

**DRAFT**

**CITY OF CARUTHERSVILLE  
April 4, 2016**

Be it remembered the Council of the City of Caruthersville met in regular session on Monday, April 4, 2016 at 5:00 p.m. in the Council room of the Municipal Building at which time and place the following were present:

Mike McGraw	Mayor
Takella Motton	City Clerk
Lawrence Dorroh	City Counselor
Tony Jones	Sergeant at Arms
Bullington	Councilperson
Cartee	Councilperson
Cheek	Councilperson
Hood	Councilperson
Merideth	Councilperson
Harmon	Councilperson
Rodgers (Absent)	Councilperson
Duckworth	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. Tony Jones started off by asking the attendees to be orderly; the last meeting had gotten out of hand. He asked that everyone respect the vote on B & H, and they would be asked to leave if they didn't comply.

The first order of business was the approval of the March 21, 2016 regular minutes. Councilperson Hood motion to approve, second by Councilperson Harmon, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Councilperson Hood motion to approve the closed session minutes, second by Councilperson Duckworth which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Councilperson Duckworth motion to approve the March 29, 2016 special session minutes, second by Councilperson Hood, which resulted in the following vote:

Bullington	Abstain	Cartee	Yes
Cheek	Yes	Hood	Yes

Merideth	Yes	Harmon	Yes
Duckworth	Yes		

The next order of business was the approval of reports and bills. Councilperson Merideth motion to approve, second by Councilperson Hood, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Mayor McGraw presented the revised license agreement between the American Legion Post #88 and the City of Caruthersville for the use of their field. Counselor Dorroh stated that he included in the license agreement that the City was subordinate to the license agreement between the School District and the American Legion Post #88. He went on to say that none of the City events would interfere with the District events. The license agreement will also include the School Boards' consent to grant a license between the City and American Legion Post #88. Councilperson Cartee motion to accept the license agreement, second by Councilperson Merideth, which resulted in the following vote:

Bullington	Abstain	Cartee	Yes
Cheek	Abstain	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

The Mayor's Report; Republic Services contract is ongoing, Counselor Dorroh has spoken to their attorney, but nothing is in writing as of yet. The contract with Three Rivers is for the use of the building, they pay the utilities, their responsible for the upkeep of the interior, and lawn care. Any major problems with the building will be the responsibility of the City, but Three Rivers will pay for a portion of the cost for the roof repairs. The Missouri statues require a Request for Qualifications for the roof repair which will be ran in the paper. Planning and Zoning Commission will conduct a meeting in regards to Barnett Subdivision Wednesday, April 6, 2016. There will also be an ad placed in the paper for RFQ for the HVAC installation in the pool area of the Recreation Center.

John Chittenden has prepared a map for the next phase of the drainage project. Phase one was successful, we got four inches of rain after it was completed, and the area drained off well. A cost estimate will be submitted before continuing with the next phase. The Brownsfield application will be a lengthy process; McCoy's is in probate court in Dunklin County and the City would have to have permission from the owner in order for DNR to go onto the property. Counselor Dorroh stated that there are processes and one process that could take place would be to apply to reclaim blighted land by exercising eminent domain with the City being responsible for the land. Counselor Dorroh also stated that the City could explore facilitation without being responsible for the land. There's no set date for Spring Cleanup. Terry Rushing stated that with the contract not being signed by Republic, he didn't know if they would comply. Counselor Dorroh stated that he didn't foresee any problems, that the Spring Cleanup has never been omitted from any drafts.

Fire Report; Nick Cartee reported four fire calls from March 21, 2016 through April 4, 2016. On March 21, debris was inside shed on fire at Cotton. March 23, brush was burning in field behind East Haven. March 26, there was grass on fire on County Road 344. March 28, there was a fire alarm sounding at Pemiscot County R-3 School. The fire hose on Engine 3 was tested per ISO requirements, and preventive maintenance will be done by Ed Woods.

Water & Sewer; Johnny Hood reported seeking approval for 282 meters, 222 5/8<sup>th</sup> and 60 1<sup>st</sup> meters for \$53,770.80 which have been budgeted. The belief is that these additional meters should take care of the fluctuating bills that some residents have experienced. Councilperson Hood motion to approve the meters, second by Councilperson Merideth, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Councilperson Harmon inquired of the manhole leak on South Ward. Paul Shaw stated that application had been made to MODOT for the permit, and he should be hearing something soon.

Street & Code; Terry Rushing reported on the daily operations, they assisted with street breaks caused by a leak, and one street break caused by a sewer problem. They also assisted with the drains using a backhoe, and tended the safety fence around the open drain boxes in which three of the lids were damaged. Terry talked with Commissioner Ben Baker about the long reach excavator in assisting with the cleanup of the Brown Show ditch. Once they put the motor in they will come and clean the ditch out at no charge. The only condition is that we use the City trucks for the debris removal, and that they wouldn't be liable for any surface damage that may occur on the black top. Coy Gray a representative of MODOT will be in Wednesday to look at drainage issues. They will start at Highway 84 and Route Y. They will also be looking at state ditches, South Ward issues, and Highway U to the city limits. Terry was contacted by residents on Playground Road and will be contacting John Chittenden in regards to the flooding. He's going to seek a cost estimate for boring an eight inch drain under the street. The Mayor will also give him the contact person that he has. John Chittenden's recommendation for the W. 7<sup>th</sup> Project is to put in a drain in the alley running north between Laurant and Beckwith and tie into the drain on 6<sup>th</sup> St. The Council stated he should get a cost estimate for the drainage before starting on the Paving Project.

Terry Rushing asked that payment for Tom's Tuckpointing to be accepted for \$7465 instead of the \$2,200 budget amendment out of Community Revitalization in the March 7, 2016 minutes. Councilperson Bullington motion to pay the bill, second by Councilperson Hood, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Terry Rushing got a quote for AT Floor Care of \$4,160 for the Armory’s resealing of gym and stage, stripping and waxing of the bathroom floors. The floor care was budgeted for \$3000 for the floor care; he will not be able to do the pavement of the sidewalks for the \$5000. Terry recommended that the budget be amended for \$1,160 for the floor care. Councilperson Bullington recommended that the budget be amended for the increase. Councilperson Cartee motion to amend the budget for \$4,160 for the floor care, second by Duckworth, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Terry Rushing issued a notice to vacate on Grand for a house that had no water or utilities, there was also a building on Grand that he did an evaluation on. Terry got a quote on the yard, which would cost \$700 to cleanup. The building can be repaired but needs to be boarded up; if the City does the cleanup of the yard it can be put on the taxes. Counselor Dorroh stated that the trustee would have to be notified to give them a chance to do the cleanup or the trustee could waive their right, then the City could do the work and assess the lien. The likelihood of getting any money out of it is slim, due to the fact it has gone up for sell, and there was not enough money to pay the taxes. Councilperson Cartee recommended going through the process. Terry stated that the culvert cleaning and ditches need cleaning. This would entail renting of equipment for at least 30days. Council recommended that he get a cost for the rental and let them know.

Teresa Tidwell reported that their planning for Summer Read Program with a sports theme. It will go from the last week of May to the last week of July on Tuesdays’ at 2:00 a.m.

Business from the floor; Charles Motton inquired about FEMA accepting funding as part of the proposal being to phase out salvage yards. Counselor Dorroh stated that there were no conditions to the grants, that they were plans and suggestions. Counselor stated that there was never any linkage or ties that were conditioned for the City’s land use laws for the emergency funds.

Steve Motton stated his concern of the Council possible allowance for a salvage yard in Ward 1. He stated that McCoy’s is slated at being closed but the operation of the business is ongoing.

Robert Jones inquired of zoning to whether or not if the property in question is residential, commercial, or both. Counselor Dorroh stated that it was Industrial and is the least restrictive, which the Council has to approve.

Howard Prater stated in regards to McCoy’s Salvage, that he was working on selling the aluminum building across the street, and if sold it would be cleaned up. He stated that he’s still working on a deal with McCoy’s in order to get it cleaned up.

Matt Fowler stated that B & H would be a good business for the community in cleaning up all the waste creating green energy.

Terry Rushing stated that the property in question has always been zoned “I-2” for years.

He made mention of a Council member bringing in a paper from 2006 to the Special Meeting, and wanted to know why the issue wasn't addressed at that time before a business had come in. Councilperson Hood stated that in most cases, things aren't addressed until something comes up. Research is commonly done to prove the stance that is being taken.

John Ferguson stated that businesses have left the community which is a result of some of the blight. He stated that small communities grow from homegrown entrepreneurs. He stated that the property's zoned for "I-2", and someone from the community want to establish a business. Ferguson stated that Mr. Prater should be given the opportunity to do so.

New business; John Ferguson presented a resolution being sought on behalf of Mississippi River Valley. The resolution is asking for support of passage of supplemental appropriations of \$2 billion dollars to repair flood damage to the system and infrastructure; yearly funding in the amount of \$500 million dollars for continued maintenance of the MR&T Project; and passage of a comprehensive flood control and navigation project for the upper Mississippi River Basin to protect people and property throughout the entire Mississippi River Valley. Also support for passage of federal legislation providing main stem Mississippi River municipalities as well as local levee and drainage districts in conjunction with U.S. Army Corps of Engineers and the Mississippi River Commission the authority to streamline the burdensome regulatory and environmental processes to ensure federal dollars are spent directly on projects to protect people and property. Councilperson Bullington motion to accept the resolution, second by Councilperson Harmon, which resulted in the following vote:

Bullington	Yes	Cartee	Yes
Cheek	Yes	Hood	Yes
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Mayor McGraw stated that Counselor Dorroh drafted three options as bills for the Council to choose to vote upon, which will take five votes for passage. Counselor Dorroh stated that based on the discussions of the previous two meetings he had prepared ordinances to adopt, amend and adopt, or deny. The three options are as follows:

**AN ORDINANCE DENYING APPROVAL FOR THE LOCATION OF AN AUTO SALVAGE AND/OR JUNK, IRON, RAGS, BAILING, AND STORAGE AT 701 EAST 9<sup>TH</sup> STREET IN CARUTHERSVILLE MISSOURI**

**AN ORDINANCE APPROVING THE SPECIAL USE OF JUNK, IRON, OR RAGS, STORAGE, OR BAILING AT 701 EAST 9<sup>TH</sup> STREET IN CARUTHERSVILLE MISSOURI, SUBJECT TO CERTAIN CONDITIONS**

**AN ORDINANCE APPROVING THE SPECIAL USES OF AUTO WRECKING AND SALVAGE, JUNK IRON, OR RAGS, STORAGE, OR BAILING AT 701 EAST 9<sup>TH</sup> STREET IN CARUTHERSVILLE, MISSOURI SUBJECT TO CERTAIN CONDITIONS**

Counselor Dorroh stated the Council could make recommendation on an option, and could make any changes or conditions, if there aren't any changes then it would be in order to make a motion

on either one of the three bills. Councilperson Harmon motion to adopt option three, second by Councilperson Cheek and the same was read for the first time, to wit:

**BILL NO. 2016-3**

**ORDINANCE NO. 2016-3**

**AN ORDINANCE APPROVING THE SPECIAL USES OF AUTO WRECKING AND SALVAGE AND JUNK, IRON, OR RAGS, STORAGE OR BAILING AT 701 EAST 9<sup>TH</sup> STREET IN CARUTHERSVILLE, MISSOURI, SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, B & H Recycling, LLC filed a petition seeking approval for the operation of an automobile salvage business at their business located at 701 East 9<sup>th</sup> Street in Caruthersville (the “Property”) which is currently in the I-2 zoning district;

WHEREAS, B & H Recycling, LLC appeared before the Planning and Zoning Commission relative to such petition and amended their petition to also request that the approval include junk, iron, or rags, storage or bailing at the Property;

WHEREAS, after consideration of the matter, the Planning and Zoning Commission made a recommendation to the City Council that B & H Recycling, Inc. be permitted to locate an auto wrecking and salvage business and a junk, iron, or rags, storage and bailing operation at the Property pursuant to subsections 2.n. and 2.o. of § 405.450, subject to certain conditions; and

WHEREAS, the City Council conducted a public hearing upon the matter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARUTHERSVILLE, MISSOURI, as follows:

Section 1. Pursuant to § 405.450 of the Code of Ordinances of the City, the City Council hereby approves the request of B & H Recycling, LLC that the property located at 701 East 9<sup>th</sup> Street in Caruthersville, Missouri be utilized by B & H Recycling, LLC for the following uses:

- a. Auto wrecking and salvage pursuant to § 405.450.2.n of the Code; and
- b. Junk, iron, or rags, storage or bailing pursuant to § 405.450.2.o of the Code.

Section 2. The approval of said uses granted in Section 1 above shall be and is hereby limited by the following conditions:

- a. All fluids shall be drained from all automobiles stored, salvaged or kept upon the property prior to their placement upon the Property.

- b. No salvage automobiles, junk, iron, rags or bails of such materials shall be kept and maintained outside of the building or the fenced area in such a manner that they may be visible from any travelled roadway in the City.
- c. B & H Recycling, LLC shall construct and maintain a fence of at least 8' tall constructed of tin or plastic, with uniform construction throughout. No portion of the supporting posts for such fence shall be visible above the sheeting material. All sheeting material shall be of a uniform material, color and height. The fence shall be maintained at all times in good condition and repair with no gaps in the sheeting.
- d. No tires, scrap tires, or used tires shall be permitted to be stored outdoors at the Property at any time.
- e. No vehicles may be stacked and no junk, iron, rags or bails of such material shall be piled in such a manner as to be visible over the fence from any roadway within the City.
- f. B & H Recycling, LLC shall adopt practices that provide for the notification and encouragement of their customers to utilize the City's truck routes to access the Property for all commercial motor vehicles and for all other vehicles or trailers loaded with scrap.
- g. B & H Recycling, LLC shall control all noise as may be required by the ordinances of the City either now in effect, or as may be amended from time to time.
- h. B & H Recycling, LLC shall be limited to having no more than \_\_\_\_\_ salvage or wrecked vehicles located on the Property at any point in time.
- i. In the event B & H Recycling, LLC shall cease operations, then it shall have the obligation to remove all wrecked and salvage autos and all junk, iron, rags and bales of such material from the Property.

Section 3. As an additional condition to the approval provided for in Section 1 above, in the event that B & H Recycling, LLC shall at any time fail to satisfy any of the conditions set forth in paragraph 2 above, the provisions of the City's nuisance ordinances, or any restrictions on junk yards contained in Article IV of Title VI of the Code, and any such violation shall continue to exist after seven (7) days following receipt of a written notice of violation from the City's code enforcement officer, or if there are six (6) or more any such violations in any one calendar year, then the approval granted in Section 1 above shall be null and void and all auto wrecking and salvage and all junk, iron, rags, storage or bailing at the location shall cease. In such event B&H Recycling shall be permitted a reasonable time to dispose of all material on the Property, but shall not be permitted to receive any additional wrecked or salvage vehicles or any

junk, scrap or other material. Thereafter, the Property shall be utilized only in compliance with the zoning laws then in effect for the Property. All determinations regarding the existence and continuation of a violation shall be made by the code enforcement officer after giving B & H Recycling, LLC or its permitted successor an opportunity to present its position relative to the same. Any determination or action of the Code Enforcement Officer hereunder may be appealed to the Board of Adjustment for the City as provided in the City Code.

Section 4. The approval granted to B & H Recycling, LLC is personal to such entity and the rights granted hereby may not be assigned or transferred to any other individual or entity without the prior approval of the City Council. Any such assignment or transfer shall also assign the responsibilities contained herein to any such permitted assignee or transferee.

Section 5. This ordinance shall be effective from and after the date of its passage and approval.

Section 6. This ordinance shall not be codified.

READ TWO TIMES, PASSED AND APPROVED, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mike McGraw, Mayor

ATTEST

\_\_\_\_\_  
Takella Motton, City Clerk

SEAL

After discussion it was proposed not to have any restrictions on the car limit and to remove (h) from Section 2, and replace (i) for (h) by amending Ordinance 2016-3. Councilperson Harmon motion to amend Ordinance 2016-3, second by Councilperson Duckworth, which resulted in the following vote:

Bullington	Yes	Cartee	Abstain
Cheek	Yes	Hood	Abstain
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

After further discussion, Councilperson Harmon motion for the second reading by title, second by Councilperson Merideth, this resulted in the following vote on said question to wit:

Bullington	Yes	Cartee	Abstain
Cheek	Yes	Hood	Abstain
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Councilperson Harmon made motion to pass the bill No. 2016-3 to be known as Ordinance No. 2016-3, second by Councilperson Merideth which resulted in the following vote on said question to wit:

Bullington	Yes	Cartee	Abstain
Cheek	Yes	Hood	No
Merideth	Yes	Harmon	Yes
Duckworth	Yes		

Steve Motton asked who would be responsible for the accountability for any violations that may occur. Councilperson Harmon stated that the City would be looking to hire a full time Code Enforcement officer. This person would have the authority to issue citations, inclusive of the entire community.

Charles Motton inquired about a water fountain to be put in at French Park. Charles inquired about the process of the redistricting that had occurred. Counselor Dorroh stated it occurred after the 2000 census, which was based on the population. Charles also asked about rezoning guidelines. Counselor Dorroh stated that a petition could be filed by citizens or the Council could do so, which would go before Planning and Zoning for recommendation. If nothing was decided within 30 days, it would be considered approved, and a Public Hearing would have to take place within 15 days. After that took place the Council could approve or adopt any other classifications by ordinance. Any existing property would be grandfathered in, but if they cease existence, the zoning privileges would be lost. They Mayor stated that he had discussed with Counselor Dorroh of a possible “C-1” zone, which is commercial and residential area.

Howard Prater was concerned about the truck route, and he was assured that his responsibility was limited that he needed to encourage the use of the truck routes to his customers.

Terry Rushing stated that everyone’s complaining about Code Enforcement. He stated that if the Mayor and Council would let him do his job he would. He didn’t think that it was fair to go out and do his job if the Mayor and Council turn around and change what he has set in motion referring to an incident that occurred with a shed. He stated that the people should have to take responsibility for their own selves and quit blaming Code Enforcement.

With no further business to come before the Council Councilperson Harmon motion to adjourn, second by Councilperson Bullington, with all in favor, and the meeting adjourned at 6:24 p.m.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk