

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
NOVEMBER 14, 2023**

INVOCATION: Pastor Brian Clark

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 6:30PM.

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

CONSENT AGENDA ITEMS:

Lowell City Council Minutes Regular Meeting – October 17, 2023
Financial Statement – October 2023

Motion to approve the Consent Agenda.

Motion: Steve Whitehead

Second: Lisa DeGifford

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

Vote Nay: None

Motion to approve the Consent Agenda approved.

PUBLIC FORUM: Open: 6:33PM Close: 6:38PM

Tony Kaczoroski, 526 Concord, thanked the city council and staff because the city is headed in the right direction. He checked electric boxes in front of homes in new developments. There were huge boxes on the corners and if you looked down the street, you saw rows of electric boxes in front of houses.

Derek Thurman, 1208 Wind Drive, Carroll Electric Cooperative; Boxes vary from 28 inches from ground to top. Secondary injunction boxes are 36 inches.

Tony Kaczoroski said the boxes you see on the streets are taller.

Eric Schein was concerned about drunk drivers speeding and hitting the boxes.

Karen asked to have the Ordinance sent back to Planning Commission for evaluation.

PROCEDURAL MOTION TO DISPENSE WITH THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.

Motion to approve the Procedural Motion.

Motion: Lisa DeGifford

Second: Kendell Stucki

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

Vote Nay: B. Adams

Motion to approve the Procedural Motion approved.

OLD BUSINESS:

1 – ORDINANCE TO AMEND SECTION 16-1006: GENERAL PLANNING AND ORIENTATION STANDARDS OF THE LOWELL MUNICIPAL CODE IN ORDER TO CLARIFY COMMERCIAL REQUIREMENTS. (3RD READING)

For lack of a motion; ordinance died here.

2 – TABLED ORDINANCE – TO AMEND SECTION 16-977: SUBDIVISIONS AND SINGLE-FAMILY DEVELOPMENT OF THE LOWELL MUNICIPAL CODE.

There is a need to amend Section 16-977: *Subdivisions and Single-Family Development* of the Lowell Municipal Code: in order to provide for the addition of regulations for utility equipment in subdivisions and single-family developments.

Motion to bring tabled Ordinance back to agenda.

Motion: Eric Schein

Second: Steve Whitehead

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

Vote Nay: None

Motion to bring tabled Ordinance back to agenda approved.

*No above ground utility shall be permitted between the centerline of a road and building setback or external wall of the primary structure on the parcel. Fire Hydrants shall be excluded from this requirement. All meters, junction boxes, switches, demarcation equipment, etc. shall be located on an external wall of the primary structure not facing a city right-of-way.

Motion to approve Ordinance with Option 2*.

Motion: Eric Schein

Second: Lisa DeGifford

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

Vote Nay: None

Motion to approve Ordinance with Option 2* approved.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1132.

NEW BUSINESS:

1 – APPEAL OF LARGE SCALE DEVELOPMENT PER 16-255 ACCESS MANAGEMENT STANDARDS.

Applicant withdrew appeal.

2 – ORDINANCE TO AMEND SECTION 16-373: CATEGORIES FOR SUBDIVISIONS AND PROCEDURE FOR SUBDIVISION APPROVAL, TO PERMIT LOT SPLITS FOR PARCELS OF AND LESS THAN ONE ACRE IN THE LOWELL MUNICIPAL CODE.

It has become apparent to the City Council of Lowell that a need exists to amend Section 16-373: *Categories for Subdivisions and Procedure for Subdivision Approval*, in order to provide updated regulations to allow for lot splits of land less than one acre.

Motion to approve Ordinance.

Motion: Adrian Flores

Second: Steve Whitehead

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

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance by title one time only.
Ordinance assigned No. 1130.

3 – ORDINANCE TO AMEND SECTION 28-4 SOLICITING FROM PUBLIC ROADWAYS OR SIDEWALKS PROHIBITED OF THE LOWELL MUNICIPAL CODE.

It has become apparent to the City Council that a need exists to amend Section 28-4 *Soliciting from Public Roadways or Sidewalks Prohibited* in the Lowell Municipal Code in accordance with state and federal laws. Councilman Schein and Councilman Stucki made a motion and second to strike #3 from the Agenda with intent of bringing it back on next month's agenda. After further discussion, the motion and second was withdrawn. A second motion was made to table Ordinance until next month's meeting in order to rewrite ordinance with language to give police a tool to use.

Motion to table Ordinance until next month's agenda.

Motion: Kendell Stucki

Second: Steve Whitehead

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

Vote Nay: None

Motion to table Ordinance until next month's agenda approved.

4 – ORDINANCE TO AMEND CHAPTER 16: LAND DEVELOPMENT CODE OF THE LOWELL MUNICIPAL CODE IN ORDER TO ESTABLISH REGULATIONS FOR FLEX SPACE DEVELOPMENTS IN THE CITY OF LOWELL, ARKANSAS.

A need exists to amend Chapter 16: *Land Development Code of the Lowell Municipal Code* in order to establish regulations pertaining to flex space developments in the City of Lowell, Arkansas. The Planning Commission held a public hearing to receive and consider valuable input from the public on the proposed amendment. The Planning Commission voted to recommend the adoption of the amendment to Chapter 16: *Land Development Code of the Lowell Municipal Code*. The City Council approved the amendment while the rest and remainder of the Lowell Municipal Code not specifically amended remains in full force and effect.

Motion to approve Ordinance.

Motion: Steve Whitehead

Second: Bill Adams

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

Vote Nay: None

Motion to approve Ordinance approved.

City Clerk read Ordinance by title one time only.

Ordinance assigned No. 1131.

5 – RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF LOWELL TO UTILIZE FEDERAL-AID FUNDS FOR THE HIGHWAY 264 RAZORBACK GREENWAY TUNNEL.

The City Council of the City of Lowell, Arkansas and the City of Lowell will participate in accordance with its designated responsibilities in this project. The Mayor and his designated representative is authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project. The City of Lowell pledges its full support and hereby authorizes the Arkansas Department of Transportation to initiate action to implement this project.

Motion to approve Resolution.

Motion: Lisa DeGifford

Second: Eric Schein

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

Abstain: Flores

Vote Nay: None.

Resolution is approved.

Resolution assigned No. 23-42.

6 – RESOLUTION IN SUPPORT OF PARTICIPATION IN THE WALTON FAMILY FOUNDATION GRANT TO RECEIVE FUNDING TO DESIGN A BELOW-GRADE CROSSING AND TRAIL EXTENSION OF THE RAZORBACK REGIONAL GREENWAY ALONG GOAD SPRINGS ROAD IN THE CITY OF LOWELL, ARKANSAS.

The City Council approves and authorizes the Mayor to execute the Grant Agreement with the Walton Family Foundation and to receive grant funding for the design of a below-grade crossing and trail extension of the Razorback Regional Greenway along Goad Springs Road.

Motion to approve Resolution.

Motion: Eric Schein

Second: Kendell Stucki

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

Vote Nay: None.

Motion to approve Resolution approved.

Resolution assigned No. 23-43.

7 – RESOLUTION TO APPROPRIATE FUNDS AND AUTHORIZE CHANGE ORDER NO. 3 FOR THE ZION ROAD DRAINAGE IMPROVEMENT, PUPPY CREEK BRIDGE REPLACEMENT AND CHANNEL REALIGNMENT, AND WEATHRTON PROJECTS IN THE CITY OF LOWELL, ARKANSAS.

The City Council determined that it is necessary to authorize the Mayor to execute Change Order No. 3 resulting in a sum increase of \$35,750.00 for an additional undercut and backfill required for the Zion Road Drainage Improvements, Puppy Creek Bridge Replacement and Channel Realignment, and Weatherton Projects due to unexpected poor soils in existing roadbeds, and to appropriate funds for the same.

Motion to approve Resolution.

Motion: Steve Whitehead

Second: Lisa DeGifford

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

Vote Nay: B. Adams

Motion to approve Resolution approved.

Resolution assigned No. 23-44.


ANNOUNCEMENTS / DISCUSSION:

THANK YOU TO ALL VETERANS PRESENT

CHRISTMAS PARADE – DECEMBER 2ND

ADJOURNMENT: Entertain a motion to adjourn. Motion: Kendell Stucki. Second: Adrian Flores. There being no objections, the meeting adjourned at 7:32PM.

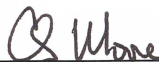
ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore