

FINAL  
Regular Meeting

March 12, 2018

City Council met in Regular Session at 7:00 PM on Monday, March 12, 2018. Mayor Gary Heilbrun called meeting to order. David Weaver gave invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Adam Hogan, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: none. Also present were City Attorney Mike Talley, David Weaver and approximately 7 guests.

**Agenda:** City Clerk, Brandi Miller, stated need to strike “and vote to go into closed session” from the heading. Motion made by Jane Baine, seconded by Barbara Welch, to approve agenda as amended. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Public Hearings:**

Rezoning Application 529 Walnut Ridge from R-1 to R-2

Opened at 7:03pm

Public Comments: Kerry Devine, 314 Morgan Court, stated consensus from neighbors is against rezoning. Alderman Ellsworth stated Planning and Zoning voted unanimously against approval. A number of people spoke against the rezoning at their public hearing. City Attorney Mike Talley asked for more information. Alderman Ellsworth stated it was inconsistent with the neighborhood which consists of Single Family Residences.

Public Hearing closed at 7:05pm

Rezoning Application from C-1 to C-2

Opened at 7:05pm

Alderman Ellsworth stated Planning and Zoning voted unanimously to approve rezoning. There were no comments at their public hearing.

Public Comments: none

Public Hearing closed at 7:06pm

**Minutes:** February 12 Regular Meeting: Motion made by Barbara Welch, seconded by Adam Hogan, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

February 26 Special Meeting: Motion made by Barbara Welch, seconded by Jane Baine, to approve minutes as presented. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**ABC Supply:** Susan Boyer was not present.

**Setback Variance Request:** Homeowner at 2011 S. Jonathan Hunter was present. Alderman Ellsworth stated Planning & Zoning took no action. Mike Talley stated variance requests for fences should be heard by Board of Adjustment. Chris Ellsworth and Chief Kitch measured proposed fence. Due to proximity to road, it would be a hazard by blocking sightline. Alderman Ellsworth stated it should not extend past the Northernmost post of the Construction Entrance sign. The Board asked the homeowner to amend his request.

**Financial Report and Budget Summary:** Approved and filed for audit.

**Bill Summary:** David Weaver stated he has requested an invoice with more description from Mense CPA Firm. CDBG rejected our request for reimbursement. David recommended we not pay the \$2,000 invoice yet. Motion made by Barbara Welch, seconded by Jane Baine, to pay bills as amended. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Court:** February Court Report was presented. Board approved report and filed for audit.

**PD Monthly Report:** Chief Kitch presented.

**Business License Renewals:** Brandi Milled stated she emailed a list last week of delinquent renewals. Mike Talley stated we can prosecute in Municipal Court. Would need complaint by Mayor or Code Enforcement Officer. Motion made by Barbara Welch, seconded by Jane Baine, to approve the Business License renewal for ABC Supply. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

**Bill 18-04** Rezoning 611 Walnut Ridge from R-1 to C-2. Mike Talley stated he drafted agreement and Memorandum, has not received response. He suggest we table both bills until next month. Motion made by Barbara Welch, seconded by Jane Baine, to table Bill 18-04 and Bill 18-05 until next month. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

**Bill 18-05** Rezoning 615 Walnut Ridge from R-1 to C-2. Tabled.

**Bill 18-09** Rezoning 529 Walnut Ridge from R-1 to R-2. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-09 by title only.

Bill 18-09 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-09 and move to second and final reading by title only.

Bill 18-09 was read second and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-09 and assign Ordinance #357. Ayes: none. Nays: Aldermen Baine, Welch, Hogan, Ellsworth. Motion failed.

**Bill 18-10** Rezoning 3328 E. 13<sup>th</sup> Street from C-1 to C-2. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-10 by title only.

Bill 18-10 was read by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept first reading of Bill 18-10 and move to second and final reading by title only.

Bill 18-10 was read second and final time by title only. Motion made by Jane Baine, seconded by Adam Hogan, to accept second and final reading by title only of Bill 18-10 and assign Ordinance #357. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-11** Approve Regulatory Agreement on Henry CDBG Housing Project. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-11 by title only.

Bill 18-11 was read by title only. Alderman Welch asked if this was the same applicant the State questioned due to her income. David Weaver stated the project is now \$60,000 lower. Motion made by Jane Baine, seconded by Barbara Ellsworth, to accept first reading of Bill 18-11 and move to second and final reading by title only.

Bill 18-11 was read second and final time by title only. Alderman Baine questioned why they were building in the Piper Glen Subdivision. David Weaver stated they are purchasing a Schuber Mitchell home. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept second and final reading by title only of Bill 18-11 and assign Ordinance #358. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Bill 18-12** Approve Regulatory Agreement on Henry CDBG Housing Project. David Weaver stated the bill has the wrong dollar amount. It should read \$4,221.89. Mike Talley stated have first reading as-is and then amend. Motion made by Jane Baine, seconded by Chris Ellsworth, to read Bill 18-12 by title only.

Bill 18-12 was read by title only. Motion made by Chris Ellsworth, seconded by Jane Baine, to accept first reading of Bill 18-12 and move to amend the amount to \$4,221.89

in the Title and Section 1 of Bill 18-12. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Motion made by Jane Baine, seconded by Chris Ellsworth, to place amended Bill 18-12 on second reading as amended by title only.

Bill 18-12 was read second time as amended by title only. Motion made by Jane Baine, Seconded by Chris Ellsworth, to accept second reading by title only of Bill 18-12 and move to third and final reading by title only.

Bill 18-12 was read third and final time by title only. Motion made by Jane Baine, seconded by Chris Ellsworth, to accept third and final reading by title only of Bill 18-12 and assign Ordinance #359. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

**Old Business:** Codification Project: City Clerk, Brandi Miller, stated we are winding down, only a few weeks left. Next Work Session scheduled for March 19, 2018 at 5pm.

CDBG Housing Project Update – David Weaver stated final house on 27<sup>th</sup> Street will start in two weeks. Other 27<sup>th</sup> Street house close to done (3-4 weeks). The first phase close-out is complete, we are just waiting on Radon tests.

Fire Hydrants – Alderman Welch stated we need to allocate funds for this Fiscal Year. Alderman Ellsworth suggested we allocate \$10K and start at the top of the list provided by the Fire Chief. Motion made by Chris Ellsworth, seconded by Barbara Welch, to authorize City to spend up to \$10,000 on fire hydrants following the list. Ayes: Aldermen Baine, Welch, Hogan, Ellsworth. Nays: none. Motion carried.

Update on City Matters: David Weaver talked about abandoned cars around 13<sup>th</sup> and Duquesne Rd. He asked that the issue be added under Old Business on the next meeting agenda. Wanted to check updates to that section in the Codification.

**Aldermen Interaction:** None

**Public Comment:** Rick Gamboa, 4005 E. 20<sup>th</sup> Street, spoke about building permit language on P&Z Agenda, Sales Tax, Business License for Mable LLC, Setback Variances, and Duquesne School.

**New Business:** Open Street Fund Account – Motion made by Barbara Welch, seconded by Chris Ellsworth, to open street fund account. Ayes: Aldermen Baine, Welch, Hogan,

Ellsworth. Nays: none. Motion carried. This will be a restricted fund account. Alderman Welch stated she spoke to State Auditor, fire hydrants do not qualify to be paid for with Street Funds.

Copy Machines – Brandi Miller stated we have received a quote for new machines, could save City money on maintenance. Would need more info before we know if RFP is needed or desired.

Update on Commissions and Committees – Alderman Welch talked about snow removal and street funds. Alderman Ellsworth stated New P&Z member seems energetic.

**Other Business Deemed Necessary:** Alderman Welch asked about the Board of Adjustment. Mike Talley stated was added to code in 2008 when Planning & Zoning Commission was adopted. Board Members were appointed as the Board of Adjustment. They have previously tried to Repeal Ch. 405. Board of Adjustment lost along the way.

As there was no further business, motion made by Jane Baine, seconded by Barbara Welch, to adjourn. Ayes: Aldermen Baine, Welch, Hogan and Ellsworth. Nays: none. Motion carried. At 9:13 PM, meeting adjourned.