

MINUTES

Lowell City Council

Regular Meeting

Tuesday, December 14, 2021, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 p.m. Those attending in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Alex Blackburn, Police Captain Carl Moore, and City Clerk Beverly Harris. 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 prior on the city's website. Members of the public were also present. Councilmember Shane Robinson was absent.

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

The agenda was amended under Section 7 Special Presentation to add A (Grand Marshall 2021 Christmas Parade) and Section 9 New Business to add L (Adoption of FY22-23 Budget Calendar) and M (Reappointment of LCC member Michelle Sebastian).

Councilmember Ervin made a motion to adopt the amended agenda as presented, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

One public comment received online was presented to Council and it has been sent to staff for further review.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held November 9, 2021

Councilmember Funderburk made a motion to approve the minutes from the November 9, 2021 Council meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

VI. UNFINISHED BUSINESS

A. Public Hearing for CDBG-I (Grant #18-I-3034) Regarding Scope Amendment

Councilmember Funderburk made a motion to go into public hearing, followed by a second from

Councilmember Ervin. The vote was unanimously in favor.

Amanda Whitaker from Withers Ravenel stated the CDBG-I grant requires that the city go through a scope amendment process to include any areas outside the primary project area. Ms. Whitaker stated there is approximately \$700,000 left over after the initial bid for additional sewer line rehabilitation/replacement in areas that were defined as alternate areas. Ms. Whitaker stated the City of Lowell intends to amend the scope of the CDBG Infrastructure 18-I-3034 project to include the following areas and streets: Perkins Street, Lakeview Street, and the Outfall Line (located between Ethelyn Avenue and Lynn Street). These areas have been surveyed and the project will continue to benefit at least 51% low-moderate income households. The project budget remain as is: Total Project Cost: \$1,696,480, Sewer Improvements Cost: \$1,540,694, Administration Cost: \$155,786.

Councilmember Ervin made a motion to go out of public hearing, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

Councilmember Ervin made a motion to amend the grant #18-I-3034 scope as presented, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

B. Public Hearing for Proposed Text Amendment to the Lowell Development Ordinance (LDO) Article 5 Section 5.3-1(B)

Councilmember Ervin made a motion to go into public hearing, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

The City of Lowell Planning Board considered a request for a text amendment to the Lowell Development Ordinance to remove the requirement of a Neighborhood meeting from all zoning map amendments with the exception of Special Use Permits and Conditional Zoning requests. During the November 4, 2021 Planning Board meeting, this issue was presented and voted in unanimous consent to recommend the proposed change to the City Council for the City of Lowell. See attached memo for text amendment.

Councilmember Funderburk made a motion to go out of public hearing, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

Councilmember Ervin made a motion to approve Ordinance No. 15-2021, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

C. Public Hearing for Consideration of Development Agreement for Parcel ID #212032

Councilmember Ervin made a motion to go into public hearing, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

Scott Attaway stated the development agreement was prepared by the City of Lowell City Attorney in order for the developer of the Lowell Woods Subdivision to have the ability to

perform the necessary stormwater infrastructure upgrades and road improvements which are located within City of Lowell stormwater easements and City of Lowell street right-of-way at the current termination of Preston Drive. (*Typo noted by City Manager on Section 7 add the word "on" stormwater improvements.*)

Councilmember Ervin made a motion to go out of public hearing, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

Councilmember Ervin made a motion to approve the development agreement for parcel #212032 as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

D. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #202167 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR 4

Councilmember Funderburk made a motion to go into public hearing, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

Alex Blackburn stated the property owners and developers are requesting a continuation.

Councilmember Bonham made a motion to continue the hearing January 11, 2022, at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

E. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #'s 202166, 135144, and 210660 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR-4

Councilmember Ervin made a motion to go into public hearing, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

Scott Attaway stated the property owners and developers are requesting a continuation.

Councilmember Bonham made a motion to continue the hearing January 11, 2022, at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

F. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #'s 148011 and 148012 from the Current Gaston County Zoning Designation of RS-20 and Ranlo ETJ Zoning Districts of EL-1 to the City of Lowell Zoning District of Civic

Councilmember Ervin made a motion to go into public hearing, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

Scott Attaway stated during the September 7, 2021 meeting of the City of Lowell Planning Board, the two properties identified as PID #148011 and PID #148012, both of which are owned by Gaston County, requesting to be annexed and containing 338.95 acres were reviewed for consideration of applying an initial zoning designation contingent on the approval of annexation. The representatives have requested the zoning district of Civic (CIV). The Planning Board voted

in unanimous agreement to recommend to the Lowell City Council the approval of the requested Civic zoning designation.

Councilmember Ervin made a motion to go out of public hearing, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

Councilmember Bonham made a motion for the approval of Ordinance #OR13-2021 for the initial zoning designation of Civic (CIV) to the newly annexed property known as George Poston Park, Parcel ID #'s 148011 and 148012. The City Council finds that the designation of Civic is consistent with the Comprehensive Land Use Plan adopted on April 13, 2021, as well as the current use established on the property. This will also be a continuation of several parcels originally within the city limits that were designated Civic with the adoption of the Lowell Development Ordinance on May 11, 2021. There was a second to the motion from Councilmember Ervin. The vote was unanimously in favor.

G. Discussion of Code of Ordinances Section 130.01 as it Relates to Construction Noise

Scott Attaway presented an update of amending the City of Lowell Code of Ordinances Section 130.01 regarding noise.

VII. SPECIAL PRESENTATION

A. Grand Marshall 2021 Christmas Parade

Hunter Ballard and family accepted a certificate as the Grand Marshall 2021 Christmas

parade. B. Ted Hall

Ted Hall welcomed a new member and two returning members to the City of Lowell Council. Mr. Hall thanked the City Council and staff on their recent accomplishments for the town. He urged the Council to always put the citizens first in all future decisions. In addition, he encouraged them to honor the past as they look forward to the future; and to be open to change. Lastly, he reminded them that they are always surrounded by friends. Remember to reach out to other towns for guidance.

VIII. ADMINISTRATION OF OATHS OF OFFICE FOR INCOMING COUNCIL MEMBERS

Jeff Funderburk administered the oaths of office for incoming Council members: Phil Bonham, Ken Ervin, and Travis Smith.

The three incoming Councilmembers assumed their seats at the Council Chamber table for the remainder of the meeting.

IX. NEW BUSINESS

A. Selection of Mayor Pro-Tempore

Councilmember Gillespie made a motion to select Councilmember Smith to Mayor Pro Tempore, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

B. Appointment of Council Delegate to Centralina COG

Councilmember Funderburk made a motion to appoint Mayor Railey and Councilmember Gillespie (backup) as Council delegates to Centralina COG, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

C. Appointment of Council delegate to GCLMPO Board

Councilmember Gillespie made a motion to appoint Councilmember Ervin with Councilmember Funderburk (backup) as Council delegates to the GCLMPO Board, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

D. Appointment of Council Liaison to LCC Committee

Councilmember Ervin made a motion to appoint Councilmember Bonham and Councilmember Funderburk (backup) as Council liaisons to the LCC Committee, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

E. Appointment of Council Liaison to Lowell VFD

Councilmember Gillespie made a motion to appoint Councilmember Ervin and Councilmember Smith (backup) as Council liaisons to Lowell VFD, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

F. Adoption of 2022 Schedule of Meetings and City Holidays

Councilmember Ervin made a motion to adopt the 2022 schedule of meetings and city holidays as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

G. Presentation and Consideration of Donation of Parcel ID #127479, Lowell Investments I LLC

A presentation was given to Council for consideration of donation of parcel ID #127479 (Crompton & Knowles) from Lowell Investments I LLC. The property is situated at 1602 North Main Street Lowell NC and is a 17.02-acre site.

Councilmember Funderburk made a motion to accept the donation of parcel ID #127479 from Lowell Investments I LLC, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

H. Consideration of Appointment to the Planning Board, Board of Adjustment and Stormwater Commission

Councilmember Gillespie made a motion to appoint David Jennings for the Planning Board, Board of Adjustment, and Stormwater Commission, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

I. Budget Amendment

Scott Attaway presented a budget amendment regarding the approved paving contract.

Councilmember Ervin made a motion to approve budget amendment #1 as presented, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

J. Set Public Hearing for Consideration of LDO Text Amendments as it relates to Session Law 2021-138

Councilmember Funderburk made a motion to set public hearing on January 11, 2022, at 6:00 pm for consideration of LDO text amendments as it relates to Session Law 2021-138, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

K. Set Public Hearing for Consideration of Zoning Map Amendment RZ21-04 Regarding Parcel ID #'s 136564 and 202774 from the zoning district of SFR-3 to SFR-4/CD

Councilmember Ervin made a motion to set public hearing on January 11, 2022, at 6:00pm for consideration of zoning map amendment RZ21-04 regarding parcel ID #'s 136564 and 202774 from the zoning district of SFR-3 to SFR-4/CD, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

L. FY 22-23 Budget Calendar

Council reviewed the FY 22-23 budget calendar.

M. Reappointment of LCC member Michelle Sebastian

Councilmember Smith made a motion to reappoint Michelle Sebastian to the LCC, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

X. STAFF REPORTS

A. Public Works Report

Thomas Shrewsbury covered the public works report.

B. Police Department Report

Carl Moore covered the police department report

C. Planning Department Report

Alex Blackburn covered the planning department report.

D. Parks and Recreation Report

Cristy Cummings presented the Parks & Recreation report.

E. Fire Department Report

Scott Attaway presented the Fire Department report.

F. Finance Officer Report

Scott Attaway introduced Lisa Nolen.

XI. CITY ATTORNEY REPORT

John Russell gave a CDBG-NR grant update.

XII. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- New account technician/CSR assistant position and City Hall renovations
- Carolina Thread Trail
- Thank you and farewell to City Clerk Beverly Harris
- NCDOT right turn only requested at N Main and McAdenville
- 2 new police cars
- Police working on beginning a series of Neighborhood Watch Programs across the City of Lowell

XIII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Funderburk wished everyone a Merry Christmas and was excited about future projects in Lowell.

Councilmember Smith stated he is excited about becoming a City Councilmember. Councilmember Ervin thanked staff.

Mayor Railey thanked everyone for coming.

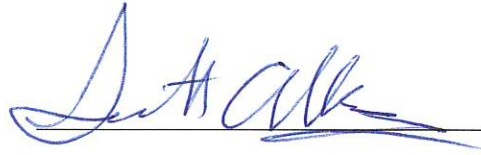
XIV. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Ervin. The vote was unanimously in favor. The meeting ended at 8:00 pm.

ATTEST

A handwritten signature in blue ink that reads "Sandy Railey". The signature is written in a cursive style with a long, sweeping underline.

Mayor, Sandy Railey

A handwritten signature in blue ink that reads "Scott Attaway". The signature is written in a cursive style with a long, sweeping underline.

Deputy City Clerk, Scott Attaway