



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, NOVEMBER 9, 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**
 - A. Minutes from Council Meeting Held October 12, 2021 (p. 1-7)
- 6. SPECIAL PRESENTATION**
 - A. Proclamation Recognizing Veteran's Day (p. 8)
- 7. UNFINISHED BUSINESS**
 - A. Public Hearing for CDBG-I (Grant #18-I-3034) Regarding Scope Amendment (p. 9)
 - B. Public Hearing for CDBG-I (Grant #14-I-3033) Regarding Grant Close-Out (p. 10-17)
 - 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; 7.6 acres (p. 18-29)
 - 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. 30-46)
 - 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 (p. 47-61)
 - 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 (p. 62-82)
 - 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 (p. 83-94)
 - 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
(p. 95-120)

8. NEW BUSINESS

- A. Consideration of Paving Bids and Selection of Paving Contractor (p. 121-122)
- B. Consideration of Interlocal Agreement for Fire Inspections with Gaston County (p. 123-127)
- C. Discussion of Code or Ordinances Section 130.01 as it Relates to Construction Noise (p. 128)
- D. Amendment to the 2021 Schedule of Meetings and City Holidays (p. 129-130)
- E. Consideration of Appointments to the Planning Board, Board of Adjustment, Stormwater Commission, and Lowell Community Committee (p. 131-134)
- F. Set Public Hearing for Consideration of Development Agreement for Parcel ID# 212032 (p. 135-141)
- G. Set Public Hearing for Proposed Text Amendment to the Lowell Development Ordinance (LDO) Article 5 Section 5.3-1(B) (p. 142-145)
- H. Consideration to Waive Reapplication Period of Zoning Map Amendment for Parcel ID#'s 136564 and 202774 (p. 146-147)

9. STAFF REPORTS

- A. Public Works Report (p. 148)
- B. Planning Department Report (p. 149-150)
- C. Police Department Report (p. 151-152)
- D. Parks and Rec. Department Report (p. 153-154)
- E. Fire Department Report
- F. Finance Officer Report

10. CITY ATTORNEY REPORT

11. CITY MANAGER REPORT

12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

13. CLOSED SESSION

- A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)

14. ADJOURN

MINUTES

Lowell City Council

Regular Meeting

Tuesday, October 12, 2021, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 p.m. Those attending in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, Councilmember Shane Robinson, City Manager Scott Attaway, City Attorney John Russell Jr, Finance Officer Jared Pyles, Planning Director Alex Blackburn, Police 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

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

IV. PUBLIC COMMENTS

Larry Simonds, 1603 Power Drive: Public Works

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held September 14, 2021

Councilmember Funderburk made a motion to approve the minutes from the September 14, 2021 Council meeting, followed by a second from Councilmember Gillespie. Councilmembers Ervin and Robinson abstained from voting due to their absence at the September 14, 2021 meeting. The vote was three in favor, and none opposed. The motion carries to approve the minutes.

VI. CONSENT AGENDA

- A. Set Public Hearing for CDBG-I (Grant #18-I-3034) for November 9, 2021 Regarding Scope Amendment
- B. Set Public Hearing for CDBG-I (Grant #14-I-3033) for November 9, 2021 Regarding Grant Close-Out

Councilmember Ervin made a motion to approve the consent agenda items and set Public Hearing for Consent Agenda items A & B on November 9, 2021, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

VII. SPECIAL PRESENTATIONS

A. Proclamation #PR6-2021 Recognizing National Hispanic Heritage Month

Mayor Sandy Railey read the Proclamation #PR6-2021 recognizing National Hispanic Heritage month.

Councilmember Ervin made a motion to adopt Proclamation #PR6-2021, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

VIII. UNFINISHED BUSINESS

A. Public Hearing for Consideration of Zoning Map Amendment Rezoning Case RZ21-03 Regarding Parcel ID #128061, Lowry Oaks Development LLC, from the Current Zoning District of SFR-3 to MU-1

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

Alex Blackburn stated the following: on August 21, 2021 City Staff met with applicants in a pre-filing meeting with Andrew Lineberger and Scott Phillips regarding a possible Zoning Map Amendment regarding a parcel identified as PID #128061. Applicants concluded that the best course would be to request a rezoning from the current designation of Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1). Staff also stated the Planning Board voted in unanimous decision to recommend to the Lowell City Council the requested rezoning of the property from SFR-3 to MU-1 during their September 7, 2021 meeting. Staff mailed public notices to property owners and the public notice for the hearing was advertised twice in the Gaston Gazette. Also, a neighborhood meeting took place on September 30, 2021 at City Hall. It was stated that all requirements for the rezoning application have been fulfilled and the City may proceed on to the Legislative Hearing scheduled for October 12, 2021, at 6:00 pm.

The applicants gave an overview to Council of the property and their intentions. They stated they were requesting a change in zoning from SFR-3 to MU-1 for the 6.37 acres. They also stated due to the size of the property and the typography of the land, the property is best suited for Mixed Use zoning (houses/townhomes/apartments). Also, stated was if they didn't get the zoning changed, they will leave this property and someone else can develop it in the future.

Public Comments:

The following list of citizens requested the Council to not change the zoning to Mixed Use due to the following concerns: Increase in traffic and crime; decrease in surrounding property values; detrimental to neighborhood; and an increase in run-off water. (Herb Gittens/Larry

Simonds/Scott Wilson/Randy Byrd/Ken Loudon/Mike Gault/James McKnight/Mary Vera/Jerry Morsel/Mark Maney/Ann Fredell/Mary Lou Esenwein).

Councilmember Robinson made a motion to accept pictures for Council review showing run-off from a citizen, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

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

Councilmember Funderburk stated the following Statement of Inconsistency for **denial**: After consideration of the Zoning Map Amendment, known as Case #RZ21-03, involving property identified as a single PID #128061, the City Council for the City of Lowell makes the motion that we do not approve the request to amend the property from the designation of Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1). With consideration to the Future Land Use Plan as adopted April 13, 2021 maintains this area as Neighborhood uses as outlined in Single Family Residences. The property is currently surrounded by single family residences with little access available to the property. A change in zoning to MU-1 would also facilitate the increase in density from the current 3 units per acre provided in SFR-3 to 19 units per acre at the highest density. Due to the parcel's size of 6.37 acres in area, this would allot for 121 units to be placed on the property if/when the property owner succeeds in gaining access to the proposed property. By changing the zoning designation, we must also look at all the uses that would thereby be allowable in the requested MU-1 district and determine if they would benefit the existing neighborhoods in the area that would include retail and office spaces. While seeking to foster growth in the City of Lowell, we must also look to preserve our neighborhoods. The increased density would contribute to higher rates of traffic along the Stowe Drive and McAdenville Road intersection, as well as allowing for high density multi-family uses in an existing single-family area, and for the public interest as well as perceived detriments to neighbors and the surrounding community, I vote to deny the request for the Zoning Map Amendment RZ21-03. This motion was followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

B. Public Hearing for Consideration of Initial Zoning Map Amendment Regarding Parcel ID #'s 136564 and 202774 from the current Gaston County R-1/Ranlo ETJ zoning designation of R-12 to the City of Lowell zoning district of SFR-4

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

Alex Blackburn stated the following: on September 2, 2021 City staff met with representative Bob Clay and development team to discuss the designation of an initial zoning district to the property under petition for voluntary annexation. During this meeting it was determined that the agreeable district would be Single Family Residential-4. Currently the properties are still under the zoning jurisdiction of both the Ranlo ETJ, with a designation of R-12, and Gaston County Zoning District R-1. It was also stated that the Planning Board voted in unanimous approval to recommend the Lowell City Council approve the designation of Single Family Residential-4 to

the newly annexed property during their September 7, 2021 meeting. Staff stated public notices were mailed and two public notices were advertised in the Gaston Gazette. Also, a neighborhood meeting was scheduled for Monday, October 11, 2021 at City Hall. Staff stated all requirements of the Zoning Map Amendment has been fulfilled and City may proceed on to the Legislative Hearing scheduled for October 12, 2021.

Public Comments:

The following citizens were against rezoning for the following reasons: Lowell should not annex because Ranlo did not want to annex the property due to the cost of installing the water system to tax payers, and traffic. (Larry Simonds/John Cato)

Applicant Comments:

The applicant (Bob Clay) clarified for the Council and stated the comments presented by Mr. Simonds was a lie. Mr. Clay stated the Town of Ranlo called him on several occasions asking for the property to be annexed into Ranlo. Mr. Clay stated there will be no cost to the tax payers because the developers will pay the entire cost of the water system installation. Mr. Clay stated the lowest priced home on this property will be \$350K and that could mean an increase to Lowell's tax base of \$35M. Mr. Clay also stated their company has donated 100's of acres to provide a corridor for the Carolina Thread Trail too and with all of this combined this annexation is a benefit for Lowell.

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

Councilmember Ervin stated for the approval of the Zoning Map Amendment requested for the newly annexed property PID #'s 136564 and 202774. With the petition of voluntary annexation received and approved, the property must be assigned a zoning designation existing within the Lowell Development Ordinance. The owners seek the designation of Single Family Residential-4 for the property encompassing 263.12 acres. With acknowledgement that this property was previously outside of the Corporate Limits of the City of Lowell, this area was not accounted for in the Future Land Use Plan, however, areas along Lowell-Spencer Mountain Road between these parcels and George Poston Park were included and labeled as Neighborhood. With the Comprehensive Land Use Plan/Future Land Use Map in mind and seeing the benefit to the property owner as well as citizens of the City of Lowell and the like uses allowed in the current zoning of Gaston County and Ranlo being of Single-Family Residential nature, it is felt that these reasons and others not included remain consistent and reasonable to approve the Initial Zoning Designation to be recorded as Single Family Residential-4 (SFR-4). This motion was seconded by Councilmember Gillespie. There was further discussion among Councilmembers.

Councilmember Robinson made a substitute motion to Councilmember Ervin's original motion to change the zoning on PID #'s 136564 and 202774 to Single Family Residential-3 (SFR-3) instead of Single Family Residential-4 (SFR-4), followed by a second from Councilmember Funderburk. The substitute motion vote was three in favor (Funderburk/Gillespie/Robinson) and two opposed (Ervin/Bonham). The substitute motion vote carries with the majority being in favor.

IX. NEW BUSINESS

A. Petition for Annexation of Non-Contiguous Property of Parcel ID #202167 and as shown by the metes and bounds description; 7.6 acres

Alex Blackburn stated on September 7, 2021, the owners of property known as Parcel ID #202167 of Gaston County submitted a petition for Voluntary Non-Contiguous Annexation into the City limits of the City of Lowell. The property consists of 7.60 acres.

Councilmember Ervin made a motion to adopt Resolution #RS17-2021 directing the Clerk to investigate an annexation petition pursuant to Article 4A of G.S. 160A governing annexations for Parcel #202167, followed by a second from Councilmember Robinson. The vote was unanimously in favor.

The City Clerk, Beverly Harris, presented Council with her Certification of Sufficiency of Petition of Annexation for Parcel #202167.

B. Set 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 Ervin made a motion to adopt Resolution #RS18-2021 fixing the date of Public Hearing on question of annexation petition regarding Parcel ID #202167 pursuant to Article 4A of G.S. 160A governing annexations on November 9, 2021 at 6:00 pm, followed by a second from Councilmember Robinson. The vote was unanimously in favor.

C. 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

Alex Blackburn stated on September 27, 2021, the owners of property known as Parcel ID #'s 202166, 135144, and 210660 of Gaston County submitted a petition for Voluntary Contiguous Annexation into the City limits of the City of Lowell. The properties consist of a total of 20.46 acres.

Councilmember Ervin made a motion to adopt Resolution #RS15-2021 directing the Clerk to investigate an annexation petition pursuant to Article 4A of G.S. 160A governing contiguous annexation for parcels #202166, 135144, and 210660, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

The City Clerk, Beverly Harris, presented Council with her Certification of Sufficiency of Petition of Annexation for Parcel #202166, 135144, and 210660.

- D. Set 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 Ervin made a motion to approve #RS16-2021 fixing the date of Public Hearing on question of annexation petition regarding Parcel ID #202166, 135144, and 210660, pursuant to Article 4A of G.S. 160A governing annexations on November 9, 2021 at 6:00 pm, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

- E. Consideration of Contract with CCOG for Administration of CDBG-NR Community Center Renovations

Councilmember Gillespie made a motion to approve the CCOG contract in the amount of \$3,816 for Administration of CDBG-NR Community Center renovations, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

X. 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

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

- E. Fire Department Report

Scott Attaway presented the Fire Department report. (ATTACHED)

- F. Finance Officer Report

Jared Pyles presented the monthly financial report. (ATTACHED)

XI. CITY ATTORNEY REPORT

The City Attorney, John Russell, Jr., stated there had been an update in Raleigh regarding Police reforms and penalties. He stated he will work with the City Manager to see what needs to be updated in the City's Ordinance.

XII. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- I-85 widening – Aesthetics Committee mid-November kick off meeting
- Newsletter is being finalized
- Duke Power Rapid Charger city's first to receive in City Hall parking lot in front of flag poles

XIII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Ervin stated during a recent MPO meeting within their 2045 plan for NC roads, the Lowell-Spencer Mountain Road did not score high enough to make the first round of work. However, they did state that the project would be kept on the list and reviewed in the future.

Councilmember Gillespie thanked Jared Pyles and City Manager. He also thanked everyone for their support during the loss of his sister recently.

Mayor Railey thanked the staff and citizens for their participation in the meeting.

XIV. CLOSED SESSION

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

The Council reconvened from Closed Session at 9:00 pm.

XV. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor. The meeting ended at 9:00 pm

ATTEST:

Mayor, Sandy Railey

City Clerk, Beverly Harris



PROCLAMATION

#PR7-2021

VETERAN'S DAY

November 11, 2021

WHEREAS, carefully preserved within the pages of American history lie the valiant stories of the men and women who fought with valor and fortitude to defend the ideals upon which our great nation was founded: liberty, freedom, and justice; and

WHEREAS, these dedicated men and women, our United States veterans, reinforce the truth that heroism is not a gift or a goal, but often a moment, and sometimes a lifetime, of pure selflessness; and

WHEREAS, our veterans disregard personal well-being and act with incredible honor to preserve for us, the citizens of this great nation, a gift of unapproachable magnitude: our freedom; and

WHEREAS, it is the City of Lowell's duty to honor the memory of our dedicated servicemen and women who never returned home, having made the ultimate sacrifice to preserve our nation and its way of life; and

WHEREAS, the City of Lowell pays special tribute to the valiant guardians of our freedom who remain listed as Missing in Action, and offer our support to the loving families who hope for their safe return; and

WHEREAS, as citizens of the United States of America, we owe an inexpressible debt to our veterans, and today we ask with humility and eternal gratitude that their spirit never be forgotten.

NOW, THEREFORE, I, SANDY H. RAILEY, Mayor of the City of Lowell, on behalf of the City of Lowell Council, do hereby proclaim November 11, 2021, as VETERANS DAY. I encourage all citizens to participate in activities that bestow honor and commendation on American heroes past and present.

This the 9th day of November, 2021.

ATTEST:

Beverly Harris, City Clerk

Sandy H. Railey, Mayor

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-A

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

Staff has requested this public hearing to be continued to the December 14th City Council meeting as the NC Dept. of Commerce has not yet responded to our project manager regarding the scope amendment.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-B

DESCRIPTION: PUBLIC HEARING FOR CDBG-I (GRANT #14-I-3033)
REGARDING GRANT CLOSE-OUT

Please see the attached memo from the Amanda Whitaker, Withers Ravenel, pertaining to the closeout.

City of Lowell Council Memo

To: Beverly Harris

From: Amanda Whitaker, Withers Ravenel

Date: 11/5/2021

Re: Closeout Public Hearing for CDBG-I 14-I-3033 Project and Final Report

Background:

The City of Lowell received a \$285,211 Community Development Block Grant for Infrastructure from the NC Department of Environmental Quality, Division of Water Infrastructure in 2018 to replace approximately 700 linear feet of gravity sewer line in the Phillips Street area. The project is now complete, all activities have been completed, and all invoices have been paid.

Total CDBG-I expenditures for the project are approximately: \$285,211 Administration: \$28,521, Water Improvements: \$256,690.

The purpose of the scheduled closeout public hearing is to inform the public of the activities and accomplishments of the grant and allow them the opportunity to speak. Below is what was detailed in the final report as the activities and budget for the project.

CDBG-I Project Final Report Details:

1. PROJECT SUMMARY

The City of Lowell CDBG-I Project 14-I-3033 West First Street Sewer Rehabilitation/Replacement Project included the rehabilitation of the existing gravity sewer collection system sewer lines serving Phillips Street. According to City Staff, the wastewater collection system contains a large amount of aging infrastructure, which allows excessive amounts of I/I to enter the system and flow to the wastewater treatment plant. This ultimately resulted in a sanitary sewer overflow (SSO) of over 14,000 gallons at the pump station just north of the plant after a severe rain event in May 2018. The NCDEQ issued the City of Lowell a NOV for violating Permit Condition I (2) of Permit No. WQCS00164 by failing to effectively manage, maintain, and operate their collection system so that there is no SSO to the surrounding land or surface water.

The pump station sits alongside the South Fork Catawba River, which is classified by the State as a water supply (WS-V adjacent to the cited SSO and WS-IV approximately 5 miles downstream). The close proximity of the SSO to the river constituted making an outlet to the waters of the State for purposes of G.S. 143-215.1(a)(1), for which a permit is required that the wastewater treatment plant does not hold. The SSO also risked further compromising a 303(d)-listed segment of the South Fork Catawba River Arm of Lake Wylie just downstream of the Lowell WWTP.

The City identified an area of the collection system containing approximately 7,870 LF of pipe, most of which is 8-inch vitrified clay pipe (VCP) that is over 50 years old to be evaluated and replaced or rehabilitated to reduce the I/I problem. Approximately 29 manholes in the area were identified as well to be evaluated and rehabilitated as necessary.

The identified area was funded out of two CDBG-I funds, 2014 and 2018. The area funded out of 2014, numbered 14-I-3033, included approximately 1,200 LF of gravity sewer to be evaluated for replacement and/or rehabilitation. Total work completed in the 14-project area included the following:

- CCTV and light cleaning of 704.2 LF of 8-inch VCP sewer lines
- CIPP lining of 90 LF of 8-inch VCP sewer line
- 1 cutting of intruding service with robotic cutter
- 1 8-inch PVC point repair of 8-inch VCP sewer at 6- to 8-feet of depth
- CCTV inspection of 5 service laterals
- Installation of 26 LF of 4-inch PVC sewer laterals at 6- to 8-feet of depth
- Installation of (1) 4-inch PVC cleanout

This project benefited approximately 11 persons 9 were low-moderate income people totaling 81.81% LMI.

2. CHANGES TO THE PROJECT

The project was originally bid on March 10, 2021. The low bidder was Bio-Nomic Services with a bid of \$102,696.00 for the 14-I-3033 project area. Bio-Nomic Services was awarded the project.

There were two change orders issued for the project during construction. The first change order was to reduce the scope of the 14-project area, as the bid amount exceeded the funded amount for the 14 project. The change order reduced the price of the 14-project area by \$46,291.00 to show that the cost of the 14 project would not exceed the funded amount. The change order did not change the overall Contract Price, as the contract includes both the 14

and 18 project areas. The amount the 14 project was reduced by was added to the 18-project area. No days were added to the Contract Time. Under Change Order No. 1:

In the 14-project area:

- The bid quantity for item 5) CIPP Rehabilitation of 8" Sewer (footage may be added pending findings of additional CCTV work performed under this contract) was reduced from 371 LF to 90 LF.
- The bid quantity for item 6) 8" PVC SDR 35 Point Repair Sewer up to 12' Long (6'-8' Depth) was reduced from 3 EA to 1 EA.
- The bid quantity for line item 10) Reconnect Service Lateral to Main Line Using CIP "Top Hat" following CIPP Rehabilitation of Main Line was reduced from 7 EA to 3 EA.
- The bid quantity for line item 11) Saw-cut, Remove, and Replace Roadway Pavement was reduced from 150 SY to 50 SY.

Additional changes under Change Order No. 1 were made to the 18-project area to incorporate the reduced quantities from the 14 project to keep the overall contract price the same. These changes will be detailed in the final Engineering Report for the 18-I-3034 project.

The third change order was the final adjusting change order for the 14-project. Under Change Order 2, the final 14-project price was adjusted based on actual quantities installed by the Contractor at the conclusion of the 14-I-3033 project.

The final 14-Project Area cost for construction was \$28,253.83, engineering services \$228,436.17, and administration services \$28,521.

PROJECT COMPLETION

Figure 1. Phillips Street after completion of sewer rehabilitation.



Figure 2. Pavement Patch on Phillips Street after completion of sewer rehabilitation.



Figure 3. Pavement Patches on Phillips Street after completion of sewer rehabilitation.



CITY OF LOWELL
PUBLIC HEARING NOTICE
CLOSEOUT OF CDBG INFRASTRUCTURE PROJECT 14-I-3033

Notice is hereby given that the City of Lowell will conduct a public hearing on November 9th, 2021, at 7:00pm, or as soon thereafter as the agenda will allow, at the City Municipal Building, 101 W. First Street, Lowell, NC relative to the closeout of the Community Development Block Grant for Infrastructure (CDBG-I). The City received a grant of \$285,211 in Community Development Block Grant Funds (CDBG) to replace/rehabilitate approximately 700 linear feet of gravity sewer line in the Phillips Street area.

The purpose of this public hearing is to review the expenditures and activities that have been accomplished through the CDBG-Infrastructure Sewer Project (14-I-3033).

All activities are complete, and the City is in the process of closing out the grant. Total CDBG-I expenditures for the project are approximately: \$285,211 Administration: \$28,521, Sewer Improvements: \$256,690. The project benefited approximately 81.81 % low-moderate income households.

Citizens will be given the opportunity to provide oral and written comment on the City's use of CDBG-I funds at the public hearing. All interested citizens are encouraged to attend.

If additional information is needed, please contact the City Clerk at 704-824-3518 or at 101 W. First Street, Lowell NC 28332. Formal written complaints or comments concerning the CDBG-I Project (14-I-3033) that are submitted to the City Clerk prior to or following the public hearing will be responded to within ten working days by the City.

Persons with disabilities or who otherwise need assistance should contact the City Clerk at 704-824-3518 or at 101 W. First Street, Lowell NC 28332, or Relay North Carolina # 711 by November 5th, 2021. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact the City Clerk, at 704-824-3518 or at 101 W. First Street, Lowell NC 28332 for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con City Clerk al 704-824-3518 o en 101 W. First Street Lowell NC 28332, de alojamiento para esta solicitud.



AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-C

DESCRIPTION: PUBLIC HEARING REGARDING PETITION FOR
ANNEXATION OF NON-CONTIGUOUS PROPERTY OF
PARCEL ID #'S 202167 AND AS SHOWN BY THE METES AND
BOUNDS DESCRIPTION; 7.6 ACRES

Please see the attached memo from the Planning Director regarding the petition for annexation of non-contiguous property.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: November 5, 2021
RE: Petition for Voluntary Annexation of Non-Contiguous Property of Belmont Land & Investment Co.

BACKGROUND

On September 27, 2021, the owners of property known as Parcel ID# 202167 of Gaston County submitted a petition for Voluntary Non-Contiguous Annexation into the City limits of the City of Lowell. The property consists of 7.60 acres.

FINDINGS AND CONCLUSIONS

The standards for annexation in accordance to North Carolina General Statute 160A-58.1 are statutorily met in that all standards of NCGS 160A-58.1(b) are satisfactorily fulfilled. The property will be required to have a City of Lowell Zoning District designated upon successful annexation.

FISCAL IMPACT

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

THE ACTIONS TAKEN AT THE OCTOBER 12, 2021 MEETING INCLUDE:

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

ADDITIONAL STEPS BETWEEN CITY COUNCIL MEETINGS

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

1. Schedule for the October 5, 2021 Planning Board agenda to request their recommendation on the designation of the appropriate zoning district;

2. Advertise for a Public Legislative Hearing scheduled for November 9, 2021 before the Mayor and City Council on the subjects of 1) annexing the property and 2) amending the City of Lowell's Official Zoning Map, of the Lowell Development Ordinance.

NEXT STEPS BY MAYOR AND CITY COUNCIL – THE ACTIONS THAT MAY BE TAKEN AT THE NOVEMBER 9, 2021 REGULAR MEETING INCLUDE:

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

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

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

1. Update Official Zoning Map in City Clerk's record, Administrator's record and online.
2. Update shape-files with Gaston County GIS to reflect the new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Gaston County Register of Deeds;
4. Notify all public utilities of the change in the corporate limits of the City for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site plan(s) for any future project;
6. Process zoning permit application and issue permit(s) upon compliance with the Lowell Development Ordinance.

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



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

PETITION REQUESTING ANNEXATION FOR A
NON-CONTIGUOUS PROPERTY

Date: October 8, 2021

To the City Council of the City of Lowell;

1. The undersigned owner of real property hereby petitions for annexation to the City of Lowell of that area described on the Gaston County Tax map as Parcel **202167**, and the boundaries of the property are described in the vesting deed attached hereto as **Exhibit A**.
2. The area to be annexed is not contiguous to the City of Lowell.

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

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

BELMONT LAND AND INVESTMENT COMPANY, LLC

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

Phone Number: 704-823-2211

E-mail: bill.carstarphen@pharrusa.com

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LOWELL and
INCORPORATE BY ANNEXATION A NON-CONTIGUOUS AREA INTO THE CITY OF LOWELL,
NORTH CAROLINA**

Ordinance #OR8-2021

WHEREAS, a Petition signed by Gaston County, North Carolina, being the owners of the certain land areas located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 202167 hereinafter described in Attachment A attached hereto, was received by the City of Lowell on September 27, 2021; and,

WHEREAS, the owner Petitioned that said area be annexed into the corporate limits of the City of Lowell, North Carolina, as authorized by Part 1, Article 4A, Chapter 160A of the General Statutes of North Carolina; and,

WHEREAS, the Petition was presented to the Mayor and City Council during the regular meeting of October 12, 2021; and,

WHEREAS, on October 12, 2021 the Mayor and City Council directed, by Resolution duly adopted, the City Clerk of the City of Lowell, North Carolina, to investigate the sufficiency of said Petition and to certify the results to the Mayor and City Council; and,

WHEREAS, at the regular meeting of the Mayor and City Council held on October 12, 2021, a Certificate of Sufficiency from the City Clerk of the City of Lowell was presented to the Mayor and City Council wherein the City Clerk certified that upon due investigation found the above individuals who signed the aforementioned Petition constitute the owners of the land within the boundaries described in said Petition and, as hereinafter described, that said boundaries are non-contiguous to the present City limit primary boundaries, and are eligible to be annexed pursuant to G.S. 160A-31, et seq. of the General Statutes of North Carolina; and,

WHEREAS, following the receipt by the Mayor and City Council of the City of Lowell, North Carolina, of a Certificate of Sufficiency from the City Clerk of the City of Lowell, said information and due consideration thereof by the Council, passed a motion to adopt a Resolution whereby a public hearing upon the question of such annexation was called to be had before the Mayor and City Council of the City of Lowell at 6:00 p.m. on the 9th day of November 2021; and,

WHEREAS, the City Clerk was duly authorized and did so cause notice of such public hearing to be published in the Gaston Gazette, a newspaper having general circulation in the City of Lowell, North Carolina, at least ten (10)

days prior to the date of such public hearing, such notice contained Gaston County property identification numbers of the areas proposed to be annexed as set forth in the Petition; and,

WHEREAS, it appears to the Mayor and City Council from the publisher's Affidavit with clipping attached thereto, duly filed with the City Clerk, that a notice of such public hearing as directed by the Mayor and City Council was duly published in the Gaston Gazette in its issue of the 21st day of October, 2021 and the 28th day of October, 2021, which dates of publications were at least ten (10) days prior to the date set for such public hearing; and,

WHEREAS, a public hearing was held by the Mayor and City Council of the City of Lowell on the 9th day of November, 2021 at the stated time and place where the petitioners and any other residents of the City of Lowell were given an opportunity to appear and be heard on the question of the sufficiency of the Petition and the desirability of the annexation; and,

WHEREAS, the Mayor and City Council, after due deliberation and consideration during the regular Mayor and City Council meeting held on November 9, 2021, now finds that the Petition meets the requirements of G.S. 160A-31, et seq. of the General Statutes of North Carolina, that the Petition contained the signatures of the owners of the real property within the area proposed for annexation, that the Petitions are otherwise valid and that the public health, safety and welfare of the inhabitants of the City and of the area proposed for annexation will be best served by the annexation through the expansion, now or in the future, of essential public services provided by the City.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Lowell, North Carolina, in regular meeting assembled the 9th day of November 2021, hereby adopts this ordinance as follows:

SECTION 1: That the area described in the Petition for non-contiguous annexation be and the same is hereby annexed to and is made a part of the corporate limits of the City of Lowell, North Carolina, the areas being described in Attachment "A" hereto.

SECTION 2: From and after the effective date of this Ordinance, the territory so annexed and the property therein located shall be subject to all debts, laws, ordinances and regulations in force in the City of Lowell, North Carolina, and shall be entitled to the privileges and benefits available to other parts of the municipality. The newly annexed territory shall be subject to municipal taxes levied as provided in Section 160A-58.10 of the General Statutes of North Carolina.

SECTION 3: It shall be the duty of the Mayor of the City of Lowell to cause an accurate map of such annexed territory, together with a copy of this Ordinance duly certified, to be recorded in the office of the Register of Deeds of Gaston County, North Carolina, and in the office of the Secretary of State of North Carolina.

SECTION 4: This Annexation shall become effective upon adoption.

Adopted this 9th day of November 2021.

s/ _____
Sandy Railey, Mayor

s/ _____
Beverly Harris, City Clerk

Exhibit A
Vesting Deed Describing Real Property
[attached]

Parcels 202167
"Tract 2"

BK3397PG130

02/09/02 12:38PM 00000007766
RM17 Charv1

DEED	\$23.00
REVENUE FEES	\$117.00
TAXYETAL	\$140.00
CHECK	\$519.00
CHANGE	\$379.00

Excise Tax \$117.00

Recording Time, Book and Page

Tax Lot No. 10-6-15 Parcel Identifier No.
Verified by County on the day of
by

Mail after recording to *Ms. Carter*

This instrument was prepared by Jeffrey Grant Koenig, 831 E. Morehead St., Suite 760, Charlotte, NC 28202

Brief description for the Index

2 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of February, 2002, by and between

GRANTOR

GRANTEE

Catawba Lands Conservancy, a NC
Non-Profit Corporation

105 West Morehead Street
Charlotte, NC 28202

Balcham Land and Investment
Company

P. O. Box 1939
McAdenville, NC 28101

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____ Township,

_____ County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

RECORDING FEE
EXCISE TAX PAID

23.00
117.00

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

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

All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

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

(Corporate Name)

RICHARD K. FALKNER, President

(SEAL)

By:

President

Catawba Lands Conservancy

ATTENT:

Secretary (Corporate Seal)

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, notify that

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my

hand and official stamp or seal, this 5th day of February, 2002.

My commission expires: December 2, 2003

Jeffrey Grant Koenig

Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that he is Secretary of

a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its

President, seated with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of

My commission expires:

Notary Public

The foregoing Certificate(s) of

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

REGISTER OF DEEDS FOR

COUNTY

by

Deputy/Assistant - Register of Deeds

EXHIBIT "A"

Located in Gastonia Township, Town of Spencer Mountain, Gaston County, North Carolina and being described as two tracts:

~~TRACT 1: BEGINNING at a tall rebar in a stump hole, a common corner of the properties of May (Deed Book 178, Page 434), Brown (Deed Book 1432, Page 802), Flowers (Deed Book 2805, Page 657), Belmont Land and Investment (Deed Book 172, Page 626) and Catawba Lands Conservancy; running thence from said Beginning point with the line of Flowers (Deed Book 2805, Page 657), North 73-34-34 East 541.23 feet to an iron pin; thence with the line of Lloyd (Deed Book 2737, Page 814) North 73-34-34 East 1,067.50 feet to an iron pin set; thence a new line South 45-12-55 East 103.41 feet to an iron pin; thence a new line South 21-12-20 East 221.52 feet to an iron pin; thence a new line South 14-55-00 East 162.00 feet to an iron pin; thence South 74-41-55 East 757.05 feet to an iron pin; thence along the line of Al Shanteer (Deed Book 2746, Page 267) North 55-49-17 West 414.98 feet to an iron pin; thence a new line South 34-10-46 West 418.10 feet to a rebar found in the common line of Hoffman and Belmont Land and Investment (Deed Book 172, Page 626); thence from said rebar, along the line of Belmont Land and Investment, North 55-29-40 West 585.27 feet to the point and place of Beginning, and containing approximately 12.60 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".~~

TRACT 2: BEGINNING at an iron pipe, a common point with Belmont Land and Investment (Deed Book 172, Page 626), Hoffman and Al Shanteer (Deed Book 2746, Page 267, Plat Book 54, Page 73); running thence from said Beginning point along a new line South 88-22-49 East 144.84 feet to an iron pin; thence a new line South 32-17-26 East 83.87 feet to an iron pin; thence a new line South 81-34-03 East 235.68 feet to an iron pin; thence a new line North 89-54-45 East 334.13 feet to an iron pin; thence a new line North 19-13-41 East 283.11 feet to an iron pin; thence a new line North 13-35-00 East 225.00 feet to an iron pin; thence a new line North 05-31-12 East 54.96 feet to an iron pin; thence along a new line South 74-04-29 West 744.26 feet to an iron pin found in the line of Al Shanteer (Deed Book 2746, Page 267); thence with the Al Shanteer line South 33-56-57 West 420.38 feet to the point and place of Beginning, and containing approximately 7.44 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Jeffrey Grant Koenig, a Notary Public, certify that Richard K. Falknor personally came before me this day and acknowledged that he is President of Catawba Lands Conservancy, a North Carolina Corporation, and that he, as President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the 5th day of February, 2002.


Jeffrey Grant Koenig, Notary Public

My Commission Expires: December 2, 2003.



NORTH CAROLINA, GASTON COUNTY

The foregoing certificate(s) of

Jeffrey Grant Koenig

Notary Public of Mecklenburg County, NC

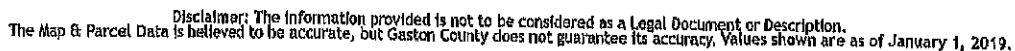
is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 3397, Page 130

this 8th day of February, 2002 at 12:38 o'clock P.M.

MALICK B. BROWN, REGISTER OF DEEDS

By:  Deputy/Asst.

UNOFFICIAL



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-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 regarding a public hearing for the initial zoning of parcel id# 202167.

To: Scott Attaway, City Manager
From: Alex Blackburn
Date: November 4, 2021
RE: Request for Public Hearing for Initial Zoning Designation of Belmont Land & Investment Co. PID#'s 202167

On September 2, 2021 City Staff met with representative Bob Clay and development team to discuss the designation of an initial zoning district to the property under petition for voluntary annexation of Non-Contiguous Property. During this meeting it was determined that the agreeable district would be Single Family Residential-4. Currently the properties are still under the zoning jurisdiction of Gaston County Zoning District R-1.

The Planning Board voted in unanimous approval to recommend the Lowell City Council approve the designation of Single Family Residential-4 to the newly annexed property during their October 5, 2021 meeting.

During their regularly scheduled meeting on October 12, 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.

To prepare for the Public Hearing, City Staff mailed Public Notices to property owners abutting and/or adjacent to the subject property. In addition, two ads were prepared and published as public notice to be ran once a week for two consecutive weeks in the Gaston Gazette newspaper. Notification signs (1) were placed on the Lowell-Spencer Mountain Road closest to the subject properties.

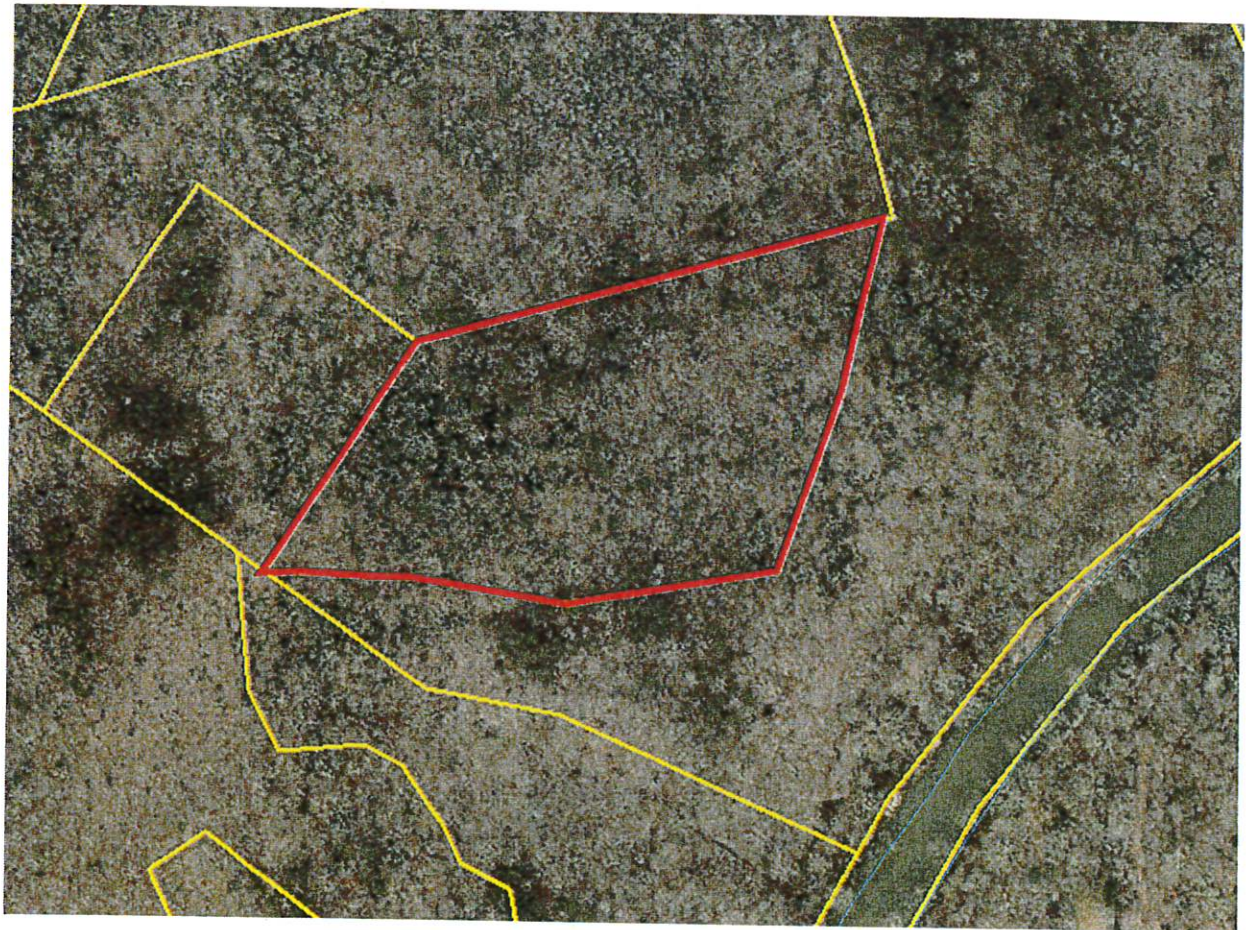
City of Lowell Planning Department – Staff Report

INITIAL ZONING DESIGNATION

Applicant:	Bob Clay,
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 202167
Property Size:	7.60
Current Zoning:	Single Family Limited R-1 (Gaston County)
Proposed Zoning:	Single Family Residential-4 (SFR-4)

Description:

On September 27, 2021 City Staff received a Petition of Voluntary Annexation of Non-Contiguous Property from the representatives of Belmont Land & Investment Company, LLC. This petition for annexation preceded a meeting with the representative Mr. Bob Clay to discuss the preferred Zoning of the property to be annexed. It was requested that the district be amended from R-1 (Single Family Limited) to the Lowell zoning designation of Single Family Residential-4 (SFR-4).



Process:

Staff received application and scheduled rezoning request to be reviewed at the next available meeting of the Lowell Planning Board on October 5, 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(s) to be conducted prior to the Legislative Hearing by the City Council.
 - Held at 12:00 pm on October 11, 2021
- Filing of request.
- Filing of Public Hearing Consent Forms from Property owners represented in the rezoning.
- Lowell Planning Board Review of Case # IZD21-03 and recommendation to City Council.
 - Planning Board met on October 5, 2021, approved for recommendation to City Council the designation of SFR-4
- Staff to schedule with the City Council to set Public Hearing for their November 9, 2021, Meeting.
- 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 rezoning signage on the subject property prior to public hearing.
 - October 21, 2021 – Placed sign on Lowell-Spencer Mountain Road.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.
 - October 20, 2021 – Mailed 8 abutting/adjacent property owners.

Meeting Dates:

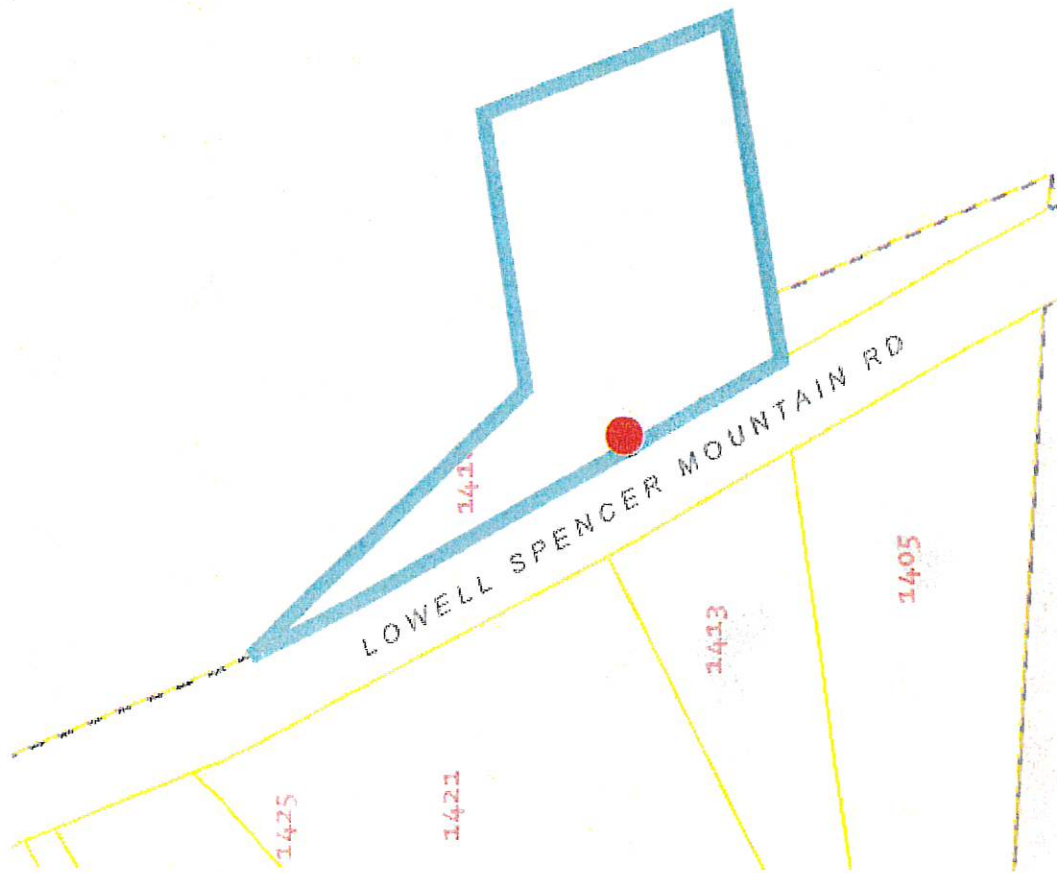
- September 2, 2021 Pre-filing Meeting
- October 5, 2021 Planning Board Review of Case # IZP21-02
- October 12, 2021 City Council set Public Hearing for November 9, 2021
- November 9, 2021 City Council to hold Public Hearing

Staff Comments:

Due to the property being outside of the City of Lowell's jurisdiction at the time prior to adoption of annexation ordinance, the former zoning on these four properties was designated as R-1, being residential in nature. The annexation of the four parcels brings forth the requirement for them to be designated a zoning district represented within the Lowell Development Ordinance (LDO). Following a meeting with the representatives of the Belmont Land & Investment Company, LLC, it was determined that the best designation would be that of the Single Family Residential-4 (SFR-4).

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

Sign Placement for Annexation & Zoning Designation
October 21, 2021





CITY OF LOWELL
PUBLIC **Z** HEARING
REQUEST: INITIAL ZONING DISTRICT
DATE: NOVEMBER 9, 2011 TIME: 6:00 PM
LOCATION: City Hall
INFORMATION: 701-847-3511

Mailing List for Abutting/Adjacent Property Owners

Catawba Lands Conservancy
4530 Park Road, Suite 420
Charlotte, NC 28209

Belmont Land & Investment Co.
P.O. Box 1939
McAdenville, NC 28101-1939

Julia B. Lloyd and others, Edwin T. Barr, Sr. ¼ INT
1427 Buckingham Ave
Gastonia, NC 28054

Gerald Thomas Flowers and Teri Lyn Flowers
138 Hall Road
Gastonia, NC 28056-7825

Dorothy May Brown
126 Flowers Road
Gastonia, NC 28056

Tammy S. Schronce
2408 Mallotte Ln.
Gastonia, NC 28054-6407

Jeffrey A. Little and Others, Jeffrey A. Little and Spouse
1413 Lowell Spencer Mountain Road
Gastonia, NC 28056-7841

Daniel A. Davis
1405 Lowell Spencer Mountain Road
Gastonia, NC 28056-7841

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 the concurrent Voluntary Annexation Petition and Initial Zoning Designation for the property without an assigned address located along Lowell-Spencer Mountain Road to the north of George Poston Park. Further identified as Parcel ID #'s 202166, 135144, 210660 and the Non-Contiguous property of PID #'s 202167. Proposed application of initial zoning district is for Single Family Residential-4 (SFR-4).



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

Hearing impaired persons requiring assistance should contact the City Clerk (704) 824-3518 at least 24 hours prior to the hearing to request special accommodations.

ds



Phone: 833.516.0229

Information from our Advertising Dept. All ads are subject to approval before publication. The Gaston Gazette reserves the right to report in the first day of publication. The Gaston Gazette shall not be liable for any loss or expense that may result from the cancellation of order.

Proposals

requiring
contact the
824-3518 at
prior to the
first special

#6371191

Creditors

CREDITORS
is Execu-
state of
Wilson,
this is to
be having
Benjamin
deceased, late
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itemized
thereof
and on or
before 2021, or
pleaded in
thereon.
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to make

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2021

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Notice To Creditors

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

NOTICE TO CREDITORS
Having qualified as Executor
for the Estate of Mary S.
Warren, deceased 2-23-21
File#2021E000767, this is to
notify all persons having
claims against Mary S.
Warren, deceased, late of
Gaston County, North
Carolina, to file an itemized
verified statement thereof
with the undersigned on or
before January 5th, 2022, or
this notice will be pleaded in
bar of any recovery thereon.
All persons indebted to said
estate are requested to make
prompt settlement.
This the 30th day of Septem-
ber, 2021.
Executor, for the
Estate of Mary S. Warren
James R. Warren
6359348 Oct. 7, 14, 21, 28, 2021

NOTICE TO CREDITORS
STATE OF NORTH
CAROLINA
GASTON COUNTY
IN THE GENERAL COURT
OF JUSTICE
SUPERIOR COURT
DIVISION
File No. 2021 E 001189

Having qualified as Adminis-
trator of the Estate of
LINDA DANIELS WOOD-
BURY, deceased, late of
Gaston County, North
Carolina, this is to notify all
persons, firms and corpora-
tions having claims against
the Estate of said LINDA
DANIELS WOODBURY to
present them to the under-
signed on or before the 5th
day of January, 2021 or same
will be pleaded in bar of
their recovery. All persons
indebted to said Estate
please make immediate
payment.
Witness my hand and the
Seal of the Superior Court.
Dated: 07/07/2021
PAULA MARIE CARVER,

Notice To Creditors

ADMINISTRATOR
15 CAPE FEAR DR
BESSEMER CITY, NC 28016
Administrator of the Estate
of LINDA DANIELS WOOD-
BURY
Oct 7, 14, 21, 28, 2021 #6375523

Notice to Creditors having
qualified as executor for the
estate of Anne Gilstrap Tate
deceased 7-26-21 file #
21E1588, this is to notify all
persons having claims
against Anne Gilstrap Tate
deceased, late of Gaston
County, North Carolina, to
file an itemized, verified,
statement thereof with the
undersigned on or before
January 19th 2022, or this
will be pleaded in bar of any
recovery of thereon. All
persons indebted to said
estate are requested to make
prompt settlement. This is
the 19th day of October, 2021.
Executor for the estate of
Anne Gilstrap Tate, James
Gerald Tate 956 Brooklee
Drive Kings Mountain North
Carolina 28086.
Oct. 21, 28, Nov. 4, 11, 2021
#6435519

Public Notices

Notice of Public Hearing
The City of Lowell's City
Council will hold a Public
Hearing at their regularly
scheduled meeting on Tues-
day, 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
the concurrent Voluntary
Annexation Petition and
Initial Zoning Designation
for the property without an
assigned address located
along Lowell-Spencer Moun-
tain Road to the north of
George Poston Park. Further
identified as Parcel ID #'s
202166, 135144, 210660 and the
Non-Contiguous property of
PID #'s 202167. Proposed
application of initial zoning
district is for Single Family

Public Notices

Residential-4 (SFR-4).
For further information,
please call Alex Blackburn,
Planning and Zoning Admin-
istrator, at 704-824-3518.
Hearing impaired persons
requiring assistance should
contact the City Clerk (704)
824-3518 at least 24 hours
prior to the hearing to
request special accommoda-
tions.
Oct 21, 28, 2021 #6418307

cars • garage sales • tickets • antiques • motorcycles
computers • boats sports • equipment • pets
instruments • jewelry • furniture • auctions
collectibles • jobs • appliances
yard sales • tablets • cameras • coins

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
DOCKET NO. G-5, SUB 632
DOCKET NO. G-5, SUB 634
CAROLINA UTILITIES COMMISSION
532



ORDINANCE NO. #OR9-2021

**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 Belmont Land and Investment Company, LLC, being the owners of the certain land areas located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 202167 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 non-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 202167, 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 Single Family Residential-4 (SFR-4) 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 9th day of November, 2021.

Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk

Exhibit A
Vesting Deed Describing Real Property
[attached]

Parcels 202167
"Tract 2"

BK3397PG130

02/08/02 12:38PM 000000H7766
K117 Cheryl

DEED	\$23.00
REVENUE FEES	\$117.00
***TOTAL	\$140.00
CHECK	\$519.00
CHANGE	\$379.00

Excise Tax \$117.00

Recording Time, Book and Page

Tax Lot No. 10-6-15 Parcel Identifier No.
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Grantor

This instrument was prepared by Jeffrey Grant Koenig, 831 E. Morehead St., Suite 760, Charlotte, NC 28202

Brief description for the Index

2 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 28th day of February, 2002, by and between

GRANTOR

GRANTEE

Catawba Lands Conservancy, a NC
Non-Profit Corporation

105 West Morehead Street
Charlotte, NC 28202

Belmont Land and Investment
Company

P. O. Box 1939
McAdenville, NC 28101

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____ Township,

_____ County, North Carolina and more particularly described as follows:
SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

RECORDING FEE 23.00
EXCISE TAX PAID 117.00

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whatsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All such valid and enforceable covenants, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

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

(Corporate Name)

RICHARD K. FALKNOR, President

Figure 4

Catayba Lands Conservancy

ATTEST:

Secretary (Corporate Shop)

REAL-TIME

NORTH CAROLINA, Mecklenburg County

3. A Notary Public of the County and State aforesaid, certify that _____

personally appeared before me this day And acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 5th day of February 2002.

My normalization expires: **December 2, 2003**

SEAL-STAMP

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that

personally came before me this day and acknowledged that _____ he is _____ Secretary of _____

a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its _____

President, sealed with its corporate seal and attested by _____ as its _____ Secretary,

DECLASSIFY AND REMOVE FROM AUTOMATIC DECLASSIFICATION OF DEATH, WITH REFERENCE TO THE DAY OF

My commission expires: _____ Notary Public

The foregoing certificate(s) of _____

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

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant - Registrar of Deeds

EXHIBIT "A"

Located in Gastonia Township, Town of Spencer Mountain, Gaston County, North Carolina and being described as two tracts:

TRACT 1: BEGINNING at a tall rebar in a stump hole, a common corner of the properties of May (Deed Book 178, Page 434), Brown (Deed Book 1432, Page 802), Flowers (Deed Book 2805, Page 657), Belmont Land and Investment (Deed Book 172, Page 626) and Catawba Lands Conservancy; running thence from said Beginning point with the line of Flowers (Deed Book 2805, Page 657), North 73-34-34 East 541.23 feet to an iron pin; thence with the line of Lloyd (Deed Book 2737, Page 814) North 73-34-34 East 1,067.50 feet to an iron pin set; thence a new line South 45-12-55 East 103.41 feet to an iron pin; thence a new line South 21-12-20 East 221.52 feet to an iron pin; thence a new line South 14-55-00 East 100.00 feet to an iron pin; thence South 74-41-55 East 757.05 feet to an iron pin; thence along the line of Al Shanteer (Deed Book 2746, Page 267) North 55-49-17 West 414.98 feet to an iron pin; thence a new line South 34-10-46 West 418.10 feet to a rebar found in the common line of Hoffman and Belmont Land and Investment (Deed Book 172, Page 626); thence from said rebar, along the line of Belmont Land and Investment, North 55-29-40 West 585.27 feet to the point and place of Beginning, and containing approximately 12.60 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

TRACT 2: BEGINNING at an iron pipe, a common point with Belmont Land and Investment (Deed Book 172, Page 626), Hoffman and Al Shanteer (Deed Book 2746, Page 267, Plat Book 54, Page 73); running thence from said Beginning point along a new line South 88-22-49 East 144.84 feet to an iron pin; thence a new line South 32-17-26 East 83.87 feet to an iron pin; thence a new line South 81-34-03 East 235.68 feet to an iron pin; thence a new line North 80-54-45 East 334.13 feet to an iron pin; thence a new line North 19-13-41 East 283.11 feet to an iron pin; thence a new line North 13-35-00 East 225.00 feet to an iron pin; thence a new line North 05-31-12 East 54.96 feet to an iron pin; thence along a new line South 74-04-29 West 744.26 feet to an iron pin found in the line of Al Shanteer (Deed Book 2746, Page 267); thence with the Al Shanteer line South 83-56-57 West 420.38 feet to the point and place of Beginning, and containing approximately 7.44 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

BK3397PG133

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Jeffrey Grant Koenig, a Notary Public, certify that Richard K. Falknor personally came before me this day and acknowledged that he is President of Catawba Lands Conservancy, a North Carolina Corporation, and that he, as President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the 5th day of February, 2002.


Jeffrey Grant Koenig, Notary Public

My Commission Expires: December 2, 2003.

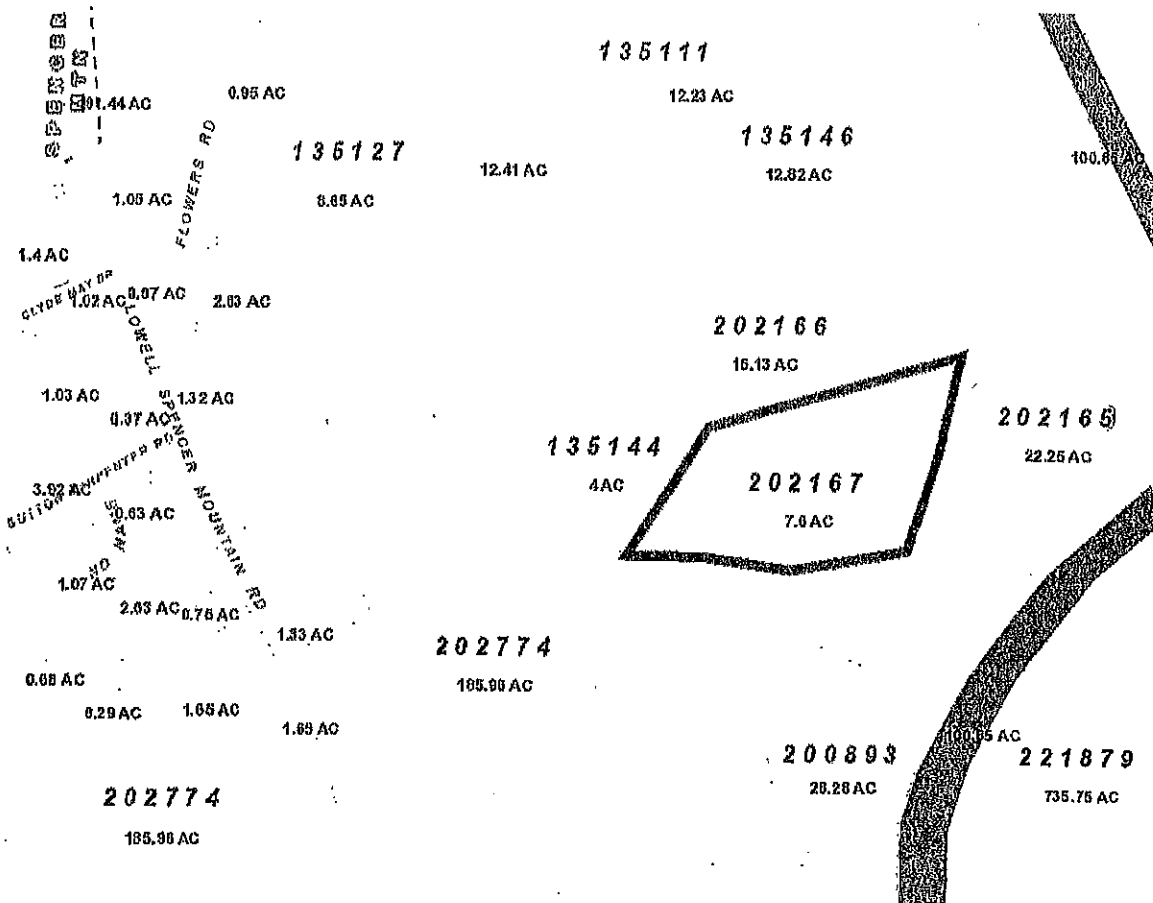


NORTH CAROLINA, GASTON COUNTY
The foregoing certificate(s) of Jeffrey Grant Koenig
Notary Public of Mecklenburg County, NC
is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 2897, Page 130
this 8th day of February, 2002 at 12:38 o'clock P. M.
ALICE B. BROWN, REGISTER OF DEEDS
By: Cheryl A. Ollman Deputy/Ast.

UNOFFICIAL



Printed On: 10/8/2021



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.

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-E

DESCRIPTION: 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

Please see the attached memo from the Planning Director regarding a petition received for annexation regarding parcel id #'s 202166, 135144, and 210660.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: November 5, 2021
RE: Petition for Voluntary Annexation for Contiguous Property of Belmont Land & Investment Co.

BACKGROUND

On September 27, 2021, the owners of property known as Parcel ID #'s 202166, 135144, and 210660 of Gaston County submitted a petition for Voluntary Contiguous Annexation into the City limits of the City of Lowell. The properties consist of a total of 20.46 acres.

FINDINGS AND CONCLUSIONS

The standards for annexation require that the property must be contiguous to the "primary corporate limits". The fact that the property lies in abutment to recently annexed property demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Lowell. The property will be required to have a City of Lowell zoning District designation upon successful annexation.

FISCAL IMPACT

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

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

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

THE ACTIONS TAKEN AT THE OCTOBER 12, 2021 MEETING INCLUDE:

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

ADDITIONAL STEPS BETWEEN CITY COUNCIL MEETINGS

While the Mayor and City Council Members undertake the process of annexation, the Planning Board may initiate the process of amending the Official Zoning Map per North Carolina General Statute §160D-204 to run concurrent with the annexation process. The property does not lie within any area designated by the City of Lowell 2040 Comprehensive Land Use Plan adopted

April 13, 2021. With the proposal of the property owner, we may anticipate a recommendation for the Single Family Residential-4 (SFR-4) zoning designation from the Planning Board.

1. Schedule for the October 5, 2021 Planning Board agenda to request their recommendation on the designation of the appropriate zoning district;
2. Advertise for a Public Legislative Hearing scheduled for November 9, 2021 before the Mayor and City Council on the subjects of 1) annexing the property and 2) amending the City of Lowell's Official Zoning Map, of the Lowell Development Ordinance.

NEXT STEPS BY MAYOR AND CITY COUNCIL – THE ACTIONS THAT MAY BE TAKEN AT THE NOVEMBER 9, 2021 REGULAR MEETING INCLUDE:

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

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

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

1. Update Official Zoning Map in City Clerk's record, Administrator's record and online.
2. Update shape-files with Gaston County GIS to reflect the new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Gaston County Register of Deeds;
4. Notify all public utilities of the change in the corporate limits of the City for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site plan(s) for any future project;
6. Process zoning permit application and issue permit(s) upon compliance with the Lowell Development Ordinance.

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



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

PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: October 8, 2021

To the City Council of the City of Lowell;

1. The undersigned owner of real property hereby petitions for annexation to the City of Lowell of that area described on the Gaston County Tax map as Parcels 202166, 135144, and 210660, and the boundaries of the property are described in the vesting deeds attached hereto as Exhibit A.
2. The area to be annexed is contiguous to the City of Lowell.

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

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

BELMONT LAND AND INVESTMENT COMPANY, LLC

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

Phone Number: 704-823-2211

E-mail: bill.carstarphen@pharrusa.com

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LOWELL and
INCORPORATE BY ANNEXATION A CONTIGUOUS AREA INTO THE CITY OF LOWELL, NORTH
CAROLINA**

Ordinance #OR10-2021

WHEREAS, a Petition signed by Gaston County, North Carolina, being the owners of the certain land areas located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 202166, 135144, and 210660, hereinafter described in Attachment A attached hereto, was received by the City of Lowell on September 27, 2021; and,

WHEREAS, the owner Petitioned that said area be annexed into the corporate limits of the City of Lowell, North Carolina, as authorized by Part 1, Article 4A, Chapter 160A of the General Statutes of North Carolina; and,

WHEREAS, the Petition was presented to the Mayor and City Council during the regular meeting of October 12, 2021; and,

WHEREAS, on October 12, 2021 the Mayor and City Council directed, by Resolution duly adopted, the City Clerk of the City of Lowell, North Carolina, to investigate the sufficiency of said Petition and to certify the results to the Mayor and City Council; and,

WHEREAS, at the regular meeting of the Mayor and City Council held on October 12, 2021, a Certificate of Sufficiency from the City Clerk of the City of Lowell was presented to the Mayor and City Council wherein the City Clerk certified that upon due investigation found the above individuals who signed the aforementioned Petition constitute the owners of the land within the boundaries described in said Petition and, as hereinafter described, that said boundaries are contiguous to the present City limit primary boundaries, and are eligible to be annexed pursuant to G.S. 160A-31, et seq. of the General Statutes of North Carolina; and,

WHEREAS, following the receipt by the Mayor and City Council of the City of Lowell, North Carolina, of a Certificate of Sufficiency from the City Clerk of the City of Lowell, said information and due consideration thereof by the Council, passed a motion to adopt a Resolution whereby a public hearing upon the question of such annexation was called to be had before the Mayor and City Council of the City of Lowell at 6:00 p.m. on the 9th day of November 2021; and,

WHEREAS, the City Clerk was duly authorized and did so cause notice of such public hearing to be published in the Gaston Gazette, a newspaper having general circulation in the City of Lowell, North Carolina, at least ten (10)

days prior to the date of such public hearing, such notice contained Gaston County property identification numbers of the areas proposed to be annexed as set forth in the Petition; and,

WHEREAS, it appears to the Mayor and City Council from the publisher's Affidavit with clipping attached thereto, duly filed with the City Clerk, that a notice of such public hearing as directed by the Mayor and City Council was duly published in the Gaston Gazette in its issue of the 21st day of October, 2021 and the 28th day of October, 2021, which dates of publications were at least ten (10) days prior to the date set for such public hearing; and,

WHEREAS, a public hearing was held by the Mayor and City Council of the City of Lowell on the 9th day of November, 2021 at the stated time and place where the petitioners and any other residents of the City of Lowell were given an opportunity to appear and be heard on the question of the sufficiency of the Petition and the desirability of the annexation; and,

WHEREAS, the Mayor and City Council, after due deliberation and consideration during the regular Mayor and City Council meeting held on November 9, 2021, now finds that the Petition meets the requirements of G.S. 160A-31, et seq. of the General Statutes of North Carolina, that the Petition contained the signatures of the owners of the real property within the area proposed for annexation, that the Petitions are otherwise valid and that the public health, safety and welfare of the inhabitants of the City and of the area proposed for annexation will be best served by the annexation through the expansion, now or in the future, of essential public services provided by the City,

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Lowell, North Carolina, in regular meeting assembled the 9th day of November 2021, hereby adopts this ordinance as follows:

SECTION 1: That the area described in the Petition for contiguous annexation be and the same is hereby annexed to and is made a part of the corporate limits of the City of Lowell, North Carolina, the areas being described in Attachment "A" hereto.

SECTION 2: From and after the effective date of this Ordinance, the territory so annexed and the property therein located shall be subject to all debts, laws, ordinances and regulations in force in the City of Lowell, North Carolina, and shall be entitled to the privileges and benefits available to other parts of the municipality. The newly annexed territory shall be subject to municipal taxes levied as provided in Section 160A-58.10 of the General Statutes of North Carolina.

SECTION 3: It shall be the duty of the Mayor of the City of Lowell to cause an accurate map of such annexed territory, together with a copy of this Ordinance duly certified, to be recorded in the office of the Register of Deeds of Gaston County, North Carolina, and in the office of the Secretary of State of North Carolina.

SECTION 4: This Annexation shall become effective upon adoption.

Adopted this 9th day of November 2021.

s/ _____
Sandy Railey, Mayor

s/ _____
Beverly Harris, City Clerk

Exhibit A
Vesting Deeds Describing Real Property
[attached]

Parcels 202166 and 2021667

BK3397PG130

02/08/02 12:38PM 000000H7766
KX17 Cheryl

DEED	\$23.00
REVENUE FEES	\$117.00
NOT TOTAL	\$140.00
CHECK	\$519.00
CHANGE	\$379.00

Excise Tax \$117.00

Recording Time, Book and Page

Tax Lot No. 10-6-15 Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____
by _____

Mail after recording to Grantor

This instrument was prepared by Jeffrey Grant Koppie, 831 E. Morehead St., Suite 760, Charlotte, NC 28202

Brief description for the Index 2 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 5th day of February, 2002, by and between
GRANTOR GRANTEE

Catawba Lands Conservancy, a NC
Non-Profit Corporation

105 West Morehead Street
Charlotte, NC 28202

Beltmont Land and Investment
Company

P. O. Box 1939
McAdenville, NC 28101

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

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

WITNESSETH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____ Township,

_____ County, North Carolina and more particularly described as follows:
SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

RECORDING FEE 23.00
EXCISE TAX PAID 117.00

The property hereinabove described was acquired by Grantor by instrument recorded in _____

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

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:
All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

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

(Corporate Name)

RICHARD K. FALKNER, President

By

President

Catawba Lands Conservancy

ATTN:

Secretary (Corporate Seal)

SEAL-STAMP

NORTH CAROLINA, _____ County.

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

My commission expires: December 2, 2003
Jeffrey Grant Kogut, Notary Public

SEAL-STAMP

NORTH CAROLINA, _____ County.

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

My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly recorded at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR _____ COUNTY
By _____ Deputy/Assistant-Register of Deeds

EXHIBIT "A"

Located in Gastonia Township, Town of Spencer Mountain, Gaston County, North Carolina and being described as two tracts:

TRACT 1: BEGINNING at a tall rebar in a stump hole, a common corner of the properties of May (Deed Book 178, Page 434), Brown (Deed Book 1432, Page 802), Flowers (Deed Book 2805, Page 657), Belmont Land and Investment (Deed Book 172, Page 626) and Catawba Lands Conservancy; running thence from said Beginning point with the line of Flowers (Deed Book 2805, Page 657), North 73-34-34 East 541.23 feet to an iron pin; thence with the line of Lloyd (Deed Book 2737, Page 814) North 73-34-34 East 1,067.50 feet to an iron pin set; thence a new line South 45-12-55 East 103.41 feet to an iron pin; thence a new line South 21-12-20 East 221.52 feet to an iron pin; thence a new line South 14-55-00 East 165.00 feet to an iron pin; thence South 74-41-55 East 757.05 feet to an iron pin; thence along the line of Al Shanteer (Deed Book 2746, Page 267) North 55-49-17 West 414.98 feet to an iron pin; thence a new line South 34-10-46 West 418.10 feet to a rebar found in the common line of Hoffman and Belmont Land and Investment (Deed Book 172, Page 626); thence from said rebar, along the line of Belmont Land and Investment, North 55-29-40 West 585.27 feet to the point and place of Beginning, and containing approximately 12.60 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

TRACT 2: BEGINNING at an iron pipe, a common point with Belmont Land and Investment (Deed Book 172, Page 626), Hoffman and Al Shanteer (Deed Book 2746, Page 267, Plat Book 54, Page 73); running thence from said Beginning point along a new line South 88-22-49 East 144.84 feet to an iron pin; thence a new line South 32-17-26 East 83.87 feet to an iron pin; thence a new line South 81-34-03 East 235.68 feet to an iron pin; thence a new line North 80-54-45 East 334.13 feet to an iron pin; thence a new line North 19-13-41 East 283.11 feet to an iron pin; thence a new line North 13-35-00 East 225.00 feet to an iron pin; thence a new line North 05-31-12 East 54.96 feet to an iron pin; thence along a new line South 74-04-29 West 744.26 feet to an iron pin found in the line of Al Shanteer (Deed Book 2746, Page 267); thence with the Al Shanteer line South 83-56-57 West 420.38 feet to the point and place of Beginning, and containing approximately 7.44 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

BK3397PG133

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Jeffrey Grant Koenig, a Notary Public, certify that Richard K. Falknor personally came before me this day and acknowledged that he is President of Catawba Lands Conservancy, a North Carolina Corporation, and that he, as President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

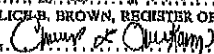
7.00
4.00
0.00
1.00
0.00

Witness my hand and official seal, this the 5th day of February, 2002.


Jeffrey Grant Koenig, Notary Public

My Commission Expires: December 2, 2003.



NORTH CAROLINA, GASTON COUNTY Jeffrey Grant Koenig
The foregoing certificate(s) of _____, Notary Public of _____ County, NC.
is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 3397, Page 130
this 8th day of February, 2002 at 4:38 o'clock p.m.
ALICE B. BROWN, REGISTER OF DEEDS
By:  Deputy Assn.

UNOFFICIAL

The property herein above described was acquired by Grantor by instrument(s) recorded in _____
Book 3364, Page 454 in the Gaston Public Registry

A map showing the above-described property is recorded in Plat Book 54, Page 73

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

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

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

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

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

Catawba Lands Conservancy
Corporate Name

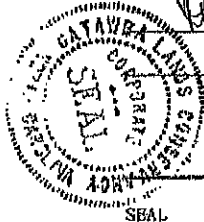
By: Richard K. Talbot

President

ATTEST: [Signature]

For Secretary

(Corporate seal)



SEAL

STATE OF NORTH CAROLINA, COUNTY OF Mecklenburg

I, Glenda S. Watts, a Notary Public of the County and State aforesaid, certify that Richard K. Talbot personally came before me this day and acknowledged that he is the President Secretary of CATAWBA LANDS CONSERVANCY, a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by, _____ as its _____ Secretary, on behalf of the corp.

Witness my hand and official stamp or seal, this 7th day of February, 2000 mpj

My Commission expires: 6/5/2004

Glenda S. Watts
Notary Public



The foregoing Certificate(s) of Glenda S. Watts, NP

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

Alice B. Brown REGISTER OF DEEDS FOR Gaston COUNTY

By Quinn L. Quirkamp, Deputy/Assistant-Register of Deeds

Parcel 210660

Doc ID: 011089420009 Type: CRP
Recorded: 04/20/2006 at 09:07:48 PM
Fee Amt: \$70.00 Page 1 of 3
Excise Tax: \$50.00
Instr# 200800078888
Gaston, NC
Susan S. Lockridge Register of Deeds
ek4214 pg 2394-2396

3 RECORDING FEE 20.00
EXCISE TAX PAID 50.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 50.00

Parcel Identifier No. 135143, 10-6-13.01 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Grantee

This instrument was prepared by: Parke H. Wilson, Jr., Attorney at Law (RE35666) PO Box 1115, Gastonia, NC 28053

Brief description for the Index: _____

THIS DEED made this 20th day of April, 2006, by and between

GRANTOR

OPAL JEAN BLUE, Unmarried

GRANTEE

BELMONT LAND & INVESTMENT COMPANY, LLC
PO Box 1939
McAdenville, NC 28101

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4212 page 1318

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

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association -- 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

EXHIBIT "A"

BEGINNING at a point situated in the centerline of Lowell-Spencer Mountain Road (SR #2201) said point is on the line of the property of Freda Davis, as described in that deed recorded in Book 562 at Page 457, and the same is also North 00 degrees 47 minutes 51 seconds East 11,123.822 feet from NCGS monument "first" (N=559,416.580 feet, E=1,372,072.660 feet) thence with the common line of the property of Barker, as described in that deed recorded in Book 3199 at page 834 and Elliott, as described in that deed recorded in Book 3131 at Page 216 and along the centerline of Lowell-Spencer Mountain Road, the following courses and distances: 1) North 29 degrees 49 minutes 18 seconds West 266.15 feet to a point; 2) North 28 degrees 09 minutes 18 seconds West 100.0 feet to a point; and 3) North 24 degrees 08 minutes 24 seconds West 91.42 feet to a point, thence continuing within the right of way of Lowell-Spencer Mountain Road, North 41 degrees 55 minutes 08 seconds East 20.72 feet to an established iron rod on the common line of the property of the Grantee herein as described in that deed recorded in Book 466 at Page 144, thence with the common line of the property of the Grantee herein the following courses and distances: 1) South 42 degrees 49 minutes 33 seconds East 311.02 feet to a new iron rod; 2) North 81 degrees 31 minutes 47 seconds East 200.06 feet to an established iron rod; 3) South 20 degrees 19 minutes 07 seconds East 190.93 feet to an established iron rod; and 4) South 81 degrees 33 minutes 05 seconds West 200.23 feet to an established iron rod, corner of the property of Davis, as described in the foregoing deed, thence with the common line of the property of Davis, South 81 degrees 33 minutes 05 seconds West 75.88 feet to the Point of Beginning, containing a total of 1.6506 acres.

Reference is made to that deed recorded in Book 4212 at Page 1318. ~~to Book 4211, Page 144.~~

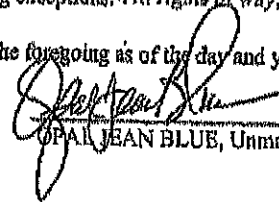
The above description was taken from an unrecorded survey prepared by R. B. Pharr & Associates, P.A. Registered Surveyor, dated December 19, 2005 and captioned "Boundary Survey for Belmont Land & Investment".

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: All rights of way, conditions, easements and restrictions, if any, of record. 2006 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name)



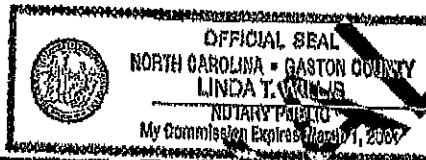
OPAL JEAN BLUE, Unmarried (SEAL)

(SEAL)

By: _____
Title: _____

By: _____
Title: _____

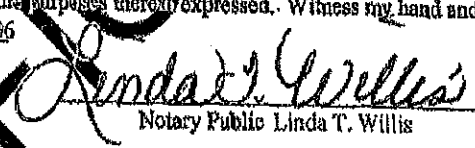
By: _____
Title: _____



State of North Carolina - County of Gaston

I, the undersigned Notary Public of the County and State aforesaid, certify that OPAL JEAN BLUE, Unmarried personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 20th day of April, 2006.

My Commission Expires: March 1, 2007


Notary Public Linda T. Willis

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ of _____ personally came before me this day and acknowledged that he is the _____ of _____ a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association - 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-F

DESCRIPTION: SET 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 regarding a Public Hearing for the initial zoning of parcel id #'s 202166, 135144, and 210660.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: November 4, 2021
RE: Public Hearing for Initial Zoning Designation of Belmont Land & Investment Co.
PID #'s 202166, 135144, and 210660

On September 2, 2021, City Staff met with representative Bob Clay and development team to discuss the designation of an initial zoning district to the property under petition for voluntary annexation of contiguous property. During this meeting it was determined that the agreeable district would be Single Family Residential-4. Currently, the properties are still under the zoning jurisdiction of Gaston County Zoning District R-1.

The Planning Board voted in unanimous approval to recommend to the Lowell City Council the approved designation of Single Family Residential-4 to the newly annexed property during their October 5, 2021 meeting.

During their regularly scheduled meeting on October 12, 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.

To prepare for the Public Hearing, City Staff mailed Public Notices to property owners abutting and/or adjacent to the subject property. 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. A Notification sign was placed on the Lowell-Spencer Mountain Road closest to the subject properties.

City of Lowell Planning Department – Staff Report

INITIAL ZONING DESIGNATION

Applicant:	Bob Clay,
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 202166, 135144, and 210660
Property Size:	20.46
Current Zoning:	Single Family Limited R-1 (Gaston County)
Proposed Zoning:	Single Family Residential-4 (SFR-4)

Description:

On September 27, 2021 City Staff received a Petition of Voluntary Annexation of Contiguous Property from the representatives of Belmont Land & Investment Company, LLC. This petition for annexation preceded a meeting with the representative Mr. Bob Clay to discuss the preferred Zoning of the property to be annexed. It was requested that the district be amended from R-1 (Single Family Limited) to the Lowell zoning designation of Single Family Residential-4 (SFR-4).



Process:

Staff received application and scheduled rezoning request to be reviewed at the next available meeting of the Lowell Planning Board on October 5, 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(s) to be conducted prior to the Legislative Hearing by the City Council.
 - Held at 12:00 pm on October 11, 2021
- Filing of request.
- Filing of Public Hearing Consent Forms from Property owners represented in the rezoning.
- Lowell Planning Board Review of Case # IZD21-02 and recommendation to City Council.
 - Planning Board met on October 5, 2021, approved for recommendation to City Council the designation of SFR-4
- Staff to schedule with the City Council to set Public Hearing for their November 9, 2021, Meeting.
- 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 rezoning signage on the subject property prior to public hearing.
 - October 21, 2021 – Placed sign on Lowell-Spencer Mountain Road.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.
 - October 20, 2021 – Mailed 8 letters to abutting/adjacent property owners.

Meeting Dates:

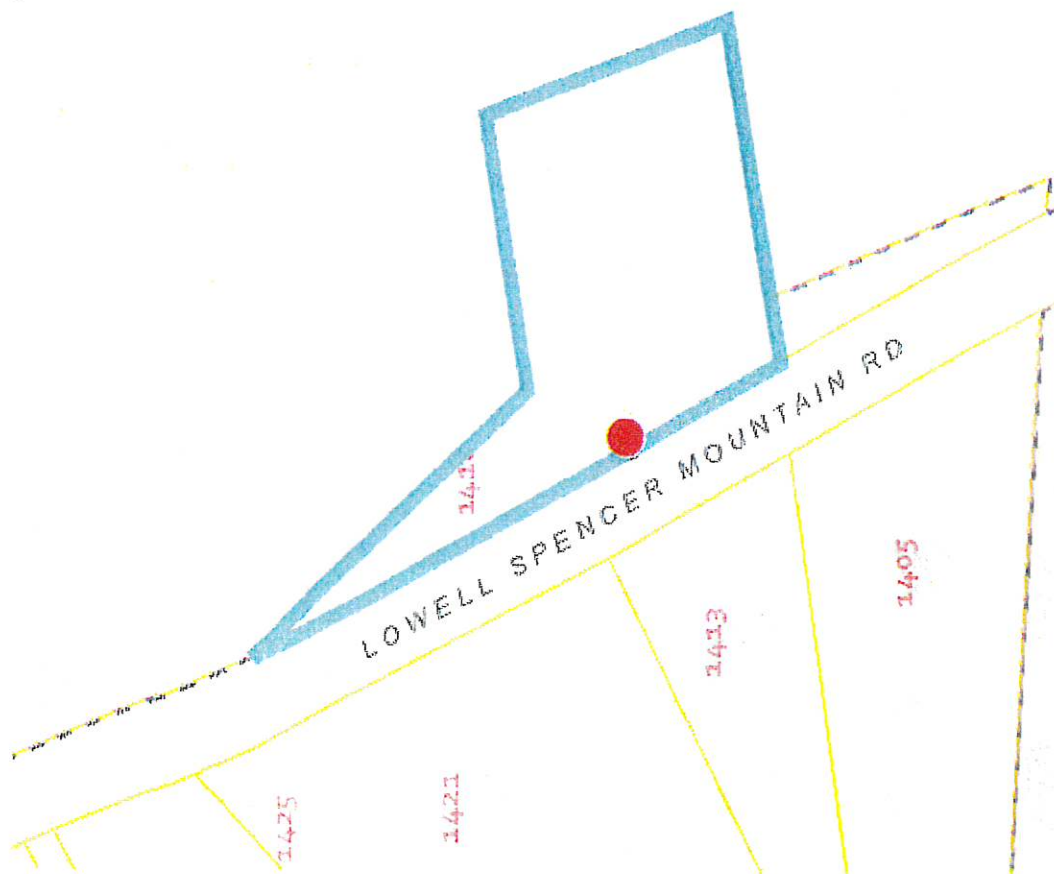
- September 2, 2021 Pre-filing Meeting
- October 5, 2021 Planning Board Review of Case # IZP21-02
- October 12, 2021 City Council set Public Hearing for November 9, 2021
- November 9, 2021 City Council to hold Public Hearing

Staff Comments:

Due to the property being outside of the City of Lowell's jurisdiction at the time prior to adoption of annexation ordinance, the former zoning on these four properties was designated as R-1, being residential in nature. The annexation of the four parcels brings forth the requirement for them to be designated a zoning district represented within the Lowell Development Ordinance (LDO). Following a meeting with the representatives of the Belmont Land & Investment Company, LLC, it was determined that the best designation would be that of the Single Family Residential-4 (SFR-4).

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

Sign Placement for Annexation & Zoning Designation
October 21, 2021





Mailing List for Abutting/Adjacent Property Owners

Catawba Lands Conservancy
4530 Park Road, Suite 420
Charlotte, NC 28209

Belmont Land & Investment Co.
P.O. Box 1939
McAdenville, NC 28101-1939

Julia B. Lloyd and others, Edwin T. Barr, Sr. ¼ INT
1427 Buckingham Ave
Gastonia, NC 28054

Gerald Thomas Flowers and Teri Lyn Flowers
138 Hall Road
Gastonia, NC 28056-7825

Dorothy May Brown
126 Flowers Road
Gastonia, NC 28056

Tammy S. Schronce
2408 Mallotte Ln.
Gastonia, NC 28054-6407

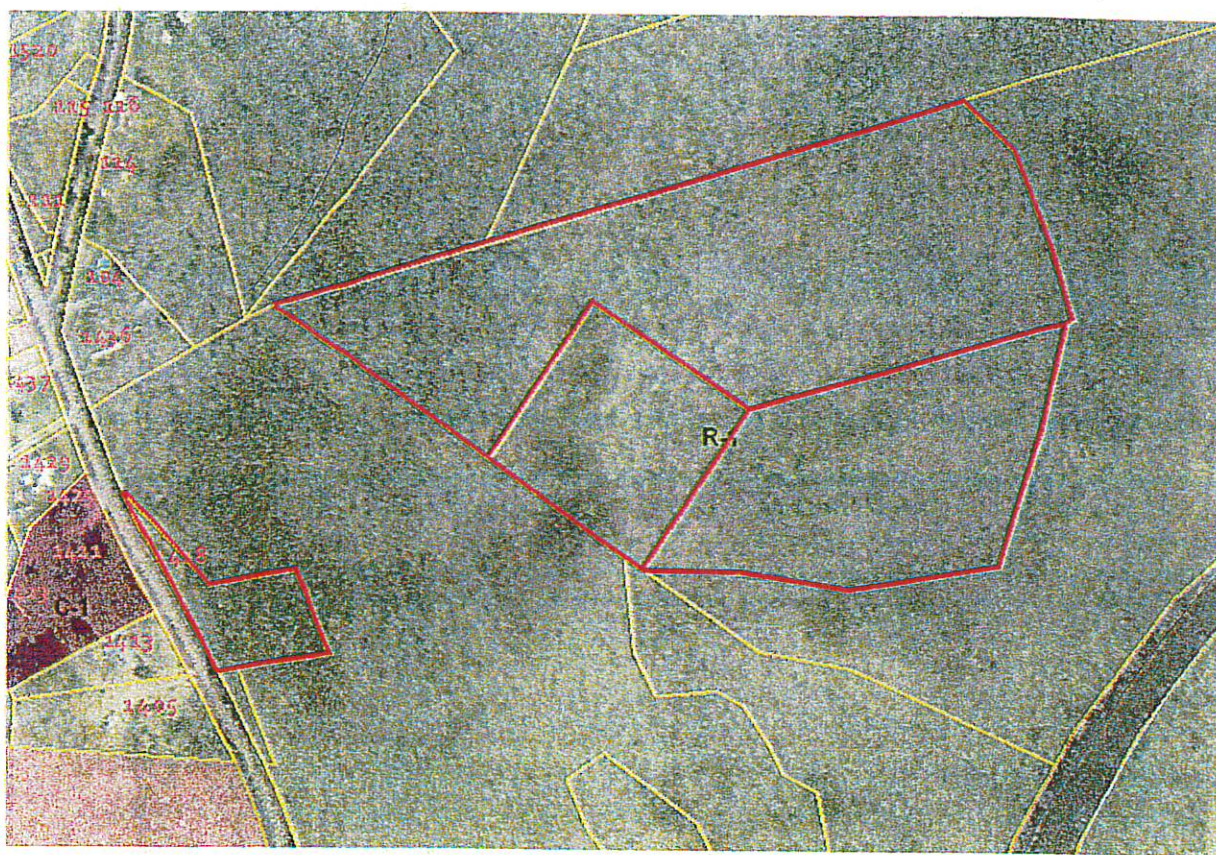
Jeffrey A. Little and Others, Jeffrey A. Little and Spouse
1413 Lowell Spencer Mountain Road
Gastonia, NC 28056-7841

Daniel A. Davis
1405 Lowell Spencer Mountain Road
Gastonia, NC 28056-7841

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 the concurrent Voluntary Annexation Petition and Initial Zoning Designation for the property without an assigned address located along Lowell-Spencer Mountain Road to the north of George Poston Park. Further identified as Parcel ID #'s 202166, 135144, 210660 and the Non-Contiguous property of PID #'s 202167. Proposed application of initial zoning district is for Single Family Residential-4 (SFR-4).



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

Hearing impaired persons requiring assistance should contact the City Clerk (704) 824-3518 at least 24 hours prior to the hearing to request special accommodations.



Phone: 833.516.0229

from our Advertising Dept. All ads are subject to approval before publication. The Gaston Gazette reserves the right to report in the first day of publication. The Gaston Gazette shall not be liable for any loss or expense that may result from the cancellation of order.

Proposals

requiring contact the 824-3518 at or to the st special

#6371191

editors

DITORS is Execu- state of Wilson, this is to ; having Benjamin ased, late , North itemized thereof ed on or , 2021, or leaded in thereon. l to said to make

Septem-

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11 2021

as state of Busha Gard- , North '9. The hereby ns and claims f said em to l 150 la, NC e 29th . This d for firms ted to lease ent to

'ay of

Notice To Creditors

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

NOTICE TO CREDITORS
Having qualified as Executor for the Estate of Mary S. Warren, deceased 2-23-21 File#2021E000767, this is to notify all persons having claims against Mary S. Warren, deceased, late of Gaston County, North Carolina, to file an itemized verified statement thereof with the undersigned on or before January 5th, 2022, or this notice will be pleaded in bar of any recovery thereon. All persons indebted to said estate are requested to make prompt settlement. This the 30th day of September, 2021.
Executor, for the Estate of Mary S. Warren
James R. Warren
6359348 Oct. 7, 14, 21, 28, 2021

NOTICE TO CREDITORS
STATE OF NORTH CAROLINA
GASTON COUNTY
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT
DIVISION
File No. 2021 E 001189

Having qualified as Administrator of the Estate of LINDA DANIELS WOODBURY, deceased, late of Gaston County, North Carolina, this is to notify all persons, firms and corporations having claims against the Estate of said LINDA DANIELS WOODBURY to present them to the undersigned on or before the 5th day of January, 2021 or same will be pleaded in bar of their recovery. All persons indebted to said Estate please make immediate payment.
Witness my hand and the Seal of the Superior Court.
Dated: 07/07/2021
PAULA MARIE CARVER,

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. G-5, SUB 632
DOCKET NO. G-5, SUB 634

CAROLINA UTILITIES COMMISSION
532

Notice To Creditors

ADMINISTRATOR
15 CAPE FEAR DR
BESSEMER CITY, NC 28016
Administrator of the Estate of LINDA DANIELS WOODBURY
Oct 7, 14, 21, 28, 2021 #6375523

Notice to Creditors having qualified as executor for the estate of Anne Gilstrap Tate deceased 7-26-21 file # 21E1588, this is to notify all persons having claims against Anne Gilstrap Tate deceased, late of Gaston County, North Carolina, to file an itemized, verified, statement thereof with the undersigned on or before January 19th 2022, or this will be pleaded in bar of any recovery of thereon. All persons indebted to said estate are requested to make prompt settlement. This is the 19th day of October, 2021. Executor for the estate of Anne Gilstrap Tate, James Gerald Tate 956 Brooklee Drive Kings Mountain North Carolina 28086.
Oct. 21, 28, Nov. 4, 11, 2021
#6435519

Public Notices

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 the concurrent Voluntary Annexation Petition and Initial Zoning Designation for the property without an assigned address located along Lowell-Spencer Mountain Road to the north of George Poston Park. Further identified as Parcel ID #'s 202166, 135144, 210660 and the Non-Contiguous property of PID #'s 202167. Proposed application of initial zoning district is for Single Family

Public Notices

Residential-4 (SFR-4). For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518. Hearing impaired persons requiring assistance should contact the City Clerk (704) 824-3518 at least 24 hours prior to the hearing to request special accommodations.
Oct 21, 28, 2021 #6418307

cars • garage sales • tickets • antiques • motorcycles
computers • boats sports • equipment • pets
instruments • jewelry • furniture • auctions
collectibles • jobs • appliances
yard sales • tablets • cameras • coins



ORDINANCE NO. #OR11-2021

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 Belmont Land and Investment Company, LLC, being the owners of the certain land areas located along Lowell-Spencer Mountain Road, Gaston County Parcel ID 202166, 135144, and 210660, 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 202166, 135144, and 210660, 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 Single Family Residential-4 (SFR-4) 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 9th day of November, 2021.

Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk

Exhibit A
Vesting Deeds Describing Real Property
[attached]

Parcels 202166 and 2021667

BK3397PG130

02/08/02 12:38PM 000000H7766
XX17 Charv1

DEED	\$23.00
REVENUE FEES	\$117.00
TOTAL	\$140.00
CHECK	\$519.00
CHANGE	\$379.00

Excise Tax \$117.00

Recording Time, Book and Page

Tax Lot No. 10-6-15 Parcel Identifier No.
Verified by County on the day of
by

Mail after recording to *Grantor*

This instrument was prepared by Jeffrey Grant Koenig, 831 E. Morehead St., Suite 760, Charlotte, NC 28202

Brief description for the Index

2 Tracts

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 8th day of February 2002, by and between

GRANTOR

GRANTEE

Catawba Lands Conservancy, a NC
Non-Profit Corporation

105 West Morehead Street
Charlotte, NC 28202

Bolton Fund and Investment
Company

P. O. Box 1939
Mooresville, NC 28101

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Township,

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

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

RECORDING FEE
EXCISE TAX PAID

23.00
117.00

The property hereinabove described was acquired by Grantor by instrument recorded in _____

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

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

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

All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

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

(Corporate Name)

RICHARD K. FALKNER, President

(SEAL)

By:

President

Catawba Lands Conservancy

ATTEST:

Secretary (Corporate Seal)

SEAL-STAMP

NORTH CAROLINA, _____ Maskiesburg _____ County.

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

My commission expires: December 2, 2003

Janey Grant Koenig Notary Public

SEAL-STAMP

NORTH CAROLINA, _____ County.

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

My commission expires:

Notary Public

The foregoing Certificate(s) of _____

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

REGISTER OF DEEDS FOR _____ COUNTY

by _____ Deputy/Assistant-Register of Deeds

EXHIBIT "A"

Located in Gastonia Township, Town of Spencer Mountain, Gaston County, North Carolina and being described as two tracts:

TRACT 1: BEGINNING at a tall rebar in a stump hole, a common corner of the properties of May (Deed Book 178, Page 434), Brown (Deed Book 1432, Page 802), Flowers (Deed Book 2805, Page 657), Belmont Land and Investment (Deed Book 172, Page 626) and Catawba Lands Conservancy; running thence from said Beginning point with the line of Flowers (Deed Book 2805, Page 657), North 73-34-34 East 541.23 feet to an iron pin; thence with the line of Lloyd (Deed Book 2737, Page 814) North 73-34-34 East 1,067.50 feet to an iron pin set; thence a new line South 45-12-55 East 103.41 feet to an iron pin; thence a new line South 21-12-20 East 221.52 feet to an iron pin; thence a new line South 14-55-00 East 165.00 feet to an iron pin; thence South 74-41-55 East 757.05 feet to an iron pin; thence along the line of Al Shanteer (Deed Book 2746, Page 267) North 55-49-17 West 414.98 feet to an iron pin; thence a new line South 34-10-46 West 418.10 feet to a rebar found in the common line of Hoffman and Belmont Land and Investment (Deed Book 172, Page 626); thence from said rebar, along the line of Belmont Land and Investment, North 55-29-40 West 585.27 feet to the point and place of Beginning, and containing approximately 12.60 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

TRACT 2: BEGINNING at an iron pipe, a common point with Belmont Land and Investment (Deed Book 172, Page 626), Hoffman and Al Shanteer (Deed Book 2746, Page 267, Plat Book 54, Page 73); running thence from said Beginning point along a new line South 88-22-49 East 144.84 feet to an iron pin; thence a new line South 32-17-26 East 83.87 feet to an iron pin; thence a new line South 81-34-03 East 235.68 feet to an iron pin; thence a new line North 89-54-45 East 334.13 feet to an iron pin; thence a new line North 19-13-41 East 283.11 feet to an iron pin; thence a new line North 13-35-00 East 225.00 feet to an iron pin; thence a new line North 05-31-12 East 54.96 feet to an iron pin; thence along a new line South 74-04-29 West 744.26 feet to an iron pin found in the line of Al Shanteer (Deed Book 2746, Page 267); thence with the Al Shanteer line South 33-56-57 West 420.38 feet to the point and place of Beginning, and containing approximately 7.44 acres, all as surveyed by Tom Kelso, RLS dated November 30, 2001 and titled "Hoffman-Pharr Tracts Catawba Lands Conservancy".

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Jeffrey Grant Koenig, a Notary Public, certify that Richard K. Falknor personally came before me this day and acknowledged that he is President of Catawba Lands Conservancy, a North Carolina Corporation, and that he, as President being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this the 5th day of February, 2002.


Jeffrey Grant Koenig, Notary Public

My Commission Expires: December 2, 2003.




NORTH CAROLINA, GASTON COUNTY
The foregoing certificate(s) of

Jeffrey Grant Koenig
Notary Public of Mecklenburg County, NC

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 3397, Page 133

this 8th day of February, 2002, at 12:38 o'clock P.M.

ALICE B. BROWN, REGISTER OF DEEDS

By:  Deputy Asst.

UNOFFICIAL

Parcel 135144

BK 3397PG134

02/08/02 12:38PM 00000047767

KK17 Cheryl

DEED \$17.00
REVENUE FEES \$44.00
TOTAL \$61.00
CASH \$61.00
CHANGE \$0.00

Excise Tax: \$44.00

Recording Time, Book and Page

Tax Parcel No. _____ Parcel Identifier No. 10-006-014
Verified by _____ County on the _____ day of _____, 20____
by _____

Mail after recording to: _____ Grantee

This instrument was prepared by _____ William H. McMullen, Attorney at Law

Brief description for the Index

4.0 ac. Off Lowell/Spencer Mtn. Rds.
Book 54 at Page 73

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 7th day of Feb., 2002, by and between

GRANTOR

GRANTEE

Catawba Lands Conservancy,
a North Carolina non-profit corporation

Belmont Land and Investment Company

P. O. Box 1939
McAdenville, NC 28101

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

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

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

#519
Beginning at a point marked by a rebar iron pipe, which point is located S 55-29-40 E 585.27 feet from a "fall rebar" located in a stump hole marking the common corner of the May (Deed Book 178 at Page 434); Brown (Deed Book 1432 at Page 802) and Flowers (Deed Book 2805 at Page 657) (all now or formerly); Thence from said Beginning point as herein located N 34-10-46 E 418.10 feet to a pipe; Thence S 55-49-17 E 414.98 feet to a "buggy axle"; Thence S 33-56-57 W 420.38 feet to a pipe located in the common line of Belmont Land and Investment Co.; Thence continuing along and with the common line of Belmont Land and Investment Co. N 55-30-29 W 416.68 feet to the point and place of Beginning, all as shown on a plat of Hoffman-Pharr Tracts for Catawba Lands Conservancy prepared by Tom Kelso, RLS, dated November 15, 2001.

Being in all respects the same property as shown and described on that certain plat recorded in Book 54 at Page 73 in said Gaston County Public Registry.

RECORDING FEE 17.00
EXCISE TAX PAID 44.00

The property herein above described was acquired by Grantor by instrument(s) recorded in _____
Book 3364, Page 454 in the Gaston Public Registry

A map showing the above-described property is recorded in Plat Book 54, Page 73.

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

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

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

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

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

Catawba Lands Conservancy
Corporate Name _____

By: Richard K. Johnson

President

(SEAL)

(SEAL)

(SEAL)

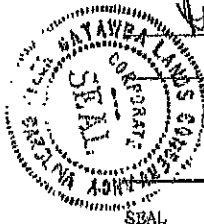
(SEAL)

ATTEST

[Signature]

For Secretary

(Corporate seal)



SEAL

STATE OF NORTH CAROLINA, COUNTY OF Mecklenburg

I, [Signature], a Notary Public of the County and State aforesaid, certify that Richard K. Johnson personally came before me this day and acknowledged that he is the President Secretary of CATAWBA LANDS CONSERVANCY, a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by it as its Secretary on behalf of the corp.

Witness my hand and official stamp or seal, this 7th day of February, 2000 my

My Commission expires: 6/5/2004

[Signature]
Notary Public



The foregoing Certificate(s) of Glenda S. Watts, NP

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

Alice B. Brown REGISTER OF DEEDS FOR Gaston COUNTY
By Carol A. Quikamp, Deputy/Assistant-Register of Deeds

Parcel 210660

Doc ID: 011033420003 Type: GRP
Recorded: 04/20/2008 at 09:07:48 PM
Fee Amt: \$70.00 Page 1 of 8
Excise Tax: \$50.00
Instr# 200800078999
Gaston, NC
Susan S. Lookridge Register of Deeds
BK 4214 pg 2394-2396

3 RECORDING FEE 20.00
EXCISE TAX PAID 50.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 50.00

Parcel Identifier No. 133143, 10-6-13.01 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mall/Box to: Grantee

This instrument was prepared by: Parks H. Wilson, Jr., Attorney at Law (RE 5666) PO Box 1115, Gastonia, NC 28053

Brief description for the Index: _____

THIS DEED made this 20th day of April, 2006, by and between

GRANTOR

OPAL JEAN BLUE, Unmarried

GRANTEE

BELMONT LAND & INVESTMENT COMPANY, LLC
PO Box 1939
McAdenville, NC 28101

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4212 page 1318.

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

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

Printed by Agreement with the NC Bar Association ~ 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

EXHIBIT "A"

BEGINNING at a point situated in the centerline of Lowell-Spencer Mountain Road (SR #2201) said point is on the line of the property of Freda Davis, as described in that deed recorded in Book 562 at Page 457, and the same is also North 00 degrees 47 minutes 51 seconds East 11,123.822 feet from NCGS monument "first" (N=559,416.580 feet, E=1,372,072.660 feet) thence with the common line of the property of Barker, as described in that deed recorded in Book 3199 at page 834 and Elliott, as described in that deed recorded in Book 3131 at Page 216 and along the centerline of Lowell-Spencer Mountain Road, the following courses and distances: 1) North 29 degrees 48 minutes 18 seconds West 266.15 feet to a point; 2) North 28 degrees 09 minutes 18 seconds West 100.0 feet to a point; and 3) North 24 degrees 08 minutes 24 seconds West 91.42 feet to a point, thence continuing within the right of way of Lowell-Spencer Mountain Road, North 41 degrees 55 minutes 08 seconds East 20.72 feet to an established iron rod on the common line of the property of the Grantee herein as described in that deed recorded in Book 466 at Page 144, thence with the common line of the property of the Grantee herein the following courses and distances: 1) South 42 degrees 49 minutes 33 seconds East 311.02 feet to a new iron rod; 2) North 81 degrees 31 minutes 47 seconds East 200.06 feet to an established iron rod; 3) South 20 degrees 19 minutes 07 seconds East 190.93 feet to an established iron rod; and 4) South 81 degrees 33 minutes 05 seconds West 200.23 feet to an established iron rod, corner of the property of Davis, as described in the foregoing deed, thence with the common line of the property of Davis, South 81 degrees 33 minutes 05 seconds West 73.88 feet to the Point of Beginning, containing a total of 1.6506 acres.

Reference is made to that deed recorded in Book 4212 at Page 1318. ~~to Book 4211, Page 144.~~

The above description was taken from an unrecorded survey prepared by R. B. Pharr & Associates, P.A. Registered Surveyor, dated December 19, 2005 and captioned "Boundary Survey for Belmont Land & Investment".

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: All rights of way, conditions, easements and restrictions, if any, of record. 2006 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

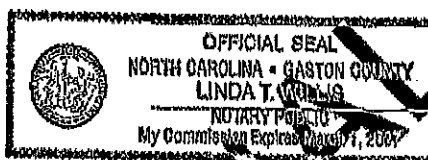
(Entity Name)

Opal Jean Blue (SEAL)
OPAL JEAN BLUE, Unmarried

By: _____
Title: _____

(SEAL)

By: _____
Title: _____



(SEAL)

By: _____
Title: _____

(SEAL)

State of North Carolina - County of Gaston

I, the undersigned Notary Public of the County and State aforesaid, certify that OPAL JEAN BLUE, Unmarried personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 20th day of April, 2006

My Commission Expires: March 1, 2007

Linda T. Willis
Notary Public Linda T. Willis

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____ a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____

My Commission Expires: _____

Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

NC Bar Association Form No. L-3 © 1976, Revised © 1977, 2002

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AGENDA ITEM INFORMATION

AGENDA ITEM #: 7-G

DESCRIPTION: 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

Please see the attached petition for annexation by Gaston County regarding annexation of parcel
id#'s 148011 and 148012.

To: Scott Attaway, City Manager

From: Alex Blackburn, Planning, Zoning & Subdivision Administrator

Date: November 4, 2021

Re: Voluntary Annexation Petition for contiguous property of George Poston Park

BACKGROUND

On August 26, 2021, the owners of property known as George Poston Park, Parcel ID # 148011 and Parcel ID #148012 of Gaston County submitted a petition for voluntary contiguous annexation into the city limits of the City of Lowell. The properties consist of a total of 338.95 acres

FINDINGS AND CONCLUSIONS

The standards for annexation require that the property must be contiguous to the “primary corporate limits”. The fact that the property lies partially within the corporate limits of the City of Lowell demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Lowell. The property will be required to have a City of Lowell zoning district designation upon successful annexation.

FISCAL IMPACT

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

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

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

THE ACTIONS TAKEN AT THE SEPTEMBER 14, 2021 MEETING INCLUDED:

- a. Petition for voluntary contiguous annexation received.
- b. Directed (by resolution) for the City Clerk to investigate the sufficiency of the petition.
- c. Received petition certification by City Clerk, called (by resolution) for public hearing at next regular meeting.

STEPS BY MAYOR AND CITY COUNCIL - THE ACTIONS TO BE TAKEN AT THE NOVEMBER 9, 2021 REGULAR MEETING INCLUDE:

1. Conducting the required Annexation Public Hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
2. Consideration (adoption or rejection) of an Ordinance Extending the Corporate Limits (annexation) to include the subject property.
3. Schedule a Zoning Map Amendment Public Legislative Hearing for November 9, 2021 on the purpose of receiving comment from citizens and/or persons owning an interest in the subject property and the designation of an initial zoning district.

FINAL STEPS FOLLOWING ANNEXATION AND ZONING

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

1. Update Official Zoning Map in Clerk's record, Administrator's record and online.
2. Update shape-files with Gaston County GIS to reflect new zoning and jurisdictional designations online.
3. Record the annexation with both the NC Secretary of State and Gaston County Register of Deeds;
4. Notify all public utilities (telecom, etc.) of the change in the corporate limits of the City for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;
5. Accept application from owner for the approval (by staff) of site plan(s) for any future project;
6. Process zoning permit application and issue permit(s) upon compliance with the Lowell Development Ordinance (LDO).



PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: August 26, 2021

To the City Council of the City of Lowell;

1. The undersigned owner(s) of real property hereby petition for annexation to the City of Lowell of that area described on the Gaston County Tax map as Parcel(s): 148011 (DB 2337/0605), 148012 (DB 2030/0246), and as shown on the attached survey, if any. (The survey is not required at the time that the petition is filed, but must be supplied prior to the Call For Annexation Public Hearing. The survey must show the current city limits of the City of Lowell.)

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

Property Owner Name	Property Owner Address	Signature
Gaston County	128 W. Main Avenue, Gastonia, NC 28053	

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


Signature of Property Owner/Manager

Print Name: _____

Phone Number: _____

E-mail: _____

Signature of Property Owner

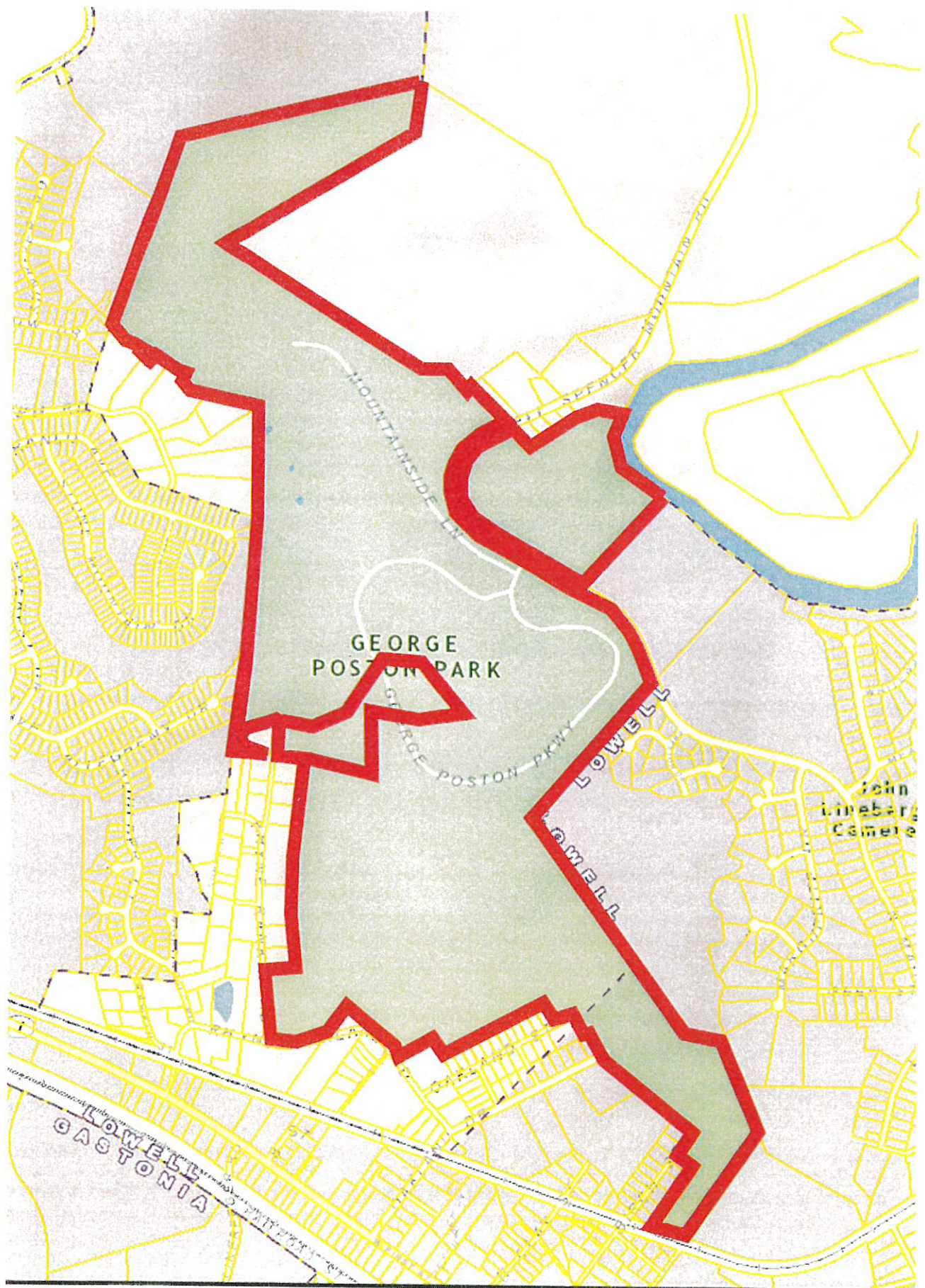
_____

Printed Name: Ray Maxwell

Phone Number: 704-862-7551

E-mail: ray.maxwell@gastongov.com

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.



**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LOWELL and
INCORPORATE BY ANNEXATION A CONTIGUOUS AREA INTO THE CITY OF LOWELL, NORTH
CAROLINA**

Ordinance #OR12-2021

WHEREAS, a Petition signed by Gaston County, North Carolina, 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, was received by the City of Lowell on August 26, 2021; and,

WHEREAS, the owner Petitioned that said area be annexed into the corporate limits of the City of Lowell, North Carolina, as authorized by Part 1, Article 4A, Chapter 160A of the General Statutes of North Carolina; and,

WHEREAS, the Petition was presented to the Mayor and City Council during the regular meeting of September 14, 2021; and,

WHEREAS, on September 14, 2021 the Mayor and City Council directed, by Resolution duly adopted, the City Clerk of the City of Lowell, North Carolina, to investigate the sufficiency of said Petition and to certify the results to the Mayor and City Council; and,

WHEREAS, at the regular meeting of the Mayor and City Council held on September 14, 2021, a Certificate of Sufficiency from the City Clerk of the City of Lowell was presented to the Mayor and City Council wherein the City Clerk certified that upon due investigation found the above individuals who signed the aforementioned Petition constitute the owners of the land within the boundaries described in said Petition and, as hereinafter described, that said boundaries are contiguous to the present City limit primary boundaries, and are eligible to be annexed pursuant to G.S. 160A-31, et seq. of the General Statutes of North Carolina; and,

WHEREAS, following the receipt by the Mayor and City Council of the City of Lowell, North Carolina, of a Certificate of Sufficiency from the City Clerk of the City of Lowell, said information and due consideration thereof by the Council, passed a motion to adopt a Resolution whereby a public hearing upon the question of such annexation was called to be had before the Mayor and City Council of the City of Lowell at 6:00 p.m. on the 9th day of November 2021; and,

WHEREAS, the City Clerk was duly authorized and did so cause notice of such public hearing to be published in the Gaston Gazette, a newspaper having general circulation in the City of Lowell, North Carolina, at least ten (10)

days prior to the date of such public hearing, such notice contained Gaston County property identification numbers of the areas proposed to be annexed as set forth in the Petition; and,

WHEREAS, it appears to the Mayor and City Council from the publisher's Affidavit with clipping attached thereto, duly filed with the City Clerk, that a notice of such public hearing as directed by the Mayor and City Council was duly published in the Gaston Gazette in its issue of the 21st day of October, 2021 and the 28th day of October, 2021, which dates of publications were at least ten (10) days prior to the date set for such public hearing; and,

WHEREAS, a public hearing was held by the Mayor and City Council of the City of Lowell on the 9th day of November, 2021 at the stated time and place where the petitioners and any other residents of the City of Lowell were given an opportunity to appear and be heard on the question of the sufficiency of the Petition and the desirability of the annexation; and,

WHEREAS, the Mayor and City Council, after due deliberation and consideration during the regular Mayor and City Council meeting held on November 9, 2021, now finds that the Petition meets the requirements of G.S. 160A-31, et seq. of the General Statutes of North Carolina, that the Petition contained the signatures of the owners of the real property within the area proposed for annexation, that the Petitions are otherwise valid and that the public health, safety and welfare of the inhabitants of the City and of the area proposed for annexation will be best served by the annexation through the expansion, now or in the future, of essential public services provided by the City.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Lowell, North Carolina, in regular meeting assembled the 9th day of November 2021, hereby adopts this ordinance as follows:

SECTION 1: That the area described in the Petition for contiguous annexation be and the same is hereby annexed to and is made a part of the corporate limits of the City of Lowell, North Carolina, the areas being described in Attachment "A" hereto.

SECTION 2: From and after the effective date of this Ordinance, the territory so annexed and the property therein located shall be subject to all debts, laws, ordinances and regulations in force in the City of Lowell, North Carolina, and shall be entitled to the privileges and benefits available to other parts of the municipality. The newly annexed territory shall be subject to municipal taxes levied as provided in Section 160A-58.10 of the General Statutes of North Carolina.

SECTION 3: It shall be the duty of the Mayor of the City of Lowell to cause an accurate map of such annexed territory, together with a copy of this Ordinance duly certified, to be recorded in the office of the Register of Deeds of Gaston County, North Carolina, and in the office of the Secretary of State of North Carolina.

SECTION 4: This Annexation shall become effective upon adoption.

Adopted this 9th day of November 2021.

s/ _____
Sandy Railey, Mayor

s/ _____
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 166 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 116.06 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 706.54 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 38 degrees 09 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 356 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 148.74 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 36 minutes 45 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 Clarlese C. Safar as shown in Deed Book 1760 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 285.89 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 733 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 46 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 329 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 7.2091 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 61.26 feet to an iron pin; (4) South 80 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 16.46 feet to an iron pin; (2) South 84 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 84.16 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 23 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 23 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 23 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 1670.53 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 1464 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 259) 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 81.30 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 83 degrees 36 minutes West 110.95 feet to an iron; thence South 79 degrees 13 minutes West 125.37 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 388.38 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 #: 7-H

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 regarding a public hearing for a zoning map amendment for initial zoning regarding parcel id#'s 148011 and 148012 at the November 9, 2021 regularly scheduled Lowell City Council meeting.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: November 4, 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.

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.

City of Lowell Planning Department – Staff Report

INITIAL ZONING DESIGNATION

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.
- 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.

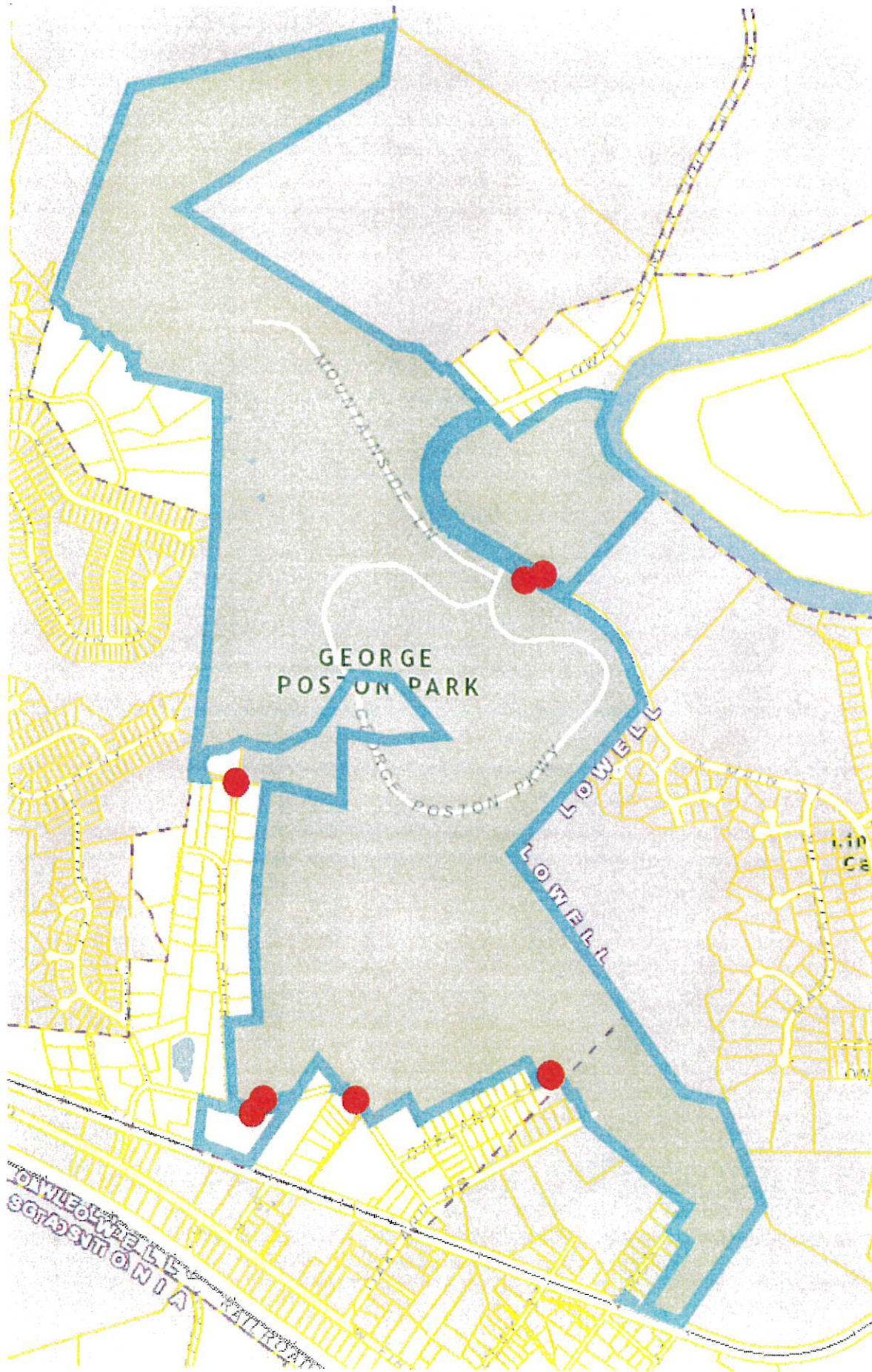
Staff Comments:

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.

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 692
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

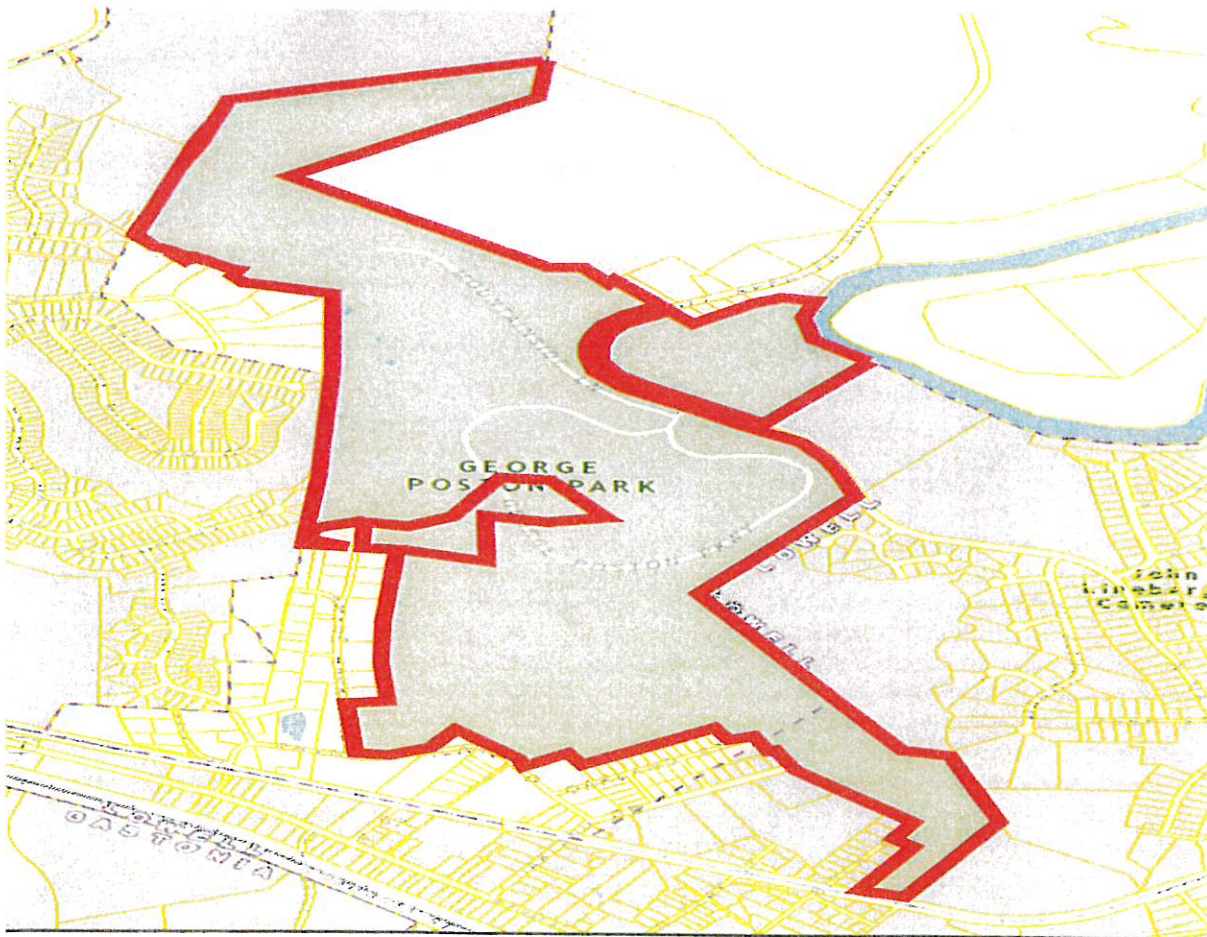
✓✓ WBTV INC
ONE JULIAN PRICE PLACE
CHARLOTTE, NC 28208

✓✓ 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.

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 Belmont Land and Investment Company, LLC, 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 9th day of November, 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 706.54 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 82 at Page 556 in the Gaston County Registry; thence with the western line of Tultex Corporation South 33 degrees 09 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 1760 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 733 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 58 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 329 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 1980 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 7.2091 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 438.31 feet to an iron pin; (3) South 69 degrees 10 minutes 10 seconds West 61.26 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 08 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 84.16 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 1060 at Page 19 in the Gaston County Registry; thence North 00 degrees 43 minutes 03 seconds West 806.08 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 1464 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 259) and runs thence with the Poston (formerly Ranlo Manufacturing Company) line North 02 degrees 09 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 380 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 81.30 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 125.37 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 #: 8-A

DESCRIPTION: CONSIDERATION OF PAVING BIDS AND SELECTION OF
PAVING CONTRACTOR

Please see the attached memo from the Public Works Director regarding paving bids for the approved paving schedule.

T0: Scott Attaway, City Manager
From: Thomas Shrewsbury
Date: 11/02/2021
Re: Paving Bids

City of Lowell staff has sent out bid packets and details for six municipal streets approved by Council for paving. The paving project was submitted and approved by council in August 2021.

City streets recommended for improvement were:

Phillips Street	River Falls Drive
Walnut Street	Costner Street
Reid Street	Rogosin Blvd.

Bid Packets and details were sent to:

Tarpon Construction, Gastonia NC
Mason Grading, Dallas NC
Atlantic Paving, Charlotte NC
Custom Paving, Gastonia
Gaston Asphalt

Bids Received:

• Mason Grading & Paving	\$142,275
• Custom Site Development and Paving	\$168,095
• Gaston Asphalt Paving	\$182,132

Staff would recommend contracting with Mason Grading & Paving

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-B

DESCRIPTION: CONSIDERATION OF INTERLOCAL AGREEMENT FOR FIRE
INSPECTIONS WITH GASTON COUNTY

Please see the attached draft interlocal agreement for fire inspections with Gaston County.

INTERLOCAL AGREEMENT

FOR THE ENFORCEMENT OF STATE FIRE CODES

This Agreement made on the last date set out below, by and between the Town of Lowell, a municipal corporation having a charter granted by the State of North Carolina, hereafter referred to as "Municipality", and Gaston County, a corporate and political body and a subdivision of the State of North Carolina, hereafter referred to as "County".

WITNESSETH:

WHEREAS, Article 20 of Chapter 160A of the General Statutes of the State of North Carolina authorizes among other things the contractual exercise by one unit of local government for one or more other units of any administrative or governmental power, function, public enterprise, right, privilege, or immunity of local government; and,

WHEREAS, the Municipality has adopted ordinances providing for the administration and enforcement of regulatory codes and County ordinances; and,

WHEREAS, such codes are commensurate with the regulatory codes and ordinances now in effect for Gaston County as enforced by the County; and,

WHEREAS, pursuant to N.C. Gen. Stat. Chapter 160A, Article 20 upon official request the governing body of any municipality within the county, the Gaston County Board of Commissioners may by agreement exercise enforcement powers within said Municipality and upon such direction may do so until such time as the Municipal governing body officially withdraws its request; and

WHEREAS, the Gaston County Board of Commissioners upon approval of a resolution and with written notice may withdraw the offering of the service to the Municipality.

NOW, THEREFORE, in consideration of the promises and the mutual covenants and agreements of the parties, the parties hereto agree as follows:

1. Purpose. The Purpose of this agreement is to provide for the transfer of jurisdiction to Gaston County Office of Emergency Management and Fire Services responsibility for State Fire Codes listed in the attached Exhibit "A", which is incorporated herein by reference.
2. Term. The term of this Agreement begins on the last date set out below and continues through June 30, 2022 and shall automatically renew each fiscal year thereafter, unless terminated as provided herein.
3. Responsibilities.
 - a. Municipality. The Municipality agrees to:
 1. Provide any pre-permit or pre-inspection review of any applicable Municipal Zoning ordinances or regulations, as well as requirements of any other State

- or local agencies prior to issuance of zoning permit;
- 2. Provide to the County a written Certification that the above mention inspections have been approved by the Municipality;
- 3. Adopt by resolution the County's ordinance and regulations to be enforced and any subsequent amendments;
- 4. Allow the county to retain any fees collected pursuant to enforcement of the ordinance or permit fees;
- 5. Not hold County responsible for enforcement of any of Municipality's other ordinances, zoning or regulations, unless specifically contracted.
- b. County. The county agrees to :
 - 1. Issue Fire Permits in accordance Section 105.6 and 105.7 of the North Carolina Fire Code.
 - 2. Conduct site inspections based on the North Carolina Fire Code Schedule;
 - 3. Seek judicial or equitable enforcement of said codes or ordinances when necessary in the County's discretion.

4. Geographic Jurisdiction. The County shall have the authority to enforce the code and ordinances in the geographical jurisdiction stated in exhibit "A", which is attached hereto and incorporated by reference.

- a. Gateway 85 (Northpoint Development) Excluded. The parties understand and agree that the Gateway 85 (Northpoint Development) is to be excluded from this Agreement.

5. Personnel. The County shall employ and provide personnel sufficient to perform inspection duties for the Municipality.

6. Indemnity. The Municipality, during the term of this Agreement, shall indemnify and save harmless the County from and against any and all claims, demands and or causes of action arising out of enforcement by the County of State Fire codes or ordinances under the Agreement, with the exception of grossly negligent, willful or wanton conduct by the County.

7. Cost. The cost of services provided by the County shall be set forth in Exhibit "A", which is attached hereto and incorporated by reference. All fees shall be collected by the County; failure to receive fees associated with this Agreement will result in termination of this Agreement.

8. Termination. The Municipality or County may terminate the agreement upon a thirty (30) day written notice to the Manager or Mayor of the governing unit.

9. Amendment. This Agreement may only be amended in writing upon the signature of both parties. No oral agreements shall have any effect.

10. Entire Agreement. This Agreement is the only agreement between the parties and contains all the terms agreed upon, and replaces any previous agreements. This agreement has no effect upon enforcement of codes or ordinances not specifically mentioned. If any part of this agreement is held invalid such decision shall not render the document invalid.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by themselves for their duly authorized offices of the day and year last set out below.

GASTON COUNTY

BY:

(Assistant) County Manager Date

ATTEST:

Donna S. Buff, Clerk to the Board

LOWELL

BY:

Signature

Date

Title:

ATTEST:

Clerk

Exhibit "A"

Codes:

Latest addition of the North Carolina Fire Prevention Code, as well as all Referenced Standards listed in the above mentioned Code.

County Ordinances:

None

Jurisdiction:

Incorporated area and extraterritorial jurisdiction of Town of Lowell (excluding Gateway 85)

Cost:

Fire permits and inspections --fees and fines collected

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-C

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

Staff has received several phone calls from concerned citizens regarding development and construction noise. The Lowell Code of Ordinances Section 130.01 is below:

§ 130.01 UNNECESSARY NOISE.

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

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

Staff seeks further guidance on the interpretation of grading and other construction noise as it relates to the Code of Ordinances 130.01 B (9) below.

- (9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues;

This agenda item serves 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.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-D

DESCRIPTION: AMENDMENT TO THE 2021 SCHEDULE OF MEETINGS AND
CITY HOLIDAYS

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.



City of Lowell

101 W First Street, Lowell, NC 28098

2021 COUNCIL MEETING DATES

January 12, 2021	July 13, 2021
February 9, 2021	August 10, 2021
March 9, 2021	September 14, 2021
April 13, 2021	October 12, 2021
May 11, 2021	November 9, 2021
June 8, 2021	December 14, 2021

2021 HOLIDAYS

New Year's Day	Friday, January 1, 2021
Martin Luther King, Jr. Birthday	Monday, January 18, 2021
Good Friday	Friday, April 2, 2021
Memorial Day	Monday, May 31, 2021
Independence Day	Monday, July 5, 2021
Labor Day	Monday, September 6, 2021
Veteran's Day	Thursday, November 11, 2021
Thanksgiving	Thursday/Friday, November 25/26, 2021
Christmas.....	Thursday/Friday/Monday, December 23/24/27, 2021
New Year's Day.....	Friday, December 31, 2021

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-E

DESCRIPTION: CONSIDERATION OF APPOINTMENTS TO THE PLANNING
BOARD, BOARD OF ADJUSTMENT, STORMWATER
COMMISSION, AND LOWELL COMMUNITY COMMITTEE

Please see the attached memo from the City Clerk.

MEMO

DATE: November 3, 2021
MEMO TO: Scott Attaway
FROM: Beverly Harris
SUBJECT: Planning Board Application

On October 6, 2021, the City received an application for appointment to the Planning Board from Scott Wilson of 307 Caroline Avenue in Lowell. Mr. Wilson's background screening had no findings to report.

I have attached a copy of Mr. Wilson's application to this memo.

Please submit the application for review and possible consideration to the Council at their November 9, 2021 meeting.

Emailed to Alex e: Scott
10/7/21.



**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. This application requests general information based on your interest in applying for a Board/Committee for the City of Lowell.

Applicant Name: Scott Wilson Date of Application: 10/6/21
Home Address: 307 Caroline Ave Lowell NC 28098
Street Address, City, Zip Code

Mailing Address (If different than above): _____

Home Phone: 1 Business Phone: _____

Cell Phone (For City Hall Use Only): 815-979-9790

Email Address: ROCKN01@MSN.COM

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: 52 Male: ☒ Female: ☐

Occupation: Retired

Do you reside within the City Limits of Lowell: Yes ☒ No ☐

Do you reside within the Lowell Extraterritorial Jurisdiction: Yes ☐ No ☐

Length of residence in Lowell: 13 Years 1 Months

Please indicate your preference by the number (first choice being "1") and choose.

City of Lowell Boards

Planning and Zoning Board 1 Community Improvement Advisory Committee 2



QUESTIONNAIRE (PLEASE ATTACH ADDITIONAL SHEETS IF NEEDED)

1. Why do you want to serve or continue to serve on this board/committee?

To represent the people of Lowell and help keep our city developing in a positive way.

2. Why do you think you would be an asset to this board/committee?

Many years of public relations experience and strong people skills.

3. What do you feel are your qualifications for serving on the board/committee requested?

A lifetime of problem solving and honesty. I enjoy helping people and working to keep our city a nice place to live. I have a general knowledge of zoning and city operations. As well as experience in planning and logistics.

Prior Public Service:

Board/Committee/Civic

From:

To:

Additional Comments:

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-F

DESCRIPTION: SET PUBLIC HEARING FOR CONSIDERATION OF
DEVELOPMENT AGREEMENT FOR LOWELL WOODS
SUBDIVISION, PARCEL ID# 212032

Please schedule a public hearing for the December 14, 2021 regular City Council meeting regarding the attached 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.

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 Water Line (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:

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 #: 8-G

DESCRIPTION: SET 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.

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: November 4, 2021
Re: Request for Public Hearing For Proposed Text Amendment to the Lowell Development Ordinance, Article 5

During their November 4, 2021 meeting, the City of Lowell Planning Board 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.

The reference would be added in Article 5, Section 5.3-1(A)-(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.

I am requesting the City Council, during their regular scheduled meeting on November 9, 2021 to schedule a Public Hearing on the text amendment for December 14, 2021.

5.3 Amendment Process

5.3-1 Initial Application Process. (Proposed)

(A.) Pre-filing meeting. Before filing an application for an amendment an applicant shall meet with the *Planning, Zoning & Subdivision Administrator* to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures.

(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.

(C.) Filing.

(1.) An application requesting an amendment shall be filed with the *Planning, Zoning & Subdivision Administrator*.

(2.) Applicable fees shall be payable as set forth by the *Lowell City Council*.

(3.) Completed applications submitted by 12:00 noon on the 15th day of any calendar month will be considered at the meeting of the *Lowell Planning Board* scheduled for the following month.

(D.) Content and valid authorization of applications.

(1.) Each application shall contain or be accompanied by all information required on the application form provided by the *Planning, Zoning & Subdivision Administrator*.

(2.) Every amendment proposing to change the district boundary lines shall be accompanied by metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the *Planning, Zoning & Subdivision Administrator* to plot or otherwise identify the amendment on the Official Zoning Map of the City of Lowell.

(3.) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application. See Section 5.2 of this Article.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-H

DESCRIPTION: CONSIDERATION TO WAIVE REAPPLICATION PERIOD OF ZONING MAP AMENDMENT FOR PARCEL ID#'S 136564 AND 202774

In accordance with the LDO Article 5.3-4, staff has received a request by the property owner to waive to wait period. Please see the LDO language below for guidance on this matter.

5.3-4 Waiting period for subsequent applications.

(A.) Waiting period - general. When an application for a zoning map amendment has been approved or denied by the Lowell City Council, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.

(B.) Waiting period - waiver. The waiting period required by this section **may be waived by a three-fourths vote of Lowell City Council** if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the Planning, Zoning & Subdivision Administrator, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the City Council in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

Belmont Land & Investment Company, LLC

POST OFFICE BOX 1939
M c A D E N V I L L E
NORTH CAROLINA 28101
(7 0 4) 8 2 4 - 3 5 5 1

November 5, 2021

City Council of Lowell
Lowell City Hall
101 W First Street
Lowell, NC 28098

RE: Request for a Waiver to Subsequent Application Waiting Period

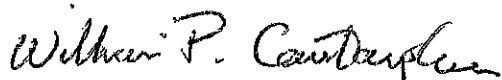
Dear Mayor Railey and City Council Members:

We are respectfully requesting a waiver to the waiting period for subsequent applications under Section 5.3-4 (A) of the Lowell Development Ordinance ("LDO"). Parcel #'s 136564 and 202774 were recently assigned SF-3 upon annexation, which would ordinarily result in a four-month period from the date of approval. However, under the LDO Section 5.3-4 (B), a waiver is allowed if there have been substantial changes in conditions or circumstances related to the request.

In this case, the reason for this request is to seek an SF-4 Conditional Zoning that would maintain density consistent with SF-3 but would allow flexibility in lot sizes and other base standards necessary given the natural features on the site. We would also create a Condition that a maximum of 575 lots would be built on all the recently annexed parcels.

Thank you for your consideration of this waiver request. If you have any additional questions, please contact Bob Clay at 704-616-5048 or Bob.Clay@cbcmeca.com.

Sincerely,



William P. Carstarphen
President

Public Works

Monthly Report

October 2021

- Street department employees focused much of their time this month cleaning sidewalks and curbing.
- Crews began leaf collection.
- City crews have started working through Christmas lights in preparation for the holidays.
- Water department continued leak investigation in town working to eliminate water loss.
- 2-inch main break on Stowe Street
- 2-inch line break on Caroline Ave.
- 2-inch line break on Stowe Drive
- 2-inch water leak on Ethelyn Ave.
- Replaced broken cut off on Walnut Street
- 2-inch line break on Bridge Street
- 1 inch break at Harold Rankin Park
- ¾ inch break on McAdenville Rd.
- Sewer Dept Employees work on repairs to inflow issued discovered during smoke testing last month.

To: Scott Attaway, City Manager

From: Alex Blackburn, Planning Director/Code Enforcement

Date: November 1, 2021

RE: Monthly Department Update

Code Enforcement

For the month of October, the Code Enforcement Office responded to 13 complaints of violation regarding the City Code of Ordinance as well as the Lowell Development Ordinance. Of those 13, 8 have been abated and written and verbal contact has been made with the others before time expires on their abatement period.

10/6/2021	512 N. Main Street	10/6/2021	Junk/ Debris (Couch)	10/6/2021	Abated by owner
10/7/2021	117 W. First Street	10/7/2021	Tall Grass	10/7/2021	Abated by Owner
10/7/2021	205 W. First Street	10/7/2021	Tall Grass	10/7/2021	Abated by owner
10/7/2021	516 N. Main Street	10/8/2021	Junk/Debris (Mattresses)	10/8/2021	Abated by Owner
10/7/2021	1012 N. Main Street	10/8/2021	Junk/Debris/Tall Grass/Vermin	10/8/2021	Abated by owner
10/7/2021	101 E. First Street	10/8/2021	Awning/Windows/ Minimum Structure	10/11/2021	
10/7/2021	303 N. Main Street	10/8/2021	Unpermitted Use in Zoning District	10/11/2021	
10/11/2021	613 Martha Ave		Couches by the road	10/12/2021	Abated
10/12/2021	3115 W First Street (Lowell RD)	10/12/2021	Bulk Waste at Road Side	10/12/2021	Abated by owner
10/12/2021	302 Gittens Street	10/12/2021	Bulk Waste at Road Side	10/12/2021	Abated by owner
10/25/2021	1202 N Main Street	10/26/2021	Debris in Yard/Driveway	10/26/2021	
10/25/2021	638 Overlook Road	10/26/2021	Bulk Waste at Road Side	10/26/2021	
10/29/2021	708 Groves Street	10/29/2021	Bulk Waste at Road Side (Mattress)	10/29/2021	

Zoning:

The Zoning Department has issued several permits this month involving residential dwellings, demolition permits, and changes of use.

ZP21-63	Multi-Family Home Permit	R. Trado (Bi-State Dev. Group)	7000A, B, C Owens Court	\$190	10/14/2021
ZP21-64	Interior Remodel	JD24 Investments LLC	1207 N Main Street	\$25	10/13/2021
ZP21-65	Fence Permit	Michael Lewis	109 Oakland Drive	\$25	10/21/2021
ZP21-66	Demolition	Foard Construction	4210 E Franklin Blvd.	\$25	10/27/2021
ZP21-67	Accessory Structure	Ray Ward	913 Railroad Street	\$25	10/28/2021
ZP21-68	Change of Use	TT of Gaston, LLC d/b/a Gastonia Chevrolet	831 S Main Street	\$100	10/29/2021
	Verification Letter	Angelina Pillsbury	831 S Main Street	\$50	9/9/2021
	Verification Letter	Rhonda Cain	3924 E Franklin Blvd.	\$50	10/8/2021
	Verification Letter	Julie Whitman	3778 E Franklin BLVD	\$50	10/12/2021

During the October City Council meeting, the City Council voted against the property owners request for a Zoning Map Amendment regarding 6.37 acres on Lowry Lane and in a 3-2 vote denied the change to Mixed Use-1 (MU-1) thereby maintaining the zoning designation as Single Family Residential-3 (SFR-3).

It was also during this meeting that the City Council set the Initial Zoning Designation of Belmont Land & Investment Co.'s Parcel's 136564 and 202774 as Single Family Residential-3 (SFR-3).

A Public Hearing was set for the November 9, 2021 Council Meeting for the proposed annexation of 3 contiguous parcels (PID #'s 202166, 135144, and 210660) and 1 Non-

Contiguous Parcel (PID # 202167). Two ads were posted in the Gaston Gazette as well as mailers and signs placed on the property.

Planning:

The Lowell Planning Board met on October 5th and voted to approve to council the recommendation of the Single Family Residential-4 (SFR-4) zoning designation to the 4 parcels outlined to be discussed in Public Hearing during the November 9th Council Meeting.

Staff has met with several developers regarding current and future projects within the City of Lowell and feel comfortable with the progress being made with each one.

Stormwater:

The Environmental Committee/Stormwater Committee will begin discussing possible credit/exemption criteria for stormwater fees in order to reward property owners that implement stormwater retention methods on their property in accordance to the Stormwater Utility Ordinance. This will be an in-depth process and I will maintain updates as it proceeds.

Lowell Police Department October Highlights

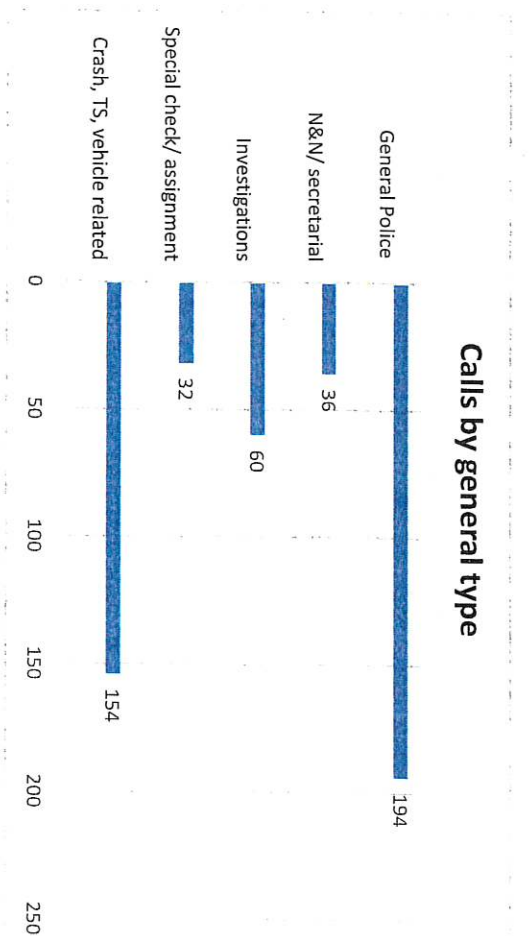
- Total calls for the month: 481 (up 17% from 2020 and 19% from 2019)
- There were 11 misdemeanor arrests and 13 felony arrests
- Officer Bowen seized 28 grams of methamphetamine that has a taxable value of \$5600. 75% of that will be paid back to the police through NCDOR drug tax program.
- Ofc. Mulkern attended another DWI checkpoint for the Governor's Highway safety program.
- Points acquired through the GHSP by officers of the police department were used to order 3 new Alcho-Sensors. These will be used to assist in establishing probable cause in DWI arrest situations.
- Certification paperwork was completed for new Officer Anderson. We expect his certification to be back the second week of this month.
- Command staff and City Hall staff interviewed a candidate to fill the last roster spot at the PD. We expect to have the background check completed soon and will send off for certification. When this is complete, the police department will be fully staffed.

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

October 2021 Monthly Report

Events

Scheduled, rescheduled (inclement weather) and then hosted Treat Walk. Participating businesses included: Tech @ Lowell Library, Presbyterian Church of Lowell, Childcare Connections, Winters Past, The Ivy Salon, Vera's Beauty Salon, Harvest Church, Back of the Moon, Randy's Garage, Lowell Parks and Recreation, and Lowell Public Works. Rain from earlier in the day, cold temperatures, and the event being postponed to after Halloween deterred people from coming out, we had about 60-70 kids – estimated total of 100-125 people including parents.

Creation of Parks and Rec marketing flyer that includes upcoming events and Needs Assessment Household Survey QR code.

Festival in the Park preparations and coordinating of the event. Fantastic turnout for the first two hours of the event. One food concession vendor (cakes in a cup) sold out within the first hour of the event. Another food vendor ran out of several food options within the first 2 hours. For 2022 Fall Festival or Festival in the Park, will move time to 3-7. Advertising event, vendor spotlights on facebook, confirming amusements, stage, band, scheduling craft vendor unloading times, vendor emails, marking spaces on the ground, directing vendors where to go on day of the event, meeting with amusements company for placement of rides, picking up new City merchandise, working with Finance on a new payment processing for Parks and Recreation (Square), taking photos of event, selling tickets, selling merchandise, clean-up of the event, cash/credit card reconciliation report to Finance.

Answering questions and accepting parade entries registration for the Christmas Parade.

Created artwork for Veteran's Day event, Senior Lunch, Christmas Parade.

After discussing with the City Manager, will be separating the Tree Lighting Ceremony since our parade falls late in the month each year. Tree Lighting Ceremony will be Thursday, December 2.

Preparation for Music in the Park – time changed in early November to 4-6pm due to the low forecasted temperatures for that evening (mid-30s.)

Athletics

3-4 soccer finished mid-October, 7-8 soccer runs through November 13.

Lining of 3-4 soccer field through mid-October, cleaning restrooms.

Athletics Supervisor field supervising of 3-4 home soccer games, being on site in Belmont for the 7-8 games on Saturdays.

Communication with Dolphins on field rental for football practice

Basketball registration closing on Saturday, November 6 at Music in the Park.

General

General communications answering inquiries via phone, social media, email

Picking up trash

Social media postings and website updates

LCC meeting preparation

LCC meeting

Creation of Focus Groups for Master Plan. 6 groups of 4 people in each group. Sending emails and phone calls to those candidates. Focus Groups include: Non-Profits, LCC, Seniors/ADA, Athletics, Faith-Based, and Business. NC State facilitated those meetings over Zoom and staff has received great feedback from both members of those groups and NC State on how well the meetings went. Non-profits, LCC, and Faith-Based has been held/scheduled. Athletics is in the process of being scheduled. Staff is still working on the lists for the other two groups: Seniors/ADA and Business.

Creation of Fall newsletter, sending to printers, approval, double-checking sorting/counting, check request, and delivery of newsletters to Post Office.