

**CITY OF BEL-RIDGE
SPECIAL BOARD MEETING MINTUES
THURSDAY, JULY 18, 2019
5:00 PM**

This meeting was called to order by Mayor Fair at 5:16 pm. The Pledge of Allegiance was recited and attendance was called by City Clerk, Andrea Jones.

Roll Call

Abernathy-	Present
Watts-	Present
Robinson-	Present
Ruff-	Present
Whitaker-	Absent
Tope-	Present
Mayor Fair-	Present

Also, present Attorney Kevin O'Keefe as City Attorney.

Alderman Whitaker arrived at 5:54 pm.

Approval of Agenda

Item 1 under New Business on agenda regarding Bill # 1380, motion made to amend the agenda and remove and continue on with remainder of agenda.

Alderman Watts makes a motion to remove Bill # 1380 and Alderman Abernathy seconded.

Voice Vote

All in favor/ 0 oppose

Motion passed.

NEW BUSINESS

Bill # 1381 – creating a process by which employees can utilize vacation, enforcing the City sick leave policy, requiring employees to contact the City Clerk if not reporting to work. The usual rules will apply such as doctor notice in support of being absent three or more days.

Alderman Watts makes a motion to read by caption only Bill 1381 and Alderman Abernathy seconded.

Attorney O'Keefe read by caption only.

Motion for second reading for Bill # 1381 by title only, Alderman Watts makes a motion and Alderman Abernathy seconded.

Voice vote

All in favor/ 0 Oppose

Motion passed

Attorney O'Keefe second reading

Alderman Abernathy motions to adopt ill 1381 and Alderman Watts seconded.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	Yes
Whitaker-	Absent
Tope-	Yes

5 yes/ 0 no/1 absent

Motion passed to adopt bill 1381 to become Ordinance 2019-11.

Bill 1382- State law requires Board of Adjustments, Planning and Zoning commissions that members be appointed to stagger terms so that the terms, turn over on a regular basis. Minutes have been researched, letters wrote and mailed to present members that are serving on the commission who were appointed and for how long a term they have served. No one responded with any information. It would be prudent to reconstitute the boards and make new appointees with specified terms to establish a process to keep an established process and keep track of when terms expire.

Alderman Ruff asked if the only way to be appointed or chosen would be through Mayor and what are the qualifications to hold the positions? The process is the Mayor to nominate the appointees and for it to be considered by the board to approve, and the person would have to be a resident of the City of Bel-Ridge. Alderman Watts clarifies that any citizen can make a recommendation to nominate to the mayor. The Mayor will come up with final list and then present to the board, and the board would vote on it.

Mayor nominees for Board of Adjustments:

Joe Gutknecht- 1yr.
Gordon Brock- 2 yr.
Penny Watts- 3yr.
Mark Martin- 4yr.
Earl Dean- 5yr.
Reyna Spencer (alternate) – 1yr.
Leanna Walker (alternate)- 2yr.
Penton (alternate)- 3 yr.

Planning and Zoning

Lynn Andrews- 1yr.
Ernie Debris- 2yr.
Julia Anderson- 3yr.
Darryl Robinson- 4yr

Jeannette Pettaway- 1 yr.
Don Jones- 2yr.

Park Recreation

Joe Gutknecht- 1yr
Bill Vance- 1yr
Cynikia Byrum- 1yr

Members of Board of Alderman in capacity of alderman will not serve as members. However, assigning a liaison once the ordinance is established, may be recommended.

Motion for 1st reading of Bill 1382 by Alderman Abernathy and seconded by Alderman Watts.

Voice Vote

All in favor/ 0 oppose

Motion passed for 1st reading.

Attorney O'Keefe performs 2st reading

Motion for 2nd reading for Bill 1382 by Alderman Watts and second made by Alderman Robinson.

Voice Vote

All in favor/ 0 oppose

Motion passed for 2nd reading

Attorney O'Keefe performs 2nd reading

Motion to adopt Bill 1382 by Alderman Abernathy and seconded by Alderman Robinson.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	No
Whitaker-	Absent
Tope-	Yes

4 yes/ 1 no/ 1 absent

Motion passed for Bill # 1382 to become Ordinance 2019-12.

The previous board of aldermen misconstrued and mischaracterized previous actions. On June 5, 2018 at a regular meeting of the board, the Mayor returned 3 bills 1350, 1353 and 1354. In the minutes of that meeting, the board acknowledges receiving the Mayor veto's and objection. Minutes reflect as follow the City Attorney replied that the vote is on agreeing or disagreeing with Mayor to veto bills. No means to sustain and yes means to Veto.

Regarding the next three Bills # 1383, 1384 and 1385 Missouri State Law provides that a Mayor in a Fourth-Class City has the right to Veto a legislation and establish how the board will consider whether to override that veto.

The language of the Statue as follows:

79.140. Bills must be signed — mayor's veto. — Every bill duly passed by the board of aldermen and presented to the mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the mayor's objections thereto, shall stand reconsidered. The board of aldermen shall cause the objections of the mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: Shall the bill pass, the objections of the mayor thereto notwithstanding? The vote on this question shall be taken by ayes and nays and the names entered upon the journal, and if two-thirds of all the members-elect shall vote in the affirmative, the city clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the mayor. The mayor shall have power to sign or veto any ordinance passed by the board of aldermen; provided, that should he neglect or refuse to sign any ordinance and return the same with his objections, in writing, at the next regular meeting of the board of aldermen, the same shall become a law without his signature.

A motion was made by Alderman Ruff and seconded by Alderman Russell on reconsideration of Bill 1380 and a roll call vote was taken as follows;

Abernathy-	Nay
Brown-	Aye
Nelson-	Aye
Ruff-	Aye
Russell-	Nay
Tope-	Nay

There where 3 ayes (yes) and 3 nays (no). The minutes then say, "due to Mayor Fair vote that was taken and recorded as nay, the motion to veto did not pass Bill 1350 is sub stain. "The board then treated Bill like it had been passed over the Mayors veto.

Three ayes are not 2/3 of a six-member board. Bill did not receive 2/3 of passage over Mayor veto. It did not pass, it was vetoed.

Same method for was used for bill 1353 and 1354.

Bill 1353 votes where 1 aye and 5 nays and declaration are the veto did not pass and Bill 1353 is sustained.

Bill 1354 vote was 2 ayes and 4 nays and motion to veto did not pass and Bill 1354 is sustained. This was treated as if bill passed over the Mayor's veto when in fact an aye is to pass the bill over the veto and a nay vote is to sustain the veto. Each of those bills received 4 or 5 no votes, either in which none received 2/3 yes in order to become law over Mayor veto.

Those bills and proposed ordinances correct the record as the legal effect of the events on June 5th, 2018.

Bills being repealed.

Bill 1383 refers to Bill 1350

Motion for 1st reading for Bill 1383 made by Alderman Watts to read by caption only and Alderman Robinson seconded.

All in favor/ 1 oppose

Motion passed for 1st reading by caption.

Attorney O'Keefe reads 1st reading by caption.

Alderman Watts motion for 2nd reading and Alderman Abernathy seconded.

Voice Vote

All in favor/ 1 oppose

Motion passed for 2nd reading by Attorney O'Keefe.

Motion to adopt Bill 1383 by Alderman Abernathy and second by Alderman Watts.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	No
Whitaker-	Yes
Tope-	Yes

Motion pass to adopt Bill 1383 to become Ordinance 2019-13.

Bill 1384- refers to Bill 1353 that was also made in error and records to Bill 1384 become ordinance 2018-11. Repealing Ordinance 2018-11 and enacting a new section 200.030 of the Municipal code addressing the enactment of rules and regulations for the police department.

Motion for 1st reading made by Alderman Robinson and second by Alderman Watts.

Voice Vote

All in favor/ 1 oppose

Motion passed for 1st reading and Attorney O'Keefe does 1st reading.

Provisions violated state law in terms of executive authority of the Mayor of Fourth-class City. We are now proposing to repeal invalid ordinance, and now codify in the city's code and process by which the Chief of Police prepare rules and regulations, state law and city ordinances in conjunction with Chief Executive of the City and submit those rules, with the operation of the department to the board of

aldermen for consideration, and in disciplining any member of the department who violates the rules adopted.

Alderman Ruff asks, is there a particular reason why a change is needed? Attorney responded that the bill was not passed over the Mayor's veto. The adoption of administrative rules would be personnel in the city's employers. That was deprivation of the rights, that the Chief Executive Officer of the City has under state law.

Alderman Ruff was in total disagreement.

Motion for 2nd reading for Bill 1384 was done by Alderman Robinson and seconded by Alderman Watts.

Voice Vote

All in favor/ 1 oppose

Motion passed for 2nd reading and Attorney O'Keefe performed.

Alderman Abernathy made a motion to adopt bill 1384 and Alderman Robinson seconded.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	No
Whitaker-	Yes
Tope-	Yes

5 yes/ 1 No

Motion passed to adopt Bill 1384 which is now Ordinance 2019-14.

Bill 1385- Repealing ordinance 2018-12

Motion for 1st reading by Alderman Robinson and second by Alderman Watts.

Voice Vote

All in favor/ 1 oppose

Motion passed for 1st reading and Attorney O'Keefe performed.

Motion for 2nd reading made by Alderman Abernathy and second done by Alderman Watts.

Voice Vote

All in favor/ 1 oppose

Motion passed for 2nd reading and Attorney O'Keefe performed.

Motion to adopt bill 1385 by Alderman Robinson and second by Alderman Abernathy.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	No
Whitaker-	Yes
Tope-	Yes

Motion passed to adopt bill 1385 which is now ordinance 2019-15.

DISCUSSION OF BUILDING INSPECTOR

Mayor wished to appoint Debra Irvin of Municipal Inspections to serve as an interim code enforcement officer in Bel-Ridge and a longer-term engagement contract will be returned at a later time.

Motion to approve engagement and appointment for Debra Irvin made by Alderman Robinson and second by alderman Abernathy.

Roll Call

Abernathy-	Yes
Watts-	Yes
Robinson-	Yes
Ruff-	Yes
Whitaker-	Yes
Tope-	Yes

Motion passed for appointment of building inspector.

Board continues to discuss more about the Building Inspector and the company's credentials.

Alderman Watts mentioned a number of items that have been tabled that board will need to bring to closer. Board is in need of work sessions.

Motion to adjourn

Alderman Watts make a motion to adjourn and Alderman Robinson seconded.

Voice Vote

All in favor/ 0 oppose

Motion pass to adjourn

Time: 6:24 p. m.

The July 18, 2019 special board meeting minutes were approved by the Board this 3rd
day of September, 2019.

Andrea Jones
City Clerk

