

**REGULAR SESSION – NOVEMBER 1, 2010**

The Cape Girardeau City Council convened in regular session on Monday, November 1, 2010, at 7:00 p.m., with Mayor Harry E. Rediger presiding and Council Members Meg Davis Proffer, Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present. Council Member Mark Lanzotti was absent.

Reverend Karen Dumey, of the Westminster Presbyterian Church, presented the invocation, and the Pledge of Allegiance was recited.

Mr. Voss made a motion, seconded by Mrs. Schneider to amend the agenda as follows: (1) remove from the agenda Item No. 28, 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 (2) remove from the consent agenda Item No. 8, an Ordinance amending Chapter 6 of the Code of Ordinances relating to chickens and other animal regulations. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. Mr. Voss explained that since the City Council was not fully represented, it would be prudent to remove the Ordinance relating to chickens and other animal regulations from the agenda.

Mrs. Tracy made a motion, seconded by Mrs. Swan to remove from the consent agenda Item No. 20, conditional approval of a retail liquor by the drink and Sunday sales license for Erin M. Bragg, d/b/a Dino's Pizza, and to adopt the amended Agenda. The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

**COMMUNICATIONS/REPORTS**

Mayor Rediger encouraged citizens of Cape Girardeau to exercise their right to go to the polls and vote on Tuesday, November 2.

The Mayor and Mr. Scott Meyer, City Manager, recognized City staff members who received awards in October:

- Mrs. Heather Brooks, Assistant to City Manager, was awarded the Zonta Women of Achievement Award.
- Mrs. Kelly Green, City Engineer, received the Executive of the Year award from the Girardeau Chapter of the International Association of Administrative Professionals. She was nominated by her assistant, Mr. Bruce Taylor.
- Battalion Chief Brad Dillow was recognized by the University of Missouri Fire and Rescue Training Institute as Instructor of the Year.

Mayor Rediger said that City staff goes over and above their duties, and he extended congratulations to each of them.

Mrs. Schneider said that she had met with a group about continuing problems at Whispering Oaks Subdivision. She reported that she had spoken with Mr. Mike Ingram of the Whispering Oaks Property Owners Association, and he suggested a meeting to discuss the possibility of paving the road going into the Enclave Subdivision. Mrs. Schneider said that the City should explore that option. Mr. Meyer replied that City staff has tried to find common ground, and that they will look into this compromise and offer engineering expertise.

Mrs. Schneider continued that she had met with members of a group proposing a noise Ordinance similar to one in Columbia, Missouri. She said they gave copies of the Ordinance to the Council

for review. Mr. Meyer agreed that this is an active group and noted that they were instrumental in crafting the minor in possession Ordinance recently passed by the Council. He said the group could appear at the next study session and present their position. Mr. Meyer stated that he will ask City staff to review the current noise Ordinance and compare to the Columbia Ordinance.

Mrs. Proffer asked about progress in the landlord inspections program, and she said there are concerns in her Ward about the matter. Mr. Meyer answered that the landlord inspection program was postponed by the Council five months ago, and it was decided that current Ordinances should be enforced more contentiously. He said City staff would present information to the Council about how enforcement is being carried out. The Council had decided to readdress the issue in six months or a year in order to assess what needs to be done.

Mr. Ken Eftink, Development Services Director, said that City staff has been inventorying properties that do not meet minimum standards and need to be condemned. Individual tenant issues are dealt with on a complaint basis.

Mayor Rediger asked if the issues in Ward 2 are addressed in the current Ordinances. Mr. Eftink answered that some were. Mrs. Schneider said that residents around Southeast Missouri State University were concerned about this as well. They want the City to increase inspections to correct these problems, especially the safety concerns. Mrs. Swan said that she had spoken with Ms. Linda Heitman, with the University, and she is also very concerned.

Mr. Voss congratulated the Southeast Missouri State University football coach and team on their successful season. He also recognized Cape Air's co-sponsorship of the homecoming football game and other athletic department activities. He recognized their corporate citizenship in Cape Girardeau. Mr. Meyer said that a report was released that in October, Cape Air had 525 out-bound and 427 in-bound passengers using the airline.

Mr. Meyer announced that Renovation Resource opened a store on Rust Drive, and TJ Maxx, Penn Station Deli and Game Stop will also be opening new stores in Cape Girardeau. These are great economic developments for the City.

Mr. Tim Gramling, Public Works Director, spoke about the changes to the City's loose leaf collection program and alternatives available to dispose of leaves.

Cape Girardeau Fire Chief Rick Ennis said the department monitors weather conditions daily to determine burn orders. The City is in an extended no burn period, especially with the wind. He said that burning regulations are posted on the City's web page each day.

Mrs. Swan said she had attended the groundbreaking for Renewable Resources. It is good to encourage small businesses to locate in Cape Girardeau, especially businesses that are beneficial to the environment.

### **PUBLIC HEARINGS**

This being the date set for a public hearing to discuss a voluntary annexation petition received from Lynwood Baptist Church for a 14.29 acre tract not presently located in the City limits located just north of 2935 Lynwood Hills Drive between the Walden Park Subdivision and Lynwood Baptist Church, the hearing was opened. There being no appearances, the hearing was closed.

This being the date set for a public hearing to discuss a voluntary annexation petition received from Fruitland Livestock Market, Inc. for real estate not presently located in the City limits located along Baldwin Drive, south of LaSalle Avenue, the hearing was opened. There being no appearances, the hearing was closed.

This being the date set for a public hearing to discuss the request of Regents Parc, LLC to rezone the property located at 1629 and 1631 Kingsway Drive from the R-1 (Single Family Suburban Residential) District to the C-2 (Highway Commercial) District, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 10-148 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF 1629 AND 1631 KINGSWAY DRIVE, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-1 TO C-2

The first reading of BILL NO. 10-148 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

This being the date set for a public hearing to discuss the request of the City of Cape Girardeau to rezone the property located at 317, 319, 321, 325, and 329 South Ellis Street, and 814 Morgan Oak from the R-4 (Medium Density Multi Family Residential) District to the RUMD (Residential Urban Mixed Density) District, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 10-149 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF 317, 319, 321, 325 AND 329 SOUTH ELLIS STREET, AND 814 MORGAN OAK STREET, IN THE CITY OF CAPE GIRARDEAU, MISSOURI, , FROM R-4 TO RUMD

The first reading of BILL NO. 10-149 was approved upon Mrs. Schneider's motion, Mrs. Swan's second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

This being the date set for a public hearing to discuss the request of the City of Cape Girardeau to rezone the property located at 401, 409, 413, 419, and 421 North Street, 323, 329, 329R, 333R, and 333 North Fountain Street, and 338, 332, 330A, 326, 326R, and 318 North Middle Street from the R-4 (Medium Density Multi Family Residential) District to the RUMD (Residential Urban Mixed Density) District, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 10-152 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY CHANGING THE ZONING OF 401, 409, 413, 419 AND 421 NORTH STREET, 323, 329 AND 333 NORTH FOUNTAIN STREET, AND 318, 326, 330, 332, AND 338 NORTH MIDDLE STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM R-4 TO RUMD

The first reading of BILL NO. 10-152 was approved upon Mrs. Tracy's motion, Mrs. Schneider's second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

### **APPEARANCES**

Mr. Brian Phillips, of 879 South Kingshighway, appeared before the Council in opposition to the retail liquor by the drink and Sunday sales license sought by Erin M. Bragg, d/b/a Dino's Pizza. He presented a letter to the Council and said that Ms. Bragg's liquor license application was submitted under false pretenses and was in fact sought by Mr. Kostantinos "Gus" Demopoulos, who owns other property on Broadway and owes back taxes to the IRS. Mr. Phillips continued that Mr. Demopoulos opened a bar in Anna, Illinois and had similar issues. Ms. Bragg is Mr. Demopoulos' fiancé, and he is using her as a front to open the business because he could not get a license in his own name.

Mrs. Proffer asked if the Council had not amended the Ordinance to close this kind of loophole. Mr. Meyer answered that the Ordinance was amended to keep an applicant from changing the name of the company to avoid paying tax liens. Mr. Phillips stated that Mr. Demopoulos' other LLC is California Juice Club and this corporation is Dino's Juice Club. He said that his wife is Mr. Demopoulos' sister, and wrote the letter of complaint.

Mr. Nelson Sparks, of 301 South Lorimier Street, addressed the Council and invited the Mayor, Mrs. Schneider and Mrs. Proffer to his home to see his chicken coop since they had voted against the Ordinance allowing chickens to be raised in City limits. He said that Mrs. Proffer had reported receiving calls complaining about an odor from his chickens, and he had difficulty understanding that. He said that many large cities in Missouri have adopted similar Ordinances.

### **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 City Council October 18, 2010, regular session minutes.

BILL NO. 10-138, AN ORDINANCE AUTHORIZING ACCEPTANCE OF PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FROM VARIOUS PROPERTY OWNERS FOR THE DOROTHY STREET DRAINAGE PROJECT. Second and Third Readings.

BILL NO. 10-142, AN ORDINANCE AUTHORIZING EXECUTION OF AN AIR TRAFFIC CONTROL TOWER OPERATING ASSISTANCE GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. Second and Third Readings.

BILL NO. 10-143, AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, ENTITLED "THE URBAN REDEVELOPMENT ORDINANCE"; AND CONTAINING A SEVERABILITY CLAUSE. Second and Third Readings.

BILL NO. 10-144, A RESOLUTION AUTHORIZING APPLICATION TO THE MISSOURI HOUSING DEVELOPMENT COMMISSION FOR HOME REPAIR OPPORTUNITIES GRANT FUNDING FOR THE CAPE GIRARDEAU NEIGHBORHOOD RESTORATION PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS. Second and Third Readings.

BILL NO. 10-147, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DRURY COMPANY FOR ROOF REPLACEMENT AT FIRE STATION #1, IN THE CITY OF CAPE GIRARDEAU. Reading and Passage.

A motion rejecting the bids received for replacement of the boiler and water heater and the HVAC zoning controls.

BILL NO. 10-153, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BOONE CONSULTING FOR A BIOSOLIDS MANAGEMENT PLAN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-154, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE ENGINEERING SERVICES TO THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-155, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE GENERAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE ENGINEERING SERVICES FOR A MULTI-USE SOLID WASTE TRANSFER STATION, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-156, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DELTA DENTAL FOR EMPLOYEE DENTAL INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

BILL NO. 10-157, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ANTHEM BLUE CROSS FOR EMPLOYEE HEALTH INSURANCE SERVICES, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and Passage.

A motion accepting the improvements completed on Mt. Auburn Road from Kingshighway to Independence, and authorizing final payment to Lappe Cement Finishing, Inc.

Conditional approval of a change in Managing Officer for Applebee's Restaurants West, LLC, d/b/a Applebee's Neighborhood Grill & Bar, 202 S. Broadview.

Approval of a 5% liquor by the drink license for Nghia Nguyen, d/b/a Fashion Nails, 53 S. Plaza Way.

Approval of a retail liquor by the drink license for Henry A. Carter, d/b/a Alexander's LLC, 433 S. Sprigg Street.

Approval of a temporary liquor by the drink license for Christine Ehrhard, d/b/a Catholic Campus Ministry, for an event to be held May 25-27, 2011, at Deerfield Lodge.

Approval of a temporary retail liquor by the drink license for Marsha Edwards, d/b/a Cape Central Soccer Fan Club, for an event to be held January 28-30, 2011, at 321 Jaycee Drive (4-H Exhibit Hall).

The motion was approved upon the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 10-138 is ORDINANCE NO. 4165; BILL NO. 10-142 is ORDINANCE NO. 4166; BILL NO. 10-143 is ORDINANCE NO. 4167; BILL NO. 10-144 is RESOLUTION NO. 2570; BILL NO. 10-147 is RESOLUTION NO. 2571; BILL NO. 10-153 is RESOLUTION NO. 2572; BILL NO. 10-154 is RESOLUTION NO. 2573; BILL NO. 10-155 is RESOLUTION NO. 2574; BILL NO. 10-156 is RESOLUTION NO. 2575; and BILL NO. 10-157 is RESOLUTION NO. 2576.

**ITEMS REMOVED FROM CONSENT AGENDA**

Mr. Voss made a motion to conditionally approve a retail liquor by the drink and Sunday sales license for Erin M. Bragg, d/b/a Dino's Pizza, 1034 Broadway. The item failed for lack of a second.

**APPOINTMENTS**

Mr. Kenneth Bramlett and Mr. Robert Pastrick were reappointed to the Golf Course Advisory Board for terms expiring November 12, 2013, upon Mrs. Schneider's motion, Mr. Voss' second, and the following vote: Ayes, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

**OTHER BUSINESS**

There being no further business, the City Council adjourned upon Mr. Voss' motion, Mrs. Proffer's second, and the following vote: Ayes, 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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