

VI. UNFINISHED BUSINESS

A. Consideration of Text Amendment to the Lowell Code of Ordinances Chapter 130.01(A) – Noise Ordinance Update to add Time Limits

Scott Attaway stated the current city Code of Ordinance regarding unnecessary noise. He stated with recent issues with various property owners have shown staff that the existing noise ordinance is unclear. Specifically, it does not include time limits and/or decibels to measure which would allow for a more uniform enforcement of the Noise Ordinance. Mr. Attaway stated the proposed text amendment for Chapter 130.01(a) – Noise Ordinance will add time limits and specifications for decibels to be measured. (See EXHIBIT A.)

Chief Bates explained the decibel measuring device and how it works to Council. Clarification was given for the proposed 85 decibels C (85DBC) and 60 decibels A (60DBA).

Councilmember Bonham made a motion to approve the text amendments with the addition of “C weighting”, followed by a second from Councilmember Funderburk. The vote was unanimous.

(Nov 10, 2020)

VII. NEW BUSINESS

A. Consideration of Appointing John H. Russell Jr as Interim City Attorney

Scott Attaway introduced and gave background for John H. Russell Jr. to serve as interim City Attorney.

Councilmember Ervin made a motion to appoint John H. Russell Jr as interim City Attorney, followed by a second from Councilmember Funderburk. The vote was unanimous.

B. Public Hearing to Consider Adoption of the I-85 Exit 22 Gateway Master Plan

Councilmember Funderburk made a motion to go into Public Hearing to consider adoption of the I-85 Exit 22 Gateway Master Plan, followed by a second from Councilmember Ervin. The vote was unanimous.

Scott Attaway stated the City of Lowell’s Strategic Plan 2017-2022 laid out five major goals and one of those five goals was to develop a land use master plan for South Main Street. Mr. Attaway stated the Lowell Planning Board approved the I-85 Gateway Master Plan and staff recommends approval of the plan.

Demetri Baches with Metrocology presented the I-85 Exit 22 Gateway Conceptual Master Plan to Council. Mr. Baches stated the proposed plan also includes attention to traffic improvements in the study area. City staff, Demetri Baches, and representatives from NCDOT held a meeting on August 10, 2020 to discuss different options for the interchange.

Existing:

§ 130.01 UNNECESSARY NOISE.

- (A) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

Proposed:

§ 130.01 UNNECESSARY NOISE.

- (A) It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

Acceptable noise levels are defined as 85dB between 7:00 a.m. and 8:00 p.m.; 60 dB between the hours of 8:00 p.m. and 7:00 a.m. Any instance of a complaint regarding Noise will be measured with a decibel reader by the Lowell Police Department from the common lot line of the properties.