

**CITY OF ROCK HILL
BOARD OF ALDERMEN MINUTES
TUESDAY, FEBRUARY 6, 2007
7:00 P.M.**

- 1) Mayor Morgan called the meeting to order 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: T.J. Redmond, Jr., Daniel DiPlacido, Ed Johnson, Edie Barnard, and Philip Scherry. Sheri McCann arrived at 7:13 p.m.
- 4) **Emergency Items to be added to the Agenda - NONE**
- 5) **Citizens to Address the Board:** *Each person addressing the Board shall give his/her name, address, and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; additional time may be granted by the presiding officer or the Board.*

Russell Politte, 1017 Charleville Ave. – Mr. Politte addressed the Board with 3 issues. First, He recalled his mentioning of a ‘No Parking’ sign on Charleville Ave. that was taken Heinz down in 2006 and never replaced. He cited that he was told that it would not be put back. Thus, as a point of compromise, he requested that Cafe Brasil have no deliveries between 2:00 p.m. – 3:00 p.m., which are the times that residents leave to pick children up from school. The trucks obstruct his driveway and the street. Mr. Politte, then, mentioned that he has to pick up litter from the Cafe on a daily basis that has blown down the street from trash being left at the back door. He stated that he has heard vehicles dragging empty boxes under their cars because of the establishment’s carelessness in throwing away trash. Last, Mr. Politte complained about the extremely loud music. Thursday seems to be the main night and he was unsure if the music was performed live. He has called the police in the past, but nothing has been rectified. Mayor Morgan suggested that he follow-up with George Liyeos when he has to call police so that there is a constant line of communication regarding the problems. Mayor Morgan reiterated that this has been an on-going complaint about the business and wants more to be done to resolve. There have been several violations and Mr. Liyeos stated that Inspector Neil Cantwell has been down there on occasion. Mr. Liyeos says that proper methods will continue to be used until a solution can be met.

Lucious Cary, 1031 Rockman Pl. – Mr. Cary asked the Mayor and the Board if they were planning on meeting with the TIF Commission for discussion on the development of the north side. Mayor Morgan stated that they have not been asked to be in the TIF Commission on behalf of NOVUS, therefore, no action will be taken until then. Mr. Liyeos stated that on meeting last week, there were discussions with NOVUS regarding development issues.
- 6) **Public Hearings-NONE**
- 7) **Announcements, Presentations, Proclamations, Communications and Invitations:**
 - a) Communication from NOVUS representatives.

Mr. Browne presented a prepared letter to the Mayor and the Board, with originals to Mr. Liyeos and Mr. Heinz. The letter was dated, February 6, 2007, to the Mayor regarding the current status report of the North Side acquisition. For RPA-2 Properties, only a total of 40% of the contracts were returned signed, as of the latest contract acceptance dated February 2, 2007. Since the majority acceptance was not attained, negotiation is, again, on the table. NOVUS is still committed to the project and have found that price is the issue, according to

property owners. A small percent are unwilling to sell and a vast majority desire to be bought out. Property owners are questioning the amount of the premium versus the fair market value of their property. In order to be fair regarding the last offer, the aggregate price represented a 20% increase over the final acquisition price paid per square foot of land on the Southside, RPA-1. NOVUS still requires the TIF Commission approval to support the \$7 million increase offered in purchase price contracts. The appropriate step will now be to request the TIF Commission's answer first. Along with the Commission's suggestions and the Board's approval, a firm number can be set with respect to a total acquisition offset. The total amount will be allocated among the 126 remaining properties and there would at least be a practical maximum budget amount. NOVUS is prepared to negotiate.

Mr. Browne stated that, previously, NOVUS did not have enough contracts signed in order to move forward. However, on Friday, February 2, 2007, he met with an owner of 26 properties in the buyout area who positively confirmed that the offer was "credible". If the offer is accepted, the contract signing amount will be raised to 60%. Individual negotiations have been suggested as one resolution to the remaining 40% of the unsigned contracts.

Alderman Scherry was concerned about the pursuit of individual negotiations from now and until the TIF Commission made their decision, in order to keep the process moving. Mr. Browne assured the Board that NOVUS is prepared to do what it takes to continue moving forward until there is a final answer. Alderman Johnson asked how many of the 40% were owner-occupied. Mr. Browne did not have a certain percentage, but guessed that most were owner-occupied. Alderwoman Barnard raised the question about a timeline of when the new pro forma would be available and Mayor Morgan wanted to know when it would be available. Mr. Browne explained that the information is the same information that the TIF Commission had in the past. The development that was originally proposed is still the same. Basically, the time allowed by statute will be maximized as opposed to minimized. Amortization will be lengthened, 1 year will be changed for RPA-1 and, perhaps, more than a year for RPA-2 because of the \$7 million revenue projected amount, as long as it does not exceed what is allowed by statute; no change has been proposed.

Alderman Scherry questioned Mr. Heinz on waiting on the TIF Commission to resolve the RPA-1 issue before concentrating on the other. Mr. Heinz explained that there is a 30-day notice that should be given to the school districts and the other passing districts, then, a 45-day notice for a public hearing with the TIF Commission. Afterwards, there is a 14-day consideration period for the Board of Aldermen.

Resident Steve Harry wanted to know if the process were started after the next TIF commission meeting, then, the proposal consideration date would be around or near a date in June. Mr. Browne informed Mr. Harry that proceedings can be started now. Alderman Johnson asked about the possibility of a new commission being appointed for the RPA-2 request vs. the RPA-1 request Mr. Browne responded that, theoretically, it could, but it was not expected to happen.

Resident Lucious Cary asked if contracts would have to be mailed out again once contract signing goes up to or beyond 60%. Mr. Heinz answered that it would be necessary and could be done as an amendment.

Resident Joyce Rouse asked about the effect the process would have on the closing date of the project. Mr. Browne informed Ms. Rouse that the dates were set knowing that the step with the TIF Commission would have to be done. She also asked how long it would take to

reconfigure the North Side project. Mayor Morgan responded that flexibility has always been there on behalf of the City to substitute potential tenants as far as things pertaining to dollars per square foot, i.e., are concerned.

8) Old Business – NONE

9) Minutes of Previous Meetings

a) Minutes of the meeting from January 16, 2007

Alderman McCann made a motion to approve the minutes from January 16, 2007. The motion was seconded by Alderman Scherry and passed by voice vote.

10) Treasurer's Report- Finance Director, Don Cary explained the major expenses included in the Warrant Listing. Alderman McCann made a motion to approve the Warrant Listing. The motion was seconded by Alderman Scherry and passed by voice vote.

11) New Business

a) Sign ordinances will be placed on the February 20th agenda.

12) 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. 1693: AN ORDINANCE AMENDING SECTION 100.050 OF THE CITY OF ROCK HILL MUNICIPAL CODE TO CONFORM TO CHANGES IN UNITED STATES DAYLIGHT SAVINGS TIME.

The first reading of Bill No. 1693 was read by title only by Mr. Heinz.

b) Bill No. 1694: AN ORDINANCE AMENDING THE CITY OF ROCK HILL MONEY PURCHASE PENSION PLAN ("PLAN").

The first reading of Bill No. 1694 was read by title only by Mr. Heinz.

ITEMS TO BE CONSIDERED FOR SECOND READING AND OR ADOPTION:

c) Bill No. 1692: AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI, APPROVING AN AGREEMENT WITH AT&T MISSOURI FOR THE PROVISION OF VIDEO SERVICES IN THE CITY (**REVISED AGREEMENT**).

A motion was made by Alderman Barnard to table the second reading of Bill No. 1692. Motion was seconded by Alderman Scherry. After lengthy discussion, Alderman Barnard made a motion to withdraw previous motion to table the Bill for a second reading at the February 20, 2007 meeting. The motion to withdraw was seconded by Alderman Scherry and passed by voice vote.

Alderman Redmond made a motion to accept second reading of Bill No. 1692. Motion was seconded by Alderman Johnson. Voting in favor of the motion were: Redmond, Johnson, and McCann; Voting against the motion were: Barnard and Scherry. DiPlacido abstained due to a conflict of interest. The motion failed.

d) Resolution 07-01: A RESOLUTION OF THE CITY OF ROCK HILL, MISSOURI, RE-APPOINTING HARLEM ANDERSON AND JOSH MANDELL AND APPOINTING EDIE BARNARD AND TIMOTHY REDMOND TO THE ROCK HILL TAX INCREMENT FINANCE COMMISSION.

A motion was made by Alderwoman McCann to accept the reading of Resolution 07-01. The motion was seconded by Alderman Scherry and passed by voice vote. Alderwoman Barnard abstained. Motion was made by Alderwoman Barnard and seconded by Alderwoman McCann to go to executive session for legal advice. Alderman DiPlacido voted against the motion. Motion passed by roll call vote. Board went into session at 8:25 p.m., reconvening at 8:30 p.m. Upon recommencement, Alderwoman Barnard withdrew her motion to approve Resolution 07-01. Motion was seconded by Alderman Scherry. Motion was opposed by Alderman DiPlacido. Motion passed by voice vote. Alderwoman McCann, then, moved to table Resolution 07-01 until meeting to be held on February 20, 2007. Motion was seconded by Alderman Scherry. Motion passed by voice vote.

13) Departmental Reports

a) Finance

1. Monthly Financial Report - Mr. Cary stated that departmental heads have started to work on budgets for total year projection.
2. Plans have been made to set dates to review budget at next board meeting. New budgets must be prepared by **April 1, 2007**.
3. Motion for appointing trustee for Money Purchase Pension Plan (Bill No. 1694) will be made at next meeting, February 20, 2007.
4. A part-time temporary employee has been hired to work at the front desk of City Hall. An ad has been placed in order to find a permanent, part-time worker.

14) City Attorney Items - NONE

15) Mayor's Report - NONE

16) City Administrator's Report

- a) Bid Summary for Demolition Services for City Owned Homes behind Hollywood Video and will be discussed as a budget issue at a later date. No action needs to be taken.**

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.

A motion is made by Alderwoman Barnard to proceed to closed session. The motion is seconded by Alderwoman McCann. Voting in favor of the motion were: Redmond, Johnson, Barnard, McCann and Scherry; Voting against the motion was: DiPlacido. The motion carried.

18) Return to Open Session (if necessary)

19) ADJOURN

POSTED AT CITY HALL ON FRIDAY, FEBRUARY 16, 2007