



City of Lowell Council Meeting Agenda

Tuesday, October 10, 2023, 6:00 PM
City Hall
101 W. First 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 9-12-2023

3: Special Presentation

- 3A. Proclamation 03-2023 In memory of Sam Mitchem

4: Consent Agenda

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

5: Unfinished Business

- 5A. Public Hearing - Economic Development Grant Agreement - Project Seattle
Consider approval of an Economic Development Grant Agreement, pursuant to North Carolina General Statute 158-7.1 and 160D-1001.
- 5B. Public Hearing - Social District
Amending Chapters 97 and 130 of the Lowell Code of Ordinances.

6: New Business

- 6A. Discussion and Consideration of Change Order 001 and 002 for the Demolition Project at 1602 N. Main Street
- 6B. Amendment to Lowell Code of Ordinances - Brunch Bill
Proposal of a new section to Chapter 130 General Offenses to regulate the sale of Alcoholic Beverages on Sundays.
- 6C. Discussion of Amendment to Traffic Calming Policy
Presented Jeff Harrison, Assistant
By: Police Chief
- 6D. Budget Amendment #5
- 6E. Budget Amendment #6
- 6F. Resolution #07-2023
- 6G. Budget Amendment #7
- 6H. Consideration of Approval of City of Lowell Task Order with Withers Ravenel/ DWI Project No.: SRP-W-ARP-0301 / American Rescue Plan Act (ARPA) / Pre-Construction Planning Grant (PCPG)
- 6I. Centralina Regional Council Statement of Work Amendment for approval

7: Reports / Discussions

- 7A. City Manager Report
- 7B. City Attorney Report
- 7C. Mayor and City Council General Discussion

8: Closed Session

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

9: Adjournment

- 9A. Meeting Adjournment

Date Posted: October 6, 2023

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

Minutes for the Regular City Council Meeting meeting

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

September 12, 2023, 6:00 PM - September 12, 2023, 7:15 PM

Roll Call: (The following members were in attendance)

Cheryl Ramsey, City Clerk

Sandy Railey, Mayor

Podium, Support

Scott Attaway, City Manager

Phil Bonham, Councilmember

JoAnna Fulbright, Councilmember

Candy Funderburk, Councilmember

Thomas Gillespie, Councilmember

John Russell, Jr, City Attorney

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 Carl Moore, Police Assistant Chief Jeff Harrison, GIS Analyst Todd Stroupe, Stormwater Administrator Jamie Watkins, Finance Director Lisa Nolen, City Planner Joe Gates, 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 present.

1B. Invocation / Pledge of Allegiance - 6:00 PM

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

1C. Adoption of Agenda for this Meeting - 6:01 PM

Mayor Railey asked for a motion to adopt this meeting, Mr. Attaway asked to add section 6K to set a Public Hearing for consideration of Economic Development Grant for Project Seattle.

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

Councilmember Funderburk made a motion to approve the adoption of the meeting and adding 6K to set a public hearing for the consideration of Economic Development Grant for Project Seattle at the October 10, 2023 City Council meeting at 6:00pm. It was seconded by Mayor Pro Temp Smith and the vote was unanimously in favor.

1D. Public Comments - 6:03 PM

1. Larry Simonds of 1603 Power Dr., Lowell, NC - He stated he is a candidate for Mayor for the City of Lowell. He then complained about the taxes and that council is not looking out for its citizens. He said Lowell doesn't have anything, but keeps buying property like the Boys and Girls Club, the Methodist Church yet we don't have a bank, no sidewalks, no grocery store, doctor or dentist offices but has the highest tax rate of any city in Gaston County at .57-1/2 cents with .8-1/2 cent fire tax due to Mr. Attaway making the Fire Chief mad. He said it's a shame that we can have a debate at

Holbrook Middle school so the public can ask questions of the candidates. He said the current council is not getting anything done, then complained about no one answering the phone at the Police Department, a 6 lane highway coming out of NorthPoint and increased taxes. He thanked council for their time and said he doesn't think they are doing a good job. He then left the meeting.

2. J.C. Hueck, owner of Miami Fusion Cafe at 125 N Main St, Lowell, NC - He stated they had their grand soft opening today. He wanted to announce his support of the Social District. He thinks it is a step forward to develop Lowell and he is here to support. He hopes it will bring life and happiness to the City. Councilmember Funderburk stated that the food is great at the new restaurant.

3. Alisa Frye, owner of Fryeday Coffee Roasters at 108 E 1st St, Lowell, NC - She wanted to go on record to say she is in support of the proposed Social District if we get to that point. She thinks Lowell needs something going on to attract more people to the town where they can feel free to walk around in a Social District. She also stated she would love to see the Brunch Bill back on the agenda to be passed by council, which would allow them to sell alcoholic beverages on Sunday before noon. She said with her business, having a beer and wine license, people come in on Sundays and want to sit on the patio to have a mimosa or want to buy a bottle of wine after church for dinner and they can't because of the rule, causing her to lose sales.

4. John Cato, 109 Walnut St, Lowell, NC - He is disappointed with council because of the violation of Civil Rights. He said he is ashamed of them. He said he doesn't like the way people have been treated around here and not being able to speak at the City Council meetings. He is also disappointed over the Spencer Mountain, the chemical dump and he'd recommend finding some other place to spend a million dollars. He said who is going to let their kids go up there to play at a park that is across from a park that is polluted.

2. Approval of Minutes

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

2A. Approval of Minutes 8-15-2023 -

With no changes, Councilmember Funderburk made a motion to approve, seconded by Councilmember Bonham. The vote was unanimously in favor.

3. Special Presentation

3A. Proclamation 06-2023 - Patriot Day - 6:14 PM

Honoring and Remembering those who lost their lives in the September 11, 2001 terrorist attacks.

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

3B. Proclamation 07-2023 – Stormwater Awareness Week - 6:15 PM

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

3C. Introduction of New Planner and New Parks and Recreation/Events Director - 6:16 PM

Scott Attaway introduced City Council to the new Planner, Tyler Cobb. Mr. Cobb gave a brief background of himself. Mr. Attaway said he is increasing the departments output already and getting

caught up with code enforcement. He issued 16 violations in one day. Mr. Attaway then introduced City Council to the new Parks and Recreation/Events Director, Tori Dellinger. Mrs. Dellinger then gave a brief background on herself as well.

4. Consent Agenda

Councilmember Funderburk thanked all the city employees but wanted to personally thank Todd Stroupe, GIS Analyst, for the mapping he has done and how he is getting ready to start mapping the cemetery that she will be helping him do. She also asked about the report for Parks and Recreation and her concern about the big event on Saturday, September 23rd with Caleb Davis. She said he has a huge following and wanted to know why are we having it from 11am to 2pm and not in the evening hours from like 5-8pm especially with the new restaurant in town. Mr. Attaway answered (because Mrs. Dellinger was not employed at the time of the booking). He stated that it [the event] ties into the events of the rest of the day with the Shred-It truck coming, that is done every year. He said we didn't know if the restaurant was going to be open at the time of the booking and staff will be working with the businesses downtown in the future when we schedule events, which are typically scheduled six months in advance. Councilmember Funderburk suggested scheduling things in later hours especially for someone like Caleb Davis because he has such a strong following. Mr. Attaway said the reason why we have him for an earlier show is because that was the only time he was available that day, which also helped in our costs to pay him.

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 the agenda and adding 6K to set a public hearing for the consideration of Economic Development Grant for Project Seattle at the October 10, 2023 City Council meeting at 6:00pm

4A. Planning Report -

4B. Customer Service - Billing Report -

4C. Stormwater Report -

4D. Finance Report -

4E. Public Works Report -

4F. Police Report -

4G. GIS Report -

4H. Parks and Recreation Report -

5. Unfinished Business

No Items

6. New Business

6A. Set Public Hearing - Creation of Lowell Social District - 6:20 PM

Resolution and Consideration to Approve the City of Lowell's "Lowell Social District"

Mr. Attaway presented. He directed Council to their packets and described the map showing the plans for the proposed Social District and the resolutions to adopt the Operations Maintenance Plan. He said if this is approved in the public meeting in October, all documentation will be sent to the

State. He then continued the review of the map and stated Mrs. Dellinger went to all the businesses in the proposed area to explain what a Social District is and if they are willing participants or if they think having it is a good idea. He does know of one business that would not allow the beverages in [their establishment] but they did not have a problem with having a Social District. He then asked council to ask any questions.

Councilmember Bonham asked if this is the district that will allow the activity or the traffic but not to mandate or force businesses to participate, correct? Mr. Attaway said the city will provide stickers for businesses to put on their doors stating they do or do not participate. What would happen is someone would go to a participating business, say Miami Fusion and then could go to other participating businesses. If a business does not have a liquor license, like the beauty salons, for example, but they have stated they want to be a part of the social district, the person could go to the restaurant or Fryeday's for a drink then bring it with them when they get their hair done. The ordinance does not mandate the business to participate. This is all spelled out in the packet under the Operations Maintenance Plan. If they do sign up as an allowable business to walk in with a beverage, they have to agree to all the rules and conditions. The Police can then have access to the property at any point of time that they suspect something is not going right. We will have a lot of trainings, provided free by the ALE (Alcohol Law Enforcement) and ABC Board, to ensure the business owners are aware of their obligations. Councilmember Bonham said to be clear, the business owner can allow it to go out but not necessarily to come in, correct? Mr. Attaway said correct.

Councilmember Funderburk said her only concern is the traffic and jaywalking of impaired participants. She asked will the Police Department be able to handle it. She said she knows Belmont said they can't handle it right now. She asked if someone will be able to buy the cup from something like Miami Fusion and then go to their car and have more liquor there. Will people be able to do that? Mr. Attaway said the Police Chief and Assistant Chief have been reaching out to other jurisdictions like Cramerton, Gastonia, and Hickory to discuss that, which is also listed in the Operations Maintenance Plan of how this district is to be operated. Councilmember Funderburk then asked about the hours of operation and the ordinance. She said the hours are supposed to be Monday through Sunday from 10am to 11pm but we already have an ordinance in place that we don't sell anything until noon on Sunday. Will this new ordinance take over the previous one? Mr. Attaway said no, you would have to do both. If the Brunch Bill is not passed to allow alcohol before noon, then the ordinance for the Social District would have to be changed for the Sunday hours, if it is approved.

Councilmember Bonham asked if approved, moving forward, will there be language in place for a person/business to apply for this to incorporate them or how does that work? Mr. Attaway said they would just petition the city to have it extended to them.

With no other questions, Councilmember Funderburk made a motion to set Public Hearing for October 10th at 6pm for the creation of the Lowell Social District, seconded by Councilmember Bonham. The vote was unanimously in favor.

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

To set the Public Hearing for the Social District on October 10, 2023 at 6pm

6B. Interdepartmental Transfers for FY 2023 Budget - 6:30 PM

Presented by Scott Attaway. He stated the Finance Director, Lisa Nolen, prepared the interdepartmental transfers located in the agenda packet. He stated this is for the General Fund, Water/Sewer Fund, and the Stormwater Fund. He stated some expense accounts went over budget but the overall departments did not go over budget so it is within the normal occurrence of line item transfers. This is being brought to Council for information purposes only and in compliance with the yearly budget ordinance.

6C. Budget Amendment #1 - 6:31 PM

Presented by Scott Attaway. He stated this is to receive insurance proceeds to pay for repairs to a damaged Police vehicle in the amount of \$6,039.80.

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

6D. Budget Amendment #2 - 6:32 PM

Presented by Scott Attaway. He stated this is an ARPA fund transfer balance request of \$724,389.58 to the General Fund. He stated this will complete the move of all ARPA funds to the General Fund and its' subsequent budget amendment #4 to be transferred to the Community Investment Fund (CIF).

Councilmember Funderburk asked since we are transferring that to the General Fund and she knows we have a time limit to spend ARPA funds, will that help us prolong it and not have to spend the funds within that time period? Mrs. Nolen answered, stating that once we supplant those funds into what we are going to use them for out of the CIF fund, we are going to spend it within the time frame, so that is not an issue.

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

6E. Amended Grant Project Ordinance - ARPA - 6:34 PM

Presented by Scott Attaway. He stated because that was done [previous two amendments], we have to amend our Grant Project Ordinance, showing all those funds were transferred to the General Fund including the funds prior. Every time ARPA funds are moved, we have to amend the Grant Project Ordinance.

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

6F. Budget Amendment #3 - 6:35 PM

Presented by Scott Attaway. He stated this is a move of funds from the excess in the General Fund to the CIF. We had a 50% goal that was established during the budget retreats stating that anything above the 50% goal set would be transferred to the CIF. He said he has been asked that if something were to happen in another department and it had to come back out, for example in emergencies, then it could come out of the CIF as it is not a Capital Reserve fund. He said 50% is a good goal but when you have a smaller budget, you want that goal to be a little higher. This has the liquidity of the funds to come back [to the General Fund] if necessary. He then explained the CIF to the audience in that it is a fund developed by council where the city could finance or pay for debt service for all capital investments or anything above \$75k.

Mayor Pro Temp said that we set our goal at 50%, done great with that and are making good leeway before going into his motion.

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

6G. Budget Amendment #4 - 6:38 PM

Presented by Scott Attaway. This is to move the ARPA dollars from the General Fund to CIF. An updated amendment was provided to council (see attached). He stated the one in the packet does not account for the purchase of the Lowell Fire Department's Kawasaki side-by-side UTV [for the Police Department] in the budget amendments relative to the difference. The \$695,305.53 that is slated to move to the CIF balance, leaves behind funds to purchase that UTV in the General fund as well as things for Utility Billing, see the memo in the packet from Sue [Lowe] that highlights the numbers. He said the city currently uses postcards for utility bills, where you can't get a lot of extra information on it. For example, Thomas Shrewsbury often is required to publish Stormwater and annual reports for water quality but there is no room on the bill. We have received multiple complaints about the size of the bill, so we are looking at a full page sized bill and the sorter machine that it will take to perform this task of folding and stuffing envelopes. He then showed an example from a neighboring city that uses the machine. This machine will also allow us to print four more pages that can be added to the envelopes, saving the city from having to print the quarter newsletter anymore, which costs the city up to \$8,000 a year. As we keep growing and there are more recipients of these letters, that cost will also increase. The city will see a net savings of \$2973.20 by taking out the quarterly newsletter and doing monthly newsletters instead. So we will get a full size bill, with content on the back to discuss utility billing, deadlines, contact information, free bulk pick-up schedules and then the other pages to add in, for example, a newsletter and Stormwater information we are required to send out to the public. Other departments can also use this machine as well, in our effort to save the city money by automating processes, give the citizens a good product, and more up-to-date information instead of quarterly or every five months.

Councilmember Funderburk said she liked the idea of new bills and newsletters monthly instead of quarterly. She knows the citizens are always questioning what is going on. So if there is an event coming up, it can be in with the bills. Mr. Attaway stated it was brought up by the Mayor Pro Temp Smith to do a concert line-up beginning in the spring where you can do a one page document noting our activities. He reemphasized that all departments will be able to use it to get their information out to the citizens a lot quicker and cleaner.

Referring to the purchase of the UTV mule from the Fire Department, Councilmember Funderburk asked if this is better than buying a new one? Mr. Attaway said yes and referred to Asst. Chief Harrison to elaborate. Asst. Chief Harrison stated that they have applied for grants several times for a mule and have been turned down every time. He said they will continue to apply for that grant but this opportunity presented itself. He researched this particular unit and believed it to be a good price and in good shape. He also took it to a local dealership and they also thought it was a good deal. He said it is a good tool for the officers to get down in the woods when they get calls. They have had three or four rescue calls at Poston Park and they end up standing by the Fire Department until the person is brought out. This vehicle will allow the Police Department to go out there and help therefore serving it's purpose well.

Councilmember Bonham asked if additional re-lettering and detailing necessary? Mr. Attaway said it will be re-lettered for the local Police.

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

6H. Regional Stormwater Partnership of the Carolinas Memorandum of Understanding - 6:45 PM

Presented by Jamie Watkins, Stormwater Administrator. She stated that they have been working with the Regional Stormwater Partnership of the Carolinas (RSPC) for a while now and some of the things they provide for us and other municipalities in the area is access to outreach and education via television and radio ads. We then get metrics on how many people in Lowell were reached by those ads and what topics they viewed most. At the end of the year when she is doing the process of presenting the self-audit to the DEQ (Department of Environmental Quality), they can show how many ads were done, what subjects were discussed, and how many people heard them. They would also be given access to a things that can be distributed during events like the River Fest in May. This includes coloring books, activity books, and dog waste dispensers with a slogan on them to hand to people. She said it was explained to her that in order for the DEQ to give the city credit for our efforts, we have to have an official Memorandum of Understanding (MOU) between us and the RSPC. She is asking council to approve the MOU, so it can be turned into the DEQ to receive credit going forward.

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. Resolution 06-2023 to Adopt and Approve CDBG-I Compliance Plans - 6:48 PM

Presented by Scott Attaway. He stated all the information is in the packet. We have to keep the compliance plans and policies updated for the CDBG-I, the sewer grant we received and continue to use. Cheryl Ramsey added that this is an annual requirement to stay in compliance.

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

6J. Professional Services Amendment with WithersRavenel for the CDBG-I Grant - 6:50 PM

Presented by Scott Attaway. He stated that with the CDBG-I Grant, what was found, during some exploratory work, cameras in the line, and making repairs, is that some of the lines were not as bad as we assumed before the grant was awarded in the geographical area that we are bound to with CDBG requirements. This amendment is for WithersRavenel to look for ways to spend more money on additional repairs in the area. Thomas Shrewsbury added that the areas we are looking at now are to stretch the zone as far as we can to maybe include the basins that continue outside the grant area but goes to the lift station. We are currently looking at our worst functioning lift station in the city to be repaired and also some manholes that are spotty throughout the grant application area. Councilmember Funderburk asked what area is this? Mr. Attaway said it is the same area as the CDBG-NR grant [where the houses that are scheduled for rehabilitation] or around highway 7 and Phillips, Birch, Ash, Clay roads.

Mr. Attaway went over some of the numbers noted in the agenda packet, specifically stating that we have a balance of \$1,122,574.08 left to spend and \$197,000 is for the amendment to WithersRavenel to explore other projects that can qualify for repair. Cheryl Ramsey added that she

spoke with WithersRavenel this morning and stated that the initial grant project is scheduled to end December 31st but they are going to try to get an extension to have enough time to spend more money. Councilmember Bonham reminded council and the public that this is a use or lose it scenario, so if we can find other ways in this area then we should go for it, correct? Mr. Attaway said yes, staff recommends approving the amendment with WithersRavenel so they can identify more areas of need and yes, if you do not use the funds, you return them to the State.

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

6K. Set Public Hearing For Consideration Of Economic Development Grant For Project Seattle For The October 10, 2023 City Council Meeting - 6:58 PM

[Added to agenda] Presented by Scott Attaway. This is to set the public hearing for the consideration of Economic Development Grant for Project Seattle. This is a Gateway 85 development at building #7 that is partially in Lowell. The SE corner of the building is in city limits. We are a part of this grant application from Project Seattle as well as Gaston County and the City of Gastonia. The City of Gastonia predominantly holds the majority of the building in its city limits. This would likely only qualify for a tier 1 or tier 2 because of the investment of approximately \$20 million dollars of machinery. He reminded councilmembers that we have already done the Economic Development Grant for the development itself and the buildings. This request is similar to what we did recently for Project Newell, where it was just for the contents (shelving, inventory, equipment) of what Newell had in the building. He stated that he only knows them as Project Seattle at this point and doesn't think the EDC knows what company this is either. What he does know is this is a Fortune 500 company that is anticipating adding approximately 107 new jobs with an average salary of \$25.82 per hour. They are looking to have this investment complete at the end of December 2024.

With no questions, Councilmember Fulbright made a motion to set the public hearing for consideration of Economic Development Grant for Project Seattle for the October 10, 2023 City Council Meeting, seconded by Councilmember Funderburk. Councilmember Bonham reminded council and the audience that this is a sliver [of property] in Lowell and based on the dollar value and salary value, he thinks we are looking at distribution and not manufacturing. With no other discussion, the vote was unanimously in favor.

Mayor Railey added that Newell is hiring if anyone is interested. Go to Newell.com if interested.

7. Reports / Discussions

7A. City Manager Report - 6:58 PM

Presented by Scott Attaway:

1. Events lined up for the Fall schedule including City's Music in the Park, Fall Festival, River Sweep, Senior Adult, Mammogram bus coming and the Treat Walk coming. He said this is one of those busy seasons of the year and a lot going on in, and around downtown.
2. Update on DWI grant application submitted for our Waste Water Interconnect with Two Rivers Utilities at our Waste Water Treatment Plant. We received a letter, which he supplied to council, stating that we applied for \$7.9 million grant through DWI. The process is that DWI will let you know if you are awarded the grant or a very low interest rate financing. They came back to us with \$2,086,500 of that, with no closing fees for a grant. This brings the total of the State Evolving Fund

loan down to \$5.8 million. \$500,000 of that would be the principle forgiveness allowed. Approximately \$5.3 million would be repayable at a .76% interest rate. He reminded council that they just approved capital financing at our last meeting. He wanted to just keep council updated and also noted that we are going to work with the staff and Davenport Public Finance on this and work it into our water/sewer budgets. He will report back to council in the October meeting regarding this. He mentioned there is some direct funding requests from the State as well but water/sewer was included in that. He said we don't know when the State is going to adopt its' budget, but that's when we'll find out about any direct funding, if any, from the State of North Carolina. We also have some Federal earmarks with Congressman Jeff Jackson but he does not know when that budget will be approved either. He will stay in contact with Davenport and report back in October. He said this is good news getting this award to sustain the growth and development that we are seeing already and will continue to see.

3. Demolition update of 1602 N. Main St, the old Crompton and Knowles site. He spoke to the superintendent there and 16 buildings are down to the slab. They have done concrete slab tests on all of the slabs there and is awaiting the results to determine where that concrete can go. They are doing all the environmental work with Mid-Atlantic, our environmental consultants, watching all the abatement removal, etc. We also have the city engineer watching the actual work flow and erosion control of the site. Another slab is nearly done and another will be beginning in the morning [9/13/23]. Some change orders have been discussed that they may need to bring to council at a later date. We may use SCIF funds out of the \$2 million received from the State to tear this building down and build the new Public Works facility first, then recreation, river access, etc.

4. CDBG-NR updates. Moving along with repairs and still waiting on doors and windows for the Community Center. There was a production delay for the oddly shaped doors and windows. He said to get it opened, there was another issue in the kitchen and that was ventilation from the hood. We received the fan finally and Thomas is working to get that installed and have our electrician finalize it so it can be opened back up to the public.

5. Christmas Decoration on McAdenville Rd. Tomorrow [9/13/23], Duke Power said they are going to check Public Works flags on the poles that we asked to see if we could add more decoration to. Councilmember Funderburk asked how many poles? Mr. Attaway said he think there are a dozen to 15.

6. Capital Equipment updates. We are fine-tuning all the Public Works equipment, getting some quotes in, and scheduling with the bank to get our documents signed. Financing was approved by council last month.

7. Poston Park sidewalk update. This funded project that the county is doing is to extend the sidewalk on the left side of North Main to Poston front entrance from approximately the Preston Place subdivision. It is still slated to begin next Spring. The County is going to send out a mailer about the project to residents. He added that this is an eight year wait for this project to begin.

8. Carolina Thread Trail update. Still working through the interlocal agreement team at Gaston County and will have more of an update at the next council meeting in October.

9. New Staff update. He said it is such a relief for our staff to have our new staff. We are getting so much more completed. The 16 violations in one day is amazing when you have the personnel to do it. He appreciates council for allowing us to have that [added personnel].

10. EPA Lead Copper Rule is live and in effect and Todd Stroupe is really helping Thomas Shrewsbury get that inventory set up. Citizens will start seeing mailers coming for this mandated rule. More information to come on this.

7B. City Attorney Report - 7:13 PM

No updates.

7C. Mayor and City Council General Discussion - 7:13 PM

Mayor Pro Temp Smith stated that during Public Comments, taxes were mentioned. Lowell's tax rate is \$.49 cents, correct? Scott Attaway and Mayor Railey answered yes. Mayor Pro Temp Smith continued saying he just wanted to clear that up. He also stated that we can't get a grocery store in Lowell, a doctor's office, a Lowell bank, even though the bank we had was a Truist Bank, not a Lowell bank. He said most people know that we can't get those types of businesses in Lowell. He then referred to another comment in that we tested and re-tested the old chemical plant in hopes to see what we could do there. We are still testing this area. He also wanted to clear that topic up. He also thinks with the Social District, we should discuss pursuing the Brunch Bill to help our businesses to show we appreciate them being here.

Councilmember Funderburk added that the White Water Center, if anyone has ever been, was also built on a Brownfield like the park [at the old Chemical Plant] is being built on and it was tested. She said she took her children and grandchildren and will take her future great-grandchildren up there [new park] one day especially when the splash pad is built. She said she is very excited about the things happening in Lowell even if she doesn't agree with everything. She said in the overall picture, we're doing great. We have the money to do things and we want to keep moving forward. Sometimes she thinks our spending might be a little bit...but we are working on it. We all work together, even if we don't agree and she appreciates all the departments as they work so hard all the time. She really appreciates the Police Department. When she had an emergency at her house this [past] weekend, they were first on the scene and probably saved a life and really appreciates them.

Councilmember Bonham said we are not spending money we don't have yet and what it takes is planning and budgeting to allow ourselves to do the things that are required of us and what our citizens want us to do. That takes discipline and to make some hard decisions and that is what we are elected to do. He appreciates all of the audience for coming to hear things first hand instead of social media. Don't listen to your neighbor or get it on social media, ask someone who knows. Get the real facts! We'll be going through this until November with the garbage that goes on social media and even in our public comments. If you truly want to know, ask the questions to the right people as we are all happy to answer. If he doesn't have one, he'll get you one from the right person.

Councilmember Fulbright wanted to extend on what Mayor Pro Temp Smith said. She said someone asked, in the Public Comments, why the Fire Department decided to go to the county. The reason the

Fire Department went to the county is for budgeting purposes. When that first came up, she approached the Board of Directors and the Fire Chief himself to get their opinions. Both of them stated they needed to go to the county for funding and they will be better funded through the county. So again just like Councilmember Bonham said, get your information from the true, right source and don't listen to what is being put out there. Some people will want to come in here and just hate and with dissension and we are doing everything we can with the best interest for this city when making these decisions. Please come and get the information from the correct sources.

Mayor Railey thanked all for coming tonight and how very much the citizens are appreciated. She wanted to tag team on what Councilmember Fulbright and Mayor Pro Temp Smith said about comments made through Public Comments. She asked the audience to not think negative because they are a very positive board and want it to stay that way. Just be careful of letting people pull you down because we are up and want to stay up. She said we are doing a great job, council and staff, and we want to stay behind them as much as we can.

Councilmember Bonham added that most of us here make decisions based on facts, what is presented to us, what is given to us, what is proven, and what is here from all these different angles. He may not particularly like something or wish something were different, but that doesn't change the facts. We are making decisions not only for today or tomorrow but for 5, 10, 15 years down the road based on the facts that we have in front of us, not what I want, but factual based data.

8. Closed Session

No Items

9. Adjournment

9A. Meeting Adjournment - 7:13 PM

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



**PROCLAMATION IN MEMORY OF
SAMUEL “SAM” R. MITCHEM JR.
PR03-2023**

WHEREAS, Samuel “Sam” R. Mitchem Jr. passed away on Thursday, April 27, 2023 and

WHEREAS, he was a long time member of Woodlawn Baptist Church where he has been a member since he was five years old, he loved hearing and singing the old hymns.

WHEREAS, Sam was a 1977 graduate of Ashbrook High School and went on to study at Gaston Community College in Business Administration.

WHEREAS, he owned and operated Sam's Jewelry and Pawn Shop since 1992 always willing to help and give; and he was a dedicated Mason and Shriner.

WHEREAS, he was a dedicated public servant who worked to enhance the lives of Lowell residents during his term with the Planning Board from November 1982 to November 1991 and his two terms as a City Council member from December 1999 to December 2007 and November 2009 to December 2017; and

WHEREAS, he offered himself unselfishly and willingly in the pursuit of a better community for all citizens; and

NOW, THEREFORE, I, SANDY H. RAILEY, Mayor of the City of Lowell, on behalf of the City of Lowell Council, do hereby proclaim that the City extend its sincere appreciation to Samuel “Sam” R. Mitchem Jr. for his contributions to the community and offers condolences and deepest sympathies to his family and friends on behalf of the grateful residents of Lowell.

This the 10th day of October, 2023.

Sandy H. Railey, Mayor

ATTEST:

Cheryl Ramsey, City Clerk



City of Lowell
Regular City Council Meeting Memorandum

Prepared By: Jamie Watkins

Stormwater Department Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: A
Reference File	Presented By

To: Scott Attaway, City Manager
From: Jamie Watkins, Stormwater Administrator
Date: October 1, 2023
Re: Monthly Department Update

-
- Attended 2-Day NC APWA annual conference in Charlotte
 - Presented Citizen Science Initiative to LCC for input
 - Created Facebook posts for Stormwater Awareness Week
 - Ensured MS4 Permit was paid on time
 - Attended a 2-hour Webinar on Water Quality in Charlotte
 - Created Spill Response SOP
 - Conducted Spill Response Training with Public Works
 - Attended Department Head meeting
 - Investigated an instance of illicit discharge
 - Conducted site visits with Gary Wright of Withers Ravenel
 - Attended Riversweep Site Captain training at the River Room
 - Inspected and cleaned Town Hall's AED, ordered necessary parts to ensure functionality



Customer Service Utility Billing Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: B
Reference File	Presented By

To: Scott Attaway, City Manager
From: Sue Lowe, Customer Service-Billing Manager
Date: October 4, 2023
Re: Customer Service Utility Billing Report

Opened utility billing accounts and initiated new meter installations for new developments.

Participated in ongoing meetings, revisions, and implementation of Polimorphic system for UB payments, 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 Finance and vendor to order the folder/insert equipment for new bills. Working with Southern Software IT 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.

Processed disconnection of services on Monday, September 25th, for customers with delinquent account balances.

Preparing for conversion, on October 9th, to the updated Mueller/Sentryx Infrastructure Network System. Worked with Water Works and Southern Software to ensure billing file is compatible with new system. Still working through some issues with Southern on this billing response file. Troubleshooting issues to improve operations in MiNet digital system and equipment in the field. Monitoring meter alerts in Minet.

Continue to train Accounting Tech in all areas of operations and billing, including all daily, weekly, and monthly responsibilities. Processed read files in Minet, 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.

Working with Planning and Zoning Director on adding new street addresses to Southern Software and MiNet system, so we can install meters at future development homes. Working with Public Works Director and Code Enforcement on billing for code enforcement invoices, as needed.

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.



Planning Department Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: C
Reference File	Presented By

To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, October 2nd, 2023
Re: Monthly Department Update

Code Enforcement:

- 13 Notices of violation (NOV) issued.

Minimum Housing

- 915 Moose St. demo permit received.
- 603 W. First St. (Corrected by owner)
- 501 Robinson St - demolished. case closed.

Enforcement Action

- 3 NOV's submitted to Public Works for correction.

Zoning:

- Issued 10 zoning permits issued in SEPTEMBER.
- Closed out Panther Laundromat
- Held monthly Technical Review Committee meeting.

Planning:

- Created agenda and meeting packet for September Planning Board Meeting.
- Planning Board Meeting was held on September 5, 2023
- Approved recombination plat for Spencer Ridge subdivision. Former Pulte development.
- Closed out site plan and permit for Panther Laundromat.
- Completed 1st round construction document review with Willow Creek Meadows subdivision. Former Groves Street/ Lowell Townhomes.
- Completed 1st round of preliminary plat review for Spence Ridge Subdivision.

Other

- Attended monthly department heads meeting.

- Attended Polimorphic Monthly update meeting.
- Attended Lowell Community Committee meeting.
- Attended Lowell Planning and Zoning Board meeting.
- Started Leadership Gaston training.
- Held group meeting with Lowell Planning, Stormwater and Gaston County Natural Resources to discuss current projects and stages of inspection and review.
- Participated in Carolina Thread Trail project status meeting.
- Participated in GBA East Leadership Meeting.
- Worked with Polimorphic (software vendor) on process updates for internal and external processes.
- Participated in Southern Software, Accounts Receivable training.
- Attended monthly GCamp Meeting at Gaston County.



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Public Works Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: D
Reference File	Presented By

To: Scott Attaway, City Manager

From: Thomas Shrewsbury, Public Works

Date: 10/02/23

Re: September Monthly Report

- Street Department employees have started on much needed curb and sidewalk maintenance. They have been clearing growth from concrete areas and spraying weed killer to help with future maintenance of these areas.
- City crews made repairs to the water and sewer lines at concession stand in Harold Rankin Park. The sewer line coming from the building had to have a bad section replaced at the rear of the building. There was a ¾ inch water line at the Harold Rankin Park entrance that started leaking. The water line could not be saved and had to be completely replaced.
- Water Department crews replaced a fire hydrant on Birch Street.
Water Department staff repaired the following leaks:
 - Replace broken valve at Main St and First St.
 - 6 in main break on S. Elm Street.
 - 2 in water line break on Ford Drive
 - 1 in line break N. Church St.
 - Remove a 2 in valve on Cobb Street.
- City crews worked with the waste treatment operators on drying bed maintenance to turn plant around and waster solids.
- City crews helped to remove several fallen trees in Lowell in the first two weeks of August.
- City staff worked with contractors to make permanent repairs to the 16-inch sewer line that was broken by a falling tree last month.
Street Department crews have been trying to catch up on mowing and bushhogging the edge of the road at unmaintained properties throughout the community. Right of Way mowing and tree trimming will continue to be a priority through September.



Finance Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: E
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: October 3, 2023
Re: Monthly Department Update

Utility Billing:

- Assist Utility Billing Department with processes in Polimorphic.
- Provide assistance when needed for staff absences.
- Answer phone when Utility Billing staff is not available.
- Assist Utility Billing Manager with Fiscal Policy regarding purchasing rules and procedures.

Finance:

- Enter cash receipts and cash disbursements in Southern Software.
- Post all payroll related draft payments and draft payments for Planning Board stipends.
- Review, advise corrections needed, and sign off on timesheets for City Clerk/HR Director.
- Process and pay bills via check and online.
- Use allocation spreadsheets for corresponding bills to allocate expenses to correct expense account.
- Collect receipts from staff, break out charges and sales tax to code to correct expense account, and post all Visa and Lowe's credit card charges.
- Issue purchase orders as needed for staff.
- Reconcile all bank accounts.
- Assist staff with new Polimorphic process for purchase requisitions.
- Complete other tasks as needed.

Year-End:

- Answer questions from Butler & Stowe, CPAs and supply additional information relating to audit.

Other:

- Attend monthly Department Head meeting.
- Attend September 2023 Council meeting.
- Meet with Polimorphic for training and set-up of new purchase requisition process.
- Meet with Kathy at Southern Software for training and set-up of Accounts Receivable module.
- Attend weekly Finance update meetings with City Manager.
- Meet with City Manager and Mitch at Davenport to discuss upcoming City needs.
- Meet with Centralina Council of Governments for review of ARPA documents.

- Meet with Alana at First Horizon for set-up of Utility Billing ACH payment drafts.
-

Attachments

08-31-2023 Dashboard.pdf

City of Lowell, North Carolina
 FY 2024 Revenue Dashboard
 8/31/2023

Type	Budget	YTD thru 8/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
Funds					
General Fund	5,000,734.18	521,035.46	4,479,698.72	90%	83%
Water/Sewer Fund	1,755,709.24	298,345.39	1,457,363.85	83%	83%
Stormwater Fund	423,774.44	61,597.36	362,177.08	85%	83%
Total	7,180,217.86	880,978.21	6,299,239.65	88%	83%

Notes:
None

City of Lowell, North Carolina
 FY 2024 Expense Dashboard
 8/31/2023

Department	Budget	YTP thru 8/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
General Fund					
Administration	2,652,310.85	154,874.42	2,497,436.43	94%	83%
Public Safety	1,327,415.47	191,115.78	1,136,299.69	86%	83%
Public Works-Streets	318,185.88	48,588.56	269,597.32	85%	83%
Sanitation	345,633.72	55,764.74	289,868.98	84%	83%
Parks & Rec	257,188.22	33,457.22	223,731.00	87%	83%
Powell Bill	100,000.04	1,780.00	98,220.04	98%	83%
Total	5,000,734.18	485,580.72	4,515,153.46	90%	83%
Water/Sewer Fund					
Water/Sewer	1,380,721.44	221,742.05	1,158,979.39	84%	83%
Wastewater Treatment	374,987.80	36,400.20	338,587.60	90%	83%
Total	1,755,709.24	258,142.25	1,497,566.99	85%	83%
Stormwater Fund					
Stormwater	423,774.44	56,021.36	367,753.08	87%	83%
Total	423,774.44	56,021.36	367,753.08	87%	83%

Notes:
None



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Todd Stroupe

Geographic Information System (GIS) Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: F
Reference File	Presented By

To: Scott Attaway, City Manager

From: Todd Stroupe, GIS Analyst

Date: October 4, 2023

Re: Geographic Information Systems (GIS) Report

GIS and Mapping.

- Generated Railroad St utility proximity map
- Generated revised proposed social district maps
- Generated Fall Festival area map
- Generated Fall Festival parking map
- Generated Fall Festival traffic reroute map for NCDOT road closure application.
- Generated Fall Festival vendor location map
- Generated Fall Festival vendor parking map
- Continue to work on Phase 2 of MS4/stormwater infrastructure mapping
- Continue to work on Edgewood Cemetery field collection content -plan to begin cemetery mapping project in the Fall
- Continue to work on the Parks and Recreation Master Plans story map
 - Converted master plan CAD files to ArcGIS Online web service
 - Added Bob Bolick and Harold Rankin Master Plans map tours
 - Took pictures of amenities for map tours
- Continue to work on lead and copper service line inventory materials
 - Plotted water meter locations through geocoding or XY coordinates
 - Generated field verification worksheet
 - Updated lead service line inventory reference map.
 - Updated building construction year Excel files before 1987, after 1987, and with unknown dates
- Provided stormwater and zoning information to McAdams for flood study GIS data request.
- Reviewed Gaston Business Association county map proof.
- Provided Lowell city boundary to CodeRed for GIS data request.

Meetings and Events

- Attended GIS discussion meeting with Cramerton Planning staff.

- Attended September City Council meeting
- Attended Trees, Parks, & Recreation Asset Management webinar.
- Attended Gaston-Cleveland-Lincoln Metropolitan Planning Organization Bicycle meeting.
- Attended Carolina Thread Trail grant meeting with Gaston County Parks & Rec and Carolina Thread Trail staff.
- Participated in GPS receiver discussion phone call with Gaston County GIS.
- Attended internal lead service line inventory discussion meeting
- Attended September Lowell Technical Review Committee meeting
- Attended September department head meeting
- Attended performance evaluation discussion meeting
- Attended North Carolina ArcGIS Users Group Fall Conference in Asheville
- Attended internal stormwater outfall inspection schedule discussion meeting



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Cristy Cummings

Communications Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: G
Reference File	Presented By

To: Scott Attaway, City Manager

From: Cristy Cummings, Communications Director

Date: October 4, 2023

Re: Monthly Communications Report

- *City website updates*
 - *New content and updates to Stormwater*
 - *Updates to Parks and Recreation athletics page*
 - *Updates to new upcoming riverfront park and public works facility page*
 - *Creation of Social District Information page and artwork*
 - *Creation of community event listings*
 - *Set-up of the new Google Analytics 4 and added site kit to website*
 - *Updated 2023-2024 dates on Bulk Item Pickup artwork and updated both art and text on website*
- *Creation of social media content for facebook and instagram*
 - *What's Up Wednesday posts*
 - *Daily postings for Stormwater Awareness week*
 - *Event promotions*
 - *Holiday/office closing posts*
 - *Other posts to keep residents in-the-know*
- *Creation of Blackboard calls/texts/emails for events and holiday office closing*
- *Meeting and training sessions with CodeRed, the new resident notification system that will fully launch in November*
- *Began work on the City newsletter*
- *Being active in the Parks and Recreation Director transition*
 - *Answering questions*
 - *Organized event related items in former office*
 - *Packed up former office and unpacked in new office shared with the part-time Athletics Supervisor*
 - *Updating Fall Festival artisan vendors on role transition and forwarding of Parks and Recreation emails to new Director*
 - *Updating contact information on City website, event listings, NCRPA, and general vendors (i.e. Protect Youth Sports, reps with companies we utilize, Score Sports, etc.)*
 - *Participating in meetings between Parks and Recreation, Public Works, and Police Department regarding events*
 - *Provided training on websites for Parks and Recreation related functions (Polimorphic, forms on City website, Protect Youth Sports)*

- *"Tying up loose ends" on discussions, events, projects that I was a part of planning and sending updates to the new Parks and Recreation Director*
- *Created new basketball registration form using the new drop-down options on Polimorphic and updated basketball Code of Conduct policy*
- *Created October's Parks and Recreation e-newsletter*



Parks & Recreation Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: H
Reference File	Presented By

To: Scott Attaway, City Manager

From: Tori Dellinger, Parks and Recreation Director/Communications Director

Date: October 4, 2023

Re: Monthly Parks and Recreation Report

Athletics:

- Processed soccer coach background checks
- Basketball registration opened
- Staff met with Woodlawn to discuss upcoming basketball season
- Scheduling a meeting with area Parks and Recreation Directors to discuss basketball season
- Ordered medals for soccer

General:

- Bathrooms repaired at Harold Rankin Park
- Met with the downtown businesses
- Cleaned bathrooms
- Picked up trash
- 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
- Assisted with preparing Social District materials

Events:

- Trucks in the Park
 - 10 organizations participated
 - Promoted and advertised
 - Communications promoted via website, social media, event websites, letterboard at Harold Rankin, City-wide phone call to 1800 residents.
- Music in the Park/ Community Shred Day

- Music in the Park featuring Caleb Davis and the Album Series Tribute to Dave Matthews Band
- Skyview 22 Foot Truck & Frios Gourmet Popsicles
- Kids activities: flower pot painting station and Arbor Day coloring sheets
- Arbor Day Storytime featuring Jessica Holbrook (Gaston County Library)
- Shred-It truck was available for the community to shred documents
- Promoted and advertised
 - Communications promoted via website, social media, event websites, letterboard at Harold Rankin, City-wide phone call to 1800 residents.
- Fall Festival (Planning)
 - Festival will feature live music, over 40 vendors, kids activities, kids zone, a stilt walker and juggler
 - Met with Public Works and Police to discuss logistics
 - Finalized festival vendor map
 - Staff created public parking map
 - Met with downtown businesses to discuss event
 - Finalized vendors for festival
 - Sent vendors their vendor spot(s) location and festival map
 - Followed up with downtown businesses via and sent event reminder
 - Promoted and advertised
 - Communications promoted via social media, City-wide phone call to 1800 residents. website, event websites, and letterboard at Harold Rankin
- Treat Walk (Planning)
 - Creating final list of organizations participating in Treat Walk
 - Met with Police to discuss logistics
 - Staff created Treat Walk map
 - Promoted and advertised
 - Communications promoted via social media, website, event websites



Police Report

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	Consent Agenda Item: I
Reference File	Presented By

To: Scott Attaway, City Manager
From: Jeff Harrison, Assistant Police Chief
Date: October 4th, 2023
Re: September Police Report

Officers responded to 782 calls for service in September 2023. This is slightly down from the past couple of months but still well above what is expected according to Septembers in the past few years. Officers conducted 69 traffic stops and issued 41 citations from those stops. Officers worked on multiple cases this month and closed many of them out. Some of the cases being closed resulted in criminal charges, officers made 20 misdemeanor arrests and 8 felony arrests.

We welcomed Jacob Springs to our ranks which filled our sworn police staff to capacity. Jacob comes to us from a neighboring agency and brings with him 4 years of sworn experience. He is also certified in Radar and Intoximeter, both certifications are useful and will make him a valuable asset when his officer certification returns from the state.

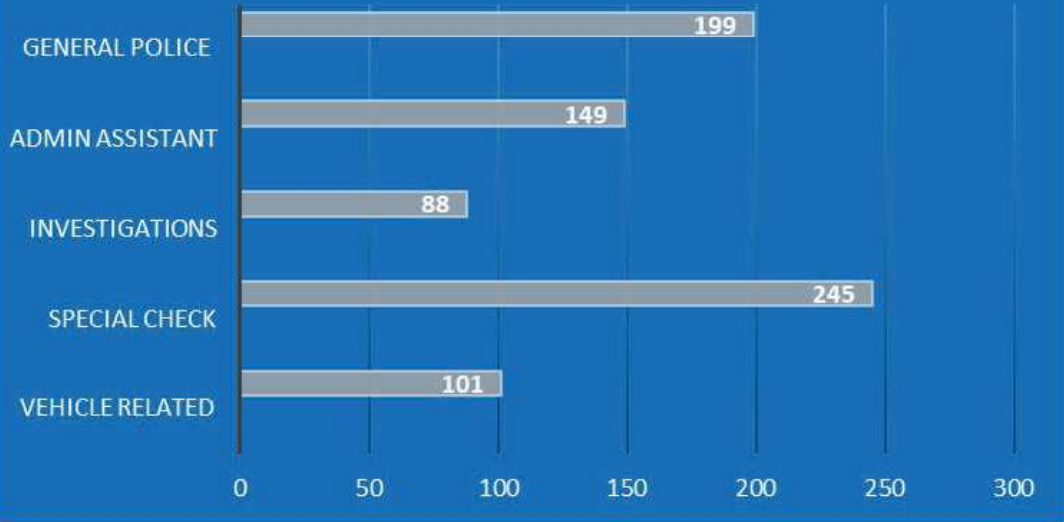
The new computer dispatch and records management system implementation is progressing as expected. Co-ordination between the Lowell Police Department and the City of Gastonia has taken slightly longer than expected but the equipment has been ordered and the progression of this project will soon ramp up.

The K-9 program is also a slower than expected process mostly due to the delays in getting the equipment required to upfit a patrol car to a K-9 unit. The equipment was expected to ship the final week of September however we have not gotten word it has arrived at the upfitters. Fundraising will soon start, and the program will progress more quickly in the coming weeks.

Sgt. Bowen met with the residents of Magnolia Place once again. She spoke to the residents about general safety including how to avoid becoming a victim of fraud.

The mobile speed sign was utilized to complete an analysis on the complaint area of Groves St. Although this is not an area that would be eligible for traffic calming measures, we conducted the analysis so we could have an accurate idea of the possible speeding problem for the area and more effectively address same. Although a complete report is not available yet, the preliminary findings indicate an 85th percentile speed of 43 mph. Of the 10,116 vehicles that had their speed measured on Groves St, 3,786 were traveling more than 5 MPH over the posted speed limit. A full report will be available the second week of October. Officers will step up patrols for this area to slow drivers down.

SEPTEMBER CALLS BY TYPE





Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Public Hearing - Economic Development Grant Agreement - Project Seattle

Consider approval of an Economic Development Grant Agreement, pursuant to North Carolina General Statute 158-7.1 and 160D-1001.

Meeting	Agenda Group	
Tuesday, October 10, 2023, 6:00 PM	Unfinished Business	Item: A
Reference File	Presented By	

To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: 10/03/2023

Re: Public Hearing - Economic Development Grant Agreement for Project Seattle

Project Seattle is a Fortune 500 Company considering a total investment of \$21,000,000 to establish a facility in Gaston County (Gastonia and Lowell), to include the purchase and installation of Machinery & Equipment. Project Seattle's anticipated to add approximately 107 new jobs with an average salary of \$25.82 per hour. that the Company's capital investment in and at the Property and its operations thereat will generate significant ad valorem tax sales tax and other revenues to the County and will qualify for a Level Two Grant. The Economic Development Agreement (EDA),between Project Seattle and the City of Lowell, will provide good job opportunities and capital investment which will enhance the City's ability to attract additional business and industry.

Attachments

RS08-2023 -To authorize Gaston County to enter into an Economic Development Agreement (EDA) with Project Seattle word.pdf

Comprehensive Gaston County Inventives.pdf

Legal notice for EDA Seattle.pdf



RESOLUTION TITLE: TO APPROVE A GASTON COUNTY LEVEL TWO INCENTIVE GRANT PURSUANT TO N.C.GEN.STAT. §158- 7.1 AND TO AUTHORIZE GASTON COUNTY TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT (EDA) WITH PROJECT SEATTLE

RESOLUTION: 08-2023

WHEREAS, Project Seattle is a Fortune 500 Company considering a total investment of \$21,000,000 to establish a facility in Gaston County, to include the purchase and installation of Machinery & Equipment, with the expectation to complete this investment on or before December 31, 2024; and,

WHEREAS, Project Seattle's investment is anticipated to add approximately 107 new jobs with an average salary of \$25.82 per hour over the next twelve months.; and,

WHEREAS, North Carolina General Statute §158-7.1 authorizes a County to undertake an economic development project by providing grants for the location of industry; and,

WHEREAS, Gaston County developed an economic grant policy to provide global advanced manufacturing companies and distribution facilities with incentives to develop high quality industries in the County; and,

WHEREAS, it is anticipated that the Company's capital investment in and at the Property and its operations thereat will generate significant ad valorem tax, sales tax and other revenues to the County and will qualify for a Level Two Grant; and,

WHEREAS, the County will prepare a detailed Economic Development Agreement (EDA), between Project Seattle and the County, to induce the company to provide good job opportunities and capital investment which will enhance the County's ability to attract additional business and industry.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners approves a Level Two Grant, and further authorizes the Chairman, Vice-Chairman or the County Manager to execute any documents necessary to complete an Economic Development Agreement, for Project Seattle.

Adopted the 10th day of October, 2023

Sandy Railey
Mayor

ATTEST:

Cheryl Ramsey
City Clerk



Level Two Incentive Grant Analysis for Seattle
Estimated Incentive based upon Total Net New Taxable Investment
of \$21,000,000 Million in Machinery & Equipment and
in Real Estate in City of Gastonia, City of Lowell & Gaston County, NC September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Gastonia Tax Rate	City of Gastonia: Tax on Building & Land	City of Gastonia: Tax on Machinery and Equipment	City of Gastonia Tax Amount	City of Gastonia Grant Amount	Total City of Gastonia Tax Paid	City of Lowell Tax Rate	City of Lowell: Tax on Building & Land	City of Lowell: Tax on Machinery and Equipment	City of Lowell Tax Amount	City of Lowell Grant Amount	Total City of Lowell Tax Paid	Total Gaston County and Cities of Gastonia & Lowell Tax amount Without Grant	Total Grant Amount for Gaston County, City of Lowell and City of Gastonia	Total Gaston County, City of Lowell and City of Gastonia Tax Paid After Grant
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,800.00	\$115,900.00	\$104,310.00	\$11,580.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$82,370.00	\$6,930.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$83,790.00	\$9,310.00	\$296,300.00	\$296,300.00	\$29,830.00
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,800.00	\$114,900.00	\$91,744.00	\$22,936.00	0.47	\$4,700.00	\$53,650.00	\$58,350.00	\$70,858.00	\$17,672.00	0.49	\$4,900.00	\$87,200.00	\$92,100.00	\$73,696.00	\$18,424.00	\$295,160.00	\$295,160.00	\$59,032.00
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$82,510.00	\$6,790.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$65,170.00	\$27,930.00	\$298,300.00	\$298,300.00	\$89,490.00
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,060.00	\$95,160.00	\$57,096.00	\$38,064.00	0.47	\$4,700.00	\$74,250.00	\$78,950.00	\$47,375.00	\$31,584.00	0.49	\$4,900.00	\$71,540.00	\$76,440.00	\$45,864.00	\$30,576.00	\$250,560.00	\$150,336.00	\$100,224.00
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$44,920.00	\$43,920.00	0.47	\$4,700.00	\$2,980.00	\$7,680.00	\$3,840.00	\$3,840.00	0.49	\$4,900.00	\$45,650.00	\$49,550.00	\$19,250.00	\$35,300.00	\$226,080.00	\$113,040.00	\$113,040.00
Total				\$30,500.00	\$488,880.00	\$529,480.00	\$378,200.00	\$151,280.00			\$380,100.00	\$413,600.00	\$294,784.00	\$118,816.00		\$400,820.00	\$428,320.00	\$383,880.00	\$121,620.00		\$1,368,400.00	\$876,784.00	\$391,816.00
Total Grant Amount													\$976,784.00										

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery and equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 1 Grant starts at 90% in Year(s) 1, 80% in Year 2, 70% in Year 3, 60% in Year 4, 50% in year 5.
 Gaston County Level Grant expires after five years.
 Tax analysis based on project occurring within Gaston County, City of Lowell and City of Gastonia.
 A fully executed EDA is required to receive the local grant incentive.



Level Two Incentive Grant Analysis for Seattle
Estimated Incentive based upon Total Net New Taxable Investment
of \$21,000,000 Million in Machinery & Equipment and
in Real Estate in City of Gastonia, City of Lowell & Gaston County, NC September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Gastonia Tax Rate	City of Gastonia: Tax on Building & Land	City of Gastonia: Tax on Machinery and Equipment	City of Gastonia Tax Amount	City of Gastonia Grant Amount	Total City of Gastonia Tax Paid	City of Lowell Tax Rate	City of Lowell: Tax on Building & Land	City of Lowell: Tax on Machinery and Equipment	City of Lowell Tax Amount	City of Lowell Grant Amount	Total City of Lowell Tax Paid	Total Gaston County and Cities of Gastonia & Lowell Tax amount Without Grant	Total Grant Amount for Gaston County, City of Lowell and City of Gastonia	Total Gaston County, City of Lowell and City of Gastonia Tax Paid After Grant	
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$104,310.00	\$11,590.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$80,370.00	\$8,930.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$83,790.00	\$9,310.00	\$296,300.00	\$296,310.00	\$29,830.00	
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,580.00	\$114,680.00	\$91,744.00	\$22,936.00	0.47	\$4,700.00	\$53,660.00	\$58,360.00	\$70,885.00	\$17,672.00	0.49	\$4,900.00	\$87,220.00	\$92,120.00	\$73,696.00	\$18,424.00	\$295,180.00	\$296,128.00	\$59,032.00	
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$62,310.00	\$26,790.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$65,170.00	\$27,930.00	\$298,300.00	\$298,810.00	\$89,490.00	
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,960.00	\$96,060.00	\$57,096.00	\$38,964.00	0.47	\$4,700.00	\$74,260.00	\$78,960.00	\$47,376.00	\$31,584.00	0.49	\$4,900.00	\$71,540.00	\$76,440.00	\$45,864.00	\$30,576.00	\$250,560.00	\$150,336.00	\$100,224.00	
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$43,826.00	\$43,826.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$33,840.00	\$33,840.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$35,260.00	\$35,260.00	\$226,080.00	\$113,840.00	\$113,840.00	
6	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$35,136.00	\$52,704.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$27,072.00	\$40,608.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$28,224.00	\$42,336.00	\$226,080.00	\$90,432.00	\$135,648.00	
7	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$26,352.00	\$61,488.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$20,304.00	\$47,376.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$21,168.00	\$49,392.00	\$226,080.00	\$87,324.00	\$138,756.00	
8	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$17,568.00	\$70,272.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$13,536.00	\$54,144.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$14,112.00	\$56,448.00	\$226,080.00	\$45,216.00	\$180,864.00	
9	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$8,784.00	\$79,056.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$6,792.00	\$60,912.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$7,168.00	\$63,504.00	\$226,080.00	\$27,408.00	\$203,472.00	
Total				\$54,900.00	\$825,940.00	\$880,840.00	\$466,040.00	\$414,800.00		\$42,300.00	\$642,020.00	\$684,320.00	\$362,464.00	\$321,856.00		\$44,100.00	\$663,460.00	\$707,560.00	\$374,360.00	\$333,200.00	\$2,272,720.00	\$1,202,864.00	\$1,069,856.00	
							Total Grant Amount						\$1,202,864.00											

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery & equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 2 Grant starts at 90% in Year(s) 1, 80% in Year 2, 70% in Year 3, 60% in Year 4, 50% in year 5, 40% in year 6, 30% in year 7, 20% in year 8 and 20% in year 9.
 Gaston County Level 2 Grant expires after nine years.
 Tax analysis based on project occurring within Gaston County, City of Lowell and City of Gastonia.
 A fully executed EDA is required to receive the local grant incentive.



Incentive Grant Analysis
Estimated Incentive based upon Total Net New Taxable Investment of \$21,000,000 Million Investment
in Real Estate and Machinery & Equipment for Seattle
City of Gastonia and Gaston County, NC - September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Gastonia Tax Rate	City of Gastonia: Tax on Building & Land	City of Gastonia: Tax on Machinery and Equipment	City of Gastonia Tax Amount	City of Gastonia Grant Amount	Total City of Gastonia Tax Paid	Total Gaston County and City of Gastonia Tax amount without Grant	Total Grant Amount for Gaston County and City of Gastonia	Total Gaston County and City of Gastonia Tax Paid After Grant
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$104,310.00	\$11,590.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$80,370.00	\$9,930.00	\$205,200.00	\$194,680.00	\$20,520.00
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,580.00	\$114,680.00	\$91,744.00	\$22,936.00	0.47	\$4,700.00	\$83,660.00	\$88,360.00	\$70,688.00	\$17,672.00	\$203,040.00	\$162,432.00	\$40,608.00
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$62,510.00	\$26,790.00	\$205,200.00	\$143,640.00	\$61,560.00
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,060.00	\$95,160.00	\$57,096.00	\$38,064.00	0.47	\$4,700.00	\$74,260.00	\$78,960.00	\$47,376.00	\$31,584.00	\$174,120.00	\$104,472.00	\$69,648.00
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$43,920.00	\$43,920.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$33,840.00	\$33,840.00	\$155,520.00	\$77,760.00	\$77,760.00
Total				\$30,500.00	\$498,980.00	\$529,480.00	\$378,200.00	\$151,280.00		\$23,500.00	\$390,100.00	\$413,600.00	\$294,784.00	\$118,816.00	\$943,080.00	\$672,984.00	\$270,096.00

Total Grant Amount \$672,984.00

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery & equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 1 Grant starts at 90% in year 1, 80% in year 2, 70% in year 3, 60% in year 4 and 50% in year 5
 Gaston County Level 1 Grant expires after five years.
 Tax analysis based on project occurring within City of Gastonia
 A fully executed EDA is required to receive the local grant incentive.

Date Created: 8/21/23



Level Two Incentive Grant Analysis for Seattle
Estimated Incentive based upon Total Net New Taxable Investment
of \$21,000,000 Million in Machinery & Equipment and
in Real Estate in City of Gastonia & Gaston County, NC September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Gastonia Tax Rate	City of Gastonia: Tax on Building & Land	City of Gastonia: Tax on Machinery and Equipment	City of Gastonia Tax Amount	City of Gastonia Grant Amount	Total City of Gastonia Tax Paid	Total Gaston County and City of Gastonia Tax amount without Grant	Total Grant Amount for Gaston County and City of Gastonia	Total Gaston County and City of Gastonia Tax Paid After Grant
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$104,210.00	\$11,590.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$90,370.00	\$8,930.00	\$205,200.00	\$184,690.00	\$20,520.00
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,980.00	\$114,680.00	\$91,744.00	\$22,936.00	0.47	\$4,700.00	\$83,660.00	\$88,360.00	\$70,888.00	\$17,672.00	\$203,040.00	\$162,432.00	\$40,608.00
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.47	\$4,700.00	\$84,600.00	\$89,300.00	\$62,510.00	\$26,790.00	\$205,200.00	\$143,640.00	\$61,560.00
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,060.00	\$95,160.00	\$57,096.00	\$38,064.00	0.47	\$4,700.00	\$74,260.00	\$78,960.00	\$47,376.00	\$31,584.00	\$174,120.00	\$104,472.00	\$69,648.00
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$43,920.00	\$43,920.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$33,840.00	\$33,840.00	\$155,520.00	\$77,760.00	\$77,760.00
6	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$35,136.00	\$52,704.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$27,072.00	\$40,608.00	\$155,520.00	\$62,208.00	\$93,312.00
7	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$26,352.00	\$61,488.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$20,304.00	\$47,376.00	\$155,520.00	\$46,656.00	\$108,864.00
8	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$17,568.00	\$70,272.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$13,636.00	\$54,144.00	\$155,520.00	\$31,104.00	\$124,416.00
9	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$8,784.00	\$79,056.00	0.47	\$4,700.00	\$62,980.00	\$67,680.00	\$8,788.00	\$60,912.00	\$155,520.00	\$15,552.00	\$139,968.00
Total				\$54,900.00	\$825,940.00	\$880,840.00	\$466,040.00	\$414,800.00		\$42,300.00	\$642,020.00	\$684,320.00	\$362,464.00	\$321,856.00	\$1,565,160.00	\$828,504.00	\$736,656.00

Total Grant Amount \$828,504.00

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery & equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 2 Grant starts at 90% in Year(s) 1, 80% in Year 2, 70% in Year 3, 60% in Year 4, 50% in year 5, 40% in year 6, 30% in year 7, 20% in year 8 and 20% in year 9.
 Gaston County Level 2 Grant expires after nine years.
 Tax analysis based on project occurring within Gaston County and City of Gastonia.
 A fully executed EDA is required to receive the local grant incentive.



Incentive Grant Analysis
Estimated Incentive based upon Total Net New Taxable Investment of \$21,000,000 Million Investment
in Real Estate and Machinery & Equipment for Seattle
City of Lowell and Gaston County, NC - September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Lowell Tax Rate	City of Lowell: Tax on Building & Land	City of Lowell: Tax on Machinery and Equipment	City of Lowell Tax Amount	City of Lowell Grant Amount	Total City of Lowell Tax Paid	Total Gaston County and City of Lowell Tax amount without Grant	Total Grant Amount for Gaston County and City of Lowell	Total Gaston County and City of Lowell Tax Paid After Grant
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$104,310.00	\$11,590.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$83,790.00	\$9,310.00	\$209,000.00	\$188,100.00	\$20,900.00
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,580.00	\$114,680.00	\$91,744.00	\$22,936.00	0.49	\$4,900.00	\$87,220.00	\$92,120.00	\$73,696.00	\$18,424.00	\$206,800.00	\$165,440.00	\$41,360.00
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$65,170.00	\$27,930.00	\$209,000.00	\$146,300.00	\$62,700.00
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,060.00	\$95,160.00	\$57,096.00	\$38,064.00	0.49	\$4,900.00	\$77,420.00	\$82,320.00	\$49,392.00	\$32,928.00	\$177,480.00	\$106,488.00	\$70,992.00
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$43,920.00	\$43,920.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$35,280.00	\$35,280.00	\$158,400.00	\$79,200.00	\$79,200.00
Total				\$30,500.00	\$498,980.00	\$529,480.00	\$378,200.00	\$151,280.00		\$24,500.00	\$406,700.00	\$431,200.00	\$307,328.00	\$123,872.00	\$960,680.00	\$685,528.00	\$275,152.00

Total Grant Amount \$685,528.00

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery & equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 1 Grant starts at 90% in year 1, 80% in year 2, 70% in year 3, 60% in year 4 and 50% in year 5
 Gaston County Level 1 Grant expires after five years.
 Tax analysis based on project occurring within City of Lowell
 A fully executed EDA is required to receive the local grant incentive.

Date Created: 8/21/23



Level Two Incentive Grant Analysis for Seattle
Estimated Incentive based upon Total Net New Taxable Investment
of \$21,000,000 Million in Machinery & Equipment and
in Real Estate in City of Lowell & Gaston County, NC September 2023

Analysis based upon net new taxable investment

Year	Net New Taxable Investment in building renovation or tenant improvements	Investment: Machinery & Equipment	Gaston County Tax Rate	Tax on Building & Land	Tax on Machinery and Equipment	Tax Amount Without Grant	Gaston County Grant Amount	Total Gaston County Tax Paid	City of Lowell Tax Rate	City of Lowell: Tax on Building & Land	City of Lowell: Tax on Machinery and Equipment	City of Lowell Tax Amount	City of Lowell Grant Amount	Total City of Lowell Tax Paid	Total Gaston County and City of Lowell Tax amount without Grant	Total Grant Amount for Gaston County and City of Lowell	Total Gaston County and City of Lowell Tax Paid After Grant
1	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$104,910.00	\$11,590.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$93,790.00	\$9,310.00	\$209,000.00	\$188,100.00	\$20,900.00
2	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$108,880.00	\$114,980.00	\$91,744.00	\$22,936.00	0.49	\$4,900.00	\$87,220.00	\$92,120.00	\$73,666.00	\$18,424.00	\$208,800.00	\$165,440.00	\$41,360.00
3	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$109,800.00	\$115,900.00	\$81,130.00	\$34,770.00	0.49	\$4,900.00	\$88,200.00	\$93,100.00	\$65,170.00	\$27,930.00	\$209,000.00	\$146,300.00	\$62,700.00
4	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$89,060.00	\$95,160.00	\$57,096.00	\$38,064.00	0.49	\$4,900.00	\$77,420.00	\$82,320.00	\$49,392.00	\$32,928.00	\$177,480.00	\$106,488.00	\$70,992.00
5	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$43,920.00	\$43,920.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$35,280.00	\$35,280.00	\$158,400.00	\$79,200.00	\$79,200.00
6	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$35,136.00	\$52,704.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$28,224.00	\$42,336.00	\$158,400.00	\$63,360.00	\$95,040.00
7	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$26,352.00	\$61,488.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$21,168.00	\$49,392.00	\$158,400.00	\$47,520.00	\$110,880.00
8	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$17,568.00	\$70,272.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$14,112.00	\$56,448.00	\$158,400.00	\$31,680.00	\$126,720.00
9	\$1,000,000	\$20,000,000	0.61	\$6,100.00	\$81,740.00	\$87,840.00	\$8,784.00	\$79,056.00	0.49	\$4,900.00	\$65,660.00	\$70,560.00	\$7,056.00	\$63,504.00	\$158,400.00	\$15,840.00	\$142,560.00
Total				\$54,900.00	\$825,940.00	\$880,840.00	\$466,040.00	\$414,800.00		\$44,100.00	\$669,340.00	\$713,440.00	\$377,888.00	\$335,552.00	\$1,594,280.00	\$843,928.00	\$750,352.00
												Total Grant Amount		\$843,928.00			

Notes:
 This is an estimated value of current incentives based upon a total of \$21,000,000 in Real Estate and Machinery & Equipment. The investment is broken down into \$20M in Machinery & Equipment and \$1M in RE.
Realization of this grant will be based upon the actual value of building and the equipment placed into service as determined by the Gaston County Tax Assessor for this project.
Please note that the final assessed value of the real estate and machinery & equipment being placed into service for any project may be lower than the capital expense made by the company for the project.
The company should not assign the estimated value of a local incentive or incorporate that estimated local incentive value into any type of facility budget.
 Depreciation of M&E based upon 2023 Schedule for manufacturing machines- Page 17- Schedule A - 10 years
 Tax rates are subject to change without notice.
 Gaston County Level 2 Grant starts at 90% in Year(s) 1, 80% in Year 2, 70% in Year 3, 60% in Year 4, 50% in year 5, 40% in year 6, 30% in year 7, 20% in year 8 and 20% in year 9.
 Gaston County Level 2 Grant expires after nine years.
 Tax analysis based on project occurring within Gaston County and City of Lowell
 A fully executed EDA is required to receive the local grant incentive.

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing scheduled on October 10, 2023, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098. The purpose of the public hearing is to:

- 1) To consider approval of an Economic Development Grant Agreement, pursuant to North Carolina General Statute 158-7.1 and 160D-1001 to Project Seattle. Project Seattle (The Company) proposes to lease the Property and complete construction of the Facility and other improvements, and locate and maintain upon the Property equipment and other personal property, representing a combined investment of not less than **\$21,000,000**. Project Seattle will locate approximately 1.4 million square feet of warehouse and distribution space in the City of Lowell.

For further information please call Joe Gates, Planning Director, at 704-824-3518.



Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Public Hearing - Social District

Amending Chapters 97 and 130 of the Lowell Code of Ordinances.

Meeting	Agenda Group	
Tuesday, October 10, 2023, 6:00 PM	Unfinished Business	Item: B
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Tori Dellinger, Parks & Recreation/Events Director
Date: 10/3/2023
Re: Lowell Social District - Proposed Ordinance No. 9-2023

Introduction

Amid the ratification of House Bill 211 from Session 2022-49 of the General Assembly of North Carolina, The City of Lowell is proposing to establish a social district within specified boundaries of Downtown Lowell. The district is known as the "Lowell Social District."

Program Description

The Lowell Social District will allow ABC licensed establishments (e.g., bars, breweries, restaurants) to sell alcoholic beverages in designated containers for consumption in common areas. Establishing this district will increase pedestrian traffic for local businesses and create a new sense of vibrancy within the downtown area. The Lowell Social District will operate seven (7) days a week, 10:00 AM to 10:00 PM Monday to Sunday.

Attachments

- Proposed Social District Maintenance and Operations Plan_ updated SD map_10.6.23.pdf
- DRAFT_ ORDINANCE TO ESTABLISH THE LOWELL SOCIAL DISTRICT - FINAL.pdf
- RESOLUTION TO APPROVE THE ORDINANCE CREATING THE LOWELL SOCIAL DISTRICT_10.3.23.pdf
- DRAFT ORDINANCE 10-2023 AMENDING CH130 GENERAL OFFENSES.pdf
- Summary of Public Information Session on Proposed Social District_10.6.23.pdf
- Draft_legal ad_Lowell Social District_10.3.23.pdf

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Proposed Social District Maintenance and Operations Plan

Maintenance and Operations Plan

Introduction

Pursuant to NCGS §§ 160A – 205.4 local governments may establish “Social Districts” within their jurisdictions. These Social Districts allow licensed establishments within the Social District (e.g., bars, breweries, restaurants) to sell alcoholic beverages in designated containers (maximum 16 ounces) to be taken into the Social District common areas for consumption. It also allows non-permittee businesses adjacent to or within a Social District to participate in the Social District. The City of Lowell (the “City”) has established such a Social District, designated as the “Lowell Social District” (the “Social District”). (Social District Ordinance attached hereto as Exhibit A).

In the plan that follows, the management and maintenance of the Lowell Social District is outlined. The plan will be submitted to the North Carolina ABC Commission and placed on the City of Lowell website.

Management

The Social District will be managed by the City and supported by the Lowell Police Department. The City shall be responsible for creating and maintaining Social District signage.

Sanitation and Maintenance

The City will provide sanitation services within the district including trash removal and litter pick up. Trash/recycling receptacles will be located at the boundaries of the Social District to encourage patrons to properly dispose of their used cups, as well as throughout the Social District. Participating businesses shall keep their premises and the immediately contiguous public space clean and free of litter.

Operations

The Lowell Social District will operate seven (7) days week, 10:00 AM to 10:00 PM Monday to Sunday.

District Designation and Logo

The Social District will utilize a logo created by the City – (Design will be included below). Boundaries of the Lowell Social District will be clearly marked with signs affixed to entrance/exit points.

[Insert Lowell Social District Logo]

DRAFT
Proposed Social District Maintenance and Operations Plan

Permits

ABC permit holders and non-permitted businesses adjoining the Social District shall apply for a Social District Permit from the City providing, among other things, consent to abide by rules, regulations and requirements promulgated by the City, the ABC Commission and ABC statutory requirements.

Non-permittee Businesses

- (a) The Town shall create and provide to participating non-permittee businesses a uniform sign that indicates the non-permittee business is participating in the Social District.
 - a. The participating non-permittee business shall display the uniform sign at all times during the times when the social district is active and the business is open. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
 - b. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.
- (b) All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post town-approved signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
- (c) During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

Beverage Containers and Rules of Use

The following regulations apply to containers within the Social District:

- (i) The container prominently displays the social district permittee's trade name or logo and a mark that is unique to the Social District permittee under the Social District permittee's on-premises license.
- (ii) The container prominently displays a logo or some other mark that is unique to the Lowell Social District as authorized by the City.
- (iii) The container is not glass.
- (iv) The container has a liquid capacity that does not exceed 16 ounces.
- (v) Containers must be clear and plastic.
- (vi) Containers will be provided by the permittee.

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Proposed Social District Maintenance and Operations Plan

Security and Enforcement

Law enforcement in the Social District will be provided by Lowell Police Department.

Insurance

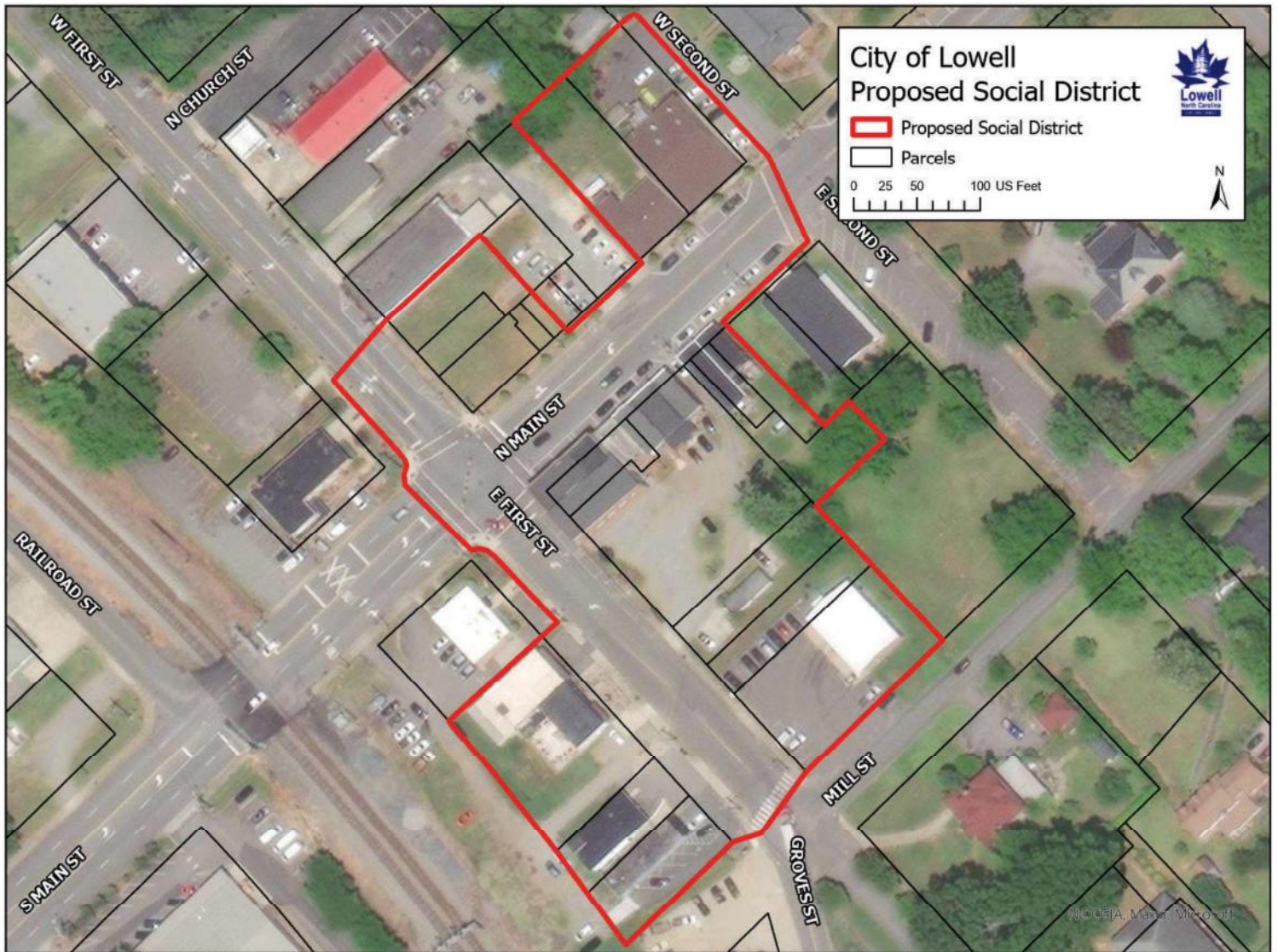
The City of Lowell is insured for its management and operation of the Social District. In addition to the required Social District license, participating establishments must secure business liability insurance and indemnify the city, elected/appointed officials, and employees in limits and coverages determined appropriate by the management authority from time to time.

Social District Map

Refer to the map of the Social District boundary attached hereto as Exhibit A.

Amended from Time to Time

The City of Lowell may amend this Maintenance and Operations plan from time to time at its sole and absolute discretion.



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

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ORDINANCE NO. 9-2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOWELL, NORTH CAROLINA, TO ESTABLISH THE LOWELL SOCIAL DISTRICT BY ADDING TO TITLE IX, A NEW CHAPTER 97 ENTITLED “LOWELL SOCIAL DISTRICT”

WHEREAS, NCGS § 160A-205.4 allows that a city may adopt an ordinance designating a social district.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lowell:

§ 97 LOWELL SOCIAL DISTRICT

Purpose and Intent

- (a) Pursuant to the provisions of North Carolina General Statute 160A-205.4, et seq, one or more social districts may be created within the City and the City hereby creates and designates the Lowell Social District as shown on *Exhibit A*.
- (b) Signage and/or markings shall be posted within the Lowell Social District clearly delineating the boundaries of the Lowell Social District.
- (c) The Lowell Social District shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statutes 160A-205.4 and North Carolina General Statutes Chapter 18B. The City Manager or his designee shall create and shall have authority to amend a Maintenance and Operations Plan for the Lowell Social District, which shall be posted online on the City of Lowell web site.
- (d) Any person who violates this Ordinance, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor.

Definitions

- (a) “Social District” means and refers to defined indoor and outdoor areas in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee's licensed premises, or an extended area allowed under North Carolina General Statute 18B-904(h).
- (b) “Permittee” means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under North Carolina General Statute 18B-200.:
 - (1) An on-premises malt beverage permit issued pursuant to G.S. 18B- 1001(1).
 - (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B- 1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to G.S. 18B- 1001(5).
 - (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - (5) A distillery permit issued pursuant to G.S. 18B-1100(5).
- (b) “Non-permittee business” means a business that is located in a social district and does not

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hold an ABC permit.

- (c) "Person" means and refers to an individual, firm, partnership, association, corporation,

limited liability company, other organization or group, or other combination of individuals acting as a unit.

- (d) "Premises" means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee or non-permittee has control through a lease, deed, or other legal process.

Application

- (a) The provisions and terms contained in this Ordinance shall be applicable to the Lowell Social District between the hours of 10:00 AM and 11:00 PM, Monday through Sunday.

- (b) Any alcoholic beverage purchased for consumption in the Lowell Social District shall (i) only be consumed in the Lowell Social District Monday through Sunday, between the hours of 10:00 AM and 11:00 PM; and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Lowell Social District.

- (c) A violation of this Section is a Class 3 misdemeanor.

Requirements for Business Participation in a Social District

Any permittee or non-permittee business contiguous to a Social District desiring to engage as a Social District participant, must apply for and obtain a Social District Permit from the City. The establishment shall be responsible for operating its business in accordance with all City and State ordinances, laws, rules, regulations and operations plan governing Social District activities.

A permittee located in or contiguous to a Social District may sell alcoholic beverages for consumption within the Social District it is located in or contiguous to in accordance with the following requirements:

- (a) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (b) The permittee shall only sell alcoholic beverages for consumption in the Social District in a container that meets all of the following requirements:
- (1) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays the City-approved logo or other mark that is unique to the Social District.
 - (3) The container is not comprised of glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."
 - (5) The container shall not hold more than 16 fluid ounces.
 - (6) Container must be clear and plastic.

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- (c) Notwithstanding G.S. 18B-300 and G.S. 18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district.

Non-permittee Business Located within the Social District

- (a) The City shall create and provide to participating non-permittee businesses a uniform sign that indicates the non-permittee business is participating in the Social District.
 - a. The participating non-permittee business shall display the uniform sign at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.
 - b. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.
- (b) All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post City-approved signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.
- (c) During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

Requirements for Possession and Consumption of Alcoholic Beverages

The possession and consumption of an alcoholic beverage in a Social District is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in or contiguous to the Social District may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth above.
- (c) Alcoholic beverages may be consumed in a Social District only on days and times authorized by City Ordinance.
- (d) Nothing in this Ordinance shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in North Carolina General Statute 18B-1010.

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- (e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Social District unless the person is reentering the licensed premises where the alcoholic beverage was purchased or another participating business with the permission of that participating business.

City Manager Authorized

The City Manager is authorized to promulgate rules and regulations governing the Social District not inconsistent with this Ordinance or State Law.

Penalty

A violation of this Ordinance is a Class 3 misdemeanor.

Severability

If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Adopted the 10th day of October, 2023

Sandy Railey
Mayor

ATTEST:

Cheryl Ramsey
City Clerk

**RESOLUTION TO APPROVE THE ORDINANCE CREATING THE
LOWELL SOCIAL DISTRICT**

WHEREAS, Session Law 2022-49 for Social District Clarifications was ratified on July 1, 2022; and

WHEREAS, the law allows governing bodies of local government units to establish Social Districts and commons areas where permittees may sell alcoholic beverages in designated cups to be taken into the common area for consumption; and

WHEREAS, the Lowell Social District shall be created and managed by the City of Lowell, and

WHEREAS, the City Council of Lowell finds that the designation of Social Districts pursuant to the Act is in the best interests of the citizens and businesses of the City of Lowell; and

WHEREAS, the City Council designates the Social District shown in the Ordinance as Lowell Social District.

NOW, THEREFORE, BE IT RESOLVED, the City Council does hereby adopt and approve the Lowell Social District.

Adopted the 10th day of October, 2023

Sandy Railey
Mayor

ATTEST:

Cheryl Ramsey
City Clerk



ORDINANCE NO. 10-2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOWELL, NORTH CAROLINA, TO PROVIDE MODIFICATION TO XIII, CHAPTER 130: GENERAL OFFENSES, PERTAINING TO THE “SOCIAL DISTRICT”.

WHEREAS, The City of Lowell Code of Ordinances has enacted regulations for prohibition of certain activities in city recreational areas, and

WHEREAS, The City Council finds there is a need for specific language to address particular circumstances pertaining to the Lowell Social District.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lowell, North Carolina that:

City of Lowell Code of Ordinances is hereby amended to add the underlined and highlighted text below as follows

§ 130.03 PROHIBITED ACTIVITIES IN CITY RECREATION AREAS.

(A) For purposes of this section, the term CITY RECREATION AREAS means and includes the city’s ball park and recreation center, the city’s Joe Hudson Neighborhood Park, and the city’s community center building (Teacherage) and park.

(B) Within or upon the premises of any city recreation areas, it shall be unlawful for any person:

(1) To have or possess any weapon, any intoxicating beverage, any contraband or any controlled substances as defined in G.S. Ch. 90, Art. 5; unless authorized under Title IX GENERAL REGULATIONS, CHAPTER 97: SOCIAL DISTRICT of the CITY OF LOWELL CODE OF ORDINANCES.

(2) To litter, discard trash, cans, bottles or other debris within said park in any area other than within a receptacle provided therefor;

(3) To deface, mar, paint or otherwise disfigure any portions of any building or land including any fixtures and equipment thereon;

(4) To have any bicycle or motor vehicles, including motorcycles, dirt bikes and mopeds, at any place other than public vehicular parking areas; or

(5) To violate G.S. § 14-132, relating to disorderly conduct in and injuries to public buildings.

(C) It shall be unlawful for any person to enter or go upon the following city recreation areas between the hours herein set forth, unless such areas are open to the public generally during such hours:



(1) Ball park and recreation center: 11:00 p.m. until 7:00 a.m.; 6:00 p.m. until 11:00 p.m. on Wednesday; 7:00 a.m. until 1:00 p.m. and 5:00 p.m. until 11:00 p.m. on Sunday;

(2) Joe Hudson Neighborhood Park: 10:00 p.m. until 7:00 a.m.; and

(3) Community center building (Teacherage) and park: 10:00 p.m. until 7:00 a.m.

(D) Signs shall be prominently located within each city recreation area setting the words “No Trespassing” and the hours set forth in division (C) above.

(E) In addition to the above prohibited activities, it shall be unlawful for any person to have or possess within the boundaries of the city’s ball park and recreation center any glass container unless that person is one of the authorized personnel providing concessions for any and all activities within said park and recreation center.

(1995 Code, § 8-40) (Ord. passed 5-19-1980; Ord. passed 8-18-1980; Ord. passed 10-20-1980; Ord. passed 3-21-1983; Ord. passed 5-16-1983) Penalty, see § 10.99

§ 130.24 ALCOHOLIC BEVERAGE USE AND POSSESSION.

It shall be unlawful:

(A) For any person to drink, possess or make any public display of any beer, wine, liquor or any other type of alcoholic beverage at any athletic contest in the city, unless authorized under Title IX GENERAL REGULATIONS, CHAPTER 97: SOCIAL DISTRICT of the CITY OF LOWELL CODE OF ORDINANCES.

(B) For any person to drink beer, wine, liquor or any other type of alcoholic beverage or to make any display thereof if the cap or seal on the container for the same has been or is open or broken on any public road, highway, street or parking area in the city;

(C) For any person to transport or possess in the passenger area of any motor vehicle within the city any beer, wine, liquor or any other type of alcoholic beverage if the cap or seal on the container for the same has been or is open or broken; or

(D) For any person to possess or consume any beer, wine, liquor or any other type of alcoholic beverage in the city where the consumption of alcoholic beverages is not authorized by law, or where said person or any member of the general public has been forbidden to possess or consume beer, wine, liquor or any other type of alcoholic beverage by the owner, operator or person in charge of said premises.

(1995 Code, § 8-5) (Ord. passed 2-3-1969) Penalty, see § 10.99



October 6, 2023

SUBJECT: Summary of Public Information Session on Proposed Social District

Included is a brief summary of the public information session held on Thursday, October 5th, regarding the Proposed Social District in Lowell.

Event Details:

- Date: Thursday, October 5th
- Time: 3:00 PM - 7:00 PM
- Location: Lowell City Hall
- Attendees: Attendance included 7 local citizens, as well as a Town Commissioner from the Town of Cramerton and a local Downtown Cramerton business owner. They actively participated in the information session and offered feedback on the implementation and economic impact of the Cramerton Social District.

Staff Participants: Representatives from the following departments participated in the session and were available to answer questions from the public:

- City Manager
- Police Department
- Planning Department
- Communications Department
- Parks and Recreation Department

Commonly Discussed Topics:

During the information session, several questions and topics were discussed by attendees. The following were the commonly discussed topics:

1. **Purpose of the Social District:** Attendees inquired about the purpose of establishing a Social District in Lowell. The staff explained that the primary purpose is to generate foot traffic and stimulate economic development in Downtown Lowell.
2. **Concerns Regarding Pedestrian Crosswalks:** Concerns were raised regarding pedestrian safety and crosswalks within the proposed Social District. Specific concerns and suggestions were

shared during the session. Staff understands the concerns regarding the crosswalk at Second Street intersection and will look into possible solutions to mitigate the concerns.

3. **Concerns Regarding Increased Crime:** Attendees expressed concerns about potential increases in crime associated with the Social District. Staff shared insights from discussions with the Alcohol Law Enforcement (ALE) and staff from municipalities with existing social districts. Both agencies reported no significant increase in crime and affirmed that additional police officers were not necessary to patrol the Social District.
4. **Hours of Operation:** Questions were raised about the proposed hours of operation for the Social District, seeking clarification on when it would be open to the public. Staff clarified that if the Social District is approved, then the Social District would operate seven days a week from 10:00 AM to 10:00 PM.
5. **Boundary Map:** Attendees requested information about the boundaries of the Social District, seeking clarity on the areas it would encompass. Staff provided a map delineating the proposed boundaries of the Social District.
6. **Concerns About Cup Refilling and Vehicles:** Concerns were voiced regarding individuals taking cups from the Social District to their vehicles for refilling, potentially violating regulations. Staff from Police stated that if the Social District is established, then police will monitor and adapt patrol patterns to frequent parking lots.

NOTICE OF PUBLIC HEARING FOR ESTABLISHMENT OF LOWELL SOCIAL DISTRICT UNDER NORTH CAROLINA GENERAL STATUTE §160A-205.4.

The City of Lowell proposes establishing the Lowell Social District under North Carolina General Statute 160A-205.4. The Lowell City Council intends, subject to public comment at the public hearing for which notice is hereby given, to approve the establishment of the social district.

The Lowell Social District allows patrons to consume alcoholic beverages within designated boundaries within designated areas outlined by the City. The social district intends to increase walkability, increase revenue, and improve visibility for our local businesses within downtown Lowell. The City of Lowell believes establishing this social district will help revitalize the City and encourage more tourist activity.

The Lowell City Council shall hold a public hearing on the City's proposed establishment of the Lowell Social District at 6:00 p.m. on Tuesday, October 10, 2023, at Lowell City Hall during their regular Council Meeting located at 101 W. First Street, Lowell, NC 28098.

All interested parties are invited to attend and participate.

For further information please call Scott Attaway, City Manager, at 704-824-3518.



City of Lowell

Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Discussion and Consideration of Change Order 001 and 002 for the Demolition Project at 1602 N. Main Street

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: A
Reference File	Presented By

To: Lowell Mayor and City Council
From: Scott Attaway, City Manager
Date: October 6, 2023
Re: Consideration of Change Orders 001 and 002

Please see the attached Change Orders from Trifecta Services as it relates to the demolition project at 1602 N. Main Street.

Change Order #1

See attachment

LaBella Engineering recommends demolition of the canopy on loading dock 3A, as it will not require any additional funds and is not suitable for reuse by the City, nor is it safe. The City Manager has approved this change in order to not impact the demolition schedule and further increase costs of other demolition.

Change Order #2

See attachment

Staff recommends selecting the Best Value Option All Inclusive Discount 1-15, totaling \$68,700.

Attachments

RFI Yorkshire 001 Response 10_5_23 SA.pdf

CO 002 Trifecta Yorkshire Multiple Structure Demo V.3.pdf

Suplimental COO 2 Bldg 4 Select Demo Scope.pdf



REQUEST FOR INFORMATION / INTERPRETATION

1. FROM: (CONTRACTOR) Trifecta Services Company 1722 Toal St Charlotte, NC 28206	2. CONTRACT INFORMATION: Contract Date 8/14/23 Demolition Services Agreement City of Lowell and Trifecta Services Company	3. RFI No. <div style="text-align: center; font-size: 24pt;">1</div>										
4. TO: (CLIENT) City of Lowell 101 W. First Street Lowell, NC 28098	5. DESCRIPTION OF WORK AND PROJECT LOCATION Building Demolition and Asbestos Abatement Yorkshire Americas III Brownfields Site 1602 N. Main Street Lowell, NC 2098											
6. SPECIFICATION SECTION & PARAGRAPH NO. Exhibit A Scope of Work Page: 17 Buildings to Remain Building 3 Loading Dock	7. DRAWING NO. & DETAIL NO. Appendix A Building Summary Spreadsheet & Select Site Fig. Page 4, Drawing 1 Site Map											
8. CATEGORY <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 40px; height: 15px;"></td> <td style="padding-left: 5px;">NEED FOR CLARIFICATION</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;">X</td> <td style="padding-left: 5px;">UNFORESEEN CONDITIONS</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="padding-left: 5px;">CONFLICT WITHIN DOCUMENTS</td> </tr> <tr> <td style="border: 1px solid black; text-align: center;">X</td> <td style="padding-left: 5px;">COORDINATION PROBLEM</td> </tr> <tr> <td style="border: 1px solid black; height: 15px;"></td> <td style="padding-left: 5px;">OTHER</td> </tr> </table>				NEED FOR CLARIFICATION	X	UNFORESEEN CONDITIONS		CONFLICT WITHIN DOCUMENTS	X	COORDINATION PROBLEM		OTHER
	NEED FOR CLARIFICATION											
X	UNFORESEEN CONDITIONS											
	CONFLICT WITHIN DOCUMENTS											
X	COORDINATION PROBLEM											
	OTHER											
9. DESCRIPTION Building 3 (to be demo'd) is currently supporting steel beam that is supporting the loading dock to remain.												
10. CONTRACTOR'S PROPOSED RESOLUTION Additional supports will be required to carry and support the roof/structure.												
11. ESTIMATED COST IMPACT \$2500-3500	12. ESTIMATED TIME IMPACT 1 day	13. ATTACHMENTS <div style="text-align: center; font-size: 24pt;">1</div>										
CONTRACTOR SIGNATURE: <i>Joe Robbins</i>		DATE: 8/22/2023										
14. CLIENT'S RESPONSE Based on exclusion highlighted by Trifecta in the contract, latest revelations on solution options presented on 9/22/23 by Trifecta (attached for reference), and LaBella's assessment (attached for reference) on 10/3/23 from walk-down on 9/28/23, the City of Lowell has decided on proceeding ahead with Option 2 as Trifecta has presented to demolish the metal canopy structure down to and leaving the concrete dock as recommended by LaBella Associates in the assessment.												
		11. ATTACHMENTS <div style="text-align: center; font-size: 24pt;">yes</div>										
CLIENT SIGNATURE: <div style="text-align: center;"> <p style="margin: 0;">City of Lowell Engineering</p> </div>		DATE: <div style="text-align: center; font-size: 24pt;">10/5/2023</div>										





1722 Toal St
 Charlotte, NC 28206
 (704) 900-1977
 Phone
 (704) 900-1975 Fax
 www.trifectainc.com
 NC License # 75369

CONTRACT CHANGE ORDER

1. FROM: (CONTRACTOR) Trifecta Services Company 1722 Toal Street Charlotte, NC 28216	2. CONTRACT INFORMATION: Demolition Services Agreement	3. CHANGE No. <p style="text-align: center;">1</p>
--	--	--

4. TO: (CLIENT) City of Lowell 101 W. First Street Lowell, NC 28098	5. DESCRIPTION OF WORK AND PROJECT LOCATION Building Demolition Yorkshire America 1602 N Main Street Lowell, NC Parcel 127479
---	---

6. DESCRIPTION OF CHANGE:
 Loading Dock #3 / Future Stage Building

Option 1: Engineering Design Cost: Prepare Eng. design to show details for necessary construction needed for building to be a stand alone structure. **Cost \$4,850.00** The estimated duration to complete the needed desing is 10 working days. Cost to install and provided added support based on the design is not included.

Option 2: Demolish the metal loading dock structure leaving the concrete slab and walls for futrue use. **Cost \$0.00.**
 Note, The cost to demolish the building will be a zero (\$0.00) change and omit any lead paint from the existing building scope of work.

<input type="checkbox"/> MATERIAL	<input checked="" type="checkbox"/> X	PROPOSAL/SCOPE OF WORK - CHANGE IN CONTRACT	CALENDAR DAYS INCREASE:
(ATTACH ADDITIONAL SHEETS AS NECESSARY)			
PREVIOUS CONTRACT AMOUNT:	<input checked="" type="checkbox"/> X	INCREASE	DECREASE
			REVISED CONTRACT AMOUNT: \$0.00
* None To Date THROUGH CHANGE No.:	<input type="checkbox"/> NTD*		

SCHEDULE OF CHANGED CONTRACT QUANTITIES AND UNIT PRICES

ITEM NO.	DESCRIPTION	TOTAL QUANTITY	UNIT PRICE	TOTAL AMOUNT
01	Option 1 Design Cost Add 10 Days	1	\$4,850.00	\$4,850.00
02	Option 2 Demolition Add 1 day	1	\$0.00	\$0.00
03				
04				
05				
06				
07				\$ -
08				\$ -
09				\$ -
TOTAL				\$4,850.00

EXCEPT AS HEREIN MODIFIED, ALL TERMS AND CONDITIONS OF SAID CONTRACT AS HERETOFORE MODIFIED REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. IT IS UNDERSTOOD AND AGREED BY THE PARTIES HERETO THAT THE FOREGOING CHANGE IN CONTRACT AMOUNT CONSTITUTES A MUTUAL ACCORD AND SATISFACTION FOR ALL CHANGES IN THE CONTRACT AS SET FORTH IN THIS CHANGE ORDER

THE FOREGOING MODIFICATION IS HERE BY ACCEPTED: (CLIENT): City of Lowell BY: _____ TITLE: _____ DATE: _____	THE FOREGOING MODIFICATION IS HERE BY ACCEPTED: (CONTRACTOR): Trifecta Services Company <div style="text-align: right;"> Mike Craddock BY: _____ TITLE: Sr. Estimator DATE: September 22, 2023 </div>
--	---

NOTE: SIGN AND RETURN ORIGINAL AND COPIES: RETAIN ONE COPY FOR YOUR FILE



THE CITY OF LOWELL – FORMER YORKSHIRE AMERICA BUILDING 3 LOADING DOCK ASSESSMENT

LaBella Project No. 2232988.01

Former Yorkshire America Site, 1602 N Main Street, Lowell, North Carolina

Date: October 3, 2023

Report By: Daniel R. Hill, PE – LaBella Associates, PC

BACKGROUND AND OBJECTIVE

On September 28, 2023, Danny Watson, Gary Wright and Daniel Hill, PE of LaBella Associates, DPC (LaBella) visited the site to inspect ongoing work and to meet with contractor and City of Lowell representatives to discuss details of structure demolition and structures to remain. The purpose of this meeting and inspection was to evaluate contractor identified change orders for the demolition project and observe the structural integrity of the existing building structures. It is our understanding that existing as-built drawings of the structure were not available for review prior to the meeting. A site aerial photo and images of the site demolition drawings have been attached below for your reference.

STRUCTURE DESCRIPTION AND OBSERVATIONS

As identified in Figure #1, Building 3 is located in the southern middle portion of the site as noted above. The building is a single-story pre-engineered metal type structure with no known date of construction. The building is currently attached to the adjacent concrete block building to provide lateral support. There was no x-bracing or apparent lateral support observed anywhere in this building structure, which is typical for this type of building providing lateral support for wind a seismic loading.

The structure is supported on an elevated concrete loading dock structure with concrete floor slab and perimeter foundation walls.

DISCUSSION AND RECOMMENDATIONS

Based on our review of the structure noted above, we feel it will be very difficult and expensive to leave this portion of the structure remaining and to bring it up to current building code requirements. There would need to be new bracing installed to resist lateral loading, verification of columns and footings on the northern end of the structure, verification that the existing foundations can be utilized to resist the new overturning loads from the additional lateral loading We have analyzed the existing anchor bolts and their embedment into the existing structure utilizing current building code conditions.



Our opinion is that the existing structure would require substantial and costly renovations for it to meet current building code and therefore eliminating the value for the metal structure to remain for use as described. Based on this visual observation and evaluation, we recommend demolition of the existing metal structure down to the concrete dock area which is also a zero-cost change from the demolition contractor. This option would save time, money and allow the City's to design a more meaningful structure at this location in the future.

Please don't hesitate to contact me with questions.

Daniel R. Hill, PE

SE Regional Engineering Manager



Attachments: Figures and Photographs



Figure #1 - Overall site-plan
(North is up the page)



Image 1: Eastern elevation of loading dock structure at Building 3



Image 2: Building 3 connection to existing block building.



Image 3: Building 3 East elevation.



Image 4: Building 3 interior looking South.



TRIFECTA SERVICES COMPANY
1722 Toal Street
Charlotte, NC 28206
704-900-1977
NC License #75369

October 6, 2023

Scott Attaway
City of Lowell
101 W. First Street
Lowell, NC 28098
704-824-3518
sattaway@lowellnc.com

Yorkshire America V.3
1602 N. Main Street Lowell, NC

Via Email

CO 002 PROPOSAL FOR SERVICES

Dear Scott,

Trifecta Services Company ("Trifecta") is pleased to submit our Proposal for construction services for the Project. This change order proposal includes all necessary supervision, labor, equipment, permits, disposal, and materials to perform the following detailed Scope of Work at the Project.

SCOPE OF WORK

- Required permitting for structural building demolition.
- Structure numbers are based on the number sequencing used on the drawing submitted with RFI.
- DEQ noted "liquids found will need to be sampled to determine their disposition" as it relates to any freestanding water in tanks, or containments, etc.
- All asbestos removal has already been completed.
- Structure 1 Clarifier Northeast corner of bldg. 17, Including Sulfuric Acid Tank and Containment.
 - **Related Comments from DEQ:** Looks like samples were collected around the sulfuric acid tank (S-Tank samples) were collected in this vicinity in 2018. If soil exposed, field screen. If evidence of impact, sample. Containment – is this still full of water? Need to confirm how to manage water with EMP. Once removed, sample exposed soils. One should be sufficient.
 - **Pending Action:** Testing and results from test to confirm water can be released to the ground.
 - **Clarification:** Price is based on pumping water, demolition of structure complete including concrete base. Assume all concrete can be taken to Gaston Landfill with other concrete.
 - **Erosion Control:** Some erosion control measures may be required using existing rates.
- Structure 2- Two concrete containment, West side of building 5
 - **Clarification:** Price is based on pumping water, demolition of structure complete including concrete base. Assume all concrete can be taken to Gaston Landfill with other concrete.
 - **Erosion Control:** Some erosion control measures may be required using existing rates.



- Structure 3 Pipe Rack connected to building 6 extending northeast and ending at building 9.
- Structure 4 Tank Containment east of bldg. 30 and associated rack and downed piping
 - **Related Comments from DEQ:** Seems like it would have been associated with the WWTP but soils in this area have previously been excavated. Very small area, field screen after removal if soils exposed. Sample only if suspected impacts.
- Structure 5 Pipe Rack at structure 24 extending northeast into the woods toward bld. 29
- Structure 6 Pipe Rack extending from bldg. 29 toward building 30.
- Structure 7 Pipe Rack extending south into the wood line toward bldg. 29.
- Structure 8 Two concrete containment basins east of bldg. 5 and 6.
 - **Related DEQ Comments:** Add one sample per containment basin.
- Structure 9 Remove and dispose of debris on the north fence line outside the work area.
 - **Related DEQ Comments:** Field screen shallow soils in this area. If evidence of impact, sample.
 - **Pending Action:** Field Screening per DEQ comments.
- Structure 10 Undocumented soil dumped inside building 12.
 - **Related DEQ Comments:** Geosyntec sampling these areas.
 - **Pending Action:** Testing soil to determine if soil can remain on site or must be disposed offsite. Identify where to place soil on site if allowed. Delaying removal of existing Bldg. Slab until determination.
- Structure 11 Undocumented soil dumped inside building 4.
 - **Related DEQ Comments:** Geosyntec sampling these areas.
 - **Pending Action:** Testing soil to determine if soil can remain on site or must be disposed offsite. Identify where to place soil on site if allowed. Delaying removal of existing Bldg. Slab until determination.
- Structure 12 Interior / Select demolition, Bldg. 4, Demolish contents, catwalk features, windows, doors, remaining equipment, and MEP. All Masonry, concrete walls, bases, slab structures inside are to remain. Roofing shall remain in place and not removed. Items immediately adjacent shall be removed. Exterior lights, conduit, MEP to be removed.
 - **Related DEQ Comments:** Geosyntec sampling these areas.
 - **Pending Action:** Sampling per DEQ comments.
- Structure 13 Two Tanks and concrete containment along north wall of bldg. 10.
 - **Related DEQ Comments:** Bldg. 10 was warehouse & whiteners with dyes. There is already final grade samples proposed for Bldg. 10. During eval post slab removal, also field screen the tank containment area and bias or add samples should evidence of impact be observed.
 - **Pending Action:** Field Screening per DEQ comments.
- Structure 14 Former Substation, piles, and hardware.
 - **Related Comments from DEQ:** Soils in this area are known to be impacted. Can the fence be kept for now to prevent people from tracking over these soils? Then removed during the next phase of redevelopment. No additional testing needed at this time.
- Structure 15. Frac tank next to bldg. 29
 - **Pending Action:** Testing soil to determine if soil can remain on site or must be disposed offsite. Identify where to place soil on site if allowed. Delaying removal of existing Bldg. Slab until determination.



PRICING

- Structure 1 Clarifier and Sulfuric Acid Tank and Containment. \$7,200.00
- Structure 2 Two concrete containment \$3,600.00
- Structure 3 Pipe Rack \$4,200.00
- Structure 4 Tank Containment rack and piping \$3,900.00
- Structure 5 Pipe Rack \$8,200.00
- Structure 6 Pipe Rack \$3,600.00
- Structure 7 Pipe Rack \$4,800.00
- Structure 8 Two concrete containment basins \$3,700.00
- Structure 9 Remove and dispose of debris \$3,900.00
- Structure 10 Undocumented soil (per direction, soil is not contaminated but must be sent to landfill) \$1,800.00
- Structure 11 Undocumented soil (per direction, soil is not contaminated but must be sent to landfill) \$2,800.00
- Structure 12 Interior / Select demolition, Bldg. 4, Attachment showing scope of demolition for Bldg. 4). \$19,000.00 (See Supplemental
- Structure 13 Two Tanks and concrete containment \$5,200.00



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- Structure 14 Former Substation, piles, and hardware. \$2,100.00
- Structure 15. Frac tank next to bldg. 29 \$3,100.00
- Structure 16 Pipe Rack (per site walk) \$2,800.00
- Total 1-16 \$79,900.00
- Best Value Price Option All Inclusive Discount 1-15 \$68,700.00

PROJECT SPECIFIC ASSUMPTIONS & CLARIFICATIONS

- All Work will be performed in one (1) mobilization, additional mobilization will be billed at \$2,800.00 each.
- Testing and removal of materials has not been included. Any removal and disposal of soil other than clean fill will be in addition at cost plus.
- Site demolition of vegetation, trees, asphalt, miscellaneous hardscapes, and underground utilities has not been included.

SCHEDULE

The Work shall be performed according to the following schedule:
 Day shift, no overtime, or weekends.

20 Workdays (excludes days for testing or screening)

Thank you for the opportunity to earn your business.

Sincerely,

Trifecta Services Company

Mike Craddock
Sr. Estimator
704-699-5549
mcraddock@trifectainc.com

Please sign below and return by email:

Sign: _____ Date _____
 Print Name: _____
 Title: _____

Enclosure(s): Attachment A



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Charlotte, NC 28206
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Attachment A to Proposal

Standard Exclusions, Assumptions & Clarifications

Unless modified elsewhere in the Proposal, the following exclusions shall apply to Trifecta's Work: Bonds, taxes, engineering, as-builts, shop drawings, staking, layout, GPR/GPRS, site security, fencing, weather protection, protective covers, liquidated damages, hazardous materials – lead, PBC's, PFAS/PFOS, etc., unforeseen conditions, removal of contaminated waters, debris, laden soil, lagging, underpinning, bracing/shoring/lintels, dewatering, pedestrian barricades, sidewalk closures, off-site work, prevailing wage rates, standby time due to owner/contractor delays or coordination with other trades/enabling work, termination of utility accounts, salvage of items to be relocated or reused, specialty insurance items not listed in this Proposal, pest control, Clearances or 3rd party air monitoring, Overtime or weekend hours, change order work without an agreed value, any work not specifically included in Scope of Work. In addition, the following assumptions and clarifications shall apply to the Trifecta's Work:

- All work will be performed in one (1) mobilization.
- All cutting, capping, and disconnect of MEP's/fire suppression necessary to perform Trifecta's scope or avoid property damage caused by performance of Trifecta's scope by others.
- All utility disconnects by others.
- Patching, sanding, grinding, chemical cleaning or prep for new finishes is *not* included.
- This Proposal does not include handling or disposal of hazardous or contaminated materials.
- Removal, protection, storage and/or reinstallation of any item(s) to be salvaged for reuse or relocation are specifically excluded from this Proposal.
- Power and water – to be provided by Client/Owner/GC
- All debris will be disposed of as C&D; All metal and inert debris is recyclable.
- All C&D and salvage materials shall be removed off-site in a timely manner that is efficient for Trifecta's crew. Only non-salvageable items will be disposed of at local landfill.
- Trifecta will be given adequate site access for personnel and equipment including parking to allow uninterrupted performance of the work as scheduled.
- Trifecta will use the trucking company and disposal site of our choice for demolition and construction debris.
- Trifecta will retain all rights to the salvage of the demolished material. Missing salvage from the time of the walk to the project start will require a pricing change as a salvage credit has been factored into Trifecta's pricing.
- Fuel increases in excess of 10% of the local price as of the date of this Proposal shall result in a surcharge.

Terms & Conditions

Pricing in the Proposal is only guaranteed for thirty (30) days and is based on Trifecta having free, clear and unobstructed access to the work area. Pricing breakout is for accounting purposes only and does not represent stand-alone prices. Proposal must be signed at least two weeks prior to requested start date in order to ensure adequate time to schedule the Work. Payment shall be 100% of the completed Work, final payment including retainage (if any) due NET 30 from completion of Trifecta's Work, whether or not Client has received payment from another party. Overdue balances will accrue interest at 18% per annum or the maximum legal amount for all overdue payments and to recover all expenses, including reasonable attorneys' fees and costs incurred in collecting any overdue balances. Trifecta reserves the right to refuse change order work that is not approved for payment in advance of performance.

Upon execution of this Proposal or commencement of Trifecta's Work, this Proposal shall become a binding contract between the Parties. The Proposal, together with any attachments, exhibits, or mutually agreed Descopes Notes, will be automatically incorporated into any final contract between the Parties, regardless of any merger clause or other contractual language agreed to by the Parties purporting to exclude this Proposal, now or in the future. In the event of any conflict between this Proposal and any other contractual provision dealing with pricing, scope, inclusions, and/or exclusions related to Trifecta's Work, or incorporation of this Proposal into a subsequent agreement, this Proposal (together with any amendments thereto in writing and signed by the Parties) shall control.

Selective Demolition Building 4

Supplemental Attachment to CO 002

Exterior – Selective Demolition

To Remain:

Metal window frames to remain

Masonry window infill to remain

remain

Remove:

- Conduit/Electrical Box
- Metal Racking
- Metal Rail
- Lights
- Box Fan
- Vines/Vegetation
- Downspouts
- Partial broken window glass



Interior - Selective Demolition

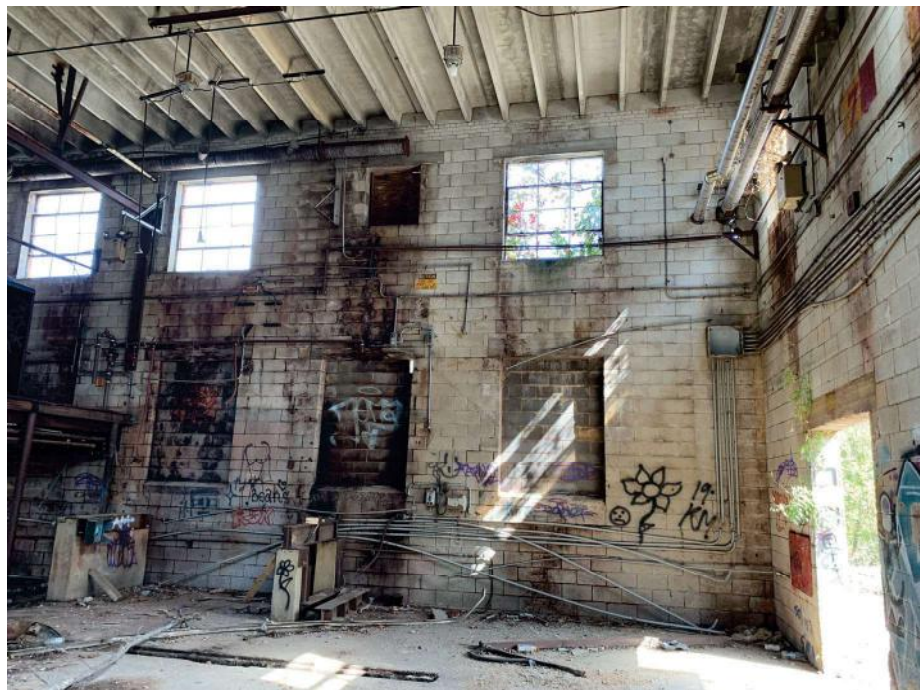
To Remain:

Two Metal vessels, this and all concrete bases

Remove all:

- Catwalk and steel structure
- Debris
- Conduit
- Pipe
- Misc. equipment
- Electric boxes
- Lights
- Fans
- Heaters
- Brackets
- Duct
- CMU Block Room
- Trench Covers
- Fill trenches with rock
- Building will be left as a clean shell other than items to remain.















Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Amendment to Lowell Code of Ordinances - Brunch Bill

Proposal of a new section to Chapter 130 General Offenses to regulate the sale of Alcoholic Beverages on Sundays.

Meeting	Agenda Group	
Tuesday, October 10, 2023, 6:00 PM	New Business	Item: B
Reference File	Presented By	

To: Scott Attaway

From: Joe Gates, Planning Director

Date: Friday, September 29, 2023

Re: Addition of new ordinance to regulate the Hours of Sale for alcoholic beverages

The following item has been submitted for your consideration.

Ratified Senate Bill 155 was signed into law by the Governor on June 30th, 2017, and became effective on that date. The law allows Cities to adopt an ordinance permitting the sale of alcoholic beverages starting at 10:00 A.M. on Sundays.

Attached is a proposed ordinance based on the model ordinance produced by the North Carolina League of Municipalities should you wish to authorize such sales within the City Limits of Lowell.

Attachments

ORDINANCE NO. 10-2023 - Chapter 130 - Brunch Bill.pdf

Town of Lowell Brunch Bill Letter Request.pdf

ORDINANCE NO. 10-2023

**An Ordinance To Amend Chapter 130 Of the Lowell Code of Ordinances Entitled
“General Offenses”**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled “An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws”; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 am on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017 and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our community to meet the needs of their customers; and

WHEREAS, Sunday morning alcohol service will benefit our small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our community has a diverse and growing population with different religious beliefs, each of which has various times and multiple days for worship;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lowell, North Carolina that:

Section 130.25. Chapter 130 “General Offenses” Section 130.25 is hereby added to read as follows:

Section 130.25 – Sunday Sales of Alcoholic Beverages before Noon on Sundays

- (A) Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of the City of Lowell and holding an ABC permit issued pursuant to G.S. 18B - 1001 is permitted to sell beverages allowed by its permit beginning at 10 A.M. on Sundays.
- (B). All ordinances or portions of ordinances in conflict herewith are repealed to the extent of any such conflict.

September 29, 2023

Scott Attaway, City Manager

And Members of the Lowell City Council

Lowell City Hall

Main Street

Lowell, NC 28098

Dear Mr. Attaway and Members of the City Council:

I am writing this letter to request that your office and the City Council consider implementing the North Carolina Senate Bill 155 "Brunch Bill" in Lowell. The North Carolina General Assembly passed Senate Bill 155 in June 2017. The Bill allows for Local county and city governments to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages, beginning at 10:00 a.m. on Sunday. Since the Bill was passed in 2017, nearly every city in Gaston County with the exception of Lowell, has implemented the Brunch Bill.

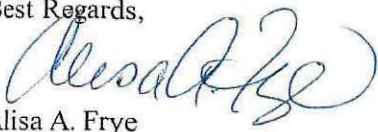
I urge your quick action to pass this Bill to ensure our local restaurants and retail businesses remain competitive with establishments in surrounding cities and towns. I have personally experienced loss of revenue due to the fact the City of Lowell has not adopted the Brunch Bill. Lowell has not allowed my business, nor the other businesses that hold a license for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages to stay up to par with the service and sales standards of other restaurants and retail establishments within a quick drive of Lowell.

The subject of Sunday alcohol sales is a controversial one and discussions about it tend to be heavily influenced by personal beliefs and emotions. If Lowell wishes to be a community that welcomes growth *in new residents, we should expect more diversity in race, socio-economics and religion. Not all religions observe their faith on Sunday.*

In my research on the topic, I came across two powerful quotes I'm sharing here. The first is: "Allowing restaurants that already sell alcohol the other six days of the week to offer alcohol on the seventh won't impact attendance. If it does, churches have a much deeper problem than can be resolved by the absence of alcohol." And the second: "The truth is blue laws and bans on Sunday alcohol sales have less to do with religion than they do with religious fervor to dictate the behavior of others."

I, and the businesses that have signed this letter have faith and trust in the citizens of Lowell and our customers to act responsibly and appropriately when given the freedom to choose their beverages on Sunday, just as they do every other day of the week. We appreciate your consideration of this request to implement the Brunch Bill in the City of Lowell.

Best Regards,



Alisa A. Frye

And Lowell Restaurants and Retailers

Miami Fusion Café

Jordan Snyda

Lucky Mini Mart & Grill

Refaat

Lowell Mini Mart

Windy Ann Nelson

Fryeday Coffee Roasters

Alisa G. G.

El Pancho Villa Mexican Bar & Grill

[Signature]

Groovy Beast

[Signature]

THE CORNER GROCERY

[Signature]

Shell

RSC Food Mart

Jaya Gupta



Regular City Council Meeting Memorandum

Prepared By: Jeff Harrison

Discussion of Amendment to Traffic Calming Policy

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: C
Reference File	Presented By
	Jeff Harrison, Assistant Police Chief

To: Scott Attaway, City Manager
From: Jeff Harrison, Assistant Police Chief
Date: October 3rd, 2023
Re: Proposed Amendment to Traffic Calming Policy

The Police Department has conducted several traffic analyses over the past 2 months. The results have revealed the current traffic calming policy uses a metric (average speed) that will disqualify most areas for consideration of traffic calming measures. The current policy uses average speed as the metric, the proposed amendment changes from average speed to 85th percentile speed, a nationally recognized way to measure speed in an area. For example, the traffic analysis conducted on North Church Street indicated an average speed of 14 MPH, that's 11MPH under the posted speed limit. The 85th percentile speed for North Main Street is 24 MPH, still not high enough to trigger traffic calming measures but likely much more accurate measure of the speeds in the area. The North Carolina Department of Transportation defines 85th percentile speed as the speed at or below which 85 percent of traffic is moving.

The proposed amendment also adds a "qualifying criteria for analysis" section that defines what streets in the city qualify for traffic calming measures should the analysis indicate a speeding problem. The final major change to the traffic calming policy is to the definitions of Class A issues. Currently the policy reads "speed of 0-9 MPH over the posted speed limit, the amendment changes this to 1-9 MPH over the posted speed. The change is needed because 0 MPH over the posted speed limit is not a speeding violation by definition. Other proposed changes to the policy include changes to the average daily vehicle count to be more suitable for the city, various grammatical errors fixed, and the addition or removal of some language to make the policy more clearly written and understandable.

Attachments

Traffic-Calming-Policy DRAFT 10-03-2023.pdf

Traffic-Calming-Policy DRAFT 10-03-2023.pdf



Traffic Calming Policy (approved March 12, 2018)

Mission Statement

The City of Lowell wishes to have a procedure whereby the City can incorporate traffic calming devices and ~~systems in order~~ to alleviate speeding, excessive traffic volume, dangerous intersections or other conditions that are of a public safety nature.

Purpose

The purpose of this policy is to present ways in which the City of Lowell can find solutions to residential traffic problems **on City-maintained streets** as approved by the Lowell City Council. Consideration is given to a variety of residential traffic concerns on a case-by-case basis. Each situation is reviewed with respect to the available traffic control measures that have been, or could be, found effective to alleviate the traffic concern. The ability to provide traffic control measures is always subject to the availability of City funding.

Traffic calming initiatives may include police enforcement, lower speed limit, parking controls, traffic circles, chicanes, street narrowing, turn restrictions, one-way streets, changed street patterns or design, multi-way stop intersections, speed humps, and/or other traffic calming measures deemed appropriate by the City. The city will exhaust all other initiatives to calm traffic prior to the installation of speed humps.

The following outlines the procedures which can be used to develop the optimum solution or solutions to each ~~particular~~ situation. There are many factors taken into consideration when reviewing residential traffic concerns to determine the most feasible traffic control measure. These factors include the surrounding roadway network, resident access, speeds, **and/or** volume of traffic, ~~accident~~ **crash** history, provision of emergency services, and budget considerations.

Initiation of Request

1. Any citizen, City staff, or Council Member can make a request for potential traffic calming. This request shall be in writing and addressed to the City Manager.
2. The written request should outline the nature of the traffic/public safety concern the requestor would like the city to investigate. The request shall also indicate the street(s) the issue is being observed on, and any other relevant specifics of the perceived problem (time of day, day(s) of week, etc.)
3. Once the written request is received, the process of analysis of the concern begins.

Qualifying Criteria for Analysis

1. Streets for which traffic calming devices are requested must be residential or serve residential neighborhoods.
2. Streets for which traffic calming devices are requested must be no more than 2 lanes wide.
3. Streets for which traffic calming devices are requested must be no more than 25 MPH posted speed limit.

- Streets for which traffic calming devices are requested must have an average daily traffic volume of 300 vehicles or more.

Analysis

- Once the request is received by the City Manager, the information will be provided to the City of Lowell Police Dept. (LPD) to begin the analysis process.
- Traffic information will be collected according to the protocol of the LPD. This will include the use of traffic monitoring devices to collect information such as speed, and volume on the street(s) in question. Additional information such as incident history, and other relevant traffic/safety data may be included in the analysis as well.
- Analysis shall begin within 30 business days of the written request being received by the City Manager pending availability of the police department's analysis equipment.

Findings

- The Police Department will provide all findings of the traffic analysis to the City Manager.
- City Manager determines if issue is Class A or Class B
 - Class A is average an 85th percentile speed of 0-9 MPH 1-9 MPH over posted speed limit.
 - Class B is average an 85th percentile speed of 10+ MPH over posted speed limit.
 - Must have at least 50 cars in a 24 HR period
 - If 50 the 300 car average vehicle per day threshold is not met, City Manager will coordinate additionally with Police Department and use discretion to determine the severity of traffic concerns.
- If the data indicates a Class A issue, the action to be taken is increased random enforcement by the Police Department, or such other measures as deemed appropriate by the City Council in its discretion.
- If the data indicates a Class B issue, City staff will coordinate with the affected community to assess the type of traffic calming measures that would best address public safety and the nature of the issue.

Actions

- The City Manager will provide the findings of the study to the City Council.
- If it is determined the problem falls into Class B, the City Manager will make a recommendation to the City Council on the type of traffic calming measure that would best address public safety. This recommendation will be made based on analysis by City staff, in coordination with the residents of the affected community.
- The City Council will provide the final approval of the type of traffic calming measure to be implemented.
 - Decisions to be made will consider availability of funds to implement traffic calming on City roads.
- Public works, and City staff will work to install traffic calming measures on the city-maintained streets as approved by the Board of Commissioners City council.
 - Based on the type of traffic calming measure being taken, outside contracting may be necessary to complete the work.



Regular City Council Meeting Memorandum

Prepared By: Lisa Nolen

Budget Amendment #5

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: D
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: October 3, 2023
Re: Consideration of Budget Amendment #5

Once the ARPA savings account was closed at the bank, accrued interest was posted to the account in the amount of \$1,239.37. The attached budget amendment moves these funds to the General Fund. Staff recommends this budget amendment to be in compliance with ARPA reporting requirements.

Attachments

Budget Amendment #5 FY 2023-2024.pdf

City Of Lowell
Budget Amendment #5
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 ARPA Special Revenue Fund and General Fund to be changed as follows:

ARPA Fund:

Cash:

	<u>Decrease</u>	<u>Increase</u>
60-1020-0005 Cash - ARPA	\$1,239.37	

ARPA Fund:

Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
60-2990-0000 ARPA Fund Balance	\$1,239.37	

This will result in a decrease of \$1,239.37 in ARPA Cash and ARPA Fund Balance in FY 2023-2024. This completes the full transfer of ARPA funds to the General Fund.

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

General Fund:

Cash:

	<u>Decrease</u>	<u>Increase</u>
10-1020-0000 Cash		\$1,239.37

General Fund

Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
10-3990-0000 Fund Bal. Appropriated		\$1,239.37

This amendment will result in an increase of \$1,239.37 in Cash and an increase in the General Fund Balance in FY 2023-2024. This completes the full transfer of ARPA funds to the General Fund.

This amendment is for accrued interest on grant money received from ARPA.

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 _____ day of October, 2023.

Mayor

Attest:

City Clerk



Budget Amendment #6

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: E
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: October 3, 2023
Re: Consideration of Budget Amendment #6

The attached Budget Amendment #6 is to move interest earned on ARPA funds from the General Fund to the Community Investment Fund.

Attachments

Budget Amendment #6 FY 2023-2024.pdf

City Of Lowell
Budget Amendment #6
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 Community Investment Fund balance to be changed as follows:

Community Investment Fund:
Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
10-3990-2000 CIF Balance Appropriated		\$1,239.37

This will result in an increase of \$1,239.37 in CIF Balance Appropriated.

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

General Fund:
Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
10-3990-0000 Fund Bal. Appropriated	\$1,239.37	

This amendment will result in a decrease of \$1,239.37 in Fund Bal. Appropriated.

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 _____ day of October, 2023.

Mayor

Attest:

City Clerk



Regular City Council Meeting Memorandum

Prepared By: Lisa Nolen

Resolution #07-2023

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: F
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: October 5, 2023
Re: Resolution #07-2023

See the attached resolution to establish Community Investment Fund.

Attachments

Resolution #07-2023.pdf



RESOLUTION #07-2023

**RESOLUTION TO ESTABLISH THE COMMUNITY INVESTMENT
FUND (CIF) IN THE CITY'S FINANCIAL SYSTEM**

WHEREAS the establishment of the Community Investment Fund for all future capital needs of the City will flow directly into the CIF as a long-term strategy to help fund the City's future; and

WHEREAS The City of Lowell has committed to a portion of property tax revenue and excess fund balance to fund the CIF. The City's policy/commitment is to transfer fund balance that exceeds 50% of General Fund Expenditures Goal; and

WHEREAS The City of Lowell's net budget is not increased, the increase of revenue and expenditures are a result of transfers.

NOW THEREFORE BE IT RESOLVED that the City of Lowell with the establishment of the Community Investment Fund (CIF), revenue traditionally budgeted in the general fund will now flow directly in the CIF as a long-term strategy to fund future capital needs of the City, including, but not limited to, city infrastructure projects, capital equipment, property acquisition, grant matches, etc.

Approved this 10th day of October 2023 by the City Council of the City of Lowell during a duly advertised regularly scheduled City Council meeting.

Sandy Railey, Mayor

Scott Attaway, City Manager

Cheryl Ramsey, City Clerk

ATTEST

(CITY SEAL)



Budget Amendment #7

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: G
Reference File	Presented By

To: Scott Attaway, City Manager

From: Lisa Nolen, Finance Director

Date: October 5, 2023

Re: Consideration of Budget Amendment #7

This budget amendment moves all CIF funds from the General Fund to the Community Investment Fund as per Resolution #07-2023.

Attachments

Budget Amendment #7 FY 2023 - 2024.pdf

City Of Lowell
Budget Amendment #7
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 Community Investment Fund balance in the General Fund to be changed as follows:

General Fund CIF:

Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
10-3990-2000 CIF Balance Appropriated	\$2,032,817.90	

General Fund CIF:

Expenses:

10-4100-9100 Transfer to CIF	\$2,032,817.90
------------------------------	----------------

This will result in a decrease of \$2,032,817.90 in CIF Balance Appropriated in the General Fund and an increase of \$2,032,817.90 in Transfer to CIF.

Section 2: To amend the Community Investment Fund, the appropriations are to be changed as follows:

Community Investment Fund:

Fund Balance:

	<u>Decrease</u>	<u>Increase</u>
41-2990-0000 Fund Bal. – CIF Appropriated		\$2,032,817.90

Community Investment Fund:

Revenue:

41-3990-9500 Transfer from General Fund	\$2,032,817.90
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This will result in an increase of \$2,032,817.90 in CIF Fund Balance Appropriated and an increase of \$2,032,817.90 in Transfers from General Fund.

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 _____ day of October, 2023.

Mayor

Attest:

City Clerk



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Consideration of Approval of City of Lowell Task Order with Withers Ravenel/ DWI Project No.: SRP-W-ARP-0301 / American Rescue Plan Act (ARPA) / Pre-Construction Planning Grant (PCPG)

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: H
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: October 6, 2023

Re: Consideration of Approval of City of Lowell Task Order by Withers Ravenel/ DWI Project No.: SRP-W-ARP-0301 / American Rescue Plan Act (ARPA) / Pre-Construction Planning Grant (PCPG)

The City of Lowell staff recommend choosing Withers Ravenel to perform the Pre Construction Planning Grant that was awarded by NCDEQ/Division of Water Infrastructure (DWI). Withers Ravenel was selected on the basis of their qualifications regarding utility infrastructure experience (among other categories) during the recent RFQ for On-Call Engineering. The total cost of their proposal is \$588,000 and the DWI Grant is limited to \$400,000. As a comparison, LaBella Engineering, who wrote the grant application for the City estimated the cost to be \$669,850 in the grant application.

Fiscal Impact:

City staff recommends utilizing a possible combination of future system development fee revenue (SDF), Water/Sewer Fund Balance, and direct funding from the State to pay for the overage (estimated at \$188,000) between the \$400,000 grant and the estimated total project cost of \$588,000.

Attachments

RS10-2022 Study for the Planning of the Wastewater Interconnection w Two Rivers Utilities.pdf

1 - 2022 Fall Division Application - PLANNING.pdf



RESOLUTION BY GOVERNING BODY OF APPLICANT

RESOLUTION NUMBER: RS10-2022

WHEREAS, The City of Lowell has need for and intends to construct, plan for, or conduct a study in a project described as the City of Lowell Pre-Construction Planning Grant for a Wastewater Interconnection with Two Rivers Utilities, and

WHEREAS, The City of Lowell intends to request State grant assistance for the project,

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

That City of Lowell, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Lowell to make a scheduled repayment of the loan, to withhold from the City of Lowell any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

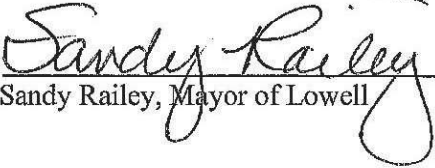
If applying for a regional project, that the **Applicant** will partner and work with other units of local government or utilities in conducting the project, including City of Lowell.

That Scott Attaway, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** 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.

Adopted this the 13th day of September, 2022 at the City of Lowell, North Carolina.


Sandy Railey, Mayor of Lowell

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Lowell does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council of the City of Lowell duly held on the 13th day of September, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of September, 2022.



(Signature of Recording Officer)



(Title of Recording Officer)



North Carolina Department of Environmental Quality

Division of Water Infrastructure

Application for Funding



(Last updated: July 2022)

1. General Information

Applicant Name City of Lowell	County Gaston	Unique Entity Identifier (UEI) YM5JG1V8GRAB
Project Name City of Lowell Pre-Construction Planning Grant for Wastewater Interconnection with Two Rivers Utilities	Federal Tax ID # 56-6003509	PWSID or NPDES # (if applicable) NC00025861

Applicant Type	Funding Amount Requested
<input checked="" type="checkbox"/> Municipality <input type="checkbox"/> Non-Profit Water Corporation <input type="checkbox"/> County <input type="checkbox"/> Council of Government or Non-Profit Entity <input type="checkbox"/> Water and Sewer District Partnering with Municipality or County for <input type="checkbox"/> Water and Sewer Authority LASII Stormwater Project <input type="checkbox"/> Sanitary District <input type="checkbox"/> Other (Specify:)	\$400,000 Total Project Cost \$669,850

Funding Type(s) Requested	
<input type="checkbox"/> Drinking Water or Wastewater Planning <input type="checkbox"/> Asset Inventory and Assessment (AIA) <input type="checkbox"/> Merger/Regionalization Feasibility (MRF) Study <input checked="" type="checkbox"/> Pre-Construction Planning Grant (without construction) <input type="checkbox"/> Stormwater Planning Grant (LASII) <input type="checkbox"/> Develop and Implement a New Stormwater Utility (LASII)	<input type="checkbox"/> Construction Project <input type="checkbox"/> Drinking Water <input type="checkbox"/> Wastewater <input type="checkbox"/> CWSRF Green Project: stream restoration, stormwater SCM, reclaimed water <input type="checkbox"/> CDBG-Infrastructure (CDBG-I) <input type="checkbox"/> Stormwater Construction (LASII)

CDBG-I only:	
LMI Determination Method:	LMI Percentage:
<input type="checkbox"/> ACS <input type="checkbox"/> Survey	

Acceptance of Funding Offer (for Construction Projects only)
 These questions will be used to identify the best funding fit. Funding from the American Rescue Plan Act (ARPA) and CDBG-I is available as grants, and principal forgiveness is available from the State Revolving Funds.

- I am willing to accept funding that includes federal conditions. Yes No
- I will only accept a funding offer (loan and/or grant) if a minimum of \$400,0000 is offered as a grant or principal forgiveness. *Enter \$0 if you are willing to accept a loan offer with no grant or principal forgiveness.*
- Because of the potential hardship related to a State Revolving Fund and/or State Reserve Program loan, this application seeks to replace the \$ loan awarded to the Insert Project Name (Insert project number) with grant funding. *Note: loans that have already received disbursements are not eligible.*

2. Drinking Water and Wastewater System Parameters (Not applicable for stormwater projects)

Residential Sewer Connections	Residential Water Connections	
1,413	1,471	
Non-Residential Sewer Connections	Non-Residential Water Connections	
103	110	
Monthly Sewer Bill per 5,000 gallons	Monthly Water Bill per 5,000 gallons	
\$43.75	\$47.51	
Percentage of Utility Bills Collected and Rate Increase Percentages		
Year	Percentage of Utility Bills Collected	Rate Increase Percentage
FY 2021	97%	4.0%
FY 2020	96%	3.01%
FY 2019	97%	6.37%
FY 2018	97%	0%
FY 2017	97%	7.14%

3. Applicant Contact Information**Authorized Representative Name:** Scott Attaway**Authorized Representative Title:** City Manager**Mailing Address Line 1:** 101 W. 1st Street**Mailing Address Line 2:****City:** Lowell**State:** NC**Zip Code:** 28098**Physical Address Line 1:** Same as above**Physical Address Line 2:****Physical Address City:****Physical Address State:****Physical Address Zip Code:****Phone Number:** 704-824-3518**Email Address:** sattaway@lowellnc.com**4. Application Preparer Contact Information****Firm Name:** LaBella Associates**Contact Name:** Heather Miller, PE**Mailing Address Line 1:** 400 S. Tryon Street**Mailing Address Line 2:** Suite 1300**City:** Charlotte**State:** NC**Zip Code:** 28285**Physical Address Line 1:** Same as above**Physical Address Line 2:****Physical Address City:****Physical Address State:****Physical Address Zip Code:****Phone Number:** 704-941-2174**Email Address:** hmiller@labellapc.com**5. Engineer Contact Information**Is the engineering firm different from the application preparer? Yes No**Engineering Firm Name:****Contact Name:****Mailing Address 1:****Mailing Address 2:****City:****State:****Zip Code:****Physical Address Line 1:****Physical Address Line 2:****Physical Address City:****Physical Address State:****Physical Address Zip Code:****Phone Number:****Email Address:**

6. Project Description (see Instructions)

The City of Lowell (City) owns a permitted 0.6 million gallon per day (MGD) contact stabilization activated sludge wastewater treatment plant (Plant), which began operations in April 1968. Several modifications and equipment replacements at the Plant have occurred over the past 50+ years of operation, and significant repairs, rehabilitations, and replacements are regularly required to sustain operations.

In 2019 a feasibility study was conducted to determine the best long-term solution for the City’s wastewater treatment needs. The recommended option was to transfer flows from the Plant to the regional South Fork pump station in McAdenville operated by Two Rivers Utilities (TRU). The improvements and infrastructure required were identified as:

- Convert existing Plant to a pump station by installing a new pump station with wet well and controls, potentially integrating the existing Plant headworks into the design.
- Install approximately 6,700 linear feet of 8-inch diameter forcemain
- Modify the existing South Fork Pump Station to accept flows by installation of new pump and controls

The City is working in partnership with TRU through a Memorandum of Understanding (MOU) and a preliminary interlocal agreement. After installation of the required infrastructure, the City would decommission the Plant and become a bulk user of TRU.

The proposed pre-construction planning grant project will complete pre-construction planning, field surveying, environmental assessments, design, and permitting to prepare construction bid documents.

Estimated number of new connections served by Drinking Water or Wastewater construction project: 0


For Drinking Water and Wastewater Construction, CDBG-I, CWSRF Green Projects, Pre-Construction Planning Grants:

- The proposed project is a result of an Asset Inventory and Assessment grant previously awarded by the Division.
- The proposed project is a result of a Merger / Regionalization Feasibility Study grant previously awarded by the Division.
- None of the above.

7. Additional Information for Consideration

N/A

8a. Project Budget for All Construction Projects and Drinking Water/Wastewater Pre-Construction Planning Grants only. Do not use for AIA, MRF, Stormwater Planning Grant (LASII), or Develop and Implement a New Stormwater Utility (LASII) projects.

Indicate construction costs by line item (e.g., linear feet of different-sized lines, each type of stormwater control measure, each stream restoration/enhancement/stabilization reach). Include a more detailed construction cost budget if needed.	Division Funding Requested	Other Secured Funding Source(s)	Total Cost Amount
<u>Construction Costs</u>			
<i>Contingency (10% of construction costs):</i>			
Construction Subtotal:			
<u>Engineering Costs</u>			
Engineering Design	\$309,465		\$309,465
Permitting	\$85,405		\$85,405
Land Surveying Costs	\$53,590		\$53,590
Engineering Subtotal:	\$448,460		\$448,460
<u>Administration Costs</u>			
Planning (pre-construction costs)	\$103,155		\$103,155
Easement Preparation	\$25,790		\$25,790
Engineering Report Preparation	\$77,370		\$77,370
Environmental Documentation Preparation	\$15,075		\$15,075
Project Funding Administration (if applicable)			
Construction Administration and Observation			
Administration Subtotal:	\$221,390		\$221,390
TOTAL PROJECT COST:	\$669,850		\$669,850
<p>A Professional Engineer signature and seal for the estimate <u>must be provided</u> in the space to the right for the application to be considered complete.</p>			

8b. Project Budget for AIA and MRF Grants, and Training and/or Rate Study Components to Drinking Water or Wastewater Projects. Do <i>not</i> use for Pre-Construction Planning Grants, or any type of LASII Stormwater project.	
Add additional lines as needed.	
	Division Funding Requested
N/A	
TOTAL DIVISION FUNDING REQUESTED:	

8c. Project Budget for Stormwater Planning Grant (LASII) and Grant to Develop and Implement a New Stormwater Utility (LASII). Do <i>not</i> use for any other project type, including stormwater construction (LASII).	
1. If the application includes a request for funds to <u>both</u> Develop and Implement a New Stormwater Utility <u>and</u> other Stormwater Planning work, <u>the budget shown below must be labeled and shown separately.</u>	
2. Add additional lines as needed.	
	Division Funding Requested
N/A	
TOTAL DIVISION FUNDING REQUESTED FOR STORMWATER PLANNING GRANT (LASII):	
N/A	
TOTAL DIVISION FUNDING REQUESTED TO DEVELOP AND IMPLEMENT A NEW STORMWATER UTILITY (LASII):	

Certification by Authorized Representative

The attached statements and exhibits are hereby made part of this application, and the undersigned representative of the Applicant certifies that the information in this application and the attached statements and exhibits are true, correct, and complete to the best of his/her knowledge and belief. By initialing each item and signature at the end of this application, he/she further certifies that:

- _____ 1. as Authorized Representative, he/she has been authorized to file this application by formal action of the governing body;
- _____ 2. the governing body agrees to provide for proper short-term and long-term maintenance and operation of the approved project after its completion;
- _____ 3. the Applicant has substantially complied with or will comply with all federal, state, and local laws, rules, and regulations and ordinances as applicable to this project;
- _____ 4. the Applicant will adopt and place into effect on or before the completion of the project a schedule of fees and charges which will provide for the adequate and proper operation, maintenance, and administration and repayment of all principal and interest on loans (if applicable) of the project [if not applicable, initial "N/A"];
- _____ 5. the Applicant has followed proper accounting and fiscal reporting procedures, as evidenced by the Applicant's most recent audit report, and that the Applicant is in substantial compliance with provision of the general fiscal control laws of the State;
- _____ 6. the Project Budget for all construction projects and pre-construction planning grants provided in this application form (Section 8a, if applicable) includes all funding requested from all sources of funding proposed for this project;
- _____ 7. the City of Lowell, North Carolina is organized and chartered under the laws of North Carolina, or the special purpose unit of local government is incorporated under the laws of North Carolina. All officials and employees are aware of, and in full compliance with NCGS 14-234, "Public officers or employees benefiting from public contracts; exceptions." (For units of local government only. All others should initial "N/A");
- _____ 8. the Applicant acknowledges that all loans and Viable Utility Reserve grants are subject to approval by the Local Government Commission (not applicable for CDBG-I or stormwater projects);
- _____ 9. the Applicant acknowledges that if the application is for a drinking water or wastewater project and any one of the local government units involved in the project is designated as distressed by the State Water Infrastructure Authority and the Local Government Commission, the local government unit(s) must complete the viable utility requirements in NCGS 159G-45(b) by conducting an asset assessment and rate study, participate in a training program, and develop a short-term and long-term action plan considering infrastructure repair, maintenance, and management, continuing education, and long-term financial management plan. Additional conditions may be imposed on the local government(s) designated as distressed by the State Water Infrastructure Authority and/or the Local Government Commission. (Initial "N/A" if does not apply to project type or all local governments involved in the project).
- _____ 10. the Applicant acknowledges that, in accordance with G.S. 120-157.2, for local government debt to be issued greater than \$1,000,000, the local government must report to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission (For units of local government only. All others, and CDBG-I and stormwater (LASII) applicants should initial "N/A"); and
- _____ 11. if the Applicant receives a grant with American Rescue Plan Act (ARPA) State Fiscal Recovery Funds, the Applicant acknowledges and accepts the following conditions:
 - a) all ARPA project funds must be reimbursed by December 31, 2026;
 - b) project funds will not be used to pay existing debt or as a match for other federal funds;
 - c) if the project is also funded with other federal funds, the federal requirements of the other funds will apply to the ARPA funds; and
 - d) for projects receiving ten million dollars or more in ARPA funding: recipients must certify or provide plans and reports meeting federal requirements on reporting on prevailing wage rates, project labor agreements, and related information as specified in the U.S. Treasury's [*Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds*](#).

Completeness Checklist

In addition to this application, the following items must be included in the application package to be eligible or to successfully claim priority points. **Failure to include or properly document an item marked with * will result in an incomplete and ineligible application which will not be considered for funding.** Please initial that each item is included in this submittal. If not applicable for the project, please initial "N/A".

- | | |
|------------|--|
| _____ | Resolution by Governing Body of Applicant with Certification by Recording Officer * † |
| <u>N/A</u> | Resolution by Governing Body of Applicant to Develop and Implement a Stormwater Utility with a Stormwater Enterprise Fund * † [for 'Develop and Implement a New Stormwater Utility' project only; <u>replaces</u> "Resolution by Governing Body of Applicant with Certification by Recording Officer" above] |
| _____ | Comprehensive Narrative to Claim Points in the Priority Rating System * |
| _____ | Documentation to Support the Comprehensive Narratives, including maps or images as needed |
| _____ | Applicable Priority Rating System Form to Claim Points † [for Construction Projects and Pre-Construction Planning Grants only] |
| _____ | Affordability Calculator † or handwritten affordability calculations [not applicable to CDBG-I, AIA, MRF, or stormwater projects (LASII)] |
| _____ | Fund Transfer Certification with appropriate box checked * † [not applicable to CDBG-I or stormwater projects (LASII)] |
| _____ | Water & Sewer Financial Information Form † [not applicable to stormwater projects (LASII)] |
| <u>N/A</u> | Commitment of Other Funds Form, Low to Moderate Income Documentation, and Federal Compliance Documents* † [for CDBG-I applications only] |
| <u>N/A</u> | Stormwater Entity Eligibility Certification Form * † [for stormwater projects (LASII) only] |
| _____ | Current rate sheets and NC Water & Sewer Rate Form† in effect on application deadline (for <u>both</u> water <u>and</u> sewer if the utility provides both water and sewer, or for water or sewer depending on the utility service) [not applicable to stormwater projects (LASII)] |
| <u>N/A</u> | Current stormwater fees in effect on application deadline [for stormwater projects (LASII) only if fees apply] |
| _____ | PE Seal on Project Budget * [for Construction Projects and Pre-Construction Planning Grants only] |

* Required in the application package. Failure to include or properly document will result in an incomplete and ineligible application which will not be considered for funding.

† Forms and templates are available separately on the [Division's application webpage](#).

Submittal Information

All application packages must be submitted electronically at <https://edocs.deq.nc.gov/Forms/OPA-ARPA>

See Instructions on completing the form online.

Online submittal of the application package is sufficient for all applications, except for CDBG-Infrastructure applications.

For CDBG-Infrastructure applications only: in addition to submitting the application package electronically at the link above, you must **send one (1) original hard copy*** of the application package to:

Mailing Address† (US Postal Service only)

Division of Water Infrastructure
1633 Mail Service Center
Raleigh, NC 27699-1633

Physical Address (FedEx, UPS)‡

Division of Water Infrastructure – 8th Floor, Archdale Building
512 North Salisbury Street
Raleigh, NC 27604
919.707.9160

* Provide a hard copy that is bound (e.g., report cover with fasteners, plastic report combs, spiral or 3-ring binders). No paper clips, staples or binder clasps.

† Please allow two weeks for delivery if mailing via the US Postal Service.

‡ For all courier services, please use the physical address, as having a courier deliver to the mailing address will delay package delivery.

Application Signature

**Original signature is required for the application.
Application with no signature is incomplete and ineligible for consideration.**

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Scott Attaway
TYPED NAME

City Manager
TYPED TITLE

DATE



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Centralina Regional Council Statement of Work Amendment for approval

Meeting	Agenda Group
Tuesday, October 10, 2023, 6:00 PM	New Business Item: I
Reference File	Presented By

To: Scott Attaway
From: Cheryl Ramsey
Date: 10-6-23
Re: Centralina Statement of Work Amendment, C#3

As previously discussed when Amendment #2 dated June 1, 2023 was signed, the use of CDBG funds for the Community Center and the Environmental Review that is required by these federal funds triggered the State Historic Preservation Office (SHPO) involvement and the Community Center construction timeline and approach was required to be modified to address the SHPO oversight. The current amendment (C#3), includes approximately 100 hours for Centralina staff from October 1, 2023 to March 1, 2024, or six months at approximately 16.5 hours per month total.

The contract amendment is based on the hours incurred monthly and is billed quarterly. If the work can be completed in less hours, then it may be that the full cost is not incurred. However, there are five homes and the Community Center that need construction oversight during this period and the amendment reflects our experience and knowledge to date about the nature and extent of the pending work and grant activities.

Attachments

Contract Extension 10_6_23.pdf



Exhibit C-#3
Statement of Work Amendment

This Statement of Work Amendment to Exhibit C (this “Amendment C-#3”), dated as of September 15, 2023 (the “Amendment C-#3 September 15, 2023”), is an amendment to, and is hereby incorporated into, the Initial Statement of Work Exhibit C (the “Relevant SOW”) of the Services Agreement with an Effective Date of January 28, 2021 (the “Agreement”), by and between CENTRALINA COUNCIL OF GOVERNMENTS, d.b.a Centralina Regional Council (“Centralina”), and the **City of Lowell**, (“Client”). Centralina and Client are each referred to individually as a “Party” and collectively as the “Parties” to this Amendment.

RECITALS

WHEREAS, Centralina is a North Carolina regional council of governments pursuant to Chapter 160A, Article 20, Part 2 of the General Statutes of North Carolina and having a principal place of business at 10735 David Taylor Drive, Suite 250, Charlotte, North Carolina 28262; and,

WHEREAS, Client is a local government member of Centralina having a principal place of business at 101 West First Street, Lowell, NC 28098; and,

WHEREAS, the Relevant SOW identified Services to be rendered to Client by Centralina to support Client’s efforts to complete Construction Management services; and,

WHEREAS, the time for performance of the Relevant SOW ends on September 30, 2023 and the Services contemplated under the Relevant SOW have not yet been completed; and,

WHEREAS, Client wishes to purchase, and Centralina wishes to provide, additional or different services related to the Relevant SOW’s Services;

NOW THEREFORE, Client and Centralina agree to amend the Relevant SOW as follows:

1. “Time For Performance” section III: The time for performance/expiration date is amended to expire as of March 1, 2024.

2. The following changes or additions to Services and or Deliverables included in SOW Amendment C#3:

The construction management activities for the following properties in the City of Lowell:

- 1) 108 Oakland Dr. – Inspections / Project Meetings / Project Closeout
- 2) 417 Birch St. – Inspections / Project Meetings / Project Closeout
- 3) 419 Birch St – Inspections / Project Meetings / Project Closeout
- 4) 308 N. Clay St. – Inspections / Project Meetings / Project Closeout
- 5) 309 Hemlock – Inspections / Project Meetings / Project Closeout
- 6) 705 Potts St. – Inspections / Project Meetings / Project Closeout
- 7) Lowell Community Center - Inspections / Project Meetings / Project Closeout

3. “Compensation” Section IV: The fees due to Centralina from Client are amended as follows: The Centralina contract amount is now increased from \$76,781 to \$86,331. Additional fees of \$9,550.00 will be billed at the end of each quarter based on the hours accrued on the project during the quarterly reporting period.



This Amendment C-#3 has been executed by each Party's duly authorized representative.

CENTRALINA REGIONAL COUNCIL

CITY OF LOWELL

By: 
Geraldine Gardner (Sep 25, 2023 15:33 EDT)

By: _____

Name: Geraldine Gardner

Name: Scott Attaway

Title: Executive Director

Title: City Manager

Date: Sep 25, 2023

Date: _____

“This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.”

(signature)
Lisa Nolen, City of Lowell Finance Officer