

**CITY OF ROCK HILL
MINUTES OF THE BOARD OF ALDERMAN MEETING
TUESDAY, NOVEMBER 6, 2007
7:00PM**

- 1) Mayor Morgan called the meeting to order at 7:03 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, Daniel DiPlacido, Edward Johnson, Mary Wofford, Philip Scherry. Alderwoman Sheri McCann was absent.
- 4) **Emergency items to be added to the agenda:** None
- 5) **Citizens to Address the Board:**

Bill Heger 1533 N Berry: Voiced displeasure with more redevelopment in Rock Hill. Mr. Heger stated that RPA-2 will take out more businesses that he patronizes. With RPA-1 still mostly vacant, Mr. Heger states that he would like to see any more redevelopment tabled until RPA-1 is fully leased.

Al Hayden 1013 N. Rock Hill: Voiced his concern with some of the Aldermanic members who may not be in favor of a big box development for the proposed redevelopment. Mr. Hayden reflected on the past 5 years, when the City had its own building, housed the Administration, Police and Fire Department. Mr. Hayden states the current state of affairs: the city streets are in dire need of repair, the City Hall, Fire Department and Police Departments are housed in rented facilities. Mr. Hayden wonders if the City will have to decrease employees or fire and police personnel if the board does not approve the redevelopment. Mr. Hayden is concerned about the future needs for police and fire department vehicles. Mr. Hayden asked the Aldermanic Board to consider these things before they vote against the proposed redevelopment.

Mary Ann Musial: 801 Leonard: Opposes the proposed redevelopment with a big box store, and reminds the board of an EDC Survey that was conducted some years back, where the citizens in Rock Hill made it very clear that they did not desire a large big box retailer, such as Target, to be built in the proposed redevelopment area. Ms. Musial recalls that everyone that was up for re-election at that time also voted against a proposed development with a big box retailer. Ms. Musial voiced her concerns over increased traffic issues with the addition of another large shopping center, stating that the present amount of lanes on Manchester Road, McKnight, and North Rock Hill Rd cannot handle such an increase in traffic.

Lucious Carey 1031 Rockman Pl: Responds to Ms. Musial's comments by stating that there will always be traffic congestion on a much traveled road such as Manchester. He reminded the Board that most of the residents that are affected by the proposed buyout area have been waiting 10 years for a decision to be made. The neighborhood is blighted, as no one wants to invest any money into improving their homes. He pleads with the board to vote for the proposed redevelopment with a big box retailer. Mr. Carey states that the residents not affected by the buyout directly should not have a voice in this matter as it does not change their lives any.

Jim Hoel 1057 N. Rock Hill Road: as a 15 year resident in his home, and has been dealing with the buyout issue for over ten years. Mr. Hoel has seen the City go back to the drawing board several times without any resolution. Mr. Hoel states that the area in question for the proposed redevelopment is now blighted. He asks the board to please vote in favor of the redevelopment.

- 6) **Announcements, Presentations, Proclamations, Communications and Invitations:**
 - a) Market at McKnight I, LLC (NOVUS) representatives were absent. Please refer to Exhibit "A", correspondence from Pete Sebelksi received at 3:56pm for the update on the development.
- 7) **Old Business:** Alderman DiPlacido wants to know if a date for the public hearing regarding Mueck Terrace has been set as it is getting late in the year. City Administrator George Liyeos responds that while no date has been set, it will be addressed prior to the end of the year.
- 8) **Treasurers report:** Ann Robertson, Assistant City Administrator reports on warrants issued for payment. Alderman Scherry moves to approve the warrant listing. Alderwoman Wofford seconds the motion. Motion carries by voice vote unanimously.
- 9) **Minutes of the previous meeting:** Alderman Scherry moves to approve the minutes of the October 2 and October 16th 2007 meetings. Alderman Johnson seconds the motion. Motion carries by voice vote unanimously.
- 10) **New Business:** None
- 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:

Bill No. 1712: AN ORDINANCE AMENDING SCHEDULE III OF THE ROCK HILL CITY CODE REGARDING STOP INTERSECTIONS. Upon no objection from the Board of Alderman, Bill No. 1712 was read by the City Attorney by "Title" only.

ITEMS TO BE CONSIDERED FOR SECOND READING AND OR ADOPTION:

Bill No. 1711: AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF ROCK HILL, MISSOURI AND VERIZON WIRELESS AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE. Alderman Scherry moves to approve Bill No. 1711. Alderman Johnson seconds the motion. Discussion follows. Alderman DiPlacido stated the following: "Since I am unable to vote for the receipt of the Verizon Settlement without paying the Missouri Municipal League, I want to state my position as being in support of the receipt of the Verizon Settlement for the City of Rock Hill. The City needs this money and is entitled to it; however, the Missouri Municipal League derailed the 2006 Missouri Ballot initiative to amend the Missouri Constitution to prohibit the use of eminent domain for privately owned projects. This petition, to put the issue on the November 2006 ballot was signed by more than 200 thousand registered

Missouri voters. I feel that the Missouri Municipal League's action was not in the interest of Missouri property owners. In addition, the Missouri Municipal League is currently involved in challenging the May 2007 Missouri Circuit Court decision which ruled that a non charter city of the state of Missouri, such as Rock Hill, does not have the constitutional authority to take the property of its residents by eminent domain for privately owned projects. This case will likely be heard in the next few months by the Missouri Supreme Court. Missouri Municipal League actively opposes strong property rights protection for Missouri property owners against eminent domain. Therefore, if I vote for this bill, it is a vote for the city to receive the money to which it is entitled and not to pay the Missouri Municipal League. I continue to oppose paying the Missouri Municipal League the 5% of our settlement." Mayor Morgan proceeded with the roll call vote on the motion: Redmond, DiPlacido, Johnson, Wofford, and Scherry voting in favor of the bill. Motion passes unanimously.

Resolution No. 07-09: AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ROCK HILL, MISSOURI AND ATY BUILDING SYSTEMS FOR A NEW METAL FABRICATED FIRE ENGINE HOUSE TO BE ERECTED AT 906 NORTH ROCK HILL ROAD. Alderman Johnson moves to approve Resolution 07-09. Alderman Scherry seconds the motion. Motion carries by voice vote unanimously.

12) **Departmental Reports:**

Captain Paul Arnett, Police Department: The Department is taking a pro-active stance with regards to increased bomb threats being called in at schools in the region. In reviewing the Department's bomb policy, it was found to be outdated (1993). So Officer Colvin and input from the schools drafted a new policy, and the new policy conforms to other local and national policies. Public works received new "Limited Sight" sign and "Children at Play" sign for Golden Gate and Rockford streets and they have been installed. St. Louis County Police Department was in the process of replacing their overhead light bars for their vehicles, and giving away the old ones, of which we acquired three and over \$500.00 worth of spare parts. The old car in the back parking lot is back in service, and the new light bar saved the department over \$1000.00 in expenses.

Captain Kevin Halloran, Fire Department: In preparation of the Highway 40 closure, the department has been involved in various trainings with other regional fire departments to enact their alternative transportation plans to transport victims to area hospitals in a timely manner. The department is working with Motorist Assist by placing Nextel walkie talkies in their cars to communicate for a faster response time.

Ann Robertson, Assistant City Administrator and Finance Director: The check to Tramar Construction for their work on Stroup Field has been released for payment in full. Application for reimbursement cannot be made until the check has been processed. The payroll accounting transition required by the City of Kirkwood, who processes our payroll, to US Bank has been completed. Alderman Scherry wanted to know if there was any new information regarding the telecommunications for the City. There has been no progress on that at this time.

13) **City Attorney Report:** City Attorney, Ken Heinz reports that there is a second settlement in the wireless cases for the municipalities from US Cellular. The amount of the settlement will be significantly smaller than the Verizon Settlement. There have been

no other settlements from the other cellular companies at this time. Also, there was a misconception from the residents at the TIF Commission meeting held on October 24th. It was a public hearing, to hear and reflect on what the public had to say and to give the residents opportunity for comment. The meeting was not a decision making meeting, nor was the meeting intended to disclose a decision that had already been made by the TIF commission behind closed doors. That is not the way that government procedure works. This is a large decision and commitment, and the TIF Commission recognizes the importance of making the correct decision in the best interest of the City of Rock Hill.

14) Mayor's Report: Mayor Julie Morgan announced that Clarkson Eyecare now has their open sign posted. Starbucks is not scheduled to open until right before Thanksgiving, per our understanding with the developer.

15) City Administrator's Report: City Administrator, George Liyeos issues a reminder of the TIF Public Hearing at 7:00pm at Hudson Elementary, on November 14th is supplanted a Press Release due to a conflict of scheduling with Steger School. The next TIF Public Hearing will be scheduled December 3, 2007 at 7:00pm. It is anticipated that the Mayor and the Board of Alderman will select a developer for RPA-2 at the next regularly scheduled meeting on December 4th. If there is additional information needed regarding this situation, please do not hesitate to call.

Target has a couple of stores further west on Manchester, one in Ballwin at the intersection of Manchester and Hallway Rd, that is no where near a highway, just for clarification of earlier comments made by the public. The store located at Hampton and Chippewa is nowhere near a highway. The new Target that is being built in Town and Country is near Highway 141, but not directly next to one. This is not to say that traffic is not a problem in those areas, but a problem that can be handled. During the holidays, you will have an inordinate amount of traffic. Traffic here will be a problem, but not due to the new developments. It is due to the density of population in the area. It is not something that is easily resolved, but something we have to live with. Please bear in mind some other problems that we have been made aware of with regards to the left turns into the center presently in existence off of Manchester Road, and also from North Rock Hill Road as the lanes narrow. These present issues have been brought to the attention of Pete Sebelski, our NOVUS representative, who will address them and follow up with resolutions.

16) 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 Wofford moves to go into closed session. Alderman Scherry seconds the motion. Mayor Morgan proceeded with the roll call vote on the motion: Redmond, DiPlacido, Johnson, Wofford and Scherry voted in favor. The motion carries unanimously.

17) Return to open session: at 9:00pm.

- 18) **Adjourn:** Alderwoman Wofford moves to adjourn the meeting. Alderman Scherry seconds the motion. The motion carries unanimously by voice vote.