



**CITY OF LOWELL  
COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 11, 2022, 6:00 P.M.**

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**1. 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 Travis Smith, City Manager Scott Attaway, City Attorney John Russell Jr, Finance Officer Lisa Nolen, Planning Director Alex Blackburn, Interim Police Chief Carl Moore, and Parks and Recreation Director Cristy Cummings. Councilmember Thomas Gillespie arrived at 6:23 pm. 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.

**2. INVOCATION / PLEDGE OF ALLEGIANCE**

Mayor Railey gave the invocation and led everyone in the pledge of allegiance.

**3. ADOPTION OF AGENDA FOR THIS MEETING**

Scott Attaway stated the applicant had decided to remove their zoning app from the agenda on item 7D to give more time to meet with concerned parties and City staff.

Councilmember Candy Funderburk made a motion to accept the amended agenda, followed by a second from Councilmember Ken Ervin. The vote was unanimously in favor.

A motion to remove 7D from agenda was made by Councilmember Ken Ervin, followed by a second from Councilmember Candy Funderburk. The vote was unanimously in favor.

**4. PUBLIC COMMENTS**

Larry Simonds, 1613 Power Drive, stated he was concerned with the City taking ownership of the Crompton & Knowles property. Mr. Simonds also made statements regarding the Fire Department and the Public Works Department.

Amber Paddock, 6717 Goldstone Lane, Charlotte, NC – Ms. Paddock submitted a written comment urging the Conditional Agriculture District Zoning to be applied to Spencer Mountain parcels 202166, 202167, 210660, and 135144.

Ronald Melton – 739 Patton Cove, Swannanoa, NC - Mr. Melton submitted a written comment urging the Conditional Agriculture District Open Land Zoning on parcels 202166, 202167, 210660, and 135144.

Brittany McCallister – 2130 South Ridge Drive, Belmont NC - Ms. McCallister submitted a written comment urging the Agriculture Zoning, or a different type of residential zoning, on parcels 202166, 202167, 210660, and 135144.

Jessica Inglehart– 901 Marty Rd, Durham, NC – stated she is against re-zoning.

Jennifer Pippin– 516- D River Highway, PMB 174, Mooresville, NC - Ms. Pippin submitted a written comment urging the Conditional Agriculture Zoning Distict, open land zoning, on parcels 202166, 202167, 210660, and 135144.

Sara Gleason – 116 Laurel Hill Lane, Gastonia, NC - Ms. Gleason submitted a written comment urging the Conditional Agriculture Zoning Distict, open land zoning, on parcels 202166, 202167, 210660, and 135144.

Jessica Richmond – 123 Laurel Hill Lane, Gastonia, NC - Ms. Richmond submitted a written comment urging the Conditional Agriculture Zoning Distict, open land zoning, on parcels 202166, 202167, 210660, and 135144.

Charlotte Kidd – 101 Laurel Hill Lane, Gastonia, NC - Ms. Kidd submitted a written comment urging the Conditional Agriculture Zoning Distict, on parcels 202166, 202167, 210660, and 135144.

Professor Robert K. Peet – 6713 Pauline Drive, Chapel Hill, NC –Professor Peet spoke virtually and urged holding off on the approval of the development.

Shaun Bloom – 414 E. Chestnut Street, Stanley, NC – Mr. Bloom submitted a written comment urging the Conditional Agriculture Zoning Distict, on parcels 202166, 202167, 210660, and 135144.

Katherine Rankin – 839 Gist Avenue, Silver Spring, MD - Ms. Rankin submitted a written comment urging the Conditional Agriculture Zoning Distict, open land zoning, on parcels 202166, 202167, 210660, and 135144.

## **5. APPROVAL OF MINUTES**

### **A. Minutes from Council Meeting Held December 14, 2021 (p. 1-8)**

Councilmember Ken Ervin made a motion to approve the minutes from the December 14, 2021 Council meeting, followed by a second from Councilmember Phil Bonham. The vote was unanimously in favor.

## **6. SPECIAL PRESENTATION**

### **A. Graduation Ceremony for Lowell Citizen's Academy Class of 2021-2022**

Scott Attaway stated that there are three of the four citizens in attendance that graduated from the Citizens Academy this year. Scott Attaway stated that one of the missions of the council is show

how government works. The Citizens Academy attendees spent time in every city department and went over all key functions of the City. Mayor Railey thanked all attendees for being a part of the program. Mayor Railey presented plaques to Cathy Johnson, Jack Frye, and Norris Lamb for graduating from the Citizens Academy. Mayor Railey also stated that Joanna Fulbright also graduated but was unable to attend this evening.

**B. Proclamation in Recognition of the Month of February as Black History Month (p. 9)**

Councilmember Ken Ervin made a motion to proclaim the month of February as Black History Month, followed by a second from Councilmember Thomas Gillespie. The vote was unanimously in favor.

Mayor Sandy Railey read the Proclamation recognizing February as Black History Month.

**7. UNFINISHED BUSINESS**

**A. Public Hearing for Consideration of LDO Text Amendments as it Relates to Session Law 2021-138 (p. 10-15)**

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

Alex Blackburn stated that recently the Governor and the General Assembly set into law Session Law 2021-138 that affected Lowell Development Ordinances articles 5.2, 16.71, 18.3 (H), 18.4 (D)(5), 23.6, 23.7-6. Alex Blackburn stated agenda packets included both current and proposed changes. Alex Blackburn stated the amendment removed the misdemeanor penalty from these articles but the City may still levy fines. He stated that this is a compliance text amendment to stay in compliance with the state text amendment.

Councilmember Ken Ervin made the motion to close public hearing, followed by a second from Councilmember Candy Funderburk. The vote was unanimously in favor.

Councilmember Thomas Gillespie made the motion to accept the text amendment, followed by a second from Councilmember Candy Funderburk. The vote was unanimously in favor.

**B. 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 (p. 16-27)**

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

Scott Attaway stated this is a continued agenda item – this property has been annexed by of City of Lowell and by statue, the City has to assign a zoning district. Scott Attaway stated this agenda item is separated from next item because it's non-contiguous even though it's part of the same development.

Councilmember Ken Ervin asked which zoning designation is more dense. Scott Attaway stated SFR-4 is more dense and that it's a smaller lot size.

Michael Gault, 609 White Oak Drive, Lowell NC – Mr. Gault asked why the City would designate the land as a SFR-4 if all the land around it is SFR-3. Scott Attaway stated the parcels were rezoned to a SFR-3 in the middle of a council meeting. Michael Gault asked if City of Lowell owned the parcel and Scott Attaway stated that Belmont Land Investments owns the parcel.

Teresa Genay, 1221 Dallas Stanley Hwy, Dallas, NC – Ms. Genay submitted a written comment urging the parcels 202166, 202167, 210660, and 135144 to be initially zoned as Conditional Agriculture District – open land. Ms. Genay was also in attendance and verbally stated she owns a quarter acre on Southfork. She stated she would be dissatisfied if the parcel is rezoned and is requesting Council to be cautious about development decisions.

Cindy and Brent Clemmer, 281 Dallas-Spencer Mountain Road, Gastonia – Mr. and Mrs. Clemmer submitted a written comment urging the parcels 202166, 202167, 210660, and 135144 to be initially zoned as Conditional Agriculture District – open land. Ms. Clemmer was also in attendance and stated that we are causing devastation to the homes of the wildlife and that if we must build, we must build on land already cleared.

Bart Landess, 4530 Park Road #420, Charlotte, NC – Mr. Landess submitted a written comment stating that there is an opportunity to be a shining light for how to balance economic development with the natural resources that make economic development possible. Mr. Landess was also in attendance and stated he is the executive Director of Land and Water. He stated that this property is known for its natural beauty and asked the Council to consider how to balance out economic development and natural resources.

Dave Cable, 739 Spring Street, Davidson, NC – Mr. Cable submitted a written comment that stated he was against the up zoning of parcels because of the fragile character adjacent lands. Mr. Cable was also in attendance and stated he is the chair of Red Lair Foundation which was established by property that sold across the river in 2012. Mr. Cable stated that land needs to be preserved and urged the Council to tap the breaks on the density.

Sabine Rankin, 144 Redlair Lane, Gastonia, NC – Ms. Rankin submitted a written comment urging the land to be protected. Ms. Rankin was also in attendance and requested the Council to think about the current and future generations with this land.

Haywood Rankin, 144 Redlair Lane, Gastonia, NC - Mr. Rankin submitted a written comment urging the land to be protected. Mr. Rankin was also in attendance and spoke about erosion from the development and endangered plants. Mr. Rankin asked the Council to reconsider.

Martha Eppes, 12601 Moores Chapel Road, Charlotte, NC – Ms. Eppes submitted a written comment urging the property to be preserved. Ms. Eppes was also in attendance and verbally urged the Council to consider an Agricultural Zoning.

John Searby, Riverkeeper Executive Director – Mr. Searby encouraged a zoning that allows flexibility and time to work with the developer to allow partnerships to protect, preserve, and restore.

Erin Hines, 910 Dallas Stanley Hwy, Dallas, NC – Ms. Hines encouraged to consider less density due to inadequate stormwater regulations in place for a high-density development.

Michael Gault, 609 Whiteoak Drive, Lowell, NC – Mr. Gault stated conversations need to happen with McAdenville/Carstarphens about this property. Stated the area cannot withstand the impact with schools and sewer/water.

Amy Mason, 123 Laurel Hill Lane – Ms. Mason stated she's a steward of Laurel Hill Preserve which is on the other side of this parcel. Ms. Mason stated she's not anti-development or against some development in the area. Ms. Mason asked to slow this down and talk to Pulte about this development.

Brenda Daily, 512 S. Lee Street Gastonia, NC – Ms. Daily would like to see the land preserved.

Scott Attaway stated the proposed developer and the property owner held a neighborhood meeting with a site plan. Scott Attaway stated that they have proposed 105 acres of tree save and 58.4 open space for a total 160 acres.

Councilmember Ken Ervin made a motion to leave public hearing, the motion was seconded by Candy Funderburk. The vote was unanimously in favor.

Councilmember Ken Ervin asked for confirmation that Pulte has went above and beyond what is initially required in regards to open space and tree save. Scott Attaway stated that there is nothing holding Pulte to the initially discussed amount of planned open space and tree save, as it was in excess of what the LDO requires of the developer. Scott Attaway stated they're meeting in 2 weeks with the organization.

Councilmember Candy Funderburk asked if the parcel in discuss is the parcel right by the river. Scott Attaway confirmed. Councilmember Candy Funderburk stated the need to be very cautious with the decision tonight. She stated she has been in contact with the Gaston County school board with concerns about the roads and the schools. She stated she is also concerned about the natural areas.

Councilmember Thomas Gillespie stated there does need to be a balance and we do not need to rush the agenda to do anything.

Scott Attaway stated we have to rezone it at tonight's meeting and if the applicant reapplies for Conditional Zoning, then extra conditions can be put into place upon a mutual agreeance. He stated this agenda item is concerning the 7.06 acres of parcel id# 202167.

Councilmember Travis Smith stated he has been in contact with NCDOT and schools about traffic and is also taking the neighborhood meeting into consideration.

Councilmember Candy Funderburk made a motion to zone the parcel #202167 as agriculture and let the City talk to Pulte Group and work it out together since she does not want the area destroyed. No second to the motion was made. The motion failed. Mayor Sandy Railey asked if there are any other motions on the floor.

Attorney John Russell stated that the 7.06 acres does not have any zoning and that if the Council decides to not take any action, there is no restriction on what the property owner can do.

Councilmember Phil Bonham made a motion to zone the parcel #202167 to SFR3, followed by a second from Councilmember Travis Smith. The vote was 4-1 in favor of zoning the parcel #202167 to SFR3, with Councilmember Candy Funderburk opposed.

Councilmember Phil Bonham read the definition of SFR3.

Councilmember Ken Ervin asked about potential burial sites on the property and John Russell stated statues would regulate.

C. 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 (p. 28-39)

Councilmember Phil Bonham made the motion to go into public hearing, followed by a second from Councilmember Travis Smith. The vote was unanimously in favor.

Scott Attaway stated this agenda item is for the contiguous parcels and to apply the initial zoning.

Martha Eppes, 12601 Moores Chapel Road, Charlotte, NC – Ms. Eppes thanked Councilmember Candy Funderburk for making a motion for agricultural zoning and would like to reemphasize the important conservation of this land.

Erin Hines, 910 Dallas Stanley Hwy, Dallas, NC –Ms. Hines stated Piedmont ecosystems are most threatened and that this parcel is contiguous with many other special areas.

Amy Mason, 123 Laurel Hill Lane – Ms. Mason encouraged time to find balance.

John Searby, Catawba Riverkeeper – Mr. Searby urged this parcel to be zoned as agricultural.

Cathy Johnson, 800 N. Main St. -Ms. Johnson stated she was initially excited about the chance to expand and increase tax base but she didn't know about this treasure. Ms. Johnson urged the property to be zoned as agricultural to give time to meet with all parties.

Councilmember Phil Bonham made a motion to close hearing, followed with a second from Councilmember Thomas Gillespie. The vote was unanimously in favor.

Councilmember Candy Funderburk asked who initiated the removal of agenda item 7D and Scott Attaway confirmed Pulte requested for it to be removed.

Councilmember Phil Bonham stated as they are rezoning, it was decided that SFR3 was most consistent and closest to the designation.

Scott Attaway stated there is a SFR2. He stated that the property was annexed because the developer knew they needed municipal utilities. The initial site plan was presented as they wanted a SFR4 because there are certain pockets of land that they are not able to use due to the natural environment and the SFR4 would allow the density to develop in less area because of the terrain difficulties. Scott Attaway spoke about conditions before last week's neighborhood meeting with the reason being SFR4 was to get density but in exchange would bring a conditional district that might include stormwater measures and a road profile on main road.

Councilmember Candy Funderburk made a motion to zone the parcels 202166, 135144, and 210660 to SFR2 and read the definition of SFR2. The motion was followed with a second by Councilmember Phil Bonham. The vote was unanimously in favor.

~~D. 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 (p. 40-45)~~

## **8. NEW BUSINESS**

### **A. Consideration of Appointment to the Planning Board, Board of Adjustment and Stormwater Commission (p. 46-51)**

Scott Attaway stated they received an application from Norris Lamb to consider him to the Planning Board, Board of Adjustment and Stormwater Commission.

Councilmember Phil Bonham made a motion to appoint Norris Lamb, with a second from Councilmember Candy Funderburk. The vote was unanimously in favor.

### **B. Amendment to the FY 22-23 Budget Calendar (p. 52-53)**

Scott Attaway stated we need a motion to change Council Retreat Day#2 to February 11, 2022 due to facilitator scheduling conflicts.

Councilmember Travis Smith made a motion made amend the budget calendar, followed by a second by Councilmember Thomas Gillespie. The vote was unanimously in favor.

### **C. Resolution Approving use of ARPA Funds for Montcross Emerge Initiative and ARPA Update (p. 54-55)**

Scott Attaway stated this resolution is a housekeeping item and the funds help local businesses. He stated that it is not clear if treasury requires this resolution so Staff wants to be on the cautious side. He stated the resolution will further authorize the use of \$10,000 of ARPA funding that was voted on in July 2020.

Councilmember Ken Ervin made a motion to amend the budget calendar, followed by a second by Councilmember Candy Funderburk. The vote was unanimously in favor.

## **9. STAFF REPORTS**

### **A. Public Works Report (p. 56)**

Thomas Shrewsbury presented his report.

### **B. Planning Department Report (p. 57-58)**

Alex Blackburn presented his report.

### **C. Police Department Report (p. 59-60)**

Carl Moore presented his report.

### **D. Parks and Rec. Department Report (p. 61)**

Cristy Cummings presented her report.

### **E. Finance Report**

Lisa Nolen presented her report.

### **F. Fire Department Report (p. 62)**

Report presented on screen and in agenda packets.

## **10. CITY ATTORNEY REPORT**

John Russell stated the receivership has started for the property located at 901 N. Main Street, Lowell, NC. This will enable the property to be sold and perhaps redeveloped.

## **11. CITY MANAGER REPORT**

Scott Attaway reminded Council about the elected officials chamber dinner.

He stated he has been working on Budget Retreat planning with the facilitator and getting speakers lined up.

The Carolina Thread Trail ballot will be going to River Falls HOA to vote to see if they can get the Thread Trail passed. If passed, the strip of land will be accessible by everyone in conjunction with the City.



Scott Attaway stated the ARPA Interim Final Rule has been out since May 2021 and they have received the money but there limited information on what the City could spend the money on. The final rule just released late last week and he will have update on that at February meeting.

The closing has been finalized on the Crompton & Knowles properties. Staff met League of Municipalities insurance earlier in the day. A fence contractor has been selected because River Heights took down the fence that was on their property which has left a gap in the fence around the newly owned City property. Scott Attaway spoke with Interim Police Chief Moore about keeping an eye on the property more.

## **12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

Councilmember Thomas Gillespie stated he was blind sighted by the conservation group and has a new vision for the pristine property.

Mayor Sandy Railey thanked everyone for coming and congratulated the graduates of Citizen's Academy. 8:22pm

## **13. CLOSED SESSION**

Councilmember Phil Bonham made a motion to go into closed session to discuss matters regarding personnel pursuant to NCGS 143-318.11(a)(6), followed by a motion from Councilmember Thomas Gillespie. The vote was unanimously in favor.

Councilmember Ken Ervin made a motion to go out of closed session, followed by a second by Councilmember Funderburk. The vote was unanimously in favor.

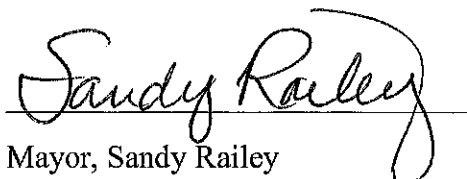
The Council reconvened from closed session at 8:58pm

## **14. APPOINTMENT OF CITY CLERK**

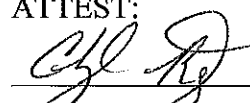
Councilmember Thomas Gillespie made a motion to appoint Cheryl Ramsey for City Clerk, followed by a second from Councilmember Candy Funderburk. The vote was unanimously in favor.

## **15. ADJOURN**

Councilmember Candy Funderburk made a motion to adjourn the meeting, followed with a second by Councilmember Travis Smith, the vote was unanimously in favor. The meeting ended at 9:00pm.

  
Mayor, Sandy Railey

ATTEST:

  
Cheryl Ramsey, City Clerk