
RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT
922 ROOSEVELT PARKWAY, ON AUGUST 21, 1989

The meeting was called to order at 7:30 P.M.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Fred Steinbach
Councilmember Betty Hathaway
Councilmember Barry Flachsbart
Councilmember June Schroeder
Councilmember Jade Gardner Bute
Councilmember Dan Hurt
Councilmember Doug Hartman
Councilmember Dick Hrabko
Councilmember Charlie Fawcett

None

The Pledge of Allegiance was led by Boy Scout Troop 848 from Highcroft School: Rob Thiel, Josh Abla, Chris Gerstner, and Dan Orchard. Also in attendance was Assistant Scoutmaster Thomas D.Smyka.

The Reverend Joseph Pins from Ascension Catholic Church led the City Council in prayer.

APPROVAL OF THE MINUTES

The minutes of the August 7, 1989, meeting were submitted for approval. A motion was made by Councilmember Bute, seconded by Councilmember Schroeder, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS - MAYOR FRED STEINBACH

Mayor Steinbach reported that Councilmember Bute had a special request regarding a permanent change in the format of the council meeting agenda. A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, to place the "Communications and Petitions" section of the agenda to follow "Approval of the Minutes". This change would be effective at the next council meeting, September 5, 1989. Included in the motion, for the Council meeting this date, was the request to have communications and Petitions prior to a motion to be introduced later on in the agenda pertaining to Bill #326, Sullivan Hayes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Steinbach recognized Mr. Mike Pearson, who is a reporter with the Journal Newspaper and will assume the duties previously performed by Ms. Julie Bernhardt.

Mayor Steinbach congratulated Councilmember Jade Gardner Bute and her husband Graham, on the celebration of their 35th wedding anniversary.

Mayor Steinbach next submitted the names of William Ball, Ward I, Ron Krusie, Ward II, Chris Barry, Ward III, and Walt Scruggs, Ward III to be placed in nomination for the Public Works Board of Variance. A fifth nomination will be approved at a future Council meeting. A motion was made by Councilmember Bute, to approve these names placed in nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Steinbach announced that Ms. Linda McCarthy, who is currently the Chairperson of the Board of Adjustment, due to conflicts of time, will no longer be able to serve in this capacity and has asked that the Council accept her resignation. A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, to accept Ms. McCarthy's resignation as a full-time member and Chairperson of the Board, but to appoint her as an alternate member and to accept the appointment of Jerry Schwalbe, who currently serves as an alternate member, as a full-time member. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COUNCIL COMMITTEE REPORTS

Planning and Economic Development

Councilmember Hrabko, Chairperson of the planning and Economic Development Committee, reported that a notice of protest has been filed by the residents that live within 1000 ft. of P.Z. 19 and 20-89, Gerald Kerr Homes, Inc. The residents intend to submit a petition to file the actual protest within 30 days. Once received, it will be submitted to the Planning Commission, who will respond back to the City Council with an analysis of the facts pertaining to this protest.

Councilmember Hrabko announced the next meeting of his Committee will be held on August 23, 1989, at 5:30 p.m.

Finance and Administration

Councilmember Hartman, Chairperson of the Finance and Administration Committee, stated that the Bill #342 pertaining to amending Ordinance #15, Section 5, will be considered for adoption later on in the agenda. The Committee recommends approval of this proposed ordinance.

Councilmember Hartman announced the next meeting of his Committee will be held on August 28, 1989, at 5:30 p.m.

Public Works and Parks

Councilmember Bute, Chairperson of the Public Works/Parks Committee, stated that Bill #343,

pertaining to grading permits, #344, establishing special use permits for public streets, and #345, creating the Swingley Ridge Road Trust Fund, will be considered for adoption under the legislation portion of the agenda. The Committee recommends approval of these proposed ordinances.

Councilmember Bute reported that proposed compaction requirements have been forwarded to her Committee from the Public Works Citizens Advisory Group. Her Committee recommends approval of increasing the subgrade compaction requirements under pavement to a minimum of 90% of modified density as determined by the modified Proctor test. A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, to accept this increase in requirements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Bute next announced that the next meeting of her Committee will be held on August 24, at 5:15 P.M.

Public Health and Safety

Councilmember Flachsbart, Chairperson of the Public Health and Safety Committee, stated that Bill #325, requiring street number on all buildings/structures, #346, authorizing the City Administrator to execute a contract with St. Louis County for photographic processing services, and #347 amending Ordinance #35, will be considered for adoption later on in the agenda under the legislation portion. His Committee recommends adoption of these proposed ordinances.

Councilmember Flachsbart reported that his Committee has requested that an ordinance be prepared and presented at the next Council meeting regarding the modification of the NO PARKING ordinance on Santa Maria Drive.

Councilmember Flachsbart stated that City Administrator Herring will introduce a proposal for participation in a Law Enforcement Television Network and grant funds available from the Division of Highway Safety. His Committee recommends approval of both proposals.

Councilmember Flachsbart announced that the next meeting of his Committee will be held on September 13, 1989, at 5:45 P.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Herring first stated that the City of Chesterfield has received a proposal from the Law Enforcement Television Network, a cable-oriented police training network, which can be installed and operated for a cost of \$488.00 per month, or a total cost for the balance of 1989 of \$1,952.00. The monthly cost would be in effect for as long as the City participated in the program. The Public Health and Safety Committee recommends approval of this proposal. A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, to accept the afore mentioned proposal. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

City Administrator Herring next informed the City Council of the availability of grant monies through the State of Missouri Division of Highway Safety to fund a variety of programs that the Police Department would consider implementing for FY 1990 and years after that. This funding support would be 100% of the cost of the approved program for the first year, 75% of the cost for the second year and 50% of the cost for the third year. The only obligation required is that the City of Chesterfield agree to continue to fund these programs once grant monies are no longer available. The Public Health and Safety Committee recommends approval of this proposal. A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, to authorize the City of Chesterfield Police Department to seek grant funding for these programs through the Division of Highway Safety. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL #342 AMENDS ORDINANCE #15, SECTION 5, WHICH ESTABLISHES THE DEPARTMENT OF FINANCE AND ADMINISTRATION

A motion was made by Councilmember Hartman, seconded by Councilmember Bute, for the first reading of Bill #342. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #342 was read for the first time.

A motion was made by Councilmember Hartman, seconded by Councilmember Hurt, for a second reading of Bill #342. 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 #342, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #342 approved, passed it and it became ORDINANCE #333.

BILL #343 RELATES TO THE GRANTING OF GRADING PERMITS PRIOR TO FINAL APPROVAL OF THE DEVELOPMENT PLATS AND FOR THOSE SITUATIONS IN WHICH A CHANGE OF ZONING IS NOT REQUIRED

A motion was made by Councilmember Bute, seconded by Councilmember Flachsbart, for the first reading of Bill #343. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #343 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Hathaway, for a second reading of Bill #343. 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 #343, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #343 approved, passed it and it became ORDINANCE #334.

BILL #344 ESTABLISHES SPECIAL USE PERMIT FOR THE OPENING AND EXCAVATION OF ANY PUBLIC STREET IN THE CITY OF CHESTERFIELD AND THE CONDITIONS THEREOF

A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, for the first reading of Bill #344. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #344 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, for a second reading of Bill #344. 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 #344, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #344 approved, passed it and it became ORDINANCE #335.

**BILL #345 CREATES THE SWINGLEY RIDGE ROAD TRUST FUND AND PROVIDES
FOR ITS ADMINISTRATION AND DISBURSEMENT**

A motion was made by Councilmember Bute, seconded by Councilmember Schroeder, for the first reading of Bill #345. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #345 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Schroeder, for a second reading of Bill #345. 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 #345, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #345 approved, passed it and it became ORDINANCE #336

**BILL #325 REQUIRES ALL BUILDINGS AND STRUCTURES HAVING A POST
OFFICE ADDRESS TO LIST STREET NUMBER ON THE FACE OF THE
BUILDING.**

A motion was made by Councilmember Hrabko, seconded by Councilmember Flachsbart, to amend Bill #325 Section 1, Line 7, to read "150 feet" instead of "300 feet" due to the fact that the numbers could not be read at that distance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hrabko, for the first reading of Bill #325. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #325 was read for the first time.

During discussion, Councilmember Hrabko pointed out to the Council that this Bill is the result of citizen input by Debbie Buzzanga, a nursing student at Maryville College, along with some of her fellow students. Ms. Buzzanga was concerned that houses were not marked properly for identification, especially when emergency vehicles were involved.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, for a second reading of Bill #325. 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 #325, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #325 approved, passed it and it became ORDINANCE #337.

BILL #346 AUTHORIZES THE CITY ADMINISTRATOR OF THE CITY OF CHESTERFIELD TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF CHESTERFIELD WITH THE COUNTY OF ST. LOUIS FOR THE PROVISION OF PHOTOGRAPHIC PROCESSING SERVICES

A motion was made by Councilmember Flachsbart, seconded by Councilmember Schroeder, for the first reading of Bill #346. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #346 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, for a second reading of Bill #346. 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 #346, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #346 approved, passed it and it became ORDINANCE #338.

BILL #347 AMENDS ORDINANCE #35 SCHEDULE I, V, AND VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY DELETING AND ADDING PROVISIONS THEREFROM

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hrabko, for the first reading of Bill #347. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #347 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Flachsbart, for a second reading of Bill #347. 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 #347, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Mayor Steinbach declared the Bill #347 approved, passed it and it became ORDINANCE #339.

COMMUNICATIONS AND PETITIONS

The following individuals spoke before the Council stating their support in favor of the commercial center as proposed by Bill #326, Sullivan Hayes, Inc.:

Jon M. Pyzyk, 4 Braniff Court

Paul Rullo, 5 Braniff Court

Ellen Alper, 14576 Appalachian Trail, presented a petition containing 86 names (see attached)

Gary J. Stein, 10 Foxhunt

In response to comments made by Mr. Stein, Councilmember Hrabko reminded the audience that it was not appropriate for the Council to discuss whether the project was low-income housing, but as to whether it was a good zoning in general.

Councilmember Fawcett stated that the City of Chesterfield was not opposed to low income housing, at appropriate locations, and that it is federally mandated. Councilmember Fawcett expressed his desire to go on record that he would support a proper housing project, be it subsidized by the government or not.

City Attorney Doug Beach expressed his desire to go on record that he has advised the City Council that they cannot consider the possibility of low-income housing as the reason for any vote they make. City Attorney Beach continued to say that under the Constitution and the laws that have been passed by the Federal Government, people are entitled to put any type of housing in a particular area that they so choose, provided zoning requirements are met. He also said that the record needs to be corrected to show that, as of Friday, to his knowledge, no application had been filed by Sullivan Hayes for low-income housing. They had not made a formal request that they be given any of the money for low-income housing. City Attorney Beach explained that low-income housing does not mean an automatic increase in crime or anything of that nature. The City of Chesterfield and the City Council needs to be advised, as he knew they had been, and will continue to be, that the question of low-income housing is really not the issue. The City Council must look to whether or not commercial development is the appropriate use of that land and not what the reactions may be to any alternate uses for this area.

The following individuals spoke before Council stating their opposition to the commercial center as proposed by Bill #326, Sullivan Hayes, Inc.:

Jack Sander, 1230 Beaver Creek Road
Bud Gruchalla, 5 Foxhunt Drive
Lynn O'Connor, 1183 Jonesborough Road
Mary Elizabeth Jones, 14449 Tealcrest Drive
Jack Leonard, 233 Crownridge
Royce Engel, 135 Ridgecrest Drive
Thomas P. Brown, 15478 Duxbury Way

Mayor Steinbach informed the audience that the motion about to be considered was to only reconsider Bill #326, Sullivan Hayes, Inc. The Mayor further expressed the desire to receive input in writing from the residents. Letters should be directed to him, as well as the Councilmembers, at the Government Center. The Mayor made it clear to those in attendance that he and the Councilmembers will not be intimidated by the threat of lawsuits or alternative forms of construction on commercial developments. Decisions will be made strictly on the appropriateness of a given proposal and what will serve the best interests of the City and its residents. Research and conversations with the residents and a careful review of this specific proposal and the City's zoning regulations should take place before this issue is voted upon.

Councilmember Hurt stated that his concern was for the impact of this proposal on the specific area, as well as the whole city. He further stated that the discussion that has taken place

concerning this particular the need for a plan development.

Councilmember Hrabko expressed his views since this development is proposed for Ward IV, that the people who are most affected are the people on Ease and West Drives as well as Arrowhead Estates, who are in favor of the commercial development. He further stated that he felt this was an excellent opportunity to reconsider Bill #326 as it is a good commercial zoning having been approved by the Planning Commission.

Councilmember Schroeder reported that she has received 450 names of constituents who favor the commercial development as proposed in Bill #326, Sullivan Hayes. A motion was made by Councilmember Schroeder, seconded by Councilmember Hrabko, to reconsider Bill #326 and refer this Bill to the Planning and Economic Development Department to work out details and determine at what point to put this issue on the agenda for a vote by City Council. During discussion, Councilmember Flachsbart stated he was not in favor of reconsidering this Bill and feared future violations of the Olive Road Study. Councilmember Fawcett expressed that this was an opportunity to have a high-quality commercial development in our community. Councilmember Hathaway stated that she was not in favor of reconsidering Bill #326 at this time as it violated the Olive Road Study and only after completion of the Comprehensive Plan, if appropriate, would she reconsider the Bill. Councilmember Bute stated she would not vote to reconsider the Bill at this time. Councilmember Flachsbart spoke again and commented that he was concerned over the large size of the development on that piece of property and that the developer did not make any attempt to remove an illegal sign which he had put up and had been cited for.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hrabko, to have a roll call vote on the motion to reconsider. 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 reconsidering Bill #326, with the following results: Ayes - Schroeder, Hurt, Hartman, Hrabko and Fawcett. Nays - Hathaway, Flachsbart, and Bute. Mayor Steinbach declared the motion passed.

ADJOURNMENT

A motion was made by Councilmember Hathaway, seconded by Councilmember Hurt, that the meeting be adjourned. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8:46 P.M.

Mayor Frederic M. Steinbach

ATTEST:

City Clerk

