

**City of Lowell**  
Council Meeting Agenda

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July 11th, 2023, 6:00 PM  
City Hall  
101 W. First Street  
Lowell, North Carolina 28098

Est. Duration: 2 hr 25 min

**\*\* Revised \*\***

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**1: General**

- 1A. Call To Order
- 1B. Invocation / Pledge of Allegiance
- 1C. Adoption of Agenda for this Meeting
- 1D. Public Comments

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**2: Approval of Minutes**

- 2A. Approval of January 26, 2023 Budget Retreat Minutes
- 2B. Approval of February 10, 2023 Budget Retreat Minutes
- 2C. Approval of Minutes 6-13-2023

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**3: Special Presentation**

- 3A. Swearing in Ceremony for Police Officer Luke Murphy

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**4: Consent Agenda**

- 4A. Finance Report
- 4B. Customer Service and Billing Report
- 4C. Parks and Recreation Report
- 4D. Public Works Report
- 4E. Police Report
- 4F. Planning Report
- 4G. GIS Report

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**5: Unfinished Business**

- 5A. Public Hearing - Lowell Development Ordinance Text Amendment  
Request to amend Section 8.4-10 (E), Industrial District (IND), General Standards and Specifications to reduce the Corner Lot Side Street setback.

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**6: New Business**

- 6A. Selection of Erosion and Sedimentation Control Contractor for 1602 N. Main Street Demolition Project
- 6B. To Move the August 8, 2023 Meeting to August 15, 2023
- 6C. Preliminary Capacity Assurance Review (PCAR) Application - Spencer Ridge Subdivision  
File # PCAR2023-03 Spencer Ridge (former Pulte Homes project): Applicant is seeking Preliminary Capacity Assurance Review for their proposed subdivision.

6D. Preliminary Capacity Assurance Review (PCAR) Application - Willow Creek Meadows Subdivision  
File # PCAR2023-04 Willow Creek Meadows (former Lowell Townhome project) : Applicant is seeking a Preliminary Capacity Assurance Review for their proposed subdivision.

6E. Selection of On-Call Engineer(s) and Architect(s)

## **7: Reports / Discussions**

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7A. City Attorney Report

7B. City Manager Report

7C. Mayor and City Council General Discussion

## **8: Closed Session**

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8A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)

## **9: Adjournment**

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9A. Meeting Adjournment

Signature:



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Podium

**Approval of January 26, 2023 Budget Retreat Minutes**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Approval of Minutes	Item: A
Reference File	Presented By	

Approval of January 26th, 2023 Budget Retreat Minutes



**CITY OF LOWELL  
COUNCIL RETREAT WORK SESSION**

**Thursday, January 26, 2023, 8:30 A.M.**

**Location: River Room 102 Main St, McAdenville, NC 28101**

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**I. CALL TO ORDER – Mayor Sandy Railey at 8:36 a.m.**

**Attendance:**

Mayor Sandy Railey  
Mayor Pro-Temp Travis Smith  
Councilmember Phil Bonham  
Councilmember Candy Funderburk  
Councilmember Thomas Gillespie  
City Manager Scott Attaway  
City Clerk Cheryl Ramsey  
Finance Director Lisa Nolen  
Planning Director Joe Gates  
GIS Analyst Todd Stroupe  
Parks and Recreation Director Cristy Cummings  
Public Works Director, Thomas Shrewsbury  
Chief Carl Moore  
Officer Jeff Harrison  
John Bennett, Moderator, Centralina  
Mitch Brigulio, Davenport Public Finance  
Patrick Mumford, Gaston Business Association  
Randi Gates, Gaston-Cleveland-Lincoln Metropolitan Planning Organization

Councilmember Joanna Fulbright was not in attendance.

**II. Adoption of Agenda for this Meeting – Mayor Railey**

Councilmember Funderburk made a motion to adopt the agenda, seconded by Councilmember Gillespie. The vote was unanimously in favor.

**III. Welcome and Introduction – Scott Attaway, City Manager introduced our moderator, John Bennett from Centralina**

**IV. Financial Overview and Discussion of Community Investment Funds (CIF and ARPA Funds– Scott Attaway. Items discussed included:**

- A. Upcoming Budget calendar – began working with staff beginning in December for the 5-year plan.
- B. Preparation for the February 10<sup>th</sup> will be the next Budget Retreat
- C. Considerations for Budget meetings during the month of May.
- D. Current year revenues update
- E. Current year sales tax-Gaston County had considerable growth.
- F. Zoning and Planning-future residential and commercial growth.
- G. ARPA discussion-currently working on a publication to be on the city website.
- H. CIF Summary-allocation amount for the tax rate was discussed.



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- V. Financial Presentation (General Fund CIP and Debt Analysis)** – Mitch Bigulio with Davenport Public Finance. Mr. Bigulio discussed the General Fund and Capital Planning overview, credit options for the city and to consider what can be set aside for capital projects.
- VI. Review of FY 22-24 Mission, Vision and Core Values and Review of 2022 Accomplishments**—Scott Attaway also discussed ways to get the community involved.
- VII. Future Needs of Gaston County**—Patrick Mumford, Gaston Business Association. He discussed what drives government, job opportunities, quality of life and how change is coming to Gaston County.
- VIII. Downtown Master Plan** – Demetri Baches, Metrocology, Inc. He discussed potential growth opportunities.
- IX. Revenue Projections and Revenue Neutral Tax Rate Discussion** – Scott Attaway. He gave a break down of potential options and stated this will be reviewed further during the February retreat.
- X. I-85 widening Betterments** – Randi Gates, Gaston-Cleveland-Lincoln Metropolitan Planning Organization. She provided updates and discussed other projects on the horizon.
- XI. Recap and Closing Remarks** – Scott Attaway, Mayor Railey, and Councilmembers gave closing comments.
- XII. Adjourn** – Councilmember Funderburk made a motion to close, seconded by Mayor Pro Temp Smith. The vote was unanimously carried by the group at 4:30 pm.

ATTEST:

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Sandy Railey, Mayor

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Cheryl Ramsey, City Clerk



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Podium

**Approval of February 10, 2023 Budget Retreat Minutes**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Approval of Minutes	Item: B
Reference File	Presented By	

Approval of February 10th, 2023 Budget Retreat Minutes



**CITY OF LOWELL**  
**COUNCIL RETREAT WORK SESSION**  
**FRIDAY, FEBRUARY 10, 2023, 8:30 A.M.-5:00 P.M.**  
**Location: River Room 102 Main St, McAdenville, NC 28101**

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**I. CALL TO ORDER – Mayor Sandy Railey at 8:37 a.m.**

**Attendance:**

Mayor Sandy Railey  
Mayor Pro-Temp Travis Smith  
Councilmember Phil Bonham  
Councilmember Candy Funderburk  
Councilmember Thomas Gillespie  
Councilmember Joanna Fulbright  
City Manager Scott Attaway  
City Clerk Cheryl Ramsey  
Finance Director Lisa Nolen  
Planning Director Joe Gates  
GIS Analyst Todd Stroupe  
Parks and Recreation Director Cristy Cummings  
Chief Carl Moore  
Officer Jeff Harrison  
John Bennett, Moderator  
Mitch Brigulio, Davenport Public Finance  
Donnie Hicks, Executive Director, Gaston County Economic Development Commission  
Matt Rhoten, Deputy County Manager

**II. Adoption of Agenda for this Meeting – Mayor Railey**

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

**III. Review Agenda & Working Agreements – Moderator, John Bennett.** Mr. Bennett gave opening remarks and ground rules for the day.

**IV. Review Work Completed at January Retreat – Scott Attaway, City Manager.** Items discussed included:

- A. Financial overview of: Infrastructure, revenue neutral with the information we have now, and Capital Improvement Plan (CIP)
- B. Review of FY 23-24 Strategic Vision
- C. Considerations for preparing Lowell for the future.
- D. Downtown Master Plan
- E. Commitments made to the I-85 Betterments

**V. Tax-rate Neutral Discussion – Scott Attaway, City Manager and Mitch Brigulio.**

Mr. Brigulio refreshed what was discussed in January in developing a CIP to get capital projects done realistically here. He also discussed the tax supported debt review and debt capacity. Mr. Attaway talked about the capital projects we are currently



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considering including the chemical plant, City Hall and Police Department, Public Works, and Park improvements. Public Works will probably be the first item to begin with.

- VI. Gaston County Economic Development – Donnie Hicks**--He gave an update and discussed the function of the Economic Development department which is to help with: business recruitment, marketing, existing industry, product development, and research. He stated future items include additional business, parks, workforce development, long range plans, transportation, and utilities.
- VII. City-County Partnerships – Matt Rhoten and Justin Amos, Chief of Staff/Finance & Partner Agency Manager with Gaston County.** They gave an overview of county government and potential partnerships with Lowell. They also discussed the county budget and strategic plan.
- VIII. Tour of River Run and building across the street from the location with Bob Clay.**
- IX. FY 2024-28 Financial Projections – Scott Attaway and City of Lowell Department Heads**
- X. Things to Consider for Budget Preparation – Scott Attaway.** Mr. Attaway gave the council guiding principles in considering the budget.
- XI. Closing Comments**
- XII. Adjourn-** Councilmember Bonham made a motion to adjourn the meeting, seconded by Mayor Pro Temp Smith. The vote was unanimously carried by the group.

ATTEST:

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Sandy Railey, Mayor

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Cheryl Ramsey, City Clerk





**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Cheryl Ramsey

**Approval of Minutes 6-13-2023**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Approval of Minutes	Item: C
Reference File	Presented By	

Approval of Minutes for Regular City Council Meeting held on June 13, 2023

**\*\*The Following Document is a draft of the minutes and not the official approved minutes\*\***

## **Minutes for the Regular City Council Meeting meeting**

101 W. First Street, Lowell, North Carolina, 28098.

June 13th, 2023, 6:00 PM - June 13th, 2023, 8:07 PM

### **Roll Call:** (The following members were in attendance)

Sandy Railey, Mayor  
Travis Smith, Mayor Pro-Tem  
Candy Funderburk, Councilmember  
Phil Bonham, Councilmember  
JoAnna Fulbright, Councilmember  
Cheryl Ramsey, City Clerk  
Thomas Gillespie, Councilmember  
Scott Attaway, City Manager  
John Russell, Jr, City Attorney  
Podium, Support

### **1. General**

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#### 1A. Call To Order - 6:00 PM

Mayor Sandy Railey called the meeting to order at 6:00 pm. City staff present were City Manager Scott Attaway, City Attorney John Russell, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, GIS Analyst Todd Stroupe, Finance Director Lisa Nolen, Parks and Recreation Director Cristy Cummings, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced on YouTube for the public and the agenda and meeting materials were made public on the city's website as well as in person. Members of the public, including other City employees were also present.

#### 1B. Invocation / Pledge of Allegiance - 6:01 PM

Councilmember Gillespie gave the Invocation and led everyone in the Pledge of Allegiance.

#### 1C. Adoption of Agenda for this Meeting - 6:00 PM

Councilmember Funderburk thanked GIS Analyst for his work with mapping the City of Lowell. She stated she sees him walking all the time and wanted to acknowledge him. Mr. Attaway asked everyone for patience as this is the first time broadcasting on YouTube and the first time using the new software for the handling the meeting.

The item was motioned To Approve by Travis Smith and seconded by Candy Funderburk with a passing result 5 - 0

#### 1D. Public Comments - 6:03 PM

1. Larry Simonds of 1603 Power Drive, Lowell, NC complained of the City Manager [Scott Attaway] not being transparent to the citizens, particularly about the project on Saxony Drive being called off. He wanted Mr. Attaway to explain it now. Mr. Attaway stated that this subject was already planned for discussion during the regular portion of the meeting. Mr. Simonds then stated there was no due diligence on the part of Council when they voted for this in April. He then complained about the \$500,000 taxes received from the gateway 85, the City of Lowell will only receive \$85,000 a year. He then complained about councilmembers that live in Lowell and renting property, the budget, and the purchasing of water and sewer lines on Saxony Drive or 'Project Husky'.

### **2. Approval of Minutes**

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The item was motioned To Approve by Candy Funderburk and seconded by Travis Smith with a passing result 5 - 0

#### 2A. Approval of Minutes 5-9-23 - 6:06 PM

### **3. Special Presentation**

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#### 3A. Presentation of the 2023 City of Lowell Employee of the Year to Thad Buchanan - 6:08 PM

Mr. Attaway acknowledged that this started last year where Department Heads would nominate employees for their exceptional work throughout the year. Last year Sue Lowe was the nominee and this year we honor Thad Buchanan from the Water and Sewer Department. Mr. Buchanan has been an employee of the City for a number of years and his work ethic and positive attitude were key factors in his selection as Employee of the Year for 2023.

Thomas Shrewsbury, Public Works Supervisor concurred with Mr. Attaway and stated Mr. Buchanan has been a key member of the department and stepped outside of his boundaries in helping all other departments of the City. He said other staff in Public Works look up to Mr. Buchanan and aspire to be like him professionally and how he conducts himself. Mr. Buchanan was then presented with a Employee of the Year plaque and pictures were taken. Mr. Attaway added that Mr. Buchanan will be throwing out the first pitch at the Honey Hunters baseball game this Friday as part of their Lowell Appreciation night.

3B. Proclamation Recognizing the Historical Significance of Juneteenth and Proclaiming June 19, 2023 as Juneteenth - 6:13 PM  
Mayor Railey read the Proclamation to the audience.

The item was motioned To Approve by Thomas Gillespie and seconded by Candy Funderburk with a passing result 5 - 0

#### **4. Consent Agenda**

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The item was motioned To Approve by Candy Funderburk and seconded by Thomas Gillespie with a passing result 5 - 0

4A. Planning Report - 6:17 PM

4B. GIS Report - 6:17 PM

4C. Police Report - 6:17 PM

4D. Finance Report - 6:17 PM

4E. Public Works Report - 6:17 PM

4F. Parks and Recreation Report - 6:17 PM

#### **5. Unfinished Business**

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5A. Public Hearing for Adoption of the FY 2023-2024 Budget Ordinance - 6:18 PM

Mayor Railey exclaimed Public Hearing is in session. Mr. Attaway stated the budget was presented in the last council meeting on May 9th. He noted that there were some clerical updates. On the fee schedule, under Construction Inspections for Subdivisions and repeat inspections (more than two), staff added in that the developer will be issued a failed inspection notice. If City Engineers have to be paid to re-inspect multiple times, there will be a way to capture that cost for Lowell. There was also an error under the Administration Budget where there were two Christmas decorations line items. It didn't change anything for the total Administration budget nor the budget ordinance. It was reallocated to where it was supposed to be under Beautification. This year a line item called Christmas decorations was added back, making it clear that a certain amount of funding is necessary for this time of the year (Christmas lights, trees, etc.). Mayor Railey then asked for Councilmember Funderburk to read the email received by a citizen.

1. An email was sent to the City Clerk by Carolyn Watt of 1022 Marguerite Drive, Lowell, NC. It was read aloud by Councilmember Funderburk. Ms. Watt stated after looking at the proposed 2024 budget, it appeared some of the tax revenue from the reevaluation could be used to reduce the taxes by 3 to 5 cents and still have an excess in the general fund. She believed that the increase will be a hardship to many of our citizens. A decrease would show the city is working for the good of the residents.

Mayor Railey asked if Councilmembers had comments. Councilmember Funderburk mentioned the budget allows for seven full time and two part time and a K-9 dog as well as changes to be made, upgrades and giving employees a 5% COLA (Cost of Living Adjustment). She felt at this time we didn't need all of these positions. She said this is a five-year plan and feels like we will need all these positions [at a certain time] but not in this budget. Also, her concern in the last three or four years is to give our citizens at least a three cent tax reduction. She said she looked through the budget several times and believes it can be reduced by three cents by taking it out of the CIF, which is a good fund we started for future building of the new Public Works, City Hall and Police Department, infrastructure, plus a lot more. If we take three cents out, it will be .46 cents instead of .49 cents. She said she went over her documentation with Mr. Attaway and was told it could be done but we would have to change some things. She said we could still put money in the CIF, however, it wouldn't be \$406,403 but \$233,738. That is still a lot to go into the CIF and would still allow for a tax cut for citizens. She mentioned that she like others are on a fixed income. She said when the Fire Department went to the County, she thought we would get a tax cut then but we did not. She said now, since we are getting this extra money in, it would be a great time to lower the tax for our citizens so they will know we care.

Councilmember Gillespie said he agreed with Councilmember Funderburk. He stated that it seemed like she did her homework and a decrease is not going to hurt us. He said we can't do it all in a five year period and sometimes it takes a little time to get things done.

Mayor Railey then opened the hearing for public comments:

1. Larry Simonds of 1603 Power Drive, Lowell, NC. He said that he is ashamed of each one of you [Councilmembers] and accused them of being unable to count. Mayor Railey interrupted him and asked him to speak more respectfully to council or be asked to leave. He said the citizens are paying double taxes and how much water we are buying per month. He said the taxes needed to be cut down to .40 cents. He then mentioned the Gateway 85 project again.
2. Ed Jackson is not a resident of Lowell but owns properties in the city stated that he was proud of all councilmembers. He said the town has been good to him for the last 50 years. He has seen good council boards and council boards that think we should live in the 30's and 40's. He said he's seen where a new council has been nominated and immediately fired the sitting City Manager or Police Chief during that time, leaving the town in disarray as well as former councilmembers making life hell for the City Manager. He said he listened last month to every detail the City Manager discussed about the budget. He stated that last year, you got a 14% increase in the tax base by eliminating the Fire department. This year without Newell [new industrial building], the tax base has increased about 28%. He said he is glad to see you planning ahead because we need to catch up, but he honestly thinks, for safety sake and the care of the citizens, it would be smart to look at a \$.03-.04 cent reduction in the tax rate. Part of what the City Manager has laid out for all these new positions are based on a bit of a timeline. There are things that are coming on now with all the stuff with Spencer Mountain. He said he's talked to the property owners and have had contact with the company who is now under contract to develop the other 400 or so homes over there. He said they told him it would be a miracle if Lowell got a tax break based on the Spencer Mtn. property in less than three years. He thinks for the safety of the people and this council, that is doing a good job, to look at a tax rate reduction as it will help a lot of people and not necessarily hurt the city. If you need to raise it a penny or two in the budget with a justified need, that would be great.
3. Patrick Mumford with the Gaston Business Association of 601 W. Franklin Blvd., Gastonia, NC. He stated he was able to attend one of the [budget] retreats and he wanted to start with how impressed he is with the thoughtfulness that was put into all this. Clearly there are a lot of different routes you can take when setting a tax rate, current pressures as well as the growth pressures coming in addition to listening to the concerns of the people that have spoken today. What happens to the next generation, what is here in Lowell to bring them back? You are wrestling with some tough issues. Where you land is not as important as the process you've taken to really be thoughtful about balancing current needs, long term needs, infrastructure investments, etc. He said he's read through the budget and believes the City Manager did a great job of laying it all out and yes some things can be brought down or bumped up but he thinks sticking to your strategy that you've laid out for the future of this community is clearly important and compelling. So wherever you land, he hopes it is in a place of understanding future needs, debt service or debt capacity. Growth is not going to stop and Lowell is a wonderful community that is attractive to a lot of people and he hopes it continues to be so. He suggests to prepare this community for the future and our children so it continues to grow in a way that multiple generations can benefit from your good decisions. He thanked them for their interest in listening to everyone's comments and the approach taken to have a balanced, intentional setting of the tax rate that will serve the current constituency as well as the future of this community.
4. Mark Jordan, President and CEO of the Montcross Chamber of Commerce. He acknowledged that he does not live here but he has members who live here and do business here and that's who he represents as well as you as a [Montcross] partner. He said they appreciate the partnership that they have. He is really here tonight to express that "we, as people, have to put trust in the leadership and the professional staff". He said they see the challenges and what you have to go through and they admire the accomplishments. He is here tonight to speak in favor of the budget and the City Manager's recommendations for the FY23-24. He also applauded the

leadership provided in many ways, particularly for their stewardship of tax dollars under Council's supervision and guidance. He also applauded council for understanding that this city is growing and will continue to do so, for establishing a fund that will ensure that growth. He stated that the strong debt policies and modeling have served the city well. He stated the city's fiscal position is positive today due to councils conservative fiscal management and strict adherence to adopted fiscal policies. He thanked them for making our entire county stronger.

Comments from Council:

1. Mayor Pro Temp Smith stated that this is a future building budget. Lowell is going to change and we all know that so we have to prepare so we don't get caught in the dark a year from now and not be prepared. We prepared for an 18% water increase because we had to as there was no way around it but we squashed that plan and we will eat that cost. We spent 20 hours in meetings to cover all of this and he thinks they went great and they learned a lot. He thinks it's a great budget and will fulfill the needs of this city, presently and for the future. Councilmember Funderburk said we could also cut the tax rate by \$.03 cents and fund everything. Mayor Pro Tem Smith didn't believe that was correct. Councilmember Funderburk said for this budget, not the future or what we went over [during the budget retreats] where certain projects could be delayed. She asked the City Manager if everything in this budget could pass with the \$.03 decrease in the tax rate? Mr. Attaway said yes, dropping \$.03 cent out of the Community Investment Fund (CIF) however it would effect the five year General Fund CIP. She said where you could put less money in the CIF, Mr. Attaway said yes. He said that Public Works was slated for 2024, City Hall and the Police Department complex in 2028 and they would all get shifted [to later years].
2. Councilmember Gillespie thanked the speakers for coming. He stated he had great respect for our corporate sponsor, Ed Jackson, when he said \$.03 cents wouldn't hurt. He said if you go down S. Main St., you will see the work and investment that he and other business associates are putting into this city. He is an active corporate citizen of Lowell and Councilmember Funderburk has done her homework and he really feels that you can't do it all overnight but it can be done and we are moving in the right direction. He told Mr. Jackson that he appreciates him and his word means a lot to him, as does the Chambers [of Commerce]. He said we need to help our citizens as well as grow our CIF fund but he thinks Mr. Jackson is right that we can do this but it doesn't have to be overnight.
3. Councilmember Bonham said as it relates to the CIF, it is his opinion that it needs to be funded now and any reduction would just rely on future councils to approve an increase to fund something which would put us exponentially behind the timeline in that we need new buildings today. We're not funding something in 2024 if we take \$.03-.04 cents out of the CIF. It doesn't automatically move it to 2025, assuming you will approve an increase next year. It's not a lot of math and we have an obligation to do what we need to do today. As much as he would like to say he would want to decrease the tax rate, what we have to do to be good stewards of this city is approve the budget as it is and regardless of whether or not he is up for election in November, he is not voting in fear. He was elected to do a job and is here to do the job for the citizens served, election or not. He said we have to approve this budget as presented. Councilmember Funderburk said it is only \$172,665 difference from the budget that would not go into the CIF for a \$.03 cent tax reduction.

There was a need for a brief recess requested by the Mayor at 6:44 pm. The meeting reconvened at 6:50 pm

4. Councilmember Gillespie stated that some of the facts presented tonight had nothing to do with elections. He said we vote our conviction and our heart and that reelections are in the hands of the people.

With no other comments, the Mayor closed the Public Hearing.

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 3 - 2 Opposed by Candy Funderburk, Thomas Gillespie

## **6. New Business**

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6A. Selection of Engineering Firm for Water System Asset Inventory and Assessment (AIA) Project - 6:55 PM

Mr. Attaway stated that staff advertised a request for qualifications (RFQ) for the Water System Asset Inventory and Assessment Project that is a \$150,000 grant that the city received to map the water line infrastructure of the city from NC Department of Quality. We received one response back to the RFQ from Wooten Engineering Firm. The city has worked with this firm in the past on the prior sewer asset inventory assessment grant and they did a good job. It is staff's recommendation to approve them. Councilmember Bonham asked out of curiosity how many did we send requests out to and what, in your opinion, is the reason we only received one response? Mr. Attaway said the city received several responses asking who prepared the RFQ because this grant allows an engineering firm to help us prepare it. Once they were told it was Wooten, they [other businesses] decided not to submit an RFQ.

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5 - 0

6B. Resolution RS 5-2023 to Accept Carolina Thread Trail Grant in the Amount of \$127,080 - 6:58 PM

Mr. Attaway stated that we did receive the grant to construct approximately half of the Thread Trail in Lowell, NC along the South Fork River. This resolution is to receive those funds.

The item was motioned To Approve by Candy Funderburk and seconded by Thomas Gillespie with a passing result 5 - 0

6C. Contract Amendment for CDBG-NR Construction Management Services - 7:00 PM

Mr. Attaway stated that we are using Centralina to manage the CDBG-NR or rehabilitation of homes previously identified and the Community Center. We're in the beginning stages of the last set of homes now with the award for repairs done at the May 9th council meeting. There have also been delays with the repair of the Community Center in ordering of sashes and exterior doors. These two projects will push us past the original contract with Centralina so this is an extension of said contract. This budget revision will be for \$9,548 all paid from the CDBG grant funds. A motion is needed to extend the contract with Centralina.

The item was motioned To Approve by Phil Bonham and seconded by Candy Funderburk with a passing result 5 - 0

6D. Budget Amendment #3 FY 2022-2023 - 7:02 PM

Lisa Nolen, Finance Director, gave an update of using ARPA funds of \$50,000 with the grant match for the Carolina Thread Trail Grant just received.

The item was motioned To Approve by Phil Bonham and seconded by Thomas Gillespie with a passing result 5 - 0

6E. Amended Grant Project Ordinance - ARPA - 7:04 PM

Lisa Nolen stated that this is to update the grant project ordinance due to the \$50,000 that was just approved for Budget Amendment #3. This is the recommendation to ensure compliance with this grant. Mr. Attaway added that we have a monitoring visit coming up next week under ARPA, that is routinely done with Centralina to make sure we are staying in compliance.

The item was motioned To Amend by Travis Smith and seconded by Phil Bonham with a passing result 5 - 0

6F. Consideration of Banking RFP and Selection of Bank for the City of Lowell - 7:06 PM

Mr. Attaway said it was brought to council's attention to check into a banking relationship after losing the bank we used to use recently. He turned it over to Lisa Nolen to discuss our fiscal policy. She said according to the policy in Article 5, Cash Management, Part D. Banking Relations, Section 2. Review of Banking Relationship, the Council will review the banking relationship(s) at their discretion, but at least every five years. Per Fiscal Policy. Article V. Cash Management, Par D Banking Relations, Section 1. Bank Selection, banking service providers will be evaluated and selected by Council through a competitive proposal process. She stated staff submitted a Request for Proposal (RFP) to local banks for review for consideration of providing banking services for the City of Lowell. Staff directly solicited eight local banks via email. Per statute, this was also advertised in the paper and posted on the City's website. Staff emailed the RFP on April 3, 2023 to local banks to facilitate the bidding process. She listed [in the memo to the City Manager] the timeframe for completion of the RFP process. Staff received RFPs from four local banks and the scoring metrics was attached to the memo. A meeting was conducted with the selection committee to score appropriately. Based on the metrics, First Horizon scored the highest for the city's needs and financial commitment. Staff recommends First Horizon for the City of Lowell to provide the best return on investment for Lowell's idle funds.

Councilmember Funderburk asked if this is because Truist moved or we had to do this anyway because of the five year deadline? Mr. Attaway said we are supposed to do this every five years per our fiscal policy and he has found no record of when it was last done and because of that, determined that there was a better option. Councilmember Gillespie asked if Mrs. Nolen is satisfied with First Horizon. She said yes, they will provide us with the most return

on our investment, even with the cost of them providing our banking services. Mr. Attaway added that location was one of the major deciding factor in that they are all within four miles of City Hall. Some of the items measured were very close, but the annual cost of the account and the return on investment on the idle funds pushed First Horizon out on top.

The item was motioned To Approve by Candy Funderburk and seconded by Thomas Gillespie with a passing result 5 - 0  
6G. Request to Set Public Hearing - Text Amendment - Article 8, Section 8.4-10 (E) (2) General Standards and Specifications - 7:13 PM

Mr. Attaway stated this is request to set a public hearing at the July 11, 2023 Council meeting to hear and approve this text amendment applicable to the Industrial Zoning District. He [Joe Gates, Planning Director], discovered, with the Planning Board, that the corner lot sized setbacks of existing industrial developments do not really offer redevelopment of industrial tracks to plan along our main corridors. The amendment is to reduce the corner lot setback on a side street from 80ft to 40ft.

The item was motioned To Approve by Candy Funderburk and seconded by Travis Smith with a passing result 5 - 0

6H. Consideration of Bids for Former Yorkshire America Demo Backfill Erosion Sediment Control - 7:15 PM

Mr. Attaway stated this is not ready for deliberation tonight as there were not enough bid proposals and will be revisited in July. No actions were needed. Councilmember Bonham asked if this the last requirement before contracts are awarded to move forward. Mr. Attaway said yes, we have to get the erosion control contractor out there so they can set up the initial self fencing barriers, taking down buildings in clusters at multiple pieces at a time and their own measures for doing that. Councilmember Bonham said for those that may not know, the erosion control is a large piece but it came later in that they were not aware of this requirement initially when schedules were set. It was more of a 'by the way, what do you have to mitigate this' for example. Mr. Attaway said yes that is correct, it was not in the original bid document packet for the demolition award.

## **7. Reports / Discussions**

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7A. City Attorney Report - 7:17 PM

None at this time.

7B. City Manager Report - 7:18 PM

1. Spencer Ridge Development (formerly Pulte)- The city has received submittals for Lenoir Homes to build that development along North Main and Spencer Mountain Rd. It will now be referred as the Spencer Ridge Development instead of Pulte. They have submitted their preliminary capacity assurance for water and sewer and we are working through that with the city engineers and staff. Some of those items will come before council soon.
2. Beacon Properties in McAdenville - the property owner did pull out of this project. We will be revoking that preliminary capacity assurance initially approved for the sewer service.
3. McCord Park - still working on some items here. Landscaping is nearly done but there are a couple items that will be addressed in the fall. We are currently working on a policy for renting this area as several businesses, gyms, etc have requested to use it.
4. NC Fellowship Program - This is a project from the UNC School of Government. We are very excited to have been awarded this fellow that will begin in August and continue for 11 months. He brought Emiyah [Watkins] in last Friday to discuss projects she will be doing when she begins after training she has in July at Chapel Hill. She will be working across all departments. She is a Political Science major and has a minor in Law from Wingate University. She will be at the August council meeting for introductions.
5. CDBG update - We are getting close on the Community Center as mentioned before and a small hold up in ordering the exterior doors and a couple windows. We did find that one the six houses we were expecting to do will no longer be done because it exceeding the \$70,000 dollar threshold that the State allows for rehabilitation. This particular amount was over \$100,000 and also exceeded the tax value of the home.

7C. Mayor and City Council General Discussion - 7:22 PM

1. Councilmember Fulbright thanked Scott for the hard work that he put into the budget, the budget retreats we had, the preparation, the guests/speakers invited to help us understand this budget. In the end, we have to remain consistent in what we are doing and we have to stay focused on where we want to go. She said there is a lot of disagreement about the \$.03 cents but we also know if we chose to do that how far that would set us back. [Speaking to the audience] The bottom line is that your councilmen, your Mayor are only titles and if you are not enough with it, you will never be enough without it.

2. Councilmember Bonham said even though this project as we know it is now dead, he wanted to address Project Husky, next to Lowell Elementary. He wanted to touch on this because it is our responsibility as things come up to try our best to get people to understand the facts. There are some that want to spew garbage and not listen to the facts. He said just to make clear about this sewer thing everyone is making a big deal about, we agreed to grant them sewer access contingent upon them meeting specific requirements. Sewer, not water, sewer, period! That was to tap into our wastewater treatment plant, which has capacity. If we kill that, that does not kill the project as they will go in a different direction and tap into McAdenville. The difference with this particular project is that this was a business decision where we can either grant them access where they would pay to move our sewer line and upgrade to do what they need to do in that space or we decline the request and they go to McAdenville. In our lease agreement with the property owner, we [City of Lowell] would have to pay to move that sewer line that they were going to do anyway. So before stuff gets out there that we are doing this or that, understand the facts and where you are getting your information from. Secondly, he thinks that the City Manager and staff does a great job and he appreciates all the hard work they do. We know that people aggravate you [City Manager] and he is not opposed to giving anyone that asks, information asked for but does not believe in bullying and harrassment nor facilitating bullying and harrassment. There are some things out there now that we need to look at further on where they came from and how they were directed into here but we are going to get to the bottom of it.

3. Councilmember Funderburk said she disagrees sometimes and sometimes she has not been nice about it and apologized if she has not been nice to anyone on this council. She said she is very passionate and just wants to help citizens that she has talked with after doing the figures [regarding the budget]. She said it was ok to disagree but we are going to move along. Just because she disagrees with salaries or what have you doesn't mean that she doesn't like the staff that represents. She said we have good staff, a good City Manager, a good Mayor and council but just because she disagrees doesn't mean she is upset. She didn't like it and that is ok and it will be ok. She stated she is up for reelection but this wasn't done because for reelection purposes. She said she doesn't even know if she'll run or not. She loves this city and if she can ever do anything for our citizens, all they have to do is email, call or text and they know she will get back to them.

4. Mayor Railey thanked everyone for coming tonight. This is usually a tough meeting for Council. She said sometimes they get yelled at and she hopes she did not intimidate anyone for using the gavel earlier. Thank you to everyone for coming and their support. She said they try hard to make hard choices that are not always pleasant but you vote us in here to do a job and that's what we have to do. Good, bad, and the ugly. She thanked Scott and his staff for their hard work. She also apologized for having to step out of the meeting earlier too. She then stated we would have a five minute break at 7:30 before closed session. Closed Session reconvened at 7:36.

## **8. Closed Session**

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8A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5) - 7:29 PM

The item was motioned To Approve by Travis Smith and seconded by Phil Bonham with a passing result 5 - 0

## **9. Adjournment**

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9A. Meeting Adjournment - 8:06 PM

The item was motioned To Approve by Phil Bonham and seconded by Candy Funderburk with a passing result 5 - 0





**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Scott Attaway

**Swearing in Ceremony for Police Officer Luke Murphy**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Special Presentation	Item: A
Reference File	Presented By	

**To: Scott Attaway, City Manager.**

**From: Carl Moore, Police Chief.**

**Date: 07/06/2023**

**Re: Swearing in of New Police Officer.**

Swearing in and badge pinning ceremony for Officer Luke Murphy.



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Lisa Nolen

**Finance Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: A
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Lisa Nolen, Finance Director**  
**Date: July 5, 2023**  
**Re: Finance Report**

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Attended Department Head meetings and City Council meeting.

Attended meeting with First Horizon for questions and first steps for changing bank accounts to First Horizon. After meeting concluded, compiled data needed and sent to First Horizon.

Entering transactions for fiscal year end. Calculate fiscal year 2023 purchase order encumbrances and create journal entry. Calculate credit card purchases made in fiscal year 2023 and create journal entry to allocate appropriately. Complete other tasks needed to prepare for year end.

Review, advise corrections needed, and sign off on timesheets for City Clerk/HR Director. Enter cash receipts and cash disbursements in Southern Software. Post all payroll related draft payments and draft payment for Planning Board stipend. Process and pay bills weekly via check and online via ACH. Use allocation spreadsheets for corresponding invoices to allocate expenses to correct expense account. Collect receipts from staff, break out charges to code to correct account number and post all Visa and Lowe's credit card charges. Issue purchase orders as needed for staff. Reconcile bank accounts. Complete other tasks as needed.

City of Lowell, North Carolina  
 FY 2023 Revenue Dashboard  
 5/31/2023

Type	Budget	YTD thru 05/31/2023	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
<b>Funds</b>					
General Fund	3,254,386.00	3,593,549.48	(339,163.48)	-10%	8%
Water/Sewer Fund	1,696,082.00	1,563,241.59	132,840.41	8%	8%
Stormwater Fund	392,919.00	363,454.17	29,464.83	7%	8%
<b>Total</b>	<b>5,343,387.00</b>	<b>5,520,245.24</b>	<b>(176,858.24)</b>	<b>-3%</b>	<b>8%</b>

Notes:  
None

City of Lowell, North Carolina  
 FY 2023 Expense Dashboard  
 5/31/2023

Department	Budget	YTD thru 05/31/2023	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
<b>General Fund</b>					
Administration	996,649.00	713,646.01	283,002.99	28%	8%
Public Safety	1,165,063.00	956,823.04	208,239.96	18%	8%
Public Works-Streets	355,212.00	202,327.59	152,884.41	43%	8%
Sanitation	334,202.00	306,799.97	27,402.03	8%	8%
Parks & Rec	315,260.00	199,557.83	115,702.17	37%	8%
Powell Bill	88,000.00	22,802.39	65,197.61	74%	8%
<b>Total</b>	<b>3,254,386.00</b>	<b>2,401,956.83</b>	<b>852,429.17</b>	<b>26%</b>	<b>8%</b>
<b>Water/Sewer Fund</b>					
Water/Sewer	1,313,222.00	1,106,715.93	206,506.07	16%	8%
Wastewater Treatment	382,860.00	250,462.06	132,397.94	35%	8%
<b>Total</b>	<b>1,696,082.00</b>	<b>1,357,177.99</b>	<b>338,904.01</b>	<b>20%</b>	<b>8%</b>
<b>Stormwater Fund</b>					
Stormwater	392,919.00	237,780.46	155,138.54	39%	8%
<b>Total</b>	<b>392,919.00</b>	<b>237,780.46</b>	<b>155,138.54</b>	<b>39%</b>	<b>8%</b>

Notes:  
None



**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Scott Attaway

**Customer Service and Billing Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: B
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Sue Lowe, Customer Service Billing Manager**  
**Date: July 6, 2023**  
**Re: Customer Service and Billing Report for June 2023**

Account Tech Pam Church completed online training course to earn a Certificate for Utilities Billing and Collection Administration.

Participated in ongoing meetings, revisions, and implementation of new Polimorphic system for UB payments, processed customer cash, check, and credit card payments, new customer applications and customer terminations, website forms, customer ACH authorizations, project management processes and payments for miscellaneous items, such as zoning permits, development fees, park and shelter rentals, etc. Processed disconnection of services on Monday, June 26th, for customers with delinquent balances.

Scanning daily collection reports for Finance Director, after Account Tech completes Daily Collections spreadsheets.

Training, as needed, with Water Works and Mueller for conversion to the updated Mueller/Sentryx Infrastructure Network System. Troubleshooting issues to improve operations in MiNet digital system and equipment in the field. Monitoring meter alerts in Minet.

Initiating new meter installs for River Heights Subdivision for Public Works to install meters for new homes.

Billed Mill Street Townhome developer for fees associated with their development project of 8 townhomes.

Training the new Accounting Tech in all areas of operations and billing, in the Utility Billing dept., including all daily, weekly, and monthly responsibilities. Processed read files in Minet, reviewed files and readings, posted usage routes, processed billing reports, processed and printed bills, counted bills and transferred information to required postal forms, and mailed bills at the post office by the required mailing date. Working monthly with Planning/Zoning/Code Enforcement Director on updating addresses and ownership information for processing Stormwater Management billing each month for occupied and non-occupied properties.

Also working with Planning and Zoning Director on adding new street addresses to Southern Software and MiNet system, so we can install meters at future development homes. Working with Public Works Director and Code Enforcement on streamlining billing for code enforcement invoices.

All other responsibilities include gathering readings and processing billing, posting payments, producing daily collection reports for the Finance Director, producing daily credit card reports and transfers of funds to customer accounts, processing pool fill adjustments and leak adjustments for customers as needed, posting monthly ACH payments to customer accounts and producing reports for Finance Director, answering phones, compiling NSF letters to customers for Finance Director, processing work orders 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 depts with clerical duties as requested of me.



**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Scott Attaway

**Parks and Recreation Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: C
Reference File	Presented By	

**To: Scott Attaway, City Manager**

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

**Date: July 5, 2023**

**Re: June Parks and Recreation Report**

**Events:**

- Music in the Park
  - Advertising and day-of coordination for June's Music in the Park
- Planning, booking vendors, and advertising for future events
  - July Music in the Park
  - August Music in the Park
  - Met with PD on coordinating National Night Out
  - Coordinating Community Health Fair for August 19
  - September Music in the Park and Arbor Day Celebration
- Creation of art for Pop Up Park Cleanup and created event listings

**Athletics:**

- End of season pizza parties concluded the first week of June
- Updated online registration form for July's fall soccer registration period

**Projects:**

- Received communication from WithersRavenel that we are in the final stage of documenting updating to receive LWCF funding for Harold Rankin Park renovations. If received, funds could be awarded within a few months or the City could be in line to receive in early 2024.

**General:**

- Reviewed Blackboard Connect reports and removed approximately 600 undeliverable phone calls/emails/text
- Picked up trash
- Communications with McAdenville Dolphins on field rentals
- Attended Technical Review Committee meeting
- Attended Safety Committee meeting
- Attended Department Head meeting
- Attended City Council meeting
- Attended meeting with Gaston County Tourism
- Attended webinar on ARPA
- Attended LCC meeting
  - Meeting preparation
- Cleaning bathrooms
- Updating letterboard at Harold Rankin Park
- Coding invoices, updating department budget spreadsheet
- Creating social media content
- Coordinated and assisting with spreading of mulch with Public Works
- Creation of budget summary infographic

- Creation of photo slideshow of CDBG before and after photos of home renovations



Budget Infographic



**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Scott Attaway

**Public Works Report**

Meeting	Agenda Group
July 11th, 2023, 6:00 PM	Consent Agenda Item: D
Reference File	Presented By

**To: Scott Attaway, City Manager**  
**From: Thomas Shrewsbury, Public Works**  
**Date: July 5, 2023**  
**Re: Monthly Report**

- City employees worked a sewer line break on the outfall line between Riverview Subdivision and Pharr Yarns. A large tree was uprooted and fell across an 16 inch aerial sewer line destroying three sections of pipe and a pillar designed to hold the pipe in place. Temporary repairs have been made and preparation is underway to make the repairs permanent.
- Water dept staff have begun setting meters at new addresses in the River Heights Development. They have been installing as fast as they can get addresses assigned.
- Staff installed a 1.5-inch water service for the Gaston County School Nutrition Center. The plans for the irrigation tap are to serve a large garden area in which Gaston County Schools will grow fresh vegetables for the school lunch program.
- City staff helped with updating the City of Lowell signs at the entrances to the community. Crews removed the old signs and painted the structures that hold the signs.
- Water Department staff had to repair a fire hydrant at the intersection of Branch St and Reid St. The fire hydrant had been hit by a truck but was not reported at the time of the incident.
- Staff repaired a broken ¾ inch water line on Riverview Drive.
- Crews replaced 14ft of ¾ inch water line on Branch Street.
- A 2in water line break had to be repaired at 301 W. Second St.



**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Scott Attaway

**Police Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: E
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Carl Moore, Police Chief; Jeff Harrison, Police Captain**  
**Date: July 5th, 2023**  
**Re: Monthly Police Report**

June brought the Lowell Police Department some new challenges to overcome. Injuries and training left our patrol division shorthanded. Of the eight patrol roster spots, two are still in field training and have not been released to full duties, and two are currently unavailable due to injury. Sick days and previously planned vacations further strained patrol and the employees of the police department had to come together and work extra shifts to ensure the road and our citizens had police protection. Despite being down so many available officers, the city was never left without a Lowell Police Officer working. Records management indicates 811 calls for service, more than ever recorded by the police department. Officers conducted 138 traffic stops and wrote 76 tickets for violations. Officers also made 4 felony arrests and logged 14 misdemeanor charges. For the first 6 months of 2023, LPD averaged 758 calls per month, an average that will likely cause the total to be just over 9,000 calls for the year. There were 7,800 calls in 2022 so looks like we will have a significant increase for 2023.

Officer Murphy was sworn in as a police officer and is on the road training with Officer Stamey. He is progressing well and is picking up the job quickly. We expect him to be a very good officer and he will be an asset to the police department for years to come.

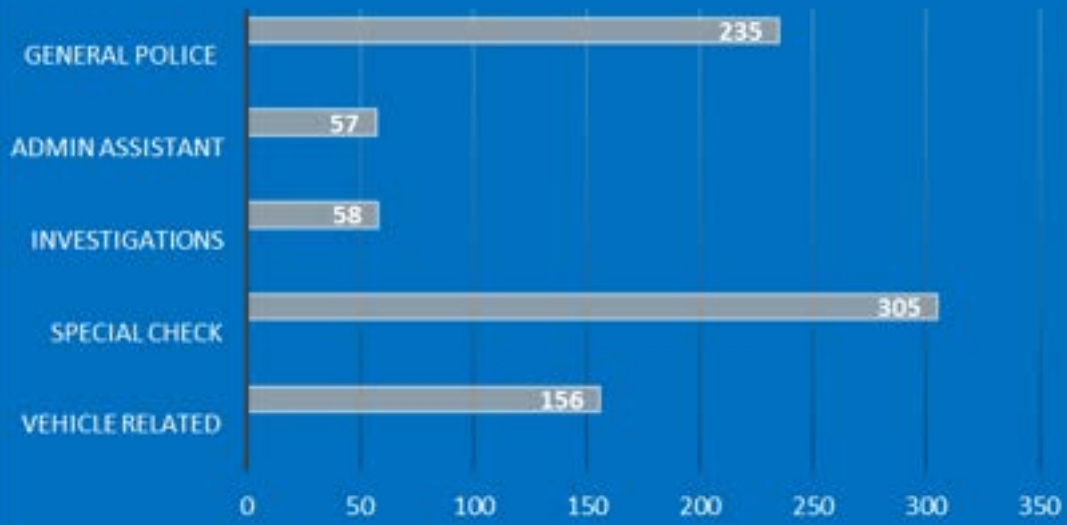
Sergeant Bowen conducted community watch meetings as combined for zones 2, 4, and 6. There was good attendance, and the public got a chance to ask questions and voice concerns directly to the police department. Sergeant Bowen also gave away free steering wheel locks to attendees of the meeting. The locks were donated by Courage Kia.

**Monthly calls by year for June**

2023- 811  
2022- 646  
2021- 539



## JUNE CALLS BY TYPE





**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Scott Attaway

**Planning Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: F
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Joe Gates, Planning Director**  
**Date: Wednesday, July 5th, 2023**  
**Re: Monthly Department Update**

**Code Enforcement:**

**Nonresidential Building Maintenance**

- N. Main Street @ E. First Street: Second story repainting and repairs should start in July. Staff met with property owner onsite to review remaining items in need of repair.

**Minimum Housing Building Maintenance**

- 2 & 2.5 Stowe Street: Owner has hired contractors to start exterior repairs on both houses to include paint, repair/replace of trim and new windows as needed.

**Enforcement Action**

- Code enforcement worked with Public Works and had multiple yards cut throughout the city. Staff is continuing to respond to calls and requests for inspections regarding nuisance and code enforcement issues.

**Zoning:**

- Issued 10 zoning permits in June and 4 foundation survey verification requests.
- To date, the planning department has issued 107 zoning permits in 2023.

**Planning:**

- Planning Board Meeting was held on July 6, 2023 as a "special meeting" due to the Independence Day holiday with 3 items on the agenda for recommendation and one (1) item for discussion/training.
  - *Review and recommendation of preliminary plat for Spencer Ridge (former Pulte) development. This process is required by the Lowell Development Ordinance, per Article 7, Section 7.11.*
    - **The Planning Board reviewed the preliminary plat and associated materials. The Board made a motion to instruct staff to continue with their review of the submittal and had no additional comments for the applicant.**
  - *PCAR/Willingness to Serve application review and recommendation - Spencer Ridge Development*
    - **The Planning Board reviewed the material and voted unanimously in favor of the application.**
  - *PCAR/Willingness to Serve application review and recommendation - Willow Creek Meadows (former Groves St Townhome)*
    - **The Planning Board reviewed the material and voted unanimously in favor of the application.**
- Staff is reviewing multiple plats this month for recombinations and minor subdivisions.

**Other**

- Attended monthly department heads meeting.
- Attended Lowell Community Committee meeting.
- Attended Lowell Planning and Zoning Board meeting.
- Attended GCLMPO Technical Coordinating Committee (TCC) meeting.





**City of Lowell**  
**Regular City Council Meeting Memorandum**

Prepared By: Todd Stroupe

**GIS Report**

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Consent Agenda	Item: G
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Todd Stroupe, GIS Analyst**  
**Date: July 6, 2023**  
**Re: City of Lowell Geographic Information System (GIS) Updates**

GIS and Mapping.

- Provided a map with street names per citizen’s request.
- Generated property subdivision map.
- Provided Harold Rankin Park stormwater inlets to WithersRavenal.
- Performed comparison of 2020 Census Block dwelling unit counts with Gaston County GIS address points.
- Calculated the number of trash cans collected by pick-up day estimates.

Other Tasks and Assignments

- Participated in highlight video for Lowell Community Night at Gastonia Honey Hunters.

Meetings and Events

- Attended June City Council meeting.
- Attended June Department Head Meeting
- Attended June Planning Board meeting.
- Attended June Lowell Technical Committee meeting.
- Attended Gaston County Stormwater Annual Training.
- Attended WOW Wednesday Webinar.
- Attended NCDOT Prioritization Training.

Stormwater

- Worked with staff to create a Stormwater Administration job posting.
- Posted stormwater education information to Lowell’s social media page.
- Mailed annual non-municipal SCM inspection packets to 7 property owners.
- Performed 3 municipal facility inspections per pollution prevention good housekeeping (PPGH) requirements.
- Reinspected 2 municipal vehicles per PPGH requirements.
- Performed 7 dry weather outfall inspections per illicit discharge and elimination (IDDE) requirements.
- Helped coordinate George Poston Park Clean-Up between Lowell Stormwater, Lowell Parks & Rec, and Gaston County Parks & Recreation
- Used GIS to complete the drainage area categorization process to define IDDE priority areas within City limits.
- Continue to work on the 2023 (Permit Year 2) MS4 Self-Assessment.
- Completed initial 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 from October 1, 2022, to June 30, 2023:
  - Facilities completed: Bob Bolick Park, City Hall, Community Center, Edgewood Cemetery, Harold Rankin Park, Police Department Public Works, Wastewater Treatment Plant, County's George Poston Park
  - 4,193 total features collected:
    - 1,417 Inlet points
    - 595 Outlet/Outfall points
    - 2,180 Conveyance (pipes, ditches, etc.) lines
  - 36.6 miles\* of roadway in Lowell City Limits to map (\*new total road miles after removing unbuilt George Poston Parkway from the map):
    - 36.04 miles of road completed.
    - 0.56 miles of closed road to map after new construction.

# Stormwater System Collection Progress



**Legend**

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

**Streets**

**MapStatus**

- Completed
- Road Closed

0 1,000 2,000 Feet

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



**Public Hearing - Lowell Development Ordinance Text Amendment**

Request to amend Section 8.4-10 (E), Industrial District (IND), General Standards and Specifications to reduce the Corner Lot Side Street setback.

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	Unfinished Business	Item: A
Reference File	Presented By	

**To: Scott Attaway, City Manager**

**From: Joe Gates, Planning Director**

**Date: Friday, July 7, 2023**

**Re: File # ZTA23-04 - Request to reduce Corner Lot Side Street Setback in the Industrial Zoning District**

On June 6, 2023, the Lowell Planning and Zoning Board voted unanimously in favor of approving the proposed text amendment. The amendment was advertised by staff in compliance with the Lowell Development Ordinance and state requirements to be reviewed by City Council in a public hearing on Tuesday, July 11, 2023.

**Request:** Consider a text amendment to reduce the setback for Corner Lot Side Streets in the Industrial Zoning District in order to:

- Maximize land utilization
- Improve accessibility
- Optimize Infrastructure
- Encourage infill and new development
- Increase development potential
- Encourage job creation and economic growth

**Background:**

In late 2022 and early 2023, staff began to see interest from the development community in areas of the city that were zoned Industrial (IND). To prepare for potential site plan reviews, staff began to discuss development requirements and site layout. Through the review process of development standards, staff identified a particular section of the code that could be a limiting factor in the development and redevelopment of our Industrially zoned properties.

Staff realized that the largest buffer required by the ordinance for non-residential development was a Type A buffer, which is a 40' buffer. Staff agreed that Corner Lot Side Street setbacks should mimic the Type A buffer in regards to size. A reduced setback enables greater flexibility in designing and constructing industrial buildings, facilitating the expansion of existing businesses and the establishment of new ones.

- Additionally, a reduced setback in this context will promote more efficient land development.
- The amendment allows for denser development, which in areas that are constrained by natural features (streams, creeks, etc.) and utility easements (water, sewer, power, etc.) can become more viable as areas for development.

**Analysis:**

- Staff is of the opinion that the proposed text amendment is reasonable, and in the best interest of the public, because it aligns development regulations with supporting infrastructure needs; and
- The proposed text amendment is consistent with Lowell City 2040 plan goals:
  - Focusing on "redevelopment of strategic sites in existing underutilized locations where existing infrastructure and location dynamics combine to support successful new investments will reinforce property values within these strategically important locations." Page 8, Lowell City Plan 2040
  - Creating "criteria and specifications designed to help Lowell continue to thrive." Page 9, Lowell City Plan 2040

**Proposed Amendment:**

Article 8 - Districts-Section 8.4-10 (E) Industrial District (IND) General Standards and Specifications - Reduce Corner Lot Side Street setback from 80' to 40'.

# ATTACHMENT A

Proposed Text Amendment: 8.4-10 Industrial District (IND) (E)(2) General Standards and Specifications. New text show in red and underlined.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Industrial District:

<b>Lot Size</b>	<b>Lot Width</b>	<b>Front Street Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Corner Lot Side Street Setback</b>
<b>32,400 SF</b>	<b>180'</b>	<b>80'</b>	<b>16'</b>	<b>16'</b>	<b><del>80'</del><u>40'</u></b>



# ATTACHMENT B

## Additional References.

### Definitions

**SETBACK.** The minimum required horizontal distance between a structure and the lesser of either the lot line or the line that marks the beginning of street right-of-way maintenance by the City of Lowell or the North Carolina Department of Transportation, as determined by the City of Lowell.

**SETBACK, REAR.** A setback from an interior property line lying on opposite side of the lot from the front street setback.

**SETBACK, SIDE.** Any interior property line setback other than a rear setback.

**SETBACK, STREET.** Any setback from a street, road or lane right-of-way line.

**SETBACK, ZERO SIDE.** An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero feet from a side property line. This definition does not include City-houses.

**STREET, LOCAL.** A street whose primary function is to provide access to abutting properties.

**STREET, MAJOR THOROUGHFARE.** Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas. Such roadways are designated on transportation plans adopted by the City of Lowell.

**STREET, MINOR THOROUGHFARE.** Minor thoroughfares collect traffic from collector, sub-collector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property. Such roadways are designated on transportation plans adopted by the City of Lowell.

**STREET, PRIVATE.** A vehicular travel-way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

**STREET, PUBLIC.** A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. *Alleys* are specifically excluded from this definition.

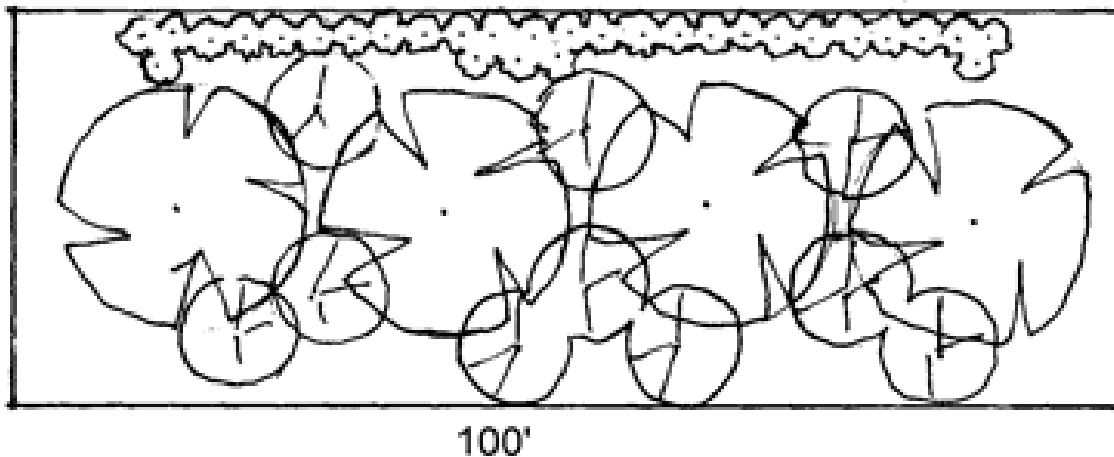
**STREET, RIGHT-OF-WAY.** A strip of land occupied or intended to be occupied by a travel-way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, communication lines, and other infrastructure as approved by the City.

## Article 11- Landscape Requirements and Tree Protection, Section 11.6 Landscape Requirements (Buffer Yards)

### 11.6 Landscape Requirements

The following buffer yards are hereby established and shall be required where applicable:

**Type A Buffer Yard:** A high-density screening buffer to substantially block visual contact between adjacent uses with a minimum of 90% opacity.



#### 11.6-1 Buffering and Screening of Different Districts.

Buffer yards, in accordance with section 11.3 above, to separate development in certain districts from adjacent districts are specified in Table 11.1 below. The buffer yards are required on the sides and rear of property being developed abutting the identified adjacent district. The following buffer yards shall be provided when property in an identified development district abuts one or more of the identified adjacent districts. To determine the required buffer yard for a development, first identify the development district in which the development is to be located. Then identify the adjacent district abutting the proposed development to determine the type buffer yard applicable to the project.

Table 11.1- BUFFER YARD CHART for NON-RESIDENTIAL DEVELOPMENT		
DEVELOPMENT DISTRICT	ADJACENT DISTRICT	BUFFER YARD REQUIRED
“AG”, “IND”, “HIO”	All other districts	Type A

**Plantings shall be provided in buffer yards as indicated in Table 11.2 below: Table 11.2 -  
PLANTING RATES**

Buffer Yard Type	Average Width (ft.)	Minimum/Maximum Width (ft.)	Evergreen Tree Rate per 100 lf	Canopy Tree Rate	Understory Tree Rate	Shrubs Rate
Type A Yard	40	35/65	8	4/100 lf 25 feet on center	10/100 lf 10 feet on center	33/100 lf 3 feet on center

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

Date of Petition 05-15-2023

Petition Number ZTA23 - 04

1. Petitioner's Name Joe Gates - Planning Director, City of Lowell

Address 101 W. First Street, Lowell, NC 28098

Phone 704-617-0141

(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.

City of Lowell staff is seeking to reduce the "Corner Lot Side Street Setback" in the Industrial (IND) zoning district from 80' to 40'. The text amendment is located in section 8.4-10 (E) Industrial District, General Standards and Specifications, page of 26 of Article 8.

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Joe Gates - Planning Director  
SIGNATURE OF APPLICANT

5/15/2023  
DATE

**Application Processing Fee: See Adopted Rate and Fee Schedule at [www.lowellnc.com](http://www.lowellnc.com)**  
**Checks should be made payable to City of Lowell**  
Petition for zoning text amendment



## ORDINANCE NO. 8-2023

### 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 June 6, 2023, the Lowell Planning Board voted in unanimous consent to recommend a text amendment to the Lowell Development Ordinance (Article 8, Section 8.4-10 (E) Industrial District, General Standards and Specifications) to decrease the “Corner Lot Side Street Setback” for lots in the Industrial District (IND).

**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:

Section 8.4-10 Industrial District (E)(2) General Standards and Specifications, is hereby amended to read as follows:

Lot Size	Lot Width	Front Street Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Street Setback
32,400 SF	180'	80'	16'	16'	<del>80'</del> 40'

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

**ATTEST:**

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

[SEAL]

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

## **Notice of Public Hearing**

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, July 11th, 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 8, Section 8.4-10(E), Industrial District (IND), General Standards and Specifications to reduce the Corner Lot Side Street setback on the Industrial Zoning District (IND).

Case# ZTA23-04

Lowell City Council Meeting  
July 11, 2023, 6:00pm

Join the meeting from your computer, tablet or smart-phone.

<https://youtube.com/live/PnL-LqLxxuD4?feature=share>

For further information please call Cheryl Ramsey, City Clerk, at 704-824-3518.

6/29/23, 7/6/23 8986971



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Scott Attaway

**Selection of Erosion and Sedimentation Control Contractor for 1602 N. Main Street Demolition Project**

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Meeting	Agenda Group
July 11th, 2023, 6:00 PM	New Business      Item: A
Reference File	Presented By

**To: Lowell Mayor and City Council**

**From: Scott Attaway, City Manager**

**Date: July 5, 2023**

**Re: Consideration of Awarding Erosion and Sedimentation Control Contract to Trifecta**

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LaBella Engineering assisted the City with creating an Erosion Control Plan for the city-owned property at 1602 N. Main Street. This plan was approved by NCDEQ and the city solicited several companies to provide proposals to install sediment and erosion control measures. This work will begin before the demolition starts and progress alongside selective demolition of the site. Trifecta Services Company provided a bid that was within our engineer's estimate and staff recommends proceeding with Trifecta Services for Erosion and Sedimentation Control for the chemical plant property in the amount of \$496,577.87 to be paid from the SCIF Grant.

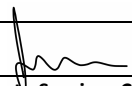
Please see the attached memo from the City's Engineer, LaBella and the bid tabulation page.



**City of Lowell: Former Yorkshire America Demolition Backfill, Erosion & Sediment Control**

Date: 7/5/2023 Final Itemized Bid Tabulation Agreement

2018 NCDOT Standard Specification Sections					Bid Tab	
ITEM NO.	SPC. PRV. SEC. NO.	ITEM	EST. QTY.	UNIT	UNIT PRICE	TOTAL
1	800	Mobilization	1	LS	\$4,500.00	\$4,500.00
2	520	Crusher-Run Aggregate Base Course (For Backfill of Foundation Excavation)	5648.1	TN	\$43.55	\$245,992.09
3	520	Crusher-Run Aggregate Base Course (For Silt Bags Base)	150.0	TN	\$80.14	\$12,021.71
4	230	Borrow Excavation	100.0	CY	\$100.74	\$10,074.30
5	225	Undercut	187.5	CY	\$22.60	\$4,237.79
6	876	Riprap (Class A)	50	TN	\$131.95	\$6,597.60
7	876	Geotextile for Drainage	105	SY	\$39.01	\$4,095.60
8	1632	Sediment Control Stone for Inlet Protection Standard Size No. 57	40	TN	\$140.04	\$5,601.60
9	1632	1/4" Hardware Cloth	120	LF	\$21.75	\$2,609.83
10	1608	Temporary Silt Fence	200	LF	\$6.86	\$1,371.60
11	SP-1	Stabilized Construction Entrance	2	EA	\$3,708.60	\$7,417.20
12	SP-2	Construction Entrance Tire Wash	2	EA	\$4,944.00	\$9,888.00
13	SP-3	NAG SC-75BN Matting	50	SY	\$13.98	\$699.00
14	SP-3	NAG SC-150BN Matting	50	SY	\$13.98	\$699.00
15	SP-3	NAG SC-250BN Matting	10	SY	\$60.35	\$603.48
16	SP-4	Silt Socks (On Pavement)	780	LF	\$10.03	\$7,822.80
17	SP-4	Silt Socks (Off Pavement)	2610	LF	\$8.91	\$23,256.00
18A	SP-5	Structure 22 Silt Bags	1	LS	\$770.00	\$770.00
18B	SP-5	Structure 28 Silt Bags	1	LS	\$460.00	\$460.00
18C	SP-5	Structure 34 Silt Bags	1	LS	\$3,900.00	\$3,900.00
18D	SP-5	Structure 31 Silt Bags	1	LS	\$230.00	\$230.00
18E	SP-5	Structure 18 Silt Bags	1	LS	\$8,470.00	\$8,470.00
18F	SP-5	Structure 2 Silt Bags	1	LS	\$7,700.00	\$7,700.00
18G	SP-5	Structure 1 Silt Bags	1	LS	\$4,620.00	\$4,620.00
18H	SP-5	Structure 6 Silt Bags	1	LS	\$6,160.00	\$6,160.00
18I	SP-5	Structure 5 Silt Bags	1	LS	\$15,400.00	\$15,400.00
18A	SP-5	Structure 3A Silt Bags	1	LS	\$16,170.00	\$16,170.00
18B	SP-5	Structure 11 Silt Bags	1	LS	\$3,850.00	\$3,850.00
18C	SP-5	Structure 26A Silt Bags	1	LS	\$770.00	\$770.00
18A	SP-5	Structure 26B Silt Bags	1	LS	\$1,252.00	\$1,252.00
18B	SP-5	Structure 10 Silt Bags	1	LS	\$4,480.00	\$4,480.00
18C	SP-5	Structure 13 Silt Bags	1	LS	\$4,900.00	\$4,900.00
18A	SP-5	Structure 21 Silt Bags	1	LS	\$1,280.00	\$1,280.00
18B	SP-5	Structure 17A Silt Bags	1	LS	\$1,280.00	\$1,280.00
18C	SP-5	Structure C Silt Bags	1	LS	\$626.00	\$626.00
18A	SP-5	Structure B Silt Bags	1	LS	\$1,252.00	\$1,252.00
18B	SP-5	Structure 8 Silt Bags	1	LS	\$2,560.00	\$2,560.00
18C	SP-5	Structure 12 Silt Bags	1	LS	\$3,756.00	\$3,756.00
18A	SP-5	Structure 9 Silt Bags	1	LS	\$6,160.00	\$6,160.00
18B	SP-5	Structure A Silt Bags	1	LS	\$1,280.00	\$1,280.00
18C	SP-5	Structure 30 Silt Bags	1	LS	\$640.00	\$640.00
18A	SP-5	Structure E Silt Bags	1	LS	\$640.00	\$640.00
18B	SP-5	Structure F Silt Bags	1	LS	\$626.00	\$626.00
18C	SP-5	Structure 7 Silt Bags	1	LS	\$3,080.00	\$3,080.00
22	SP-6	Selective Undergrowth/Vegetation Clearing and Removal	900	SY	\$6.25	\$5,625.00
23	SP-6	Selective Tree Removal, 9 inch	10	EA	\$333.25	\$3,332.50
24	SP-6	Selective Tree Removal, 18 inch	5	EA	\$1,030.59	\$5,152.95
25	SP-6	Selective Tree Removal, 30 inch	3	EA	\$1,969.65	\$5,908.95
26	SP-7	Seeding and Mulching	400	SY	\$4.08	\$1,632.00
27	SP-8	Catch Basin Inlet Protection, Filter Bag (In Pavement Areas)	5	EA	\$296.06	\$1,480.30
		<b>Total</b>				\$472,931.30
	5%	Contingency - 5%	1	LS		\$23,646.57
		<b>TOTALS W/Contingency</b>				<b>\$496,577.87</b>

 Joseph Stritmatter- 07/05/2023  
**Trifecta Services Company Bid Tabulation Agreement Signature**



June 5, 2023

Mr. Scott Attaway, City Manager  
City of Lowell  
101 W First Street  
Lowell, NC 28098

Subject: Recommendation of Award:  
Former Yorkshire America Demolition Backfill, Erosion and Sediment Control

Dear Mr. Attaway:

We have reviewed, evaluated, and vetted final informal bid by Trifecta Services Company (Trifecta) and found that they meet the project requirements of the bid documents. Trifecta has provided examples of projects completed of similar nature to meet Contractor Qualifications to perform the work. We found that their final unit bid rates to be competitive with the current market as well as more competitive continuing with the project versus another contractor that was contacted and provided bid for the project.

Also, Trifecta has been vetted through the current executed contract with the City to perform demolition and removal of the slabs. Therefore, in addition of Trifecta being qualified and providing competitive bid as stated above, we recommend Trifecta to continue with the project by this contract by providing sediment and erosion control, backfill of the slab areas, and provide final stabilization to complete the overall project using one contractor to minimize claims and City risk/liability associated with additional coordination or delay between different contractors to aide in a more effective streamlined schedule, responsibility and completion.

In conclusion, based on the results of our findings as explained herein, we recommend Trifecta to be awarded the subject contract upon Trifecta providing the final executed documents (i.e. Performance Bond, etc.) and signatures as outlined in the Project Manual.

Please let us know if you have any questions or need more clarification.

Sincerely,

**LaBella Associates, P.C.**

A handwritten signature in blue ink, appearing to read "Danny L. Watson", with a stylized flourish at the end.

Danny L. Watson, PE, CFM, PMP  
Project Manager

Attachment: Final Itemized Bid Tabulation



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Scott Attaway

**To Move the August 8, 2023 Meeting to August 15, 2023**

Meeting	Agenda Group
July 11th, 2023, 6:00 PM	New Business                      Item: B
Reference File	Presented By

**To: Lowell Mayor and City Council**

**From: Scott Attaway, City Manager**

**Date: July 6, 2023**

**Re: Request to Move the August 8, 2023 Council Meeting to August 15, 2023**

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Staff is requesting a motion to move the August 8, 2023 City Council Meeting to August 15, 2023.



**Preliminary Capacity Assurance Review (PCAR) Application - Spencer Ridge Subdivision**

File # PCAR2023-03 Spencer Ridge (former Pulte Homes project): Applicant is seeking Preliminary Capacity Assurance Review for their proposed subdivision.

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	New Business	Item: C
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Joe Gates, Planning Director**  
**Date: Thursday, July 6, 2023**  
**Re: PCAR Application - Spencer Ridge Subdivision**

On July 6, 2023, the Planning and Zoning Board met to review the Preliminary Capacity Assurance Review application for the proposed subdivision known as Spencer Ridge, formally known as Pulte or Spencer Mountain Project. After reviewing the application and Policy of Managing Utility Allocations and Extensions, the board voted unanimously to recommend approval of the application to the City Council and requested no further information from the applicant.

**Request:**

Lennar Carolinas, LLC is requesting to extend City of Lowell water and sanitary sewer from its existing location in Lowell Spencer Mountain Road located north of George Poston Park.

**Background:**

The proposed development was conditionally rezoned in 2022 to SFR-4 (CZ). City council conditionally approved the development of 422 single family home lots on approximately 223 acres.

**Analysis:**

Per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process of the *City of Lowell Policy for Managing Utility Allocations and Extension*, the **Planning Board** shall do the following:

- Review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), which require or may require a daily flow allocation of five thousand gallons (5,000gpd) or more".
  - The proposed application is requesting the following for the homes.
    - Wastewater: approximately 97,440 GPD
    - Water: 162,400 GPD
  - A separate calculation for the amenity was made
    - Wastewater: 3,340 GPD
    - Water: 3,340 GPD

In addition per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process, C(1) Residential Subdivision Development "The **City Council** shall with deliberation incorporate the evaluation of Utility Allocation Request into the decision making process associated with each of the aforementioned review processes established within the Cities 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 the City of Lowell's policies and ordinances, planning practices, and consistency with the adopted. City of Lowell Comprehensive Land Use Plan or later version. "

- Request **exceeds** 5,000 gallons per day and must be reviewed by the Planning Board and City Council. - **Planning Commission is recommending approval.**
- Project lies completely **within** the corporate city limits.
- Request meets the following criteria for hierarchy listed in subsection C of Section 1

*#1 - Location: Priority for utility extension will be given to applicants whose subject extension is to serve an area that is within the corporate limits or otherwise incorporated into the City of Lowell.*

- Proposed project is in conformity with the Comprehensive Land Use Plan as verified by the Conditional zoning approval (File # RZ22-03).
- City Engineer and Public Works recommend approval of the application

Based on the information above, evaluation of all the materials, and recommended approval by the Planning Board, staff recommends  
APPROVAL of this application.

# CITY OF LOWELL



*e-mail this application along with utility plan to:*

*Public Works Director, City of Lowell  
101 W. First Street  
Lowell, NC 28098  
tshrewsbury@lowellnc.com*

## Capacity Assurance Review Application

### FLOW ACCEPTANCE / WILLINGNESS TO SERVE

All requests require a utility drawing indicating that proposed water/sewer connection point(s) and sizes.

#### **SELECT SUBMITTAL TYPE:**

FLOW ACCEPTANCE  (RESERVES CAPACITY)

DATE: \_\_\_\_\_

WILLINGNESS TO SERVE  (DOES NOT RESERVE CAPACITY)

### Requested By

First Name \_\_\_\_\_ Last name \_\_\_\_\_ Company, HOA, Developer, etc. \_\_\_\_\_

Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_ Fax \_\_\_\_\_ Phone \_\_\_\_\_

### Project Location

Project Name \_\_\_\_\_ Phone \_\_\_\_\_

Site Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Contact Person Name	TAX PARCEL NUMBER:	136564, 210660 + PORTIONS OF 135144, 202166, 202774
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### Project Information

Complete the following:

1. Project is  new  modification
2. Type of development (15A NCAC 02T.0114 Wastewater Design Flow Rates)
  - a. Residential, apartment \_\_\_\_\_ units
  - b. Residential, townhome/condominium \_\_\_\_\_ units
  - c. Amenity Center (sf) or Pool (people) \_\_\_\_\_ units
  - d. Residential, single-family \_\_\_\_\_ lots
    - i. Public Roads?  Y  N
  - e. Restaurant \_\_\_\_\_ seats
  - f. Retail or retail with food prep \_\_\_\_\_ sf
  - g. Office \_\_\_\_\_ #emp/shift
  - h. Warehouse \_\_\_\_\_ #loading bays
  - i. Hotel or suites \_\_\_\_\_ rooms
  - j. School \_\_\_\_\_ students
    - i. Cafeteria  Y  N
    - ii. Gym/Locker Rooms  Y  N
  - k. Other (provide flow calculations) \_\_\_\_\_
3. Will this project have a pool?  Y  N
  - a. If yes, pool must have a 4-inch drain line

Wastewater Single-Family	Water Single-Family
60 gal/day/bed x 4 bed = 240 gal/day	400 GPD/lot
406 lots x 240 = 97,440 GPD	406 lots x 400 = 162,400 GPD
Wastewater Amenity	Water Amenity
10 gal/day/person	10 gal/day/person
3,340 GPD	3,340 GPD

4. Will this project have a private sewer lift station?  Y  N
5. Total wastewater flow requested (average daily flow in gpd, show calculations) \_\_\_\_\_
6. Commercial only: Peak wastewater flow requested (peak hourly flow in GPH): \_\_\_\_\_
7. Average Daily Water Demand: \_\_\_\_\_
8. Peak Water Demand (GPM): \_\_\_\_\_ (165,740 gpd x 2.5)/12/60 = 575
9. Does this project include a 6-inch or larger private sewer line providing service to multiple buildings?  Y  N
10. Does this project include a 2-inch or larger private water line providing service to multiple buildings?  Y  N

---

**City Tracking #:**

**Map #**

---

**Basin**

**Flow amount (gpd)**

Does the flow transmit through a **City** lift station?  Y  N

If yes, which station? Public lift Station is proposed with this project

WWTF **Basin:**

## MEMORANDUM

TO: Joe Gates , City of Lowell Planning Administrator  
FROM: Jeff Sweater, PE, LaBella Associates Senior Project Manager  
DATE: June 30, 2023  
RE: PCAR Review - Spencer Ridge Development

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The proposed development is located within the City of Lowell Utilities service area and will be constructed in four phases. Phase 1 is projected for completion by December 2025 and the final Phase 4 by December 2028. Per the attached PCAR application, the project includes a swimming pool and 406 lots, with an estimated average daily sewage flow rate of 100,780 gallons per day (gpd) and an estimated average daily water usage rate of 165,740 gallons per day (gpd).

We have reviewed the PCAR for the subject project submitted by the Developer and have the following comments:

1. System Capacity: Based on current water and sewer system capacities, flow projections for known proposed connections, and planned Capital Improvements, the City of Lowell appears to have water and sewer capacity to serve the proposed project.

The Developer is proposing to phase permitting and construction of the subdivision over a period of 5 years or less. The availability of water and sewer capacity is not guaranteed until tapping fees are paid, AND the connection permit for the proposed lot and certificate of occupancy for the house have been issued by the City.

Our determination of available capacity assumes sewer system I&I, water system leakage rates, and regulations remain consistent with current conditions and trends. It is also assumed any unknown applicants wishing to purchase capacity within the next 5 years are not significant enough to cause limitations or a moratorium on connections.

2. Connections: Issuance of connection permits to City's water and sewer facilities will be subject to the following:
  - a. Review and approval of detailed engineered utility plans meeting the City's minimum requirements.
  - b. Review and approval of shop drawings prior to construction of infrastructure that is proposed for dedication to the City.
  - c. All required infrastructure improvements pursuant to the City's W/S Extension policy, and/or a separate Developer's Agreement, have been properly constructed, inspected by the City or this designated representatives, passed all required quality control testing, and have been fully dedicated to the City.





- The Developer is responsible to initiate and secure all required permits for the proposed improvements at their own expense.
- d. Proof of recordation of any required easements or rights-of-way to the City have been provided for all new infrastructure improvements needed to serve said connection(s).
  - e. The Developer has reimbursed the City for all reasonable engineering, legal, and administrative expenses incurred by the City as a result of the project.
  - f. All required capacity, meter setting, and other connection fees have been paid pursuant to the City Fee Schedule Ordinance NCGS 162A (as last amended) and the service application has been filed at the City's Customer Service office.
  - g. Suitable water and sewer capacity is confirmed to still be available in the system by the City and no moratoriums on connections have been imposed by DEQ.
3. Water System Design Considerations: The proposed project will require extension of the City's 12" water main water system that dead ends near the former Yorkshire Plant site on North Main Street/Lowell Spencer Mountain Road.
- a. The Developer's Engineer shall confirm the feasibility of water and sewer service to the proposed area, as well as adequate fire flow protection.
  - b. With this portion of the City water system not being looped and the proposed extension creating an even longer dead end in the water system, water quality impacts with respect to water age should be investigated by the Applicant to determine the City's potential exposure for increased Total Trihalomethanes (TTHM)/disinfection byproducts and minimum Total Residual Chlorine (TRC) violations, and if any temporary or permanent design and/or O&M changes are warranted to be implemented by the Developer. Investigations should include initial impacts when only the first few homes in Phase I are occupied, and impacts at full buildout.
4. Sewer System Design Considerations: It appears the proposed project can be served by the existing 15" sanitary sewer line located at the intersection of Main Street and River Falls Drive with construction of a pump station and force main.
- a. Existing flow in the 15" line was monitored from August 4, 2022 to December 31 2022 and the pipe appeared to have sufficient capacity to serve the proposed development based on flow data observed for that period.
  - b. A pump station with force main is proposed to convey the entire development flow to the manhole at MH-1400. The pump station shall be designed per the City's requirements and dedicated to the City. The proposed peak pumping rate of the pump station to the gravity sewer main must be provided to determine if any limitations in peak flow could be required that must be incorporated into the final station design.
5. System Upgrades: All on-site and offsite water and sewer main extensions, and other required upgrades to the existing systems needed to accommodate the proposed development, shall be designed by a Professional Engineer, constructed, and



financed at the Developer's sole expense in accordance with the City of Lowell's Standards and Extension Policy. It is recommended that any required offsite improvements are covered by a Developer's Agreement that incorporates engineering review prior to City Council approval.

6. Easements: All water mains shall be centered in a 20-foot General Public Utility Easement (G.P.U.E) and all sewer mains shall be centered in a 30-foot G.P.U.E if not located within a dedicated right-of-way. Water and sewer mains shall be horizontally offset no less than 10-feet from a dedicated right-of-way boundary line and other utility lines. All offsite easements are to be obtained by the Developer at their expense.
7. Capacity Fees: Water and Sewer capacity fees will be due based on the prevailing fee schedule and in compliance with GS 162A. Water and Sewer taps will be pre-installed by the developer pursuant to City standards. Meter set fees will be due based on the prevailing fee schedule when service is desired for activation for that particular unit within the development.
8. Additional comments will be provided after submittal of engineered utility plans for the development.

Note that approval of the PCAR indicates a *Willingness to Serve* the development and is not an assurance of water or sewer capacity. Water and sewer flow allocation and construction plans shall be reviewed and approved during the FCAR process per the City's Policy for Managing Utility Allocations & Extensions.

If you have any questions, feel free to contact me at 704-941-2143 or 941-374-3930.



**To:** Joe Gates, Planning Director

**From:** Thomas Shrewsbury, Public Works

**Date:** July 6, 2023

**Re:** PCAR Review – Spencer Ridge

---

Dear Mr. Gates

The City of Lowell Public Works Department has reviewed the plans for the Spencer Ridge subdivision consisting of 407 new homes. After considering the service needs and viewing reports from LaBelle regarding water and sewer capacities available. We agree that the City of Lowell can adequately supply the water and sewer service to the proposed subdivision.

Respectfully,

Thomas Shrewsbury

City of Lowell, Public Works Director

**SITE DATA**

PROJECT NAME	SPENCER RIDGE
CLIENT	MCADAMS
DATE	08/14/2008
DRAWN BY	...
CHECKED BY	...
DATE	...

**ADJACENT PROPERTY OWNERS**

OWNER	ADDRESS	CONTACT
...	...	...
...	...	...

**SITE LEGEND**

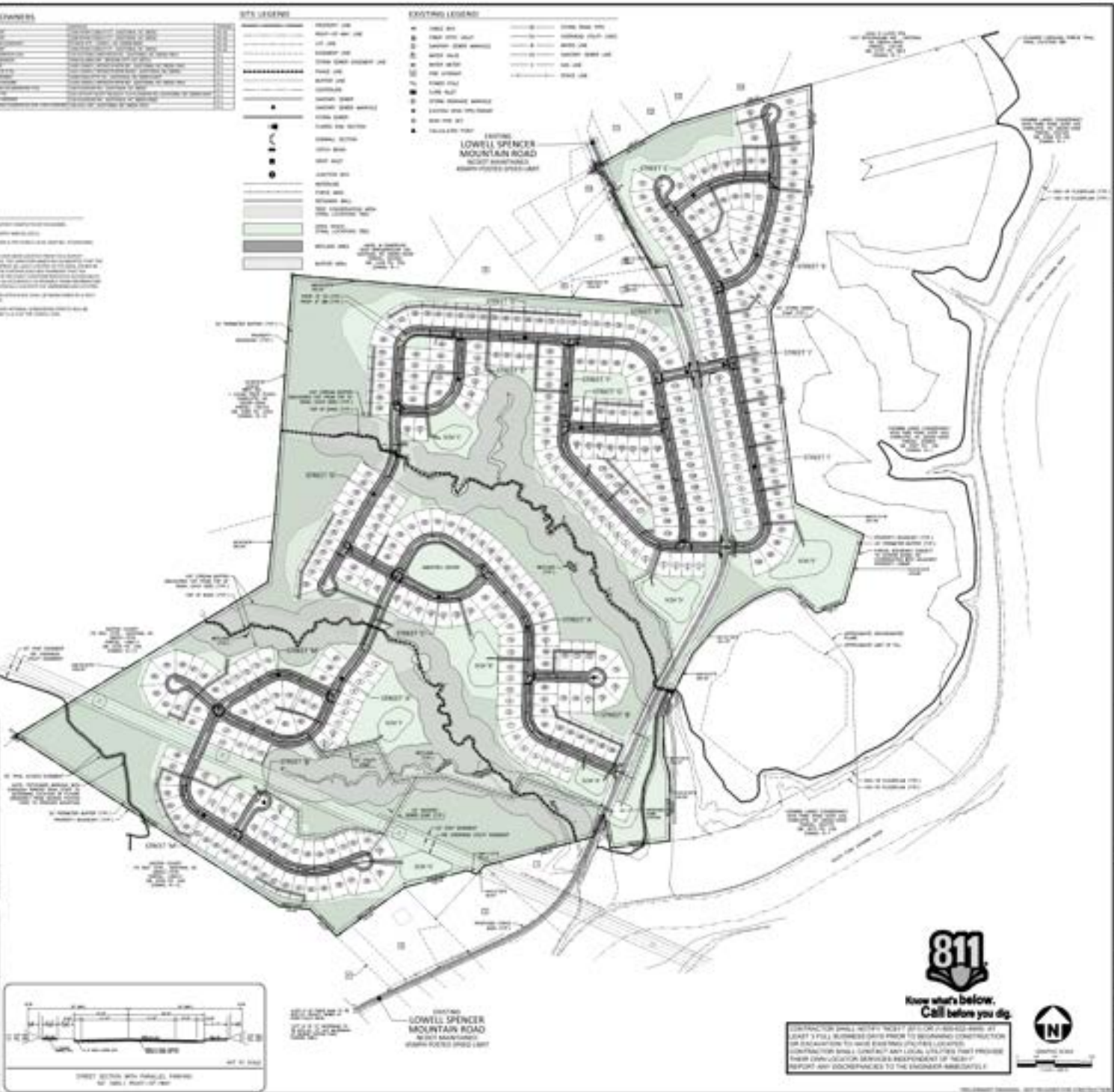
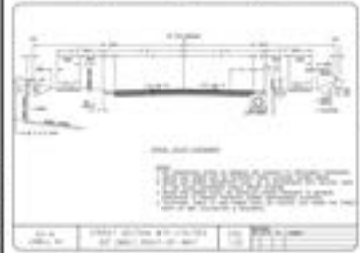
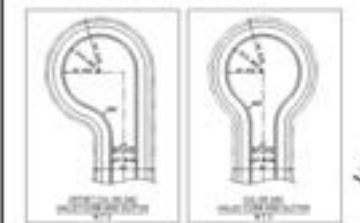
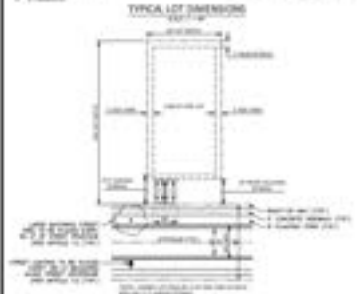
...	...
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...	...

**EXISTING LEGEND**

...	...
...	...
...	...

**GENERAL NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
3. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.



**CLIENT**  
 MCADAMS  
 1000 SOUTH TRYON ROAD  
 SUITE 200  
 CHARLOTTE, NC 28203

**SPENCER RIDGE  
 PRELIMINARY PLAT  
 LOWELL SPENCER MOUNTAIN ROAD  
 LOWELL, NORTH CAROLINA, 28088**



**REVISIONS**

NO.	DATE	DESCRIPTION
1	08/14/08	ISSUED FOR PERMIT

**PLAN INFORMATION**

PROJECT NO.	08A-0008
DATE	08/14/08
SCALE	AS SHOWN
DATE	08/14/08

**SHEET**

**OVERALL PRELIMINARY PLAT**

**PL-1**



CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION BY AT LEAST A FULL BUSINESS DAY PRIOR TO BEGINNING CONSTRUCTION OR REVISIONS TO WORK. FIELD SURVEY PRIOR TO CONSTRUCTION SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR CONSTRUCTION SERVICES INDEPENDENT OF THEIR SERVICE AND DISCHARGE TO THE ENGINEER IMMEDIATELY.



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. Preliminary Capacity Assurance Review (PCAR): 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 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 preliminary 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 from the Public Works department may be made available to the applicant for the creation of a concept plan attachment to the application. Approval of the PCAR does NOT reserve capacity within the wastewater system.
- B. Full Capacity Assurance Review (FCAR): After approval of the PCAR, the owner of the project shall submit a completed FCAR application with fully engineered site utility plans for review. After a complete submittal is received, the City shall perform an engineering analysis of the existing public wastewater system and water system to verify sufficient capacity in the system to accommodate the proposed development. The existing system shall be evaluated from the new customer's proposed point of connection through the existing local gravity sewer, the trunk sewer, any pump stations, and to the wastewater treatment facilities. All costs associated with this engineering, evaluation and analysis shall be the

City of Lowell  
Policy for Managing Utility Allocations & Extensions

responsibility of the developer. After sufficient capacity is confirmed by the City, the FCAR application may be approved.

Approval of the FCAR application and utility allocation reserves capacity for the development in the public wastewater system for twenty-four (24) months from the date of approval.

- C. The Planning Board shall review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), 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 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.
- D. The City Public Works Engineer shall review for approval all incorporated area applications for utility Willingness to Serve notifications (PCAR) and capacity (FCAR), 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

Council for final decision at the next regularly scheduled City Council meeting.

- E. 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.
  4. 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.
  5. 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.
  6. Relinquishment of allocated utilities shall be in accordance with Subsection II.E of this policy.
- F. 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



City of Lowell  
Policy for Managing Utility Allocations & Extensions

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 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

City of Lowell  
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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 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.

City of Lowell  
Policy for Managing Utility Allocations & Extensions

**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. 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 14<sup>th</sup> day of March 2023

s/ Sandy Railey  
Sandy Railey, Mayor

s/ Cheryl Ramsey  
Cheryl Ramsey, City Clerk

\*Original version adopted on August 10, 2021\*



**Preliminary Capacity Assurance Review (PCAR) Application - Willow Creek Meadows Subdivision**

File # PCAR2023-04 Willow Creek Meadows (former Lowell Townhome project) : Applicant is seeking a Preliminary Capacity Assurance Review for their proposed subdivision.

Meeting	Agenda Group	
July 11th, 2023, 6:00 PM	New Business	Item: D
Reference File	Presented By	

**To: Scott Attaway, City Manager**  
**From: Joe Gates, Planning Director**  
**Date: Tuesday, July 7, 2023**  
**Re: PCAR Application - Willow Creek Meadows Subdivision**

On July 6, 2023, the Planning and Zoning Board met to review the Preliminary Capacity Assurance Review application for the proposed subdivision known as Willow Creek Meadows, formally known as Lowell Townhomes or Groves Street Townhomes. After reviewing the application and Policy of Managing Utility Allocations and Extensions, the board voted unanimously to recommend approval of the application to the City Council and requested no further information from the applicant.

**Request:**

True Homes, LLC is requesting to extend City of Lowell water and sanitary sewer from its existing locations in Groves Street (water and sewer) and Ford Drive (water) into their proposed development known as Willow Creek Meadows. The project was formally known as the Lowell Townhomes and is adjacent to the Choice Beverage property on Groves Street.

**Background:**

The proposed development is zoned Mixed Use (MU-2) and the proposed development is a permitted use in this district. The project area is approximately 33 acres and 177 townhome units. The subject property lies fully within the corporate city limits of Lowell. Sewer will be sent to a pump station and treated by Two Rivers Utilities. No additional load will be added to Lowell's wastewater treatment plant.

**Analysis:**

Per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process of the *City of Lowell Policy for Managing Utility Allocations and Extension*, the **Planning Board** “shall review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), which require or may require a daily flow allocation of five thousand gallons (5,000gpd) or more”. In addition per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process, C(1) Residential Subdivision Development “The **City Council** shall with deliberation incorporate the evaluation of Utility Allocation Request into the decision making process associated with each of the aforementioned review processes established within the Cities 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 the City of Lowell's policies and ordinances, planning practices, and consistency with the adopted. City of Lowell Comprehensive Land Use Plan or later version. “

- Request **exceeds** 5,000 gallons per day and must be reviewed by the Planning Board and City Council.
  - Estimate Water (GPD) - 71, 600 GPD
  - Estimated Sewer (GPD) - 32, 220 GPD
- Project lies completely **within** the corporate city limits.
  - Request meets the following criteria for hierarchy listed in subsection C of Section 1.
    - #1 - Location: Priority for utility extension will be given to applicants whose subject extension is to serve an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
- Proposed project is in conformity with the Comprehensive Land Use Plan and Future Land Use Map.
- City Engineer and Public Works both recommend approval of this application and are in support of the project (attached).
- Two Rivers Utilities has capacity to accept the sewer flow (attached).



Based on the information above, evaluation of all the materials, and recommended approval by the Planning Board, staff recommends  
APPROVAL of this application.

# CITY OF LOWELL



e-mail this application along with utility plan to:

City Manager, City of Lowell  
101 W. First Street  
Lowell, NC 28098  
sattaway@lowellnc.com

## Capacity Assurance Review Application

FLOW ACCEPTANCE / WILLINGNESS TO SERVE

All requests require a utility drawing indicating that proposed water/sewer connection point(s) and sizes.

### **SELECT SUBMITTAL TYPE:**

FLOW ACCEPTANCE  (RESERVES CAPACITY)

DATE: \_\_\_\_\_

WILLINGNESS TO SERVE  (DOES NOT RESERVE CAPACITY)

### Requested By

First Name \_\_\_\_\_ Last name \_\_\_\_\_ Company, HOA, Developer, etc. \_\_\_\_\_

Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_ Fax \_\_\_\_\_ Phone \_\_\_\_\_

### Project Location

Project Name \_\_\_\_\_ Phone \_\_\_\_\_

Site Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Contact Person Name \_\_\_\_\_

### Project Information

Complete the following:

1. Project is  new  modification
2. Type of development (15A NCAC 02T.0114 Wastewater Design Flow Rates)
  - a. Residential, apartment \_\_\_\_\_ units
  - b. Residential, townhome/condominium \_\_\_\_\_ units
  - c. Amenity Center (sf) or Pool (people) \_\_\_\_\_ units
  - d. Residential, single-family \_\_\_\_\_ lots
    - i. Public Roads?  Y  N
  - e. Restaurant \_\_\_\_\_ seats
  - f. Retail or retail with food prep \_\_\_\_\_ sf
  - g. Office \_\_\_\_\_ #emp/shift
  - h. Warehouse \_\_\_\_\_ #loading bays
  - i. Hotel or suites \_\_\_\_\_ rooms
  - j. School \_\_\_\_\_ students
    - i. Cafeteria  Y  N
    - ii. Gym/Locker Rooms  Y  N
  - k. Other (provide flow calculations) \_\_\_\_\_
3. Will this project have a pool?  Y  N
  - a. If yes, pool must have a 4-inch drain line

4. Will this project have a private sewer lift station?  Y  N
5. Total wastewater flow requested (average daily flow in gpd, show calculations) \_\_\_\_\_
6. Commercial only: Peak wastewater flow requested (peak hourly flow in GPH): \_\_\_\_\_
7. Average Daily Water Demand: \_\_\_\_\_
8. Peak Water Demand (GPM): \_\_\_\_\_  $(71,600 \text{ gpd} \times 2.5) / 12 / 60 = 249$
9. Does this project include a 6-inch or larger private sewer line providing service to multiple buildings?  Y  N
10. Does this project include a 2-inch or larger private water line providing service to multiple buildings?  Y  N

Wastewater Single-Family  
 60 gal/day/bed x 3 bed = 180 gal/day  
 179 units x 180 = 32,220 GPD

Water Single-Family  
 400 GPD/unit  
 179 units x 400 = 71,600 GPD

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<b>City Tracking #:</b>	<b>Map #</b>
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<b>Basin</b>	<b>Flow amount (gpd)</b>
--------------	--------------------------

Does the flow transmit through a **City** lift station?  Y  N

If yes, which station?

WWTF **Basin:**

## MEMORANDUM

TO: Joe Gates , City of Lowell Planning Administrator  
FROM: Jeff Sweater, PE, LaBella Associates Senior Project Manager  
DATE: July 5, 2023  
RE: PCAR Review – Groves Street Townhomes

---

The proposed development is located within the City of Lowell Utilities service area. Per the attached PCAR application, the project includes 177 townhome units, with an estimated average daily sewage flow rate of 31,860 gallons per day (gpd) and an estimated average daily water usage rate of 70,800 gallons per day (gpd).

We have reviewed the PCAR for the subject project submitted by the Developer and have the following comments:

1. System Capacity: Based on current water and sewer system capacities, flow projections for known proposed connections, and planned Capital Improvements, the City of Lowell appears to have water and sewer capacity to serve the proposed project.

The availability of water and sewer capacity is not guaranteed until tapping fees are paid, AND the connection permit for the proposed lot and certificate of occupancy for the house have been issued by the City.

Our determination of available capacity assumes sewer system I&I, water system leakage rates, and regulations remain consistent with current conditions and trends. It is also assumed any unknown applicants wishing to purchase capacity within the time period of the proposed development are not significant enough to cause limitations or a moratorium on connections.

2. Connections: Issuance of connection permits to City's water and sewer facilities will be subject to the following:
  - a. Review and approval of detailed engineered utility plans meeting the City's minimum requirements.
  - b. Review and approval of shop drawings prior to construction of infrastructure that is proposed for dedication to the City.
  - c. All required infrastructure improvements pursuant to the City's W/S Extension policy, and/or a separate Developer's Agreement, have been properly constructed, inspected by the City or this designated representatives, passed all required quality control testing, and have been fully dedicated to the City. The Developer is responsible to initiate and secure all required permits for the proposed improvements at their own expense.



- d. Proof of recordation of any required easements or rights-of-way to the City have been provided for all new infrastructure improvements needed to serve said connection(s).
  - e. The Developer has reimbursed the City for all reasonable engineering, legal, and administrative expenses incurred by the City as a result of the project.
  - f. All required capacity, meter setting, and other connection fees have been paid pursuant to the City Fee Schedule Ordinance NCGS 162A (as last amended) and the service application has been filed at the City's Customer Service office.
  - g. Suitable water and sewer capacity is confirmed to still be available in the system by the City and no moratoriums on connections have been imposed by DEQ.
3. Water System Design Considerations: The proposed project will require connection to the City's 8" water main water system in Groves Street and a looped connection to the City's existing 8" water main on Ford Road.
- a. The Developer's Engineer shall confirm the feasibility of water service to the proposed area, as well as adequate fire flow protection.
  - b. A hydrant flow test performed within the last 12 months should be obtained and used by the Developer's Engineer for fire flow projection calculations and/or modeling.
4. Sewer System Design Considerations: The proposed project will require connection to the City's existing 8" gravity sanitary sewer line in Groves Street at manhole MH-4110A.
- a. The flows from the proposed development were included in the City's *2022 Reid Street Pump Station Reversal to TRU* feasibility study. The existing 8" sewer line from Groves Street to the downstream TRU Metering Station at Fair Street was found sufficient to serve the proposed development based upon the study assumptions and flow observed during 2022.
  - b. The City has a Interlocal Agreement with TRU to discharge sewer flows from the Groves Street/Wilkinson Blvd area to the Fair Street metering station. Per emailed correspondence with TRU during the feasibility study, the Fair Street metering station appears to have sufficient capacity to accept the proposed flows from the Project.
  - c. A pump station with force main is proposed to convey the entire development flow to a manhole in Groves Street. The pump station shall be designed per the City's requirements and dedicated to the City. The proposed peak pumping rate of the pump station to the gravity sewer main must be provided to determine if any limitations in peak flow could be required that must be incorporated into the final station design.
5. System Upgrades: All on-site and offsite water and sewer main extensions, and other required upgrades to the existing systems needed to accommodate the proposed development, shall be designed by a Professional Engineer, constructed, and financed at the Developer's sole expense in accordance with the City of Lowell's



Standards and Extension Policy. It is recommended that any required offsite improvements and on-site pump stations are covered by a Developer's Agreement that incorporates engineering review prior to City Council approval.

6. Easements: All water mains shall be centered in a 20-foot General Public Utility Easement (G.P.U.E) and all sewer mains shall be centered in a 30-foot G.P.U.E if not located within a dedicated right-of-way. Water and sewer mains shall be horizontally offset no less than 10-feet from a dedicated right-of-way boundary line and other utility lines. All offsite easements are to be obtained and recorded by the Developer at their expense.
7. Capacity Fees: Water and Sewer capacity fees will be due based on the prevailing fee schedule and in compliance with GS 162A. Water and Sewer taps will be pre-installed by the developer pursuant to City standards. Meter set fees will be due based on the prevailing fee schedule when service is desired for activation for that particular unit within the development.
8. Additional comments will be provided after submittal of engineered utility plans for the development.

Note that approval of the PCAR indicates a *Willingness to Serve* the development and is not an assurance of water or sewer capacity. Water and sewer flow allocation and construction plans shall be reviewed and approved during the FCAR process per the City's Policy for Managing Utility Allocations & Extensions.

If you have any questions, feel free to contact me at 704-941-2143 or 941-374-3930.



**To:** Joe Gates, Planning Director  
**From:** Thomas Shrewsbury, Public Works  
**Date:** July 6, 2023  
**Re:** PCAR Review – Grove Street Townhomes

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Dear Mr. Gates

The City of Lowell Public Works Department has reviewed the plans for the Willow Creek Meadows subdivision townhomes project. After formulating the flow expectations and reviewing reports from LaBelle regarding service capacity, we agree that the City of Lowell can adequately supply the water and fire protection needs of the proposed 177 townhome units.

The sewer leaving the development will travel through City of Lowell infrastructure to a Fair Street metering location, where it will enter Two Rivers Utilities sewer system. Based on available sewer capacities at this Two Rivers metering point and reports from labella, we see no issues accepting flows from the proposed townhome development.

Respectfully,

Thomas Shrewsbury

City of Lowell, Public Works Director



**July 5, 2023**

Scott Attaway, City Manager  
City of Lowell  
101 West First Street  
Lowell, North Carolina 28098

**Subject: Sewer Flow Acceptance – City of Lowell - Lowell TH Project**

Dear Mr. Attaway:

The City of Gastonia (Two Rivers Utilities) and the City of Lowell entered into a Sewer Service Utility Agreement dated January 28, 2011, for sewer service for a portion of the City of Lowell service area. The service point is located on Fair Street. Under the terms of the agreement, the City of Lowell is permitted to use a Maximum Usage Limit of 150,000 gallons per day (GPD), through the metering point. The current usage through the metering point is approximately 32,780 GPD which is less than the maximum daily usage as per the contract. True Homes is proposing a 179-unit townhome development located at the southeast intersection off of Groves Street (PID 302741). The proposed flow from the development will be 32,220 GPD. The proposed additional usage of 32,220 GPD will fall within the limits of the contract.

The wastewater received through the City of Lowell Fair Street Metering Point is treated at the Two Rivers Utilities Long Creek WWTP, North Carolina Facility Permit Number NC0020184. The average daily flow for the Long Creek WWTP for CY 2022 was 6.7 MGD. Two Rivers Utilities does have the willingness and capability to accept the additional sewer volume for the proposed project.

Two Rivers Utilities will not own or maintain any portion of the proposed sewer improvements within the City of Lowell sewer system for the proposed Lowell TH Project.

The commitment to serve is contingent upon the project complying with all local and state regulations and the project being under construction within twelve (12) months from the date of this letter

If you have any questions or comments regarding Two Rivers Utilities and its wastewater services for The City of Lowell related to the proposed project, please do not hesitate to contact me at 704-866-6043.

Sincerely,

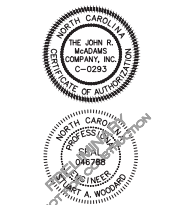
A handwritten signature in black ink, appearing to read 'Michael W. Bynum', with a long, sweeping horizontal line extending to the right.

Michael W. Bynum, PE  
Utilities Engineer

P. O. Box 1748  
Gastonia, N.C. 28053



PC: Brian Potocki, Director of Public Utilities  
Stephanie Scheringer, Division Manager, Wastewater Treatment  
Kyle Butler, Utilities Engineer  
Zack Evans, Utilities Engineer  
Jamie Johnson, Civil Engineer I



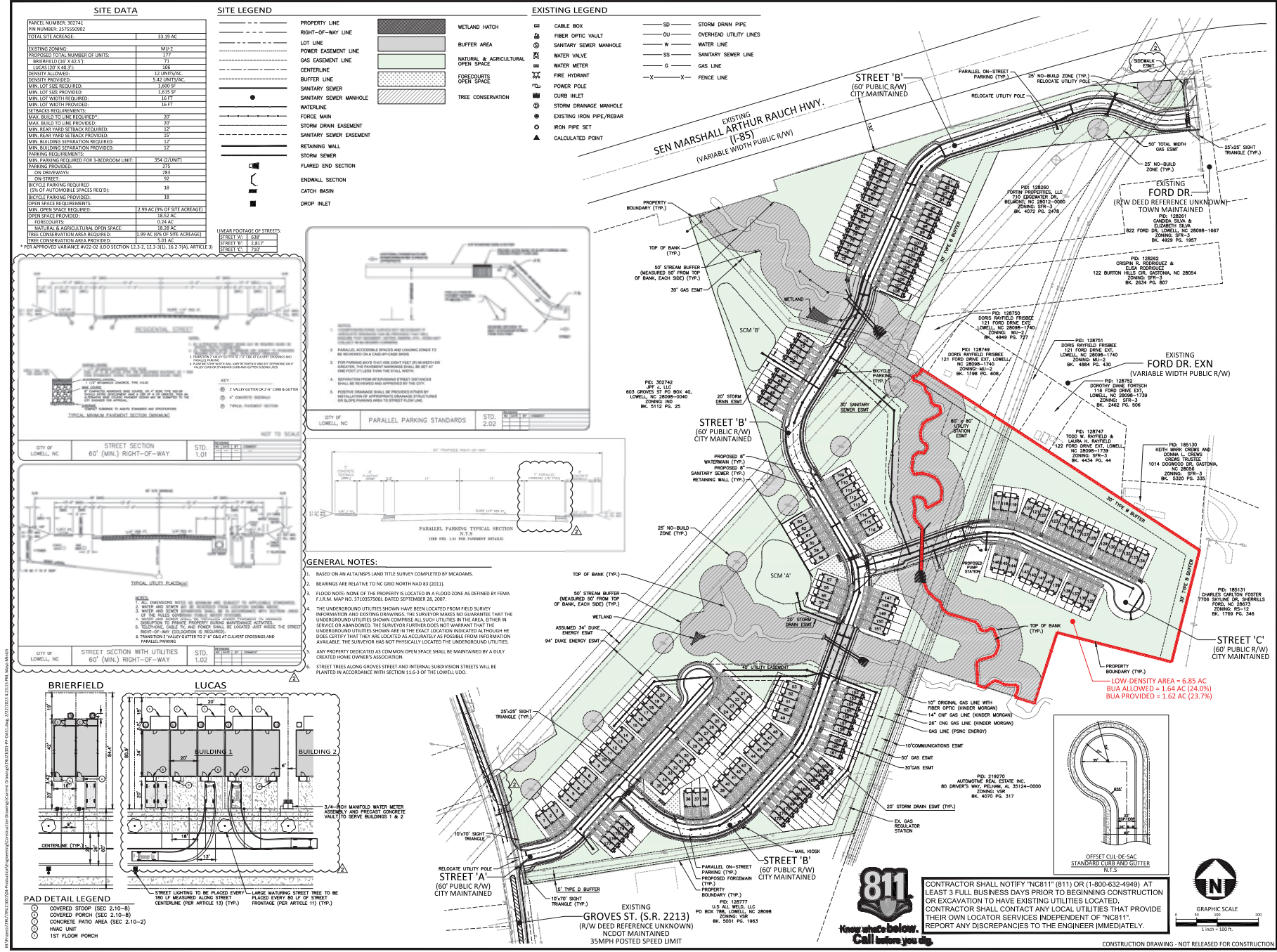
**REVISIONS**

NO.	DATE	DESCRIPTION
1	12.15.2022	CITY OF LOWELL COMMENTS
2	07.07.2023	CITY OF LOWELL COMMENTS

**PLAN INFORMATION**

PROJECT NO.	TRU-21001
FILENAME	TRU21001-PP-QA51
CHECKED BY	SAW
DRAWN BY	MOM
SCALE	1"=100'
DATE	10.03.2022

**SHEET**  
OVERALL PRELIMINARY PLAT  
**PL-1**



**SITE DATA**

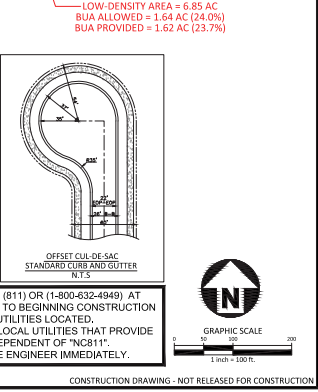
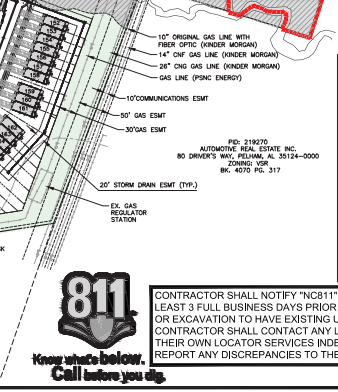
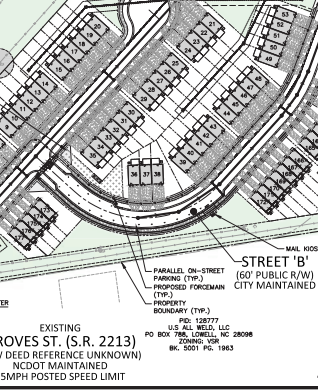
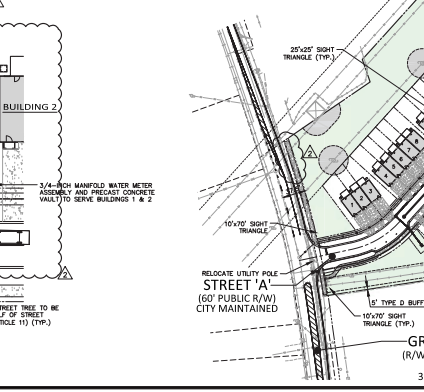
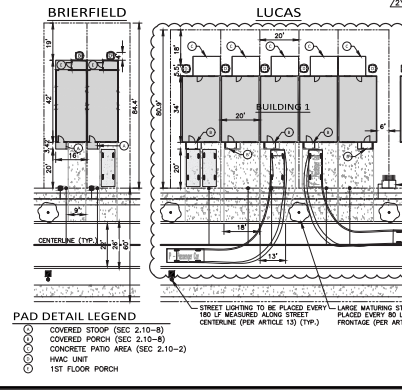
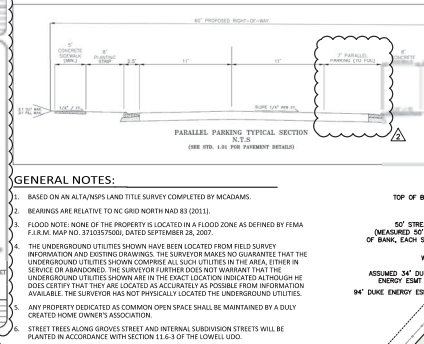
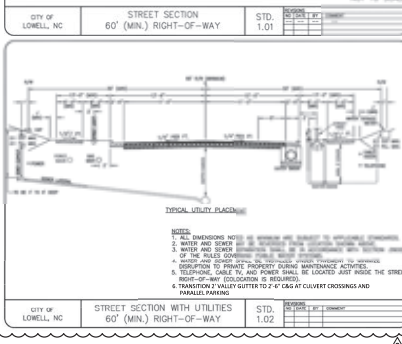
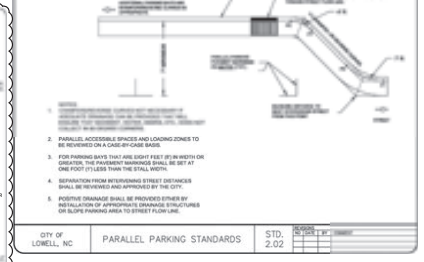
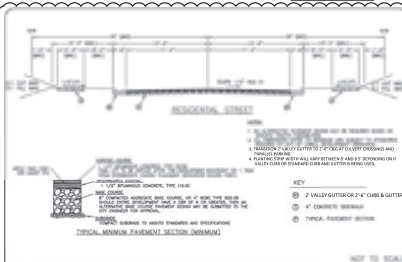
PARCEL NUMBER: 302741	
PLN NUMBER: 302550802	
TOTAL SITE ACREAGE	33.93 AC.
EXISTING ZONING	MU-3
PROPOSED TOTAL NUMBER OF UNITS	177
MINIMUM LOT AREA (14.25')	171
MINIMUM LOT WIDTH	106
DENSITY PROVIDED	12 UNITS/AC
DENSITY REQUIRED	14.25 UNITS/AC
MIN. LOT SIZE REQUIRED	1,000 SF
MIN. LOT AREA PROVIDED	1,215 SF
MIN. LOT WIDTH REQUIRED	15 FT
MIN. LOT WIDTH PROVIDED	18 FT
SETBACKS REQUIREMENTS	
MAX. BUILD TO LINE HEIGHT	20'
MAX. BUILD TO LINE PROVIDED	20'
MIN. REAR YARD SETBACK REQUIRED	15'
MIN. REAR YARD SETBACK PROVIDED	15'
MIN. SIDE YARD SETBACK REQUIRED	10'
MIN. SIDE YARD SETBACK PROVIDED	10'
MIN. BUILDING SEPARATION REQUIRED	12'
MIN. BUILDING SEPARATION PROVIDED	12'
PARKING REQUIREMENTS	
MIN. PARKING REQUIRED FOR 1-BED ROOM UNIT	354 (12 UNITS)
PARKING PROVIDED	375
ON-STREET	183
OFF-STREET	92
BICYCLE PARKING REQUIRED (5% OF AUTOMOBILE SPACES REQ'D)	18
BICYCLE PARKING PROVIDED	18
OPEN SPACE REQUIREMENTS	
MIN. OPEN SPACE REQUIRED	2.99 AC (9% OF SITE ACREAGE)
OPEN SPACE PROVIDED	18.52 AC
FUTURE & AGRICULTURAL OPEN SPACE	0.34 AC
NATURAL & AGRICULTURAL OPEN SPACE	18.90 AC
TREE CONSERVATION AREA REQUIRED	1.99 AC (6% OF SITE ACREAGE)
TREE CONSERVATION AREA PROVIDED	1.99 AC
PER APPROVED VARIANCE #V22-02 (LDD SECTION 12.2.1, 12.3.3(1), 10.2.7(IA), ARTICLE 1)	

**SITE LEGEND**

---	PROPERTY LINE	---	WETLAND HATCH
---	RIGHT-OF-WAY LINE	---	BUFFER AREA
---	LOT LINE	---	NATURAL & AGRICULTURAL OPEN SPACE
---	POWER EASEMENT LINE	---	FORECOURTS OPEN SPACE
---	C&G EASEMENT LINE	---	TREE CONSERVATION
---	CENTERLINE	---	
---	BUFFER LINE	---	
---	SANITARY SEWER	---	
---	SANITARY SEWER MANHOLE	---	
---	WATERLINE	---	
---	FORCE MAIN	---	
---	STORM DRAIN EASEMENT	---	
---	SANITARY SEWER EASEMENT	---	
---	RETAINING WALL	---	
---	STORM SEWER	---	
---	FLARED END SECTION	---	
---	ENDWALL SECTION	---	
---	CATCH BASIN	---	
---	DROP INLET	---	

**EXISTING LEGEND**

---	CABLE BOX	---	STORM DRAIN PIPE	
---	FIBER OPTIC VAULT	---	OVERHEAD UTILITY LINES	
---	SANITARY SEWER MANHOLE	---	W	WATER LINE
---	WATER VALVE	---	SS	SANITARY SEWER LINE
---	WATER METER	---	G	GAS LINE
---	FIRE HYDRANT	---	X	FENCE LINE
---	POWER POLE	---		
---	CURB INLET	---		
---	STORM DRAINAGE MANHOLE	---		
---	EXISTING IRON PIPE/REBAR	---		
---	IRON PIPE SET	---		
---	CALCULATED POINT	---		



CONTRACTOR SHALL NOTIFY "811" (811) OR (1-800-632-4949) AT LEAST 3 FULL BUSINESS DAYS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES INDEPENDENT OF "811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

CONSTRUCTION DRAWING - NOT RELEASED FOR CONSTRUCTION

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. Preliminary Capacity Assurance Review (PCAR): 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 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 preliminary 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 from the Public Works department may be made available to the applicant for the creation of a concept plan attachment to the application. Approval of the PCAR does NOT reserve capacity within the wastewater system.
- B. Full Capacity Assurance Review (FCAR): After approval of the PCAR, the owner of the project shall submit a completed FCAR application with fully engineered site utility plans for review. After a complete submittal is received, the City shall perform an engineering analysis of the existing public wastewater system and water system to verify sufficient capacity in the system to accommodate the proposed development. The existing system shall be evaluated from the new customer's proposed point of connection through the existing local gravity sewer, the trunk sewer, any pump stations, and to the wastewater treatment facilities. All costs associated with this engineering, evaluation and analysis shall be the

City of Lowell  
Policy for Managing Utility Allocations & Extensions

responsibility of the developer. After sufficient capacity is confirmed by the City, the FCAR application may be approved.

Approval of the FCAR application and utility allocation reserves capacity for the development in the public wastewater system for twenty-four (24) months from the date of approval.

- C. The Planning Board shall review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), 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 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.
- D. The City Public Works Engineer shall review for approval all incorporated area applications for utility Willingness to Serve notifications (PCAR) and capacity (FCAR), 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

Council for final decision at the next regularly scheduled City Council meeting.

- E. 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.
  4. 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.
  5. 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.
  6. Relinquishment of allocated utilities shall be in accordance with Subsection II.E of this policy.
- F. 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

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 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

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 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.



City of Lowell  
Policy for Managing Utility Allocations & Extensions

**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. 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 14<sup>th</sup> day of March 2023

s/ Sandy Railey  
Sandy Railey, Mayor

s/ Cheryl Ramsey  
Cheryl Ramsey, City Clerk

\*Original version adopted on August 10, 2021\*



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Scott Attaway

**Selection of On-Call Engineer(s) and Architect(s)**

Meeting	Agenda Group
July 11th, 2023, 6:00 PM	New Business      Item: E
Reference File	Presented By

**To: Lowell Mayor and City Council**

**From: Scott Attaway, City Manager**

**Date: July 7, 2023**

**Re: Selection of On-Call Engineer(s) and Architect(s) from On-Call Request for Qualifications (RFQ)**

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Staff advertised the attached RFQ in order to equip the City with qualified engineers and architects to meet the City's daily needs and special project needs. The RFQ listed these seven areas of focus that firms could submit for any or all of:

- 1) Public Water Distribution, 2) Sanitary Sewer Collection, 3) Transportation, 4) Water Resources (i.e. Stormwater and Stream Bank Restoration), 5) Administrative, 6) Funding, and 7) Facility Design.

An on-call provides the City more flexibility to comply with local, state, and federal regulations under one umbrella RFQ. The City conducts the RFQ process one time (for a 3-year period), and has the ability to select multiple engineering/architecture firms and divide out projects as needed. The term of the possible contract is July 15, 2023 to June 30, 2026.

The process for the RFQ was as follows:

- Published on June 6, 2023 on the City website (sent to HUB website, advertised in Gaston Gazette, posted on City website, direct solicitations, and IPS website).
- Questions were received by firms and Addendum #1 (attached) was posted to the City website on June 28, 2023.
- Qualifications were due by 2:00 p.m. on July 7, 2023.

Several firms have submitted their qualifications. Due to the timing of the submittals and the time this agenda was sent out, the scoring of those proposals will not be completed until July 11, 2023. At that time, staff will send to the City Council those recommendations and scores for consideration and selection at the July 11, 2023 Council meeting.

# REQUEST FOR QUALIFICATIONS



## For On-Call Engineering and Architectural Design Services

The City of Lowell, NC is seeking Consultants to provide  
Qualifications for On-Call Engineering and Architectural Design Services.

*Submittals to:*

*Scott Attaway, City Manager*

*City of Lowell*

*101 W. First Street*

*Lowell, NC 28098*

ENVELOPE MUST STATE CLEARLY THAT THE ENCLOSED SUBMITTAL IS FOR THE ON-  
CALL PROFESSIONAL SERVICES R.F.Q.

Published June 6, 2023 by 5:00 P.M.

Due July 7, 2023 by 2:00 P.M.

The term of the possible contract will run July 15, 2023 to June 30, 2026 with  
options to renew.

NO LATE SUBMITTALS WILL BE ACCEPTED FOR ANY REASON WHATSOEVER

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# INTRODUCTION

Lowell is a growing municipality located in Gaston County with approximately 3,700 citizens relying on its services. The City is responsible for managing city-owned streets and sidewalks, sewer treatment facilities, distribution and maintenance of water & sewer lines, maintenance of lift stations and pump stations, police services, planning & zoning, parks, sanitation, downtown development, sanitation services, and administration services.

The City is seeking qualified firms to provide professional services on an “On-Call” basis to assist the City with engineering, architecture and design, and other professional services associated with the Public Works and other City Departments to help with capital improvement projects, other projects, and assist with the day-to-day engineering and architectural design work of the City.

## PROJECT DESCRIPTION/ SCOPE OF WORK

The City of Lowell is seeking qualifications from qualified consulting engineering firms and architectural design firms to provide professional services including architecture, landscape architecture, engineering, surveying, and other professional services to support the Public Works and other City Departments. The City has identified the following categories for which firms may submit to provide services. Firms may elect to submit on one or multiple categories in a single Statement of Qualifications.

### 1. Public Water Distribution

Work under this category will include the typical professional services associated with public water distribution system projects including, but not limited to, distribution mains, transmission mains, booster stations, ground storage, and water storage tanks. These include but are not limited to project management, project development, budgeting, engineering analysis and studies, surveying, preliminary design, detailed design, permitting, subsurface utility engineering, geotechnical engineering, stakeholder coordination, easement and real property mapping and acquisition, preparation of construction documents, construction management, construction observation, preparation of as-builts, project closeout, grant application and management, loan application and management, and other professional services as needed to meet the City’s goals.

### 2. Sanitary Sewer Collection

Work under this category will include the typical professional services associated with sanitary sewer collection system projects including, but not limited to, wastewater plant rehabilitation and engineering for conversion of existing wastewater treatment plant for connection with multi- jurisdictional provider(s), wastewater plant redevelopment, gravity mains, force mains, and lift stations, sewer extensions. These include but are not limited to project management, project development, budgeting, engineering analysis and studies, surveying, preliminary design, detailed design, permitting, subsurface utility engineering, geotechnical engineering, stakeholder coordination, easement and real property mapping and acquisition, preparation of construction documents, construction management, construction observation, preparation of as-builts, project closeout, grant application and management, loan application and management, and other professional services as needed to meet the City’s goals.

### 3. Transportation

Work under this category will include the typical professional services associated with transportation projects including, but not limited to, roadways, sidewalks, multi-use paths, greenways, and parking. These include but are not limited to project management, project development and design, budgeting, and engineering analysis and studies, surveying, preliminary



design, detailed design, permitting, subsurface utility engineering, geotechnical engineering, stakeholder coordination, easement and real property mapping and acquisition, preparation of construction documents, construction management, construction observation, preparation of as-builts, project closeout, grant application and management, loan application and management, and other professional services as needed to meet the City's goals.

#### 4. Water Resources

Work under this category will include the typical professional engineering services associated with water resources projects including, but not limited to, stormwater pipes and culverts, stream and bank restoration/stabilization, dams, Best Management Practices (BMPs), stormwater/flooding management and mitigation, and erosion control management. These include but are not limited to project management, project development, budgeting, engineering analysis and studies, surveying, preliminary design, detailed design, permitting, subsurface utility engineering, geotechnical engineering, stakeholder coordination, easement and real property mapping and acquisition, preparation of construction documents, construction management, construction observation, preparation of as-builts, project closeout, and other professional services as needed to meet the City's goals.

#### 5. Administrative

Work under this category will include the typical professional engineering services of a general nature that may overlap with some or all of the other categories. Services under this category may include, but are not limited to, program management, engineering plan reviews, rate studies, system development fee studies, long range planning, GIS assistance, grants and loans assistance, grant application and management, loan application and management, PER & Enviro analysis, easements, CA/CO, delegated local permitting authority, and other professional services as may be needed to meet the City's goals.

#### 6. Funding

Work under this category will include the typical professional engineering services of a general nature that may overlap with some of all of the other categories. Services under this category may include finding, applying for, managing, performing final reporting work, and other professional services as may be needed to meet the Town's goals with various agencies for funding sources. Sources and agencies may include but are not limited to USDA, GOLDEN LEAF, NC Commerce, NC DWI, EDA, ARPA, and others.

#### 7. Facility Design

Work under this category will include the typical professional architectural design services of a general nature for City facilities that include, but not limited to the design of a new public works facility, new city hall and police department complex, and parks and recreation projects. Services under this category may include, but not limited to meeting with staff and stakeholders to evaluate usability issues, address ADA standards, perform existing conditions analysis, prepare construction specifications, develop construction cost analysis, construction administration, project tracking and record keeping, project design, and landscape architecture.

## PROPOSAL REQUIREMENTS

All proposals shall include the following items:

- a) A cover letter on company letterhead signed by a Principal or other member of the firm authorized to commit the firm to contract for professional services (max 2 pages).
- b) Executive Summary: Should address the highlights of the RFQ, along with the strengths and special expertise of the firm and the associated team to successfully accomplish the objectives of the City. (max 2 pages).
- c) Statement of Qualifications: Identify and describe the qualifications of the firm and professional services that may be provided by the consultant or consultant team in response to this RFQ. Also include information on any proposed sub-consultants. Note which team members were involved in referenced projects and time period involved in referenced, completed or current projects. Also highlight any projects performed for the City during the past 5 years (max 4 pages per category).
- d) Project Team & Project Management: Identify the proposed project team (including any sub consultants) and key personnel for the successful completion of projects in partnership with the City. Include brief resumes of the project team members including office location, years of experience, certifications, and education. Identify the project manager or primary contact and any other team leaders proposed, and briefly describe how projects will be successfully managed. It is expected that the team members proposed in the RFQ will be the ones that will actually work on projects for the City. Also describe the firm's quality assurance / quality control methods (max 3 pages per category).
- e) Project Schedule: Describe the planned and envisioned workload of the proposed team members for the timeframe of this contract, and verify that proposed staff will be prepared for timely completion of projects under a potential contractual agreement with the City. Submittals should also include a description of the firm's ability to respond to rushed and emergency projects (max 2 pages).
- f) References: Project reference list describing at least four (4) projects completed within the past five years that represent the strengths and unique qualifications of the firm or team in the areas identified in the Scope of Work described in this document. The list should contain project titles, locations, cost of projects, start and end dates, name of project managers, and name, phone number, and email address of references. The contact person should be capable of speaking to the firm's and team's ability to finish projects within the project timeframe and the firm's demonstrated ability to respond to the proposed project (max 2 pages).
- g) Copy of firm's Equal Employment Opportunity Policy and statement regarding planned use of Historically Underutilized Businesses requested in RFQ.
- h) Any other information you feel answers the question "Why should the City of Lowell select my firm?" (max 1 page)

## EQUAL EMPLOYMENT OPPORTUNITY POLICY & ENCOURAGEMENT OF HUB

The City of Lowell, NC provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training. The City of Lowell expects all contract service providers, subcontractors, and firms it works with to abide by the same.

It is the goal of the City of Lowell to facilitate the establishment, preservation, and strengthening of historically underutilized businesses, (i.e. small businesses and businesses owned by women and minorities), and to encourage their participation in the City's procurement activities. Toward that end, the City encourages these firms to compete and encourages non-minority firms to provide for the participation of small businesses and businesses owned by women and minorities through subcontracting, partnerships, joint ventures, and other contractual opportunities. All firms are requested to include a statement in its response to this RFQ to describe any planned use of such businesses in fulfilling this goal of the City.

## EVALUATION OF PROPOSALS

RFQs must be limited to no more than the allowed pages for the number of categories the firm is submitting, with a minimum font size of 11 pt. A page is counted as a single side of an 8.5x11 piece of paper.

Section dividers are for section identification only and are not to be utilized for additional information space or they will be counted in the page limit. The proposal shall be submitted by an official authorized to bind the submitter to its provisions and who is authorized to negotiate the final scope of work and fees for inclusion in a later Supplemental Professional Services Agreement with the City.

Evaluation and selection of firms will be a Qualifications Based Selection (QBS) process in accordance with the Mini-Brooks Act (NCGS 143-64.31), 2 CFR 200, and 23 CFR 172. Price will not be considered in the QBS process. Proposals will be evaluated according to the following criteria:

1. Related project experience. (30%)
2. Project staff experience. (20%)
3. Methodology-understanding and approach to the project. (15%)
4. Accessibility of key individuals that will be assigned to the projects. (20%)
5. Availability and interest in providing Services. (10%)
6. References. (5%)

## SUBMISSION DEADLINE and ADDRESS

Please submit five (5) sealed copies of the proposals, clearly labeled as "Statement of Qualifications for On-Call Engineering and Architectural Design Services to the City of Lowell no later than 2:00 p.m. July 7, 2023 at the following address:

Mr. Scott Attaway

City of Lowell  
101 W. First Street

Lowell, North Carolina 28098

All questions concerning the proposal requirements or project in general should be directed to Scott Attaway at: [sattaway@lowellinc.com](mailto:sattaway@lowellinc.com) Questions must be submitted in writing by no later than 2:00 p.m. June 21, 2023; responses to questions will be provided in addendum format no later than 5:00 p.m. June 29, 2023.

## ADDITIONAL REQUIREMENTS

The City of Lowell reserves the right to reject any “Statement of Qualifications”. The “Statement of Qualifications” shall be prepared at the sole expense of the consultants. All proposals shall be subject to public review and copying as a public record. After evaluation, the City may select one or more firms for any of the categories. Each of the selected firms will enter into a master agreement covering the general terms of the contract. Upon identification of a project or task, the City will utilize the information submitted in the SOQ to select the most qualified firm. A task authorization against the master agreement will be used to define the scope and price of the work. The City of Lowell has a right to enter into agreements with the firm which, at the City’s sole discretion, best satisfy the requirements, goals and objectives of the City. The City reserves the right to reject all SOQs and not enter into any contracts as part of this process.

The Proposer(s) shall maintain Commercial General Liability and Insurance against any and all claims and losses arising out of the operation of the Contract and the operations covered therein. This insurance shall be obtained from a company authorized to do business in the state of North Carolina and shall include the City of Lowell, its officers, employees, agents, and representatives as additional insured with no less than the following minimum policy limits:

- Commercial General Liability: \$1 million Combined Single Limits (CSL) covering bodily injury and property damages; OR
- Commercial General Liability: \$1 million Bodily Injury and \$200,000 per occurrence; \$1 million aggregate.
- Professional Liability: \$1 million per occurrence, \$1 million aggregate
- Worker's Compensation: Per statutory requirements

## TERM OF AGREEMENT

Each firm selected under this RFQ will be eligible for an initial term of three (3) years from the date of selection. The City has the sole option to extend the selected firm(s) term for one (1) additional three (3) year term. Therefore, the maximum length of time that a selected consultant is eligible to complete work under this RFQ is six (6) years. However, the City reserves the right to cancel this at any time and solicit new SOQ’s. Firms that do not meet the City’s performance expectations, routinely decline opportunities to participate in this program, or lose significant internal expertise submitted with the original Statement of Qualifications may be removed from the City’s qualified consultant list.



## Addendum #1 For RFQ On-Call Engineering and Architectural Design Services Inquiries/Questions Published 6/28/23

To All Respondents,  
Please carefully review the responses below and incorporate the information as directed into your proposal that is due to the City of Lowell on July 7, 2023 at 2:00pm. Respondents submitting proposals that do not reflect the information provided below may be deemed non-responsive and not accepted by the City.

### Question #1

Are you looking for one engineer to handle all the categories mentioned or just certain scopes. For example, we can handle most of the scopes listed in Transportation except geotechnical engineering which we can team with another firm.

We primarily handle Surveying, SUE, and as built which is in every category and all the Civil / Transportation Engineering except geotechnical. We are trying to figure if we need to team with other engineers or is the RFQ work scope specific.

Response: We invite you to submit for a portion or all of the categories mentioned. Projects will be awarded by a work scope specific nature. Furthermore, I would like to call your attention to Page 4, Proposal Requirements Section C.

### Question #2:

Could we add a cover or does that get counted towards the page count?

Response: A 1-page cover is acceptable and will not count toward the page count.

### Question #3:

Can you define the categories for sections C & D in proposal requirements? It notes there is a max page count for each category, would those categories be defined as follows:

- a. Section C Categories: Public Water Distribution, Sanitary Sewer Collection, Transportation, Water Resources, Administrative, Funding & Facility Design

Response: Yes, the 7 categories you listed above are each category.

- b. Section D Categories: Project Team & Project Management

Response: Yes, the 7 categories you listed above are each category.

### Question #4:

If the sections are not defined as the categories listed above, would we be able to submit a separate proposal for Facility Design?

Response: NA

Question #5:

Is it the City's preference to have less firms that perform more of the task in-house, or is the City open to supporting smaller businesses that don't have the resources for some of the potentially larger scope items?

Response: We invite you to submit for a portion or all of the categories mentioned. Projects will be awarded by a work scope specific nature.

Question #6:

Is there a max value to task orders to be issued under the RFQ?

Response: No.

Question #7:

Does the City have an anticipated number of firms they intend to select?

Response: No.

Question #8:

Is there a cost estimate or budget?

Response: No.



**City of Lowell**  
**Regular City Council Meeting Memorandum**

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Prepared By: Scott Attaway

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

Meeting	Agenda Group
July 11th, 2023, 6:00 PM	Closed Session      Item: A
Reference File	Presented By

**To:**  
**From:**  
**Date:**  
**Re:**

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*placeholder for info here...*