

REGULAR SESSION – MAY 16, 2011

The Cape Girardeau City Council convened in regular session on Monday, May 16, 2011, at 7:00 p.m., with Mayor Pro-Tempore Loretta Schneider presiding and Council Members Mark Lanzotti, Kathy Swan, Debra Tracy and John Voss present. Council Member Meg Proffer and Mayor Harry Rediger were absent.

Reverend Phil Roop, of Bethel Assembly of God, presented the invocation, and the Pledge of Allegiance was recited.

Mr. Voss made a motion, seconded by Mrs. Swan, to adopt the Agenda as presented. The motion was approved upon the following vote: Ayes, Lanzotti, Schneider, Swan, Tracy and Voss. Nays, none.

PRESENTATIONS

Mrs. Schneider presented a Proclamation to Public Works Department employees, recognizing the week of May 15-21, 2011, as National Public Works Week.

Mrs. Schneider then presented a Proclamation to Ms. Patti House, Historic Preservation Commission Secretary, recognizing May as National Preservation Month. Ms. House announced that the Commission will host a walking tour in downtown Cape Girardeau on Wednesday that will end at the Common Pleas Courthouse to unveil the plaque adding it to the National Register of Historic Places.

Mrs. Schneider presented a Proclamation to Mrs. Summer Riney, representing Premier Rehab Physical Therapy, recognizing their efforts in supporting the U.S. Wounded Soldiers Foundation. Mrs. Riney said that this is their third annual golf tournament and stated that money raised for this Foundation goes directly to benefit soldiers.

COMMUNICATIONS/REPORTS

Mrs. Tracy acknowledged Mrs. Heather Brooks, Assistant to City Manager and staff liaison to the Girardeau Goes Green Advisory Board. Mrs. Tracy said that she has done a great job during the Board's first year and will be turning the reins over to Ms. Pam Sander, Public Works Administrative Officer. City Manager Scott Meyer said that the Girardeau Goes Green Advisory Board is moving into an implementation phase more in line with operational divisions, and it will work well to have the staff liaison in the Public Works Department.

Mrs. Schneider congratulated Leadership Cape students on their recent projects. All were quality of life projects, and she said the City should give those projects all the support we can. She said that she hoped local organizations could pick up some of their projects to support. Mr. Meyer said that Leadership Cape members will be invited to give reports on their projects that have been picked up by groups or by the City.

Mrs. Schneider announced that the City is working on Lexington Avenue and repairs should be completed soon. Mr. Tim Gramling, Public Works Director, said that they should be done on Lexington Avenue by Wednesday, and then they will begin work next week from Cambridge to Cape Rock Drive. They also completed repairs to LaSalle Street.

Mr. Meyer passed pictures to the Council of the sinkholes areas on South Sprigg Street. He said that the City is hosting a meeting on Wednesday to begin talking about the situation and what can be done with the sinkhole areas. The City is working on coordinating with different entities who have an interest in the area to come up with solutions.

Mrs. Kelly Green, City Engineer, said they are negotiating with the contractor on Big Bend Road to repair the slope so the new street and bridge can be reopened when the creek recedes. It will take approximately one to two weeks to repair, once they can get in there.

PUBLIC HEARINGS

This being the date set for a public hearing regarding proposed changes to Chapter 26 Traffic, Section 26-251, of the Code of Ordinances for the City of Cape Girardeau, Missouri, in reference to parking vehicles for sale on City rights-of-way, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 11-35 was given first reading as follows:

AN ORDINANCE AMENDING SECTION 26-251 OF CHAPTER 26 OF THE CITY CODE RELATING TO PARKING

Mr. Lanzotti made a motion, seconded by Mrs. Swan, to postpone first reading approval of BILL NO. 11-35. Mr. Lanzotti stated that parking on the street also includes the highway right-of-way which extends beyond the paved portion of the street. He requested that City staff provide a map that will show the right-of-way overlay, primarily on Kingshighway and Siemers Drive, just to be sure that the Ordinance may not have unintended consequences. The motion was approved upon the following vote: Ayes, Lanzotti, Schneider, Swan, Tracy and Voss. Nays, none.

[Mr. Lanzotti left the meeting at this time.]

This being the date set for a public hearing regarding the General Provisions Section of the Development Code, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 11-81 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING VARIANCES

The first reading of BILL NO. 11-81 was approved upon Mr. Lanzotti's motion, Mrs. Proffer's second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

APPEARANCES

Mr. Mark Langenfeld, of 1811 West Weissinger Lane, addressed the Council about the parking Ordinance relating to bicycling. He said that Leadership Cape had presented a program several years ago that encouraged the City to become more pedestrian and cycling friendly. Since then, the City has implemented programs and passed Ordinances to add more sidewalks, which promote walking, and now the City has received a grant from the Missouri Foundation for Health, to promote cycling. Mr. Langenfeld said that he is on the Bicycle Advisory Committee which has held public hearings to get public input on this issue. He said that he supported the modified

proposal in response to citizen concerns. This is a quality of life and healthy lifestyle issue, and he appreciates the City supporting it.

Ms. Cindy Johnson, of 1952 Perryville Road, appeared before the Council and presented a petition against bike lanes barring parking on residential streets like downtown areas on Frederick Street by the U.S. Post Office and Shivelbines. She said that she didn't understand what "sharrows" are. Mr. Meyer answered that sharrows allow both vehicular parking and bicycling traffic. Mrs. Brooks stated that traditional bike lanes are accompanied by no parking zones, but sharrows have a bicycle symbol without a solid line and allow parking. Sharrows will be used in areas where bike lanes met with neighborhood resistance, so they may continue on-street parking. Mr. Meyer said that Perryville Road and Cape Rock Drive were removed from the bike lane proposal.

Ms. Johnson asked what streets in the bike lane proposal would be designated as no parking. Mrs. Brooks showed her a map with the no parking streets shown. Ms. Johnson asked if sharrows meant that cars could be parked there at any time. Mrs. Brooks answered that sharrows did not change the parking on the street from what it was now. Mrs. Tracy stated that sharrows simply designated a shared lane for bicycle traffic. Mrs. Johnson said that she was concerned that the City will change these sharrow lanes to no parking in the future. Mr. Meyer replied that no parking lanes must be approved by the Council.

Mr. Langenfeld said that the City's efforts with the sharrows, bike lanes and signage emphasize that the lanes are for shared use by both vehicle and bicycle traffic. The sharrows and signs are simply to get the attention of drivers and make them more aware of cycling traffic. Mr. Meyer said that the purpose of planning here is to establish a system to educate drivers on the expectation of riders on the roadways.

Mr. John Boos, of 605 Independence Street, addressed the Council and said that when a street is marked as having a bike lane, there is no parking on that lane. With the sharrows, a bike will travel in the lane until it comes upon a parked car, then it will weave in and out of the traffic lanes to get around it. Mrs. Tracy answered that bicyclist would ride as they do now; the sharrows would simply put a symbol into the road to remind bikers and vehicles that they are sharing the road and should pay more attention.

Mr. Boos said that with current traffic laws, bikes are supposed to travel the traffic lane, but with the sharrows, cyclists are supposed to stay in the bike lane until their lane is obstructed and then dodge into the traffic lane to avoid parked cars. He said that he owns a commercial building in downtown Cape Girardeau and would like to allow customer parking on Independence Street. He does not want to give up parking in front of the property to a bike lane. Mr. Voss said that the street in front of Mr. Boos' business will be sharrows and parking will be allowed. Mr. Boos asserted that he did not feel that anything should be painted on the street as a bike lane or sharrows.

BILL NO. 11-83 was given first reading as follows:

AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING NO PARKING ZONES ON VARIOUS STREETS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, FOR BICYCLE LANE STRIPING

Mr. Voss said that he shared Mr. Boos' concern that the sharrows will encourage weaving in and out of parked cars instead of just following the flow of traffic. He asked City staff to comment on sharrows and explain why the public need not be concerned about cyclists weaving in and out of

traffic. Mr. Meyer responded that the sharrows act in the way described by Mrs. Tracy as a bicycling awareness tool. When motorists see the sharrows on their route, they become aware that weaving may occur. Mrs. Brooks noted that Missouri law states that bike riders must ride as far to the right as possible. The sharrows will not change cycling or driving behavior, but it will put a visual reminder on the road and move vehicle traffic closer to the center line and away from cyclists. She said that the bicycle group wanted to connect schools and parks throughout Cape Girardeau and use streets that did not have a lot of on-street parking already. There are some streets included in the striping route that did have a lot of parking, but they were included to stay consistent and connect routes.

Mr. Voss asked how the City contacted potentially affected property owners. Mrs. Brooks answered that a letter about the March 31 public hearing was mailed to property owners along the streets where on-street parking would be removed. Press releases were sent out as well, and a web site was established that kept all updates and changes to the issue.

The first reading of BILL NO. 11-83 was approved upon Mrs. Tracy's motion, Mrs. Swan's second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Voss asked that City staff report to the Council in six months about any revisions that may need to be made. Mr. Meyer said that a report will be prepared and presented to the Council at the end of the fall season.

CONSENT AGENDA

A motion was made by Mrs. Tracy, seconded by Mrs. Swan, to approve the following items on the Consent Agenda:

City Council May 2, 2011, regular and closed sessions minutes.

BILL NO. 11-68, AN ORDINANCE REPEALING AND ENACTING NEW SECTIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING STREETS, ACCESS MANAGEMENT, UTILITIES, SUBDIVISIONS, SITE PLANS AND IMPROVEMENTS PLANS. Second and third readings.

BILL NO. 11-69, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO RAD PROPERTIES, LLC, TRANSFERRING EXCESS RIGHT-OF-WAY FOR ARMSTRONG DRIVE LOCATED IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-70, AN ORDINANCE APPROVING THE RECORD PLAT OF PLAZA ACRES SECOND SUBDIVISION. Second and third readings.

BILL NO. 11-71, AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE, BY ESTABLISHING A NO PARKING ZONE ON INDEPENDENCE STREET FROM FREDERICK STREET TO MIDDLE STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-72, AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FIRST MISSOURI STATE BANK OF CAPE COUNTY AND DRURY SOUTHWEST SIGNS, INC., FOR PURPOSES OF CONSTRUCTING, MAINTAINING AND OPERATING A BILLBOARD SIGN AT 800 NORTH KINGSHIGHWAY, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-73, AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM SAINT FRANCIS MEDICAL CENTER AND SAINT FRANCIS HEALTH CARE SYSTEM FOR FRANCISCAN WAY ENTRANCE IMPROVEMENTS AT MT. AUBURN ROAD. Second and third readings.

BILL NO. 11-74, AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST, PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE RE-ALIGNMENT OF NORTH MAIN STREET. Second and third readings.

BILL NO. 11-75, AN ORDINANCE PROVIDING FOR THE VACATION OF PORTIONS OF MAIN STREET, MILL STREET, AND MASON STREET RIGHTS-OF-WAY WITHIN THE IOC DEVELOPMENT DISTRICT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-82, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ADDENDUM 1 TO AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT WITH RJN GROUP, INC., TO PROVIDE ENGINEERING SERVICES FOR PHASE I INFLOW AND INFILTRATION INVESTIGATION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-85, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FRONABARGER CONCRETTERS, INC., FOR BLOOMFIELD ROAD PHASE IV IMPROVEMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-87, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN ON PROPERTY LOCATED AT 412 SOUTH BENTON STREET FOR THE JEFFERSON/BLOOMFIELD NEIGHBORHOOD RESTORATION PROGRAM (HERO PROJECT). Reading and passage.

BILL NO. 11-88, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DRURY SOUTHWEST, INC. FOR THE DEVELOPMENT OF A SITE FOR MENARDS HOME IMPROVEMENT STORE, AND OTHER FUTURE DEVELOPMENTS, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

The motion was approved upon the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-68 is ORDINANCE NO. 4225; BILL NO. 11-69 is ORDINANCE NO. 4226; BILL NO. 11-70 is ORDINANCE NO. 4227; BILL NO. 11-71 is ORDINANCE NO. 4228; BILL NO. 11-72 is ORDINANCE NO. 4229; BILL NO. 11-73 is ORDINANCE NO. 4230; BILL NO. 11-74 is ORDINANCE NO. 4231; BILL NO. 11-75 is ORDINANCE NO. 4232; BILL NO. 11-82 is RESOLUTION NO. 2618; BILL NO. 11-85 is RESOLUTION NO. 2619; BILL NO. 11-87 is RESOLUTION NO. 2620; and BILL NO. 11-88 is RESOLUTION NO. 2621.

ITEMS REMOVED FROM CONSENT AGENDA

The following bill was given second and third readings:

BILL NO. 11-78 AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF
ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI,
REGARDING LIQUOR LICENSES

Mr. Voss made a motion, seconded by Mrs. Swan, to approve the second and third readings of BILL NO. 11-78 and to adopt the ordinance. A motion was made by Mrs. Tracy, seconded by Mrs. Swan, to amend BILL NO. 11-78 as noted in Council Report 11-103. Mr. Meyer said that the amended language corrected some reference errors and would move the liquor license approval process to a staff function with appeals going before a Board and the Council. The motion to amend was approved upon the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none. The original motion was approved as amended upon the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-78 is ORDINANCE NO. 4233.

Mrs. Tracy asked about communities that limit the number of liquor licenses they issue and said that she had been approached by residents concerned about quality of life. She asked that City staff present a report about cities that limit the number of liquor license applications granted and how those communities have fared over time.

Mrs. Schneider said that the revised liquor license review was discussed by the Council quite some time ago. She asked how the appeal process will work where residents are opposed to approving a liquor license application and the Council has been compelled to grant the license because there had previously been a liquor license at that location. Mr. Meyer answered that this amendment would not change anything about the ministerial act of approving a liquor license. It simply makes the process a City staff function with an appeal process. City staff does not have discretion to be more restrictive than State law. City Attorney Eric Cunningham stated that the City cannot do anything inconsistent with what is allowed by State law.

NEW ORDINANCES

BILL NO. 11-84 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF BROADVIEW ESTATES

The first reading of BILL NO. 11-84 was approved upon Mrs. Tracy's motion, Mr. Voss' second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-86 was given first reading as follows:

AN ORDINANCE ACCEPTING FEE SIMPLE INTEREST FROM LORA LEE EAKER FOR THE PROPERTY AT 915 NORTH MAIN STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-86 was approved upon Mrs. Tracy's motion, Mrs. Swan's second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

APPOINTMENTS

Ms. Alyssa Lage was appointed and Mr. Scott House was reappointed to the Historic Preservation Commission for terms expiring April 16, 2014, upon Mr. Voss' motion, Mrs. Swan's second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

A motion to reappoint Mr. Tony Sebek to the Board of Appeals for a term expiring June 4, 2016, with a finding of special expertise, was approved upon Mrs. Swan's motion, Mrs. Tracy's second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

There being no further business, the City Council adjourned to closed session for purposes of discussing property acquisition and personnel matters, pursuant to Section RSMO. 610.021(2) and (3) upon Mrs. Swan's motion, Mr. Voss' second, and the following vote: Ayes, Schneider, Swan, Tracy and Voss. Nays, none.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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