

**CITY OF CARUTHERSVILLE
PUBLIC HEARING
March 2, 2009**

BE IT REMEMBERED that the Council of the City of Caruthersville met for a Public Hearing in the Council Room of the Municipal Building on Monday, March 2, 2009, at 7:00 P.M., at which time and place the following were present:

Donald Jones, Bob Lazenby, Jane Ellen Lazenby, John Sellers, Billy Collins, Frank Morgan, Baugh Merideth, Johnny Hood, Virginia Braswell, Barbara Pullam, Sheila Simpson, John Chittenden, Daniel Cornacchione, Sr., Lawrence Dorroh, Diane Sayre, Paul Shaw, Karol Wilcox, Jerry Hudgens, T. Morgan, Vickie Ricks, Ardelia Isom. Barbara Rodgers, Edward Isom, Charlie Jones, Melinda Scifres, and Joe Pittman

The purpose of the hearing was to consider a change in zoning classification from R-5 Two Family Residential and Manufactured Home District to C-1 Commercial and Residential District of all lots adjoining 18th Street commencing at the intersection of 18th Street and Hickory Avenue and extending to the intersection of 18th Street and Lincoln Avenue; and the enactment of an ordinance to preserve and protect the design standards and historic features of the Caruthersville downtown business district including all lots adjoining Ward Avenue from its intersection with 2nd Street and extending to 7th Street and all lots adjoining Third Street from Truman Boulevard to Eastwood Avenue.

The first discussion was the zoning request on East Eighteenth. The request had been made by a resident to expand the daycare facility they operate. To operate the daycare facility it is necessary to change the zoning of the area. The daycare would be regulated by the State of Missouri. The owner would not live in the daycare, and would relocate.

Counselor Dorroh reported the Planning and Zoning Commission has made a recommendation to the City Council that both of these amendments to the zoning laws be adopted.

Mayor Sayre advised the public the recommendation for the historic preservation of the downtown area was submitted by the Downtown Revitalization Association. The proposal places limitation on facades of the building so that it is repaired in a certain manner, or new construction would follow guidelines for materials. No metal facades would be allowed on any structure. Building facades shall be finished in materials traditionally used for main street storefronts that maintain the character of the City of Caruthersville, such as brick, glass, stucco, and tile. Other characteristics will be distinctive features, finishes, and construction techniques, or example of craftsmanship that characterizes the architectural character of a property shall be preserved whenever reasonably possible. Deteriorated features shall be repaired rather than replaced whenever reasonably possible. When the severity of deterioration requires placement of a distinctive feature, the new feature shall match the old design, color, texture, and other visual qualities, and where reasonably possible, materials. All ground mounted mechanical equipment shall be completely screened from adjacent properties by use of a wall or fence, or shall be enclosed within a building whenever practical. All roof appurtenances, including air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from adjacent streets and properties. There shall be no outdoor display or storage of merchandise on public property without Council approval.

Karol Wilcox then asked about buildings that currently have metal siding. Counselor Dorroh stated they would be grandfathered, and it would not affect those buildings.

Councilperson Cornacchione then asked about corner buildings that face a street off of Ward – could they have metal siding. Counselor Dorroh stated the ordinance could be changed to read all building facades in Section A. Mayor Sayre stated the Committee had stated all visible walls of a building would be affected by the historic preservation.

With no further business to come, Councilperson Pullam motioned to close the public hearing at 7:18 P.M., with Councilperson Morgan seconding, and motion carried unanimously.

ATTEST:

Mayor

City Clerk

**CITY OF CARUTHERSVILLE
REGULAR SESSION
MARCH 2, 2009**

BE IT REMEMBERED that the Council of the City of Caruthersville met in regular session in the Council Room in the Municipal Building on Monday, March 2, 2009, at 7:18 P.M., at which time and place the following were present:

Diane Sayre	Mayor
Melinda Scifres	City Clerk
Lawrence Dorroh	City Counselor
Chris Riggs	Chief of Police
Simpson	Councilperson
Braswell	Councilperson
Cornacchione	Councilperson
Hood	Councilperson
Merideth	Councilperson
Morgan	Councilperson
Pullam	Councilperson
Rodgers	Councilperson

The number of members necessary to consider a quorum being present, the Mayor called the meeting to order and announced the meeting was in session for the transaction of business.

The first order of business to come before the Council was the approval of the minutes of the last meeting. Upon motion duly made by Councilperson Braswell, seconded by Councilperson Cornacchione, the minutes were approved unanimously.

The next order of business to come before the Council was the approval of payment of the bills. Upon motion duly made by Councilperson Pullam, seconded by Councilperson Morgan, the bills were unanimously approved for payment.

The next item of business to come before the Council was a liquor application from Ardelia Isom d/b/a Paul's Place at 1206 Vest for original package and Sunday sales. Counselor Dorroh stated there was deposit for the license fee submitted with the application. Additionally, charges are pending in Municipal court regarding liquor. The Counselor recommended to table the license until a determination of the liquor law violations has been resolved in the Court. Councilperson Pullam motioned to table the application pending the determination of the Municipal Court, with Councilperson Merideth seconding, and roll call was asked for, which resulted in the following vote:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Abstain	Pullam	Yes
Hood	Yes	Rodgers	Yes

The next item to come before the Council was the bids for the generator for the Industrial Drive water plant. Four bids had been received as follows:

Cotner Electric, Cape Girardeau	\$ 91,750
K & K Electric, Cape Girardeau	\$ 95,217
G & C Contracting, Perryville	\$108,990
R. L. Persons Construction, Poplar Bluff	\$119,980

The engineer had reviewed the bids, and recommended the low bid from Cotner Electric in the amount of \$91,750 be awarded. After discussion, Councilperson Rodgers motioned to approve the bid from Cotner Electric, with Councilperson Morgan seconding, and roll call was asked for, which resulted in the following vote:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Yes	Pullam	Yes
Hood	Yes	Rodgers	Yes

At this time, John Chittenden, Engineer with Waters & Associates, appeared before the Council to discuss funds available through Department of Natural Resources for improvements to the wastewater treatment plant. A Water and Sewer Committee meeting had been held prior to the Council meeting for discussion of the problems at the wastewater treatment plant. The funds available through DNR are from the U. S. government stimulus recovery plan. Cities eligible for the funds, are those that applied for a grant in November, as the City of Caruthersville did. The amount of funds available through the grant would be \$1.5 million. The remainder of funds to improve the plant, the Playground Road lift station, and force mains would be \$1.5 million, which could be done through revenue bonds. The City would need to hold a special election for the bonds as soon as possible. After studying the effect of the revenue bonds, it was determined that an increase of \$4.68 per customer would need to be enacted. This would cover the cost of the revenue bonds and interest per year. Mayor Sayre stated the work has to be done. EPA and DNR regulate the performance and maintenance of the lift stations and the wastewater treatment plant. Councilperson Hood agreed the City needed to progress, and progress is not cheap. Donald Jones, Wastewater Plant Superintendent, stated the City will have to do the work one way or another. While the City has the opportunity the project needs to be done. After further discussion, Councilperson Hood motioned to participate in the economic recovery stimulus program, and have the Counselor proceed with the necessary documentation for a special election for the revenue bonds. Councilperson Rodgers seconded the motion, and roll call was asked for, which resulted in the following vote:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Yes	Pullam	Yes
Hood	Yes	Rodgers	Yes

Councilperson Braswell then motioned to adopt the audit as presented at the last meeting, with Councilperson Merideth seconding, and roll call was asked for, which resulted in the following vote:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Yes	Pullam	Yes
Hood	Yes	Rodgers	Yes

Mayor Sayre then reported the Personnel Manual will be discussed at the next meeting.

Edward Isom then appeared before the Council regarding his business license. Counselor Dorroh advised Mr. Isom he could not conduct illegal business in the building. There are numerous charges pending in Municipal Court, and until a determination is made regarding those charges the license cannot be approved. Police Chief Chris Riggs advised the business will not operate illegally. After discussion, Mr. Isom was advised to discuss the matter with the Chief after the meeting.

Charlie Jones, Fire Chief, then appeared before the Council regarding Emergency Management Plan updates. He presented the changes to the Council, and asked they insert them into the Emergency Management Plan. The promulgation statement will be presented to the Council for signatures at the next meeting. Also, The City will participate in the tornado drill next Tuesday at 1:00 P.M. March 12 has been set aside for an alternate day, if Tuesday is cloudy.

After discussion, Councilperson Simpson offered and moved the approval of the following ordinance; and the same was read for the first time:

BILL NO. 2009-5

ORDINANCE NO. 2009-5

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY FROM THE R-5 TWO-FAMILY RESIDENTIAL DISTRICT AND MANUFACTURED HOME DISTRICT TO THE C-1 COMMERCIAL AND RESIDENTIAL DISTRICT

WHEREAS, it has been requested that the certain property within the City be classified so as to permit the operation of a day care facility; and

WHEREAS, this request for a change in zoning classification was previously presented to the Planning and Zoning Commission and they have recommended that the C-1 Commercial and Residential District zoning classification be applied and extended to the property and other nearby properties to form a corridor of similarly zoned land that would be best developed by a mixed use zoning classification; and

WHEREAS, on the 2nd day of March 2009 at 7:00 P.M. pursuant to notice duly published, a public hearing was held and all interested citizens had the opportunity to be heard at said hearing;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARUTHERSVILLE, MISSOURI, AS FOLLOWS:

Section 1. The zoning classification of the following described property is hereby amended from its current zoning classification as an R-5 Two Family Residential and Manufactured Home District to a C-1 Commercial and Residential District:

All lots and parcels of land located along and adjoining East Eighteenth Street commencing at the intersection of East Eighteenth Street with Hickory Avenue and extending to the intersection of East Eighteenth Street and Lincoln Avenue.

Section 2. The Zoning District Map maintained in accordance with § 405.050 shall be amended to reflect the change in zoning classification enacted by this ordinance.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective from and after its passage and approval.

READ TWO TIMES, PASSED AND APPROVED this 2nd day of March, 2009.

ATTEST:

Diane Sayre, Mayor

Melinda Scifres, City Clerk

After discussion the unanimous consent of the Council is asked for a second reading of Bill No. 2009-5 which is granted and Bill No. 2009-5 is read the second time. The question before the Council now is shall Bill No. 2009-5 to be known as Ordinance No. 2009-5 pass and become law as read the second time, which resulted in the following vote on said question, to-wit:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Yes	Pullam	Yes
Hood	Yes	Rodgers	Yes

Upon the Mayor declaring that Bill No. 2009-5 to be known as Ordinance No. 2009-5 is passed and approved by the Council, the Mayor did approve the bill and affix her signature and was attested by the City Clerk.

After discussion, Councilperson Braswell offered and moved the approval of the following ordinance; and the same was read for the first time:

BILL NO. 2009-6

ORDINANCE NO. 2009-6

AN ORDINANCE AMENDING THE ZONING LAWS OF THE CITY TO PRESERVE AND PROTECT THE DESIGN STANDARDS AND HISTORIC FEATURES OF THE DOWNTOWN BUSINESS DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARUTHERSVILLE, MISSOURI AS FOLLOWS:

Section 1. PURPOSE. This ordinance is enacted for the following purposes:

(a) To promote high standards of building and site design in the commercial and business districts with the purpose of preserving an atmosphere consistent with the history and character of the City of Caruthersville.

(b) To protect and enhance the appeal and attraction of the City of Caruthersville to residents, visitors and tourists, and to serve as a support and stimulus to business and industry.

(c) To foster civic pride in the beauty and notable accomplishments of the past.

Section 2. APPLICATION.

(a) Existing Commercial and Business Buildings Expansion or Alteration of Exterior. Commercial and business use buildings existing in the Downtown Business District upon the effective date of this ordinance shall be allowed to continue with their existing designs upon such date, except when the exterior appearance of any such building is to be altered in a manner which requires a building permit. When such building permit is required, the alteration shall comply with the requirements of this ordinance.

(b) New Buildings. New commercial and business use buildings in the Downtown Business District which are constructed after the effective date of this ordinance must comply with the design standards set forth in this ordinance.

(c) Permit Required: All applications for building permits within the Downtown Business District shall include in such application a detailed description of the design standards to be utilized in such construction, expansion or alteration. No building permit shall be issued unless such design standards are in compliance with this ordinance.

Section 3. DESIGN STANDARDS. The architectural style of buildings subject to the design standards of this section shall have the following characteristics:

(a) All building facade shall be finished in materials traditionally used for main street storefronts that maintain the character of the City of Caruthersville, such as brick, glass, stucco, and tile. Metal siding is hereby specifically prohibited for the front façade of any structure within the Downtown Business District that faces any public street or avenue.

(b) Distinctive features, finishes, and construction techniques, or examples of craftsmanship, that characterize the architectural character of a property shall be preserved whenever reasonably possible.

(c) Deteriorated features shall be repaired rather than replaced whenever reasonably possible. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where reasonably possible, materials.

(d) New additions or exterior alterations shall be compatible in material, color, scale and architectural features with the existing building.

(e) In the case of a proposed new building, such building shall not in itself, or by reason of its location on the property, materially impair the architectural value of buildings on adjacent sites or in the immediate vicinity within the business or commercial districts.

(f) Signs shall meet all existing codes and requirements, and in addition, shall not cover architectural features and spaces that characterize a property.

(g) All ground mounted mechanical equipment, including heating and air conditioning units and trash receptacle areas, shall be completely screened from adjacent properties by use of a wall or fence, or shall be enclosed within a building or whenever practical.

(h) All roof appurtenances, including air conditioning units and mechanical equipment, shall be shielded and architecturally screened from view from adjacent streets and properties.

(i) There shall be no outdoor display or storage of merchandise on public property without Council approval.

Section 4. DISTRICT DESCRIPTION: For the purposes of this ordinance, the Downtown Business District shall include and encompass all lots and parcels of land abutting Third Street from its intersection with Truman Boulevard and extending to Eastwood Avenue and all lots abutting Ward Avenue from its intersection with Second Street and extending to Seventh Street.

Section 5. ENFORCEMENT. In the event any building or structure subject to the design standards of this ordinance is proposed to be, or is in fact, constructed, reconstructed, altered or repaired in violation of this Ordinance, the zoning administrator, in addition to any other remedies, may:

(a) Institute a civil action for injunctive relief to stop, prevent or abate a violation of this ordinance.

(b) Issue a stop-work order to prevent a continuing violation of this ordinance.

Work which proceeds in violation of this ordinance, in contravention of a stop-work order, or in disregard of a court-ordered injunction shall be unlawful and deemed to be a public nuisance punishable pursuant to the penalties provided in § 100.120.

Section 6. EFFECTIVE DATE. This ordinance shall be effective from and after its passage and publication according to law.

READ TWO TIMES, PASSED AND APPROVED THIS 2nd DAY OF MARCH, 2009.

Diane Sayre, Mayor

ATTEST:

Melinda Scifres, City Clerk

After discussion the unanimous consent of the Council is asked for a second reading of Bill No. 2009-6 which is granted and Bill No. 2009-6 is read the second time. The question before the Council now is shall Bill No. 2009-6 to be known as Ordinance No. 2009-6 pass and become law as read the second time, which resulted in the following vote on said question, to-wit:

Simpson	Yes	Merideth	Yes
Braswell	Yes	Morgan	Yes
Cornacchione	Yes	Pullam	Yes
Hood	Yes	Rodgers	Yes

Upon the Mayor declaring that Bill No. 2009-6 to be known as Ordinance No. 2009-6 is passed and approved by the Council, the Mayor did approve the bill and affix her signature and was attested by the City Clerk.

With no further business to come before the Council, Councilperson Hood motioned the meeting adjourn, at 8:05 P.M., with Councilperson Pullam seconding, and motion carried.

ATTEST: _____
Mayor

City Clerk