

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
VIRTUAL MEETING
AUGUST 18, 2020 - 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 6:42pm 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 Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner, Thomas Evers, Todd Fenix, Eric Schein and Lisa DeGifford. 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 – July 21, 2020
Financial Statement – July 2020

Motion to approve the Consent Agenda.

Motion: Eric Schein

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to approve Consent Agenda approved.

PUBLIC FORUM: Open: 6:44PM Close: 6:49PM

Candace Duncan, 217 Caldwell St, is a member of Weatherton POA and was glad the city was going to fix their water issues. There was lots of damage from the 2017 heavy rains and when it rains hard, the entrance gets flooded. She supported city's efforts.

Roger Lacey had a question from Williams family if there would be discussion after Item I. He congratulated the City of Lowell for being the best city to live in. Mayor asked him to take his questions to the city staff.

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

Motion to approve Procedural Motion.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Vannoy, DeGifford, Adams, Fenix, Bitner, Evers, Taylor, Schein

Vote Nay: None

Motion to approve Procedural Motion passed.

OLD BUSINESS:

1. **DISCUSSION ON MAY 19, 2020 LOWELL CITY COUNCIL APPROVED A RESOLUTION SUPPORTING THE MAYOR IN SEEKING GRANT FUNDING FOR A ROUNDABOUT AT THE INTERSECTION OF HWY 264 & BELLVIEW ROAD. GRANT FUNDING WAS APPROVED IN THE AMOUNT OF \$750,000 ARDOT ADDING \$848,150. THE CITY OF LOWELL WILL PAY 20% MATCHING FUNDS.**

Kevin Beaumont gave a PowerPoint presentation and can be viewed on the recording of the meeting. Councilman Schein asked for consideration of a right-hand turn lane southbound off Bellview. No action taken.

NEW BUSINESS:

1. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF LOWELL AND CRAFTON TULL AND ASSOCIATES, INC. FOR THE PURPOSE OF PROVIDING PROFESSIONAL ENGINEERING SERVICES TO ADDRESS DRAINAGE ISSUES FOR THE WEATHERTON SUBDIVISION.

An agreement for professional services for work on drainage issues on the northern part of the Weather-ton Subdivision to provide safe, reliable erosion control and flood control is in the best interest of the citizens of Lowell.

Motion to approve Resolution as presented.

Motion: Dean Bitner

Second: Eric Schein

Vote Aye: Evers, Adams, Vannoy, Taylor, Fenix, DeGifford Schein, Bitner

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-14.

2. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE CITY OF LOWELL, ARKANSAS. (APERMA \$20,000.00)

Amend the budget to reconcile actual expenditures and receipts with the 2020 budget predictions for the appropriation of funds for a Risk Assessment Invoice provided by APERMA. Staff recommended Resolution be tabled. Resolution was tabled.

Motion to table Resolution.

Motion: Dean Bitner

Second: Linda Vannoy

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to table Resolution passed.

3. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

Funds (\$63,445.00) transferred from Fire Department Expenditures Fund to Police Department Expenditures Fund.

Motion to approve Resolution as presented.

Motion: Eric Schein

Second: Linda Vannoy

Vote Aye: Adams, Fenix, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-15.

4. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

Funds (\$54,911.00) transferred from General Reserves Fund to Fire Department Expenditures Fund.

Motion to approve Resolution.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Adams, Fenix, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-16

5. ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF A BULLDOZER FOR THE STREET DEPARTMENT.

City of Lowell has the opportunity to purchase a bulldozer for the Street Department through Scott Equipment at a significantly lower price than the approved bid pricing for the same bulldozer.

Motion to approve Ordinance.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Fenix, DeGifford, Vannoy, Evers, Adams, Bitner, Taylor, Schein

Vote Nay: None

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1054

6. ORDINANCE REZONING CERTAIN LANDS FROM SINGLE FAMILY RESIDENTIAL ONE-ACRE LOTS (R-A) TO SINGLE FAMILY RESIDENTIAL 8,000 SQ. FT. LOTS (R-E).

Zone classification was changed from Single Family Residential One-Acre Lots (R-A) to Single Family Residential 8,000 Square Feet Lots (R-E) for property located at 701 Honeysuckle Street.

Motion to approve Ordinance.

Motion: David Adams

Second: Dean Bitner

Vote Aye: Adams, Evers, Vannoy, Schein, DeGifford, Fenix, Taylor, Bitner

Vote Nay: None

City Clerk read Ordinance one time by title only.

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance was assigned No. 1055

7. ORDINANCE REZONING CERTAIN LANDS FROM PLANNED UNIT DEVELOPMENT (PUD) TO SINGLE FAMILY RESIDENTIAL 15,000 SQ. FT. LOTS (R-C) AND RETAIL (R).

Zone classification was changed from Planned Unit Development (PUD) to Single Family Residential 15,000 Sq. Ft. Lots (R-C) and Retail (R) for property located at 105 Zion Church Street.

Motion to approve Ordinance.

Motion: David Adams

Second: Dean Bitner

Vote Aye: Evers, Adams, Vannoy, Bitner, Fenix, DeGifford, Schein, Taylor

Vote Nay: None

City Clerk read Ordinance one time by title only.

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance was assigned No. 1056

8. ORDINANCE TO RECIND ORDINANCE NOS. 1052 AND 1053 TO RECIND THE ADOPTION AND THE REQUEST AND CALL FOR AN ELECTION OF A TWO PERCENT TAX ON PREPARED FOODS AND HOTELS TO BE DEDICATED TO THE DEVELOPMENT, CONSTRUCTION, AND MAINTENANCE OF PARKS IN THE CITY OF LOWELL.

On July 21, 2020 City Council passed Ordinance Nos. 1052 and 1053. After further discussion in public work session and with the citizens of Lowell, the City Council determined that they would rescind these two ordinances; and, the current Advertising and Promotion tax be maintained and that the call for an election to dedicate such tax to parks be rescinded and withdrawn.

Council Members discussed this issue and some of it was not audible on the tape because their mikes were not open.

Bill Adams, Chairman of A&P Commission, commented he could not commit how members of the A&P Commission would vote to spend funds, but he personally didn't have any issues with it.

Council Member Vannoy pointed out that in January the City Council and will possibly change members after the general election and other changes could be recommended by new members at that time. The A&P Commission will be having an election after the first of the year also. Council Member Bitner pointed out that the A&P tax was the only revenue stream to provide or allow us to have an amenities' revenue stream; and if it goes away, it will be a travesty. Council Member Schein wanted the people to have a voice as to where the money would be spent.

Motion to open to public for discussion.

Motion: Dean Bitner

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to open to public for discussion passed.

Mike Mahoney, Director of A&P Commission, came to us after he retired from Eureka Springs. It was viable for restauranteurs and lodging properties and everyone in that community to depend on what the A&P did to keep that city viable. It was so important during this pandemic had not the A&P developed a very solid reserve in solid marketing a lot of those businesses would have failed. When he looked at the A&P in Lowell in 2019, he said it would be a part time job. The reason it is a part time job is the amount of collections that come into it does not necessitate a staff or someone working 40-hours week. The reason the A&P is vital is because they are the voice of the city in Arkansas that represents itself to the rest of the nation. They are one the cities in Arkansas that the State of Arkansas helps promote. Advertising has been done in many different publications. We work for the businesses and bring people in. Not only do we want them to spend money in, we want the people to stay here. We want business to come here. If we take away money, we won't be bringing in people. We are embracing a program to help put a shot into the businesses and we want them to come out of the pandemic strong. Consider we want to partner with parks and we will do what we can to help promote this.

Brian Clark – 806 Andrews Place – made three points: 1) believes events in COL are important; 2) don't pigeon hole yourselves on where to spend the funds; 3) can this wait; we know how everyone feels and we don't want to do anything that puts the 1% tax for Fire Department in March in jeopardy.

Motion to approve Ordinance.

Motion: Todd Fenix

Second: Dean Bitner

Vote Aye: Adams, Fenix, Taylor, Bitner, Evers, DeGifford

Vote Nay: Vannoy, Schein

City Clerk read Ordinance one time by title only.

Motion to approve Ordinance passed.

Ordinance was assigned No. 1057

Motion to approve Emergency Clause.

Motion: Thomas Evers

Second: Dean Bitner

Vote Aye: Vannoy, DeGifford, Adams, Fenix, Bitner, Evers, Taylor, Schein

Motion to approve Emergency Clause passed.

Motion to amend agenda and add Linda Vannoy's resignation from A&P Commission and nominate Lisa DeGifford to take Linda's position.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Evers, Taylor, Vannoy, Fenix, Schein, Bitner, Adams

Abstain: Lisa DeGifford

Vote Nay: None

Motion to amend agenda and add Linda Vannoy's resignation from A&P Commission and nominate Lisa DeGifford to take Linda's position approved.

Linda Vannoy has decided not to run for her council position in 2021 and the City Council accepted her resignation from the A&P Commission. City Council accepted Lisa DeGifford to take Linda's A&P position.

9. DISCUSSION – SABRE HEIGHTS SEWER

Richard Stone, Director of Special Services, presented Option No. 4 as a possible solution to the Sabre Heights Sewer situation. It is outlined completely in the council packet. Most of the public that spoke on Option No. 4 seemed to like this option. Council would like to have a commitment from the entire neighborhood. Installation of sewer would be done in existing R-O-W easements. It was also recommended that we provide the infrastructure and having homes connect when they need to.

Motion to open to the public for discussion.

Motion: Dean Bitner

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to open to the public for discussion passed.

Michael Phillips, 1408 Tudor Street, seemed to think Option would be more in line with what people could handle. The time frame allowing people to hook up to the system would be a concern. At this moment, his system is working okay; but, in the future he would probably be likely to connect.

Jeremy Welkly, 1322 Lancelot, noted there had not been a survey done to see how many people would participate. The condemned house in his neighborhood is lowering property values in the entire neighborhood. His system is sinking, but working. He would foot the \$5,000 to put the new sewer in.

Austin Bray, 1417 Lancelot, stated basically 10-12 years ago survey was done and 12 out of 85 houses had issues. A new advanced system would cost \$30,000 and fail in two years. Biggest problem is city needs to start condemning houses. The state recommended it be condemned. He is the third lawsuit on his house. Put sewer in or take actions so that people are not being screwed by these houses and he has suffered financially greatly. He was frustrated by city not knowing what they are talking about.

Larry Rambeaux, 1319 Lancelot St., is from the condemned house and lives across from Jeremy. I do not have any problems; but he would likely tap into the new system. It will help property value and allow him to take advantage of his back yard. It will fix some of the easement issues behind his house;. And, there is an electric transformer that will be falling into the ditch behind my house.

Sue Cole, 123 Larsen Avenue, and her husband is 100% on board if you can work in Option No. 4. We do not have any septic problems. Because of drainage problems in the neighborhood, it smells like sewage. He felt a lot of people would like to do this. Since there are different cultures in the area who do not speak English, a translator would be helpful.

Mayor Moore stated city staff recommends we do something. We can borrow money from General Reserves and have that money paid back. Having infrastructure installed would be prudent to help the people in that area. The council would make that decision. City Staff would have more information available at the September meeting.

Brenda Held, 1422 Tudor Street, had no sewer issues but two of her neighbors are interested. One neighbor is having issues.

Council suggested that registered or certified letters go out to residents to inform them of what we are looking at as a city. They would like the residents to be at the next meeting. Letters would go out to registered owners. This idea would be deferred to city legal counsel.

EXECUTIVE SESSION:

Council members adjourned meeting to hold Executive Session.

Began: 8:41pm Ended: 9:33pm

All Council Members returned after the Executive Session and no action was taken.

ANNOUNCEMENTS: None.

ADJOURNMENT: Motion to adjourn by Eric Schein and second by David Adams. There being no objections, the meeting adjourned at 9:34pm.

ATTEST:

APPROVED:

City Clerk/Elizabeth Estes

Mayor/Chris Moore