

Fact #3: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

Councilmember Robinson made the motion the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, followed by a second from Councilmember Bonham.

There was further discussion between Councilmembers. Councilmember Robinson stated due to testimony he felt it would impact the property values.

The Council voted on the motion on the floor for Fact #3. There were none in favor, and unanimously opposed.

Fact #4: The location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and will be in general conformity with the adopted Lowell UDO / Land Use Plan and other plans for physical development of the City as adopted by the City Council.

Councilmember Bonham made the motion the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and will be in general conformity with the adopted Lowell UDO / Land Use Plan and other plans for physical development of the City as adopted by the City Council, followed by a second from Councilmember Funderburk.

The Council voted on the motion on the floor for Fact #4. There were none in favor, and unanimously opposed.

Councilmember Bonham made a motion to close the public evidentiary hearing, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

Councilmember Robinson made a motion to not approve the special use permit SUP21-01 based on findings of facts discussed, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

B. Public Hearing for Proposed Amendment to Lowell City Council Rules of Procedure

Councilmember Bonham made a motion to go into public hearing, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

Scott Attaway presented a proposed change to the Lowell City Council Rules of Procedure (Rule 1. Regular Meeting). The proposed change would be to change the starting meeting time from 7:00 pm to 6:00 pm.

There were no public comments during the public hearing.

Councilmember Funderburk made a motion to go out of public hearing, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

Councilmember Gillespie made a motion to approve the amendment as presented to the Lowell City Council Rules of Procedure, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. (March 9, 2021)

C. Consideration of Amendment to Section 9.1 of the City of Lowell Utility Billing Policy

Scott Attaway presented a proposed amendment to the City of Lowell Utility Billing Policy. The amendment would be in Section 9.1 Adjustment Procedure. The addition of the last paragraph would read as follows:

“Adjustments for assessed delinquent fees will only occur after thorough review of the customer’s account by the City of Lowell Water Department. To qualify for a delinquent fee adjustment, the customer’s account must not have been assessed a late fee, delinquent fee, returned check fee, or returned ACH fee in the previous 12 months. Only one delinquent fee adjustment is allowed per year (12 months).”

Councilmember Ervin made a motion to approve the amendment as noted to Section 9.1 of the City of Lowell Utility Billing Policy, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. (March 9, 2021)

D. Pavement Condition Survey (PCS)

Scott Attaway stated in order for the City of Lowell to better manage the investment it has in its street system. Staff recommends conducting a Pavement Condition Survey (PCS) to identify a methodical way to manage the maintenance and prioritization of future projects.

Councilmember Ervin made a motion to approve the Pavement Condition Survey (PCS), followed by a second from Councilmember Bonham. The vote was three in favor, and two opposed. The motion carried with the majority being in favor.

E. CDBG-Infrastructure Grant

Scott Attaway stated the two items needing consideration by Council tonight have already been approved previously. Mr. Attaway stated during a monitoring visit by the state they noticed a typo on the Project ID number and this needs to be fixed for future audit purposes. Also, verbiage regarding virtual meetings as an option for citizens has been added to the Citizen Participation Plan.

Councilmember Robinson made a motion to approve the amended CDBG-I budget ordinance and Citizen Participation Plan as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.