



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, April 13, 2021, 6:00 P.M.**

- 1. CALL TO ORDER – Mayor Sandy Railey**
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. CONSENT AGENDA ITEMS**
 - A. Minutes from Special Meeting February 18, 2021 (p. 1-2)
 - B. Minutes from Special Meeting March 5, 2021 (p. 3-5)
 - C. Minutes from Regular Council Meeting Held March 9, 2021 (p. 6-14)
 - D. Minutes from Special Meeting March 24, 2021 (p. 15-16)
 - E. Minutes from Work Session March 24, 2021 (p. 17-18)
 - F. Proclamation Regarding April as National Child Abuse Prevention Month (p. 19)
- 6. SPECIAL PRESENTATION**
 - A. Presentation of FY 19-20 Audit - Butler and Stowe CPA
 - B. Presentation Regarding Appreciation of Former City Attorney Jim Windham
- 7. NEW BUSINESS**
 - A. Public Hearing to Consider Adoption of the City Plan 2040 – City of Lowell Comprehensive Land Use Plan (p. 20-44)
 - B. To Schedule a Public Hearing for May 11, 2021 Regular City Council Meeting Regarding the Proposed Lowell Development Ordinance (LDO) (p. 45-46)
 - C. Resolution to Consider Appointment of Representative to the Gaston County Task Force on Homelessness (p. 47-49)
 - D. Consideration of Addition to Lowell Code of Ordinances Title XI– Itinerant Merchant Permit/Solicitation Policy (p. 50-59)
- 8. STAFF REPORTS**
- 9. CITY ATTORNEY REPORT**
- 10. CITY MANAGER REPORT**

11. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

12. CLOSED SESSION

A. To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11

13. ADJOURN

MINUTES

Lowell City Council
Special Meeting
Thursday, February 18, 2021

I. LOWELL CITY COUNCIL SPECIAL MEETING

Those attending were Mayor Sandy Railey (virtual), Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Shane Robinson, Councilmember Thomas Gillespie, City Manager Scott Attaway, Finance Officer Jared Pyles, and City Clerk Beverly Harris. Facilitators were: Geraldine Gardner, Executive Director, Centralina Council of Governments (CCOG) & Kelly Weston, Government Affairs & Member Engagement Coordinator, CCOG.

Mayor Sandy Railey and City Manager Scott Attaway opened with welcoming remarks and introductions. The retreat objectives were to: (1) Continue to build Council relationships to aid decision-making; (2) affirm the City's vision statement and Council core values; (3) review multi-year goals and current financial picture; (4) provide guidance on priorities for FY22 budget development.

Geraldine Gardner and Kelly Weston (facilitators) reviewed the agenda, ground rules, and started with a warm up activity.

The facilitators lead the Council in a session to revisit adjustments to the City's vision, mission, and values proposed during the 2020 retreat and discussed how to proceed.

Next the facilitators lead the Council in an interactive discussion of the City's goals and discussed potential modifications.

Scott Attaway gave a presentation to Council on highlights from the past year, including the implementation progress on City goals. The highlights covered were as follows: 1) Improve water and sewer infrastructure; 2) maintain and improve city streets and sidewalks; 3) develop and update public facilities; 4) enhance community engagement and expand multi-generational programs; and 5) develop a strategic city-wide land use plan that is sustainable.

Mr. Attaway shared a financial outlook presentation and discussed implications for the budget. Current budget figures discussed were: 1) General fund revenues; 2) sanitation revenue; 3) utility franchise tax; 4) sales and use tax; 5) Gaston County tax/tag rates; 6) water/sewer revenues; and 7) stormwater revenue.

Mr. Attaway gave the Council an overview on Stormwater Management Plan and a stormwater fee. He discussed the need for a stormwater fee study to be performed to help the Council determine what the stormwater fee should be and how to incorporate it into the upcoming budget. Mr. Attaway then discussed the proposals received and asked Council for direction.

Councilmember Funderburk made a motion to direct staff to award the stormwater fee study to Withers Ravenel, followed by a second from Councilmember Ervin. The vote was unanimous.

The facilitators wrapped up the planning session and discussed items to be carried over to the second planning retreat on March 5, 2021.

The meeting adjourned at 4:20 pm and Council took a tour of Gastonia's Franklin Urban Sports & Entertainment District.

Mayor, Sandy Railey

City Clerk, Beverly Harris

DRAFT

MINUTES

Lowell City Council
Special Meeting
Friday, March 5, 2021

I. LOWELL CITY COUNCIL SPECIAL MEETING

Those attending were Mayor Sandy Railey (remote), Councilmember Phil Bonham, Councilmember Ken Ervin (remote), Councilmember Candy Funderburk, Councilmember Shane Robinson (remote), Councilmember Thomas Gillespie (remote), City Manager Scott Attaway, Finance Officer Jared Pyles, Planning Director Alex Blackburn (remote), Police Chief Scott Bates, Parks and Recreation Director Cristy Cummings (remote), and City Clerk Beverly Harris. Facilitators were: Geraldine Gardner, Executive Director, Centralina Council of Governments (CCOG) & Kelly Weston, Government Affairs & Member Engagement Coordinator (remote), CCOG. Guest presenter Cheryl Brown with The MAPS Group (remote).

Mayor Sandy Railey and City Manager Scott Attaway opened with welcoming remarks and introductions. The retreat objectives were to: (1) Continue to build Council relationships to aid decision-making; (2) affirm the City's vision statement and Council core values; (3) review multi-year goals and current financial picture; (4) provide guidance on priorities for FY22 budget development.

Geraldine Gardner and Kelly Weston (facilitators) reviewed the agenda, and ground rules.

The facilitators lead the Council in a session to finalize the City's vision and mission statements proposed during the February 18th special meeting.

Vision Statement:

- (Option 1) Lowell will be an inviting community where generations come together to live, work, and play. (Option 2) Lowell will be a thriving, multi-generational community with opportunities for active living and a vibrant downtown.
- (Proposed vision) Lowell will be a thriving, multi-generational community for active living.

Everyone liked the proposed vision statement.

Mission Statement:

(Option 1) The City of Lowell provides essential public services, excellent customer service, and collaborates with the community today for a brighter tomorrow.

(Option 2) The City of Lowell delivers excellent public services through transparent leadership and community engagement.

(Proposed vision) The City of Lowell delivers excellent public services through transparent leadership and community engagement.

Everyone liked the proposed mission statement.

Next the facilitators lead the Council in an interactive discussion of the City's goals and discussed potential modifications.

Proposed Goals:

- Continuously improve and expand water and sewer infrastructure
- Continuously improve and expand city streets and sidewalks
- Develop and update public facilities
- Enhance Multi-Generational Parks and Recreational Activities
- Develop Land Use Master Plans for Undeveloped Areas

Everyone liked these proposed goals.

Manager's Report:

Scott Attaway gave a Manager's Report presentation to Council on what's ahead for the city in the next fiscal year (FY22).

Existing Project Updates:

- CDBG-NR & CDBG-I grants
- 2 Subdivisions and Related Sewer Upgrades
- Finish Skull Camp Ridge trail w/county
- Stormwater Fee Study/Implementation and Permit Compliance
- Pavement Condition Survey
- Finance Department & Human Resources overhaul
- Sewer Mapping

Growth and High-Level Budget Increases:

- Police Department is requesting 2 officers next year; Bodycams
- Water and Sewer personnel is requesting 2 positions
- Stormwater Compliance
- Fire Department is requesting a \$55K increase in their budget
 - Options at Gaston County
 - Reduction of Inspections Amount Paid to County

Mr. Attaway discussed each line-item request on the FY22 budget by department. Other items discussed were current and future revenue streams to be looked at to fund budget and meet goals.

FY22 Investment Opportunities and Prioritization Discussions:

- Continuously expand and improve water and sewer infrastructure.
- Waste Water Treatment Plant improvements.
- Continuously Improve and Expand City Streets and Sidewalks
- Develop and Update Public Facilities

Enhance Multi-Generational Park and Recreation Activities
Develop a Strategic City-Wide Land Use Plan that is Sustainable

Police Corporal Jeff Harrison gave a presentation regarding the Police Department and personnel requests. He covered current headcount numbers for surrounding agencies as compared to Lowell. He also discussed call volume broken down by all agencies.

Scott Attaway provided an overview of the salary study recommendations. The MAPS Group consultant, Cheryl Brown, was on hand to answer questions.

Mayor Railey and Scott Attaway wrapped up the meeting with closing remarks.

The meeting adjourned at noon. There were no actions taken in the Special Meeting.

Mayor, Sandy Railey

City Clerk, Beverly Harris

DRAFT

MINUTES

Lowell City Council

Regular Meeting

Tuesday, March 9, 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, City Attorney John Russell Jr, Finance Officer Jared Pyles, Planning Director Alex Blackburn, Police Chief Scott Bates, and City Clerk Beverly Harris. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website due to COVID-19 restrictions. Several members of the public were also present in the Council Chambers.

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

Mayor Railey stated the agenda needed to be amended to add under Section VI New Business two items as E & F. Both items were regarding the CDBG-NR and CDBG-I grants.

Councilmember Robinson made a motion to adopt the amended agenda as stated for the meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

There were no public comments.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held February 9, 2021

Councilmember Ervin made a motion to approve the minutes from the February 9, 2021 Council meeting, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

VI. NEW BUSINESS

A. Evidentiary Hearing to Consider Special Use Permit SUP21-01 regarding a Solid Waste & Septic Tank Vehicle Storage Facility

Scott Attaway and John Russell Jr gave an overview of the quasi-judicial process. The City Attorney John Russell Jr asked the Council for any conflicts of interest during the quasi-judicial procedure started. Attorney John Russell Jr stated members of the Council must make their decision solely on the written and oral evidence presented and cannot consider information obtained through independent research or undisclosed ex parte communications. Determinations for an impartial board was performed by the City Attorney. See questions asked below and responses from Council:

1. *Question:* Does anyone have a close familial, business or other relationship with the applicant or other affected person?
Answer: All Council members state no.
2. *Question:* Does anyone have a fixed opinion that is not susceptible to change based on what they learn at the hearing?
Answer: All Council members stated no.
3. *Question:* Has any member participated in ex parte communications?
Answer: All Council members stated no. However, Councilmembers Robinson and Funderburk disclosed some citizens have reached out to them with concerns already but they told the citizens that they are not able to respond or form an opinion or decision at that time.

The City Clerk Beverly Harris swore in the all guests, applicant, and staff members for truth in their testimony.

Councilmember Funderburk made a motion to go into the public Evidentiary Hearing, followed by a motion by Councilmember Ervin. The vote was unanimous.

Scott Attaway stated an application for a Special Use Permit has been filed with the Planning Department regarding the property located at 518 Oakland Drive (PID #220488). Mr. Attaway stated Table 7.1-1 of the Lowell Unified Development Ordinance states that the land use of a solid waste and septic tank vehicle storage facility cannot be issued without first conducting a quasi-judicial hearing following the conditional use/special use permit process.

Alex Blackburn, Planning Director, stated staff posted a zoning sign on the subject property prior to the evidentiary hearing in accordance with the Lowell UDO on February 25, 2021. Also, notices of adjoining property owners were sent prior to the hearing. Mr. Blackburn also stated the Planning Board met to consider and review the CUP/SUP21-01 on February 2, 2021 and March 2, 2021. He further stated the Planning Board voted 3-2 in favor of the permit at their March 2, 2021 meeting.

Mr. Attaway stated the parcel is zoned I-2 and per the Lowell UDO 8.3.16 regarding solid waste & septic tank vehicle storage facility, there were already supplemental conditions in place. Mr. Attaway discussed those conditions.

Mr. Attaway stated the site plan was approved by the Planning Board.

The staff report (EXHIBIT 1) was presented to Council and the City Clerk for the record and review.

The applicant (Steed Story, SCS Disposal, LLC, 3929 Northerly Island Court, Gastonia, NC 28056) came forward to present his request to Council. Mr. Story stated he was seeking a conditional permit for 518 Oakland Drive. He stated he has held a conditional use permit at 400 A Oakland Dr since 2014. Mr. Story stated he has upheld all conditions and requirements with the City of Lowell at the 400A Oakland Dr location. Mr. Steed stated he was wanting to acquire the business at the end of the road and move his existing business there.

Scott Attaway gave Council an overview of the landscape buffers required per the UDO, existing buffering on site, and proposed drawing submitted.

Councilmember Funderburk asked the applicant to confirm why he was wanting to move to a new location and if it was to add more services or trucks. The applicant stated he was not adding more trucks or services but wanted to utilize the larger parking lot for logistical purposes while moving trucks. Councilmember Funderburk asked the applicant where they cleaned trucks and porta-jons. The applicant stated the tanks are cleaned on construction sites where they are rented and the only thing cleaned at the Oakland Drive site was pressure washing mud off of the equipment when they are brought back.

Councilmember Gillespie asked the applicant about solid waste being on site over 24 hours. The applicant stated the solid waste is clean out waste not household garbage. Mr. Story stated it would not be on the property for 24 hours because it's hauled to the landfill. The only case where it's on site overnight would be if the landfill has closed before the driver can empty.

Councilmember Robinson asked the applicant if he was planning on enclosing between the two properties with a fence and the applicant stated yes.

Scott Attaway disclosed that he has received calls about this business at City Hall. The calls came in on October 7, 2019 regarding some dumpsters being painted on property. Mr. Attaway stated where the dumpsters were being painted was not on the applicants' parcel/property. (EXHIBIT 2)

Councilmember Ervin asked the applicant if there was an odor that goes into the surrounding neighborhood. Mr. Story stated no, the only odor is in the field on job sites.

The applicant did not have any witnesses to present at meeting.

Public Hearing Comments:

Mimi Lark of 509 Oakland Drive stated she lives across the street. Ms. Lark stated there is an ongoing problem with mud on the road and the odors. Ms. Lark stated there is an environmental and health problem with the area. She asked Council to consider not approving and to think about the kids and families living in the area.

Thomas Knight of 509 Oakland Drive stated he has had issues with the applicant. Mr. Knight stated he has spoken with him personally about the mud on the street and the problems with his rude drivers. He stated his concerns about the extremely loud noises of the dumpsters being off loaded from the trucks daily. Mr. Knight also told the Council about the applicant painting dumpsters on site and that he had to call City Hall. Mr. Knight was concerned about the small road with families and children and stated the road can't handle more traffic or trucks. He stated the applicant needs to move somewhere that can handle the capacity of big vehicles. He asked Council to not approve.

Sharline Radford of 214 Oakland Street stated she doesn't live in front of the business but has to pass vehicles coming from the business. Ms. Radford stated the trucks drive too fast and will not move over for citizens. She stated it's a small residential family community and her grandkids play in the neighborhood. She was worried about the business growing and placing more vehicles on the road. Ms. Radford asked the Council if they would want big trucks in their neighborhoods.

Jerry Messick of 501 Birch Street stated his property backs up to Oakland Drive and he can hear the loud noises from his house. Mr. Messick stated the street is tore all to pieces due to the heavy traffic of the trucks.

Robert Beaver of 511 Birch Street stated the trees are not enough of a buffer in the winter time because when the leaves fall, he can see the entire facility. Mr. Beaver told the Council about the very loud noises of the off-loading of dumpsters. He asked Council to not let more trucks and noise into the area.

There was further review and discussion by Council. They reviewed the finding of facts presented from the applicant.

Councilmember Funderburk asked the applicant if he was moving to expand his business. Mr. Story stated he is not looking to grow the business much more. He also confirmed the working hours and truck traffic hours to Councilmember Funderburk.

Councilmember Funderburk asked for clarity from the applicant on one of the homeowners' testimony of smells of waste. Mr. Story stated there are no smells on his property.

Mr. Story stated only one dumpster was painted on site due to a fire on a job site.

Councilmember Ervin asked for clarity on two issues testified by citizens (lack of courtesy by drivers and sound of dropped dumpsters). Councilmember Ervin asked the applicant how he intended to address those issues. Mr. Story stated with further training of drivers for both issues.

Councilmember Robinson inquired about the current conditional use permit at the current site. Councilmember Robinson wanted to know if the conditional use permit goes with the owner or the site.

Councilmember Gillespie asked for clarity between household and construction debris.

Councilmember Robinson asked for clarity on where the dumpsters or porta-jons are stored on site.

Councilmember Bonham asked the applicant how he was planning on addressing the drivers speeding and manners to local residents. Mr. Story stated he was in the process of having dash cams installed in the trucks.

The Council began discussions for the Findings of Facts and began actions.

Fact #1: The use will not materially endanger the public health or safety if located where proposed and developed according to the plan.

Councilmember Bonham made a motion the use will not materially endanger the public health or safety if located where proposed and developed according to the plan, followed by a second from Councilmember Ervin.

There was further discussion between Councilmembers. Councilmember Ervin stated the applicant will be located in the area by conditional use right now so it makes sense he be moved to the end of the road to where he has more of a buffer there from residents. Councilmember Funderburk stated there due to citizen testimony presented there was a safety issue and felt it would endanger the public health or safety. Councilmember Gillespie stated he agreed with Councilmember Funderburk and that due to citizen testimony he had concerns with the sludge and leaks from trucks. Councilmember Robinson stated there could be increased traffic because the site will allow more trucks on site. Councilmember Bonham felt due to testimony from citizens there would be safety concerns for trucks traveling a further distance on a narrow road. He was also concerned about the leaks from testimony.

The Council voted on the motion on the floor for Fact #1. There were none in favor, and unanimously opposed.

Fact #2: The use meets all required conditions and specifications of the Land Use Plan.

Councilmember Robinson made the motion the use meets all required conditions and specifications, followed by a second from Councilmember Bonham.

There was further discussion between Councilmembers. Councilmember Robinson stated by looking at the zoning and site plans it meets the requirements and conditions.

The Council voted on the motion on the floor for Fact #2. There votes were unanimously in favor, none opposed.

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.

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.

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.

F. CDBG-Neighborhood Revitalization Grant

Scott Attaway stated staff opened received bids for the Environmental Services of asbestos/lead testing services for the CDBG-NR grant on March 8, 2021. Three bids were received as follows:

- The EI Group, \$4413.75 total cost
- Terracon Consultants Inc, \$8500.00 total cost
- Roy Consulting Group, \$4450.00 total cost

Mr. Attaway stated the bid selection “recommendation” to Council is based on the “average” cost per unit for all services. The EI Group submitted the lowest average cost per unit, therefore staff recommends awarding the contract to the EI Group for the completion of the required services.

Councilmember Funderburk made a motion to accept the bid from the EI Group for \$4413.75, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

VII. STAFF REPORTS

Scott Attaway gave departmental updates on the following:

Planning Department:

- Stormwater Notice of Violation Update (SWMP Permit).
- Lowell Planning Board has recommended approval of the Lowell Development Ordinance and the Future Land Use Plan (FLUP).

Public Works Department:

- Bulk policy update
- WWTP maintenance
- Water main leaks
- Radar signs permanently installed

Police Department:

- Call volumes

Finance:

- Budget to actual monthly report

Parks & Recreation:

- COVID testing event
- Youth sports sign-ups
- Dick Sporting Goods sponsorship
- LCC met at Cemetery
- CaroMont Freedom Festival sponsorship
- Easter event “You Got Egged”
- Arbor Day event
- Live concert series in summer

VIII. CITY ATTORNEY REPORT

The City Attorney John Russell Jr had nothing new to report.

IX. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- COVID vaccination update
- Work Session March 24, 2021. Council determined the meeting would start at 1:00 pm and be at City Hall.
- Fire Department Contract
- WaterSmart App for Customers FY22
- McAdenville Rd bicycle lane/white line
- Audit update presentation for April council meeting
- Fund Balance

X. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie wished Cristy Cummings a happy birthday and stated he would like to see something presented to Jim Windham for his years of service to Lowell as the City Attorney. Councilmember Funderburk stated she was excited about all that has been accomplished in Lowell over the past several years and what's to come.

XI. CLOSED SESSION

A motion was made at 10:00 pm by Councilmember Ervin to go into Closed Session in accordance with provisions of NCGS 143-318.11(a)(5) to discuss the acquisition of real property, followed by a second from Councilmember Gillespie. The vote was unanimous.

The Council reconvened from Closed Session at 10:15 pm.

XII. ADJOURN

Councilmember Bonham made a motion to adjourn the meeting, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. The meeting ended at 10:15 pm.

ATTEST:

Mayor, Sandy Railey

City Clerk, Beverly Harris

MINUTES

Lowell City Council

Special Meeting

Wednesday, March 24, 2021 at 4:00 P.M.

I. LOWELL CITY COUNCIL SPECIAL MEETING

Those attending were Mayor Sandy Railey, Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Shane Robinson, Councilmember Thomas Gillespie, City Manager Scott Attaway, and City Clerk Beverly Harris.

Mayor Railey determined a quorum was present and called the meeting to order at 4:00 pm.

II. ADOPTION OF AGENDA FOR THE MEETING

Councilmember Funderburk made a motion to adopt the agenda for the meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

III. NEW BUSINESS

A. Consideration of Resolution of Award for West First Street Sewer Rehabilitation/Replacement (CDBG-I Project #14-I-3033 and #18-I-3034)

Scott Attaway stated bids for the West First Street Sewer Rehabilitation/Replacement were opened on Wednesday, March 10, 2021, with a total of three bids being opened and examined. A summary of the bids is shown below, and a certified bid tabulation was presented to Council. The tabulation and bid opening were administered by Withers Ravenel.

Contractor	Total Base Bid Amount
AM-Liner East, Inc.	\$1,168,336.00
Bio-Nomic Services, Inc.	\$859,887.05
Granite Inliner, LLC	\$864,927.25

Mr. Attaway stated Withers Ravenel recommended that the City of Lowell award the construction contract to Bio-Nomic Services, Inc. in the bid amount of \$859,887.05.

Councilmember Gillespie made a motion to award the construction contract for the CDBG-I West First Street Sewer Rehabilitation/Replacement project to Bio-Nomic Services Inc. in the amount of \$859,887.05, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

B. Set Public Hearing April 13, 2021 for Lowell City Plan 2040 – Comprehensive Land Use Plan

Councilmember Funderburk made a motion to set public hearing April 13, 2021 for the Lowell City Plan 2040 – Comprehensive Land Use Plan, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

IV. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor. The meeting ended at 4:10 pm.

Mayor, Sandy Railey

City Clerk, Beverly Harris

DRAFT

MINUTES

Lowell City Council

Work Session

Wednesday, March 24, 2021 at 1:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Those attending were Mayor Sandy Railey, Councilmember Phil Boham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Shane Robinson, Councilmember Thomas Gillespie, City Manager Scott Attaway, and City Clerk Beverly Harris. Finance Officer Jared Pyles, Public Works Director Thomas Shrewsbury and Planning Director Alex Blackburn were also present. The Mayor determined a quorum was present and the meeting proceeded.

II. 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 unanimously in favor.

III. NEW BUSINESS

A. FY2021-2022 Budget Planning Discussions

City Manager Scott Attaway gave an overview of current federal grant (CDBG-I & CDBG-NR, etc.) funding and federal rules on how to use that funding within the City of Lowell.

Stormwater Fee

Next Mr. Attaway gave an overview of the stormwater fee study. He stated the fee study included: setup of a separate utility; establishing a project leadership group (PLG); creating an appeals process; data base analysis; providing an ordinance to adopt (NCGS tighter on stormwater than WS); and a presentation in June by Withers Ravenel.

Mr. Attaway reviewed the existing debt summary with Council on the Stormwater Fund (backhoe, dump truck, leaf vacuum, jet vac, and push camera system). He also went over the detail on the financial analysis with 20K-50K annual capital outlay under the City of Lowell Stormwater Program.

Mr. Attaway stated per the stormwater fee study the projected monthly fee per resident would be \$6.75 which would be \$81.00 annually. Non-residential would be figured on their impervious square foot areas.

Council asked how the \$6.75 would be broken out per citizen. Is the cost charged per parcel or per utility account, etc.? Mr. Attaway stated the charge would be billed to utility account owners and anyone who owns a property with impervious area on the parcel, but no water account associated with it, then a separate account would be set up for that parcel owner and billed separately for just the stormwater fee and no water/sewer charges.

Councilmember Ervin stated that the City needs to be able to justify to its citizens why this fee is what it is and be able to justify the fee. The Finance Officer stated that is why you want to set this fee up as its own separate fund, so it is very transparent to the citizens.

Council would like to see a letter explaining the program and fee be mailed to all citizens and business owners.

Mr. Attaway stated this fee would become effective July 1, 2021 with the adoption of the new fiscal budget.

Council thought the fee of \$6.75 was too high and asked staff to remove items proposed from the study and take back to Withers Ravenel to see if the fee can be lowered.

Council discussed if the residential rate could be lowered and the difference to pay for the projected capital outlay be charged to non-residential customers.

There was further discussion, Council directed staff to proceed with the fee as presented, also start creating the educational material to be mailed to residents and businesses.

IV. ADJOURN

Councilmember Ervin made a motion to adjourn the work session, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

Mayor, Sandy Railey

ATTEST:

City Clerk, Beverly Harris



CITY OF LOWELL

PROCLAMATION

National Child Abuse Prevention Month

WHEREAS, in Federal fiscal year 2019, 4.4 million reports were made to child protective services; and

WHEREAS, child abuse and neglect are serious problems affecting every segment of our community, and finding solutions requires input and action from everyone; and

WHEREAS, our children are our most valuable resources and will shape the future of the State of North Carolina; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and

WHEREAS, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families; and

WHEREAS, communities must make every effort to promote programs and activities that create strong and thriving children and families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

NOW, THEREFORE, I, Sandy Railey, Mayor of the City of Lowell, do hereby proclaim April 2021 as NATIONAL CHILD ABUSE PREVENTION MONTH in Lowell, North Carolina and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Proclaimed this 13th day of April, 2021.

Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk

(SEAL)

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-A

DESCRIPTION: PUBLIC HEARING TO CONSIDER ADOPTION OF THE
LOWELL COMPREHENSIVE LAND USE PLAN (CLUP)

Please see the attached staff report from the Planning Director regarding this item.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: 4-6-21
Re: City of Lowell – 2040 Comprehensive Land Use Plan (CLUP)

Planning Department

A Public Hearing is scheduled for April 13, 2021 with the Lowell City Council for consideration of the 2040 Comprehensive Land Use Plan. This was brought before the council previously during a special meeting on March 24th and they were presented with the draft. The Future Land Use Map has been attached.

The Planning Board, in accordance with North Carolina General Statute 160D-301(b), has prepared, reviewed and recommended to the City Council this Comprehensive Land Use Plan in a unanimous vote during their March 2nd meeting.

The State of North Carolina requires local governments in NC General Statute 160D to adopt a plan to be eligible for certain funding, powers and authority by July 1, 2021. The plan is to be used as an assurance to the public that local decisions are made with a perspective on the future implications of pending decisions, and to affirm that public accountability and fiscal responsibility are considered as part of the decision-making process.

The Comprehensive Land Use Plan will accompany the proposed LDO after its adoption as a requirement set forth in N.C. General Statute §160D-501 stating that a map and a plan be provided to designate the future use or reuse of land. The intention is to guide coordinated, efficient, and orderly development within the planning and development regulation jurisdiction based on an analysis of current and future needs.

In Article 7 of N.C.G.S. § 160D, Zoning regulations are stated to be made in accordance to this comprehensive land use plan and shall be designed to promote public health, safety, and general welfare. As well as to encourage the most appropriate use of land throughout the local government's planning and development regulation jurisdiction.

This will also assist both the Planning Board and the City Council in maintaining consistent decision making and is believed to produce more thoughtful consideration regarding proposed ordinance amendments and to better prepare for future growth.

Public notice was advertised in the Gaston Gazette Newspaper on both March 25 and April 1, 2021.

Page : 1 of 1 03/18/2021 10:15:16

Order Number : 54608154
PO Number : B. Harris
Customer : 601155 CITY OF LOWELL
Contact : Leamon B Brice (Interim)
Address1 : 101 W. First St.
Address2 :
City St Zip : Lowell, NC 28098
Phone : (704) 824-3518
Fax : (704) 824-4700
Credit Card :
Printed By : mblackmon
Entered By : mblackmon

Ad Number : 54750204
Ad Key :
Salesperson : 60 - Mindy Blackmon
Publication : Gazette
Section : Classified Section
Sub Section : Classified Section
Category : Legals 000
Dates Run : 03/25/2021-04/01/2021
Days : 2
Size : 2 x 4.19, 41 lines
Words : 186
Ad Rate : Legal - Gaston
Ad Price : 294.28
Amount Paid : 0.00
Amount Due : 294.28

Keywords : PUBLIC LEGISLATIVE HEARING NOTICE For the Lowell
Notes :
Zones :

**PUBLIC LEGISLATIVE
HEARING NOTICE**

**For the Lowell City Plan 2040 -
Comprehensive Land Use & Master
Plan Ordinance**

Tuesday, April 13, 2021, 6:00 p.m.

**City of Lowell City Hall, Council
Chambers, 101 W. First St., Lowell,
NC 28098**

The City of Lowell, in preparation for the effects of growth in the City and in accordance with G.S. 160D-501, under direction of the Mayor & Council have directed the Planning Board to complete preparation of a new City Plan. On March 2, 2021, the Lowell Planning Board concluded their work and voted to recommend the adoption of "City Plan 2040 - Comprehensive Land Use Plan" to inform and guide decisions made by property owners, businesses, leadership and those seeking to invest in the City.

The Mayor and Council invite you to attend a public legislative hearing to learn about the new plan and to share your comments. The City Plan 2040 draft is available for inspection at City Hall during normal business hours (by appointment) due to being closed for COVID precautions and/or may also be viewed on the website at www.lowellnc.com anytime.

3/25, 4/1, 2021

64608154

CITY OF LOWELL
2040 Comprehensive Land Use Plan



March 15, 2021 DRAFT

Adopted: _____

Recommended by the Lowell Planning Board: March 2, 2021

Planning Board Approved

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Planning Board Approved

City of Lowell
Comprehensive Land Use Plan 2040

CITY OF LOWELL

Lowell City Hall
101 West First St.
Lowell, NC 28098

Adopted by City Council: _____

Governing Board

Sandy Railey, Mayor
Thomas Gillespie, Mayor Pro-Tem
Phil Bonham, Council Member
Ken Ervin, Council Member
Candy Funderburk, Council Member
Shane Robinson, Council Member

Planning Board

Vieta Benson, Chairperson
John Cantrell, Vice Chairperson
Mike Harris
Bob Mulholland
Travis Smith
Bill Stegall

Planning Department

Alex Blackburn, Planning Director

Administration

Scott Attaway, City Manager
Beverly Harris, City Clerk/Human Resource Officer
Jared Pyles, Finance Director

Planning Team

Tom Weitnauer, AICP, Town Planner – Lead Author
F. Richard “Rick” Flowe, AICP, Principal Planner – Coauthor

Planning Board Approved

Planning Board Approved

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CONTENTS

PURPOSE	1
COMMUNITY PROFILE	1
Location.....	1
Demographics	1
PLAN PREPARATION AND CITIZEN ENGAGEMENT	4
PLANNING AND DEVELOPMENT.....	8
Future Land Use.....	8
New Unified Development Ordinance	8
FIGURE 1: FUTURE LAND USE MAP	14
FIGURE 2: GROWTH OPPORTUNITIES MAP	15

Planning Board Approved

Planning Board Approved

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PURPOSE

The State of North Carolina requires local governments in NC General Statute 160D to adopt a plan to be eligible for certain funding, powers and authority by July 1, 2022. The plan is to be used as an assurance to the public that local decisions are made with a perspective on the future implications of pending decisions, and to affirm that public accountability and fiscal responsibility are considered as part of the decision-making process.

Decisions made about public spending and growth can often appear centered around individuals involved and how they may benefit. When governing board decisions adhere to an adopted plan, those individual interests are balanced with others affected by the outcome of decisions, which include citizens, property owners, and businesses.

City of Lowell Comprehensive Land Use Plan 2040 shall serve as the adopted plan pursuant to §N.C.G.S. 160D in the planning and regulation of development.

COMMUNITY PROFILE

LOCATION

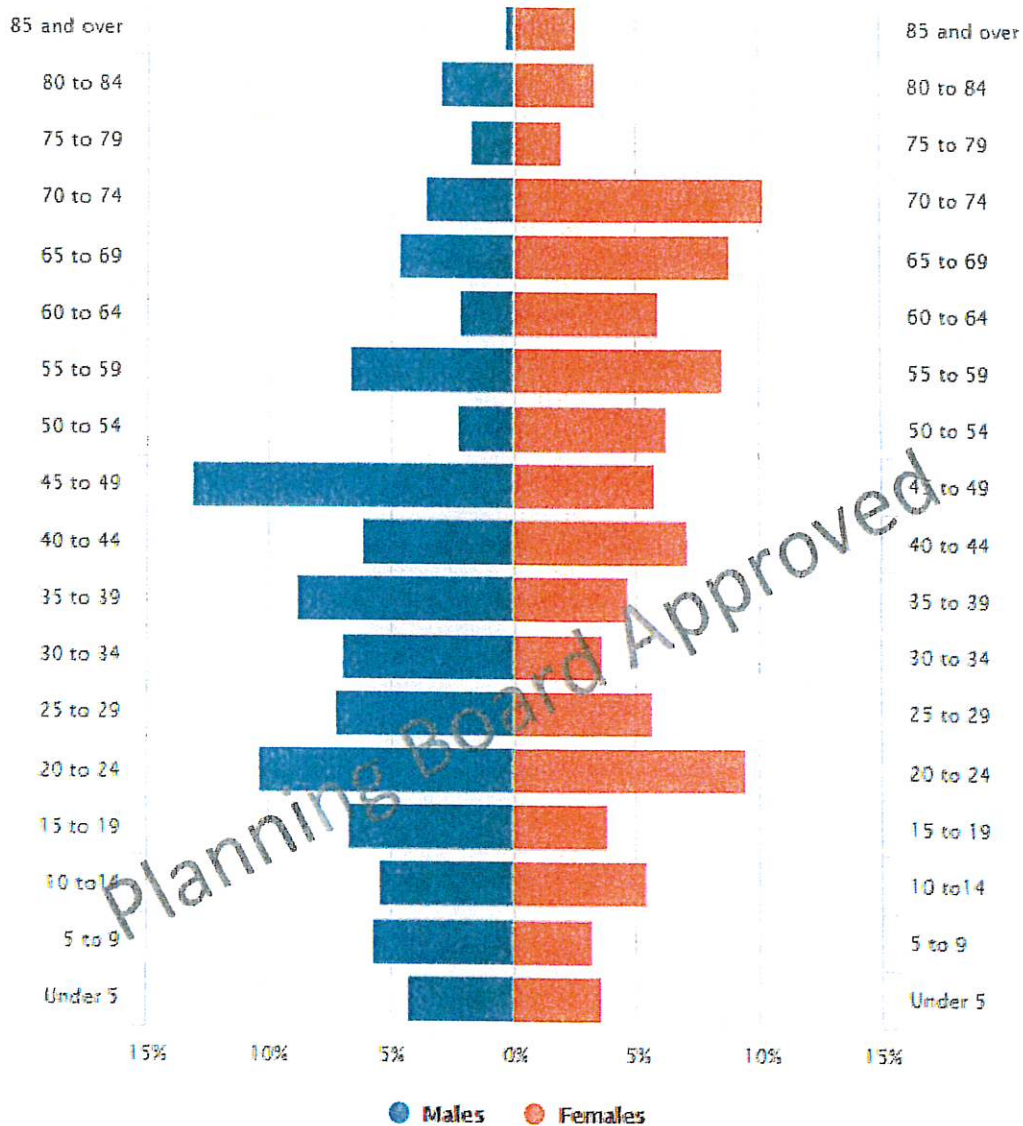
The City of Lowell, North Carolina is located in eastern Gaston County, between Charlotte and Gastonia. Lowell enjoys easy access to I-85 and US HWY 74. Two Rivers Utilities provides [regional water](#) and [wastewater](#) services for Lowell and other municipalities in the County and beyond.

DEMOGRAPHICS

The U.S. Census Bureau prepares a detailed statistical portrait for local governments, counties and states of their respective social, economic, housing, and demographic characteristics through the 5-year American Community Survey (ACS) products. The ACS 5-year estimates are constructed as period estimates and reflect the average characteristics over the five year period. In general, unless a user knows how the estimate for each characteristic is trending over time, it is not accurate to consider the 5-year estimate as an estimate at any given point within the 5 year period. However, under certain conditions, the ACS estimates can serve as a proxy. Figures from the U.S. Census Bureau *2015-2019 American Community Survey*, released on January 30, 2020, are summarized provided below to provide demographic, economic, and cultural factors for the City of Lowell. Rather than refer to the 5 year period (2015-2019), the last year of 2019, will be used for brevity, but the full five year period will be noted as the source for tables and charts.

In 2019, Lowell had a total population of 3,640 – 1,784 (49.0%) females and 1,856 (51.0%) males. The median age was 41.4 years. An estimated 17.1% of the population was under 18 years, 37.4% was 18 to 44 years, 25.5% was 45 to 64 years, and 20.0% was 65 years and older.

Population by Age and Sex for Lowell in 2015-2019



For people reporting one race alone, 72.7% were White; 16.3% were Black or African American; 0.0% were American Indian and Alaska Native; 2.9% were Asian; 0.0% were Native Hawaiian and Other Pacific Islander, and 3.8% were some other race. An estimated 4.2% reported two or more races. An estimated 12.0% of the people in Lowell were Hispanic. An estimated 65.5% of the people in Lowell were White non-Hispanic. People of Hispanic origin may be of any race.

In 2019, there were 1,305 households in Lowell. The average household size was 2.75 people. The median income of households in Lowell was \$53,810. An estimated 5.6% of households had income below \$10,000 a year and 1.6% had income over \$200,000 or more. In 2019, 19.6% of people were in poverty. An estimated 29.9% of children under 18 were below the poverty level, compared with 17.9% of people 65 years old and over. An estimated 17.6% of people 18 to 64 years were below the poverty level.

In 2019, Lowell had a total of 1,433 housing units. Of these housing units, 86.5% were single-family houses either not attached to any other structure or attached to one or more structures (commonly referred to as “townhouses” or “row houses”). 6.5% of the housing units were located in multi-unit structures, or those buildings that contained two or more apartments. 7.0% were mobile homes, while any remaining housing units were classified as “other,” which included boats, recreational vehicles, vans, etc. 2.7% of the housing inventory was comprised of houses built since 2010, while 15.4% of the houses were first built in 1939 or earlier. The median number of rooms in all housing units in Lowell was 5.4 rooms, and of these housing units 57.3% had three or more bedrooms.

In 2019, Lowell had 1,305 housing units that were occupied or had people living in them, while the remaining 128 were vacant. Of the occupied housing units, the percentage of these houses occupied by owners (also known as the homeownership rate) was 67.1% while renters occupied 32.9%. The average household size of owner-occupied houses was 3.02 and in renter-occupied houses it was 2.21. 24.0% of householders of these occupied houses had moved into their house since 2015, while 20.1% moved into their house in 1989 or earlier. Households without a vehicle available for personal use comprised 3.3% and another 26.1% had three or more vehicles available for use.

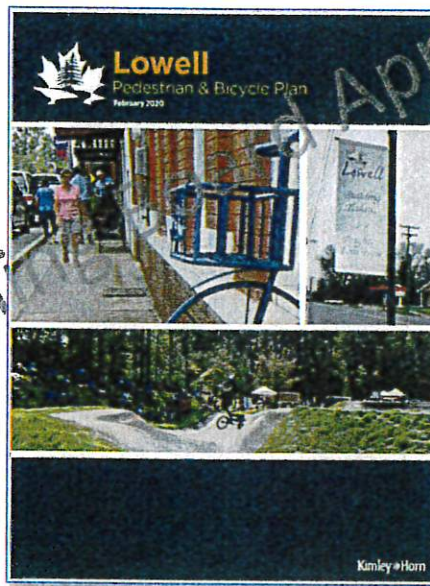
In 2019, the median property value for owner-occupied houses in Lowell was \$117,700. For renter-occupied houses, the median gross rent for Lowell was \$840. Gross rent includes the monthly contract rent and any monthly payments made for electricity, gas, water and sewer, and any other fuels to heat the house. Households that pay 30% or more of their income on housing costs are considered cost-burdened. In 2019, cost-burdened households in Lowell accounted for 8.8% of owners with a mortgage, 11.0% of owners without a mortgage, and 42.5% of renters.

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PLAN PREPARATION AND CITIZEN ENGAGEMENT

Determining what is important to a community is critical. Four community plans have been developed and adopted in recent years after citizen engagement. As allowed by [§N.C.G.S. 160D-501\(a1\)](#), the following three plans, adopted by the City of Lowell City Council, shall be made a part of this [City Plan 2040](#) and shall be referenced by Planning Department staff, and appointed and elected officials when considering land use decisions to guide the present and future physical, social, and economic development within the City of Lowell: [Lowell Pedestrian and Bicycle Plan](#); [I-85: Exit 22 Gateway Master Plan](#); and [Franklin Boulevard Corridor Access and Alternative Mobility Strategy](#). Planning processes for these plans included opportunities for citizen engagement in plan preparation and adoption as summarized below.

[Lowell Pedestrian and Bicycle Plan](#) dated February 2020
City of Lowell City Council adopted the Plan on October 13, 2020.



Summary of the Plan and Citizen Engagement: The development of the City of Lowell Pedestrian and Bicycle Plan was funded through a grant awarded by the North Carolina Department of Transportation Division of Pedestrian and Bicycle Transportation through its Planning Grant Initiative and a local match. The pedestrian and bicycle network recommendations were developed by layering existing condition data with the needs, input, and feedback of the outreach efforts. A detailed scoring process was created that assessed each project on a variety of criteria to produce a prioritization table of recommended projects.

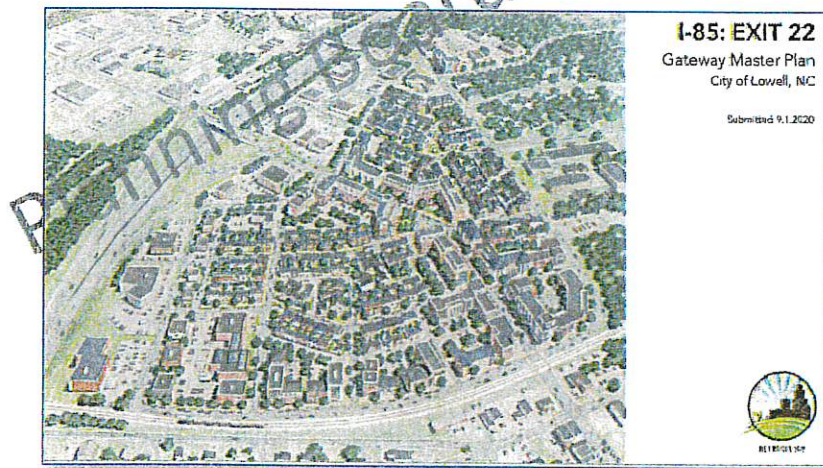
Public outreach was a critical part of this process and was incorporated into every phase of planning. The outreach took three main forms including a steering committee made up of local officials, experts and community leaders; online surveys to reach a broad range of people; and public workshops to get in-depth input from community members. The Steering Committee met four times over the course of several months in 2019. The Steering Committee had four distinct roles: Assist with development of the comprehensive bike plan: Provide feedback on the plan

elements throughout the planning process; Act as a conduit for your organization; and Provide expert knowledge and local insights.

An online survey was distributed widely via the City of Lowell and various members of the project Steering Committee. The survey was open from March 8 to April 8, 2019 and gathered respondent's attitudes toward existing conditions, as well as asked for priority ways the network could be improved.

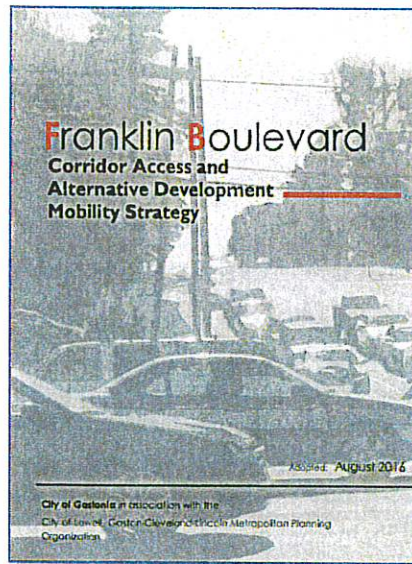
The plan's first public workshop was held on Thursday, March 28, 2019 at Lowell City Hall. The workshop was a drop-in opportunity for attendees to participate in several interactive stations and provide valuable feedback to be incorporated into the planning process. A second public workshop was held on Tuesday, September 24, 2019 at Holbrook Middle School. The workshop followed an open house format and was a drop-in opportunity for attendees to review the core elements of the plan and specifically the facility and policy/programmatic recommendations. The workshop was held during a local community event at Holbrook Middle School and many stopped by the project booth to review the materials and engage with the project team.

[I-85: Exit 22 Gateway Master Plan](#) dated September 1, 2020
City of Lowell City Council adopted the Plan on November 10, 2020.



Summary of the Plan and Citizen Engagement: This Small Area Plan illustrates the optimum development of the Study Area located at Exit 22 of I-85 into the City of Lowell. The plan is a comprehensive "Vision" providing the City, landowners, and residents a guide for how to zone, invest and build in the years to come. The City may facilitate the vision through strategic investments in new streets, water, sewer, re-zonings, open space development and cycle/greenway improvements, when beneficial Private Public Partnerships present themselves. To that end, important Civic amenities such as parks, cycle ways, and pedestrian greenways are shown in their approximate locations. If fully embraced and regional growth patterns continue, the Lowell Gateway Plan as illustrated by this vision can become a reality within the next 20 years. The City Council adopted the Gateway Master Plan after an advertised public hearing held on November 10, 2020.

[Franklin Boulevard Corridor Access and Alternative Mobility Strategy](#) dated August 2016
City of Lowell City Council adopted the Strategy on October 10, 2016.



Summary of the Plan and Citizen Engagement: The 2016 Franklin Boulevard Corridor Access and Alternative Development Mobility Strategy was completed by the Gaston-Cleveland-Lincoln Metropolitan Planning Organization in coordination with Gastonia and Lowell. The study evaluated connectivity and mobility options within the I-85 corridor for various travel modes. The study included recommendations for intersection improvements at Exit 22 (I-85 and South Main Street) to address peak hour congestion. The study also reviewed options for extending Lineberger Road southwest of downtown Lowell to I-85. The proposal calls for a series of distributor roads between Exits 21 and 22 to allow for a new I-85 interchange with the Lineberger Road extension. This extension may help alleviate future congestion along S. Main Street and W. 1st Street in Lowell. The study also considered extending West 3rd Street from North Main Street to NC 7 to help alleviate peak hour congestion on Main Street heading toward I-85. The Franklin Boulevard study also called for improvements along S. Main Street such as bike lanes, center medians, and streetscape landscaping. These improvements would enhance the aesthetics of downtown Lowell's primary gateway.

Two community meetings were held for each community within the study area. The Gastonia meeting was held on March 16, 2015 and the Lowell meeting was held on March 30, 2015. At each of the community meetings, the project team provided an introduction to the planning process associated with the study and briefed the attendees on the activities scheduled for the meeting. Each activity was facilitated with the purpose of identifying priority issues and concerns from community members.

Participants were asked to write down one word that came to mind about their HOPES and another word that described their FEARS. This exercise provided a quick snapshot of the participant's current perception of the community, including issues that needed to be addressed and resources that should be leveraged. The FEAR questions helped the project team understand the participant's desire for the future. In some cases, the vision question also revealed what the

participants feel is the reality for the community if change does not occur. The word cloud images, below, highlight the thoughts of the participants.

Gastonia Community Hopes and Fears

Hopes	Fears
<ul style="list-style-type: none">• Ease Congestion• Safety• Pedestrian and Bicycle Facilities• Alleviate Congestion	<ul style="list-style-type: none">• Increases in Congestion• Negative Impacts to Neighborhood and Property Values• Connection of Residential Streets to Franklin Blvd.

Lowell Community Hopes and Fears

Hopes	Fears
<ul style="list-style-type: none">• Mixed Use Development• Greenspace/Gateway to the City• More Pedestrian Friendly Intersections• Thriving Business Community	<ul style="list-style-type: none">• No Development• Poor/Over Development• Congestion• No Action from this Plan

Planning Board Approved
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PLANNING AND DEVELOPMENT

FUTURE LAND USE

The exciting aspects of this plan are not captured by the issues we have faced or the problems we believe we have, but the opportunities we have before us. The opportunities to build upon our previous successes are the greatest asset the businesses and citizens of Lowell possess. This plan recognizes those attributes, identifies the community stakeholders' goals, and crafts a vision of our future. Along with the actions we must undertake to achieve the goals stated in this document, this plan provides the foundation for systematic decision-making by businesses, citizens, prospective investors in our community, and leadership at various levels.

Simply stated, the key to our success is to increase the population of the community by reasonable numbers to increase the economic activity to a level that will support the services we desire. The three groups to focus our energy on are as follows:

- Retain our young adults by creating the home-town they dream about.
- Attract newcomers by offering the dynamic small-town feel they seek.
- Encourage opportunities for our citizens to age-in-place through local options for senior living.

Creating an attractive atmosphere in Lowell will contribute toward our efforts to attract young adults to return, to come home when they seek that long-term location to settle into. These same investments will attract the newcomers seeking a special small-town atmosphere with lifestyle opportunities they find attractive. When a community feels good about itself it shows and that will become its greatest attribute in attracting visitors who just want to be a part of it all. That is what successful Cities do, they become special by taking deliberate steps toward that goal and they reap the rewards when they do it well.

Focusing attention on strategic locations to reignite interest to create a new City center and enhance existing commercial development can boost investment by re-thinking development in the corridors. Incentives to refresh and redevelop strategic sites in existing underutilized locations where existing infrastructure and location dynamics combine to support successful new investments will reinforce property values within these strategically important locations. The ***Future Land Use Map***, appearing on Figure 1, depicts a pattern of development to accommodate a combination of residential, non-residential, and mixed-use growth and redevelopment. The map serves as the overall plan to guide decisions about future infrastructure investments and other public services for Lowell's future growth. ***The Growth Opportunities Map***, appearing on Figure 2 of this City Plan 2040, encompasses the boundary, and slightly beyond, of the adopted [L-85: Exist 22 Gateway Master Plan](#). ***Zoning changes are required by North Carolina statute to be made based upon both reasonableness and consistency with this plan.***

NEW UNIFIED DEVELOPMENT ORDINANCE (UDO)

The City has contracted to prepare a new UDO consistent with this plan. The new UDO is being prepared nearly simultaneously with the preparation of this City Plan 2040 both of which are scheduled to be completed in the early-to mid- 2021.

Adoption of the new UDO will accomplish two primary objectives:

- To modernize the City's criteria and specifications to meet current statutory requirements, &
- To make certain the criteria and specifications are designed to help Lowell continues to thrive.

This *'plans and specs'* approach to City building improves the relationship of the City with its businesses and citizens by establishing objectives, then administering the UDO to simply achieve those objectives. By using common sense policies to encourage re-use and reinvestment in Lowell, the City can reduce tax and utility rates as the plan is implemented. This approach benefits all Lowell's businesses and citizens.

The new UDO standards will establish cost saving measures for the tax and utility rate payer for all new subdivisions. When new streets are built properly, they last longer and are far less costly to maintain. These new streets must also be reported to the NCDOT upon completion to ensure the local share of the fuel tax collected from every motorist when they purchase fuel, will be returned to the City. When these fuel taxes are returned each year, they can do more for the older streets where repairs may be warranted.

Subdivision criteria and specifications also improve utility performance and reduce cost to serve all rate payers. By establishing specific criteria for the location of lines we can reduce confusion and improve the effectiveness of future maintenance and repairs. Each utility is designated a specific location in or near the street.

The new Unified Development Ordinance (UDO) will adequately address land use in floodplains. This ordinance is mandatory in order to be eligible for the National Flood Insurance Program administered by the federal government. The new UDO will adequately address land uses and use specifications, (i.e. lot size, coverage, etc.), and stream buffers within these sensitive areas.

The administration of the new Unified Development Ordinance (UDO) consistent with this plan must be performed by experienced professionals to ensure protection of the rights of businesses and citizens. Such fair and unbiased administration must be proactive and seek to help these businesses and citizens achieve the successes they may seek that are consistent with both the adopted City Plan 2040 and the new UDO.

The criteria or specifications included in these ordinances should accomplish some basic objectives including:

- Ensure the purchaser or owner receives a safe and reliable building product,
- Ensure the state and federal mandates are satisfied to avoid penalties, and
- Ensure the result does not increase the burden on other tax and utility rate payers without deliberate determination that such increases are for the overall benefit of the community.

The best remedy for Lowell's existing underutilized commercial areas is to encourage re-use and re-development through new zoning criteria and specifications. This approach can work well provided there is a commitment to areas where the investment in infrastructure has already been made. Policies that promote the success of neighborhoods, businesses and civic uses alike are far more desirable to all persons involved; promote a more viable future of the community; and preserve the investments made by property owners in the community. This approach respects

property rights in balance: the rights of one property owner, the rights of the adjacent or nearby property owner(s), and the interests City-wide linked to a vibrant community.

The following descriptions of districts or zones the new UDO should establish describe the character of the various neighborhoods and non-residential parts of Lowell. These new districts should replace all existing districts and be accompanied by opportunity-driven district standards: opportunities for both growth and preservation of natural areas.

Careful consideration has been given when crafting the criteria and specifications for development to avoid as much non-conformity or "grandfathering" as possible. While some properties may not avoid a non-conforming (grandfather clause) status, it is very important to make as much existing development compliant as reasonably possible. This attempt should not be misguided into making fundamentally poor choices in drafting the UDO, nor should it fail to recognize the role of property maintenance rules.

Agriculture District

The Agriculture District (AG) is established to protect lands used for agricultural production, agriculturally based businesses and related activities. Farmland is a defining element of Lowell's traditional identity and the protection of these lands aids in preserving the character of the City until such time as new development is preferred by the City. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.

Single-Family Residential Districts

The Single-Family Residential Districts (SFR-2, SFR-3 and SFR-4) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Lowell and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the City of Lowell prior to the effective date of these regulations.

Residential Main Street Transition District

The Residential Main Street Transition District (RMST) provides for the completion of residential neighborhoods in the residential area(s) surrounding the Main Street and contiguous Civic Districts through in-fill development. The intent of this district is to recognize that gradual transformation of existing development to high quality mixed density residential development is needed to support the central core of the City. Higher density residential development allows a greater number of households to walk or bike, thus supporting businesses while reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, and Multi-family Building. Streets in the Residential Main Street Transition District should be interconnected, with streets and sidewalks providing a connection from Lowell's Main Street and other mixed-use districts to the Single-

Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged. Criteria for the mix of building types establishes compatibility.

Main Street District

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Lowell's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

Civic District

The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the City. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.

Mixed-Use Districts

The Mixed-Use Districts (MU-1 and MU-2) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Lowell residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent neighborhood districts.

Interstate Highway 85 Commercial District

The Interstate Highway 85 Commercial District (C-85) is established to provide opportunities for compatible, resilient and sustainable development along the Interstate Highway 85 corridor. Development standards in the Interstate Highway 85 Commercial District (C-85) acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the Interstate Highway 85 Commercial District (C-85) include providing a

pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted City Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

US Highway 74 Commercial District

The US Highway 74 Commercial District (C-74) is established to provide opportunities for compatible, resilient and sustainable development along the US Highway 74 corridor. Development standards in the US Highway 74 Commercial District (C-74) acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US Highway 74 Commercial District (C-74) include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted City Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

Vehicle Service and Repair District

The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and it's interconnecting network of streets outside the core area as shown in this adopted City Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

Industrial District

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

Traditional Neighborhood Development Overlay District

The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the City and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

Scenic Corridor Overlay District

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the City. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Lowell's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the City by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

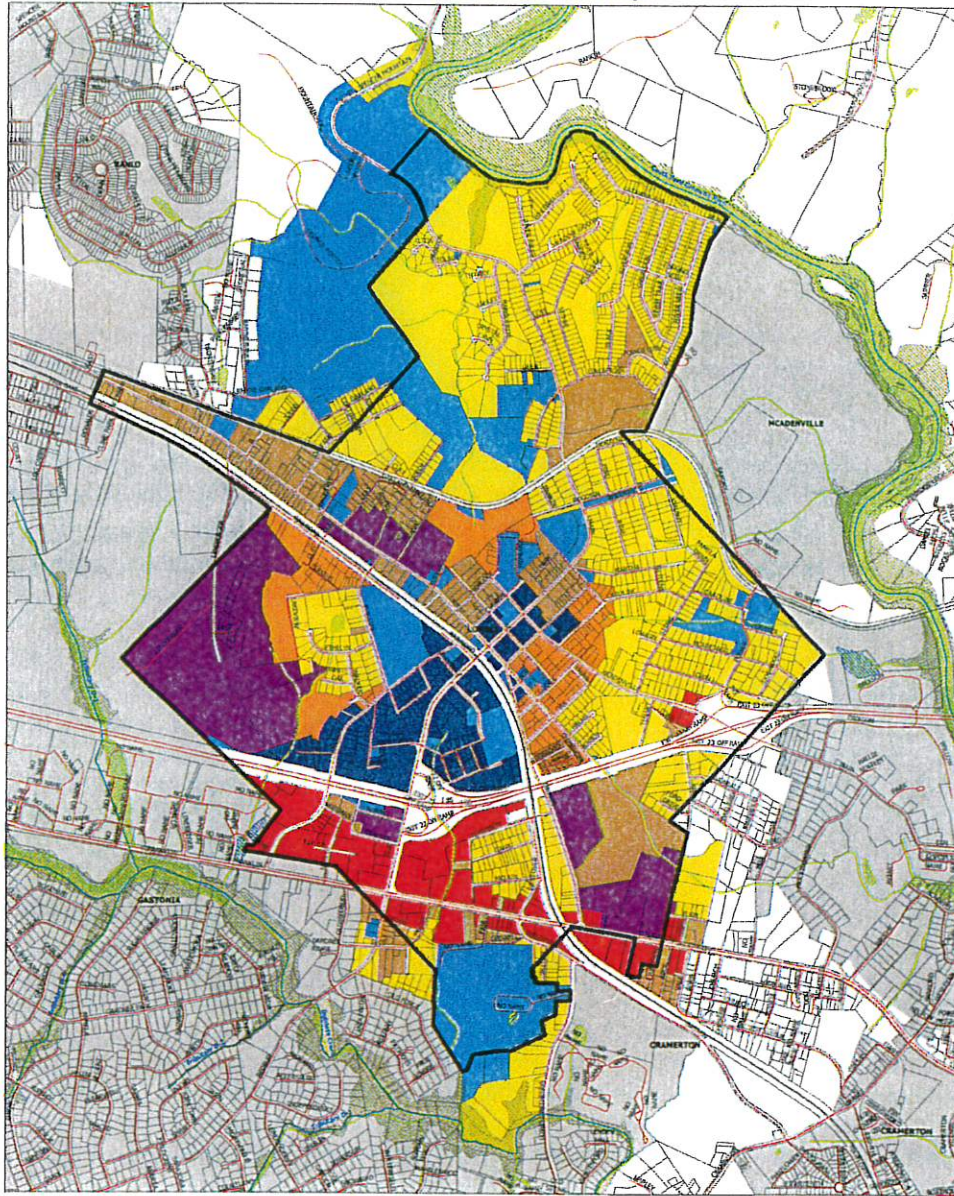
Heavy Industry Overlay District

The Heavy Industry Overlay District (HIO) is established to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations.

Mini Farm Overlay District

The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than one unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the City and is ETJ. Allowed building/lot type is Detached House.

Figure 1 *Future Land Use Map*



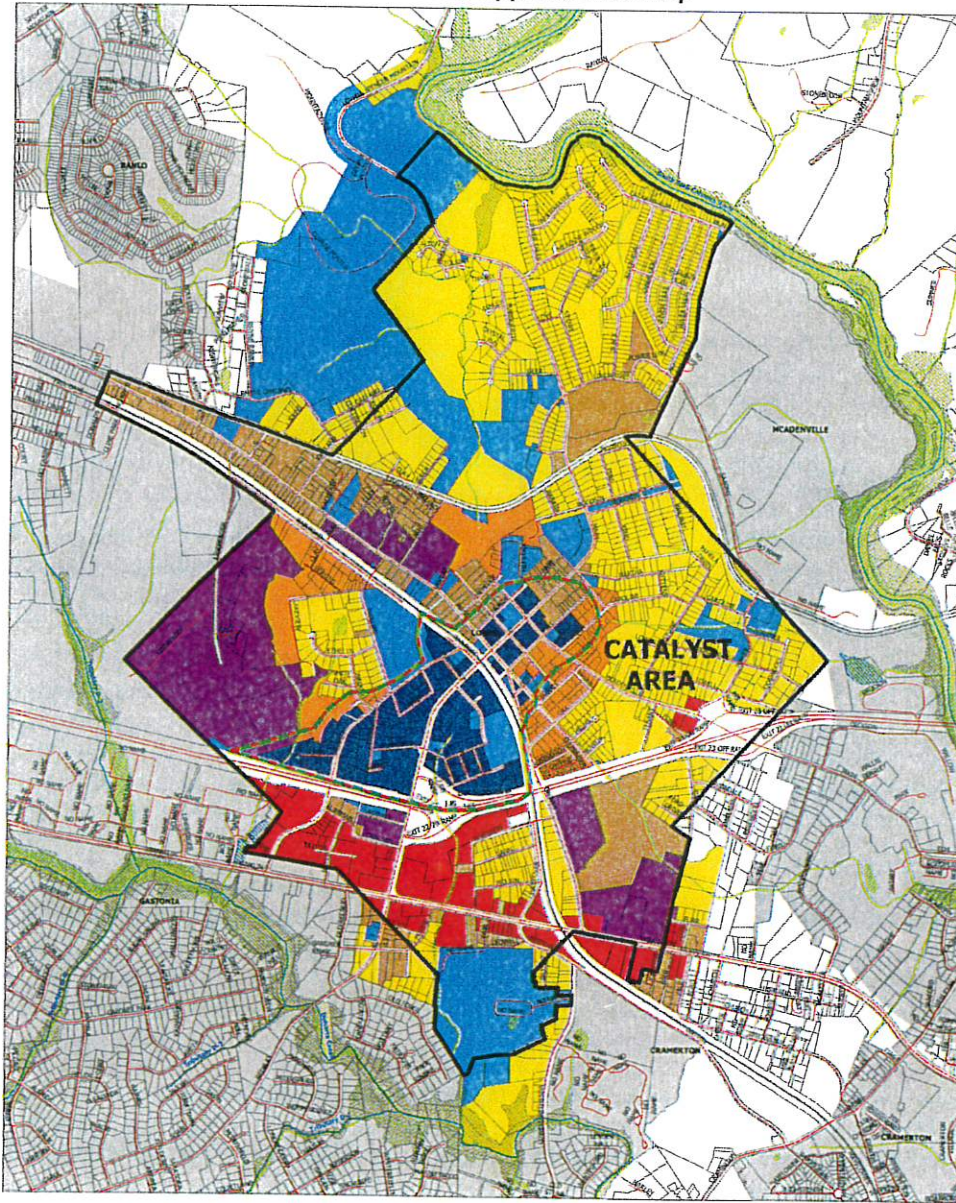
Future Land Use Map

Lowell, NC March 9, 2021 DRAFT

- | | |
|-------------------------------------|---------------------------|
| Roads | Rural |
| Railroads | Neighborhood |
| Centerlines of Streams / Rivers | Transitional Neighborhood |
| Water Bodies | Downtown Gateway |
| 2018 Flood Zone | Civic |
| Wetlands Identified by USFWS | Mixed Use |
| Lowell City Limit | Commercial |
| Surrounding Municipal Jurisdictions | Employment/Manufacturing |
| 2021 County Tax Parcels | |







Sources: Source of Wetlands Data: U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), October 1, 2020.
The source of the 2021 parcel data is Gaston County Planning GIS
Prepared by: N-Focus, Inc.


Figure 2 *Growth Opportunities Map*




Growth Opportunities Map

Lowell, NC March 9, 2021 DRAFT

-  Roads
-  Railroads
-  Centerlines of Streams / Rivers
-  Water Bodies
-  2018 Flood Zone
-  Wetlands Identified by USFWS
-  Lowell City Limit
-  Surrounding Municipal Jurisdictions
-  2021 County Tax Parcels
-  Catalyst Area - Downtown Gateway
-  Rural
-  Neighborhood
-  Transitional Neighborhood
-  Downtown Gateway
-  Civic
-  Mixed Use
-  Commercial
-  Employment/Manufacturing



N
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0 0.1 0.2 0.3 0.4 0.5 Miles

Sources: Source of Wetlands Data: U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), October 1, 2020.
The source of the 2021 parcel data is Gaston County Planning GIS

Prepared by: N-Focus, Inc.

City Plan 2040 - Comprehensive Land Use Plan
City of Lowell, NC



ORDINANCE NO. 5-2021

**An Ordinance for Adoption
of the
City of Lowell Comprehensive Land Use Plan**

WHEREAS, the City of Lowell City Council has called for the development of a comprehensive land use plan in accordance with G.S. 160D-501; *and*

WHEREAS, the City of Lowell City Council procured a consultant and directed the Planning Board to undertake such a planning process; *and*

WHEREAS, the City of Lowell Planning Board has, by vote of 5 yea and 0 nay, recommended the adoption of *City of Lowell Comprehensive Land Use Plan* in accordance with the procedures of G.S. 160D-501(c) and Article 6 of G.S. 160D; *and*

WHEREAS, a public legislative hearing was held on the 13th day of April, 2021; *and*

WHEREAS, the City of Lowell City Council continues in its commitment to the future of Lowell.

NOW, THEREFORE, BE IT ORDAINED, by the City of Lowell City Council to adopt *City of Lowell Comprehensive Land Use Plan* as the requisite plan for the City and to implement the foundational principles of the plan through strategic initiatives as deemed responsible and fiscally sound by this and future Boards.

Adopted this the 13th day of April, 2021.

Sandy Railey, Mayor

Beverly Harris, City Clerk

SEAL

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-B

DESCRIPTION: SCHEDULE PUBLIC HEARING REGARDING LOWELL
DEVELOPMENT ORDINANCE FOR MAY 11, 2021

Please see the attached memo from the Planning Director regarding this item.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: 4-6-21
Re: Schedule Public Hearing

Planning Department

Please schedule a public hearing during the April 13th, 2021 Lowell City Council meeting for May 11th to hold a public hearing regarding the adoption of the Lowell Development Ordinance (LDO).

The Lowell Planning Board has approved this ordinance and has recommended that the City Council adopt this plan to replace the existing UDO and to maintain compliance with General Statute 160D.

The adoption of the Lowell Development Ordinance must be accomplished by July 1, 2021 as required by the North Carolina General Assembly.

Copies of the plan will be prepared and presented to the Council during their regular meeting on April 13th as well as uploaded to the city-maintained website.

Public Notice will also be provided by an ad in the Gaston Gazette with a half page hearing notice and map (to come from N-Focus). This ad will run twice, on April 19th and April 30th. Rick Flowe is going to provide the template for this advertisement.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-C

DESCRIPTION: CONSIDERATION OF RESOLUTION APPOINTING A
REPRESENTATIVE TO THE GASTON COUNTY TASK FORCE
ON HOMELESSNESS IN GASTON COUNTY

Please see the attached memo regarding this item.



DATE: March 26, 2021
MEMO TO: Mayor and City Council
FROM: Scott Attaway, City Manager
SUBJECT: Consideration of Resolution Appointing a City Representative to the Gaston County Task Force on Homelessness in Gaston County

The Gaston County Board of Commissioners voted unanimously to establish a Task Force on Homelessness in Gaston County. The Task Force will consist of various community representatives, including a representative from every municipality in the County as they choose to participate. The municipal representative may be an elected official or senior staff member.

The Task Force will address concerns about homelessness in the County and produce a written report, which will include:

- An assessment of homeless in Gaston County, including demographics of the homeless population, and descriptions of associated challenges impacting those individuals;
- A compilation of efforts, initiatives, and services, addressing homelessness in Gaston County at the current time, including quantitative and/or qualitative descriptions of their progress;
- A summary of best practices from other communities and organizations, including successful strategies and tactics for addressing homelessness in Gaston County;
- Recommendations for action steps (or reinforcement of action steps already laid out through current efforts) to reduce homelessness in Gaston County, including actual or potential responsible parties and milestones.

The report will be complete and presented to the Board of Commissioners and the Board or Council of each city and town within the County by November 30, 2021.

Recommendation: Staff recommends appointing Councilmember Thomas Gillespie to the Gaston County Task Force on Homelessness in Gaston County.



**RESOLUTION APPROVING APPOINTMENT OF A
CITY REPRESENTATIVE TO THE GASTON COUNTY TASK FORCE ON
HOMELESSNESS IN GASTON COUNTY**

WHEREAS, the Social Security Administration identifies an individual as homeless if “he or she does not have a fixed, regular, and adequate nighttime residence” or if “they expect to lose current accommodations within 14 days, and will not have a fixed, regular, and adequate nighttime residence;” and

WHEREAS, there are more complicated definitions that name and describe categories of homelessness, including “chronic,” “episodic,” and “transitional”; and

WHEREAS, homelessness is inextricably linked with, and complicated by challenges of poverty, underlying health issues or disability, domestic violence, mental illness, drug abuse and addiction; and

WHEREAS, homelessness is a concern in Gaston County just as it is nationwide; and

WHEREAS, in order to better understand the extent and challenges of homelessness in Gaston County, to coordinate with ongoing efforts, and to develop or reinforce action steps to reduce homelessness, the Gaston County Board of Commissioners is creating the Intergovernmental and Interagency Task Force on Homelessness (the Task Force); and

WHEREAS, the Task Force membership is to include one representative of the elected board or council of each of the cities and towns in the County as they choose to participate; and,

WHEREAS, each city or town representative may be either an elected official or a senior staff member; and,

WHEREAS, it is the desire of the City Council of the City of Lowell that a representative from the City of Lowell participate in the Task Force;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lowell that Councilmember Thomas Gillespie shall represent the City of Lowell on the Gaston County Intergovernmental and Interagency Task Force on Homelessness.

THIS RESOLUTION adopted on the 13th day of April, 2021.

ATTEST:

Sandy Railey, Mayor

Beverly Harris, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-D

DESCRIPTION: CONSIDERATION OF AMENDMENT TO THE LOWELL CODE
OF ORDINANCES TITLE XI – ITENERANT MERCHANT
PERMIT/SOLICITATION POLICY

Please see the attached memo from Beverly Harris, City Clerk.

MEMO

DATE: March 23, 2021
MEMO TO: Scott Attaway
FROM: Beverly Harris
SUBJECT: ADDITION TO CODE OF ORDINANCE: Solicitation / Itinerant Merchant Permit

As you know, I am currently working on updating Lowell's Code of Ordinance. Attached is a draft package for Solicitation/Itinerant Merchant permit process. This would be an addition to Title XI: Business Regulations, as a new chapter titled "Chapter 115: Solicitors, Peddlers, and Itinerant Merchants".

Best practices from surrounding Gaston County municipalities have been incorporated as well as suggestions from Chief Bates.

As well as the new chapter to the Code of Ordinance, the application process would include the attached applicant overview letter, permit application, and a copy of the chapter from the ordinance. There would be a required \$25 permit fee per applicant.

Please submit to Council for consideration at the April 13 Council meeting.

Thank you!





TO: SOLICITATION PERMIT APPLICANT

RE: REQUIRED PERMIT TO SOLICIT WITHIN LOWELL CITY LIMITS

The City of Lowell regulates most forms of solicitation. The City of Lowell Code of Ordinances Title XI. Business Regulations, Chapter 115 regulates same. A copy of that Ordinance is attached to this letter. Prior to soliciting within the City of Lowell, a bond must be executed in favor of the City and a permit is required to be issued by the City Clerk.

In addition to the attached ordinance, you will find an application attached for a Solicitation Permit. Please complete the application in full and submit same to the Lowell City Hall, Attention: City Clerk, 101 W. First Street, Lowell, NC 28098. Email purposes: bharris@lowellnc.com

The City's Code Enforcement Officer and Chief of Police will be assigned to investigate the validity of the application. Once the investigation has been completed, the City Clerk will determine if the requirements of the Ordinance have been met and if so, will issue the permit to operate. You will be contacted about your permit within fourteen (14) business days of application submittal. The \$25 solicitation permit fee must be paid at the time of submission of the application and supporting documents to the City Clerk.

If you should have questions concerning the application process, please contact the City Clerk at 704-824-3518 (option 1).

Beverly Harris
City Clerk | Human Resource Officer



CITY OF LOWELL
 101 W. First Street, Lowell, NC 28098
 704-824-3518 | www.lowellnc.com

Permit No Assigned: _____

SOLICITATION PERMIT APPLICATION

I. Applicant Information Check here if applicant will actively participate in the solicitation.

Full Name		Home Address			
Mailing Address		Home Telephone Number		Mobile Telephone Number	
Email Address	Date of Birth	Sex	Race	Driver's License Number	State

II. Solicitation Information

Purpose for Solicitation (A copy of any and all catalogs, sales brochures, order forms and any other literature designed to be given to prospective clients must be attached.)

Type of Solicitation
 Telephone Door-to-Door Canvass Stationary Kiosk Electronic Mail Standard Mail Other:

Proposed Solicitation Start Date	Proposed Solicitation End Date	Proposed Solicitation Hours	Days of Week
----------------------------------	--------------------------------	-----------------------------	--------------

Outline Method to be Used for Solicitation

III. Additional Solicitor Info (Each solicitor, including applicant, must provide a valid gov. issued picture ID and a signed background waiver.)

Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth
Solicitor's Full Name	License (State & #)	Date of Birth

IV. Applicant Acknowledgement

Applicant acknowledges receipt of the City of Lowell Code of Ordinances Title XI: Business Regulations, Chapter 115: Solicitors, Peddlers, and Interant Merchants. Applicant understands and agrees that any permit issued pursuant to this application is issued upon the condition that all information provided is true and correct. Applicant acknowledges understanding of the City of Lowell Code of Ordinances Chapter 115. Applicant agrees that if the permit is granted that it will not be used in any way as an endorsement of the City of Lowell or any officer or employee thereof. As applicant, I acknowledge that I have voluntarily applied for a solicitor's permit with the City of Lowell. I hereby release and hold harmless, from any liability associated with the application of, investigation of, and issuance or denial of this permit, the City of Lowell, its agents, officers, and officials as well as any person, organization or company that provides information pursuant to this investigation.

Signature

Applicant's Signature (Signature must be Notarized on Page 2)	Applicant's Printed Name	Date of Signature
---	--------------------------	-------------------

VI. Notary Acknowledgement

I, _____, a Notary Public for _____ County, North Carolina,
do hereby certify that _____, personally appeared before me on this date and
acknowledged the due execution of the foregoing Instrument. Witness my hand and notarial seal, this the _____ day of
_____, 20____, Notary Public My Commission Expires: _____

[Notary Seal]

OFFICE USE ONLY APPLICATION STATUS OFFICE USE ONLY

Code Enforcement Officer:

All application information has been reviewed and: meets; does not meet the requirements.

Signature:	Title:	Date:
Comments:		

Chief of Police:

All application information has been reviewed and: meets; does not meet the requirements.

Signature:	Title:	Date:
Comments:		

City Clerk:

All application information has been reviewed and: the applicant fee has been paid; a bond in the amount of \$ _____
has been executed in favor of the City of Lowell; and all supporting documentation and copies are attached.

Signature:	Title:	Date:
Comments:		

APPLICATION APPROVED

APPLICATION DENIED

ADDITION TO:

TITLE XI: BUSINESS REGULATIONS

NEW CHAPTER:

CHAPTER 115: SOLICITORS, PEDDLERS, AND ITINERANT MERCHANTS

Section

115:01	Purpose
115:02	Definitions
115:03	Exemptions from provisions of this chapter
115: 04	Permit required
115:05	Application for permit
115:06	False statements prohibited
115:07	Bond required
115:08	Approval or denial of permit; term; renewal
115:09	Revocation of permit
115:10	Appeal
115:11	Transferability; duplicates of permits
115:12	Not to be represented as endorsement by city
115:13	Street solicitation prohibited
115:99	Penalty

§ 115:01 PURPOSE.

The purpose of this chapter is to prohibit solicitation, peddlers, and itinerant merchants at residences during the times when such activity is most intrusive and disruptive to citizens' privacy; to regulate the locations in which solicitation and peddling activity may occur to promote safety and minimize congestion; to regulate the manner in which any solicitation and peddling activity may occur to promote good order, protect citizens from aggressive and intimidating practices; and to require solicitors, peddlers, and itinerant merchants to obtain a permit from the city to aid in crime detection and deter deceptive practices and fraud.

§ 115:02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person assigned to administer the code of ordinances for the city.

AGENT(S). Any person carrying on the business for which a permit is sought or issued.

APPLICANT. The person applying for a permit.

COUNCIL. The City Council for the City of Lowell.

CITY CLERK. The City Clerk for the City of Lowell or his or her designee.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer for the City of Lowell or his or her designee.

CHIEF OF POLICE. The Chief of Police for the City of Lowell or his or her designee.

ITINERANT MERCHANTS. A merchant, other than a merchant with an established store, regularly open to the public or a licensed merchant with a regularly serviced supply route or location, who transports an inventory of new merchandise to a building, vacant lot, or other location and who, at that location, displays, sells, or offers to sell the new merchandise to the public.

PEDDLERS. Any person who transports goods from place to place and sells or offers for sale such goods, or who without traveling from place to place, sells or offers for sale any goods from any vehicle or device. Further, any person who separates the act of sale and delivery for the purpose of evading the provisions of this chapter shall be deemed, a peddler.

PERMIT. A certificate signed by the City Clerk and issued to any person giving notice that the person has complied with the permitting provisions of this chapter.

PERMITTEE. The person to whom a permit is issued.

PERSON. Any individual, promoter, agent, firm, association, partnership, corporation, joint venture, limited liability company or combination of individuals.

PROMOTER. Any person who promotes, manages, supervises, organizes or attempts to promote, manage, supervise or organize a campaign of solicitation.

SOLICIT.

(1) The request directly or indirectly of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable, patriotic, educational or philanthropic purpose, in any office or business building, by house-to-house canvass or in any other public or private place by telephone, personal interview, mail or otherwise.

(2) The words **SOLICIT** and **SOLICITATION** shall also mean and include the sale or offer to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not.

SOLICITATION. See **SOLICIT**.

CITY. The City of Lowell.

§ 115:03 EXEMPTIONS FROM PROVISIONS OF THIS CHAPTER

The following solicitations shall be exempt from the provisions of this chapter: bona fide charitable, educational, religious organizations and other non-profit organizations with eleemosynary purposes; except that, § 115:14 of this chapter shall apply to all solicitation without regard to purpose.

§ 115:04 PERMIT REQUIRED.

It shall be unlawful for any person, not exempted by § 115.03 of this chapter, to engage in solicitation or peddling within the corporate limits of the city, either directly or through an agent, without first obtaining a permit to do so from the City Clerk.

No person shall conduct any business within the City by solicitation or as an itinerant merchant or peddler unless:

- (1) Such activity occurs between the hours of 9:00 a.m. and 5:00 p.m. Monday-Friday. Such activity on Saturday and Sunday is prohibited.
- (2) The solicitation permit is carried at all times by the permittee when engaged in the activity and is displayed when requesting by any police officer or person solicited.

- (3) All other permits or licenses required by law have been obtained.
- (4) Nothing herein shall prevent a property owner, Homeowners Association or other similar organization from posting their privately-owned property to prevent peddling and solicitation. Such posting shall be given full force and effect and shall supersede the application of this article as to the subject property so posted.

§ 115:05 APPLICATION FOR PERMIT.

(A) An application for a permit required by this chapter shall be filed with the city a minimum of 30 days prior to the desired solicitation start date.

(B) The application shall be made in writing on a form furnished by the city and shall include:

(1) The full and legal name of the applicant, contact information of the applicant and a photocopy of a government issued picture identification of the applicant;

(2) The name of any business(es) represented by the applicant and the business(es) address(es) as well as the name of the business(es) principal officers and all promoters connected or to be connected with the proposed solicitation;

(3) The purposes for which such solicitation is to be made and the use or disposition to be made of any receipts there from. This shall include copies of any and all catalogs, sales brochures, order forms and any other literature designed to be given to prospective clients;

(4) The names, addresses and photocopies of a government issued picture identification of any and all of the applicant's agents who will be conducting solicitations;

(5) An outline of the method to be used in conducting the solicitations;

(6) The days and hours when such solicitations shall be made, including the proposed dates for the beginning and ending of such solicitations. Solicitations are not allowed after 5:00 p.m. and before 9:00 a.m. Monday-Friday;

(7) A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city, the governing body of the city or any officer or employee thereof; and

(8) Such other information as may be reasonably required by the City Clerk for the public interest, safety or for the protection and safety of potential clients and person(s) conducting the solicitation.

(C) At the time an application is submitted to the city, the applicant shall pay a non-refundable fee of \$25 to defray the cost of processing the application. If a permit is issued, the applicant shall pay an additional fee of \$1 for each duplicate of the permit that is required pursuant to this chapter.

(D) The permit application and any other documentation required to accompany the permit application shall not be subject to public inspection; however, any issued permit shall be considered a public record.

§ 115:06 FALSE STATEMENTS PROHIBITED.

It shall be a violation of this chapter for any person to knowingly file or cause to be filed an application containing one or more false statements.

§ 115:07 BOND REQUIRED.

Before any permit is issued under this chapter, the applicant must file with the City Clerk, a bond executed in favor of the city by a corporate surety licensed under the laws of the state to execute bonds, in an amount no less than \$2,000, conditioned that the applicant will, for a period of 12 months, refund all money paid by a purchaser of goods or services

if the goods or services are not delivered or provided in accordance with the terms of the contract of purchase, whether the contract be oral or written; and refund all money paid by a purchaser if the goods or services purchased are not of the kind and quality promised by the person in the contract of purchase, whether the contract be oral or written.

§ 115:09 APPROVAL OR DENIAL OF PERMIT; TERM; RENEWAL.

(A) When an application for a permit is filed, the applicant is authorizing the City Clerk's agent(s) to make any such investigation as he or she deems necessary to ascertain whether the provisions of this chapter have been complied with. The City Clerk shall notify the applicant of the decision to approve or deny the permit.

(B) If the City Clerk determines that the application is accurate, complete, in compliance and the applicant's character and business responsibility are consistent with the requirements of this chapter, a solicitation permit will be issued.

(C) If the City Clerk determines that the application should be denied, he or she shall notify the applicant in writing of the decision. The notification shall state the reason(s) for denial and shall inform the applicant of the right of appeal as set forth in this chapter. An application shall be denied for any of the following reasons:

(1) The application is incomplete;

(2) The application fee has not been paid;

(3) The application contains false statement(s);

(4) There is reasonable justification to believe that the money or other items being solicited will not be applied for the purpose(s) stated in the application;

(5) The applicant, promoter or any of their agents are registered sexual offenders or have been convicted of any crime involving moral turpitude, robbery, breaking and entering, fraud or any crime arising or resulting from or otherwise connected to solicitation activities, within the three-year period immediately preceding the application date; and/or

(6) The applicant, promoter or any of his, her or their agents have failed to fully comply with any provision of this chapter.

§ 115:10 REVOCATION OF PERMIT.

(A) The City Clerk may revoke a permit for any of the reasons sufficient for denying an application for a permit, pursuant to § 115.09(C) of this chapter.

(B) Any law enforcement officer, with competent jurisdiction, may temporarily revoke a permit upon reasonable suspicion that the permittee, promoter or any of their agents have violated any of the provisions of this chapter and/or have violated state law or any other local ordinance while conducting solicitation activities pursuant to this chapter.

(C) Upon revocation, the City Clerk shall notify the permittee in writing of the decision to revoke the issued permit. The notification shall state the reason(s) for revocation and shall inform the person of the right of appeal as set forth in this chapter.

(D) Revocation of a permit shall become effective immediately upon receipt of notification; except that, revocation pursuant to division (B) above shall become effective immediately upon verbal notification by said law enforcement officer. If an appeal is requested, no person shall conduct solicitations pending determination of the appeal.

(E) The City Clerk may reinstate a revoked permit if the reason(s) for revocation is/are corrected to his or her reasonable satisfaction.

§ 115:11 APPEAL.

(A) Within five days from any notice of revocation of an existing permit or denial of a permit, the permittee or applicant may appeal by submitting a written request to the Administrator for a hearing. The Administrator shall hear an appeal at the earliest time practicable. Due notice of the date and time of the hearing shall be given to the appellant.

(B) The Administrator may reverse or affirm the order or decision of the City Clerk. The decision of the Administrator shall become final.

§ 115:12 TRANSFERABILITY; DUPLICATES OF PERMITS.

(A) Any permit approved and issued under this chapter shall be nontransferable; provided, however, this shall not prevent any person obtaining a permit from using any number of agents as shall be reported to and approved by the City Clerk in the application process; provided further, the person shall be required to provide each such agent(s), making solicitations, with a certified duplicate of the permit, which shall be carried by such agent(s) at all times during which solicitations are being made.

(B) For purposes of division (A) above, a **CERTIFIED DUPLICATE** shall be defined as a photocopy of the permit which also has on its face an original signature of the City Clerk and an original imprint of the city seal.

(C) It shall be unlawful for any person(s), promoter(s) or agent(s) to solicit without having in his or her immediate possession a permit to solicit or a certified duplicate thereof, plus a valid form of identification, or to refuse to show such permit, certified duplicate or identification to a law enforcement officer, with competent jurisdiction, when requested to do so by such officer.

§ 115:13 NOT TO BE REPRESENTED AS ENDORSEMENTS BY CITY.

It shall be unlawful for any permittee, promoter or his, her or their agent(s) to advertise, represent or hold out in any manner that the permit required by this chapter is an endorsement of the holder thereof by the city; provided, it shall be lawful for a permittee to use, advertise or hold out the fact of his or her permit in the following words and no others: "City of Lowell Solicitations Permit No. __," including in the blank space the issued serial number of the permit.

§ 115:14 STREET SOLICITATION PROHIBITED.

It shall be unlawful for any person to stand upon, adjacent to or enter into any highway or public street for the purpose of soliciting employment, to sell any service, article, tag, ticket, emblem, publication, insurance, advertisement, subscription or other thing, whether of value or not, and/or to request or collect contributions from the occupant of any vehicle or any pedestrian.

§ 115:99 PENALTY.

A violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4 and/or § 10.99 of this code of ordinances.