



CITY OF ROCK HILL

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CITY OF ROCK HILL MINUTES FOR THE BOARD OF ALDERMEN MEETING TUESDAY, MARCH 31, 2009 7:00 P.M.

- 1) Mayor Morgan called the meeting to order at 7:04 p.m. and led all in the Pledge of Allegiance.
- 2) The following members of the Aldermanic Board were in attendance: Mr. TJ Redmond, Mr. Ed Johnson, Mr. Edward Mahan, Ms. Mary Wofford, Ms. Sheri McCann, Mr. Philip Scherry and Mayor Morgan.
- 3) **Emergency Items to be added to the Agenda:** None
- 4) **Citizens to Address the Board:**

James E. Hoel, 1057 N. Rock Hill Rd.: Mr. Hoel provided definitions for liberty and justice. He complained that the actions of the Board toward the homeowners in RPA-2 were neither liberal nor just. He asked the Board to rescind the blighting status, institute a 10 year moratorium on development in the area and grant property owners one year to bring their properties in to code compliance.

Maryann Musial, 801 Leonard: Ms. Musial stated that she and some of her neighbors would be cleaning Rock Hill Park on Saturday, April 4th at 9:00 a.m. Ms. Musial invited the Board to the event.

James H. Hoel, 1057 N. Rock Hill Rd.: Mr. Hoel stated that he agreed with his father's statements earlier. He noted that he has lived in the city for more than 20 years and has seen the city decline as a result of poor decisions and lack of judgment by the Board. He asked the Board to ending the blighting designation and to allow residents to move forward.

- 5) **Public Hearings**
 - a) **Proposed amendments to the zoning ordinance regarding short term lending, title loans and pay day loans:**

Mayor Morgan opened the public hearing at 7:15 p.m.

City Attorney Ken Heinz introduced the following documents into the record:

1. Rock Hill City Code
2. Article from www.theeconomist.com
3. Article from the St. Louis Post Dispatch
4. Article from the Center for Responsible Lending
5. Article from www.msnbc.com
6. Article from www.cnn.com
7. Missouri Consumer Guide regarding predatory record
8. Articles from Florida and Tennessee
9. Explanation of Title Loans
10. Web page from TitleMax's website

11. Chattanooga/Hamilton County Regional Planning Agency 2004 study
12. Tennessee Department of Financial Institutions report
13. Legislation from St. Louis County Council
14. Draft Rock Hill Ordinance
15. RSMo Chapter 367

Mr. Heinz explained some of the adverse effects such as parking, congestion, repossession and vehicle storage associated with title lenders. He further explained the correlation between decreased property values and the proliferation of pay day loans as noted in the Chattanooga study. He also commented that the city normally includes contractual prohibitions on alternative financial institutions in development agreements. Mr. Heinz suggested that the draft Rock Hill Ordinance be forwarded to the Planning and Zoning Commission.

The Board discussed various terminology changes that could be made to the draft ordinance to better clarify the allowed and disallowed lending institutions as one of the difficulties is how alternative financial institutions change over time. The Board also discussed limiting alternative financial institutions to the Industrial District. Lastly, the discussion included how Missouri regulates alternative financial institutions.

PUBLIC COMMENT

No one from the public spoke.

The public hearing closed at 7:31 p.m.

- 6) **Announcements, Presentations, Proclamations, Communications and Invitations:**
 - a) **Estimated tax rate for city and library:** Assistant City Administrator/Finance Director Ann Robertson explained the rationale behind the estimate tax rate for the city and library. The Board discussed the cash flow and budgetary implications.
- 7) **Old Business:** None
- 8) **Minutes of Previous Meetings:** Alderwoman McCann moved to approve the minutes from the March 17, 2009 meeting. Alderman Scherry seconded the motion. The motion to approve the minutes passed by a unanimous voice vote.
- 9) **Treasurer's Report:** Assistant City Administrator/Finance Director Ann Robertson summarized the March warrant. The Board discussed the payment to Crawford, Bunte Brammeier for work done on the application for stimulus funds. Alderman Scherry moved and Alderwoman McCann seconded a motion to approve the March warrant. The motion passed by a unanimous voice vote.
- 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:

- a) **Bill No. 1750:** AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI, EXTENDING THE MORATORIUM ON NEW SHORT TERM LENDING INSTITUTIONS IN THE CITY OF ROCK HILL, MISSOURI, FOR A PERIOD OF NINETY DAYS.

City Attorney Ken Heinz gave the first reading of **Bill No. 1750**. The Board discussed the change suggested by Mr. Heinz to narrow the moratorium to "new short term lending institutions" from "new lending institutions".

Alderswoman McCann moved and Alderman Scherry seconded a motion to amend **Bill No. 1750** by removing the phrase "short term" when referring to new lending institutions. The motion passed by a unanimous voice vote.

ITEMS TO BE CONSIDERED FOR SECOND READING AND/OR ADOPTION:

- a) **Bill No. 1749:** AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI ADOPTING THE ANNUAL BUDGET FOR THE CITY OF ROCK HILL FOR THE PERIOD APRIL 1, 2009 THROUGH MARCH 31, 2010.

Alderswoman McCann moved and Alderman Scherry seconded a motion to approve **Bill No. 1749**. Members of the Board of Aldermen voting in favor of the motion were: Redmond, Mahan, Johnson, Wofford, McCann and Sherry. The motion passed by a vote of 6-0 and the bill become **Ordinance No. 1675**.

- b) **Bill No. 1750 (as amended):** AN ORDINANCE OF THE CITY OF ROCK HILL, MISSOURI, EXTENDING THE MORATORIUM ON NEW LENDING INSTITUTIONS IN THE CITY OF ROCK HILL, MISSOURI, FOR A PERIOD OF NINETY DAYS.

Alderswoman McCann moved and Alderswoman Wofford seconded a motion to approve **Bill No. 1750 as amended**. During discussion concern was expressed about the appropriateness of the bill. Members of the Board of Aldermen voting in favor of the motion were: Mahan, Johnson, Wofford, McCann and Redmond. Alderman Scherry voted against the motion. The motion passed by a vote of 5-1 and the amended bill become **Ordinance No. 1676**.

- c) **Resolution 09-05:** A RESOLUTION AUTHORIZING AN OPEN PURCHASE ORDER WITH GERSHENSON CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS FOR O'DAY AVENUE, SHERRELL COURT AND GOLDEN GATE DRIVE TO BE CARRIED INTO THE 2009-2010 FISCAL YEAR.

Alderswoman Wofford moved and Alderswoman McCann seconded a motion to approve **Resolution 09-05**. City Administrator Liyeos explained the accounting rationale behind the resolution. The Board discussed the possible impacts on the next fiscal year's budget. The motion passed by a unanimous voice vote.

- d) **Resolution 09-06:** A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL, MISSOURI, REAPPOINTING JAMES HEFNER, ART KORTE, DAVID LANCASTER, ARTHUR MITCHELL, TIM NORTON, BRIAN SCHENK AND PETER TUFFLI TO THE PLANNING AND ZONING COMMISSION FOR FOUR YEAR TERMS SET TO EXPIRE ON APRIL 1, 2013.

Alderswoman McCann moved and Alderman Scherry seconded a motion to approve **Resolution 09-06**. The Board questioned why the terms of office were not staggered and if this prevented anyone new members from being appointed to the commission. The motion passed by a voice vote of 5-1; Alderman Johnson voted against the motion.

- e) **Resolution 09-07:** A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL, MISSOURI, REAPPOINTING CHRIS CLARK AND JOAN MACHINSKY TO THE BOARD OF ADJUSTMENT FOR FIVE YEAR TERMS SET TO EXPIRE ON APRIL 1, 2014.

Alderswoman Wofford moved and Alderman Scherry seconded a motion to approve **Resolution 09-07**. Assistant to the City Administrator/City Clerk Jennifer Yackley explained that only these members of the Board of Adjustment had terms about to expire

and were therefore submitted for reappointment. The motion passed by a unanimous voice vote.

- f) **Resolution 09-08** A RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF ROCK HILL, MISSOURI, REAPPOINTING JENNY WEIHL AND DORI DEGENHARDT AS TRUSTEES TO THE ROCK HILL LIBRARY BOARD FOR TERMS SET TO EXPIRE ON APRIL 1, 2012.

Alderswoman McCann moved and Alderswoman Wofford seconded a motion to approve **Resolution 09-08**. The motion passed by a unanimous voice vote.

12) Departmental Reports

Fire Department: Acting Chief Kevin Halloran reported the following:

- He successfully completed the leadership program at the University of Missouri.
- The department is finishing the spring commercial inspections.
- Fire hydrant inspections will begin shortly.
- The department will be updating commercial floor plan information in their computer system.

Police Department: Acting Chief Paul Arnett reported the following:

- Det. Cox and P.O. McGee will be attending the major case squad class in Illinois.
- He provided an update on P.O. Zeigler's knee surgery.
- The United Way will be hosting a run/walk through Rock Hill, Glendale and Webster Groves on April 26th.

- 13) City Attorney's Report:** City Attorney Ken Heinz reported that he would be happy to answer any questions about the legal services memo. He is also working with the city administrator on possibly revising the fees for violating the child restraint ordinance.

- 14) Mayor's Report:** Mayor Morgan stated that the city will plant a tree in Oakhaven Park on Saturday at noon to celebrate Arbor Day.

Mayor Morgan summarized some of the key aspects of the FY 2009-2010 budget including the contribution to the Uniformed Pension Plan, employees' pay raises, street improvements, and the effort by department heads to control expenses.

- 15) City Administrator's Report:** City Administrator George Liyeos did not have any further information regarding the city hall/fire department relocation.

Mr. Liyeos introduced intern Jacob Brown and explained that intern Paul Woodruff was unable to attend this evening's meeting.

Mr. Liyeos provided additional comments regarding the financial issues that had been brought up earlier. He stressed the importance of having a 5 year budget when making short and long range financial policy decisions for the city. Additionally, he reiterated that Hutkin/Miller Weingarten has not relinquished their development rights for RPA-2. He recommended that the Board exercise patience and allow Hutkin/Miller Weingarten to continue with their rights until they have demonstrated that they no longer want the rights.

16) Citizens to Address the Board:

David Chiodini, 1054 N. Rock Hill Rd.: Mr. Chiodini remarked that the Board should have expected businesses such as subprime lenders to come into the city

after they blighted the RPA-2 area. He stated that such actions and developments such as ARCO are making the city a less desirable place to live.

Steven Harre, 1030 N. Rock Hill Rd.: Mr. Harre asked if Hutkin/Miller Weingarten had communicated with the city since the last Board meeting regarding their intentions and if there is an expiration date on the development rights. He encouraged the Board to consider removing the blight designation and to talk to Hutkin/Miller Weingarten regarding their intentions.

Maryann Musial, 801 Leonard: Ms. Musial asked when ARCO would begin construction. She asked if ARCO would be able to build something other than what was approved by the Board.

- 17) Alderwoman McCann moved and Alderman Scherry seconded a motion to adjourn. The motion passed by a unanimous voice vote and the meeting adjourned at 8:22 p.m.

Mayor Julie Morgan

Attested to:

Jennifer Yackley, City Clerk