

SPECIAL CITY COUNCIL MEETING
MARCH 27, 2017

CALL TO ORDER/RECORD OF ATTENDANCE

The special Sikeston City Council meeting of March 27, 2017 was called to order at 11:30 a.m., in the City Council Chambers, located at 105 East Center, Sikeston. Present at the meeting were: Mayor Pro-Tem Jon Gilmore and Councilmen Ryan Merideth, Gerald Settles, and Mary White-Ross. Mayor Steven Burch and Councilwoman Karen Evans were absent. Staff in attendance were: City Manager Jonathan Douglass, City Counselor Chuck Leible, City Clerk Carroll Couch, City Treasurer Karen Bailey, Governmental Services Director Linda Lowes, Director of Public Safety Mike Williams, Public Works Director Jay Lancaster, Assistant Public Safety Director James McMillen, Parks Director Dustin Care, Street Superintendent Brian Dial, Senior Building Official Collin Cecil, and Airport Manager Lee Dunn.

ITEMS OF BUSINESS

First Reading, Bill Number 6048, Request to Rezone 7.27 Acres Located South of Brunt Blvd. and North of US Highway 60 from Agricultural Open to Single Family Residential

Councilman Merideth moved for the first reading of Bill Number 6048. The motion was seconded by Councilwoman White-Ross and the following vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

Counselor Leible presented Bill Number 6048 for reading. This bill as approved shall become Ordinance Number 6048 providing for the rezoning of a tract of land, which consists of approximately 7.27 acres and is located generally south of Brunt Boulevard and north of US Highway 60 from "AG" Agricultural Open Space to "R-1" Single Family Residential, in the City of Sikeston, New Madrid County, Missouri.

Bill Number 6049, Subdivision Request

Councilman Settles moved for the first reading of Bill Number 6049. The motion was seconded by Councilman Merideth and the following vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

Counselor Leible presented Bill Number 6049 for a first reading. This bill as approved shall become Ordinance Number 6049 providing for approval of subdividing a 7.27 acre tract or parcel of land being known as South Ridge Estates, 21st Addition, City of Sikeston, New Madrid County, Missouri, and which general lies south of Brunt Boulevard and north of US Highway 60, in the City of Sikeston, New Madrid County, Missouri.

Authorization to Proceed with Runway Maintenance Project

The runway at Sikeston Airport is in need of resurfacing and new pavement markings. MODOT Aviation has federal funds available that are reimbursed at 90% ratio. John Chittendon of Waters Engineering estimates the total cost of the project to be \$350,000 of which the City of Sikeston will be responsible for 10% local match or \$35,000 which can come from the remaining funds in the airport fund.

Councilman Settles moved to authorize city staff to submit an application and execute any necessary agreements with Moot to begin this project. The motion was seconded by Councilman Merideth and the following vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

Second Reading, Bill Number 6050, Re-adoption of Fair Housing Policy

Councilman Merideth moved for the second reading of Bill Number 6050. The motion was seconded by Councilman Settles and the following vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

Counselor Leible presented the bill for reading.

BILL Number 6050

ORDINANCE Number 6050

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6050, PROVIDING "FAIR HOUSING" FOR THE CITY OF SIKESTON, MISSOURI, DEFINING DISCRIMINATORY HOUSING PRACTICES, AND CREATING A FAIR HOUSING COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: Declaration of Policy: The City Council of the City of Sikeston hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national origin, ancestry, religion, religious affiliation, handicap and without regard to whether a family has children. This ordinance shall be deemed an exercise of the police powers of the City of Sikeston, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Sikeston.

SECTION III. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein unless the context otherwise indicates.

- A. Person shall include any individual, firm, partnership or corporation.
- B. Aggrieved Person shall include any person who is attempting to provide housing for himself and/or his family in the City of Sikeston, Missouri.
- C. Discriminate shall mean distinctions in treatment because of race, sex, color, religion, handicap, familial status or national origin of any person.

SECTION IV. Discriminatory Practices. It shall be a discriminatory practice and a violation of this ordinance for any person to:

- A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a

dwelling to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of any person.

- B. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- C. Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, religious affiliation, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. Represent to any person because of race, sex, color, religion, religious affiliation, handicap, familial status, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, religious affiliation, handicap, familial status, or national origin.
- F. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.
- G. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons, e.g. Section 202 housing.

SECTION V: Discrimination in the Financing of a House. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or discriminate against any person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, religious affiliation, handicap, familial status, or national origin of such person or of any person associated with him in connection with such financing.

SECTION VI. Exemptions. The provisions of this ordinance and particularly Section IV hereof, shall not apply to the following:

- A. The sale or rental of a dwelling unit in a building, which contains housing accommodations with no more than four (4) families living independently of each other, if the owner resides in one of the units.
- B. Housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.
- C. Religious organizations and private clubs may limit the sale, rental or occupancy

of housing owned or operated for other than a commercial purpose, to their members.

- D. Any single family house sold or rented by an owner provided that such house is sold or rented:
1. without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwelling, and
 2. without the publication, posting or mailing of any advertisement in violation of Section 3c of this ordinance.

provided however, that:

1. nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, and
 2. that any such private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the process, from the sale or rental of more than three such single family houses at any one time.
- E. For the purposes of subsection e, a person shall be in the business of selling or renting dwelling if:
1. he has, within the preceding twelve months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. he has, within the preceding twelve months, participated as an agent, other than in the sale of his own personal residents in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 3. he is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

SECTION VII. Administration:

- A. There is hereby created a Fair Housing Committee whose membership shall consist of five members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- B. Every complaint of a violation of this ordinance shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event, the Fair Housing

Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney.

SECTION VIII. Enforcement.

- A. Any person convicted of a violation of this ordinance shall be punished by a fine of not more than two hundred (\$200.00) or confinement in the County jail for not more than thirty (30) days, or both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may, as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri.

SECTION IX: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION X: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION XI: Savings Clause. This ordinance shall not affect violations of any other ordinance, code or regulation of the City of Sikeston existing prior to the effective date hereof. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION XII: Record of Passage:

- A. Bill Number 6050 was introduced and read the first time this 16th day of March 2017.
- B. Bill Number 6050 was read the second time and discussed this 27th day of March 2017. Councilman Merideth moved to approve Bill Number 6050. The motion was seconded by Councilwoman White-Ross, and the following roll call vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed, and becoming ordinance 6050.

- C. Ordinance 6050 shall be in full force and effect from and after April 27, 2017.

First Reading, Bill Number 6052, Authorization to Enter into a Real Estate Agreement

Councilman Merideth moved for the first reading of Bill Number 6052. The motion was seconded by Councilman Settles and the following vote recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

Counselor Leible presented Bill Number 6052 for reading, an ordinance authorizing the City of Sikeston, Missouri to enter into a certain real estate contract and option to purchase real estate.

ADJOURNMENT

There being no further business before the City Council, Councilman Merideth moved to adjourn. The motion was seconded by Councilwoman White-Ross and the following roll call vote was recorded:

Gilmore Aye, Merideth Aye, Settles Aye, and White-Ross Aye, thereby being passed.

APPROVED:

STEVEN BURCH, MAYOR

ATTEST:

CARROLL L. COUCH, CITY CLERK

SEAL: