

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
AUGUST 15, 2017 - 6:30PM**

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:33PM by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was given by Linda Vannoy.

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, Lonnie Jones, Kendell Stucki, Todd Fenix, Linda Vannoy, David Adams, Dean Bitner and Delia Ingle. Deputy Attorney Tom 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 18, 2017
Financial Statement – July 2017

Motion was made to accept the Consent Agenda as presented.

Motion: Delia Ingle

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

Motion was made to amend the Agenda and add Ordinance to waive sewer line construction cost recovery fee for the Christie Creek Sanitary Sewer Extension.

Motion: Linda Vannoy

Second: Dean Bitner

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

Vote Nay: None.

Motion to amend the Agenda and add Ordinance to waive the sewer line construction cost recovery fee for the Christie Creek Sanitary Sewer Extension was approved.

PUBLIC FORUM: Open: 6:40PM Close: 6:54PM

Dalen Goff, 125 S. Oak Street, had a problem with First Tee golfers hitting golf balls into his backyard and house. He understood the city owned the property but had no jurisdiction over this situation. Golf balls have hit cars, houses, and people.

Stacey Speers, 205 S. Oak Street. His house is behind First Tee's third hole. He filed a police report in July. The trees are too young to deflect golf balls. He suggested the third hole be moved towards the pond.

Elizabeth Prenger, Executive Director, and Chris Woodard, President, assured the residents that Tyson Foods First Tee was interested in resolving the issue and be a good neighbor. The boxes were moved closer to the hole, new roughage along the perimeter of holes had been added. The young trees will grow and more trees will be planted.

City Attorney, Tom Kieklak, assured the residents that the issue was in good hands of the people of First Tee. The City of Lowell is not involved at this time.

Joe Rhengans, 405 S. Bloomington, asked to be involved in the overlay district committee meetings. He asked for clarification of terms of the one-year permit. City Attorney clarified that the one year began at the date permit is issued.

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

Motion was made to suspend the procedural motion and to read ordinances three times.

Motion: Dean Bitner

Second: Delia Ingle

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

Voice Vote Nay: None

Motion to suspend the procedural motion and to read ordinances three times was approved.

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

OLD BUSINESS:

NEW BUSINESS:

1. ORDINANCE AMENDING THE CITY OF LOWELL LAND DEVELOPMENT CODE SCHEDULE OF USES TO ADDRESS POSSIBLE LOCATIONS OF MEDICAL MARIJUANA DISPENSARIES.

Planning Commissioners passed this ordinance 5-1 on August 7th. The dispensaries would be approved where pharmacies are located. State regulations apply.

Motion was made to approve the Ordinance as presented.

Motion: Dean Bitner

Second: David Adams

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

Vote Nay: None

Motion to approve the Ordinance as presented was approved.

Ordinance was read by City Clerk by title only.

Ordinance was assigned 994.

Motion was made to amend the Agenda and add an Emergency Clause to Ordinance No, 994.

Motion: Dean Bitner

Second: Todd Fenix

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

Vote Nay: None.

Motion to amend the Agenda and add an Emergency Clause was approved.

Motion was made to approve the Emergency Clause.

Motion: Thomas Evers

Second: Todd Fenix

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

Vote Nay: None.

Motion to approve the Emergency Clause was approved.

2. ORDINANCE ACCEPTING THE ANNEXATION INTO THE CTY OF LOWELL, ARKANSAS OF CERTAIN LANDS CONTIGUOUS TO AND ADJOINING THE CITY, AND MAKING SAME A PART OF THE CITY OF LOWELL.

Twenty eight acres of property at McClure and Old Wire Road will be annexed into the City of Lowell. Property owner was not requiring city to provide sewer and water.

Motion was made to approve Ordinance as presented.

Motion: Kendell Stucki

Second: David Adams

Vote Aye: Fenix, Adams, Vannoy, Jones, Ingle, Stucki

Vote Nay: Evers

Abstain: Bitner

Motion to approve Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 995.

3. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES SECTION 16-59, BY REZONING CERTAIN LANDS FROM LIGHT INDUSTRIAL (LI) TO COMMERCIAL (C) 808 S. BLOOMINGTON.

Five acres north of Apple Blossom and N. Pennington, surrounded by other commercial properties, is consistent with the Future Use Land Map.

Motion was made to approve Ordinance as presented.

Motion: Dean Bitner

Second: Todd Fenix

Vote Aye: Fenix, Bitner, Vanoy, Evers, Ingle, Adams, Stucki, Jones

Vote Nay: None

Motion to approve Ordinance as presented was approved.

City Clerk read the Ordinance by title only.

Ordinance was assigned No. 996.

4. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 16-59, BY REZONING CERTAIN LANDS FROM LIGHT INDUSTRIAL (LI) TO COMMERCIAL (C) 405 S. BLOOMINGTON.

Staff advised that 2.12 acres would be rezoned from LI to (C) and remaining tracts would be LI.

Motion was made to approve Ordinance as presented.

Motion: Thomas Evers

Second: David Adams

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

Vote Nay: None

Motion to approve Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 997.

5. RESOLUTION SUPPORTING FEDERAL AND STATE LEGISLATION TO ENSURE THE PROPER ASSESSMENT AND COLLECTION OF SALES TAX FROM ALL INTERNET/ONLINE SALES THEREBY CREATING A FAIR AND FREE MARKET FOR ALL BUSINESSES AND CONSUMERS REGARDLESS OF THE LOCATON OF THE BUSINESS FROM WHICH THE PURCHASE WAS MADE.

There are 400 registered businesses in Lowell and this resolution will support federal and state regulations.

Motion was made to approve Resolution as presented.

Motion: Dean Bitner

Second: Delia Ingle

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

Vote Nay: Jones

Motion to approve Resolution as presented was approved.

Resolution was assigned No. 17-24.

6. ORDINANCE TO WAIVE THE SEWER LINE CONSTRUCTION COST RECOVERY FEE FOR THE CHRISTIE CREEK SANITARY SEWER EXTENSION.

Due to the unique and potentially valuable development of property and the purpose of economic development meeting the spirit and purpose of the construction of the Christie Creek sewer trunk line, the City of Lowell authorizes the waiver of the Christie Creek Sanitary Sewer Extension Cost Recovery Fee for the Grove Restaurant project located at 808 S. Bloomington.

Motion was made to approve Ordinance as presented.

Motion: David Adams

Second: Delia Ingle

Vote Aye: Fenix, Adams, Vannoy, Bitner, Ingle, Stucki

Vote Nay: Jones, Evers

Motion to approve Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 998.

COMMITTEE REPORTS:

Ordinance Committee Report: Next Meeting will be September 11, 6:00pm to discuss vehicles on greenways, increasing fire dues and property taxes, drainage pipe on driveways.

ANNOUNCEMENTS:

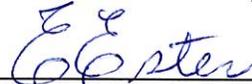
1. DELIA INGLE, WARD 2 POSITION 2 ALDERMAN, PRESENTATION
2. MUDTOWN BMX REBUILT BY FUNDS FROM WALTON FOUNDATION
3. BACK TO SCHOOL BASH – AUGUST 24TH, 6-8 PM, RAISE FUNDS FOR NEW MUSEUM
4. 60 DAYS WILL BE ALLOWED TO FIND REPLACEMENT FOR WARD 2 POSITION 2 ALDERMAN; ANNOUNCEMENT WILL BE MADE IN SEPTEMBER MEETING DECLARING A VACANCY AND REPLACEMENT WILL BE SELECTED IN OCTOBER MEETING. ALDERMEN WILL MEET AT 6:00PM TO INTERVIEW CANDIDATES AND THEN GO INTO EXECUTIVE SESSION TO SELECT CANDIDATE TO BE INSTALLED AT BEGINNING OF OCTOBER COUNCIL MEETING.

ADJOURNMENT: Motion to adjourn; motion by Delia Ingle and second by Dean Bitner. There being no objections, the meeting adjourned at 7:54PM.

APPROVED:

Mayor/Eldon Long

ATTEST:


City Clerk/Elizabeth Estes



City of Lowell

Minutes of the Regular Council Meeting

August 14, 2017