

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, April 12 2022, 6:00 P.M.

## I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:00p.m. Those attending in-person were Mayor Pro-Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and Joanna Fulbright. City staff included City Manager Scott Attaway, City Attorney John Russell Jr, Interim Police Chief and Captain Carl Moore, Finance Director, Lisa Nolen, Public Works Director, Thomas Shrewsbury, Parks and Recreation Director Cristy Cummings and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available on the city's website. Members of the public were also present.

## II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

## III. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Candy Funderburk made a motion to accept the agenda, seconded by Councilmember Thomas Gillespie. The vote was unanimously in favor.

## IV. PUBLIC COMMENTS

- A. Fire Chief Robbie Cunningham spoke about Gaston County Fire Protection serving the city instead of the City of Lowell and why he is for the potential change.
- B. Larry Simonds of 1603 Power Drive, Lowell, NC spoke about his agreement with the Fire Department to be under Gaston County. He also mentioned his issues with the Public Works Department.
- C. Ed Jackson spoke about the NorthPointe connector and the impact it will create for the citizens. He stated it needed to be planned better so trucks will operate efficiently. He stated that Lowell and Gaston County should be happy that the development is coming in that it will create jobs and a tax base for the city but a proper connection is critical where it aligns with Kenworthy. He believes NorthPointe should complete the end of Kenworthy to prevent bottleneaking.
- D. John Kato of 109 Walnut St, Lowell, NC stated he is against the NorthPointe development and the city is building up too much and tearing the community up.

## V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting held March 8, 2022 (p. 1-10)

Councilmember Funderburk wanted to make a correction on page 7 regarding a discussion she had with Randi Gates and stating Ms. Gates was not aware of the road that is projected to come in the Aberdeen Extension and S. Main Street. She said she spoke with Ms. Gates and wanted to correct the statement acknowledging that Ms. Gates did in fact know about the road from NorthPointe to exit 22 and that the City Manager had been in the meetings with the developer, and she (Ms. Gates) had not. She apologized for misspeaking. Mayor Railey also made a correction regarding who seconded a motion at the April 6 City Council work session. Councilmember Funderburk was listed for both motion and second. Mayor Pro Temp Smith made a motion to approve the minutes with corrections, seconded by Councilmember Gillespie. The vote was unanimously in favor.

## **VI. SPECIAL PRESENTATION**

- A. Presentation of the Final Draft Conceptual Master Plan for 1602 N. Main Street (Crompton Knowles Chemical Plant) (p.11). Presented by Scott Attaway. The Landscapers and Architectures have determined a 5<sup>th</sup> of the site will be for the new Public Works facility and the rest for recreation and amenities. Areas have been demolished and environmental analysis has been done. The City intends to keep one building, the Rose Building on the site. Loading dock will be kept as a potential stage. Considering all ages when planning for people to utilize, including play areas, educational programs, obstacle courses, volleyball area, an amphitheater, skate park, dining scattered around food truck parking areas, accessible overlooks to the river and walkways, and a possible zip-line. The idea is to not repeat anything that is currently at Poston Park.

Estimated cost is 10.5 million for all. The City is still looking for more up-to-date estimates from larger general contractors. The City has received \$2 million from NIC and will go for many other grants to help with the costs. Other funding opportunities are being pursued as well including private donations.

Councilmember Funderburk asked if this same as the proposal for the Lowell River Front Master Plan? Mr. Attaway said it is not. She asked about bathrooms. Mr. Attaway showed her the maps where they will be located. He stated Council will vote on this once estimated plans are finalized.

## **VII. UNFINISHED BUSINESS**

- A. Public Hearing for consideration of Zoning Text Amendment for Article 12, Section 12.10 (p. 12-13). Mayor Railey asked for a motion to go into public hearing. Councilmember Funderburk made the motion, seconded by Councilmember Bonham. The vote was unanimously in favor. Scott Attaway presented the amendment to the LDO regarding RV's and commercial vehicles parked in front yard/driveways. Current wording of the LDO states, in part, RV's "shall not be parked or stored on the street in residential districts. RV's shall be licensed motor vehicles in order to be occupied and remain on a lot for up to ninety (90) days, but not more than twice per year." Under the proposed wording recommended by the Lowell Planning Board, it states, in part, RV's "shall neither be parked/stored on the street nor forward of any point twenty-five (25)

feet behind the front building line of the condition space of any dwelling in residential districts. RV's shall be licensed motor vehicles in order to be occupied and remain on a lot for up to thirty (30) days, but not more than twice per year. He said medical issues would be interpreted as the person is not occupying the dwelling and therefore according to the LDO, it would not be relevant. Occupying would be considered if you are living in the dwelling during the listed time periods. Councilmember Funderburk said there is no way the citizen can get his RV in the back of his home. Mr. Attaway also stated the LDO can go back to the original wording if council chooses where it wouldn't matter where the RV is parked or a text amendment would need to be done to change the current wording. Other city ordinances were reviewed and the Planning Board recommended the current wording to council. Councilmember Funderburk recommended keeping the original wording because she doesn't believe it's fair for citizens to not have adequate access to their backyards if forced to park their RV's back there.

Mayor Railey then allowed the public to speak regarding the matter. Larry Simonds had a complaint about the Master Plan and building a \$10 million dollar project but that the City does not have adequate sidewalks and citywide issues. Mayor Railey told him he was out of order. Mr. Simonds continued speaking about changes in a small town that will upset a lot of people.

Councilmember Funderburk made a motion to go out of public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Councilmember Funderburk then made a motion that we stay with the current wording, seconded by Councilmember Fulbright. John Kato asked to also speak again. Attorney Russell said that the Mayor could suspend the current motion to allow him to speak. Mayor Railey allowed him to speak. Mr. Kato said he knows Council is talking about Spencer Mountain but he wanted to use this as an example and proceeds to make a complaint about the Parks and Recreation activities including the lack of participation and staff specifically. Mayor Railey stopped him and told Interim Chief Moore that if he makes any other outburst then to escort him out. The unanimous vote was allowed to stand.

## VIII. NEW BUSINESS

- A. Budget Amendment #4 & #5 (p.16). Mr. Attaway reviewed printouts handed to Council relating to ARPA funds to be moved over to general funds. Mayor Railey asked for two separate votes. Councilmember Bonham made a motion to approve budget amendment #5 for funds to be moved over for usage, seconded by Councilmember Gillespie. The vote was unanimously in favor. Councilmember Bonham made a motion approving budget amendment #5, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- B. Set Public Hearing for consideration of LDO Text Amendment to add "Blood Plasma Facility" to Article 8, Table 8.1 Table of Uses, Section 1 with supplemental regulations (p.17-18). Mr. Attaway elaborated on the application received. He said the applicants appealed the City's denial that the request is more extensive than a regular office and should be allowed as they state it is in fact a medical office. The appeal would go before the Board of Adjustments. Last year, the General Assembly approved the 160.B statute stating that if something like this is denied by staff and then brought to the Board of Adjustments where they uphold the staff decision, the applicant can appeal it to the courts. If the courts find that the City is wrong and they rule in favor of the applicant, then the City would have to pay all the applicant's legal fees. He

recommends the land use be amended to add to the LDO because it is a legal land use and not an illegal business you have to provide a zoning district within your limits. The C-74 district is what was utilized for potential adults only areas and is the district the applicant is requesting a permit for. Two supplemental conditions were proposed to the applicant, which is comparative to other municipalities 1. Shall be located at least 500 linear feet from residential homes, elementary, middle, or high school, church or other house of worship and 2. Hours of operation shall be between 6am and 8pm only. Councilmember Funderburk asked if the trampoline park is 500 feet away since kids go there. Mr. Attaway said that can be added to the conditions when it goes to the public hearing at the next council meeting.

Councilmember Funderburk made a motion to set a public hearing on May 10 at 6pm for consideration of the LDO Text Amendment to add "Blood Plasma Facility", seconded by Councilmember Fulbright. The vote was unanimously in favor.

- C. Review and Consideration of Master Sign Application for 4290 E. Franklin Blvd. Parcel ID #128628 (p.19-27). Mr. Attaway presented where the LDO allows a deviation of the sign ordinance. The Lowell Planning Board recommended approval at their April 5, 2022 meeting. Councilmember Bonham moved to approve the application of the sign, seconded by Councilmember Gillespie. The vote was unanimously in favor.
- D. Approval of Planning Director Salary Range Adjustment (p. 28-29) – Based on the salary study performed Mr. Attaway explained his position for a salary increase. Mayor Pro Temp made a motion to approve the Planning Director's salary rate adjustment, seconded by Councilmember Bonham. The vote was four yays and one nay by Councilmember Funderburk.
- E. Discussion of FY23 Budget Highlights – Mr. Attaway presented highlighting new employees, including Accounting Technician, Athletics Maintenance Supervisor, Stormwater GIS position, projects for bike PED plan; McCord Family Park renovations stormwater projects, demolition of the old chemical plant, downtown master planning, City Hall expansion, zoning/code enforcement vehicle, and K-9 program. The budget is due to the council by May 11, 2022. Councilmember Funderburk did not understand why an Athletics Maintenance Supervisor was needed. Cristy Cummings, Director of Parks and Recreation explained what the need is and other staffing needs. Councilmember Fulbright asked if we would keep the two part time and get a full time person? Mr. Attaway said this can be discussed and we would try to work through that. Councilmember Funderburk also wants to look further at the K-9 program more in depth. Mayor Pro Temp Smith asked if another work session could be scheduled. It was agreed to have another budget session on May 6, 2022 at 3pm. Councilmember Funderburk made a motion to approve the Budget Amendment #3, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- F. Consideration of Resolution to include the City of Lowell within the Gaston County Fire Protection Service Tax District (p.31-32). Mr. Attaway presented giving options for considering or not considering. He mentioned this is a county contract where they would provide Fire Protection for the City of Lowell. He stated there would be a standardized tax by the county to the citizens of Lowell to fund the Volunteer Fire Department. Attorney John Russell suggested the city prepare a termination agreement for the City Manager to work on. Councilmember Funderburk thought the topic should be tabled to a later date as she was concerned about an increase of taxes to the Lowell citizens. Mr. Attaway said yes that it could be tabled but Gaston County has to have time to incorporate it into their budget in a timely manner. He said the tax

increase would be between \$.10-11 cents in addition to what the council applies for tax rates. Councilmember Bonham understood their position but also asked what direction we want to go in as a city and how can we operate in the future. Councilmember Fulbright stated she thinks the tax rate should be a better place before we add taxes. After further discussion, Mr. Attaway stated he would provide more information during the May 6<sup>th</sup> meeting. Councilmember Fulbright asked for a more in-depth breakdown of the budget by each department for clarification.

Mayor Pro Temp made a motion to go ahead with the Fire department going to the county and the City of Lowell to hash out the tax rate, seconded by Councilmember Bonam. Councilmember Funderburk asked if the county would ever increase their rate. Mr. Attaway said it is capped at 15%. Councilmember Gillespie asked the Fire Department Chief if he had issues with it going to the county and would be in the best interest of the City of Lowell. He stated he had no issues with it going to the county but was also concerned about the tax rate increasing. Mr. Attaway said the county will vote on whether to take on Lowell in their April 26<sup>th</sup> meeting. With no other questions, the motion was unanimously in favor.

Councilmember Bonham then made a motion to give the City Manager, the authority to terminate the current contract for the City of Lowell Fire Department upon acceptance of this agreement by the County effective June 30th, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- G. Consideration of LCC By-Laws Revision (p.33)- presented by Cristy Cummings to remove the term limits for LCC members because of the low interest. They currently have in their by-laws to serve for two terms only and would like this to be eliminated because they have a hard time filling this volunteer roles. Mr. Attaway said they will still have to reapply and be approved by City Council. Mayor Pro Temp made a motion to make the revision to the LCC By-laws, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- H. Discussion of Harold Rankin Park and Bob Bolick Park Master Plans (p.34-35) – presented by Cristy Cummings. She is asking for the City to help with the master plan for the parks in order to pursue grant opportunities. This request does not require Council action as it was just to bring council up-to-date.

## **IX. STAFF REPORTS**

- A. Public Works Department Report (p.36) –Thomas Shrewsbury reported:  
He spoke of the water leaks around the city and that some of them have been fixed. They are also working on Spring cleaning. The department is still using two part-time inmates and one full-time inmate to help; however, they are still down one full-time employee and a recycling attendant
- B. Finance (p.37) – Lisa Nolen presented. She stated Sue Nolen is still working with MeterSys and updating the meter database with our system. Sue is continuing with her reports and getting the remaining meter readings together for Mr. Shrewsbury. Sue is also working on a manual of her job duties. Bank recs are completed through the month of March. 2021-year end entries are done. An Accounting Tech has been interviewed and the offer letter has been sent. Mr. Attaway stated Lisa has done some training with Southern Software and hopes she will be bringing some new ideas she learned.

- C. Police Department Report (p. 38-39)– Interim Chief/Captain Carl Moore reported
  - 1. Neighborhood meeting from March– primary concern with residents is speeding.
  - 2. Retention goals are in place with officers. Councilmember Bonham asked if they are still down an officer. Captain Moore said yes.
  - 3. Officer Anderson had a drug bust charging juveniles with 17.5 oz of marijuana, seized \$1400 in cash and a gun was confiscated off Stowe St. Councilmember Funderburk asked about the homeless camp and if that had been straightened out. Captain Moore said they are still working on it. Two people were charged last week around Rankin Park. They are working with Mr. Dixon at Woodlawn Church and Mr. Culbertson to try to fix it the problem.
- D. Fire Department Report (p. 40) - Incident Reports were attached to the packet.
- E. Parks & Recreation (p.41-42) – presented by Cristy Cummings discussed the recent kids Easter Egg Hunt, even though it was windy. They had over 250-300 kids show up in spite of the weather. There will be a Senior Easter Egg Hunt coming up. They also will have a Mother and Me event before Mother’s Day of which you do not have to be a mother to attend; May 27<sup>th</sup> there will be a Memorial Day event at Edgewood Cemetery at 10am; and the first t-ball game was held tonight. Councilmember Funderburk asked if Movies in the park is scheduled. Mrs. Cummings said not currently but she will look into it.

**X. CITY ATTORNEY REPORT – No updates**

**XI. CITY MANAGER REPORT –**

- 1. Gaston County Library completed. NCDOT has submitted for a crosswalk to be painted across from McAdenville. No City of Lowell monies were submitted for it.
- 2. Additional NCDOT updates
- 3. CDBG-NR and CDBG-I updates- Grant bid for \$250k was submitted last month to update the Community Center, but no quotes were received. He and Thomas Shrewsbury are working on re-writing the scope. Bathrooms and kitchen are priority. Manhole replacements will be done with any extra money by changing the scope.
- 4. 2023 Property Value re-appraisal by Gaston County. Asked the City of Lowell to schedule community events to allow citizens to interact and ask questions.
- 5. River Falls HOA-Carolina Thread Trail measure failed and other routes are being pursued. They will look at it again in a couple years.
- 6. Regionalization Grant for the Wastewater Treatment Plant was recommended to be pursued instead of the NCDEQ Pre Construction Planning Grant.

**XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION –** Mayor asked council if they had any further comments. Councilmember Funderburk said she still has issues with the NorthPointe project and has called the Senator. With no further discussion Mayor thanked everyone for coming.

*A five-minute recess was requested by the Mayor before the closed session at 8:13pm and returned at 8:17.*

**XIII. CLOSED SESSION –** Councilmember Bonham made a motion to go into closed session, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- A. To discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5), NCGS 158-7.1(d)
- B. To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11(a)(6)

Councilmember Bonham made a motion to come out of Closed Session, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

**XIV. TAKE ACTION ON ITEMS DISCUSSED DURING CLOSED SESSION**

- A. Discussion of Salary for Council Appointed Position

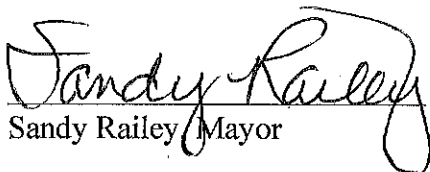
Councilmember Bonham made a motion to set the City Manager's salary for the City of Lowell at \$116,000 annually and to amend his contract to remove the cap at section 12 for health insurance coverage. It was seconded by Mayor Pro Temp Smith. The vote was Councilmembers Bonham, Fulbright, and Mayor Pro Temp Smith for and Councilmembers Funderburk and Gillespie against.

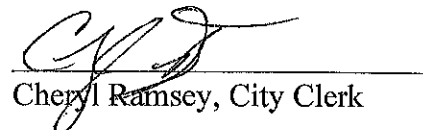
- B. Determination of Setting Public Hearing for Economic Development Agreement

Councilmember Funderburk made a motion to set the Public Hearing for May 10<sup>th</sup> for the Economic Development Agreement, seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Funderburk made a motion to adjourn, seconded by Councilmember Bonham. The vote was unanimously in favor. Adjourned at 10:13 p.m.

ATTEST:

  
Sandy Railey Mayor

  
Cheryl Ramsey, City Clerk