

**NOTICE OF PUBLIC MEETING  
COUNCIL AGENDA**

**October 18, 2011  
7:00 p.m.**

**ROLL CALL**

**Present:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Barta, Mayor Hark, Council Members Louderman and Hark - 6

**Absent:** Council Member Draper - 1

**CALL TO ORDER**

There being a quorum present, Mayor Hark called the meeting to order.

**INVOCATION**

Retired Fireman Bill Williams gave the invocation.

**PLEDGE OF ALLEGIANCE**

Deputy Chief Mike Benjamin led the Pledge of Allegiance to the Flag. Motion was made by Mayor Pro Tem Knickerbocker to excuse Council Draper from the meeting. Motion was seconded by Council Member Louderman.

Motion carried.

**APPROVAL OF MINUTES  
Regularly Scheduled Council Meeting – October 4, 2011**

Motion was made by Council Member Louderman to approve the minutes of the last regular Council meeting that was held on October 4, 2011. Motion was seconded by Council Member Hark.

Motion carried.

**APPROVAL OF PAYROLL AND CLAIMS**  
**First Half – October, 2011**

Motion was made by Council Member Dobson to approve the payroll and claims for the first half of October, 2011. Motion was seconded by Council Member Barta.

Motion carried. Fire Chief Bill Madore was recognized and came forth to present letters of commendation to two members of the Hannibal Fire Department, Captain Mark VanWinkle and Firefighter Mark Kempker, who were present for a medical emergency at Porter Stadium during a local youth football game earlier this month.

This emergency was prompted by a citizen who had stopped breathing and had no pulse. During this incident, these two Fire Department Officers utilized their training and experience to help assess the patient's condition, alert 911, begin cardio pulmonary resuscitation and assist ambulance responders with further treatment, including transport to the local hospital. Both men received letters of commendation from Fire Chief Madore for their exceptionally meritorious achievements, with regard to these life-saving measures. Mayor Hark congratulated them on behalf of the City of Hannibal.

**FRANCIS FOUBESTER – AMERICAN LEGION RIDERS**  
**Re: Request, Street Closure – Veterans Parade**  
*(November 12, 2011 – 11:30 a.m. – 12:30 p.m.)*

Mr. Mike Battles, representing the American Legion Riders and appearing in place of Francis Foubester, presented the next agenda item to Council, at this time. This was a request for street closure during the Annual Veterans Day Parade, to be held on Saturday, November 12, 2011, beginning at 11:30 a.m. until the completion of the parade as had been done in the past. Motion was made by Mayor Pro Tem Knickerbocker to approve Battles' request. Motion was seconded by Council Member Hark.

Motion carried.

**ROY G. HARK - MAYOR**  
**Re: Recommendation of Appointments**

Mayor Hark made the following recommendations:

**TREE ADVISORY BOARD**

- Steve McGregor – appointment for a term to expire September, 2014

## HANNIBAL CONVENTION & VISITOR'S BUREAU

- Terry Sampson – appointment for a term to expire September, 2016

## HISTORIC DEVELOPMENT DISTRICT COMMISSION

- Jerry Welch – appointment for a term to expire May, 2013

These nominations will be considered for approval at the next regular Council meeting.

### **LOU BARTA – THIRD WARD COUNCIL MEMBER**

#### **Re: Code Amendment – Chapter 7, Article III, Division 5 - Non-Owner Occupied Inspection Program (Bill No. 11-024, to follow)**

Council Member Barta presented the next item on the agenda, an amendment to Chapter 7, Article III, Division 5 – Non-Owner Occupied Inspection Program. Bill No. 11-024, would be given a first reading later, during the meeting, with Council approval. If approved, this bill would authorize this amendment.

Barta explained that earlier this year, discussions began between a group of landlords and Council, regarding their perceptions of the City's "Non-Owner Occupied" property inspection program. A concern that was raised, during these discussions, centered around the so-called disregard that some property owners and/or landlords had for the program. It was perceived that some rental property within Hannibal was not being required to have inspections to obtain Certificates of Occupancy. Barta added that, according to statistics, approximately 10% of Hannibal residents are living in unsafe conditions.

Since this was such an important issue, Council later approved the formation of a committee to review Chapter 7, Article III, Division 5 of the City Code, entitled, "Non-owner occupied Dwellings" and seek solutions to increase the compliance. Four meetings were held for this purpose with the Building landlords in attendance.

As a result, the amendment to Chapter 7, Article III, Division 5 – Non-Owner Occupied Inspection Program, or Bill No. 11-024 is being proposed. A brief synopsis of the changes includes:

- The descriptive term that limited the enforcement of the ordinance has been removed.
- Lengthen the Certificate of Occupancy from two to three years for properties that pass upon inspection of within thirty (30) days of the inspection.
- First renewal requirement after five (5) years on newly constructed facilities.
- Certificate of Occupancy permits shall be produced, at the request of a current or prospective resident in no more than seven (7) days following the request.

- A fee schedule will be developed by the Building Inspector, approved by Council and reviewed/adjusted yearly as deemed necessary by the Building Inspector.
- Penalties and fines will be issued to any owner not making application or payment of an Occupancy Permit inspection within 180 days after this ordinance is approved and adopted.

In response to a question posed by Mayor Pro Tem Knickerbocker, Barta explained that the landlords who were present at the meetings were very cooperative and agreeable to being part of the process. He asked Council consideration when Bill No. 11-024 was revisited for a First Reading.

### **JAMES LEMON – CITY ATTORNEY**

#### **Re: Assault on Officer**

*(Bill No. 11-022, to follow)*

City Attorney James Lemon presented a new bill created to address the occurrence of an assault on an officer, currently not addressed in the Hannibal City Code. Lemon explained that this bill was drafted, at the request of Police Chief Lyndell Davis because of issues that had occurred in the past. Bill No. 11-022 mirrors the state statute except for the addition of a provision including first responders, street department personnel, BPW personnel and building inspectors not included in the state law.

This will give the City a tool for prosecution in the event that the assault is not considered serious enough for prosecution by the County Prosecutor. This bill will come before Council for a First Reading later, during the meeting.

#### **Re: Code Revision – Section 17, Article VII, Bicycles, Motorized Bicycles, Etc.**

*(Bill No. 11-023, to follow)*

The next bill, introduced by City Attorney Lemon was a code revision of Chapter 17, Article VII – Bicycles, Motorized Bicycles, Etc. that had been brought to his attention by Fire Chief Bill Madore. This bill addressed a City Code requirement of licensing bicycles, which apparently was enacted to combat problem of bicycle thefts in the past. He indicated that this had not been a problem for quite some time. This licensing places a burden on the citizens, as well as the Fire Department, who has the responsibility of licensing bicycles.

In reviewing Section 17, Lemon found many modifications were necessary to bring the City's ordinance into compliance with state statutes; therefore, he performed a complete overhaul of this section of the City Code. He recommended Council approve a First Reading for Bill No. 11-022, to follow.

**JEFF LAGARCE – CITY MANAGER**

**Re: Tower Lease - Agreement**

*Townsquare Media, LLC*

*(Bill No. 11-021, to follow)*

City Manager LaGarce explained that in 1989, the City entered into a lease agreement with Bick Broadcasting, Inc., for lease of a communications building and to erect a communications tower on Grape Street adjacent to the water tower. This went through three (3) subsequent five (5) year renewals, the last expiring in 2009. There is a pending sale for the company at the present time and will be acquired by Townsquare Media LLC, who requests a new lease from the City with the same assets and same terms.

LaGarce recommended that Bill No. 11-021, to follow, be given a First Reading. If approved, this bill would approve this lease agreement with Townsquare Media.

**Re: Council Vote on City Owned Property, Commercial Equipment Variance Request**

*312 South Levering – Kenneth White*

LaGarce's second item dealt with Ordinance No. 4576 - Keeping or Parking Commercial Vehicles on Residential Property. He explained that Kenneth White, a resident of 312 South Levering Street, has requested a variance and made application prior to October 1<sup>st</sup>. Since the City owns a parcel of property within the 185 foot abstract, they are now being asked to apply its vote on this particular matter, along with twenty (20) other property owners identified within the abstract. Mayor Pro Tem Knickerbocker commented that the purpose of the variance was to allow people that lived in the vicinity of the residence seeking variance to make the decision whether or not to allow it. He added that, since he did not live around this location he doesn't believe he has an informed opinion in regard to it. He recommended that Council recuse itself from the vote and the count and made a motion to that effect. Motion was seconded by Council Member Hark.

Motion carried.

**Re: Approval, Minor Rehab – Hannibal Police Station Interior**

City Manager LaGarce stated that Judge Cruse had expressed ongoing concerns about greater separation between court and police functions. State court administrative guidelines support his position, however, there is no firm mandate. In the past, HPD and the Municipal Court have done the best that they can, given the current facilities.

Now Chief Davis has recognized an opportunity to create some separation and accommodate HPD, as well. Normally, any cost savings a department may have achieved through the bidding process, etc. would be held, then savings would revert to the City treasury (General Fund).

This is an exception, where the HPD has recognized \$14,000 in savings from the computerization upgrade. Using this savings, Chief Davis has found a way of modifying a portion of the police station interior and consolidating court offices to one side of the building. All court office would now be connected, having their own lobby; and, thereby

reducing much foot traffic for the Police Department reception area. This would also address some upcoming ADA issues. The Chief can accomplish this rehab for \$7,000 or less by utilizing in-house manpower and skills. He also discussed his plan with the Missouri Division of Labor, a federal agency on the ADA matter, the Building Inspector, Judge Cruse and the court clerks who were in agreement that it would be beneficial and practical.

Mayor Hark commented that he believed this would be a good idea, since court proceedings are often disruptive with the current logistics. Council Member Dobson inquired whether access would be limited between the lobby and courtroom; however, Chief Davis responded that handicapped persons would still be permitted to use the front (handicap-accessible) entrance.

Davis explained that the actual amount of savings from the computerization upgrade totaled approximately \$16,000. Motion was made by Council Member Dobson to approve the HPD rehabilitation project. Motion was seconded by Council Member Hark.

Motion carried.

The City Manager shared information that he was recently given, but was not a part of the evening's agenda. At the recent Governor's Conference, Megan Rapp, the Assistant Tourism Director, was named Missouri's 2011 Ambassador of the Year. He added that very nice things were said about her during the press release. He congratulated her and acknowledged her for her accomplishments.

**GAIL BRYANT – DIRECTOR, HANNIBAL CONVENTION & VISITOR'S BUREAU**  
**Re: Approval, Destination Marketing Organization Certification (DMO)**  
*(Resolution No. 1761-11, to follow)*

Director of Tourism Gail Bryant began by congratulating Megan for her award, adding that the award was well-deserved, since she works very hard to promote Tourism. She also asked the Mayor and Council for their support in designating the Hannibal Convention and Visitors' Bureau as the Destination Marketing Organization (DMO) of record. She also requested their support for certification of the HCV Bureau to become a qualified participant in the Cooperative Marketing Program administered by the Missouri Division of Tourism.

If approved, the Hannibal Convention and Visitors' Bureau would be designated as the DMO organization in our region, which includes Ralls and Marion County, to administer the grant, if awarded, from the Division of Tourism's Cooperative marketing Program. If approved, the term of this certification is two (2) years. Approval of Resolution No. 1761-11, to follow, would also approve this designation.

Bryant took the opportunity to express HCVB's appreciation for a wonderful weekend and all the hard work that the Hannibal Arts Council, the volunteers and the various organizations offered performed during the Folklife Festival. At least one downtown business reported historical record-sales on that weekend.

**RESOLUTION NO. 1761-11**

**A RESOLUTION FOR THE OFFICIAL DESTINATION MARKETING ORGANIZATION (DMO) FOR THE DIVISION OF TOURISM'S COOPERATIVE MARKETING PROGRAM**

Motion was made by Council Member Dobson to have the City Clerk read Resolution No.1761-11 and call the roll for adoption. Motion was seconded by Council Member Louderman.

Motion carried.

**Roll Call**

**Yes:** Mayor Pro Tem Knickerbocker, Council Members Dobson, Barta, Mayor Hark, Council Members Louderman and Hark – 6

**No:** -0-

**Absent:** Council Member Draper - 1

Mayor Hark declared Resolution No. 1761-11 duly approved and adopted on this date.

**BILL NO. 11-021**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A TWENTY YEAR LEASE AGREEMENT BETWEEN THE CITY OF HANNIBAL AND TOWNSQUARE MEDIA, LLC FOR USE OF PROPERTY LOCATED NEAR THE GRAPE STREET WATER TOWER**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 11-021 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 11-022**

**AN ORDINANCE ESTABLISHING THE CRIME OF ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER IN A CONSTRUCTION ZONE OR WORK ZONE, STREETS DEPARTMENT WORKER, BUILDING INSPECTOR, BPW**

**WORKER, OR PROBATION AND PAROLE OFFICER , DESCRIBING IT'S  
DEFINITIONS, AND PENALTIES**

**FIRST READING**

Motion was made by Council Member Barta to give Bill No. 11-022 a first reading. Motion was seconded by Council Member Dobson.

Motion carried.

**BILL NO. 11-023**

**AN ORDINANCE REVISING SECTION 17, ARTICLE VII, BICYCLES,  
MOTORIZED BICYCLES, ETC., OF THE ORDINANCES OF THE CITY OF  
HANNIBAL IN ORDER TO BRING SAID ARTICLE VII IN COMPLIANCE WITH  
STATE LAW, ESTABLISH DEFINITIONS, AND REMOVE CERTAIN  
UNNECESSARY ORDINANCES**

**FIRST READING**

Motion was made by Council Member Louderman to give Bill No. 11-023 a first reading. Motion was seconded by Council Member Hark.

Motion carried.

**BILL NO. 11-024**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III – HOUSING CODE,  
DIVISION 5 –NONOWNER OCCUPIED DWELLINGS**

**FIRST READING**

Motion was made by Council Member Barta to give Bill No. 11-024 a first reading. Motion was seconded by Mayor Hark.

Motion carried.

**ADJOURNMENT**

Motion was made by Mayor Pro Tem Knickerbocker to adjourn the meeting. Motion was seconded by Council Member Hark.

Motion carried.