

MINUTES

Lowell City Council

Regular Meeting

Tuesday, March 10, 2020, 7:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 7:00 p.m. Those attending were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, City Manager Kevin Krouse, City Attorney Jim Windham, City Clerk Beverly Harris, Police Chief Scott Bates, Development Services Administrator Scott Attaway, Parks and Recreation Director Cristy Cummings, Finance Officer Kevin Haney, and various citizens. Councilmember Shane Robinson was absent.

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 Ervin made a motion to amend the agenda by removing item 7C and 7D under Old Business from the agenda, followed by a second from Councilmember Gillespie. The vote was unanimous.

Councilmember Ervin made a motion to approve the amended agenda, followed by a second from Councilmember Gillespie. The vote was unanimous.

IV. PUBLIC COMMENTS

A citizen asked Council to consider expanding the park equipment at the Bob Bolick Park.

V. APPROVAL OF MINUTES

A. February 11, 2020 Regular Council Meeting Minutes

Councilmember Funderburk asked for the speed limit under New Business, Section E to be changed from 35 mph to 20 mph not 25 mph.

Councilmember Ervin made a motion to approve the February 11, 2020 Council meeting minutes with the amendment, followed by a second from Councilmember Funderburk. The vote was unanimous.

B. February 28, 2020 Council Planning Retreat Minutes

Councilmember Funderburk made a motion to approve the February 28, 2020 Council planning retreat minutes, followed by a second from Councilmember Gillespie. The vote was unanimous.

VI. SPECIAL PRESENTATION

A. Recognition of Lowell Recreation Youth 7-8 Basketball Team for Winning the League Championship

Yvette Broussard recognized the Lowell Recreation Youth ages 7-8 basketball team for winning the League Championship. A trophy was presented to the team.

B. Recognition of Lowell Recreation Youth 11-12 Basketball Team for Winning the League Championship

Yvette Broussard recognized the Lowell Recreation Youth 11-12 basketball team for winning the League Championship. A trophy was presented to the team.

VII. OLD BUSINESS

A. GCLMPO Projects Update – Dean Leadbetter from NCDOT

Dean Leadbetter, NCDOT Corridor Development Engineer presented information regarding Lowell's recent transportation project submittal. The project is described as follows: N. Main St. Bike/Ped improvements on route NC 7 (N Main St)/SR2201 (N Main St), from NC 7 (First St) to Geer St. Pedestrian improvements at three downtown intersections on NC 7 (N Main St), bike lanes via 4-lane to 3-lane conversion on SR 2201 (N Main St) to Geer St, sidewalk gaps east side to Lineberger St. Mr. Leadbetter stated NCDOT is looking at 12-13 years for these projects to be in construction and into completion. He also stated the I-85 widening project has been re-started.

B. Bicycle and Pedestrian Plan Presentation

Kevin Krouse presented the Lowell bike and pedestrian plan to Council. He asked them to review for a possible adoption of the plan at a future meeting.

C. Adoption of CDBG-Infrastructure Grant Budget Ordinance in the Amount of \$1,981,691

This item was removed from the agenda as it was already adopted at the October 8, 2019 meeting.

D. Adoption of CDBG-Neighborhood Revitalization Grant Budget Ordinance in the Amount of \$830,000

This item was removed from the agenda as it was already adopted at the October 8, 2019 meeting.

E. Adoption of the Fair Housing Plan

Kevin Krouse stated as part of the utilization of federal grant funding the City of Lowell is reminded to affirm the furthering of the Fair Housing Act. Mr. Krouse stated the Fair Housing Act was adopted in 1968 and was created to help limit discriminatory practices related to landlords, tenants, and housing. The act was created on the principle that every American should have an equal opportunity to seek a place to live, without being afraid of discrimination due to factors outside their control. He stated the City of Lowell must take meaningful actions that promote the fair housing act and its mission. The Fair Housing document presented to Council was developed to demonstrate the City's commitment to equitable housing practices in Lowell.

Councilmember Ervin made a motion to adopt the Fair Housing Plan as presented, followed by a second from Councilmember Gillespie. The vote was unanimous.

F. Public Hearing for Zoning Text Amendment to UDO Section 7.6.6.6

Councilmember Funderburk made a motion to go into Public Hearing for Zoning Text Amendment to UDO Section 7.6.6.6, followed by a second from Councilmember Gillespie. The vote was unanimous.

In accordance with the City of Lowell Strategic Plan, staff has begun to review the fifth goal to "Develop Land Use Master Plans for Undeveloped Areas".

Scott Attaway stated staff is asking the Lowell City Council to consider a text amendment to the Lowell Unified Development Ordinance. Section 7.6.6A and 7.6.6B of the Lowell UDO Corridor Highway Overlay District. He stated the Planning Board made a recommendation of approval for the text amendment and tonight's public hearing was advertised on 2/20/20 and 2/27/20. He stated no calls have been received regarding the notification. (*See attached text amendments*)

Public Hearing was opened to the public for comments. Ed Jackson inquired about the C-2 zoning within this overlay area. There were no further comments from the public.

Councilmember Funderburk made a motion to close the Public Hearing, followed by a second from Councilmember Gillespie. The vote was unanimous.

Councilmember Gillespie made a motion to approve the zoning text amendment to UDO Section 7.6.6.6 as presented, followed by a second from Councilmember Funderburk. The vote was unanimous.

G. Set Special Workshop Meeting for March 27, 2020

Kevin Krouse asked Council to set a special workshop meeting date for March 27, 2020.

Councilmember Ervin made a motion to set the special workshop meeting date of March 27, 2020, followed by a second from Councilmember Funderburk. The vote was unanimous.

VIII. NEW BUSINESS

A. Request to Allow the City Manager to Accept a Grant from the NC Division of Water Infrastructure in the amount of \$150,000

Kevin Krouse stated the Division of Water Infrastructure reviewed the city's application to the Asset and Assessment grant program. The State Water Infrastructure Authority has approved the City of Lowell to receive a grant in the amount of \$150,000 for the sewer portion. Mr. Krouse stated staff will be able to purchase software with this money to begin mapping of the sewer system and any future changes. He also stated no cash will be required from the City of Lowell for this grant.

Councilmember Ervin made a motion to allow the city manager to accept the \$150,000 grant from the NC Division of Water Infrastructure, followed by a second from Councilmember Funderburk. The vote was unanimous.

B. Resolution to Affirm Mandated Compliance of NPDES MS4 Stormwater Program

Scott Attaway stated the North Carolina Department of Environmental Quality (NCDEQ) has issued the City of Lowell Notice of Violation NOV-2020-PC-0093 after an audit on 10/30/19. The prescriptive pathway to compliance from DEQ requires that the City of Lowell address the MS4 permit deficiencies by adopting a Council Resolution within sixty (60) calendar days of the notice.

Councilmember Funderburk made a motion to adopt the Resolution to affirm mandated compliance of NPDES MS4 Stormwater Program, followed by a second from Councilmember Ervin. The vote was unanimous.

C. Request to Consider Ordinance Amendment Based on NC Senate Bill 155 Regarding the Sale of Alcohol

Kevin Krouse stated staff has received requests from two local business owners, The Corner Grocery and QSC Food Mart, for the City to consider enacting the "Brunch Bill" provision in Lowell. Senate Bill 155 which passed in 2017 modernized ABC laws for breweries and distilleries. One of the many provisions is referred to as the Brunch Bill which permits establishments with a valid ABC permit to sale/serve alcohol starting at 10 a.m. on Sundays, two hours earlier than previously permitted. The local governing body must pass its own ordinance permitting the brunch bill for it to apply within the City of Lowell.

Councilmember Funderburk made a motion to deny the request, the motion died due to lack of a second. There were no further motions or votes made regarding the Ordinance.

D. Request to Write-Off Uncollectible Customer Utility Debt in the Amount of \$3,908.17

Beverly Harris presented \$3,908.17 worth of uncollectible customer utility debt for consideration of write-off. She stated these are accounts that could not be turned into NC Debt Setoff or have already met the threshold amount of collectible debt through NC Debt Setoff collections.

Councilmember Ervin made a motion to write-off uncollectible customer utility debt in the amount of \$3,908.17, followed by a second from Councilmember Bonham. The vote was unanimous.

E. Budget Amendments to General Fund

Kevin Krouse stated budget amendments are needed for the following: Powell Bill Fund Balance \$120,000 (To cover shortfall for various street paving projects done throughout the city.); Administration \$2727 (To cover the purchase and installation of the plaque/marker for the Flats Community.).

Councilmember Ervin made a motion to adopt budget amendment #4, followed by a second from Councilmember Gillespie. The vote was unanimous.

F. Budget Amendment to Enterprise Fund

Kevin Krouse stated a budget amendment is needed for the following: Water & Sewer Fund \$57,352 (For the principal and interest for the Wastewater Treatment Plant improvements done in 2015.).

Kevin Krouse stated there was a typo on budget amendment #3 and asked that \$57 be changed to \$57,352.

Councilmember Ervin made a motion to adopt the amended budget amendment #3, followed by a second from Councilmember Gillespie. The vote was unanimous.

G. Consideration of Appointment of Scott Bates to the Citizen Improvement Advisory Committee

Scott Attaway stated the Lowell Community Improvement Advisory Committee recommends Scott Bates to be appointed as a member of the Committee.

Councilmember Ervin made a motion to appoint Scott Bates to the Citizen Improvement Advisory Committee, followed by a second from Councilmember Funderburk. The vote was unanimous.

IX. STAFF AND COMMITTEE REPORTS

Cristy Cummings gave an update on the following items: Birch Street trailhead, Easter Senior Luncheon, Flashlight Easter Egg Hunt, and the Freedom Festival sponsorship packets.

Scott Attaway updated Council on the upcoming River Sweep project, which is a component of the stormwater audit as a public outreach event.

X. CITY ATTORNEY REPORT

Jim Windham did not have anything new to report.

XI. CITY MANAGER REPORT

Kevin Krouse updated Council on the following items:

- Coronavirus update
- CDBG grant update
- Duke Energy street light rate increase
- Wastewater collection system annual report
- Community Center update
- Thank you letters to Gastonia and Bessemer City from Mayor Railey during leaf season
- Scott Attaway scholarship for zoning certification program
- Upcoming Two Rivers rate increase

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

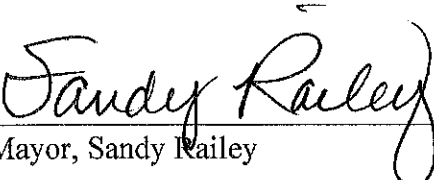
Councilmember Ervin thanked staff for their efforts. He also commended the Lowell Police Department for highlighted items from the police report.

Councilmember Gillespie thanked everyone involved with the Flats Historical marker.

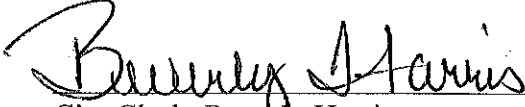
Mayor Railey thanked everyone for coming to the meeting.

XIII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Bonham. The vote was unanimous. The meeting ended at 8:30 pm.



Mayor, Sandy Railey



City Clerk, Beverly Harris

7.6.6 CH CORRIDOR HIGHWAY OVERLAY DISTRICT

A. PERMITTED AND CONDITIONAL USES

Any permitted or conditional use, allowed in the underlying general zoning district, or parallel conditional use district shall be permitted in the CH District. In no case, however, shall any of the following principal uses be allowed to take place in any area located in the CH District:

1. Automobile Sales
2. Automobile Body shop
3. Automobile Repair Shop
4. Automobile Towing and Wrecker Service
5. Camping and Recreational Vehicle Park
6. Junkyards/Salvage Yard
7. Flea Market, Outdoors
8. Commercial Vehicle and Truck Storage
9. Outdoor Storage Yard
10. Auction Facility
11. Manufactured Homes (All Classes)
12. Contractor's Office and Storage Yard

~~Manufactured homes shall not be allowed in the CH Corridor Highway Overlay District unless allowed elsewhere in this ordinance. Any conditional use in the underlying zoning district shall be permitted in accordance with the regulations outlined in Section 5.11. All such permitted and conditional uses shall also meet all requirements of the CH District. With the exception of manufactured homes (which are not allowed in the CH District), in no instance shall the regulations of this overlay district apply to single and two-family dwellings.~~

B. MAXIMUM FLOOR AREA RATIO

1. For all nonresidential uses, the following maximum floor area ratios shall be observed:

MAXIMUM FLOOR AREA RATION

LOT SIZE RANGE

0.00—0.99 acres	0.25
1.00—9.99 acres	0.30
10.00—19.99 acres	0.35
20.00+ acres	0.40

2. Said floor area ratios shall normally be computed for individual lots. However, in the case of a planned multi-tenant development that contains more than one lot (i.e., a shopping center which contains out parcels or an office park) said floor area ratio shall be applied to the whole development. For industrial parks, however, the floor area ratio shall only be applicable to the individual lots.

ZONING CHANGE ONLY AFFECTS AREA IN GRAY

