



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 16052 SWINGLEY RIDGE ROAD
SEPTEMBER 23, 1998

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

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Allan Sheppard
Councilmember Barry Streeter
Councilmember Larry Grosser
Councilmember Dan Hurt
Councilmember Linda Tilley
Councilmember Mary K. Brown

ABSENT

Councilmember Barry Flachsbart
Councilmember Mike Casey

The Pledge of Allegiance was led by Boy Scout Troop #848 from School Highcroft Ridge School: Daniel Nied, John Horton, Matt McGraw, Neal Janey, Cameron Weger, Chris Baudler, Adam Prey, Andrew McQuinn. Also in attendance was Troop Leader Tom Nied.

Mayor Greenwood led those in attendance in a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the September 9, 1998, City Council meeting were submitted for approval. A motion was made by Councilmember Grosser, seconded by Councilmember Sheppard, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nancy Greenwood announced that the Missouri Department of Conservation will present its Treescape Award to the City of Chesterfield for highway beautification projects.

The award will be presented to the City on October 23 in Jefferson City, MO. She commended staff for their efforts to secure this award.

COMMUNICATIONS AND PETITIONS

Jeanne Downey, who resides at 310 Steeple Lane, expressed opposition to Resolution No. 241 regarding P. Z. 18-98, AT&T Wireless, PCS, Inc.

Greg Downey, who resides at 310 Steeple Lane, expressed opposition to Resolution No. 241 regarding P. Z. 18-98, AT&T Wireless, PCS, Inc.

William P. Schorr, who resides at 13358 LaBarge Drive, expressed opposition to the possible change in zip code from 63141 to 63017.

In response to a request by Councilmember Brown, City Administrator Herring summarized the City's efforts to work with the Postal Service to secure this zip code change, as requested by a majority of the residents located in this "63141" area.

Marcella Schorr, who resides at 13358 LaBarge Drive, expressed opposition to the possible change in zip code from 63141 to 63017.

Glen Klocke, #1 City Place, stated that he would answer any questions regarding Nextel Communications.

Paul Ground, attorney for the petitioner, stated that he would answer any questions regarding P. Z. 18-98, AT&T Wireless, PCS, Inc. (Resolution No. 241).

APPOINTMENTS

Mayor Greenwood nominated Mr. Jack Giebe to serve as a member of the Police Personnel Board. A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, to approve the appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Giebe's three-year term will expire August 15, 2001.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Streeter, Vice-Chairperson of the Public Works/Parks Committee, reported, in the absence of Councilmember Barry Flachsbart, Chairperson of this Committee, that Bill No. 1603 will be read for the first and second time under the Legislation portion of the agenda. This bill pertains to the installation of a fire hydrant in White House Farm Subdivision.

Public Health and Safety Committee

Councilmember Larry Grosser, Chairperson of the Public Health and Safety Committee, reported that Bill No. 1547, regarding food handling, will have its second reading under the Legislation portion of the agenda.

Councilmember Grosser announced that the next meeting of this Committee has tentatively been scheduled for Wednesday, September 30 at 7:30 a.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that a request for a Conditional Use Permit (CUP) for an 18.4 acre tract of land located on Wild Horse Creek Road, has been received. Some discussion ensued. A motion was made by Councilmember Tilley, seconded by Councilmember Brown, to table Resolution No. 241, which pertains to this CUP, until the October 7 City Council meeting to permit additional input from residents. The motion was approved unanimously.

Councilmember Hurt next reported that Bill No. 1604 (P.Z. 23-98, Charitable Leasing Corporation, Inc.), Bill No. 1601 (P.Z. 22-98, G. H. H. Investments, L.L.C.), Bill No. 1605 (record plat et al for Baxter Pointe Villas, Plat II), Bill No. 1606 (record plat et al Chesterfield Village Apartments), and Bill No. 1607 (boundary adjustment plat for Lots 11 & 12 – Spirit of St. Louis Airport) will have both first and second readings under the Legislation portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, October 8 at 5:30 p.m.

Finance and Administration Committee

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, reported that Bill No. 1598, which pertains to the regulation of pawnbrokers, will be read for the second time under the Legislation portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that as a result of discussion at the workshop held by City Council on September 9, 1998, Director of Finance and Administration Jan Hawn has prepared Resolution No. 240, which officially adopts the Five-Year Budget, for the years 1999-2003. Councilmember Hurt stated (for the record) that while he supports adoption of the Five-Year Budget, he has reservations regarding Fund Reserves projected for FY2001 and the increase in personnel over the next five years. A motion was made by Councilmember Sheppard, seconded by Councilmember Tilley, to delete the \$40,000 allocated for "Celebrate Chesterfield." Discussion ensued. Councilmembers Sheppard and Tilley withdrew the motion. A motion was then made by Councilmember Tilley, seconded by Councilmember Sheppard, to send this item to the Finance and Administration Committee to address all aspects concerning this proposed allocation. A voice vote was taken with an affirmative result (Councilmember Grosser voted "No") and the motion was declared passed. A motion was then made by Councilmember Streeter, seconded by Councilmember Grosser,

to adopt the Five-Year Budget (1999-2003), as submitted. The motion was approved unanimously.

Mr. Herring next reported that Yia Yia's Eurocafe, located at 15601 Olive Boulevard, has requested a liquor license to sell all kinds of intoxicating liquor by the drink and Sunday sales. A motion was made by Councilmember Grosser, seconded by Councilmember Streeter, to approve the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Houlihan's, located in Chesterfield Mall, has requested a liquor license to sell all kinds of intoxicating liquor by the drink and Sunday sales. A motion was made by Councilmember Grosser, seconded by Councilmember Brown, to approve the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring noted that both liquor license applications have been reviewed and approved by the Planning and Police Departments.

NEW BUSINESS

A motion was made by Councilmember Sheppard, seconded by Councilmember Tilley, to forward the Five-Year Budget (1999-2003) to the Finance and Administration Citizens Advisory Committee for their perusal. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 1547 ESTABLISHES CLEANLINESS REQUIREMENTS FOR THOSE PERSONS WHO HANDLE, PREPARE OR SERVE FOOD TO THE PUBLIC AND PROVIDES A PENALTY FOR VIOLATION THEREOF (SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Tilley, seconded by Councilmember Brown, to table Bill No. 1547. A voice vote was taken with a negative result (Councilmembers Tilley and Brown voted "Yes") and the motion was declared defeated. After a brief discussion, a motion was made by Councilmember Hurt, seconded by Councilmember Tilley, to table Bill No. 1547. A voice vote was taken with a tie vote and Mayor Greenwood broke the tie by voting "Yes" and the motion was declared passed. Bill No. 1547 was tabled until the October 7 City Council meeting.

BILL NO. 1598 PROVIDES FOR RULES, REGULATIONS AND FEES FOR THE OPERATION OF PAWNBROKERS IN THE CITY OF CHESTERFIELD (SECOND READING - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Tilley, seconded by Councilmember Brown, for a second reading of Bill No. 1598. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1598 was read for the second time. A roll call

vote was taken for passage and approval of Bill No. 1598, with the following results: Ayes - Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1598 approved, passed it and it became **ORDINANCE NO. 1452.**

BILL NO. 1603 APPROVES THE INSTALLATION OF A FIRE HYDRANT IN WHITE HOUSE FARM SUBDIVISION LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

A motion was made by Councilmember Streeter, seconded by Councilmember Brown, for the first reading of Bill No. 1603. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1603 was read for the first time.

A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, for a second reading of Bill No. 1603. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1603 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1603, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1603 approved, passed it and it became **ORDINANCE NO. 1453.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 1601 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY APPROVING THE APPLICATION OF PRELIMINARY PLANS FOR DEVELOPMENT IN THE “N-3” PLANNED INDUSTRIAL DISTRICT AND A CHANGE IN ZONING DESIGNATION FROM THE 38.6 ACRE “M-3” PLANNED INDUSTRIAL DISTRICT LOCATED ON LONG ROAD, INTO TWO (2) DISTINCT ZONING DESIGNATIONS: A “PC” PLANNED COMMERCIAL DISTRICT FOR THE 18.34 ACRE PARCEL “A” AND A “PI” PLANNED INDUSTRIAL DISTRICT FOR THE 20.23 PARCEL “B” (P.Z. 22-98, G.H.H. INVESTMENTS, L.L.C.) (**FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for the first reading of Bill No. 1601. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1601 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Streeter, to amend Attachment A per the memo, as prepared by Director of Planning Teresa Price, dated September 23, 1998, and attached to these minutes. A roll call vote was taken with the following results: Ayes – Sheppard, Streeter, Grosser, Hurt, Tilley, Brown. Nays – None. The motion was declared passed.

A motion was made by Councilmember Hurt, seconded by Councilmember Sheppard, for a second reading of Bill No. 1601. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1601 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1601, with the following results: Ayes - Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1601 approved, passed it and it became **ORDINANCE NO. 1454.**

BILL NO. 1604 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY APPROVING THE APPLICATION AND PRELIMINARY PLANS FOR DEVELOPMENT IN THE “M-3” PLANNED INDUSTRIAL DISTRICT AND A CHANGE IN ZONING DESIGNATION FROM “M-3” PLANNED INDUSTRIAL DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR A 5.59 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF CEPI DRIVE (P.Z. 23-98, CHARITABLE LEASING CORPORATION, INC.) (**FIRST AND SECOND READINGS** -PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for the first reading of Bill No. 1604. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1604 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Grosser, for a second reading of Bill No. 1604. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1604 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1604, with the following results: Ayes - Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1604 approved, passed it and it became **ORDINANCE NO. 1455.**

BILL NO. 1605 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT, WARRANTY DEED AND ESCROW AGREEMENT FOR BAXTER POINTE VILLAS PLAT II, A SUBDIVISION LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD, WEST OF BAXTER ROAD (**FIRST AND SECOND READINGS** - PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for the first reading of Bill No. 1605. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1605 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1605. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1605 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1605, with the following results: Ayes -

Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1605 approved, passed it and it became **ORDINANCE NO. 1456.**

BILL NO. 1606 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT, FOR CHESTERFIELD VILLAGE APARTMENTS LOCATED ON THE NORTH SIDE OF SWINGLEY RIDGE ROAD, WEST OF OLIVE BOULEVARD (**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for the first reading of Bill No. 1606. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1606 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1606. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1606 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1606, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1606 approved, passed it and it became **ORDINANCE NO. 1547.**

BILL NO. 1607 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR LOTS 11 AND 12 OF SPIRIT OF ST. LOUIS AIRPORT LEASE LOTS PLAT I, PLAT BOOK 258, PAGE 74, CITY OF CHESTERFIELD; AND "M-3" PLANNED INDUSTRIAL DISTRICT; WEST OF SPIRIT OF ST. LOUIS BOULEVARD, NORTH OF EDISON AVENUE, AND ON THE WEST SIDE OF NORTH BELL AVENUE (**FIRST AND SECOND READINGS - DEPARTMENT OF PLANNING RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for the first reading of Bill No. 1607. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1607 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1607. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1607 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1607, with the following results: Ayes - Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1607 approved, passed it and it became **ORDINANCE NO. 1458.**

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting to go in to Executive Session (closed meeting) for the purpose of discussing RSMo 610.021 (2) property acquisition. A

motion was made by Councilmember Hurt, seconded by Councilmember Brown, that the meeting be adjourned and that Council go into Executive Session. A roll call vote was taken with the following results: Ayes - Sheppard, Streeter, Grosser, Hurt, Tilley and Brown. Nays - None. The motion was declared passed. The meeting was adjourned at 7:58 p.m.

Mayor Nancy Greenwood

ATTEST:

Martha L. DeMay, City Clerk