

January 8, 2007

The Bessemer City Council met in regular session on January 8, 2007 at 7:00 PM in the Council Chambers of City Hall.

Members Present: Mayor Allan Farris; Councilmembers: Wayne Massagee, Kay McCathen, Marilyn Best, Howard Jones, Greg Farris and Jim Long. City Manager Jeff White and City Attorney David Smith were also present.

Call to Order: Mayor Farris called the meeting to order. Jim Long opened the meeting with prayer, followed by the Pledge of Allegiance led by Wayne Massagee.

Approval of Minutes: The minutes of the December 11, 2006 Council meeting were unanimously approved upon motion of Marilyn Best and second of Kay McCathen.

Requests to Speak/Public Comment: Ms. Terri Masten, Business Development Manager with Waste Management, addressed Council regarding an ongoing problem involving over-billing of the City's account. Ms. Masten began by stating that Waste Management sincerely appreciated the City's business. Ms. Masten apologized for the discrepancy in billing, which was not intentional and most likely occurred due to management changes. The company will continue to monitor the situation closely.

Consent Agenda: The following items of the Consent Agenda were unanimously approved upon motion of Kay McCathen and second of Howard Jones:

a) Overnight Travel Requests – Council approved overnight travel for the Planner to attend the 2007 NC Main Street Conference in Morganton on January 24-26; the City Clerk to attend a Master Municipal Clerk Academy and the 2007 City/County Clerk's School in Chapel Hill on January 24-26; the City Manager to Chapel Hill to attend the 2007 City/County Manager's Conference on February 7-9.

b) Budget Amendments – Council approved the following three budget amendments as recommended by the Finance Officer:

1) Redirect funds to cover deficit in Treatment Operations (Water & Sewer)

<u>Code</u>	<u>Description</u>	<u>Decrease</u>
<u>Increase</u>		

70-6900-9400	Water Debt Service	
\$100,000.00		
70-6900-9300	Reserved – Future Projects	\$100,000.00
30-3970-0100	Transfer from Capital Reserve	
\$100,000.00		
70-6900-9400	Transfer to Water Debt	
\$100,000.00		

2) Redirect funds to cover deficit in Natural Gas Department

<u>Code</u>	<u>Description</u>	<u>Decrease</u>
<u>Increase</u>		
70-6900-9600	Powell Bill	\$ 15,000.00
70-6900-9500	To Gas Fund	
\$ 15,000.00		
70-6900-9500	To Gas Fund	
\$ 15,000.00		
35-3970-0000	Transfer from Capital Reserve	
\$ 15,000.00		

3) Amend General Fund Budget per EDC Grant/Dole Project

<u>Code</u>	<u>Description</u>	<u>Decrease</u>
<u>Increase</u>		
10-3480-0000	NC Grant/Dole	
\$590,480.00		
10-4100-5720	Economic Development/Dole	
\$590,480.00		

Public Hearings

a) **Rezoning Request – Wolfe Property (RZ07-01)** – A Public Hearing was held on a staff initiated request to rezone parcels 207288 & 152665 adjacent to Edgewood Road from RA-15 Residential Agricultural to GI-2 General Industrial. Mayor Farris opened the Public Hearing and Mr. Kevin Wolfe; 2547 N. Mills River Road, Mills River, NC stated that he just had a few questions that he would like addressed. His questions included rebuilding in case of fire, additional housing, tax value changes, Forestry Management and permitted uses. Being no others to speak, Mayor Farris declared the Public Hearing closed and called on Planner Kevin Krouse to review and answer questions.

Planner Krouse reviewed the request, stating that for the future economic success of the City the best use of this property (260 acres) is industrial. The

1995 Land Use Plan states that the property along Edgewood road and I-85 is best suited for industrial which is strongly supported by the Gaston County Economic Development Commission. In closing, Mr. Krouse presented the following reasons for approval of the rezoning request:

- 1) Residential development alone cannot support the City
- 2) The highest and best use of the land due to location is industrial/commercial
- 3) Bessemer City will have the opportunity to compete in industrial recruitment in the future
- 4) The Land Use Plan recommends Industrial zoning for the area
- 5) The Planning Board voted to recommend the zoning change at their meeting of January 2, 2007.

Prior to the vote, Council was asked to consider the reasons for the rezoning and adopt the Statement of Consistency as now required by City Code.

Statement of Consistency - City Code §155.227(A)

1. It is the Council's CONCLUSION that, the proposed rezoning is consistent with the

Bessemer City Land Use Plan adopted in 1995. Motion by Howard Jones, second by Jim Long with unanimous vote.

2. The Council finds the proposed rezoning is reasonable and is in the public interest. The

conclusion is based on the following: Due to surrounding land use being industrial and a positive growth potential for business, the rezoning is reasonable and in the public interest. Motion by Howard Jones, second by Jim Long with unanimous vote.

Motion was then made by Howard Jones to approve the rezoning request as recommended by staff and the Planning Board, seconded by Jim Long with unanimous vote.

b) Text Amendment (TC07-01) Minimum Housing Ordinance – A Public Hearing was held on a staff initiated text amendment to Chapter 150 (Minimum Housing Code) of the City's Code of Ordinances. Mayor Farris opened the Public Hearing and there being no one desiring to speak declared the Public Hearing closed and called on Code Enforcement Officer, Jeffrey Kirchner to review the request. Mr. Kirchner reviewed code changes to address electrical systems, heating, maintenance and minimum standards for rooming houses/dwelling units.

Questions were raised by City Council regarding the proposed changes and concerns were expressed over possible effects on owner occupied dwellings. The issue of adopting a “Rental Property Code” was also discussed. At the request of the City Manager, motion was made by Marilyn Best to continue the matter to a later date to give staff time to revisit the proposed changes. Second was by Howard Jones with unanimous vote.

Audit Report Presentation – Upon motion of Howard Jones, second of Jim Long and unanimous vote the audit report was continued until the February meeting.

Presentation of Water Supply Plan – Mr. Ben Thompson, Hazen & Sawyer, presented the preliminary recommendations for the water supply plan. Mr. Thompson advised that several options that appeared to be viable in the past are no longer available, one being the Martin-Marietta Quarry water. Another was the possibility of moving the primary intake to Puetts’ Chapel Road. Due to new regulations on how much water would have to be released this option was no longer suitable. Mr. Thompson recommended looking at test wells to supplement the surface water that the City now uses and suggested a primary location to begin looking would be near the Martin-Marietta Quarry. The cost of test wells was estimated at between \$4-6,000. If water was available the City could then find a way to supplement Long Creek with the groundwater. Another issue for long-term study and consideration would be another impoundment and while this is not an immediate concern it should be studied.

Waste Management Over Billing Settlement – City Attorney David Smith advised that Waste Management offered a \$20,000 settlement in the over billing for landfill disposal fees. The settlement also requested that \$8,000 be deducted to account for what Waste Management determined to be additional collections (above the previous contract agreement) for a final payment of \$12,000. Motion to accept Waste Management’s offer of settlement in the amount of \$12,000 was made by Jim Long, seconded by Marilyn Best with unanimous vote.

Council General Discussion: The City Manager advised that the Local Government Commission had approved City’s application for the financing of \$550,000 for the pool project (PARTF); Councilmember Long to Raleigh on January 11 to discuss the Highway 274 widening project and he advised that Officials need to press State Representatives to change the formula for distribution of state funds; complaints on trash pick-up service; yard repair work needed on Costner School Road (Canipe residence) from sewer project; water crossing driveway on Edgewood Road (Taylor residence); building removal on E. Virginia Avenue; unpaved portion of Arc Street.

Adjourn: There being no further business to come before the Board, motion to adjourn at 8:40 PM was made by Jim Long, seconded by Greg Farris and passed.

Janice M. Costner, City Clerk

Allan W. Farris, Mayor