

**MINUTES
PARK HILLS CITY COUNCIL
REGULAR SESSION
APRIL 9, 2013**

The Park Hills City Council met in regular session Tuesday, April 9, 2013, at the Park Hills Council Chambers. Mayor Easter called the meeting to order at 7:00 p.m. The invocation was given by Councilman Reed and the Pledge of Allegiance was said by all. Council Members present at roll call were Cruse, Dickerson, Gordon, House, Kelly, Reed, Politte and Mayor Easter. Councilman Cunningham was absent. Also present were Assistant City Administrator Matt Whitwell, City Attorney Ed Pultz, Economic Development Coordinator Norman Lucas and City Clerk Terri Richardson.

Visitors and Delegations

Joe Blake of 213 East Main Street submitted a request to speak but was not present. He submitted a letter via Councilwoman Dickerson addressed to the Council for review.

PUBLIC HEARINGS AND ACTION THEREON

A combined public hearing on Planning and Zoning Cases #2013-002 and # 2013-003 for Special Use Permit requests was called to order by the Mayor. The Mayor reminded the Council that in a determination as to whether to issue a special use permit the Council is required to consider six, and only six issues. These issues are whether use or building will: 1) Substantially increase traffic hazards or congestion; 2) Adversely affect the character of the neighborhood; 3) Substantially increase fire hazards; 4) Adversely affect the general welfare of the community; 5) Overtax public utilities; 6) Be in conflict with the City's Comprehensive Plan. He asked the public to base their comments on these issues and evidence relating to each one. However, if they chose not to address an issue listed, they were asked to simply state that fact.

Matt Whitwell explained the two requests and referred to the packet for location, plans, layout, advertising and notification to surrounding property owners, as well as, the recommendation made by the Planning and Zoning Commission for two special use permits to construct two duplex units on Evans Row.

John David Limp (581 Highway AA, Farmington, Missouri) representing the property owner addressed the council and the six issues. He opened by reiterating the fact that no rezoning was being requested. He stated that the property could by code be re-platted to accommodate 3 single family homes. As this relates to traffic, he argued that three 3-bedroom homes could generate as much traffic as two duplexes because there could be two adults plus 1 driving age child for each of four living units in the duplexes and could be two adults and two driving age children in each of the three single family houses. He also reminded the council that there is off-street parking in the proposal. He believed the newly constructed units would improve the neighborhood, citing a derelict property at 420 Evans Row and an existing mobile home which is a nonconforming use that were adversely affecting the neighborhood. He recently observed an Ameren Missouri truck with a chipper, in the area and concluded it must have used Evans Row to get to its destination. He compared the size of this truck to a City fire truck, stating that a fire truck has a wheel base of 16 feet and the Ameren truck had a wheelbase 9 inches less but also had a shredder on its back for a total of 31 feet. He believed that, if the Ameren truck could navigate the street, a fire truck could similarly navigate that street. He also noted that, according to the Fire Chief, there had not been any home fires in that neighborhood. He noted that there was a fire hydrant within 500 feet of the building site. He believed that the City was adequately equipped to fight fires, should one occur and did not feel this project would pose any more of a hazard than what was already existing. He had consulted the water department and was assured there were adequate facilities for this project. As far as the concerns raised at an earlier meeting by residents about rental units and illegal drug use, all could be addressed through city codes and enforcement as they pertain to each issue.

Mr. Limp then asked the Mayor for permission to address City Attorney Pultz and was granted the request. He asked Pultz if a current homeowner was allowed to move and rent out their home. Pultz concurred with Whitwell that there is no code prohibiting homeowners from renting their homes. Mr. Limp stated that Matt Whitwell had said the two duplexes would not be in conflict with the comprehensive plan. He also noticed that Planning and Zoning had approved the requests. Mr. Limp asked that the special use permit be issued as requested. Councilman Kelly stated that his concern was the extremely narrow street, and the fact that there are no restrictions for parking on the street and that if cars did indeed park on the street, emergency vehicles would not be able to pass. Councilwoman Dickerson referred to the

drawing of the area asking for clarification of the 15.64 foot measurement of one area of the street. Councilman Reed stated that the 15.64 foot jag in the street was discussed earlier and that it does not affect the current paved street and cannot be altered much. A person attending the hearing stated that a school bus could not drive on Evans Row.

Tamara Marberry (417 Evans Row) stated that she lived just west of the property in a mobile home that has been grandfathered in. She believes that traffic will be greatly impacted by adding even a few vehicles. She added that two cars cannot currently pass each other even without any parked on the street. She pointed out that school busses do not travel on Evans Row because they cannot maneuver. She did not believe that the duplexes would adversely affect the character of the neighborhood. Marberry stated that she did feel there was an increased fire hazard, as many residents in the area already do a lot of burning, sometimes without permits and in barrels and there is a 100 acre wooded area close by. She said there is no fire hydrant close to her house. She felt certain that the welfare of the many children that play in that area would be affected by added traffic and vehicles that would come as a result of these dwellings being constructed. She did not know about the impact it would have on public utilities but did express concern that the property owned by Councilman Cunningham could be annexed and developed and she was not in favor of that. She asked the Council to deny the special use permit request.

Jan Sundhausen (419 Meadow Street) addressed the council stating that Evans Row is her route to her home and that it is impossible to pass another vehicle even on her newly curbed and paved street, stating that cars used to be able to move over and yield to other traffic, but now that new curbing and sidewalks have been installed, it is impossible to pull off or over. She says now passing vehicles have to back up and re-route to get through. She believes traffic congestion in the area will increase with even a few extra vehicles and the streets, unfortunately, cannot be improved upon much. She stated that she was an alderman for the City of Elvins and helped to develop a building code so she believes she has some understanding of this situation. She does not believe that these dwellings would adversely affect the character of neighborhood and she is not opposed to new development except as it affects the traffic so negatively. She, too, stated that school busses cannot run on this street. Questioning the increase of fire hazard, she says someone is always burning in that neighborhood and fire is always a concern. She said lots of children play in the area and feels certain that they would be placed at risk with increased traffic. She did not believe that the duplexes would overtax utilities. Sundhausen asked what the difference between R1 and R2 zoning as it shows on the map. Whitwell responded that both are single family residential but have different regulations and setbacks in the zoning code, stating that this two family dwelling would not be allowed in a R1 zone and is only allowed in a R2 zone with a special use permit. He further stated other differences including the fact that R1 has a larger lot size requirement. She asked that the request be denied because there is already more traffic than needed in that area making it difficult.

Scott Carron (501 S. Smith Street) said he lives at the corner of Smith and Evans Row and he agreed with Ms. Sundhausen that traffic is very congested and he believed the paved area to be only 9 feet wide making it impossible to pass another vehicle. He did not think the units themselves would adversely affect the character of neighborhood. He stated that he did see a fire hazard with a possible 16 added residents in an already congested area and thought fire trucks would have a real issue getting through that area if needed. He said that this was a "rural area" and he believed the units would attract people he referred to as "not our type of people". He did not believe this project would overtax utilities. The conflict he saw was that there are only single family homes in the neighborhood and that there was not enough space for multi-family dwellings and four more families in the neighborhood was not a good idea.

Leonard Martin (400 S. Firman) asked Mr. Limp if he had been in the Elvins area when an active fire broke out. Mr. Limp responded that he had not. Addressing the Council, Martin said the heavy traffic congestion and the fact that fire trucks could not pass were the two concerns he has. He stated that he could remember two fires in the area which completely shut down the area even when the road was wider than Evans Row.

Scott Vandergraph (3560 Highway B, Park Hills, Missouri) spoke in favor of the request as a representative of the petitioner. He stated that the purpose of this project proposed by the House of Praise was not to adversely affect the neighborhood in any way but indeed to put people to work. He strongly believed it would be an improvement and the issue with traffic could be addressed by the city code. As far as the fire hazard issue, he thought the city had a very capable fire department and with the help of other departments, was used to fighting fire throughout the community. He wanted to reiterate to the Mayor, City Council and all the neighbors that this proposal was never meant to have an adverse effect on the neighborhood. He suggested that perhaps senior citizens may live in the units, which would not adversely add to the traffic necessarily, and reminded everyone that there is no control over whom the residents at any location may be and that the amount of traffic cannot be controlled.

Street/Sidewalk Work:

- Sidewalks have been poured on the south side of the 500 block of Hampton and upgraded drainage structures have been installed
- Installation of new sidewalks has begun on the south side of the 400 block of Hampton to alleviate some long-standing drainage problems in that area
- The sidewalks on the north side of the 500 block of Hampton will be the next project
- It may be necessary to replace the culvert that runs underneath Hampton in the low area just east of McGlashon Street, as it is showing signs of deterioration

Retaining Wall at Senior Center:

- Following Council approval at the last meeting to move ahead with repair work on the retaining wall, Donnie Akers, Matt Whitwell, and Ken Mosier have developed a plan to make the necessary repairs
- Due to the estimated cost of the project, bids will need to be solicited for the work that will not be done by City personnel

SFCCP Health Expo:

- Handout of flyer for the St. Francois County Community Partnership's upcoming health expo on Saturday, April 13th

Sidewalk Grant Project:

- Norm Lucas has secured two of the three right-of-way donations needed for this project and is actively negotiating for the third
- Many of the Temporary Construction Easements have been signed and returned
- Due to the MODOT required language in the letter to property owners, there have been several questions about the TCE's
- It may be necessary to have a second mailing with more clear wording to get the remainder of the property owners to agree

Other:

- Community Development Director Ad:
 - A short list of applicants has been developed and interviews are scheduled for Wednesday, Thursday, and Friday of this week
- Library Updates:
 - The Wi-Fi system is in place and ready to use
 - Four laptops have arrived and are in the process of being set up for inside use at the Library
 - The readers have been purchased and set up. Training will begin in May
 - Work in the basement is scheduled to begin Wednesday, April 10th and the new tables and chairs have been ordered

West Buckley Street Property

- R-o-w property located at West Buckley and St. Francois may be declared surplus property

- o Adjacent property owner is aware of minimum bid and is checking to see if a garage could be constructed there
- o Property owner is aware that there are no guarantees by the City

Mayor's Discussion

Mayor Easter informed the Council that interviews for the position of Community Development Director are set to begin on Wednesday morning at 8:30 a.m. and appointments are pending for Thursday and Friday mornings also.

Council Discussion

Councilman Gordon spoke of an issue in his neighborhood concerning motorized chairs and scooters being operated on the streets at night and has concerns that accidents may happen. He did not want to hinder anyone's mode of transportation but believes this to be unsafe and would like the council to consider options, as there are several of these types of vehicles being operated all over the city and not just in his neighborhood.

Councilwoman Dickerson asked all Council Members to please read Mr. Blake's submitted letter.

Councilwoman House asked if staff could address the illegal burning issues that were brought up by the residents who spoke at the public hearing in the area of Evans Row concerning burn barrels and burning without permits.

Councilman Kelly informed the Council that illegal dumping of siding was done at Wood and Hovis Farm. It has been cleaned up by Public Works and the Police Department has stepped up patrolling that area, but the perpetrator has not been caught.

Councilman Politte thanked staff for getting the graffiti covered up on the East Elvins Boulevard building and that he had received calls of gratitude from the public. He also asked about the status of the burned house at 207 Hampton. Whitwell said that staff is monitoring and that a public administrator had been named.

UNFINISHED BUSINESS

Certification of Election Results

Results of the April 2, 2013 election were submitted by the St. Francois County Clerk's office. Councilwoman House made a motion and seconded by Councilwoman Dickerson to approve the certification of election results as presented. Roll call vote was as follows: Ayes; Council Members Kelly, Dickerson, House, Politte, Cruse, Reed and Gordon. Nays; None. *The motion carried.*

Installation of Newly Elected Officials

The Mayor called for a temporary recess at 8:15 p.m. The City Clerk administered the Oath of Office to newly elected officials: Mayor David Easter, Council Members Linda Dickerson, Dennis Gordon, Tom Reed and Larry Kelly.

NEW BUSINESS

Mayor Easter called the meeting to order at 8:21 p.m. and members present on roll were Dickerson, Reed, House, Politte, Kelly, Cruse, Gordon and Mayor Easter. Councilman Cunningham was absent.

Election of President Pro Tem

Councilwoman House made a motion to elect Councilwoman Dickerson as President Pro Tem. The motion was seconded by Councilman Reed. *The motion carried with all in favor on voice vote.*

Appointment of Council Member to the Planning and Zoning Commission

Councilwoman House made a motion to appoint Councilman Politte to the Planning and Zoning Commission. The motion was seconded by Councilwoman Dickerson. *The motion carried with all in favor on voice vote.*

Approval of the Delinquent Tax List

Whitwell instructed the council to review the submitted delinquent tax list. City Attorney Ed Pultz informed the Council that collection of both delinquent taxes and mowing fees were up from the previous year and after consulting with the city collector, concurred that having the agreement with St. Francois County to collect city taxes along with county taxes has

been a successful endeavor. Councilwoman House made a motion to approve the delinquent tax list as presented. The motion was seconded by Councilwoman Cruse. *The motion carried with all in favor on voice vote.*

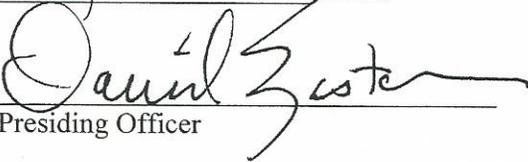
City Attorney's Report

City Attorney had no report at this time.

Adjournment

There being no further discussion, Councilman Kelly made a motion to adjourn, seconded by Councilman Politte and roll call was as follows: Ayes; Council members Dickerson, Kelly, Cruse, Gordon, Cunningham, Reed and House. Nays; None. *The motion carried and the meeting adjourned at 8:37 p.m.*

DULY READ and passed this 14th day of MAY, 2013.


Presiding Officer

ATTEST:

 (SEAL)
Terri L. Richardson, City Clerk

APPROVED this 14th day of MAY, 2013


David Easter, Mayor

ATTEST:

 (SEAL)
Terri L. Richardson, City Clerk