

REGULAR SESSION – SEPTEMBER 6, 2011

The Cape Girardeau City Council convened in regular session on Tuesday, September 6, 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 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 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. Tracy'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. 11-139, an Ordinance authorizing applications to the Missouri Department of Social Services under the Emergency Shelter Grant Program, for the Safe House for Women, Inc., and the Salvation Army, from the Consent Agenda and to 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

Mr. Brian Noto appeared before the Council representing the Electric Vehicle Conversion Convention that will be held September 21-24 at the Cape Girardeau Regional Airport. There are 113 paid attendees, with 30 of those representing 12 countries, and there will be speakers from all over the world. There will be activities each day, with a road race and drag race on Friday, and all events are open to the public. Mr. Noto said that he will be working to hopefully make this an annual event.

COMMUNICATIONS/REPORTS

The Mayor said that he, Mrs. Swan, and City Manager Scott Meyer had attended the 2,100 cubic yard concrete pour last Tuesday at the Isle of Capri casino project. It was the second largest concrete pour in Cape Girardeau's history and lasted from 7:00 p.m. Tuesday to 7:00 a.m. Wednesday morning, to pour the casino basin.

Mayor Rediger said that a committee from the Centenary United Methodist Church has organized litter pickup on Sprigg Street from Lexington Avenue to Southern Expressway, with a secondary site down Broadway, during the weekend of September 11. He said that as this new gaming operation nears opening, with a new opportunity to bring 1 million people to our city each year, all Cape Girardeau citizens need to be aware of litter and get more involved in trash pickup and litter control.

Mayor Rediger said that he, Mrs. Swan, Mr. Meyer, and City Clerk Gayle Conrad will attend the Missouri Municipal League annual conference in Kansas City early next week.

Mrs. Tracy said that she would convey any Council suggestions to the Girardeau Goes Green Advisory Committee, for example, having bags available for walkers to pick up trash. She said that if there is just one idea that could be implemented with some excitement, she would work to accomplish that.

Mrs. Schneider reported that there will be a report on the Boomers Project at the October 3, 2011, City Council meeting. She said the Council needs to set goals for where the City should be when the Boomer Project kicks off in 16 months.

Mr. Meyer said that Ms. Joan Jones has invited the Council to attend the May Green Garden Fountain Street neighborhood block party on Saturday, October 15, 2011, from 11:00 a.m. to 2:00 p.m. He then announced the official commemoration of the September 11 tragedy at the grandstand of the SEMO District Fair at 3:00 p.m. this Sunday. Fire and Police Department personnel will be present.

PUBLIC HEARINGS

This being the date set for a public hearing to discuss the request of Crown Development of Jackson, LLC, to rezone the property at 820 North Sprigg Street to the R-5, high density multi-family residential zoning district, the hearing was opened. There being no appearances, the hearing was closed.

BILL NO. 11-143 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 THE PROPERTY LOCATED AT 820 NORTH SPRIGG STREET, IN THE CITY AND COUNTY OF CAPE GIRARDEAU, MISSOURI, FROM C-1 TO R-5

Mrs. Schneider made a motion, seconded by Mrs. Swan to approve the first reading of BILL NO. 11-143. Mr. Voss reiterated that the City was not planning to vacate the right-of-way for North Sprigg Street. He encouraged City staff to work with the developer and Southeast Missouri State University as Cape Girardeau moves to fill this area with high-density residential development, which will increase pedestrian traffic walking to the University campus. He said they need to plan now how to get the pedestrians across the street to the University safely, and to include those plans on the project site plan. The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

CONSENT AGENDA

A motion was made by Mrs. Tracy, seconded by Mrs. Proffer, to approve the following items on the Consent Agenda:

City Council August 15, 2011, regular and closed session minutes.

BILL NO. 11-132, AN ORDINANCE APPROVING THE RECORD PLAT OF GEORGIA PLACE. Second and third readings.

BILL NO. 11-134, 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. Second and third readings.

BILL NO. 11-138, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN FOR 1311 JEFFERSON STREET FOR THE COLLEGE/JEFFERSON NEIGHBORHOOD RESTORATION PROGRAM. Reading and passage.

BILL NO. 11-140, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE GIRARDEAU, MISSOURI, STATING INTENT TO PARTICIPATE IN NATURAL HAZARD MITIGATION AND TO WORK TOWARD BECOMING A SAFER COMMUNITY. Reading and passage.

BILL NO. 11-141, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JOKERST, INC. FOR THE COUNTY ROAD 618 LIFT STATION AND FORCE MAIN PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-142, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NUMBER 3 TO THE GENERAL SERVICES AGREEMENT WITH JACOBS ENGINEERING GROUP, INC. FOR THE WASTEWATER TREATMENT PLANT PROJECT, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

BILL NO. 11-147, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH RESIDENTS WHO LIVE ON WOODHAVEN ROAD, FOR A STREET SIGN AND STREET LIGHT NEAR THE INTERSECTION OF ROTARY DRIVE AND WOODHAVEN ROAD, IN THE CITY OF CAPE GIRARDEAU, MISSOURI. Reading and passage.

The motion was approved upon the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none. BILL NO. 11-132 is ORDINANCE NO. 4265; BILL NO. 11-134 is ORDINANCE NO. 4266; BILL NO. 11-138 is RESOLUTION NO. 2640; BILL NO. 11-140 is RESOLUTION NO. 2641; BILL NO. 11-141 is RESOLUTION NO. 2642; BILL NO. 11-142 is RESOLUTION NO. 2643; and BILL NO. 11-147 is RESOLUTION NO. 2644.

ITEMS REMOVED FROM CONSENT AGENDA

BILL NO. 11-139 was presented as follows:

A RESOLUTION AUTHORIZING APPLICATIONS TO THE MISSOURI DEPARTMENT OF SOCIAL SERVICES UNDER THE EMERGENCY SHELTER GRANT PROGRAM, FOR THE SAFE HOUSE FOR WOMEN, INC., AND THE SALVATION ARMY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

Mrs. Swan said there is a significant increase in the amount requested for the grant. She asked if the Salvation Army could use these increased funds for utility assistance. Mr. Meyer replied that the amount is the same as was requested in previous years, we just didn't receive the amount requested. If the requested amount is received, the City will discuss with the Salvation Army including those funds in utility assistance. The grant funds are typically a pass-through, and he did not know if the amount could be increased for utility assistance. Development Services Director Kelly Green said that rent and utility assistance were outlined in each application.

Mr. Meyer said that staff will research to see if the amount allocated to utility assistance can be increased. Mrs. Swan asked if the City could include additional information in the application as to the amount of the utility fee increase to support their application. Mrs. Schneider asked if there are any other organizations besides the Safe House and the Salvation Army that can apply for the emergency shelter grant funds and provide utility assistance. Mr. Meyer answered that if there were other entities that would provide that type of service, the City would support their applications. Also, Mrs. Green said that this year there was only a three week time period to put together a grant application. Usually, they would have several months to prepare an application. Mrs. Tracy said that LOVE, Inc. also gives utility assistance. The City should look into whether they can apply for assistance under this program. Mrs. Swan asked if City staff could compile a list of local agencies that provide utility assistance and distribute information on this grant to those agencies.

The reading of BILL NO. 11-139 was approved and the Resolution adopted upon Mrs. Schneider's motion, Mrs. Tracy's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. BILL NO. 11-139 is RESOLUTION NO. 2645.

NEW ORDINANCES

BILL NO. 11-136 was given first reading as follows:

AN ORDINANCE AMENDING CHAPTER 7 OF THE CITY CODE RELATING TO THE 2009 INTERNATIONAL CODES

Mr. Voss made a motion, seconded by Mrs. Tracy, to approve the first reading of BILL NO. 11-136.

Mr. Lanzotti made an amending motion, seconded by Mr. Voss, to remove from Sec. 7-362 subparagraph (6) relating to Section R106.1.4, "Fire sprinkler system offer acknowledgement form," and subparagraph (8) relating to Section R501.3, "Fire protection requirement." Mr. Voss said the Council had been asked to adopt the 2009 International Building Codes (IBC) and these two items were not in the 2009 amendments. Though both items have been championed by other sources, he said that he was concerned that R501.3 will increase home development costs, and R106.1.4 was addressed legislatively at the state level.

Mr. Lanzotti said that he agreed, and the City should look at what other Cities are doing with the development code. Mrs. Swan agreed as well. Mrs. Tracy said that she felt it is a compromise for a nominal increase in building costs, and that the items would improve the safety of our fire department personnel.

Mayor Rediger said that the 2009 IBC amendments have been vetted through the Board of Appeals and the public in open session. He said that he did not feel that R106.1.4 is another level of bureaucracy, and it is in the best interest of public safety to approve it.

Mrs. Swan said that the Board of Appeals approved the 2009 IBC, but she did not feel that a specific discussion of these two sections went through the vote and recommendation from the Board. Mr. Lanzotti said that the basis for his proposed amendment is that it would place the City at a developmental disadvantage, as the incremental costs will make housing more expensive. The City of Jackson is in the process of adopting the 2009 codes as well, and that could bring continuity to both communities.

The amendment was approved upon the following roll call vote: Schneider, nay; Swan, aye; Tracy, nay; Voss, aye; Lanzotti, aye; Proffer, aye; and Rediger, nay. The first reading of BILL NO. 11-136 as amended 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. 11-144 was given first reading as follows:

AN ORDINANCE AUTHORIZING EXECUTION OF AN AIR TRAFFIC CONTROL TOWER OPERATING ASSISTANCE GRANT AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

The first reading of BILL NO. 11-144 was approved upon Mrs. Schneider's motion, Mrs. Proffer's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-145 was given first reading as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANT DEED TO VERNON E. RHODES FAMILY PARTNERS, L.P., AND RHODES DEVELOPMENT COMPANY, LLC, FOR UNNEEDED RIGHT-OF-WAY LOCATED BETWEEN NORTH KINGSHIGHWAY AND KINGSWAY DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-145 was approved upon Mr. Lanzotti's motion, Mrs. Schneider's second, and the following vote: Ayes, Lanzotti, Proffer, Rediger, Schneider, Swan, Tracy and Voss. Nays, none.

BILL NO. 11-146 was given first reading as follows:

AN ORDINANCE ACCEPTING PERMANENT UTILITY EASEMENTS FROM VERNON E. RHODES FAMILY PARTNERS, L.P., AND RHODES DEVELOPMENT COMPANY, LLC, FOR THE DEVELOPMENT LOCATED BETWEEN NORTH KINGSHIGHWAY AND KINGSWAY DRIVE, IN THE CITY OF CAPE GIRARDEAU, MISSOURI

The first reading of BILL NO. 11-146 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. 11-148 was given first reading as follows:

AN ORDINANCE OF THE CITY OF CAPE GIRARDEAU, MISSOURI, REAFFIRMING THE GROSS RECEIPTS TAXES TO BE IMPOSED UPON LIGHT AND POWER COMPANIES CONDUCTING BUSINESS WITHIN THE CITY, AND ENACTING A NEW SECTION 15-240 OF THE CITY CODE RELATED THERETO

The first reading of BILL NO. 11-148 was approved 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. Lanzotti noted that the second and third readings of BILL NO. 11-148 will be held at a special Council meeting at 5:00 p.m. on September 14, 2011.

OTHER BUSINESS

Mr. Don Howard, of 1100 Ranney Avenue, approached the podium and said that he asked to appear regarding the previously proposed utility assistance program. There are many people in Cape Girardeau who cannot afford the new utility increases, like those on social security and the disabled who are vulnerable and did not receive an increase in their benefits this year. Mr. Howard said that any assistance would be appreciated to help these people. Mayor Rediger replied that the City will not use taxpayer revenue to fund utility relief, but City staff is working to find other agencies that can offer utility assistance. Mr. Voss said that it is not the role of City government to subsidize others. It is the role of faith-based organizations to provide this assistance.

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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