

## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, September 13, 2021 at 7:00 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, 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. All wishing to address Council must sign up with the City Clerk at (704) 729 – 6509 by 12:00 PM on the day of the meeting in order to speak.*

**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** - Council will consider adopting the Regular Meeting minutes of August 9th, 2021.
2. **Approval of Minutes** - Council will consider adopting the Work Session Meeting minutes of August 31st, 2021.

#### **Business Items**

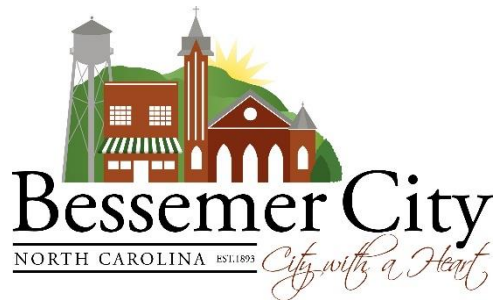
3. **Proclamation: Dyslexia Awareness Month:** Council will consider adopting a proclamation recognizing October 2021 as Dyslexia Awareness Month.
4. **Proclamation: Domestic Violence Awareness Month:** Council will consider adopting a proclamation recognizing October 2021 as Domestic Violence Awareness Month.
5. **Capital Project Ordinance**
6. **Gaston County Building Inspection Agreement:** Council will consider approving an inter-local agreement that would allow Gaston County Building inspectors to look at set backs for Single family dwellings.
7. **Demolition Ordinance - 709 Costner School Rd.**

## **City Manager's Report**

8. **Stinger Park Water & Sewer Line Project:** Council will consider awarding a bid to Buckeye Bridge LLC for the water and sewer line project.

**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, August 09, 2021 at 7:00 PM

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### MINUTES

#### Members Present

Mayor, Becky S. Smith, Council Members: Alfred Carpenter, Kay McCathen, Brenda Boyd, Dan Boling, Joe Will, and Donnie Griffin were all present. Assistant City Manager, Jamie Ramsey was 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 Kay McCathen and unanimous vote, the August agenda was approved.

#### 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 Alfred Carpenter:

1. **Approval of Minutes** - Council will consider adopting the Regular Meeting minutes of July 12th, 2021.
2. **Approval of Minutes** - Council will consider adopting the Work Session Meeting minutes of July 27th, 2021.

#### Business Items

##### 9/11 Proclamation

Mayor, Becky S. Smith read the 9/11 Proclamation aloud and declared September 11, 2021 as a day of remembrance in Bessemer City. All present were encouraged to engage in programming honoring those in the 9/11 attack on the twin towers.

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

##### Ordinance to Close & Vacate- 205 E. Washington Avenue

Code Enforcement Officer, Nathan Hester address Council regarding a vacate and close order for property located at 205 East Washington Avenue. City Staff talked with the home owner in April; however, the minimum housing code issues have not been addressed. Additionally, City Staff suspect that someone may be living inside.

By motion of Alfred Carpenter and unanimous vote, the ordinance regarding the closing and vacating of property at 205 E. Washington Avenue was adopted.

**Demolition Ordinance - 1210 Edgewood Rd.**

Code Enforcement Officer, Nathan Hester address Council regarding a demolition ordinance for property located at 205 East Washington Avenue. City Staff recommend that the City demolish the structure to aid in Economic Development. Currently, there is a federal tax loan that's attached to the property. City Staff will investigate how this will impact the demolition process. The owner has passed away, and the property was inherited by her daughter. However, contact cannot be made with the daughter. Thus, a demolition ordinance is needed.

By motion of Joe Will and unanimous vote, the ordinance regarding the demolition of property located at 1210 Edgewood Rd. was adopted.

**Demolition Ordinance - 114 S. Skyland Dr.**

Code Enforcement Officer, Nathan Hester address Council regarding a demolition ordinance for property located at 114 S. Skyland Dr. Said property is owned by the City. The City wishes to demolish the water tank that's next to the house. City Staff will bid both demolition projects.

By motion of Donnie Griffin and unanimous vote, the ordinance regarding the demolition of property located at 114 S. Skyland Dr.

**City Manager's Report**

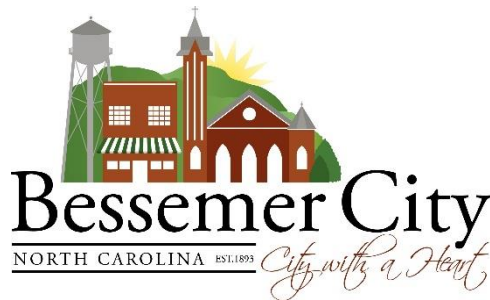
Assistant City Manager, Jamie Ramsey informed Council that City Staff are still monitoring COVID-19 exposures among Staff.

**Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling inquired about the Christmas lights and about the City water tank on Skyland. Mr. Boling commended City Staff, Donnie Clifton and Greg Thompson for their assistance to GEMS regarding a citizen who passed out. Council member, Donnie Griffin commended City staff for working so hard.

**Adjourn**

Being no further business to come before the board, by motion of Alfred and unanimous vote, the meeting was adjourned at 7:27 PM.



## CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, August 31, 2021 at 3:00 PM

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### MINUTES

#### **Call to Order**

Mayor Becky S. Smith called the meeting to order.

#### **Members Present**

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

#### **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 upcoming job fair and new downtown businesses. On Thursday, September 16<sup>th</sup> the City will host a job fair at the Allan Farris Community Center. Downtown development projects along West Virginia Avenue continues to progress. Soon there will be two restaurants opening.

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed Council regarding the Stinger Park and Indian Springs. The old playground equipment located at Indian Springs Park has been removed and the new equipment will be arriving soon. Progress is being made at Stinger Park. City Staff will follow up with the engineers and provide a drawing of the final design for the concession stand and restroom facilities.

Charlie Harbin, Fire Chief- Mr. Harbin addressed Council regarding the cascade air filter system. The new Cascade system has been installed. Mr. Harbin showed Council pictures of the new system.

City Planner, Nathan Hester- Mr. Hester addressed Council regarding the old water tank on the hill. Years ago the City used the water tank on S. Skyland Drive. However, a new tank is in use and a bid had been received for demolishing the tank. The total price would be \$26,500. Discussion regarding the demolition of property located on 1210 Edgewood Dr. The owners of 1210 Edgewood Dr. have signed a contract to demolish the old service building at this location.

#### **Attorney Contract Approval – CDBG Revitalization**

Josh Ross, Director of Administration addressed City Council regarding an attorney contract approval. Mr. Ross wanted to make sure that Council was aware that staff procured attorney David Smith for legal services for the CDBG-NR project as of May 2021.

By motion of Kay McCathen and unanimous vote, the legal services agreement with Attorney David Smith since May 2021 was formally approved.

### **Parks & Recreation Advisory Board By Laws**

City Staff addressed Council regarding the bylaws for the Park & Recreation Board. The draft bylaws include a 7 person board, compromised of citizens who live in the Bessemer City area and surrounding community. The terms of this Board would be served on a 3 year basis. City Staff asked Council to review the bylaws and draft a list of people that would like to serve on the Board.

Light discussion was held regarding the document and revisions were given to staff. The Board should be representative of all ages, there will be a Council liaison appointed, and Council will select the Chair and Vice Chair. Per Council, the potential candidates who will serve on the Board will be invited to the September 2021 Work Session.

### **Interlocal Agreement for Collection of Taxes**

City Manager, James Inman informed Council that an agreement regarding the collection of taxes had been received from the County. The County has doubled the collection rate from \$6,000 to \$12,000.

By motion of Donnie Griffin and unanimous vote, the interlocal agreement for the collection of taxes was approved.

### **Water Plant Option**

City Manager, James Inman addressed Council regarding the water plant upgrades and the Stinger Park sewer line project. Additional grant funds have been received; however, additional loan funds must be acquired.

By general consensus, Council permitted City Manager, James Inman to accept the grant funds and accept additional loan funds for the project.

### **Flanigan Discussion**

City Manager, James Inman informed Council about a pending litigation suit.

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

#### *General*

Mr. Inman addressed Council regarding the monitoring of COVID-19, the paving project that will start on Monday, September 13<sup>th</sup>, and new Economic Development projects throughout the City.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Donnie Griffin inquired about a code enforcement issue. Council member, Joe Will thanked City Staff for posting a speed limit sign in his ward.

### **Adjourn**

Being no further business to come before the board, the meeting was adjourned at 4:52 PM by motion of Brenda Boyd and unanimous vote.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



**PROCLAMATION DECLARING OCTOBER 2021  
DYSLEXIA AWARENESS MONTH**

**WHEREAS**, dyslexia is a language-based learning disability, that affects approximately one in five people, regardless of race, gender, age, or socioeconomic status; and

**WHEREAS**, neurological in origin, dyslexia affects the way the brain processes information, and is characterized by difficulties with reading, writing and spelling despite normal intelligence; and

**WHEREAS**, those with dyslexia benefit greatly from specialized assistance from highly trained teachers, multi-sensory learning programs and individualized instruction; and

**WHEREAS**, early identification, alternative instruction and extra support from friends, family and teachers can contribute to the success dyslexic students enjoy in the classroom, in life and, later on, in employment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Bessemer City that October 2021 is Dyslexia Month in Bessemer City, North Carolina.

Adopted this the 13<sup>th</sup> Day of September, 2021.

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Becky S. Smith, Mayor

Attest:

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Hydeia Y. Hayes, City Clerk



**PROCLAMATION DECLARING OCTOBER 2021  
DOMESTIC VIOLENCE AWARENESS MONTH**

**Whereas**, 1 in every 3 teenagers, 1 in every 4 women, and 1 in every 6 men will experience domestic violence during their lifetime; and

**Whereas**, approximately 15.5 million children are exposed to domestic violence every year; and

**Whereas**, when a family member is abused, it can have long-term damaging effects on the victim that also leave a mark on family, friends, and the community at large; and

**Whereas**, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference; and

**Whereas**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse; and

**Whereas**, it is important to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and work to increase public understanding of this significant problem; and

**Whereas**, local programs, state coalitions, national organizations, and other agencies nationwide are committed to increasing public awareness of domestic violence and its prevalence, and to eliminating it through prevention and education; and

**Whereas**, the United States President and Congress as well as other federal agencies have expressed a commitment to eliminating domestic violence both nationally and internationally; and

**Whereas**, our Nation has a moral obligation to work to prevent domestic violence and to address its brutal and destructive effects;

**Now, therefore**, I, Mayor Becky S. Smith and the City Council do hereby proclaim the month of October 2021 as Domestic Violence Awareness Month and urge all citizens to actively participate in activities and programs designed to work towards the elimination of domestic violence.

**In witness whereof**, I have hereunto set my hand and caused the seal of the City of Bessemer City to be affixed on this 13th day of September, 2021.

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

\_\_\_\_\_  
Josiah J. Will, Ward 3

\_\_\_\_\_  
Dan Boling, Mayor Pro Tem, Ward 1

\_\_\_\_\_  
Kay McCathen, Ward 2

\_\_\_\_\_  
Brenda Boyd, Ward 4

\_\_\_\_\_  
Alfred Carpenter, Ward 5

(SEAL)

\_\_\_\_\_  
Donnie Griffin, Ward 6

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



# CITY OF BESSEMER CITY CAPITAL PROJECT ORDINANCE

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

Section 1. The project authorized is utility improvement.

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

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

Engineering	\$ 147,500
Contingency	191,310
Construction	<u>2,061,190</u>
	<u>\$ 2,400,000</u>

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

FB Water/Sewer	\$ 1,800,000
FB Powell Fund	300,000
FB GF	300,000
	<u>\$ 2,400,000</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agencies, the grant agreements and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. 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 grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



# Gaston County Building Services Department

128 W. Main Ave.  
Gastonia, NC 28052  
704-866-3075

Application Number

Item 6.

Owner Information	Applicant Information
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____

Project Physical Address
Address: _____
Directions: _____

Permit Type		Property Details	
<input type="checkbox"/> Single Family Dwelling/ Modular	<input type="checkbox"/> Accessory Bldg. / Pool	<b>PID#</b>	_____
<input type="checkbox"/> Agricultural	<input type="checkbox"/> Addition	<b>Zoning</b>	_____
<input type="checkbox"/> Townhome	<input type="checkbox"/> Remodel	<b>Flood Plain</b>	<input type="checkbox"/> Y or <input type="checkbox"/> N
<input type="checkbox"/> Duplex	<input type="checkbox"/> Change of Use	<b>Watershed</b>	<input type="checkbox"/> Y or <input type="checkbox"/> N
<input type="checkbox"/> Manufactured Home	<input type="checkbox"/> Commercial/ Industrial	<b>Downtown Fire District</b>	<input type="checkbox"/> Y or <input type="checkbox"/> N

Comments/ Description – (Please describe work in detail below.)
_____
_____
_____
_____

Principle Structure	Accessory Structure	Manufactured Home	Sign Restrictions
<b>Proposed Setbacks:</b>	<b>Proposed Setbacks:</b>	<b>Proposed Details:</b>	<b>Proposed Details:</b>
Front _____	Front _____	Color _____	Type _____
Rear _____	Rear _____	Size _____	# of Signs _____
Left Side _____	Left Side _____	Year _____	Area _____
Right Side _____	Right Side _____	MFG _____	Illumination _____
Width @ Building Line _____	Size _____		
Height _____	Use _____		
Lot Size _____			

Utilities
<input type="checkbox"/> Septic <input type="checkbox"/> Well <input type="checkbox"/> Comm. Septic <input type="checkbox"/> Comm. Well <input type="checkbox"/> City Sewer <input type="checkbox"/> City Water

I, the undersigned, hereby certify that I am the owner or authorized agent and will comply with all applicable laws regulating the work being permitted. I have also received a copy of this document and understand it is my responsibility to inform Gaston County of any changes that are made to the work that is outlined in this permit. I further understand that all inspection requests area to be made by me or my agent. Lastly, I understand that this permit will become null and void in 6 months (180 days) from the date issued if work on the project has not started.

\_\_\_\_\_  
Signature of Owner/Contractor

Date: \_\_\_\_\_



## Building and Development Services Department ***BUILDING INSPECTIONS***

*Mailing Address: P.O. Box 1578, Gastonia, NC 28053*

*Street Address: 128 West Main Avenue, Gastonia, NC 28052*

*Phone: (704) 866-3155*

*Fax: (704) 866-3966*

Item 6.

### **Interlocal Agreement for the Enforcement of Portions of Bessemer City's Land Use Ordinances and North Carolina State Building Codes**

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by and between the City of Bessemer City, a municipal corporation having a charter granted by the State of North Carolina ("Municipality"), and Gaston County, a corporate and political body and a subdivision of the State of North Carolina (the "County").

#### **WITNESSETH:**

WHEREAS, Article 20 of Chapter 160A of the General Statutes of the State of North Carolina authorizes, among other things, units of local government to enter into a contract in order to execute an undertaking providing for the contractual exercise by one unit of any power, function, and right of another; and,

WHEREAS, the Municipality has adopted ordinances providing for the administration and enforcement of regulatory codes and County ordinances; and,

WHEREAS, such codes are commensurate with the regulatory codes and ordinances now in effect for Gaston County as enforced by the County; and,

WHEREAS, pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes, upon official request by the governing body of any municipality within the County, the Gaston County Board of Commissioners may by agreement exercise enforcement powers within said municipality and upon such direction may do so until such time as the municipal governing body officially withdraws its request; and

WHEREAS, the Gaston County Board of Commissioners upon approval of a resolution and with written notice may withdraw the offering of the service to the Municipality.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements of the Parties, the Parties hereto agree as follows:

1. Purpose. The Purpose of this Agreement is to provide for the transfer of jurisdiction to the County for inspections and enforcement responsibility for State Building Codes, and for portions of Bessemer City's Land Use Ordinances listed in the attached Exhibit "A," which is incorporated herein by reference.
2. Term. The term of this Agreement is \_\_\_\_\_ through \_\_\_\_\_ and shall be automatically renewed each year unless terminated as provided herein.



## Building and Development Services Department

### ***BUILDING INSPECTIONS***

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Item 6.

#### 3. Responsibilities.

##### a. Municipality. The Municipality agrees to:

1. Provide any pre-permit or pre-inspection review of any applicable Municipal Zoning ordinances or regulations, as well as requirements of any other State or local agencies prior to issuance of a zoning permit.
2. Provide to the County a written comment on each single family zoning permit specifying exact setback distances from each side of the home to property lines or street centerlines.
3. Advise permit applicants that property lines will have to be marked so that inspections staff can determine locations at footing inspections.
4. Allow the County to retain any fees collected pursuant to enforcement of the Ordinance or permit fees.
5. Not hold the County responsible for enforcement of any of Municipality's other ordinances, zoning, or regulations, unless specifically contracted.

##### b. County. The County agrees to:

1. Issue building permits in accordance with N.C. GEN. STAT. § 160D-403 and the latest edition of the North Carolina Administrative Code.
  2. Provide plan review, as necessary, for issuance of permits under the State Building Code and County ordinances.
  3. Conduct site inspections in accordance with the rules set forth in the latest edition of the North Carolina Administrative Code.
  4. Seek judicial or equitable enforcement of said codes or ordinances when necessary in the County's discretion.
4. Geographic Jurisdiction. The County shall have the authority to enforce the code and ordinances in the geographical jurisdiction stated in exhibit "A," which is attached hereto and incorporated by reference.
5. Personnel. The County shall employ and provide personnel sufficient to perform inspection duties for the Municipality.
6. Indemnity. To the extent allowed under North Carolina law, the Municipality, during the term of this Agreement, shall indemnify and save harmless the County from and against any and all claims, demands, and/or causes of action arising out of enforcement by the County under the Agreement, with the exception of gross negligence, willful, or wanton conduct by the County.
7. Cost. The cost of services provided by the County shall be those set forth in Exhibit "A," which is attached hereto and incorporated by reference. All fees shall be collected by the County; failure to receive fees associated with this Agreement will result in



## Building and Development Services Department

### ***BUILDING INSPECTIONS***

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Item 6.

termination of this Agreement.

8. Termination. The Municipality or the County may terminate the Agreement upon a thirty (30) day written notice to the Manager of the governing unit.
9. Amendment. This Agreement may only be amended in writing upon the signature of both Parties. Oral agreements shall have no legal effect.
10. Entire Agreement. This Agreement is the only agreement between the Parties for building inspections and setbacks for single-family dwellings, and contains all terms agreed upon by the Parties. This Agreement has no effect upon enforcement of codes or ordinances not specifically referenced herein.
11. Severability. If any part of this Agreement is held invalid, such decision shall not render the entire Agreement invalid.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]



# Building and Development Services Department

## ***BUILDING INSPECTIONS***

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Item 6.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives of the day and year first written.

### **City of Bessemer City**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
(Deputy) City Clerk

\_\_\_\_\_  
City Attorney

### **Gaston County**

By: \_\_\_\_\_  
County Manager/Asst. County Manager

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk/Deputy Clerk to the Board

\_\_\_\_\_  
County Attorney/Deputy Co. Attorney



# Building and Development Services Department

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Item 6.

STATE OF NORTH CAROLINA  
COUNTY OF GASTON

I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is the Clerk/Deputy Clerk of the **City of Bessemer City**, and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed its name by its Mayor, sealed with its corporate seal and attested by him/her as its City Clerk/Deputy Clerk.

WITNESS my hand and Notarial Seal, this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA  
COUNTY OF GASTON

I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that she is the Clerk/Deputy Clerk of the **Gaston County Board of Commissioners**, and that by authority duly given and as the act of the Gaston County Board of Commissioners, the foregoing instrument was signed in its name by \_\_\_\_\_, County Manager/Assistant County Manager, sealed with its corporate seal and attested by \_\_\_\_\_ as its Clerk/Deputy Clerk.

WITNESS my hand and Notarial Seal this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission Expires:



# Building and Development Services Department

## **BUILDING INSPECTIONS**

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Item 6.

## **Exhibit A**

### **Bessemer City**

- Jurisdiction – All incorporated areas and Extraterritorial Jurisdiction of Bessemer City.
- Codes to be Applied by County Building Inspections – Latest edition of the North Carolina State Building, Residential, Existing Building Code, Plumbing, Mechanical, Electrical, Fuel, Gas, and Manufactured Housing.
- County Ordinances to be Applied – None.
- Bessemer City's Land Use Ordinances to be Applied – County Building Inspections will check setback information on Single Family Dwellings ONLY, when performing footing inspections. Proper distances for setbacks will be provided as part of Bessemer City's Zoning Permit.
- Fees and Fines –
  - For building inspections, Gaston County will collect and maintain all fees and fines associated with building permits, based off of the current, adopted fee schedule for Gaston County.
  - For zoning setback inspections, the County will charge FORTY DOLLARS (\$40.00) per inspection and bill Bessemer City's Zoning Office on an annual basis.
  - Any fines associated with failed inspections for setbacks will be billed directly to the permit applicant and collected by Gaston County.





COBC-GOVBOB-2021-2022 O 8

# City of Bessemer City

## ORDINANCE DIRECTING CODE ENFORCEMENT OFFICER TO DEMOLISH (Sec. 160A-443, 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 **709 Costner School Road, Bessemer City, North Carolina, Tax Parcel # 208143**, which premises are described in that certain deed duly recorded in the Gaston County Registry in **Deed Book 1210 at Page 832** 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 **Albert Diflorio**,

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 709 Costner School Road, 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 160A-443 (6) 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).

Item 7.

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

Adopted this 13th day of September, 2021

\_\_\_\_\_  
BECKY S. SMITH, MAYOR

ATTEST: \_\_\_\_\_  
HYDEIA Y. HAYES, MPA, CITY CLERK

File #: MINM-0688-2021

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: Don Mauldin (Code Enforcement Officer)

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



## BESSEMER CITY POLICE DEPARTMENT CODE ENFORCEMENT DIVISION



Item 7.

September 9, 2021

### Synopsis of Investigation

Property Owner: Albert Diflorio

Property Address: 709 Costner School Rd

**April 25, 2018:** Complaint and inspection began under the supervision of former Code Enforcement Officer Dave Taylor.

**April 02, 2019:** Property owner Mr. Albert Diflorio was adjudicated incompetent and Attorney W. Porter Rhoton III was appointed Guardian of the Estate. Mr. Rhoton filed a petition to Sell Real Property owned by Mr. Diflorio, and Mr. Rhoton stated that he had some buyers for the property.

**December 19, 2019:** City Council voted and passed a "Close and Vacate" order. The property was vacated and sealed. The property had not been sold.

**May 25, 2021:** An exterior inspection was completed of the property and revealed that the plywood and locks installed over the doors had been forcefully removed and trespassers had entered the property.

An Administrative Warrant to Inspect was obtained and a current inspection was conducted. The inspection was completed and determined the structure to be dilapidated and uninhabitable. A few pictures accompany this synopsis.

A Complaint and Notice of Hearing before the Housing Inspector Relating to Repair or Removal of Building was mailed to Attorney Porter Rhoton III and the Hearing was scheduled for **June 16, 2021** at 11:00 am. **No parties of interest appeared, nor did Attorney Porter Rhoton II appear.**

**July 16, 2021:** A Finding of Fact and Order Relating to Repair, Alteration or Improvement of Building was drafted, and mailed to Attorney Porter Rhoton III stating that the building had been determined to be dilapidated [ as defined pursuant to Section 150.069] and in need of repair. It was ordered that **(90) Ninety days** from the date of **June 16, 2021** would be given to remedy the defects as set out in the Finding of Fact Notice.

**BESSEMER CITY POLICE DEPARTMENT  
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**July 29, 2021:** A Complete, Final, and Absolute Notice of Hearing in Regards to Demolition of Structure was mailed and received by Attorney Porter Rhoton III. The notice advised Attorney that a Final Demolition Hearing would be held on August 12, 2021 allowing person(s) of interest to present evidence and show cause why the previously stated structure should not be demolished. **No parties of interest appeared.**

**August 19, 2021:** A Findings of Fact in Regards to a Final Notice of Demolition and or Removal of Building Hearing was mailed and received by Attorney Porter Rhoton III informing him that a request for an Order to Demolish the structure at 709 Costner School rd., Bessemer City, N.C. would be presented to the City Council on September 13, 2021. **No contact from Attorney Rhoton has been received as of this date.**

Respectfully submitted,

Don M Mauldin  
Code Enforcement Officer



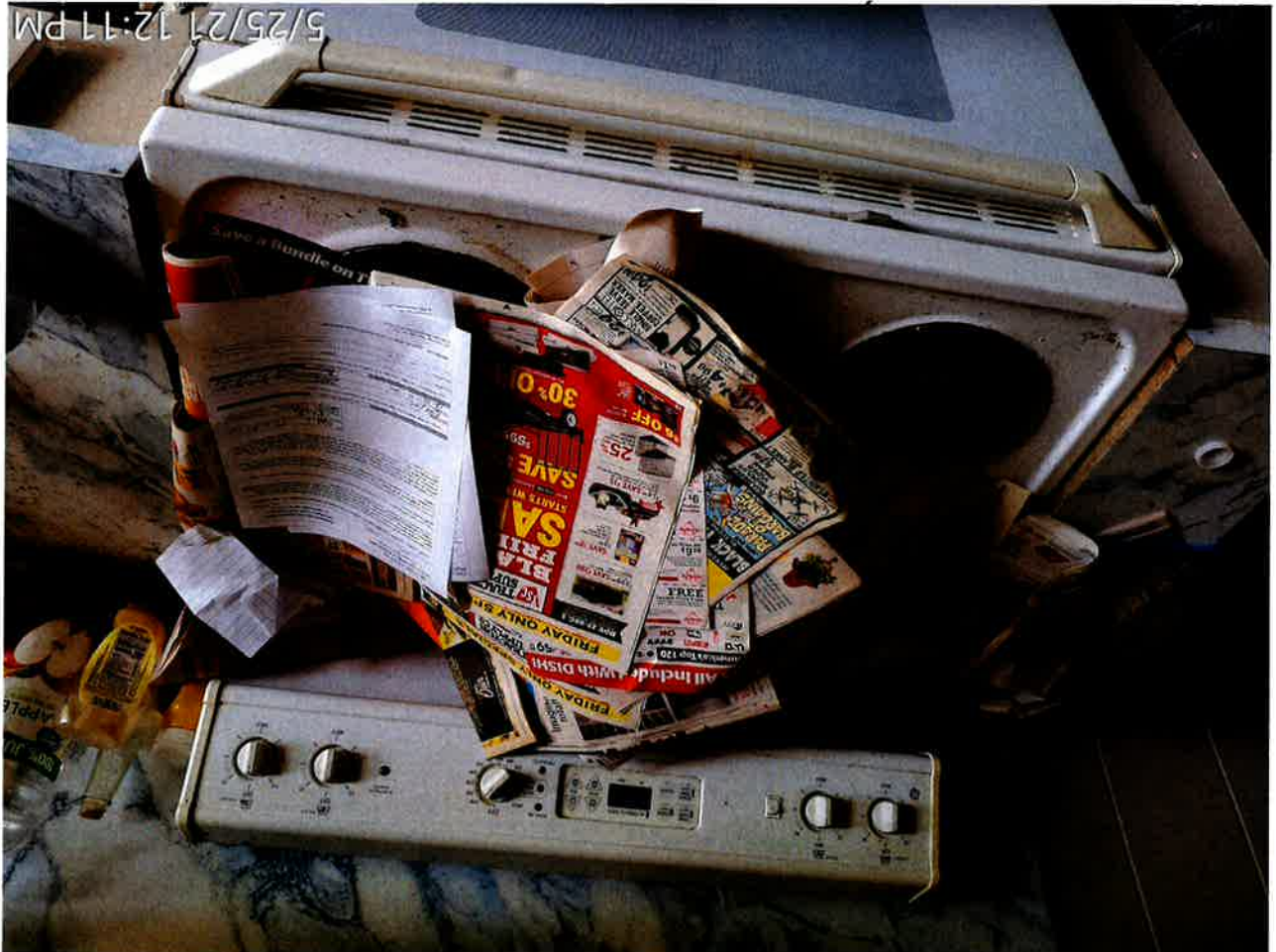
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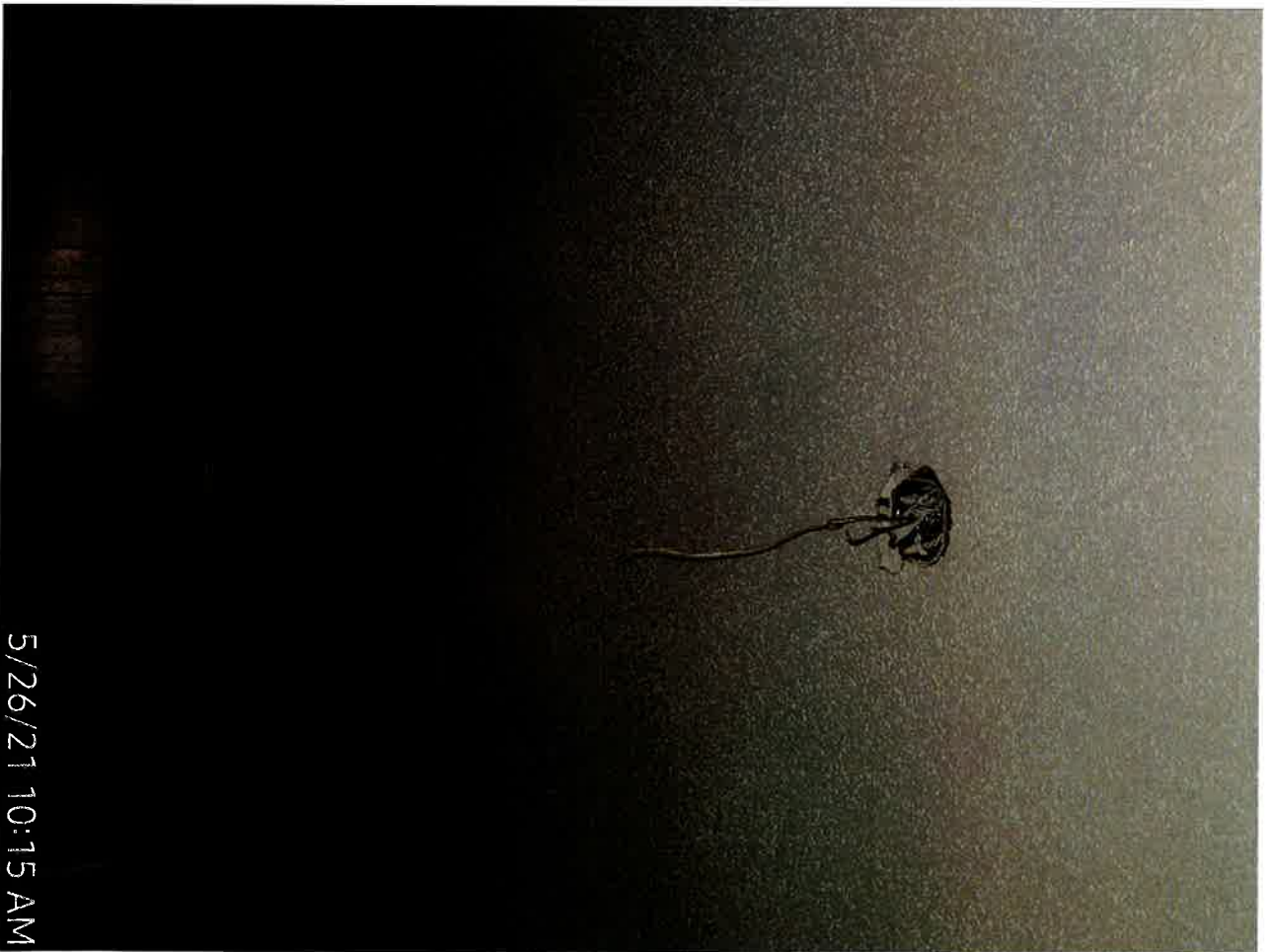






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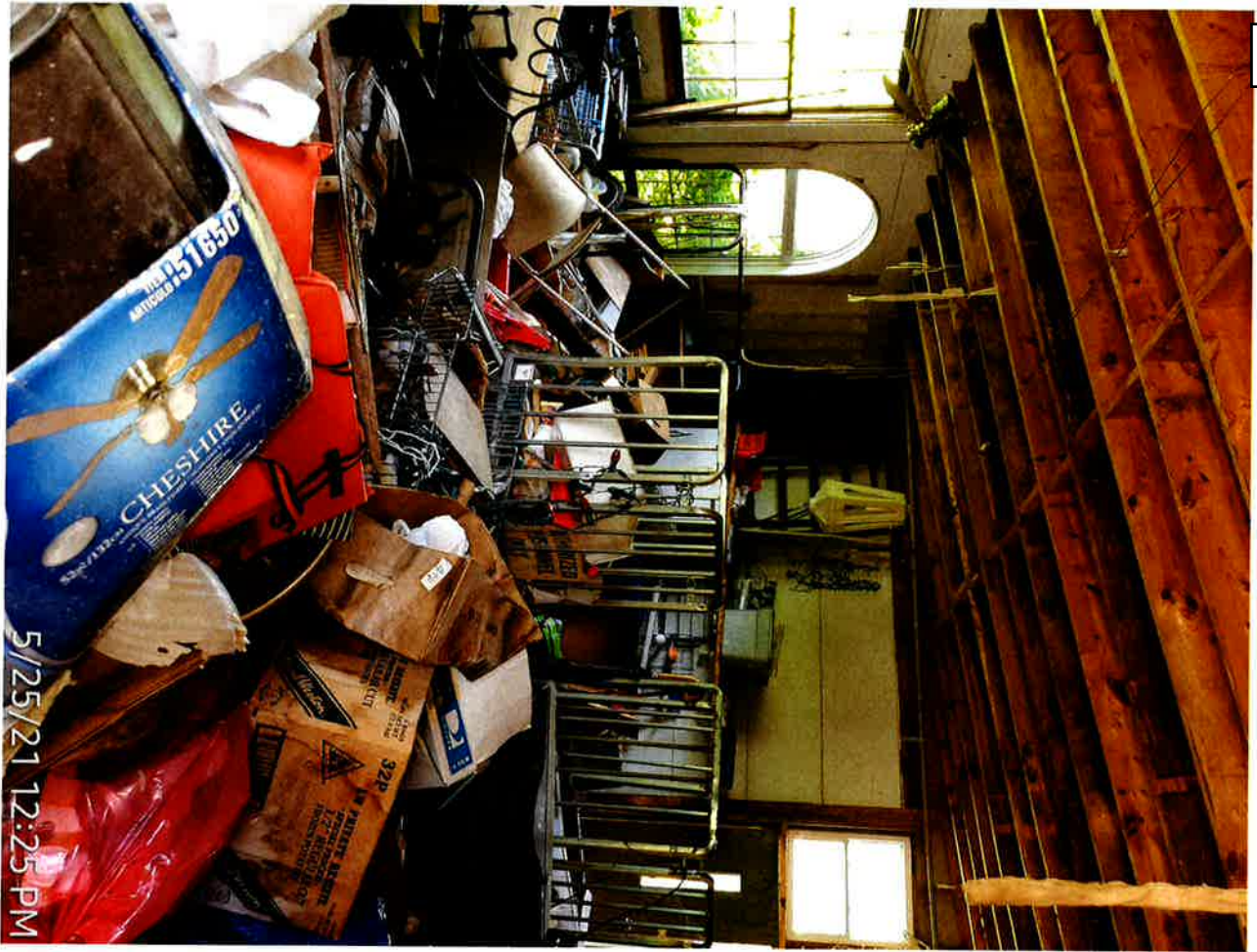




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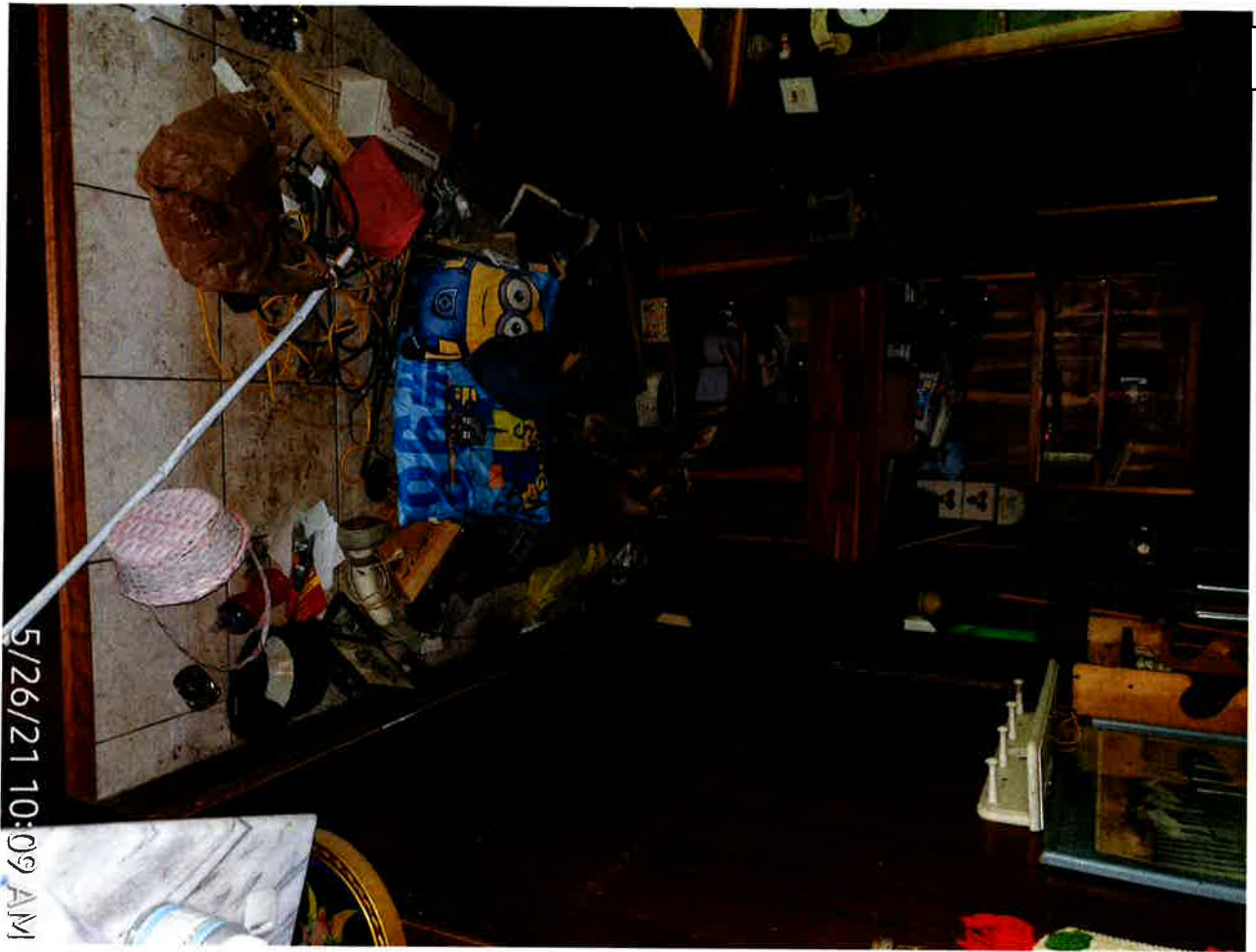
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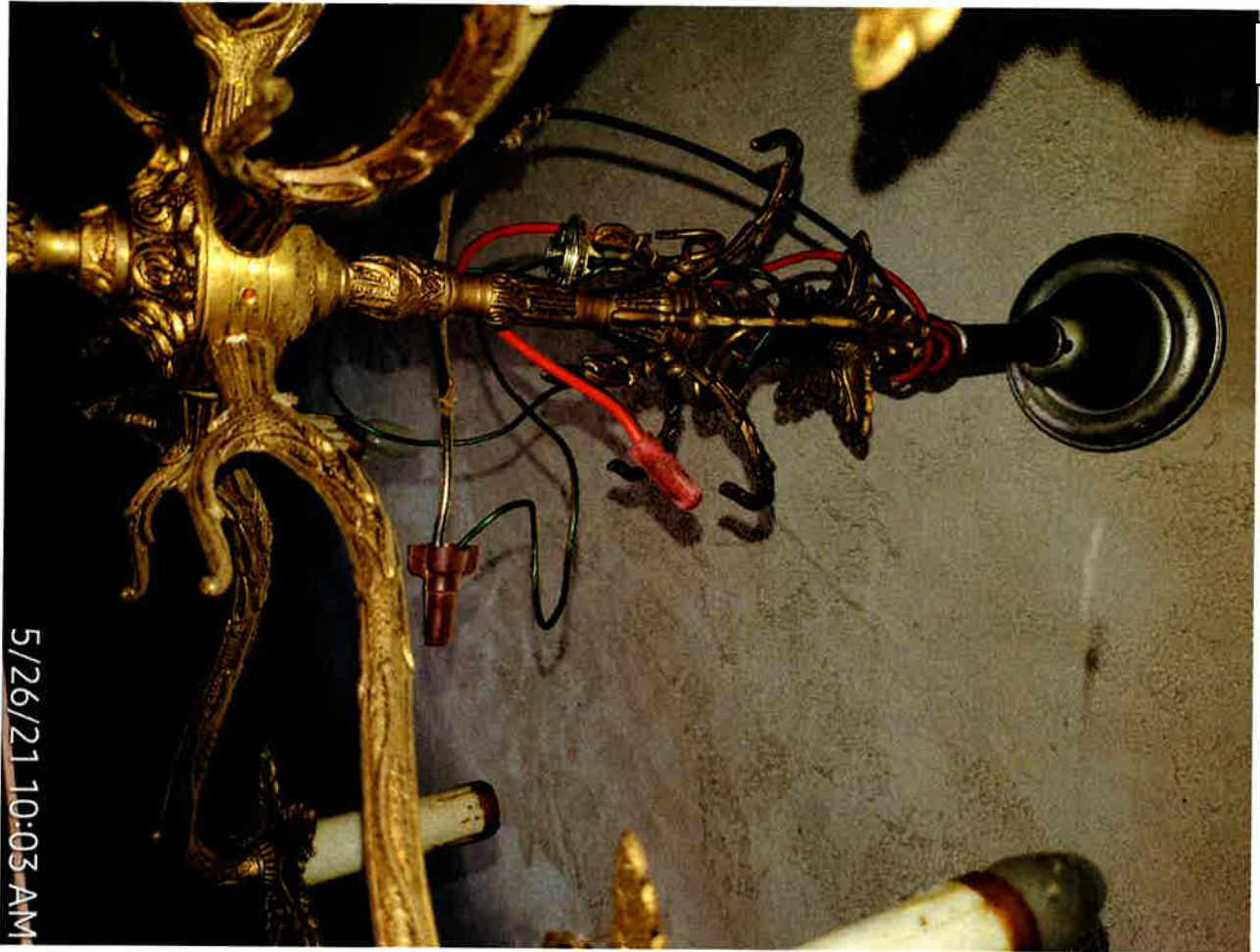


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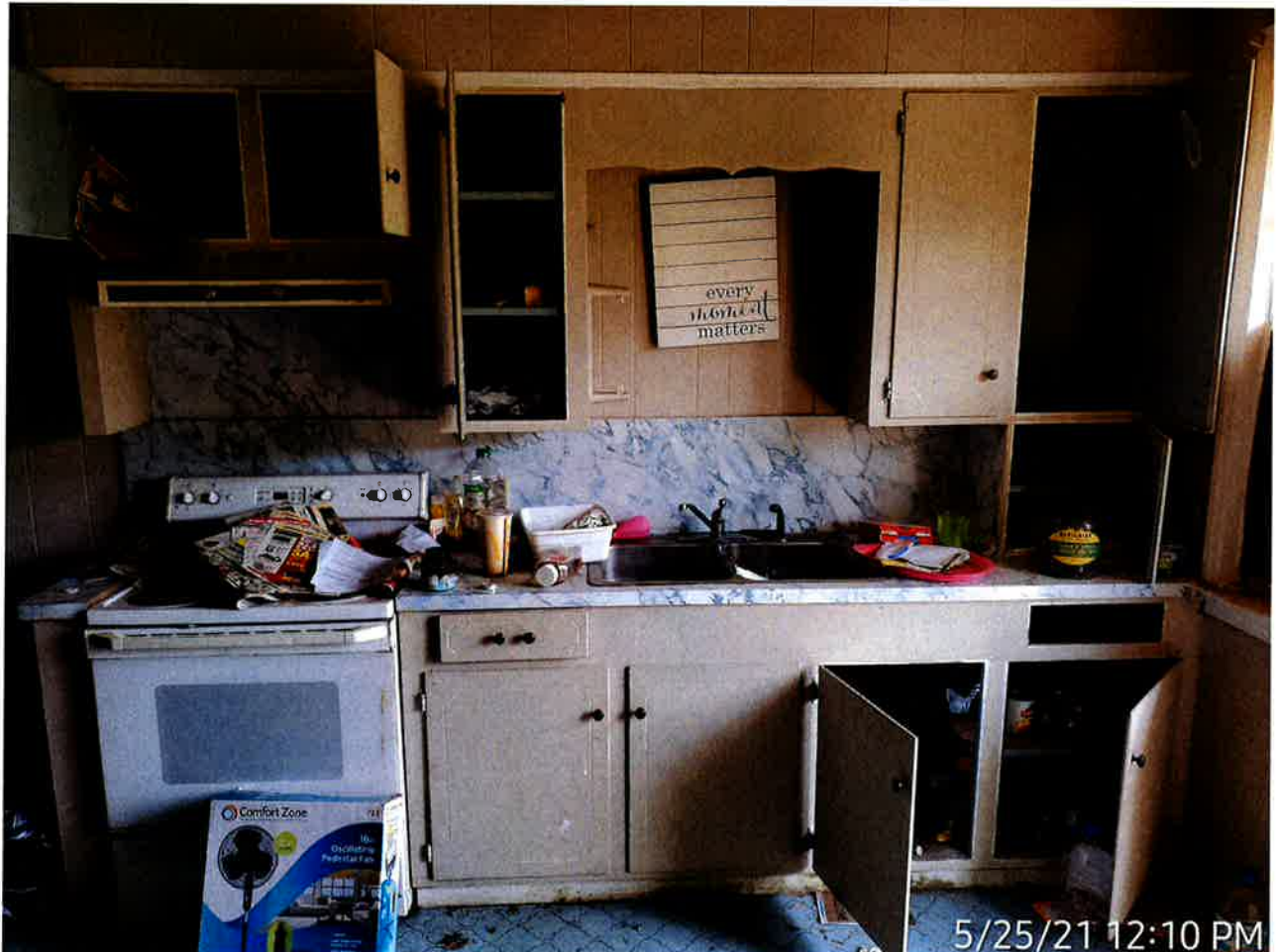


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