

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
SEPTEMBER 19, 2017 - 6:30PM**

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:30PM by **Mayor Long** at the Lowell Council Chambers.

INVOCATION: The Invocation was given by Liz Estes.

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

ROLL CALL: **Mayor Long** asked for roll call. City Clerk made a verbal roll call. Council Members present were **Thomas Evers, Lonnie Jones, Kendell Stucki, Todd Fenix, Linda Vannoy, David Adams, Dean Bitner. Deputy Attorney Kieklak was present, also.** There was quorum. A roster of all others in attendance is on file with these minutes. Note: Councilman Evers was absent when roll call was taken but arrived before Consent Agenda was approved.

CONSENT AGENDA:

**Lowell City Council Minutes Regular Meeting – August 15, 2017
Financial Statement – August 2017**

Motion was made to accept the Consent Agenda as presented.

Motion: Dean Bitner

Second: David Adams

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to accept Consent Agenda was approved.

MAYOR LONG RECOGNIZED A GOOD SAMARITAN – ALEXANDER TOLL:

Unselfish Act Receives Recognition

Alex Toll was working his regular shift at the Sonic in Lowell on a Sunday night when he heard a distressed co-worker calling his name. She had just witnessed a terrible car accident in front of the restaurant and he ran out front to see a single vehicle on fire on the opposite side of Highway 71 business.

Without a second thought for his own safety, Alex rushed across the busy roadway to see if he could help. Quickly scanning the scene, he could see that the single passenger was pinned inside the vehicle but he was unconscious and unable to free himself. As the fire began spreading quickly, Alex tried the doors but they wouldn't open. With adrenaline-fueled strength, he mustered all his energy and soon pulled the door open with his bare hands enough to get the man out. He tried to unbuckle the man's seat belt but it had become jammed and wouldn't budge. As the flames inched closer, Alex ripped out the seat belt and began pulling the man out but was confronted by another obstacle; the man's leg was pinned under the car's dashboard.

While another Good Samaritan held the unresponsive man upright, Alex worked quickly and carefully to free the man's leg so they could get him to safety. Believing the car might explode at any moment and, with the help of a few other bystanders, they were finally able to pull the injured man about 75 yards away from the car – now almost totally engulfed in flames.

Thankfully, one of the others had some first aid training and proceeded to offer assistance until rescue arrive. Once the ambulance was on scene and the man was attended to, police officers asked Alex and

the others for statements about what happened. When asked why he ran to help without consideration for his own safety, his answer was something his late grandfather had instilled in him from an early age: **“We continue forward in the hopes that our lives in the future are brighter not just for ourselves, but for everyone. If you see you can make a difference, DO SO!”**

Alex Toll was recognized for his unselfish act of bravery by the Mayor at the Lowell City Council meeting on 09/19/17. Note: 40/29 News was present. His story aired on 9/20/17 and can be accessed at 4029tv.com.

PROCLAMATION – 2017 GO PINK FOR THE CURE DAY – OCTOBER 6, 2017. Proclamation was accepted by unanimous vote of councilmembers.

PUBLIC FORUM: Open: 6:42PM Close: 6:53PM

APPEAL OF PLANNING COMMISSION’S DENIAL OF REZONE REQUEST FOR PROPERTY LOCATED AT 9560 EAST BROWN ROAD IN LOWELL.

Billie Stanphill, Billie Acres, was opposed to rezoning because the business looks junky, isn't kept clean and the grass is waist high. She wants to keep the residential area “country”.

David Turner , 9288 East Brown, property is ¼ mile east of 9560 property. The contested property is a commercial island in a sea of residential and is not kept tidy, clean. Cross Fit program is held there and runners are on the road but they do not wear reflective gear causing a conflict between runners and vehicles.

David Coberly, 1723 Billie Acres, opposed to change from RA to C because it is residential all around property. He lives directly behind it and he wants a stop to it. He doesn't have a problem with the company, but he is concerned about property values of his land and wants the area to stay residential. There are drainage issues causing water to pond. Future development could turn it into a problem. There could be more drainage issues and concerns if the land were developed commercially.

Maria Pitzmeyer, 823 Barret Place, is adjacent to this lot. She was concerned about property rezoning affecting property values. There is a lot of equipment there and it is looking like junk yard. There is activity with traffic and noise and a steel building will not improve property values.

PROCEDURAL MOTION TO SUSPEND THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.

Motion was made to suspend the rule and to read ordinances one time by title only.

Motion: Dean Bitner

Second: Thomas Evers

Voice Vote Aye: Bitner, Fenix, Jones, Stucki, Vannoy, Evers, Adams

Voice Vote Nay: None

Motion to suspend the rule and to read ordinances one time by title only was approved.

PRESENTATION OF ORDINANCES AND RESOLUTIONS:

OLD BUSINESS: None.

NEW BUSINESS:

1. ORDINANCE REZONING APPROXIMATELY 9.99 ACRES OF REAL PROPERTY LOCATED AT 9560 E. BROWN ROAD FROM RESIDENTIAL (R-A) TO COMMERCIAL (C).

Applicant had a family emergency and was not present at the council meeting. Ordinance was tabled until October 17, 2017. Proper signage will remain and the public will be able to voice their opinions at that meeting also.

Motion was made to table this Ordinance until October 17, 2017 council meeting.

Motion: Dean Bitner

Second: Todd Fenix

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Motion to table this Ordinance until October 17, 2017 council meeting was approved.

2. ORDINANCE REZONING CERTAIN PROPERTY AT THE NORTHWEST CORNER OF U.S. 71B AND SCHOOL AVENUE.

Housekeeping item as it should have been taken care of previously.

Motion was made to approve Ordinance as presented.

Motion: Dean Bitner

Second: Kendell Stucki

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None

Motion to approve Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 999.

3. ORDINANCE TO ALTER FEES FOR FIRE AND EMERGENCY SERVICES TO CERTAIN HOME BUSINESS OWNERS OUTSIDE THE LOWELL CITY LIMITS AND NON-MEMBER CHARGES AND FOR OTHER PURPOSES.

The City of Lowell responds to fire and emergency services for residents up to a 17-mile radius outside city limits. Fees will be adjusted to offset city expenses. Annual charges for fire service will increase to: Home - \$75 and Business - \$100.

Motion was made to approve Ordinance as presented.

Motion: Thomas Evers

Second: David Adams

Vote Aye: Fenix, Bitner, Vanoy, Evers, Adams, Stucki, Jones

Vote Nay: None

Motion to approve Ordinance as presented was approved.

City Clerk read the Ordinance by title only.

Ordinance was assigned No. 1000.

4. ORDINANCE TO PROHIBIT THE USE OF ANY MOTORIZED VEHICLES ON THE CITY OF LOWELL PORTION OF THE RAZORBACK GREENWAY BIKE/PEDESTRIAN TRAIL.

Judge Connor recommended no less than \$100 and not more than \$500 fines for persons in non-authorized motor vehicles on the City of Lowell portion of the Razorback Greenway Bike/Pedestrian Trail.

Motion was made to approve Ordinance as presented.

Motion: Linda Vannoy

Second: Kendell Stucki

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None

Motion to approve Ordinance as presented was approved.

City Clerk read Ordinance by title only.

Ordinance was assigned No. 1001.

Motion was made to adopt an Emergency Clause.

Motion: Linda Vannoy

Second: Dean Bitner

Vote Aye: Adams, Evers, Fenix, Stucki, Bitner, Jones, Vannoy

Vote Nay: None.

Motion to adopt the Emergency Clause was approved.

5. RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF LOWELL, ARKANSAS, FOR THE YEAR 2017 TO BE COLLECTED IN 2018.

Housekeeping item, taxes will remain the same as last year.

Motion was made to approve Resolution as presented.

Motion: Linda Vannoy

Second: David Adams

Vote Aye: Vannoy, Jones, Adams, Fenix, Stucki, Evers, Bitner

Vote Nay: None.

Motion to approve Resolution as presented was approved.

Resolution was assigned No. 17-25.

6. RESOLUTION TO APPROVE AND AUTHORIZE THE RELOCATION OF THE LOWELL MUSEUM TO THREE (3) ACRES OF LAND WITHIN THE KATHLEEN JOHNSON MEMORIAL PARK AND TO DESIGNATE THE PROCEEDS FROM THE SALE OF THE FORMER MUSEUM SITE AND L. P. DAVIS PROPERTY TO THE CONSTRUCTION OF THE NEW MUSEUM WITHIN KATHLEEN JOHNSON MEMORIAL PARK.

Because it is not wise to put money into the existing museum building, the city supports relocating the museum to the Kathleen Johnson Memorial Park and putting the funds from the future sale of the two properties named above into the construction cost of the new building.

Motion was made to approve Resolution as presented.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Fenix, Adams, Vannoy, Jones, Evers, Bitner, Stucki

Vote Nay: None.

Motion to approve Resolution as presented was approved.

Resolution was assigned No. 17-26.

7. ADDENDUM #4 TO CONTRACT BETWEEN WASTE MANAGEMENT (PREVIOUSLY DEFFENBAUGH OF ARKANSAS, LLCO AND CITY OF LOWELL).

Due to questions that couldn't be answered because a representative of the company was not physically present at the meeting, this item was tabled until October 17, 2017 council meeting.

Motion was made to table Addendum #4 until a representative could be present at the October 17, 2017 council meeting.

Motion: Dean Bitner

Second: Todd Fenix

Voice Vote Aye: Unanimous

Voice Vote Nay: None.

Motion to table Addendum #4 until a representative could be present at the October 17, 2017 council meeting was approved.

COMMITTEE REPORTS:

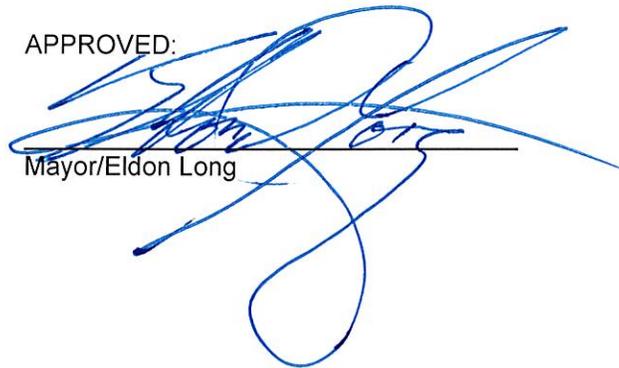
Ordinance Committee Report: On September 11, 2017 members of the committee discussed vehicles on Greenway, increasing fire dues and property taxes, drainage pipe in driveways and regional detention.

ANNOUNCEMENTS:

1. OFFICIAL DELARATION OF VACANT ALDERMAN SEAT, WARD 2, POSITION 2. WILL INTERVIEW APPLICANTS AT OCTOBER 17, 2017 COUNCIL MEETING AT 6:00PM
2. SAFER GRANT AWARDED TO FIRE DEPARTMENT; NOLAN JONES DID THE GRANT WORK.
3. UPDATE ON NEW FIRE STATION: CONCRETE IS IN THE GROUND; ON SCHEDULE.
4. TRAFFIC SIGNALIZATION AT BELLVIEW & W. MONROE, AN EMAIL FROM ENGINEERING DESIGN GROUP SHOWS 30% OF DESIGN DONE AND THE REST WILL BE COMPLETED RELATIVELY SOON

ADJOURNMENT: Motion to adjourn; motion by Linda Vannoy and second by David Adams. There being no objections, the meeting adjourned at 7:52PM.

APPROVED:



Mayor/Eldon Long



ATTEST:



City Clerk/Elizabeth Estes

City of Lowell

Minutes of the Regular Council Meeting

September 19, 2017