



**CITY OF LOWELL  
COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 11, 2022, 6:00 P.M.**

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- 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 December 14, 2021 (p. 1-8)
- 6. SPECIAL PRESENTATION**
  - A. Graduation Ceremony for Lowell Citizen's Academy Class of 2021-2022
  - B. Proclamation in Recognition of the Month of February as Black History Month (p. 9)
- 7. UNFINISHED BUSINESS**
  - A. Public Hearing for Consideration of LDO Text Amendments as it Relates to Session Law 2021-138 (p. 10-15)
  - B. 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. 16-27)
  - C. 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. 28-39)
  - D. Public Hearing for Consideration of Zoning Map Amendment RZ21-04 Regarding Parcel ID #'s 136564 and 202774 from the Zoning District of SFR-3 to SFR-4/CD (p. 40-45)
- 8. NEW BUSINESS**
  - A. Consideration of Appointment to the Planning Board, Board of Adjustment and Stormwater Commission (p. 46-51)
  - B. Amendment to the FY 22-23 Budget Calendar (p. 52-53)
  - C. Resolution Approving use of ARPA Funds for Montcross Emerge Initiative and ARPA Update (p. 54-55)
- 9. STAFF REPORTS**

- A. Public Works Report (p. 56)
- B. Planning Department Report (p. 57-58)
- C. Police Department Report (p. 59-60)
- D. Parks and Rec. Department Report (p. 61)
- E. Finance Report
- F. Fire Department Report (p. 62)

**10. CITY ATTORNEY REPORT**

**11. CITY MANAGER REPORT**

**12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

**13. CLOSED SESSION**

- A. To Discuss Matters Regarding Personnel Pursuant to NCGS 143-318.11(a)(6)

**14. APPOINTMENT OF CITY CLERK**

**15. ADJOURN**

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, December 14, 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, City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Alex Blackburn, Police Captain Carl Moore, and City Clerk Beverly Harris. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. Members of the public were also present. Councilmember Shane Robinson was absent.

## 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

The agenda was amended under Section 7 Special Presentation to add A (Grand Marshall 2021 Christmas Parade) and Section 9 New Business to add L (Adoption of FY22-23 Budget Calendar) and M (Reappointment of LCC member Michelle Sebastian).

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

## IV. PUBLIC COMMENTS

One public comment received online was presented to Council and it has been sent to staff for further review.

## V. APPROVAL OF MINUTES

### A. Minutes from Council Meeting Held November 9, 2021

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

## VI. UNFINISHED BUSINESS

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

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

Amanda Whitaker from Withers Ravenel stated the CDBG-I grant requires that the city go through a scope amendment process to include any areas outside the primary project area. Ms. Whitaker stated there is approximately \$700,000 left over after the initial bid for additional sewer line rehabilitation/replacement in areas that were defined as alternate areas. Ms. Whitaker stated the City of Lowell intends to amend the scope of the CDBG Infrastructure 18-I-3034 project to include the following areas and streets: Perkins Street, Lakeview Street, and the Outfall Line (located between Ethelyn Avenue and Lynn Street). These areas have been surveyed and the project will continue to benefit at least 51% low-moderate income households. The project budget remain as is: Total Project Cost: \$1,696,480, Sewer Improvements Cost: \$1,540,694, Administration Cost: \$155,786.

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 made a motion to amend the grant #18-I-3034 scope as presented, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

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

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

The City of Lowell Planning Board considered a request for a text amendment to the Lowell Development Ordinance to remove the requirement of a Neighborhood meeting from all zoning map amendments with the exception of Special Use Permits and Conditional Zoning requests. During the November 4, 2021 Planning Board meeting, this issue was presented and voted in unanimous consent to recommend the proposed change to the City Council for the City of Lowell. See attached memo for text amendment.

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

Councilmember Ervin made a motion to approve Ordinance No. 15-2021, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

**C. Public Hearing for Consideration of Development Agreement for Parcel ID #212032**

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

Scott Attaway stated the development agreement was prepared by the City of Lowell City Attorney in order for the developer of the Lowell Woods Subdivision to have the ability to perform the necessary stormwater infrastructure upgrades and road improvements which are located within City of Lowell stormwater easements and City of Lowell street right-of-way at the current termination of Preston Drive. *(Typo noted by City Manager on Section 7 add the word "on" stormwater improvements.)*

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

Councilmember Ervin made a motion to approve the development agreement for parcel #212032 as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

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

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

Alex Blackburn stated the property owners and developers are requesting a continuation.

Councilmember Bonham made a motion to continue the hearing January 11, 2022, at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

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

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

Scott Attaway stated the property owners and developers are requesting a continuation.

Councilmember Bonham made a motion to continue the hearing January 11, 2022, at 6:00 pm, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

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

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

Scott Attaway stated 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.

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

Councilmember Bonham made a motion for the approval of Ordinance #OR13-2021 for the initial zoning designation of Civic (CIV) to the newly annexed property known as George Poston Park, Parcel ID #'s 148011 and 148012. The City Council finds that the designation of Civic is consistent with the Comprehensive Land Use Plan adopted on April 13, 2021, as well as the current use established on the property. This will also be a continuation of several parcels originally within the city limits that were designated Civic with the adoption of the Lowell Development Ordinance on May 11, 2021. There was a second to the motion from Councilmember Ervin. The vote was unanimously in favor.

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

Scott Attaway presented an update of amending the City of Lowell Code of Ordinances Section 130.01 regarding noise.

**VII. SPECIAL PRESENTATION**

**A. Grand Marshall 2021 Christmas Parade**

Hunter Ballard and family accepted a certificate as the Grand Marshall 2021 Christmas parade.

**B. Ted Hall**

Ted Hall welcomed a new member and two returning members to the City of Lowell Council. Mr. Hall thanked the City Council and staff on their recent accomplishments for the town. He urged the Council to always put the citizens first in all future decisions. In addition, he encouraged them to honor the past as they look forward to the future; and to be open to change. Lastly, he reminded them that they are always surrounded by friends. Remember to reach out to other towns for guidance.

**VIII. ADMINISTRATION OF OATHS OF OFFICE FOR INCOMING COUNCIL MEMBERS**

Jeff Funderburk administered the oaths of office for incoming Council members: Phil Bonham, Ken Ervin, and Travis Smith.

The three incoming Councilmembers assumed their seats at the Council Chamber table for the remainder of the meeting.

## **IX. NEW BUSINESS**

### **A. Selection of Mayor Pro-Tempore**

Councilmember Gillespie made a motion to select Councilmember Smith to Mayor Pro-Tempore, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

### **B. Appointment of Council Delegate to Centralina COG**

Councilmember Funderburk made a motion to appoint Mayor Railey and Councilmember Gillespie (backup) as Council delegates to Centralina COG, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

### **C. Appointment of Council delegate to GCLMPO Board**

Councilmember Gillespie made a motion to appoint Councilmember Ervin with Councilmember Funderburk (backup) as Council delegates to the GCLMPO Board, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

### **D. Appointment of Council Liaison to LCC Committee**

Councilmember Ervin made a motion to appoint Councilmember Bonham and Councilmember Funderburk (backup) as Council liaisons to the LCC Committee, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

### **E. Appointment of Council Liaison to Lowell VFD**

Councilmember Gillespie made a motion to appoint Councilmember Ervin and Councilmember Smith (backup) as Council liaisons to Lowell VFD, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

### **F. Adoption of 2022 Schedule of Meetings and City Holidays**

Councilmember Ervin made a motion to adopt the 2022 schedule of meetings and city holidays as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

G. Presentation and Consideration of Donation of Parcel ID #127479, Lowell Investments I LLC

A presentation was given to Council for consideration of donation of parcel ID #127479 (Crompton & Knowles) from Lowell Investments I LLC. The property is situated at 1602 North Main Street Lowell NC and is a 17.02-acre site.

Councilmember Funderburk made a motion to accept the donation of parcel ID #127479 from Lowell Investments I LLC, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

H. Consideration of Appointment to the Planning Board, Board of Adjustment and Stormwater Commission

Councilmember Gillespie made a motion to appoint David Jennings for the Planning Board, Board of Adjustment, and Stormwater Commission, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

I. Budget Amendment

Scott Attaway presented a budget amendment regarding the approved paving contract.

Councilmember Ervin made a motion to approve budget amendment #1 as presented, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

J. Set Public Hearing for Consideration of LDO Text Amendments as it relates to Session Law 2021-138

Councilmember Funderburk made a motion to set public hearing on January 11, 2022, at 6:00 pm for consideration of LDO text amendments as it relates to Session Law 2021-138, followed by a second from Councilmember Gillespie. The vote was unanimously in favor.

K. Set Public Hearing for Consideration of Zoning Map Amendment RZ21-04 Regarding Parcel ID #'s 136564 and 202774 from the zoning district of SFR-3 to SFR-4/CD

Councilmember Ervin made a motion to set public hearing on January 11, 2022, at 6:00pm for consideration of zoning map amendment RZ21-04 regarding parcel ID #'s 136564 and 202774 from the zoning district of SFR-3 to SFR-4/CD, followed by a second from Councilmember Bonham. The vote was unanimously in favor.

L. FY 22-23 Budget Calendar

Council reviewed the FY 22-23 budget calendar.

M. Reappointment of LCC member Michelle Sebastian



Councilmember Smith made a motion to reappoint Michelle Sebastian to the LCC, followed by a second from Councilmember Funderburk. The vote was unanimously in favor.

## **X. STAFF REPORTS**

### **A. Public Works Report**

Thomas Shrewsbury covered the public works report.

### **B. Police Department Report**

Carl Moore covered the police department report.

### **C. Planning Department Report**

Alex Blackburn covered the planning department report.

### **D. Parks and Recreation Report**

Cristy Cummings presented the Parks & Recreation report.

### **E. Fire Department Report**

Scott Attaway presented the Fire Department report.

### **F. Finance Officer Report**

Scott Attaway introduced Lisa Nolen.

## **XI. CITY ATTORNEY REPORT**

John Russell gave a CDBG-NR grant update.

## **XII. CITY MANAGER REPORT**

Scott Attaway gave updates on the following items:

- New account technician/CSR assistant position and City Hall renovations
- Carolina Thread Trail
- Thank you and farewell to City Clerk Beverly Harris
- NCDOT right turn only requested at N Main and McAdenville
- 2 new police cars
- Police working on beginning a series of Neighborhood Watch Programs across the City of Lowell

### **XIII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**

Councilmember Funderburk wished everyone a Merry Christmas and was excited about future projects in Lowell.

Councilmember Smith stated he is excited about becoming a City Councilmember.

Councilmember Ervin thanked staff.

Mayor Railey thanked everyone for coming.

### **XIV. ADJOURN**

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Ervin. The vote was unanimously in favor. The meeting ended at 8:00 pm.

**ATTEST:**

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Mayor, Sandy Railey

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City Clerk

**CITY OF LOWELL**

**PROCLAMATION**

***Black History Month***

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**WHEREAS**, February has been designated as “Black History Month” in which we pause to reflect on the contributions of the African American community; and

**WHEREAS**, “Black History Month” gives the opportunity to become more knowledgeable about the significant roles African Americans have played in the history of economic, cultural, spiritual and political development while working tirelessly to maintain and promote their culture and history; and

**WHEREAS**, In 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

**WHEREAS**, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

**WHEREAS**, During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.

**NOW, THEREFORE**, the City of Lowell City Council, hereby proclaim that February is honored as “Black History Month” and urges all citizens to join in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our City, State and Nation.

This, the 11<sup>th</sup> day of January, 2022.

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Sandy Railey, Mayor

ATTEST:

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Scott Attaway, Deputy City Clerk

(SEAL)

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 7-A

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

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

To: Scott Attaway, City Manager  
From: Alex Blackburn, Planning Director  
Date: January 6, 2022  
Re: Proposed Amendments to the Lowell Development Ordinance in compliance to Session Law 2021-138.

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The City Council during their regularly scheduled meeting on December 14, 2021 scheduled a Public Hearing on the below listed text amendments for January 11, 2022.

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

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

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

In accordance with General Statutes, an ad was placed in the Gaston Gazette and published for two consecutive weeks serving as notice of the upcoming hearing.

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

Lowell Development Ordinance Article 5.2:

**Current**

**5.2**

**Initiation of Amendments**

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

the provisions of G.S. 160D-602(d). See Section 5.3-1(D) of this Article for content of an application for amendment(s).

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

## **Proposed**

### **5.2**

#### **Initiation of Amendments**

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

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

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

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



## Lowell Development Ordinance Article 16.1-7

### Current

#### **16.1-7 Violations**

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

### Proposed

#### **16.1-7 Violations**

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

Lowell Development Ordinance Article 18.3(H)

**Current**

**18.3(H) PENALTIES FOR VIOLATION.**

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

**Proposed**

**18.3(H) PENALTIES FOR VIOLATION.**

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

Lowell Development Ordinance 18.4(D)(5)

**Current**

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

**Proposed**

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

Lowell Development Ordinance Article 23.6-5

**Current**

- 23.6-5 Stop Work Orders.** Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the *Planning, Zoning & Subdivision Administrator* may order the work to be immediately



stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160D-404(b). Violation of a stop work order shall constitute a Class 1 misdemeanor.

### **Proposed**

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

### **Lowell Development Ordinance Article 23.7-6**

#### **Current**

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

#### **Proposed**

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

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 7-B

**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

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

To: Scott Attaway, City Manager  
From: Alex Blackburn  
Date: January 6, 2022  
RE: Public Hearing for Initial Zoning Designation of Belmont Land & Investment Co.  
PID # 202167

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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.

The November 9, 2021 meeting was opened and continued to December 14, 2021 at 6:00 p.m. in the City Hall Council Chambers. This continued hearing was again continued until the next meeting on January 11, 2021 at 6:00 p.m. in the City Hall Council Chambers.

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**

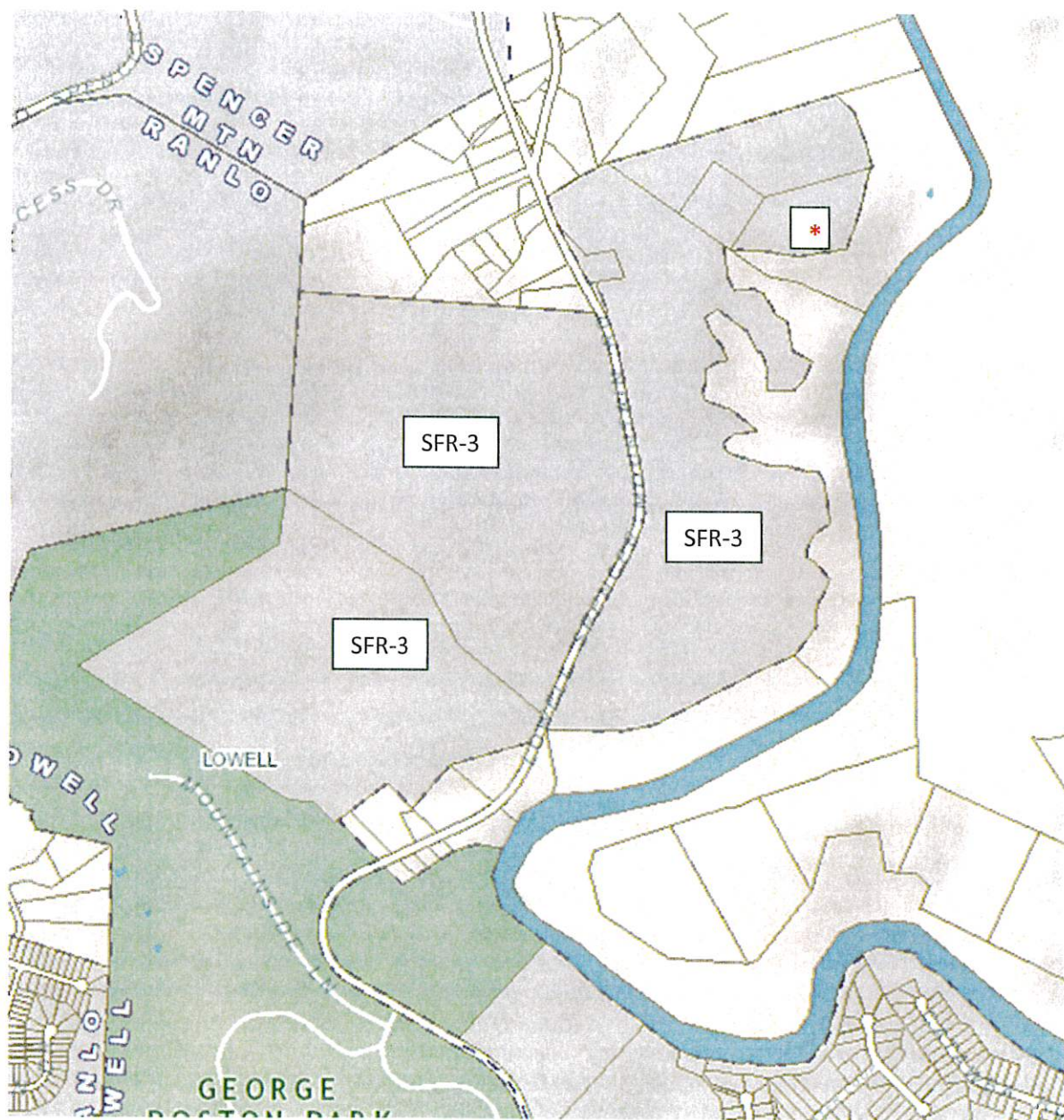
Applicant:	Bob Clay,
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 202167
Property Size:	7.60
Current Zoning:	Single Family Limited R-1 (Gaston County)
Proposed Zoning:	Single Family Residential-4 (SFR-4)

### **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:**

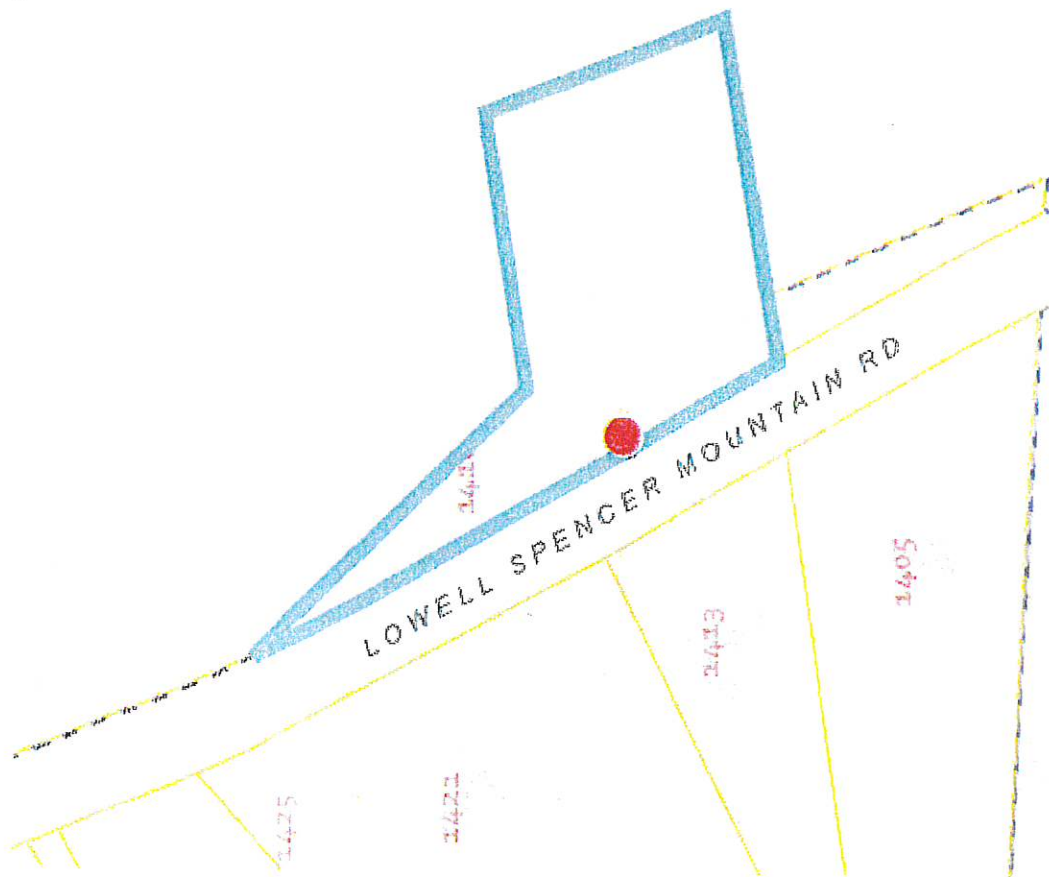
- September 2, 2021 Pre-filing Meeting
- October 5, 2021 Planning Board Review of Case # IZP21-02
- October 12, 2021 City Council set Public Hearing for November 9, 2021
- November 9, 2021 City Council to hold Public Hearing

**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







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 9<sup>th</sup>, 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

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### editors

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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 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. #OR1-2022**

**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 11<sup>th</sup> day of January, 2022.

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Sandy Railey, Mayor

ATTEST:

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Scott Attaway, Deputy City Clerk

SEN

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### AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 7-C

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

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

To: Scott Attaway, City Manager  
From: Alex Blackburn, Planning Director  
Date: January 6, 2022  
RE: Public Hearing for IZD21-05 involving Belmont Land & Investment Co. Parcel #s 210660, 202166, and 135144.

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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 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.

Public Hearing for the establishment of Initial Zoning Designation of Single Family Residential-4 for their regularly scheduled meeting on November 9, 2021. This topic was continued until the December 14, 2021 meeting at 6:00 p.m. in the City Council Chambers of City Hall.

To prepare for the Public Hearing, City 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 will also be placed on the properties.

The Applicants held a Neighborhood meeting with property owners abutting/adjacent the petitioning parcel. City Staff will be at this meeting to answer any procedural questions.



## City of Lowell Planning Department – Staff Report

### **INITIAL ZONING DESIGNATION**

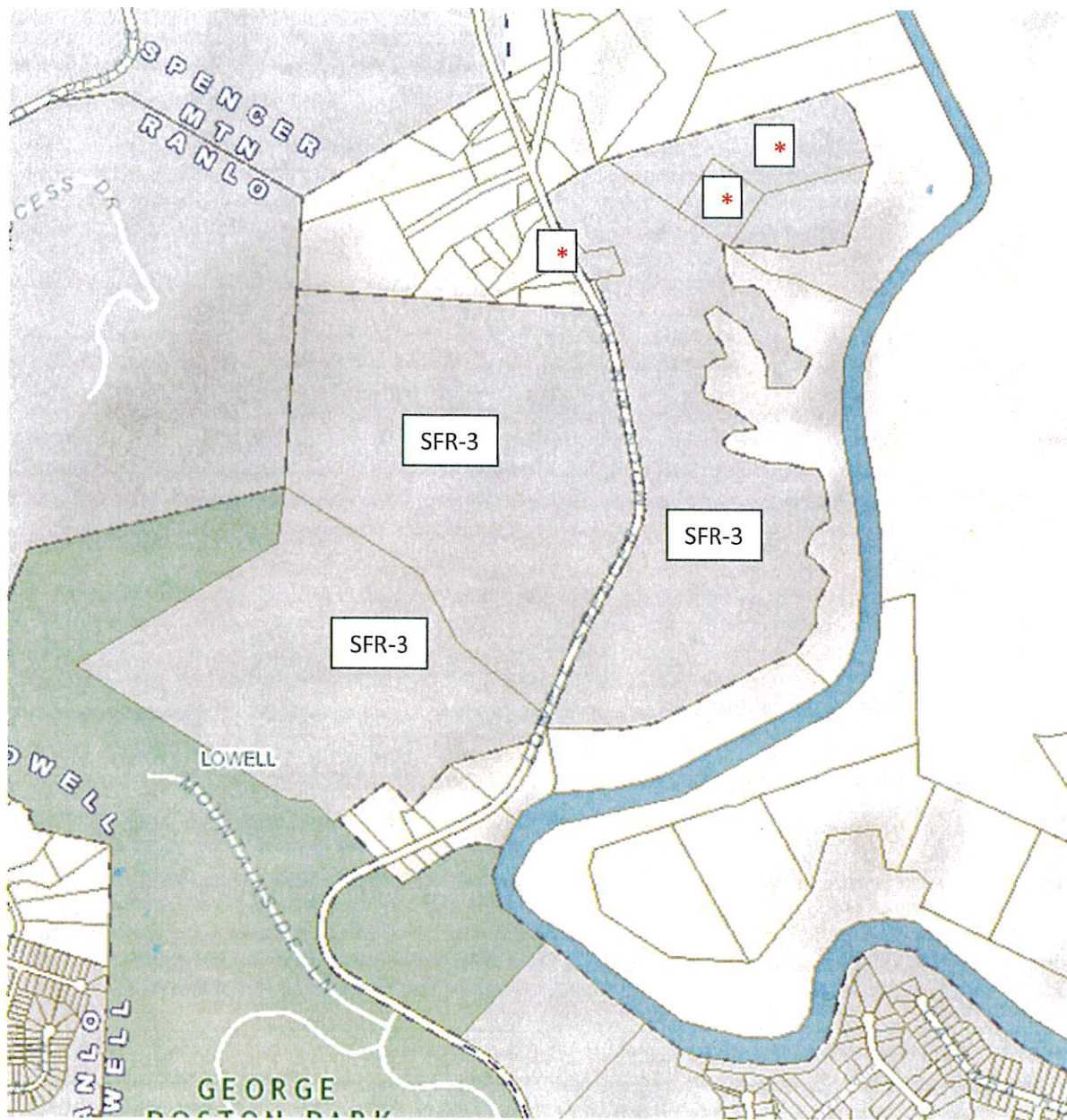
Applicant:	Bob Clay,
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 202166, 135144, and 210660
Property Size:	20.46
Current Zoning:	Single Family Limited R-1 (Gaston County)
Proposed Zoning:	Single Family Residential-4 (SFR-4)

### **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 on January 4, 2022.
- 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.
- Staff to install rezoning signage on the subject property prior to public hearing.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.

**Meeting Dates:**

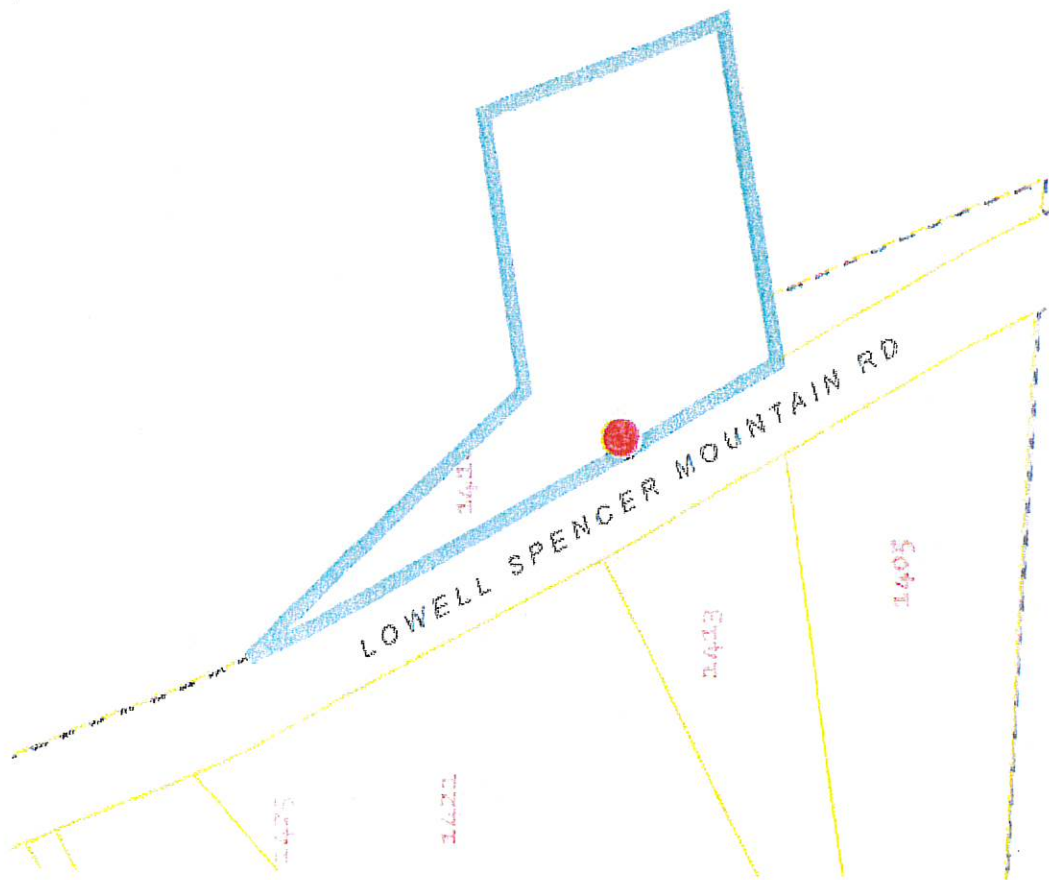
- September 2, 2021 Pre-filing Meeting
- October 5, 2021 Planning Board Review of Case # IZP21-02
- October 12, 2021 City Council set Public Hearing for November 9, 2021
- November 9, 2021 City Council to hold Public Hearing
  - Public Hearing was opened and continued to the December 14, 2021 Council Meeting at 6:00 p.m.
- December 14, 2021 Public Hearing was Continued to January 11, 2021 at 6:00 p.m.
- January 4, 2021 Neighborhood meeting was held in the City Council Chambers.

**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

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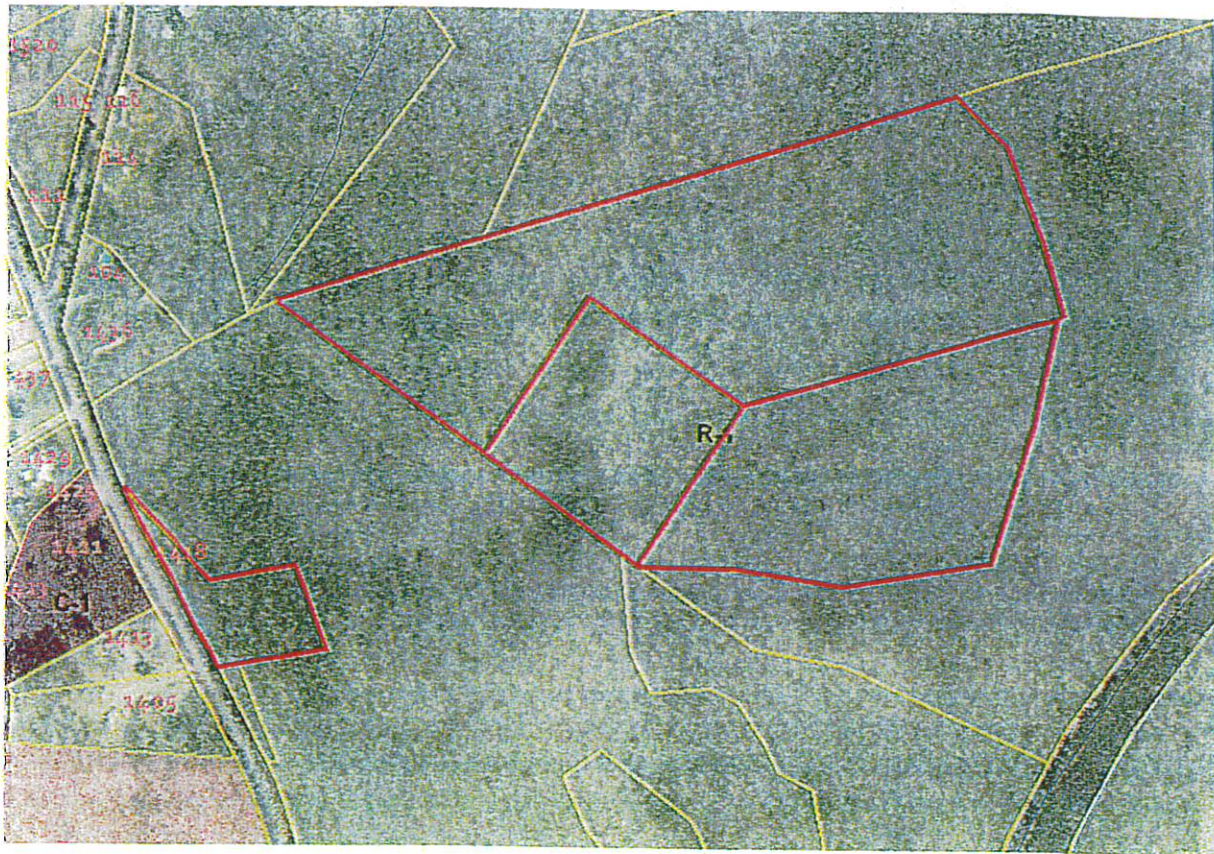
Daniel A. Davis  
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Gastonia, NC 28056-7841



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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

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### Proposals

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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**  
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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

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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

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Oct. 21, 28, Nov. 4, 11, 2021  
#6435519

### Public Notices

#### Notice of Public Hearing

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### 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. #OR2-2022**

### **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 11<sup>th</sup> day of January, 2022.

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Sandy Railey, Mayor

ATTEST:

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Scott Attaway, Deputy City Clerk

SEAL

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 7-D

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

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

To: Scott Attaway, City Manager  
From: Alex Blackburn, Planning Director  
Date: January 5, 2022  
RE: Rezoning Case #RZ21-04 containing Parcel #'s 136564, 202774 \*(202166, 210660, 135144 and 202167)\*.

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During their regularly scheduled meeting on December 14, 2021 the City Council set a Public Hearing for January 11, 2022 to hear and decide upon the Rezoning Case # RZ21-04. This will be in regard to a request for rezoning to coincide with the initial zoning of the recently annexed property. The rezoning request is for all parcels listed above, owned by Belmont Land & Investment Co., Parcel #'s 136564 and 202774 are the focus of this due to the remaining four parcels not having an established zoning designation under the Lowell Development Ordinance, yet.

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

At this time, the applicants have requested to temporarily pause the rezoning process in an effort to gather more information from surrounding property owners and conservation groups and to investigate possible conditions. This matter was then pulled from the Planning Board Agenda on January 4, 2022 and they have not been presented the topic for a determination.

## City of Lowell Planning Department – Staff Report

Applicant:	Bob Clay, Pulte Group
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 136564 and 202774
Property Size:	263.12
Current Zoning:	Single Family Residential-3 (SFR-3)
Proposed Zoning:	Single Family Residential-4 (SFR-4)/ Conditional District (CD)

### **REZONING CASE #RZ21-04**

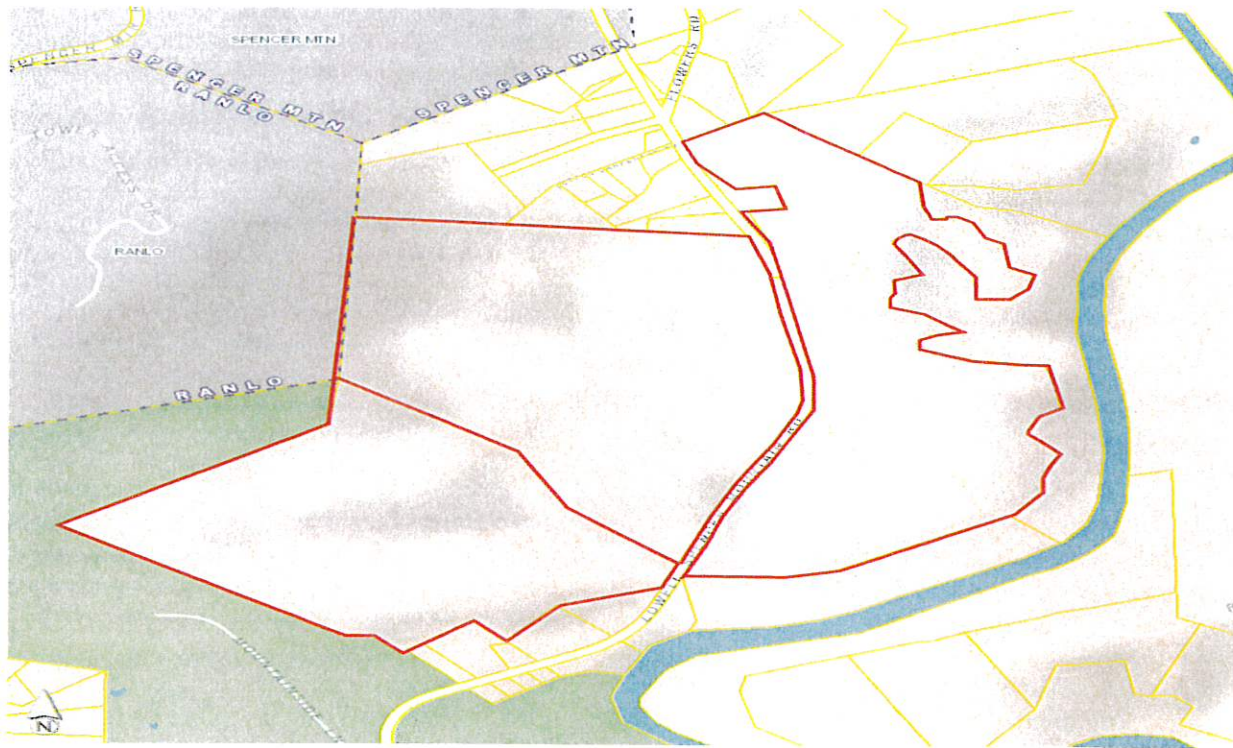
#### **Description:**

On August 10, 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-12 (Residential District) and R-1 (Single Family Limited) to the Lowell zoning designation of Single Family Residential-4 (SFR-4).

During the September 14, 2021 Council meeting it was voted on by members of the City Council that the property would be approved as Single Family Residential-3 (SFR-3) instead of the verbally requested Single Family Residential-4 (SFR-4) zoning designation.

At the October 11, 2021 City Council meeting the City Council heard and approved a signed Waiver of the Reapplication Period of Zoning Map Amendments for these two parcels.

The Pulte Group has put forth a request to change the zoning designation to Single Family Residential-4 (SFR-4)/Conditional District (CD). The SFR-4 district would allow for a maximum (in perfect conditions) of roughly 1,200 units to be placed upon the land. However, the developers are proposing the Condition District to limit themselves to 575 units.



### **Process:**

Staff received a rezoning request on November 15, 2021 but it was incomplete. It lacked the specifications of a Conditional Zoning District application showing the limited number of lots the applicant proposed to develop.

- 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.
- Filing of request.
- Filing of Public Hearing Consent Forms from Property owners represented in the rezoning.
- Lowell Planning Board Review of Case # RZ21-04 and recommendation to City Council.
- Staff to schedule with the City Council to set Public Hearing for their October 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.
- Staff to install rezoning signage on the subject property prior to public hearing.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.

### **Meeting Dates:**

- November 16, 2021 Procedural meeting with applicants

- January 4, 2022      Applicant to hold Neighborhood Meeting
  - Meeting was held but declared a preliminary neighborhood meeting and another will be held at a later date.
- January 4, 2022      Planning Board Review of case RZ21-04
  - Was scheduled but later retracted from the meeting's agenda at the request of applicants.
- December 14, 2021    City Council set Public Hearing
- January 11, 2022      City Council to hold Public Hearing

**Staff Comments:**

The current zoning of the two parcels is recorded as Single Family Residential-3 (SFR-3) and limits the development to no more than 3 single family residential units per acre with a minimum lot size of 11,600 square feet.

The requested zoning change to a denser Single Family Residential-4 (SFR-4) zoning district would allow for an increase to 4 single family residential units per acre with a minimum lot size of 7,800 square feet.

Both are found and defined as:

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

The addition of the Conditional Zoning District has been requested and is an allowable request in regards to the Lowell Development Ordinance that further explains the purpose of a Conditional Zoning District in Article 5, Section 5.4-1:

**Purpose.**

Conditional zoning is established in accordance with G.S. 160D-703(b) to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a Primary General Use District. Additional standards and regulations, mutually agreed upon in writing by the City of Lowell and the petitioner, may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans in accordance with the requirements of this section.



According to the site plan prepared by Pulte Group for this property, they are personally limiting their development to 575 units over 4 parcels, these two included, rather than the allowable ~1,200 that could reside in an SFR-4 district of this proportion. The applicants have also greatly increased the amount of green space/open space of what the Lowell Development Ordinance requires for a development of this size. In accordance with the Lowell Development Ordinance Article 11.8, any development with a parcel size greater than 10 acres is required to set aside a Tree Conservation Area to include six (6) acres. All trees four (4) inches or greater DBH that are located within the required planting yard or within twenty-five (25) feet of the side and rear property lines, whichever is greater. With this proposed development including several other parcels, they Pulte Group would be required to set aside 17.25 acres, in response, they have proposed in their preliminary plan to set aside 101.25 acres. In addition to the Tree Conservation Area, the Lowell Development Ordinance states in Article 21, Table 21.1, that Residential Uses/Districts are required to provide 5.0% of total subdivision project site area for Open Space (Any publicly dedicated or privately-owned area of land or water that is permanently preserved and maintained. Such an area may be predominantly in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.) At this time, this would require the developer to establish 14.50 acres of Open Space, they have proposed a total of 58.41 acres to be designated as Open Space.

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### AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 8-A

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

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



**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: Norris D Lamb, Jr Date of Application: 1/3/2022

Home Address: 1130 Catawba Rvn Rd., Lowell, NC 28088  
Street Address, City, Zip Code

Mailing Address (If different than above): SAA

Home Phone: 704-460-4211 CELL Business Phone: \_\_\_\_\_

Cell Phone (For City Hall Use Only): 704 460 4211

Email Address: ndlamb55@hotmail.com listwithlamb@gmail.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: 66 Male: ☒ Female: ☐

Occupation: RETIRED RN-HEALTHCARE EXECUTIVE/ CURRENT: REAL ESTATE BROKER

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: 14 Years 2 Months SINCE OCT. 2006

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**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 \_\_\_\_\_



### **Ethics Guidelines for City Committee / Boards**

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

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

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

**Applicant's Signature (Required)**

**By signing this document you have agreed to the above Ethics Guidelines**

4/3/2022

Date

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

**Please return form to:**  
**Lowell City Clerk, 101 W. First St., Lowell, NC 28098**  
**Or e-mail to [bharris@lowellnc.com](mailto:bharris@lowellnc.com)**  
**Phone (704) 824-3518**



**Norris D. Lamb, Jr.**  
**1130 Catawba Run Dr.**  
**Lowell, NC 28098**  
**Ph. 704.460.4211**  
**ndlamb55@hotmail.com**

#### **Executive Profile**

Equipped leader who creates strategic alliances with organization leaders to support key business initiatives, start-ups and acquisitions, responsible for multistate growth and 14 site locations

Accountable for \$22 million revenue, 22 sales staff and Area Sales Manager

Adept in building and retaining high performance teams by hiring, developing and motivating skilled professionals, marketing and sales training

Successfully managed and directed clinics and practices with 5-40 plus providers, 3 supervisors and over 50 ancillary staff

Skilled in asset protection, financial management, customer relations, referral development, brand marketing, value based outcomes and reduction of acute care hospitalizations

#### **Professional Experience**

##### **Premier South Real Estate**

**June 2021-Present**

Listing and selling commercial, residential, land, business brokering, consulting and market turn inspection services

##### **Partners Behavioral Health Management, INC.**

**October 2016-May 2018**

**RN Consultant Care Coordinator** responsible for providing comprehensive care coordination and monitoring (treatment planning case management) to individuals having a primary IDD, which may include a secondary mental health or substance abuse need. Providing a dynamic, proactive approach to assessment, monitoring and coordination of care, ensuring quality community supports and consistent adherence to waiver requirements.

##### **Piedmont Nurse Consultants, INC.**

**2015-Present**

**CoPartner and Independent Contractor** providing Medical Legal Consulting, to domiciliary-Assisted Living, skilled nursing facilities, legal and insurance firms, including Licensed Healthcare Plan Reviews for Adult Care Homes(Assisted Living Facilities), making recommendations for appropriate support services and follow up related to level of care, (ADLs)activities of daily living, medical needs and disease process, Level II PASRR evaluations, Case Coordination Behavioral Health Consultant, annual training for non-licensed healthcare employees, brand marketing and sales coaching

- Worked with one of the nation's largest Senior Adult ALF companies on rebranding facility acquisitions in 5 states during 2015

##### **Carolinis Realty**

**September 2015-June 2021**

Real Estate Broker licensed July, 2015 #286038. Listing and selling with commercial, residential, land and business brokering

- Top producer on company MLS Volume Ranking Report 2016-2020
- Number one Listing Agent 2016-present
- Received the Award of Excellence 2016, Rookie of the Year 2016, Platinum Performer and Million Dollar Award in 2017-2020.

##### **Amedisys Homecare and Hospice**

**July 2013-December 2014**

**Area Vice President of Business Development** responsible for developing and implementing strategic business development initiatives throughout North and South Carolina, supervising care transition coordination activities, patient education, reduction in ACH admissions, day-to-day business development operations. Acting behavioral health advisor i.e. medication review, disease management and in home safety

- Stabilized business development team in assigned area with 22 liaisons and Area Sales Manager covering 8 Homecare and 6 Hospice Care Centers
- Reintegrate specialty program strategy i.e. Balance for Life(vestibular) and LSVT(Lee

Silverman)

- Reached highest census of over 1500 for region in over a year
- 5 out of 5 Care Centers at or above 100% admission goal first time in over 12 months
- Region Finished Q1 at 103% first time in over a year
- Accountable for a combined Homecare and Hospice revenue of \$22 million
- Regional coverage responsibility expanded to all 8 NC Care Centers

#### **Liberty Homecare and Hospice**

**January 2007-April 2013**

**Western Area Sales Manager and Consultant** responsible for office's sales and marketing staff in North Carolina, South Carolina, and Virginia, strategic business plan development and implementation, startups, sales training, education and marketing collateral materials development, advertising, interfacing with C suite executives i.e. merger and acquisitions, preferred provider partnerships, transitional care initiatives, and consultant to care center operations

- Accountable for a combined Homecare and Hospice revenue of \$17 million
- Responsible for business growth, expanding sales team from 5 to 16 liaisons in 13 Homecare and 8 hospice locations
- Increased market presence in 4 markets and 8 counties
- Implemented intra company "Cluster Meetings" and increased intra-company referrals by 20%
- Reached all time high census in homecare of over 3800 and hospice census over 400 companywide and unduplicated admissions of 115% in 2012 over 2011
- Strategic oversight for 2 Care Center start ups and 1 acquisition in the western area
- Consultant to Care Center Operations i.e. staffing, productivity, increasing internal business revenue and income

#### **Carolinas Healthcare System**

**February 2005-January 2007**

**Director of Ambulatory Services** responsible for all daily operations of Internal Medicine, 12 sub-specialties, Resident program and 50 plus employees

- Increased space and staff utilization to expand ID, Sleep, Neurology and Endocrinology clinics
- Implemented Triage model utilizing TeleHealth improving phone triage and patient contacts, decreasing direct calls by 54%, less staff stress and increased staff performance
- Revised GI staffing model for smoother referral process and decreased no shows
- Initiated same day appointment process increasing patient flow and satisfaction

#### **Referral Development/Rehab Coordination and Liaison(Feb 2005-Sept 2005)**

- Achieved 109% referral growth in designated territories 1<sup>st</sup>-2<sup>nd</sup> Q 2005

#### **Gentiva Health Services, Savannah, GA**

**May 2004-February 2005**

**Branch Director/Administrator** responsible for all aspects of daily operations, sales, strategic planning, budget and P&L monitoring, filling the role of Director of Clinical Operations and Services, staffing, CQI, compliance of Medicare, Medicaid, state regulations and company policy, monitoring managed care, worker's comp contract cases, community awareness education activities and liaison between healthcare providers, staff and upper level management relating to clinical and fiscal issues

- Stabilized staffing to meet a productive company model
- Developed and implemented a strategic sales and marketing plan to ensure a daily presence in the market
- Initiated a therapy plan to support and market joint and vestibular programs

#### **Total Care, Inc., Gastonia, NC (Acquired by Gentiva Health Services) March 1997-December 2003**

**Area Sales Manager** (2002-2003) overseeing and directing the sales and marketing team in 13 offices and 3 states, coordinating sale and marketing strategies, training, advertisement, development of collateral materials, budgeting and special projects. Reporting to the VP/Director of Operations

**Branch Director** (1998-2002) responsible for organizing and managing all aspects of administrative, operational and clinical activities

- Successful implementation of Medicare PPS reimbursement process, OASIS training and application
- Increased referral base 300%, Census 200% and increased revenue every year while in the position
- Responsible for 40 plus employees including nursing, therapy, behavioral health and business development

#### **Education**

MA, DMin (Administration, Min.) Bethany Bible College, Dothan AL., 1991  
 BA, Trinity Baptist College, Jacksonville FL., 1987  
 BRE, Covington Theological Seminary and College, Rossville, Ga., 1981  
 AAS, Gaston College, Dallas, NC., 1980  
 Continuing education classes, East Carolina University

Graduated with High Honors from Trinity Baptist College, Named "Who's Who Among Students in American Universities and Colleges"

#### **Skills and Affiliations**

RN in North Carolina, HCFA Certified Psychiatric Nurse, Legal Nurse Consultant, Skilled in Acute Care and Behavioral Health practice  
 Founding partner of Piedmont Nurse Consultants, INC., Founder of Norris Lamb, INC.  
 NC DFS approved Adult Care Home Training Provider  
 Adjunct Instructor for Lorman Educational Services, Author of "Dealing with Borderline Personality and Addictive Behaviors"  
 Acting Behavioral Health and Medical Legal Consultant to domiciliary, skilled nursing facilities, legal and insurance firms, Level II PASRR evaluator  
 Consulting speaker to business and community groups for personal and professional development and growth  
 TRLA-Triad Retirement Living Association  
 LINC-Lesson in Network Communications  
 AHHC-NC  
 NAR, GAR, NC Real Estate Broker  
 Completed Lowell Municipal Government Citizen's Academy

#### **Military**

US Navy 1974-1978

**References on request**

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 8-B

**DESCRIPTION:** CONSIDERATION OF AMENDING THE FY 22-23 BUDGET  
CALENDAR

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Due to scheduling conflicts with our facilitator for the budget planning retreat, it is proposed that we change our February 10<sup>th</sup>, 2022 budget planning retreat to February 11<sup>th</sup>, 2022. Please see the revised budget calendar.



## Budget Calendar FY 2022-23



January	<ul style="list-style-type: none"><li>▪ Manager and Department Heads meet to formulate goals by department to accomplish for the upcoming fiscal year</li><li>▪ Department Capital Budget Requests Due to Manager</li><li>▪ <b>January 25</b> – City Council Planning Retreat</li></ul>
February	<ul style="list-style-type: none"><li>▪ Prepare Revenue Projections and Baseline Budget</li><li>▪ <b>February 7</b> – Department Budget Requests Due to Manager</li><li>▪ <b>February 11</b> – City Council Planning Retreat</li></ul>
March	<ul style="list-style-type: none"><li>▪ <b>March 2</b> – City Council Work Session</li></ul>
April	<ul style="list-style-type: none"><li>▪ <b>April 6</b> – Optional work session if needed</li></ul>
May	<ul style="list-style-type: none"><li>▪ <b>May 11</b> – Manager to present balanced budget to City Council and make available for public inspection</li></ul>
June	<ul style="list-style-type: none"><li>▪ <b>June 14</b> – Public Hearing for 2022-23 Budget (Possible Adoption)</li><li>▪ <b>June 21</b> – Special Meeting to adopt budget if not adopted at the June 14<sup>th</sup> regular meeting</li></ul>

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## AGENDA ITEM INFORMATION

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**AGENDA ITEM #:** 8-C

**DESCRIPTION:** RESOLUTION APPROVING USE OF ARPA FUNDS FOR  
MONTCROSS EMERGE INITIATIVE AND ARPA UPDATE

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During the regular June 2021 City Council meeting, Montcross Chamber President Marc Jordan, gave a presentation regarding the Emerge Initiative. This is a targeted community and economic growth initiative focusing on Belmont, Cramerton, Lowell, McAdenville, Mount Holly, and Stanley as we emerge from the COVID-19 Pandemic. Specifically, the Emerge will focus on (1) Providing Marketing and Communications support to local governments and small businesses, (2) Support Small Business Recovery and Growth, (3) Attract and Promote Remote Workers, and (4) Promote and Support Health and Social Impact.

Other neighboring municipalities have indicated their support for the initiative by providing varying levels of financial support. City Council approved supporting this endeavor with a portion of the anticipated American Recovery Plan funding in the amount of \$10,000 in the July 13, 2021 meeting. Since then, staff has been working to draft a sub-recipient monitoring agreement so that expectations of the use of the funds are consistent with the U.S. Treasury's guidance. I am attaching a resolution for the Council's approval regarding this approval of funds.



**RESOLUTION AUTHORIZING THE USE OF AMERICAN RESCUE PLAN FUNDING  
FOR THE MONTCROSS EMERGE SMALL BUSINESS ASSISTANCE PROGRAM**

**WHEREAS**, the COVID-19 pandemic created an economic crisis in 2020 that negatively impacted small businesses in Lowell and across the United States; and

**WHEREAS**, President Joseph Biden signed the American Rescue Plan Act (ARP) into law on March 11, 2021 to assist with speeding up the recovery from the economic and health effects from the COVID-19 pandemic; and

**WHEREAS**, the ARP provides funding for local governments to use in accordance with guidance from the US Treasury Department; and

**WHEREAS**, the Interim Guidance from the US Treasury Department allows ARP funding to assist small businesses through “technical assistance, counseling, or other services to assist with business planning;” and

**WHEREAS**, the Montcross Area Chamber of Commerce has requested \$10,000 in ARP funding to assist small business recovery from the negative economic impacts of COVID-19 through its Montcross Emerge program; and

**WHEREAS**, the Montcross Emerge program provides services to small businesses in accordance with the Interim Guidance from the US Treasury for ARP expenditures;

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Lowell that the city manager is authorized to execute an economic development agreement with the Montcross Area Chamber of Commerce for its Montcross Emerge program using \$10,000 of the City of Lowell’s ARP funding.

Approved this 11<sup>th</sup> day of January, 2022.

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Sandy Railey, Mayor

ATTEST:

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Scott Attaway, Deputy City Clerk

## **Public Works**

### **Monthly Report**

**December 2021**

- Street Dept. staff worked to keep the city clean and decorations working.
- NCDEQ completed the Lowell annual water system audit/inspection. No deficiencies were found.
- NCDWR completed the collection system annual inspection. A lift station alarm malfunction and a high-level float was found to need changed at two lift stations.
- 6 inch water main break at Wilkinson Blvd and Westover Dr.
- 2 inch line break at Oakland Street.
- 2 inch line break on Dogwood Rd.
- 2 inch main break at Ethelyn Ave.
- Storm water crews worked to keep leaves cleared from curbing curbs and catch basin covers.
- City crews installed a 1.5 inch water service on Lineberger Rd for the North Point Development.
- City staff worked with developers on N. Main regarding River Heights Subdivision.
- Sewer department employees worked on visual inspections and quarterly sewer line maintenance on outfall lines.
- Staff worked this month towards the completion of the Risk Management Assessment and Emergency Action Plan.



To: Scott Attaway, City Manager  
From: Alex Blackburn, Planning Director/Code Enforcement  
Date: January 5, 2022  
RE: Monthly Department Update

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### **Code Enforcement**

For the month of December, 2021, the Code Enforcement Office responded to 4 complaints and reports of violations ranging from Bulk Items left at the roadway to Minimum Housing investigations alongside the Gaston County Building Inspectors.

Most issues have been addressed and in their various stages of abatement.

### **Zoning:**

The Zoning Department has issued several permits involving Plat Re-combinations, non-res. Development, and several verifications letters regarding zoning requirements around the City of Lowell.

During the December City Council Meeting, two parcels of land previously annexed into the corporate limits of the City of Lowell identified as George Poston Park were successfully given the Initial Zoning Designation of Civic (CIV) in regards to the Lowell Development Ordinance.

A Public Hearing has been scheduled and advertised appropriately for the Zoning Text Amendment requested in response to Session Law 138, and its impact on penalties for violations of the Lowell Development Ordinance. This hearing will be opened on January 11, 2022.

Continuations of the Initial Zoning Designation for Parcels 210660, 202166, 135144 and 202167 were again continued to the January 11, 2022 at 6:00 p.m. in the Council Chambers of City Hall.

### **Planning:**

The Lowell Planning Board met on December 7<sup>th</sup>, 2021 and discussed the amendments proposed due to Session Law 138. They reviewed and voted in unanimous agreement to recommend the changes to the City Council for approval.

The City Council also appointed Mr. David Jennings to the Planning Board/Board of Adjustment/Stormwater Committee. This brings the number of members to 6 considering that Mr. Travis Smith has vacated his seat upon his election to the Lowell City Council.

Staff is working diligently with the ongoing developments known as River Heights, Lowell Woods, and Pulte Group as they begin the various processes of work in our City. Phase 1 of

River Heights is underway along N. Main Street with the site prep and installation of 50 townhomes on this site.

**Stormwater:**

The Stormwater Committee/Environmental Committee is continuing discussions and research to evaluate possible credit/exemption criteria for our stormwater fees to better promote Stormwater Control Measures (SCM's). As stated previously, this would allow property owners with appropriate measures in place with regularly scheduled inspections and maintenance by certified personnel to be given partial exemption on their stormwater fee depending upon the measures in place. Again, this is a lengthy process and updates will be provided as they come along.

## POLICE DEPARTMENT DECEMBER UPDATE

December brought a sharp increase in call volume from past months in 2021. Lowell Police officers recorded 515 calls for service for the month, a 24% increase from November. December 2021 also saw increases compared to 2019 and 2020. Up 16% from Dec. 2019 and 30% from Dec. 2020. The steady increase can be seen in the yearly call volume as well. Total for 2021 calls was 6,464 compared to 4,778 in 2019 and 4,972 in 2020. That's an increase of 35% over the past 2 years! The 2 roster positions added in this year's budget will be a huge help to the police department as we experience this growth.

This month the LPD officers conducted 94 traffic stops resulting in a large number of state citations being issued. The Governor's Highway Safety Program also conducted their annual DWI campaign over the holiday. The LPD posted numbers and contributed to that campaign in all 3 weeks this year. 31 Traffic collisions investigations were conducted throughout the city limits. Officer charged 13 Misdemeanors and 25 Felony some of those were traffic related.

Each year, every sworn officer is required by the state to complete 24 hours of mandatory training. All officers completed their required training within the time frame totaling 240 for our PD. This does not include many more hours completed by officers that are not required yearly.

We completed our annual food drive this month and made large donations to Crisis Assistance Ministries and B.R.E.A.D.

All 3 patrol vehicles that were included in this year's budget have been delivered and will be in service very soon.

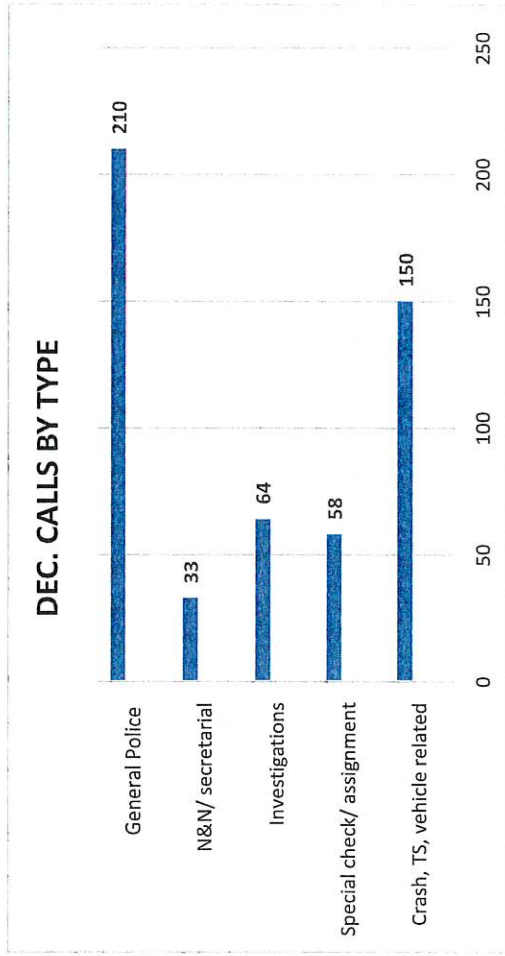
All equipment that was awarded to the City through the Governor's Crime Commission grant has been ordered. This includes 2 computers for patrol cars, 2 portable communications radios, 1 mobile communications radio and 2 complete sets of mounting equipment for communications equipment in the patrol cars.

**POLICE REPORT DECEMBER 2021**

Grouped call type	Value
Crash, TS, vehicle related	150
Special check/ assignment	58
Investigations	64
N&N/ secretarial	33
General Police	210

**Monthly calls December 2019-2021**

2019	441
2020	395
2021	515





## **Parks and Recreation**

### **December 3-January 6 Monthly Report**

#### **Events and Programs**

Trees at the Track – Promoting the event by spotlighting organization's trees throughout the month on facebook and instagram. Communication with organizations on January 3 with instructions for undecorating trees. Clean-up from the wind and storms we had on January 2. Removed decorations from art classes trees and Parks and Recreation trees. Removed lights from 20 trees to store for next Trees at the Trees event.

Christmas Parade – communication with parade applicants and vendors. Marking off distance between driveways for new parade line-up area, communication with residents in new line-up area. Cancellation of parade due to storms and getting information out through a variety of sources including blackboard, email, website, & social media.

Holiday Decorations Contest – accepting nominations, driving around town looking for additional nominations, taking photos and videos of all nominations, bringing to LCC for judging. Picking up gift cards and ordering yard signs for winners. Taking photos of storefronts, posting People's Choice contest for businesses on facebook. Taking winner's yard sign and gift card to winner's homes and businesses.

#### **Athletics**

Communications with area Parks & Recreation departments about joint leagues.

Supervising practices.

Sorting uniform sizes by team. Getting quote and ordering. Communication with Woodlawn about league questions and schedules.

#### **General**

General communications answering inquiries via phone, social media, email

Picking up trash

Social media postings and website updates

LCC meeting preparation and LCC meeting

Creation of PowerPoint for Citizen's Academy & presented for Citizen's Academy presentation

Coding invoices and updating budget spreadsheet

Updating sign at Harold Rankin

Researching website options

IT meeting with DesignTech and other departments

# Lowell Volunteer Fire Department

Lowell, NC

This report was generated on 1/1/2022 8:12:31 AM



## Incident Type Count per Station for Date Range

Start Date: 12/01/2021 | End Date: 12/31/2021

INCIDENT TYPE	# INCIDENTS
<b>Station: 17 - STATION 17</b>	
100 - Fire, other	1
114 - Chimney or flue fire, confined to chimney or flue	1
118 - Trash or rubbish fire, contained	1
121 - Fire in mobile home used as fixed residence	1
151 - Outside rubbish, trash or waste fire	3
311 - Medical assist, assist EMS crew	3
320 - Emergency medical service, other	1
322 - Motor vehicle accident with injuries	8
324 - Motor vehicle accident with no injuries.	3
400 - Hazardous condition, other	1
412 - Gas leak (natural gas or LPG)	1
500 - Service Call, other	2
511 - Lock-out	1
551 - Assist police or other governmental agency	1
600 - Good intent call, other	1
611 - Dispatched & cancelled en route	10
622 - No incident found on arrival at dispatch address	2
651 - Smoke scare, odor of smoke	1
700 - False alarm or false call, other	2
711 - Municipal alarm system, malicious false alarm	4
900 - Special type of incident, other	1

# Incidents for 17 - Station 17:

49

Only REVIEWED Incidents included.



emergencyreporting.com

Doc Id: 867

Page # 1 of 1