



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, DECEMBER 14, 2021, 6:00 P.M.**

- 1. CALL TO ORDER – Mayor Sandy Railey**
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**

Minutes from Council Meeting Held November 9, 2021 (p. 1-8)

6. UNFINISHED BUSINESS

- A. Public Hearing for CDBG-I (Grant #18-I-3034) Regarding Scope Amendment (p. 9-10)
- B. Public Hearing for Proposed Text Amendment to the Lowell Development Ordinance (LDO) Article 5 Section 5.3-1(B) (p. 11-16)
- C. Public Hearing for Consideration of Development Agreement for Parcel ID# 212032 (p. 17-23)
- D. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID# 202167 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR-4 (p. 24-25)
- E. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID#'s 202166, 135144, and 210660 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR-4 (p. 26-27)
- F. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID#'s 148011 and 148012 from the Current Gaston County Zoning Designation of RS-20 and Ranlo ETJ Zoning Districts of EL-1 and R-12 to the City of Lowell Zoning District of Civic (p. 28-53)
- G. Discussion of Code or Ordinances Section 130.01 as it Relates to Construction Noise (p. 54)

7. SPECIAL PRESENTATION

- A. Ted Hall

8. ADMINISTRATION OF OATHS OF OFFICE FOR INCOMING COUNCIL MEMBERS

9. NEW BUSINESS

- A. Selection of Mayor Pro-Tempore
- B. Appointment of Council Delegate to Centralina COG
- C. Appointment of Council Delegate to GCLMPO Board
- D. Appointment of Council Liaison to LCC Committee
- E. Appointment of Council Liaison to Lowell VFD
- F. Adoption of 2022 Schedule of Meetings and City Holidays **(p. 55-56)**
- G. Presentation and Consideration of Donation of Parcel ID#127479, Lowell Investments I LLC **(p. 57-60)**
- H. Consideration of Appointment to the Planning Board, Board of Adjustment and Stormwater Commission **(p. 61-65)**
- I. Budget Amendment **(p. 66-67)**
- J. Set Public Hearing for Consideration of LDO Text Amendments as it Relates to Session Law 2021-138 **(p. 68-76)**
- K. Set Public Hearing for Consideration of Zoning Map Amendment RZ21-04 Regarding Parcel ID #'s 136564 and 202774 from the Zoning District of SFR-3 to SFR-4/CD **(p. 77-84)**

10. STAFF REPORTS

- A. Public Works Report **(p. 85)**
- B. Planning Department Report **(p. 86-87)**
- C. Police Department Report **(p. 88-89)**
- D. Parks and Rec. Department Report **(p. 90-91)**
- E. Fire Department Report **(p. 92)**

11. CITY ATTORNEY REPORT

12. CITY MANAGER REPORT

13. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

14. ADJOURN

MINUTES

Lowell City Council

Regular Meeting

Tuesday, November 9, 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, Planning Director Alex Blackburn, Police Captain Carl Moore, 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

Scott Attaway stated staff needs to amend Item 13: Closed Session to add Item B (To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11(a)(6)).

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

IV. PUBLIC COMMENTS

Barbara Ballard (21 Stowe Street) – Code enforcement.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held October 12, 2021

Councilmember Ervin made a motion to approve the minutes from the October 12, 2021 Council meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

A. Proclamation Recognizing Veteran's Day

Councilmember Ervin made a motion to adopt Proclamation #PR7-2021, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

VII. UNFINISHED BUSINESS

A. Public Hearing for CDBG-I (Grant #18-I-3034) Regarding Scope Amendment

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

Scott Attaway stated staff has requested this public hearing to be continued to the December 14, 2021 City Council meeting at 6:00 pm. He stated not all information was back yet from the State.

Councilmember Funderburk made a motion to continue the public hearing for CDBG-I (Grant #18-I-3034) regarding scope amendment to the December 14, 2021 Council meeting at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

B. Public Hearing for CDBG-I (Grant #14-I-3033) Regarding Grant Close-Out

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

Keith Carpenter with Withers Ravenel presented the close out memo for the CDBG-I (Grant #14-I-3033) (See attached).

Councilmember Ervin made a motion to close out the CDBG-I Grant #14-I-3033, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

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

C. Public Hearing Regarding Petition for Annexation of Non-Contiguous Property of Parcel ID #'s 202167 and as shown by the metes and bounds description.

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

Scott Attaway presented all required statutory items that have been taken care of regarding the petition for annexation of non-contiguous property of parcel ID #202167. (See attached memo.) Mr. Attaway stated the public hearing needed to be held as well as consideration of Ordinance (#OR8-2021) extending the corporate limits for the City of Lowell.

Gerald Flowers (owns 12 acres attached to parcel) wanted to know how many houses were going to be built per acre and if they would be on septic or city sewer.

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 Ervin made a motion to adopt Ordinance #OR8-2021 extending the corporate limits for the City of Lowell with the annexation of Parcel #202167, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

D. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #202167 from the current Gaston County zoning designation of R-1 to the City of Lowell Zoning District of SFR-4

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

Scott Attaway stated this public hearing will be continued until the December 14, 2021 Council meeting at 6:00 pm. Due to the need for the neighborhood meeting to be held.

Councilmember Ervin made a motion to continue the hearing for the Initial Zoning Map Amendment regarding Parcel ID #202167 from the current Gaston County zoning designation of R-1 to the City of Lowell Zoning District of SFR-4 to December 14, 2021 at 6:00 pm, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

E. Public Hearing Regarding Petition for Annexation of Contiguous Property of Parcel ID #'s 202166, 135144, and 210660 and as shown by the metes and bounds description; 20.46 acres

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

Scott Attaway presented all required statutory items that have been taken care of regarding the petition for annexation of the contiguous property of parcel ID's #202166, 135144, and 210660. (See attached memo.) Mr. Attaway stated the public hearing needed to be held as well as consideration of the Ordinance (#OR10-2021) extending the corporate limits for the City of Lowell.

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

Councilmember Ervin made a motion to adopt Ordinance #OR10-2021 extending the corporate limits for the City of Lowell with parcel ID #'s 202166, 135144, and 210660, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

F. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #'s 202166, 135144, and 210660 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR-4

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

Scott Attaway stated this public hearing will be continued until the December 14, 2021 Council meeting at 6:00 pm. Due to the need for the neighborhood meeting to be held.

Councilmember Ervin made a motion to continue the public hearing for the Initial Zoning Map Amendment Regarding Parcel ID #'s 202166, 135144, and 210660 from the Current Gaston County Zoning Designation of R-1 to the City of Lowell Zoning District of SFR-4 to December 14, 2021 at 6:00 pm, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

G. Public Hearing Regarding Petition for Annexation of Contiguous Property of Gaston County Poston Park Parcel ID #'s 148011 and 148012 and as shown by the metes and bounds description; 338.95 acres

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

Scott Attaway presented all required statutory items that have been taken care of regarding the petition for annexation of the contiguous property of parcel ID #148011 and 148012. (See attached memo.) Mr. Attaway stated the public hearing needed to be held as well as consideration of the Ordinance (#OR12-2021) extending the corporate limits.

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 adopt Ordinance #OR12-2021 extending the corporate limits for the City of Lowell for parcel ID #148011 and 148012, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

H. Public Hearing for Initial Zoning Map Amendment Regarding Parcel ID #'s 148011 and 148012 from the Current Gaston County Zoning Designation of RS-20 and Ranlo ETJ Zoning Districts of EL-1 and R-12 to the City of Lowell Zoning District of Civic

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

Scott Attaway stated this public hearing will be continued until December 14, 2021 Council meeting at 6:00 pm. Due to the neighborhood meeting not being completed as of yet.

Councilmember Funderburk made a motion to continue the public hearing for the Initial Zoning Map Amendment Regarding Parcel ID #'s 148011 and 148012 from the Current Gaston County Zoning Designation of RS-20 and Ranlo ETJ Zoning Districts of EL-1 and R-12 to the City of

Lowell Zoning District of Civic until the December 14, 2021 Council meeting at 6:00 pm, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

VIII. NEW BUSINESS

A. Consideration of Paving Bids and Selection of Paving Contractor

Scott Attaway presented a memo from the public works director regarding paving bids and selection of a paving contractor for consideration. Mr. Attaway stated staff recommends contracting with Mason Grading and Paving for \$142,275 on the streets as presented in the memo. (See attached memo)

Councilmember Ervin made a motion to accept and approve the bid from Mason Grading & Paving for \$142,275, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

B. Consideration of Interlocal Agreement for Fire Inspections with Gaston County

Scott Attaway presented an Interlocal Agreement for Fire Inspections with Gaston County for consideration.

Councilmember Ervin made a motion to approve the Interlocal Agreement for Fire Inspections with Gaston County as presented in the contract with changes discussed by the City Manager, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

C. Discussion of Code of Ordinances Section 130.01 as it Relates to Construction Noise

Scott Attaway stated staff has received several phone calls from concerned citizens regarding development and construction noise. Mr. Attaway stated the Lowell Code of Ordinances Section 130.01 requires construction to happen only between certain days of the week and certain hours. The noise is happening outside of these hours now. Mr. Attaway stated staff was bringing this to the Council's attention as a point of discussion and if deemed by the City Council, staff will bring forward a recommendation for a text amendment to a future Council meeting.

Council directed staff to continue checking with other towns and see how they handled this same issue and present to Council in December for a proposed text amendment.

D. Amendment to the 2021 Schedule of Meetings and City Holidays

Scott Attaway stated the New Year's Day Holiday for 2021 is observed on 12/31/21 for local governments and the State of North Carolina. This date was left off the current calendar and needs to be added.

Councilmember Ervin made a motion to amend the 2021 schedule of meetings and city holidays, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

E. Consideration of Appointment to the Planning Board, Board of Adjustment, Stormwater Commission, and Lowell Community Committee

Scott Attaway presented a memo from the City Clerk regarding an application of interest received on October 6, 2021 from Scott Wilson of 307 Caroline Avenue for consideration to be appointed to the Planning Board, Board of Adjustment, and Stormwater Commission.

Councilmember Ervin made a motion to appoint Scott Wilson to the Planning Board, Board of Adjustment, and Stormwater Commission, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

F. Set Public Hearing for Consideration of Development Agreement for Parcel ID #212032

Scott Attaway asked Council to schedule a public hearing for the December 14, 2021 regular City Council meeting regarding the draft development agreement between the City of Lowell and True Homes as it relates to road and stormwater utility improvements in the approved Lowell Woods subdivision.

Councilmember Funderburk made a motion to set public hearing for consideration of the development agreement for parcel ID #212032 (Lowell Woods) for December 14, 2021 at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

G. Set Public Hearing for Proposed Text Amendment to the Lowell Development Ordinance (LDO) Article 5 Section 5.3-1(B)

Scott Attaway stated at the November 4, 2021 Planning Board meeting, they considered a request for a text amendment to the Lowell Development Ordinance to remove the requirements of a Neighborhood Meeting for Zoning Map Amendments with the exception of Special Use Permits and Conditional Zoning Requests. The Planning Board voted unanimously to recommend the amended text to the City Council for approval. (See attached text amendment)

Councilmember Funderburk made a motion to set public hearing for the proposed text amendment to the Lowell Development Ordinance (LDO) Article 5 Section 5.3-1(B) on December 14, 2021 at 6:00 pm, followed by a second from Councilmember Bonham. The vote was unanimously in favor

H. Consideration to Waive Reapplication Period of Zoning Map Amendment for Parcel ID #136564 and 202774

Scott Attaway stated in accordance with the LDO Article 5.3-4, staff has received a request by the property owner for parcel ID #136564 and 202774, to waive the wait period of four months after the date of the initial zoning map amendment approval or denial.

Bob Clay addressed the Council and gave them an update on why they are requesting them to waive the wait period of four months. Mr. Clay stated when the Council closed the public hearing, they could not address the comments made during the public hearing.

Councilmember Gillespie made the motion to waive the reapplication period of zoning map amendment for parcels ID #136564 and 202774, followed by a second from Councilmember Funderburk. The vote was four in favor (Bonham, Gillespie, Funderburk, Ervin), and one opposed (Robinson). The motion carries with the majority being in favor.

IX. STAFF REPORTS

A. Public Works Report

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

B. Police Department Report

Scott Attaway covered the police department report. (ATTACHED)

C. Planning Department Report

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

D. Parks and Recreation Report

Scott Attaway presented the Parks & Recreation report. (ATTACHED)

E. Fire Department Report

Scott Attaway presented the Fire Department report. (ATTACHED)

F. Finance Officer Report

Scott Attaway 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:

- I-85 Improvement Update from NCDOT
- 5K Update (2022)

- Tree Lighting Update (Dec 2 vs 11th)
- Grand Marshall Christmas Parade (Hunter Ballard) Dec 11th
- RAISE Grant Award Announcement 11/22
- 2022 Economic Forecast Update

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Ervin thanked Councilmember Robinson for his service.

Councilmember Funderburk asked if an additional handicap parking sign can be added in the City Hall parking lot. She also asked that a sign be added for right turn at N. Main and McAdenville Rd. She wanted additional flags ordered for streets. Also, she was concerned about the upcoming population in Lowell schools.

Councilmember Gillespie thanked Councilmember Robinson for his service.

Mayor Railey thanked everyone for coming to the meeting.

XIII. CLOSED SESSION

- A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)
- B. To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11(a)(6)

A motion was made at 8:00 pm by Councilmember Gillespie to go into Closed Session in accordance with provisions of NCGS 143-318.11(a)(5) and NCGS 143-318.11(a)(6), followed by a second from Councilmember Ervin. The vote was unanimously in favor.

The Council reconvened from Closed Session at 8:30 pm.

XIV. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Ervin. The vote was unanimously in favor. The meeting ended at 8:30 pm.

ATTEST:

Mayor, Sandy Railey

City Clerk, Beverly Harris

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-A

DESCRIPTION: PUBLIC HEARING FOR CDBG-I (GRANT #18-I-3034)
REGARDING SCOPE AMENDMENT

Please see the attached memo from our CDBG Project Manager, Amanda Whitaker of Withers Ravenel.

Memo

To: Scott Attaway

From: Amanda Whitaker, WithersRavenel

RE: Scope Amendment Public Hearing for CDBG-I 18-I-3034

Date: 12/10/2021

The City of Lowell received a Community Development Block Grant for Infrastructure (CDBG-I) grant from the NC Department of Environmental Quality, Division of Water Infrastructure in the amount of \$1,696,480 to rehabilitate/replace aged sewer lines in the project area. The project has been bid out and the contract for the primary project area is for \$859,887.05. This leaves approximately \$700,000 for additional sewer line rehabilitation/replacement in areas that were defined as alternate areas.

The CDBG-I grant requires that the City go through a scope amendment process to include any areas outside the primary project area. This process includes an advertisement for a public hearing, holding the public hearing, and the submission of adopted minutes, IDIS forms, and revised project description and necessary revisions to the Preliminary Engineering Report and Environmental Review.

The Preliminary Engineering Report and Environmental Review documents included these areas. Therefore, these documents long with the required revised project description and necessary forms will be submitted for the State to approve after the public hearing and minutes are approved.

The CDBG-I grant requires that the any alternate areas that we choose to do work in are at least 51% low-moderate income. Based on survey data the areas that qualify and are low-moderate income are Perkins Street, Lakeview Street, and the Outfall Line (located between Ethelyn Avenue and Lynn Street).

The City of Lowell intends to amend the scope of the CDBG Infrastructure 18-I-3034 project to include the following areas and streets: Perkins Street, Lakeview Street, and the Outfall Line (located between Ethelyn Avenue and Lynn Street). These areas have been surveyed and the project will continue to benefit at least 51% low-moderate income households. The project budget will remain as is: Total Project Cost: \$1,696,480, Sewer Improvements Cost: \$1,540,694, Administration Cost: \$155,786

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-B

DESCRIPTION: PUBLIC HEARING FOR PROPOSED TEXT AMENDMENT TO
THE LOWELL DEVELOPMENT ORDINANCE (LDO) ARTICLE
5 SECTION 5.3-1(B)

Please see the attached memo from the Planning Director, Alex Blackburn, regarding this public hearing.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
Re: Proposed Text Amendment to the Lowell Development Ordinance, Article 5

The City of Lowell Planning Board considered a request for a text amendment to the Lowell Development Ordinance to remove the requirement of a Neighborhood meeting from all zoning map amendments with the exception of Special Use Permits and Conditional Zoning Requests.

During the November 4, 2021 Planning Board Meeting, this issue was presented and voted in unanimous consent to recommend the proposed change to the City Council for the City of Lowell.

The amendment would be rewritten in Article 5, Section 5.3-1(B) as shown below.

Current:

5.3 Amendment Process

5.3-1 Initial Application Process

(B) Neighborhood meeting. It is required that the applicant for a zoning map amendment (rezoning) meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located as authorized by G.S. 160d-602(e). The applicant shall coordinate the time and date of the meeting to enable the *Planning, Zoning & Subdivision Administrator* to attend and address procedural questions that arise. the neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.

Proposed:

5.3 Amendment Process

5.3-1 Initial Application Process. (Proposed)

(B) Neighborhood meeting. **For Special Use and Conditional Zoning**, it is required that the applicant meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located as authorized by G.S. 160d-602(e). The applicant shall coordinate the time and date of the meeting to enable the *Planning, Zoning & Subdivision Administrator* to attend and address procedural questions that arise. the neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be

held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.

During their November 9, 2021 meeting, the Lowell City Council scheduled a Public Hearing to be held on December 14, 2021. In accordance with the North Carolina General Statutes, an ad was placed in the Gaston Gazette and ran once a week for two consecutive calendar weeks, on November 23, 2021 and November 30, 2021.

obtained will be used for that purpose, except as stated below in the instance of bankruptcy protection. If you are under the protection of the bankruptcy court or have been discharged as a result of a bankruptcy proceeding, this notice is given to you pursuant to statutory requirement and for informational purposes and is not intended as an attempt to collect a debt or as an act to collect, assess, or recover all or any portion of the debt from you personally. FN# 3130.00319 58984
Nov 16, 23, 2021 No. 6524849

**Public Hearing Notice
Zoning Text Amendment
for the City of Lowell,
North Carolina**

Notice is hereby given that the City of Lowell's City Council will conduct a public hearing on December 14, 2021 at 6:00 pm at the City of Lowell City Hall, 101 W. First Street, Lowell, NC 28098. This meeting will be in regard to a Zoning Text Amendment to the Lowell Development Ordinance, Article 5, Section 5.3, to amend requirements for Neighborhood Meetings. For more information about the hearing, please contact Alex Blackburn at 704-824-3518.
11/23, 11/30 #6543408

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NOTICE OF FORECLOSURE SALE
NORTH CAROLINA, GASTON COUNTY
Under and by virtue of a Power of Sale contained in that certain Deed of Trust executed by Charles Conley and Lisa Pressley to Alexis Alan, Trustee(s), which was dated November 30, 2018 and recorded on December 3, 2018 in Book 5013 at Page 1594, Gaston County Registry, North Carolina. Default having been made of the note thereby secured by the said Deed of Trust and the undersigned, Trustee Services of Carolina, LLC, having been substituted as Trustee in said Deed of Trust, and the holder of the note evidencing said default having directed that the Deed of Trust be foreclosed, the undersigned Substitute Trustee will offer for sale at the courthouse door of the county courthouse where the property is located, or the usual and customary location at the county courthouse for conducting the sale on December 8, 2021 at 10:00 AM, and will sell to the highest bidder for cash the following described property situated in Gaston County, North Carolina, to wit:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN GASTON COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING THE FULL CONTENTS OF LOT NO. 9 OF THE SOUTH FOREST SUBDIVISION, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 37 AT PAGE 18 IN THE GASTON COUNTY REGISTRY; TO WHICH SAID PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAID LOT BY METES AND BOUNDS.

Save and except any releases, deeds of release or prior conveyances of record.

Said property is commonly known as 608 Forest Lane, Belmont, NC 28012.

A certified check only (no personal checks) of five percent (5%) of the purchase price, or Seven Hundred Fifty Dollars (\$750.00), whichever is greater, will be required at the time of the sale. Following the expiration of the statutory upset bid period, all the remaining amounts are immediately due and owing. THIRD PARTY PURCHASERS MUST PAY THE EXCISE TAX AND THE RECORDING COSTS FOR THEIR DEED.

Said property to be offered pursuant to this Notice of Sale is being offered for sale, transfer and conveyance "AS IS WHERE IS." There are no representations of warranty relating to the title or any physical, environmental, health or safety conditions existing in, on, at, or relating to the property being offered for sale. This sale is made subject to all prior liens, unpaid taxes, any unpaid land transfer taxes, special assessments, easements, rights of way, deeds of release, and any other encumbrances or exceptions of record. To the best of the knowledge and belief of the undersigned, the current owner(s) of the property is/are Charles Conley and wife, Lisa Pressley.

An Order for possession of the property may be issued pursuant to G.S. 45-21.29 in favor of the purchaser and against the party or parties in possession by the clerk of superior court of the county in which the property is sold. Any person who occupies the property pursuant to a rental agreement entered into or renewed on or after October 1, 2007, may, after receiving the notice of sale, terminate the rental agreement by providing written notice of termination to the landlord, to be effective on a date stated in the notice that is at least 10 days, but no more than 90 days, after the sale date contained in the notice of sale, provided that the mortgagee has not cured the default at the time the tenant provides the notice of termination [NCGS § 45-21.16A(b)(2)]. Upon termination of a rental agreement, the tenant is liable for rent due under the rental agreement prorated to the effective date of the termination.

If the trustee is unable to convey title to this property for any reason, the sole remedy of the purchaser is the return of the deposit. Reasons of such inability to convey include, but are not limited to, the filing of a bankruptcy petition prior to the confirmation of the sale and reinstatement of the loan without the knowledge of the trustee. If the validity of the sale is challenged by any party, the trustee, in their sole discretion, if they believe the challenge to have merit, may request the court to declare the sale to be void and return the deposit. The purchaser will have no further remedy.

Trustee Services of Carolina, LLC
Substitute Trustee
Brock & Scott, PLLC
Attorneys for Trustee Services of Carolina, LLC
5431 Oleander Drive Suite 200
Wilmington, NC 28403
PHONE: (910) 392-4988
FAX: (910) 392-8587

File No.: 19-17047-FC01
6535947

Nov. 23, 30, 2021

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JUST RECEIVED:

TRUCKLOADS
UNCLAIMED TRANSIT
FREIGHT!

48th Anniversary
Sale

Musical Instruments

AUCTION

Over 7400 Sq. Ft.
5023 Wilkinson Blvd.
Charlotte, NC 28208
(Corner of Billy Graham
and Wilkinson Blvd.)

Bidding ends December
2nd at 2:00pm!

McLeanbid.com
Building has over 7400
sq. ft. and can be used as
2 separate units.

McLean Auction & Realty
NCALF 10073 (704-865-9524)

Real Estate

Rentals

PUBLISHER'S NOTICE

All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination. We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

Hotel-Motel Rooms

**UTILITIES
INCLUDED**
STUDIO APARTMENT
starting at \$325 per week.
All utilities. Next to I-85,
1601 Bessemer City Road.
843-446-1188.

Single Family Rentals

Adam's Bluff, Belmont, 3BR,
2 Bath, deck, porch, storage
room, gas heat, central air,
washer/dryer connections,
\$1100 + dep. Avail. Jan. 1,
2022. Call 704-825-9223.

Your Source

Public Notices

for the latest...

12. Page 13, to which
recorded map or plat refer-
ence is hereby made for a
full and complete metes and
bounds description of said
lot.

Save, and except any
releases, deeds of release or
prior conveyances of record,
said property is commonly
known as 2322 Hedgewood
Cir., Gastonia, NC 28052.

A certified check only (no
personal checks) of five
percent (5%) of the purchase
price, or Seven Hundred
Fifty Dollars (\$750.00),
whichever is greater, will be
required at the time of the
sale. Following the expira-
tion of the statutory upset
bid period, all the remaining
amounts are immediately
due and owing. **THIRD
PARTY PURCHASERS
MUST PAY THE EXCISE
TAX AND THE RECORD-
ING COSTS FOR THEIR
DEED.**

Said property to be offered
pursuant to this Notice of
Sale is being offered for sale,
transfer and conveyance "AS
IS WHERE IS." There are no
representations of warranty
relating to the title or any
physical, environmental,
health or safety conditions
existing in, on, at, or relating
to the property being offered
for sale. This sale is made
subject to all prior liens,
unpaid taxes, any unpaid
land transfer taxes, special
assessments, easements,
rights of way, deeds of
release, and any other
encumbrances or exceptions
of record. To the best of the
knowledge and belief of the
undersigned, the current
owner(s) of the property
is/are Troy G. Lelew and
Amy K. Lelew.

An Order for possession of
the property may be issued
pursuant to G.S. 45-21.29 in
favor of the purchaser and
against the party or parties
in possession by the clerk of
superior court of the county
in which the property is sold.
Any person who occupies the
property pursuant to a rental
agreement entered into or
renewed on or after October
1, 2007, may, after receiving
the notice of sale, terminate
the rental agreement by
providing written notice of
termination to the landlord,
to be effective on a date
stated in the notice that is at
least 90 days, but no more
than 90 days, after the sale
date contained in the notice
of sale, provided that the
mortgagor has not cured the
default at the time the tenant
provides the notice of termi-
nation (NCGS § 45-21.16A(b)
(2)). Upon termination of a
rental agreement, the tenant
is liable for rent due under
the rental agreement
prorated to the effective date
of the termination.

If the trustee is unable to
convey title to this property
for any reason, the sole
remedy of the purchaser is
the return of the deposit.
Reasons of such inability to
convey include, but are not
limited to, the filing of a
bankruptcy petition prior to
the confirmation of the sale
and reinstatement of the loan

No. 6559595

Public Notices

NOTICE OF PUBLIC HEARINGS BEFORE THE MOUNT HOLLY CITY COUNCIL & PLANNING COMMISSION

The City of Mount Holly City
Council will hold a public
hearing on Monday, Decem-
ber 13, 2021 at 7:00 PM at the
Municipal Complex, located
at 400 East Central Avenue,
to consider a text amend-
ment to Section 5.2 in the
Manual for Development in
Downtown Mount Holly, an
appendix to the Zoning Ordini-
nance, which seeks to clarify
language on approved mate-
rials for a defined primary
facade. The Planning
Commission will also hold a
public hearing to consider
this text amendment on
Monday, December 6th at
6:30 PM, also located at the
Municipal Complex. All
interested parties are
encouraged to attend both
public hearings where an
opportunity to be heard will
be given. For more informa-
tion, please call the Planning
Department at (704) 951-3012.

Nov 30, Dec 7, 2021 6584944

Public Hearing Notice Zoning Text Amendment for the City of Lowell,

North Carolina
Notice is hereby given that
the City of Lowell's City
Council will conduct a public
hearing on December 14,
2021 at 6:00 pm at the City of
Lowell City Hall, 101 W.
First Street, Lowell, NC
28098. This meeting will be in
regard to a Zoning Text
Amendment to the Lowell
Development Ordinance,
Article 5, Section 5.3, to
amend requirements for
Neighborhood Meetings. For
more information about the
hearing, please contact Alex
Blackburn at 704-824-3518.
11/23, 11/30 #6543408

The Bessemer City Council
will meet on Monday,
December 13, 2021 at 7:00
p.m. in the Council Cham-
bers of Bessemer City Hall
132 W. Virginia Ave. to hold
a Public Hearing to consider
the following:

Application General Rezon-
ing 03-2021 from Lennar
Corporation 6701 Carmel
Road Ste. 425, Charlotte, NC
28226 Zoning Map Amend-
ment. Application is to
rezone Tax Parcel #220086
and #151795 from Rural to
Urban Residential and a
portion of #305559 from I-2
to Urban Residential (Gaston
County Zoning Jurisdiction).

All interested or affected
parties are invited to attend
and present any evidence or
testimony in favor of/or
opposed to the matter set
above.
Nov 30, 2021 No. 6526842

PHOTOS
are worth a
thousand
words
included in
your ad.



ORDINANCE NO. 15-2021

AN ORDINANCE AMENDING THE LOWELL DEVELOPMENT ORDINANCE OF THE CITY OF LOWELL, NORTH CAROLINA

WHEREAS, on November 4, 2021, the Lowell Planning Board voted in unanimous consent to recommend a text amendment to the Lowell Development Ordinance (Article 5, Section 5.3-1(B) Amendment Process) to remove the requirement of a Neighborhood meeting from all zoning map amendments with the exception of Special Use Permits and Conditional Zoning Requests;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lowell, North Carolina that:

Article 5.3 Amendment Process, Section 5.3-1 Initial Application Process

- B. Neighborhood meeting. For Special Use and Conditional Zoning, it is required that the applicant meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located as authorized by G.S. 160d-602(e). The applicant shall coordinate the time and date of the meeting to enable the *Planning, Zoning & Subdivision Administrator* to attend and address procedural questions that arise. the neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.

PASSED AND APPROVED this _____ day of _____, 2021.

ATTEST:

Beverly Harris, City Clerk

[SEAL]

Sandy Railey, Mayor

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-C

DESCRIPTION: PUBLIC HEARING FOR CONSIDERATION OF
DEVELOPMENT AGREEMENT FOR PARCEL ID# 212032

Background: This development agreement was prepared by our City Attorney in order for the developer of the Lowell Woods subdivision to have the ability to perform the necessary stormwater infrastructure upgrades and road improvements which are located within City of Lowell stormwater easements and City of Lowell street right-of-way at the current termination of Preston Drive.

Please see the attached development agreement for parcel id# 212032.

Prepared by and return to:

John H. Russell Jr.,
Mullen Holland & Cooper P.A.,
Attorneys at Law
P.O. Box 488,
Gastonia, North Carolina 28053

STATE OF NORTH CAROLINA

DEVELOPMENT AGREEMENT

COUNTY OF GASTON

THIS DEVELOPMENT AGREEMENT ("Agreement") is made in accordance with Article 10 of Chapter 160D of the North Carolina General Statutes, and hereby entered into this ____ day of _____, 2021 by and between **TRUE HOMES, LLC**, a Delaware limited liability company (hereinafter "Developer") and the **CITY OF LOWELL**, a North Carolina municipal corporation (hereinafter the "City").

WHEREAS, Developer owns and intends to develop, as approved by the City of Lowell, a certain residential development to be known as Lowell Woods (hereinafter the "Development") on a parcel of real property (hereinafter the "Property") within the City Limits of the City of Lowell having a Gaston County Tax Parcel Number 212032 and being that property conveyed to RFG Development, LLC by Deed recorded November 1, 2006 in Book 4268 page 95 of the Gaston County Registry and containing 36.75 acres, more or less; and

WHEREAS, pursuant to discussions with the City, the Developer has agreed to install and/or make certain improvements to the City's stormwater utility system ancillary to or made necessary by the Development, including but not limited to the expansion or replacement of a culvert pipe located within the City's storm water easement adjacent to the Property where the Property intersects with or borders the terminus of Preston Drive, a public street or right of way within the City of Lowell; and

WHEREAS, N.C. Gen. Stat. §160D-1001 et seq. authorizes the City to enter into Development Agreements with developers, subject to the procedures and limitations as provided by Article 10 of Chapter 160D, for various purposes which include but are not limited to the provision of public facilities and other amenities and the allocation of financial responsibility for their provision; and

WHEREAS, the Parties desire to enter into this Agreement for the purpose of promoting efficient development of the Property, improvement of City infrastructure, ensuring the lots created by the Development have access to City water, sewer, storm water and other utilities, and for other lawful purposes as provided by this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements of each of the parties and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Plans. Developer shall prepare and submit plans (the "Plans") for the expansion and/or replacement of the culvert pipe and other necessary stormwater improvements, if any, to the City for the City's approval, which approval shall not be unreasonably withheld, conditioned or delayed.
2. Work. Developer, at its sole cost and expense, shall cause culvert and storm water improvements to be constructed by its contractor (the "Contractor") in substantial accordance with the approved Plans (the "Work"). Developer shall further cause its Contractor to perform the Work in a safe and proper manner and in compliance with all applicable ordinances, statutes, rules and regulations concerning safety. The City may inspect the Work at any time. Final connection ("Final Connection") to the City's storm water or other utility systems will not be permitted until all work has been approved by the City. Developer warrants to the City that all materials and equipment furnished under this Agreement will be new, unless otherwise specified and will be as specified in the Plans, and that all Work will be of good quality, free from improper workmanship and defective materials and in substantial conformity with the Plans. The City shall cooperate fully with Developer in Developer's performance of the Work. In particular, without limiting the generality of the foregoing, the City shall timely provide Developer with all authorizations, approvals and acknowledgments needed from the City to enable Developer to perform the Work.
3. Access. The City hereby allows and provides the Developer and its contractor access a temporary construction easement allowing the Developer and its Contractor access at reasonable times to the City's dedicated drainage and utility easements for purpose of completing the work herein described. Nothing contained in this Agreement shall allow the Developer any rights of ingress or egress over and across property other than in locations where there is a dedicated drainage and utility easement.

4. Term. The Term of this Agreement and including the temporary construction easement hereinabove provided, is for one (1) year from the date provided above. Developer shall have a right to one (1) renewal term of an additional one-year period upon 60 days written Notice to the City, provided further that Developer is in compliance with all terms and conditions of this Agreement at the time of giving such Notice.
5. Insurance. Developer shall cause the Contractor to procure and maintain commercial general liability insurance, worker's compensation insurance and automobile liability insurance in commercially reasonable amounts with commercially reasonable deductibles. Developer shall cause any architects and engineers who prepare the Plans to maintain commercially reasonable errors and omissions insurance with commercially reasonable deductibles.
6. As-Built Survey. Promptly following Final Connection, Developer, at its cost and expense, shall cause an as-built survey to be made of the new culvert (the "As-Built Survey") and shall provide a copy of the same to the City.
7. Dedication, Ownership and Maintenance. Developer agrees that all infrastructure and utility improvements will be Dedicated to the City for public use, to become effective upon completion or Final Connection, whichever last occurs. The City shall thereafter the culvert pipe and stormwater improvements, and shall be responsible for the maintenance, repair and replacement thereof. The Developer shall provide a one-year warranty on all work upon City assuming ownership and maintenance.
8. Lien Releases. Promptly following Final Connection, Developer shall deliver to the City full and complete releases of liens from the Contractor confirming that full and final payment has been made for all materials supplied and labor furnished in connection with the Work.
9. Indemnification. Developer agrees to discharge, satisfy, and hold the City harmless from any and all claims relating to or arising out of the Work or otherwise caused by or resulting from the work or activities within the stormwater utility easement as contemplated by this Agreement.
10. Default by Developer. The following events shall constitute events of default by Developer under this Agreement, the occurrence of any one or more of which shall constitute a material breach of this Agreement by Developer:

- i) Developer shall fail to comply with any term, provision, or covenant of this Agreement, and shall not cure such failure within thirty (30) days after receipt of written notice from the City, unless such failure cannot reasonably be cured within such thirty (30) day period, in which event there shall not be an event of default if Developer promptly commences to cure such failure within such thirty (30) day period and diligently pursues such cure to completion without interruption; or
- ii) The commencement of a bankruptcy or insolvency proceeding by Developer, or the filing of a bankruptcy or insolvency proceeding against Developer which continues undischarged for a period of sixty (60) days, under any federal or state bankruptcy or similar law or if Developer makes an assignment for the benefit of its creditors; or
- iii) Developer commits an act of gross negligence or fraud or malfeasance with respect to the City or the Work.

Upon the occurrence of any event of default described above, the City shall have the option to terminate this Agreement and pursue any rights or remedies at law or in equity as a result of such event of default. Without limiting the generality of the foregoing, if Developer fails to cure a default in the performance of the Work within the applicable notice and cure period, the City shall have the right to perform the Work and invoice Developer the reasonable costs incurred by the City in performing the Work. On or before thirty (30) days following the receipt of such invoice, Developer shall deliver to the City good funds equal to the total amount of the invoices.

11. Notices. Any notices, requests, or other communications required or permitted to be given by this Agreement shall be in writing and shall be either (i) delivered by hand, (ii) mailed by United States registered mail, return receipt requested, postage prepaid, or (iii) sent by a reputable, national overnight delivery service Federal Express, UPS, etc.) and addressed as set forth below. Any such notice, request, or other communication shall be considered given or delivered, as the case may be, on the date of hand delivery (if delivered by hand), on the third (3rd) day following deposit in the United States mail (if sent by United States registered mail), on the next business day following deposit with an overnight delivery service with instructions to deliver on the next day or on the next business day (if sent by overnight delivery service).

As to the Developer Property Owner:

Shaun Gasparini
 Market Partner
 True Homes, LLC
 2649 Brekonridge Centre Drive
 Monroe, NC 28110
sgasparini@truehomesusa.com

As to the City:

Scott Attaway
City Manager
The City of Lowell
101 W. First St.
Lowell, North Carolina 28098

12. Binding Agreement. This Agreement shall be binding on all parties to the Agreement, their heirs, successors and assigns, in accordance with its terms. This Agreement contains the entire agreement of the parties, and all prior communications, oral or written, are without any force and effect as it is the specific intent of the parties that this Agreement alone sets forth the terms on which the parties have mutually agreed. Each party specifically agrees that it enters into this Agreement based on its own understanding of the terms hereof and does not rely, in whole or in part, on any interpretation or representation of the other party. Each party agrees that this Agreement is the result of good faith arms-length negotiations. No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by all parties.
13. Governing Law. The laws of the State of North Carolina shall govern the interpretation of this Agreement.
14. Other Documents. The parties agree to execute and record such other documents as may be necessary for the implementation and consummation of this Agreement. Any approvals or consents required hereunder shall not be unreasonably withheld by the party from whom such approval or consent is sought.
15. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. The signature of either party on a signature page intended by such party to be appended to a counterpart shall be deemed to be a signature to, and may be appended to, any counterpart, and the signature of either party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
16. Force Majeure. Whenever performance is required of any party hereunder, such party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however, that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, pandemic, strikes, picketing, or other labor disputes, damage to work in progress by reason of fire or other casualty, adverse weather, or causes beyond the reasonable control of a party, including extraordinary delays resulting from governmental action or inaction causing the inability

to obtain necessary permits (any such delay being a "Force Majeure Event"), then, provided the party claiming a Force Majeure Event advises the other party of the circumstances supporting such claim within fifteen (15) days of the event, the time for performance as herein specified shall be extended by the time of the delay actually caused. The provisions of this Section shall not operate to excuse a party from the prompt payment of any monies required by this Agreement.

17. Severability. If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable in whole or in part, such finding shall not affect the validity or enforceability of any other provisions of the Agreement or the remainder of the provision in question. In lieu of each provision of the Agreement, or part thereof, that is determined to be invalid or unenforceable, there shall be added as part of the Agreement a provision as similar in terms to such invalid or unenforceable provision as is possible, valid and enforceable.

18. No Waiver. No action or failure to act by a party in connection with this Agreement shall constitute a waiver of any right, remedy, obligation or duty afforded them under this Agreement or applicable law, nor shall such action or failure to act constitute approval of, or acquiescence in, any breach of contract, breach of warranty or negligence of the other party, except as specifically agreed by the parties in writing.

19. Contingency. The obligations of the parties under this Agreement are expressly contingent upon the acquisition by the Developer of the Developer Property. In the event Developer has not acquired the Developer Property by December 31, 2020, this Agreement shall automatically terminate and be of no further force and effect. Notwithstanding the foregoing, the City shall be bound by its obligations under Sections 2 and 3 prior to the acquisition by Developer of the Developer Property.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the dates indicated, but as of the day and year first above written.

TRUE HOMES, LLC

The City of Lowell,

BY: _____
Name:
Title:

BY: _____
Name: Scott Attaway
Title: City Manager

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-D

DESCRIPTION: PUBLIC HEARING FOR INITIAL ZONING MAP AMENDMENT
REGARDING PARCEL ID# 202167 FROM THE CURRENT
GASTON COUNTY ZONING DESIGNATION OF R-1 TO THE
CITY OF LOWELL ZONING DISTRICT OF SFR-4

Please see the attached memo from the Planning Director, Alex Blackburn.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
RE: Continuation of Public Hearing for IZD21-05 involving Belmont Land & Investment Co. Parcel #'s 210660, 202166, 202167 and 135144.

At this time, I am requesting a continuation of the designation of an initial zoning district for the recently annexed parcels identified as 210660, 202166, 202167 and 135144.

Previously, the City Council considered and adopted two parcels (PID#'s 136564 and 202774) and successfully assigned them an initial zoning designation of Single Family Residential-3 (SFR-3). Since then, four additional parcels have been successfully annexed into the City of Lowell and are still requesting a Single Family Residential-4 (SFR-4)/Conditional Zoning designation.

During discussions with the property owners and developers, it was determined that they will be requesting a second continuation to develop a Rezoning Request for the parcels 136564 and 202774 to coincide with the initial zoning of remaining four parcels. This would allow for the developers to provide all required information and renderings to go through proper procedure before the Planning Board and City Staff as well as to host their required Neighborhood Meetings.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-E

DESCRIPTION: PUBLIC HEARING FOR INITIAL ZONING MAP AMENDMENT
REGARDING PARCEL ID#'S 202166, 135144, AND 210660
FROM THE CURRENT GASTON COUNTY ZONING
DESIGNATION OF R-1 TO THE CITY OF LOWELL ZONING
DISTRICT OF SFR-4

Please see the attached memo from the Planning Director, Alex Blackburn.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
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During discussions with the property owners and developers, it was determined that they will be requesting a second continuation to develop a Rezoning Request for the parcels 136564 and 202774 to coincide with the initial zoning of remaining four parcels. This would allow for the developers to provide all required information and renderings to go through proper procedure before the Planning Board and City Staff as well as to host their required Neighborhood Meetings.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-F

DESCRIPTION: PUBLIC HEARING FOR INITIAL ZONING MAP AMENDMENT
REGARDING PARCEL ID#'S 148011 AND 148012 FROM THE
CURRENT GASTON COUNTY ZONING DESIGNATION OF RS-
20 AND RANLO ETJ ZONING DISTRICTS OF EL-1 AND R-12
TO THE CITY OF LOWELL ZONING DISTRICT OF CIVIC

Please see the attached memo from the Planning Director, Alex Blackburn.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
RE: Application of Initial Zoning Designation to Parcel ID #'s 148011 and 148012

During the September 7, 2021 meeting of the City of Lowell Planning Board, the two properties identified as PID # 148011 and PID # 148012, both of which are owned by Gaston County, requesting to be annexed and containing 338.95 acres were reviewed for consideration of applying an initial zoning designation contingent on the approval of annexation. The representatives have requested the zoning district of Civic (CIV).

The Planning Board voted in unanimous agreement to recommend to the Lowell City Council the approval of the requested Civic zoning designation.

During the regularly scheduled meeting on September 14, 2021, the City Council scheduled to hold a Public Hearing on November 9, 2021 for the consideration of the designation of an initial zoning district. Due to not having the required Neighborhood Meeting required for a zoning map amendment as outlined in the Lowell Development Ordinance, this Public Hearing was continued on to the December 14, 2021 meeting.

To prepare for the Public Hearing, City Staff mailed Public Notices to property owners adjacent and/or abutting the subject properties. In addition, two ads were prepared and published as public notice and were ran once a week for two consecutive weeks in the Gaston Gazette Newspaper. Notification signs (7) were placed along the property boundaries. Because the original Public Hearing was continued, there was no requirement to re-advertise.

City of Lowell Planning Department – Staff Report

INITIAL ZONING DESIGNATION CASE # IZD21-02

Applicant:	Ray Maxwell
Property Owner(s):	Gaston County
Property Location:	Parcel ID# 148011 and 148012
Property Size:	338.95
Current Zoning:	Civic (Lowell) and RS-20 (Gaston County Planning and Development), R-12 (Ranlo ETJ) and El-1 (Ranlo ETJ)
Proposed Zoning:	Civic

Description:

On August 26, 2021 staff received a Petition of Voluntary Annexation of Contiguous Property from the representative of Gaston County. It was requested that, upon annexation, the property receive an initial zoning district of Civic (CIV) in accordance to the Lowell Development Ordinance. A portion of the George Poston Park that is currently within the City of Lowell Corporate limits is already designated as Civic and would continue the district throughout the parcels to be annexed.



Process:

Staff received application and scheduled initial zoning request to be reviewed at the next available meeting of the Lowell Planning Board on September 7, 2021.

- Prefiling meeting to discuss proposed amendment and to become familiar with the applicable requirements and approved procedures.
- Neighborhood meeting to be hosted by the applicant to be conducted prior to the Legislative Hearing by the City Council.
 - Neighborhood Meeting held on December 6, 2021 at 12:00-1:30 p.m. at City Hall.
- Filing of request.
- Filing of Public Hearing Consent Forms from property owners represented in the amendment.
- Lowell Planning Board Review of Application of Initial Zoning and recommendation to the City Council.
 - September 7, 2021 Planning Board recommended Civic zoning designation.
- Staff to schedule with the City Council to set Public Hearing for their November 9, 2021 meeting.
 - September 14, 2021 - City Council Resolution #RS13-2021
- Staff to schedule proper advertisement of the public hearing to run once a week for two consecutive calendar weeks in a newspaper having general circulation in the area.
 - October 21, 2021 – First Ad in Gaston Gazette Newspaper
 - October 28, 2021 – Second Ad in Gaston Gazette Newspaper
- Staff to install zoning notification signage on the subject property prior to public hearing.
 - October 21, 2021 – 7 signs placed on property.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.
 - October 20, 2021 – 68 mailers sent to abutting/adjacent property owners.

Meeting Dates:

- August 26, 2021 Filing of application
- September 7, 2021 Planning Board Review of Case # RZ21-05
- September 14, 2021 City Council to set Public Hearing
- November 9, 2021 City Council to hold Public Hearing.
 - Continued to December 14, 2021.
- December 6, 2021 Neighborhood Meeting

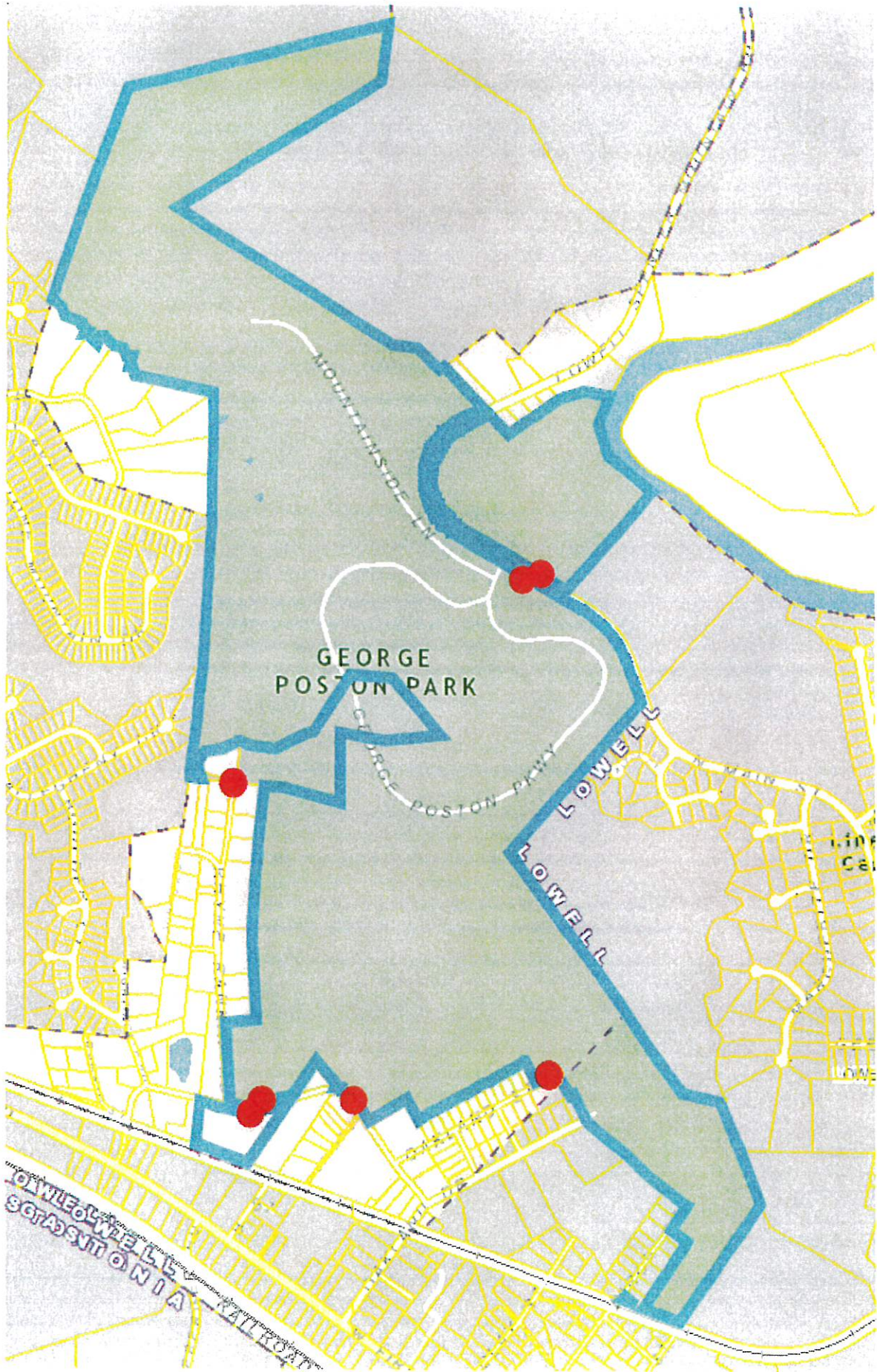
Staff Comments:

Due to the property being contiguous with the current corporate limits of the City of Lowell, as well as partially within the City's limits, there are several zoning districts already assigned to the property. The segment of Parcel 148012 that lies within Lowell's limits is already designated as Civic (CIV), however, the portions outside of the City are designated as RS-20 (Residential 20,000 Square feet), and R-12 as well as E1-1 in regards to the Town of Ranlo ExtraTerritorial Jurisdiction.

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

During the scheduled Neighborhood Meeting, only one person other than Mrs. Sarah Penley and myself was in attendance. A Mr. Cosmin Sabadus of 138 Rhyne Rankin Road was present and had questions regarding if the City would be willing to sell some of the property for development. He was informed that the property would still belong to Gaston County but would reside within the City of Lowell. He seemed to be happy with this all the same.

Sign Placement for Annexation and Concurrent Zoning Designation
October 21, 2021













Mailing List for George Poston Park Annexation:

✓✓ Xin XU Trust
9700 Beman Woods Way
Potomac, MD 20854-5400

✓✓ H. C. Grimmer Development CO. LLC
P.O. Box 23417
Charlotte, NC 28227

✓✓ James K. Russell and Marisol Russell
3600 Mitchem Rd
Gastonia, NC 28054-3069

✓✓ Bobbie Steve Ghannt and Angela Hall Ghannt
3620 Mitchem Rd
Gastonia, NC 28054-3069

✓✓ Bobby S Ghannt and Angela H Ghannt
3620 Mitchem Rd
Gastonia, NC 28054

✓✓ Cooper Shirley Ghatt Life Estate
3712 Mitchem Road
Gastonia, NC 28054

✓✓ Douglas H Wiggins and Joann B Wiggins
3720 Mitchem Road
Gastonia, NC 28054

✓✓ Larry D Smith and Rosaline Smith
333 Ranlo Ave
Gastonia, NC 28054

✓✓ Christine Elizabeth Turner
337 Ranlo Ave
Gastonia, NC 28054-0031

✓ Mountain View Comm Association Inc.
C/O Cedar Management Group
P.O. Box 26844
Charlotte, NC 28221-6844

✓✓ Woodside Mtn View Hmowners Assc Inc.

3037 Sherman Drive

Lancaster, SC 29720-0063

✓✓ Edwin Scott Littlejohn and Lesa Fuller Littlejohn

1843 Allegheny Drive

Gastonia, NC 28054

✓✓ Barbara Kaser & William Taylor

1840 Allegheny Drive

Gastonia, NC 28054

✓✓ SFR JV-1 Property LLC

P.O. Box 15087

Santa Cruz, CA 92735

Repeat Duplicate
✓✓ Woodside Mtn. View Hmowners Assc INC

3037 Sherman Drive

Lancaster, SC 29720-0063

✓✓ PURSLEY BOBBY RAY JR PURSLEY SUSAN REBECCA

210 RHYNE RANKIN RD

LOWELL, NC 28098

✓✓ DELLINGER BOBBY EUGENE HEIRS

C/O SHERRY STEWART DELLINGER

208 1/2 RHYNE RANKIN ST,

LOWELL, NC 28098-2116

✓✓ COSTNER GARY WARD COSTNER SUSAN BAKER

8317 RANGER LN

DENVER, NC 28037

✓✓ BUCHANAN BILLY M

P O BOX 55

LOWELL, NC 28098

✓✓ COSTNER GARY WARD

8317 RANGER LN

DENVER, NC 28037

✓✓ BAKER ROGER R

111 STONEWALL ST

LOWELL, NC 28098-0363

✓✓ SABADUS COSMIN E SABADUS SIMINA G

138 RHYNE RANKIN ST

LOWELL, NC 28098-2110

BAKER ALMA JEAN

✓✓ 130 RHYNE RANKIN RD
LOWELL, NC 28098-2110

GILLILAND DANNY

✓✓ P O BOX 892
LOWELL, NC 28098

EDWARDS CHALMAS LEE HEIRS

✓✓ PO BOX 237
LOWELL, NC 28098-0237

CONNER TONY JEFF

✓✓ 171 SILVER SPGS
BESSEMER CITY, NC 28016-8780

MORGAN JULIA

✓✓ BOX 413
LOWELL, NC 28098

CRISP IRA D

✓✓ BOX 264
LOWELL, NC 28098

ABRH LINCOLN CHR SPIRIT CNTR

✓✓ C/O HEDDY PATRICK ALVES GARCIA
4124 PROVIDENCE RD APT H,
CHARLOTTE, NC 28211-4479

✓✓ CROTTS MICHAEL ANDREW

202 OAKLAND ST B
LOWELL, NC 28098-2102

✓✓ GODFREY ROBERT WAYNE

224 OAKLAND DR
LOWELL, NC 28098-1344

✓✓ GODFREY ROBERT W GODFREY DEBRA M

224 OAKLAND DR
LOWELL, NC 28098-1344

✓✓ HOLLIDAY JOHN G LIFE ESTATE

206 OAKLAND ST
LOWELL, NC 28098-2102

✓✓ STAFFORD ALICE MAE

309 DAMASCUS RD
MT HOLLY, NC 28120-9668

✓✓ PERKINS PAUL WILLIAM LIFE ESTATE

210 OAKLAND ST
LOWELL, NC 28098

✓✓ LAYE JASON W LAYE SARA D
212 OAKLAND ST
LOWELL, NC 28098

✓✓ RADFORD JOE RADFORD SHIRLENE
214 OAKLAND ST
LOWELL, NC 28098

✓✓ IVESTER ARTHUR D
216 OAKLAND ST
LOWELL, NC 28098

✓✓ MORTON SANDRA G
PO BOX 458
LOWELL, NC 28098

✓✓ IBEX CAROLINAS LLC
PO BOX 954
LOWELL, NC 28098-0954

✓✓ MONDRAGON DIANA
822 OAK ST
CHARLOTTE, NC 28214

✓✓ MGCG PROPERTIES LLC
432 OLD LEICESTER HWY
ASHEVILLE, NC 28806

✓✓ IB VENTURES INC
P.O BOX 464
LOWELL, NC 28098

✓✓ BURDETTE REBECCA LYNN
511 BIRCH ST
LOWELL, NC 28098

✓✓ DAVIS JUDITH DIANNE HEIRS
C/O ANGELA MCCULLEN
539 KISER RD,
BESSEMER CITY, NC 28016

✓✓ ROBINSON THOMAS W JR
450 PERIMETER DRIVE APT.1207
MIDLOTHIAN, VA 23113

✓✓ ROBINSON THOMAS W ROBINSON CAROL B
610 OAKLAND ST
LOWELL, NC 28098

✓✓ RAMSEY GERALD C JR
1149 E 8TH AVE
GASTONIA, NC 28054-5769

- ✓✓ STROUPE LINDA D
776 STANLEY SPENCER MTN RD
GASTONIA, NC 28056-7844
- ✓✓ PINEDA JUAN CARLOS
5710 ORR RD LOT 15
CHARLOTTE, NC 28213-7302
- ✓✓ ROBINSON THOMAS WOODY ROBINSON CAROL I
610 OAKLAND STREET
LOWELL, NC 28098
- ✓✓ ROBINSON THOMAS W SR ROBINSON CAROL B
610 OAKLAND ST
LOWELL, NC 28098-1350
- ✓✓ ROBINSON THOMAS W
610 OAKLAND ST
LOWELL, NC 28098
- ✓✓ WAREHOUSE STORAGE SOLUTIONS
204-1 NORTH POSTON STR
SHELBY, NC 28150
- ✓✓ WOODLAWN BAPTIST CHURCH
1101 NORTH MAIN ST
LOWELL, NC 28098
- ✓✓ STARR CHARLES L STARR MELODIE J
1042 MARGUERITE DR
LOWELL, NC 28098-1550
- ✓✓ RFG DEVELOPMENT LLC
1616 ALLISON WOODS LN
TAMPA, FL 33619
- ✓✓ BALDI DOUGLAS A BALDI DEBORAH M
2020 ALTON CT
LOWELL, NC 28098
- ✓✓ HALEY MICHAEL WOOD HALEY DANA ALLEN
2016 ALTON CT
LOWELL, NC 28098-2205
- ✓✓ COLLINS MAX T COLLINS TERESA R
2012 ALTON COURT
LOWELL, NC 28098
- ✓✓ POLLARD ROBIN MACKENZIE
2008 ALTON CT
LOWELL, NC 28098-2205

✓✓ MOORE DONALD W MOORE MARGARET B
1509 N MAIN ST
LOWELL, NC 28098-1442

✓✓ WELLSRING CAROLINA INVESTMENTS LLC
2133 GARDEN VIEW LN
MATTHEWS, NC 28104

✓✓ LOWELL INVESTMENTS I LLC
5320 OLD PINEVILLE RD
CHARLOTTE, NC 28217-2735

✓✓ TALLENT DORIS B
2306 RYAN CONLEY CT
GASTONIA, NC 28056

✓✓ GOODSON JAMES A
4266 KISER WOODS DR SOUTHWEST
CONCORD, NC 28025

✓✓ BELMONT LAND & INVESTMENT CO
PO BOX 1939
MCADENVILLE, NC 28101-1939

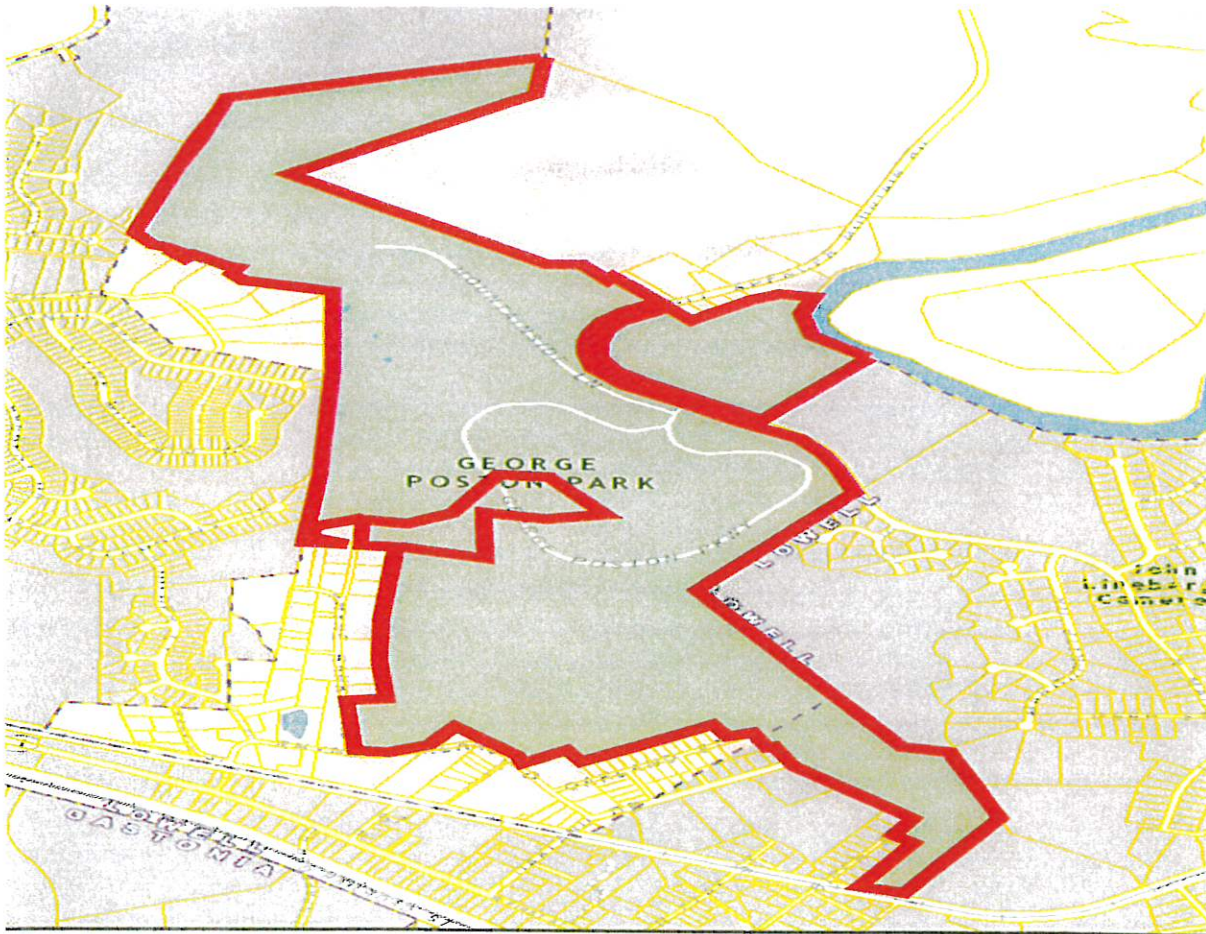
✓✓ WBTV INC
ONE JULIAN PRICE PLACE
CHARLOTTE, NC 28208

✓✓ Gaston County
P.O. Box 1578
Gastonia, NC 28053-1578

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, November 9th, 2021, at 6:00 pm, at City Hall, 101 W First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be to consider a proposed Initial Zoning Map Amendment for the property without an assigned address located along Lowell Spencer Mountain Road and referenced as George Poston Park. Further identified as Parcel ID #'s 148011 and 148012. Proposed application of initial zoning district is for Civic (CIV) designation from the current districts of RS-20 (Gaston County), and R-12 (Ranlo ETJ) and EI-1 (Ranlo ETJ).

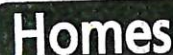


For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.

- All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. We reserve the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Gaston Gazette is not responsible for any loss or damage resulting from an error in or omission of an advertisement. No refunds for early cancellation of order.

Announce

Announcements

 **Acreage**

Public Notices

 **Bids and Proposals**

Oct 21, 28, 2021 #6371191

Small General Service	\$103,434,088	\$4,483,202	\$107,917,886	4.33
Medium General Service	\$22,325,997	\$456,645	\$22,782,642	2.05
Outdoor Gas Light Service	\$61,723	\$5,633	\$67,356	9.13
Natural Gas Vehicles	\$115,477	-	\$115,477	0.00
Large Quantity Firm	\$41,748,107	\$2,429,333	\$44,177,441	5.82
General Service				
Large Quantity	\$11,739,530	\$759,395	\$12,498,925	6.46
Interruptible Service				
Special Contracts	\$34,239,341	-	\$34,239,341	0.00
Miscellaneous Revenue	\$1,462,442	-	\$1,462,442	0.00
Total	\$575,094,446	\$29,464,354	\$604,558,800	

The proposed temporary rates would increase the average monthly bill (excluding tax) of a residential customer by \$3.14, which is a 5.93% increase. The change will vary with each customer's level of natural gas usage.

Deborah R. Meadows
150 Summer Place
Gastonia, NC 28056
Sep 30; Oct 7, 14, 21, 2021
#6351103

ADMINISTRATOR
15 CAPE FEAR
BESSEMER C
Administrator
of LINDA DA
BURY
Oct 7, 14, 21, 28

Market

 Garage Sales

BACK ALLEY SALE
BESSEMER CITY

Tools, accessories, ammo,
household and many other
items, log chain, antiques,
150 piece Emmett Kelly
clown collection.
BIG SALE!!

**PHOTOS are worth
a thousand words
included in your ad.**

A. Shonta Dunston, Chief Clerk
Oct. 21, 2021 #6430511

Public Contact regarding George Poston Park Annexation

Diane Laye-212 Oakland Ave. (704-898-0974)

Questions about mailed notice. Informed that there would be no change to the park.

Crystal Watkins- 1101 N. Main Street (704-824-4261)

Questions about mailed notice. Informed that there would be no changes to the park.

Chuck Star- 1042 Marguerite Drive (704-824-9294)

Questions about mailer. Making sure that it would stay a park. I referenced deed restrictions as well as the Civic Zoning Designation proposed.

Charles Williams- 311 Rhyne Oakland Rd. (704-689-5627)

Questioned if it would be affecting his property. He was then informed that it would only change the City Limits to the park boundary.

Roger Baker- 111 Stonewall Street

Asked about property lines and zoning capabilities. Informed that his property was not involved in the annexation and that the park land would stay as a park.

Linda Lang- 505 W. Eighth Ave.

Came by City Hall, clarified that it was only the park being annexed.

Rosaline Smith- 333 Ranlo Ave (704-675-1093)

Questions about mailed notice. Informed that it will not be affecting her property and she will remain a citizen of Ranlo.

Shaun Gaspirini- True Homes Developer.

Questions on if the park would be changed by annexation. It will not due to it still being County Property only within City Limits.



ORDINANCE NO. #OR13-2021

**AN ORDINANCE AMENDING THE LOWELL DEVELOPMENT
ORDINANCE OF THE CITY OF LOWELL, NORTH CAROLINA**

BE IT ORDAINED by the Mayor and City Council of the City of Lowell, North Carolina that the Official Zoning Map of the Lowell Developing Ordinance be amended in accordance with Article 6 of G.S. 160D as follows:

Part 1. Consistency with Adopted Comprehensive Plan.

The City Council finds that the zoning map amendment to the property of Gaston County, NC, being the owners of the certain land areas located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 148011 and 148012, hereinafter described in Attachment A attached hereto, establishing the initial zoning designation in accordance with G.S. 160D-604(a) is consistent with the City's 2040 Comprehensive Land Use Plan as required by G.S. 160D-605(a).

Part 2. Statement of Reasonableness.

This amendment is reasonable because the subject property is situated contiguously to and being encircled by existing zoned land where the proposed district is currently established. The amendment allows for the growth and expansion of the economic base of the City and provides opportunities for growth of the City.

Part 3. Designation of Initial Zoning Designation.

Gaston County Parcel ID 148011 and 148012, that property annexed on November 9, 2021 and previously lying outside the City Limits of the City of Lowell, as Attachment "A" attached hereto shall be designated Civic on the Official Zoning Map, and in accordance with G.S. 160D-605(a) the Future Land Use Map is hereby amended to reflect the additional jurisdiction and commercial land use designation.

Part 4. Effective Date:

This Ordinance shall be effective immediately upon its adoption.

Adopted this 14th day of December, 2021.

Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk

ATTACHMENT A

Tract One:

BEGINNING at a concrete monument located in the northern margin of Spencer Mountain Lowell Road (State Road Number 2201), said concrete monument being the southwest corner of Crompton Knowles Corporation as shown in Deed Book 1264 at Page 165 in the Gaston County Registry; running thence with the northern margin of the Spencer Mountain Lowell Road South 62 degrees 03 minutes 25 seconds East 84.10 feet to an iron pin; South 60 degrees 59 minutes 02 seconds East 86.17 feet to an iron pin; South 55 degrees 30 minutes 42 seconds East 123.23 feet to an iron pin; South 46 degrees 18 minutes 22 seconds East 109.39 feet to an iron pin; South 37 degrees 56 minutes 51 seconds East 117.92 feet to an iron pin; South 29 degrees 43 minutes 28 seconds East 110.62 feet to an iron pin; South 22 degrees 04 minutes 02 seconds East 116.05 feet to an iron pin; South 20 degrees 31 minutes 27 seconds East 152.82 feet to a concrete monument located in the northern margin of the Spencer Mountain Lowell Road, said monument also being located in the western line of Guilford Mills, Inc., as shown in Deed Book 1266 at Page 410 in the Gaston County Registry; thence with the lines of Guilford Mills, Inc. the following courses and distances: (1) South 40 degrees 46 minutes 51 seconds West 1378.44 feet to an iron pin; (2) South 36 degrees 50 minutes 00 seconds East 980.35 feet to an iron pin; (3) South 39 degrees 03 minutes 18 seconds East 930.32 feet to an iron pin; (4) South 79 degrees 09 minutes 29 seconds East 251.04 feet to an iron pin; (5) South 23 degrees 00 minutes 23 seconds East 706.64 feet to an iron pin, said iron pin being a common corner of Guilford Mills, Inc., as shown in Deed Book 1266 at Page 410 in the Gaston County Registry and Tultex Corporation as shown in Deed Book 62 at Page 556 in the Gaston County Registry; thence with the western line of Tultex Corporation South 33 degrees 08 minutes 24 seconds West 955.58 feet to a tack in the centerline of the P & N Railroad; thence with the centerline of said railroad North 71 degrees 48 minutes 45 seconds West 429.05 feet to an iron pin, said iron pin being located in the eastern margin of Burch Street; thence with the eastern margin of Burch Street North 34 degrees 32 minutes 25 seconds East 81.38 feet to an iron pin, said iron pin being the southwest corner of Floyd T. Peeler, as shown in Deed Book 1368 at Page 737 in the Gaston County Registry; thence with the southern line of Peeler South 54 degrees 00 minutes 35 seconds East 153.43 feet to an iron pin, the southeast corner of Peeler; thence North 32 degrees 13 minutes 25 seconds East 528.72 feet to an iron pin, the northeast corner of Judith D. Davis as shown in Deed Book 1426 at Page 212 and Deed Book 1432 at Page 355 in the Gaston County Registry; thence with the northern line of Davis and crossing Burch Street North 55 degrees 22 minutes 50 seconds West 161.87 feet to an iron pin located in the Western margin of Burch Street, said iron pin also being located in the eastern line of Lucille A. Burdette as shown in Deed Book 1394 at Page 3 in the Gaston County Registry; thence North 34 degrees 32 minutes 25 seconds East 183.46 feet to an iron pin located in the northeastern corner of United Spinners Corporation as shown in Deed Book 998 at Page 230 in the Gaston County Registry; thence with the northern line of United Spinners Corporation North 55 degrees 32 minutes 13 seconds West 149.90 feet to an iron pin, said iron pin being the northeastern corner of Carolina Country Barbecue, Inc. as shown in Deed Book 1430 at Page 55 in the Gaston County Registry; thence with the northern line of Carolina Country Barbecue, Inc., North 51 degrees 27 minutes 40 seconds West 662.74 feet to an iron pin located in the Southern margin of Oakland Street; thence with the eastern terminus of Oakland Street and with the eastern line of W. A. Crosby as shown in Deed Book 1480 at Page 454 in the Gaston County Registry North 27 degrees 54 minutes 05 seconds West 204.80 feet to an iron pin, the northernmost corner of W. A. Crosby; thence South 61 degrees 01 minute 23 seconds West 28

feet to an iron pin, the southeast corner of Keds Screen Printing as shown in Deed Book 1068 at Page 700 in the Gaston County Registry; thence with two lines of Keds Screen Printing as follows: (1) North 27 degrees 46 minutes 37 seconds West 146 feet to an iron pin; (2) South 61 degrees 01 minute 23 seconds West 157.08 feet to an iron pin; thence North 29 degrees 02 minutes 22 seconds West 185.35 feet to an iron pin; thence with the northernmost line of those lots shown in Block 14 of that certain plat recorded in Plat Book 7 at Page 59 in the Gaston County Registry South 60 degrees 43 minutes 01 second West 803.90 feet to an iron pin, located in the eastern line of Golden Harvest Missions, Inc.; thence with the eastern line of Golden Harvest Missions, Inc. North 29 degrees 02 minutes 22 seconds West 149.74 feet to a concrete monument; thence with the northern line of Golden Harvest Missions, Inc. South 60 degrees 30 minutes 28 seconds 298.95 feet to a concrete monument; thence continuing South 60 degrees 30 minutes 28 seconds West 15.84 feet to an iron pin in the eastern margin of State Road Number 2218; thence North 41 degrees 35 minutes 46 seconds West 498.80 feet to an iron pin, said pin being a common corner of Thomas Childers as shown in Deed Book 1484 at Page 733 and Deed Book 1490 at Page 647 and Edith Poston as shown in Deed Book 938 at Page 303 in the Gaston County Registry; thence with the lines of Edith Poston as follows: (1) North 41 degrees 33 minutes 37 seconds West 552 feet to a point; (2) North 04 degrees 13 minutes 40 seconds East 1332.87 feet to an iron pin located in the southern line of Crawford R. Jordan, Sr. as shown in Deed Book 1238 at Page 501 in the Gaston County Registry; thence with the lines of Crawford R. Jordan, Sr. as follows: (1) South 76 degrees 32 minutes 36 seconds East 386.21 feet to an iron pin; (2) North 00 degrees 42 minutes 47 seconds West 454.09 feet to an iron pin; (3) South 81 degrees 20 minutes 15 seconds East 303.04 feet to an iron pin; (4) North 83 degrees 06 minutes 01 second East 359.53 feet to an iron pin; (5) North 41 degrees 45 minutes 06 seconds West 483.43 feet to an iron pin, said iron pin being a common corner with Edith Poston as shown in Deed Book 892 in Page 164 in the Gaston County Registry; thence with the lines of Edith Poston as shown in Deed Book 892 at Page 164 the following courses and distances: (1) North 32 degrees 11 minutes 18 seconds East 1675.82 feet to an iron pin; (2) North 47 degrees 41 minutes 02 seconds West 230.84 feet to an iron pin, the southeast corner of Dole D. Tallent as shown in Deed Book 1306 at Page 67 and Deed Book 1310 at Page 358 in the Gaston County Registry; thence North 46 degrees 27 minutes 50 seconds East 232.20 feet to an iron pin; thence North 59 degrees 40 minutes 14 seconds East 190.93 feet to an iron pin, a corner of Clariese C. Safar as shown in Deed Book 1780 at Page 211 in the Gaston County Registry; thence with the lines of Safar North 73 degrees 36 minutes 18 seconds East 165.16 feet to an iron pin; South 80 degrees 59 minutes 10 seconds East 143.82 feet to an iron pin located near the bank of the south fork of the Catawba River; thence running with the south fork of the Catawba River the following courses and distances: (1) South 00 degrees 33 minutes 41 seconds West 285.69 feet to an iron pin; (2) South 35 degrees 24 minutes 46 seconds East 346.30 feet to an iron pin; (3) South 65 degrees 42 minutes 58 seconds East 144.20 feet to an iron pin located in the western line of Crompton Knowles Corporation as above referenced; thence with the western line of Crompton Knowles Corporation South 41 degrees 09 minutes 57 seconds West 823.07 feet to a concrete monument, the point and place of Beginning. The same being a 169.3175 acre tract of land acquired by Superior Properties, Inc. by deed recorded in Deed Book 518 at Page 93 in the Gaston County Registry.

The foregoing description was taken from a survey by John W. Lineberger, Registered Surveyor, entitled "Survey made at the request of Gaston County.

Being the identical property conveyed to Gaston County by deed dated August 31, 1987 and recorded in Book 1930 at Page 101 in the Gaston County Registry.

TRACT TWO:

BEGINNING at an iron pin located at the northwest corner of Thomas Childers as shown in Deed Book 1494 at Page 738 and Deed Book 1490 at Page 647 in the Gaston County Registry; and running thence with the western line of Childers and crossing State Road Number 2218 South 33 degrees 56 minutes 15 seconds West 842.24 feet to a p.k. nail located in the centerline of the P & N Railroad; thence with the centerline of said railroad North 71 degrees 47 minutes 45 seconds West 360 feet to an iron pin, said iron pin being a common corner with John R. Morgan, Jr. and shown in Deed Book 1368 at Page 889 in the Gaston County Registry; running thence North 5 degrees 14 minutes 52 seconds East 2,367.33 feet to an iron pin, said iron pin being the northeast corner of R. L. Buchanan as shown in Deed Book 1036 at Page 821 in the Gaston County Registry; thence South 84 degrees 58 minutes 22 seconds East 328 feet to an iron pin; thence with two lines of Superior Properties, Inc. as shown in Deed Book 518 at Page 93 in the Gaston County Registry South 04 degrees 13 minutes 40 seconds West 1332.87 feet to a point; thence South 41 degrees 33 minutes 37 seconds East 552 feet to an iron pin, the point and place of Beginning. The same being a 24.283 acre tract of land, said land having been acquired by Edith Poston by deed recorded in Deed Book 938 at Page 303 in the Gaston County Registry.

The foregoing description was taken from a survey by John W. Lineberger, Registered Surveyor, dated December 22, 1987, and entitled "Survey made at the request of Gaston County."

Being the identical Tract I conveyed to Gaston County by deed dated March 13 1990 and recorded in Book 2030 at Page 246 in the Gaston County Registry.

SAVE AND EXCEPT those portions of the above described property conveyed to Crawford Ray Jordan, Sr. and wife, Josie Lee Jordan by deed recorded in the Gaston County Registry in Deed Book 2340 at Page 3 in the Gaston County Registry, and described as Tract I containing 1.7909 acre and Tract II as containing 7.2081 acres.

TRACT THREE:

BEGINNING at an iron pin, the northernmost corner of Crawford R. Jordan, Sr., as show in Deed Book 1238 at Page 501 in the Gaston County Registry; and running thence with the northwestern lines of Jordan the following courses and distances: (1) North 87 degrees 53 minutes 11 seconds West 274.56 feet to an iron pin; (2) South 33 degrees 08 minutes 25 seconds West 436.31 feet to an iron pin; (3) South 69 degrees 10 minutes 10 seconds West 61.28 feet to an iron pin; (4) South 60 degrees 51 minutes 59 seconds West 207.84 feet to an iron pin; (5) North 83 degrees 46 minutes 16 seconds West 165.85 feet to an iron pin; (6) North 71 degrees 06 minutes 16 seconds West 77.62 feet to an iron pin, the common corner of Jordan and Frank T. Buchanan as shown in Deed Book 1318 at Page 110 and Deed Book 1268 at Pages 804 and 806 in the Gaston County Registry; thence with the northwestern lines of Buchanan the following courses and distances: (1) North 71 degrees 43 minutes 09 seconds West 16.45 feet to an iron pin; (2) South 64 degrees 52 minutes 12 seconds West 110.88 feet to an iron pin; (3) South 80 degrees 30 minutes 18 seconds West 125.26 feet to an iron pin; (4) South 31 degrees 00 minutes 45 seconds West 84.15 feet to an iron pin, said iron pin being located in the eastern line of Burlington

Manufacturing Company as shown in Deed Book 140 at Page 416 in the Gaston County Registry; thence with the eastern margin of Burlington Manufacturing Company North 2 degrees 53 minutes 30 seconds East 646.43 feet to a concrete monument located at the edge of a branch; thence continuing with the eastern line of Burlington Manufacturing Company North 01 degree 58 minutes 57 seconds East 734.63 feet to a concrete monument; thence North 2 degrees 00 minutes 17 seconds East 191.17 feet to an iron pin, the southeast corner of Douglas H. Wiggins as shown in Deed Book 1050 at Page 19 in the Gaston County Registry; thence North 00 degrees 43 minutes 03 seconds West 806.06 feet to an iron pin, the northeastern corner of Robert B. Ghanit as shown in Deed Book 1160 at Page 337 and Deed Book 664 at Page 456 in the Gaston County Registry; thence with the line of Ghanit North 79 degrees 26 minutes 59 seconds West 527.87 feet to an iron pin located in the branch; thence with the branch as it meanders the following courses and distances: (1) North 17 degrees 18 minutes 31 seconds West 58.07 feet; (2) North 75 degrees 51 minutes 30 seconds West 18.92 feet; (3) North 13 degrees 47 minutes 07 seconds East 63.70 feet; (4) North 88 degrees 01 minute 38 seconds West 41.97 feet; (5) North 25 degrees 38 minutes 52 seconds West 46.47 feet; (6) North 69 degrees 54 minutes 10 seconds West 68.01 feet; (7) North 48 degrees 18 minutes 11 seconds West 79.11 feet; (8) North 81 degrees 04 minutes 55 seconds West 24.85 feet; (9) South 26 degrees 41 minutes 31 seconds West 53.39 feet; (10) North 45 degrees 23 minutes 45 seconds West 71.45 feet; (11) North 89 degrees 41 minutes 11 seconds West 21.06 feet; (12) North 23 degrees 06 minutes 15 seconds East 37.81 feet; (13) North 58 degrees 28 minutes 57 seconds West 43.62 feet; (14) North 11 degrees 48 minutes 00 seconds West 19.19 feet; (15) North 70 degrees 10 minutes 34 seconds West 117.32 feet; (16) North 25 degrees 57 minutes 31 seconds West 59.48 feet; (17) North 46 degrees 55 minutes 34 seconds West 66.79 feet; (18) North 60 degrees 36 minutes 47 seconds West 15.07 feet; thence with the eastern line of Charles T. Stowe, Jr., et al as shown in Deed Book 1210 at Page 170 in the Gaston County Registry North 18 degrees 13 minutes 41 seconds East 933.37 feet to an iron pin; thence North 20 degrees 55 minutes 10 seconds East 516.43 feet to an iron pin, the common corner with Jefferson Pilot Broadcasting Company; thence with the southern line of Jefferson Pilot Broadcasting Company North 73 degrees 28 minutes 49 seconds East 1,765.93 feet to an iron pipe, said iron pipe being a common corner of Jefferson Pilot Broadcasting Company and Belmont Land and Investment Company (now or formerly), as shown in Deed Book 466 at Page 144, and of Belmont Land and Investment Company (now or formerly) as shown in Deed Book 680 at Page 255 in the Gaston County Registry; thence with the lines of Belmont Land and Investment Company (now or formerly) as shown in Deed Book 680 at Page 255 the following courses and distances: (1) South 04 degrees 57 minutes 18 seconds West 362.71 feet to a concrete monument; (2) South 57 degrees 31 minutes 27 seconds West 1572.25 feet to a post oak; (3) South 58 degrees 17 minutes 59 seconds East 1670.56 feet to an iron pin; (4) South 85 degrees 30 minutes 03 seconds East 165 feet to an iron pin; (5) South 45 degrees 51 minutes 28 seconds East 200.60 feet to an iron pin; thence with the southern line of Dole D. Tallent as shown in Deed Book 1454 at Page 363, and crossing the Spencer Mountain Lowell Road (State Road Number 2201) South 47 degrees 05 minutes 04 seconds East 639.46 feet to an iron pin; thence South 47 degrees 41 minutes 02 seconds East 230.84 feet to an iron pin; thence South 32 degrees 11 minutes 18 seconds West, again crossing the Spencer Mountain Lowell Road (State Road Number 2201), 1675.82 feet to the point or place of Beginning. The same being a 150.3065 acre tract acquired by Edith Poston by deed recorded in Deed Book 892 at Page 164 in the Gaston County Registry.

The foregoing description was taken from a survey by John W. Lineberger, Registered Surveyor, dated December 22, 1987, entitled "made at the request of Gaston County."

Being the identical Tract II conveyed to Gaston County by deed dated March 13 1990 and recorded in Book 2030 at Page 246 in the Gaston County Registry.

TRACT FOUR:

LYING AND BEING in Gaston County, North Carolina, and partially in Gastonia Township and partially in Southpoint Township and further described from plat of survey made by Findlay, Withers and McConnaughey, Inc., Registered Surveyors, dated October, 1964, and entitled "Property to be conveyed to James Huffman", and further described as follows:

BEGINNING at an iron (formerly stake and stones) situate at the intersection of the west and south lines of George Poston (formerly Ranlo Manufacturing Company lines) with the north line of other Poston property (Deed Book 372 at Page 269) and runs thence with the Poston (formerly Ranlo Manufacturing Company) line North 02 degrees 08 minutes West 454.27 feet to an old iron west of Duke Power Company high tension pole line; thence with nine (9) lines of Poston as follows: South 82 degrees 42 minutes East 302.92 feet to an old iron at a Walnut; thence North 81 degrees 40 minutes East 360 feet to an old iron; thence North 43 degrees 18 minutes West 482.64 feet to an old iron; thence North 89 degrees 00 minutes West 275.29 feet to an old iron at a double oak; thence South 31 degrees 34 minutes West 436.47 feet to an old iron; thence South 67 degrees 37 minutes West 61.30 feet to an old iron at a gum; thence South 59 degrees 34 minutes West 207.5 feet to an old iron; thence North 85 degrees 15 minutes West 165.75 feet to an old iron; thence North 72 degrees 41 minutes West 93.75 feet to an old iron at a birch; and continuing thence South 63 degrees 36 minutes West 110.95 feet to an iron; thence South 79 degrees 13 minutes West 126.37 feet to an old iron; thence South 29 degrees 09 minutes West 84.0 feet to an old iron; thence South 15 degrees 27 minutes East 108.0 feet to a concrete monument in the north line of Stroup Estate property (now or formerly); thence with said line South 86 degrees 23 minutes East 309.63 feet to an old iron, common corner of Stroup Estate and Poston; thence with Poston line South 77 degrees 59 minutes East 386.38 feet to the point or place of beginning.

SAVE AND EXCEPT that portion of above described property conveyed to R. L. Buchanan by deed recorded in the Gaston County Registry in Deed Book 592 at Page 511; said tract as described containing 11½ acres, more or less, and 9.97 acres, more or less, remaining after said exception.

Being the identical property conveyed to Gaston County by deed dated January 14, 1994 and recorded in Deed Book 2337 at Page 605 in the Gaston County Registry.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-G

DESCRIPTION: DISCUSSION OF CODE OR ORDINANCES SECTION 130.01 AS
IT RELATES TO CONSTRUCTION NOISE

Staff will present an update of amending the City of Lowell Code of Ordinances Section 130.01 regarding noise.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-F

DESCRIPTION: ADOPTION OF 2022 SCHEDULE OF MEETINGS AND CITY
 HOLIDAYS

The proposed 2022 schedule of meetings and city holidays is attached.



City of Lowell

101 W First Street, Lowell, NC 28098

2022 COUNCIL MEETING DATES

January 11, 2022	July 12, 2022
February 8, 2022	August 9, 2022
March 8, 2022	September 13, 2022
April 12, 2022	October 11, 2022
May 10, 2022	November 8, 2022* (<i>Election Day</i>)
June 14, 2022	December 13, 2022

HOLIDAYS

Martin Luther King, Jr. Birthday	Monday, January 17, 2022
Good Friday	Friday, April 15, 2022
Memorial Day	Monday, May 30, 2022
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Veteran's Day	Friday, November 11, 2022
Thanksgiving	Thursday/Friday, November 24/25, 2022
Christmas.....	Friday/Monday/Tuesday, December 23/26/27, 2022
New Year's Day	Monday, January 2, 2023

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-G

DESCRIPTION: PRESENTATION AND CONSIDERATION OF DONATION OF PARCEL ID#127479, LOWELL INVESTMENTS I LLC

Site Location:

Situated at 1602 North Main Street Lowell, NC is a retired dye plant that has not been in operation since 2004. This 17.02 acre site boasts over 850 feet of frontage along the South Fork River and has over 25 abandoned structures from the previous dye plant. Residential neighborhoods are the predominant adjacent land uses, as well as Gaston County's Poston Park to the north.



Background:

From July 2018 – September 2018, Terracon performed a Hazardous Materials Survey Report. Their scope of work was framed around the intention for the structures to be demolished and for the site to be remediated. The State of North Carolina Department of Environmental Quality (NCDEQ) funded this report from the environmental foreclosure funds of the

former chemical plant's parent company, Crompton and Knowles. This in-depth 415-page report illustrated the extent of contamination from the historical use and the structures on site. With this study in hand, the City of Lowell began discussions with the property owner and NCDEQ about what could be done at the property. Weeks turned to months, and months into years. After a few meetings with Lowell Investments I, LLC (property owner) and NCDEQ it was determined that NCDEQ's preference was for a public entity to make use of Chemtura foreclosure funds. After more discussion with the property owner and much deliberation amongst staff and the City Council, it was apparent that the City of Lowell would be the best user of the property for a new location of our public works facility and a new recreation center. As you know, Lowell's Public Works Department is situated in the downtown district and is severely outgrown.

Environmental Issues:

Environmental issues are often very complex. The City of Lowell has been working with a third-party environmental consultant, Mid-Atlantic Associates, for over 3 years to identify all environmental issues present on the site. NCDEQ has been the active on the site and has been using the Chemtura foreclosure funds to remediate the site. The City of Lowell applied for a Brownfield Agreement with NCDEQ in order to bring this property back to life for a different use. The City of Lowell received a Letter of Eligibility (LOE) into the Brownfield program on November 16, 2021. A "brownfields site" is an abandoned, idled or underused property where the threat of environmental contamination has hindered its redevelopment. The Brownfields Program is the state's effort to break this barrier to the redevelopment of these sites. Mid-Atlantic is an industry leader in Brownfield redevelopment. More than 500 sites around North Carolina have gone through with this process to redevelop these same types of properties. Examples include the Rocky Mount Event Center, Camden Center (Charlotte), Guilford Mills (Greensboro), Conover Station, Smith Property (Shelby), and many more. The EPA offers grant funds for assessment and cleanup once the applicant is in the Brownfield program. The City of Lowell intends on applying for these grants from the EPA.

There has been extensive environmental analysis conducted on the site between NCDEQ and the City of Lowell. NCDEQ has spent approx. \$1.1M of Chemtura funds on the property; the environmental conditions are known and do not represent a redevelopment risk for the intended use. NCDEQ supports the brownfield redevelopment as proposed. The results of this research have steered staff's recommendation of accepting this donation. These findings will be discussed during the Council Meeting on December 14, 2021.

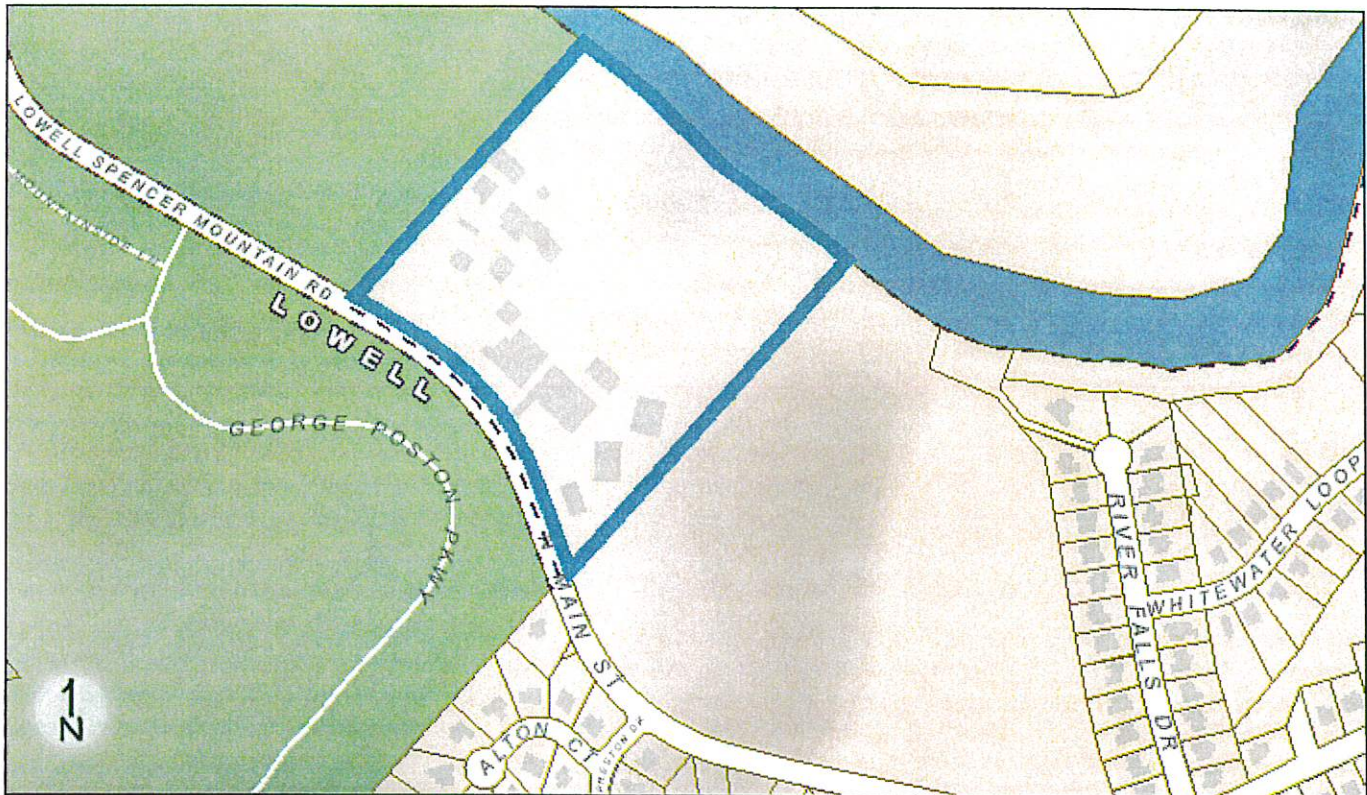
Funding:

There are many other funding opportunities available for the proposed redevelopment of this site which are not as readily available to the private sector. Those sources include, but not limited to: Revolving Loan Fund (RLF) Grants, Multipurpose (MP) Grants, PARTF Recreation Grants, NC Direct Funding, Chemtura bankruptcy funds, USDA financing and more. During an advocacy trip to Raleigh, Mayor Sandy Railey met with NC House Representative John Torbett and NCDEQ regarding the need for the site to be cleaned up and to get financial assistance from the State. Thanks to those efforts, the City of Lowell is receiving \$2 million dollars in direct funding from the North Carolina State Budget for assistance in building a new public works facility at this site. Staff expects to receive these funds in December 2021 or January 2022. The City of Lowell intends on leveraging as many grant funding opportunities for this site as possible and implementing the overall master plan over several years.

Moving Forward:

The architecture firm, Creech and Associates was selected to perform the master plan for this site. This process involved a high-level rendering of what amenities and layout of the site could look like. Steps forward will include citizen input on the amenities that can be offered at this site, a brownfield steering committee, and developing a plan to phase the project.





Primary Property Address

1602 N MAIN ST LOWELL, NC 28098

Tax Information

PARCEL #: 127479

PIN #: 3576250528

CURRENT OWNERS: LOWELL INVESTMENTS I LLC

MAILING ADDRESS: 5320 OLD PINEVILLE RD , CHARLOTTE, NC 28217-2735

NBHD #: LW004

NBHD NAME: LOWELL SPOT/GEORGE POSTON

TOWNSHIP: SOUTH POINT TOWNSHIP

LEGAL DESC: . 05 002C 003 00 000

Tax Information

DEED BOOK: 4711 PAGE: 0070

DEED RECORDING DATE: 12/31/2013

SALES AMOUNT: \$150,000

PLAT BOOK: PAGE:

STRUCTURE TYPE: OFFICE GENERAL (BLDG #1)

YEAR BUILT: 1962

VACANT: IMPROVED

SQUARE FOOTAGE: 3600

BASEMENT: NO

BED: 0 BATH: 0 HALF-BATH: 0

MULTI-STRUCTURES: YES

ACREAGE: 17.09

TAX DISTRICT: LOWELL CITY

VOLUNTARY AG DISTRICT: NO

PROPERTY USE: INDUSTRIAL

Tax Values

MARKET LAND VALUE: \$122,150

MARKET IMPR. VALUE: \$273,290

MARKET VALUE: \$395,440

FARM DISCOUNT: NO

EXEMPTION: NO

TAXABLE VALUE: \$395,440

Election Information

PRECINCT NAME: LOWELL

POLLING PLACE: PRESBYTERIAN CHURCH OF LOWELL ACTIVITY CENTER

POLLING ADDRESS: 300 E SECOND ST

WARD #:

CONGRESS REPRESENTATIVE: TED BUDD

CONGRESSIONAL DISTRICT: 13

HOUSE REPRESENTATIVE: JOHN A. TORBETT

HOUSE DISTRICT: 108

SENATOR: KATHY HARRINGTON

SENATE DISTRICT: 43

Parcel Information

CITY LIMITS: LOWELL

ETJ: NOT IN ETJ

POLICE DISTRICT: LOWELL

FIRE DISTRICT: LOWELL

FLOOD: AE,0.2 PCT

LOCAL WATERSHED: CRAMERTON

CENSUS TRACT: 313.01

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. **Values shown are as of January 1, 2019.** - Document created for printing on 12/10/2021

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-H

DESCRIPTION: CONSIDERATION OF APPOINTMENT TO THE PLANNING
BOARD, BOARD OF ADJUSTMENT AND STORMWATER
COMMISSION

Please see the attached application of Mr. David Jennings for the Planning/Zoning Board,
Board of Adjustment, and Stormwater Commission.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
RE: Appointment of David Jennings as member of the City of Lowell Planning Board,
Board of Adjustment and Stormwater Commission.

On December 5, 2021 Mr. David Jennings submitted his application requesting appointment to the City of Lowell Planning Board, Board of Adjustment as well as the Stormwater Commission. Mr. Jennings has been a resident of Lowell for 13 years and previously held a position on the Master Planning Committee. Mr. Jennings has provided all requested paperwork and has been subject to a background screening. All requirements have been met satisfactorily.

City Staff recommend Mr. Jennings be brought before the City Council for consideration of appointment during their City Council meeting scheduled for Tuesday, December 14, 2021.

Alex Blackburn

From: noreply@civicplus.com
Sent: Sunday, December 5, 2021 9:52 PM
To: Beverly Harris; Alex Blackburn; Cristy Cummings
Subject: Online Form Submittal: Board Committee Appointment Application

Board Committee Appointment Application

Application for Appointment/Re-Appointment to a Board/Committee for the City of Lowell, North Carolina

The City of Lowell appreciates your interest in serving on a Board/Committee and requests that you complete the following application. The application requests general information based on your interest in applying for a Board/Committee for the City of Lowell.

Applicant Name	David Jennings
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Date of Application	12/5/2021
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Home Address	306 E 1st. St
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City	Lowell
------	--------

State	NC
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Zip Code	28098
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Mailing Address (if different from above)	306 E 1st. St
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City	Lowell
------	--------

State	NC
-------	----

Zip Code	28098
----------	-------

Cell Phone (For City Hall Use Only)	704-718-2371
-------------------------------------	--------------

Home Phone	same
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Business Phone	<i>Field not completed.</i>
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Email Address	djennings33@carolina.rr.com
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In order to consider this application and provide balance and diversity to the various Boards, the City of Lowell requests that the following information be voluntarily provided:

Age	69
Gender	Male
Occupation	Maintenance Tech. Caromont Health Care
Do you reside within the City Limits of Lowell?	Yes
Do you reside the within the Lowell Extraterritorial Jurisdiction?	<i>Field not completed.</i>
How many years/months have you resided in Lowell?	13
What is your top Board/Committee preference?	Planning and Zoning Board
What is your second Board/Committee preference?	Planning Board
Why do you want to serve/continue to serve on this Board/Committee?	Was on the committee before but work got in the way so I had to step aside. Would love to get back involved with the city and be a part of helping the city grow and go in the right direction.
Why do you think you would be an asset to this Board/Committee?	Have had several years experience on the committee, a team player, open minded, willingness to explore new ideas
What do you feel are your qualifications for serving on the Board/Committee requested?	Past experience, support for current Mayor and City Council, open minded, have the best interest of the City at heart and want the City to continue to grow.
Prior Public Service History	
Board/Committee/Civic	Planning
From	1/1/2012
Board/Committee/Civic	<i>Field not completed.</i>
From	<i>Field not completed.</i>
Additional Comments	<i>Field not completed.</i>
Ethics Guidelines for City Committees/Boards	

If appointed or re-appointed, I pledge to comply with the following ethics guidelines for boards as adopted by the City of Lowell.

Members of boards shall not discuss, advocate, or vote on any matters in which they have a conflict of interest or an interest which reasonably might appear to be in conflict with the concept of fairness in dealing with public business. A conflict of interest or a potential conflict occurs if a member has a separate, private, or monetary interest, either direct or indirect, in any issue or transaction under consideration. Any member who violates this provision may be subject to removal from the board.

If the board believes he/she has a conflict of interest, then the member should ask the board to be excused from voting. The board should then vote on the question on whether or not to excuse the member making the request. In cases where the individual member or the board establishes a conflict of interest, then the board member shall remove themselves from the voting area.

By typing your full name David Jennings
below, you have agreed to
the above Ethics Guidelines.

Date 12/5/2021

A criminal background check will be conducted on new committee members and reappointed committee members.

For a printed application, please email bharris@lowellinc.com or call (704) 824-3518.

Email not displaying correctly? [View it in your browser.](#)

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-I

DESCRIPTION: BUDGET AMENDMENT

Please see the attached budget amendment regarding the approved paving contract.

**City Of Lowell
Budget Amendment #1
Budget Ordinance FY 21-22**

BE IT ORDAINED by the City Council of the City of Lowell, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022:

Section 1: To amend the General Fund, the estimated revenues are to be changed as follows:

General Fund:

Powell Bill:

	<u>Decrease</u>	<u>Increase</u>
10-3990-1000 Powell Bill Fund Balance		\$142,275

This will result in an increase of \$142,275 in the Powell Bill fund balance.

Section 2: To amend the General Fund, the appropriations are to be changed as follows:

General Fund:

Powell Bill:

	<u>Decrease</u>	<u>Increase</u>
10-4510-4500 Contracted Services-Powell Bill		\$142,275

This amendment will result in an increase of \$142,275 in the Powell Bill Department appropriations, bringing the appropriations for Powell Bill in FY 21-22 from \$65,000 to \$207,275.

This amendment is for various street paving projects throughout the city.

Section 3: Copies of this budget amendment shall be furnished to the Clerk of the City Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this _____ day of December, 2021.

Mayor

Attest:

City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-J

DESCRIPTION: SET PUBLIC HEARING FOR CONSIDERATION OF LDO TEXT
AMENDMENTS AS IT RELATES TO SESSION LAW 2021-138

Please see the attached memo from the Planning Director, Alex Blackburn.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
Re: Proposed Amendments to the Lowell Development Ordinance in compliance to Session Law 2021-138.

At this time, I am requesting the City Council during their regularly scheduled meeting on December 14, 2021 to schedule a Public Hearing on the below listed text amendments for January 11, 2022.

Recently, the Governor and General Assembly of the State of North Carolina set into law Session Law 2021-138 on September 2, 2021 further amending General Statute 160D to decriminalized violations except in certain instances. This action requires amendments to several Articles in the Lowell Development Ordinance to maintain consistency of the City Plan 2040 as well as to achieve compliance with Session Laws 2019-111, 2020-25, 2021-138.

The affected Articles include; Article 5.2, Article 16.1-7, Article 18.3(H), Article 18.4(D)(5), Article 23.6-5, and Article 23.7-6.

On Tuesday, December 7, 2021 the Lowell Planning Board considered the proposed amendments regarding compliance with Session Law 2021-138 and voted in unanimous approval to recommend the changes to the City Council.

I have included the current version and the proposed amended versions below.

Lowell Development Ordinance Article 5.2:

Current

5.2 Initiation of Amendments

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Lowell *City Council*, the Lowell *Planning Board*, the Lowell *Planning, Zoning & Subdivision Administrator*, any owner of a legal or equitable interest in land located in the City's jurisdiction, or any resident of the City's jurisdiction having a legal or equitable interest in land affected by the proposed amendment. Persons other than the City of Lowell, the land owner, or the landowner's authorized agent making application for a zoning map amendment shall certify to the City that the owner of the parcel of land as shown on the Gaston County tax listing has received actual notice of the proposed amendment and a copy of the notice of the legislative hearing in accordance with the provisions of G.S. 160D-602(d). See Section 5.3-1(D) of this Article for content of an application for amendment(s).

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor shall be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the City.

Proposed

5.2

Initiation of Amendments

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Lowell *City Council*, the Lowell *Planning Board*, the Lowell *Planning, Zoning & Subdivision Administrator*, any owner of a legal or equitable interest in land located in the City's jurisdiction, or any resident of the City's jurisdiction having a legal or equitable interest in land affected by the proposed amendment. Persons other than the City of Lowell, the land owner, or the landowner's authorized agent making application for a zoning map amendment shall certify to the City that the owner of the parcel of land as shown on the Gaston County tax listing has received actual notice of the proposed amendment and a copy of the notice of the legislative hearing in accordance with the provisions of G.S. 160D-602(d). See Section 5.3-1(D) of this Article for content of an application for amendment(s).

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor shall be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the City.

The following changes to this Ordinance are authorized and may be carried out by either the *City Clerk* or the *Planning, Zoning, & Subdivision Administrator* or their designee, without processing a formal amendment:

1. Corrections to the Official Zoning Map to reflect updated information on property boundaries, street alignments, natural stream alignments, etc. shall not be considered amendments;
2. Edits to the text of this Ordinance and/or the Official Zoning Map to update a table of amendments, add information to the legend of the Official Zoning Map, correct typographical errors, add and/or correct geographical information, and/or insert notations representing amended text in an article, section, subsection, or provision; and
3. Deletions of provisions stricken down by either a legislative action of the North Carolina legislature or a court of competent jurisdiction.

Current

16.1-7 Violations

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. In addition to being subject to the provisions for enforcement in Article 23 of this Ordinance, any person who, being the owner or agent of the owner of any land located within the City's jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of , or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct per G.S. 160D-807(a).

Proposed

16.1-7 Violations

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in Article 23 of this Ordinance. ~~In addition to being subject to the provisions for enforcement in Article 23 of this Ordinance, any person who, being the owner or agent of the owner of any land located within the City's jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of , or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor.~~ The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The City may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, the City may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct per G.S. 160D-807(a).

Current

18.3(H) PENALTIES FOR VIOLATION.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143-215.58. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lowell from taking such other lawful action as is necessary to prevent or remedy any violation.

Proposed

18.3(H) PENALTIES FOR VIOLATION.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lowell from taking such other lawful action as is necessary to prevent or remedy any violation.

Lowell Development Ordinance 18.4(D)(5)

Current

- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NCGS § 143.215.58 and shall be punished at the discretion of the court.

Proposed

- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a violation of this Ordinance.

Lowell Development Ordinance Article 23.6-5

Current

- 23.6-5 Stop Work Orders.** Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the *Planning, Zoning & Subdivision Administrator* may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped,

the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160D-404(b). Violation of a stop work order shall constitute a Class 1 misdemeanor.

Proposed

23.6-5 Stop Work Orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S.160D-404(b). Violation of a stop work order **regarding any building deemed unsafe** shall constitute a Class 1 misdemeanor

Lowell Development Ordinance Article 23.7-6

Current

23.7-6 Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may have a criminal summons or warrant against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to G.S. 14-4.

Proposed

23.7-6 Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may **have a lien for all cost incurred placed upon the property that is the subject of the violation.**



ORDINANCE NO. #OR14-2021

AN ORDINANCE AMENDING THE LOWELL DEVELOPMENT ORDINANCE OF THE CITY OF LOWELL, NORTH CAROLINA

WHEREAS, on May 11, 2021 the City Council's newly adopted Lowell Development Ordinance, also known as the LDO, became fully effective; and,

WHEREAS, the Governor and General Assembly of the State of North Carolina set into law Session Law 2021-138 on the 2nd day of September 2021 amending G.S. 160D to decriminalize violations except in certain instances; and,

WHEREAS, the amendment of the LDO to incorporate the requirements of SL 2021-138 affecting G.S. 160D is both consistent with the adopted *City Plan 2040* by continuing to meet the adopted goals of Section 5.II of *City Plan 2040* emphasizing management of growth and reasonable because of the City's need to achieve compliance with Session Laws 2019-111, 2020-25 and 2021-138;

THEREFORE, BE IT ORDAINED by the City Council that the Lowell Development Ordinance be amended as follows:

PART 1. Articles 5 is hereby amended to add the following language to the end of Section 5.2:

"The following changes to this Ordinance are authorized and may be carried out by either the *City Clerk* or the *Planning, Zoning, & Subdivision Administrator* or their designee, without processing a formal amendment:

1. Corrections to the Official Zoning Map to reflect updated information on property boundaries, street alignments, natural stream alignments, etc. shall not be considered amendments;
2. Edits to the text of this Ordinance and/or the Official Zoning Map to update a table of amendments, add information to the legend of the Official Zoning Map, correct typographical errors, add and/or correct geographical information, and/or insert notations representing amended text in an article, section, subsection, or provision; and
3. Deletions of provisions stricken down by either a legislative action of the North Carolina legislature or a court of competent jurisdiction."

PART 2. Article 16 is hereby amended to delete the following language from Section 16.1-7, said language being the second sentence of the enumerated paragraph:

“In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the City’s jurisdiction, subdivides their land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall also be deemed guilty of a Class 1 misdemeanor.”

PART 3. Article 18 is hereby amended to rewrite Section 18.3(H) to read as follows:

“Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lowell from taking such other lawful action as is necessary to prevent or remedy any violation.”

PART 4. Article 18 is hereby amended to rewrite Section 18.4(C)(15) to read as follows:

“Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a violation of this Ordinance.”

PART 5. Article 18 is hereby amended to rewrite Section 18.4(D)(5) to read as follows:

“Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a violation of this Ordinance.”

PART 6. Article 23 is hereby amended to rewrite Section 23.6-5 to read as follows:

“Stop Work Orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S.160D-404(b). Violation of a stop work order regarding any building deemed unsafe shall constitute a Class 1 misdemeanor.”

PART 7. Article 23 is hereby amended to rewrite Section 23.7-6 to read as follows:

“Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty, reasonable attorney fees and court costs. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may have a lien for all cost incurred placed upon the property that is the subject of the violation.

PART 8. This Ordinance shall be effective at 12:01 AM EST on _____, 2022.

ADOPTED on this the _____th day of _____ 2022.

Mayor, Sandy Railey

ATTEST:

City Clerk, Beverly Harris

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-K

DESCRIPTION: SET PUBLIC HEARING FOR CONSIDERATION OF ZONING
MAP AMENDMENT RZ21-04 REGARDING PARCEL ID #'S
136564 AND 202774 FROM THE ZONING DISTRICT OF SFR-3
TO SFR-4/CD

Please see the attached memo from the Planning Director, Alex Blackburn.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: December 8, 2021
RE: Rezoning Case #RZ21-04 containing Parcel #'s 136564 and 202774

City Staff is requesting that the City Council, during their regularly scheduled meeting on December 14, 2021, to set a Public Hearing for January 11, 2022. This will be in regard to a request for rezoning to coincide with the initial zoning of the recently annexed property. The rezoning request is for Parcel #'s 136564 and 202774 owned by Belmont Land & Investment Co.

Applicants are requesting the change from the current zoning designation of Single Family Residential-3 (SFR-3) to that of Single Family Residential-4 (SFR-4) with a Conditional Zoning overlay. Please see the attached Rezoning Request Application submitted November 15, 2021.

APPLICATION FOR REZONINGTO: THE CITY OF LOWELL

APPLICATION #: _____

DATE FILED: November 15, 2021

FEE PAID: _____

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to amend the Zoning Ordinance and/or change the Zoning Map of the City of Lowell as hereinafter requested and in support of this application the following facts are shown:

- 1) It is requested that the real property hereinafter described be rezoned from:

SFR-3 to SFR-4(CZ)

The real property sought to be rezoned is owned in fee simple by: Belmont Land Investment Co. as evidenced in Deed Book, Page: SEE SCHEDULE 1 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being put to the use specified in Paragraph 1 of this application.

- 2) The address of the real property sought to be rezoned is: SEE SCHEDULE 1 and / or a further legal description by metes and bounds of said realty is attached to this application.
- 3) The real property sought to be rezoned is located on the Right side of Lowell Spencer Mountain Road between Flowers Road and South Fork Catawba River and further identified in Gaston County Tax Book _____, Map _____ Parcels 135144, 136564, 202166, 202167, 210660 and 202774; Said Lots have 291.18 acres.
- 4) The following are all the adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be rezoned. The names and addresses listed below shall be determined

by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

NAME	ADDRESS
SEE SCHEDULE 2	

- 6) The applicant understands that a letter stating the date, time and place for the Public Hearing for the rezoning of said property shall be mailed to each of the parties listed in Paragraph 5 at least ten (10) days prior to the said Public Hearing.
- 7) If the applicant is not the legal owner of the property sought to be rezoned, the legal owners names and addresses shall be listed below. Owners shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

SEE SCHEDULE 1	

- 8) A map or drawing identifying the real property requested to be rezoned and all attached properties with their designated zoning districts shown shall be attached to this application.

Applicant(s) Name: The PulteGroup
 Address: 11121 Carmel Commons Blvd, Suite 450, Charlotte, NC 28226
 Telephone: 704-972-7389

Applicant's Signature: _____

DocuSigned by:
Matt Kearns
 070F408162D94A1...

City of Lowell Telephone: 704 – 824 - 3518
 101 West First Street
 Lowell, NC 28098

SCHEDULE 2

Parcel	Deed	Owner	Mailing Address	Zoning
136566	2133-708	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
136565	2411-777	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
136557	1891-116	Tallent Drum Company	P O BOX 675 , LOWELL, NC 28098	RS-20
136558	1454-363	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
135132	4963-030	Eunice H Carpenter & Cathy J Snyder	129 SUTTON CARPENTER RD, GASTONIA, NC 28056- 7852	R-1
135137	4514-2463	Gail Reddick Barker	2940 ALARKA RD , BRYSON CITY, NC 28713	R-1
135141	4684-697	Daniel A Davis	1405 LOWELL SPENCER MTN RD , GASTONIA, NC 28056-7841	R-1
135134	4975-2031	Jeffrey A Little	1413 LOWELL SPENCER MTN RD , GASTONIA, NC 28056-7841	R-1
135133	4693-2468	Tammy S Schronce	2408 MALLOTTE LN , GASTONIA, NC 28054-6407	C-1
135138	2286-634	Rachel Mann Moore	1429 LOWELL SPENCER MTN RD , GASTONIA, NC 28056-7841	R-1
135129	2371-490	Franklin Charles & Marsha B Morrow	104 FLOWERS RD , GASTONIA, NC 28056	R-1
135128	0010-551	Edith C May Heirs	C/O JEFFERY SCOTT BEASLEY 114 FLOWERS RD, GASTONIA, NC 28056- 6647	R-1
135127	1432-802	Dorothy May Brown	126 FLOWERS RD , GASTONIA, NC 28056	R-1
135108	4467-1512	Thomas gerald & Teri Lyn Flowers	138 HALL RD , GASTONIA, NC 28056-7825	R-1

Public Hearing Consent Form

To: City of Lowell Board of Adjustment / Planning Board / City Council

From: _____

Subject:

☐ consent for variance / ☐ conditional use / ☐ appeal / ☐ subdivision variance / ☐ watershed variance / ☐ rezoning

Date: _____

I, _____, being the property owner of parcel(s) _____, give consent to _____ to act on my behalf in applying for the **PUBLIC HEARING REQUEST** under consideration.

Signature (owner)

Date



City of Lowell-Development Services Department

101 W. First Street Lowell, NC 28098

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

North Carolina
Gaston County

I, _____, a Notary Public for the said County and State, do hereby certify that
personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

CHAR2\2503762v2



Public Works

Monthly Report

November 2021

- Street department employees focused much of their time this month keeping up with leaf collection.
- Crews performed litter sweeps on primary roadways and on city owned properties to try and keep things clean for the holiday season.
- City crews dedicated a lot of time to Christmas decoration.
- Water department continued leak investigation in town working to eliminate water loss.
- 10-inch main break on Grove Street
- 2-inch line break on Bowen Drive.
- 2-inch line break on Oakland Street.
- 3/4-inch water leak on Ethelyn Ave.
- 6-inch main break on E. First Street
- 2-inch line break on Stowe Drive.
- Replace broken cut off valve on Stowe Drive.
- Sewer Dept Employees work on repairs to inflow issued discovered during smoke testing last month.
- Storm water crews worked to keep leaves cleared from curbing curbs and catch basin covers.
- City staff worked with Mason Paving and Grading to complete the approved paving upgrades on city streets.

To: Scott Attaway, City Manager
 From: Alex Blackburn, Planning Director/Code Enforcement
 Date: December 8, 2021
 RE: Monthly Department Update

Code Enforcement

For the month of November, the Code Enforcement Office responded to 7 complaints of violation regarding the City of Lowell, Code of Ordinance as the Lowell Development Ordinance. The time frame for several of these violations has yet to expire but two have surpassed the abatement period and have received fines to be incurred daily until the issue is abated.

City Staff is also looking into the City of Lowell, North Carolina Code of Ordinances to bring before the City Council possible text amendments to comply with Session Law 2021-138 as it may apply.

Zoning:

The Zoning Department has issued several permits this month involving Changes of Use, business signage and installation of solar panels.

ZP21-69	Multi-Family Home Permit	R. Trado (Bi-State Dev. Group)	7002A, B , C Owens Court	\$190	11/2/2021
ZP21-70	Change of Use	Kristen Lucas	112 N Main St	\$100	11/3/2021
ZP21-71	Canopy signs	Professional Permits	106 Kenworthy Ave.	\$50	11/9/2021
ZP21-72	Wall Sign	Brace Sign Services, LLC	4312-D E Franklin Blvd.	\$50	11/9/2021
ZP21-73	Tenant Sign	Brace Sign Services, LLC	4312-D E Franklin Blvd.	\$50	11/9/2021
ZP21-74	Monument sign	Brace Sign Services, LLC	4312-D E Franklin Blvd.	\$50	11/9/2021
ZP21-75	Accessory/Solar Panels	Chris Yarbrough/Gaston Christian	1625 Lowell-Bethesda Rd.	\$100	11/15/2021
ZP21-76	Accessory/Fence for pool	Marcia Bosquet	707 Bowen Drive	\$25	11/17/2021
ZP21-77	Accessory Structure	Dina Mahmud	502 River View Drive	\$25	11/30/2021

During the November City Council meeting, seven (6) parcels of land were successfully annexed into the corporate limits of the City of Lowell. Four of these parcels were smaller additions to the Belmont Land & Investment Co. Property annexed previously in September of this year. Initial Zoning Designation was withheld from these properties due to the absence of a required neighborhood meeting to be held by the applicants. A neighborhood meeting has been scheduled for December 7, 2021 from 12:00-1:00 pm.

The additional two parcels of property annexed in November comprise George Poston Park, owned and operated by Gaston County. Initial Zoning Designation was withheld from this as well due to the absence of a required neighborhood meeting to be held by the applicants. A meeting has since been scheduled for Monday, December 6, 2021 at 12:00-1:30 pm.

A Public Hearing was set by City Council to be held on December 14, 2021 at 6:00 pm, for the consideration of a Text Amendment to the Lowell Development Ordinance, Article 5, Section 5.3 regarding the removal of neighborhood Meeting requirements for everything other than Special Use Permits and Conditional Zoning Requests.

Planning:

The Lowell Planning Board met on November 4, 2021 and voted to approve the recommendation to the City Council for the text amendment to the Lowell Development Ordinance, Article 5, Section 5.3 regarding Neighborhood Meetings.

Planning Staff has met with several developers and contracted engineers to discuss developments beginning in Lowell as well as investigating those looking to begin moving here.

Mr. Scott Wilson, 307 Caroline Ave, was appointed by unanimous vote of the City Council to the Planning Board as well as the Board of Adjustment and Environmental Review Committee. We look forward to his input and assistance as he joins

Stormwater:

The Environmental Committee/Stormwater Committee has begun discussions to evaluate possible credit/exemption criteria for stormwater fees in order to promote stormwater control measures (SCM's). This would allow those property owners with appropriate measures in place with regular inspections by certified personnel to be given a partial exemption on their stormwater fee in accordance with control measures in place. This will remain a lengthy process and I will continue to maintain updates as it proceeds.

The City of Lowell hosted its Second Annual River Sweep on Saturday, November 6 from 9:30 am -12:00 pm. Not including staff, we had 23 volunteers assist in the clean up of over 200 pounds of waste in the river areas of River Falls and River View developments. While this was far from the total account of debris last year, it is a good sign that the public is doing their part in keeping our waterways cleaner.

I was also in attendance of the Centralina Regional Council's South Fork River Health Committee's Action Plan. This committee is geared towards being stewards of the South Fork of the Catawba River that runs through our county and is a potable water source for several municipalities and communities along its banks. This plan is attempting to set a preferred future for the river by outlining recommendations and strategies to guide development and existing uses in the vicinity. This will be presented to the Planning Board at their December 7, 2021 meeting for further comments before also being prepared for the City Council at their December 14, 2021 meeting.

LPD November update

The police department responded to 416 calls this month which is up from the 2020 call volume of 373 in 2020. This is an increase of 11% from 2020 to 2021. The 2019 numbers were significantly higher at 513 for the month however, we were working a dedicated traffic officer at the time and that unit accounted for 96 extra traffic stops. We hope to soon have man power in place to raise our level of traffic enforcement back up to the 2019 levels.

The Police department participated in the Governor's Highway Safety Programs "Click-it or Ticket" campaign, it resulted in 22 traffic related charges. During the campaign, Ofc. Mulkern recovered a stolen motor vehicle and arrested the occupant who was wanted on other charges.

The PD hosted the participants from the COL citizens academy on the 8th. After meeting at City Hall, they rode in police cruisers to the Dallas PD firing range and watched 3 of our officers complete their annual firearms qualifications course. The class returned to City Hall and saw a short presentation on the PD followed by a tour of our facilities. All participants had a good time and the PD members enjoyed showing them a small piece of what we do.

All officers successfully passed their annual firearms qualification this month. Officers attended over 96 hours of training (some required, some optional).

The police department assisted the NCSHP with traffic control when Trooper Wooten was brought home from his 2-year rehab in Atlanta. It was an honor to be invited to participate in the event and the officers of the Lowell PD represented their city well.

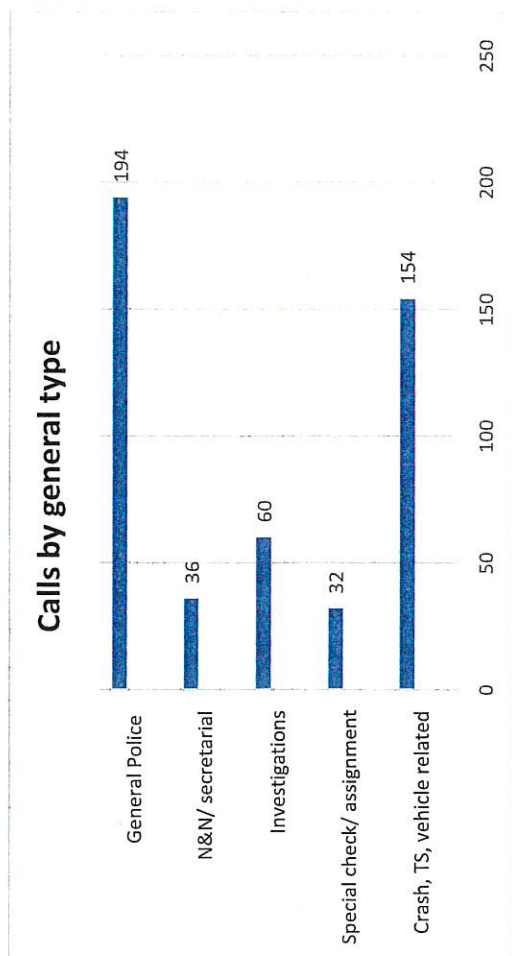
Chief Bates came to visit, check in on things, and we all got a chance to catch up. He is in good spirits and working hard with his rehabilitation so he can return ASAP!

POLICE REPORT OCTOBER 2021

Grouped call type	Value
Crash, TS, vehicle related	154
Special check/ assignment	32
Investigations	60
N&N/ secretarial	36
General Police	194

Monthly calls October 2019-2021

2019	403
2020	454
2021	481



Parks and Recreation

November 1 thru December 2, 2021 Monthly Report

Events and Programs

River Sweep - Planned, coordinated, purchasing supplies, scheduling blackboard call, pre-event social media, post-event social media, delivering raffle prizes, and post event details. Community service hour letters to high school and college students.

Music in the Park - Planned, coordinated, picked up supplies/merchandise, picked up checks for band/stage company, pre-event social media, post-event details.

Veteran's Day - Planned and coordinated, emails to LCC volunteers, scheduled pick-up of needed supplies, food ordering, post event social media.

Senior Thanksgiving Lunch – data entry of 140 seniors to spreadsheet, booked caterer, scheduled volunteers, scheduled blackboard call, post-event social media.

Tree Lighting – Planned, coordinated, creation of art for advertising, promoting the event, scheduling of music, scheduled blackboard call, picked up and distribution of hot cocoa & cookies, promoting Parks and Recreation survey, shopping for additional lights/ribbon/ornaments for City Christmas tree, working with Public Works to get City tree decorated.

Trees at the Track – Reaching out to local schools, churches, and organizations about the new program. Purchasing lights for the trees. Putting lights on the trees that Public Works staked into the ground around the walking track. Creation of promotional artwork. Promoting the event. Decorating school and Parks and Recreation Christmas Trees.

Christmas Parade – accepting parade registrations, answering questions from parade applicants, promoting the event, scheduling of Santa, confirmation of floats, emails to parade applicants, preliminary line-up draft, scheduling Grand Marshal car, letter to Grand Marshal.

Holiday Decorations Contest – artwork created, promoting the program. Encouraging residents and downtown businesses to decorate for Christmas.

Athletics

Accepting basketball registrations, deadline extended to late November.

Communications with area Parks & Recreation departments about joint leagues.

General

General communications answering inquiries via phone, social media, email

Picking up trash

Social media postings and website updates

LCC meeting preparation

LCC meeting

Master Plan - reaching out to potential participants for Focus Groups. Focus Group info sent to NC State & meetings held by NC State. Additional promotion of household survey through social media, posting on letterboard sign at Harold Rankin, library, and Tree Lighting Ceremony.

Ordering of staff shirts

Coding invoices and updating budget spreadsheet

Updating sign at Harold Rankin

Invoicing for McAdenville Dolphins for field usage & communications with President about their field usage

Lowell Volunteer Fire Department

Lowell, NC

This report was generated on 12/4/2021 9:22:31 PM



Incident Type Count per Station for Date Range

Start Date: 11/01/2021 | End Date: 11/30/2021

INCIDENT TYPE	# INCIDENTS
Station: 17 - STATION 17	
118 - Trash or rubbish fire, contained	1
121 - Fire in mobile home used as fixed residence	1
131 - Passenger vehicle fire	1
140 - Natural vegetation fire, other	2
311 - Medical assist, assist EMS crew	7
320 - Emergency medical service, other	1
321 - EMS call, excluding vehicle accident with injury	1
322 - Motor vehicle accident with injuries	4
324 - Motor vehicle accident with no injuries.	12
381 - Rescue or EMS standby	1
440 - Electrical wiring/equipment problem, other	1
500 - Service Call, other	2
520 - Water problem, other	1
551 - Assist police or other governmental agency	1
611 - Dispatched & cancelled en route	4
622 - No incident found on arrival at dispatch address	1
631 - Authorized controlled burning	1
700 - False alarm or false call, other	2
711 - Municipal alarm system, malicious false alarm	2
744 - Detector activation, no fire - unintentional	1
900 - Special type of incident, other	1
# Incidents for 17 - Station 17:	48

Only REVIEWED incidents included.



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