

FINAL
Regular Meeting

July 10, 2017

City Council met in Regular Session at 7:00 PM on Monday, July 10, 2017. Mayor Gary Heilbrun called meeting to order. David Weaver gave invocation.

Roll call was taken. Present were Aldermen Jane Baine, Barbara Welch, Chris Ellsworth, and Mayor Gary Heilbrun. Absent: Adam Hogan. Also present were City Attorney Mike Talley, David Weaver and 11 guests.

Agenda: Chris Ellsworth asked to strike work session from the heading. Barbara Welch asked to add fireworks to New Business. Motion made by Chris Ellsworth, seconded by Barbara Welch, to approve agenda as amended. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Public Hearings: Rezoning Application – Southeast Corner 16th/Katherine, R-1 to C-2
Opened at 7:03pm
Public Comments: none
Public Hearing closed at 7:05pm

Rezoning Application – 423' South of Southeast Corner 16th/Katherine, C-1 to C-2
Opened at 7:05pm
Public Comments: none
Public Hearing closed at 7:06pm

Rezoning Application – 575' South of Southeast Corner 16th/Katherine, C-1 to C-2
Opened at 7:06pm
Public Comments: none
Public Hearing closed at 7:07pm

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

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

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

Bill Summary: Jane Baine questioned bill for flags. City Clerk, Brandi Miller, stated she copied our previous orders to have two extra of each size. Brandi additionally pointed out more charges related to the Schuber Mitchell project. David shared section 500.060(f) of

our code provides right to recover fees. Consensus was to hold on paying fees related to Schuber Mitchell project for one more cycle. Chris Ellsworth questioned \$180.00 freight charges on Chief invoice. Chief Kitch will contact Chief to find out. Motion made by Chris Ellsworth, seconded by Barbara Welch, to pay bills as amended. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

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

Police Report: Chief Kitch presented report. Motion made by Chris Ellsworth, seconded by Barbara Welch, to authorize the sale of 812 for \$4,400 with light bar. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried. Motion made by Chris Ellsworth, seconded by Jane Baine, to authorize up to \$1,400 for new light bar. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Bill 17-12 To Rezone the tract of land located at the Southeast corner of Katherine and 16th Street from R-1 Single Family Residential to C-2 Retail Commercial: Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 17-12 by title only.

Bill 17-12 was read by title only. Chris Ellsworth stated Planning & Zoning Commission voted unanimously in favor. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 17-12 and move to second and final reading by title only.

Bill 17-12 was read second and final time by title only. Motion made by Barbara Welch, seconded by Jane Baine, to approve second and final reading of Bill 17-12 and adopt as Ordinance 332. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Bill 17-13 To Rezone the tract of land located 423' South of the Southeast corner of Katherine and 16th Street from C-1 Non-Retail Commercial to C-2 Retail Commercial: Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 17-13 by title only.

Bill 17-13 was read by title only. Chris Ellsworth stated P&Z voted unanimously to approve. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 17-13 and move to second and final reading by title only.

Bill 17-13 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-13 and adopt as Ordinance 333. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Bill 17-14 To Rezone the tract of land located 575' South of the Southeast corner of Katherine and 16th Street from C-1 Non-Retail Commercial to C-2 Retail Commercial: Motion made by Barbara Welch, seconded by Jane Baine, to read Bill 17-14 by title only.

Bill 17-14 was read by title only. Chris Ellsworth stated P&Z voted unanimously to approve. Motion made by Barbara Welch, seconded by Jane Baine, to accept first reading of Bill 17-14 and move to second and final reading by title only.

Bill 17-14 was read second and final time by title only. Motion made by Barbara Welch, seconded by Chris Ellsworth, to approve second and final reading of Bill 17-14 and adopt as Ordinance 334. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Old Business: Update on FEMA/SEMA: David Weaver stated we should be receiving another \$80,000 for the second appeal soon.

All Seasons Signs: Aaron Garman was given an extension until July meeting to resolve setback violation. Nothing has been filed with the city. City Attorney, Mike Talley, stated business can be cited. Board requested letter be mailed to All Seasons Signs from City Clerk or Mayor giving deadline of August meeting.

Surplus Items Auction: All but two chairs were sold. Motion made by Barbara Welch, seconded by Jane Baine, to approve disposal of two leftover chairs. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Update on City Matters: David Weaver discussed the regulatory agreement on the grant houses. He requested a motion granting Mayor authorization to sign request from the title company to move from Construction loan to first mortgage on CDBG homes. Mike Talley stated this is redundant with the regulatory agreement, but they require consent in writing. Motion made by Chris Ellsworth, seconded by Barbara Welch, to authorize Mayor to sign all requests. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Aldermen Interaction: Alderman Welch requested we research if the court is cost effective for the city. She has requested Brandi create a list of Vendors by expense. Suggested a brainstorming session in regard to the budget process. Jane Baine asked about Sewer increase. She additionally asked about the street cut on 10th street. Mayor Heilbrun received email from Ray Brown requesting use of City Hall for training. Motion made by Barbara Welch, seconded by Jane Baine, to allow City Hall to be used only for activities related to city government. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried.

Public Comment: Val Carter, 4101 E. 20th St, spoke about Street Cuts, Piper Glen Curbs, All Seasons Signs, and Fireworks

James Morris, 278 Rose St, Asbury, spoke about Piper Glen curbs, ABC Supply Fence – Setback Variance. David Weaver stated they will need to have a stormwater review.

New Business: Sami's Business License: David Weaver stated Sami's has been operating without a business license all year. They have had an issue providing a No Tax Due letter. They have notified the City that they are working on a change of ownership.

Fireworks: Chris Ellsworth requested July 1st to 11pm on July 4th for shooting fireworks. Sales end on the 5th at Midnight. Mike Talley stated would have to be passed by Ordinance. Barbara Welch stated needs to also restrict fireworks when there is a no burn notice.

Utility Cut Bids: Brandi Miller stated document has been revised by Mike Atkinson at Allgeier Martin. Question on page 3. Mike Talley stated strike words "from item 1.3 and 1.4".

Update on Commissions and Committees: Alderman Welch updated on the park. There have been no hits on letters. Alderman Ellsworth stated P&Z conducting work sessions on accessory building issue. David Weaver stated having some issues with bank on CDBG project. There will be seven more houses this round.

As there was no further business, motion made by Barbara Welch, seconded by Chris Ellsworth, to adjourn. Ayes: Aldermen Baine, Welch, Ellsworth. Nays: none. Motion carried. At 9:26PM, meeting adjourned.