

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 17TH, 2023; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV

Council Members in Physical Attendance: Joshua Vroman, Terry Higgins, Megan Johnson, Nathan Chirban, Lister Florence, Matt Fridley, Jaired Hall, Rob Kessinger, Kevin Greven, Stanley Mayberry, Victoria Steen, Tina Balch,

Council Members Absent: None

Department Directors and Other City Officials in Physical Attendance: Police Chief Sean Fagan, Fire Chief Jeff Breen, Community Development Director Steve Flowers, City Planner Tom Coots, Finance Director Steffanie Rogers, Park's Director Floyd Jernigan, and City Counselor Carolyn Buschjost.

Mayor Louis J. Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilwoman Victoria Steen to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

- A. Consider Approval of the City Council Minutes of:
1. City Council Meeting – June 5th, 2023
 2. Closed Session Minutes – June 5th, 2023
 3. City Council Meeting – June 19th, 2023

A motion was made by Higgins and seconded by Johnson to approve the minutes. A voice vote showed 12 Ayes, zero Nays, none Absent.

II. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** approving the rezoning of a portion of 514 Keeton Rd from R-1, Single-family district to the R-2, Two-family district. (City Planner Tom Coots) The applicant seeks to construct a duplex on the subject property. The applicant has submitted a minor subdivision for concurrent review. Only the northern lot of the subdivision is proposed to be rezoned. Mayor Magdits opened the public hearing at 6:44 pm. The property owner, Shawn Coverdale, spoke to council about the proposed duplex. There was discussion about parking in which Mr. Coverdale assured council there would be ample parking. There were no other citizens that wished to comment and the public hearing was closed at 6:49 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF A PORTION OF A PROPERTY ADDRESSED AS 514 KEETON RD FROM THE R-1, SINGLE-FAMILY DISTRICT TO THE R-2, TWO-FAMILY DISTRICT.

July 17th, 2023

- B. **Public Hearing and Ordinance** approving text amendment to Chapter 42, Sections 42.141 definitions and 52.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses. (City Planner Tom Coots) The amendments to the zoning code are intended to essentially treat both medical marijuana businesses and adult use marijuana businesses synonymously. Mayor Magdits opened the public hearing at 7:02 pm. There were no citizens that commented and the public hearing was closed at 7:02 pm. City Counselor read the ordinance for its first reading by, by title: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING MARIJUANA USES.

III. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

- a. Environmental Services Department Monthly Report – May 2023
- b. Building Codes monthly report – June 2023
- c. Police Department Monthly Report – May 2023
- d. Animal Control Division Report – May 2023
- e. RMU Financial Statistics for May 2023
- f. Rolla Board of Public Works Minutes for April 25th, 2023
- g. The Centre Income Statement ending June 2023
- h. Municipal Court Summary Reporting for June 2023
- i. P&Z Commission Minutes for May 9th and June 13th, 2023
- j. DRC Minutes for June 20th and July 11th, 2023
- k. City of Rolla Financial Report ending May 2023

Councilwoman Johnson questioned Chief Fagan about the increase in car thefts.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Shawn Landers – GovDeals, presented the City of Rolla a certificate for joining the \$1M Club in cumulative surplus sales through GovDeals since January of 2009. The certificate was received by Rob Hribar.

V. OLD BUSINESS –

- A. **Ordinance** to amend Section 41-2 of the City Code – Concealed Weapons. Police Chief Sean Fagan stated the proposed amendment would bring the City code into compliance with state law. In addition, he proposed an amendment to Section 41-2(b) which deviates from the statutory language that the City of Rolla does not prohibit the carrying of weapons in City facilities. This was further explained by City Administrator John Butz. A motion was made by Steen and seconded by Greven to make the recommended amendments as stated by Mr. Butz. A roll call vote showed the following: Ayes: Hall, Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, and Florence. Nays: zero. Absent: none. City Counselor Carolyn Buschjost read the ordinance for its final reading as amended, by title: ORDINANCE 4744: AN ORDINANCE REPEALING SECTIONS 41-2 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING NEW SECTIONS 41-2 IN LIEU THEREOF PERTAINING TO CARRYING CONCEALED WEAPONS. A motion was made by Steen and seconded by Vroman to approve the amended ordinance. A roll call vote showed the following: Ayes: Vroman, Florence, Steen, Greven, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall, and Balch. Nays: none. Absent: none.

B. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (City Planner Tom Coots) Mayor Magdits reminded Council that there was no hurry to follow through with a first reading as listed on the agenda, if Council is not prepared to do so. City Planner Tom Coots advised Council of impact areas and buffer zones pertaining to “overnight shelters” as requested by Council at the June 19th meeting. Mayor Magdits asked that a map also be posted in the lobby for citizens.

There was concern expressed by Councilmembers who felt the new proposed C-2 zoning code went against what Council had previously accomplished in the overnight shelter code limiting same by CUP to R-3, C-3 and manufacturing zones. Mayor Magdits stated that advice had been offered on multiple occasions by both Administration and Legal Counsel regarding too restrictive zoning for overnight shelters. Councilman Vroman made a motion, seconded by Johnson, to remove overnight shelters from R-4 and C-2 zoning district from the new proposed zoning code.

Mayor Magdits clarified that would leave zoning M and R-3 by CUP. Mayor Magdits asked City Administrator John Butz and Counselor Buschjost to comment on the impact of the more restrictions as proposed by Vroman’s motion. City Administrator John Butz said it was not a slight resistance and that Administration had recommended over last several months that it was too restrictive in limiting a legal entity in their right to operate in Rolla. As stated in previous meetings by both legal counsel and Administration, the City cannot use zoning regulations to effectively prohibit a legal entity. Counselor Buschjost concurred with Mr. Butz, as she has stated the same thing multiple times over the last several months. City Administrator John Butz further explained to Council that you have to look at legal uses and compatibility with other comparable uses. The concept of aggregating people (hotels, boarding homes, sororities, fraternities) is what the law will look at when comparing similar usage types. To separate overnight shelters and say they are nothing like these uses and then to say they are more similar to manufacturing, will be a very difficult legal argument to make. In regards to R3 zoning, Mr. Butz stated he didn’t know where in R3, even with a CUP, Council might be willing to allow an overnight shelter. Administration and legal retain the opinion that the proposed zoning is too.

Chirban suggested that Vroman withdraw his motion and separate them into two separate motions. Vroman withdrew his previous motion and made the motion, seconded by Johnson, to remove overnight shelters from the proposed new C-2 district from the new proposed zoning code. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Greven, Vroman, Steen, Chirban, Balch, Johnson, Nays: Mayberry and Hall. Absent: none. Abstain: Florence. A motion was made by Johnson and seconded by Balch to set aside the first reading for the final version of the chapter 42 revision until the next meeting. Council asked Mr. Coots to create a map showing just R4 zoning. A roll call vote showed the following: Ayes: Steen, Chirban, Higgins, Vroman, Mayberry, Greven, Balch, Johnson, Kessinger, Fridley, and Hall. Nays: none. Absent: none. Abstain: Florence.

VI. NEW BUSINESS –

A. **Ordinance** to subdivide one residential lot into two lots at 514 Keeton Rd. The applicant seeks to subdivide the lot into two lots. Lot 13B has the existing house and faces Keeton Rd. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OZARK TERRACE, 3RD ADDITION.

B. **Ordinance** revising Chapter 31-37 of the Rolla City Codes pertaining to Parks and Recreation

Enforcement. Chief Fagan explained to Council that there is a typo in section 31-37(e) of city code, referring to section 1-8 of the code for penalties. It should be referring to section 1-7. The court is not permitting the City Prosecutor to proceed on any tickets written in violation of any offenses contained in section 31 until the matter is corrected. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: ORDINANCE 4745: AN ORDINANCE AMENDING SECTION 31-37(E) OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 31-37(E) IN LIEU THEREOF RELATING TO PARKS AND RECREATION ENFORCEMENT. A motion was made by Fridley and seconded by Vroman to suspend the rules for final reading. A voice vote showed 12 Ayes, Zero Nays, none Absent. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Johnson and seconded by Balch to approve the ordinance. A roll call vote showed: Ayes: Greven, Higgins, Steen, Fridley, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Vroman. Nays: none. Absent: None.

- C. **Ordinance** amending current marijuana ordinance to match Missouri State Law. (Chief Sean Fagan) City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AMENDING SECTION 30-16 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO MARIJUANA POSSESSION.
- D. **Discussion** on draft of Obscenity Ordinance. Mayor Magdits asked Council what goals they wished to accomplish regarding an obscenity ordinance. There was discussion about parental rights verses child abuse and what rights Council may or may not have regarding restricting the use of public property. City Administrator Butz indicated public property made available for the use by the public must be made available to all of the public. City Counselor Buschjost advised State law had sufficiently defined what was considered obscene and if Council further tried to restrict the protected constitutional rights of others, this may open the City up to liability. If something during the recent Pride event had happened that was of a criminal nature, local law enforcement would have had cause to arrest or ticket the offending party. A community standard is harder to define than just an individual's opinion on what they feel is appropriate. Mayor Magdits suggested a Resolution showing support and commitment to enforce State Law as an option for Council. Chirban made the point that he wasn't interested in prohibiting drag shows in Rolla. He was more concerned with inappropriate sexual content and what, if anything, Council can do locally to ensure that law enforcement is able to proceed with a strong prosecutable case if a violation occurs. Legal Counsel was asked to further investigate the State Law regarding obscenity.

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid to McQueen Emergency for Turnout Gear. Fire Chief Jeff Breen stated that bids were received for the purchase of Firefighter Turnout Gear and received one bid from McQueen Emergency. The agency received a \$20,000 grant that required a 50/50 hard match. The department will use approved funds from the 2022-2023 budget to match the grant requirements. A motion was made by Higgins and seconded by Chirban to award the bid to McQueen Emergency for \$58,252.70. A voice vote showed 12 Ayes, Zero Nays, None Absent.

VIII. CITIZEN COMMUNICATION

- A. Ellie Pickell: The Rolla Pride event and subsequent public comments – Cancelled appearance via phone.
- B. Mark Murphey: Support of the LGBTQ Community including Drag Queens.
- C. Shasta Johnson: Support of the LGBTQ+ Rolla and Drag community.
- D. Terris Cates: Ordinances to protect minors in City public places
- E. Ron Sluder: Ordinances to protect minors in City public places
- F. Darren Facen: Ordinances to protect minors in City public places.
- G. The following Citizens also spoke regarding the LGBTQ community and Drag events, or in concern of children, parental rights, and community standards on obscenity;
Chris Barrett – Gays Against Groomers; Jacob Blunkall; April Evers; Andrew Behrendt; Rachel Schneider; unidentified citizen; Brandy Howdeshell; Phoenix Hazel; Melissa Jones; Jodi Eberly; Dennis McCannahan; Aden Block; Maggie Beetles; Christy Hahn; Ellie Pickell; Tara Onera; Kyla Calderas; Tracy unidentified last name; Aaron Moyer; Steve Mert; Carol Cates; Vanessa Moyer, unidentified citizen; Bill Hahn, Frank unidentified last name; Johnathan Kimble; Mandy Durkin; and Beth Karr.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Rodney Bourne – RMU GM, answered some questions asked earlier by Councilman Chirban regarding the power outage on July 1st.

X. COMMENTS FOR THE GOOD OF THE ORDER

XI. CLOSED SESSION –

Closed Session per RSMo 610.021- None

XII. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 11:18 p.m.
Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR

July 17th, 2023