

# 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.

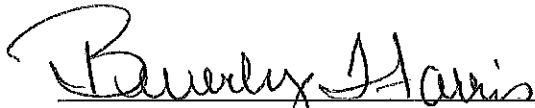
The Council reconvened from Closed Session at 9:00 pm.

**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:

  
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Mayor, Sandy Rayley

  
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City Clerk, Beverly Harris