



RECORD OF PROCEEDING

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

November 7, 2005

Mayor John Nations called the meeting to order at 7 p.m.

The 3rd Battalion, 24th Marine Corps Division Color Guard presented the colors. Capt. Ed Nestor of the Chesterfield Police Department sang the National Anthem. Cub Pack #597, from Ascension Catholic School, led everyone in the Pledge of Allegiance.

Mayor Nations led everyone in a moment of silent prayer.

Mayor Nations thanked the Marine Corps Color Guard and noted that they were in attendance, as part of a tribute planned for City Attorney Douglas R. Beach, who had served in the Marines and who would, tonight, be attending his last City Council meeting, as City Attorney. Mayor Nations noted that Mr. Beach was “retiring” after 17 years of service to the City, due to the fact that Governor Matt Blunt had appointed Mr. Beach to serve as an Associate Circuit Judge, for the 21st Judicial District.

The following individuals paid tribute to Mr. Beach:

- Mike Reid representing Missouri Senator John Loudon
- Honorable Jane Cunningham, Missouri State Representative
- Honorable Mayor Fred Steinbach
- Honorable Mayor Charles Fawcett
- Honorable Mayor Nancy Greenwood
- Former Councilmember Ward Overall
- Former Municipal Judge Mike Doster
- Municipal Judge Rick Brunk
- Former Planning Commission Member Bob Grant
- Planning Commission Member Stephanie Macaluso
- Planning Commission Member Maurice Hirsch
- Chesterfield Community Development Corporation member Rudy Stinnett
- Former Planning Commission Member Mary Domahidy

- City Administrator Michael Herring
- Mayor John Nations

Following the presentation by Mayor Nations of a Proclamation, celebrating Mr. Beach’s many accomplishments, Mayor Nations adjourned the meeting temporarily, for a reception in his honor, at 8:00pm.

Mayor Nations reconvened the meeting at 8:40 p.m.

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

APPROVAL OF MINUTES

The minutes of the October 17, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the City Council minutes. A voice vote was taken, with an affirmative result (Councilmember Fults abstained), and the motion was declared passed

INTRODUCTORY REMARKS

Mayor John Nations announced that City Hall would be closed Nov. 11, in observance of Veteran’s Day.

Mayor Nations announced that the next meeting of City Council has been scheduled for November 21, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mayor Nations recognized Darcy Capstick, Co-Chairperson of the Citizens Committee for the Environment, who, in turn, introduced members of the Committee and updated everyone on their current projects. Ms. Capstick announced that “America Recycles Day” would take place on November 15 and urged everyone to take part in this annual event. Mayor Nations presented Ms. Capstick with a Proclamation, officially designating November 15 as “America Recycles Day”, in Chesterfield.

Wendy Geckeler introduced Erin Shank from the Department of Conservation and both spoke in support of Bill No. 2396, which contains a proposed “Deer Control Policy” and “Deer Hunting Regulations”. Ms. Geckeler also introduced Alderman Susan Shea, from the City of Clarkson Valley, who also spoke in support of the passage of Bill No. 2396.

Ingrid Sheehan opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Arthur Fishel opposed Bill No. 2396, but offered some constructive suggestions to improve the language in the bill.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration, Committee, made a motion, as recommended by the members of her Committee, to have AG Edwards conduct a two-year program of “financial management” seminars for all City employees, at a cost not to exceed \$25,000. The total cost will be paid from retirement plan forfeitures, as previously authorized by City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next made a motion, seconded by Councilmember Geiger, to approve various budget transfers and amendments, as recommended by the F&A Committee and proposed by Staff. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next submitted for approval the calendar of Council meetings for 2006, reflecting all holidays. Councilmember Durrell made a motion, seconded by Councilmember Brown, to approve the proposed 2006 City Council meeting calendar. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/pParks Committee, reported that Bill No. 2395 (Approves the installation of fire hydrants on Lot 5 of Baxter Crossing) will be considered for adoption under the Legislation portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for Dec. 12 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Mike Casey, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2393 (P.Z. 23-2005, City of Chesterfield Tree Manual) will be read for the first time and Bill No. 2389 (P.Z. 2-2005, Briarcliffe Villas (GHH Investments, LLC), Bill No. 2390 (P.Z. 3-2005, Briarcliffe Villas (GHH Investments, LLC), Bill No.

2391 (P.Z. 16-2005, City of Chesterfield (Landmark and Preservation Area Procedure) and Bill No. 2394 (Record plat – Outdoor Equipment) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Casey reported that the Planning and Zoning Committee voted to recommend approval of an amended Site Development Section Plan, Amended Light Plan and Amended Landscape Plan for a 4.90 acre tract of land, zoned “C-8” Planned Commercial District, associated with the First Community Credit Union development, located on the south side of Chesterfield Airport Road, east of Boones Crossing. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the Amended Light Plan and Amended Landscape Plan for First Community Credit Union. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next reported that the Committee discussed the issue of the use of banners by Non-Profit Organizations on light poles along the Chesterfield Parkway. After considerable discussion on this issue, the Committee is recommending that light poles be reserved for banners, for City use only. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, that light poles along the Chesterfield Parkway, be used for banners, ONLY by the City of Chesterfield. A voice vote was taken with an affirmative result (Councilmember Brown voted “No”) and the motion was declared passed.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for Wednesday, November 9 at 5:30 p.m.

Public Health and Safety Committee

Councilmember Connie Fults, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2327 and Bill No. 2328, known as the “obscenity ordinances”, have been “removed from the table” and will be discussed at the December 19 meeting of this Committee. Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations) and Bill No. 2397 (Temporary liquor/picnic licenses) will be read for the first time, under the “Legislation” portion of the agenda.

Councilmember Fults again announced that the next meeting of this Committee has been scheduled for December 19 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Caito’s Pizzeria, located at 414 THF Boulevard and Wild Noodles, located at 92 THF Boulevard, have applied for liquor licenses to serve beer and wine and Sunday sales. The applications were reviewed and recommended for approval by both the Departments of Planning and Police. Councilmember Streeter made a motion, seconded by Councilmember Fults, to approve issuance of both liquor license requests. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is proposing to submit a grant proposal to the County Metropolitan Parks Grant Commission, for the addition of rubberized playground surfacing and a shade structure to the West Playground, located at the Chesterfield Valley Athletic Complex. The grant amount totals \$177,841.25. As part of the submission, the City is required to pass a Resolution, supporting/authorizing submittal of this grant application. Mr. Herring recommended approval of this Resolution. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to adopt Resolution No. 324 in support of the grant proposal to be submitted to the Metropolitan Parks Grant Commission, as noted above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2395 APPROVES THE INSTALLATION OF FIRE HYDRANTS ON LOT 5 OF BAXTER CROSSING, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2395. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2395 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2395. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2395 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2395, with the following results: Ayes – Geiger, Fults, Streeter, Casey, Hurt, Durrell, Brown and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2395 approved, passed it and it became **ORDINANCE NO. 2211**.

BILL NO. 2396 AMENDS THE MUNICIPAL CODE OF THE CITY OF CHESTERFIELD, MISSOURI, BY ADDING A NEW CHAPTER RELATING TO A DEER CONTROL POLICY AND DEER HUNTING REGULATIONS (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2396. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2396 was read for the first time.

BILL NO. 2397 REPEALS ORDINANCE NO. 437 AND CODE SECTION 4-46 AND CREATES A NEW ORDINANCE AND CODE SECTION 4-46 REGARDING THE ISSUANCE OF TEMPORARY LIQUOR/PICNIC LICENSES WITHIN THE CITY OF CHESTERFIELD (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2397. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2397 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2389 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “R2” RESIDENCE DISTRICT WITH A CONDITIONAL USE PERMIT (CUP) TO AN “R-3” RESIDENCE DISTRICT FOR TWO (2) TRACTS OF LAND TOTALING 29.4 ACRES, LOCATED ON OLIVE BOULEVARD, IN THE PROPERTY FORMERLY KNOWN AS CHESTERFIELD MANOR NURSING HOME (16R340151, 16R340207) (P.Z. 2-2005, BRIARCLIFFE VILLAS/G.H.H. INVESTMENTS, L.L.C.) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2389. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2389 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2389, with the following results: Ayes – Geiger, Streeter, Flachsbart, Brown, Casey, Durrell, Fults and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2389 approved, passed it and it became **ORDINANCE NO. 2212.**

BILL NO. 2390 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT PROCEDURE WITHIN AN “R-3” RESIDENCE DISTRICT FOR TWO (2) TRACTS OF LAND, TOTALING 29.4 ACRES, LOCATED ON OLIVE BOULEVARD, IN THE PROPERTY FORMERLY KNOWN AS CHESTERFIELD MANOR NURSING HOME (16R340151, 16R340207) (P.Z. 3-2005, BRIARCLIFFE VILLAS/G.H.H. INVESTMENTS L.L.C.) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2390. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2390 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2390, with the following results: Ayes – Fults, Hurt, Streeter, Durrell, Geiger, Casey, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2390 approved, passed it and it became **ORDINANCE NO. 2213.**

BILL NO. 2391 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.191 TO ESTABLISH INCENTIVES AND TO ALLOW FOR NEW CRITERIA FOR

LANDMARK AND PRESERVATION AREA (P.Z. 16-2005, CITY OF CHESTERFIELD/LANDMARK AND PRESERVATION AREA PROCEDURE) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2391. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2391 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2391, with the following results: Ayes – Durrell, Brown, Streeter, Casey, Fults, Hurt, Flachsbart and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2391 approved, passed it and it became **ORDINANCE NO. 2214.**

BILL NO. 2393 REPEALS CITY OF CHESTERFIELD ORDINANCE 2138 AND REPLACES IT WITH A NEW TREE MANUAL ORDINANCE THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR REVIEWING AND APPROVING LANDSCAPE PLANS, TREE STAND DELINEATIONS, AND TREE PRESERVATION PLANS (P.Z. 23-2005, CITY OF CHESTERFIELD/TREE MANUAL) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL; BUT ONLY IF AMENDED BY THE ATTACHED “GREEN SHEET”**)

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2393. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Casey made a motion, seconded by Councilmember Fults, to accept the amendment on the “green sheet” from Section XIII.C “Landscaping for Parking Lots and Trees” (page 18): “d. trees planted in the parking islands at no time shall block the sight distance triangle.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2393 was read for the first time. There was further discussion regarding additional “green sheet” amendments, to the Attachment “A” for Bill No. 2393. Staff was directed to forward these additional proposed amendments to City Council, in writing, at the next meeting, scheduled for November 21.

BILL NO. 2394 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR OUTDOOR EQUIPMENT, AN 8.34 – ACRE TRACT “C-8” PLANNED COMMERCIAL DISTRICT – ZONED PARCEL OF LAND, LOCATED ON THE NORTH SIDE OF NORTH OUTER 40 ROAD, EAST OF LONG ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2394. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2394 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2394. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2394 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2394, with the following results: Ayes – Streeeter, Flachsbart, Fults, Brown, Hurt, Durrell, Casey and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2394 approved, passed it and it became **ORDINANCE NO. 2215.**

Prior to adjournment, Councilmember Flachsbart expressed his concerns, to other members of City Council, that the Board of Adjustment had recently been ask to grant variances that would, if approved, enable a petitioner to by-pass other ordinance requirements, that would otherwise apply. Councilmember Flachsbart suggested that City Attorney Rob Heggie discuss this concern with the members of the Board of Adjustment and to keep City Council informed regarding any further requests by petitioners for variances, such as the ones recently sought by Westfield Corporation.

ADJOURNMENT

Mayor Nations adjourned the meeting at 9:44 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk