

# MINUTES

Lowell City Council  
Regular Meeting

Tuesday, January 10, 2023, 6:00 P.M.

## I. CALL TO ORDER – Mayor Sandy Railey

Mayor Pro Temp Travis Smith called the meeting to order at 6:00 p.m. Mayor Railey was unable to attend. Those attending in-person were Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright. City staff present were City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Joe Gates, Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, Parks and Rec Director Cristy Cummings, GIS Analyst Todd Stroupe, 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 prior on the city’s website. 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 noted the agenda was amended striking Section 8A, Public Hearing for Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it relates to a Portion of Taylor Avenue and adding it to New Business, Section 9F. There were issues with advertising the hearing and Council will need to set another public hearing. Councilmember Bonham made a motion to approve the adoption of the agenda with noted changes, seconded by Councilmember Funderburk. The vote was unanimously in favor.

## IV. PUBLIC COMMENTS

A. Larry Simonds of 1603 Power Dr spoke about the problems with Lowell particularly regarding the park across the street. He was wondering where the money is going.

## V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held December 13, 2022

Councilmember Funderburk made a motion to approve the minutes from the November 8, 2022 Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.

## VI. SPECIAL PRESENTATION

- A. Resolution RS01-2023 for Recognition of Excellent Police Work by De-escalation for Officers Tinoco and Lowery. Chief Moore explained what transpired on the day of de-escalation and acknowledged their excellent police work. Mayor Pro Temp Smith then read the resolution. It was also noted that Officer Lowery is a new Officer with the City of Lowell.

## **VII. CONSENT AGENDA**

- A. Planning Department
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report

Councilmember Bonham made a motion to accept the agenda, seconded by Councilmember Funderburk. The vote was unanimously in favor.

## **VIII. NEW BUSINESS**

- B. Public Hearing for LDO Text Amendment ZTA22-04 for Article 13 Streets, Section 13.6-1. Councilmember Funderburk made a motion to go into public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Presented by Joe Gates regarding NorthPoint Development wanting to amend the current LDO to add the highlighted portion of the following: Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks on one side of the road directly abutting residential lots of less than 1.2 acres may be permitted in the agricultural district **or developments utilizing the Industrial Street section located in the City of Lowell Technical Standards and Specification Manual** to protect water quality. If this change is implemented, it will be citywide. The size of the sidewalks would match the residential areas. Trees would be required on both sides. The new template allows for sidewalks just on one side of the roads that would be built in the industrial street sections but in addition you would see wider lanes for truck traffic and the sidewalk is moved further out. He showed maps of the street sections and stated this was initially unanimously approved by the Planning Board. Mr. Attaway mentioned that Scott Wilson, Planning Board Chairman was in attendance. They have been asked to have a representative come to Council meetings when a case arises that they have reviewed.

Councilmember Bonham said his concern is when we transition from one zoning to a different zoning, how do we maintain the look of it without it stopping and going and look smooth in the transition. Mr. Gates said some of that can be done during site plan reviews. DOT and the Transportation authority would also be involved. He said they would try to keep all the characteristics the same but they may have some differences with the different zoning districts. Mr. Attaway also explained more about sidewalks curbs and gutters. Councilmember Bonham said the answer helped but not really satisfied as he would like to see a better, smoother transition from industrial to residential. Mr. Gates said staff will always review sidewalk intersections and how areas are identified when there is a change (crosswalk for example) so they would ensure that this process is a seamless and safe as possible.

Mr. Attaway asked Toby Wiles with NorthPoint where he thought the transition was with the two sidewalks where the industrial zoning connects. Mr. Wiles stated from Cobb Street to S. Church Street will all be curbed with sidewalks on both sides. They didn't address specifically where that sidewalk would end but he would guess it would be right where the proposed park is and would make the most sense to go from the crosswalk to the park. There was further review of the map and discussion regarding the sidewalks.

Councilmember Fulbright asked if we will see how it looks. Mr. Attaway said staff will review and approve but there will not be another council review. Once this is approved by council it will give staff the parameters to go by using the goals and objectives of the council.

Councilmember Funderburk made a motion to come out of public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. With no further discussion, Councilmember Bonham made a motion to approve Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1, seconded by Councilmember Fulbright. The vote was unanimously in favor.

- C. Public Hearing to Amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal. Motion made by Councilmember Bonham to go into the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Presented by Joe Gates to summarize what has transpired with the Lowell Community Committee (LCC) and their support for this agenda item as written to clean up the city. Mr. Attaway added that it is clarifying approved items that can't fit in city provided trash bins which is the point to the free quarterly bulk policy. The amendment specifies that this is outside of the already scheduled quarterly bulk item pick-ups. Other jurisdictions were contacted and we found that they do not typically do as many pick-ups as Lowell, most have two. Per statute we can only hold the sanitation account holder responsible, not necessarily the owner. Lisa Nolen, Finance Director discussed the statute further. She said the only way to hold the owner responsible is through code-enforcement. The fees would just be for the sanitation account holder. Mr. Attaway said this is an additional service. Customers do not need to call the city but just put their item out on the regular trash day and the utility billing will bill them for the service.

Councilmember Funderburk asked if something, a note for example, would be left at the door for them. Mr. Attaway said that a tag will left on the door and a picture would be taken of the item(s) collected. He stated that there will two opportunities to vote for this after the public hearing. One is the Code of Ordinances amendment and two is to adopt the amended 2022-2023 fee schedule.

Mayor Pro Temp Smith asked what if you have a property owner with a dumpster for private sanitation pick-up and they have additional items out to be picked up beside the dumpster, how would that be handled? Mr. Attaway said if they have a sanitation account that would be what this policy is for. Mrs. Nolen said there are customers that do not have trash pick up and only water and sewer. If they don't and have the dumpster, the issue would then go back to the code and be considered a violation and we would follow that process or Section A and B of this ordinance.

Councilmember Bonham thanked Mr. Bill Knox for bringing this to council's attention last month. He then stated this is restricted to those who fall outside of the bulk time period, which is

included in your taxes. He said there are other means of disposing your trash including renting a truck from the city that will be picked up and dumped by city employees or go to Lowes but if you choose not to follow that then there are costs associated with it. He said we can talk about the fee schedule later on but as far as adopting this, it makes perfect sense to avoid our workers from doing things they were not hired to do. Not to mention that this work tears up the trucks and equipment. Mr. Attaway said larger amounts would be determined by the Sanitation Department and discussed how the amount and size of trash determines the fee amount.

Councilmember Fulbright asked about people randomly dumping on other people's yard, who gets charged? Thomas Shrewsbury, Public Works Director, stated that has happened sporadically. He said if we can identify them, we get the police involved but ultimately it is their property, and they are responsible, but we try to work with them as best as we can.

Jim Kiser was allowed to speak from the public and is a member of the LCC. He said they may need to review the fee schedule after 6 months and make adjustments. Councilmember Funderburk asked how the LCC came about this issue if it is approved by council. Mr. Attaway said they are a citizen advisory committee, and they deal with a lot of policies regarding beautification. Bill Knox mentioned the property on N Main that is an issue right now with four units. He asked how will the Sanitation workers know who is responsible for the items put out there? Is that going to kick back to code enforcement where it will be sitting out there for months. Mrs. Nolen said that would have to be through code enforcement. Mr. Attaway said we would work with the owner but statute is to go to the utility account holder.

Councilmember Bonham made a motion to come out of public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Funderburk then made a motion to approve to amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Bonham then made a motion to approve the proposed addition to FY23 fee schedule, seconded by Councilmember Funderburk. The vote was unanimously in favor.

## **VI. NEW BUSINESS**

- A. Appointment of Council Delegate to Centralina COG. Presented by Mr. Attaway. He spoke with the Mayor Railey earlier and she is interested in continuing if everyone is ok with that. Councilmember Gillespie was the back up. Councilmember Bonham made a motion to appoint the mayor as the delegate and for Councilmember Gillespie to be the backup, seconded by Councilmember Fulbright. The vote was unanimously in favor.
- B. Consideration to Set Public Hearing for Master Sign Application, Case # MSP-22-01. Presented by Joe Gates to request for a master sign plan application. He discussed the issue where the applicant is asking to increase the wall sign area from 32 sq ft to 96.4 sq ft. Mr. Attaway clarified that the sign has already been installed at the larger height in error. It was permitted by Gastonia in error for Newell Brands. We agreed to fend off any violations until the final vote (at the hearing), if any, since they are pursuing the right course of action by bringing the issue to us and attempting to rectify it. Councilmember Bonham made a motion to set public hearing for Case #MSP-22-01 for February 14, 2023, at 6pm, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- C. Consideration to add Firework Show in 2023. Presented by Mr. Attaway. He stated after this topic was brought up in the budget meetings last year by council and the public, he had Cristy Cummings, Parks and Rec Director get some quotes for information and discussion. Councilmember Fulbright stated she doesn't like them and that they are a nuisance. She said it effects shift workers, dogs, and cats. She thinks they should be outlawed and even if we considered it, \$12,000 is a lot of money for it. She suggested maybe a laser show. Mayor Pro Temp Smith said he didn't realize about the animal issues but agreed the price was high. Councilmember Bonham stated he was not debating about the animals but stated this was not worth the tax dollars to the citizens and doesn't see the benefit. Councilmember Funderburk agreed. Mr. Attaway stated that we will leave the item alone and save those funds for the Master Plan.
- D. Discussion and Consideration of 2023-2024 Biennium Legislative Goals from the NC League of Municipalities. Mr. Attaway went over the purpose of the goals and noted that council could make their selection tonight with the tally sheet they were provided as they are due on January 13<sup>th</sup>. They were asked to select their 10 (out of 16 choices) and submit to the City Clerk by the end of tonight's meeting. The top 10 selections would be sent to the mayor to report to the League.
- E. Consideration of Approval for Banking Services Request for Proposals (RFP) – presented by Mr. Attaway noting the RFP was in front of them. It was reviewed by the City Attorney, John Russell. Mr. Russell said this is what would be involved in the RFP and suggested council give their input. Staff would then proceed with the process. Councilmember Funderburk made a motion to proceed with the approval for banking services Request for Proposals (RFP), seconded by Councilmember Fulbright. The motion was voted unanimously in favor.
- F. Public Hearing for Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue. Presented by Mr. Attaway. He reiterated the issue earlier regarding the advertising of the hearing. In order to meet the statutory advertisement requirements, we need to set the hearing and advertise timely. We've already gone forward with the resolution of intent, and this would be to set a public hearing. Councilmember Funderburk made a motion to set the public hearing for consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue for February 14, 2023, at 6pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

**IX. CITY ATTORNEY REPORT - No updates**

**X. CITY MANAGER REPORT**

Scott Attaway gave updates on the following items:

- A. Chemical Plant demolition update – meeting is scheduled in two weeks with the demolition contractors to discuss the project with personnel from NCDEQ.
- B. Banner Poles set to be installed next week around the city. Cristy found a vendor for other banners that can be used in the future.
- C. City Hall directional and ADA signage is set to begin next week.
- D. Staff intends to apply for a Carolina Thread Trail grant that is due January 26, 2023.
- E. Recreation grants for Bob Bolick and Harold Rankin parks. We will work with Withers Ravenel and give council updates after the meeting with them.
- F. I-85 Betterments – we will discuss this further in the first budget retreat on January 26, 2023.

G. McCord Park update- Instillation of shade structure will be in first week of March. Staff is working on ordering items and will do some planting in the Spring.

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

Councilmember Funderburk asked that since Truist Bank is leaving Lowell, can we look into getting an ATM somewhere. She also stated that citizens do want to know what we do with ARPA money and suggested putting something on the website about where money is coming from and how it is spent and what we can and cannot use the money for. Other than that, she thinks everything is going great. Councilmember Bonham thought that [updating website to show where money is going] was a good idea. Mayor Pro Temp thanked everyone for coming.

Councilmember Funderburk made a motion to take a 5-minute break and then go into Closed Session at 7:25 seconded by Councilmember Bonham. The motion was voted unanimously in favor.

**XII. CLOSED SESSION**

A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)

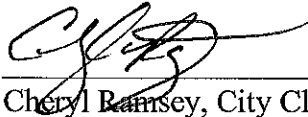
Councilmember Bonham made a motion to come out of Closed Session, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.

**XIII. ADJOURN**

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 8:19 pm.

ATTEST:

  
Mayor Sandy Railey

  
Cheryl Ramsey, City Clerk