

Minutes
Lowell City Council
Regular Meeting
Monday, August 9, 2010

I. Call to Order

Mayor Horne called the meeting to order at 7:00 p.m. Those in attendance were: Mayor Judy Horne, Mayor Pro-Tem Martha Burris, Councilmen Rickie Bush, Sam Mitchem and Terry Benson, City Attorney Jim Windham, City Manager Ben Blackburn, City Clerk Judy Colgate, Planning Director Scott Attaway, Recreation Director Zip Stowe, Police Chief Mark Buchanan, Officer Jeff Harrison, Officer Carlos Duque, Sergeant Carl Moore and various citizens. Councilman Chad Hawkins was absent.

II. Invocation and the Pledge of Allegiance

Councilman Mitchem gave the invocation and everyone recited the Pledge of Allegiance.

III. Approval of Minutes – June 14, 2010 and July 12, 2010

Mayor Pro-Tem Burris stated that on page 1 Finance Director Martha Burris should say Finance Director Martha Huffstetler.

Mrs. Burris made a motion to approve the minutes for June 14, 2010 with noted change.

Councilman Bush seconded the motion and the vote passed unanimously.

Councilman Mitchem made a motion to approve the minutes for July 12, 2010 followed by a second from Mayor Pro-Tem Burris. The vote was unanimous.

IV. Scheduled Public Comments

There was no one scheduled to speak.

V. Consideration of Resolution of Commendation

Mayor Horne asked Officer Harrison to come up and she then read the resolution and presented it to Officer Harrison. Mayor Horne asked for a show of hands of those in favor of this resolution. The vote was unanimous.

VI. Birch Street Update – Mr. Bob Clay

Mr. Clay stated that he represented Belmont Land and Investment Co. and that there has been a lot of discussion about Birch Street. He stated that they intended to put up barricades tomorrow morning at the end of Birch St. where it intersects with Potts St. and at the front at West First St. and basically it will say private property, no access. He stated that the barricades will be removed on the 20th of this month and it will be recorded that they were up and pictures will be taken. Then notices will be posted that will say this is a private driveway and not a public road, it is used by permission from the owner who may close it at any time. Neither the owner, city nor state government is responsible for or has a duty to maintain this driveway and use of this driveway is at your own risk. The company is not discouraging the use we are simply protecting the property and the property rights that are there. Doing this will allow us flexibility in planning.

City Attorney Windham asked Mr. Clay where the barricades would be placed.

Mr. Clay stated that one will be placed at the back of the property where the fence goes across before it gets to the intersection of Potts and Birch St. and the second one will be at Hwy 7.

Mayor Pro-Tem Burris stated that she was concerned that Potts Street does not connect with N. Birch St. and that there is property it looks like that belongs to Belmont Land and Timber.

Mr. Clay stated that physically the drive does connect. He stated that there was a home there but it was torn down and later that lot was sub-divided and sold. It does show that right of way to extend but the survey does not show it but it will not be an issue.

Mayor Pro-Tem Burriss stated that if we could work with you to guarantee some type of connection with Potts St and North Birch Street that would help us with traffic flow because it is going to be a real change for those people in that community.

Councilman Mitchem stated that there has been some new evidence presented that may show that this may be a dedicated road since 1956 and he would appreciate if before you put those barricades up you would let our attorney research that tomorrow.

Mr. Clay stated that he would try and call everyone and see if they will delay this for a day. He asked City Attorney Windham if he thought this could be done this quick.

City Attorney Windham stated that he thought it could be done fairly soon.

Mr. Clay stated that he would call them as soon as he left here.

VII. Set Public Hearing – A. Zoning Map Amendment; B. City Code of Ordinances Amendment
Planning Director Attaway stated that he has received a request for a rezoning from Rebecca Mitchem on property located on Lynn St from C-2 to RS-12 and we need to set a public hearing for this. The Planning Board has reviewed this and recommended approval and the notices have been posted and adjoining property owners have been notified.

Mayor Pro-Tem Burriss made a motion to set the public hearing for the next regular Council Meeting followed by a second from Councilman Mitchem. The vote was unanimous.

Mr. Attaway stated that we need to set a public hearing to add Chapter 9, Article 7; General Regulations of Non-Residential Building and Structures to our City Code of Ordinances.

Councilman Bush made a motion to set the public hearing for the next regular scheduled Council Meeting followed by a second from Councilman Mitchem. The vote was unanimous.

VIII. Consideration of Planning Board and Board of Adjustment Appointment

Planning Director Scott Attaway stated that Planning Board member Joseph Hamrick's term expires on August 13, 2010 and is up for re-appointment. Mr. Hamrick stated that he would like to remain on the Planning Board.

City Manager Blackburn also said that Planning Board member Bobby Massey's term expires in October and he wishes to remain also.

Mayor Pro-Tem Burriss made a motion to re-appoint both members followed by a second from Councilman Mitchem and the vote was unanimous.

IX. Consideration of Recreation Committee Appointments

Recreation Director Zip Stowe stated that Candace Funderburk has resigned and we need someone to replace her and two others. He asked Council to bring some recommendations to the next regular meeting. Mr. Stowe also stated that they are in the process of updating the by-laws and will have them ready to present to Council next month as well.

X. Consideration of Downtown Parking Areas

City Manager Blackburn stated that they have been looking at two areas in the downtown area for an increase in parking. He said they were looking at the Gordon Bane property and the Gary McCord property and we are asking for a directive from City Council on whether you want to look at a lease or an interest in purchasing one of these properties.

Councilman Benson recommended looking at both options with each party.