REGULAR MEETING August 12th, 2019

The Bessemer City Council met in regular session on Monday, August 12th, 2019 at 7:00 PM in Council Chambers of City Hall.

Members Present

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

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Council member, Donnie Griffin led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Approval of the August Agenda

By motion of Alfred Carpenter and unanimous vote, the August agenda was approved with no revisions.

Request to Speak/Opportunity for Public Comment

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

- Mike Meeks of the Bessemer City Backpack Program: Mr. Meeks addressed Council regarding positive comments received at the most recent Beer Garden. All proceeds made from the Beer Garden at Community Concerts go to the Bessemer City area back pack program. While serving in the Beer Garden, the City received positive accolades from visitors visiting from Houston, Texas, Raleigh, and Atlanta, Georgia among other cities.

Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Kay McCathen:

- Approval of Minutes- Regular Meeting Minutes of July 8th, 2019, Work Session Meeting Minutes of July 30th, 2019, and Special Meeting Minutes of August 7th, 2019.

Community Development Block Grant-Fair Housing Plan

Amanda Whitaker, Senior Consultant at Withers Ravenel addressed Council regarding Community Development Block Grant (CDBG) plans that needed to be adopted. The City is required to adopt certain plans to ensure compliance with Title 6 of the Civil Rights Act. Ms. Whitaker reviewed the Section 504 Survey, a survey that details the City's policies and procedures for handicapped and disabled individuals, a Language Accessibility Plan (LAP), a fair housing complaint procedure, equal employment and procurement plan, and local jobs imitative Section 3 plan.

By motion of Donnie Griffin and unanimous vote, all five Community Development Block Grant (CDBG) plans were adopted.

Public Hearing- Unmanned Air Craft System (UAS) Ordinance

By motion of Alfred Carpenter and unanimous vote, the public hearing was opened at 7:11PM.

Mayor Smith asked if there was anyone to speak in favor of the UAS ordinance. There was none.

Mayor Smith asked if there was anyone to speak in opposition of the UAS ordinance. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing to consider the proposed UAS ordinance was closed at 7:12PM.

Unmanned Air Craft System Ordinance

City Manager Inman presented Council with a draft ordinance regarding unmanned air craft systems, also known as drones. If adopted, this ordinance would allow City staff to regulate drones flown in the sky. City staff requests that this ordinance be adopted to prevent interruption of emergency services. In the State of North Carolina it is illegal to fly a drone over personal property, and this ordinance would also prohibit anyone from flying of Emergency management and City facilities.

By motion of Joe Will and unanimous vote, the proposed unmanned air craft system ordinance was adopted. A copy of this ordinance has been attached for citizen review.

Public Hearing- Voluntary Annexation (Hunter Douglas)

By motion of Kay McCathen and unanimous vote, the public hearing regarding the Hunter Douglas annexation opened at 7:13 PM.

Mayor Smith asked if there was anyone present to speak in favor of the annexation. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the annexation. There was none.

By motion of Joe Will and unanimous vote, the public hearing regarding Hunter Douglas annexation closed at 7:14 PM.

Ordinance to Extend The Corporate Limits of the City of Bessemer City, North Carolina

Per NCGS 160A-31, City Clerk Hayes provided a certificate of sufficiency for Council review regarding a petition received by Hunter Douglas on July 18, 2019. Public hearing notice of the annexation was published in the local newspaper for public inspection ten (10) days prior to public hearing.

Human Resources Director, Robert Dryer informed Council of the 100 year celebration of Hunter Douglas on September 25th. Mr. Dryer cordially invited Council to join the celebration.

By motion Dan Boling and unanimous vote, City Council adopted an ordinance extending the corporate limits of the City of Bessemer City to include Hunter Douglas located at 201 Southridge Parkway. A copy of this ordinance has been attached for citizen review.

Resolution- NC Governor's Highway Safety Program Grant

City Manager, James Inman informed Council that this resolution was a continuation of the program from last year. The NC Governor's Highway Safety Program Grant provides the City with an officer to assist with traffic enforcement. The grant covers cost associated with his equipment, training, and vehicle.

By motion of Joe Will and unanimous vote, the NC Governor's Highway Safety Program Grant resolution was approved. A copy of this resolution is available at City Hall.

Resolution- Requesting Funding from NCDOT- Bicycle & Pedestrian Planning Grant

City Manager, James Inman informed Council that City staff is requesting NCDOT funding to update the 2010 bicycle and pedestrian plan. If funding is received pertinent improvements to existing sidewalks could be made and new projects could be developed.

By motion of Sonny Boyd and unanimous vote, the resolution requesting funding for the NCDOT Bicycle & Pedestrian Planning Grant was approved. A copy of this resolution is available at City Hall.

Ordinance to Close & Vacate- 314 S. Gould Avenue

Code Enforcement Officer, Dave Taylor addressed Council regarding the ordinance to close and vacate property located at 314 S. Gould Avenue. Tenants dwelling at said property have been living without water service since July 22, 2019. Code Enforcement Officer Taylor is requesting that Council approve an ordinance to close and vacate the property until water service and proper plumbing are in place.

By motion Joe Will and unanimous vote, City Council adopted the ordinance to vacate and close property located at 314 S. Gould Avenue. A copy of this ordinance is available at City Hall.

City Manager's Report

City Manager, James Inman addressed Council regarding budget amendments for storm water funds.

By motion of Alfred Carpenter and unanimous vote, the budget amendments regarding storm water funds were approved.

City Council General Discussion

Mayor Smith opened the floor for Council general discussion. Mayor Smith led the discussion by congratulating Police Chief Ellis on his new grandbaby, and informing all that City Manager Inman is expecting a grandchild as well. Council member Dan Boling inquired about City limits in regards to I-85. Mr. Inman informed him that City limits stop halfway across the bridge on exit 13 of I-85. Council member Sonny Boyd expressed his concern regarding streets that need to be repaved or patched. Council member Alfred Carpenter inquired about a Channel 14 news segment "Our Town" that features local Gaston County cities. Mr. Alfred would like for City Staff to see if the City of Bessemer City can be featured. Council member Donnie Griffin inquired about a code enforcement issue and a building permit for a potential business.

Adjourn

Being no further business to come before the board, by motion of Alfred and unanimous vote, the meeting was adjourned at 7:45 PM.

_____ _____

Becky S. Smith, Mayor Hydeia Y. Hayes, City Clerk

ORDINANCE

UNMANNED AIRCRAFT SYSTEM (UAS)

Section 1. Authority

This Ordinance is adopted pursuant to the authority granted by North Carolina General Statute § 153A-121.

Section 2. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Jurisdiction

This Ordinance shall be applicable to all incorporated areas of the City of Bessemer City.

Section 4: Definitions

FAA: Federal Aviation Administration.

Person: Any individual, partnership, corporate or joint venture.

Public UAS: Any UAS operated on behalf of the federal government, state government, or a local government.

Unmanned Aircraft System (UAS): A rotary-wing aircraft without a human pilot on board that is controlled from an operator on the ground and operates without the possibility of direct human intervention from within or on the aircraft.

Section 5: Regulation of UAS Takeoff and Landing

No person shall takeoff or land a UAS on private property without the consent of the property owner.

No person shall takeoff or land a UAS that has any type of weapon attached to it.

No person shall takeoff or land a UAS within five hundred (500) feet of any emergency vehicle that is operating with lights and/or sirens.

No person shall takeoff or land a UAS within five hundred (500) feet of any active law enforcement or emergency response incident.

No person shall takeoff or land a UAS within one hundred (100) feet of a school facility without prior notification and authorization of school officials.

No person shall takeoff or land a UAS within five hundred (500) feet of the City of Bessemer City facilities.

Section 6: Exemption

This Ordinance shall not apply to any Public UAS.

This Ordinance shall not apply to any UAS weighing less than 0.55 lbs.

This Ordinance shall not apply to any UAS used for agricultural purposes on property used for bona fide farm purposes as defined in North Carolina General Statute 153A-340.

This Ordinance shall not apply to any UAS operated by a person in compliance with Title 14, Part 107 of the Code of Federal Regulations, or under a Certificate of Authorization issued by the FAA

Section 7: Penalties

Violations of this Ordinance will be prosecuted under North Carolina General Statute § 14-4.

Adopted this the 12th day of August, 2019

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY, NORTH CAROLINA

WHERAS, the City Council has been petitioned under GS 160A-31 to annex the area described below; and

WHERAS, the City Council has directed the City Clerk to investigate the sufficiency of the petition; and

WHERAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held in the Council Chambers of City Hall at 7:00PM on August 12th, 2019, after due notice by publication in the Gaston Gazette on August 1st, 2019; and

WHERAS, the City Council finds that the petition and annexation map meet the requirements of contiguous annexation found in GS 160A-31;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bessemer City, North Carolina that:

Section 1. By virtue of the territory described below is hereby annexed and made part of the City of Bessemer City as of August 12th, 2019.

Section 2. Upon and after August 12th, 2019, the area described below shall be subject to all debts, laws, ordinances, and regulations in force in the City of Bessemer City and shall be entitled to the same privileges and benefits as other parts of the City of Bessemer City. Said territory shall be subject to municipal taxes according to GS 160A-58. l0.

Section 3. The Mayor of the City of Bessemer City shall cause to be recorded in the office of the Register of Deeds of Gaston County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory together with a duly certified copy of this ordinance. Such a map shall also be delivered to the City Board of Elections, as required by GS 163-288.1.

ANNEXATION AREA DESCRIPTION

The area is 11.8 acres as shown on the plat recorded in Gaston County Registry in deed books 2861 and 3903 pages 800, 526,527, and 528 respectively to which reference is hereby made for a fuller and complete description of said lot by metes and bounds.

The parcel is a part of Southridge Business Parkway (parcel number: remaining portion of 205051).

Adopted this 12th Day of August 2019.