

City of Troy, Missouri
Regular Board of Aldermen Meeting
Monday, August 4, 2014
6:30 P.M.

Present for the meeting were Aldermen Eversmeyer, Detert, Bass, Sconce, Anderson, Walters and Mayor Cross. Also present were Public Works Superintendent Cunningham, Police Chief Taylor, Building Official Lindsey, Treasurer Flinn, City Attorney Granneman and City Clerk Schneider.

Mayor Cross called the meeting to order, announced a quorum present and led in the Pledge of Allegiance.

Alderman Sconce made a motion, seconded by Alderman Detert to approve the Consent Agenda. Vote: Sconce aye, Detert aye, Bass aye, Anderson aye, Eversmeyer aye, Walters aye.

Matt Covington requested a Resolution in Support to accompany an application to the Missouri Housing Development Commission (“MHDC”) by JES Development of a senior housing development located on eight acres near Mennemeyer Road and Highway 47. The development would consist of six-plexes totaling 64 units of one and two bedrooms with a separate community building for management staff and residents of the complex. Mr. Covington stated that JES Development successfully developed Woodcrest Villas approximately 8-10 years ago.

Questions were asked if this project was connected to a previously proposed development in that area several years ago, if units would be fully accessible, the entrance and exits onto Highway 47, basin runoff, cost of rent for the units and timeline of project. Mr. Covington answered that this project is not affiliated and separate from any project previously proposed, the units are fully accessible or adaptable, the entrance and exits would connect through Woodcrest Villas (already managed by JES Development) and Mennemeyer Road onto Highway 47, the basin runoff has been planned to work with current topography and will be adjusted to account for actual if needed, rent of one bedroom at \$450-\$550 and two bedroom at \$500-\$600 per month and timeline for MHDC application deadline is September 5th, award date notification in December, local advertisement of bids to utilize local trades sometime in April or May with projected start date in June, 2015.

Melissa Frank, 291 Glenhaven Drive, requested a pit bull variance and presented a letter from an autism specialist stating that the dog provided companionship for Mrs. Frank’s son. Mayor Cross stated that no decision would be rendered as this request had not been on the agenda twenty-four hours in advance and the Board would receive comments only.

Mrs. Frank described how the dog helps her son's anxiety of going into rooms, the children dress the dog up and have tea parties with him, the dog had never bit anyone and was requesting a variance to keep the dog.

Jerry Atnip, 297 Glenhaven Drive, stated that he lives across the street from the Franks' and the pit bull dog had charged him on four separate occasions in his own yard. Mr. Atnip described one occasion that he had walked around his house early evening to turn off his water spigot and the pit bull dog charged him in the dark causing Mr. Atnip to freeze in place. Another occasion, Mr. Atnip was leaving for church and the daughter came out of the house with the pit bull dog and the pit bull dog came across the Franks' yard to the entrance of Mr. Atnip's garage. The other two occasions occurred while Mr. Atnip was in his garage. Mr. Atnip stated that while walking his own dog, the Franks' pit bull dog was in their second story window, started barking fiercely and tried to come out the screen window onto the roof. The incident scared Mr. Atnip. Another neighbor will not walk their dog anymore because the pit bull charged at the neighbor. Mr. Atnip said the pit bull dog has no muzzle or leash and the Franks take dog out to empty lots to go to the bathroom.

Rhonda Farrow, lives North on Cheatham Road, spoke in support of the pit bull dog's character as friendly, playful and sweet. Ms. Farrow has been a friend of the Franks for five years and has never seen the dog growl or be aggressive. Ms. Farrow's children spent the night with the Franks and are not afraid of the dog.

Michelle, lives in unincorporated area of Lincoln County, and spoke in defense of the pit bull breed. Michelle owns a female pit bull dog and spoke to its compassionate and gentle nature. Michelle reported an incident of an attack by two Labrador dogs and believed dogs should be completely contained. Michelle stated that its not the breed but something wrong with the dog or the owner. Michelle said that her dog is not fond of other dogs but had not gone after other dogs.

Troy Frank, 291 Glenhaven Drive, the pit bull dog's owner, was not asking to lift the ban on pit bulls but wants exception for their dog personally for his son who has autism. The dog is calming if his son has a fit or uncontrollable behavior. Mr. Frank remembered the spigot incident and said the dog stopped on his property and if the dog has charged people, why hasn't Mr. Frank been sued or police reports filed. Mr. Frank had no knowledge. The pit bull dog was an adopted pound dog and is being loved with strict rules and regulations. Mr. Frank said he had taken the dog out without a leash and did adopt the dog after the City banned pit bulls but requests the dog to be grandfathered because of son. Mr. Frank has a fence and is willing to correct to any pit bull dog requirements.

Alderman Walters made a motion, seconded by Alderman Anderson to add ten (10) days to citation issued to the Franks on the pit bull dog. Vote: Walters aye, Anderson aye, Eversmeyer aye, Detert nay, Bass aye, Sconce aye. Motion carried 5-1.

*Approved Sewer Department Report of Compliance Inspection dated July 21, 2014

*Authorized Execution of Authorization to Participate in Missouri Highway Safety Program Traffic Enforcement Program: (a) Sobriety Checkpoint, (b) Hazardous Moving Violation, (c) DWI Enforcement

*Approved Execution of Resolution in Support of Senior Housing Development by RCH Development

Alderman Sconce made a motion, seconded by Alderman Walters to Authorize Pre-Approval to Purchase Chevy Silverado Truck with Police Drug Forfeiture Funds in the amount of \$2,000.00. Vote: Sconce aye, Walters aye, Anderson aye, Bass aye, Detert aye, Eversmeyer aye.

Alderman Bass made a motion, seconded by Alderman Detert to Approve Execution of Resolution in Support of Senior Housing Development by JES Dev Co., Inc. Vote: Bass aye, Detert aye, Anderson aye, Eversmeyer aye, Walters aye, Sconce aye.

City Clerk Schneider stated that after a review of proposed revisions (represented by Bill No. 1218) and comparison with current law of Chapter 405: Zoning Regulations, Article XX: Historic Landmarks and Districts and Sections within Said Article XX, it was not recommended to remove oversight of the commission by the building department and/or building official.

The specific reasons included the complex and regulatory nature of the commission (unlike Park Board), that Article XX is found under Planning & Zoning Code, all records and administration to date have been performed by Building Department and/or Building Official, other municipalities oversee this commission in their code through engineering/building department and planning & zoning administration and current oversight is more efficient instead of adding another level of bureaucracy. Further comparison, City Clerk Schneider noted differences in quorum, officers, lack of definitions, and required meetings per year.

Building Official Lindsey submitted an information packet to the Board requesting that the commission operate as its own entity. Alderman Sconce stated that he wanted no staff involved in overseeing the commission. City Attorney Granneman said in the case of no oversight, the alderman would be charged with overseeing proper meeting requirements by the State. Alderman Anderson requested wording changes found under Section 405.915(G) Powers and Duties from “require” to “request,” under Section

405.915(G)(10) may be requested (not required), Section 405.915(G)(12) no stop work orders, Section 405.915(G)(20) no budget for Commission. City Attorney Granneman pointed out under Section 405.950 Certificate of Design Review is non-binding on applicant. Mayor Cross asked about HPC records and Building Official Lindsey said they would be maintained in building department. Building Official Lindsey was directed to research if commission is required to maintain status.

Tom Hogan of Johnson Controls said the presentation of the Project Development Agreement (“PDA”) would be delayed due to receipt of higher than anticipated bids. Mr. Hogan said Johnson Controls would need to back-up and re-bid, review and re-negotiate the bids and seek out more bidders before finalizing and presenting the PDA to the Board at the upcoming August 18th Board meeting. Alderman Eversmeyer was not happy at the amount of time gone by since the start of the energy audit with little progress made. Mr. Hogan said the amount of time was due to the money and time in engineering.

Alderman Walters made a motion, seconded by Alderman Bass to Go Into Closed Session in compliance with 610.021 of RSMo., for the purpose of discussing Personnel. Vote: Walters aye, Bass aye, Eversmeyer aye, Detert aye, Anderson aye, Sconce aye.

Alderman Bass made a motion, seconded by Alderman Sconce to Approve Hiring Evan Burkemper, as Seasonal Maintenance Worker for Streets, G8, Step 1, \$10.23 per hour. Vote: Bass aye, Sconce aye, Walters aye, Anderson aye, Eversmeyer aye, Detert abstain. Motion carried 5-0 with 1 abstention.

Alderman Sconce made a motion, seconded by Alderman Detert to Go Out of Closed Session. Vote: Sconce aye, Detert aye, Anderson aye, Bass aye, Eversmeyer aye, Walters aye.

Alderman Sconce made a motion, seconded by Alderman Bass to adjourn the meeting. Vote: Sconce aye, Bass aye, Walters aye, Eversmeyer aye, Detert aye, Anderson, aye. Meeting adjourned at 7:45 p.m.

ATTEST:

City Clerk

Mayor

*Approved on Consent Agenda