

DRAFT

**CITY OF CARUTHERSVILLE
MARCH 21, 2016
PUBLIC HEARING**

A Public Hearing was held in the Council Room in the Municipal Building on Monday, March 21, 2016, at 5:00 p.m., at which time and place the following were present:

Bob Lazenby, Jane Ellen Lazenby, Teddy Cheek, James Mott, Paul Shaw, Teresa Tidwell, Christina Williams, Emma Campbell, Johnnie Christian, Michael Watkins, Erica Prater, Cathryn Prater, Kid Prater, Howard Prater, Christi Watkins, Tony Jones, Tina Rushing, Ronnie Prater, Wenlan Reno, Bill Reno, Laurie Curtis, Crystal Powell, Richard Lee, Ella Coleman, Freddie Sanders, Gene Tarpley, John Hayes, Ronnie Prate, Jerry Bates, Lillie Wilbourn, Tammy Ramirez, Betty Lee, Shelly Walker, Josh Duncan, Alvin Cummings, Charles Motton, Steve Motton, Matthew Dukworth, BT Merideth, Barbara Rodgers, Takella Motton, Mike McGraw, Lawrence Dorroh, Johnny Harmon, JJ Bullington, Nick Cartee, Michael Phlelps, Logan Green, Jarred Yates, Margaret Stepp, Pearl Williams, and Laveta Lockridge.

The purpose of the meeting was to vote as to whether or not B & H Recycling, Howard Prater, should be granted approval by the City Council permission for the operation of a salvage yard at 701 E. 9th St. A petition was submitted to the Planning and Zoning Commission for the addition of auto salvage and wreckage to be included in regards to the aforementioned property. Howard Prater's assumption was that what he was already recycling was legal, but a verbal amendment was made to the petition inclusive of what was already in operation. Planning and Zoning made recommendation to consider the operation of auto wrecking or salvage, junk, iron, or rags, storage or bailing with the conditions of draining fluids from autos, no junk setting outside of the building, and having a fence of 8ft. tall constructed of tin or plastic being kept in good repair.

Mayor McGraw extended to the floor that everyone should state their name and address the Council. Howard Prater stated that he had over 20,000 lbs. of tin, 15,000 lbs. short steel, 7,000 long steel, 900 lbs. of copper, 200 lbs. of wire, 60 lbs. of aluminum, and 100 lbs. of brass. He stated that B & H would be an asset to the community.

James Mott stated that a recycling business was something that the City needed, and didn't understand why someone would want to block this business.

John Hayes stated that he worked at McCoy's for 10 years and \$5,000 to \$10,000 a day was spent in the community.

Lillie Wilbourn passed out pictures of McCoy's that showed the condition of the abandoned business, which will be received as part of the record of filings for the proceedings. She does not want another junk yard in the neighborhood.

Freddie Sanders stated that she was not opposed to B & H Recycling, but that the location was a problem, and didn't want it to be on the East side of town where there was already an existing junk yard that has been left to be cleaned up.

DRAFT

Jarred Yates stated that he felt that B & H would be putting money back into the community, and that it was needed. He stated that if the residents didn't want their kids playing in the area, than tell them to stay away.

Erica Prater stated that what happened with McCoy's doesn't apply to B & H. Howard cleaned up the mess that Branum's left behind, and has offered to help with the cleanup of McCoy's. Howard would not have bought the property if he hadn't been told that he could conduct business.

Charles Motton stated that when Eddie Taylor was operating his business adjacent to the said property he was told to clean it up and shut it down never to be reopened, with the same thing occurring on 3rd St. He made mention that at one of the meetings it had been expressed that a salvage yard was not welcomed on Industrial Drive because of the possibility of water contamination. At another meeting it was stated that a recycling business was not welcomed on Highway 84 or 3rd St.

Jeremy Watkins stated he had signatures of people in the community with a few located in the vicinity of the property that was in agreement with having a recycling business on E. 9th St. The document will be part of the record for the proceedings.

John Christian stated that he didn't mind a salvage yard, but wanted to know about EPA standards, if they were being abided by.

Wade Mansfield stated that he didn't understand why people were getting worked up about a new business coming to town; he had the same type of issues when he opened his business. He stated that there are laws in existence that would rectify any problems that may occur.

Bo Cummings stated that if B & H had cars that the EPA would be in to make sure everything was done right; the EPA was in all the time on McCoy's to make sure they were abiding by the standards when Charles McCoy was conducting the business.

Bill Reno state that he didn't understand why a public hearing was taking place. Howard was issued a license and the current Code Enforcement officer inspected the business. He stated that it was a new business that would bring revenue into town, and that the area is zoned for this type of business.

Counselor Dorroh stated for clarity that the "I-2" zone give's a list of things that can occur in the zone with an addition that there has to be a recommendation from the Planning and Zoning Commission with approval by the City Council before a business could legitimately be in operation. The business license itself is for tax purposes, it has nothing to do with the zoning, and you still have to get permission from the Code Enforcement officer. Dorroh talked with the former Code Enforcement officer, and he stated that he did tell Mr. Prater that he could have a junk yard in the particular vicinity, but didn't go into detail as to all the steps that had to be taken.

Gene Tarpley stated that a lot of the people depend on the salvage yard that can't get to Kennett; the business is needed.

Ella Coleman stated that she didn't have a problem with the salvage yard, but didn't want it at the location of E. 9th. She mentioned that there had been salvage yard at the same location for years and nothing was ever said, but when Eddie Taylor had his business there he was told to shut it down. She stated why not have the salvage yard somewhere on the West side of town.

Ronnie Prater stated that he was tired of riding around and seeing junk in the community. He stated that this was a business that would take care of the problem and that it would be well regulated.

Steve Motton stated that he didn't think it was right for a salvage yard to be located less than 50 ft. from public housing and a block away from French Park. He stated that it was enough blight on the East side; he commended the City of the cleanup of vegetation and debris. He submitted a petition of over 200 signatures of residents on the East side of town declaring that they do not want a salvage yard on E. 9th St. Steve also mentioned the study that was done after the tornado and McCoy's Salvage yard was declared an environmental nightmare.

Lance Mansfield stated that he has lived near a dump sit for years on S. Ward and never complained because the City needs it, and the city needs a recycling business.

Joe Prather stated he has lived across from the aforementioned property for 15 years and it has always been unkept. When Branum's got the property they didn't keep the property up, but Howard came in and cleaned the property up. Before B & H acquired the property, someone else had it and was dumping raw sewage, they complained about it and nothing was done.

Laveta Lockridge stated with everything being contained inside the building she would be fine with the business given the mistakes made by the City. Her request would be to have better fencing.

There were second calls for any additional discussion, which was more of the same. There was discussion of Howard Prater helping getting McCoy's cleaned up for the use of their scale. Accountability in regards to the City enforcing their laws was brought up. Charles Motton mentioned that the City could produce revenue and jobs if they chose to get into recycling perhaps at the old Brown Shoe building. Charles also suggested that the City have the meetings videotaped for transparency.

Counselor Dorroh stated that a business license is essentially for tax purposes to show that you can conduct a business it does not say that this location is permissible or takes place of the zoning laws. Discussion was also with the possibility of the City assisting Howard Prater in finding another location if it comes to him shutting his business down.

Gladys Hood read a letter from Councilperson Hood because of his inability to attend the meeting. Mrs. Hood stated that she believed that there was a way that if we put our heads together that we could come up with a solution that would benefit all parties. The letter stated Councilperson Hood's concern of having another eyesore in the community. He stated that the salvage yard could be

located on Industrial Dr. far enough away from our water wells for any possibility of contamination. He went on to say that if he was in attendance and if a vote took place, he would have to vote no.

With no further discussion to come before the Council, the Public Hearing was closed with the start of the regular meeting.

**CITY OF CARUTHERSVILLE
MARCH 21, 2016**

Be it remembered the Council of the City of Caruthersville met in regular session on Monday, March 21, 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 |
| Cheek | Councilperson |
| Hood (Absent) | Councilperson |
| Merideth | Councilperson |
| Harmon | Councilperson |
| Rodgers | Councilperson |
| Duckworth | Councilperson |
| Bullington | Councilperson |
| Cartee | 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 was the approval of the March 7, 2016 regular minutes. Councilperson Rodgers motion to approve, second by Councilperson Duckworth, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

The next order of business was the approval of the closed session minutes. Councilperson Harmon motion to approve, second by Councilperson Duckworth, which resulted in the following vote:

| | | | |
|--------|-----|----------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |

| | | | |
|-----------|-----|------------|-----|
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

Councilperson Cheek motion to approve reports and bills, second by Councilperson Bullington, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

Presentation of petitions, letters, and other communications; received a letter requesting a license for the use of the American Legion field. The American Legion would be named on the City’s insurance policy. The school has a lease agreement with the American Legion. Councilperson Bullington motion to table the drafting of the license until further discussion, second by Councilperson Cheek, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

Unfinished business; the lease was revised for Medic 1 stating that the lessor would waive the rental agreement of \$300/mo. with the lessee. The improvements of the rest room facilities will be paid from the waived rental agreement, which would be waived from April 1, 2016 through March 31, 2017. The monthly payments would resume on April 1, 2017 from the lessee to the lessor. Councilperson Bullington motion to accept the revised lease agreement, second by Councilperson Rodgers, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

Mayor’s report; in order for the trash to be picked up it has to be in the totes, there’s only one person driving the truck, and the arm lift on the truck picks up the tote. There was a lot of lead way before the truck was in use with the lift, but it was made known that this would not always be the case. It will be publicized through all possible mediums that trash will only be picked up if it’s in the tote. The community wide Easter Egg Hunt will be at French Park, Saturday, March 26, 2016 at 11:30 a.m. The ages are from 2 to 12 years old, and you must be preregistered. Ben Baker, John Buchannan, and friends are hosting the event.

DRAFT

The Mayor appointed Emma Campbell to the Tree Board, and asked for approval of the appointment. Councilperson Bullington motion to approve, second by Councilperson Harmon, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

The Mayor also reported that Jason Simpson will start the drainage project Tuesday, March 22, 2016. The first section, section A will be Bell and 10th to E. 13th. Section B will be from E. 15th St to the Brown Shoe ditch. There were four revisions to the utility billing. Councilperson Rodgers motion for the water bill changes to be approved, second by Councilperson Merideth, which resulted in the following:

| | | | |
|-----------|-----|------------|---------|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Abstain |
| Cartee | Yes | | |

When the City opens a fire hydrant, the water will be brown or red for a short period of time; you can run it until it's clear. The City Collector's salary has been \$16,377.12 annually for 12 years. There's an ordinance in place for a 1.5 percent increase, if it's done for 12 years the salary would be \$19,580, or it could be done at a modest level. Councilperson Cartee motion to keep the salary the same, second by Councilperson Harmon, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

The Mayor received the Brownsfield application from the DNR, which will be a lengthy process that requires patience and cooperation from interested parties. The process has not started, but hopes to have more information by the next meeting.

Tony Jones reported that the police department is addressing the issues on E. 12th and E. 13th St. that were brought up at the last meeting.

Nick Cartee reported fire calls from March 14, 2016 through March 21, 2016. March 14, 2016 there was a fire call for a vehicle on fire on Vest; March 17, fire call on Church Rd. at Cottonwood Baptist Church; and on March 19, fire call on County Rd 363 for medical assistance requested by Medic 1. Tornado drills were held March 17, 2016 at all three schools. The training for the month of March is the Pipeline Safety Awareness & Emergency Response program being held at the Caruthersville Community Center.

Paul Shaw reported that John Chittenden had sent the engineering contract for the Bunge Project to do the design work of the sewer. The engineering contract has already been budgeted for the amount of \$5,000. Councilperson Merideth motion to approve the contract, second by Councilperson Harmon, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

The bids for the rotor replacement have come in, the equipment has been paid for, and the work itself will be the next payment schedule. MODOT permits for Truman and S. Ward have been received. The E. 10th St. Project in which a 6 inch line collapsed, comprise of six houses without sewer. The project will be tagged onto the Magnolia Project. Councilperson Bullington recommended taking the \$23,990 out of the Sewer Extension and the remaining out of the Sales Tax for paving for what Terry Rushing has underway. The total for the project would be for \$44,000 for the budget amendment. Councilperson Duckworth motion for the approval of the project, second by Councilperson Merideth which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | Yes | | |

Paul Shaw also reported that the 18th and Lincoln St. sewer line collapsed, a crew came in to clean up. The street caved during the process of the flushing, which most of it got cleaned out. Someone would have to come in to fix the problem, it has been patched before. Richard Lee stated that it would have to be looked at from manhole to manhole to make sure it's done correctly.

Councilperson Rodgers had a request from Jimmy Hibbler concerning the vehicles that have gone through his fence on several occasions. He wanted to know if the City could put up a barrier or reflectors to caution against any further damage to his fence. The Street department will be notified of the dead end street in which vehicles have a tendency to go straight through.

Keith Davis reported that the basketball season was over, and the baseball season sign ups have ended with 250 signed on. Councilperson Rodgers asked if there could be a handball court considered for French Park. Keith will be looking into how it can take place. Umpires are needed for the baseball season, and Keith can be contacted if anyone is interested.

Teresa Tidwell passed out a leaflet of the books that are being given away by the Library each month. Library cards are free for residents of the City, it is \$10 per family per year if you have a city address and live outside of the city limits.

New Business; Planning and Zoning Commission recommendation with discussion taking place first. Councilperson Bullington made mention of the mistakes that had been made, and believe that there’s a way that everybody could come out on top. The Code Enforcement issue has to be addressed, Terry Rushing has too many responsibilities to do the job effectively. Councilperson Rodgers made mention of what was iterated in closed session that whatever mistakes were made does not bind the City to anything. The zoning laws are in place and have to be abided by; the law still stays the same. Rodgers stated that the City should help Mr. Prater with possibly finding a location.

Counselor Dorroh stated there was a petition made to include auto wrecking and salvage as a part of the business, and at that time it was advised that they should include what was already taking place. They amended their request, which ended up being two requests. The Council can approve one or both; the Council also has the authority to impose reasonable requirements as deemed necessary to

protect adjacent property. The Council should put some additional thought before making a decision, which will be decided upon at the next meeting. Councilperson Harmon motion to table the Council’s vote on B & H Recycling operation of their business, second by Councilperson Rodgers, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | Yes | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | No | | |

Councilperson Duckworth made motion to go into closed session for the discussion of any legal matters, second by Councilperson Harmon, which resulted in the following vote:

| | | | |
|-----------|-----|------------|-----|
| Cheek | No | Merideth | Yes |
| Harmon | Yes | Rodgers | Yes |
| Duckworth | Yes | Bullington | Yes |
| Cartee | No | | |

Upon returning from closed session with no further business to come before the Council, Councilperson Cartee motion to adjourn, second by Councilperson Cheek, with all in favor.

ATTEST:

City Clerk

Mayor

