

Minutes for the Regular City Council Meeting

101 W. First Street, Lowell, North Carolina 28098

February 13, 2024, 6:00 PM - February 13, 2024, 9:23 PM

Roll Call: *(The following members were in attendance)*

- **Shane Robinson**, Councilmember
- **Travis Smith**, Councilmember
- **Larry Simonds**, Mayor
- **Scott Bates**, Mayor Pro Tem

1. General

1A. Call To Order- 6:00 PM

Mayor Larry Simonds called the meeting to order at 6:00pm. Councilmembers Bonham and Chitwood were absent. City staff present were City Manager Scott Attaway, City Attorney John Russell, Police Chief Moore, Police Asst. Chief Harrison, Planning Director Joe Gates, GIS Analyst Todd Stroupe, Public Works Director Thomas Shrewsbury, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced on YouTube for the public and the agenda and meeting materials were made public on the city's website as well as in person. Members of the public were also in attendance.

1B. Invocation / Pledge of Allegiance- 6:00 PM

Joe Heffner, Pastor of the Lowell Church of God gave the Invocation. Mayor Simonds then led the audience with the Pledge of Allegiance.

Mayor Simonds then asked if any soldiers were present in the audience. He wanted to honor them by playing a song for them tonight. A recording of American Soldier by Toby Keith was played. Mayor Simonds then stated he is going to recommend tonight we start a Ministerial Association and the minister from Lowell Church of God would be a part of it and head it up for us. He would like the City Manager to have something drawn up and get back with Mr. Heffner. He said we had a great Ministerial Association at one time and we don't need to turn our back on God but be

stronger with God. He asked if there needed to be a motion and no one thought it did. Mayor Simonds again asked Mr. Attaway to look into that. Mayor Simonds thanked all for coming.

1C. Adoption of Agenda for this Meeting- 6:07 PM

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

1D. Public Comments- 6:07 PM

1. Lisa Beagle of 3 Black St, Lowell, NC stated she is a Christian who will unashamedly stand on God's word as she speaks and is a citizen of Lowell. She came to speak against the Kava and Kratom Bar [North Main Kava Bar] and the events they host there. She urged all to research what they really are. She said kratom has similar effects as heroin and can be abused, causing dependency. She asked if this is the type of business we want here on Main St. She talked more of the effects of kratom. She then talked of one of the questionable events that will be held there, hosting a drag show event on March 9, where the flyer says "bring your dollar bills to tip the girls and enjoy the show." She said this statement alone implies adult explicit content and it is an adult show. She asked if the next step is a strip show and bring these businesses into our town? She asked if we know the background of the men in this show and do we know who we are bringing into our town? She mentioned sex trafficking and child exploitation are real issues and is running rampant in our country. She said as a community we should not have to have events like this to bring people or businesses into our small town where family businesses should thrive. She stated she contacted each member of council and was told although they do not agree with the event and will not support it, they are unable to stop it because it is not an adult only business, which is not allowed in Lowell. She said she is advocating for change in the city code that would state no adult entertainment events at all at any business in our town. She will continue to pray for Lowell and it's leaders and hopes that they will put God in the forefront and drive out the evil.

2. Bambi Johnson of 407 McAdenville Rd, Lowell NC stated she has been a resident of Lowell for 25 years and she and her husband are the co-owners of North Main Kava Bar. She thanked everyone voicing their opinions on their upcoming event. She said she wanted to explain to them what "adult entertainment" covers. She said it covers any kind of live music at Miami Fusion. It covered their last event which was Flamingo dancers. She said it also covers their bingo music night and karaoke night. She then said she "wanted to speak about the drag show that is coming, and it is coming. There are no ordinances to stop it. What a drag show really is...and it seems social media is turning it into something it is not. What it is, and there is no stripping involved. They are men dressed as women who lip sync and dance. The dollar bills are to tip them while

they dance. They are fully dressed. The show will go on and all tickets will be pre-sold because we have had plenty of scrutiny, threats and some viable they we take very seriously." She stated she has spoken to the Police about the threats and she will begin to report people that make bodily threats. She welcomed the protests and will provide water to make sure they stay hydrated. She then wanted to talk of how the Town of Lowell supports it's small businesses here. She said "you say you want small businesses here, you want to support them, and then we come in...I recently spoke to two other small businesses here, brand new to the area, and they have all said that only a small percentage of Lowell citizens actually walk into those businesses and support them. Most of our business is outside of Lowell. It comes from Mt. Holly, Belmont, Charlotte, you name it but it is not coming from the City of Lowell." She said all the councilmembers have been in. She said it hurts nothing to purchase coffee but when you don't support the businesses in Lowell then you can't really be upset when they look at different ways to fund their business and that is what they are doing. She said they are looking outside of Lowell because Lowell has not made us welcome and they are ok with that because their business is thriving. She said she's "heard on social media that there are thousands of patrons" but stated that is not what's happening but the press that you are us is giving us a boost in business. Which tells me that you don't want Lowell to grow or you are not willing to support the businesses that come into town. That means you can't just complain when the businesses that are in town to try to produce the funding for their business. Be better than this Lowell! Support the businesses that are here. Maybe come in for coffee, then we don't have to have the drag show but when only 1% of our business comes from Lowell itself, that's pretty sad." She then stated she is a God fearing woman who believes in Jesus but she also believes in the music just played and the soldiers who fought for our freedoms, freedom of speech and freedom of choice. She said that it is for the rights she is exercising and will continue to do so and is feels sorry for those who feel differently.

3. Wayne Buchanan 620 Geer St, Lowell, NC stated that we don't need this business here in Lowell and we never had it before. They should do it outside of Lowell and that is his opinion.

4. Candy Funderburk of 600 Rogosin Blvd Lowell, NC stated that there were people here that against it and some for it but if the council is for it, to leave the ordinance as it is but if they are against it, they can do a text amendment to the ordinance that says specifically what you are against, the drag show. She said you have to be specific like 'within 1200 feet from a church or a park."

5. Jim Heffner of 3005 Southampton Cir., Gastonia, NC and pastor in this city. He said more can happen here in Lowell than bad things. He said the scripture is against these things and an

abomination to act, dress or do those things. He said He made man and female and didn't cross them and we have a problem in our nation and would hate to see it land here. He said he doesn't hate anyone and there are more things that we can offer our young people, children, and seniors but not something like this. He said he and his church are against this [drag show].

6. Conner Nanney Lowell Bethesda Rd, Gastonia, NC stated he had a Christian upbringing and went to Gaston Christian School and now attending Belmont Abbey College. He stated he spends more time in Lowell than Gastonia or Belmont. He said as someone who has been heavily influenced by the Christian faith and the Bible, he understands where people are coming from regarding this event at Kava Bar where he is a pretty frequent customer. He said as an American citizen he believes American is still one of the few places where you can express yourself how you desire but it upsets him to know that people are as opposed to the freedom of expression that they are especially in a small town such as this where American patriotism is, he assumed, what everyone wants. He said people have American flags and that we just pledged allegiance to the flag yet people are so opposed to people's rights to express themselves and to do what they want as long as they are not harming or threatening somebody else. He said as a Christian, while he maintains certain opinions that have been expressed tonight on what a drag show should entail, he also believes it is not his place to judge people for the decisions they might make. He said it's not his place to restrict their right or try to or openly speak against them for what they want to do. He imagined a town such as Lowell, where we pledge allegiance to the flag and where he sees conservatives and people wearing Trump apparel, stuff that he agrees with personally, that we wouldn't find people so opposed to civil liberties and wouldn't find Christians that want to judge other people.

7. John Cato, 109 Walnut St, Lowell, NC stated the past city council was so busy spending money instead of fixing what we have. He said Phillips St needs to be a three lane highway so the parents taking their kids to school will have a place to park on the side of the road so the people living in the living in the neighborhood, especially in emergencies, where they can get in and out and it won't interfere with traffic problems, which now it is. He said that is a city road. His other issue was on Main St where it is a three lane road. He said one goes to the bank and Sam's Pawn Shop, the 2nd lane goes to the post office, and the third comes back this way [toward City Hall], and none of them are painted. He said people from outside of town don't know which way to go and asked why that hasn't been fixed as it is a city street. Lastly, he said water lines need to be replaced. He said he called Larry [Mayor Simonds] way before election time in November to complain. He said since November, the water people have been out on his street three times to fix

leaks and that is a brand new paved highway so why keep tearing the roads up and destroying our new highways.

8. Jim Kiser of 711 McAdenville Ave, Lowell, NC said he knows a lot of people are against this thing at the Kava Bar but said let's look back at people going to these bars drinking and getting drunk and going out driving and killing people. He said he doesn't hear anyone complaining about that. He said what's wrong is wrong and if you are going to complain about one, you should complain about the other.

Mayor Simonds said that when they passed these crazy ordinances where you buy liquor by the drink, where you can sell alcohol in convenience stores is where all the troubles begin. If it [ordinance] had never been passed, we wouldn't be talking about this. He said we have a zoning officer here tonight and would like him to explain the ordinance. He asked Joe Gates to explain the ordinance. Mr. Gates went over the documents requested by the mayor and stated Kava is permitted as a retail and coffee shop and would not be selling alcohol and do not have a permit to do so. He said they were permitted to sale coffee, Kava, and Kratom, which are legal in the state of North Carolina and under Table 8.1 of the general uses of the Main St zoning district. Mayor Simons asked where is adult entertainment allowed? Mr. Gates said "adult entertainment as defined by General Statute under Article 14, section 26, lists out what an adult business is and our [Lowell] ordinance references that section where adult businesses are allowed with a special use permit in the Industrial zoning district, so if a business were to meet the criteria, based on the definition, which is based on the State statute, then that business would have to locate in the Industrial district with the approval of a special use permit by the city council." Mayor Simonds asked if this business what permitted to sale coffee and things like that but once you put a cover charge on something like this, does that not differentiate from our ordinance, to change from a coffee shop and in his opinion to adult entertainment because this is a drag show. He said if a child was to wonder in there, it would be terrible. He said "why allow something so egregious. People have their rights, yes, but don't influence other people by your ignorance, in my opinion. I think it's the most ignorant thing to ever come to Lowell and ever been put before us. This should have never been in the ordinance and been allowed and needs to be taken out of the ordinance if it is. We have ordinances, we have different zoning areas for different businesses but we also need to take out adult entertainment in the Industrial zone as well and if it's in there, it needs to come out as well. Whatever we have to do to have a public hearing or whatever. The most important thing for this town tonight and this day forward is to appreciate our businesses as they are and help the businesses. I agree 100% but don't do something that will hurt the people. [Speaking to

owner of Kava] if you really love and care about and we love you, we don't hate you and I have nothing against you personally whatsoever but the influence of young people and having the ability to entertain like this is your prerogative if you want to do it. The way I read the law, you should be shut down if it goes forward because the ordinance and the way it was written. This is not adult entertainment and we don't hate anyone and we would love for your business to be successful and I'm not trying to tell you what type of deals to have out there, it's your business, but this is so egregious. You have a church across the street, you have Christian people and listen, every one of us is going to die, everyone is going to leave here at one time or another and how do you want to be remembered for being wrong or being right. Everyone has their opinion, that's why you have elections. I would never have thought we'd have anything that would allow such a thing in Lowell. I think it's the most ignorant thing I've ever heard in my life and for people to have to come up here tonight to express their views for something like that, either side, it's not the place for it. This is a city council meeting trying to better our city and go forward in the eyes of Christ. Understand this, I don't care what they say about all these people that can stand on the side of the road, these atheists and things like that, if there's not a law there to do that, put them in a net and take them away, they should. I don't make the laws but I do oversee this board and I'm your mayor and don't care if you like me or hate me, that's fine, that's up to you. I love Jesus and we're all going to die but when we leave here we want to be at the feet of Jesus and we want to understand what it means. That is the real world. Nobody wants to hurt anyone but I respectfully ask you, not to be mean, just not do this, as a citizen, not do this. Mrs. Johnson said "I'm sorry but no."

Mayor Simonds continued "you have to follow the law and we have a Police Chief and they know the law and I'm sure the Planning and Zoning Board know what the ordinance is. He knows there is nowhere where that is allowed to happen, nowhere. Am I right Mr. Gates or am I wrong?" Mr. Gates said "the ordinance does not address this particular matter so again, without a specific law to be written, then our ordinance as it is currently written, we don't have a leg to stand on so to speak. If the council so desires to write in or amend the ordinance through the public hearing process, then staff could draft ordinances and work with legal to draft something to the board's liking. Then we can present that to the Planning Board, through the process of a text amendment, then advertise a public hearing at which time the council could amend the law to your liking." Mayor Simonds said "it's not a law to my liking, it's just a law how it is written. It has no place in downtown. You show me where you can have adult entertainment downtown." Mr. Gates said "as I previously stated, the law and the General Statute does not currently...Mayor Simonds cut him off and asked if he is looking at a State ordinance? Mr. Gates said "yes, in your packets, under the

definition, it states that our definition is based on State law because adult businesses are regulated throughout the state of North Carolina and in the United States. When our ordinance was written and approved, that was the definition that was used and that way it is standard across [the board] and we match any other state and county who use that as the base of their definition. Again, the town doesn't have the ability, necessarily, to change state statute and I guess we would have to seek some other legal recommendation as to how you would navigate that in a way that would amend the ordinance."

Mayor Simonds said "listen, I'm not here to argue with you, I just disagree with you for one reason, the State of North Carolina is the most corrupt in the history of the United States. To allow these things to happen in a small town, I don't look to the State to approve it, I look to this board, you as a representative of this city and our City Manager to follow the law. It's like when we have businesses in town, yall find every way in the world to stop businesses from coming and I don't approve of that. What you should do is extend the right hand of fellowship to the people coming here that want to make a living, that want to businesses up and down Wilkinson Blvd and get jobs and this does not create jobs. This creates havoc to the citizens and we just don't need to have this reputation." He asked "do you see any other municipality doing this, other than Mecklenburg County? I'm talking about Gaston County and listen, we are one of 524 municipalities in the state of North Carolina and if everyone of them went by what Roy Cooper wants you to do, we'd be broke, all of us." Mr. Gates said "if he would like to instruct staff, they would definitely get to work on that amendment"... Mayor Simonds said "we need to have that on the agenda starting next month where we can straighten these things out and eliminate this stuff." [Mayor Simonds directed to the Mrs. Johnson, Kava owner again] "I respectfully ask, that this is a small town and no one is here to hate anyone or to cause havoc. I want us all to reach out and be together." Mrs. Johnson, got up to go to the podium to speak. Mayor Simonds said she can't speak again because she already spoke.

9. Paul Williams of 703 McAdenville Rd, Lowell, NC said "I personally do not care for the taste of Kava. I personally do not enjoy seeing men dressed as women but I did not think that there is anywhere in the United States of America, and I wore the country's uniform for 11 years, that it is against the law anywhere in the 50 states to dress up like a woman if you choose to do so and really that is all they are doing. They are not removing their clothes. They don't have agendas underneath it. I will not be personally attending the event but do not think it is anywhere where it is against the law to dress as the opposite sex of what you are. If you want to change that of course that is welcomed but I don't think that is possible."

Mayor Simonds said "like I tried to explain to every one of you, it's your right to do what you want to do in your private home, that's your business but if a child gets in that place...look at all the rhetoric all on Facebook about this whole thing. You don't read the good things like how many people got saved last week, how many people attended church, and how many people were led to God. Things like this lead people to God more than anything because God is the rule and I think (inaudible). It's not up to me to tell you you can't do this I'm just respectfully asking you not to. I'm not mad at you, it's your business, but don't do it...in my opinion. If you so choose to do it, it's in violation of our ordinance and that's up to staff, City Manager, Police Chief and people like that who enforce the law and the electorates. That's why we are elected, to enforce our ordinances. I'm not talking about your rights, I'm talking about ordinances and our ordinance today, we don't have the permit or permission to do that downtown and that's our rules." He asked if anyone else on council wanted to comment.

Mayor Pro Tem Bates said when he "received a call from the citizen in reference to this, I started researching and going through the ordinances. I personally do not see any violation that she [Mrs. Johnson] would be committing the way the ordinance is written right now. I have been contacted for council to go in and make changes to do that but as far as the way the ordinance is right now, she is not considered an adult establishment and she doesn't even meet the criteria of an adult establishment through North Carolina General Statutes. I'm no lawyer but that is just my interpretation. Maybe the City Attorney can be look into it and come back with his thoughts on it." Mayor Simonds asked if the attorney had an opinion as far as the ordinance goes as it is written? Mr. Russell said as the ordinance is written he is not aware of anything that says you can't do this action. He said the city regulates by what is your ordinance, so if you don't have an ordinance prohibiting something, it is therefore allowed. It is the same context as state criminal law and state statutes Mr. Bates referred to.

Mayor Simonds said the way he reads it is "that this is a general downtown business where you have to apply for it and have a permit. We have laws and rules where you have to be 21 or older to attend things like that. How old do you have to be to go into a place like this? You have to be at least 21 years old and if a child gets in there, it's going to be terrible. It's terrible we've talked about it as much as we have. So what you're saying is this is permitted (inaudible). I have the permit here where Mr. Gates issued the place as a coffee shop and that's the truth and nothing but the truth. This is not New Orleans and we don't want to be that. We just want a nice little place to sleep, go home, get up in the morning, go back to work and not be effected by this. I don't see how in the world you can sit there in good conscious and say this is good, it's not."

Mayor Pro Temp Bates said "I'm not saying it's good, I'm saying the way the ordinance is written, I don't see any violations. Just like Mrs. Johnson said if you look across the street, the Miami Fusion, I'm sure they were issued a permit for their restaurant but yet they have karaoke and live dancing there as well. I'm not condoning what's going on, I'm just saying at what point do we...you have to be very specific in your ordinance." Mayor Simonds said the only thing that allows it is the state, not Lowell and the only place you can have (inaudible) is Industrial [district]. Mayor Pro Temp Bates said her business is not considered...Mayor Simonds cut him off and said 'her business and I agree 100% but she changed her business when she changed to a drag show or whatever and that's a different statute in the ordinance book. That's where I see the issue. Y'all are the board and I don't make the decisions." Mayor Pro Tem Bates said "respectfully Mayor, I've done a lot of research on this and I can not find anywhere where a drag show is considered adult entertainment. Like I said I'm not a lawyer so..." Mayor Simonds asked the attorney if it is adult entertainment or not? Mr. Russell said adult entertainment depends on what actually happens. He said there "is a state statute that says a lot but to define adult entertainment, I don't know if you can sit here and say in advance this is or this is not adult entertainment. That would be a decision for the Police or Zoning officer to make that determination. Mayor Simonds said "I believe every word I said that it violates the ordinance. Let me ask you something, what if a man and his wife want to take their children in there and this is going on. Is this permissible for them to have children in that building that night. Hell no!"

Councilmember Smith said "I agree with Bates but our ordinance allows this now. If you want to change it, you bring it to the council but I feel like we have a lot more important things on this agenda to go over. Unless the public has any more questions, I'd like to move forward with the meeting." Mayor Simonds asked if anyone had any more comments. No one did. He said "the only thing I want to recommend is the Police Chief, the City Manager, and Code Enforcement understand what these laws are and what we have on these books. We don't have anything that allows this. You want to refer to the state, that's your opinion but I expect it to be enforced. I expect that if a child goes in there with their parents or something like that, the law be enforced. Do you understand Mr. Chief [to Chief Moore]? It's up to this board. If they say it's ok. You're saying tonight [to Mr. Russell] that children can go in there, have coffee since it's open to the public? That's what I'm saying and I don't think you disagree with me. Would you take your family in there for a Coca Cola?" Mr. Russell said that's not a legal question but personal. Mayor Simonds said it's just a question and repeated the question and added if a child went in that night, would it be ok? Mr. Russell said you couldn't say without knowing what is going on and that's an individual decision. He said "everyone is going to have a differing opinion about where they take their

family. You can not say without knowing what exactly is happening." Mayor Simonds said I think we have an ordinance on it and then asked if anyone else wanted to speak.

10. Monica Love of 501 Birch St, Lowell NC said she was born and raised here. She mentioned she is a devout Christian and believes in male and female. Her concern is the capacity of the building and how many does it hold and will it spill over into the street. She said "what they do is what they do but once it comes into the street and my kids and grandkids are exposed, that's where I have a problem. Will there be someone there to monitor. How many are they expecting. I know Bambi [Mrs. Johnson] said people are going to be coming from out of town and we don't know who those people are or what they are about but once it's on the sidewalk or the adjacent lot or into the street...we don't have a social district so what happens then. Can council check into that?" Mayor Simonds said that's a good idea. He asked Mr. Gates asked how much land space of the building and he is referring to land adjacent to it. Mr. Gates said there is no way he would know that off the top of his head what the land space of the building is.

Mayor Simonds said "once this spills into someone else's lot then that's a different subject right?" Mr. Gates said he "didn't know if I understood the question but if you're asking if you would require some sort of permit or something if you're on the road and hosting part of your event, then I'd say you are correct as you would be obstructing NCDOT right-of-way, if that is your question. The capacity was brought up and that would be through Gaston County Building Inspections and the Fire Marshalls office as far as their rated capacity. The business owner, if they don't have it already could check with the Fire Marshall's office and post it and would face fines if they exceeded it." Mayor Simonds asked who owns the land between that building and the Masonic Lodge? Mr. Gates did not know. Mayor Simonds asked if there is a different ordinance for public display? Mr. Gates said "you would have to see what was happening and then make a decision at the time. I can't preemptively tell you what's going on or what could or would happen without something actually happening." Mayor Simonds asked the Police Chief to answer what is the ordinance of them being outside of the business. Chief Moore said if they are outside, if it is a demonstration, they would need a permit. If they are going to their car or leaving the business or talking no they do not [need a permit]. If they are doing a display, yes they do [need a permit]. Mayor Simonds asked if he would be issuing those permits and Chief Moore said yes. There were no further comments.

2. Approval of Minutes

The item was motioned To Approve by Scott Bates and seconded by Travis Smith with a passing result 3-0-1-0 Abstained by Larry Simonds

The item was motioned To Approve by Travis Smith and seconded by Shane Robinson with a passing result 3-0-1-0 Abstained by Larry Simonds

2A. Approval of Special Call Meeting on January 3, 2024- 6:49 PM

2B. Approval of Regular Minutes January 9, 2024- 6:49 PM

Mayor Pro Temp wanted to make a comment about this meeting. He said "there was a comment made where a councilmember stated to the Mayor "you're a joke and that's a fact". My thing is that we are leaders of the city and you need to be professional, courteous and respectful. Mr. Simonds whether he's the Mayor, whether we like it or not, the citizens voted him in and we need to conduct ourselves professionally respectfully with each other. If there is any personal agendas with anybody on this board, I think it should be handled outside council chambers and not in front of the citizens.

3. Special Presentation

3A. Proclamation in Recognition of the Month of February as Black History Month- 6:52 PM

Read aloud by Mayor Simonds.

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

3B. Introduction of Police Administrative Assistant Sabrina Stafford - 6:54 PM

Chief Moore introduced the new Police Administrative Assistant that started with the City of Lowell on January 16, 2024.

3C. Presentation by City of Lowell Lead for NC Americorps Fellow, Emiyah Watkins- 6:57 PM

Scott Attaway said that Emiyah Watkins was sick and will present at the next council meeting.

4. Consent Agenda

The item was motioned To Accept by Scott Bates and seconded by Travis Smith with a passing result 3-0-1-0 Abstained by Larry Simonds

4A. Planning Report- 6:57 PM

4B. Public Works Report- 6:57 PM

4C. Parks & Recreation Report - 6:57 PM

4D. Finance Report- 6:57 PM

4E. Geographic Information System (GIS) Report- 6:57 PM

4F. Communications Report- 6:57 PM

4G. Stormwater- 6:57 PM

4H. Police Report- 6:57 PM

5. Unfinished Business

5A. Master Sign Plan Application - Public Hearing - File # MSP23-01- 6:58 PM

Mr. Gates explained the purpose of the public hearing. He stated this is for the Chevrolet dealer down the street. Per our ordinance, the amount of signage you have exceeds our maximum or 10% of the wall area or not to exceed 100 sq. ft. you would need to apply. Because the overall signage package for Chevrolet currently exceeds that, even though the specific sign [the word McKinney to Gastonia] from that is being proposed is actually smaller, all the signs in its totality had to go through this process. He said staff is in support of the approval and the Planning Board voted unanimously to approve. Councilmember Robinson said it seems we are making for businesses it difficult to get signs and different things. He asked what is our ordinance in comparison to other cities and maybe consider making this a little broader. Mr. Gates said that based on his comments last month, the Planning Board began discussing this with a few viewpoints: what does that look like in other towns, what is the ultimate goal from council as guidance is welcomed. He recommended limiting principles to help convey that to staff so that when it is time to bring some options or amendments, the Planning Board is in sync with Council and producing something that you would want to see. He said the Planning Board is proactively working to improving this. Mayor Simonds asked if anyone had a problem with the sign. Councilmember Robinson said he doesn't have a problem with the sign and thinks it should be opened up so we don't have businesses held up. With no other comments the public hearing was closed.

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To go into Public Hearing.

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To Close Public Hearing

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To Approve the Master Sign Application

5B. Proposed Amendment to Section 33.16 Membership and Vacancies; Attendance.- 7:04 PM

Mr. Gates reminded Council that this was to clean up a discrepancy in the Code of Ordinances and the Lowell Development Ordinance of different requirements for the number of people allowed to serve on the Planning Board. This is for the two to match since there will be a discussion of the candidates later in the agenda. The Section 33.16 of the Code of Ordinances old language stated that there needed to be five members from Lowell and then there was language about the Gaston County Commissioners appointing three people from the ETJ or Extra Territorial Jurisdiction. Since we no longer have ETJ, the sentence no longer makes sense. Mayor Simonds asked if we can strike that sentence and never have it brought up again since it's been eliminated. Mr. Gates said that is what the amendment does in the second half of the first sentence and if approved by council would simply state that the Planning Board should consist of seven members of Lowell citizens. Mayor Simonds asked how many people serve on the Zoning Board now. Mr. Gates said there are currently six and one more to select out of two applications.

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To go into Public Hearing.

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To come out of Public Hearing.

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

To Approve the Changes to the Text Amendment.

6. New Business

6A. Annual Utility Allocation Report -LaBella Engineering- 7:07 PM

Bonnie Fisher, City Engineer with LaBella Associates gave the Utility Allocation Capacity accounting. She said it comes from our existing policy for Managing Utility Allocations and Extensions, Section 3, which requires capacity account. She said the policy states that the City of Lowell will track capacity, primarily water and sewer utility, to see how much usage you're using throughout the year and how much you have available. The policy says that the City Public Works Engineer shall prepare a schedule of the capacity that is available and a list of utility allocations that have been granted and this report is presented to council once a year. She said this is the 2023 report. Lowell's sewer capacity is a 0.6 million gallons per day plant and the permit requires that you track the daily flows and this is monitored by a Discharge Monitoring Report or DMR and flows are recorded each day but the report is produced on a monthly basis. LaBella takes those monthly reports and craft the flow against time so you can see what is happening at your plant.

She explained the flow at the metering station at Fair St where Two Rivers accepts it, meter it, and sends Lowell a bill and is tracked separately. For 2023, the average monthly flow at the plant was found to be .23 million gallons per day, the permitted flow is 0.6, at you have an Interlocal Agreement for 150,000 gallons per day with Two Rivers. The last information she had when she looked at this presentation in July 2023, Lowell had about 33,000 going through that point. Mr. Attaway added that the metering point is at Fair St station. Mayor Simonds said "we collect it and give it to Gastonia". Ms. Fisher continued with her presentation explaining the flow over time where over time it increases and decreases. She said that shows you the infiltration of rain water and ground water. She noted the high than average flows at the plant in April 2023 with a couple of days where it got above the permitted 0.6.

She then talked of the design flow reduction request where the NC DEQ requires a flow design rate of 120 gallons per day per bedroom for residential development. The state allows for cities to request a lower design rate. The city of Lowell went through the permit process and the evaluation showed that residents contributed less wastewater or about 60 gallons per day per bedroom. Lowell was approved for the lower amount in January 2023. Mayor Simonds asked how many 5 bedroom houses Lowell had. Ms. Fisher said not many but the 60 gallons per day would be for any number of bedrooms. Mayor Simonds said "so we're staying well under the limits as far as the sewer system goes, we're in good shape. As growth comes in then of course we're going to use more sewer. What we have to guard against is making sure all the man holes, everything is taken care of, [that] we don't have a spill going into the South Fork River, things like that, that's why we have people place for when alarms go off. That's the biggest thing. I understand what you're saying, you're the engineer and I know you have to present this to the board but how long have you been with Lowell? How long has LaBella been taking care of our engineering needs? Ms. Fisher said since about 2018. Mayor Simonds asked her if she "sees anything that needs to be any changed, just cut to the chase. I mean that's all well and good what you're saying but we all know that we're under our limits and we're in good shape." Ms. Fisher said "the graphs earlier show that you do have groundwater getting into your sewer system which is very typical for an aging infrastructure. If you can make repairs, there is testing you can do to find the connections where your storm systems are tied to your sewer. You can find those areas, cut them off, or you can line pipes. There are a lot of things you can do to get the groundwater out of your sewer pipes." She said she would recommend a rehabilitation program like that and believes that staff is actually considering that. Mayor Simonds said "I know we have money to update our sewer system down the road but as far as being over the limit or whatever you're speaking about, I think we had one violation or two with one, I think, in the recent months when all this water was bad. Overall, I think

we are staying under the levels and not being fined and things like that. You can always use improvements but what people need to do is monitor things themselves and what employees need to do is go by and monitor all these man hole covers. You know how the system works, we need to keep all our drainage cleaned out, all our piping and stuff like that and infrastructure. I understand that."

Ms. Fisher continued with the presentation regarding new development going forward. She said both the new developments, River Heights and Lowell Woods, have been approved for 12,600 and 15,300 gallons per day respectively. When you add that to Lowell would be at 43% of the permitted capacity. Mayor Simonds interrupted and asked if she had the flows for Preston Place? She and Mr. Attaway said that that is Lowell Woods. Mr. Gates added that there are two different projects that share a connection with two different names. He said this property was sold off some time ago and a developer picked it up. Mayor Simonds asked how many houses are being allowed to be built at Preston Place. Mr. Gates said he believes it is 84. Mayor Simonds then said 'not to change the subject, but what are the lot size is over there?' Mr. Gates said "I don't know that off the top of my head, Mayor." Mayor Simonds said "that such a small piece of property to have all those houses but that was voted on by the prior council." Ms. Fisher continued with her presentation including if the city has capacity that could be available and the preliminary capacity assurance review PCAR update for the flows to the Wastewater Treatment Plant and Willow Creek Meadows.. Mayor Simonds interrupted and asked if she had the figures for the Belmont Land Investment or the development out on Spencer Mountain Rd., Main St.? Mr. Attaway said that is Spencer Ridge. Mayor Simonds asked if that has been approved for development. Mr. Attaway said they've been given a preliminary capacity assurance review, they're zoning has been approved. Mayor Simonds said "as far the city spending money out there with water line and sewer line, we are not obligated to do anything?" Mr. Attaway said no. Ms. Fisher continued with the discussion of the Willow Creek Meadows PCAR and the water allocation provided by Two Rivers Utilities. Mayor Simonds interrupted and asked "what you're saying is Two Rivers controls part of our sewer?" Ms. Fisher said this is the water supply. This concluded her presentation.

6B. Consideration of Change Order 09 to the Demolition Contract with Trifecta Demolition-
7:22 PM

Mr. Attaway guided council to the financial dashboard located in the agenda packet showing the \$2million SCIF grant awarded to the city used for this project. He said the total number considers this change order. He said the next page tells a little about what the change order is inclusive of some permanent rip rap [stone]. Danny Watson, Project Manager with LaBella came up to explain more about the change order. He stated that this order was to permanently stabilize the bank. He

said what they encountered from the previous rainfalls and after our last meeting was to check out the impact to the site. What they discovered was that since it is on an abandoned site of 20-30 years, the existing infrastructure was not maintained and the trucks and the hauling on the existing road, is that it tore up the road more and needed stabilization of all the gravel roads and banks on the site. The damage spilled over into rip rapping banks which also needed permanent repair. He said Mike [Craddock] with Trifecta's demolition crew submitted rates and ultimately lowered his unit rate in the contract after some negotiations.

Mayor Simonds stated he needed to leave early at the last council meeting but asked if there was a change order requested during that meeting. Mr. Attaway said yes there was a change order then. Mayor Simonds asked how much that was? Mr. Attaway said that was change order #7 for \$73,650. Mayor Simonds asked what they [LaBella] are asking for tonight? Mr. Attaway said \$39,029 and that would be it for the balance of the work at the site. Mayor Simonds said that would be a total of \$1,987,000? Mr. Attaway said that was correct. Mayor Simonds said you only had \$2 million? Mr. Attaway said correct. Mayor Simonds asked what do you do when you run out of money? Mr. Attaway said this will complete the job. Mayor Simonds asked if this will complete everything as far as the corrosion stuff, etc? Mr. Attaway said yes. He said the only thing left there is the raised site. Mayor Simonds said "so we've spent all the money we could spend without going over, right? Has anyone, I mean I understand numbers when it comes to how much money you have available and in most cases people like to stay under. In this case, under \$2million, we're only going to be less than \$13,000 [under the quote] to complete the project. I don't know how they came up with the figures but they did a heck of a job. They come up with a \$2 million project and spend it all and the last two meetings we had to ask for more money to get this thing completed. What was in the original contract? Was this not in the original contract way back, to finish this before now? I mean all these new change orders seem kind of recent." Mr. Attaway said "yes the former council that started this project and it was stated numerous times that we are going to find things and that there would be change orders to this site, large site. So the original contract was approximately \$950,000 and this is change order #9 in the demolition contract...and each change order has had various listings of the quantity of items." He listed examples of the items found including underground storage tanks. Mayor Simonds asked Mr. Attaway the amounts needed this time and last month again. Mr. Attaway answered [see above].

Mayor Simonds added the two up and said "looks like you'd see these things coming before you get down to where you come to council meetings to say we need this money to finish a project. I don't have the original contract in front of me but I'm sure in the very beginning you weren't

considering spending \$2million but now that we are at the end, you won't be completely spending the \$2million with about \$12,000, \$13,000 left over for any changes or whatever. I don't understand. Did we only have the one bid for the different things with the same contractor and never ask another...can someone do anything cheaper rather than just allowing the same contractor come in and just keep making changes? We never questioned anything, we just...we eliminated the bid process and just go by what someone tells you. To me that's inappropriate, in my opinion. I think when you get change orders or whatever and it's not in the contract, I think you should go out and have another bid rather than go by whatever the company tells you. I think it's always room for question in whenever you spend \$2million and now the money is almost gone. You got \$12,000 left to sweep up dust or whatever, I don't know. I just have a question. I don't know how they allow you to just make change order after change order without no other bids. When did all these change orders start, when you were at \$1.2million correct?" Mr. Attaway said he is not sure. Mayor Simonds said "it's in front of you". Mr. Attaway said he doesn't have dates. Mayor Simonds "at one time, you were thinking this would be handled at \$1.2million, now we have \$2million appropriated, we're spending the whole \$2million." Mr. Attaway said "I guess you could've left it like that and the former council could have as well but they elected to do the change orders." Mayor Simonds said "I understand, but when you have change orders, you take bids, you don't necessarily have to stay with the same contractor. I say anything over \$10,000 should require bids but that's not up to me. I have never seen no town or anywhere that just allows someone to come in saying this is how it has to be. I'm not saying anything is wrong, just in my mind you got to save all you can because it's not our money to blow, it's our money to save. If you could've saved some money, then we'd have the money to do other things. But to take the entire \$2million for this project, I think your initial bids were nowhere near that. What was it \$1.2, \$1.3 in the very beginning?" Mr. Attaway said "again, this contract was a \$950,000 demo contract." Mayor Simonds asked if "this work has already been completed and you're asking for money tonight?" Mr. Attaway asked Mr. Watson. He didn't answer because Mayor Simonds said "well you've already authorized it without approval." Mr. Attaway said it wasn't authorized. Mayor Simonds said "well you've already spent the money, you said the work's completed right." Mr. Attaway said yes but we are not authorized to go over a contract, they have to come in to do a change order for the contract and I'll let Danny and Mike speak to that." Mayor Simonds said "how the bid process works is...if I'm doing a project, I'm getting all the bids I can get." Mr. Watson said "that the part of the bid process is that it was \$1.2million and the change orders, I mean you could've stopped construction in the middle after they completed with the existing infrastructure it was going to cave in and if you went back to the bid process that would take a couple months and you'd have to shut down the work and the existing infrastructure would be

more decapitated. According to our permits, we have to maintain erosion control, sediment control and stormwater control. So by stopping construction and re-bidding the change orders would take time in itself while the contract.." Mayor Simonds interrupted and said "that's what a contract is for. I think it's very important that whenever the city goes into a contract with whomever it be and they tell you it's going to be this amount of money and all of a sudden month after month after month you keep spending more and more money without the bids. That's my question. I'm not saying anything was inappropriate just money the city has to spend even though the State wrote the check and that's fine. I'm sure we have to be good stewards of the money no matter what and I would recommend in the future that this board never allow anyone and I know we have the Manager/Council form of government, but as an answer to the public. We should know what we're spending ahead of time rather than a City Manager, I'm not talking about you, but any City Manager that says it's ok to spend X amount of dollars to go ahead and authorize...has council already approved this?" Mr. Attaway said "no, and I never authorized it." Mayor Simonds said "well how did it get to this point?" Mr. Watson said "the extra rip raps that were put in, we didn't get the tonnage tickets until late, then we added them up and asked Mike and Trifecta to come up with an estimate and present it as a change order." Mayor Simonds interrupted and said "excuse me, if you have a list of those, do you have a list of how much you paid the dump to take it, is that what you're saying?" Mr. Attaway said he is talking about the quarry. Mr. Watson said the truck tickets are to bring it in. Mayor Simonds asked if we have copies of those invoices? Mr. Watson said "we have a copy of all the truck tickets. We've added them up and justified that they were the tickets turned in." Mayor Simonds said he'd like to have a copy of them. He asked if there was anything else. Mayor Simonds asked Mr. Watson to provide the copies of the invoices from the very beginning to now as he'd like to go through them to see what was spent.

Councilmember Robinson said last month council approved a little extra funds in case that last finding would not be accepted by Gaston County dump. He asked Mr. Watson if the landfill accepted that? Mr. Watson said yes. Mr. Attaway said the underground storage tank was deemed acceptable by the landfill and that was change order #8 with the removal of the tanks and then change order #10, which is the \$10,000 threshold that council approved in January. He said the \$2613 was the not to exceed number to backfill it [the hole] with stone. Mayor Simonds asked if that is the same thing we are talking about tonight. Mr. Attaway said no, that was from last month. Councilmember Robinson then asked about the erosion control and coming well under a half a million dollars. Mr. Watson said "what we found from the rains, the existing site conditions, it didn't hold up very well from the rain and more stone was needed to refurbish the existing

roads mainly using up..." Councilmember Robinson interrupted and asked "prior to this, we were a little over \$100,000 under that budget after this \$39,000, we're still going to be under that budget by..." Mayor Simonds said \$13,000. Councilmember Robinson continued saying "last month, when we were in here and according to the minutes, that "Danny is keeping track and they were projected to come in far under that amount" talking about the erosion control." Mr. Watson said that's correct. He said "at that time we had all tickets turned in and were well under, then we met on site after all the rain and needing more stone. The idea is that..." Councilmember Robinson said "this is an additional \$39,000 to that well under?" Mr. Watson said yes. Councilmember Robinson asked how far are we under that now if we add the \$39,000? Mr. Watson said all of the budget of the contract was used up, refurbishing the site (inaudible). Councilmember Robinson said "I know the change for tonight is for \$39,000 but I'm trying to get to where we were significantly under that half a million last month and the only change is \$39,000..." Mr. Watson said there was a significant amount of stone placed in January and we got the tickets around the third week of January so we added all the tickets up in the last pay app, then asked Trifecta to turn in the rest of them so we can add them [together] to see where we are." Then we found out..." Councilmember Robinson said "that maybe we were not significantly under last month as it was stated?" Mr. Watson said "yes because that is the records we had. From the records we had we were well under and so we got more truck tickets and the idea was to use the savings from the truck tickets but not go over the contract and we found we went over from adding the tickets we got the 3rd week of January. So as soon as we got the tickets we added them up and reviewed the contract." Mayor Simonds asked how many tons of stone do you get when you order it? Mr. Watson said 15-20 tons. Mayor Simonds asked how much is it per ton? Mr. Watson said "for the rip rap it is \$136 per ton and for the AVC it's about..." Mayor Simonds asked how many tons have you had to use since the last meeting? How many are you using? He then asked Mr. Watson if he was the engineer that did the sewer lines that went into the laundromat. Mr. Watson said no. Mayor Simonds asked if he "did anything to the street over here [pointing towards back of building]?" Mr. Watson said no. Mayor Simonds said "getting back to this..." Councilmember Robinson said the cost the Mayor was talking about is in the packet. He then read the amounts noted on the proposal for services. Mayor Simonds said it was \$500 just to unload a truck and asked Councilmember Robinson to read it again. Councilmember Robinson said it was on page 60 of the packet. It was then shown on the screen. Mayor Simonds asked how many tons were requested. Mr. Watson said 364.44 tons [page 61] and the \$39,000 is to cover that.

Mayor Simonds said "I understand budget and I understand when you build a piece of property, you want to come under the budget and I don't know how you can come so close to the original

\$2million and just \$12,\$13,000 below and the past two meeting nights you've asked for more money. Looks to me, I don't know how you could misjudge this. Just in my mind. You came in last month and you gave them how much?" Mr. Attaway said \$73,000. Mayor Simonds said "\$73[\$73,000] last month, \$39 [\$39,000] tonight, that's \$112 [\$112,000]." Councilmember Robinson said "I, myself, understand that there are so many factors in this project that there are changes and things are going to come up and a lot of unknowns. I'm just saying for myself, trying to figure out how last month, we were going to be well under that with only \$39,000 more, but now we are exceeding that." Mr. Watson asked Mr. Attaway to go back to the figure on the screen [showing pictures in the agenda packet]. He said "all the existing roads around the sites..." Councilmember Robinson said "you're saying you didn't know that at the last meeting when you were here? Where are all the tickets that you didn't know about at that time? Mr. Watson said "those tickets were turned in in January to evaluate for payment for the last pay app. (inaudible), there was a lot of stone used for the existing roads. So we then had all the rip rap on site to see what those tickets added up to and as soon as we got the tickets, we added them up." Councilmember Robinson said "I'm assuming it was just a misstatement last month that you were well under that." Mr. Watson said "it wasn't a misstatement. The records that we had... the engineers, here's what's been turned in and based on what's been turned in, we're well under. As soon as we got the rest of those tickets and added them up we found that the rip rap went over that." Mayor Simonds said "when you got tickets to cover from last month to (inaudible). The last meeting was January 9th, so all those tickets should be January on forward and we should have record of the date on the invoice and how much we spent. Do you have that Scott?" Mr. Attaway said "I think on this proposal, on the bottom of it, it tells you the date, the ton load and starts January 8th to January 17th." Mr. Watson said the tickets were given to them the third week of January.

Mayor Simonds said "this is the thing that I have a question about, on January 9th, you're already up to a point where you have to ask for money, \$39,029 and tonight is \$73,000, is that correct?" Mr. Attaway said no, it's backwards. Mayor Simonds said "so it's \$112,000 and this is just for stone and labor?" Mr. Watson said "the change order previously or change order #7 has nothing to do with the truck tickets, that's all related to demo [the \$73,000] and this [\$39,029] is just the truck [tickets]." Mayor Simonds asked "you handle the construction part of it right?" Mr. Watson said "yes in terms of keeping track of what's been turned in and evaluating that based on the contract. As soon as we get the truck tickets turned in we evaluate that..." Mayor Simonds said "so start to finish you have how much has been spent for stone?" Mr. Watson said yes. Mayor Simonds said what do you do as far as the grading goes, the cleaning up. How does that factor into it, is that

like per ton?" Mr. Watson said "this is a demo contract, a backfill and erosion control contract. There is no grading. The construction contract is about \$1.1,\$1.2 million but the total project including the testing and everything is \$1.9 [million], not just the construction." Mayor Simonds said to Mr. Attaway "you appropriated \$2 million, have you spent more than \$2 million out there?" Mr. Attaway said "no, sir." Mayor Simonds said "but you're within \$12,000 of spending that." Mr. Attaway said "that would be the total, yes." Mayor Simonds would like to get a copy of all the invoices and dates to add it up. He then asked where are they taking the other stuff, like the steel? Mike Craddock answered saying "all of the steel, anything recyclable get recycled." Mayor Simonds asked who gets the money for that? Mr. Craddock said that goes back to the contractor. Mayor Simonds said "that's a good perk". Mr. Craddock said that is part of the demolition industry. Mayor Simonds asked how much do you think they got of a perk? Mr. Craddock did not know. Mayor Simonds said "well there should be an invoice, who did it?" Mr. Craddock said he's in estimating and doesn't know that. Mayor Simonds asked "who sold the steel? Who is the contractor that sold it?" Mr. Craddock said "Trifecta, my company." Mayor Simonds said "so your company got the money from the steel?" Mr. Craddock said "correct". Mayor Simonds said "and you don't know how much you got for it." Mr. Craddock said "I don't keep up with that. I don't. We have multiple positions that handle that." Mayor Simonds said "so the city doesn't get that money." Mr. Craddock said "correct". Mayor Simonds said "even though it belongs to the city." Mr. Craddock said "no it belongs to the demolition contractor per the contract." Mr. Attaway said "Mayor, the salvage was in the contract for the demolition bid and that was approved by the former council." Mayor Simonds asked how much money were they to receive for the steel. Mr. Attaway said "there was no monetary amount listed, it was listed that they would retain the salvage." Mayor Simonds said that property belongs to Lowell. Mr. Attaway said "the mentality is that that's going to drive the competitive bid process down because as the demolition contractor notice and estimate how much salvage is in a job, then maybe they can beat out a peer bidder and we went with the low bid." Mayor Simonds said "the bid was already awarded, there was no other bidders, correct?" Mr. Attaway said there were two other demo bids. Mayor Simonds asked if they got the money for the demo? Mr. Attaway said he was saying there were two other bids for the demo. Mayor Simonds asked why the city wasn't going to get any money from the steel at the beginning of the contract? Mr. Attaway said because it drives down the cost of demolition. Councilmember Robinson said it's part of their bid. Mayor Simonds said he understood. Mr. Attaway gave an example of how it would drive down the bid. Mayor Simonds said "once you award the bid, you award the bid that takes care of the job for whoever it is but once you bid and then they give you the same amount they charge you to do the job and in the meantime all this steel...Who'd you sell the steel to?" Mr. Craddock didn't know the name of the location. Mayor

Simonds said "it's your company and you don't know who wrote the check?" Mr. Craddock said "no sir, I'm an employee of the company. I don't handle the salvage." Mayor Simonds asked him if he could provide who bought the salvage. Mr. Craddock said he could.

Mayor Simonds said "this whole project has gone, for me, completely south. It's not done as of yet and I don't see how we can keep coming in here and you ask for more money even though you are trying to stay under your \$2million or make sure you do spend the \$2million. To me, it looks like you're making sure you spend the \$2million. It's just every month you ask for more money and I think Shane has a good point. I don't understand. Once you say this is it, then you come back and ask for more money." He then gave an example of what he is referring to and again asked to see everything from the beginning of the project, every penny. He then asked how much was the total engineering cost? Mr. Watson said \$108,000. Mayor Simonds then said "so the rest went to you including the perks for hauling the steel? That's a lot of money." Mr. Craddock said "it was a lot of work." Mayor Simonds said "and you're still coming back for more money. Looks to me that somewhere in there you would have mercy on poor towns so we could save us some money. Steel is high. Anyway, I just want a complete breakdown from day 1 and everything we spent. Does the board agree with that?" No one answered.

Councilmember Robinson said "the only other question I have...Danny when you were here last month, we didn't know about funds that were coming in, so now that this is change order #9, are all the invoices in and this is the final number?" Mr. Watson said all they have left is fill in two tanks. Councilmember Robinson asked if that is part of the change order and everything has been included and no other tickets? Mr. Watson said correct. Mayor Simonds said "well you've already done the work so we have to pay for it. You've already authorized the work." Mr. Attaway said "again, as I've stated two times, I did not authorize it but yes the work was done." Mayor Simonds asked who authorized the work? Mr. Attaway said "Mayor, staff and the project managers did not authorize, it was done by the contractors. The tickets were behind and then counted like Danny [Watson] said and realized things were over." Councilmember Robinson asked if the city recommends paying this or did the city oversee the work. Mr. Attaway asked Mr. Watson to speak to the integrity of the work. Mr. Watson said "in the beginning, we had to evaluate where we were with the existing conditions of the site. The intent was not to go over the contract. The existing roads were failing and something needed to be done. The intent was to use the bid process at the competitively bid rate of \$43 a ton, which is a very good price to refurbish the roads. If you rebid that work that would take a couple months and that item was already competitively bid which is a very good value for ABC stone. The idea was to use the stone and not

go over the contract. That was done and stayed within the contract but the rip rap is what put it over. Those tickets came in later and we evaluated that, \$39,000 over, so that's where we are."

Mr. Attaway asked about the integrity of the rip rap and if it has been inspected. Mr. Watson said yes. Mayor Simonds said he wanted to see all the invoices and that everything should add up. He asked where they get the stone from. Mr. Watson said Martin Marietta in Kings Mountain. He then asked how much his part is. Mr. Watson again said \$108,000 and they have not asked for any change orders for the engineering portion of the contract. Mayor Simonds asked if they will be done this week. Mr. Watson said they have a little more left within their budget to make sure the inspection work is done. He said there are two more tanks to remove and backfill but most of that is going to be done by DEQ and Geocentric. Then they will review the final pay app and make sure it is complete then close it out. Mayor Simonds said "it mind boggles me that you came in last month and this month asking for more and say the rain did it." Mr. Watson said "yes, we're engineers and we evaluate the costs that come in from the contractor, we don't do the actual work. We inspect it to make sure it is going according to the contract." He said they make sure it is inspected and up to DEQ standards. Mayor Simonds repeated he wanted what was done from day one and complained about not having a record for the steel. He asked about the nine change orders. Mr. Watson said some of them were RFI's with a lump sum of a lot of the change orders. Mayor Simonds said some of them were really high like \$400,000 for one. Mr. Attaway said no, the highest change order is \$73,650. Councilmember Robinson said that he understood this part, his only concern was about what was said last month. Mr. Watson said that is from the records they had at the time. He said he is not the contractor and was going based off what he had. Councilmember Robinson said he understood.

Mayor Simonds started reading off the amounts on the invoice in the packet. Mr. Watson corrected the amount they [engineers] were paid and that was \$65,000 and no change orders [not \$108,000]. Mayor Simonds said it's up to the council at this point. He continued to complain about the orders. Councilmember Smith said "Danny what would've happened if we didn't lay the extra gravel. What would be the consequences and the cost of the clean up had that not been done?" Mr. Watson said it would be a pretty significant cost and they'd have to explain to DEQ why they didn't stabilize the existing site. He said the existing site hadn't been maintained in 20-30 years and they discovered those issues from being on the site. Councilmember Smith said "so you didn't just lay \$30,000 worth of gravel just to lay \$30,000 worth of gravel?" Mr. Watson said it needed to be done. He said another contractor wouldn't charge \$43 per ton, which he stated again that it was a very good rate. Councilmember Robinson said he understood that part and

mentioned his issue again regarding the what was brought before council last month and how the engineers said they would be well under then. Mr. Watson again said they didn't know that at the time. He said "if you recall, we were going to check out the site from the rains, so we didn't know the issues". Councilmember Robinson said "I specifically asked last month what effect on the rain have on the site but when you look at some of the truck load dates, they were done on January 8th, the day before the council meeting." Mr. Watson said "they dump the truck loads but that doesn't mean that they immediately install it that day. They put it in piles, then they install it." Councilmember Robinson said "I understand that. You were in here and unaware." Mr. Watson said yes, he was unaware.

Councilmember Smith made a motion to approve change order #9 for the demolition contract with Trifecta Demolition, Councilmember Robinson said "I'll make it a second but under the discussion, I'd like to say that as of now this is the last, there is no outstanding tickets. This is the last. I mean you're going to come in under your \$2million but this is, the last change. There is no outstanding tickets or next month somebody says we missed this. This is it." Mr. Watson said this is it. Mayor Simonds asked if we'll have a copy of the tickets from tonight. Mr. Attaway said he'll get the copies from Mr. Watson. The vote was unanimously in favor.

The item was motioned To Approve by Travis Smith and seconded by Shane Robinson with a passing result 3-0-1-0 Abstained by Larry Simonds

6C. Selection and Appointment to the Lowell Planning and Zoning Board- 8:07 PM

Joe Gates presented stating that earlier it was mentioned to get the Planning Board up to seven members. He said council have two applications in their packets for review and selection. Mr. Attaway said Ms. Hopper was in the audience tonight and is also in the Citizen's Academy. Mayor Pro Tem Bates asked if the background checks have been done. Cheryl Ramsey explained that the background checks are not done until after they are selected so the vote would be pending the results. Mr. Attaway said we do that for the cost to run the check. Ms. Ramsey explained she does that when people apply to jobs, because there could be a number of applicants to pay for. Mayor Simonds asked who the applicants were and Mr. Gates said Tamika Hopper and Robert Sebastian. Mayor Pro Tem Bates asked if in January when we appointed a member to the Lowell Community Committee, the background check hadn't been done? Mr. Attaway said "no, Cheryl, who does that wasn't at the meeting to specify her process then." Mayor Pro Tem Bates said 'but Tori in Parks and Recreation said it had been done.' Ms. Ramsey said that she thought it had been done but it had not. Mayor Pro Tem Bates said the problem I have is if we are going to do a background check, it needs to be done and part of the process because if we are approving somebody for a committee and we don't have any knowledge of their background. I guess that is coming from my

background." Ms. Ramsey said that she does the same thing for employees and that everything is conditionally. Mayor Pro Tem Bates asked why don't we require the applicants to get their own background checks to keep the city from having to pay. He said if they are really interested in coming to a committee, they shouldn't have a problem paying for it. Ms. Ramsey said we don't currently do that. Mayor Pro Tem Bates said he knows that but it would be an option and if it needs to be an update to the ordinance, he would like that to be looked into. He said he'd also personally like to see the background checks in the agenda packets. Councilmember Robinson said he understands that but for him, having the citizens supply that would make it harder to get participation. He said having the background attached may help make the decision on whether he appoints individuals or not.

Mayor Simonds said he thought Tamika serving on the Citizen Committee [academy] would be beneficial as she's shown interest in this town and he appreciates that. His recommendation would be for her. Councilmember Smith asked if the other applicant was here. Mr. Gates said no. Mayor Simonds asked if he can be an alternate. Mr. Attaway said we don't have any alternates but would keep his application on file. Initially Councilmember Robinson made a motion to nominate Ms. Hopper to the Planning Board pending a background check. Ms. Ramsey said it has already been done on her because she is already on the Citizen's Academy and that is required for them as well. Councilmember Robinson changed his motion to nominate Ms. Hopper to the Planning Board.

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

6D. Resolution #01-2024 to accept ARPA funds for the Wastewater Pre-Construction Planning Grant- 8:13 PM

Presented by Scott Attaway. He said this is to correct the previous Resolution #17-2023. NCDEQ informed the city that the previous resolution could not name two authorized officials to sign things and it listed the Mayor and the City Manager. The resolution now lists just the City Manager.

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

6E. Consideration to Add Traffic Calming Measures to Rogosin Blvd.- 8:33 PM

Scott Attaway said that staff added the item per Mayor Simonds request for more information about Rogosin Blvd's former traffic calming study and stated the amended policy is in the agenda packet. He asked Jeff Harrison, Assistant City Police Chief to go over the results. He added that

there is an option in the ordinance, even if it doesn't meet traffic calming measures in the policy, that council can choose to still add a traffic calming measure. Asst. Chief Harrison said the old policy was restrictive and very hard for a complaint area to receive any assistance other than stepped up police patrol. This is due to the usage of average speed, rather than an 85th percentile speed which has been changed in the new policy. He said the 85th percentile provides a more accurate picture of speeds in the area and reduces the effect that slow or very slow drivers have on the data. He said other policies were changed to make them more professional and to give a clear direction in solving traffic issues throughout the city.

Asst. Chief Harrison discussed the new policy regarding the Class A issue for that area [Rogosin Blvd.] Class A is an 85th percentile speed of one to nine miles an hour over the posted speed limit. If the data indicates a Class A issue, the action to be taken is increased random police patrols or such other measures as deemed by the City Council at its discretion. Class B would be the more harsh result of the study, that's 10 plus miles per hour of the 85th percentile speed. If that is triggered, city staff will assess, with the community, the type of calming measures that would best address public safety and the nature of the issue. He said council could put in place whatever they deem necessary for the Class A offenses. When you apply the new policy to the Rogosin Blvd. complaint, where they did the speed study, it is a Class A issue. He said the 85th percentile speed is 31 mph at the maximum measured. Under the old policy, the average speed was only 19mph. Although it doesn't get the Class B, the 31 mph does bring you within the threshold which they would not have had with the old policy.

Mayor Simonds said Rogosin doesn't have any sidewalks and thinks the complaints are coming from pedestrians and doesn't see anything wrong with speed bumps. He was thinking at least two on each side of the road. Councilmember Robinson asked how we engage with the community about putting down speed bumps. He said "speed humps, if it saves a child's life, I'm all for it. I know some of these people may be in favor of it and some of these homeowners may oppose to it. How do we engage the community prior to coming to them? Do we send them anything?" Mr. Attaway said when we have received a complaint in the past, the Police Department will meet with the individual to see what the problem is and what they think an appropriate measure is. He said staff can reach out to the Rogosin area residents if council would like. Councilmember Robinson said he would like to know what everyone thinks not just one person. Councilmember Smith asked if this was a complaint by one person. Mr. Attaway said "no, over the years, we've probably heard several complaints from the Rogosin neighborhood but I was referring to another incident about one individual." Councilmember Robinson said is not opposed to a speed bump there but

would like to engage more than just the one complaint. Asst. Chief Harrison said they should be able to arrange a meeting for that area and use data to get a consensus of what they all think. Councilmember Smith agreed with the idea.

Mayor Pro Tem Bates said "we need to be careful if we don't adhere to the policy to what the Police Department has. I think we need to be careful going above that in putting speed bumps (inaudible) because then everybody in the City of Lowell is going to want one and then we are going to have to explain why we gave this neighborhood speed humps and not this neighborhood." He added that he's seen where the Police has a new speed box displayed. Asst. Chief Harrison it's the mobile speed limit sign that lights up and logs speed data. Mayor Pro Tem Bates asked if they still use the old one that doesn't display and just shows the data? Asst. Chief Harrison says he doesn't. Mayor Pro Tem Bates said he thinks you'd get more of an accurate reading as it looks like just an electrical box with no lines coming across the road so people have no idea [that they were being monitored]. His suggestion would be to go back to that box even though you may get the same results. Mayor Simonds said the thing about Rogosin is that you have no sidewalks and pedestrians and it's [speed humps] not going to be that expensive. He said he thinks that area is a problem and asked if any tickets have been written on that street? Asst. Chief Harrison said no they have not. He said they've stepped up patrols there but there are certain areas of the city that is very hard to enforce speed because any where you park there [on Rogosin], they're going to see your car. Councilmember Robinson said that it would be hard to collect data off of just two weeks of review. Asst. Chief Harrison said he will provide the data he has collected to council. He then gave the different scenarios used to collect data including leaving the device on where people can see it and get used to it to turning it off during certain times of the day, etc. Mayor Simonds said we are creating our own problems with not having any sidewalks or speed humps out there. He asked how much does a speed hump cost. Thomas Shrewsbury, Public Works Director said "the last one that was put down approximately 8 years ago for \$1100 and then an additional \$300 for the signage that is required. Now you would be looking at least \$2000 for it and the signage." Mayor Simonds said you can't put a price on life. Mayor Pro Tem Bates said unless you build a speed hump up, like it is on Oakland, it will tear your car up, but a regular speed hump isn't going to stop some people. He thinks if you have a small neighborhood like that, then he agrees with what Councilmember Robinson said and see how many people are interested in the speed bump and how many people are speeding. He said if it is select few have an officer patrol down there and give them a ticket which would solve the problem. Asst. Chief Harrison said that this complaint was regarding one particular car and once they handled with that person, they didn't have any more complaints. They did continue to patrol

but it [the complaint] was for one particular car. Mayor Simonds again complained about the lack of sidewalks and asked why there aren't any. He continued with the need for the speed humps.

Councilmember Smith asked if we considered the traffic calming measures tonight, it's up to the police officers and Chief to figure out what those measures would be? He added "it wouldn't just be that we approve this and then we put a speed bump on Rogosin?" Mr. Attaway said it would just be that council would instruct staff how to move forward, talk to neighbors, get pricing but not approving anything at this time. Councilmember Robinson said that will help make his decision. Mayor Simonds asked if there was anything on the agenda about Dogwood or have there been any complaints. Asst. Chief Harrison said no. Mayor Simonds said he's heard from multiple people that they are drag racing on Dogwood. Asst. Chief Harrison asked Chief Moore who said he did receive one complaint about drag racing. Mayor Simonds asked them to go look at the markings of the street. He complained of drivers without licenses racing. He asked if they've checked for speeders on Power Line Dr. and Saxony? Asst. Chief Harrison said they have in the past but have not done driver's license checks lately. Mayor Simonds said if you did that, you'd have a lot of citations. Asst. Chief Harrison said they can put the speed box at either location if council would like. Mayor Simonds then asked about the speed limits signs to slow trucks down. Asst. Chief Harrison corrected himself and said we did have one on Saxony but because it is a state run road they can only put the speed study there to get an idea of the speeds but not make any recommendations. Mayor Simonds maybe you can contact the state and asked about speed bumps on highway 7. Asst. Chief Harrison said the traffic calming policy only applies to state roads and you can't put a speed bump on highway 7. Mayor complained further about the speeders wreaking havoc.

6F. Discussion about closed section of Birch Street between N. Clay Street, Potts Street and Ashe Street.- 8:33 PM

Scott Attaway said that staff added the item per Mayor Simonds request. He directed council to the agenda, page 83, where it gives a history of the closure. He added that the owners wanted to shut it down because of all the illegal dumping on the property and in turn the city would give the owner code violations. He said they attempted to notify people in 2021 that this was happening but the owner closed it within two days. Mayor Simonds asked when the water run-off fees started? Mr. Attaway said he doesn't have that in front of him, but may be on our 2nd year. Mayor Simonds said something inaudible about the asphalt on the street. Mr. Attaway pointed to an area on the map of where the asphalt was being billed "because it was over the 200 sq. ft. of impervious surface that any property would have. Any property is going to get billed [at a rate of] \$6.75 times the amount ERU's (Equivalent Residential Unit) you have on the site, 2,827sq. ft at

\$6.75 each and that's your ERU." Mayor Simonds said "how can Lowell Free Will Baptist Church pay \$80 for that little parking lot." Councilmember Smith said it's a building. Mr. Attaway said it applies to parking lots, etc. Mayor Simonds said you have the street blocked and the roof area of the church is nowhere near (inaudible). Mr. Attaway said we can check it. Mayor Simonds said "and they're paying \$80 a month just for a water run off fee. I don't know what the Church of God is paying. He asked Joe Heffner, Pastor of the Lowell Church of God, in the audience what they were paying. Mr. Heffner said they have six different bills so I really don't know. Mayor Simonds asked if it was all one parcel. Mr. Heffner was inaudible. Mayor Simonds said "you have the sewer bill, water bill, garbage...I guess we can authorize Shrewsbury [Thomas] to go check it out to see why he's getting six bills for one piece of property." Mr. Heffner said something inaudible.

Councilmember Robinson said his concern is that at one time they were talking about possibly working with the landowner to extend the Birch St to W 1st St. He said "now that Warehouse is closed down, but there were multiple times that trucks would block Ash St to which the Chief is probably aware that. They were backing in from the warehouse blocking Ash St completely where people couldn't get through. Now if that happens and Birch St is closed, there is one way out, Clay St, but that becomes an issue to me. Can we get with the landowner, do they have a design plan for this?" He said he'd like the city to get with them [landowners] to extend the street as part of the compromise. Joe Gates explained the layout to council further laying out why the owners wanted to close the street. Mr. Attaway said he or Mr. Gates will arrange a meeting the property owners to express council's concerns. Mayor Simonds asked if they are getting a water run off fee bill. Mr. Attaway said yes and that now the closed asphalt area is added on their stormwater bill. Mayor Simonds asked how much is their square footage. Mr. Attaway said he didn't know. Councilmember Robinson asked if they are a brownfield. Mr. Attaway said he heard that they are applying to be one but has not heard an update in over a year. Councilmember Robinson said he assumes they have applied because he saw something online. Mayor Simonds asked if council has to approve that. Mr. Attaway said not to his knowledge as he thinks it's between the property owner and DEQ.

Mayor Simonds said "(inaudible) for the property across the street being done without any bidding." Mr. Attaway said it was bid under the Economic Development Agreement per statute. Mayor Simonds said "so you don't have to take bids on a property sold by the city?" Mr. Attaway said he doesn't have the statute with him and doesn't know by memory but it was something along the lines of if you're selling a piece of property that is going to be used for a large development that is going to produce jobs in your city with Industrial or Commercial flex space,

which this is, then city council has that option. Mayor Simonds said the people next door that owned (inaudible) and bought the old liquor store (inaudible) that property would have been perfect for parking had they had the opportunity to buy it. It was never made public that it was going to be sold and I don't care what kind of scheme you go through to say you can do that. It's city property that's going to be sold and I don't know why you didn't go through the bidding process. I know this is water under the bridge but in the future you have to have some kind of common sense." He talked some of the bidding process and said to send them a letter, not demanding anything, but give them the mandates to "clean that up." He asked if there is still a big water line there? Mr. Shrewsbury said it is a 6 inch water line there. He said there should be something in place to make them clean the property up. He asked the attorney if it is too late to have them clean the place up. Mr. Russell said if there is a violation of the ordinance, then you can but you can't redo the contract. Mayor Simonds asked if that was a violation of the ordinance. There was further discussion of ordinances for violations. Mr. Gates said they can research and report back next month. Mayor Simonds ask more about the water line and clean up.

6G. Text Amendment - Lowell Code of Ordinances, Chapter 76: Traffic Schedules and Chapter 72 Traffic Regulations- 8:48 PM

Presented by Mr. Attaway. Staff is recommending that City Council amend Schedule XII: Weight Restrictions to include a portion of Cobb Street between Kenworthy Ave and S. Church Street and to put in the Code of Ordinances. At the moment, the code states that 2.5 ton and up vehicle could not traverse on that section of Cobb Street. Currently there is not but with the preparation of Aberdeen extension connecting into Kenworthy and possible accidental left/right turns on that road and other turn issues, it could be difficult for large trucks. The idea is to resolve a problem before it starts. If council is ok with this staff would bring it to council for a vote. Councilmember Smith said he thinks this is a no brainer for no trucks sign on Cobb St. Mayor Simonds asked if it could be a one way street since it's not wide enough for two vehicles. He asked who pays for the street where the telephone pole is? Mr. Attaway said he's not sure what the Mayor is talking about. Mayor Simonds explained where. Mr. Attaway said NorthPoint? There was further discussion with Mr. Attaway ultimately saying the city is doing no work over there.

Mayor Simonds asked " what about Kenworthy where they are wanting to put a convenience store at the bottom of the hill where they have a temporary permit, they [property owners] still don't have a way out of the property right, from the state to use there property?" Mr. Attaway said yes, they do. Mayor Simonds asked where are they going to go in and out. Mr. Gates said he can provide the Mayor with a copy stating so from NCDOT. Mayor Simonds talked more of this

property and a house by the lot on Kenworthy. Mr. Gates said he's only seen the approved plans and did not know what Mayor Simonds was referring to regarding the house by the property on Kenworthy. Mr. Attaway said he thinks the Mayor may be referring to I-85 widening project and its impacts which was discussed in the last retreat where Kenworthy St is going to be moved up to the back of the convenience store property and perhaps Ms. Currence's, but he doesn't know. He said that would be a DOT conversation with those property owners. Mayor Simonds asked Ms. Currence in the audience if DOT contacted her. She said the only thing she's received is a card a couple years about them coming down toward Gastonia. She asked if they are coming through her house and asked how can two tractor trailers get up and down that road every 20 minutes. She said she doesn't know what's going on and nobody can tell her. Mayor Simonds recommended she meet with the City Manager and have a conference call with DOT. Mayor continued to talk about the properties and citizens of Kenworthy. He and Ms. Currence talked about the properties and a section of Reed St for a few minutes. Mayor Simonds and Mr. Gates discussed mixed property uses and the properties in the area of Reed St and the plans of Kenworthy. Mayor Simonds complained about the plans and traffic for a few minutes.

Ultimately, Mr. Attaway stated that this will come back to council after staff has some time to review options regarding the language for the text amendment. Mayor Pro Temp Bates asked can the state limit the truck traffic going left or right on Church St? Mr. Attaway said no they will not limit the truck traffic on state streets. Councilmember Robinson asked if we could no left or right turns on Aberdeen Extension. Mr. Attaway will work on some sort of solution and will come back to council with that. Mayor Simonds continued to complain about the situations, the people in that neighborhood, the traffic and not allow the extension not to be opened.

6H. Consideration of Budget Amendment #12- 9:07 PM

Mr. Attaway said this is to receive fund from insurance proceeds for a police vehicle for \$600.

The item was motioned To Approve by Travis Smith and seconded by Scott Bates with a passing result 3-0-1-0 Abstained by Larry Simonds

7. Reports / Discussions

7A. City Manager Report- 9:07 PM

1. Stated the Department Head liaison has been sent to the councilmembers to decide
2. Centralina Board of Delegates meeting is February 21, 2024 at 5pm at Centralina
3. Upcoming conferences in April for the League of Municipalities City Vision Conference and he's sent out information on the weekly report regarding that

4. He is working on the finalization of the Budget Retreat agenda for March 1, 2024
5. YMCA - met with them about the recreation center and as soon as council selects a liaison they can come to the next meeting to discuss program calendars, MOU, contract discussion and some timelines
6. Carolina Thread Trail project - bid documents are under review now
7. Department Budget requests are due this Friday (February 16) with budget meetings occurring now
8. Citizens Academy - Have had the third class recently and four participants attending

7B. City Attorney Report- 9:14 PM

Nothing for tonight

7C. Mayor and City Council General Discussion- 9:14 PM

1. Councilmember Robinson asked if the Mayor was going to attend the Centralina meeting on February 21st? Mr. Attaway said they need us to make a quorum. He asked what time is the meeting in case the Mayor does not attend. Mr. Attaway said 5pm in Charlotte. He said "I know we also talked a little bit about the Department Heads not allowed, or if they are not needed no need to be here." Mr. Attaway said yes. He said that's great and thanked Mr. Attaway for that. He then asked about the security checkpoint. He said he didn't know what the others think but personally doesn't think we need it. We never had it in the past. Councilmember Smith said he didn't have a problem with it but he's in the minority so he really doesn't have a say. Councilmember Robinson asked if a motion was needed. Mr. Attaway said yes. Councilmember Robinson made a motion to eliminate the security checkpoint, seconded by Mayor Pro Tem Bates. The vote was 2-1 with Councilmember Smith voting against.
2. Mayor Pro Tem Bates said he doesn't think all the employees are needed in the Budget sessions but scheduled to come at their time to talk. He didn't understand why they needed to be there. Mr. Attaway he brought them in is so they can understand the entire vision of the council and the city and the projects that we are working on. He said "it helps departments know what other departments are doing and working on and the expectations of you all but if you disagree, I will bring them on relevant agenda items."
3. Mayor Simonds said "we need to get to work and it's not a show but a business of what has to be done and we need to get down to where we can afford to live here again. We're going to save all we can. Positions and things like that if it's in the future, it's going to take some tough jobs, I

mean tough work. Just like tonight, we have the Police Chief and the Asst. Chief here and that's going to take a lot of money." He asked about the filling of the position for the Police. He then compared the jobs of the Admin. Asst hired at the Police Department to the Ranlo Admin. Asst doing the multiple jobs there. He didn't know how they could do it and we could not. He asked about the job of the Payroll Clerk. Mr. Attaway said he does Accounts Payable, Payroll and assists with HR and Finance. He thinks there should be a hiring freeze and that employees are paying too much. He said we are the only of all the cities around us that has a GIS, Ranlo doesn't. Public Works can do that. He asked Mr. Shrewsbury about the mapping and Mr. Shrewsbury said it's all paper. Mayor Simonds said you can transfer that over to the computer because he said Mr. Attaway showed it to him. Mr. Attaway said the GIS Analyst built the map for us.

4. Councilmember Smith said "back to Mayor Pro Temp Bates comment earlier...me and Larry are working on our relationship, there are issues there. I was brought up on respect. You talked about professionalism and I've been very professional in my position. This meeting went over three hours and an hour and a half of that pertained to when were actually on the agenda so I would also come back to you and Councilmember Robinson and professionalism. We need to keep the Mayor on the agenda. Me and Larry have talked several times and working together but I also think we need to stick to the agenda." Mayor Simonds said he's a people person and he's not in a hurry but when people have concerns he's going to address them and talked more about that for a few minutes.

8. Closed Session

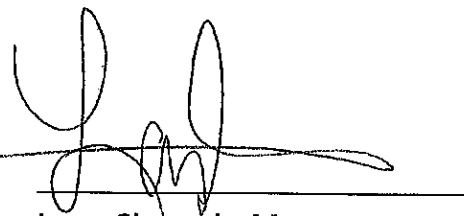
9. Adjournment

9A. Meeting Adjournment- 9:21 PM

The item was motioned To Approve by Scott Bates and seconded by Travis Smith with a passing result 3-0-1-0 Abstained by Larry Simonds

Attest:

Cheryl Ramsey, City Clerk



Larry Simonds, Mayor



PROCLAMATION

WHEREAS, February has been designated as Black History Month in which we pause to reflect on the contributions of the African American community; and

WHEREAS, in 1915, Harvard-trained historian Carter G. Woodson began the Association for the Study of Negro Life and History (ASNLH), an organization dedicated to researching and promoting achievements by Black Americans and other people of African descent. Known today as the Association for the Study of African American Life and History (ASALH), the group sponsored a national Negro History week in 1926, choosing the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglas.

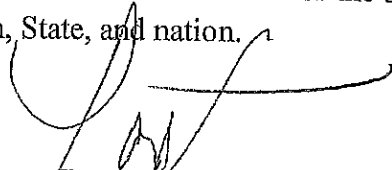
WHEREAS, In 1976, Black History Month was formally recognized by President Gerald Ford to honor and affirm the importance of Black History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

WHEREAS, During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.


NOW, THEREFORE, the City of Lowell City Council, hereby proclaim that February is honored as "Black History Month" and urges all citizens to join in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our Town, State, and nation.

This, the 13th day of February, 2024.



Larry Simonds, Mayor

ATTEST:



Cheryl Ramsey, City Clerk

**City Of Lowell
Budget Amendment #12
Budget Ordinance FY 23-24**

BE IT ORDAINED by the City Council of the City of Lowell, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

Section 1: To amend the General Fund, estimated revenues are to be changed as follows:

General Fund: Revenue:	<u>Decrease</u>	<u>Increase</u>
10-3350-8500 Insurance Proceeds		\$600.00

This will result in an increase of \$600.00 in the General Fund estimated revenues, bringing the revenues budgeted for FY 23-24 from \$5,008,473.93 to \$5,009,073.93.

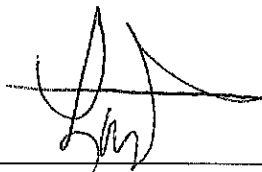
Section 2: To amend the General Fund, the appropriations are to be changed as follows:

General Fund: Expenses:	<u>Decrease</u>	<u>Increase</u>
10-5100-1700 Main. & Repairs - Autos		\$600.00


This amendment will result in an increase of \$600.00 in the Public Safety appropriations for Main. & Repairs - Autos in FY 23-24 from \$20,689.80 to \$21,289.80.

Section 3: Copies of this budget amendment shall be furnished to the Clerk of the City Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 13th day of February, 2024.



Mayor

Attest:


City Clerk