City of Chesterfield

# RECORD OF PROCEEDING

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MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
NOVEMBER 20, 1995

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The meeting was called to order at 7:00 P.M.

A roll call was taken with the following results:

| PRESENT | ABSENT |
|---|---|
| Mayor Jack Leonard | None |
| Councilmember Barry Flachsbart | |
| Councilmember Colleen Hilbert | |
| Councilmember Ed Levinson | |
| Councilmember Barry Streeter | |
| Councilmember Dan Hurt | |
| Councilmember Alan Politte | |
| Councilmember Mike Cullen | |
| Councilmember Linda Tilley | |

The Pledge of Allegiance was led by Girl Scout Troop #2347 from Bellerive School: Amanda Sinise, Shannon Johnston, Carolyn Batzel and Jessica Fischer. Also in attendance was Troop Leader Nancy Sinise.

Mayor Jack Leonard led the City Council in prayer.

## APPROVAL OF MINUTES

The minutes of the November 6, 1995, City Council meeting were submitted for approval. A motion was made by Councilmember Tilley, seconded by Councilmember Streeter, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## INTRODUCTORY REMARKS

Mayor Leonard recognized Chief of Police Ray Johnson who presented Citizen Service Citations to Mr. Mark Kline and Mr. Jack Berg, Chesterfield residents, who provided assistance in a serious auto accident.

Mayor Leonard next presented Mr. David Zambursky, Director of Bands at Parkway West Senior High School, with a Proclamation for the awards and recognition Parkway West Senior High School Marching Band received at the Greater St. Louis Marching Band Festival competition October 2, 1995.

Mayor Leonard announced that the next City Council meeting has been re-scheduled from December 4, 1995, to December 7, 1995, at 7:30 P.M.

## COMMUNICATIONS AND PETITIONS

Mr. Ed. Magaletta, who resides at 17109 Westridge Meadow, expressed his support for the All About Children day care center.

Ms. Tara Montgomery, who resides at 15739 Meadowbrook way, expressed her support for the All About Children day care center.

Ms. Betty Hathaway, who resides at 112 High Valley Drive, expressed her support for the All About Children day care center.

Ms. Virginia Glaser, who resides at 334 Woodcliffe Place, expressed her support for the All About Children day care center.

Ms. Angela Callery, who resides at 1320 Amherst Terrace Way, expressed her support for the All About Children day care center.

Ms. Neva Dohrmann, who resides at 17114 Wild Horse Creek, expressed her support for the All About Children day care center.

Mr. and Mrs. James Fahrenhorst, the petitioners for All About Children, who reside at 160 West Ridge Parc in Ballwin, MO, expressed their support for the day care center.

Mr. Michael Doster, representing the petitioner, located at 16476 Chesterfield Airport Road, expressed his support for the day care center.

Mr. Rich Stegmann, who resides at 16930 Wild Horse Creek Road, expressed his support for the All About Children day care center.

Mr. Tom A. Stairnes, who resides at 16606 Marcross Court, expressed his support for the All About Children day care center.

Ms. Kim Puerto, who resides at 605 Packford, expressed her support for the All About Children day care center.

Mr. Tom Proemsey, who resides at 16652 Chesterfield Manor Drive, expressed his opposition to the All About Children day care center.

Mr. Tim Garnett, 16847 Ashberry Circle Drive, expressed his support for the All About Children day care center.

Mr. Jitendra K. Gupta, who resides at 23 Chesterfield Lakes Road, expressed his opposition to the All About Children day care center.

Mr. Ted Federer, who resides at 16660 Chesterfield Manor, expressed his opposition to the All About Children day care center.

Mr. Vance Vaughan, who resides at 17715 Birch Leaf Court, expressed his opposition to the All About Children day care center.

Ms. Laura Kusiak, who resides at 16638 Chesterfield Farms Drive, expressed her opposition to the All About Children day care center.

Ms. Nancy Litzau, who resides at 320 Cheval Square Drive, expressed her opposition to the All About Children day care center.

Mr. Dan Layton, who resides at 205 High Point, expressed his opposition to the All About Children day care center.

Mr. Chris Layton, who resides at 16809 Wild Horse Creek Road, expressed his opposition to the All About Children day care center.

Mr. Bill Quinn, who resides at 1427 Carriage Crossing Lane, expressed his opposition to the All About Children day care center.

Ms. Kathie Phillips, who resides at 1804 Parsonage, expressed her opposition to the All About Children day care center.

Mr. Christian Tompras, who resides at 16614 Chesterfield Farms Drive, expressed his opposition to the All About Children day care center.

Ms. Mary Kay Chapel, who resides at 17172 Surrey View Drive, expressed her opposition to the All About Children day care center.

Mr. Bill Purcell, who resides at 17110 Somerset Field Court, expressed his opposition to the All About Children day care center.

Dr. Theo Korakianitis, who resides at 27 Chesterfield Lakes, expressed his opposition to the All About Children day care center.

Ms. Charla Trusheim, who resides at 1452 Chesterfield Estates Drive, expressed her opposition to the All About Children day care center.

Mr. Robert Nation, who resides at 17669 Bridgeway Circle Drive, expressed his opposition to the All About Children day care center.

Mr. Chris Perschbacher, who resides at 2187 Federal Way, expressed his opposition to the All About Children day care center.

Mr. John Hammond, who resides at 1203 Walnut Hill Farm, expressed his opposition to the All About Children day care center.

## COUNCIL COMMITTEE REPORTS

### Public Health and Safety

Councilmember Hilbert, Chairperson of this Committee, reported that the Public Health and Safety Committee had not met since the last meeting of City Council.

### Planning and Zoning

Councilmember Ed Levinson, Chairperson of the Planning and Zoning Committee, reported that the Planning Commission recommends that City Council receive and file P.C. 75-67, Chesed Shel Emeth. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to receive and file P.C. 75-67, Chesed Shel Emeth. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. If no further action is taken by City Council within fifteen (15) days, the amendment goes into effect.

Councilmember Levinson next reported that Bill #'s 1145, 1159 and 1160, along with Resolution #192 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for December 21, 1995, at 5:30 P.M.

### Public Works/Parks

Councilmember Alan Politte, Chairperson of the Public Works/Parks Committee, reported that Bill #1158 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Politte next reported that St. Louis-Jefferson Solid Waste Management District has prepared at Solid Waste Management Plan which is designed with guidelines for local jurisdictions to follow to help achieve Missouri's 40% waste reduction goal by 1998. The state

law requires the City of Chesterfield to have an approved solid waste management plan. By adopting the District plan prior to November 30, 1995, the City will no longer be required to prepare and submit its own plan to the Missouri Department of Natural Resources. If the City were to not adopt this plan, the City would be required to prepare its own Solid Waste Management Plan and submit it to the Missouri Department of Natural Resources within 180 days. The City would also be ineligible to receive any St. Louis-Jefferson Solid Waste Management District grant funds in the future. The Citizens Committee for the Environment unanimously endorsed the adoption of this resolution and the plan by the City of Chesterfield at its meeting held November 2, 1995. A motion was made by Councilmember Politte, seconded by Councilmember Levinson, to adopt Resolution #194. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Politte announced that the Gobble Wobble, a four-mile walk/run, has been scheduled for Thanksgiving Thursday, November 23 at 8:30 A.M.

Councilmember Politte announced that the newly-formed Chesterfield Arts Commission met for the first time recently.

**Finance and Administration**

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, reported that Bill #1077 will be read for the second time under the Legislation portion of the agenda.

Councilmember Tilley next reported that Resolution #193 is part of the administrative process involved in changing financial institutions. City Council recently approved accepting the proposal submitted by First National Bank for all City banking services. A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, to adopt Resolution #193. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been submitted by Gianfabio's Ristorante, located at 121 Hilltown Village, for a Sunday sales liquor license. They are requesting to sell all kinds of intoxicating liquor by the drink to be consumed on the premise on Sunday between the hours of 11:00 A.M. and Midnight. A motion was made by Councilmember Levinson, seconded by Councilmember Streeter, to approve issuance of the Sunday sales liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring announced that the Government Center will be closed November 23 - 24 in observance of the Thanksgiving holidays.

## NEW BUSINESS

There was no new business.

## LEGISLATION

BILL #1077 — IMPOSES AND COLLECTS AN ADDITIONAL COURT COST ON ALL ORDINANCE VIOLATIONS FOUND IN THE MUNICIPAL DIVISION OF THE CITY OF CHESTERFIELD TO BE REMITTED TO DOMESTIC VIOLENCE SHELTERS LOCATED IN ST. LOUIS COUNTY, MISSOURI (**SECOND READING** - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Tilley, seconded by Councilmember Levinson, for a second reading of Bill #1077. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1077 was read for the second time. A roll call vote was taken for passage and approval of Bill #1077, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1077 approved, passed it and it became **ORDINANCE #1111.**

BILL #1158 — PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN STONEBRIAR PLATS IIIA AND IV IN THE CITY OF CHESTERFIELD (**FIRST READING** - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Politte, seconded by Councilmember Levinson, for the first reading of Bill #1158. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1158 was read for the first time.

## LEGISLATION - PLANNING COMMISSION

BILL #1145 — AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO "R-1A" 22,000 SQ. FT. RESIDENCE DISTRICT FOR A 1.065 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD, APPROXIMATELY 350 FT. WEST OF THE INTERSECTION OF BAXTER ROAD EXTENSION AND WILD HORSE CREEK ROAD (P.Z. 23-95, FAHRENHORST ENTERPRISES - ALL ABOUT CHILDREN) (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Hilbert, for the first reading of Bill #1145. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1145 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hilbert, for a second reading of Bill #1145. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1145 was read for the second time. Councilmember Hurt stated for the record that he is a client of Michael Doster, attorney, but did not believe that there was any conflict of interest. A roll call vote was taken for passage and approval of Bill #1145, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1145 approved, passed it and it became **ORDINANCE #1110.**

RESOLUTION #192 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE BY GRANTING A CONDITIONAL USE PERMIT IN THE "R-1A" 22,000 SQ. FT. RESIDENCE DISTRICT FOR A 1.065 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD, APPROXIMATELY 350 FT. WEST OF THE INTERSECTION OF BAXTER ROAD EXTENSION AND WILD HORSE CREEK ROAD (P.Z. 24-95, FAHRENHORST ENTERPRISES - ALL ABOUT CHILDREN) (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, to adopt Resolution #192. Councilmember Hilbert made a motion to amend Resolution #192 by requiring the management of the day care center to provide off site parking and provide transportation from the off site parking area to and from the day care center during special events. The motion was seconded by Councilmember Levinson. A roll call vote was taken with the following results: Ayes - Flachsbart, Hilbert, Streeter, Levinson, Hurt, Politte, Cullen. Nays - Tilley. The motion was declared passed. Councilmembers Flachsbart, Streeter and Tilley stated their intentions of voting "No" and Councilmember Levinson stated his intention to vote in favor of the adoption of Resolution #192. City Attorney Doug Beach stated for the record that the Councilmembers have all been given a memorandum regarding the procedural aspects of a Conditional Use Permit. A roll call vote was taken for passage and approval of Resolution #192, with the following results: Ayes - Hilbert, Levinson, Hurt, Politte. Nays - Flachsbart, Streeter, Cullen, Tilley. Mayor Leonard broke the tie vote by voting "Aye" whereupon Resolution #192 was declared passed.

BILL #1159 AMENDS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168(B) SIGN REGULATIONS FOR ALL "C", "M", AND "MXD" DISTRICTS RELATIVE TO ADVERTISING SIGNS (P.Z. 29-95, CITY OF CHESTERFIELD PLANNING COMMISSION (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #1159. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1159 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for a second reading of Bill #1159. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1159 was read for the second time. A roll call vote was taken for passage and approval of Bill #1159, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1159 approved, passed it and it became **ORDINANCE #1112.**

BILL #1160 APPROVES A MINOR SUBDIVISION PLAT FOR ERNST SUBDIVISION (GOODYEAR); EAST SIDE OF CHESTERFIELD PARKWAY NORTH, SOUTH OF OLIVE BOULEVARD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #1160. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1160 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for a second reading of Bill #1160. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1160 was read for the second time. A roll call vote was taken for passage and approval of Bill #1160, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1160 approved, passed it and it became **ORDINANCE #1113.**

**ADJOURNMENT**

A motion was made by Councilmember Levinson, seconded by Councilmember Streeter, 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 9:25 P.M.

Jack Leonard

Mayor Jack Leonard

ATTEST:

Martha L. DeMay

Martha L. DeMay, City Clerk