

MINUTES

Lowell City Council

Regular Meeting

Tuesday, October 11, 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 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; Finance Director, Lisa Nolen; Police Chief Carl Moore; Sgt Jeff Harrison; GIS Analyst Todd Stroupe; Public Works Director, Thomas Shrewsbury, Parks and Recreation Director, Cristy Cummings; 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

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

IV. PUBLIC COMMENTS

- A. Larry Simonds Power Dr, Lowell NC - complained about the increased water bills, the development of the land across the street [from City Hall] and wastefulness. Also complained about people being on council and not owning property here in Lowell. He then acknowledged and praised the work of the new Planning Director.
- B. Penny Hensley of 417 Robinson St, Lowell NC wanted to know what will done with the abandoned house beside her. She has had to contact an exterminator for her property once a month because of the rats, snakes and bugs the house causes. She has made several complaints to the city and does not feel anyone seems to care. She is asking for someone to look into it.
- C. Yvette Broussard of 1229 Catawba Run, Lowell NC – discussed her personal issue with her recent termination from the City of Lowell. She discussed her issues with Management and with Phil Bonham. She stated she was never given a job description, KPI's (Key Performance Indicators) or any infractions. She ended with asking who holds management accountable for their overseeing employees and micromanaging? She believed the morale was low since the new City Manager has been in place. She also indicated she will run for Council next year.

Councilmember Funderburk asked the City Attorney if they needed to go into closed session to discuss the personnel. Mr. Russell said that it can be requested of the City Manager to add it to the agenda, but Council has already been approved the current one; however, she can make a motion to amend the

agenda. Councilmember Funderburk then made a motion to amend the agenda to go into closed session to discuss personnel matters, seconded by Councilmember Gillespie. Councilmember Bonham wanted to make it clear that personnel matters do not fall under the scope of Council. He reiterated the City Manager and City Clerk are the only positions they have control over. Mr. Russell said the statute allows Council to go into Closed Session to discuss personnel matters when it relates to issues that effect the operation of the City or the trust of the City. There is an opportunity for the City Manager to discuss personnel matters under the State Statute, but it is limited. Councilmember Funderburk felt like there was a need to discuss this matter. Councilmember Gillespie agreed with the attorney. The motion was carried with Councilmembers Funderburk, Fulbright, Gillespie and Mayor Pro Temp Smith for and Councilmember Bonham against. Councilmember Bonham added his opposing was not due to what has been brought before Council but procedural issues in what is under the scope of Council duties. Closed Session will be added before the adjournment of the meeting.

D. John Cato of 109 Walnut St, Lowell, NC – he said people should tell the City Council what to do but they don't ask the people and don't care. He said he wanted to say something else but was talked out of it. He said the person knows how he feels and he told her that four months ago when he came to the council meeting. He said the City fired the wrong woman.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting held September 13, 2022. Councilmember Funderburk made a correction to a motion where it was noted that she made the motion and seconded it. Councilmember Fulbright stated that she did not know the two women representing NorthPoint but knew of them. Councilmember Gillespie wanted to correct the minutes that his father was not the first Black person on City Council but the first Black man to run for City Council. He also stated that Larry Marr already has a bridge named after him. Mr. Attaway also noted that the last name should be Morrow, not Marr. Councilmember Funderburk made a motion to approve the minutes with corrections, seconded by Councilmember Gillespie. 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

Councilmember Funderburk made a motion to pull from the Consent Agenda, section A. Planning Department and GIS Report and section E. Parks and Recreation to be a part of New Business, seconded by Councilmember Gillespie. Mr. Russell said that the best way to have done this would be when approving the agenda but since the Consent Agenda item is kind of new to Council then they can make a motion to change the agenda again pulling out sections A and E of the consent agenda, adding it to New Business under 7E and 7F and approve the other items. The vote was unanimously in favor. Mayor Railey then asked for a motion to approve the consent agenda. Councilmember

Funderburk made a motion to approve the consent agenda for B, C, and D, seconded by Councilmember Gillespie. The vote was unanimously in favor.

VII. NEW BUSINESS

- A. Presentation of Bob Bolick Park and Harold Rankin Park Master Plan and Consideration to adopt. – presented by Cristy Cummings, Parks and Recreation Director. She discussed the contact with Withers Ravenel to complete Master Park Plans for both parks. Mrs. Cummings said Withers Ravenel did a great job with involving the public. The plans for Bob Bolick Park include: expanding the parking spaces from approximately 17 spaces to 36 spaces; basketball quart will be larger to the size a middle school sized quart; new and expanded playground; adding a splash pad; new shelter with restrooms; and a larger walking path. Councilmember Funderburk asked why was a splash pad proposed for Bob Bolick and not Harold Rankin? Mrs. Cummings stated that the approved Master Plan for the New River Front already had a splash pad in the plans. It was decided putting another one at Harold Rankin would be too close to each other. To have one at both sides of the city of Lowell, Bob Bolick was the solution. She also asked if there was any way to add more benches to the area where parents can see their children playing? Mrs. Cummings agreed but stated that was more regarding aesthetics and not directly included in this plan but will definitely be considered. Councilmember Bonham found it nice where the splash pad will be placed. Improvements to Harold Rankin Park include: paving to allow for 83 marked spaces and 21 additional spaces behind the Boys and Girls club which will all be ADA compliant; relocation of driveway for better safety; pedestrian entry space so it will look nicer; decreasing the size of the baseball field from 310 ft 210ft to increase the space from the field and the walking track, allowing the batting cages to be behind the ball field; add new bleachers, expanding the playground, full-sized pickle ball courts; new shelter (making the total 2) allow it to be available for rental options; two new restrooms and a concession stand; and expanding the walking track from ¼ mile to a ½ mile. Councilmember Bonham asked if we are considering a path across Main in the back? Mr. Attaway said that is included in the DOT road improvements.

Councilmember Funderburk asked will we actually use the concession stands now? Mrs. Cummings said yes if we have staff support. Councilmember Funderburk asked how many kids are out there during practices because the use of concessions would be huge for the crowd size and could have been opened. She volunteered to help as well. Mrs. Cummings said they looked at that last year, but staff was unable to consistently support it. Councilmember Funderburk said that she and others would love to help.

Councilmember Gillespie asked Mr. Attaway if the money is available to do this project or where is the money coming from? Mr. Attaway said we have not applied for any grant funding yet. This master plan is a prerequisite to apply, and staff will begin applying for grants next year for a 50-50 match with PARTF Funds.

Mayor Pro Temp Smith then made a motion to adopt the master plan for Bob Bolick Park and Harold Rankin Park, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- B. Consideration of Duke Power Equipment Placement Agreement – presented by Mr. Attaway. Duke Energy contacted the City a little over a year ago about supplying two Rapid Charging

(charge within 20 minutes) Electric Vehicle (EV) stations, close to I-85. Harold Rankin Park was identified as the best location after determining City Hall was a little too small. Duke Energy was also provided the master plan for Harold Rankin Park. He showed the preliminary map of the proposed location. He stated that there will be no cost to the city at all and power lines would be about 3 ft deep so it would not disturb the paving that will be done at the park. He said this could potentially help Lowell bring people to the city and patronize our businesses, particularly in the downtown area. He said the City Attorney has looked at and approved the initial review of the contract with some minor changes and needs council to approve/deny him signing the contract.

Councilmember Funderburk asked how big are the converters? She said she is asking because to her they are an eyesore in that location. Mr. Attaway stated he should have mentioned that that was also his first reaction and we are permitted to have landscaping done around it so the EV will blend in. She asked who chose this spot? Mr. Attaway said Duke Energy gave 3 or 4 options due to the anchoring needed on one of the poles across the street. This spot is the closest to the recycling center and will not be near the walking path leading to the track. Councilmember Funderburk asked why it can't go to the right of the new driveway instead of taking multiple parking spots? Mr. Attaway said it can, but the current rendition won't be in the parking lot itself, but above the curb line. Councilmember Bonham said if you moved it to where suggested then it would impede the vision of drivers turning. Councilmember Funderburk agreed. Mr. Attaway said the landscaping will help aesthetically. Councilmember Gillespie asked what were the other areas considered? Mr. Attaway said City Hall was the original location, then Harold Rankin Park. Councilmember Fulbright asked are there any liabilities involved like electrical shock? Mr. Attaway said that Duke would handle all of that including any theft issues. Mayor Pro Temp mentioned that there was one at the library. Mr. Attaway said yes, but that is a County initiative. Councilmember Funderburk then asked if it was any way it could be closer to the recycling center? Mr. Attaway said yes, this [the map] is just an approximate location. Councilmember Fulbright asked if the city gets any percentage of the profits. Mr. Attaway said no. Councilmember Funderburk asked how many people he thought would use it? Mr. Attaway said he drives by the main library, which has the older models that don't do rapid charging, and they stay about 50% full and a number of times they will have two cars in them.

With no other discussion, Councilmember Bonham made a motion to consider the Duke Power Equipment Placement Agreement, seconded by Councilmember Gillespie. The vote was unanimously in favor.

- C. CDBG-NR Community Center Construction Bid Tabulations and Selection of Contractor presented by Mr. Attaway. This is the third attempted bid for the Community Center where this one had a more limited scope and just focused on the exterior portion of the building. The first scope focused on the exterior paint and the 2nd scope focused on all windows and doors. Two qualified and responsible bids were received with Providence Restoration being the low bidder. He discussed the funding and remaining balance of the grant. CDBG-NR specifically for the Community Center balance is \$124,000, a balance of Gaston County Township grant awarded to the City of Lowell is \$43,156.90, and that leaves the city responsible for \$97,723. It is important to know that the city increased the Parks and Rec budget by \$100,000 with ARPA funds in order to do interior remodeling including the kitchen; however, this will now have to be used for the

exterior. An option could also be to only award for one of the scopes but that option would not seem to do the citizens justice and should be to complete all of the exterior first. Councilmember Funderburk asked if we could use ARPA funds to complete the interior? Mr. Attaway said yes. We would have approximately \$2200 on that line item of the budget left to use after the exterior portion is paid for.

Mr. Attaway stated staff recommends Providence Restoration for the two scopes. There are clarifying questions we will have of the contractor before signing, Cheryl Ramsey will be the point of contact for the city and the City Attorney will work with us on it. Councilmember Funderburk made a motion that we select Providence Restoration to do the work in the amount of \$264,880 for work on the Community Center, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Consideration of FY 22-23 Fee Schedule Update for Planning and Zoning Fees – presented by Joe Gates, Planning Director. Due to recent rezonings, it has been brought to staff attention the need to add three fees for annexation, demolition and development agreements to the 2022-2023 Adopted Fee Schedule:

Category	0-2 acres	2.1-10 acres	Greater than 10 acres
Annexation	\$ 500.00	\$ 750.00	\$2,000.00
Development Agreements	\$ 500.00	\$ 750.00	\$2000 + \$10/acre

Demolition cost = \$50

These fees will be for the developer's to pay for staff's time and not the taxpayers of Lowell. Mayor Pro Temp Smith made a motion to approve the fees schedule update, seconded by Councilmember Gillespie. The vote was unanimously in favor.

- E. Planning Department and GIS Report – Councilmember Funderburk had a concern that several people have called her or stopped her in public about someone's house, high grass, etc. She said she had email documentation of her trying to reach the Code Enforcer Joe Gates where he has responded to some and some he has not. She also had a note of two people that have attempted to contact Mr. Gates with no return call or email and that concerns her. She understands that his job is much more hectic than a Code Enforcer and that's very important to keep the city looking good but it should not be her job to drive around the city to look for these areas, which she stated she has been doing. She mentioned the City vehicle that was bought for him that he drives home but doesn't seem to have time to ride around Lowell to see what is going on and that concerns her very much. She mentioned that the budget under Planning and Zoning, it is listed as 70% Stormwater and the cost is split 30%, so does Todd [Stroupe, GIS Analyst] get to drive the car 30% of the time and wasn't sure how that worked? She said we have never had a vehicle for Planning Zoning and Code Enforcement until now. He [Joe] lives about a mile and a half away and he's not on call like Public Works employees who also has a city vehicle but they are on call 24 hours a day. She thinks that council members should not be telling him what's going on in the city and he should be seeing these things himself in the new car the City has provided to him.

Mayor Pro Temp asked what the proper protocol was for filing a complaint. Mr. Attaway said there is an online submittal form for anyone to complete. Mr. Attaway then reminded council that all communication department heads go through the City Manager and if there are complaints about any Department Heads, they would need to follow that process. Councilmember Funderburk said she already talked to Mr. Attaway about it. She said she doesn't have a problem with Public Works taking a vehicle home but doesn't understand the need for a vehicle in the department [Planning] and wanted an explanation. Mr. Attaway said it was explained in the budget sessions and that the City of Lowell has a take home policy that it falls within. It is within the guidelines of that policy. He said the reason it is split between Stormwater and Planning is because they are two of the hats this position wears. The position has to inspect new construction and locations constantly. When River Heights starts getting built, with 49 new slabs, the job requires them to be measured, making sure setbacks are appropriate. Our MS4 permit requires inspections of all our outfalls that are in the woods and concrete pipes dumping water into streams. There is inspection equipment, shovels, etc that are required to do the job and you can not require an employee to use their personal vehicle to do these things. It was discussed in the budget work sessions as well and why it was put in the budget as a capital expense and why it was approved. Councilmember Funderburk said that in the last meeting, it was said that he didn't have time to do code enforcement and that is part of his job description. Mr. Attaway stated there are priorities that he sets for all staff. Councilmember Funderburk stated that it seemed like a priority when the last person was here and now it seems to be slacking a little bit. She stated that she knows he's busy and recognizes that great things are happening but thinks it is a big part to drive around at least one hour a week. Mayor Pro Temp wanted to clarify that Joe's car is not just sitting in the parking lot and he is going out to these bigger construction sites? Mr. Attaway said correct.

- F. Parks and Recreation Report – Councilmember Funderburk asked since there is only one person in the department now, who is turning on lights and opening and closing bathrooms at Harold Rankin Park for the football teams. Cristy Cummings said the Police Department is helping with that. Councilmember Funderburk asked why the Police Officers would do that when you [Mrs. Cummings] are the Director. The part time employee was doing it and now we have to pull Police staff to do it? Mr. Attaway said we will be advertising for the position and that the Police helping temporarily is going well. Councilmember Funderburk said she is just making a point that the Parks and Rec employee that is not doing that part of her job. There was no other discussion.

VIII. CITY ATTORNEY REPORT – No updates

IX. CITY MANAGER REPORT – Presented by Mr. Attaway

- A. Mr. Attaway sent council an email regarding an upcoming RSPC Tech Talk about Pollution Prevention and Good Housekeeping. He said it would be good for them to view when they have time to get a better understanding about Stormwater requirements from the State. He stated that Todd and Joe submitted the annual self-assessment mentioned at the September council meeting, that we had to get a month extension on, on September 29th. That is in review with DEQ right now. Todd has also begun the mapping and infrastructure that we are required to start this fiscal year, starting with a city facility to get the hang of it and setting up all the base maps using his GIS. software. Lastly, we are researching a stormwater education vehicle wrap that will be coming soon for the sanitation truck. This counts for our public outreach requirement that the MS4 permit bestows on the city. He reminded Council that this is part of their strategic mission

and their updated goals to continuously improve and expand water/sewer/stormwater infrastructure.

- B. Agenda Management Software – many other municipalities use this and it can allow for better ease of use for staff and hear the meetings better for the public. It will allow video and better audio as that is one of the complaints from listeners to council meetings. They would have to go straight to the city website to see meetings live as opposed to looking for the zoom meetings. It also keeps a library of all the meetings to review in the future. He believes this falls under council’s mission of representing their values of transparency and fairness, accountability and compassion well and will be funded through administration’s budget.
- C. McCord Park – Trees were picked up today and Public Works will start planting tomorrow and more this week. We have a volunteer effort from Northpoint Development to help plant plants Friday at approximately 9am, weather permitting. He is also waiting on concrete laying quotes for the sidewalks and pathways as well as trees (this is separate from the tree planting that will be on North Main) and shade structures. A future budget amendment will be forthcoming to complete this work.
- D. DOT Division 12 received \$100,000,000 grant for infrastructure of the future I-85 project. Part of that is the Aesthetics and Betterments surveys were completed as previously mentioned last month and we are waiting on DOT to give us costs for all the options for bridges and landscaping to be voted on by council. Councilmember Bonham asked if Lowell gets any of this money? Mr. Attaway said no, unfortunately not.
- E. Chemical plant received the EMP approval from NCDEQ in September. The demolition RFP is finalized, and it will on the website on this Friday [October 14th] due October 28th. He hopes to have more information in November’s meeting.

X. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie congratulated and was very proud of Planning Director Joe Gates for his participation with the Gaston Business Association and Mayor Railey thanked everyone for coming and asked for everyone to see more of the good in people. She would like people to step back and take a breath before getting into the disagreements. She then asked for a motion to go into Closed Session.

Councilmember Bonham made a motion to go into Closed Session, seconded by Councilmember Funderburk. Attorney Russell added that motion needed to include that the reason for the closed session is to discuss Personnel Matters NCGS 143-318.11.6 To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee or to hear or investigate a complain, charge, or grievance by or against an individual public officer or employee. Councilmember Bonham did not need to regurgitate the entire portion of the statute. The vote was unanimously in favor.

Councilmember Bonham made a motion for a recess before the closed session, seconded by Councilmember Funderburk at 7:20pm. The vote was unanimously in favor. Session resumed at 7:26

XI. CLOSED SESSION

The session also included Cristy Cummings, Parks and Recreation Director.

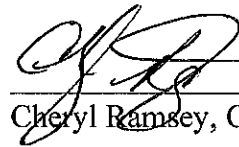
A. Councilmember Fulbright made a motion to go into Closed Session, seconded by Councilmember Bonham. The vote was unanimously in favor.

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

B. **ADJOURN** – Motion to adjourn was made by Councilmember Bonham, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Adjourned at 8:01pm

ATTEST:


Sandy Railey, Mayor


Cheryl Ramsey, City Clerk