

The Carl Junction City Council met in regular session on Tuesday, January 4, 2005 at 7:00 at City Hall. Mayor Jim Wisdom called the meeting to order with the following present: Richard Zaccardelli, Barbara Evans, Mike Moss, Gary Stover, Pat Smith, Mike Palmer, Walter Hayes and Wayne Smith. Also present were City Attorney Mike Talley and City Clerk Maribeth Matney.

### **AGENDA**

Pat Smith motioned to approve the agenda as presented. Walter Hayes seconded. All in favor. No opposed. Gary Stover had a question about the child support check on our payroll and item #2307. Joe explained that #2307 was for moving a pole at Memorial park that was damaged. Mike Palmer motioned to approve the consent agenda. Richard Zaccardelli seconded. All in favor. No opposed.

### **PUBLIC FORUM**

There was no one for public forum.

### **P&Z CASE #04-38 – SITE PLAN – GIRLFRIEND’S**

Mayor Jim Wisdom opened discussion on Case #04-38 – site plan – Girlfriend’s – Jim & Loretta Coburn. Walter Hayes reported that there was a lot of discussion during the P&Z meeting and finally recommended approval with the engineer’s approval of the revised parking lot. They had a lot of discussion of a buffer zone. Our code does not specify buffer. He stated that P&Z had sent a recommendation to the council on some changes but no action has been taken on them. Mr. Coburn stated he and his wife fell in love with the old school building and she wants to put a women’s fitness center in it. They thought it would be an ideal fit for the neighborhood. They will have less than 10 people at a time; it is an ideal spot and convenient. Joe stated that our engineer has reviewed the revised parking lot and has approved it but would like it drawn to scale. There was considerable discussion about our code and buffer zones and when they are required. Mike Talley said that it could get quite complicated. Most of the work being done on this site is inside work and not much outside other than the parking lot. Mike Talley said that there is a lot of latitude in our site plan code. He stated that we can’t let the neighbors prescribe what we do but we can take their suggestions under consideration. Gary Stover concern is that when it was rezoned the neighbors were concerned about it. The limits on their input concern him. Richard Zaccardelli stated that their concerns when it was rezoned are not going to happen with this business. Pat Smith asked if there any outside activities. Mr. Coburn stated they had considered a walking track outside. It was stated that their concern is not with this particular business but if they sell then they have to go through this process again. Mike Talley stated we can try to protect and listen to the residents but the Board has to prescribe the action taken. There was considerable discussion about our current site plan application and process. Joe stated that the Coburn’s have been very cooperative and have done everything we have asked them to do.

Cindy Bontrager, 104 Birch, spoke about her concerns. Her back yard adjoins their back yard. She feels like the residents were misled when it was rezoned. She stated the council said there would be a buffer. She said that this project would probably be fine but what if they sell. She would like a buffer so that she does not have to fight every time it sells.

Pat Landis, 106 Timer Lane, stated he was not so affected but was here for support for the other neighbors. He stated they were assured that we would take precautions to protect the value of their property. He suggested a fence or shrubbery. Mayor Wisdom stated that the council does not make these decisions lightly and they try to make the right decisions.

Jeni Vieselmeyer, 105 Timber Lane, stated that she has the biggest area of adjoining property. She would like a buffer since she has 2 small children that play in her back yard. She also thought that there would be a buffer. She is not concerned about this business but about the next one. She priced privacy fences and they are real reasonable. Discussion ended 7:35 PM. Pat Smith motioned to approve Case #04-38 with the stipulation that they put in a buffer. Motion died due to lack of a second. Mike Palmer motioned to approve Case #04-38, site plan. Walter Hayes seconded. Mike Talley then asked for a 5-minute recess to consult with Joe Barfield. Meeting reconvened at 7:47 PM. Mike Talley said he is not sure he and Joe Barfield agree on this. He then went over our code that discusses the site plans and that we can ask for a landscaping plan. He feels this could be used to provide a buffer. Joe stated that we have never required a landscaping plan for any other site plan that we have reviewed in the past. Mr. Coburn stated he has no problem in trying to put in a buffer. Shrubby if done properly is a good buffer. He wants to be a good neighbor. Mike Talley said that if the council wants to require a buffer in the future they could amend the motion on the floor. Mike Palmer said that the residents seem more concerned with what happens if they sell. We need to look at our code and make some amendments so that next time we will have it in place. Walter Hayes agreed with Mike Palmer. Walter also stated that there is a fence along the back and could have some vines planted in it to provide a buffer. Mr. Coburn agreed that he would look into something for a buffer. He could see where it would advantageous. Mayor called for a vote on the motion on the floor. 6 (Evans, Moss, P Smith, Palmer, Hayes, W Smith) in favor. 1 (Stover) opposed, 1 (Zaccardelli) abstained.

### **REPORTS**

The council reviewed Joe’s report. There was some discussion about the pro and con’s of lobbyist. It was asked if any of our current staff applied for the Chief’s position. Joe reported that we have received 4 out of town applicants but no local applicants. He will make sure our department knows they can apply also. We are accepting résumés through 2/6/05. Richard asked about our equipment break down. Joe explained that our hole hog broke under the asphalt and they had to cut the street to get it out. We will concrete it back.

Memo #1 – Pending items.

Memo #2 – Rails to Trails. Mike Talley reported that we have just received a motion from Charles Montagne. We are waiting for this to be filed. He expects to file by the next meeting.

**COMMITTEE REPORTS**

There were no committee reports at this time. Walter Hayes reminded the council that a Budget Committee meeting has been scheduled for 1/18/05 at 6:00 PM.

**UNFINISHED BUSINESS**

Gary Stover stated that there is culvert on Hedge that the edge is falling off and needs repaired.

Pat Smith asked about our building inspector. Joe reported that Ed has seen the doctor and is healing fine. They are taking the pins out of his elbow but he still has an infection in his leg. It will be another 2-3 weeks before it is healed. It will be close to the end of January before he can come back. Bryan is filling in for now. Ed is anxious to get back to work.

Joe reported that he is waiting for the last easement and it should be here soon. We can get started on the West Briarbrook Lane project as soon as it is received and the weather permits. The last easement is coming from Georgia and it is the last house.

**NEW BUSINESS**

Richard Zaccardelli asked about the edges of Briarbrook Drive breaking off. Joe reported that water is getting under the edges. We have been patching it but the patches keep popping out. We are going to try a different patching material.

Mike Moss stated he would like for the council to form a committee or something so we can move on this buffer issue. Mayor Wisdom stated that Joe and Mike Talley need to head it up and take it to P&Z and our code review committee. Joe said most of the P&Z recommendations were procedural. Gary Stover stated he voted no only because he was concerned about approving it without a buffer.

Gary Stover stated that he talked to Empire about street lighting along Briarbrook Drive and had a plan drawn up. He would like for the Mayor, City Administrator and Public Works to look at it for discussion at our next meeting. He also gave Richard a copy.

Pat Smith reported a street light out at Pennell & Joplin Street.

**ADJOURNMENT**

Mike Palmer motioned to adjourn the meeting. Richard Zaccardelli seconded. All in favor. No opposed. Meeting adjourned 8:25 PM.

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR