

## **Minutes for the Regular City Council Meeting**

101 W. First Street, Lowell, North Carolina 28098

December 10, 2024, 6:00 PM - December 10, 2024, 8:34 PM

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

- **DeWayne Chitwood**, Councilmember
- **Scott Bates**, Mayor Pro Temp
- **Shane Robinson**, Councilmember
- **Larry Simonds**, Mayor
- **Phil Bonham**, Councilmember

### **1. General**

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#### **1A. Call To Order-** 6:00 PM

Mayor Simonds called the meeting to order at 6pm. Councilmember Smith was absent, all other councilmembers were present. City staff present were Interim City Manager/Planning Director Tyler Cobb, City Attorney John Russell, Police Chief Carl Moore, Asst. Police Chief Jeff Harrison, Police Captain Ross Hoffman, Finance Director Lisa Nolen, Stormwater Administrator Jamie Watkins, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced on YouTube for the public (there were issues with the sound at the very beginning of the meeting; however this portion was audio recorded). The agenda and meeting material 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-** 6:06 PM

The Invocation was led by Laura Elliott, Pastor at Lowell Smyre Methodist Church. The Pledge of Allegiance was led by Mayor Simonds.

Mayor Simonds then presented a D-Day banner in honor of Charles Tillman Usery. It was presented to his wife and son for his military service.

#### **1C. Public Comments-** 6:06 PM

1. Richard Lynch of 613 White Oak Dr., Lowell, NC - He complained about the use of the funding for the CDBG-I grant that was explained in the November 2024 council meeting. He didn't understand or disagreed with the use of the funds to help a small portion of Lowell and thought that money could be spent better in other areas. He insisted that the funds be returned to help the Wastewater Treatment Plant. He also disagreed with the states' definition of discrimination and believes they are discriminating against the city for not allowing the funds to be used in other areas.

Mr. Lynch then discussed the Wastewater Treatment plant and he wants someone to present solid facts that will warrant Lowell giving away their revenue generator and going into debt in the process. He also wants "this board to take a vote to keep the plant with a plan to revitalize, upgrade, and explore expansion possibilities, along with a plan to repair the collection systems. I would also like to know where the city

stands on applying for the \$5 million State revolving fund low interest loan that was being offered if we gave our plant to Two Rivers. That money would go a long way to keep our plant operational and in compliance for years to come."

2. Laurie Lynch of 613 White Oak Dr., Lowell, NC - She gave her time for her husband, Richard Lynch, to complete his comments. Mr. Lynch then continued to discuss the Wastewater Treatment Plant and it being self-sufficient. He said citizens deserve council act on this and insisted they take a vote on it tonight.

3. Kelvin Monteith from 1106 Fairfield Dr, Gastonia, NC is the Church Officer and Treasurer representing Reformation Orthodox Presbyterian Church at 203 Rhyne Oakland Rd. He said they can't get anyone to return their multiple calls and remarks on the city webpage for the Public Works Director regarding sewer issues. He said they had a sewage back up that flooded their entire first floor of the church, costing them \$80,000 in damage and repairs. He believes part of the failure is due to the insufficient Rhyne Oakland St pumping station that he stated was verified through the city's own investigation and \$30,000 received to help with their repairs. He stated they spent \$20,000 to fix their side of the system putting in a back flow preventer valve to ensure they don't have future issues; however, he says the lift station continues to fail with excessive or heavy rain causing issues for the church. He said it has gotten worse over the past 12 months, after some construction in the area and he has a timeline of events denoting this. He believes this could hinder them from having church services and events if there is a heavy rain in the future. They are asking for the courtesy of a phone call and direct communication to work out the problem together before they feel like they need to escalate it further.

Mayor Simonds said the sewer system in Lowell is egregious. He asked if the city or insurance paid \$30,000 to the church. Ms. Ramsey said it was the insurance company. Mayor Simonds said it would make sense that when the bell goes off (indicating an issue with the pump station), that the Public Works Director be directed to see what the problem is and contact City Council members if something is wrong, like they used to do. He thanked Mr. Monteith for bringing it to council's attention.

4. Randy Bird of 306 W 2nd St, Lowell, NC - he wants to petition the City of Lowell to returning the block of the street where Miami Fusion restaurant is, back to a two lane street after he says it was changed a couple years ago. He said it puts an undue burden to the residents on 2nd St because it forces the residents to come out on Hemlock Ln. or Poplar or Main St by the graveyard. He said when there is traffic on the highway, you can't make a left on this street across the 4 lanes of traffic. He said he leaves for work at 3am and is forced to go to a red light that doesn't sensor his car and turn green forcing you to either run the red light or turn right and then come back up the street [Main].

Mayor Simonds said there is a problem at another light where it doesn't turn green when there aren't many cars out. He said he tells people that they are not running a red light if they have to go thru the light and look both ways to make sure it is clear. He said the ordinance says stop, it doesn't say stay. He said as far as this two lane street up here [by restaurant] is the most ridiculous thing they [city staff] did. He said the city has no business to provide parking for businesses and they should provide for themselves. He said this area has caused issues for police officers too because they have to write tickets and that's the last thing they want to do. He said he doesn't think this closing was ever put into an ordinance.

Councilmember Chitwood said he was on the council at the time and it had to have been between 2017 and 2019 so the street has been this way for at least five years. Mr. Bird said it has been a burden ever since it's been closed. He said he has a petition going with about 10-12 area residents as well as other residents of Lowell who also have issues with the road closure and will bring it to the next council meeting. Councilmember Chitwood said the reason it closed was due to people flying down [the side street] towards Miami Fusion and people were backing out of the parking spots, which are at an angle, nearly causing wrecks. He said another reason is that when people would come to the stop sign and [try to] make a right, the cars parked in front of the restaurant hindered their view, making them come out into the road [Main St] to make the turn. Mr. Bird suggested Councilmember Chitwood come out and try to make the turn off of Hemlock. Councilmember Chitwood said he does all the time and fusses about it daily because of the 85 backups.

Mayor Simonds said he thinks it should go back to two lanes and that the work on 85 will make it worse. He then stated he thinks there should be a no right turn on red at the light on Main St turning onto McAdenville Rd. He said this would give people living on McAdenville Rd an opportunity for them to get out of their driveways, especially when there are back ups due to the Christmas lights in McAdenville. He said the city has a lot of studies to do and we do not need outside help to do that. He talked further about that. Councilmember Robinson said he thinks the street should be compact car parking only in front of the restaurant [Miami Fusion].

#### **1D. Adoption of Agenda for this Meeting- 6:28 PM**

Councilmember Chitwood added 8A, Closed session under General Statute 143-318.11:5 for personnel matters. He also mentioned that council "found out more on the Wastewater Treatment Plant that won't make citizens happy. It is not costing more money for studies, but there is more information that we have, that is way more than what you have there Mr. Lynch, I promise you." Mr. Lynch shouted something from the audience and Mr. Russell stated that this portion is for council discussion only. Councilmember Chitwood continued stating he wanted to table the planned discussion to the next meeting or to discussed when council has the budget retreat meeting. He noted that Councilmember Robinson came up with this idea, when he talked to him earlier today.

The Item was motioned To Adopt by DeWayne Chitwood and seconded by Phil Bonham with a passing result 4-0-0-0-0

### **2. Approval of Minutes**

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#### **2A. Approval of Special Meeting Minutes - August 29, 2024- 6:31 PM**

Councilmember Robinson refrained from voting because he was not present during this meeting.

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

#### **2B. Approval of Minutes 11-12-2024- 6:31 PM**

The item was motioned To Approve by Scott Bates and seconded by DeWayne Chitwood with a passing result 4-0-0-1-1 Recused by Larry Simonds Absent was Travis Smith

### **3. Special Presentation**

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**3A. Resolution 11-2024 To Acknowledge the Service of Police Officers After Hurricane Helene-**  
6:32 PM

Mayor Simonds asked the Ranlo Police Department to join the Lowell officers, Captain Ross Hoffman, Sgt. Amy Bowen, and Ofc. Payton Lowery, that helped after effects of Hurricane Helene. Chief Moore thanked the officers for all their help and asked Asst. Chief Jeff Harrison to give the presentation. Asst. Chief Harrison gave a power-point presentation (see attached) and officers explained pictures as necessary. All officers were given a standing ovation by the those in the audience. Mayor Simonds then allowed Mrs. Usery to speak about her time visiting the hurricane area before the storm hit. She thanked the officers for their work and the city of honoring her husband as part of D-day with the banner [see above after Pledge of Allegiance].

There was then a video presentation from Chief Robert Walls of the Dallas, NC Police Department speaking about the trip to Chimney Rock. Chief Moore said they will make the same presentation at the Ranlo City Council Meeting on January 20, 2025. All council got up to shake all the officers hands. Mayor Simonds then read Resolution 11-2024.

The item was motioned To Adopt by Scott Bates and seconded by Shane Robinson with a passing result 4-0-0-0-0

**4. Consent Agenda**

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No changes were made.

The Item was motioned To Approve by Scott Bates and seconded by DeWayne Chitwood with a passing result 4-0-0-0-0

**4A. Public Works Report-** 6:57 PM

**4B. Finance Update-** 6:57 PM

**4C. Planning Report-** 6:57 PM

**4D. Stormwater Report-** 6:57 PM

**4E. Police Report-** 6:57 PM

**4F. Parks and Recreation Report-** 6:57 PM

**5. Unfinished Business**

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**6. New Business**

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**6A. Approval of 2025 Meeting Dates and Holidays-** 6:58 PM

Councilmember Chitwood said he noticed the asterisk by the November meeting date which currently stood on Veterans Day for 2025. Mr. Cobb and Ms. Ramsey said it was put there to discuss a possible new date. After a brief discussion, it was determined to change the meeting to Monday, November 10th, instead of the 11th, at 6pm.

The item was motioned To Approve by DeWayne Chitwood and seconded by Scott Bates with a passing result 4-0-0-1-1 Recused by Larry Simonds Absent was Travis Smith  
To approve the dates and to include November 10th instead of the 11th.



#### **6B. Discussion of 2025 Budget Retreat dates- 7:00 PM**

Mr. Cobb gave council some options for dates , including the Thursday or Friday, January 30th and 31st, and Thursday, February 6 for the 1st session. He recommends January 31st. For the 2nd session, he proposed Tuesday February 18th, Wednesday February 26th, Thursday February 27th, and Monday March 3rd. He recommends February 27th. After a brief discussion councilmembers agreed to the dates recommended by Mr. Cobb. Councilmember Chitwood recommended adding the Wastewater Treatment Plant to the discussion on January 31st so it is done at one time. He also recommended to all council [he will call Travis to let him know too] that all questions be given to Mr. Cobb in advance so he can be prepared on January 31st. It was decided to have both meetings begin at 12pm.

The Item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 4-0-0-1-1 Recused by Larry Simonds Absent was Travis Smith

To approve the dates and times for January 31st and February 27th at 12:00.

#### **6C. Appointment of Council Delegate to Centralina COG- 7:04 PM**

Mr. Cobb said currently the mayor is listed as the Centralina Delegate for the City of Lowell. He asked Mayor Simonds if he wanted to continue and be the representative or delegate it to another councilmember. Mr. Cobb said Councilmember Robinson is the alternate. Councilmember Robinson said the mayor needs to start showing up [to the meetings] and that he, himself, had only been able to get to one. He said there are only four meetings a year and they are on Wednesdays. He said he has to come from another part of the state to get to them and it would be best if someone closer was available to attend. Mayor Simonds asked Mayor Pro Tem Bates if he "can do it since he isn't working". Mayor Pro Tem Bates said just because he is not working doesn't mean he can do it. Mayor Simonds said they could use him and his expertise. Mayor Pro Tem Bates said the mayor should fulfill his obligations. He then asked where the meetings are located and Councilmember Robinson said in Charlotte on WT Harris Blvd at 5pm.

Councilmember Bonham asked the mayor if he attends anything he is supposed to or expected to outside of this meeting [council]. Mayor Simonds said no. Councilmember Bonham said "so you don't act as a liaison for anything for the city in any capacity? Formally?" Mayor Simonds said no, not formally. He said he doesn't like these formalities, where you have to attend COG meetings. Councilmember Robinson said the first meeting is the most important one to attend held in January or February.

Councilmember Chitwood said he would do it if no one else will and that he would represent Lowell since the Mayor won't. Mayor Simonds said good. Councilmember Chitwood asked why the mayor ran if he wasn't going to do anything he needed to do. Councilmember Robinson said he'd stay as the alternate and will try to go with Councilmember Chitwood to the first meeting if he can. The first meeting is February 12, 2025. Councilmember Bonham said the meetings are also virtual. (It was later noted that the virtual meetings are for the Executive meetings only.) Mayor Simonds and Councilmember Chitwood had a brief disagreement on the duties of the Mayor and him not performing them.

The item was motioned To Approve by Shane Robinson and seconded by Scott Bates with a passing result 3-1-0-1-1 Opposed by DeWayne Chitwood Recused by Larry Simonds Absent was Travis Smith

To approve Councilmember Chitwood to be the Council Delegate to the Centralina COG.

The item was motioned To Approve by Shane Robinson and seconded by DeWayne Chitwood with a passing result 4-0-0-1-1 Recused by Larry Simonds Absent was Travis Smith

To approve Mayor Pro Tem Bates to be the alternate delegate for the Centralina COG.

## **6D. Wastewater Treatment Plant- 7:11 PM**

This item was moved to the Budget Retreat scheduled for January 31, 2025 at 12pm.

## **7. Reports / Discussions**

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### **7A. City Manager Report- 7:12 PM**

Mr. Cobb only asked for councilmembers get him questions regarding the Wastewater Treatment Plant as quick as possible so he get the appropriate response.

### **7B. City Attorney Report- 7:12 PM**

No report.

### **7C. Mayor and City Council General Discussion- 7:12 PM**

1. Councilmember Robinson said he was looking at the city's revenue dashboard and wanted to make sure the city is staying on track. He said he understands the General Fund and how the first of the year can fluctuate those numbers with revenues coming in but he was "looking at the Water/Sewer fund where \$3.4 million was budgeted, we're a third of the way through and year-to-date, we've collected \$580 [thousand]. If you look at that year-to-date, and this is as of 10-31 [2024]. If you double that, that should be what we have remaining. In theory [if] we stay at \$580 [thousand], it's going to basically be a little over \$1 million but we should be \$2.8 [million]. I think I know what it is, but would like you to look at it to be sure." Mr. Cobb said he'd get some clarification.

Councilmember Robinson continued reviewing the Administration costs. He said all of the expenditures match to our budget, with the exception of Administration where it appears to be a \$300,000 difference and he would like to know why? He continued and said it is the same with the Water/Sewer fund and stated that the city has expended about what is brought in but the budget shows \$3million year-to-date the first four months, we're only at \$543,000 but showing \$2.4 million. He said at that rate, Lowell is never going to make \$2.4 million or will be going to be well under budget on one item and well over budget on another one. He gave the same scenario with Administration and wants to know why we are so far off. Mayor Simonds stated this is why everything is behind, ,then mentioned both Finance and payroll. He asked "where is the money?" Mr. Cobb told Councilmember Robinson that he will investigate and get back with him on his questions/concerns. Mayor Simonds continued to complain about the reports and said everything is off. He said he talked to Butler and Stowe and they said our audit was late because we were late on Payroll and had to sign an extension. He said it was an embarrassment. He said that is why this council was elected because they [former council] had problems with keeping up [with the audit]. He said the money has to be accounted for. He said figures don't lie and people do, although he stated he is not calling anyone a liar. He then allowed Councilmember Robinson to continue. Councilmember Robinson reiterated that he'd like Mr. Cobb to check into the questions and let him know the results.

2. Mayor Simonds said he talked to Butler and Stowe and was told there was an issue with the payroll. He asked Mr. Cobb what the problem is? Mr. Cobb said he didn't know what the mayor was talking about. He asked if Finance does payroll and Mr. Cobb said the City Clerk does. Mayor Simonds asked Ms. Ramsey how are we so far out? Ms. Ramsey said she did not know what he was talking about. Mayor Simonds said we don't have our audit done. Mayor Simonds said "that is what Sheila [Sheila Thornton, auditor with Butler and Stowe] said that the problem was here, and I think you [pointing at Mr. Cobb] know what the problem

is as well." Councilmember Chitwood said "this is where I think we should stop with this. If you [to Mayor Simonds] have issues, please get in touch with them because they don't have the answers in front of them right now. They're not going to know on the spot so let's move on to your next comment." Mayor Simonds said the numbers and the money are important. Councilmember Chitwood agreed but said the Mayor can always come down here and speak to them directly. He said the answers are not in front of these two people right now [Mr. Cobb and Ms. Ramsey]. There was some back and forth between the two men.

Mr. Cobb interjected and said to his knowledge there is not a payroll issue and doesn't know what the mayor or Ms. Thornton was referring to. He asked the Mayor to elaborate more. Mayor Simonds said "that's why you don't have your audit is because you have payroll issues." Ms. Ramsey said no one has said anything to her about any payroll issues. Councilmember Chitwood told Mayor Simonds that he "gets a lot of stories mixed up, and I'm not doubting you, but you do get things mixed up." He asked for him to please move on. Mayor Simonds continued to talk about the money and making payroll. He then talked about why we allowed painters to paint this building in 29 degree weather with water based paint. He said that was crazy and needed to be sandblasted, cleaned up before painting. Councilmember Chitwood said he was here and it was not 29 degrees. Mr. Russell said to the mayor that he needed to tell staff what he is referring to, regarding the audit and payroll, so they can get him the answers and report back. Mayor Simonds asked "why don't we have the audit? The reason we don't have it, is because they don't have the numbers needed to do the audit. She [Sheila Thornton] is going to be audited because of all the problems that we are having. We're the problem, not her. Whatever we send her is all she can go by. The money is the most important thing in the city and without keeping up with the money is a joke. Telling me this is all the money that we've taken in this year...that's BS and you know it. But we'll get to the bottom of it, like we always do."

Mayor Simonds then went back to the painting of City Hall and it not being done in the right temperature and the painters should know better in what they are doing. He started talking about painting steel without preparing the steel first. He said you should start with primers, rust coating, and finish coatings and how painters should do the work needed. He asked Ed Jackson in the audience about it but Mr. Jackson did not answer. Mayor Simonds had no other comments.

The item was motioned Convene into Closed Session by Scott Bates and seconded by DeWayne Chitwood with a passing result 4-0-0-0-2 Absent was Larry Simonds, Travis Smith  
To go into Executive session for General Statute 143-318.11 subsection 5.

The item was motioned ReConvene into Regular Session by Scott Bates and seconded by Phil Bonham with a passing result 4-0-0-0-2 Absent was Larry Simonds, Travis Smith

## **8. Closed Session**

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Mayor Pro Tem Bates made a motion to go into Closed Session for General Statute 143-318.11:5, seconded by Councilmember Chitwood. The vote was unanimously in favor. Council went into Closed Session at 7:22pm. Mayor Simonds left the meeting at this time and did not stay for the Closed Session nor return during Open Session. Interim City Manager Tyler Cobb was asked to leave during the discussion among councilmembers.

Interim City Manager Tyler Cobb was asked to come back into Council Chambers at 8:30 for discussion.

Mayor Pro Tem Bates made a motion to come out of Closed Session, seconded by Councilmember Bonham at 8:33pm. The vote was unanimously in favor.

No actions took place during the Closed Session.

## **9. Adjournment**

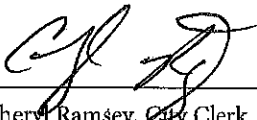
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### **9A. Meeting Adjournment- 8:33 PM**

Meeting adjourned at 8:34.

The Item was motioned To Approve by Scott Bates and seconded by Phil Bonham with a passing result 4-0-0-0-0

ATTEST:



Cheryl Ramsey, City Clerk



Larry Simonds, Mayor



## **RESOLUTION ACKNOWLEDGING THE SERVICE OF POLICE OFFICERS**

### **RESOLUTION NUMBER: RS 11-2024**

**WHEREAS**, the City of Lowell is seeking to acknowledge Captain Ross Hoffman, Sergeant Amy Bowen and Officer Payton Lowery, of the City of Lowell Police Department for bravery, professionalism and dedication during the Hurricane Helene devastation that our neighbors in the NC mountains experienced in late September 2024.

**WHEREAS**, Lowell Police Department, Captain Ross Hoffman, Sergeant Amy Bowen, and Officer Payton Lowery were assigned a joint mission and on a team with Ranlo Police and Dallas Police Departments. Captain Ross Hoffman was listed as the commander of the joint team and mission from the NC Emergency Operations Center (EOC). The team worked together and was assigned a mission in Rutherford County which is the Lake Lure, Chimney Rock area of NC; and

**WHEREAS**, Captain Hoffman, Sergeant Bowen, and Officer Lowery worked with their team on their assigned mission in which they worked with cadaver dogs looking for human remains. They stood by with heavy machinery crews as they sifted through debris looking for human remains, directed traffic and worked police security in different areas. Chief Moore was thanked personally by the Rutherford County Sheriffs administration by email and phone call for the bravery, professionalism and dedication of our joint team; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWELL** that on behalf of the citizens of the City of Lowell, we hereby recognize and acknowledge the bravery, professionalism, and dedication of Captain Ross Hoffman, Sergeant Amy Bowen and Officer Payton Lowery for participating in this mission during the Hurricane Helene devastation that the NC mountains experienced.

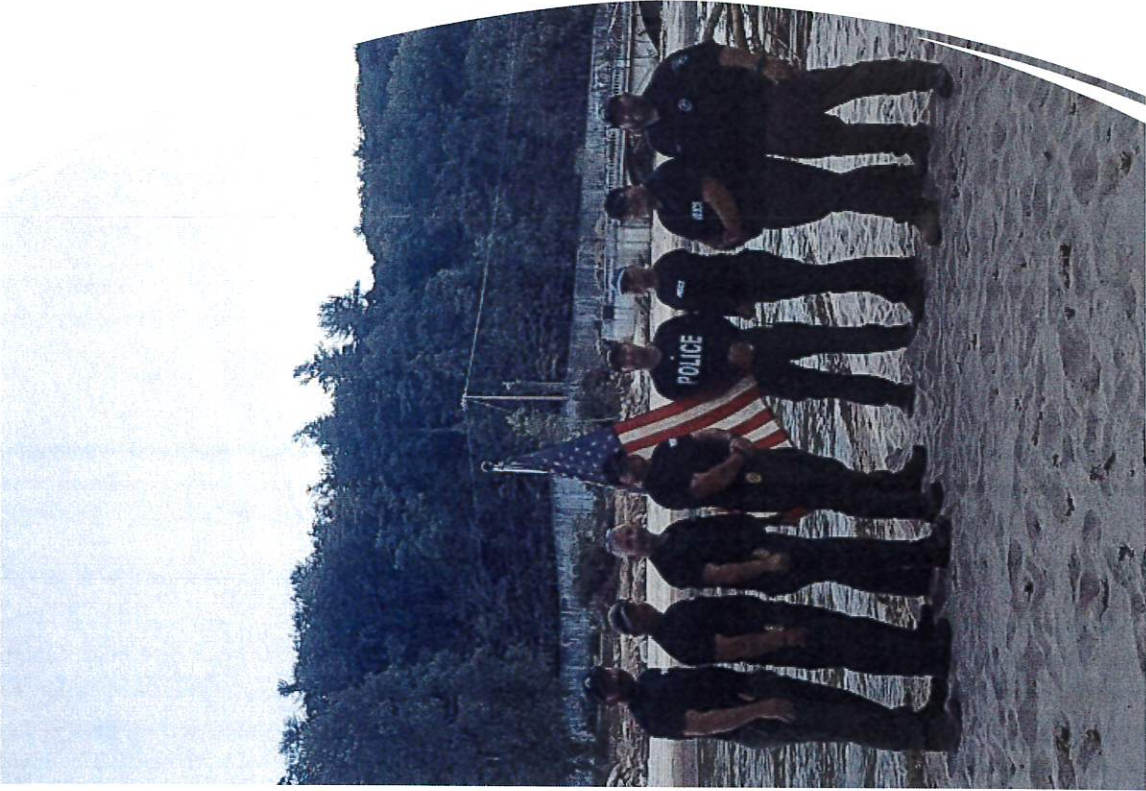
**THIS RESOLUTION**, adopted on the 10th day of December 2024.

**ATTEST:**

Cheryl Ramsey, City Clerk

Larry Simonds, Mayor





Lowell Police  
Ranlo Police  
Dallas Police  
Ranlo Fire

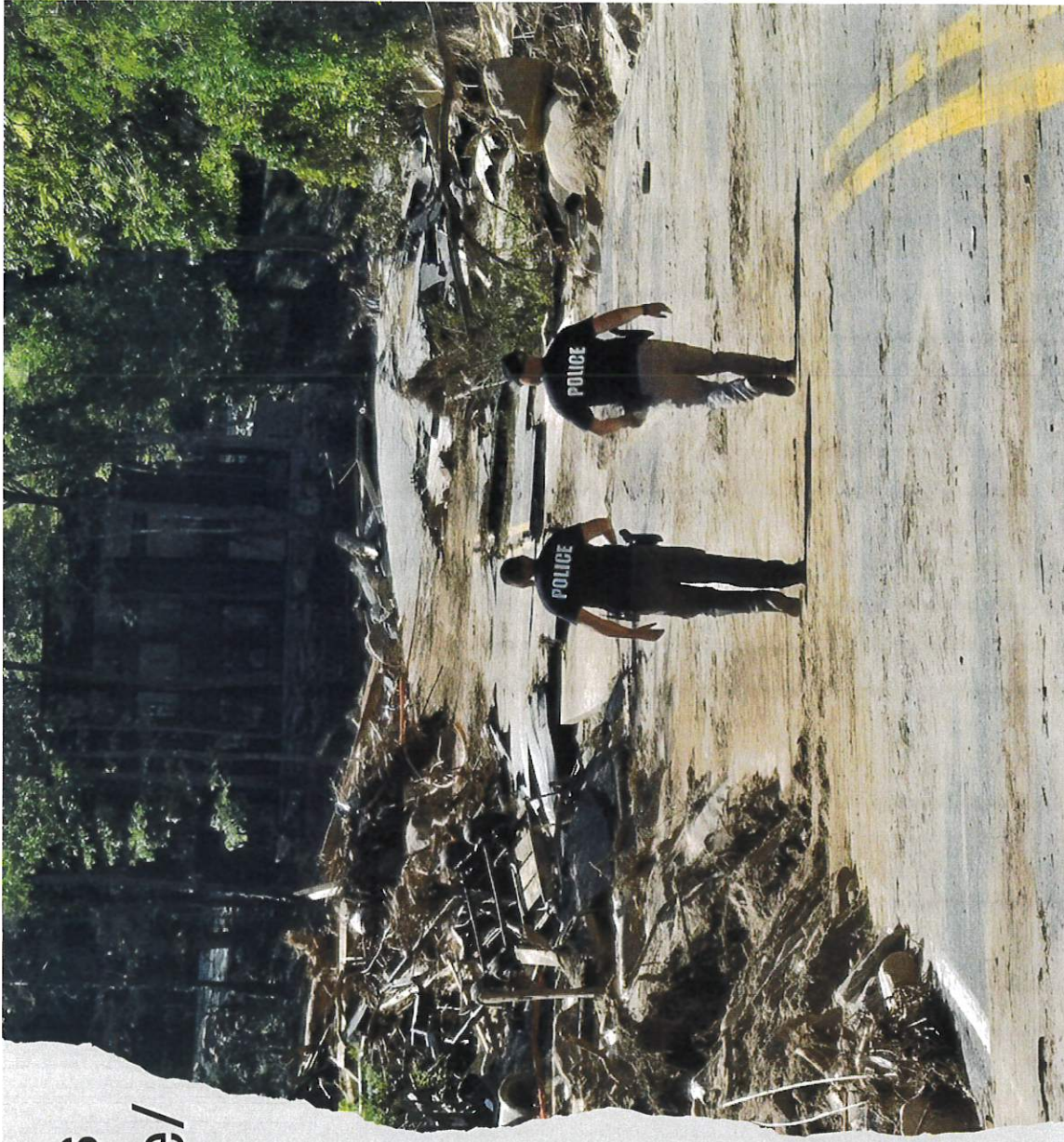
Helene Relief Mission 10/07- 10/12/2024

Mission # 317043



# Agency representatives worked in the Lake Lure/ Chimney Rock area

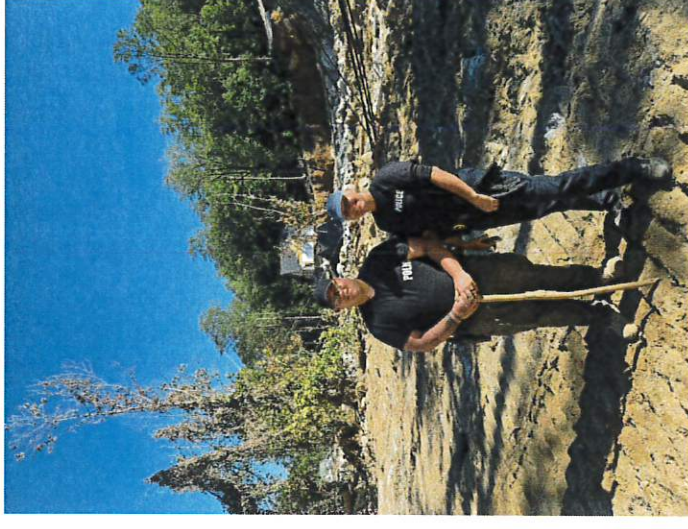
- Sifting through debris
- Security for the area
- Security for council meeting
- Traffic Direction
- Search with cadaver dog team
- Conduct drone search
- Assist local law enforcement and citizens with clean up





**Chief Robbie Walls**

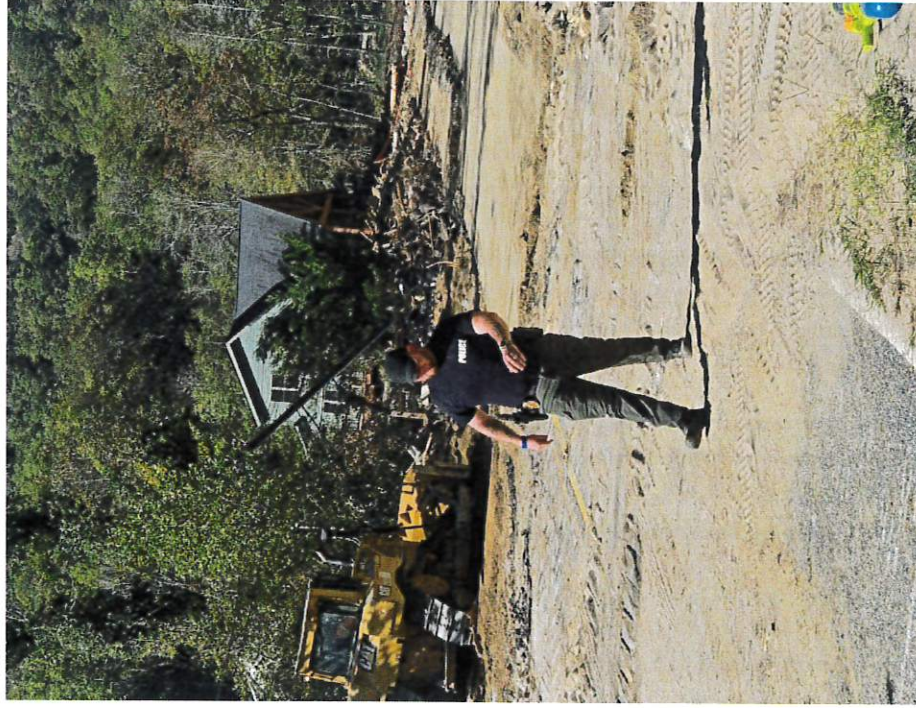
**Captain Ralph Dowd**



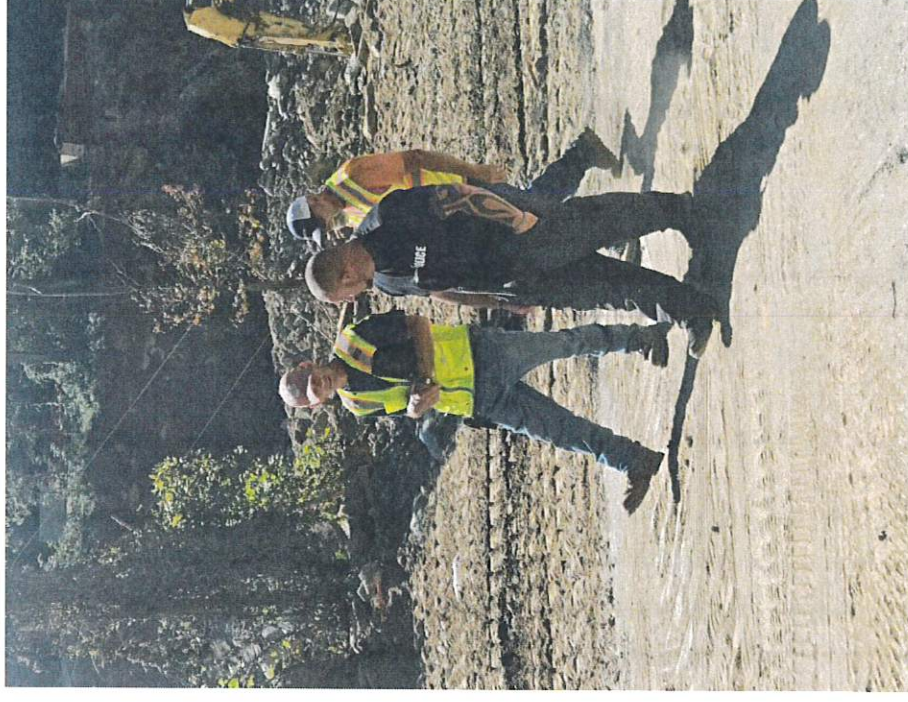
**Sergeant Amy Bowen**

**Officer Payton Lowery**





**Detective Jacob Springs**



**Sergeant Tanner Springs**



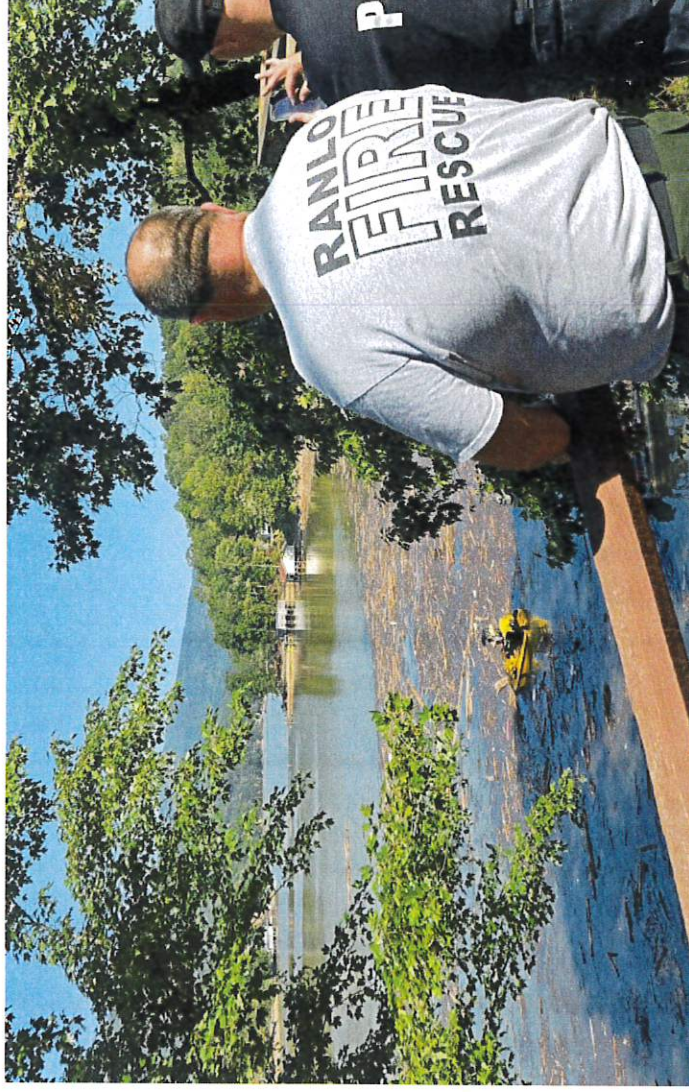
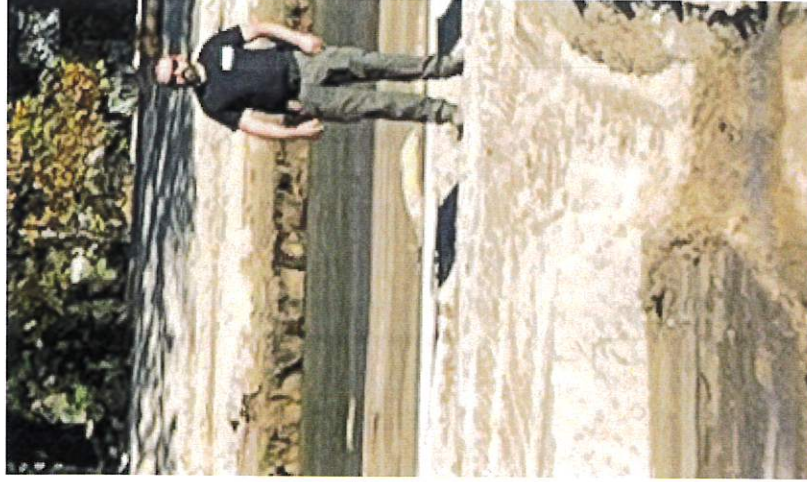


**Captain Ross Hoffman**

**Chief Jimmy Lunsford**



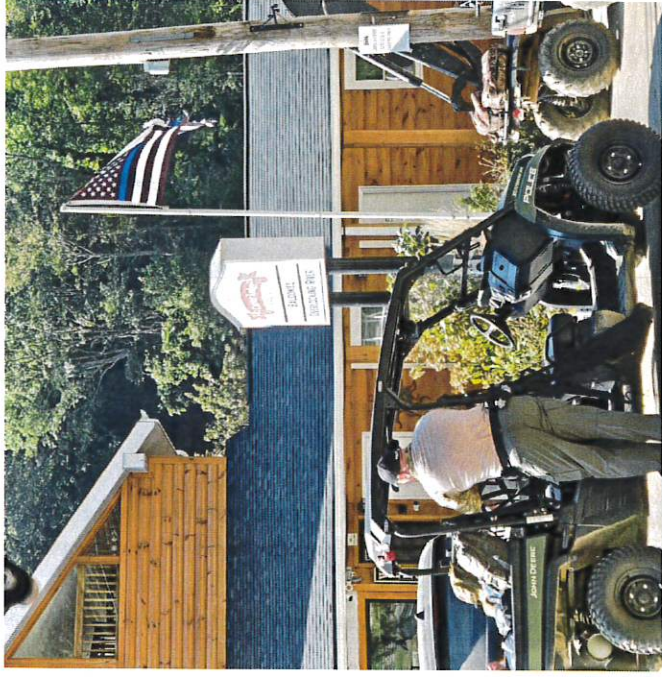
**Sergeant Kevin Jones**



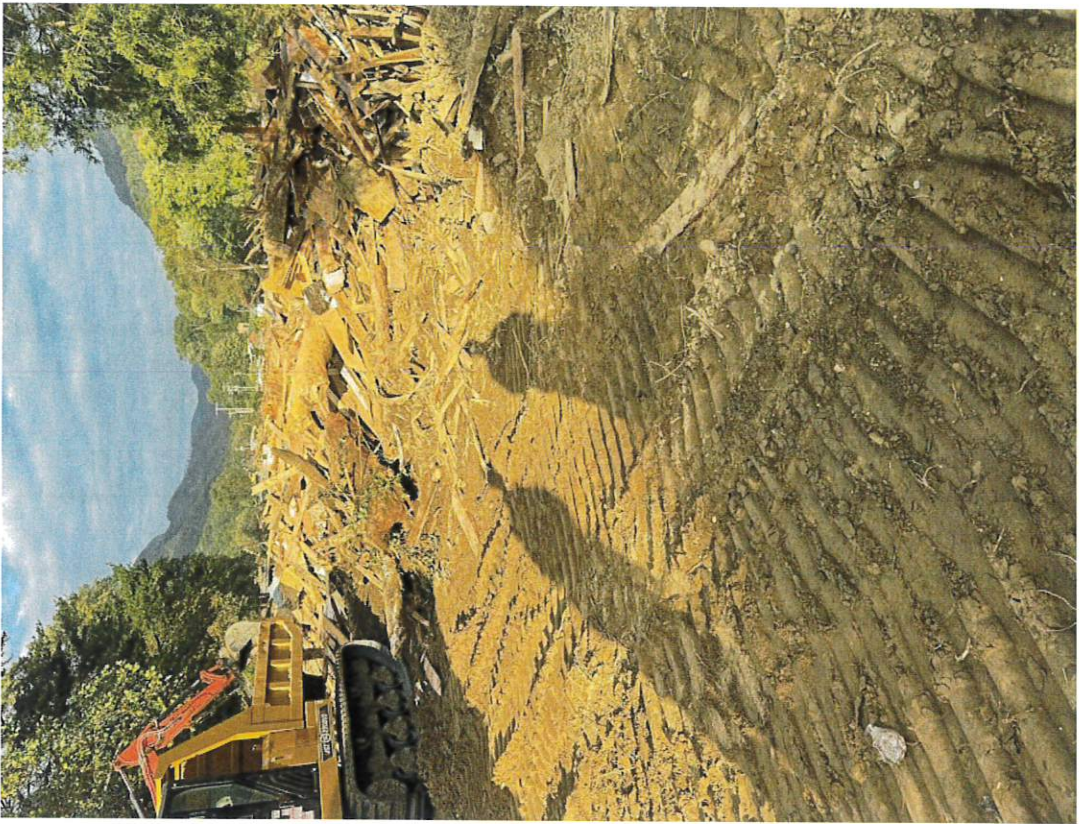
**Chief Doug Moore**



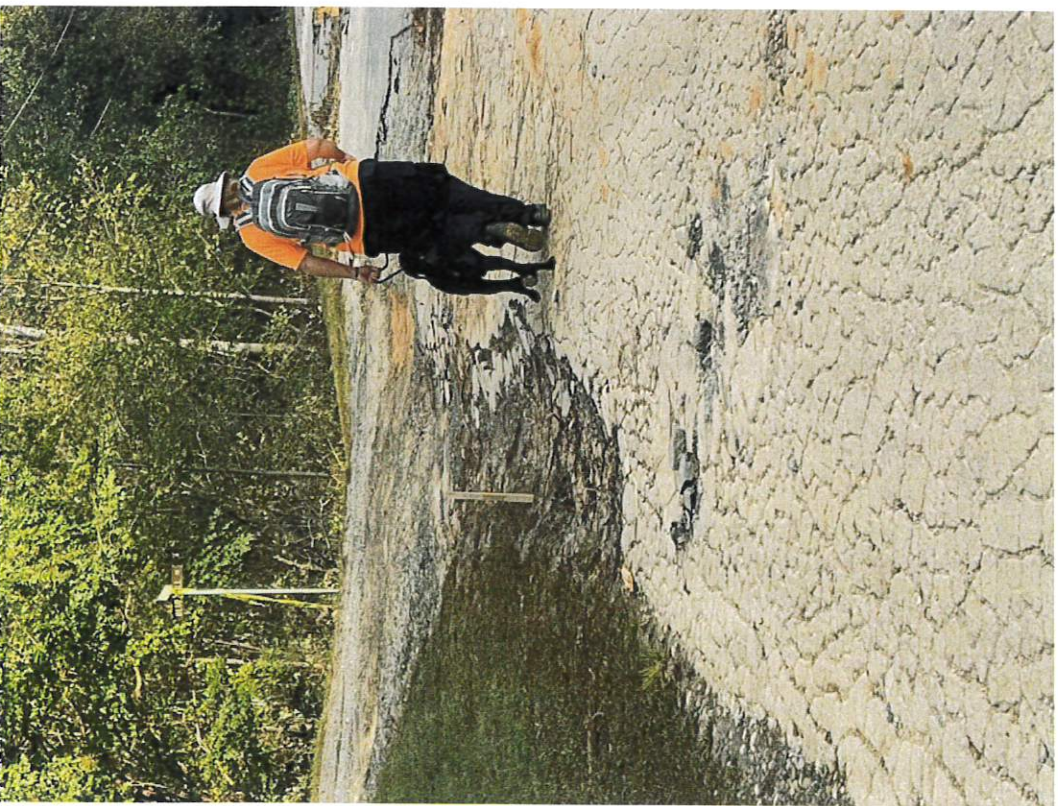
# UTVs from both Ranlo and Lowell Police Departments were utilized everyday



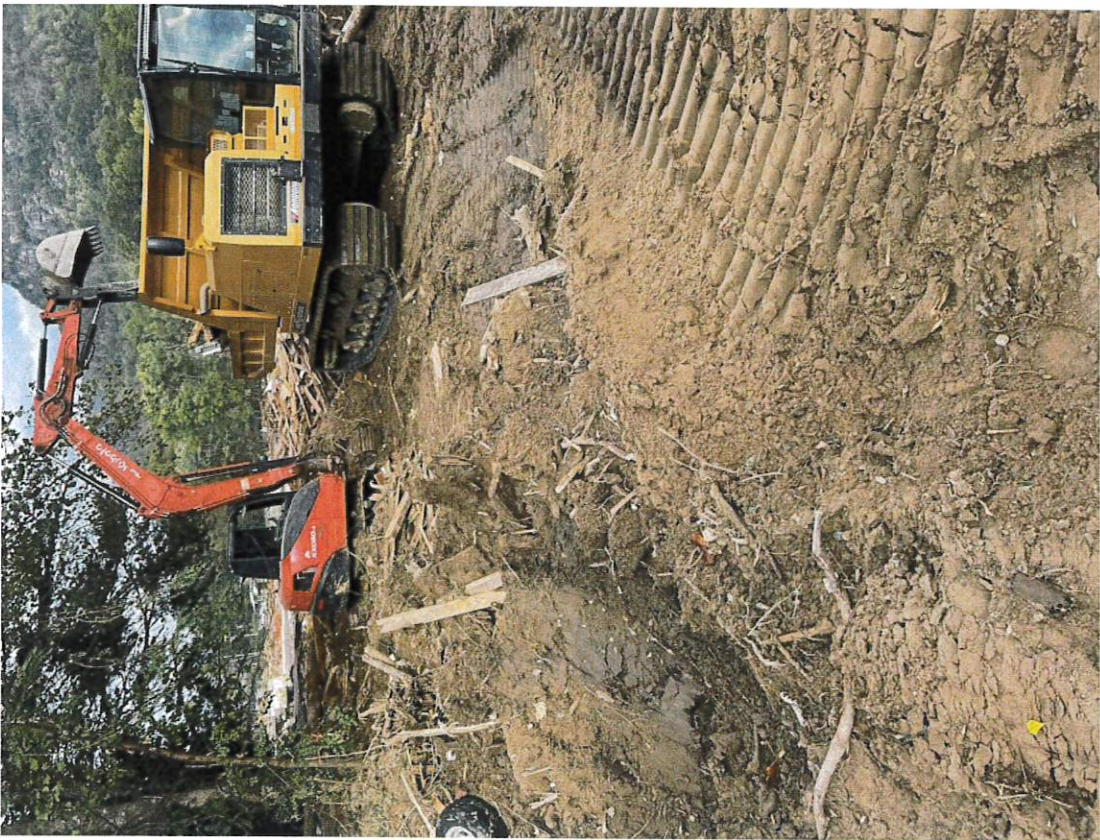
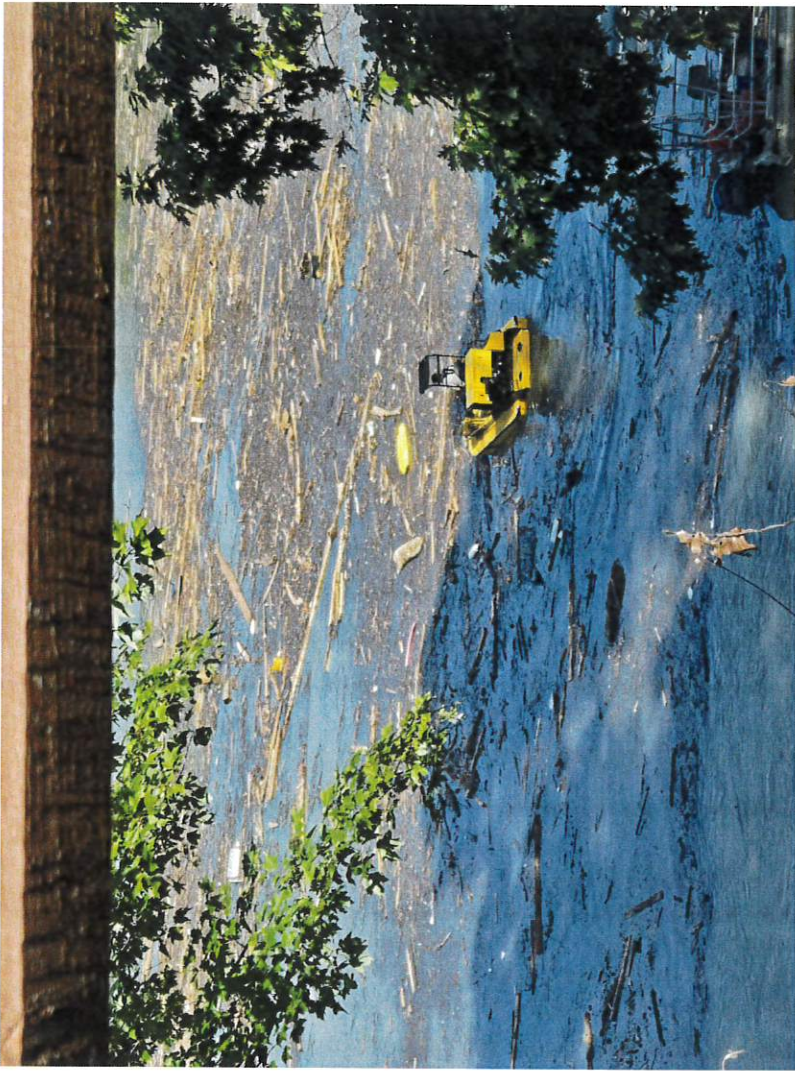




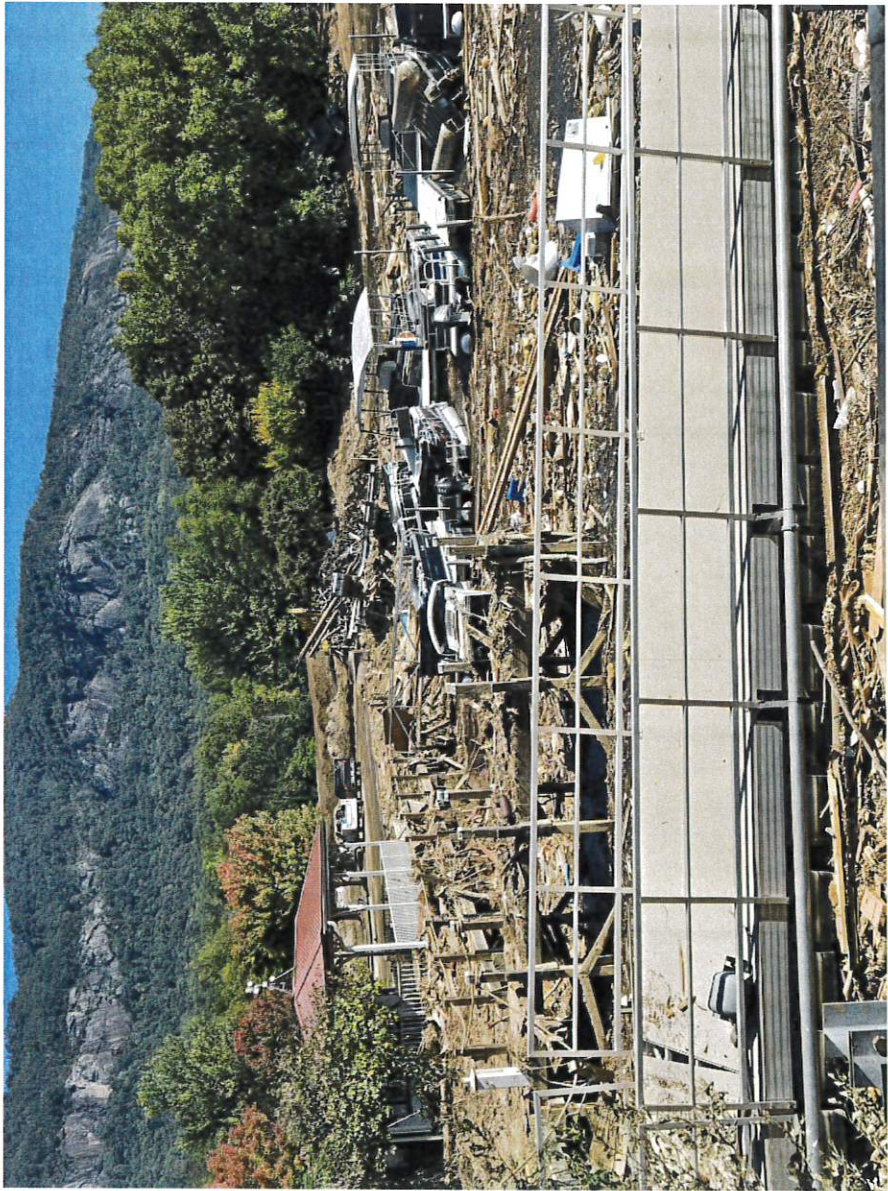




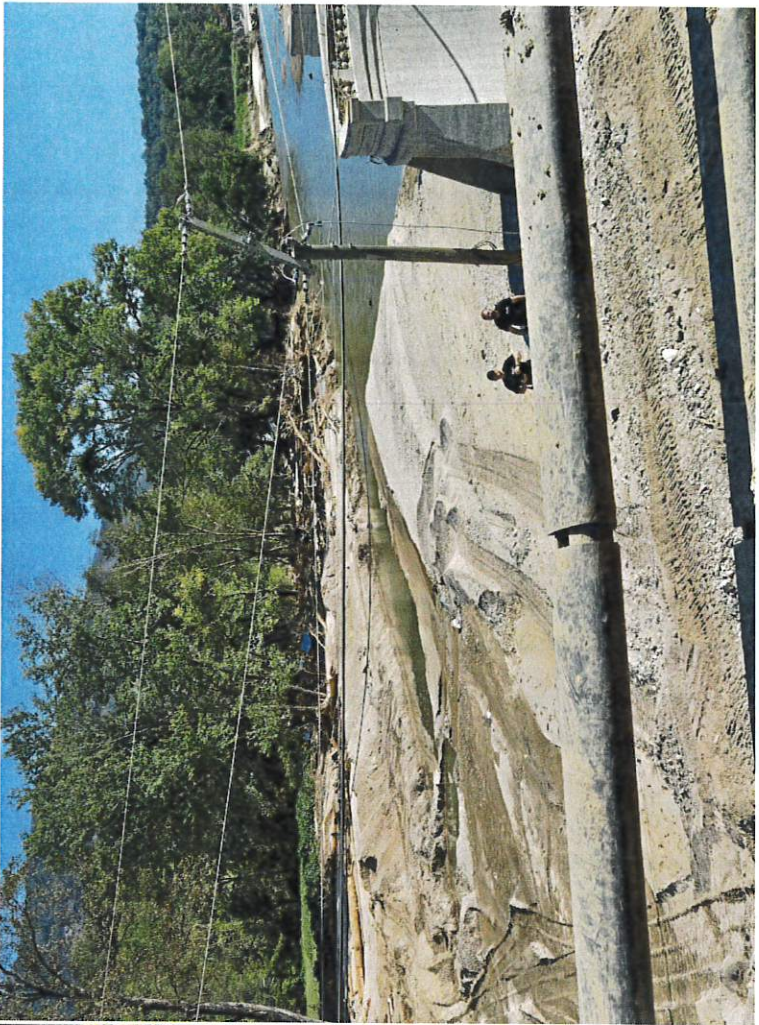








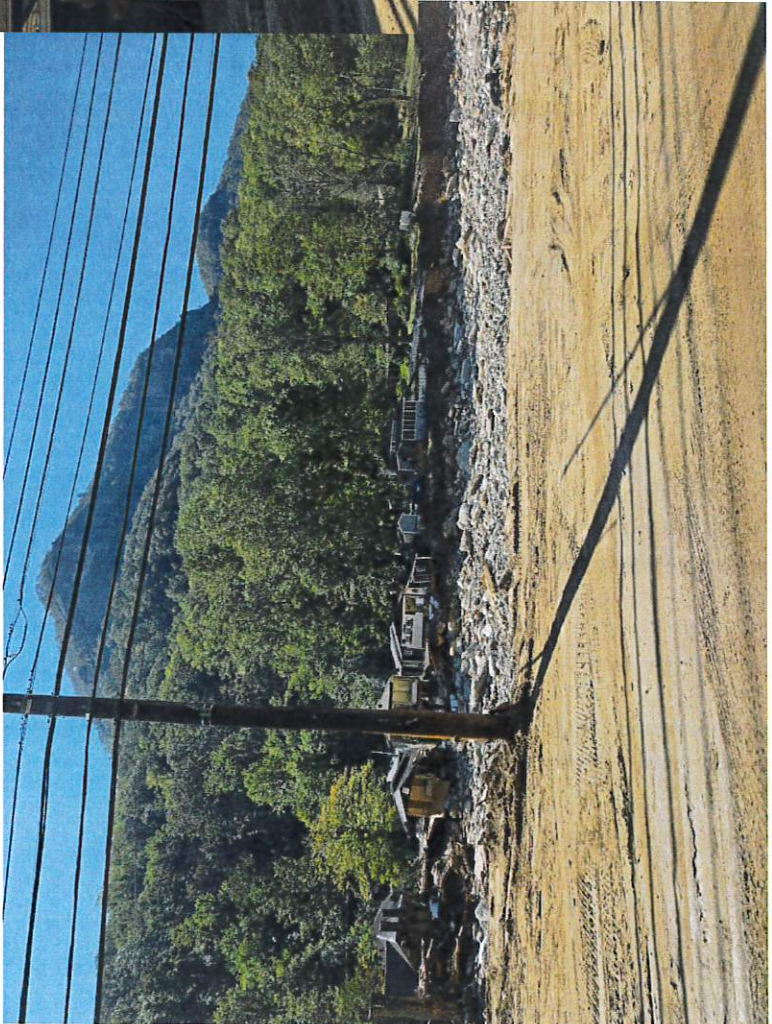
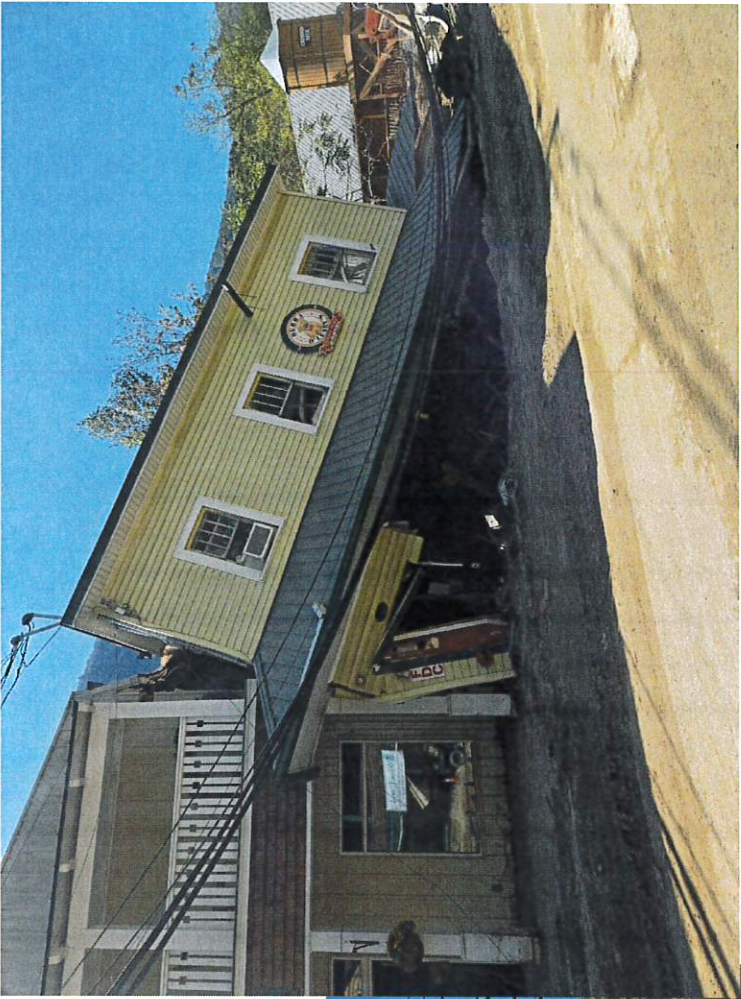




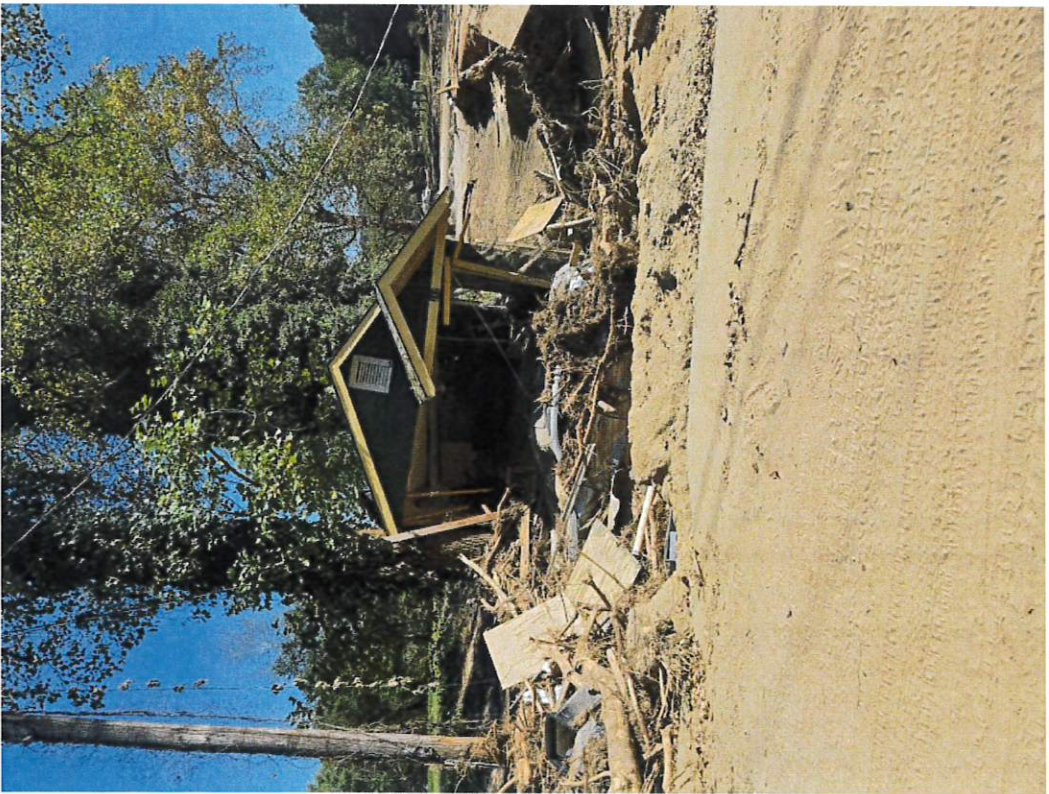
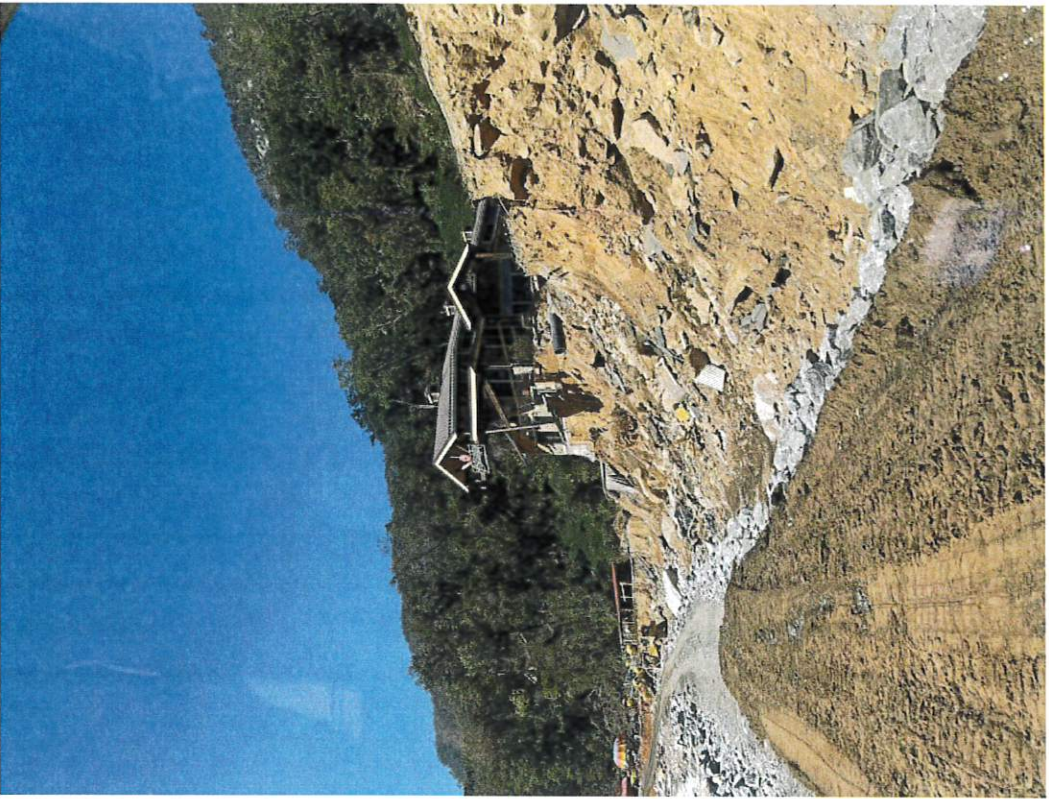




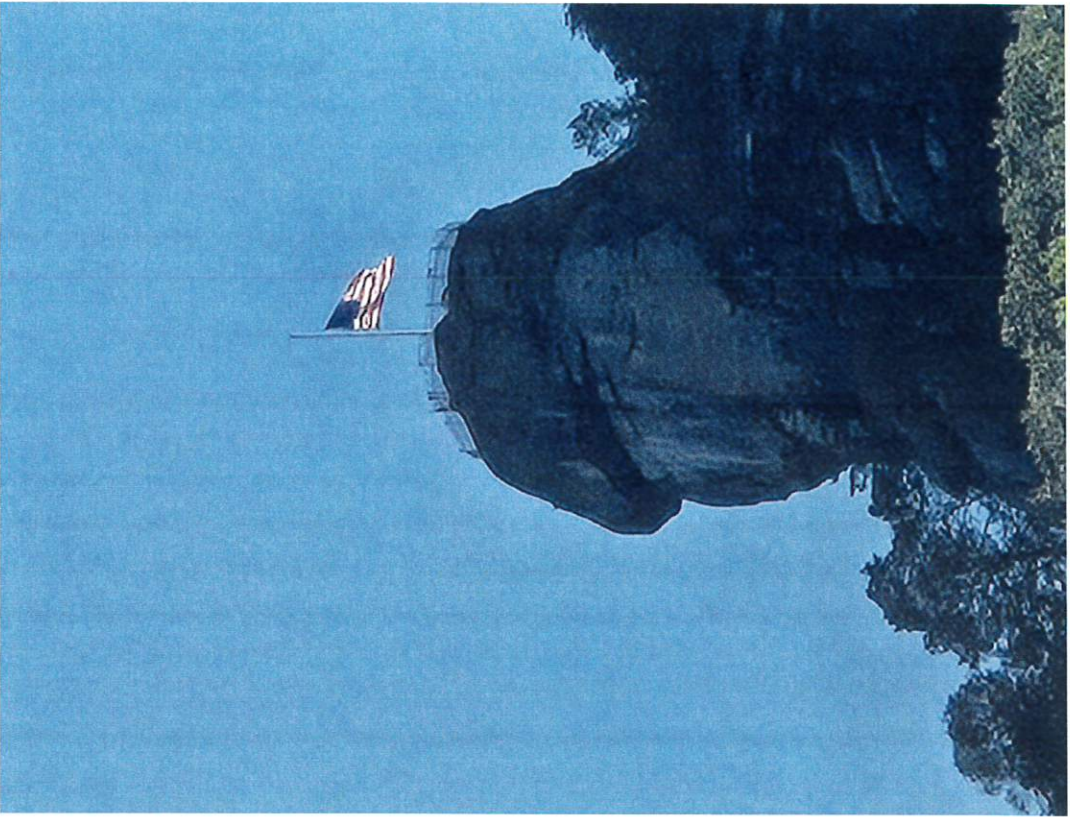




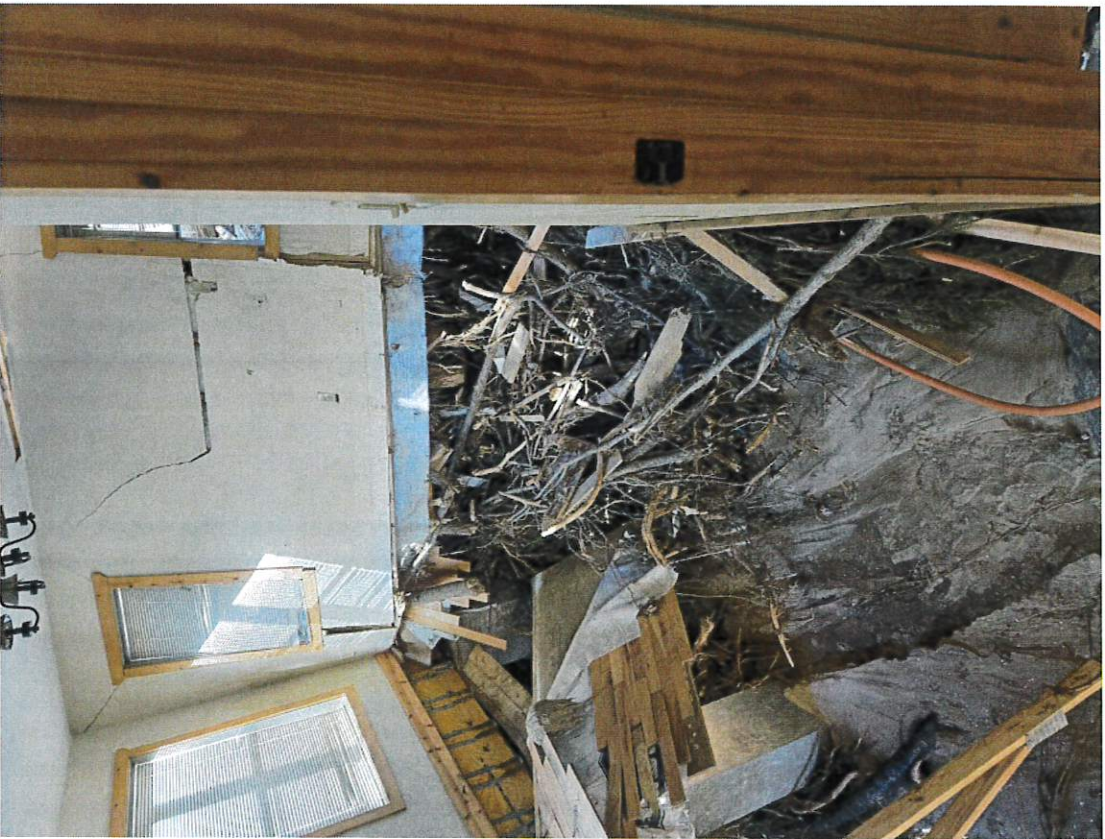
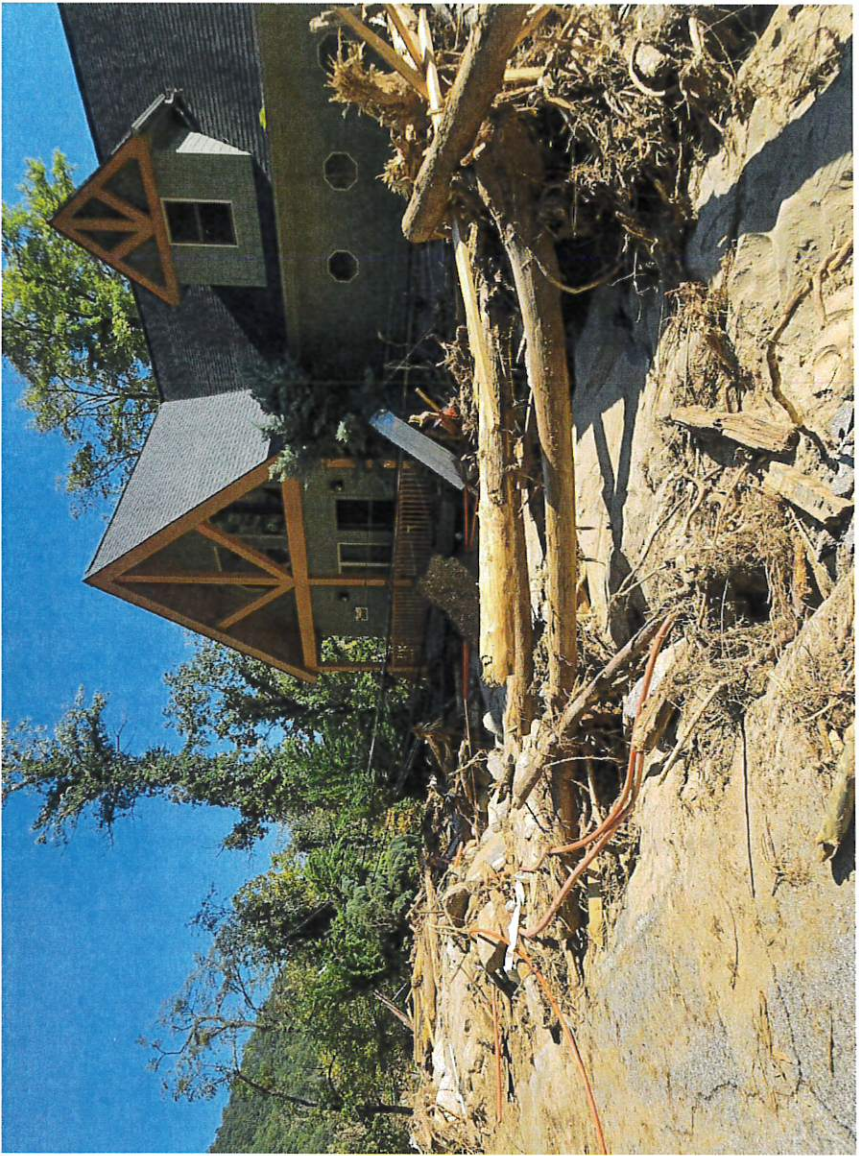








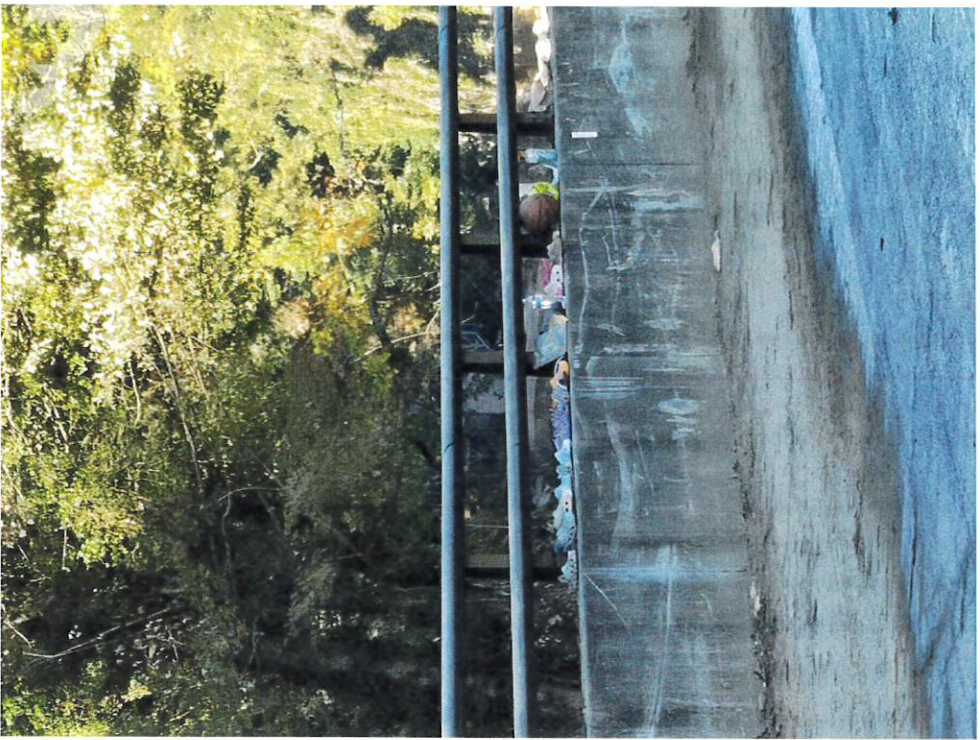








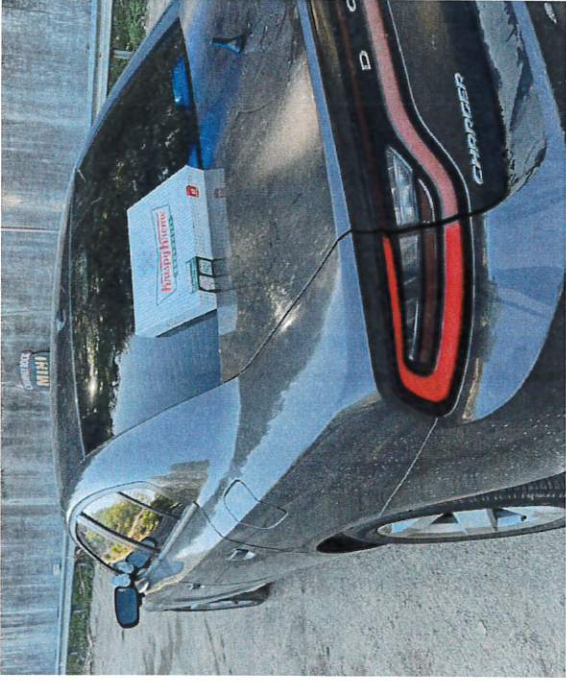




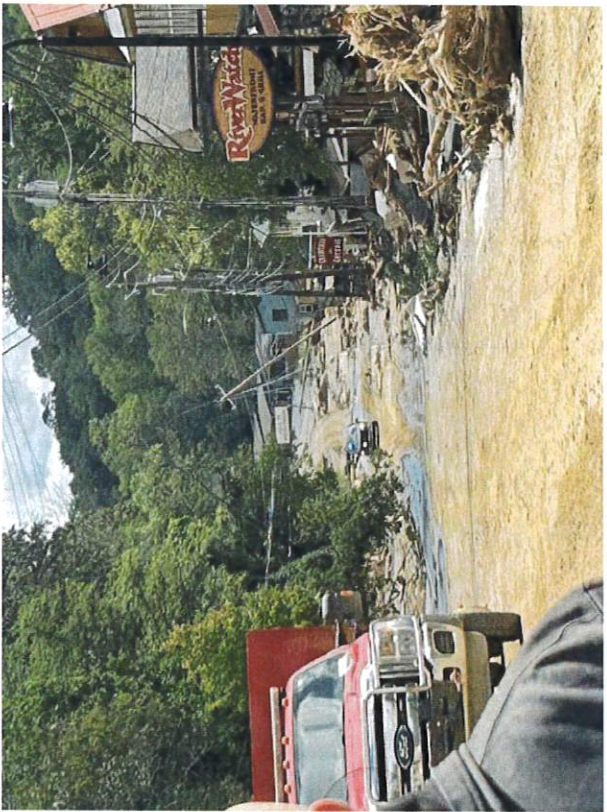














Thank you for your dedication and support of our agencies. We are proud that the work we did directly impacted our fellow North Carolinians in their greatest time of need!



For slide show and full photo album access please email: [harrison@lowellpd.org](mailto:harrison@lowellpd.org)