

MINUTES AURORA PLANNING AND ZONING COMMISSION
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REGULAR SESSION
AURORA CITY HALL, COUNCIL CHAMBERS
Tuesday, June 17, 2014 at 7:00 PM

I. Call to order

- II. Roll Call:**
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| Commission Member: | Vacant (2016) |
| Commission Member: | Heidi Ryan (2017) |
| Chairman Pro Tem Barton: | Council Representative |
| Commission Member: | Leslie Horner (2017)- |
| Vice Chairperson: | Rita Engeldinger (2017) |
| Commission Member: | Eddie Breeding (2018)- |
| Chairperson: | Regina Payne (2015)- |
| Secretary: | Kathie Needham- |

All council members were present except Vice Chairman Engeldinger.

III. Approval of Minutes

- A. Approval of minutes
Minutes from meeting held on April 29, 2014 at 7:00 p.m.
Motion was made by Chairman Payne to approve the minutes as submitted.
Commissioner Ryan seconded the motion. Motion passed with the following members voting aye:
AYES: Ryan, Breeding, Payne
NAYES: 0
ABSTAIN: Barton, Horner
- Minutes from the special meeting held on May 12, 2014 at 6:00 p.m.
Commissioner Ryan made the motion to approve the minutes from the special session held on May 12, 2014. Commissioner Breeding seconded the motion. All members voted in favor of the motion.

IV. Old Business

- A. Re-consider draft ordinance for vehicles that are not in operating condition and make recommendation to city council.

Council returned this ordinance to Planning and Zoning because not fine provision was specified. Recommended changes from the commission attach a fine of "not less than one dollar and not more than five hundred dollars". The commission asked for the historic license plate information from the state to be forwarded to council.

Commissioner Ryan moved to send the ordinance back to council with the addition of the fine provision and to include historic plate information for council consideration. Commissioner Breeding seconded the motion. Motion passed with all commissioners voting aye.

V. New Business

A. Public Hearing – Front Street Vacate (AFB) Make recommendation to city council

Chairman Pro Tem Barton moved to open the public hearing at approximately 7:08 p.m. Commissioner Ryan seconded the motion. Motion passed with all members voting aye.

The purpose of the public hearing was to get public input on AFB's request to vacate Front Street. Building Inspector White stated the map was platted and showed the road coming into their plant. He stated the road was of no use to the city. AFB already maintains the road.

Judy Dingman, Editor of the Aurora Advertiser questioned why the Railroad was not listed on the list of people who were notified of the meeting. Building Inspector White stated they had been notified their name was erroneously left off the list.

After hearing no other public comment Chairman Payne made the motion to Close the public hearing at 7:10 p.m. Commissioner Ryan seconded the motion. Motion passed with all members voting aye.

Chairman Pro Tem Barton moved to recommend closing Front Street to city council. Commissioner Ryan seconded the motion. Motion passed with all members voting aye.

B. Consider board appointment for Doris Colwell and make recommendation to city council. Board term would expire in May 2016 to allow for staggering of board terms.

Chairman Pro Tem Barton moved to recommend Doris Colwell's appointment to the Planning Commission to City Council for a term expiring in May 2016. Chairman Payne seconded the motion. Motion passed with all commissioners voting aye.

C. Review Special Use Permit and make recommendation to city council

While reviewing the ordinance in regards to the Transitional Living Facility it was noted that guidelines for a special use permit needed to be tightened up. Recommendations were brought forth for the commission to consider.

Chairman Pro Tem Barton moved to approve the recommends as submitted and refer it on to council for approval. Commissioner Breeding seconded the motion. Motion passed with all council members voting aye.

D. Discussion on definition of personal services in regards to the Home Occupation Ordinance and make a recommendation to city council

City Manager Randall stated that when this recommendation was sent to council it had two words in the current ordinance that should have been struck. (personal services) Staff has struggled with what those words actually meant. His recommendation was for the commission to recommend to city council to strike those two words.

Verbiage in the old ordinance is archaic at best. Surgeons no longer operate out of their homes and haven't for many years. Information was reviewed from surrounding cities on how they disseminated this same ordinance and no one allowed retail sales in a residential area nor did they refer to personal services.

Commissioner Ryan moved to recommend to city council to take out the words (personal service) out of the present ordinance. Chairman Payne seconded the motion. Motion passed with all members voting aye.

Commissioner Horner stated she still had an issue with licenses applications that have awarded for years not being renewed.

Donald Estes

Wanted to know where a specific paper had come from. Building Inspector White looked at it and it was a Home Occupation Licenses Application. He had an issue with the city not allowing older citizens to earn supplemental income through retail sales.

Helen Massey – 420 W. Springfield

Has sold Shaklee Products from her home for forty-three years and has always been issued a business license. If this ordinance is enforced the city will lose a lot of money. She had made application for her license and a few days later received a letter of denial in the mail along with her check. She stated she was appalled. She had never once received a complaint from a neighbor about her business. She begged the city to reconsider the ordinance. She could not afford to rent a building to operate her business from.

Kenny Singer

Came here in 1979. He was a contractor and didn't sell out of his house. His material was delivered on sight and nothing came to his home. Building Inspector White informed him his license was not one in question. He was not doing retail sales from his home. He stated his wife had a beauty shop in their home however she did not sell any products.

City Manager Randall stated that the problem is this ordinance has always been in place. It just hasn't been enforced. It was instituted in 1985 and has not been changed since. The Commission has made the decision to protect the integrity of the neighborhood by not allowing retail sales and staff is now trying to enforce the ordinance. The problem is is how do we enforce the ordinance. While reviewing other city's ordinances they haven't made exceptions for

retail sales. The City needs to get from here to there with enforcing this ordinance. It was his belief that if the city did not want the ordinance it should be repealed. Council passed the ordinance therefore asking staff to enforce it. This ordinance was previously passed by City Council in March 2014.

Citizens asked why this was not published in the newspaper for them to see. The Advertiser's deadline is Tuesday and agendas are not sent out until Friday before the meeting date. The agenda is posted on the city's website on Friday before the meeting date. Several people in the audience stated they did not have internet capability.

Helen Massey asked what happens when her license expires on June 30th. City Manager Randall stated he would not be sending anyone out to her house to come after her. Commissioner Horner stated this problem has been this way for a long time. The commission needs to make some changes and clarifications to the ordinance before enforcement can be initiated. She asked if a temporary license could be issued to the ones in question to give the commission a while longer to make necessary revisions to the ordinance. Commissioner Ryan agreed and suggested possibly issuing a 6 month temporary license. Commissioner Horner stated we need to make the ordinance work for the neighborhood and our community.

Doris Colwell stated that the commission needed to table this matter and research it before making any further decisions. Commissioner Horner didn't want to put citizens in the position of breaking the law.

Stacy Paulsen-1810 Tyler

Told a story of where he has been mowing a neighbor's yard for cash. Word of mouth brought more customers his way and he started a fictitious business that was not registered through the state. His business grew to the point he purchased a trailer to haul his mower on. He came to city hall to get legal and purchase a business license and was denied a license under the Home Occupation ordinance. He stated he wanted to get legal and was not being allowed the opportunity to do so.

City Manager Randall explained that he could get a license he just needed to not use his home address as his business address.

Larry Pratt

Larry stated the new ordinance would not affect his business. He had been in business in Aurora since 1976 and he agreed with Commission Horner. He felt the ordinance needed to be tabled and researched before implementation. He himself had a couple of home based businesses. He felt ordinances were valuable and the city needs them however; Aurora shouldn't be compared to any other city. It is unique in it's own way and we should set a precedent in our city to allow citizens to conduct home based businesses.

Kathy Pratt

She owns two home based businesses and has previously lived in Aurora for 17 years. She lived in the Singer and Massey's neighborhood. Her yard has always been mowed and kept up. She felt the city needed to concentrate its efforts on the downtown area. Her family has owned a lot in town that has been for sale for years and never sold. No one wants to come here. You can't just put people out of business. You need to bring new business to our town. Our town is dying. Ms. Pratt stated why didn't concentrate its efforts on the Bluebird Motel where the police is called every day. That's what is hurting this city. Drugs are rampant and there is no enforcement in this town. All the changes you are suggesting is hurting this city not improving it. Residential people are not the problem.

Ed Witte

Stated Larry Pratt had summed it up. Everyone is stirred up over this paper (the Home Occupation License Application) you don't know about. Facebook is blowing up with garage sales that meet here in town every week to exchange goods. Are you licensing those individuals? Mr. Witte felt the application needed to be stated more clearly. The downtown is dwindling. The Chamber is trying to promote the city. Is the city trying to promote the city by this ordinance?

He stated he had pulled off the biggest event in town years ago that had brought 10,000 people to town. He had no support from the town. He passed out fliers every weekend before his event to promote it. He felt small business didn't need to be hammered. This ordinance needs to be tabled and studied to see where the fine line is. This city has potential it's just not working it.

Walter & Judy Price

Ms. Price owns Annie K's Keepsakes which has now been in business for five years. She uses word of mouth as advertisement for her business as she doesn't have funds to advertise. She has heard from customers who travel through that this city is not growing. The town is dying. Years ago we used to have major events. All the business is moving out on the strip leaving the downtown properties too expensive to purchase. People can't afford to purchase.

Chairman Pro Tem Barton stated that several council members had recently returned from a Missouri Municipal League meeting and all the other cities were experiencing the same problems as we are. The city doesn't own its own utilities therefore we have no incentives to offer a new business.

City Manager Randall stated that a new business just opened in the downtown area. The city is taking action against dilapidated properties in town and is presently in the process of knocking down six properties through the condemnation process. There was only so many dollars budgeted this year to demolish properties with no resources left available to knock down business buildings. Property owners will be referred through the court system.

Gene White

He felt it might be justified to set a dollar amount on sales. He thought this ordinance was pulling the plug on personal opportunities within the city. The crime rate is increasing substantially. There is no clear cut answer we're hurting ourselves.

VI. Public Comment/Discussion

Ed Witte suggested putting together a special planning workshop and invite the Chamber, the City Council and citizens of the community. If a positive response was heard from the right people they might be able to come up with some great ideas for festivals and events.

VII. Department Report

No report was given.

VIII. Adjournment

Chairman Payne moved to adjourn the meeting at 8:55 p.m. with Commission Ryan seconding the motion. All members voted in favor.

APPROVED:

Regina Payne, Chairman

ATTEST:

Kathie Needham, City Clerk, MMC/MPCC