

**REGULAR SESSION – AUGUST 16, 2010**

The Cape Girardeau City Council convened in regular session on Monday, August 16, 2010, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Mark Lanzotti, Meg Davis Proffer, Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present.

Prior to the regular session, the City Council convened in closed session for purposes of discussing confidential communications with the City Attorney, and sale or purchase of real estate pursuant to RSMo. Section 610.021(1) and (2) upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Reverend Jack Smart, of Teen Challenge International Mid-America, presented the invocation, and the Pledge of Allegiance was recited.

Mrs. Tracy made a motion, seconded by Mrs. Schneider, to amend the agenda by postponing item #17, an Ordinance repealing Sections of Chapter 30 and repealing and enacting new sections of Chapter 25 of the Code of Ordinances regarding billboards, signs, fences, retaining walls, landscaping and bufferyards; and to adopt the agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mayor Rediger stated that regarding the development code ordinance postponed on the agenda, staff will be conducting additional public outreach, including an open house with presentations by staff, and information posted on Channel 993 and the City's website. Following additional public input, the proposed development code ordinance will again be presented to the Council.

**COMMUNICATIONS/REPORTS**

Mayor Rediger applauded the Special Olympics in Cape Girardeau and commended the City's Parks and Recreation Department for their commitment to the event.

Mrs. Tracy said that while campaigning prior to the August 2, 2010, elections, she had found out many Cape Girardeau residents watch the City Council meeting on the City's public access Channel 993. Some were upset that the channel was no longer included on the basic channel package since it had moved from Channel 5 to Channel 993.

City Manager Scott Meyer Manager thanked the City voters for approving the extension of the Transportation Trust Fund sales tax at the election on August 2, 2010.

**PUBLIC HEARINGS**

This being the date set for a public hearing to consider the rezoning request of Michael Annis, Dale LaFont and Alicia LaFont to rezone the property located at 402 Chesley Drive from R-1 to R-3, the hearing was opened.

Mr. Michael Annis, of Michael L. Annis Construction, Inc., addressed the Council in support of the request to rezone 402 Chesley Drive. He explained the property development cost estimates and said that the property would need to be zoned R-3 or R-4 to be feasible for development. Mr. Annis stated that he had reviewed the City's zoning definitions and felt that his proposals met those ideals. He said he had sent letters to the twelve adjoining property owners, who already adjoined or abutted higher-zoned properties. Further, if this request to rezone were approved, he said it would clean up the property.

Mayor Rediger asked if he had considered developing larger duplexes. Mr. Annis replied that he had considered duplexes with a brick front, similar to Drury Southwest, but it was not feasible. All that information, he said, was on the building permit applications submitted to the City. In addition, he stated that the lots would be narrower, but deeper, than Penrod Place.

Mr. Neil Kefauver, of 414 Chesley Drive, addressed the Council and said that each zone is contained in its own area, and that clean-up of the property should be the responsibility of the current owner.

Ms. Terri McCulley, of 3109 Meadowlark Lane, appeared and said that she had moved into the area last year and that her property could be converted into a rental house.

Mr. Ken Ostendorf, of 421 Chesley Drive, addressed the Council and said that he lived across the street from the proposed development. He asked how the Council members would feel to have twelve families moving in across the street from their houses.

Mr. Fred Horrell, of 614 Chesley Drive, appeared and said that he agreed with zoning code requirements, which require a larger square footage than proposed in this rezoning request.

There being no further appearances, the hearing was closed.

BILL NO. 10-107 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CITY CODE BY CHANGING THE ZONING OF 402 CHESLEY DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, FROM R-1, SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT, TO R-3, HIGH DENSITY RESIDENTIAL DISTRICT

Mr. Lanzotti made a motion, seconded by Mr. Voss, to approve the first reading of BILL NO. 10-107. Mrs. Swan said that she felt the Council should follow the recommendations of the Planning and Zoning Commission. She had driven through the area and felt the neighborhood needed to be protected. Mrs. Tracy noted that it may be unrealistic to expect to keep 402 Chesley Drive zoned as R-1. Mrs. Schneider said that she understands residents' desire to protect their neighborhood. Following additional discussion, the motion failed upon the following vote: Ayes, none. Nays, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss.

This being the date set for a public hearing regarding authorizing the Mayor to seek funding through the Community Development Block Grant (CDBG) program for \$750,000 Action Fund Loan for economic development downtown, the hearing was opened.

Mr. Mitch Robinson, Executive Director of Cape Girardeau Area MAGNET, addressed the Council in support of the proposed Action Fund Loan. He said that the proposed downtown development would generate numerous jobs for Cape Girardeau. More details will be released later, he said. Mr. Voss asked if seeking funding through the Community Development Block Grant program would obligate the City to any funding. Mr. Robinson answered that it would not.

There being no further appearances, the hearing was closed.

**APPEARANCES**

Mayor Rediger announced that, beginning at the next City Council meeting on September 7, 2010, discussion of items not listed on the agenda will occur at the 5:00 p.m. City Council Study Session, instead of at the 7:00 p.m. City Council meeting. The Council will request that City staff place issues of interest on the Council meeting agenda at future meetings.

Mr. Doug Austin, of the Quality of Life Committee, said that the group will be registering with the State as a lobbying entity within the next few days, and they will only accept local funding.

Mr. John Moreton, of 1330 Ashland Hills Drive, addressed the Council and presented a petition signed by residents of Ashland Hills Drive concerning complaints against the residents of 1342 Ashland Hills Drive. He said that the neighborhood is zoned R-1, but the house has been turned into an apartment house for college students. He asked that the City enforce zoning ordinances restricting more than three unrelated persons living in the same residence in an R-1 zone. Mayor Rediger replied that the City was aware of the residence and was monitoring the situation. Mr. Meyer said that the City was investigating the issue and the City has spoken to the City Prosecutor. Once the facts are collected, the City will enforce the zoning ordinances.

Mrs. Becky Ogborn, of 1339 Ashland Hills Drive, appeared and said that when a person buys property in Ashland Hills Subdivision, they are given a copy of the covenants. She alleged that these students have been coached on how to respond if questioned about the residents living at 1342 Ashland Hills Drive.

**CONSENT AGENDA**

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

Approval of the August 2, 2010, City Council regular and closed session minutes.

BILL NO. 10-97, AN ORDINANCE ACCEPTING A GRANT FROM THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS. Second and Third Readings.

BILL NO. 10-99, AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND BINDING UNILATERAL AGREEMENT WITH T-MOBILE RELATING TO PAYMENT OF BUSINESS LICENSE TAXES. Second and Third Readings.

BILL NO. 10-100, AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND BINDING UNILATERAL AGREEMENT WITH CRICKET COMMUNICATIONS, INC., AND RELATED ENTITIES RELATING TO PAYMENT OF BUSINESS LICENSE TAXES. Second and Third Readings.

BILL NO. 10-102, AN ORDINANCE APPROVING THE RECORD PLAT OF DEEVERS COVE SUBDIVISION. Second and Third Readings.

BILL NO. 10-105, A RESOLUTION OF THE CITY OF CAPE GIRARDEAU, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING. Reading and Passage.

Accepting the improvements completed and authorizing final payment to Jokerst, Inc. under the early award site package for the new Family Aquatic Center and renovations to the Osage Community Centre.

Accepting the sanitary sewer and water main extension improvements for the Resubdivision of Lots 93-102 of Walden Park Phase 2 – Amended.

Approval of 5% liquor by the drink licenses for Fred L. Higdon, d/b/a SEMO District Fair Association, for an event to be held September 9 – 18, 2010, in Arena Park.

Approval of a new 5% liquor by the drink liquor license for River City Desserts, LLC, d/b/a My Daddy's Cheesecake, located at 265 South Broadview.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-97 is ORDINANCE NO. 4145; BILL NO. 10-99 is ORDINANCE NO. 4146; BILL NO. 10-100 is ORDINANCE NO. 4147; BILL NO. 10-102 is ORDINANCE NO. 4148; and BILL NO. 10-105 is RESOLUTION NO. 2552.

**ITEMS REMOVED FROM CONSENT AGENDA**

The following bill was given second and third readings:

BILL NO. 10-98            AN ORDINANCE ESTABLISHING A NEW CHAPTER 25 OF THE CODE OF ORDINANCES REGARDING DEVELOPMENT REGULATIONS, INCLUDING GENERAL PROVISIONS, OFF-STREET PARKING, AND EXTERIOR LIGHTING

Mr. Lanzotti made a motion, seconded by Mrs. Schneider, to amend BILL NO. 10-98 relating to lighting as set out in City Council Report 10-146. The amending motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. The second and third readings of BILL NO. 10-98, as amended, were approved upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-98 is ORDINANCE NO. 4149.

The following bill was given second and third readings:

BILL NO. 10-101        AN ORDINANCE PROVIDING FOR THE LEVYING OF THE ANNUAL CITY REVENUE TAX; PUBLIC HEALTH TAX; SPECIAL BUSINESS DISTRICT NO. 2 TAX; FOR THE FISCAL YEAR ENDING ON THE 30<sup>TH</sup> DAY OF JUNE, 2011

Mrs. Tracy made a motion, seconded by Mrs. Proffer, to amend BILL NO. 10-101 to change the General Fund tax levy and the Health Fund tax levy as noted in City Council Report 10-151. The amending motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. The second and third readings of BILL NO. 10-101, as amended, were approved upon Mr. Lanzotti's motion, Mrs. Proffer's second, and the

following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.  
BILL NO. 10-101 is ORDINANCE NO. 4150.

**NEW ORDINANCES**

BILL NO. 10-104 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF RESUBDIVISION OF LOTS 93 -  
102 OF WALDEN PARK PHASE 2 - AMENDED

The first reading of BILL NO. 10-104 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

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

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Harry E. Rediger, Mayor

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Gayle L. Conrad, City Clerk

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