

1.

The City of Eureka Board of Aldermen met in regular session at 7:00 p.m. The meeting was opened with the Pledge of Allegiance.

Present at roll call were: Mayor Coffey, Aldermen Kee, Britt, Sir, Beckerle and Murray.

Also in attendance were City Administrator Craig Sabo, City Attorney Kathy Butler, Police Chief Michael Wiegand and City Clerk Ralph Lindsey.

Alderman Berry arrived immediately after the guest period.

2. MINUTES

On motion by Alderman Kee, seconded by Alderman Beckerle and unanimously passed, the Minutes of August 18, 2015 were approved.

3. GUESTS

There were no guests present who wished to address the Board.

4. REAR YARD SETBACK STRUCTURE APPLICATION

An application was received from Charles Gillick for a rear yard setback variance of six (6) and one-half (1/2) feet for a deck at 1241 Hunters Chase Drive.

Alderman Beckerle asked if there was any response to the letters mailed to the adjoining property owners; the City Administrator said there was not.

On motion by Alderman Britt, seconded by Alderman Murray and unanimously passed, the setback variance was approved.

5. PLANNING AND ZONING COMMISSION RECOMMENDATIONS FROM 8/26/15

A. The Commission recommended approval of a petition from Sheryl McKinney amending the Municipal Code to allow for dog daycare facilities as a Special Use.

(For Board action see Item No. 6.)

B. The Commission recommended approval of a petition from Reginald Stockwell amending Lot 16 of the Eagle Pointe Community Unit Plan.

(For Board action see Item No. 7.)

C. The Commission recommended approval of a petition initiated by the City of Eureka for rezoning of an approximately one-half acre parcel from C (Commercial) to PC (Planned Commercial) located at 15 Dreyer Avenue.

(For Board action see Item No. 8.)

D. The Commission recommended approval of a petition initiated by the City of Eureka for rezoning of approximately 4.65 acres from C (Commercial) to PC (Planned Commercial) located at 18111, 18155 and 18159 U.S. Highway 66.

(For Board action see Item No. 9.)

E. The Commission recommended approval of a petition initiated by the City of Eureka for rezoning of approximately 2.28 acres from C (Commercial) to PC (Planned Commercial) located at 18181 U.S. Highway 66.

(For Board action see Item No. 10.)

F. The Commission recommended approval of a petition initiated by the City of Eureka for rezoning of approximately 4.44 acres from R-5C (Multiple-family Residential) to PC (Planned Commercial) located at 119 and 121 Hilltop Village Center Drive.

(For Board action see Item No. 11.)

6. BILL NO. 2452 RE: CODE AMENDMENT TO ALLOW FOR DOG DAYCARE FACILITIES AS A SPECIAL USE

Sheryl McKinney explained that they were proposing to lease the old "Ice House" building at 15 Dreyer Avenue for their business.

They would be open seven days a week from approximately 7:00 a.m. - 7:00 p.m. All dogs would be kept indoors. She said the closest such facility was approximately ten (10) miles away.

Mayor Coffey commented to Sheryl McKinney that if this Code Amendment was approved, she would still need to apply for a Special Use Permit; she said she was aware of that.

Alderman Murray asked about any restrictions regarding the number of dogs.

City Administrator Sabo said that could be one of the conditions of the Special Use Permit.

Alderman Britt asked about square footage requirements for the dogs.

6. CONT'D.

The Mayor also asked about the possibility of periodic interior inspections.

Following a brief Aldermanic discussion, the consensus was to consider the bill as it was written and include conditions with the Special Use Permit based on each particular application.

The City Attorney also suggested that the Board consider adopting the standards set by the Humane Society with each Special Use Permit.

On motion by Alderman Berry, seconded by Alderman Beckerle and unanimously passed, Bill No. 2452 was read for the first time by short title.

BILL NO. 2452: AN ORDINANCE AMENDING THE MUNICIPAL CODE TO PROVIDE FOR DOG DAYCARE FACILITIES AS A SPECIAL USE.

On motion by Alderman Britt, seconded by Alderman Murray and unanimously passed, Bill No. 2452 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2452 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2452 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Britt.

The roll call vote was as follows: Alderman Murray - YES; Beckerle - YES; Berry - YES; Sir - YES; Britt - YES; Kee - YES.

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2452 passed and designated it to be Ordinance No. 2345.

7. BILL NO. 2453 RE: AMENDING THE EAGLE POINTE COMMUNITY UNIT PLAN

Alderman Beckerle said the petitioners were out of town and he would attempt to answer any questions.

City Attorney Butler asked if this property was an individual residential lot or if it could be common ground of the entire Legends development (part of the golf course property) which was considered part of the open space requirement. If it was common ground, the property could not be conveyed without approval of the residential property owners.

Alderman Beckerle commented that he thought the issue was researched before the matter came before the Board.

On motion by Alderman Britt, seconded by Alderman Beckerle and unanimously passed, Bill No. 2453 was read for the first time by short title.

BILL NO. 2453: AN ORDINANCE AMENDING THE EAGLE POINTE COMMUNITY UNIT PLAN.

On motion by Alderman Kee, seconded by Alderman Berry and unanimously passed, Bill No. 2453 was read for the second time by short title.

Following additional general discussion, on motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2453 was tabled so that the issue raised by the City Attorney could be researched by staff.

8. BILL NO. 2454 RE: REZONING A ONE-HALF ACRE PARCEL FROM C TO PC

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, Bill No. 2454 was read for the first time by short title.

BILL NO. 2454: AN ORDINANCE REZONING PROPERTY LOCATED AT 15 DREYER AVENUE FROM COMMERCIAL TO PLANNED COMMERCIAL.

On motion by Alderman Britt, seconded by Alderman Sir and unanimously passed, Bill No. 2454 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Murray and unanimously passed, Bill No. 2454 was read for the third and final time.

Alderman Sir moved, THAT BILL NO. 2454 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

The roll call vote was as follows: Alderman Berry - YES; Beckerle - YES; Murray - YES; Kee - YES; Britt - YES; Sir - YES.

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2454 passed and designated it to be Ordinance No. 2346.

9. BILL NO. 2455 RE: REZONING 4.65 ACRES FROM C TO PC

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, Bill No. 2455 was read for the first time by short title.

BILL NO. 2455: AN ORDINANCE REZONING PROPERTY LOCATED AT 18111, 18155 AND 18159 U.S. HIGHWAY 66 FROM COMMERCIAL TO PLANNED COMMERCIAL.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2455 was read for the second time by short title.

On motion by Alderman Kee, seconded by Alderman Berry and unanimously passed, Bill No. 2455 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2455 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Sir.

The roll call vote was as follows: Alderman Sir - YES; Britt - YES; Kee - YES; Berry - YES; Beckerle - YES, Murray - YES.

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2455 passed and designated it to be Ordinance No. 2347.

10. BILL NO. 2456 RE: REZONING 2.28 ACRES FROM C TO PC

On motion by Alderman Berry, seconded by Alderman Britt and unanimously passed, Bill No. 2456 was read for the first time by short title.

BILL NO. 2456: AN ORDINANCE REZONING PROPERTY LOCATED AT 18181 U.S. HIGHWAY 66 FROM COMMERCIAL TO PLANNED COMMERCIAL.

On motion by Alderman Murray, seconded by Alderman Sir and unanimously passed, Bill No. 2456 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Britt and unanimously passed, Bill No. 2456 was read for the third and final time.

Alderman Berry moved, THAT BILL NO. 2456 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Kee.

The roll call vote was as follows: Alderman Murray - YES; Beckerle - YES; Berry - YES; Kee - YES; Britt - YES; Sir - YES.

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2456 passed and designated it to be Ordinance No. 2348.

11. BILL NO. 2457 RE: REZONING 4.44 ACRES FROM R-5C TO PC

On motion by Alderman Berry, seconded by Alderman Sir and unanimously passed, Bill No. 2457 was read for the first time by short title.

BILL NO. 2457: AN ORDINANCE REZONING PROPERTY LOCATED AT 119 AND 121 HILLTOP VILLAGE CENTER DRIVE FROM R-5C MULTIPLE-FAMILY RESIDENTIAL TO PLANNED COMMERCIAL.

On motion by Alderman Britt, seconded by Alderman Sir and unanimously passed, Bill No. 2457 was read for the second time by short title.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, Bill No. 2457 was read for the third and final time.

Alderman Kee moved, THAT BILL NO. 2457 BE ADOPTED AS ORDINANCE BY ROLL CALL VOTE. The motion was seconded by Alderman Berry.

The roll call vote was as follows: Alderman Berry - YES; Sir - YES; Beckerle - YES; Britt - YES; Murray - YES; Kee - YES.

The motion for adoption was passed unanimously.

Mayor Coffey declared Bill No. 2457 passed and designated it to be Ordinance No. 2349.

12. BILLS FOR PAYMENT

The list of bills was considered by the Board.

On motion by Alderman Sir, seconded by Alderman Berry and unanimously passed, the list of bills was approved for payment.

13. CALL FOR CLOSED SESSION

On motion by Alderman Berry, seconded by Alderman Murray and unanimously passed, a Closed Session was called for discussion of matters relating to attorney-client privilege, contracts, potential litigation and public safety.

14.

Alderman Murray referred to her statement at the previous meeting about wanting to hold a public forum for the Ward Two residents. She said she has reserved part of the Los Cabos Mexican Restaurant for October 14th from 6:00 p.m. - 8:00 p.m.

15. CLOSED SESSION

16. OPEN SESSION RECONVENED

17.

There being no further matters for discussion, the meeting was adjourned at 8:05 p.m.

For a record of the Closed Session at Item No. 15, see Minutes this date in the Closed Session File.

Respectfully submitted,

(Original with signature on file)

Ralph M. Lindsey, Jr., City Clerk