

MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning & Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, May 20, 2010



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, May 20, 2010 in Conference Room 101.

In attendance were: **Chair Matt Segal** (Ward I); **Councilmember Bruce Geiger** (Ward II), **Councilmember Mike Casey** (Ward III), and **Councilmember Connie Fults** (Ward IV).

Also in attendance were: Councilmember Barry Flachsbart (Ward I); G. Elliott Grissom, Planning Commission Vice-Chair; Wendy Geckeler, Planning Commissioner; Mike Geisel, Director of Planning & Public Works; Brian McGownd, Public Works Director/City Engineer; Mindy Mohrman, City Arborist/Urban Forester; Shawn Seymour, Senior Planner; and Kristine Kelley, Administrative Assistant.

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

- A. Approval of the May 6, 2010 Committee Meeting Summary.

Councilmember Geiger made a motion to approve the Meeting Summary of May 6, 2010. The motion was seconded by Councilmember Fults and **passed** by a voice vote of 4 to 0.

II. OLD BUSINESS

- A. **Discussion on attention-getting signs**

STAFF REPORT

Mike Geisel, Director of Planning & Public Works stated that City Council requested that the above-referenced discussion be placed on the agenda to get direction on how to address the issue.

DISCUSSION

Chair Segal feels that the problem seems to specifically relate to Chesterfield Valley at the intersection of Chesterfield Airport Road and Boones Crossing where there are multiple vendors standing on the medians with attention-getting signs.

Councilmember Fults asked whether people are allowed to canvas for charities at these specific intersections or along other streets under the current Hazard Ordinance. Mr. Geisel responded that it would not be allowed because the activity itself is not covered. He felt that one option is to identify “locations” as opposed to “things”.

Chair Segal recommends discussing the matter with City Attorney Heggie regarding locations. He feels that picking and choosing intersections could open up a whole new set of problems. Mr. Geisel noted that when there is a legitimate safety issue, it can be addressed. By eliminating “live” signs then kids holding “car wash” signs, and charitable canvassing would fall under the same category as “dancing cows” and would not be allowed.

Councilmember Flachsbart felt that (1) “live” signs are usually in the right-of-way and it clearly states in the Sign Ordinance that signs in the right-of-way present a safety hazard – whether the signs are stationary or hand-held, (2) the entire purpose of live signs is to distract drivers and most of the time they are at the busiest intersections, and (3) the overall appearance is “tacky”. He suggested that the ordinance ban attention-getting commercial signs only, which would provide exemption for children’s events and charities.

Chair Segal recommended a “blanket” ordinance, which could then be easily enforced. It was noted that other cities such as; the City of Wildwood has an ordinance, which sets a foundation that this could be based upon. Councilmember Flachsbart recommends that City Attorney Heggie draft an ordinance prohibiting “attention-getting” signs and forward it to City Council.

Councilmember Fults feels that these signs are definitely a distraction and safety hazard and suggests that the City “piggy back” off the soliciting ordinances. It was noted that the Police Department will be enforcing this ordinance, because such activities are predominately held on the weekends.

Mr. Geisel stated that this issue, along with the picketing analogy, will have to be thoroughly researched.

Councilmember Geiger made a motion directing Staff and Counsel to further research the matter and to draft an ordinance regarding attention-getting signs; and to bring those findings back to the Committee.

Commissioner Geckeler added that “Massage Envy” also has people holding signs at the corner of Baxter Road and Clarkson Road, which she feels is an extremely dangerous intersection.

The motion was seconded by Councilmember Casey. The motion **passed by a voice vote of 4 to 0**.

A. Discussion of Tree Maintenance/Removal

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that the Committee agreed to place the topic back on the agenda and had directed Staff to provide the Committee, former Mayor Nancy Greenwood, and residents Mitch and Sue Millstein with information on the tree removal criteria. That information was provided and is listed below:

- **Priority 1 Removal** - Trees which have defects that cannot be cost effectively or practically treated, have a high amount of deadwood, and pose an immediate hazard. These trees should be removed as soon as possible.
- **Priority 2 Removal** - Trees that are in a state of decline due to various reasons (cavity decay, poor structure, root damage, health problems related to overpopulation), and although they do not pose an immediate hazard, they will continue to decline at a faster rate than a healthy tree, and will become hazardous as time goes on.

Councilmember Fults mentioned that during a subdivision meeting, residents expressed a desire for Staff to evaluate the trees in Ward IV. Mr. McGownd stated that in 2009 the City applied for a TRIM grant through the Missouri Department of Conservation – at a maximum of \$10,000, which offset the costs to do the inventory.

Staff plans to apply for an additional grant within the next few weeks to finish out Ward III and all of Ward IV, but requests concurrence from the Committee to begin that process. Later this year, a recommendation regarding the inventory and the associated cost will be brought back to Committee for review and then onto City Council for approval. Once approved, the work will begin this fall and winter.

Councilmember Geiger made a motion to authorize Staff to submit a TRIM grant application to the Missouri Department of Conservation to assist in completing the Street Tree Inventory. The motion was seconded by Councilmember Fults. The motion **passed by a voice vote of 4 to 0**.

Mr. Steve Greenwood, on behalf of his wife former Mayor Nancy Greenwood read the following letter:

Dear Mayor Nations and Members of the Planning & Public Works Committee,

I regret that I am unable to attend the meeting tonight. My understanding is there are 492 "Priority 2" trees of which a number have already been removed along with the "Priority 1" trees which have been removed. My simple request is that you slow down the process. Please remove only trees that show obvious distress to the casual observer. It is such a shame to remove trees that are still providing street canopies and shade. As an environment issue, the trees marked for removal still have a great deal to offer. Let them serve their purpose, please.

If you have funds then possibly, rather than having homeowners pay \$100, would it be possible to replace some of the trees and have the homeowners sign a contract that they will water and maintain the tree if they would like replacement. This is a good program and good that the City is being vigilant, but please move at a slower more conservative pace. Including the "Priority 1" trees, there are a total of between 500 – 600 trees that have already or have the potential to meet the chain saw in predominately Ward I and Ward II. That is a tremendous number of trees when there is such a thrust to save the environment.

*Respectfully yours,
Nancy Greenwood
Former Mayor of Chesterfield*

Chair Segal thanked Mr. Greenwood for coming to the meeting on his wife's behalf. However, he recommends that the City continue with the current program.

Councilmember Fults stated that although Wards I and II have been inventoried, residents in Ward IV feel the City is moving too slowly in addressing the dead trees in their Ward.

Commission Geckeler asked for clarification as to whether a homeowner is allowed to put in a street tree. Mr. Geisel replied that residents are allowed to plant street trees. Any trees planted in the right-of-way require a "No cost permit", and are subject to selection from the approved Street Tree List and review by the City Arborist.

Mr. Greenwood mentioned that since his subdivision (Windemere Place) is one of the older subdivisions, those trees are more developed and it is more noticeable when a tree is removed. Chair Segal noted that the tree removal process is not subjective and that there is a science to how the City Arborist determines whether a tree needs to be removed. He added that Staff and City Council rely on her training to make that decision.

Mr. McGownd noted that the Street Tree Inventory was completed by a Certified Arborist and Staff makes a determination based on those same guidelines.

Mr. Geisel stated that when a "Priority 2" tree is marked for removal, Staff notifies the property owner. If they object to the tree's removal, then they can consult directly with the City Arborist and it will remain on a "watch list" - unless it is an imminent hazard.

Mr. Greenwood would like the City to notify the residents by mail rather than placing a flyer on the front door. Mr. Geisel responded that this is specifically a cost related item which requires direction from the Committee, but Staff would be more than willing to mail the notices. Ms. Mohrman mentioned that not all of the “Priority 2” trees are being marked, but figured approximately 350 notices could be mailed.

Councilmember Geiger urged Staff to notify the residents the best way possible. He mentioned that in Ward II, those residents are delighted with the program.

It was the consensus of the Committee to allow Staff to mail the notices versus placing them on the front door.

Chair Segal asked that Staff provide a reply letter to former Mayor Nancy Greenwood.

III. NEW BUSINESS

A. Nomination of Stan Dampier for the Leonard Blake Ancient History Award

Ms. Alice Fugate of the Landmarks Preservation Commission stated the following:

Each year the Landmarks Preservation Commission gives an Ancient History Award to recognize an individual, group or company that has made some significant contribution to our knowledge of Chesterfield’s ancient history or pre-history. With the approval of the Committee, this year the Commission would like to present the award to Stan Dampier. The Dampier site, which is an archaeological site in Chesterfield, turned out to be a more important site than anyone could have imagined.

His actions led to the discovery of a major prehistoric village site. By reporting his findings, it allowed the site to be recorded, professionally investigated and excavated. That excavation is almost complete.

Councilmember Casey made a motion to forward the Nomination of Stan Dampier for the Leonard Blake Ancient History Award to City Council with a recommendation to approve. The motion was seconded by Councilmember Geiger. The motion passed by a voice vote of 4 to 0.

[Please see the attached report prepared by Aimee Nassif, Planning & Development Services Director, for additional information on Nomination of Stan Dampier for the Leonard Blake Ancient History Award].

- B. T.S.P. 19-2010 Verizon Wireless (1819 Clarkson Road):** A request to obtain approval for a Telecommunication Siting Permit for the purpose of removing existing antennas, replacing them with a different antenna type on the building located at 1819 Clarkson Road in the C8-zoned Bull Moose Tube Executive Center. (19T340367)

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the existing site. Mr. Seymour stated the following:

The subject site is located on the west side of Clarkson Road and south of the Clarkson Road and Baxter Road intersection. The surrounding properties are predominately residential with the exception of to the north and east, which are office land uses.

A Public Hearing was held on May 10, 2010 and there were no outstanding issues. The Petitioner is requesting the following:

- Remove and replace existing whip antennas with roof top flush-mount stealth design antennas for an equipment upgrade.

It was noted that the Petitioner is strictly replacing and upgrading existing equipment.

Councilmember Casey made a motion to forward T.S.P. 19-2010 Verizon Wireless (1819 Clarkson Road) to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults. The motion **passed by a voice vote of 4 to 0.**

Note: This is a Telecommunication Siting Permit, which requires a voice vote at the June 7, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 19-2010 Verizon Wireless (1819 Clarkson Road)].

- C. T.S.P. 21-2010 Clearwire US LLC (Baxter Estates):** A request to obtain approval for a Telecommunications Siting Permit for the purpose of adding additional antennas and equipment to a monopole telecommunications tower on a 4,314 square foot lease area zoned "NU" Non-Urban at 724 Straub Road. (20R110111)

STAFF REPORT

Shawn Seymour, Senior Planner gave a PowerPoint presentation showing an aerial of the existing site. Mr. Seymour stated the following:

The surrounding properties are predominately residential neighborhoods with the Parkway West High School Campus to the east and Straub Road to the west where it connects to Clayton Road. The outboundary of the site shows a residential property with a private drive reaching Straub Road.

A Public Hearing was held on May 10, 2010 and there were no outstanding issues.

The Petitioner is requesting the following:

- To add additional antennas to the site. Currently there are three (3) users on the existing tower. The fourth tower would be for “broadband” internet coverage.

DISCUSSION

Councilmember Casey asked whether the homeowner had any issues with the request. Mr. Seymour replied that the resident attended the Public Hearing and his comments were based toward the utilization of the private road and the driveway. However, the property owner did not have any issues with the additional antennas.

Chair Segal explained that the resident, Mr. Arron Manwell, is the sole owner of the road and provides the maintenance at a substantial cost. The road is being used without permission and he would like the users to be a little more considerate when providing maintenance to the tower.

Commissioner Grissom explained there seems to be some confusion as to who owns the properties.

Mr. John King, representing the Petitioner, stated that he gave the property owner his contact information to discuss his concerns, but he has not yet heard from Mr. Manwell. Mr. King indicated that he will attempt to contact Mr. Manwell.

Councilmember Casey made a motion to forward T.S.P. 21-2010 Clearwire US LLC (Baxter Estates) to City Council with a recommendation to approve. The motion was seconded by Councilmember Fults. The motion **passed by a voice vote of 4 to 0.**

Note: This is a Telecommunication Siting Permit, which requires a voice vote at the June 7, 2010 City Council Meeting.

[Please see the attached report prepared by Mike Geisel, Director of Planning and Public Works, for additional information on T.S.P. 21-2010 Clearwire US LLC (Baxter Estates)].

IV. ADJOURNMENT

The meeting adjourned at 5:58 p.m.