



City of Lowell Council Meeting Agenda

Tuesday, December 12, 2023, 6:00 PM

Lowell Boys and Girls Club

715 N. Main Street

Lowell, North Carolina 28098

**** Revised ****

1: General

- 1A. Call To Order
- 1B. Invocation / Pledge of Allegiance
- 1C. Adoption of Agenda for this Meeting
- 1D. Public Comments

2: Approval of Minutes

- 2A. Approval of Minutes 11-14-2023
- 2B. Approval of Special City Council Meeting Minutes - December 4, 2023

3: Special Presentation

- 3A. Presentation of City Flag in Honor of Ken Ervin
- 3B. Mayor Railey - Recognition of Outgoing City Council

4: Consent Agenda

- 4A. Communications Report
- 4B. Planning Report
- 4C. Stormwater Report
- 4D. Parks & Recreation Report
- 4E. Public Works Report
- 4F. Finance Report
- 4G. Customer Service Report
- 4H. Geographic Information System (GIS) Report
- 4I. Police Report

5: Unfinished Business

- 5A. Consideration of Resolution RS17-2023 to Accept SRP-W-ARP-0301 Pre Construction Planning Grant from NCDEQ
- 5B. Consideration of Grant Project Ordinance for LWCF Grant

6: New Business

6A. Administration of the Oath of Office for Incoming City Council Members

6B. Selection of Mayor Pro-Tempore

6C. Appointment of Council Delegate to Centralina COG

6D. Appointment of Council Delegate to GCLMPO Board

6E. Appointment of Council Delegate to Lowell Community Committee

6F. Adoption of 2024 Schedule of Meetings and City Holidays

6G. Discussion of Budget Retreats for FY 25

6H. Consideration and Adoption of FY 2024-2025 Budget Calendar

7: Reports / Discussions

7A. City Manager Report

7B. City Attorney Report

7C. Mayor and City Council General Discussion

8: Closed Session

9: Adjournment

9A. Meeting Adjournment

Date Posted: December 8, 2023



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Cheryl Ramsey

Approval of Minutes 11-14-2023

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Approval of Minutes Item: 2A
Reference File	Presented By

Approval of Minutes for Regular City Council Meeting held on November 14, 2023

Attachments

Regular-City-Council-Meeting-11-14-2023-minutesdraft

****The Following Document is a draft of the minutes and not the official approved minutes****

Minutes for the Regular City Council Meeting

101 W. First Street, Lowell, North Carolina, 28098

November 14, 2023, 5:56 PM - November 14, 2023, 9:20 PM

Roll Call: (The following members were in attendance)

Sandy Railey, Mayor

Phil Bonham, Councilmember

JoAnna Fulbright, Councilmember

Candy Funderburk, Councilmember

Thomas Gillespie, Councilmember

Travis Smith, Mayor Pro-Tem

1. General

1A. Call To Order- 6:00 PM

Mayor Sandy Railey called the meeting to order at 6:00pm. City staff present were City Manager Scott Attaway, City Attorney John Russell, Police Chief Moore, Police Asst. Chief Harrison, Planning Director Joe Gates, Finance Director Lisa Nolen, Public Works Director Thomas Shrewsbury, Communications Director Cristy Cummings, GIS Analyst Todd Stroupe, Stormwater Administrator Jamie Watkins, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced on YouTube for the public and the agenda and meeting materials were made public on the city's website as well as in person. Members of the public were also in attendance. Due to technical difficulties, the YouTube broadcast sound did not pick up until 6:05pm.

1B. Invocation / Pledge of Allegiance-

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

1C. Public Comments- 6:02 PM

1. Larry Simonds of 1603 Power Dr, Lowell, NC - He stated he is the newly elected Mayor and requested no new actions for the current council and for the upcoming council to do them. He requested the inauguration for the new council members be held at Holbrook Middle School because there is no room here in City Hall. He asked Mr. Attaway if there has been any movement on that. Mr. Attaway said there has not. He thanked the current council and stated that hopefully with the new council, the citizens will be served first. He said these large companies like NorthPoint are taking advantage of this small town. He wants to get rid of all this stuff noticed in the lobby where people are scanned for weapons so people feel welcomed. He wants to put the people first. He complained more about the big businesses coming into town but not having a doctor's office, dentist's offices or any banks in town and the town is not flourishing. He then complained about the taxes to the citizens after the reassessment was done. He then left the meeting.

2. Pam Smith who owns a business at 120 E 1st St, Lowell, NC - She thanked the current council for getting things done and being accessible to her and the public.

1D. Adoption of Agenda for this Meeting- 6:07 PM

Mr. Attaway stated to council the removal of item 5B. Updated Interlocal agreement for the Lowell Elementary Waterline and he will update them on this during his Manager comments. He also wanted to add item 2C. March 3, 2023 Special Meeting Minutes and 6L for Task Authorization #2 for Labella, the former Yorkshire Demolition phase extending the construction observation.

Councilmember Funderburk made a motion to adopt the agenda with the deletion of 5B and addition of 2C and 6L, seconded by Councilmember Bonham. The vote was unanimously in favor.

The item was motioned To Approve by Candy Funderburk and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

2. Approval of Minutes

The item was motioned To Approve by Travis Smith and seconded by Thomas Gillespie with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve 2A Minutes from October 10, 2023

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve 2B Special Meeting Minutes from October 18, 2013.

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve 2C. Special Meeting Minutes from March 3, 2023.

2A. Approval of Minutes 10-10-2023- 6:09 PM

2B. October 18, 2023 Special City Council Meeting Minutes- 6:09 PM

2C. March 3, 2023 Special City Council Meeting Minutes-

3. Special Presentation

3A. Special Presentation for Mayor Sandy Railey- 6:12 PM

House of Representatives member John Torbett, came to honor Mayor Sandy Railey and her years of service as the Mayor for the City of Lowell. He read the Proclamation of November 15, 2023 as Sandy Railey Day for the City of Lowell and he presented her with the framed document. Mayor Railey thanked everyone for the recognition. Mayor Pro Temp Smith made a motion to accept the Proclamation naming November 15, 2023 as Sandy Railey Day, seconded by Councilmember Fulbright. The vote was unanimously in favor. Mayor Pro Temp Smith then presented Mayor Railey with her Mayor's gavel. Mayor Railey thanked everyone again and spoke of the good work that Scott Attaway has done for the city and to keep pushing forward doing his best for the City of Lowell. Mayor Pro Temp read a letter to her from Mayor Nelson Wills of Cramerton acknowledging her service and accomplishments and wished her well. Mayor Railey gave brief remarks and again thanked everyone.

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

4. Consent Agenda

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Sandy Railey

4A. Stormwater Monthly Report- 6:22 PM

4B. Public Works Monthly Report- 6:22 PM

4C. Police Monthly Report- 6:22 PM

4D. Communications Report- 6:22 PM

4E. Finance Report- 6:22 PM

4F. Planning Report- 6:22 PM

4G. Geographic Information System (GIS) Report- 6:22 PM

4H. Parks & Recreation Report - 6:22 PM

4I. Monthly Report-Customer Service-Billing Manager- 6:22 PM

5. Unfinished Business

5A. Consideration of Contract NCDOT Project# U5719 Betterments- 6:28 PM

Presented by Scott Attaway. He stated that in the packet there is the consideration for this draft contract from NCDOT but they need to make changes. Mr. Attaway thinks the current council should abstain from any decisions, allowing the newly elected council to handle any business on this item. He introduced Randi Gates from the GCLMPO (Gaston, Cleveland, Lincoln Metropolitan Planning Organization) to speak more on the topic. Mrs. Gates presented updated cost estimates from NCDOT regarding the I-85 Betterments. She has the current numbers but stated they will more than likely changed again. She said they have seen a reduction of over \$1 million from what she reported to council during the budget retreats earlier this year. She said they are still working on the language for the Interlocal agreement between Gaston County, City of Gastonia, and City Belmont as well as the City of Lowell, spelling out the responsibilities of DOT and the local governments regarding maintenance.

Mrs. Gates agreed formal actions should be handled by the new council members when they have more clarification with the new language. She said she gets a lot of questions regarding the scheduling of the I-85 widening project and stated it has been delayed somewhat. The design build contract has been delayed until November 2024 and it will be about 12-16 months before you start to see some real construction on the corridor and a four to five year build. As far as the interlocal agreements, they need to be signed by the end of February. They are looking to send out the design build contract on March 1, 2024.

Councilmember Bonham asked if a schedule can be provided of what work is being done, for example this bridge is being demolished during this time period then this bridge etc. so the city can properly plan. Mrs. Gates said the earliest would be early 2025 for those dates. She said if the design build isn't until November 2024, it'll take a few months for the design build to plan or a schedule. We do not know where they will be starting but as soon as she receives it, she'll pass it along.

5B. Updated Interlocal Agreement - Lowell Elementary Waterline- 6:33 PM

This item was removed from the agenda. See 1D. Adoption of Agenda for this meeting.

6. New Business

6A. Resolution to Approve Contract and Authorize the City Manager to Sign Closing Documents for Real Property Located at 715 N. Main Street- 6:33 PM

Presented by Scott Attaway. Mr. Attaway said this is for the former Salvation Army Boys and Girls Club which we are under contract to purchase now. This resolution allows him to sign closing documents.

The item was motioned To Approve by Phil Bonham and seconded by Candy Funderburk with a passing result 5-0-1-0 Abstained by Sandy Railey

6B. Reimbursement Resolution 11-2023- 6:35 PM

Presented by Scott Attaway. Mr. Attaway stated this is a reimbursement resolution for 715 Main and 201 N Main St. He added that we have not been assigned an address for the property at Lowell Smyre Church (201 N. Main St) as it is still being recorded and will be granted later. This reimbursement resolution is if the city council would like to utilize the funds used to purchase the property and roll that into financing for a future build on that property then you could use the funds. You have to adopt a reimbursement resolution within 60 days of the purchase of a property and this is for those two properties. You do not have to use this approach but this gives you the ability to do so. If not done in the 60 day window, you do not have the authority to use the \$500,000 purchase price for 715 Main and approximately \$286,000 for 201 N Main. This just opens up an option for the future.

Councilmember Bonham asked what are the drawbacks for this? Mr. Attaway said there aren't really any drawbacks. This resolution just gives you the options. Councilmember Funderburk asked if we purchased both properties well under the appraisal amount, saving the citizens and the city a lot of money? Mr. Attaway said they were purchased under the appraised value.

The item was motioned To Approve by Candy Funderburk and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

6C. Consideration to Adopt the Downtown Masterplan- 6:38 PM

Presented by Joe Gates. Mr. Attaway gave a quick background letting council know this was drawn up in accordance with the Strategic Vision to adopt a Master Plan for targeted areas within the City of Lowell. This was discussed during the January and February 2023 budget retreats for this current budget year. Mr. Gates will present some of the feedback he's received from the Lowell Community Committee (LCC) and the Lowell Planning Board after viewing the presentation. Mr. Gates stated that Demetri Baches from Metrocology did the presentation within this past month to both boards. He explained to the audience that the city will from time to time, for certain areas, develop comprehensive plans for what is known as a master or vision plan to look at what could be, big picture ideas and what could work in the future for the city. Both the LCC and Planning Boards recommended approval of this plan unanimously to be presented to council. He then went over the slides, showing the study area or the area close to Phillips St. going down W 1st St and then north towards Harold Rankin Park. A part of the study deals with the issue of Highway 7 coming through the downtown area making it difficult for walkability. The idea is to possibly reroute it, to where the large trucks would not come through town. He said this and the other renderings are conceptual at this point and what staff has worked with the MPO (Metropolitan Planning Organization) and NCDOT when looking at roads and where projects should be, etc. Another big area of focus in the downtown plan is between 1st and 2nd streets and better utilization of sidewalks for people to walk to different

businesses. The plan is for a trial run to essentially paint and use moveable planters to assimilate what it would/could look like if you had wider sidewalks and changed the radius of curbs. It is not adding infrastructure and is low cost but would be a trial run for staff and NCDOT to see what results may come out of it. It was received well by the downtown property owners. Another key part is having an additional anchor or centerpiece for the town and that would be the future City Hall and Police Department. The renderings also showed more parking, green spaces and buildings. He stated that these plans are used to talk with developers, thinking through rezoning areas for example.

Councilmember Funderburk asked if there is a timeframe for this? Mr. Gates said this is just a guiding plan if council adopts it, similar to the Exit 22 plan adopted a while back. It is not engrained like the LDO; however, it does take into consideration the current ordinances which is why you see renderings of two to three story buildings as opposed to something like 10 stories for example. Councilmember Bonham said he believes firmly that City Hall and Police need a new building combined under one roof but he's not convinced extending a road and backing up into people's property is the best thing to do. He said we have the best interchange in the world right here [pointing to exit 22]. He doesn't know why we can't network this together and make this interchange better, feeding all the traffic that way, keeping it out of downtown without buying up property this way. He said if it were him planning, he'd scrap that whole extension and illustrated what he'd do to keep the trucks out of downtown. Mr. Attaway said that this study didn't really look at a major transportation study but took the 2017 downtown study that was already adopted and that's where that Highway 7/3rd St reroute came from. Councilmember Bonham said he understands that and understands that things are moving fast here. He said he's been saying this for the time he's been on council the last six years and doesn't know why we are pointing this way [pointing in the direction towards Harold Rankin park] and we keep building a road going down McAdenville Road and it doesn't make sense to him. He then illustrated what he meant redirecting traffic towards exit 22, which he said is already built to handle it and will only get better with the 85 widening. He doesn't understand why we are talking about bringing anything in downtown Lowell when we have all of this right here [pointing towards exit 22] available to us. He says we're not even talking about it and he's been asking for it. Councilmember Funderburk said that sounds good. Councilmember Bonham said he is not cursing the Downtown Master Plan and he appreciates it and it's the way that things are going because we see it in Cramerton where they are getting two to three story buildings and retail and apartments. If that's the way things are going then we need to stage it the right way but at the end of the day, we still have to live here and someone has to manage it. Nobody wants to do some crazy stuff for a truck.

Mr. Gates added that if the plan were to be adopted as is and then something comes up, then the plan can be updated and adopted. Councilmember Bonham said the transportation portion of the plan needs work. There was some discussion among Councilmembers Fulbright and Bonham where Councilmember Bonham said that we are adopting a conception. He is suggesting that as part of looking at this master plan regarding the road to relieve pressure in downtown, to also look at other options for the transportation piece. He said the same philosophies for the plan would be in place, what we would be saying is that we are in favor of the adoption of a plan to develop because it's coming. We can do nothing, where people can build what they want for a hodge podge of things, or

you can try to contain it and do the right thing. He is not saying the adoption is wrong but he would personally look at the transportation piece going forward. Councilmember Fulbright said that was a good point.

With no other discussion Councilmember Bonham made a motion to approve the adoption of the Downtown Master Plan. He said he thinks it's great. Mayor Pro Temp said that it is not set in stone but a guidance and then seconded the motion. The vote passed with four in favor and Councilmember Funderburk voting against it.

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 4-1-1-0 Opposed by Candy Funderburk Abstained by Sandy Railey

6D. Consideration of Risk-Based Remediation Closure at 1602 N. Main Street- 7:02 PM

Presented by City Attorney John Russell. Mr. Russell stated with the demolition coming to a close [at 1602 N. Main St] the Superfund program has advised the city that they are ready to proceed with the closeout of the Superfund oversight for the project. Part of that process is the property owner, which is the city's risk based remediation closure which means the site does not have to be cleaned up to the point where there is no risk. It's just clean to the point where the risk is appropriate for the use that the city is making of it. For example the city is not going to have residential homes and day cares for example, on this site which would require more cleaning. There has been some contamination in the [tentatively] new Public Works area that will be paved over but that is considered an acceptable risk. With the testing that Mid-Atlantic has done, the oversight from the Brownfield's program and the Superfund program, you are at the point where this can be completed and the document can be submitted. He said he thinks the timeframe for closing this out is towards the end of this year.

Mr. Attaway added that on the financial side of this, NCDEQ recommended that we proceed with this and he asked if this will preclude us from any access to the superfunds, the foreclosure fronts from the Crompton and Knowles Corporation in NC, and they said it would not. If there are any issues, we could still access those funds. He added, for the audience, that much of the testing that has been done on the site has been clean. The slab analyses from all or approximately 30 buildings, have come back negative and the concrete has been crushed and hauled off to a landfill. A lot of talk has been about contamination on the site and we have been walking through this for many years but it has been found to be not as contaminated as once thought. One of the restrictions from the DEQ is to not drill a well for drinking water on the site, which was never a consideration. Also as a process of the Brownfields program, all the groundwater monitoring wells have to be closed out and the DEQ is part of that process.

Councilmember Bonham asked if there was anything we can do tonight that would close this thing out permanently? Mr. Attaway that's what they are requesting. Councilmember Bonham said "so this finishes it all"? Mr. Attaway said yes the Risk-Based Remediation gets Superfund off of the site.

The item was motioned To Approve by Phil Bonham and seconded by Candy Funderburk with a passing result 5-0-1-0 Abstained by Sandy Railey

6E. Consideration of Change Order 5 for the Demolition Project at 1602 N. Main Street- 7:07 PM

Presented by Scott Attaway. Mr. Attaway said that we received, from our demolition contractor, Trifecta, a list for change orders that are in the agenda packet. He said as the buildings come down,

they are finding some things that may have been covered up before. He then went over all the changes (noted in the agenda packet). He said that because LaBella recognizes that these features on the site are going to have to be demolished in the future anyway, we have a demolition crew already mobilized, so we won't have to pay for mobilization because it is already there. He then went into the funding and where we currently stand. We received a \$2,000,000 grant to take down this site. If this [current change order] were to be approved plus the additional item added to tonight's agenda, which is longer oversight of construction on this project, we would be at \$1,766,246 leaving approximately \$233,000 left. We are still under the \$2million grant. He thinks there may be a few more small items that may pop up in the next month as they take out additional slabs and do sampling. He thinks we are in good shape as far as the budget for the grant goes. He then called attention to the change order where we have been given the best value in price option to include all the aforementioned change orders for \$49,300. He said council can add the alternates listed if they wish. He noted that the line item stating to 'deduct to not process concrete and send to recycling off site' totaling \$3,650 is incorrect. That does not follow the management plan so we will not get the discount for that. They will have to take the concrete materials like the rest of the site calls for. He is not sure of the confusion there but it is staff's recommendation to do the best value price option plus the two alternates at buildings 11 and 31.

The item was motioned To Accept by Thomas Gillespie and seconded by JoAnna Fulbright with a passing result 5-0-1-0 Abstained by Sandy Railey

6F. Consideration of Withers Ravenel for Part-F and LWCF Grant Administration- 7:14 PM

Presented by Cindy Szwarckopf, Practice Leader with Withers Ravenel. She is with their planning team and came to give a brief recap of where we are with this project in consulting services for improvements at Harold Rankin Park and some upcoming things with the Part F and LWCF (Land and Water Conservation Fund) grant. The Master Plan had to be submitted in order to receive the Part F grant. The city received \$500,000 from Part F and \$500,000 from LWCF and she talked about phase 1 of the project (see agenda packet). Amanda Whitaker with Withers Ravenel then went over the funding aspect of the Part F and the LWCF grants. She said what is seen in the agenda are services for retaining Withers Ravenel. She said this is a three year timeline and you can budget the Grant administration portion of \$50,000 to Withers Ravenel into 2 two year cycles.

Councilmember Funderburk asked when will they get started? Ms. Szwarckopf said as soon as the contract is signed, their survey crew is ready to go. She said they give them about four weeks to get started and it takes about two months from the time they say go to get all the surveying done. Then they role into design and permitting which is a 6-7 month time period, then they will go into bidding. So it'll be from the time council says go and then about 10 months until the bidding will be organized. Mr. Attaway added that the city funding would come from the Community Investment Fund (CIF) paying the \$153,606.65 (from the agenda packet). He asks that if the contract is approved that the motion mention the funding source for the city's portion would come from the CIF and then he will bring a clean up budget amendment before the council.

The item was motioned To Approve by Candy Funderburk and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

Motion to approve Withers Ravenel for Part-F and LWCF Grant administration including \$153,606.65 from the Community Investment Fund.

6G. Consideration of Budget Amendment #8- 7:26 PM

Presented by Asst. Chief Jeff Harrison and Lisa Nolen, Finance Director. Asst. Chief Harrison stated that this amendment would be to move funds from the Asset Forfeiture money received by the city to the Police Department's budget to wrap and stripe the ATV acquired from the Fire Department and also remove the striping where it currently says "Lowell Volunteer Fire Dept." He said asset forfeiture money is money the city receives for Police Department use, specifically for drug use or Police Officer equipment. The money comes from the drug tax required by the IRS. He said since 2014, less the \$510 that was previously used out of this fund, there is a balance of \$10,294. As people are arrested, they have to pay into this tax based on the drugs they are caught with. As they are caught with more drugs they pay more taxes. Mr. Attaway said that he had a different amount on the memo. Asst. Chief Harrison apologized and said \$1900 would be included in this amendment (see budget amendment in agenda packet). Mrs. Nolen said she had updated that [the memo] and for some reason it didn't take. She said she went back to 2014 and found all the revenue we had and it was \$10,800. She said we only spent \$510 of that, so we still have \$10,294 available to spend. It didn't keep the changes but this is the final amount [in the budget amendment].

The item was motioned To Approve by JoAnna Fulbright and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Sandy Railey

6H. Consideration of Budget Amendment #9- 7:31 PM

Presented by Scott Attaway. Mr. Attaway said this is an amendment to recognize \$1200 in revenue from a donation we received from the Lowell Women's Club for two benches at McCord Park. This would increase the donations received on the General Fund Revenue, therefore increasing Parks and Recreation supplies. He said as a side note, we are working on a plaque to commemorate that they were donated.

The item was motioned To Approve by Travis Smith and seconded by Candy Funderburk with a passing result 5-0-1-0 Abstained by Sandy Railey

6I. Consideration of Lowell Community Committee Application- 7:32 PM

Presented by Tori Dellinger, Parks and Rec/Events Director. Mrs. Dellinger gave the details about Jerel Mackey's interest in being appointed to the Lowell Community Committee (LCC). If appointed, he would serve a three year term, ending December 31, 2026. Councilmember Funderburk asked if there was an application for him. Mrs. Dellinger passed them out to council as she was unable to post to the AgendaLink site (see attachment). Councilmember Funderburk asked if he had to have a background check performed. Mrs. Dellinger said yes and that it had been submitted.

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve Jerel Mackey for consideration to the Lowell Community Committee assuming he passes his criminal background check.

6J. Consideration of Lowell Planning & Zoning Board Applicant- 7:36 PM

Presented by Joe Gates. Mr. Gates stated we have an application to join the Lowell Planning and Zoning Board. He stated that this board also serves as the Board of Adjustments and Stormwater Commission and that was left off the request but all three boards are represented by the same people if approved by council. He then gave a background for the applicant, Natasha Shuford. He said if chosen, she would serve a three year term ending December 31, 2026. The application was attached to the agenda packet for council to review. Councilmember Funderburk said Ms. Shuford is

a member of the Lowell Women's Club and has been a great asset. She then made the motion to approve.

The item was motioned To Approve by Candy Funderburk and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

6K. Resolution of the City of Lowell City Council to Retain Cranfill Sumner LLP; Milberg Coleman Bryson Phillips Grossman, LLC; and Napoli Shkolnik, PLLC as Special Counsel for PFAS Micro-Plastics Water Contamination Litigation- 7:38 PM

Presented by John Russell. Mr. Russell gave a brief background on micro-plastic water contamination. It has been detected in small quantities in various water supplies around the nation and locally. Because there have been a series of class action claims, there are large settlements available. These firms are plaintiffs that are experienced in these types of litigations and reached out to various municipalities including Gaston County providing a questionnaire to be completed by the Public Works Director and used to tap into the class action settlement. He said after learning about that, we contacted Cranfill Sumner out of Charlotte, NC who is willing to represent public water supply systems against corporate defendants to recover the costs of contamination in the public water supply. He said there is the option to opt out of individual claims and wait for the court to administer the class action settlement which usually takes longer and oftentimes the amount recovered would be considerably less. This resolution is a contingency fee arrangement where there will be no fees that are paid regularly and would all be paid out of the settlement fund. He said what council would be doing is authorizing to be a client of these law firms for them to file the complaint and to try to access the class action settlement money.

Councilmember Bonham asked if this is merely a way for the city to be protected as a plaintiff rather than them being able to say the City of Lowell furnished this water, even though it came from here and we are being protected [by approving this resolution]. Mr. Russell said the class act is not really a protection but an opportunity for Lowell to access some of these funds. Councilmember Bonham asked if this was a protection and Mr. Russell asked him to elaborate. Councilmember Bonham said in other words we are the water provider to our citizens and they are paying the City of Lowell and by us standing in this position, we are therefore protecting the citizen with this not at us for being at fault. Mr. Russell said he does not think that by filing this complaint, by accessing these funds, that we are eliminating any potential claims for contamination of the water supply. That is not what this is saying. This a class action settlement with a limited part of the process, regarding the fees.

Councilmember Bonham said we are not processing the water but buying it from up the street.

Councilmember Gillespie asked Mr. Russell if we do this class action suit and win, we'll get a larger part of the settlement as opposed to not having this law firm representing us and receiving less? Mr. Russell said that is what the law firms will say. He thinks there is a fact that once you have active claims when you are part of the settlement, it does move faster. Councilmember Gillespie said if we didn't do anything we would still be entitled to something but if went with this company, we could get more. Mr. Russell said yes, possibly. Councilmember Funderburk asked if we have to pay anything? Mr. Russell said their fees would be paid out of the settlement fund but not directly by the city.

Councilmember Fulbright wanted more explanation. She said Mr. Russell said "in the area, these findings have been in the water" correct? Mr. Russell said there has been some level of contaminants

detected. She asked if this is water that has been supplied to the city is her concern. She said because when people start throwing out lawsuits and say ok everybody jump on, it seems that there would have to be a reason that they are involving you, not just because you are in the area. Mr. Attaway added that Two Rivers is our water provider and they added themselves onto this so it would be prudent for us, as a wholesale customer, to do so as well. He said the deadline to do so is December 4, 2023. Councilmember Fulbright asked if there should be reason for concern because they added themselves to the claim and they are over our water supply? Mr. Attaway said the Public Works Director does water testing every month and we have a water annual report that we've had no concerns with but thinks as a cautionary process would be to add ourselves in the event there is funding coming. Councilmember Fulbright she is not against adding to the suit but wanted to know if we should be concerned about our water system. Mr. Attaway said no you do not need to be worried as we test monthly and send results to the State as well as publish our water report card every year as we are required to do so by law.

The item was motioned To Approve by Candy Funderburk and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve Resolution 14-2023.

6L. Task Authorization for LaBella, the former Yorkshire Demolition Phase Extending the Construction Observation-

Presented by Danny Watson with LaBella. Mr. Watson stated that this an extension of the contract for the demolition mentioned earlier tonight (see attachment). The original contract was up to 60 days of the contract and this is for an extension with a close-out date of January 12, 2024. This would cover the change order and construction observation. Mr. Attaway emphasized to council that this is a not-to-exceed fees task order. This will paid out the balance from the \$2million grant mentioned earlier tonight. He said as part of the erosion sedimentation control contract that we have Trifecta implementing on the site, which was bid for under \$500,000, or approximately \$496,000. The way that Danny has been tracking it is that we will likely not get to that amount and more likely in the \$300,000 or so range. Mr. Watson agreed and said they came up with ideas to stabilize the area better, saving approximately \$120,000. Mr. Attaway said these are exact figures but he is being conservative with the scenario.

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve Task Order #2.

7. Reports / Discussions

7A. City Manager Report- 7:48 PM

Presented by Scott Attaway.

1. Community Center update - They have installed two of the three exterior doors. The other one just arrived at the construction company's warehouse and it will be installed tomorrow as well as two of the three windows. The third window has been a challenge to get built but they are working on it.
2. Through the Safety Coordinator and City Clerk/HR Director, we submitted to the League of Municipalities a grant for secured access to City Hall and the Police Department. Ms. Ramsey said we would get \$10,000 and the total cost is \$10,400 so only spending \$400. Mr. Attaway said he'd let them know the outcome of that. Update: The city was awarded \$5000. The Safety Coordinator

clarified that the city had to pay the entire amount up front and would then be reimbursed \$5000 from the grant funds.

3. The Parks and Rec Director, Tori Dellinger had a conversation with Toby, Project Manager from the NorthPoint site and he stated they were discussing donating a parcel of land for a pocket park. He said Toby reached out to us and they are interested in donating either to an existing park or donating some construction services to an existing park. He and Mrs. Dellinger are going to meet with Toby to possibly look at paving the Harold Rankin park. Once we execute with Withers Ravenel and the task order for the LWCF and Part-F grants, we want to make sure that doesn't muddy the waters with part 2 of that plan before doing the paving. Mr. Attaway will also discuss the parcel of land NorthPoint discussed in donating. Councilmember Funderburk said we definitely need that paved.

Councilmember Bonham asked Mr. Attaway to reiterate that we are not dragging on the Community Center and that the contractors are not doing their job but is a supply chain issue of not being able to fulfill windows and doors which is delaying this project. Mr. Attaway said we had to go with wood [because of the historic preservation] instead of vinyl, which would have been easier to get.

7B. City Attorney Report-

Mr. Russell had a couple things to announce:

1. The City of Lowell closed on the future City Hall/Police Department site on October 27, 2023. The deed and closing did include the Right of First Refusal in regards to the church property if the church were to ever sell it. The city would have the first option to match the amount but not the obligation to do so.
2. Council had on the agenda item for the City Manager to have the authority to sign closing documents in regards to the purchase of 715 N. Main St or the old Salvation Army. That contract is on pace to close on December 1, 2023. The survey and the title search has been completed. He said we still have some work to do with the broker for the Salvation Army regarding the title but thinks that will be completed before December 1st.

7C. Mayor and City Council General Discussion- 7:58 PM

Councilmember Fulbright thanked the Mayor for her advice and keeping her in line. She thanked Mr. Attaway for his tremendous leadership and help. She said there were not enough words to express her gratitude for his help. She thanked council and thoroughly enjoyed her time serving with them. She said "when you come into this world, you have one title and that is the child of God and your title here is temporary and doesn't define you so remember who you are. Thank you."

Councilmember Bonham said that city staff and manager has guided us in the right direction and put together a fantastic team. He said we have a great council here who can agree to disagree and nothing is wrong with that. He said that will continue but what he wants to see is the City of Lowell moving in the right direction and hopeful that we can continue to do that.

Councilmember Funderburk said we have a great Police Department, a great Public Works and staff that work together. She said she goes to the City Manager about something when the citizens would ask, get the CORRECT answer and went back to the citizen who called her, messaged her or even

bashed her on Facebook, the Lowell Freedom page and that's ok because she is a forgiving person. She said she has raised her children and grandchildren here and she is not giving up easily because she's going to volunteer like she always does, on the Lowell Women's Club and the Lowell Community Committee, and in her church. She appreciated what Scott has done even when they disagree. She said "Mayor Railey is an example of what a mayor should be like and ACT like, with class. She represents Lowell well. She doesn't go out there and say it's going so bad, I can't give it away, which a former mayor has done in the past and is getting ready to be the present mayor in December. We don't need that in Lowell, we need to be positive and move on. I hope the new council can control the new person coming in. He's already wanting to change things and move the meetings to Holbrook, which will cost \$500 a month and is ridiculous. It's all about show." She thanked all the current councilmembers and will continue to volunteer whenever she can.

Mayor Pro Temp Smith wished everyone well in their new endeavors and welcomed in the new council in the hope that we keep Lowell going in the right direction.

Mayor Gillespie said he has been honored to serve the people of Lowell and he loves Lowell. He said it's been a great ride from beginning to end. He said in dealing with our City Manager, he challenged people to look around and see what he's done like an inside place to play basketball, the thread trail where people will be able to walk from South Carolina all the way to Spencer Mountain, they'll say this council did that. He said there is so much going on that we need to continue going forward. "Being a Pastor, the Lord tells us to feed my sheep. Sometimes people will try, not pastors, to be a demagogue and fool you and you have to watch for people who use demagoguery or fancy words to trick people. Kipling said to make traps for fools. He said if you can bare to hear the truth you've spoken, twisted to make traps for fools and not breath a word about your loss...I didn't mind losing a bit because I'll be back in two years." He loves Lowell, born and bred here. He said he didn't nominate Joanna [Fulbright] but has come to know her as a fill-in alternate for Ken Ervin. Ken Ervin has done a lot for this city and so has Joanna. We are going to move forward and although he is opposed to high taxes, he understands you need money to move forward. He said it has been a joy working with this council. He said that "Mr. Attaway has gotten more money in grants and more money for Lowell in the short time he has been here than any City Manager he knows. Lowell is a great place to live, play and work here. God Bless you all."

Mayor Railey agreed with everything said and said we will continue to do good for this city. Encouraged people to stay positive and pray. She appreciates everyone here tonight and hope they will come back.

Councilmember Bonham made a motion to take a 15 minute break, seconded by Councilmember Fulbright at 8:08pm. The vote was unanimously in favor.

8. Closed Session

8A. To Discuss Personnel Matters Pursuant to NCGS 143-318.11 (6) - 8:22 PM

The item was motioned Convene into Closed Session by Phil Bonham and seconded by Candy Funderburk with a passing result 5-0-1-0 Abstained by Sandy Railey

8B. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.II(a)(S) - 9:06 PM

8C. To Consider Approval of Closed Session Minutes - 9:06 PM

Councilmember Funderburk made a motion to approve all minutes noting the absences on the given dates, seconded by Councilmember Fulbright. The vote was unanimously in favor.

Councilmember Funderburk made a motion to come out of Closed Session at 9:16pm, seconded by Mayor Pro Temp Smith. The vote was unanimously approved. The City Clerk went to the City Hall lobby to allow the public to reenter Council Chambers.

The item was motioned ReConvene into Regular Session by Candy Funderburk and seconded by Travis Smith with a failed result 5-0-0-0

8D. Possible Action After Conclusion of Closed Session Relating to Real Property- 9:13 PM

Councilmember Funderburk made a motion to approve Resolution #13-2023 for the purchase of the 100 block of North Main St for the contract price of \$75,000, seconded by Councilmember Fulbright. The vote was unanimously in favor.

The item was motioned To Approve by Candy Funderburk and seconded by JoAnna Fulbright with a passing result 5-0-1-0 Abstained by Sandy Railey

8E. Possible Action After Conclusion of Closed Session Relating to Personnel Matters- 9:17 PM

John Russell explained the amendment to the City Manager's employment contract regarding severance pay from bi-weekly payments to a lump sum payment if he is terminated without cause to the audience. With no other discussion, Mayor Pro Temp Smith made a motion to approve the amended section of 4a of the City Manager's employment contract, seconded by Councilmember Fulbright. The vote was unanimously in favor.

The item was motioned To Approve by Travis Smith and seconded by JoAnna Fulbright with a passing result 5-0-1-0 Abstained by Sandy Railey

To approve the amended section of 4a of the City Manager's employment contract.

9. Adjournment

9A. Meeting Adjournment- 9:20 PM

Councilmember Funderburk made a motion to adjourn at 9:19 pm, seconded by Councilmember Fulbright. The vote was unanimously in favor.

The item was motioned To Approve by Candy Funderburk and seconded by JoAnna Fulbright with a passing result 5-0-1-0 Abstained by Sandy Railey



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Cheryl Ramsey

Approval of Special City Council Meeting Minutes - December 4, 2023

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Approval of Minutes Item: 2B
Reference File	Presented By

To:

From:

Date:

Re:

placeholder for info here...

Attachments

December 4, 2023 Special City Council Meeting Minutes.pdf

MINUTES

Lowell City Council

Special Meeting

Monday, December 4, 2023, 4:00 P.M.

I. A. CALL TO ORDER – Mayor Sandy Railey

Mayor Pro Temp Smith called the meeting to order at 4:00 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, Police Chief Carl Moore, Police Asst. Chief Jeff Harrison, Public Works Director Thomas Shrewsbury, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. Members of the public were also present. The meeting was not recorded.

City Attorney John Russell joined the meeting at 4:08.

Mayor Railey joined the meeting at 4:09.

B. Consideration of Water/Sewer Fee Study and CIP update proposal - Mr. Attaway presented and stated the total is \$37,000 for the engineering for the water and sewer rates study, the CIP update and the fund analysis. He stated that this is already budgeted in the current fiscal year budget. Councilmember Bonham made a motion to approve the updated fee study, seconded by Councilmember Funderburk. It was unanimously voted in favor.

C. City of Lowell and Gaston County Carolina Thread Trail Interlocal Agreement- Mr. Attaway explained the specifics, also noted within the packet. Councilmember Funderburk asked how much was received. Mr. Attaway said \$127,080. Councilmember Gillespie made a motion to approve, seconded by Councilmember Bonham. The vote was unanimously voted in favor.

D. Consideration of Resolution 15-2023 of Intent to Accept PART-F Grant for Harold Rankin Park Improvements- Mr. Attaway stated this grant is in the amount of \$500,000. Councilmember Funderburk made a motion to approve the funding, seconded by Councilmember Fulbright. The vote was unanimously voted in favor.

E. Consideration of Resolution 16-2023 of Intent to Accept LWCF Grant for Harold Rankin Park Improvements—Mr. Attaway stated that this grant is in the amount of \$500,000. Councilmember Funderburk made a motion to approve the funding, seconded by Councilmember Fulbright. The vote was unanimously voted in favor.

F. Consideration of Project Grant Ordinances and Relevant Budget Amendments

1. Water AIA Grant – Mr. Attaway stated this is for a \$150,000 grant and subsequent Budget Amendment #10. Councilmember Bonham made a motion to approve the funding, seconded by Councilmember Fulbright. The vote was unanimously voted in favor.
2. DWI Preconstruction Planning Grant – Mr. Attaway stated this is a \$400,000 grant financed by ARPA. Councilmember Bonham made a motion to approve the grant project number SRP-W-ARP-0301, seconded by Mayor Pro Temp Smith. The vote was unanimously voted in favor.

3. PART-F Grant - Mr. Attaway stated this is the \$500,000 grant for Harold Rankin Park. Councilmember Bonham made a motion to accept, seconded by Councilmember Funderburk. The vote was unanimously voted in favor.
4. LWCF Grant – this was not included in the agenda packet in error and will be added to the December 12, 2023, City Council Agenda packet.
5. Carolina Thread Trail Construction Grant - Mr. Attaway stated this is a \$127,080 grant. Mayor Pro Temp Smith made a motion to approve the grant funding, seconded by Councilmember Gillespie. The vote was unanimously voted in favor.
6. S.L. 2023-134 Directed Funds from NC of \$8.25 million grant for water and sewer projects. Councilmember Bonham made a motion to approve this grant, seconded by Councilmember Funderburk. The vote was unanimously voted in favor.
7. Project #CS370748-01 Wastewater Interconnection with Two Rivers Utilities Sewer Overflow and Stormwater Reuse Municipal Grant-Clean Water State Revolving Fund. Mr. Attaway this is not to accept the funds but is to establish a project ordinance. He said we still have to wait on a letter receiving the funding. Mayor Pro Temp Smith made a motion to approve, seconded by Councilmember Fulbright. The vote was unanimously voted in favor.
8. NC Directed Grant from NC Regional Economic Development Reserve of \$150,000 for parking lot property purchase and community center interior improvements. Mr. Attaway said this is a notification from the State that these funds will be received in the amount of \$150,000. Councilmember Fulbright made a motion to approve, seconded by Councilmember Gillespie. The vote was unanimously voted in favor.

G. Consideration of Change Order #4 from Trifecta for the Demolition Project at 1602 N. Main Street– Mr. Attaway directed council to review the change order and pictures in the packet, totaling \$18,072.00. He said this would still be part of the \$2million grant received for the demolition of the site. Councilmember Bonham made a motion to approve, seconded by Councilmember Gillespie. The vote was unanimously voted in favor.

H. Consideration to move the December 12, 2023, Lowell City Council meeting to 715 N. Main Street, Lowell NC 28098 at 6pm. Mr. Russell said everything has been signed for the city purchasing this building. Mr. Attaway then stated, upon the request of the new councilmembers set to be giving oaths at this meeting, he was asked to look for a larger venue to hold this ceremony. Councilmember Funderburk asked if it will be cleaned. Mr. Attaway said Public Works will do this and set the area up. He said the internet will be installed tomorrow and all utilities will be put in the City of Lowell's name tomorrow. Parking will be at Harold Rankin Park, and we will add temporary handicapped parking. Councilmember Bonham asked about video and audio feed. Mr. Attaway said he is working on it, but it will not be on Agenda link [system currently used in City Hall]. Councilmember Funderburk made a motion to approve, seconded by Mayor Pro Temp Smith. The vote was unanimously voted in favor.

I. Consideration of Clarifications/Edits to the City Manager's Employment Contract – Mr. Attaway presented the clarifications/edits (see packet). With no questions, Councilmember Bonham made a motion to approve the changes, seconded by Mayor Pro Temp Smith. The vote was unanimously voted in favor.

Councilmember Funderburk made a motion to go into Closed Session, seconded by Mayor Pro Temp Smith at 4:25pm. The vote was unanimously in favor.

J. Closed Session

1. Approval of Closed Session Minutes from November 14, 2023. Councilmember Bonham made a motion to approve the minutes, seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Bonham made a motion to come out of Closed Session, seconded by Mayor Pro Temp Smith at 4:30pm. Ms. Ramsey went to the lobby to see if anyone was returning for the adjournment. No one reentered.

II. ADJOURN

Councilmember Bonham made a motion to adjourn the meeting, seconded by Councilmember Funderburk. The vote was unanimously in favor. The meeting adjourned at 4:30pm.

ATTEST:

Mayor Sandy Railey

Cheryl Ramsey, City Clerk



Regular City Council Meeting Memorandum

Prepared By: Cristy Cummings

Communications Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4A
Reference File	Presented By

To: Scott Attaway, City Manager

From: Cristy Cummings, Communications Director

Date: December 1, 2023

Re: Monthly Report for Communications Department

- *City website updates*
 - *Updated Citizen's Academy page*
 - *Created online form*
 - *Created new artwork*
 - *Created course schedule*
 - *Worked with the City Clerk to create the Citizens Academy requirements document*
 - *Updated webpages*
 - *Creation of a Communications Department page on the website*
- *Creation of social media content for Facebook and Instagram*
 - *What's Up Wednesday posts*
 - *Event promotions*
 - *Holiday/office closing posts*
 - *Other posts to keep residents in-the-know*
 - *Community events wrap-up posts*
 - *Creation of square promo posts made specifically for Facebook and Instagram for all Christmas events*
 - *Tree Lighting/Music in the Park*
 - *Trees at the Track*
 - *Photos with Santa*
 - *Artisan Market*
 - *Christmas Parade*
- *Newsletters*
 - *Creation of the monthly Parks and Recreation digital newsletter*
- *CodeRed*
 - *Continued training*
 - *Sent out phone calls/texts/emails for events and office holiday closings*
 - *Adding and removing contacts*
- *General*

- *Assisting Parks and Recreation with Senior Lunch*
- *Providing input and answering questions on upcoming youth athletics and events*
- *Set up of new Communications phone for Code Red phone calls so phone calls can be sent during the workday*
- *Contacted Verizon and asked them to update all internal caller IDs with employee names as well as external caller IDs*
- *Conferences/Regionals*
 - *Attended Small Towns Peer-to-Peer: How to Engage Your Community workshop with Centralina*
- *Creation of press releases*
 - [Press Release – Portion of High Street Closed in 2001](#)



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Planning Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4B
Reference File	Presented By

To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, December 6, 2023
Re: Monthly Planning Report

Code Enforcement:

- Multiple nuisance violation letters issued.

Enforcement Action:

- 1 NOV corrected by Public Works staff.

Zoning:

- Processed (3) zoning permits in November.
- Permit count (161) for calendar year 2023 to-date.
- Attended on-site construction meeting for River Heights regarding sidewalks and final inspections of townhomes.
- Attended on-site Preconstruction meeting with Times Oil to begin construction of new gas station at the corner of S. Main Street and Kenworthy.
- Planner Director met with NCDOT and Project Engineer for Willow Creek Meadows about entrance placement along Groves Street and Ford Dr.
- Planning Director and other Lowell staff met with Construction Manager for Northpoint regarding construction of a new road.

Planning:

- Attended Lowell Community Committee meeting 11/27/2023.
- Attended Lowell Planning and Zoning meeting, 12/5/2023.
- Attend monthly G-Camp meeting at Gaston County Admin Building.
- Attended meeting with Centralina Regional Council.

Other:

- Attended monthly department head meeting.
- Attended November City Council Meeting.
- Attended Polimorphic Monthly update meeting.
- Planning Director received certificate of completion from Leadership Gaston.



Regular City Council Meeting Memorandum

Prepared By: Jamie Watkins

Stormwater Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4C
Reference File	Presented By

To: Scott Attaway, City Manager

From: Jamie Watkins, Stormwater Administrator

Date: December 5, 2023

Re: Monthly Department Update

- Conducted the initial inspection of the Lowell Woods Development with Gaston County DNR and Tru Homes personnel.
- Attended a 2-Day Interactive Activities to Increase Knowledge Retention & Engagement workshop at Rowan Cabarrus Community College.
- Worked with GIS Administrator to update SCM compliance tracking methods.
- Attended a 3-hour workshop that counts as continuing education towards my Environmental Educator Certification.
- Created an activity for kids to make an ornament to put on the Stormwater Department's tree at the track.
- Created and distributed a tri-fold brochure that explains the benefits of the We Are the South Fork Citizen Science Initiative.
- Began gathering email addresses to push out notifications of Stormwater Saturday activities.
- Attended monthly Department Head Meeting.
- Met with River Keeper staff to discuss upcoming partnership opportunities and to drop off 500 "We All Live Down Stream" stickers to be sold at Confluence.
- Met with neighboring municipalities to discuss SCM compliance tracking efforts.



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Parks & Recreation Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4D
Reference File	Presented By

To: Scott Attaway, City Manager

From: Tori Dellinger, Parks and Recreation/Events Director

Date: December 6, 2023

Re: November Parks and Recreation Report

Athletics:

- Communications with area Parks and Recreation Directors and coordinated team schedules
- Basketball registration closed and teams were formed
- Staff coordinated coaches meeting
- Teams started practice and will continue practice through the month of December
- Met with parents and answered questions
- Staff processed basketball coach background checks
- Staff will order uniforms for basketball

General:

- Cleaned bathrooms
- Picked up trash
- Staff dragged baseball fields
- Communications with McAdenville Dolphins on field rentals
- Attended City Council meeting
- Attended Department Head meeting
- Attended Lowell Community Committee Meeting
- Updated letterboard at Harold Rankin Park
- Coded invoices, updated department budget spreadsheet
- Ordered plants for downtown planters
- Ordered Christmas Tree for Tree Lighting Ceremony and Christmas trees (25) for Trees at the Track
- Staff placed lights on the Christmas trees at Harold Rankin (Trees at the Track)
- Attended new employee safety training

Events:

- Senior Thanksgiving Lunch
 - Over 100 Lowell seniors signed up for Thanksgiving Lunch (Dine-in or Drive thru)
 - The event included a traditional Thanksgiving meal, BINGO, and raffle prizes
 - Communications promoted via website, social media, event website, letterboard at Harold Rankin Park, and via Code Red

- Tree Lighting Ceremony/ Music in the Park
 - Music in the Park featuring Garrett Huffman
 - The following vendors and/ or organizations setup:
 - Miami Fusion food truck
 - Gaston County Communications
 - Catawba Riverkeeper
 - Cotton candy
 - Kids activity
 - Make your own ornament (Lowell Stormwater Department)
 - Letters to Santa Station (Lowell Parks & Recreation Department)
 - Communications promoted via website, social media, event website, letterboard at Harold Rankin Park, and Code Red alert.
 - Sent reminder email to Downtown businesses regarding Tree Lighting Ceremony/ Music in the Park
- Lowell Christmas (Planning)
 - Event will feature photos with Santa, Artisan market, and annual Christmas Parade (see schedule below)
 - Photos with Santa – McCord Family Park – 1:00 PM to 3:00 PM
 - Artisan Market – McCord Family Park – 1:00 PM to 5:00 PM
 - Christmas Parade – 4:00 PM
 - Submitted and received parade route approval from NCDOT
 - Staff coordinated meeting with public works and police to discuss upcoming Christmas Parade
 - Finalized parade lineup
 - Communications promoted via website, social media, event website, letterboard at Harold Rankin Park, and via Code Red
 - Letter was sent to Lineberger Street residents regarding the parade lineup
 - Sent reminder email to Downtown businesses regarding the Lowell Christmas event (photos with Santa, Artisan Market, and Christmas Parade)



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Public Works Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4E
Reference File	Presented By

To: Scott Attaway, City Manager

From: Thomas Shrewsbury, Public Works

Date: December 6, 2023

Re: Public Works Report

- Street Department employees continued working on curb and sidewalk maintenance. They have been clearing growth from curbs and sidewalks.
- Water Department crews continue to work on the lead and copper inventory within the distribution system. Crews will be working diligently until the inventory is complete. This will take several months.
- Water Department staff repaired the following leaks:
 - 6-inch main break on N. Main Street.
 - 2-inch line break on Saxony Drive.
- City staff worked with contractors finishing up demolition at the chemical plant. Crews helped with keeping the property secured and clearing an underground pit that was discovered on the property.
- Street department staff continued running leaf routes. Leaves will be collected curbside on a weekly basis until Feb 16, 2024.
- City crews have spent a lot of time this month prepping and decorating for Christmas.
- Public Works assisted other departments with special events such as trees at the track, music in the park and the Christmas tree lighting ceremony.
- Staff worked with Waste Treatment plant operators to get started on several electrical repairs resulting from a power surge through the system in August of this year.
- Crews worked on some clean up at the Waste Treatment Plant. Drying bed areas were cleaned up and several broken trash cans that had accumulated were hauled off.



Regular City Council Meeting Memorandum

Prepared By: Lisa Nolen

Finance Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4F
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: December 6, 2023
Re: Finance Update

Utility Billing:

- Assist Utility Billing Department with processes in Polimorphic.
- Answer questions from Utility Billing staff.
- Correct errors to complete bank reconciliation.
- Provide assistance when needed for staff absences.
- Answer phone when staff is not available.
- Make changes to NSF letters.

Finance:

- Enter cash receipts, cash disbursements, and general journal entries into Southern Software.
- Post payroll related draft payments and draft payments for Planning Board Stipends.
- Process and pay bills via check and online.
- Use allocation spreadsheets for corresponding bills to allocate expenses to the correct account.
- Collect receipts from staff, break out charges and sales tax to post to correct accounts, and post all Visa and Lowe's credit card charges.
- Issue purchase orders as needed for staff.
- Ensure all transactions are entered correctly and reconcile bank accounts.
- Complete tasks needed for the agenda related to Council meetings.
- Complete reporting requirements for SCIF grant.
- Assist staff with purchase requisitions.
- Train new Accounts Payable/Payroll clerk on duties to assist Finance Director.

Year-End:

- Received year-end adjusting journal entries and adjusted trial balance from CPA.

Other:

- Zoom meeting for demo of Black Mountain Software. Demo included fund accounting, payroll, and utility billing. Also, had demo of code enforcement, permitting, and accounts receivable.
- Attend Department Head meetings.
- Attend Council meetings.

- Attend meetings with City Manager.

Attachments

10-31-2023 Dashboard.pdf

City of Lowell, North Carolina
FY 2024 Revenue Dashboard
10/31/2023

Type	Budget	YTD thru 10/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
Funds					
General Fund	5,000,734.18	2,104,396.47	2,896,337.71	58%	67%
Water/Sewer Fund	1,755,709.24	829,388.87	926,320.37	53%	67%
Stormwater Fund	423,774.44	123,620.78	300,153.66	71%	67%
Total	7,180,217.86	3,057,406.12	4,122,811.74	57%	67%

Notes:
None

City of Lowell, North Carolina
FY 2024 Expense Dashboard
10/31/2023

Department	Budget	YTD thru 10/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
General Fund					
Administration	2,652,310.85	672,501.21	1,979,809.64	75%	67%
Public Safety	1,327,415.47	413,789.15	913,626.32	69%	67%
Public Works-Streets	318,185.88	88,586.63	229,599.25	72%	67%
Sanitation	345,633.72	106,072.83	239,560.89	69%	67%
Parks & Rec	257,188.22	73,305.75	183,882.47	71%	67%
Powell Bill	100,000.04	8,554.50	91,445.54	91%	67%
Total	5,000,734.18	1,362,810.07	3,637,924.11	73%	67%
Water/Sewer Fund					
Water/Sewer	1,380,721.44	474,118.46	906,602.98	66%	67%
Wastewater Treatment	374,987.80	70,113.69	304,874.11	81%	67%
Total	1,755,709.24	544,232.15	1,211,477.09	69%	67%
Stormwater Fund					
Stormwater	423,774.44	119,453.80	304,320.64	72%	67%
Total	423,774.44	119,453.80	304,320.64	72%	67%

Notes:
None



Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Customer Service Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4G
Reference File	Presented By

To: Scott Attaway, City Manager
From: Sue Lowe, Customer Service-Billing Manager
Date: December 6, 2023
Re: Monthly Report

Monthly Report from Customer Service and Billing Manager-Sue Lowe

Converted to Sentryx AMI meter Infrastructure Network on October 9th. This system replaces the Minet meter platform. Continually working with Water Works and Southern Software to ensure billing file is compatible with the new system. Still working through some issues with Southern Software on their billing response file. Troubleshooting issues to improve operations in Sentryx and monitoring meter equipment in the field. Monitoring meter alerts in Sentryx.

Opened utility billing accounts and initiated new meter installations.

Participated in training updates on Verizon Connect REVEAL work order system, and other utility billing software. Processed customer cash, check, and credit card payments, new customer applications and customer terminations, website forms, customer ACH authorizations, project management processes and payments for miscellaneous items, such as zoning permits, development fees, park and shelter rentals, etc.

Working with Southern Software IT department on a new billing template. Working with Minges Printing on setting up new billing template information, front and back. Also ordering new envelopes for bills and inserts. Coordinating delivery of fold/seal equipment from Lineage.

Processed disconnection of services on Monday, November 27th, for customers with delinquent account balances.

Continue to train Accounting Tech in all areas of operations and billing, including all daily, weekly, and monthly responsibilities. Processed read files in Sentryx, reviewed files and readings, posted usage routes, processed billing reports, processed and printed final and regular bills, processed stormwater management bills, counted and mailed bills at the post office by the required mailing date. Working monthly with Planning/Zoning/Code Enforcement Director on updating addresses and ownership information for processing Stormwater Management billing each month for occupied and non-occupied properties. Process all bulk "pay as you throw" manual bills applied to customer accounts.

Working with Planning and Zoning Director on adding new street addresses to Southern Software and Sentryx system, so we can install meters at future development homes.

All other responsibilities include gathering readings and processing billing, posting payments, producing daily collection reports for the Finance Director, producing daily credit card reports and transfers of funds to customer accounts, processing

pool fill adjustments and leak adjustments for customers as needed, posting monthly ACH payments to customer accounts and producing reports for Finance Director, answering phones, compiling NSF letters to customers for Finance Director, processing work orders for second and third roll carts requested by customers, assisting customers with their various needs, ordering office supplies for all departments including the police dept, and assisting all City depts with clerical duties as requested of me.



Geographic Information System (GIS) Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4H
Reference File	Presented By

To: Scott Attaway, City Manager

From: Todd Stroupe, GIS Analyst

Date: December 6, 2023

Re: Geographic Information System (GIS) Report

GIS and Mapping.

- Provided Lowell built-up analysis results to WithersRavenal for GIS data request.
- Generated potential water outage map for social media posts.
- Launch new Lowell GIS experience website.
- Generated printable official zoning map.
- Performed updates to Parks and Recreation interactive maps.
- Filled out One Gaston 2040 and Gaston Community Explorer survey.
- Generated exhibit map for Gaston County and Lowell Carolina Thread Trail agreement.
- Performed updates of GIS layers and Economic Development Overview Storymap
- Generated the 2023 Christmas parade float line-up map.
- Continue to work on lead and copper service line inventory.
- Continue to work on Phase 2 of MS4/stormwater infrastructure mapping.

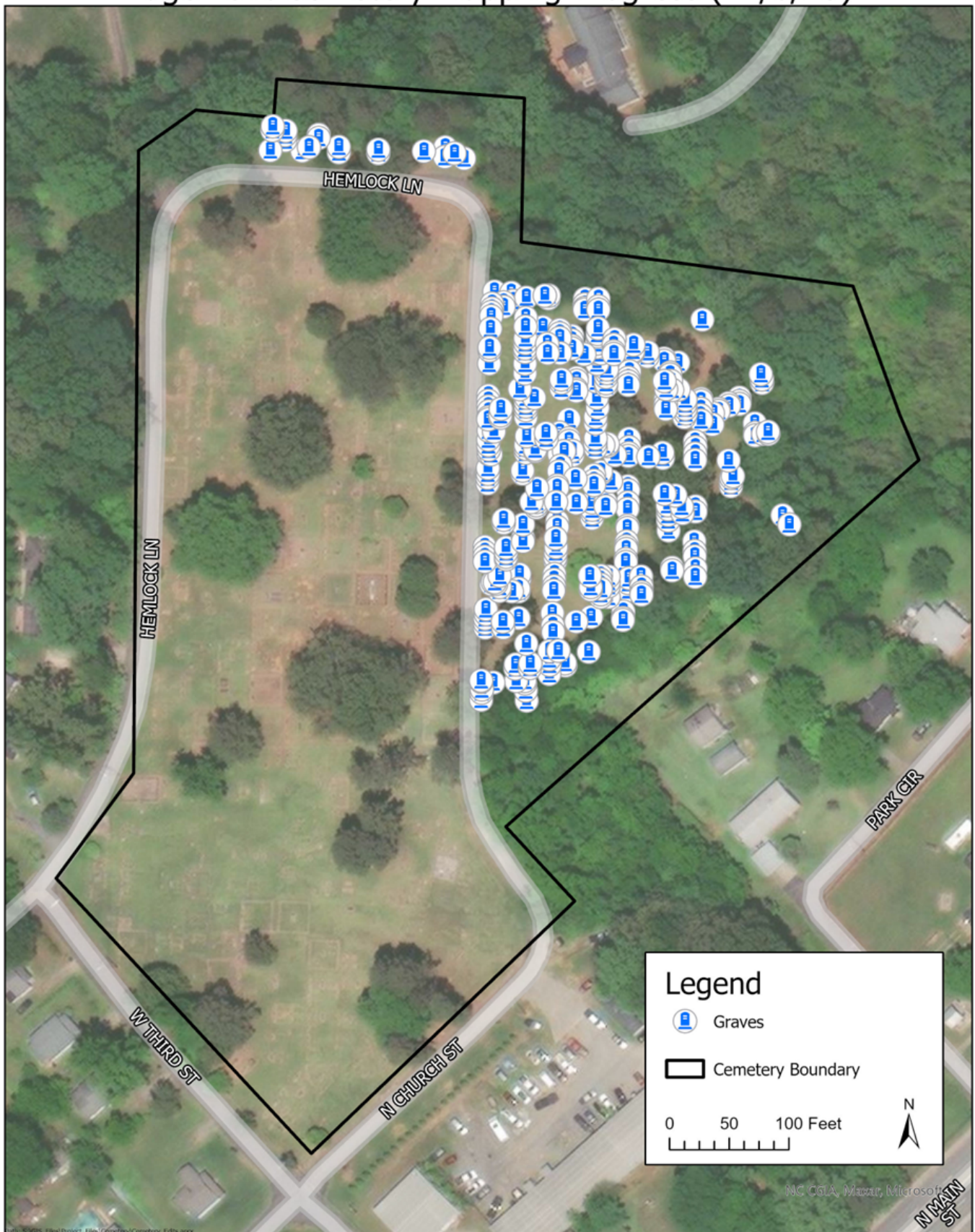
Meetings and Events

- Attended Gaston-Cleveland-Lincoln Metropolitan Planning Organization TCC meeting.
- Attended lead service line inventory workshop.
- Attended I-5719 (I-85 Widening) aesthetics discussion meeting.
- Attended Gaston County GIS Day event.
- Participated in Thanksgiving senior lunch.
- Attended AgendaLink training session.
- Attended Verizon Reveal discussion meeting.
- Attended One Gaston 2040 data dashboard overview meeting.
- Attended Lowell tree lighting ceremony.
- Attended Christmas parade float line up meeting.
- Attended department head meeting.

Edgemont Cemetery Mapping Project

- Kicked off the mapping project in October.
- Collected 363 graves as of December 6th.
- Developing a public-facing interactive web map that will allow users to click on a grave for names, birth and death dates, pictures of headstones, etc.

Edgemont Cemetery Mapping Progress (12/6/23)



This map is a graphic representation and should only be used for illustrative purposes. Map created by Lowell GIS with data provided by Gaston County GIS.



Regular City Council Meeting Memorandum

Prepared By: Jeff Harrison

Police Report

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	Consent Agenda Item: 4I
Reference File	Presented By

To: Scott Attaway, City Manager

From: Jeff Harrison, Assistant Police Chief

Date: December 6th, 2023

Re: November Police Report

The Officers of the Lowell Police Department ran 754 calls in November up from 637 calls in November 2022. Special checks continue to be documented in high numbers. Special checks are a good way to show proactive policing. Officers conducted 104 traffic stops and issued 84 traffic citations. Additionally, officers charged 13 felonies and 4 misdemeanors in November.

Officer Jacob Springs was sworn in as a police officer. The police department now has a full complement of sworn staff. There will now be a split shift patrol officer on each shift that will provide coverage and multiple officers on duty for most of the day. Officer Springs comes to the Lowell Police Department as a seasoned patrol officer who will be a great asset to our agency.

Officers wrapped up yearly in-service training in November. Every year officers are required to complete 20 hours of state mandated training. Topics range from Legal updates to Juvenile/ Minority Sensitivity training. Officers completed firearms qualifications as well. The state requires a 70% proficiency score to remain firearms qualified. Our officers typically score upper 80s and above.

Sergeant Bowen graduated from Leadership Gaston on the 30th of November. Her completion of the course makes her the 5th graduate of the program from the police department.

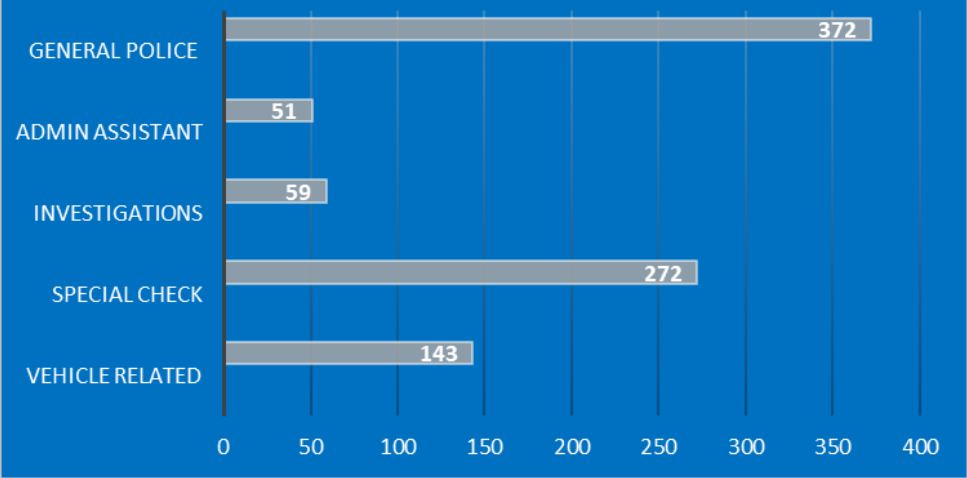
CALLS BY YEAR

2023- 754

2022- 637

2021- 467

NOVEMBER CALLS BY TYPE





Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Consideration of Resolution RS17-2023 to Accept SRP-W-ARP-0301 Pre Construction Planning Grant from NCDEQ

Meeting	Agenda Group	
Tuesday, December 12, 2023, 6:00 PM	Unfinished Business	Item: 5A
Reference File	Presented By	

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Consideration of Resolution RS17-2023 to Accept SRP-W-ARP-0301 Pre Construction Planning Grant from NCDEQ

Please see the attached Resolution RS17-2023 to accept grant funds in the amount of \$400,000 for SRP-W-ARP-0301.

Attachments

RS17-2023-to accept Pre Con Funding.pdf



RESOLUTION BY GOVERNING BODY OF APPLICANT

RESOLUTION NUMBER: RS17-2023

City of Lowell Wastewater Pre-Construction Planning Grant SRP-W-ARP-0301

- WHEREAS,** the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and
- WHEREAS,** the North Carolina General Statutes Chapter 159G has created grants to assist eligible units of government with meeting their water and sewer infrastructure needs, and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered Pre-Construction Planning Grant (PCPG) American Rescue Plan Act (ARPA) funding in the amount of **\$400,000** to the **City of Lowell** to perform the work detailed in the submitted application, and
- WHEREAS,** the **City of Lowell** intends to perform said project in accordance with the agreed scope of work,

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

That the **City of Lowell** does hereby accept the ARPA Grant offer of **\$400,000**

That the **City of Lowell** does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That Mayor Sandy Railey and City Manager Scott Attaway, the **Authorized Officials**, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 12th day of December 2023 at **City of Lowell**, North Carolina.

✓

Sandy Railey, Mayor

ATTEST:

✓

Cheryl Ramsey, City Clerk



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Consideration of Grant Project Ordinance for LWCF Grant

Meeting	Agenda Group	
Tuesday, December 12, 2023, 6:00 PM	Unfinished Business	Item: 5B
Reference File	Presented By	

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Consideration of Grant Project Ordinance for LWCF Grant

This item was left out of the December 4, 2023 Special Council meeting in error. Please see the attached for your consideration.

Attachments

Grant-Project-Ordinance-LWCF Grant.pdf

Grant Project Ordinance for the City of Lowell LWCF Grant

BE IT ORDAINED by the City Council of the City of Lowell, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the LWCF Grant. The City of Lowell (City) will receive funds in the amount of \$500,000.00.

Section 2: The following amounts are appropriated for the expenses of the project:

<u>Lowell Harold Rankin Park Improvements</u>	<u>\$500,000.00</u>
TOTAL	\$500,000.00

Section 3: The following revenues are anticipated to be available to complete the project:

<u>LWCF Grant Funds:</u>	<u>\$500,000.00</u>
TOTAL	\$500,000.00

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the City's Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to City Council.

Section 7: This grant project ordinance expires on September 30, 2026, or when all the LWCF funds have been obligated and expended by the Town, whichever occurs sooner.

Adopted this 12th day of December, 2023.

Sandy Railey, Mayor

Attest:

Attest As To Form:

Cheryl Ramsey, City Clerk

John Russell., City Attorney



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Selection of Mayor Pro-Tempore

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	New Business Item: 6B
Reference File	Presented By

To: Lowell Mayor and City Council
From: Scott Attaway, City Manager
Date: 12-8-2023
Re: Selection of Mayor Pro-Tempore

Please select a Mayor Pro-Tempore to serve on the City Council and per the City of Lowell Charter and Lowell Rules of Procedure.



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Appointment of Council Delegate to Centralina COG

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	New Business Item: 6C
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Appointment of Council Delegate to Centralina COG

Please appoint a delegate to the Centralina Council of Governments (COG) and a backup delegate.



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Appointment of Council Delegate to GCLMPO Board

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	New Business Item: 6D
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Appointment of Council Delegate to GCLMPO Board

Please appoint a City Council member to serve as the delegate for the Gaston-Cleveland-Lincoln-Mecklenburg Metropolitan Planning Organization.



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Appointment of Council Delegate to Lowell Community Committee

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	New Business Item: 6E
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Appointment of Council Delegate to Lowell Community Committee

Please appoint a delegate from the City Council to the Lowell Community Committee (LCC).



City of Lowell

101 W First Street, Lowell, NC 28098

2024 COUNCIL MEETING DATES

January 9, 2024	July 9, 2024
February 13, 2024	August 13, 2024
March 12, 2024	September 10, 2024
April 9, 2024	October 8, 2024
May 14, 2024	November 12, 2024
June 11, 2024	December 10, 2024

2024 HOLIDAY CLOSINGS

New Year's Day.....	Monday, January 1, 2024
Martin Luther King, Jr. Birthday	Monday, January 15, 2024
Good Friday	Friday, March 29, 2024
Memorial Day	Monday, May 27, 2024
Independence Day	Thursday, July 4, 2024
Labor Day	Monday, September 2, 2024
Veteran's Day	Monday, November 11, 2024
Thanksgiving	Thursday/Friday, November 28/29, 2024
Christmas.....	Tuesday/Wednesday/Thursday, December 24/25/26, 2024
New Year's Day	Wednesday, January 1, 2025



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Discussion of Budget Retreats for FY 25

Meeting	Agenda Group
Tuesday, December 12, 2023, 6:00 PM	New Business Item: 6G
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 12-8-2023

Re: Discussion of Budget Retreats for FY 2025

Please see below, options for the two different budget retreat meeting options with facilitator, Centralina Executive Director, Geraldine Gardner. I have penciled in January 29th and February 27th on the FY 25 Budget Calendar.

Session 1 options:

1/29

1/30

2/5

Session 2 options:

2/19

2/27

2/28

3/1

PROPOSED

Budget Calendar FY 2024-25



January	<ul style="list-style-type: none">▪ Manager and Department Heads meet to formulate goals by department to accomplish for the upcoming fiscal year.▪ Department Capital Budget Requests Due to Manager▪ January 29 – City Council Planning Retreat
February	<ul style="list-style-type: none">▪ Prepare Revenue Projections and Baseline Budget▪ February 16 – Department Budget Requests Due to Manager▪ February 27 – City Council Planning Retreat
March	<ul style="list-style-type: none">▪ March 19 – City Council Work Session
April	<ul style="list-style-type: none">▪ April 16 – Optional work session if needed
May	<ul style="list-style-type: none">▪ May 14 – Manager to present balanced budget to City Council and make available for public inspection
June	<ul style="list-style-type: none">▪ June 11 – Public Hearing for 2024-25 Budget (Possible Adoption)▪ June 18 – Special Meeting to adopt budget if not adopted at the June 11th regular meeting