

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
NOVEMBER 16, 2021 - 6:30PM**

INVOCATION: Sgt. Aaron Pile

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 6:32pm by **Mayor Chris Moore** at the Lowell Council Chambers.

ROLL CALL: Mayor Chris Moore asked the City Clerk for a verbal roll call. Council Members present were **Steve Whitehead, Eric Schein, Bethany Rosenbaum, Lisa DeGifford, Chasity Taylor, Bill Adams and Kendell Stucki**. **David Adams was absent. Deputy Attorney Kieklak was present, also.** There was quorum. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA

Lowell City Council Minutes Regular Meeting – September 21, 2021 (October Meeting cancelled)
Financial Statement – September & October 2021

Motion to approve the Consent Agenda.

Motion: Bethany Rosenbaum

Second: Eric Schein

Vote Aye: Taylor, Rosenbaum, DeGifford, Schein, B. Adams, Whitehead, Stucki

Vote Nay: None

Motion to approve Consent Agenda approved.

Mike Mahoney, A&P Director, reported:

- Stars are bight and look good
- Thanked Public Works for putting them up
- Arts Program called Lowell Arts Advocacy
- New information coming Valentines Day
- December Parade
- Christmas in Lowell is on TV & Radio
- Kansas City BQ Society July 1 & 2; large opportunity, 40 teams
- Interest in Memphis BQ
- Thanked Council for their support

PUBLIC FORUM: Open: 6:38PM Close: 6:53PM

Dexter Vandergood, 312 Franklin Way, Realtor sign blocking view of E. Monroe. Implore council to put "no outlet signs up on Franklin and Valley Drive.

Anthony Madox: Safety, safety, safety! We walk and do not worry about traffic. Pulling out to go east is very difficult; people are pulling in more; no place to put in commercial business.

Dean Bitner: Considerate of councilmembers who looked at property. Rezone C-2 could be across the street from neighborhood. On Working days, active neighborhood and everyone is in the streets. Accidents on Monroe west and people shoot into neighborhoods. Split lot into two pieces and a house could be built on it. Please stipulate "no access on Franklin, 264 access only".

Caroline Logan, 112 Terrace Dr. – Has talked to city council before. Homes in this neighborhood are well maintained. 30% of people are over 70 years old; school buses go through neighborhood. She walks neighborhood with her baby.

Eric Schein: Knows people on the hill personally. No staff comments by staff.

Chief Kuth: There is difficulty getting off Franklin Way. Elevation difficult to see to get out of there, especially east bound.

Kendall Stucki: Could we require two in and out?

Daniel Ellis: It depends on the development. Only access is on Franklin and staff could give variance. Requires cross access with clinic across the street.

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

Motion to suspend the rule and read the Ordinance one time by title only.

Motion: Lisa DeGifford

Second: Eric Schein

Vote Aye: Schein, Taylor, Rosenbaum, DeGifford, B. Adams, Whitehead, Stucki

Vote Nay: None

Motion to suspend the rule and read the Ordinance one time by title only passed.

OLD BUSINESS: None.

NEW BUSINESS:

1. AN ORDINANCE TO VACATE AN UNNEEDED UTILITY EASEMENT LOCATED AT 214 PRESIDENTIAL DRIVE IN THE CITY OF LOWELL, ARKANSAS.

The owner has requested that the utility easement be abandoned. The Planning Commission has reviewed the Petition to Vacate and recommends to the city council that this request be approved.

Motion to approve Ordinance as presented.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Schein, DeGifford, Rosenbaum, Taylor, Whitehead, Stucki, B. Adams

Vote Nay: None

City Clerk read the Ordinance one time by title only.

Motion to approve Ordinance passed.

Ordinance assigned No. 1087.

2. ORDINANCE REZONING CERTAIN LANDS FROM SUBURBAN NEIGHBORHOOD (R-1) TO URBAN THOROUGHFARE COMMERCIAL (C-2) IN THE CITY OF LOWELL, ARKANSAS.

The Planning Commission held a Public Hearing on November 15, 2021. Commissioners determined that the rezoning requested should be approved and recommended approval to the City Council.

Motion to approve Ordinance as presented.

Motion: Chasity Taylor

Second: Eric Schein

Vote Aye: None

Vote Nay: DeGifford, Taylor, B. Adams, Stucki, Rosenbaum, Schein, Whitehead

Motion to approve Ordinance as presented failed.

3. ORDINANCE AMENDING THE LAND DEVELOPMENT CODE DEFINITION OF "HOSPITAL" AND CHANGING THE SCHEDULE OF USES TO REFLECT THE DEFINITION.

The Planning Commission approved the definition of "Hospital" and changing the Schedule of Uses to reflect the definition. The Planning Commission recommends approval to the City Council.

Motion to approve Ordinance as presented.

Motion: Lisa DeGifford

Second: Steve Whitehead

Vote Aye: Schein, Stucki, Taylor, B. Adams, Rosenbaum, DeGifford, Whitehead

Vote Nay: None

Motion to approve Ordinance as presented approved.

City Clerk read the Ordinance one time by title only.

Ordinance assigned No. 1088.

4. ORDINANCE TO ADDRESS THE KEEPING OF BEES WITHIN THE CITY LIMITS OF LOWELL AND TO PROTECT NEIGHBORING LANDOWNERS AND OTHER CITY OF LOWELL RESIDENTS FROM CONDITIONS RESULTING FROM THE KEEPING OF BEES WHICH INTERFERE WITH THE QUALITY OF LIFE AND ENJOYMENT OF THE AREAS IN AND AROUND THE HOMES OF THE RESIDENTS OF LOWELL AND FOR OTHER PURPOSES.

The keeping of bees within the city limits of the City of Lowell has been permitted without guidance or regulation for some years. Lowell staff have received numerous complaints of swarms of bees from the hives of persons within the city occupying the areas around their homes to such an extent that they were unable to be outside in their backyards. Sometimes the bees would fly into the homes at such numbers and frequency that they were unable to relax in their homes also. The Lowell Planning Commission held a public hearing, listened to affected neighbors, bee keeping enthusiasts, and the Lowell Planning Staff consulted with state association experts. The Lowell Planning Commission has recommended that the City Council adopt an ordinance which will place reasonable rules on the keeping of bees within the city limits of Lowell.

Bill Adams requested tabling voting on ordinance for three months.

Motion: B. Adams

Second: Chasity Taylor

Vote Aye: B. Adams, Rosenbaum

Vote Nay: Whitehead, DeGifford, Stucki, Taylor, Schein

Motion to tabling voting on ordinance for three months failed.

Motion to Call Question: Kendell Stucki

Second: Lisa DeGifford

Verbal Vote Aye: Schein, Stucki, Taylor, Rosenbaum, DeGifford, B. Adams, Whitehead

Verbal Vote Nay: None

Motion to Call Question failed.

Motion to approve Ordinance as presented.

Motion: Lisa DeGifford

Second: Chasity Taylor

Vote Aye: Schein, Stucki, Taylor, Rosenbaum, DeGifford, B. Adams, Whitehead

Vote Nay: None

Motion to approve Ordinance as presented passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1089.

5. ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF A DUMP TRUCK FOR THE CITY OF LOWELL, ARKASAS.

City of Lowell has the opportunity to purchase a dump truck for the Lowell Street Department. Administration confirmed that the best price for the configuration of this vehicle has been obtained and that due to the scarcity of appropriate vehicles due to the pandemic related supply chain and productions issues, bidding would be impractical and risk losing the advantage of the lowest price that has been obtained through the efforts of the administration and staff, or even being able to purchase the needed truck at all.

Motion to approve the Ordinance as presented.

Motion: Lisa DeGifford

Second: Kendall Stucki

Vote Aye: Schein, B. Adams, Stucki, Rosenbaum, Taylor, DeGifford, Whitehead

Vote Nay: None

Motion to approve the Ordinance passed.

City Clerk read the Ordinance one time by title only.

Ordinance assigned No. 1090.

6. RESOLUTION APPROPRIATING FUNDS TO CAPITAL FOR THE PURCHASE OF A NEW DUMP TRUCK FOR THE STREET DEPARTMENT IN THE CITY OF LOWELL, ARKANSAS.

The City Council of the City of Lowell, Arkansas approves the purchase of a dump truck and appropriated \$168,000.00 for the vehicle.

Motion to approve the Resolution as presented.

Motion: Bill Adams

Second: Lisa DeGifford

Vote Aye: Schein, Stucki, Taylor, Rosenbaum, DeGifford, B. Adams, Whitehead

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 21-32.

7. RESOLUTION APPROVING THE 2022 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

The City Council has responsibly reviewed and discussed the 2022 Budget and now believes that approval of the 2022 Budget at this meeting is in the best interest of the citizens of the City of Lowell.

Motion to approve the Resolution as presented.

Motion: Lisa DeGifford

Second: Bill Adams

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

Abstain: Taylor

Motion to approve the Resolution as presented approved.

Resolution assigned No. 21-33.

8. RESOLUTION APPROPRIATING FUNDS TO THE PARKS DEPARTMENT FOR ENGINEERING SERVICES REQUIRED FOR IMPROVEMENTS TO THE KATHLEEN JOHNSON MEMORIAL PARK PROJECT IN THE CITY OF LOWELL, ARKANSAS.

The City of Lowell has a contract with McClelland Consulting Engineers, Inc. to provide engineering services for design and improvements to the KJMP Project at an approximate cost of \$58,611.00. The Mayor and City Council approve the need for the engineering services and expenditures.

Motion to approve Resolution as presented.

Motion: Bethany Rosenbaum

Second: Steve Whitehead

Vote Aye: Schein, Rosenbaum, Stucki, Taylor, DeGifford, B. Adams, Whitehead

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 21-34.

9. RESOLUTION MOVING APPROPRIATED FUNDS FROM THE SEWER FUND TO THE GENERAL FUND FOR THE INSTALLATION OF A LOW-PRESSURE SEWER SYSEM WITHIN THE SABRE HEIGHTS SUBDIVISION IN THE CITY OF LOWELL, ARKANSAS.

A resolution (21-31) appropriating funding for the installation of a low-pressure sewer system within the Sabre Heights subdivision was passed at the Lowell City Council meeting on September 21, 2021. It is necessary to move the appropriated funding of \$452,803.00 out of the Sewer accounts reserves and distribute the funds to various accounts for payment of the project.

Motion to approve Resolution as presented.

Motion: Bill Adams

Second: Chasity Taylor

Vote Aye: Schein, Stucki, Taylor, Rosenbaum, DeGifford, B. Adams, Whitehead

Vote Nay: None

Motion to approve Resolution approved.
Resolution assigned No. 21-35.

10. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. FOR THE PURPOSE OF CONNECTING FIRE STATION #2 TO GRAVITY SEWER.

Having received an agreement from McClelland Consulting Engineers, Inc. (MCE) for consulting services required for construction of gravity sewer line to connect Lowell Fire Station #2 to the nearest lift station in order to provide for a sewer connection as part of the KJMP Project (Agreement), the City Council wishes to approve the proposed agreement and believes it to be in the best interests of the citizens of the City of Lowell.

Motion to approve Resolution as presented.

Motion: Chasity Taylor

Second: Eric Schein

Vote Aye: Schein, Rosenbaum, Stucki, Taylor, DeGifford, B. Adams, Whitehead

Vote Nay: None

Motion to approve Resolution approved.
Resolution assigned No. 21-36.

11. RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF LOWELL, ARKANSAS TO ENTER INTO AN AGREEMENT WITH ENTERPRISE FM TRUST, A DELEWARE STATUTORY TRUST TO LEASE VEHICLES.

Upon receiving advice from Mayor Moore that it is in the best interest of the citizens of the City of Lowell that the City begin leasing vehicles from Enterprise FM Trust, a Delaware Statutory Trust (Enterprise), the City Council authorizes Mayor Moore to enter into a contract with Enterprise for the leasing of vehicles.

Motion to approve Resolution as presented.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Taylor, Schein, Rosenbaum, Stucki, B. Adams, DeGifford, Whitehead

Vote Nay: None

Motion to approve Resolution approved.
Resolution assigned No. 21-37.

12. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CRAFTON TULL & ASSOCIATES, INC. FOR THE PURPOSE OF PERFORMING AN ENVIRONMENTAL ASSESSMENT FOR THE TRAFFIC SIGNAL IMPROVEMENTS HWY 264 AND 71B.

The Mayor and City Council has received an amendment to the Engineer Agreement from Crafton Tull & Associates, Inc. for engineering services related to the traffic signal improvements at the Hwy 264 and 71B intersection to address the additional costs made necessary by the requirements of an Environmental Assessment as required for the Federal STBGP funding.

Motion to approve Resolution as presented.

Motion: B. Adams

Second: Chasity Taylor

Vote Aye: B. Adams, Whitehead, Schein, DeGifford, Stucki, Taylor, Rosenbaum

Vote Nay: None

Motion to approve Resolution approved.
Resolution assigned No. 31-38.

ANNOUNCEMENTS:

1. Lowell Parade and Tree Light Event scheduled for Saturday, November 20, 2021 beginning at 6:00pm.

2. Second Annual Light-up-Lowell Contest will be held this year. Judging for the contest will be performed by the Lowell Fire Department on December 16th. First, Second and Third Place signs will be put in the yards of the winners.
3. Lowell will host a Winter Craft Fair in Ward Nail Park on December 11th from noon until 4:00pm. The Lovely Winter Market of the Ozarks will have handmade and vintage items available from Holiday shopping and Holiday Music will be provided.

ADJOURNMENT: Motion to adjourn by Eric Schein and second by Chasity Taylor. There being no objections, the meeting adjourned at 7:56pm.

ATTEST:


City Clerk/Elizabeth Estes



APPROVED:


Mayor/Chris Moore

City of Lowell

Minutes of the Regular Council Meeting

December 16, 2021