

MINUTES

Lowell City Council

Regular Meeting

Tuesday, September 13, 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; Finance Director, Lisa Nolen; Police Chief Carl Moore; Sgt Jeff Harrison, 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 did the invocation, then led everyone in the Pledge of Allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Mr. Attaway made Council aware of section 9H to be added to the agenda. Mayor Pro Temp Smith made a motion to accept the agenda, seconded by Councilmember Gillespie. The vote was unanimously in favor.

IV. PUBLIC COMMENTS – Mayor Railey wanted the audience to be aware that the role of Council is to hear comments from the public and not to go back and forth in discussions with those electing to speak. If additional discussions need to be made regarding the subject, Council will seek out those persons and talk to them individually but not during this portion of the meeting. Mr. Attaway added that if anyone elects to speak regarding the two text amendments later this evening, it would be open for the public to speak. No individuals elected to speak during this time.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting held August 8, 2022. Councilmember Funderburk made a motion to approve the minutes, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

- A. Welcoming of the Lowell Citizens Academy Class of 2023 – One of the four participants was in attendance and was greeted by the Mayor.
- B. Arbor Day Proclamation – read by Mayor Railey.
- C. Hispanic Heritage Month Proclamation – read by Mayor Railey.

VII. CONSENT AGENDA – Mr. Attaway made note of a typo to 7F. The Text Amendment was corrected from “Gastonia County” to “Gaston County”.

- A. Planning Department and GIS Report – Councilmember Funderburk asked if there is a specific day that employees go out to view/inspect properties, buildings, and homes. Mr. Attaway said that it is based off call volume, email submittals, and complaints that come into the office.
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Report
- F. Designation of a Lowell Police Chief to make recommendations to the NC ABC Control Commission on ABC Permit Applications.

Councilmember Funderburk made a motion to approve the Consent Agenda, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VIII. UNFINISHED BUSINESS

- A. Public Hearing for Rezoning Case #RZ22-03 Regarding Parcel ID #'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 go into the Public Hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Joe Gates then presented the conditional rezoning case. He stated this case is a continuation of what was brought forth to Council in the last few months. The Pulte Group has come forward to rezone this area and parcels for a conditional rezoning for a residential development. Pulte has had their public meetings and subsequently amended their application to decrease the amount of land from the original application based on them. They are still proposing the same total amount of units at 422 and they are still proposing same zoning classifications as before. A list of conditions was attached to the rezoning after a review from staff and input from other agencies like Catawba River and others who attended the public meeting. There were no questions from the council nor the audience at this time.

Bridgette Grant, Land Use Consultant with Moore & Van Allen Law Firm, gave a brief presentation about the project as well. She is working with Melissa Oliver from the Pulte Group. Ms. Grant talked of the different conditions to the amendment including: with the reduction of land they were able to reduce the number of homes from 490 to 422, the density remained the same at 1.86 dwelling units per acre, ability to use the smaller lots to create larger protected open spaces and increase the buffers along the conservation area, increased the tree save with open space and also have some contributions to the Thread Trail. She stated the revised overall site plan was intended to leave the balance of the site to not develop that area and keep the preservation of the area intact. Mr. Attaway added that rainwater flows directly to the South Fork River. With no questions from the audience, Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Bonham then made a motion to approve Ordinance No. 5-2022. He stated this amendment is reasonable because the subject property allows for the growth and expansion of neighborhoods supporting the local economic base of the City while improving access to quality

open spaces and environmental amenities to improve the quality of life for Lowell residents. The motion was seconded by Mayor Pro Temp Smith. Councilmember Funderburk thanked Pulte Group for working with the Catawba Land Conservatory and that makes her as well as the residents feel better. She still has concerns about the traffic issues. Councilmember Fulbright also thanked Pulte for their work with the Catawba Land Conservatory and also has concerns with the pending traffic issues but understood the reasoning behind the decisions of the Department of Transportation (DOT). With no other discussion, the vote was unanimously in favor.

- B. Public Hearing for Consideration of Text Amendment to Lowell Development Ordinance Article 8, Table 8.1 Regarding Beauty Shops and Barber Shops. Councilmember Funderburk made a motion to go into the public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Presented by Joe Gates. He noted that in the July meeting a draft of this text amendment was presented regarding the shops in the Main Street zoning districts. This amendment caps the number of beauty and barber shops currently have downtown and that number can't be increased. With no discussion from the audience or council, Councilmember Funderburk made a motion to close the public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Councilmember Fulbright then made a motion to accept the text amendment to Lowell Development Ordinance Article 8, Table 8.1 Regarding Beauty Shops and Barber Shops, seconded by Councilmember Funderburk. The vote was unanimously in favor.

IX. NEW BUSINESS

- A. McCord Park update – presented by Mr. Attaway. In the FY23 Budget, the City allotted \$18,000 for this park to get the landscaping done to which a shade structures will consume all of that for their work. We tried for 6-9 months during the budget process to get quotes from the private sector with no bids received. Public Works Department decided to do as much of the work as possible. We are waiting on the contracting and subcontracting quotes. We are getting quotes now on shade structures which will necessitate a budget amendment or to move funds around for the completion or using ARPA funds. The Finance Director is tabulating expenditures to see where we are in the budget or use of these funds. Will try to bring more information to the Oct hearing and a recommended budget amount to finish the job. The other timeline for the project is all the planning. Councilmen Bonham asked if there will be a stage there. Mr. Attaway said yes, and it will be on a slab. Councilmember Funderburk and Fulbright asked if that is permanent? Mr. Attaway stated Cristy Cummings, Parks and Rec Director is looking into both permanent and removable options. Mr. Attaway then shared the design map of the location showing seating, benches, trees, and shrubbery. Councilmember Funderburk asked when the trees in the area will be cut. Mr. Attaway said that will be contingent upon the tree farmers recommendation on when they want to do it. Would think in late September or early October when it's a little cooler.
- B. Consideration of Lowell Water and Sewer CIP Update – Presented by Mr. Attaway giving the background. He reminded Council that they went through the update on the Lowell Water Sewer plan during this past fiscal year budget. What is needed to be done this evening is to conduct a study for a preconstruction planning grant for the project regarding the wastewater interconnection with Two Rivers Utilities. The grant awards a maximum \$400,000 and the City is applying to receive all. When staff met with NC Department of Environmental Quality (DEQ), it was recommended to also apply for the actual construction grant as well. This is for \$10 million. The 2019 study was reviewed by the City Engineer (Labella) for the Lowell 2030-35 timeline and will work with staff on the grant application. The grant requires applications be submitted by

September 30, 2022 and include the CIP amendment with the application. With no questions, Councilmember Bonham made a motion to approve updating the revised City of Lowell CIP, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- C. Consideration of Resolution RS10-2022 for Preconstruction Planning Grant for a Wastewater Interconnection with Two Rivers Utilities – Presented by Mr. Attaway. This is the grant submittal requirement for the \$400,000 grant Lowell is applying for. Councilmember Funderburk asked how long it takes to get the funds. Mr. Attaway said approximately four months if approved and it is based on the submittals of other areas. Councilmember Bonham made a motion to approve the Resolution RS10-2022 for Preconstruction Planning Grant for a Wastewater Interconnection with Two Rivers Utilities, seconded by Mayor Pro Temp. Councilmember Gillespie asked if we are not awarded this grant, would we have to go through a loan. Mr. Attaway stated we would evaluate that at that time. The vote was unanimously in favor.
- D. Consideration of Resolution RS11-2022 for Construction Grant for a Wastewater Interconnection with Two Rivers Utilities. This is the grant submittal requirement for the \$10 million grant. Councilmember Bonham made a motion to approve Resolution RS11-2022 for Construction Grant for a Wastewater Interconnection with Two Rivers Utilities, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- E. Consideration of Contract Extension with Centralina Council of Governments for CDBG-NR Construction Management Services. – Presented by Mr. Attaway. This is essentially a contract extension from January 1, 2021 to January 1, 2023 to avoid spending as much of the CDBG funds on the management of the project instead of the actual work of it due to delays. The delay comes from the Community Center and getting bids on the work needed. The City currently has a bid advertisement out for the Community Center that is due September 26 with at least one or two interested parties. We have to have at least two to bid. The Centralina contract amount is now increased from \$50,425 to \$67,233 coming from CDBG grant funds. Councilmember Fulbright asked what would happen if the work is not completed by the due date. Mr. Attaway stated that there would then be an issue with the Department of Commerce for not finishing by June 30, 2023 as we have already had extensions in the past. Earlier extensions were due to COVID and now the issues are more related to the lack of bid interest. Staff has narrowed down the scopes to be more concise in the hopes of obtaining more bids. Mayor Pro Temp made a motion to consider a contract extension with Centralina Council of Governments for CDBG-NR Construction Management Services, seconded by Councilmember Bonham. The vote was unanimously in favor.
- F. Interdepartmental Transfers for FY Budget 22 within the General Fund and the Water/Sewer Fund. Section 9 of the Budget Ordinance allows the transfer between departments within the same fund, including contingency appropriations, not to exceed 10% of the appropriated monies for the department whose allocation is reduced. The next meeting will show exactly what was done and he showed where we currently are in terms of the budget. For FY22 Public Safety had a large surplus due to the lack of filling a position and continue to search for another Police Officer, leaving salary funds available. There were appropriations from Administration that needed the interdepartmental transfers. Overall, when excluding the Powell Bill because that budgeted amount cannot change, the City is in good shape due to the unfillable positions and being fiscally conservative with the budget. A motion was not needed-Information purposes only.
- G. Consideration of Appointment of Jessica Holbrook, on behalf of Tech @ Lowell Library, and Anne Massey, City Resident, as members of the Lowell Community Committee (LCC) for the

City of Lowell. Councilmember Gillespie made a motion to consider the appointment of Jessica Holbrook, who is here tonight, and Anne Massey, City Resident, as members of the Lowell Community Committee (LCC), seconded by Mayor Pro Temp Smith. Mr. Attaway added that he spoke with Cristy Cummings regarding their bylaws that you have to be a Lowell resident or business owner. Jessica runs the local library and works on a lot of events with Cristy. He thought it fitting that she be a part of this group. The vote was unanimously in favor.

- H. Consideration of Text Amendment to the Lowell Code of Ordinances Chapter 94-Litter Ordinance. Update to add Section 94.20 and create new text addressing pet waste and add definitions to Section 94.02. - Presented by Joe Gates. He stated this was noticed during the end of year review. This is in regard to a subsection to include pet wastes, disposal criteria and would add a new Section 94 in order to stay in compliance. Other towns around NC also include this language. Councilmember Funderburk asked if this is in general or on City property. Mr. Gates said the ordinance states that all pet owners are the responsible party and are responsible to pick up and properly dispose of waste left by their pets. Councilmember Gillespie asked if there have been issues called in. Mr. Attaway said it is not complaint-based but a requirement of the State for the Stormwater Management plan. Mr. Gates stated the focus is to keep it out of the stormwater. Councilmember Fulbright asked what happens if we do not comply. Mr. Attaway said there will be monetary fines if we are not in compliance. Councilmember Gillespie asked who will enforce the law, they will not actively look for problems but if there is a call, there will be a recourse for the situation. Mr. Attaway said Mr. Gates, Planning Director, will. Councilmember Bonham made a motion to consider a Text Amendment to the Lowell Code of Ordinances Chapter 94-Litter Ordinance. Update to add Section 94.20 and create new text addressing pet waste and add definitions to Section 94.02, seconded by Councilmember Funderburk. The vote was Gillespie, Smith, Funderburk, and Bonham for and Fulbright against.

- X. **CITY ATTORNEY REPORT** – One update regarding the Labro property that there is a signed contract for the property in place with a court date of September 26 in Gaston County. He was not able to get the name of the owner but will provide information to Council as he receives it.

XI. **CITY MANAGER REPORT** –

- A. Community Center bid opening for repairs on the exterior will take place on September 26, 2022 at 2:00 pm.
- B. Attended Two Rivers Vitality Board Meeting which is held annually. Discussed their upcoming plans to do a rate/usage study. We will see who will be selected to perform the study around the first of the year.
- C. Water System Lead and Copper Rule update. The City is due to have a lead service inventory and placement strategy by October 6, 2024 required by the EPA. A lot of information to digest and Two Rivers has recommended hiring a consultant to help with the daunting task to help with staff in-house.
- D. Stormwater MS4 Update – A 30-day extension was granted the City to submit the update. Staff has about 3 weeks to submit this annual report.
- E. The City of Lowell was granted an AmeriCorp Member from Regional Stormwater Partnership of the Carolinas. Mr. Gates met with the representative last week. She may come into the office to work or work remotely, and it doesn't cost the city anything. Mr. Gates added that she will

mostly be used for public outreach with schools in our jurisdiction and community. She is also a former teacher.

F. Software Updates:

1. Launched new website with ProudCity and received positive feedback about looks and ease of use.
2. Polimorphic is moving along with the utility side software and the platform Joe Gates is working with them on updates specific to Planning Zoning. Polimorphic is working with Southern Software for utility building updates as well.
3. Will be looking into a new agenda creation software to help with the time consuming task of preparing the agenda monthly.

G. Will be taking on two appointments with the NC City and County Managers Association (NCCMA). One with the program committee and the other with the Master of Public Administration (MPA) Collaboration working with other MPA programs in the NC regions to get students more involved for the future. Good way to get interns and help on projects. Mr. Gates is scheduled to speak at his son's school about the prospects of working for a municipality.

H. NCLM Legislative Listening Goals Sessions for Council members to possibly attend. He asked if any members are interested to let him know if they are interested in attending one of the upcoming three meetings to build the Legislative agenda from Lowell's perspective.

I. Economic Development in the East Update from the Gaston Chamber. A breakfast meeting will be held September 22, 2022, and we are scheduled to attend if interested.

J. Aesthetics and Betterments survey was completed by Council and a Managers meeting will be held on September 27, 2022, to go over the results and he will report on the results of Gaston County selections. Councilmember Funderburk asked if we have to participate in the work that will be done. Mr. Attaway said no and we could just accept the results.

K. He noted that Mr. Stroupe, GIS Analyst, put together a map of the 2022-2026 highway maintenance improvement programs or State roads. Some scheduling of the resurfacing of streets are scheduled in each year. Councilmember Funderburk asked about the consistent potholes on Groves Street and DOT's responsibilities. Mr. Attaway said they have to do testing to determine if they will be able to do the repairs and how quickly they can begin but Public Works has done some of the work themselves for safety purposes.

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

A. Councilmember Gillespie wanted to address the Northpointe progression and their plans for a park on about 4 acres of land. He requested that when naming the new park, it should be considered to name it after a Black person so the history of the community will be represented. He suggested his father as a possibility having been the first Black person to run for Lowell City Council. Mr. Attaway said he believe the area will be donated to the city and he will bring that information back to the City. Councilmember Gillespie also mentioned Larry Morrow that had a bridge named after him.

B. Councilmember Funderburk asked Mr. Attaway about the \$10,000 to Montcross Area Chamber of Commerce (Belmont). Mr. Attaway said we did execute that. He said we'll have a formal report on the progress soon. She also mentioned NorthPoint in a meeting they were talking about the park they are doing. She said that NorthPoint worked on two homeowners who didn't get their way initially but didn't work on others to get what they needed. She didn't think they were being fair and she saw them in a different light now.

- C. Councilmember Fulbright stated that she knew of one of the two women who were getting updates from NorthPoint and thought they were very fair and showed character. She also mentioned, regarding the naming of parks, that there are not any named by a woman either.
- D. Mayor Railey thanked everyone for coming and specifically thanked the Police Department for a successful drug bust recently.

Councilmember Funderburk made a motion for a quick break before the closed session, seconded by Councilmember Bonham at 7:30pm. The vote was unanimously in favor. Closed Session resumed at 7:36

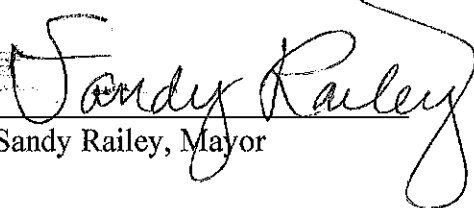
XIII. CLOSED SESSION


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

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

- XIV. ADJOURN** – Motion to adjourn was made by Councilmember Fulbright, seconded by Councilmember Funderburk. The vote was unanimously in favor. Adjourned at 7:53pm

ATTEST:


Sandy Railey, Mayor


Cheryl Ramsey, City Clerk