

7.1.2024

Call to Order: 6:00 pm by Brown

Roll call: In Attendance: Denny White (Sept 2021-2025), Courtney Denney (Jan 2023-2027) Donnie Greenlee-Vice Chair (April 2024-2028), Ray Brown-Chair (Dec 2022-2026), Rick Gamboa-Sec (April 2024-2028), Sherry Lawrence (Dec 2021-2025), Gary Jackson-Absent Excused (Dec-2022-2026), Mayor Bill Sherman

Approve Agenda: Greenlee/Denney 7-0

Approve Amended Reg Meeting Minutes Dated: Greenlee/Denney 7-0
Sherman said the statement to consult the “mayor” should be changed to the “Chief of police.”

Lawrence said the property on 7th St was torn down due to additional storm damage and completely re-done. No change was needed.

Public Hearing: Sam Hickey 4015 E 13th St. Rezone R-1 to M-1.

6:09 pm. Did not appear. Code says he must appear, or a denial is required.

Speaking: Shane Gerber, 4126 E. 13th Street, asked what was being planned. Gamboa said he was asking for an M-1 change which would allow him or anyone in the future to do anything listed in the code under M-1. Gerber asked if this would be rescheduled so he could ask questions. Sherman said a public hearing is already scheduled for the 15th. Denney covered the uses allowed under M-1 in the code. Kerry Divine 314 Morgan Court spoke against the rezoning saying it does not meet future use map and across the street from a church and school nor fit the requirements for the neighborhood. She stated further that the application was not received in time for the P&Z to review.

Gary Heilbrun 4015 E. 25th St. Spoke against for the same reasons Divine stated plus it leaves the lot open for all kinds of things that are not wanted in a neighborhood.
Public hearing closed at 6:26 pm.

Discussion. Gamboa said we should not consider this application since he has not appeared. Sherman said the code says he must attend and the P&Z and BofA cannot act favorably if he is not present. Ray Brown asked for a vote to recommend. Vote was 7-0 to deny the recommendation to the BofA.

Alex Lane (19275 Millwood Road, Carthage) - 1001 S Duquesne Rd: Preliminary Plan. Bought the property and would like to build a four plex and rezone the property from R-3 to R-4. He has built several units in the Carthage. Lane said there would be 60 feet between buildings.

Gamboa asked how far from Duquesne Rd would the first structure. Lane said 30 ft from his property line plus the easement which is 15 ft for a total of 45 feet. He provided detail maps. Gamboa said that he thought after the tornado we had an ordinance that said you could not build closer than 75 feet from the center line of Duquesne Rd and the same for 20th St. Sherman thought it was only for 20th St. Brown mentioned that at some point Duquesne Rd will be widened and could be right up against the first structure proposed. Lane said he could redraw the plan to move the first building East to comply. Heilbrun said the ordinance was 75 feet on both streets. Lane asked if the members felt the project had a chance of passing. The general feeling was as long as the project met all the minimum setbacks and no issues from the public were brought up at the public hearing, it would probably pass. Brown asked if fencing was required. It is not.

New Business: None

Old Business: Sherman said the updated comprehensive plan from HST has been sent to the P&Z and there are many things we discussed with Amanda that are missing and many things that do not pertain to the city. The pictures are not accurate. She will be at the next meeting. Gamboa asked what happened to the public meetings. Greenlee said that was discussed with her and we need it. She did include a proposed survey which the mayor assumes is to be mailed out. Greenlee said we would do better with an online survey. Denney agreed and recommended Survey Monkey as a possibility. Sherman asked everyone to read the update and make notes of items missing or not needed. Gamboa says maps are missing. Census numbers are not current and where is the "town hall" and "rail depot" that we are preserving? Greenlee said we went through the old plan line by line, and that Amanda was to take hour notes and revise the plan.

White said he understood that on Duquesne Rd., you could not go farther than 300 ft east or west. Sherman said he could not find it but in the old plan on page 44 it says "the north and south of 7th St East and West of Duquesne Rd., the north and south of 20th St from the intersection of 20th and Duquesne Road to the Joplin city limits and the north and south of 13th St. from the intersection of 13th St and Duquesne to the Joplin City limits." It also states that parcels shall not exceed 300 ft from the abutting St. It was decided that we should all review the proposed plan, make recommendations and schedule a work session with Amanda before the August meeting.

The subject of ticketing semi-trucks was brought up by Brown who mentioned the Ferguson decision which was getting 75% of their income from traffic tickets. They were told firmly to stop doing that and that spread to other communities. Sherman said this was to do with Macks creek decision. Gamboa said that he thought the law said if a city got more than a certain percentage of their income from traffic tickets, they would have to turn the balance over to MODOT. Gamboa said he did not care where the excess went and that the point of the fines was to penalize people who break the law. Lawrence said this is not a subject for P&Z or old business, it should be handled by the BofA.

Public Comments: Kerry Divine 314 Morgan Ct. contends that the zoning amendment procedure is not following code 404.155. She is concerned about the order of events. The person that wanted to rezone property to M-1 went around P&Z and went to the council and the city ran a notice of a public hearing in the paper. Code says that the submission of an application to the P&Z is the first step. P&Z should then decide based on the criteria mentioned in the code. She states the P&Z should make the decision to hold a public hearing. It should not go to the BofA or the city office for that decision. She said the code does not require a public hearing when the BofA hears the recommendation of the P&Z. Jake Moore is another example of going straight to the BofA prior to the P&Z. Lawrence asked where the miscommunication occurs. Doesn't the council refer such requests to the P&Z.

Greenlee and Denney said the procedure Divine is citing has to do with amending the procedure and does not refer to the procedure for re-zoning property. Greenlee asked what Divine was recommending. Divine said P&Z should get the application information first which is not being done. Gamboa said that he has mentioned several times that the application process for rezoning is not adequate. He felt that every single required piece of required information on the application should have a box to be checked off as complete prior to moving forward. It should be provided to the P&Z ahead of the request without exception. This would prevent things being done out of order. Gamboa asked if there was a section in the code that requires a public hearing at the BofA. Brown referred to 404.150 which requires a public hearing. Gamboa said it does not say the hearing has to be at the BofA. It was determined that this was a question for the city Attorney. Sherman said the wording also states "all public hearings" which is plural. Lawrence told Divine that we all know that the procedure is "jacked up" and we have people who must come back several times because of missing requirements or being out of order. She asked Sherman if when a person comes to the BofA out of order are they sent back to the P&Z. Bill said he was not at the last board meeting. Sherman said he was not aware of someone going around the P&Z.

Other business Deemed necessary: Brown asked Mayor Sherman if the BofA had a set of by-laws like the P&Z had. Sherman said he was not aware of one. Brown said he would like to see them have one. Gamboa said he thought Brown should come to the next BofA meeting and request they develop one. Greenlee remarked that "by-laws" and "policy" are two different things.

Schedule next meeting: 8.5.2024 Work Session at 6 pm. Regular meeting 8.5.2024 at 7 pm.

Meeting Adjourned: 7:38 pm White/Lawrence 7-0

Submitted by Rick Gamboa