

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, July 11, 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; Planning Director, Joe Gates; City Attorney, John Russell Jr (came in at 7:02pm); Police Chief Carl Moore; Sgt Jeff Harrison, 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 as well as in person. 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**

Mr. Attaway notified Council of the revised agenda to include section 8D when making the motion to accept. Councilmember Candy Funderburk made a motion to accept the agenda with the addition of 8D under New Business. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

## **IV. PUBLIC COMMENTS**

No one elected to speak

## **V. APPROVAL OF MINUTES**

A. Minutes from Council Meeting held June 14, 2022. Councilmember Funderburk asked for a correction to resident Larry Simonds remarks regarding Mayor Pro Temp Smith and Councilmember Bonham serving on Council as well as have property in the City of Lowell. She took issues with the words 'businesses' as opposed to 'business'. She also asked for her name to be added on page 5 regarding Beauty Salons in the downtown area. Councilmember Funderburk made a motion to approve both the Regular and Special Meeting minutes, seconded by Councilmember Gillespie. Councilmember Bonham asked to address the comment from Mr. Simonds. He stated that for transparency, he does not own a business in Lowell and that the word should have been business instead of businesses. The vote was unanimously in favor with the corrections.

- B. Minutes from Special Meeting Held May 6, 2022 – see motion above to accept both sets of minutes.

## **VI. SPECIAL AWARDS AND PROCLAMATIONS**

- A. Recognition of Tony Henderson on his Retirement from the Lowell Police Department. Mayor Railey then read Resolution RS#06-2022. Mr. Attaway, Chief Moore, and Councilmember Funderburk thanked Sergeant Henderson for his service. Chief Moore then presented him with his badge and service weapon. Sergeant Henderson thanked the City of Lowell for allowing him to work for it.
- B. Proclamation Designating the Month of July as Parks and Recreation Month. Councilmember Bonham made a motion to adopt July as Parks and Recreation Month, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

## **VII. CONSENT AGENDA**

- A. Eligible Project Policy for the Expenditure of American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds by the City of Lowell
- B. Policy for Allowable Costs and Costs Principles for Expenditures of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments
- C. Resolutions R6-2022 Acknowledging the Service or Retired Police Sergeant Tony Henderson
- D. Resolution RS7-2022 Acknowledging the Service or Retired Police Chief Scott Bates
- E. Resolution RS8-2022 Ratifying the Updated Charter of Centralina Regional Council
- F. Public Works Report
- G. Finance Department Report
- H. Police Department Report
- I. Parks and Recreation Department Report
- J. Planning Department Report (p. 65-66)

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

## **VIII. NEW BUSINESS**

- A. Customer Relationship Management Software Update – presented by Planning Director, Joe Gates. Mr. Attaway first went over the background stating this update was initially presented as part of the adopted budget that relates to the strategic vision of the Council in getting more information out to the public and being more consistent with the access to information. Mr. Gates then went over the plans to use Polimorphic after looking at three to four vendors when determining who will best service the City’s needs. This software will take care of the business processes more efficiently, particularly when dealing with zoning, code enforcement, and streamlining processes. The software can pull out trends, will build workflows based on current processes with staff assistance, be flexible in changes as times change, transparent process for citizens in that they can see where the City is on planning review processes. The goal is to have water/sewer utilities and applicable services into one area for a home to become searchable by the

address. Customized notes can also be added to individual accounts. Polimorphic PCI Level compliant and NACHA Compliant which will allow customers to pay online for permits. Councilmember Bonham asked if this solely for new businesses? Mr. Attaway said that they have been in discussions with the company and our current utility software company, as well as Public Works and Admin to work on a patch that will marry the two systems allowing the public to pay utility bills and receive notifications of outages. The use of notifications that can be sent en masse to citizens. Mr. Attaway stated that the cost of the software is below the budgeted amount.

Councilmember Bonham asked if you could do everything you want to do out the box or does it have to be personalized. Mr. Gates said it will be vendor specific and customized to the City of Lowell needs. He said there is no additional charge for that. Councilmember Bonham's concern is when you want to tweak something more cumbersome that it will be difficult and asked if it can be customized to how we want it to be. Mr. Attaway said yes, it is built into the system to change as necessary. Mr. Gates said its very process driven with some agreed upon tweaking. Councilmember Fulbright asked if this would fall under the city page we currently have with possibly a link to click and will it be user friendly. Mr. Attaway said yes they would work with Proud City who will provide the new website. Councilmember Fulbright then asked if there will still be a manual option for people without computers. Mr. Attaway said they can still come to City Hall and also put payments in the drop box. Mr. Gates stated that he will be providing lunch and learns with the public as well provide step-by-step instructions when customers do go online. Councilmember Bonham thought it was fair to say that if we did this it would help, and developers shouldn't have a problem. He stated the existing customers may have some difficulty, but it seemed this would help, correct? Mr. Gates said yes. Councilmember Fulbright asked if it would add additional fees to pay the bills [online]. Mr. Attaway said no, it will charge the same or around 3.5%. Councilmember Bonham said to be more user-friendly, and a one stop shop in this would be beneficial.

- B. Discussion of various text amendments to the Lowell Development Ordinance presented by Mr. Attaway from requests made by councilmembers:
1. Barbershops and salons – It has been brought to the City Manager Attaway's attention that some believe there are too many salons in the downtown Main Street district. He asked what Council recommend taking to the Planning Board for their consideration, then back to Council for a possible public hearing to amend the LDO. He reminded the group that all existing businesses would be allowed to remain as non-conforming uses. In addition, the LDO states that a non-conforming business or business that has to discontinue business can come back within three years, so long as no other business occupies the location during this time. Councilmember Fulbright asked how this could be written into text, especially after the issue with the Blood Plasma place to avoid it appearing discriminatory. Mr. Attaway said they [salons] would still be allowed in other districts, just not in the downtown district. The change would be to Table 8.1 under General Uses listing the uses of the downtown district and to simply eliminate the Main Street district wording from this area. Mayor Pro Temp confirmed that this change wouldn't touch any of the existing shops. Mr. Attaway said not at all. Mr. Gates summarized non-conforming section of LDO and gave example of an owner needing to request to do some work on their property and needing time to do so without losing their occupancy. He emphasized the goal of the amendment is not to disallow salons, just to limit

them from the downtown district. Councilmember Bonham asked if there is a need for all of them or are property owners not on the same page as we [Council] and people and just looking for someone to use their space to get a lease? He questioned why Lowell property owners aren't promoting other businesses that we, Council and the community would like to see and what are we doing to get different types of businesses here? Is it because these units are so small, the space, the property owner? Mr. Attaway said he doesn't think it is the space that is the problem. He mentioned that at the Downtown Master Plan kick-off meeting where a number of business owners and property owners were invited to discuss revitalizing downtown, one developer who owns property downtown also questioned all the salons. With the current use table of the LDO, salons are allowed in the Main Street District. Councilmember Bonham stated then it may be a marketing issue. He expressed that he is in no position to tell people what their business should be but doesn't see the need for so many salons in one area. Councilmember Funderburk mentioned that years ago, Council decided to prevent any more churches or car lots in the downtown area and that has worked out well. Councilmember Bonham asked if property owners understand what council is trying to do. Mr. Attaway said they do and have been sent a document of the master plan. Councilmember Funderburk said she has talked to some of the owners, and they don't want another beauty shop either. It was agreed to allow the City Manager to take the issue back to the Planning Board. No motion was needed.

2. RV's parked in front yards presented by Mr. Attaway. He asked if we should look at different ideas for the LDO regarding RV and boat parking/storage in residential areas. Councilmember Fulbright asked if people are given specific instructions not to do this. She said it would be nice that everyone had the property to move their things around but everyone doesn't have that luxury. Councilmember Bonham said he believes there is a cost to home ownership and proper storage is one of them. He said there is a fee if they are unable to accommodate and that other citizens shouldn't be forced to see their items parked in the front. He believes the enforcement to keep the items out of the front yards protects the overall city not just individuals. An HOA President, in attendance, mentioned they have specific rules preventing homeowners from parking in the front of their home. Mayor Pro Temp Smith said that if they are not living within an HOA, then they don't have to abide by those laws and that is why they don't live there. Councilmember Fulbright does not think it is fair for a citizen to have to come up with money they do not have to make space for their personal items that do not fit in their back yards. Councilmember Bonham said the issue is that when you allow the structures in question, it changes the aesthetics of the homes around it and also how do you determine whose camper is 'nice enough' to be in the front and then tell someone with a not so nice one they have to park it in the back, without being discriminatory? Councilmember Funderburk asked if there were any complaints. Mr. Attaway said they come in spurts. Councilmember Funderburk thinks we should keep the ordinance as it is and make changes as any come up. Mr. Attaway said the ordinance is complaint driven, then the City responds. Councilmember Fulbright asked about penalties for unlicensed vehicles. Mr. Joe Gates explained the process and limitations of unlicensed vehicles. Councilmember Bonham asked if you could have stipulations for the main corridor coming into town (more visible areas). Mr. Gates said you could, but you have to be very specific in describing the area where the rule would be applied.

It was decided it was unnecessary to bring the matter to the Planning Board and will remain as is for now.

- C. Discussion and Consideration of Fee Schedule Update Related to Owner Initiated Road Closures presented by Mr. Attaway. He stated that staff recommended that the City establish a right-of-way fee of \$1000 to cover the costs of review and advertisement of requests to close the rights-of-way. Councilmember Fulbright asked about the specific right-of-way. Mr. Attaway said this is a general process. Mayor Pro Temp Smith asked about other cities fees. Mr. Attaway said they range upwards to \$4000. Mayor Pro Temp Smith made a motion to amend the adopted fee schedule of FY 22-23, streets and road closure fees, seconded by Councilmember Bonham. The vote was unanimously in favor.
- D. Set Public Hearing for Consideration of Economic Development Agreement for Project Hearth pursuant to 160D-1001. Councilmember Funderburk made a motion to set the Public Hearing for Monday, July 25, 2022 at 6pm, seconded by Councilmember Bonham. The vote was unanimously in favor.

**IX. CITY ATTORNEY REPORT – None**

**X. CITY MANAGER REPORT –**

- A. CMAQ Project for the Poston Park Sidewalk update: It is slated for construction April 2024 and will use the chemical plant as a staging area for some materials. This has been authorized by the NCDEQ for temporary use.
- B. I-85 Widening Project – Staff across Gaston County would like to involve elected officials more in the bridge aesthetics. The MPO and GBA are in the process of getting a meeting with all municipalities to explain the what the future will look like since all municipalities will be funding it. Councilmember Bonham asked how Council has a voice in the project. Mr. Attaway would like NCDOT to come in and talk to Council about the project.
- C. New City Website – looking into better visuals with the layout and ease of access to get things done quicker. Staff is in the process of getting the test website ready to review.

**XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

- 1. Councilmember Gillespie asked about the bushes getting really high around Exit 22 and Kenworthy as well as the other side. Mr. Gates has sent letters to both owners with no response from either. He is expecting something in the next few days and will follow up with the owners.
- 2. Councilmember Funderburk thanked the Chief and Police Officers for their work in closing the bar Iconz. She also thanked Public Works and City Staff for their hard work.

*Councilmember Bonham made a motion for a quick break before the closed session, seconded by Mayor Pro Temp Smith at 7:53pm. The vote was unanimously in favor. Closed Session resumed at 7:58*

**XII. CLOSED SESSION**


- A. Pursuant to NCGS 143-318.11(A)(3) in Order to Consult with the City Attorney Regarding Pending Litigation and to Give Instructions with Respect to the Handling or Settlement of a Claim or Administrative Procedure.

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

**XIII. ADJOURN** – Motion to adjourn was made by Councilmember Funderburk, seconded by Councilmember Gillespie. The vote was unanimously in favor. Adjourned at 8:17pm

ATTEST:

  
Sandy Railey, Mayor

  
Cheryl Ramsey, City Clerk