

MINUTES

Lowell City Council

Regular Meeting

Tuesday, November 8, 2022, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Railey called the meeting to order at 6:00p.m. A quorum was determined to be in place. Those attending in-person were Mayor Pro-Temp Travis Smith, Councilmembers Candy Funderburk, Thomas Gillespie, and Joanna Fulbright. Councilmember Phil Bonham was not in attendance. City staff attendance included City Manager Scott Attaway; Planning Director, Joe Gates; City Attorney, John Russell Jr; Finance Director, Lisa Nolen; Police Chief Carl Moore; Sgt Jeff Harrison; GIS Analyst Todd Stroupe; Public Works Director, Thomas Shrewsbury; and City Clerk Cheryl Ramsey. 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 were also present.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie did the invocation, then led everyone in the Pledge of Allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Mayor Pro Temp Smith made a motion to accept the agenda adding New Business 7E, seconded by Councilmember Gillespie. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

A. Houston Helms of 136 Berry Mountian Rd, Cramerton, NC came to make council aware of a 501c(3) project regarding the refurbishing of the Baltimore Village School, a historically Black one room school house built in the 1920’s and the last one in the county. Mr. Helms is socializing this project across all municipalities to make sure all elected officials know of this effort. He started a fundraising campaign of \$300-400k to return the building to its original state. He stated it has been recognized by the Gaston County Historical Preservation Commission and looking to put the efforts with the State Commission group as well. He will keep us posted. His wife, Anita added that they are also pursuing the entire neighborhood to be considered a historic district. This consists of about 25 houses. They then distributed some flyers to review.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting held October 11, 2022. Councilmember Funderburk made a motion to approve the minutes, seconded by Councilmember Fulbright. The vote was unanimously in favor.

VI. CONSENT AGENDA

A. Planning Department and GIS Report

B. Public Works Report

- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Report

Mayor Pro Temp Smith made a motion to approve the consent agenda, seconded by Councilmember Funderburk. The vote was unanimously in favor.

VII. NEW BUSINESS

- A. Discussion of New Banner Poles on McAdenville Road. Presented by Mr. Attaway showing a map created by Todd Stroupe, GIS Analyst, of locations to add additional banner poles on McAdenville Rd. The Lowell Community Center (LCC) has asked the council to have this done under the beautification line item of the budget. He stated there has been new information presented since this agenda was sent out. The initial concern with staff was that the beautification line item of budget was going to run out of money after this project and the Christmas tree and cemetery sign is done; however, another vendor was located that is \$2,000 less than the original quote and \$25 less for banners. He wanted to get council's thoughts.

Councilmember Funderburk asked why was there going to be a problem with the funding if we [Council] transferred money during the budget for approximately \$7200 to the LCC for beautification purposes. Mr. Attaway said we did not budget the new banners for that amount. \$7200 was transferred, doubling the beautification budget during last work session to \$14,700, but that doesn't account for nearly the \$10,000 in banner poles expense. He thinks we can move things around to make it work. Councilmember Funderburk asked how many banner poles that would be. Mr. Attaway said 12. Councilmember Funderburk asked if any solar poles were found or poles that can be lit up. Mr. Attaway said no. Councilmember Fulbright asked if all the money in the budget line item will be spent on the poles. Mr. Attaway said at the time the agenda was done, it would have used all of the funds but now with the new vendor providing their quote, there will be a remaining balance of about \$2000-2500 allowing for other projects. Other projects in the original line item also include the large Christmas tree and the smaller ones at the track [of Harold Rankin Park], the cemetery sign and Thomas scaled down his need for Christmas lights so that freed up some funds to purchase all and stay under budget. There aren't any large projects that need to be done so he thinks it would ok to proceed on this request. He also believes beautification would also include way finding signage (decorative directional signs) but that was budgeted within the Streets department which does not affect the line item. Councilmember Funderburk asked will the banners be up in December. Mr. Attaway said he was not given a specific time, but the holidays are slowing down plus Public Works would have to find time to install them. DOT has already given the city permissions needed. It was agreed by council to move forward. No vote was necessary.

- B. Update on McCord Park – presented by Mr. Attaway. He stated the next agenda item is the budget amendment using ARPA funds to finish this project. Some of the additional items left are the ADA compliant parking, benches, and accessibility, concrete steps, sidewalk, slab for the stage, tree planting and landscaping, and shade structures. The shade structure itself is about a 6-week lead time for installation. He said it looked like the end of the year/beginning of next year to complete the project. Councilmember Funderburk asked if we will still have the Christmas tree. Mr. Attaway said yes, the tree should arrive on the 16th. Mayor Railey asked if we decided on

structure. Mr. Attaway said the vendor made a recommendation for a forest green canopy and tan poles [he showed Council an example].

- C. Budget Amendment #1 FY2022-2023 Budget presented by Mr. Attaway. The amendment was provided to all noting the increase in cash of \$55,000 from the ARPA funds. Councilmember Funderburk asked how much do we have left in ARPA funds? Lisa Nolen, Finance Director, stated that we have approximately \$900,000. Councilmember Fulbright made a motion to accept Budget Amendment #1 FY2022-2023 Budget, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- D. Consideration of Agreement Designating a Joint Historic Preservation Commission and Requesting that Gaston County Historic Preservation Act as a Certified Local Government – presented by Mr. Attaway. He has received a memo from Jamie Mendoza Kanburoglu of the Gaston County Planning Department regarding the Historic Preservation Commission in Gaston County and their legal team drawing up an interlocal agreement with all municipalities. Mr. Russell explained the NC General Statute allows historic preservation commissions to nominate and designate historic properties and structures for recognition and tax breaks. A local designated structure gets 50% off local property taxes. There are statutes that allow for that, one being a joint historic preservation commission in a county that would serve the county and all municipalities. Members are appointed by county commissioners and are tasked with doing an inventory of historic properties and bringing reports to municipalities then the County Commission for designation. If changes are requested, an owner would have to bring that request to the joint board to do so. He gave the Baltimore Village, mentioned earlier, as an example of what was brought to Cramerton for approval then the Joint Historic Preservation Commission in 2018. The original preservation group goes back to the 1970s with some modified and some even lost. The State told the Historic Preservation Commission to update it and go back to the municipalities to get them to sign back on with the interlocal agreement. Mr. Attaway then directed councilmembers to the agreement within the agenda packet.

Councilmember Fulbright confirmed that once something is made historical, we don't tear it down. Mr. Russell said that in order to make any changes including tearing it down, the owner has to come to the County Historic Preservation Commission and seek approval, a Certificate of Appropriateness. With that it is usually just for changes, add an awning for example. To tear it down the commission has the right to delay demolition for up to 365 days to seek alternatives to tearing the building down. If it is torn down, there is a recapture of taxes for three years that will be owed.

Mr. Russell explained the cons to joining the commission. He said the main issue is if you want to make changes to the exterior of the building. The Commission doesn't tell you what you can do on the interior but changes to exterior must have permission and consistent with the architectural, history and integrity of the building. Usually, it is not a problem, but it is a requirement. He also mentioned that designation to the join the commission is solely the property owner's responsibility. It is not forced upon them by the commission to register their property as historic. Councilmember Gillespie asked if this is the commission that Lucy Penninger, who helped with the Flats Plaque, steers? Mr. Attaway said it was.

Councilmember Funderburk then made a motion to consider the agreement designating a Joint Historic Preservation Commission and requesting that Gaston County Historic Preservation Act as a Certified Local Government. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- E. Consideration of Master Services Agreement with Coldwell Banker Commercial MECA presented by Mr. Attaway. He gave a brief background including how municipalities often contract with real estate brokers to assist with buying and selling properties and general real estate advising and consulting needs. Staff would like to have a commercial real estate broker assist them with (select) future property purchases and Sales. Sam Kline, Real Estate Broker with Coldwell would help with these matters. He has attended Master Plan meetings and Mr. Attaway has communicated with him over several months about the market and things going on in Lowell and Gaston County and how that effects the city. He has recently talked with him regarding the option of purchasing some property for future growth of city facilities and entering into a Master Service Agreement so they can provide those services to us. He stated that Mt. Holly and Bessimer City uses them for their Master Service Agreement and were very pleased.

Councilmember Funderburk asked that if we are not going to use them until we buy or sell property, why are there monthly charges? Mr. Attaway said we are only billed when we use them and asked Mr. Kline to elaborate. Mr. Kline stated that this wording is in place for something that would require his consistent attendance or ongoing advice. He said he has worked for Mt. Holly for four years and Bessimer City for one year, and that issue has never come up to pay monthly charges. It is a place holder for extended time on an issue out of the ordinary work done.

Councilmember Gillespie asked what property does Lowell have for sell? Mr. Attaway said we don't have any for sell and wouldn't pay anything to Mr. Kline until we do. Councilmember Gillespie said what properties do you know of that we have for sell. Mr. Attaway said none. Councilmember Funderburk asked if we could buy property without Mr. Kline's assistance? Mr. Attaway said yes but there may be some properties that we would want representation since neither he nor the attorney are real estate agents. Councilmember Gillespie said maybe we need to take more time to look at this proposal and table it until December since he was just made aware of it three hours ago.

Councilmember Fulbright asked the benefits of this agreement. Mr. Kline explained first that even though there are other real estate brokers in the area, there aren't many who specialize in commercial properties as he does. His firm is probably the only one. The benefit is that in the past staff would reach out to him and ask about a property. He would do some research and evaluate that then staff would take his listing agreement in front of Council to see if they wanted to use his services to list one specific piece of property. It would then go to the City Attorney who would make changes if necessary. Then go back to Council to vote to approve it and he would list the property. He said that process was taking at least 6-8 weeks and frustrating members that it was taking too long and wanted to speed up the process. The City of Mt. Holly nor Bessimer are obligated to use him but if they do, he would attend a council meeting and comment on a piece of property, they vote and the next day he could execute the agreement quickly and put it to market. This would cut down the process to put something on the market or to acquire properties quicker. Councilmember Fulbright then asked if there is a retention fee. Mr. Kline said no and thinks the

fee that they read is only in place when he would need to be compensated and the commission doesn't take care of that. Mr. Attaway said the fee would be when and if we had a large task for him, i.e. getting multiple properties in order to help with the Downtown Master Plan to get a larger tract of land where he would send an invoice for billable hours, not the day-to-day questions.

Councilmember Gillespie said he is not against doing this but thought it should be tabled to December to give Council time to review. Mr. Kline said he was fine with that and that Mt. Holly is who he has had the most experience with. He then gave some examples of what he has worked on with them. Councilmember Fulbright said it is easier to work with someone when you have a good relationship with them. She thinks this is a good idea and thanked Mr. Kline for all the information he provided but also ok on tabling the topic to the next meeting. Mr. Kline said can come back in December and answer any questions councilmembers had. Councilmember Fulbright asked if he would be the contact specifically for us. Mr. Kline said yes.

Councilmember Gillespie then made a motion to table this until the December council meeting to think about it. Mayor Pro Temp asked Mr. Attaway if he researched this for the best options for the city. Mr. Attaway said yes. Mayor Pro Temp said we go to Mr. Attaway for this type of things and agree with his decision. Mr. Attaway said he has had this information for about 30 days but staff hadn't had time to get to it. He received new information and wanted to get this executed so, if approved, Mr. Kline could attend tonight's closed session to give Council some advice; however, he is also fine with it going to December. Councilmember Gillespie didn't think December was a long time and doesn't like to rush into subjects and he would like more time. Councilmember Fulbright asked Councilmember Gillespie if he wants more time to look at other firms. He said no he just wanted more time to review the proposal for himself. He asked her if she had a problem rushing into it. She said she was fine with it now, having heard Mr. Kline talk about it and knowing that Mr. Attaway researched it.

With the motion on the floor (a second is not required) to table this, a vote was taken with Councilmember Gillespie voting yes and Councilmembers Funderburk and Fulbright and Mayor Pro Temp voting no. Councilmember Funderburk then made a motion for 7E that we go into the Master Services Agreement with Coldwell Banker Commercial MECA, seconded by Mayor Pro Temp Smith. Councilmember Gillespie asked how long the contract lasts? Mr. Kline said generally two-year period but could be tailored however you want. He said if you don't want to do business with him, you do not have to call him. Mr. Attaway said we can sell a piece of property ourselves if we want to and nothing is forcing us to work with Mr. Kline. Mr. Kline added that the City of Mt. Holly added a clause that the City can fire him without cause and suggested City of Lowell do the same. With no other discussion the vote was Councilmembers Funderburk and Fulbright, and Mayor Pro Temp Smith for and Councilmember Gillespie against.

VIII. CITY ATTORNEY REPORT – No updates

IX. CITY MANAGER REPORT – Presented by Mr. Attaway

- A. Stormwater – Mr. Attaway asked Council to let him know dates they are available for the elected officials workshop required for the Stormwater MS14 permit in Charlotte, NC. He will let Council know before January 1, 2023 on the official date selected.

- B. Auditor Update -- He stated we are nearing the end of the audit because the auditors have requested the management discussion and analysis section that he is currently working on. He said the city did not meet the October 1st deadline but we are set to meet the December 1st one. Mrs. Nolen stated that the deadline wasn't met due to Yellow Book requirements for the grant funds we have. This takes more time to complete.
- C. Budget FY24 -- He is working on 3-5-year multi-year outlooks and will set up times to meet with Department Heads for planning this month. Next month he plans for Council to adopt the budget calendar of all the retreat dates and then the Council meeting dates.
- D. Utility Billing Payment platform is scheduled to go live December 1. Letters done by Lisa Nolen, Sue Lowe, and Pam Church will be mailed to every water service customer informing them of the upcoming changes where the toll-free number will go away. Polimorphic, the new provider, is estimating March 2023 for when they will add a toll-free number to their service. We are still taking in person and drop box payments. ACH payments will not be affected. Mrs. Nolen said with Polimorphic, the city can have multiple options to pay. She then talked about the ACH payment options that can be done with our system.
- E. Reminder that the 2023 GBA [Gaston Business Association] Economic Forecast breakfast is this Thursday, November 10 and that he and Councilmember Gillespie will be attending.

X. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie stated that the community-wide Thanksgiving service will be held November 22, 2022 at 7pm at the Church of God and he invited all to attend.

Councilmember Funderburk stated she had some citizens call her about Cobb St being closed because of NorthPoint. The callers said they requested a road to be closed and were told there is a fee of \$2000 fee to do so [corrected to \$1000 by Mr. Gates] and doesn't think they should have to pay for it to be closed with all the upcoming traffic. Thinks the street should be closed by the City not the developer. She thinks there will be a problem with Cobb St. She also thinks there will be short-cut issues with Railroad St. Councilmember Fulbright asked what the \$1000 covers? Mr. Gates said a couple months ago, it was approved to update the fee schedule. State statute says we have to do a certain number of advertisements in the newspaper for four consecutive weeks and there are costs associated with staff time, including time reviewing and researching (looking at traffic patterns, utilities affected, etc), lawyers' cost, and the cost of mailing all affected residents. He stated that the General Statute also states the applicant has the burden of providing surveys to the city for support to close or not to close.

Mayor Railey asked Councilmember Funderburk if she talked to them and she said she thought they were going to come tonight but did not. Councilmember Funderburk asked if the city can close it? Mr. Attaway said we still have to do all those things mentioned. He said it can be brought to the next council meeting to see if they want staff to go that route where the burden will then be on the city and we would have to cover those costs. Councilmember Funderburk said we are always transferring money to help other things, why couldn't we do this if it helps the entire city. Mayor Railey said shouldn't the people that live on the street be here tonight? Councilmember Funderburk said they have called her and Scott but doesn't know who else they may have called. She said when they were told they had to pay to do so, they were very upset and she is too. Mr. Attaway said the residents have not filled out an application yet. Mayor Pro Temp Smith asked what a road closing would do to Fire, Police and Public Works? Councilmember Fulbright said we can't appease only

two people to close a street. Mr. Attaway added that the engineers, Public Works, Fire, Police would look at the street as larger vehicles would have to back out of the street to exit. There are no right ways or a cul-de-sac to turn around in. This would all have to be considered for the city to close street. There was no further discussion.

Councilmember Funderburk then stated that she is very pleased with everything going on with the Parks being renovated.

Councilmember Fulbright said McCord Park looks really nice. Mayor Railey thanked everyone for coming. Regular meeting ended at 7:17pm

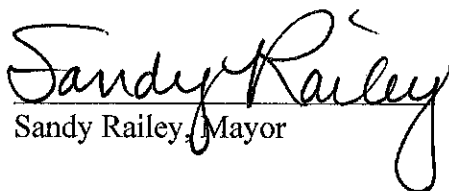
XI. CLOSED SESSION

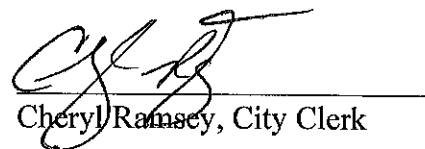
A. Mayor Pro Temp Smith made a motion to go into closed session, seconded by Councilmember Fulbright at 7:17pm. The vote was unanimously in favor.

Mayor Pro Temp Smith made a motion to come out of closed session, seconded by Councilmember Funderburk. The vote was unanimously in favor.

B. **ADJOURN** – Motion to adjourn was made by Councilmember Funderburk, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Adjourned at 8:18pm

ATTEST:


Sandy Railey, Mayor


Cheryl Ramsey, City Clerk