



RECORD OF PROCEEDING

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

September 6, 2006

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

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

Mayor Nations recognized the 30th anniversary of the Chesterfield Chamber of Commerce. Joan Schmelig, President of the Chesterfield Chamber of Commerce, was presented with a Proclamation in honor of the Chamber's dedication and service to the community.

A roll call was taken with the following results:

PRESENT

Mayor Nations
Councilmember Flachsbart
Councilmember Durrell
Councilmember Geiger
Councilmember Streeter
Councilmember Hurt
Councilmember Casey
Councilmember Fults

ABSENT

Councilmember Brown

APPROVAL OF MINUTES

The minutes of the August 21, 2006 public hearing and City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, 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 Nations announced that the next meeting of the City Council has been scheduled for Monday, September 18th.

COMMUNICATIONS AND PETITIONS

Mayor Nations introduced Kay Folsom, Chairperson of the Beautification Committee, who presented the 2006 Beautification Awards to the following businesses in the community:

Large Community Award: First Place–THF Realty; Second Place–Delmar Orthopedics Center and Delmar Gardens Office Complex; Third Place–Baxter Crossing Apartments.

Small Community Award: First Place–Miller’s Crossing Restaurant; Second Place–Friendship Village; Third Place–Sunrise Assisted Living.

Neighborhoods: First Place–Amberleigh; Second Place–Belle Monte; Third Place–Picardy.

Ms. Folsom commended all the businesses and neighborhoods in the community who take time to landscape their property. Mayor Nations reiterated Ms. Folsom’s commendations and welcomed the business and neighborhood representatives. Mayor Nations also recognized State Representative Jane Cunningham, who was also in attendance.

Stanley L. Hoffman, 145 Ridgcrest Drive, spoke about the ordinance prohibiting directional signage for open houses in Chesterfield. He asked Council to reconsider amending the ordinance for signage allowance on Sundays.

Mary Laudon, 246 Stablestone Drive, representing Coldwell Banker Gundaker-Chesterfield, also spoke about the ordinance prohibiting directional signage for open houses in Chesterfield. She asked that the ordinance be reconsidered to allow for signage on Sundays and/or to have the ordinance equally enforced throughout the City.

Mike Doster, 17107 Chesterfield Airport Road, Ste 300, expressed his agreement with the green sheet amendments attached to Bill No. 2482 for approval at this meeting.

APPOINTMENTS

No appointments were made.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbar, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2469 will be considered for adoption under the Legislation portion of the agenda.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2472 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Geiger announced that the next meeting of this committee has been scheduled for Thursday, September 14th at 7:30 a.m.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2471 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to suspend the rules and address approval of Resolution No. 331. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to adopt Resolution No. 331. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this committee has been scheduled for Thursday, September 28th at 5:45 p.m.

Planning and Zoning Committee

Councilmember Barry Streeter, Vice Chairperson of the Planning and Zoning Committee, reported that City Council voted to approved reconsideration of Bill No. 2431 (P.Z. 19-2005), at tonight's meeting. He further noted that several amendments will be proposed by Councilmember Geiger.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to hold Bill No. 2474 (P.Z. 10-2006, Plan Provision LLC (Wildhorse Child Care Center)) until the September 18th City Council meeting, as requested by Councilmember Fults. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. It was noted that several proposed "house-keeping" amendments to Bill No. 2474 will be referred to the P&Z Committee, for discussion/review, at the September 11 meeting of this Committee.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to hold Bill No. 2475 (P.Z. 39-2005, Westland Acres (Westland Acres Development, LLC)) until the September 18th City Council meeting, as requested by a petitioner. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter reported that Bill No. 2476 (P.Z. 8-2006, Four Seasons Plaza (Dr. Phil Hendricks)), with amendments proposed by Councilmember Flachsbart, will be considered for adoption under the Legislation-Planning Commission portion of the agenda.

Councilmember Streeter reported that Bill No. 2481 (P.Z. 18-2006 and P.Z. 22-2006-Beckmann Properties, 16625 and 16635 Chesterfield Airport Road), with green sheet amendments, will be read for the first time and considered for adoption under the Legislation-Planning Commission portion of the agenda.

Councilmember Streeter reported that Bill No. 2482 (P.Z. 19-2006, Keys to Success (15464 Olive Blvd)), with green and pink sheet amendments, will be read for the first time and considered for adoption under the Legislation-Planning Commission portion of the agenda.

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to adopt a policy that all nominees, made by the Mayor, for appointment to the Board of Adjustment, either as regular members or alternates, must now be interviewed by the P&Z Committee, before final review/consideration by City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced that the next meeting of this committee will be on Monday, September 11th at 7:30 a.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring recommended award of a contract to Erb Equipment Company, for the purchase of a John Deere loader/backhoe, at a net purchase price of \$43,760. He noted that the FY2006 Budget includes \$67,400 for this purchase. Councilmember Casey made a motion, seconded by Councilmember Fults, to award the contract to Erb Equipment Company. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next recommended that Council award a contract to The Harlan Company for continuing improvements/expansion of the CVAC, in an amount not to exceed \$581,680. This amount is fully-funded by bond proceeds made possible by the passage of Proposition P. Councilmember Casey made a motion, seconded by Councilmember Fults, to award the contract to The Harlan Company. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Stoney River Legendary Steaks, located at 377 Chesterfield Center East, has applied for a full liquor license and Sunday sales. The license request has been reviewed and recommended for approval by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve the liquor license request for Stoney River Legendary Steaks. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Wine Styles, located at 1624 Clarkson Road, has applied for an original package liquor license, which also allows for wine-tasting. The license request has been reviewed and recommended for approval by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the liquor

license request for Wine Styles. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

No new business was discussed.

LEGISLATION

BILL NO. 2469 AUTHORIZES THE CITY COUNCIL OF THE CITY OF CHESTERFIELD TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF CHESTERFIELD, MISSOURI, WITH ST. LOUIS COUNTY, MISSOURI, FOR PROVISION OF MUNICIPAL ORDINANCE PROSECUTION SERVICES, AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2469. 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. 2469 with the following results: AYES-Durrell, Streeter, Casey, Flachsbart, Hurt, Geiger, Fults; NAYS-None. Whereupon, Mayor Nations declared Bill No. 2469 approved, passed it and it became **ORDINANCE NO. 2293**.

BILL NO. 2471 CHANGES THE NAME OF A SECTION OF OLD OLIVE STREET ROAD IMMEDIATELY WEST OF BAXTER ROAD TO EDISON AVENUE (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2471. A voice vote was taken with a unanimous affirmative result and Bill No. 2471 was read for the first time. Final consideration of this proposed legislation will take place at the October 4, 2006 City Council meeting.

BILL NO. 2472 RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2472. 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. 2472 with the following results: AYES-Streeter, Geiger, Casey, Hurt, Flachsbart, Durrell, Fults;

NAYS-None. Whereupon, Mayor Nations declared Bill No. 2472 approved, passed it and it became **ORDINANCE NO. 2294.**

LEGISLATION – PLANNING COMMISSION

Councilmember Streeter made a motion, seconded by Councilmember Hurt, to suspend the rules to address Bills No. 2481 and 2482. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2481 REPEALS CITY OF CHESTERFIELD ORDINANCE NO. 1556 TO ALLOW FOR ADDITIONAL USES AND APPROVES A LANDMARK AND PRESERVATION AREA PROCEDURE (LPA) FOR A 1.95 ACRE TRACT OF LAND LOCATED AT 16625 CHESTERFIELD AIRPORT ROAD AND 16635 CHESTERFIELD AIRPORT ROAD (P.Z. 18-2006 AND P.Z. 22-2006, BECKMANN PROPERTIES) (**FIRST AND SECOND READINGS- PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED “GREEN SHEET”**)

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2481. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Hurt, to amend Bill No. 2481 pursuant to the green sheet attached. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the second reading of Bill No. 2481. 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. 2481, as amended, with the following results: AYES-Geiger, Flachsbart, Hurt, Fults, Casey, Streeter, Durrell; NAYS-None. Whereupon, Mayor Nations declared Bill No. 2481 approved, passed it and it became **ORDINANCE NO. 2295.**

BILL NO. 2482 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C8” PLANNED COMMERCIAL DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.25 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE ROAD, EAST OF CHESTERFIELD PARKWAY (P.Z. 19-2006, KEYS TO SUCCESS (15464 OLIVE BLVD)) (**FIRST AND SECOND READINGS- PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS**

**APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE
ENCLOSED “GREEN SHEET”)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2482. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to amend the proposed “green sheet”, as follows:

- In section A:1.a.ii, add to the end of the sentence: “This will not be required if installing the fence would result in the loss of any of the existing pine trees as determined by the Department of Planning”;
- In section A:1.a.iii, add verbiage so the sentence reads: “Install a vertical fence *within 15 feet* from the front of the building (northeast corner) to the privacy fence to prevent cut through area.”

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

A motion was then made by Councilmember Geiger, seconded by Councilmember Flachsbart, to approve the proposed “green sheet”, as amended. A voice vote was taken, with a unanimous affirmative results, and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to further amend Bill No. 2482 pursuant to the “pink sheet”. 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, for the second reading of Bill No. 2482, as amended. 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. 2482, as amended, with the following results: AYES-Streeter, Casey, Geiger, Fults, Flachsbart, Durrell, Hurt; NAYS-None. Whereupon, Mayor Nations declared Bill No. 2482 approved, passed it and it became **ORDINANCE NO. 2296**.

Councilmember Hurt made a motion, seconded by Councilmember Streeter, to suspend the rules to address Bill No. 2476. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2476 REPEALS CITY OF CHESTERFIELD ORDINANCE 775 AND REPLACES IT WITH A NEW ORDINANCE PROVIDING FOR FINANCIAL INSTITUTIONS, MEDICAL AND DENTAL OFFICES, RESTAURANTS AND DRIVE-UP FACILITIES IN FOUR SEASONS PLAZA, A “C8” PLANNED COMMERCIAL DISTRICT-ZONED PARCEL, LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, DIRECTLY ACROSS FROM THE INTERSECTION OF STATE HIGHWAY 340 AND RIVER VALLEY DRIVE (P.Z. 8-

2006, FOUR SEASONS PLAZA (DR. PHIL HENDRICKS)) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to amend Bill No. 2476 under attachment A, section I:C.1.e, to read “Restaurants, fast food, with no drive thru.” A voice vote was taken with an affirmative result (Councilmember Casey voted “No”) and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to amend Bill No. 2476 under Attachment A, section I:C.2.e.1, so that the paragraph ends “...in the form of bakeries and/or coffee shops.” Brief discussion followed. A roll call vote was taken for passage and approval of this amendment to Bill No. 2476 with the following results: AYES-Flachsbart, Hurt; NAYS-Streeter, Durrell, Geiger, Casey, Fults. This motion was defeated.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2476, as amended. 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. 2476, as amended, with the following results: AYES-Streeter, Fults, Durrell, Geiger, Hurt, Casey; NAYS-Flachsbart. Whereupon, Mayor Nations declared Bill No. 2476 approved, passed it and it became **ORDINANCE NO. 2297**.

BILL NO. 2431 CHANGES AND DELETES PORTIONS OF SECTION 1003.141 (MUSEUM AND ARTS AREA) AND SECTION 1003.126A (RESIDENTIAL TEAR-DOWNS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE, AND ADDS SECTION 1003.126B (RESIDENTIAL ADDITIONS) (P.Z. 19-2005, CITY OF CHESTERFIELD (VARIOUS SECTIONS OF ZONING ORDINANCE)) (**RECONSIDERATION– PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve Bill No. 2431. Discussion ensued.

Councilmember Geiger made a motion, seconded by Councilmember Streeter, to amend Bill No. 2431, to delete Sections 2:5.A and 3:2.A.1 and replace them with the following paragraph in both instances: “The height of any residential addition or tear down shall not exceed two stories with a maximum height of 35 feet. Height is calculated from grade at front elevation to the top of the roof. If the height exceeds this requirement it shall be reviewed and approved by the Planning Commission.”

Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to amend the motion to amend so that the replacement paragraphs may read as above and also include at the end: “However, if the entire subdivision consists of one-story houses, plans for the first two-story

house shall be reviewed and approved by the Planning Commission, except for subdivisions whose indentures provide for two-story homes.”

Discussion ensued concerning letters to notify neighborhoods of planned tear-downs, re-builds and/or additions, and what types of presentations would take place at the Planning Commission meetings should reviews become necessary. Mayor Nations noted that underlying zoning already exists in the City’s neighborhoods and suggested that it was in the best interest of the City NOT to make the process to rejuvenate an area more difficult.

A roll call vote was taken, for the approval of Councilmember Flachsbart’s motion to amend Councilmember Geiger’s proposed amendment to Bill No. 2431, with the following results: AYES-Flachsbart, Fults, Casey, Hurt; NAYS-Durrell, Geiger, Streeter. Mayor Nations declared the amendment passed.

A roll call vote was then taken, for approval of Councilmember Geiger’s proposed amendment, as amended, with the following results: AYES-Hurt, Flachsbart, Casey, Streeter, Fults, Geiger and Durrell; NAYS-none. Mayor Nations declared the amendment passed.

A roll call vote was taken for approval of Bill No. 2431, with all amendments, with the following results: AYES-Hurt, Flachsbart, Casey, Streeter, Fults, Geiger, Durrell; NAYS-None. Whereupon, Mayor Nations declared Bill No. 2431 approved, passed it and it became **ORDINANCE NO. 2298.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:36 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk