



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, March 9, 2021, 7:00 P.M.**

- 1. CALL TO ORDER** – Mayor Sandy Railey
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**
 - A. Minutes from Council Meeting Held February 9, 2021 (p. 1-5)
- 6. NEW BUSINESS**
 - A. Evidentiary Hearing to Consider Special Use Permit SUP21-01 regarding a Solid Waste & Septic Tank Vehicle Storage Facility (p. 6-31)
 - B. Public Hearing for Proposed Amendment to Lowell City Council Rules of Procedure (p. 32)
 - C. Consideration of Amendment to Section 9.1 of the City of Lowell Utility Billing Policy (p. 33-34)
 - D. Pavement Condition Survey (PCS) (p. 35)
- 7. STAFF REPORTS**
- 8. CITY ATTORNEY REPORT**
- 9. CITY MANAGER REPORT**
- 10. MAYOR AND CITY COUNCIL GENERAL DISCUSSION**
- 11. CLOSED SESSION**
 - A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)
- 12. ADJOURN**

MINUTES

Lowell City Council

Regular Meeting

Tuesday, February 9, 2021, 7:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey (remote conference participation) called the meeting to order at 7:00 p.m. Those attending in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, Councilmember Shane Robinson, City Manager Scott Attaway, City Attorney John Russell, Finance Officer Jared Pyles, Planning Director Alex Blackburn, Public Works Director Thomas Shrewsbury, and City Clerk Beverly Harris. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website due to COVID-19 restrictions.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Mayor Railey stated the agenda needed to be amended to add under Section VII. Unfinished Business, Item B to consider selection of legal services for the CDBG-NR grant.

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

IV. PUBLIC COMMENTS

Ms. Hannah: Expressed concern of lack of staff notifications when her water service was cut off due to non-payment in January.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held January 12, 2021

Councilmember Ervin made a motion to approve the minutes from the January 12, 2021, followed by a second from Councilmember Funderburk. The vote was unanimous.

VI. SPECIAL PRESENTATION

A. Proclamation in Recognition of the Month of February as Black History Month

Councilmember Gillespie read the Proclamation aloud. Councilmember Ervin made a motion to approve the Proclamation recognizing February as black history month, followed by a second from Councilmember Gillespie. The vote was unanimous.

VII. UNFINISHED BUSINESS

A. NCDEQ MS4 Permit-Stormwater Notice of Violation and subsequent Stormwater Management Plan Submittal Status/Public Notice Period

Mr. Scott Attaway gave Council and update on the draft Stormwater Management Plan submitted to NC DEQ. Mr. Attaway stated the city received a notice of violations in a NC DEQ audit and review in 2020 and the City started developing the required Stormwater Management Plan. Mr. Attaway stated the plan is approved by NC DEQ and we are now going through the required public comment period. The draft plan has been placed on the city's website, and advertising has been put in place urging the public to familiarize themselves with the plan.

B. CDBG-NR Legal Services

Mr. Scott Attaway stated with the CDBG grant procurement policies, the City of Lowell solicited proposals for legal services to complete title searches and other related legal services for the CDBG-NR grant. Mr. Attaway stated staff received three proposals from local attorneys: Mullen Holland & Cooper, David W. Smith, and Hance & Hance. Mr. Attaway presented the proposals and the rating scale which included title search fees, hourly rates for related services, years of service, and familiarity with the CDBG program. Staff's recommendation was to select John Russell with Mullen Holland & Cooper for legal services on the CDBG-NR grant.

Councilmember Robinson made motion to select John Russell with Mullen Holland & Cooper for legal services on the CDBG-NR grant, followed by a second from Councilmember Gillespie. The vote was unanimous.

VIII. NEW BUSINESS

A. Proclamation in Memory of Dan D. Blair

Mayor Railey read the Proclamation aloud. Councilmember Funderburk made a motion to approve the Proclamation in memory of Dan D. Blair, followed by a second from Councilmember Ervin. The vote was unanimous.

B. Proclamation in Memory of Billie Taylor

Mayor Railey read the Proclamation aloud. Councilmember Funderburk made a motion to approve the Proclamation in memory of Billie Taylor, followed by a second from Councilmember Gillespie. The vote was unanimous.

C. Gaston 2040 Vision Project Presentation – David Williams, Gaston Together/Gaston County Strategic Planning

Members of Gaston Together/Gaston County Strategic Planning gave a presentation to Council for the Gaston 2040 Vision Project.

D. Schedule public hearing for Proposed Amendment to Lowell City Council Rules of Procedure

Mr. Scott Attaway proposed to change the Council monthly regular meeting starting hour in the Lowell City Council Rules of Procedure from 7:00 pm to 6:00 pm.

Councilmember Ervin made a motion to schedule a public hearing March 9, 2021 for the proposed amendment to the Lowell City Council Rules of Procedure, followed by a second from Councilmember Gillespie. The vote was unanimous.

E. Presentation and Possible Adoption of the FY21-22 Budget Calendar

Mr. Scott Attaway presented the FY21-22 budget calendar for possible adoption.

Councilmember Bonham made a motion to adopt the FY21-22 budget calendar as presented (attached), followed by a second from Councilmember Funderburk. The vote was unanimous.

F. Set Special Meetings for February 18, 2021 and March 5, 2021 for Council Planning Workshops

Councilmember Ervin made a motion to set special meetings for February 18, 2021 (1:00-5:00pm) and March 5, 2021 (9:00-12:00pm) located at the Gaston County Police – Randy Pendleton Community Room for Council FY 2021-2022 budget and city planning workshops, followed by a second from Councilmember Funderburk. The vote was unanimous.

G. Resolution to Authorize the Sale/Disposition of Surplus Personal Property

Mr. Scott Attaway stated staff proposes to sell/dispose of personal surplus property described as: 2012 Dodge Charger VIN#2C3CDXAT1CH147919 with mileage of 71,940. Mr. Attaway presented the Resolution for the proposed sell/disposition by private sale to Council for consideration.

Councilmember Funderburk made a motion to approve the Resolution authorizing the sale/disposition by private sale of the 2012 Dodge Charger, followed by a second from Councilmember Ervin. The vote was unanimous.

IX. STAFF REPORTS

Mr. Scott Attaway gave updates on the following:

Planning Department: All articles of the new Lowell Development Ordinance (LDO) have been reviewed by the Planning Board. The Planning Board will make their recommendations on the LDO and the Comprehensive Land Use Plan to Council in March or April.

Public Works: The new pumps for the River Falls and Preston Place have been installed. The Streets and Sanitation departments have been busy with projects around town. Four water main leaks were fixed in January. The new bulk pick-up policy and schedule have been pushed out to citizens via social media and the newsletter.

Police Department: The January police report was reviewed. The department received and are wearing their new outer carriers. The officers are very pleased with the carriers. The department has applied for a \$21K grant with a zero match for electronics for new patrol vehicles. They are also continuing to work towards the Governor's Highway Safety program grants.

Finance: The budget to actual report was reviewed.

Parks & Recreation: The spring sports program are being scheduled. Upcoming February and March senior events were discussed. The Lowell Community Committee will be meeting February 28 at the cemetery to begin their study of ways to manage it and create a policy for the city.

X. CITY ATTORNEY REPORT

The City Manager John Russell had nothing new to report.

XI. CITY MANAGER REPORT

Mr. Scott Attaway gave updates on the following items:

- Utility Billing Policy
- Two Rivers Utilities in Gastonia will have a 5% water increase next year.
- Staff sent letter to all Lowell businesses signed by Mayor letting them know about loans available during COVID-19 through governmental and county agencies.
- The FY2020-2021 audit was submitted on-time and approved by the LGC.
- MPO updates: I-85 widening back on schedule and replacement of Hwy 74 bridge.
- Silverline meetings coming soon. Council urged to attend.

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Ervin, Councilmember Funderburk, Councilmember Gillespie and Mayor Railey thanked staff.

Councilmember Funderburk asked for an update on cross walk projects in town and expressed how much she liked the latest newsletter.

XIII. CLOSED SESSION

A motion was made at 8:52 pm by Councilmember Funderburk to go into Closed Session in accordance with provisions of NCGS 143-318.11, followed by a second from Councilmember Ervin. The vote was unanimous.

The Council reconvened from Closed Session at 9:19 pm.

XIV. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, followed by a second from Councilmember Ervin. The vote was unanimous. The meeting ended at 9:20 pm.

ATTEST:

Mayor, Sandy Railey

City Clerk, Beverly Harris

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-A

DESCRIPTION: EVIDENTIARY HEARING TO CONSIDER SPECIAL USE PERMIT SUP21-01 REGARDING A SOLID WASTE & SEPTIC TANK VEHICLE STORAGE FACILITY AT 518 OAKLAND DRIVE LOWELL NC

An application for a Special Use Permit has been filed with the Planning Department regarding the property located at 518 Oakland Drive (PID# 220488). Table 7.1-1 of the Lowell Unified Development Ordinance states that the land use of a *solid waste and septic tank vehicle storage facility* cannot be issued without first conducting a quasi-judicial hearing following the conditional use/special use permit process. The Planning Director has provided the following staff report and application of SUP21-01 for your review.

City of Lowell Planning Department – Staff Report

CASE # CUP 21-01

Applicant:	Steed Story, SCS Disposal, LLC
Property Owner(s):	MGCG Properties LLC.
Property Location:	518 Oakland Drive
Property Size:	2.17
Current Zoning:	I-2
Proposed Zoning:	Conditional/Special Use Permit

Description: On September 28, 2020 staff received a Conditional/Special Use Permit request from Mr. Steed Story to allow for the acquisition and usage of structures on the property for the purpose of Solid Waste and Septic Tank Vehicle Storage Facility.

Process

Staff received the application and scheduled the Conditional/Special Use Permit to be reviewed at the next available Lowell Planning Board meeting.

- Staff scheduled with the City Council to hold an evidentiary hearing for their March 9, 2021 meeting.
- Staff posted a zoning sign on the subject property prior to the evidentiary hearing in accordance with the Lowell UDO on February 25, 2021.
- Notices of adjoining property owners sent prior to the public hearing by staff on February 25, 2021.

Meeting Dates:

- February 2, 2021 Planning Board to consider CUP/SUP21-01.
- March 2, 2021 Planning Board continued the review process and voted 3-2 in favor of permit.
- March 9, 2021 City Council to hold the evidentiary hearing on CUP/SUP21-01.

Purpose of Conditional/Special Use Permit:

There are many uses identified in the Use Table 7.1-1 that are “uses by right” and that are allowed “by right” in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are “conditional uses” and are subject to the issuance of a conditional use permit. The purpose of having conditional uses is to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as “uses by right” but now are allowed subject to a conditional use permit. For these uses, any expansion or modification to the uses would be subject to the issuance of a conditional use permit.

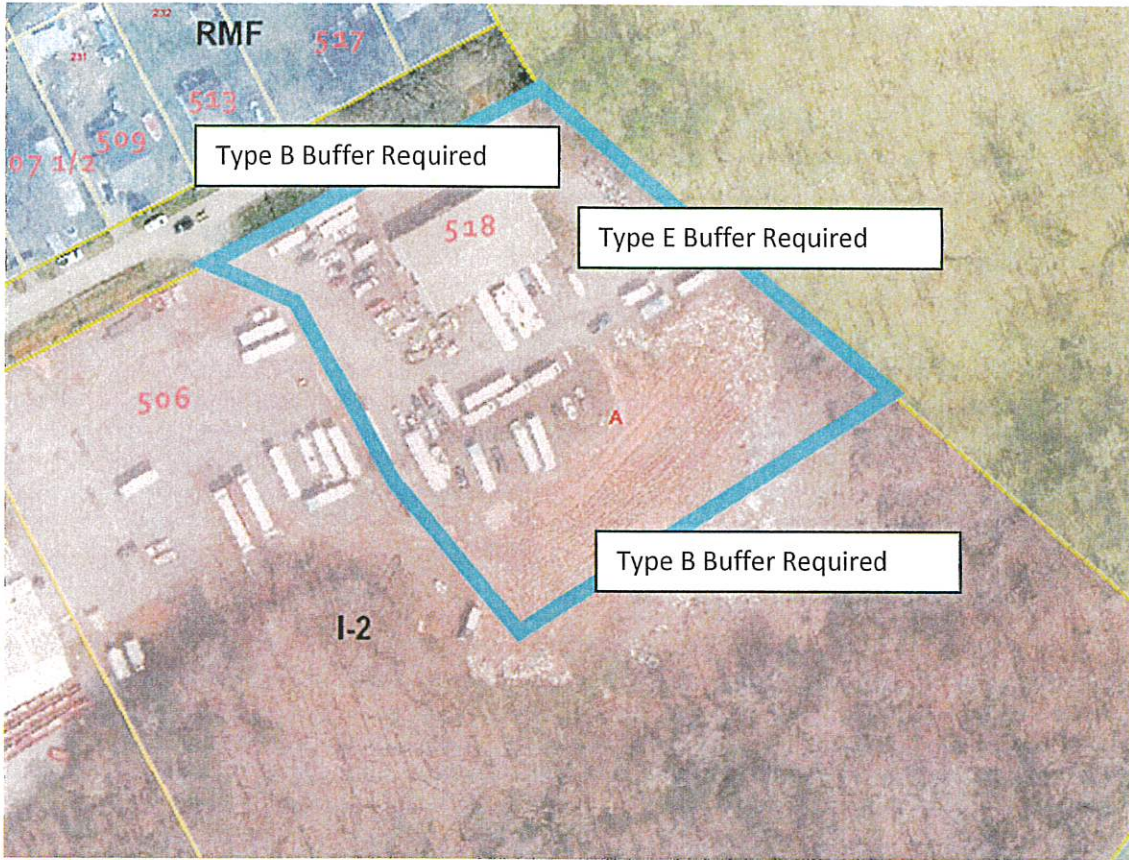
I-2 GENERAL INDUSTRIAL

The I-2 General Industrial District is primarily intended to provide for areas of heavier manufacturing and industrial uses that are properly sited, based on such factors as: adjacent land uses, access to the transportation network, and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-2 zoned districts shall be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The I-2 district is established in order to provide sites for activities that involve major transportation terminals, and manufacturing facilities that have greater impact on the surrounding area than industries found in the I-1 district. I-2 districts shall generally not be located adjacent to any property that is zoned for residential use, except when mitigating factors (i.e., terrain, buffering, and transportation access) are in place to substantively mitigate any potential negative impacts upon such residential areas caused by uses in the I-2 district subsequent to the adoption of this Ordinance shall be located so as to have direct access to or lie in close proximity of a principal or minor arterial.

Per Lowell UDO § 8.3.16 regarding Solid Waste & Septic Tank Vehicle Storage Facility Supplemental Conditions

- All vehicles and equipment associated with the operation must be located in the rear yard and be materially screened in accordance with Chapter 11.
- When abutting non-industrial districts, a minimum of a fifty (50) foot setback from all property lines must be maintained for all vehicles and equipment associated with the operation.
- Major repairs to vehicles and equipment associated with the operation shall not be allowed.
- When abutting residential districts, hours of operation shall be between 7:00 AM to 7:00 PM, Eastern Standard Time, Monday through Saturday.
- No solid waste or septic waste shall be allowed on site for more than twenty-four (24) hours.

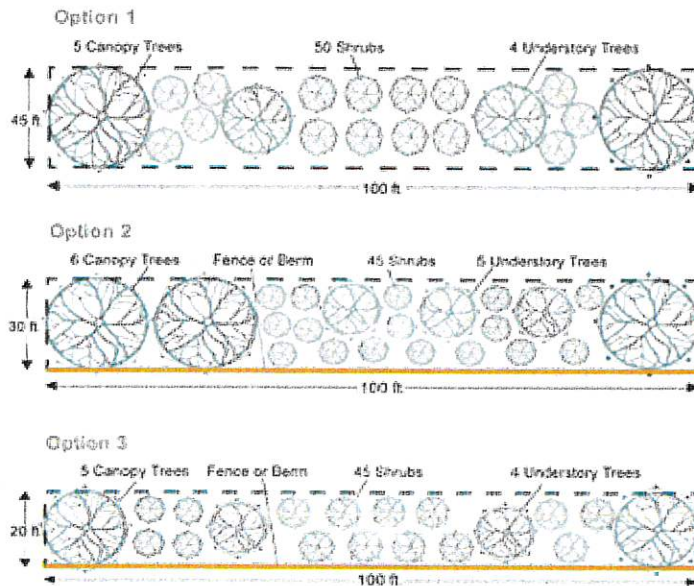




Per Ordinance § 11.3.2(A)(1) in reference to the side adjacent to George Poston Park.

- When a lot is in an Industrial District abutting a lot in a Residential District, screening must be provided on the Industrial lot in the form of a Type E Screen/Buffer.

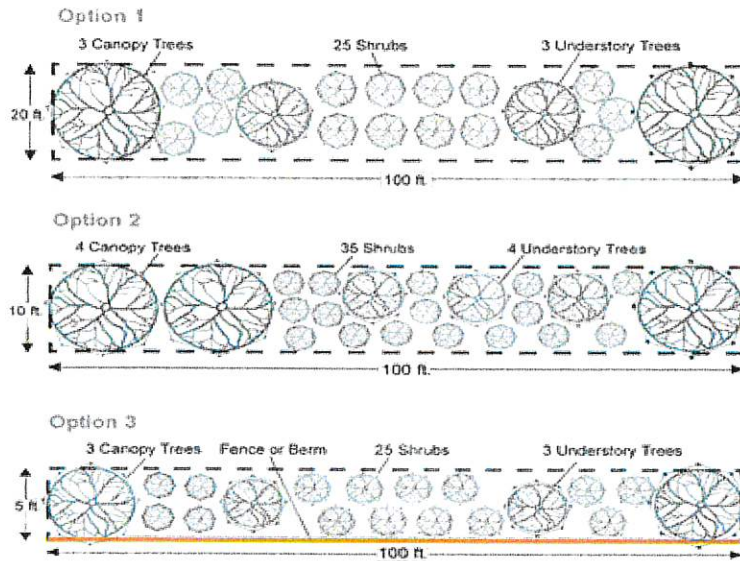
Type E Buffer Yard



Per Ordinance § 11.3.2(B) in reference to the front and rear of the property.

- When the front yard of a lot developed in an Industrial District is located directly across a public street from a Residential District; screening, at a minimum, must be provided on the Industrial lot at a minimum in the form of a Type B Screen/Buffer. In lieu of said screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least one hundred (100) feet from the edge of the road right-of-way.

Type B Buffer Yard



11-10

Per Ordinance § 11.1.2 (B) regarding Landscape Plans

- Landscape materials shall be planned and installed in conformity with an approved landscaped plan. Such landscape plan shall accompany any application for site plan approval (refer to Section 5.2). Approval of a site plan shall indicate that the requirements of this Chapter, as well as other applicable provisions of this Ordinance among others, have been met. If a specific use or development plan requires review and approval by the governing board, Board of Adjustment or another approval body, the landscaping plan shall be submitted as part of such plan or application. The landscaping plan shall be drawn at such scale to enable the Administrator (or other approval body) to clearly determine whether or not the proposed buffers or landscaped areas shown are in compliance with this Chapter.

Per Ordinance § 11.1.2 (G) regarding Easements and Rights-of-Way

- Any planting that is proposed to be placed in a general drainage and utility easement or in a street right-of-way to conform to the provisions of this Chapter must first be approved by the City and / or NCDOT in conjunctions with site plan approval. In all such instances, the location of the affected rights-of-way must be shown on the site plan.

Per Ordinance § 11.6 regarding Open-Air Storage Buffering

- A. Within all zones, except for residential uses in Residential zones, buffering shall be required for the open storage of any goods, materials, products, wastes or equipment that is visible from any adjacent Residential zone and/or any public street. Excluded from such requirement are the following displays of items for sale: outdoor in-service vending machines; fresh produce; Christmas trees; live plants; bagged ice in freezers; firewood in sales bins, tanks of propane in exchange racks; other retail goods left outside during business hours only; vehicle sales lots, trailers and other equipment capable of being towed on a roadway sales lot, manufactured or modular home sales lots; and storage buildings prefabricated to building codes. Retail goods that are left outside overnight and that can be readily carried without the assistance of a moving device [i.e., be less than fifty (50) pounds in weight] shall also be excluded from the buffering requirement.
- B. In addition to the above, all uses that store heavy equipment outdoors on a regular basis (e.g., bobcats, graders, and other such heavy equipment) shall provide such a buffering.
- C. Buffering for storage areas one (1) acre or less in size shall consist of any one (1) or more of the following: (i) a wall or opaque fence meeting the requirements of Section 11.3.5(F); or (ii) a Type C Buffer or greater.
- D. If the storage area is greater than one (1) acre in size, screening shall consist of Type D Buffer or greater in addition to the fence or wall. Such planted strip shall be on the exterior of the wall or fence.

Staff Comments:

This property is currently bordering the Gaston County owned-property, George Poston Park, on the eastern side and is located south of residential homes, (RMF) district. To the west, there is Industrial zoned property and an existing Griffin Waste site.

Conditions Recommended:

- Agreed upon landscape plan be followed exactly and installed before site may be occupied with proposed use.
- The use shall conform to all Local, State, and Federal regulations.

Adjoining Property Identification

**1101 LOWELL SPENCER MOUNTAIN RD, GASTONIA, NC 28056/Poston Park;
Gaston County
Mailing Address: PO BOX 1578, GASTONIA, NC 28053
ID: 148012
Use: Exempt/Park Land**

**506 OAKLAND DR, LOWELL, NC 28098:
IB VENTURES INC
Mailing Address: PO BOX 464, LOWELL, NC 28098
ID: 220489
Use: Industrial**

**519 OAKLAND DR, LOWELL, NC 28098:
MONDRAGON, DIANA
Mailing Address: 822 OAK ST, CHARLOTTE, NC 28214
ID: 127189
Use: Residential**

**517 OAKLAND DR, LOWELL, NC 28098:
LAYEL, TONY EUGENE
Mailing Address: 502 CHURCH ST, MT HOLLY, NC 28120
ID: 127190
Use: Residential**

**513 OAKLAND DR, LOWELL, NC 28098:
FALLS, HAROLD R JR & FALLS, SHIRLEY P
Mailing Address: 1609 POWER LINE DR, LOWELL, NC 28098
ID: 127191
Use: Residential**

**509 OAKLAND DR, LOWELL, NC 28098:
KNIGHT, ALICE
Mailing Address: 509 OAKLAND DR, LOWELL, NC 28098
ID: 127192
Use: Residential**

Notice of Evidentiary Hearing

The City of Lowell's City Council will hold an Evidentiary Hearing at their regularly scheduled meeting on Tuesday, March 9, 2021, at 7:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Evidentiary Hearing will be to consider a Special Use Permit for allowing Solid Waste & Septic Tank Vehicle Storage Facility located at 518 Oakland Drive Lowell, NC 28098 (Property Parcel ID # 220488). Case# SUP21-01

You can also listen to the meeting by dialing in using your phone with the following:

You can also dial in using your phone.

United States: [+1 \(872\) 240-3412](tel:+18722403412)

Access Code: 375-873-677

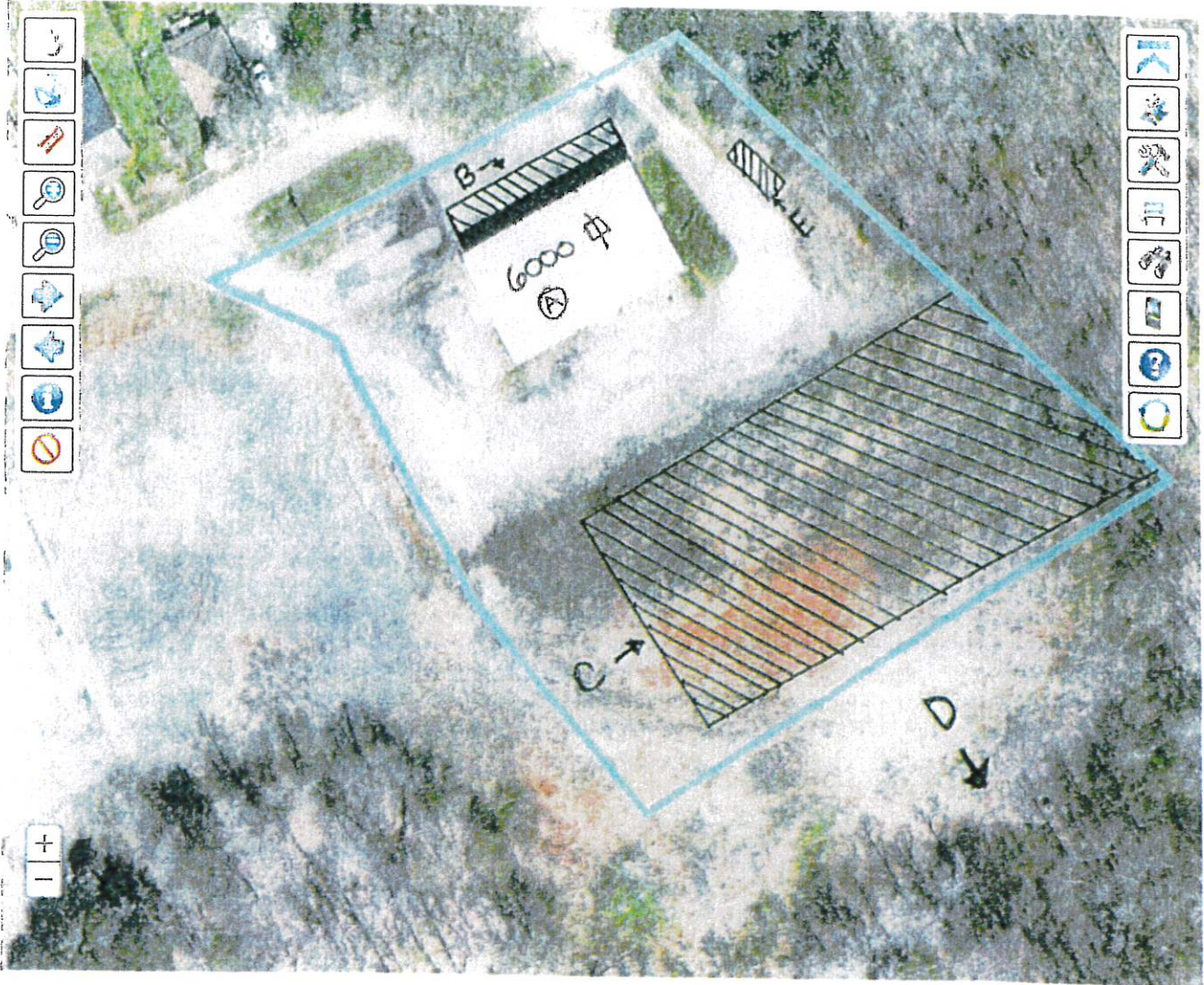
<https://global.gotomeeting.com/join/375873677>

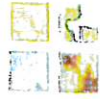


For further information please call Alex Blackburn, Planning Director, at 704-824-3518.

Proposed site plan key for SCS Disposal, LLC at 518 Oakland Drive:

- A. 6000 sq. ft. existing office currently addressed 518 Oakland Drive. This office will house all administrative, clerical and dispatch operations. Handicapped parking planned for front, facing Oakland Drive.
- B. Parking for up to 10 passenger vehicles for office personnel and visitors (5 spaces required per code)
- C. Staging and storage area for trucks dropping off and picking up storage containers, several empty containers will be stored in this area behind a large office warehouse building.
- D. 225' of natural buffering between our use and residential zoning (approx. 750 trees).
- E. Above ground fuel tank.





LAST USAGE



Current Owner Information

518 Oakland Drive

Lowell, NC 28098

MGCG Properties

James M Griffin

828-273-9544

Chad M Griffin

828-712-7761

402 Old Leicester Hwy

Asheville, NC 28806



Public Hearing Consent Form

Project Name: *MGCG Properties LLC + SCS Disposal LLC*

MGCG PROPERTIES LLC + SCS DISPOSAL LLC

Date: *1-29-21*

Samuel Story Member/Manager
MGCG Properties LLC
220488 / 518 OAKLAND DRIVE, LEWELL
SAMUEL STORY / SCS DISPOSAL LLC

Samuel Story

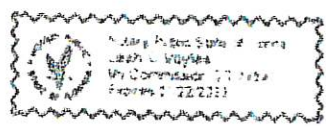
1-29-21

Signature: _____
Date: _____

Project Name: _____
Address: _____

Date: _____

Signature: _____



SINGLE FAMILY DWELLINGS
ZONING MAP

OAKLAND DRIVE

PUBLIC 24 FT R/W



APPROXIMATE
INTERNAL USE

1.1 ACRES

LOT 8, 00 478-10
JAMES CRISTEN

NAME
D-NEED 1-

PERMITS OF THIS TO BE PRESERVED

CHARLOTTE PARTY
CHARTER COMPANY

DEED BOOK 1278 PAGE 46
LOT 8, 00 478-10
OAKLAND DRIVE
SOUTHPOINT TESP, GASTON CO NC
TAX PID # 334401
SHOWN ON ORDER OF 2015

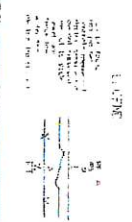
1. The State of North Carolina, County of Gaston, Clerk of Superior Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of this office.

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CITY OF LOWELL

CONDITIONAL USE PERMIT APPLICATION

Applicant Number _____

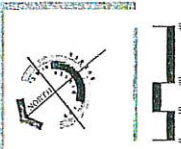
Date of Application 09/28/2020

I. Applicant/Owner Information

- A. Applicant's Name: SCS DISPOSAL LLC
Address: 400A OAKLAND DRIVE, LOWELL NC 28098
Phone: 704-825-7878
- B. Owner's Name: STEED STORY
Address: 400A OAKLAND DRIVE, LOWELL NC 28098
Phone: 704-825-7878

II. Property Information

- A. Property Location: 518 OAKLAND DRIVE, LOWELL NC 28098
- B. Tax Pin Number: 3576115965
- C. Deed Book 5049 Page 0243
- D. Existing Zoning I2 Proposed Zoning I2
- E. Existing Use INDUSTRIAL Proposed Use INDUSTRIAL
- F. Property Size 2.17 (Sq. Ft./Acres)
- G. Is a rezoning application being submitted with the CUP application?
Yes or No (circle)

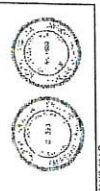
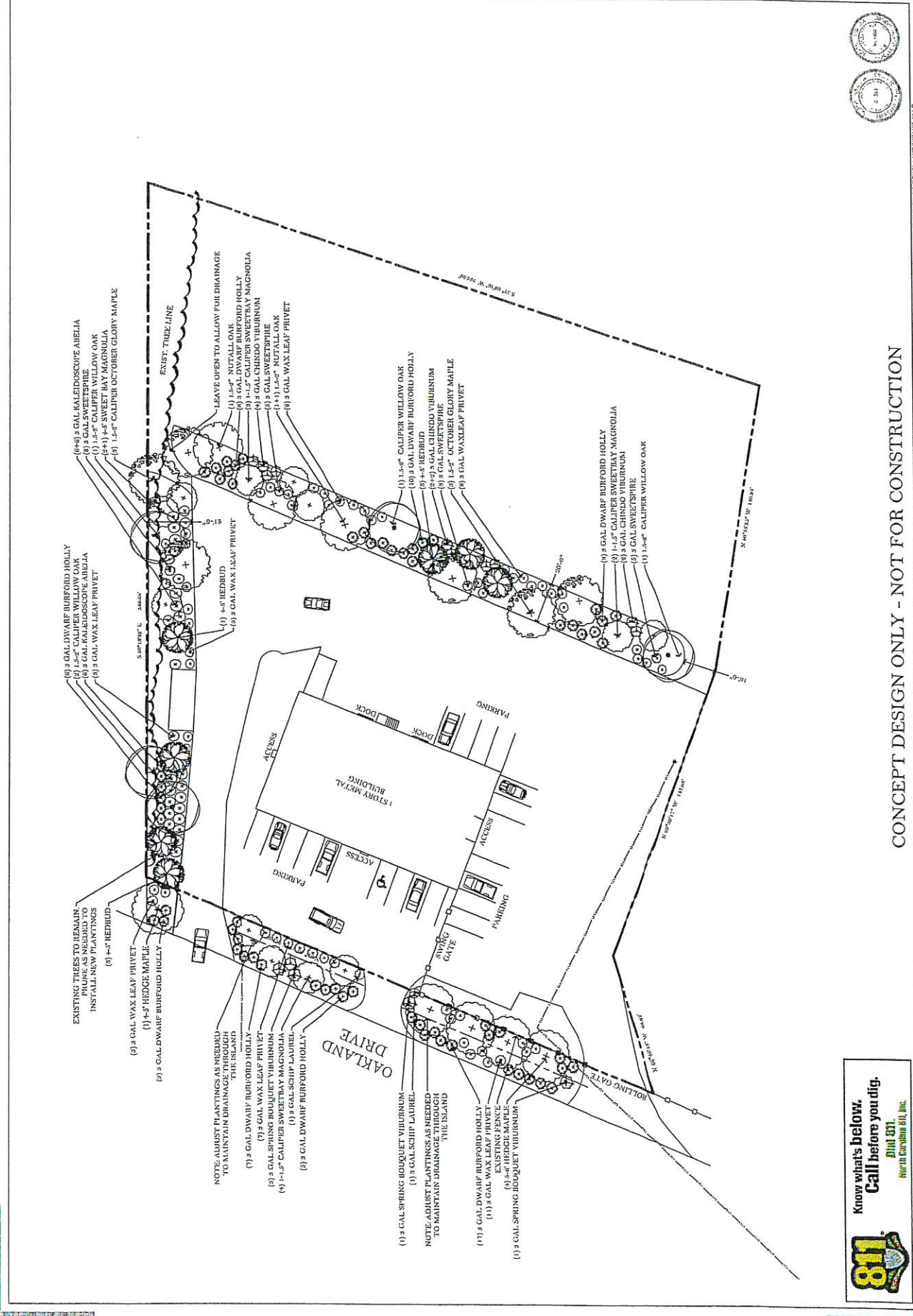


DATE: 08/12/2015
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT: 1501 OAKLAND DRIVE, CHARLOTTE, NC
 CLIENT: GRIFFIN WASTE SERVICES OF CHARLOTTE
 SCALE: 1/8" = 1'-0"

GRIFFIN WASTE SERVICES OF CHARLOTTE
 518 OAKLAND DRIVE
 TOWN OF LOWELL, NC
 LOT "A", PLAT BOOK 79 PAGE 78

PREPARED BY: J. HARRIS
 PROJECT: 1501 OAKLAND DRIVE, CHARLOTTE, NC
 CLIENT: GRIFFIN WASTE SERVICES OF CHARLOTTE
 DATE: 08/12/2015
 SCALE: 1/8" = 1'-0"

LANDSCAPE PLAN
 SHEET J OF 3



CONCEPT DESIGN ONLY - NOT FOR CONSTRUCTION

Know what's below.
 Call before you dig.
 811
 Call 811
 Before You Dig, Inc.

1.4 SELECTION AND HANDLING OF PLANT MATERIAL

1. THE QUALITY OF PLANT MATERIAL IS CRITICAL TO THE SUCCESS OF ANY LANDSCAPE PROJECT. ALL PLANT MATERIAL SHOULD BE SELECTED AND HANDLED CAREFULLY TO ENSURE ITS SURVIVAL AND PROPER GROWTH.
2. PLANT MATERIAL SHOULD BE SELECTED FROM REPUTABLE SUPPLIERS WHO CAN PROVIDE PROPER DOCUMENTATION OF THE QUALITY AND HEALTH OF THE PLANTS.
3. PLANT MATERIAL SHOULD BE HANDLED CAREFULLY TO AVOID DAMAGE TO THE ROOTS, TRUNKS, AND BRANCHES. PLANTS SHOULD BE STORED IN A COOL, SHADY AREA AND WATERED REGULARLY.
4. PLANT MATERIAL SHOULD BE PLANTED AS SOON AS POSSIBLE AFTER DELIVERY TO THE SITE TO MINIMIZE STRESS AND MAXIMIZE SURVIVAL.

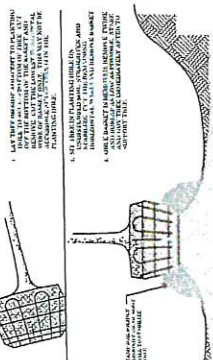
1.5 STANDARD ROOT BALL SIZES FOR NURSERY-GROWN SHRUBS AND TREES

SPECIES	STANDARD ROOT BALL SIZES	
	MIN. BALL DIA. (IN)	MIN. BALL HEIGHT (IN)
Small Shrubs	12"	12"
Medium Shrubs	18"	18"
Large Shrubs	24"	24"
Small Trees	36"	36"
Medium Trees	48"	48"
Large Trees	60"	60"

1.6 TREE ROOT FLARE DIAGRAM



1.7 REMOVAL OF WIRE BASKETS (IF PRESENT)



1.8 GENERAL RANGE OF SOIL MODIFICATIONS AND VOLUMES FOR VARIOUS SOIL CONDITIONS

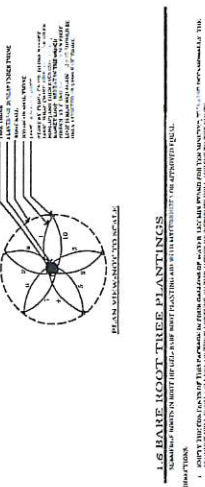
SOIL TYPE	SOIL MODIFICATION	VOLUME
Light Clay	10% Organic Matter	100 lbs per 100 sq ft
Medium Clay	15% Organic Matter	150 lbs per 100 sq ft
Heavy Clay	20% Organic Matter	200 lbs per 100 sq ft
Sandy Soil	5% Organic Matter	50 lbs per 100 sq ft
Loam Soil	3% Organic Matter	30 lbs per 100 sq ft

1.9 SOIL MODIFICATIONS CONT.

1. SOIL MODIFICATIONS SHOULD BE PERFORMED AT THE TIME OF PLANTING TO IMPROVE SOIL STRUCTURE AND NUTRIENT AVAILABILITY.
2. SOIL MODIFICATIONS SHOULD BE PERFORMED CAREFULLY TO AVOID DAMAGE TO THE ROOTS AND TRUNKS OF THE PLANTS.
3. SOIL MODIFICATIONS SHOULD BE PERFORMED REGULARLY TO MAINTAIN SOIL HEALTH AND PRODUCTIVITY.
4. SOIL MODIFICATIONS SHOULD BE PERFORMED USING APPROPRIATE MATERIALS AND METHODS TO ACHIEVE THE DESIRED RESULTS.

1.5 WRAPPING OF FIELD-DIG MATERIAL FOR TRANSPORTATION

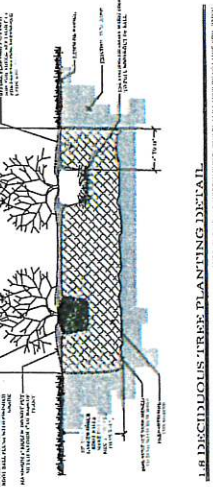
1. ALL FIELD-DIG MATERIAL SHOULD BE WRAPPED CAREFULLY TO PREVENT DAMAGE TO THE PLANTS AND SOIL DURING TRANSPORTATION.
2. WRAPPING SHOULD BE PERFORMED USING APPROPRIATE MATERIALS AND METHODS TO PROTECT THE PLANTS AND SOIL FROM DAMAGE.
3. WRAPPING SHOULD BE PERFORMED REGULARLY TO MAINTAIN THE QUALITY OF THE MATERIAL DURING TRANSPORTATION.



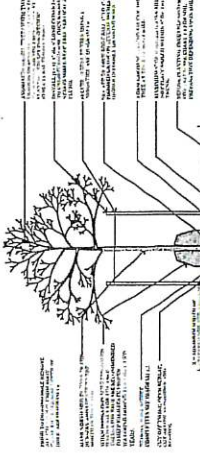
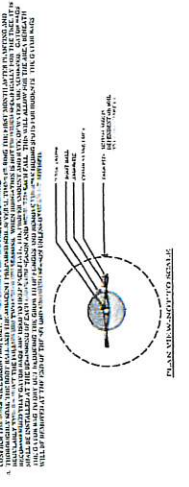
1.6 BARE ROOT TREE PLANTINGS

1. BARE ROOT TREE PLANTINGS SHOULD BE PERFORMED CAREFULLY TO AVOID DAMAGE TO THE ROOTS AND TRUNKS OF THE TREES.
2. BARE ROOT TREE PLANTINGS SHOULD BE PERFORMED USING APPROPRIATE MATERIALS AND METHODS TO PROTECT THE TREES FROM DAMAGE.
3. BARE ROOT TREE PLANTINGS SHOULD BE PERFORMED REGULARLY TO MAINTAIN THE HEALTH OF THE TREES DURING PLANTING.

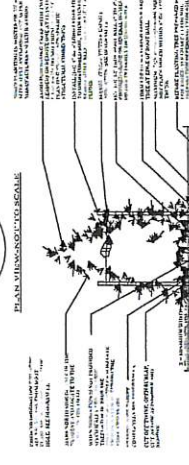
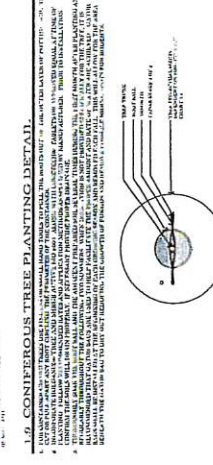
1.7 SHRUB PLANTING DETAIL



1.8 DECIDUOUS TREE PLANTING DETAIL



1.9 CONFEROUS TREE PLANTING DETAIL



1.10 ARBORVITAE DETAIL



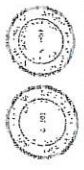
1.11 PLANT MATERIAL GUARANTEE

1. ALL PLANT MATERIAL SHOULD BE GUARANTEED TO SURVIVE AND PROPERLY GROW FOR A PERIOD OF TIME.
2. THE GUARANTEE SHOULD BE PERFORMED CAREFULLY TO AVOID DAMAGE TO THE PLANTS AND SOIL DURING PLANTING.
3. THE GUARANTEE SHOULD BE PERFORMED REGULARLY TO MAINTAIN THE HEALTH OF THE PLANTS DURING PLANTING.



Wally Spoor
 PROJECT MANAGER
 GRIFFIN WASTE SERVICES OF CHARLOTTE
 518 OAKLAND DRIVE
 TOWN OF LOWELL, NC 27050
 (704) 841-1111

DATE	DESCRIPTION
11/11/2021	ISSUED FOR PERMIT
11/11/2021	ISSUED FOR PERMIT
11/11/2021	ISSUED FOR PERMIT
11/11/2021	ISSUED FOR PERMIT
11/11/2021	ISSUED FOR PERMIT



PLANTING DETAILS
 SHEET
 2 OF 3

CONCEPT DESIGN ONLY - NOT FOR CONSTRUCTION



SCALE: AS SHOWN
 0 10 20 30 40 50 60
 FEET

PROFESSIONAL SEAL AND EXPIRATION DATE
 STATE OF NORTH CAROLINA
 PROFESSIONAL LANDSCAPE ARCHITECT
 EXPIRES 12/31/2024

SOURCE INFORMATION
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PROFESSIONAL SEAL AND EXPIRATION DATE
 STATE OF NORTH CAROLINA
 PROFESSIONAL LANDSCAPE ARCHITECT
 EXPIRES 12/31/2024

GRiffin WASTE SERVICES OF CHARLOTTE
 516 OAKLAND DRIVE
 TOWN OF LOWELL, N.C.
 LOT "A", PLAT BOOK 79 PAGE 78



PREPARED BY: *Wally Spivey*
 DATE: 08/20/2024
 PROJECT: *Wally Spivey*
 SHEET: *3* OF *3*

PROJECT NOTES:
 NUMBER:

SCOPE OF WORK

It is the intention and meaning of these specifications to specify and secure all labor, materials, equipment, workmanship and supervision required for the installation of the work in accordance with the drawings and specifications and all else not necessarily shown or mentioned, but which may be essential for a complete and workmanlike job as intended. Prices shall include all operations and permits necessary for the construction and installation as specified on drawings and herein.

CONSTRUCTION NOTES:

- Contractor shall obtain and be responsible for all permits and inspections. All work shall be performed in accordance with the NCDOT, Gaston County and City of Lowell specifications. All work shall be in compliance with all Federal, State, County, and Local regulations and ordinances. Contractor shall follow and be guided by Gaston County Erosion Control Ordinance.
- The contractor shall follow and be guided by OSHA safety regulations. Contractor shall furnish to owner and landscape architect a certificate of insurance prior to start of work. The landscape architect shall not have control over or charge of and shall not be responsible for construction means, safety precautions, and safety programs in conjunction with the work. These are solely the contractor's responsibility.
- Existing site conditions: The contractor shall thoroughly investigate all site conditions and take field measurements prior to the start of work. Field check all measurements, existing and proposed topography prior to the start of work. Check and verify all existing dimensions on job site.
- Contractor shall notify the landscape architect of any discrepancy in the plans or specification before proceeding with any work related to or affected by the discrepancy or error. Give 72-hour notice prior to the need for additional information or for clarification. All plant material shall be positioned to resemble the approved plan. Landscape architect shall review plant positioning and approve prior to installation.
- Written dimensions govern. Do not scale drawing. Specifications govern drawings.
- The property owner shall submit these drawings for authority approval before commencing ANY CONSTRUCTION!!! The landscape architect shall not be responsible or liable for any adjustments to the drawings, materials, site work, walls, pools, structures, fences, buildings, plantings, etc., if required by regulation compliance or changes made by owner after construction has started.
- Locate, determine the depth of, and be responsible for all underground utilities prior to start of work / construction. The contractor is responsible for all repairs to any underground or overhead utility damaged by him or his sub-contractor during construction. It is illegal to perform excavation without a proper mark out performed by a qualified agency. Call 811.
- At the commencement of the project, the contractor shall furnish the owner and landscape architect with a time schedule for the completion of the various phases of the proposed work. Contractor shall keep the owner and the landscape architect notified of schedule changes.

The landscape architect shall not be responsible for the contractor's schedules or ability to carry out the work in accordance with the plans and specifications. The landscape architect shall have no control over or charge of acts or omissions of the contractor, subcontractor or their agents or employees or other persons performing portions of their work.

Site protection: Protect lawns, meadows, buildings and existing trees & shrubs from construction damage. Do not park equipment or stockpile materials on lawn, meadow or within the root zone/drip-line of trees areas. Tree protection fencing shall be provided around all existing trees to be saved that are within the work zone. Contractor is responsible for the repair of any damage outside of work area.

Site clean up and debris removal: At the completion of each phase, the contractor is responsible to remove his own debris. Cost of such removal shall be included in cost estimates. AT ALL TIMES, JOB SITE SHALL BE KEPT NEAT AND CLEAN!!!!!!!

Topsoil: Contractor shall keep all existing topsoil on site. Topsoil may be supplemented with organic matter certified by the U.S. Composting Council to aid in move fertility at a greater depth. Organic matter shall not exceed 30% by volume. Excavate plant bed areas as required in order to facilitate the installation of topsoil and drainage.

Contractor is responsible for removing and or supplying fill dirt or topsoil as may be required for the project. Do not dispose of excess fill material on site.

- The landscape architect shall not be responsible for maintenance, or possible removal of the following items from the project site which may be discovered during the course of excavation, demolition and construction:
 - Underground drainage systems, storage tanks, utilities, and/or septic systems.
 - Asbestos, lead, or any other material classified as hazardous.
 - Buried debris or trash.

Upon discovery the contractor shall not disturb or damage any of the above mentioned items; but shall notify the owner immediately of the above-mentioned situation. Furthermore, the contractor shall proceed with arranging for all inspections and for hiring appropriate licensed professionals as required to rectify the discovered problem. The contractor shall advise the owner of all extra costs before proceeding with the work, and shall obtain approvals from all regulatory agencies.

14. The Client acknowledges and agrees that proper project maintenance is required after the project is complete. A lack of or improper maintenance may result in damage to property or persons. Client further acknowledges that, as between the parties to this agreement, client is solely responsible for the results of any lack of or improper maintenance.

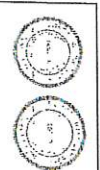
15. The Client is responsible for the determining and delineating all wetlands, streams and their associated buffers.

LAWN SEEDING SPECIFICATIONS:

- Ground preparation: Area to be seeded must be friable to a depth of 4" and contain no debris of any kind; including but not limited to clumps, branches, stones, wood construction debris, rubbish and dead plant material. Debris over 1 1/2" dia. are a "must remove" item. After soil is prepared no heavy equipment shall be moved over the area.
- Lime to be added to the soil at a rate of 2 tons per acre or as dictated by soil tests.
- Apply starter fertilizer such as 18-24-12 at a rate of 5 lb. per 1000 sq. ft; incorporate into the top three inches of the soil.
- Seed at the rate of 5 lb. per 1000 sq. ft. in all lawn areas or as specified by the seed supplier. Seed to be incorporated into the soil by 1/16" - 1/8" by dragging or raking.
- Straw mulch at a rate of 5-2 1/2 tons per acre. Straw mulch or equal shall be applied by the means of a mechanical mulcher.
- Produce dense, vigorous, well-established grass areas. Reseed areas as required. Owner is responsible for proper watering to ensure turf establishment.

LANDSCAPE COMPLIANCE NOTES:

- All required landscaping which is planted in required buffer yards shall comply with the City of Lowell development guidelines.



Summary for Conditional Use Permit

Requested by SCS Disposal, LLC

2.17 Acres Located at 518 Oakland Drive, Lowell NC

Day to Day Operations:

The operation of SCS Disposal, LLC include rental, Delivery, and hauling of containers for non-hazardous solid waste. Our office is managed by 2-4 employees. We forward calls when needed so occasionally no one is there. We arrive at 7am and depart at 5pm Monday through Friday.

In the office we answer calls and dispatch orders. We utilize mobile devices to dispatch deliveries and pickups to our drivers. Once the container is picked up from the jobsite, it is then hauled to the landfill/transfer station for disposal. Occasionally there may be a need to set a covered container at the office until the next business day due to landfill/transfer station hours. We handle primarily construction and demolition waste. Our containers are also used for basement, garage, and property clean-outs. There is no collection, handling or storage of regular household garbage at any time.

- Over 98% of our orders are received by phone resulting in almost no walk-in traffic.
- Our drivers usually make less than 1 stop per day at the office to turn in paperwork, pick-up or drop off a container creating minimal additional traffic.
- We only provide 10 cubic yard containers that can be serviced with smaller trucks; all of our trucks have a GVWR of less than 19000lbs.
- We have been operating from our 400a Oakland Drive, Lowell NC office since 2015.

We judged this property to be very suitable to our operation for the following reasons:

- Property is zoned I-2.
- There is an existing 225' natural landscape buffer as well as a natural slope/drop-off in the rear of this property between this property and the neighboring properties along N. Clay Street. We are requesting relief from landscape screening and fence requirements from adjacent residences along Oakland Drive, and from the front of the property at Oakland Drive, as there will be no dumpsters visible from adjacent properties or from the street/tree buffer between it and the residential properties along Oakland Street.
- The staging and storage area will not be visible from Oakland Street of the residential properties along Oakland Street.
- There will be virtually no noise and no odors generated by this operation.
- The natural slope provides drainage for storm water.
- Quick access to Interstates and major connectors.
- Our use will be more amenable to the neighborhood than the previous Party Bus Charters dba Badass Customs.

SCS Disposal, LLC
Lowell, NC

FINDING OF FACT

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

This is correct. Our business uses smaller trucks, and we specialize in smaller dumpsters (10 yard) rather than the huge dumpsters provided by many similar companies. These vehicles are such that they do not require CDL permits and in fact are smaller than those used by the last 2 businesses operating at this property. We do not haul residential garbage so there should be no concerns about odor and/or rodent issues which may be a concern with residential garbage.

2. The use meets all required conditions and specifications.

Pending agreement of a landscaping plan and approval of a special use permit, this would be correct. We currently operate on the same street (approximately 300 feet away) with a Conditional use permit as well as required by Lowell UDO. We would do the same at this location.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

This is correct. The planned use is consistent with the current zoning (pending approval of conditional use permit) and will not injure the value of the adjoining property.

4. The location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and will be in general conformity with the adopted Lowell UDO / Land Use Plan and other plans for physical development of the City as adopted by the City Council.

This is correct. In this meeting, our intent is to create an agreeable plan that satisfies all parties, is consistent with the industrial zoning, and mitigates any concerns from relocating the current business from the address at 400A Oakland Drive, Lowell NC 28098 to this new location at 518 Oakland Drive, Lowell NC 28098.

UDO Required Buffering

Project includes installing landscape buffering as required by Lowell UDO guidelines.

Approximate completion time is 1 year from the date the conditional use permit is granted.

Property Information		
Control Data with Tax Year Dropdown		
Tax Year	2021	
Parcel Number	220488	Mapped Acres 2.1700
Class	3010 - Industrial	Assessed Value 143,650
Tax Code	210 - LOWELL CITY	Tax Rate Unavailable
Neighborhood	LW003 - W Lowell	Total Tax Unavailable
Physical Address	518 OAKLAND DR LOWELL NC 28098	

Property Sketches & Photos

Converted Sketch

Mobile Video File

No Billing Details

Tax Due Amounts

If paid in...	Amount due is...
September 2020	\$0.00
October 2020	\$0.00
November 2020	\$0.00
December 2020	\$0.00

[Pay Taxes](#)

Tax Due amounts are for all unpaid years.
See Payment History section for year-by-year details.

Payment History

Tax Year	Total Due	Total Paid	Amount Unpaid	Date Paid
2020	\$1,809.99	\$1,809.99	\$0.00	8/31/2020
2019	\$1,824.36	\$1,824.36	\$0.00	9/16/2019
2018	\$1,867.47	\$1,867.47	\$0.00	8/31/2018

Show 5 More

Legal Descriptions

Legal Description	Subdivision Name	Block	Lot	Plat Book	Plat Page
OAKLAND INDUSTRIAL PARK LOT A 05 001 001 05 000					

No Exclusions

Related Names					
OWNER	MGCG PROPERTIES LLC,				
Mailing Address	432 OLD LEICESTER HWY ASHEVILLE, NC 28506				
Transfer History					
Book & Page	Sale Type	Sale Date	Sold By	Sold To	Price
6049 0243	Warranty Deed	8/20/2019	GRIFFIN CHAD M 40% GRIFFIN JAMES M 60% &	MGCG PROPERTIES LLC	\$0
4797 0046	Special Warranty Deed	7/29/2016	FIRST CITIZENS BANK & TRUST CO	GRIFFIN CHAD M 40%	\$629,000
4688 1859	TD	4/19/2013		FIRST CITIZENS BANK & TRUST CO	\$494,500
No Genealogy Information					
Land Valuation					
	Property Class		Valued Acres		Appraised Value
	IND RESIDUAL		0.6700		5,026
	IND SECONDARY SITE		1.5000		37,500
Structure (1 of 1) Real Estate					
	Property Class	Description	Total Finished Area		Year Built
	COM - Commercial	INDUSTRIAL	6,000		1993
EXTERIOR WALLS					
LIGHT METAL		100 Percent			
Garage/Canopy					
CANOPY		192 Square Ft.			
Paving					
PAVING ASPHALT		10,000 Square Ft.			
Other					
OVERHEAD DOOR		1 Square Ft.			
Main Level Framing					
INDUSTRIAL		100 Percent			
HEAT AND AIR CONDITION					
HEAT & AIR		10 Percent			
UNIT HEATERS		90 Percent			
Yard Items					
FENCE-CHAIN LINK		726 Square Ft.			
YARD LIGHTING		1.00			
Enclosures					
FINISHED ENCLOSURE		600 Square Ft.			
Market Value					
Year	Market Land		Market Building		Market Total
2021		42,530	101,120		143,650
2020		42,530	101,120		143,650
2019		42,630	101,120		143,650

Contact Information

128 W. Main Ave.
PO Box 1578
Gastonia, NC 28053-1578

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-B

DESCRIPTION: PUBLIC HEARING REGARDING CONSIDERTAION OF CHANGE TO LOWELL CITY COUNCIL RULES OF PROCEDURE REGARDING MEETING TIME

Existing:

Rules of Procedure

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at Lowell City Hall, 101 West First Street and shall begin at 7:00 pm. A copy of the council's current meeting schedule shall be filed with the city clerk.

Comment: G.S. 160A-71 allows the city council to fix a time and place for regular meetings. If the council does not do so, it is required to meet at least once a month at 10 a.m. on the first Monday. Although the general law permits a council to fix a regular meeting time that is less frequent than once a month, many city charters require the council to meet at least monthly. G.S. 143-318.12(a) (part of the open meetings law) requires the council's schedule of regular meetings to be kept on file with the city clerk. If the schedule is revised, the new schedule must be on file for at least seven days before the first meeting held pursuant to it.

Proposed:

Rules of Procedure

Rule 1. Regular Meetings

The council shall hold a regular meeting on the second Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held at Lowell City Hall, 101 West First Street and shall begin at 6:00 pm. A copy of the council's current meeting schedule shall be filed with the city clerk.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-C

DESCRIPTION: CONSIDERATION OF AMENDMENT TO SECTION 9.1 OF THE CITY OF LOWELL UTILITY BILLING POLICY

City of Lowell Utility Billing Policy

Section IX

ADJUSTMENTS & ERRORS

9.1 Adjustment Procedure – Adjustments must be requested within 60 days of the date of the protested bill.

If, pursuant to a request for adjustment as filed above, it is determined that the bill was in error or that an adjustment should rightfully be made, a corrected bill will be prepared and the customer's account adjusted accordingly. A credit will be applied to the customer's account; there will be no cash refunds.

Adjustments for high bills will only occur under the determination of a leak by the City of Lowell service employees or a private plumbing company. No adjustment will be given until leaks are repaired and proof of repair is determined. Documented proof must be submitted in order to qualify for an adjustment. Valid documentation consists of a plumber's bill or recent receipts for plumbing repair parts. To qualify for an adjustment, usage will have to more than double. Customers shall be responsible for charges above the customer's average monthly consumption. Such average shall be determined by averaging the customers' monthly metered consumption for the twelve consecutive prior months. Only one adjustment is allowed per year (12 months).

Adjustments for assessed delinquent fees will only occur after thorough review of the customer's account by the City of Lowell Water Department. To qualify for a delinquent fee adjustment, the customer's account must not have been assessed a late fee, delinquent fee, returned check fee, or returned ACH fee in the previous 12 months. Only one delinquent fee adjustment is allowed per year (12 months). The City of Lowell does not currently offer adjustments for late fees.

9.2 Exceptions - No adjustments will be given for water only customers, irrigation, watering yards, washing cars, gardening, leaky faucets, hoses left on by accident, etc...

9.4 Pool Adjustments – In order to qualify for a pool adjustment, the customer must complete a pool adjustment form to include the following items: readings at the beginning and end of the pool fill, date filled, and size of pool. Once your pool adjustment is reviewed, if it is determined

your higher consumption for one month coincides with the date and timeline on your pool adjustment form, you will receive the adjustment on the sewer portion of your water bill. Pool adjustments are only given to water/sewer combination customers. Pools filled by irrigation are not eligible for an adjustment. One pool adjustment per year, per customer, will be honored.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-D

DESCRIPTION: PAVEMENT CONDITION SURVEY (PCS)

In order for the City of Lowell to better manage the investment it has in its street system, staff recommends conducting a Pavement Condition Survey (PCS) to identify a methodical way to manage the maintenance and prioritization of future projects. City Manager Attaway will give a small presentation on this item.