

LOWELL CITY COUNCIL MINUTES
[as amended 11/16/2010]
Special Council Meeting
September 9, 2010 ~ 7:00 P.M.

CALL TO ORDER: The Special Meeting of the Lowell City Council was called to order at 9:09 p.m. by Mayor Perry Long at the Lowell Council Chambers.

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

INVOCATION: Councilman Darrin Brock.

ROLL CALL: Mayor Long asked for a roll call. City Clerk Janette Lasater made a verbal roll call. Council Members present were: Linda Shimko, Jerry Foley, Eric Schein, Darrin Brock, Keith Williams, Marty Lathem and Paula Allred. Kendell Stucki arrived late. There was a quorum. Attorney Tom Kieklak was also present. A roster of all others in attendance is filed with these minutes.

SPECIAL BUSINESS:

OLD BUSINESS

**a) AN ORDINANCE ADOPTING THE CITY OF LOWELL 2010
MASTER STREET PLAN AND FOR OTHER PURPOSES**

Councilman Eric Schein stated that he did not desire to move forward on this Ordinance at this time due to the significant resident opposition. **Planning Commission Chair, Salena Wright-Brown,** stated that the Planning Commission voted six to one to pass this Master Street Plan with a “do pass” recommendation to the Council. This would dead end Monroe Street at Oak Street with the provision that the Planning Department go back to them in sixty (60) days with a proposal for an alternate route to not have traffic flow onto Oak.

Mr. Schein stated he thought it best to wait the sixty (60) days until the alternate route plan was submitted to the Planning Commission before the Council makes any decisions. **Councilman Darrin Brock** stated he tended to agree with **Mr. Schein.**

Councilwoman Paula Allred stated there are issues as to how the traffic is going to flow through the neighborhoods, but there is the need for emergency

services in those neighborhoods regardless of the traffic flow. **Mr. Schein** pointed out that the area for discussion is where Monroe ends at Oak Street and the park. He is in agreement that emergency vehicles need an access route in order to properly do their job. His concern is regarding a major collector and an increased traffic flow. **Ms. Allred** stated her concern that the longer the Council waits to make a decision it may jeopardize the First Tee organization plans. **Mr. Schein** stated that if the First Tee were to proceed with its plans and then the Council decide that Monroe should be taken through the park, then First Tee's plans would be interrupted.

⊗ **There was a motion to table the Ordinance for sixty (60) days.**

Motion: Eric Schein

Second: Darrin Brock

Mr. Brock stated that for some time the plan has been that Monroe would go through the park and First Tee has known that. They are now asking for a change because they want to go with a different plan but leaving the current plan in place while a better plan is decided on should not run them off because it is the plan that was in place when First Tee first approached the City with their project. **Ms. Allred** stated that everyone is in agreement that the road should not go through the park and the only matter in flux is a secondary southbound route. **Mr. Brock** stated that if a better route cannot be found, he is in agreement with Monroe going through the park. He has seen no feasible alternative but would be willing to consider one. **Mr. Schein** suggested there are many alternatives that should be considered.

Ms. Allred asked the Council for their opinion: Do we want the road to run through the park or not? **Mayor Long** stated that based on the Planning Commission's recommendation of a "do pass" the question is: Do we or do we not want the street to go through the park? **Mr. Williams** stated he thinks the Planning Commission said they do not. **Ms. Allred** stated she feels it is a bad idea. **Mr. Williams** wondered if First Tee has the information to go forward with their plans because an alternative route is also being proposed. He said that anything First Tee needs to get going, the Council should approve.

Mayor Long stated he didn't think the proposal on the little 8-1/2 x 11 sheet of paper is to be considered. It has never been brought before anybody. **Mr. Schein** stated that the **Mayor** asked what his plan was at the last Council Meeting, so he brought him a plan. **Mayor Long** said that the objective is to vote "yes" or "no" on the recommendation made by the Planning Commission. The **City Clerk** stated that there was a motion on the floor. **Mr. Schein** called for the question and re-stated the motion to table for sixty (60) days.

Vote Aye: Shimko, Brock, and Schein.

Vote Nay: Foley, Williams, Lathem, Stucki, and Allred.

The motion failed.

Mr. Schein stated he has a petition with 75 signatures from residents in the neighborhood of Monroe and Oak Streets asking that Monroe Street not dead-end at Oak Street. Said petition was not presented to the full Council, to the Mayor or to the City Clerk.

Mayor Long asked for a motion suspending the rules and placing the Ordinance on third and final reading by title only. **Mr. Schein** and **Mr. Brock** both stated their objection to a third and final reading.

Mr. Williams stated his only concern is holding up construction. **Mr. Schein** stated he is okay with holding up construction with the safety of our citizens. **Mr. Williams** said that is his concern as well, but if we hold up construction and lose this project, we really didn't gain anything. **Mayor Long** stated it's not only First Tee but it's the Senior Center also.

⊗ There was a motion for a do-pass on first reading.

Motion: Jerry Foley

The motion failed due to lack of a second.

Mayor Long stated that this is not solely First Tee's idea; it is a combination of the City, First Tee and the Senior Center. Without the golf course, the Senior Center "can't hack it." The Senior Center will be over. **Mr. Solomon** stated that First Tee did not come to the City and request this change to be made. The City made the change and went to them. There are two renderings: one with the road going through the park and one without. This is a safety issue for those using Ward Nail Park.

Mayor Long stated that Crafton-Tull is donating their engineering time to these people. They have set the time aside now to do it. He asked the Council if they are saying that we're to go back to them and say, "You all reschedule, wait at least sixty days before we know whether this could be built or not"? **Mr. Schein** stated, "yes," as did several audience members. The **Mayor** said he needed some kind of guidance. **Mr. Brock** said he needs another plan before he is willing to deal with this.

[There were comments by citizens in the audience which could not be heard on the recording.]

⊗ There was a motion to table the Ordinance to the next Council Meeting.

Motion: Keith Williams

Second: Eric Schein

Vote Aye: Brock, Williams, Allred, Lathem, Shimko, Foley, Stucki, and Schein.

Vote Nay: None.

The motion carried and the Ordinance is tabled to the next regularly scheduled Council Meeting, September 21, 2010.

NEW BUSINESS

a) REFINANCE IMPROVEMENT BOND [KEVIN FAUGHT]

Kevin Faught of Stephens, Inc. stated that the Series 2005 Capital Improvement Bonds have been callable since June 2010. Rates have dropped significantly in the last month or so. When he approached the **Mayor** last week about this the potential savings were \$150,000 [net], assuming rates hold. The City is under no obligation for any fees incurred on Stephens' part or on the bond counsel's part if, and until, the bonds are actually refunded.

⊗ There was a motion to approve refinance of the improvement bond.

Motion: Keith Williams

Second: Paula Allred

Vote Aye: Foley, Lathem, Allred, Schein, Brock, Shimko, Williams, and Stucki.

Vote Nay: None.

The motion carried.

b) APPROPRIATION OF FUNDS [TRANSFER \$500,000.00 FROM STREET DEPARTMENT FUNDS BUDGETED FOR DIXIELAND STREET IMPROVEMENTS TO THE MONROE STREET IMPROVEMENT BUDGET FOR THE PURPOSE OF CONSTRUCTION OF MONROE STREET AS PLANNED]

⊗ There was a motion to approve the Appropriation of Funds as presented.

Motion: Darrin Brock

Second: Keith Williams

Vote Aye: Schein, Shimko, Stucki, Allred, Williams, Foley, Brock, and Lathem.

Vote Nay: None.

The motion carried and the Appropriation of Funds was assigned Appropriation of Funds Memo No. 12-2010.

Mayor Long stated that the Monroe Street project (from Lincoln Street to Brandon Street) will go out for bids next week. The Council approved by unanimous voice vote. The **Mayor** stated that he believes the City can complete the project for \$500,000.

c) AFFIDAVIT [FOR SHREDDING RECORDS FROM 2005 AND 2006]

Finance Director, Mary Mason, stated that all of these records have been audited and held for the required three (3) years.

⊗ There was a motion to approve the Affidavit as presented.

Motion: Eric Schein

Second: Keith Williams

Vote Aye: Foley, Lathem, Brock, Stucki, Allred, Shimko, Williams, and Schein.

Vote Nay: None.

The motion carried.

ADJOURNMENT: Motion to adjourn by Councilman Darrin Brock; there being no objection, the meeting adjourned at 10:00 p.m.

APPROVED:

PERRY LONG, Mayor

ATTEST:

JANETTE LASATER, City Clerk

THE ABOVE MINUTES WERE AMENDED BY VOTE OF CITY COUNCIL
NOVEMBER 16, 2010.