

# MINUTES

Lowell City Council  
Regular Meeting

Tuesday, September 8, 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 in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, Councilmember Shane Robinson, City Manager Kevin Krouse, and City Clerk Beverly Harris. There was a limited number of the public present in the Council Chambers due to COVID-19 social distancing guidelines. Face coverings were required inside City Hall due to COVID-19 safety guidelines. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. The City Attorney Jim Windham 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 adopt the agenda, followed by a second from Councilmember Gillespie. The vote was unanimous.

## IV. PUBLIC COMMENTS

There were no public comments.

## V. CONSENT AGENDA ITEMS

### A. Proclamation in Recognition of Patriot Day September 11, 2020

Mayor Railey read the Proclamation in recognition of Patriot Day September 11, 2020. Councilmember Ervin made a motion to adopt the proclamation, followed by a second from Councilmember Gillespie. The vote was unanimous.

### B. Minutes from Council Meeting Held August 11, 2020

Councilmember Ervin made a motion to adopt the minutes, followed by a second from Councilmember Gillespie. The vote was four in favor with Councilmember Robinson abstaining due to being absent from the August 11, 2020 meeting. The motion carried in favor.

## VI. NEW BUSINESS

### A. Consideration of Donating Surplus Property to Lowell Volunteer Fire Department

Kevin Krouse stated the LVFD has requested the city's retired 2005 Ford Crown Victoria police vehicle. The current value is \$2,300. Mr. Krouse stated the City Council is permitted by general statute 160A-280(a) to donate to another government entity.

Councilmember Gillespie made a motion to adopt the resolution donating surplus property to the Lowell VFD, followed by a second from Councilmember Funderburk. The vote was unanimous.

### B. Lowell VFD request for Grant Match Funding

Kevin Krouse stated the LVFD wants to apply for grant funding for pagers and AED's. They are requesting the city to provide their grant match for these two items in the amount of \$13,568.95. Mr. Krouse stated if the Council chooses to fund this request, the funding will come from the City's unobligated reserve general fund balance and a budget amendment would be required.

Jared Pyles, Finance Officer, gave an explanation to Council for the grant match funding and how it would affect our General Fund balance.

Councilmember Bonham approved the City of Lowell's portion of the grant match funding in the amount of \$7,394.95 for the four (4) AED devices, followed by a second from Councilmember Gillespie. The vote was unanimous.

There was no motion made for the pager grant match.

### C. Set Public Hearing for October 13, 2020 to Consider Adoption of Pedestrian and Bicycle Plan

Staff requested a public hearing to be scheduled for October 13, 2020 with the Lowell City Council for consideration of adoption of the Lowell Pedestrian and Bicycle Plan. The Lowell Planning Board will consider the Lowell Pedestrian and Bicycle Plan on October 6, 2020.

Councilmember Ervin made a motion to schedule a Public Hearing for October 13, 2020 to consider adoption of the Pedestrian and Bicycle Plan, followed by a second from Councilmember Gillespie. The vote was unanimous.

### D. Set Public Hearing for October 13, 2020 to Consider Special Use Permit Filed by Owners of 810 S. Main Street

Staff requested a public hearing to be scheduled for October 13, 2020 for Special Use Permit #SUP-20-02 for 810 S. Main Street, PID #302356. Scott Attaway, Planning Director, gave Council background information for the Special Use Permit filed.

Councilmember Bonham made a motion to schedule a Public Hearing at the October 13, 2020 to consider Special Use Permit #SUP-20-02 filed, followed by a second from Councilmember Funderburk. The vote was unanimous.

E. Consideration of Text Amendment to City Code Title VII Chapter 76 regarding traffic schedules

Kevin Krouse stated the Council voted to extend the 20mph speed further back from the downtown approaches and NCDOT has denied the request. Mr. Krouse stated staff has been working with NCDOT and the Lowell Police Department to create an increased vehicular slow-down buffer for the downtown area. Specifically: NC 7, W. First Street, E. First Street, Main Street, Groves Street, Third Street, and McAdenville Road. NCDOT has provided instructions to repeal existing speed zones and enact new speed zones within the corporate limits of Lowell.

Councilmember Ervin made a motion to adopt the recommended text changes of changing the traffic schedules in City Code Title VII – Traffic Code, Chapter 76 Traffic Schedules and enact the certificates of municipal declarations to change speed limits as recommended by staff, followed by a second from Councilmember Funderburk. There was further discussion and there was no vote on this motion.

Councilmember Ervin amended his original motion to adopt the recommended text changes of changing the traffic schedules in City Code Title VII -Traffic Code, Chapter 76 Traffic Schedules and enact the certificates of municipal declarations to change speed limits recommended by staff and to change location of W First Street speed reduction sign down to mid-block towards Hemlock, followed by a second from Councilmember Funderburk. The vote was four in favor and one opposed (Robinson). The motion carried with the majority being in favor.

The Council adopted changes are listed below and the certification of municipal declarations are **attached**.

Certification of Municipal Declaration to **REPEAL** Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1017280

Road: NC 7

Type: Municipal Speed Zones

Car: 20 MPH

Truck: 20 MPH

Description: First Street (NC 7) from Main Street (SR 2339) to North Church Street, a point 0.06 mile north of Main Street (SR 2339).

Concurring State Ordinance Number: 1017332

Road: NC 7

Type: Municipal Speed Zones

Car: 20 MPH

Truck: 20 MPH

Description: NC 7 (Main Street) from NC 7 (First Street) to NC 7 (Third Street)

Concurring State Ordinance Number: 1017281

Road: SR 2213

Type: Municipal Speed Zones                      Car: 20 MPH                      Truck: 20 MPH

Description: First Street (SR 2213) from Grove Street (SR 2213) a point 0.07 mile south of Main Street (NC 7), northward to Main Street (NC 7).

Certification of Municipal Declaration to ENACT Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 10798765

Road: NC 7

Type: Municipal Speed Zones                      Car: 25 MPH                      Truck: 25 MPH

Description: (First St / Main St / McAdenville Rd) between a point 0.533 mile southeast of SR 2215 and a point 0.123 mile southeast of SR 2201.

Concurring State Ordinance Number: 1078766

Road: SR 2201

Type: Municipal Speed Zones                      Car: 25 MPH                      Truck: 25 MPH

Description: (Main St) between a point 0.063 mile northeast from NC 7 and NC 7.

Concurring State Ordinance Number: 1078767

Road: SR 2213

Type: Municipal Speed Zones                      Car: 25 MPH                      Truck: 25 MPH

Description: (First St / Groves St) between a point 0.155 mile southeast from NC 7 and NC 7.

Concurring State Ordinance Number: 1078768

Road: SR 2329

Type: Municipal Speed Zones                      Car: 25 MPH                      Truck: 25 MPH

Description: (S. Main St) between a point 0.152 mile southwest from SR 2339 and NC 7.

F. Discussion of Noise Ordinance Update to add Time Limits

Kevin Krouse stated there had been discussions with the police department regarding the enforcement of the city code regarding unnecessary noise. The police department is recommending adding time limits and or decibels allowed for more uniform enforcement of the ordinance.

Kevin Krouse recommended further research be done by staff and changes to the noise ordinance be brought back to Council for review.

G. Discussion of New Pay Study and Update to Personnel Code

Kevin Krouse stated a Personnel Policy with Salary/Pay studies should be conducted every 4-5 years to ensure compliance with personnel law, update job classification and duties, and provide current market rate conditions for employee compensation.

Lowell's Personnel Policy was last updated in 2016. Kevin Krouse stated this is an unbudgeted expense, but he feels it's very important to conduct now to prepare for the 2021-22 budget process that will begin in December. Mr. Krouse stated with 24 employees, the cost for updating the classification and pay plan and personnel policy is \$6,624 plus actual expenses for mileage, meals, lodging, printing and supplies and \$25 per hour travel time. The maps group under the umbrella of the NCLM is the preferred vendor.

Councilmember Ervin made a motion to fund the salary study for the amount specified in order to retain current and obtain future employees, followed by a second from Councilmember Bonham. The vote was four in favor and one opposed (Robinson). The motion carried being in favor.

## **VII. STAFF REPORTS**

Scott Attaway, Planning Director, gave the following updates:

- Planning Board work and review of new development ordinance
- Exit 22 master plan to be reviewed soon by Planning Board
- GCLMPO ranked Lowell's Main Street improvements as #10
- Code enforcement updates on tall grass
- CIA resuming meeting the end of September

## **VIII. CITY ATTORNEY REPORT**

There was no City Attorney report.

## **IX. CITY MANAGER REPORT**

Kevin Krouse gave the following updates:

- 2019 audit now approved and submitted to the LGC
- New water meter project underway
- COVID relief funding
- Public Works reduced staffing due to no inmate labor because of COVID

## **X. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

Councilmember Ervin thanked the staff.

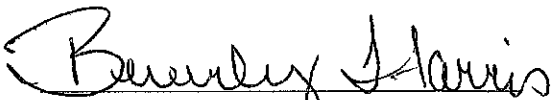
Councilmember Gillespie inquired about a billboard sign request to the Planning Director.

Mayor Railey thanked staff and welcomed Jared Pyles, the new Finance Director.

**XI. ADJOURN**

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

  
\_\_\_\_\_  
Mayor, Sandy Railey

  
\_\_\_\_\_  
City Clerk, Beverly Harris



**PROCLAMATION  
IN RECOGNITION OF PATRIOT DAY SEPTEMBER 11, 2020**

**WHEREAS**, on September 11, 2001, nearly three thousand innocent men, women, and children lost their lives in a tragic act of terror; and

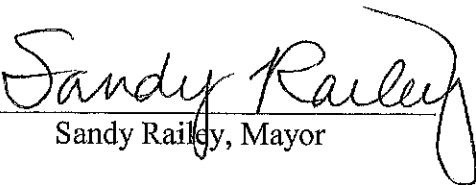
**WHEREAS**, amid danger and uncertainty, countless civilians and first responders risked their lives to search through the wreckage of the World Trade Center, the Pentagon, and a field in Stoneycreek Township, Pennsylvania; and

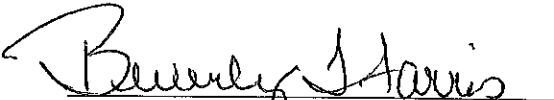
**WHEREAS**, the Federal Government has designated September 11<sup>th</sup> as a national day of remembrance of the 3,391 victims that died on this day in 2001 along with more than 6,000 injuries, and

**WHEREAS**, we proudly proclaim the liberties, freedom, and privileges that we as citizens of the United States have been granted and wish to recognize the valiant service and sacrifice given each day by members of our armed forces, intelligence agencies, diplomatic services, homeland security, and our local public safety departments to support the cause of freedom and defend the security of our nation.

**NOW, THEREFORE, AS MAYOR OF THE CITY OF LOWELL, I HEREBY PROCLAIM** the City's recognition of Patriot Day on Wednesday, September 11, 2020.

Adopted this the 8<sup>th</sup> day of September 2020.

  
Sandy Railey, Mayor

  
Beverly Harris, City Clerk




## RESOLUTION

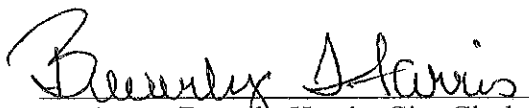
WHEREAS, N.C.G.S. 160A-280 permits a City to donate personal property to another governmental unit and,

WHEREAS, The Lowell Volunteer Fire Department has requested a police cruiser that is no longer in service to the police department.

NOW THEREFORE BE IT RESOLVED that the City of Lowell does hereby donate the 2005 Ford Crown Victoria vehicle to the Lowell Volunteer Fire Department.

Adopted, this the 8th day of September 2020

  
Sandy Bailey, Mayor

  
Attest: Beverly Harris, City Clerk



**Certification of Municipal Declaration  
To Repeal Speed Limits and Request for Concurrence**

①

Concurring State Ordinance Number: 1017280

Division: 12    County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: NC 7

Car: 20 MPH

Truck: 20 MPH

Description: First Street (NC 7) from Main Street (SR 2339) to North Church Street, a point 0.06 mile north of Main Street (SR 2339).

**Municipal Certification**

I, Beverly Harris, Clerk of City of Lowell, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 8<sup>th</sup> day of September, 20 20, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: # 33    Page: 112    Ordinance Number: —

In witness whereof, I have hereunto set my hand and the municipal seal this 25 day of September, 20 20.

Beverly Harris  
(signature)



(municipal seal)

**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Municipal Declaration  
To Repeal Speed Limits and Request for Concurrence**

②

Concurring State Ordinance Number: 1017332

Division: 12    County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: NC 7

Car: 20 MPH

Truck: 20 MPH

Description: NC 7 (Main Street) from NC 7 (First Street) to NC 7 (Third Street).

**Municipal Certification**

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Beverly Harris  
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**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Municipal Declaration  
To Repeal Speed Limits and Request for Concurrence**

3

Concurring State Ordinance Number: 1017281

Division: 12 County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: SR 2213

Car: 20 MPH

Truck: 20 MPH

Description: First Street (SR 2213) from Grove Street (SR 2213) a point 0.07 mile south of Main Street (NC 7), northward to Main Street (NC 7).

**Municipal Certification**

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**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrence**

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Concurring State Ordinance Number: 1078765

Division: 12    County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: NC 7

Car: 25 MPH

Truck: 25 MPH

Description: (First St / Main St / McAdenville Rd) between a point 0.533 mile southeast of SR 2215 and a point 0.123 mile southeast of SR 2201.

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The said municipal declaration is recorded as follows:

Minute Book: #33    Page: 112    Ordinance Number:       

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**Department of Transportation Approval**

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Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrence**

②

Concurring State Ordinance Number: 1078766

Division: 12    County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: SR 2201

Car: 25 MPH

Truck: 25 MPH

Description: (Main St) between a point 0.063 mile northeast from NC 7 and NC 7.

**Municipal Certification**

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Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrence**

3

Concurring State Ordinance Number: 1078767

Division: 12 County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: SR 2213

Car: 25 MPH

Truck: 25 MPH

Description: (First St / Groves St) between a point 0.155 mile southeast from NC 7 and NC 7.

**Municipal Certification**

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The said municipal declaration is recorded as follows:

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(municipal seal)

**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrence**

④

Concurring State Ordinance Number: 1078768

Division: 12    County: GASTON

Municipality: LOWELL

Type: Municipal Speed Zones

Road: SR 2329

Car: 25 MPH

Truck: 25 MPH

Description: (S. Main St) between a point 0.152 mile southwest from SR 2339 and NC 7.

**Municipal Certification**

I, Beverly Harris, Clerk of City of Lowell, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 8th day of September, 2020, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

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**Department of Transportation Approval**

Division: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Region: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



Speed limit changes in Lowell, NC

