

Minutes for the Regular City Council Meeting meeting
101 W. First Street, Lowell, North Carolina, 28098.
July 11th, 2023, 6:00 PM - July 11th, 2023, 7:20 PM

Roll Call: (The following members were in attendance)

Candy Funderburk, Councilmember

Thomas Gillespie, Councilmember

Sandy Railey, Mayor

JoAnna Fulbright, Councilmember

1. General

1A. Call To Order - 6:00 PM

Mayor Railey called the meeting to order at 6:00 p.m. Those attending in-person were Councilmembers Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright. Mayor Pro Temp Smith and Councilmember Bonham were absent. City staff present were City Manager Scott Attaway, City Attorney John Russell, Planning Director Joe Gates; Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, Parks and Recreation Director Cristy Cummings, GIS Analyst Todd Stroupe, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. Members of the public were also present.

1B. Invocation / Pledge of Allegiance - 6:01 PM

Invocation/Pledge of Allegiance was lead by Councilmember Gillespie.

1C. Adoption of Agenda for this Meeting - 6:02 PM

Councilmember Fulbright made a motion to accept the agenda, seconded by Councilmember Gillespie. The vote was unanimously in favor.

1D. Public Comments - 6:03 PM

There were no public comments

2. Approval of Minutes

2A. Approval of January 26, 2023 Budget Retreat Minutes - 6:03 PM

Councilmember Fulbright made a motion to accept the minutes, seconded by Councilmember Gillespie. The vote was unanimously in favor.

2B. Approval of February 10, 2023 Budget Retreat Minutes - 6:03 PM

Councilmember Fulbright made a motion to accept the minutes, seconded by Councilmember Gillespie. The vote was unanimously in favor.

2C. Approval of Minutes 6-13-2023 - 6:03 PM

Councilmember Fulbright made a motion to accept the minutes, seconded by Councilmember Gillespie. The vote was unanimously in favor.

3. Special Presentation

3A. Swearing in Ceremony for Police Officer Luke Murphy - 6:04 PM

Chief Moore presented the newest Police Officer, Luke Murphy, to the City of Lowell. Officer Murphy was then given the Oath of Office by the City Clerk, Cheryl Ramsey.

4. Consent Agenda

4A. Consent Agenda - 6:07 PM

4B. Finance Report - 6:07 PM

4C. Customer Service and Billing Report - 6:07 PM

4D. Parks and Recreation Report - 6:07 PM

4E. Public Works Report - 6:07 PM

4F. Police Report - 6:07 PM

4G. Planning Report - 6:07 PM

4H. GIS Report - 6:07 PM

5. Unfinished Business

5A. Public Hearing - Lowell Development Ordinance Text Amendment - 6:10 PM

Request to amend Section 8.4-10 (E), Industrial District (IND), General Standards and Specifications to reduce the Corner Lot Side Street setback.

Councilmember Funderburk made a motion to enter into Public Hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor.

Joe Gates presented to discuss a text amendment of the Lowell Development Ordinance (LDO) ZTA23-04 in a request to reduce the corner lot side street setback in the Industrial District. On June 6, 2023, the Planning Board voted unanimously in favor of this proposed text. The amendment was advertised by staff in compliance with the LDO and State requirements. He stated this is a staff initiated request after reviewing the code to ensure what was originally adopted is still acceptable for developers. Staff initiated the request to maximize land utilization, improve accessibility, optimize infrastructure, encourage infill and new development, increase development potential and encourage job creation and economic growth. The proposed amendment is to reduce the corner lot size street setback from 80 feet to 40 feet.

Councilmember Funderburk asked if this would be city-wide? Mr. Gates said yes, for the entire Industrial zoning district. With no further questions from council or members of the public, Councilmember Funderburk made a motion to close the public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Funderburk then made a motion to approve Lowell Development text amendment ZTA23-04 consistent with the comprehensive plan, seconded by Councilmember Fulbright. The vote was unanimously in favor.

6. New Business

6A. Selection of Erosion and Sedimentation Control Contractor for 1602 N. Main Street Demolition Project - 6:18 PM

Presented by Scott Attaway. He stated that LaBella Engineering assisted the City with creating an Erosion Control Plan for the the city owned property at 1602 N. Main St. This plan was approved by NCDEQ and the city solicited several companies to bid proposals to install sediment and erosion control measures. He stated it was intended to bring the awarding bid to council last month, but there were not enough qualified bidders. Trifecta Services Company, who is also doing the demolition, provided a bid of \$496,577.87 which is within our engineer's estimate and staff recommends proceeding with Trifecta Services. Mr. Attaway noted that the agenda packet has the final itemized quantities and unit pricing for material that will have to be used provided by the engineers for councilmembers to review. Also in the packet is a Recommendation of Award from LaBella stating that this [bid amount] is in line with what they have anticipated this to cost along with their engineering costs. The City would pay this with the SCIF grant received from the State. Councilmember Funderburk asked if there has been a date set for the demolition? Mr. Attaway said we are looking to sign the latest revised contract this week. She then asked how long will it take? Mr. Attaway said they will be meeting with them and the State and will share with Councilmembers when he has an update. He listed September 1 as the start date when he updated the SCIF grant. With no other questions, Councilmember Gillespie made a motion to award the bid to Trifecta Company for the Erosion and Sedimentation Control contractor for 1602 N. Main Street for the demolition project. It was seconded by Councilmember Funderburk. The vote was unanimously in favor.

Councilmember Funderburk asked if there has been a name for this area yet? Mr. Attaway said we can bring in someone to assist in that or get the citizens involved. Councilmember Funderburk thinks it would be nice if the citizens were involved. Councilmember Fulbright agreed, maybe with a competition where people submit names and they [Council] vote on

it. Mr. Attaway said our Lead for NC Fellows starts in August and that is a project we can get her, Emiyah, to work on.

6B. To Move the August 8, 2023 Meeting to August 15, 2023 - 6:23 PM

Councilmember Fulbright made a motion that we move next months meeting from August 8th to August 15th, seconded by Councilmember Funderburk. The vote was unanimously in favor.

6C. Preliminary Capacity Assurance Review (PCAR) Application - Spencer Ridge Subdivision - 6:24 PM

File # PCAR2023-03 Spencer Ridge (former Pulte Homes project): Applicant is seeking Preliminary Capacity Assurance Review for their proposed subdivision.

Presented by Joe Gates. He stated they have received a request for the Preliminary Capacity Assurance Review (PCAR) for the Spencer Ridge subdivision, formally known as Pulte or Spencer Mountain Project. On July 6, 2023, the Planning and Zoning Board voted unanimously to recommend approval of the application to City Council. The request comes from Lennar Carolinas, LLC to extend City of Lowell water and sewer from its existing location in Lowell Spencer Mountain Road located north of George Poston Park. The property is currently SFR-4 conditional zoned and in 2022, council approved the development of 422 single family home lots on approximately 223 acres, They have reduced the homes to 407 and expecting to use 97,440 gallons in wastewater per day and 162,400 gallons of water per day. The agenda packet includes the application and a letters from our engineers LaBella Associates and the Public Works Director informing the city that Lowell has the capacity to handle these amounts and are in support of this proposed project. He said we look at our capacities monthly to see how much flow is going through the wastewater treatment plant to ensure this.

Councilmember Funderburk asked if they [Lennar Carolinas] are paying for everything, like construction, for the development. Mr. Gates said yes. He said for the size of the project, the development agreement is a legal binding agreement to tie down other aspects of the agreement. Councilmember Gillespie asked if this company will be doing the same thing that Pulte was supposed to do. Mr. Gates said yes, they have the same requirements. Councilmember Fulbright asked since we are doing these homes and scheduled to do more, how far away are we from where the city would be in a problematic area [for capacity]. Mr. Gates said we look at the gallons per day as opposed to the number of homes. As of today, we are at 29% capacity and we have room to grow. The magic number is 80%. Mr. Attaway added the 80% threshold is when the State says the city begin engineering and make plans for expanding or regionalizing to another authority. We have a grant for that, where we have turned in the budget and scope for that project to engineer plans to do the regionalization. Beginning August 1, we will be sending documentation to

DEQ. Again, we get a monthly eDMR (Electronic Discharge Monitoring Report) report to see how much is going through the plant and monitor our usage. We used the CDBG-I grant on the westside of town to assist in patching lines up. We have looked at the homes flows and projects to ensure there are no strains on our system. At 90% you have to begin construction on the capacity projects. He will discuss an update on a grant applied for later in the meeting.

With no further questions, Councilmember Fulbright made a motion that we accept this Spencer Ridge subdivision PCAR application, seconded by Councilmember Gillespie. The vote was unanimously in favor.

6D. Preliminary Capacity Assurance Review (PCAR) Application - Willow Creek Meadows Subdivision

- 6:37 PM

File # PCAR2023-04 Willow Creek Meadows (former Lowell Townhome project) : Applicant is seeking a Preliminary Capacity Assurance Review for their proposed subdivision.

Presented by Joe Gates. Scott Attaway began and stated this is a similar scenario as the previous agenda item. He mentioned that the capacity estimate for water is 71,600 gallons per day (GPD) and sewer is 32,220 GPD. Two Rivers was consulted as this flow will go to the Fair Street metering location on the sewer side and they have stated they have the capability to accept the additional sewer volume for the proposed project. This is a request to extend City of Lowell water and sewer from its existing location in Groves Street and Ford Drive into their proposed development known as Willow Creek Meadows. Joe Gates suggested council review the engineer's [LaBella] letter where they stated based on current water and sewer system capacities, flow projections for known proposed connections and planned Capital Improvements, the City of Lowell appears to have water and sewer capacity to serve the proposed project. With no questions or comments, Councilmember Funderburk made a motion to approve Willow Creek Meadows subdivision File # PCAR2023-24, seconded by Councilmember Fulbright. The vote was unanimously in favor.

6E. Selection of On-Call Engineer(s) and Architect(s) - 6:40 PM

Presented by Scott Attaway. Staff advertised Request for Qualifications (RFQ) for On-Call Engineers and Architectural Design Services on June 6, 2023 that were due to the city on July 7, 2023. It is for a three year contract. One of the reasons why city staff felt the need to have this contract in place is because we didn't know where we stood with the previous on-call contract that was put into place before he began working for the City. He was unable to find documentation denoting when or how that contract was procured. In hiring architects or engineering firms for projects funded by federal or state grants, they need to make sure it was procured correctly. This was advertised in the Gazette, on the HUB site, the IPS site, the City Website, and in the City Hall lobby. On June 28th, we published an

addendum #1 on the city website answering any questions received from interested consultant firms.

Mr. Attaway then had councilmembers view a spreadsheet of a scoring matrix with engineers firms recommended for approval are highlighted in yellow (see attached). They may also have architectural services within their organization. Seven areas were listed for the firms to consider in their bids where they could elect to submit one or multiple categories in a single statement of Qualifications: 1. Public Water Distribution, 2. Sanitary Sewer Collections, 3. Transportation, 4. Water Resources, 5. Administrative, 6. Funding (grant applications), and 7. Facility Design. Mr. Attaway then went into more detail about the matrix formed to help decide the firms that were awarded the bid.

Councilmember Funderburk asked if it costs the city to have a three year contract. Mr. Attaway said no. We would engage with these firms and choose one of them from every time we have a project. We would generate a letter for the type of work we want them to participate in. They would accept it, sign it and send back a fee schedule of what that would cost. Councilmember Funderburk then asked if there were any specific grants they would be helping with? Mr. Attaway said there isn't anything specific yet but just from recent history, we've applied for about a million dollars for Parks and Recreation funding so we can use one of these consultants for that. We applied for the \$400,000 sewer grant which we did receive and also the construction grant, which looks like they will work with us on that with a revolving loan. He will touch on that more in the Manager comments. There is no fiscal impact unless you select them [Engineering or Architectural firms] for a project.

Councilmember Gillespie noted that WithersRavenel, LaBella, and McGill all have the same rating. He asked how will the different companies be selected if they have the same rating? Mr. Attaway said staff (four staff and the City Attorney) is recommending that the city approves everyone in yellow and gray [on the spreadsheet]. He also stated there are six metrics into how each company was scored. Councilmember Fulbright asked for confirmation that we will be signing a three year contract with everyone in yellow? Mr. Attaway said yes, yellow or gray. She added that we will go to the list and select out of the yellow or gray for the company with the most expertise, correct? Mr. Attaway said yes, this whole process is based on who is the most qualified. With no further questions, Councilmember Gillespie made a motion based on the City staff recommendations that we choose those listed in yellow and grey, which will be LaBella, Withers Ravenel, McGill, Creech, Gavel and Dorn, Land Design, Gensler, LBJ Engineering, and C Design. It was seconded by Councilmember Funderburk. The vote was unanimously in favor.

7. Reports / Discussions

7A. City Manager Report - 6:49 PM

Presented by Scott Attaway:

1. Demolition Contract update - Looking to sign a contract this week or maybe next week and get started out there no later than September 1.
2. Banking update - Lisa Nolen is working to transition the city to First Horizon. Some accounts are already open and she will be working on a few more. They had a meeting with their leadership team and feel really good about the move for the city.
3. Sewer Spill - There was one on one of the aerial sewer lines adjacent to the South Fork River. He got a call from Thomas [Shrewsbury] late on June 26. Subcontractors, Pioneer Utilities, were called in to help make repairs. The City of Dallas and Two Rivers were also called for parts to help make the repair. Two Rivers did some testing to make sure the water was ok before the July 4th holiday. Will have to do more permanent repairs to the piers there that is holding up a pipe as it currently held in place temporarily.
4. Staffing update - We are going through interviews right now for some positions and working on job descriptions for others. We are receiving good qualified candidates for the positions.
5. Community Center update - we are looking to install cabinets next week, followed by flooring. Painting has been done and plumbers and electricians has been ensuring things are up to code. After the cabinets are done, then comes flooring and appliances. We hope to have that done by September 1st in order to start renting it out again. The exterior of the building is moving along as well with a hold up in the window orders and sashes because they are unique dimensions and they have to be made. Ceiling fans on the two porches are also being added.
6. Miscellaneous:
 - a. Travel and Tourism Board Creation - In approximately 2007, the General Assembly granted the City of Lowell to have a hotel occupancy tax. We have never had a hotel here so there has never been a pressing issue but we are seeing more and more houses come up as short term rentals or AirBnB's. Right now, they pay taxes like a hotel occupancy tax, which goes to the municipality and the county. Because we do not have a board set up, ours is going to the County. He is only aware of a couple houses in Lowell that have short term rentals at the moment but he believes that number is growing and becoming steadily

more occupied; therefore, the taxes need to be held by the city. He said we are working getting a set of by-laws together to bring to you to establish a travel and tourism board that will be a citizen appointed board and some other experts like someone from the Gaston County Tourism Center for example. He will have more updates in the next couple of months.

b. Received information yesterday from our engineers that helped up with the application for the \$7.9 million for the City of Lowell interconnection with Two Rivers utilities at the Waste Water Treatment Plant. They are approving a CWSRF loan to the city in this amount with a principle forgiveness of \$500,000. That is all the information he has on this right now and will let council know when he does. He said this is a step in the right direction. We have still requested from the State and Federal government assistance with that. He had a call with Senator Overcash last week and he said he is still working on that. The State budget hasn't been adopted yet but Senator Overcash did let him know that he had \$150,000 in discretionary funds that he was sending the City of Lowell now for the interior of the Community Center. We would be able to use the funds for the first floor.

7B. City Attorney Report - 6:56 PM

John Russell updated council on the CDBG-NR grant and the homes. He stated the City Clerk, Ms. Ramsey coordinated the three remaining closings on the CDBG grant individual home improvement loans. This was a grant that the city received about two and a half years ago to assist low income homeowners with repairs to their properties. They have to sign loan documentation that they will live in the home and not rent it out, pay taxes, and maintain the property. As long as continue to comply, the amount they received will decline over an eight year period. This result is home property values in the neighborhood would increase and the City would benefit in completing the project for the community. This is no cost to the city. WithersRavenel are the coordinators and the City Clerk has been working with the individual homeowners. The homes closings were all held last week. Councilmember Funderburk asked if he said they had to stay in the home for eight years. Mr. Russell said yes; however, if there is a death it can still continue if the there is a direct descendant that lives there and they qualify by virtue of income with the program.

7C. Mayor and City Council General Discussion - 6:58 PM

1. Councilmember Funderburk - She said she briefly spoke with Mr. Attaway about Duke Power and them replacing the power poles all the way down McAdenville Rd and she didn't know if he had time to look into, instead of keeping the banners, which look great, she is suggesting keeping those for the holiday season and put up Christmas

banners. She thinks we could look at that again since the replacement cost was \$5,000 per pole but now we can look at that again and put a nice big banner. She is thinking we could do that now since Christmas will be here in a couple months. Mr. Attaway believes she is correct and it appears we have the correct height correct that we did not have on the shorter poles. He said Thomas Shrewsbury is looking into that with our electrician and checking the height situation too. She also asked if we had an update on Sam Mitchem's flag. Mr. Attaway said we still don't have all the correct dates.

2. Councilmember Gillespie thanked the Mayor, current council along with former members, Ken Ervin and Shane Robinson for working on getting that old Crompton and Knowles building demolished. He said it's taken a while but sometimes life is not a sprint but a marathon. He thanked Scott and this council for that marathon. He thinks the citizens will be really happy with the result of this area. He also added that the corner of S Main St and Kenworth Ave needs to work on the extreme over growth and looks bad. If Lowell, at exit 22, is going to be a gateway, then we really need to back up what we say. Lastly, he mentioned to Mr. Shrewsbury that at around 200 S. Main St, a sidewalk has a high incline and needs to be recemented or repaired as it is a trip hazard.
3. Mayor Railey stated that the new logo signs entering the city looks really good and looks cleaner. She also thanked everyone for coming out tonight and offering their input.

Mayor Railey suggested a 5 minute break before closed session. Councilmember Funderburk made a motion to have a five minute break, seconded by Councilmember Fulbright. The vote was unanimously in favor. The break began at 7:04 and councilmembers reconvened at 7:12pm.

8. Closed Session

8A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5) - 7:12 PM

Councilmember Fulbright made a motion to go into closed session to discuss the acquisition of Real Property pursuant to NCGS 143-318.11(a)(5), seconded by Councilmember Funderburk. The vote was unanimously in favor.

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

9. Adjournment

9A. Meeting Adjournment - 7:20 PM

Councilmember Funderburk made a motion to adjourn, seconded by Councilmember Gillespie. The meeting adjourned at 7:38pm.

ATTEST:



Cheryl Ramsey, City Clerk



Sandy Railey, Mayor

Firm	Category	Architectural Design	Related Project Experience (30%)	Project Staff Experience (20%)	Methodology- Understanding And Approach to the Project (15%)	Accessibility of Key Individuals that will be assigned to the Projects (20%)	Availability and Interest in Providing Services (10%)	References (5%)		Total (100%)
LaBella	ALL	Yes	30	20	15	20	10	5		100
Withers Ravenel	ALL	Yes	30	20	15	20	10	5		100
McGill	ALL	Yes	30	20	15	20	10	5		100
Creech	Facility Design	Yes	30	16	15	20	10	5		96
LandDesign	Transportation	Yes	30	20	15	20	10	5		100
Gavel and Dorn	Public water, sewer, water resources, admin, facility design	No	30	20	15	20	10	5		100
Gensler	Facility Design	Yes	30	20	15	20	10	5		100
UB Engineering	Public Water, Transportation, Water Resources, Admin, Funding	No	30	20	15	20	10	5		100
KCI	All except Facilities	No	30	20	15	20	10	5		100
C Design	Facility Design	Yes	30	16	14	20	10	5		95
Wooten	ALL	Yes	30	20	10	20	10	3		93
Stewart Cooper Newell	ALL	Yes	30	20	9	20	8	5		92
Thrasher Group	6 (no Facility Design)	No	30	20	12	16	10	5		93
BCSC	Transportation & Water Resources	No	30	20	15	16	8	5		94
Wetherill Engineering	Public Water, Sewer, Transportation, Water Resources	No	30	20	15	16	8	5		94

Engineering Firms Recommended for Approval (may also have architecture services)

Architectural/Design Firms Recommended for Approval

Decision Matrix Completed on 7/11/23