

MINUTES

Lowell City Council

Regular Meeting

Tuesday, March 14, 2023, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor 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 staff present were City Manager Scott Attaway, City Attorney Walt Grayson (filling in for John Russell), Planning Director Joe Gates; Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, Parks and Recreation Director Cristy Cummings, GIS Analyst Todd Stroupe, 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

Mayor Pro Temp Smith made a motion to approve the adoption of the agenda, seconded by Councilmember Funderburk. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

- A. Larry Simonds of 1603 Power Dr spoke about big government and how no one wants to work here. He complained of the recent reevaluation increases of homes and rezoning efforts of Lowell Rd. He said that will not help the people of Lowell and is ashamed of all members of council. He suggested they all resign. He then thanked the councilmembers for attempting to run it as it's a major undertaking to run a small city. He then continued to complain about the park across the street from City Hall as a waste of money.
- B. Keith Gates of 402 Walker Dr didn't know if Lowell has the authority but asked them to consider installing a traffic light at Phillips St and Highway 7. He said that with the schools and when the interstate is backed up, there is a heavy amount of traffic. A light would solve a lot of the problems there. He also mentioned that the street name is incorrect for Walker Dr. It should be Walker Drive not Walker St.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting Held February 14, 2023

Councilmember Funderburk made a motion to approve the minutes from the February 14, 2023 Council meeting, seconded by Councilmember Bonham. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

A. Lowell Police Officer Kohl Scott Badge Pinning Ceremony. Chief Carl Moore read a prepared statement regarding Officer Scott's background and how he began his mission to be a Lowell Police Officer. The City Clerk then gave Officer Scott his Oath of Office in front of his family and friends.

VII. CONSENT AGENDA

- A. Planning Department and GIS Report
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report
- F. Resolution #03-2023 Acceptance of AIA Water Mapping Grant in the amount of \$150,000

With no questions or changes, Councilmember Funderburk made a motion to accept the agenda, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

VIII. UNFINISHED BUSINESS

A. Public Hearing: - Case #ZMA23-01 Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District); Ordinance #04-2023. Mayor Pro Temp Smith made a motion to go into public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Presented by Joseph Gates. He stated that 5 acres of property or two parcels have been requested to be rezoned into the Industrial classification. It was unanimously approved by the Planning Board in their February 7, 2023 meeting. He showed the map to councilmembers of the requested location.

Councilmember Funderburk asked when the projects would be started in the area. The applicant, Rob Pressley of 2216 Monument St, Charlotte, NC said as soon as it is approved. He said his engineers and architects are waiting for his call and would be able to start as soon as possible. He plans to have the 1st of three buildings completed by the end of the year. There are no specific plans for across the street at this time. They will be marking it when the property is cleared. He stated he has already started talking to some corporate users about potential headquarters in the area. Mayor Pro Temp Smith asked Mr. Pressley if he had any renderings of what the building would look like. Mr. Pressley stated his Architect sent him some conceptual renderings that he sent back for adjustments that will be provided by the end of the week. He shared an example of Industrial Flex, the requested classification, with the Planning Board. The general nature of the building would be a showroom or office on the front side with storefronts and the back side would have warehouse access. He said their average building will be in the 3500-7000 square foot range of lease space.

Joe Heffner, pastor of the Church of God at 804 W 1st St, Lowell is satisfied about Mr. Pressley's description of the building but asked about the timing of construction as it relates to church parishioners coming on certain days of the week, especially during the times of worship as well as when it is built. Mr. Pressley said he couldn't give a definitive answer today but all the properties he has worked on, Sundays do not usually have a lot of activity. Mondays-Fridays would be primary days of business and Saturdays would be busy if there is a light show for example, maybe Sunday afternoons but you will not see truck traffic on Sundays during church hours. Mr. Heffner asked if they know the type of construction building. Mr. Pressley had the architect change his original renderings to be less modern and fit more with the look of Lowell. It will probably be a metal structure that has some masonry and EIFS facades on the front to make them very attractive. The sides will be part EIFS like wainscoting and the other portion at the top painted an attractive color with the back being metal.

Mr. Gates informed the council that the LDO has standards where an industrial zone would have to be built by the highway building type and lot standards. In the designs the LDO lists how tall it can be, architectural standards, scales, lighting, etc. that all applicants would have to adhere to in an industrial zone.

Larry Bragg of 727 Railroad St stated that his house is behind the property and requests that the back of the building has a nice façade as well since his neighborhood looks at the back side of the property. He asked the developer to consider screening the backside and not focus on just the front. Mr. Pressley said there is a 100 ft right-of-way on his side of the railroad track and then from the center of the railroad track there is 100 ft going towards the neighborhood. They will be talking to the railroad company to see what they are allowed to do as far as plantings or anything else. They plan to be self-contained on the property and look good on all sides. Mr. Bragg said there is nothing barring his view straight into this development and again asked Mr. Pressley and the council to be sympathetic to the neighborhood regarding the appearance when making this vote.

With no other comments or questions, Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Bonham then made a motion to approve Case #ZMA23-01 to move to industrial zoning where this statement is reasonable that it allows the subject property to be used for or to provide opportunities for compatible and sustainable development of an underutilized nonresidential property to create job opportunities which are expected to serve local residents as well as persons who travel from surrounding communities. The development is expected to provide parking and access designed to promote safety for the motoring public while maintaining a pleasant pedestrian friendly auto-oriented environment compatible or transitional with uses in adjacent districts. It was seconded by Councilmember Funderburk. The vote was unanimously in favor.

- B. Public Hearing: Case #ZTA23-01 Consideration of text amendment to request to amend Article 3 – Definitions, Abbreviations, and Symbols, Article 8- Districts, 9- Building & Lot Type Standards & Specifications & Article 12 – Off Street Parking, Stacking and Loading Areas of the Lowell Development Ordinance and an Ordinance to allow for a new classification/use category

of “Industrial Flex” that would be added to the Table of Uses allowed in the Industrial District; Ordinance # 05-2023. Councilmember Fulbright made a motion to go into public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Presented by Joe Gates. He stated the Planning Board reviewed an application from the same applicant as in the previous public hearing (above) requesting text amendments be made to the following sections, which were individually explained in detail:

- Article 3 – Definitions, Abbreviations and Symbols
- Article 8 – Districts, Table 8.1 Table of Uses
- Article 9 – Building & Lot Type Standards & Specifications, Section 9.8-2 Highway Lot Type Standards (A) Building Placement, Parking, and Vehicle Access
- Article 12 – Off-Street Parking, Stacking and Loading Areas, Table 12.1 Off-Street parking Spaces to be Provided.

The Planning Board voted unanimously to recommend approving the text amendment application as submitted in their February 7, 2023 meeting.

Councilmember Bonham asked if there is anything in the ordinance that requires any outside storage to be shielded from view. Mr. Gates said yes, Article 10 under Additional Regulations.

Mr. Pressley stated that when they were looking at this text amendment, he and his Civil Engineer and Planning Director looked at other municipalities to see what they do regarding ordinances and compared that to Lowell. They wanted to separate truck parking from showroom parking because you don’t need to build massive parking lots, limiting them to one row. He added that this amendment will be for the town, not just this project. He said in his comparisons with other municipalities, it was noted that some were overly aggressive on parking, and some were under. They decided on a happy medium and this amendment would accommodate the parking issue. There will be no street parking.

David Wright of 719 Railroad St. asked if the developer would consider putting a privacy fence to prevent trash from coming over into the neighborhood. He gave an example of when dumpsters in the back get full and there is trash everywhere. Mr. Pressley said their preliminary design is at the back of the building for each space, there will be a roll-up door, a pedestrian door, and shared, between two units, a dumpster enclosure at the building with a fence around it. If the tenant has more trash than will fit in one dumpster, then they will have to have two dumpsters. The dumpsters will not be in the back of the building by the railroad tracks but closer to the building itself. There will also be cameras in the back of the building to thwart other people outside of the building tenants from dumping their personal trash in the dumpsters. He offered to get any neighbors’ contact information as well as council and show them exactly what his company will be doing.

Councilmember Gillespie said he understood what people were saying in that they just want the back side to look decent and blend in with the community. Councilmember Fulbright asked about parking for the trucks and if they will making entrances off of Highway 7 or do they plan to tie into Phillips St. as well? Mr. Pressley said that they had one preliminary conversation with DOT to inform them of what they were doing and to get their input. They have also had a preliminary site plan they reviewed with Lowell staff and received more guidance. He said they made changes based on those discussions because DOT wouldn’t approve some things and

Lowell stated that some of the options would not work well with the town. They were initially looking at doing four buildings instead of three but it made more sense to do just three due to traffic flow, parking, landscaping, etc. The plan is to have an entrance for the larger trucks when they come off Highway 7, into the property at the far western end, go behind the property and then exit back out at the Phillips St, take a left and pull up to the building. There will be limited access to the rear of the building and they will ensure that access is controlled. Mr. Attaway added to the Phillips St intersection discussion and stated this was discussed about a year ago. He said across the street it is already zoned industrial and they are trying to work with Mr. Pressley and any future tenants to line up the ingress egress with Phillips. He has contacted DOT about this and was told they have to meet signal warrants to put up a signal light. It is not the City of Lowell's decision to put a signal light on Highway 7. Councilmember Funderburk stated there was a light there at one time and didn't understand why DOT removed it.

Mayor Railey asked Mr. Attaway if it had to be a four-lane road to justify a signal. Mr. Attaway said it helps their case and he will continue to pursue getting a light at the intersection. There was further discussion on how a signal light is needed and issues with truck traffic.

Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Bonham then made a motion to adopt Ordinance #5-2023 as outlined on pages 53-55. This ordinance shall take effect and be in force from and after the date of its adoption. This ordinance is consistent with the purpose and intent of the Lowell Development Ordinance, Lowell City Plan 2040 and any applicable duly adopted small area plans and is reasonable and in the public interest because it promotes health, safety and welfare. It was seconded by Mayor Pro Temp Smith. Councilmember Funderburk said she thinks this is a good idea but she is concerned with the tractor trailers and since they don't have anything worked out with DOT with turning onto Phillips. She's concerned about the school traffic in the afternoon and traffic on I-85 and that there is no fix for it right now. She thought everything else was good, but this part concerned her. The vote was carried with Mayor Pro Temp Smith and Councilmembers Bonham and Fulbright voting yay and Councilmembers Gillespie and Funderburk voting nay.

- C. Public Hearing: Case # ZTA23-02 Consideration of text amendment request to amend Article 8 Districts - Section 8.4-5 Civic District (CIV); Ordinance # 06-2023. Mayor Pro Temp Smith made a motion to go into public hearing, seconded by Councilmember Fulbright. Presented by Joe Gates. The Planning Board voted unanimously at their February 7, 2023 meeting to approve the text amendment brought to City staff for the following section:

- Article 8-Districts, Section 8.4-5 (E) Civic District – General Standards and Specifications

Staff is proposing a reduction in the minimum lot size from 20,000 sq. ft to 10,000 sq. ft. and the minimum lot width from 96ft to 70ft. to allow for more diversity in the size and scale of development of the CIV.

Councilmember Funderburk asked if this was only for Civic [zones]. Mr. Gates said yes, this is the minimum so they can always go bigger. Ed Jackson of 209 Railroad St asked if 70ft was the minimum. Mr. Attaway said yes.

Councilmember Funderburk made a motion to close the public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Councilmember Gillespie made a motion to receive Case # ZTA23-02 for the text amendment that the staff has recommended. That this ordinance is consistent with the purpose and intent of the Lowell Development Ordinance, Lowell City Plan 2040 and should be duly adopted for small area plans and is reasonable in the public interest because it promotes the health, safety, and welfare. It was seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Consideration to Adopt City of Lowell General Fund Capital Improvement Plan (CIP). Mr. Attaway presented the five-year CIP by Davenport Finance. This was presented in the council budget retreats and the work sessions as well. This version presented is different than the original agenda packet for today as it reorganized the uses of the funds for the General Government, City Administration, Facilities, and Police, then subdivided out the Parks and Recreation and transportation related projects. The change was made due to a meeting with the Recreation Grant Writer recently where it was recommended to separate it and specifically show Parks and Recreation. We receive grant points for our application to submit along with the CIP application that is inclusive of Harold Rankin Park. He stated the Land Water Conservation Fund (LWCF) Grant is due Friday [March 17, 2023] for \$500,000 and we have to match \$500,000. We are asking for the maximum of \$500,000. We are also applying for a Part F Recreation grant from the same project to help with funding for Harold Rankin Park which is also \$500,000. These two grants will offset the matches. As of today, the estimate for the phases at Harold Rankin Park is coming in at \$1,040,000 million, including the multi-purpose field, half-court basketball, the pickleball court, bocce ball, expanding the playground, new restroom facility, and updating the ball field and walking trail.

Mayor Railey asked Cristy Cummings if she got the email needed from the Lowell Women's Club? Mrs. Cummings said she did. Mr. Attaway explained that we needed a citizen advisory board or the LCC [Lowell Community Committee] and a local civic group that is not part of the city, which is the Lowell Women's Club that the Mayor is referring to in order to get more points for the grant. Mrs. Cummings added the Lowell Elementary PTO [Parent Teacher Organization] was the third presentation the city had to do and that has also been completed. Mr. Attaway also called the council's attention to the sources of funding in the summary to note the different grants the city is applying to.

With no further questions, Councilmember Bonham made a motion to adopt the CIP Plan Summary; the CIP Plan we are looking at is dated March 13, 2023, seconded by Councilmember Funderburk. The vote was unanimously in favor.

VI. NEW BUSINESS

- A. City of Lowell Utility Allocations and Extensions Policy Amendments. Presented by Mr. Attaway. This amendment was originally adopted in 2021 and some corrections were made to make it coordinate better with the Preliminary Capacity Assurance Review (PCAR) process/application and the Full Capacity Assurance Review (FCAR) process/application. With no questions, Mayor Pro Temp made a motion to approve the Utility Allocations and Extensions

Policy with changes provided to us today, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- B. Interlocal Agreement with Town of McAdenville for the City of Lowell to provide Water and Sewer Utility Service to Lowell Elementary. Presented by Mr. Attaway. McAdenville Board of Commissioners will be meeting tonight regarding their portion. He stated the major change is that this is now a three-way interlocal agreement. Since Gaston County is actually funding this water line extension to Lowell Elementary, as well as Lowell working with their engineers and contractors who are installing the line, they have been included in the interlocal agreement along with McAdenville and Lowell.

Councilmember Gillespie asked if they are using their [Gaston County] ARPA funds. Mr. Attaway said yes. Councilmember Funderburk clarified that they [McAdenville] will then be paying us [Lowell] for water service. Mr. Attaway said yes, they have already been paying for sewer service and once approved they will be charged for water service. Mayor Pro Temp stated that this is zero cost to the city, benefits the kids at Lowell Elementary, and we are also putting a fire hydrant closer to the school.

With no other questions or comments, Councilmember Funderburk made a motion to approve the Interlocal Agreement with Town of McAdenville for the City of Lowell to provide Water and Sewer Utility Service to Lowell Elementary, seconded by Councilmember Gillespie. Mr. Attaway added that the McAdenville attorney will be reviewing this tonight. He was not sure if they would have their Mayor and Council vote on it tonight as well. He asked the attorney at what point would the council need him to bring it back to them if and when McAdenville makes any changes and if that should be part of the motion. Mr. Grayson suggested it would be ok to put in open-ended language adding non-substantive clerical language would be reasonable. The motion was amended by Councilmember Funderburk to approve the Interlocal Agreement with Town of McAdenville for the City of Lowell to provide Water and Sewer Utility Service to Lowell Elementary and include minor non-substantive clerical changes from McAdenville tonight. Councilmember Gillespie confirmed that he previously seconded the motion. The vote was unanimously in favor.

- C. Consideration of Acceptance of FY 22-25 Audit Proposal by Butler and Stowe, CPA. Presented by Mr. Attaway. Brought to the Council to revisit our auditor status on an annual basis having signed a three-year contract with Butler & Stowe. He said ever since, we have been turning in our audits on time. He recommends that the city continues with this audit and noted that the first year is higher due to the single audit that is required due to the amount of grants that we have raising our budget. This is in line with what we have had for the last three years. Mayor Pro Temp made a motion to accept the FY 22-25 Audit Proposal by Butler and Stowe, CPA, seconded by Councilmember Bonham. The vote was unanimously in favor.
- D. Consideration to Add Two Bocce (baa-chee) Ball Courts to Harold Rankin Park Master Plan. Presented by Mr. Attaway. This is one of the amenities looked at last month to elevate the score needed for the grant. It is being done due to the Master Plan and surveys from the public as well as the strategic vision where one of the main goals is the vision of having multi-generational recreational opportunities. This is a multi-generational request and highly used by the senior population. He then showed a picture of the map and where it would be at the park. The map shows that the basketball quart has been added back in as requested from the February 14, 2023

council meeting. Pickleball is still included as well as the expansion to the playground. Councilmember Bonham asked if the location is set in stone. Mr. Attaway said this is the conceptual plan and it may move slightly if necessary, but it has to be in the same area of the plan. Councilmember Bonham said it would just concern him to have something near a fence where balls can fly over it. Otherwise, he thinks it's a good idea and appears to be low maintenance. Mayor Pro Temp asked if the bocce balls will be available through the City Parks and Rec? Cristy Cummings, Parks and Recreation Director, said that she is evaluating that and thinking of putting some kits together for pickle ball, bocce ball. The idea is for people to come to City Hall or wherever the Parks and Rec office will be to get a kit full of what would be needed to play these sports and leave a deposit. Once they return everything, the deposit will be returned.

Mr. Attaway then stated the dog park was taken out of the plan because it did not meet the size specifications for the grant. The minimum is 10,000 sq. ft. and we only have 4000 sq ft. to use. Councilmember Funderburk asked if anything will be in that area? Mr. Attaway said we can, but we would have to put non-permitted things in that area. The more we add to the submittal, the more we'll have to fund. If we get one grant and not the other, we will be responsible for more funding, therefore, we are trying to keep it to where the grants will cancel each other out and prepare to pay the difference. Councilmember Funderburk asked how long will take to know if we received the grant after applying. Mr. Attaway said LWCF [Land and Water Conservation Fund] is a federal grant and it takes a while, so he is not sure on the specific time period. Mayor Railey added that we really have not had a lot of luck with federal grants. Mrs. Cummings added that there are records showing the city has received the LWCF grant in the past, but it is unclear on how long ago, possibly when the ball field was constructed with the walking track. She stated that they do give priority to municipalities that have received this grant before, so this may be good. With no other questions Councilmember Bonham made a motion to add two Bocce Ball Courts to Harold Rankin Park Master Plan, seconded by Councilmember Funderburk. The vote was unanimously in favor.

IX. CITY ATTORNEY REPORT – Walt Grayson thanked staff and the Council for having him as a fill-in for John Russell. He stated that Mr. Russell will have some updates regarding local government in the legislature for them during next month's council meeting.

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- A. McCord Park- Shade structure will be going up soon. Concrete is going poured on the poles tomorrow and that needs to set for a couple days, then they will attach the structure.
- B. Federal Funding- we received an email from US House of Representatives, Jeff Jackson's local office in Charlotte requesting that if we needed any funding along the lines of the agriculture subcommittee to let them know. He said he has and will be working on this as it is due by 6pm tomorrow [March 15, 2023].
- C. Grant Received - \$400,000 grant was received from NCDEQ for the preconstruction of the Wastewater Treatment Plant Regionalization project with Two Rivers. We are currently awaiting the award document in the mail that we have to respond to and approve a resolution for.

- D. Tax Updates- 2nd day of appeals was today and there will be two more. This will be notified to the public on the city's website. This is allowing Lowell residents to talk to someone about their taxes without going to the main tax office in Harrisonburg. Regarding tax help for the elderly, he thanked Councilmember Fulbright for wanting to get the word out and now we have two flyers on the board to get the word out more for property tax relief for the elderly and disabled. There are some things in place and coming to City Hall on April 12th at 6pm and April 28 at 11:30 to try to help this group with tax relief. Applications are due June 1 annually by the Homestead Act.
- E. Erosion Control Plan – Still working on this submittal for the Chemical Plant at 1602 N. Main St. He is working with a local engineer, Johnny Denton with Diamond Engineers, to get that drafted. We not only have to put up a fence and submit a 20 page document but also have to dig some temporary ponds for the construction or deconstruction of all the buildings at the Chemical Plant. That water will run down the site. They will not let us just let the water run freely into the South Fork River, so we have to contain it with what are called skimmer ponds. He suspects we will need more than one based on the topography of the land. He and the City Attorney are working on the contract with the demolition company as well.
- F. River Heights Update- He stated that Joe Gates has written over 50% or 30 out of 50 of the permits for the townhome side.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Gillespie said in light of things that have happened recently regarding illicit drugs and things like that, it takes a village to raise a child. He wanted to thank Chief Moore for the wonderful job he has done in dealing with drug issues here. He also thinks it takes churches to help and he was thankful that Dr. Heffner came out tonight to show that he helps people as well. Lastly, he said it takes compassion and thinks we have a good city council board that believes in the law, our churches and helping our community.

Mayor Pro Temp thanked everyone for coming tonight from the citizens and Pastor Joe for hashing things out with us tonight and Attorney Grayson for filling in for John and keeping us straight.

Councilmember Funderburk said we should all get together and write some letters to the Homestead Act or whoever [regarding property taxes]. She said \$33,800 is not a lot of money to qualify and she is on a fixed income but receives more than that [annually]. She said her house went up 60% in the property tax and she appealed it. In the last census, 37% are elderly and 63% probably make more than that [\$33,800] but their taxes have gone up too. She didn't know if we should start emailing people to push the amount above \$33,000. She then asked Todd Stroupe about how to find the GIS mapping on the website. He told her he would help her to find it and send her another link.

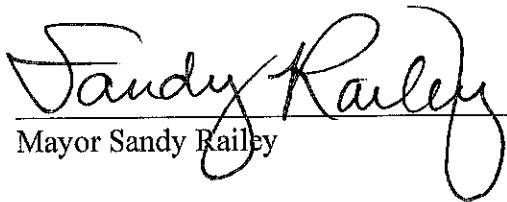
Councilmember Fulbright said she had the opportunity to watch employees of Public Works work in filling in a hole, how tedious it was and how they communicated with one another with their sign language. She wanted to thank Thomas and asked him to tell his crew that they do a good job, and she appreciates them and all the departments here as well.

Mayor Railey thanked everyone for taking their time to come out tonight. She recommended councilmembers that have not done so yet to watch the training regarding the elected officials stormwater workshop. She said we should make sure we attend it. Mr. Attaway said to avoid issues like Councilmember Gillespie had in trying to sign up but the registration had closed, he would have city staff enter council's email addresses when these types of trainings are introduced so they will automatically be registered and receive a zoom link.

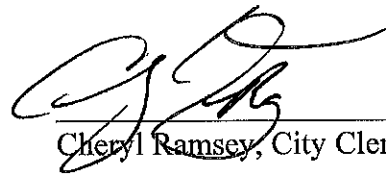
XII. ADJOURN

Councilmember Bonham made a motion to adjourn the meeting, seconded by Councilmember Funderburk. The vote was unanimously in favor. The meeting adjourned at 8:00 pm.

ATTEST:



Mayor Sandy Railey



Cheryl Ramsey, City Clerk



**INTENT TO ACCEPT ASSET INVENTORY AND ASSESSMENT (AIA) WATER
GRANT PROVIDED BY THE NC DEPARTMENT OF ENVIRONMENTAL QUALITY
(NCDEQ)**

RESOLUTION #03-2023

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the City of Lowell intends to perform said project in accordance with the agreed scope of work,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LOWELL:**

That City of Lowell does hereby accept the State Reserve Grant offer of \$150,000.

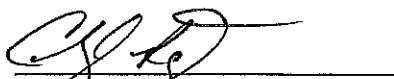
That the City of Lowell does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Scott Attaway, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 14th of March, 2023 at Lowell, North Carolina.


Sandy Railey, Mayor

ATTEST:


Cheryl Ramsey, City Clerk



ORDINANCE NO. 4-2023

**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, and the City of Lowell Zoning Map 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 that's provided in the ordinance; and,

WHEREAS, Article 5 of the LDO allows the local 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

WHERAS, on February 7, 2023, the Lowell Planning Board unanimously voted to approve a Zoning Map Amendment providing for a General Rezoning of Parcel ID's 127737 and 306363 from the Civic (CIV) and Vehicle Service & Repair District (VSR) to the Industrial District (IND); and

WHERAS, the Lowell City Council, after conducting a public hearing which was duly advertised as provided by the foregoing statutes, has found this amendment to the city of Lowell zoning map be in the public interest, and furtherance of the general purpose and objectives of the LDO, and in compliance with the city of all comprehensive land use plan;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lowell, North Carolina that the Office Zoning Map of the Lowell Development Ordinance be amended as follows:

PART 1: Consistency with the Adopted Comprehensive Plan

The City Council finds that the rezoning map amendment to the property described as Gaston County tax parcels 127737 and 306363 and illustrated in attachment "A" attached hereto, established thing a General Zoning designation of Industrial District (IND) is consistent with the City's 2040 Comprehensive Land Use Plan (the Plan) as appearing in the Future Land Use Map as required by General Statute 160D-605 (A).

PART 2: Statement of Reasonableness.

This amendment is reasonable in that it allows the subject property to be used for or to provide opportunities for compatible and sustainable development of an underutilized nonresidential

property to create job opportunities which are expected to serve local residents as well as persons who travel from surrounding communities. The development is expected to provide parking and access designed to promote safety for the motoring public while maintain being a pleasant pedestrian friendly auto-oriented environment compatible or transitional with uses in adjacent districts.

PART 3: Designation of Zoning Designation.

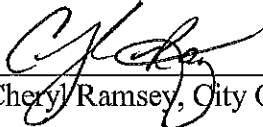
That Gaston County Tax Parcels 127737 and 306363, as shown in Attachment "A" attached hereto shall be designated a general zoning designation of Industrial (IND) district on the Official Zoning Map, all provisions of which shall hereafter be applicable to the subject land areas. Furthermore, the Future Land Use Map of the City of Lowell shall simultaneously be amended to reflect the aforementioned zoning designation.

PART 4: Effective Date.

This Ordinance shall be effective immediately upon its adoption

PASSED AND APPROVED this 14 day of March, 2023.

ATTEST:



Cheryl Ramsey, City Clerk

(SEAL)



Sandy Railey, Mayor



ORDINANCE NO. 5-2023

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 February 7th, 2023, the Lowell Planning Board voted in unanimous consent to recommend a text amendment to the Lowell Development Ordinance (Article 3- Definitions Abbreviations and Symbols, Table 8.1 Table of Uses, Section 9.8-2 Highway Lot Type Standards (A) Building Placement, Parking and Vehicle Access and Table 12.1 Off-Street Parking Spaces to be Provided; and,

WHEREAS, the Lowell City Council, after conducting a public hearing which was duly advertised as provided by the foregoing statutes, has found these Amendments 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; and,


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

PART 1: Article 3 - Definitions, Abbreviations and Symbols, is hereby amended to read as follows:

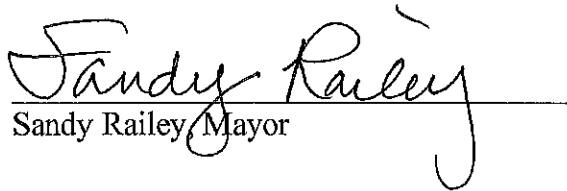
“Industrial Flex Space - A building or portion thereof that can be used and/or easily converted to use for office, sales, distribution, or storage as allowed in the IND (Industrial) Zoning District. These spaces will typically have larger percentage of office and/or showroom space than would typically be found in warehouse and distribution buildings.”

PASSED AND APPROVED this 14th day of March, 2023.

ATTEST:



Cheryl Ramsey, City Clerk



Sandy Railey, Mayor



ORDINANCE NO. 6-2023

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 February 7, 2023, the Lowell Planning Board voted in unanimous consent to recommend a text amendment to the Lowell Development Ordinance (Article 8 Districts, Section 8.4-5(E) Civic District, General Standards and Specifications) to reduce the Minimum Lot Size and Minimum Lot Width; 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; and,

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

PART 1: Article 8 - Districts, Section 8.4-5(E) Civic District, General Standards and Specifications, is hereby amended to read as follows:

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side yard setback	Minimum Side Street Setback Corner Lot
<u>10,000 SF</u>	<u>70'</u>	12'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater


PART 2: All ordinances or portions of ordinances in conflict herein are hereby repealed.

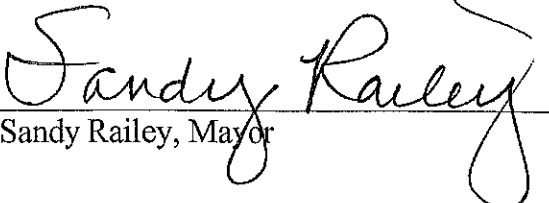
PART 3: Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

PART 4: This ordinance shall take effect and be in force from and after the date of its adoption. This ordinance is consistent with the purpose and intent of the Lowell Development Ordinance, Lowell City Plan 2040 and any applicable duly adopted small area plans and is reasonable and in the public interest because it promotes the health, safety, and welfare.

PASSED AND APPROVED this 14th day of March, 2022.

ATTEST:


 Cheryl Ramsey, City Clerk


 Sandy Railey, Mayor



Capital Improvement Plan Summary

Sources & Uses of Funds

A	B	C	D	E	F	G
Fiscal Year	2024	2025	2026	2027	2028	Total
1 Uses of Funds						
2 City Administration/Facilities						
3 Public Works Facility	6,000,000	-	-	-	-	6,000,000
3 City Hall and Police Land Acquisition	250,000	-	-	-	-	250,000
4 City Hall and Police Department	-	-	-	-	-	-
4 Parks and Recreation						
5 P&R Land/Property Acquisition	-	-	-	-	-	-
6 Riverfront Park	-	-	-	-	-	-
7 Harold Rankin Park	1,350,000	-	-	-	500,000	1,850,000
8 Carolina Thread Trail	185,000	-	-	-	-	185,000
9 Bob Bolick Park	-	-	-	-	-	-
10 Transportation						
11 Wayfinding Signage	-	-	-	-	-	-
12 Welcome Signage	50,000	-	-	-	-	50,000
13 I-85 Betterments	-	-	-	-	2,200,000	2,200,000
14 Total Uses	7,835,000	-	-	-	2,700,000	10,535,000
15 Sources of Funds						
16 Pay Go	700,000	-	-	-	-	700,000
17 Other Funding - Outside Sources	-	-	-	-	-	-
18 Other Funding - County Funding ¹	-	-	-	-	1,100,000	1,100,000
19 Other Funding - Grant Funding ²	3,135,000	-	-	-	-	3,135,000
20 Subtotal: Other Funding	3,135,000	-	-	-	1,100,000	4,235,000
21 Debt Funding - Capital Markets Short Term	-	-	-	-	-	-
22 Debt Funding - Capital Markets Long Term	4,000,000	-	-	-	1,600,000	5,600,000
23 Debt Funding - USDA	-	-	-	-	-	-
24 Subtotal: Debt Funding	4,000,000	-	-	-	1,600,000	5,600,000
26 Total Sources	7,835,000	-	-	-	2,700,000	10,535,000

¹ County Funding assumes a 50% cost share with Gaston County for the I-85 Betterments Project (not yet finalized).
² Grant Funding assumes that both LWCF and PART-F grants totaling \$1,000,000 will be awarded and dedicated to Harold Rankin Park (not yet finalized).

Approved This Day: March 14, 2023
 Date

Attest: [Signature]
 City Clerk, Sheryl Ramsey

[Signature]
 Mayor, Sandy Ralley

