

MINUTES

Lowell City Council

Regular Meeting

Monday, August 8, 2022, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:00p.m. A quorum was determined to be in place. 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; Planning Director, Joe Gates; City Attorney, John Russell Jr; Police Chief Carl Moore; Sgt Jeff Harrison, Public Works Director, Thomas Shrewsbury (attended remotely), Parks and Recreation Director Cristy Cummings, GIS Analyst Todd Stroupe, and City Clerk Cheryl Ramsey. The meeting was teleconferenced to the public and the agenda and meeting materials were made available on the city's website as well as in person. Members of the public were also present.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie asked all in attendance to repeat the Lord's Prayer then led everyone in the Pledge of Allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

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

IV. PUBLIC COMMENTS

A. Herb Gittens of 324 Caroline Ave, Lowell, NC – Requests someone look at the 'dangerous' situation in the curve at Caroline Ave and Stowe St. as there is considerable growth on the lot that makes it difficult to see around the corner, especially children. He stated he is tired of arbitrary enforcement and wants to see all people follow the rules as he does. He also mentioned the need to enforce the leash law by at least giving new residents a handout when they sign up for service of the City's ordinances to follow. He is tired of seeing the stray dogs in neighborhood. Lastly, he recommends letters be sent to renters/homeowners of the city enforcements. Mayor Railey asked about our policy since the house has been under construction for years. Councilmember asked if he called Animal Control about it. He said he had. There was a brief discussion with the resident and Council about the area.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting held July 11, 2022.
- B. Minutes from Special Meeting Held July 25, 2022

Councilmember Funderburk made a motion to accept both sets of minutes, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VI. CONSENT AGENDA

- A. Lowell Community Committee (LCC) Membership Update
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Report
- F. Planning Department Report

Councilmember Bonham made a motion to adopt agenda items A-F, seconded by Councilmember Funderburk. The vote was unanimously in favor.

VII. NEW BUSINESS

- A. Set Public Hearing for Rezoning Case #RZ22-03 Regarding Parcel #'s 202167, 202166, 135144, 210660, 136564, and 202774 from the Zoning Districts of SFR-2 and SFR 3 to the CZ/SFR-4 Zoning District. Councilmember Funderburk made a motion to set a public hearing for September 13 regarding all the parcels to be rezoned, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- B. Set Public Hearing for Consideration of Text Amendment to Lowell Development Ordinance Article 8, Table 8.1 Regarding Beauty shops and Barber Shops. Mr. Attaway gave a brief description for the reason for the public hearing denoting he memo from the Planning Director. In it, the Planning Board voted unanimously to recommend approval for the text amendment as submitted by staff. Removing Barber Shops and Beauty Shops as "listed uses" in the Main Street (MS) zoning district. Councilmember Bonham asked about tracking new businesses. Mr. Attaway said they are tracked using zoning permits. He explained non-conforming uses as noted in the ordinance. Councilmember Gillespie asked if it is just for Beauty Shops and Barber Shops. Mr. Attaway said yes. Councilmember Funderburk made a motion to set a public hearing for September 13 for the consideration of Text Amendment to the Lowell Development Ordinance at 6pm, seconded by Councilmember Bonham. The vote was unanimously in favor.
- C. Gaston Vision 2040 Update – Mr. Attaway showed a video for Gaston County (gaston2040.com) discussing the emerging themes from the survey. Over the next few months there will be further efforts to propel the plan including a bold vision statement, implementation plan by November 2022 and community engagement during the month of August where multiple dates will be offered. Mr. Attaway said the City will be sharing these dates via social media.
- D. Consideration of Memorandum of Understanding (MOU) for the possibility of a Wastewater Interconnection with Two Rivers Utilities - presented by Mr. Attaway. This would interconnect the Lowell Wastewater Treatment Plant and take the plan offline, rendering it to be a pump state and send the wastewater to the Long Creek WWTP. This was discussed during the budget planning retreats of 2022 and studied by the City Engineer. A feasibility study will be performed to include what improvements are needed to the existing structure, what new structure will have to be constructed and estimated costs. He stated the collection and distribution of water and sewer

would still be the responsibility of the City of Lowell. Mr. Attaway clarified (via the City Attorney), that even if the feasibility study proves to be beneficial, the City of Lowell is not required to move forward with the interconnection if that is option chosen by Council. Councilmember Funderburk asked how long will it take to do the study? Mr. Attaway said he is still waiting for the City Engineer to give their proposal but thinking a couple months. He said we have been doing some preliminary work/testing done for the grant application. Councilmember Fulbright asked if we don't get the grant does that mean the study will not be performed? Mr. Attaway said the City of Lowell said would then have to look at other ways to do it. Councilmember Gillespie asked about the operational costs and what will we save? Mr. Attaway said he will not know until the City Engineer completes its survey, but the WWTP budget is part of our (City of Lowell) budget and that will go away. Councilmember Gillespie asked how much would Two Rivers charge us when it goes away. Mr. Attaway said that is all part of the study. Councilmember Funderburk asked how much would it have cost the City if we had built a new WWTP as discussed several years ago (from the 2019 study)? Mr. Attaway said \$19 million at the time and it would be much more now.

Councilmember Gillespie said the key thing is how much Lowell saves especially with the new homes being built and not to have Two Rivers come in and take it over, after we have done the work, unless it will save money. Mr. Attaway said we only do what is financially beneficial to Lowell. Councilmember Fulbright asked if all the area need to be cleaned up. Mr. Attaway said yes, which will be another expense. Mayor Railey asked for a motion. Mayor Pro Temp then made a motion to consider the Memorandum of Understanding (MOU) Wastewater Interconnection with Two River Utilities, seconded by Councilmember Bonham. In the vote Councilmember Gillespie abstained from the vote and stated a no vote was considered a yes vote. All remaining members voted "yes" to accept the motion.

- E. Consideration of Finance Proposals for FY23 Capital Expenditures presented by Mr. Attaway. Staff advertised a Request for Proposal for financing the vehicles and capital expenditures of the FY23 Budget of \$106,132.31 for the Stormwater, Water, and General funds in the Gaston Gazette. Four financial institutions were solicited, and the City received one proposal from United Financial. This financing would be at the current interest rate of 3.44% that would be locked in once approved. Councilmember Bonham made a motion to approve the finance proposals for FY23 Capital Expenditures as noted on page 45, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- F. Consideration of Adding Section 13. "Wellness Benefits" to the Lowell Personnel Policy Article VI. Employee – presented by Mr. Attaway. The Gaston County YMCA Corporate package was reviewed by staff and the fiscal impact for FY2023 will be \$3150 from the administrative budget. Cost savings were found in the Planning budget when looking at a new software system allowing the funds to offset the corporate membership for all employees and Council. The YMCA will review the participation level per year and adjust the rates accordingly. Councilmember Funderburk asked if the deduction would be on bank draft. Mr. Attaway said yes and a representative will come to the City Hall to personally sign potential members up. Councilmember Funderburk made a motion to approve the Wellness Benefits to the Lowell Personnel Policy Article VI. Employee, seconded by Councilmember Bonham. The vote was unanimously in favor.

- G. Discussion of 2022-2023 Legislative Advocacy Agenda – presented by Mr. Attaway stated it was added to the agenda to get this process started and get some feedback from Council. He will be meeting with the City Attorney and with each member individually to discuss.

VIII. CITY ATTORNEY REPORT – None

IX. CITY MANAGER REPORT –

- A. CDBG Update. Moving through first five houses with the CDBG-NR grant. With the Community Center side of the CDBG-NR grant, staff revamped the scope in the hopes of getting more interest in completing this building. No one bid in the last two attempts to complete work from this portion of the grant. Staff will continue working Withers Ravenel and Centralina. The scope for the CDBG-I sewer rehab work has been broadened and should be close to completion in the next coming months. Councilmember Funderburk mentioned she was shown one of the houses that was worked on and stated the homeowners were very pleased with the results.
- B. Finance - Lisa Nolen will be working on catching up the June FY close out. She should have all departmental transfers by the next meeting.
- C. Carolina Thread Trail. The City of Lowell was awarded an \$8000 design grant to work on the trail in the River Falls, River View, and River Heights sections. Mayor Railey asked how this will work since River Falls Neighborhood voted no to the trail. Mr. Attaway said continued education for them to understand the value as we also do not want to do River View area if River Falls is rejected. Will ask the HOA to help with talking with residents.
- D. I-5719 (I-85 Widening Project)- Aesthetics and Betterments Manager's for the county met and are currently drafting a survey for all councils and boards to give input. Meetings will be held August 23 & 24th for local officials. He encouraged council to try to attend one of these meetings.
- E. Working with Dr. McCord regarding the property across the street from City Hall and entered a lease with him last year to do some betterments of the property. Will be called McCord Town Square when completed. Will be meeting with the City Engineer to go through some preliminary planning on Wednesday, August 10th.

X. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

1. Councilmember Fulbright recognized the Police Department and their work on the recent drug busts.
2. Councilmember Bonham stated that we needed to have the same procedures in place for public comments as we do for everyone else and not engage in discussions during this time as this is a business meeting not a town hall meeting. He stated that if we do this, we must allow for all. He stated the time is for the public to voice their opinion without interruption or comments from Council. [This is in reference to Mr. Gittens speaking earlier tonight and the back-and-forth dialogue with the Council.]
3. Councilmember Funderburk had a concern about the proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan area [see Section A. under New Business]. She asked for the next meeting to consider the listed comments: 1. According to the State Transportation Improvement Program 2020-2029, there are no funded transportation improvement projects in immediate vicinity, 2. The 2050 Highway MTP doesn't include any proposed improvement to any streets adjacent to the subject property and that they are only going to build a new 2-lane

roadway. She is concerned they are not going to do anything with the new 593 houses planned with a possible 1186 cars. She asked if they are they going to do something or not? If not, she doesn't want them coming. Councilmember Bonham said that we can't stop them from building. She is concerned with the traffic. Mr. Attaway said the way DOT operates is they would not put a traffic improvement plan for Lowell Spencer Mtn Rd when its 300 acres of woods as it is of no purpose to them until there is traffic. Mr. Attaway said he will add her concern to legislative agenda and that we can talk to local delegation about the issues.

4. Councilmember Smith thanked Cristy Cummings for a great National Night Out this year. He was glad to see the Fire Department there.
5. Councilmember Gillespie commended the City Manager and how the downstairs area of City Hall has been done. Thanked Mr. Gittens for coming to the meeting to speak.
6. Mayor Railey thanked everyone for coming, including staff, Police and Fire.

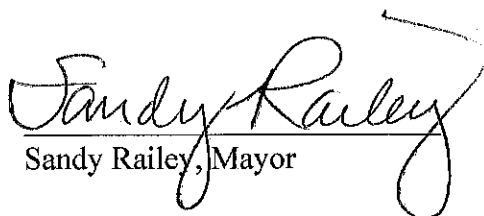
Councilmember Funderburk made a motion for a quick break before the closed session, seconded by Councilmember Bonham at 7:11pm. The vote was unanimously in favor. Closed Session resumed at 7:16

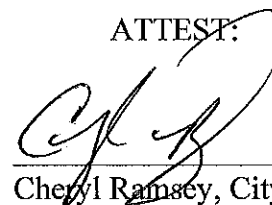
XI. CLOSED SESSION

- A. To discuss the Acquisition of Rel Property Pursuant to NCGS 143-318.11(a)(5)
Councilmember Fulbright made a motion to go into Closed Session, seconded by Councilmember Gillespie. The vote was unanimously in favor.

Councilmember Bonham made a motion to come out of closed session, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- XII. ADJOURN** – Motion to adjourn was made by Councilmember Funderburk, seconded by Councilmember Bonham. The vote was unanimously in favor. Adjourned at 7:57pm


Sandy Railey, Mayor

ATTEST:

Cheryl Ramsey, City Clerk