

MINUTES

Lowell City Council
Regular Meeting

Tuesday, August 10, 2021, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 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. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. Members of the public were also present.

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 amended the agenda by adding item XIII-I (Petition to Annex Contiguous Property).

Councilmember Funderburk made a motion to adopt the amended agenda as presented, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

There were public comments.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held July 13, 2021

Councilmembers Robinson and Gillespie stated they will sustain from voting due to an absence from the July 13, 2021 meeting.

Councilmember Ervin made a motion to approve the minutes from the July 13, 2021 Council meeting, followed by a second from Councilmember Funderburk. The vote was three in favor with two sustained from voting. The motion passes with the majority being in favor.

VI. SPECIAL PRESENTATION

A. Proclamation of Appreciation of Former Extra Territorial Jurisdiction Member of the Lowell Planning Board/Board of Adjustment Bill Stegall

Scott Attaway thanked Bill Stegall for his public service.

VII. UNFINISHED BUSINESS

A. Public Hearing for August 10, 2021 Regarding Rezoning Case #RZ21-01

Councilmember Funderburk made a motion to go into Public Hearing regarding rezoning case #RZ21-01, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

Alex Blackburn stated on July 6, 2021 the City of Lowell Planning Board met to consider 5 properties on Oakland Drive (260, 300, 400, 506 and 518) being brought before the board for consideration of rezoning. Mr. Blackburn stated as a result of the new Lowell Development Ordinance, the properties were rezoned from General Industrial (I-2) to Single Family Residential-4 (SFR-4) to coincide with the Comprehensive Land Use Plan. The above-mentioned properties are now requesting to be rezoned back to Industrial (IND).

Mr. Blackburn stated the Planning Board voted in a 3-1 majority to recommend to the Lowell City Council the requested rezoning of the properties from SFR-4 to IND be approved. Mr. Blackburn stated in preparation for the Public Hearing staff has mailed notices to property owners abutting and those parcels requesting rezoning and two ads were prepared and published on July 29, 2021 and August 5, 2021. Notification signs were also placed on the properties requesting to be rezoned on the morning of July 29th. In addition, a neighborhood meeting was scheduled for Monday, August 9, 2021 at 10:00 am in the City Hall Council Chambers.

Public Comments:

The Clerk swore in everyone wishing to speak during the public comments section.

Rick Bournique: Mr. Bournique stated he would have liked to be part of the rezoning planning process before it happened because it has lowered the value of his property significantly. Asked Council to consider rezoning back to industrial from residential.

Tommy Knight: Mr. Knight stated the road is not big enough for industrial traffic and had concern for traffic and the endangerment of children playing in the neighborhood.

Larry Simonds: Mr. Simonds stated the city had originally planned for George Poston Park access through Oakland Rd.

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

Councilmember Funderburk made a motion to approve rezoning of PID #'s 127183, 127178, 127181, 220489, 220488 from SFR-4 back to IND. While the proposed rezoning is inconsistent with the City of Lowell 2040 Comprehensive Land Use Plan, the current uses of the properties are consistent with the Industrial zoning district as outlined in the Lowell Development Ordinance. Prior to the adoption on the Lowell Development Ordinance, the five (5) properties were designated I-2 zoning district. By amending the Lowell Development Ordinance, the Official Zoning Map and the City of Lowell Comprehensive Land Use Plan this will allow greater marketability to the property owners. Rezoning to Industrial will also allow for the landscaping and buffering components required for installation. Therefore, with recommendation by the City of Lowell Planning Board, the City Council for the City of Lowell considers an affirmative vote to be reasonable. Councilmember Ervin seconded the motion. The vote was unanimously in favor.

B. Public Hearing for August 10, 2021 Regarding Rezoning Case #RZ21-02

The City Clerk swore in everyone wishing to speak during the public hearing.

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

Alex Blackburn stated on July 6, 2021 the City of Lowell Planning Board met to consider the rezoning of a 25.75-acre property at Parcel ID #216857. The property is currently distinguished as Single Family Residential-4 (SFR-4) and is requesting a change to Industrial (IND). Mr. Blackburn stated the Planning Board voted unanimously to recommend approval of the rezoning to the City Council.

Mr. Blackburn stated in preparation for the hearing, staff mailed public notices to property owners abutting and those parcels requesting rezoning; two ads were published July 29, 2021 and August 5, 2021; notification signs were placed on the properties requesting rezoning on the morning of July 29th. A neighborhood meeting was scheduled for Friday, August 6, 2021 at 6:00 pm.

Public Comments:

Michael Johnson (NorthPoint) gave a presentation to Council and the public. He answered questions regarding truck traffic leaving the development. He stated the truck traffic will be directed back towards Gastonia, not Lowell.

Councilmember Funderburk asked how many jobs this would bring to Lowell. The applicant estimated a little over 1000 jobs.

Charles Lowery asked if the developers were going to cross the creek behind his house onto his property and the applicant stated no.

Russell Snyder asked about the secondary egress and the applicant confirmed it will be across the existing Old Lineberger Road.

Joan Wright inquired about White Oak Drive. The applicant confirmed there are no plans to utilize White Oak Drive for traffic.

Tony Wheeler inquired about Walker Drive. The applicant confirmed there are no plans to utilize Walker Drive for traffic.

Councilmember Robinson asked what in the future would prevent the developer bringing traffic onto White Oak or Walker Drive. Scott Attaway stated any matters of that nature would come back before Council for further approval due to those being City streets.

Mike Gault inquired about the amount of buffer to be left at White Oak Drive.

Don Elliott inquired about the right-of-way beside his house and also asked why the developer showed interest in buying his property.

Ronnie Worley (Gaston County Commissioner) spoke in favor of the development. Mr. Worley stated this would be the largest industrial park in the County and it will bring \$300 million dollars to the county tax base. It will create hundreds of jobs and it will provide new revenue to Lowell's budget. He further stated the City will be able to fund local events and fund the town from this revenue. He asked Council to consider these points and how important it will be to Lowell as well as the County.

Steve Avery (GBA) spoke in support of the economic boost this development will give to the County.

Donnie Hicks spoke in favor of the development. Mr. Hicks stated this will be a great asset for Lowell.

Councilmember Robinson asked the applicant to show Council exactly where the building will sit on the property and inquired about the size of the building.

Paul Mitchem stated he was in favor of the property being rezoned back to industrial.

Councilmember Gillespie asked if the developer could give Council a guarantee for not crossing the creek near properties on Church Street. Scott Attaway stated in general rezoning there can't be any conditions.

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

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

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

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

VIII. NEW BUSINESS

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

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

(See Attached Amendment #1)

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

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

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

available in the Mixed use (MU-1 and MU-2) Districts as well as the US 74 Commercial (C-74) and I-85 Commercial (C-85) Districts. However, it would create several nonconformities as there are a relatively elevated number of these uses currently found within the Main Street (MS) zoning district. Mr. Blackburn stated the Planning Board voted 3-1 against the proposed text amendment to the Lowell Development Ordinance. Staff requested a public hearing be scheduled at their September 14, 2021 meeting.

Councilmember Funderburk made a motion to set public hearing for September 14, 2021 for consideration of text amendment to Lowell Development Ordinance Article 8, Table 8.1 regarding beauty shops and barber shops, followed by a second from Councilmember Robinson. The vote was four in favor (Bonham, Ervin, Funderburk, Robinson) and one opposed (Gillespie). The motion carries with the majority being in favor.

C. Set Public Hearing for Consideration of Text Amendment to Lowell Development Ordinance Article 19, Section 14 and Section 21 – To add reference to NC DOT Manual Regarding Construction Standards

Alex Blackburn stated the City of Lowell Planning Board considered a request for a text amendment to the Lowell Development Ordinance to add reference to the NC Department of Transportation Subdivision Roads Minimum Construction Standards. The Planning Board voted unanimously to approve the amended text to the City Council for approval.

(See Attached Amendment #2)

Councilmember Funderburk made a motion to set public hearing for September 14, 2021 for consideration of text amendment to Lowell Development Ordinance Article 19, Section 14 and Section 21 – to add reference to NC DOT manual regarding construction standards, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

D. Consideration Adoption of the City of Lowell Utility Extension Policy

Scott Attaway presented the City of Lowell Utility Extension Policy to Council for consideration. He stated the purpose of the policy was to establish the provision of water distribution and sewer collection services to serve the corporate limits of the City of Lowell and incorporate by extension additional areas outside the corporate limits which may be advantageous for annexation into the City of Lowell, North Carolina.

Councilmember Ervin made a motion to adopt the City of Lowell Utility Extension Policy with revisions noted by the City Attorney, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

E. River Falls Subdivision (Phase 3) Bond Release – True Homes

Scott Attaway stated True Homes has requested the City of Lowell to remove the final bond of \$65,000 from River Falls Phase 3. The City's engineer, LaBella, has verified that all requirements have been met by the developer and the City may release the bond.

Councilmember Ervin made a motion to approve the River Falls Subdivision (Phase 3) Bond Release, followed by a second from Councilmember Robinson. The vote was unanimously in favor.

F. Consideration of Installment Finance Proposals for 3 Police Cars and related equipment

Scott Attaway stated the FY2022 budget included \$120,000 capital items of 3 police cruisers and the related equipment for those vehicles. A request for proposals was advertised in the Gaston Gazette and posted on the city's website. Sealed bids were due at City Hall on August 9, 2021 at 12:00 pm and bids to be read publicly at 2:00 pm the same day.

Bids were received from United Financial and First Horizon.

Mr. Attaway stated those bids were tabulated and staff recommends accepting the bid from United Financial for \$120,000 at 1.49% for 5 years.

Councilmember Ervin made a motion to award Bid #1 from United Financial for the loan amount of \$120,000 at 1.49% for 5 years, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

G. Discussion of FY 2020/21 Interdepartmental Transfers

Jared Pyles stated finance has made lateral inter-fund transfers within the General Fund from the Public Works, Parks & Recreation, and Stormwater Departments to the Administration Department for Fiscal Year Ending June 30, 2021. The transfer from each department totals no more than 10% of the allocated budget for that department for the fiscal year.

H. Consideration of 2021 Paving Schedule

Scott Attaway stated staff has evaluated and identified city streets that they believe are due to rehabilitation and resurfacing. He stated in 2020-2021, the City of Lowell resurfaced seven of the streets listed on the 2019 paving list. The completed project cost was \$121,514.00.

Mr. Attaway stated staff recommends to resurface six more streets from the list in 2021-2022. They are as follows: Phillips Street, Walnut Street, Reid Street (portion), River Falls Drive (portion), Costner Street, and Rogosin Blvd. Mr. Attaway stated the 2021-2022 estimated cost for these projects would be \$145,200.

Thomas Shrewsbury gave more information on the paving schedule.

Councilmember Ervin made a motion to approve the FY2021-22 paving schedule as presented for \$145,200, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

I. Petition to Annex Contiguous Property

Scott Attaway presented an application from the City Clerk regarding a Petition Filed from Belmont Land & Investment regarding annexation of property parcel #136564 and #202774.

(SEE ATTACHED ANNEXATION PETITION)

Councilmember Bonham made a motion to approve Resolution #RS9-2021 Directing the Clerk to investigate an annexation petition pursuant to Article 4A of G.S. 160A governing contiguous annexation, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

The City Clerk, Beverly Harris, presented Council with the completed Certification of Sufficiency of Petition of Annexation.

(SEE ATTACHED CERTIFICATION OF SUFFICIENCY OF PETITION OF ANNEXATION)

Councilmember Funderburk made a motion to approve Resolution #RS10-2021 fixing the date of public hearing on question of annexation petition pursuant to Article 4A of G.S. 160A governing contiguous annexations, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

IX. STAFF REPORTS

A. Public Works Report

Scott Attaway and Thomas Shrewsbury covered the public works report. (ATTACHED)

Thomas Shrewsbury also gave an update on extending Christmas decorations down McAdenville Road towards Hardees. He stated the pricing received would be \$26,000 in material and labor.

B. Police Department Report

Scott Attaway covered the police department report. (ATTACHED)

Chief Bates also gave an update on the Ring System.

C. Planning Department Report

Scott Attaway and Alex Blackburn covered the planning department report. (ATTACHED)

Alex Blackburn also gave an update on staff participation at River Fest in Belmont.

D. Parks and Recreation Report

Cristy Cummings presented the Parks & Recreation report. (ATTACHED)

E. Fire Department Report

Scott Attaway presented the Fire Department report. (ATTACHED)

F. Finance Officer Report

Jared Pyles presented the monthly financial report. (ATTACHED)

X. CITY ATTORNEY REPORT

John Russell did not have anything new to report.

XI. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- Montcross Chamber Emerge Update
- ARP Funding Award summary received (\$592,139.85 - 1st tranche)
- Rotary Club
- GBA
- Bulk pickup date change because of Labor Day

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Funderburk inquired about flooding on Rogosin Blvd with Public Works. Councilmember Gillespie asked Public Works to look into making repairs in front of 200 S. Main St. He also thanked Ed Jackson for his positive comments about city staff. Mayor Railey thanked everyone for their participation in the meeting.

XIII. CLOSED SESSION

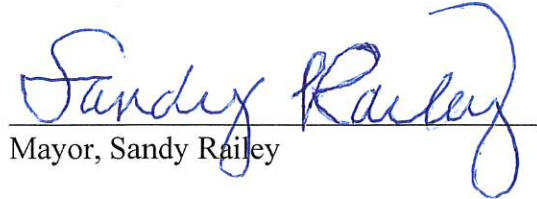
A motion was made at 9:00 pm by Councilmember Ervin to go into Closed Session in accordance with provisions of NCGS 143-318.11(a)(5) to discuss the acquisition of real property, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

The Council reconvened from Closed Session at 9:15 pm.

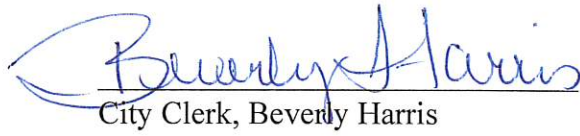
XIV. ADJOURN

Councilmember Bonham made a motion to adjourn the meeting, followed by a second from Councilmember Robinson. The vote was unanimously in favor. The meeting ended at 9:15 pm.

ATTEST:



Mayor, Sandy Railey



City Clerk, Beverly Harris

(Amendment #1)

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

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

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

The Planning Board shall consist of eight members. Five members shall be citizens and residents of the city, and shall be appointed by the City Council; three members shall be citizens of Gaston County who reside outside the city but within the extraterritorial jurisdiction of the city as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. § 160A-360(b), and shall be appointed by the Board of Commissioners of the county. The members of the Planning Board shall serve for terms of three years. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Planning Board is to be considered a prerequisite to continued membership, and the City Council may remove and replace any member continually delinquent in his or her duty to attend.

(1995 Code, § 2-29)

The proposed change would be to mirror the wording found in the **Lowell Development Ordinance Article 4.2-2:**

Membership by Appointment. The Planning Board shall consist of **seven (7) members**, who shall reside within the City Limits. Members shall be appointed by the City Council in accordance with G.S.160D-310. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment three (3) members shall be appointed for a three (3) year term, two (2) members shall be appointed for a two (2) year term, and two (2) members shall be appointed for a one (1) year term.

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

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

Membership by Appointment. The Board of Adjustment shall consist of five (5) members, who shall reside within the City Limits. Members shall be appointed by the City Council in accordance with G.S.160D-310. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments.

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

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

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

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

(Amendment #2)

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: August 4, 2021
Re: Proposed Text Amendment to the Lowell Development Ordinance, Article 19

Scott, the City of Lowell Planning Board considered a request for a text amendment to the Lowell Development Ordinance to add reference to the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards. The Planning Board voted unanimously to approve the amended text to the City Council for approval.

The reference would be added in Article 19, Section 14, and Section 21. To include the wording displayed below in red.

Section 14: Stormwater Design Manual (amended September , 2021)

The City of Lowell's Planning and Development Services Department may furnish additional guidance and standards for the proper implementation of the regulations of this article and may provide such information in the form of a Stormwater Design Manual. Stormwater management practices that are designed, constructed, or maintained in accord with the Stormwater Design Manual must be presumed to comply with these regulations. However, the Stormwater Administrator shall have the right to consult other engineers and duly qualified professionals, and to impose any conditions or require any modifications deemed necessary to meet the purpose, intent and requirements of this ordinance. **In the absence of a Stormwater Design Manual standards and specifications set forth in the NCDOT Subdivision Roads Minimum Construction Standards, specifically Section I - Construction Standards, Subsection I-A - Drainage and structures to meet Subsection I-B Structures (Bridges, Culverts, Dams and Retaining Walls) shall apply.**

Section 21: Original Effective Date and Incorporation into Lowell Development Ordinance

This Article was previously adopted as the Stormwater Ordinance for the City of Lowell, North Carolina and made effective on the 1st day of July 2007. No content has been changed or modified as part of incorporating the material content of this previously adopted ordinance known hereafter as **Article 19 of the Lowell Development Ordinance** except for the reference to the NCDOT manual in Section 14.

I am requesting the City Council during their regular scheduled meeting on August 10th, 2021 to schedule a Public Hearing on the text amendment for September 14th, 2021.

City of Lowell
101 W. First Street
Lowell, North Carolina 28098



(Annexation Petition)

Phone: 704-824-3518
www.lowellnc.com

PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: August 9, 2021

To the City Council of the City of Lowell;

1. The undersigned owner of real property hereby petition for annexation to the City of Lowell of that area described on the Gaston County Tax map as Parcels **202774 and 136564**, and the boundaries of the property are described in the vesting deeds attached hereto as Exhibit A.

2. The area to be annexed is contiguous to the City of Lowell.

Property Owner Name	Property Owner Address	Signature
Belmont Land and Investment Company, LLC	100 Main Street McAdenville, NC 28101	<i>William P. Carstarphen</i>

WARNING: THE TITLE TO THE SUBJECT PROPERTY CANNOT BE TRANSFERRED PRIOR TO THE COMPLETION OF THE ANNEXATION PROCESS (which is the Annexation Order adopted by the City Council) OR THE PROCEDURE WILL HAVE TO BE DONE OVER FROM THE BEGINNING.

BELMONT LAND AND INVESTMENT COMPANY, LLC

By: *William P. Carstarphen*
William P. Carstarphen, President

Phone Number: 704-823-2211

E-mail: bill.carstarphen@pharrusa.com

Exhibit A
Vesting Deeds Describing Real Property
[attached]

NORTH CAROLINA
GASTON COUNTY.

70 release - see Rk. 850-Pg. 598-

(A)
(Parcel # 202774)

THIS DEED, made this 7 day of Aug. 1945, by Mrs. Alice J. McAden and husband, Henry M. McAden, of Mecklenburg County and State of North Carolina, of the first part, to Belmont Land and Investment Company, of Gaston County and State of North Carolina, of the second part:

WITNESSETH, That said parties of the first part, in consideration of FORTY THOUSAND AND 10/100 DOLLARS (\$40,000.00), to them paid by party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey to said party of the second part, its successors and assigns, those certain tracts or parcels of land in Southpoint Township, Gaston County, North Carolina, and bounded as follows, viz:

✓ FIRST TRACT: Those three certain tracts of land containing together about 173.75 acres, as described in that certain deed from Edward H. Coates, Trustee, to Henry M. McAden, dated May 18, 1895, and duly recorded in Office of the Register of Deeds for Gaston County in Book 29 at Pages 239 et seq., to which reference is hereby made, and reference being also made to the deed from Henry M. McAden to John H. McAden, which is recorded in Book 44 at Page 385, et seq., in said Register's Office, the deed from Sallie J. McAden and others, recorded in Book 79, Pages 125 et seq., in said Registry, the deed from Joel J. McAden to Henry M. McAden, recorded in Book 94, Pages 308 et seq., in said Registry, and reference being further made to a certain deed from B. R. Smith and wife to Henry M. McAden, recorded in Book 23, pages 243 et seq., in said Registry;

✓ SECOND TRACT: That certain tract of land containing about sixty (60) acres, as described in that certain deed from D. W. Mitchem and wife, to H. M. McAden, dated September 28, 1896, and recorded in said Registry in Book 30, Page 219, to which reference is hereby made, reference being also made to the deed from Henry M. McAden to John H. McAden, recorded in Book 44 at Page 385 in Registry as aforesaid, the deed from Sallie J. McAden et al to Henry M. McAden, recorded in Book 79, Page 125 in said Registry as aforesaid, and the deed from Joel J. McAden to Henry M. McAden, recorded in Book 94, Page 308 in said Registry as aforesaid;

✓ THIRD TRACT: Those two certain tracts of land containing together about 249.25 acres, described in that certain deed from A. C. Lineberger and wife to Henry M. McAden, dated April 4, 1900, and recorded in Book 40, Page 575 et seq., in said Registry, to which reference is hereby made;

✓ FOURTH TRACT: Those three certain tracts of land containing 371.94 acres, more or less, as described in that certain deed D. W. Mitchem and wife to Henry M. McAden, dated April 10, 1925, and duly recorded in said Registry in Book 199, Page 118, to which reference is hereby made;

✓ FIFTH TRACT: That certain tract of land containing 15.6 acres, more or less, as described in that certain deed from D. W. Mitchem and wife to Henry M. McAden, dated April 23, 1923, and recorded in Book 172, Page 75, in said Registry;

SIXTH TRACT: That certain tract of land containing about 6.85 acres, more or less, as described in that certain deed from D. W. Mitchem and wife to Henry M. McAden, dated June 30, 1923, and recorded in Book 172, Page 396 in said Registry, to which reference is hereby made;

SEVENTH TRACT: All those certain water rights and other rights and easements which were granted and conveyed to Henry M. McAden by D. W. Mitchem and wife by two deeds, one dated August 1, 1922, and recorded in Book 94, Page 85 in said Registry, and the other dated March 24, 1925, and duly recorded in Book 190, Page 598 in said Registry, to which deeds reference is hereby made;

EIGHTH TRACT: All those certain water rights and other rights and easements which were reserved unto the said Henry M. McAden, his heirs and assigns, under and by the terms of that certain deed from the said Henry M. McAden and wife to D. W. Mitchem, dated April 10, 1925, and recorded in Book 199, Pages 120 et seq., in said Registry, to which reference is hereby made for a particular description of the said water rights, other rights and easements.

Excepting, however, such parts, if any, of the several tracts or parcels of land above described and referred to as have heretofore been conveyed by the said Henry M. McAden by the following deeds recorded in said Registry, to wit: (1) Deed to Art Cloth Mills, recorded in Book 172, Page 76, purporting to convey a tract of land containing 16 acres, more or less; (2) Deed to D. W. Mitchem, recorded in Book 172, Page 381, conveying a tract containing 5151 acres, more or less; and (3) Deed to the Town of Lowell, recorded in Book 190, Page 381, conveying a 40 foot street.

This conveyance, however, is made subject to the several grants or rights of way and easements made by the said Henry M. McAden as follows and so far as they relate to or affect any of the lands above described and referred to, to-wit: (1) Grant to Piedmont Traction Company, recorded in Book 83, Page 154 in said Registry (2) Grant to Southern Power Company, by deed recorded in Book 154, Page 537 in said Registry; (3) Deed to Southern Power Company, recorded in Book 154, Page 538 in said Registry; (4) deed to Southern Power Company, recorded in Book 154, Page 539 in said Registry; (5) deed to Southern Power Company, recorded in Book 199, Page 123, in said Registry; (6) Deed to Duke Power Company, recorded in Book 343, Page 81 in said Registry; and (7) Deed from Henry M. McAden and others to Plantation Pipe Line Company, recorded in Book 406 at Page 302 in said Registry, to all of which instruments reference is hereby made.

And is in all respects the same property conveyed by G. O. Robinson, Sheriff Gaston County, to Mrs. Alice J. McAden, on October 9, 1942, deed for which is recorded in Book 432 at Page 223 Office Register of Deeds for Gaston County.

It is the intent and purpose of the parties of the first part to convey to the party of the second part, all of their right, title and interest in and to all of the real estate which they, or either of them, own in Gaston County, North Carolina, and by this instrument they do hereby so convey absolutely to the party of the second part all real estate, easements, water rights or other real property located within the bounds of Gaston County, North Carolina, regardless of whether the same is otherwise referred to or described in this instrument.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land, and all privileges and appurtenances thereto belonging, to the said party of the second part, its successors and assigns, to their only use and behoof forever.

And the said parties of the first part, for themselves and their heirs, executors and administrators, covenant with said party of the second part, its successors and assigns, that they are seized of said premises in fee and have right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do here- by forever warrant and will forever defend the said title to the same against the claims of all persons whatsoever.

IN TESTIMONY WHEREOF, the said Mrs. Alice J. McAden and husband, Henry M. McAden, have hereunto set their hands and seals, this the day and year first above written.

Mrs. Alice J. McAden (Seal)

Henry M. McAden (Seal)

Gora S. Long
August 7, 1945
My commission expires October 13th, 1945 (N. P. Seal)

NORTH CAROLINA
MECKLENBURG COUNTY.

I, Gora S. Long, Notary Public, do hereby certify that Henry M. McAden and Mrs. Alice J. McAden, his wife, personally appeared before me this day and acknowledged the due execution of the annexed Deed of Conveyance; and the said Mrs. Alice McAden, being by me privately examined, separate and apart from her said husband, touching her vol- untary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto.

Witness my hand and notarial seal, this 7 day of Aug. 1945.

My commission expires:
Oct. 13, 1945 (N. P. Seal)

Gora S. Long,
Notary Public

NORTH CAROLINA-Gaston County

The foregoing certificate of Gora S. Long, a Notary Public of Mecklenburg County, N. C. is adjudged to be correct. Let the instrument with certificates be recorded. Wit- ness my hand this the 8th day of August 1945.

Lewis Fry, Deputy
Clerk Superior Court

Filed for registration at 2:40 o'clock P. M. on the 8 day of August 1945, and Recorded and Verified in the office of the Register of Deeds of Gaston County, N. C. In Book 466, Page 144. This 23 day of August 1945.

H. B. [Signature]
Register of Deeds

[Signature]
Deputy

Signed, sealed and delivered in the presence of.....

Her
Charlotte Gill (Seal)
mark
Jack McClure (Seal)
Emma McClure (Seal)
Lee Reid (Seal)
Cora Reid (Seal)
Charlton Johnson (Seal)
Mildred Johnson (Seal)

State of North Carolina,
County of Gaston.

I, R. R. Reid, a Notary Public in and for the County of Mecklenburg and said State, do hereby certify that Sam Gill and wife, Charlotte Gill; Lee Reid and wife, Cora Reid; Charlton Johnson, and wife, Mildred Johnson; Jack McClure and wife, Emma McClure personally appeared before me this day, and acknowledged the due execution of the foregoing instrument, and that the said Charlotte Gill, Cora Reid, Mildred Johnson, and Emma McClure, wives of the above named husbands, being by me privately examined, separate and apart from their said husbands touching their voluntary execution of the same, do state that they signed the same freely and voluntarily, without fear or compulsion of their said husbands or any other person, and that they do still voluntarily assent thereto.

Witness my hand and official seal, this the 15th day of May A. D. 1925.

R. R. Reid, Notary Public Mecklenburg County
(N.P. Seal) My com. expires Jan. 21, 1926

State of North Carolina,
County of Gaston.

The foregoing certificate of R. R. Reid, Notary Public is adjudged to be correct. Let the instrument and certificate be registered. This 20 day of May 1925.

S. C. Hendricks, C. S. C.

Filed at 4 P. M. May 20th 1925 and registered May 23rd 1925.

STENOGRAPHIC

H. R. Thompson Register of Deeds

State of North Carolina,
Gaston County.

1925
H. R. Thompson
attached and cancelled

This Deed made this tenth day of April A. D. 1925 by and between D. W. Mitchem and wife M. A. Mitchem, of the County of Gaston and State of North Carolina, parties of the first part, and Henry M. McAden of the County of Mecklenburg and State of North Carolina, party of the second part:

Witnesseth: That the said parties of the first part, in consideration of One Hundred Dollars and other lands to them conveyed to them paid by the part... of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said Henry M. McAden and his heirs, all those tracts or parcels of land, situate, lying, and being in Gastonia Township, Gaston County, State of North Carolina, and more particularly described and defined as follows:

First Tract: Begins at the mouth of a branch on the bank of the South Fork of the Catawba River and runs thence up the river as it meanders North 77 East 55 poles to the first bend, thence North 64 East 84 poles to the second bend, thence North 30 East 28 poles to the third bend; thence North 7 West 90 poles to a persimmon at the mouth of a branch; thence West 20 3/4 poles to a poplar; thence North 40 West 64 poles to a southwood; thence North 85 West 158 poles to a Mountain oak on old line; thence South 78 poles to a pine on old line; thence South 59 East 66 poles to a Post Oak; thence South 34 East 32 poles to a Black-Oak; thence South 57 East 49 poles to a dead Chestnut in the field; thence South 15 East 28 poles to a Cherry tree in the field; thence South 12 West 5 poles to the beginning, containing two hundred and twelve (212) acres, more or less; and being the identical tract of land conveyed to said D. W. Mitchem by A. E. Woltz and wife by deed dated May 12th 1923, and registered in said county in Book No. 172 at page 141.

Second Tract: Begins at a Southwood, said Mitchem's corner, and runs with his line South 38 East 60 poles to a poplar; thence East 27 poles to a stake; Mitchem's corner on the West Bank of the South Fork at the mouth of a branch; thence up the river as it meanders 50 1/2 poles to the mouth of the Colt branch; thence up said branch North 67 West 34 poles to a stake, Hoffman's corner; thence with his line North 82 West 12 poles to a rock pile; thence North 56 West 80 poles to a large Poplar, Hoffman's corner; thence a New Line South 61 1/2 West 28 1/2 poles to a stake on the West side of the road; thence South 43 East 28 poles to a stake in the road; thence South 20 1/2 East 25 1/2 poles to said Mitchem's line on the edge of the road; thence along said line South 65 East 55 poles to the beginning, containing forty four and forty four hundredths (44.44) acres, more or less; and being the identical tract of land conveyed by Morgan D. Day and wife to said Mitchem by deed dated September 14th 1923, and registered in said county in Book No. 172 at page 826.

Third Tract: Begins at a White Oak stump on the East bank of the South Fork of the Catawba River, M. G. Rhyme's corner, and runs with his line North 73 1/2 East 14 poles to a stake; and pointers, Anton's corner; thence with his line South 4 East 72 1/2 poles to a stake and pointers, a corner of the 34 acre tract; thence South 69 1/2 East 88 poles to a stake and pointers on K. G. Stroup's line; thence with said line South 4 West 75 poles to a stake and pointers on the north bank of the South Fork river; thence up the river as it meanders 500 poles to the beginning, containing one hundred fifteen and a half (115 1/2) acres, more or less; and being the identical tract of land conveyed to said D. W. Mitchem by Lizzie Lowman and others by deed dated September -, 1924, and registered in said County in Book No. 190 at page 273.

And also any and all rights and easements to perpetually pond, raise and back the waters of the said South Fork and all tributaries to any height desired at any time and at any place or places by a dam or dams or other obstructions, together with the right to use any and all necessary lands in the construction of such dam or dams and in going to and from the same at all times - it being the intention of the parties to the first part to convey to the party of the second part, his heirs and assigns, all water rights they may own in and along said streams.

They have and to hold the aforesaid tracts or parcels of land, and all privileges and appurtenances thereto belonging, to the said Henry M. McAden, his heirs and assigns, to their only use and behoof forever.

And the parties of the first part for themselves, their heirs, executors, and adminis-

100
traitors, covenant with the said party of the second part, his heirs and assigns, that they are seized of said premises in fee, and have right to convey the same in fee simple; that the same are free and clear from all encumbrances, and that they will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

In Testimony Whereof, the said parties of the first part to these presents have hereunto set their hands and seals the day and year above written.

D. W. Mitchem (Seal)

M. A. Mitchem (Seal)

Signed, sealed and delivered in the presence of
State of North Carolina,
County of Gaston.

I, W. H. Holmes, a Notary Public for said County and State, do hereby certify that D. W. Mitchem and M. A. Mitchem, wife personally appeared before me this day, and acknowledged the due execution of the foregoing (or annexed) instruments and the said M. A. Mitchem wife (or wives) of being by me privately examined, separate and apart from said husband touching her voluntary execution of the same do state that she signed the same freely and voluntarily, without fear or compulsion of said husband or any other person and that she does still voluntarily assent thereto. Let the instrument and the certificate be registered.

Witness my hand and seal this 11th day of April A. D. 1925.

W. H. Holmes, Notary Public (N.P. Seal)
My com. expires June 25, 1925

State of North Carolina,
County of Gaston.

The foregoing (or annexed) certificate of W. H. Holmes, Notary Public is adjudged to be correct. Let the instrument and the certificate be registered.

This 21st day of May A. D. 1925.

S. C. Hendricks, Clerk Superior Court

Filed at 9 A. M. May 21st 1925, and registered May 23rd 1925.

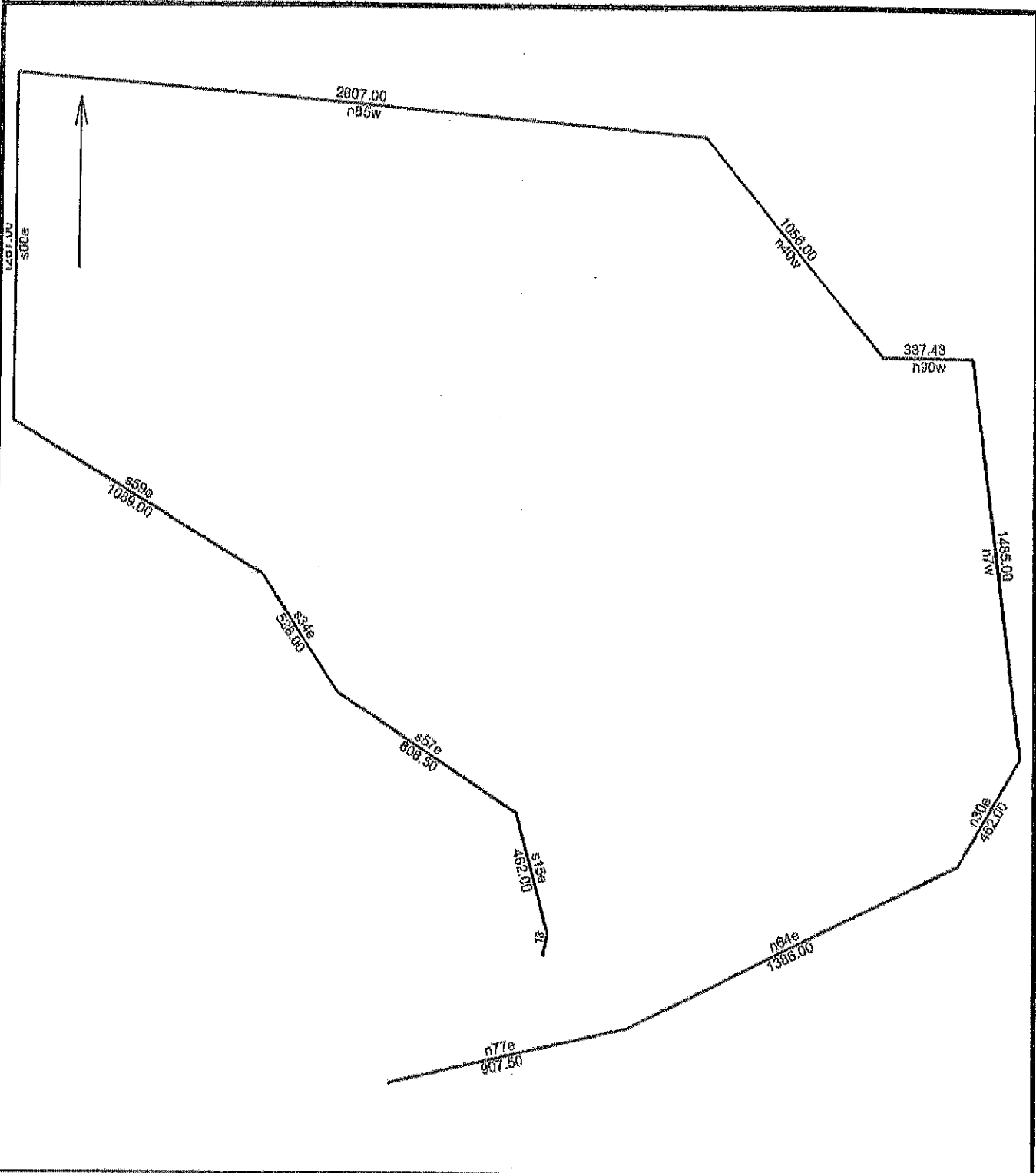
H. R. Thompson Register of Deeds.

1500
attached and cancelled

State of North Carolina,
Gaston County.

This Deed made this tenth day of April A. D. 1925 by and between Henry M. McAden and wife, Alice Jones McAden of the County of Mecklenburg and State of North Carolina, parties of the first part, and David W. Mitchem, of the County of Gaston and State of North Carolina party of the second part:

Witnesseth, That the said parties of the first part, in consideration of One Hundred Dollars and the conveyance of certain other lands to them paid by the party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto said David W. Mitchem and his heirs,



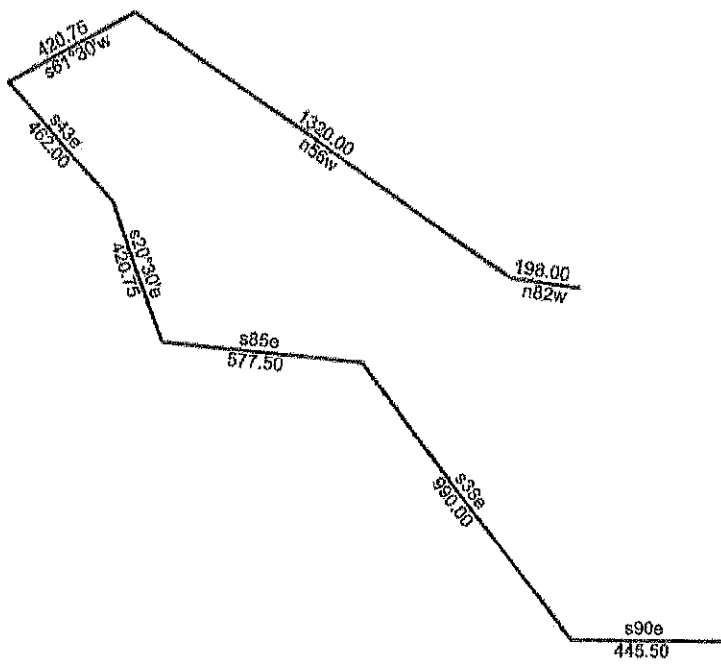
8/10/2021

Scale: 1 Inch= 527 feet

File:

Tract 1: 217.6188 Acres, Closure: s50.5025w 742.72 ft. (1/17), Perimeter=12498 ft.

01 n77e 907.50	10 s34e 528.00
02 n64e 1386.00	11 s57e 808.50
03 n30e 462.00	12 s15e 462.00
04 n7w 1485.00	13 s12w 82.50
05 n90w 337.43	
06 n40w 1056.00	
07 n85w 2607.00	
08 s00e 1287.00	
09 s59e 1089.00	



8/10/2021

Scale: 1 inch= 527 feet

File:

Tract 1: 11.6390 Acres, Closure: n23.2638w 1087.28 ft. (1/4), Perimeter=4835 ft.

- | | |
|-------------------|----------------|
| 01 n82w 198.00 | |
| 02 n55w 1320.00 | 08 s90e 445.50 |
| 03 s61.30w 420.75 | |
| 04 s43e 462.00 | |
| 05 s20.30e 420.75 | |
| 06 s85e 577.50 | |
| 07 s38e 990.00 | |

Less and except property conveyed to Catawba Lands Conservancy by deed dated 9/6/02 recorded at Book 3397 page 136 of the Gaston Co. Registry (2168) and property conveyed to Catawba Lands Conservancy by deed dated 3/21/03 recorded at Book 3673 page 236-238 of the Gaston Co. Registry (2169).

02/08/02 12:39PM 0000007760
0017 Cheral

DEED \$231.00
REVENUE FEES \$231.00
XXXTOTAL \$254.00
Recording Time, 00:00:00 Page \$231.00
CASH \$23.00
CHANGE \$0.00

Excise Tax \$ 231⁰⁰

Tax Lot No. Part of 10-006-013-00-000

Parcel Identifier No.

Verified by _____ County on the _____ day of _____, 19____
by _____

Mall after recording to Grantee
This instrument was prepared by Johnston, Allison & Hord, P.A. (RMH)

Brief Description for the index

28.79 acres on West Bank of South Fork of the
Calawba River

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made 6th day of February, 2002, by and between

GRANTOR	GRANTEE
BELMONT LAND AND INVESTMENT COMPANY, a North Carolina corporation	CALAWBA LANDS CONSERVANCY, a North Carolina non-profit corporation
	Mailing Address: 105 W. Morehead Street Charlotte, NC 28202

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter, as required by context.

WITNESSETH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Gaston County, North Carolina and more particularly described as follows:

Sue Exhibit A attached hereto and incorporated herein by reference

#520

RECORDING FEE 23.00
EXCISE TAX PAID 231.00

EXHIBIT A

Lying and being in Gaston County, North Carolina and more particularly described as follows:

BEGINNING at an existing iron pipe, being the Southerly corner of the 4 acre tract of land as shown on map recorded in Plat Book 54 at Page 73 in the Gaston Public Registry, and the common corner of tract of land described in Deed Book 1456 at Page 444, in said Registry, thence with the tie line of said Plat and the South line of said tract described in Deed Book 1456 at Page 444 with the Hoffman line, S. 55-46-15 E. 309.09 feet to an existing iron pipe; thence 84-59-56 E. 198.02 feet to an existing iron pipe; thence S. 59-02-07 E. 563.12 feet to the mouth of Colt Branch on the West bank of the South Fork of the Catawba River; thence along the West bank of said River S. 29-29-38 W. 60.05 feet to a point; thence continuing with the river bank S. 22-02-50 W. 99.32 feet to a point; thence S. 17-17-14 W. 106.07 feet to a point; thence S. 04-24-31 feet W. 93.83 feet to a point; thence S. 00-39-11 W. 105.06 feet to a point; thence S. 04-26-38 W. 101.36 feet to a point; thence S. 03-53-03 E. 183.41 feet to a point; thence S. 13-30-21 E. 99.87 feet to a point; thence S. 14-44-27 E. 95.77 feet to a point; thence S. 00-52-00 E. 100.34 feet to a point; thence S. 17-06-17 E. 109.34 feet to a point; thence S. 01-15-49 W. 104.93 feet to a point; thence S. 04-18-02 E. 93.01 feet to a point; thence S. 06-25-34 E. 99.74 feet to a point; thence S. 04-38-17 E. 100.88 feet to a point; thence S. 00-15-39 E. 153.80 feet to a point; thence S. 00-18-22 E. 95.28 feet to a point; thence S. 00-51-52 E. 96.03 feet to a point; thence S. 03-50-22 W. 95.60 feet to a point; thence S. 08-50-07 W. 94.46 feet to a point; thence S. 07-31-22 W. 104.23 feet to a point; thence S. 37-33-41 W. 110.36 feet to a point; thence S. 35-08-35 W. 100.88 feet to a point; thence S. 40-38-31 W. 102.67 feet to a point; thence leaving the river bank N. 50-46-12 W. 307.10 feet to a new iron pin; thence N. 39-05-16 E. 242.34 feet to a new iron pin; thence N. 02-41-42 W. 91.14 feet to a new iron pin; thence N. 13-33-48 E. 79.40 feet to a new iron pin; thence N. 31-53-56 E. 49.45 feet to a new iron pin; thence N. 35-01-58 E. 57.78 feet to a new iron pin; thence N. 14-08-49 E. 54.62 feet to a new iron pin; thence N. 39-05-06 W. 150.26 feet to a new iron pin; thence N. 59-30-40 W. 69.22 feet to a new iron pin; thence N. 03-20-58 W. 37.31 feet to a new iron pin; thence N. 48-30-59 E. 76.39 feet to a new iron pin; thence N. 21-37-40 E. 54.74 feet to a new iron pin; thence N. 61-00-17 E. 127.39 feet to a new iron pin; thence N. 10-28-48 W. 88.65 feet to a new iron pin; thence N. 06-33-48 W. 171.81 feet to a new iron pin; thence N. 26-31-50 W. 93.19 feet to a new iron pin; thence N. 88-50-50 W. 72.34 feet to a new iron pin; thence N. 77-52-56 W. 153.72 feet to a new iron pin; thence N. 87-57-49 W. 112.18 feet to a new iron pin; thence N. 70-29-22 W. 108.79 feet to a new iron pin; thence N. 77-37-17 W. 116.65 feet to a new iron pin; thence N. 67-15-54 W. 75.08 feet to a new iron pin; thence N. 30-33-55 W. 66.56 feet to a new iron pin; thence N. 47-49-26 E. 94.49 feet to a new iron pin; thence N. 85-19-02 E. 177.82 feet to a new iron pin; thence N. 53-04-52 W. 238.47 feet to a new iron pin; thence N. 70-37-07 W. 186.91 feet to a new iron pin; thence N. 12-32-06 W. 61.65 feet to a new iron pin; thence N. 20-49-02 E. 61.68 feet to a new iron pin; thence N. 03-20-09 E. 88.97 feet to a new iron pin; thence N. 54-50-41 E. 77.25 feet to a new iron pin; thence N. 80-25-59 E. 75.23 feet to a new iron pin; thence N. 24-03-10 W. 100.88 feet to a new iron pin; thence N. 33-53-54 W. 120.96 feet to a new iron pin; thence N. 25-51-30 W. 92.13 feet to a new iron pin; thence N. 53-15-01 E. 102.31 feet to a new iron pin; thence S. 53-26-56 E. 246.67 feet to a new iron pin; thence S. 28-15-46 E. 135.35 feet to a new iron pin; thence S. 54-03-13 E. 47.43 feet to a new iron pin; thence S. 21-50-05 E. 77.92 feet to a new iron pin; thence S. 02-21-

29 E. 169.80 feet to a new iron pin; thence N. 88-58-27 E. 177.94 feet to a new iron pin; thence N. 48-33-25 E. 83.46 feet to a new iron pin; thence N. 26-23-10 E. 152.17 feet to a new iron pin; thence N. 69-27-19 W. 80.28 feet to a new iron pin; thence N. 58-41-21 W. 68.93 feet to a new iron pin; thence N. 12-00-25 W. 94.46 feet to a new iron pin; thence N. 08-48-30 W. 105.66 feet to a new iron pin; thence N. 67-09-57 W. 85.90 feet to a new iron pin; thence N. 21-37-41 W. 58.95 feet to a new iron pin; thence N. 35-58-40 W. 115.83 feet to a new iron pin; thence N. 56-58-49 W. 63.05 feet to a new iron pin; thence S. 82-03-55 W. 138.36 feet to a new iron pin; thence N. 25-17-48 W. 102.56 feet to a new iron pin; thence N. 08-40-43 W. 206.86 feet to an existing iron pipe being the point or place of BEGINNING, and containing 28.79 acres; per survey by Robert T. Kelso L-3145 dated December 10, 2001.

UNOFFICIAL

The property hereinabove described was acquired by Grantor by instrument recorded in Book 466, Page 144, Gaston Public Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Valid and enforceable easements, rights-of-way and other conditions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

BELMONT LAND AND INVESTMENT COMPANY,
a North Carolina corporation

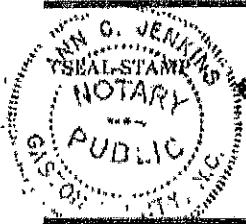
(Corporate Name) _____ (SEAL)
By: [Signature] _____ (SEAL)
President

ATTEST: [Signature] _____ (SEAL)
Secretary (Corporate Seal)

(SEAL)

NORTH CAROLINA, County _____
I, the undersigned, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this _____ day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 2002.
My commission expires _____ / / _____ Notary Public

NORTH CAROLINA, Gaston County.
I, the undersigned, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally came before me this day and acknowledged that he/she is _____ President of Belmont Land and Investment Company, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed on behalf of the corporation. Witness my hand and official stamp or seal, this _____ day of February, 2002.
*By its President [Signature]
My commission expires: 3-11-03 [Signature] Notary Public



The foregoing Certificate(s) of Ann C. Jenkins, NP

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
Nice B. Brown REGISTER OF DEEDS FOR Gaston COUNTY

By [Signature] Deputy/Assistant-Register of Deeds

BOOK 3673
PAGES 236 - 238

Gaston County, NC
Recorded 03/25/2003 03:20:55pm
No 9999-00072348 1 of 3 pages
Excise Tax: \$102.00
Alice B. Brown, Register of Deeds

Excise Tax: \$ 102.00

Recording Time, Book and Page

Tax Parcel No.: Part of 10-006-013-00-000 Parcel Identifier No.:

Prepared by: W. McMillan, Attorney Mail to: Grantee

Brief description for the Index:

12.74 acres on West Bank of South Fork
of the Catawba River

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 21st day of March 2003, by and between.

GRANTOR

GRANTEE

BELMONT LAND AND INVESTMENT
COMPANY, a North Carolina corporation

CATAWBA LANDS CONSERVANCY, a
North Carolina non-profit corporation

Mailing Address:

105 W. Morehead Street
Charlotte, NC 28202

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Gastonia, Gaston County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

RECORDING FEE 20.00
EXCISE TAX PAID 102.00

9999-00072348

EXHIBIT A

Lying and being near the Town of Spencer Mountain, Gastonia Township, Gaston County, North Carolina and more particularly described as follows:

BEGINNING at a point located in the West bank of the South Fork of the Catawba River, which point marks the southernmost corner of that certain 28.79 acre parcel conveyed by Belmont Land and Investment Company to Catawba Lands Conservancy by deed duly recorded in the Gaston County Public Registry in Book 3394 at Page 136; thence from said point of BEGINNING along and with the said West bank of the South Fork of the Catawba River in twenty (20) calls as follow: (1) S. 44-41-05 W. 72.75 feet to a point; thence (2) S. 69-55-32 W. 141.85 feet to a point; thence (3) S. 60-06-28 W. 89.99 feet to a point; thence (4) S. 67-23-46 W. 97.94 feet to a point; thence (5) S. 61-27-45 W. 102.89 feet to a point; thence (6) S. 62-48-36 W. 97.82 feet; thence (7) S. 63-48-14 W. 100.83 feet to a point; thence (8) S. 63-48-12 W. 97.48 feet to a point; thence (9) S. 61-23-40 W. 97.53 feet to a point; thence (10) S. 57-53-10 W. 98.50 feet to a point; thence (11) S. 60-13-40 W. 100.53 feet to a point; thence (12) S. 59-46-59 W. 84.91 feet to a point; thence (13) S. 68-52-24 W. 101.11 feet to a point; thence (14) S. 75-51-15 W. 100.76 feet to a point; thence (15) S. 78-02-17 W. 105.40 feet to a point; thence (16) S. 85-29-40 W. 81.51 feet to a point; thence (17) S. 84-54-33 W. 83.92 feet to a point; thence (18) S. 75-23-36 W. 68.84 feet to a point; thence (19) S. 83-52-57 W. 90.38 feet to a point; and thence (20) S. 82-03-07 W. 115.12 feet to a concrete monument; thence leaving the said West bank and proceeding in a northeasterly direction N. 23-26-11 E. 84.47 feet to a concrete monument; thence N. 10-44-36 W. 227.84 feet to a point; thence proceeding in a general easterly direction N. 62-37-45 E. 449.50 feet to a point; thence N. 74-18-28 E. 245.16 feet to a point; thence N. 59-16-57 E. 253.14 feet to a point; thence N. 62-38-59 E. 515.37 feet to a point; thence N. 66-29-53 E. 265.87 feet to a point marking a corner of the 28.79 acre parcel referred to above; thence with the line which marks the southwesterly property line of said 28.79 acre parcel S. 50-46-12 E. 307.10 feet to a point located on the West bank of the South Fork of the Catawba River being the point or place of BEGINNING and containing 12.74 acres according to survey for Catawba Lands Conservancy and Belmont Land and Investment Company prepared by Robert T. Kelso, Professional Land Surveyor, dated December 10, 2001.

The property herein above described was acquired by Grantor by instrument(s) recorded in Book 466, Page 144, Gaston County Public Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Valid and enforceable easements, restrictions and rights-of-way, if any, of record.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal, or if corporate, has caused this instrument to be signed in the corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

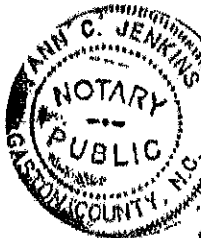
BELMONT LAND AND INVESTMENT COMPANY,
a North Carolina corporation

By: *J.M. Carstarphen*
President

ATTEST:

Secretary (Corporate Seal)

SEAL-STAMP
STATE OF NORTH CAROLINA
COUNTY OF GASTON



I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that *J.M. Carstarphen* personally appeared before me this day and acknowledged that he/she is _____ President of Belmont Land and Investment Company, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed on behalf of the corporation. Witness my hand and official stamp or seal, this the *21st* day of March 2003.

Ann C. Jenkins
Notary Public
My Commission Expires: *03-11-08*

The foregoing Certificate(s) of *Ann C. Jenkins NP*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

David Brown REGISTER OF DEEDS FOR *Secta* COUNTY
By *David Brown*, Deputy Assistant Register of Deeds

(A)

(Parcel # 136564)

BK 3253 PG 175

06/05/01 3:01PM 000000#0525
*X08 Rene

Excise Tax \$ 600.00

DEED \$14.00
REVENUE FEES \$600.00
***TOTAL \$614.00
Recording Time, Book and Page

Tax Lot No. 10-22-9 Parcel Identifier No. 9 CHECK \$618.00
Verified by County on the day of CHANGE \$4.00
by

Mail after recording to the Grantee

This instrument was prepared by ROBINSON AND WILSON, L.L.P, Post Office Box 1115, Gastonia, North Carolina 28053
Brief description for the Index [Redacted] (30882)

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of June 2001, by and between

GRANTOR
CLYDE H. MAY and wife REBECCA H. MAY
DOROTHY M. BROWN, and husband ROBERT C. BROWN
BLANCHE M. ABERNATHY and husband
JOSEPH D. ABERNATHY
HAZEL M. EMMERLING, Widow, Individually and
as Executrix of Estate of Vivian May Sapp

GRANTEE
BELMONT LAND AND INVESTMENT COMPANY
Post Office Box 1939
McAdenville, NC 28101-1939

Enter in appropriate block for each party name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Gastonia, Gastonia Township, Gaston County, North Carolina and more particularly described as follows:

SEE ATTACHED SHEET MARKED EXHIBIT "A" AND INCOPORATED HEREIN BY REFERENCE.

RECORDING FEE 14.00
EXCISE TAX PAID 600.00

#87

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1760, Page 211; Book 3094, Page 74

A map showing the above described property is recorded in Flat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the Premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whatsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The Grantee herein agrees to assume and satisfy the 2001 ad valorem taxes. Right of way to Southern Power Company in Book 94 at Page 353. Rights of way to Duke Power in Book 670 at Page 99, Book 708 at Page 377 and Book 890 at Page 138. Right of way to AT&T in Book 1983 at Page 313. Right to back water recorded in Book 586 at Page 365.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

.....
(Corporate Name)

By:

..... President

ATTEST:

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

USE BLACK INK ONLY

Clyde H. May
CLYDE H. MAY (SEAL)

Rebecca H. May
REBECCA H. MAY (SEAL)

Dorothy M. Brown
DOROTHY M. BROWN (SEAL)

Robert C. Brown
ROBERT C. BROWN (SEAL)

Blanche M. Abernathy
BLANCHE M. ABERNATHY (SEAL)

Joseph D. Abernathy
JOSEPH D. ABERNATHY (SEAL)

Hazel M. Emmerling
HAZEL M. EMMERLING widow, (SEAL)

Individually and as Executrix of the Estate of Vivian May Sapp (SEAL)



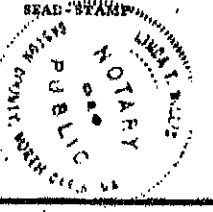
NORTH CAROLINA, Gaston County.

I, a Notary Public of the County and State aforesaid, certify that CLYDE H. MAY and wife REBECCA H. MAY

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of June 2001

My commission expires: March 1, 2002

Linda T. Willis
Linda T. Willis, Notary Public



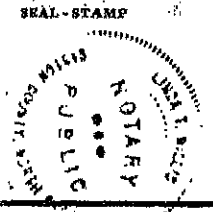
NORTH CAROLINA, Gaston County.

I, a Notary Public of the County and State aforesaid, certify that DOROTHY M. BROWN and husband ROBERT C. BROWN

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of June 2001

My commission expires: March 1, 2002

Linda T. Willis
Linda T. Willis, Notary Public



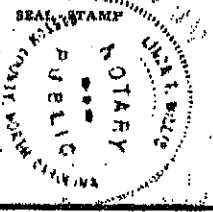
NORTH CAROLINA, Gaston County.

I, a Notary Public of the County and State aforesaid, certify that BLANCHE M. ABERNATHY and husband JOSEPH D. ABERNATHY

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of June 2001

My commission expires: March 1, 2002

Linda T. Willis
Linda T. Willis, Notary Public



NORTH CAROLINA, Gaston County.

I, a Notary Public of the County and State aforesaid, certify that HAZEL M. HMMERLING, Widow Individually and as Executrix of the Estate of Vivian May Sapp

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of June 2001

My commission expires: March 1, 2002

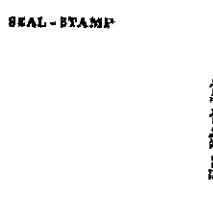
Linda T. Willis
Linda T. Willis, Notary Public



NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of

My commission expires: Notary Public



NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of

My commission expires: Notary Public

The foregoing Certificate of *Linda T. Willis*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Glenn B. Brown REGISTER OF DEEDS FOR *Gaston* COUNTY
By *Darlene W. Jones* Deputy/Assistant-Register of Deeds.

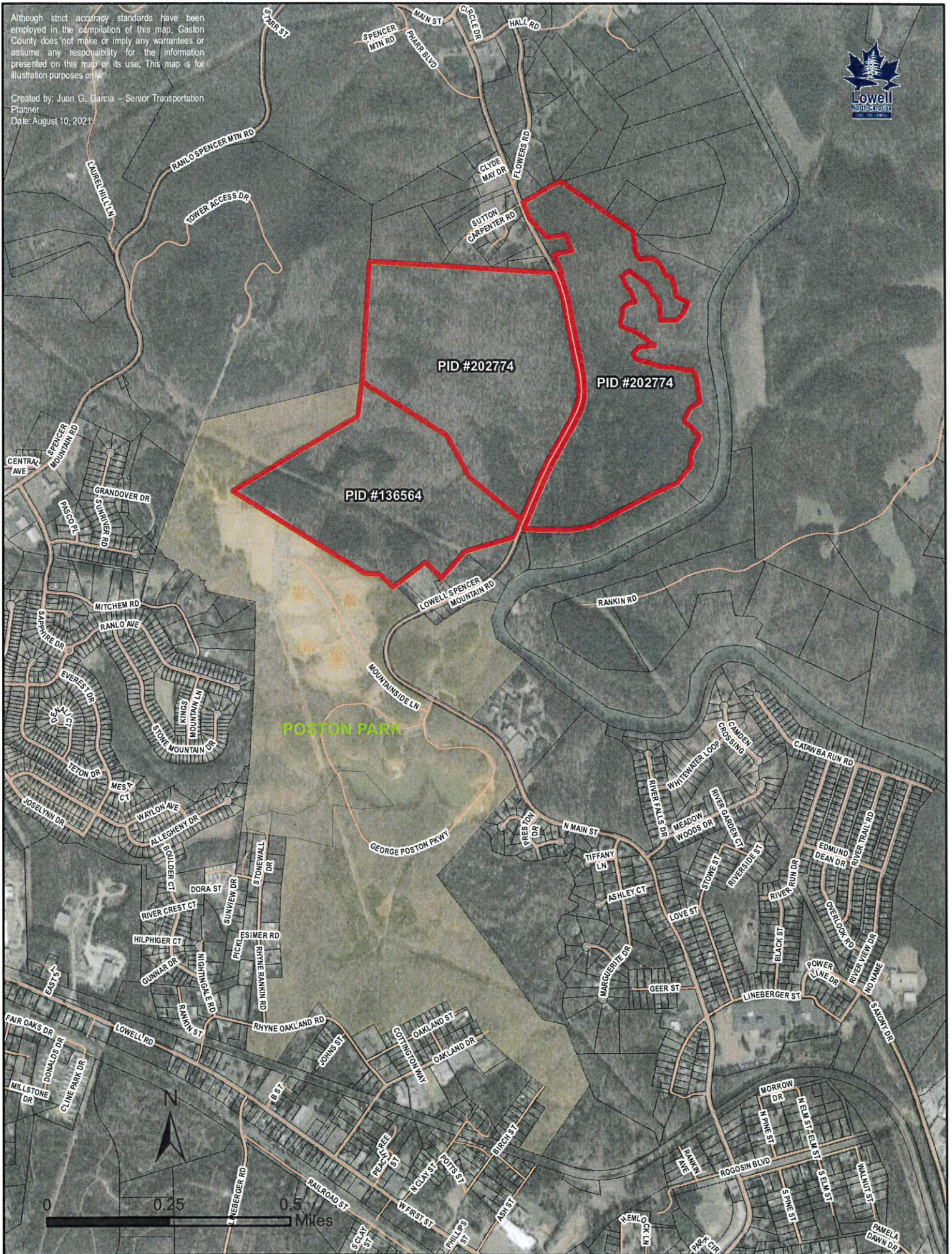
EXHIBIT "A"

BEGINNING at a concrete monument in the western margin of the Spencer Mountain-Lowell Road, S. R. 2201 (a 60-foot right of way); said monument being located in the common line of the lands described herein and the lands now or formerly owned by Belmont Land and Investment Company as described in that deed recorded in Book 466 at Page 144 of the Gaston County Registry; thence South 11 degrees 22 minutes 48 seconds East 43.12 feet to a point in the center of said right of way; thence South 21 degrees 44 minutes 00 seconds West 134.09 feet to an existing iron pin in the center of said right of way; thence South 73 degrees 57 minutes 17 seconds West 604.02 feet to an iron pin; thence South 41 degrees 21 minutes 57 seconds West 382.59 feet to an iron pin located in the common line of the lands now or formerly owned by Tallent as described in Deed Book 1052 at Page 46 and Deed Book 1270 at Page 232; thence with the common line with Tallent, North 46 degrees 4 minutes 23 seconds West 236.47 feet to an iron pin; thence with the common line South 53 degrees 09 minutes 34 seconds West 444.33 feet to an existing iron pin on the line of Edith H. Poston, now or formerly, as described in Deed Book 892 at Page 164, said iron pin also being a corner of Tallent; thence with the common line of Poston the following courses and distances: (1) North 45 degrees 49 minutes 32 seconds West 200.74 feet to an iron pin set; (2) North 85 degrees 30 minutes 03 seconds West 165.00 feet to an iron pin set in the common line; (3) North 58 degrees 13 minutes 03 seconds West 1,671.30 feet to a 30 inch post oak tree; (4) North 57 degrees 33 minutes 57 seconds East 1,571.40 feet to a concrete monument; (5) North 4 degrees 56 minutes 07 seconds East 362.64 feet to an existing iron pin located in the common corner of the lands now or formerly owned by Poston, and the lands now or formerly owned by Jefferson-Pilot Broadcasting Company as described in that deed recorded in Deed Book 492 at Page 88 in the Gaston County Registry and the lands now or formerly owned by Belmont Land and Investment Company as described in the deed recorded in Deed Book 466 at Page 144; thence with the common line of Belmont Land and Investment Company the following courses and distances to the beginning: (1) South 57 degrees 51 minutes 48 seconds East 1,082.23 feet to an existing iron pin; (2) South 30 degrees 58 minutes 37 seconds East 514.44 feet to an existing iron pin; thence South 49 degrees 55 minutes 47 seconds East 772.07 feet to the point and place of **BEGINNING**, containing 78.468 acres as shown on that map of Tanner, Lineberger and McConnaughey, dated February 20, 1985 and revised June 17, 1985.

REFERENCE is made to Order recorded in Book 1760 at Page 211 and Deed recorded in Book 3094 at Page 74, both in the Gaston County Registry, together with the Last Will and Testament of Vivian May Sapp and that certain Family Settlement Agreement dated May 16, 2000 in File #01-E-182 in the Office of the Clerk of Superior Court for Gaston County. By execution hereof Grantors herein convey all of their right, title and interest in the above described tract and waive any right of repurchase as granted in the Last Will and Testament of Vivian May Sapp.

Although strict accuracy standards have been employed in the compilation of this map, Gaston County does not make or imply any warranties or assume any responsibility for the information presented on this map or its use. This map is for illustration purposes only.

Created by: Juan G. Garcia – Senior Transportation Planner
Date: August 10, 2021



ATTACHMENT "A"

(To Include Map on Next Page)

Tax Parcel #202774; DB466, Page 144-146:

BEING all of Tax Parcel #202774 as shown on the attached map of Property of Belmont Land and Investment Company to include property conveyed in Deed Book 466, Pages 144-146, dated August 7, 1945 and recorded in the Office of the Register of Deeds for Gaston County, North Carolina, less and except property conveyed to Catawba Lands Conservancy by deed dated 9/6/02 recorded at Book 3397 page 136 of the Gaston Co. Registry and property conveyed to Catawba Lands Conservancy by deed dated 3/21/03 recorded at Book 3673 page 236-238 of the Gaston Co. Registry.

Tax Parcel #136564; DB3253, Page 175:

BEING all of Tax Parcel #136564 as shown on the attached map of Property of Belmont Land and Investment Company to include property conveyed in Deed Book 3253 at Page 175 and recorded in the Office of the Register of Deeds for Gaston County, North Carolina.

Although strict accuracy standards have been employed in the compilation of this map, Gaston County does not make or imply any warranties or assume any responsibility for the information presented on this map or its use. This map is for illustration purposes only.

Created by Juan G. Garcia - Senior Transportation Planner
Date: August 10, 2024





MEMORANDUM
CITY OF LOWELL, N.C.

To: Mayor and City Council

Date: August 10, 2021

From: Alex Blackburn, Planning, Zoning and Subdivision Administrator

Re: Voluntary Annexation Petition for contiguous property of Belmont Land & Investment CO.

BACKGROUND

On August 10, 2021, the owners of property known as Parcel ID # 136564 and Parcel ID #202774 of Gaston County submitted a petition for voluntary contiguous annexation into the city limits of the City of Lowell. The properties consist of a total of 263.12 acres.

FINDINGS AND CONCLUSIONS

The standards for annexation require that the property must be contiguous to the “primary corporate limits”. The fact that the property lies in abutment to the Gaston County George Poston Park, deemed as a political subdivision, demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Lowell. The property will be required to have a City of Lowell zoning district designation upon successful annexation.

FISCAL IMPACT

The new development will be subject to applicable taxes and fees in accordance with rates in effect through the City of Lowell. The City will deliver standard municipal services for the property upon development. The City will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

There are several steps required to annex and apply City of Lowell zoning to these properties. The following outline illustrates how this process may be completed in two regular meetings of the City Council.

THE ACTIONS THAT MAY BE TAKEN AT THE AUGUST 10, 2021 MEETING INCLUDE:

- a. Petition for voluntary contiguous annexation
- b. Direct (by resolution) for the City Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by City Clerk, call (by resolution) for public hearing at the next regular meeting.

ADDITIONAL STEPS BETWEEN CITY COUNCIL MEETINGS

While the Mayor and City Council Members undertake the process of annexation, the Planning Board may initiate the process of amending the Official Zoning Map per North Carolina General Statute §160D-204 to run concurrent with the annexation process. The property does not lie within any area designated by the City of Lowell 2040 Comprehensive Land Use Plan adopted April 13, 2021. With the proposal of the property owner, we may anticipate a recommendation for the Single Family Residential-4 (SFR-4) zoning designation from the Planning Board.

1. Schedule for the September 7, 2021 Planning Board agenda to request their recommendation on the designation of the appropriate zoning district;
2. Advertise for a Public Legislative Hearing scheduled for September 14, 2021 before the Mayor and City Council on the subjects of 1) annexing the property and 2) amending the City of Lowell's Official Zoning Map, of the Lowell Development Ordinance.

NEXT STEPS BY MAYOR AND CITY COUNCIL – THE ACTIONS THAT MAY BE TAKEN AT THE SEPTEMBER 14, 2021 REGULAR MEETING INCLUDE:

1. Conducting the required Annexation Public Hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property concurrently with the required Zoning Map Amendment Public Legislative Hearing for the purpose of receiving comment from citizens and/or persons owning an interest in the subject property and the designation of an initial zoning district.
2. Consideration (adoption or rejection) of an Ordinance Extending the Corporate Limits (annexation) to include the subject property.
3. Consideration (adoption or rejection) of an Ordinance Amending the Official Zoning Map (initial zoning) for the newly annexed property.

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

Following the annexation of the property, staff will be preparing additional materials to

1. Update Official Zoning Map in City Clerk's record, Administrator's record and online.
2. Update shape-files with Gaston County GIS to reflect the new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Gaston County Register of Deeds;

4. Notify all public utilities of the change in the corporate limits of the City for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site plan(s) for any future project;
6. Process zoning permit application and issue permit(s) upon compliance with the Lowell Development Ordinance.



RESOLUTION #RS9-2021

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE AN
ANNEXATION PETITION PURSUANT TO
ARTICLE 4A OF G.S. 160A GOVERNING CONTIGUOUS ANNEXATIONS**

WHEREAS, a petition requesting annexation of an area described in said petition was received on the 10th day of August, 2021 by the City of Lowell; and

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Part 1 provides that the sufficiency of the petition shall be investigated by the City Clerk of the City of Lowell, North Carolina before further annexation proceedings consistent within the petition can take place; and

WHEREAS, the Mayor and Council of the City of Lowell, North Carolina deems it advisable to direct the City Clerk to investigate the sufficiency of the petition;

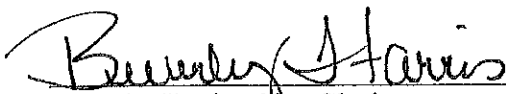
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lowell, North Carolina that:

The City Clerk is hereby directed to investigate the sufficiency of the above-described petition under N.C.G.S. Chapter 160A, Article 4A, Part 1 and to certify as soon as possible to the Mayor and Council of the City of Lowell the result of the investigation.

ADOPTED this the 10th day of August 2021.


Sandy Railey, Mayor

ATTEST:


Beverly Harris, City Clerk



RESOLUTION #RS10-2021

**RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PETITION PURSUANT TO
ARTICLE 4A OF G.S. 160A GOVERNING CONTIGUOUS ANNEXATIONS**

WHEREAS, a petition pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 requesting annexation of the area described herein has been received; and

WHEREAS, the Mayor and Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

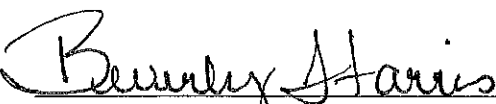
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Lowell, North Carolina that:

- Section 1. A public hearing on the question of annexation of the area described herein will be held at the Lowell City Hall, 101 W. First Street, Lowell, NC 28098 at 6:00pm on the 14th day of September, 2021.
- Section 2. The area proposed for annexation is described as follows:
See Attached Metes and Bounds Description (Attachment A)
- Section 3. Notice of the public hearing shall be published in the Gaston Gazette newspaper as required by law.

ADOPTED this the 10th day of August 2021


Sandy Railey, Mayor

ATTEST:


Beverly Harris, City Clerk



CITY OF LOWELL, NORTH CAROLINA

Certification of Sufficiency of Petition of Annexation

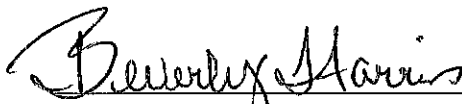
Date: August 10, 2021

To the City Council of the City of Lowell, North Carolina:

I, Beverly Harris, Clerk to the Council of the City of Lowell, North Carolina, do hereby certify that the request for voluntary annexation by the owners of real property located at:

The property located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 202774 and 136564 have been investigated for sufficiency for voluntary annexation.

The result of the investigation of this petition has been found to be sufficient under North Carolina General Statute 160A-31.


Beverly Harris, City Clerk

Date of Public Hearing: September 14, 2021

Time of Public Hearing: 6:00 P.M.

ATTACHMENT "A"
(To Include Map on Next Page)

Tax Parcel #202774; DB466, Page 144-146:

BEING all of Tax Parcel #202774 as shown on the attached map of Property of Belmont Land and Investment Company to include property conveyed in Deed Book 466, Pages 144-146, dated August 7, 1945 and recorded in the Office of the Register of Deeds for Gaston County, North Carolina, less and except property conveyed to Catawba Lands Conservancy by deed dated 9/6/02 recorded at Book 3397 page 136 of the Gaston Co. Registry and property conveyed to Catawba Lands Conservancy by deed dated 3/21/03 recorded at Book 3673 page 236-238 of the Gaston Co. Registry.

Tax Parcel #136564; DB3253, Page 175:

BEING all of Tax Parcel #136564 as shown on the attached map of Property of Belmont Land and Investment Company to include property conveyed in Deed Book 3253 at Page 175 and recorded in the Office of the Register of Deeds for Gaston County, North Carolina.



PROCLAMATION

#PR5-2021

Service Appreciation for Billy "Bill" Frank Stegall

WHEREAS, Billy "Bill" Frank Stegall has served the City of Lowell as a member of the Planning and Board of Adjustment for over 15 years; whereupon he served as representative for the ETJ; and

WHEREAS, Bill Stegall has actively provided insightful input and thorough analysis for significant land use policy recommendations; leading much of the Planning Board's efforts to update the City's Land Use/Zoning Ordinances to completion; and

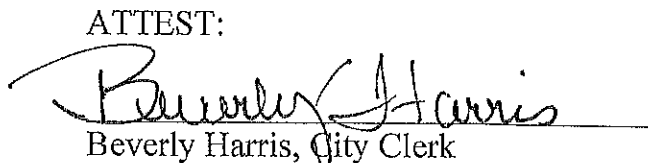
WHEREAS, Bill Stegall was passionate about raising awareness and understanding of Public Benefit, social justice in land use policies and supporting principles of good urban design and community planning. He was conscientious, diligent, thoughtful, patient, supportive and light-hearted. Bill's sense of humor lightened up contentious and controversial issues of great potential importance to the City and he welcomed contributions from the public, colleagues on the Board and the staff; and

WHEREAS, Bill Stegall as a member of the community and the former Extra-Terrestrial Jurisdiction, through his many years of service has led to the betterment and growth of the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lowell hereby gratefully records and extends its sincere appreciation and the appreciation of the community to Billy "Bill" Frank Stegall for his faithful and excellent service rendered to the City.

Proclamation adopted this the, 10th day of August, 2021.


Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk

City of Lowell
Policy for Managing Utility Allocations & Extensions

PURPOSE: A Policy to Establish the Provision of Water Distribution and Sewer Collection Services to Serve the Corporate Limits of the City of Lowell and Incorporate by Extension Additional Areas Outside the Corporate Limits Which May be Advantageous for Annexation into the City of Lowell, North Carolina.

WHEREAS, the City of Lowell, incorporated 1879, for the purpose of establishing essential municipal services for both current and future citizens;

WHEREAS, the City of Lowell City Council declares the extension of potable water and sewer collection services into areas of need and areas of future growth to be a major priority; *and*

WHEREAS, the City of Lowell City Council desires to establish a sound policy for the management of both water and sewer capacity to promote orderly growth in accordance with the *City of Lowell Comprehensive Land Use Plan.*

SCOPE/COVERAGE:

Section 1 - Policy for Evaluating and Reserving Utility Allocations

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue sources by the expansion and improvement of residential, commercial, industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility allocation requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.

City of Lowell
Policy for Managing Utility Allocations & Extensions

3. Commercial development projects with a mixed-use element.
4. Non-profit or civic uses which contribute to or attract significant economic development to the City.
5. Additional phases attached to residential projects with a proven record of quality product and economic success.
6. Residential projects that include tangible, high quality community amenities.
7. Residential projects that include diverse products and opportunities.
8. Residential projects, not otherwise described above.

II. Reservation Process

- A. The owner of any project requiring utility service within the City of Lowell shall submit a written application for an allocation. The application shall be in letter form, addressed to the City, and shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to consumption of utility capacity, and other supporting information demonstrating how the project serves the needs and interest of the City of Lowell.
- B. The Planning Board shall review and make recommendation to the City Council for consideration and approval all allocations, which require or may require a daily flow allocation of five thousand gallons (5,000 gpd) or more; any application that requests allocation for any project outside the incorporated jurisdiction of the City; and, any allocation made for a land use category from capacity otherwise set aside for a different land use type.
 1. Residential Subdivision Development, Mixed-use Planned Developments, Commercial and/or Industrial Developments, and Special Use Permits. The City Council shall with deliberation incorporate the evaluation of utility allocation requests into the decision-making process associated with each of the aforementioned review processes established within the City's development standards and specifications. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review process for the accompanying land use application with regard to conformity with City of Lowell' policies and ordinances, planning practices, and consistency with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- C. The City Public Works Engineer shall review for approval all incorporated area applications for utility capacity, which require a daily flow allocation of less than five thousand gallons (5,000 gpd) for allocations.
1. The City Public Works Engineer shall consider the goals articulated by this and related City policies when reviewing applications for utility allocations. If an application is denied, the City Public Works Engineer shall state in writing the reasons for denial of the request.
 2. Appeals process. Any applicant whose application for utility service is denied by the City Public Works Engineer and who believes that such denial is inconsistent with the goals and priorities stated by this and related City policies may appeal the denial for review by the City Council for final decision at the next regularly scheduled City Council meeting.
- D. Utility allocations granted under this policy shall require the requestor to post the tap fees within forty-five (45) days of the date the allocation is granted. Failure to pay the tap fees within this period may result in revocation of the allocation.
1. All utility allocations approved by the City shall be effective for a period of twenty-four (24) months. Projects possessing an allocation must start construction within the time shown on the project schedule prepared and submitted by the developer or customer.
 2. Upon request by the applicant and at the discretion of the City Manager, an allocation may be extended for a twelve (12) month period.
 4. At the final expiration date for an unused allocation the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City.
 5. Authority of the distributing of utility allocations in association with the City's utility services is held exclusively by the City of Lowell. Utility allocations shall not be redistributed to a third party.
 6. Relinquishment of allocated utilities shall be in accordance with Subsection II.E of this policy.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- E. An allocation holder may relinquish capacity back to the City subject to the following policies for reimbursement of fees paid:
1. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval, and the allocation holder relinquishes capacity back to the City within ninety (90) days of the date the allocation is granted, the full amount paid on utility tap fees shall be reimbursed without penalty or other withholding by the City.
 2. If a project is successful in obtaining all required City, County and State approvals and agrees to relinquish the total capacity allocation granted back to the City within ninety (90) days following receipt of final permit approval from the City, then the total amount of the utility capacity fees paid to the City shall be returned without penalty or other withholding by the City.
 3. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval and holds an allocation for ninety (90) or more days, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 4. If a project is successful in obtaining all required City, County and State approvals and holds an allocation for ninety (90) or more days following receipt of final permit approval from the City, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 5. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after six (6) months beyond the scheduled date for start of construction, but within twelve (12) months beyond the scheduled date for start of construction, then thirty percent (30%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.

City of Lowell
Policy for Managing Utility Allocations & Extensions

6. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after twelve (12) months beyond the scheduled date for start of construction, but within eighteen (18) months beyond the scheduled date for start of construction, then forty percent (40%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 7. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after eighteen (18) months beyond the scheduled date for start of construction, but within twenty-four (24) months beyond the scheduled date for start of construction, then fifty percent (50%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 8. If a project is or is not successful in obtaining all required City, County and State approvals and has not demonstrated significant construction advancement in the proposed project within twenty-four (24) months beyond the scheduled date for start of construction, then the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City and the remaining amount shall be returned to the applicant.
- F. Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by City Ordinance or policy and does not imply or create any vested right per G.S 160D-108.
- G. If the City of Lowell approves an allocation for utility capacity for a project and a permit for such project is ultimately denied by the North Carolina Department of Environmental Quality, its successors or other responsible regulatory agency, then the City of Lowell shall bear no liability for any costs incurred by the applicant, nor bear further responsibility in the matter. In such cases, applicable utility access fees, if previously collected, shall be returned as provided in Subsection II.E.

City of Lowell
Policy for Managing Utility Allocations & Extensions

III. Capacity Accounting

- A. Due to weather related factors, the regulatory environment, and the dynamic nature of both water resources and wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The City of Lowell shall seek to track the amount of capacity that may be available for allocation; however, such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.
 - 1. The City Public Works Engineer shall prepare and incorporate as part of the program established hereunder a schedule of utility capacity available and a list of allocations granted.
 - 2. The City Public Works Engineer shall make at least annual reports to the City Council regarding the status of utility capacities available and allocations granted.

Section 2 - Utility Extension Policy

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue by the expansion and improvement of residential, commercial and industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility extension requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.
 - 3. Commercial development projects with a mixed-use element.
 - 4. Non-profit or civic uses which contribute to or attract significant economic development to the City.

City of Lowell
Policy for Managing Utility Allocations & Extensions

5. Additional phases attached to residential projects with a proven record of quality product and economic success.
 6. Residential projects that include tangible, high quality community amenities.
 7. Residential projects that include diverse products and opportunities.
 8. Residential projects, not otherwise described above.
- D. The planning and extension of water and sewer systems of the City of Lowell shall be accomplished in accordance with the following general principles:
1. Extensions shall be made to promote the orderly growth of the community. The minimum distance for any extension of a water main or sanitary sewer main shall be determined by City Council. In general, the minimum distance for extensions shall be one platted block or, in the case of water mains, from main line valve to main line valve; and in the case of sanitary sewer extensions, from manhole to manhole.
 2. The size of water mains and sanitary sewer mains to be installed, and the other required system facilities shall be determined by the City Council in accordance with the recognized standards and accepted engineering practices and design, and in accordance with applicable system plans adopted by the City Council.
 3. The City shall be responsible for the maintenance, operation, control and ownership of all water and sewer facilities.
 4. Developers of subdivisions shall be responsible for the full cost of installing utilities within their own subdivisions, and for the full cost of any mains or outfalls required to connect said subdivisions to the water or sewer systems of the City existing at the time. This provision shall apply to all subdivisions whether within or outside of the corporate limits.

II. Application for Extension and Approval of Extension Application

- A. Any property owner or owners desiring water or sanitary sewer service shall apply in writing to the City Council requesting the extension of water or sanitary sewer service or both. No request for the extension of services shall be considered unless submitted in writing in accordance with this Chapter and applicable provisions of the City of Lowell Development Ordinance.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. The applicant shall be required to submit as part of the application, and prior to approval, such information, plans, specifications, or other data as may be required to adequately determine if the requirements of this Chapter and applicable provisions of the City of Lowell Development Ordinance are to be met.
- C. Prior to final approval by the City, the applicant shall furnish to the City all necessary information, reports, plans and specifications as well as appropriate fees payable to the City and documentation of all required permits from other units of government and their agencies.
- D. When application is made for a water or sewer extension or both to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time application is made, the owner or owners shall submit plans in sufficient detail in order to determine the size and type facilities which will be necessary to serve the entire development or subdivision when completed.
- E. No extension to the water or sanitary sewer system of the City shall be made, and no application approved, except in accordance with the requirements of this Section and the consistent with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

III. Financing Extensions within the Corporate Limits

- A. *Extensions to Existing Lots, Parcels or Developed Property.*
 - 1. When application is received requesting the extension of water or sanitary sewer service or both to serve property, within the corporate limits, which is developed or where streets have been previously dedicated and accepted by the City, and where the area is not part of a new subdivision, the City Public Works Engineer or other person designated by the City Council shall estimate the cost of the project and present the application for the extension, the estimated cost and other required information to the City Council for consideration. If the application is approved by the City Council, and subject to the availability of funds, the City will install or have installed by contract under its supervision, the extensions which have been approved, and the extensions shall be financed in accordance with this Section.

City of Lowell
Policy for Managing Utility Allocations & Extensions

2. Upon receipt of a petition to extend a water and/or sewer main, the City Council has the following five options for response:
 - a. Install the extension at the City's expense.
 - b. Approve and allow the petitioner to install the extension at petitioner's expense.
 - c. Install the extension at the petitioner's expense.
 - d. Install and jointly finance the extension in cooperation with the petitioner.
 - e. Deny the request.
3. The criteria under which an option will be chosen are generally defined herein; however, the City Council may act according to any aforementioned option, which it feels is in the best interest of the City.
4. When the City determines that it is advisable to install larger size lines or facilities than are necessary to serve the benefited property, the difference in the cost of the larger size facilities over the cost of the facilities required to serve the benefited property the extensions shall be paid by the City and excluded from the total cost to be shared by the property owner(s) and the City as provided herein.

- B. *Extension by the City Council's Initiative.* Nothing in this Chapter shall prevent the City Council from extending water or sanitary sewer mains or both within the corporate limits on their own initiative without receipt of an application from property owners and to assess the cost of such extensions in accordance with Subsection III.A above, when, in the opinion of the City Council, the general public interest requires such extensions of service.

IV. Financing Extensions to Subdivisions and Properties Outside of the Corporate Limits

The financing of extensions of water or sanitary sewer service or both to properties located outside of the corporate limits or to subdivisions for which the extension of service has not been approved as of the date of adoption of this Ordinance shall be performed in accordance with the provisions of this Article and other applicable City Ordinances including but not limited to the City of Lowell Development Ordinance.

- A. All applications for water and sewer extensions to serve properties located outside of the corporate limits or to serve subdivisions, for which an application for extension has not been approved as of the date of this Ordinance, shall be made in the same manner and under the same requirements as provided for in Subsection III.A and Subsection III.B.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. If an application is approved by the City Council, the owner or owners shall be required to pay 100% of the total cost of all extensions. However, the City may participate to the extent agreed upon by the City Council in the cost of larger size mains that are in excess of the size mains required to serve the project. No reimbursement by the City shall be made upon annexation and all water and sewer lines connected to the City system and located outside of the corporate limits shall become the property of the City at the time those facilities are connected.

- C. All applicants requesting utility services shall, at the request of the City, file a petition for annexation to the City. Failure to file a petition for voluntary annexation or satellite annexation on notice from the City may result in immediate termination of water service upon finding by the City Council of a breach of the agreement for the provision of water service.

V. Specifications; Ownership

Any water mains or sanitary sewer mains, lift stations, pumping stations, tanks, controls, telemetry, easements and/or other appurtenances extended under the provisions of this Chapter shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the City. All facilities installed under the provisions of this Chapter, whether within or outside the corporate limits, shall become the sole property of the City and under its jurisdiction and control for any and all purposes whatsoever at the time those facilities are connected to the City system. The property owner or owners shall grant to the City such utility easement as the City may require. In addition, a deed to the City for water or sewer facilities installed which are located outside the corporate limits, the cost of which is borne by the applicant or property owners, shall be executed prior to the time any extensions provided for in this Chapter are connected to the City system.

ADOPTED on this the 10th day of August 2021

s/ *Sandy Railey*
Sandy Railey, Mayor

s/ *Beverly Harris*
Beverly Harris, City Clerk

Public Works Department

Monthly Report

July 2021

Water and Sewer Dept:

- Water leak, Walnut St.
- Water leak at WWTP
- Water Leak, Catawba Run
- Water tap on Perkins St.
- Water Leak, Lowell Bethesda Rd
- Water Leak – First & Main Street
- Perform drying bed maintenance at WWTP.
- Property clearing at Preston Place Lift Station.

Street and Stormwater Department:

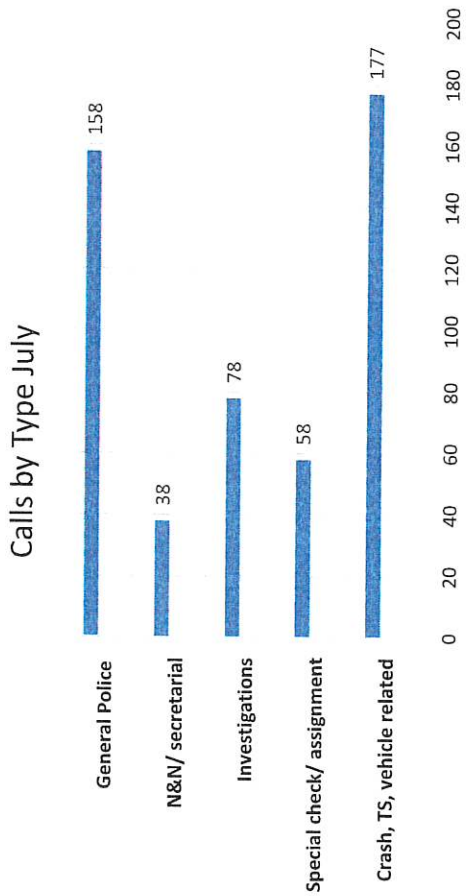
- Crews worked on street sign maintenance.
- Employees worked to clean and spray sidewalks on main roads.
- Employees worked to eliminate blind curves by trimming back overgrown vegetation.
- Staff worked to repair sink hole issues on River Run Rd.
- Extra work was put into Harold Rankin Park. Clearing, spraying and ballfield maintenance.

POLICE REPORT JULY 2021

Grouped call type	Value
Crash, TS, vehicle related	177
Special check/ assignment	58
Investigations	78
N&N/ secretarial	38
General Police	158

Monthly calls July 2019-2021

2019	426
2020	475
2021	511



To: Scott Attaway, City Manager
 From: Alex Blackburn, Planning Director/Code Enforcement
 Date: July 30, 2021
 Re: Monthly Departmental Update

Planning Department

Code Enforcement

For the month of July, 2021, City Staff were involved in 7 Violations ranging from Tall Grass to Bulk Items left at the roadway. To date, all but one of the violations has been remedied.

A continuation of investigation and abatement from June regarding two properties that have been abandoned and one that is not meeting the Minimum Housing requirements of the Lowell Code of Ordinances is also in the process of abatement with the property owners following the inspection conducted by Gaston County Chief Inspector M. Roper and myself.

Zoning:

The Zoning Department has issued 10 Zoning Permits and initiated 2 Rezoning request RZ21-01 and RZ21-02.

RZ21-01	Rezoning	Rick Bournique	260-300-400-506-518 Oakland Dr	\$350	7/2/2021
RZ21-02	Rezoning	North Point	PID# 216857	\$350	7/2/2021
ZP21-45	Sign Permit	Pete Hatcher/Truist Bank	830 Groves St.	\$100	7/1/2021
ZP21-46	Demo Permit	Robert Hawkins	4424 Wilkinson Blvd.	\$100	7/8/2021
ZP21-47	Change of Use	Alisa Frye/Fryeday Coffee	106 E First Street	\$100	7/9/2021
ZP21-48	Change of Use	Rosalinda Fitz	720 McAdenville Ave	\$100	7/14/2021
ZP21-49	Accessory Structure/Fence	Margaret Reed	625 Overlook Rd.	\$25	7/20/2021
ZP21-50	Accessory Structure/Solar	Jeffery Bennet	571 River View Dr	\$25	7/21/2021
ZP21-51	Remodel/No Expansion	Thomas Shrewsbury	3121 Lowell Road	\$25	7/22/2021
ZP21-52	Remodel/No Expansion	Revitalizing Real Estate LLC	508 N First Street	\$25	7/22/2021
ZP21-53	Temporary Sign Permit	Rosalinda Fritz	720 McAdenville Ave	\$50	7/22/2021
ZP21-54	Accessory Structure/Field House	Gaston Christian School	1625 Lowell-Bethesda Rd.	\$250	7/28/2021
	pre-plat review	River Heights		\$860	7/26/2021

Rezoning Case # RZ21-01 includes 5 properties on the right side of Oakland Drive requesting a zoning change from its current zoning district of Single Family Residential-4 (SFR-4) to Industrial (IND). Public notice has been posted in the Gaston Gazette twice, the first ad occurring on July 29th and the second ad to run this coming Thursday, August 5th. Notices have also been mailed to property owners abutting the applying parcels, and those were mailed on the morning of July 28th. Notification Signs were posted on the 5 properties on July 29th. To date I have received 1 phone call regarding this case.

Rezoning Case # RZ21-02 is for the Parcel ID # 216857 that runs to the West of S Church Street between Ethelyn Street and Lynn Street. It is requested that the property be transferred from the current zoning of Single Family Residential-4 (SFR-4) to Industrial (IND). Public notice has been posted in the Gaston Gazette twice, the first ad occurring on July 29th and the second ad to run this coming Thursday, August 5th. Notices have also been mailed to property owners

abutting the applying parcels, and those were mailed on the morning of July 28th. Notification Signs were posted in the area on July 29th. To date I have received 4 phone call regarding this case.

At the July 13th City Council meeting, Planning and Zoning Staff were instructed by Councilwoman Funderburk to begin a text amendment to the Lowell Development Ordinance to remove Beauty/Barber Shops as listed uses in the Main Street Zoning District. The NC Planners Listserv e-mail chain was utilized for discussion on the issue. This issue will be brought before the Planning Board at their August 3rd meeting.

In working with Rick Flowe of N-Focus and Bonnie Fisher of LaBella Engineering, it was agreed that a text amendment should be considered to the Lowell Development Ordinance, Article 19, Section 14 and Section 21 to add reference to the North Carolina Department of Transportation Manual regarding Construction Standards. This will be considered during the August 3rd Planning Board Meeting.

Planning:

The City of Lowell Planning Board met on July 6th, and considered RZ21-01 and RZ21-02.

RZ21-01 was heard and approved in a 3-1 vote for recommendation of approval to the City Council.

RZ21-02 was heard and approved in a 4-0 vote for recommendation of approval to the City Council.

The Residential Development currently referred to as Lowell Woods has submitted their preliminary site plan for the Planning Board to make comments on in their August 3rd meeting.

Due to the relinquishment of the City of Lowell Extra Territorial Jurisdiction the City of Lowell Code of Ordinances will need to be amended to reflect that the Planning Board and Board of Adjustment consist of 7 members of Lowell residents to reflect the current Lowell Development Ordinance wording.

Stormwater:

As mentioned above, the City of Lowell Planning Board will consider a text amendment to the Lowell Development Ordinance Article 19, Section 14 and Section 21.

We are working with our partners in the RSPC in developing handouts for specific needs in our city to assist in public education and outreach concerning Stormwater for various target audiences. As well as to develop Lowell specific inspection forms and schedules.

Several meetings were held regarding the consultation of mapping outfalls and Stormwater infrastructure in the City of Lowell to get an idea of methods and costs for the project and reasonable timeframes for achieving completion in regards to the NCDEQ Permit requirements. Several municipal stormwater professionals were also able to provide some insights and cost saving strategies.

Parks and Recreation

July 2021 Monthly Report

Events

Hosted Dinos in the Park on July 17. 250 cars parked between 3 rows in parking lot and on t-ball field. Estimated attendance 800-1000 people. Special thanks to Public Works for sending an employee to help with parking.

Created artwork of events

Event listing creations on facebook and website

Promoting events

Submitting event information to media outlets

Co-hosted 2 Storytime at the Park events with the library

Finalizing details of the events

Created online registration form and opened vendor registration

Securing trucks for Trucks in the Park and seeking out contacts with trucks.

Athletics

Cancelled contract with the new registration platform due to lack of support with getting the website usable. Website was up and looked great but issue on their backend with receiving payments. Working with current registration platform to improve the site. Many changes have already been made to layout to improve the look of the website.

Soccer registration opened July 15 for ages 3-15. Sign-ups close August 13, practices begin August 14. Sign-ups are going well.

Communication with parents about upcoming first day of practice and upcoming DICK's weekend

Dragging big field for baseball field

Discussions with area Parks and Recreation Departments for fall sports plans and registration dates

Set up of a fall 2021 City of Lowell 20% weekend at Dick's Sporting Goods as part of our contract for their youth sports sponsorship - August 6-August 8

Hosted two in-person registration events to accept registrations and answer questions about the program. July 17 at Dinos in the Park and on August 7.

Communication with Dolphins on field rental for football practice. Organization added Sundays to the current schedule for the lower field for a couple of hours in the afternoon. Current schedule is Mondays, Tuesdays, Thursdays (evenings) and now Sunday afternoon 2:30-5:30pm. Schedule may change slightly once Parks and Recreation soccer program starts.

General

General communications answering inquiries via phone, social media, email

Picking up trash, cleaning Community Center before rentals

Social media postings and Website updates

4 new 8' tables for Harold Rankin Park received and installed by Public Works. The two current tables under the shelter didn't match 100% so one was added to the Funbrella for rental purposes and the other replaced the broken wooden table under the shelter at Bob Bolick Park.

LCC meeting preparation

Assisted PD with National Night Out event with staff at the event from Parks and Recreation and the LCC

Communication with Holbrook – banner sponsorship for home games – City is sponsoring a banner.

Lowell Volunteer Fire Department

Lowell, NC

This report was generated on 8/2/2021 9:15:20 PM



Incident Type Count per Station for Date Range

Start Date: 07/01/2021 | End Date: 07/31/2021

INCIDENT TYPE	# INCIDENTS
Station: 17 - STATION 17	
121 - Fire in mobile home used as fixed residence	1
132 - Road freight or transport vehicle fire	1
140 - Natural vegetation fire, other	1
143 - Grass fire	7
311 - Medical assist, assist EMS crew	3
321 - EMS call, excluding vehicle accident with injury	2
322 - Motor vehicle accident with injuries	10
324 - Motor vehicle accident with no injuries.	4
412 - Gas leak (natural gas or LPG)	1
460 - Accident, potential accident, other	1
500 - Service Call, other	2
511 - Lock-out	1
531 - Smoke or odor removal	1
550 - Public service assistance, other	1
551 - Assist police or other governmental agency	2
553 - Public service	1
622 - No incident found on arrival at dispatch address	2
700 - False alarm or false call, other	3
745 - Alarm system activation, no fire - unintentional	1
746 - Carbon monoxide detector activation, no CO	1
# Incidents for 17 - Station 17:	46

Only REVIEWED incidents included.



emergencyreporting.com
 Doc Id: 857
 Page # 1 of 1

Finance

July 2021 Monthly Report

Utility Billing

Stormwater Utility has been fully integrated into the City's billing and financial software – bills were generated and mailed at the end of July

Calls related to Stormwater Utility approximately 0.5% (half-percent) of all Lowell residents

Continuing to work through issues with Mueller Mi.Net (service addresses with incorrect reading multipliers, meters not responding in the network, etc.)

Foot traffic at City Hall has remained steady since re-opening City Hall

10 additional roll carts have been added – 4 commercial, 6 residential

Finance

Awaiting deposit for ARP funding – bank account has already been established to house funding separate from our general checking. Will likely need to establish a Special Revenue Fund to properly account for this money. Appropriations are still TBD - limited guidance has been provided for allowable costs at this time

Powell Bill Expenditure Report and Street Mapping were submitted to the State to ensure funding for Fiscal Year 2022

Fiscal Year 2021 audit is nearing commencement

AGENDA ITEM 8-F

CITY OF LOWELL, NORTH CAROLINA
POLICE VEHICLE FINANCING BID ANALYSIS
FISCAL YEAR ENDING JUNE 30, 2022

BID #1: UNITED FINANCIAL

LOAN AMOUNT: \$ 120,000.00			
ANNUAL INTEREST RATE: 1.49%			
TERM: 5 YEARS			
PAYMENT	PRINCIPAL	INTEREST	TOTAL PAYMENT
1	\$ 23,295.38	\$ 1,788.00	\$ 25,083.38
2	23,642.48	1,440.90	25,083.38
3	23,994.75	1,088.63	25,083.38
4	24,352.28	731.10	25,083.38
5	24,715.11	368.27	25,083.38
TOTAL	\$ 120,000.00	\$ 5,416.90	\$ 125,416.90

BID #2: FIRST HORIZON

LOAN AMOUNT: \$ 120,000.00
ANNUAL INTEREST RATE: 2.50%
TERM: 5 YEARS

SEMI-ANNUAL PAYMENTS	PRINCIPAL	INTEREST	TOTAL PAYMENT
1	\$ 10,711.05	\$ 3,000.00	\$ 13,711.05
2	10,978.83	2,732.22	13,711.05
3	11,253.30	2,457.75	13,711.05
4	11,534.63	2,176.42	13,711.05
5	11,823.00	1,888.05	13,711.05
6	12,118.57	1,592.48	13,711.05
7	12,421.54	1,289.52	13,711.06
8	12,732.07	978.98	13,711.05
9	13,050.38	660.68	13,711.06
10	13,376.64	334.42	13,711.06
TOTAL	\$ 120,000.00	\$ 17,110.52	\$ 137,110.52

ANNUAL PAYMENTS	PRINCIPAL	INTEREST	TOTAL PAYMENT
1	\$ 22,829.62	\$ 3,000.00	\$ 25,829.62
2	23,400.36	2,429.26	25,829.62
3	23,985.37	1,844.25	25,829.62
4	24,585.01	1,244.62	25,829.63
5	25,199.63	629.99	25,829.62
TOTAL	\$ 120,000.00	\$ 9,148.12	\$ 129,148.12

* Staff recommends selecting United Financial as the City's lending partner in acquiring the three (3) police vehicles needed to maintain Public Safety services as budgeted and during the fiscal year ending June 30, 2022



Financial Services Department

July 26, 2021

Request for Proposals for Equipment Installment Financing

The City of Lowell, North Carolina (the “City”) desires to enter into an installment financing agreement pursuant to N.C.G.S. §160A-20 in a principal amount not to exceed \$120,000 for the purpose of financing the cost of three police vehicles and relevant equipment purchases (collectively, the “Project”) and paying related financing costs. The City is soliciting proposals to provide the necessary financing for the Project, subject to the terms and conditions set forth in this Request for Proposals.

A. Pertinent Information

1. The Project consists of various governmental vehicles and equipment expected to include, but is not limited to, the items designated on the attached vehicle and equipment list.
2. Mullen Holland and Cooper P.A. (MHC), Gastonia, North Carolina, will serve as special counsel to the City for this financing. Legal documentation necessary for the financing will be prepared either by the successful bidder, its counsel or MHC, as agreed to by such parties. In any event, all legal documentation will be subject to the approval of the City’s counsel. By submitting a proposal, the winning bidder waives any conflict of interest that might arise in connection with Mullen Holland and Cooper’s (MHC) representation of the City as special counsel in connection with the financing.
3. The financing will be bank eligible under Section 265 of the Internal Revenue Code of 1986, as amended.

B. Contract Specifications

1. The amount of the financing is not to exceed \$115,000
2. The desired term of the financing is for 60 months. The City desires substantially level debt service payments.
3. Installment payments (principal and interest) are to be made either annually or semi-annually in arrears. Please submit debt service schedules for each payment term offered.
4. The interest rate shall be fixed for the entire term.

5. The interest rate(s) proposed must be guaranteed for at least forty-five (45) days. The City desires to close the transaction on or before August 31, 2019.
6. Prepayment terms shall be specified in the bid.
7. The City's obligations under the installment financing agreement will be secured by a security interest in all or a portion of the equipment being financed. No deficiency judgment may be rendered against the City for breach of a contractual obligation under the Installment Financing Agreement, and the taxing power of the City will not be pledged to secure repayment hereunder. The successful bidder will be required to prepare and file UCC-1 financing statements and take such other actions as necessary to perfect the security interest in the vehicles and equipment being financed.
8. The installment financing agreement must not contain a non-substitution clause.

C. Submission of Proposal

Proposals can be emailed to bharris@lowellnc.com or mailed prior to the bid opening to the City of Lowell City Clerk at 101 W. First Street Lowell, NC 28098. **All bids must be received by 12:00P.M. August 9, 2021. Bids to be opened and read publicly at 2 P.M., August 9, 2021.**

It is expected that the City Council will formally accept the winning proposal at its August 10, 2021 City Council meeting.

At a minimum, proposals must specify the following information:

1. The term of the financing (i.e., 60 months).
2. The interest rate for the entire term.
3. The terms of repayment. Please attach sample debt service schedules.
4. Proposed terms for optional prepayment.
5. If there are any additional costs associated with this financing, including origination or placement fees, escrow fees, counsel fees and expenses, please list. State whether or not any of such fees or expenses will be capped.
6. Describe how the proceeds of the financing will be required to be held and invested pending expenditure to pay project and financing costs.

The City reserves the right to request additional information from and negotiate terms with the bidders and reserves the right to reject all proposals and to waive any irregularity or informality. Although the selection will be based substantially on lowest total financing cost (including both interest costs and additional costs), the City reserves the right to select the bidder that best meets the needs of the City.

You may contact Jared Pyles at (704) 824-3518 or jpyles@lowellnc.com if further information is needed or if you have any questions regarding this Request for Proposal.

Thank you in advance for your consideration.

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PO Box 631245 Cincinnati, OH 45263-1245

PROOF OF PUBLICATION

City Of Lowell
Ben Blackburn
City Of Lowell
101 W. FIRST ST
Lowell NC 28098

STATE OF NORTH CAROLINA, COUNTY OF GASTON

The Gaston Gazette, a newspaper printed and published in the city of Gastonia, and of general circulation in the County of Gaston, State of North Carolina, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

07/29/2021

and that the fees charged are legal.
Sworn to and subscribed before on 07/29/2021

REQUEST FOR PROPOSALS For Equipment Installment Financing

The City of Lowell, NC (the "City") desires to enter into an installment financing agreement pursuant to N.C.G.S. §160A-20 in a principal amount not to exceed \$120,000 for the purpose of financing the cost of three police vehicles and relevant equipment purchases (collectively, the "Project") and paying related financing costs. The City is soliciting proposals to provide the necessary financing for the Project, subject to the terms and conditions set forth in the financing scope document to be found on the City's website (www.lowellnc.com).

Proposals can be emailed to bharris@lowellnc.com or mailed prior to the bid opening to the City of Lowell, Attn: City Clerk, at 101 W. First St., Lowell, NC 28098. All bids must be received by 12:00 p.m. August 9, 2021. Bids will be opened and read publicly at 2 p.m. August 9, 2021 in the Council Chambers of City Hall, 101 W. First St., Lowell, NC. It is expected that the City Council will formally accept the winning proposal at its August 10, 2021 City Council meeting scheduled for 6 p.m.

The City reserves the right to request additional information from and negotiate terms with the bidders and reserves the right to reject all proposals and to waive any irregularity or informality. Although the selection will be based substantially on lowest total financing cost (including both interest costs and additional costs), the City reserves the right to select the bidder that best meets the needs of the City. You may contact Jared Pyles at (704) 824-3518 or jpyles@lowellnc.com if further information is needed or if you have any questions regarding this Request for Proposal or the financing scope document.

July 29, 2021

#6112349

Linda Tutt

Legal Clerk

Sarah Bertelsen

Notary, State of WI, County of Brown

7/27/25

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Legal Clerk

Sarah Bertelsen

Notary, State of WI, County of Brown

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SARAH BERTELSEN
Notary Public
State of Wisconsin

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, August 10, 2021, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be to consider a proposed zoning map amendment for the properties between Oakland Drive and Birch Street, with address: 260 Oakland Dr. (PID#127183), 300 Oakland Dr. (PID#127178), 400 Oakland Dr. (PID#127181), 506 Oakland Dr. (PID#220489), and 518 Oakland Dr. (PID#220488). Requested change from current zoning district Single Family Residential-4 (SFR-4) to Industrial (IND) zoning district. Case #RZ21-01

For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.
July 29, Aug. 5, 2021 #6114605

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City Of Lowell
Ben Blackburn
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Linda Tuttle

Legal Clerk

Sarah Bertelsen

Notary, State of WI, County of Brown

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SARAH BERTELSEN
Notary Public
State of Wisconsin

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, August 10th, 2021, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be to consider a proposed zoning map amendment for the properties with unassigned addresses located on the north side of Interstate I-85 between Ethelyn Avenue and Lynn Street. Further described as Property Parcel ID # 216857. Proposed change will be from current zoning of Single Family Residential-4 (SFR-4) to Industrial (IND) Zoning District.

Case #RZ21-02

For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.

July 29, Aug. 5, 2021 #6114583