



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, MARCH 14, 2023, 6:00 P.M.**

- 1. CALL TO ORDER** – Mayor Sandy Railey
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**
 - A. Minutes from Council Meeting Held February 14, 2023 (p. 1-9)
- 6. SPECIAL PRESENTATION**
 - A. Lowell Police Officer Kohl Scott Badge Pinning Ceremony
- 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)
 - F. Resolution #03-2023 Acceptance of AIA Water Mapping Grant in the amount of \$150,000 (p. 24)
- 8. 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 (p. 25-42)
 - 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 (p. 43-55)
 - 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 (p. 56-60)
 - D. Consideration to Adopt City of Lowell General Fund Capital Improvement Plan (CIP) (p. 61-62)
- 9. NEW BUSINESS**

- A. City of Lowell Utility Allocations and Extensions Policy Amendments (p. 63-74)
- B. Interlocal Agreement with Town of McAdenville for the City of Lowell to provide Water and Sewer Utility Service to Lowell Elementary (p. 75-80)
- C. Consideration of Acceptance of FY 22-25 Audit Proposal by Butler and Stowe, CPA (p. 81)
- D. Consideration to Add Two Bocce Ball Courts to Harold Rankin Park Master Plan (p. 82-85)

10. CITY ATTORNEY REPORT

11. CITY MANAGER REPORT

12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

13. ADJOURN

MINUTES

Lowell City Council
Regular Meeting

Tuesday, February 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 John Russell Jr, Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, Parks and Rec 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

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

IV. PUBLIC COMMENTS

A. Larry Simonds of 1603 Power Dr spoke about the “bad deeds” in the City of Lowell. He said with the selling of the water tank property and how much it was sold for is not public record and wants the city to be transparent.

V. APPROVAL OF MINUTES

A. Minutes from Council Meeting Held January 3, 2023

Councilmember Funderburk made a motion to approve the minutes from the January 3, 2023 Council meeting, seconded by Councilmember Bonham. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

A. Proclamation in Recognition of the Month of February as Black History Month. The Proclamation was then read by Mayor Railey

B. Fiscal Year 2021-2022 Audit Presentation by Butler and Stowe, CPA. Mr. Attaway gave the floor to Sheila Thornton. Ms. Thornton said the audit was completed in November 2022 and submitted to the Local Government Commission (LGC) as well. It was accepted by the LGC in December 2022. The opinion of Butler and Stowe was that this was a clean audit, meaning the city has met the audit requirements of the NC General Statute. She went over some of the financial highlights as of June 30, 2022, noting the city ended the year with assets exceeding liabilities by \$8,524,035. The general fund was \$2,107,230 million and that represents the funds that are available to the city that are not restricted. She stated that that was a good healthy amount. The enterprise fund ended the year with an operating income of over \$241,053. The total combined assets of the city at June 30, 2022 of \$12,056,359, and increase of \$3,501,184 from the previous year, a good positive year for the city.

Along with the statement, Butler and Stowe usually issues two letters. The first being a communication letter to council explaining the process of the audit and the responsibility of the city and the auditors. There were no problems nor issues during the audit, and she credited Lisa Nolen, Finance Manager for providing the necessary documents needed for the audit. The second letter is regarding internal controls of the city in which they always note that there is a lack of segregation of duties. She said that is normal in a small governmental unit. She said it's not cost effective to have 3-4 more people on the staff in finance. She concluded and thanked the city for their cooperation and stated the process has gotten better over the last three years. Councilmember Bonham asked how would you say we are doing as far as meeting all the expectations and requirements of the state as far as transparency is concerned? Would you consider us better today than we were three years ago when you first started? Ms. Thornton said "absolutely, much better". He asked her if this was in all areas. Ms. Thornton said "yes, much better." He then asked if there is anything we can do to improve transparency? Ms. Thornton said she couldn't think of any other way to be more transparent than what is currently being done.

VII. CONSENT AGENDA

- A. Planning Department
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report

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

VIII. UNFINISHED BUSINESS

- A. Public Hearing for the Partial Closure of Taylor Avenue. Councilmember Funderburk made a motion to go into public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. Mr. Attaway then discussed the partial closure and application process to close Taylor Avenue. This was advertised in the Gazette and mailings were sent to neighboring residents. It was requested by the applicant to recombine some property for a possible new development. This was reviewed by staff and Public Works noted that there is a sewer right-of-

way that goes through this property, which will stay intact. Thomas Shrewsbury added that this street has never been an accessible roadway and has always been a sewer easement. He said it catches a small area on Neely St and Huffman and comes down on the side of Kate's Skates out to Wilkinson. He believes that if the easement, that the City will be maintaining, is not under any building or parking lots, Public Works will still be able to access it when necessary possibly better than it has been accessed in the past once the street is closed.

Councilmember Fulbright asked about the water and sewer going through there and if it is close enough to an adjoining building that they couldn't build on top of it anyway? Mr. Shrewsbury stated that it is sewer only but as long as the city maintains its facilities there, they could never put a structure on it. He said what is being proposed is a 15 foot on each side of the sewer line or a 30ft easement. They [developers] could encroach on the easement because it is a utility easement for other utilities such as storm drainage or if the gas company wanted to run a gas line. Mr. Attaway added that it has to be accessible for city staff to do any kind of repairs.

With no other questions from council or the audience, Councilmember Bonham made a motion to close the public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Funderburk made a motion to approve the partial closure of Taylor Avenue specifically RS12-2022, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- B. Public Hearing for Master Sign Application, Case # MSP-22-01. Councilmember Bonham made a motion to go into public hearing, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor. Mr. Attaway presented the case for the applicant at the NorthPoint Development. He said the signage exceeds the Lowell Development Ordinance. The reason the signs are already up now is due to the City of Gastonia issuing the applicant a permit in error. Their city limits clips the far left corner of the building. He noted that this application was approved unanimously by the City of Lowell Planning Board. Councilmember Bonham asked would it be better that the ordinance state that one could not exceed X number of square feet of your building. Mr. Attaway said the old ordinance was in fact a percentage of your building. He said Mr. Gates is compiling a list of proposed text amendments to the Planning Board on some the issues that we are seeing and fix the sign section of the ordinance to not keep having this issue. The last request was for increasing the sign for Kia a few months ago.

With no other 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 the Master Sign Application, Case #MSP-22-01, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- C. Consideration of I-85 Betterments presented by Mr. Attaway. He discussed the two levels of betterments that were also discussed with council at the January 26, 2023 budget retreat. The NCDOT has put together a high-level cost estimate for each structure. The City of Lowell is requesting to see the updated individual cost estimates for the following:

Structure	Bridget Betterment Level	Inclusion of Mast-Arms	Landscaping Betterment Level
S. Church St, grade separation	Mid-Grade	No	Standard
S. Main St., interchange	High End	Yes	Enhanced
Groves St., grade separation	Mid-Grade	No	Standard
Main St/McAdenville Rd, interchange	High End	Yes	Enhanced

Standard is no cost to the city. Councilmember Funderburk asked if we had a cost. Mr. Attaway stated that a high-level cost of 2.2 million was discussed in the budget retreat for the four projects. We will have some partnerships including one third of help from the Gaston County Travel and Tourism with landscaping at exit 23. Also working with Gaston County government to work with us on the McAdenville side of the bridge of doing mast arms signals as well as one third of the landscaping.

With no other questions, Councilmember Bonham made a motion to adopt I-85 Betterments Resolution 02-2023, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Gillespie asked if the bridges will be wide enough to walk across. Mr. Attaway said yes we have a mixture of sidewalks, bike lanes, and multi-use paths. All will be pedestrian and bicycle accessible. He stated he can provide the specifics of each bridge.

John Russell asked to go back to Section A of Unfinished Business regarding the Taylor Ave closing. He stated that Resolution 12-2022 is actually the resolution to set the public hearing. The closing of the street, because it involves real estate as an ordinance, we must go back, under rule 15, to make a motion and adopt the ordinance. There is no substantive change but an ordinance would need to be done. Councilmember Funderburk made a motion to reconsider under Rule 15 of resolution 12-2022, seconded by Councilmember Bonham. The vote was unanimously in favor. Councilmember Funderburk then made a motion to approve Ordinance #3 portion of Taylor Ave, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Establishment of the Community Investment Fund (CIF) in the City's Financial System presented by Scott Attaway. He noted on the January 26, 2023 Budget Retreat, Mitch Brigulio with Davenport Public Finance regarding the establishment of a fund for existing future capital expenditures and he has laid out a best management practices approach for the City of Lowell. It was decided that a Community Investment Fund could be used for that. Mr. Attaway called attention to the bullet points of the presentation from Mr. Brigulio noted in the agenda packet. He stated that the purpose of the fund is for all future capital needs of the city over \$75,000 (capital equipment, city infrastructure, property acquisitions for example). It will initially be funded by the current fund balance that exceeds the 50% of General Fund Expenditures Goal. Establishment of this fund will authorize staff to make that initial transfer to the CIF and provide a continuous flow of funds to the CIF when there are funds available above the future fund balance % to general fund expenditures goals. He said the city is well positioned for this next

level of capital planning to pursue this level of best practices approach and a motion would allow him and Finance to go forward with the implementation of the Community Investment Fund.

With no questions, Mayor Pro Temp made a motion to establish the Community Investment Fund (CIF) in the city's financial system, seconded by Councilmember Bonham. The vote was unanimously in favor.

VI. NEW BUSINESS

- A. Discussion of 2022 Carolina Thread Trail Implementation Grant. Presented by Mr. Attaway. He gave a brief over of the \$185,080 grant staff applied for which includes constructing a natural surface trail estimated to be 2750 linear feet long and 6 feet wide trail along the South Fork River. He showed a map of the area and noted that it will eventually create connection between four subdivisions and access to George Poston Park/Spencer Mountain and the future Lowell River Park at the old dye plant.

He stated that in the application, the City did not list a match amount and it would probably be in our favor if we have some skin in the game. He then asked the speakers Ashton Lamb, Community Coordinator and Jane Love Grant Program Manager, both with Carolina Thread Trail, to give council a general idea of what they think about Lowell's application in the Trail Project. Ms. Love stated that they have a portion of funding for the South Fork corridor and Lowell is part of that. She said they have more requests for funding than what they can fund. They are trying to figure out if they give Lowell some funding will it help and will you be able to make up for the gap. Their next step is to have their grant writing committee review all applications. It will then go to the Carolina Thread Trail Board for approval. They will be looking and trying to get an understanding on what Lowell can do for itself.

Mr. Attaway asked them if there is a city match would it be acceptable for that match to be in the next fiscal year? Ms. Love said yes that would be acceptable. She said you don't necessarily have to have all of your funding in place by then and sometimes we [Carolina Thread Trail] are your first funding. Being a nonprofit, they can help get more funding to show that you have some for the grant. Other communities may not have everything in their budget right now but indicating that you will be including would be a great step, like a letter of intent.

Councilmember Bonham said we have a lot of trails to build. How does that position us if, and when we are able to write a check, would that improve the ranking for the grant over others that depend more on you? Ms. Love said they fund all stages and help wherever they are at that moment and they want to help all. Mr. Lamb added that depending on the stage of the development, some people commit faster and some not as fast. They take all of that into consideration about how much value they provide in the grant or none at all. This project referencing last year's Carolina Thread Trail grant that Lowell did was for \$8000 and they awarded that, so you're through the design phase and it's ready to be built. That makes Lowell look more favorably. The match just ties into the amount of the award. With more match they could leverage more local funds to complete the trail.

Mr. Attaway suggested bringing this back up in the March workshop where we can talk about a proposed match amount. Mr. Lamb suggested getting a confirmation letter for the grants review

committee towards the end of February or early March. He mentioned that regarding the note on connectivity, Gaston County has already applied for funding and McAdenville has well for the south part. Councilmember Gillespie asked if the plan for the trail is to go from South Carolina through Belmont, Cramerton, through Lowell and up to Spencer Mountain? Mr. Lamb said that was correct. Councilmember Gillespie said we don't want to see the trail stop in any city and have a continuous connection. Mr. Attaway stated he will get more information to councilmembers regarding more funding during their weekly report. He stated that the \$185,080 came from the full bill which includes the bridge and the trail design. Councilmember Bonham asked will this be a continuous build process? Mr. Attaway, he thinks the west side will be quick but the east side gets more challenging and then there is the bridge that needs to be built.

- B. Consideration to Approve Water Service to Gaston County Schools, Lowell Elementary. Presented by Mr. Attaway. He stated that the City of Lowell received an application to extend water service outside municipal limits to the Lowell Elementary school property. The City also received a request from the Town Administrator of McAdenville. Thomas Shrewsbury explained the school's water line issues and how Lowell can extend its line to them. He also stated a fire hydrant would be added as well.

Councilmember Funderburk asked who received the grant? Mr. Shrewsbury said the school system. Mr. Attaway added that Gaston County is using their ARPA funds so the City of Lowell is not paying anything. With the amount of flow they are requesting, in the allocation policy adopted in 2021, it's under the 5,000 per day where it wouldn't need to come before the Council. Since it is outside of the city limits, it has to be approved by council. He then read section C of the Policy for managing utility allocation and extensions. He stated that the school will not be annexed into the city and an interlocal agreement will need to be in place between Lowell and McAdenville.

Councilmember Bonham asked why are we going into Lowell Elementary given what they are going to do behind Lowell Elementary in Pharr property with a future development or are they not coming this way replacing their own stuff? Mr. Attaway said that development is not a certainty. More cost effective to pick it up from us and go a shorter distance to service them.

Mayor Ratley asked if we will be billing them. Mr. Attaway said we have already been billing them for sewer and will be adding water. Councilmember Fulbright made a motion for consideration to approve the water service to Gaston County Schools, Lowell Elementary due to the fact of the health of the students and contingent upon the interlocal agreement of 60 days and that the property does already exist within the city limits of McAdenville, seconded by Councilmember Bonham. Councilmember Gillespie asked if Lowell would own the lines. Mr. Attaway said yes. The vote was unanimously in favor.

- C. Request to Set Public Hearing: Case #ZTA23-02 Consideration of text amendment to request to amend Article 8 Districts-Section 8.4-5 Civic District (CIV). Presented by Mr. Attaway where staff has submitted the text amendment for public hearing at the next council meeting to decrease the minimum lot size from 20,000 sq. ft to 10,000 sq. ft and decrease the minimum lot width from 96' to 70'. Councilmember Bonham made a motion set a public hearing for March 14 at 6pm City Hall to discuss Case #ZTA23-02, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.

- D. Request to Set 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). Mr. Attaway asked the owner of the property Rob Pressley of 2216 Monument Street, Charlotte, NC. to give the background. He also stated that the objective is to make the zoning they have at the end and across the street all industrial and develop both sides of the road consistent with each other. On the south side they want to do industrial flex which will allow small businesses to have showrooms in the front and warehouses in the back of the property. Councilmember Bonham made a motion set a public hearing for March 14 at 6pm City Hall to discuss Case #ZMA23-01, seconded by Mayor Pro Temp Smith. The vote was unanimously in favor.
- E. Request to Set 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. Presented by Mr. Attaway. He explained what Industrial Flex is and stated that Lowell used to have this in his ordinance but it isn’t any longer. Mayor Pro Temp made a motion to set public hearing for Case #ZTA23-01 for March 14 at 6pm, seconded by Councilmember Bonham. The vote was unanimously in favor.

IX. CITY ATTORNEY REPORT - No updates

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- A. Banner Pole-Thomas Shrewsbury gave the update on this. He stated that they have everything all mapped out and they are ready to set the poles. They are waiting on more information on when the banners will arrive, and they have been a little backed up. Hope to set the posts sometime next week and let them set for a few days then install the banners.
- B. ATM discussion. He has spoken to a contact at the State Employees Credit Union and asked Council where they would like to see one. Councilmember Bonham had a concern of it being on public property due to liabilities. Councilmember Gillespie agreed and that it should be on private property. Mr. Attaway stated that if that is the general consensus, we can look more at the private sector partners and land owner partners and if the opportunity presents itself we can look more at developments and propose it to developers. He has seen them on public properties like college campuses. Councilmember Funderburk asked if it could be in the back of City Hall. Mr. Attaway said we really can’t because it is the railroad right-of-way. He stated that maybe one of the gas stations could have one. Councilmember Gillespie said all the gas stations already have one inside. Councilmember Funderburk would like to see one outside so you don’t have to get out of your car.

Councilmember Gillespie asked before moving from the bank discussion if Mr. Attaway if he checked into Lowell’s banking account since they have to be checked every five years. Mr. Attaway said yes we have the request for proposals and waiting on feedback from Mitch Brigوليو with Davenport Finance on a couple sections before we get it out on the market.

- C. City Hall directional signage was completed last week. They were required once we made offices downstairs and opening them to the public per the Gaston County Building Inspectors and NC Building Code.
- D. Part F, the Recreation Grant that we are in the process of applying for, with a deadline in May. You score more points in the grant application if you can show at least two new amenities at parks. You can apply for only one park, so we are applying for Harold Rankin and even though we are converting the small ball field into a rectangular multi-purpose field, our consultant on the grant doesn't think that would be considered a new amenity. He stated that we have looked at the pickleball conversion from the basketball court and have actually budgeted in this year's budget to do that, but because it will help this application, we may want to hold off doing that and incorporate that in the grant application. The basketball court will be converted into four pickleball courts, and we initially penciled in a half court for basketball. Since we already have basketball then that wouldn't count either, so we are looking to have something like competition games like Goat Island in Cramerton with cornhole boards and ping pong tables made of weatherproof materials for outside wear. Lastly, under the powerline easements we may can do a linear dog park since we have the room there. All three would be presented for the application.

Councilmember Funderburk asked if any of the park would have a basketball area or would that be gone. Mr. Attaway said it would be gone. She mentioned that a lot of people play there and although she understood the plan, she would hate to see it gone. Mr. Attaway said Bob Bolick would get the face lift on their courts with six goals. Cristy Cummings said people can play half or full court there. Mr. Attaway said we are also thinking of an inside court. Councilmember Funderburk said if the inside is not open, then people can't play. Mr. Attaway said if we want to keep basketball then he and staff will go back to discuss other options. Mayor Pro Temp agreed with Councilmember Funderburk and thinks a half court should be left at Harold Rankin park. Councilmember Funderburk asked if the court could be moved on Rogosin. Mr. Attaway said he can contact Withers to see how much room we have there to work with.

- E. Utility Allocation Policy- there are a couple revisions that the City engineers, Planning and Public Works Departments have been working on for this policy that will be brought to council next month. He said it is about the process spelled out to make it a little more cleaner with corresponding applications and terminologies is really the difference.
- F. Grant award announcement will be next week for the Water Sewer project we applied for. It was for roughly \$9 million and \$400,000 for preconstruction planning. He will meeting the new US House Rep. Jeff Jackson to discuss any water and sewer projects that the city needs federal funds to assist with.
- G. Sewer manhole lining – we are working with our engineers on this. He said Mr. Shrewsbury has a list of manholes that were identified from the AIA Sewer grant as critical condition.
- H. Also working on lift station modems right now. All were discontinued because they were 3g supported device and we were told they are no longer supported. We are working with our IT contractors and Two Rivers has volunteered to help with that.
- I. Chemical Plant demolition – met with architects last week and two citizens that spent 25 years each at Crompton and Knowles doing artifact recovery to possibly use some of the finds for art purposes. He gave council pictures of the findings. He stated our videographer also did some drone footage of the area. We have purchased a shipping container to keep on the site to keep

the items there and not be in the way of the demolition contractors. Councilmember Funderburk asked about saving the siren. Mr. Attaway said we do not know yet but it's on the inventory.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Fulbright thanked Mr. Attaway for the four hours on a Saturday that he brought her up to date on the first retreat she missed due to illness.

Councilmember Funderburk mentioned to Mr. Shrewsbury about the potholes forming again on Main Street even after DOT came to fix it. She then asked Mr. Attaway if we have scheduled pictures at the plant with the big check that the State gave us. Mr. Attaway said we haven't. Lastly, she said she is hearing a lot of complaints about citizens water bills. She asked if the meters are 100% accurate. She has heard other cities that have issues. She knows Sue is doing a great job and calling people when their bills are high but wanted to know if the meters can be checked. Councilmember Bonham added that it is people that don't change their behaviors that are seeing increases.

Councilmember Gillespie stated he was still upset about losing Truist bank. He said he asked the Vice President why they were closing and was told they were only closing the Lowell branch and that upset him further because he wants Lowell to be the best it can be. He said the VP stated that they evaluate transaction types, volume, proximity to additional branches, ATMs and how their digital operations can best support their clients. He said the VP mentioned that there was an ATM in the parking lot at Franklin Square. He said anything we can do to make Lowell a vital part, we should do that. He mentioned the Subaru of Gastonia is in Lowell and when you lose your identity, you just become regular fabric woven into it. He thanked Mr. Attaway for doing a good job letting people know that Lowell is a vital part of whatever is going on.

Mayor Railey thanked everyone for coming tonight and Mayor Pro Temp for filling in for her last month. She also wished Councilmember Funderburk a Happy Birthday.

Councilmember Gillespie added that the Cramerton Historical Society has invited him to come and be a part of their historical presentation on February 23, 2023. He extended the invitation to the rest of the council.

XII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 7:52 pm.

ATTEST:

Mayor Sandy Railey

Cheryl Ramsey, City Clerk



To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: Friday, March 10, 2023

Re: Monthly Department Update

Code Enforcement:

- Minimum Housing Inspections
 - Completed Min-Housing Inspection of 915 Moose Street.
 - Inspection pending for 924 Moose Street.
- Nonresidential Building Maintenance access letters sent.
 - Property owner has replied, and inspections will be scheduled in the coming weeks for both addresses. Second call was made this month to set inspection date. Specific date still pending.
 - 101 E. First Street
 - 100 N. Main Street
- Enforcement Action
 - Letter sent to apartments on 413 Phillips St to remove trash from the parking lot and dumpster area.
 - Letter sent to 208 W Second Street to remove junk and trash from the property.
 - Letter sent to 307 S Church to remove junk and trash from the property.

Zoning:

- Issued 13 zoning permits in February.
- 4 of the 13 permits issued in February are new townhome permits for River Heights.

Planning:

- Staff attended the GCAMP (Gaston County Area Municipal Planners) meeting this month.
- Attended North Carolina Association of Certified Zoning Officials (NCAZO) Mid-Winter Workshop in Cary, NC.
- Advertised public hearings in newspaper for:
 - Map Amendment - ZMA23-01
 - Text Amendment - ZTA23-01
 - Text Amendment - ZTA23-02
- Mailed Notices to adjacent property owners for Map Amendment request ZMA23-01.

- Posted Public Hearing sign for ZMA23-01.
- Created agenda and meeting packet for February Planning Board Meeting
- Planning Board Meeting was held on March 7th with 2 items on the agenda for discussion.
 - Article 17 Signs - Discussed Master Sign Plan applications and the current ordinances for signs and their allowed heights and areas. Planning Board would like to continue this discussion next month at their regularly scheduled meeting in April.
 - Article 12 Parking and Loading - Discussed the formulas used for different types of uses and discussed the idea of removing minimum requirements for parking regulations to drive redevelopment and not place arbitrary requirements on new developments.
- Completed 3rd and final review for the Preliminary Plat submitted for Groves Street/Lowell Townhomes. Project will now move to the Site Plan Construction Drawing phase of development. They will also be submitting information regarding their development agreement.
- Began review of Map 2 Final Plat River Heights, 20 Single Family Units.
- Began review of Recombination Plat for Spencer Mountain (former Pulte) site.

Stormwater:

- Accompanied other city staff to investigate two reported issue concerns on Ethelyn Avenue and McLain Street.
- Scheduled municipal housekeeping & pollution prevention, municipal spill response, and illicit discharge detection and reporting training for city staff.
- Continue to work on the 2023 (Permit Year 2) MS4 Self-Assessment.

Other

- Attended monthly department heads meeting.
- Attended City Council Planning Retreat.
- Attended South Fork River Health Committee meeting.
- Attended Polimorphic Monthly update meeting
- Attended Lowell Community Committee meeting
- Attended Lowell Planning and Zoning Board meeting
- Attended GCLMPO Technical Coordinating Committee (TCC) meeting
- Attended meeting with Gaston County EDC
- Attended four internal staff meetings for stormwater program and website.
- Attend meeting with Gaston County and municipal staff to discuss Interlocal Agreement for Minimum Housing and potential countywide revisions to Minimum Housing regulations.
- Attend meeting with local leaders and staff to discuss Social Districts.



To: Scott Attaway, City Manager

From: Todd Stroupe, GIS Analyst

Date: March 8, 2023

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

GIS and Mapping

- Generated simple city facility locations map.
- Handled two GIS data request.
- Generated manhole lining project locations map.
- Generated four simple project location maps for stormwater projects budget sheets.
- Generated Harold Rankin Phase 1 graphic for PARTF presentations.
- Performed monthly updates of GIS layers and Economic Development Overview Storymap.
- Continue to work on Lowell GIS Hub.

Other Tasks and Assignments

- Generated sewer and water capital projects infographic.
- Calculated Lowell employee per population ratios.

Meetings and Events

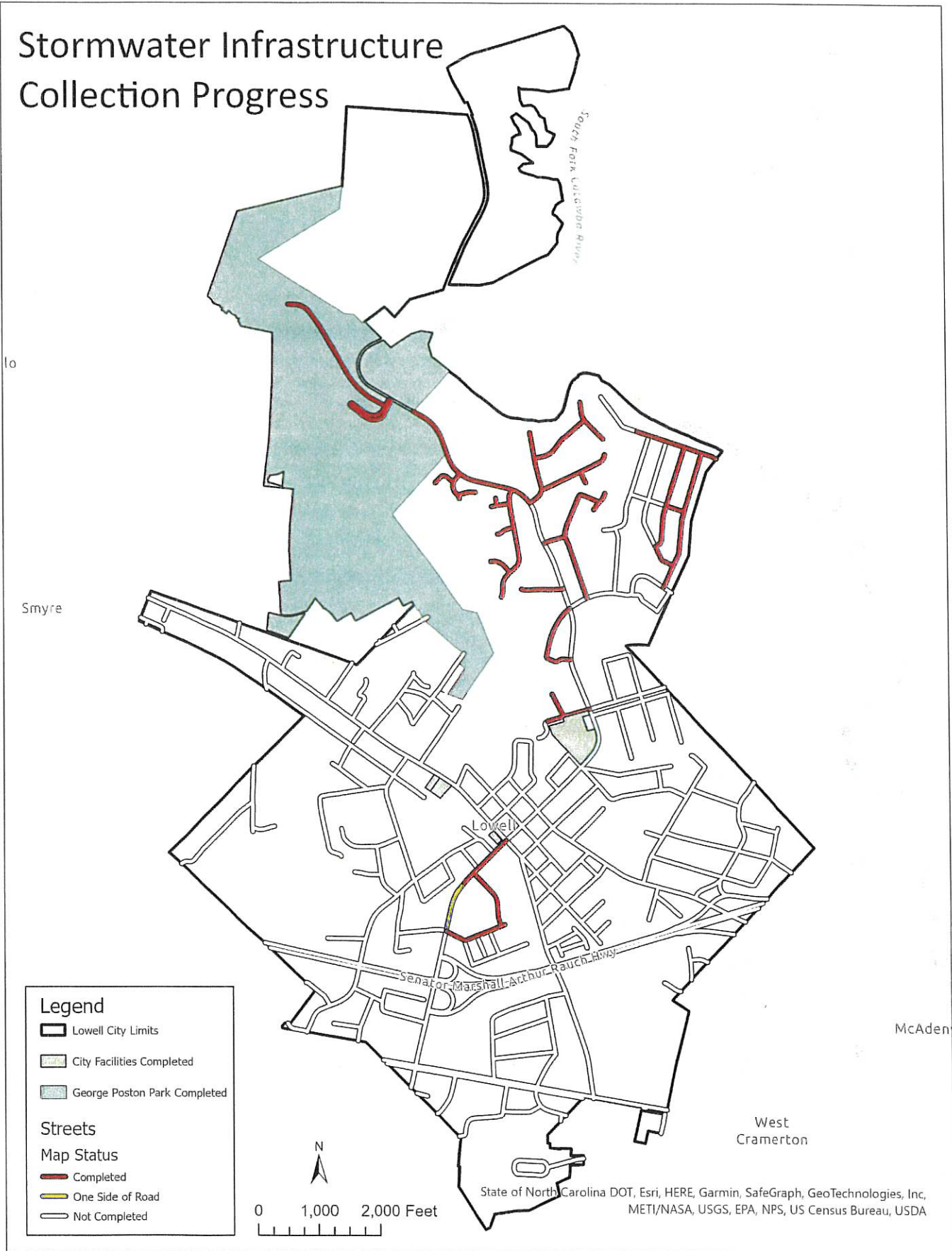
- Attended Regional Stormwater Partnership of the Carolinas Annual Meeting
- Attended City Council Planning Retreat.
- Attended Stormwater SCM Inspection & Maintenance Certification class.
- Attended GCLMPO Bicycle and Pedestrian Advisory Committee Meeting
- Attended meeting with Gaston County EDC
- Attended monthly department heads meeting.
- Attended four internal staff meetings for stormwater program and website.

Stormwater

- Completed Stormwater SCM Inspection & Maintenance Certification class.
- Created new outfall field inspection Survey123 form based on Illicit Discharge plan.
- Created new stormwater concern Survey123 form for citizen reporting.

- Performed four dry weather outfall inspections with new form.
- Performed two public facility pollution prevention and good housekeeping inspections.
- Accompanied other city staff to investigate two reported issue concerns on Ethelyn Avenue and McLain Street.
- Scheduled municipal housekeeping & pollution prevention, municipal spill response, and illicit discharge detection and reporting training for city staff.
- Scheduled Stormwater Saturday Facebook posts for public education.
- 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 the 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:
 - Facilities completed: Bob Bolick Park, City Hall, Harold Rankin Park, County's George Poston Park
 - 948 total features collected:
 - 345 Inlet points
 - 108 Outlet/Outfall points
 - 495 Conveyance (pipes, ditches, etc.) lines
 - 36.6 miles* of roadway in Lowell City Limits to map (*new total miles of road after removing unbuilt George Poston Parkway from the map) :
 - 5.77 miles of road completed.
 - 0.16 miles on one side of the road completed.
 - 30.83 miles of road to complete.

Stormwater Infrastructure Collection Progress



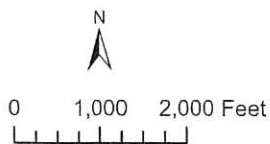
Legend

- Lowell City Limits
- City Facilities Completed
- George Poston Park Completed

Streets

Map Status

- 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: March 6, 2023

Re: February 2023, monthly report

- Public Works worked on McCord Park to kill weeds and apply lawn treatment.
- Street Department staff worked to finish up leaf routes and keep curbing and catch basins clear of debris.
- Water Dept crews repaired leaks at the following locations:
 - 2-inch break on Robinson Street
 - 2-inch break on pinewood Dr.
 - 2-inch break on Oaklawn Dr.
 - Replaced 14ft of 1 inch pipe on Neely St.
- Crews worked closely with Duke Energy contractors replacing poles and Dominion Energy capping old gas lines around town. Staff worked to make sure our infrastructure was located and protected.
- Sewer Department staff help to collect information on manholes that will be sent out for bids to be lined in an effort to reduce I&I.
- Water and Sewer staff worked to catch up on sewer line maintenance in high-risk areas. Staff worked to clean thousands of feet of sewer main. Some of these were areas we have seen issues in the past and some were in wooded areas where they are not easily observed.
- City crews took delivery of 300 trash containers. They are being stored in a 45 ft container located at the chemical plant on N. Main Street.
- All staff worked to help make repairs and perform routine maintenance at the WWTP.
- City staff installed new banner poles on McAdenville Rd.
- Street department staff hauled several loads of slag (sand and salt mixture) from Charlotte to replenish Lowell's stock pile.



To: Scott Attaway, City Manager

From: Lisa Nolen, Finance Director

Date: March 8, 2023

Re: Finance Update

Utility Billing:

Compiled records and files to get readings for February 28, 2023 billing cycle. Reviewed readings, posted meter routes to Southern Software, processed all pre-bill reports for bills, printed bills, organized bills per requirements of the post office, and mailed bills on the last business day of February.

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

Processed disconnection of services on February 27th, for customers with delinquent balances.

Continuous scanning of daily collection reports and working with UB staff to update Excel spreadsheets.

Working with Water Works staff to transition from Mueller, to the Sentryx Infrastructure Network Meter System. Constantly troubleshooting issues to improve operations in MiNet digital system and equipment in the field. Monitoring meter alerts in Minet.

Training new UB staff in all areas of operations and billing, including all daily, weekly, and monthly duties.

Working 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 meters can be installed at future development homes.

All other responsibilities include posting payments, adding new ACH customers to Southern Software, 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 needed reports, answering phones, completing NSF letters to customers, compiling a wait list for second and third roll carts requested by

customers, assisting customers with their various needs, ordering office supplies for all departments including the police dept, and assisting all City departments with other duties as needed.

Finance:

Ongoing meetings with Polimorphic for set-up, implementation, and trouble-shooting new system for forms and payments. Assisting and training Utility Billing staff on new Polimorphic payment system. Creating processes as needed for tasks through Polimorphic. Updating Polimorphic staff with needed changes and improvements.

Attended Water and Wastewater Finance Strategies Workshop at UNC School of Government. This workshop was hosted by the School of Government Environmental Finance Center. This workshop provided up-to-date information on pricing utility services, infrastructure finance and planning strategies, and accessing funding resources.

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 via check and online. Using allocation spreadsheets for corresponding bills to allocate expenses to correct expense account. Collecting receipts from staff, breaking out charges to code to correct expense item, and posting all Visa and Lowe's credit card charges. Issuing purchase orders as needed for staff. Reconciling bank accounts. Completing other tasks as needed.

City of Lowell, North Carolina
 FY 2023 Revenue Dashboard
 12/31/2022

Type	Budget	YTD thru 12/31/22	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
Funds					
General Fund	3,254,386.00	2,146,607.13	1,107,778.87	34%	50%
Water/Sewer Fund	1,696,082.00	760,951.34	935,130.66	55%	50%
Stormwater Fund	392,919.00	196,126.35	196,792.65	50%	50%
Total	5,343,387.00	3,103,684.82	2,239,702.18	42%	50%

Notes:
 None

City of Lowell, North Carolina
 FY 2023 Dashboard
 12/31/2022

Department	Budget	YTD thru 12/31/22	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
General Fund					
Administration	996,649.00	387,685.19	608,963.81	61%	50%
Public Safety	1,165,063.00	510,136.72	654,926.28	56%	50%
Public Works-Streets	355,212.00	107,991.86	247,220.14	70%	50%
Sanitation	334,202.00	157,946.39	176,255.61	53%	50%
Parks & Rec	315,260.00	94,311.64	220,948.36	70%	50%
Powell Bill	88,000.00	11,743.75	76,256.25	87%	50%
Total	3,254,386.00	1,269,815.55	1,984,570.45	61%	50%
Water/Sewer Fund					
Water/Sewer	1,313,222.00	605,313.41	707,908.59	54%	50%
Wastewater Treatment	382,860.00	145,376.09	237,483.91	62%	50%
Total	1,696,082.00	750,689.50	945,392.50	56%	50%
Stormwater Fund					
Stormwater	392,919.00	124,022.71	268,896.29	68%	50%
Total	392,919.00	124,022.71	268,896.29	68%	50%

Notes:
None



To: Scott Attaway, City Manager

From: Carl Moore, Police Chief

Date: March 6, 2023

Re: Police Department Update

737 Calls were logged by officers of the Lowell Police Department in February 2023, that's up from 678 calls in February 2022. That's 59 more calls this month for this year than last, if you calculate the number of calls per day, it works out to about 2 extra days of calls handled by our officers this year. Some of the increase can be attributed to proactivity enforcing traffic violations by our officers. Chief Moore asked officers to please be more conscious of traffic enforcement while officers are on patrol and they responded by writing more citations.

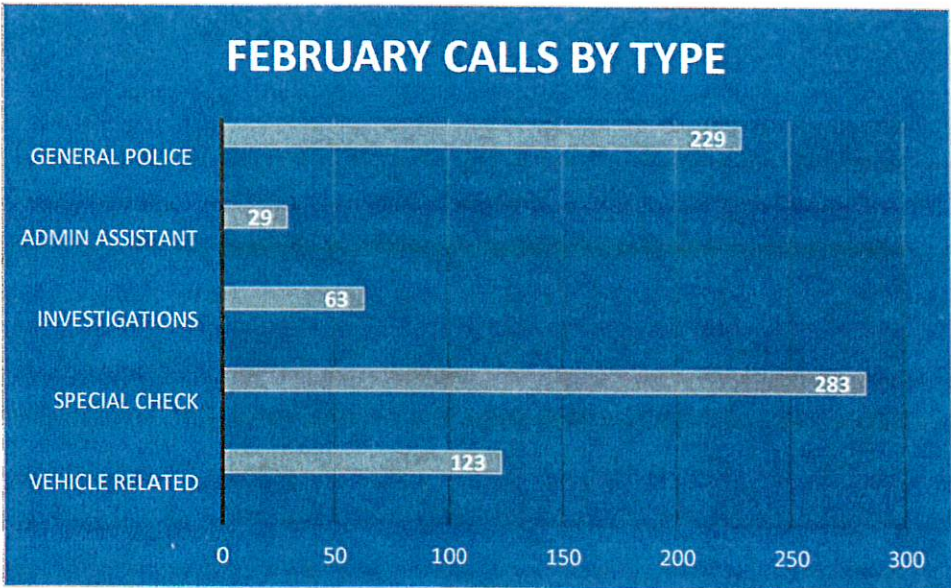
Admin Sergeant Hoffman had the ventilation system installed on the evidence storage room. The work was completed by Native Air. The ventilation system is designed to remove any air born hazards and provide fresh air for the evidence officer to breath while working in the room. It was installed as part of the police departments efforts in getting accredited by the NCLM.

Sergeant Bowen held 2 community watch meetings in February. Zone 3 only had one citizen show up however zone 6 had about 10 attendees. Much like all the other zones, speeding is the number one concern. Officers in attendance explained speed enforcement and areas were identified so officers can step up enforcement. With zone 3 having poor attendance, communication about future meetings will be stepped up.

Multiple officers attended various training in February. Officer Lowery attended CIT training at Rowan-Cabarrus Community College. Sergeant Bowen completed the necessary Child Safety Seat training to maintain her certification. Admin Sergeant Hoffman attended the Reid Investigation School. Admin Sergeant Hoffman learned advanced interviewing techniques to assist him in investigations and create more solid cases when they go to court.

The Lowell Police Department was audited by 2 agencies that govern our day-to-day operations. The North Carolina Criminal Justice Training and Standards Division audited our personnel records. These records are separate from those kept at city hall. The audit insures that the LPD is completing the required process in hiring and keeping personnel records according to a standard. The DCI audit checked our records of items and people entered as wanted in the

NCIC system. There are standards and records the LPD must maintain for DCI as well. Both audits went very well and the LPD is maintaining the required standards.



Monthly Calls
February 2021-2023
2021- 584
2022- 678
2023- 737



To: Scott Attaway, City Manager
From: Cristy Cummings, Parks and Recreation Director
Date: March 7, 2023
Re: Parks and Recreation Monthly Report

Events:

- Prep work and shopping for February Senior Lunch
- Day of coordination, scheduling volunteers for Senior Lunch
- Creation of sales report from Senior Lunch
- Attended Special Events Coordinators Meeting

Athletics:

- Strong turnout for baseball sign-ups for February registration period! In 2022, we had 11 total players (1 t-ball team.) This year, we have 60 players signed up (four t-ball teams, one 7-8 team, one 9-10 team, and one 11-12 team.) We expanded t-ball to include 3-year-olds and divided age groups up differently and received a huge positive response. We are accepting late registrations because we need to add one or two players to each of the older age groups.
- Communications with parents about questions on the league
- Ordered new A-Frame signs for baseballs sign-ups
- Two rounds of Parks and Recreation digital newsletter to encourage registrations
- Monitoring Polimorphic for registrations
- Creating rosters from Polimorphic registrations
- Communications with Cramerton and Gastonia on league play
- Attended Gaston County Athletic Coordinators Meeting
- New Athletic Coordinator, Andrea Nixon, started on March 1
- Scorekeeping and supervising basketball games. Season wrapped up on March 3
- Communications with Woodlawn Baptist on basketball banquet (scheduled for Sunday, March 5)
- Scheduling of basketball photos, communications, and supervision of event
- Creation of RSVP form on City website so we'd know how much food to prepare
- Over 200 people in attendance at basketball banquet on Sunday, March 5

Projects:

- Meetings and communications with WithersRavenel for PARTF and LWCF grant writing
- Retrieving documentation needed for PARTF and LWCF grants

- Scheduled 3 presentations to present to local civic groups for PARTF and LWCF project per application requirement
- Creation of PowerPoint for PARTF and LWCF project
- Presented PARTF and LWCF project to LCC and Lowell Women's Club – received motions of support from both organizations
- Social media archive training
- Attended artifact search at dye plant for education/history section of the park

General:

- Sent out two Parks and Recreation digital newsletters
- 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
- Coding invoices, updating department budget spreadsheet
- Updating website for departments
- Creating social media content
- Editing newsletter



**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

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-A

DESCRIPTION: 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)

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, March 8, 2023
RE: PUBLIC HEARING - REZONING CASE # ZMA23-01

Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The property is owned by LOWELL OZB, LLC

During their February 7th, 2023 regular meeting, the City of Lowell Planning & Zoning Board considered a general rezoning requesting to rezone Parcel 30636 from Industrial (IND)/ Vehicle Service & Repair (VSR) to Industrial (IND) and Parcel 127737 from Civic (CIV) to Industrial (IND)

After reviewing the application, the Planning Board voted unanimously to recommend **APPROVAL** for the rezoning application as submitted by the applicant.

City Council voted to set the public hearing at their February 14th, 2023 meeting for March 14th, 2023 at their regularly scheduled meeting time.

STAFF REPORT

Case # ZMA23-01

OWNER: LOWELL OZB, LLC

APPLICANT: ROB PRESSLEY, LOWELL OZB LLC

PROPOSED ZONING ACTION: Parcel 306363: Rezone from IND/VSR to IND
Parcel 127737: Rezone from CIV to IND

LOCATION: Located at 701 W. First Street and 615 Phillips St

TRACT SIZE: Parcel 306363: 4.36 acres
Parcel 127737: 0.12 acres

EVALUATION:

Background and Site Description

Subject hearing involves a request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The property is owned by LOWELL OZB, LLC

Description of Adjoining Properties and Zoning

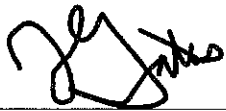
The Storage Solutions Warehouse is located to the northeast of this property and is currently zoned IND (Industrial). Directly across the street, the applicant owns approximately 10 acres that is zoned IND (Industrial). There are existing single-family homes (zoned MU-1, MU-2 and SFR-4) to the east, west and south of these properties.

Comprehensive Plan

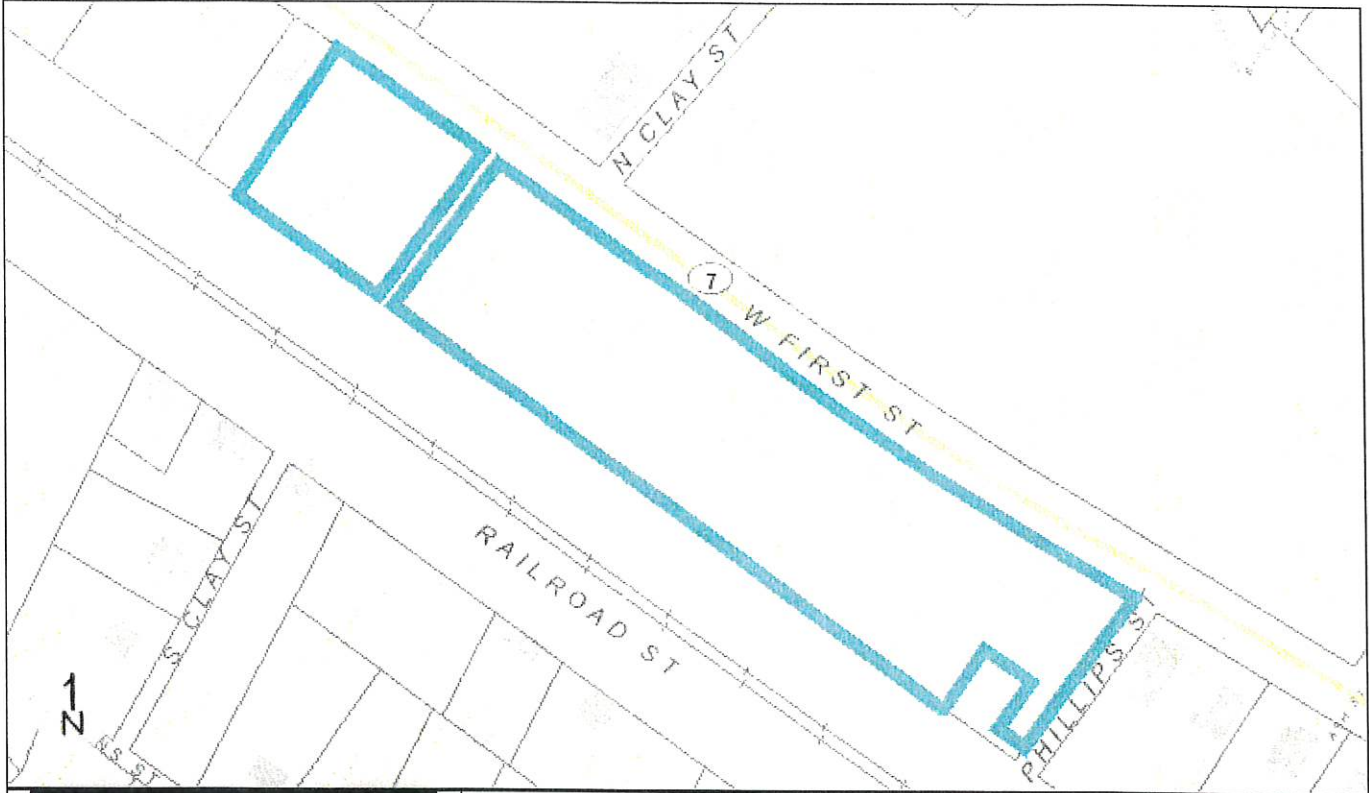
The Lowell Future Land Use Map in the 2040 Lowell City Plan indicates Employment/Manufacturing and Civic uses as suitable for the subject property.

Conclusion

The applicant is requesting a zoning map amendment to the official zoning map. Based on the existing zoning, industrial zoning in the proximity to the parcels in question and consistency with the Future Land Use Map, **staff recommends approval of the rezoning request** as submitted.



Joe Gates, CZO
Planning Director



Primary Property Address

NO ASSIGNED ADDRESS

Tax Information

PARCEL #: 306363
PIN #: 3576007133
CURRENT OWNERS: LOWELL OZB LLC
MAILING ADDRESS: 2320 W MOREHEAD ST
 2ND FL , CHARLOTTE, NC 28208-
NBHD #: LW003
NBHD NAME: W LOWELL
TOWNSHIP: SOUTH POINT TOWNSHIP
LEGAL DESC: 05 005 075 00 000

Tax Information

DEED BOOK: 5294 **PAGE:** 0645
DEED RECORDING DATE: 12/13/2021
SALES AMOUNT: \$0
PLAT BOOK: PAGE:
STRUCTURE TYPE:
YEAR BUILT:
SQUARE FOOTAGE:
VACANT: IMPROVED
BASEMENT: NO
BED: **BATH:** **HALF-BATH:**
MULTI-STRUCTURES: NO
ACREAGE: 4.36
TAX DISTRICT: LOWELL CITY
VOLUNTARY AG DISTRICT: NO
PROPERTY USE: COMMERCIAL

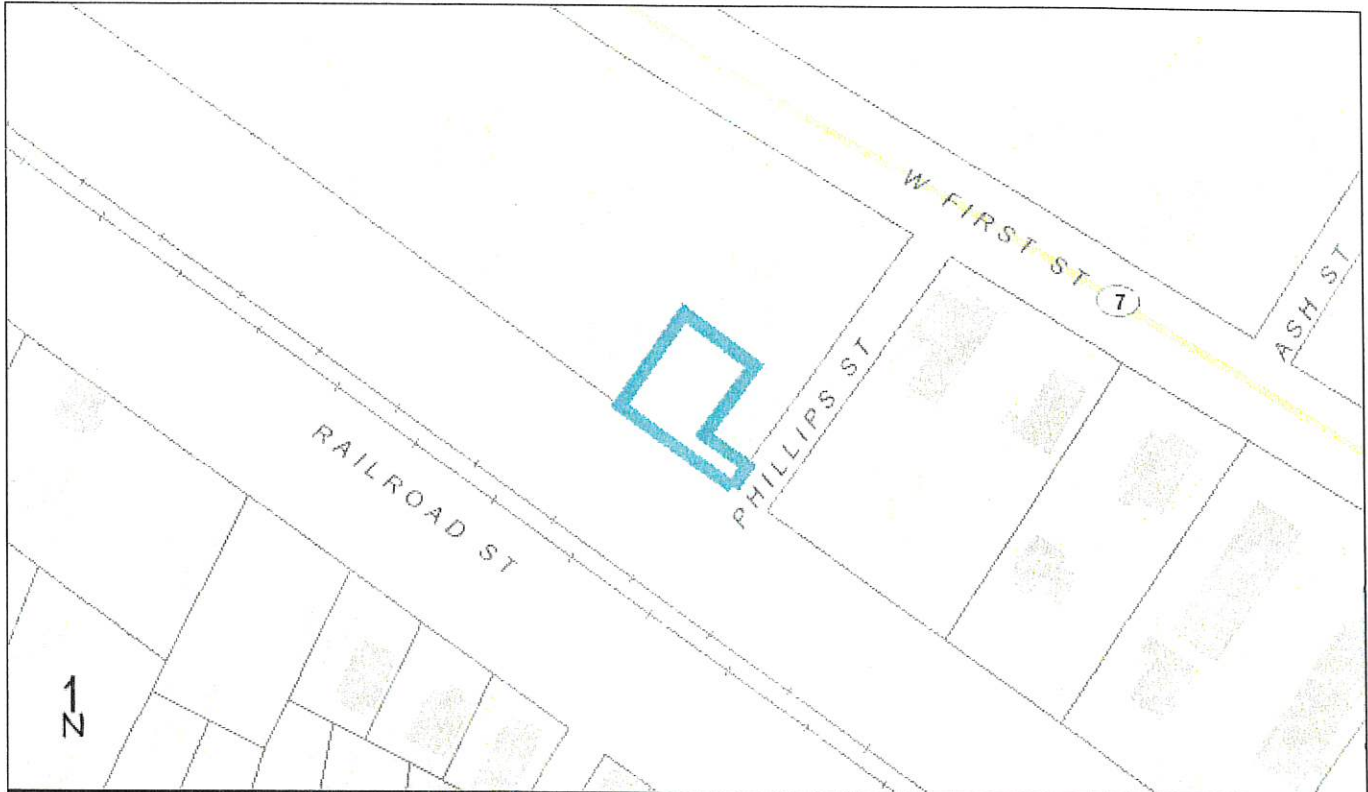
Tax Values

MARKET LAND VALUE: \$225,600
MARKET IMPR. VALUE: \$0
MARKET VALUE: \$225,600
FARM DISCOUNT: NO
EXEMPTION: NO
TAXABLE VALUE: \$225,600

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, 2023. - Document created for printing on 3/8/2023



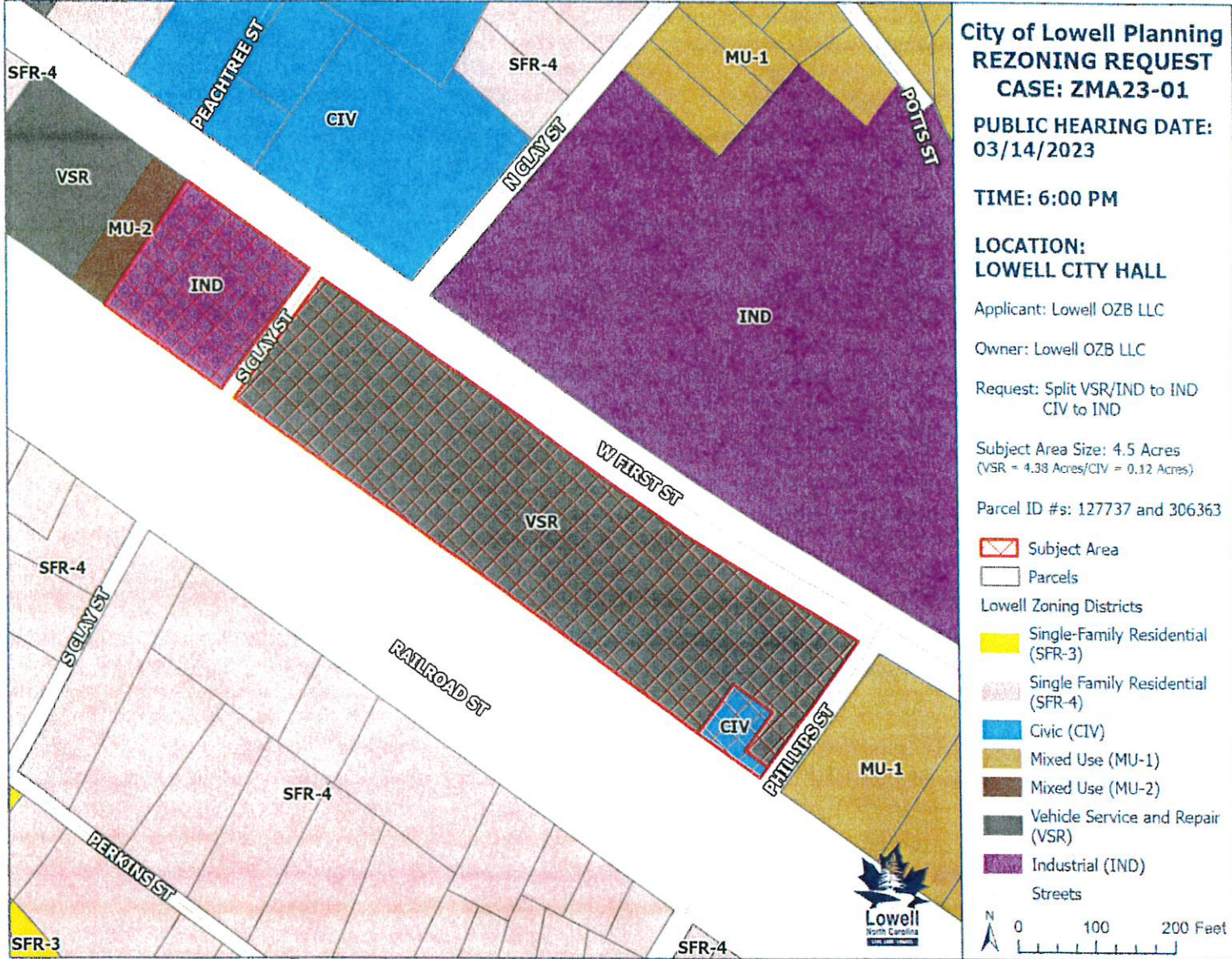
	<p align="center">Tax Information</p>	<p align="center">Parcel Information</p>
<p>Primary Property Address 615 PHILLIPS ST LOWELL, NC 28098</p> <p align="center">Tax Information</p> <p>PARCEL #: 127737 PIN #: 3575190862 CURRENT OWNERS: LOWELL OZB LLC MAILING ADDRESS: 2320 W MOREHEAD ST 2ND FL, CHARLOTTE, NC 28208- NBHD #: LW003 NBHD NAME: W LOWELL TOWNSHIP: SOUTH POINT TOWNSHIP LEGAL DESC: LOWELL CITY WATER TANK SITE 05 005 078 01 000</p>	<p>DEED BOOK: 5363 PAGE: 1485 DEED RECORDING DATE: 9/9/2022 SALES AMOUNT: \$0 PLAT BOOK: 010 PAGE: 141A STRUCTURE TYPE: YEAR BUILT: SQUARE FOOTAGE: VACANT: IMPROVED BASEMENT: NO BED: BATH: HALF-BATH: MULTI-STRUCTURES: NO ACREAGE: 0.12 TAX DISTRICT: LOWELL CITY VOLUNTARY AG DISTRICT: NO PROPERTY USE: COMMERCIAL</p> <p align="center">Tax Values</p> <p>MARKET LAND VALUE: \$11,760 MARKET IMPR. VALUE: \$0 MARKET VALUE: \$11,760 FARM DISCOUNT: NO EXEMPTION: YES TAXABLE VALUE: \$11,760</p>	<p>CITY LIMITS: LOWELL ETJ: NOT IN ETJ POLICE DISTRICT: LOWELL FIRE DISTRICT: LOWELL FLOOD: LOCAL WATERSHED: CRAMERTON CENSUS TRACT: 313.02</p>

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, 2023. - Document created for printing on 3/8/2023



Imagery ©2023 Google, Imagery ©2023 Maxar Technologies, Orbis Inc, U.S. Geological Survey, Map data ©2023 100 ft

<https://www.google.com/maps/@35.2731072,-81.1063368,368a,35y,215.76h,43.76t/data=!3m1!1e3>



This map is a graphic representation and should only be used for illustrative purposes. Map created by City of Lowell Planning Department with data provided by Gaston County GIS.

APPLICATION FOR REZONING

TO: THE CITY OF LOWELL

APPLICATION #: ZMA23-01
DATE FILED: January 13th, 2023
FEE PAID: YES

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to amend the Zoning Ordinance and/or change the Zoning Map of the City of Lowell as hereinafter requested and in support of this application the following facts are shown:

- 1) It is requested that the real property hereinafter described be rezoned from:

VSR & CIV to IND

- 2) The real property sought to be rezoned is owned in fee simple by:

LOWELL OZB, LLC

as evidenced in Deed Book 5294 & 5363 Page 445 & 1485 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 put to the use specified in Paragraph 1 of this application.

- 3) The address of the real property sought to be rezoned is: 701 W. FIRST STREET & 615 PHILLIPS STREET and / or a further legal description by metes and bounds of said realty is attached to this application.

- 4) The real property sought to be rezoned is located on the SOUTH side of W. FIRST STREET between PHILLIPS STREET and CLAY STREET (street) (street)

and further identified in Gaston County Tax Book _____, Map _____, Parcel(s) 127737 & 306363 Said Lot(s) has (have) a frontage of 1000 feet and a depth of 300 feet, or 7.12 acres.

- 5) The following are all the 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 rezoned. 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
SEE EXHIBIT A & B	

- 6) The applicant understands that a letter stating the date, time and place for the Public Hearing for the rezoning of said property shall be mailed to each of the parties listed in Paragraph 5 at least ten (10) days prior to the said Public Hearing.
- 7) If the applicant is not the legal owner of the property sought to be rezoned, the legal owners names and addresses shall be listed below. Owners shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

NAME	ADDRESS
N/A	N/A

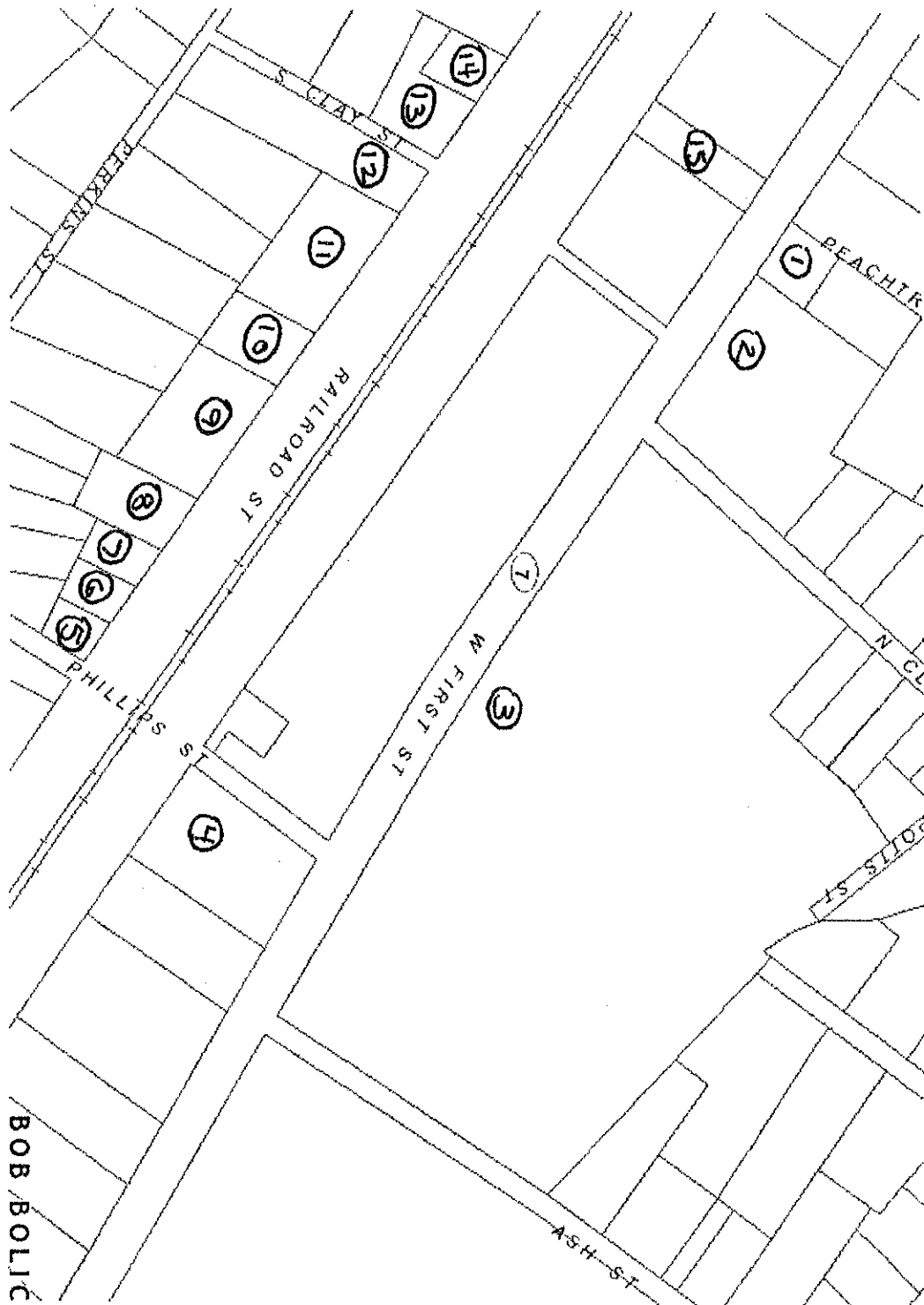
- 8) A map or drawing identifying the real property requested to be rezoned and all attached properties with their designated zoning districts shown shall be attached to this application.

Applicant(s) Name: LOWELL OZB, LLC AHN: ROB PRESSICH
Address: 2320 W. MOREHEAD ST., 2ND FL., CHARLOTTE, NC 28208
Telephone: (704) 904-4053

Applicant's Signature:  , MANAGER

City of Lowell
101 West First Street
Lowell, NC 28098

Telephone: 704 - 824 - 3518



ADJOINING PROPERTY OWNER MAP

EXHIBIT A

BOB BOLIC

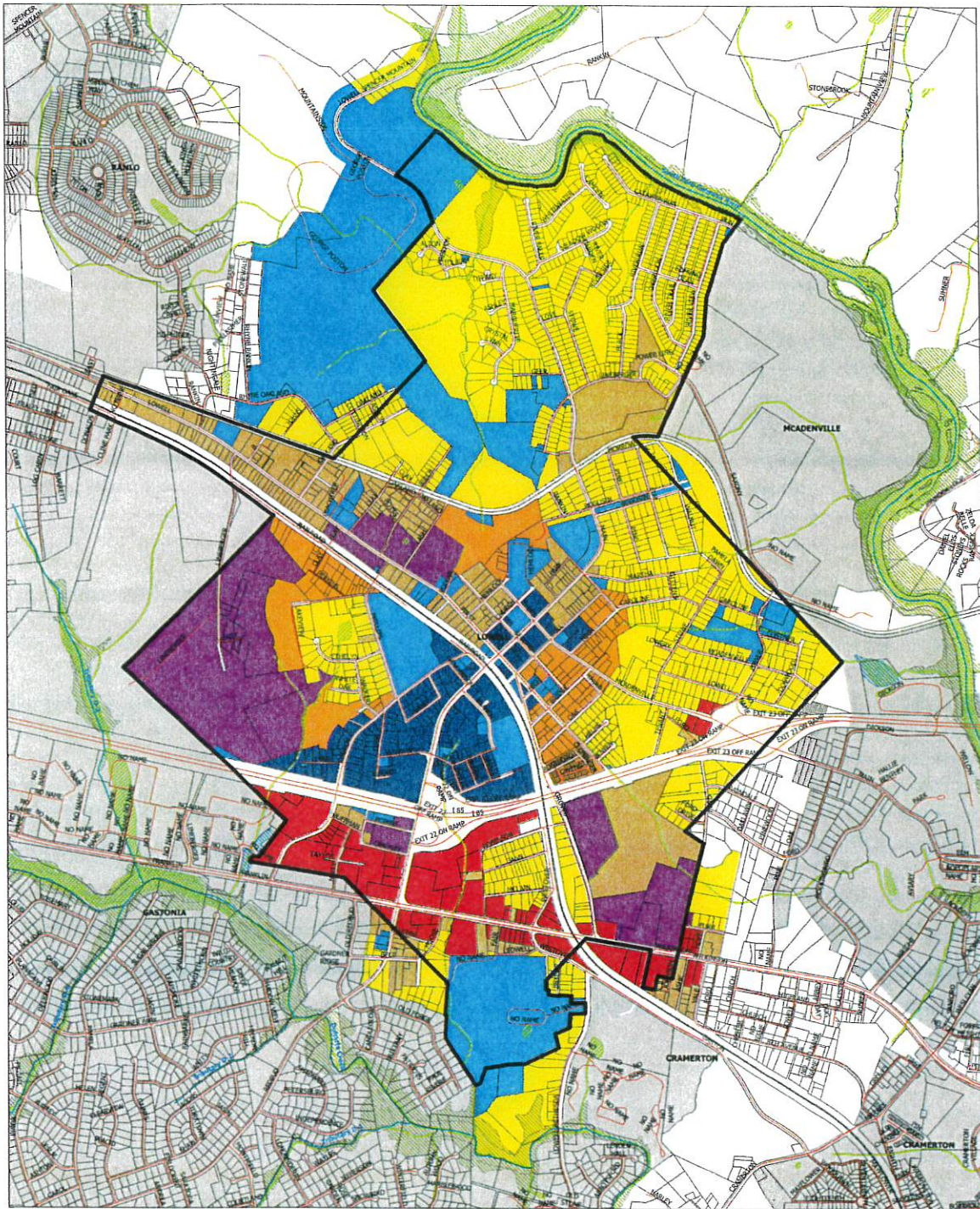
**EXHIBIT B
ADJOINING PROPERTY OWNERS**

<u>ID#</u>	<u>PARCEL</u>	<u>OWNER</u>	<u>OWNER ADDRESS</u>
1	127662	Lowell Church of God	P.O. Box 802, Lowell, NC 28098
2	127667	Lowell Church of God	P.O. Box 802, Lowell, NC 28098
3	306362	Lowell OZB, LLC	2320 W. Morehead St, 2nd Fl., Charlotte, NC 28208
4	127735	Bikas Jana Vasilios	221 Scodfield Rd., Charlotte, NC 28209
5	127776	John L. & Natalie R. Lancaster	601 RailroadSt, Lowell NC 28098
6	127775	Randy S. Shavers	603 Railroad St., Lowell, NC 28098
7	127771	Michael A. Barrett	605 Railroad St., Lowell, NC 28098
8	214240	Jeffrey and Candace Funderburk	P.O. Box 662, Lowell, NC 28098
9	127767	Shirley M. Broome	709 Railroad St., Lowell, NC 28098
10	127764	Christine E. & Benny K. Hyman	5033 Abbingtton Way, Belmont, NC 28012
11	127763	Blue Dog Investments, LLC	726 Red Bird Ln., Clover, SC 29710
12	127760	Southeast Forestlands, LLC	1036 Peninsula Dr., Belmont, NC 28012
13	216259	VSP Charlotte, LLC	3495 Piedmont Rd NE, Bldg 11, Ste 300, Atlanta, GA 30305
14	127756	Marilyn M. Crunkleton	112 Rainbow Cir., Clover, SC 29710
15	127743	DO/28 Invetments, LLC	P.O. Box 8, Lowell, NC 28098

The **Civic District (CIV)** provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the City. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.


















The **Vehicle Service and Repair District (VSR)** is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted City Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.


The **Industrial District (IND)** is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.



Future Land Use Map

Lowell, NC April 13, 2021

-  Roads
-  Railroads
-  Centerlines of Streams / Rivers
-  Water Bodies
-  2018 Flood Zone
-  Wetlands Identified by USFWS
-  Lowell City Limit
-  Surrounding Municipal Jurisdictions
-  2021 County Tax Parcels
-  Rural
-  Neighborhood
-  Transitional Neighborhood
-  Downtown Gateway
-  Civic
-  Mixed Use
-  Commercial
-  Employment/Manufacturing



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

Sources: Source of Wetlands Data: U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI), October 1, 2020.
 The source of the 2021 parcel data is Gaston County Planning GIS
 Prepared by: N-Focus, Inc.

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, March 14th, 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 Map Amendment Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The properties are further described as Parcel 306363 and Parcel 127737.

Case# ZMA23-01

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

Lowell March City Council Meeting

Mar 14, 2023, 6:00

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

<https://meet.goto.com/320641341>

You can also dial in using your phone.

Access Code: 320-641-341

United States: +1 (224) 501-3412

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.

3/2/23, 3/9/23 8515301

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, March 14th, 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 Map Amendment Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The properties are further described as Parcel 306363 and Parcel 127737.

Case# ZMA23-01

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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. 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

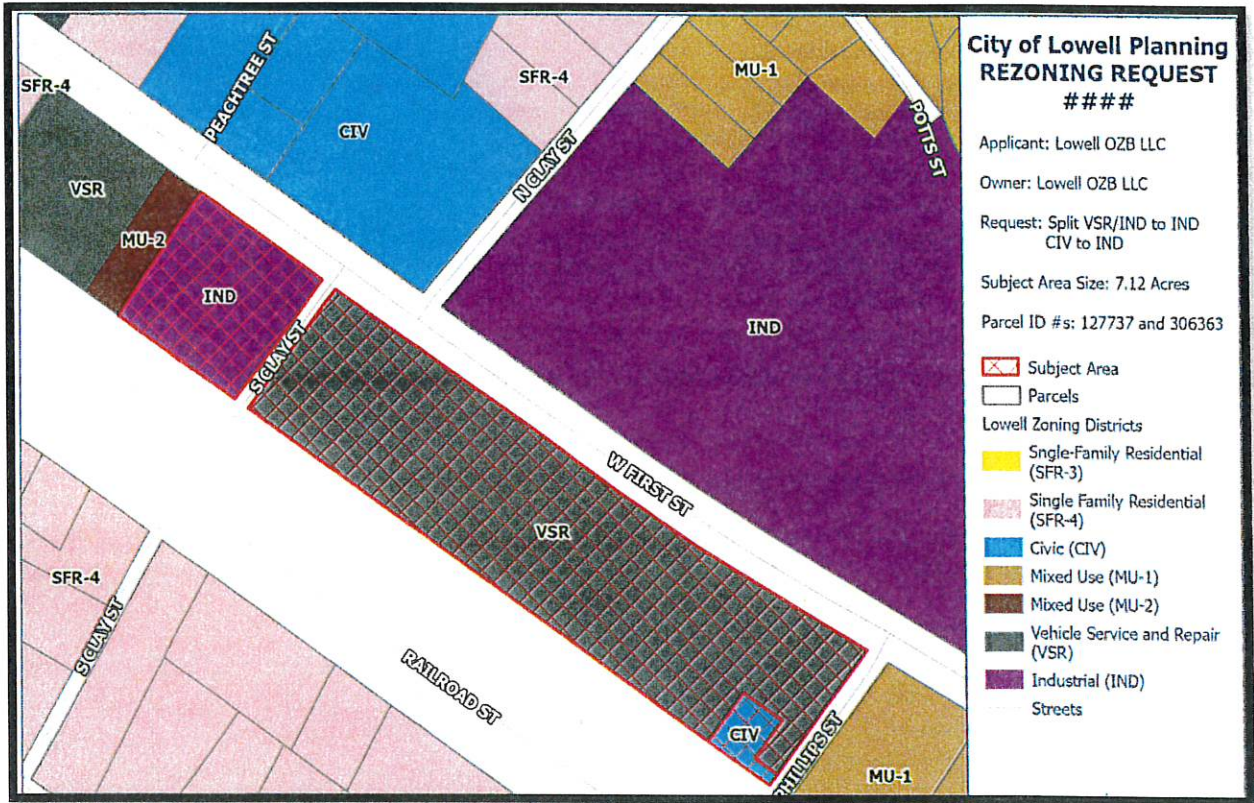
PASSED AND APPROVED this _____ day of _____, 2023.

ATTEST:

Cheryl Ramsey, City Clerk

Sandy Railey, Mayor

ATTACHEMENT "A"



AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-B

DESCRIPTION: 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 OS USES ALLOWED IN THE INDUSTRIAL DISTRICT

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, March 8, 2023
RE: CASE # ZTA23-01 - Text Amendment application 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 to allow for a new classification/use category of “Industrial Flex” that would be added to the Table of uses allowed in the Industrial Zoning District.

During their February 7th, 2023, regular meeting, the City of Lowell Planning & Zoning Board reviewed an application requesting text amendments be made to the following sections:

- *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.*

After reviewing the application, the Planning Board voted unanimously to recommend **APPROVAL** for the text amendment application as submitted by the applicant.

City Council set a public hearing for this request at their February 12th, 2023 Regular meeting.

STAFF REPORT

In discussions with the applicant regarding potential development of property in the IND (Industrial) district, staff and the applicant reviewed the permitted uses and other development requirements required by the Lowell Development Ordinance.

After reviewing our ordinance, the applicant is proposing additional standards to the Lowell Development Ordinance to allow for a category of development known as “Industrial Flex Space”. This use differs from others in our uses table because it allows for a broader amount of uses under this “type” and allows for development of sites when the specific “end user” is unknown but the general type of development is known.

If approved, these revisions would modify Articles 3 ,8, 9 and 12 of the Lowell Development Ordinance and would add standards for a new type of development that is not currently addressed in our ordinance. **Staff recommends approval as presented below.**

- **Articles 3 - Definitions** - *add the following words and definition.*

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.

- **Article 8 Districts, Table 8.1 Table of Use** - *Add "Industrial Flex Space" to table of uses under the IND (Industrial) zoning District.*

Table 8.1 - Table of Uses	Industrial (IND)
Industrial Flex Space	<u> </u>

- **Article 9 Building and Lot Type Standards, Section 9.8-2 Highway Lot Type Standards(A)(4)** - *Add unlined language below to existing section.*

Section 9.8-2 Highway Lot Type Standards(A) Building Placement, Parking and Vehicle Access

Parking shall be located to the rear and/or side of the building, except parking for Industrial Flex Space. Parking for Industrial Flex Space uses shall be permitted in the front yard and shall be limited to one row of parking between the building and street. Side-yard parking may occupy no more than 35% of the principal frontage line and shall be buffered from the street according to the buffer requirements as set forth in Article 11. Parking shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.

- **Article 12 Off-Street Parking, Stacking and Loading Areas** - *add the following underlined text to Table 12-1.*

Type of Land Use	Off-Street Parking Spaces to be Provided:	
	Minimum	Maximum
Office, Business, and Industrial Uses		
<u>Industrial Flex</u>	<u>1.5 spaces per 1,000 Sq. ft. gross floor area</u>	<u>2.5 spaces per 1,000 Sq. ft. gross floor area.</u>

**CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE**

Date of Petition 1-13-23

Petition Number ZTA23-01

1. Petitioner's Name LOWELL O2B, LLC (ATTN: ROB PRESSLEY)

Address 2320 W. MOREHEAD ST., 2ND FL., CHARLOTTE, NC 28208

Phone (704) 904-4053

(Include name, address, and phone number of any co-petitioners.)

2. State the exact nature of text change desired. Please make references to sections, page number, etc. Please make specific references to language that you desire deleted and/or language you desire to be added or to be put in place of deleted language. Interrelated changes may be made a part of the same application. Any change that is not interrelated to this change shall require a separate application. An example of an interrelated change is where a change in one section causes the need to change another section.

SEE ATTACHED



SIGNATURE OF APPLICANT

1-13-23

DATE

Application Processing Fee: \$200

Checks should be made payable to City of Lowell

Petition for zoning text change

**CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE**

Staff Use Only:

Scheduled for Planning and Zoning Board consideration:

Date: FEBRUARY 7TH, 2023 Time: 6PM Location: LOWELL CITY HALL

Date written notice sent to Property Owner: _____

Planning and Zoning Board recommendation: Approved Denied

Notes/Comments: Planning & Zoning Board voted to approve the text amendment. The vote was unanimously in favor of the request.

Scheduled for City Council consideration:

Date: MARCH 14TH, 2023 Time: 6PM Location: LOWELL CITY HALL

Dates advertised: (a) first notice: 03-02-23 (b) second notice: 03-09-23

City Council recommendation: Approved Denied

Date applicant notified of City Council action: _____

Comments: _____

PETITION FOR ZONING TEXT AMENDMENT CHANGE

#2- State the exact nature of the text change desired:

Summary: Petitioner desires to add an “Industrial Flex” category to Lowell’s Development Ordinance as part of it Industrial Zoning. The following outlines 1) The current or closely related text related to the proposed new Industrial zoning category and 2) The specific change/addition requested.

ARTICLE #3- *Definitions, Abbreviations and Symbols*

Existing Text:

NONE

Proposed Text:

Add a definition for Industrial Flex. Petitioner offers the following:

“Industrial Flex- Buildings allowing for a wide range of office, showroom and warehouse uses. They can be used for many purposes (Permitted Uses specifically outlined in Use Table 8.1) and are easier to retrofit to meet a company’s needs than typical warehouse buildings allowed for in Industrial Zoning. This flexibility is ideal for a wide range of companies that need office or showroom space with a warehouse component. Flex buildings usually have slightly-lower ceiling clear height (14–24 ft clear) and have a larger percentage of office or showroom space than a typical distribution warehouse building. They also have more parking, typically front loading, and nicer landscaping than other industrial buildings and warehouse loading contained in the rear of the building.”

ARTICLE #8- *Districts (Including Table of Uses 8.1)*

Existing Text:

NONE

Proposed Change:

Add an “Industrial Flex” category with generally all the same permitted uses as allowed for in the Industrial zoning and shown in Table 8.1.

ARTICLE #9- *Building & Lot Type Standards & Specifications*

Existing Text:

9.8-2(A.)(4.)- Parking shall be located to the rear and/or side of the building. Side-yard parking may occupy no more than 35% of the principal frontage line and shall be buffered from the street according to the buffer requirements as set forth in Article 11. Parking shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.

Proposed Text:

In order to segregate office/showroom traffic from loading and truck traffic, Petitioner requests the following language: "Parking for Industrial Flex shall be permitted in the front, side and rear yard with parking in front of the building limited to one row and properly screened from the street."

ARTICLE #12- *Off Street Parking, Stacking and Loading Areas*

Existing Text:

NONE

Proposed Text:

Since Industrial Flex would house a variety of uses and since most projects developed would be speculative, it would be impossible to apply any existing parking ratios to a Flex project. Therefore, Petitioner requests the following parking ratios be considered for the Industrial Flex zoning category.

Maximum Parking: 2.5 spaces per 1,000 SF
Minimum Parking: 1.5 spaces per 1,000 SF

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, March 14th, 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 request to amend Article 3 - Definitions, Abbreviations and Symbols, Article 8 - Districts, Article 9-Building & Lot Type Standards & Specifications & Article 12 - Off-Street Parking, Stacking and Loading Areas of the Lowell Development 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 Zoning District.

Case# ZTA23-01

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

Lowell March City Council Meeting

Mar 14, 2023, 6:00

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

<https://meet.goto.com/320641341>

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Access Code: 320-641-341

United States: +1 (224) 501-3412

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

3/2/23, 3/9/23 8515096

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, March 14th, 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 request to amend *Article 3 - Definitions, Abbreviations and Symbols, Article 8 - Districts, Article 9- Building & Lot Type Standards & Specifications & Article 12 - Off-Street Parking, Stacking and Loading Areas* of the Lowell Development 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 Zoning District.

Case# ZTA23-01

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

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Access Code: 320-641-341

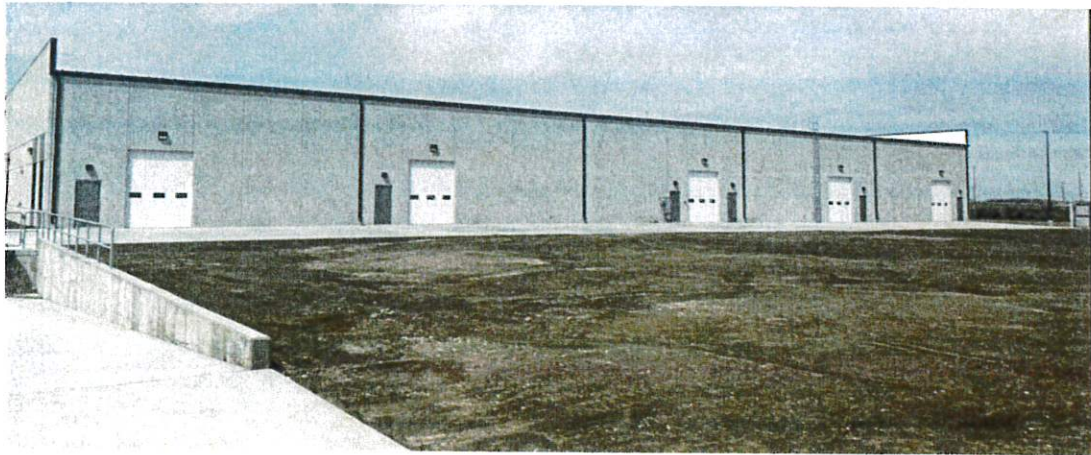
United States: [+1 \(224\) 501-3412](tel:+12245013412)

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.

INDUSTRIAL FLEX EXAMPLE





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.”

PART 2: Article 8, Table 8.1 Table of Uses, is hereby amended to read as follows:

Table 8.1 - Table of Uses	SIC	Industrial (IND)
Industrial Flex Space		<u>1</u>

PART 3: Article 9 Building & Lot Type Standards and Specifications, Section 9.8-2(A) Highway Lot Type, Building Placement, Parking and Vehicle Access, is hereby amended to read as follows:

Parking shall be located to the rear and/or side of the building, except parking for Industrial Flex Space. Parking for Industrial Flex Space uses shall be permitted in the front yard and shall be limited to one row of parking between the building and street. Side-yard parking may occupy no more than 35% of the principal frontage line and shall be buffered from the street according to the buffer requirements as set forth in Article 11. Parking shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.

PART 4: Article 12 Off-Street Parking, Stacking and Loading Areas, Table 12.1 Off-Street Parking Spaces to be Provided, is hereby amended to read as follows:

Type of Land Use	Off-Street Parking Spaces to be Provided:	
	Minimum	Maximum
Office, Business, and Industrial Uses		
<u>Industrial Flex</u>	<u>1.5 spaces per 1,000 Sq. ft. gross floor area</u>	<u>2.5 spaces per 1,000 Sq. ft. gross floor area.</u>

PART 5: All ordinances or portions of ordinances in conflict herein are hereby repealed.

PART 6: 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 7: 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 _____ day of _____, 2023.

ATTEST:

Cheryl Ramsey, City Clerk

[S: M]

Sandy Railey, Mayor

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-C

DESCRIPTION: PUBLIC HEARING: CASE # ZTA23-02 CONSIDERATION OF
TEXT AMENDMENT REQUEST TO AMEND ARTICLE 8
DISTRICTS - SECTION 8.4-5 CIVIC DISTRICT (CIV)

Please see the attached memo from the Planning Director.



To: Lowell Planning Board
From: Joe Gates, Planning Director
Date: Wednesday, March 8, 2023
RE: CASE # ZTA23-02 Consideration of text amendment request to amend Article 8 Districts - Section 8.4-5 Civic District (CIV)

During their February 7th, 2023, regular meeting, the City of Lowell Planning & Zoning Board reviewed a text amendment brought forth by City of Lowell Staff for the following section:

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

After reviewing the proposed amendment, the Planning Board voted unanimously to recommend **APPROVAL** for the text amendment as submitted by staff.

City Council set a public hearing for this request at their February 14th, 2023 regular meeting.

STAFF REPORT

The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Staff is proposing a reduction in the Minimum Lot Size and Minimum Lot Width to allow for more diversity in the size and scale of development in the Civic District.

If approved, these revisions would modify Article 8, Section 8.4-5 Civic District (CIV) of the Lowell Development Ordinance and would modify general standards for developments in the Civic (CIV) District. Staff believes this text amendment is consistent with the *Lowell 2040 Comprehensive Plan* and is reasonable and in the public interest because it supports the goal of providing various options for development to the City. **Staff recommends approval of the text amendment as presented below.**

Section 8.4-5 (E) General Standards and Specifications - *replace the existing values as underlined below.*

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side yard setback	Minimum Side Street Setback Corner Lot
20,000 SF <u>10,000 SF</u>	96' <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



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 _____ day of _____, 2022.

ATTEST:

Cheryl Ramsey, City Clerk

Sandy Railey, Mayor

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-D

DESCRIPTION: CONSIDERATION TO ADOPT CITY OF LOWELL GENERAL FUND CAPITAL IMPROVEMENT PLAN (CIP)

The City of Lowell began compiling a Capital Improvement Plan (CIP) for the General Fund during the budget planning retreats in January and February 2023, followed by a Special Council meeting on March 3, 2023. Staff worked with Davenport Public Finance to compile projects from the Council's vision and the CIP also includes proposals for revenue needed to fund the CIP.

Attached is the draft CIP for your consideration.



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 Public Works Facility	6,000,000	-	-	-	-	6,000,000
3 City Hall and Police Land Acquisition	250,000	-	-	-	-	250,000
4 P&R Land/Property Acquisition	-	-	-	-	-	-
5 City Hall and Police Department	-	-	-	-	-	-
6 Riverfront Park	-	-	-	-	-	-
7 Harold Rankin Park	1,350,000	-	-	-	500,000	1,850,000
8 Bob Bolick Park	-	-	-	-	-	-
9 Wayfinding Signage	-	-	-	-	-	-
10 Welcome Signage	50,000	-	-	-	-	50,000
11 Carolina Thread Trail	185,000	-	-	-	-	185,000
12 I-85 Betterments	-	-	-	-	2,200,000	2,200,000
13 Total	7,835,000	-	-	-	2,700,000	10,535,000
14 Sources of Funds						
15 Pay Go	700,000	-	-	-	-	700,000
16 Other Funding - Outside Sources	-	-	-	-	-	-
17 Other Funding - County Funding ¹	-	-	-	-	1,100,000	1,100,000
18 Other Funding - Grant Funding ²	3,135,000	-	-	-	-	3,135,000
19 Subtotal: Other Funding	3,135,000	-	-	-	1,100,000	4,235,000
20 Debt Funding - Capital Markets Short Term	-	-	-	-	-	-
21 Debt Funding - Capital Markets Long Term	4,000,000	-	-	-	1,600,000	5,600,000
22 Debt Funding - USDA	-	-	-	-	-	-
23 Subtotal: Debt Funding	4,000,000	-	-	-	1,600,000	5,600,000
24						
25 Total	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).

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-A

DESCRIPTION: CITY OF LOWELL UTILITY ALLOCATIONS AND
EXTENSIONS POLICY AMENDMENTS

Staff has prepared amendments to the Utility Allocation and Extensions Policy to make it coordinate better with the Preliminary Capacity Assurance Review (PCAR) process/application and the Full Capacity Assurance Review (FCAR) process/application. These processes outline reservations and/or approvals of new flows for water and sewer utilities.

See the highlighted text in red for recommended additions to the policy. Staff recommends approval of the amendments to this policy.

City of Lowell
Policy for Managing Utility Allocations & Extensions

PURPOSE: A Policy to Establish the Provision of Water Distribution and Sewer Collection Services to Serve the Corporate Limits of the City of Lowell and Incorporate by Extension Additional Areas Outside the Corporate Limits Which May be Advantageous for Annexation into the City of Lowell, North Carolina.

WHEREAS, the City of Lowell, incorporated 1879, for the purpose of establishing essential municipal services for both current and future citizens;

WHEREAS, the City of Lowell City Council declares the extension of potable water and sewer collection services into areas of need and areas of future growth to be a major priority; *and*

WHEREAS, the City of Lowell City Council desires to establish a sound policy for the management of both water and sewer capacity to promote orderly growth in accordance with the *City of Lowell Comprehensive Land Use Plan.*

SCOPE/COVERAGE:

Section 1 - Policy for Evaluating and Reserving Utility Allocations

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue sources by the expansion and improvement of residential, commercial, industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility allocation requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.

City of Lowell
Policy for Managing Utility Allocations & Extensions

3. Commercial development projects with a mixed-use element.
4. Non-profit or civic uses which contribute to or attract significant economic development to the City.
5. Additional phases attached to residential projects with a proven record of quality product and economic success.
6. Residential projects that include tangible, high quality community amenities.
7. Residential projects that include diverse products and opportunities.
8. Residential projects, not otherwise described above.

II. Reservation Process

- A. The owner of any project requiring utility service within the City of Lowell shall submit a written application for an allocation. The application shall be in letter form, addressed to the City, and shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to consumption of utility capacity, and other supporting information demonstrating how the project serves the needs and interest of the City of Lowell. **A draft Preliminary Capacity Assurance Review (PCAR), application shall be submitted prior to, or concurrently, with the preliminary plat submittal for subdivisions; or concurrently with, or prior to, submittal of construction drawings for all other developments. This draft application submittal does not require a fully engineered site plan and can be submitted with a conceptual plan of the development site that includes a preliminary estimate of flows. The PCAR (also known as a Willingness to Serve) is intended to identify and address any potential capacity issues early in the development process. Existing Water and Sewer maps are available by contacting the Public Works department to support creation of concept plan attachment to the application. Approval of the PCAR does NOT reserve capacity within the wastewater system.**
- B. The Planning Board shall review and make recommendation to the City Council for consideration and approval of all allocations, which require or may require a daily flow allocation of five thousand gallons (5,000 gpd) or more; any application that requests allocation for any project outside the incorporated jurisdiction of the City; and, any allocation made for a land use category from capacity otherwise set aside for a different land use type.
 1. Residential Subdivision Development, Mixed-use Planned Developments, Commercial and/or Industrial Developments, and

City of Lowell
Policy for Managing Utility Allocations & Extensions

Special Use Permits. The City Council shall with deliberation incorporate the evaluation of utility allocation requests into the decision-making process associated with each of the aforementioned review processes established within the City's development standards and specifications. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review process for the accompanying land use application with regard to conformity with City of Lowell' policies and ordinances, planning practices, and consistency with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

- C. The City Public Works Engineer shall review for approval all incorporated area applications for utility capacity, which require a daily flow allocation of less than five thousand gallons (5,000 gpd) for allocations.
1. The City Public Works Engineer shall consider the goals articulated by this and related City policies when reviewing applications for utility allocations. If an application is denied, the City Public Works Engineer shall state in writing the reasons for denial of the request.
 2. Appeals process. Any applicant whose application for utility service is denied by the City Public Works Engineer and who believes that such denial is inconsistent with the goals and priorities stated by this and related City policies may appeal the denial for review by the City Council for final decision at the next regularly scheduled City Council meeting.
- D. Utility allocations granted under this policy shall require the requestor to post the tap fees within forty-five (45) days of the date the allocation/**Full Capacity Assurance Review (FCAR)** is granted. Failure to pay the tap fees within this period may result in revocation of the allocation.
1. All utility allocations approved by the City shall be effective for a period of twenty-four (24) months. Projects possessing an allocation must start construction within the time shown on the project schedule prepared and submitted by the developer or customer.
 2. Upon request by the applicant and at the discretion of the City Manager, an allocation may be extended for a twelve (12) month period.

City of Lowell
Policy for Managing Utility Allocations & Extensions

3. At the final expiration date for an unused allocation the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City.
 4. Authority of the distributing of utility allocations in association with the City's utility services is held exclusively by the City of Lowell. Utility allocations shall not be redistributed to a third party.
 5. Relinquishment of allocated utilities shall be in accordance with Subsection II.E of this policy.
- E. An allocation holder may relinquish capacity back to the City subject to the following policies for reimbursement of fees paid:
1. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval, and the allocation holder relinquishes capacity back to the City within ninety (90) days of the date the allocation is granted, the full amount paid on utility tap fees shall be reimbursed without penalty or other withholding by the City.
 2. If a project is successful in obtaining all required City, County and State approvals and agrees to relinquish the total capacity allocation granted back to the City within ninety (90) days following receipt of final permit approval from the City, then the total amount of the utility capacity fees paid to the City shall be returned without penalty or other withholding by the City.
 3. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval and holds an allocation for ninety (90) or more days, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 4. If a project is successful in obtaining all required City, County and State approvals and holds an allocation for ninety (90) or more days following receipt of final permit approval from the City, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees

City of Lowell
Policy for Managing Utility Allocations & Extensions

shall be retained by the City and the remaining amount shall be returned to the applicant.

5. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after six (6) months beyond the scheduled date for start of construction, but within twelve (12) months beyond the scheduled date for start of construction, then thirty percent (30%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 6. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after twelve (12) months beyond the scheduled date for start of construction, but within eighteen (18) months beyond the scheduled date for start of construction, then forty percent (40%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 7. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after eighteen (18) months beyond the scheduled date for start of construction, but within twenty-four (24) months beyond the scheduled date for start of construction, then fifty percent (50%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 8. If a project is or is not successful in obtaining all required City, County and State approvals and has not demonstrated significant construction advancement in the proposed project within twenty-four (24) months beyond the scheduled date for start of construction, then the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City and the remaining amount shall be returned to the applicant.
- F. Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by City Ordinance or policy and does not imply or create any vested right per G.S 160D-108.
- G. If the City of Lowell approves an allocation for utility capacity for a project and a permit for such project is ultimately denied by the North

City of Lowell
Policy for Managing Utility Allocations & Extensions

Carolina Department of Environmental Quality, its successors or other responsible regulatory agency, then the City of Lowell shall bear no liability for any costs incurred by the applicant, nor bear further responsibility in the matter. In such cases, applicable utility access fees, if previously collected, shall be returned as provided in [Section 1](#) Subsection II.E.

III. Capacity Accounting

- A. Due to weather related factors, the regulatory environment, and the dynamic nature of both water resources and wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The City of Lowell shall seek to track the amount of capacity that may be available for allocation; however, such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.
 - 1. The City Public Works Engineer shall prepare and incorporate as part of the program established hereunder a schedule of utility capacity available and a list of allocations granted.
 - 2. The City Public Works Engineer shall make at least annual reports to the City Council regarding the status of utility capacities available and allocations granted.

Section 2 - Utility Extension Policy

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue by the expansion and improvement of residential, commercial and industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility extension requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.
 - 3. Commercial development projects with a mixed-use element.
 - 4. Non-profit or civic uses which contribute to or attract significant economic development to the City.

City of Lowell
Policy for Managing Utility Allocations & Extensions

5. Additional phases attached to residential projects with a proven record of quality product and economic success.
 6. Residential projects that include tangible, high quality community amenities.
 7. Residential projects that include diverse products and opportunities.
 8. Residential projects, not otherwise described above.
- D. The planning and extension of water and sewer systems of the City of Lowell shall be accomplished in accordance with the following general principles:
1. Extensions shall be made to promote the orderly growth of the community. The minimum distance for any extension of a water main or sanitary sewer main shall be determined by City Council. In general, the minimum distance for extensions shall be one platted block or, in the case of water mains, from main line valve to main line valve; and in the case of sanitary sewer extensions, from manhole to manhole.
 2. The size of water mains and sanitary sewer mains to be installed, and the other required system facilities shall be determined by the City Council in accordance with the recognized standards and accepted engineering practices and design, and in accordance with applicable system plans adopted by the City Council.
 3. **Following construction, inspection, and acceptance of the utility infrastructure and facilities by the City,** the City shall be responsible for the maintenance, operation, control and ownership of all water and sewer facilities.
 4. Developers of subdivisions shall be responsible for the full cost of installing utilities within their own subdivisions, and for the full cost of any mains or outfalls required to connect said subdivisions to the water or sewer systems of the City existing at the time. This provision shall apply to all subdivisions whether within or outside of the corporate limits.

II. Application for Extension and Approval of Extension Application

- A. Any property owner or owners desiring water or sanitary sewer service shall apply in writing to the City Council requesting the extension of water or sanitary sewer service or both. No request for the extension of services shall be considered unless submitted in writing in accordance with this Chapter and applicable provisions of the City of Lowell Development Ordinance.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. The applicant shall be required to submit as part of the application, and prior to approval, such information, plans, specifications, or other data as may be required to adequately determine if the requirements of this Chapter and applicable provisions of the City of Lowell Development Ordinance are to be met.
- C. Prior to final approval by the City, the applicant shall furnish to the City all necessary information, reports, plans and specifications as well as appropriate fees payable to the City and documentation of all required permits from other units of government and their agencies.
- D. When application is made for a water or sewer extension or both to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time application is made, the owner or owners shall submit plans in sufficient detail in order to determine the size and type facilities which will be necessary to serve the entire development or subdivision when completed.
- E. No extension to the water or sanitary sewer system of the City shall be made, and no application approved, except in accordance with the requirements of this Section and the consistent with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

III. Financing Extensions within the Corporate Limits

- A. *Extensions to Existing Lots, Parcels or Developed Property.*
 - 1. When application is received requesting the extension of water or sanitary sewer service or both to serve property, within the corporate limits, which is developed or where streets have been previously dedicated and accepted by the City, and where the area is not part of a new subdivision, the City Public Works Engineer or other person designated by the City Council shall estimate the cost of the project and present the application for the extension, the estimated cost and other required information to the City Council for consideration. If the application is approved by the City Council, and subject to the availability of funds, the City will install or have installed by contract under its supervision, the extensions which have been approved, and the extensions shall be financed in accordance with this Section.

City of Lowell
Policy for Managing Utility Allocations & Extensions

2. Upon receipt of a petition to extend a water and/or sewer main, the City Council has the following five options for response:
 - a. Install the extension at the City's expense.
 - b. Approve and allow the petitioner to install the extension at petitioner's expense.
 - c. Install the extension at the petitioner's expense.
 - d. Install and jointly finance the extension in cooperation with the petitioner.
 - e. Deny the request.
3. The criteria under which an option will be chosen are generally defined herein; however, the City Council may act according to any aforementioned option, which it feels is in the best interest of the City.
4. When the City determines that it is advisable to install larger size lines or facilities than are necessary to serve the benefited property, the difference in the cost of the larger size facilities over the cost of the facilities required to serve the benefited property the extensions shall be paid by the City and excluded from the total cost to be shared by the property owner(s) and the City as provided herein.

- B. *Extension by the City Council's Initiative.* Nothing in this Chapter shall prevent the City Council from extending water or sanitary sewer mains or both within the corporate limits on their own initiative without receipt of an application from property owners and to assess the cost of such extensions in accordance with Subsection III.A above, when, in the opinion of the City Council, the general public interest requires such extensions of service.

IV. Financing Extensions to Subdivisions and Properties Outside of the Corporate Limits

The financing of extensions of water or sanitary sewer service or both to properties located outside of the corporate limits or to subdivisions for which the extension of service has not been approved as of the date of adoption of this Ordinance shall be performed in accordance with the provisions of this Article and other applicable City Ordinances including but not limited to the City of Lowell Development Ordinance.

- A. All applications for water and sewer extensions to serve properties located outside of the corporate limits or to serve subdivisions, for which an application for extension has not been approved as of the date of this Ordinance, shall be made in the same manner and under the same requirements as provided for in Subsection III.A and Subsection III.B.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. If an application is approved by the City Council, the owner or owners shall be required to pay 100% of the total cost of all extensions. However, the City may participate to the extent agreed upon by the City Council in the cost of larger size mains that are in excess of the size mains required to serve the project. No reimbursement by the City shall be made upon annexation and all water and sewer lines connected to the City system and located outside of the corporate limits shall become the property of the City at the time those facilities are connected.

- C. All applicants requesting utility services shall, at the request of the City, file a petition for annexation to the City. Failure to file a petition for voluntary annexation or satellite annexation on notice from the City may result in immediate termination of water service upon finding by the City Council of a breach of the agreement for the provision of water service.

V. Specifications; Ownership

Any water mains or sanitary sewer mains, lift stations, pumping stations, tanks, controls, telemetry, easements and/or other appurtenances extended under the provisions of this Chapter shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the City. All facilities installed under the provisions of this Chapter, whether within or outside the corporate limits, shall become the sole property of the City and under its jurisdiction and control for any and all purposes whatsoever at the time those facilities are connected to the City system. The property owner or owners shall grant to the City such utility easement as the City may require. In addition, a deed to the City for water or sewer facilities installed which are located outside the corporate limits, the cost of which is borne by the applicant or property owners, shall be executed prior to the time any extensions provided for in this Chapter are connected to the City system.

ADOPTED on this the ___th **day of** _____ **2023**

s/ _____
Sandy Railey, Mayor

s/ _____
Cheryl Ramsey, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-B

DESCRIPTION: INTERLOCAL AGREEMENT WITH TOWN OF MCADENVILLE
FOR THE CITY OF LOWELL TO PROVIDE WATER AND
SEWER UTILITY SERVICE TO LOWELL ELEMENTARY

Per the last Council meeting on February 14, 2023, the City of Lowell and the Town of McAdenville will need to execute an interlocal agreement for the provision of Lowell utilities to Lowell Elementary that is located within the town limits of McAdenville.

Please see the attached interlocal agreement for your consideration.

STATE OF NORTH CAROLINA
COUNTY OF GASTON

**INTERLOCAL AGREEMENT FOR
INSTALLATION AND
MAINTENANCE OF WATER
INFRASTRUCTURE TO BENEFIT
LOWELL ELEMENTARY SCHOOL**

This Agreement, made effective this the ____ day of _____, 2023, by and between the City of Lowell, a North Carolina Municipal Corporation (hereinafter referred to as “City”); and the Town of McAdenville, a North Carolina Municipal Corporation, (hereinafter referred to as “Town”).

WITNESSETH:

WHEREAS, the City and Town are authorized by North Carolina General Statutes 160A, Article 16, and North Carolina General Statutes 153A, Article 15, to construct, operate and maintain water and sewer systems; and,

WHEREAS, the Town desires to extend approximately 406 LF of 8-inch water infrastructure and related appurtenances from an existing City water line located on Saxony Dr near Riverview Rd southwest, to Lowell Elementary, including applicable water line extensions and appurtenances to serve said School along its southern property line on Saxony Dr, all as shown on Exhibit A (hereinafter referred to as the “Project”); and,

WHEREAS, City has agreed to allow Town to construct or let for construction the Project pursuant to all applicable State, Federal and local rules and regulations; and

WHEREAS, upon completion of the Project, the Town will dedicate all infrastructure related to the Project to the City for operation and maintenance as a part of its municipal system.

NOW, THEREFORE, in consideration of the terms, conditions and covenants hereinafter set forth, it is agreed between the parties hereto as follows:

1. **PURPOSE:** The purpose of this agreement is to set forth the terms and conditions under which Town will construct, and City will operate and maintain the water infrastructure described herein.
2. **PLANS AND SPECIFICATIONS:** The infrastructure shall be engineered, designed and constructed in accordance with the specifications of the City. City shall have the right to review and inspect all engineering, design and construction to ensure all work meets City specifications. City shall not be obligated to accept or maintain the Project if any portion thereof fails to meet City specifications as determined by the City. The engineering and surveying work is to be completed by the Town or such other engineer as Town shall select, at no cost to the City. Upon completion of the Project, Town shall provide to City a set of as-built drawings in accordance with City Policy.

3. RIGHTS OF WAY: Town agrees to acquire all easements and/or rights of way necessary and associated with Project, said cost to be an eligible project cost paid by the Town. All Easements and Rights of Way shall be in a form acceptable to the City and shall provide such entry or other access as needed to operate and maintain the infrastructure.
4. COSTS: The estimated Project cost is \$ _____.
5. LEAD AGENCY: Town shall serve as lead agency for construction of the Project and shall commence and complete Project within a reasonable time after the execution of this Agreement. The schedule for Project shall be established by Town. Project dates shall be specified in the construction contract entered into between Town and the contractor(s). Completion of Project in accordance with the contract schedule is contingent upon weather or other factors that might delay the completion date of the Project.
6. ACCESS: City retains the right to inspect and approve documents, materials, papers and other related items at any point in the Project, with proper notification to Town. Further, City shall have access, at all times, to the construction site for the purpose of construction observation. City shall have the right to notify Town of any construction that does not meet City specifications or the engineering and design of the Project. Upon receipt of such notification Town shall take every step necessary to ensure the construction of the Project meets City specifications.
7. OPERATION, MAINTENANCE AND EXTENSIONS: The City shall inspect the Project and all infrastructure upon completion of construction, and retains the right to decline acceptance if such inspection demonstrates that the infrastructure is not installed or constructed to the City's specifications and standards. Following approval of the infrastructure and construction, the Town will dedicate the infrastructure to the City, and upon acceptance by the City, all rights, title and interest in project, including, but not limited to, utility infrastructure, easements and rights of way, shall be transferred to and vest in the City and City shall operate and maintain the same as part of its municipal system.

No service tap or connections shall be made to Project except under the supervision and inspection of the City and upon payment by the Town to the City of any required water connection charges and availability fees. .

8. INSURANCE AND INDEMNITY: During the period of construction, Town shall provide the public liability insurance coverage and, to the extent permitted by North Carolina law, indemnify the City against any and all damages to persons or property that may be incurred through injury or accident by reason of the Town's negligent construction of Project.
9. SERVICE CHARGES: Town shall install a water connection to the existing Lowell Elementary School (hereinafter, "School"), which shall be an eligible project cost. The Upon completion of the Project, the City shall thereafter have the sole and exclusive right

to charge and collect for water service furnished to any consumer; and the Town shall have no right or interest therein.

10. SERVICE PROVIDERS: City shall be the exclusive provider of water services for the Town within the water service area of this Project.
11. DUPLICATE ORIGINALS: This Agreement shall be executed by the parties hereto in duplicate originals, each of which when executed shall constitute one and the same Agreement.
12. ENTIRE AGREEMENT: This instrument contains the entire Agreement between the parties, and no statement, oral or written, made by either party or agent of either party that is not contained in this Agreement shall be valid or binding. This contract may not be enlarged, modified or altered, except in writing signed by the parties and endorsed hereon.

IN WITNESS WHEREOF, the parties hereto cause this agreement to be signed by their duly authorized representatives the day and year first above written.

(Seal)

ATTEST:

CITY OF LOWELL

City Clerk

By: _____
Sandy Railey, Mayor of Lowell

APPROVED AS TO FORM:

City of Lowell Attorney

Town of McAdenville

By: _____
Leslie Dellinger, Town Administrator

ATTEST:

Clerk to the Board

APPROVED AS TO FORM:

McAdenville Town Attorney

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Scott Attaway, this day, personally appeared before me this day and acknowledged that he is the City Manager of the City of Lowell and that by authority duly given and as the act of the municipal corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, _____, a Notary Public of the aforesaid County and State, do hereby certify that Leslie Dellinger, this day, personally appeared before me this day and acknowledged that she is the Clerk of the Town of McAdenville and that pursuant to the act of the Town of McAdenville, the foregoing instrument was signed in its name by Leslie Dellinger, Town Manager, sealed with its corporate seal and attested by her as its Clerk.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2023.

Notary Public

My Commission Expires: _____

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-C

DESCRIPTION: CONSIDERATION OF ACCEPTANCE OF FY 22-25 AUDIT PROPOSAL BY BUTLER AND STOWE, CPA

Staff has received a 3-year contract proposal from our current auditor's, Butler and Stowe, CPA. As you know, our auditor has completed the third audit for us since we selected them and staff and Council have been very pleased with their service and ability to submit timely audits to the Local Government Commission (LGC). Staff recommends proceeding with this three-year proposal for conducting the audited financial statements of the City of Lowell FY's 23-25.

June 30, 2023-\$42,700 (Single Audit will be required)

June 30, 2024-\$36,500

June 30, 2025-\$37,900

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-D

DESCRIPTION: CONSIDERATION TO ADD TWO BOCCE BALL COURTS TO
HAROLD RANKIN PARK MASTER PLAN

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



To: Scott Attaway, City Manager

From: Cristy Cummings, Parks and Recreation Director

Date: March 7, 2023

Re: Consideration to add Two Bocce Courts to Harold Rankin Park Master Plan

Staff would like to ask Council to consider adding two Bocce courts to the Harold Rankin Park Master Plan that was adopted at the October 11, 2022 Council Meeting.

It has been brought up to the staff that Parks and Recreation Trust Fund applications with three new amenities receive higher scoring. The current master plan has two new amenities: pickleball and a multi-purpose field.

A bocce ball court aligns with the Council's goal of creating multi-generational activities as Bocce is a sport for all ages and is also a popular sport with the Gaston County Senior games. This will also give the recreation department an opportunity to offer more senior programming as well as score well on our PARTF application.

Each of the Bocce courts would be 12 feet by 60 feet, which aligns with the rules set by the Senior Games.

Below is a map of the Phase 1 Harold Rankin Park project that includes the Bocce courts. Under that map are two renderings of Bocce courts. The first of the two renderings are the new courts that were installed by Gaston County Parks and Recreation in February at Dallas Park.

