

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
OCTOBER 17, 2017 - 6:35PM**

6:00PM - INTERVIEWS FOR VACANT ALDERMAN - SEAT WARD 2 POSITON 2

Three candidates: Amanda Litzman, Marcus Gafford, Shawn Cheney
Mayor Long and Councilmembers interviewed three candidates before the regular council meeting.
Questions are attached.

ROLL CALL: Adams, Evers, Fenix, Stucki, Bitner, Jones, Vannoy

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:30PM by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was given by Nelson Perkinson, Pastor of Kingdomwerks Church.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Eldon Long.

ROLL CALL: Mayor Long asked for roll call. City Clerk made a verbal roll call. Council Members present were **Thomas Evers (late), Lonnie Jones, Kendell Stucki, Todd Fenix, Linda Vannoy, David Adams, Dean Bitner.** Deputy Attorney Kieklak was present, also. There was quorum. A roster of all others in attendance is on file with these minutes. Note: Councilman Evers was absent when roll call was taken but he came to meeting before Consent Agenda was approved.

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting – September 19, 2017*
Financial Statement – September 2017

***Scribner Note:**

Resolution authorizing the rate of property tax for the City of Lowell, Arkansas, for the year 2017 to be collected in 2018 was changed to Resolution No. 25.

Resolution to approve and authorize the relocation of the Lowell Museum to three (3) acres of land within the Kathleen Johnson Memorial Park and to designate the proceeds from the sale of the former museum site an L P Davis property to the construction of the new museum within Kathleen Johnson Memorial Park was changed to Resolution No. 26.

Motion made to accept the Consent Agenda with corrected Minutes.

Motion: Kendell Stucki

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda with corrected Minutes approved.

PUBLIC HEARING: APPEAL – 9560 EAST BROWN ROAD OPEN: 6:40PM CLOSED: 6:50PM

Maria Pitzmyer, 823 Barret Place – She was opposed to rezone because her property value may be decreased. Lots were zoned residential. Lot was not maintained, electrical parts laying around. Non-residential activity would increase traffic.

Debbie Coberly, 1728 Billie Acres Place – She is opposed to rezone due to drainage problems; water flows into her property. Homes were built out there and other families may be building more homes. Commercial zoning doesn't seem to fit with residential homes in the area. Property values could be affected if a storage building was built behind her house. If rezone is passed, she would like some landscaping barrier between homes and commercial property.

Billie Stanphill, 1825 Billie Acres – The area surrounding Prime Power must stand up for their rights. These homes were built in this area before it was annexed into City of Lowell. Children play outside and if it goes commercial the traffic will pick up and the safety of the children would be affected.

PUBLIC FORUM: Open: 6:50PM Close: 7:00PM

Nelson Perkiinson, Pastor of Kindomwerks Church, introduced himself and his assistant. He told the councilmembers about his church and its ministry to the community.

Josh Strotter, 465 S. Locust, Fayetteville, he and volunteers have picked up over 300 cigarette butts from the parks. He represented Tobacco Cessation program and recommended the parks be smoke free.

Council will take his recommendation to the next Ordinance Committee for discussion.

*Councilman Evers arrived for meeting.

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

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

Motion: Todd Fenix

Second: Dean Bitner

Voice Vote Aye: Bitner, Fenix, Jones, Stucki, Vannoy, Evers, Adams

Voice Vote Nay: None

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

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

OLD BUSINESS: None.

1. ORDINANCE REZONING APPROXIMATELY 9.99 ACRES OF REAL PROPERTY LOCATED AT 9560 E. BROWN ROAD FROM RESIDENTIAL (R-A) TO COMMERCIAL (C).

Kris Sullivan told the councilmembers the Planning Commissioners voted 5-2 to deny rezoning.

Phil Cowan, 9560 E. Brown Road, has a design for type of building he plans to put on his property. It will be up to city ordinances and his timeline is one year to completion. He must put in road improvements, fire hydrants, etc. West side of his building would be green area. He would put in trees along backside of property. When he was in Benton County, he ran his business according to their rules and then his property was annexed into the City of Lowell.

Planning Commissioner Caldwell based his decision on if Mr. Cowan had been a better neighbor, there would not have been a problem with rezoning his property.

Matt Bailey reported the city had been out there on issues of cleaning up the property.

The question before the council was is this zoning good for this neighborhood.

Motion made to approve Ordinance as presented.

Motion: Kendell Stucki

Second: Thomas Evers

Vote Aye: Adams, Stucki, Bitner

Vote Nay: Vannoy, Jones, Fenix

Recuse: Evers

Motion to approve Ordinance failed.

2. ADDENDUM #4 TO CONTRACT BETWEEN WASTE MANAGEMENT (PREVIOUSLY DEFFENBAUGH OF ARKANSAS, LLC AND CITY OF LOWELL).

Jason Fitzgerald, representative for Waste Management, explained the necessity of this addendum. It will be a three-year agreement and the rates will remain the same until April 30, 2019.

Motion made to approve Addendum #4.

Motion: Todd Fenix

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None.

Motion to approve Addendum #4 approved.

NEW BUSINESS:

1. ORDINANCE APPROVING AND ADOPTING A REVISED ZONING MAP FOR THE CITY OF LOWELL, ARKANSAS.

Housekeeping item because the ordinances adopted in 2017 are already on this map.

Motion to approve Ordinance as presented.

Motion: Dean Bitner

Second: Thomas Evers

Vote Aye: Fenix, Bitner, Vannoy, Evers, Adams, Stucki, Jones

Vote Nay: None.

Motion to approve Ordinance approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 1002.

2. RESOLUTION TO APPROVE AN AGREEMENT TO PROVIDE AMBULANCE SERVICE TO THE CITY OF BETHEL HEIGHTS AND TO AUTHORIZE THE MAYOR TO SIGN THIS AGREEMENT.

Ambulance service must be approved each year before January. Council asked fees be raised \$50 per transport.

Motion was made to approve Resolution as presented.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None

Motion to approve Resolution as presented approved.

Resolution assigned No. 17-27.

Councilmembers elected to meet in Executive Session to review applicants for Ward 2, Position 2.

Motion to meet in Executive Session to review applicants for Ward 2, Position 2.

Motion: Linda Vannoy

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None

Motion to meet in Executive Session to review applicants for Ward 2, Position 2 approved.

Recessed: 7:45PM Reconvened: 8:20PM All councilmembers returned to their seats.

Motion to approve Shawn Cheney as Councilman for Ward 2, Position 2.

Motion: Linda Vannoy

Second: Todd Fenix

Vote Aye: Adams, Evers, Fenix, Stucki, Bitner, Jones, Vannoy

Vote Nay: None

Motion to approve Shawn Cheney as Councilman for Ward 2, Position 2 approved.

COMMITTEE REPORTS:

KJMP Steering Committee – Notes attached.

Budget Committee – Meetings will be October 24 and October 25 at 6:00PM in council chambers.

Ordinance Committee – Next meeting will be October 23 at 6:00PM in council chambers. Annexation, tobacco free parks, open-air permit, hamburger tax and hotel-motel tax will be on the agenda.

ANNOUNCEMENTS:

1. Mike Morris sub Station Report.
2. Letter from Governor Asa Hutchinson
3. Bikes, Blues & BBQ
4. Museum Veterans Salute Event
5. Veterans Day Parade
6. BMX Track Opening Video

ADJOURNMENT: Motion to adjourn; motion by Dean Bitner and second by Kendell Stucki. There being no objections, the meeting adjourned at 8:45PM.

APPROVED:

Mayor/Eldon Long

ATTEST:

E. Estes
City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

October 17, 2017