

**LOWELL TOWN COUNCIL  
REGULAR MEETING  
MARCH 23, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, March 23, 2015 at 7:00 P.M. by President Christopher Salatas. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, LeAnn Angerman, Donald Parker, Christopher Salatas, and Edgar Corns. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, SEH Representative Craig Hendrix, one member of the media, and twenty citizens.

**APPROVAL OF MINUTES**

Councilman Corns made a motion to approve the March 9, 2015 regular meeting minutes and March 9, 2015 joint meeting minutes, seconded by Councilman Parker and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Salatas asked for approval of White Vouchers #1266 - #1310, White-Police #4055 - #4066, Water #2173 - #2194, Waste Water #3155 - #3177, and Stormwater Utility #5034 - #5037.

Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried with five ayes.

**ORDINANCES & RESOLUTIONS**

**PUBLIC HEARING-**

1<sup>ST</sup> Reading - Ordinance #2015-05 - Additional Appropriation - Freedom Park- \$12,000., Gambling Revenue - \$250,000., Law Enforcement Training - \$25,000., Clerk's Perpetual Fund - \$20,000. - Councilman Corns made a motion to approve the first reading of Ordinance #2015-05, seconded by Councilman Earley and carried by roll call vote with five ayes. President Salatas opened the public hearing for Ordinance #2015-05. With no public questions or comments, President Salatas closed the public hearing.

1<sup>st</sup> & 2<sup>nd</sup> Reading - Ordinance #2015-06 - additional appropriation - Police Grant Hours - \$ 3,139.35 - Councilman Earley made a motion to hold over Ordinance #2015-06 for the second reading, seconded by Councilwoman Angerman and carried by roll call vote with five ayes. Councilman Corns made a motion to set aside the rules, seconded by Councilwoman Angerman and carried with five ayes. Councilman Parker made a motion to adopt Ordinance #2015-06 by name and title only, seconded by Councilman Earley and carried by roll call vote with five ayes.

**UNFINISHED BUSINESS**

Tabled from previous meetings:

1/12 - Mason disannexation - Ordinance #2015-07 - disannexation of property - Attorney David Westland stated there is an Order of Disannexation that is statutorily required as well as Ordinance #2015-07. He stated if you are going to adopt both the Order and the Ordinance, he would suggest adopting the Order first. Councilman Earley made a motion to adopt the Order of Disannexation, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilman Earley made a motion to hold over Ordinance #2015-07 for the second reading, seconded by Councilwoman Angerman and carried by roll call vote with five ayes. Councilman Earley made a motion to adopt Ordinance #2015-07 by name and title only, seconded by Councilwoman Angerman and carried by roll call vote with five ayes. Councilman Earley made a motion to put the rules back in order, seconded by Councilman Parker and carried with five ayes.

### **LTC REGULAR MEETING - 3/23/15 - Page 2 of 3**

#### **NEW BUSINESS**

Request for additional reduction in utility bill after adjustment per Ordinance - R. Zunica - Rick Zunica, 162 Washington Street, stated during the winter there was a break in the pipe at 180 W. Commercial Ave., which is vacant, and they had 120,000 gallons of water that ran through the meter. Mr. Zunica stated he understood by Ordinance, the Town can reduce the water charge by \$400, however there is no reduction on the sewer bill. Mr. Zunica pointed out on his bill that the sewage charges were \$583.89, but is normally the minimum of \$20.40, and asked the Council to allow all but the normal \$20.40 be waived since the Ordinance does not cover adjustments on the sewage part. Discussion followed. Clerk-Treasurer Judith Walters noted that the \$400 maximum adjustment is split between water and wastewater, it does not just cover water. Councilman Earley stated in his opinion, we need to stay with the Ordinance in place. Councilwoman Angerman asked if there had been any other adjustments within the last two years on this property. Clerk-Treasurer Walters stated there had not been, but explained that last year there were twenty-seven \$400 adjustments given to customers in similar situations. Councilman Corns made a motion to deny the additional adjustment and stick with the Ordinance that calls for the \$400 adjustment, seconded by Councilman Parker and carried by roll call vote with five ayes.

Petition for Annexation - Russel Farm Trust - Councilman Parker made a motion to accept the petition and to move forward with the fiscal plan, seconded by Councilwoman Angerman. Councilman Earley asked Attorney Westland if the Council was in a position to move forward with this annexation. Attorney Westland stated you cannot act until you get the contiguity, but doing the fiscal study and getting everything in place would be fine. The motion carried by roll call vote with four ayes, one nay with Councilman Earley voting nay.

Act on favorable recommendation from B.Z.A. - Rt. 2 Brews - 141 Harding Drive - Suite #1 - Variance of Use - to allow a B2 business zoned in a light industrial area -L1 - Councilman Parker made a motion to approve the Variance of Use for Rt. 2 Brews, seconded by Councilman Earley and carried by roll call vote with five ayes.

#### **ANNOUNCEMENTS**

Public Works Director Greg Shook announced that they will begin flushing hydrants around town on April 12<sup>th</sup>. There will also be a notice in the water bills, and on our website, and the flushing will happen in the evening.

President Salatas announced that the next regular meeting will be held Monday, April 13, 2015 at 7:00 P.M., and that there would be a public hearing that night on Ordinance #2015-02, annexation of the C&D Landfill.

### **MEDIA QUESTIONS/PUBLIC COMMENTS**

Melanie Csepiga, The Times, asked for a brief description of the Russel Farm. President Salatas stated it is a farm just outside of Lowell between the railroad tracks and US 41 that consists of approximately one hundred and fifty-five acres. Ms. Csepiga asked if the contiguity would happen after the April 13<sup>th</sup> meeting, when the annexation of the C&D Landfill is voted on. President Salatas stated that was correct. Ms. Csepiga asked if it was agreed to direct the professional to do the fiscal plan on the Russel Farm. President Salatas stated that was correct. Ms. Csepiga asked what the terms were on the Mason disannexation since they had asked for some adjustments. Attorney Westland stated the Town will provide them with a credit of \$317.18, which is the hydrant and stormwater fees that the Town has received in connection with their land.

Clerk-Treasurer Walters announced that there would be early voting at the Town Hall beginning April 7<sup>th</sup> **LTC REGULAR MEETING - 3/23/15 - Page 3 of 3**

running Monday thru Friday from 9:00 A.M. - 3:00 P.M., Thursdays from 9:00 A.M. - 7:00 P.M., and two Saturdays, April 25<sup>th</sup> and May 2<sup>nd</sup>.

### **ADJOURNMENT**

Councilman Parker made a motion to adjourn at 7:17 P.M., seconded by Councilman Corns and carried with five ayes.

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Christopher Salatas, President

Attest:

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Judith Walters, Clerk-Treasurer

