

**CITY OF ROCK HILL
BOARD OF ALDERMEN MINUTES
TUESDAY, MAY 1, 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, Mary Wofford, Sheri McCann and Philip Scherry.
- 4) **Emergency Items to be added to the Agenda:** Tom Weis, City Engineer: Regarding the project on the Des Peres Avenue project, the MSD grant was due to expire, the amount MSD was contributing was \$85,000. The contract has been updated with Gershenson Construction is \$279,000; 40% of the remaining cost will be absorbed by the City of Ladue. There will be a pre-construction meeting scheduled for Thursday, May 3. The time of the original design was 2004, and it has been modified, and resubmitted to MSD, but construction to improve the street will begin as scheduled. This is an overlay project, with new storm sewer installation. The street will not be closed off completely; there will be emergency access during the construction period which should last between 60 and 90 days maximum.
- 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.*
Chris Musial, 801 Leonard Drive, regarding the TIF financing: When the application was rejected they went ahead and decided to begin construction knowing that any hold up would cost the city extra money. Looking back on the articles published last summer, there seemed to be a miscommunication between Novus and SCI. If Novus went ahead and made the decision to proceed with the abatement knowing that it would cost extra money, then they should be held accountable for that. Another issue is the amount of the TIF NOVUS was asking for was for only some of the money, but according to PGAV, you can only expect 75%-80% of what they asked for, which does not make up for the money lost in the grant. Mr. Musial feels again, that NOVUS should be held responsible for this money lost, although he feels as though NOVUS has no incentive to pursue this reimbursement of the grant money lost. Mr. Musial feels that it is wrong for NOVUS to approach Rock Hill for the additional TIF money, before pursuing their subcontractor to make things right with them. Mr. Musial raises the question regarding the TIF money having to be voted on, as no one has a problem moving the cell tower, the other money they are looking for the abatements, let them pursue the other avenues, and hold off on voting.
Mariana Ross, 1047 Rockman Place, regarding the McKnight Crossing at Tilles Park: Is Rock Hill realizing any benefits from that development? Mayor Morgan responds that Rock Hill will get in the increased population, as the property is in the city of Rock Hill.
- 6) **Public Hearings-** Proposal from Avis Rental for a special use permit to operate a vehicle leasing business at 9201 Manchester Road. Representing Avis: Tom DiCarlo and Kim Bauer, stating that Avis has been very successful opening rental car locations in neighborhood

communities, facilitating easier access for people to rent a car. It has gone very well in the St. Louis Metro area. Avis would like to operate vehicles out of the 9201 Manchester Road location. There will be no car sales, no maintenance or service being performed at that location, and will house between 15-20 vehicles at any given time. Avis operates a very orderly operation and will not be a disruption to Rock Hill, though it will not generate much revenue, as they are not considered a merchant. Hours of operation will be Monday – Thursday 8:00am-5:00pm, Friday until 6:00pm, Saturday from 8:00am-3:00pm and Sunday from 9:00am-1:00pm. Avis feels this is a service oriented business, with added convenience for our residents. The increased traffic on Manchester Road will be sporadic during the day, while the heaviest traffic increase times will be first thing in the morning and late in the day prior to the close of business. Other than the time needed for installing computer and phone lines, Avis would be ready for business within 30 days of the approval of the special use permit.

7) Announcements, Presentations, Proclamations, Communications and Invitations:

Communication from NOVUS: The South Side project has Building E going up, with tilt up panels going up May 2. The interiors will be started for Steinmart within the next couple of weeks. Manchester Road, Leonard Drive will be started by mid May and first of June. Regarding the letter received today, the Legal Counsel for NOVUS apologizes in his delay in responding. Mayor Morgan asked NOVUS to clarify the construction to be done on Manchester Road: which is the relocation of both MODOT Fiber and MCI telephone fiber, moving of storm sewer to the new right of way, new curb and gutter, construction of the 3 entrances, RSI entrances will be rebuilt. The corner from Manchester Road traveling East to Rock Hill Road there will be a free right hand turn, eliminating the stacking that could happen. Leonard will have installation of storm sewer, which will take approximately 21 days to complete, and NOVUS will work with the residents to get this completed, as it will be an inconvenience to the residents, although NOVUS will accommodate the residents on County Hills Road and Leonard with construction plates to drive over.

8) Old Business – Mayor Morgan Comments Regarding NOVUS RPA-2: In the last several weeks the Aldermen from Ward III and I have spent a considerable amount of time listening to the residents in RPA-2 in three separate meetings in their homes in order to ascertain how they feel about the progress to this point with Novus and the request Novus has made for an additional \$7 million in TIF assistance.

After this I met with the City Attorney, City Administrator, and Carl Ramey of Stifel Nicolaus and John Brancaglione of PGAV to discuss this same issue from a legal, administrative, developmental and financing standpoint. I have also spent a considerable amount of time talking to others who have a certain degree of insight into this issue in order to develop a fuller understanding of how to proceed with the redevelopment of RPA-2.

Needless to say I have had many sleepless nights trying to keep an open mind as to what would be in the best interest of the city for the foreseeable future. It has been an arduous process of due diligence but I believe the Board and I have come to a reasonable conclusion that given the significant change in scope of the project in relation to the request for an

additional \$7 million of TIF assistance necessitates a decision on our behalf on how we as an elected body feel how this matter should proceed.

Therefore, I would ask if a member of our Board of Aldermen would like to make the motion to instruct PGAV to draft a new Request for Proposals for RPA-2 to be reviewed and considered for approval at our next meeting on May 15th.

A motion was made by Alderwoman McCann. The motion was seconded by Alderman Scherry. Upon voice vote the motion carried unanimously.

Please bear in mind that we are not preventing Novus from responding to this new RFP but we feel that this change requested by Novus significantly deviates from their original proposal and is not in keeping with what was initially approved by this body.

I feel that as good financial stewards of the City it is incumbent upon us to at least try to determine if any other developer can proceed with RPA-2 under the previously approved plan.

Therefore, in order to preserve the plan that was originally approved we will be incorporating language in this new RFP to encourage the respondents to stay within the confines of the existing area outlined in RPA-2 and financing levels for TIF assistance.

I would like to thank everyone, especially the owner/occupants in RPA-2 who have been extremely patient while the City has deliberated on this issue and I look forward to moving ahead on this issue at our next meeting.

- 9) **Minutes of Previous Meetings-**Approval of the minutes from the meeting held on April 4, 2007. Alderwoman McCann motioned to accept the minutes. The motion was seconded by Alderman Scherry. Upon voice vote the motion carried unanimously. Alderman Scherry made the motion to approve the minutes from the April 17th, meeting. The motion was seconded by Alderwoman McCann. Upon voice the motion carried unanimously.
- 10) **New Business:** Nomination and Election of the President of the Board of Alderman: Alderwoman Wofford nominates Philip Scherry. The motion was seconded by Alderman Redmond. With no other nominations submitted the Mayor proceeds with the vote on the nomination of Alderman Scherry as President of the Board of Alderman. The motion carries by voice vote unanimously.
- 11) **Treasurer's Report:** Don Cary, Finance Director-Distributes bills for the month for the Board's consideration. The total general fund expenditures were over \$108,000 this month, anticipated due to health benefits and other liabilities, two payments due to health benefits, street bond expense, and police are doing some training, sewer lateral program is solvent, the NW/SW RPA 1 TIF funds transferred to UMB, who is the trustee for the project TIF, grand total of over \$130,000. Property taxes and sales taxes as well in the TIF. Alderman Johnson questions a payment to the City of Webster Groves for \$5,000, which was for the school liaison program for the DARE Police Officer. Payment to Julie Morgan was questioned in the

amount of \$61.14, which was reimbursement for flowers and the cake provided for the previous Aldermanic Meeting. Questions regarding payments to Curtis, Heinz, et al. which was relating to the NOVUS situation, Wilmington Trust, which is the company taking care of the distributions from the money purchase pension plan, a contract that was approved by the Board. The motion to approve the Treasurer's Report is passed unanimously.

- 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. 1699: AN ORDINANCE APPROVING THE MARKET AT MCKNIGHT RIGHT OF WAY DEDICATION PLAT IN THE CITY OF ROCK HILL, MISSOURI: Bill No. 1699 was read by City Attorney Heinz by "title" only. The City Attorney further explained that this bill is for dedicating a very small portion of the completed roadway that has been reconstructed to the city along Rock Hill Road and the end of Leonard Drive.

b) Bill No. 1700: AN ORDINANCE AUTHORIZING A SECOND AMENDED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCK HILL, MISSOURI AND NOVUS DEVELOPMENT COMPANY OR ITS ASSIGNEES: Bill No. 1700 was read by City Attorney Heinz by "title" only. The City Attorney mentions that this bill is associated with the \$700,000 request for additional TIF assistance for Novus on RPA 1.

c) Bill No. 1701: AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI AMENDING THE REDEVELOPMENT PLAN FOR THE NORTHWEST/SOUTHWEST REDEVELOPMENT AREA: Bill No. 1701 was read by City Attorney Heinz by "title" only. The City Attorney briefs the Board that this bill is to increase the planned expenditure as well as amending the Redevelopment Agreement to reflect the changes for the request for the \$700,000.

d) Bill No. 1702: AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AVIS RENTAL TO OPERATE A VEHICLE LEASING BUSINESS AT 9201 MANCHESTER ROAD: Bill No. 1702 was read by City Attorney Heinz by "title" only.

e) Bill No. 1703: AN ORDINANCE APPROVING THE ENROLLMENT OF THE POLICE AND FIRE DEPARTMENT EMPLOYEES IN THE RETIREMENT SYSTEM PROVIDED BY THE LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM (LAGERS) AT THE L-3 LEVEL AS ALL OTHER NON-UNIFORMED EMPLOYEES ARE PRESENTLY ENROLLED: Bill No. 1703 was read by City Attorney Heinz by "title" only. The City Administrator mentioned that this bill needed to be introduced and then parked for 45 days according to State Law and then considered for final approval at the second meeting in June. The financial impact of this Bill will be discussed further in the interim with the Board of Alderman.

f) Bill No. 1704: AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF ROCK HILL FOR THE FISCAL YEAR ENDED MARCH 31, 2007. Bill No. 1704 was read by City Attorney Heinz by "title" only. The City Administrator briefs the Board that this Bill essentially

cleans up a few things from the last budget year, there were some revenues received from MSD on a project for Kortwright that were not expected but did come through, and some other expenses that were not budgeted for that project as well. The Police Department was short handed for several months, their overtime was over the projected amount and the Housing Department for when Neil was hired on full time in December.

g) Bill No. 1705: AN ORDINANCE APPROVING THE PLAT FOR MCKNIGHT CROSSING AT TILLES PARK CONDOMINIUM BY ORDER OF MCKNIGHT CROSSING AT TILLES PARK L.L.C.: Bill No. 1705 was read by City Attorney Heinz by “title” only. Bruce Mills who is the developer of the project mentioned that the dedication plat for condominium purposes is a legal requirement, which is 5 years ahead of schedule. There are 84 units; the response has been overwhelming on the first open house advertising the condos. The City Attorney requested that information be provided by the developer before the next meeting on the property maintenance indentures for the Condominium Board for legal review on his behalf.

ITEMS TO BE CONSIDERED FOR SECOND READING AND OR ADOPTION:

a) Bill No.1698: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF ROCK HILL, MISSOURI, FOR IMPROVEMENTS TO DES PERES AVENUE WITH GERSHENSON CONSTRUCTION COMPANY. Bill No. 1698 was read by City Attorney Heinz by “title” only. Alderman McCann moves to approve the Bill. Alderman Scherry seconds the motion. Mayor Morgan proceeded with the roll call vote on the motion: Redmond, DiPlacido, Johnson, Wofford, McCann, and Scherry. The motion carried

13) Departmental Reports:

a) Paul Arnett, Police Department: Received an overtime grant from the State of Missouri to participate in the “Click-it or Ticket” seat belt program from May 21-June 3rd. Both new officer hires have completed their physicals and psychological tests and will start on Monday. They will be presented to the Board at the next meeting. With regards to the recent problems at the schools (in the country), to make sure that they had their emergency plans in place, which they do, and will proceed with a surprise emergency drill sometime this month. A question from Alderman Redmond: Is there a way to set up a neighborhood watch, Officer McGee will coordinate this with Captain Arnett. The Board is directed to refer any resident questions regarding this to Captain Arnett. Another question regarding speeding on Raritan, what is the actual speed limit? The speed limit is 25 mph. The department will address this issue.

b) Kevin Halloran, Fire Department: Proud to report that everyone in the department passed their driver certification course. There was an assist on a Ladue house fire.

c) Don Cary, Finance Director: Year end financial statements in the BOA packets this last week. The City presently operates on a cash basis of accounting based on what checks were issued and what cash was received and deposited as of March 31st. Part of the audit this year, we will be moving to an accrual basis, according to when somebody bought

something, the invoice date will be the expense, when the money was earned is when the money will be reported, It is the next step to moving toward the certification that we want to move forward with. There are more people coming in requesting inspections for their homes, as they are moving or selling, more people doing construction, requiring more permits, exterior drive by surveys are continuing, and we are getting a number of people calling in who have received these notices. Neil Cantwell, Building Inspector is working with these residents to get their properties in code and compliance with the city's regulations. Regarding the money purchase plan, we have worked through this last month on the distributions and were made to the employees that had been in it. Wilmington Trust will be issuing those distributions, and whatever is left will come back to the city.

- 11) **City Attorney Items** – None
- 12) **Mayor's Report** – Spring Newsletter is forthcoming. Last week there was a meeting with Alderman DiPlacido and Alderman Scherry and the preschool parents and it went very well and have received the preliminary proposal of ways to improve the preschool and looking at alternative locations. The parents gave a lot of positive feedback on this project. Mayor Morgan announced that she was nominated and elected to serve on the St. Louis County Municipal League executive Board of Directors, as well as to the Board of Directors for the Cities for Growth to expand her knowledge base. The St. Louis County Municipal League Installation Dinner is May 19th up in Norwood Hills Country Club. A date needs to be locked in for the next work session for the Board of Alderman.
- 13) **City Administrator's Report:** Movement to adopt the TDD this evening, their needs to be two appointments to that Board, it was suggested that the Mayor and the City Administrator would be the one's to serve. Alderwoman McCann made the motion to approve the appointment of the Mayor and the City Administrator to serve on the TDD Board. Alderman Scherry seconded the motion and the motion carried by voice vote unanimously.
- 14) Alderwoman McCann made the motion to adjourn the meeting. Alderman Scherry seconded the motion. Upon voice vote the motion carried unanimously. **ADJOURNED AT 8:12.**