



**CITY OF LOWELL  
COUNCIL MEETING AGENDA  
TUESDAY, JANUARY 10, 2023, 6:00 P.M.**

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- 1. CALL TO ORDER** – Mayor Sandy Railey
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**
  - A. Minutes from Council Meeting Held December 13, 2022 (p. 1-6)
- 6. SPECIAL PRESENTATION**
  - A. Resolution RS01-2023 for Recognition of Excellent Police Work by De-escalation for Officers Tinoco and Lowery (p. 7-9)
- 7. CONSENT AGENDA**
  - A. Planning Department and GIS Report (p. 10-14)
  - B. Public Works Report (p. 15)
  - C. Finance Department Report (p. 16-19)
  - D. Police Department Report (p. 20-21)
  - E. Parks and Recreation Report (p. 22-23)
- 8. UNFINISHED BUSINESS**
  - A. Public Hearing for Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue (p. 24-38)
  - B. Public Hearing for LDO Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1 (p. 39-46)
  - C. Public Hearing to Amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal (p. 47-54)
- 9. NEW BUSINESS**
  - A. Appointment of Council Delegate to Centralina COG
  - B. Consideration to Set Public Hearing for Master Sign Application, Case # MSP-22-01 (p. 55-67)
  - C. Consideration to add Firework Show in 2023 (p. 68-70)
  - D. Discussion and Consideration of 2023-2024 Biennium Legislative Goals (p. 71-76)
  - E. Consideration of Approval for Banking Services Request for Proposals (RFP) (p. 77-89)

**10. CITY ATTORNEY REPORT**

**11. CITY MANAGER REPORT**

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

**13. CLOSED SESSION**

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

**14. ADJOURN**

# MINUTES

Lowell City Council

Regular Meeting

Tuesday, December 13, 2022, 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 Mayor Pro Temp Travis Smith, Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright; City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Joe Gates, Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. Members of the public were also present.

## II. INVOCATION / PLEDGE OF ALLEGIANCE

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

## III. ADOPTION OF AGENDA FOR THIS MEETING

The agenda was amended under Section 7 Consent Agenda to add 7G (Approval of Requested Revisions to Newell Brands Economic Development Agreement EDA by Gaston County EDC) to New Business under 8K. Mr. Attaway also wanted council to be aware of the updated 8F (Consideration to Set Public Hearing for LDO Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1) to the agenda. Councilmember Funderburk made a motion to approve the adoption of the agenda with noted changes, seconded by Councilmember Gillespie. The vote was unanimously in favor.

## IV. PUBLIC COMMENTS

- A. Bill Knox of 5105 Meadow Woods Dr spoke about the bulk trash issues sitting at residential curbsides. He is asking council to support staff proposals for changes to clean the city up.

## V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting Held November 8, 2022

Councilmember Funderburk made a motion to approve the minutes from the November 8, 2022 Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.

## VI. SPECIAL PRESENTATION

- A. Resolution RS13-2022 for Chad Hawkins, Sheriff of Gaston County – Sheriff Hawkins was not in attendance. A copy of the signed resolution will be sent to him.
- B. Resolution RS14-2022 for 2022 Gaston County Principal of the Year, Principal Kristin Kiser of Lowell Elementary School. Ms. Kiser thanked the council for the acknowledgement.

**VII. CONSENT AGENDA**

- A. Planning Department
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report
- F. Consideration to Renew Ms. Jessica Holbrook and Ms. Anne Massey for Additional LCC Term.

**VIII. NEW BUSINESS**

- A. Adoption of 2023 Schedule of Meetings and City Holidays – Councilmember Funderburk made a motion to adopt the 2023 Schedule of Meetings and City Holidays, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- B. Adoption of FY 23-24 Budget Calendar – after council checked their calendars, January 24, 2023 and February 10, 2023 are the chosen dates, with a work session on March 3, 2023 and an optional meeting in the month of April. The regular May 9<sup>th</sup> council meeting will be presenting the budget to the public and a public hearing scheduled for the June 13<sup>th</sup> council meeting to approve it. Councilmember Funderburk asked if we have to have the meetings in Gastonia. Mr. Attaway stated that we could have it wherever we wanted. Councilmember Funderburk suggested McAdenville. Mr. Attaway said the location would be announced as we get closer to the date. Mr. Attaway said to plan for eight-hour days. Mayor Pro Temp made a motion to accept the FY23-24 Budget Calendar, seconded by Councilmember Bonham. The vote was unanimously in favor.
- C. Consideration of Amended ARPA Grant Project Ordinance presented by Lisa Nolen, Finance Director. After meeting with Centralina, we [City] has to keep up with the money being used and when we do a budget amendment, an ordinance must be done to show the amount that is going to the general fund and the balances. She said this is everything to date and includes the \$215,000 that was on the budget this year as well as the \$55,000 done last month. With no questions, Councilmember Bonham made a motion to approve the amended ARPA Grant Project Ordinance, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- D. Consideration of Demolition Bids and Selection of a Demolition Contractor for the selected structures at 1602 N. Main Street Parcel ID# 127479. Presented by Mr. Attaway with a background on the project. The City of Lowell received the SCIF grant of \$2 million from the State of NC for building a Public Works facility at 1602 N. Main St or the Crompton and Knowles Chemical Plant location. Staff received three qualified bids for the demolition and they are noted in the agenda packet. Staff is asking for City Council to select a demolition contractor. He said he reached out to DEQ this past week to obtain access to Crompton and Knowles bankruptcy funds that was set aside. DEQ is projecting up to \$500,000 in funds to assist the City. The bankruptcy amount is solely for change orders that may be needed.

Councilmember Funderburk asked how soon can they start. Mr. Attaway said typically once the bid is approved by council and the lawyer, the beginning of the new year would be the start period. Mr. Attaway then discussed the EMP, Environmental Management Plan, adopted by the city. The contractor will use the EMP allowing them to continue with a project without stopping to call the State for additional permissions. Once the contractor is selected, a meeting will be set up with them and DEQ in the first week of January. Mr. Russell, said the meeting may affect start time as we will need to ensure the contractor is compliance with the EMP. Councilmember Gillespie asked if the bids were sealed. Mr. Attaway said yes. Councilmember Bonham asked what would happen if there is a positive balance remaining from the \$500,000 bankruptcy funds? Mr. Attaway was not sure but believes it would go to another Crompton and Knowles project; however, he will check for the correct answer.

With no other questions, Councilmember Gillespie then made a motion to select Trifecta Company to do the demolition, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Gillespie thanked Mr. Attaway and the Mayor for the work done on this project. Mayor Railey allowed Jim Kiser, member of the public, to ask if the siren will be kept on the property? Mr. Attaway said it would but it is not functional. He said the city will do a sweep of the property to see if anything else can be salvaged.

- E. Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue. Presented by Joe Gates to set a public hearing –Mr. Attaway showed maps of the location. Councilmember Funderburk made a motion to have a public meeting on January 10<sup>th</sup> to consider this resolution, seconded by Mayor Pro Temp Smith. Councilmember Bonham asked why the street was closing? Mr. Attaway said it is intended to be developed with the rest of the parcel. Councilmember Bonham then asked if they know the use [for future]. Mr. Gates said we have not received any site plans for the use as of yet. Mr. Russell directed council to page 51 where it gives a brief reason for the closing. In part, the closure for this non-active street will be used to add additional parking, utilities, and stormwater management systems during redevelopment. The motion was then voted unanimously in favor.
- F. Consideration of LDO Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1 – presented by Joe Gates to set a public hearing to propose a text amendment adding “industrial zone” to the current language of the LDO from the current applicant, NorthPoint Development.

Councilmember Bonham asked if this is to combat having sidewalks on both sides of the streets. Mr. Attaway said yes but also the stormwater aspect of it. Mr. Gates added additional updates the applicant will be doing as well including widening the driving lanes. The industrial zone ends at Church Street, anything past this point would default to the current LDO. Mr. Attaway clarified that the street trees would be on both sides of the road. Councilmember Bonham said this type of detail is much better layout in keeping people off roads and keep stormwater out. Mayor Pro Temp made a motion to set the public hearing for LDO Text Amendment ZA22-04 for January 10, 2023 at 6pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

- G. Discussion and Consideration to Amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal – presented by Mr. Attaway. As mentioned in the public comments staff has been fielding numerous complaints regarding bulk trash on curbsides outside of the free bulk collection timeframe. To keep Lowell clean, staff is proposing a revision to the

Code of Ordinances and an update to the fee schedule. He discussed examples and what other localities are doing. Staff will bring the proposal to the next LCC [Lowell Community Committee] meeting later this month since they discuss the beautification aspect of the city. It will then come back to City Council on the January 10<sup>th</sup> meeting in a Public Hearing and he wanted to bring to council tonight for input. The Mayor asked are they taking pictures for evidence. Mr. Attaway said yes. The Mayor and Councilmembers thought it was a good idea. Mayor Pro Temp asked about apartments. Mr. Attaway said property owners will be held accountable and billed. Councilmember Funderburk asked if it will go on the water bill? Mr. Attaway said yes and Lisa Nolen and Sue Lowe will handle this. No vote needed at this time.

- H. Discussion and Consideration of I-85 Widening (I-5719) Betterment Costs – presented by Mr. Attaway of the high-level cost estimate for structures along the I-5719 corridor at two levels of betterment, high-end or mid-grade. NCDOT wants consistency in betterment selections throughout the county and they are set to provide \$1.19 million to Lowell specifically for it. This is part of the 1% of the \$442.8 million widening project.

Mr. Attaway stated landscaping will have to be kept up by the City of Lowell. He made recommendations for affected areas and possible light signals to consider with a new light on Power Drive, showing the options on the map. He discussed lighting options outside of bridges and bike and pedestrian lanes to come. He stated we do not have a total cost on this project yet and McAdenville is also meeting tonight to discuss cost sharing with the City of Lowell in order to get better grade betterments for the highly visible shared bridge. He will discuss further in the January and February meetings with the hopes of having a contract signed by the end of the fiscal year and provide the spreadsheet for possible scenarios. Councilmember Funderburk thought that this was way too much money when you will only see it for a few seconds coming through town. Councilmember Fulbright thought of maybe embedding an American flag within one of the bridges. Councilmember Gillespie said he liked that idea. He mentioned that we are doing this for the next 100 years not 10 years and what we do now reflects the future.

- I. Consideration of Appointment of Bill Knox to the Lowell Community Committee (LCC). Mr. Attaway said this is to appoint Mr. Knox for the 2023 calendar year. Councilmember Bonham made a motion to appoint Bill Knox to the Lowell Community Committee for term to begin January 1, 2023, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.
- J. Consideration of Awarding Construction Contract for Community Center Exterior Remodeling CDBG-NR Project. Presented by Mr. Attaway discussed how a vendor was selected previously, Providence Restoration, but immediately after the pre-construction meeting with them the City of Lowell was informed that the vendor did not accurately bid on the Community center, leaving out 12 windows. It was then determined to re-open the bid process again which took place on December 9, 2022. After reviewing the bids, Councilmember Funderburk made a motion to accept the bid of M.A.N. Construction for \$176,000 to complete the work at the Community Center, seconded by Mayor Pro Temp Smith. The motion was voted unanimously in favor.
- K. Approval of Requested Revisions to Newell Brands Economic Development Agreement (EDA) by Gaston County EDC – presented by John Russell. He informed council that this is the EDA that was approved following the public hearing held in June of this year. This is for the incentives grant for one of the occupants at NorthPoint. These incentive grants are specifically for the taxable personal property that will go into the building. The City of Gastonia wanted to

make some revisions since this was last discussed. The most significant change is under Section 1 of the EDA which relates to what would happen if Newell Brands failed to meet its target of the \$135 million investment. Gastonia wanted to take this section out as they did not want to continue the incentive grants if the company didn't meet their target. The Gaston County EDC came back and said the State of NC takes a very strict view of incentive grants and therefore asked the language to be put back in the document which is very similar to what was approved in June 2022. So only some of the language of technical modifications is slightly different for council to approve.

Councilmember Gillespie asked if Gastonia approved this, Mr. Russel said yes. Councilmember Bonham asked, referring to Section 1 regarding the expectation of the complete upfitting of the facility not later than five years after the occupancy of the property. He asked when will they appoint a CO and when does the clock start? Mr. Gates said they don't have a CO yet. Mr. Attaway said they are waiting on the stormwater as-built, landscaping to be replaced, and master sign application to be approved.

With no other questions, Mayor Pro Temp Smith made a motion to approve the requested revisions to Newell Brands Economic Development Agreement (EDA) by Gaston County EDC, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

**IX. CITY ATTORNEY REPORT - No updates**

**X. CITY MANAGER REPORT**

Scott Attaway gave updates on the following items:

- A. Economic Development story map has been done by Todd Stroupe and will be on the website and constantly updated. He showed council a preview of different areas Mr. Stroupe has been working on.
- B. McCord Park update – Concrete has been poured. The shade structures will be shipped in January 2023 and he will inform council when it will be installed. ADA parking has also been installed.
- C. Update on agenda streaming processing – getting other quotes and will have an update in January.

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

Councilmember Gillespie was very disheartened to see that Truist Bank has left the City of Lowell. He asked Mr. Attaway which bank will be best to bring to Lowell. Mr. Attaway said Lisa Nolen is currently working on an RFP for banking. Councilmember Gillespie then thanked Cristy Cummings for a successful and lovely parade. Lastly, Councilmember Gillespie read a memo received from the City of Charlotte Council congratulating him on his service and the hopes for the councils to work together and visit one another.

Councilmember Funderburk thanked Joe Gates for the new code enforcement initiative (noted earlier) to help keep the city clean.

Councilmember Fulbright thanked each councilmember and Mr. Attaway in helping her for the last 11 months of being a new councilmember. Mayor Railey thanked all for coming out tonight.

Councilmember Bonham made a motion to take a 5-minute break at 7:44, seconded by Councilmember Fulbright. The motion was voted unanimously in favor.

Councilmember Fulbright made a motion to go into Closed Session at 7:52pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

**XII. CLOSED SESSION**

- A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)
- B. To Consider Approval of Closed Session Minutes from:

2021

- January 12
- February 9
- March 9
- April 13
- June 8
- July 13
- August 10
- September 14
- October 12
- November 9
- December 28

2022

- January 11
- March 29
- April 12
- May 10
- July 11
- September 13
- October 13

Mayor Pro Temp Smith made a motion to come out of Closed Session, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.

**XIII. ADJOURN**

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 8:13 pm.

ATTEST:

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Mayor, Sandy Railey

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Cheryl Ramsey, City Clerk



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 6-A

**DESCRIPTION:** RESOLUTION RS01-2023 FOR RECOGNITION OF  
EXCELLENT POLICE WORK BY DE-ESCALATION FOR  
OFFICERS TINOCO AND LOWERY

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# CITY OF LOWELL POLICE DEPARTMENT



*Carl Moore, Chief*

January 4<sup>th</sup> 2023

To: Mr. Scott Attaway

City Manager, City of Lowell

Subject: Commendation of Lowell Police Officers Tinoco and Lowery

This memo serves as a request for recognition at the Lowell City Council meeting on January 10<sup>th</sup> 2023 of Lowell Police Officers Sable Tinoco and Payton Lowery for bravery and professionalism above and beyond the regular duties and expectations in connection with an incident involving an armed citizen possibly suffering from mental illness.

On 12/16/2022 at 9:27 P.M., Lowell Police Officers Tinoco and Lowery were dispatched to a psychiatric call at a location in Lowell in which it was reported that an adult male possibly experiencing or suffering mental illness had fired a shot from a handgun. The handgun had been taken away by people on the scene, but when Officer Tinoco and Officer Lowery arrived the subject was still armed with an AR-15 semi-auto rifle, which he racked a round in while approaching the officers. Officers Tinoco and Lowery successfully used verbal de-escalation and verbal compliance methods to detain the subject without any injuries to himself, officers or bystanders. EMS was then called for further assistance and the subject was transported to the hospital without incident for further evaluation or assistance.

In addition to the commendations from their supervisors, the Police Department has been contacted by family members who have expressed their appreciation for the successful handling of this incident without injuries and without further shots being fired.

Sincerely,

A handwritten signature in black ink that reads "Carl Moore".

Carl Moore, Police Chief,

City of Lowell



**RESOLUTION ACKNOWLEDGING THE SERVICE OF POLICE OFFICERS**

**RESOLUTION NUMBER: RS01-2023**

**WHEREAS**, the City of Lowell is seeking to acknowledge Officers Sable Tinoco and Payton Lowery, of the City of Lowell Police Department for bravery and professionalism during an armed male suffering from mental illness.

**WHEREAS**, Lowell Police Officers Tinoco and Lowery were dispatched to a psychiatric call in which an adult male was suffering from mental illness and had already fired a shot from a handgun. The handgun was taken away by people on the scene; however, when Officer Tinoco and Officer Lowery arrived, the male then walked toward them armed with an AR-15 semi-auto rifle; and

**WHEREAS**, the two officers used verbal de-escalation and verbal compliance methods to detain the victim without any injuries to the victim, officers or bystanders. The victim was transported by EMS to the hospital where the victim received the proper mental health he needed; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWELL** that on behalf of the citizens of the City of Lowell, we hereby recognize and acknowledge the bravery, professionalism, and compassion of Officer Tinoco and Officer Lowery for de-escalating the psychiatric call and keeping everyone safe.

THIS RESOLUTION, adopted on the 10th day of January, 2023

**ATTEST:**

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

\_\_\_\_\_  
**Cheryl Ramsey, City Clerk**



**To:** Scott Attaway, City Manager

**From:** Joe Gates, Planning Director

**Date:** Thursday, January 5, 2023

**Re:** Monthly Department Update

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**Code Enforcement:**

- Minimum Housing - Inspection dates were set with the property owner of 2 & 2.5 Stowe Street. Inspections set to take place on Friday, January 6<sup>th</sup>, 2023
  
- (2) Minimum Housing Access Letters sent. Property owner has replied and will be scheduling inspections in the coming weeks for both addresses.
  - 924 Moose St
  - 915 Moose St
  
- (2) Nonresidential Building Maintenance access letters sent. Property owner has replied, and inspections will be scheduled in the coming weeks for both addresses. Still trying to get dates scheduled with the owner and Gaston County Inspections.
  - 101 E. First Street
  - 100 N. Main Street
  
- (2) Enforcement Action taken against 307 S. Church.
  - Public Works sent a crew on 12/7/2022 to begin removal of junk and debris in the front and side yards. Waiting on weather conditions to improve to schedule rear yard removal. Invoice for front yard cleanup mailed first week of January 2023. Owner has 30 days from receipt of invoice to pay.
  - Staff towed junk vehicle parked on E. Second Street near Lowell Masonic Lodge and N. Main Street.

**Zoning:**

- 7 zoning permits processed this month
- Staff held regular TRC meeting with staff. Staff reviewed 2<sup>nd</sup> submittal of Groves Street townhomes Preliminary Plat. Comments will be returned to the applicant sometime in January.
- Staff met with a local property and developer about possible zoning uses and permitting requirements/deadlines, etc.

**Planning:**

- Staff attended the GCAMP (Gaston County Area Municipal Planners) meeting this month.
- Staff attended the GCLMPO Workgroup meeting to discuss Comprehensive Bicycle & Pedestrian Infrastructure Inventory and the Transfer of Completed Plans workgroup meeting
- Staff attend project meeting for Chemical Plant (Crompton & Knowles) updates
- Staff attend Regional Managers Group Meeting - provided by Centralina
- Staff received (1) Submission this month. Planning Board met on Tuesday, January 3rd, 2023 to review a Master Sign Plan application. The Board voted unanimously to approve the proposed Master Sign Plan.
- Street Closure request for a portion of Taylor Ave needs to be postponed until the regular meeting in February 2023 due to publication requirements.

**Stormwater:**

- Staff attended the Regional Stormwater Partnership of the Carolinas Quarterly Meeting
- Staff attended the stormwater workshop presented by RSPC covering Post-Construction Inspections



**To:** Scott Attaway, City Manager

**From:** Todd Stroupe, GIS Analyst

**Date:** January 4, 2023

**Re:** City of Lowell Geographic Information System (GIS) Updates

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#### GIS and Mapping

- Generated Taylor Avenue Right of Way Abandonment reference map.
- Updated Economic Development Overview Storymap with new McCord Park images.
- Continue to work on Lowell GIS Hub.
- Generated Bulk Item Pick-Up Report Survey 123
- Continue to work on email automation when Bulk Item survey response is submitted.
- Performed impervious surface analysis for future Gateway 85 buildings and parking lots.

#### Other Tasks and Assignments

- Created Power Point version of organizational chart
- Made one Facebook Post.

#### Meetings and Events

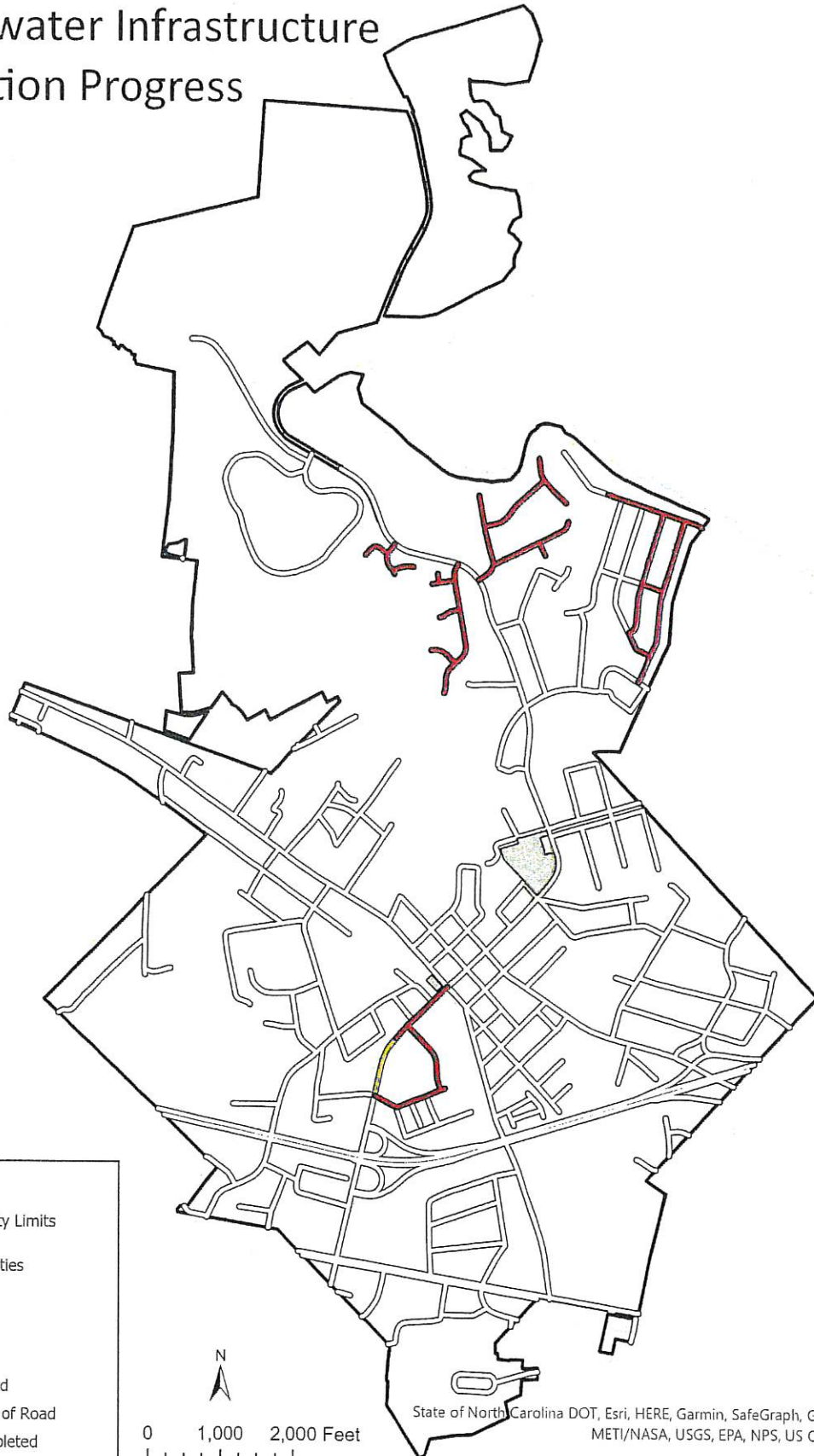
- Presented Economic Development Overview Storymap at December LCC Meeting.
- Attended COG Regional Managers Meeting
- Attended Safe Routes to School Non-Infrastructure Grant Application Webinar 2023
- Attended NC Commerce and Town of Lowell-Main Street Discussion Zoom Meeting
- Attended Lowell Technical Review Committee Meeting
- Attended Lowell Budget Meeting
- Attended Department Head Meeting

#### Stormwater

- Attended Post Construction Stormwater Compliance Workshop
- Attended internal stormwater staff meeting.
- Created MS4 Outfall Field Screening Report Survey123 Form.
- Created Internal Stormwater Issue Report Survey 123 Form.

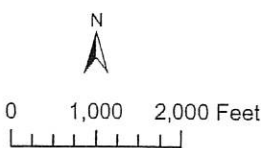
- Went with Joe Gates to investigate two stormwater reported issues on South Pine Street and North Main Street.
- Continue to work on the 2023 (Permit Year 2) MS4 Self-Assessment.
- Continue MS4/stormwater infrastructure mapping of **inlets, outlets/outfalls, conveyance structures (pipes, ditches, etc.), and flow directions.**
  - **Inlets** – A catch basin, curb inlet, or other drop-type structure constructed to direct stormwater into storm sewers or other underground drainage systems.
    - Information collected for **Inlets** includes *inlet type, basin dimensions and material, basin depth invert, material, and basin conditions.*
  - **Outlets** - The point at which water discharges from a stormwater pipe or drain.
  - **Outfalls** - A point of water discharge from a pipe or drain into a water body.
    - Information collected for **Outlets/Outfalls** includes *the type of outlet point, pipe diameter, any illicit discharge, and condition of outlet or ditch.*
  - **Conveyance Structure** - A pipe, open channel, ditch, or other facilities that transport stormwater runoff from one location to another.
    - Information collected for **Conveyance Structures** includes *conveyance type, pipe material, pipe diameter, condition of pipe or ditch, and flow direction.*
    - **Flow Direction** is the direction (north, west, east, or south) of movement of stormwater either across a surface or within a conduit.
  - Progress of mapping since October 1, 2022:
    - City Facilities completed: City Hall, Harold Rankin Park
    - 430 total features collected:
      - 191 Inlet points
      - 32 Outlet/Outfall points
      - 207 Conveyance (pipes, ditches, etc.) lines
    - 37.3 miles of roadway in Lowell City Limits to map:
      - 3.36 miles of road completed
      - 0.16 miles one side of road completed
      - 33.78 miles of road not completed

# Stormwater Infrastructure Collection Progress



**Legend**

- Lowell City Limits
- City Facilities
- Streets**
- MapStatus**
- Completed
- One Side of Road
- Not Completed



State of North Carolina DOT, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA





**To:** Scott Attaway, City Manager

**From:** Thomas Shrewsbury, Public Works

**Date:** Jan 3, 2023

**Re:** December monthly report

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- Public Works assisted with walkway improvements and maintenance in McCord Park.
- Street Department staff worked on cleaning up the cemetery for the holiday season.
- Water Dept crews repaired leaks at the following locations:
  - 314 Rankin Ave – 2-inch line break and install a new service line.
  - 813 N. Main St – 1 inch water line break
  - N. Elm St – 6-inch water main break
  - 923 River Run – 6-inch water main break
  - McAdenville Ave – 2-inch line break
  - Wilson Street – 1-inch line break
  - Reid Street – 2-inch line break
  - Lineberger Road – 6 inch water main break
- Water and Sewer staff worked to catch up on sewer line inspections in high-risk areas. Several areas such as creek crossings, aerial lines and lines close to the river were inspected.
- Sewer Department staff continued working on cleaning drying beds out to make room for additional wasting at the Waste Treatment Plant.
- All staff worked towards getting Christmas lights and decoration up throughout the community and at Herold Rankin Park.
- Street Department employees continued running leaf collection routes.
- Crews helped work special events through the holiday season.



**To:** Scott Attaway, City Manager

**From:** Lisa Nolen, Finance Director

**Date:** January 4, 2023

**Re:** Finance Update

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### **Utility Billing:**

Ongoing meetings, training, and implementation of new Polimorphic system for UB payments, credit card payments, new customer applications, customer terminations, website forms, project management processes and payments for miscellaneous items, such as zoning permits, development fees, etc.

Staff made more than 100 courtesy calls to customers scheduled for cut-off to ensure all had received information on new payment system. Processed disconnection of services on December 29<sup>th</sup> for customers with delinquent balances. Processed, printed, and mailed December 2022 bills on December 30, 2022.

Scanning all daily collection reports and updating Excel spreadsheets.

Completed more training for conversion to the updated Mueller/Sentryx Infrastructure Network System.

Continually troubleshooting issues to improve operations in MiNet digital system and equipment in the field. Monitoring meter alerts in MiNet.

Continual training of Accounting Technician in all areas of operations in the Utility Billing department, including all daily, weekly, and monthly responsibilities.

Working monthly with Planning Director on updating addresses and ownership information for processing Stormwater Management billing each month for occupied and non-occupied properties. Working with Planning Director on adding new street addresses to Southern Software and MiNet system, so we can install meters at future development homes.

All other responsibilities include gathering readings and processing billing, posting payments, producing daily collection reports, producing daily credit card reports and transfers of funds to customer accounts, processing pool fill adjustments and leak adjustments for customers as needed, posting monthly ACH payments to customer accounts and producing reports for Finance Director, answering phones, compiling NSF letters to customers, compiling a wait list for second and third roll carts requested by customers, assisting customers with various needs, ordering office supplies for all departments including the police department, and assisting all City departments with other duties as needed.

**Finance:**

Ongoing meetings with Polimorphic for set-up and implementation of new system for forms and payments. Assisting and training Utility Billing staff on new Polimorphic payment system. Assisted staff with courtesy calls to customers to ensure all had received information on new Polimorphic payment system. Assisted staff with pulling in payments from Polimorphic to facilitate billing deadline of December 2022 utility bills. Creating processes as needed for tasks through Polimorphic. Updating Polimorphic staff with needed changes. Checked to ensure that Polimorphic payments were being received in checking account.

Contacting local banks for correct address and contact information for completion of letters for RFP. Completed RFP for banking services, including letters to appropriate contacts at local banks.

Working on five-year budget projections. Updated expense line items for all departments on five-year budget projections regarding capital outlay, principal maturities, and interest on debt.

Reviewing, advising corrections needed, and signing off on timesheets for City Clerk/HR Director.

Entering cash receipts and cash disbursements in Southern Software. Posting all payroll related draft payments and draft payment for Planning Board Stipends. Processing and paying bills weekly. Using various allocation spreadsheets for bills to allocate expenses to correct line item. Collecting receipts, breaking out charges to code to correct expense item, and posting all Visa and Lowe's credit card charges. Breaking out charges to code to correct expense item and posting all WEX credit card charges. Issuing purchase orders as needed for staff. Assisting staff in other departments with processes in Polimorphic system. Posting year-end journal entries received from CPA and balancing to trail balance. Reconciling bank accounts. Completing other tasks as needed.

City of Lowell, North Carolina  
 FY 2023 Revenue Dashboard  
 10/31/2022

Type	Budget	YTD thru 10/31/2022	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
<b>General Fund</b>					
General Fund	3,254,386.00	875,340.35	2,379,045.65	73%	67%
Water/Sewer Fund	1,696,082.00	503,069.71	1,193,012.29	70%	67%
Stormwater Fund	392,919.00	122,853.15	270,065.85	69%	67%
<b>Total</b>	<b>5,343,387.00</b>	<b>1,501,263.21</b>	<b>3,842,123.79</b>	<b>72%</b>	<b>67%</b>

Notes:  
None

City of Lowell, North Carolina  
 FY 2023 Dashboard  
 10/31/2022

Department	Budget	YTD thru 10/31/22	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
<b>General Fund</b>					
Administration	996,649.00	234,729.30	761,919.70	76%	67%
Public Safety	1,165,063.00	351,241.74	813,821.26	70%	67%
Public Works	355,212.00	73,606.39	281,605.61	79%	67%
Sanitation	334,202.00	119,864.05	214,337.95	64%	67%
Parks	315,260.00	66,219.60	249,040.40	79%	67%
Powell Bill	88,000.00	10,037.50	77,962.50	89%	67%
<b>Total</b>	<b>3,254,386.00</b>	<b>855,698.58</b>	<b>2,398,687.42</b>	<b>74%</b>	<b>67%</b>
<b>Water/Sewer Fund</b>					
Water/Sewer	1,313,222.00	416,856.95	896,365.05	68%	67%
Wastewater Treatment	382,860.00	96,703.90	286,156.10	75%	67%
<b>Total</b>	<b>1,696,082.00</b>	<b>513,560.85</b>	<b>1,182,521.15</b>	<b>70%</b>	<b>67%</b>
<b>Stormwater Fund</b>					
Stormwater	392,919.00	84,344.98	308,574.02	79%	67%
<b>Total</b>	<b>392,919.00</b>	<b>84,344.98</b>	<b>308,574.02</b>	<b>79%</b>	<b>67%</b>

Notes:  
None



**To:** Scott Attaway, City Manager

**From:** Carl Moore, Police Chief

**Date:** January 4, 2022

**Re:** Police Department Update

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The City of Lowell Police Department had its busiest year ever recorded in 2022. Officers logged 7,759 calls for service, a 20% increase from 2021 (6464). The increase was seen in every month of 2022 and there is little doubt that call volume will slow down in years to come. LPD administration is in constant communication with city management to make sure the LPD is prepared for future call volume increases.

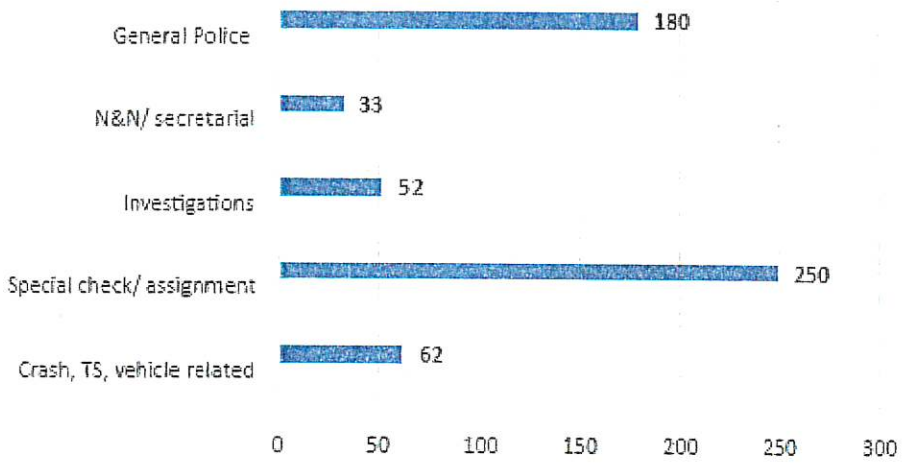
The LPD had a few notable training accomplishments in December. Officer Chris Mulkern received his Intermediate Law Enforcement Certificate. This Certificate is awarded to NC law enforcement officers who have attended many hours of training and are in good standing with their respective departments. Officer Mulkern is a valuable asset to the LPD and there is no doubt he will continue to attend further training and seek his Advanced Law Enforcement Certificate.

Officer Scott passed his State Law Enforcement Officer Certification Exam after completing BLET. LPD administration compiled and submitted his paperwork to the state. When the certificate is returned, Officer Scott will be sworn in and begin his field training.

All officers completed 2 hours Chief's choice required training. The training was a refresher on LPD policy and was done as part of 24 hours required by the state each year. Officers complete the required training on topics such as; legal updates, de-escalation, workplace health, mental health, and gang intelligence update to name a few.

The City of Lowell Parade was a success and everything ran smoothly with the assistance of Lowell Public Works. City employees used large equipment and patrol cars to block major roads leading to the parade route. This protected observing citizens from anyone wanting to harm them with a vehicle. The LPD would like to recognize and thank all the Public Works employees who assisted with blocking the roadways and keeping our citizens safe.

### DECEMBER CALLS BY TYPE



### DECEMBER CALLS HISTORY

- 2022- 576
- 2021- 515
- 2020- 395



**To:** Scott Attaway, City Manager  
**From:** Cristy Cummings, Parks and Recreation Director  
**Date:** January 5, 2023  
**Re:** Parks and Recreation Monthly Report

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**Events:**

- Advertising and day-of coordination for the Christmas Parade and Photos with Santa
- Safety meeting with PD regarding Christmas Parade
- Coordination with Police, Public Works, volunteers with the LCC as well as City employees that donated their time to assist in various areas of the parade and Photos with Santa

**Athletics:**

- 45 kids registered thru Lowell Parks and Recreation and 45 kids registered thru Woodlawn Baptist Church for a 90 kid league. Basketball drafts were conducted after Thanksgiving to ensure teams would be evenly matched against one another.
- Basketball practices began Saturday, December 3.
- Communications with Woodlawn on late registrations to fill open spots on teams.
- Communications with Woodlawn on uniform sizes for kids that signed up thru Woodlawn.
- Created uniform order.
- Once uniforms arrived, hand counted each size for each team to ensure nothing was missing before handing to coaches to distribute.
- Communications with Belmont, Cramerton, and Gastonia Athletic Supervisors on joint leagues. Created master schedule for home games in Lowell.
- Communications with coaches on practice changes, rules questions, and schedule questions.
- Communications with parents on general basketball questions.
- Creation of sports registrations forms on Polimorphic for residents and non-residents in preparation for February spring sports sign-ups.

**General:**

- Picked up trash
- Cleaning bathrooms
- Cleaned Community Center
- Updating letterboard at Harold Rankin Park



- Creation of content for LCC's Citizen's Academy Night
- Preparation and attendance of LCC meeting
- Attended Committee Appreciation Dinner
- Coding invoices, updating department budget spreadsheet
- Updating website for departments
- Creating social media content

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-A

**DESCRIPTION:** PUBLIC HEARING FOR CONSIDERATION OF RESOLUTION  
RS12-2022 OF INTENT TO CLOSE A PUBLIC STREET AS IT  
RELATES TO A PORTION OF TAYLOR AVENUE

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Please see the attached memo from the Planning Director



**To:** Scott Attaway, City Manager

**From:** Joe Gates, Planning Director

**Date:** Thursday, January 5, 2023

**Re:** Consideration to reschedule Public Hearing involving the partial closure of Taylor Ave.

---

Staff is requesting that City Council reschedule the public hearing that is currently scheduled to be heard on January 10<sup>th</sup>, 2023, and move this public hearing to their February 14<sup>th</sup>, 2023, meeting date. Staff was unable to meet the publication requirements (4 consecutive weeks) set forth in NC General Statutes 160A-299 in December due to the Christmas and New Year holidays that restricted the dates available for publication. If approved, staff will readvertise the public hearing in January/February 2023 in compliance with the NC G.S. 160A-299 and present to City Council at their February 14<sup>th</sup>, 2023, meeting.



RS12-2022

**RESOLUTION OF INTENT  
TO CLOSE A PUBLIC STREET**

**WHEREAS**, a petition has been filed, pursuant to G.S. 160A-299, requesting the Lowell City Council to close and remove from dedication the following described street in City of Lowell jurisdiction:

BEING the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:

Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 5/8" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.

**WHEREAS**, it appears that all owners of property adjoining the above said described street have signed the petition or have been notified of the proposed closing thereof; and

**WHEREAS**, a map of the proposed closing is available for public inspection with the City Clerk at Lowell City Hall;

**NOW, THEREFORE, BE IT RESOLVED**, that it is the intent of this Council to close a portion of said street to the public use, and that a public hearing on this

question will be held on the 14<sup>th</sup> day of February, 2023, at 6:00 p.m. in the City Hall, Lowell, North Carolina, at which time the Council will hear all interested citizens and make a final determination as to whether the street shall be closed and removed from dedication.

Adopted this the 14<sup>th</sup> day of February, 2023.

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Sandy Railey  
Mayor

Attest:

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Cheryl Ramsey  
City Clerk



# Street Closing Petition

## Permanent Closing of Public Streets and Alleys

Planning and Development, Lowell City Hall | 101 West First Street | Lowell, NC 28098 | 704 617 0141

### Section A: Submittal Requirements

Please include all of the following (please check off) – If any information is missing from the petition package, you will be asked to complete the petition and re-submit. Carefully check the list below before submitting petition.

✓	<b>Filing Fee.</b> Please refer to the <a href="#">FY 2022-2023 Adopted Rates, Fee, and Charges</a> for the current fee. This fee is intended to cover a portion of the cost of review, advertising and public notification and recording recombination plats. The fee will be due at the time of application submittal. A copy of the fee schedule can be found at <a href="http://www.lowellnc.com">www.lowellnc.com</a>
✓	<b>Recorded Plat and Gaston County GIS.</b> The petitioner(s) must obtain a Gaston County Property map from <a href="#">Gaston County GIS</a> and a recorded plat from the Gaston County Register of Deeds, showing the existing roadway to be closed and all abutting properties. Both maps are required at the time of submittal.
✓	<b>Description of the Street or Alley.</b> The petitioner(s) must list the description of the street or alley (using the form on page 3 of this application, and give his/her name, address, city, state, zip code and telephone number).
✓	<b>List of Abutting Property Owners.</b> The parcel identification number, names and addresses of the property owners abutting the street right-of-way should be listed on page 4 and 5. The petitioner(s) should obtain the signature of each abutting property owner listed on the petition.

### Street and Alley Closing Process

In order to meet all legal requirements regarding closing a street or alley or abandoning a public right-of-way, petitioner(s) may wish to employ legal counsel and/or the services of a licensed professional surveyor. This will also assure property owners of clear title to the petitioned property if the City Council chooses to adopt a resolution to close the street.

Once the petition has been received, Planning Department will coordinate a review of the proposed street closing with other City Departments and local utility companies. City Administration will make a recommendation to the City Council. The Council will hold a public hearing, and then decide if the closing is in the public interest. If they determine that it is, they will pass a resolution closing the street or alley.

At this time, the abutting property owners may submit recombination plats showing the new property lines to Planning and Development, wherein they will be authorized for recording in the Gaston County Register of Deeds office.

### Mail Street Closing Petition with payment to:

City of Lowell  
101 West First Street  
Lowell, NC 28098

**Pay/Deliver in person: Lowell City Hall - 101 West First Street, Lowell, NC 28908**

**Email: [jgates@lowellnc.com](mailto:jgates@lowellnc.com)**

**Section B: Notice to Petitioners**

1	Please read the petition and all other information carefully, it is important that you understand what you are signing and how it will affect you.
2	Find your property on the enclosed map. Each lot is assigned a number and you must sign opposite the number that indicates your lot. If you own more than one affected property, you must sign beside each parcel listed that you own.
3	Make sure your deed and the petition map's road frontage correspond with one another. If there is a discrepancy, write the road frontage noted on your deed in the space provided on the petition.
4	Sign the petition as signed on the deed. If multiple owners, signatures must be listed in the same manner as on the deed.
5	If you are signing on behalf of a corporation, give your title and place your corporate seal over your signature.

**Note: Incorrect signatures are not binding on the petition and may cause delay in processing. If you have any questions, call the Planning Department at 704-617-0141. Please read the below excerpt from the North Carolina General Statutes that describes the process of law that must be followed by the City to close a street or alley.**

**N.C.G.S. 160A-299 Procedure for Permanently Closing Streets and Alleys**

a	When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.
b	Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.  No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.
c	Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.  The provisions of this subsection regarding division of right-of-way in streets or alleys may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

d	This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 13696.
e	No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto (1971, c. 698, s. 1; 1973, c. 426, s.47; c. 507, s. 5; 1977, c.464, s. 34).
f	A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.
g	The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 13696. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 13696 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 19 93, c. 149, s. 1; 2015 G.S. 160A-- 103, s. 1.)

**Section C: Summary Information**

<b>1</b>	<b>Description of portions of street or alley (to be closed):</b>
	<p>Being the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:</p> <p>Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 5/8" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.</p>

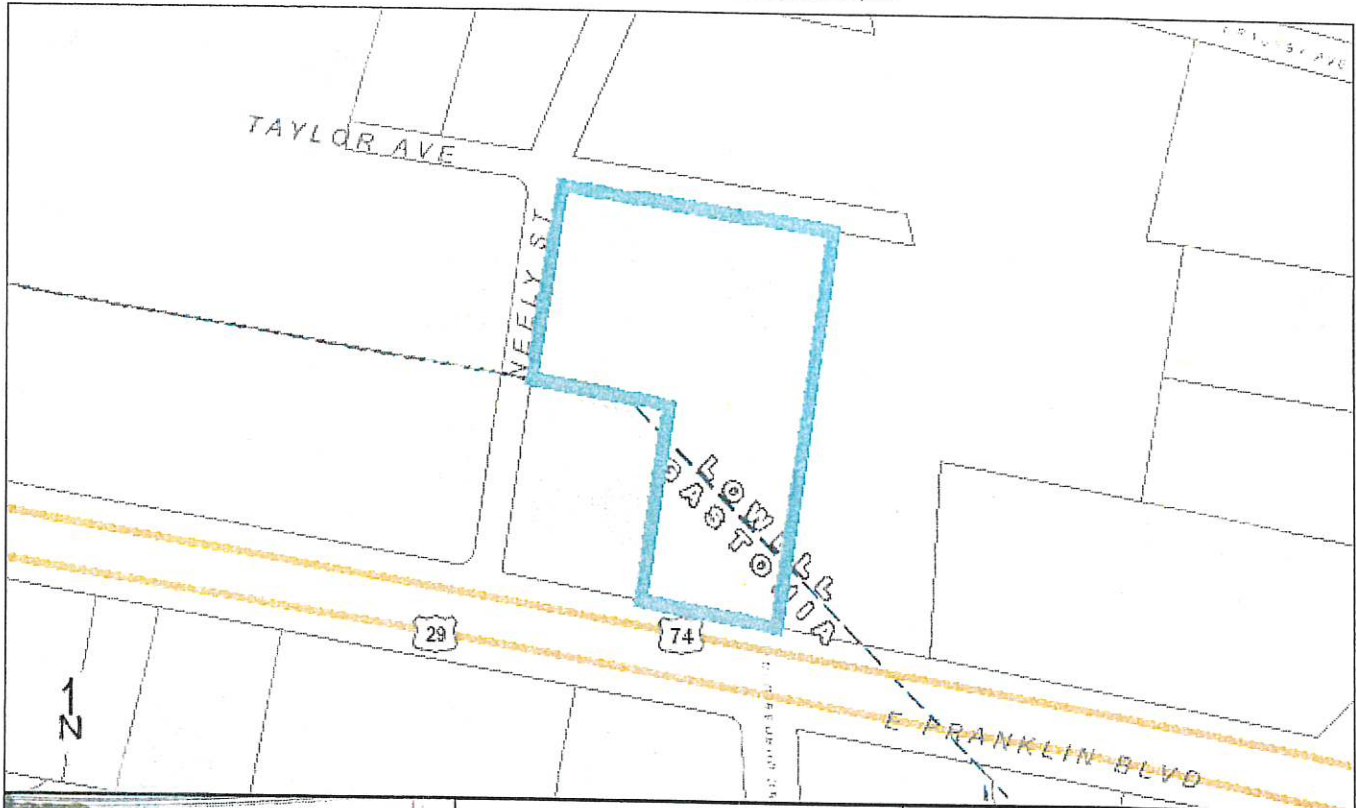


2	<b>Reason for closing the street:</b>
<p>Taylor Avenue is no longer a street that is in use in the Right-of-Way area referenced and thus it is currently serving no meaningful purpose as public Right-of-Way. The developer plans to redevelop the surrounding properties and will need the Right-of-Way area to add additional parking, utilities, and stormwater management systems during redevelopment. Due to the position of the Right-of-Way in reference to the surrounding properties, it will be nearly impossible to develop the properties together without the Right-of-Way being abandoned.</p>	

3	<b>This petition was submitted by:</b>		
Name <b>Micah Hatley</b>			
Mailing Address <b>2101 Magnolia Avenue S, Suite 100</b>			
City <b>Birmingham</b>		State <b>AL</b>	Zip <b>35205</b>
Daytime Phone <b>205-397-0370</b>		Email <b>mhatley@fg-inc.net</b>	
4	<b>Today's Date</b>		
5	<b>Gaston County Property Map</b> – Attached is a copy of the Gaston County Property Map showing the subject street or alley and surrounding properties (obtain from Gaston County GIS).		
6	<b>Recorded Plat</b> – Attached is a copy of the Recorded Plat showing the subject street or alley and surrounding properties (obtain from the Gaston County Register of Deeds).		
<p>We, the undersigned property owners, owning land abutting the street or alley shown on the attached map, hereby petition the Lowell City Council to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached map.</p>			<b>Date of Map</b>
Parcel Identification Number <b>3575056327</b>		Road Frontage (from Deed) <b>4114 E Franklin Blvd.</b>	
Property Owner <b>Thompson Reality Investments, LLC</b>			
Mailing Address <b>2334 Jefferson Avenue</b>			
City <b>Gastonia</b>		State <b>NC</b>	Zip <b>28056</b>
Signature <i>Barbara Luce Thompson, Managing Member</i>			

Parcel Identification Number	3575058581	Road Frontage (from Deed)	4210 E Franklin Blvd.
Property Owner	Thompson Realty Investments, LLC		
Mailing Address	2334 Jefferson Avenue		
City	Gastonia	State	NC
Zip	28056		
Signature	<i>Barbara Anne Thompson, Managing Member</i>		
Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			
Mailing Address			
City		State	
Zip			
Signature			
Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			
Mailing Address			
City		State	
Zip			
Signature			

Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			
Mailing Address			
City		State	
Zip			
Signature			
Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			
Mailing Address			
City		State	
Zip			
Signature			
Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			
Mailing Address			
City		State	
Zip			
Signature			
Parcel Identification Number			
Road Frontage (from Deed)			
Property Owner			



**Primary Property Address**

4114 E FRANKLIN BLVD GASTONIA, NC 28056

**Tax Information**

PARCEL #: 128626  
 PIN #: 3575056327  
 CURRENT OWNERS: THOMPSON REALTY INVESTMENT LLC  
 MAILING ADDRESS: 2334 JEFFERSON AVE, GASTONIA, NC 28056-6525  
 NBHD #: LW006  
 NBHD NAME: REDBUD/WILKINSON  
 TOWNSHIP: SOUTH POINT TOWNSHIP  
 LEGAL DESC: B L MCARVER BLK 1 L 36-41 05 014 050 00 000

**Tax Information**

DEED BOOK: 3503 PAGE: 0121  
 DEED RECORDING DATE: 8/2/2002  
 SALES AMOUNT: \$3,000,000  
 PLAT BOOK: 007 PAGE: 072  
 STRUCTURE TYPE: SKATING RINK  
 YEAR BUILT: 1980  
 SQUARE FOOTAGE: 26400  
 VACANT: IMPROVED  
 BASEMENT: NO  
 BED: BATH: HALF-BATH:  
 MULTI-STRUCTURES: NO  
 ACREAGE: 2.15  
 TAX DISTRICT: LOWELL CITY  
 VOLUNTARY AG DISTRICT: NO  
 PROPERTY USE: COMMERCIAL

**Tax Values**

MARKET LAND VALUE: \$736,310  
 MARKET IMPR. VALUE: \$774,550  
 MARKET VALUE: \$1,510,860  
 FARM DISCOUNT: NO  
 EXEMPTION: NO  
 TAXABLE VALUE: \$1,510,860

**Parcel Information**

CITY LIMITS: LOWELL  
 ETJ: NOT IN ETJ  
 POLICE DISTRICT: LOWELL  
 FIRE DISTRICT: LOWELL  
 FLOOD:  
 LOCAL WATERSHED: CRAMERTON  
 CENSUS TRACT: 313.02

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019. - Document created for printing on 10/24/2022



**Primary Property Address**

4210 E FRANKLIN BLVD GASTONIA, NC 28056

**Tax Information**

PARCEL #: 221202  
 PIN #: 3575058581  
 CURRENT OWNERS: THOMPSON REALTY INVESTMENT LLC  
 MAILING ADDRESS: 2334 JEFFERSON AVE , GASTONIA, NC 28056-8525  
 NBHD #: LW006  
 NBHD NAME: REDBUD/WILKINSON  
 TOWNSHIP: SOUTH POINT TOWNSHIP  
 LEGAL DESC: . 05 014 051 00 000

**Tax Information**

DEED BOOK: 4649 PAGE: 0066  
 DEED RECORDING DATE: 12/18/2012  
 SALES AMOUNT: \$1,100,000  
 PLAT BOOK: PAGE:  
 STRUCTURE TYPE: OFFICE - GENERAL  
 YEAR BUILT: 1980  
 SQUARE FOOTAGE: 1008  
 VACANT: IMPROVED  
 BASEMENT: NO  
 BED: BATH: HALF-BATH:  
 MULTI-STRUCTURES: NO  
 ACREAGE: 6.02  
 TAX DISTRICT: LOWELL CITY  
 VOLUNTARY AG DISTRICT: NO  
 PROPERTY USE: COMMERCIAL

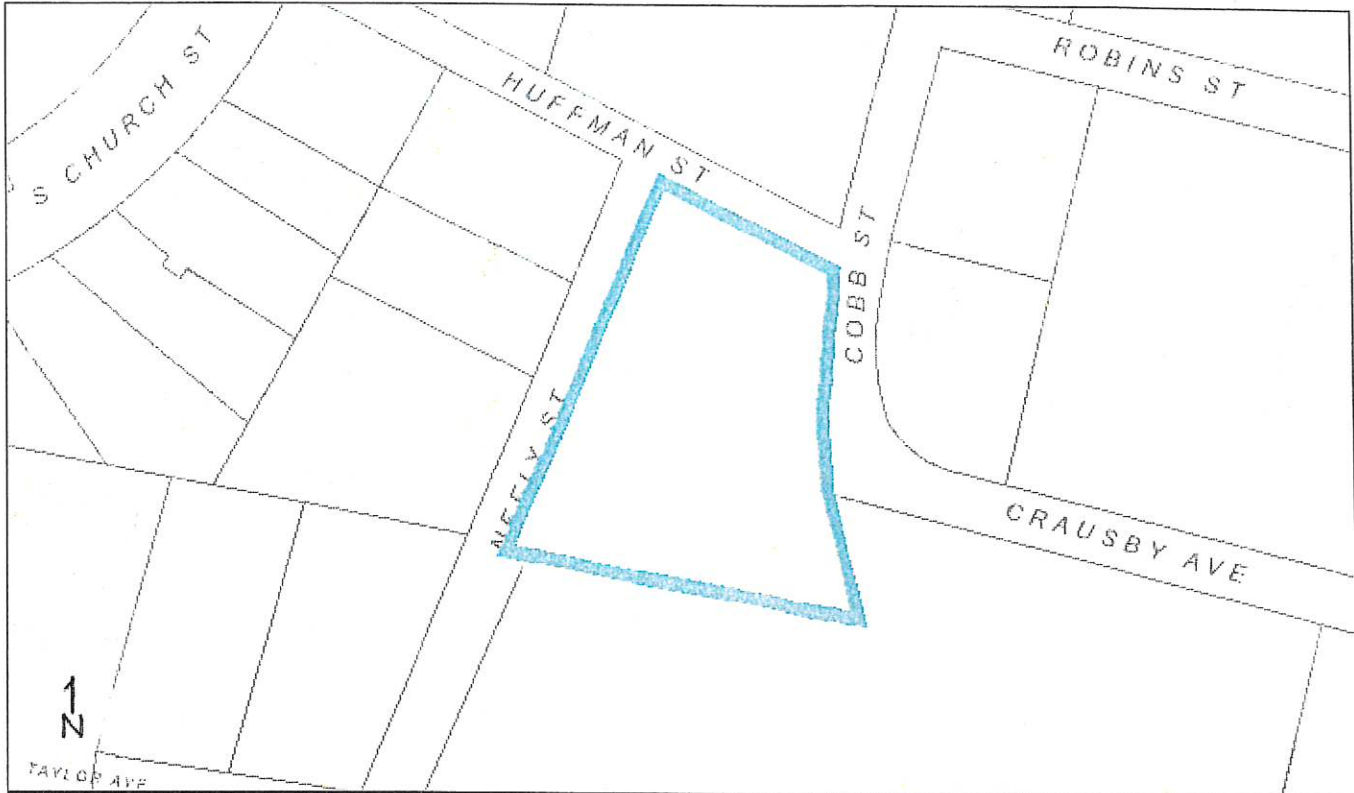
**Tax Values**

MARKET LAND VALUE: \$1,171,090  
 MARKET IMPR. VALUE: \$77,950  
 MARKET VALUE: \$1,249,040  
 FARM DISCOUNT: NO  
 EXEMPTION: NO  
 TAXABLE VALUE: \$1,249,040

**Parcel Information**

CITY LIMITS: LOWELL  
 ETJ: NOT IN ETJ  
 POLICE DISTRICT: LOWELL  
 FIRE DISTRICT: LOWELL  
 FLOOD:  
 LOCAL WATERSHED: CRAMERTON  
 CENSUS TRACT: 313.02

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019. - Document created for printing on 11/8/2022



**Primary Property Address**

NO ASSIGNED ADDRESS

**Tax Information**

**PARCEL #:** 128618  
**PIN #:** 3575056898  
**CURRENT OWNERS:** THOMPSON REALTY INVESTMENT LLC  
**MAILING ADDRESS:** 2334 JEFFERSON AVE , GASTONIA, NC 28056-0000  
**NBHD #:** LW006  
**NBHD NAME:** REDBUD/WILKINSON  
**TOWNSHIP:** SOUTH POINT TOWNSHIP  
**LEGAL DESC:** . 05 014 038 00 000

**Tax Information**

**DEED BOOK:** 3533 **PAGE:** 0257  
**DEED RECORDING DATE:** 9/19/2002  
**SALES AMOUNT:** \$0  
**PLAT BOOK:** **PAGE:**  
**STRUCTURE TYPE:**  
**YEAR BUILT:**  
**SQUARE FOOTAGE:**  
**VACANT:** IMPROVED  
**BASEMENT:** NO  
**BED:** **BATH:** **HALF-BATH:**  
**MULTI-STRUCTURES:** NO  
**ACREAGE:** 1.20  
**TAX DISTRICT:** LOWELL CITY  
**VOLUNTARY AG DISTRICT:** NO  
**PROPERTY USE:** COMMERCIAL

**Tax Values**

**MARKET LAND VALUE:** \$128,560  
**MARKET IMPR. VALUE:** \$0  
**MARKET VALUE:** \$128,560  
**FARM DISCOUNT:** NO  
**EXEMPTION:** NO  
**TAXABLE VALUE:** \$128,560

**Parcel Information**

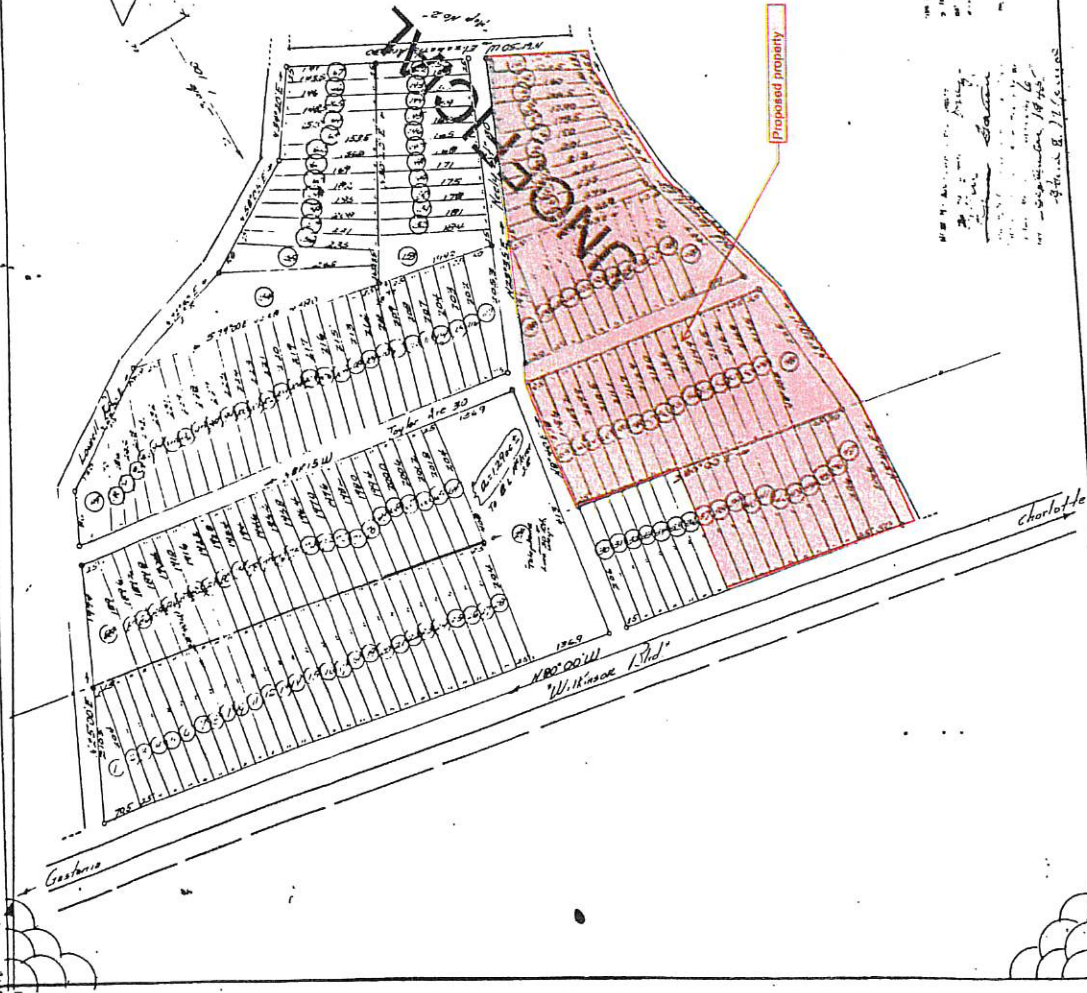
**CITY LIMITS:** LOWELL  
**ETJ:** NOT IN ETJ  
**POLICE DISTRICT:** LOWELL  
**FIRE DISTRICT:** LOWELL  
**FLOOD:**  
**LOCAL WATERSHED:** CRAMERTON  
**CENSUS TRACT:** 313.02

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019. - Document created for printing on 11/8/2022

MAP NOI  
 B. L. McARVER  
 SOUTH-PT. TSHP.  
 GASTON CO., N.C.

With Certificates  
 Columbia Land  
 Co. to Sam Rouse, Esq.,  
 hereby certify and declare that the  
 map shown here was made from an  
 actual survey on Oct. 1905 and with  
 attachments to every lot  
 signed - Sam Rouse  
 Esq., C.E.  
 Newber, N.C.

James H. Miller



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# City of Lowell Utilities Web Map



12/22/2022

1:1,573  
0 0.01 0.02 0.04 mi  
0 0.01 0.03 0.06 km  
NC CGIA, Maxar, Microsoft, Esri Community Maps Contributors, County of Gaston, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri,



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-B

**DESCRIPTION:** PUBLIC HEARING FOR LDO TEXT AMENDMENT ZA22-04  
FOR ARTICLE 13 STREETS, SECTION 13.6-1

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Please see the attached memo from the Planning Director



**To:** Scott Attaway, City Manager

**From:** Joe Gates, Planning Director

**Date:** Thursday, January 5, 2023

**Re:** Case # ZTA22-04 – LDO Text Amendment for Article 13 Streets, Section 13.6-1

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#### ANALYSIS:

In its current form, the Lowell Development Ordinance (LDO) only calls out commercial and residential types of development when referring to street “types” in Article 13 Streets when it addresses the requirements for street trees and sidewalks. The city’s *Technical Standards and Specification Manual* likewise makes the distinction between “commercial” and “residential” but there is no mention of “industrial”.

NorthPoint Development (Applicant) is requesting that a text amendment be made to Section 13.6-1: Street and Associated Infrastructure Design regarding the placement of sidewalks and street trees along new streets built in the City of Lowell that would **ADD** language specifically addressing “industrial” development and the creation of new street infrastructure in Industrial Zoning districts.

The Applicant is proposing the changes shown below to address the specific needs and conditions typically found in Industrial development that differ from those found residential and commercial development. In addition to the text amendment below, the Applicant has provided a new standard detail that they would like to have added to the City’s Technical Standards and Specification Manual.

If approved, the revisions would modify Section 13.6-1 to include “industrial” development and add a new “Industrial Street” cross section standard detail to the Technical Standards and Specification Manual.

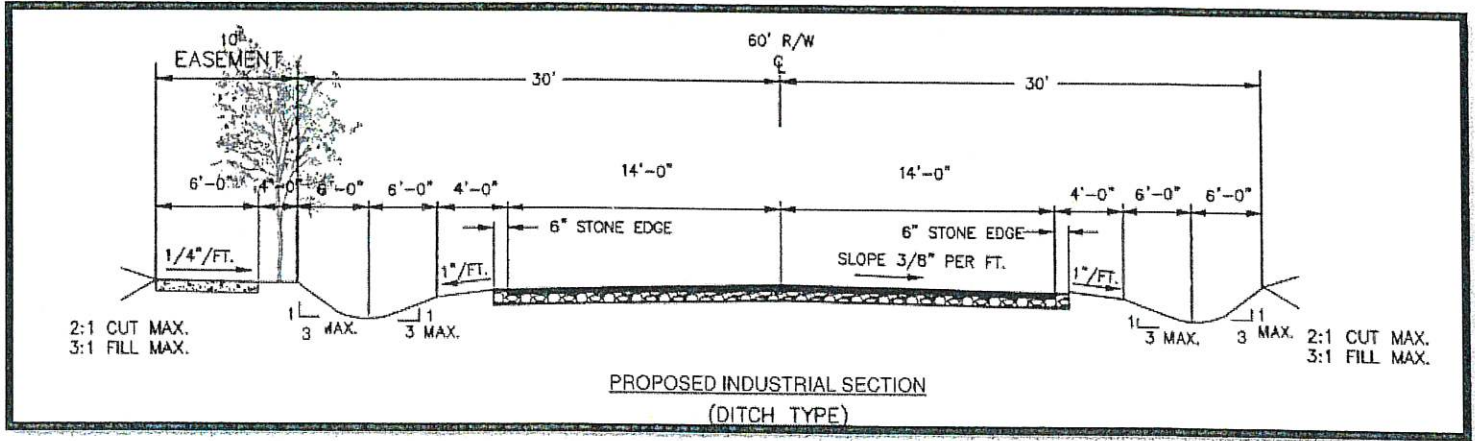
#### **PROPOSED TEXT AMENDMENT**

##### **Section 13.6-1 Street and Associated Infrastructure Design - Street trees and sidewalks**

13.6-1: Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks on one side of the road directly abutting residential lots of less than 1.2 acres may be permitted in the Agricultural District (AG) **or developments utilizing the Industrial Street section located in the City of Lowell Technical Standards and Specification Manual** to protect water quality. The

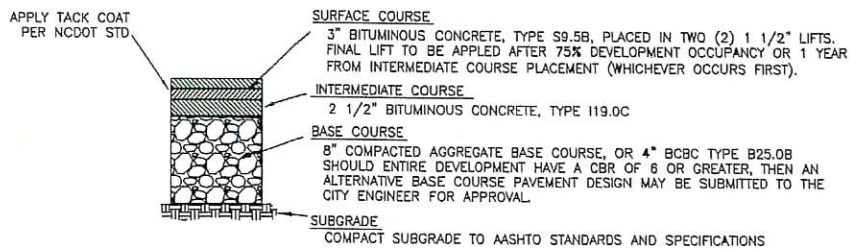
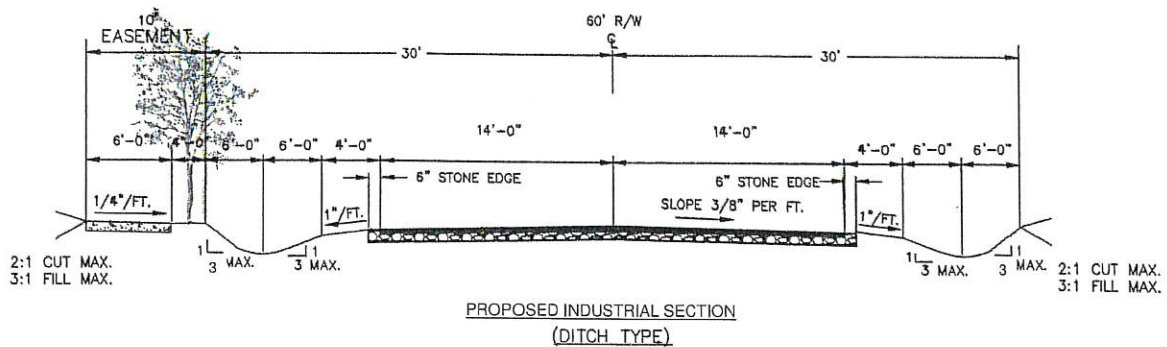
street tree planting strip shall be a minimum of 8' in width and sidewalks shall be a minimum of 5'-0" in width unless otherwise provided. On Commercial **and Industrial** streets, sidewalks should be a minimum of 6'-0" in width.

**PROPOSED INDUSTRIAL STREET STANDARD DETAIL**



# PROPOSED INDUSTRIAL STREET SECTION

## TYPICAL SECTION 1



## Ad Preview

### Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, January 10, 2023, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be for a proposed zoning text amendment for consideration of Article 13, Streets, Section 13.6-1, of the Lowell Unified Development Ordinance. Case# ZTA22-04

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

Lowell City Council Meeting  
Tue, Jan 10, 2023 6:00 PM  
(EST)

Please join my meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/396635317>

You can also dial in using your phone.  
United States: +1 (646) 749-3122

Access Code: 396-635-317  
Get the app now and be ready when your first meeting starts:  
<https://meet.goto.com/install>

For further information please call Joe Gates, Planning Director at 704-824-3518.  
12-30/2022, 01-06/2023

## Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, January 10<sup>th</sup>, 2023, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be for a proposed zoning text amendment for consideration of Article 13, Section 13.6-1, Street and Associated Infrastructure Design

Case# ZTA22-04

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

Lowell City Council Meeting

Tue, September 13, 2022 6:00 PM(EDT)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/952396133>

You can also dial in using your phone.

United States: +1 (408) 650-3123

Access Code: 952-396-133

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

For further information please call Joe Gates, Planning Director at 704-824-3518.



## ORDINANCE NO. 1-2023

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

**WHEREAS**, on May 11, 2021 the Lowell City Council adopted the Lowell Development Ordinance, also known as the LDO, to promote the health, safety, and general welfare of the residents of the City of Lowell by regulating the use of buildings and land, land development, planned developments, manufactured housing, development of subdivisions, signs off-street parking and loading, planting yards, watershed protection, flood damage protection, and/or undertaking other consistent action as provided in the Ordinance; and,

**WHEREAS**, Article 5 of the LDO allows the Lowell City Council to amend, supplement, modify, or repeal any provision of the Ordinance or to amend the Zoning Map pursuant to the procedures established by N.C. Gen. Stat. §160D-601 through §160D-605 and upon a finding of compliance with the City of Lowell Comprehensive Land Use Plan; and

**WHEREAS**, on December 7, 2022, the Lowell Planning Board voted in unanimous consent to recommend a text amendment to the Lowell Development Ordinance (Article 13, Section 13.6-1: Street and Associated Infrastructure Design) to add clarifying language in this section to specifically address new streets constructed in Industrial zones and developments; and

**WHEREAS**, the Lowell City Council, after conducting a public hearing which was duly advertised as provided by the foregoing statutes, has found this Amendment to be in the public interest, in furtherance of the general purpose and objectives of the LDO, and in compliance with the City of Lowell Comprehensive Land Use Plan;

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

Article 13.6 Street and Associate Infrastructure Design, is hereby amended to read as follows:

Section 13.6-1 Street Trees and sidewalks.

- B. 13.6-1: Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks on one side of the road directly abutting residential lots of less than 1.2 acres may be permitted in the Agricultural District (AG) or developments utilizing the industrial street section located in the City of Lowell Technical Standards and Specification Manual

to protect water quality. The street tree planting strip shall be a minimum of 8' in width and sidewalks shall be a minimum of 5'-0" in width unless otherwise provided. On commercial and industrial streets, sidewalks should be a minimum of 6'-0" in width. A 14' minimum width sidewalk with tree grates or cut-outs is required on "Main Street" within the Main Street (MS) District and on "Main Street" type street cross sections where buildings are constructed adjacent to the public right-of-way as part of a Development Agreement, TNDO District, or within locations specified to be developed in accordance with an Area Plan illustrating such designs as adopted by the City Council. A 9' minimum width sidewalk with tree grates or cut-outs is required on the first fifty (50) percent of the block depth of all side streets intersecting the "Main Street" segments described above, as illustrated by the City Plan 2040 and/or adopted area plans, per Section 1.5 of this Ordinance. Generally, canopy trees shall be planted at a spacing not to exceed 62'-0" on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted not more than 31'0" on center.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Cheryl Ramsey, City Clerk

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



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 8-C

**DESCRIPTION:** PUBLIC HEARING TO AMEND THE LOWELL CODE OF  
ORDINANCES CHAPTER 50 GARBAGE AND REFUSE  
COLLECTION AND DISPOSAL

---

Please see the attached memo from the Planning Director



**To:** Scott Attaway, City Manager

**From:** Joe Gates, Planning Director

**Date:** Thursday, January 5, 2023

**Re:** Consideration to Amend the Lowell Code of Ordinances Chapter 50 Garbage And Refuse Collection And Disposal

---

Staff has been fielding numerous calls and complaints regarding random items (i.e. couches, chairs, mattresses, etc.) being placed curbside outside of the free bulk collection timeframes that have been established. In an effort to clean up the City of Lowell efficiently and quickly, staff recommends a revision to the Lowell Code of Ordinances and an update to the fee schedule. This would allow sanitation crews to pickup items on regular pickup days and bill the customer for the removal of those items in accordance with the proposed update to the fee schedule. Similar policies have been adopted by other jurisdictions, and they have noted their successes with keeping their cities clean. See below for the recommended amendments to the Code of Ordinances and the FY22-23 Fee Schedule.

The Lowell Community Committee (LCC) reviewed this proposed text at their December 19<sup>th</sup>, 2022 meeting. The LCC voted unanimously in favor of the proposed text amendment and amended fee schedule proposed by staff. LCC also recommends reviewing the fee schedule again in 6 months to determine if proposed collection fees are covering the cost of removal.

Additions of text are shown highlighted in yellow.

**§ 50.03 THROWING OR DEPOSITING MATTER ON PUBLIC OR PRIVATE PROPERTY.**

No person shall cause or permit to be deposited garbage, rubbish, mixed refuse, bulk refuse (i.e. approved materials not fitting in city provided garbage container), dead animals, hazardous refuse, industrial waste, leaves, grass clippings or any other similar matter in or upon any street or alley or sidewalk, storm drain, manhole, gutter, ditch, culvert or upon any premises within the city, unless express permission therefor is first obtained from the City Manager, or other city employee or official designated by the City Manager.

(1995 Code, § 4-23) (Ord. passed 4-25-1966; Ord. passed 11-12-1984; Ord. passed 11-13-2012) Penalty, see § [50.99 \(C\)](#)

**§ 50.99 PENALTY.**

(A) The City Manager, or a city employee or official designated by the City Manager, shall notify in writing the owner or occupant of any premises in violation of this chapter of such violation, and failure to remove any unlawful accumulation of such matter as hereinbefore specified within 24 hours after such notification shall constitute a separate offense for each 24 hours that the violation continues to exist.

(B) Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$50 or be imprisoned in the county jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Add (C)**

**(C) In order to promote an aesthetically pleasing image and to mitigate pollution in the City of Lowell, Lowell Sanitation Department, or their contractor, will rectify the violation by disposing of bulk refuse (or other materials listed in 50.03) and charge the sanitation account holder, or the property owner, for the removal of materials, in accordance with the established sanitation fee schedule.**

In addition to the Code of Ordinances text change, staff recommends adopting the following in the 2022-2023 Fee Schedule.

**Proposed Addition to the FY 2022-2023 Adopted Fee Schedule**

Electronics Curbside Collection.....	\$25
White Goods/Appliances Collection.....	\$25
Tires on Rim (per tire).....	\$8
Tires off Rim (per tire).....	\$5
Excess Household Trash ≤ 100 lbs.....	\$15
Excess Household Trash > 100 lbs.....	\$25

\*Excess Household Trash above 300lbs will require heavy equipment removal and will be billed based off equipment costs.

**§ 160A-299. Procedure for permanently closing streets and alleys.**

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.

(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)



**ORDINANCE NO. 2-2023**  
**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE**  
**CITY OF LOWELL, NORTH CAROLINA, TO PROVIDE**  
**MODIFICATION TITLE V, CHAPTER 50: GARBAGE AND REFUSE**  
**COLLECTION AND DISPOSAL**

**WHEREAS**, the City of Lowell Code of Ordinances has enacted regulations for the removal of garbage and refuse collection, and

**WHEREAS**, the City Council finds there is a need for specific language to address the timeliness for the removal of bulk items left at the curb outside of the regularly scheduled free bulk collection times established by the city.

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

City of Lowell Code of Ordinances is hereby amended to add the text below as follows:

**§ 50.03 THROWING OR DEPOSITING MATTER ON PUBLIC OR PRIVATE PROPERTY.**

No person shall cause or permit to be deposited garbage, rubbish, mixed refuse, bulk refuse (i.e. approved materials not fitting in city provided garbage container), dead animals, hazardous refuse, industrial waste, leaves, grass clippings or any other similar matter in or upon any street or alley or sidewalk, storm drain, manhole, gutter, ditch, culvert or upon any premises within the city, unless express permission therefor is first obtained from the City Manager, or other city employee or official designated by the City Manager.

(1995 Code, § 4-23) (Ord. passed 4-25-1966; Ord. passed 11-12-1984; Ord. passed 11-13-2012) Penalty, see § 50.99 (C)

**§ 50.99 PENALTY.**

(A) The City Manager, or a city employee or official designated by the City Manager, shall notify in writing the owner or occupant of any premises in violation of this chapter of such violation, and failure to remove any unlawful accumulation of such matter as hereinbefore specified within 24 hours after such notification shall constitute a separate offense for each 24 hours that the violation continues to exist.

(B) Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not

exceeding \$50 or be imprisoned in the county jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(C) In order to promote an aesthetically pleasing image and to mitigate pollution in the City of Lowell, Lowell Sanitation Department, or their contractor, will rectify the violation by disposing of bulk refuse (or other materials listed in 50.03) and charge the sanitation account holder, or the property owner, for the removal of materials, in accordance with the established sanitation fee schedule.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

\_\_\_\_\_  
Cheryl Ramsey, City Clerk

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

## Ad Preview

### Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, January 10, 2023, at 6:00 pm, at City Hall, 101 West First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be for a proposed text amendment for consideration of 50.03 Throwing or Depositing Matter on Public or Private Property, of the City of Lowell Code of Ordinances.

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

Lowell City Council Meeting  
Tue, Jan 10, 2023 6:00 PM  
(EST)

Please join my meeting from your computer, tablet or smartphone.  
<https://meet.goto.com/396635317>

You can also dial in using your phone.  
United States: +1 (646) 749-3122

Access Code: 396-635-317  
Get the app now and be ready when your first meeting starts:  
<https://meet.goto.com/install>

For further information please call Joe Gates, Planning Director at 704-824-3518.  
12-30/2022, 01-06/2023



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 9-B

**DESCRIPTION:** CONSIDERATION TO SET PUBLIC HEARING FOR MASTER  
SIGN APPLICATION, CASE # MSP-22-01

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Please see the attached memo from the Planning Director



**To:** Scott Attaway, City Manager

**From:** Joe Gates, Planning Director

**Date:** Thursday, January 5, 2023

**Re:** Case # MSP22-01 – Master Sign Plan Application

---

Staff is requesting that the City Council, during their regularly scheduled meeting on January 10, 2023, to set a Public Hearing for February 14, 2022. The request is for the consideration of a Master Sign Plan.

The Planning Board during their regularly scheduled meeting on January 3rd, 2023, reviewed this request. The Planning Board voted unanimously to recommend **APPROVAL** of the Master Sign Plan as submitted by the applicant.

---

**STAFF REPORT:**

<b>PROPERTY OWNER</b>	<b>NP GASTONIA INDUSTRIAL 2 LLC</b>
<b>APPLICANT</b>	<b>Dana Stowe / Sign Connection, Inc.</b>
<b>REQUEST</b>	<b>Consideration of Master Sign Plan</b>
<b>LOCATION</b>	<b>3211 Aberdeen Blvd / Parcel 306406</b>
<b>PROPERTY SIZE</b>	<b>104.72 acres</b>
<b>ZONING</b>	<b>Industrial</b>

**Background and Site Description**

The subject property consists of one (1) total tax parcel with a single industrial warehouse/distribution center building and parking areas located on the site. The building is approximately 1.5 million square feet and has visibility from Interstate 85.

Section 17.10-2 (B) *Master Sign Plan, Application*, states that “*Commercial, institutional, industrial, or mixed-use developments containing three (3) or more acres in area*” are eligible to apply for a master sign plan. This property is 104.72 acres, thus meeting this requirement.

The applicant has submitted a complete application, site plan and other supporting documentation to their request to increase their proposed walls signs above the current maximum wall sign area of 32 square feet.

**Proposed Request**

Increase permitted wall sign area for this building from 32 sqft to 96.4 sqft on 2 wall signs.

**Code References**

Per Article 17 - Sign Regulations, Section 17.10 Master Sign Plan, the Lowell Development Ordinance allows applicants to submit applications for signs of different sizes, types, locations, placement, and height from those otherwise enumerated in Article 17 - Sign Regulations.



MASTER SIGN PLAN APPLICATION

TO: THE CITY OF LOWELL  
101 W. First Street  
Lowell, NC 28098

APPLICATION #: MSP22-01  
DATE FILED: 12/14/2022  
FEE PAID: \$400, PAID

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to allow creativity in order to address site issues and constraints as outlined in regards to Article 17 of the Lowell Development Ordinance pertaining to sign regulations and requirements on the below listed property and in such ways as proposed.

1) The real property sought to be amended is owned in fee simple by:

NP Gastonia Industrial 2 LLC

as evidenced in Deed Book 5307 Page 1689 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being subject to this request.

2) The address of the real property sought to be amended is: 3211 Aberdeen Blvd. and/or further legal description by metes and bounds of said realty is attached to this application.

3) The following are all adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be amended. The names and addresses listed below shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

NAME

ADDRESS

Please refer to attached page

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) A map or drawing identifying the real property requesting the Master Sign Plan and all attached properties with their designated zoning districts shown shall be attached to this application.

5) Master Sign Plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case.

- 6) An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in Article 17 of the Lowell Development Ordinance.
- 7) Other similar information determined by the *Planning, Zoning & Subdivision Administrator* to be necessary for understanding the purpose and intent of the proposed Master Sign Plan application.

- a. see attached
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

- 8) The applicant understands that a letter stating the date, time and place for the Public Hearing for the Master Sign Plan request of said property shall be mailed to each of the parties listed in Section 3 above at least ten (10) days prior to the Public Hearing.
- 9) If the applicant is not the legal owner of the property seeking approval of the Master Sign Plan, the legal owner(s) names and addresses shall be listed below. Owner(s) shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.) (Please attach Notarized Public Hearing Consent Form provided by the City of Lowell)

NAME	ADDRESS
NP Gastonia Industrial & LLC	4825 NW 41 <sup>st</sup> St, Ste 500, Riverside, MO 64150
_____	_____
_____	_____

Applicant(s) Name: Dana Stowe / Sign Connection, Inc.  
 Address: 11660 Pacolet Ct. Gastonia, NC 28052  
 Telephone: 704-868-4500

Applicant(s) Signature: Dana Stowe

City of Lowell Telephone: 704-824-3518  
 101 W. First Street  
 Lowell, NC 28098



City of Lowell-Development Services Department

101 W. First Street Lowell, NC 28098

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

Public Hearing Consent Form

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

From: NP Gastonia Industrial 2, LLC

Subject: Master Sign Plan

Consent for variance / Conditional use / Appeal / Subdivision variance / Watershed variance / Rezoning

Date: 12/15/22

I, Matt Mannin, agent for NP Gastonia Industrial 2, being the property owner of parcel(s) 306406, give consent to Sign Connection, Inc. to act on my behalf in applying for the PUBLIC HEARING REQUEST under consideration.

Matthew Mannin Signature (owner)

12/15/22 Date

North Carolina OHIO
Gaston County Hamilton

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

Witness my hand and official seal, this 15th of December, 2022.

Laura A Funke Notary Signature

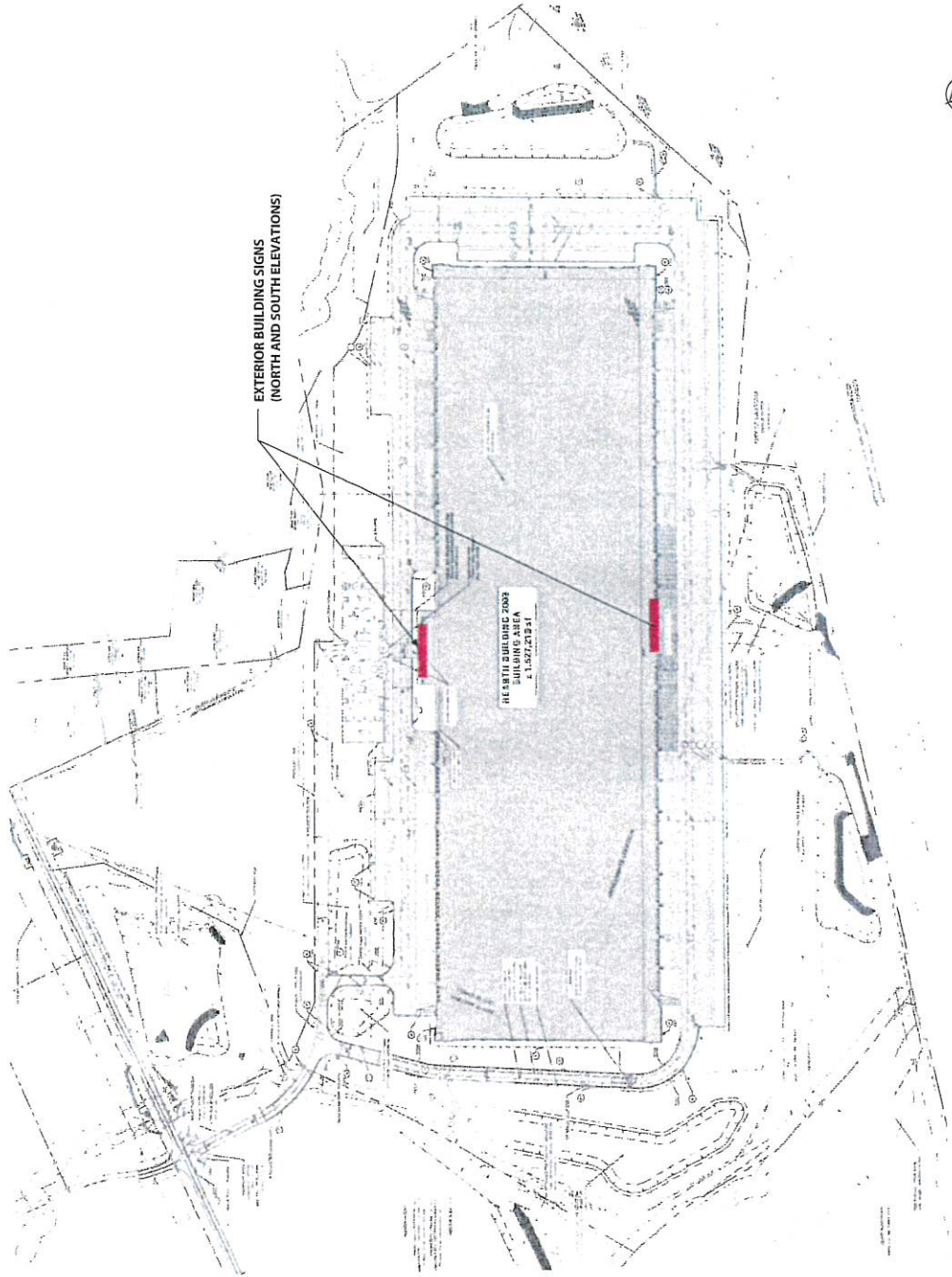
My commission expires: 10-3-2026





Project Number  
 Project Name  
 Sign Type  
 Address

0422-0000  
 2135 W. Carroll Avenue  
 State University Station  
 Chicago, IL 60612



EXTERIOR BUILDING SIGNS  
 (NORTH AND SOUTH ELEVATIONS)

REPLACE BUILDING SIGN  
 BUILDING FASAD  
 1.1.527.213.1



1 NEWELL SITE PLAN  
 NOT TO SCALE



2135 W. Carroll Avenue  
 Chicago, Illinois, 60612



Project Number: 2018-001  
 Project Name: Newell Brands  
 Sign Type: Illuminated Signage  
 Address: 2135 W Carroll Avenue, Chicago, IL 60612

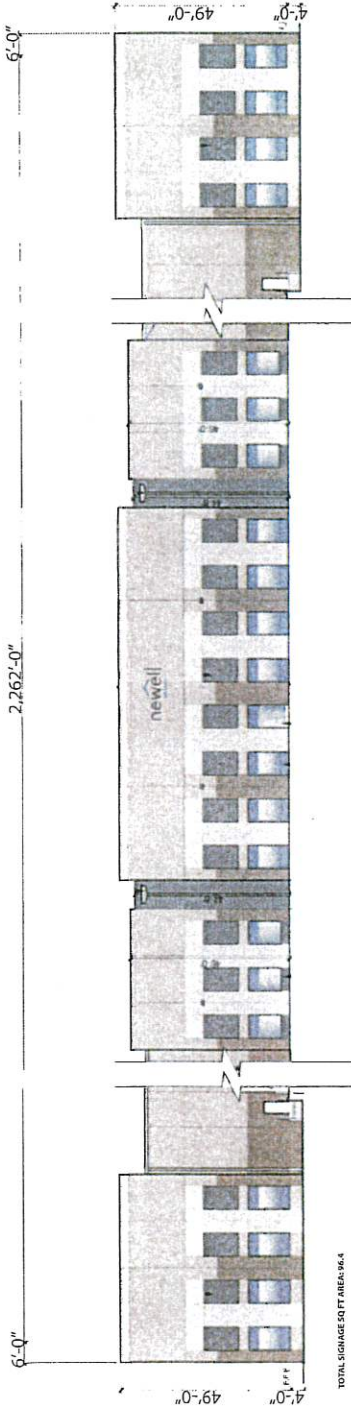
Maximum sign area

Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet, whichever is less.

Projecting/Suspended: Up to 10 square feet.

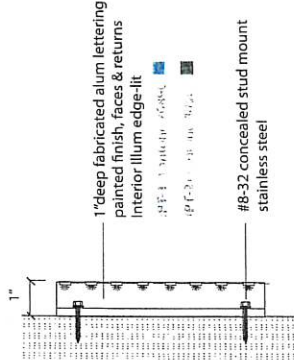
Sign Location - NORTH WALL

Wall Size: 104' x 49'  
 Sign Size: 9' 8" x 14' 5.5"  
 Sign Spft: 136.2  
 % of wall: 1.09%



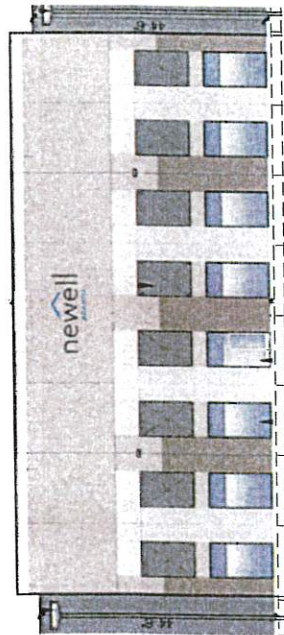
TOTAL SIGNAGE SQ FT AREA: 96.4

NEWELL - North Elevation - Illuminated Signage  
 ELEVATION | SCALE: 1/16" = 1'-0"

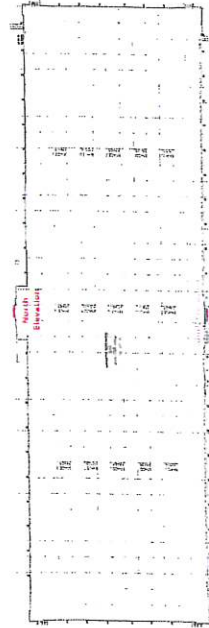


TOTAL SQ FT AREA: 96.4

NEWELL - North Elevation - QTY7  
 ELEVATION | SCALE: 1/2" = 1'-0"



ENLARGED ELEVATION OF SIGN - NORTH ELEVATION  
 SCALE: 3/32" = 1'-0"



SITE PLAN  
 NOT TO SCALE



2135 W Carroll Avenue  
 Chicago, Illinois, 60612





Project Number: 1000000000  
 Project Name: NEWELL BRANDS  
 Sign Type: ILLUMINATED SIGNAGE  
 Address: 1000000000  
 City: 1000000000  
 State: 1000000000

Maximum sign area

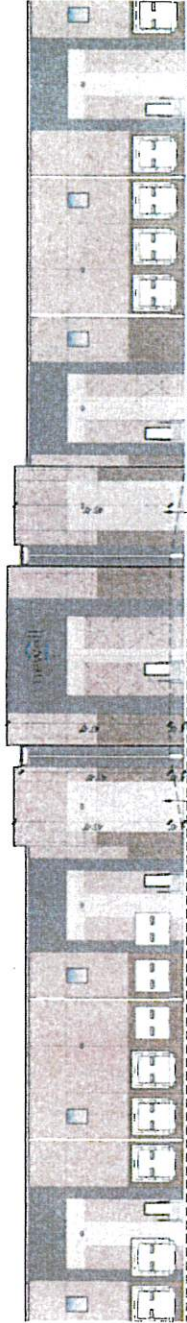
Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet, whichever is less.

Projecting/Suspended: Up to 10 square feet.

Sign Location - SOUTH WALL

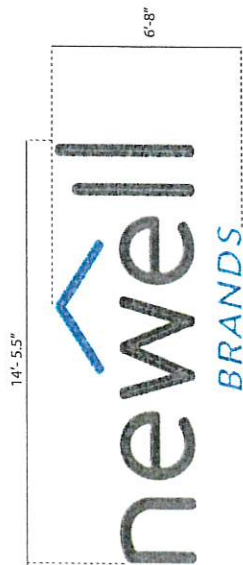
Wall Size: 30 x 51  
 Sign Size: 6 x 14 3/4  
 Sign Sqft: 96.4  
 % of wall: 1.20%

2,262'-0"



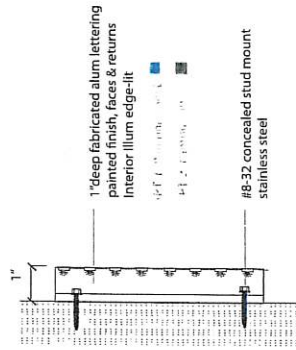
TOTAL SIGNAGE SQ FT AREA: 96.4

NEWELL - South Elevation - Illuminated Signage  
ELEVATION | SCALE: 1/16" = 1'-0"

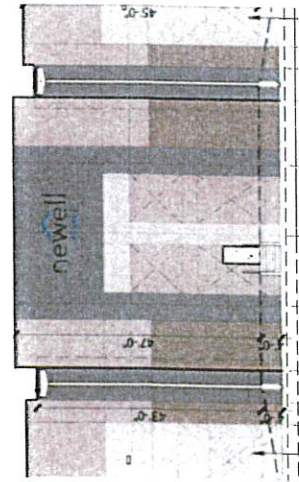
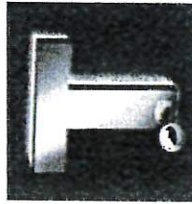


TOTAL SQ FT AREA: 96.4

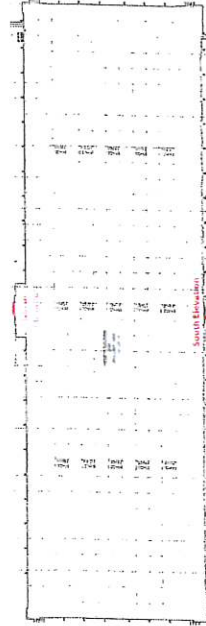
NEWELL - South Elevation - CITY 100  
ELEVATION | SCALE: 1/2" = 1'-0"



DETAIL SECTION (NOT TO SCALE)



ENLARGED ELEVATION OF SIGN: SOUTH ELEVATION  
SCALE: 3/32" = 1'-0"



SITE PLAN  
NOT TO SCALE



Project Number  
 Project Name  
 Sign Type  
 Address

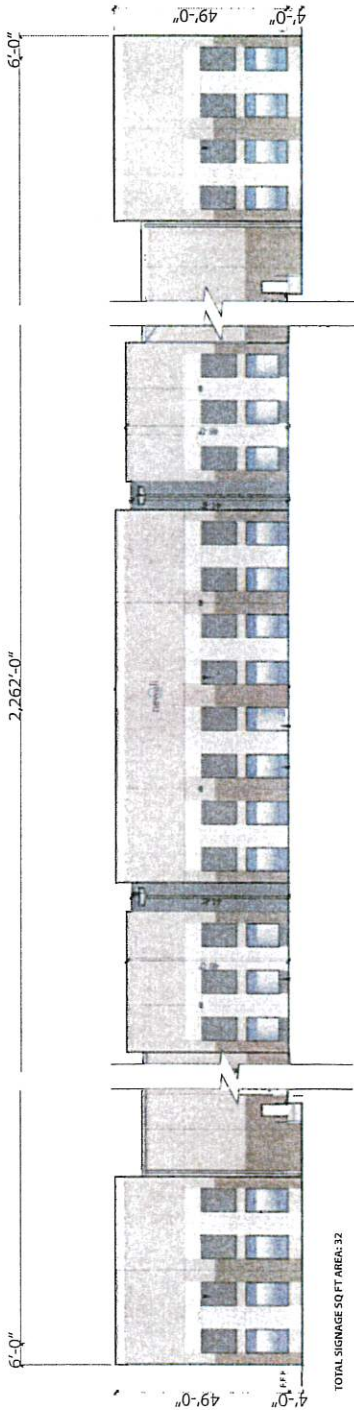
**Maximum sign area**

Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet whichever is less.

Projecting/Suspending: Up to 10 square feet.

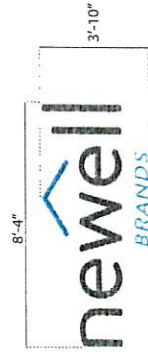
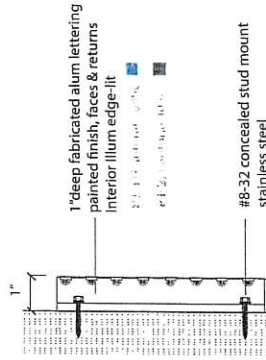
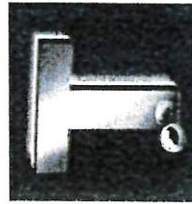
**Sign Location - NORTH WALL**

Wall Size: 104 x 49  
 Sign Size: 3'10" x 8'-4"  
 Sign Sqft: 311.9  
 % of wall: 3.03%



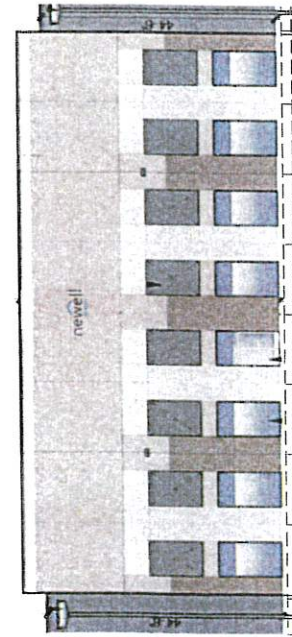
TOTAL SIGNAGE SQ FT AREA: 32

NEWELL - North Elevation - Illuminated Signage  
 ELEVATION | SCALE: 1/16" = 1'-0"

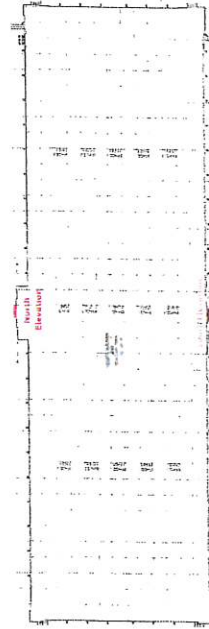


TOTAL SQ FT AREA: 32

NEWELL - North Elevation - 007144  
 ELEVATION | SCALE: 1/2" = 1'-0"



ENLARGED ELEVATION OF SIGN: NORTH ELEVATION  
 SCALE: 3/32" = 1'-0"



SITE PLAN  
 1/16" = 1'-0" SCALE



2135 W. Carroll Avenue  
 Chicago, Illinois, 60612



Project Number  
 Project Name  
 Sign Type  
 Address

Maximum sign area

Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet, whichever is less.

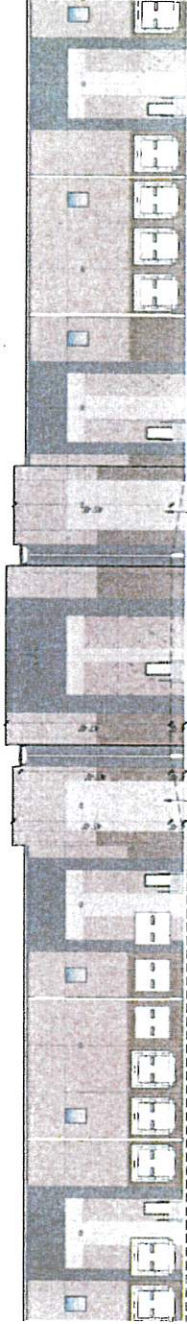
Projecting/Suspended: Up to 10 square feet.

Sign Location: SOUTH WALL

Wall Size: 58' x 31'  
 Sign Size: 4' 10" x 8' 4"

Sign Sqft: 309.2  
 % of wall: 1.06%

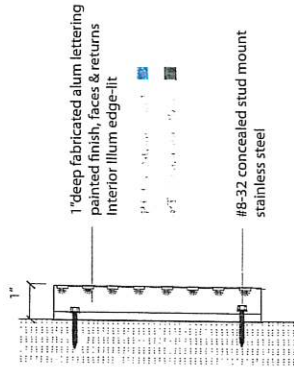
2,262'-0"



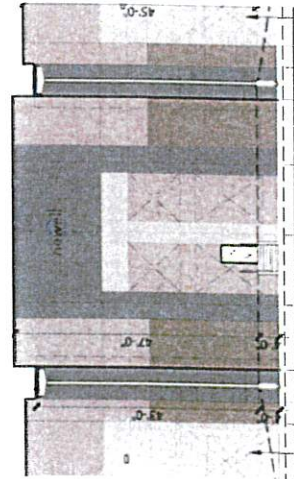
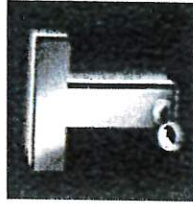
TOTAL SIGNAGE SQ FT AREA: 32  
 NEWELL - South Elevation - Illuminated Signage  
 ELEVATION | SCALE 1/16" = 1'-0"



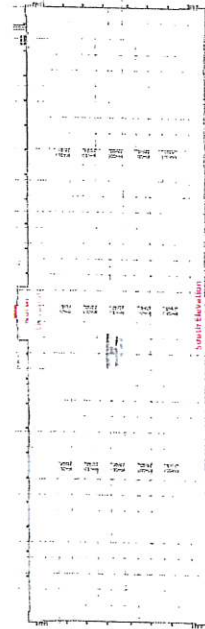
TOTAL SQ FT AREA: 32  
 NEWELL - South Elevation - QTY 1 ea  
 ELEVATION | SCALE 1/2" = 1'-0"



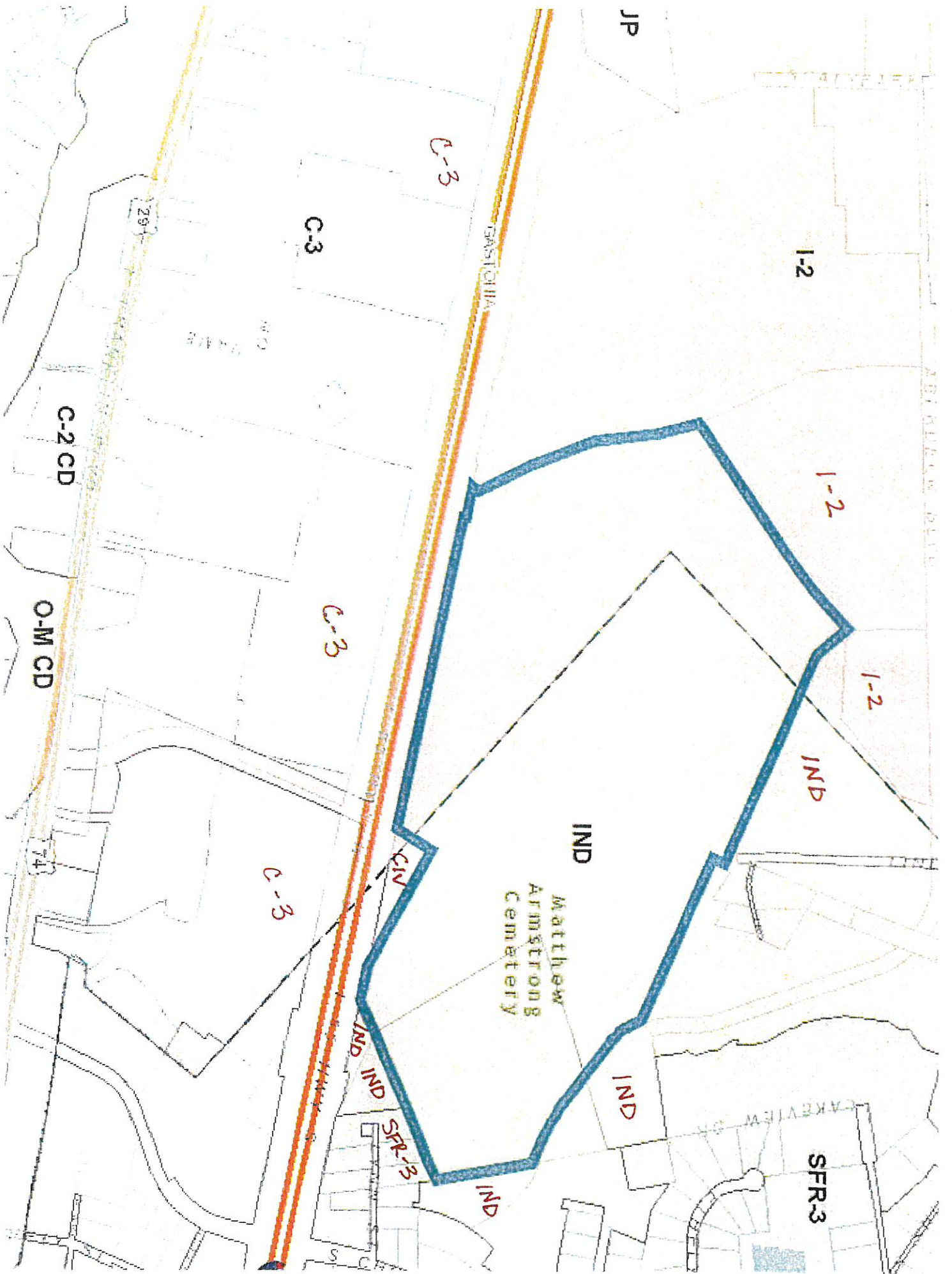
DETAIL SECTION (NOT TO SCALE)



ENLARGED ELEVATION OF SIGN: SOUTH ELEVATION  
 SCALE: 3/32" = 1'-0"



SITE PLAN  
 NOT TO SCALE



ADJOINING PROPERTY OWNERS TO 3211 ABERDEEN BLVD, GASTONIA, NC 28054

<u>NAME</u>	<u>ADDRESS OF PARCEL / PIN / ZONE</u>
NP Gastonia Industrial LLC	524 Scalybark Rd (307531) I-2
NP Gastonia Industrial LLC	3145 Aberdeen Blvd (307532) I-2
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307543) I-2
NP Gastonia Industrial LLC	517 Lineberger Rd (307536) IND
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307541) IND
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307542) IND
Cathy E Howell	312 Lynn St (128460) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128458) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128455) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128454) IND
Edward H Jackson	NO ASSIGNED ADDRESS (128453) IND
City of Gastonia	3303 Lineberger Rd (128580) CIV
BRE Retail Residual NC Owner LP	2910 E Franklin Blvd (138014) C-3
Wal-Mart Real Estate Business Trust	3000 E Franklin Blvd (138015) C-3
Sams Real Estate Business Trust	3540 E Franklin Blvd (138020) C-3
Jean K Faires	NO ASSIGNED ADDRESS (135110) C-3

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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 9-C

**DESCRIPTION:** CONSIDERATION TO ADD FIREWORK SHOW IN 2023

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Please see the attached memo from the Parks and Recreation Director.



**To:** Scott Attaway, City Manager

**From:** Cristy Cummings, Parks and Recreation Director

**Date:** January 5, 2023

**Re:** Consideration to Add Fireworks Show into Parks and Recreation Budget

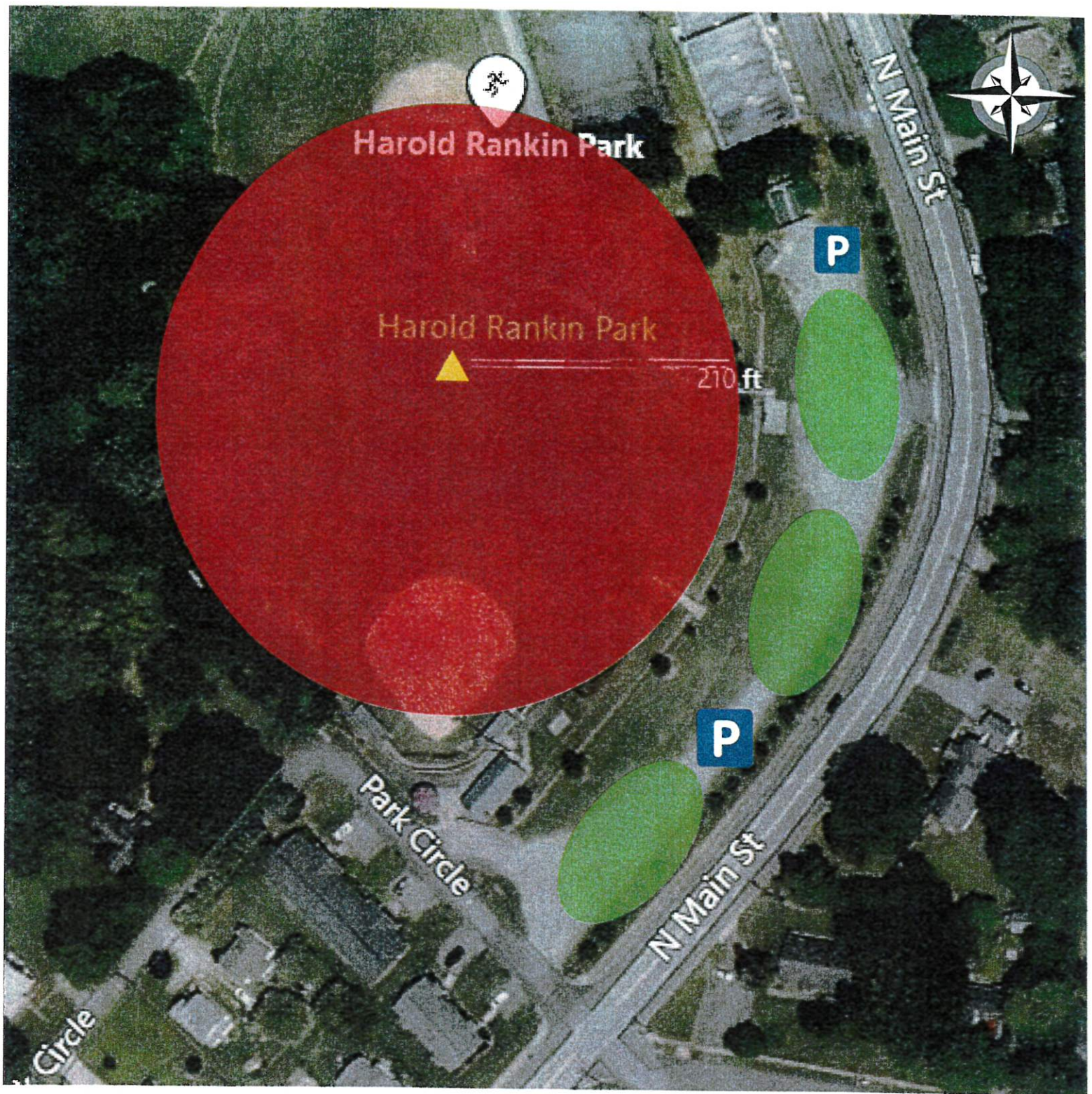
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Staff has spoken with several pyrotechnics companies and received quotes for a fireworks show close to July 4, 2023.

Due to the transformers, the Boys and Girls Club building, spectator parking, and other buildings around the ballpark, pyrotechnics companies would have to use smaller shells, limited the effects of the show. The fireworks show would be a faster paced show but with using smaller shells and the fireworks would reach an average height of 250'-300'. It has been recommended to City staff to not stretch the show beyond 12-13 minutes because the show would begin to get redundant due to the limited effects we have with the smaller shells. The cost for a 12-13 minute show would be \$12,000.

The show would be set up in the middle of the larger ballfield with a 210' radius that would be restricted to the pyrotechnics crew. Spectators can park in the parking lot of Harold Rankin and along the grass strip of Rogosin Blvd. Staff would be located in each parking lot to direct parking. The three entrances to the walking track would be blocked at the parking lot for spectator safety. Part of the small ballfield will be blocked at the end of the infield dirt but the outfield falls beyond the 210' radius and will be open for families to set-up chairs and blankets in the grass, as well as giving a space for small children to run around.

Staff recommends the Friday or Sunday before Independence Day each year for the fireworks show. The dates for this year would fall on either Friday, June 30 or Sunday, July 2. June 30 would require a budget amendment for this year's budget. A contract would need to be signed by mid-January to guarantee our date.



**Display Site Address:** Harold Rankin Park, 519 Park Circle, Lowell, NC 28098 ·

Fallout Area: 210' Radius  
Maximum Shell Size: 3"

- Fallout Area
- ▲ Discharge Site
- ◌ Spectator Area
- P Parking Area



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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 9-D

**DESCRIPTION:** DISCUSSION AND CONSIDERATION OF 2023-2024  
BIENNIUM LEGISLATIVE GOALS

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Per a request from Erin Wynia, Director of Governmental Affairs with the North Carolina League of Municipalities (NCLM), we have been requested to submit 10 goals of the attached 16 goals regarding the 2023-2024 Biennium Legislative Goals.

I have included the 16 goals to choose from as an attachment and I have numbered them for each member to be able to submit their 10. For example, you can respond, I select goals numbered: 1,2,3,4,5,6,7,8,9,10.

Mayor Railey will submit the proposed goals by 1/13/23.

# LEGISLATIVE GOAL STATEMENTS

## RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

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*The following goal statements are grouped by subject area but NOT listed in any priority order.*

1.
  - Expand federal and state resources for affordable housing.
    - Housing affordability is a growing problem across North Carolina, affecting cities and towns of all sizes and people across different income levels.
    - Increasingly, the lack of affordable housing acts as a major impediment to business and workforce recruitment.
    - Ongoing state and federal revenue streams to address housing affordability are extremely limited, with much of the burden for solutions left with cities and towns
  
2.
  - Revitalize vacant and abandoned properties with enhanced legal tools and funding.
    - Abandoned and vacant properties, often the subject of so-called tangled titles, can affect the ability of communities to revitalize areas and improve economic conditions.
    - The abandoned properties, with enhanced legal tools to help heirs clear up title issues and sell properties at market rates, could help address local housing needs.
    - Many towns do not have the funding to adequately address abandoned properties.
  
3.
  - Create an adequate and permanent funding stream for local infrastructure.
    - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
    - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
    - Creating more permanent funding streams for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.

4.
  - Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
    - Slow and unreliable internet service threatens educational and professional opportunities, and the economic future of entire communities.
    - Municipalities own existing infrastructure – including dark fiber, towers and electric poles – that could be utilized in innovative partnerships and assist in making broadband service more affordable.
    - Failure to utilize local government assistance and assets will continue to create digital gaps that have real-world consequences for North Carolinians.
  
5.
  - Extend deadlines for completion of federal infrastructure projects.
    - Current deadlines for the allocation and expenditure of American Rescue Plan Act funding may make more complex infrastructure projects unrealistic.
    - High inflation and worker shortages are leading to higher project costs; extending ARPA and other funding deadlines will spread projects out and may help lower costs.
    - Cities and towns require flexible deadlines to get the best bang for their buck out of this funding.

...

6.
  - Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
    - Current Powell Bill and other state funding is not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
    - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
    - More investment is needed for these roads if existing residents are to embrace business and residential growth.

7.
  - Support integrated and multi-modal transportation solutions.
    - Today, cities and towns seek to make downtowns and other areas accessible to residents and visitors, whether traveling by foot, bike, car, mass transit and other means.
    - Making areas accessible in this manner requires integrated planning and funding with the state.
    - Only through recognizing the need for multi-modal transportation solutions can cities and towns maximize tourism and other economic opportunities, ensuring that local businesses thrive.
  
8.
  - Increase state funding for public transportation operations.
    - Road construction is not keeping pace with transportation needs in any many areas, and public transportation provides a means to reduce the burden of building roads.
    - Investment in public transportation can improve traffic safety, air quality and residents' accessibility to businesses and public services.
    - One of the biggest impediments to economic growth is traffic and commuting times, which can be alleviated through public transportation options.
  
9.
  - Expand incentives and funding for local economic development.
    - Funding is simply inadequate in many cities and towns to encourage job growth.
    - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
    - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.

10.
  - Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
    - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
    - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
    - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.

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11.
  - Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
    - Municipalities across the state are facing law enforcement staffing shortages, in many cases severe shortages.
    - State training resources are limited, and the cost of local law enforcement agencies to send recruits and existing officers to NC Justice Academy locations can be prohibitive.
    - Grant writing assistance is one of several options that might provide better access to the large volume of federal law enforcement grant funding that is available.
12.
  - Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.
    - Several dozen local governments have been placed on the state Unit Assistance List due to late audits.
    - Often these audits are late due to staffing shortages, changes in financial personnel and a growing shortage of private auditors willing to perform this work.
    - Addressing this challenge would lessen negative portrayals of local government financial controls.

13.
    - Revise state contracting laws to better protect public entities from the effects of inflation.
      - Labor and materials costs have been rising at a rapid rate, leaving municipalities with few options when project bids and costs exceed expectations.
      - Additional flexibility regarding the contracting process could assist municipalities in protecting taxpayers from inflation and escalating costs.
      - Without contracting law flexibility, projects can be delayed and costs can further increase.
  14.
    - Update annexation petition thresholds to make voluntary annexations easier to initiate.
      - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
      - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
      - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.
  15.
    - Provide authority to municipal water systems to recoup costs of clean-up from polluters.
      - Local municipal water systems are increasingly being looked to for the clean-up of PFAS and other "forever" chemicals found in surface waters.
      - State regulators plan to set surface water standards for these chemicals and propose Maximum Contaminant Levels for PFAS chemicals in drinking water.
      - To date, cities' only recourse to try to recoup the cost for utility ratepayers is through the courts.
  16.
    - Provide local revenue options beyond property tax.
      - Roughly 40 percent of municipal general fund revenue is generated by local property taxes.
      - Cities have little to no authority to raise significant revenue in other ways.
      - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.
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**AGENDA ITEM INFORMATION**

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**AGENDA ITEM #:** 9-E

**DESCRIPTION:** CONSIDERATION OF APPROVAL FOR BANKING SERVICES  
REQUEST FOR PROPOSALS (RFP)

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Per the Lowell Fiscal Policy, Article V (D): Banking service providers will be evaluated and selected by the Council through a competitive proposal process. The Council will review the banking relationship(s) at their discretion, but at least every five years. The City will maintain a minimum number of bank accounts to facilitate the movement and investment of funds and for efficient operations.

Please see the attached draft Banking Services RFP for City Council consideration from the Lowell Finance Director.

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# CITY OF LOWELL



## REQUEST FOR BANKING SERVICES

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## PART I - INTRODUCTION

### I. OBJECTIVE

The Request for Proposal is intended to result in the selection of a financial institution that can provide the City of Lowell with the highest quality and most flexible services for the lowest cost. The City of Lowell desires that all services to be rendered by the Bank be fairly compensated and that all City of Lowell's bank balances be continuously and fully invested for the benefit of the City of Lowell. In order to minimize banking services' costs, the City of Lowell is requesting that each respondent competitively bid its services' costs by type of service, propose an arrangement whereby all daily uninvested cash balances are invested on behalf of the City of Lowell and propose the most equitable method for establishing such investment rate.

### II. PROPOSAL INSTRUCTIONS

- (1) RFP forms must be completed and returned by 11:00 a.m. on February 28, 2023 to Lisa Nolen, Finance Director, City of Lowell, 101 W 1<sup>st</sup> Street, Lowell, NC 28098.
- (2) Please provide three (3) copies of the RFP. Each should be dated and should bear an original signature of an official who is authorized to execute a contract on behalf of the Bank.
- (3) Responses should be submitted only on the RFP forms provided. Supplementary information is allowed; however, it may not contribute to the evaluation score.
- (4) A request to change or increase the cost per unit (CPU) for services during the contract period will not be accepted by the City of Lowell. All services should be on a per unit basis of one, unless otherwise indicated.
- (5) Questions may be directed to Lisa Nolen, Finance Director at (704) 824-3518 or lnolen@lowellnc.com.
- (6) Incomplete responses to any items in the proposal may result in the removal of the proposal in question from consideration.
- (7) The time frame for completion of the RFP process is as follows:

January 13, 2023	Distribution of RFP's
February 28, 2023	Deadline for receipt of RFP's
March 8, 2023	Staff Review and Recommendation Complete
March 14, 2023	Council's Approval
July 1, 2023	Contract period begins
- (8) The City of Lowell reserves the right to request additional detail, further clarification on any proposal, or to interview any prospective bank.
- (9) All proposals received become the property of the City of Lowell and are public records subject to public inspection.
- (10) Any and all costs associated with the preparation of a response to the RFP are the sole responsibility of the bidder and are not to be passed on to the City of Lowell in any manner.
- (11) The Bank shall provide an annual report to the City of Lowell for their most recent fiscal year, along with evidence of credit worthiness from Moody's, Standard and Poor's, or Fitch.

### III. GENERAL INFORMATION

The City of Lowell maintains a primary operating account and eight (8) mid-to-low volume checking/savings accounts. The primary operating account operates on a stand-alone basis maintaining a balance. Average collected and average ledger balances in the primary operating account amount averages approximately \$\_\_\_\_\_ and \$\_\_\_\_\_, respectively.

The City of Lowell employs approximately 31 employees and disburses payroll bi-weekly on Friday mornings. Payroll is currently disbursed by direct deposit. Payroll information for direct deposit is transmitted on-line to the bank two (2) days before pay day and is currently disbursed from the primary operating account.

A number of regular disbursements, including the placement of investments, are handled by wire transfer originating in the Finance office using an on-line, real-time system accessed by personal computer. This same system provides information on account activity and current balances, and is used for on-line stop payment orders, check inquiries, positive pay inquiries, limited check image retrieval and wire transfers. Our security procedures relating to electronic transfer of funds and inquiry capability include: limited access, use of user-specific log-on identification and passwords. All information being transferred across the Internet must use a secure connection with at least 128-bit encryption.

### IV. EVALUATION AND SELECTION CRITERIA

All proposals will be received and evaluated by the Finance Director and the City Manager who will make a recommendation to the City Council. All proposals will be evaluated as follows:

- (1) The proposing bank shall be a qualified depository for public funds in accordance with North Carolina General Statute §159-31 under the State Treasurer's pooling method of collateralization (Option 2). The bank must be a member of the Federal Deposit Insurance Corporation.
- (2) Ability to provide all needed services in an efficient and responsive manner.
- (3) Ability to provide all services requested by the City of Lowell.
- (4) Ability to provide third party safekeeping arrangement for City of Lowell investments.
- (5) Overall costs.
- (6) Previous large volume account experience.
- (7) Bank can provide access to on-line, real-time wire transfer and on-line, same-day account inquiry service as specified, using a personal computer with Internet access and at least 128-bit encryption.
- (8) Bank shall possess sufficient ACH capabilities to continue the current direct deposit of payroll and bank draft payments for citizens in accordance with specifications.
- (9) Bank must offer "full reconciliation with positive pay" service on checking accounts and ACH activity that allows the City of Lowell to refuse payment on items submitted to the Bank which do not match our disbursement records.
- (10) The following additional criteria will be considered in the selection of depository.
  - a. Proximity of branches relative to government offices

- b. Cost of services provided
- c. Projected earnings allowance on funds on deposit
- d. Current/previous large volume account experience
- e. Financial strength as indicated by Moody's, Standard and Poor's or Fitch ratings
- f. Capability of the bank to meet the City of Lowell's banking needs

**V. CONTRACT TERMS AND CONDITIONS**

- (1) Term - The contract for banking services shall be for five consecutive years plus three months, beginning on or about July 1, 2023, and ending September 30, 2025. Due to time required to order and receive checks, the beginning date may vary by a few weeks. The additional final three months will allow checks written during this contract adequate time to clear under the stipulated fee structure. There will be an option for a one-year extension on the contract if mutually agreed upon by both parties.
- (2) Present investment practices shall not be modified by this contract and the City of Lowell reserves the right to invest daily available funds in any form of investment per North Carolina General Statute §159-30.
- (3) The City of Lowell expects the selected bank to name an account executive to serve as liaison with the City of Lowell regarding matters of the account in order to meet the provisions of this RFP.
- (4) The Bank must include with their response copies of all agreements needed in accordance with the provision of services to the City of Lowell.
- (5) The City of Lowell reserves the right to withdraw its account from the selected bank at any time services are judged to be insufficient or any agreed upon terms are unmet, upon ninety (90) days written notice.
- (6) The City of Lowell does not guarantee that activity levels and services indicated in this proposal will continue at the same levels during the contract period. Activity will be reviewed as noted in the Section titled "Bank Bid Response".
- (7) Exceptions to the proposal specifications should be listed separately.
- (8) The City of Lowell reserves the right to reject any and all proposals and to select the best proposal in the opinion of the City of Lowell.
- (9) The successful bidder must be an Equal Opportunity Employer and shall not discriminate in its hiring and promotion practices on the basis of race, creed, color, sex, national origin or handicapped condition.

## PART II - DESIRED SERVICES

### I. NARRATIVE LISTING OF ANTICIPATED SERVICE REQUIREMENTS

- (1) All City of Lowell funds deposited shall earn interest. Explain how the interest rate will be set, how often it will be adjusted and list the past daily interest rates for the two months preceding the date of the proposal in the Section titled "Bank Bid Response".
- (2) What is the latest time the bank will accept deposits for same day credit, to be no earlier than 2:00 P.M? The Bank shall provide immediate credit for checks drawn on the U.S. Treasury, Federal Reserve and State of North Carolina. Deposit slips must be validated and returned to the City of Lowell representative at the time of delivery. Other moneys, such as maturing investments, are to be available for investment that day (immediate credit). All funds will be invested in the best interests of the City of Lowell by the City's Finance Director - Section titled "Bank Bid Response".
- (3) The Bank shall redeposit all deposit items returned for uncollected or insufficient funds, waiting a minimum of 24 hours, before debiting the City of Lowell's account. Returned debit items shall be forwarded to a designated City of Lowell representative. The Finance Department is to be notified each working day regarding insufficient fund checks returned from all City of Lowell deposits. Information to be relayed to the Finance Department includes: (1) Name, (2) Bank on which check is drawn, and (3) Amount of check.
- (4) Bank generated debit or credit items must be forwarded to the City of Lowell the next business day with detailed transaction descriptions noted on each item.
- (5) The Bank shall provide stop payment services to the City of Lowell. Online stop payment orders from an authorized City of Lowell official will be accepted. Written authority of the officials with this responsibility shall be provided by the City of Lowell.
- (6) From time to time, there may be occasion for transfer of funds between City of Lowell accounts within the Bank. In such cases, the Bank is expected to provide such services.
- (7) Wire transfers shall be accepted only from authorized City of Lowell representatives. A written list of City of Lowell officials authorized to issue wire transfers will be provided.
- (8) All account balances shall be available for investment by/for the City of Lowell at all times.
- (9) The account balances must be collateralized in accordance with the provisions of N.C.G.S. §159-31 and N.C. Administrative Code Title 20, Chapter 7.
- (10) Research items (lost checks, lost deposit slips, mutilated checks, etc.) shall be furnished within 48 hours of request.
- (11) The Bank shall deliver to the City of Lowell a detailed itemized statement showing each deposit slip, credit or debit memo, along with the check number and amount of each transaction processed. The bank statements for all accounts shall be delivered monthly, no later than the fifth (5<sup>th</sup>) working day after the last day of each reporting period.
- (12) The City of Lowell makes direct deposit payroll mandatory for all new employees. The Bank shall provide some means of facilitating direct deposit, through the establishment of a free checking account, a free savings account, "pay card" or other option, at no additional charge to the employee. In addition, the Bank should have a representative available to meet with employees and offer training and advice through the transition period. Please provide a detailed outline of the Bank's options and related costs in complying with this section.

- (13) All City of Lowell employees, whether or not they maintain an account with the Bank, must be allowed to cash their payroll checks unimpeded by normal Bank requirements, excepting, proper identification for the bank's protection, until such time as all City of Lowell employees are on direct deposit payroll.
- (14) Imaging of Cleared/Processed items should be maintained by the Bank. Software allowing for the retrieval of a copy of a cleared check shall also be provided.
- (15) The Bank shall furnish to the City of Lowell a monthly account analysis enumerating the account activity by type of service and activity volume within each. The Bank agrees to provide, at no charge to the City of Lowell, a monthly, detailed account analysis for each account indicating the following:
- a. Each service activity count, price and charge.
  - b. Average ledger balances.
  - c. Average collected balances.
  - d. Average uncollected balances.
  - e. Net monthly earnings.
  - f. Total costs.
- (16) The Bank shall furnish required banking materials and supplies to meet the City of Lowell's estimated needs for the five-year period of this agreement. The checks will be printed according to the City of Lowell's specifications. Deposit slips shall be printed on two-part forms with MICR encoding.
- (17) The City of Lowell wishes to have the capability to access account information, make wire transfers, stop payments and various inquiries through an online, real-time system. Please provide information regarding equipment and software requirements for online/internet reporting and account access. Also include a description of security measures associated with access to the system and use of the requested features. This should include the level of data encryption, and security measures such as dual verification prior to the release of outgoing wire transfers.
- (18) If the City of Lowell develops a need for additional accounts or services during the term of this agreement, services will be provided with the same conditions as apply to existing accounts at the time. If the Federal Reserve or other regulatory bodies provide for regulations which are favorable to the City of Lowell, the Bank shall make these new services available to the City of Lowell.
- (19) The Bank must be able to provide sufficient night depository services to be selected by the City of Lowell. Night depository bags shall be furnished by the bank as needed.
- (20) The investment program of the City of Lowell and its participation in the State of North Carolina Governmental Money Transfer System require that funds be transferred by wire. The bank is expected to process incoming and outgoing wire transfers as requested by a duly authorized official of the City of Lowell if instructions are received by the bank by the official deadlines established by the Federal Reserve System. All incoming wires processed are expected to result in same day credit to the City of Lowell's account. The bank is expected to assume responsibility for any loss or cost incurred by the City of Lowell as a result of the bank's failure to transfer wires as instructed. The bank shall notify the City of Lowell immediately upon receipt of funds by wire in order for the City of Lowell to exercise its discretion in managing that cash resource.
- (21) The City of Lowell requires "positive pay" service for all disbursement accounts.
- (22) The City of Lowell reserves the right to select the most convenient depository for any additional small accounts required from time to time.

(23) The City of Lowell will elect to compensate the bank either through monthly direct fee or through earning allowance on funds held on deposit as compensating balances. If the earnings allowance method is chosen, the bank agrees to compute earnings allowance on all accounts included in this agreement.

(24) Furnish monthly detailed account analysis for each account enumerating the account activity by type of services and activity volume with each service. If compensating balance is utilized, provide analysis of fees compared to earning allowance. Include average balance, net monthly earnings, total costs and any gain or loss by the bank. In the event costs exceed earnings allowance for a given month, the City of Lowell may be billed or have the right to negotiate a new compensating balance. In the event the earnings allowance exceeds fees, net against next month charges.

In order to provide the City of Lowell with information, please list the nearest branch to the following location:

**Branch Location**

1. City of Lowell  
101 W. 1<sup>st</sup> Street  
Lowell, NC

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**II. ACCOUNT REQUIREMENTS**

A. General Account:

The level of available funds will be determined by the following schedule:

Items on the depository, wire transfers, ACH deposits - SAME DAY

Items on local institutions - NEXT DAY

Other items - BEST FEDERAL RESERVE AVAILABILITY SCHEDULE

The above schedule will be a maximum clearing schedule. Please include a copy of your proposed availability schedule. If the Bank can offer faster clearing services, they should be outlined in the proposal (Section titled "Bank Bid Response"). Interest shall be paid on all collected balances in the account at the end of the business day. Any reserves or charges that would affect the earning balances should be stated. Proposals shall include the type of account (i.e. sweep, NOW, etc.), the basis for determining interest rates and how interest will be paid. It should be noted that if the Bank is using some sort of sweep arrangement, the overnight collateral for the account should be transferred to the trust safekeeping area daily and should be eligible for City of Lowell investment under N.C.G.S. §159-30.

The Bank will provide wire transfer services for the placement of investments, other large payments and for the receipt of moneys. Standardized wire transfer ID's shall be set up for the recurring wire transfers. Wire transfers should be able to be initiated electronically or verbally at the City of Lowell's discretion. The Bank is expected to process incoming and outgoing wire transfers as requested by a duly authorized official of the City of Lowell if the Bank receives instructions by the official deadlines established by the Federal Reserve System. All incoming wires are expected to result in same day credit to the City of Lowell's account. The Bank is expected to assume the responsibility for any loss or cost incurred by the City as a result of the Bank's failure to transfer wires as instructed. The City of Lowell at times will have money coming into its account by wire transfer late in the day and will also be sending money out of its account the same day by wire transfer. The bank should state its policy on daylight overdraft and state whether large daylight overdrafts would cause a problem (Section titled "Bank Bid Response").

## PART III – BANK BID RESPONSE

### I. BID FOR PROVIDING REQUESTED SERVICES

The Bank's bid for providing all of the requested banking services should be inserted in the blank below.

\$ \_\_\_\_\_  
Estimated Monthly Service  
charge based on monthly  
average volume (Appendix A)

### II. MISCELLANEOUS

- (1) List other large-volume and multiple account experience for your institution, including governmental experience.
- (2) List references we may contact, including names and telephone numbers for contact individuals.
- (3) Does the Bank use Option 2 Reporting to the State Treasurer's Office?
- (4) Provide a narrative of your bank's disaster recovery program, including operational contingencies such as back up sites to handle all services provided in the event of interruption of facility due to disaster or otherwise.
- (5) Provide a history of down-time experience by your system during the banking hours for the past eighteen months.
- (6) Please list computer compatability specifications and provide a description of security features in place for on-line and internet banking applications.
- (7) Is daylight overdraft, as described, a problem (Y/N)? If yes, explain your policy.
- (8) Provide any documentation which requires authorized signatures and is, in essence, a contract, so that the City of Lowell's attorney may approve as to form and content.
- (9) Specify the nearest branch location of the City of Lowell:
- (10) Provide a listing of benefits/service offered to City of Lowell employees by your bank if you are selected.
- (11) Attach any other material that you wish to present in connection with this bid. Relevant information might include operational support data for your institution, centralization of decision-making process, proximity to Federal Reserve processing center, etc.
- (12) Please list your bank's most recent overall ratings by the following rating agencies:
  - (a) Moody's \_\_\_\_\_
  - (b) Standard & Poor's \_\_\_\_\_
  - (c) Fitch \_\_\_\_\_
- (13) Provide clear instructions on the earnings allowance calculation. Include definition of the benchmark that will be used in the calculation. Also provide a 12-month history of your earning allowance rate.



**III. CERTIFICATION AND SIGNATURES**

Proposal Submitted By: (Bank) \_\_\_\_\_  
\_\_\_\_\_

(Address) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This proposal contains all of the information requested the RFP, including the following:

- Three (3) copies of RFP
- Audited financial statements for the most recent year
- Evidence of Standard and Poor's or Moody's ratings
- Listing of City of Lowell employee services/benefits to be offered by your bank if chosen as provider
- Other information to be considered in award process

It is understood that this proposal, if accepted by the City of Lowell, will be the basis for a contract for banking services. Failure to enter into a subsequent contract within 30 days after selection will render the bid invalid.

\_\_\_\_\_  
(Signature of Bank Officer)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Typed or Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Telephone Number)

(Corporate Seal)

**APPENDIX A  
CITY OF LOWELL  
Cost Form for Banking Services**

	Average Monthly Volume (1)	Per Unit Cost	Monthly Fee
Average Ledger Balance			
Average Collected Balance			

**GENERAL SERVICES**

Negative Collected Funds Fee			
Check Paid			
Credits Posted			
Rolled Coins			
Currency Order			
Disposable Night Bags			
Lockable Night Bags			
Printed Checks			
Printed Deposit Tickets			
Telephone Transfer			
Branch Transfer			
Coin & Currency Deposited			
Deposit Corrections			
Account Maintenance			
Master Account Maintenance			
Items Deposited			

**RETURNS**

Deposited Items-Charged Back			
Redeposited Items			

**ACH**

ACH Received Credit			
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ACH Received Debit				
ACH Return Transaction				
ACH Notification of Change				
ACH Positive Pay - Maintenance				
ACH Unauthorized Trans-Returned				
ACH Originated Items				
ACH Monthly Maintenance				
ACH Authorization Record				
ACH Batch				

**POSITIVE PAY**

Positive Pay Maintenance				
Positive Pay Items				
Positive Pay Exceptions				

**INFORMATION SERVICES**

Digital Treasury Banking Maintenance				
Essentials PD Account Maintenance				

(1) Average monthly volume was based on the twelve months from December 2021 through November 2022.