

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
SEPTEMBER 17, 2019 - 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 6:33pm 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, Eric Schein, Todd Fenix 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 – August 20, 2019  
Financial Statement – August 2019**

**Motion to approve the Consent Agenda.**

**Motion:** Dean Bitner

**Second:** David Adams

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

**Vote Nay:** None.

**Motion to approve Consent Agenda approved.**

**PRESENTATION:** Mayor Moore presented plaques to Lt. Paul Pillaro, 16 years of service, and Richard Stone, 15 years of service, to the City of Lowell. Councilman Schein introduced GY6, sponsors of Heroes Mud Crawl, who will present the proceeds to the police and fire departments at a later date.

**PUBLIC FORUM:** Open: 6:40PM Close: 6:45PM

David Boatright, 8688 W. Ladelle, explained that on multiple occasions an unknown person was shooting guns and the bullets were narrowly missing him. He reported that vandalism to his property has occurred also. He has contacted the Lowell Police Department about this situation.

**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:** Thomas Evers

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

**Vote Nay:** None

**Motion to approve Procedural Motion approved.**

**OLD BUSINESS:** None

**NEW BUSINESS:**

**1. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 16-59, BY REZONING CERTAIN LANDS FROM ONE-ACRE SINGLE FAMILY RESIDENTIAL (R-A) TO COMMERCIAL (C).**

Karen Davis explained the property at 810 Spring Creek is being brought up to conforming use.

**Motion to approve Ordinance as presented.**

**Motion: David Adams**  
**Second: Todd Fenix**  
**Vote Aye: Fenix, Adams, Vannoy, Evers, Bitner, Schein, DeGifford**  
**Vote Nay: None**  
**Vote Abstain: Taylor**  
**Motion to approve Ordinance passed.**  
**City Clerk read the Ordinance by title only.**  
**Ordinance assigned No. 1040.**

**2. REZONING CERTAIN LANDS FROM SINGLE FAMILY RESIDENTIAL ONE-ACRE LOTS (R-A) TO COMMERCIAL (C).**

Jay Williams, Attorney in Gentry, AR represented the Perry Family for their property on Goad Springs Road, City of Lowell. He made a slide presentation of the property and requested the zoning be changed from Single Family Residential one-acre lots (R-A) to Commercial (C). The Perry family is willing to consider a more restrictive use such as Retail Office.

**Motion to invite public to comment.**  
**Motion: David Adams**  
**Second: Chasity Taylor**  
**Voice Vote Aye: Unanimous**  
**Voice Vote Nay: None**  
**Motion to invite public to comment approved.**

David Matthews, Sycamore Trace, was not in favor of the rezone request. He lives in the subdivision north of the property being rezoned. Goad Springs Road is unable to accommodate any additional traffic. It is possible that when Dixieland Road is completed all the way through and there is an alternative way to get to the Perry property, perhaps at that time traffic studies might indicate a rezoning would be appropriate. The property has been shown over the long term as being residential and he believed it would remain that way. The impact of the JB and Arvest traffic on Goad Springs Road and on the one-lane wooden bridge has been significant due to it had been repaired on a frequent basis. The road and bridge cannot accommodate any more traffic. He felt that the council could not consider a recommended change in zoning to retail office until it had been taken before the planning commission.

Councilman Schein asked David Matthews if his property was on sewer. David said they were on septic and the large sewer pipe behind his house is a trunk line and not a line that could be tapped into.

Councilman Evers brought out that the commercial zoned property on the east side of Goad Springs Road has been for sale for a long time and have not sold. To him it indicated that commercial might not be suitable like an R-1 would not be suitable.

David Matthews was concerned that if the property was sold as commercial, then billboards could be put in and he was against any billboards in that area. He thought residential office would be a different matter because billboards may not be permitted.

Councilman Thomas pointed out there was not adequate fire equipment access to that area. The more people added to this area would increase the problem.

Nassar Farschian, 907 Sycamore Trace, commented that this situation had come before the planning commission and council before and requests for commercial zoning were defeated. He will always be against rezoning that land to commercial.

Jay Williams clarified that the Perry family had obtained a sewer easement allowing their property to have access to sewer lines. His property is 200' from Apple Blossom Road and Silent Grove Road and he would anticipate primary access to and from his property to be from those roads. His client would consider retail office or neighborhood services as possible zones for his property.

City Attorney explained the council had the power to consider zoning appropriate for the property. Usually the planning commission is the first step of zoning requests, but the council can hear and consider a zoning appropriate for the property. The applicant must wait six months before coming before the council with the same zoning request; however, the applicant may come before the council with a different zoning request for the same property any time.

Bottom line, the council has the power to rezone this property something different than requested. You don't usually do that because you usually go to the planning commission first. You are empowered to do that. Instead of thinking in terms of "higher" or "lower, think in terms of what's the best use for this property.

Councilman Bitner asked that the two parties get together and find a reasonable solution to this dilemma. The bridge at Goad Springs needs to be addressed sometime in the future.

Councilman Schein pointed out that the properties on Burrell were used as commercial at one time but now they are not. There is a day care on one property. That area is not branded as commercial. He felt they should be talking about Apple Blossom and Silent Grove Roads and the traffic they should have on them. Once this property is zoned commercial, then any type of vehicles can travel on these roads.

**NO ACTION, ORDINANCE FAILED.**

**3. RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF LOWELL, ARKANSAS FOR THE YEAR 2019 TO BE COLLECTED IN 2020.**

There are no changes in this resolution as it is a housekeeping item every year.

**Motion to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution passed.**

**Resolution assigned No. 19-33.**

**4. RESOLUTION AMENDING APPENDIX B FEE SCHEDULE OF THE LOWELL MUNICIPAL CODE AND SETTING FORTH THE VARIOUS FEES FOR THE CITY OF LOWELL.**

Appendix B Fee Schedule has been updated for match surrounding municipalities.

**Motion to approve Resolution as presented.**

**Motion: Dean Bitner**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution passed.**

**Resolution assigned No. 19-34.**

**ANNOUNCEMENTS: None.**

**ADJOURNMENT:** Motion to adjourn by Eric Schein and second by Todd Fenix. There being no objections, the meeting adjourned at 7:30pm.

ATTEST:

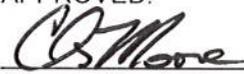


City Clerk/Elizabeth Estes

City of Lowell



APPROVED:



Mayor/Chris Moore

Minutes of the Regular Council Meeting

September 17, 2019