CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, February 9, 2026 at 7:00 PM

MINUTES

Members Present

Mayor Becky S. Smith; Council Members Bill Whitmire, Nellie Floyd, Allen Hook, Brenda Boyd, Manny Tsambouniery, and Chris Harmon were present. City Manager Josh Ross and City Attorney, David Smith were also present. A quorum was established.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. Tripp Hord, Lead Pastor of First United Methodist led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Adjustment and Approval of the Agenda

By motion of Bill Whitmire and unanimous vote, the February agenda was approved with no revisions.

Special Presentation

Police Department-

Mayor Smith administered the oath of office to officer Michael Coles. She congratulated Coles on joining the city and encouraged the audience to applaud him for his service.

60 Years of Service Award

Mayor Smith and City Council recognized owners of the McDonald's Family Restaurant for 60 years of dedicated service to the Bessemer City community. Mayor Smith encouraged all present to thank the McDonald family for their support of the community over the years.

Student Appreciation- Students from Bessemer City High School, Bessemer City Middle School, Bessemer City Central Elementary School, Bessemer City Primary School, and Tryon Elementary 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: David Green and Valery Aguilar Campuzano – 9th grade representatives; Julian Albuquerque and Na'Riah Higgins – 10th grade representatives; Hunter Boone and Jon Pope - 11th grade representatives; Tristen Kiser and Lucas Adams – 12th grade representatives.

Dr. Rebecca Wilson, Principal of Bessemer City Middle School, and Mayor Smith, recognized the following students of the month: America Vidal Santes and Cali Perez – 6th grade representatives; Evelyn L. Noriega, Bentley J. Shuford, and Emerie P. Crisp– 7th Grade representatives; Makiah B. Bowler and Alyssa Dameron - 8th grade representatives.

Mr. Cedric Bowie, 4th Grade Administrator of Bessemer City Central School, and Mayor Smith, recognized the following students of the month: Ava Sims and Grace Grigg - 3rd grade representatives; Arianny Deras Cortez and Alivia Christenbury - 4th grade representatives; Carla Castro Flores and Adalynn Fuller – 5th grade representatives.

Mrs. Erin Morehead, Guidance Counselor of Bessemer City Primary and Mayor Smith, recognized the following students of the month: Robert Clevenger and Gael Cardenas - Kindergarten representatives; Aaron Leaders and Sanaa Mobley - 1st grade representatives; Grace Diaz and Murray Washington- 2nd grade representatives.

Mrs. Melissa Knick, Principal of Tryon Elementary and Mayor Smith, recognized the following students of the month: Alex Murphy and Nolan Murphy – Kindergarten representatives; Emma Christopher and Se'Riah Wingate – 1st grade representatives; Alyxa Myles Esparaguera and Ariel McNeely – 2nd grade representatives; Ava Groff and Justin Tillman – 3rd grade representatives; Leslie Perez Rodriguez and Ayden Ellison – 4th grade representatives; Harper Gage and Keira Miller – 5th grade representatives; and ESC student, Beckett Falls.

Request to Speak/Opportunity for Public Comment
Mayor Smith opened the floor for public comment. The following came forth:

- Mason Carter of 1204 Jacourt Lane: Mr. Carter addressed Council regarding the Land Development Code and residential garage setback requirements. Mr. Carter stated that he has built four homes in the community and was born and raised in Bessemer City. He explained that he recently applied to construct a home; however, the project was impacted due to the six-foot garage setback requirement. Mr. Carter referenced other developments, noting reliefs given to those builders of the requirement. He stated that he was not seeking to lower development standards but requested Council's feedback on the process and consideration of removing the six-foot garage setback requirement.

Consent Agenda
The following items on the Consent Agenda were unanimously approved by motion of Brenda Boyd:

1. **Approval of Minutes**: City Council will consider adopting the Regular Meeting minutes of the January 12, 2026 meeting.
2. **Approval of Minutes:** City Council will consider adopting Work Session Meeting minutes of the January 27, 2026 meeting.
3. **Adoption of FY 2026-2027 Budget Calendar:** City Council will consider formally adopting the fiscal year 2026-2027 budget calendar. This calendar list budget session #1 on March 31, budget session #2 on April 28, and budget session #3 on May 26.
4. **Brownfields Capital Project Ordinance:** City Council will consider approval of the Brownfields Capital Project Ordinance, which outlines the allocation and use of $500,000 in EPA Brownfields grant funding.

Proclamation: African American History Month
Mayor, Becky S. Smith read the African American History month Proclamation aloud and declared February 2026 as African American month.

By motion of Nellie Floyd and unanimous vote, the Proclamation was adopted.

Proclamation: City With A Heart Day
Mayor, Becky S. Smith read the City With a Heart Day Proclamation aloud and declared Saturday, February 14th, 2026 as City with a Heart Day.

By motion of Manny Tsambouniery and unanimous vote, the Proclamation was adopted.

Public Hearing – Day Care Text Amendments of the Land Development Code
As required by NCGS 160A-346, the City is required to hold a public hearing prior to adopting and amending any changes to Land Development Code (LDC). Mayor and Council wish to make changes to sections 2.7.B, table of uses, 2.8 additional standards, 10.2, use definitions of the LDC in regard to day care centers. Public notice of this public hearing was advertised in accordance of N.C.G.S. 160A-364.

City Planner & Stormwater Administration, Jamie Watkins presented the proposed amendments. She explained that the current Land Development Code (LDC) permits daycare centers but includes limited definitions and additional standards, including student number restrictions. After review with staff and the Planning Board, it was determined that updates were necessary to clarify daycare classifications.

Ms. Watkins reported that staff surveyed neighboring municipalities and proposed creating three distinct daycare types within the Code, each with corresponding definitions and standards. The updated use table and definitions were presented. The LDC only permits daycares in the urban residential, city center, and highway commercial districts. The proposed amendments would change use table to allow daycares in the rural, neighborhood residential, and industrial districts as well. The amendments aim to clarify and modernize daycare classifications and align with the City's strategic goal of promoting a desirable place to live.

By motion of Allen Hook and unanimous vote, the public hearing was opened at 8:09 PM.

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

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

By motion of Manny Tsambouniery and unanimous vote, the public hearing was closed at 8:11 PM.

Ordinance to Amend the Land Development Code (LDC) 2.7.B
Council member, Allen Hook made a motion to adopt the ordinance amending Land Development Code (LDC) chapter 2, section 7.B.

Mayor Smith, asked if there was any discussion. Council member, Chris Harmon asked how the proposed fencing standards would impact existing daycare facilities. City Manager Ross clarified that the amendments would apply for new applications of daycares. This would not require existing uses to replace fencing that was compliant at the time of installation. He explained that the standards would apply to new uses or new developments moving forward.

Council Member, Chris Harmon inquired how the fencing requirements would affect existing parties interested in starting a daycare facility, specifically asking whether current facilities with galvanized chain link fencing would be required to replace their fencing. A discussion followed between Council and the City Attorney regarding the applicability of the proposed standards. It was clarified that the amendments would apply prospectively and would not require existing facilities to modify existing fencing.

After discussion, Mayor Smith stated that there was a motion on the floor. By motion of Allen Hook and 4-3 vote, with Bill Whitmire, Manny Tsambouniery, and Chris Harmon in opposition, the ordinance amending Land Development Code (LDC) chapter 2, section 7.B was adopted.

Ordinance to Amend the Land Development Code (LDC) 2.8
Discussion occurred between Council and the City Attorney regarding galvanized chain link fencing requirements. Council Member Chris Harmon expressed concern that the fencing requirements could create an undue hardship on residences or churches seeking to establish new daycare facilities. Discussion included whether the matter should be tabled; however, it was noted that Section 3.5(H) of the Code already addresses fencing standards. Staff advised that if Council wished to reconsider previously adopted language, the appropriate process would require rescinding and readvertising the amendment in accordance with statutory procedures.

City Manager Ross and staff stated that fencing regulations are already part of the code and the purposed ordinance on the agenda only addressed changes to the daycares, definitions, and the table of uses.

By motion of Chris Harmon, and unanimous vote, the previous approval of the ordinance to amend LDC section 2.7.B. was rescinded, the public hearing regarding the day care text amendments was reopened at 8:49 PM, the ordinance to amend sections 2.8 and 10.2 of the LDC, and the consistency and reasonable statement was tabled until the March 2026 regular meeting.

Lead and Copper Service Agreement Approval
City staff requested approval to award the Lead and Copper Service Contract to Harvin Engineering in the amount of $333,300. Director of Operations Jamie Ramsey informed the Board that this project was previously discussed during the January 2026 work session. He explained that the contract is for engineering services related to the lead and copper inventory and service line replacement project, including mainline replacement efforts. Mr. Ramsey noted that the agreement includes a 2% loan closing fee structure associated with the project for the city to pay. The project is 100% grant funded.

By motion of Manny Tsambouniery and unanimous vote, the lead and copper service contract with Harvin Engineering was approved.

Resolution - Authorizing Counsel for PFAS Litigation
City Staff explained that the City seeks to partner with Cranfill Sumner attorneys to represent the City in PFAS, PFOA, 1,4-Dioxane, and microplastics contamination litigation. There would be no upfront legal fees, as counsel would be compensated through a percentage of any funds recovered. It was further clarified that the City Attorney, David Smith, and his firm are unable to represent the City in this matter due to a conflict of interest, as they currently represent a party named in the litigation.

By motion of Bill Whitmire and a unanimous vote, the resolution authorizing Cranfill Sumner as counsel for the PFAS litigation was approved.

Resolution Directing the Clerk to Investigate a Petition Received for Voluntary Annexation N.C.G.S. §160A-31 (Caromont Family Medicine)
By motion of Bill Whitmire and unanimous vote, City Clerk Hayes was directed to investigate the petition for voluntary annexation from Rewire Investments LLC for property located at 3326 Bessemer City Road (Caromont Family Medicine) per NCGS 160A - 31. If sufficient, the Council will hold a public hearing and consider annexing said property into the city's corporate limits.

Establish Public Hearing – Voluntary Annexation (Caromont Family Medicine)
By motion of Allen Hook and unanimous vote, Council establishing a public hearing for Monday, March 9, 2026, at 7:00 PM to receive public comment regarding the annexation petition for property located at 3326 Bessemer City Road (Caromont Family Medicine).

City Manager's Report
City Manager Josh Ross provided an update on the 2024–2025 financial audit, thanking staff for their efforts. He reported that the City received a clean audit. The Local Government Commission (LGC) continues to list the City on its unit assistant list (UAL); however, improvements have been made. Two performance areas of concern were noted: general fund balance availability (excluding Powell Bill funds) and unrestricted cash flow. Mr. Ross stated that improvements have been made and staff continue working toward maintaining stable cash flow. The audit was previously presented during a work session.

Mr. Ross also reported that the FY 2026–2027 budget process is underway and is structured into five phases, with departmental budgets due March 1, 2026. Budget discussions will occur at upcoming meetings.

Additional updates included:

- Parks & Recreation event schedules will be posted online. Concerts and Cruise-Ins will shift from Saturdays to Fridays, with a large car show planned for September 2026.
- The Brownfields Assessment Project is 100% grant funded and supports redevelopment planning. The City will host an information session regarding the project on Tuesday, February 17th, 2026 at 5:30 PM at the Allan Farris Community Center (AFCC). All are encouraged to attend.
- Appreciation was extended to staff for organizing the volunteer banquet and for all staff service during recent snow events.
- Chief Ellis will retire at the end of March, with his final day April 1, 2026. Vaughn will assume the role of Police Chief. Mr. Ross expressed appreciation for both leaders.

Council General Discussion
Mayor Smith opened the floor for discussion from Council. Council Member Allen Hook thanked City Manager Ross for handling his concern regarding an intersection at Toncin Avenue and Costner School Road. Council Member Brenda Boyd noted that a resident in the 100 block of West Boston Avenue had not had trash collected. This was due to private electrical working trucks blocking the roadway. Council Member Manny Tsambouniery stated that he had received a similar complaint as Mr. Hook and thanked Mr. Ross for handling it. Council Member Chris Harmon thanked staff for their responsiveness and dedication during the recent snow event.

Adjournment
There being no further business, the meeting was adjourned at 9:04 PM, by motion of Nellie Floyd and unanimous vote.

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