

MINUTES

Lowell City Council

Regular Meeting

Tuesday, April 11, 2023, 6:00 P.M.

I. GENERAL

A. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:00 p.m. Those attending in-person were Mayor Pro Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright. City staff present were City Manager Scott Attaway, City Attorney John Russell, Planning Director Joe Gates; Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, 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.

B. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the Invocation and led everyone in the Pledge of Allegiance.

C. ADOPTION OF AGENDA FOR THIS MEETING

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

D. PUBLIC COMMENTS

1. John Cato of 109 Walnut St asked whether public comments can be placed at the end of meetings. Mr. Attaway responded saying it is the rules of the agenda, approved by the Council and is commonly done at the beginning of council meetings. He said it is up to council to change the order. John Russel then elaborated on the topic. Mr. Cato said he has been getting calls from residents about the water bills being too high. He then asked about Covid funds and where they are being used. Mayor Pro Temp Smith suggested Mr. Cato review the latest Lowell newsletter as it states how the Covid money is being spent. Councilmember Funderburk asked Mr. Cato to have the citizens call him to contact them when issues arise or call City Hall to address high water bills.

II. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held March 14, 2023

Mayor Pro Temp Smith made a motion to approve the minutes with changes previously addressed when Council received them prior to the meeting. There were two corrections, the name of Highway #7 and to correct a name of a citizen from the March 14, 2023, Council meeting, seconded by Councilmember Funderburk. The vote was unanimously in favor.

III. SPECIAL PRESENTATION

- A. **One Gaston 2040 Vision Presentation** – presented by Leslie Lee, Executive Director of Gaston Together. She shared the results of the vision for Gaston County via PowerPoint focusing on defining traits of Gaston County and focus areas to help the county grow.

IV. CONSENT AGENDA

- A. Financial Report
- B. Planning Department
- C. GIS Report
- D. Parks and Recreation Report – March Monthly report for Parks and Recreation presented by Cristy Cummings
- E. Police Report
- F. Public Works Report

With no questions or changes, Mayor Pro Temp Smith made a motion to accept the agenda, seconded by Councilmember Fulbright. The vote was unanimously in favor.

V. UNFINISHED BUSINESS

No items to present.

VI. NEW BUSINESS

- A. **Consideration of Adoption of Addendum to the Harold Rankin Park Site-Specific Master Plan.** City Council approved the conceptual design of the site-specific Master Plan for Harold Rankin Park. Documentation [noted in the agenda packet] is a narrative of the project that summarizes the park project and conceptual design. Presented by Scott Attaway. The Site-Specific Master Plan was approved by City Council at the October 11, 2022, City Council meeting. City staff recommend adding an addendum for the park in which we are also applying for the Parks and Recreation Trust Fund grant. This is a \$500,000 grant from Part F for updates on 50% of the amenities at the park. This plan is a requirement of applying for Part F. He then discussed and illustrated the new conceptual plan with the council. With no questions, Mayor Pro Temp Smith made a motion on the adoption of the Addendum to the Harold Rankin Park Site-Specific Master Plan, seconded by Councilmember Bonham. The vote was unanimously in favor.
- B. **Resolution 04-2023 to Adopt and Approve Harold Rankin Park Master Plan Report.** Councilmember Bonham made a motion to adopt and approve Harold Rankin Park Master Plan, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- C. **Preliminary Capacity Assurance Review (PCAR)/ Willingness to Serve – Beacon Partners-McAdenville Industrial Project – Parcel 306717.** Presented by Mr. Attaway regarding a proposed development on Saxony Drive (behind Lowell Elementary) and the developer's request

to be serviced with sanitary sewer services. The site is located within the City's Utilities Service area but is not in the Municipal City limits of the City of Lowell. They are proposing to use over 5000 gallons per day, therefore requiring approval by City Council for the Preliminary Capacity Assurance/Willingness to Serve.

Mr. Gates then discussed the project and location of the lines currently and Beacon Partners proposal for the new line. He also mentioned this was approved unanimously by the Planning Board at their April 4, 2023, meeting. The developer wants to replace 4,478 linear feet (LF) of the existing 15" sewer outfall with approximately 2300 LF of new 15" epoxy lined DIP or PVC. The proposed line would be underground and have manholes with an accessible sewer easement, making it easier for Public Works to maintain. The estimated cost of construction and engineering is approximately \$1,059,000 and the developer will pay the entire cost if they decide to move forward. He stated that the Public Works Director and City Engineer have determined that the City of Lowell can undertake the developer's request of an average daily sewage flow of 38,000 gallons per day. He said this is not a guaranteed project but there is a possibility, and the developers are showing interest. Mayor Pro Temp Smith asked if this included our future capacity? Mr. Attaway said we keep a running spreadsheet of what we use and he, the City Engineer, Public Works Director, Planning Director, and GIS Analyst watch this very closely. They determined we do have the capacity to handle it as well as future capacity. Mr. Shrewsbury added that this is advantageous for his staff when it comes to maintaining the lines and gave some examples of issues in the past. The line would be maintained by the City of Lowell.

Councilmember Bonham asked who is responsible for digging out the old line? Mr. Attaway said that would be Beacon Partners. Councilmember Funderburk asked who will maintain the new line? Mr. Shrewsbury said the City of Lowell will. There was a brief discussion about the capacity. With no other questions, Councilmember Bonham made a motion to approve PCAR Parcel #306717, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- D. Request to Set Public Hearing – Text Amendment – Table 17.1 Permanent Sign Standards and Criteria.** Presented by Mr. Gates. He stated the Planning Board voted unanimously to recommend approval for a text amendment to the LDO regarding the permanent sign standards and criteria. The hearing would also include the addition of language regarding drive-through menu signs to the LDO. Mayor Pro Temp Smith made a motion to set a Public Hearing for Text Amendment – Table 17.1 Permanent Sign Standards and Criteria for May 9th at 6pm, seconded by Councilmember Bonham. The vote was unanimously in favor.
- E. Consideration of Illicit Discharge Detection and Elimination (IDDE) Plan adoption.** Presented by Mr. Attaway. He stated the IDDE is required of the city's MS4 permit that is enforced by the State for the stormwater in the city and completed by July 1, 2023. Mr. Gates discussed the existing ordinance and requirements. He stated the Stormwater Commission unanimously approved the plan in their April 4th, 2023, meeting.

Mayor Pro Temp Smith asked if there will be a charge on the water bills in the future? Mr. Attaway said no. He said it is required by the State and if we don't do it, we may be fined by the State as a violation of the MS4 permit. Councilmember Funderburk made a motion to adopt the

City of Lowell Illicit Discharge Detection and Elimination (IDDE) Plan, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

F. Consideration of Adoption of Façade Improvement Guidelines and Grant Program.

Presented by Mr. Attaway. He said this program was last amended in 2013 and only services the downtown area of Lowell. It was brought up by new businesses interested to see if we had a grant program as well as in discussions with the LCC [Lowell Community Committee]. Mr. Gates then went into the specifics, changes recommended and qualifications to apply.

Applicants would have to expand geography to include the residential Main Street Transitional district, including Mixed-use or #1 and #2 districts, our Interstate Highway Commercial district, and our US Highway 74 Commercial district. These areas get a lot of traffic, and it was determined they should be able to apply to assist in reinvesting, updating, and adding beautification to their properties. He then elaborated on some of the other requirements the LCC focused on to determine grant recipients including helping businesses that are initially rejected to re-apply once they complete the requirements. Mr. Gates stated that once awarded, the applicants have to sign an agreement with the city stating improvements will be completed in four months. They will have the option to apply for a two-month extension if necessary. Councilmember Bonham said this was a great opportunity and he liked the idea that there were two deadlines being offered to encourage people to apply.

Mr. Gates stated that applications would first go to the LCC where they will evaluate it and once approved, they would send it to City staff for review, and then to City Council for final approval and appropriation of funds. Councilmember Funderburk asked if they have a number that would be accepted per year. Mr. Attaway said they have two cycles with the first due September 30, 2023, and the second due February 28, 2024. Both are funded to the maximum of \$2500 so there is \$5000 budgeted in the upcoming budget and there is other funding budgeted for upcoming LCC projects. She asked how many businesses can apply? Mr. Gates said there is no limit because there is no way to predict the types of projects. The guidelines will help the LCC make the decisions. She asked how businesses would be notified that this is available? Mr. Attaway said we can put it in the next newsletter and online on the website. He said Sue [Lowe, in Billing] does a good job with handing out information to new businesses and this can be given to them as well. He said Joe can also give developers the information when they sign up for permits. She asked what about an email list? We do not have a completed list, but Todd can use GIS to potentially locate businesses. She thinks that is a good idea.

With no further discussion or questions, Councilmember Funderburk made a motion to adopt the Façade Improvement Guidelines and Grant Program, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- G. Consideration of ABC Permittee at City Events** – presented by Mr. Attaway. He stated he received an email from John Searby, Executive Director of Catawba Riverkeepers and his interest in getting involved with community events in Gaston County, like the upcoming BBQ Cook-off on May 20th across the street [McCord Park]. This would allow them to bring in breweries for events. He was told that if they were selected as the ABC Permittee at Lowell events, a portion of the profits from the sales would be attributed to any grant match in the future for Stormwater. Councilmember Bonham asked if this would box anyone else out from applying. Mr. Attaway said no and what we have done in the past is that Cristy Cummings would, per

ABC regulations, invite three breweries if available. Councilmember Bonham said he wanted to make sure that other organizations are not prevented from applying or participating. Mr. Attaway suggested having someone for a full fiscal year for all events, allowing us to be open to other potential organizations on an as needed basis. With no other questions, Mayor Pro Temp Smith made a motion to approve Catawba Riverkeepers as our ABC Permittee at City Events, seconded by Councilmember Bonham. Councilmember Gillespie stated that he doesn't have a problem with this morally but personally he will vote against it. The vote was Councilmembers Bonham, Funderburk, Fulbright and Mayor Pro Temp Smith for and Councilmember Gillespie against.

- H. **Consideration of Parks and Recreation Trust Fund (Part-F) Grant Basic Facts and Assurances.** Presented by Mr. Attaway. John Russell first suggested it be voted on to amend the agenda to include this item. It was not added online in the packet at the time of the meeting and brought forth to council at the beginning of the meeting. Councilmember Bonham made a motion to amend the agenda to include item 6H Consideration of Parks and Recreation Trust Fund (Part-F) as our application for the City of Lowell, seconded by Councilmember Gillespie. The vote was unanimously in favor.

Mr. Attaway continued stating this is in correlation with item 6A above. Councilmember Funderburk asked when we will be notified, we were approved for the grant. Mr. Attaway said sometime this summer. With no other questions, Councilmember Bonham made a motion to approve the City of Lowell Parks and Recreation Trust Fund (Part-F) as it relates to Harold Rankin Park, seconded by Councilmember Gillespie. The vote was unanimously in favor.

VII. Reports/Discussions

- A. **City Attorney Report** –Mr. Russell gave a brief update of the City and Town Attorney's Conference he attended last month in Chapel Hill. There were a number of bills brought forth to the General Assembly including Medicaid expansion which the NCLM (NC League of Municipalities) have brought to the attention to municipalities including municipal audits and their timeliness issues. He said that Lowell has been timely compared to other cities of similar sizes. Other areas being reviewed include taking away some of the control from localities including short-term rentals, Airbnb's etc. and concerns about local governments' closed sessions not being properly handled. He said there have been issues with City Council's talking broadly about items not on the agenda so there will be some new bills that will address this concern. Mr. Attaway thanked Mr. Russell for attending this conference to help us address any relative issues that arise from them.
- B. **City Manager Report** -Scott Attaway gave updates on the following items:
1. Newell Ribbon Cutting- was attended this morning at Gateway 85 Park. He said it was a fantastic building attended by the Gaston County Commissioner, City of Gastonia Council, and Lowell Mayor and Council. He stated the building is over 1.5 million square feet, slated to have 170 employees up from the original estimate of 120 employees. They are employing artificial intelligence forklifts this summer which adds staff as the technicians to operate them.

2. McCord Park update- McCord Park will be fully ready by May 20th in time for the Barbeque cook-off. Public Works is currently working on small updates now. He said it should also be ready for an event in early May.
3. 2024 Funding Project-CPS- He met with US Representative Jeff Jackson to discuss needs regarding Water and Sewer utilities. He was told they would be awarding \$1-3.5 million to any given municipality in the district. Mr. Attaway, Thomas Shrewsbury and the City Engineer immediately began to apply for the Lynn Street Pump Station to be replaced because it is the worst performing pump station in the city, totaling \$1.25 million. He is waiting to hear back from them.
4. DEQ Grant- The City of Lowell did receive the \$400,000 pre-construction grant of the Wastewater Treatment Plant and we need to get to work because the first milestone is June 1st.
5. Tax Update-tomorrow (April 12) at 6pm here at City Hall, the tax office will come to discuss their Homestead tax exemptions that they have for veterans, disabled and senior citizens. This could potentially allow for up to 50% off their bills if they meet certain criteria. They will come again on April 28th at 11am.
6. Sewer Permits-the two sewer permits have been revised and sent back to the State for flow reduction of River Heights and Lowell Woods.
7. LaBella – Erosion Sediment Plan-He has been working with Danny Watson on the DEQ plan for the chemical plant, meaning we cannot demolish any buildings until we have the plan in place. We are not scrapping the whole property but are demolishing 25 structures and the slabs they sit on. This will cause exposed red dirt underneath. Mr. Watson explained the process a little further stating that anytime you are disturbing more than one acre, you must have a design in place and a more elaborate design for over 10 acres. They are looking at ways to limit the amount of disturbance to the property. Mr. Attaway continued with the process and added that there would be a hotline available for the public to ask any questions about environmental quality.

Councilmember Funderburk asked as they are tearing down buildings will we [Lowell] have to do anything or they'll be doing it all at one time? Mr. Attaway said they will be doing it all at one time. Demolition should be about 9 ½ weeks long and is scheduled to be completed in the fall.

8. Carolina Thread Trail – We did receive the grant. We approved using some of the ARPA funds totaling \$50,000 match and we received approximately \$125,000 from the Catawba Land Conservancy or the Carolina Thread Trail. That will allow the city to build the trail from our chemical plant border to Poston Park all the way to the edge of River Falls and River Heights (new subdivision) meet along the river. That's about half of our Thread Trail Master Plan and is the most technical and expensive portion due to the bridge crossing that will be built. We are waiting on documentation from the Carolina Thread Trail and once received we will begin to look for a contractor.

C. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Bonham thanked everyone for their outreach and prayers regarding his daughter. He said she is doing better physically but has work to do mentally.

Councilmember Funderburk discussed the tour of the Newell building and wanted it to be clear that the majority of the building is in Lowell with a small portion in Gastonia. She said she tries to emphasize that whenever she can. She thanked the Mayor for stating this fact during her speech. She also thanked Todd Stroupe for putting the link to find GIS mapping on the website. Lastly, she wanted to see if a study could be done to get Harold Rankin Park paved eventually.

Mayor Pro Temp thanked staff and particularly Todd and his job working on GIS.

Councilmember Gillespie thanked the Mayor for representing Lowell at the tour of the Newell building today and recognizing Ken Ervin [former Councilmember]. He also thanked Mr. Attaway for taking them to the Annual Town and State dinner to meet State Legislators and representatives of Gaston County to let them know our needs. He then asked Mr. Attaway about the land investment company pulled out of the deal near Spencer Mountain and asked if someone else had interest in it. Mr. Attaway said there is a prospect, and they are very close to having a signed contract.

Mayor Railey thanked Mr. Attaway for providing the information for her speech at Newell. She also thanked everyone for taking their time to come out tonight and suggested they contact any member of council if they ever have questions or concerns.

Councilmember Bonham made a motion to take a 15-minute recess, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- VIII. CLOSED SESSION** – Councilmember Funderburk made a motion to go into Closed Session, seconded by Councilmember Bonham. The vote was unanimously in favor.
- A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)
 - B. To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11(a)(6)

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

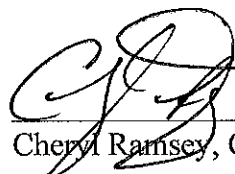
IX. ADJOURNMENT

Councilmember Bonham made a motion to adjourn the meeting, seconded by Councilmember Fulbright. The vote was unanimously in favor. The meeting adjourned at 9:41 pm.

ATTEST:



Mayor Sandy Railey



Cheryl Ramsey, City Clerk