

**CITY OF BELLEFONTAINE NEIGHBORS  
BOARD OF ALDERMEN MEETING MINUTES  
December 6, 2018**

**MEETING WAS CALLED TO ORDER BY** Mayor Robert J. Doerr at 7:30 p.m. Copies of all ordinances and resolutions to be considered at the meeting were made available for public inspection prior to the time of consideration by the Board of Aldermen.

**PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Doerr.

Mayor Doerr asked for a moment of silence for the passing of President George H. Bush; the two murders in Bellefontaine Neighbors; and the anniversary of Pearl Harbor.

**ROLL CALL:**

**PRESENT:** Mayor Robert J. Doerr, City Attorney Kevin O'Keefe, City Collector Dr. Mark Tranel, Major Warren Williss (sitting in for Chief Jeremy Ihler), City Clerk Deni Donovan, Alderwoman West, Alderwoman Reed, Alderman Merz, Alderman Jordan, Alderman Christian, Alderwoman Dailes; and Alderwoman Avant-Elliott.

**ABSENT:** Alderman Herl, Chief Ihler

**APPROVAL OF THE AGENDA:** Alderman Jordan moved for the approval of the Agenda, seconded by Alderman Merz. Motion carried unanimously.

**PRESENTATION OF THE UNAPPROVED MINUTES:** Alderman Merz moved for approval of the November 15, Minutes of the Board of Aldermen Meeting, seconded by Alderwoman Dailes, as amended:

- 1) Added on page 2 (under the Treasurer's report): "Alderwoman Reed suggested both be done on a cash basis".
- 2) Added on page 3 (Under the Building Inspectors report regarding day cares): "Alderwoman Reed asked Mayor Doerr, in his authority as Mayor, can he instruct the Building Department to make it mandatory to contact the State as part of their duties".
- 3) Corrected on page 3 (under the Chief's report): Alderwoman West, not Alderwoman Reed, made the motion to approve Chief Ihler's request.

Motion carried. Alderman Christian opposed.

Mayor Doerr said the City Treasurer has spoken with the auditors about Alderwoman Reed's request and he will contact her. In regards to day cares, Mayor Doerr said the City has been in touch with the State several times; it can take 3-6 months for State approval.

**MEETING OPEN TO THE PUBLIC:**

Mayor Doerr opened the meeting to the public and asked if anyone in the audience would like to make any comments, with a 3-minute time limit, beginning with Public Hearing comments.

**PUBLIC HEARING** (Continued from the November 15, 2018, Board of Aldermen Meeting): To hear comments to rezone the property at 9266 Lewis & Clark Blvd. and a request for a Conditional Use Permit. Discussion followed.

**JOHN SCHEBAUM, CIVIL ENGINEER, BFA ENGINEERING, 1578 HWY 19 SOUTH, HERMANN, MO:** Reintroduced himself along with Roger Franz, the Developer with New Lease

Development, and Sam Dotson, the District Manager with Broadway Restaurant Group. Mr. Schebaum gave a presentation to address setback issues and suggested new language in Bill No. 2529. He answered some of the residents' concerns: hours of operation for restaurant and drive-thru: 5:00 a.m. to midnight which may vary depending on how business is doing; alleyway access concerns on the side of Burger King (the design does not impact the alleyway); curb cuts on the alleyway: Burger King will make improvements; there will be access to Advance Auto; minority contractors: fair hiring practices are used when selecting the qualified contraction team; and Burger King should be open in 2019, pending approvals.

**GREG WARNUSZ, 100XX CRETE DRIVE:** There are no disputes sharing the parking lot with the City of Jennings.

**WALT COLLINS, 12XX DUENKE DRIVE:** Since he lives on the alley, he is concerned with noise, traffic, and trash.

Mayor Doerr asked if anyone had any other comments. He closed the Public Hearing and asked if anyone had comments on any other issues.

**WANDA LANE, 99XX MARTINGALE ROAD:** She questioned Ordinance approval procedures. There were no committees formed to discuss any of the Bills on the Agenda tonight. A fencing committee was formed because an Alderman requested it.

**CARNELL JONES, 11XX WENTWORTH DRIVE:** Addressed concerns about community policing of minorities using an example of a recent encounter in another municipality.

**KATHY MASON, 10XX DONNELL AVENUE:** Thanked everyone who sent her sister a birthday card. Asked the city to look at a trash issue near a resident's house. Everyone is welcomed to one of the hats she made.

Mayor Doerr asked if anyone had any other comments. Since there were none, the meeting was brought back to the Board.

#### **COMMISSION AND BOARD REPORTS:**

**PUBLIC SAFETY COMMISSION:** There was no Commission Meeting in November. Due to the holidays, Alderwoman West said the next meeting will be January 24<sup>th</sup>. Mayor Doerr said Chief Ihler will present accident report numbers to review at their next meeting. She is meeting with a grant writer to look into speed bumps.

**YOUTH COMMISSION:** The Board reviewed the November 19, 2018, Minutes. Alderwoman Avant-Elliott reported on some of the 2019 events. The next meeting will be January 21<sup>st</sup> at 7 p.m. Contact Chairman Pflueger if you have any suggestions.

**IMAGE & BEAUTIFICATION BOARD:** The Board reviewed the October 23, 2018, Minutes. Alderman Christian reported the Adopt-A-Street Trash Pick-Up Program was sent to Mayor Doerr for his review. The Christmas decoration judging is coming up.

**PARKS BOARD REPORT:** The Board reviewed the November 20, 2018, Minutes. Mark Dickerson was excused; Martha Snead reported in his absence. Alderman Merz said the Rec Center fees are being reviewed and Mark Dickerson is looking into the Trinity High School Lock-In event. Alderwoman Reed asked why she hasn't been contacted yet about the Lock-In. Martha wasn't aware of the event, but would talk to Mark as soon as he returned from vacation. Martha reported on the following:

- The Rec Center has been decorated for Christmas;
- The Silver Bells Dinner was held tonight;
- There was a party for the fitness class participants;
- The boxes for Kurt Warner's Warm-Up Program and Toys for Tots have been picked up;
- During the winter months, they are giving residents a punch card option for more flexibility and to encourage them to keep up with their classes.
- The Rec Center Brochure should be mailed between Christmas and New Year's;
- There are on-going discussions regarding the Rec Center fees;
- Mark met with the project manager regarding the Bissell Hills project – it should be completed by the beginning of April, 2019.
- Alderwoman West would like Mark's feedback on his assessment of the leaves from Tanglewood Park going into a resident's yard;
- Alderwoman Dailes questioned who is in charge when Mark Dickerson is on vacation. She is upset that Alderwoman Reed has not been contacted about the Trinity Lock-In event at the Rec Center. Mayor Doerr will look into it.
- Blessed Holiday to all.

**PLANNING & ZONING COMMISSION:** The Board reviewed the November 12, 2018, Minutes. Chairman Bob Stolte reported on the following:

- Clayton Klein, the new City Engineer was introduced;
- Discussed in-home Day Care issues regarding the current moratorium and asked Mr. Klein to do research as to how other municipalities regard day cares.
- A discussion followed regarding day cares and State approvals. A CUP may be issued as long as the application has been submitted. Mr. Stolte said they should have an answer on the moratorium by the next couple of months. Can day cares operate without State/City of Bellefontaine Neighbors licensing? Per the City Attorney, the State does not license in-home day cares licensing for four or fewer kids, although BN does require a CUP. The Building Department has been following up with the State. Alderwoman Dailes stated the importance of putting things in order to keep children safe.
- Mr. Stolte wished everyone a Merry Christmas.

**BUILDING INSPECTOR:** The Board reviewed the August and November, 2018, reports. Joe Raben reported on the following issues:

- Inspections update;
- Two beauty salons have opened up;
- Roadside Trailer has completed the lot extension;
- Sewer lateral projects are up; and
- Due to leaves in the streets and sewers, the street sweeper has been out. Alderwoman Dailes said the City of Clayton has some sort of netting in the sewers to keep leaves and debris from going into the sewers. Mr. Raben will contact MSD.

**CITY ENGINEER:** The Board reviewed the October and November, 2018, reports. Clayton Klein reported on the following:

- Mr. Klein has reviewed (2) more sets of plans by McBride and Son;
- Reviewed plans from St. Louis Fish•Chicken;
- Reviewing an issue at the Metal Recovery properties – one building but two properties; and
- He is doing research on home day cares and what regulations other cities have.

Alderman Dailes requested the City Clerk email the itemized invoice from the City Attorney. Alderman Avant-Elliott requested the itemized bill from the Special Prosecutor.

**INVOICES OVER \$500:** Alderman Reed moved to pay invoices 1 through 15, dated December 1-3, 2018, in the amount of \$49,984.22, seconded by Alderman Merz. Motion carried.

**INVOICES UNDER \$500:** Informational only – December 1-3, 2018, in the amount of \$5,229.33.

**CHIEF OF POLICE:** Major Williss reported in Chief Ihler's absence:

- He gave an update on the recent double homicide. The Major Case Squad was activated; the subject is still at large; and
- Have a good and safe holiday.

**CITY ATTORNEY:** Thanked Kathy for the hat. Merry Christmas and Happy Holidays.

**UNFINISHED BUSINESS:**

**BILL NO. 2529.1 – INTRODUCED BY ALDERWOMAN DAILES**

**AN ORDINANCE REZONING PROPERTY LOCATED AT 9266 LEWIS AND CLARK BOULEVARD FROM THE "C-1" ZONING DISTRICT TO THE "C-2" ZONING DISTRICT AND GRANTING A CONDITIONAL USE PERMIT FOR OPERATION OF A FAST FOOD RESTAURANT WITH A DRIVE THROUGH.**

Alderman Dailes read the Bill 2529 for the first time and moved for approval of the first reading of Bill No. 2529 and to go on to the second reading.

At this time, Mr. O'Keefe explained a change in the Bill by the Developer; he passed out a redline version of Bill 2529.1 regarding the setback line of the property.

Alderman Dailes made a motion to amend Bill No. 2529 by the text of 2529.1, dated December 6, 2018, seconded by Alderman Avant-Elliott. Motion carried unanimously.

The motion was seconded by Alderman Avant-Elliott. Motion passed unanimously. Alderman Dailes then read Bill No. 2529.1 for a second time and thereafter made a motion that the Bill be approved by the Board of Aldermen for enactment as an Ordinance, seconded by Alderman Avant-Elliott. Motion carried.

**Upon the roll being called the votes were cast as follows:** Alderman Dailes, yes; Alderman Avant-Elliott, yes; Alderman Christian, yes; Alderman West, yes; Alderman Reed, yes; Alderman Merz, yes; and Alderman Jordan, yes.

With a 7-0 vote, the majority of the members elected to the Board of Aldermen having voted for passage of Bill No. 2529.1, the Bill was passed by the Board and will become Ordinance No. 2444 when and if signed by the Mayor.

**NEW BUSINESS:**

**BILL NO. 2530 – INTRODUCED BY ALDERWOMAN WEST**

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH AXON ENTERPRISE. INC. FOR TASERS AND TASER SUPPLIES FOR THE POLICE DEPARTMENT.**

Alderwoman West read the Bill for the first time and moved for approval of the first reading of Bill No. 2530 and to go on to the second reading. The motion was seconded by Alderman Merz. Motion passed unanimously. Alderwoman West then read Bill No. 2530 for a second time and thereafter made a motion that the Bill be approved by the Board of Aldermen for enactment as an Ordinance, seconded by Alderman Merz. Motion carried.

**Upon the roll being called the votes were cast as follows:** Alderwoman West; yes; Alderman Jordan, yes; Alderman Merz, yes; Alderwoman Reed, yes; Alderwoman Avant-Elliott, yes; Alderman Christian, yes; and Alderwoman Dailes, yes.

With a 7-0 vote, the majority of the members elected to the Board of Aldermen having voted for passage of Bill No. 2530, the Bill was passed by the Board and will become Ordinance No. 2445 when and if signed by the Mayor.

**BILL NO. 2531 – INTRODUCED BY ALDERWOMAN AVANT-ELLIOTT**

**AN ORDINANCE AMENDING SECTION 2-42 OF THE BELLEFONTAINE NEIGHBORS, MISSOURI, CODE OF ORDINANCES AND ADOPTING AN AMENDMENT TO THE PERSONNEL RULES AND REGULATIONS AND PERSONNEL HANDBOOK FOR THE CITY OF BELLEFONTAINE NEIGHBORS PERTAINING TO CITY-OWNED VEHICLES.**

Alderwoman Avant-Elliott made a motion to amend Exhibit "A" to replace sections (D) and (E) with only section (D) to state: ***By recommendation of the Mayor/City Administrator and approved by the Board of Aldermen***, seconded by Alderwoman Dailes. Alderwoman West opposed. Motion passed.

The City Attorney wanted confirmation that item (E) which stated "***When it is in the best interest of the City***"; was revoked by the amendment; he was told yes.

Alderwoman Avant-Elliott read the Bill for the first time, as amended, and moved for approval of the first reading of Bill No. 2531, seconded by Alderwoman Dailes. Alderwoman West and Alderman Christian opposed. Motion passed.

Alderwoman Avant-Elliott then read Bill No. 2531, as amended, for a second time and thereafter made a motion that the Bill be approved by the Board of Aldermen for enactment as an Ordinance.

**Upon the roll being called the votes were cast as follows:** Alderwoman Avant-Elliott; yes; Alderwoman Reed, no; Alderman Christian, no; Alderman Jordan, no; Alderwoman Dailes, yes; Alderman Merz, yes; and Alderwoman West, no.

With a 3-4 vote, the majority of the members elected to the Board of Aldermen opposed the passage of Bill No. 2531. The Bill fails.

**BILL NO. 2532 – INTRODUCED BY ALDERMAN JORDAN**

**AN ORDINANCE ADJUSTING COMPENSATION FOR PERFORMING THE DUTIES OF THE OFFICE OF MAYOR OF THE CITY OF BELLEFONTAINE NEIGHBORS, MISSOURI, ESTABLISHING AN EFFECTIVE DATE, AND REPEALING ALL INCONSISTENT ORDINANCES.**

Alderman Jordan read the Bill for the first time and moved for approval of the first reading of Bill No. 2532 and to go on to the second reading. The motion was seconded by Alderman Christian.

At this time, Alderwoman Dailes wanted to explain what this Ordinance was about. Discussion followed as to part-time and full-time Mayors' salaries; whether the City will hire a City Administrator (CA) and how it may affect the Mayor's salary; not sure the reason for the figure; department heads may be included in CA job duties; wanted time to share with constituents; and the Mayor will do more than meetings.

Alderwoman West clarified the salary reduction of the part-time Mayor's salary is due to the limited duties of the Mayor if a CA is hired.

Mayor Doerr discussed the Mayor's position, salary, and the CA Ordinance.

Alderwoman Avant-Elliott gave an overview of previous salaries vs. duties; questions directed to the City Attorney; and the Missouri Ethics Committee told her to ask the City Attorney about the voting status of a current elected official running for office. City Attorney answered that it did not matter for a Board member to vote on this Bill if they publicly have stated they may be filing for Mayor.

Alderman Jordan gave a synopsis of the history regarding the Mayor's position, salary and CA; and the reason for the salary figure in the Ordinance being discussed.

Alderwoman Reed, Alderwoman Dailes, and Alderwoman Avant-Elliott opposed. Motion passes 4-3.

Alderman Jordan then read Bill No. 2532 for a second time and thereafter made a motion that the Bill be approved by the Board of Aldermen for enactment as an Ordinance.

**Upon the roll being called the votes were cast as follows:** Alderman Jordan; yes; Alderman Christian, yes; Alderwoman West, yes; Alderwoman Dailes, no; Alderman Merz, yes; Alderwoman Avant-Elliott, no; and Alderwoman Reed, no.

With a 4-3 vote, the majority of the members elected to the Board of Aldermen opposed the passage of Bill No. 2532. The Bills fails.

**REPORT OF THE MAYOR:**

- Filing for the Mayor's position will open on December 11<sup>th</sup> – you must be a resident and 25 years of age, and you must show ID.
- The Ashbrook Drive Project is underway. They'll begin with sidewalks and curbing. Alderman Jordan has requested the project's timeline will be on the website.
- He was at an event at the Veterans Home to meet with Governor Parsons. He discussed the updates happening at the facility. He is concerned about the constant turnover of Directors.

## **REPORT OF THE ALDERMEN:**

**ALDERMAN MERZ:** Thanked Kathy for the hat.

**ALDERMAN JORDAN:** Thanked everyone for attending; bring a friend next time. Thanks to Kathy and Merry Christmas.

**ALDERMAN CHRISTIAN:** The Christmas decoration judging will be December 18<sup>th</sup>. Thanks to Kathy. Happy Hanukah and Happy Holidays.

**ALDERWOMAN DAILES:** Thanked everyone for coming out. Check the City website for the upcoming Black History Celebration. Make sure you don't leave your cars running. Merry Christmas. Thanked Kathy for the hat.

**ALDERWOMAN AVANT-ELLIOTT:** Thanks everyone for coming out tonight. Alderwoman Avant-Elliott reported that she was collaborating with the City Clerk and Alderpersons to increase communication to include making sure the pre-meetings were posted on the website under calendar along with current ordinances on the site. Also, she indicated that during the pre-meeting, the Board of Aldermen discussed and agreed to move the pre-meetings to the courtroom. Happy Holidays.

**ALDERWOMAN WEST:** Everyone is invited to the family-oriented Kwanzaa Event on December 29<sup>th</sup> from 2-6 p.m. The December 5<sup>th</sup> meeting of the fencing committee was very productive. She has concerns about the respect others receive and expect. She has concerns about closed meeting information. She would like to see the Board work together and accomplish something.

**ALDERWOMAN REED:** Asked if the City has begun the bidding process for trash service. Mayor Doerr said it would be after the first of the year. She is concerned with the changes in the bus routes beginning in the fall, 2019. Mayor Doerr is talking with Bi-State about his concerns with a route to the Veterans Home. Thanks to Kathy and Happy Holidays.

**MARK TRANEL, CITY COLLECTOR:** Dr. Tranel reported within the next (30) days, the State Department of Education will release the annual performance report data for the Riverview School District. The student testing changes has impacted the District's accreditation. He will discuss if anyone has any questions.

Alderwoman Avant-Elliott asked about an audit update; the City has not been contacted by the auditors yet.

Mayor Doerr asked if anyone in the audience would like to make any comments with a 3-minute time limit.

**PASTOR DWAYNE ELLIOTT, 11XX JOLENE DRIVE:** Addressed respect among the Aldermen and constituents.

**CARNELL JONES, 11XX WENTWORTH DRIVE:** Commented on concerns he has with the Bellefontaine Neighbors, Clayton, and other municipality's law enforcement agencies.

**WANDA LANE, 99XX MARTINGALE ROAD:** She asked if a Bill may be reintroduced again once it fails; Mr. O'Keefe said there is no prohibition against reintroducing legislation which has been defeated.

Mayor Doerr brought the meeting back to the Board.

Alderman Jordan made a motion to adjourn the meeting, seconded by Alderwoman West. Motion carried unanimously.

**MEETING ADJOURNED:** Meeting adjourned at 9:30 p.m.

**ATTEST:**

Deni Donovan  
Deni Donovan, City Clerk

Approved by the Board of Aldermen on December 20, 2018