

Mark Jordan (Montcross Chamber) spoke in favor of the development. He told the Council that what they were doing took leadership and the town and County will see positive impact of this leadership for many years to come. He further stated Lowell is a town on the move and this development will only encourage large and small businesses to come to Lowell.

Councilmember Funderburk inquired about a sound barrier and the widening of I-85.

Councilmember Ervin made a motion to go out of Public Hearing, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

Councilmember Ervin made a motion to rezone parcel #216857 from SFR-4 back to IND. The proposed rezoning is partially consistent with the City of Lowell 2040 Comprehensive Land Use Plan in that a portion of the parcel of property was shown in the Future Land Use Map as being designated Industrial. The subject property is shown abutting three (3) properties already designated as Industrial and subject to development along with them. The proposed rezoning would be for the public interest of economic development of the community. This option also provides the restriction of several uses and landscaping and buffers will be required to be installed. Therefore, the Lowell City Council considers an affirmative vote to be reasonable and in the public interest. Councilmember Bonham seconded this motion. The vote was four in favor (Bonham, Ervin, Funderburk, Gillespie) and one opposed (Robinson). The motion carries with the majority being in favor.

VIII. NEW BUSINESS

A. Proposed Text Amendment to the Lowell Code of Ordinance Section 33.16 Regarding Planning Board Membership

Alex Blackburn stated with the relinquishment of the Extra Territorial Jurisdiction of the City of Lowell, and to reflect the text of the Lowell Development Ordinance adopted May 11, 2021. Staff is requesting the Lowell City Council amend the current wording of the City of Lowell, NC Code of Ordinances to reflect the Lowell Development Ordinance text found in Article 4.2-2.

(See Attached Amendment #1)

Councilmember Ervin approved the text amendment to the Lowell Code of Ordinance as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. (Aug 10, 2021)

B. Set Public Hearing for Consideration of Text Amendment to Lowell Development Ordinance Article 8, Table 8.1 Regarding Beauty Shops and Barber Shops

Alex Blackburn stated on August 3, 2021 the City of Lowell Planning Board reviewed the consideration requested by the Lowell City Council to amend the current Lowell Development Ordinance regarding the removal of Beauty/Barber Shops from the Main Street Zoning District. Mr. Blackburn stated during the meeting it was discussed that the listed uses would still be

(Amendment #1)

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: August 4, 2021
Re: Proposed Text Amendment to the City of Lowell, North Carolina Code of Ordinances.

With the relinquishment of the Extra Territorial Jurisdiction of the City of Lowell, and to reflect the text of the Lowell Development Ordinance adopted May 11th, 2021. It is requested the Lowell City Council amend the current wording of the City of Lowell, North Carolina Code of Ordinances to reflect the Lowell Development Ordinance text found in Article 4.2-2.

As it currently reads, the City of Lowell, North Carolina Code of Ordinances states in § 33.16 **Membership and Vacancies; Attendance.**

The Planning Board shall consist of eight members. Five 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)

The proposed change would be to mirror the wording found in the **Lowell Development Ordinance Article 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.

City of Lowell, North Carolina Code of Ordinances §33.18 Jurisdiction and Voting deals primarily with the members appointed by the Board of County Commissioners as representatives of the Extra-Territorial Jurisdiction. Considering that the City of Lowell no longer has an ETJ, I believe that this section should be stricken from the Code of Ordinances.

There is also no mention of the Board of Adjustment in the Code of Ordinances. The Lowell Development Ordinance states that the Board of Adjustment consist of 5 members appointed by the City Council. As displayed here in **Article 4.3-2**:

Membership by Appointment. The Board of Adjustment shall consist of five (5) 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.

(A.) Seating Members. In making the original appointment two (2) members shall be appointed for a three (3) year term, two (2) members shall be appointed for a two (2) year term, and one (1) member shall be appointed for a one (1) year term.

(B.) Alternates. The City Council may, in its discretion, appoint alternate members to serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160D-302(a)).

I believe that the City Council could appoint five members of the Planning Board to make up the Board of Adjustment, with two members designated as Alternates.

This issue needs to be brought before the City Council for their consideration and input on the topic.