

REGULAR SESSION – AUGUST 31, 2009

The Cape Girardeau City Council convened in regular session on Monday, August 31, 2009, at 7:00 p.m., with Mayor Jay B. Knudtson presiding and Council Members Charlie Herbst, Mark Lanzotti, Marcia Ritter, Loretta Schneider, Debra Tracy and John Voss present.

Reverend Bob Towner of Christ Episcopal Church presented the invocation, and the Pledge of Allegiance was recited.

Prior to the regular session, the City Council convened in closed session for purposes of discussing litigation, personnel and confidential communications with the City Attorney pursuant to RSMo. Sections 610.021(1) and (3) upon Mr. Voss' motion, Mr. Lanzotti's second, and the following vote: Ayes, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

The minutes of the August 17, 2009, regular and closed sessions were approved upon Mr. Voss' motion, Ms. Ritter's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Lanzotti made a motion, seconded by Mrs. Schneider, to adopt the agenda as amended to include BILL NO. 09-150, a Resolution authorizing application to the Missouri Housing Development Commission for Home Grant Funding for the Bloomfield-Jefferson Neighborhood Restoration Project, and three redevelopment areas targeted by the DREAM Initiative. The motion was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

COUNCIL COMMUNICATIONS

Mrs. Tracy announced that she would abstain from voting on BILL NO. 09-147, an Ordinance amending the Code of Ordinances by establishing the Boulevard Local Historic District, because she has a financial interest in the proposed District.

Mayor Knudtson remarked that he had met with representatives from the Corps of Engineers and U.S. Representative Jo Ann Emerson to review repairs to be made to the floodwall.

Mrs. Tracy noted that volunteers are still needed for the Tour of Missouri Pro Cycle Race on September 8, 2009.

CITY MANAGER COMMUNICATIONS

City Engineer Kelly Green presented an update on various street projects throughout Cape Girardeau, including the Mt. Auburn Road project, the La Salle Boulevard project, the waterline project, and the Fountain Street project.

Mrs. Schneider stated that the intersection of Lexington Avenue and Route W appears to need repair. Mrs. Green replied that she had spoken with representatives from the Missouri Department of Transportation about the possibility of that project being included in the Transportation Trust Fund 4 (TTF4) partnership. In addition, they may include the possibility of plans for a 2-lane roundabout.

Mrs. Green noted that the Mt. Auburn project is ahead of schedule for completion. Concerning the North Park Trail, the City is still needing an easement from one property owner, and all the

paperwork is to be sent to the Missouri Department of Transportation for their approval to bid the job. Finally, the River Trail is scheduled to be completed in four to six weeks.

City Manager Mr. Scott Meyer noted that a demonstration of the new recycling containers and equipment is tentatively scheduled for Thursday, September 10, 2009, at the Osage Community Centre. In addition, there is a possibility that the vendor will conduct trial runs of solid waste collection in different areas of Cape Girardeau. Containers may be placed at the Cape Girardeau Senior Center, and containers will be shown at a booth set up at the SEMO District Fair. He said that these would be opportunities for the public to comment on the program and to promote recycling.

PUBLIC HEARINGS

This being the date set for a public hearing regarding the request of a majority of the property owners within the proposed Boulevard Local Historic District to be designated as a Local Historic District and have the "H" historic zoning overlay, the hearing was opened.

Mr. Mike Sheehan, 510 North West End Boulevard, appeared before the Council in support of the proposed Local Historic District. He discussed the intent of the designation to preserve the appearance of the neighborhood.

Mr. Chuck DiStefano, 316 North Park Avenue, appeared in support of the Historic District. He said that petitions had been submitted to the City on two occasions to support the request. Mr. DiStefano said that he would be requesting a Certificate of Appropriateness to reconstruct the front steps to his home. He stated that he feels the designation would benefit the entire neighborhood. Mayor Knudtson replied that applications for modifications would be made to the City and approved by the Historic Preservation Commission.

Mrs. Suzanne Price, 374 North Park Avenue, appeared before the Council in support of the Local Historic District designation. She said that residents in the neighborhood take care of their homes, and they have seen an encroachment of rental homes. They want the community to stay as it is now.

Mr. John Tansil, 1225 Hillcrest Drive, addressed the Council and stated that the guidelines read that the Planning and Zoning Commission is not involved in this process and has no say in the matter. Mr. Meyer replied that the proposed Boulevard Local Historic District would be an overlay district to the existing zoning. Mr. Ken Eftink, Development Services Director, remarked that any questions relating to design guidelines are referred to the Historic Preservation Commission, and any zoning changes are referred to the Planning and Zoning Commission. Mr. Tansil said that if the Historic Preservation Commission rejects the Certificate of Appropriateness, the property owner must appeal to the Council. He felt the matter should first be referred to the Planning and Zoning Commission before referral to the City Council. Mr. Eftink answered that the Certificate of Appropriateness is reviewed by the Historic Preservation Commission because they are more knowledgeable on historic issues. Mr. Tansil stated that if the neighborhood is designated as a Historic District, property owners cannot request a variance from the District Guidelines the way residents can in other areas of Cape Girardeau. Mr. Eftink stated that the Planning and Zoning Commission is an advisory board, as is the Historic Preservation Commission, with the City Council making the final decisions.

David and Linda McLain, 1208 Hillcrest Drive, appeared before the Council and stated that they had renovated their home. However, if the neighborhood were designated a Local Historic

District, and the home needed extensive repairs or had structural damage, the cost for those repairs would far exceed the value of the home due to its age. Although they feel the neighborhood should have some recourse against encroaching rental properties, they stated that they do not support a Historic District designation that would give the Historic Preservation Commission control over property renovations in the neighborhood, because design guidelines could be too restrictive for older homes.

Mr. and Mrs. Lynn McClain noted that only 69 of 124 property owners in the proposed Boulevard Local Historic District signed the petition submitted to the Council. Forty-five percent did not sign the petition and there was a decrease in the number of property owners signing the second petition. They asked the Council not to approve the Local Historic District request. Mayor Knudtson responded that only a 51% majority of property owners is required to sign the petition, and that number was met with the second petition submitted.

Mr. Lester Goodwin, 380 North Park Avenue, addressed the Council and stated that he felt that Mr. and Mrs. McLain see the proposed Local Historic District as a threat and not as an opportunity. He said that the Historic District designation would help preserve the character of the neighborhood, and he fully supported its approval. Mr. Goodwin stated that he felt the guidelines would improve the quality of the District.

Mrs. Linda Ruddy, 1222 Normal Avenue, appeared before the Council and stated that the house next to hers had been owned by multiple owners and was very run down but has now been purchased by a family and renovated. She said that she supported the Historic District designation to help retain the integrity of the neighborhood.

Mrs. Kathryn Coffman, 656 Highland Drive, stated that she was concerned with the state of the neighborhood and wanted to preserve it. She said that she felt its designation as a Local Historic District would preserve and enhance the area.

Mr. Christopher Goeke, 377 North Park Avenue, appeared before the Council in support of the proposed Local Historic District, and he stated that he felt its designation would help control what happens in the District and the neighborhood.

Mr. Frank Jones, 353 North Park Avenue, appeared in support of the designation, saying that he wanted to preserve the neighborhood and felt that the Local Historic District would help.

There being no further appearances, the hearing was closed.

BILL NO. 09-147 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ESTABLISHING THE BOULEVARD LOCAL HISTORIC DISTRICT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Voss made a motion, seconded by Mrs. Schneider, to approve the first reading of BILL NO. 09-147. Mr. Meyer explained the historic overlay district and how its designation affects property. Mr. Eftink stated that this is an attempt to preserve the character of the neighborhood and maintain property to blend in with the area. Homes within the proposed District do not necessarily have to be of any particular age. Mayor Knudtson remarked that the proposed Boulevard Local Historic District was initiated by a petition of property owners, and it was approved by the Historic Preservation Commission and the Planning and Zoning Commission.

Mr. Lanzotti encouraged the Historic Preservation Commission to review Mr. Tansil's comments regarding additional renovation restrictions, and he stated that the Planning and Zoning Commission would retain some control over zoning issues. He also suggested that the property owners be instructed where to go when they are considering making changes to their property within the Historic District.

City Attorney Eric Cunningham noted that as part of the Ordinance, there are design guidelines being adopted that must be followed when there is construction on the property. The Historic Preservation Commission ensures that the guidelines are being followed during construction or renovation within the District. Any change of use of the property is referred to the Planning and Zoning Commission.

Mr. Voss asked if the historic overlay would not directly restrict use of the property. He stated that homes within the District could still be purchased for use as rental property, and that the Ordinance affects exterior changes to the property, not interior renovations. He then asked if property owners could opt out, once the boundaries of the Boulevard Local Historic District were set.

Mr. Eftink responded that the overlay could restrict use of the property, and the boundaries of the District are set by the neighborhood. There cannot be an island in the middle of the district that is excluded, but it is possible to omit a property on the edge of the boundary.

Mr. Voss noted that 55% of the affected property owners signed the petition in support of the proposal, and he asked how many of the 45% who did not sign were opposed to its adoption. Mr. Sheehan responded that he had contacted all of the property owners within the proposed Historic District, and only five owners had objected to its designation.

Mr. Cunningham said that the City Code of Ordinances Section 30-127 states how the District could be dissolved, and he noted that the Council could dissolve the Historic District with or without a petition by the property owners. He stated that an individual could request the boundaries be changed, but the Council would not be obligated to act on their request.

Mayor Knudtson stated that he felt the process for the Historic District designation had been followed and that the petitioners had been very thorough in establishing the Boulevard Local Historic District. He said that he would support the request. Ms. Ritter and Mrs. Schneider said that they too support the District's designation.

Following discussion, the first reading of BILL NO. 09-147 was approved upon the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider and Voss. Nays, none. Mrs. Tracy abstained from voting on BILL NO. 09-147 for financial reasons because she has a financial interest in the District.

APPEARANCES

Mr. Bill Eddleman, Vice President of the Historic Preservation Commission, appeared before the Council and stated that he would be happy to answer questions about the Commission. Mrs. Schneider requested that a sign be installed to identify the area as the Boulevard Local Historic District.

Mr. Sheehan addressed the Council and stated that he felt that there are at least four properties in violation of the single-family rental property Ordinance within the Historic District, and he had already contacted the City to challenge the number of families living in those houses. He said that he had submitted a letter to Inspection Services on July 8, 2009, but that he had not yet heard anything from that department, so he did not know if the matter had been investigated. Mayor Knudtson stated that staff will look into the matter.

CONSENT ORDINANCES

The following bills were given second and third readings:

BILL NO. 09-141 AN ORDINANCE AMENDING SECTION 2-144 OF THE CITY CODE RELATING TO THE TERMS OF OFFICE FOR THE GIRARDEAU GOES GREEN ADVISORY BOARD

BILL NO. 09-144 AN ORDINANCE APPROVING THE RECORD PLAT OF JEFF JACKSON SUBDIVISION

BILL NO. 09-145 AN ORDINANCE APPROVING THE RECORD PLAT OF CAPE WEST CROSSINGS - PHASE II

The second and third readings of BILL NOs. 09-141, 09-144, and 09-145 were approved and the Ordinances adopted upon Mr. Lanzotti's motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. Mayor Knudtson abstained from voting on BILL NO. 09-145 because the applicant has a financial interest at the bank where he works. BILL NO. 09-141 is ORDINANCE NO. 4059; BILL NO. 09-144 is ORDINANCE NO. 4060; and BILL NO. 09-145 is ORDINANCE NO. 4061.

NEW ORDINANCES

BILL NO. 09-146 was given first reading as follows:

AN ORDINANCE ACCEPTING A GENERAL WARRANTY DEED FROM JOHN R. ECK AND PATRICIA A. ECK, FOR PROPERTY LOCATED AT THE CORNER OF TIMON WAY AND HIGHWAY 177, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 09-146 was approved upon Mr. Voss' motion, Mr. Herbst's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

RESOLUTIONS

BILL NO. 09-148 was presented as follows:

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM NORWALD, INC. AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION

The reading of BILL NO. 09-148 was approved and the Resolution adopted upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-148 is RESOLUTION NO. 2481.

BILL NO. 09-149 was presented as follows:

A RESOLUTION ACKNOWLEDGING RECEIPT OF AN ANNEXATION PETITION FROM MEYR PROPERTIES, L.P. AND SETTING A PUBLIC HEARING REGARDING THE PROPOSED ANNEXATION

The reading of BILL NO. 09-149 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mr. Lanzotti's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-149 is RESOLUTION NO. 2482.

LIQUOR LICENSES

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to approve a temporary 5% beer by the drink liquor license for Mary E. Burton-Hitt, d/b/a Southeast Missouri Hospital Foundation, for an event to be held October 22, 2009, at the Show Me Center. The motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Mr. Voss made a motion, seconded by Mr. Lanzotti, to conditionally approve a 5% beer by the drink and Sunday sales liquor license for Richard Davidson, d/b/a Qdoba Mexican Grill, LLC, 3019 William, Suite 101, Richard Davidson, Managing Officer. The motion was approved on the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

OTHER

BILL NO. 09-150 was presented as follows:

A RESOLUTION AUTHORIZING APPLICATION TO THE MISSOURI HOUSING DEVELOPMENT COMMISSION FOR HOME GRANT FUNDING FOR THE BLOOMFIELD-JEFFERSON NEIGHBORHOOD RESTORATION PROJECT, AND THREE (3) REDEVELOPMENT AREAS TARGETED BY THE DREAM INITIATIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

The reading of BILL NO. 09-150 was approved and the Resolution adopted upon Mr. Voss' motion, Mrs. Tracy's second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none. BILL NO. 09-150 is RESOLUTION NO. 2483.

There being no further business, the City Council adjourned upon Mr. Lanzotti's motion, Mr. Voss' second, and the following vote: Ayes, Herbst, Knudtson, Lanzotti, Ritter, Schneider, Tracy and Voss. Nays, none.

Jay B. Knudtson, Mayor

Gayle L. Conrad, City Clerk

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