MEMORANDUM

TO: Michael G. Herring, City Administrator

FROM: Mike Geisel, Director of Planning and Public Works

SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, August 4, 2011

A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, August 4, 2011 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV); **Councilmember Matt Segal** (Ward I); **Councilmember Derek Grier** (Ward II); **Councilmember Randy Logan** (Ward III). *(Councilmember Grier arrived during discussion of Old Business II.A)*

Also in attendance were: Mayor Bruce Geiger; Councilmember Mike Casey (Ward III), Michael Herring, City Administrator; Mike Geisel, Director of Planning and Public Works; Aimee Nassif, Planning & Development Services Director; and Kristine Kelley, Recording Secretary.

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

I. APPROVAL OF MEETING SUMMARY

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

Chair Segal made a motion to approve the Meeting Summary of July 21, 2011. The motion was seconded by Councilmember Logan with the following changes; (shown in **red**)

- Councilmember Logan ~~felt that the discussion needed to be tabled~~ asked whether or not the discussion needed to be tabled until after the roadway is completed.

Chair Segal accepted the changes to the motion which then **passed by a voice vote of 3 – 0.**

Chair Fults announced that the Planning Commission meeting scheduled for Monday, August 8th has been canceled. She also indicated that she will not be in attendance at the following Planning Commission meeting on August 22, but that Councilmember Logan will be filling in.

II. OLD BUSINESS

A. Chesterfield Historic and Landmark Preservation Committee Structure Recommendation

STAFF REPORT

Aimee Nassif, Planning & Development Services Director stated that at the last Committee meeting Staff was asked to prepare a final City Policy to merge the Chesterfield Historical Commission (CHC) and the Chesterfield Landmarks Preservation Commission (CLPC) into a single non-statutory citizen committee, which will no longer be in the City Code.

The new committee would be called the "Chesterfield Historic and Landmark Preservation Committee" or CHLPC. Since the committee would be a non-statutory committee, it would be regulated through City Policy for items such as; membership, procedures, meetings and responsibilities and would be conducted the same as any other citizen committee. A draft of the City Policy Statement was provided to the Committee and if approved, will be forwarded to City Council for final approval.

Membership

Ms. Nassif added that the membership is 30 members instead of the standard 16 members typically established for citizen committees, since City Council specifically approved this number for the Historical Commission in 2000. For quorum purposes, fifty (50) percent of the current appointed membership are required to be in attendance. It was noted that the City's "CLG" status would not be jeopardized and the section of the City Code which establishes the City's historic register and procedure for the designation of landmarks will remain untouched in the City Code.

Councilmember Grier arrived to the meeting at this point.

City Policy dictates that when an individual leaves any citizen committee prior to his/her term expiring, a new member is appointed to serve a full new term. Terms on the CHLPC are three (3) years. It was noted that there is no issue with having a City Policy in place for the new Committee while the CHC and CLPC are still temporarily in the Code.

While Staff continues to finalize the draft of the Unified Development Code, the CHC and the CLPC will remain in the Code. The references to the CHC and CLPC will be removed with the global recodification for the City.

Mr. Geisel clarified that since the CHLPC is a new committee, there are currently no members. Members are subject to the recommendation by Council and appointment by the Mayor. Once the policy is adopted, then the roster can be filled. The newly constituted committee has no members until such time as they are appointed by the Mayor.

Chair Fults mentioned that the statement indicated that *"no member of the CHLPC shall be a current member of the Chesterfield Planning Commission"* but questioned as to whether a member can serve on the Board of Adjustment. Ms. Nassif confirmed that the Planning Commission has an ordinance in place in the City Code which states that a person cannot serve on the Planning Commission or any other statutory committee. However, a Planning Commissioner can serve on a citizen committee but cannot hold office on that committee.

Language has been kept in place that would not allow a member of CHLPC to serve on the Planning Commission due to the fact that there are certain types of development projects that go before the PC that do require input and recommendation from the CHLPC. It was also clarified that there is no conflict with a CHLPC member serving on the Board of Adjustment.

Councilmember Logan had several questions and recommended the following changes to the City Policy draft statement; (changes shown in **red)**

Mission

2. Fostering civic pride in the beauty and noble accomplishments of the past as presented in ***Chesterfield's landmarks and historic Designations;***

Councilmember Logan questioned as to whether the statement should read "Fostering civic pride in the beauty and noble accomplishments of the past as presented in the *history of the City".* Ms. Nassif responded that there is a Landmarks and Historic Designation within the City Code, so that statement should remain.

5. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, ~~***and providing economic benefit to the city;***~~

Councilmember Logan stated that the committee did not have to prove economic benefit and the language should be removed.

Membership

4. Members shall be ***selected for their expertise in the various disciplines*** involved in historic preservation, with a demonstrated interest in the history and preservation of the City of Chesterfield.

Councilmember Logan questioned the verbiage of *"selected for their expertise in the various disciplines".* Ms. Nassif replied that she worked with the State Historic Preservation Office and that this statement refers to the expertise involved in historic preservation, which should remain in order to keep the CLG status.

Meetings

~~***10. The chairman, and in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.***~~

The Committee agreed that the entire sentence should be removed.

Powers and Duties

3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks;"

4. To investigate and recommend to the Planning Commission and the City Council the adoption of ordinances designating areas as having special cultural, historic, archaeological, community, or architectural value as "Historic Designations" for placement on the Chesterfield Historic Register;

5. To keep a register of all properties and structures which have been designated as Landmarks or Historic Designation, including all information required for each designation;

Councilmember Logan questioned as to whether the above-referenced statements could lead to a huge list of homes or structures on the registry of what makes a dwelling historic. Mr. Geisel replied that City Council makes the ultimate designation of what is historic.

13. ~~*To review*~~ **To be informed of** all applications for demolition permits within the corporate limits of the City to determine impact to significant cultural resources, including those not yet nominated as Landmarks or as contributing properties within a Historic Designation;

Councilmember Logan asked whether *"To review"* the applications would give the committee authority to make a determination on demolition. Ms. Nassif responded that when a demolition permit is submitted to the City on a property that may be historically significant, the application is provided to the Committee for "information purposes only".

Councilmember Logan then commended Staff's work on the Policy Statement and was very pleased with the results.

Ms. Jane Durrell stated that the Statement is comprehensive and reflects a substantial amount of research by Staff. The two (2) main concerns were related to the committee being non-statutory and maintaining the CLG status. She wanted to make sure that any misunderstandings were resolved and the terminology was clarified.

Ms. Nassif replied that she had worked extensively with JoAnn Radetic of the State Historic Preservation Office. Technically, there must be a committee that is referred to in the City Code. Currently the City Code references the Chesterfield Historic Register and Landmarks Preservation Area Overlay stating that there is a Historic Committee to

review those items, which was sufficient for Ms. Radetic. She added that the Committee does not need to be established in the City Code, but needs to be referred to, mentioned and defined in the City Code. Mr. Geisel responded that the City Code also had to provide the language necessary for the Landmarks Designation.

Ms. Durrell stated that CLG grants are available for programs, brochures, informational seminars, etc. and hopes that the City will apply for grant application. It was noted that any citizen committee can request funding for an event. The grant application would be prepared by Staff and presented to the Planning & Public Works Committee for review.

Ms. Durrell also mentioned that the Committee was in agreement with the three (3) year term.

Councilmember Segal made a motion to forward the Chesterfield Historic and Landmark Preservation Committee Structure Recommendation along with Councilmember Logan's changes to City Council with a recommendation to approve. The motion was seconded by Councilmember Grier.

The new Committee will be officially established after the August 15th City Council meeting. Mayor Geiger then requested that a list of names also be provided at that meeting of those recommended for appointment to the new CHLPC.

The motion then **passed by a voice vote of 4 to 0.**

Mr. Herring suggested that Councilmember Grier continue as Liaison to the new CHLPC.

Note: Voice vote will be needed for the August 15, 2011 City Council Meeting.

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on Chesterfield Historic and Landmark Preservation Committee Structure Recommendation].

III. NEW BUSINESS

Councilmember Logan made a motion to nominate Councilmember Grier (Ward II) to be the Liaison to the new Chesterfield Historic and Landmark Preservation Committee (CHLPC) and to forward to City Council with a recommendation to approve. The motion was seconded by Councilmember Segal and **passed by a voice vote of 3 – 0 with abstention by Councilmember Grier.**

Salina's Restaurant

It has come to Councilmember Logan's attention that Salina's Restaurant would like to be allowed to hold Saturday night events from 7PM to 10PM. The Committee did not

feel that this was open for discussion. Mr. Geisel stated that Salina's was allowed two (2) events per calendar year, but must be granted permission for those events.

A. Resolution of resident issues related to City Construction Contracts – Councilmember Segal

Councilmember Segal brought this to the Committee's attention to have an open discussion about the City's policy regarding resident issues related to sub-contractors such as; Allied Waste, Charter, etc.

Mr. Geisel gave clarification of the process and stated that problems do arise. The most exposure relates to the street reconstruction projects. The following describes the process involved in a street reconstruction project;

- The City sends out notices to everyone in the neighborhood affected by the upcoming construction project.
- There are detailed drawings and information available to the residents on the City's website.
- Contact information for City Personnel, the City Inspector and the contractor is provided to the residents.
- An on-site meeting is also scheduled before the project begins to explain exactly what is involved. This will allow the residents to meet the project team to ask questions and address any issues that could arise.
- The contractor is required to notify the resident two (2) days before the project begins that work is going to take place in front of their house and that there will be limited access.
- There is a limited amount of time in which a resident could be out of their driveway – not to exceed ten consecutive days.
- It is required that every contractor must be bonded and insured and provide "performance in payment" bonds as well.

He then explained the obstacles and damages that could arise from street reconstruction projects, such as; damage to sprinkler systems, foundations, trees, and cars. Residents also frequently object to equipment being stored in front of their home.

When an issue arises, it is recommended that the resident contact the contractor because it is handled as an insurance claim under the contractor's insurance. If the damage is minor, the contractor will often work with the resident to fix the problem. Due to liability issues, the City does not interfere with the insurance claims. The City cannot file a claim on behalf of a resident. If the damage is minor, the City will work with the resident to fix the problem.

One of the main concerns of residents is that the contractor may be non-responsive. He added that there is also the misconception that it is the City's responsibility to rectify the situation.

In the future, ***it is recommended that the contractor provide email information to the resident and that the resident copy the City on any correspondence. This will allow the City to track the responsiveness by that contractor.*** Although problems do arise, the City will do everything to minimize the impact of construction.

If a resident contacts a member of City Council, Mr. Geisel asked that they be referred to him and he will direct them to the right source.

Councilmember Logan asked as to whether email information for the contractor and project manager should be included in the bid form and that email distributed to all the residents affected by the construction. This would allow the project manager to forward any issues on to the Ward Councilmember if not resolved within an appropriate amount of time. Councilmember Segal did not feel that this was necessary and has complete confidence in Staff that appropriate measures will be taken to remedy the situation.

Mr. Herring stated that if there is a problem, Staff will respond quickly to fix the problem and will never leave the homeowner to fend for himself. He agrees that email information will help monitor and manage the responsiveness of the contractor.

Mr. Geisel further stated that the City of Chesterfield has such high standards and expectations that many contractors are unwilling to bid work in Chesterfield.

Long Term Contracts
Allied Waste has a five (5) year contract with an automatic renewal as long as they do not exceed a three (3) percent increase. It was noted that there are no problems with the long term contracts. Councilmember Segal was satisfied with the outcome and expressed his gratitude for discussing the matter.

IV. ADJOURNMENT

The meeting adjourned at 6:23 p.m.