

**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 Ralley, Mayor  
Phil Bonham, Councilmember  
JoAnna Fulbright, Councilmember  
Candy Funderburk, Councilmember  
Thomas Gillespie, Councilmember  
Travis Smith, Mayor Pro-Tem

**1. General**

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**1A. Call To Order-** 6:00 PM

Mayor Sandy Ralley 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**

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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 Smlth 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**

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**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**

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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**

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**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 change 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**

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**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 Ralley

**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 Ralley

**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 Travls Smith with a passing result 5-0-1-0 Abstained by Sandy Ralley

**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 Travls Smith and seconded by Candy Funderburk with a passing result 5-0-1-0 Abstained by Sandy Ralley

**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 Travls Smith and seconded by Phil Bonham with a passing result 5-0-1-0 Abstained by Sandy Ralley

*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 Ralley  
*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 Ralley  
*To approve Task Order #2.*

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**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**

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### **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**


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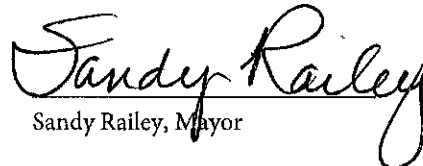
**9A. Meeting Adjournment- 9:20 PM**

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

ATTEST:

  
Cheryl Ramsey, City Clerk

  
Sandy Railey, Mayor



City of Lowell  
101 W. 1<sup>st</sup> Street  
Lowell, North Carolina 28098

Phone: 704-824-3518  
[www.lowellinc.com](http://www.lowellinc.com)

## Agenda Revisions

- **To Remove Item 5B**
- **To Add Item 2C:** March 3, 2023 Special Meeting Minutes
- **To Add Item 6L:** Task Authorization - Task Order #02  
LaBella Project Number - Former Yorkshire America Site Demolition  
Phase: Extended Construction Administration/Construction Observation  
(CA/CO)



**PROCLAMATION DECLARING NOVEMBER 15, 2023 AS  
SANDY RAILEY DAY  
IN LOWELL, NORTH CAROLINA  
PR 08-2023**

**WHEREAS**, Sandy Railey will leave service to the City of Lowell on December 12, 2023 after eight years as Mayor and;

**WHEREAS**, Sandy was born in Surry County on February, 17 1957, and grew up in a household with two sisters. During her youth she worked picking tobacco in the fields of Surry County and playing country music with her sisters, Pam and Gina Hiatt, her father, Melvin Radford Hiatt, and mother Sue Hiatt.

**WHEREAS**, after moving to Lowell in 1975, Sandy continued careers in the hospitality industry, fire safety and equipment industry, owned and operated Elk Creek Candle in Downtown Lowell, and retired as the Financial Secretary from Unity Baptist Church in 2023;

**WHEREAS**, Sandy served six years on the City of Lowell Planning Board with one year as Chairperson as well as multiple years on the Master Planning Committee to help implement growth and positive change to the city;

**WHEREAS**, in 2015 Sandy ran for and became the Mayor of Lowell and served three consecutive terms and;

**WHEREAS**, as Mayor, Sandy was active with the Centralina Council of Governments, the Montcross Chamber of Commerce, the Downtown Merchants Association, and the Lowell Womens Club and;

**WHEREAS**, Sandy was a diligent promoter of the City as an area with great opportunity for a promising future, and she was a strong champion for economic development opportunities and;

**WHEREAS**, Sandy's mayoral tenure saw the creation of the Gateway 85 Industrial Park, the demolition of the former Crompton and Knowles Dye Plant, Purchasing of the



former Salvation Army Boys and Girls Club for the first city-owned indoor recreation Facility, and secured a long-term lease agreement between the City and McCord Family Park, the opening of notable businesses including Washington Alloy, Fryeday Coffee Roasters, Courage Kia, Tindol Subaru, Newell Brands, Groovy Beast Restaurant, Miami Fusion, and others and;

**WHEREAS**, Sandy's career has been long and fruitful, and her leadership honorable. Her work for the people of the City of Lowell personifies the spirit of public service and is worthy of recognition.

**NOW, THEREFORE, BE IT RESOLVED**, that I, John A. Torbett, member of the North Carolina House of Representatives District 108, on behalf of the City Council of the City of Lowell, past and present, do hereby proclaim November 15, 2023 as

**Sandy Railey Day**

in the City of Lowell and commend its observance to all residents.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a copy of this proclamation, suitably engrossed, be given to Sandy Railey, former Mayor of the City of Lowell.

**PROCLAIMED THIS** 14<sup>th</sup> day of November, 2023

The Honorable John A. Torbett, N.C. House of Representatives District 108





## DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES

### RESOLUTION #11-2023

WHEREAS, this declaration of official intent is made pursuant to Treasury Regulations Section 1.150-2, or any successor or substitute Regulations which may be promulgated hereafter, to expressly declare the City of Lowell's intention to reimburse itself for certain expenditures heretofore paid or to be paid by the City of Lowell, such reimbursement to be made with the proceeds of debt to be incurred by the City of Lowell.

WHEREAS, the City of Lowell has advanced and/or will advance its own funds to pay certain capital costs (the "Original Expenditures") relating to the purchase of property located at 201 North Main Street, Lowell, NC 28098, and the purchase of property at 715 North Main Street for future development projects. (together, the "Project").

WHEREAS, the funds heretofore advanced or to be advanced by the City of Lowell to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the City of Lowell to permanently finance the Original Expenditures.

WHEREAS, as of the date hereof, the City of Lowell reasonably expects that it will reimburse itself for such Original Expenditures with the proceeds of debt to be incurred by the City of Lowell, and the maximum principal amount of debt to be issued with respect to the Project is expected to be \$787,918.50.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council, upon recommendation of the City Manager, do hereby approve Resolution #11-2023.

Adopted this 14th day of November 2023.

ATTEST:

  
Cheryl Ramsey, City Clerk

  
Sandy Railey, Mayor



**RESOLUTION APPROVING FINAL CONTRACT FOR PURCHASE OF REAL PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HUD DOCUMENT / SETTLEMENT STATEMENT AND ALL RELEVANT CLOSING DOCUMENTS RELATING TO THE PARCEL LOCATED AT 715 N. MAIN STREET, LOWELL, NC**

**RESOLUTION #12-2023**

WHEREAS, the City of Lowell seeks to purchase and sign all relevant closing documents for the property located at 715 N. Main Street, Lowell NC and having Gaston County parcel ID number of 127529; and;

WHEREAS, the City of Lowell desires to expand its recreational facilities to provide opportunities and programming for its citizens, and the Council has determined that the property and improvements at the above referenced location meet the goals and needs of the citizens and provides opportunities for activities and future growth not currently existing within the City; and

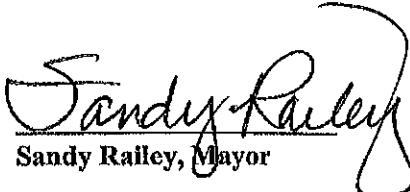
WHEREAS, the City Council has authorized and directed the City Manager and the City's real estate consultant to negotiate a contract for the purchase of the above referenced property, together with all improvements situated thereon, for the price of \$500,000 and all reasonably related closing costs and necessary broker commissions; and

WHEREAS, the City has reviewed the Contract executed at its direction and hereby desires to approve the same and direct and authorize the City Manager and/or City Clerk to sign the HUD document and/or settlement statement, and all other relevant closing documents, so that the purchase can proceed to closing.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council, upon recommendation of the City Manager, do hereby approve the execution of the contract to purchase property, and;

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the HUD documents, settlement statement, and all other relevant documents necessary to effectuate the transaction on behalf of the City of Lowell.

Adopted this 14th day of November 2023.

  
Sandy Railey, Mayor

ATTEST:



A handwritten signature in cursive script, appearing to read "Cheryl Bamsby", is written over a horizontal line.

Cheryl Bamsby, City Clerk



**RESOLUTION APPROVING FINAL CONTRACT FOR PURCHASE OF REAL PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE HUD DOCUMENT / SETTLEMENT STATEMENT AND ALL RELEVANT CLOSING DOCUMENTS RELATING TO THE PARCEL OF .13 ACRES AT 100 BLOCK OF N. MAIN STREET, LOWELL, NC**

**RESOLUTION #13-2023**

WHEREAS, the City of Lowell seeks to purchase and sign all relevant closing documents for a certain property of .13 acres, more or less, located at the 100 Block of N. Main Street, Lowell NC and having Gaston County parcel ID number of 127904; and;

WHEREAS, the City of Lowell desires to expand its downtown parking facilities in order to benefit the citizens of Lowell and enrich the City's downtown business district, the property referenced above is currently leased by the City for use as a downtown parking lot, and the Council for the City of Lowell has determined that this property further meets the goals and needs of the citizens and the City in providing need and future parking to benefit the citizens and downtown business district; and

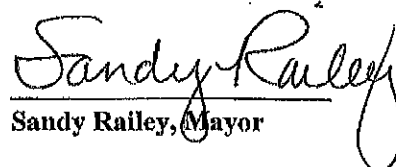
WHEREAS, the City Council has authorized and directed the City Manager and the City's real estate consultant to negotiate a contract for the purchase of the above referenced property for the price of \$75,000 and all reasonably related closing costs and necessary broker commissions; and

WHEREAS, the City Council has reviewed the Contract executed at its direction and hereby desires to approve the same and direct and authorize the City Manager and/or City Clerk to sign the HUD document and/or settlement statement, and all other relevant closing documents, so that the purchase can proceed to closing.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council, upon recommendation of the City Manager, do hereby approve the execution of the contract to purchase property, and;

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the HUD documents, settlement statement, and all other relevant documents necessary to effectuate the transaction on behalf of the City of Lowell.

Adopted this 14th day of November 2023.

  
Sandy Railey, Mayor



ATTEST:

A handwritten signature in cursive script, appearing to read "Cheryl Ramsey", is written over a horizontal line.

Cheryl Ramsey, City Clerk

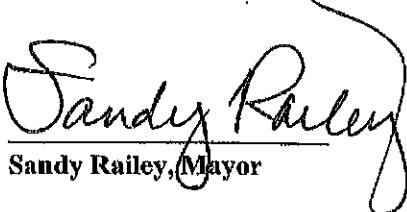


**RESOLUTION #14-2023 OF THE CITY OF LOWELL CITY COUNCIL TO RETAIN CRANFILL SUMNER LLP; MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, LLC; AND NAPOLI SHKOLNK, PLLC AS SPECIAL COUNSEL**

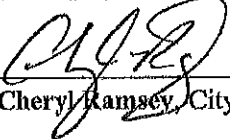
WHEREAS, the City desires to appoint and employ the attorneys at the law firms of Cranfill Sumner LLP; Milberg Coleman Bryson Phillips Grossman, LLC; and Napoli Shkolnk, PLLC as special counsel for the City for the purpose of investigating and litigating the City's potential claims for injuries and/or property damages arising out of emerging hazardous contaminants including, but not limited to, per- and polyfluoroalkyl and related substances (PFAS/PFOA), 1,4 Dioxane, and micro-plastics (the "Claims"), including representation in connection with the Aqueous Film-Forming Foams (AFFF) Products Liability Litigation MDL No. 2873 pending in the United States District Court, District of South Carolina, now, therefore be it:

RESOLVED, that the City Council hereby appoint and employ the law firms of Cranfill Sumner LLP; Milberg Coleman Bryson Phillips Grossman, LLC; and Napoli Shkolnk, PLLC as special counsel to investigate and litigate the Claims on the terms and conditions of the Retainer Agreement attached hereto as "Exhibit A," and that the City Manager is fully authorized to execute the Retainer Agreement on behalf of the City.

Adopted this the 14<sup>th</sup> day of November, 2023.

  
Sandy Railey, Mayor

ATTEST:

  
Cheryl Ramsey, City Clerk

**City Of Lowell  
Budget Amendment #8  
Budget Ordinance FY 23-24**

**BE IT ORDAINED** by the City Council of the City of Lowell, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

**Section 1:** To amend the General Fund balance to be changed as follows:

<b>General Fund: Fund Balance:</b>	<b><u>Decrease</u></b>	<b><u>Increase</u></b>
10-3990-0000 Fund Balance Appropriated	\$1,900.00	

This will result in a decrease of \$1,900.00 in the General Fund Balance Appropriated.

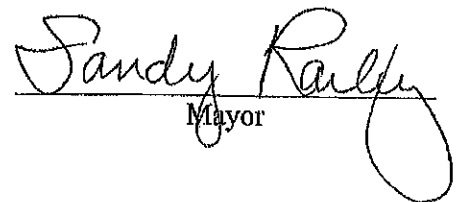
**Section 2:** To amend the General Fund, the appropriations are to be changed as follows:

<b>General Fund: Expenses:</b>	<b><u>Decrease</u></b>	<b><u>Increase</u></b>
10-5100-5800 Asset Forfeiture		\$1,900.00


This amendment will result in an increase of \$1,900.00 in the Public Safety appropriations for Asset Forfeiture in FY 23-24 from \$0 to \$1,900.00.

**Section 3:** Copies of this budget amendment shall be furnished to the Clerk of the City Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

**City Of Lowell  
Budget Amendment #9  
Budget Ordinance FY 23-24**

**BE IT ORDAINED** by the City Council of the City of Lowell, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

**Section 1:** To amend the General Fund, estimated revenues are to be changed as follows:

**General Fund:**

**Revenue:**

	<u>Decrease</u>	<u>Increase</u>
10-3360-0000 Donations Received		\$1,200.00

This will result in an increase of \$1,200.00 in the General Fund estimated revenues, bringing the revenues budgeted for FY 23-24 from \$5,006,773.93 to \$5,007,973.93.

**Section 2:** To amend the General Fund, the appropriations are to be changed as follows:

**General Fund:**


**Expenses:**

	<u>Decrease</u>	<u>Increase</u>
10-6120-3300 Parks & Rec. Supplies		\$1,200.00

This amendment will result in an increase of \$1,200.00 in the Parks & Rec. appropriations for Supplies in FY 23-24 from \$5,000.00 to \$6,200.00.

**Section 3:** Copies of this budget amendment shall be furnished to the Clerk of the City Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 14<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk



# Cheryl Ramsey

---

**From:** notify@proudcity.com  
**Sent:** Saturday, October 21, 2023 5:41 PM  
**To:** Cheryl Ramsey  
**Subject:** New submission from Committee or Board Application

## Application for Appointment / Re-Appointment to a Board/Committee for the City of Lowell, NC

### Applicant Name

Jerel Mackey

### Date of Application

10/21/2023

### Home Address

1102 N Main St  
Lowell, North Carolina 28098  
[Map It](#)

### Cell Phone (for City Hall use only)

8032351302

### Email Address

[jmackey83@gmail.com](mailto:jmackey83@gmail.com)

**In order to consider this application and provide balance and diversity to the various Boards/Committees, the City of Lowell requests that the following information be voluntarily provided:**

### Age

37

### Gender

Male

### Occupation

Truck Driver

### Do you reside within the City Limits of Lowell?

Yes

### Do you reside within the Lowell Extraterritorial Jurisdiction?

Yes

### Length of residence in Lowell (i.e. \_\_ years, \_\_ months)

1 year and 4 months

### Committee or Board Preference

### Which committees/boards are you interested in serving on?

- Lowell Community Committee

**Board/Committee Preference**

Lowell Community Committee

**Questionnaire**

**Why do you want to serve or continue to serve on this board/committee?**

I moved to Lowell in 2022 and I would like to learn more about our community and contribute to it's future growth and success.

**Why do you think you would be an asset to this board/committee?**

I have the initiative to work with other board members and the community. I'm willing to learn and participate as much as I can.

**What do you feel are your qualifications for serving on the board/committee requested?**

I'm not just a truck driver. I'm also a manager at my job. I manage 10 to 12 drivers. I have great communication skills.

**Ethics Guidelines**



agree to the Ethics Guidelines for City Committees/Boards.

If appointed or re-appointed, I pledge to comply with the following ethics guidelines for boards as adopted by the City of Lowell.

Members of boards shall not discuss, advocate, or vote on any matters in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board.

If the board believes he/she has conflict of interest, then the member should ask the board to be excused from voting. The board should then vote on the question on whether or not the excuse the member making the request. In cases where the individual member or the board establishes a conflict of interest, then the board member shall remove themselves from the voting area.

**Date**

10/21/2023

**Criminal Background Check**



understand that a criminal background check will be conducted on new committee members and reappointed members.



November 13, 2023

Scott Attaway, City Manager  
City of Lowell  
101 W First Street  
Lowell, NC 28098

**Subject:** Task Authorization - Task Order #02  
LaBella Project Number 2232988.01  
Former Yorkshire America Site Demolition Phase:  
Extended Construction Administration/Construction Observation (CA/CO)

Dear Scott:

LaBella Associates, P.C. (LaBella) is pleased to submit our proposal to the City of Lowell (City) for extended Construction Administration/Construction Observation (CA/CO) services for the extended demolition and demolition backfill/ESC contract period with Trifecta.

In summary, the Trifecta contracts as described in Task Order 1 is extending beyond the contract period and additional CA/CO services as described in Task Order 1 is needed for the extended period with an anticipated close-out date of January 12<sup>th</sup>, 2023.

**FEE:**

LaBella will perform the extended services described on a time and materials basis with a not-to-exceed fee, in accordance with the terms of our current On-Call Contract with the City. A summary of the not-to-exceed fees is as follows:

<b>TASK</b>	<b>FEE</b>
Construction Administration and Periodic Construction Inspections (CA/CO)	\$35,272
Reimbursable Expenses Allowance	<u>    \$550</u>
Total Not to Exceed	\$35,822

We appreciate the opportunity to work with you on the project and be of service to the City of Lowell. If this proposal is acceptable, please have an authorized agent sign and date below and return one copy to LaBella. Please contact me at 704-941-2112 if you have any questions on the proposal or require additional information.

If this proposal is acceptable, please sign and date below and return one copy to LaBella. Please contact me if you have any questions or require additional information.

Lowell - Task Order #2 - Extended CA/CO - Former Yorkshire America Site Demolition, Erosion & Sediment Control, Backfill/Grading

Date  
11/13/2023

Prepared by: LaBella Associates, P.C.

**Project Tasks**

	Principal	Project Manager	Senior Engineer	Sr. Engineering Technician/GIS Analyst	Design Engineer	Construction Inspector		Subcontract Fee	LaBella Total	Project Total Task Total
<b>Hourly Basis Fees</b>										
<b>Billing Rates</b>	\$185	\$180	\$170	\$115	\$110	\$87				
<b>Extended Contract Period Construction Administration and Periodic Construction Inspections (CA/CO)</b>										
Measure Quantities/Monitor progress pay apps		2.0	8.0		12.0	16.0			\$4,432.00	\$4,432.00
Admin/ Inspections		16.0	80.0		4.0	160.0			\$30,840.00	\$30,840.00
<b>Task Total</b>		<b>18.0</b>	<b>88.0</b>		<b>16.0</b>	<b>176.0</b>			<b>\$35,272.00</b>	<b>\$35,272.00</b>
<b>Reimbursable Expenses Allowance</b>		<b>\$100.00</b>	<b>\$150.00</b>			<b>\$300.00</b>			<b>\$550.00</b>	<b>\$550.00</b>
<b>Totals</b>									<b>\$550.00</b>	<b>\$35,822.00</b>