

REGULAR SESSION – AUGUST 15, 2011

The Cape Girardeau City Council convened in regular session on Monday, August 15, 2011, at 7:00 p.m., with Mayor Harry Rediger presiding and Council Members Mark Lanzotti, Meg Proffer, Loretta Schneider, Kathy Swan, Debra Tracy and John Voss present.

Reverend Debbie Thornton, of St. James African Methodist 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 property acquisition, confidential communications with legal counsel, and personnel pursuant to Section RSMo. 610.021(1), (2) and (3) upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Voss made a motion, seconded by Mrs. Tracy, to remove BILL NO. 11-130, an Ordinance establishing limited parking on Park Avenue, Normal Avenue, West End Boulevard and Highland Drive, from the Consent Agenda, and approve the Agenda as amended. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

PRESENTATIONS

Mrs. Marla Mills, executive director of Old Town Cape, addressed the Council and said that she had attended the Main Street Connections Conference in Kansas City last week. She said two people from Cape Girardeau were recognized at the conference. Mrs. Heather Brooks, Assistant to the City Manager, was presented the Outstanding Public Official Award, which recognizes a person who has demonstrated continued effort of support for downtown revitalization. The Business Excellence Award recognizing a person and a business that demonstrates concepts of community involvement and volunteerism in the downtown area was presented to Ms. Laurie Everett, of Annie Laurie's Antiques.

Mayor Rediger presented the Outstanding Public Official Award to Mrs. Books and the Business Excellence Award to Ms. Laurie Everett. He commended Mrs. Brooks on receiving the award. The Mayor said that Rust Communications and the Southeast Missourian won the Business Excellence Award last year, and he was proud to present the award to another Cape Girardeau business this year.

COMMUNICATIONS/REPORTS

Mayor Rediger said that he was honored to participate in the Southeast Area Special Olympics Outdoor Championships this past weekend. The opening ceremonies were moved to the Osage Community Centre due to rain, and the staff did an amazing job of moving from the A.C. Brase Arena grandstand. He said that the games were able to continue on Saturday even through the rain because of the hard work of City staff. This is the second time in four years the Southeast Area Special Olympics have been hosted in Cape Girardeau. He said that he had received rave reviews of our facilities, and he commended Penny and Scott Williams and all the Parks staff for their hard work.

Mrs. Tracy said that Old Town Cape's Tunes at Twilight resumed, and last Friday the event was moved to Rose Theater, because of the weather.

City Manager Scott Meyer said that City staff had done a great job during the Special Olympics. This event is in their heart, and it shows with all their dedication and hard work.

PUBLIC HEARINGS

This being the date set for a public hearing to discuss an application to be submitted for the Fiscal Year 2011 Community Development Block Grant program, requesting funding to assist in flood recovery efforts and to prevent further deterioration of infrastructure and businesses in the community, the hearing was opened.

Mr. Mitch Robinson, Executive Director of Cape Girardeau Area Magnet, appeared before the Council in support of the application and to answer questions. He said that the public hearing is the second phase of this project after the Ordinance approving the application to the Delta Regional Authority was given first reading at the last Council meeting. The third phase, he said, will be an application to the Federal Emergency Management Agency for additional assistance. This application is the first step to receiving funding from the Community Development Block Grant Program. There being no further appearances, the hearing was closed.

This being the date set for a public hearing to discuss an application to be submitted to the Missouri Department of Economic Development under the Community Development Block Grant program for an action fund loan to assist a new company in locating to the area, the hearing was opened.

Mr. Robinson appeared in support of the application and to answer questions. He said that this is a multi-faceted program in which the company applies for funds to be used as working capital, equipment acquisition, and building construction. This is a loan that the company will pay back to the State at the lowest possible interest rate. He said that the action fund loan is part of a package to be put together from the local community to move the project forward. Mrs. Tracy asked what the interest rate would be for the loan. Mr. Robinson answered that the interest would be 4% on a loan of \$400,000. There being no further appearances, the hearing was closed.

APPEARANCES

Mr. Don Howard, of 1100 Ranney Avenue, appeared before the Council regarding the Ordinance repealing and enacting a new Chapter 29 of the City Code of Ordinances, regarding Water and Sewers. He asked if the Ordinance is a rate increase. The Mayor answered that it was not. Mr. Howard asked to appear at the next City Council meeting regarding the Utility Assistance Program. Mayor Rediger replied that the Utility Assistance Program may be on the next Council meeting agenda, and he could address the Council at the regular session if it was. Mr. Howard said that he wanted to address the Council at the next meeting, whether the Utility Assistance Program appeared on the agenda or not. The Mayor answered that Mr. Howard could address the Council at the next City Council meeting in September.

CONSENT AGENDA

A motion was made by Mr. Voss, seconded by Mrs. Schneider, to approve the following items on the Consent Agenda:

City Council August 1, 2011, regular and closed session minutes.

BILL NO. 11-117, AN ORDINANCE REPEALING CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU AND ENACTING A NEW CHAPTER 23 RELATING TO STORMWATER MANAGEMENT REGULATIONS. Second and third readings.

BILL NO. 11-118, AN ORDINANCE REPEALING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU AND ENACTING A NEW CHAPTER 12 RELATING TO FLOOD PLAIN MANAGEMENT REGULATIONS. Second and third readings.

BILL NO. 11-119, AN ORDINANCE REPEALING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, AND ENACTING A NEW CHAPTER 29 REGARDING WATER AND SEWERS. Second and third readings.

BILL NO. 11-120, AN ORDINANCE AMENDING SECTION 25-114 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI REGARDING FEES. Second and third readings.

BILL NO. 11-121, AN ORDINANCE AMENDING SECTION 5-12(B) OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING INTOXICATING LIQUOR AND POSSESSION OF INTOXICATING LIQUOR BY A MINOR. Second and third readings.

BILL NO. 11-122, AN ORDINANCE AMENDING SECTION 1-14 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REGARDING WARD BOUNDARIES. Second and third readings.

BILL NO. 11-123, 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 30TH DAY OF JUNE, 2012. Second and third readings.

BILL NO. 11-126, AN ORDINANCE ANNEXING LAND ON COUGAR RUN TO THE CITY OF CAPE GIRARDEAU, MISSOURI, UPON THE REQUEST OF MATTHEW AND MICHELE RUBEL AND TERRY AND MARLA MILLS. Second and third readings.

BILL NO. 11-127, AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF CAPE GIRARDEAU, MISSOURI, BY ZONING 155 AND 181 COUGAR RUN, LOCATED IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, AS R-1. Second and third readings.

BILL NO. 11-128, AN ORDINANCE AMENDING THE BOUNDARIES OF WARD 6 TO INCLUDE PROPERTY ANNEXED BY THE CITY OF CAPE GIRARDEAU LOCATED AT 155 AND 181 COUGAR RUN, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-131, AN ORDINANCE AMENDING SCHEDULE F OF SECTION 26-247 OF THE CITY CODE BY ESTABLISHING NO PARKING ON WEST END BOULEVARD, NORMAL AVENUE AND ROCKWOOD DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Second and third readings.

BILL NO. 11-133, A RESOLUTION AUTHORIZING THE CITY OF CAPE GIRARDEAU, MISSOURI, TO PREPARE AND SUBMIT AN APPLICATION TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO ASSIST IN FLOOD RECOVERY EFFORTS AND TO PREVENT FURTHER DETERIORATION OF INFRASTRUCTURE AND BUSINESS IN THE COMMUNITY. Reading and passage.

BILL NO. 11-135, A RESOLUTION OF THE CITY OF CAPE GIRARDEAU, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE CITY MANAGER TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING. Reading and passage.

A motion rejecting all bids for Bicycle Lane Striping submitted June 22, 2011.

BILL NO. 11-137, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ROAD SAFE TRAFFIC SYSTEMS, INC. FOR BICYCLE LANE STRIPING, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

A motion accepting into the City system the sewer line extension and the extension of Commercial Street serving Fronabarger Concreters Development, and releasing the Escrow Agreement covering the cost of the improvements at 824 South Kingshighway.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-117 is ORDINANCE NO. 4253; BILL NO. 11-118 is ORDINANCE NO. 4254; BILL NO. 11-119 is ORDINANCE NO. 4255; BILL NO. 11-120 is ORDINANCE NO. 4256; BILL NO. 11-121 is ORDINANCE NO. 4257; BILL NO. 11-122 is ORDINANCE NO. 4258; BILL NO. 11-123 is ORDINANCE NO. 4259; BILL NO. 11-126 is ORDINANCE NO. 4260; BILL NO. 11-127 is ORDINANCE NO. 4261; BILL NO. 11-128 is ORDINANCE NO. 4262; BILL NO. 11-131 is ORDINANCE NO. 4263; BILL NO. 11-133 is RESOLUTION NO. 2637; BILL NO. 11-135 is RESOLUTION NO. 2638; and BILL NO. 11-137 is RESOLUTION NO. 2639.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 11-130 was given second and third readings as follows:

AN ORDINANCE AMENDING SCHEDULE P OF SECTION 26-248 OF THE CITY CODE, ESTABLISHING LIMITED PARKING ON PARK AVENUE, NORMAL AVENUE, WEST END BOULEVARD AND HIGHLAND DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

Mr. Voss made a motion, seconded by Mrs. Schneider, to approve the second and third readings of BILL NO. 11-130. Mr. Voss said that Ms. Maher, of 633 Highland Drive, appeared at the City Council study session and presented a proposed amendment to the Ordinance. Mrs. Tracy said that City staff had gone to Highland Dive and measured the actual distances and the amendment

Ms. Maher proposed would leave the crest of the hill with parking at any time, as it is now, and limited parking at each end of the street.

Mrs. Tracy made a motion, seconded by Mr. Voss, to amend the Ordinance to limit parking on Highland Drive on the east side of the street from West End Boulevard south 573', and from Rockwood Drive north 208', no parking from 9:00 a.m. to 3:00 p.m., Monday through Friday, excluding holidays. The motion to amend was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

The original motion as amended was approved and the Ordinance adopted upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-130 is ORDINANCE NO. 4264.

NEW ORDINANCES

BILL NO. 11-132 was given first reading as follows:

AN ORDINANCE APPROVING THE RECORD PLAT OF GEORGIA PLACE

The first reading of BILL NO. 11-132 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.

BILL NO. 11-134 was given first reading as follows:

AN ORDINANCE ACCEPTING A PERMANENT SANITARY SEWER EASEMENT, A TEMPORARY ACCESS EASEMENT, AND A PERMANENT UTILITY EASEMENT FROM FRONABARGER CONCRETTERS, INC. ON PROPERTY AT 824 S. KINGSHIGHWAY

The first reading of BILL NO. 11-134 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.

APPOINTMENTS

Mr. Jason Trickey was appointed to the Airport Advisory Board for a term expiring April 30, 2012, and Mr. Adam Hanna was appointed for a term expiring April 30, 2014, upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

Mr. Robbie Guard and Mr. Charles Heady were reappointed to the Golf Course Advisory Board for terms expiring September 11, 2014, upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

OTHER BUSINESS

Mrs. Schneider made a motion, seconded by Mr. Lanzotti, to file the recommendation of the Planning and Zoning Commission to deny the request of Emad and Marie Salamy to obtain a Special Use Permit to allow the construction of self storage units at 1000 and 1012 North Sprigg Street in a C-1, General Commercial District. Mr. Lanzotti asked if this use was allowed on

property zoned C-1. City Attorney Eric Cunningham answered that the use was allowed with a special use permit. The motion was approved upon 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.

Harry E. Rediger, Mayor

Gayle L. Conrad, City Clerk

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