

CITY OF ROCK HILL
BOARD OF ALDERMEN MEETING MINUTES
TUESDAY, FEBRUARY 7, 2006
7:00 P.M.

- 1) The meeting was called to order by Mayor Morgan at 7:00 p.m.
- 2) The Mayor requested and led the recital of the Pledge of Allegiance.
- 3) Roll call was taken with the following members of the Aldermanic Board being present: Redmond, Knuckles, Johnson, Barnard, and Brown. Alderwoman McCann was not present.
- 4) There were no Emergency Items added to the agenda.
- 5) Citizens to Address the Board:
 - Phillip Scherry – 9383 Golden Gate
Mr. Scherry voices his dissatisfaction with the proposed revisions to the redevelopment agreement. He is concerned that there is no protection for the north side of the project and offers ideas that he feels will protect Rock Hill citizens.
 - Art Korte – 621 County Hills Drive
Mr. Korte expresses his concerns that the relocation of the cell tower will affect the County Hills neighborhood and submits information detailing work done in other communities to “camouflage” such towers. In addition, he presents reports by the International Association of Firefighters, Division of Occupational Health, Safety, and Medicine regarding cell tower transmissions.
 - Beverly Helton – 2433 Pocahontas
Mrs. Helton addresses the Board on the subject of the nuisance dogs and barking on her street. She is pleased that the Board is taking action on this, but stresses that an ordinance, when passed, must be enforced. She inquires of the process that will be used to inform Rock Hill residents of any new ordinances, and the penalties for non-compliance.
 - Ed Orlet – 1058 North Rock Hill
Mr. Orlet approaches the Board to echo the sentiments of others concerned about amending the redevelopment agreement. He asks that any amendment offer equal protection for Rock Hill homeowners. He asks that the elected representatives not forget about the residents and understand that the residents trust them to look out for their (residents) interests as well as Novus.
 - Michael Auxtinee – 2411 Pocahontas
Mr. Auxtinee expressed frustration with the issue of nuisance dogs barking constantly and with the owners of those dogs who will not pick up after them. He cited ongoing health issues stemming from the 11-plus dogs around him and hopes positive change comes from the issue being addressed publicly.
- 6) Public Hearings - None
- 7) Announcements, Presentations, Proclamations, Communications and Invitations:
 - a) Mr. Joe Walsh, General Counsel for Novus, offers information bringing everyone up-to-date on the progress of the redevelopment. The cell tower, he reports, generates revenue for Rock Hill. He supports the initiative to disguise it, should there be such an application. Mr. Walsh, in speaking of the amendments to the agreement, states that much time has been invested in this and that he commends all parties involved for producing an agreement that, he feels, is better and fair to all parties. Alderwoman Barnard, addressing

the appraisal process, wants to ensure that properties are evaluated alongside comparable homes situated away from the blighted area. Discussion followed in which Alderman Johnson asked that the certifications of selected appraisers be consistent. Mr. Walsh responded that Novus will work with residents and appraisers in order to reach agreement on the amount offered to the homeowner.

8) Old Business

- a) The City Administrator reported that the fence at Colonial Square will be taken down. The surrounding area will be cleaned and a series of berms will be added. When weather allows, planting will take place.
- b) Mr. Liyeos reports that the updating of the website is in progress. Following his report, he responds to Alderwoman Barnard that contracts have been put out for proposal for demolition of the old Western Auto.

9) Minutes of Previous Meetings

- a) Minutes of the meeting from January 17, 2006
Alderman Knuckles motions to accept the minutes of the 1/17/06 meeting. The motion is seconded by Alderwoman Barnard. The City Attorney asks that a correction be made in the reporting of the City Attorney's items. Alderman Knuckles moves to accept the minutes, as amended, of the January 17th meeting. The motion is seconded by Alderwoman Barnard and carried by a voice vote.

10) Treasurer's Report

- a) Following discussion about items listed for January, a motion is made by Alderman Knuckles to accept the warrant listing and to pay the bills for January. The motion is seconded by Alderwoman Brown. Following a voice vote, the motion is carried.
- b) Don Cary offers a detailed accounting of the Third Quarter Financial Report and answers questions posed by the Board Members.

11) Bills and Resolutions: Pursuant to RSMo. 79.130, all bills and resolutions will be read by "title" only. Copies will be available to the General Public at City Hall during regular office hours.

ITEMS TO BE CONSIDERED FOR FIRST READING:

- a) Bill No. 1658: AN ORDINANCE PROTECTING THE LOCAL REVENUE BASE NECESSARY TO PROVIDE ESSENTIAL MUNICIPAL SERVICES BY OPTING OUT OF THE STATE-IMPOSED SALES TAX HOLIDAY. A motion is made by Alderman Knuckles to have the first reading of Bill No. 1657. The motion is seconded by Alderwoman Barnard. Following a voice vote, the motion is carried. City Attorney Heinz proceeds with the first reading, by title only. Following the reading, a motion is made by Alderman Knuckles to accept the first reading of Bill No. 1657. The motion is seconded by Alderwoman Barnard. Alderman Johnson inquires as to the purpose of the bill. In response, Don Cary and George Liyeos explain that by opting out of the program. Rock Hill will not lose tax revenues for that weekend. The motion is carried by voice vote.
- b) Bill No. 1659: AN ORDINANCE APPROVING THE ZONING MAP REFLECTING THE PRESENT ZONING OF THE CITY OF ROCK HILL. Alderman Knuckles motions to have the first reading, by title only, of Bill No. 1658. Alderwoman Barnard seconds the motion. The motion is carried by voice vote. The bill is read by the City Attorney, after

which a motion is made by Alderman Knuckles to accept the reading. The motion is seconded by Alderwoman Barnard. The motion is carried by voice vote.

- c) **Bill No. 1660: AN ORDINANCE AMENDING SECTION 210.100 OF THE ROCK HILL MUNICIPAL CODE REGARDING PROHIBITING ANIMALS THAT CREATE A NUISANCE.** Alderman Knuckles motions to have the first reading, by title only, of Bill No. 1660. The motion is seconded by Alderwoman Brown, and carried by a voice vote. The bill is read by the City Attorney. Following the reading, Alderman Knuckles motions to accept the first reading of Bill No. 1660. The motion is seconded. Discussion follows in answer to question by Aldermen Johnson about the bill. City Attorney Heinz remarks that the bill offers a better definition of nuisance animals and adds that it is a flexible, yet firm ordinance. A voice vote follows with Alderman Johnson as a nay vote. The motion passes.
- d) **Bill No. 1661: AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ROCK HILL, MISSOURI, TO ENTER INTO A CELLULAR TOWER GROUND LEASE WITH THE MARKET AT MCKNIGHT I, LLC.** Alderman Knuckles motions to have the first reading of Bill No. 1661. Alderwoman Brown seconds the motion. The motion is carried by voice vote. The bill is read by the City Attorney. Following the reading, a motion is made by Alderman Knuckles to accept the first reading of Bill No. 1661. The motion is seconded by Alderwoman Brown. Discussion follows regarding the concealment of the tower. Ken Heinz reports that details are set for the tower to be moved upon final vote. Addressing the concealment would delay the process by weeks. Alderman Johnson adds it would be more productive to further investigate options for disguising the tower while the moving process continues. Mayor Morgan adds that the wishes of the County Hills residents will not “fall off the radar.” A voice vote follows and the motion is passed.

ITEMS TO BE CONSIDERED FOR SECOND READING AND OR ADOPTION:

- a) **Bill No. 1656: AN ORDINANCE AUTHORIZING AN AMENDED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCK HILL, MISSOURI AND NOVUS DEVELOPMENT COMPANY.** A motion was made by Alderwoman Barnard to table the vote on Bill No. 1656 until the end of the evening’s agenda. The motion was seconded by Alderwoman Brown. Upon a voice vote, the motion carried.
- b) **Bill No. 1661: AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR OF THE CITY OF ROCK HILL, MISSOURI, TO ENTER INTO A CELLULAR TOWER GROUND LEASE WITH THE MARKET AT MCKNIGHT I, LLC.** Alderwoman Barnard motions to have the second and final reading of Bill #1661. The motion is seconded by Alderwoman Brown. The motion is carried by voice vote. Bill No. 1661 was read by the City Attorney. A motion was made by Alderwoman Barnard to accept the 2nd reading of Bill No. 1661. The motion was seconded by Alderman Redmond. The City Administrator recorded the following roll call vote in favor of the

motion: Redmond, Knuckles, Johnson, Barnard and Brown. Alderwoman McCann was absent. The motion passed and Bill No. 1661 became Ordinance # 1586.

- c) Resolution 06-2: A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI, APPOINTING JAY CURLEY, JAMES HEFFNER, AND LAURA BONTTY TO THE TRAFFIC COMMISSION WITH THEIR TERMS SET TO EXPIRE ON APRIL 1, 2008. Alderman Knuckles motioned that Resolution 06-2 be accepted. The motion was seconded by Alderman Redmond. Upon a voice vote, the motion carried.
 - d) Resolution 06-3: A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI, APPOINTING NEIL BRUNTRAGER PROVISIONAL MUNICIPAL JUDGE OF THE 21ST JUDICIAL CIRCUIT COURT FOR THE ROCK HILL MUNICIPAL COURT. A motion was made by Alderman Knuckles to accept Resolution 06-3. The motion was seconded by Alderman Redmond. The City Administrator explained that the resolution was to provide a back-up to Judge Levitt, should it become a necessity. Upon a voice vote, the motion carried.
 - e) Resolution 06-4: A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI, AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE LOW BID OF \$8,000 FROM ETC. LEISURE, TO CONDUCT A NEEDS ASSESSMENT SURVEY FOR THE PARKS AND RECREATION DEPARTMENT FOR THE CITY OF ROCK HILL, MISSOURI. Alderman Knuckles motioned for the acceptance of Resolution 06-4. The motion was seconded by Alderwoman Brown. Discussion followed, including a summary of the project by Al Hayden, Director of Parks and Recreation. Alderman Johnson motioned to table the resolution until the next meeting. The motion was seconded by Alderwoman Barnard. Upon a voice vote, the motion carried.
- 12) Planning and Zoning Committee Report**
- a) The City Administrator reported that P & Z, along with P.G.A.V. continue to develop ordinances governing Motor Vehicle Oriented Businesses. This should be completed at the upcoming work session on 2/15/06.
 - b) The City Administrator offers details on a survey, recently mailed, asking for input on new homes in Rock Hill. A public meeting, regarding the results, will be scheduled in the next few months.
- 13) Departmental Reports**
- a) Don Cary reports that progress continues on finalizing budget figures. This will be ready to present at the next meeting.
 - b) Al Hayden, Parks Department, reports the following: The Hudson School PTO is interested in combining their program with the annual Fall Festival. A scout troop has volunteered to “adopt” Stroup Park. Their efforts will include clean-up and maintenance. In the absence of Ron Meyer, Mr. Hayden offered the following Public Works update: The work on the stone wall in the playground area at Oak Haven Park has been completed and similar work will take place at Greenwood Park within the next few weeks. Bids are being accepted for the removal of trees at the ditch line on O’Day Avenue. Crews have completed sealing the vacant houses on Rock Hill Rd. Public Works will be replacing 4 slabs of concrete on Leonard Drive, off Bismark.

- 14) City Attorney Items**
- a) Ken Heinz reported that Hensley Construction is currently accepting bids for the relocation of the cell tower. Following discussion on the topic, Alderwoman Barnard motions to move forward with Hensley Construction on the relocation of the cell tower. The motion is seconded by Alderman Johnson. Upon a voice vote, the motion is carried.
- 15) Mayor's Report**
- a) Mayor Morgan reminds members that articles for the Spring Newsletter are due February 15th, and to please be prompt so as to not delay publication.
 - b) The Webster/Shrewsbury Chamber of Commerce has extended an invitation to Rock Hill business owners to join their organization. Alderman Knuckles will continue to serve as liaison.
- 16) City Administrator's Report**
- a) The City Administrator offers a reminder of the Budget Work Sessions on February 15th, 7:00 p.m., and the follow up session on March 15th. He asks that Board Members turn in newsletter articles at that time.
- 17) CLOSED SESSION (if necessary): MOTION:** To hold 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. Alderwoman Barnard motioned to proceed to closed session. The motion was seconded by Alderman Redmond. Voting in favor of the motion, by roll call, was: Redmond, Knuckles, Johnson, Barnard, and Brown. The motion is passed
- 18) Return to Open Session -** Upon return to open session, Alderman Redmond motions to have the second reading of Bill No.1656. The motion is seconded by Alderwoman Brown. Following the reading by the City Attorney, Alderman Knuckles motions to accept the 2nd reading of Bill No. 1656. The motion is seconded by Alderwoman Barnard. The City Administrator recorded the following roll call vote in favor of the motion: Redmond, Knuckles, Barnard, and Brown. Voting against the motion was Alderman Johnson. Alderwoman McCann was absent. The motion passed and Bill No. 1656 became Ordinance # 1587.
- 19) Alderman Knuckles motioned for adjournment.** The motion was seconded by Alderwoman Brown. Upon a voice vote, the motion carried.