

**CITY OF BEL-RIDGE
SPECIAL MEETING MINUTES
FOR
FRIDAY, MARCH 9TH, 2018
12:00 NOON**

The meeting was called to order by Mayor White at 12:17pm.

Mayor White greeted everyone and mentions that the City Code Enforcement, Mr. & Mrs. Winston where present along with the owner of the Springdale Motel, Mr. Rick Botti and his brother.

Mayor White informed Mr. Botti the reason for the meeting was to discuss the many violation at the Springdale Motel. Mr. Winston did a thorough inspection of the property and found many violations.

The roll was called as follows:

Alderman Abernathy	-	Present	Alderman Brown	-	Present
Alderman Mans	-	Present	Alderman Nelson	-	Present
Alderman Ruff	-	Absent	Alderman Russell	-	Absent
Mayor White	-	Present			

DISCUSSION OF SPRINGDALE MOTEL VIOLATIONS WITH OWNER

Mr. Winston informed the Board that on January 26th, 2018 He and his team of inspectors, inspected the Springdale Motel, at 4121 Springdale Ave. Mr. Winston started by informing the Board of the external violation of the property and continue to the internal violations. There was a total of seventy-seven (77) violations. There were also tenants occupying rooms longer than the time allowed. The main issue Mr. Winston had was the use of hotplates and other cooking items being used in the rooms, and no smoke detectors in the rooms, which is illegal. A document containing the violations was given to each Board member.

Mr. Botti mentions that he has 21 rooms, does not allow cooking outside. Most rooms have cable, an icebox, microwave and no phone when asked.

Alderman Mans asked if the Motel was an extended stay facility.

Mr. Winston replied no.

Mayor White questions children living in the Motel, and the ordinance that was passed last year regarding extended stay. A lodging establishment where any of the guest rooms are rented to semi-permanent guests, but sleeping accommodations are regularly furnished to the public.

The owner of the Springdale Motel informed the Board of the violations external and internal that had been amended. All rooms have smoked detectors. There was a total of 14 violations amended.

Mr. Botti, owner of the Motel, was not aware of any prostitution activities going on, but informed the Board that he tries to keep trouble makers out.

Mayor White asked how many days were given to the owner to amended the violations.

Mr. Winston replied 45 days from the time of inspections and the owner is to contact him when everything is done. If the time extends this time then the inspection process has to start over.

Mayor White informed the Board that this is all in violation of the Bel-Ridge code and is being ran like an apartment complex with no kitchens in the rooms. Mayor White mentions that each room is being charged \$800.00 a month.

Mr. Botti informed the Board that this correct including tax but he does not charge by the month it is on a weekly basis and it is their choose to stay for a week or a few days. Most of the guest work and pay. He has one guest; the son pays the rate. He does not have hourly rates.

As far as cleaning the rooms, Mr. Botti mentioned the housekeepers asks if guests would like serve on a daily basis and must clean rooms at least once a week. Carpets are clean yearly. There is no laundry severs on the property. Mr. Botti tries to keep his property up.

Mr. Botti informed the Board that he allows guests to bring in their own TV's and furniture if they do not like what is in the rooms. He as rules located at the office when the guest check-in.

Alderman Ruff asked if license contractors are being use to repair the violations.

Mr. Botti responses he has one for the plumbing.

Mayor White asked if the plumber has a permit.

Alderman Mans mentions the Motels uses a lot of the City's resources, has many overdose cases, stealing cases, prostitution and people selling drugs.

Captain Thiemann informed the Board that the Police Department had been getting a lot of calls to the Springdale Motel, but it has slowed down.

Alderman Abernathy asked the owner if he exterminates for bedbugs, roaches, rodents etc.

The owner admitted to having a problem before but exterminates every other month. A professional Pest Control Company is called. The owner also mentioned that he does not allow pets either.

Mr. Botti informed the Board that he could start repairing the fire block holes in the walls under the sinks today, which is March 9th, 2018.

Mayor White informed the owner that there is a need for a camera system at the Motel.

Alderman Brown asked the owner what the vision for the Motel is.

Mr. Botti replied he would like to continue the Motel for many years to come. He will do what Mr. Winston asked him to do. Continue to comply with the City code, safety and cleanness of the Motel. This is his bread and butter.

Mr. Botti mentioned that he is one mile from the Airport but a lot of motels unbid him. He charges 49.55. He does not want to charge less that would bring more headaches. He is at the bottom with things that he offers at the Motel.

Mayor White asked the owner if he realizes that he is in violation for letting guest stay for a long period of time. And it is not an extended stay Motel.

The owner informed the Board that he has owned the Motel since 2006.

Alderman Nelson asked the owner if he had made any updates since 2006.

The owner replied yes. He has updated the rooms with microwave and refrigerators, roof, and painting the outside and inside of the buildings. He uses to have an ice machine but took it out due to vandalism.

The security of the Motel is deadbolt locks with electric keys. There is no other security.

Alderman Ruff asked if he wanted to become an extended stay Motel.

The owner replied yes.

Alderman Ruff informed the owner that in order to become an extended stay there are a lot of things he needs to upgrade.

Mr. Winston mentioned the most important is adding kitchens to the rooms, a bed room, may want to have hardwood floors, and telephones.

Mr. Botti is not a member of any Hotel/Motel Association.

Alderman Abernathy asked if the Board could see receipts to make sure he is using license companies.

Mr. Botti replies yes

Alderman Mans asked if the owner would mind the Board visiting his Motel.

Mr. Botti replied that is no problem. He is there 24 hours a day. He also recommended that the Board speak with some of the guest. Mr. Botti also informed the Board that no one had come to inspect the Motel but Mr. Winston.

Mayor White informed the Board that the 45-day time period is up in three (3) days.

Mr. Winston suggested that the owner start with having his plumber look over the list of violation and get permits to start plumbing work. Also, he will need permits for electrical and a building permit for the ceiling that is falling in one of the rooms. Everything else is basically maintenance. There is a City ordinance that say that if a place is unsafe the owner has to put the renter up in a motel or something. Mr. Winston suggested that the owner split up the number of people in each room so that he would not be in violation He can only have two (2) people in a 100 square ft. room.

It was mentioned by a member of the audience that it is common for Motel to have guest that pay weekly and stay for extended periods of time without be consider an extended stay Motel.

Alderman Brown informed the Board that some Motels are making it mandatory that the rooms be cleaned every day.

Mayor White mentions that some form of communication be established in the Motel rooms.

Captain Thiemann informed the Board that in regards to the ordinance the Springdale Motel is in violation because the ordinance that was passed last year says; for a normal motel the person can not stay more that 90 days in a 180 period. So, on the 91st day a person in the motel has to leave and can not come back for 180 days. After 180 days they can come back and get another room for 900 more days. Captain Thiemann also mentioned to become an extended stay there are requirements that the owner has to meet that are also in the ordinance but even as an extended stay there are a certain number of days that a guest is allowed to stay.

Mr. Winston reminded the Board that because of "due process" they cannot do anything until the 45-day period is up. Mr. Winston stated that the owner is going to have to make some decisions on the rooms with multiple guest staying in them.

Mr. Winston reminded the owner that he has until April to complete the external violation but needs to complete the internal violation now and the dead line is Tuesday.

Alderman Brown suggest that the owner move guest into a different room to fix some violation. The Board is willing to work with the owner just wants the owner to work with them.

Mr. Winston informed the owner that he would need to call and make an appointment for see him on next Thursday. Also, if everything is done except for the violations that are due in April, by Tuesday, he does not have to start the process over.

Mayor White reminded the owner of the deadline being on Tuesday.

A motion was made by Alderman Mans and seconded by Alderman Nelson to take a 15-minute break. A voice vote was taken and all were in favor. **Motion passed.**

Break was from 1:52 pm to 2:35 pm.

Mayor White called the meeting to order at 2:35pm.

Roll call was as follows:

Abernathy	-	present
Brown	-	present
Mans	-	present
Nelson	-	present
Ruff	-	present
Russell	-	absent
White	-	present

DISCUSSION REGARDING IMPEACHMENT OF WILMA ABERNATHY

Attorney Westley Bell representative of the Board in the impeachment of Wilma Abernathy, informed the Board that his recommendation was, due to the nature of the discussion we needed to have with counsel, to go into closed session to discuss those matters.

Evelyn Sims replied, to the extent that Mr. Bell and the Board would be discussing the impeachment proceedings of her client Ms. Sims has the right to be in the close session with her client.

Mr. Bell disagreed with that, the particular matter that he would be discussing would be a conflict of interest for Ms. Abernathy to be in that meeting so Mr. Bell recommended that counsel, if they were going to excluded her from that meeting do it by vote.

Ms. Sims asked what the statutory authority for that for that motion was. If they were going into a close session to talk regarding impeachment proceedings. She has a right to be present and her client has a right to counsel. That is a due process violation.

Mr. Heinz asked did the two attorneys work out a date for the hearing.

Ms. Sims replied no that is why we are here.

Mr. Bell responded that was one of the issues he needed to discuss with counsel.

Mr. Heinz ask had they discussed the date.

Ms. Sims stated that the exchange of correspondence had taken place. But she exhausted that avenue and that is why she is filling a motion.

Mr. Heinz replied and what motion is that.

Ms. Sims informed Mr. Heinz of the motion that was filed on March 6th, 2018. Mr. Bell had informed her that the City was unwilling to set the hearing at a time passed March 30th.

Ms. Sims has eight (8) depositions scheduled for the week of March 26th, 2018. This deposition is also a request for documents. Ms. Sims also informed the Board that she is out of town from March 13th, 2018 to March 20th, 2018.

Mr. Heinz inquired from both attorneys that they were unable to reach an agreement on a date.

Both responded yes.

Mr. Bell mentions that these are conversations that he needs to have with counsel. At his position he is unable to make that decision without counsel. Mr. Bell informed the Board that it was incorrect for Ms. Sims to say that she has exhausted all avenues prior to him meeting with counsel. Certain decisions have to be made by counsel.

Ms. Sims did not have an objection to Mr. Bell meeting with Mayor White and she is not entitled to be present at that conversation. But if a close session meeting is being called to talk about her client she should be present.

Mr. Heinz asked if Ms. Sims had any authority for this.

Ms. Sims replied what is Mr. Bells authority for saying she can be excluded. Ms. Sims did not have any authority at the time. Except there are due process to be consisted. What is his authority for saying you can hold a closed session meeting excluding one of the Alderman.

Mr. Bell informed Ms. Sims that it is called a conflict of interest. The sunshine law states when counsel can go into closed session but it is a clear conflict for the Alderman woman to be in the meeting that has a direct effect to her via financially etc.

Ms. Sims mentioned that all of the Alderman are witnesses in this case. How can you exclude an Alderman from a closed session meeting? She did not come here ready to argue this particular motion. Ms. Sims came ready to argue her motion for continuance of the hearing date that she filed on March 6th, 2018.

Mr. Heinz asked Attorney Bell if he wanted a closed session entered at the end of the agenda.

Mr. Bell states he thinks it would be prudent to do it prior, to do it immediately because based on what the counsel decides to do or not do will determine where we go from here. So, a lot of the questions that Ms. Sims raises are questions that counsel needs to be not only informed of but advise of.

Mr. Heinz informed the Board that since Mr. Bell feels that this is a matter for closed session and he is not sure of what will be said he is going to take Mr. Bell at his word and recommend that the Board vote to close for attorney/ client communication.

Alderman Abernathy replies so I am supposed to go into a close meeting without any representation.

Mayor White responds that the vote will be that Ms. Abernathy abstain from the meeting.

Mr. Heinz suggested that a vote be taken to close the meeting first.

A motion was made by Alderman Mans and seconded by Alderman Brown to go into closed session for attorney/client litigation.

Alderman Brown asked does the sunshine law say we can go into closes session for legal matters.

Mayor White replied yes.

Ms. Sims states the Board is entitled to go into a close session but thinks the rule is different when you are seeking to exclude your colleagues counsel from entering in that closed session.

Attorney Bell informed the Board that at this point this is a council meeting and he feels that the process needs to be respected and the counsel is making a vote and it is inappropriate for us to interrupt that vote.

Attorney Heinz agrees with Attorney Bell.

Mayor White mentions that this is a gray area. Since we are dealing with the impeachment proceeding of Wilma Abernathy she has been allow to vote and should abstain from voting. Is she suppose to vote on this close session also?

Mr. Heinz informed the Board that just to close the meeting he does not see why she can't vote.

Attorney Sims knows of no statutory authority that would give the Board the authority to keep her client from voting.

Mayor White responded that she was only asking a question and there was no need for Ms. Sims to get hostile.

A roll call vote was as follows;

Abernathy	-	nay
Brown	-	aye
Mans	-	aye
Nelson	-	aye
Ruff	-	nay
Russell	-	absent

3 ayes, 2 nays, 1 absent

Motion passed.

Ms. Sims replies that there is not a majority.

Mr. Heinz informed the Board that it has been declared that the motion passed.

Mr. Bell mentioned that at this point he suggest that everyone has to leave and once counsel decides to vote to exclude Alderman woman Abernathy, that if he is allowed to come back in and speak to the council then they should move forward at that point.

City Attorney, Ken Heinz agreed that a vote should be taken in regards to Alderman Abernathy attending the meeting.

Attorney Sims responds Mr. Bell's has the burden of establishing what statutory authority gives him the right to do that. Ms. Sims requested a transcript of all events to take up in Circuit Court. She has never heard of a situation where an Alderman can be excluded from the close session. There is no statutory authority that says Alderman Abernathy has to abstain from voting to go into closed session.

Mr. Heinz called it a gray area and he is not aware of anything that allows the Board to excluded Alderman Abernathy from a close session. If need be Mr. Heinz suggest that someone takes it up with the Ethics Commission.

Alderman Abernathy does not want to go into the close session without counsel.

Alderman Brown informed the Board that he has no problem with Alderman Abernathy and her attorney wants to be present in the closed session but the closed session meeting is to deal with legal issues with counsel for the Board. Alderman Brown stated that the Board is going in closed session with the attorney to deal with legal issues that Alderman Abernathy and her Attorney has with the Board.

Mr. Heinz agrees.

Mayor White asked Attorney Sims since special counsel Bell has been hired to represent the City or the Board is the Board privy are able to go to Attorney Sims office when she meets with Alderman Abernathy. This is not making any since. Where is the confidentiality. Does the Board have the right to your meeting notes with Alderman Abernathy?

Attorney Sims replied the argument is attorney/client privilege is not attached to Alderman Abernathy because she is entitled to be in on a closed meeting. In addition to that she is entitled to counsel. That is a denial of due process. Ms. Sims mentioned that she would not be able to discuss what was said in the closed session in public. That would be a violation of closed session policy.

Attorney Ken Heinz agreed with Alderman Brown and does not know of any statutory authority that say that Alderman Abernathy's counsel has to be present in the closed session.

Alderman Brown suggested that the Board extend to Alderman Abernathy the opportunity to ask questions and come out and consult with her lawyer. Alderman Brown also does not see how it is legal for Alderman Abernathy to join in a closed session that the Board is going into to discuss legal matter that are pertaining to her.

Special Attorney Wesley Bell informed the Board that things like this do happen. But in this matter, he has been hired for obligation against Alderman Abernathy and the City has the right to be advised of legal strategy and legal advice etc. Attorney Bell informed the Board that Alderman woman Abernathy can not be in the meeting. It is a direct conflict of interest.

Attorney Sims asked what Attorney Bell statutory authority was for that position or case. She would also like it noted in the record that he has brought forth none.

Mr. Bell replied conflict of interest. Mr. Bell asked Attorney Sims if Alderman Abernathy has a financial interest in the matter.

Ms. Sims replied that Alderman Abernathy is being impeached by the Board of Alderman.

Mr. Bell informed Ms. Sims that she did not answer the question.

Ms. Sims replied that she is not able to answer the question at this point.

Alderman Mans questioned if the Board had a right to counsel.

Mr. Heinz was concerned with making a mistake but informed the Board that Counselman Bell stated Alderman Abernathy can be excluded from the meeting on conflict of interest.

Mayor White asked if the Board needed to work on something else while research is being done on the matter and come back to this.

Attorney Sims asked Attorney Bell if he had a statute or rule that he could recite since he is the one making the motion.

Attorney Bell replied we need to be respectful of the process. He is not making a motion he is making a suggestion to the Board. The Board is going to make a decision one way or the other. Mr. Bell thinks that they need to be civil about the matter.

Mr. Heinz informed the Board that he is going to do some research on this matter and suggest that the Board move on to the next item. He should return with an answer in 30 minutes.

Mayor White agreed and informed the council members of an individual that the Board needed to speak with regarding employment. Mayor White mentioned that this is independent of the matter at hand and Alderman Abernathy would be in the closed session.

A motion was made by Alderman Mans and seconded by Alderman Nelson to go into close session for employee issues.

Attorney Bell suggest that the Board votes to exclude Alderman Abernathy from the closed session for the legal counsel of the Board and if she refuses to leave Attorney Bell recommends that counsel reconvene at a later time to do exactly what they are saying. Mr. Bell agrees that we do not want to taint the process. And at least there would be a record of every thing that is being done.

Attorney Heinz agrees to Attorney Bell's recommendation but wanted to finish the motion for closed session regarding employee issues.

A roll call vote was taken as follows:

Abernathy	-	aye
Brown	-	aye
Mans	-	aye
Nelson	-	aye
Ruff	-	aye
Russell	-	absent

5 ayes, 0 nays, 1 absent

Motion passed.

Time is 3:05 pm

The Board returned from the closed session at 3:33pm.

Mayor White asked that a motion be made to resume the open session.

A motion was made by Alderman Brown and seconded by Alderman Ruff to resume the open session. A voice vote was taken and all were in favor. **Motion passed.**

DISCUSSION OF JOHN DEERE EQUIPMENT FOR PUBLIC WORKS

Mayor White spoke with the accountant and the audit and requested that the Board keep this item tabled so she could check and make sure the funds were available for purchase of new equipment. The numbers were not in yet. The Board agreed. **(TABLED)**

AMENDMENT OF BILL 1346A/ORDINANCE 2018-4A AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF BEL-RIDGE AND OLATHER DODGE CHRYSLER JEEP AND SANTANDER LEASING, LLC FOR THE PURPOSE OF ACQUIRING AND FINANCING THE LEASE OF THREE 2018 POLICE CARS.

This is for the seconded set of three new cars. It is the same but has different numbers in the ordinance.

City Attorney, Ken Heinz treated it as a new ordinance.

A motion was made by Alderman Mans and seconded by Alderman Brown for the first reading of Bill 1346A by caption only. A voice vote was taken and all were in favor. Motion passed. Bill 1346A was read for the first time by caption only by City Attorney, Ken Heinz.

A motion was made by Alderman Ruff and seconded by Alderman Mans for the second reading of Bill 1346A by caption only. A voice vote was taken and all were in favor. Motion passed. Bill 1346A was read a second time by caption only by City Attorney, Ken Heinz.

A motion was made by Alderman Ruff and seconded by Alderman Brown to adopt Bill 1346A. A roll call vote was as follows:

Abernathy - aye
Brown - aye

Mans - aye
Nelson - aye
Ruff - aye
Russell - absent

5 ayes, 0 nays, 1 absent

Motion passed. BILL 1346A BECOMES ORDINANCE 2018-4A

DISCUSSION OF THE REVISION OF THE CITY WEBSITE & APPROVAL OF THE CONTRACT WITH THE CITY OF BEL-RIDGE AND REVISE (the government website experts)

Mayor White gave some background on the process.

Alderman Brown was at the demonstration of the website and was impressed with what he saw. Alderman Brown like the Citizen Request Center that could be added to the website.

Captain Thiemann gave some insight to the website and the benefits. A total of \$3750.00. (a one-time fee). \$1200.00 per year to maintain. It will be hosted on the Revise sight.

A motion was made by Alderman Brown and seconded by Alderman Mans to except the bid for \$3150.00 for the start up, construction of the website and yearly payment of \$1200.00. A voice vote was taken and all were in favor. **Motion passed.**

City Attorney, Ken Heinz informed the Board that Mr. Bell is correct chapter 105 on the conflict of interest for an elected official to participate in a matter where they have direct financial or other interest. That its self maybe grounds for impeachment. Mr. Heinz suggest that the Board vote to close the session and ask Ms. Abernathy not to participate because of conflict of interest and if she insist then I recommend that we reconvene and revise the articles of impeachment. That is the most logical way to handle this. Also, there may be a monetary value that Ms. Abernathy has to pay for Attorney Bell having to come back and speak with the Board.

Ms. Abernathy asked if Mr. Heinz could explain that again she is a little confused.

Mr. Heinz repeated what he had said.

Ms. Sims asked if the was in the Municipal code? Mr. Heinz replied no that is in the State Statue.

Mr. Bell mentioned that Ms. Abernathy cannot be involved directly or indirectly in the process against her. As a member of the Board or any compacity.

Ms. Sims instructed Alderman Abernathy to insist on being in the closed session. She does not consider it a conflict of interest and has not research the issue. She is also making a record.

Mr. Heinz was making a record also.

Mr. Bell wanted to make a record regarding the Missouri Ethics Commission, Conflict of Interest in the Missouri Statue session 105, which states "a conflict between the private interests and the official responsibilities of a person in a position of trust". Goes on in regards to voting, "any elected or appointed official or employee who serves in an executive or administrative capacity may not participate in any matter directly or indirectly, in which he or she attempts to influence any decision of any agency of the state or political subdivision thereof".

Mayor White informed the Board that they would go to number eight (8) and come back to this.

DISCUSSION OF THE STREET BIDS

Mayor White informed the Board that this would have to be tabled due to one of the contractor just dropped off their bid.

A motion was made by Alderman Mans and seconded by Alderman Nelson to table the discussion of the street bids. A voice vote was taken and all were in favor. **Motion passed. (TABLED)**

APPROVAL OF THE FEBRUARY 6TH, 2018 BOARD MEETING MINUTES AND FEBRUARY 15TH, 2018 WORKING SESSION MINUTES.

A motion was made by alderman Mans and seconded by Alderman Ruff to approve the February 6th, 2018 minutes with correction to page 13 and 17. A voice vote was taken and all were in favor. **Motion passed.**

A motion was made by Alderman Mans and seconded by Alderman Nelson to approve the February 15th, 2018 minutes. A voice vote was taken and all were in favor. **Motion passed.**

Mayor White continues with number four (4) from the agenda.

A motion was made by Alderman Brown and seconded by Alderman Mans to go into closed session to discuss legal counseling. A roll call vote was as follows:

Abernathy	-	aye
Brown	-	aye
Mans	-	aye
Nelson	-	aye
Ruff	-	aye
Russell	-	absent

5 ayes, 0 nays, 1 absent

Motion passed.

Mayor White informed the Board that they were going into closed session with Special Prosecutor Mr. Bell.

Attorney Sims asked if Wilma was going to be able to come.

Attorney Heinz mentioned that it was said earlier for Ms. Abernathy to attend would be a conflict of interest, but she is not being excluded.

Ms. Sims opposed the decision. Ms. Sims wanted to dispute the decision.

Time is 3:40pm

The Board returned to the open session at 4:03pm

A motion was made by Alderman Mans and seconded by Alderman to convene the open meeting. A voice vote was taken and all were in favor. **Motion passed.**

A motion was made by Alderman Ruff and seconded by Alderman Mans to adjourn the open session. A voice vote was taken and all were in favor.
Motion passed.

MEETING ADJOURN

Time is 4:06pm

Meeting minutes were taken and transcribe by Deputy Clerk, Jacqueline Jones

The minutes were approved by the Board of Alderman on 14th day of August, 2018.


Jacqueline Jones – Deputy Clerk

