STUDY SESSION – July 1, 2019

NO ACTION TAKEN DURING THE STUDY SESSION

The Cape Girardeau City Council held a study session at the Cape Girardeau City Hall on Monday, July 1, 2019, starting at 5:00 p.m. with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present.

REGULAR SESSION – July 1, 2019

CALL TO ORDER

The Cape Girardeau City Council convened in regular session at the Cape Girardeau City Hall on Monday, July 1, 2019, at 5:35 p.m., with Mayor Bob Fox presiding and Council Members Ryan Essex, Victor Gunn, Robbie Guard, Stacy Kinder, Shelly Moore, and Dan Presson present.

ADOPTION OF THE AGENDA

A Motion was made by Victor Gunn, Seconded by Robbie Guard, to approve and adopt the Agenda with Bill NO. 19-102 removed from Consent Agenda.
Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

PUBLIC HEARING

A public hearing to consider a request to rezone property at 3567/3569 and 3575/3577 Baldwin Drive from C-2 (Highway Commercial District) to R-3 (High Density Single-Family Residential District).

Mayor Bob Fox opened the Public Hearing.
There being no appearances, the Public Hearing was closed.

A public hearing to consider a proposed amendment to Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding medical marijuana facilities and the personal cultivation of medical marijuana.

Mayor Bob Fox opened the Public Hearing.

Mayor Fox said that the recommendation of the Planning and Zoning Commission was for spacing limitation of 500 feet for dispensaries, and 1,000 feet for all other types of facilities. Council Member Robbie Guard asked if there was a provision for appealing these limitations. City Attorney Eric Cunningham responded that these limitations are subject to the City Code provisions regarding obtaining variances from the Board of Adjustment.

There being no appearances, the Public Hearing was closed.

APPEARANCES

None.
CONSENT AGENDA

Approval of the June 17, 2019, City Council regular session minutes and closed session minutes.

BILL NO. 19-95, an Ordinance approving the Record Plat of Ahrens First Subdivision. Second and Third Readings.

BILL NO. 19-96, an Ordinance approving the Record Plat of Midamerica Crossings Second Subdivision. Second and Third Readings.

BILL NO. 19-97, an Ordinance approving the Record Plat of Teresa Connell Subdivision. Second and Third Readings.

BILL NO. 19-99, an Ordinance approving the Record Plat of Randolph Subdivision. Second and Third Readings.

BILL NO. 19-100, an Ordinance amending Chapter 25 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Bicycle and Motorcycle Parking. Second and Third Readings.

Bill NO 19-108, a Resolution authorizing the City Manager to execute an Agreement with Lappe Cement Finishing, Inc., for the 2018 Sidewalk Gap Program, in the City of Cape Girardeau, Missouri. Reading and Passage.

Accept Improvements and Authorize Final Payment to Lappe Cement Finishing Inc., for the Sidewalk Point Repair 2018 Project.

Accept Improvements and Authorize Final Payment to American Structures, Inc., for the New Gordonville Tank No. 1 Project.

Acceptance of public improvements to serve The Highlands at Hopper Crossing Phase 1.

Robbie Guard abstained for financial reasons on BILL NO. 19-96, due to his employment with MRV Banks.

A Motion was made by Victor Gunn, Seconded by Robbie Guard, to approve and adopt. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-95 will be Ordinance No. 5201; BILL NO. 19-96 will be Ordinance No. 5202; BILL NO. 19-97 will be Ordinance No. 5203; BILL NO. 19-99 will be Ordinance No. 5204; BILL NO. 19-100 will be Ordinance No. 5205; and BILL NO. 19-108 will be Resolution No. 3267.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 19-102, an Ordinance appropriating funds for operating expenditures, capital expenditures, debt service expenditures, and transfers for the fiscal year ending June 30, 2019, in the City of Cape Girardeau, Missouri. Second and Third Readings.

A Motion was made by Dan Presson, Seconded by Robbie Guard, to approve and adopt as amended as recommended by City staff. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.
NEW ORDINANCES

BILL NO. 19-103, an Ordinance annexing unincorporated land into the City limits of the City of Cape Girardeau, Missouri, located at 4195 and 4196 Stone Crest, and 4150 Thousand Oaks Lane, upon the request of the property owners. First Reading.

A Motion was made by Stacy Kinder, Seconded by Dan Presson, to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-104, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by zoning the newly annexed properties located at 4195 and 4196 Stone Crest, and 4150 Thousand Oaks Lane, as R-1, Single Family Residential District. First Reading.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-105, an Ordinance extending the boundaries of Ward 4 to include properties newly annexed into the City Limits of the City of Cape Girardeau, Missouri. First Reading.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-106, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, by changing the zoning of property located at 3567/3569 and 3575/3577 Baldwin Drive, in the City and County of Cape Girardeau, Missouri, from C-2 to R-3. First Reading.

A Motion was made by Robbie Guard, Seconded by Shelly Moore, to approve. Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

BILL NO. 19-107, an Ordinance amending Chapter 30 of the Code of Ordinances of the City of Cape Girardeau, Missouri, regarding Medical Marijuana Facilities and the Personal Cultivation of Medical Marijuana. First Reading.

A Motion was made by Robbie Guard, Seconded by Dan Presson, to approve.

Council Member Robbie Guard thanked City staff their work on mapping the different zoning possibilities, soliciting public input, and preparing information from the Planning and Zoning Commission.

A Motion was made by Stacy Kinder, Seconded by Victor Gunn, to amend the Ordinance to make the buffer area 1,000 feet for all facility types and in all Zoning Districts.

Council member Robbie Guard said that the Planning and Zoning Commission has made their recommendation, and that the input received from the public favored a reduced buffer area for dispensaries. Council Member Victor Gunn stated that he has received several calls from his constituents that are not in favor of more lenient regulations. Council Member Stacy Kinder stated that in addition to concerns she has received about the reduced buffer area, she fears that soon there will be a push for recreational use dispensaries and the buffer area will already have been reduced.
Motion to amend failed. 2-5. Ayes: Gunn, Kinder. Nays: Essex, Fox, Guard, Moore, Presson.

Motion to approve passed. 5-2. Ayes: Essex, Fox, Guard, Moore, Presson. Nays: Gunn, Kinder.

OTHER BUSINESS

City Council process to fill vacant Office of Ward 3

City Manager Scott Meyer summarized the upcoming vacancy in the Ward 3 Council seat and the Charter requirement for the Council to fill that vacancy within 60 days. Ward 3 Council Member Victor Gunn confirmed that July 8, 2019, is the effective date of his resignation. Mr. Meyer gave his recommendation on the process and time line, based on the process used for filling previous vacancies. The Council agreed to accept applications from interested Ward 3 residents through July 31, 2019, and to invite those applicants to the August 5, 2019, Study Session. Appointment of the Ward 3 Council Member is to be made no later than the September 3, 2019, City Council Meeting.

MEETING ADJOURNMENT

A Motion was made by Victor Gunn, Seconded by Robbie Guard to adjourn from regular session and to convene to closed session for legal actions and litigation, confidential communications with legal counsel, and leasing, purchasing or sale of real estate, pursuant to RSMo. Sections 610.021(1) and (2). Motion passed. 7-0. Ayes: Essex, Fox, Guard, Gunn, Kinder, Moore, Presson.

The Regular Session ended at 5:55 p.m.

Bob Fox, Mayor

Bruce Taylor, Deputy City Clerk