

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
JUNE 17, 2014 - 6:30 p.m.**

**CALL TO ORDER OF REGULAR COUNCIL MEETING:** The Regular Meeting of the Lowell City Council was called to order at 6:32PM by **Mayor Long** at the Lowell Council Chambers.

**INVOCATION:** The Invocation was given by Councilman Bitner.

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

**ROLL CALL:** **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were: **Thomas Evers, Eric Schein, Janette Lasater, Kendell Stucki, Dean Bitner, Ronnie Breland, Keith Williams, Connor Jones.** No one was absent. There was quorum. **Deputy Attorney Kieklak** was also present. A roster of all others in attendance is on file with these minutes.

**CONSENT AGENDA:**

**Lowell City Council Minutes Regular Meeting – May 20, 2014  
Financial Statement – May, 2014**

**Motion was made to approve Consent Agenda.**

**Motion: Ronnie Breland**

**Second: Eric Schein**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to accept Consent Agenda was approved.**

Chief Randy Harvey recognized police officers who graduated from Police Academy May 16, 2014: Grant Hall, Skylar Houston, Devon Johnson.

**PUBLIC FORUM:            OPEN: 6:40PM    CLOSE: 6:52PM**

Raymond Raphael and Cory Hull, Legacy Capital Group, Employee Benefits Business. They do consulting work, service work, for public/private non-profit employers in the medical, dental, life insurance, retirement plan, employee benefits arena. They are a 27-year old company with five partners who own the company and they have three offices, Little Rock, NWA and Denver. They have met with Mayor Long and Jerry Hudlow and they are interested in becoming the service provider for the City of Lowell on its employee benefit plans. They are a service and will not charge over and above what the City of Lowell is already paying in premiums for various employee benefit plans. They will take work off the employees of the City of Lowell and provide services they feel the city employees are not getting presently. They have already done several in depth presentations to the mayor and finance director. In their business they do not award contracts for any length of time. The city's obligation to the insurance company is a month-to-month obligation to the various insurance companies you do business with. The insurance company obligates itself to the city in the form of a rate guarantee for a 12 month period of time, or it can be negotiated for longer than that, which doesn't obligate you to the insurance company or to the benefits consulting firm for any length of time. That is the risk in their business and that is why they pride themselves on the services they provide. In their business if they don't do a good job for their clients, they can be replaced at any time. They left literature for the councilmen to read.

**PRESENTATION OF ORDINANCES AND RESOLUTIONS:**

**OLD BUSINESS:**

- 1.        ORDINANCE RESCINDING ORDINANCE NO. 204 AND ORDINANCE NO. 858, AND ORDINANCE NO. 869 TO AMEND THE CITY OF LOWELL CODE OF ORDINANCES SECTION 24, ARTICLE II, PARK RULES, SECTION 24-19, AND DECLARING AN EMERGENCY.**

**Councilman Bitner made a motion to table this ordinance for future consideration.**

**Motion: Dean Bitner**

**Second: Kendell Stucki**

After discussion about how long to table this ordinance, Dean Bitner and Kendell Stucki withdrew their motions. Councilman Jones did a survey of his constituents concerning this ordinance and presented his survey to the council. The vast majority of his constituents were against the ordinance. Councilmen felt there needed to be more input from the citizens although none had appeared to voice their opinions since the ordinance had been on the agenda for the three months.

Councilman Breland was concerned about lawsuits against the city. Deputy Attorney Kieklak clarified there would not be any exposure to the city if the ordinance was passed.

**Motion was made to table this ordinance for a period of time no longer than 12 months.**

**Motion: Dean Bitner**

**Second: Thomas Evers**

**Vote Aye: Evers, Lasater, Schein, Williams, Stucki, Bitner, Breland**

**Vote Nay: Jones**

**Motion to table this ordinance for a period of time no longer than 12 months was approved.**

**NEW BUSINESS:**

**1. ORDINANCE AMENDING THE CITY OF LOWELL LAND DEVELOPMENT CODE REGARDING DIGITAL SIGNS.**

Kris Sullivan explained the material on the councilmen's desks was the corrected information and was different from what was put in their packets.

Councilman Lasater referenced the ordinance as to the term "digital electrical signs" and the attachment used the term "digital billboards" which were two different things. Digital billboards are off premises but digital signs may be on premises and she couldn't see the reference to those and asked if they were in a different section addressing them. Digital billboards and digital electrical signs are not the same thing.

Kris explained a billboard is an off premise sign. The word digital at this point is highlighted because it is proposed and not currently in our code. Off premise signs and outdoor advertising signs, also known as billboards, are prohibited in all areas of Lowell. In May, 2012 when changes were made by the highway department, eminent domain, the Planning Commission and some members of City Council made a change and revised the sign ordinance and approved Ordinance No. 913 on May 15. It stated: "In the event an existed off-premises sign becomes condemned through eminent domain proceedings by AHTD, the sign can be moved to another location on the same parcel with its existing size, height, dimensions, and other configuration." What she was bringing to the council was an approved plan by vote (5-2) of the commissioners. April 7 was the first meeting. April 21 was the second meeting and a public hearing was held. The word "digital signage" was inserted and the definition was on page 2 of her attachment.

Councilman Stucki asked the question that in the event of not eminent domain, the sign cannot be converted to a digital sign. Kris clarified that currently that was correct. To make the change, it would have to go before the Ordinance Committee, etc.

Councilman Schein asked if it was an oxymoron if the sign is replaced with a digital sign it would be replaced with something we don't currently allow.

Salena Wright-Brown, Chairperson of Planning Commission, said the current ordinance allowed the person to replace his billboard sign which was removed by eminent domain. He can replace that sign and all this code allows him to upgrade with current technologies; if in fact he replaces it, he can replace it with a digital sign.

Councilman Schein pointed out that if he was to put up a new sign it wouldn't be allowed. If he can't put up one to begin with, why would we allow him to do it now? Salena answered that we wouldn't allow any new billboard but he has the right by our current ordinance to replace a billboard. The commission was not unanimous but the benefit to the city would be the amber alerts, traffic, weather alerts and this technology is becoming the new technology standard. There are more than four billboards in the city but the four in question are the result of eminent domain.

The main problem among the councilmen was that it appeared to them the person who was changing his signs from billboards to digital signs was being giving special privilege and other businesses would not be allowed the same opportunity.

Councilman Lasater recommended this ordinance be sent back to the Ordinance Committee to consider rewriting the ordinance.

Discussion continued concerning the minimum display time, brightness level, etc. and definition of billboards and digital signs being defined clearly in both documents presented at the meeting.

Clear Channel representative briefed the council on the time line he was facing with the highway department.

**Motion was made to table the Ordinance pending further review by Ordinance Committee and sign and land owners until the July 15, 2014 council meeting.**

**Motion: Keith Williams**

**Second: Janette Lasater**

**Vote Aye: Schein, Lasater, Evers, Jones, Breland, Bitner, Stucki**

**Vote Nay: Williams**

**Motion to table the Ordinance table the Ordinance pending further review by Ordinance Committee and sign and land owners until the July 15, 2014 council meeting was approved.**

## **2. RESOLUTION APPROPRIATING FUNDING FOR PURCHASE OF AUTOMATIC OPENING DOORS AT THE J. B. HUNT SENIOR CENTER.**

Guy Schumacher donated the money to provide the doors for the J. B. Hunt Senior Center. Donated funds were deposited into the General Fund.

**Motion was made to approve the Resolution as presented.**

**Motion: Janette Lasater**

**Second: Ronnie Breland**

**Vote Aye: Schein, Breland, Evers, Jones, Stucki, Bitner, Williams, Lasater**

**Vote Nay: None**

**Motion to approve the Resolution as presented was approved.**

**Resolution was assigned No. 14-17.**

## **3. RESOLUTION TO EXPRESS THE CITY COUNCIL'S SUPPORT OF A LEGISLATIVE ENACTMENT TO CREATE A PRESUMPTION THAT FIREFIGHTERS WHO DEVELOP CERTAIN FORMS OF CANCER DEVELOPED THOSE CANCERS THROUGH THEIR WORK AS FIREFIGHTERS.**

This resolution is non-binding and will be presented to the legislature in January with similar resolutions of cities passed across Arkansas. Firefighters are exponentially prone to certain types of cancer, i.e. digestive track, colon, liver and brain cancers. The Cancer Coalition and studies done by International Association of Firefighters has shown that their cancer risk is heightened due to their association with releasing toxins in fire retardant agents used to fight fires. Firefighters through inhalation absorption are developing cancers. This resolution will be presented with others to the state legislature asking them to recognize cancers as work related illnesses and should be covered under Worker's Compensation.

Janette Lasater and Kendell Stucki made a motion and second to approve the Resolution as presented. They later withdrew their motions.

Deputy Attorney Kieklak felt the Arkansas Municipal League will take the position this legislation should not be passed and will fight it. Their argument will be that it will bankrupt Worker's Compensation. The resolution can be adopted to say that we support the state legislature enacting a law to make that presumption and will probably be careful to limit it to Worker's Compensation and not with liability to unsafe work place.

Councilmembers hesitated to approve a resolution supporting state legislatures who have not yet drafted a bill without knowing what would be included in their presumptive legislation.

Motion to table Resolution was made by Jeanette Lasater and seconded by Ronnie Breland. After further discussion among councilmembers, motion and second was withdrawn.

**Motion was made to approve the Resolution as presented.**

**Motion: Janette Lasater**

**Second: Kendell Stucki**

**Vote Aye: Stucki, Lasater, Bitner, Breland, Schein**

**Vote Present: Williams, Evers, Jones**

**Vote Nay: None**

**Motion to approve the Resolution as presented was approved.**

**Resolution was assigned No. 14-18.**

**4. BOA APPOINTMENTS: MITCH WRIGHT & DARREN BROCK**

Mitch Wright and Darren Brock have been faithful and appreciation was expressed for their service on the Board of Adjustments. They were recommended to continue on the board.

**Motion was made to approve BOA Appointments as presented.**

**Motion: Keith Williams**

**Second: Ronnie Breland**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to approve the BOA Appointments as presented was approved.**

**COMMITTEE REPORTS**

**FINANCE COMMITTEE** – Has not met.

**ORDINANCE COMMITTEE** – Will determine date of next meeting after this meeting.

Jerry Hudlow distributed packets to the councilmembers requesting their input for the 2015 Budget.

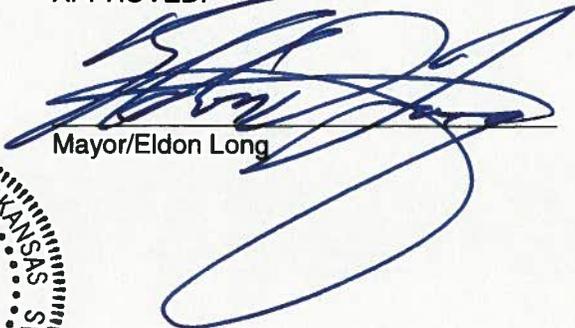
**ANNOUNCEMENTS:**

**Sewer Audit Findings:** Received good audit report giving us a qualified opinion. Reason they did not give us unqualified opinion which is the cleanest opinion is because we have chosen as a city to base our accounting on regulatory rather than generally accepted accounting principles. Regulatory is accepted by state law; in fact, the state wrote the regulatory.

**Mudtown Update:** Melanie presented a glowing photo presentation on the success of the festival. We came in \$1,500.00 under budget.

**ADJOURNMENT:** Motion to adjourn was made by Councilman Bitner and second was made by Councilman Breland. There being no objections, the meeting adjourned at 8:10PM.

APPROVED:



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Mayor/Eldon Long

ATTEST:



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City Clerk/Elizabeth Ester



City of Lowell

Minutes of the Regular Council Meeting

June 17, 2014