

City of Bellefontaine Neighbors, MO
Planning & Zoning Meeting Minutes
July 11, 2022

The meeting was called to order at 7:10 pm by Chairman Barrett.

Present: Members Barrett, Borzymowski, Gordon, Lane, White, City Engineer Klein.

Absent: Mayor Pierson, Member Duhadway.

Member White made a motion to approve the agenda, seconded by Member Borzymowski. Motion passed unanimously.

Member Borzymowski made a motion to approve the June 13, 2022 minutes, seconded by Member Gordon. Motion passed unanimously.

Business Discussions

Discussion continued about property maintenance and enforcement. Member White shared his discovery of a document entitled the "Connect Report" produced by Ameren. He stated this tool needs to be understood and utilized once we have more staff. This report informs Bellefontaine when there is a request for new service in the city. It is not intended to invade citizen's privacy, but he feels the Board should be aware that it exists.

There was discussion about establishing standards and accountability in maintaining those standards. Member Lane read a document dated 8/4/2020 entitled "Building Complaint Process," authored by the Chair. A comment was made that there were no standard operating procedures established by the Building Department. Member White acknowledged our city's personnel issues but noted we should not abandon the process because we are short staffed. The process should continue, even if it is slower. We agreed our ordinances are meaningless unless they are enforced.

A member wanted to know what is contained in a packet for building permits from the Building Department. Chair was going to investigate. Member White asked who is supposed to do what in terms of property maintenance enforcement. There was a comment recommending that Bellefontaine mirror Berkeley's 30% rental limit.

Chair read Attorney White-Coleman's opinions to previous recommendations by P&Z members:

Recommendation #3 - Make a requirement that new homebuyers must live in a home for at least one year before selling or renting.

Opinion: Attorney White-Coleman answered that a strict requirement requiring a new home buyer live in the home for at least one year before selling or renting would likely be considered an unreasonable restraint of the alienation of property by a property owner under applicable law. The requirement is not recommended.

Recommendation #4 - Can requiring rental property to be inspected once per year be implemented without triggering Constitutional issues?

Opinion: An ordinance that requires annual inspection of rental property will not likely raise constitutional concerns as long as it does not authorize a search or seizure to be performed without the consent of the Owner or without issuance of a warrant. Attorney White-Coleman suggested that, if the City chooses to require rental inspections, they should follow the example of Raytown Missouri, which requires rental inspection every two years, since Raytown has established legal precedent in that regard.

Chair did some back-of-the-envelope calculations based on the city's population (10,400), assumed fraction of 2+ year rental agreements made (2 out of 3), percentage rental property (40%) and assumed average number of residents/property (2.5 persons/household). He estimated that approximately 4.5 residential rental inspections per working day would be required. He noted that we still only have one inspector working 3 days per week. (Note: Actual stats are higher indicating approximately 4.9 residential rental inspections per day would be required based on www.census.gov data).

It was recommended that we learn more about Florissant's inspection policies regarding rental property (have subsequently learned Florissant only requires re-inspection when occupancy changes).

The next meeting is scheduled for August 8, 2022. Member White made a motion to adjourn the meeting, seconded by Member Gordon. Meeting adjourned at 8:45 pm.

Respectfully Submitted,
Pat Barrett
Chair – Planning & Zoning