

**CITY COUNCIL MINUTES
JULY 9, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, July 9, 2019 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; William R. Johnson, Director of Administration; Courtney L. Crowson, City Clerk; and Steve Myers, Police Chief. The meeting was called to order by Mayor Cannell at 7:00 p.m. Roll call was taken by the City Clerk, and members of the council present were: Moore, Pace-Snook, Rehklau, Sebacher, Shiverdecker, Simmons, and Stone. Absent was Councilman Braun. Also present were: Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, Interim City Engineer; Dennis Houchins, Planning & Protective Services Director; Russell Sing, Fire Training Officer; Robert Boone, Assistant Director of Administration; Michelle Maupin, Human Resources Director; Pastor Bruce Williamson; Helen Wilbers of *THE FULTON SUN*; Darin Wernig, Audio/Video; and visitors: Patrick Payne, Craig Cannell, Clara Cannell, Shane McKinnon, Katherine Bader, Loretta Adams, Floyd Allen, Chuck & Dawn Perry, and Fred Christman.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

COMMENTS FROM VISITORS:

There were none.

PUBLIC HEARING:

Mayor Cannell stated there would be one public hearing at tonight's meeting for the purpose of:

- a. Considering proposed amendments to the City's Zoning Code relating to Medical Marijuana. The City Council will consider changes to the following sections of Appendix A:
 - i. Section 1: Definitions
 - ii. Section 4: Use Regulations

Subsection (5):	C-2 Commercial District
Subsection (6):	C-3 Planned Commercial & CEM District
Subsection (8):	M-1 Manufacturing District

Mayor Cannell declared this hearing open at 7:07 p.m. There were three calls for anyone wishing to speak in opposition of the matter being considered.

First Call: Is there anyone present who wishes to speak in opposition of this matter?

There were none.

Second Call: Is there anyone present who wishes to speak in opposition of this matter?

There were none.

Third and Final Call: Is there anyone present who wishes to speak in opposition of this matter?

There were none.

There were three calls for anyone wishing to speak in favor of the matter being considered.

First Call: Is there anyone present who wishes to speak in favor of this matter?

There were none.

Second Call: Is there anyone present who wishes to speak in favor of this matter?

There were none.

Third and Final Call: Is there anyone present who wishes to speak in favor of this matter?

There were none.

Mayor Cannell declared the public hearing closed at 7:09 p.m.

APPROVAL OF THE CONSENT AGENDA:

The following items were distributed to each member of the City Council for review and study as a part of their council packet. Mayor Cannell presented each item and stated the council may choose to remove any item from the Consent Agenda for discussion at this time.

- a. Approval of a request from David Beaver and the Brick District for the 3rd Annual Brick District All Make and Model Car Show on Saturday, August 3, 2019, in downtown Fulton.
 - i. This request has been reviewed by Chief Myers, Chief Coffelt, and the Brick District.
 - ii. The group plans to close the west portion of Court Street from 7th St. to 6th St. and both sides of Court St. from 6th St. to 5th St.
 - iii. The group will be responsible for placing and removing barricades, and an exit lane for CVS Pharmacy will be provided.

Motion was offered by Councilman Simmons seconded by Councilman Moore to approve the Consent Agenda, as presented. Motion carried with seven members of the council voting in favor, and one member (Braun) absent.

UNFINISHED BUSINESS:

There was no Unfinished Business at this meeting.

NEW BUSINESS:

- a. Clara Cannell will be present to request a fee waiver for a benefit/fundraising event to be held Friday, August 2, 2019, in Memorial Park.

Mrs. Cannell stated she would like to provide a fundraiser for her coworker who is experiencing a serious medical condition. Motion was offered by Councilman Moore and seconded by Councilman Stone to approve the request, as presented. Councilman Moore stated he is not opposed to waiving the fee for this request, but believes the council should review the policy concerning fee waivers for shelter reservations. Motion carried with seven members of the council voting in favor, and one member (Braun) absent.

- b. Airport Fuel and Hangar Lease rate discussion.

Mayor Cannell stated the council held a work session on this topic prior to tonight's meeting. Bill Johnson, Director of Administration, noted that possible rate increases will be discussed at an upcoming meeting following a recommendation by the Airport Advisory Board.

COUNCIL CONCERNS:

Councilman Moore stated he had two citizens contact him with concerns about the basketball court at Carver Park.

Councilman Stone stated he would like to see the city replace the fencing that was removed during the renovations of the basketball court at Veteran's Park. Currently, there is no barrier between the basketball courts and the volleyball courts, and there have been issues with containing basketballs in the court area.

Councilman Stone stated he has been actively participating with the Safe & Affordable Housing Review Board, and there will be a Tenant/Landlord Forum on August 6th at 5:30 p.m. at the Callaway County Public Library. Discussions will be held on safety inspection checklists for properties. Councilman Stone noted this is not a city board, but the group would like to open the lines of communication between tenants and landlords.

Councilman Stone stated he has been in contact with some vendors regarding holiday lighting. Stock items will need to be purchased by the end of August in order to be delivered in time. Councilman Stone said he will reach out the city staff, administration, and community members to start this discussion.

Councilman Simmons noted the old wooden poles are still along Business 54 and asked for an update. Johnson stated the new deadline is mid-July for Charter to have their cable lines removed.

Councilwoman Sebacher stated she had contact with several concerned parents regarding the age of the supplies used by children in baseball/softball leagues, and she believes it is important to have safe, clean, usable equipment for the children to use.

Councilwoman Sebacher also asked for an update on the Pitch Competition. Mayor Cannell stated he will send out an email regarding this topic in the near future.

RESOLUTIONS:

Resolution No. 3346 was presented for adoption by Councilman Simmons.

- a. Resolution No. 3346: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the GM Global Fire Prevention Grant, and contingent upon the receipt of these grant monies, authorizing the city's monetary match.

Motion was offered by Councilman Simmons and seconded by Councilman Moore to place Resolution No. 3346 for adoption at tonight's council meeting. City Clerk Courtney Crowson noted that Chief Coffelt plans to purchase five iPads and new software in order for the Fire Department to conduct their safety inspections electronically. Motion carried with seven members of the council voting in favor, and one member (Braun) absent.

Resolution No. 3347 was presented for adoption by Councilwoman Rehklau.

- b. Resolution No. 3347: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri to sign all necessary documents in relation to a Contract with Vandevanter Engineering Co. of Fenton, Missouri, for the renovation of the Route O Lift Station.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Shiverdecker to place Resolution No. 3347 for adoption at tonight’s council meeting.

Darrell Dunlap, Superintendent of Utilities, stated the Public Utility Board made a recommendation that the council proceed with the selection of Vandevanter for the Route O engineering services. Kyle Bruemmer, Interim City Engineer, reported that Vandevanter will aid in the engineering and planning of the project, and has included a five year warranty along with two years of biannual servicing to the pumps.

Johnson stated the project will come in at slightly less than \$400,000.00 and there will be another \$400,000.00 spent on force main and other aspects of the project. Originally, the project was estimated to cost \$1.6 million, but the city has been able to trim costs by completing some of the design work in-house.

Motion carried with seven members of the council voting in favor, and one member (Braun) absent.

ORDINANCES:

FIRST READING

Councilman Shiverdecker stated he would like to abstain from the discussion and vote relating to the medical marijuana ordinances as he is the owner of commercial buildings that could potentially house such businesses. Mayor Cannell acknowledged Councilman Shiverdecker’s request to abstain and asked him to enter the Council Study for the duration of the discussion and vote.

Councilman Shiverdecker exited the Council Chambers at 7:27 p.m.

Bill No. 1548 was presented for First Reading by Councilman Stone.

- a. Bill No. 1548: An Ordinance amending Appendix A, Zoning. Section One, Definitions. and Section Four, Use Regulations. Fulton City Code. by establishing zoning regulations relating medical marijuana facilities.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to place Bill No. 1548 for Second Reading at the next regularly-scheduled council meeting. Dennis Houchins, Planning & Protective Services Director, read the following excerpt from the July 8, 2019 Planning & Zoning Commission draft meeting minutes:

“Motion was offered by Ken McSwain and seconded by Les Hudson to approve the proposed amendments to the City’s Zoning Code relating to Medical Marijuana and to recommend passage by the City Council.

Roll call vote of members of the commission were as follows: Mike Eibel, YES; Les Hudson, YES; Pat Kelley, YES; Ken McSwain, YES; Joan Berry Morris, YES; Ron Oldani, YES; Lewis Beaty, YES.

Motion carried with seven members of the commission voting in favor, and one member (Washington) absent.”

Councilman Stone stated this first ordinance relates to adding definitions to the city’s zoning code along with specific zones where medical marijuana businesses may be located. Motion carried with six members of the council voting in favor, one member (Shiverdecker) abstaining, and one member (Braun) absent.

Bill No. 1549 was presented for First Reading by Councilwoman Sebacher.

- b. Bill No. 1549: An Ordinance amending Chapter 22, Businesses. Fulton City Code. by incorporating an additional Article relating to medical marijuana.

Motion was offered by Councilwoman Sebacher and seconded by Councilwoman Rehkla to place Bill No. 1549 for Second Reading at the next regularly-scheduled council meeting.

City Clerk Courtney Crowson noted the need for an amendment to the bill to clarify the method of measuring the distance between structures. Crowson noted the state has not yet defined how cities can measure the distance between buildings, and after speaking with the city’s attorney on this matter, the ordinance should be amended in each section that discusses the distance between medical marijuana facilities and churches, schools, and state-licensed daycares. Amended language will note the city can measure the distance between the businesses and aforementioned facilities by utilizing the city’s current method unless otherwise mandated by state law. Additionally, the proposed amendment will include a new “Section Five” of this ordinance to grant permission to the city’s codifier to redistribute section numbers in order to conform with the existing code.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Moore to amend Bill No. 1549, as presented. Motion carried with six members of the council voting in favor, one member (Shiverdecker) abstaining, and one member (Braun) absent.

Motion to place Bill No. 1549, as amended, for Second Reading at the next regularly-scheduled council meeting was reaffirmed by Councilwoman Sebacher and seconded by Councilman Moore. Motion carried with six members of the council voting in favor, one member (Shiverdecker) abstaining, and one member (Braun) absent.

Bill No. 1550 was presented for First Reading by Councilwoman Pace-Snook.

- c. Bill No. 1550: An Ordinance of the City of Fulton amending Chapter 78 by enacting thereof five new sections, repealing Section 110-66, and enacting in lieu thereof one new Section, all regarding marijuana and medical marijuana.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Moore to place Bill No. 1550 for Second Reading at the next regularly-scheduled council meeting.

Crowson noted the need to amend the bill similarly to the Bill No. 1549 by adding a new Section Five authorizing the city's codifier to redistribute section numbers in order to conform with the existing code.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to amend Bill No. 1550, as presented. Motion carried with six members of the council voting in favor, one member (Shiverdecker) abstaining, and one member (Braun) absent.

Motion to place Bill No. 1550, as amended, for Second Reading at the next regularly-scheduled council meeting was reaffirmed by Councilwoman Pace-Snook and seconded by Councilman Moore.

Councilwoman Pace-Snook asked Police Chief Myers how the officers will know if someone with marijuana has a card to legally possess it. Chief Myers stated the officers will handle the situation similarly to when someone is stopped without a driver's license. The person will be issued a ticket and provided with a court date, and it will be up to them to prove to the judge they had a valid card at the time of the incident.

Motion carried with six members of the council voting in favor, one member (Shiverdecker) abstaining, and one member (Braun) absent.

Councilman Shiverdecker re-entered the Council Chambers at 7:46 p.m.

THIRD READING

Bill No. 1547 was presented for Third Reading by Councilman Shiverdecker.

- a. Bill No. 1547: An Ordinance authorizing Amendments to the City of Fulton budget for the Fiscal Year 2018 as outlined by Article VIII, Financial Procedure. Section 8.8, Amendments after Adoption. Paragraph (C), Transfer of Appropriations. Fulton City Charter., and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to place Bill No. 1547 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Braun) absent.

Roll call vote of the members of the council was as follows: Pace-Snook, YES; Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone YES; Moore, YES. Bill No. 1547, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, July 23, 2019 at 6:30 p.m.

Councilwoman Sebacher thanked the citizens who attended tonight's meeting for coming.

EXECUTIVE SESSION:

Mayor Cannell said there was not a need for an Executive Session at tonight's meeting.

ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Braun) absent. The meeting adjourned at 7:50 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, MRCC
City Clerk