

MINUTES

Lowell City Council

Regular Meeting

Tuesday, December 12, 2023, 6:00 P.M.

Meeting was held at the Boys and Girls Club, 715 N. Main St, Lowell, NC.

I. GENERAL

A. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 p.m. Those attending in-person were Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright. City staff present were 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, Officers Tinoco and Murphy, Parks and Rec Director Tori Dellinger, GIS Analyst Todd Stroupe, Communications Director Cristy Cummings, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was videotaped for the public to be uploaded to the YouTube channel afterwards. The agenda and meeting materials were made available prior on the city's website. Members of the public were also present.

B. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the Pledge of Allegiance.

C. ADOPTION OF AGENDA FOR THIS MEETING

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

D. PUBLIC COMMENTS

1. Sean Bradford of 113 N. Pine St, Lowell, N.C. said the comment was for the new council but thought it was important that everyone hears it. He thought it was a waste of time and freedom of the community to post security check points [at City Hall] and that it was a violation of the 2nd amendment to [not be able to] carry a firearm. He said if you are worried about guns coming in then that is due to you not doing your job adequately or correctly. He said, "if you have to worry about someone threatening to 'shoot the place up', the focus should not be on trying to prevent it or doing it, but the focus should be on ourselves and what we are doing as leaders and how we can prevent a tragedy like that." He said it is a waste of money to use \$225,000 of city funds to allow police checks for the officers currently at the door, not including the signs you spent to tell us.
2. Bill Knox of 5105 Meadow Woods Dr, Lowell, NC wanted to publicly thank the current Mayor and outgoing council and the City Manager for their work. He said he has seen a lot of progress here in the last five years, when he moved here. He said when he moved here, downtown was like a ghost town, with not much happening and now he is seeing more life with businesses coming in, the park has created community, and we had the best fall festival

in the history of this town. He mentioned the grant to remove the chemical plant, achieving nearly \$10 million in grants for water/sewer development projects, and Rankin Park revitalization. He congratulated the new council members and Mayor and looks forward to supporting them in moving this town forward.

II. APPROVAL OF MINUTES

- A. Approval of Minutes from November 14, 2023 – Mayor Pro Tem Smith made a motion to approve the minutes from the November 14, 2023, Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.
- B. Approval of Special City Council Meeting Minutes from December 4, 2023 – Councilmember Fulbright made a motion to approve the Special City Council Meeting Minutes from December 4, 2023, seconded by Councilmember Funderburk. The vote was unanimously in favor.

III. SPECIAL PRESENTATION

- A. Presentation of City Flag in Honor of Ken Ervin. Presented to his wife Debbie and his daughter. Mayor Railey and Councilmember Funderburk noted how much Mr. Ervin meant to this council. Mrs. Ervin thanked the council for the recognition.
- B. Mayor Railey – Recognition of Outgoing City Council, Councilmembers Fulbright, Gillespie, and Funderburk. Mayor Railey gave them all plaques she purchased noting their tenure with council. Councilmember Fulbright said this was the best experience of her life. She recommended to the new council that there is a lot of knowledge thrown at you at one time and an incredible experience to learn. She encouraged them to take advantage of the opportunities afforded to them, to go to training, and City Vision to meet people from across the state and have references. She thanked the council and the City Manager for all his help. Councilmember Funderburk also thanked the council and listed some of the accomplishments that this council was responsible for. She thanked all the staff and specifically stated that she didn't agree with the Stormwater position initially, but the position is mandated by the State of NC. She said the department may go but if we are not in compliance, we will be fined daily \$62,500 so it is needed. She prays that the new council will work together as a team to move the city forward, especially during budget time. Councilmember Gillespie thanked God for the opportunity to have served with this mayor and the mayor elect in the past, being one of the first African Americans to serve on this board, and the City Manager for all his work. He thanked God about the work done at the Crompton and Knowles site and the money used to purchase the Boys and Girls club and the recent land purchase, hopefully for the future City Hall and Police Station. Lastly, he thanked the current council and the new council in the hopes that we all work together.

IV. CONSENT AGENDA

- A. Communications Report
- B. Planning Report
- C. Stormwater Report
- D. Parks and Recreation Report
- E. Public Works Report

- F. Finance Report
- G. Customer Service Report
- H. Geographic Information System (GIS) Report
- I. Police Report

Councilmember Funderburk asked the Parks and Recreation Director, Tori Dellinger, where they are playing basketball now. Mrs. Dellinger said Woodlawn. Councilmember Funderburk said that next year, they'll be able to play here at the Boys and Girls Club. She said this purchase has made her so very happy that we were able to get the Boys and Girls Club because we can do any programs for seniors or children or any age here now. She then thanked Todd [Stroupe, GIS Analyst] for all his work and now his work on mapping the cemetery.

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

V. UNFINISHED BUSINESS

- A. Consideration of Resolution RS17-2023 to Accept SRP-W-ARP-0301 Pre-Construction Planning Grant from NCDEQ. Mr. Attaway stated that this is a resolution to accept \$400,000 funding for the Pre-Construction Planning Grant. Councilmember Bonham made a motion to accept Resolution RS17-2023, seconded by Councilmember Funderburk. The vote was unanimously in favor.
- B. Consideration of Grant Project Ordinance for LWCF Grant. Mr. Attaway stated this was on the last agenda on December 4, 2023, but the contents were left out of the packet in error. This is for one of the \$500,000 grants from the Land Water and Conservation fund for Harold Rankin Park improvements. This is to adopt the grant project ordinance. Mayor Pro Tem Smith made a motion to consider the grant project ordinance for LWCF grant, seconded by Councilmember Fulbright. The vote was unanimously in favor.

VI. NEW BUSINESS

- A. Administration of the Oath of Office for Incoming City Council Members. Monica L. Love, Notary Public, administered the oaths of office for incoming Mayor Larry Simonds and Councilmembers Shane Robinson, Scott Bates, and DeWayne Chitwood. Mayor Simonds stated someone gave him a book, "Mayor for Dummies", since he hadn't been the mayor in a while. He also mentioned that a gavel was gifted to him by Michael Lands, former District Attorney and judge. He asked that the audience remember him in your prayers. The new Mayor and three incoming councilmembers assumed their seats at the table for the remainder of the meeting.
- B. Selection of Mayor Pro-Tempore – Councilmember Smith stated that it is procedure that the candidate with the highest number of votes in the city election becomes the Mayor Pro Tem and he was honored to serve after Thomas Gillespie and now his honor to make a motion for Shane Robinson. Councilmember Robinson said technically he was not supposed to be on the ballot because he is just a fill-in for the two-year term left by Ken Ervin. With that, he made a substitute motion to make Scott Bates the Mayor Pro Tem, seconded by Councilmember Chitwood. The vote was unanimously in favor. Councilmember Smith then gave Mayor Pro Tem Bates the seat beside Mayor Simonds.

- C. Appointment of Council Delegate to Centralina COG – Mr. Attaway stated that the previous Mayor served as the delegate. Mayor Simonds said this mayor will not. Councilmember Robinson said typically the mayor serves. Mayor Simonds said he is not typical but appreciates it. He said he doesn't want any more work than he has to have as he is getting old. Mayor Simonds asked for a volunteer. Councilmember Chitwood made a motion that Mayor Simonds be the delegate and Councilmember Robinson be the alternate. Mayor Simonds said that's good because he'll [Robinson] be attending and asked for a second. The motion was seconded by Councilmember Bonham. The vote was unanimously in favor.
- D. Appointment of Council Delegate to GCLMPO Board. Mayor Simonds asked what this board was for. Councilmember Smith said it is the Gaston, Cleveland, Lincoln Metropolitan Planning Organization where he is currently serving as the alternate and would like to be the delegate if allowed. Councilmember Robinson made a motion for Councilmember Smith to be the delegate and Councilmember Chitwood to be the alternate, seconded by Councilmember Bonham. The vote was unanimously in favor.
- E. Appointment of Council Delegate to Lowell Community Committee. Councilmember Bonham stated that he is the current delegate and would like to stay on this board. Councilmember Robinson made a motion for Councilmember Bonham to remain on the LCC, seconded by Councilmember Chitwood. The vote was unanimously in favor. No alternative was needed.
- F. Adoption of 2024 Schedule of Meetings and City Holidays Councilmember Smith made a motion to approve the schedule of meetings and city holidays, seconded by Councilmember Robinson. The vote was unanimously in favor.

Mayor Pro Tem Bates then made a motion to amend the agenda to go into Closed Session to discuss personnel matters pursuant to NC General Statutes 143-318.11 subsection 6, seconded by Councilmember Robinson. The vote was unanimously in favor.

- G. Discussion of Budget Retreats for FY25. Mr. Attaway stated that in the packet there were several different options for dates. Mayor Simonds thinks work sessions are good for the council and something the city has been lacking. He said he is not sure about a retreat but that it is ultimately up to the council, but he recommends work sessions for the entire council to be familiar with what is going on and what is projected. Councilmember Chitwood asked if the retreat is the same thing as a work session? Mr. Attaway said yes. Mayor Simonds asked if they would like to have it at City Hall or in McAdenville as in the past. Councilmember Robinson said he thinks the dates are what is up for discussion, not the location at this time. He then stated that the one scheduled for February 19th is Presidents Day and that may pose a problem. Mayor Simonds thinks we should have the meetings at City Hall. Mayor Pro Tem Bates said again we are trying to figure out the dates at this time. Someone from the crowd asked the members to speak up [there was an echo in the room/gymnasium, making it difficult to hear and understand members speaking]. Councilmember Bonham made a motion to approve January 29, 2024, for FY25 Budget Retreat Session #1, seconded by Councilmember Smith. The vote was unanimously in favor. Councilmember Chitwood made a motion to accept March 1, 2024, as the second session, seconded by Councilmember Bonham. The vote was unanimously in favor.
- H. Consideration and Adoption of FY2024-2025 Budget Calendar – Mr. Attaway made council aware of the dates just approved in the latter section. Councilmember Smith made a motion for the FY2024-2025 Budget calendar with the changes of the retreat dates, seconded by Councilmember Chitwood. The vote was unanimously in favor.

VII. CITY MANAGER REPORT -

- A. Property Assessment will be handed out to all councilmember at the end of the meeting to include this [Boys and Girls Club] facility and he will talk about it and others at the beginning of the new year.
- B. The city closed on the downtown parking lot with Mr. Trado a few days ago. This was paid out of a NC direct funds grant.
- C. Audit was successfully transmitted to Raleigh to the LGC and Butler and Stowe is scheduled to present it at the January 9, 2024 City Council meeting. They will provide the report with the City Manager's report and any recommendations will be included. He will provide the council with the report when he receives it ahead of time.

Mayor Simonds asked what size is the property that was purchased regarding the parking lot. Mr. Attaway said he did not have that before him at this time. Mayor Simonds asked how much was paid. Mr. Attaway said \$75,000.

VI. CITY ATTORNEY REPORT

- A. Mr. Russell updated the council of the deed and that the closing for this building [Boys and Girls Club] has been completed.

VII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

- A. Councilmember Robinson thanked the citizens, his family, and his sister for administering the oath today. He said he is glad to be here and ready to go to work.
- B. Councilmember Smith congratulated everyone on incoming councils' win and looks forward to working with them to get things done.
- C. Councilmember Chitwood thanked everyone and stated he will do his best for the citizens of Lowell.
- D. Mayor Pro Tem Bates thanked everyone for their support, and he will try not to let them down and move in the right direction for the city and the council.
- E. Mayor Simonds said the job of the mayor is a lot of responsibility because you have to face the public. He said the biggest thing's he sees wrong with Lowell is the way our budget is set. He stated that the tax rate is only set once a year and we were all blindsided with the values of our properties and the thing that upset him was the tax increase which is the largest increase to the city of Lowell to his knowledge. "That is something we can work on to be affordable again. We don't see any sidewalks, swimming pools, tennis courts, but we have this thing that was just purchased". His question is to "Mr. Attaway, as City Manager, a check was written for \$500,000 for this place right [Boys and Girls Club] but did anyone do any research or look into since there are a lot of repairs." He asked how much is estimated for the repairs to be. Mr. Attaway said it's around \$150,000 for the roof. [The property assessment included repair costs recognized by Creech and Associates]. Mayor Simonds said he knows it will be a big asset. He said it was opened in 1973 where Joe Hudson donated all the money for the building. He said he knows the history because we are the history. He said no one knows what a great man Joe Hudson was, and that people don't know who he is because we never talk about him, and people need to know what he's done for our city. He would like a resolution drawn up by the next meeting acknowledging Joe Hudson and what he has done for the city. Also, he's afraid as we go down

the road, that all these expenses, all this money where we keep buying property after property. "When we buy property, guess what, we don't get any tax money for the one's the city owns, the state owns or the county. We don't get any money for that, so we have to make up for it. Just like with Crompton and Knowles, the city was given \$8,000 a year in property taxes. Now we have to maintain this thing and I don't know how much the city is going to take in as far as repairs and how much it will be to take care of this property, but we are responsible for everything we own. That's when you need to think and have work sessions." He said he "couldn't stand when they [former council] would come in and just say [hit hand on table] we're going to buy this property and do no due diligence. They didn't think about it and this city and do what Mr. Attaway says verbatim. I know they say they are proud of what they said they accomplished but when you look down Church St, Lowell NC, we have destroyed our city. That is not our city. That is people coming in here making money off the poor old citizens of Lowell." He mentioned the street near Church St asking the name of it and if it is a city or state owned. He asked if citizens will be able to travel on this road? Mr. Attaway said it's a city street and we have the council accepting it as a public right of way. Mayor Simonds said when the city street was built, it was called Aberdeen extension correct and Aberdeen is a state road correct? Mr. Attaway said Church St is a state road. Mayor Simonds asked if Aberdeen is a state road? Mr. Attaway said he is not aware as that road is in Gastonia. Councilmember Robinson said he doesn't believe it is. Mayor Simonds said "if it's a state road, we don't really have a dog in the fight, but if it's a city street, we do. All those people who live in that area have been really really hurt and their property values will fall after all these trucks start going up and down the highway." He said Dr. Charles Lowery, the last living doctor in Lowell, NC, had tears streaming down his face when he went to talk to him about the street when the road opens, and he can't do anything about all the transfer trucks coming beside his property.

He would recommend to the board that they consider, not tonight, but to have some kind of way to help our citizens deal with all that traffic. What he understands now is that Planning and Zoning board discussed a six-lane road (inaudible). "Where is all this money, maybe you can explain and that's why I am asking all these questions." He wants to know "what are all the plans here tonight in front of these people so they can let their neighbors know what's going on. What are the plans," he asked? He said "you hired an engineer I understand for this downtown deal, correct? What is it called Mr. Gates [looking in audience at Joe Gates, Planning Director]?" Mr. Attaway said it is for Design Consulting Firm for the master plan. Mayor Simonds asked how much we are paying the engineer? Mr. Attaway said he doesn't have the amounts with him, but he can have it ahead of time when notified. Mayor Simonds asked how much it will be? Mr. Attaway said it's been paid already. Mayor Simonds said he understands but asked what are you looking for? He said he "went to one of the zoning board meetings and just about fell out of the chair because they had this guy on a video that looked like, I don't know what mafia people look like, but he doesn't look like he's the type of person that I'd want him doing anything for me. You know what the guy's name is that yall hired to look at this and revamp downtown. What's his name?" Mr. Attaway said "Demetri Baches". Mayor Simonds asked where he was stationed. Mr. Attaway said he believed in Georgia. Mayor Simonds said, "so we hired a guy in Georgia to tell us what we need in Lowell?" Mr. Attaway said he used to work for the city of Belmont. Mayor Simonds said, "I think we need people from Lowell and what was that committee we voted on a while ago, the community committee?" He asked do we

ever involve those people as far as what we are doing, with all this money and hiring all these individuals? Who makes these decisions? Mr. Attaway said we follow the fiscal policy. Mayor Simonds said he's "talking about the people who live here and have to cross these streets with tractor trailers and things like that. They need to be involved as well. That is something we need to discuss and discuss hard. We need to know how much money are we spending and how much are we spending for engineers and all these people that are supposed to be experts in Georgia that I'm sure we have people in North Carolina, in Gaston County, maybe even in Lowell that we could hire to help us instead of paying all this money for people outside the city limits of Lowell or outside the state of North Carolina."

He continued "moving forward, the only other thing, is that I'm not ever going into Executive Session [Closed Session]. I'm not ever going to Executive Session. I'd like to see that streak broken one time, but I understand that councils have that right to go into Executive Session to discuss whatever they like. But as far as Larry, I'll never go in closed door sessions unless someone has died, tragically killed on the job or something we need to keep quiet yes, but not to set policy and not to govern." He asked if anyone else, including the public, had anything else to say.

With no other questions, Mayor Pro Tem Bates made a motion to go into Closed Session, seconded by Councilmember Chitwood. The vote was unanimously in favor.

Councilmember Robinson made a motion for a five-minute recess, seconded by Councilmember Smith. The vote was unanimously in favor. The break started at 7:00pm.

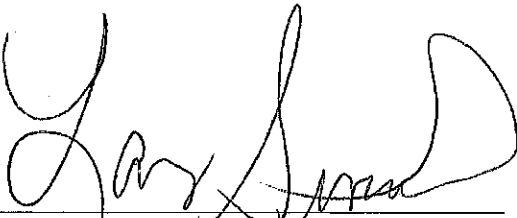
VIII. CLOSED SESSION

A. To discuss personnel matters pursuant to NC General Statutes 143-318.11 subsection 6.

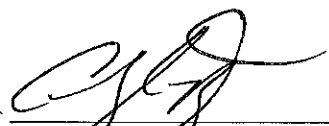
Councilmember Smith made a motion to come out of Closed Session at 7:17pm, seconded by Councilmember Chitwood. The motion was voted unanimously in favor.

IX. ADJOURN

Councilmember Bonham made a motion to adjourn the meeting, seconded by Councilmember Chitwood. The vote was unanimously in favor. The meeting adjourned at 7:18 pm.


Larry Simonds, Mayor

ATTEST:


Cheryl Ramsey, City Clerk