

REGULAR SESSION – APRIL 18, 2011

The Cape Girardeau City Council convened in regular session on Monday, April 18, 2011, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Mark Lanzotti, Meg Proffer, Loretta Schneider, Kathy Swan and John Voss present. Council Member Debra Tracy was absent.

Prior to the regular session, the City Council convened in closed session for purposes of discussing property acquisition and personnel matters, pursuant to Section RSMO. 610.021(2) and (3) upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Reverend Paul Short, of St. Andrew Lutheran Church, presented the invocation, and the Pledge of Allegiance was recited.

Mrs. Schneider made a motion, seconded by Mrs. Swan, to remove Item No. 18 from the Agenda, per the applicant's request, and to approve the Agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none

PRESENTATIONS

Mayor Rediger presented a Proclamation to Ms. Cheryl Klueppel, Executive Director of the American Red Cross Southeast Missouri Chapter, and Chief Richard Ennis, with the Cape Girardeau Fire Department, recognizing the City's participation in the Great Central U.S. Shakeout. The Great Central U.S. Shakeout is a multi-state earthquake drill that will be held at 10:15 a.m. on April 28, 2011, when more than one million participants will simultaneously practice the recommended action during an earthquake: drop to the ground, take cover by getting under a sturdy desk or table, and hold on to it until the shaking stops.

COMMUNICATIONS/REPORTS

Mayor Rediger announced the City Council Retreat on Wednesday, April 20, at the Shawnee Park Center. He said that the proposed 2011-2012 budget would be on the agenda.

Mr. Voss congratulated the Cape Girardeau Convention and Visitors Bureau for a successful 2011 Storytelling Festival. The Mayor agreed that the Festival was a pleasure to attend, and said that they already have the 2012 Storytelling Festival scheduled.

Public Works Director Tim Gramling said that maintenance work on the eastbound lane of Lexington Avenue was complete. After a week break, maintenance will begin on the westbound lane and LaSalle Avenue. The work should be completed by the middle of May. Mayor Rediger commended the Public Works staff for the great job they did on Lexington, working through the rain. Scott Meyer said that City crews wanted residents to know that they were not done yet, that they will be back to complete the job.

PUBLIC HEARINGS

This being the date set for a public hearing to consider adopting five sections of a Development Code, including regulations for streets, access management, subdivisions, site plans/improvement plans, and utilities, the hearing was opened.

City Engineer Kelly Green and Planning Supervisor Martha Brown addressed the Council and said that prior to these proposed changes, developers who were not subdividing were not required to meet the same standards of other developers. That was not the intent of the development codes, so the process was streamlined to provide consistent standards. The final proposal has not been finalized yet, but the Cape Girardeau Development Codes have not been updated since 1967.

There being no further appearances, the hearing was closed.

APPEARANCES

Mr. Mike Woelk, of 316 Merriwether, appeared before the Council regarding Agenda Item No. 21, an Ordinance relating to outdoor music venue permits. He asked if the permit applicant would propose the volume level and operation hours of the outdoor music venue, how the volume will be measured, who would decide what is too loud and asked about the appeal process for neighbors. He expressed concern about ambiguity in the Ordinance wording and said that other permits are more defined. Mr. Woelk also asked if public obscenity Ordinances would be enforced in the same way. He thanked the Council for a community garden on a vacant City lot in his neighborhood.

Mr. Meyer answered that the permit applicant fills out the application and it is reviewed by City staff. The volume is source-based because that is where it can be controlled, and the loudness will depend on the situation. Mayor Rediger said that the neighbors will have an appeal process to give complaints to the Council and City staff. Cape Girardeau Police Chief Carl Kinnison said that the City does not have obscenity laws because they have been deemed unconstitutional. The Mayor said that the Council and the City want to encourage residential and commercial growth and believe the outdoor music venue permits can do that.

Mrs. Christy David, of 105 South Spanish Street, appeared regarding the outdoor music venue permits. She told the Council that her family has been bullied and subject to obscenities during this process. Mrs. Proffer noted that there are other neighborhood residents who agree with Ms. David's position, they want the music turned down, but they are unwilling to be subject to the criticism the David's have.

Mr. Craig David, of 105 South Spanish Street, addressed the Council and said that neighborhood residents are scared to stand up for this issue. He has been very offended that the Council wants to help Bel Air Grill so much without any thought to the victims in the neighborhood. He asked about the cost of the police presence, the cost of completing permits, and legal costs, and he expressed concerns with the proposed permit process.

The Mayor responded that the City has considered both sides of this issue and has studied it for many months and is moving forward deliberately.

Mr. Brian Langlois, owner of Bellevue Bed and Breakfast at 312 Bellevue Street, addressed the Council in support of Mr. and Mrs. David. He said that they had purchased an old home and were renovating it and raising a family in this neighborhood, and now they were being treated like villains. He commented on issues in the downtown area, including trash in the streets, booming radios, and discount liquor stores.

CONSENT AGENDA

A motion was made by Mrs. Schneider, seconded by Mrs. Swan, to approve the following items

on the Consent Agenda:

City Council April 4, 2011, regular and closed session minutes, and April 8, 2011, special session minutes.

BILL NO. 11-37, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE SAFE ROUTES TO SCHOOL PROGRAM, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-38, AN ORDINANCE AMENDING SCHEDULE C OF SECTION 26-121 OF THE CITY CODE BY PLACING A STOP SIGN AT THE INTERSECTION OF COMMERCIAL STREET AND RUSMAR STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-39, AN ORDINANCE AMENDING SCHEDULE C OF SECTION 26-121 OF THE CITY CODE BY ESTABLISHING A STOP SIGN AT VETERANS MEMORIAL DRIVE AND SCENIC DRIVE; AMENDING SCHEDULE A OF SECTION 26-228 ESTABLISHING SPEED LIMITS ON VETERANS MEMORIAL DRIVE; AND AMENDING SCHEDULE F OF SECTION 26-247 BY ESTABLISHING NO PARKING ON VETERANS MEMORIAL DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-42, AN ORDINANCE APPROVING THE RECORD PLAT OF SHADE TREE 1ST SUBDIVISION. Second and third readings.

BILL NO. 11-43, AN ORDINANCE AMENDING CHAPTER 30 OF THE CITY CODE BY CHANGING THE ZONING OF 604, 608 AND 620 JEFFERSON AVENUE, CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-3 TO CBD. Second and third readings.

BILL NO. 11-44, AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A COST APPORTIONMENT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR IMPROVEMENTS TO THE INTERSECTION OF ROUTE W AND LEXINGTON AVENUE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-53, AN ORDINANCE PROVIDING FOR THE VACATION OF PORTIONS OF PEARL STREET, SPANISH STREET, MILL STREET, MASON STREET, CERTAIN PUBLIC ALLEYS AND RIGHTS OF WAY, RELATING TO THE ISLE OF CAPRI PLANNED DEVELOPMENT DISTRICT. Second and third readings.

BILL NO. 11-62, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT GROUND LEASE WITH DR. JAMES PALEN, AT THE CAPE GIRARDEAU REGIONAL AIRPORT. Reading and passage.

BILL NO. 11-63, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DEMOLITION CONTRACT WITH KEVIN WILLIAMS EXCAVATING, LLC FOR THE CAPAHA PARK MUNICIPAL POOL DEMOLITION. Reading and passage.

BILL NO. 11-64, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EASTERN MISSOURI INDUSTRIES, INC. FOR WATER SUPPLY WELL FIBER OPTICS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-67, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LAPPE CEMENT FINISHING, INC., FOR PARKING LOT IMPROVEMENTS AT 1405 N. MT. AUBURN ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

Approval of a 5% liquor by the drink for Salamy Twins, Inc., d/b/a Phoenicia Restaurant, 1000 N. Sprigg Street.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-37 is ORDINANCE NO. 4212; BILL NO. 11-38 is ORDINANCE NO. 4213; BILL NO. 11-39 is ORDINANCE NO. 4214; BILL NO. 11-42 is ORDINANCE NO. 4215; BILL NO. 11-43 is ORDINANCE NO. 4216; BILL NO. 11-44 is ORDINANCE NO. 4217; BILL NO. 11-53 is ORDINANCE NO. 4218; BILL NO. 11-62 is RESOLUTION NO. 2611; BILL NO. 11-63 is RESOLUTION NO. 2612; BILL NO. 11-64 is RESOLUTION NO. 2613; and BILL NO. 11-67 is RESOLUTION NO. 2614.

Mr. Voss asked if the existing structure at the Capaha Park Municipal Pool would be removed and if the City would then wait for the Parks and Recreation Advisory Board's recommendation. Mr. Meyer affirmed that they would be removing all existing structures, including the wading pool. Mrs. Schneider asked when the City would be able to use the water supply well fiber optics. Mrs. Green answered that they will be in use this summer.

NEW ORDINANCES

BILL NO. 11-57 was given first reading as follows:

AN ORDINANCE ACCEPTING PERMANENT UTILITY EASEMENTS AND A PERMANENT UTILITY AND ACCESS EASEMENT FROM VARIOUS PROPERTY OWNERS FOR THE COUGAR RUN WATER LINE PROJECT

The first reading of BILL NO. 11-57 was approved upon Mr. Voss's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-58 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF ST. VINCENT DE PAUL CATHOLIC SCHOOL SUBDIVISION

The first reading of BILL NO. 11-58 was approved upon Mr. Lanzotti motion, Mr. Voss' second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-59 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF CYPRESS VALLEY ESTATES

SUBDIVISION

The first reading of BILL NO. 11-59 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-61 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF TIPTON SUBDIVISION

The first reading of BILL NO. 11-61 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

BILL NO. 11-65 was given first, second, and third readings as follows:

AN ORDINANCE REPEALING ORDINANCE NO. 4204 CALLING AN ELECTION ON THE QUESTION OF ISSUING SEWERAGE SYSTEM REVENUE BONDS; AND REPEALING ORDINANCE NO. 4205 CALLING AN ELECTION ON THE QUESTION OF WHETHER TO IMPOSE A ONE-QUARTER OF ONE PERCENT ECONOMIC DEVELOPMENT SALES TAX FOR ECONOMIC DEVELOPMENT PURPOSES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mrs. Schneider made a motion, seconded by Mrs. Proffer, to approve the emergency readings of BILL NO. 11-65 and to adopt the Ordinance. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none. BILL NO. 11-65 is ORDINANCE NO. 4219.

Mayor Rediger noted that the Ordinances setting elections in June for the funding of the new wastewater treatment facility were necessary in case those funding measures were not approved by voters in the April election. He thanked the voters and City staff for passing the ballot measures as presented.

BILL NO. 11-66 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 17-158 OF THE CODE OF ORDINANCES RELATING TO OUTDOOR MUSIC VENUE PERMITS, AND EXCEPTIONS TO SECTION 17-156, NOISE CONTROL; DEFINITIONS, AND SECTION 17-157, PROHIBITED ACTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Voss made a motion, seconded by Mrs. Proffer, to approve the first reading of BILL NO. 11-66. Mr. Voss asked if the Council should limit the length of the permit. Mr. Meyer said that the permit can be amended as necessary. Mr. Lanzotti said that the City Manager can modify the permit, if it is noted on the application. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

APPOINTMENTS

Rev. Jeffrey Long was reappointed, and Ms. Jill Dawson Miller was appointed, to the Public Library Board of Trustees for terms expiring June 30, 2011, upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss.

Nays, none.

There being no further business, the City Council adjourned upon Mr. Lanzotti's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

THIS PAGE INTENTIONALLY LEFT BLANK.