

MEMORANDUM



TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning, Public Works and Parks

SUBJECT: Planning & Public Works Committee Meeting Summary
Tuesday, May 24, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Tuesday, May 24, 2011 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Matt Segal** (Ward I), **Councilmember Derek Grier** (Ward II); and **Councilmember Randy Logan** (Ward III).

Also in attendance were: Mayor Bruce Geiger; Councilmember Barry Flachsbart (Ward I); Councilmember G. Elliott Grissom (Ward II); Councilmember Mike Casey (Ward III); Councilmember Bob Nation (Ward IV); Planning Commission Acting-Chair Amy Nolan; Mike Herring, City Administrator; Mike Geisel, Director of Planning, Public Works and Parks; Brian McGownd, Public Works Director/City Engineer; City Attorney Rob Heggie; Aimee Nassif, Planning & Development Services Director; Justin Wyse, Senior Planner; Police Lieutenant Dave Ray; Code Enforcement Inspector Curtis Krusie; and Kristine Kelley, Recording Secretary.

The meeting was called to order at 5:30 PM

I. APPROVAL OF MEETING SUMMARY

A. Approval of the April 21, 2011 Committee Meeting Summary.

Councilmember Logan made a motion to approve the Meeting Summary of April 21, 2011. The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 – 0**.

II. INTERVIEW - MAYOR GEIGER'S NOMINEES FOR PLANNING COMMISSION

NOMINEE DEBBIE MIDGLEY (WARD III)

Councilmember Casey stated that he and Councilmember Logan both concur that Ms. Midgley is a willing participant to serve on the Planning Commission. Councilmember Logan added that Ms. Midgley was also a working partner with the issues related to the Suburbia Gardens and felt she would be a wonderful addition to

the Planning Commission. It was noted that Ms. Midgley is also a subdivision trustee and has six years real estate experience with Coldwell-Gundaker Real Estate.

Mayor Geiger felt she had a good feel for real estate and zoning issues and will be an asset to the Planning Commission.

Chair Fults asked that Ms. Midgley come to the meetings, be prepared and be willing to voice her opinion.

Councilmember Logan made a motion recommending to City Council the appointment of Ms. Debbie Midgley to the Planning Commission. The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 - 0.**

NOMINEE LAURA LUEKING (WARD II)

Councilmember Grier felt that Ms. Lueking is one of the most active members of the community with an impressive resume of over 11 years of experience on the Board of Adjustment. Councilmember Grissom and Mayor Geiger previously interviewed Ms. Lueking and both highly recommend her to serve on the Planning Commission.

Again, Chair Fults asked that Ms. Lueking come to the meetings, be prepared and be willing to voice her opinion. It was added that Ms. Lueking was also a subdivision trustee, member of the Board of Adjustment and a leader in the developments located on Conway Road.

Councilmember Grier made a motion recommending to City Council the appointment of Ms. Laura Lueking to the Planning Commission. The motion was seconded by Councilmember Segal and **passed by a voice vote of 4 - 0.**

It was added that both appointments are four-year terms.

III. NEW BUSINESS

A. 14001 Olive Boulevard - Chesterfield Manor Nursing Home

STAFF REPORT

City Attorney Rob Heggie explained that the Chesterfield Manor Nursing Home has a history of being problematic with trespassing and has been in a continuing state of disrepair. Staff and Prosecuting Attorney Tim Englemeyer have been diligently working for over a year on ordinance violation cases against the owners of the property. There continues to be discrepancy over what the property owners are willing to do or not do. Cases such as this are being delayed before the Circuit Court of St. Louis and the penalties assessed in some of these cases are not sufficient to cause the property owners to properly care for the property.

He added that the property owners feel that there is some potential for redevelopment of the site, but uncertain when that could occur. Mr. Heggie stated that because of a fire that occurred in August of 2010, the building is unsafe and needs to come down, but the question remains of who will pay the cost to demolish the building.

Mr. Heggie is asking that the Committee consider a vote authorizing Staff to start the administrative process to have the building declared a nuisance and then tear the building down. If the property owners failed to abate the unsafe conditions at the site, by tearing the building down, ultimately, after a hearing the City could have a contractor come in and demolish the building and put a lien on the property to pay for the cost of the demolition.

It is not the intent of the City to tear down property, but after numerous attempts to rectify the situation at Chesterfield Manor there is no other choice but to demolish the building. He felt that the situation is deplorable and over the years there have been numerous police complaints, the property is on the internet listed as a haunted house, there is no adequate fencing on the site, doors are often found ajar, etc. The various property owners have been in litigation between themselves and potential buyers about the site.

The City Council rezoned the property to "R4" Residence District approximately six years ago. At that time, a site plan was submitted but ultimately not approved.

The bid from Spirtas Wrecking Company for \$286,500 will have to be appropriated from Fund Reserves to pay for the cost of the demolition. If and when the property is sold, the City will be reimbursed with interest. However, the property owners have the right to repay over a 10-year period. Staff is also researching as to whether the City could order a tax foreclosure sale of the property.

Mr. Heggie added that initially a hearing would have to be held to determine whether the property is unsafe and unfit. He added that Staff clearly feels that the building is unsafe and needs to be demolished.

Mayor Geiger visited the site with Code Enforcement Inspector, Curtis Krusie and determined that the property certainly needs to be demolished. He has concerns with the initial cost of the demolition and how the City will be reimbursed.

There was additional discussion related to the ways in which the City will be reimbursed for the funds. If there is a lien against the property, the City would be reimbursed once the property is sold. If the property is not sold but developed, the City could foreclose on the property or could prevent anything from being developed by denying permits.

Councilmember Segal concurred with Mayor Geiger that the building needs to come down. There is the potential of someone getting injured or a felony occurring. He did not feel that the property owners intend to sell the property any time soon, but if the property were to be redeveloped the City would be reimbursed from the construction

loan. Question was raised as to whether the City has the ability to garnish money off of the property owners if they have additional real estate within the St. Louis County area. Mr. Heggie replied that a judgment could be placed against the property owners. A title report has been ordered which would determine those who have a financial interest in the property. Once the City acquires the administrative order, then the property owners will receive 30-days' notice to fix up the property. If the property is not repaired within that time, then thirty days after that, the City can decide whether it will let a contract to have the structure demolished.

Councilmember Nation asked whether the property owners were aware that the City is taking steps to determine the stability of the building. Mr. Heggie replied that he and Prosecuting Attorney Tim Englemeyer have had numerous discussions with the property owners' attorney regarding the current situation. It was noted that any pending cases against the property owners will not be dismissed.

POLICE DEPARTMENT REPORT

Police Lieutenant Dave Ray stated that the main cause of concern relates to trespassing on the site.

Councilmember Logan agreed that the building needs to be demolished, but before he is willing to commit to \$286,500 for the demolition, he would like to know the approximate value of the land. It was noted that the title report will determine the value of the property. He offered disclosure as he does business with Spirtas Wrecking Company.

Councilmember Grier felt that demolishing a building on private property should not be dealt with lightly. He then asked for clarification of the process involved in order to demolish the building. Mr. Heggie replied that an administrative hearing has to be conducted with the property owners being duly notified of the hearing. Once a decision is made based on that hearing, the property owners can appeal the decision with the Circuit Court of St. Louis County – this proceeding is solely to determine if the Administrative Hearing Officer incorrectly decided the case.

Councilmember Flachsbart expressed his concerns with the safety of the site and is in favor of an administrative hearing.

Councilmember Casey felt that it's the property owners' responsibility to provide some sort of barrier or fence to deter trespassing. Mr. Heggie added that the addition of a fence had already been discussed but the owners have not complied. He noted that the administrative hearing is a City function led by Principal Engineer Susan Mueller.

Councilmember Segal made a motion authorizing the City Attorney and Staff to proceed with the administrative hearing. The motion was seconded by Councilmember Logan and **passed by a voice vote of 4 – 0.**

- B. Power of Review is being exercised for the following project:**
P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC): A request for a Conditional Use Permit (CUP) in an “E-1” Estate One Acre District to allow for a Nursing and Group Home for the Elderly use for an 8.04 acre tract of land located north of Wild Horse Creek Road west of Long Road. (18V510138)

Chair Fults explained that the meeting will be conducted as a Power of Review hearing on Chesterfield Senior Living. She then added the direction in which the meeting will be conducted.

STAFF REPORT

Justin Wyse, Senior Planner gave a PowerPoint presentation showing the site and the surrounding area. Mr. Wyse stated the following:

The subject site is located north of Wild Horse Creek Road west of Long Road. The parcel on the southeast is the Wild Horse Child Care Center - the former Lawns of Distinction. The Petitioner is requesting a Conditional Use Permit (CUP) in an “E-1” Estate One Acre District. The preliminary plan that was submitted showed two buildings containing a maximum of 120 units.

- Building “A” is proposed as a three-story building that will house 33 independent living units.
- Building “B” is proposed as a two-story building that will include a maximum of 87 assisted living units.

The Petitioner has included a half-acre dedication to the southern portion of the property for future construction of an east/west loop road to relieve traffic congestion from Wild Horse Creek Road.

At the May 9, 2011 Planning Commission meeting, the Planning Commission recommended approval by a vote of 8 – 0 for a Conditional Use Permit with the inclusion of the conditions presented by Staff in Conditional Use Permit #34.

PLANNING COMMISSION REPORT

Planning Commission Acting-Chair Nolan stated that the Planning Commission voted unanimously 8 – 0 in favor of the petition with the proposed density.

DISCUSSION

Conditional Use Permit

Mr. Wyse stated that the Conditional Use Permit (CUP) is for a *nursing and group homes for the elderly* use in an “E-1” Residential Estate District. Other uses allowed in a residential district are *churches, and schools-public or private*. Conditional uses allowed are *child care centers, nurseries, stables, mortuaries etc.*

Ms. Nassif pointed out that if the “E-1” zoning is not approved, the Conditional Use Permit for this site cannot be considered because it is tied to the E-1 zoning. It was further clarified that if the “E-1” zoning and CUP are approved and in the event the petitioner would fail to develop the property, the CUP is attached to the property – not the owner.

Councilmember Logan questioned as to who wrote the Conditional Use Permit. Mr. Wyse replied that it was written by Staff

Floor Area Ratio

Mr. Wyse stated that the Floor Area Ratio is not an implicit standard included in a Residential District – but is a standard used in Commercial and Industrial Districts. During the CUP review process, the Planning Commission has the opportunity to include a condition on floor area. For this petition, the Commission included a requirement that the floor area cannot exceed 105,000 square feet.

Councilmember Nation asked if Floor Area Ratio would be considered at Site Plan review. Mr. Wyse replied that in this case, Floor Area Ratio would not be reviewed; however, floor area would be reviewed because Planning Commission restricted the floor area to a maximum of 105,000 square feet. It was noted that the size of the building could be less than 105,000 square feet due to meeting all of the required standards of the “E” District.

Open Space

The open space percentage for the site is 63%.

Nursing Home Use/Square Footage

Chair Fults stated that for every square foot of actual living space, there is almost another square foot of ancillary use such as *chapel, cafeteria, and common living room areas*. Mr. Wyse added that for each living unit there is a minimum requirement of ancillary uses that must be provided under State regulations. The petitioner noted that the independent living units are required to have a little less ancillary space – but combining the independent living units and the assisted living units, the ratio is about 55:45.

Use/Traffic

Chair Fults pointed out that the *nursing home* use requires extra square footage, whereas a *commercial* use would not have as much square footage. A 30,000 square foot office building would add 1,135 daily trips on Wild Horse Creek Road; whereas the proposed 105,000 square foot nursing home facility would only add 355 daily trips.

Issues

Councilmember Nation stated that he feels he is speaking on behalf of the “silent majority” of the residents of whom he was elected to represent. Chair Fults replied that she represent residents from the same Ward and feels that she too is representing the majority of the residents. From her past experience, it is her understanding that the

residents have two major concerns about this site – traffic and use. They want the use to be *residential* and the traffic to be minimal.

Councilmember Nation then expressed concern over the following issues:

1. **Size of the proposed facility:** He noted the disparity between the approved 30,000 square feet for this site vs. the proposed 105,000 square feet. He feels that a 30,000 square foot office building would be less detrimental to the surrounding area than the proposed 105,000 square foot facility.
2. **Location of the proposed facility:** Although the three-story building would be located away from Wild Horse Creek Road, he stated that “it will still be there and is potentially detrimental to the future development of the surrounding area”.
3. **Density/Setting a Precedent:** He believes a precedent will be set for future higher density development in the surrounding area. Chair Fults noted that the “E-1” Residential zoning is also precedent setting for the area.
4. **Use:** Although a senior living facility is an allowable conditional use in a residential area, to him it is still a commercial establishment.
5. **Floor Area Ratio:** He feels the proposed facility is “far in excess” of floor area ratio when compared to other existing senior living facilities in the Chesterfield area.

Chair Fults noted that the chart provided by Staff of floor area ratio statistics is “only a sampling” of the facilities in the area. Mr. Wyse added that several facilities were excluded from the chart because the appropriate data was not available. Councilmember Nation went on to say that *floor area ratio* is normally a factor that is used in planning and development and he feels that *floor area ratio* should be a criteria for review when allowing a Conditional Use Permit.

Mr. Wyse stated that over the past 15-20 years, there have been at least two occasions where discussion took place regarding the setting of standards for *floor area ratio* in residential areas. The overwhelming response that Staff received from Planning Commission and Council is that they do not want to limit the size of people’s homes.

Ms. Nassif added that Staff did studies for about six to twelve months, which were presented to the Planning Commission, the Ordinance Review Committee and City Council with respect to whether they wanted to add *floor area ratio* all uses in the “R” District. The answer was an overwhelming “no” because it creates too much of a hardship in trying to measure density.

Mr. Geisel noted that in a commercial property, the *floor area ratio* is a direct representation of the value of the property. In a Residential District, there is “an inverse relationship” per dwelling unit – for example, a one-acre lot with a 3,000 square foot dwelling unit would be valued higher than a 1,000 square foot dwelling unit on the same one-acre lot.

Councilmember Nation recommends a maximum 0.225 floor area ratio, which he feels “would not pose a threat to the detriment to the surrounding area”. The 0.225 floor area ratio would yield 73,213 square feet.

DISCUSSION

Councilmember Segal then compared the E-1 District standards to the development being proposed by the Petitioner:

Standards	E-1 District Requirement	Proposed Development
Setback	25 feet	80 feet
Parking Setback	No requirement	50 feet
Lot Size	At least 5 acres	8 acres
Side buffer	25 feet	In excess of 50 feet
Front elevation		In excess of 500 feet off of Wild Horse Creek Road behind a daycare facility

Councilmember Segal added that precedent has been set in Wards I, II, and III for senior living centers as a copacetic component to residential living – but precedent has not yet been set in Ward IV. He then stated the following with respect to:

1. Property Values

- Surrey Place is next to Kendall Bluffs, which has condos worth over \$1 million.
- Senior centers were built prior to Hayden Homes constructing a three enclave development on Conway Road with property values in excess of \$1.5 million, which residents chose to build after the senior center was built.

2. Traffic

- A 48,000 sq. ft. office building would generate 1,135 daily trips.
- A 30,000 sq. ft. office building would generate 850 daily trips.
- A 20 acre-lot with 20 houses would generate 200 daily trips.
- The proposed nursing home of 120 units would generate 355 daily trips. Councilmember Segal noted that the peak hours for a senior living facility are scattered throughout the day vs. the peak hours of a traditional dwelling unit which are in the morning and evening. Inasmuch, a senior living facility would not add to the congestion of the current Wild Horse Creek corridor.

3. Units per Acre

- Delmar Gardens has 24.6 units/acre
- Sunrise has 23.7 units/acre
- Surrey Place has 16.3 units/acre
- Westchester House has 14.3 units/acre
- **Proposed Development** has 14.9 units/acre

4. Floor Area Ratio (FAR) to Density Analysis

Councilmember Segal distributed information about “FAR to Density Analysis” and then stated that in a residential area, density and traffic are major concerns. Staff’s reports have indicated that FAR cannot be used as a stand-alone metric when dealing with residential zoning. He noted that when FAR is used as a stand-alone analysis it doesn’t take density into account, which affects traffic generation. FAR has to be used as a component and tool with a variety of other measurements. Information presented showed the following:

Name	FAR	Density	Trips Generated
Nooning Tree	0.33	257	2,570
Wildhorse (Chest)	0.24	101	1,010
Spyglass	0.57	50	500

Councilmember Segal then summarized that Staff, along with eight Planning Commissioners, has made a positive recommendation for the approval of the requested Conditional Use Permit. He surmised that all four members of the Planning & Public Works Committee will also recommend approval.

Internal Road

Councilmember Flachsbart asked for information about the internal road and the easements. Mr. Wyse stated that the right-of-way dedication has not been put in place at this time; however when the properties to the east and west come in to be developed, they will be required to dedicate and construct the internal road within the boundaries of their property. Mr. Geisel stated that the Comprehensive Plan indicates that this area should be served by an internal collector roadway that would limit the number of curb cuts directly on to Wild Horse Creek Road.

Trail

Councilmember Flachsbart asked for information about the proposed trail. Mr. Geisel stated that originally the trail was going to be constructed as a public trail with a connection to the north to the bike trail. Staff has looked at the proposed trail and has determined that it cannot be constructed in accordance with City and ADA standards. A connection to the north would destroy too much of the bluff because of the terrain and slope of the area. The trail would be allowed to be constructed as a private trail for the use and benefit of their property owners.

Ms. Nassif pointed out that the Site Plan has not yet been approved so everything being shown on the plan is conceptual in nature. Mr. Wyse added that the idea for the trail is to construct it as a mulched trail that would weave in and out of the trees. In addition, stairs would be used, as necessary, to go up and down slopes; and the trail would not require the removal of any trees.

Construction of Nursing Home/Independent Living Facility

It was noted that the independent living facility cannot be built unless the nursing home is constructed first, or built simultaneously with the independent living facility. If permits

were received for an independent living facility before the nursing home was built, they would not be approved.

Ms. Nassif stated that the Conditional Use Permit states that “*All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.*” The Conditional Use Permit is approved for the use of *nursing and group homes for the elderly*, which has a specific definition that would not allow the construction of the independent living facility prior to the nursing home. Chair Fults indicated that she would like to add language to the CUP to make that point more clear.

Avigation Easement

It was clarified that the Conditional Use Permit states that “*The developer shall disclose to prospective residents that this site is in close proximity to the Spirit of St. Louis Airport and is subject to occasional over flights.*”

FAR to Density Analysis

Councilmember Nation felt that the information Councilmember Segal distributed regarding *FAR to Density Analysis* is erroneous. He was invited to present his view.

Councilmember Nation demonstrated using a FAR of 0.25 as follows:

Name	FAR	Lot Size	Size of Home
Wildhorse (Chest)	0.25	22,000 sf	5,500 sf

He then noted that the average size home in the front portion of Wild Horse Creek is not anywhere near 5,500 sq. ft. – the lot sizes are usually about one acre.

Petitioner’s Comments

Mr. Rodney Henry felt that because of the nearby daycare center, the traffic should be kept to a minimum. He stated that his first and foremost concern is safety for the children who utilize the daycare center.

He went on to say that the proposed senior living facility would fill a need in the community. He is also “really high on the inter-generational aspect of the quality of living for seniors and for the childcare facility”.

He pointed out that they are required to get approval from the State Fire Marshall and the State Architect, along with complying with all the City and County requirements.

Residents’ Comments

Ms. Renee Heney, spoke on behalf of the Wild Horse Creek Road Association which represents a dozen subdivisions along Wild Horse Creek Road. She began by thanking the Committee, the Planning Commission and Staff for a tremendous job and diligence with the project. She felt the main concerns were related to the well-being of the community, quality of life, traffic, the long-term look of the area and safety of the residents.

In addition, she felt that the current two-lane road cannot accommodate any additional traffic. Ms. Heney added that the Association is pleased with the “E-1” Estate One Acre Residential District, but also has concerns with the density and the overall height of the proposed buildings. She then described the potential development of the area and stated that she’s not sure there is a need for a senior living facility. But compared to other options, this plan appears reasonable to them with the exception that they prefer a lower floor area ratio and a two-story building vs. a three-story building. She expressed concern that a precedent could be set in the rest of the bowtie area that could adversely affect the value of their homes.

Ms. Hart stated that she’s been a resident of Chesterfield for 22 years and she felt that the Wild Horse Creek Association is a responsible and respected organization working towards the overall good of the area. She added that she would prefer that the entire area be zoned “E-1” Estate One Acre Residential District with a reduction to the proposed number of units. She questioned how the number of employees will affect the traffic in the area. Mr. Wyse replied that the publication from the Institute of Transportation Engineers’ report titled *Trip Generation* provides a nationwide study which gives a base-line of data to determine traffic calculations. The data provides the number of beds and trip calculations on any given day – the trip unit per dwelling unit includes employees that are at the sites. Ms. Hart felt that the traffic ratio would be higher for a nursing home because it requires additional employees because of the intensive care that is required. Mr. Wyse added the ordinance has been written to include all phases of assisted, nursing home, skilled care, memory care, etc.

Mr. Geisel noted that the trip calculations are not only based on the total traffic generation, but the traffic distribution and when it occurs. In a direct residential use, people are going to and from work during peak hours which would not occur with this type of facility. A resident commented that traffic can also be determined by the work shifts throughout the day and felt that the trips would be higher based on the Floor Area Ratio (FAR). Councilmember Segal added that the trips are tied to the number of units not the FAR.

Project History

The Petitioner began working on the project approximately eight years ago. Approximately eight months ago the project came in as “R-4” Residential District with a “PUD” Planned Unit Development. It was noted that prior to this project the Petitioner was proposing commercial development.

There was additional discussion pertaining to the terminology of a nursing home, assisted living and independent living facility. It was clear that the residents attending the meeting were in favor of the “E-1” zoning, but had concerns with the height and the density of the proposed development.

Mr. Wyse stated that if the project were approved today, then the Petitioner would be required to submit to Staff a detailed Site Plan, Landscape Plan, Lighting Plan and Architectural Elevations, which would be reviewed by the Architectural Review Board

and Planning Commission. Throughout the process there has been a great deal of discussion regarding the architectural elevations and the Petitioners are very aware that the building will be reviewed under the City's architectural review standards and residential review standards.

Emergency Assistance

Question was raised as to how residents in the two-story assisted living facility would be helped in case of an emergency. The Petitioner stated that residents needing assistance will be assisted in case of an emergency. The facilities will have to adhere to all safety regulations.

Councilmember Segal made a motion to forward P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC) for a Conditional Use Permit (CUP) to City Council with a recommendation to approve. The motion was seconded by Councilmember Logan.

Chair Fults amended the motion stating that the independent living building "A" is secondary to the nursing/assisted living building thus cannot be built unless the assisted living building "B" is constructed first. Councilmember Segal and Councilmember Logan accepted the amendment to the motion.

Chair Fults again amended the motion that the assisted living building "B" will be limited to a two-story building and the independent living building "A" is three-stories as presented by Staff. Councilmember Segal and Councilmember Logan again accepted the amendment to the motion.

Councilmember Logan noted the approximate 10 to 12 foot drop off from Wild Horse Creek Road to the beginning of building "A". The Petitioner replied that a retaining wall will be constructed.

Chair Fults summarized her views on the project by stating that she is committed to getting the E-1 zoning on the bowtie and would like to work further to get "Neighborhood Office" removed from the bowtie.

The motion, as amended, then passed by a voice vote of 4 – 0.

Mayor Geiger stated that he feels the process worked with respect to this project. A cooperative effort was made between the residents, the Petitioner, Staff and Council to achieve the current results.

[Please see the attached report prepared by Mike Geisel, Planning & Public Works Director, for additional information on P.Z. 02-2011 Chesterfield Senior Living (Plan Provisions, LLC)].

C. Construction/Work Zone Ordinance

STAFF REPORT

Brian McGownd, Public Works Director/City Engineer stated that Staff has prepared an ordinance which establishes additional fines for moving traffic violations or speeding within a designated construction/work zone on any street, road or highway within the City. This ordinance will apply to all construction/work zones established by the City, St. Louis County or MoDOT.

The proposed ordinance will allow the City to issue a ticket with an associated fine of \$250 for a speeding violation within a work zone. He explained that St. Louis County's Baxter Road is a good example of a work zone. He said the County established a 25 mile per hour construction zone with the appropriate signage. Unfortunately, without an ordinance, the Police Department can write a ticket, but the Municipal Court Judge cannot issue a fine.

This ordinance will also bring our Traffic Code in line with St. Louis County and other municipalities, and will help lower the speed of vehicles in work zones, protecting the workers, as well as protecting our street and parks maintenance employees who perform work within the various rights-of-way on a daily basis.

Signage

It was noted that appropriate signage will be posted indicating that a \$250 fine will be issued for speeding when workers are present.

Councilmember Segal made a motion to forward Construction/Work Zone Ordinance to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier and **passed by a voice vote of 4 – 0.**

Note: One Bill, as recommended by the Planning & Public Works Committee, will be needed for the June 6 ,2011 City Council Meeting. See Bill #

[Please see the attached report prepared by Brian McGownd, Public Works Director/City Engineer, for additional information on Construction/Work Zone Ordinance].

IV. **ADJOURNMENT**

The meeting adjourned at 7:14 PM