

MINUTES

Lowell City Council

Regular Meeting

Tuesday, June 14, 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; 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, including City employees 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. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

- A. Larry Simonds of 1603 Power Drive, Lowell, NC asked why the budget was late in the meeting and that it should be moved up so the public can be present. He also believed two people should recuse themselves from voting for the budget due to conflict of interest. He named Councilmember Phil Bonham and Mayor Pro Temp Smith due to them having businesses in the City of Lowell. Mayor Railey allowed Mayor Pro Temp Smith to speak. He stated that he gave up his business dealings with the City of Lowell when he ran for office. No further comments were made.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting held April 12, 2022 (p. 1-7)
- B. Minutes from Special Meeting Held May 6, 2022 (p.8-10)
- C. Minutes from Council Meeting Held May 10, 2022 (p. 11-18)

With no issues with any of the minutes, Councilmember Funderburk made a motion to approve the minutes held April 12, 2022, May 6, 2022, and May 10, 2022. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VI. SPECIAL AWARDS AND PROCLAMATIONS

- A. Presentation of the 2022 City of Lowell Employee of the Year Award was presented to Sue Lowe, Customer Service/Billing Specialist by City Manager Scott Attaway.
- B. Proclamation Recognizing the Historical Significance of Juneteenth and Proclaiming June 19, 2022 as Juneteenth (p. 19). Mr. Attaway asked Ms. Dot Guthrie, Founder and Executive Director of the African American Museum of History and Culture at Loray Mill, to say a few words about the history of this holiday. Mayor Railey then read the Proclamation to the audience.

VII. CONSENT AGENDA

- A. Record retention Policy (p. 20-22)
- B. Conflict of Interest Policy (p. 23-35)
- C. Non-Discrimination Policy (p. 36-40)
- D. Resolution RS3-2022 for Approving Local Water Supply Plan (p. 41-42)
- E. To Temporarily Amend the City of Lowell Rules of Procedure for the City Council Meeting dates of July 2022 and August 2022 to the Second Monday (p.43)
- F. Resolution to Approve the North Carolina Department of Transportation's Municipal Agreement for Inspections of Bridges on the Municipal Street System" (p.44-49)
- G. Resolution to Support Street Closure for Lineberger Road (p.50-57)
- H. Public Works Report (p. 58)
- I. Finance Department Report (p. 59-51)
- J. Police Department Report (p. 62-63)
- K. Parks and Recreation Department Report (p. 64)
- L. Planning Department Report (p. 65-66)
- M. Consideration of Budget Amendment #6 (p.67-68)
- N. Consideration of ARPA Amended Grant Project Ordinance (p.69-71)

Councilmember Funderburk asked what Special Assignment meant under the Police Department. Chief Moore said it was that they were starting to better document what they are doing. With no other questions, Councilmember Bonham made a motion to accept consent items A-N, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VIII. UNFINISHED BUSINESS

- A. Public Hearing for Consideration of LDO map Amendment (Rezoning) for Parcel ID#'s 225354, 128306, 128316, 128315, 128304, 128305, 128307, 128928, 128999, 128318, 225350, 128321, 128322, 128333, 128334, 225352. From the Main Street (MS) Zoning District to the Mixed use-2 (MU-2) Zoning District. Case# RZ22-02 (p.72-85). A motion was made to go into public hearing by Councilmember Funderburk and seconded by Councilmember Gillespie. The vote was unanimously in favor. Planning Director presented the case where the applicant is asking that the listed properties be rezoned to mixed use near Main St. He stated the Planning Board has already recommended to rezone the area in their last June 7, 2022 Board Meeting. Councilmember

Funderburk asked the representative for the developer, Ralph Falls, about the creek in the back of the property and if that will present a problem for developing. He stated they hired a wetlands consultant to evaluate the stream. The owner of the properties, Ed Jackson spoke in favor of the rezoning request and the opportunities the rezoning will allow. Mr. Attaway gave a brief background on how the current zoning came about and why the change to the LDO is needed for this area. Councilmember Funderburk asked the developer if he has been in contact with DOT about issues. Mr. Falls stated they have. With no other questions from council, the hearing was open to the public for comment.

1. Larry Simonds asked how many acres and how many stores would be in the area. Mr. Attaway answered his questions.
2. Al Thofson of 207 Seigle St asked what would happen to the area. Mr. Falls said the potential to build possibly a hotel and/or restaurants and/or shops were being considered.
3. Paul Williams of 703 McAdenville Rd asked about the traffic the area will present. Mr. Attaway said DOT requires the developer to perform a traffic impact analysis (TIA).
4. Joreida Currence of 306 Reid St asked that MU-2 be explained again. Joe Gates came up to the front of the room to illustrate the area in question on the map. She understood that developing Lowell was inevitable but disliked the idea of it being so close to her home.

With no further comment, Councilmember Bonham made a motion to come out of Public Hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Bonham then made a motion to rezone the areas noted from the Main Street (MS) Zoning District to the Mixed Use-2 (MU-2) Zoning District, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

Mayor Railey then made a statement on how important it is to not listen to hearsay but to confirm what you hear with the Planning Director and the City Manager when questions arise. She pleaded with the public to go straight to the source and be weary of what is seen solely on Facebook.

- B. Public Hearing for Text Amendment related to LDO Article 7-7.1 Development Agreement (p. 86-92). Councilmember Gillespie made a motion to go into the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Mr. Attaway then presented the proposal to change the LDO to clarify language in the Development Agreement section and exempt small (one acre or less) from being required to go through the development agreement process. The Planning Board voted unanimously to recommend the amendment. With no members of the public electing to speak, Councilmember Funderburk made a motion to come out of the Public Hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Councilmember Bonham made a motion to clarify language in the Development Agreement section of the Ordinance and to exempt small development of one (1) acre or less from the requirement of obtaining a Development Agreement as part of the application for rezoning to certain zoning districts and being required to go through the development agreement process.. It was seconded by Mayor Pro Temp Smith and the vote was unanimously in favor.

Councilmember Funderburk requested a brief break at 7:11pm, seconded by Councilmember Fulbright. The vote was unanimously in favor. The meeting continued at 7:15pm.

C. Public Hearing for Adoption of the City of Lowell Fiscal Year 2022-2023 Budget Ordinance (p,93-132). The motion to go into the public hearing was made by Councilmember Funderburk and seconded by Councilmember Gillespie. The vote was unanimously in favor. Mr. Attaway presented the Budget Ordinance as well as information regarding salaries and turnover rates particularly when comparing Lowell to similar size cities around us who have increased pay salaries. Councilmember Bonham suggested taking out the recommended \$7200 for council salary increase (or \$100/month/member) and use it for the beautification of the city. He requested not to increase the salary of council members but keep added training budget for them during the year. Councilmember Funderburk did not agree. She stated that she does a lot of work and Council should get an increase. Councilmember Fulbright mentioned she initially thought serving on the council was a volunteer process. Mayor Pro Temp said he would not feel comfortable taking a raise this year even though they spend a lot of time for it. He also recommended the monies be redirected to the Lowell Community Committee (LCC) for beautification. Mr. Attaway said the budget also takes into account Gaston County taking over the Volunteer Fire Department. Councilmember Funderburk stated that seven years ago she was just like Councilmember Fulbright but believes they do a lot more now. She also asked if it were possible to approve individual department fundings instead of the whole budget at one time. She stated she had an issue with the salaries of the Police Department and that they shouldn't be compared to the officers in Gastonia. She emphasized it was nothing personal but thought the increases and the COLA was a lot. Councilmember Fulbright asked her if she is ok with her getting a raise and not the police. Councilmember Funderburk stated she was. Councilmember Bonham mentioned that we (Lowell) need to consider what is to come to the city with the increasing of the population. He stated we have to retain our current employees and recruit in the future for possibly more. Councilmember Gillespie mentioned he was disappointed in not giving the \$.03 back to the citizens as was discussed in the past but understood why. Councilmember Bonham said they ran the numbers to do that but there was just no resolution to fix it.

Mayor Railey then asked the public for comments:

1. Linda Usery on Hands Circle asked how much are taxes going up? Mr. Attaway explained the increase due to the County absorbing the Fire Department. She then stated that we need to slow down on developments and asked if the infrastructure will be able to handle that. She also mentioned that we need to be helping our Seniors with all of these increases.
2. Larry Simonds wanted people to donate their time for him to speak. Mayor Railey said he had five minutes like everyone else. He disapproved of the budget.
3. Paul Williams discussed the lack of staff in other areas. He asked people to understand that people needed to be paid appropriately to keep the city running properly.

With no further comments, Councilmember Bonham made a motion to come out of the public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

Councilmember Bonham then made a motion to approve the budget for Fiscal Year 2023. The motion was then seconded by Mayor Pro Temp Smith. The yays were Mayor Pro Temp Smith, Councilmember Bonham, and Councilmember Fulbright. The nays were Councilmember Funderburk and Councilmember Gillespie.

- D. Clarification on Public hearing for System Development Fee (SDF) Update per SDF study completed by Willdan Financial Services (p.133). Mr. Attaway stated that there needs to be a correction to the May 2022 minutes where the incorrect date of June 22, 2022 was listed as the day of the Public Hearing. Please be advised that the meeting is in fact on June 21, 2022. Mayor Pro Temp made a motion to revise and clarify the set public hearing on the System Development fee update for June 21, 2022 at 6:00 pm. It was seconded by Councilmember Gillespie. The vote was unanimously in favor.

IX. NEW BUSINESS

- A. Set Public Hearing for Consideration of Economic Development Agreement for Project Hearth pursuant to 160D-1001 (p.134-147). A motion to set the public hearing for consideration of Economic Development Agreement for Project Hearth pursuant to 160D-1001 for Monday, July 11, 2022 was made by Mayor Pro Temp Smith, seconded by Councilmember Bonham. The vote was unanimously in favor.
- B. Consideration of Appointments to the Lowell Planning Board, Board of Adjustment, and Stormwater Commission (p. 148-151). Heather Seay has applied for this role. Mayor Railey said Ms. Seay is very active in the community and always willing to help and assist. Councilmember Funderburk added that she is also on the LCC Board. Mr. Attaway stated that she is willing to do both. Mayor Pro Temp then made a motion to appoint Heather Seay to the Lowell Planning Board, Board of Adjustments, and Stormwater Commission. It was seconded by Councilmember Funderburk. The vote was unanimously in favor.

X. CITY ATTORNEY REPORT – None

XI. CITY MANAGER REPORT –

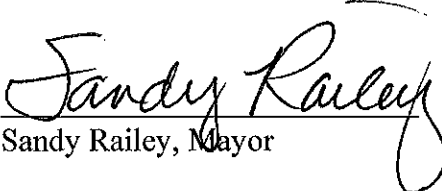
- A. Downtown Lowell Master Plan meeting was held June 13, 2022. They will be asking the developers, property owners, and business owners for more input on plans.
- B. Public input for Riverfront Park Amenities was held in Council Chambers and Mr. Attaway is updating the draft to formally present the information during the July or August Council meetings.
- C. Carl Moore has been promoted to the Chief of Police and Joe Gates was recently hired as the new Planning Director.
- D. Lowell Police has been involved with the Alcohol Law Enforcement (ALE) regarding the local Iconz Bar and the shooting that recently took place there. Mr. Attaway said there have been several issues there and announced that the bar is now permanently closed. He thanked Chief Moore for helping with this.
- E. The crosswalk has now been completed at the library on McAdenville Rd.
- F. DOT Aesthetics meetings have been held for the I-85 widening project. He showed illustrations and stated the surrounding municipalities would share in the cost. The City of Lowell wouldn't be responsible for any payments until the project is done. More information to come.

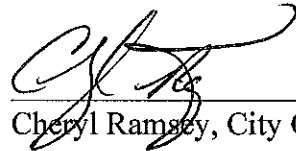
XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION – Councilmember Gillespie congratulated Chief Moore and Joe Gates for their respective positions. He also thanked Jessica, the Librarian for coming to the meeting tonight. Mayor Pro Temp Smith congratulated Chief Moore, Joe,

and Sue Lowe for their achievements. Councilmember Funderburk mentioned all the beauty shops downtown seem to be taking over and that more food options should come. She also congratulated Chief Moore. Councilmember Fulbright congratulated Chief Moore and Thomas Shrewsbury's crew and the public for coming in tonight to the meeting. She also thanked the City Manager for all his work on the budget. Mayor Railey agreed to all and emphasized again that the public should come directly to the source for their information and not rely on Facebook as their only source. She said she was very proud to be the Mayor of this city and that council members are also part of this community.

XIII. ADJOURN – Motion to adjourn was made by Mayor Pro Temp Smith, seconded by Councilmember Bonham. The vote was unanimously in favor. Adjourned at 8:25pm

ATTEST:


Sandy Railey, Mayor


Cheryl Ramsey, City Clerk