

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
APRIL 16, 2019 - 6:37PM**

**INVOCATION:** The Invocation was given by Brian Clark, Pastor, CenterPoint Church.

**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, Linda Vannoy, David Adams, Chasity Taylor, Dean Bitner and Thomas Evers and Lisa DeGifford. Eric Schein was absent. 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 – March 26, 2019  
Financial Statement – March 2018**

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

**Motion: Thomas Evers**

**Second: Linda Vannoy**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to approve Consent Agenda approved.**

Discussion about the condition of the finances of the City of Lowell resulted in a favorable report by the Finance Director. He reported that everything looks good at this time. City sales taxes, after first quarter, are up 4.8 percent. The TIF Bond has ended and we are still collecting funds from it because we can use it for other projects. The money is encumbered because it is tied to property taxes.

**PRESENTATIONS:** Mayor Moore presented Division Chief Nolan Jones (20 years) and Fire Chief Mike Morris (14 years) plaques for their years of service with the City of Lowell.

**PUBLIC FORUM:** Open: 6:45PM Close: 6:45PM

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

**Motion to approve Procedural Motion.**

**Motion: Todd Fenix**

**Second: Dean Bitner**

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

**Vote Nay: None**

**Motion to approve Procedural Motion approved.**

**OLD BUSINESS:**

**1. RESOLUTION APPROPRIATING FUNDING UNDER THE GENERAL FUND DURING THE FISCAL YEAR OF 2019 (\$37,000) FOR LOW PRESSURE SEWER SYSTEM PROJECT.**

**Motion to move Tabled Resolution (3-26-19) to Agenda 4-16-19.**

**Motion: Linda Vannoy**

**Second: Lisa DeGifford**

**Vote Aye: Fenix, Taylor, Vanoy, Evers, Adams, Bitner, DeGifford**  
**Vote Nay: None**  
**Motion to move Tabled Resolution (3-26-19) to Agenda (4-16-19) approved.**

According to the Finance Director, appropriation will come from General Fund and he will come back to City Council next month with the appropriation that will come from existing sewer funds in the budget.

**Motion to allow citizens to express their opinions about Resolution.**  
**Motion: Dean Bitner**  
**Second: David Adams**  
**Voice Vote Aye: Unanimous**  
**Voice Vote Nay: None**  
**Motion to allow citizens to express their opinions about Resolution approved.**

Austin Bure, Sabre Heights, asked when you get the funding for this project will you be sending it out for bid?

Mayor Moore said it would not go out for bid as this Resolution was to obtain engineering costs of the actual design. Once we get the design work, we get the cost estimate, we will use it to apply for appropriate state and/or federal funding to cover actual cost of construction.

**Motion to approve Resolution.**  
**Motion: Dean Bitner**  
**Second: Chasity Taylor**  
**Vote Aye: Evers, Vannoy, Taylor, Fenix, DeGifford, Bitner, Adams**  
**Vote Nay: None**  
**Motion to approve Resolution approved.**  
**Resolution assigned No. 19-16.**

**NEW BUSINESS:**

**1. ORDINANCE AMENDING LOWELL MUNICIPAL CODE SECTION 16-64 TO REVISE THE DEFINITION OF A TRUCK STOP AND FOR OTHER PURPOSES. (EMERGENCY CLAUSE)**

Note: Karen Davis, Planning Coordinator, clarified that this ordinance would be changed by removing the word "revise" and putting in its place the word "add". City Attorney acknowledged he would be making that change.

Truck Stop means an establishment where the principal business is the sale of fuel, food (regardless of whether fast food or a sit-down restaurant), or services intended to attract truck drivers or driving teams and where the design or principal method of operation consists of one or more of the following: 1) Sales of diesel or gasoline fuel at an area designated expressly for semi-trucks; 2) Commercial truck scales; 3) Overnight parking for semi-tractors and/or trailers; 4) Truck washes; 5) Showers.

**Motion made to approve Ordinance as presented.**  
**Motion: David Adams**  
**Second: Linda Vannoy**  
**Vote Aye: Fenix, Adams, Vannoy, Taylor, Evers, Bitner, DeGifford**  
**Vote Nay: None**  
**Motion to approve Ordinance was approved.**  
**City Clerk read the Ordinance by title only,**  
**Ordinance assigned No. 1031.**

**Motion to approve Emergency Clause.**  
**Motion: Todd Fenix**  
**Second: David Adams**  
**Vote Aye: Fenix, Adams, Vanoy, Taylor, Evers, Bitner, DeGifford**

Vote Nay: None

Motion to approve Emergency Clause approved.

**2. ORDINANCE AMENDING THE CITY OF LOWELL MUNICIPAL CODE OF ORDINANCES, SECTION 16-45, TO REQUIRE A CONDITIONAL USE PERIT FOR WAREHOUSES IN ALL ZOING DISTRICTS AND FOR OTHER PURPOSES (EMERGENCY CLAUSE).**

**Add Definition of Conditional Use Permit Required for Warehouse Use in Commercial Zone.** The purpose of revising the schedule of uses are as follows: 1) The intent of the schedule of users is to provide a guideline of permitted uses within designated zones. The use of warehouses in commercial zones is currently a permitted use. 2) Areas designated for the commercial district are intended for a variety of higher intensity business uses and commercial establishments, often with outside storage, display, and sales. Examples of such uses include convenience stores/gas stations, automotive repair shops, contractor services and other similar establishments. 3) The intent of the revision of the schedule of uses is to control the number of warehouses allowed in prime commercial space.

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

Motion: Linda Vannoy

Second: Lisa DeGifford

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

Vote Nay: None

**Motion to approve Ordinance approved.**

City Clerk read the Ordinance by title only.

Ordinance assigned No. 1032.

**Motion to approve Emergency Clause.**

Motion: Todd Fenix

Second: David Adams

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

Vote Nay: None

**Motion to approve Emergency Clause approved.**

**3. ORDINANCE AMENDING THE CITY OF LOWELL MUNICIPAL CODE OF ORDINANCES, SECTION 16-139, TO REVISE LANGUAGE FROM R-D AND R-E ZONING DEFINITION TO REMOE CERTAIN LIMITATIONS AND FOR OTHER PURPOSES (EMERGENCY CLAUSE).**

Karen Davis, Planning Coordinator, explained the revision would allow City of Lowell to develop 8,000 square foot lots. At present, we are restricted to 10,000 square foot lots and because of this, we are losing density to both cities to the north and south.

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

Motion: David Adams

Second: Linda Vannoy

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

Vote Nay: None

**Motion to adopt Ordinance as presented was approved.**

City Clerk read the Ordinance by title only.

Ordinance assigned No. 1033.

**Motion to approve Emergency Clause.**

Motion: Todd Fenix

Second: David Adams

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

Vote Nay: None

**Motion to approve Emergency Clause approved.**

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

Finance Director explained this was for a non-budgeted item to replace floor covering in the city court. Request was made by the judge and approved by the mayor. Funding is available to cover the cost.

**Motion to approve Resolution as presented.**

**Motion: David Adams**

**Second: Dean Bitner**

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

**Vote Nay: None**

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

**Resolution was assigned No. 19-17.**

**5. RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT AND EXECUTE AN AGREEMENT BY AND BETWEEN THE CITY OF LOWELL AND MCCLELLAND CONSULTING ENGINEERS, INC. FOR THE PURPOSE OF DESIGN AND CONSTRUCTION OF THE FARMERS MARKET AND SANITARY SEWER LIFT STATION/FORCE MAIN.**

Proposal has been received for the design and construction management of the new Farmers Market and sanitary lift station/force main at the Kathleen Johnson Memorial Park. The Johnson Trust is underwriting the cost and this is encumbered money.

**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. 19-18.**

**6. RESOLUTION TO EXPRESS THE CITY'S SUPPORT OF THE OFFICE OF HUMAN CONCERN AT KATHLEEN JOHNSON MEMORIAL PARK WITH PLANS FOR A FACILITY TO BE USED FOR THE PREPARATION AND STORAGE FOR THEIR MEALS ON WHEELS AND FEEDING NORTHWEST ARKANSAS PROGRAMS IN THE CITY OF LOWELL, ARKANSAS.**

Susan Moore explained the kitchen at the Lowell Senior Center would remain open. The new facility at Kathleen Johnson Memorial Park would be a central kitchen to prepare meals for more than just senior centers. As an agency they currently serve half a million meals per year. They are streamlining their operations and meals will be more consistently prepared.

**Motion made to approve Resolution.**

**Motion: Todd Fenix**

**Second: Linda Vannoy**

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

**Vote Nay: None**

**Motion to table Resolution approved.**

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

**7. RESOLUTION EXPRESS THE CITY'S SUPPORT OF THE NWA FOOD BANK AT KATHLEEN JOHNSON MEMORIAL PARK WITH PLANS FOR RELOCATING AND BUILDING A FOOD BANK IN THE CITY OF LOWELL, ARKANSAS.**

Tom Stallbaumer, NWA Food Bank, and Mike Williams, Director of Development, explained the NWA Food Bank would be moving from Bethel Heights to the Kathleen Johnson Memorial Park. The new location will allow for future expansion as required.

**Motion made to approve Resolution.**

Motion: Todd Fenix

Second: David Adams

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

Vote Nay: None

**Motion to approve Resolution approved.**

Resolution assigned No. 19-20.

**8. RESOLUTION APPROVING ADDENDUM NO. 1 TO THE MAINTENANCE AGREEMENT FOR TRAFFIC SIGNAL INTERSECTION AND SCHOOL ZONE SIGNS BY AND BETWEEN SIGNAL TEK AND THE CITY OF LOWELL, ARKANSAS.**

Maintenance agreement for maintenance of signal lights. Work will be done on a yearly basis.

**Motion made to approve Resolution.**

Motion: Linda Vannoy

Second: Chasity Taylor

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

Vote Nay: None

**Motion to approve Resolution approved.**

Resolution assigned No. 19-21.

**9. CITY OF LOWELL DEVELOPMENT PLANNING STRATEGY PROPOSAL – PRESENTED BY PLANNING CONSULTANT JULIET RICHEY WITH GARVER ENGINEERING.**

City staff asked Juliet Richey to look over the existing development codes and make some recommendations. Her presentation will be included with the minutes. No decision was required.

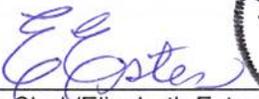
**COMMITTEE REPORTS:** KJMP Minutes will be included with next council packet.

**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.

Mudtown will be June 7-8, 2019 and volunteers are needed.

**ADJOURNMENT:** Motion to adjourn by Todd Fenix and second by David Adams. There being no objections, the meeting adjourned at 7:42pm.

ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore