

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
FEBRUARY 19, 2019 - 6:32PM**

CHAMBER NIGHT AT LOWELL CITY HALL 5:30PM-6:30PM.

INVOCATION: The Invocation was given by Aaron Pile.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mayor Chris Moore.

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

ROLL CALL: Mayor Moore asked for roll call. City Clerk made a verbal roll call. Council Members present were **Todd Fenix, Eric Schein, Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner and Thomas Evers.** Lisa DeGifford was absent. Deputy Attorney Kieklak was present, also. There was quorum. A roster of all others in attendance is on file with these minutes.

CHAMBER NIGHT AT LOWELL CITY HALL, RAYMOND BURNS, ROGER-LOWELL CHAMBER OF COMMERCE – This night is when the business community comes to the council meeting to hear about the state of the City of Lowell. Mr. Burns congratulated elected/appointed officials and employees of City of Lowell and recognized the sponsors of this evening's event.

STATE OF THE CITY ADDRESS – MAYOR CHRIS MOORE: (Speech included with minutes.)

CONSENT AGENDA:

**Lowell City Council Minutes Regular Meeting – January 15, 2019
Financial Statement – January 2018**

Motion made to approve the Consent Agenda.

Motion: Eric Schein

Second: Linda Vannoy

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

Vote Nay: None

Motion to approve Consent Agenda approved

PROCLAMATION: LOWELL SUPPORTS VETERANS HEALTH SERVICES: (moved to end of agenda)

PUBLIC FORUM: Open: 6:50PM Close: 6:55PM

Carol Kick, President of Lowell Historical Museum Foundation of NWA. I am here to bring to your attention that we understand that there are changes being made and we want to know what's going on. We need to know, the Foundation, nonprofit, formed to raise funds to build a new museum. We were told that we have three acres of land at the Kathleen Johnson Memorial Park but now we are being told that has been repurposed for the Farmers Market and that we will be remaining in the building that is across the street. Is that true? Do you wish to have a museum? Do you even want a museum? Our vision is to preserve and protect the artifacts that we have for the Lowell area; honor our veterans, and to educate our children in our veterans, our country, and the history of Lowell. We are curious. Do you really want a museum? Where do you want it? How large do you want it? Are you willing to operate it? We would like to know how to proceed with our plans.

Councilman Fenix remarked this was the first time he had heard of these statements and suggested a formal meeting be set up to address her comments.

Carol Kick is open to a meeting.

Councilman Bitner asked if she had conversed with Ms. Estes, Museum Director, about her comments and Ms. Kick said she had. He asked if she could answer Ms. Kick's questions and Ms. Kick said not to her satisfaction.

Mayor Moore announced that Ms. Estes was no longer the Museum Director. She has resigned.

Carol Kick felt that a museum for this area is very important we would like to get down to the brass tacks of what you the City of Lowell really want; what you don't want and what we can do about it.

Councilman Fenix asked who was making sure the museum was safe and secure.

Mayor Moore answered that it was being done by city staff.

Mayor Moore told Ms. Kick he appreciated her comments and said they could discuss the issues later. She has made them aware and the council can address this outside public forum.

Ms. Kick asked what the next step would be. A meeting?

Mayor Moore will get with Ms. Melanie and arrange a time for a meeting.

Councilman Bitner asked to be part of the meeting.

Ms. Kick said she appreciated help and support.

Councilwoman Vannoy asked that all councilmembers be notified for this meeting and the mayor agreed they would be.

TABLED ITEMS:

RESOLUTION TO AMEND THE 2019 BUDGET TO ADOPT AND APPROVE ADJUSTMENTS TO EQUALIZE RAISES OF ADMINISTRATIVE STAFF EMPLOYED BY THE CITY OF LOWELL, ARKANSAS.

Motion to place tabled item on agenda.

Motion: Dean Bitner

Second: Thomas Evers

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

Vote Nay: None

Motion to place tabled item on agenda approved.

Mayor Moore had a copy of the requested information asked for by Councilman Bitner. He passed it to the council members for them to read. Councilman Bitner asked how many people were going to be affected up or down and how's the bottom line going to change on the budget. Finance Director Mr. Hudlow said it would affect nine people and the budget would be reduced by \$1,709.40. This would be a reduction (savings) on the budget that was approved by the department heads previously. Councilman Fenix was concerned that we would be overriding the decision of the department heads (without details).

Mayor Moore expressed he was trying to get everyone to the flat 3%. The money in the budget was still there to be applied to those the department heads feel goes above and beyond that. The discussion of the department heads is not going away in that sense. The line item budget still allows the money to be there to be applied to staff they feel should have it and still get others to the 3% which is in the spirit of what the council wanted.

Councilmen Fenix and Bitner were not in favor of undoing the decisions already made by department heads.

Mayor Moore said there had been a lapse by some department heads to do evaluations on their employees. Some employees had been given evaluations and others had not. Corrections have been made so that all staff members are given evaluations.

Mr. Hudlow said fourteen administrative individuals (city hall staff) were affected. Five individuals received 3% increase and seven individuals received more than a 3% increase and two individuals received less than a 3% increase.

Councilwoman Vannoy was concerned that the Personnel Committee might need to be reactivated. She was disappointed to learn that people were not given evaluations which was part of what the council asked the department heads to do.

Councilman Fenix asked that this subject be taken into Executive Session. City Attorney determined that Executive Session was not necessary in this instance since compensation of employees was not listed in the definition of the document he was reading from.

Councilman Bitner asked if the two individuals who did not receive a 3% increase were given evaluations and were deemed not eligible for the increase. Mr. Hudlow said that was correct. The seven who were going to take a reduction were not all given evaluations. Some of the individuals' salaries were set at the beginning of the budget process by Mayor Long.

Councilman Bitner expresses a willingness to bring up the people who were slighted but not reducing anyone who had earned their wages.

Discussion continued about the individuals having or not having evaluations and how that affected raises. Raises were presented equally in the fire, police and street departments. It wasn't done in the administration side. The question came into who had an evaluation and who actually sat down and went over evaluations where they were signed by department heads. They were afforded opportunity to make comments on that. Policy was not totally followed and from the HR side, that was a red flag, especially if it's an unsatisfactory evaluation. Employees should be afforded opportunity to understand where they are wrong and provide written feedback or coaching plan which is required in the evaluation and improvement plan on how to get them back to satisfactory. We failed some of these employees in not doing that.

Councilman Bitner asked to amend this resolution to provide the \$1,709.40 to bring the two employees up to the level the Mayor was asking without taking any monies away from other employees.

Mayor Moore asked for a motion to amend the resolution as stated by Councilman Bitner. City Attorney explained we could amend the resolution as long as the councilmembers who gave the motion and second assent to the amended motion.

City Attorney simplified motion to say make all raises for year 2019 (Section 1) for Administrative Staff a uniform 3% except any persons who received a higher than 3% raise. Section three of the amended resolution will be stricken.

Mayor Moore will continue his investigation into the way raises were given for the administrative staff and additional information can be given to the council.

Councilman Schein asked if the mayor had stated there were individuals who were promised a pay increase not based on their performance or their merit but off of a promise. Mayor Moore asked Mr. Hudlow to elaborate. He clarified that in the budget process early on, before 3% raises were discussed by council, before anything was done, as Mayor Long and he met to go over the revenues and expenditures that had been given to them by the department heads, he said there are some individuals I want to take care of and this is what I want this individual salary to be. Mr. Hudlow followed orders and put that figure down. Some of those were department heads. Mayor Long did not do evaluations for department heads.

Councilwomen Taylor and Vannoy did not assent to the motion.

Motion made to amend Resolution by moving \$1,709.40 into the Administration Budget to provide funding for two employees to be brought up to 3% raise as requested.

Motion: Dean Bitner

Second: Thomas Evers

Vote Aye: Evers, Adams, Bitner, Fenix

Vote Nay: Vannoy, Schein, Taylor

Motion to amend Resolution by moving \$1,709.40 into the Administration Budget to provide funding for two employees to be brought up to 3% raise as requested failed.

Councilman Schein called the question. Debate ended.

Motion to call the question.

Motion: Eric Schein

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to call the question passed.

Motion made to approve Resolution.

Motion: Linda Vannoy

Second: David Adams

Vote Aye: Vannoy, Taylor, Schein

Vote Nay: Fenix, Adams, Evers, Bitner, Mayor Moore

Motion to approve Resolution failed.

OLD BUSINESS: None.

NEW BUSINESS:

1. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2019 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.

Mr. Hudlow explained that this resolution would be to cover salaries for two employees who were working half time for the street department and half time for the utility department.

Motion made to approve Resolution as presented.

Motion: Eric Schein

Second: Dean Bitner

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

Vote Nay: None

Motion to approve Resolution was approved.

Resolution assigned No. 19-05.

2. RESOLUTION APPROPRIATING FUNDING UNDER THE GENERAL FUND DURING THE FISCAL YEAR OF 2019.

In August of 2018 we received \$16,000.00 grant from Walton Family Foundation for trees to be planted at Ward Nail Park. Thus far we have expended \$10,789.

Motion made to approve Resolution as presented.

Motion: Linda Vannoy

Second: Chasity Taylor

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

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 19-06.

3. RESOLUTION APPROPRIATING FUNDING UNDER THE GENERAL FUND DURING THE FISCAL YEAR OF 2019.

Funds are to purchase an air conditioning unit for the cool room in the IT department.

Councilman Schein expressed concern that the price was double of what a unit from someplace else could be purchased. Mr. Hudlow said it was just an estimate. Councilman Schein said a 7-ton system would not cost \$11,000.00. Councilman Bitner wanted to move forward on resolution as presented and asked the staff to have room to purchase the equipment it needed and at a lesser cost if possible.

Motion made to adopt Resolution as amended.

Motion: Dean Bitner

Second: David Adams

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

Vote Nay: None

Motion to adopt Ordinance as amended was approved.

Resolution assigned No. 19-07.

4. RESOLUTION TO AMEND AGENDA AND ADD RESOLUTION TO ALLOW EMPLOYEES TO RECEIVE 3% RAISE.

Resolution to allow those eligible employees denied raises to be given a 3% raise.

Motion to amend agenda and add resolution.

Motion: Linda Vannoy

Second: Eric Schein

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

Vote Nay: None

Motion to amend agenda and add resolution approved.

5. RESOLUTION TO AMEND THE 2019 BUDGET TO ADOPT AND APPROVE ADJUSTMENTS TO INCREASE RAISES OF CERTAIN ADMINISTRATIVE STAFF EMPLOYED BY THE CITY OF LOWELL, ARKANSAS.

During the discussion Councilman Vannoy asked for a meeting in the future to discuss personnel policy and procedure. She asked that councilmen be assigned chair duties as the committees are formed.

Motion made to approve Resolution.

Motion: Linda Vannoy

Second: Dean Bitner

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

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 19-08.

PROCLAMATION: LOWELL SUPPORTS VETERANS HEALTH SERVICES:

Mr. Kelvin Parks, Retired Navy Chief Petty Officer 20 years, Medical Center Director Veterans Self Care System Center of the Ozarks, Washington County, Department of Veterans Affairs spoke in regards of the proclamation. He thanked the mayor and others for their support of veterans. He wanted to let everyone know that his facility cares for veterans' medical needs and that there are other services that are available to them.

Councilman Bitner asked that a booth be made available at Mudtown Days to Mr. Parks so he could educate the public of his services to veterans.

Mayor Moore announced that direction will be given to the fire and police on how we can get veterans the support they need.

Motion to adopt Proclamation.

Motion: Dean Bitner

Second: Eric Schein

Voice Vote Aye: Unanimous

Voice Vote Nay: None.

Motion to adopt Proclamation approved.

COMMITTEE REPORTS: None

Councilman Fenix proposed getting together to discuss the future of the museum. Mayor Moore will be present at future foundation meetings and be the intermediary between the foundation and museum. The museum will be reopened with volunteers once the maintenance is completed. The location of the museum at KJMP will remain as it was determined from the beginning. The museum is in a very fluid state at this time.

Councilman Vannoy asked for an update at the next meeting of the top five street projects. Mayor Moore pledged to have that information available at the next city council meeting.

Personnel Committee Meeting to go over personnel manual, policy and procedure, and enforcement of them will be set at a later date.

City Attorney advised that when things are discussed at committees, it is hard for the councilmembers at city council meetings to catch up to what was said in those meetings. Discussion on supervision of employees should be avoided. Budgetary matters as they apply to employees is exclusive to council.

Mayor Moore clarified that any policies that were not followed before his administration have now been corrected and will be enforced to the letter.

Councilman Fenix asked for written information on what has happened, what the correction actions are and if there needs to be some consequences or changes.

Mayor Moore was concerned he couldn't give the council some information requested due to HR concerns; but that he could affirm that if there were policy violations or procedures that weren't being followed either by department heads or staff, it will be addressed per the city policy that this council has approved.

Councilman Bitner asked for an update for the A&P Commission. Mr. Hudlow stated there was \$263,000. Councilwoman Vannoy reported there was one request to spend it. The commission is looking for an advertising agency to develop a webpage. There were two other requests but one did not have all the information needed in order to make a grant. One was granted to the City of Lowell and one was granted to The Grove. Next week we are sending some people to the Governor's Tourism Meeting. At the Municipal League we learned of a project at another city which sent us to the Parks and Tourism because they provided a grant that would meet tourism dollars to promote tourism within the city. The other city that received a grant from Parks for conducting a survey of the citizens to see how they wanted the money spent. From the survey, they had more community buy in to what they were doing. Five bids from marketing and advertising have been received and we will be selecting one of them to do the survey.

The Grove received \$2,000 for advertising promotion of a New Year's Eve program. Mudtown Days received \$60,000. The A&P Commission voted to give 3% to the city for accounting work that is being done or about \$900.

Councilman Bitner requested the A&P information be made available to the public. Councilwoman Vannoy would like to see continuity in branding and is asking that the current logo be revised.

A few businesses did not participate in 2018; but during the renewal of business licenses those businesses have joined. One business has never paid. Only way to rectify this, is to go through collections.

With the next meeting being in March, Spring Break, the council agreed to move the March 19th meeting to March 26, 2019 at 6:30pm.

Motion to move March City Council Meeting to March 26, 2019.

Motion: David Adams

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to move March City Council Meeting to March 26, 2019 approved.

Councilman Bitner asked that since the entire city council, city clerk/treasurer, and city attorney has been sued in their official capacities, would we need to seek counsel, or will the League represent us or what should we do. City attorney explained that the referendum suite is against the city so no one needs a lawyer.

ANNOUNCEMENTS: None

ADJOURNMENT: Motion to adjourn by Dean Bitner and second by Eric Schein. There being no objections, the meeting adjourned at 8:15pm.

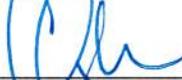
ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore