

CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, February 12, 2024 at 7:00 PM

AGENDA

Call to Order, Prayer, Pledge of Allegiance

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

Special Presentations

1. **Students of the Month-** Mayor & City Council will recognize the students of the month for February 2024 from Bessemer City area schools: Bessemer City Primary School, Bessemer City Central Elementary School, Tryon Elementary, Bessemer City Middle School, and Bessemer City High School.

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.*

2. **Public Comment Acknowledgment:** City Manager, Josh Ross will provide clarity on items mentioned during public comment, if needed.

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 Special Session Meeting minutes of the January 3, 2024 meeting.
4. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the January 8, 2024 meeting.
5. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the January 30, 2024 meeting.

Business Items

6. **Bessemer City Central School Robobees:** The Bessemer City Central Robotics club will address Mayor & Council regarding a potential project collaboration.
7. **Proclamation: City With A Heart Day** - City Council will consider proclaiming Wednesday, February 14th, 2024 as City with a Heart Day in Bessemer City.

- [8.](#) **Proclamation: African American History Month-** City Council will consider proclaiming February 2024 as African American History Month in Bessemer City.
- [9.](#) **Appoint Alternate Board Members:** City Council will consider appointing 2 members of the Planning Board to serve as alternates for the Zoning Board of Adjustments.
- [10.](#) **Public Hearing-Rezoning Request (Development Solutions Group):** City Council will hold a public hearing to hear public comment regarding a rezoning request from Development Solutions Group to rezone tax parcel ID 151678 from Urban Residential (UR) to Urban Residential Conditional District (URCD) for the purposes of developing a residential townhome community.
- [11.](#) **Ordinance to Close & Vacate:** City Council will consider adopting an ordinance to close and vacate property located at 112 West Georgia Avenue.

City Manager's Report

- [12.](#) **Budget Amendment:** City Council will consider approving a budget amendment.

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.*

SPECIAL MEETING

January 3, 2024

The Bessemer City Council met in special session on Wednesday, January 3, 2024 at 3:30PM in Council Chambers. Proper notice was given.

Members Present

Mayor Becky Smith, Council Members: Michael Brooks, Nellie Floyd, Allen Hook, Brenda Boyd, Brent Guffey, and Donnie Griffin. Also present were City Manager, Josh Ross, Attorney, David Smith, Public Safety Director, Tom Ellis, and Operations & Special Projects Director, Jamie Ramsey.

Call to Order

Mayor Smith called the meeting to order and explained that this meeting was to discuss the Charter and the Fire Department staffing per the request of Council Member Brent Guffey and recommendation of City Manager Josh Ross

Charter Review

City Manager, Josh Ross addressed Council with provisions in the Charter in relation to Council Members also serving as employees per Manager Ross and Attorney Smith, City staff members are not permitted to serve on Council. Specifically, Section 2.12 of the Bessemer City Charter does not permit City Council Members to be employees or serve in any other capacity with the City. Attorney Smith stated that this issue was discussed with the North Carolina League of Municipalities (NCLM) Attorney last fall and they concurred with the same opinion. After which, Attorney Smith wrote an opinion letter to Mr. Brent Guffey informing him that he could not remain in the fire department as an employee. This is considered a conflict of interest and violation of the City Charter

In December, Mr. Guffey requested City Staff and Attorney Smith to explore the matter again since this provision now impacted two Council Members. Manager Ross and Attorney Smith consulted with the North Carolina League of Municipalities (NCLM) Attorney again and also received an opinion from the North Carolina School of Government (SOG) which both align with the original opinion provided that the City's Charter prohibits Council Members serving in other capacities with the City. Mr. Guffey stated that the Charter provision conflicted with North Carolina General Statutes and the North Carolina State Constitution. Attorney Smith explained his opinion, the NCLM, and SOG, all agree that this Charter provision does not conflict with the State Constitution. Attorney Smith also explained that NCGS allows City's to permit Council Members to serve as employees in certain circumstances with boundaries given if the City chooses to allow this; however, the City's Charter, which is an effective General Statute itself, prohibits Council Members serving in other capacities with the City.

Article VI, Section 9 of the State Constitution was explored. Results showed that the dual office holding provision did not violate one's constitutional right. A city firefighter is not an "office" for the purpose of constitutional and statutory provisions of dual office holding. NCGS 14-2334 prohibits a city official (such as a member of the city council) from being on both sides of a contract. It would prohibit, for example, the city council voting to award a construction contract to a member of the city council, since that member of the city council would be on both sides of

that contract (even if that member does not vote for awarding the contract). The same reasoning applies to an employment arrangement. If a council member is also an employee of the city, then that council member is both employer and employee, the council member is on both sides of the employment agreement. That is a violation of NCGS 14-234.

Mr. Guffey stated that some municipalities in Gaston County allow their City Council members to be firefighters as well. Namely, High Shoals was mentioned. City Staff and Attorney Smith stated that there are two kinds of exceptions that apply in some situations. The first one applies to cities that operate under the mayor-council system, meaning that they do not have a city manager. For those cities there is a special statute, NCGS 160A-158, that applies if the city has a population under 5,000. That statute allows the city to employ a council member as an employee, despite NCGS 14-234. Bessemer City has over 5,000 residents. That statute does not apply to Bessemer City because we have council-manager system.

Council Member Guffey stated that he was under the impression that city employees could serve on Council, as this was done in the 1980s with another firefighter. There was a question whether or not this firefighter was also a Council Member at the same time. Manager Ross stated that regardless of what happened in the 1980s, that should not dictate how the current situation is handled or interpreted especially of multiple legal opinions express that Council Members service in other capacities with the City is a violation of the City Charter.

Additionally Council Member Guffey inquired about if a volunteer capacity was the same as an employee. Attorney Smith informed him that it was. Council Member Guffey also inquired about why this was not brought to his attention during his initial installment on the board in 2021. Mayor Smith informed him that it was brought to the previous City Manager's attention, but he did not move forward with enforcing the Charter. City Manager, Josh Ross informed City Council that there is no personal motive to have anyone removed from the fire department. Manager Ross informed Council Member Guffey of the provision when it was discovered in the Charter, which was August of 2023. Manager Ross worked with Attorney Smith to convey this matter to Council Member Guffey then. Manager Ross said it had been previously stated that he was "kicking people off the fire department". He stated this is not true; instead, this is being done to be in compliance with the City Charter, prevent future conflict, and protecting the best interest of the City. In order to allow Council Members to serve as employees, City Council would have to amending the City Charter and the North Carolina General Assembly would have to approve. City Manager, Ross advises highly against this for numerous reasons including to prevent conflicts of interest and to ensure that Council Members voted by citizens have the ability to vote on all matters without having to recuse themselves for conflicts of interest This would also ensure that Council Members are representing the interest of citizens by voting on all matters.

During the Meeting, Council Member Michael Brooks requested the status of a letter from Attorney Smith outlining why he could not serve on the Fire Department as a Council Member. Attorney Smith explained that he and Manager Ross felt it was best to wait on providing this correspondence in light of the special meeting taking place. Council Member Brooks understood and agreed with the opinion provided by Attorney Smith.

Council Member Guffey stated that the City Charter referenced that the fire chief answers to the City Council and that it should be revised to match how the current organizational structure is setup with the Fire Chief ultimately answering to the Manager like all other staff except for the City Attorney. Attorney Smith pointed out that the Charter does not mention the fire department; rather, there are references throughout the ordinances that mention the fire department. Manager Ross advised Council that staff would be thoroughly reviewing all ordinances and provide Council with recommended changes. There are other ordinances that are out of date or that no longer apply that should be revised, appealed, or amended. Council agreed that they would like to see these ordinances reviewed.

Public Safety Staffing

City Manager Ross advised Council that he would be presenting a budget amendment at the January Regular City Council Meeting to amend the fire department budget for the current year (2023-2024). Manager Ross said the purpose of the recommendation is to provide additional funding for 24/7 coverage at the fire department with part-time firefighters. This was the original plan discussed by Manager Ross, Public Safety Director Ellis, and Fire Chief Gordon last year; however, due to funding shortages in the budget, this was not originally possible. Manager Ross explained that revenue projections are expected to be higher than anticipated, specifically for ad valorem and sales tax. This additional revenue was planned to help build back the City's fund balance but will now be directed for fire department staffing if Council approved the budget amendment next week. Manager Ross stated that recent changes to the fire department staffing is requiring an acceleration of the already adopted plan to provide more funding for the fire department.

City Manager, Josh Ross informed Council that in the next budget year (2024-2025) he will be recommending another increase in the fire department budget as current demands grow and the City prepares for growth.

Council General Discussion

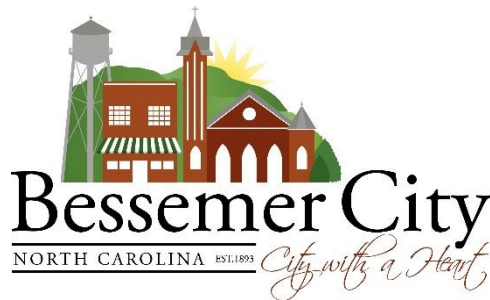
Mayor Smith opened the floor for Council discussion. Council Member, Donnie Griffin inquired about the new stormwater fees. City Staff informed him that these fees will be implemented in the next fiscal year starting July 1, 2024. Council Member, Brent Guffey inquired about the referral process for citizens needing assistance paying their water bill

Adjourn

By motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 4:52 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, January 08, 2024 at 7:00 PM

MINUTES

Members Present

Mayor, Becky S. Smith, Council Members: Brenda Boyd, Donnie Griffin, Nellie Floyd, Michael Brooks, and Allen Hook were all present. City Manager, Josh Ross and City Attorney, David Smith were present as well. Council member, Brent Guffey was absent.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Olin Byrum, Pastor of First Baptist Church led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Adjustment and Approval of the Agenda

By motion of Brenda Boyd and unanimous vote, the January agenda was approved with no revisions.

Special Presentations

Student Appreciation- Students from Bessemer City High School, Bessemer City Central Elementary School, Tryon Elementary and Bessemer City Primary School were recognized by their principals and City Council as part of the Student Appreciation Program:

Mrs. Doneen Johnson, Principal of Bessemer City High School, and Mayor Smith, recognized the following students of the month: Azayla Bolton, 9th grade representative; Cirilio Rodriguez Estrada, 10th grade representative; Janaiya Glenn, 11th grade representative and Seth Samonds, 12th grade representative.

Dr. April Conley, Principal of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Sophia Valeriano Rico; 3rd grade representative; 4th grade representative Uriel de la Cruz; and 5th grade representative Estefani Franco Rivas.

Mrs. Erin Morehead, Guidance Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Alaya Smith, Kindergarten representative; Amiyah Dumas, 1st grade representative, and Latravious Williams, 2nd grade representative.

Mrs. Kelsey Nixon, Kindergarten Administrator of Tryon Elementary and Mayor Smith, recognized the following students of the month: Kali Fox Dixon, Pre K representative; Ky'ere White, Kindergarten representative; Keira Greene, 1st grade, Cohen Lovelace, 2nd grade representative, Colt Raxter, 3rd grade representative; Bianca Centeno and Nathan Rhyne, 4th grade representative; Grayson Venable, SAC representative; and Eli Miller, 5th grade representative.

Request to Speak/Opportunity for Public Comment

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

- Pamela Gladney of 502 E. Ohio Avenue: Mrs. Gladney addressed Council regarding the NC Main Street program and the streaming of City Council meetings. Gladney stated that it would be beneficial for City Council to live stream the meetings for those who are unable to attend the meetings. The minutes of the meeting are not meant to be verbatim. Thus, a live stream option would allow citizens to recall what was discussed during a various meeting. Additionally, Mrs. Gladney would like to see the Main Street program grow into it's full potential. The annual Main Street program conference will be held in Goldsboro in March. The City should allow two members attend along with City Staff.

- John Setzer at 905 W Georgia Avenue: Mr. Setzer addressed Council regarding the manhole flooding issue he brought before Council in a previous meeting. With new residential development, this will only hinder the City's sewer system. Thus, creating more flooding on his street. Mr. Setzer provided pictures of the issues he sees in front of his home. He would like to see this resolved soon. City Staff has told him that there will be a new pump station installed, but he would like to see action taken now.

Consent Agenda

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

2. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the Pre-Sine Die December 11, 2023 meeting.
3. **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the After-Sine Die December 11, 2023 meeting.

Dr. Martin Luther King Jr. Proclamation

Mayor, Becky S. Smith read the Dr. Martin Luther King Jr. Proclamation aloud and declared Monday, January 15th, 2024 as Martin Luther King Jr. Day.

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

Establish Public Hearing

Development Services Officer, Nathan Hester addressed Council regarding a rezoning request from Development Solutions Group for 77 new town homes on 6.3 acres. The planning and zoning board will hold a public hearing and hear the request and provide a recommendation for City Council at their February 2024 meeting.

By motion of Allen Hook and unanimous vote, a public hearing will be held at the February 2024 Regular Meeting on Monday, February 12th, 2024 at 7:00 PM to hear public comment regarding a rezoning request from Development Solutions Group to rezone tax parcel ID 151678 from Urban Residential (UR) to Urban Residential Conditional District (URCD) for the purposes of developing a residential townhome community.

Board Appointment

City Council reviewed the received applications and made several Board member and Chair appointments. By motion of Donnie Griffin and unanimous vote, Linda Willis was appointed to serve on the board until June 2027. By motion of Allen Hook and unanimous vote, Bryan Hoffman was appointed to serve on the board until June 2027. By motion of Allen Hook and unanimous vote, Constantine Tsambmourinery was appointed to serve on the board until June 2025. By motion of Donnie Griffin and unanimous vote, David Bruce Absher was appointed to serve as Chair until June 2024.

Joint BRIG & FIG Agreement for Wicked Waffle Company

City Administration addressed Council regarding the approval of a Building Rehabilitation Incentive Grant (BRIG) and Façade Improvement Grant (FIG) for property located at 130 West Virginia Avenue. If approved, this would be a retroactive payment. The property owner has made the necessary repairs and received her Certificate of Occupancy (CO). This is a dollar for dollar match, and the projected reimbursement amount is for \$1,000.

By motion of Michael Brooks and unanimous vote, the BRIG and FIG agreement for the Wicked Waffle Company was approved.

City Manager's Report

City Manager, Josh Ross, addressed Council regarding the following:

- Budget Amendment: A budget amendment regarding fire personnel pay is needed. This will provide additional funding for firefighter staffing. By motion of Michael Brooks and unanimous vote, the budget amendment in the amount of \$130,000 was approved.
- Budget Amendment: A budget amendment regarding park utilities is needed. This will provide additional funding for the sewer utility at Stinger park. The expenditure for the sewer cost have come in higher than projected due to increased rainfall. Additionally, water that flows in the splashpad is treated as sewer. By motion of Donnie Griffin and unanimous vote, the budget amendment in the amount of \$110,000 was approved.
- General: Bessemer City is expected to receive a lot of rainfall and wind gust tomorrow. City staff and public safety personnel are continuously monitoring the weather alerts. City Hall and administrative offices will be closed on Monday, January 15th in observance of Martin Luther King Jr. Day. The trash service next week is scheduled to remain on schedule.

Council General Discussion

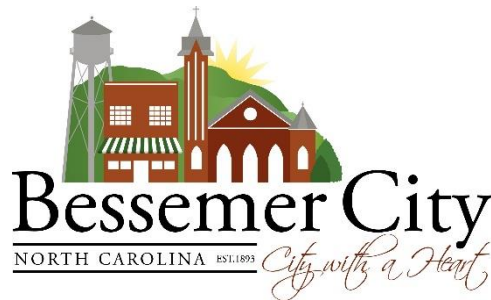
Mayor Smith opened the floor for Council general discussion. Council Member, Michael Brooks inquired about the speed limit on S. 11th Street. Council Member, Nellie Floyd inquired about the sewer issue that Mr. Setzer spoke of on Georgia Avenue. Council Member, Donnie Griffin inquired about speeding in the Industrial Park.

Adjournment

Being no further business to come before the board, by motion of Brenda Boyd and unanimous vote, the meeting was adjourned at 7:47 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, January 30, 2024 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: Michael Brooks, Brenda Boyd, Brent Guffey, Nellie Floyd, Allen Hook and Donnie Griffin were all present. City Manager, Josh Ross and department heads were present as well. A quorum was present.

Department Head Reports

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

JoD Franklin, Parks and Recreation Director- Mr. Franklin addressed Council regarding the Basketball and softball program, and Stinger Park sponsorships. The basketball season is underway and has many children in the program. Last years Softball team did very well, City Staff would like to have additional teams this year. The Diamond Youth Baseball program will hold a tournament in the summer at Stinger Park. City Staff has begun to prepare for the tournament. During the annual retreat City Staff will discuss a capital improvement plan for the City Swimming pool.

Nathan Hester, Development Services Director – Mr. Hester addressed Council regarding the upcoming rezoning request from Development Solutions Group (DSG). Development Solutions Group (DSG) would like to rezone tax parcel ID 151678 from Urban Residential (UR) to Urban Residential Conditional District (URCD) for the purposes of developing a residential townhome community. This will go before the Planning & Zoning Board of Adjustments on Monday, February 5th and come before City Council on Monday, February 12th.

Diane Jenkins, Finance Director – Ms. Jenkins addressed Council regarding the new budget year. The budget has been uploaded to the portal, so that Department heads may begin entering the expenditures.

Jamie Ramsey, Director of Operations- Mr. Ramsey informed Council about the EPA's lead and copper rule. Lead and copper enter drinking water primarily through plumbing materials. Exposure to lead and copper may cause health problems ranging from stomach distress to brain damage. The EPA revised the Lead and Copper Rule to enhance implementation in the areas of monitoring, treatment, customer awareness, and lead service line replacement. The update also enhanced public education requirements and ensured drinking water consumers receive is: meaningful, timely and useful information. Thus, the City will be responsible for creating a summary survey of streets with lead and copper in them. City Staff doesn't believe that there are many streets like this, but will comply with the new mandate and review the lines.

The EPA is requesting the summary survey to be completed in October 2024. City Staff has reached out to officials to inquire about additional timing to accurately perform the survey.

Hydeia Hayes, City Clerk & Human Capital Director- Ms. Hayes addressed Council regarding the upcoming retirement party for David Splawn. The City will hold a party on February 8th to thank him for 44 years of amazing service.

Audit Presentation

Tony Brewer, CPA addressed Council regarding the 2023 financial audit. Overall the City received a clean audit report. Mr. Brewer presented to Council specific indicators in the report. Mr. Brewer identified 6 Financial Performance Indicators (FPIC) of concern. The City is required to prepare correspondence to the Local Government Commission (LGC) within 60 days regarding these issues. The FPIC were as follows:

- FPIC 1. Fund Balance Available
- FPIC 2. General Fund Balance Operations
- FPIC 3. Quick Ratio – Water & Sewer
- FPIC 4. Operating Net Income Loss
- FPIC 5. Unrestricted Cash Flow

Identified FPIC's were mainly contributed to budgetary timing issues.

Appointed Advisory Boards

City Staff informed the Board of upcoming openings on the Boards. City Staff advertised for new applicants to fill new terms on the re-established downtown development board. Other applications were received as well.

By motion of Brent Guffey and unanimous vote, Sue Propst and Fatmir Fejzullahu (Harvey) were appointed to serve on the Downtown Development Board until June 30, 2027.

By motion of Brent Guffey and unanimous vote, Daniel Guin and Kelsie Nixon will be interviewed at the February 2024 Work Session.

City Manager's Report

Josh Ross, City Manager- Mr. Ross addressed Council regarding the following:

General: The Annual Retreat is coming up in late February. This year's Retreat will be off site. Department Heads are preparing their budgets. Light discussion was held regarding Stinger and Kevin Millwood parks.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Light discussion was held about street parking along 8th Street.

Adjourn

Being no further business to come before the board, the meeting was adjourned at 4:58 PM by motion of Donnie Griffin and unanimous vote.

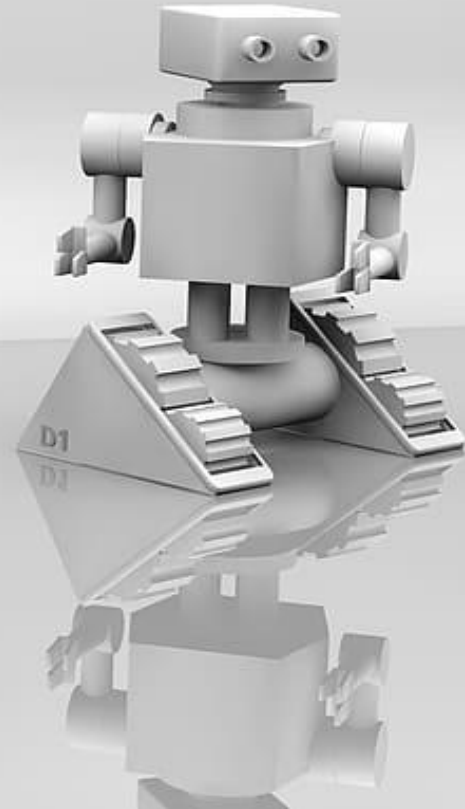
Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk

Robotics project 2023

By: The Robobees

Item 6.



Hello!

Thank you for your time.
We would like for you to
consider a project idea.



Every year the robotics team is tasked with completing a project as part of our robotics competition. This year we were asked to connect our hobbies to our community as a guideline to our project. The team brainstormed and decided that we would like to see art become more accessible to our community. Through research we discovered that some cities have dedicated an area as a free artist space.

We would like to propose a transformation of the 11th street bridge.

Item 6.



Local examples of free artist's spaces

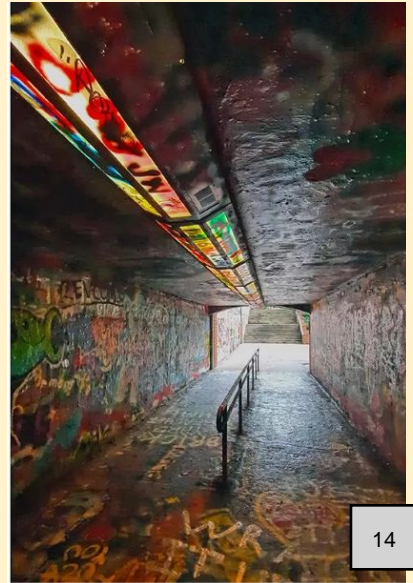


Salisbury graffiti park

*Appalachian State
Art Tunnel*

Free Expression Tunnel (NC State)

Krog Street Tunnel (Atlanta)



Salisbury graffiti park

They opened the park in 2018. Since then, acts of vandalism lessened. A quote from a representative from the Salisbury Police Department said, "There was a significant problem with graffiti and tagging before the park was established and since the park has been open there has been a significant difference in vandalism."



Appalachian State Art Tunnel

Item 6.

The Appalachian State Art Tunnel is a way to express yourself. One appalachian State student said:

“Everyone’s friendly in the tunnel, It’s a nice social environment.”

And the tunnel was made November of 1967



Free Expression Tunnel (Raleigh)

Item 6.

Connecting North campus to Central campus is the free expression tunnel at North Carolina State University. This tunnel has been called “the most graffitied place in the world.” It was established on October 25, 1967.



Krog Street Tunnel (Atlanta)

Item 6.

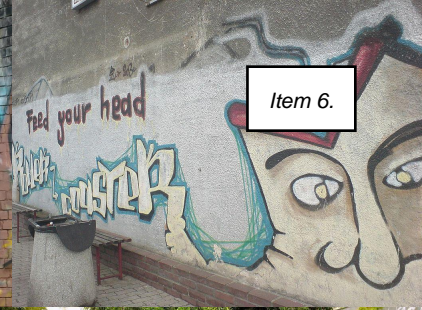
The Krog Street tunnel has been a free artist space since the early 2000's.



Other examples

Citizens could:

- draw pictures
- paint nice words
- hang pictures
- Lay out pictures



Rules and Regulations

- Only Positive things
- Express yourself
- No bad words or pictures
- No Gang Signs
- Only paint in correct places
- Don't leave garbage in the tunnel
- Keep paint in line
- Only nice things



Thank you for your time.

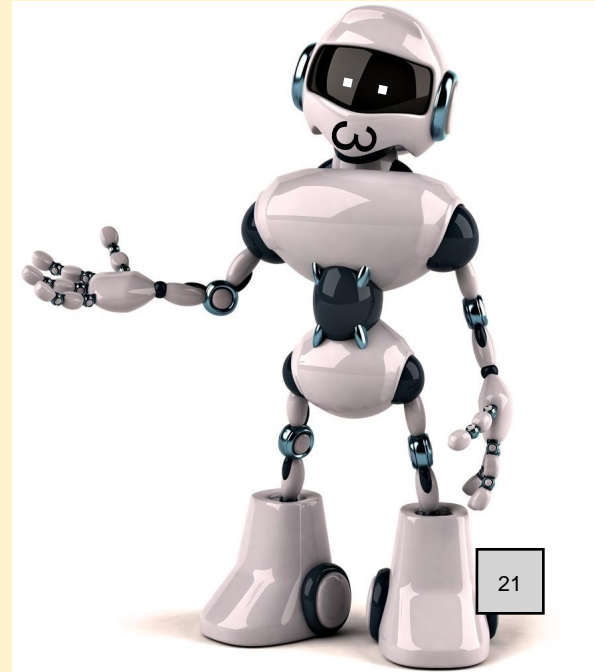
Item 6.

We hope you will consider this idea!

Our hope is that we can provide the public with a safe place to express their creativity and bring art to our community.

Other art spaces in our area have reduced vandalism and enhanced creativity in the local community.

Once again, We very much appreciate the board taking time out of this meeting to listen to our project idea.





**PROCLAMATION
CITY WITH A HEART DAY
FEBRUARY 14, 2024**

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

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

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

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

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Bessemer City that February 14, 2024 be proclaimed as

“City with a Heart Day”

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

Proclaimed this 12th day of February, 2024.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



Proclamation
African American History Month 2024

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

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

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

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

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

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

Now, therefore, I, Mayor Becky S. Smith and the City Council do hereby proclaim February 2024 as

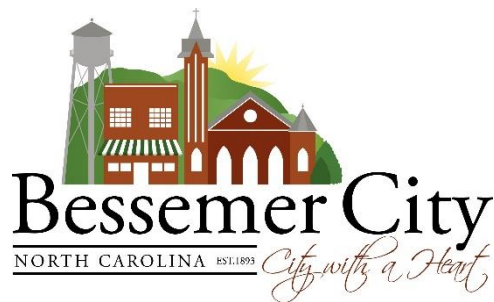
African American History Month

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

In witness whereof, I have hereunto set my hand and caused the seal of the City of Bessemer City to be affixed on this 12th day of February, 2024.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk



PLANNING BOARD MEMBERS

ROSTER

Mayor & Council,

Please see the attached board member roster for the Planning Board. Per the rules and procedures, you will need to appoint 5 members to serve on the Zoning Board of Adjustments. There will be 2 alternate members:

- David Absher, Chair (Inside)
- Wendy Burgess, (Inside)
- Pamela Gladney (Inside)
- Charlene Hill (Outside)
- Linda Willis (Inside)
- Bryan Hoffman (Inside)
- Constantine Tsambourinery (Inside)



132 W. Virginia Ave.
Bessemer City, NC 28016
(704) 629 – 5542 Ext. 1003

Item 10.

Staff Only:
Date Rec'd: 10/16/2023
Rec'd by: Nathan Hester
Case #: CD 03-2023

LAND DEVELOPMENT APPLICATION FORM

1. Application Type	✓	<u>Fee</u>	✓	<u>Fee</u>
• Sketch Plan/Plat (Major Sub):	_____		• Conditional Zoning (CZ)	700.00
• Preliminary Plat (Major Sub):	_____		• Special Use Permit (SUP)	_____
• Final Plat (Major Sub):	_____		• Text Amendment	_____
• Major Site Plan	_____		• Minor Site Plan	_____
• Construction Documents:	_____		• Minor Subdivision Plat	_____
• Recombination Plat	_____		• General Rezoning	_____
• Other: _____	_____			
Fee Total:				700.00

2. Project Information

Date of Application: 10/16/23 Name of Project: Yellow Jacket Lane Townhomes

Location: ML Kiser and Bess Town Road Property Size (acres): 6.26 # of Units/Lots: 68

Current Zoning: UR Proposed Zoning: CZ

Current Land Use: Vacant Proposed Land Use: Townhomes

Tax Parcel Number(s): 151678

Square Footage: N/A

3. Contact Information

Owner, Applicant, or Developer

Development Solutions Group, LLC

Address

11121 Carmel Commons Blvd #360

City, State Zip

Charlotte, NC 28226

Telephone

704-543-0760

Email

kent@olsondevelopment.com

Agent(s) (Engineer, Architect, Etc.)

LC3 Consulting

Address

320 Inland Cove Court

City, State Zip

Clover, SC 29710

Telephone

803-415-4866

Email

kcrowe@lc3consulting.com**4. The following items may also be required to be considered part of a complete application, please check all that apply on this list:**

- ☒ **Signed “Original” application**
- ☒ **Project Fee(s)** – See Fee Schedule
- ☒ **Written Summary/Description of Request** can be on company letterhead. Shall include requested use or uses, sq. feet of non-residential space, or density and number of units/lots for residential, or any other applicable information. For CZ’s, must also describe any variations proposed from the Land Development Code
- ☒ **Property Survey** (at least one copy), including existing buildings, topography, wetlands, streams, vegetation (trees over 18” in diameter), and other natural features.
- ☒ **Site/sketch plan** (at least one copy), may contain multiple pages and must be drawn to scale by an engineer or landscape architect. Shall include locations of buildings and/or lots, streets, parking, proposed grading, landscaping/screening, open space, watershed/storm water information, associated storm water measures, and proposed utilities and lighting. Shall also include general information from adjoining lots
- ☒ **Illustrative (color) site/sketch plan** for presentation purposes with same layers as described above
- ☒ **Architectural elevations, Perspective Renderings, and Architectural Review Board Checklist** may include multiple pages and must be drawn to scale by an architect. Include all primary and accessory buildings (all building sides), an illustrative color package, and black and white w/dimensions. Other architectural elements/features of the site such as gazebos, trellis’s, garden walls, retaining walls, or other items over 4-feet in height must also be included (NOT REQUIRED, BUT OPTIONAL FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS).
- ☒ **Illustrative (color) elevations** for presentation purposes for all items described above, as well as perspective (3D) renderings and photograph examples
- ☒ **Digital Files** of all items listed above

Last Update: 07/06/2021

Signature: _____ Printed Name: _____ Date: _____

Exhibit A
Areas of Relief and Conditions of Approval

1. The proposed development shall follow the requirements of the City of Bessemer City Land Development Code with the added relief of:
 - a. Allowing the development for multifamily use on one lot that is excess of three (3) acres.
 - b. Allowing for twelve (12) units per acre, which is more than the density requirements of eight (8) units per acre stated within 3.2.A. of the city's LDC.
 - c. Relief of the front setback regulation of fifteen (15') feet and allow a setback of anywhere between zero and five feet (0-5'), relief of the corner setback requirement of fifteen feet (15') to five feet (5').
2. All other multifamily design standards stated within the City of Bessemer City Land Development Code shall be adhered to.
3. The developer shall extend the City of Bessemer City water and sewer to and within the site, at their expense. The development will be served by City utilities: water and sewer.
4. All off-site utility easements, if necessary to provide utilities to the site, must be obtained by the developer, at their expense, prior to approval of construction plans, issuance of permits, or commencement of construction.
5. Conditional Zoning approval is valid for a period of twenty-four (24) months from the date of approval.



PLANNING BOARD/BOARD OF ADJUSTMENT
REQUEST FOR ACTION

AGENDA ITEM NO.: 3.b

MEETING DATE: 2-5-2024

DESCRIPTION: Rezoning of Parcel #151678 from Urban Residential to Conditional District for residential Townhome Development.

BACKGROUND INFORMATION: See Informational Packet.

STAFF RECOMMENDATION:

Approve development as submitted.

BOARD ACTION TAKEN:

- Pursue Project of multifamily development on site with relief of 3 acre size limitation.
- Recommend reducing density to Land Development Code restriction of 8 units per acre.
- Recommend deny relief of decreased open space.
- Recommend developer meet required setbacks. No relief of setback requirements recommended.
- Recommend to accept dedication to City of Bessemer City of the two main right of ways within the development and recommend that alleyways remain privately owned and maintained by future HOA.

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS
ZONING MAP AMENDMENT
February 12th, 2024

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 Tax Parcels included with development application CD 03-2023 within 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 **consistent** with the goals and values established by the City Council adopted in 2023.
 - a. The City Council created a mission and vision statement that included the following six values: 1. Accountability, 2. Ethics, 3. Community Dependability, 4. Honesty, 5. Respect, 6. Open-Mindedness. These rezoning's are consistent with these values.
 - b. The City Council created a mission and vision statement that included the following five goals: 1. Promote a desirable place to live and work that provides a healthy quality of life, 2. Ensure a safe and secure community for residents and visitors, 3. Invest in a high quality infrastructure to support a thriving and diverse economy, 4. Provide opportunities for citizen engagement and promote volunteerism, 5. Foster organizational sustainability that embraces innovation and creativity. These rezoning's are consistent with these goals.
- 2) Said rezoning is **consistent** with the City of Bessemer City 2020 Vision Plan and the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezoning's are:
 - a. Consistent with the existing adjacent land uses as designated on the official land use map.
- 3) The proposed map amendments **would not be detrimental** to the city and ETJ.
 - a. The physical conditions that make the rezoning's reasonable are:
 - Provides Residential and Economic Development growth opportunities with new development in areas that are currently zoned to accommodate the applicable use.
 - b. Rezoning is in the best interest of the public to increase and maximize property values to provide for future infrastructure and amenities.

Therefore, the requested rezoning's are **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 12th day of February, 2024.

ATTEST

CITY COUNCIL FOR THE
CITY OF BESSEMER CITY

Hydeia Hayes, City Clerk

BY _____
Becky S. Smith, Mayor

APPROVED AS TO FORM

David Smith, City Attorney



City of Bessemer City

ORDINANCE DIRECTING CODE ENFORCEMENT OFFICER TO VACATE & CLOSE (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 **VACATE AND CLOSE** that certain structure on certain premises locally designated as **112 West Georgia Ave., Bessemer City, North Carolina**, Tax Parcel # 121327, which premises are described in that certain deed duly recorded in the Gaston County Registry in Deed Book 5445 page 0037 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 owners are **Michael Shane Johnson**

WHEREAS, the Council hereby finds that the occupants are **Michael Shane Johnson**; and

WHEREAS, the Council hereby finds that the premises is unfit for human habitation due the structure being in a state of disrepair and dilapidated beyond 50% of the estimated value; and

WHEREAS, the condition of the home is so hazardous to health and safety of human life that the home has been posted unfit for human habitation, the Code Enforcement Officer feels that an emergency order to vacate and close the premises is necessary; 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

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 **112 West Georgia Ave., Bessemer City, North Carolina**, to be vacated, closed and repaired before being reoccupied.

Section 2. The cost of the closing 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).

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

Adopted this the 12th day of February 2024

BECKY S. SMITH, MAYOR

ATTEST: _____
HYDEIA Y. HAYES, CITY CLERK

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 he 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 M. Mauldin (Code Enforcement)

Mail To: Bessemer City Hall

Attn: Code Enforcement

132 W. Virginia Ave.

Bessemer City, NC 28016

File# Minm-1566-2023

BUDGET AMENDMENT 2023-2024

February 12, 2024

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, 2024.

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

General Fund

Dept Number	Description	Increase	Decrease	Debit	Credit
610-91-7130-550	SCADA System Replacement	\$ 22,057.58			
610-91-7130-390	SCADA System Emergency Repair	\$ 4,941.50			

This will result in a net increase in appropriations of \$26,999.08 for the Water Fund.

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

General Fund

Dept Number	Description	Increase	Decrease	Debit	Credit
610-91-3991-991	Fund Balance Appropriated	\$ 500.00			
610-91-3839-895	Insurance Proceeds	26,499.08			

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

Adopted by Council, this _____ day of _____ 2024.

Becky S. Smith, Mayor

Attest:

Hydeia Y. Hayes, Clerk