

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
March 26, 2019 - 6:37PM**

**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 6:37PM by **Mayor Chris Moore** at the Lowell Council Chambers.

**ROLL CALL:** Mayor Moore asked the City Clerk for a verbal roll call. Council Members present were Todd Fenix, Eric Schein, Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner and Thomas Evers 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 19, 2019  
Financial Statement – February 2019**

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

**Motion:** Dean Bitner

**Second:** Thomas Evers

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

**Vote Nay:** None

**Motion to approve Consent Agenda approved.**

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

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

**Motion to approve Procedural Motion.**

**Motion:** Eric Schein

**Second:** Dean Bitner

**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. ORDINANCE AMENDING ARTICLE IV; DESIGN OVERLAY DISTRICT (I-49 AND STATE HIGHWAY 264, AND 71B AND E. MONROE AVENUE) OF CHAPTER 10: COMMUNITY DEVELOPMENT OF THE LOWELL MUNICIPAL CODE OF ORDINANCES IN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES.**

Ordinance has been amended to clarify and maintain design standards implemented by the City of Lowell and make it easier for businesses in these corridors to make upgrades in the future. It doesn't take away from requirements of new businesses in the Overlay District.

**Motion made to approve Ordinance as presented.**

**Motion:** Eric Schein

**Second:** David Adams

Vote Aye: Fenix, Adams, Vannoy, Taylor, Evers, Bitner, Schein, DeGifford  
Vote Nay: None  
Motion to approve Ordinance was approved.  
City Clerk read the Ordinance by title only.  
Ordinance assigned No. 1028.

Motion to approve Emergency Clause.  
Motion: Dean Bitner  
Second: Thomas Evers  
Vote Aye: Adams, Evers, Fenix, Schein, DeGifford, Bitner, Taylor, Vannoy  
Vote Nay: None  
Motion to approve Emergency Clause approved.

**2. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 16-59, BY REZONING CERTAIN LANDS FROM SINGLE FAMILY RESIDENTIAL ONE ACRE LOTS (R-A) AND SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS (R-D) TO PLANNED UNIT DEVELOPMENT (PUD).**

Public Hearing was held with the Planning Commission for the City of Lowell on March 4, 2019 for rezoning property located at 406 McClure Avenue, Lowell, AR. Planning Commissioners unanimously approved the rezone and recommended the rezone to the City Council for their approval at their next meeting.

Karen Davis reported the developer asked that this Ordinance be tabled at this time.

Motion made to table Ordinance as presented.  
Motion: Dean Bitner  
Second: Todd Fenix  
Vote Aye: Evers, Adams, Vannoy, Taylor, Fenix, Schein, Bitner  
Vote Nay: None  
Motion to table Ordinance approved.

**3. ORDINANCE AMENDING THE CITY OF LOWELL CODE OF ORDINANCES, SECTION 16-59, BY REZONING CERTAIN LANDS FROM SINGLE FAMILY RESIDENTIAL ONE ACRE LOTS (R-A) AND SINGLE FAMILY RESIDENTIAL 10,000 SQUARE FOOT LOTS (4-D) TO PLANNED UNIT DEVELOPMENT (PUD).**

Public Hearing was held with the Planning Commission for the City of Lowell on March 4, 2019 for rezoning property located at East Apple Blossom, Lowell, AR. Planning Commissioners unanimously approved the rezone and recommended the rezone to the City Council for their approval at their next meeting.

Motion made to adopt Ordinance as presented.  
Motion: Eric Schein  
Second: Todd Fenix  
Vote Aye: Fenix, Adams, Vannoy, Taylor, Evers, Bitner, Schein, DeGifford  
Vote Nay: None  
Motion to adopt Ordinance as presented was approved.  
City Clerk read the Ordinance by title only.  
Ordinance assigned No. 1029.

**4. ORDINANCE ESTABLISHING A FALSE ALARM PENALTY WITHIN THE CITY OF LOWELL, ARKANSAS AND FOR OTHER PURPOSES.**

The City of Lowell Police Department advised the City Council and Mayor that there was a need to implement a penalty for repeated false alarms.

**Motion to approve Ordinance as presented.**

**Motion:** Linda Vannoy

**Second:** Chasity Taylor

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

**Vote Nay:** None

**Motion approve Ordinance as presented was approved.**

**City Clerk read the Ordinance by title only.**

**Ordinance was assigned No. 1030.**

**5. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF LOWELL AND CRAFTON TULL AND ASSOCIATES FOR THE PURPOSE OF ENGINEERING SERVICES FOR THE LOWELL LOW PRESSURE SEWER SYSTEM PROJECT.**

Daniel Ellis, Crafton Tull Associates, explained the contract is for engineering, design and permitting of the Low Pressure Sewer System in the subdivision of Sabre Heights. It will be owned and operated by Rogers Utilities. This is a requirement of a multi-step process for the city to apply for grants and other funding mechanisms that could be put in place. This is the requirement of Arkansas Resources as to how it is going to be built and it will give the city an idea on the cost of this project. Funding mechanism is not in place on our side; but, it is a requirement of stage agencies that we are going to try to do this even though we don't know how we are going to pay for it. We would like to get there and we are asking for help to do so.

As the discussion continued, motion was made to table this Resolution pending more information. Motion was made by Linda Vannoy and Chasity Taylor gave the second. After discussion, both council members withdrew their motions. Motion was made to enter into a contract with Crafton Tull to do the engineering study and funding will be determined at a later date.

**Motion made to approve Resolution.**

**Motion:** Eric Schein

**Second:** Linda Vannoy

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

**Vote Nay:** None

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-09.**

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

Due to the financial situation we are in and the limited reserves, we need more time to obtain funding without dramatically impacting our reserves at this time. Funding for the new construction of the Low Pressure Sewer System in the subdivision of Sabre Heights was tabled pending more information.

**Motion made to table Resolution.**

**Motion:** Eric Schein

**Second:** Thomas Evers

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

**Vote Nay:** None

**Motion to table Resolution approved.**

**7. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND DECLARING CERTAIN EQUIPMENT AS SURPLUS AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.**

City Council was advised that City of Lowell has equipment that is no longer of use to the city and should be dispersed as surplus property by sealed bid. List of equipment was attached to Resolution.

**Motion made to approve Resolution.**

**Motion: Eric Schein**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-10.**

**8. RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF LOWELL, ARKANSAS TO UTILIZE FEDERAL AND TRANSPORTATION ALTERNATIVES PROGRAM FUNDS.**

Federal-aid Transportation Alternatives Program Funds are available on basis of 80% funding and 20% matching to develop or improve sidewalks for safer routes to schools within the City of Lowell. Application for funds can be made only if funding is available in the city budget.

**Motion made to approve Resolution.**

**Motion: Dean Bitner**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-11.**

**9. RESOLUTION APPROVING AND ADOPTING AN UPDATED SETION 4.10 TRAVEL POLICY OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF LOWELL, ARKANSAS.**

The City Council was asked to update Section 4.10 **Travel Policy** of the City of Lowell Personnel Policy Manual for the purpose of addressing the dietary restrictions and requirements of its employees and officials.

**Motion made to approve Resolution.**

**Motion: Eric Schein**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-12.**

**10. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF EASEMENT BETWEEN THE CITY OF LOWELL AND THE B&B HOLDINGS, LLC AND FOR OTHER MATTERS RELATING HERETO.**

The easement is no longer necessary and it is in the best interest of the citizens of the City of Lowell to release the easement.

**Motion made to approve Resolution.**

**Motion: David Adams**

**Second: Linda Vannoy**

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

**Vote Nay: None**

**Motion to approve Resolution approved.**

**Resolution assigned No.19-13.**

**11. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER OF THE CITY ATTORNEY FOR THE CITY OF LOWELL, ARKANSAS AND AUTHORIZING PAYMENT TO THE CITY ATTORNEY PURSUANT TO THE TERMS AGREED UPON.**

Requests for legal services were sent out and the law firm of Harrington, Miller, Kieklak, Eichmann and Brown, P.A. was the only response. The decision was made to engage Thomas N. Kieklak as the City Attorney according to the terms of the engagement letter included in the City Council Packet of March 26, 2019.

**Motion made to approve Resolution.**

**Motion: Linda Vannoy**

**Second: David Adams**

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

**Vote Nay: None**

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-14.**

**12. RESOLUTION APPROVING SCOPE OF PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE MAYOR TO NEGOTIATE AND EXECUTE CONTRACT.**

Requests for proposals for on call engineering services were mailed and Crafton Tull was selected as consultant to the City of Lowell for engineering services according to the terms and conditions set forth in Exhibit A included in the City Council packet of March 26, 2019.

**Motion made to approve Resolution.**

**Motion: David Adams**

**Second: Chasity Taylor**

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

**Vote Nay: Vannoy**

**Motion to approve Resolution approved.**

**Resolution assigned No. 19-15.**

**13. WASTE MANAGEMENT SOLID WASTE SERVICE AGREEMENT – RATE INCREASE BEGINNING APRIL 1, 2019.**

George Wheatley, Senior Manager, asked for the contractually allowed 3.9% adjustment effective April 1, 2019. Details provided in his memo included with the City Council packet of March 26, 2019.

**Motion made to approve Waste Management Solid Waste Service Agreement – Rate Increase.**

**Motion: Dean Bitner**

**Second: Todd Fenix**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to approve Waste Management Solid Waste Service Agreement – Rate Increase approved.**

**14. APPOINTMENT – MICHAEL PHILLIPS TO PLANING COMMISSION TO FULFILL THE REMAINDER OF BRANDON ALLEN'S TERM ENDING JUNE 13, 2019.**

Michael Phillips was appointed by Mayor Moore to fulfill remainder of Brander Allen's term ending June 13, 2019 and City Council was asked to confirm his appointment at this meeting.

**Motion made to approve appointment of Michael Phillips to the Planning Commission.**

**Motion: Eric Schein**

**Second: David Adams**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to approve appointment of Michael Phillips to the Planning Commission approved.**

**COMMITTEE REPORTS: None**

**DISCUSSION:** Captain Kuth was appointed as Police Chief, replacing Chief Harvey. Other items discussed were implementation of parking ordinance, home storage units (boundaries), and marked/unmarked vehicles used by City of Lowell employees. No decisions.

Finance Director commented on the audit of the City of Lowell, Arkansas, Sewer System Trust Fund year ending December 31, 2018 and the Regulatory Basis Financial Statements and other Reports year ending December 31, 2017. Copies of these reports are included with the minutes of this meeting.

**ANNOUNCEMENTS:** Brian Clark, Pastor of Center Point Church, is leading the Community Easter Egg Hunt to be held at 2:00pm on April 20, 2019 at Ward Nail Park. He invited everyone to help stuff 10,000 plastic eggs Saturday, March 30, 2019 at 9:30am at the Lowell Senior Center. He also asked for donations for candy to be put into the eggs.

**ADJOURNMENT:** Motion to adjourn by Dean Bitner and second by David Adams. There being no objections, the meeting adjourned at 8:10pm.

ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore

City of Lowell

Minutes of the Regular Council Meeting

March 26, 2019