location where the retail permittee's alcoholic beverages are stored on the airport central storage permittee's premises shall be deemed an extension of the retail permittee's licensed premises for purposes of this Chapter."

**SECTION 19.5.** G.S. 18B-1203(a) reads as rewritten:

"(a) Each agreement shall designate the sales territory of the wholesaler. No winery may enter into more than one agreement for each brand of wine or beverage it offers in any territory. A wholesaler shall not distribute any brand of wine to a retailer whose premises are located outside the territory designated in the wholesaler's agreement for that ~~brand~~-brand, except to a retail permittee's off-site airport storage premises pursuant to G.S. 18B-1011. With the approval of the Commission, a wholesaler may distribute wine outside the wholesaler's designated territory during periods of temporary service interruption when requested to do so by the winery and the wholesaler whose service is interrupted. Unless the winery and wine wholesaler agree otherwise in writing, the territory designated as the wholesaler's "area of primary sales responsibility" as of the effective date of this section shall be the wholesaler's designated sales territory. Redesignations of sales territories occurring after July 1, 2011, shall be reported to the Commission within 30 days. No provisions of this Article, however, may prohibit the continuation of a multi-wholesaler agreement entered into before March 21, 1983, as between the winery and the original wine wholesalers thereto, provided that upon termination of any such agreement, the affected territory shall be designated for a single wholesaler."

**SECTION 19.6.** G.S. 18B-1303(a) reads as rewritten:

"(a) Filing. – It is unlawful for a supplier to provide malt beverages to a wholesaler unless the Commission has received notification from the supplier designating the brands of the supplier which the wholesaler is authorized to sell and the territory in which such sales may take place. If the supplier sells several brands, the agreement need not apply to all brands. A franchise agreement applies to all supplier products under the same brand name, and different categories of products manufactured under a common identifying trade name are considered to be the same brand. No supplier may provide by a distribution agreement for the distribution of a brand to more than one wholesaler for the same territory. A wholesaler shall not distribute any brand of malt beverage to a retailer whose premises are located outside the territory specified in the wholesaler's distribution agreement for that ~~brand~~-brand, except to a retail permittee's off-site airport storage premises pursuant to G.S. 18B-1011. A wholesaler may, however, with the approval of the Commission distribute malt beverages outside its designated territory during periods of temporary service interruption when requested to do so by the supplier and the wholesaler whose service is interrupted."

**SECTION 19.7.** This Part is effective 90 days after this act becomes law.

**PART XX. AUTHORIZATION OF SOCIAL DISTRICTS**

**SECTION 20.1.** Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-145.9. Authorization of social district.**

A county may adopt an ordinance designating a social district for use in accordance with G.S. 18B-904.1."

**SECTION 20.2.** Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-205.4. Authorization of social district.**

A city may adopt an ordinance designating a social district for use in accordance with G.S. 18B-904.1."

**SECTION 20.3.** Article 9 of Chapter 18B of the General Statutes is amended by adding a new section to read:

**"§ 18B-904.1. Authorization and regulation of social districts.**

(a) Definitions. – The following definitions apply in this section:

(1) Permittee. – An establishment holding any of the following permits issued by the Commission:

a. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).

b. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).

c. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).

d. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).

e. A distillery permit issued pursuant to G.S. 18B-1100(5).

(2) Social district. – A defined outdoor area in which a person may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises or an extended area allowed under G.S. 18B-904(h).

(b) Authorization. – Pursuant to G.S. 153A-145.9, a county may adopt an ordinance designating a social district in the parts of the county outside any city. Pursuant to G.S. 160A-205.4, a city may adopt an ordinance designating a social district.

(c) Requirements for Designation. – A social district designated under this section shall meet all of the following requirements:

(1) The social district shall be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased for consumption in a social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased. The hours set by a city or county during which alcoholic beverages may be consumed in a social district shall be in accordance with G.S. 18B-1004.

(2) The city or county shall establish management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the social district, on the website for the city or county. The social district shall be maintained in a manner that protects the health and safety of the general public.

(3) Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the Commission a detailed map of the social district with the boundaries of the social district clearly marked and the days and hours during which alcoholic beverages may be consumed in the social district.

(d) Requirements for Sale of Alcoholic Beverages. – A permittee located in or contiguous to a social district may sell alcoholic beverages for consumption within the social district it is located in or contiguous to in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell alcoholic beverages for consumption in the social district in a container that meets all of the following requirements:
  - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
  - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
  - c. The container is not comprised of glass.
  - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
  - e. The container shall not hold more than 16 fluid ounces.
- (3) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

(e) Requirements for Possession and Consumption of Alcoholic Beverages. – The possession and consumption of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the social district may be possessed and consumed.
- (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in subsection (d) of this section.
- (3) Alcoholic beverages shall only be possessed and consumed during the days and hours set by the city or county in accordance with subsection (b) of this section.
- (4) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010.
- (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(f) Additional Requirements. – The Commission may adopt rules to impose requirements in addition to the requirements set forth in subsections (c) through (e) of this section."

## **PART XXI. MAKE PERMANENT THE EXPANSION OF LICENSED PREMISES FOR PURPOSES OF OUTDOOR SEATING**

**SECTION 21.1.** Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read:

**"§ 153A-145.10. Authorization of expanded area for ABC licensed premises.**

In accordance with G.S. 18B-904(h), a county may adopt an ordinance authorizing permittees holding a permit under Article 10 or 11 of Chapter 18B of the General Statutes to utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee."

**SECTION 21.2.** Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read:

**"§ 160A-205.5. Authorization of expanded area for ABC licensed premises.**

In accordance with G.S. 18B-904(h), a city may adopt an ordinance authorizing permittees holding a permit under Article 10 or 11 of Chapter 18B of the General Statutes to utilize an area

that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee."

**SECTION 21.3.** G.S. 18B-904 reads as rewritten:

**"§ 18B-904. Miscellaneous provisions concerning permits.**

...

(h) Extension of Licensed Premises. – A permittee holding a permit issued under Article 10 or 11 of this Chapter that allows the on-premises consumption of alcoholic beverages may utilize an area that is not part of the permittee's licensed premises for the outdoor possession and consumption of alcoholic beverages sold by the permittee subject to all of the following requirements:

- (1) If the licensed premises is located in a city, an ordinance has been adopted by the city authorizing permittees to expand their licensed premises. If the licensed premises is located outside of a city, an ordinance has been adopted by the county authorizing permittees to expand their licensed premises.
- (2) If the property to which the premises will be extended is not owned by the permittee, the owner of the property has provided written permission to the permittee allowing the use of the property for the purpose set forth in this subsection.
- (3) The permittee has provided written notification, including the diagram required under subdivision (5) of this subsection and, if applicable, a copy of the written permission required under subdivision (2) of this subsection, to the district office of the ALE Division, and local law enforcement agency, with jurisdiction over the licensed premises.
- (4) The permittee shall visibly and vertically mark off the extended area so a reasonable person could distinguish between the extended area and any sidewalk or walkway.
- (5) The permittee shall maintain a diagram on the licensed premises detailing the size and location of the extended area. The diagram required under this subdivision shall have the boundaries of the extended area clearly marked, specify the types of barriers used to mark the boundaries of the extended area, and specify the number of tables and seats placed in the extended area.
- (6) The extended area shall not be used to increase the occupant load of the licensed premises. For purposes of this section, "occupant load" is as used in Section 1004 of the 2018 North Carolina Building Code.
- (7) The extended area shall comply with all applicable laws governing accessibility.
- (8) Except as allowed under G.S. 18B-904.1 or to reenter the licensed premises, a person shall not exit an extended area with an alcoholic beverage purchased from the permittee.
- (9) Any additional requirements imposed by the Commission through the adoption of rules."

**PART XXII. SPECIFY THAT ALE AUTHORITY TO INSPECT PREMISES INCLUDES SOCIAL DISTRICTS AND EXTENDED AREAS**

**SECTION 22.1.** G.S. 18B-502(a) reads as rewritten:

"(a) Authority. – To procure evidence of violations of the ABC law, alcohol law-enforcement agents, employees of the Commission, local ABC officers, and officers of local law-enforcement agencies that have contracted to provide ABC enforcement under G.S. 18B-501(f) shall have authority to investigate the operation of each licensed premises for which an ABC permit has been issued, to make inspections that include viewing the entire premises, and to examine the books and records of the permittee. The inspection authorized by

this section may be made at any time it reasonably appears that someone is on the premises. Alcohol law-enforcement agents are also authorized to be on the premises to the extent necessary to enforce the provisions of Article 68 of Chapter 143 of the General Statutes. For purposes of this subsection, the phrase "licensed premises for which an ABC permit has been issued" includes a social district authorized under G.S. 18B-904.1 and an extended area authorized under G.S. 18B-904(h)."

## **PART XXIII. ALLOW TRADE OR EXCHANGE OF SPIRITUOUS LIQUOR**

**SECTION 23.1.** G.S. 18B-103 reads as rewritten:

### **"§ 18B-103. Exemptions.**

~~The~~ All of the following activities shall be permitted:

- (1) The use of ethyl alcohol for scientific, chemical, pharmaceutical, mechanical, and industrial ~~purposes;~~purposes.
- (2) The use of ethyl alcohol by persons authorized to obtain it tax free, as provided by federal ~~law;~~law.
- (3) The use of ethyl alcohol in the manufacture and preparation of any product unfit for use as a ~~beverage;~~beverage.
- (4) The use of alcoholic beverages by licensed physicians, druggists, or dental surgeons for medicinal or pharmaceutical purposes; or the use of alcoholic beverages by medical facilities established and maintained for the treatment of patients addicted to the use of alcohol or ~~drugs;~~drugs.
- (5) The use of grain alcohol by college, university or State laboratories, and by manufacturers of medicine, for compounding, mixing, or preserving medicines or medical preparations, or for surgical ~~purposes;~~purposes.
- (5a) The manufacture, possession, and consumption of alcoholic beverages for the purpose of conducting scientific, chemical, pharmaceutical, mechanical, industrial, and educational research in connection with teaching, research, or extension programs conducted by, or under the supervision of, an instructor at an accredited community college, public or private college or university, or an extension agent in connection with educational programs and activities offered by the North Carolina Cooperative Extension ~~Service;~~Service.
- (6) The manufacture, importation, and possession of denatured alcohol produced and used as provided by federal ~~law;~~law.
- (7) The manufacture or sale of cider or ~~vinegar;~~vinegar.
- (8) The possession and use of unfortified wine or fortified wine for sacramental purpose by any organized church or ordained minister, including in public school buildings when the use of those buildings is approved by the local school ~~board;~~board.
- (9) The possession and use of alcohol acquired for controlled-drinking programs as authorized under ~~G.S. 20-139.1(g);~~G.S. 20-139.1(g).
- (10) The use of spirituous liquor in the manufacture of flavors or flavoring extracts that are unfit for beverage ~~use;~~use.
- (11) Under the direct supervision of an instructor during a culinary class that is part of an established culinary curriculum at an accredited college or university, the delivery to or possession or consumption by a student who is less than 21 years of age, when the student is required to taste or imbibe the alcoholic beverage during a culinary class conducted pursuant to the curriculum.
- (12) The trade or exchange of lawfully purchased spirituous liquor if all of the following requirements are met: