



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

June 21, 2004

The meeting was called to order at 7 p.m.

Boy Scout Troop #677 from Ellisville United Methodist Church led everyone in the Pledge of Allegiance. The members present included: George Strathearn, Brandon Cinn, Brandon Kane and Alex Kane. Also in attendance was Troop Leader Gregg Peterson.

Mayor Nations next introduced Miss Missouri, Whitney Weeks, and commended her for her extensive volunteerism and expressed the City's best wishes, as she represents the State of Missouri in the Miss USA Pageant, in September.

Mayor Nations led everyone in a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes of the June 7, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that City Hall would be closed Monday, July 5, in observance of the Independence Day holiday.

Mayor Nations next announced that the next meeting of City Council has been scheduled for Wednesday, July 7, at 7 p.m.

Councilmember Durrell announced that the pledge drive to restore the Minna Waldman House, on Olive Boulevard, has begun. Ms. Waldman donated her house and 55 acres of land to the Missouri Department of Conservation.

Councilmember Hurt announced that the Wildlife Habitat awards will be presented on Wednesday, June 23, at 7 p.m. at the Butterfly House located in Faust Park.

Councilmember Streeter informed everyone that he was now scheduled to be out-of-town, on July 7, and wondered if there would be a quorum for the July 7 City Council meeting. Mayor Nations noted that Councilmembers Casey and Brown had already indicated that they would miss that meeting, due to travel plans, out of the area. Councilmember Hurt commented that he had not finalized his plans and, as a result, was uncertain whether or not he would miss the meeting. Mayor Nations commented that he would check with Staff to determine what issues might be pending and otherwise evaluate what might be placed on the agenda, if a meeting were held on July 7. He noted that he would prefer to hold a meeting, but it might be unfair to schedule final disposition on important issues, if only 5 Councilmembers could attend. He committed to advising City Council within a few days, as to the status of this next City Council meeting.

Councilmember Streeter stated that former-Councilmember Betty Hathaway appreciated the “best wishes” and “condolences” that have been extended to her, since the death of her husband, Clayton. He further noted that Ms. Hathaway was still recuperating from her recent hospital stay.

COMMUNICATIONS AND PETITIONS

Mary J. Shalz Ott, 1908 Rustic Oak Road, representing the West County Dog Park Committee, showed a video of a successful dog park and urged City Council to pursue a dog park if/when the park system is expanded.

Stephen Kling, attorney for the Appaloosa Way residents, opposed Bill No. 2283 (P.Z. 34-2003, Richard M. Demko).

Jane Hopson, 5 Appalossa Court, represented the subdivision and opposed Bill No. 2283 (P.Z. 34-2003, Richard M. Demko).

Allan Sheppard, 826 Judson Manor, supported Bill No. 2275 (P.Z. 04-2004, City of Chesterfield (Residential Service Area)

Linda Palmer, 17704 Copper Trail, opposed Bill No. 2283 (P.Z. 34-2003, Richard M. Demko).

APPOINTMENTS

Mayor Nations stated his intention to re-nominate Glenn Borgard and Rodney Falgout to the Chesterfield Community Development Corporation. Councilmember Brown made a motion, seconded by Councilmember Fults, to re-appoint Glenn Borgard and Rodney Falgout to the Chesterfield Community Development Corporation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire July 20, 2010.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2280 (increases the amount chargeable as an ordinance violation for passing bad checks) would be considered for adoption under the “Legislation” portion of the agenda.

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2283 (P.Z. 34-2003, Wildhorse Creek Road (Richard M. Demko), Bill No. 2284 (amends the zoning ordinance to establish a lighting ordinance) and Bill No. 2285 (P.Z. 06-2004, Boone’s Crossing Golf, LLC) will be read for the first time and Bill No. 2275 (P.Z. 04-2004, City of Chesterfield (Residential Service Area) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger made a motion, seconded by Councilmember Streeter, to approve the site plan, et. al., associated with Sheridan’s Frozen Custard (Hilltown Village Center). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for June 23. However, the petitioner for the only item on said agenda has asked that his petition be held. Mr. Geiger noted that Director of Planning Teresa Price would contact all members of the Committee, to officially confirm if this meeting will be cancelled.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2276 (Approves/adopts Parks and Recreation rules/regulations), Bill No. 2277 (approves/adopts standards for driveway and street access) will be considered for adoption and Bill No. 2281 (accepts public streets in Crossing at Chesterfield) and Bill No. 2282 (accepts public streets in Windgate) will be read for the first time, under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for August 5 at 5:30 p.m.

FINANCE AND ADMINISTRATION COMMITTEE

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that the Committee is recommending that \$3,000 be donated to the Chamber of Commerce for expenses associated with their “Concerts in the Park” series. A motion was made by Councilmember Brown, seconded by Councilmember Casey, to donate \$3,000 to the Chesterfield Chamber of Commerce. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the East-West Gateway Council of Governments has prepared a regional “All-Hazard Mitigation Plan.” Local governments are required to have a FEMA Hazard Mitigation Plan in place as a condition of receiving Federal Mitigation Grant Funding, as of November 1, 2004. Mr. Herring noted that City Attorney Doug Beach has reviewed and approved the proposed resolution, which would adopt and endorse “All-Hazard Mitigation Plan” and that he joins with Chief Ray Johnson in recommending that City Council take action to adopt this Resolution. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to adopt Resolution No. 300, which relates to the FEMA “All-Hazard Mitigation Plan.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Veritas Gateway to Food and Wine, located at 1722 Clarkson Road, has requested a liquor license to sell beer and wine only, by-the-drink for consumption on the premises. He noted that this application has been reviewed/approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of a liquor license to Veritas

Gateway to Food and Wine. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2276 ADOPTS PARKS RULES AND REGULATIONS (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2276. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2276 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Geiger, to amend Page 4, “Tents, Awnings and Canopies”, to strike the word “written” and add the words “or designee” at the end of the sentence. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2276, as amended, with the following results: Ayes – Flachsbart, Durrell, Geiger, Streeter, Hurt, Casey, Brown and Fults; Nays - None. Whereupon, Mayor Nations declared Bill No. 2276 approved, passed it and it became **ORDINANCE NO. 2102.**

BILL NO. 2277 ESTABLISHES ACCESS MANAGEMENT STANDARDS FOR THE CITY OF CHESTERFIELD (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2277. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2277 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2277, with the following results: Ayes – Brown, Flachsbart, Hurt, Fults, Geiger, Streeter, Casey and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2277 approved, passed it and it became **ORDINANCE NO. 2103.**

BILL NO. 2280 REPEALS ORDINANCE 814, CREATING A NEW ORDINANCE INCREASING THE AMOUNT CHARGEABLE AS AN ORDINANCE VIOLATION FOR PASSING BAD CHECKS (SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2280. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2280 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2280, with the following results: Ayes – Streeter, Flachsbart, Casey, Hurt, Fults, Geiger, Durrell and Brown. Nays

- None. Whereupon, Mayor Nations declared Bill No. 2280 approved, passed it and it became **ORDINANCE NO. 2104.**

BILL NO. 2281 **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN THE CROSSING AT CHESTERFIELD SUBDIVISION IN THE CITY OF CHESTERFIELD (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2281. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2281 was read for the first time.

BILL NO. 2282 **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN THE WINDGATE SUBDIVISION IN THE CITY OF CHESTERFIELD (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2282. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2282 was read for the first time.

BILL NO. 2283 **AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN “NU” NON-URBAN DISTRICT FOR AN APPROXIMATELY 1.194 ACRE TRACT OF LAND LOCATED AT 16713 WILDHORSE CREEK ROAD (P.Z. 34-2003, 16713 WILD HORSE CREEK ROAD) (RICHARD M. DEMKO) (FIRST READING – PLANNING COMMISSION RECOMMENDS DENIAL; PLANNING AND ZONING COMMITTEE RECOMMENDS AMENDMENTS CONTAINED WITHIN THE ATTACHED “GREEN SHEET”; PLANNING AND ZONING COMMITTEE FORWARDS THIS PROPOSED LEGISLATION WITHOUT RECOMMENDATION)**

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2283. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2283 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the changes pursuant to the “green sheet” attached to Bill No. 2283. A voice vote was taken with a vote of 7 – 0 (Councilmember Brown was temporarily absent). Councilmember Geiger made a motion, which was seconded by Councilmember Flachsbart, that Bill No. 2283 be held until the July 19 meeting of City Council, when the full City Council will be in attendance. A voice vote was taken with a unanimous

affirmative result and the motion was declared passed. Mayor Nations stated that this legislation will be placed on the July 19 City Council agenda.

BILL NO. 2284 AMENDS THE CITY OF CHESTERFIELD LIGHTING ORDINANCE PROVIDING REQUIREMENTS FOR ACCENT LIGHTING AND SIGN LIGHTING AND PROVIDING FOR THE DEFINITION OF L.E.D. LIGHTING (LIGHTING ORDINANCE/P.Z. 26-2003) **FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2284. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2284 was read for the first time.

BILL NO. 2285 REPEALS CITY OF CHESTERFIELD ORDINANCE NO. 1723 AND INCORPORATES THE CONDITIONS THEREIN TO THE REVISED ATTACHMENT ‘A’ AUTHORIZING AN ADDITIONAL PERMITTED USE FOR A ‘PC’ PLANNED COMMERCIAL DISTRICT TOTALLING APROXIMATELY 29.07 ACRES LOCATED ON NORTH OUTER 40 ROAD, WEST OF LONG ROAD (P.Z. 06-2004, BOONE’S CROSSING GOLF, L.L.C.

Councilmember Geiger made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2285. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2285 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, to suspend the rules, to allow for a second reading of Bill No. 2285. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2285. A voice vote was taken, with a unanimous affirmative result and the motion was declared passed. Bill No. 2285 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2285 with the following results: Ayes – Casey, Geiger, Durrell, Streeter, Flachsbart, Hurt, Brown and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2285 approved, passed it and it became **ORDINANCE NO. 2105.**

BILL NO. 2275 AMENDS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.182 TO ESTABLISH NEW CRITERIA FOR THE CREATION OF A RESIDENTIAL BUSINESS USE AREA OVERY (P.Z. 4-2004, CITY OF CHESTERFIELD/RESIDENTIAL SERVICE AREA) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APROVAL; PLANNING AND**

ZONING COMMITTEE RECOMMENDS A “GREEN SHEET” AMENDMENT; PLANNING AND ZONING COMMITTEE IS ALSO FORWARDING ADDITIONAL PROPOSED AMENDMENTS WITHOUT RECOMMENDATION)

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2275. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2275 was read for the second time. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve Amendment #1 on the “green sheet”, which is a revised Attachment A. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, to amend Bill No. 2275 per Amendment #2 on the “green sheet”, Item 15. Discussion ensued. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to amend the motion by requiring an affirmative 2/3 vote by the entire City Council in order to overrule a vote by the Planning Commission. A roll call vote was taken on the motion to amend with the following results: Ayes – Fults, Flachsbart, Hurt, Casey, Streeter and Brown. Nays – Durrell and Geiger. Mayor Nations then called for the vote on the amended Amendment 2. Ayes - Brown, Streeter, Casey, Hurt, Flachsbart and Fults. Nays – Geiger and Durrell. Mayor Nations declared the motion passed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, to approve Amendment #3 (“green sheet”) regarding the time limit of residential business use. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to delete the words “or less” in Amendment #3 on the green sheet. A roll call vote was then taken with the following results: Ayes – Brown, Fults, Flachsbart, Durrell, Hurt, Streeter, Casey and Geiger. Mayor Nations declared the motion as passed. A roll call vote was then taken on Amendment #3, as amended, with the following results: Ayes – Brown, Flachsbart and Fults. Nays – Durrell, Hurt, Streeter, Casey, Geiger. Mayor Nations declared the motion failed.

Councilmember Flachsbart introduced his “lavender sheet”, which contained amendments regarding Attachment A. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve Section 3 (Items #2 - #8) except for Item #1. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart to amend Item #1, on the “lavender sheet”, which would amend Attachment A, Item 1 by deleting the words “or more.” After much discussion a roll call vote was taken with the following results: Ayes – Flachsbart, Streeter and Fults. Nays – Brown, Durrell, Hurt, Casey and Geiger. Mayor Nations declared the motion failed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Durrell, to require the RBU to apply to all properties that front all State highway (ie 2 lanes, 4 lanes, etc.). This motion was contained within his “yellow sheet”. A roll call vote was taken with the following results: Ayes – Flachsbart, Durrell, Geiger, Streeter. Nays – Brown, Fults, Hurt and Casey. Mayor Nations broke the tie vote by voting “No.” Mayor Nations declared the motion failed.

Councilmember Hurt made a motion, seconded by Councilmember Casey, that the RBU would apply only to existing State highways of 4 or more lanes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, to hold Bill No. 2275 until the July 19 City Council meeting, to give Staff the opportunity to make all changes in the legislation and allow Mr. Beach to review the final document. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting, at 8:58 p.m., to reconvene into Executive Session (closed meeting), as provided by RSMo 610.021 (2), for the purposes of discussing property acquisition.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk