

Date:12-Jun-2007

MINUTES
PARK HILLS CITY COUNCIL
REGULAR SESSION

JUNE 12, 2007

The Park Hills City Council met in regular session Tuesday, June 12, 2007, at the Depot Conference Room. Mayor Clark opened the meeting at 6:30 p.m. and roll call was as follows: Council Members Terry Barnett, Mike Glore, Tom Reed, Justin Kelly, David Easter and Charlotte House and Mayor Clark were present. Council Members Linda Dickerson and Jeff Cunningham were absent. Also present were City Administrator John Kennedy, City Clerk Carla Johnson and City Attorney Ed Pultz.

ADJOURNMENT

A motion was made by Councilman Glore and seconded by Councilman Reed to adjourn regular session and reconvene in executive session to discuss matters related to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys as authorized by Section 610.021 (1) RSMo., leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor as authorized by Section 610.021 (2) RSMo., and hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded as authorized by Section 610.021 (3) RSMo. Roll call vote was as follows: Ayes; Council Members Glore, Reed, Barnett, Easter, Kelly and House. Nays; None. ***The motion carried and the meeting adjourned at 6:33 p.m.***

ADJOURNMENT/RECONVENING

Immediately following executive session, the council reconvened in regular session at the Park Hills Council Chambers. The invocation was given by Mayor Clark and roll call was as follows: Council Members Terry Barnett, Mike Glore, Tom Reed, Justin Kelly, David Easter and Charlotte House and Mayor Clark were present. Council Members Linda Dickerson and Jeff Cunningham were absent. Also present were City Administrator John Kennedy, City Clerk Carla Johnson, Community Development Director Dale Thomure and City Attorney Ed Pultz.

PUBLIC HEARINGS AND ACTION THEREON

A. Case Number 2007-004: A request for a Special Use Permit for the operation of a child daycare center on property located at 1029 West Main Street. Submitted by Denise Gann

Mayor Clark opened the public hearing for Case Number 2007-04. No one spoke concerning the issue and the hearing was closed.

Community Development Director Dale Thomure explained that Denise Gann has applied for a Special

Use Permit to be allowed to operate a child daycare center on the property at 1029 West Main Street (Formerly Bull's Gym). The property is located within the C-1 Zoning District and as a C-1 property, the use of the property for a child daycare center is only authorized if the City Council grants a special use permit. The PZC reviewed the request and found that the proposed use meets the criteria as outlined in Section 400.180 for Special Use Permits. The Commission voted unanimously to recommend that the City Council grant the requested SUP.

A motion was made by Councilman Reed and seconded by Councilman Glore to approve the requested Special Use Permit for operation of a child daycare at 1029 West Main Street. ***The motion carried*** on the following roll call vote: Ayes; Council Members Reed, Barnett, Kelly, Easter, Glore and House. Nays; None.

B. Case Number 2007-005: A request for approval of a boundary line adjustment plat of Vineyard Estates Plat 4. Submitted by Ken and Terri Douglas.

Mayor Clark opened the public hearing for Case Number 2007-05. No one spoke concerning the issue and the hearing was closed.

Mr. Thomure told the council members that due to a boundary line settlement with an adjoining property, it is necessary to modify the boundary of two lots previously created in the Vineyard Estates subdivision. He explained that even though each lot has been reduced in size slightly, all lots still meet the minimum requirements. He said that the PZC had reviewed the plat and found that it conforms to the requirements of the Municipal Code. The PZC recommended that the City Council approve the plat.

Bill #748 - An Ordinance Approving and Accepting the Plat of Vineyard Estates -Plat 4

Bill #738 was read two times by title. A motion was made by Councilwoman House and seconded by Councilman Kelly to approve the bill as read. Roll call vote was as follows: Ayes; Council Members Terry Barnett, Mike Glore, Tom Reed, Justin Kelly, David Easter and Charlotte House. Nays; None. ***The motion carried.***

C. Case Number 2007-006: A request for approval of the final plat of Vineyard Estates Plat 5. Submitted by Ken and Terri Douglas

Mayor Clark opened the public hearing for Case Number 2007-06. No one spoke concerning the issue and the hearing was closed.

Thomure explained that Ken and Terri Douglas, developers of Vineyard Estates, are proposing to plat lots 16 through 28 of the overall Vineyard Estates Subdivision. The Planning and Zoning Commission reviewed the plat and found that the plat conforms to the requirements of the Municipal Code. The PZC recommends

that the City Council approve the plat contingent upon surety being in place for the cost of public improvements prior to filing the plat. Staff is presently working with the developer and the developer's engineer to formulate the surety document.

Bill #750 - An Ordinance Approving and Accepting the Plat of Vineyard Estates - Plat 5

Bill #750 was read two times by title. A motion was made by Councilman Glore and seconded by Councilman Easter to approve the bill as read. ***The motion carried*** on the following roll call vote: Ayes; Council Members House, Barnett, Reed, Kelly, Easter and Glore. Nays; None.

Mayor's Pride Awards

Mayor Clark presented two Mayor's Pride Awards to local businesses that had beautified Park Hills through building improvements. Pam Shy, assistant manager of Furniture Warehouse, accepted the award on behalf of manager Ed Bishop. Furniture Warehouse made improvements to its store on Main Street. Jim Hamblin and Bob Hufford accepted the Mayor's Award for the new building and parking lot of Country Mart in Downtown Park Hills.

Mayor Clark told them that the city was very appreciative of the great improvements they had made to Park Hills. Mr. Hufford thanked city officials for their cooperation with the project.

Visitors and Delegations - (No one registered to speak)

Minutes of previous meetings(s) - May 15 and May 22, 2007

A motion was made by Councilwoman House and seconded by Councilman Easter to approve the minutes of the meetings held May 15 and May 22, 2007. ***The motion carried with all in favor.***

UNFINISHED BUSINESS

A. Bill # 749 - An ordinance authorizing the Mayor and City Clerk to execute a contract with Bowen Engineering and Surveying for design services on a road project

City Administrator John Kennedy explained that Bowen Engineering and Surveying, Inc. has proposed a contract for road design to reconfigure the intersection of Rebel, High and Science Streets. The contract comes with an amendment to expedite the services and limit contract costs to \$17,000. The contract can be amended by adopting Resolution #71.

Bill #749 was read two times by title. A motion was made by Councilman Reed and seconded by

Councilman Glore to approve the bill as read. ***The motion carried*** on the following roll call vote: Ayes; Council Members Barnett, Easter, Glore, House, Kelly and Reed. Nays; None.

B. Resolution #71 - Authorizing the Mayor and City Clerk to execute Amendment No. 1 to a contract with Bowen Engineering and Surveying

Mayor Clark read Resolution #71. A motion was made by Councilman Glore and seconded by Councilman Reed to approve the resolution as read. ***The motion carried*** on the following roll call vote: Ayes; Council Members Reed, Kelly, House, Glore, Easter and Barnett. Nays; None.

C. Bill # 751 - An Ordinance Amending Section AG102 of the 2000 International Residential Code

Director of Community Development Dale Thomure told the council that in 2006 they directed that the installation and placement of temporary swimming pools not be regulated within the City. Staff has implemented that change in the operating policy, but the Municipal Code was not modified to reflect the regulation change. Bill #751 will address the directive of the Council and bring the Municipal Code in line with current policy.

Bill #751 was read two time by title. A motion was made by Councilman Kelly and seconded by Councilman Barnett to approve the bill as read. Roll call vote was as follows: Ayes; Council Members Easter, Glore, Kelly, Reed and Barnett. Nays; Councilwoman House. ***The motion carried.***

D. Bill #747 - An Ordinance Amending Chapter 155 of the Municipal Code by enacting a new Section 155.075 (Local Preference) Tabled from May 15th

John Kennedy reminded the council that following the award of bids for the 2007 Street Maintenance Paving program, several members expressed a desire to look into a "Local Preference" provision to allow preference to be given to businesses located within the city limits of Park Hills, with all else being equal. At the City Council work session on April 24th several sample ordinance and policies from other Missouri communities were reviewed and discussed. Suggestions made by the Council were incorporated into a proposed ordinance that would create a new section in the Municipal Code to provide for local preference when quality and other terms of the purchase are equal or better. The level of preference specified by the Council was five percent (5%) up to a maximum of five thousand dollars (\$5,000.00). Bill #747, if passed and approved, will address this issue.

Bill #747 was read two times by title. A motion was made by Councilman Glore and seconded by Councilman Reed to approve the bill as read. Roll call vote was as follows: Ayes; Council Members Glore, Kelly, Reed, Barnett and House. Nays; Councilman Easter. ***The motion carried.***

NEW BUSINESS

A. Bill #752 - An Ordinance Amending Title IV of the Municipal Code by the Addition of a new Chapter 440 Entitled Sign Corridor Overlay District

Mr. Thomure said that there has been considerable interest from local retail concerns with property along Highway 67 for a regulation that would allow the construction of outdoor advertising structures along Highway 67, which is presently prohibited as off-premise advertising. Upon reviewing the matter and discussing options with retailers and MODOT, staff has drafted Bill #752.

The bill will establish a special zoning overlay district that will allow for the construction of outdoor advertising structures on properties along Highway 67 provided those signs are in conformance with the requirements and permitting of the State Highway Commission.

Bill # 752 was read two times by title. A motion was made by Councilwoman House and seconded by Councilman Reed to approve the bill as read. *The motion carried* on the following roll call vote: Ayes; Council Members Barnett, Reed, Glore, House, Kelly and Easter. Nays None.

B. Bill #754 - An Ordinance Amending Chapter 300, Schedule II: Through Streets of the Municipal Code (Addition of Stop Signs on Third and on Falcon Streets)

Mr. Kennedy told the council that it was recently noted that there were two intersections with potential traffic conflicts but without traffic control devices installed, and which were not listed in Chapter 300, Schedule II: Through Streets of the Municipal Code. In order to promote safe access and eliminate potential conflicts at these intersections, the Chief of Police has recommended installation of a stop sign on Third Street with its intersection with Falcon, and another stop sign on Falcon Street at its intersection with Sports Complex Road.

Mayor Clark read Bill #754 two times by title. Councilman Barnett made a motion, seconded by Councilman Glore, to approve the bill as read. Roll call vote was as follows: Ayes; Council Members

Glore, Kelly, Reed, Barnett, Easter and House. Nays; None. *The motion carried unanimously.*

C. Resolution #72 - Authorizing the City Administrator and the Economic Developer to prepare a Recreational Trails Program application with Missouri Department of Natural Resources and the Federal Highway Administration (FHWA) to fund trail construction along Flat River

Mr. Kennedy reported that Resolution #72 would allow the city to pursue FWHA Recreational Trail Program funds to construct a new trail along Flat River and Haney Street. The program requires at least 20% local match, successful applications generally include approximately 50% match. The match needed in the 2007-2008 budget could amount to approximately \$50,000.

Mayor Clark read Resolution #72. A motion was made by Councilman Glore and seconded by Councilman Easter to approve the resolution as read. ***The motion carried unanimously on voice vote.***

D. Bill #753 - An Ordinance Authorizing and Directing the Mayor and City Clerk to Execute an Agreement with David Orzel for Services as City Prosecuting Attorney

City Administrator Kennedy told the council members that the contract for City Prosecuting Attorney is usually a two-year contract, but last year the contract with Mr. Orzel was a one-year extension. He held his monthly rate to \$1,100.00 last year, but mentioned in his contract that he would be seeking an increase this year to \$1,250.00 per month. He would maintain his hourly rate for jury trials to \$100.00 per hour. Bill #753 would authorize the Mayor to execute a two-year contract with Mr. Orzel at the increased monthly rate.

Bill #753 was read two times by title. A motion was made by Councilwoman House and seconded by Councilman Reed to approve the bill as read. Roll call vote was as follows: Ayes; Council Members Easter, Glore, House, Kelly, Reed and Barnett. Nays; None. ***The motion carried.***

City Administrator's Report

a) Parkway Drive Extension update

Mr. Kennedy said that the bid documents for the Parkway Drive project would be ready by the end of this week and after final approval the project would go out for bid.

b) Library update

Kennedy reported that he, Dale Thomure and Librarian Leann Marler were still working with the architect to get a plan for the new library that everyone could agree on.

c) Public Works Building update

Kennedy also reported that the exterior shell of the Public Works Building was basically finished and the electrical is 75% complete. The target date for completion of the project is July 13th and bids will go out next week for demolition of the old building.

Kennedy also asked the council members to RSVP Carla Johnson by Monday, June 18th if they plan to attend the annual Business and Industry Luau sponsored by the Park Hills-Leadington Chamber of Commerce. The Luau is scheduled for Thursday, June 21st.

Mayor's Discussion

Mayor Clark had nothing to discuss.

City Attorney's Report

City Attorney Ed Pultz had no report for regular session.

Council Discussion

Councilman Kelly asked when the council might meet again with Archimages. Mr. Kennedy told him that it might be a good idea to schedule a work session to meet again with them concerning the fire house.

Councilman Reed asked about the progress of the Concession Stand at Haney Field. Mr. Kennedy told him that framing of the building was scheduled to start on June 14, and that the building would be complete in time for the upcoming soccer season.

ADJOURNMENT

There being no further business, a motion was made by Councilman Easter and seconded by Councilman Reed to adjourn. ***The motion carried with all in favor and the meeting adjourned at 8:10 p.m.***