

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
APRIL 21, 2020 - 6:30PM**

INVOCATION: Sgt. 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 6:38pm by **Mayor Chris Moore** at the Lowell Council Chambers. City of Lowell held the City Council Meeting via Zoom. A public link was disseminated to the general public and project applicants.

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 – February 18, 2020
Financial Statement – March 2020**

Motion to approve the Consent Agenda.

Motion: Dean Bitner

Second: David Adams

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

Vote Nay: None

Motion to approve Consent Agenda approved.

PUBLIC FORUM: Open: 6:40PM Close: 6:47PM

Perry Long, 408 Center Drive. I am speaking from my heart and for those many citizens who feel the same for the benefits of Lowell. I have had a citizen's interest in city and state government for many years. My interest here tonight is not as a former mayor of Lowell, but one of many concerned citizens. First no mayor, council, department head or employee should receive personal aid at the taxpayers' expense and as a result of the city's work. I was lucky because my council consisted of citizens whose interest was in the city and its progress. Council, are you aware of where the 2% sales tax A&P money has gone?

Anne Diallo, Fayetteville, is representing NWA Space and is hoping and planning to move to Lowell. I represent the whole organization and we are very happy to be included in the city council meetings and to participate and listen in at every meeting whether we are on the agenda or not. We want to be part of Lowell. Thank you very much.

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

Motion: Linda Vannoy

Second: David Adams

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

Vote Nay: None

Motion to approve Procedural Motion approved.

OLD BUSINESS: None

NEW BUSINESS:

1. DECLARATION 2020-2 DECLARATION OF EMERGENCY FOR THE CITY OF LOWELL, ARKANSAS.

City Attorney explained this emergency declaration was put in place to give the mayor some power to act such as suspending a zoning rule temporarily. A good example would be to allow restaurants to do curb side delivery/pickup or alter some of their parking spaces to allow someone to come and park so food could be taken to them. His order setting aside those zoning rules would only last 30 days and could be renewed as needed. He will be following the Governor's guide lines. The mayor is allowed to keep the city safe and to do things to help out businesses with zoning and planning without planning commission process on a temporary basis. No action is needed by councilmembers.

2. 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).

Brent Johnson requested rezone of property on North Goad Springs Road to change from one-acre single family residential to commercial so property will fit the surrounding area. Plans are to develop this parcel for commercial use. Rezone falls in line with Future Land Use Map.

Councilman Evers stated for the record that the small house on this property would have to go through state regulations to remove it and developer would have to work the Planning Department for improvements to the road.

Motion to approve Ordinance as presented.

Motion: Dean Bitner

Second: David Adams

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

Vote Nay: None

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1047.

3. ORDINANCE SUSPENDING THE TWO PERCENT (2%) TAX ON HOTEL, MOTEL AND SHORT-TERM ACCOMMODATIONS AS WELL AS THE TWO PERCENT (2%) TAX ON PREPARED FOOD AND BEVERAGES SOLD IN THE CITY OF LOWELL, AND FOR OTHER PRUPOSES UNTIL FURTHER NOTICE.

Mayor Moore opened this Ordinance for public discussion.

Mike Maloney, Cave Springs, works for the Lowell Advertising & Promotion Commission. He sent an email to each councilmember with several components of the A&P Tax and why it is so vital. COVID-19 has changed our lives. It's making us think how we can improve ourselves once the all clear is announced, how to run our businesses better and how we can be better stewards to the Lowell community. I believe there are great things about the A&P Commission and what we are trying to do. We started our advertising marketing campaign in August of 2019 and we were waiting until this spring to start our new campaigns. I would like to ask you to do something important for the people of Lowell; something important for our businesses; something to bring tourists and guests back into our community. Jerry Hudlow indicated that our numbers were actually good for this time of the year and we may actually be outpacing 2019 numbers. At the end of 2019 people were spending \$55,000 a day in Lowell in lodging and restaurants. That is up 91/2% increase. I am going to ask you to continue to let this commission do its job and its important work. I know each one of you want progress, growth and you want reasons for people to come to Lowell. I hope you will vote in a positive direction this evening and that you do not take a step backward.

Bill Adams, 714 Dogwood Ave, thanked street department for constantly fixing (inaudible). They do a great job. With the A&P Commission (inaudible comments due to constant background noise). One of the comments about the 2% sales tax whether or not the money has been thrown away or no one knows

where it's going, I assure you every penny, nickel and dime has been accounted for. Nothing has been spent in any way that is frivolous. It's not benefiting the mayor; no one is attempting to take the money to benefit the mayor's business. If anyone has any questions, feel free to ask us. We'll be here for the rest of the meeting. We're here if you need us. Thanks.

Rodney Lowe, 119 S. Bloomington, during these hard times I think removing the sales tax will help your citizens of Lowell and be a great thing. I know when they put it in we got a lot of complaints, still get a lot of complaints because we're 2% higher than just down the road. We can help our citizens who are out of work by lowering the sales tax even for a short time. Right now we are not promoting any events because there are no events going on so if we can help them for a short time, it would be a great thing.

Brian Clark, 806 Andrew Place, in these times anything we can do to help residents and businesses in our area should be done. I feel that temporarily removing the A&P tax is a positive decision. I love the A&P tax and the work the A&P commission is doing and that they are going to get back to doing; but, if people are not able to spend money in businesses and businesses are not able to survive through this period, there may not be anything to promote for them to come back to. I am in favor of this and would ask the council to vote in favor of this. I would ask the council to go further. I don't know how much is in the A&P fund, but I would suggest as a citizen of Lowell that we find some way to use some of these funds to help businesses survive during this time.

Mayor Moore asked Karen if she received comments in favor or against this Ordinance. She received an email from Kelly, Daylight Donuts, who was against the tax.

Mayor asked for comments from the councilmembers.

Eric Schein had several citizens contact him who were supportive of suspending the tax during this time. There are a lot of blue-collar workers in Lowell with low incomes and this tax affects them.

Thomas Evers asked how long we were going to suspend the ordinance because he didn't want to suspend it and bring it back, suspend it again, etc. Mayor Moore answered it was at the discretion of the council. Thomas Evers wasn't in favor of the ordinance originally but he did vote that everybody had to pay the tax without exceptions. It was brought to our attention by a fellow council member in good faith. Based on the fact that he had promises from an organization that was going to spur a lot of hotel growth, potentially restaurant growth, so after a lot of thinking, I didn't want to put taxes on people even in good times, it did make sense if we were going to be competing with other cities around us, I understood its place then. I don't like the word suspend, either we are or we aren't. It is a good thing to give people a chance to recover from this. I believe this was placed on the horizon before we got to this place with COVID-19.

Chasity Taylor explained when she was campaigning, most of the people didn't want any taxes. What is the A&P doing that Karen from the city and Lance of the Rogers/Lowell Chamber are not doing already for our businesses?

Tom Kieklak explained that the commission is required to exist if we have A&P proceeds. The way we adopted this tax was by vote of the council which means we have to have the commission, that they have to exist to spend that money. We can't do it. So if you didn't have the tax, you still have the commission to oversee whatever money is collected to this date. But if you never restarted it then whoever the city had to do that work, they wouldn't have any income. The short answer is that you have to have the commission if you're collecting the tax. That's not politically satisfying but that's the legal answer.

Dean Bitner asked if Bill Adams could be brought back to the microphone to speak because when he was talking earlier there was so much background noise he could not be heard. There were no objections from council.

Bill Adams stressed that in governance you have a lot of responsibilities. When you assess this tax and the commission was (inaudible). Basically, the tax is for advertising the city. We do have a good chamber but it doesn't push a lot for Lowell. This tax was formed to bring more people into Lowell, Arkansas. After

1-1/2 years of the tax, Mr. Maloney has put together a matrix to show our advertising efforts have brought business into Lowell. We have been able to bring people in from Bentonville, from out of state; bringing money into Lowell so that the tax base can be spent in city. There are a lot of different fascists that are not part of normal city governments or departments within the government. This is where the commission comes in. The goal is to bring people into Lowell so that we can bring more business to businesses that are here and to increase the tax base so that the money coming in for general revenue is able to be spent by the city council. The goal here itself is just to promote Lowell and that's what we do. We don't try to promote any one business. We don't try to promote any one area; but the goal is to bring more people to Lowell. That's the point and purpose and I believe it's what we are doing in very good fashion. I don't know what more information I could give you without going into three hours of statistics and everything else but ultimately the tax is working. The tax is not being paid by majority of people of Lowell. It's being paid by the people who are coming into Lowell. With my business, and I'm one of the people that pay the 2%. Ninety-five percent of the people who come into my business are not from Lowell. They are from Bentonville, Rogers and Springdale. This tax isn't for the people of Lowell, it's from the people who are coming into Lowell. If you have any questions, I'll be glad to answer them. I don't think this is a bad tax and I'm one of the guys who was against it to begin with. It's only about a year in its progress so far. Imagine the people of Lowell after it was founded many years ago and founded its 2% or 1-1/2% tax and they said, "You know what, we don't have enough money in the first year and it's not doing a good job, we should just abandon Lowell." That's not how this works. It takes time and that's what the commission is doing in a very mature and sensible fashion if you ask me.

Lisa DeGifford asked what the A&P was promoting because she had seen a billboard flashing one time. She went online to Discover Lowell and felt it was a very generic web page and it hadn't been updated since it was started. The Twitter and Instagram link, there were no Twitter or Instagram links on there, shouldn't be on their page. Her main question was spending the money because it was supposed to be coming back to our city. There were four requests for grants from the city that were denied by the A&P and she didn't understand why. She spoke to a councilmember from Springdale because Mr. Maloney commented in his email that different cities had an A&P tax. Springdale doesn't have a hamburger tax but they only have a hotel tax. They have a member of the chamber that's on the A&P, so it's a little more transparent. Fayetteville's A&P money gets spent strictly on their parks. There is no designation of where this money can get spent, but yet there are people on A&P Commission 1) who are getting paid when this was initially an unpaid position and 2) are getting grants for their own businesses. In her mind that's double dipping. She didn't see why we were burdening the residents of Lowell any more than we have to during this time. She knows a lot of people are really struggling just to get by to feed their families and if they have to go to Sonic to feed their families because maybe they don't have food to buy or to make at home and yet we are taxing them when they are barely scrapping by.

The mayor understood there were strong opinions about this and the motivations behind this being a possibility of suspending this due to this pandemic and if council chooses to bring it back.

Eric Schein indicated what was being said is this was only a two cents tax, that the businesses don't pay it, that it's paid for by other products and services. We've been given the idea of a hot dog stand which may pay \$1 for a hot dog with two cents additional tax on it. He gets feedback that it's a lot from the elderly community who don't try to get outside Lowell and they like to stay here. There's a lot of other people here who do a lot of business here in Lowell who live here that prefer to go outside of our city and not pay an additional tax. The problem is Joe's Hot Dog stand; not that he has to pay the two cents in tax, but that Joe's not getting the sale of the hot dog because that sale is happening in another city. So now not only is the two-cent sales tax not being taken care of or our regular sales tax that's already embedded in there; we are not benefiting the city from a lot of these points and I'm hearing this from not just one, not just two but many of our citizens really do not like an additional tax. This has been brought up right now in the middle of all this when we are trying to conserve and save up as much money, a lot of people are losing, are on furloughs and people are all over the board that now especially an additional two-cents tax on top of the other taxes that are already levied is what we are really talking about here. We are talking about an additional on top of regular taxes being collected and an additional two cent tax which makes our product more expensive than the other cities. That's the problem and that's what we are addressing today. We are not shutting the A&P down. They have a lot of money in the bank. We are not doing Mudtown Days, not doing a lot of things and if they don't have the money in their account to do it,

they don't need to do things. Since we are still shut down, there's a lot of things they can't do. They need to tighten up their purse strings like everybody else. Let's be serious here. It's not just our citizens. It's NWA. We are part of all of NWA. An additional tax on top of the others is not benefiting anybody right now because we can't spend it to do things like Mudtown Days. We will be saving the citizens money by being stuck indoors, having to be away from everybody. It's completely obnoxious to me. We need to seriously address this and unless anybody has anything else to say, I'm ready to make a motion to uphold this ordinance.

Dean Bitner was not ready to uphold the ordinance. He stated Mr. Burns, Chamber of Commerce, was in favor of the A&P tax because he realizes the good it does for the city. It helps promote the city and he is very much aware of it. He's in support of it. He told me this in a council meeting one night and I'm confident his position hasn't changed. As far as hearing comments from citizens, I do hear them talk about this awful tax. When I explain to them what this tax does, it is quite a different turn around. Then they see the good and appreciate what it's used for. As far as transparency goes, how many councilmembers have been to an A&P meeting? My point is that many of you who are criticizing and saying there is no transparency, haven't taken an active role to steer this commission. You haven't done the good work and go there and see the things they approve and I'm going to ask Mr. Maloney or Mrs. Davis to help list the good things they have done. This two percent advertising and promotion tax is not crippling anyone. The truth is that most folks if they are destitute as Mrs. DeGifford would have you believe, they're probably cooking at home rather than going out to eat if forty cents is going to break them on a twenty-dollar meal. The bottom line is that you convince folks just like Mr. Lowe if they don't know what good can come of it. Let's talk about the good that comes from it. As you know, we are working towards a Christmas program that will be funded entirely by the A&P commission. I know that Mr. Maloney has been working on a KC BBQ contest that will be in conjunction with Bikes, Blue and BBQ and bring people to the city. NWA Space is also going to receive funding with their program, and it will come from the A&P commission. Mudtown has had great sums of money from A&P Commission. Don't forget that we are hot on the heels of a ballpark, at least six, eight or ten field bat and ball sports facility in Lowell. Those folks are going to eat in our restaurants. They are going to wear out parks for Gatorade and bottled water. The bottom line is this thing is still in its infancy and it's learning to walk. They do have a sum of money I would guess probably in the half million dollar range right, but you suspend this program, you haven't shut it down, but you have turned the faucet off. It won't take long and people are asking for this money for NWA Space, which we all agree we want, or Mudtown. It won't take long for this money to be exhausted, then what. I'm disturbed by the language "until further notice." Who gets to decide "until further notice." Is it the council who has to vote this back? Some of you are going to go out and clamor to folks that that they have increased your taxes by 21% like we heard in the last election cycle. This thing is not hurting anyone. Most every city in this region has a variation of this. It's true Springdale has only a hotel tax, but did you know that it's higher than ours? So they don't get anything off their restaurants, they get it off the hotel tax because it's higher than our 2%. Let me go over my list of things. They drive outside the city. So you are going to tell me that on a \$30 meal they are going to drive to the Sonic in Springdale to save \$1.20. I'm going to tell you they will spend more fuel than that going there. The folks who are barely scrapping by, if they are on the ragged edge of being broke, they're probably not eating at Sonic unfortunately. As far as transparency, go and be a part of these meetings. Mr. Lowe, did you know or did anyone share with you that we are going to build a ball field. Did they share with you that when we have the Christmas program people will come to your restaurant for that? Mudtown Days and all the other things, did anyone share that with you, or did they just tell you how evil this tax would be? The bottom line is that some folks are not playing by the rules but are telling half of the report. That's not the way the truth needs to be told. Now I would like to hear from Mr. Maloney as to what the A&P commission has done for our good city. Then I would like to hear from Mr. Lowe.

Mayor Moore asked if the council wanted to hear from Mr. Adams and Mr. Maloney second time. Dean Bitner wanted to but Lisa DeGifford didn't. Eric Schein felt we heard enough from them. Mayor Moore asked for a roll call.

Motion to bring Mr. Adams and Mr. Maloney back to speak to the councilmembers.

Motion: Dean Bitner

Second: Todd Fenix

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

Vote Nay: DeGifford, Schein

Motion to bring Mr. Adams and Mr. Maloney back to speak to councilmembers passed.

Mr. Maloney answered Lisa's comments. City of Fayetteville has a 2% tax and 1% of that tax does go to parks. The other 1% goes to marketing the City of Fayetteville. As we look at the taxes around the region, it goes from 2-3%. Eureka Springs is 3%, Rogers is 3%, Springdale has a lodging tax, from Siloam Springs to the rest of Arkansas this is a vital tax to bring people back into their communities. What we've done in a very short period of time is raise the awareness of the City of Lowell to the people outside the city. If we are advertising only to the residents of Lowell, Arkansas, we are not doing anybody any favors. These people are already here. One of the things we've noticed already is that because of the COVID-19 virus, J B Hunt, Transplace, for instance, those people who normally do not live in the City of Lowell buy all their food, lunches and so forth within the city itself. I think the argument that suggests that the residents of Lowell are being hit hard and suffering from this tax is really a huge misnomer. One of the things I wanted to point out, since I have been working for this commission, we have never turned down a grant from the city. We have gone ahead and propelled Mudtown Days to the tune of \$60,000 in 2019. Again, we budgeted for 2020 but we know what that has done. We went ahead and put \$10,000 in the Christmas program, allocated \$3,500 for Easter; but unfortunately that did not come to pass. We are also allocating money for Veterans Day. I do not know which grant was turned down. I would say, Ms. Gifford, that I have never seen you at commission meetings. I don't know who treated you badly; but I think this was a poor way to make a presentation not only to this council but also this commission.

Mr. Adams couldn't speak anymore than to what was just said. I've never seen you to one of our meetings and if anybody has treated you wrong, I apologize for that. I've been to every meeting and I don't remember you being at any of them. If anyone treated you badly, I apologize, and I would like to know who that would have been. When the city makes its choice on suspending or not suspending the tax today just know that this tax is not again taxing the people of Lowell; it's taxing mostly the people who are coming into Lowell. Most of the tax is going to be in the area of fast food such as McDonalds, Arbys, people who are driving on the interstate and coming through there. You are not seeing taxes on normal retail goods that you are having at the Dollar General or any of that means. Most of this money is transient money and all it's doing is preparing Lowell for the future. If you want to take it away that's on you. You're the fathers and mothers of this town. I just don't think it would be prudent to use COVID-19 to pull this tax away that's designed to do just one thing that is to build up your city. I'm always happy to engage any questions if you have them, just let me know.

Lisa responded to Mr. Adams by saying she did attend an A&P Commission meeting before she was elected on the council. So that's why you probably don't recall me being there. When I did walk in, I basically felt very, very unwelcomed. It happened to be the very meeting that you requested \$1,000 your New Year's Eve party. Instead of stepping out of the room while the A&P Commission took their vote, you sat right there next to them. In my opinion, they had no choice but to give you the funds. You sat there and looked at them right in their faces while they voted which I think was inappropriate. As far as Mr. Maloney, we entrusted him with to do these wonderful things to the Christmas Parade last year. I don't know if everybody is aware, but he grossly dropped the ball. We had to run around, scattered brained at the very last minute to get things in order. He was given the part numbers, everything for the wreaths that were supposed to be ordered but didn't get ordered. He at the last minute brought lights in that were indoor lights and were sent back. When he said he did these wonderful things, I have a really hard time trusting him with that wonderful thing after seeing how much he dropped ball on last year's Christmas Parade. As far as what we are doing, promoting, I don't see any motion going on anywhere. I got this NWA LIFE from the Democrat Gazette. I understand they do it monthly and the only mention in this entire magazine is an advertisement from Fastlane. They go through here and calendars scheduled all the way out to next January. I don't see anything about this KC BBQ or any events. I don't see any advertising for the City of Lowell. My question to the A&P Commission is where is this advertising? Is it on the web page? Is it on radio? Where is it? I'm not seeing it.

Todd Fenix suggested Lisa attend and participate in the next meeting of the A&P Commission. In those meetings, get the details. Go back and forth and talk to Mike. I engage with him on a regular basis as we're going through here. I think that's aside with what we are supposed to be dealing with now.

Mayor Moore agreed and said there were some strong comments both for and against this. I want to get it back on track. I understand people have very strong opinions. This was brought up as a discussion to do with what's going on with the pandemic. It's a token good will gesture. It was something that was requested. It was suggested. It's a discussion. We are going back and forth on each other and that's not the purpose. It's for purpose of meaningful discussion and not for attacking each other. Is there anyone else for the merits of keeping this or putting it for or against this ordinance?

Dean Bitner had one final thought. I would encourage everyone to come to the next A&P meeting and have this discussion there about how the monies are spent. We should be spending A&P monies on all city businesses and not just those whose members are not on the A&P Commission. I'm going to argue that we should be using these to promote all city businesses. However, if this is truly a token of good will gesture then suspend it for 30 days if that makes you feel better. I don't think it's going to make any difference necessarily in the peoples' lives, but if you want to suspend it for 30 days go ahead. However, the way this language is written now, it says till further notice. It means that then we have to come back and have this whole big fuss again until those of you, Mr. Schein, those of you who are so desperate to get rid of this, until you would finally get your way to get rid of it. The bottom line is this is good for the city. If it's truly a token gesture, then make it a 30-day suspension and it automatically renews 30 days from this date. Fine, if you want that you can have it. I'm going to tell you that what you are doing is wrong and will cripple this city for generations to come. This is a good tax if it's used properly and we know from the things they are doing that it's going to be used properly. Promotional events they bring to this city will benefit all of us.

Linda Vannoy is concerned with the word "suspend" simply because I would want a time frame if we are going to suspend it. Lowell has a lot of good ideas how to promote its parks and how build a ballpark and where to do it. The Christmas event is a great idea as well. But I'm hearing mixed emotions on where we are going to move our parks forward and I think we need to know before we spend money on it is a plan on how Lowell is going to keep these parks up once things are done. I don't necessarily think a ballpark is a bad idea. I get it but I don't think we are going to get return on investment. I think it's a quality of life issue we are looking at. I don't think there's anything that's going to say if you bring in 20 ball players you might get this much of a return on it. So my concern is if we are going to have this and we want it to go forward, I'd like some kind of organized effort to find out number one which park we need to put it in and where do we think we need it for long term growth. As we think about using Ward Nail Park, we also know sooner or later we are going to extend Monroe to Old Wire Road which cuts off a part of it. We know we are going to have to increase parking. I think these are things we are going to have to look at on a much globular picture than this 2% sales tax.

City Attorney Kieklak talked to Linda about initiated acts for the city council. I didn't have a chance to speak to you before this meeting. I did confirm that city councils do have power to initiate acts to the public with a simple ordinance. Of course, it would be up to the county as to when that election would be held and when the deadline would be to get it on general election. And Linda, I wanted to make sure you knew that while we were still talking about this because you had asked me in this context.

Linda replied yes she did ask him. One of the things I had a concern about was if we had put a tax before the people, I think we could have said, ok we are going to use 1% to promote the city but also said we are going to definitely use 1% to promote parks. Would that be correct?

City Attorney Kieklak said you could. You could initiate an act to have an election. You recall when we adopted this tax, we discussed that option where if you wanted to, for lack of better word, bypass the control of the A&P Commission. You would have to have an election and that way if you did, you could tell the voters what the monies would be spent for and parks would be one of them.

Dean Bitner said he thought the bulk of the money would be spent in the parks whether its ball fields or Christmas Program in Ward Nail. He has conceptual drawings for the ball fields in Ward Nail.

Thomas Evers said in listening to everything he wasn't sure what brought this about. I heard misappropriations from some of the discussion tonight which I had not heard from any citizens on my website; but one thing I think was a good thing A&P did was when they did fund Mudtown Days this past

year. I think that was a scramble because someone pulled out and he obviously worked diligently to get that done. Dean knows and others know I'm against the tax too as far as why tax if you don't have to tax. In this respect didn't it come out of our budget or was it funded directly by A&P tax? Again, it is a tax on citizens as well. I understand that, and I was against that. It is a positive that it did do. I never heard of the magazine that was held up here. At the same time, I don't know what the formula was for the A&P commission. They asked for businesses to provide schedule of events. Okay, so Fastlanes did that not necessarily that they were being self-promoted only but maybe that they were the only ones who met that time frame. I don't know. I just wanted to make a few comments.

Lisa brought out it wasn't a Fastlanes promotion, it was something that was paid for by Fastlanes. My comment was there is a list of all these events going on in all these cities and even reaches into Oklahoma but no mention of a KC BBQ or anything else

Thomas Evers said her concern was where is it really being advertised. When we voted this in a few years back, my understanding was we voted over all mediums. Now which mediums they've selected, which ones they're actually using, I don't know.

Eris Schein asked if it would please more of the council, he didn't think a 30-day would be good enough, but he would be willing to make a motion to suspend the 2% sales tax for 90 days.

Motion to amend Ordinance suspending the two percent (2%) tax on hotel, motel and short-term accommodations as well as the two percent (2%) tax on prepared food and beverages sold in the City of Lowell and for other purposes for 90 days.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Vannoy, Schein, DeGifford, Taylor, Fenix

Vote Nay: Evers, Adams, Bitner

Motion to amend Ordinance suspending the two percent (2%) tax on hotel, motel and short-term accommodations as well as the two percent (2%) tax on prepared food and beverages sold in the City of Lowell and for other purposes for 90 days.

Dean Bitner asked to make a motion to table Ordinance.

Motion to table Ordinance.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Fenix, Bitner, Adams

Vote Nay: DeGifford, Taylor, Schein, Vannoy

Vote Abstain: Evers

Motion to table Ordinance failed.

ORDINANCE SUSPENDING THE TWO PERCENT (2%) TAX ON HOTEL, MOTEL AND SHORT-TERM ACCOMMODATIONS AS WELL AS THE TWO PERCENT (2%) TAX ON PREPARED FOOD AND BEVERAGES SOLD IN THE CITY OF LOWELL, AND FOR OTHER PURPOSES UNTIL FURTHER NOTICE AS AMENDED FOR 90 DAYS.

Motion to approve amended Ordinance as presented.

Motion: Eric Schein

Second: Lisa DeGifford

Vote Aye: Vannoy, Taylor, Evers, Schein, DeGifford

Vote Nay: Adams, Fenix, Bitner

Motion to approve amended Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1048.

4. ORDINANCE MAKING CERTAIN AMENDMENTS TO THE CODE OF ORDINANCES OF THE CITY OF LOWELL, ARKANSAS FOR PURPOSES OF PREVENTING DAMAGE TO WATER FACILITIES AND SEWER FACILITIES IN THE ROGERS WATER UTILITIES SERVICE AREA; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.

Brent Dobler, 4505, Hillside, Rogers, will work with Mayor Moore to provide procedure to handle recovering auger boring and directional boring damages to Rogers water and sewer facilities within City of Lowell limits.

Motion to approve Ordinance as presented.

Motion: Eric Schein

Second: Chasity Taylor

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

Vote Nay: None

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1049.

5. RESOLUTION DECLARING CERTAIN POLICE DEPARTMENT VEHICLES AND EQUIPMENT AS SURPLUS AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.

One 2012 Dodge Charger, one 2013 Dodge Charger, a Digital Livescan Fingerprinting System, and three Zebra-digiTicket w/printers will be declared surplus property.

Motion to approve Resolution as presented.

Motion: David Adams

Second: Eric Schein

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

Vote Nay: None

Vote Abstain: Taylor

Motion to approve Resolution passed.

Resolution assigned No. 20-06.

6. WASTE MANAGEMENT PRICE INCREASE. MONTHLY RATE WILL INCREASE \$0.30, ADDITIONAL CARTS WILL INCREASE \$0.13, AND YELLOW AND GREEN BAGS WILL INCREASE \$0.05.

Rate increase, effective May 1, 2020, allowed according to terms of contract. No action required by councilmembers.

ANNOUNCEMENTS:

Mudtown Days 2020 has been cancelled.

ADJOURNMENT: Motion to adjourn by Dean Bitner and second by Eric Schein. There being no objections, the meeting adjourned at 8:02pm.

ATTEST:


City Clerk/Elizabeth Estep



APPROVED:


Mayor/Chris Moore