



City of Lowell
Council Meeting Agenda

Tuesday, February 13, 2024, 6:00 PM
City Hall
101 W. First Street
Lowell, North Carolina 28098

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 Special Call Meeting on January 3, 2024 (p. 3-4)
- 2B. Approval of Regular Minutes January 9, 2024 (p. 5-22)

3: Special Presentation

- 3A. Proclamation in Recognition of the Month of February as Black History Month (p. 23)
- 3B. Introduction of Police Administrative Assistant Sabrina Stafford
- 3C. Presentation by City of Lowell Lead for NC Americorps Fellow, Emiyah Watkins

4: Consent Agenda (p. 24-37)

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

5: Unfinished Business

- 5A. Master Sign Plan Application - Public Hearing - File # MSP23-01 (p. 38-44)
- 5B. Proposed Amendment to Section 33.16 Membership and Vacancies; Attendance. (p. 45-46)

6: New Business

6A. Annual Utility Allocation Report -LaBella Engineering (p. 47-56)

6B. Consideration of Change Order 09 to the Demolition Contract with Trifecta Demolition (p. 57-62)

6C. Selection and Appointment to the Lowell Planning and Zoning Board (p. 63-68)

6D. Resolution #01-2024 to accept ARPA funds for the Wastewater Pre-Construction Planning Grant (p. 69-74)

6E. Consideration to Add Traffic Calming Measures to Rogosin Blvd. (p. 75-82)

6F. Discussion about closed section of Birch Street between N. Clay Street, Potts Street and Ashe Street. Discussion will involve parcel 306362, also known as 700 W. First Street, where a portion of Birch Street has been closed. (p. 83-97)

6G. Text Amendment - Lowell Code of Ordinances, Chapter 76: Traffic Schedules and Chapter 72 Traffic Regulations Staff is recommending that Chapter 76, Schedule XII: Weight Restrictions be amended to include a portion Cobb Street. Additionally, Section 72.060-No Heavy Trucks, will also be amended. (p. 98-99)

6H. Consideration of Budget Amendment #12 (p. 100-101)

7: Reports / Discussions

7A. City Manager Report

7B. City Attorney Report

7C. Mayor and City Council General Discussion

8: Closed Session

9: Adjournment

9A. Meeting Adjournment

Date Posted: February 9, 2024

**** The following document is a draft of the minutes and the not the official approved minutes**

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Minutes for the Special Called City Council Meeting

101 W. First Street, Lowell, North Carolina 28098

January 3, 2024, 6:15 PM - January 3, 2024, 6:35 PM

Roll Call: *(The following members were in attendance)*

- **Phil Bonham**, Councilmember
- **DeWayne Chitwood**, Councilmember
- **Travis Smith**, Councilmember
- **Shane Robinson**, Councilmember
- **Scott Bates**, Mayor Pro Tem
- **Larry Simonds**, Mayor

1. Call to Order

1A. Call To Order- 6:30 PM

Mayor Simonds called the meeting to order at 6:30pm.

2. New Business

2A. Personnel meeting (per the request of Mayor Larry Simonds)-

Mayor Simonds stated he called this meeting to order himself, wished everyone a Happy New Year, then asked for a motion to go into Closed/Executive Session. John Russell, City Attorney said that this is not on the calendar [agenda] so the first needing to be done is to adopt the agenda, then a motion to amend the agenda to include a Closed Session and have a reason to go into Closed Session. He said the General Statute for personnel matters is 143.318.11 subsection 6 to consider the qualifications, competence, performance, character, and fitness. Councilmember Robinson made a motion to amend the agenda to add Closed Session, seconded by Mayor Pro Tem Bates. The vote was passed 3 to 2, with Mayor Pro Tem Bates, and Councilmembers Robinson and Chitwood voting yay and Councilmember Bonham and Smith voting nay. Councilmember Robinson made a motion to adopt the agenda as amended, seconded by Mayor Pro Tem Bates. The vote was passed 3 to 2, with Mayor Pro Tem Bates, and Councilmembers Robinson and Chitwood voting yay and Councilmember Bonham and Smith voting nay. Mayor Pro Tem Bates

then made a motion to go into Closed Session per GS 143.318.11 subsection 6, seconded by Councilmember Robinson. The vote was passed 3 to 2, with Mayor Pro Tem Bates, and Councilmembers Robinson and Chitwood voting yay and Councilmember Bonham and Smith voting nay.

The public was then asked to leave Council Chambers. Mayor Simonds asked for the City Clerk to leave as well. City Manager Scott Attaway said the clerk has to stay as recorder of the minutes.

No actions were taken during Closed Session

Councilmember Smith made a motion to come out of closed session, seconded by Councilmember Bonham. The vote was unanimously in favor. The public then returned.

3. ADJOURN

Councilmember Robinson made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. Meeting adjourned at 6:38pm

Minutes for the Regular City Council Meeting
101 W. First Street, Lowell, North Carolina 28098
January 9, 2024, 6:00 pm

1. General

1A. Call To Order- 6:00 PM

Mayor Larry Simonds called the meeting to order at 6:00pm. City staff present were City Manager Scott Attaway, City Attorney John Russell, Police Chief Moore, Police Asst. Chief Harrison, Planning Director Joe Gates, Finance Director Lisa Nolen, Public Works Director Thomas Shrewsbury, Parks and Recreation Director Tori Dellinger, and Communications Director Cristy Cummings. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced on YouTube for the public and the agenda and meeting materials were made public on the city's website as well as in person. Members of the public were also in attendance.

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

Reverend Sigmon of the Lowell Free Will Baptist Church gave the Invocation. He also stated that he was looking forward to the New Year with the new council. Mayor Simonds then led the audience with the Pledge of Allegiance.

Mayor Simonds then stated that when he was the mayor before and as mayor now, he wanted to change things. He stated that before a song was played to honor all of our soldiers of the present and past for their sacrifices. A recording of How Great Thou Art was then played.

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

The item was motioned To Approve by Travis Smith and seconded by DeWayne Chitwood with a passing result 5-0-1-0 Abstained by Larry Simonds

1D. Public Comments- 6:08 PM

1. Candy Funderburk of 600 Rogosin Blvd, Lowell, NC - She congratulated all of the new council members and asked and prayed that they, along with the City Manager and City Attorney work together as a team. She said there was a lot accomplished in the prior years and more to accomplish in the coming years. She was glad to see Butler & Stowe auditors here and reminded council that last year's audit was great. She mentioned the dye plant looks great and last year's budget was to move Public Works to that location. She hopes council will continue with that plan to move it there. She stated that the Boys and Girls Club and the property for the future Police and City Hall complex was purchased with ARPA funds not local taxes. She hopes council will work together for the future and the betterment of the citizens.

2. Darryl Tate of 307 Lynn St, Lowell, NC - He stated he complained of a water leak at around 7pm on November 13, 2023 around where they are building a new road near him, damaging his yard and some to his home. He called the Police Department for documentation of what had happened. He said for the next 3-5 weeks later he started having milky water and that his dogs wouldn't drink it. He is asking for an adjustment on his water bill. He then stated that he talked to someone about him cleaning his own drainage ditch and that the city could enslave his labor to trim the right-of-way. He said he read the 13th Amendment about slavery and indentured servitude. He said if you compel people to do labor they should be paid for it and eligible for workers comp if they fall. Mayor Simonds talked to him about the water run-

offs in the North Point area. Mr. Tate said he had video. Mayor Simonds suggested he bring the video in to show Mr. Attaway and Mr. Shrewsbury to get it rectified.

3. Wayne Buchanan of 620 Geer St, Lowell, NC - He was upset about the flood warnings and waiting until the last minute on cancelling tonight's meeting. He also said that the meeting should be held at Holbrook where everyone can get in the room. Mayor Simonds said he thinks he's right and that is something he can work on. He asked Mr. Attaway about more chairs coming [in]. Mr. Attaway said the maximum capacity is 41 for this room per the Fire Marshall. Mayor Simonds asked how many we have tonight. Mr. Attaway said we have 41 seats out.

Mayor Simonds then asked if anyone else wanted to speak. With no other speakers he said he would be leaving early tonight because his wife has been diagnosed with Parkinson's and takes a pill at 8pm and he'd like to be there when she does. He then asked if he could make his comments now. Councilmember Robinson did not see a problem with him speaking now as it is part of public comments. With no objections, Mayor Simonds continued with "the things that pulls at his heart strings". He said the thing that upsets him more than anything, is the water run-off fee as churches are being punished the most. He said he is not bringing this up for Mr. Sigmund's church [Pastor of Lowell Free Will Church] but stated the bill he gave him was over \$80 for one month and he could only imagine what the rest of the churches are paying. He said he doesn't have a problem with businesses paying a run-off fee because he uses it at his business of a car lot to wash cars and when Ranlo sends him a bill, he's happy to pay it because he can write it off on his taxes and he feels he is doing something for the town there. He said the water run-off there is only \$1.87 but Lowell is \$6.75 and we have a lot of seniors here where they can't afford it because of the taxes increased. We need to help them. He said he understands that the city needs people to work but we are paying \$2.35 million dollars for 34 employees for our town and he thinks that is excessive. He thinks we need to keep it in perspective where we can all afford to live here and look out for one another like we should. Another thing he wanted to bring up tonight, is complaints about Dogwood St where people are drag racing and Rogosin Blvd where they want street bumps and he doesn't see why we can't make them happy. He went back to zoning and things that affect everyone he said anytime this council votes on something it effects us all and we need to think a lot longer before we make a decision. He said we doing all this spending without due diligence. He said look at Church St and that we don't know how the street got in there to NorthPoint. He said he found out the other day from the Fire Department that they had to have two entrances and exits to get out of there. Now that they built this new street, from what he understands, the citizens will be allowed to use it, but he hopes and prays they get the telephone pole out of that other street going up to Cobb St. He said he doesn't know how it's going to affect us but we're going to have a traffic problem from now on.

Councilmember Smith then interrupted Mayor Simonds and said he'd like to stick to the agenda and all of this can be added as an item at later dates. Mayor Simonds said as long as he's mayor and he's not trying to be rude but wants to give a general outlay of what he wants to see done in the city. He said if it never happens that's up to the council, including you [to Councilmember Smith] and if it happens, that's up to the Council, including you [to Councilmember Smith]. Mayor Simonds said to Councilmember Smith that he appreciates his interest and wished he had taken the time during his tenure before. Councilmember Smith said he has taken plenty of time for the City of Lowell. Mayor Simonds stated to Councilmember Smith that he knows he has a problem, but he forgives him. Mayor Simonds said in the long run we're going to have a

better city, a better meeting and you're going to have people that really care. He said he will never ever turn his back on a citizen just like the gentleman who had a genuine problem. He then went back to talk about zoning. He said it is the most important thing we have in this city and the most expensive. he said we have two people controlling our zoning now but the zoning board has to bring it before council and he understands that. He then said he wants to bring up tonight about Saxony [Drive] where it was agreed to not move our sewer system. He asked Mr. Attaway if that was true or not.

Before Mr. Attaway could answer, Councilmember Bonham interrupted and said this is way out of line. Mayor Simonds asked 'to ask about the sewer line?'. Councilmember Bonham said "if you want to discuss the sewer line, then we can put that on the agenda and discuss where he can get the background information from the Manager prior to the meeting". He said 'because you have to leave early, now you are taking over the meeting and venting anything you want to vent when the rest of us are here for this agenda.' Mayor Simonds said 'good. I was given permission to speak, so I'm going to speak. Listen, don't make me rule you out of order, I think a lot of you, but what I'm talking about is strictly business for the city. This moving the sewer line is strictly business. The zoning board said they could do it." He again asked Mr. Attaway if they can move it or not? Mr. Attaway said 'they can move it for a development that is not occurring any longer, so if a different development comes in that same property, they would have to come back [to us] again because the application they filed was based off a certain building size that produces a certain calculation of sewer gallons that would be a by-product of that facility and that is what the Planning Board then the council approves." He thinks it was around 34,000 a day of sewage that it would produce and that is what they [Planning and Zoning Board] approve. He said the likelihood that another development coming in would exactly match that gallon size, is highly unlikely. He confirmed to Joe Gates on if we rescinded authorization after we found out that the development was not on the table anymore. Mr. Gates stated said "yes and that that was a Preliminary Capacity Assurance Review (P-CAR). Basically what this is, per our Utility Allocation policy, it is a multi-step process. The P-CAR action is the very first step and Mayor, if you will remember, we had this conversation while it was going on, in that this is the initial "look". What the P-CAR does is the developer asks [the city] do you even have capacity in your system for us to proceed before we spend money on engineering and all of those things. That is as far as that process got [with this developer]. Once the plan went away, then like the City Manager said, the steps did not go any further. In order for someone to actually receive full allocation and for that number of gallons to be taken off the availability, they would have to receive a final capacity assurance review, which is the review by our engineering firm and they would have to pay associated fees within a certain number of days. The payment of those fees is what actually solidifies the allocation and then takes it off the availability". Mayor Simonds said he has tried to talk to Joe before and could never get him and [inaudible]. He said "I do not want those warehouses built down there. I don't want any sewer line to ever be moved and that's what you stated [to Mr. Attaway]. It was called Operation Husky. It was taken off the table and you told the council that everything was gone, never to be brought up. I talked to a lady in McAdenville and she said the same thing. So that's what I'm going against and I think within the next 30 days or so with a little bit of study, that the council needs to come back and say no, nothing is every going to move our sewer unless we have to move it because that's our sewer line. That's how the city gets the sewer to our plant, so why would we ever allow anyone to move our sewer lines and why would we ever allow 274 potential warehouse buildings to be built down there. That's what my question is. You say you're going to have 30, 40,000 gallons of water a day? I don't know, maybe you will but they'll have to work around that.

That's why zoning is important. City Manager's job is important. The Council's job is important. My job is important and the citizens need to be informed of what's going on. Saxony only has a two lane road. Can you imagine 274 warehouse doors like they had out here on North Point on that little street. We need to do better. We need to have due diligence and think about whatever we are going to do because everything we do effects all of us. I didn't mean to take up so much of your time but thank all of you. I want this brought up within the next 30 days and put on the agenda for a vote."

Councilmember Smith said "Larry speaking of property in McAdenville...that is not in Lowell, moving and replacing that sewer line was going to save you, the citizens \$1.2 million. I just wanted to put some facts out there. Mayor Simonds said that is not a fact, that's a joke. It's not going to save us any money." Councilmember Smith said "you're a joke, that's a fact". Mayor Simonds said "I'm not a joke, I'm your mayor, but anyway, that was a joke for them to come out and tell you they are going to spend \$1.2 million and benefit the people of Lowell. That's the biggest lie that's ever been told. That is our sewer line and we don't want it moved. If the council wants it moved let the council vote it up or down. Thank you and have it in 30 days and that's all I have tonight." He then asked for the next thing on the agenda.

2. Approval of Minutes

The item was motioned To Approve by DeWayne Chitwood and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Larry Simonds

2A. December 12, 2023 Regular City Council Minutes- 6:19 PM

Councilmember Bonham said he had comments about the minutes. Mayor Simonds asked if there was a change? Councilmember Bonham said there was no change but "I think that we need to be very careful on how we speak and the language we use. I think we need to make sure that we are respectful to others at all times and it is our job to do so. Pg. 6 of the minutes, bottom paragraph, quoting Mr. Mayor "they had this guy on video, he looked like, I don't know what mafia people look like, but he doesn't look like he is the type of person I'd want to do anything for me." I can't tell you what to think but all this money you're trying to save, we'll be eaten up in legal fees if you keep language up like that." Mayor Simonds said he didn't think so. Councilmember Bonham continued saying "we need to calm it down and keep it professional". Mayor Simonds said "I think professionalism would be not to go down to Georgia and hire someone to tell us what we need in Lowell. I think that's professionalism." Councilmember Bonham asked "so you think that language is appropriate for a city council meeting?" Mayor Simonds said "I think what I said was and I don't know if you like it or not, but if it came from my mouth, I'm not going to say I didn't say it. I said it yes but I also think that people need to know what's going on in this town and be transparent. You show me a video and tell me what goes on in this city? That's not how it works and to tell me they know more in Georgia than we do up here, how crazy is that. To me, you ought to be questioning that, not what I said but that's up to you, you can question anything. If you want to reflect that in the minutes that's fine.

Councilmember Smith also wanted to speak on the minutes. He said "talking about giving people what they want, Larry was quoted in the minutes of our December 12th meeting "the only other thing that I'm not ever going to do is going into Executive Session," which is closed session, "I'm not ever going to Executive Session. I'd like to see that streak broken one time, but I understand that council's have that right to go into Executive Session to discuss whatever they like. But as far as Larry, I'll never go in closed

door sessions unless someone has died, tragically killed on the job or something we need to keep quiet ye, but not to set policy and to govern.'" Then we get an email December 29th explaining that Larry wants us to go into a special meeting which was January 3rd. That special meeting was sent straight to Closed Session by Mayor Simonds." Mayor Simonds said "I didn't want to go into Executive Session but we had to discuss what we did but the motion should have been to tell the city manager not to hire anymore, that's what it was all about. Let's be honest with the people. Don't be dishonest. I don't like going into Executive Session and never had but I had to that night because the attorney said we had to and I went along with it. People need to know how important it is to stop hiring all these people in the city. That should've been brought up that night and we should've had a vote that night and I'm not on the council, you are [to Councilmember Smith]. But anyway that's the jest of it. I love this town. I don't like going into Executive Session but that had to be done that night. I'll never apologize for what's legal...he's our attorney and I guess we have to listen to him sometimes.

With no other comments, the vote to approve the minutes were unanimously approved. See motion above.

3. Special Presentation

3A. Presentation of the FY 2022-2023 Financial Statements - Audit - by Butler and Stowe, CPA-

6:34 PM

Presented by Sheila Thornton with Butler and Stowe. She stated that the audit for the year ending June 30, 2023 was completed in October 2023. It was submitted to the Local Government Commission (LGC) for approval in October as well and accepted by them in November. The opinion of Butler and Stowe was that this was a clean opinion, which means the city has met the audit requirements of the NC General Statutes. Mayor Simonds interrupted and asked her how much it cost to do this audit. Ms. Thornton said around \$42,000 for a single audit which is done to meet requirements when you spend federal money and Lowell has done that with the CDBG grants and the SCIF. Mayor Simonds asked how much did we audit for the money we received from all these outside funds? He asked how much was it last year, \$35,000? Ms. Thornton said yes around that amount because there wasn't a single audit that year. Mayor Simonds asked what funds were audited for the increase of funds? Ms. Thornton said the two CDBG funds and the SCIF fund all had to be... Mayor Simonds interrupted and asked if she had that in her records for the audience because people need to know since they are never going to see this. Ms. Thornton said she has what was spent and proceeded to look in her documents. She said \$1,151,273 was spent. Mayor Simonds asked what was that for? Ms. Thornton said the CDBG grants and SCIF and the ARPA monies. Mayor Simonds asked "how much was the total budget for Lowell whenever you audited, whatever they gave you back, you just looked over whatever was sent to you correct?" Ms. Thornton said you have to look at the individual funds to see the budgeted numbers [proceeds to look for the numbers]. Mayor Simonds said "I would think it would take more than just you appearing and telling us what because this should've been done before we ever got here [new Council board]. They had ample time to do it and ample time to make the changes to contracts and things like that. This is going on January and the audit should've been done in October correct [to Mr. Attaway]? Mr. Attaway said we typically have it done by the October 31 deadline. Mayor Simonds asked who it is turned over to? Ms. Thornton said the LGC and it was done on time. Mayor Simonds said "these folks don't know you're saying Local Government Commission unless you say Local Government Commission that's why we all need to know what we're doing". He asked her "how much did you find in the total amount, how much did we spend for 2022-2023?" Ms. Thornton said that was the

Federal money spent. Mayor Simonds said he is talking about the overall picture. Ms. Thornton directed everyone to Exhibit 2 and stated \$5,305,159 was spent, including the Federal money spent. Mayor Simonds asked if this is including the water and sewer. Ms. Thornton said yes. Mayor Simonds asked how much we paid the City of Gastonia for water? Ms. Thornton said \$451,443. Mayor Simonds asked how much did we take in? Ms. Thornton said \$1,591,865. Mayor Simonds said that's about three times of what we have taken in. He asked her if she had the water run-off fees and is that including that? Ms. Thornton said she thinks that is on page 69 at the top under the operating revenues. Mayor Simonds asked for that amount. Ms. Thornton said that is included in the \$1,591,616. Mayor Simonds asked if that was broken down for the water run off. Ms. Thornton said there is water and sewer fees for \$1,367,629; water and sewer taps \$3,750; development fees \$145,380; activation fees \$15,450; reconnection fees and late charges \$59,407, a total of \$1,591,616. Mayor Simonds said we spent \$451,443 to the City of Gastonia, where we get our water from? Ms. Thornton nodded yes. Mayor Simonds said he didn't mean to interrupt, just wanted to get the highlights for what it costs to live here.

Ms. Thornton continued her presentation and discussed a few highlights. She said the city ended the year with combined assets exceeding liabilities by \$10,346,681 and this is the net position. Mayor Simonds interrupted and asked if this is the assets of the city. Ms. Thornton said you have assets in excess of your liabilities so that is your net position. She continued and stated the unassigned fund balance of the City's General Fund at June 30, 2023 was \$3,737,187 and that represents funds that are available to the city council that is not restricted. She said that is an important number and can be found on page 8. She said the enterprise funds ended the year with an operating income of \$227,516 and the combined assets of the city at June 30, 2023 total \$13,461,900. This represents an increase of \$1,405,541 over the prior year. Mayor Simonds asked her if she is talking about the value of the homes and the real estate of Lowell or just the assets as far as the sewer. Ms. Thornton said no, that would be just the assets that the city owns, so houses wouldn't be represented there. Mayor Simonds said you set the tax rate in June 2022, correct and how much? Ms. Thornton said \$.49. Mayor Simonds asked if the total assets it was taxable, how much? Ms. Thornton said the property rate valuation at June 30, 2023 was \$372,000,281. Mayor Simonds asked how much did you report, \$1.6 million? Ms. Thornton said it should be in the statements that shows the total levy as \$1,824,177. Mayor Simonds said he thinks we are projected to have \$1,485,481 or something to that effect. He said citizens don't really understand but he does because he's in business. He said "when you project the budget, you really don't know how much the budget is going to be, I agree 100%. When you overstate the expenditures and you understate the revenues, you'll always have a big difference. Just like this year, we had all this new revaluation and our tax rate stayed the same plus we have an additional 8.5 cent fire tax. Do you have any record of where we are right now?" Ms. Thornton said she had not looked at anything since June 30th. Mr. Simonds said "what we have today and I guess the reports you gave us, we're collecting taxes now, how much do you project for our upcoming year in the budget [to Mr. Attaway]?" Mr. Attaway said we budgeted an amount but he doesn't have the budget in front of him because he did not know that information would be requested but he can get it for him. Mayor Simonds said "I pride myself on what I say about budgeting. What you should do, and I'd think you'd agree Ms. Thornton since you've been doing this a lot longer than I have, I guess as far as budgeting, is come to the facts. It's hard to budget something that you really don't know, but the simplest way to budget is go back to your previous audit and go forward because that's a true amount of what you spend. Then you come back and you add all your employees and all your projections or whatever you want to do. If you would be

so kind and tell me what is our total budget for employee salaries and benefits in your audit for that year?" Ms. Thornton said she'll "have to give it to you by fund but for the water and sewer fund since that is the last thing we were looking at, the salaries and benefits budgeted and actually it's going to include anything under water and sewer operations at \$1,313,000. Mayor Simonds said and "you said we took in \$1,537,000, I believe. What's the budget for the staff upstairs or administration?" Ms. Thornton stated that she has it broken down between general government and that number is \$996,649, Public Safety is \$1,165,000 but that is going to include some things other than salaries. That's the total budget for those departments and that is how it has to be represented on here. She doesn't have it just for salaries. Mayor Simonds said is that not about \$3.5 million? Ms. Thornton said that's close. Mayor Simonds asked how much we spent in Professional Services? Ms. Thornton said that is not broken out on the statements. Mayor Simonds said he thought that was separate. Mr. Attaway said it is separate on the budgets as a separate line item on the chart of accounts. Mayor Simonds asked how much we spent on professional services? Mr. Attaway said he does not have that in front of him. Mayor Simonds said if we are passing the audit, he wants to know how much we spent. He asked Mr. Attaway how long it would take to get that? Mr. Attaway said about five minutes. Mayor Simonds said he "just wants everything to be what it's supposed to be, not to be that we have a surplus, but to help the citizens with their taxes and water and sewer. What the law really states is that you're supposed to have 7% fund balance, what is our fund balance?" Ms. Thornton said the "total fund balance that is unrestricted was \$3,257,615 and that is the amount that you can spend. Everything else is restricted in fixed assets, capital assets, cemetery, stabilization by state statute or some other functions of restricted money, those have to be set aside. So the unassigned number is probably what you're looking for and that is \$3,257,000" Mayor Simonds asked if grant money is separate too? Ms. Thornton said yes. Mayor Simonds asked what is the surplus amount? Ms. Thornton said \$3,257,000. Mayor Simonds said "that's a little bit high, don't you think?"

Councilmember Bonham said the council in past years passed in budget meetings to maintain a 50% balance. He asked Councilmember Robinson if he was on the council at that time. Councilmember Robinson said it changed at the time he was on there. Councilmember Bonham said he "believed it was 50% that was agreed upon at that time to be fiscally responsible. Now, I don't know that we are here to approve this, this is just the audit that is presented to us so no approval is necessary. I believe that going through this step by step and breaking down each department is part of our budget process that we'll handle in our budget meetings. I don't know that breaking everything tonight line item by line item is the appropriate thing to do." Mr. Attaway said that there will be a motion to accept the audit. Mayor Simonds said all he wants to know are the figures and he understands what he [Councilmember Bonham] is saying. He said "50% of the fund balance is hideous. This is 2024 and we have people losing their homes in Lowell that can't pay their taxes and they need relief. We have churches that you tax with this water run-off fee is a joke. We need to stop and look the whole picture. We have, how many, 1800 water customers?" Mr. Attaway said approximately, with almost 1500 of that residential. Mayor Simonds started calculating the amounts then asked "what is the average for what the citizens pay on their month-to-month water bill versus what the businesses pay and that it should be broken down in three phases: churches, residential, and then the commercial. It's not that hard to do because the bills come in every month and I guess you would tally it like they do anything else. When I start my business, I know what I've got to spend, know what I need to pay, and I know how to operate my business and that's the way citizens should be respected the same way. We should know where our money is all the time and when a citizen calls up here

and asks a question, answer it. It's real simple. You can give them any answer you want but let them be a part of their own government. I think in the future, it will be that way because we have a board that's concerned. I'm concerned and the citizens are very concerned and they wouldn't have elected me if they weren't concerned and that's a fact." He said "he loves this town and all of you and it doesn't take long to do the right thing. I know you have a problem with that Mr. Bonham. You go with whatever the City Manager tells you, but as far as getting out here on your own and understanding what I'm trying to help you with tonight, is to help you in the future. I won't always be here but I want you to understand how government is supposed to work. Just like in the Police Department, you think that Chief knows how to operate over there unless it's budgeted and allowed for him to spend? Same way at Public Works, Water and Sewer? The City Manager has to oversee the whole thing. His job is to take care of all the citizens and report back to the council of any changes, whatever happens. That way it's an easy process, no one has to look over anyone's shoulder if we all knew what the truth is. That's what we are doing tonight, to get to the bottom facts and how much money it costs to operate this city, operating costs. I want each councilmember to participate, not just me." He then asked Councilmember Robinson if he had any questions about the audit. Councilmember Robinson said he would like to let her [Ms. Thornton] continue to present it. Councilmember Chitwood agreed. Mayor Simonds apologized and stated he thought she was pretty much finished. He asked her to continue.

Ms. Thornton said the only thing she wanted to point out was that there was a financial performance indicator that we needed to talk about tonight. She said there are certain ratios that are run when they do the financial statements through the Local Government Commission website and there was one thing that showed up on the water and sewer funds. She said it looks like the net book value of those assets is dropping so the LGC wants a response to that and she has talked to Scott and Lisa [Nolen] about that. She believes they have written something up and didn't know if they have talked about it with council but it is something that needs to be put in writing and sent back to the LGC so it doesn't hold up next year's audit. Mr. Attaway said it's in the agenda tonight. Mayor Simonds said "relative to what she said, do we have any grant money for water and sewer?" Mr. Attaway said "we do, we are in the middle of a \$400,000 pre-construction engineering grant right now and then we received notification that we are going to receive \$8.25 million for water and sewer projects from the State." Mayor Simonds said "that's in the future, what are guaranteed right now?" Mr. Attaway said "those two." Mayor Simonds asked "when will we actually see it?". Mr. Attaway said he and Lisa are working on it and thinks it will be a draw down situation with that grant. Mayor Simonds said that would be a great opportunity for us to clean some of this stuff up they asked us to do. Mr. Attaway said it would and he listed that in the response [to the LGC].

Councilmember Robinson asked Ms. Thornton if the budget was approved and sent in October, how come the council didn't approve it until the end of October? Ms. Thornton said it has to go through the LGC and approve it first so they can't present it to the council until that is done. She said that happened in November and then with December being the change over, it just didn't work out for them to come in December. Mr. Attaway added that the LGC responded back on November 29th and then there was a special meeting with the prior council on December 4th and he asked if Ms. Thornton could present then because we also received the request to respond about the cash asset ratio but Ms. Thornton was out of town. He said it was already on the books to do the audit presentation for the January council. He said typically, if you look back at previous agendas, it is presented in the January or February months. Ms.

Thornton said it was February last year but it is whenever it works on the schedules. She added that council has 60 days from now to respond once it is presented to the council. Mayor Simonds said to the council "so we don't have to respond tonight. What we need to do is really critique things as far as going forward because we've been blindsided by everything because we're new and there is no way we're going to know everything and will never know anything if we don't ask questions." He said "we need to itemize what they send to you [Ms. Thornton] or who the council decides to hire. When you present something rather than just numbers then no one identifies what the numbers are for. Just saying this is in this department whatever, but it would be nice to know how much was expenditures for gas, bonuses, for giving someone a debit card. We need to stop spending unnecessarily unless we know what's going on. I think that is the present way the government is set up as Manager-Council form of government. Once you pass the budget, you hand it to the manager and that's it, where I was always the Mayor-council form where we had stipulations on like how much is spent and restrict all this stuff like boom [snapped fingers] bought a piece of property for \$78,000 and none of the citizens know about it and things like that or boom [snapped his fingers] bought this Methodist Church property, boom [snapped his fingers] bought the Boys and Girls Club and all this stuff adds up. You know who pays for it, even though you get grants, it's still tax payers money. I want everything in black and white and don't think that's a big request. Every month, when we get our financial statement, I want to know verbatim, what was spent for what and where the money came from and we followed it all the way down to the end of the year. It's a simple process and a little more work that ya'll are used to but I think as Mayor, I want to know where the money is going and I feel like council does as well." He then asked council if they had any more questions. There were none and he thanked Ms. Thornton for coming.

Councilmember Bonham made a motion to accept the audit as presented, seconded by Councilmember Smith. Councilmember Robinson said the budget was just presented to him tonight and he is hesitant to vote on it when he just got it. Mayor Simonds said the retreat is January 29th and he personally feels that it would be a good opportunity for everyone to take their audit, look through it, study it, and then come back. Councilmember Bonham asked if we are approving what they've done or accepting what they've done as he thinks it is two different things. He said he is "not trying to be difficult but this is the audit and they've already done it, what we do moving forward is in a new budget session. The audit is the audit and we can dispute something that we may find we don't agree with." Mayor Simonds said "once you pass the audit then that's it." Councilmember Bonham said again that the audit is the audit. Councilmember Robinson asked "so you are saying we are accepting it, not approving it?" Councilmember Bonham said correct, we are accepting their audit, not approving anything. Mayor Simonds asked if you are accepting it, are you not approving it. He asked the attorney what is the difference? Mr. Russell said with the audit, if your are not ready to approve it because you have some questions or there are some things I want redone. If the question is budgeting and going forward, that is what you'll address in the budget retreats. The question is this acceptable for the status of the city's financial affairs as of June 30th. He said there are certain deadlines that need to be met like the response issue that needs to be met. If you are ready to do that, then you can do that now. If you want more time, there is a motion to defer for consideration if you want. Mayor Simonds said there is no rush to do it tonight. He said he would feel more comfortable, with the things he's highlighted and how the actual monies go, like debit cards. He mentioned the city vehicles and money spent to upkeep them. He wants to see how the city operates and this is the first audit and it should be the former council's audit but we're having to adopt and know nothing about it. He thinks as

respect for the new council, he would like some time. Mr. Attaway asked if we could defer to Ms. Thornton for some of these questions. He said he thinks we are ok with the FPIC (Financial Performance Indicators of Concern) agenda item or the response letter correct? Ms. Thornton said she had to bring it up at this meeting per LGC, she had to let council know there was the one thing that needed a response, which you have 60 days to reply to that. She said this audit has been approved by the LGC already so there is no approval [for council] involved, it is just an acceptance. Mayor Simonds said but you are accepting whatever has been written. Councilmember Bonham said we can't manipulate it, any of it and it is what it is. Ms. Thornton agreed. Mr. Attaway said that they [Butler and Stowe] are independent auditors.

Mayor Simonds said "they are the auditors and we are the council and I think this council should be respected in what you are spending, how much you spent, not that anything is wrong. What I was saying before that would have made sense was for you folks to have adopted your own mess rather for us to come in here and have to prove it." Councilmember Smith said we have 60 days to get back to the LGC correct? Ms. Thornton said just on that one response. She said there is no response for the audit as it already approved. She said you would have to submit a revised audit to the LGC which would create a lot of questions and you don't want that. Mayor Simonds said this audit can be changed if we find something that differentiates from what you are stating. He asked can it be changed. Ms. Thornton said you have to have an auditor sign off on it because it has to be audited. Mayor Simonds said "what we need to do to protect all of us, the citizens, the board, is to have a forensic audit compiled by an outside identity to come in and study this stuff and tell us exactly where our money has gone and would only cost us about \$15,000. The whole city of Ranlo paid \$15,000 for their audit and we paid \$42,500. I'm not fussing at you [Ms. Thornton], make all you can, but as a new board, I think I want us to save every penny we can. Not saying that you did anything wrong. I don't know what the going rate is but I know from talking to other municipalities and what they pay. I would just like to research it and have a forensic audit done before we pass anything and recommend that to the board. It's not up to me since I don't vote but I really feel good that just one time for us to sit back and audit ourselves to be fair to you, old council, new council. I don't see anything wrong with it and that way we can look at every check that's been spent, every check for the millions of dollars that have been spent at the chemical plant, the 78,000 spent for a small parking lot. It just makes me feel better and I don't mind waiting and hope the council would make that motion before they adopt this to have a forensic audit done because we have plenty of time. It wouldn't take more than 60 days to audit what's already been done. I'd go back to 2010 and go forward to see where our money has gone.

Councilmember Bonham said he "doesn't have an issue at all for wanting to know where every penny went and thinks that is an internal thing but as far as this audit is concerned it is a micro view and if you had history of issues dating back, but there is nothing. We've been clean for how many years? Maybe some minor issues here and there but good audits. My point is if you want to tie up city resources to go through a forensic audit to produce what it is you want to produce, which my understanding is you want to know where every dollar is, that can be held internally and the dollars are going to match up just like this does here. If you had red flags going everywhere, we don't have any of that. This is an acceptance of this audit that was approved by somebody else so accept this and move on and when we get into budget meetings, request this and give Mr. Attaway plenty of time to give you the break down of the general ledger of where everything went and look at it that way. But bringing in another audit from a 3rd person because this one

is not good enough according to you, is just a waste of time and taxpayers dollars. There are no red flags other than yours." Mayor Simonds said "when you go to the doctor, you go for a physical and that's what I'm calling for, getting a forensic auditor. I don't know what the council is going to do but if we move out of this meeting tonight without doing that, you're saying that whatever's in this audit, you are essentially approving because you can't go back and change nothing". He again recommended to the board a forensic auditor because we never had one. There was some back and forth with Councilmember Bonham and Mayor Simonds. The City Attorney said there is a motion on the floor. Mayor Simonds said "and we are discussing it but he appreciated his interest". Councilmember Smith said it is not up to you and asked if we could continue the vote. Mayor Simonds said that is the problem with you all, you just want to hurry up and vote. He asked for calmness and asked if a break is needed. He asked for a substitute audit for the city to get a forensic audit and then after everything is checked out verbatim, then we will accept it. Councilmember Smith asked if anyone wanted to make that motion. No one answered. Councilmember Bonham made the motion again to approve the audit, seconded again by Councilmember Smith. The vote failed with Councilmembers Bonham and Smith voting yay and Mayor Pro Tem Bates and Councilmembers Chitwood and Robinson voting nay.

At 7:06pm, Mayor Simonds stated he was leaving. Councilmember Robinson made a motion to excuse the Mayor, seconded by Mayor Pro Tem Bates. The vote was unanimously in favor.

At 7:07pm, Mayor Pro Tem Bates made a motion for a five minute recess, seconded by Councilmember Chitwood. The vote was unanimously in favor.

The item was motioned To Accept by Phil Bonham and seconded by Travis Smith with a failed result 2-3-1-0 Opposed by DeWayne Chitwood, Shane Robinson, Scott Bates Abstained by Larry Simonds

4. Consent Agenda

Councilmember Robinson made a motion to approve the consent agenda, seconded by Councilmember Chitwood. Councilmember Robinson asked about the financial statement. He was looking at the budget item stating that we spent 61%. Mr. Attaway said explained that there is 58% in the fiscal year remaining and that is the percent of revenue needed to equal the budget. Councilmember Robinson asked if that was the same with expenditures? Mr. Attaway said yes. With no other discussion, the vote was unanimously in favor.

The item was motioned To Approve by Shane Robinson and seconded by DeWayne Chitwood with a passing result 5-0-0-1 Absent was Larry Simonds

4A. Finance Report- 7:12 PM

4B. Public Works Report- 7:12 PM

4C. Planning Report- 7:12 PM

4D. Parks & Recreation Report - 7:12 PM

4E. Geographic Information System (GIS) Report- 7:12 PM

4F. Stormwater Report- 7:12 PM

4G. Communications Report- 7:12 PM

4H. Police Report- 7:12 PM

5. Unfinished Business

5A. Location of Budget Retreats- 7:17 PM

Mr. Attaway said that it was established at the last council meeting two budget retreats for the FY25 budget and those [dates] were January 29th and March 1st but we did not discuss the location. He asked council for a location and a time frame. He said last year, we used the River Room in McAdenville from 8:30 to 3:30 and maybe 8:30 to 5pm on the first day to ensure we had enough time to discuss the vision etc. He wanted to get the location and time in order to draft an agenda. He said he knows there was discussion about having it here [City Hall] and that is fine too. Councilmember Robinson said he didn't mind having it here [City Hall], Councilmember Smith agreed. Councilmember Bonham said he didn't mind having it here but we owe it to the City Manager and all of staff plenty of time to prepare for everything we want to see, including a break down of everything and where it went, then let's give that direction now. Councilmember Robinson said he believes the budget session is for the future and not necessarily the past. Councilmember Bonham said correct, to understand why the budget is what it is and if you want line item stuff, to give staff plenty of time to prepare.

Councilmember Robinson made a motion to have the Budget Retreats here from 8:30 to 3:30, seconded by Councilmember Smith. The vote was unanimously in favor.

The item was motioned To Set by Shane Robinson and seconded by Travis Smith with a passing result 5-0-0-1 Absent was Larry Simonds

6. New Business

6A. Consideration of Black Mountain Software- 7:22 PM

Mr. Attaway asked that we table this item and that we may ask the representatives to attend the January 29th or March 1st retreats or one of the upcoming council meetings. He said we are waiting on confirmation from the League of Municipalities rep that was going to present this with Lisa [Nolen] but because of the weather she decided to come another day. Councilmember Smith made a motion to table 6A under New Business, seconded by Councilmember Chitwood. The vote was unanimously in favor.

The item was motioned To Table by Travis Smith and seconded by DeWayne Chitwood with a passing result 5-0-0-1 Absent was Larry Simonds

Councilmember Smith made a motion to table 6A under New Business, seconded by Councilmember Chitwood

6B. Cash Asset Ratio Letter to Local Government Commission- 7:23 PM

Presented by Mr. Attaway. Mr. Attaway stated that this is the letter he was referring to with Ms. Thornton with Butler and Stowe. He stated he and Lisa reviewed this and sent it to Ms. Thornton for her review to be sent to the Local Government Commission (LGC) for the cash asset ratio issue. He said that Lowell's water and sewer condition of assets was a 0.32 for the year ended June 30, 2023, whereas, the .50 is what the LGC is looking for as a minimum. He said the majority of the council needs to sign off on this within the required 60 days of the audit presentation or from tonight. In the letter, Mr. Attaway stated that he noted multiple wastewater and treatment plant repairs, capital equipment purchased that was approved in this budget year. He had the Planning Director pull all the linear footages from all of the new developments that have been approved or have had some type of construction review or construction. He called the

council's attention to the last table within the letter where Lowell is increasing percentages to the infrastructure totals. He emphasized the large increase of assets for the 8 inch public water lines, an increase of nearly 73%. In the letter, Mr. Attaway also mentioned the awards in the form of grants or loans the city will be receiving to aid in construction.

Councilmember Robinson asked how they figure the percentage or is their a formula or any breakdown used? Ms. Thornton with Butler and Stowe said she doesn't know right off but it is based on the original cost less any depreciated return, so that's your net foot value. That is compared to the total assets as a whole. The water and sewer net foot value is becoming less and less every year so the percentage is going down. They want to see it at .35, she believes. They know that Lowell will have to replace some things soon, so they just want you to address it. Councilmember Robinson asked when we see we're at 11% as far as pump stations, that's going to be a new asset, 21% of the 4 inch main, all this is basically new assets that is going to increase the ration?" Ms. Thornton said yes, that is going to get that percentage up.

Councilmember Bonham asked if this also needs to be tabled until we accept the audit as it is if this is part of the audit? Mr. Attaway said this has to be submitted to the LGC now within 60 days of the presentation. It was added to the agenda in anticipation that it would be approved and sent to the LGC. He said this letter is only for the FPIC response not accepting the audit. He said the LGC has already accepted the audit whether this council has or not. He said this must be returned within 60 days or could effect the city. Councilmember Robinson and Councilmember Bonham had a brief discussion on the audit acceptance and the letter.

The item was motioned To Accept by Travis Smith and seconded by Phil Bonham with a passing result 5-0-0-1 Absent was Larry Simonds

6C. Consideration of Change Order #7 from Trifecta Demolition- 7:30 PM

Mr. Attaway handed council results of an newly discovered underground storage tank (see agenda packet). He showed the pictures from the site where repairs are needed. He then discussed the storage tank where it was determined to have a sludge in it. The sludge was tested and needs to be removed. The pit, about 2 feet deep, was filled in with stone. He said, our intention, with DEQ's guidance, was if you notice a contaminant to remove it because you're going to have to probably remove it later and we've been doing that so far. This one was filled in without it being taken out, but he wanted to bring it to council's attention as a possible addition to the change order to leave the concrete pit in place but get the contaminant out or remove the pit. To just remove the sludge, this would be an additional \$2400 [option #2 in the packet]. If the contents and concrete pit is removed that would be \$5170 [option #1 in the packet]. Danny Watson with LaBella suggested going with the latter option. Mr. Attaway asked when will the project be complete, not including this work. Mr. Watson said they are pretty much complete and listed the things that need to be finished. He said the rain has caused the delay. He said with the approval tonight, they should be complete within two weeks. Mr. Attaway feels that even with the new discovery, they should be finished by the end of January. Mr. Watson agreed. He asked Lisa Nolen if it is correct that we have currently spent \$1,894,004 of the \$2 million grant received. Mrs. Nolen, said yes and that it included the change order.

Councilmember Smith said we still have plenty of money to get this done right, correct? Mr. Attaway said yes but you could get a grader out there and find something significant. There is still a superfund purse on this property, so if they need to open it back up at the state level for some major grading concern, then we can ask the state to use some of its foreclosure funds on that clean up, if it came to that. Councilmember

Bonham said so what we have in hand versus what we spent including this, we'd have \$100,000 left. Mr. Attaway said that that is assuming we are going to spend out all the nearly half a million dollar erosion control contract which Danny is keeping a track of and they were projected to come far under that amount. They are only able to bill what they are using and doing out there on that erosion control. Councilmember Chitwood asked if the erosion control is part of that \$1.8 million. Mr. Attaway said yes and there are still some pay applications to come but there will be a little money left. Mr. Watson explained this further. Mr. Attaway said the next step would be to close out this job, whether we do this change order or not, do the erosion control, get the contract paid out, come back to you and tell you what the balance is of the grant. Tomorrow, we have to submit an update for the SCIF grant and if we met our goals when we received the \$2 million. We are moving along on the last two goals and we are going to try to design the Public Works facility with any remaining funds. He said we'll talk about that before hand and during the 29th [budget retreat #1]. He thinks by the 29th, we will be pretty close to having those pay outs completed.

Councilmember Bonham asked if option #1 is in a place where we will have to demo in the future? Mr. Attaway said it's a conceptual master plan and not a design plan that we've adopted. Councilmember Bonham said is this something that we have to do and it doesn't matter what it is, it has to go or is this something off to the side and maybe or maybe not [that it will have to be demolished]. Mr. Attaway said it's kind of off to the side. Councilmember Smith asked if the pit is just going to be covered up after it's drained or is that far down to where it has to be dug up. His question is do you go ahead and spend the \$2500 to get rid of it. Mr. Watson gave the description of the location. Councilmember Smith said if we get down the road for planning this site, and find that it needs to be removed, that additional \$2500 to remove it could be much higher then. He is suggesting removing it now.

Councilmember Robinson asked if the results have come back from the tests. Mr. Watson said yes and there were issues leading to them recommending the removal of the sludge and the quote includes disposal of the contaminants. Mr. Attaway said in the weekly meetings, the County landfill is on the call, so they stay up-to-date on all environmental reports done by the engineer. The landfill has not accepted this particular item yet, and more costs could incur if they do not. Mr. Watson should be able to follow up with Mr. Attaway tomorrow to determine if the landfill will accept the sludge. Councilmember Chitwood asked if this is something we should table until we know the results? Mr. Attaway said you run the risk of them demobilizing at that point and they will be gone because we are at the end of the project and they will start working on their other projects. He said you can approve this with a little bit of an allowance of about \$1000 in case they come back and say it will be more to take it to an incinerator [instead of landfill].

Councilmember Robinson asked Mr. Watson what his best estimate is if this isn't able to go to the landfill. Mr. Watson did not specifically say an amount but didn't think it would be greater than \$10,000 but said we would have enough in our budget. Councilmember Smith said regardless of Gaston County taking it, we have to get rid of it. Councilmember Robinson asked Mr. Attaway if the \$1.849 million includes all 19 items with the exception of the additional option? Mr. Attaway said yes. Councilmember Chitwood asked Mr. Attaway if there is still money left in the grant. Mr. Attaway said yes. Councilmember Robinson asked Mr. Watson if the substantial rain we had today will uncover additional things we didn't know? Mr. Watson said they will look at it more this week. He said there were a few things they came up with the last significant rain, so they will have to just check it this time and follow back up with council if anything was noticed.

Mr. Attaway asked Mr. Watson about the other underground storages found and if they have sent those contents off for testing before they quote? Mr. Watson said they have and they are waiting. Mr. Attaway told council if you did the best value of the 1-19 items, then added the full removal of the sludge pit with the walls and everything, you are at \$78,820 if you want to add in an allowance if the county does not take the sludge. Judging by their costs, he would say, you would be safe adding \$10,000 for both of those underground storages found. Councilmember Bonham made a motion to allow the manager to approve up to \$89,000 for change order #7, proposals for services, seconded by Councilmember Smith. The vote was unanimously approved.

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 5-0-0-1 Absent was Larry Simonds

6D. Request to set Public Hearing - Master Sign Plan Application - 831 S. Main Street, Lowell, NC- 7:54 PM

Mr. Attaway gave a brief background. Mr. Gates stated the car dealership was built before this ordinance, they submitted an application for a Master Sign Plan that would replace an existing wall sign at the Gastonia Chevrolet, Buick, GMC dealership. He said this was recommended for approval by the Planning Board at their November 2023 meeting and for a public hearing to be set on February 13, 2024.

Councilmember Smith asked if they are just redoing the sign they already have? Mr. Gates said correct, the sign currently says McKenney and they would like to change it to Gastonia, but because the total amount of signage exceeds our maximum, he is required to bring it in front of the Planning Commission and this board to reaffirm that you are ok with a total overall larger sign package. He said the application is actually for a slightly smaller total wall signage. Mayor Pro Tem Bates asked if they already changed it out or waiting [to change it]? Mr. Gates said they are waiting and explained the request further. Councilmember Robinson asked if tonight they were just setting the public hearing. Mr. Gates said yes. Councilmember Robinson said he "knows we ran into this same issue with Newell, with the exception that Gastonia gave them the permit to put their sign up which technically wasn't in Gastonia so they had to come back to the City of Lowell. With that being said, it seems like maybe we need to look at some of these ordinances and not make it so difficult for some of these business to have to come ask for a special permit. I think these are things we can look at, not tonight but moving forward since this is the second sign in probably 2, 3 months."

The item was motioned To Set by DeWayne Chitwood and seconded by Shane Robinson with a passing result 5-0-0-1 Absent was Larry Simonds

To set the public hearing for the February 13, 2024 council meeting.

6E. Request to set Public Hearing - Amendment to the Code of Ordinances Section 33.16- 7:59 PM

Mr. Attaway stated that this is to correct a discrepancy found in the Code of Ordinances versus the Lowell Development Ordinance (LDO) where they both discuss the Planning Board membership and they are conflicting. The LDO is the newer ordinance but we have an issue because we have a six member board right now but it says we should have a seven member board and we have two applicants applying for that 7th spot. We wanted to set a public hearing to get that corrected. Joe Gates explained further (also noted in agenda packet). Ultimately, he wants to make sure we have our ordinance in line before adding any new members. Councilmember Robinson said he is assuming we are not going to allow anyone in the ETJ

(extraterritorial jurisdiction), since we eliminated it, which we should have for the simple fact that this board would vote on things that would effect people that could not vote for this council. He asked Mr. Gates if these two were the ones being eliminated from being appointed. Mr. Gates said yes, it is coming up because we do not have the ETJ and all seven members must be citizens of Lowell which would match our current LDO and appointed by the city council.

The item was motioned To Set by Shane Robinson and seconded by DeWayne Chitwood with a passing result 5-0-0-1 Absent was Larry Simonds

To set the public hearing for the February 13, 2024 council meeting.

6F. Lowell Community Committee Membership - 8:03 PM

Tori Dellinger, Parks and Recreation Director, presented. Mrs. Dellinger stated this item is to remove Tyler Shepardson from the Lowell Community Committee due to the LCC attendance policy. Mr. Shepardson was sent a letter and Mrs. Dellinger spoke with him regarding the matter. He was very understanding but his work schedule wouldn't allow the participation.

The item was motioned To Approve by DeWayne Chitwood and seconded by Phil Bonham with a passing result 4-0-0-1 Absent was Larry Simonds

To approve the removal of Tyler Shepardson from the Lowell Community Committee.

6G. Consideration of Lowell Community Committee Application- 8:05 PM

Presented by Tori Dellinger. Mrs. Dellinger stated that Candy Funderburk has submitted her application for consideration to be a part of the Lowell Community Committee. If confirmed, her appointment will be a three year term ending December 31, 2027. Mrs. Dellinger added that there are currently six members and they can have up to eight members. Mayor Pro Tem Bates asked if the whole process including background check has been done? Mrs. Dellinger said yes. Councilmember Chitwood said he believes Mayor Pro Tem Bates asked that was because the application says that the applicant will submit to background checks but not that one was performed for her to ensure we do the same thing for each person. Mayor Pro Tem Bates agreed and said he was not questioning Mrs. Funderburk, just questioning the process. He said he has seen where background checks are pending before they come to council. He asked that background checks be done prior to bringing them to council to avoid having to repeat the process if a negative result come up. Mrs. Dellinger said she'd get with Cheryl [Ramsey] on the process of the background. Mr. Attaway will let them know of the process at a later date.

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5-0-0-1 Absent was Larry Simonds

6H. Consideration of Budget Amendment #11- 8:09 PM

Mr. Attaway said we received more money than expected from a grant from Caromont and asked Tori Dellinger to elaborate. Mrs. Dellinger stated Caromont has been a premier sponsor of City of Lowell events and recently we received an event sponsorship check for \$5,500 but the city only budgeted \$5,000. This amendment accepts the \$500.

The item was motioned To Approve by Phil Bonham and seconded by DeWayne Chitwood with a passing result 5-0-0-1 Absent was Larry Simonds

6I. Lowell CDBG-NR Legal Services Contract- 8:13 PM

Presented by John Russell. Mr. Russell explained the CDBG-NR (Community Development Block Grant-Neighborhood Revitalization) grant. He said the initial request when it the grant was received in 2020 was to do preliminary title search but we left off the contract "other CDBG-NR services may be required". Once the title searches were done the grant administrator wanted him to draft the deed restrictions, facilitate with the closing, review the contract for the third party doing the actual repairs. He said they indicated there were funds left in the grant to pay for that and submitted an invoice, then was told the contract needed to be amended. So this is to amend the initial language. He said all of the funds are paid out of grant funds, not general funds. Fees total \$1,411. Mr. Attaway said this is to approve Resolution 02-2024. The item was motioned To Approve by DeWayne Chitwood and seconded by Scott Bates with a passing result 5-0-0-1 Absent was Larry Simonds

7. Reports / Discussions

7A. City Manager Report- 8:14 PM

1. Water Sewer CIP and Fee Study Kickoff meeting was held last week and staff is retrieving documents for Withers Ravenel. Will take a couple weeks to get that back to them. He is still trying to get them to the March 1st budget retreat or the work session in March to present the findings and to work through some of the CIP with council.
2. Creech report for Boys and Girls Club - this 90 page document was distributed to council in December. He said we will look at that at the January 29th budget retreat. He asked them to review it. If it is not discussed at the January 29th meeting, then it will be added to the February 13 council meeting.
3. Personnel update: Posted two positions two weeks ago- Utility Billing Supervisor and Police Officer. They will remain open until filled. The third position was listed as a Utility Tech and that will be updated to a Streets Technician. he will keep them posted. We have extended an offer for the Administrative Assistant position for the Police Department and that person has accepted. Chief Moore said she starts on January 16th.
4. Facilities update: Today with all the rain, we had some flooding downstairs here at City Hall. He thanked Public Works for everything they did today for cleaning the floors, pumping water out and getting drains unclogged. He said we will be looking for some drainage solutions around this building because we always have problems with the back staircase. The roof repair at Boys and Girls Club has received some quotes. He said we knew of these issues when we bought the building. Those repairs will be coming soon.
5. Wastewater Treatment Plant - there was a spill on the East 1st St lift station today due to the power being cut and the city not being notified. This is one of the many lift stations that does not have a generator. He said we are working on some grant funds and possibly use some of the \$8.4 million to put generators at all of our lift stations. Also there is an unknown amount, but the main lift at the plant was overrun from the rain today and there is a spill down there. He will get council all of that as soon as he receives it from the Wastewater Treatment Plant Operator and Thomas Shrewsbury.
6. Ipads were circulated to council today so you all have access to that, new city emails and 365 accounts
7. Thanked the Citizen Academy participants for coming and their interest in the City

8. Upcoming Events - Tindol Suburu is having a Gaston Business Association (GBA) Chamber event and Natalie Tindol wanted to make sure councilmembers were aware of the invitation. There is also an elected officials dinner and reception through the GBA on the 17th of January at the Gastonia Conference Center. He attended the Mayor/Manager Breakfast last week and talked about some of the topics and projects that may effect Lowell. Councilmember Smith asked if our mayor attended. Mr. Attaway said he did not. Mr. Attaway said there is a New Delegate Orientation for Centralina on February 6 and he will confirm that with them and let council know. Councilmember Bonham asked if Geraldine is facilitating the budget retreat this year. Mr. Attaway said yes.

7B. City Attorney Report- 8:20 PM

No report.

7C. Mayor and City Council General Discussion- 8:20 PM

Councilmember Robinson said he would like to discuss, at the budget retreat, the bulk pick up and options of a monthly pick up rather than every three months. He would also like to look at all the costs associated with Stormwater.

Councilmember Smith thanked everyone for coming.

Councilmember Bonham said, regarding Mrs. Funderburk application to LCC. He said he "believes we do everything by the book and the right way. We don't bypass or circumvent or whatever is easiest but by the book. That being said, moving forward I would hope regardless of any personal issues that come up, I would like to see us stick to the agenda for the meeting. If we need to make some changes, let's do it before hand by following the procedures and do those things and not this "I'll do this and whatever I want to do, when I want to do and yall get over it" and then leave kind of thing.

8. Closed Session

8A. Approval of Closed Session Minutes from December 12, 2023- 8:22 PM

The item was motioned Convene into Closed Session by DeWayne Chitwood and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Larry Simonds

8B. To Discuss Personnel Matters Pursuant to N.C.G.S. 143-318.11 (6)- 8:23 PM

The item was motioned To Approve by Shane Robinson and seconded by Travis Smith with a passing result 5-0-1-0 Abstained by Larry Simonds

9. Adjournment

9A. Meeting Adjournment- 8:38 PM

The item was motioned ReConvene into Regular Session by Phil Bonham and seconded by Travis Smith with a passing result 5-0-0-1 Absent was Larry Simonds

The item was motioned To Approve by Phil Bonham and seconded by Travis Smith with a passing result 5-0-0-1 Absent was Larry Simonds



PROCLAMATION

WHEREAS, February has been designated as Black History Month in which we pause to reflect on the contributions of the African American community; and

WHEREAS, in 1915, Harvard-trained historian Carter G. Woodson began the Association for the Study of Negro Life and History (ASNLH), an organization dedicated to researching and promoting achievements by Black Americans and other people of African descent. Known today as the Association for the Study of African American Life and History (ASALH), the group sponsored a national Negro History week in 1926, choosing the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglas.

WHEREAS, In 1976, Black History Month was formally recognized by President Gerald Ford to honor and affirm the importance of Black History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

WHEREAS, During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.

NOW, THEREFORE, the City of Lowell City Council, hereby proclaim that February is honored as “Black History Month” and urges all citizens to join in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our Town, State, and nation.

This, the 13th day of February, 2024.

Larry Simonds, Mayor

ATTEST:

Cheryl Ramsey, City Clerk



Planning Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4A
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, February 6th, 2024
Re: Monthly Department Update

Code Enforcement:

- Multiple nuisance violation letters issued.

Enforcement Action:

- All violations corrected by property owners/public works.

Zoning:

- Processed (10) zoning permits in January.
- Permit count (15) for calendar year 2024 to-date.
- Attended meeting regarding Wastewater Treatment Plant future plans and needs for projected development.
- Held pre-submittal meeting for a site plan to develop property along Hwy 7. Development will be in phases and begin on the northern part of the property between

Planning:

- Attended Lowell Planning and Zoning meeting, 1/02/2024.
- Attended Lowell City Council Meeting, 1/09/2024.
- Attended Lowell Community Committee meeting 1/22/2023.
- Collaborated with city staff regarding submittal of projects for a grant provide by T-Mobile. Program is called Hometown Grant Program, aimed at revitalizing small towns by providing funding to "shovel ready" projects. Multiple submittal opportunities throughout the year.
- Completed final review of preliminary plat for Spencer Ridge. Staff expects construction drawings to be submitted at the beginning of April. Staff also expects submission of the required Development Agreement during this time as well.
- Completed review of a revision to a recombination plat for Spencer Ridge.

Other:

- Attended monthly department head meeting.
- Attended Polimorphic Monthly update meeting.
- Attended Budget Retreat Meeting.



Public Works Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4B
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Thomas Shrewsbury, Public Works
Date: February 5, 2024
Re: Public Works Report

- Street Department employees worked to try and keep catch basin boxes and grates clean. Crews used equipment to clean and remove debris from culverts, pipes and boxes.
- City crews conducted several sweeps in high traffic areas in January.
- Water Department staff repaired the following leaks:
 - ¾ inch line break on Walnut St.
 - 6-inch main break on Lineberger Rd.
 - 1 inch line break on N Pine St.
 - 1 inch line break at 200 N. Main St
 - ¾ inch line break at 103 N. Main St.
- Sewer Dept staff had repairs made to the Main Lift pump station and installed a rebuilt pump at the Lynn Street lift station.
- City crews performed quarterly lift station maintenance at several lift stations. Wet wells and floats were cleaned, and excessive grease was pumped and hauled from the system.
- City crews worked to replace water meters in the system that have not been converted to radio read. Meters had not been converted due to connection or placement issues. City staff made the necessary repairs or changes to allow approximately a dozen meters to be switched out. More water meters are planned for conversion in the coming weeks.
- Street department staff continued running leaf routes. Leaves will be collected curbside on a weekly basis until Feb 16, 2024.
- Staff continued work on the lead water line identification and inventory. Crews worked to complete numerous more inspections and will continue to consistently work towards completion of the state mandated service line inventors.
- Torrential rains and high winds kept city crews busy in January. Flooding, power outages and downed tree limbs increased maintenance demands in all departments.



Parks & Recreation Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4C
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Tori Dellinger, Parks and Recreation Director
Date: February 6, 2023
Re: Parks and Recreation Report

Athletics:

- Baseball registration opened February 1
- Answered questions from parents
- Communications with area Parks and Recreation Directors and coordinated team schedules
- Staff attended basketball practices and games

General:

- Cleaned restrooms
- Picked up trash
- Dragged baseball fields
- Attended Department Head meeting
- Attended City Council meeting
- Attended Lowell Community Committee meeting
- Updated letterboard at Harold Rankin Park
- Coded invoices, updated department budget spreadsheet
- Submitted Gaston County Public Health 2024 Healthy Health Communities Mini Grant Application

Events:

- Senior Valentines Lunch (Planning)
 - City will host the lunch on Thursday, February 8 at Presbyterian Church of Lowell (Dine-in or Drive Thru)
 - Over 65 seniors have signed up
 - Event will include lunch, BINGO, and Valentine’s activity.
 - Communications promoted via website, social media, event website, letterboard at Harold Rankin, and via Code Red
- Eggs in the Park (Planning)
 - Ordered eggs for event (6,000 eggs)
 - Egg hunts will be divided into three age groups:

- 6:00pm - ages 2 and under (egg hunt will be roped off on the large baseball field)
 - 6:15pm - ages 3-5 (egg hunt will be on the small baseball field)
 - 6:30pm - ages 6-12 (egg hunt will be on the large baseball field)
 - Communications will be promoted via website, social media, event website, letterboard at Harold Rankin, and via Code Red
-
- Lowell Golden Event Hunt (Planning)
 - Each day from March 25 until March 28, we will hide a Golden Egg somewhere around Lowell. We'll post the clue and prize on Facebook and Instagram. Then, we want you to go find The Golden Egg!
 - To date, six (6) businesses have signed up to sponsor an egg
 - Communications will be promoted via website, social media, event website, letterboard at Harold Rankin, and via Code Red
-
- Senior Easter Lunch (Planning)
 - City will host lunch on Thursday, March 28 at Woodlawn Baptist Church
 - Communications will be promoted via website, social media, event website, letterboard at Harold Rankin, and via Code Red



Finance Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4D
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: February 7, 2024
Re: Finance Report

Utility Billing:

- Assist Utility Billing department daily with posting payments, reconciling, completing deposit, answering phone, and other needed tasks due to vacancy in the department.
- Answer phones as needed to assist Utility Billing department due to vacancy.
- Answer questions from Utility Billing staff.
- Assist with training of Accounts Payable/Payroll clerk Utility Billing tasks to provide additional assistance for Utility Billing department due to vacancy.

Finance:

- Enter cash receipts, cash disbursements, and general journal entries into Southern Software.
- Process and pay bills via check and online.
- Collect receipts from staff, break out charges and sales tax to post to correct accounts, and post all Lowe's credit card charges.
- Issue purchase orders for staff.
- Ensure all transactions are entered correctly and reconcile bank accounts.
- Complete tasks needed for the agenda related to Council meetings.
- Complete reporting requirements for SCIF grant and update spreadsheet for all SCIF related transactions.
- Complete needed documentation and tasks for other grants.
- Train Accounts Payable/Payroll clerk on duties to assist Finance Director.
- Completed 1099s for year-end.
- Enter year-end adjusting journal entries from CPA, ensure Trial Balance is accurate, and close FY 2022-2023.
- Assist other staff as needed.

Other:

- Attend Department Head meetings.
- Attend January Council meeting.
- Attend January Budget Retreat.
- Attend meetings with City Manager.

Attachments

City of Lowell, North Carolina
 FY 2024 Revenue Dashboard
 12/31/2023

Type	Budget	YTD thru 12/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
Funds					
General Fund	5,000,734.18	3,938,625.41	1,062,108.77	21%	50%
Water/Sewer Fund	1,755,709.24	1,167,511.73	588,197.51	34%	50%
Stormwater Fund	423,774.44	189,789.02	233,985.42	55%	50%
Total	7,180,217.86	5,295,926.16	1,884,291.70	26%	50%

Notes:
None

City of Lowell, North Carolina
 FY 2024 Expense Dashboard
 12/31/2023

Department	Budget	YTD thru 12/31/2023	Budget Remaining	Percent Remaining	Percent of FY24 Remaining
General Fund					
Administration	2,652,310.85	939,556.14	1,712,754.71	65%	50%
Public Safety	1,327,415.47	598,606.61	728,808.86	55%	50%
Public Works-Streets	318,185.88	129,440.22	188,745.66	59%	50%
Sanitation	345,633.72	146,169.55	199,464.17	58%	50%
Parks & Rec	257,188.22	105,585.96	151,602.26	59%	50%
Powell Bill	100,000.04	11,230.81	88,769.23	89%	50%
Total	5,000,734.18	1,930,589.29	3,070,144.89	61%	50%
Water/Sewer Fund					
Water/Sewer	1,380,721.44	664,808.56	715,912.88	52%	50%
Wastewater Treatment	374,987.80	127,480.77	247,507.03	66%	50%
Total	1,755,709.24	792,289.33	963,419.91	55%	50%
Stormwater Fund					
Stormwater	423,774.44	170,482.46	253,291.98	60%	50%
Total	423,774.44	170,482.46	253,291.98	60%	50%

Notes:
None



Geographic Information System (GIS) Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4E
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Todd Stroupe, GIS Analyst
Date: February 7, 2024
Re: Geographic Information System (GIS) Report

GIS and Mapping

- Generated 150-foot inside buffer for 700 West First Street map.
- Generated right-of-way access closing for social media posts along the West First Street map.
- Collected retired dye plant post-demolition exterior GPS points of an underground tank and well locations per NCDEQ’s request.
- Generated retired dye plant exterior point locations maps per NCDEQ’s request.
- Generated future pest waste stations map for Gaston County Mini-Grant application
- Generated Gastonia Chevrolet Master Sign application map for public hearing notification letters.
- Generated water and sewer maps for WithersRavenel and RS Locations.
- Provided Future Land Use GIS data and map to Centrolina Regional Council
- Generated proximity to Lowell, MA maps for Citizen’s Academy.
- Overlaid new public works facility footprint over retired dye plant maps for city council planning retreat presentations by NCDEQ brownfields.
- Performed analysis to identify major outfalls and NCDOT receiving/discharging interconnections within the MS4 boundary.
- Began working on road pavement conditions inventory.
- Performed monthly updates to the City’s tax and location GIS layers.
- Continue to work on lead and copper service line inventory.
- Continue to work on Phase 2 of MS4/stormwater infrastructure mapping.

Meetings and Events

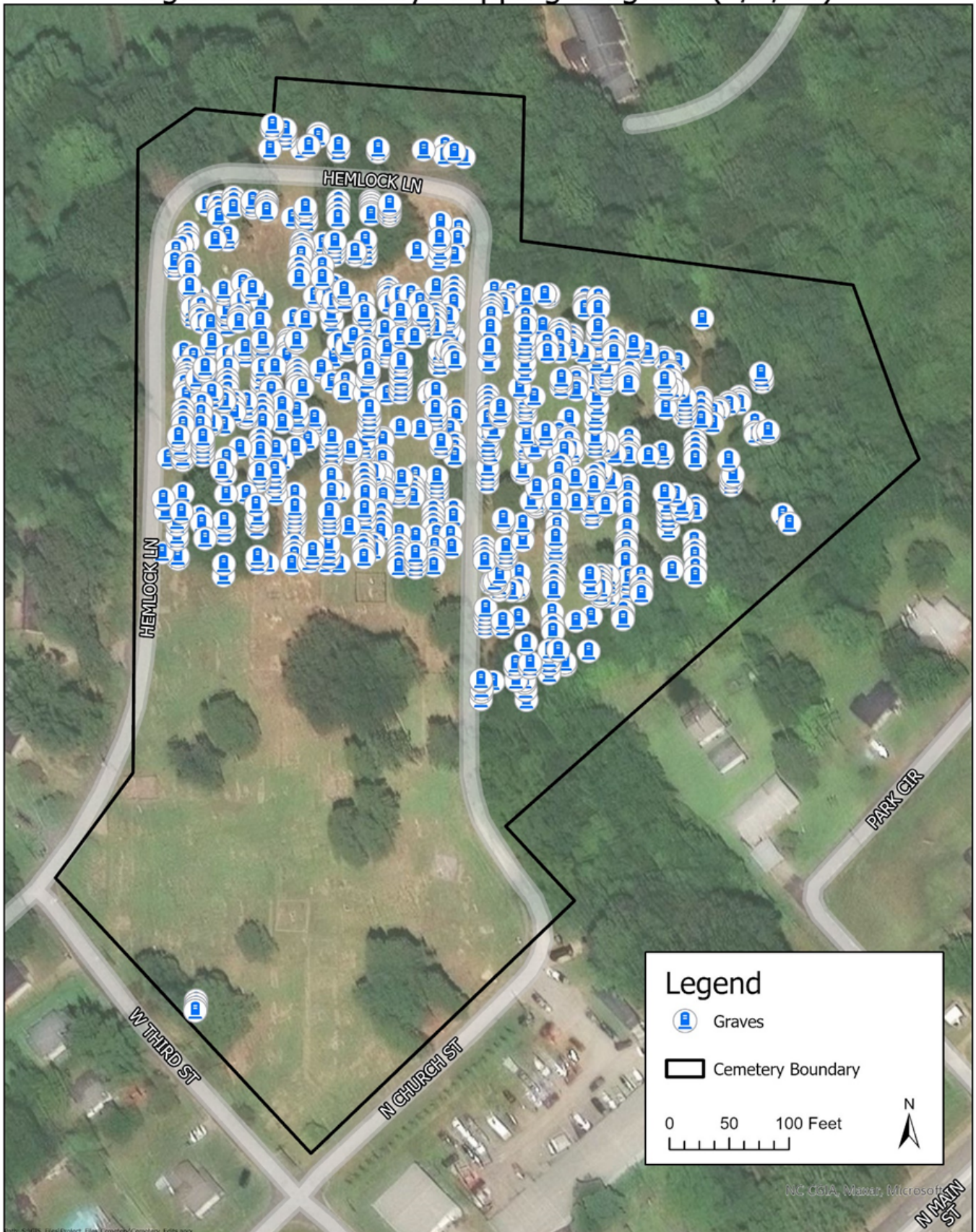
- Attended internal SWMP progress meeting.
- Attended internal preliminary budget meeting.
- Attended internal T-Mobile Grant discussion meeting.
- Attended GBA newly elected officials dinner.
- Attended Water AIA fieldwork meeting with Wooten.

- Attended January city council planning retreat.
- Attended monthly city council meeting.
- Attended internal department head meetings.
- Attended Matthew Belk Greenway online meeting with McAdams.

Edgemont Cemetery Mapping Project

- Kicked off the mapping project in October.
- Collected 882 graves as of February 7, 2023.
- Developing a public-facing interactive web map that will allow users to click on a grave for names, birth and death dates, pictures of headstones, etc.

Edgemont Cemetery Mapping Progress (2/7/24)



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



Communications Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4F
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Cristy Cummings, Communications Director
Date: February 2, 2024
Re: January Communications Monthly Report

- *City website updates*
 - *Updated photos and e-mails on the Council page*
 - *Updating Quick Links on the Homepage*
 - *Adding documents as requested by Department Heads*
 - *Creation of a full-month calendar with all events, meetings, and office closings listed on one calendar*
 - *Adding content to the calendar*
 - *Added all committee meetings and Council meetings for 2024 to the Public Meetings page of the website*
- *Creation of event listings on Facebook and website*
 - *Updating artwork for event listings*
- *Creation of social media content for Facebook and Instagram*
 - *Event promotions*
 - *Holiday/office closing posts*
 - *Other posts to keep residents in-the-know*
- *CodeRed*
 - *Updated CodeRed contacts*
 - *Sent out City alerts (phone, email, text)*
 - *MLK Day office closing/Save the date announcement for next senior lunch*
 - *Notification that City Parks were closed on a severe weather day due to potential flooding, downed trees/power lines*
 - *Senior Valentine's Lunch last day of registration reminder and Youth Baseball registration is open*
- *General*
 - *Creation of January 3, 2024 Special Council meeting video for YouTube*
 - *Recorded meeting*
 - *Spliced sections together*
 - *Added captions to each section*
 - *Watched training videos for back-up City clerk*
 - *Ran multiple test meetings for January 2024 meeting*
 - *Troubleshooted YouTube audio issues with AgendaLink*

- *Ran AgendaLink software for January 9, 2024 meeting*
- *Creation of quarterly City of Lowell newsletter*
 - *Collaboration with Department heads on content*
 - *Creation of graphics*
 - *Designing of newsletter*
 - *Proofreading and sending proofs to Department heads to review content*
 - *Sorting newsletters by zip code, sending check request to Finance for postage, and delivering newsletters/check to the Post Office*
- *Attended meetings with:*
 - *Local gym on proposed gym package for employees*
 - *Digital content creator and tip desk reporter for WCNC*
 - *Monthly County Communications*
 - *Staff meetings (January 2 and January 30)*
 - *Staff Budget Preparation meeting*
 - *South Fork River Health Sub-Committee meeting (Marketing)*
 - *City Council Planning Session*



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Stormwater

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda Item: 4G
Reference File	Presented By

To: Scott Attaway, City Manager
From: Jamie Watkins, Stormwater Administrator
Date: 2-6-2024
Re: Monthly Department Update

- Attended department head meeting with City Manager on Tuesday, January 2nd
- Met with City Manager and GIS Analyst to discuss progress on SWMP and Permit Year 3 self-audit on Monday, January 8th
- Continued work on Permit Year 3 self-audit
- Composed a report detailing progress on Permit Year 3 self-audit
- Composed a report answering concerns brought up in the January 9th Council Meeting during public comments
- Continued investigating the reported issues at 307 Lynn Street
- Attended Budget Meeting with City Manager on Tuesday, January 16th
- Attended Stormwater Department strategic meeting with City of Cramerton Staff on Thursday, January 18th
- Documented and addressed stormwater and runoff issues as they arose during rainfall events
- Researched the viability of my taking over SCM annual inspections for HOAs and commercial properties
- Attended South Fork Water Quality Subcommittee Meeting with Ambar Torres Molinari on Friday, January 19th
- Spent two thirds of the workday inspecting construction sites with Jacob Simpson from Gaston County Natural Resources
- Attended South Fork Collective Policy Subcommittee Meeting with John Searby on Thursday, January 25th
- Attended South Fork River Health Marketing Subcommittee Meeting with Hayden Davis on Friday, January 26th
- Composed budget reports and documents per City Manager’s request
- Attended Budget Workshop at City Hall with Council and Staff on Monday, January 29th
- Attended South Fork Collective Quarterly Meeting with Kelly Weston on Monday, January 29th
- Attended Department Head meeting with City Manager on Tuesday, January 30th
-



Regular City Council Meeting Memorandum

Prepared By: Jeff Harrison

Police Report

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Consent Agenda	Item: 4H
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Jeff Harrison, Assistant Chief of Police
Date: February 7th, 2024
Re: Monthly Police Report

The Lowell Police Department logged 813 calls for service in January 2024, keeping pace with months past. Officers conducted 118 traffic stops. Citation data is not available right now because of the New World changeover taking place. The current RMS system is no longer receiving the data and we cannot access the data in New World yet. There were 7 felony arrests and 3 misdemeanor arrests made in the month. Last month it was reported there were 9,999 calls for 2023; however, that number is inaccurate. During the evening hours of New Years Eve, the current RMS system stopped allowing officers to log calls at 9,999. The program would not roll over to 10,000. This problem will be resolved when New World is fully utilized by the department.

New World implementation is waiting for the Metro-e connection to be established between City of Gastonia IT and the police department building. This is a secure high-speed internet connection between the two buildings hosted by Spectrum. Once this connection is put into place, the system equipment will be installed at the police department building. Officers will attend New World training on February 22nd. The police department will go live with New World after these few key pieces fall into place.

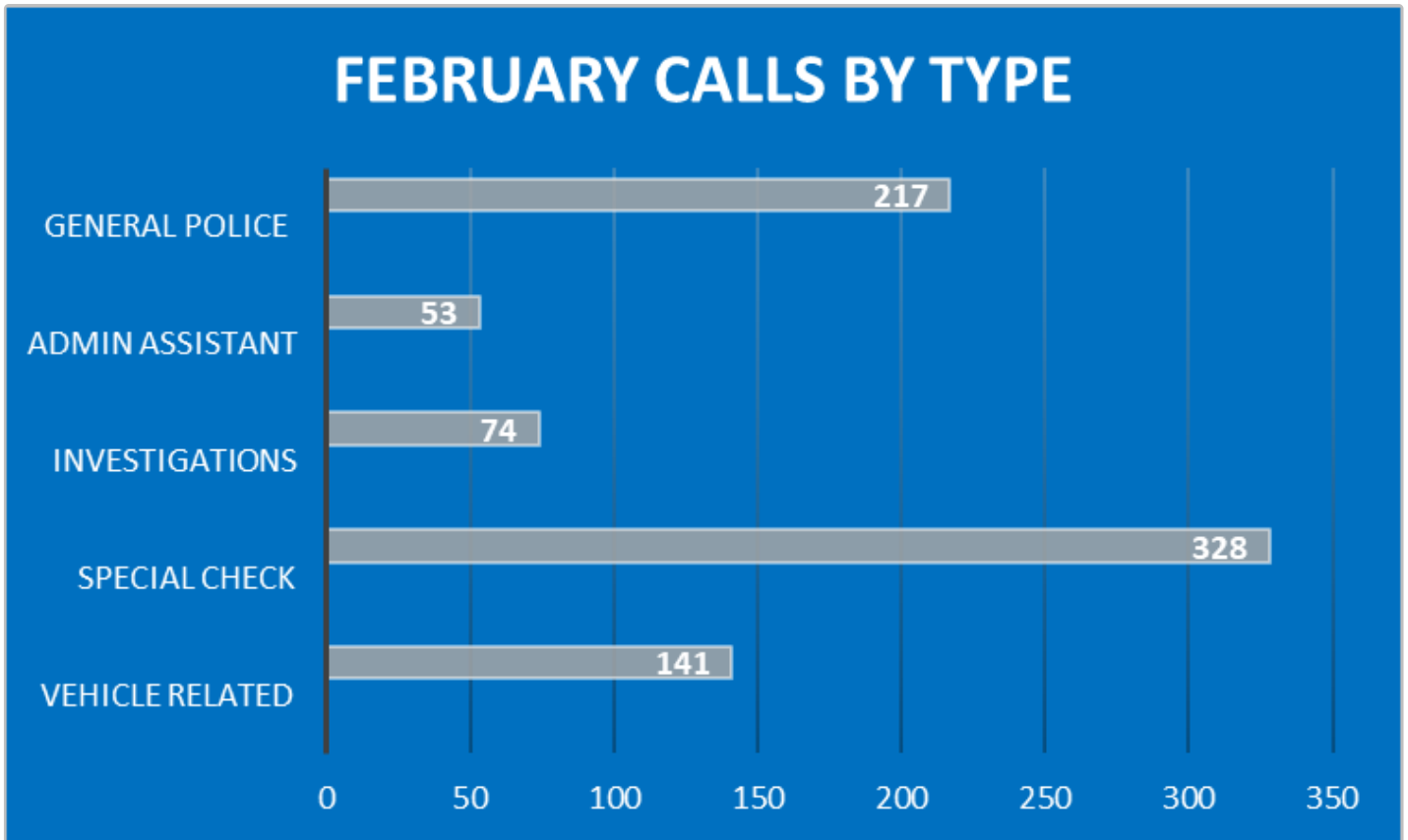
Officer Stamey participated in Operation Winter Guardian as part of the Gaston County Police Departments F. A. S. T. team. The operation was conducted through the combined efforts of multiple agencies including agencies from the state and federal level. Multiple arrests were made relating to child sex crimes. The GCPD will be releasing further information soon about this joint operation.

Captain Hoffman and Officer Tinoco worked on a case from 10 Federal Storage Units where multiple storage units were broken into and items stolen. During the investigation, information came to light on another larceny case. The second case was the larceny of an enclosed trailer containing a UTV. The victim was a resident who had died just days prior to the theft. Captain Hoffman used the evidence he had gathered and named a suspect Michael Sipe. Captain Hoffman used GPS tracking evidence from the Gaston County Probation Department to track Mr. Sipe to the location of the crime at the time of the larceny. Felony warrants were obtained by Captain Hoffman for Mr. Sipe.

Chief Moore and Assistant Chief Harrison attended the NC City and County Managers Conference in Winston-Salem. Multiple sessions were attended, and the result will be the implementation of ideas and programs to improve the police department. Department morale through employee voice and administration transparency will be the focus on improvements.

The Sammy "Chip" Davis missing person case saw its largest break in years. Chip's body was located buried in the back yard of his residence. His roommates have been charged in the concealment of his death. Kenneth Johnson is in custody

under secure bond at the Gaston County Jail and Robin Adair is in custody awaiting extradition from Florida.





Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Master Sign Plan Application - Public Hearing - File # MSP23-01

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Unfinished Business	Item: 5A
Reference File	Presented By	

To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, February 7, 2024
Re: Public Hearing - Master Sign Plan Application, File # MSP23-01

PROPERTY OWNER: McKenney Rentals LLC
APPLICANT: Rick Gonzalez, Automotive Management Services, Inc.
LOCATION: 831 S. Main Street, Lowell, NC 28098
ACREAGE: 5.65 ac
ZONING DISTRICT: US Highway 74 Commercial District (C-74)

Background and Site Description

The subject property consists of a dealership/showroom, vehicle service areas and parking lot areas located on the site. The building is approximately 49,000 square feet and has visibility from Interstate 85 and US Highway 74 and S. Main Street. Section 17.10-2 (B) Master Sign Plan, Application, states that "Commercial, institutional, industrial, or mixed-use developments containing three (3) or more acres in area" are eligible to apply for a master sign plan. This property is 5.65 acres, thus meeting this requirement. The applicant has submitted a complete application, site plan and other supporting documentation to support their request to replace one (1) of their walls signs. Because the overall amount of signage for the dealership exceeds the 100 square foot maximum and the total number of signs exceeds the maximum allowed under Table 17.1, this decision must come to the City Council for final approval.

Planning Board Recommendation

The Planning Board unanimously voted in favor of approving the application the proposed changes.

Proposed Request

Replace existing "McKenney" sign with a new sign that says "Gastonia".

Code References

- Article 17 - Sign Regulations
- Section 17.7-1 (A) - Only one general attached sign (blade, V-type, of flat) is allowed per street frontage)
- Table 17.1 Permanent Sign Standards and Criteria, Permanent Attached Signs - General
- Section 17.10 Master Sign Plan
- Section 17.13 Nonconforming Signs

Per Article 17 - Sign Regulations, Section 17.10 Master Sign Plan, the Lowell Development Ordinance allows applicants to submit applications for signs of different sizes, types, locations, placement, and height from those otherwise enumerated in Article 17 - Sign Regulations. The Planning Board is charged with reviewing the application per the procedure outlined in

Section 17.10-4 Review Procedure. In reviewing the proposed master sign plan, the Planning Board and City Council shall take the following matters into consideration.

(1.) The extent to which the proposed master sign plan deviates from the sign allowances otherwise applicable in this Article.

(2.) The rationale provided by the applicant for the deviations.

(3.) The extent to which the master sign plan promotes City goals associated with community character, wayfinding, pedestrian-orientation, and business identification.

(4.) The degree to which the master sign plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

The following pages contain the application and other related documentation related to this request.

Attachments

City of Lowell - signed app.pdf.pdf

City of Lowell Letter (1).pdf.pdf



MASTER SIGN PLAN APPLICATION

MSP23-01

TO: THE CITY OF LOWELL
101 W. First Street
Lowell, NC 28098

APPLICATION #: _____
DATE FILED: 10/31/2023
FEE PAID: YES

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to allow creativity in order to address site issues and constraints as outlined in regards to Article 17 of the Lowell Development Ordinance pertaining to sign regulations and requirements on the below listed property and in such ways as proposed.

- 1) The real property sought to be amended is owned in fee simple by:
"McKenney Rentals LLC" (formerly named J & R Rentals)
as evidenced in Deed Book 4510 Page 1151 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being subject to this request.
- 2) The address of the real property sought to be amended is: 831 S. Main St., Lowell, NC 28098 and/or further legal description by metes and bounds of said realty is attached to this application.
- 3) The following are all adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be amended. The names and addresses listed below shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

NAME	ADDRESS
<u>See attached name and address list - "Adjoining Owners"</u>	
_____	_____
_____	_____
_____	_____

- 4) A map or drawing identifying the real property requesting the Master Sign Plan and all attached properties with their designated zoning districts shown shall be attached to this application. See attached "Zoning Map"
- 5) Master Sign Plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case. See attached "Permitting Brand Book" & "City of Lowell Letter"

- 6) An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in Article 17 of the Lowell Development Ordinance. See attached "Permitting Brand Book" & "City of Lowell Letter"
- 7) Other similar information determined by the *Planning, Zoning & Subdivision Administrator* to be necessary for understanding the purpose and intent of the proposed Master Sign Plan application.

- a. _____
- b. _____ **NOT APPLICABLE** _____
- c. _____
- d. _____

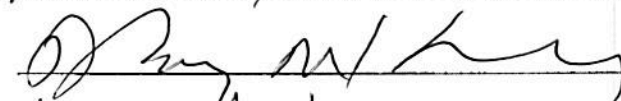
8) The applicant understands that a letter stating the date, time and place for the Public Hearing for the Master Sign Plan request of said property shall be mailed to each of the parties listed in Section 3 above at least ten (10) days prior to the Public Hearing.

9) If the applicant is not the legal owner of the property seeking approval of the Master Sign Plan, the legal owner(s) names and addresses shall be listed below. Owner(s) shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.) (Please attach Notarized Public Hearing Consent Form provided by the City of Lowell) N/A

NAME	ADDRESS
------	---------

ATTACHED IN PACKET

Applicant(s) Name: McKenney Rentals LLC
 Address: 525 STUART RIDGE Cramerton NC 28032
 Telephone: 704 813 6958

Applicant(s) Signature: 
H RAY McKenney

City of Lowell
 101 W. First Street
 Lowell, NC 28098

Telephone: 704-824-3518

11/21/2023

City of Lowell - Planning

101 W 1st Street

Lowell, NC 28098

Re: Gastonia Chevrolet Buick GMC

To whom it may concern:

Our request is to replace 1 sign (28.11SF) with a smaller sign (25.38SF), saving 3SF of space. We understand that we are unable to replace our store facade signage at our Gastonia Chevrolet Buick GMC store due to recent changes made to the City of Lowell's signage policy, also known as the "Master Sign Plan". This change does not allow us to replace a portion of signage without looking at everything on the front facade and ensuring all signage is ≤ 32 SF. Our current overall signage represents 179.22 SF representing 3.4% of the building facade, which is low compared to our other stores being 5% and greater. We are only trying to swap names from McKenney to Gastonia which would decrease the overall signage footprint, as mentioned above. All other signage would remain the same. Please see dimensions directly below showing the sign difference.

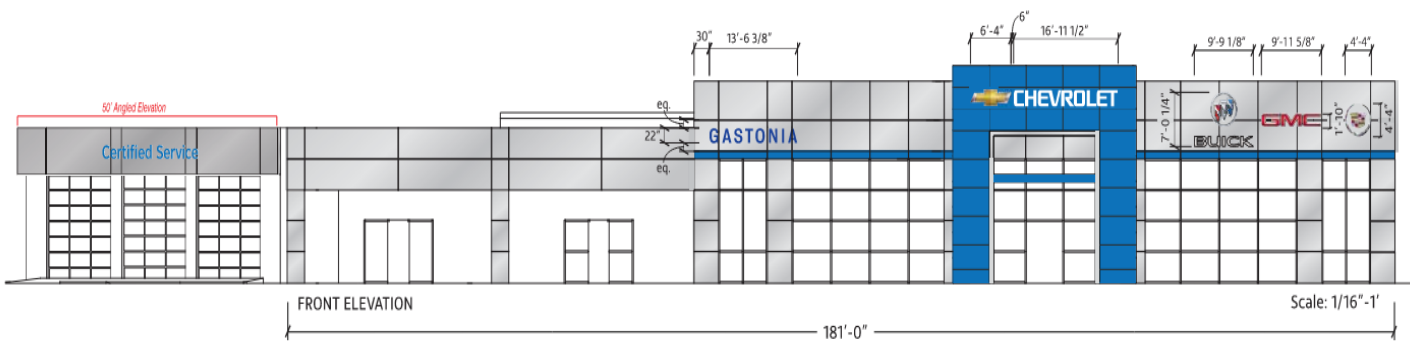


A HEIGHT	B LENGTH	SQUARE FT.
22"	13'-6 3/8"	25.38



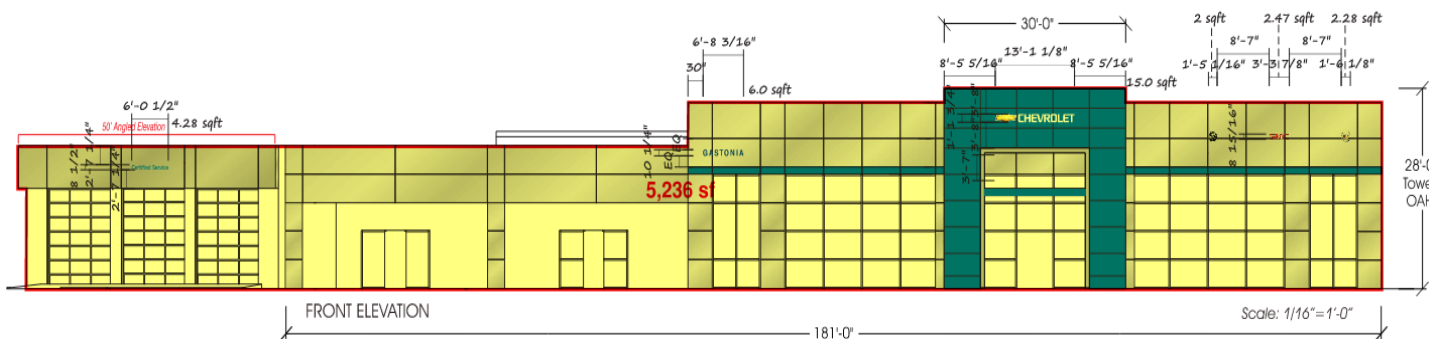
A HEIGHT	B LENGTH	SQUARE FT.
22"	15'-4 1/4"	28.11

As you may already know, signage for every car dealership is paramount to its success. Car dealership signs aid efforts in attracting customers, building brand awareness, and ultimately winning new customers, not to mention keeping existing customers. This is why each manufacturer puts such an emphasis on specific signage requirements for each dealership. We purchased this dealership and as a result changed the name on all our on-line and print marketing to Gastonia. If we were to leave the old name signage so that we can be grandfathered in, we would confuse potential new customers trying to reach us and thereby miss out on sales and taxes. The next illustration below is what the facade would look like with our proposed change.



If we were forced to scale everything down to reach the 32SF it would represent less than 1% of the building façade (.61%). You would barely be able to make out any of the signs unless you were standing right in front of the building. Each sign shown is needed for directing service customers and providing brand awareness to new and existing customers.

$$32\text{sf (signage)} / 5,236\text{ sf facade} = 0.61\% \text{ of facade}$$



As you can see from the illustrations below, it is nearly 200 ft from Wilkinson Blvd to the building facade. If the signage size is reduced to 32SF consumers will be unable to read the building signage from the street while driving which we believe will cause confusion and create potential safety issues as drivers start to slow down right in front of the dealership as they are trying to read signage with 8-10" letters from 200' away.



We believe that allowing us to replace the one name sign with a similar sign that has less footprint is a win-win-win situation for the City and your customer.

Please feel free to contact me if I can provide any additional information.

Sincerely,

Rick Gonzalez



Proposed Amendment to Section 33.16 Membership and Vacancies; Attendance.

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	Unfinished Business	Item: 5B
Reference File	Presented By	

To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: February 7, 2024

Re: Proposed Amendment to Code of Ordinances, Section 33.16 Membership and Vacancies

In reviewing the Code of Ordinances and the Lowell Development Ordinance, staff has discovered a discrepancy between the two codes. The proposed amendment seeks to align the ordinances as it pertains to the number of total members that are allowed to serve on the board.

It also removes language that references Extra Territorial Jurisdiction (ETJ) and a requirement that a certain number of members be selected/appointed by the Gaston County Commissioners. The City of Lowell no longer has Extra Territorial Jurisdiction (ETJ) and therefore this language no longer applicable to our situation. Staff is recommending approval of this text amendment to the Code of Ordinances, Section 33.16.

A copy of the proposed text amendment for the Code of Ordinances has been attached. Additionally, staff has attached LDO Section 4.2- Planning Board - Membership by Appointment, as a reference.

Attachments

PROPOSED TEXT AMENDMENT 33.16 Planning Board Membership LDO reference.pdf

**PROPOSED TEXT AMENDMENT (NEW TEXT UNDERLINED AND HIGHLIGHTED). DELETED TEXTED
SHOWN WITH STRIKETHROUGH.**

§ 33.16 MEMBERSHIP AND VACANCIES; ATTENDANCE.

The Planning Board shall consist of ~~eight~~ **seven** members. ~~Five~~ **The** members shall be citizens and residents of the city, and shall be appointed by the City Council; ~~three members shall be citizens of Gaston County who reside outside the city but within the extraterritorial jurisdiction of the city as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. § 160A-360(b), and shall be appointed by the Board of Commissioners of the county.~~ The members of the Planning Board shall serve for terms of three years. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Planning Board is to be considered a prerequisite to continued membership, and the City Council may remove and replace any member continually delinquent in his or her duty to attend. (1995 Code, § 2-29)

FOR REFERENCE ONLY - LOWELL DEVELOPMENT ORDINANCE – SECTION 4.2-2

4.2-2 Membership by Appointment. The Planning Board shall consist of seven (7) members, who shall reside within the City Limits. Members shall be appointed by the City Council in accordance with G.S.160D-310. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment three (3) members shall be appointed for a three (3) year term, two (2) members shall be appointed for a two (2) year term, and two (2) members shall be appointed for a one (1) year term.



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Annual Utility Allocation Report -LaBella Engineering

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	New Business Item: 6A
Reference File	Presented By

To: Lowell Mayor and City Council
From: Scott Attaway, City Manager
Date: 2-8-2024
Re: Annual Utility Allocation Report - LaBella Engineering

Per the City of Lowell Utility Allocation and Extension Policy Section III. (A)(2) the City Public Works Engineer shall make at least annual reports to the City Council regarding the status of utility capacities available and allocations granted. Bonnie Fisher, P.E. with LaBella Engineering will present the following data to City Council.

Attachments

Utility Capacity Presentation_02_13_2024.pdf



2023 Utility Capacity report

Presented February 13, 2024



LaBella
Powered by partnership.

Introduction

Policy for Managing Utility Allocations & Extensions

Section III. Capacity Accounting

- **The City of Lowell shall seek to track the amount of capacity that may be available for allocation.**
- **The City Public Works Engineer shall prepare -**
 - **Schedule of utility capacity available,**
 - **List of utility allocations granted,**
 - **Annual report to the City Council regarding the status of utility capacities available and allocations granted.**



Sewer capacity

Sewer Capacity Tracking:

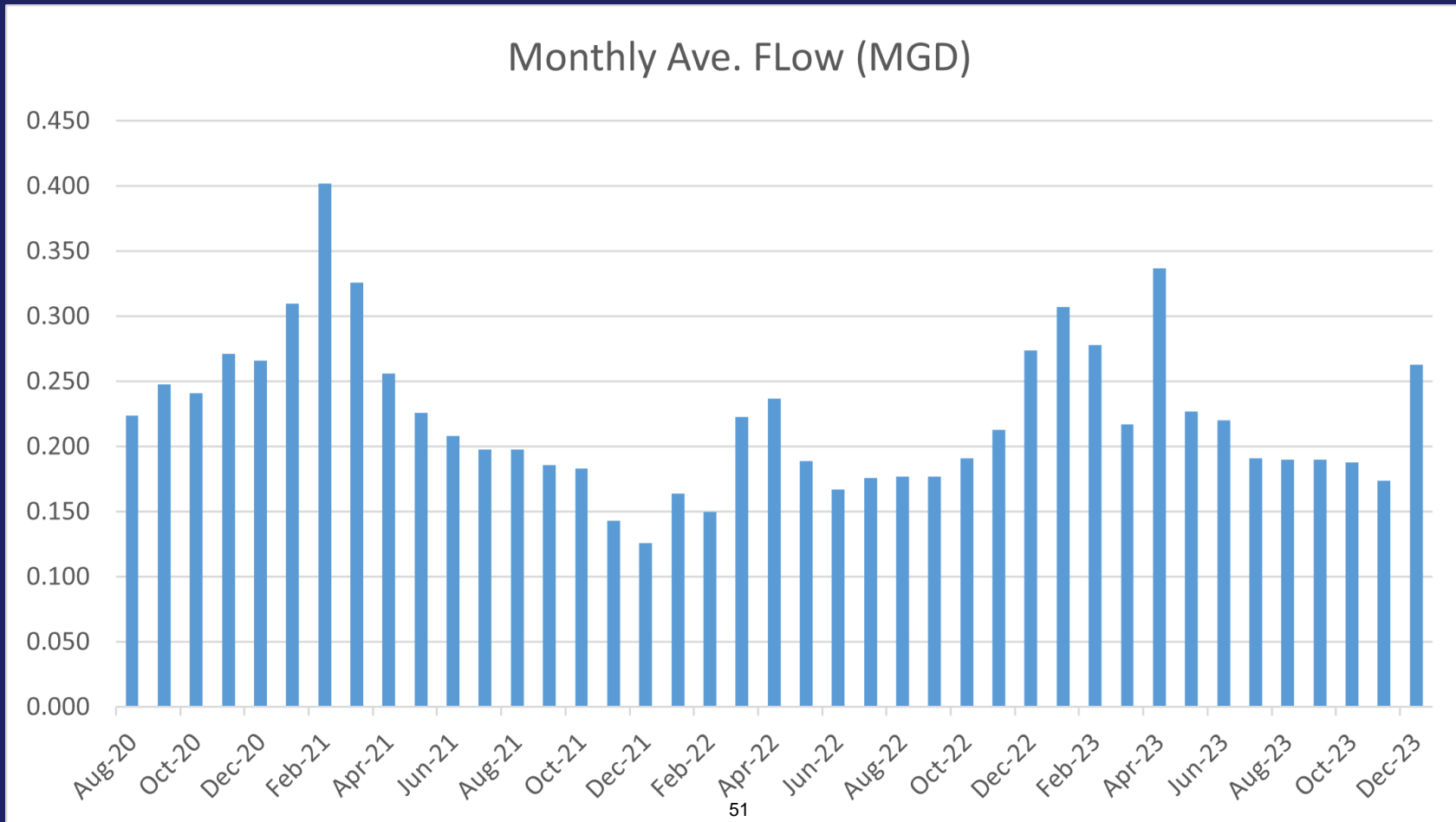
- Discharge Monitoring Reports (DMRs) of wastewater are required by National Pollutant Discharge Elimination System (NPDES) permits and some Water Quality Management (WQM) permits.
- DMR flows are recorded monthly at the Wastewater Treatment Plant (WWTP).
- Sewer service areas south of I-85 flow to Two Rivers Utilities (TRU) Metering Station at Fair Street.
- Threshold for System Upgrades: Average measured flows exceed 80% of permitted flows

Location	Permitted Flow	2023 Average Monthly Flow
WWTP	0.6 MGD	0.23 MGD
TRU Metering Point	150,000 GPD	32,780 GPD (July)



Historical wastewater flow

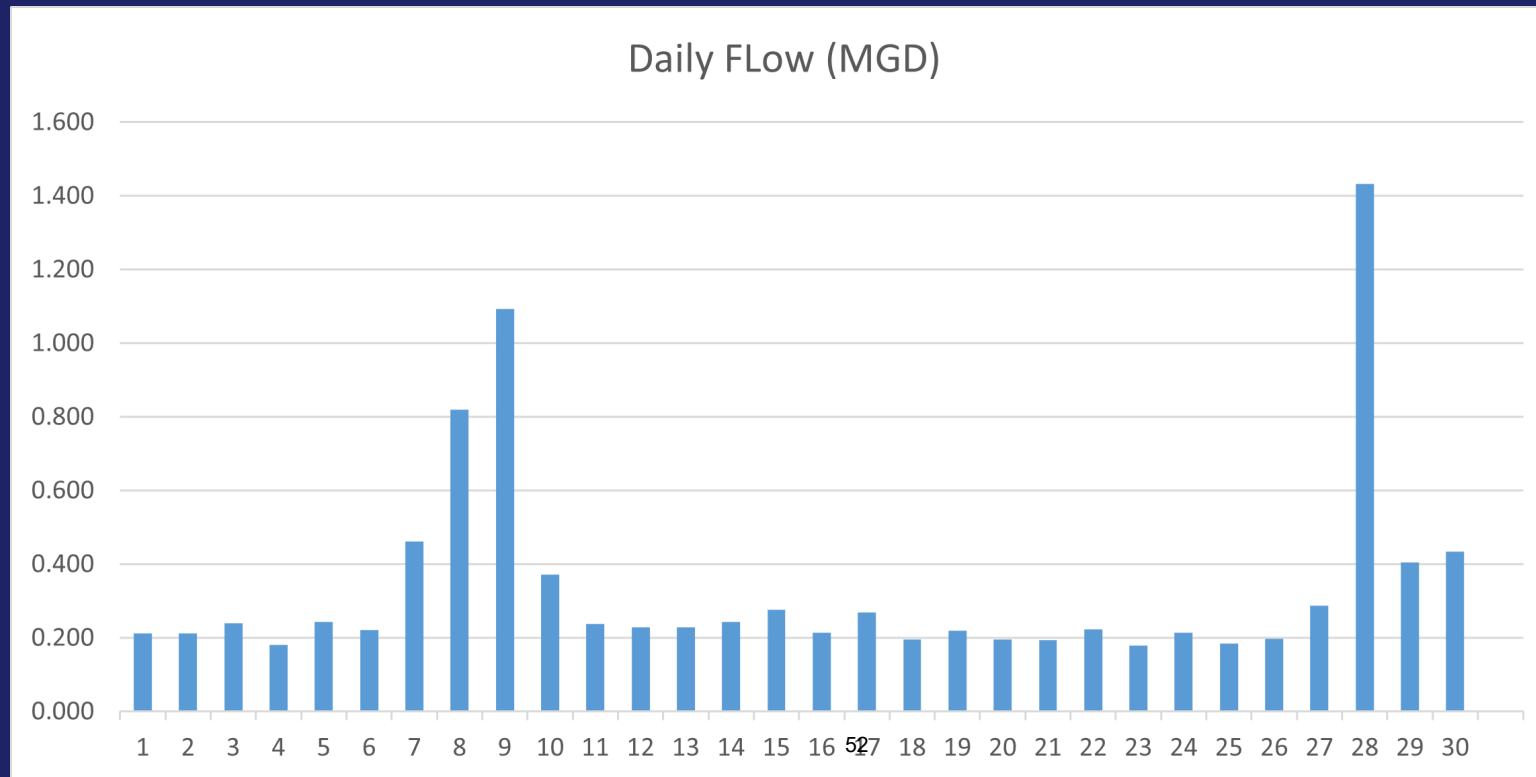
2023 and Historical DMR Flow



Daily flows highest month

April 2023

- Significant Rainfall: April 7th (2.9"), 8th (0.9"), 9th (0.8") and April 27th (1.3"), 28th (2.6")
- Runoff Infiltration into Sewer pipes results in higher-than-average flows at Plant



design Flow reduction request

Residential Design Flow Reduction Approved by NCDEQ:

- North Carolina Administrative Code (15A NCAC 02T .0114) requires a flow design rate of 120 gallons per day (gpd) per bedroom for residential development. The NCAC allows for a utility to request a reduction in the design rate if supporting data is provided.
- Single family dwellings only, new developments
- An evaluation of Lowell's typical residential use patterns in similar developments indicated that costumers contribute less wastewater than prescribed by the NCAC code.
- Request was made to NCDEQ in October 2022, and an adjusted design flow rate of 60 gallons per day per bedroom was approved January 11, 2023.



2023 sewer Flow Acceptance

Reserves Capacity

Flows to WWTP:

- River Heights: 12,600 gpd
- Lowell Woods 15,300 gpd
- Monthly Average Flow + 2023 Permitted Flow = 0.26 MGD, approx. 43% of permitted capacity.

Flows to TRU Metering Station:

- None



Preliminary capacity assurance review (PCAR)

“Willingness to Serve” - Does NOT Reserve Capacity

Flows to WWTP:

- Spencer Ridge (PCAR approved by Council 7/11/23): 100,780 gpd
- Saxony Drive (Issued Letter 4/13/23; Application later withdrawn): ~~37,925 gpd~~
- 2023 Total: 0.10 MGD
- Monthly Average Flow + 2023 Permitted Flow + Requested Flow = 0.36 MGD, approx. 60% of permitted capacity.

Flows to TRU Metering Station:

- Willow Creek Meadows (PCAR approved by Council 7/11/23): 32,200 gpd
- Average Flow + Requested Flow = 65,000 gpd, approx. 60% of permitted capacity.



2023 water allocation

Water Supplied by Two Rivers Utilities (TRU)

- Allocation Limits set by June 1, 2004 Interlocal Agreement with TRU
 - Allocation of 32,000,000 gallons per month
 - Maximum limit of 1,100,000 gpd
- 2023 Usage (provided by TRU)
 - Average usage was 10,696,267 gallons per month
 - Average daily usage was 352,517 gpd
- Contract maximum limits can be negotiated when needed.
- River Heights: 28,800 gpd
- Lowell Woods: 39,500 gpd





Prepared By: Scott Attaway

Consideration of Change Order 09 to the Demolition Contract with Trifecta Demolition

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	New Business Item: 6B
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 2-8-2024

Re: Consideration of Change Order 09 to the Demolition Contract with Trifecta Demolition

Please see the attached change order.

Attachments

SCIF Expenses thru 02-07-2024.pdf

Drawing of additional rock - Final CO.pdf

Trifecta CO 009 Additional Rip Rap Placement V.2 Final.pdf

	Check #		Amount spent through 12/12/2023:		\$1,105,036.86	
12/18/2023	1030	Mid-Atlantic Associates			\$ 3,468.51	
12/19/2023	1031	LaBella Associates - Inv #213271			\$ 13,455.55	
12/29/2023	1032	Mid-Atlantic Associates			\$ 5,105.66	
1/12/2024	1033	LaBella Associates - Inv #215089			\$ 18,801.54	
1/12/2024	1034	Mullen Holland & Cooper - Inv #118670			\$ 315.00	
1/24/2024	1035	LaBella Associates - Inv #209681			\$ 12,019.42	
2/6/2024	1036	Trifecta Services Company - Pay App #4 Demolition & Abatement			\$ 177,495.15	
2/6/2024	1037	Trifecta Services Company - Pay App #4 Backfill, Erosion & Sediment			\$ 87,518.07	
2/6/2024	1038	Trifecta Services Company - Pay App #5 Demolition & Abatement			\$ 76,923.40	
2/6/2024	1039	Trifecta Services Company - Pay App #5 Backfill, Erosion & Sediment			\$ 156,392.45	
2/6/2024	1040	Mid-Atlantic Associates			\$ 2,397.75	
2/7/2024	1041	PARKER POE			\$ 100.00	
			TOTAL SPENT THROUGH 2/07/2024:		\$1,659,029.36	
CONTRACTS:				TOTAL CONTRACT	PAID TO DATE ON CONTRACT AMOUNTS	BALANCE TO COMPLETE
		TRIFECTA - DEMOLITION & ABATEMENT: CONTRACT \$949,482.00		\$ 1,178,058.00	\$ 1,044,196.30	\$ 133,861.70
		CHANGE ORDER #1 & #2 - \$68,700.00				
		CHANGE ORDER #4 - \$18,072.00				
		CHANGE ORDER #5 - \$62,900.00				
		CHANGE ORDER #7 - \$73,650.00				
		CHANGE ORDER #8 - \$5,254.00				
		TRIFECTA - EROSION & SEDIMENT: CONTRACT \$ 496,577.87		\$ 538,213.15	\$ 389,012.94	\$ 149,200.21
		CHANGE ORDER #1 - \$41,635.28				
		MID-ATLANTIC ASSOCIATES \$89,605.00 (WORK WAS PERFORMED AS ONE-OFFS PRIOR TO THE CONTRACT)			\$ 110,667.50	
		LABELLA ASSOCIATES \$29,970.00		\$ 108,692.00	\$ 89,013.93	\$ 19,678.07
		TASK ORDER #1 - \$42,900.00				
		TASK ORDER #2 - \$35,822.00				
		ESP ASSOCIATES \$8,400.00		\$ 8,400.00		\$ 8,400.00
		ESP ASSOCIATES - TOPOGRAPHIC SURVEY \$17,400.		\$ 17,400.00		\$ 17,400.00
						\$ 328,539.98
			TOTAL EXPENDED WHEN COMPLETE (ASSUMING NO OTHER CHANGE ORDERS OR OTHER COSTS)		\$1,987,569.34	



1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMITS. CONTRACTOR TO HAVE ALL EXISTING UTILITIES LOCATED PRIOR TO CONSTRUCTION.

- River
- Parcel Boundary





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

February 9, 2024

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

Trifecta Change Order #009 Yorkshire America V.1 Via Email
 1602 N. Main Street Lowell, NC

CO 009 PROPOSAL FOR SERVICES

Dear Scott,

Trifecta Services Company (“Trifecta”) is pleased to submit our Proposal for additional services for the Yorkshire Demolition 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

- Additional installation and specific placement of Rip Rap stone beyond the limits of demolition in specific locations such as slopes, heavy wash areas, to maintain critical site and grade stabilization, prevent erosion and maintain compliance with erosion control standards. The rock was carefully placed along existing slopes, slope bottoms, outlets, and areas with a high concentration of flow. Prior to placing rock areas were graded, cleared and geo fabric in place as required to maintain site erosion control.
- Placement of all rock was made in conjunction with DEQ plan requirements and as directed during and after follow-up site walks.
- Installation of Rip Rap Stone total amount 19 loads.
 - **\$39,029.00 / \$108.28 per ton**
 - **\$651.00 Rock cost per load**
 - **\$900.00 Equipment and Fuel cost per load**
 - **\$503.20 Labor cost per load**

Total 19 Loads

Date	Tons/Load	Date	Tons/Load
8-Jan	19.77	16-Jan	19.4
8-Jan	19	16-Jan	19.69
8-Jan	19.31	17-Jan	19.66
9-Jan	19.06	17-Jan	18.81



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

10-Jan	19.08	17-Jan	16.66
10-Jan	18.87	17-Jan	20.12
15-Jan	19.17	18-Jan	19.73
16-Jan	19.27	18-Jan	16.35
16-Jan	19.27	18-Jan	18.26
		19-Jan	18.96
		TOTAL	360.44

SCHEDULE

The Work shall be performed according to the following schedule:
 16 Workdays

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



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.



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Selection and Appointment to the Lowell Planning and Zoning Board

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	New Business Item: 6C
Reference File	Presented By

To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: February 7, 2024

Re: Consideration of Lowell Planning and Zoning Board applications

The following Planning and Zoning Board applications have been submitted for your consideration. The applicant that is chosen for this position will serve three (3) year term, ending on December 31, 2027.

Attachments

CityofLowell.Application.TamikaH.pdf

Robert Sebastian Application for Appointment.pdf



**APPLICATION FOR APPOINTMENT/RE-APPOINTMENT
TO A BOARD/COMMITTEE FOR THE
CITY OF LOWELL, NORTH CAROLINA**

The City of Lowell appreciates your interest in serving on a Board/Committee and requests that you complete the following application. This application requests general information based on your interest in applying for a Board/Committee for the City of Lowell.

Applicant Name: Tamika L. Hopper Date of Application: 8/29/2023

Home Address: 1310 River Run Drive Lowell, NC 28098
Street Address, City, Zip Code

Mailing Address (If different than above): _____

Home Phone: _____ Business Phone: _____

Cell Phone (For City Hall Use Only): (704)913-6607

Email Address: thopper3@yahoo.com

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

Age: 42 Male: Female:

Occupation: Practice Manager of Gastonia/Shelby Sanger Heart & Vascular Institute

Do you reside within the City Limits of Lowell: Yes No

Do you reside within the Lowell Extraterritorial Jurisdiction: Yes No

Length of residence in Lowell: 13 Years _____ Months

Please indicate your preference by the number (first choice being "1") and choose.

City of Lowell Boards

Planning and Zoning Board 1 Community Improvement Advisory Committee 2



QUESTIONNAIRE (PLEASE ATTACH ADDITIONAL SHEETS IF NEEDED)

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

I would like to serve to make a positive impact on people's lives as well as be able help others lead to increased social and community integration.

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

One of my key attributes is actively listening. With my tenure in Healthcare administration I've learned that listening to the community helps which in turn helps with active Planning.

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

There are several reasons I could list but to name a few of them: I'm Ethical, I do what's in the best interest of people and not my own personal preference. I've served the community in different ways. Helping homeless Back to school drives.

Prior Public Service:

Board/Committee/Civic

From:

To:

Additional Comments:



Ethics Guidelines for City Committee / Boards

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

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

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

Tanika L. Hopper

Applicant's Signature (Required)

By signing this document you have agreed to the above Ethics Guidelines

8/29/2023

Date

A criminal background check will be conducted on new committee members and reappointed committee members.

**Please return form to:
Lowell City Clerk, 101 W. First St., Lowell, NC 28098
Or e-mail to bharris@lowellnc.com
Phone (704) 824-3518**

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

Applicant Name

Robert Sebastian

Date of Application

11/08/2023

Home Address

1017 Marguerite Dr.
Lowell, NC 28098
[Map It](#)

Cell Phone (for City Hall use only)

704-214-6064

Email Address

bobseb22@protonmail.com

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

Age

62

Gender

Male

Occupation

Electrical Project Manager

Do you reside within the City Limits of Lowell?

Yes

Do you reside within the Lowell Extraterritorial Jurisdiction?

No

Length of residence in Lowell (i.e. __ years, __ months)

10 years

Committee or Board Preference

Which committees/boards are you interested in serving on?

- Planning and Zoning Board

Board/Committee Preference

Planning and Zoning Board

Questionnaire

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

I would like to be an active participant in the best interest of Lowell's future.

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

I love living in Lowell and want a healthy future for our City.

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

I work with contracts, estimate projects, and work with permitting on a daily basis in my current role with a large electrical contracting company. I am very good at understanding complicated documentation.

Ethics Guidelines

I agree to the Ethics Guidelines for City Committees/Boards.

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

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

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

Date

11/08/2023

Criminal Background Check

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



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Resolution #01-2024 to accept ARPA funds for the Wastewater Pre-Construction Planning Grant

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	New Business Item: 6D
Reference File	Presented By

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 2-8-2024

Re: Resolution #01-2024 to accept ARPA funds for Wastewater Pre Construction Planning Grant

Per NCDEQ, the former Resolution #17-2023 cannot be accepted because it listed both the City Manager and the Mayor as the authorized representative, and they can only have one position named. The attached Resolution #01-2024 names the city manager as the authorized representative to correct this.

Attachments

RS1-2024 Wastewater Pre-Construction Planning Grant.pdf

RS17-2023.pdf



RESOLUTION BY GOVERNING BODY OF APPLICANT

RESOLUTION NUMBER: RS1-2024

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

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created grants to assist eligible units of government with meeting their water and sewer infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered Pre-Construction Planning Grant (PCPG) American Rescue Plan Act (ARPA) funding in the amount of **\$400,000** to the **City of Lowell** to perform the work detailed in the submitted application, and

WHEREAS, the **City of Lowell** intends to perform said project in accordance with the agreed scope of work,

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

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

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

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

Adopted this the 13th, day of February 2024 at **City of Lowell**, North Carolina.

Larry Simonds, Mayor

Cheryl Ramsey, City Clerk



RESOLUTION BY GOVERNING BODY OF APPLICANT

RESOLUTION NUMBER: RS17-2023

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

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created grants to assist eligible units of government with meeting their water and sewer infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered Pre-Construction Planning Grant (PCPG) American Rescue Plan Act (ARPA) funding in the amount of **\$400,000** to the City of Lowell to perform the work detailed in the submitted application, and

WHEREAS, the City of Lowell intends to perform said project in accordance with the agreed scope of work,

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

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

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

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

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


Sandy Railey, Mayor

ATTEST:


Cheryl Ramsey, City Clerk

SALES-TAX REIMBURSEMENT CERTIFICATION FORM

(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: City of Lowell

Project Number: SRP-W-ARP-0301 (Pre-Construction Planning Grant Wastewater Interconnection with Two Rivers Utilities)

Check If Applicant is not a unit of government under North Carolina law

If Applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

The project includes sales taxes related to the purchase of equipment or the provision of applicable services, and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

The project includes sales taxes related to the purchase of equipment or the provision of applicable services, and the unit of government will not request reimbursement from the DOR.

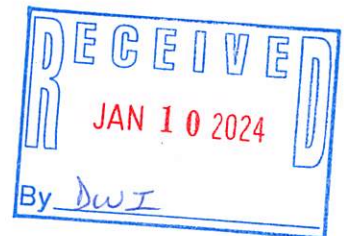
The project will not include sales taxes.

Lisa Nolen, Finance Director
(Printed Name and Title of Authorized Representative)


(Signature of Authorized Representative)

12/14/2023
(Date)

Submit to: NC Dept. of Environment & Natural Resources
Division of Water Infrastructure
Pam Whitley, Project Management Branch
1633 Mail Service Center
Raleigh, NC 27699-1633





Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Consideration to Add Traffic Calming Measures to Rogosin Blvd.

Memo and attachments regarding traffic analysis for Rogosin Blvd and application of the Traffic Calming Policy.

Table with 2 columns: Meeting, Agenda Group, Reference File, Presented By. Meeting: Tuesday, February 13, 2024, 6:00 PM; Agenda Group: New Business, Item: 6E.

To: Lowell Mayor and City Council

From: Scott Attaway, City Manager

Date: 2-6-2024

Re: Consideration to add Traffic Calming Measures to Rogosin Blvd.

Per Mayor Simonds request, the consideration of traffic calming measures/speed bumps on Rogosin Blvd. is attached. Below is information from the Lowell Police Department as it relates to former requests and analysis.

Background:

A traffic complaint on Rogosin Blvd. activated the use of the City of Lowell’s traffic calming policy. The policy was written in 2018 and adopted by the city council. Upon speaking with the complainant, it was determined the problem area was outbound traffic on the southern lanes of the neighborhood. A traffic study was conducted on Rogosin Blvd, the counter box was placed in the grass median (power line) across from 900 Rogosin Blvd. It was recommended by the complainant that the speed display be turned off. The counter box was left to log speeds and vehicle counts for two weeks.

The program that analyzes the data has a few different time blocks. The best picture of speeds for an area are with the 7-day data blocks. The highest daily average speed was 19.8 mph in a 25-mph zone for the study period. Under the old traffic calming policy, consideration of speed bumps does not happen until speed is measured at 10 mph or more over the posted speed. A second study was conducted on North Church St. The results of the study revealed an even larger gap between the measured speeds and the policy. It became clear changes to the policy were needed. The policy held a high-speed standard before any action would be recommended.

Traffic calming policies were gathered from a few surrounding agencies and compared to the COL policy. Relevant pieces were used from other policies and restricting areas of the COL policy were changed or removed. The main change was to the speed standard. Average speed was changed to 85th percentile speed, a standard used by DOTs throughout the country to determine speed limit adjustments. The 85th percentile is a measurement of the speed 85% of the vehicles are traveling. The 85th percentile speed for Rogosin Blvd. ranges from 27 mph to 31 mph.

The full traffic calming policy is attached and has been updated on the COL website. When the new policy is applied to Rogosin Blvd. study it triggers a class A finding, 1-9mph over posted speed limit. Under the findings sections of the adopted traffic calming policy number 3 reads:

“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.”

Officers stepped up patrols and speed enforcement in the area; however, data on enforcement actions was not captured. No further speeding complaints have been received by the police department. The newly adopted traffic calming policy, findings report for Rogosin Blvd, and a map showing the location of the counter box are attached.

** The attached findings report was assembled using the former traffic calming policy since that was the adopted version at the time the analysis was completed. The above stated is the Rogosin Blvd. data applied to the new policy.

Attachments

Rogosin speed complaint.pdf

Traffic-Calming-Policy-10-03-23.pdf

Counter Box location.pdf



CITY OF LOWELL POLICE DEPARTMENT



Carl Moore, Chief

August 17, 2023

Subject: Speed study, Rogosin Blvd

To: City Manager, Mr. Attaway

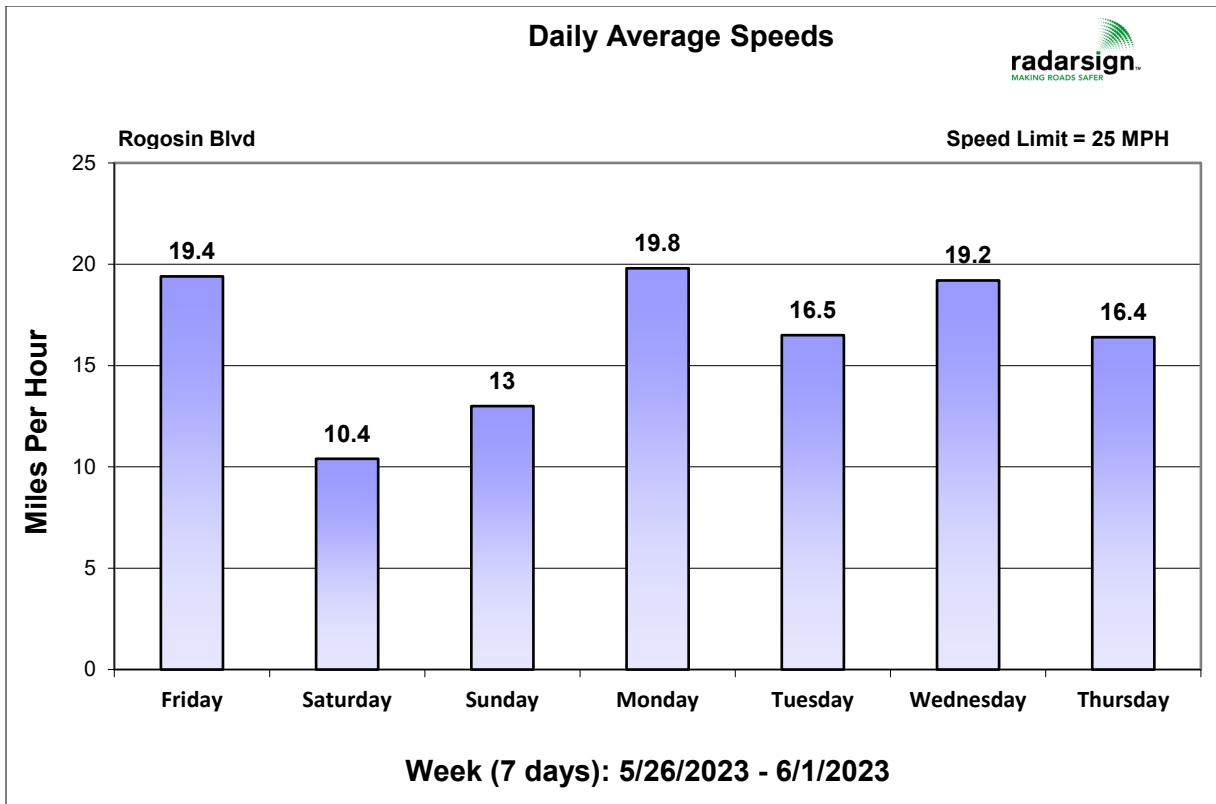
A speed complaint was received by the police department for Rogosin Blvd. The complaint was received verbally while officers were on the scene for a call for service related to speeding vehicles in the neighborhood. It was reported that vehicles were traveling well above the speed limit all hours of the day and night and despite calls to police nothing was being done to slow traffic down.

Police administration and city staff determined that a speed study should be conducted for Rogosin Blvd and apply the results to the COL traffic calming policy. The policy is attached to this memo however in summary, it states that after a complaint is received, a traffic speed study is conducted, the results are determined to be "Class A" or a "Class B" complaint and what possible traffic calming is needed according to policy.

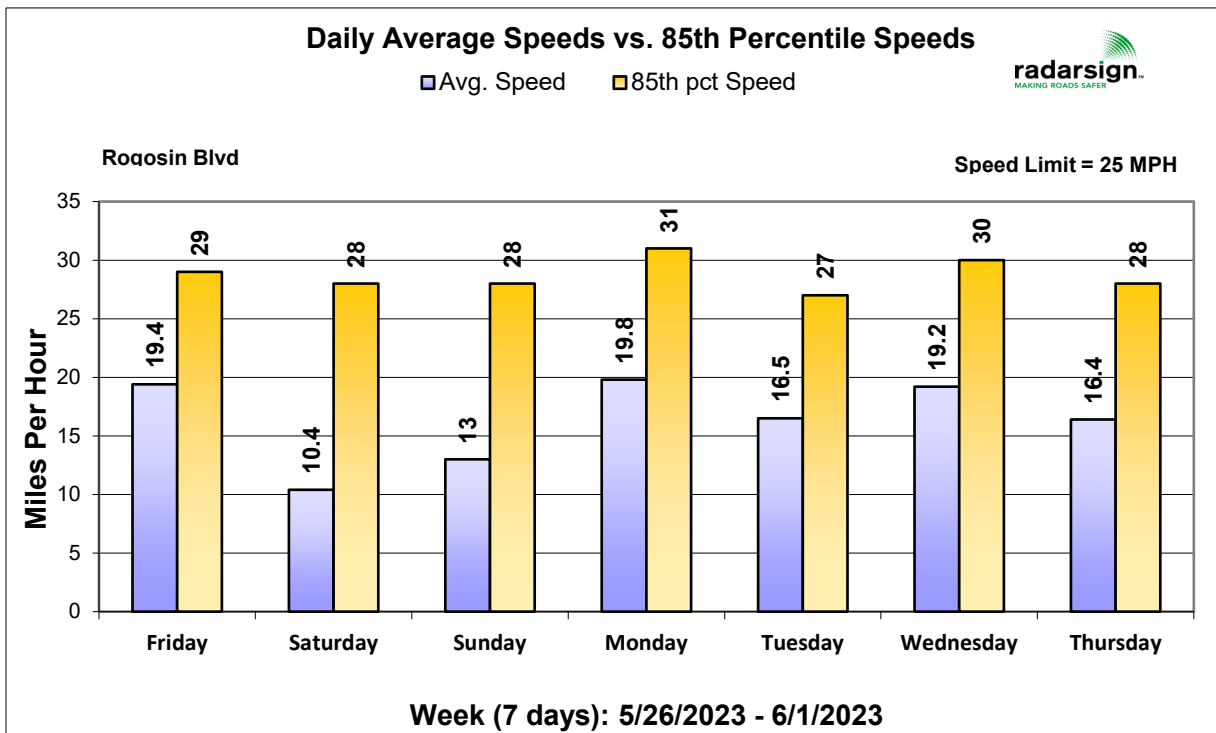
Class A is an average speed of 0-9 mph over posted speed limit.

Class B is an average speed of 10+ mph over posted speed limit.

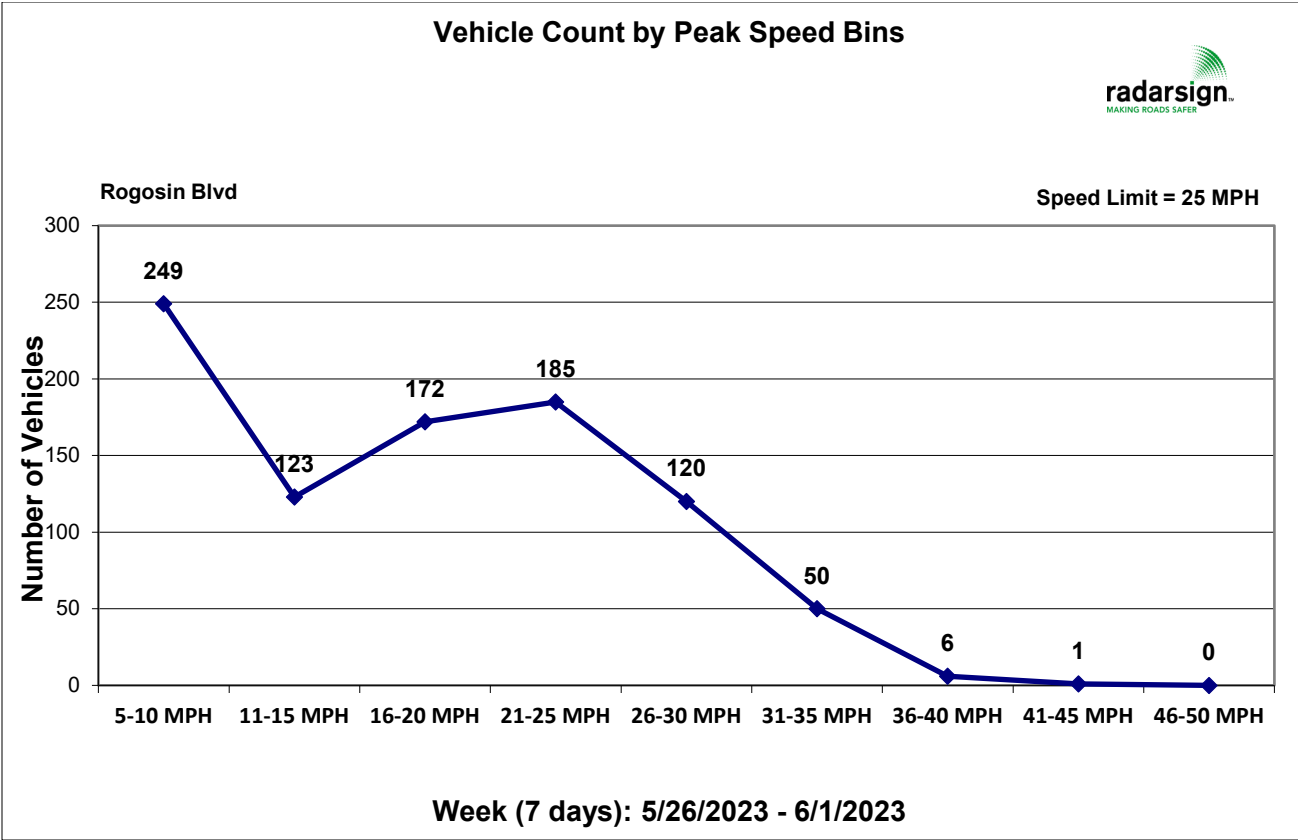
The results of the study are below with a brief explanation for each graph.



The graph above shows the daily average speeds, the results show each day are no less than five (5) miles per hour under the posted speed limit. This will classify the speed complaint area as Class A.



This graph shows the average speeds again but also compares those speeds to the 85th percentile speeds. The 85th percentile is a measurement of the speed 85% of the cars recorded are going. When considered, the 85th percentile speed is also Class A.



According to the COL traffic calming policy average speed is the data considered however, this graph shows how many vehicles would be considered Class B speeders. Of the 908 vehicles data was collected from, 7 were traveling 10 or more mph over the posted speed limit.

The data recorded indicates the speeding complaint for Rogosin Blvd is a “Class A” complaint. It is recommended that police administration direct patrol officers to increase presence in this area and enforce speed as necessary. Furthermore, the data collected suggests there may be a local resident who is the primary offender. If so, it is possible for that person to be identified and contacted regarding their speeding habits. Police will contact the original complainant and inform them of the results and the actions police will take to remediate the speed violations occurring in the area.

Sincerely,

Jeff Harrison, Assistant Police Chief



Traffic Calming Policy (amended October 10, 2023)

Mission Statement

The City of Lowell wishes to have a procedure whereby the City can incorporate traffic calming devices 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 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, volume of traffic, 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.

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

Analysis

1. 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.
2. 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.
3. 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

1. The Police Department will provide all findings of the traffic analysis to the City Manager.
2. City Manager determines if issue is Class A or Class B
 - a. Class A is an 85th percentile speed of 1-9 MPH over posted speed limit.
 - b. Class B is an 85th percentile speed of 10+ MPH over posted speed limit.
 - c. If the 300 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.
3. 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.
4. 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

1. The City Manager will provide the findings of the study to the City Council.
2. 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.
3. The City Council will provide the final approval of the type of traffic calming measure to be implemented.
 - a. Decisions to be made will consider the availability of funds to implement traffic calming on City roads.
4. Public Works and City staff will work to install traffic calming measures on the city-maintained streets as approved by the City Council.
 - a. Based on the type of traffic calming measure being taken, outside contracting may be necessary to complete the work.

ROGOSIN BOULEVARD SPEED STUDY LOCATION



MEASURING SPEED
OUT OF NEIGHBORHOOD

N PINE ST

N ELM ST

ROGOSIN BLVD

ELM ST

ROGOSIN BLVD

WALNUT ST

N MAIN ST

S PINE ST

S ELM ST





Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Discussion about closed section of Birch Street between N. Clay Street, Potts Street and Ashe Street.

Discussion will involve parcel 306362, also known as 700 W. First Street, where a portion of Birch Street has been closed.

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	New Business	Item: 6F
Reference File	Presented By	

To: Lowell Mayor and City Council
From: Scott Attaway, City Manager
Date: 2-6-2024
Re: Birch Street Road Closure Discussion

Mayor Simonds has requested we add a discussion of Birch Street closure to the agenda. This is the background of the matter for your information.

Upon staff research the following information was found: August 9, 2010, the then-property owner notified the then-City Council that he would be closing access to the property. The then-City attorney researched the history of the segment on Birch Street that was in question. At the October 11, 2010, meeting, the then-City Attorney stated that a resolution was made in the 1980s that the portion of Birch Street in question is not a dedicated street. No formal action was taken after the October 11, 2010 meeting. On January 12, 2021, this matter was presented to the Lowell City Council for information purposes after the City Attorney for the City of Lowell, Gaston County staff, and the City of Lowell staff researched the validity of the segment of Birch Street that passes through PID #127730 and determined it was never, in fact, a legitimate public right of way. City staff removed the Birch Street road sign located on W. First Street and on Wednesday, March 3, 2021, a letter was sent to the Gaston County Tax Mapping Department requesting them to update their records and remove this portion of Birch Street from the Gaston County GIS website.

Attachments

- 8-10-2010 min .pdf
- 09-13-10minutes.pdf
- January 12, 2021 City Council Regular Minutes.pdf

**Minutes
Lowell City Council
Regular Meeting
Monday, August 9, 2010**

I. Call to Order

Mayor Horne called the meeting to order at 7:00 p.m. Those in attendance were: Mayor Judy Horne, Mayor Pro-Tem Martha Burris, Councilmen Rickie Bush, Sam Mitchem and Terry Benson, City Attorney Jim Windham, City Manager Ben Blackburn, City Clerk Judy Colgate, Planning Director Scott Attaway, Recreation Director Zip Stowe, Police Chief Mark Buchanan, Officer Jeff Harrison, Officer Carlos Duque, Sergeant Carl Moore and various citizens. Councilman Chad Hawkins was absent.

II. Invocation and the Pledge of Allegiance

Councilman Mitchem gave the invocation and everyone recited the Pledge of Allegiance.

III. Approval of Minutes – June 14, 2010 and July 12, 2010

Mayor Pro-Tem Burris stated that on page 1 Finance Director Martha Burris should say Finance Director Martha Huffstetler.

Mrs. Burris made a motion to approve the minutes for June 14, 2010 with noted change.

Councilman Bush seconded the motion and the vote passed unanimously.

Councilman Mitchem made a motion to approve the minutes for July 12, 2010 followed by a second from Mayor Pro-Tem Burris. The vote was unanimous.

IV. Scheduled Public Comments

There was no one scheduled to speak.

V. Consideration of Resolution of Commendation

Mayor Horne asked Officer Harrison to come up and she then read the resolution and presented it to Officer Harrison. Mayor Horne asked for a show of hands of those in favor of this resolution. The vote was unanimous.

VI. Birch Street Update – Mr. Bob Clay

Mr. Clay stated that he represented Belmont Land and Investment Co. and that there has been a lot of discussion about Birch Street. He stated that they intended to put up barricades tomorrow morning at the end of Birch St. where it intersects with Potts St. and at the front at West First St. and basically it will say private property, no access. He stated that the barricades will be removed on the 20th of this month and it will be recorded that they were up and pictures will be taken. Then notices will be posted that will say this is a private driveway and not a public road, it is used by permission from the owner who may close it at any time. Neither the owner, city nor state government is responsible for or has a duty to maintain this driveway and use of this driveway is at your own risk. The company is not discouraging the use we are simply protecting the property and the property rights that are there. Doing this will allow us flexibility in planning.

City Attorney Windham asked Mr. Clay where the barricades would be placed.

Mr. Clay stated that one will be placed at the back of the property where the fence goes across before it gets to the intersection of Potts and Birch St. and the second one will be at Hwy 7.

Mayor Pro-Tem Burris stated that she was concerned that Potts Street does not connect with N. Birch St. and that there is property it looks like that belongs to Belmont Land and Timber.

Mr. Clay stated that physically the drive does connect. He stated that there was a home there but it was torn down and later that lot was sub-divided and sold. It does show that right of way to extend but the survey does not show it but it will not be an issue.

Mayor Pro-Tem Burris stated that if we could work with you to guarantee some type of connection with Potts St and North Birch Street that would help us with traffic flow because it is going to be a real change for those people in that community.

Councilman Mitchem stated that there has been some new evidence presented that may show that this may be a dedicated road since 1956 and he would appreciate if before you put those barricades up you would let our attorney research that tomorrow.

Mr. Clay stated that he would try and call everyone and see if they will delay this for a day. He asked City Attorney Windham if he thought this could be done this quick.

City Attorney Windham stated that he thought it could be done fairly soon.

Mr. Clay stated that he would call them as soon as he left here.

VII. Set Public Hearing – A. Zoning Map Amendment; B. City Code of Ordinances Amendment

Planning Director Attaway stated that he has received a request for a rezoning from Rebecca Mitchem on property located on Lynn St from C-2 to RS-12 and we need to set a public hearing for this. The Planning Board has reviewed this and recommended approval and the notices have been posted and adjoining property owners have been notified.

Mayor Pro-Tem Burris made a motion to set the public hearing for the next regular Council Meeting followed by a second from Councilman Mitchem. The vote was unanimous.

Mr. Attaway stated that we need to set a public hearing to add Chapter 9, Article 7; General Regulations of Non-Residential Building and Structures to our City Code of Ordinances.

Councilman Bush made a motion to set the public hearing for the next regular scheduled Council Meeting followed by a second from Councilman Mitchem. The vote was unanimous.

VIII. Consideration of Planning Board and Board of Adjustment Appointment

Planning Director Scott Attaway stated that Planning Board member Joseph Hamrick's term expires on August 13, 2010 and is up for re-appointment. Mr. Hamrick stated that he would like to remain on the Planning Board.

City Manager Blackburn also said that Planning Board member Bobby Massey's term expires in October and he wishes to remain also.

Mayor Pro-Tem Burris made a motion to re-appoint both members followed by a second from Councilman Mitchem and the vote was unanimous.

IX. Consideration of Recreation Committee Appointments

Recreation Director Zip Stowe stated that Candace Funderburk has resigned and we need someone to replace her and two others. He asked Council to bring some recommendations to the next regular meeting. Mr. Stowe also stated that they are in the process of updating the by-laws and will have them ready to present to Council next month as well.

X. Consideration of Downtown Parking Areas

City Manager Blackburn stated that they have been looking at two areas in the downtown area for an increase in parking. He said they were looking at the Gordon Bane property and the Gary McCord property and we are asking for a directive from City Council on whether you want to look at a lease or an interest in purchasing one of these properties.

Councilman Benson recommended looking at both options with each party.

Mayor Pro-Tem Burris stated that she would love to look at both properties if we can afford to. The City Council recommended having staff move forward with this.

XI. City Attorney's Reports

City Attorney Windham stated that he had nothing to report on but that he has some information on the Birch Street matter that might help.

XII. Mayor and Council's Reports

A. Councilman Bush stated that Mr. and Mrs. McDowell are interested in serving on the Beautification Committee.

B. Councilman Benson requested that the committees report to Council each month so that we can be kept updated on things going on.

Councilman Benson asked for an update on the sidewalk project.

City Manager Blackburn stated that we have an engineering firm looking at this and making changes to it.

C. Councilman Mitchem asked what is being done about the trailer between Gann St. and Ledwell St. and also about the windows on Main Street that are about to fall out.

D. Mayor Horne discussed the delay on the branding logo. She stated that we have been limited to two figures on the logo.

XIII. Unscheduled Public Comments

No one asked to speak.

XIV. Adjournment

Councilman Bush made a motion to adjourn at 7:43 p.m. followed by a second from Mayor Pro-Tem Burris. The vote was unanimous.

Mayor

City Clerk

Minutes
Lowell City Council
Regular Meeting
Monday, September 13, 2010

I. Call to Order

Mayor Horne called the meeting to order at 7:00 p.m. Those attending were Mayor Judy Horne, Mayor Pro-Tem Martha Burris, Councilmen Sam Mitchem, Terry Benson, Chad Hawkins and Rickie Bush, City Attorney Jim Windham, City Manager Ben Blackburn, City Clerk Judy Colgate, Planning Director Scott Attaway, Public Works Director Thomas Shrewsbury, Recreation Director Zip Stowe and various citizens.

II. Invocation and Pledge of Allegiance

Councilman Hawkins gave the invocation and everyone stood for the Pledge of Allegiance.

III. Approval of Minutes – August 9, 2010

Mayor Pro-Tem Burris made a motion to approve the minutes for August 9, 2010 followed with a second from Councilman Hawkins. The vote passed unanimously.

IV. Scheduled Public Comments

City Manager Blackburn stated that Johnny Denton with Diamond Engineering is here to give an update on the revisions to the sidewalk project.

Mr. Denton stated that he is 90% complete with the total revisions. He stated that he plans to be through and have the package ready for bidding by mid week.

Councilman Benson asked if the bid package included the whole stretch.

Mr. Denton stated that it included the whole stretch from where the sidewalk ends at the church all the way down to the intersection and the subdivision which is a little over 1800 ft.

Mayor Pro-Tem Burris asked how the residents that are skipped affect the bid process.

City Manager Blackburn stated that they have been talking about this and if possible they would like a two-fold type bid sheet sent out. One would be the complete project from Geer Street to Marguerite Drive and also have one with the current restraints of those committed to sign and bid that process out so we would have one bid with an addendum attached to it.

Mr. Denton stated that we can do it that way. Mr. Denton stated that he had talked with Mr. Blackburn about having a public meeting with the residents with the plans showing them exactly what we are doing.

City Manager Blackburn stated that he was sure the Council would approve this.

Councilman Benson asked how soon we can have this public meeting.

Mr. Denton stated that we could schedule it next week.

City Manager stated that once you get this ready we could schedule a meeting with the affected residents sometime next week.

Councilman Benson recommended that this meeting should be open to anyone who wishes to attend.

V. Consideration of Joint Sponsorship with Lowell Merchants Association for Fall Festival
Pam Smith with the Lowell Merchants Association stated that there are two proposals. One is for the Octoberfest to be held on October 16, 2010 and the other is for the second annual Light Up Lowell to be held on Thursday, December 2, 2010 in the same location.

Mayor Horne stated that this is a joint sponsorship so we will need a motion from the Council on this.

Mayor Pro-Tem Burris made a motion to approve co-sponsorship on both the Octoberfest and the Light Up Lowell festivities.

Councilman Bush seconded the motion and the vote was unanimous.

VI. Set Public Hearing – UDO Text Amendment

A. Display of Outdoor Merchandise Limited

B. General Rezoning Procedure

Planning Director Scott Attaway stated that he is requesting that a public hearing for two text amendments be set for the next regular schedule Council Meeting. He stated that one is Section 916 of the Unified Development Ordinance being Outdoor Goods and the display of goods, materials and equipment. We propose to add the downtown zoning district to that and limit outdoor display area during permissible times to five percent from ten percent. Secondly, Section 516, General District Rezoning Procedures, we would like to change the procedures for rezoning from a joint public hearing to go back to the old procedure of the Planning and Zoning Board hearing it and then it going to the Council for approval.

Councilman Hawkins made a motion to set the public hearing for these text amendments for the next regular Council Meeting on October 11, 2010 followed by a second from Mayor Pro-Tem Burris. The vote passed unanimously.

VII. Public Hearing –

A. Zoning Map Amendment

Councilman Hawkins made a motion to enter into a public hearing for the zoning map amendment followed with a second from Councilman Bush. The vote was unanimous.

Planning Director Attaway stated that we received a rezoning application for property located on Lynn Street; parcel id# 216857, requesting that this property be rezoned from C-2 to RS-12. The city has also asked that parcel id#216858 be included in this also. It is currently zoned C-2 and staff is asking that this be rezoned RS-12 also. All signs have been posted and notices were mailed out to adjoining property owners and the ads were run in the Gaston Gazette.

Mayor Pro-Tem Burris asked why the owner wants this rezoned RS-12.

Mrs. Mitchem stated that most of her property is zoned RS-12 and she has no highway property so she would like to keep it all zoned the same.

Councilman Bush made a motion to close the public hearing followed by a second from Councilman Mitchem. The vote was unanimous.

Councilman Hawkins made a motion to table this until later in the meeting followed by a second from Councilman Benson. The vote was unanimous.

City Manager Blackburn stated that the Planning Board has exited the meeting to review the application and we will reopen this when they are finished.

B. City Code of Ordinances Amendment

Councilman Bush made a motion to enter into a public hearing.

Councilman Mitchem seconded the motion and the vote was unanimous.

City Manager Blackburn discussed the city code of ordinances amendment. He stated that this is in reference to non-regulation buildings and structures. We have a minimum housing ordinance on the books for the City of Lowell under its Code of Ordinances but we did not have anything relating to non-residential structures. The purpose of this is to establish minimum standards for the maintenance, sanitation and safety of all non-residential buildings and

structures within the city limits of Lowell. He stated that all the advertisements for the proposed change to the city code of ordinances was duly noted in the Gaston Gazette. Councilman Mitchem made a motion to close the public hearing followed by a second from Councilman Hawkins. The vote was unanimous.

Mayor Pro-Tem Burris made a motion to approve the changes to the Code of Ordinances followed by a second from Councilman Mitchem. The vote was unanimous.

VIII. Consideration of Requesting NCDOT to Lower Speed Limit on Portions of Main Street from 35 MPH to 20 MPH

City Manager Blackburn stated that the designated portion would begin at Branch Street running north to Park Circle.

Police Chief Buchanan stated that the average speed is 29 MPH.

Councilman Benson recommended that we look at East and West also.

Councilman Hawkins made a motion to change the speed limit to 20 MPH from Hemlock Street to Groves Street and from Branch Street to Park Circle.

Councilman Bush seconded the motion and the vote was unanimous.

IX. Consideration of Recreation Committee

A. Appointments

B. By-Laws Adoption

Recreation Director Zip Stowe recommended appointing Trina Pratt to the Recreation Committee.

Mayor Pro-Tem Burris made a motion to appoint Trina Pratt to the Recreation Committee followed by a second from Councilman Hawkins. The vote was unanimous.

Councilman Mitchem made a motion to adopt the bylaws followed by a second from Councilman Bush.

Councilman Benson stated that under section II it states it shall hold regular meetings at such times as it shall designate but it shall meet at least quarterly. Councilman Benson recommended changing the way this is written.

Mr. Stowe stated that they are planning to meet on the 4th Tuesday of the month but they have to meet eight times a year.

City Manager Blackburn recommended changing it to state that they shall hold regular monthly meetings and to strike shall meet at least quarterly.

Councilman Mitchem made a motion to amend his motion to include that they will hold monthly meetings and to delete the first sentence in Section II; the Board shall hold regular meetings at such times as it shall designate but at least quarterly.

Councilman Benson seconded the amended motion and the vote was unanimous.

X. Consideration of Downtown Improvements and Parking Areas

City Manager Blackburn stated that we have two artist renderings of two areas specifically identified for parking. The first drawing is of the McCord property across the street from City Hall and it is a sketch of a parking area and park-like setting. He stated that he has spoken with the McCord family and there is some interest there and we are negotiating with them. We will update the Council when we here more from them. He stated that the other property is on East First Street owned by Gordon Bane. He and Mr. Bane met last week and are coming close to an agreement. He stated that we have received some quotes for grading and putting down stone and asphalt and the quotes were from \$28,000.00 to \$45,000.00. Mr. Blackburn said that

the city has put forth a proposal based on these improvements and that we would also pay the property tax each year on that property which is around \$400.00 a year. He said Mr. Bane would be sending us a counter offer this week. He stated that another area that he is excited about presenting to Council is the \$12,200.00 quote for the handrails that will start on West First Street beginning at Native Heating and Air to the end of the McCord property at the intersection and also across the street on East First Street going up to the Gordon Bane property. He stated that Powell Bill funds can be used for this improvement. Mayor Horne recommended having the Beautification Committee look at this and get their approval.

City Manager Blackburn stated that he would love for them to look at it.

XI. Consideration of Harold Rankin Park Improvements

City Manager Blackburn stated that this is a proposal we are asking Council to consider so we may remove 586ft of chain link fencing with a barbed wire top running from the concession stand northward to the intersection of the property with the Boys and Girls Club. This proposal includes putting a split rail fence in its place which will continue to create a buffer for motor vehicles and give off a breaking point for the parking area and the park.

Councilman Hawkins made a motion to proceed with this project followed by a second from Councilman Bush. The vote was unanimous.

XII. Consideration of No Parking Designation for Ethelyn Avenue

City Manager Blackburn stated that this is in reference to the parking concerns at Holbrook Middle School.

Police Chief Buchanan stated that we are trying to keep the traffic moving in the morning and the afternoon and this is why we would like to put no parking signs on Ethelyn Ave so that people can't park and sit there.

Mayor Pro-Tem Burris made a motion to install no parking signs on Ethelyn Avenue followed by a second from Councilman Bush. The vote was unanimous.

XIII. Discussion of Christmas Light Traffic

Councilman Hawkins stated that we inherited this problem with the traffic in 1997 and we don't have the resources to handle this traffic. He recommended contacting Pharr Yarns and telling them that they need to help us out with this matter.

City Manager Blackburn stated that he spoke with Bob Clay about this and Mr. Clay asked us to give him something in writing and he would present this to Pharr.

There was some discussion about the blocking of the intersections.

Councilman Hawkins asked if we could put down some temporary striping at these intersections saying to stop here.

Mayor Pro-Tem Burris stated that this is going to be a real issue downtown for traffic trying to back out.

Councilman Benson recommended asking the Methodist Church if we could use their parking lot during this busy time.

City Manager Blackburn stated that he would contact these people.

Police Chief Buchanan stated that we could use 2 officers during this time.

VII. Re-open Zoning Map Amendment

Councilman Mitchem made a motion to re-open this tabled matter followed by a second from Councilman Hawkins. The vote was unanimous.

Planning Director Scott Attaway stated that the Planning and Zoning Board recommended rezoning these two properties to RS-12.

Councilman Mitchem made a motion to approve followed by a second from Councilman Bush. The vote was unanimous.

XIV. City Attorney's Reports

City Attorney Windham discussed the Birch Street closure.

City Manager Blackburn said that they have no new information on this. Our constant comment to Pharr is that this road be kept open and we are still looking for anything to prove this.

XV. Mayor and Council's Reports

A. Councilman Benson thanked the city and Zip Stowe for the information posted at the ballpark on the Holbrook schedule.

B. Mayor Pro-Tem Burris said they have already started the planning of next years Freedom Festival and asked Mr. Blackburn if he had anything to report from their meeting.

City Manager Blackburn stated that the vendors are all excited about it. He said they are looking at another 2 day event with possibly extending Saturday on into the evening.

C. Councilman Hawkins stated that he had spoken with the PE teacher and that she is excited about coming on board with us.

City Manager Blackburn stated that he and Zip have been working on bringing her on board with us in a part time position.

D. Mayor Horne discussed the branding logo. She stated that they told us that we can now have three figures on our logo. We had decided on the flag, the hiker and the water tower so that is what we are going with if no one has a problem.

E. City Manager Blackburn discussed the Carolina Thread Trail access point at our River View subdivision off of Catawba Run cul-de-sac.

Mayor Pro-Tem Burris asked if there would be parking available at this access point.

City Manager Blackburn said there would not be parking here but that he was working with them about using the Wastewater Treatment Plant for access with parking.

Scott Attaway stated that the grand opening is set for October 9th in McAdenville for this.

Mr. Blackburn stated that there is a new business coming to Lowell and the official announcement will be made tomorrow.

XVI. Unscheduled Public Comments

A. Pam Smith thanked the city staff for their leadership and support given to the start up of the Lowell Merchants Association.

XVII. Adjournment

Councilman Hawkins made a motion to adjourn at 8:30 p.m. followed by a second from Councilman Bush. The vote was unanimous.

Mayor

City Clerk

MINUTES

Lowell City Council

Regular Meeting

Tuesday, January 12, 2021, 7:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 7:00 p.m. Those attending in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, Councilmember Shane Robinson, City Manager Scott Attaway, Planning Director Alex Blackburn, and City Clerk Beverly Harris. There was a limited number of the public present in the Council Chambers due to COVID-19 social distancing guidelines. Face coverings were required inside City Hall due to COVID-19 safety guidelines. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Ervin made a motion to adopt the agenda for the meeting, followed by a second from Councilmember Gillespie. The vote was unanimous.

IV. PUBLIC COMMENTS

There were no public comments.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held December 8, 2020

Councilmember Gillespie made a motion to approve the minutes from the December 8, 2020, followed by a second from Councilmember Ervin. The vote was unanimous.

VI. UNFINISHED BUSINESS

A. Update on Birch Street Status

The City Manager, Scott Attaway, stated staff has reviewed prior City Council minutes, consulted the interim City Attorney, and researched with Gaston County Planning and Tax Mapping Department regarding the Birch Street closure. Mr. Attaway stated staff found that the portion of Birch Street that passes through the property located at 700 W. First Street has not ever been recorded as a public right of way. Per the plats and documentation that the City of

Lowell were able to locate staff cannot find record that indicates this as a public right of way. When the tax department moved to the digital mapping environment this area was represented as a public right of way. When the tax department moved to the digital mapping environment this area was represented as a public road based on the aerial photography and portions of plat book 7 at 59 but even this document does not have the road in the correct location. Mr. Attaway stated he believed the tax department wanted to err on the side of caution and left the area as a right of way and did not tax the area. He further stated staff could not locate any record that shows this area to be a public right of way and believes the old tax maps represent this area as it should be, an easement or private drive. The GIS Department has begun the process to remove this portion of the street from the mapping.

Mr. Attaway stated it should be noted, that in relation to the proposed development on this property the property owner has agreed to set aside an easement to the City so that Potts Street and Birch Street still maintain connectivity.

B. Update on CDBG-I and CDBG-NR Grants

The City Clerk, Beverly Harris, gave an update on where the City is to-date on both grants. Below is a listing of updates given to Council:

CDBG-NR (Neighborhood Revitalization) (Grant #17-C-2999)

- Project Scope changed from 14 houses to 10 (Q3 2020)
- Environmental Review and Citizen Participation Compliance items completed and approved by NC Department of Commerce
- On-going quarterly financial reconciliations and compliance items to be completed by City
- Funding released by NC Department of Commerce 12/21/20
- Meeting scheduled 1/7/21 with Centralina (James Luster) to review next steps in construction phases
- Construction dollars are to be spent May 13 – August 13, 2021
- Close-out of project to-date set for November 13, 2021

CDBG-I (Infrastructure) (Grant #14-I-3033 & #18-I-3034)

- Full funding released after audit completion (Q4 2020)
- Engineering Report approved by NCDEQ
- Citizen Participation items completed and approved by NCDEQ. On-going quarterly.
- First audit by NCDEQ completed December 2020
- Section 3, Section 504, and Fair Housing compliance items completed
- On-going quarterly financial reconciliations and compliance items to be completed by City
- Waiting on extension request from NCDEQ for Bid and Design phase before construction can begin

C. CDBG-NR Rehabilitation Inspection Contract Award

Beverly Harris gave Council an additional update for the CDBG-NR grant process.

Ms. Harris stated, at the January 2020 Council meeting, Council awarded the Rehabilitation Inspection Contract to Centralina COG for the CDBG-Neighborhood Revitalization grant. Staff had received three proposals (Centralina \$39,276, Marc Bolick/Jerry Norman \$85,000, and City of Gastonia \$92,500). After scoring the proposals (attached), staff recommended Centralina COG due to their years of experience, familiarity with the CDBG program, and pricing.

Due to grant rules and procedures, the City of Lowell did not sign the contract with Centralina COG. The City had to wait until funding was released by the state.

Staff received confirmation of release of conditions and funds from NC Department of Commerce for the CDBG-NR grant on December 21, 2020. A meeting was held January 7, 2021 with our grant administrator, Centralina COG, and staff to determine next steps. At this meeting additional project items were requested of Centralina COG by the grant administrator and staff, so Centralina COG has revised their statement of work and pricing. Centralina COG's new pricing is \$50,425 (attached).

Staff feels the previous rating scale used by staff would still apply. Staff would like to make Council aware of this change and have Council re-award the contract to Centralina COG at the amended price of \$50,425 for grant procurement records.

Councilmember Gillespie made a motion to re-award Centralina COG the rehabilitation inspection contract for the CDBG-NR grant in the amount of their revised contract of \$50,425, followed by a second from Councilmember Ervin. The vote was unanimous.

VII. NEW BUSINESS

A. Public Hearing to consider holding the property at 615 Phillips Street (Parcel ID#127737) for Economic Development Purposes

Councilmember Funderburk made a motion to go into Public Hearing, followed by a second from Councilmember Gillespie. The vote was unanimous.

John Russell referenced NC General Statute 158-7.1 explaining that Council may acquire, assemble, and hold for resale property that is suitable for industrial or commercial use.

No citizens forwarded concerns to the City Clerk to be presented to Council during the public hearing.

Councilmember Ervin made a motion to close the public hearing, followed by a second from Councilmember Gillespie. The vote was unanimous.

Councilmember Ervin made a motion to hold the city owned property at 615 Phillips Street (Parcel #127737) for economic development purposes, followed by a second from Councilmember Gillespie. The vote was unanimous.

B. Review and Consideration of Proposals Received for Legal Services/City Attorney

Scott Attaway stated he had received three proposals for legal services and is seeking direction from Council of how they would like him to proceed. The proposals were as follows:

- Proposal #1 – Bringewatt, Wolter, & Snover PLLC (see attached)
- Proposal #2 – Parker Poe (see attached)
- Proposal #3 – Mullen, Holland, & Cooper (see attached)

Councilmember Ervin made motion to select John Russell with Mullen, Holland, & Cooper as Lowell's City Attorney, followed by a second from Councilmember Gillespie. The vote was unanimous.

C. Resolution to Authorize the Sale/Disposition of Surplus Personal Property

Scott Attaway stated the City of Lowell proposes to sell/dispose of personal surplus property received replaced with new equipment within the Public Works Department. Those items are as follows:

- 2010 Trailer Style Mongoose Sewer Jetter with 700.5 hours in working condition.
- 2004 Durapack Sterling Trash Truck Model 612-3201 with 66,239 miles in working condition.
- 2003 Trailer Style ODB leaf machine with 28,242 hours in working condition.

Mr. Attaway referenced the relevant NC General Statutes as it related to disposing of Surplus Property valued at less than \$30,000 (160A-266 & 160A-267). Staff recommends approval of the Resolution authorizing sale of personal property noted.

Councilmember Robinson made a motion to approve the resolution to authorize the sale/disposition of surplus personal property noted from Public Works, followed by a second from Councilmember Gillespie. The vote was unanimous.

VIII. STAFF REPORTS

Scott Attaway welcomed Alex Blackburn as the new Planning Director. He also gave an overview on the monthly financial report submitted by Jared Pyles.

Mr. Attaway went over the recent Parks & Recreation department events submitted by Cristy Cummings. He asked Council their thoughts on cancelling the scheduled spring festival due to the pandemic. Council agreed it should be cancelled and directed staff to try and focus on scheduling something scaled down in the fall of 2021.

Mr. Attaway also gave a monthly update for the Police Department.

IX. CITY ATTORNEY REPORT

John Russell stated he is currently working with Police Chief Scott Bates on updating the Standard Operating Procedures (SOP). The changes should be in place by the end of the month. Mr. Russell stated having a revised Police SOP will be good for Lowell and the police department.

Mr. Russell was also on a conference call with the NorthPoint developers this week and stated they are looking forward to working with the City of Lowell.

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- Council Planning Retreat, Centralina, February 5 (afternoon) and February 26 (morning) tentatively scheduled (need to schedule the second meeting Thursday, February 18th) ??? check room???
- Salary Classification Study update
- Seeing more development on empty lots in Lowell
- River Heights Subdivision update
- KIA moved into the old Honda dealership site in preparation for major updates on their current site
- Lowell UDO update
- City Hall hours update from 8:00-5:00 to 8:30-5:00 pm for citizens
- Possibly moving the City Council meeting time from 7:00 pm to 6:00 pm
- Audit update
- MLK Unity Awards scheduled for January 18, 2021
- Ground-breaking ceremony for NorthPoint

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie stated he is pleased everyone is working together on the NorthPoint development project. He stated how good this project will be for the tax-base for the City of Lowell. And he expressed some concerns about how some members of the public on social media view this Council which are wrong. He reiterated that this Council takes an oath to serve the City with integrity and always has the city's best interest at heart.

Mayor Railey welcomed John Russell and Alex Blackburn to the team.

XII. CLOSED SESSION – Regarding Lease Negotiations Pursuant to NCGS 143-318.11(a)(5)


A motion was made at 8:30pm by Councilmember Bonham to go into Closed Session in accordance with provisions of NCGS 143-318.11(a)(5), followed by a second from Councilmember Ervin. The vote was unanimous.

The Council reconvened from Closed Session at 9:00 pm.

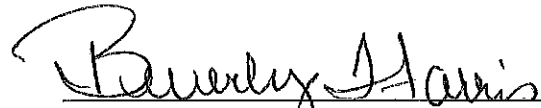
XIII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Gillespie. The vote was unanimous. The meeting ended at 9:00 pm.

ATTEST:



Mayor, Sandy Rayley



City Clerk, Beverly Harris



Regular City Council Meeting Memorandum

Prepared By: Joe Gates

Text Amendment - Lowell Code of Ordinances, Chapter 76: Traffic Schedules and Chapter 72 Traffic Regulations

Staff is recommending that Chapter 76, Schedule XII: Weight Restrictions be amended to include a portion Cobb Street. Additionally, Section 72.060-No Heavy Trucks, will also be amended.

Meeting	Agenda Group	
Tuesday, February 13, 2024, 6:00 PM	New Business	Item: 6G
Reference File	Presented By	

To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: February 7, 2024

Re: Amendment to Chapter 76: Traffic Schedules, Schedule XII: Weight Restrictions & Chapter 72, Section 72.060: Miscellaneous Driving Rules

Staff is recommending that City Council amend **Schedule XII: Weight Restrictions** to include a portion of Cobb Street between Kenworthy Ave and S. Church Street. Due to the industrial nature of development west of this area, staff believes this proactive amendment will cut down on confusion for larger commercial (semi-truck) traffic that will likely use the new extension of Aberdeen Blvd as it crosses S. Church Street and connects to Kenworthy heading towards Interstate 85. The goal is to restrict heavy truck traffic from using Cobb Street, which is small residential/collector type of road, and keep the commercial through traffic on the new road and connections to Exit 22.

Additionally, some minor cleanup of language in Chapter 72, Section 72.060 will be need dealing with the Gross Vehicle Weight limitations.

Staff has attached map for this proposed amendment to Schedule XII.

Attachments

CobbSt_AmendmenttoChapter76_2023Feb7.pdf

Amendment to Chapter 76:
Traffic Schedules, Schedule XII: Weight Restrictions



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



Regular City Council Meeting Memorandum

Prepared By: Scott Attaway

Consideration of Budget Amendment #12

Meeting	Agenda Group
Tuesday, February 13, 2024, 6:00 PM	New Business Item: 6H
Reference File	Presented By

To: Scott Attaway, City Manager
From: Lisa Nolen, Finance Director
Date: 2-8-2024
Re: Consideration of Budget Amendment #12

Please see the attached Budget Amendment #12. This budget amendment is to receive insurance proceeds to pay for repairs to damaged Police vehicle.

Attachments

Budget Amendment #12 FY 2023-2024.pdf

City Of Lowell
Budget Amendment #12
Budget Ordinance FY 23-24

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

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

General Fund:

Revenue:

	<u>Decrease</u>	<u>Increase</u>
10-3350-8500 Insurance Proceeds		\$600.00

This will result in an increase of \$600.00 in the General Fund estimated revenues, bringing the revenues budgeted for FY 23-24 from \$5,008,473.93 to \$5,009,073.93.

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

General Fund:

Expenses:

	<u>Decrease</u>	<u>Increase</u>
10-5100-1700 Main. & Repairs - Autos		\$600.00

This amendment will result in an increase of \$600.00 in the Public Safety appropriations for Main. & Repairs - Autos in FY 23-24 from \$20,689.80 to \$21,289.80.

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 February, 2024.

Mayor

Attest:

City Clerk