

CITY OF HANNIBAL
OFFICIAL PUBLIC HEARING

Tuesday, December 1, 2020
6:30 p.m.
Council Chambers

CALL TO ORDER

It being the appointed time, Mayor Hark opened the 6:30 p.m. Public Hearing, relating to the Zoning Code Amendment to Chapter 32, Article I, Sections 32-35, Non-confirming uses.

He then turned the Public Hearing over to City Attorney, James Lemon.

JAMES LEMON – CITY ATTORNEY
Re: Zoning Code Amendment - Chapter 32, Article I, Sections 32-35
Non-Conforming Uses

City Attorney Lemon advised Council that he had nothing new to present, the amendment is an issue that has been previously discussed, it has been approved by the Planning & Zoning Commission and he is prepared to address any questions.

PUBLIC COMMENTS

With no one present from the public to speak for or against the Code amendment, the Mayor advised the Ordinance would be taken up for a first reading during the regular Council meeting this evening.

ADJOURNMENT

With no additional comments from Council, Mayor Hark then closed the Public Hearing.

CITY OF HANNIBAL

OFFICIAL PUBLIC HEARING

--Continuation --

Tuesday, December 1, 2020

6:45 p.m.

Council Chambers

CALL TO ORDER

It being 6:45 p.m. Mayor Hark then called the second public hearing of the evening to order, which was a continuation from a prior meeting. This relates to a rezoning request from Cabot Fine Homes, requesting 13 acres on Stardust Drive to rezone from A-One & Two Family to PDR-Planned Density Residential.

He then turned the Public Hearing over to Edie Graupman, DPW Management Assistant.

EDIE GRAUPMAN

Re: Rezoning - 13 Acres on Stardust Drive

A-One & Two Family to PDR-Planned Density Residential

Cabot Fine Homes, LLC

Graupman advised that she is present for the rezoning of property on Stardust Drive, owned by Jill Churchill of Cabot Fine Homes, as PDR. The original Public Hearing was set for November 3rd, however, it was continued to this evening, due to issues at Planning & Zoning level.

Graupman advised the rezoning did pass by the Planning & Zoning Commission, with a 3-1 vote, however, there are some issues with sidewalks. The passing of the rezoning is contingent upon the preliminary plat coming back, during the design phase, showing the sidewalks being on the plans.

Graupman stated this was the first property to come through the Commission since the new subdivision codes were in place and there were some “kinks” which needed to be worked out.

PUBLIC COMMENTS

Mayor Hark then called for anyone from the public wishing to speak for or against the rezoning of the property to come forward, there were none.

ADJOURNMENT

With no additional comments from Council, Mayor Hark then closed the Public Hearing.

City of Hannibal
OFFICIAL COUNCIL PROCEEDINGS

Tuesday, December 1, 2020
Council Chambers
7:00 p.m.

ROLL CALL

Present: Mayor Hark, Council Members Bowen, Veach, McCoy and Mayor Pro Tem Dobson - 5

Absent: Council Members Welch and Cogdal - 2

CALL TO ORDER

There being a quorum present, Mayor Hark called the meeting to order.

INVOCATION

The invocation was then given by Council Member Bowen.

PLEDGE OF ALLEGIANCE

Mayor Hark then requested Council Member Veach to lead the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA

A motion was then made by Mayor Pro Tem Dobson to approve the agenda, as presented and posted. The motion was seconded by Council Member Bowen.

Motion carried.

A motion was then made by Mayor Pro Tem Dobson to excuse Council Members Welch and Cogdal from the meeting. The motion was seconded by Council Member Veach.

Motion carried.

APPROVAL OF MINUTES

Regularly Scheduled Council Meeting – November 17, 2020

A motion was made by Council Member Veach to approve the minutes from the regularly scheduled Council meeting held November 17, 2020. The motion was seconded by Council Member Bowen.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS
Second Half – November 2020**

A motion was made by Council Member McCoy to approve the payroll and claims for the second half of November, 2020. The motion was seconded by Council Member Veach.

Motion carried.

JAMES LEMON – CITY ATTORNEY

Re: Code Amendment - Chapter 32, Article I, Sections 32-35 Non-Conforming Uses
(Bill No. 20-031, to follow)

City Attorney Lemon advised he has an amendment to Chapter 32, Article 1, Sections 32-35 – *non-conforming uses*. In the past, there has been some dispute on how the City handles non-conforming uses and the amendment sets a timeline that if a non-conforming use ceases to be used in that fashion it will list guidelines to adhere by. The amendment has been approved by the Planning & Zoning Commission.

Lemon stated Bill No. 20-031 is to follow, for a first reading.

LISA PECK – CITY MANAGER

Re: Missouri Community Development Block Grant Program – Administrative Contract
Union Street Storm Sewer Collapse
(Resolution No. 2307-20, to follow)

City Manager Peck advised it is a requirement that the City enters into a contract with the Mark Twain Regional Council of Governments in order to receive administrative services from the Emergency Community Development Block Grant (CDBG) Project to repair the collapsed storm sewer on Union Street. The cost of the administrative services is \$39,209, of which \$38,209 will be covered by the CDBG grant (in addition to the grant amount for the project) and \$1,000 will be paid by the City. The \$1,000 satisfies the cash local match requirement for the project.

Peck stated Resolution No. 2307-20 is to follow, for approval.

ANDY DORIAN – DIRECTOR, CENTRAL SERVICES

Re: Palmyra Road Sidewalk, Phase II – Contract
RL Persons Construction, Inc. - \$359,999
(Resolution No. 2306-20, to follow)

Andy Dorian, Director of Central Services, advised he had to come to Council requesting a bid award approval for phase II of the Palmyra Road Sidewalk project and this evening he is

requesting approval of the contract, which is required by Missouri Department of Transportation (MODot). This phase of the project will connect the sidewalk at Bay Avenue/Palmyra Road to Riverview Park. In 2019 the City applied for a TAP Grant through MODOT and received \$298,456.13 to go towards this project.

Dorian advised he spoke to RL Persons Construction today and they would like to begin the project in late January and expect to be complete in 180 days.

Mayor Hark stated Resolution No. 2306-20 is to follow, for approval.

EDIE GRAUPMAN - DPW MANAGEMENT ASSISTANT

Re: Rezoning - 13 Acres on Stardust Drive

A-One & Two Family to PDR-Planned Density Residential

Cabot Fine Homes, LLC

(Bill No. 20-032, to follow)

Edie Graupman, DPW Management Assistant, approached Council requesting approval for a rezoning request of a 13 acre tract of land located on the south side of Stardust Drive approximately ½ mile east of Veteran’s Road which is owned by Jill Churchill of Cabot Fine Homes, LLC. The rezoning request is to take the property, currently zoned as A-One & Two Family, to PDR – Planned Density Residential. This will be contingent upon the plat coming back with the sidewalks in the appropriate locations on the plans.

Lemon advised that the body of the Ordinance contains wording that the approval is contingent upon appropriate locations of the sidewalks on the plat, however, it’s not stated in the header of the Ordinance. He feels it should be and recommends amending the Ordinance to include the proper verbiage in the header, which states the approval is contingent upon sidewalks being placed in the appropriate locations.

Mayor Hark stated Bill No. 20-032 is to follow, for a first reading.

Re: Traffic Committee Recommendations

- *Handicap Parking - 706 Bird Street*
- *Jefferson Street a two-way street for traffic*

Graupman’s other two items are recommendations from the Traffic Committee, which stemmed from the meeting on Thursday, November 19, 2020. The first recommendation is a request from Linda Anderson for a handicap parking space at 706 Bird Street. Graupman advised Ms. Anderson did complete the application and submitted all the necessary medical documentation required. After the committee reviewed the application it was decided that Ms. Anderson does meet all the necessary requirements for this parking space. A positive recommendation was given to bring forth to Council for the handicap parking space at 706 Bird Street.

The second request is to make Jefferson Street a two-way street for traffic. Currently any citizens that live on the street have to circle the whole block to get to Birch Street, which really only affects one homeowner. A positive recommendation was given to bring forth to Council to make Jefferson Street a two-way street for traffic.

Council Member Bowen questioned Graupman if Ms. Anderson understood that if the handicap parking place is approved, it's not just her parking place, it's open to anyone that has a handicap parking permit, in which Graupman stated that is explained to anyone that requests a parking place.

LYNDELL DAVIS – POLICE CHIEF
Re: Bid Award Approval – Self-Contained Breathing Apparatus
(SCBA) Cylinders
Heiman Fire Equipment - \$11,130

Lyndell Davis, Police Chief, approached Council requesting a bid award approval for self-contained breathing apparatus (SCBA) cylinders. He advised the Police Department went out for sealed bids and received two. The lowest bid was received from Heiman Fire Equipment in the amount of \$11,130. If the bid is approved, this would allow the department to replace their current SCBA equipment, which was purchased in 2003.

Chief Davis advised, \$10,000 of the funds that were awarded from the CARES Act would be used to purchase the equipment with the remainder from the department's equipment fund.

A motion was made by Council Member Veach to approve the bid award to Heiman Fire Equipment for SCBA cylinders in the amount of \$11,130. The motion was seconded by Council Member Bowen.

Mayor Pro Tem Dobson then questioned Davis if the SCBA's are ultra- lights or aluminum, in which Davis advised, they are of the same quality as the existing ones so that they would fit the current valves and masks. Mayor Pro Tem Dobson's reasoning for questioning is, on the metal cylinder, as long as it is hydro-tested it can be used, however, on the ultra-lights, they have a 10 year throw away "life". Chief Davis advised the current cylinders had a 15 year life, which has been exceeded, and they were able to replace due to receiving the CARES monies.

Motion carried.

RESOLUTION NO. 2306-20

**A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING
THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE
CITY AND RL PERSONS CONSTRUCTION INC. IN THE AMOUNT
OF \$359,999 FOR THE 2ND PHASE OF SIDEWALK CONSTRUCTION
ALONG PALMYRA ROAD**

A motion was made by Mayor Pro Tem Dobson to have the City Clerk read Resolution No. 2306-20 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Mayor Hark, Council Members Bowen, Veach, McCoy and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Welch and Cogdal - 2

Motion carried.

Mayor Hark declared Resolution No. 2306-20 duly approved and adopted on this date.

RESOLUTION NO. 2307-20

A RESOLUTION OF THE CITY OF HANNIBAL AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE MARK TWAIN REGIONAL COUNCIL OF GOVERNMENTS TO PROVIDE ADMINISTRATION SERVICES FOR THE UNION STREET PROJECT UTILIZING EMERGENCY CDBG FUNDING

A motion was made by Council Member McCoy to have the City Clerk read Resolution No. 2307-20 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Mayor Hark, Council Members Bowen, Veach, McCoy and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Welch and Cogdal - 2

Motion carried.

Mayor Hark declared Resolution No. 2307-20 duly approved and adopted on this date.

BILL NO. 20-030

AN ORDINANCE REVISING CHAPTER 3 ALCOHOLIC BEVERAGES, SECTION 3-112 *QUALIFICATIONS OF APPLICANT* OF THE REVISED ORDINANCES OF THE CITY OF HANNIBAL

Second & Final Reading

A motion was made by Council Member Bowen to have the City Clerk read Bill No. 20-030 and call the roll for adoption. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Mayor Hark, Council Members Bowen, Veach, McCoy and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Welch and Cogdal - 2

Motion carried.

Mayor Hark declared Bill No. 20-024 duly approved and adopted on this date.

BILL NO. 20-031

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE I, OF THE ORDINANCES OF THE CITY OF HANNIBAL BY ADDING SECTION 32-35 *NON-CONFORMING USES* REGARDING CONTINUATION OF NON-CONFORMING USES

First Reading

A motion was made by Council Member Bowen to give Bill No. 20-031 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

BILL NO. 20-032

AN ORDINANCE REZONING A TRACT OF LAND LYING IN THE WEST HALF OF THE WEST HALF OF SECTION 24, TOWNSHIP 57 NORTH, RANGE 5 WEST, MARION COUNTY, MISSOURI FROM A-ONE AND TWO FAMILY TO PDR-PLANNED DENSITY RESIDENTIAL ZONING DISTRICT AND AMENDING THE CITY'S ZONING MAP ACCORDING

First Reading

A motion was made by Council Member Bowen to give Bill No. 20-032 a first reading. The motion was seconded by Council Member Veach.

Motion carried.

Council Member Bowen then made an amended motion to give Bill No. 20-032, as amended, to include; contingent upon sidewalks, a first reading. The motion was seconded by Council Member Veach.

Motion carried.

CLOSED SESSION

In Accordance with RSMo. 610.021

- (1) – *Potential Litigation*
- (2) - *Real Estate*

Mayor Hark then entertained a motion to enter closed session in accordance with RSMo. 610-021, sub-paragraph (2) real estate only, Council will not be discussing sub-paragraph (1) potential litigation), admitting himself, City Council Members, City Attorney James Lemon, City Manager Lisa Peck, City Clerk Angel Zerbonia and Director of Central Services Andy Dorian A motion was made by Council Member Bowen to enter closed session. The motion was seconded by Council Member Veach.

ROLL CALL

Yes: Mayor Hark, Council Members Bowen, Veach, McCoy and Mayor Pro Tem Dobson - 5

No: - 0 -

Absent: Council Members Welch and Cogdal - 2

Motion carried.

OPEN SESSION

A motion was made by Mayor Pro Tem Dobson to return to open session. The motion was seconded by Council Member Bowen.

Motion carried.

ADJOURNMENT

A motion was then made by Mayor Pro Tem Dobson to adjourn the meeting. The motion was seconded by Council Member Bowen.

Motion carried.

James R. Hark, Mayor

Angelica N. Zerbonia, MRCC, CMO - City Clerk