

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
AS CORRECTED  
July 15, 2014 - 6:30 p.m.**

**CALL TO ORDER OF REGULAR COUNCIL MEETING:** The Regular Meeting of the Lowell City Council was called to order at 6:34PM by **Mayor Long** at the Lowell Council Chambers.

**INVOCATION:** The Invocation was given by Councilwoman Lasater.

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

**ROLL CALL:** **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were: **Thomas Evers, Eric Schein, Janette Lasater, Kendell Stucki, Ronnie Breland, Keith Williams, Dean Bitner, and Connor Jones** were absent. There was quorum. **Deputy Attorney Kieklak** was also present. A roster of all others in attendance is on file with these minutes.

**CONSENT AGENDA:**

**Lowell City Council Minutes Regular Meeting – June 17, 2014  
Financial Statement – June, 2014**

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

**Motion: Janette Lasater**

**Second: Ronnie Breland**

**Voice Vote Aye: Unanimous**

**Voice Vote Nay: None**

**Motion to accept Consent Agenda was approved.**

**PUBLIC FORUM:            OPEN: 6:39PM    CLOSE: 7:03PM**

Kathy Andreson, 416 N. Bloomington Street – She received a Code Ordinance Notice on her property located at corner of Bloomington and Robinson Road. Her husband worked for Mr. Norwood in 1972 at the electronic shop and she and her husband bought the property in 1976 and have continued to operate the business to this date. They retired in 1994 and her son, Danny and his wife, run the business now. On July 2, 2014 a bright red notice was posted on their front door. She was upset because potential customers walking up to the door would see it and think something wasn't right with the business which would not be the case. Her suggestion was that the property owner be notified rather than the renters of the business.

The grass behind the electronics building must be cut because it is too high. She tried to clear the brush but the fire department couldn't allow them to burn it due to the burn ban in place at that time. She talked with Mr. Bailey and Ms. Jones. She felt the grass wasn't an annoyance to anyone, but it was rather a deterrent. Traffic from Acambaro Restaurant and their employees were driving across the back of their lot and onto Robinson Road. She had been in touch with the owner to rectify this situation, but the owner never called her back. She sent the owner a certified letter letting him know she wanted the traffic to stop. But it didn't. As a result, she and her husband decided to solve the problem by allowing the grass to grow. Her renters complained of the traffic and she had witnessed people driving with trailers or a boat from Robinson Road across her property and go to patronize the restaurant. She was told to call the police. She didn't feel that was good business relations. If the ordinance insists that the grass be mowed, she and her husband are not wealthy and do their own work. They are currently having medical issues also. She asked for the council's opinion on what to do.

She discussed the ordinance about having a lock box on the property on the old Norwood house which is now a car lot business. She was told they have to have a lock box or they will be put out of business. She felt that wasn't good business. She felt that nobody should be allowed to get into that business unless she was present no matter what. It was explained to her that if it is a false alarm they would have to break down the door and she would feel the broken door would be justified. For someone to enter the

building and be allowed to at their discretion make a judgment without her being there, she would like to have the choice of not having a lock box. There is one at the business at this time. She would prefer to have the right to say "No. You cannot have a key into my business." She asked if there was a deadline for removing the brush and grass on her property.

Mayor Long told her he would get back to her about posting red notices on doors of businesses. He would get with the Building Services Department about the procedure. He would send her an email about their discussion. He also told her the Building Services Department would work with her about removing the brush and grass.

Matt Bailey said it would be difficult for people to drive through the property because of the post and rail fence running the perimeter. He didn't feel the tall grass would deter traffic, but the fence would. In the tall grass is an inoperable truck as well as the brush. According to the ordinance the grass has to be maintained to six inches.

Councilman Lasater reminded the council it would inappropriate to make a decision at this meeting.

Chief Morris explained the origin and necessity of the ordinance and emphasized all of the cities surrounding Lowell have similar ordinances.

Commissioner Lloyd Showalter, 601 Kincaid, Lowell. He is fed up with our federal government and our state and local government. He encouraged the local government to do what he thinks is right. He is looking at the budget and he would like for them to look at how much money they are spending and what it is being spent for. Are we getting the biggest bang for our bucks. Case in point: 1% of our sales tax, part of it goes for maintaining our city streets. He didn't feel we are maintaining our city streets as we should. He didn't feel we should be mowing grass growing in the streets. He has complained about chuck holes not only to the City of Lowell, but to the City of Springdale, on west Apple Blossom, which is no man's land. Part of it belongs to Springdale and part of it belongs to Lowell. Nothing is done. What he was asking is when they look at the budget this year, not only looking at how much money they are spending, but what they are spending it for.

Mayor Long announced that funding has been provided for the drainage and resurfacing on the first 600 feet of West Apple Blossom. He wrote a letter to Lori Tudor of AHTD asking for a study on the signal light and the huge ditch asking that they might extend the pavement another 10-12 feet of the westbound turning radius to fix the problems there.

Councilman Williams suggested that more transparency may be provided on where the money is being spent. Mayor Long said a list will be prepared showing the projects the 1% sales tax has been spent and what is on the city's priority list. The list will be published in the city newsletter.

## **PRESENTATION OF ORDINANCES AND RESOLUTIONS:**

### **OLD BUSINESS:**

#### **ORDINANCE AMENDING THE CITY OF LOWELL LAND DEVELOPMENT CODE REGARDING DIGITAL SIGNS.**

Councilman discussed the issues as they related to distinction between lighted signage, flashing lighted signage, etc. Some of the issues were to make sure everyone had the same opportunity to install signage of all kinds in geographic areas, old signs versus new digital signs and that existing billboards moved can be changed to digital signs. Illumination of signage was also an issue as it illuminates inside homes close to the signs.

Councilman Williams pointed out a numbering error on Section 16-532 which was changed to show sequential numbering of the paragraphs 1-8 on the proposed ordinance.

Alderman Breland made the motion to accept the Ordinance as proposed and later amended it to include putting it on third and final reading.

**Motion was made to suspend the rule and place Ordinance on third and final reading by title only.**

**Motion: Ronnie Breland**

**Second: Kendell Stucki**

**Vote Aye: Stucki, Williams, Breland, Evers**

**Vote Nay: Lasater, Schein**

**Motion to suspend the rule and place Ordinance on third and final reading by title only failed.**

**Motion was made to place Ordinance on first reading by title only.**

**Motion: Keith Williams**

**Second: Jeanette Lasater**

**Vote Aye: Evers, Lasater, Schein, Williams, Stucki, Breland**

**Vote Nay: None**

**Motion to place Ordinance on first reading by title only was approved.**

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

**NEW BUSINESS:**

**ORDINANCE AMENDING THE LOWELL CODE OF ORDINANCES TO MAKE IT A VIOLATION TO MISREPRESENT THE ORIGIN OF AN ANIMAL WHEN SUBMITTING THE ANIMAL TO THE LOWELL ANIMAL SHELTER, AND FOR OTHER PURPOSES.**

Councilwoman pointed out two errors: First page in italics should read "shall be punished with a fine" and second page subparagraph c "as hereinafter provided." Attorney Kieklak said the verbiage "as hereinafter provided" was correct language for this ordinance.

Ray Drummond explained that the public from other cities around Lowell have been bringing their animals to our city and leaving them for us to take care of them. Citations are needed to make people pay for the upkeep of the animals when they make fraudulent claims.

**Motion was made to suspend the rule and place Ordinance on third and final reading by title only and adding an emergency clause.**

**Motion: Janette Lasater**

**Second: Ronnie Breland**

**Vote Aye: Schein, Breland, Evers, Stucki, Williams, Lasater**

**Vote Nay: None**

**Motion to suspend the rule and place Ordinance on third and final reading by title only and adding an emergency clause was approved.**

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

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

**Motion: Janette Lasater**

**Second: Eric Schein**

**Vote Aye: Williams, Stucki, Evers, Lasater, Schein, Breland**

**Vote Nay: None**

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

**Ordinance was assigned No. 947.**

**Motion was made to enact emergency clause.**

**Motion: Janette Lasater**

**Second: Ronnie Breland**

**Vote Aye: Schein, Lasater, Evers, Breland, Stucki, Williams**

**Vote Nay: None**

**Motion to enact emergency clause was approved.**

**COMMITTEE REPORTS**

**FINANCE COMMITTEE** – Next meeting will be Monday, July 28, 2014 at 6:00PM

**ORDINANCE COMMITTEE** – Date for next meeting has not been set.

**ANNOUNCEMENTS:**

Jerry Hudlow asked the council to assist in establishing employee evaluations for the coming year.

Petitions are available for participating candidates who are up for re-election.

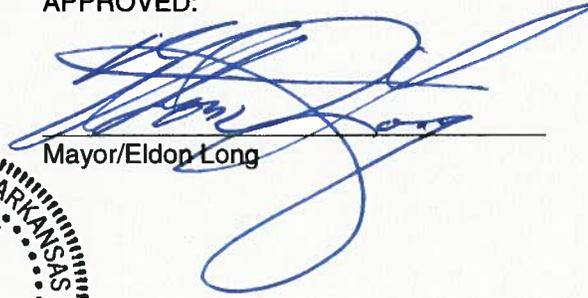
Councilwoman Lasater announced Police Officer Rick McGarrah's son, Jaxon, was born with a heart defect and at four months was having open heart surgery at Children's Hospital in Little Rock. A fund has been set up at Arvest bank for anyone who wants to make donations toward expenses.

Councilman Evers asked that the tall grass across from the post office be cut.

Mayor Long thanked everyone for their prayers and cards during his illness.

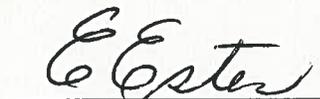
**ADJOURNMENT:** Motion to adjourn was made by Councilwoman Lasater and second was made by Councilman Breland. There being no objections, the meeting adjourned at 7:45PM.

APPROVED:



Mayor/Eldon Long

ATTEST:

  
City Clerk/Elizabeth Estes

City of Lowell

Minutes of the Regular Council Meeting

July 15, 2014