

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, May 11, 2021, 6:00 P.M.

## I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 6:00 p.m. Those attending in-person were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember Thomas Gillespie, Councilmember Shane Robinson, City Manager Scott Attaway, City Attorney John Russell Jr, Finance Officer Jared Pyles, Public Works Director Thomas Shrewsbury, Planning Director Alex Blackburn, Police Chief Scott Bates, Parks and Recreation Director Cristy Cummings, 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. Several members of the public and guest presenters were also present in the Council Chambers. A quorum was determined for the meeting.

## II. INVOCATION / PLEDGE OF ALLEGIANCE

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

## III. ADOPTION OF AGENDA FOR THIS MEETING

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

## IV. PUBLIC COMMENTS

Mr. Chad Hawkins stated he currently lives in Lowell. In 1995 he was a police officer in Lowell. He expressed his concern that only one additional officer has been added to the police department since 1995. Mr. Hawkins urged Council to consider adding additional officers to the City.

## V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting Held April 13, 2021
- B. Minutes from Council Special Meeting Held April 20, 2021
- C. Minutes from Council Work Session Held April 20, 2021

Councilmember Ervin made a motion to approve the minutes listed above and as presented, followed by a second from Councilmember Gillespie. Councilmember Robinson sustained from voting due to not being present at all meetings listed. The vote was unanimously in favor. The motion is approved.

## VI. CONSENT AGENDA ITEMS

Councilmember Robinson made a motion to separate item A (Minutes from Council Work Session Held May 4, 2021) from the consent agenda, followed by a second from Councilmember Gillespie. The vote was unanimously in favor. The motion is approved.

### A. Minutes from Council Work Session Held May 4, 2021

Councilmember Funderburk made a motion to approve the minutes from the Council Work Session held May 4, 2021, followed by a second from Councilmember Ervin. Councilmember Bonham sustained from voting due to not being at the work session on May 4, 2021. The vote was unanimously in favor. The motion is approved.

### B. Proclamation in Recognition of the Week of May 9<sup>th</sup> – May 15<sup>th</sup> as National Police Week

### C. Proclamation in Recognition of the Week of May 16<sup>th</sup> – May 22<sup>nd</sup> as National Public Works Week

### D. Resolution #RS2-2021: Resolution in Opposition to HB401/SB349 2021 North Carolina Legislative Session

Councilmember Ervin made a motion to approve consent agenda items B-D listed above as presented, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. The motion is approved.

## VII. UNFINISHED BUSINESS

### A. Public Hearing to Consider Adoption of the Lowell Development Ordinance (LDO) and Official Lowell Zoning Map

Councilmember Funderburk made a motion to go into public hearing to consider adoption of the Lowell Development Ordinance (LDO) and Official Lowell Zoning Map, followed by a second from Councilmember Ervin. The vote was unanimously in favor.

Scott Attaway stated in June 2020 the Council selected N-Focus consulting to re-write the City of Lowell Zoning Ordinance and achieve compliance with the new G.S. 160-D as well as updating a nearly 15-year-old ordinance. Also, the proposed zoning map relinquishes Lowell's ETJ zoning authority to Gaston County Planning and Zoning Department as these properties are not within the municipal jurisdiction of the City of Lowell, but instead located in non-incorporated jurisdictions of Gaston County. It was stated on March 2, 2021, the Lowell Planning Board has reviewed and recommended approval of the Lowell Zoning Ordinance and the Official Lowell Zoning Map. All notification requirements like scheduling a public hearing and full-page advertisement have been successfully met. Mr. Rick Flowe with N-Focus was present to give additional information on the LDO and zoning map.

Rick Flowe stated in addition to the two newspaper advertisements, notifications were mailed to citizens who own property in Lowell but have a non-Lowell mailing address.

Councilmember Robinson inquired about new developments currently being built and how they will be factored into the new map/zoning. He also had a concern that not all citizens who live in Lowell and own property did not receive a notification and they may or may not have seen the advertisement ran in the newspaper.

Public Hearing Comments:

Mark Mitchem: Owns 25 acres, and multiple properties in Lowell. Mr. Mitchem did not like how the notification by the city was handled and was concerned about adjoining property owners not being notified. The Mitchem family confirmed they received two notifications but would have preferred a phone call. Mr. Mitchem urged Council to engage other property owners prior to approving to ensure everyone's requests have been addressed.

Scott Attaway stated after meetings with the Mitchem family the parcel has already been changed to SFR-4 at the property owner's request.

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

Councilmember Ervin made a motion to adopt the Lowell Development Ordinance along with its Official Zoning Map, and the draft Technical Standards & Specifications Manual with the stipulation that we are approving five sets of revisions to the Official Zoning Map as detailed in Exhibit A and as they appear on the updated Official Zoning Map, dated May 11, 2021 as follows:

1. One parcel (ID #128246) was changed from SFR-3 to C-85.
2. Two pairs of parcels were changed in response to the property owner's request that all four are changed to MS. Two parcels (ID #28537 and #128538) were changed from SFR-4 to MS while the other two parcels (ID #128318 and #225350) were changed from CIV and MU-2 to MS.
3. A portion of one parcel (ID #217870) was changed from SFR-3 to MU-2. While making that change, the Planning Director directed four contiguous parcels adjacent to the zoning change of this item #3, to be revised from SFR-3 to MU-1. Those four additional parcels ID #'s are as follows: Parcel ID #127939, Parcel ID #127940, Parcel ID #127942 and, Parcel ID #227364.
4. One parcel (ID #216857) was changed from IND and SFR-3 to SFR-4.
5. River Heights, including River Falls Phase 3 zoning changed to RS-12/CD.

Councilmember Bonham seconded this motion. There was further discussion.

Councilmember Robinson made a substitute motion to table this item (Unfinished Business, Item A) until June, followed by a second from Councilmember Gillespie. The vote was two in favor (Gillespie/Robinson) and three opposed (Bonham/Ervin/Funderburk). The motion is not approved with the majority opposing.

A vote was taken on the original motion still on the floor by Councilmember Ervin and a second from Councilmember Bonham which approved the Lowell Development Ordinance along with its Official Zoning Map, and the draft Technical Standards & Specifications Manual with the stipulation that we are approving five sets of revisions to the Official Zoning Map as detailed in Exhibit A and as they appear on the updated Official Zoning Map, dated May 11, 2021 as follows:

1. One parcel (ID #128246) was changed from SFR-3 to C-85.
2. Two pairs of parcels were changed in response to the property owner's request that all four are changed to MS. Two parcels (ID #28537 and #128538) were changed from SFR-4 to MS while the other two parcels (ID #128318 and #225350) were changed from CIV and MU-2 to MS.
3. A portion of one parcel (ID #217870) was changed from SFR-3 to MU-2. While making that change, the Planning Director directed four contiguous parcels adjacent to the zoning change of this item #3, to be revised from SFR-3 to MU-1. Those four additional parcels ID #'s are as follows: Parcel ID #127939, Parcel ID #127940, Parcel ID #127942 and, Parcel ID #227364.
4. One parcel (ID #216857) was changed from IND and SFR-3 to SFR-4.
5. River Heights, including River Falls Phase 3 zoning changed to RS-12/CD.

The vote was four in favor (Bonham/Ervin/Funderburk/Gillespie) and one opposed (Robinson). The motion is approved with the majority being in favor.

Councilmember Ervin made a motion to approve the Statement of Consistency and Reasonableness as presented, followed by a second from Councilmember Bonham. The vote was four in favor (Bonham/Ervin/Funderburk/Gillespie) and one opposed (Robinson). The motion is approved with the majority being in favor.

Councilmember Ervin made a motion to approve the Rules of Procedures for the Planning Board, followed by a second from Councilmember Funderburk. The vote was four in favor (Bonham/Ervin/Funderburk/Gillespie), and one opposed (Robinson). The motion is approved with the majority being in favor.

Councilmember Ervin made a motion to approve the Rules of Procedures for the Board of Adjustment, followed by a second from Councilmember Bonham. The vote was four in favor (Bonham/Ervin/Funderburk/Gillespie), and one opposed (Robinson). The motion is approved with the majority being in favor.

#### B. Presentation of City of Lowell Stormwater Utility Study

Scott Attaway stated a Stormwater Utility is proposed in this proposed fiscal budget in order to create a sustainable revenue stream for the requirements of Lowell's MS4 Stormwater Permit. The National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Program is mandated under the federal Clean Water Act. An NPDES MS4

permit is required for every MS4 owner or operator that has jurisdiction in a U.S. Census Bureau designed Urbanized Area. The City of Lowell is one of those areas. The Stormwater Department has formerly housed in the General Fund where it was minimally funded. It was not until the FY 20/21 Budget that stormwater expenses were shown in the budget as a separate department. This was prefaced by an audit of the City of Lowell's stormwater program in October of 2019 that resulted in a Notice of Violation from NCDEQ. Staff worked tirelessly on a way to resolve the violation and NCDEQ has accepted the City of Lowell's Stormwater Management Plan as of April 7, 2021. This is a 5-year plan that coincides with the 5-year MS4 permit. It provides a roadmap of how the City intends to address stormwater as it relates to public education, public involvement, illicit discharge and detection, construction site runoff control program, post construction site runoff controls, and good housekeeping and pollution prevention. The City hired Withers Ravenel to conduct a fee study and financial analysis of the required revenues for Lowell's stormwater program. The proposed fee is \$6.75/month for all residential customers and \$6.75/month per 2,827 square feet of impervious surface for all non-residential customers. This methodology is the most widely used fee structure in the state of North Carolina.

The study was presented to Council for review and consideration within the proposed FY2021-2022 budget.

Councilmember Ervin made a motion to adopt the Lowell Stormwater Utility Study with a fee of \$6.75/month for all residential customers and \$6.75/month per 2,827 square feet of impervious surface for all non-residential customers, followed by a second from Councilmember Bonham. The vote was unanimously in favor. The motion is approved.

## VIII. NEW BUSINESS

### A. Presentation by the MAPS Group of the 2021 City of Lowell Classification and Pay Study and Consideration of Resolution #RS1-2021 Resolution to Adopt the City of Lowell Personnel Policy, Classification and Pay Plan

Scott Attaway stated the current City of Lowell Classification and Pay Study was completed in January 2016. It was recommended that these types of studies be completed every 4-5 years to stay relevant and competitive with employees for retention purposes. Mr. Attaway stated the study performed by the MAPS Group consisted of preparation of a classification and pay plan and updates to the personnel policy. If adopted the changes to salaries and personnel policy would take effect July 1, 2021.

Cheryl Brown with the MAPS Group gave a presentation of the 2021 City of Lowell Classification and Pay Study and Consideration of Resolution #RS1-2021 to adopt the City of Lowell Personnel Policy, Classification and Pay Plan. The MAPS Group made a recommendation for option II on the implementation of the pay plan. Under option II employees are adjusted to at least the hiring rate of the new range and at least at the minimum of the range if the employee has passed probation. In addition, employees are moved into the range based on 1/2% per year of service in their current position.

Councilmember Ervin made a motion to adopt Resolution #RS1-2021 to adopt the City of Lowell Personnel Policy, Classification and Pay Plan, followed by a second from Councilmember Bonham. The vote was unanimously in favor. The motion is approved.

B. Presentation of the Fiscal Year 2021-2022 Budget

Scott Attaway presented the proposed FY 2021-2022 budget, City manager's budget message and proposed fee schedule to Council. The highlights of the proposed budget were as follows:

- Assumption of establishment of a Stormwater Utility Fund with a \$6.75 fee per residence and \$6.75 per ERU of 2,827 square feet of impervious surface for non-residential properties.
- Addition of 2 new police officers and purchase of three (3) police cruisers.
- Proposal to increase property tax from .43 cents per \$100 of valuation, to \$.49 cents per \$100 of valuation.
- Following the 10-year Water and Sewer CIP and an increase of 3% of the water rates and 1% of the sewer rates.

Councilmember Robinson made a motion to take a five-minute break, followed by a second from Councilmember Bonham. The vote was unanimously in favor. The motion is approved.

Council resumed the meeting.

C. Set Public Hearing for Adoption of the City of Lowell Fiscal Year 2021-2022 Budget Ordinance

Councilmember Funderburk made a motion to set public hearing for adoption of the City of Lowell Fiscal year 2021-2022 Budget Ordinance for June 8, 2021, followed by a second from Councilmember Gillespie. The vote was unanimously in favor. The motion is approved.

D. Set Public Hearing Regarding Establishment of a Stormwater Utility Fund

Councilmember Ervin made a motion to set public hearing regarding establishment of a stormwater utility fund for June 8, 2021, followed by a second from Councilmember Funderburk. The vote was unanimously in favor. The motion is approved.

**IX. STAFF REPORTS**

A. Finance Officer Report

A current FY2021 budget dashboard was presented to Council.

B. Public Works/Parks & Recreation Reports

Reports for both departments were presented to Council.

C. Police Department Report

A police report for April 2021 was presented to Council.

X. **CITY ATTORNEY REPORT**

No report given.

XI. **CITY MANAGER REPORT**

Scott Attaway gave updates on the following items:

- Update on ARP Funding and Guidance
- Lowell Stormwater Workshop on 5/20/21 from 4-7:00 pm

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

Councilmember Funderburk stated she is going to have surgery soon. Mayor Railey thanked everyone for coming.

XIII. **ADJOURN**

Councilmember Bonham made a motion to adjourn the meeting, followed by a second from Councilmember Gillespie. The vote was unanimously in favor. The motion is approved. The meeting ended at 9:20pm.

ATTEST:

  
\_\_\_\_\_  
Mayor, Sandy Railey

  
\_\_\_\_\_  
City Clerk, Beverly Harris

count of items

...



## EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

---

On March 2, 2021, the Town of Lowell Planning Board recommended adoption of the Lowell Development Ordinance. The Landis Public Legislative Hearing Notice, published in the Gastonia Gazette, (see page 6) included a display of the Official Zoning Map dated March 3, 2021 DRAFT.

Since the Public Legislative Hearing Notice was published, three sets of revisions (see #1 through 3 below) have been made in response to citizens' requests as they now appear on the updated Official Zoning Map, dated May 11, 2021, and presented tonight (see page 2).

**1. One parcel (ID #128246) was changed from SFR-3 to C-85.**

(Refer to the general location map on page 2. Zoomed in details appear on page 3)

**2. Two pairs of parcels were changed in response to the property owner's request that all four are changed to MS. Two parcels (ID #28537 and #128538) were changed from SFR-4 to MS while the other two parcels (ID # 128318 and # 225350) were changed from CIV and MU-2 to MS.**

(Refer to the general location map on page 2. Zoomed in details appear on page 4)

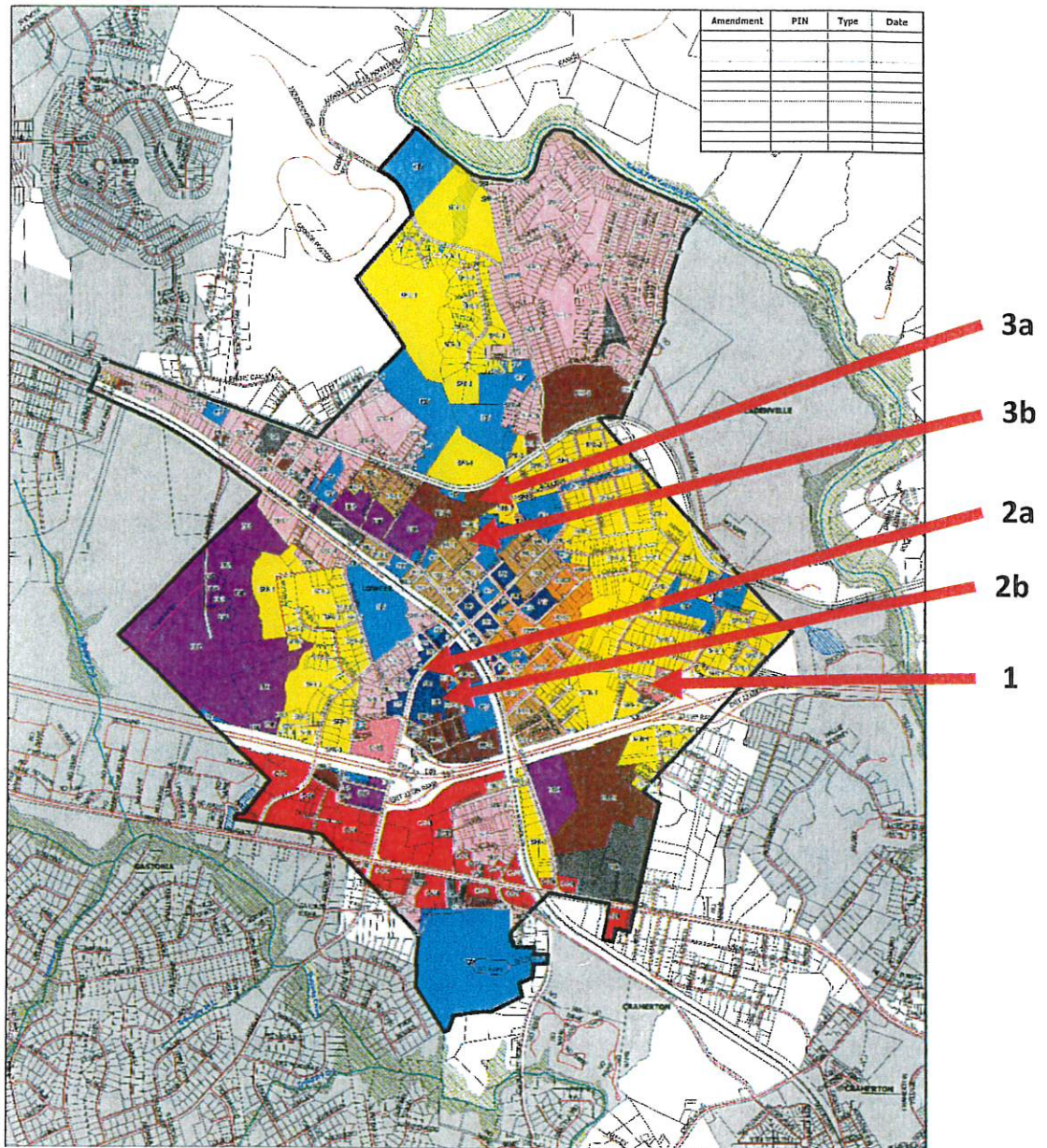
**3. In response to the property owner's request, a portion of one parcel (ID #217870) was changed from SFR-3 to MU-2. While making that change, the Planning Director recommended four contiguous parcels adjacent to the zoning change of this item, to be revised from SFR-3 to MU-1. Those four additional parcels ID #'s are as follows:**

- Parcel ID #127939
- Parcel ID # 127940;
- Parcel ID # 127942; and
- Parcel ID # 227364.

(Refer to the general location map on page 2. Zoomed in details appear on page 5)

# EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

This is the updated City of Lowell Official Zoning Map, May 11, 2021 presented tonight.



Amendment	PIN	Type	Date



- Legend**
- Roads
  - Railroads
  - Centers of Streams / Rivers
  - Water Bodies
  - 2018 Flood Zone
  - Wetlands Identified by USFWS
- Jurisdictions**
- Lowell City Limit
  - Surrounding Municipal Jurisdictions
  - 2021 County Tax Parcels

- Primary Zoning Districts**
- Agriculture (AG)
  - Single-Family Residential (SFR-2)
  - Single-Family Residential (SFR-3)
  - Single-Family Residential (SFR-4)
  - Residential Main Street Transition (RMST)
  - Main Street (MS)
  - Civic (CV)
  - Mixed Use (MU-1)
  - Mixed Use (MU-2)
  - Interstate Highway 85 Commercial District (C-85)
  - US Highway 74 Commercial District (C-74)
  - Vehicle Service and Repair (VSR)
  - Industrial (IND)
- Overlay Zoning Districts**
- Traditional Neighborhood Development Overlay (TNDO)
  - Scenic Corridor Overlay (SCO)
  - Heavy Industry Overlay (HIO)
  - Mini Farm Overlay (MFO)
  - Manufactured Home Overlay (MHO)
- Prior Approval**
- Conditional / PUD Approvals on File (Ref. 2)

Source: Source of Wetlands Data: U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), October 1, 2010.  
The source of the 2021 parcel data is Gaston County Planning GIS

Prepared by: R-Focus, Inc.

---

Adopted This The \_\_\_\_\_ Day of \_\_\_\_\_, 2021

Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_

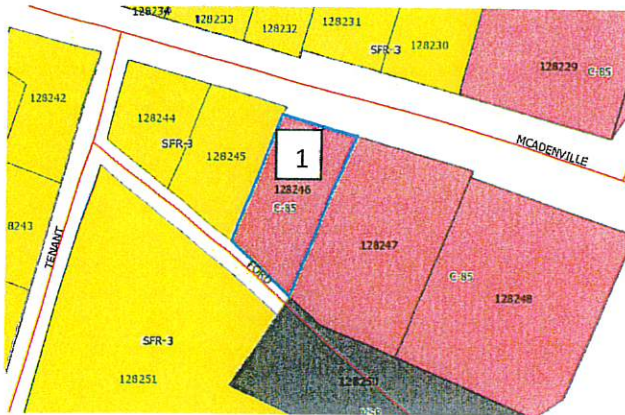
Planning, Zoning, and Subdivision Administrator \_\_\_\_\_

## EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

---

Refer to #1 on the general location map on page 2.

Mrs. Anna Renfro on behalf of her mother for PID #128246. The proposed map shows it as SFR-3 but she believes that since it is being leased as an asphalt parking lot to Hardee's, it should remain a Commercial District (C-85)



\*Change parcel (outlined light blue) as follows:

Screen Capture from GIS Zoning Map Draft

**Map Label 1a.** \*Change from SFR-3 to C-85

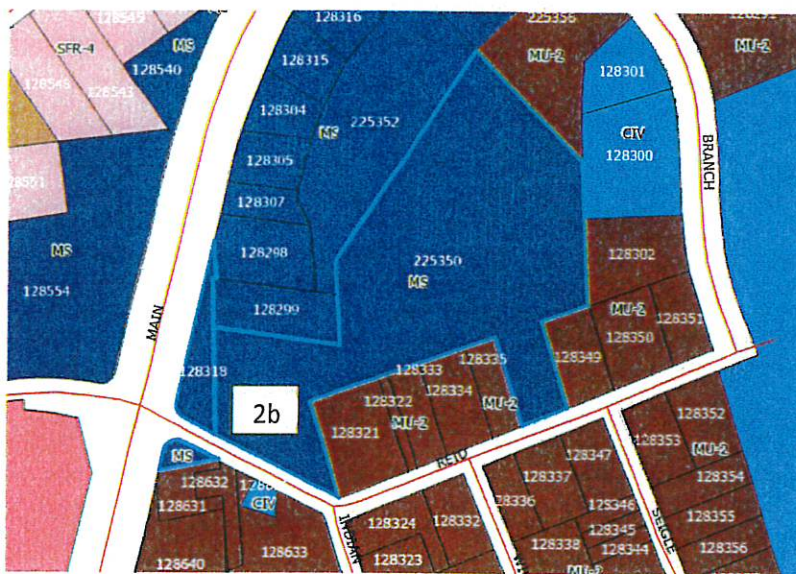
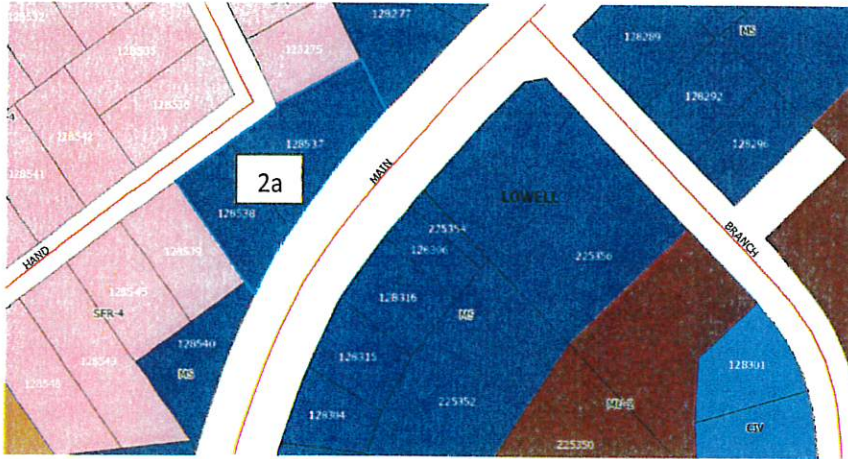
**Parcel ID # 128246**



## EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

Refer to #2a and #2b on the general location map on page 2.

Mr. Ed Jackson has requested that his properties at Parcel ID#'s 128537, 128538, 128318, and 225350 be converted to Main Street (MS).



Screen Capture from GIS Zoning Map Draft

\*Change parcels (outlined light blue) as follows: Change all four parcels to MS

Map Label 2a. \*Change from SFR-4 to MS

- Parcel ID # 128537; and
- Parcel ID #128538

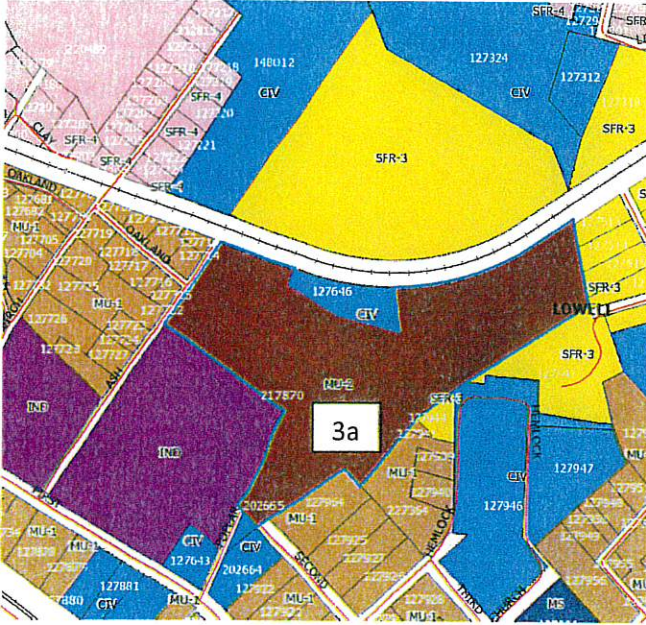
Map Label 2b. \*Change from SFR-4, CIV and MU-2 to MS

- Parcel ID # 128318; and
- Parcel ID # 225350)

## EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

Refer to #3a and #3b on the general location map on page 2.

Mr. Ralph Dixon and his business partner are wanting a portion of their property to be changed from SFR-3 to MU-2. This is located at PID# 217870. The area north of the train tracks can stay residential and they agree with keeping the 4 acre section that the warehouse sits on as IND, however, they would like to see more mixed use in that area rather than just houses.



\*Change a portion of Parcel # 217870 (outlined light blue above) from SFR-3 to MU-2.



With that requested change, the Planning Director recommended a zoning district change for four parcels (ID# 127939, 227364, 127940, and 127942) adjacent to Mr. Dixon's property, from SFR-3 to MU-1, for continuity with Mr. Dixon's request.

\*Change parcels (outlined light blue above) from SFR-3 to MU-1 as follows:

- Parcel ID # 127939;
- Parcel ID # 127940;
- Parcel ID # 127942; and
- Parcel ID # 227364



# EXHIBIT A of the Motion to Adopt the Lowell Development Ordinance on May 11, 2021

Official Zoning Map, dated March 3, 2021 DRAFT, displayed in the Public Legislative Hearing Notice

0210 Monday, April 19, 2021 | "The Gazette" | Gaston Gazette.com

## Expanded Published Notice per N.C.G.S 160D-602(b)

# PUBLIC LEGISLATIVE HEARING NOTICE

### For the new City of Lowell Development Ordinance and Official Zoning Map

#### Tuesday, May 11, 2021, 6:00 p.m.

**Hearing will be held at the Lowell Town Hall, 101 West First Street, Lowell, NC 28098**

The City of Lowell is expecting growth as North Carolina continues to exceed the national averages. In preparation for the effects of growth in the City, the Mayor & City Council have directed the preparation of both a new City Plan and a new Lowell Development Ordinance to replace the existing zoning, subdivision, and flood ordinances with a new format that modernizes standards & specifications for land use, development, and new subdivisions. The City Plan 2040 and Lowell Development Ordinance were completed and recommended by the Planning Board on March 2, 2021 to guide development in an orderly and desirable direction. The City Plan 2040 was adopted by the Mayor & City Council on April 13, 2021. Now it is time to formally establish new standards & specifications for such development through the adoption of the Lowell Development Ordinance.

The Mayor & City Council invite you to attend a public legislative hearing to learn about the new Lowell Development Ordinance and to share your comments. The new Lowell Development Ordinance (LDO) draft is available for inspection at both the City Hall by appointment (704) 824-3518 during normal business hours or may be viewed anytime on the City's website at [www.lowellnc.com](http://www.lowellnc.com).

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.

Amendment	PIN	Type	Date

**City of Lowell**  
**Official Zoning Map**

March 3, 2021 DRAFT

**Legend**

- Roads
- Railroads
- Centuries of Concern / RR-4
- Water Bodies
- State Flood Zone
- Wetlands Identified by USFWS

**Jurisdictions**

- Lowell City Limit
- Surrounding Municipal Jurisdictions
- 2021 County Tax Parishes

**Primary Zoning Districts**

- AgriBusiness (AGB)
- Single-Family Residential (SFR-1)
- Single-Family Residential (SFR-2)
- Single-Family Residential (SFR-3)
- Single-Family Residential (SFR-4)
- Residential Urban Street/Townhome (RUS-T)
- Urban Street (URS)
- City Core (CC)
- Neighborhood (ND)
- High-Rise (HR-1)
- Industrial Highway 85 Commercial District (IC-85)
- US Highway 74 Commercial District (C-74)
- Vehicle Service and Repair (VSR)
- Industrial (IND)

**Overlay Zoning Districts**

- Traditional Neighborhood Development Overlay (TNDO)
- Special Overlay District (SOD)
- Home Industry Overlay (HIO)
- High Power Overlay (HPO)
- Manufactured Home Overlay (MHO)

**Prior Approval**

- Construction / PUD Approval on File (PUD-A)

Scale: 0 0.25 0.5 0.75 1.0 Miles

Source: Series of National Maps, U.S. Air and Military Service (SP-15) Public Use Wetland Inventory (PWI), October 1, 2016

The source of the 2021 aerial data is Eastern County Planning GIS

Prepared by: W-Pland, Inc.

---

Adopted This Day \_\_\_\_\_ of \_\_\_\_\_ 2021

Mayor \_\_\_\_\_

City Clerk \_\_\_\_\_

Planning, Zoning, and Subdivision Administrator \_\_\_\_\_



**PROCLAMATION**  
**#PR1-2021**

**WHEREAS**, the Congress and the President of the United States have designated that there be a National Police Week; and

**WHEREAS**, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement officers and agencies and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

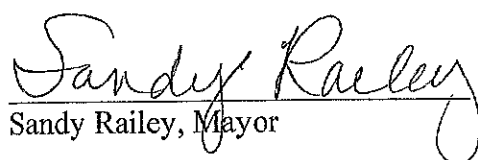
**WHEREAS**, the citizens of Lowell recognize and appreciate the contributions made by law enforcement officers at all levels of government;

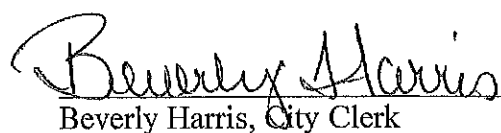
**NOW, THEREFORE, I**, Sandy Railey, Mayor of the City of Lowell, call upon all citizens to observe the week of May 9<sup>th</sup>-15<sup>th</sup>, 2021 as

**NATIONAL POLICE WEEK**

in Lowell, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclaimed this 11<sup>th</sup> day of May, 2021.

  
Sandy Railey, Mayor

  
Beverly Harris, City Clerk



**PROCLAMATION**  
**#PR2-2021**

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Lowell; and,

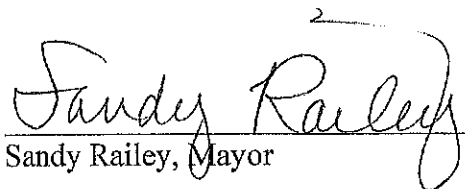
**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

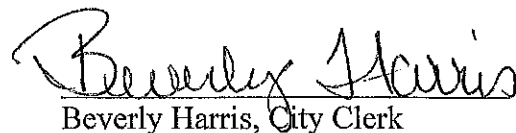
**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in the City of Lowell to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

**WHEREAS**, the year 2021 marks the 61<sup>st</sup> annual National Public Works Week sponsored by the American Public Works Association,

**NOW, THEREFORE, I**, Sandy Railey, Mayor of the City of Lowell, do hereby designate the week May 16<sup>th</sup> – 22<sup>nd</sup>, 2021 as National Public Works Week; I urge all citizens to recognize the substantial contributions these professionals make to protecting our national health, safety, and quality of life.

Proclaimed this 11<sup>th</sup> day of May, 2021.

  
Sandy Railey, Mayor

  
Beverly Harris, City Clerk





**RESOLUTION #RS2-2021**

**RESOLUTION IN OPPOSITION TO HB401/SB349  
2021 NORTH CAROLINA LEGISLATIVE SESSION**

**WHEREAS**, recognizing the importance of zoning to the peace and prosperity of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development; and

**WHEREAS**, municipalities in the State of North Carolina have their own unique characteristics and challenges so that "one size" does not "fit all," and statewide zoning mandates thus may have unintended negative consequences for the residents of the State; and

**WHEREAS**, unfunded mandates by the State, particularly during a time when local revenues are under pressure due to Covid-19 and other factors affecting local economies, will force communities such as Lowell to either increase property taxes or decrease services critical to the their residents, such as street maintenance or fire and police protection; and

**WHEREAS**, HB401/SB349 is now pending in the North Carolina General Assembly, and would force municipalities to allow duplexes, triplexes, quadplexes and Cityhouses into all residential zones, including all low-density zoning districts, for the stated purpose of expanding housing opportunities in Cities; and

**WHEREAS**, HB401/SB349 exempts residential areas in which private restrictive covenants apply, thus differentiating between sub-divisions such as gated communities and the neighborhoods without such protections, in essence protecting the wealthy by exposing middle and low income residents to incompatible development dictated by state government; and

**WHEREAS**, although HB401/SB349 has reportedly been endorsed by "affordable housing" proponents as a way to increase supply and decrease costs, in actuality there is nothing in the bill which actually controls costs; and

**WHEREAS**, HB401/SB349 likewise mandates the allowance of "one accessory dwelling," which can consist of a duplex, on each lot on which there is a single family residence, circumventing all usual approval processes such as conditional district zoning, and trumping all local parking requirements and utility approval protocols without regard to the impacts of a potential tripling of density; and

**WHEREAS**, HB401/SB349 has the potential to fundamentally change most neighborhoods in Lowell and accelerate the disruption of the lives of its citizens; and

**WHEREAS**, HB401/SB349 allows deficient applications to nevertheless vest development rights, undermining the ability of local jurisdictions to react to changes within their communities; and

**WHEREAS**, HB401/SB349, by using terms which are undefined and vague, makes expensive future litigation likely to create certainty around the meaning of its terms; and

**WHEREAS**, HB401/SB349 shifts financial responsibility for a developers attorney's fees onto the municipality whether or not the City's decisions have been made in good faith in a manner seeking to protect the common good; and

**WHEREAS**, HB401/SB349 prohibits a municipality from even examining a traffic impact analysis which has satisfied the North Carolina Department of Transportation, whether or not the municipality believes that the traffic generated by the project poses a danger to public safety and the ratification by the Department is prudent; and

**WHEREAS**, HB401/SB349, under the guise of creating affordable housing, is actually a usurpation of local zoning authority and if passed, will undermine the long-term stability of the City of Lowell for its permanent residents, betraying the promises of zoning which residents have relied upon in making their most important financial investments, the purchase of their homes; and

**WHEREAS**, HB401/SB349 proposes significant changes to Chapter 160D (local planning and development regulation) of the General Statutes that significantly reduce the autonomy of local governments in establishing and enforcing local zoning and land use regulations through a Zoning, Unified Development, Land Development or comparable ordinance and the statewide regulations proposed in the bills would obstruct a local government's ability to thoughtfully plan for growth and evaluate development proposed in a community; and

**WHEREAS**, HB401/SB349 would eliminate single-family zoning by allowing for middle housing types (defined as residential duplexes, triplexes, quadplexes, and townhouses) in areas zoned for residential use and mandating the allowance of accessory dwelling units in all residential zones, and while such mandates would increase housing supply statewide, there is no guarantee of housing affordability, or neighborhood compatibility; and

**WHEREAS**, HB401/SB349 would significantly alter the development review and development appeals process to the disadvantage of a local authority with specific examples including: precluding using traffic as a basis for denying a development permit; barring local governments from conditioning the acceptance or processing of a permit application unless specifically statutorily authorized; and authorizing a court to award reasonable attorneys' fees and costs to a party successfully challenging the actions of a local government; and

**WHEREAS**, HB401/SB349 directs local governments to adopt land use ordinances and regulations or amend their comprehensive plans to implement the provisions of Part I of the Bill by October 1, 2021, at a time when local governments are investing significant time and resources to comply with new Chapter 160D requirements recently enacted by the General Assembly (S.L.

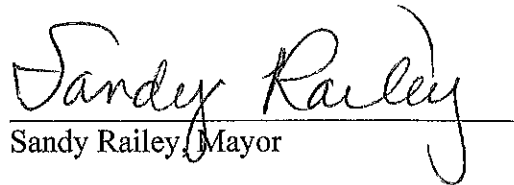
2020-25), and the proposed bills would significantly alter those ongoing planning processes, waste government resources, and erode public trust; and

**WHEREAS**, if the intent of the Bill is to increase the statewide housing supply, then there should be a rigorous analysis of the local fiscal, environmental, health and service impacts, both positive and negative, and reasonable solutions, including funding, included in the Bill to mitigate potential impacts;

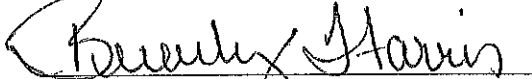
**NOW THEREFORE BE IT HEREBY RESOLVED** by the City Council of the City of Lowell, North Carolina as follows:

1. That the General Assembly not adopt either HB401 or SB349;
2. That, if passed, the Governor, the Honorable Roy Cooper, veto these measures;
3. That the city manager employ the City's lobbyists to work to prevent the passage of these bills;
4. That a copy of this resolution be sent to our elected State representatives and the Governor;
5. That the city manager take whatever additional steps he deems prudent.

Adopted this the 11<sup>th</sup> day of May 2021.

  
Sandy Railey, Mayor

ATTEST:

  
Beverly Harris, City Clerk

STATEMENT of CONSISTENCY and REASONABLENESS

for the

ADOPTION of the CITY of LOWELL DEVELOPMENT ORDINANCE

**WHEREAS**, the Lowell City Council adopted the City of Lowell Comprehensive Land Use Plan on April 13, 2021, hereafter referred to as the "Plan"; and

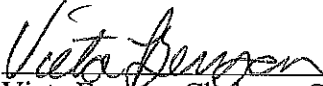
**WHEREAS**, the City Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Plan; and

**WHEREAS**, prior to adopting or rejecting any zoning ordinance or amendment thereto, the City Council must, in accordance with G.S. 160D-605, adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explain why the City Council considers the action taken to be reasonable and in the public interest.

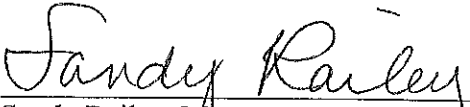
**THEREFORE**, the City Council hereby finds the adoption of the Lowell Development Ordinance consistent with the Plan adopted April 13, 2021, in that standards, specifications and policies set forth in the new Lowell Development Ordinance (LDO) will support the expansion of the City of Lowell economy, preserve the character of the City through practical standards for land use and development, and support the protection of natural resources as required by both Federal and State of North Carolina statutes. The new LDO is deemed reasonable in the way it will facilitate carrying out the goals of the Plan through each of the following:

1. Establish environmentally responsible yet business oriented common-sense principles aimed to protect both the local environment and property rights,
2. Minimize negative impacts on the natural and fiscal resources of Lowell,
3. Minimize negative impacts on local property tax and utility rate payers,
4. Welcome those future residents and businesses seeking to contribute to the success of the City's efforts to establish a resilient sustainable and stable local economy,
5. Reinforce the tax base,
6. Expand opportunities for local business success, and
7. Promote the health, safety and welfare of the citizens, businesses and property owners of Lowell.

**Recommended** this the 2<sup>nd</sup> day of March 2021

  
Vieta Benson, Chair per G.S 160D-604(d)

**Adopted** this the 11 - day of May 2021

  
Sandy Railey, Mayor per G.S. 160D-605

Attest:   
Beverly Harris, City Clerk



**RESOLUTION ADOPTING  
THE CITY OF LOWELL  
PERSONNEL POLICY,  
CLASSIFICATION AND PAY PLAN**

**RESOLUTION #RS1-2021**

**WHEREAS**, the Mayor and the City Council of the City of Lowell recognize the importance of its municipal employees in meeting the service needs of City residents; and

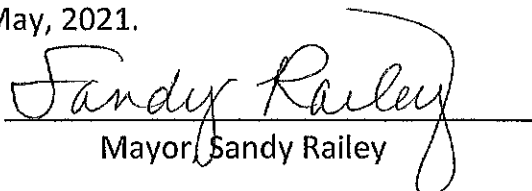
**WHEREAS**, it is the desire of the Mayor and City Council to maintain a municipal work force composed of qualified, competent, and dedicated employees; and

**WHEREAS**, the Mayor and City Council recognize the necessity of equitable rates of pay and reasonable conditions of employment in the maintenance of such a work force; and

**WHEREAS**, it is the desire of the Mayor and City Council to establish a system of personnel administration that will assure equity of compensation and fair and reasonable employee treatment for all of its employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWELL** that the following guidelines shall cover the appointment, classification, salary, promotion, demotion, dismissal, and employment conditions of the employees of the City of Lowell, North Carolina, replacing where appropriate the existing articles and sections on personnel, pay plans, class specifications and benefits. This Resolution shall take effect July 1, 2021 and shall remain and continue in effect unless or until amended or repealed by the City Council of the City of Lowell.

Presented and adopted this 11<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
Mayor, Sandy Railey

ATTEST:

  
\_\_\_\_\_  
City Clerk, Beverly Harris