

MINUTES

Lowell City Council

Regular Meeting

Tuesday, February 14, 2023, 6:00 P.M.

I. 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 Jr, 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

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

IV. PUBLIC COMMENTS

- A. Larry Simonds of 1603 Power Dr spoke about the “bad deeds” in the City of Lowell. He said with the selling of the water tank property and how much it was sold for is not public record and wants the city to be transparent.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting Held January 3, 2023

Councilmember Funderburk made a motion to approve the minutes from the January 3, 2023 Council meeting, seconded by Councilmember Bonham. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

- A. Proclamation in Recognition of the Month of February as Black History Month. The Proclamation was then read by Mayor Railey

- B. Fiscal Year 2021-2022 Audit Presentation by Butler and Stowe, CPA. Mr. Attaway gave the floor to Sheila Thornton. Ms. Thornton said the audit was completed in November 2022 and submitted to the Local Government Commission (LGC) as well. It was accepted by the LGC in December 2022. The opinion of Butler and Stowe was that this was a clean audit, meaning the city has met the audit requirements of the NC General Statute. She went over some of the financial highlights as of June 30, 2022, noting the city ended the year with assets exceeding liabilities by \$8,524,035. The general fund was \$2,107,230 million and that represents the funds that are available to the city that are not restricted. She stated that that was a good healthy amount. The enterprise fund ended the year with an operating income of over \$241,053. The total combined assets of the city at June 30, 2022 of \$12,056,359, and increase of \$3,501,184 from the previous year, a good positive year for the city.

Along with the statement, Butler and Stowe usually issues two letters. The first being a communication letter to council explaining the process of the audit and the responsibility of the city and the auditors. There were no problems nor issues during the audit, and she credited Lisa Nolen, Finance Manager for providing the necessary documents needed for the audit. The second letter is regarding internal controls of the city in which they always note that there is a lack of segregation of duties. She said that is normal in a small governmental unit. She said it's not cost effective to have 3-4 more people on the staff in finance. She concluded and thanked the city for their cooperation and stated the process has gotten better over the last three years. Councilmember Bonham asked how would you say we are doing as far as meeting all the expectations and requirements of the state as far as transparency is concerned? Would you consider us better today than we were three years ago when you first started? Ms. Thornton said "absolutely, much better". He asked her if this was in all areas. Ms. Thornton said "yes, much better." He then asked if there is anything we can do to improve transparency? Ms. Thornton said she couldn't think of any other way to be more transparent than what is currently being done.

VII. CONSENT AGENDA

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

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

VIII. UNFINISHED BUSINESS

- A. Public Hearing for the Partial Closure of Taylor Avenue. Councilmember Funderburk made a motion to go into public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Mr. Attaway then discussed the partial closure and application process to close Taylor Avenue. This was advertised in the Gazette and mailings were sent to neighboring residents. It was requested by the applicant to recombine some property for a possible new development. This was reviewed by staff and Public Works noted that there is a sewer right-of-

way that goes through this property, which will stay intact. Thomas Shrewsbury added that this street has never been an accessible roadway and has always been a sewer easement. He said it catches a small area on Neely St and Huffman and comes down on the side of Kate's Skates out to Wilkinson. He believes that if the easement, that the City will be maintaining, is not under any building or parking lots, Public Works will still be able to access it when necessary possibly better than it has been accessed in the past once the street is closed.

Councilmember Fulbright asked about the water and sewer going through there and if it is close enough to an adjoining building that they couldn't build on top of it anyway? Mr. Shrewsbury stated that it is sewer only but as long as the city maintains its facilities there, they could never put a structure on it. He said what is being proposed is a 15 foot on each side of the sewer line or a 30ft easement. They [developers] could encroach on the easement because it is a utility easement for other utilities such as storm drainage or if the gas company wanted to run a gas line. Mr. Attaway added that it has to be accessible for city staff to do any kind of repairs.

With no other questions from council or the audience, Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Funderburk made a motion to approve the partial closure of Taylor Avenue specifically RS12-2022, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- B. Public Hearing for Master Sign Application, Case # MSP-22-01. Councilmember Bonham made a motion to go into public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Mr. Attaway presented the case for the applicant at the NorthPoint Development. He said the signage exceeds the Lowell Development Ordinance. The reason the signs are already up now is due to the City of Gastonia issuing the applicant a permit in error. Their city limits clips the far left corner of the building. He noted that this application was approved unanimously by the City of Lowell Planning Board. Councilmember Bonham asked would it be better that the ordinance state that one could not exceed X number of square feet of your building. Mr. Attaway said the old ordinance was in fact a percentage of your building. He said Mr. Gates is compiling a list of proposed text amendments to the Planning Board on some the issues that we are seeing and fix the sign section of the ordinance to not keep having this issue. The last request was for increasing the sign for Kia a few months ago.

With no other questions 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 the Master Sign Application, Case #MSP-22-01, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- C. Consideration of I-85 Betterments presented by Mr. Attaway. He discussed the two levels of betterments that were also discussed with council at the January 26, 2023 budget retreat. The NCDOT has put together a high-level cost estimate for each structure. The City of Lowell is requesting to see the updated individual cost estimates for the following:

Structure	Bridget Betterment Level	Inclusion of Mast-Arms	Landscaping Betterment Level
S. Church St, grade separation	Mid-Grade	No	Standard
S. Main St., interchange	High End	Yes	Enhanced
Groves St., grade separation	Mid-Grade	No	Standard
Main St/McAdenville Rd, interchange	High End	Yes	Enhanced

Standard is no cost to the city. Councilmember Funderburk asked if we had a cost. Mr. Attaway stated that a high-level cost of 2.2 million was discussed in the budget retreat for the four projects. We will have some partnerships including one third of help from the Gaston County Travel and Tourism with landscaping at exit 23. Also working with Gaston County government to work with us on the McAdenville side of the bridge of doing mast arms signals as well as one third of the landscaping.

With no other questions, Councilmember Bonham made a motion to adopt I-85 Betterments Resolution 02-2023, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Gillespie asked if the bridges will be wide enough to walk across. Mr. Attaway said yes we have a mixture of sidewalks, bike lanes, and multi-use paths. All will be pedestrian and bicycle accessible. He stated he can provide the specifics of each bridge.

John Russell asked to go back to Section A of Unfinished Business regarding the Taylor Ave closing. He stated that Resolution 12-2022 is actually the resolution to set the public hearing. The closing of the street, because it involves real estate as an ordinance, we must go back, under rule 15, to make a motion and adopt the ordinance. There is no substantive change but an ordinance would need to be done. Councilmember Funderburk made a motion to reconsider under Rule 15 of resolution 12-2022, seconded by Councilmember Bonham. The vote was unanimously in favor. Councilmember Funderburk then made a motion to approve Ordinance #3 portion of Taylor Ave, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Establishment of the Community Investment Fund (CIF) in the City's Financial System presented by Scott Attaway. He noted on the January 26, 2023 Budget Retreat, Mitch Brigulio with Davenport Public Finance regarding the establishment of a fund for existing future capital expenditures and he has laid out a best management practices approach for the City of Lowell. It was decided that a Community Investment Fund could be used for that. Mr. Attaway called attention to the bullet points of the presentation from Mr. Brigulio noted in the agenda packet. He stated that the purpose of the fund is for all future capital needs of the city over \$75,000 (capital equipment, city infrastructure, property acquisitions for example). It will initially be funded by the current fund balance that exceeds the 50% of General Fund Expenditures Goal. Establishment of this fund will authorize staff to make that initial transfer to the CIF and provide a continuous flow of funds to the CIF when there are funds available above the future fund balance % to general fund expenditures goals. He said the city is well positioned for this next

level of capital planning to pursue this level of best practices approach and a motion would allow him and Finance to go forward with the implementation of the Community Investment Fund.

With no questions, Mayor Pro Temp made a motion to establish the Community Investment Fund (CIF) in the city's financial system, seconded by Councilmember Bonham. The vote was unanimously in favor.

VI. NEW BUSINESS

- A. Discussion of 2022 Carolina Thread Trail Implementation Grant. Presented by Mr. Attaway. He gave a brief over of the \$185,080 grant staff applied for which includes constructing a natural surface trail estimated to be 2750 linear feet long and 6 feet wide trail along the South Fork River. He showed a map of the area and noted that it will eventually create connection between four subdivisions and access to George Poston Park/Spencer Mountain and the future Lowell River Park at the old dye plant.

He stated that in the application, the City did not list a match amount and it would probably be in our favor if we have some skin in the game. He then asked the speakers Ashton Lamb, Community Coordinator and Jane Love Grant Program Manager, both with Carolina Thread Trail, to give council a general idea of what they think about Lowell's application in the Trail Project. Ms. Love stated that they have a portion of funding for the South Fork corridor and Lowell is part of that. She said they have more requests for funding than what they can fund. They are trying to figure out if they give Lowell some funding will it help and will you be able to make up for the gap. Their next step is to have their grant writing committee review all applications. It will then go to the Carolina Thread Trail Board for approval. They will be looking and trying to get an understanding on what Lowell can do for itself.

Mr. Attaway asked them if there is a city match would it be acceptable for that match to be in the next fiscal year? Ms. Love said yes that would be acceptable. She said you don't necessarily have to have all of your funding in place by then and sometimes we [Carolina Thread Trail] are your first funding. Being a nonprofit, they can help get more funding to show that you have some for the grant. Other communities may not have everything in their budget right now but indicating that you will be including would be a great step, like a letter of intent.

Councilmember Bonham said we have a lot of trails to build. How does that position us if, and when we are able to write a check, would that improve the ranking for the grant over others that depend more on you? Ms. Love said they fund all stages and help wherever they are at that moment and they want to help all. Mr. Lamb added that depending on the stage of the development, some people commit faster and some not as fast. They take all of that into consideration about how much value they provide in the grant or none at all. This project referencing last year's Carolina Thread Trail grant that Lowell did was for \$8000 and they awarded that, so you're through the design phase and it's ready to be built. That makes Lowell look more favorably. The match just ties into the amount of the award. With more match they could leverage more local funds to complete the trail.

Mr. Attaway suggested bringing this back up in the March workshop where we can talk about a proposed match amount. Mr. Lamb suggested getting a confirmation letter for the grants review

committee towards the end of February or early March. He mentioned that regarding the note on connectivity, Gaston County has already applied for funding and McAdenville has well for the south part. Councilmember Gillespie asked if the plan for the trail is to go from South Carolina through Belmont, Cramerton, through Lowell and up to Spencer Mountain? Mr. Lamb said that was correct. Councilmember Gillespie said we don't want to see the trail stop in any city and have a continuous connection. Mr. Attaway stated he will get more information to councilmembers regarding more funding during their weekly report. He stated that the \$185,080 came from the full bill which includes the bridge and the trail design. Councilmember Bonham asked will this be a continuous build process? Mr. Attaway, he thinks the west side will be quick but the east side gets more challenging and then there is the bridge that needs to be built.

- B. Consideration to Approve Water Service to Gaston County Schools, Lowell Elementary. Presented by Mr. Attaway. He stated that the City of Lowell received an application to extend water service outside municipal limits to the Lowell Elementary school property. The City also received a request from the Town Administrator of McAdenville. Thomas Shrewsbury explained the school's water line issues and how Lowell can extend its line to them. He also stated a fire hydrant would be added as well.

Councilmember Funderburk asked who received the grant? Mr. Shrewsbury said the school system. Mr. Attaway added that Gaston County is using their ARPA funds so the City of Lowell is not paying anything. With the amount of flow they are requesting, in the allocation policy adopted in 2021, it's under the 5,000 per day where it wouldn't need to come before the Council. Since it is outside of the city limits, it has to be approved by council. He then read section C of the Policy for managing utility allocation and extensions. He stated that the school will not be annexed into the city and an interlocal agreement will need to be in place between Lowell and McAdenville.

Councilmember Bonham asked why are we going into Lowell Elementary given what they are going to do behind Lowell Elementary in Pharr property with a future development or are they not coming this way replacing their own stuff? Mr. Attaway said that development is not a certainty. More cost effective to pick it up from us and go a shorter distance to service them.

Mayor Railey asked if we will be billing them. Mr. Attaway said we have already been billing them for sewer and will be adding water. Councilmember Fulbright made a motion for consideration to approve the water service to Gaston County Schools, Lowell Elementary due to the fact of the health of the students and contingent upon the interlocal agreement of 60 days and that the property does already exist within the city limits of McAdenville, seconded by Councilmember Bonham. Councilmember Gillespie asked if Lowell would own the lines. Mr. Attaway said yes. The vote was unanimously in favor.

- C. Request to Set Public Hearing: Case #ZTA23-02 Consideration of text amendment to request to amend Article 8 Districts-Section 8.4-5 Civic District (CIV). Presented by Mr. Attaway where staff has submitted the text amendment for public hearing at the next council meeting to decrease the minimum lot size from 20,000 sq. ft to 10,000 sq. ft and decrease the minimum lot width from 96' to 70'. Councilmember Bonham made a motion set a public hearing for March 14 at 6pm City Hall to discuss Case #ZTA23-02, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Request to Set Public Hearing: Case #ZMA23-01 Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). Mr. Attaway asked the owner of the property Rob Pressley of 2216 Monument Street, Charlotte, NC, to give the background. He also stated that the objective is to make the zoning they have at the end and across the street all industrial and develop both sides of the road consistent with each other. On the south side they want to do industrial flex which will allow small businesses to have showrooms in the front and warehouses in the back of the property. Councilmember Bonham made a motion set a public hearing for March 14 at 6pm City Hall to discuss Case #ZMA23-01, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- E. Request to Set Public Hearing: Case #ZTA23-01 - Consideration of text amendment to request to amend Article 3 – Definitions, Abbreviations, and Symbols, Article 8-Districts, 9-Building & Lot Type Standards & Specifications & Article 12 – Off Street parking, Stacking and Loading Areas of the Lowell Development Ordinance and an Ordinance to allow for a new classification/use category of “Industrial Flex that would be added to the Table of Uses allowed in the Industrial District. Presented by Mr. Attaway. He explained what Industrial Flex is and stated that Lowell used to have this in his ordinance but it isn’t any longer. Mayor Pro Temp made a motion to set public hearing for Case #ZTA23-01 for March 14 at 6pm, seconded by Councilmember Bonham. The vote was unanimously in favor.

IX. CITY ATTORNEY REPORT - No updates

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- A. Banner Pole-Thomas Shrewsbury gave the update on this. He stated that they have everything all mapped out and they are ready to set the poles. They are waiting on more information on when the banners will arrive, and they have been a little backed up. Hope to set the posts sometime next week and let them set for a few days then install the banners.
- B. ATM discussion. He has spoken to a contact at the State Employees Credit Union and asked Council where they would like to see one. Councilmember Bonham had a concern of it being on public property due to liabilities. Councilmember Gillespie agreed and that it should be on private property. Mr. Attaway stated that if that is the general consensus, we can look more at the private sector partners and land owner partners and if the opportunity presents itself we can look more at developments and propose it to developers. He has seen them on public properties like college campuses. Councilmember Funderburk asked if it could be in the back of City Hall. Mr. Attaway said we really can’t because it is the railroad right-of-way. He stated that maybe one of the gas stations could have one. Councilmember Gillespie said all the gas stations already have one inside. Councilmember Funderburk would like to see one outside so you don’t have to get out of your car.

Councilmember Gillespie asked before moving from the bank discussion if Mr. Attaway if he checked into Lowell’s banking account since they have to be checked every five years. Mr. Attaway said yes we have the request for proposals and waiting on feedback from Mitch Brigulio with Davenport Finance on a couple sections before we get it out on the market.

- C. City Hall directional signage was completed last week. They were required once we made offices downstairs and opening them to the public per the Gaston County Building Inspectors and NC Building Code.
- D. Part F, the Recreation Grant that we are in the process of applying for, with a deadline in May. You score more points in the grant application if you can show at least two new amenities at parks. You can apply for only one park, so we are applying for Harold Rankin and even though we are converting the small ball field into a rectangular multi-purpose field, our consultant on the grant doesn't think that would be considered a new amenity. He stated that we have looked at the pickleball conversion from the basketball court and have actually budgeted in this year's budget to do that, but because it will help this application, we may want to hold off doing that and incorporate that in the grant application. The basketball court will be converted into four pickleball courts, and we initially penciled in a half court for basketball. Since we already have basketball then that wouldn't count either, so we are looking to have something like competition games like Goat Island in Cramerton with cornhole boards and ping pong tables made of weatherproof materials for outside wear. Lastly, under the powerline easements we may can do a linear dog park since we have the room there. All three would be presented for the application.

Councilmember Funderburk asked if any of the park would have a basketball area or would that be gone. Mr. Attaway said it would be gone. She mentioned that a lot of people play there and although she understood the plan, she would hate to see it gone. Mr. Attaway said Bob Bolick would get the face lift on their courts with six goals. Cristy Cummings said people can play half or full court there. Mr. Attaway said we are also thinking of an inside court. Councilmember Funderburk said if the inside is not open, then people can't play. Mr. Attaway said if we want to keep basketball then he and staff will go back to discuss other options. Mayor Pro Temp agreed with Councilmember Funderburk and thinks a half court should be left at Harold Rankin park. Councilmember Funderburk asked if the court could be moved on Rogosin. Mr. Attaway said he can contact Withers to see how much room we have there to work with.

- E. Utility Allocation Policy- there are a couple revisions that the City engineers, Planning and Public Works Departments have been working on for this policy that will be brought to council next month. He said it is about the process spelled out to make it a little more cleaner with corresponding applications and terminologies is really the difference.
- F. Grant award announcement will be next week for the Water Sewer project we applied for. It was for roughly \$9 million and \$400,000 for preconstruction planning. He will meeting the new US House Rep. Jeff Jackson to discuss any water and sewer projects that the city needs federal funds to assist with.
- G. Sewer manhole lining – we are working with our engineers on this. He said Mr. Shrewsbury has a list of manholes that were identified from the AIA Sewer grant as critical condition.
- H. Also working on lift station modems right now. All were discontinued because they were 3g supported device and we were told they are no longer supported. We are working with our IT contractors and Two Rivers has volunteered to help with that.
- I. Chemical Plant demolition – met with architects last week and two citizens that spent 25 years each at Crompton and Knowles doing artifact recovery to possibly use some of the finds for art purposes. He gave council pictures of the findings. He stated our videographer also did some drone footage of the area. We have purchased a shipping container to keep on the site to keep

the items there and not be in the way of the demolition contractors. Councilmember Funderburk asked about saving the siren. Mr. Attaway said we do not know yet but it's on the inventory.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Fulbright thanked Mr. Attaway for the four hours on a Saturday that he brought her up to date on the first retreat she missed due to illness.

Councilmember Funderburk mentioned to Mr. Shrewsbury about the potholes forming again on Main Street even after DOT came to fix it. She then asked Mr. Attaway if we have scheduled pictures at the plant with the big check that the State gave us. Mr. Attaway said we haven't. Lastly, she said she is hearing a lot of complaints about citizens water bills. She asked if the meters are 100% accurate. She has heard other cities that have issues. She knows Sue is doing a great job and calling people when their bills are high but wanted to know if the meters can be checked. Councilmember Bonham added that it is people that don't change their behaviors that are seeing increases.

Councilmember Gillespie stated he was still upset about losing Truist bank. He said he asked the Vice President why they were closing and was told they were only closing the Lowell branch and that upset him further because he want's Lowell to be the best it can be. He said the VP stated that they evaluate transaction types, volume, proximity to additional branches, ATMs and how their digital operations can best support their clients. He said the VP mentioned that there was an ATM in the parking lot at Franklin Square. He said anything we can do to make Lowell a vital part, we should do that. He mentioned the Subaru of Gastonia is in Lowell and when you lose your identity, you just become regular fabric woven into it. He thanked Mr. Attaway for doing a good job letting people know that Lowell is a vital part of whatever is going on.

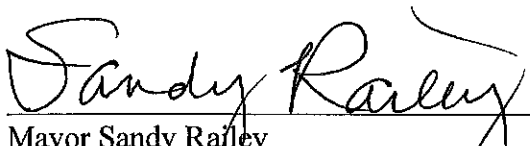
Mayor Railey thanked everyone for coming tonight and Mayor Pro Temp for filling in for her last month. She also wished Councilmember Funderburk a Happy Birthday.


Councilmember Gillespie added that the Cramerton Historical Society has invited him to come and be a part of their historical presentation on February 23, 2023. He extended the invitation to the rest of the council.

XII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 7:52 pm.

ATTEST:


Mayor Sandy Railey


Cheryl Ramsey, City Clerk