



## RECORD OF PROCEEDING

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

**August 4, 2003**

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

Mayor Nations and special invited guests, Sgt. Daniel Thuston and Lance Corporal Andrew Merz, led everyone in the Pledge of Allegiance. Mayor Nations next asked those in attendance to join him in a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

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

None

Mayor Nations presented Proclamations to Lance Corporal Andrew A. Merz and Sergeant Daniel Thuston, who are residents of Chesterfield and graduates of Parkway Central High School, thanking them for their service to our country. Both men recently returned from a tour of duty in Iraq.

APPROVAL OF MINUTES

The minutes of the July 21, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the

City Council minutes. A voice vote was taken with an affirmative result and the motion was declared passed.

### **INTRODUCTORY REMARKS**

Mayor John Nations announced that City Attorney Doug Beach was recently elected President of the Municipal Attorneys Association for the State of Missouri.

Mayor Nations next announced that the City of Chesterfield has received accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA) and the formal presentation will take place at a special ceremony held at City Hall on August 18.

Mayor Nations next wished Councilmember Casey a very Happy Birthday, noting that his birthday would take place on August 17, prior to the next City Council meeting.

### **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

### **APPOINTMENTS**

Mayor Nations nominated Carol LeBegue for re-appointment to the Landmark Preservation Commission. Councilmember Fults made a motion, seconded by Councilmember Brown, to re-appoint Carol LeBegue to the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. LeBegue's term will expire June 30, 2006.

Mayor Nations next nominated Phillip Folsom for re-appointment to the Police Personnel Board. Councilmember Brown made a motion, seconded by Councilmember Fults, to re-appoint Phillip Folsom to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Folsom's term will expire August 15, 2006.

### **COUNCIL COMMITTEE REPORTS**

#### **Finance and Administration Committee**

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2170 which sets the property tax rate regarding the Parks Bond Issue, will be read for the first time under the "Legislation" portion of the agenda. She noted that, as required, a Public Hearing was held, prior to this Council meeting, during which Jeremy Craig, Director of Finance and Administration, made a presentation, recommending that the current property tax rate of \$.06/\$100 be maintained. Revenues from this property tax are dedicated exclusively for debt service payments, for a parks bond issue.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for August 27 at 5:30 p.m.

### **Planning and Zoning Committee**

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Flachsbart, to hold Bill #2166 (P.Z. 3-2003 - Montgomery Bank) until the next City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Bill #2169 (P.Z. 5-2003 – Liberty Homes), Bill #2171(Boundary Adjustment Plat – Lots 108/109 of Re-Subdivision of 1, 2, 3, 4, 5 & 7 of Chesterfield Commons), Bill #2172 (Minor Record Plat – Intersection of North Woodsmill/Beagle Lane) and Bill #2173 – Conway on the Grove (Record Plat) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Streeter announced the next Meeting of this Committee has been scheduled for August 7 at 5:30 p.m.

### **Public Works/Parks Committee**

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2168 (accepts streets in Tara at Wildhorse Subdivision) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Fults reported that Staff was working with all members of this Committee to schedule the next meeting. An announcement of a date/time/place is anticipated soon.

### **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring reported that India Kitchen, 45 Forum Shopping Center, in seeking an amendment to their existing liquor license, to allow for Sunday sales. They are already authorized to serve beer/wine by-the-drink, for consumption on the premises only. The application has been reviewed and approved by both the Departments of Planning and Police.

Councilmember Flachsbart noted that this business establishment has had an illegal sign posted for over a year and he has personally contacted the owner requesting the removal of the sign, to no avail. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to hold approval on the liquor license until the next City Council meeting. Staff is to inform the owners/manager of this business, of this action by

City Council, and report back as to the status of the illegal sign. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to direct the City Administrator to send a letter to the Mayor of Wildwood, expressing the City's appreciation for Wildwood's cooperation and support, regarding Chesterfield's efforts as Flood Plain Administrator, for the entire Chesterfield Valley, including that portion located within Wildwood. The motion passed unanimously.

Councilmember Streeter noted that Staff had provided everyone with a copy of the proposed Five-Year Budget (2004-2008). City Administrator Herring noted that, as directed by the F&A Committee of City Council, the F&A Citizens Advisory Committee would be reviewing this document, during August, and would forward any comments/recommendations to the F&A Committee of City Council, prior to their meeting on August 27<sup>th</sup>. The document would then be forwarded to City Council for adoption. Mr. Herring urged everyone to forward any questions/comments/concerns to either Mr. Craig or himself.

Councilmember Hurt next requested that a discussion regarding the proposed development, located in the City of Town and Country, at the intersection of Clayton Road and Woods Mill Road, be added to the August 7 meeting of the Planning and Zoning Committee, to enable a discussion regarding the potential impact to Chesterfield residents by this development. Councilmember Streeter, Chairperson of the P&Z Committee, directed Mr. Herring to add this item to that agenda.

## **LEGISLATION**

**BILL NO. 2168**      PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS  
WITHIN TARA AT WILDHORSE SUBDIVISION WITHIN THE  
CITY OF CHESTERFIELD (**SECOND READING – PUBLIC  
WORKS/PARKS COMMITTEE**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2168. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2168 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2168, with the following results: Ayes – Brown, Streeter, Flachsbart, Geiger, Casey, Hurt, Durrell and Fults . Nays - None. Whereupon Mayor Nations declared Bill No. 2168 approved, passed it and it became **ORDINANCE NO. 1944**.

**BILL NO. 2170** FIXES THE RATE OF TAXATION FOR THE YEAR 2003 AND LEVIES A TAX ON ALL REAL AND PERSONAL PROPERTY MADE TAXABLE BY THE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE GENERAL INFORMATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (**FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Durrell made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2170. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2170 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2169** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN “R-3” RESIDENCE DISTRICT FOR A .36 ACRE TRACT OF LAND LOCATED AT 996 CHESTERFIELD PARKWAY EAST, SOUTH OF OLIVE BOULEVARD, AND NORTH OF INTERSTATE 64/HIGHWAY 40 (P.Z. 5-2003)(**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2169. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2169 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2169, with the following results: Ayes – Brown, Streeter, Geiger, Hurt, Casey, Fults, Flachsbar and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2169 approved, passed it and it became **ORDINANCE NO. 1945.**

**BILL NO. 2171** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR TRACTS OF LAND BEING LOTS 108 AND 109 OF RE-SUBDIVISION OF LOTS 1, 2, 3, 4, 5 & 7 OF CHESTERFIELD COMMONS LOCATED IN U.S. 125 AND 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS - DEPARTMENT OF PLANNING RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2171. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2171 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2171. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2171 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2171, with the following results: Ayes – Flachsbart, Durrell, Fults, Geiger, Streeter, Hurt, Casey and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2171 approved, passed it and it became **ORDINANCE NO. 1946.**

**BILL NO. 2172** PROVIDES FOR THE APPROVAL OF A MINOR SUBDIVISION PLAT IN MINEO PLACE SUBDIVISION, ON A 27, 087 SQUARE FOOT TRACT OF LAND ZONED “R-3” RESIDENCE DISTRICT, LOCATED AT THE INTERSECTION OF NORTH WOODSMILL ROAD AND BEAGLE LANE (KUMAR’S SUBDIVISION)(**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2172. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2172 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2172. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2172 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2172, with the following results: Ayes – Geiger, Durrell, Flachsbart, Streeter, Brown, Hurt, Fults and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 2172 approved, passed it and it became **ORDINANCE NO. 1947.**

**BILL NO.2173** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CONWAY ON THE GROVE, A 4.3 ACRE TRACT OF LAND ZONED “R-3” RESIDENCE DISTRICT WITH A “PEU” LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF AUGUST HILL ON CONWAY (**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2173. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2173 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2173. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2173 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2173, with the following results: Ayes – Durrell, Casey, Fults, Brown, Hurt, Geiger, Streeter and Flachsbart. Nays

- None. Whereupon Mayor Nations declared Bill No. 2173 approved, passed it and it became **ORDINANCE NO. 1948.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:52 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk