

City of Troy, Missouri
Public Hearing and Regular Board of Aldermen Meeting
Monday, March 7, 2016
6:30 P.M.

Present for the Public Hearing were Aldermen Eversmeyer, Detert, Sconce, Anderson and Walker. Alderman Janet Bass and Mayor Cross were absent. Also present were Public Works Superintendent Cunningham, Building Official Lindsey, Chief Taylor, City Attorney Granneman and City Clerk Schneider.

The purpose of the Public Hearing was for citizen input on an Ordinance Amending Chapter 405: Zoning Regulations, Article VI: Supplementary District Regulations, Section 405.195: Accessory Buildings, Structures and Uses of the Code of Ordinances of the City of Troy, Missouri. Alderman Eversmeyer opened the Public Hearing for citizen comment.

Bart Berneking reiterated his request for the City to adopt streetscape and signage regulations in the City's building codes. Further, Mr. Berneking opposed amending Section 405.195 and wanted the ordinance to stand with commercial zones of C-1, C-2 and C-3 especially due to commercial properties edging the corridor into town. Further, no property tax can be collected on accessory buildings, shacks, sheds and temporary carports.

Alderman Detert volunteered to sponsor signage regulations.

Michelle Ritter, co-owner of Sunnyview Gardens Nursery, addressed the Board. Mrs. Ritter understood the importance of signage regulations and sheds that look bad. She continued that \$12.00 square foot for rent was steep and landlords pay little as far as property tax. Mrs. Ritter continued that they own a greenhouse structure, make retail sales, bring in a lot of business and help Lions Club, schools and community. Mrs. Ritter disagreed with a blanket ordinance and wanted the amendment to Section 405.195 to increase businesses such as theirs to bring in retail sales.

Jim Zuroweste, Chairman of the City's Planning & Zoning Commission, made recommendation opposing the proposed amendment to Section 405.195 which would exempt commercial and industrial zones. Foregoing the amendment, an entity would be required to request a variance versus a blanket ordinance for all.

There being no further public comment. Alderman Eversmeyer called the Regular Board of Aldermen Meeting to order, announced a quorum and led in the Pledge of Allegiance.

Krista Saxe, Troy Middle School Track Coach, requested to hold a 5K Run fundraising event on Saturday, April 2, 2016, in the evening. Ms. Saxe provided a run route/map and

completed application opting to hold the event in the evening not to conflict with citywide garage sale event. Chief Taylor requested the route be changed away from Highway J/Boone Street and Saxe agreed to keep the route through the Weinand Park trails and not onto the highway. Chief Taylor also requested the event be run before dark and Saxe agreed to change the event start time to 3:00 p.m. Alderman Sconce made a motion, seconded by Alderman Anderson to Approve Troy Middle School Track Team 5K Run Event on Saturday, April 2, 2016 beginning at 3:00 p.m. Vote: Sconce aye, Anderson aye, Detert aye, Walker aye, Eversmeyer aye.

Alderman Sconce made a motion, seconded by Alderman Detert to Approve the Consent Agenda. Vote: Sconce aye, Detert aye, Walker aye, Anderson aye, Eversmeyer aye.

Alderman Eversmeyer read Bill No. 1241 as Ordinance ____ -- An Ordinance Amending Chapter 405: Zoning Regulations, Article VI: Supplementary District Regulations, Section 405.195: Accessory Buildings, Structures and Uses of the Code of Ordinances of the City of Troy, Missouri, first time by title only.

Alderman Detert requested to amend Bill No. 1241 by eliminating C-1, C-2 and C-3 in subsection (E). City Attorney Granneman advised any amendment to Bill No. 1241 would need Alderman Sconce to amend and then public hearing notice for comment on the amendment.

Alderman Eversmeyer read Bill 1241 as Ordinance ____ -- An Ordinance Amending Chapter 405: Zoning Regulations, Article VI: Supplementary District Regulations, Section 405.195: Accessory Buildings, Structures and Uses of the Code of Ordinances of the City of Troy, Missouri, second time by title only.

Alderman Sconce stated Section 405.195 on accessory buildings and structures was originally changed to resolve a residential dispute. The unintended consequence to that change encapsulated commercial and industrial zones. Bill 1241 intends to make an exemption for commercial and industrial zones in order to revert back to zoning that had originally been in place.

Alderman Eversmeyer opposed Bill 1241 and was in favor of the keeping the law intact as it speaks to the growth of the City and was fair to everyone.

Alderman Anderson asked how this would impact commercial entities. City Attorney Granneman stated that the amendment to Section 405.195 in Bill 1241 found in subsection (E) exempted any lots in C-1, C-2, C-3 and I-1 and I-2 (making Section 405.195 apply only to residential lots).

Alderman Sconce made a motion, seconded by Alderman Detert to Adopt Bill No. 1241 as Ordinance _____. Vote: Sconce aye, Detert nay, Eversmeyer nay, Anderson aye, Walker nay. Motion failed 2-3.

Alderman Detert stated the Planning & Zoning Commission was not in favor of exempting C-1, C-2 and C-3 from Section 405.195. Further, the Commission sees many things that are detrimental to the City's first impression such as weedy entrance/exit ramps and sheds in commercial zones. The Commission would like to see more regulation in the future.

Alderman Anderson stated that Section 405.195 was adopted to fix a residential dispute and it was not intended to impact anything commercial. Further, Alderman Anderson stated that an overhaul of zoning regulations should be fixed separately by holding public hearings for citizen input and then a vote.

Building Official Lindsey relayed that a review of the 2015 building codes by the Home Builders Association and contractors will be completed soon and will be presented to the Board for consideration. If approved, it sits for ninety days. Thereafter, the eighty-six page zoning code will have to be updated/reviewed/rewritten, hold public hearings and may take as long as twelve months before it is finished.

Alderman Anderson asked what a business could do in the meantime. City Attorney Granneman answered a business could request a hardship variance, present a site plan to a specific location and go through the process.

Mrs. Ritter stated the landlord's property did not sell and their business is able to stay in that location for another season. Building Official Lindsey stated the one structure on the property now was grandfathered-in but no other structures could be added. Bob Ritter said the other two structures were removed for safety reasons but they had plans to place them back up. City Attorney Granneman stated Section 405.195 was not retroactive and only the one structure was in place and no more structures could be added. Mrs. Ritter was not in favor and may move out of Troy and let their customers know why they are moving out of Troy.

*Approved 2016 IRS Standard Mileage Rates for Business of \$.54 per mile

City Attorney Granneman heard from Cochran Engineering in regard to the sidewalk problem on the Cherry Blossom Way Project. Public Works Superintendent Cunningham met with the contractor and laboratory testing was being conducted on a portion of the sidewalk to confirm the suspected problem of higher-than-normal chert rock in the concrete mix used for the sidewalk causing it to chip and crumble. It was recommended by engineer to hold back the sidewalk line item amount of \$44,418.24 along with an

additional \$20,000.00 for demolition costs and project re-letting to protect the City and release the remainder of the retainage to contractor.

Alderman Anderson made a motion, seconded by Alderman Sconce to Approve Pay Application No. 10 in the amount of \$105,286.31 (excluding \$44,418.24 sidewalk bid item and \$20,000.00 demolition costs and project re-letting from the total retainage amount of \$169,704.55) submitted by Cannon General Contractors on Cherry Blossom Way Improvements Project. Vote: Anderson aye, Sconce aye, Walker aye, Detert aye, Eversmeyer aye.

Alderman Anderson questioned the origin of the resolution template; specifically, the wording. City Attorney Granneman responded that it came from several municipalities including City of Winfield. Alderman Eversmeyer made a motion, seconded by Alderman Detert to Adopt Resolution 2016-2 Opposing Senate Bill 572. Vote: Eversmeyer aye, Detert aye, Sconce aye, Walker aye, Anderson nay. Motion carried 4-1.

Alderman Sconce made a motion, seconded by Alderman Walker to Approve Amendment to Agreement between City of Troy and M & H Concrete, Inc. 2015 Concrete Street Repair-Replacement Project for additional services of road repair-replacement located at S. Main Street and Cherry Blossom Way in the amount of \$16,254.30. Vote: Sconce aye, Walker aye, Detert aye, Eversmeyer aye, Anderson aye.

Alderman Sconce made a motion, seconded by Alderman Anderson to go into Closed Session in compliance with 610.021 of RSMo., for the purpose of discussing Real Estate. Vote: Sconce aye, Anderson aye, Detert aye, Walker aye, Eversmeyer aye.

Real Estate matters were discussed.

Alderman Sconce made a motion, seconded by Alderman Anderson to go out of Closed Session. Vote: Sconce aye, Anderson aye, Eversmeyer aye, Detert aye, Walker aye.

Alderman Sconce made a motion, seconded by Alderman Eversmeyer to adjourn the meeting. Vote: Sconce aye, Eversmeyer aye, Walker aye, Anderson aye, Detert aye. Meeting adjourned 7:38 p.m.

ATTEST:

City Clerk

Mayor Pro Tem

*Approved on Consent Agenda