

PUBLIC NOTICE
CITY OF BELLEFONTAINE NEIGHBORS, MISSOURI
REGULAR MEETING OF THE BOARD OF ALDERPERSONS
VIA VIDEO/TELECONFERENCE
THURSDAY, AUGUST 6, 2020
7:30 P.M.

Notice is hereby given that the City of Bellefontaine Neighbors (“City”) will hold its regularly scheduled Board of Alderpersons meeting on Thursday, August 6, 2020, 7:30 p.m. via video/teleconference.

In view of the COVID-19 pandemic, and the Federal, State, County, and City Emergency Declarations, and in accordance with the provisions of Sec. 610.020, RSMo., the City acknowledges that it would be dangerous and impractical, if not impossible, for this meeting to be physically accessible to the public. The City also recognizes the need for the public’s business to be attended to in order to protect the public health, safety, and welfare. In order to balance the need for both continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Alderpersons will not be open to public attendance in person. **THE MEETING WILL BE ACCESSIBLE BY THE PUBLIC IN REAL TIME ONLY BY A VIDEO/TELEPHONE CONFERENCE CALL VIA ZOOM. THE INSTRUCTIONS TO JOIN ARE BELOW:**

To Join the meeting by via website:

- (1) Go to Zoom at <https://zoom.us>
- (2) Select Join a Meeting
- (3) Enter Meeting ID: 825 620 8214
- (4) Enter Password: 4i85eK

To Join the meeting by phone call (audio):

- (1) Call 1 312 626 6799 US (Chicago)
1 646 558 8656 US (New York)
- (2) Enter Meeting ID: 825 620 8214
- (3) When prompted, enter the Pass Code 452739

THE AGENDA FOR THIS BOARD MEETING IS SET FORTH HEREIN.

Instructions for providing public comments: Persons interested in making their views known on any matter will be able to speak during the video/teleconference meeting under “Public Comments.” In addition, anyone may send an email with their comments to the City Clerk at FStevens@cityofbn.com no later than Wednesday, August 5, 2020 by 12:00 p.m. All comments received by email will be entered into the public record and publicly read as time allows. All emailed comments will also be distributed to the entire Board at or before the meeting. Thank you for your understanding and patience as we all try to get through these unprecedented times.

POSTED: AUGUST 4, 2020 AT 5:00PM

**REGULAR BOARD MEETING
THURSDAY – AUGUST 6, 2020 – 7:30PM**

**BELLEFONTAINE NEIGHBORS BOARD OF ALDERPERSONS
WILL CONVENE FOR THE ABOVE REFERENCED MEETING
VIA ZOOM.**

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. PRESENTATION OF UNAPPROVED MINUTES: 6/18/2020-PUBLIC HEARING, 6/25/2020 & 6/29/2020-SPECIAL 7/16/2020-REGULAR AND 7/30/2020 SPECIAL**
- 5. MEETING OPEN TO PUBLIC: (With a 3-minute time limit).**
- 6. COMMISSION AND BOARD REPORTS:**
 - A. PUBLIC SAFETY COMMITTEE**
 - B. YOUTH COMMISSION**
 - C. IMAGE & BEAUTIFICATION**
 - D. PARKS & RECREATION BOARD**
- 7. PLANNING & ZONING REPORT**
- 8. APPROVAL OF INVOICES OVER \$500 – APPROVED IN 7/30/2020 SPECIAL MEETING**
- 9. CHIEF OF POLICE**
- 10. CITY ATTORNEY**
- 11. UNFINISHED BUSINESS - NONE**
- 12. NEW BUSINESS**
 - A. ALDERMAN REPRESENTATIVE FOR PARKS AND REC – ALDERWOMAN REED**
 - B. BILL NO. 2020-2589 – BASKETBALL HOOPS AMENDMENT – ALDERWOMAN WEST**
 - C. BILL NO. 2020-2590- PROSECUTING ATTORNEY, PUBLIC DEFENDER AND PROVISIONAL JUDGE AMENDMENT – ALDERMAN CARROLL**
 - D. BILL NO. 2020-2591 – SECTION 106.4 VIOLATION PROPERTY MANAGEMENT CODE AMENDMENT – ALDERMAN CARROLL**
- 13. REPORT OF MAYOR**
- 14. REPORT OF ALDERMEN**
- 15. MEETING OPEN TO PUBLIC: (With a 3-minute time limit).**
- 16. ADJOURNMENT**

Notice is hereby given that on the 6th day of August 2020, subject to a motion duly made and adopted, the Board of Aldermen may hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: Legal Actions, Causes of Action, Litigation or Privileged Communications between the City's Representatives and its Attorneys (Sec.610.021(1); Lease, Purchase or sale of Real Estate (Sec. 610.021(2); Hiring, Firing Disciplining or Promoting Employees (Sec.610.021(3); preparation for negotiations with employee groups (Sec. 610.021(9); Bidding Specifications (Sec.610.021 (11); and/or Proprietary Technological Materials (Sec. 610.021(15).

POSTED: AUGUST 4, 2020 AT 5:00PM

INTRODUCED BY ALDERPERSON WEST

BILL NO. 2589

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 19 OF THE BELLEFONTAINE NEIGHBORS CITY CODE RELATING TO OFFENSES AGAINST PUBLIC PEACE AND SAFETY.

WHEREAS, Section 19-91 of Article V, Division 2 of Chapter 19, Offenses Against Peace of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri (the "City") sets forth provisions relating to offenses against public peace and safety.

WHEREAS, the Board of Alderpersons desires and finds it in the best interest of the City and its residents to amend Subsection (a) of Section 19-91 of Article V, Division 2 of Chapter 19, Offenses Against Public Peace and Safety of the Code of Ordinances of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BELLEFONTANE NEIGHBORS, MISSOURI, AS FOLLOWS:

Section One.

Subsection (a) of Section 19-91 of Article V, Division 2 of Chapter 19, Offenses Against Peace of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby amended by adding a new Subsection (11) thereof, to read as follows:

- (a) The creation of any unreasonably loud, disturbing or unnecessary noise in the City is prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but such enumeration shall not be deemed to be exclusive:
- (1) *Horns, signals, etc.* The sounding of any horn or signal device on any motor bus, motorcycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time.
 - (2) *Radio, phonograph, etc.* The playing of any radio, phonograph, loudspeaker, sound amplifier, musical instrument or other device in such manner or with such volume which would reasonably annoy or disturb the peace, quiet, comfort or repose of persons located outside the structure, vehicle or premises where the

noise is generated; provided that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed unreasonably loud, disturbing and unnecessary.

- (3) *Animals and fowl.* Any animal, bird or fowl which by causing frequent or long continued noise shall tend to disturb the comfort and repose of any person in the vicinity; provided that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed excessive.
- (4) *Vehicles.* The use of any automobile, motorcycle, streetcar or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (5) *Whistles and sirens.* The blowing of any steam whistle attached to any stationary boiler, or any other whistle or siren, except to give notice of the time to begin or stop work or as a warning of danger; or the use of steam under pressure for cleaning purposes in any establishment between the hours of 10:00 p.m. and 7:00 a.m., when the windows of such establishment are open.
- (6) *Blow-off, exhaust, etc.* The discharge into the open air of the blow-down of any steam engine or of the exhaust of any stationary internal combustion engine or motor vehicle, or of the escape valve from the unloader of any air compressor except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Construction on Sunday.* The erection (including excavating), demolition, alteration or repair of any building or other structure on Sunday, except in case of urgent necessity from the city engineer, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- (8) *Hospitals, churches, schools.* The creation of any excessive or unnecessary noise within one hundred fifty (150) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any church or any school or other institution of learning, which unreasonably interferes with the proper functioning of any such place; provided that conspicuous signs are placed in the public highways indicating the zones within which such noises are prohibited. The police department is authorized to cause to be placed as many signs as it may deem necessary to properly indicate such quiet

zones and to call attention to the prohibition against excessive or unnecessary noises within such zones.

- (9) *Sound trucks, advertising, etc.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise, or for advertising purposes.
 - (10) *Construction equipment and yard maintenance equipment.* The use, between the hours of 10:00 p.m. and 7:00 a.m., of construction equipment such as power saws, power hammers, drills, and similar loud power tools; or lawnmowers, grass trimmers, chain saws, shredders, or similar yard or exterior maintenance equipment powered by internal combustion engines; or the use of leaf or grass blowers or yard vacuums powered by internal combustion or electric engines.
 - (11) *Basketball activity.* The playing of any type of game or engaging in other activity with a basketball by one or more persons on residential property between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would reasonably annoy or disturb the peace, quiet, comfort or repose of any person.
- (b) No sound source specifically exempted from a maximum permissible sound level by this Section shall be a public disturbance noise, insofar as the particular source is exempted.
 - (c) The following sounds are exempt from the provisions of this Section at all times:
 - (1) Sounds originating from aircraft in flight;
 - (2) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
 - (3) Sounds created by fire alarms; and
 - (4) Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of the community, including but not limited to snow removal and other equipment involved in clearing streets, parking lots and driveways.

Section Two.

It is hereby declared to be the intention of the Board of Alderpersons that the sections, subsections, paragraphs, sentences, clauses, phrases and words of this ordinance shall be severable, and if any section, subsection, paragraph, sentence,

clause, phrase or words of this ordinance shall, for any reason, be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Bellefontaine Neighbors, Missouri hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section Three.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Four.

This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERPERSONS FOR THE CITY OF BELLEFONTAINE NEIGHBORS THIS ____ DAY OF AUGUST, 2020.

Presiding Officer

Attest:

Fran Stevens, City Clerk

APPROVED THIS ____ DAY OF AUGUST, 2020

Tommie Pierson Sr., Mayor

INTRODUCED BY ALDERPERSON CARROLL

BILL NO. 2590

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE III, DIVISION 4 RELATING TO THE CITY ATTORNEY AND CHAPTER 18, SECTIONS 18-8, 18-9, AND 18-25 OF THE BELLEFONTAINE NEIGHBORS CITY CODE RELATING TO THE PROSECUTING ATTORNEY, MUNICIPAL COURT AND THE OFFICE OF PROVISIONAL JUDGE.

WHEREAS, the board of alderpersons desires to amend Chapter 2, Article III, Division 4 of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri (the "City") by setting forth provisions regarding the City's prosecuting attorney and appointment of a Public Defender by the City's Municipal Judge; and

WHEREAS, the City further desires to amend Chapter 18, Sections 18-8, 18-9, and 18-25 of the Code of Ordinances of the City by setting forth provisions to support and enhance the impartial and expeditious operation of its judicial branch so that every person is provided appropriate process and attention.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BELLEFONTANE NEIGHBORS, MISSOURI, AS FOLLOWS:

Section One.

Chapter 2, Division 4 City Attorney of Article III Officers and Employees of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby repealed and a new Division 4 City Attorney, Prosecuting Attorney and Public Defender is hereby enacted in lieu thereof to read as follows:

ARTICLE III Officers and Employees

Division 4 City Attorney, Prosecuting Attorney and Public Defender

Section 2-86 City Attorney.

The mayor, with the consent and approval of the majority of the members of the board of alderpersons, shall appoint a city attorney who shall be licensed to practice law in the State of Missouri and the federal courts thereof. The person so appointed shall provide legal services to the mayor, the members of the board of alderpersons, and other city officials as shall be designated by the board of alderpersons. For such services the city attorney shall receive such compensation as shall be determined by the board of alderpersons from time to time.

Section 2-87 Prosecuting Attorney.

- (a) It shall be the duty of an attorney designated by the city to prosecute the violations of the city's ordinances before the municipal judges or before the associate circuit judges hearing the violations of the city's ordinances. The salary or fees of the attorney and his or her necessary expenses incurred in such prosecutions shall be paid by the city. The prosecuting attorney of the city shall receive such compensation as shall be established by the board of alderpersons by ordinance from time to time as compensation for the duties of such office. The compensation of such attorney shall not be contingent upon the result in any case.
- (b) The Prosecuting Attorney shall hold office for a period of two (2) years and shall take office biannually from May 1, beginning in 2021 and ending on April 30, two (2) years thereafter. Upon expiration of his or her term the Prosecuting Attorney shall continue to serve until a successor is appointed and qualified. If for any reason the Prosecuting Attorney vacates office, a successor shall complete that term of office, even if the same be for less than two (2) years.

Section 2-88 Public Defender.

The duties of a Public Defender shall be to serve as counsel when appointed by the Municipal Judge. The Public Defender shall represent persons appearing before the Municipal Court who are accused of a violation of the ordinances of the City for which the Prosecuting Attorney intends to seek a sentence of confinement. The Public Defender shall be appointed upon a person demonstrating to the satisfaction of the Municipal Judge that they are unable to employ counsel on their own behalf and should have counsel appointed to represent them. No such person shall be sentenced to any period of confinement unless he or she is represented by counsel. The Public Defender shall receive such compensation as shall be established by the board of alderpersons by ordinance from time to time as compensation for the duties of such office.

Section 2-89 through Sec. 2-100. (Reserved)

Section Two.

Section 18-8 of Chapter 18 of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby repealed and a new Section 18-8 is hereby enacted in lieu thereof to read as follows:

Chapter 18 - - Municipal Court

Sec. 18-8. Compensation of Judge.

Municipal Judges of the city shall receive per month a sum as established by the board of alderpersons from time to time as compensation for the duties of such office.

Section Three.

Section 18-9 of Chapter 18 of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby repealed and a new Section 18-9 is hereby enacted in lieu thereof to read as follows:

Chapter 18 - - Municipal Court

Sec. 18-9. Municipal Court subject to the rules and authority of the Circuit Court.

The Municipal Court of the city shall be subject to the rules of the Circuit Court of St. Louis County and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judges and Court personnel of the Municipal Court shall be under the authority and subject to the directives of the Presiding Judge of the Municipal Court.

Section Four.

Section 18-16 of Chapter 18 of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby repealed.

Section Five.

Section 18-25 of Chapter 18 of the Code of Ordinances of the City of Bellefontaine Neighbors, Missouri, is hereby repealed and a new Section 18-25 is hereby enacted in lieu thereof to read as follows:

Chapter 18 - - Municipal Court

Sec. 18-25. Provisional Judge.

There is hereby created the office of Provisional Municipal Judge of the Bellefontaine Neighbors Municipal Division of the St. Louis County Circuit Court. The position of Provisional Municipal Judge shall have the same

qualification and appointment process as those for the Municipal Judge; provided, however, that there may be as many Provisional Municipal Judges as may be deemed prudent in order to assure the efficient and timely operation of the Municipal Division. A Provisional Municipal Judge shall serve a term of office of two (2) years concurrent with the Municipal Judge, beginning on May 1 of each odd-numbered year and until a successor is appointed and qualified. The duties of a Provisional Municipal Judge shall be to serve as Municipal Judge in all cases in which the Bellefontaine Neighbors Municipal Judge shall be disqualified or unable to serve, and to preside over sessions of the Bellefontaine Neighbors Municipal Division for which the Municipal Judge is unavailable. The Provisional Municipal Judge shall be subject to and have the powers and duties affecting the Municipal Judge as provided in this Code. The Provisional Judge shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court and shall be under the authority and subject to the directives of the Presiding Judge of the Municipal Court. The Provisional Municipal Judge so serving shall receive such compensation as may be set by the board of alderpersons by ordinance from time to time, which shall not be deducted from the Municipal Judge's monthly compensation.

Section Six.

It is hereby declared to be the intention of the board of alderpersons that the sections, subsections, paragraphs, sentences, clauses, phrases and words of the ordinance shall be severable, and if any section, subsection, paragraph, sentence, clause, phrase or words of this ordinance shall, for any reason, be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Bellefontaine Neighbors, Missouri hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section Seven.

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section Eight.

This Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

PASSED BY THE BOARD OF ALDERPERSONS FOR THE CITY OF BELLEFONTAINE NEIGHBORS THIS ____ DAY OF AUGUST, 2020.

Presiding Officer

Attest:

Fran Stevens, City Clerk

APPROVED THIS ____ DAY OF AUGUST, 2020

Tommie Pierson Sr., Mayor

INTRODUCED BY ALDERPERSON CARROLL

BILL NO. 2591

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 106.4 VIOLATION PENALTIES OF THE BELLEFONTAINE NEIGHBORS PROPERTY MAINTENANCE CODE REGARDING MUNICIPAL CODE VIOLATIONS.

WHEREAS, SB 572 amended Sections 479.353 and 479.360 of the Revised Statutes of Missouri which requires amendments to the City of Bellefontaine Neighbors, Missouri Code of Ordinances regarding municipal ordinance violations; and

WHEREAS, the Board of Alderpersons desires and finds it in the best interest of the City to amend its Property Maintenance Code to conform its penalties and procedures relating thereto to comply with SB 572.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERPERSONS OF THE CITY OF BELLEFONTANE NEIGHBORS, MISSOURI, AS FOLLOWS:

Section One.

Subsection 106.4 Violation penalties of Section 106, Chapter 1, Administration of the Property Maintenance Code of the City of Bellefontaine Neighbors, Missouri is hereby repealed in its entirety and a new Subsection 106.4 is hereby enacted in lieu thereof, to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be punished by a fine or imprisonment, or by both under the general penalty ordinance of the City of Bellefontaine Neighbors as set forth in section 1-10(a) of the Code of Ordinances. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section Two.

It is hereby declared to be the intention of the Board of Alderpersons that the sections, subsections, paragraphs, sentences, clauses, phrases and words of this ordinance shall be severable, and if any section, subsection, paragraph, sentence, clause, phrase or words of this ordinance shall, for any reason, be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Bellefontaine Neighbors, Missouri hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section Three.

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Section Four.

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PASSED BY THE BOARD OF ALDERPERSONS FOR THE CITY OF BELLEFONTAINE NEIGHBORS THIS ____ DAY OF AUGUST, 2020.

Presiding Officer

Attest:

Fran Stevens, City Clerk

APPROVED THIS ____ DAY OF AUGUST, 2020

Tommie Pierson Sr., Mayor