



**CITY OF LOWELL  
COUNCIL MEETING AGENDA  
MONDAY, JULY 11, 2022, 6:00 P.M.**

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- 1. CALL TO ORDER – Mayor Sandy Railey**
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**
  - A. Minutes from Council Meeting Held June 14, 2022 **(p. 1-6)**
  - B. Minutes from Special Council Meeting Held June 21, 2022 **(p. 7-8)**
- 6. SPECIAL AWARDS AND PROCLAMATIONS**
  - A. Recognition of Tony Henderson on his Retirement from the Lowell Police Department
  - B. Proclamation Designating the Month of July as Parks and Recreation Month **(p. 9-10)**
- 7. CONSENT AGENDA**
  - A. Eligible Project Policy for the Expenditure of American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds by the City of Lowell **(p. 11-15)**
  - B. Policy for Allowable Costs and Costs Principles for Expenditures of American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds by North Carolina Local Governments **(p. 16-30)**
  - C. Resolution RS6-2022 Acknowledging the Service of Retired Police Sergeant Tony Henderson **(p. 31-32)**
  - D. Resolution RS7-2022 Acknowledging the Service of Retired Police Chief Scott Bates **(p. 33-34)**
  - E. Resolution RS8-2022 Ratifying the Updated Charter of Centralina Regional Council **(p. 35-57)**
  - F. Public Works Report **(p. 58)**
  - G. Finance Department Report **(p. 59-61)**
  - H. Police Department Report **(p. 62-63)**
  - I. Parks and Recreation Report **(p. 64)**
  - J. Planning Department Report **(p. 65-66)**
- 8. NEW BUSINESS**
  - A. Customer Relationship Management Software Update **(p. 67)**
  - B. Discussion of various text amendments to the Lowell Development Ordinance **(p. 68)**

C. Discussion and Consideration of Fee Schedule Update Relative to Owner Initiated Road Closures (p. 69-70)

**9. CITY ATTORNEY REPORT**

**10. CITY MANAGER REPORT**

**11. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

**12. CLOSED SESSION**

A. Pursuant to NCGS 143-318.11(a)(3) in Order to Consult with the City Attorney Regarding Pending Litigation and to Give Instructions with Respect to the Handling or Settlement of a Claim or Administrative Procedure

**13. ADJOURN**

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, June 14, 2022, 6:00 P.M.

## I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:00p.m. Those attending in-person were Mayor Pro-Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and Joanna Fulbright. City staff included City Manager Scott Attaway; Planning Director, Joe Gates; City Attorney, John Russell Jr; Police Chief Carl Moore; Sgt Jeff Harrison, Finance Director, Lisa Nolen, Public Works Director, Thomas Shrewsbury, Parks and Recreation Director Cristy Cummings and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available on the city's website as well as in person. Members of the public, including City employees were also present.

## II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

## III. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Candy Funderburk made a motion to accept the agenda. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

## IV. PUBLIC COMMENTS

- A. Larry Simonds of 1603 Power Drive, Lowell, NC asked why the budget was late in the meeting and that it should be moved up so the public can be present. He also believed two people should recuse themselves from voting for the budget due to conflict of interest. He named Councilmember Phil Bonham and Mayor Pro Temp Smith due to them having businesses in the City of Lowell. Mayor Railey allowed Mayor Pro Temp Smith to speak. He stated that he gave up his business dealings with the City of Lowell when he ran for office. No further comments were made.

## V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting held April 12, 2022 (p. 1-7)
- B. Minutes from Special Meeting Held May 6, 2022 (p.8-10)
- C. Minutes from Council Meeting Held May 10, 2022 (p. 11-18)

With no issues with any of the minutes, Councilmember Funderburk made a motion to approve the minutes held April 12, 2022, May 6, 2022, and May 10, 2022. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

## **VI. SPECIAL AWARDS AND PROCLAMATIONS**

- A. Presentation of the 2022 City of Lowell Employee of the Year Award was presented to Sue Lowe, Customer Service/Billing Specialist by City Manager Scott Attaway.
- B. Proclamation Recognizing the Historical Significance of Juneteenth and Proclaiming June 19, 2022 as Juneteenth (p. 19). Mr. Attaway asked Ms. Dot Guthrie, Founder and Executive Director of the African American Museum of History and Culture at Loray Mill, to say a few words about the history of this holiday. Mayor Railey then read the Proclamation to the audience.

## **VII. CONSENT AGENDA**

- A. Record retention Policy (p. 20-22)
- B. Conflict of Interest Policy (p. 23-35)
- C. Non-Discrimination Policy (p. 36-40)
- D. Resolution RS3-2022 for Approving Local Water Supply Plan (p. 41-42)
- E. To Temporarily Amend the City of Lowell Rules of Procedure for the City Council Meeting dates of July 2022 and August 2022 to the Second Monday (p.43)
- F. Resolution to Approve the North Carolina Department of Transportation's Municipal Agreement for Inspections of Bridges on the Municipal Street System" (p.44-49)
- G. Resolution to Support Street Closure for Lineberger Road (p.50-57)
- H. Public Works Report (p. 58)
- I. Finance Department Report (p. 59-51)
- J. Police Department Report (p. 62-63)
- K. Parks and Recreation Department Report (p. 64)
- L. Planning Department Report (p. 65-66)
- M. Consideration of Budget Amendment #6 (p.67-68)
- N. Consideration of ARPA Amended Grant Project Ordinance (p.69-71)

Councilmember Funderburk asked what Special Assignment meant under the Police Department. Chief Moore said it was that they were starting to better document what they are doing. With no other questions, Councilmember Bonham made a motion to accept consent items A-N, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

## **VIII.**

- A. Public Hearing for Consideration of LDO map Amendment (Rezoning) for Parcel ID#'s 225354, 128306, 128316, 128315, 128304, 128305, 128307, 128928, 128999, 128318, 225350, 128321, 128322, 128333, 128334, 225352. From the Main Street (MS) Zoning District to the Mixed use-2 (MU-2) Zoning District. Case# RZ22-02 (p.72-85). A motion was made to go into public hearing by Councilmember Funderburk and seconded by Councilmember Gillespie. The vote was unanimously in favor. Planning Director presented the case where the applicant is asking that the listed properties be rezoned to mixed use near Main St. He stated the Planning Board has already recommended to rezone the area in their last June 7, 2022 Board Meeting. Councilmember Funderburk asked the representative for the developer, Ralph Falls, about the creek in the back of

the property and if that will present a problem for developing. He stated they hired a wetlands consultant to evaluate the stream. The owner of the properties, Ed Jackson spoke in favor of the rezoning request and the opportunities the rezoning will allow. Mr. Attaway gave a brief background on how the current zoning came about and why the change to the LDO is needed for this area. Councilmember Funderburk asked the developer if he has been in contact with DOT about issues. Mr. Falls stated they have. With no other questions from council, the hearing was open to the public for comment.

1. Larry Simonds asked how many acres and how many stores would be in the area. Mr. Attaway answered his questions.
2. Al Thofson of 207 Seigle St asked what would happen to the area. Mr. Falls said the potential to build possibly a hotel and/or restaurants and/or shops were being considered.
3. Paul Williams of 703 McAdenville Rd asked about the traffic the area will present. Mr. Attaway said DOT requires the developer to perform a traffic impact analysis (TIA).
4. Joreida Currence of 306 Reid St asked that MU-2 be explained again. Joe Gates came up to the front of the room to illustrate the area in question on the map. She understood that developing Lowell was inevitable but disliked the idea of it being so close to her home.

With no further comment, Councilmember Bonham made a motion to come out of Public Hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Bonham then made a motion to rezone the areas noted from the Main Street (MS) Zoning District to the Mixed Use-2 (MU-2) Zoning District, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

Mayor Railey then made a statement on how important it is to not listen to hearsay but to confirm what you hear with the Planning Director and the City Manager when questions arise. She pleaded with the public to go straight to the source and be weary of what is seen solely on Facebook.

- B. Public Hearing for Text Amendment related to LDO Article 7-7.1 Development Agreement (p. 86-92). Councilmember Gillespie made a motion to go into the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Mr. Attaway then presented the proposal to change the LDO to clarify language in the Development Agreement section and exempt small (one acre or less) from being required to go through the development agreement process. The Planning Board voted unanimously to recommend the amendment. With no members of the public electing to speak, Councilmember Funderburk made a motion to come out of the Public Hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Councilmember Bonham made a motion to clarify language in the Development Agreement section of the Ordinance and to exempt small development of one (1) acre or less from the requirement of obtaining a Development Agreement as part of the application for rezoning to certain zoning districts and being required to go through the development agreement process.. It was seconded by Mayor Pro Temp Smith and the vote was unanimously in favor.

*Councilmember Funderburk requested a brief break at 7:11pm, seconded by Councilmember Fulbright. The vote was unanimously in favor. The meeting continued at 7:15pm.*

C. Public Hearing for Adoption of the City of Lowell Fiscal Year 2022-2023 Budget Ordinance (p,93-132). The motion to go into the public hearing was made by Councilmember Funderburk and seconded by Councilmember Gillespie. The vote was unanimously in favor. Mr. Attaway presented the Budget Ordinance as well as information regarding salaries and turnover rates particularly when comparing Lowell to similar size cities around us who have increased pay salaries. Councilmember Bonham suggested taking out the recommended \$7200 for council salary increase (or \$100/month/member) and use it for the beautification of the city. He requested not to increase the salary of council members but keep added training budget for them during the year. Councilmember Funderburk did not agree. She stated that she does a lot of work and Council should get an increase. Councilmember Fulbright mentioned she initially thought serving on the council was a volunteer process. Mayor Pro Temp said he would not feel comfortable taking a raise this year even though they spend a lot of time for it. He also recommended the monies be redirected to the Lowell Community Committee (LCC) for beautification. Mr. Attaway said the budget also takes into account Gaston County taking over the Volunteer Fire Department. Councilmember Funderburk stated that seven years ago she was just like Councilmember Fulbright but believes they do a lot more now. She also asked if it were possible to approve individual department fundings instead of the whole budget at one time. She stated she had an issue with the salaries of the Police Department and that they shouldn't be compared to the officers in Gastonia. She emphasized it was nothing personal but thought the increases and the COLA was a lot. Councilmember Fulbright asked her if she is ok with her getting a raise and not the police. Councilmember Funderburk stated she was. Councilmember Bonham mentioned that we (Lowell) need to consider what is to come to the city with the increasing of the population. He stated we have to retain our current employees and recruit in the future for possibly more. Councilmember Gillespie mentioned he was disappointed in not giving the \$.03 back to the citizens as was discussed in the past but understood why. Councilmember Bonham said they ran the numbers to do that but there was just no resolution to fix it.

Mayor Railey then asked the public for comments:

1. Linda Usery on Hands Circle asked how much are taxes going up? Mr. Attaway explained the increase due to the County absorbing the Fire Department. She then stated that we need to slow down on developments and asked if the infrastructure will be able to handle that. She also mentioned that we need to be helping our Seniors with all of these increases.
2. Larry Simonds wanted people to donate their time for him to speak. Mayor Railey said he had five minutes like everyone else. He disapproved of the budget.
3. Paul Williams discussed the lack of staff in other areas. He asked people to understand that people needed to be paid appropriately to keep the city running properly.

With no further comments, Councilmember Bonham made a motion to come out of the public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

Councilmember Bonham then made a motion to approve the budget for Fiscal Year 2023. The motion was then seconded by Mayor Pro Temp Smith. The yays were Mayor Pro Temp Smith, Councilmember Bonham, and Councilmember Fulbright. The nays were Councilmember Funderburk and Councilmember Gillespie.

- D. Clarification on Public hearing for System Development Fee (SDF) Update per SDF study completed by Willdan Financial Services (p.133). Mr. Attaway stated that there needs to be a correction to the May 2022 minutes where the incorrect date of June 22, 2022 was listed as the day of the Public Hearing. Please be advised that the meeting is in fact on June 21, 2022. Mayor Pro Temp made a motion to revise and clarify the set public hearing on the System Development fee update for June 21, 2022 at 6:00 pm. It was seconded by Councilmember Gillespie. The vote was unanimously in favor.

## **IX. NEW BUSINESS**

- A. Set Public Hearing for Consideration of Economic Development Agreement for Project Hearth pursuant to 160D-1001 (p.134-147). A motion to set the public hearing for consideration of Economic Development Agreement for Project Hearth pursuant to 160D-1001 for Monday, July 11, 2022 was made by Mayor Pro Temp Smith, seconded by Councilmember Bonham. The vote was unanimously in favor.
- B. Consideration of Appointments to the Lowell Planning Board, Board of Adjustment, and Stormwater Commission (p. 148-151). Heather Seay has applied for this role. Mayor Railey said Ms. Seay is very active in the community and always willing to help and assist. Councilmember Funderburk added that she is also on the LCC Board. Mr. Attaway stated that she is willing to do both. Mayor Pro Temp then made a motion to appoint Heather Seay to the Lowell Planning Board, Board of Adjustments, and Stormwater Commission. It was seconded by Councilmember Funderburk. The vote was unanimously in favor.

## **X. CITY ATTORNEY REPORT – None**

## **XI. CITY MANAGER REPORT –**

- A. Downtown Lowell Master Plan meeting was held June 13, 2022. They will be asking the developers, property owners, and business owners for more input on plans.
- B. Public input for Riverfront Park Amenities was held in Council Chambers and Mr. Attaway is updating the draft to formally present the information during the July or August Council meetings.
- C. Carl Moore has been promoted to the Chief of Police and Joe Gates was recently hired as the new Planning Director.
- D. Lowell Police has been involved with the Alcohol Law Enforcement (ALE) regarding the local Iconz Bar and the shooting that recently took place there. Mr. Attaway said there have been several issues there and announced that the bar is now permanently closed. He thanked Chief Moore for helping with this.
- E. The crosswalk has now been completed at the library on McAdenville Rd.
- F. DOT Aesthetics meetings have been held for the I-85 widening project. He showed illustrations and stated the surrounding municipalities would share in the cost. The City of Lowell wouldn't be responsible for any payments until the project is done. More information to come.

- ## **XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION –**
- Councilmember Gillespie congratulated Chief Moore and Joe Gates for their respective positions. He also thanked Jessica, the Librarian for coming to the meeting tonight. Mayor Pro Temp Smith congratulated Chief Moore, Joe, and Sue Lowe for their achievements. Councilmember mentioned all the beauty shops downtown

seem to be taking over and that more food options should come. She also congratulated Chief Moore. Councilmember Fulbright congratulated Chief Moore and Thomas Shrewsbury's crew and the public for coming in tonight to the meeting. She also thanked the City Manager for all his work on the budget. Mayor Railey agreed to all and emphasized again that the public should come directly to the source for their information and not rely on Facebook as their only source. She said she was very proud to be the Mayor of this city and that council members are also part of this community.

**XIII. ADJOURN** – Motion to adjourn was made by Mayor Pro Temp Smith, seconded by Councilmember Bonham. The vote was unanimously in favor. Adjourned at 8:25pm

ATTEST:

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Sandy Railey, Mayor

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Cheryl Ramsey, City Clerk

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# MINUTES

Lowell City Council

Special Meeting

Tuesday, June 21, 2022, 6:00 P.M.

## I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:01p.m. Those attending in-person were Mayor Pro-Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and Joanna Fulbright. City staff included City Manager Scott Attaway, Public Works Director Thomas Shrewsbury, and City Clerk Cheryl Ramsey.

## II. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Funderburk made a motion to accept the agenda and seconded by Councilmember Gillespie. The vote was unanimously in favor.

## III. PUBLIC COMMENTS

There were no public comments.

## IV. UNFINISHED BUSINESS

A. Public Hearing for System Development Fee (SDF) Update per SDF study completed by Willdan Financial Services (p.1-37).

Councilmember Funderburk made a motion to go into public hearing, seconded by Councilmember Gillespie. The vote was unanimously in favor.

Mr. Attaway gave a background and reviewed the existing and proposed SDF from Willdan Financial Services. He stated the City of Lowell has to have the study done every 5 years. The City of Lowell is currently on the 4<sup>th</sup> year but due to CIP updates, staff decided to look at it now. The purpose of the SDF is to assign, to the extent practical, growth-related capital costs to those customers responsible for such additional costs. It is to way to take the burden of the capital needs and improvements coming to town off the citizens and putting it on the developers. Councilmember Funderburk asked if a citizen wanted to build a house, would these apply? Mr. Attaway said yes, this would apply to any new construction. All new properties only after July 1, 2022. Mr. Attaway said this has been on the website for public comment for 45 days as required but no comments were received.

With no other questions, Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Gillespie.

Councilmember Bonham then made a motion to adopt the SDF Updated Fee Study, seconded by Councilmember Funderburk. The vote was unanimously in favor.

V. **ADJOURN** – Councilmember Bonham made a motion to adjourn, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Adjourned at 6:11 p.m.

ATTEST:

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Sandy Railey, Mayor

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Cheryl Ramsey, City Clerk

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## ***PROCLAMATION***

**WHEREAS** Parks and Recreation is an integral part of communities throughout this country, including the state of North Carolina; and

**WHEREAS** Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS** Parks and Recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

**WHEREAS** Parks and Recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

**WHEREAS** Park and Recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS** Parks and Recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS** Parks and Recreation is fundamental to the environmental well-being of our state; and

**WHEREAS** Parks and Recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters; and

**WHEREAS** our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS** local parks in our state generated over \$6 billion dollars in economic activity and provided over 37,000 jobs ranking NC as 10th in the nation; and

**WHEREAS** the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS** the State of North Carolina recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE**, I, Sandy Railey, Mayor, and the City Council of the City of Lowell, do hereby declare that July is recognized as Park and Recreation Month in the City of Lowell, North Carolina.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the seal of the City of Lowell to be affixed, this the 11<sup>th</sup> day of July in the year of our Lord two thousand and twenty-two.

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**Sandy Railey, Mayor**

**ATTEST:**

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**Cheryl Ramsey, City Clerk**

*#PR3-2022*

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 7-A

**DESCRIPTION:** ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE CITY OF LOWELL

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To maintain compliance with the American Rescue Plan Act (ARPA), the following policy of eligible projects must be adopted. This policy was drafted by and vetted through our ARPA Consortium Group at Centralina Council of Governments. It has also been reviewed by staff and the City Attorney.

**ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE CITY OF LOWELL**

**WHEREAS** the City of Lowell, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 ARP/CSLFRF; and

**WHEREAS** US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** US Treasury has issued a [Compliance and Reporting Guidance v.2.1 \(November 15, 2021\)](#) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the City of Lowell hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

## Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 ARP/CSLFRF funds. It also outlines the procedures for determining how the City of Lowell will spend its ARP/CSLFRF funds.

### I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its [Final Rule](#) regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

### II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;

3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the [Local Government Name] to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The City of Lowell, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

### III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All [Local Government Name] employees and officials must comply with these requirements.

1. An Eligibility Determination Documentation Worksheet will be completed by the City of Lowell for each project being funded by ARP/CSLFRF funds. The Eligibility Determination Documentation Worksheet complements this policy and, along with requests for ARP/CSLFRF funding, must be made in writing and include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the [US Treasury Compliance and Reporting Guidance](#).)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the [Local Government Name]'s Allowable Cost Policy.
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the City Manager and Finance Director for approval. All requests will be reviewed by the City Manager for ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by the City Manager and Finance Director. Council approval and budget amendments are required before approval by the City Manager and Finance Director.



4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Finance Director and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Finance Director immediately.
6. The Finance Director must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. The Finance Director must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 7-B

**DESCRIPTION:** POLICY FOR ALLOWABLE COSTS AND COSTS PRINCIPLES FOR EXPENDITURES OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

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To maintain compliance with the American Rescue Plan Act (ARPA), the following policy for allowable costs and costs principles for expenditures must be adopted. This policy was drafted by and vetted through our ARPA Consortium Group at Centralina Council of Governments. It has also been reviewed by staff and the City Attorney.

## THE CITY OF LOWELL

### **POLICY FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS**

**WHEREAS** the City of Lowell has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 ARP/CSLFRF; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the [Assistance Listing](#); and

**WHEREAS** the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-

Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**BE IT RESOLVED** that the governing board of the City of Lowell hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

# [LOCAL GOVERNMENT] Allowable Costs and Costs Principles Policy

## I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The City of Lowell shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the City Manager and Finance Director, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the City Manager and Finance Director. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

## II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

### 1. **Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.

- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the City of Lowell or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the City of Lowell, its employees, the public at large, and the federal government.
- Whether the City of Lowell significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

- 3. Be authorized and not prohibited under state or local laws or regulations.**

4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the City of Lowell.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

### III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The City Manager and Finance Director are responsible for determining cost allowability must be familiar with the Selected Items of Cost. The City of Lowell must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Director will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, the City of Lowell regulations, and program-specific rules may deem a cost as unallowable, and the Finance Director must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

### IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of



accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the City of Lowell may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

## V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

### § 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in [§ 200.475](#)). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a [state](#) or the chief executive of a [local government](#) or the chief executive of an [Indian tribe](#);
- (2) Salaries and other expenses of a [state](#) legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in [§ 200.435](#)); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For [Indian tribes](#) and Councils of Governments (COGs) (see definition for *Local government* in [§ 200.1](#) of this part), up to 50% of salaries and expenses directly attributable

to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

**§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.**

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

**§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

## VI. COST ALLOWABILITY REVIEW PROCESS

### **PREAPPROVAL COST ALLOWABILITY REVIEW**

Before an ARP/CSLFRF-funded project is authorized, the City Manager and Finance Director must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Finance Department for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the City Manager and Finance Department must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury. The City of Lowell has also implemented an [Eligible Use Policy](#) that indicates necessary procedures to ensure projects funded with ARP/CSLFRF funds are eligible.
- If a proposed project includes a request for an unallowable cost, the City Manager or Finance Department will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the City Manager and Finance Director, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

#### **POST-EXPENDITURE COST ALLOWABILITY REVIEW**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Director must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Director will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Director must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Director must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the City Manager or Finance Director will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Director may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost

item, it must identify other local government funds to cover the disbursement. The City of Lowell's governing board must approve any allocation of other funds for this purpose.

- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

## VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

## EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent	2 CFR § 200.435	Allowable with restrictions

infringements		
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for

		allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions

Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 7-C

**DESCRIPTION:** RESOLUTION RS6-2022 ACKNOWLEDGING THE SERVICE  
OF RETIRED POLICE SERGEANT TONY HENDERSON

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As is our custom when a police officer retires from the Lowell police department, the City Council declares that officer's badge and firearm as surplus property. Instead of disposing of these items in our normal procedure, the City Council provides the badge and service weapon to the retiring officer. Enclosed you will find a resolution from Police Chief Carl Moore commending recently retired Sergeant Tony Henderson for his service to the Lowell police department and declaring his badge and service weapon as surplus property.



**RESOLUTION ACKNOWLEDGING THE SERVICE OF RETIRED SERGEANT**

**RESOLUTION NUMBER: RS6-2022**

**WHEREAS**, the City of Lowell is seeking to acknowledge that Tony Henderson, Sergeant of the City of Lowell Police Department was a devoted member of the City of Lowell Police Department; and

**WHEREAS**, the Sergeant badge worn by Tony Henderson shall be declared surplus and presented to Tony Henderson for his years of dedicated work with the City of Lowell Police Department; and

**WHEREAS**, the Glock model 21 service pistol, with serial number BCDK671 that was carried by Tony Henderson shall be declared surplus and presented to Tony Henderson for his years of dedicated work with the City of Lowell Police Department; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWELL** as follows:

1. The City of Lowell supports the City of Lowell Police Department in acknowledging that Tony Henderson, retired Sergeant of the City of Lowell Police Department, was a devoted member of the City of Lowell Police Department.
2. The City of Lowell supports the City of Lowell Police Department in seeking that the Police Officer badge that Tony Henderson wore be declared surplus and presented to Tony Henderson for his years of dedicated work at the City of Lowell Police Department.
3. The City of Lowell supports the City of Lowell Police Department in seeking that the Glock model 21 service pistol, with serial number BCDK671 carried by Tony Henderson be declared surplus and presented to Tony Henderson for his years of dedicated work at the City of Lowell Police Department.

THIS RESOLUTION, adopted on the 11th day of July, 2022.

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**Sandy Railey, Mayor**

**ATTEST:**

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**Cheryl Ramsey, City Clerk**

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 7-D

**DESCRIPTION:** RESOLUTION RS7-2022 ACKNOWLEDGING THE SERVICE  
OF RETIRED POLICE CHIEF SAMUEL (SCOTT) BATES

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As is our custom when a police officer retires from the Lowell police department, the City Council declares that officer's badge and firearm as surplus property. Instead of disposing of these items in our normal procedure, the City Council provides the badge and service weapon to the retiring officer. Enclosed you will find a resolution from Police Chief Carl Moore commending recently retired Chief Scott Bates for his service to the Lowell police department and declaring his service weapon as surplus property.



**RESOLUTION ACKNOWLEDGING THE SERVICE OF RETIRED CHIEF**

**RESOLUTION NUMBER: RS7-2022**

**WHEREAS**, the City of Lowell is seeking to acknowledge that Samuel Scott Bates, Police Chief of the City of Lowell Police Department was a devoted member of the City of Lowell Police Department; and

**WHEREAS**, the Glock model 21 service pistol, with serial number BCDK672 that was carried by Samuel Scott Bates shall be declared surplus and presented to Samuel Scott Bates for his years of dedicated work with the City of Lowell Police Department; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWELL** as follows:

1. The City of Lowell supports the City of Lowell Police Department in acknowledging that Samuel Scott Bates, retired Police Chief of the City of Lowell Police Department, was a devoted member of the City of Lowell Police Department.
2. The City of Lowell supports the City of Lowell Police Department in seeking that the Glock model 21 service pistol, with serial number BCDK672 carried by Samuel Scott Bates be declared surplus and presented to Samuel Scott Bates for his years of dedicated work at the City of Lowell Police Department.

THIS RESOLUTION, adopted on the 11th day of July, 2022.

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**Sandy Railey, Mayor**

**ATTEST:**

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**Cheryl Ramsey, City Clerk**

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 7-E

**DESCRIPTION:** RESOLUTION RS8-2022 RATIFYING THE UPDATED  
CHARTER OF CENTRALINA REGIONAL COUNCIL

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Recently, the Centralina Board of Delegates approved amendments to the organization's Charter. The purpose of these changes was to add language prohibiting private entities from having an interest in the organization's earnings and financial assets. To finalize the amendment process, Centralina member governments must ratify the amended Charter. Please see the attached documents and Resolution to ratify these amendments to the Charter.

## MEMORANDUM

**TO:** Centralina Member Governments

**FROM:** Geraldine Gardner, Executive Director

**DATE:** June 17, 2022

**RE: Request to Ratify Centralina Regional Council's Amended Charter**

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Earlier this year, Centralina management identified an unresolved issue with the organization's tax status. Legal counsel determined that Centralina qualifies for federal income tax exempt status because the organization performs an "essential government function" consistent with Internal Revenue Code Section 115(1), which specifies tax exemption for income derived from such a function. Specific sections of the Centralina Charter and Bylaws needed to be amended to prohibit any private party from benefitting from or having an interest in the organization's earnings and assets, however.

At the February 9<sup>th</sup> Centralina Board of Delegates meeting, the Board adopted a resolution to amend the Charter and Bylaws to resolve this issue. To finalize the Charter amendment process, the governing body of each Centralina member government must ratify the updated Charter.

At your governing body's upcoming July or August meeting, I ask that you include the attached resolution on your Consent Agenda. A copy of the amending resolution adopted by the Centralina Board of Delegates and the updated Charter are also attached for reference. Centralina staff are available if you have any questions about the process. Once your council or board has ratified the Charter, please send a copy of your adopted resolution to Connor Choka at [cchoka@centralina.org](mailto:cchoka@centralina.org).

We greatly appreciate your membership in Centralina and thank you for your support of this request.





## RESOLUTION AMENDING THE CENTRALINA CHARTER AND BYLAWS

**WHEREAS,** Centralina Regional Council is one of 16 regional councils in North Carolina, authorized by the General Assembly to address regional issues and opportunities by offering planning, coordination, program management, advocacy, and technical assistance services; and

**WHEREAS,** Centralina's Charter notes that the organization was created for the region's local governments to "consult among themselves to act in concert and to jointly exercise the powers of local government with reference to regional matters affecting health, safety, welfare, education, transportation, recreation, economic conditions, regional planning or regional development"; and

**WHEREAS,** Centralina attorneys from Shumaker, Loop, and Kendrick have advised that this statement in the Centralina Charter indicates that the organization performs an "essential government function" consistent with Internal Revenue Code Section 115(1), which specifies tax exemption for income derived from such a function; and

**WHEREAS,** Centralina's income is not exempt from federal income tax under Internal Revenue Code Section 115(1), however, because the Charter and Bylaws do not specifically prohibit a private party from benefitting or having an interest in the organization's earnings or assets; and

**WHEREAS,** Centralina attorneys have advised that Centralina's income will be eligible for a federal income tax exempt status if the organization amends its Charter and Bylaws to explicitly provide that no private party may benefit or have an interest in Centralina's earnings or assets, and that upon dissolution, those assets will be distributed solely to Centralina member governments.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Delegates of Centralina Regional Council amends the organization's Charter Resolution as follows (underlining indicates additions and strikethroughs indicate deletions):

ITEM IX, Section J:

No private party may benefit or have an interest in Centralina's earnings or financial assets.

...

ITEM XII, Section B:

The Council may be dissolved at the end of any fiscal year only (1) upon adoption of a dissolution resolution by three-fourths of the governing bodies of all governmental units, or (2) the withdrawal from the Council of all but one of the member governmental units. ~~If such dissolution is effected by resolution of the member governments, such resolution shall specify the method of liquidating~~



the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any; Upon dissolution, the Council's financial assets will be distributed solely to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

**BE IT FURTHER RESOLVED**, that Centralina Regional Council amends its Bylaws as follows (underlining indicates additions):

Article X: Financial

G. Financial Interest and Distribution of Assets: No private party may benefit or have an interest in the Council's earnings or financial assets. Upon dissolution of the Council, its financial assets will be distributed solely to the member governments that paid the latest annual assessment and in the same proportion.

Adopted this 9th day of February, 2022.

A handwritten signature in cursive script that reads "Bobby Compton".

\_\_\_\_\_  
Bobby Compton, Centralina Regional Council Board Chairman

ATTEST:

A handwritten signature in cursive script that reads "Kelly Weston".

\_\_\_\_\_  
Kelly Weston, Clerk to the Board



**CENTRALINA COUNCIL OF GOVERNMENTS**

**CHARTER RESOLUTION**

**REVISED AND RESTATED JULY, 1989**

**WHEREAS**, the undersigned governmental units of the State of North Carolina, together with the other county and municipal governmental units in North Carolina or a state adjoining North Carolina hereafter adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves to act in concert and to jointly exercise the powers of local government with reference to regional matters affecting health, safety, welfare, education, transportation, recreation, economic conditions, regional planning or regional development; now therefore, be it

**RESOLVED**, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Parts 1 and 2, the following Resolution is hereby adopted for the establishment of a regional council of governments and for the joint exercise of any power, function, public enterprise, right, privilege or immunity of local government by and through this regional council and its member governmental units, all to the extent and in the manner authorized or permitted by Article 20 of Chapter 160A of the General Statutes of North Carolina entitled "Interlocal Cooperation".

**ITEM I**

**Short Title - Binding Effect:** This Resolution shall be hereafter referred to as the "Charter" of the Centralina Council of Governments; and said Charter, together with all amendments thereto, shall be binding upon and shall inure to the benefit of all governmental units who are now or hereafter become its members.

**ITEM II**

**Name:** The name of the regional council of governments hereby established shall be the **CENTRALINA COUNCIL OF GOVERNMENTS**, and shall be hereinafter referred to herein as the "Council".

**ITEM III**

**Membership:**

A. The initial membership of this Council of Governments shall consist of the following governmental units who are presently members of the Council and such additional units of local government admitted in accordance with the provisions of this Charter:

Albemarle  
Belmont  
Bessemer City  
Cabarrus County  
Charlotte  
Cherryville  
China Grove  
Cleveland  
Concord  
Cornelius  
Cramerton  
Dallas  
Davidson  
Gaston County  
Gastonia  
Granite Quarry  
Harmony  
Harrisburg  
High Shoals  
Huntersville

Indian Trail  
Iredell County  
Kannapolis  
Landis  
Lincoln County  
Lincolnton  
Locust  
Lowell  
Marshville  
Matthews  
McAdenville  
Mecklenburg County  
Monroe  
Mooresville  
Mount Holly  
Mount Pleasant  
New London  
Norwood  
Oakboro

Pineville  
Ranlo  
Richfield  
Rockwell  
Rowan County  
Salisbury  
Spencer  
Spencer Mountain  
Stallings  
Stanfield  
Stanley  
Stanly County  
Statesville  
Troutman  
Union County  
Waxhaw  
Weddington  
Wingate

B. Any municipal or county government which is not an initial member of the Council, including any municipal or county government in a state adjoining North Carolina (where permitted by the laws of said adjoining state) may join the Council by ratifying or adopting this Charter and upon the majority vote of the existing members. Notice of such application for admission shall be given each member in the manner prescribed by the Council Bylaws at least ten (10) days prior to the date of the meeting at which the vote is to be taken.

C. All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council; and "delegates" as used in this Charter shall, unless otherwise provided, include alternate delegates duly designated by a member government.

#### ITEM IV

**Purpose and Functions:** The Council hereby established shall be a voluntary organization of local governmental units organized and existing to (1) provide a framework within which matters affecting the health, safety, welfare, education, recreation, economic conditions, transportation, water quality and solid waste, regional planning or regional development of and for the citizens within the member governmental units may be studied and discussed, and concerning which solutions or recommendations are proposed; (2) to implement courses of action relating to the matters within its jurisdiction through the joint exercise or contractual exercise by one unit for other units of any power, function, right, privilege or

immunity of local government; (3) to promote intergovernmental cooperation, communication and planning; and (4) to review, upon the request of state, federal or local governments, or agencies thereof, applications for grants or funds for projects affecting citizens within the members' jurisdictions.

#### ITEM V

##### Representation:

A. Each member governmental unit shall be represented in the Council by one delegate or in the absence of such delegate by a designated alternate, if any. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governments in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner prescribed by the Bylaws of the Council. Each governmental unit may designate any number of alternate delegates.

B. The term of office of each delegate shall commence upon the selection and certification of the delegate to the Council by the respective member government; and such delegate shall continue to represent the member government until a successor delegate is certified, unless the delegate shall sooner resign, cease to be an elected member of said governing body, or be removed as a delegate by said governing body, in which case his term shall expire on the effective date of such event. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may be permitted to vote in any matter. The members shall also appoint and certify a successor to fill any vacancy created by the death, removal, resignation, or ineligibility of a delegate (but not an alternate), but an alternate may represent a member until such successor delegate is appointed and certified.

#### ITEM VI

##### Voting and Quorum Requirements:

A. Except as provided in paragraph D of this Item, each member governmental unit shall be entitled to one vote on all matters coming before the Council or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his absence, by an alternate delegate of the member government.

B. A quorum shall be present for the transaction of business of the Council at any meeting at which there is representation of either (a) a majority of all the member governmental units or (b) fifty percent (50%) of the county member governmental units and thirty percent (30%) of the total number of member municipal governmental units.

C. The affirmative vote of a majority of representatives present at any meeting at which a quorum was present shall be required for any action or recommendation of the Council or any committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters. Voting shall be by voice, a show of hands or, upon the request of any three delegates, by a poll of the delegates.

D. Any member governmental unit shall be entitled to request that any matter requiring a vote of the Council be considered by weighted voting in accordance with the following procedures:

1. A request for weighted voting must be made after the motion is made and before any vote on the motion is taken.

2. The vote on any matter appearing on the written agenda for the meeting, and upon which weighted voting has been requested, must be taken at that meeting unless the vote is postponed by a two-thirds non-weighted vote of the delegates.

3. Each member governmental unit shall be entitled to cast one vote for each 50,000 residents of its jurisdiction (or portion thereof) as determined by the census used in assessing members' dues for the current fiscal year. A simple majority of the votes cast shall be required for passage of any motion unless the Charter or Bylaws require a larger affirmative vote on particular matters.

4. Anything contained in these weighted voting procedures to the contrary notwithstanding, if on any motion utilizing weighted voting any three (3) county member governments shall cast negative votes, the motion shall fail unless the motion would have carried without the use of weighted voting.

5. All votes on issues where weighted voting is requested shall be taken by a poll of the delegates.

#### ITEM VII

**Withdrawal:** Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least six (6) months prior to the end of the fiscal year.

#### ITEM VIII

**Powers and Duties of the Council:** Within the limits of funds and personnel available, the Council:

A. Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize this Charter to confer upon the Council, including, but not limited to, all of

the specific powers enumerate in Section 160A-475 (and any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference. Similarly, to the extent applicable, any powers authorized hereafter by the General Assembly of a state adjoining North Carolina may be exercised by the Council with respect to interstate activities or functions.

B. Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

1. To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning members shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member to representation on any particular committee granted hereinabove is asserted, the Chairman of the Council shall designate the membership of all committees.

2. To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in this Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other state, or any agency thereof, the Federal Government and its agencies, any municipality or county or agency thereof, the Federal Government and its agencies, any municipality or county or other governmental or quasi-governmental unit or agency (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants, or services, received from any source, to or for any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.

3. To meet with, consult with, contract with or act in concert with any county or municipality or any agency of any state, the federal government, any civic organization, or private organization in the furtherance of the purposes and objects within its jurisdiction.

4. To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with and pursuant to the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto), entitled "Interlocal Cooperation".

5. To contract with any government entity or agency, or any other person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds; and to purchase and own such personal property, equipment, vehicles and furnishings as may be authorized or for which funds may be appropriated.

6. To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter or the laws of North Carolina.

7. To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions pursuant to which such agency is established, consistent with the powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to, the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with this Charter.

8. To contract with other units of local government, as that term is defined in G.S. 160A-460, to provide for administrative, planning, procurements or other services, including administration of grants from local, state and federal agencies, in order to promote and encourage interlocal cooperation authorized under G.S. 160A-461.

#### ITEM IX

##### Financial:

A. The general operating expenses of the Council shall be paid from funds paid to the Council by each member governmental unit. The annual contribution of each member governmental unit shall be based upon the duly adopted budget for such year and shall be assessed on the basis of the population for each member. For the purpose of determining the current population of each governmental unit, the Council shall use either (1) the Population Estimates for North Carolina Municipalities and Counties prepared by the United States Bureau of the Census and the North Carolina Office of State Budget and Management and published from time to time or (2) the official 10 year census figures. The current population estimates are the most recent estimates available using either (1) or (2) above, on the date the annual dues for member governments is determined by the Council.

B. All expenditures of the Council for special projects of the Council or any committee thereof or for performance of contractual services for non-member units of local government shall be made from revenues paid to the Council by the governmental units directly involved in such projects. All such revenues shall be credited to a special revenue account and all expenditures made at the completion of any project or contract. In no case shall other general fund revenues be used to pay any special project costs which do not reasonably involve or benefit the entire Council. In the event payments made by other units of local government exceed or are less than the actual cost of a special project, the excess shall be refunded to and the deficit paid by the units of local governments affected thereby.

C. The budget for the Council for each fiscal year and the assessment of each member shall be adopted by the affirmative vote of at least seventy-five percent (75%) of the representatives present at a meeting at which a quorum was present, provided notice of such vote has been given in accordance with the Bylaws, and provided further said notice is accompanied by a copy of the proposed budget and assessment.

D. The budget for the Council and the assessment for each member governmental unit shall be adopted by the Council no later than April 15th of each year. Provided, the Council shall publish and deliver to the delegates a budget estimate, indicating each member governmental unit's estimated share thereof, on or before March 31st of each year, if the actual budget shall not have been adopted by that date.

E. The budget, once adopted, may be amended by the affirmative vote of at least seventy-five percent (75%) of the representatives present at a meeting at which a quorum was present, provided notice of such vote has been given in accordance with the Bylaws, and provided, further, said notice shall state in detail the proposed terms of the amendment and the reasons therefor.

F. The annual assessment for each member governmental unit shall be payable on or before August 1st of each year and shall be delinquent thereafter. Any member of the Council which becomes delinquent in the payment of its annual assessments shall lose all rights and privileges of Council membership during such a period of delinquency. Any new member shall pay the full annual assessment for the current fiscal year regardless of its date of admission.

G. All revenues paid to the Council by member governmental units and all other sources whatsoever shall be deposited in the general fund of the Council, and separate revenue and expenditure accounts shall be maintained for each phase of operation of the Council to the extent required by sound accounting practices, to include, but not to be limited to, such accounts for the general operating expenses of the Council and each special project undertaken by the Council or any committee thereof.

H. The general operating expenses of the Council shall include, but are not necessarily limited to: providing meeting and office space or other such physical facilities needed by the

Council or any committee thereof; providing compensation for the director and other administrative personnel of the Council; providing the necessary legal and accounting or other professional services; providing furniture, equipment, vehicles and supplies, paying special consultants, temporary employees and contractors duly authorized by the Council; reimbursing authorized expenses of Council employees.

I. Unless the Council shall otherwise provided by resolution, any surplus funds in the general operating expense account at the close of any fiscal year shall be credited as additional revenue for budget purposes for the following fiscal year. All other funds shall be held and disbursed as otherwise herein provided or as directed by the contributing source.

#### ITEM X

##### Compensation and Expenses of Delegates:

A. Except for the Chairman of the Council, a delegate, and in his absence, an alternate delegate may receive, if the Bylaws so provide, up to \$40.00 for each regular or special meeting of the Council and Executive Committee attended, not to exceed \$500.00 during any fiscal year. Such Bylaws may also provide that actual travel expenses, not to exceed twenty-five cents (\$.25) per mile, may be paid to each delegate, and in his absence to one alternate delegate, for attending any meeting of the Council or any committee meeting. The Chairman of the Council shall receive \$200.00 per month as compensation for his services to the Council.

B. For travel on any authorized business of the Council, other than to attend Council or committee meetings, delegates shall be reimbursed for their actual expenses, as approved by the Council.

#### ITEM XI

Severability: If any Item, paragraph, sentence or phase of this Charter shall be declared by any court of competent jurisdiction to be in violation of the laws of this State or, where applicable, of the laws of any other state, such provisions of this Charter shall be considered to be severable, as to the member or members affected, and the validity of the remaining portion of the Charter shall not be affected.

#### ITEM XII

##### Amendment of Charter and Dissolution of Council:

A. The Council may formally recommend to the member governments a resolution to amend the Charter by affirmative vote of at least three-fourths of the representatives present at any meeting at which a quorum was present, provided notice of such vote has been given in



accordance with the Bylaws. Said amendment shall become effective when the resolution has been duly adopted by three-fourths of the member governmental units.

B. The Council may be dissolved at the end of any fiscal year only (1) upon adoption of a dissolution resolution by three-fourths of the governing bodies of all governmental units, or (2) the withdrawal from the Council of all but one of the member governmental units. If such dissolution is effected by resolution of the member governments, such resolution shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

### ITEM XIII

**Effective Date:** The effective date of this Restated Charter shall be July 1, 1989, as to the current membership; and as to all subsequent members, this Chapter shall be effective on the date of its adoption by the governing body of such governmental unit or the date such member's application was approved, whichever shall be later.

THE FOREGOING CHARTER RESOLUTION (as amended) was duly adopted by all member jurisdictions and was effective July 1, 1989.

  
A. R. Sharp, Executive Director

# CENTRALINA REGIONAL COUNCIL CHARTER RESOLUTION

**WHEREAS**, the undersigned governmental units of the State of North Carolina, together with the other county and municipal governmental units in North Carolina or a state adjoining North Carolina hereafter adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves to act in concert and to jointly exercise the powers of local government with reference to regional matters affecting health, safety, welfare, education, transportation, recreation, economic conditions, regional planning or regional development; now therefore, be it

**RESOLVED**, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Parts 1 and 2, the following Resolution is hereby adopted for the establishment of a regional council of governments and for the joint exercise of any power, function, public enterprise, right, privilege or immunity of local government by and through this regional council and its member governmental units, all to the extent and in the manner authorized or permitted by Article 20 of Chapter 160A of the General Statutes of North Carolina entitled "Interlocal Cooperation".

## ITEM I

**Short Title - Binding Effect:** This Resolution shall be hereafter referred to as the "Charter" of the Centralina Regional Council; and said Charter, together with all amendments thereto, shall be binding upon and shall inure to the benefit of all governmental units who are now or hereafter become its members.

## ITEM II

**Name:** The name of the regional council of governments hereby established shall be the **CENTRALINA REGIONAL COUNCIL** and shall be hereinafter referred to herein as the "Council."

## ITEM III

**Membership:**

- A. The initial membership of this Council of Governments shall consist of the following governmental units who are presently members of the Council and such additional units of local government admitted in accordance with the provisions of this Charter:

Albemarle	Harrisburg	Monroe
Anson County	Huntersville	Mooresville
Ansonville	Indian Trail	Morven
Badin	Iredell County	Mount Holly
Belmont	Kannapolis	Oakboro
Bessemer City	Kings Mountain	Pineville
Cabarrus County	Landis	Ranlo
Charlotte	Lincoln County	Richfield
Cherryville	Lincolnton	Salisbury
Cleveland	Locust	Spencer
Concord	Lowell	Stallings
Cornelius	Marshville	Stanley
Cramerton	Marvin	Stanly County
Dallas	Matthews	Statesville
Davidson	McAdenville	Troutman
East Spencer	Mecklenburg County	Union County
Faith	Midland	Wadesboro
Gaston County	Mineral Springs	Waxhaw
Gastonia	Mint Hill	Wingate
Granite Quarry	Misenheimer	

- B. Any municipal or county government which is not an initial member of the Council, including any municipal or county government in a state adjoining North Carolina (where permitted by the laws of said adjoining state) may join the Council by ratifying or adopting this Charter and upon the majority vote of the existing members. Notice of such application for admission shall be given each member in the manner prescribed by the Council Bylaws at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- C. All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council; and "delegates" as used in this Charter shall, unless otherwise provided, include alternate delegates duly designated by a member government.

#### ITEM IV

**Purpose and Functions:** The Council hereby established shall be a voluntary organization of local governmental units organized and existing to (1) provide a framework within which matters affecting the health, safety, welfare, education, recreation, economic conditions, transportation, water quality and solid waste, regional planning or regional development of and for the citizens within the member governmental units may be studied and discussed, and concerning which solutions or recommendations are proposed; (2) to implement courses of action relating to the matters within contractual exercise by one unit for other units its jurisdiction through the joint exercise or of any power, function, right, privilege or immunity of local government; (3) to promote intergovernmental cooperation, communication and planning; and (4) to review, upon the request of state, federal or local governments, or agencies thereof, applications for grants or funds for projects affecting citizens within the members' jurisdictions.

## ITEM V

### **Representation:**

- A. Each member governmental unit shall be represented in the Council by one delegate or in the absence of such delegate by a designated alternate, if any. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governments in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner prescribed by the Bylaws of the Council. Each governmental unit may designate any number of alternate delegates.
- B. The term of office of each delegate shall commence upon the selection and certification of the delegate to the Council by the respective member government; and such delegate shall continue to represent the member government until a successor delegate is certified, unless the delegate shall sooner resign, cease to be an elected member of said governing body, or be removed as a delegate by said governing body, in which case his term shall expire on the effective date of such event. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may be permitted to vote in any matter. The members shall also appoint and certify a successor to fill any vacancy created by the death, removal, resignation, or ineligibility of a delegate (but not an alternate), but an alternate may represent a member until such successor delegate is appointed and certified.

## ITEM VI

### **Voting and Quorum Requirements:**

- A. Except as provided in paragraph D of this Item, each member governmental unit shall be entitled to one vote on all matters coming before the Council or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his absence, by an alternate delegate of the member government.
- B. A quorum shall be present for the transaction of business of the Council at any meeting at which there is representation of either (a) a majority of all the member governmental units or (b) fifty percent (50%) of the county member governmental units and thirty percent (30%) of the total number of member municipal governmental units.
- C. The affirmative vote of a majority of representatives present at any meeting at which a quorum was present shall be required for any action or recommendation of the Council or any committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters. Voting shall be by voice, a show of hands or, upon the request of any three delegates, by a poll of the delegates.
- D. Any member governmental unit shall be entitled to request that any matter requiring a vote of the Council be considered by weighted voting in accordance with the following

procedures:

1. A request for weighted voting must be made after the motion is made and before any vote on the motion is taken.
2. The vote on any matter appearing on the written agenda for the meeting, and upon which weighted voting has been requested, must be taken at that meeting unless the vote is postponed by a two-thirds non-weighted vote of the delegates.
3. Each member governmental unit shall be entitled to cast one vote for each 50,000 residents of its jurisdiction (or portion thereof) as determined by the census used in assessing members' dues for the current fiscal year. A simple majority of the votes cast shall be required for passage of any motion unless the Charter or Bylaws require a larger affirmative vote on particular matters.
4. Anything contained in these weighted voting procedures to the contrary notwithstanding, if on any motion utilizing weighted voting any three (3) county member governments shall cast negative votes, the motion shall fail unless the motion would have carried without the use of weighted voting.
5. All votes on issues where weighted voting is requested shall be taken by a poll of the delegates.

#### ITEM VII

**Withdrawal:** Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least six (6) months prior to the end of the fiscal year.

#### ITEM VIII

**Powers and Duties of the Council:** Within the limits of funds and personnel available, the Council:

- A. Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerate in Section 160A-475 (and any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference. Similarly, to the extent applicable, any powers authorized hereafter by the General Assembly of a state adjoining North Carolina may be exercised by the Council with respect to interstate activities or functions.
- B. Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

1. To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning members shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member to representation on any particular committee granted hereinabove is asserted, the Chairman of the Council shall designate the membership of all committees.
2. To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in this Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other state, or any agency thereof, the Federal Government and its agencies, any municipality or county or agency thereof, the Federal Government and its agencies, any municipality or county or other governmental or quasi- governmental unit or agency (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants, or services, received from any source, to or for any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
3. To meet with, consult with, contract with or act in concert with any county or municipality or any agency of any state, the federal government, any civic organization, or private organization in the furtherance of the purposes and objects within its jurisdiction.
4. To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with and pursuant to the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto), entitled "Interlocal Cooperation".
5. To contract with any government entity or agency, or any other person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available

funds; and to purchase and own such personal property, equipment, vehicles and furnishings as may be authorized or for which funds may be appropriated.

6. To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter or the laws of North Carolina.
7. To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions pursuant to which such agency is established, consistent with the powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to, the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with this Charter.
8. To contract with other units of local government, as that term is defined in G.S. 160A- 460, to provide for administrative, planning, procurements or other services, including administration of grants from local, state and federal agencies, in order to promote and encourage interlocal cooperation authorized under G.S. 160A-461.

## ITEM IX

### **Financial:**

- A. The general operating expenses of the Council shall be paid from funds paid to the Council by each member governmental unit. The annual contribution of each member governmental unit shall be based upon the duly adopted budget for such year and shall be assessed on the basis of the population for each member. For the purpose of determining the current population of each governmental unit, the Council shall use either (1) the Population Estimates for North Carolina Municipalities and Counties prepared by the United States Bureau of the Census and the North Carolina Office of State Budget and Management and published from time to time or (2) the official 10-year census figures. The current population estimates are the most recent estimates available using either (1) or (2) above, on the date the annual dues for member governments is determined by the Council.
- B. All expenditures of the Council for special projects of the Council or any committee thereof or for performance of contractual services for non-member units of local government shall be made from revenues paid to the Council by the governmental units

directly involved in such projects. All such revenues shall be credited to a special revenue account and all expenditures made at the completion of any project or contract. In no case shall other general fund revenues be used to pay any special project costs which do not reasonably involve or benefit the entire Council. In the event payments made by other units of local government exceed or are less than the actual cost of a special project, the excess shall be refunded to and the deficit paid by the units of local governments affected thereby.

- C. The budget for the Council for each fiscal year and the assessment of each member shall be adopted by the affirmative vote of at least seventy-five percent (75%) of the representatives present at a meeting at which a quorum was present, provided notice of such vote has been given in accordance with the Bylaws, and provided further said notice is accompanied by a copy of the proposed budget and assessment.
- D. The budget for the Council and the assessment for each member governmental unit shall be adopted by the Council no later than April 15th of each year. Provided, the Council shall publish and deliver to the delegates a budget estimate, indicating each member governmental unit's estimated share thereof, on or before March 31st of each year, if the actual budget shall not have been adopted by that date.
- E. The budget, once adopted, may be amended by the affirmative vote of at least seventy-five percent (75%) of the representatives present at a meeting at which a quorum was present, provided notice of such vote has been given in accordance with the Bylaws, and provided, further, said notice shall state in detail the proposed terms of the amendment and the reasons therefor.
- F. The annual assessment for each member governmental unit shall be payable on or before August 1st of each year and shall be delinquent thereafter. Any member of the Council which becomes delinquent in the payment of its annual assessments shall lose all rights and privileges of Council membership during such a period of delinquency. Any new member shall pay the full annual assessment for the current fiscal year regardless of its date of admission.
- G. All revenues paid to the Council by member governmental units and all other sources whatsoever shall be deposited in the general fund of the Council, and separate revenue and expenditure accounts shall be maintained for each phase of operation of the Council to the extent required by sound accounting practices, to include, but not to be limited to, such accounts for the general operating expenses of the Council and each special project undertaken by the Council or any committee thereof.
- H. The general operating expenses of the Council shall include, but are not necessarily limited to: providing meeting and office space or other such physical facilities needed by the Council or any committee thereof; providing compensation for the director and other administrative personnel of the Council; providing the necessary legal and accounting or other professional services; providing furniture, equipment, vehicles and



supplies, paying special consultants, temporary employees and contractors duly authorized by the Council; reimbursing authorized expenses of Council employees.

- I. Unless the Council shall otherwise provided by resolution, any surplus funds in the general operating expense account at the close of any fiscal year shall be credited as additional revenue for budget purposes for the following fiscal year. All other funds shall be held and disbursed as otherwise herein provided or as directed by the contributing source.
- J. No private party may benefit from or have an interest in the Council's earnings and financial assets.

#### **ITEM X**

##### **Compensation and Expenses of Delegates:**

- A. Except for the Chairman of the Council, a delegate, and in his absence, an alternate delegate may receive, if the Bylaws so provide, up to \$40.00 for each regular or special meeting of the Council and Executive Committee attended, not to exceed \$500.00 during any fiscal year. Such Bylaws may also provide that actual travel expenses, not to exceed twenty-five cents (\$.25) per mile, may be paid to each delegate, and in his absence to one alternate delegate, for attending any meeting of the Council or any committee meeting. The Chairman of the Council shall receive \$200.00 per month as compensation for his services to the Council.
- B. For travel on any authorized business of the Council, other than to attend Council or committee meetings, delegates shall be reimbursed for their actual expenses, as approved by the Council.

#### **ITEM XI**

**Severability:** If any Item, paragraph, sentence or phase of this Charter shall be declared by any court of competent jurisdiction to be in violation of the laws of this State or, where applicable, of the laws of any other state, such provisions of this Charter shall be considered to be severable, as to the member or members affected, and the validity of the remaining portion of the Charter shall not be affected.

#### **ITEM XII**

##### **Amendment of Charter and Dissolution of Council:**

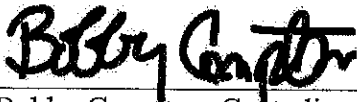
- A. The Council may formally recommend to the member governments a resolution to amend the Charter by affirmative vote of at least three-fourths of the representatives present at any meeting at which a quorum was present, provided notice of such vote has been given in accordance with the Bylaws. Said amendment shall become effective when the resolution has been duly adopted by three-fourths of the member governmental units.

- B. The Council may be dissolved at the end of any fiscal year only (1) upon adoption of a dissolution resolution by three-fourths of the governing bodies of all governmental units, or (2) the withdrawal from the Council of all but one of the member governmental units. Upon dissolution, the Council's financial assets will be distributed solely to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

**ITEM XIII**

**Effective Date:** The effective date of this amended Charter shall be February 9, 2022, as to the current membership; and as to all subsequent members, this Charter shall be effective on the date of its adoption by the governing body of such governmental unit or the date such member's application was approved, whichever shall be later.

Amended January 1, 1972  
Amended July 1, 1989  
Amended February 9, 2022



\_\_\_\_\_  
Bobby Compton, Centralina Chair

Attested by:



\_\_\_\_\_  
Kelly Weston, Clerk to the Board



**A RESOLUTION RATIFYING THE UPDATED CHARTER OF  
CENTRALINA REGIONAL COUNCIL**

**RESOLUTION NUMBER RS8-2022**

**WHEREAS**, The City of Lowell is a member of Centralina Regional Council (Centralina), a council of governments serving the needs of the nine-county region that includes Anson, Cabarrus, Gaston, Lincoln, Iredell, Mecklenburg, Rowan, Stanly and Union counties; and

**WHEREAS**, on February 9, 2022, the Centralina Board of Delegates adopted a resolution amending the organization's Charter to add language prohibiting private entities from benefitting from or having an interest in the organization's earnings or assets; and

**WHEREAS**, each member government must endorse the Charter as Centralina's governing document.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that The City of Lowell hereby ratifies the amended Centralina Regional Council Charter.

THIS RESOLUTION, adopted on the 11th day of July, 2022.

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**Sandy Railey, Mayor**

**ATTEST:**

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**Cheryl Ramsey, City Clerk**



**To:** Scott Attaway, City Manager

**From:** Thomas Shrewsbury, Public Works

**Date:** June 31, 2022

**Re:** Monthly report

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June 2022 updates are as follows:

- Sewer Department crews worked on lift station maintenance. Several stations had oil changed and backflow devices inspected.
- First street lift station went down due to badly damaged flapper seals. The bad parts were replaced and there was no spill.
- Staff worked with the wastewater treatment plant operator to remove waste from drying beds and open space in the system to waste.
- Public Works employees worked to keep the city flags looking presentable throughout the city.
- Water Department employees have been working with the Lowell Fire Department to get flow testing and hydrant evaluations completed before their annual inspection.
- Water dept employees replaced a fire hydrant on N. Elm St.
- Staff repaired a ¾ inch line break at Harold Rankin Park.
- City staff coordinated with Franklin Signs to get all the logos on the truck doors updated.
- Public Works employees attended three different safety training events at City Hall. This completed all standard safety training required for this calendar year.
- Public Works employees continued to assist in work taking place at City Hall in the new offices.



**To:** Scott Attaway, City Manager

**From:** Lisa Nolen, Finance Director

**Date:** July 6, 2022

**Re:** Finance Update

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**Utility Billing:**

Scheduling training for conversion to the updated Mueller Infrastructure System. Also, coordinating with Public Works to schedule their training as well. Training Accounting Technician in all areas of operations in the Utility Billing department. Working with the Planning Director on updating addresses and ownership information for Stormwater Management billing.

**Finance:**

Currently working on June 2022 transactions and bank reconciliation. Cleaning up previous transactions that were keyed to incorrect accounts and preparing for year end.

City of Lowell, North Carolina  
 FY 2022 Dashboard  
 4/30/2022

Department	Budget	YTD thru 4/30/2022	Budget Remaining	Percent Remaining	Percent of FY22 Remaining
<b>General Fund</b>					
Administration	737,970.00	676,200.96	61,769.04	8%	8%
Public Safety	1,358,837.52	1,093,172.55	265,664.97	20%	8%
Public Works	276,078.00	205,490.49	70,587.51	26%	8%
Sanitation	264,547.00	254,520.93	10,026.07	4%	8%
Parks	203,225.00	117,119.24	86,105.76	42%	8%
Powell Bill	231,275.00	164,855.63	66,419.37	29%	8%
<b>Total</b>	<b>3,071,932.52</b>	<b>2,511,359.80</b>	<b>560,572.72</b>	<b>18%</b>	<b>8%</b>
<b>Water/Sewer Fund</b>					
Water/Sewer	1,093,520.00	1,021,186.55	72,333.45	7%	8%
Wastewater Treatment	291,081.00	198,990.06	92,090.94	32%	8%
<b>Total</b>	<b>1,384,601.00</b>	<b>1,220,176.61</b>	<b>164,424.39</b>	<b>12%</b>	<b>8%</b>
<b>Stormwater Fund</b>					
Stormwater	337,919.00	144,327.24	193,591.76	57%	8%
<b>Total</b>	<b>337,919.00</b>	<b>144,327.24</b>	<b>193,591.76</b>	<b>57%</b>	<b>8%</b>

Notes:  
None

City of Lowell, North Carolina  
 FY 2022 Revenue Dashboard  
 4/30/2022

Type	Budget	YTD thru 4/30/2022	Budget Remaining	Percent Remaining	Percent of FY22 Remaining
<b>General Fund</b>					
General Fund	3,071,932.52	2,987,636.22	84,296.30	3%	8%
Water/Sewer Fund	1,384,601.00	1,248,773.28	135,827.72	10%	8%
Stormwater Fund	337,919.00	283,431.46	54,487.54	16%	8%
<b>Total</b>	<b>4,794,452.52</b>	<b>4,519,840.96</b>	<b>274,611.56</b>	<b>6%</b>	<b>8%</b>

Notes:  
 None



**To:** Scott Attaway, City Manager

**From:** Carl Moore, Police Chief

**Date:** July 6, 2022

**Re:** Police Department Update

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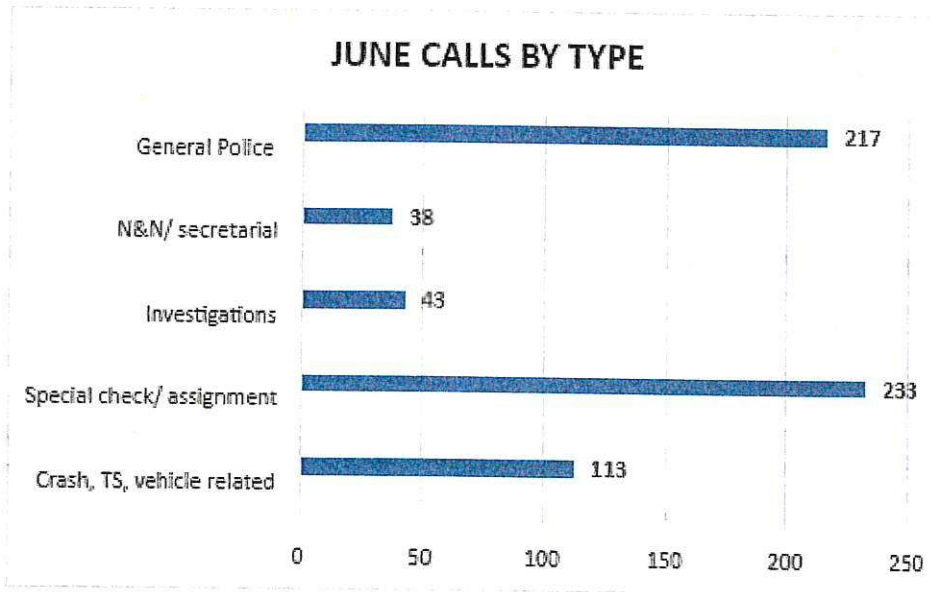
Call volume for June was typical for what we have seen in months past. Total calls were up about 100 calls or so from 2021 and 145 from June 2020. This increased volume will likely continue as our area and the surrounding area grows. Special checks continue to show high numbers because now officers record each check. Lowell officers have always conducted these checks however, police administration has recently asked the officers to document each one in our records management system. A special check is when an officer patrols a neighborhood or around a business to confirm everything is secure. Documenting each check serves two purposes. It will document the last time the area was checked by police. So, when a crime has occurred, we will know the last time it was checked and secure. Statistics will also be used in reports for our citizens for community watch meetings.

The Lowell Police Department participated in the Governor's Highway Safety Program Click it or Ticket campaign over the Memorial Day holiday. We are awarded points that can be redeemed for equipment for participating in this program.

The NCALE nuisance abatement team in conjunction with the LPD, the City Manager, and the Gaston County District Attorney have worked together to collect evidence showing ICONZ bar is a public nuisance. ICONZ bar has voluntarily surrendered their alcohol permits. The bar has been closed since mid-June and the calls for service there have stopped.

Promotions took effect July 1<sup>st</sup> and everyone is getting settled into their new roles. Jeff Harrison was promoted to Captain. Ross Hoffman has been promoted to Administrative Sergeant. Jon Fulbright moves from the rank of Officer to Sergeant. Amy Bowen makes the same move and has achieved the rank of Sergeant also. Admin Sergeant Hoffman will soon change his hours to a Monday- Friday schedule and will be the LPD primary investigator. He has shown through his many years of service that he will excel in this role and we look forward to his hard work and dedication in his new position. Sergeants Fulbright and Bowen will fill the night shift supervisor's role. They have each shown the leadership skills necessary to be effective supervisors in the field.





### JUNE HISTORY BY YEAR

2020-499

2021-539

2022-644



**To:** Scott Attaway, City Manager

**From:** Cristy Cummings, Parks and Recreation Director

**Date:** June 30, 2022

**Re:** June Monthly Report

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**Events:**

- Coordinated and advertising for June Yoga in the Park
- Coordinated and advertising for June Music in the Park
- Met with Police Department for National Night Out planning

**Athletics:**

- Updated League Line-up website with youth sports artwork, updated registration form for youth soccer sign-ups to go live on July 1
- Attended Athletic Director meeting with area Parks and Recreation Departments to discuss fall sports

**Projects:**

- Meeting with WithersRavenel regarding site specific Master Plans for Bob Bolick and Harold Rankin Park
- Planning, coordination, and advertising of Public Workshops for both Bob Bolick Park and Harold Rankin Park. Created website form to accept surveys from those that could not make the workshops

**General:**

- Attended three River Health Committee meetings for Marketing sub-group to help decide on marketing group for branding
- Attended department head meeting
- Picked up trash
- Locked and unlocked bathrooms
- Ordered a playground sign for Harold Rankin Park that states the ages for the playground and adult supervision required. Both playgrounds and the fitness equipment now have signage
- Attended a Poston Park meeting with Lowell PD and Gaston County Parks and Recreation regarding safety in the park
- Attended virtual meeting regarding software
- Creation of quarterly citizen newsletter
- Creation of Parks and Recreation digital newsletter and emailed to recipients
- Website and social media updates
- Received approval of \$5,500 funding request for Music in the Park series, scheduled a call with CaroMont rep on details



**To:** Scott Attaway, City Manager  
**From:** Joe Gates, Planning Director  
**Date:** July 6, 2022, 2022  
**Re:** Monthly Department Update

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### **Code Enforcement**

For the month of June 2022, the Code Enforcement Office has received 10(+) complaints regarding high grass, trash, etc. Most letters have gone out and re-inspections will occur next week and the week after for most cases. Staff has been taking time weekly to organize old files and folders (paper and electronic) to have better access to files when needed. Staff attended and completed and passed the NCAHCO (North Carolina Association of Housing Code Officials) Certification Course.

### **Zoning:**

The Zoning Department has issued a two (2) change of use permits this month for businesses located in the Shops at Franklin Square development. The new businesses are going to be a salon and indoor mini-golf/arcade. Staff has also received a few permits solar panels, commercial addition site plan and recombination plats. Staff also held a few pre-submittal meetings for various projects.

Staff meetings with the new potential software vendors has gone very well and final selection should be forthcoming in the following weeks. Once the vendor is selected, staff will begin the process with software designers to create an easy online portal to manage different processes, including but not limited to, code enforcement, zoning permits and site plans. This software also has the potential to incorporate other processes used by the city and its citizens and will help to consolidate different platforms and streamline our processes making our citizen interactions easier and more customer friendly.

**Planning:**

Staff received no new applications this month for the Lowell Planning Board to review and the July 5<sup>th</sup>, 2022 meeting was canceled due to lack of agenda. Staff met with a citizen interested in joining the Planning Board. We are still waiting on that individual to make a final decision.

**Stormwater:**

Staff has begun reviewing year-end reporting requirements for MS-4 permit and will be wrapping up those efforts over the next few weeks. Our new staff member will begin in July and we will be focused on onboarding that employee and setting a course for next year as it pertains to mapping our stormwater infrastructure.

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-A

**DESCRIPTION:** CUSTOMER RELATIONSHIP MANAGEMENT SOFTWARE  
UPDATE

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Staff will present information regarding a new customer relationship management software that was included in the FY23 Budget.

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-B

**DESCRIPTION:** DISCUSSION OF VARIOUS TEXT AMENDMENTS TO THE  
LOWELL DEVELOPMENT ORDINANCE

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Various Councilmembers have asked to discuss possible text amendments to the Lowell Development Ordinance as it relates to allowable land uses in the Main Street (MS) District as well as recreational vehicle/boat parking. If deemed necessary by the Council, staff will then forward proposed text amendments to the August Planning Board meeting for their review.

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-C

**DESCRIPTION:** DISCUSSION AND CONSIDERATION OF FY 22-23 FEE  
SCHEDULE UPDATE RELATIVE TO OWNER INITIATED  
ROAD CLOSURES

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Staff has recommended that the City establish a fee to cover the costs of review and advertisement of requests to close rights-of-way. Currently, there is not an applicant fee for this and the City absorbs all costs associated with this process.

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