

**MINUTES
OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF POPLAR BLUFF, MISSOURI
MONDAY, APRIL 6, 2020**

In honoring Missouri Governor Parson's executive order to contain the Covid-19 pandemic, City Council must avoid social gatherings of more than 10 people and practice social distancing. Therefore, the City Council Chambers was closed to the public. A teleconference system was put in place to allow citizens to hear and participate in the meetings. A telephone number and access code was provided to the public through social media, the local newspaper and City Hall window postings.

The City Council of the City of Poplar Bluff, Missouri, convened in a regular meeting on Monday, April 6, 2020.

Notice of this regular meeting of the City Council was given in the Daily American Republic, a newspaper of general circulation located in the City of Poplar Bluff. A copy of the agenda of this meeting was posted on a bulletin board located in the City Municipal building at 501 Vine Street in the City of Poplar Bluff, twenty-four hours prior to this meeting.

The meeting was called to order by Mayor Robert L. Smith at 7:00 p.m.

The invocation was given by Councilman Ed DeGaris.

The Pledge of Allegiance was led by Mayor Smith.

A roll call was as follows: Present: Parson (via telephone conference), DeGaris, Horton, Cornman, Black (via telephone conference), Davis, and Smith; Absent: None.

Also present were City Manager Mark Massingham, City Attorney Mark Richardson and City Clerk Nevada J. Young who performed the duties of their respective offices.

**DISCLOSURE
OF
INTEREST**

Each member of the City Council was given the opportunity to disclose any possible conflict of interest dealing either with any item on the printed agenda or with any matter discussed at a previous meeting.

Councilwoman Parson disclosed a possible conflict of interest with Workshop Item B.

CITIZENS INPUT

Each person in the audience was given the opportunity to address the City Council on any matter not on the printed agenda.

Mayor Pro Tem Steve Davis addressed the Council and expressed his concern relative to the COVID-19 pandemic. He stated he would like to make the Black River Coliseum available as an overflow site for medical treatment or other uses as needed.

Councilman DeGaris stated he is comfortable with allowing the City Manager to make that determination if it becomes necessary.

City Manager Massingham stated this has in fact been discussed and would not be a problem.

There was a consensus of the Council to allow the Black River Coliseum to be used as needed during the COVID-19 pandemic.

Mr. Jim Chrisman, who gave his address as 464 N. Main Street, Poplar Bluff, Missouri, addressed the Council via telephone. He stated he would like to see the bills and resolutions published on the City's website prior to Council meetings so the public may review them.

**WORKSHOP
ITEMS FOR
DISCUSSION**

**Conditional Use
Permit 2779
Tucker Road,
Suite 1**

The City Council discussed a recommendation from the Planning and Zoning Commission for a conditional use permit to operate a drive-thru window for the sale of food and non-alcoholic beverages at 2779 Tucker Road, Suite 1. The property is located in a C-2 General Commercial district. The applicant is RLOS Investment Group, John and Lilliana Hurst, 6776 Heritage Drive.

**Conditional Use
Permit 2779
Tucker Road,
Suite 9**

The City Council discussed a recommendation from the Planning and Zoning Commission for a conditional use permit to operate a drive-thru window for the sale of food and non-alcoholic beverages at 2779 Tucker Road, Suite 9. The property is located in a C-2 General Commercial district. The applicant is RLOS Investment Group, John and Lilliana Hurst, 6776 Heritage Drive.

**Conditional Use
Permit 2797
Tucker Road**

The City Council discussed a recommendation from the Planning and Zoning Commission for a conditional use permit to operate a drive-thru window for the sale of food and non-alcoholic beverages at 2797 Tucker Road. The property is located in a C-2 General Commercial district. The applicant is RLOS Investment Group, John and Lilliana Hurst, 6776 Heritage Drive.

**Conditional Use
Permit 2789
Tucker Road**

The City Council discussed a recommendation from the Planning and Zoning Commission for a conditional use permit to operate a drive-thru window for the sale of food and non-alcoholic beverages at 2789 Tucker Road. The property is located in a C-2 General Commercial district. The applicant is RLOS Investment Group, John and Lilliana Hurst, 6776 Heritage Drive.

Mr. Matt Winters, City Planner, addressed the Council (via telephone conference). He stated Workshop Items A thru D are all related and part of the same commercial development project. He stated all these requests for conditional use permits are for the sale of food and non-alcoholic beverages at businesses that will be at the corner of PP Highway and Shelby Road. Mr. Winters reviewed the staff reports with the Council and stated these items are recommended for Council approval. He stated the applicant has requested these four items be voted on tonight as well.

After further discussion, motion was made by Mayor Pro Tem Davis, seconded by Councilman DeGaris and carried to move Workshop Items A, B, C and D to the voting session to be held tonight.

**Resolution to
Allow the City's
Reimbursement
for
Certain Capital
Expenditures**

The City Council reviewed a proposed resolution allowing the City to reimburse itself for certain capital expenditures.

City Manager Mark Massingham addressed the Council and stated when we can issue the bonds for the construction of the new Police Station this will allow the City to be reimbursed for the land purchase. He stated this must be done 60 days prior to closing and has nothing to do with the issuance of the bonds which will come at a later date.

After further discussion, motion was made by Councilman Cornman, seconded by Mayor Pro Tem Davis and carried to move this item to the voting session to be held tonight.

ACTION
REQUIRED
ITEMS

**Adoption of the
PACE Program**

The City Council took action on an ordinance adopting the PACE (Property Assessed Clean Energy) Program. Motion was made by Councilman DeGaris, seconded by Mayor Pro Tem Davis that Bill No. 8221, **AN ORDINANCE ENABLING THE CITY OF POPLAR BLUFF, MISSOURI, TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO STATE STATUTE AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SAID DISTRICT**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilman Cornman that Bill No. 8221 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8221 be adopted. A roll call vote was as follows: Yes: Parson, DeGaris, Horton, Cornman, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 21.

**3392 Kanell
Boulevard
Annexation**

The City Council took action on an ordinance annexing certain property at 3392 Kanell Blvd., with a recommendation from the Planning and Zoning Commission to zone the property as RS-1 Rural Residential. Motion was made by Mayor Pro Tem Davis, seconded by Councilman DeGaris that Bill No. 8222, **AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF POPLAR BLUFF, MISSOURI, SUCH PROPERTY BEING DESCRIBED AS 3392 KANELL BLVD., POPLAR BLUFF, MISSOURI, AND OWNED BY SCOORE, LLC**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8222 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Davis and seconded by Councilman Cornman that Bill No. 8222 be adopted. A roll call vote was as follows: Yes: Parson, DeGaris, Horton, Cornman, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 22.

**3392 Kanell
Boulevard
Conditional Use
Permit**

The City Council took action on an ordinance regarding a conditional use permit to operate an independent and assisted living facility for up to 70 patrons located at 3392 Kanell Boulevard. Motion was made by Mayor Pro Tem Davis, seconded by Councilman Cornman that Bill No. 8223, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO SCOORE, LLC FOR THE OPERATION OF AN INDEPENDENT AND ASSISTED LIVING FACILITY AT 3392 KANELL BLVD. IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8223 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Davis and seconded by Councilwoman Horton that Bill No. 8223 be adopted. A roll call vote was as follows: Yes: DeGaris, Horton, Cornman, Parson, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 23.

Barron Road/Katy Lane Property Rezoning

The City Council took action on an ordinance rezoning property from RS-2 General Residential to O-1 Office Professional for future commercial use. The property lies between Katy Lane and Barron Road and is owned by John D. Barbour and the Barbour Family. Motion was made by Mayor Pro Tem Davis, seconded by Councilman Cornman that Bill No. 8224, **AN ORDINANCE REZONING PROPERTY LOCATED EAST OF 2700 KATY LANE AND NORTH OF 2438 KATY LANE FROM RS-2 GENERAL RESIDENTIAL, TO O-1 OFFICE PROFESSIONAL**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8224 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. After further discussion, motion was made by Mayor Pro Tem Davis and seconded by Councilman Cornman that Bill No. 8224 be tabled. The motion carried unanimously.

Tobacco-Free Policy for City-Owned Outdoor Recreational Areas

The City Council took action on an ordinance implementing a Tobacco-Free Policy for City owned outdoor recreational areas. Motion was made by Councilman DeGaris, seconded by Councilman Cornman that Bill No. 8225, **AN ORDINANCE AMENDING THE CITY OF POPLAR BLUFF, MISSOURI CODE OF CITY ORDINANCES, SECTION 235 RELATING TO A TOBACCO-FREE POLICY FOR OUTDOOR RECREATIONAL FACILITIES IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilman DeGaris that Bill No. 8225 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8225 be adopted. A roll call vote was as follows: Yes: Cornman, Parson, DeGaris, Horton, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 24.

Administrative Services Agreement Addendum

The City Council took action on an ordinance approving an addendum to the Administrative Services Agreement by and between the City of Poplar Bluff and the Ozark Foothills Regional Planning Commission. Motion was made by Councilman Cornman, seconded by Councilwoman Horton that Bill No. 8226, **AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF POPLAR BLUFF, MISSOURI, TO EXECUTE AN ADDENDUM TO AN AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE CITY OF POPLAR BLUFF AND OZARK FOOTHILLS REGIONAL PLANNING COMMISSION**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilman DeGaris that Bill No. 8226 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Davis and seconded by Councilwoman Parson that Bill No. 8226 be adopted. A roll call vote was as follows: Yes: Parson, DeGaris, Horton, Cornman, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 25.

2779 Tucker
Road, Suite 1
Conditional Use
Permit

The City Council took action on an ordinance regarding a conditional use permit for a drive-thru window at 2779 Tucker Road, Suite 1. Motion was made by Councilman DeGaris, seconded by Mayor Pro Tem Davis that Bill No. 8227, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO RLOS INVESTMENT GROUP, LLC, AND JOHN AND LILLIANA HURST TO PERMIT THE USE OF A DRIVE-THRU WINDOW FOR THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES AT 2779 TUCKER ROAD, SUITE 1, IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilwoman Horton that Bill No. 8227 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman DeGaris and seconded by Councilman Cornman that Bill No. 8227 be adopted. A roll call vote was as follows: Yes: DeGaris, Horton, Cornman, Parson, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 26.

2779 Tucker
Road, Suite 9
Conditional Use
Permit

The City Council took action on an ordinance regarding a conditional use permit for a drive-thru window at 2779 Tucker Road, Suite 9. Motion was made by Mayor Pro Tem Davis, seconded by Councilman Cornman that Bill No. 8228, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO RLOS INVESTMENT GROUP, LLC, AND JOHN AND LILLIANA HURST TO PERMIT THE USE OF A DRIVE-THRU WINDOW FOR THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES AT 2779 TUCKER ROAD, SUITE 9, IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8228 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Mayor Pro Tem Davis and seconded by Councilman Cornman that Bill No. 8228 be adopted. A roll call vote was as follows: Yes: Horton, Cornman, Parson, DeGaris, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 27.

2797 Tucker
Road Conditional
Use Permit

The City Council took action on an ordinance regarding a conditional use permit for a drive-thru window at 2797 Tucker Road. Motion was made by Mayor Pro Tem Davis, seconded by Councilman DeGaris that Bill No. 8229, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO RLOS INVESTMENT GROUP, LLC, AND JOHN AND LILLIANA HURST TO PERMIT THE USE OF A DRIVE-THRU WINDOW FOR THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES AT 2797 TUCKER ROAD, IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilman DeGaris that Bill No. 8229 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Bill No. 8229 be adopted. A roll call vote was as follows: Yes: Cornman, Parson, DeGaris, Horton, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such

ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 28.

**2789 Tucker
Road Conditional
Use Permit**

The City Council took action on an ordinance regarding a conditional use permit for a drive-thru window at 2789 Tucker Road. Motion was made by Councilman Cornman, seconded by Councilwoman Horton that Bill No. 8230, **AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO RLOS INVESTMENT GROUP, LLC, AND JOHN AND LILLIANA HURST TO PERMIT THE USE OF A DRIVE-THRU WINDOW FOR THE SALE OF FOOD AND NON-ALCOHOLIC BEVERAGES AT 2789 TUCKER ROAD, IN POPLAR BLUFF, MISSOURI**, be read for the first time by caption only. Said bill was then placed upon its first reading, was read by caption only and duly passed by unanimous vote. Motion was made by Mayor Pro Tem Davis and seconded by Councilman DeGaris that Bill No. 8230 be placed upon its second and final reading whereupon such bill was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this bill. There being no discussion, motion was made by Councilman Cornman and seconded by Councilman DeGaris that Bill No. 8230 be adopted. A roll call vote was as follows: Yes: Parson, DeGaris, Horton, Cornman, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such ordinance duly adopted and the bill was thereupon duly numbered Ordinance No. 20 - 29.

**Sycamore Street
Community
Improvement
District Board
Appointments**

The City Council took action on a resolution appointing directors for a three (3) year term to the Sycamore Street Community Improvement District Board of Directors. Motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis, that Resolution No. 1920, **A RESOLUTION OF THE CITY OF POPLAR BLUFF, MISSOURI, MAKING APPOINTMENTS TO THE SYCAMORE STREET COMMUNITY IMPROVEMENT DISTRICT BOARD OF DIRECTORS**, be read by caption only. Said bill was then placed upon its reading and was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this resolution. There being none, motion was made by Mayor Pro Tem Davis and seconded by Councilman Cornman that Resolution No. 1920 be adopted. A roll call vote was as follows: Yes: DeGaris, Horton, Cornman, Parson, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such resolution duly adopted and was thereupon duly numbered Resolution No. 1920 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

**Reimbursement
of Certain Capital
Expenditures**

The City Council took action on a resolution determining the intent of the City of Poplar Bluff, Missouri, to reimburse itself for certain capital expenditures. Motion was made by Mayor Pro Tem Davis and seconded by Councilman DeGaris, that Resolution No. 1921, **A RESOLUTION DETERMINING THE INTENT OF THE CITY OF POPLAR BLUFF, MISSOURI, TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES**, be read by caption only. Said bill was then placed upon its reading and was read by caption only and duly passed by unanimous vote. At this time Mayor Smith asked if there was any discussion of this resolution. There being none, motion was made by Councilman DeGaris and seconded by Mayor Pro Tem Davis that Resolution No. 1921 be adopted. A roll call vote was as follows: Yes: Horton, Cornman, Parson, DeGaris, Davis, Smith; No: None; Absent: None; Abstained: None. There being a favorable vote the Mayor thereupon declared such resolution duly adopted and was thereupon duly numbered Resolution No. 1921 and was thereupon duly signed and approved by the Mayor and attested to by the City Clerk.

**City Manager's
Report**

City Manager Massingham addressed the Council and stated meetings are held daily at the Police Department in the Emergency Operations Center with City and County Officials, the Health Department and health professionals regarding the COVID-19 pandemic. He stated the Governor issued a stay-at-home order last Friday and he

would like to encourage everyone to stay home unless they have to get out for groceries, doctor appointment and other necessities. Mr. Massingham stated there will be a blood drive on Tuesday and Wednesday from 12 noon to 6:00 p.m. at the Black River Coliseum. He encouraged those who are able to please donate blood. He stated he will be reviewing sales tax revenue decreases from the closure of many businesses in town with the Council in the near future.

There being no further business to come before this meeting of the City Council, motion was made by Councilman DeGaris, seconded by Councilwoman Horton and carried to adjourn this regular session of the City Council.

Mayor Smith declared the meeting adjourned at 7:44 p.m.

Respectfully submitted,


Nevada J. Young
City Clerk

APPROVED BY THE CITY COUNCIL

OF THE CITY OF POPLAR BLUFF,

MISSOURI, THIS 18th DAY

OF May, 2020.