



## RECORD OF PROCEEDING

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

**OCTOBER 5, 2009**

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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.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Matt Segal  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Mike Casey  
Councilmember Randy Logan  
Councilmember Bob Nation  
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the September 21, 2009, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Fults abstained) and the motion was declared passed.

## COMMUNICATIONS AND PETITIONS

Mayor Nations recognized Chief of Police Ray Johnson who provided an overview of “Proposition E-911.” Chief Johnson stated that “E-911” is a November 3<sup>rd</sup> ballot issue in St. Louis County and calls for a sales tax increase of 1/10 of 1 cent, which would add 10 cents in sales tax to each \$100 purchase. Chief Johnson stated that the passage of Prop E-911 would provide funding to improve emergency communications, particularly to update 911 cell phone technology, replace outdated radio systems, create coordinated communications among first responders, address the 2012 FCC mandate that will require that all emergency communications be upgraded in all agencies throughout St. Louis County at each agency’s expense and improve the county siren system. Chief Johnson stated that at the present time, the various emergency first responders in St. Louis County cannot effectively communicate with each other and this presents problems where many different agencies are called on to work together at the scene of a major incident. Mayor Nations thanked Chief Johnson for his presentation and stated that this ballot issue is a priority to better serve the public and better protect communities. Councilmember Flachsbart asked Chief Johnson how much time it would take to implement these system improvements and Chief Johnson responded that it would take approximately two-three years. Councilmember Erickson thanked Chief Johnson for his presentation and asked why St. Louis County wasn’t able to simply fund these improvements. Chief Johnson responded that this issue goes beyond St. Louis County and that the cost will be shared, without the ballot issue, by every municipality that provides police and fire services. He estimated Chesterfield’s share to be approximately \$400,000. Mayor Nations stated that the estimated cost for the region to implement these changes is over \$100 million.

Mayor Nations stated that, at the request of Ward 1 Councilmembers, Barry Flachsbart and Matt Segal, he had agreed to waive City Council’s policy regarding presentations. That policy would normally limit a presentation to no more than five minutes. Mayor Nations then recognized Mr. Scott Clayman, who resides on Agusta Drive in Ladue Trails subdivision in Ward I. Mr. Clayman stated he was a 15 year resident of Chesterfield and a parent of a Parkway School District student. Mr. Clayman provided a powerpoint presentation regarding the Parkway School District’s Materials Recovery Facility, “deforestation activities” and the impact of 150 buses located at the complex at 455 N. Woods Mill Road. Mr. Clayman thanked Mayor Nations for allowing this presentation and also thanked Councilmembers Flachsbart and Segal for their support. Mayor Nations thanked Mr. Clayman for his presentation and also thanked the Ward I residents for their attendance tonight. Mr. Clayman provided handouts of his presentation to Mayor Nations and the City Councilmembers. Mayor Nations stated that he has met with the Parkway School District, some of the residents, and members of the St. Louis County Health Department to review this situation. Mayor Nations stated that some of the pictures in Mr. Clayman’s presentation depicted unacceptable conditions and that some of what was shown has been cleaned-up. Mayor Nations stated that the Parkway School District is looking at a different location for its recycling center and that the City of Chesterfield will continue to monitor these issues. Councilmember Flachsbart requested that Mr. Clayman provide a summary of his communication with representatives of the Parkway School District and Mr. Clayman did so. Councilmember

Segal thanked the residents for attending tonight's meeting and also thanked Mayor Nations and the City Councilmembers for allowing Mr. Clayman's presentation. Councilmember Segal strongly recommended that the City Councilmembers visit Parkway's recycling facility. Councilmember Segal also requested that State and County officials and Mayor Nations jointly submit a letter to the Parkway School District administration to urge them to change their current operation.

## **INTRODUCTORY REMARKS**

Mayor Nations announced that the public unveiling of "The Awakening" sculpture will be held on Saturday, October 10, at 11:00 a.m. and invited everyone to attend.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, October 19, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mayor Nations first recognized former-Councilmember, Mr. Allan Sheppard, who resides at 826 Judson Manor Drive. Mr. Sheppard asked how many laws have been broken by the Parkway School District if, as alleged, they put materials in the creek located between school property and the Augusta Drive residents. Mayor Nations responded that he has met with St. Louis County and members of the County Health Department and they have looked at this issue extensively and have not found any violations. Mayor Nations stated that St. Louis County met with the Missouri Department of Natural Resources, who also visited the site and did not find any violations.

Mayor Nations also recognized Former Mayor Nancy Greenwood, Former Councilmember Jane Durrell, and Mrs. Allan Sheppard in attendance at tonight's meeting.

Councilmember Geiger encouraged the City Councilmembers to attend the VIP Event for "The Awakening" on Friday, October 9.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2753 (Authorizes the City Administrator to sign a "License Agreement" with THF Realty, for the placement of public art) will be read for the first time under the "Legislation" portion of the Agenda.

Councilmember Geiger made a motion, seconded by Councilmember Erickson, to award a three-year contract (2009-2011) to Hochschild, Bloom and Company for auditing services, at a total cost of \$32,100. 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 Monday, October 26, at 5:30 p.m.

Councilmember Geiger next announced that the Budget Workshop (Fiscal Year 2010 Budget) will be held, prior to the regular City Council meeting, on Monday, November 16.

### **Parks and Recreation Committee**

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Flachsbart, to approve Resolution #361 (a Authorizes Staff to seek grant funding from the Municipal Parks Grant Commission for the construction of a “riparian corridor”). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for Thursday, October 29, at 5:30 p.m.

### **Planning/Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2751 [P.Z. 12-2009, New Kinkead Estates (James and Suzanne Burnley)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Casey, to approve T.S.P. 16-2009, Verizon Wireless (132 Woodcliffe Place Drive) - Request for exemption from Public Hearing. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults announced that Bill No. 2752 (Authorizes Agreement for dedication and maintenance of THF Blvd.) will be read for the first time under the “Legislation” portion of the Agenda.

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

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Balabans, 1772 Clarkson Road, has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales.

Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Erickson, to approve issuance of a new liquor license to Balabans. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Yagu-Asian Bistro and Bar, 17265 Chesterfield Airport Road, has requested a new liquor license to sell beer and wine and Sunday Sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve issuance of a new liquor license to Yagu-Asian Bistro and Bar. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

There was no new business.

### **LEGISLATION**

**BILL NO. 2752** AUTHORIZES THE CITY OF CHESTERFIELD TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THF CHESTERFIELD DEVELOPMENT, L.L.C. FOR RIGHT-OF-WAY DEDICATION AND MAINTENANCE (**FIRST READING – PLANNING AND PUBLIC WORKS COMMITTEE**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2752. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2752 was read for the first time.

**BILL NO. 2753** APPROVES A LICENSE AGREEMENT WITH THF CHESTERFIELD DEVELOPMENT, L.L.C. FOR THE PLACEMENT OF PUBLIC ART ON CITY PROPERTY (**FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2753. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2753 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2751** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “R3” RESIDENCE DISTRICT TO “R6A” RESIDENCE DISTRICT FOR A 1.26 ACRE TRACT OF LAND LOCATED AT 1000 N.

WOODS MILL ROAD, ¼ MILE SOUTH OF THE  
INTERSECTION OF WOODS MILL ROAD AND OLIVE  
BOULEVARD (P.Z. 12-2009 NEW KINKEAD ESTATES  
{JAMES AND SUZANNE BURNLEY}) **(FIRST READING -  
PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2751. Councilmember Flachsbart stated that the only reason the property owners are requesting this “R6A” rezoning is to be able to sell the property for more money. Councilmember Flachsbart stated that if the zoning is changed to “R6A”, the density of the attached homes on this property would not be that different from the attached homes near it that are zoned “R3.” Councilmember Flachsbart said this would not take into account any of the attached homes nearby that have common ground and other amenities that make up the PEU part of the “R3” zoning. Councilmember Flachsbart stated he feels “R6A” zoning is inappropriate and that this could set a precedent for the future. Councilmember Flachsbart stated that he and the residents are strongly opposed to this proposed rezoning. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2751 was read for the first time.

**EXECUTIVE SESSION**

Councilmember Casey made a motion, seconded by Councilmember Geiger, to go back into closed session, pursuant to RSMo 610.021 (2), for the purpose of discussing property acquisition. A roll call vote was taken with the following results: Ayes – Nation, Geiger, Segal, Casey, Erickson, Flachsbart, Fults and Logan. Nays – None. Whereupon Mayor Nations declared the motion passed.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:12 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggjar, City Clerk

