

March 12, 2007

The Bessemer City Council met in regular session on March 12, 2007 at 7:00 PM in the Council Chambers of City Hall.

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

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

Approval of Minutes: The minutes of the regular meeting of February 12 and the Special Meeting (Planning Retreat) of February 22 & 23, 2007 were unanimously approved upon motion of Howard Jones and second by Jim Long.

Public Comment:

(Note: The following two speakers were accompanied by approximately thirty parents and children).

Mrs. Kim Farris (Owner/operator) of Broadway Bound Dance Studio, 105 E. Virginia Avenue, addressed the Mayor and Council with concerns regarding the game room (B.C. Billiards) located at 117 E. Virginia Avenue. Mrs. Farris asked that the City enforce laws already in place for things such as noise, trespassing, fighting, reckless driving and the sale/use of drugs. Mrs. Farris also expressed concern over the proposed opening of a bar in the vicinity stating this would only add fuel to the flame.

Mrs. Angie Whitaker, 109 Linville Court, also asked that something be done regarding the game room. Mrs. Whitaker advised that her husband was taking their child to Broadway Bound because the game room kids were not being controlled. Moms in the waiting area of Broadway Bound had started locking the door due to fights and bad language.

Mrs. Frances Jennings, 213 Arc Street addressed Council to lodge a complaint about the dust from the dirt road (Arc Street) where she lived. Mrs. Jennings stated that the residents of Arc Street pay City taxes and want to know why the road hasn't been paved. She advised that the dust is causing problems for a resident on the street who suffers from asthma.

Public Hearing – Street Closing Request: Following proper advertising, a Public Hearing was held on request of Stanley and Edith Sims to close an unopened 150'x 80' section of an 80' City right-of-way on Texas Avenue between 8th and 9th Street. In reviewing the request, City Planner Kevin Krouse

pointed out that this area was unique because research shows that a portion (30') of the right-of-way was closed in 1971 (because a house was constructed in the right-of-way). However, that action was never recorded and therefore the closing was not official. Mr. Krouse stated that while he could not guarantee that the City wouldn't need this right-of-way in the future he would point out reasons that greatly reduced those chances: a house was constructed in the right-of-way many years ago; the area is in the 100 year floodplain; a creek runs perpendicular to the right-of-way.

Mayor Farris declared the hearing open and the following citizen spoke: Mr. James Clark, 702 N. 9th Street spoke in favor of the closing advising that he was notified of the right-of-way situation when he bought the property. He stated the closing would give him a little more property. There were no others requesting to speak and Mayor Farris declared the hearing closed.

Following a brief discussion on possible uses for the right-of-way in question, motion was made by Howard Jones to deny the request to close, seconded by Jim Long. Voting in favor of the motion: Howard Jones, Jim Long. Voting in opposition: Wayne Massagee, Greg Farris. Mayor Farris broke the tie voting in opposition to the motion to deny the request. Motion failed.

Greg Farris then moved to adopt an Ordinance approving the request for closing and withdrawal of said right-of-way from dedication, seconded by Wayne Massagee. Voting in favor of the motion: Greg Farris, Wayne Massagee. Voting in opposition: Howard Jones, Jim Long. Mayor Farris broke the tie voting in favor of the motion. Motion carried. (Copy of Ordinance on file in Ordinance Book at City Hall).

Discussion of Zoning Map and Unified Development Ordinance (UDO):

Planner Kevin Krouse discussed the adoption process for the UDO which includes the text and map. He presented two options for the adoption: 1) a straight conversion or 2) the establishment of a map that reflects the City land use plan. Planner Krouse recommended the second option that would include six citizen meetings – one meeting for each ward hosted by the Councilmember for that ward. At these meetings, citizens from each ward would view the proposed changes and have an opportunity to ask questions. Following the citizen meetings, a public hearing would be held to adopt the map and text. The projected time-table for adoption of the map and text would be the June or July Council meeting. It was the consensus of Council to proceed with Option 2 as recommended by the Planner and to hold the citizen meetings.

Sewer Use Ordinance Revisions: Treatment Operations Director, Lee Hayes, reviewed revisions to the Sewer Use Ordinance as required by the North Carolina Division of Water Supply Quality. He advised that the revisions had already been

reviewed and approved by the State. Following Mr. Hayes review, motion was made by Howard Jones to adopt an ordinance approving the revisions to the Sewer Use Ordinance as reviewed and approved by the State, seconded by Greg Farris with unanimous vote. (Copy on file in Ordinance Book at City Hall).

Adoption of Budget Calendar for FY 07/08: The City Manager presented the 2007/08 Budget Calendar to Council for their approval. The calendar is to ensure that everyone knows the steps in the budget process and when the steps should take place. City Department Heads have already received their Budget Worksheets. A Budget work session will be scheduled between May 14 and June 1. A public hearing on the budget will be advertised for the June 11 Council meeting. Howard Jones moved to adopt the Budget Calendar as presented, seconded by Wayne Massagee with unanimous vote.

Grass Cutting Bids & Award of Contract for 2007: Bids were opened for the City's Grass Cutting Contract on March 2, 2007 as follows: Andy's Landscaping - \$2,960.00; Gorilla Services - \$1,774.00; Hometown Lawn Service - \$1,373.00; Marc Wells Lawn Care - \$3,220.00; Ken's Lawn Service - \$1,565.00. The City Manager advised that excellent references were received for Hometown Lawn Service and recommended that the contract for grass cutting be awarded to them as low bidder in the amount of \$1,373.00. Upon motion by Howard Jones and second by Jim Long, the Grass Cutting Contract for 2007 was awarded to Hometown Lawn Service in the amount of \$1,373.00.

Council General Business: Change of meter at Albert Deflorio's Laundry Mat; high cost of gas; complaint regarding skateboard pad at the corner of 13th and Ohio (citizen cleaned area and moved old furniture to the curb and skateboarders moved it back). City Council directed the Manager to get in touch with the property owner about removing the pad and if not removed, bring civic action against owner for a public nuisance structure. City Code Enforcement Officer, Jeffrey Kirshner advised that technically the pad should have been removed when the building was torn down. He and the City Attorney will look into this and report back; Christmas Committee's recommendation to purchase a panel tree for 2007 season at a cost of approximately \$10,000.00 – Clerk still investigating tree for durability and other issues; complaints on motorcycle shop and questions raised regarding the ABC Permit being issued for same after the City recommended denial; rumors of restaurant (bar) beside game room; City exploring ways to number houses; audit of street signs showed all signs had directional marking and approximately thirty percent had block numbers posted. Unmarked signs are currently in process of receiving block numbers with completion expected in next four weeks; announced early retirement date (June 30, 2007) for Gas Superintendent Charles Boyd.

City Attorney Report:

1) **Ashley Place Patio Homes** – A letter was sent to Glenn Adams (Ashley Investments) on February 21, 2007 regarding reimbursements and fees applicable to the subdivision. The letter basically gave Mr. Adams the option of paying water/sewer privilege fees by the lot (\$1,687.25 per lot) at the time service was applied for. Mr. Adams did not respond within the 10 days allotted. Council directed the City Attorney to pursue this matter legally.

2) **Reimbursement to Agriculture Center Volunteer Fire Department/Dole Annexation** – In a letter to Attorney Kemp Michael regarding the annexation of property within the Ag Center fire district, the City Attorney advised that the City’s prorata share of the total outstanding debt would be \$1,138.99. Instead of adding this amount to the annual fire department’s payment, the City would prefer to pay its percentage of the total debt at one time.

Adjourn: There being no further business to come before the Board, motion to adjourn at 9:00 PM was made by Jim Long, seconded by Greg Farris and passed.

Janice M. Costner, City Clerk

Allan W. Farris, Mayor