

MINUTES

Lowell City Council

Regular Meeting

Tuesday, December 13, 2022, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 p.m. Those attending in-person were Mayor Pro Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright; City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Joe Gates, Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison 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 prior on the city's website. Members of the public 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

The agenda was amended under Section 7 Consent Agenda to add 7G (Approval of Requested Revisions to Newell Brands Economic Development Agreement EDA by Gaston County EDC) to New Business under 8K. Mr. Attaway also wanted council to be aware of the updated 8F (Consideration to Set Public Hearing for LDO Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1) to the agenda. Councilmember Funderburk made a motion to approve the adoption of the agenda with noted changes, seconded by Councilmember Gillespie. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

A. Bill Knox of 5105 Meadow Woods Dr spoke about the bulk trash issues sitting at residential curbsides. He is asking council to support staff proposals for changes to clean the city up.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held November 8, 2022

Councilmember Funderburk made a motion to approve the minutes from the November 8, 2022 Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

- A. Resolution RS13-2022 for Chad Hawkins, Sheriff of Gaston County – Sheriff Hawkins was not in attendance. A copy of the signed resolution will be sent to him.
- B. Resolution RS14-2022 for 2022 Gaston County Principal of the Year, Principal Kristin Kiser of Lowell Elementary School. Ms. Kiser thanked the council for the acknowledgement.

VII. CONSENT AGENDA

- A. Planning Department
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report
- F. Consideration to Renew Ms. Jessica Holbrook and Ms. Anne Massey for Additional LCC Term.

VIII. NEW BUSINESS

- A. Adoption of 2023 Schedule of Meetings and City Holidays – Councilmember Funderburk made a motion to adopt the 2023 Schedule of Meetings and City Holidays, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- B. Adoption of FY 23-24 Budget Calendar – after council checked their calendars, January 24, 2023 and February 10, 2023 are the chosen dates, with a work session on March 3, 2023 and an optional meeting in the month of April. The regular May 9th council meeting will be presenting the budget to the public and a public hearing scheduled for the June 13th council meeting to approve it. Councilmember Funderburk asked if we have to have the meetings in Gastonia. Mr. Attaway stated that we could have it wherever we wanted. Councilmember Funderburk suggested McAdenville. Mr. Attaway said the location would be announced as we get closer to the date. Mr. Attaway said to plan for eight-hour days. Mayor Pro Temp made a motion to accept the FY23-24 Budget Calendar, seconded by Councilmember Bonham. The vote was unanimously in favor.
- C. Consideration of Amended ARPA Grant Project Ordinance presented by Lisa Nolen, Finance Director. After meeting with Centralina, we [City] has to keep up with the money being used and when we do a budget amendment, an ordinance must be done to show the amount that is going to the general fund and the balances. She said this is everything to date and includes the \$215,000 that was on the budget this year as well as the \$55,000 done last month. With no questions, Councilmember Bonham made a motion to approve the amended ARPA Grant Project Ordinance, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- D. Consideration of Demolition Bids and Selection of a Demolition Contractor for the selected structures at 1602 N. Main Street Parcel ID# 127479. Presented by Mr. Attaway with a background on the project. The City of Lowell received the SCIF grant of \$2 million from the State of NC for building a Public Works facility at 1602 N. Main St or the Crompton and Knowles Chemical Plant location. Staff received three qualified bids for the demolition and they are noted in the agenda packet. Staff is asking for City Council to select a demolition contractor. He said he reached out to DEQ this past week to obtain access to Crompton and Knowles bankruptcy funds that was set aside. DEQ is projecting up to \$500,000 in funds to assist the City. The bankruptcy amount is solely for change orders that may be needed.

Councilmember Funderburk asked how soon can they start. Mr. Attaway said typically once the bid is approved by council and the lawyer, the beginning of the new year would be the start period. Mr. Attaway then discussed the EMP, Environmental Management Plan, adopted by the city. The contractor will use the EMP allowing them to continue with a project without stopping to call the State for additional permissions. Once the contractor is selected, a meeting will be set up with them and DEQ in the first week of January. Mr. Russell, said the meeting may affect start time as we will need to ensure the contractor is compliance with the EMP. Councilmember Gillespie asked if the bids were sealed. Mr. Attaway said yes. Councilmember Bonham asked what would happen if there is a positive balance remaining from the \$500,000 bankruptcy funds? Mr. Attaway was not sure but believes it would go to another Crompton and Knowles project; however, he will check for the correct answer.

With no other questions, Councilmember Gillespie then made a motion to select Trifecta Company to do the demolition, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Gillespie thanked Mr. Attaway and the Mayor for the work done on this project. Mayor Railey allowed Jim Kiser, member of the public, to ask if the siren will be kept on the property? Mr. Attaway said it would but it is not functional. He said the city will do a sweep of the property to see if anything else can be salvaged.

- E. Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue. Presented by Joe Gates to set a public hearing –Mr. Attaway showed maps of the location. Councilmember Funderburk made a motion to have a public meeting on January 10th to consider this resolution, seconded by Mayor Pro Temp Smith. Councilmember Bonham asked why the street was closing? Mr. Attaway said it is intended to be developed with the rest of the parcel. Councilmember Bonham then asked if they know the use [for future]. Mr. Gates said we have not received any site plans for the use as of yet. Mr. Russell directed council to page 51 where it gives a brief reason for the closing. In part, the closure for this non-active street will be used to add additional parking, utilities, and stormwater management systems during redevelopment. The motion was then voted unanimously in favor.
- F. Consideration of LDO Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1 – presented by Joe Gates to set a public hearing to propose a text amendment adding “industrial zone” to the current language of the LDO from the current applicant, NorthPoint Development.

Councilmember Bonham asked if this is to combat having sidewalks on both sides of the streets. Mr. Attaway said yes but also the stormwater aspect of it. Mr. Gates added additional updates the applicant will be doing as well including widening the driving lanes. The industrial zone ends at Church Street, anything past this point would default to the current LDO. Mr. Attaway clarified that the street trees would be on both sides of the road. Councilmember Bonham said this type of detail is much better layout in keeping people off roads and keep stormwater out. Mayor Pro Temp made a motion to set the public hearing for LDO Text Amendment ZA22-04 for January 10, 2023 at 6pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

- G. Discussion and Consideration to Amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal – presented by Mr. Attaway. As mentioned in the public comments staff has been fielding numerous complaints regarding bulk trash on curbsides outside of the free bulk collection timeframe. To keep Lowell clean, staff is proposing a revision to the

Code of Ordinances and an update to the fee schedule. He discussed examples and what other localities are doing. Staff will bring the proposal to the next LCC [Lowell Community Committee] meeting later this month since they discuss the beautification aspect of the city. It will then come back to City Council on the January 10th meeting and he wanted to bring to council tonight for input. The Mayor asked are they taking pictures for evidence. Mr. Attaway said yes. The Mayor and Councilmembers thought it was a good idea. Mayor Pro Temp asked about apartments. Mr. Attaway said property owners will be held accountable and billed. Councilmember Funderburk asked if it will go on the water bill? Mr. Attaway said yes and Lisa Nolen and Sue Lowe will handle this. No vote needed at this time.

- H. Discussion and Consideration of I-85 Widening (I-5719) Betterment Costs – presented by Mr. Attaway of the high-level cost estimate for structures along the I-5719 corridor at two levels of betterment, high-end or mid-grade. NCDOT wants consistency in betterment selections throughout the county and they are set to provide \$1.19 million to Lowell specifically for it. This is part of the 1% of the \$442.8 million widening project.

Mr. Attaway stated landscaping will have to be kept up by the City of Lowell. He made recommendations for affected areas and possible light signals to consider with a new light on Power Drive, showing the options on the map. He discussed lighting options outside of bridges and bike and pedestrian lanes to come. He stated we do not have a total cost on this project yet and McAdenville is also meeting tonight to discuss cost sharing with the City of Lowell in order to get better grade betterments for the highly visible shared bridge. He will discuss further in the January and February meetings with the hopes of having a contract signed by the end of the fiscal year and provide the spreadsheet for possible scenarios. Councilmember Funderburk thought that this was way too much money when you will only see it for a few seconds coming through town. Councilmember Fulbright thought of maybe embedding an American flag within one of the bridges. Councilmember Gillespie said he liked that idea. He mentioned that we are doing this for the next 100 years not 10 years and what we do now reflects the future.

- I. Consideration of Appointment of Bill Knox to the Lowell Community Committee (LCC). Mr. Attaway said this is to appoint Mr. Knox for the 2023 calendar year. Councilmember Bonham made a motion to appoint Bill Knox to the Lowell Community Committee for term to begin January 1, 2023, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.
- J. Consideration of Awarding Construction Contract for Community Center Exterior Remodeling CDBG-NR Project. Presented by Mr. Attaway discussed how a vendor was selected previously, Providence Restoration, but immediately after the pre-construction meeting with them the City of Lowell was informed that the vendor did not accurately bid on the Community center, leaving out 12 windows. It was then determined to re-open the bid process again which took place on December 9, 2022. After reviewing the bids, Councilmember Funderburk made a motion to accept the bid of M.A.N. Construction for \$176,000 to complete the work at the Community Center, seconded by Mayor Pro Temp Smith. The motion was voted unanimously in favor.
- K. Approval of Requested Revisions to Newell Brands Economic Development Agreement (EDA) by Gaston County EDC – presented by John Russell. He informed council that this is the EDA that was approved following the public hearing held in June of this year. This is for the incentives grant for one of the occupants at NorthPoint. These incentive grants are specifically for the taxable personal property that will go into the building. The City of Gastonia wanted to

make some revisions since this was last discussed. The most significant change is under Section 1 of the EDA which relates to what would happen if Newell Brands failed to meet its target of the \$135 million investment. Gastonia wanted to take this section out as they did not want to continue the incentive grants if the company didn't meet their target. The Gaston County EDC came back and said the State of NC takes a very strict view of incentive grants and therefore asked the language to be put back in the document which is very similar to what was approved in June 2022. So only some of the language of technical modifications is slightly different for council to approve.

Councilmember Gillespie asked if Gastonia approved this. Mr. Russel said yes. Councilmember Bonham asked, referring to Section 1 regarding the expectation of the complete upfitting of the facility not later than five years after the occupancy of the property. He asked when will they appoint a CO and when does the clock start? Mr. Gates said they don't have a CO yet. Mr. Attaway said they are waiting on the stormwater as-built, landscaping to be replaced, and master sign application to be approved.

With no other questions, Mayor Pro Temp Smith made a motion to approve the requested revisions to Newell Brands Economic Development Agreement (EDA) by Gaston County EDC, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

IX. CITY ATTORNEY REPORT - No updates

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- A. Economic Development story map has been done by Todd Stroupe and will be on the website and constantly updated. He showed council a preview of different areas Mr. Stroupe has been working on.
- B. McCord Park update – Concrete has been poured. The shade structures will be shipped in January 2023 and he will inform council when it will be installed. ADA parking has also been installed.
- C. Update on agenda streaming processing – getting other quotes and will have an update in January.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie was very disheartened to see that Truist Bank has left the City of Lowell. He asked Mr. Attaway which bank will be best to bring to Lowell. Mr. Attaway said Lisa Nolen is currently working on an RFP for banking. Councilmember Gillespie then thanked Cristy Cummings for a successful and lovely parade. Lastly, Councilmember Gillespie read a memo received from the City of Charlotte Council congratulating him on his service and the hopes for the councils to work together and visit one another.

Councilmember Funderburk thanked Joe Gates for the new code enforcement initiative (noted earlier) to help keep the city clean.

Councilmember Fulbright thanked each councilmember and Mr. Attaway in helping her for the last 11 months of being a new councilmember. Mayor Railey thanked all for coming out tonight.

Councilmember Bonham made a motion to take a 5-minute break at 7:44, seconded by Councilmember Fulbright. The motion was voted unanimously in favor.

Councilmember Fulbright made a motion to go into Closed Session at 7:52pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

XII. CLOSED SESSION

- A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)
- B. To Consider Approval of Closed Session Minutes from:

2021
January 12
February 9
March 9
April 13
June 8
July 13
August 10
September 14
October 12
November 9
December 28

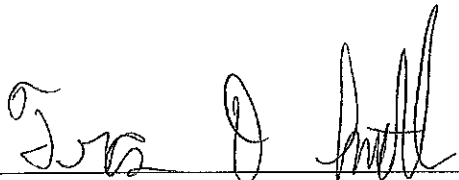
2022
January 11
March 29
April 12
May 10
July 11
September 13
October 13

Mayor Pro Temp Smith made a motion to come out of Closed Session, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.

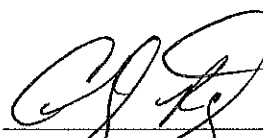
XIII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 8:13 pm.

ATTEST:



Mayor Pro Temp, Travis Smith



Cheryl Ramsey, City Clerk