

CITY OF ROCK HILL  
BOARD OF ALDERMEN MEETING  
MINUTES  
TUESDAY, OCTOBER 4, 2005  
7:00 P.M.  
ROCK HILL CITY HALL ASSEMBLY ROOM

- 1) The meeting was called to order by Mayor Morgan at 7:05 p.m.
- 2) The Mayor led everyone saying the Pledge of Allegiance
- 3) Roll Call was taken with Alderwomen Barnard, McCann and Brown along with Aldermen Knuckles and Johnson present. Alderman Townsend did not attend.
- 4) There were no emergency items added to the agenda.
- 5) Citizens were invited to address the Board.
  - a) Joan Machensky who lives on O'Day asked if procedures have been established to fill the Ward 3 Aldermanic position. David Townsend had announced at the previous meeting that he was resigning as Alderman. His actual letter of resignation was received on the day of this meeting. Mayor Morgan asked anyone who was interested in the position contact her personally or by calling City Hall. She is looking for someone who will work well with this Board.
  - b) Pastor Doctor Jemimah Ngatia from Kenya said she is leading a new Christian congregation which is a United African Presbyterian Church that meets in the building formerly occupied by the Rock Hill/South Webster Presbyterian Church. She invited everyone to see how they worship.
- 6) There were no public hearings.
- 7) The following announcements, presentations, proclamations, communications and invitations were made.
  - a) Mayor Morgan introduced new City Administrator George Liyeos. Mr. Liyeos thanked everyone for the warm welcome and promised to work on improvements.
  - b) The update from NOVUS was on the agenda as a regularly scheduled item. NOVUS was not scheduled specifically for this meeting. Representatives have been at the two previous Board meetings and will be at the Planning and Zoning Commission meeting on the next evening. NOVUS will be at the next Board meeting which will include a public hearing before the Board of Aldermen.
  - c) The Mayor announced a special Board of Aldermen's meeting on Monday October 10, 2005 at 6:00 p.m. This meeting has been set for a review of development work with Carol Waggoner of PGAV.
- 8) In old business there was a request to add the fence behind Colonial Square on the agenda for the next meeting.
- 9) The minutes of the meetings of September 16 & 20, 2005 were included in the packets. Alderman Knuckles made a motion to approve the minutes of both meetings following a minute to

review them. The motion was seconded by Alderwoman Barnard. It was noted that the tape for the meeting of September 16<sup>th</sup> had broken. This was noted in the packet because there were some specific comments that Aldermen made at that meeting. No comments had been received to add comments to the minutes of this meeting. In light of this the motion was withdrawn. Alderman Knuckles made a motion to table the minutes of September 16 & 20, 2005 until the next regularly scheduled Board meeting. The motion was seconded by Alderman Johnson. The motion was approved unanimously 5-0.

10) The Treasurer's report was the warrant listing of bill paid and to be paid for September. While Alderman Knuckles noted the Mayor's request to ask questions about minutes and bills before the meeting that was included in the packet, he did have a question about one time that was listed. Alderman Johnson also had a question. After the questions were asked and answered, Alderman Knuckles made a motion to approve the Warrant listing for September 2005 based upon the Finance Director's representation that they are appropriate and correct. The motion was seconded by Alderwoman McCann. The motion was approved unanimously 5-0.

11) The following Resolutions and Bills were considered by the Board as described below. Pursuant to RSMo. 79.130, all bills were read by "title" only. Copies were available to the General Public at the meeting.

a) Alderwoman McCann stepped down prior to consideration of Bill No. 1640 and did not participate in the discussion of this issue in open or closed session. A motion was made by Alderman Knuckles to have the second reading of Bill No. 1640. The motion was seconded by Alderman Johnson.

Alderman Johnson asked if this bill could be tabled until the name of the primary tenant was publicly named. Mayor Morgan restated from the last meeting that NOVUS has proceeded according to the redevelopment agreement and that agreement calls for the Board to authorize the issuance of tax increment (TIF) financing notes at this time.

The motion to have the second reading of Bill #1640 was withdrawn.

Alderman Barnard explained that the issuing of TIF notes and the naming of the primary tenant are two different things. Mayor Morgan read section 16.1 of the redevelopment agreement to make sure everyone understood what the agreement states. Mayor Morgan stated that not approving the TIF notes would be a breach of the contract. The Mayor also stated that each Alderman should have done what Alderman Barnard did during the past two weeks if they had

questions concerning these two issues and the legal ramifications.

Alderman Johnson made a motion to table Bill #1640. There was no second to the motion. The discussion continued relating to the issue of knowing who the anchor tenant would be and the requirements of the redevelopment agreement. The motion died due to a lack of a second.

Alderwoman Barnard made a motion to have the second reading of bill #1604 by caption only. Alderwoman Brown seconded the motion. Voting for the motion were Alderwomen Barnard and Brown. Voting against the motion were Aldermen Johnson and Knuckles. Alderwoman McCann did not vote. As noted earlier, she had stepped down. Mayor Morgan broke the tie vote by voting for the motion. The motion was approved 3-2.

City Attorney, Ken Heinz read Bill #1640 as follows: **AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,600,000 PRINCIPAL AMOUNT OF TAX INCREMENT REVENUE NOTES (NORTHWEST/SOUTHWEST REDEVELOPMENT PROJECT - RPA 1), SERIES A AND B, OF THE CITY OF ROCK HILL, MISSOURI, TO PROVIDE FUNDS TO FINANCE CERTAIN REDEVELOPMENT PROJECT COSTS RELATING TO THE REDEVELOPMENT PLAN - NORTHWEST/SOUTHWEST REDEVELOPMENT AREA; APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE NORTHWEST/SOUTHWEST REDEVELOPMENT AREA, INCLUDING A TRUST INDENTURE; AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO**

The City Attorney recommended adjourning to closed session to discuss the legal ramifications of not approving this bill.

Alderwoman Barnard made a motion to go into a closed meeting with closed record and closed voting, pursuant to Subsection (1),(2),(3) & (12) of Section 610.021, RSMo, 2004, in order to discuss legal actions, causes of action, or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representative and its attorneys; and leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration thereof; and the hiring, firing, disciplining or promoting of an employee of a public governmental body; and documents related to a negotiated contract. The motion was seconded by Alderwoman Barnard. A roll call vote was taken with votes for from Alderwomen Barnard and Brown and from Alderman Knuckles.

Alderman Johnson voted against the motion. The motion passed 3-1. The Board went into closed session without Alderwoman McCann attending.

After returning to open session, Alderwoman Barnard made a motion to accept the second reading of Bill #1640 and adopting it as Ordinance #1570. The motion was seconded by Alderwoman Brown. Voting for the motion were Alderwomen Barnard and Brown along with Aldermen Knuckles and Johnson. Alderman Johnson noted his concerns prior to voting. The motion passed 4-0.

Alderwoman McCann then returned.

- b) A motion was made by Alderman Knuckles to have the second reading of Bill #1642 by title only. The motion was seconded by Alderwoman Johnson. The motion passed unanimously.

City Attorney, Ken Heinz read Bill #1642 as follows: **AN ORDINANCE APPOINTING GILMORE AND BELL AS SPECIAL COUNSEL AND SETTING THE TERMS OF COMPENSATION**

A motion was made by Alderman Knuckles to accept the second reading of Bill #1642 and adopting it as Ordinance #1571. The motion was seconded by Alderwoman Brown. Voting in for the motion were Alderwomen Brown, McCann and Barnard along with Aldermen Knuckles and Johnson. The motion was approved 5-0.

- c) City Attorney, Ken Heinz, stated that Resolution 05-03 had been read at the previous meeting and did not need to be read again. Alderman Johnson made a motion to approve resolution 05-03. Alderwoman Barnard seconded the motion. The motion being considered reads as follows: **A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI, ADOPTING THE INTERNATIONAL CITY MANAGERS ASSOCIATION (ICMA) RETIREMENT CORPORATION DEFERRED COMPENSATION PLAN TO BE MADE AVAILABLE TO ALL CITY EMPLOYEES AND HEREBY GIVES TITLE OF PROGRAM COORDINATOR TO THE CITY ADMINISTRATOR.**

City Administrator, George Liyeos, explained that most cities have this deferred compensation plan set up. It is open to all employees. The program coordinator can be changed.

Alderman Johnson asked if there would be any advantage in using the same trustee as the other pension plans. It was that this would be cost prohibitive.

Alderwoman McCann moved to amend the motion to have the Finance Director as the Program Director. Alderwoman Barnard seconded. The amendment was approved unanimously.

The vote was then held on Resolution 05-03 as amended. The resolution was approved unanimously.

- 12)** The Mayor stated the Planning and Zoning Committee would be meeting the next night, October 5, 2005. There will be public hearings and discussion of the new proposed zoning map, proposed changes to the comprehensive plan, possible re-zoning of the properties for the future City Hall and consideration & recommendations for RPA1 of the NOVUS project.

Alderman Knuckles was happy to have had the ground breaking for the NOVUS project on the previous Saturday morning.

- 13)** The Mayor noted the packets included Departmental Reports.

**a)** There was a request to put the Mo LAGERS report and consideration of any changes in the LAGERS program on the agenda for the next regular Board meeting under Old Business.

**b)** City Administrator, George Liyeos, addressed the Court request for a temporary location. He noted there are a couple of issues. The most important one is security. The Court does not believe the new space provides the same level of security as the previous City Hall or another permanent facility. It was noted that the Court Administrator had checked with several neighboring municipalities. Warson Woods was the only one that does not have court on the same night as Rock Hill.

Alderman Johnson asked about the cost and if it would fit within the budget. George Liyeos stated the rate of \$30 per hour to use the Warson Woods location was reasonable. The total amount should be small and should be able to be covered in the budget.

A motion was made by Alderman Johnson to accept the Court Administrator's recommendation and approve the agreement with Warson Woods. The motion was seconded by Alderwoman Barnard. The motion passed unanimously.

- 14)** The City Attorney had the following items.

**a)** Custody Agreement with Wilmington Trust Co. to act as the trustee for the pension plans has not been finalized. The

City has not reached an agreement with them concerning a hold harmless agreement.

- b) Ken recommended an RFP for the demolition of the houses that the City has bought and is buying for the new City Hall site.
  - c) Ken reminded the Board of an RFP and responses for demolishing two homes at the corner of West Thornton and Ennis. He informed the Board that all the proper steps have been followed and the houses should now be torn down. The bid can be awarded if they are still valid. The Board requested this be added to the next regular Board meeting under Old Business.
  - d) The vacating of an easement for Walgreens needs to be included on the next regular Board agenda under Old Business.
- 15) The Mayor's Report consisted of the following.
- a) The Mayor introduced the new City Administrator, George Liyeos. George thanked everyone for the warm welcome and anxious to move forward on the challenges in Rock Hill.
  - b) The Mayor asked the Alderpersons from Ward 1 for their recommendations for Parks & Recreation Commission member. Alderman Johnson recommended Phillip Scherry who lives at 9383 Golden Gate. The Mayor presented this name to the Board for consideration. A motion was made by Alderwoman Barnard to approve Phillip Scherry as a member of the Parks & recreation Commission. The motion was seconded by Alderwoman McCann. The motion passed unanimously.
  - c) Mayor Morgan stated that she had received the formal resignation letter from David Townsend as an Alderman for Ward 3 on that day, October 4, 2005. She is seeking an individual to fill the position who will be balanced and work well with the rest of the Board. She has received one name of an interested person but has not been able to make contact with that person yet. The Mayor asked anyone who was interested to contact her or to leave a message for her at City Hall.
  - d) The Mayor said the Fall Festival the previous Saturday was fun. She noted the day began with a formal ground breaking of the NOVUS redevelopment project at 9:00 a.m. The parade was great and the festivities were held at Hudson School. Alderman Knuckles noted that there were four bands marching in the parade. This is more than there has ever been in the

parade. For next year's parade work has begun on getting the Air Force Reserve band to make an appearance.

- e) The Mayor gave an update on the selection process for an architect to design the new City Hall. There were seven responses to the City's request for qualifications (RFQ). Responses were received from Oculus Inc., KAI and Associates, P. H. Weis & Associates, Bond-Wolf, ArchImages, TDP/St. Louis Inc. and HKW Architects. These were received on Friday, September 23, 2005 by 1:00 p.m. in accordance with the RFQ. The review committee selected ArchImaged, KAI and Associates and Bond Wolf for formal interviews. Those interviews were held on Thursday and Friday, September 29 & 30, 2005. The committee then reviewed all the information and recommended Bond/Wolf. The Mayor would like to have George Liyeos work on a contract with them that can be brought forward to the Board.

Alderman Barnard asked why an RFQ was issued rather than a request for proposals (RFP). It was explained that an RFP is used when looking for a specific proposal with costs. In this case the City was seeking the best qualified firm to work with the City to design the best possible City Hall in the time frame necessary and at a cost that is appropriate for the City. Bond and Wolf has a great track record and is the best fit. An RFQ allows for better cost control and can the ability to move the project forward faster. The Mayor said Bond and Wolf could be at the next Board meeting or a special meeting if the Board would like.

Alderman Johnson asked if all three of the firms that were interviewed were qualified. He also wanted to know if the whole Board could meet with two or three of the firms. The Mayor explained that the process the Board has decided on established a review committee that would have flexible schedules so they could meet during the day as needed. The group included Mayor Morgan, Alderwoman McCann, Alderman Knuckles, City Administrator George Liyeos and Architect Mike Kozen of PGAV as a professional consultant. This team was charged with bringing the Board a recommendation. Alderman Johnson asked if the City was starting a trend of only having one recommendation with a consultant. Alderman McCann explained that the group did exactly what the Board had agreed upon prior to starting the process. George Liyeos offered to meet with Alderman Johnson and explain the process and selection process that the group used. He said he believes Alderman Johnson will reach the same conclusion.

f) Alderman Johnson asked if the Mayor had an update on the Walgreens development. Mayor Morgan thanked him for the question. The developer told her that the last day for the businesses to move out would be Friday, October 7, 2005. After that there will be a \$1,000 per day charge until they have moved.

16) George Liyeos gave the City Administrator's Report which consisted of the following.

a) George referred to the Allied Waste (formerly Midwest Waste) memorandum that was in the packet. This memo related to the increase in fuel costs. He said that he and the Mayor will be meeting with Allied Waste on October 19<sup>th</sup>. Allied Waste will be at a Board meeting in the near future.

b) The City Administrator referred to the packet information relating to the St. Louis Co. Code Enforcement Services. He stated that most municipalities are working on this. The City Attorney noted that the City will have to make the same amendments.

c) George told the Board that he has run sewer lateral programs in the past. He said the City can do a good job in-house without going into the red. This can be accomplished with proper policies and procedures. It was noted that using the County had an extra cost which would make it more economically feasible to do it in-house.

A motion was made by Alderwoman McCann to keep the sewer lateral program in-house. The motion was seconded by Alderman Knuckles. The motion passed unanimously.

17) Alderman Knuckles motioned to adjourn the meeting. The motion was seconded by Alderwoman McCann. The motion passed unanimously and the meeting was gavelled closed at 8:28 p.m.