

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
MAY 16, 2023**

INVOCATION: Councilman Stucki

PLEDGE OF ALLEGIANCE: Mayor Chris Moore

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:31pm.

ROLL CALL: Mayor Chris Moore asked City Clerk for a verbal roll call. Council Members present were Steve Whitehead, Eric Schein, Lisa DeGifford, Bill Adams, Bryant Sands, Roy Brunson and Adrian Flores and Kendell Stucki. Deputy City Attorney Kieklak was present. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA ITEMS:

Lowell City Council Minutes Regular Meeting – April 18, 2023
Financial Statement – April 2023

Motion to amend Agenda to strike paragraph one of Exhibit A, Section 16-262, of Ordinance: Amending Large Scale Developments of the Lowell Municipal Code.

Motion: Bill Adams

Second: Steve Whitehead

Vote Aye: B. Adams, Schein, Sands, Stucki, Flores, Brunson, Whitehead, DeGifford

Vote Nay: None

Motion to amend Agenda to strike paragraph one of Exhibit A, Section 16-262, of Ordinance: Amending Large Scale Developments of the Lowell Municipal Code approved.

Motion to approve the Consent Agenda.

Motion: Bill Adams

Second: Steve Whitehead

Vote Aye: B. Adams, DeGifford, Schein, Whitehead, Sands, Brunson, Flores, Stucki

Vote Nay: None

Motion to approve the Consent Agenda approved.

PRESENTATION: Chief Melnicki presented accommodation to Joshua Jackson who was promoted to Captain.

PUBLIC FORUM: Open: 6:37PM Close: 6:38PM

PROCEDURAL MOTION TO DISPENSE WITH THE RULES AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY,

Motion to approve Procedural Motion.

Motion: Eric Schein

Second: Kendell Stucki

Vote Aye: Sands, Stucki, DeGifford, Schein, Whitehead, Brunson

Vote Nay: B. Adams, Flores

Motion to approve Procedural Motion approved.

OLD BUSINESS: None

NEW BUSINESS:

1 – ORDINANCE AMENDING SECTION 16-145 COMMERCIAL AND INDUSTRIAL USES PERMITTED TO PERMIT “FLEX SPACE” IN THE URBAN THOROUGHFARE COMMERCIAL (C-2) AND INDUSTRIAL (I) ZONES, AND AS A CONDITIONAL USE IN THE KARST ZONE OF THE LOWELL MUNICIPAL CODE.

A need exists to amend Section 16-145 Commercial and Industrial District Uses Permitted in order to provide updated regulations for the permitted use of flex space in urban thoroughfare commercial (C-2) and industrial (I) zones and as conditional use in the Karst zone.

Motion to approve Ordinance as presented.

Motion: Eric Schein

Second: Kendell Stucki

Vote Aye: Schein, B. Adams, Sands, Whitehead, DeGifford, Flores, Brunson, Stucki

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk will read Ordinance one time by title only,

Ordinance Assigned No. 1117.

2 – ORDINANCE AMENDING SECTION 12-262 LARGE SCALE DEVELOPMENTS OF THE LOWELL MUNICIPAL CODE.

Karen Davis, Planning Director, told the Council that the Planning Commission voted to strike paragraph #1 of Sec. 12-262 Large Scale Developments. In order to provide updated regulations for the approval and construction of large scale developments, Sec. 12-262 is amended. Paragraph #1 was removed.

Motion to approve Ordinance.

Motion: Lisa DeGifford

Second: Adrian Flores

Vote Aye: Schein, Sands, Whitehead, DeGifford, Flores, Brunson, B. Adams, Stucki

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk will read Ordinance one time by title only.

Ordinance Assigned No. 1118.

3 – ORDINANCE AMENDING SECTION 16-1006 GENERAL PLANNING AND ORIENTATION STANDARDS AND SECTION 16-978 MULTIFAMILY DEVELOPMENT OF THE LOWELL MUNICIPAL CODE.

Section 16-1006 General Planning and Orientation Standards and Section 16-97 Multifamily Development have been amended to provide updated regulations for building exterior appearance and design standards.

Motion to approve Ordinance.

Motion: Kendell Stucki

Second: Lisa DeGifford

Vote Aye: Whitehead, Brunson, Flores, Stucki, Schein, Sands, DeGifford, B. Adams

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk will read Ordinance one time by title only.

Ordinance Assigned No. 1119.

4 – ORDINANCE AMENDING SECTION 16-231 SHORT TERM RENTALS OF THE LOWELL MUNICIPAL CODE.

Section 16-231 Short Term Rentals has been updated to provide updated parking regulations for short-term rental properties in the City of Lowell. However, City Councilmembers did not want the City of Lowell to limit the number of Airbnb properties.

Motion to approve Ordinance.

Motion: Kendell Stucki

Second: Adrian Flores

Vote Aye: None

Vote Abstain: Sands

Vote Nay: B. Adams, Schein, Whitehead, DeGifford, Brunson, Stucki, Flores

Motion to approve Ordinance failed.

5 – ORDINANCE – AMENDING 16-64 DEFINITIONS OF THE LOWELL MUNICIPAL CODE.

A need exists to amend Section 16-64 Definitions in order to provide updated definitions for flex space and short-term rentals in the Lowell Municipal Code.

Motion to amend Section 1, 16-64, instead of Section 1, 16-256.

Motion: Roy Brunson

Section: Kendell Stucki

Vote Aye: Schein, B. Adams, Sands, DeGifford, Flores, Brunson, Whitehead, Stucki

Vote Nay: None

Motion to amend Section 1, 16-64, instead of Section 1, 16-256.

Motion to approve Resolution.

Motion: Eric Schein

Second: Roy Brunson

Vote Aye: DeGifford, B. Adams, Brunson, Sands, Schein, Whitehead, Stucki, Flores

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read the Ordinance one time by title only.

Ordinance assigned No. 1120.

6 – AN ORDINANCE AMENDING SECTION 16-1226 GRADING PLAN – SPECIFICATIONS AND SECTION 16-1222 PERMIT OF THE LOWELL MUNICIPAL CODE.

Having held a public hearing on the subject, and having reviewed the proposed amendment, the Lowell City Council has determined that it is in the best interest and benefit to the Lowell community to amend Section 16-1226 Grading Plan -Specifications and Section 16-1222 Permit of the Lowell Municipal Code. In Exhibit A, Section 16-1226 (5), striking word “architect”. Only registered engineers or landscape architects can certify that the plan complies with this regulation.

Motion to approve Ordinance.

Motion: Roy Brunson

Second: Eric Schein

Vote Aye: Whitehead, Sands, Schein, DeGifford, Brunson, B. Adams, Stucki

Abstain: Flores

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1121.

7 – STRIKE FROM AGENDA.

8 – ORDINANCE – AMENDING SECTION 16-256 LANDSCAPNG AND SCREENING OF THE LOWELL MUNICIPAL CODE.

In order to provide updated regulations for the requirements and standards of landscaping and screening in the City of Lowell, a need exists to amend Section 16-256.

Motion to approve Ordinance.

Motion: Lisa DeGifford

Second: Steve Whitehead

Vote Aye: DeGifford, Brunson, Sands, Schein, Whitehead, Stucki

Nay: B. Adams, Flores

Motion to approve Ordinance approved.

City Clerk read Ordinance by title only one time.

Ordinance assigned No. 1122.

9 – ORDINANCE TO REPEAL AND REMOVE CHAPTER 10 ARTICLE IV DESIGN OVERLAY DISTRICT OF THE LOWELL MUNICIPAL CODE.

A need exists to fully and finally repeal and remove Chapter 10, Article IV, Design Overlay, due to incompatibility with the development patterns and economic change in the City of Lowell, Arkansas.

Motion to approve Ordinance.

Motion: Kendell Stucki

Second: Eric Schein

Vote Aye: Whitehead, DeGifford, Brunson, Sands, Schein, Stucki, B. Adams, Flores

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read the Ordinance by title only one time.

Ordinance assigned No. 1123.

10 – ORDINANCE – AMENDING SECTION 16-199 ACCESSORY USES – LOCATION REQUIREMENTS AND STANDARDS OF THE LOWELL MUNICIPAL CODE.

Having held a public hearing on the subject, the Lowell Planning Commission has recommended this change. After discussion among Council Members, Section 16-199 (9) was changed to One accessory building shall be permitted on any lot of one-half acre or less. Lots over one acre to five acres are permitted two accessory buildings, and lots greater than five acres are permitted three accessory buildings.

Motion to amend Sec. 16-199 to change it to one accessory building per one-half acre or less. Lots over one acre to five acres are permitted two accessory buildings, and lots over one acre to five acres are permitted two accessory buildings and lots greater than five acres are permitted three accessory buildings.

Motion: Kendell Stucki

Second: Lisa DeGifford

Vote Aye: Brunson, DeGifford, Schein, Sands Flores, Stucki, Whitehead, B. Adams

Vote Nay: None

Motion to amend Sec. 16-199 to change it to one accessory building per one-half acre or less. Lots over one acre to five acres are permitted two accessory buildings, and lots over one acre to five acres are permitted two accessory buildings and lots greater than five acres are permitted three accessory buildings approved.

Motion to approve Ordinance.

Motion: Adrian Flores

Second: Kendell Stucki

Vote Aye: Whitehead, Stucki, Flores Sands, Schein, DeGifford, Brunson

Vote Nay: B. Adams

Motion to approve Ordinance approved.

City Clerk read Ordinance one time by title only.
Ordinance assigned No. 1124.

11 – RESOLUTION AMENDING THE 2022 BUDGET REGARDING THE APPROPRIATION OF FUNDS FOR CERTAIN MUNICIPAL EMPLOYEES FROM THE AMERICAN RESCUE PLAN ACT GRANT FOR THE CITY OF LOWELL, ARKANSAS.

The American Rescue Plan Act “ARPA” which was signed into law on March 11, 2021, provides relief funds to state and local governments and other program areas aimed at mitigating the continuing effects of the pandemic.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: B. Adams

Vote Aye: Whitehead, Adams, Stucki, Flores, Sands, Schein, DeGifford, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 23-16.

12 – RESOLUTION TO APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE AN INTERAGENCY SERVICE AGREEMENT WITH BENTON COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE CITY OF LOWELL, ARKANSAS.

The Mayor and City Council of Lowell have reviewed the Inter-Agency Service Agreement and determined it is in the best interest and benefit to the community to approve the increase in the Agreement and authorize the execution of the same.

Motion to approve Resolution.

Moton: Bill Adams

Second: Eric Schein

Vote Aye: Whitehead, Brunson, Stucki, Schein, Sands, DeGifford, B. Adams

Abstain: Flores

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No 23-17.

13 – RESOLUTION TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM OR RECREATIONAL TRAILS PROGRAM FUND.

The City of Lowell, Arkansas understands Federal-aid Transportation Alternatives Program Funds are available at 80% federal participation and 20% local match to develop or improve the Razorback Greenway Crossing at the intersection of Hwy 264 (Monroe Ave) and Goad Springs St. by way of acquiring Right-Of-Way and relocating utilities to facilitate construction of a bike/pedestrian tunnel crossing.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Kendell Stucki

Vote Aye: Whitehead, Brunson, Stucki, Flores, Schein, Sands, DeGifford, B. Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 12-18.

14 – RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MCCLELLAND AND CONSULTING ENGINEERS, NC. FOR THE CONCORD STREET ROAD IMPROVEMENTS PROJECT IN THE CITY OF LOWELL, ARKANSAS.

The City of Lowell desires to enter into an Agreement to Furnish Engineering Services ("Agreement") with McClelland Consulting Engineers, Inc. for the Concord Street Road Improvement Project.

Motion to approve Resolution.

Motion: Eric Schein

Second: Kendell Stucki

Vote Aye: Whitehead, B. Adams, Stucki, Flores, Sands, Schein, DeGifford, Brunson

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 23-19.

15 – RESOLUTION TO APPROVE A FEE WAIVER FOR THE COSTCO PROJECT IN THE CITY OF LOWELL, ARKANSAS.

The City Council has determined that it is in the best interest and benefit of the community to utilize the opportunity to provide for desirable growth and waive the fees set forth in the attached Exhibit "A" for the Costco Project in the City of Lowell and confidently expects the economic and related benefits of locating this business in Lowell will far outweigh the revenue represented in the waiver permitted hereby.

Motion to approve the Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Whitehead, Brunson, Stucki, Flores, Schein, Sands, DeGifford, B. Adams

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 23-20.

16 – RESOLUTION TO DECLARE SURPLUS AND AUTHORIZE THE TRANSFER OR SALE AT PUBLIC OR INTERNET AUCTION OF CERTAIN STREET DEPARTMENT EQUIPMENT FOR THE CITY OF LOWELL, ARKANSAS.

The Street Department has advised the City Council that certain equipment is no longer of use to the City and should be disposed of as surplus property and should be disposed of according to state law. The Lowell Street Department intends to transfer the equipment to another government entity for use in street department, or related services as permitted by, and in accordance with state law, or to sell the property at public or internet auction.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Eric Schein

Vote Aye: Whitehead, Stucki, Flores, Sands, Schein, DeGifford, Brunson

Vote Nay: B. Adams

Motion to approve Resolution approved.

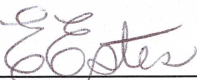
Resolution assigned No 23-21.

ANNOUNCEMENTS / DISCUSSION:

Thank you to the volunteers and Public Works Department who helped in clean-up of city streets.
Mudtown Days – June 2 & 3.


ADJOURNMENT: Entertain a motion to adjourn. Motion: Roy Brunson. Second: Kendell Stucki.
There being no objections, the meeting adjourned at 7:58pm.

ATTEST:


City Clerk/Elizabeth Estes
City of Lowell



APPROVED:


Mayor/Chris Moore

Minutes of the Regular Council Meeting

May 16, 2023--