**Special Meeting**

**Monday, February 20, 2023**

**7:00 pm**

1. Call to order and Roll Call

Mayor Duewer called the meeting to order at 7:00 pm. Present were: Alderman, Baines,

Alderman Campbell, Alderman Cleveland, Alderman Gray, Alderman Nagel and

 Alderwoman Robinette. Also present, but not part of the roll call were members of the

Zoning Committee/Planning Commission: Tony Miller, Chairman, Ron Fisher, Ralph Young and Tom Palliser.

Also in attendance was Mr. Walls and several community members.

1. Pledge of Allegiance
2. Begin Meeting:

Mayor Duewer announced that this is a public hearing to hear comments and receive evidence on Russell Walls application for rezoning his property at East State Street.

Mayor Duewer asked the City Clerk if notice of the hearing was published in the

newspaper at least 15 days before the public hearing. With the answer being affirmative,

the Mayor asked that a copy of the notice be marked as City Exhibit 1 and made part

of the record.

Mayor Duewer asked the City Clerk if notice of the hearing was mailed to all owners of property within 300 feet of the property sought to be rezoned. With the answer being affirmative, the Mayor asked that a list of the owners and mailing addresses, marked as City Exhibit 2, be made part of the record.

Mayor Duewer stated that the zoning board submitted a recommendation wherein it

recommends denying the request for rezoning. Mayor Duewer asked the City Clerk to

mark a copy of the recommendation as City Exhibit 3 and that it be made part of the

record.

Mayor Duewer stated that the mayor and any council members may ask questions of witnesses.

Mayor Duewer stated that Mr. Walls will go first, then anyone from the zoning board, the members of the public.

Mayor Duewer invited Mr. Walls to make any comments, present any evidence. Copies of Mr. Walls’ documentation was provided to the City Clerk.

Mr. Walls opened his comments with remarks about his background and misconceptions people may have about him. He began by stating that his properties on East State Street are misidentified as Single Family Residential (RS-1) and should be Multi Family Residential (RM) as they were in the past. Mr. Walls further stated that, despite the Zoning Map in City Hall, the County Assessor shows his property as RM. To his knowledge, the change was never officially approved and he has not been provided an ordinance on this matter. He further stated that the Zoning Board had ignored his questions and cancelled the January 16 meeting, thus providing him no opportunity to receive answers. Mr. Walls then stated that he had wanted to sell his properties in the past but the incorrect zoning blocked that from happening.

The Mayor stated that the hearing was to address the Zoning Board’s denial of his rezoning request and asked Mr. Wall’s what he is asking. Mr. Wall’s stated that he wants his properties on East State Street to be zoning as General Commercial (GC). He plans to open a woodshop for mail order business and put up storage sheds. He stated that there is some confusion regarding buffer zones depending upon the zoning designation. (NOTE: dimensions are stated in the Zoning Ordinance for each specific designation). Mr. Walls further stated that he believes zoning has been inconsistently applied in the past.

Mr. Walls was again asked to state which designation. He wants – to which he replied: General Commercial, just like Bob Barbee. (NOTE: Mr. Barbee owns several storage facilities on South Miller, which is zoned as General Commercial).

Alderman Gray stated that the designation of General Commercial does not allow for storage sheds per the Zoning Ordinance. The proper designation would be Light Industrial (IL). Mr. Walls should have followed the procedure in the zoning ordinance.

Mr. Walls stated that with the current “setbacks”, LG would only allow for 20 units and CG would allow for 27 units. Mr. Walls further stated that he submitted everything, but things were lost. Mr. Walls final statement to the City Council was that he filled everything out properly and he wants to be treated exactly like Bob Barbee.

Mr. Miller, Chairman of the Zoning Board stated that Mr. Walls did not follow the steps as outlined in the Zoning Ordinance to request rezoning (i.e. the list of property owners was incomplete).

Invite members of the public to make comments, present any evidence.

* Tom Norris stated that everyone should be treated the same.
* Greg Watret stated that Mr. Walls should just do what the Zoning Board asks.
* No one from within the 300 foot radius of the property in question chose to speak.

Mayor Duewer asked if anyone else wished to speak. Upon hearing from no one, the Mayor stated that the Council would consider the recommendation of the zoning board, taking into consideration comments made during this meeting, at the March City Council Meeting.

1. Adjourn:

Alderman Gray moved, second by Alderman Campbell to adjourn at 7:50 pm. All present voted aye.

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Mayor City Clerk