

AMENDED 2020-12-1 @ 4:00PM

REGULAR BOARD MEETING

THURSDAY – DECEMBER 3, 2020 – 7:30 PM

**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. WARD 3 APPOINTMENT – MARJORIE DUNN
5. PRESENTATION OF UNAPPROVED MINUTES: REGULAR BOA MTG.-11/19/2020
6. MEETING OPEN TO PUBLIC: (With a 3-minute time limit).
 - A. MAYOR’S VETO MESSAGE - BILL NO. 2599 – AUTHORIZING AN AGREEMENT WITH HEINZ, GARRETT & O’KEEFE, PC TO RETAIN HELMUT STARR AS SPECIAL COUNSEL.
 - B. BILL NO. 2600 – CONFIRMING TODD HAMBY AND THE FIRM OF CARMODY MACDONALD AS SPECIAL COUNSEL FOR CERTAIN MATTERS – ALDERMAN CARROLL
7. COMMISSION AND BOARD REPORTS:
 - A. PUBLIC SAFETY COMMITTEE
 - B. YOUTH COMMISSION
 - C. IMAGE & BEAUTIFICATION
 - D. PARKS & RECREATION BOARD
 - E. STREET DEPARTMENT - APPROVAL OF TRUCK REPAIR
8. APPROVAL OF INVOICES OVER \$500
9. CHIEF OF POLICE
10. CITY ATTORNEY
11. UNFINISHED BUSINESS
 - A. CITY ADMINISTRATOR POSTING – ALDERWOMAN AVANT-ELLIOTT
12. NEW BUSINESS
 - A. DISCUSSION OF CHAPTER 3, ALCOHOLIC BEVERAGES – ALDERMAN CARROLL
 - B. APPROVAL OF THE POSTING AND MAKING AVAILABLE FOR THE PUBLIC TO RECEIVE THE PACKETS, WITH THE EXCEPTION OF ANY CLOSED RECORD RECEIVED BY ELECTED OFFICIALS PRIOR TO A BOA MEETING – ALDERMAN CARROLL
 - C. DISCUSSION AND APPROVAL OF THE MAYOR/BOA TO TAKE LEGAL ACTION AGAINST THE BOA REGARDING THE AUGUST 12TH 2020 BOA MEETING – ALDERMAN CARROLL
 - D. APPOINTMENT OF ALDERPERSONS – WARD 3 – ALDERWOMAN AVANT-ELLIOTT
 - E. APPROVAL OF SPECIAL ELECTION FOR WARD 3 – ALDERWOMAN AVANT-ELLIOTT
 - F. CLASSIFICATION AS 3RD CLASS CITY FOR BALLOT – ALDERWOMAN AVANT—ELLIOTT
 - G. BOARD OF ALDERMEN APPOINTMENT TO PLANNING/ZONING – ALDERWOMAN AVANT-ELLIOTT
 - H. DISCUSSION OF SPEED BUMPS AND THE PLACEMENT OF SPEED BUMPS IN THE CITY – ALDERMAN CARROLL
 - I. A MOTION TO INCLUDE CITIZENS COMMENTS, ALDERPERSONS COMMENTS, MAYOR’S COMMENTS TO THE MINUTES – ALDERMAN THOMAS
 - J. BILL NO. 2601 – SPECIAL ELECTION FOR WARD 3 – ALDERWOMAN AVANT-ELLIOTT
13. REPORT OF MAYOR
14. REPORT OF ALDERMEN
15. MEETING OPEN TO PUBLIC: (With a 3-minute time limit).
16. CLOSED SESSION–STATE STATUE 610.021(3) HIRING, FIRING, DISCIPLINING OR PROMOTING EMPLOYEES
17. ADJOURNMENT

POSTED: December 1, 2020 AT 5:00PM
RE-POSTED 2020-12-2 @ 10AM

VETO MESSAGE

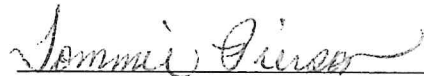
BILL NUMBER 2599

TO: Members of the Board of Alderpersons
From : Mayor Tommie Pierson Sr.
RE: Bill No. 2599

I am returning herewith Bill No. 2599, entitled: AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CURTIS, HEINZ, GARRETT & O'KEEFE, PC. TO RETAIN THE SERVICES OF THE LAW FIRM AND HELMUT STARR TO ACT AS SPECIAL LEGAL COUNSEL TO THE CITY REGARDING VARIOUS CITY LEGAL ISSUES, which was passed by the Board of Alderpersons with 5 affirmative votes and 2 negative votes at the meeting of the Board on November 19, 2020.

It is my firm belief that adoption of this Bill is not in the best interest of the City of Bellefontaine Neighbors, Missouri. In accordance with the authority of my office, I hereby notify you that I decline to sign Bill No. 2599 and hereby veto the same and return it to you for further consideration as provided by law.

For the foregoing reasons, I hereby return Bill Number 2599 unexecuted and hereby refuse to approve same.


Tommie Pierson Sr., Mayor Dec. 2, 2020
Date

INTRODUCED BY ALDERMAN AVANT-ELLIOTT

BILL NO. 2599

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CURTIS, HEINZ, GARRETT & O'KEEFE, PC. TO RETAIN THE SERVICES OF THE LAW FIRM AND HELMUT STARR TO ACT AS SPECIAL LEGAL COUNSEL TO THE CITY REGARDING VARIOUS CITY LEGAL ISSUES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BELLEFONTAINE NEIGHBORS, MISSOURI, AS FOLLOWS:

Section 1.

The Mayor or other appropriate city officials are hereby authorized to execute and enter into an agreement for professional services with Curtis, Heinz, Garrett & O'Keefe, PC to retain Helmut Starr to serve as special counsel related to legal issues of the City as requested from time to time by the Mayor or the Board of Aldermen and in substantial accordance with the terms and conditions set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF BELLEFONTAINE NEIGHBORS THIS _____ DAY OF _____, 2020.

Presiding Officer

Attest:

Fran Stevens, City Clerk

Tommie L. Pierson, Mayor

Attest:

Fran Stevens, City Clerk

APPROVED THIS _____ DAY OF _____, 2020.

CONTRACT
SPECIAL COUNSEL

The Contract made and entered into this 5 day of November 2020, by and between the City of Bellefontaine Neighbors, hereinafter referred to as "City", and Helmut Starr, hereinafter referred to as "Attorney":

WITNESSETH:

WHEREAS, it is the desire of the City of Bellefontaine Neighbors and the Attorney to reduce to writing the terms under which Attorney will perform services as Special Counsel for the City of Bellefontaine Neighbors,

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Employment: City hereby employs Helmut Starr as Special Counsel, and Helmut Starr hereby accepts such employment upon the terms and conditions hereinafter set forth.
2. Employment Period: The employment period shall commence as of the date of execution hereof and shall continue until the Board of Aldermen determines that the Special Counsel services described herein are no longer needed, unless earlier terminated by either party effective 60 days following written notice thereof to the other party.
3. Licensed: The Attorney shall be duly licensed to practice law in the State and Federal Courts within the State of Missouri.
4. Base Salary Duties: The duties of the Special Counsel, if they include attendance at regular meetings of the Board of Aldermen held on the first and third

Thursdays of each month, shall be paid for at a base salary as defined in paragraph five (5) hereof.

5. Base Salary: The base salary will be Three Hundred Fifty Dollars (\$350.00) per regular meeting set forth in paragraph 4 above.

6. Substitute Attorney: In the event Helmut Starr cannot attend a meeting of the Board of Aldermen or other board or commission as requested, the Board President will determine whether there is a need for Special Counsel services at such meeting. If, in the opinion of the Board President, legal counsel is required, Helmut Starr shall provide, at the same cost as set forth in paragraph 5 above, a substitute Attorney from the Curtis, Heinz, Garrett & O'Keefe, P.C. law firm with municipal law experience to attend such meeting. The substitute Attorney shall also be licensed to practice law in the State and Federal Courts within the State of Missouri.

7. Additional Duties: In addition to the Special Counsel's duties that may be requested as set forth in Paragraph four (4), above, it shall further be the Special Counsel's duty to, upon the request of the Mayor or the Board President, as authorized periodically by the Board of Aldermen, to: (a) review contracts entered into by the City; (b) attend special or additional meetings of the Board of Aldermen, meetings of the Planning and Zoning Commission and the Board of Adjustment; (c) to consult with the Mayor, the Board of Aldermen or other City officials in drafting legal opinions, ordinances or resolutions; (d) represent the City in other matters, as directed by the Mayor or the Board of Aldermen, in Federal and State Courts and in or before State and Federal administrative agencies and commissions; and (e) generally represent and advise the City of Bellefontaine Neighbors and its officials in such other legal matters as may be required from time to time.

8. Additional Salary: In addition to the base salary for services as set forth in paragraph five (5), shall be paid additional compensation for the performance of all matters as set forth in Paragraph seven (7) at the rate of Two Hundred Fifty Dollars (\$250.00) per hour for Helmut Starr and partners of the firm, One Hundred and Sixty-Five Dollars (\$165.00) per hour for attorneys who are associates of the firm and Ninety Dollars (\$90.00) per hour for paralegal services through April 30, 2021. Beginning May 1, 2021, the hourly rates of compensation shall change to Two Hundred and Sixty Dollars (\$260.00) per hour for Helmut Starr and partners of the firm, One Hundred and Seventy-Five Dollars (\$175.00) for attorneys who are associates of the firm and Ninety Dollars (\$90.00) for paralegal services through April 30, 2022. Beginning May 1, 2022, the hourly rates of compensation shall change to Two Hundred and Seventy Dollars (\$270.00) per hour for Helmut Starr and partners of the firm, One Hundred and Eighty-Five Dollars (\$185.00) for attorneys who are associates of the firm and One Hundred Dollars (\$100.00) for paralegal services. Special Counsel authorized to use the services of other lawyers in the firm of which he is a member for the performance of any of the services hereinabove set forth. Special Counsel shall submit a statement to City for such additional services, if any, on a monthly basis stating the rate and a detailed statement of the number of hours required to provide such services. The additional hourly compensation shall be due and paid to Special Counsel no later than thirty (30) days following the date of each such statement. All Special Counsel services shall be under the direction and control of Special Counsel Helmut Starr.

9. Supersedes Prior Contracts: The execution of this contract shall serve to supersede any prior contractual arrangements between the parties relating to the same or

similar matters, effective on the first day of the month following the date of execution first stated above.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

HELMUT STARR

CITY OF BELLEFONTAINE NEIGHBORS

Helmut Starr,
Special Counsel

Tommie L. Pierson
Mayor

ATTEST:

Fran Stevens, City Clerk

INTRODUCED BY ALDERPERSON CARROLL

BILL NO. 2600

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING TODD HAMBY AND THE FIRM OF CARMODY MACDONALD AS SPECIAL COUNSEL FOR CERTAIN PENDING MATTERS.

WHEREAS, the City of Bellefontaine Neighbors, Missouri (the "City") has received four (4) Sunshine Law Complaints filed against the City with the Attorney General of the State of Missouri; and

WHEREAS, it is the desire of the Mayor and Board of Aldermen that Special Counsel be employed in the representation of the City in this matter as provided under the terms of Section 79.230 of the Revised Statutes of Missouri; and

WHEREAS, it is the further desire of the Mayor and Board of Aldermen that Attorney Todd Hamby and the firm of Carmody Macdonald be retained for the purpose of serving as Special Counsel as aforesaid;

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

Section 1. The appointment of Todd Hamby and the firm of Carmody MacDonald as Special Counsel to represent the City with respect to the four (4) Sunshine Law Complaints is hereby confirmed. The office of Special Counsel for such purpose is hereby established and the said Todd Hamby and the firm of Carmody MacDonald is hereby appointed as such Special Counsel for the purpose of handling the stated matter.

Section 2. For services as Special Counsel in the stated matter, the City agrees to pay the said Todd Hamby the sum of Three Hundred and Twenty Five dollars (\$325.00) per hour and associate attorneys with the firm of Carmody MacDonald Two Hundred and Twenty Five dollars (\$225.00) per hour for professional legal services rendered on behalf of the City, together with any and all expenses for investigation, photocopying, research or other usual and customary expenses associated with the preparation and presentation of a matter of this nature. Special Counsel shall prepare and submit to the City monthly statements and invoices of services rendered and expenses incurred in representing the City in this matter for payment in the ordinary course of business by the City.

Section 3. This Ordinance shall take effect and be in full force from and after its passage and approval as provided by law.

PASSED BY THE BOARD OF ALDERPERSONS FOR THE CITY OF BELLEFONTAINE NEIGHBORS ON THIS _____ DAY OF DECEMBER, 2020.

Presiding Officer

Attest:

Fran Stevens, City Clerk

APPROVED THIS _____ DAY OF DECEMBER, 2020

Tommie Pierson Sr., Mayor