



AGENDA

Lowell City Council Regular Meeting
Tuesday, October 8, 2019, 7:00 P.M.

- 1. CALL TO ORDER – Mayor Sandy Railey**
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. SPECIAL PRESENTATIONS**
 - A. Badge presentation for new Police Officer Amy Oxendine Bowen
 - B. Badge presentation for new Police Officer Christopher Wayne Mulkern
 - C. City flag presentation in memory of Allen F. Starrett for his service to Lowell
- 5. PUBLIC COMMENTS**
- 6. APPROVAL OF MINUTES**
 - A. September 10, 2019 Council Meeting Minutes (p. 3-5)
- 7. CONSENT AGENDA**
 - A. Dyslexia Awareness Proclamation (p. 6)
 - B. Selection of Auditor for 2018-19 Fiscal Year (p. 7)
 - C. Selection of Engineer for CDBG-Infrastructure Grant (p. 8)
 - D. Adoption of CDBG Infrastructure Grant Compliance Plans (p. 9-10)
 - E. Adoption of CDBG Infrastructure Grant Capital Budget Ordinance (p. 11-12)
 - F. Adoption of CDBG Neighborhood Revitalization Budget Ordinance (p. 13-14)
- 8. NEW BUSINESS**
 - A. NCDOT Signalization Agreement (p. 15)
 - B. Demolition Ordinance for the vacant structure at 1102 N. Main Street (p. 16-24)
 - C. Discussion of Parks and Recreation Trust Fund Grant (p. 25)
- 9. COMMITTEE REPORTS**
- 10. CITY ATTORNEY REPORT**
- 11. CITY MANAGER REPORT**

12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

13. ADJOURN

MINUTES

Lowell City Council
Regular Meeting

Tuesday, September 10, 2019, 7:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Sandy Railey called the meeting to order at 7:00 p.m. Those attending were Councilmember Phil Bonham, Councilmember Ken Ervin, Councilmember Candy Funderburk, Councilmember DeWayne Chitwood, City Manager Kevin Krouse, City Attorney Jim Windham, City Clerk Beverly Harris, Police Chief Scott Bates, Development Services Administrator Scott Attaway, Parks and Creation Director Cristy Cummings, Finance Officer Kevin Haney, and various citizens. Councilmember Thomas Gillespie was absent.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Pastor Richard Sigmon gave the invocation and led everyone in the pledge of allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Councilmember Funderburk made the motion to adopt the agenda for the meeting, followed by a second from Councilmember Ervin. The vote was unanimous.

IV. SPECIAL PRESENTATION

A. Recognition of recent promotion for Officer Jeff Harrison

Patrolman Jeff Harrison was promoted to Corporal by Chief Scott Bates.

B. Proclamation in Remembrance of 9/11

Mayor Railey read the Proclamation presented in Remembrance of 9/11.

V. PUBLIC COMMENTS

There were public comments by the following citizens:

- Larry Simonds (Concerns about Raised Taxes/Budget)
- Pastor Sigmon (Against Alcohol Sales at City Events)
- John Cantrell (Separation of Church and State concern with Pastor Sigmon. Asked Citizens to find something positive to do for the City instead of finding fault.)
- Sean Brafford (Wants illumination of new flag display.)

VI. APPROVAL OF MINUTES

A. August 13, 2019 Regular Council Meeting Minutes

Councilmember Ervin made a motion to approve the August 13, 2019 minutes, followed by a second from Councilmember Chitwood. The vote was unanimous.

VII. UNFINISHED BUSINESS

No unfinished business to discuss.

VIII. NEW BUSINESS

A. Selection of firm for contract administration of the CDBG Infrastructure Grant Program

Councilmember Ervin made a motion to select Withers Ravenel for the contract administration of the CDBG Infrastructure Grant Program, followed by a second from Councilmember Chitwood. The vote was unanimous.

B. Consideration of approval of financing terms for Police Radios

Councilmember Chitwood made a motion to give permission to Kevin Krouse to execute loan documents from United Financial for the purchase of the Viper radios for the Police Department, followed by a second from Councilmember Funderburk. The vote was unanimous.

C. Consideration of approval of financing terms for a new main lift pump at Wastewater Treatment Plant

Councilmember Ervin made a motion to give approval to Kevin Krouse to executive loan documents from United Financial for a new main lift pump at the WWTP, followed by a second from Councilmember Chitwood. The vote was unanimous.

IX. COMMITTEE REPORTS

CIA Committee: Chairperson Bob Mulholland told everyone about the Bike Fest coming to George Poston Park. He also gave updates on committee activities connected with the Bike Fest to promote the city support for the event. John Cantrell reminded everyone about the upcoming Holbrook Reunion.

Parks & Recreation: Director Cristy Cummings told everyone about the upcoming Community Health Fair.

X. CITY ATTORNEY REPORT

Nothing new to report from Jim Windham.

XI. CITY MANAGER REPORT

Kevin Krouse gave updates on the following items:

- Downtown Pedestrian signal work has begun.
- Get Ready Gaston Forum 2019

XII. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Ervin stated he had received notification from the NC DOT about several project pushbacks due to budgetary reasons (I-85 widening, etc.). He also stated he appreciated how the councilmembers were doing their homework and sticking to the capital improvement plan.

Councilmember Chitwood stated he did not want to keep the City of Lowell in the 60's and he commented that if you go to restaurants where alcohol is served, it's a personal choice whether you want to drink or not.

Mayor Railey thanked everyone for coming to the meeting. She stated the Council likes to see citizen participation at the meetings because it tells them the citizens want to stay informed about City business.

XIII. ADJOURN

Councilmember Chitwood made a motion to adjourn the meeting, followed by a second from Councilmember Ervin. The vote was unanimous. The meeting ended at 7:47 pm.

Mayor, Sandy Railey

City Clerk, Beverly Harris



PROCLAMATION

City of Lowell City Council

WHEREAS, dyslexia is a language-based learning disability, that affects approximately one in five people, regardless of race, gender, age, or socioeconomic status; and

WHEREAS, neurological in origin, dyslexia affects the way the brain processes information, and is characterized by difficulties with reading, writing and spelling despite normal intelligence; and

WHEREAS, those with dyslexia benefit greatly from specialized assistance from highly trained teachers, multi-sensory learning programs and individualized instruction; and

WHEREAS, early identification, alternative instruction and extra support from friends, family and teachers can contribute to the success dyslexic students enjoy in the classroom, in life and, later on, in employment.

WHEREAS, dyslexia is defined by the state of North Carolina law, House Bill 149 / S.L. 2017-127 and the Department of Education policy

NOW THEREFORE BE IT RESOLVED, that in order to increase awareness of dyslexia and acceptance and assistance to those suffering from dyslexia, the City Council of the City of Lowell hereby declares the month of October 2019 as "Dyslexia Awareness Month" in Lowell, NC.

Sandy Railey, Mayor

Beverly Harris, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7B

DESCRIPTION: AUDITOR SELECTION

It is time to select auditors for the 2018-19 fiscal year. Staff recommend continuing with Collis and Associates. The Council should consider extending a Request for Qualifications in the near future to see what responses the city receives. Unfortunately, most agencies willing to perform governmental audits are not found locally since the requirements continually become more cumbersome for the auditors. Cherryville, for instance solicited RFQ's for CPA firms and received only 3 and none were from NC.

Recommendation: Staff recommends Collis and Associates

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7C

DESCRIPTION: CDBG-I ENGINEER

Proposal Evaluation Criteria:

Proposals for grant contract administrative services were evaluated by staff on a on an equal competitive basis. The following criteria was used in the evaluation process:

- 1. General Qualifications, Competence & Reputation of Firm - 20 points**
- 2. Prior CDBG Infrastructure Grant Experience of Firm – 20 points**
- 3. Qualifications of Actively Involved Staff & assigned staff members - 20 points**
- 4. Ability to Address Local Needs - 20 points**
- 5. Availability - 20 points**

Two proposals were received after publication of the RFP. The scores were as follows:

	#1	#2	#3	#4	#5	TOTAL
Withers & Ravenel	20	20	20	20	20	100
LaBella	20	15	18	20	20	93

Staff recommends the selection of Withers and Ravenel to perform engineering services for the CDBG-I grant to design 1.5 miles of sewer line replacement

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7D

DESCRIPTION: AUDITOR SELECTION

The Council must adopt the required federal compliance plans to be able to accept the \$2 million in CDBG grant funding. These compliance plans are the same as the plans Council adopted for the CDBG-NR grant to repair houses in Lowell.

The plans to adopt are:

- Equal Opportunity Plan
- Procurement Plan
- Language Access Plan
- Local Jobs Initiative Section 3 Plan
- Citizen Participation Plan
- Residential Anti-Displacement and Relocation Assistance Plan
- Section 504 Grievance Procedure
- Policy Prohibiting Excessive Use of Force
- Conflict of Interest Policy

Staff recommends adopting the attached resolution to adopt the above plans.

RESOLUTION BY THE CITY OF LOWELL TO ADOPT CDBG PLANS

- WHEREAS, Title I of the Federal Housing and Community Development Act of 1974, as amended, has established the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure portion of the state grant monies received from the U.S. HUD CDBG program by Session Law 2013-360, Section 15.15(a) as amended by Section 5.3 of Session Law 2013-363, and
- WHEREAS, The City of Lowell has requested and may intend to request in the future state grant assistance for a project,
- WHEREAS, HUD's State CDBG program has many federal performance and procurement requirements,
- WHEREAS, The City will implement these plans broadly and not specific to any single CDBG grant,

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

That the City of Lowell adopts and places into effect the following compliance plans:

- Equal Opportunity Plan
- Procurement Plan
- Language Access Plan
- Local Jobs Initiative Section 3 Plan
- Citizen Participation Plan
- Residential Anti-Displacement and Relocation Assistance Plan
- Section 504 Grievance Procedure
- Policy Prohibiting Excessive Use of Force
- Conflict of Interest Policy

Adopted this the _____ day of October 2019 in Lowell, North Carolina.

Sandy Railey, Mayor

Attest:

Beverly Harris, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7E

DESCRIPTION: CDBG-I CAPITAL PROJECT ORDINANCE

The LGC required a capital project ordinance for large projects that have a project lifespan. The budget must remain balanced but are not bound to a fiscal year such as the regular general fund budget. The capital project fund does not count toward the general fund balance.

Attached is a project ordinance for Council adoption which is in the amount of the total CDBG-I grant. (\$1,981,691)

CITY OF LOWELL, NORTH CAROLINA
SEWER IMPROVEMENTS PROJECT
CAPITAL PROJECT BUDGET ORDINANCE

BE IT ORDAINED by the City of Lowell Board that the following budget for the LOWELL SEWER IMPROVEMENTS is hereby approved and adopted:

Section 1. The project authorized is the Community Development Block Grant Water Infrastructure project described in the Grant Agreement for Grant #18-I-3034 and 14-I-3033 between the City and the North Carolina Department of Environmental Quality, Water Infrastructure Division. This project is known as the Lowell Sewer Improvements.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Environmental Quality and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant Water Infrastructure (CDBG – I)	\$ 1,981,691
14-I-3033	\$285,211
18-I-3034	\$1,696,480
TOTAL PROJECT REVENUES	\$ 1,981,691

Section 4: The following amounts are appropriated for the project:

14-I-3033 Administration	\$28,521
14-I-3033 Construction	\$256,690
18-I-3034 Administration	\$155,786
14-I-3033 Construction	\$1,540,694
TOTAL PROJECT EXPENSES	\$ 1,981,691

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Funds will be requisitioned from the State after submission of documentation to the City. The City upon actual receipt of CDBG funds will make disbursement of funds from the State. Compliance with all federal and state procurement regulations is required.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. Copies of this Grant Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

ADOPTED this _____ day of October 2019.

Mayor

Attest:

Town Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 7F

DESCRIPTION: CDBG-NR CAPITAL PROJECT ORDINANCE

The LGC required a capital project ordinance for large projects that have a project lifespan. The budget must remain balanced but are not bound to a fiscal year such as the regular general fund budget. The capital project fund does not count toward the general fund balance.

Attached is a project ordinance for Council adoption which is in the amount of the total CDBG-NR Grant (~~\$750,000~~)

\$ 830,000

CITY OF LOWELL, NORTH CAROLINA
 CDBG NEIGHBORHOOD REVITALIZATION PROJECT
 PROJECT BUDGET ORDINANCE

BE IT ORDAINED by the City of Lowell Council that the following budget for the CDBG NEIGHBORHOOD REVITALIZATION PROJECT is hereby approved and adopted:

Section 1. The project authorized is the Community Development Block Grant Neighborhood Revitalization project described in the Grant Agreement for Grant #17-C-2999 between the City and the North Carolina Department Commerce. This project is known as the CDBG-Neighborhood Revitalization Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant Neighborhood Revitalization (CDBG – NR)	\$750,000
Local Funds	\$80,000
TOTAL PROJECT REVENUES	\$830,000

Section 4: The following amounts are appropriated for the project:

Administration	\$75,000
Housing Rehabilitation	\$551,000
Neighborhood Facility	\$124,000
Local Funds-Neighborhood Facility	\$80,000
TOTAL PROJECT EXPENSES	\$830,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Funds will be requisitioned from the State after submission of documentation to the City. The City upon actual receipt of CDBG funds will make disbursement of funds from the State. Compliance with all federal and state procurement regulations is required.

Section 7. Copies of this Grant Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

ADOPTED this _____ day of _____, 2019.

 Mayor

Attest:

 City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8A

DESCRIPTION: NCDOT SIGNALIZATION AGREEMENT

At the time of this memo we are awaiting the agreement from NCDOT but will provide at the meeting. The agreement will be in place to outline the maintenance responsibilities moving forward.

The agreement arranged will be that NCDOT will be responsible for replacing the pedestrian signals if they are damaged in any way including internal electronics. Lowell will only be responsible to pay the difference for the decorative poles if desired. If not, DOT will replace with the standard yellow (instead of black). This is a favorable agreement for the City and a requirement to activate the signals.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8B

DESCRIPTION: DEMOLITION ORDINANCE

The structure located at 1102 N. Main St is under minimum housing enforcement. A request for inspection was made due to the exterior violations and safety violations existing. The house is currently vacant.

An inspection was conducted by Gaston County Building Inspector and the findings are attached. The Minimum Housing Ordinance requires a hearing to be held to go over the results of the inspection. A hearing was held, and the building inspector determined the structure dilapidated and unfit for human habitation per NCGS.

No person with interest in the property has spoken against the determination and had made no attempts to alter or repair the dwelling. The next step to for Council to adopt a demolition ordinance authorizing the demolition of the structure and that any cost incurred may become a lien on the existing property to be paid back when the property sells.

The City Attorney has advised throughout the process and will be present for questions.

Staff recommends approval of the included demolition ordinance.

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

File No. Minm-01-2019

VERSUS

DANNY FRED HALKOM
1102 N. Main Street
Lowell, NC 28098

Ordinance _____

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED,

WHEREAS, the City Council of the City of Lowell finds that the structure described herein is unfit for human habitation under the City Minimum Housing Code and that all of the procedures of the Minimum Housing Code have been complied with; and

WHEREAS, this dwelling should be removed or demolished as directed by the Housing Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this structure has been given a reasonable opportunity to bring the structure up to the standards of the Minimum Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Housing Inspector on August 9, 2019 and the owner has failed to comply with the Order;

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

Section 1. The owner of such building(s), dwelling(s) and premises is hereby ordered to vacate any occupants and/or personal property therein on or before November 8, 2019.

Section 2. The Housing Inspector is hereby authorized and directed to place placards containing the legend: "This building is unfit for human habitation. The use or occupation of this building for human habitation is prohibited and unlawful." on the building located at the following location: **1102 N. Main Street (PID# 127301) owned by Danny Fred Halkom or heirs.**

Section 3. The Housing Inspector is hereby authorized and directed to proceed to remove or

demolish the above described structure in accordance with his order to the owner thereof dated the 8th day of August 2019, and in accordance with the Minimum Housing Code and NCGS 160A-443;

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A;

(b) Upon completion of the required removal or demolition, the Housing Inspector shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Housing Inspector shall certify the remaining balance to the Tax collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition, the Housing Inspector shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443(6)

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This Ordinance shall become effective upon its adoption.

ADOPTED this _____ day of _____, _____.

Sandy Railey, Mayor

ATTEST:

Beverly Harris, City Clerk



Department of
GASTON COUNTY Building Inspections

Mailing Address: P.O. Box 1578 Gastonia, N.C. 28053-1578, Phone Number (704) 866-3155
Street Address: 128 W. Main Ave., Gastonia, N.C. 28053-1578, Fax Number (704) 866-3966

Date: 7/15/2019

To: Scott Attaway
Planning Director
101 W. First Street
Lowell, NC 28098
704.824.3519

Ref: Danny Halkom
1102 N Main Street
Lowell N.C.
PID# 127301

Scott,
This letter is to inform you that in accordance with the inter-local agreement between Gaston County and The City of Lowell and at the Request of Lowell Code Enforcement, an inspection was made by Gaston County of the property located at 1102 N Main Street, Lowell.

The following items were found to be out of compliance with North Carolina State Building Code and Lowell Town Ordinance. This however is not a complete list of all items that are out of compliance with the property as only an external inspection was performed of the property.

1. Rotten/deteriorating structural members on the back left corner of the home next to the rear entry door
2. Front entry porch and doorway are sagging and rotten. Do not have proper support required by NC Code.
3. Multiple holes on the exterior of the home
4. Numerous places in the exterior of the home that show signs of rot or termite damage.
5. Exterior of the home and roof are not weather tight and are allowing water to enter the structure
6. Busted or removed windows / no screens / no way to secure home
7. No Gas meter in place for heating or cooking.
8. It is my understanding that water service has been removed from the home as well

It is my opinion that this home in its current condition is not suitable for human habitation as it doesn't meet the North Carolina standards for a Dwelling Unit.

Brian Sciba
Joseph B Sciba
Director of Building Inspections
& Zoning Administrator
Gaston County

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

NOTICE OF HEARING CITY OF LOWELL

To Danny Fred Halkom, or Unknown heirs of Danny Fred Halkom.

YOU ARE HEREBY NOTIFIED that a hearing regarding property located at 1102 N. Main Street in Lowell, North Carolina (PID number 127301) will be held on August 6, 2019 at 11:30 a.m. at Lowell City Hall, 101 West First Street, Lowell, North Carolina, before the Gaston County Building Inspector. The purpose of the hearing will be to determine whether or not the structure on the above described property is in violation of the NCGS 153A-365 and Section 150.037 of the City of Lowell Minimum Housing Code in that it is hazardous to the health, safety and welfare of the residents of the City of Lowell, that it is not suitable for human habitation, and does not meet the North Carolina Standards for a Dwelling Unit.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Building Inspector shall find that the conditions of the above described structure do in fact violate the provisions of Section 150.037 of the Minimum Housing Code of the City of Lowell, North Carolina, and North Carolina State Statute 153A-365, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lowell, the Building Inspector will issue an order in writing directed to the owner of such structure requiring the owner to remedy these such steps as may be necessary to remedy these conditions. The Building Inspector may make such other orders and take such other procedures as are authorized under the Minimum Housing Code of the City of Lowell, North Carolina, and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting Scott Attaway, Development Services Director, at 704-824-3518.

NOTICE OF HEARING CITY OF LOWELL

To Danny Fred Halkom, or Unknown heirs of Danny Fred Halkom.

**AFFIDAVIT OF INSERTION OF ADVERTISEMENT
The Gaston Gazette**

**Gastonia, N.C.
Gaston County**

The Gaston Gazette does certify that the advertisement for:

NOTICE OF HEARING CITY OF LOWELL To Danny Fred Halkom, or Unknown heirs of Danny Fred Halkom. YOU

Measuring 10.00 inches appeared in The Gaston Gazette, a newspaper published in Gaston County, Gastonia, N.C., in issue(s):

07/17/2019 07/24/2019

Name of Account: CITY OF LOWELL
Order Number: 54601049
Ad Number: 54739345

Sworn to, and subscribed before me this 24 th day of July, 2019.

Brandi Eggleton
Print Name (Classified Representative)

Eggleton
Signature (Classified Representative)

Stephanie B. Sisk

Stephanie B. Sisk, Notary Public

My Commission Expires March 23, 2020

YOU ARE HEREBY NOTIFIED that a hearing regarding property located at 1102 N. Main Street in Lowell, North Carolina (PID number 127301) will be held on August 6, 2019 at 11:30 a.m. at Lowell City Hall, 101 West First Street, Lowell, North Carolina, before the Gaston County Building Inspector. The purpose of the hearing will be to determine whether or not the structure on the above described property is in violation of the NCCS 153A-365 and Section 150.037 of the City of Lowell Minimum Housing Code in that it is hazardous to the health, safety and welfare of the residents of the City of Lowell, that it is not suitable for human habitation, and does not meet the North Carolina Standards for a Dwelling Unit.

At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by council upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Building Inspector shall find that the conditions of the above described structure do in fact violate the provisions of Section 150.037 of the Minimum Housing Code of the City of Lowell, North Carolina, and North Carolina State Statute 153A-365, and do in fact render such structure hazardous to the health, safety and welfare of residents of the City of Lowell, the Building Inspector will issue an order in writing directed to the owner of such structure requiring the owner to remedy these such steps as may be necessary to remedy these conditions. The Building Inspector may make such other orders and take such other procedures as are authorized under the Minimum Housing Code of the City of Lowell, North Carolina, and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting Scott Attaway, Development Services Director, at 704-824-3518.



City of Lowell

Code Enforcement Section

Mailing Address: 101 W. First Street, Lowell, NC Phone (704)824-3518

**FINDING OF FACT AND ORDER
TO DEMOLISH
[Pursuant to Sec. 150.049]**

To: Danny Fred Halkom
1102 N. Main Street
Lowell, NC 28098

From: Scott Attaway
Code Enforcement Officer
City of Lowell

Date: August 9, 2019

File : Minm-01-2019

TO THE OWNERS AND PARTIES with interest in the structure located at **1102 N. Main Street, Lowell, NC 28098, Tax Parcel #: 127301, Deed Book 086E, Page 0332** recorded and listed in the name of **Danny Fred Halkom**.

PLEASE TAKE NOTICE that the undersigned Housing Inspector of the City of Lowell, pursuant to notice duly given, scheduled a Hearing for August 6, 2019 at 11:30 AM at Lowell City Hall. In attendance were Scott Attaway (Code Enforcement Officer), and Brian Sciba (Gaston County Director of Building Inspections). The owners did not attend.

That as a result of the hearing and the evidence presented in the course thereof, the undersigned does make the following **FINDINGS OF FACTS**:

1. That the building or structure in question is dilapidated [as defined pursuant to Section 150.049] and in need of repair. It constitutes a fire or life safety hazard and is a public nuisance.
2. That said building or structure is dangerous to life, health, and other property, or constitutes a public nuisance in the following respects:

**VIOLATIONS OF CHAPTER 150: BUILDING AND MINIMUM HOUSING
REGULATIONS OF THE CITY OF LOWELL CODE OF ORDINANCES.**

THESE CITY OF LOWELL CODE OF ORDINANCES SECTIONS ARE IN VIOLATION:

150.038 MINIMUM STANDARDS FOR STRUCTURAL CONDITION

- (A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.**

Observed were rotten/deteriorating structural members on the back left corner of the home next to the rear entry door.

- (D) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.**

Observed was the front entry porch and doorway are sagging and rotten. Do not have proper support required by NC Code.

- (G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained to be weather- and water-tight.**

Observed were numerous places in the exterior of the home that show signs of rot or termite damage. Multiple holes on the exterior of the home.

150.039 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

(A) Plumbing System

- (1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.**

Observed that water has been disconnected to this home.

(B) Heating System

- (1) Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either division (B)(1) or (B)(2) below.**

Observed was no gas meter in place for heating and that an air hose line led to a storage shed of propane tanks and to the upstairs through the soffit.

150.042 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE

- (A) (1) Exterior foundation wall, exterior wall, and exterior roof shall be substantially weather-tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.**

Observed that exterior of the home and roof are not weather tight and are allowing water to enter the structure.

- (2) Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.**

(C) Windows and Doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather-tight, water-tight and rodent proof; and shall be kept in good working condition and repair.

Observed that the windows are busted or removed, no screens, no way to secure home.

THIS LIST IS JUST WHAT WAS NOTICED DURING THE INSPECTION AND DOES NOT CLAIM TO BE A COMPLETE LIST OF ALL THE VIOLATIONS AND PROBLEMS WITH THE ABOVE REFERENCED STRUCTURE.

NOW, THEREFORE IT IS ORDERED:

1. That within **(30) thirty days** of the date hereof, the owners and parties in interest of said building shall remedy the defects set out in the Findings of Fact hereinabove stated and repair, alter or improve such building, or close and remove or demolish the structure in accordance with the minimum housing standards of the City of Lowell.
2. Failure to comply with this order will be a violation of City of Lowell Code of Ordinances and a civil citation may be issued as per § 151.99 Civil Penalties.

This the 9TH day of August, 2019,



Scott Attaway
Code Enforcement Officer
City of Lowell

APPEAL: You may appeal this order by filing a written NOTICE OF APPEAL with the Code Enforcement Officer within the (10) days of the date indicated on this ORDER. Such Notice of Appeal must state the grounds upon which the appeal is being made. Unless an appeal is taken within the time and in the manner herein prescribed, the action of the Housing Inspector shall be deemed final.

NOTE: Further information as to the procedures prescribed in or the scope of the above mentioned ordinances may be obtained by contacting me at 704-824-3518.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8C

DESCRIPTION: PARTF GRANTS

The North Carolina Parks and Recreation Trust Fund (PARTF) is a state funded grant program for land acquisition and development of parks. PARTF is the primary source of funding to build and renovate facilities in the state parks as well as to buy land for new and existing parks. The PARTF program provides dollar-for-dollar grants to local governments. Recipients use the grants to acquire land and/or to develop park and recreational projects that serve the general public. The North Carolina Division of Parks and Recreation administers the program, RRS provides technical assistance to grantees and those applying for funding.

This is a possible source of funding for a splash pad amongst other amenities that have been a desire to expand our existing parks.

A parks and rec masterplan is required and is recommended as a first step by staff.