

Planning Director Scott Attaway stated that the Planning and Zoning Board recommended rezoning these two properties to RS-12. Councilman Mitchem made a motion to approve followed by a second from Councilman Bush. The vote was unanimous.

#### XIV. City Attorney's Reports

City Attorney Windham discussed the Birch Street closure. City Manager Blackburn said that they have no new information on this. Our constant comment to Pharr is that this road be kept open and we are still looking for anything to prove this.

#### XV. Mayor and Council's Reports

A. Councilman Benson thanked the city and Zip Stowe for the information posted at the ballpark on the Holbrook schedule.

B. Mayor Pro-Tem Burris said they have already started the planning of next years Freedom Festival and asked Mr. Blackburn if he had anything to report from their meeting. City Manager Blackburn stated that the vendors are all excited about it. He said they are looking at another 2 day event with possibly extending Saturday on into the evening.

C. Councilman Hawkins stated that he had spoken with the PE teacher and that she is excited about coming on board with us.

City Manager Blackburn stated that he and Zip have been working on bringing her on board with us in a part time position.

D. Mayor Horne discussed the branding logo. She stated that they told us that we can now have three figures on our logo. We had decided on the flag, the hiker and the water tower so that is what we are going with if no one has a problem.

E. City Manager Blackburn discussed the Carolina Thread Trail access point at our River View subdivision off of Catawba Run cul-de-sac.

Mayor Pro-Tem Burris asked if there would be parking available at this access point.

City Manager Blackburn said there would not be parking here but that he was working with them about using the Wastewater Treatment Plant for access with parking.

Scott Attaway stated that the grand opening is set for October 9<sup>th</sup> in McAdenville for this.

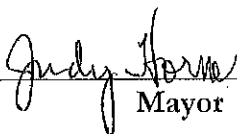
Mr. Blackburn stated that there is a new business coming to Lowell and the official announcement will be made tomorrow.

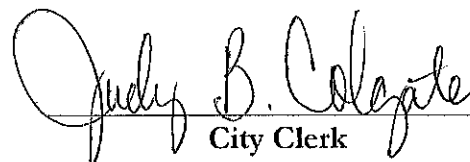
#### XVI. Unscheduled Public Comments

A. Pam Smith thanked the city staff for their leadership and support given to the start up of the Lowell Merchants Association.

#### XVII. Adjournment

Councilman Hawkins made a motion to adjourn at 8:30 p.m. followed by a second from Councilman Bush. The vote was unanimous.

  
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Mayor

  
\_\_\_\_\_  
City Clerk

Minutes  
Lowell City Council Meeting  
Monday, October 11, 2010

I. Call to Order

Mayor Horne called the meeting to order at 7:00 p.m. Those attending were Mayor Judy Horne, Mayor Pro-Tem Martha Burris, Councilmen Rickie Bush, Chad Hawkins, Sam Mitchem and Terry Benson, City Attorney Jim Windham, City Clerk Judy Colgate, Planning Director Scott Attaway, Public Works Director Thomas Shrewsbury, Police Chief Mark Buchanan, Recreation Director Zip Stowe and various citizens. City Manager Ben Blackburn was absent.

II. Invocation and Pledge of Allegiance

Reverend David Clippard from Woodlawn Baptist Church gave the invocation and everyone recited the Pledge of Allegiance.

III. Approval of Minutes

Mayor Pro-Tem Burris made a motion to approve the minutes for September 13, 2010 followed by a second from Councilman Hawkins. The vote was unanimous.

IV. Scheduled Public Comments

There was no one scheduled to speak.

V. Consideration of Birch Street Petition

City Attorney Windham stated that he had received a petition from a number of people requesting that this street remain open. He stated that we need to see what we can do to maintain that street as it was and that we do have some hurdles before us. He said that right now the street is open but the owner of the property has made it very clear that it is not a dedicated street. Mr. Windham said that we will be glad to listen to any questions or suggestions from anyone.

Councilman Hawkins stated that we have no legal documents that say it is a dedicated street but could we use the long term use of this road in court if we needed to.

City Attorney Windham stated that this becomes a question of fact for the jurors. He stated that Pharr is open to an alternate route and their primary concern is the marketability of the property.

Mr. Windham stated that there is a resolution that was adopted by a previous Council in the 1980's stating that this is not a dedicated street.

VI. Public Hearing – UDO Text Amendment

A. Display of Outdoor Merchandise Limited

Mayor Pro-Tem Burris made a motion to enter into a public hearing followed by a second from Councilman Benson. The vote was unanimous.

Planning Director Scott Attaway stated that in Section 9.16 of the Lowell UDO, Outdoor Storage and Display of Goods, Materials, Wastes and Equipment went before the Planning Board on September 13, 2010, was advertised and what they would like to request adding downtown Central Business District zoning to the definition of Outdoor Display of Goods and allowing only a certain percentage of outdoor display of goods in the CBD zoning. We would also like to change the outdoor display area to 5 percent of the ground floor sales area of the principal building.

Mayor Pro-Tem Burris made a motion to close the public hearing followed by a second from Councilman Bush. The vote was unanimous.